

## From a Heartbeat to a Defeat

17 February 2020

Before I joined the august ranks of this knowledgeable group, I was part of another distinctive club that met once a year, The Presidents' Day Society. On the third Monday of each February, I was William Howard Taft, 27<sup>th</sup> President of the United States. I had chosen Big Lub because he was the most accomplished and decorated President from Ohio. Early each Presidents' Day, I joined my colleagues Woodrow Wilson, "Unconditional Surrender" Grant, Washington, Lincoln, "Old Hickory" Jackson, John Adams, George W. Bush, both Roosevelts, Chester "The Gentleman Boss" Arthur, McKinley, and more for a long day of Presidential merriment, education, and imbibing.

The Presidents' Day Society was created in Denver, Colorado in 2006. Three friends asked themselves "why do we get this day off from work? What are we supposed to do with a historical observance in a state capital surrounded by bars?" They formed a club with bylaws, a treasury, officers, an official seal and a Latin motto; "Calix Meus Inebrians," or, "my cup makes me drunk."

Each member of the Presidents' Day Society was an ardent consumer of historical facts and Presidential anecdotes. We read up on reams of Presidential history. That day, none of us answered to our given names, but acted as if we really were the President we represented. We spent the day educating each other and the people we met on our Presidential pageant in Downtown Denver. I relished in sharing a lager with some solid citizen who wanted to know why Taft went to Yale, what he considered his major achievements, and "how did you get stuck in the bathtub?" An aside: I did not... I mean *Taft* did not get stuck in a bathtub. the story didn't

appear until two decades *after* Taft left the presidency. White House usher Irwin “Ike” Hoover was the first person to lather up this canard in his memoir, “42 Years in the White House.” Hoover died shortly before it was published.

Once I came back to Cincinnati, I started the second chapter of the Presidents’ Day Society. Today both chapters are dormant as the members occupy their time with real jobs, young families, and busy lives. Luckily for me, I can spend my Monday nights here at our Club. Pictures of the real William Howard Taft adorn conspicuous places throughout our clubhouse. My favorite, aside fellow members Mark Schlachter and Tom Murphy, hangs above the urinals.

Originally, Presidents’ Day consolidated the birthday celebrations of George Washington on February 22<sup>nd</sup>, and Abraham Lincoln on February 12<sup>th</sup>. Today, Presidents’ Day lets us reflect on the power of the office and the influence one citizen can have on our country and the world. The American Presidency has provided us with legendary characters, heroes as well as highly flawed men who did not distinguish themselves in office. The job of being President has taken a severe personal and physical toll on each of the men who served in the job, notably four who have been assassinated.

Most of us have a level of familiarity with each of the 44 men who have served as President in 45 administrations. Tonight, I want to spend Presidents’ Day looking at four Vice Presidents who tried and failed to get elected President. These men served next to the Commander in Chief, sat in the Oval Office and presided over the Senate. For a term or more, these four men were entrusted to serve on the contingency of death for peaceful

continuity of the Office; yet were unable to win election to the office on their own right.

Of the forty-seven men who have served as vice presidents, eight went on to become President as a result of the death of their predecessor: John Tyler, Millard Fillmore, Andrew Johnson, Chester A. Arthur, Theodore Roosevelt, Calvin Coolidge, Harry S. Truman, and Lyndon B. Johnson.

Seventeen men have launched a campaign for the Presidency after serving their Vice-Presidential term. Of these, five failed to gain the party's endorsement, seven won the party endorsement but lost in the general election. This leaves an exceptional bunch of Second Bananas who have been elected outright to the Presidency: John Adams, Thomas Jefferson, Martin Van Buren, Richard Nixon, and George H. W. Bush.

Let's not forget about Gerald Ford, the only Commander in Chief to not be elected to the Vice Presidency nor the Presidency, later to lose his first General Election to Jimmy Carter. It's as if he just tripped and fell into the White House.

How did America create the Office of the Vice President? It would be tempting to recognize our Founders for setting up a system that has survived impressively in a rapidly changing world. However, the idea of a Vice President was an afterthought of the 1787 Constitutional Convention. An 11-member subcommittee for "Leftover Business" had to sort out the method of selecting a back-up chief executive. For the first two elections after Washington's Presidency, the runner up in the Electoral College voting became first in line of succession.

