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WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

JE FEDD7

- O - OUTGOING
 - H - INTERNAL
 - I - INCOMING
- Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Middletown High School Class

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Ask hypothetical question: In the event of a national crisis just prior to Presidential ~~inauguration~~, who would carry out Presidential duties?

ROUTE TO:	ACTION	DISPOSITION		
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Completion Date YY/MM/DD
<u>WHOLL</u>	<u>ORIGINATOR</u>	<u>83,12,12</u> ^{TR}	<u>C</u>	<u>83,12,21</u>
<u>WAT 18</u>	<u>D</u>	<u>83,12,13</u> ^{TR}	<u>B</u>	<u>83,12,21</u>
<u>WFIEZ</u>	<u>S</u>	<u>83,12,21</u> ^{TR}	<u>A</u>	<u>83,12,21</u>
	Referral Note:	<u>Dec 19 83 John Roberts memo to FFF attached</u>		
	Referral Note:	<u>see below</u>		
	Referral Note:			
	Referral Note:			

- ACTION CODES:**
- A - Appropriate Action
 - C - Comment/Recommendation
 - D - Draft Response
 - F - Furnish Fact Sheet to be used as Enclosure
 - I - Info Copy Only/No Action Necessary
 - R - Direct Reply w/Copy
 - S - For Signature
 - X - Interim Reply
- DISPOSITION CODES:**
- A - Answered
 - B - Non-Special Referral
 - C - Completed
 - S - Suspended
- FOR OUTGOING CORRESPONDENCE:**
- Type of Response = Initials of Signer
 - Code = "A"
 - Completion Date = Date of Outgoing

Comments: ## addressed several students in individual letters. (names on computer)

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: L Individual Codes: 4610 _____

Prime Subject Code: FE 007 Secondary Subject Codes: FG 001 FE 002.01
FD FB 001.03
PR 013 FB 001.04

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P- _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

- CPn - Presidential Correspondence**
 n - 0 - Unknown
 n - 1 - Ronald Wilson Reagan
 n - 2 - Ronald Reagan
 n - 3 - Ron
 n - 4 - Dutch
 n - 5 - Ron Reagan
 n - 6 - Ronald
 n - 7 - Ronnie

- CLn - First Lady's Correspondence**
 n - 0 - Unknown
 n - 1 - Nancy Reagan
 n - 2 - Nancy
 n - 3 - Mrs. Ronald Reagan

- CBn - Presidential & First Lady's Correspondence**
 n - 1 - Ronald Reagan - Nancy Reagan
 n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
 C - Copy
 D - Official document
 G - Message
 H - Handcarried
 L - Letter
 M - Mailgram
 O - Memo
 P - Photo
 R - Report
 S - Sealed
 T - Telegram
 V - Telephone
 X - Miscellaneous
 Y - Study

THE WHITE HOUSE

WASHINGTON

December 19, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Middletown High School Inquiries

A number of Middletown High School students in a political science course have written seeking the answers to two questions:

1. Who becomes President if the President elect dies immediately prior to taking the oath of office?

2. What would happen if the United States were attacked shortly before the swearing in of the President elect? Would the incumbent handle the crisis or would the President elect?

The first question is answered by the Twentieth Amendment. That amendment provides, in pertinent part:

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. U.S. CONST. amend. XX, § 3.

The answer to the second question is also easy, at least as the question is posed. The incumbent acts as President until January 20 at noon, at which point the President elect should take the oath and assume the responsibilities of office. Presumably the two would work closely together in confronting an Inauguration Day attack on the country, but final authority and responsibility for decisions would shift as of noon.

The second question may assume some difficulty in proceeding with the Inauguration ceremony. Article II, Section 1, Clause 8 of the Constitution directs that the President take the prescribed oath "[b]efore he enter on the Execution of his Office." It only takes about ten seconds to take the oath, however, and there is no constitutional significance to the inaugural ceremony beyond the taking of the oath. Our response to the students should point out that there would be no need to proceed with the ceremony in the event of a national emergency.

Draft responses are attached for your review. Some students asked both questions, others just one, and the responses vary accordingly. I have also prepared an unsolicited response for the teacher who posed the questions to the class. I do not know if he told the students to write us or to do research themselves. If the latter is the case the teacher should know that some of the students have taken a shortcut. This may not seem particularly sporting to our correspondents, but I think it important to squelch the "let's ask the Counsel's office" impulse that has afflicted the younger generation before it gets out of hand.

