



Written by [Steve Byas](#) on August 18, 2021

Senator Scott's Call for Biden's Removal Via 25th Amendment Raises Questions

"After the disastrous events in Afghanistan, we must confront a serious question: Is Joe Biden capable of discharging the duties of his office," Florida's Republican Senator Rick Scott tweeted on Monday, "or has time come to exercise the provisions of the 25th Amendment?" While many Americans who value limited government no doubt would love to see someone other than Joe Biden as president, Scott's tweet raises several questions, some about the Afghanistan mission itself, some about the wisdom of invoking the 25th Amendment from a precedent-setting scenario, and other questions about what would happen next, should Biden either resign or be forced out of office.



AP Images

Americans have observed the rapid fall of the Afghanistan government to the theocratic oligarchy known as the Taliban over the past few days with dismay, with many such as Senator Scott blaming Biden's decision to withdraw the last of U.S. troops as the cause.

"I will not repeat the mistakes we've made in the past," Biden said, responding to criticism coming at him from not only Republicans such as Scott, but also from some in the media who are usually more like cheerleaders for the Biden presidency rather than balanced and objective journalists they claim to be. Biden said it was a "mistake" that the United States has remained "fighting indefinitely in a conflict that is not in the national interest of the United States, of doubling down on a civil war in a foreign country."

As the nation nears the 20th anniversary of the attacks of September 11, 2001 that led to America's initial involvement in Afghanistan, one can certainly empathize generally with Biden's sentiments. Non-intervention was the foreign-policy standard of the United States under our first few presidents, including George Washington, John Adams, and Thomas Jefferson, and it was Adams' son, John Quincy Adams, who explained the position very well when he was secretary of state under President James Monroe.

"But she [America] does not go abroad, in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own."

While it was understandable that Americans wanted to strike back at the planners of the 9/11 attacks, such as Osama bin Laden, then being sheltered by the Taliban regime in Afghanistan, the mission quickly morphed into nation-building. Certainly, while Americans are rightly disgusted at the anti-liberty tyrants that ran Afghanistan then, and have apparently re-taken the country now, there are limits as to what the United States can and should do serving as the world's policeman.

But Biden's precipitous withdrawal from Afghanistan creates new problems. Will friendly foreigners be



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willing to support the United States in the future? The horrific pictures of anti-Taliban Afghans clinging to an American jet plane at Kabul Airport conjure up images of what happened in 1975, with the fall of Saigon. Even if one agrees with the idea that the U.S. is limited in what it can do in promoting the liberty of those in foreign lands, Biden's actions in sending troops back into Afghanistan in order to provide security for U.S. citizens and allies trapped inside the country illustrate the poorly-exercised exit of just a few days ago.

It also gives support for Senator Scott's questioning of Biden's mental competence. Bluntly put, is Biden so out of it, cognitively, that he did not realize that the fall of the Afghan government would leave Americans inside the country at risk of horrible maltreatment, including beheadings? Why was the exit so poorly executed? In short, the operation makes the Bay of Pigs operation look expertly handled.

And does this demonstrate that Joe Biden is no longer mentally capable of being the commander-in-chief of our armed forces, which could lead to even more disasters in the future?

Thus, the question of the 25th Amendment. The amendment was adopted in the wake of the assassination of President John F. Kennedy in 1963. The concern was, what if Kennedy — who managed to survive for about 30 minutes with half his brain blown away — had lived? Clearly, he would have been incapable of functioning as president, if he would have even been conscious at all. Yet, at the time, the Constitution made no provision for such an event.

The 25th Amendment requires that the vice president declare the president unfit for office, which is effective if a majority of the Cabinet officers agree. To avert a situation in which a vice president and the Cabinet could perform a coup d'état against a president over policy differences or the like, the amendment provides that if a president disagrees with the action, it takes two-thirds vote of Congress to agree with the removal.

Of course, removal of Biden — who clearly has severe mental decline — would make Kamala Harris the president of the United States. Not only is Harris a dedicated leftist, there are legitimate questions about her eligibility to be president (or even to hold her present office). Neither of her parents were permanent legal residents of the United States, much less citizens, at the time of her birth. Because of this, Harris is definitely not a natural-born citizen, a requirement to hold the office of president.

A case is now in federal court making that very argument. Whether the Supreme Court would actually follow the Constitution and declare Harris ineligible to be president is certainly unknown, but let us presume that Biden is removed, and Harris is subsequently declared ineligible.

The Presidential Succession Act of 1947 provides that should both the president and the vice president be removed from their respective offices, the speaker of the U.S. House of Representatives becomes president.

This would make Nancy Pelosi president of the United States. Hopefully, that will no longer be the case after the 2022 congressional elections, but for now this is the unfortunate situation we are in.



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