The election of 1796 resulted in political rivals John Adams and Thomas Jefferson serving as a contentious team of President and Vice President. The election of 1800 resulted in a tie in the Electoral College between Jefferson and Aaron Burr, which was so dramatic and bitter it led to the death of Alexander Hamilton in a duel with Burr, after Hamilton's support of philosophical rival Thomas Jefferson.

With the rise of political parties, the Vice President was selected at a party's convention as a consolation prize from a Party Boss to the minority faction. This served two purposes: reward the minority faction by placing their leader in the Executive Branch and bolster voting blocks in geographic areas where the presidential candidate is less well-known. This became essential in the second half of the 19<sup>th</sup> century, as the country healed following the Civil War.

Back to "Leftover Business" in 1787. To address the line of succession, Article II, Section 1, Clause 6 of the Constitution states:

"In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

Once that was all tidied, it was forgotten until William Henry Harrison, our 9<sup>th</sup> President, died in office. Harrison proved the maxim "there is no bad weather, only inadequate clothing." He contracted Pneumonia following his

8,445-word, outdoor Inaugural address and died on April 4<sup>th</sup>. John Tyler, too, was at the same inauguration on March 4<sup>th</sup> under the same weather. Once he was sworn in as Vice President, he spent a few hours as President of the Senate, then moved back to Williamsburg, Virginia. He worked remotely by mail, hoping never to have to return to Washington D.C.

However, upon receiving word of Old Tippecanoe's demise, Tyler asserted that *he* was now the President, not just performing the office's powers and duties. The ambiguity of Clause 6 did not address how long he would hold Presidential powers and duties as Vice President, nor if the President was still alive, what constituted his incapacity to serve. Congress debated vigorously on the original intent of the founders until a proper vote affirmed Tyler as our nation's 10<sup>th</sup> President. The precedent was now in place for an immediate, orderly and peaceful transfer of power.

As the strength of the President became more closely tied to the confidence of the nation, medical procedures became a delicate subject. In an elaborate subterfuge, Grover Cleveland had a surgical procedure on a sailing yacht to remove a cancerous part of his palette and jaw. The ruse was orchestrated to avoid a panic during the 1893 financial depression.

The vagueness of Article II, Section 1, Clause 6 was challenged several times until the 25<sup>th</sup> Amendment in 1967 comprehensively dealt with line of succession, mechanisms to fill vacancies, and qualifications for removal. The Office of the President became a 24/7/365 role. The existence and evolution of atomic diplomacy necessitated zero downtime for the authority of that office. The adage "A Heartbeat Away" suggests elevated prominence of the Vice President's office but is more relevant to the essential requirement for the office of POTUS to stay occupied.

Since the 25<sup>th</sup> Amendment, Vice Presidents have been Acting Presidents exactly three times: George H.W. Bush was President for 8 hours on July 12, 1985. Despite popular conspiracy theories, Dick Cheney was acting President only twice, with temporary powers for about 26 hours on June 29-30, 2002 and July 21-22, 2007.

Despite the thorough scenarios in the 25<sup>th</sup> Amendment, the only statistically foolproof way for a Vice President to become President remains for the President to die. The following four stories illustrate that the horse race that is the US Presidential Election is a surprisingly difficult track for a Vice President to win.

## **PART I: THE TRAIL**

Earnest, affable dutiful and deliberate, Thomas R. Marshall was an effective Governor of Indiana. By 1912, he was planning a run for United States Senate. At the Democratic National Convention in Baltimore of that year, his Hoosiers put Marshall's name forward for President. Marshall didn't attend in Baltimore, but the proposal's energy and intrigues of smoke-filled rooms eventually positioned him as a potential running mate. Woodrow Wilson needed the swing state of Indiana delivered, and Marshall's Midwest approachability rounded out Wilson's cold and owlsh principles. Initially turning down the offer, assuming insipid and dull work, Wilson eventually convinced Marshall to run as his Vice President. Marshall's popular campaign speeches were well received and well attended, and the ticket ably won the general election against the turmoil between Taft and Teddy.