Incidentally, I consider this project to have satisfied my obligations under the "Adopt a School" program. I've simply "adopted" the Middletown High School political science class rather than a class at Congress Heights.

Attachment

A

THE WHITE HOUSE

WASHINGTON

December 21, 1983

Dear Mr. Freedman:

Thank you for your letters of December 8. Those letters raised two questions concerning Presidential succession:

1. Who becomes President if the President elect dies on Inauguration Day, before taking the oath of office?
2. Who would act as President if the United States were attacked shortly before the inauguration ceremony?

The Twentieth Amendment to the Constitution provides a ready answer to the first question. Section 3 of that amendment provides, in part, that "[i]f, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President." U.S. CONST. amend. XX, § 3. In the hypothetical you posed, the Vice President elect would be sworn in as President, to serve a full term.

With respect to your second question, a crisis on Inauguration Day would not alter the constitutionally mandated transfer of power. The incumbent President would act as President until noon, at which point the President elect should take the oath of office and assume the duties and responsibilities of the Presidency. Presumably the incumbent and the President elect would work closely together in response to any crisis of the sort you hypothesized, but final authority and responsibility for any Presidential decisions would shift at noon.

Certainly an attack on the country or similar crisis on Inauguration Day would disrupt the formal inaugural ceremony, but the ceremony itself is not necessary for the transfer of power to take place. The Constitution requires only that the President take the prescribed oath before entering on the execution of the office; it does not specify any particular ceremony for taking the oath. Thus, the required taking of the oath should not present an obstacle to the prompt transfer of power, even in the event of a national crisis on January 20.

I hope this information is helpful. Best of luck with your studies.

Sincerely,

Orig. signed by FFE

Fred F. Fielding
Counsel to the President

Mr. Neil Freedman
66 Bellantine Road
Middletown, NJ 07748

FFF:JGR:aea 12/21/83
bcc: FFFielding/JGRoberts/Subj/Chron

Neil Freedman
66 Ballantine Road
Middletown, N.J. 07748
December 8, 1983

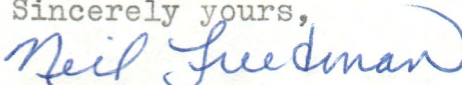
Executive Office Building
Legal Department
1600 Pennsylvania Avenue
Washington, D.C.

Dear Sir:

I am involved in a project for my Political Science class and I need some information dealing with the exchange of power if the President to be sworn in was killed on the day of the inauguration.

Please evaluate this hypothetical situation: During the procession preceding the inauguration, the president-elect is shot and killed before being sworn into office. Would the lame duck President remain in office, or would someone else be appointed to the office until a new President could be elected?

I would especially appreciate your help in passing on to me the information needed to answer my question.

Sincerely yours,

Neil Freedman

Neil Freedman
66 Ballantine Road
Middletown, N.J. 07748
December 8, 1983

Executive Office Building
Legal Department
1600 Pennsylvania Avenue
Washington, D.C.

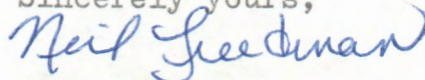
Dear Sir:

I am doing a project for my Political Science class and I need some information concerning the inauguration of a new President during a military crisis.

Please consider this hypothetical situation: On January 20, two hours before the inauguration ceremony, the United States is attacked by a foreign power. Following this attack the United States declares war on this country. Would the new President be sworn into office as scheduled, or would the old President hold his office until the conflict was over or at least under control?

I would especially appreciate your help in passing on to me the information needed to answer my question.

Sincerely yours,



Neil Freedman

1983 DEC 15 10 11

1983 DEC 12 AM 10:11

B

THE WHITE HOUSE

WASHINGTON

December 21, 1983

Dear Ms. Kuta:

Thank you for your letters of December 7. Those letters raised two questions concerning Presidential succession:

1. Who becomes President if the President elect dies on Inauguration Day, before taking the oath of office?
2. Who would act as President if the United States were attacked shortly before the inauguration ceremony?

