

Requirements for Being President

by

Phil Rasmussen

There has been a lot of discussion in the media about Biden's competency to be president with regard to his mental and physical health, and age.

It is understandable that we all want a president who is mentally and physically fit in order to make wise and appropriate decisions that affect our nation and its citizens. From his first day in office, Biden has not displayed the competence required for the highest office of the land. Not only is his mental competency in question but so is his physical health.

With calls to legislate competency, health and age requirements for the presidency, it is time for us to relook at the requirements and qualifications for the Office of the President for the United States of America.

The US Constitution establishes the requirements and qualifications for a person to be President of the United States. Only 3 requirements are listed. These encompass citizen status, age, and residency.

No person except a **natural born citizen**, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the **age of thirty-five years**, and been **fourteen years a resident within the United States**.

US Constitution, Article II, Section 1

Interestingly, the Constitution also sets minimum age limits for senators (30) and representatives (25). One must also have been a US citizen for at least 9 years at the time of election to be a senator and 7 years to be a representative. As for residency, senators and representatives need only to be a resident of the state they represent.

But what about the term limits for being president?

Franklin D. Roosevelt (FDR) was the only president to serve more than two consecutive terms as president. Although elected for four terms, FDR died almost three months into his fourth term in 1945.

After FDR died and Truman became president, the Hoover Commission was created by Truman to “reorganize and reform the federal government” (Britannica). In 1947, the Commission proposed to Congress the 22nd Amendment which included limiting the number of terms that a president could serve. Congress ratified the proposal in 1951 and thus became the **22nd Amendment** to the US Constitution.

No person shall be elected to the office of the President **more than twice**, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.

US Constitution, Amendment XXII, Section 1

Currently there are only four (4) constitutional requirements to be president. However there are other requirements in order to run for president. Many of these requirements deal with campaign finance laws.

Getting back to Biden’s Competency

You have probably seen a movie or two where something happens to the president and the vice president has to take over the presidential responsibilities. This possible line of succession was anticipated with three succession acts (1792, 1885, and 1947). They were based on the elected president dying, resigning, or becoming debilitated while in office.

The problem with the three acts was the lack of protocol. The line of succession was clearly established but, with exception of the president dying in office, details such as who has the power to declare the president unfit to serve, etcetera were missing. It wasn’t until 1967, after JFK’s assassination, that the **25th Amendment** was signed into law. Sections 3 and 4 are about the president being unable to fulfill his presidential duties.

Section 3 has been invoked only three times when Reagan underwent surgery and George W Bush underwent medical procedures that could have resulted in death. This section is essentially a **voluntary** removal from office.

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written

declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

US Constitution, Amendment XXV, Section 3

Section 4 has never been invoked but was considered when Reagan began “acting strangely” following the Iran-Contra scandal. Unlike Section 3, this section is an *involuntary* removal from office and can be a very dangerous precedent.

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

US Constitution, Amendment XXV, Section 4

During Trump’s administration, Congressman Jaime Raskin (D) introduced his failed bill, **Oversight Commission on Presidential Capacity Act** in 2017. While Raskin’s bill did not pass, the Democratic held House called for Trump’s impeachment in 2019 and 2021. Prior to the 2021 impeachment, democrats in both House and Senate called for Trump’s removal from office based on the **22nd Amendment**, after the January 6, 2021 uprising at the Capitol.

However, while the vice president did not invoke the 22nd Amendment, and while in both House and Senate the democrats held the majority, Congress would not have been able to oust Trump without a 2/3 majority

Now enters the conundrum with Biden. Like any president serving since 1967, impeachment was always a possibility, but now so is removal from office via the **25th Amendment**.

While there is an ever increasing probability of Biden being impeached over his financial and illegal activities while serving as vice president and president, the matter of his mental health has been in question from almost day one of his presidency.

While the mental health of both, Trump and Biden, have been brought into question, Trump voluntarily requested that he receive cognitive testing as part of his physical. In spite of being found mentally capable, “350 psychiatrists and other mental health

professionals signed a petition during the Democrats' first impeachment fiasco claiming Trump's mental health was rapidly deteriorating" (The Hill).

The basis for questioning Trump's mental health seems to have revolved around his apparent unpredictable and undisciplined tweets, outspokenness, and so-called "he's a good friend of mine" (referring to foreign leaders) statements. However these characteristics are often found in many CEOs and bosses.

On the other hand, Biden's issues are very different. While at times he appears to be in control and speaks with clarity, he often appears to be baffled and confused. After many of his speeches he wanders around seeming to not know where he is or what to do.

Additionally, in many speeches he inserts stories about himself that are not relevant to the speech or are not even accurate when fact checked.

In addition to his speeches and apparent confusion in public, Biden consistently makes political and foreign policy blunders that are not consistent with reasonable thinking. It is doubtful that Biden even realizes the social, economic, and security threats that our nation faces.

The conundrum is that if Biden is removed from office, then Kamala Harris would become president. Who she would pick for vice president would also be up in the air. Regardless this air-head of a vice president does not have the faintest idea of how to resolve issues.

In essence as one person put it, "We get rid of one idiot and replace him with another." The democrats locked in a strategy to allow the "puppet masters" to control the White House and consequently the nation. Remember that Biden did not choose Harris for his VP, the DNC did.

While the nation may have been locked into this string of incompetents, we can and should remove Biden from office and if necessary Harris if she does not get the message that she has to positively address the nation's social, economic and security woes.

"If there ever was a time — if there was in U.S. history ever a time to invoke the 25th Amendment, it is now. As Joe Biden himself put it, 'For God's sake, this man cannot remain in power.' For all of our sakes."

Tucker Carlson