Although he never broke from the President or showed dissent, Marshall quickly found Wilson inflexible and disagreeable. Their working relationship has been described as one of "functioning animosity." Wilson gave Marshall's ideas little respect, and Marshall felt unwelcome at cabinet meetings. Wilson disrespected

Marshall by meeting independently with members of the Senate on policy matters. This was a stark break from the traditional chain of command in the Senate. Since Washington's era, the President would broker or coordinate meetings through the President of the Senate, in this case, Marshall.

Despite unspoken discomfort between the two men, Marshall was kept on the ticket in 1916 as a show of party unity and consistency in the tumultuous world of the Great War. Marshall loyally supported the decision to go to war but was not involved in any of the war planning or decision-making. Marshall ironically mused on his time supporting Wilson: "Being Vice President is comparable to a man in a cataleptic fit; he cannot speak; he cannot move; he suffers no pain; he is perfectly conscious of all that goes on, but has no part in it."

Throughout his time as Vice President, Marshall successfully focused on one duty: control of the Senate. Outside the Senate, the Great War was won, the League of Nations was proposed and failed...and then Woodrow Wilson suffered a stroke sometime in fall, 1919. Wilson's advisers and wife Edith subscribed to an active antipathy to Marshall and prevented him from taking presidential powers despite the almost certain incapacity of the President. Any official recognition or briefing on Wilson's health could engage the constitutional mechanism to become acting President, so no official action was taken. Days passed, Marshall began to smell a rat and demanded to know what had happened. And yet, no one could reach the President or obtain an update.

As early as October, Secretary of State Robert Lansing began the proposal to have Marshall actively take presidential powers and duties. Several other cabinet members supported Lansing. And yet...Edith Wilson stonewalled. With no standard operating procedure on declaring a sitting or supine President unable to serve, Marshall waited for an appointment to power. This appointment was either

impossible due to Wilson being alive, or unspeakable due to Marshall's status in the eyes of Edith.

Wilson slowly recovered strength and mobility by the end of 1919, and gingerly served the rest of his term in seclusion. The Vice President was prevented from meeting Wilson until the last day of their term in office, so deep the spiteful distrust of Wilson's wife and advisers.

Perhaps the months of anticipation and obstruction to succeed Wilson sparked ambition in Marshall. Perhaps he saw himself as the natural successor to Wilson to continue the direction of Wilson's administration. Whatever the reason, Marshall put his hat in the ring for nomination at the 1920 Democratic National Convention. The next step was to get a delegation from Indiana to back the nomination and garner support from other Midwest states. His name brought little recognition, and some level of surprise at finding out that he served as Vice President for 8 years. He was unable to muster support outside Indiana and his race for the White House faltered out of the gate.

Upon the election of Warren G. Harding and Calvin Coolidge in 1920, Marshall sent a note of "Sincere condolences" to Coolidge for the misfortune in being elected as vice president. One can only imagine the chagrin the genial Hoosier suffered when Harding died, making Silent Cal the 30<sup>th</sup> President of the United States and the sixth man to succeed to the office in accordance with Article II, Section 1, Clause 6 of the US Constitution.

## PART II: CONVENTION

John Nance Garner was a popular lawmaker in Texas and was voted into the United States House of Representatives in 1902, rising to Speaker of the House in 1931. He built support and friendships through his “Board of Education,” a group that met regularly during Prohibition to debate the merit of temperance while sampling the evils of alcohol. By 1932, “Cactus Jack” gained enough admiration and power to mount an impressive run for the White House. Franklin Delano Roosevelt, who could not win the Democratic nomination outright, cut a deal with Garner, who stepped down and threw his support behind FDR. For his cooperation, Garner was rewarded with eight years as FDR’s Vice President. The combination of a New Yorker with the Roosevelt name and a friendly, gregarious, wet Texan--both with significant experience--made for a roaring victory in the 1932 election.

Initially sociable and fruitful, Garner and FDR’s working relationship deteriorated through the Great Depression over policy and practice. In an overheard but undocumented conversation between Garner and Vice President Lyndon B Johnson, Cactus Jack said the Office of the Vice Presidency was “not worth a bucket of warm spit,” but more likely “*piss*” (which was the second-place vote getter for the title of this paper).