The Twentieth Amendment to the Constitution provides a ready answer to the first question. Section 3 of that amendment provides, in part, that "[i]f, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President." U.S. CONST. amend. XX, § 3. In the hypothetical you posed, the Vice President elect would be sworn in as President, to serve a full term.

With respect to your second question, a crisis on Inauguration Day would not alter the constitutionally mandated transfer of power. The incumbent President would act as President until noon, at which point the President elect should take the oath of office and assume the duties and responsibilities of the Presidency. Presumably the incumbent and the President elect would work closely together in response to any crisis of the sort you hypothesized, but final authority and responsibility for any Presidential decisions would shift at noon.

Certainly an attack on the country or similar crisis on Inauguration Day would disrupt the formal inaugural ceremony, but the ceremony itself is not necessary for the transfer of power to take place. The Constitution requires only that the President take the prescribed oath before entering on the execution of the office; it does not specify any particular ceremony for taking the oath. Thus, the required taking of the oath should not present an obstacle to the prompt transfer of power, even in the event of a national crisis on January 20.

I hope this information is helpful. Best of luck with your studies.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Ms. Diana Lee Kuta
134 Manor Parkway
Lincroft, NJ 07738

FFF:JGR:aea 12/21/83
bcc: FFFielding/JGRoberts/Subj/Chron

134 Manor Parkway
Lincroft, NJ 07738
December 7, 1983

Executive Office Building
Legal Department
1600 Pennsylvania Avenue
Washington, D.C.

Dear Sir

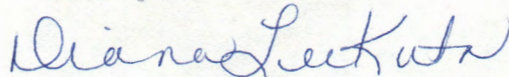
I am a senior at Middletown H.S. South, Middletown, New Jersey, and currently enrolled in a Political Science course.

During one of our lectures a question came up and my classmates, my teacher, and myself couldn't agree on an answer to this question. The question was:

The President Elect is on his way to the White House to pick up the President who is going out of office on Inaguration Day. While driving to the Capital Building for the swearing in ceremony the President Elect has a massive heart attack and unfortunately dies. Who will become president?

Many of us thought the Vice President Elect would get sworn in as president and others thought that the Incumbent President would continue in office. Could you please set us straight on this question.

Thank you



Diana Lee Kuta

1983 DEC 15 WA 10:10

1983 DEC 12 AM 10:10

134 Manor Parkway
Lincroft, NJ 07738
December 7, 1983

Executive Office Building
Legal Department
1600 Pennsylvania Avenue
Washington, D.C.

Dear Sir


I am currently enrolled in a Political Science course at Middletown H.S. South, Middletown, New Jersey.

During one of our lectures a question came up which most of my classmates were unable to answer. This question stated:

What would happen if the United States was invaded on Inaguration Day, January 20, a few hours before the swearing in ceremony? Who would take over at noon in the situation of war, the Incumbent President or the President Elect?

I would greatly appreciate it if you would send a reply to this question so I could share the answer with my classmates.

Sincerely yours



Diana Lee Kuta

1983 DEC 15 11 2:08

1983 DEC 12 PM 5:08

DATE: 12/12/83

TIME: 17:08

TO: THE DIRECTOR, FBI
FROM: SAC, NEW YORK (100-100000)
SUBJECT: [Illegible]

RE: [Illegible] (NY 100-100000-100000)
[Illegible] (NY 100-100000-100000)
[Illegible] (NY 100-100000-100000)

RE: [Illegible] (NY 100-100000-100000)
[Illegible] (NY 100-100000-100000)

RE: [Illegible] (NY 100-100000-100000)
[Illegible] (NY 100-100000-100000)

END

100-100000-100000
100-100000-100000
100-100000-100000

DEC 12 1983
FBI NEW YORK
13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

C

THE WHITE HOUSE

WASHINGTON

December 21, 1983

Dear Ms. Kouvel:

Thank you for your letter of December 9. That letter raised a question concerning Presidential succession:

Who would act as President if the United States were attacked shortly before the inauguration ceremony?

A crisis on Inauguration Day would not alter the constitutionally mandated transfer of power. The incumbent President would act as President until noon, at which point the President elect should take the oath of office and assume the duties and responsibilities of the Presidency. Presumably the incumbent and the President elect would work closely together in response to any crisis of the sort you hypothesized, but final authority and responsibility for any Presidential decisions would shift at noon.

