

Repeal the Twelfth!

By Don Solomon

Sept. 10, 2008

Although he was a Democrat, John Nance Garner has become the patron saint of Republican Vice-Presidents. Garner, who served as Vice-President from 1933 to 1941, referred to the exalted office to which he was elected as “not worth a bucket of warm piss.” Republicans have made that phrase their mantra, nominating such gems as William Miller, Spiro Agnew, Dan Quayle, and now the eminently qualified Ms. Palin.

They haven’t done it consistently. In between were people who were actually qualified for the office — Richard Nixon, George Bush, and Jack Kemp. And of course Dick Cheney, the stealth Veep, who is in a class by himself, having installed himself as Caudillo of a shadow government, all under the constitutional radar.

The selection of Sarah Palin by the Republicans is only the latest bit of evidence that the office of Vice-President in modern times has been useful only as a political device and as proof that our electoral mechanism has descended to a level somewhere between a soap opera and a joke.

The modern Vice-Presidency originated in 1800 with the passage of the Twelfth Amendment to the Constitution, requiring candidates to run separately for each office. Its purpose was to correct the results of the 1800 election, in which two eminently qualified candidates, Jefferson and Burr, ran for President and received equal numbers of electoral votes despite their political antagonism; only a vote of Congress made Jefferson President and Burr Vice-President.

In our time, we would be lucky to have a Vice-President truly considered by the public to be qualified to step into the Presidency. Instead, we are forced to vote for two people, one of whom is a comparative unknown and may turn out to be either a nonentity or an uncrowned monarch.

Yes, we ought to abolish the Electoral College and bring government “by the people” to the highest offices in the land. And we ought to restore the role of Congress in the constitutional system — not just by electing strong personalities, but by institutionalizing Congress as the body that initiates legislation, declares war, and ratifies treaties (and by reminding the President that his job is to execute the laws Congress has enacted).

But we ought to go beyond that and reconsider why we have a Vice-President at all, and to what purpose. The job description is simple: come to the office every day, go to the Senate to break tie votes, and take office as President when the President dies or resigns. None of these are critical to the welfare of the nation. And the Cheney example is clear: we don’t need an unvetted loose cannon running policy inside the Pentagon, planning wars and domestic detention camps.

It no longer takes months for news of the President's death to spread to remote regions of the Republic. The line of succession can be filled by appointed officials (as happened when Gerald Ford and Nelson Rockefeller were nominated by the President and confirmed by Congress). And the Senate doesn't need a presiding officer who also has an office in the White House — if we really need a tiebreaker in the Senate, let's give the District of Columbia one Senator and have a full-time tiebreaker working on the floor of the Senate.

If we must have a Vice-President, we ought to consider repealing the Twelfth Amendment and awarding the runner-up the second prize. Contrary to Jefferson's fears, the potential conflict between the two offices could work to the nation's advantage, and the effect it would have on third party candidates would make our elections truly interesting. After all, there really would be something to gain by coming in second.

Want to make things even more interesting? Instead of awarding the Vice-Presidency to the runner-up, stagger elections so that the Vice-President is elected two years after the President. The Vice-Presidential elections would be a referendum on the Presidency and the lame-duck period would be reduced from four years to two.