FDR’s style and decisions rankled a portion of the Democratic party elite to the point where Garner was quietly asked to run in 1940. Roosevelt repeatedly deflected questions on his desire to run for an unprecedented third term. This allowed an “open” Democratic Primary to develop to a Convention. The calm from an ambitious and charismatic FDR was unsettling as the race narrowed to James A. Farley and Vice President John Garner. Was

FDR *really* going to passively watch from the White House as the next Democratic nominee was selected?

On the first day of the 1940 Democratic Convention, FDR dictated a message to Kentucky Senator Alben Barkley over the phone from Washington. Under the pretense of settling the answer of FDR's intentions for good and all, Barkley took the platform in Chicago and respectfully read the statement:

"The President has never had, and has not today, any desire or purpose to continue in the office of President, to be a candidate for that office, or to be nominated by the convention for that office. He wishes in earnestness and sincerity to make it clear that all of the delegates in this convention are free to vote for any candidate."

The hall was speechless. Then, from the silence, a voice: "WE WANT ROOSEVELT! *WE WANT ROOSEVELT!*" The chant originated from Thomas D. Garry, the Superintendent of Chicago's Department of Sanitation. Throughout the huge Convention hall, hundreds of Chicago city workers and precinct captains planted by Chicago Mayor Ed Kelly and his political machine built the chant into a crescendo. State delegates quickly joined in, and the spontaneous nomination, forever known as "The Voice from the Sewer" sealed Garner's fate. The next morning, Franklin Delano Roosevelt, the rolling Machiavelli, secured his third Presidential nomination on the first ballot. Garner won only 61 of the 1,093 votes cast.

Garner moved back to Uvalde Texas. He went on to enjoy casual political consulting for twenty-five years, developing an especially close relationship with Harry Truman during his time as FDR's third Vice President. We close on Garner with this final connection to Vice Presidents and succession. Garner turned 95 years old on November 22<sup>nd</sup>, 1963. He received a celebratory phone call from John

Fitzgerald Kennedy during his visit to Texas. Hours later, JFK was struck down in Dealey Plaza by an assassin's bullet. Lyndon Baines Johnson of Texas became the 36<sup>th</sup> President of the United States, the eleventh time the "bucket of warm piss" moved up to the office of the Presidency.

### **PART III: PULLING AWAY**

After John Garner was expended at the 1940 Democratic Convention, Henry Wallace was hand selected as Vice President by FDR for his third term from 1941 to 1945. By the 1940 Presidential race, Wallace was an accomplished civil servant. The son of a US Secretary of Agriculture, Wallace kept close to the agrarian contingent of America, backing many farm relief bills and proposing a federal granary to stabilize prices during lean times. Following his father's political allegiance, he started as a Republican. His father died in 1924, the same year Wallace voted for Progressive candidate Robert La Follette. Wallace eventually backed Democrat Al Smith in 1928, and finally FDR in 1932. Throughout this political evolution, he ceaselessly campaigned for the people and industries of the breadbasket of America, serving as Secretary of Agriculture under FDR from 1933-1940. He was regarded as extremely intellectual, principled, and was a prolific writer.

As did most executive benchwarmers, Wallace quickly soured on the Senatorial duties of the Vice President. He groused to FDR to be put to better use. FDR responded by making Wallace head of the Bureau of Economic Warfare and the Supply Priorities and Allocation Board. These organizations were two key factors for military buildup and mobilization as the US saw its involvement in another World War inevitable. By mid-1943, the Bureau of Economic Warfare was dissolved and there was party talk of expending Wallace. Wallace had enemies in the South for his opposition to racial segregation.

Meanwhile, FDR was in visibly declining health, but his reelection was almost certain. He refused to address the issue of his running mate publicly. Pragmatic party bosses wanted a Democrat stalwart to sit next to FDR in the case of his death or resignation.