Certainly an attack on the country or similar crisis on Inauguration Day would disrupt the formal inaugural ceremony, but the ceremony itself is not necessary for the transfer of power to take place. The Constitution requires only that the President take the prescribed oath before entering on the execution of the office; it does not specify any particular ceremony for taking the oath. Thus, the required taking of the oath should not present an obstacle to the prompt transfer of power, even in the event of a national crisis on January 20.

I hope this information is helpful. Best of luck with your studies.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Ms. Barbara Kouvel
27 Lombardi Court
Red Bank, NJ 07701

FFF:JGR:aea 12/21/83

bcc: FFFielding/JGRoberts/Subj/Chron

27 Lombardi Ct.
Red Bank, NJ 07701

Dec. 9, 1983

Dear Sir,

I am writing a letter to inquire about a question that came up in my American Politics and Government course, which I am taking at Middletown High School South.

The question brought up by one of the students was, what if on the 20th of January, five hours before the president elect was to be sworn in, a war broke out? We were wondering who would take over, the president elect or the incumbent President.

I and the rest of my classmates would appreciate a reply to this question.

Sincerely

Barbara Kouvel

Barbara Kouvel

1983 DEC 15 PM 8 31

1983 DEC 12 AM 9:37

PERSONAL CONTACT

PERSONAL

to this direction.

I am the best of all circumstances would appreciate a reply.

Thank you very much.

Regarding the matter of the... the... of the...
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Best regards,

Dec. 8, 1983

Reg Bank, 22 02201
22 1000000 24

THE WHITE HOUSE
WASHINGTON

Date 12.13.83

Suspense Date _____

MEMORANDUM FOR: John

FROM: **DIANNA G. HOLLAND**

ACTION

- Approved
- Please handle/review
- For your information
- For your recommendation
- For the files
- Please see me
- Please prepare response for _____ signature
- As we discussed
- Return to me for filing

COMMENT

John, please add
to the other
letters from
Middletown students.

D

THE WHITE HOUSE

WASHINGTON

December 21, 1983

Dear Ms. Suttell:

Thank you for your letter of December 9. That letter raised a question concerning Presidential succession:

Who would act as President if the United States were attacked shortly before the inauguration ceremony?

A crisis on Inauguration Day would not alter the constitutionally mandated transfer of power. The incumbent President would act as President until noon, at which point the President elect should take the oath of office and assume the duties and responsibilities of the Presidency. Presumably the incumbent and the President elect would work closely together in response to any crisis of the sort you hypothesized, but final authority and responsibility for any Presidential decisions would shift at noon.

Certainly an attack on the country or similar crisis on Inauguration Day would disrupt the formal inaugural ceremony, but the ceremony itself is not necessary for the transfer of power to take place. The Constitution requires only that the President take the prescribed oath before entering on the execution of the office; it does not specify any particular ceremony for taking the oath. Thus, the required taking of the oath should not present an obstacle to the prompt transfer of power, even in the event of a national crisis on January 20.

I hope this information is helpful. Best of luck with your studies.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Ms. Gail Suttell
211 Yale Drive
Lincroft, NJ 07738

FFF;JGR:aea 12/21/83
bcc: FFFielding/JGRoberts/Subj/Chron

December 9, 1983
Miss Gail Suttell
211 Yale Drive
Lincroft, N.J. 07738

Executive Office Building
Legal Department
1600 Pennsylvania Ave.
Washington, D.C. 20506

Dear Sir:

I am a student at Middletown High School South. My Political Science class is discussing the inauguration of the president. Could you please advise me on what the current opinion of the Executive Office would be if the following situation was to occur.

It is the morning of January 20th, the year of the inauguration of the president. Suddenly war is declared across the country. Would the president elect be sworn into the presidency, as the Constitution states at noon? Or would the inauguration be held at a more convenient time when the country had everything under control?

Your reply would be appreciated.

Sincerely yours,

Gail Suttell

Gail Suttell

1983 DEC 13 10:53

1983 DEC 13 AM 10:23

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SECRET

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...the ... of the ...
...the ... of the ...
...the ... of the ...

