



Written by [Elad Hakim](#) on September 30, 2022

The 25th Amendment Is Not a Realistic Option to Remove Joe Biden From Office

There have been various calls to remove President Joe Biden from office. For example, Fox News host [Tucker Carlson](#) has called for Biden's removal pursuant to the 25th Amendment, as has Senator [Rick Scott](#) (R-Fla). As reported by [Fox News](#), during a recent speech, Biden appeared to search for, and call out the name of, the late Representative Jackie Walorski (R-Ind.), who died in a car accident in August. Despite Biden's consistent cognitive and mental "lapses," efforts to remove him from office in accordance with the 25th Amendment are unrealistic and are unlikely to succeed.



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The relevant portion of the 25th Amendment, [Section 4](#), states:

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.

Notably, Section 4 applies when the president is unwilling to resign. To invoke this provision, the vice president and the Cabinet would have to support removal. It is doubtful that Kamala Harris would do so at this time.

Assuming, for the sake of argument, that Harris and the majority of the principal officers supported removal, Biden could seek to reclaim his power pursuant to [Section 4](#) by submitting a written declaration that "no inability exists." At that point, he would resume the powers and duties of his office unless Harris and a majority of the principal officers of the executive departments challenge the president and submit a written declaration to Congress advising that he is unfit to serve. In such cases, Congress would decide whether removal is warranted. If Congress determines by two-thirds vote of both Houses that the president is unable to discharge the powers and duties of his office, the president would be removed from office.

It is highly doubtful that the Democrat-controlled Congress would wage a battle of this nature against Biden, as it could have serious political ramifications. A Republican-controlled Congress would likely fare no better, unless Republicans were able to miraculously convince Harris that removal was warranted. This is highly unlikely.

The remaining provisions of the 25th Amendment contemplate a situation whereby the president voluntarily resigns. This, too, seems unlikely at the present time. As such, the 25th Amendment is not a



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realistic or plausible option.



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