As the 1944 Democratic National Convention approached, clarity on FDR's preferences remained in a familiar state of conflicting mystery. Party bosses obtained a signature from Roosevelt that expressed support of a new running mate, namely Harry S. Truman. By the week of the Convention, Wallace convinced FDR to send a letter to the convention chairman stating: "I personally would vote for [Wallace's] re-nomination if I were a delegate to the convention." Once again, crafty, crippled Roosevelt supported two opposing possibilities equally.

Speculation and confusion turned into a heated battle for the Vice-Presidential pick. Politicking and speeches eventually landed Truman the nomination, and Wallace began to pack his bags.

Wallace's intellect, experience and command of policy remained in high regard, and he served as the Secretary of Commerce in Truman's administration. He still smoldered with a desire to focus on the people of America and lead them. In the new post-WWII world, Wallace opposed the Truman Doctrine and the Marshall Plan, becoming a target for the FBI and the House Un-American Activities Committee.

Wallace became the editor of the newspaper "The New Republic" and engrained himself with progressive causes and positions. On December 29, 1947, he launched his own third-party campaign. He struggled to garner support from Democrats or build his campaign staff. He walked a dangerous line with his acceptance of the endorsement of the American Communist Party. While Wallace focused on his progressive "American policies" of public-school desegregation,

gender equality, a national health insurance program, free trade, and public ownership of large banks and utilities- the Press and public focused on his association with suspected communist moles Alger Hiss and John Abt.

Ultimately, of course, Truman won election. The fake news headline “Dewey Defeats Truman” forgot to save room for “And Wallace.” Wallace won 2.38 percent of the popular vote.

In response to the election results, eternally striving Wallace stated, "Unless this bi-partisan foreign policy of high prices and war is promptly reversed, I predict that the Progressive Party will rapidly grow into the dominant party. ...To save the peace of the world the Progressive Party is more needed than ever before."

Strong rhetoric in desperately divided times; and yet somehow, the country survived the administration of a failed businessman and real estate developer...from Missouri.

#### **PART IV: TOO CLOSE TO CALL**

And now, in the final tale of our Vice-Presidential quartet, we come to the 2000 United States presidential election. Bush V. Gore. Lock boxes, strategy, and hanging chads. This was the first general election I could vote in and took place between the spring of my senior year in high school and the fall of my freshman year of college. The perfect timing for a callow political reactionary to witness the wildest election finish since 1876 when this Club's own Rutherford B. Hayes secured the White House by one Electoral College vote despite Samuel Tilden's margin of 250,000 popular votes.

The first Presidential election I remember is 1988. I remember a book on George H.W. Bush in second grade. It was like an instruction manual on how great men became Presidents: war hero, family man, oil man, Congressman, ambassador,

CIA, Vice President, President. Made sense to an eight-year-old. Serve your country, make a fortune, pay your dues, work your way up.

Senator Al Gore Jr. also made a brief run in the Democratic primaries of 1988 against a field including Joe Biden, Dick Gephardt, Jesse Jackson, and Michael Dukakis. Gore had served over a decade as Senator from Tennessee but 1988 was not to be his year to rise to the Executive Office. After losing the first Super Tuesday to Jesse Jackson, his campaign was on the ropes. He left an impression, and talk generated about building Gore into a viable running mate.

The election four years later of two Southern Democrats, Bill Clinton and Al Gore, brought to office a 45-year-old President and a 44-year-old Vice President. While they were not peers, they drafted a document to define their working terms. They met regularly for lunches and Gore was (mostly) included on policy and major decisions. Although famous for public runs to counteract a regimen of Big Macs, Clinton was unlikely to vacate the office through incapacity or death. Gore was getting an education and building a stronger resume for his own Presidency.

Then came the Lewinsky scandal. As the scandal developed to an impeachment trial, Gore started to distance himself from his lunch buddy. Although ultimately acquitted, Clinton's Impeachment drove discussion of the succession of the Vice President. Gore wanted to position himself as a family man who stood for technology (especially the invention of the Information Superhighway), climate focus, and a continuation of the increasingly good times of the late 1990's. Many of his positions from 1988 had evolved in the eight years as Vice President and were in line with his party base.

In earnest, I watched the debates with periodic attention and casual detachment. I was paying more attention to my freshman quarter at the University of Cincinnati.

When election night came, I just cared about my vote, and Ohio delivering electoral votes to Bush.