SECRET

SECRET

SECRET

E

THE WHITE HOUSE

WASHINGTON

December 21, 1983

Dear Ms. Tang:

Thank you for your letter of December 8. That letter raised a question concerning Presidential succession:

Who would act as President if the United States were attacked shortly before the inauguration ceremony?

A crisis on Inauguration Day would not alter the constitutionally mandated transfer of power. The incumbent President would act as President until noon, at which point the President elect should take the oath of office and assume the duties and responsibilities of the Presidency. Presumably the incumbent and the President elect would work closely together in response to any crisis of the sort you hypothesized, but final authority and responsibility for any Presidential decisions would shift at noon.

Certainly an attack on the country or similar crisis on Inauguration Day would disrupt the formal inaugural ceremony, but the ceremony itself is not necessary for the transfer of power to take place. The Constitution requires only that the President take the prescribed oath before entering on the execution of the office; it does not specify any particular ceremony for taking the oath. Thus, the required taking of the oath should not present an obstacle to the prompt transfer of power, even in the event of a national crisis on January 20.

I hope this information is helpful. Best of luck with your studies.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Ms. Josephine Tang
311 Dwight Road
Middletown, NJ 07748

FFF:JGR:aea 12/21/83

bcc: FFFielding/JGRoberts/Subj/Chron

311 Dwight Road
Middletown, N.J. 07748
December 8, 1983

Executive Office Building
Legal Department
1600 Pennsylvania Ave
Washington D.C.

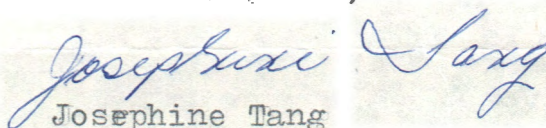
To whom it may concern:

I am a student at Middletown High School South in New Jersey. At the moment, I am enrolled in a Political Science class. Currently we are discussing the inauguration of the president-elect. I would appreciate it very much if you would define the legal point on the scenario described below.

The Constitution stated that a president-elect would be sworn into office at precisely 12:00 p.m. Lets suppose that it is the morning of the inauguration day, a war has been declared. Would the president-elect take office at the appointed time or would the President remain in office?

I will be most grateful for any information that you can supply.

Sincerely yours,


Josephine Tang

1983 DEC 13 10 10:53

1983 DEC 13 AM 10:23

SECRET

SECRET

The following information was obtained from a source who has provided reliable information in the past. The source has provided information regarding the activities of a group of individuals who are active in the area of [redacted] and who are active in the area of [redacted]. The source has provided information regarding the activities of a group of individuals who are active in the area of [redacted] and who are active in the area of [redacted]. The source has provided information regarding the activities of a group of individuals who are active in the area of [redacted] and who are active in the area of [redacted].

The following information was obtained from a source who has provided reliable information in the past. The source has provided information regarding the activities of a group of individuals who are active in the area of [redacted] and who are active in the area of [redacted]. The source has provided information regarding the activities of a group of individuals who are active in the area of [redacted] and who are active in the area of [redacted]. The source has provided information regarding the activities of a group of individuals who are active in the area of [redacted] and who are active in the area of [redacted].

SECRET

SECRET

F

THE WHITE HOUSE

WASHINGTON

December 21, 1983

Dear Ms. Fauci:

Thank you for your letter of December 7. That letter raised a question concerning Presidential succession:

Who becomes President if the President elect dies on Inauguration Day, before taking the oath of office?

The Twentieth Amendment to the Constitution provides a ready answer to the question. Section 3 of that amendment provides, in part, that "[if], at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President." U.S. CONST. amend. XX, § 3. In the hypothetical you posed, the Vice President elect would be sworn in as President, to serve a full term.

I hope this information is helpful. Best of luck with your studies.

Sincerely,

Orig. signed by FFE

Fred F. Fielding
Counsel to the President

Ms. Christine Fauci
72 Marcshire Drive
Middletown, NJ 07748

FFF:JGR:aea 12/21/83
bcc: FFFielding/JGRoberts/Subj/Chron

72 Marcshire Drive
Middletown, New Jersey 07748

December 7, 1983

Executive Office Building
Legal Department
1600 Pennsylvania Avenue
Washington, D. C.

Dear Sir,

I am currently taking a course in Political Science at my High School. We are now studying the President's Inauguration. I have a question concerning this topic and I was wondering if you would please answer it.

Suppose the President Elect is on his way to the White House to pick up the President and he has a massive heart attack. The President Elect died so who will be inaugurated as President? Would it be the Vice President Elect or would they have another election?

Your reply will be much appreciated.

Yours truly,

Christine Fauci

Christine Fauci

NOV 17 11 5 48

1983 DEC 14 PM 6:46

THE WHITE HOUSE
WASHINGTON

Date 12.15.83

Suspense Date _____

MEMORANDUM FOR: John

FROM: **DIANNA G. HOLLAND**

ACTION

- Approved
- Please handle/review
- For your information
- For your recommendation
- For the files
- Please see me
- Please prepare response for _____ signature
- As we discussed
- Return to me for filing

COMMENT

JR —
One more
inquisitive, yet
tardy, Middletown
political science
student —

G

THE WHITE HOUSE

WASHINGTON

December 21, 1983

Dear Mr. Steller:

Several students in your Political Science class have asked this office the following questions:

1. Who becomes President if the President elect dies immediately prior to taking the oath of office?

2. What would happen if the United States were attacked shortly before the swearing in of the President elect? Would the incumbent handle the crisis or would the President elect?

For your information, we have responded as follows:

The Twentieth Amendment to the Constitution provides a ready answer to the first question. Section 3 of that amendment provides, in part, that "[i]f, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President." U.S. CONST. amend. XX, § 3. In the hypothetical you posed, the Vice President elect would be sworn in as President, to serve a full term.

A crisis on Inauguration Day would not alter the constitutionally mandated transfer of power. The incumbent President would act as President until noon, at which point the President elect should take the oath of office and assume the duties and responsibilities of the Presidency. Presumably the incumbent and the President elect would work closely together in response to any crisis of the sort you hypothesized, but final authority and responsibility for any Presidential decisions would shift at noon.

Certainly an attack on the country or similar crisis on Inauguration Day would disrupt the formal inaugural ceremony, but the ceremony itself is not necessary for the transfer of power to take place. The Constitution requires only that the President take the prescribed oath before entering on the execution of the office; it does not specify

any particular ceremony for taking the oath. Thus, the required taking of the oath should not present an obstacle to the prompt transfer of power, even in the event of a national crisis on January 20.

Sincerely,

Orig. signed by. FFF

Fred F. Fielding
Counsel to the President

Mr. Robert Steller
Middletown High School South
501 Nut Swamp Road
Middletown, NJ 07748

FFF:JGR:aea 12/21/83
bcc: FFFielding/JGRoberts/Subj/Chron

F8007

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1 1

Name of Correspondent: Scott F. Vaka

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Who becomes President if the President elect dies on Inauguration Day, before taking the oath of office?

ROUTE TO:	ACTION	DISPOSITION			
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CUHOLL</u>	<u>ORIGINATOR</u>	<u>84 01 05</u>		<u>C</u>	<u>84 01 05</u> <i>JW</i>
	Referral Note:				
<u>CUATIB</u>	<u>D</u>	<u>84 01 05</u>		<u>C</u>	<u>84 01 05</u> <i>JW</i>
	Referral Note:				
<u>CUFIEL</u>	<u>S</u>	<u>84 01 05</u>	<u>HH</u>	<u>C</u>	<u>84 01 05</u> <i>JW</i>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				
		<u>1 1</u>			<u>1 1</u>
	Referral Note:				

ACTION CODES:

- A - Appropriate Action
- C - Comment/Recommendation
- D - Draft Response
- F - Furnish Fact Sheet to be used as Enclosure

- I - Info Copy Only/No Action Necessary
- R - Direct Reply w/Copy
- S - For Signature
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- B - Non-Special Referral
- C - Completed
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOB).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: _____ Individual Codes: _____

Prime Subject Code: _____ Secondary Subject Codes: _____

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	Time: _____	P. _____
DSP	_____	Time: _____	Media: _____

SIGNATURE CODES:

CPn - Presidential Correspondence

- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

CLn - First Lady's Correspondence

- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

CBn - Presidential & First Lady's Correspondence

- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

January 5, 1984

Dear Mr. Vaka:

Thank you for your letter of December 12. That letter raised a question concerning Presidential succession:

Who becomes President if the President elect dies on Inauguration Day, before taking the oath of office?