To quickly relive the Florida fiasco, at roughly 8pm EST on November 8<sup>th</sup>, 2000, Gore was declared the winner of Florida based on exit polls. By 10pm EST, the networks retracted their predictions and Florida was “undecided.” At 2:30AM EST on November 9<sup>th</sup>, Bush led Gore by more than 100,000 votes...but three large and heavily Democratic counties were yet to be counted. As the morning drug on, the gap narrowed below 30,000, below 10,000...below 2,000...and finally near 300. Gore retracted his concession to Bush and an automatic recount was enacted under Florida state law.

Expecting a straight-up popular vote decision, America now flustered about the Electoral College. “This is so *stupid*. Why are we all waiting for the actual votes of one state to cast the electoral votes? Why do we need this Electoral College anyway? How did this race get so close anyway? Who is Katherine Harris??”

Although Gore received over 540,000 more votes in total than Bush, he failed to win the popular and electoral vote in Tennessee, where he and his father had served as Senators. He also lost Clinton’s Arkansas. Finally, West Virginia went Republican for the first time in six general elections. In total, Bush flipped 11 states from D to R in 2000. The big state, of course, was Florida, which Bush conclusively won by 537 votes.

Gore holds the dubious honor of having the highest number of electoral votes for a losing candidate; 266. Gore’s unsuccessful Southern Gothic path to the Presidency, first as a candidate in 1988, then a heartbeat away in 1993, later a Senate conviction away in 1999, took an agonizing thirty-four days in the fall of 2000 to finalize in defeat.

## **EPILOGUE: THE OATH**

Perhaps we can glean from tonight's literary exercise that the man cannot choose the office, the office chooses the man. The Fates govern the political thread of a man's career.

Another view could be that Presidents, especially modern-day versions, are victors of a grueling trial who possess the intellect and the stamina to navigate and survive the toxic atmosphere of domestic and world politics. The five Vice Presidents to win an election for President are, to a man, seen as masterful to mythical statesmen and politicians with experience, acumen, and drive.

An unexpected thread in researching this paper is the deleterious effect FDR had on so many political careers as he outwitted, outplayed, and outlasted his opponents and running mates. Several of the key movers in John Garner's political demise at the 1940 Convention went on to run for President, and, like Garner, went down in defeat.

What happens to the ex-Vice Presidents who don't aspire or ascend to the Presidency? Our old friend Thomas Marshall joked: "Once there were two brothers. One ran away to sea, the other was elected to Vice President of the United States. And nothing was heard of either of them again." This is mostly overstatement. As we mentioned, Henry Wallace went on to serve as Secretary of Commerce. John C. Calhoun was Secretary of State under Tyler and Senator from South Carolina twice after he served with Andrew Jackson. Five other ex-Vice Presidents served as Senators, four went on to serve as ambassadors, and one went on to govern the State of New York.

Maybe it's not the experience that differentiates the Vice from the President; perhaps it's a matter of affinity. The victor is seen as a leader, but also accessible to the common man's needs; "would I rather have a beer with Walter Mondale or Ronald Reagan?"

In a 1948 interview, John Garner stated "there cannot be a great vice president. A great man may occupy the office, but there is no way for him to become a great vice president because the office is almost wholly unimportant." The Oath and the Office of the Vice President of The United States exists to protect our Executive Branch, to ensure a peaceful and continuous succession of power to lead our country. You are the spare, leftover business, you are the back-up plan. The most important thing you can do is be healthy, be sane, and be ready if history calls on you.

Today, on Presidents' Day 2020, we enter a new election cycle, a new horse race. Joseph Robinette Biden Jr, the 47<sup>th</sup> Vice President of the United States is seeking his party's nomination. If he wins election, he will share the interrupted path of only one other modern VP to POTUS, Richard Milhous Nixon, the Yorba Kid.

It's early. Anything *can*, and- given the incumbent- undoubtedly *will* happen. Some days, it feels like history is repeating itself. Biden has months to go before the Democratic Convention in Milwaukee. But if I'm a bookmaker at the horse track, Mike Pence, who is currently a heartbeat away, is a better bet for 46<sup>th</sup> President of the United States of America.

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