The Twentieth Amendment to the Constitution provides a ready answer to the question. Section 3 of that amendment provides, in part, that "[if], at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President." U.S. CONST. amend. XX, § 3. In the hypothetical you posed, the Vice President elect would be sworn in as President, to serve a full term. I hope this information is helpful.

For your further information, which I hope might also be helpful to you in the future, "Capitol Hill" (as you addressed your letter) is the phrase reserved for the Legislative Branch; upon reflection you will recall that the President is the head of the Executive Branch (the Supreme Court represents the third branch of our wonderful system of Constitutional Government). Thus, the delay in my response to your letter.

Best of luck with your studies.

Sincerely,

Orig. signed by FFF

Fred F. Fielding
Counsel to the President

Mr. Scott F. Vaka
American Politics Class
Middletown High School South
501 Nut Swamp Road
Middletown, NJ 07748

FFF:JGR:aea 1/5/84

cc: FFFielding/JGRoberts/Subject/Chron.

THE WHITE HOUSE

WASHINGTON

January 4, 1984

Dear Mr. Vaka:

Thank you for your letter of December 12. That letter raised a question concerning Presidential succession:

Who becomes President if the President elect dies on Inauguration Day, before taking the oath of office?

The Twentieth Amendment to the Constitution provides a ready answer to the question. Section 3 of that amendment provides, in part, that "[if], at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President." U.S. CONST. amend. XX, § 3. In the hypothetical you posed, the Vice President elect would be sworn in as President, to serve a full term.

I hope this information is helpful. Best of luck with your studies.

> For your further inquiries, which I ~~also~~ hope might be also helpful to you in the future, "Capitol Hill" (as you addressed your letter) is the place reserved for the legislative Branch; your question you will recall that the President is ~~at~~ the head of the Executive Branch (the Supreme Court represents the Third Branch of our complex system of ~~checks and balances~~ Constitutional Branches). Thus, the delay in my ~~own~~ response to your letter.

Sincerely,

Fred F. Fielding
Counsel to the President

Mr. Scott F. Vaka
American Politics Class
Middletown High School South
501 Nut Swamp Road
Middletown, NJ 07748

THE WHITE HOUSE
WASHINGTON

January 4, 1984

TO: FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

Another of the Middletown High
School student questions.

Attachment

THE WHITE HOUSE
WASHINGTON

Date 1.3.84

Suspense Date _____

MEMORANDUM FOR: *Jph*

FROM: **DIANNA G. HOLLAND**

ACTION

- Approved
- Please handle/review
- For your information
- For your recommendation
- For the files
- Please see me
- Please prepare response for
_____ signature
- As we discussed
- Return to me for filing

COMMENT

Please add to
others —

Scott F. Vaka
Middletown South High School
Nut Swamp Rd.
Middletown, N.J. 07748

December 12, 1983

Legal Advisor To The President
Capital Hill
Washington, D.C.

Dear Sir:

I am writing to obtain information about a hypothetical question that has arisen in our American Politics class.

We know that on Innauguration Day the President-Elect is sworn in at noon. My question to you is; What happens in the event that the President-elect is riding to his Innauguration and meets with an unfortunate accident and is killed. Who then would be sworn in as the next President of the United States. Would it be the Vice-President-elect or would there have to be a complete new election.

I Thank You for any information you can furnish my classmates and myself on the above matter.

Very truly yours,

Scott Vaka
Scott Vaka
10th Grade Student
Middletown South

1207 774 -3 11 12 38

1984 JAN -3 PM 4 38

Washington South
10th Street NW
Room 400
Washington DC 20004

and subject on the above subject.

I thank you for the information you can provide in connection

with the above subject.

Should it be the Vice-President-elect of the United States to be
known to be the Vice-President of the United States,
and must also be an appropriate resident and to attend. The fact
is that the President-elect is known to the Vice-President
known to be known. My question to you is: what happens in the
case where the Vice-President-elect is

that has arisen in our various political cases.

I am writing to obtain information from a Vice-President-elect

Dear Sir:

Washington, D.C.
10th Street NW
Room 400
Washington DC 20004

December 15, 1983

Washington, D.C. 20004
10th Street NW
Room 400
Washington DC 20004