



State of West Virginia
Office of the Attorney General

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Vice President Kamala Harris
The White House
Office of the Vice President
1600 Pennsylvania Avenue NW
Washington, DC 20050

Dear Vice President Harris:

For too long, Americans have had to stand by and watch as their President has experienced a profound cognitive decline. Over the last few months alone, President Biden has mixed up world leaders and political figures, strained to address basic issues in public speeches, and wandered out of events in a disoriented state.

These serious mental missteps have equally serious consequences. Just recall, for example, how the President seemed to accidentally abandon the United States' "One China" policy by evidently getting confused when answering a question about Taiwanese defense. Or remember how he fell asleep during the COP26 climate change conference, only to come home and implement extremist measures from the event he napped at.

Unsurprisingly, then, a recent poll found that 76% of voters have concerns about President Biden's mental and physical ability to continue as president.

But considering recent revelations in Special Counsel Robert Hur's report, Americans should not be forced to swallow their concerns and stand by any longer. **I am writing to urge you to invoke your powers under Section 4 of the Twenty-Fifth Amendment and declare that President Biden is unable to discharge the powers and duties of his office.**

Special Counsel Hur's report paints a clear picture of a President who is not up for the job. It details how President Biden showed "diminished faculties and faulty memory" in both conversations with the special counsel and discussions with President Biden's ghostwriter spanning several years. Overall, President Biden's memory was "significantly limited," and the President showed "limited precision and recall" as to a range of issues. Conversations could be "painfully slow," as the president "struggl[ed] to remember events and strain[ed] to read and relay his own [writings]."

Altogether, Special Counsel Hur found that President Biden presented as an “elderly man with a poor memory.”

The Twenty-Fifth Amendment was designed for times like these. The amendment’s “central purpose was to preserve cognitive competence in the White House at all times.”¹ Likewise, the amendment’s principal sponsor in the Senate explained that Section 4 was meant for any “impairment of the President’s faculties” that might leave him “unable to make or communicate decisions about his own competency.”² And the amendment’s chief draftsman stressed that it covers “*all* cases in which some condition or circumstance prevents the President from discharging his powers and duties.”³

We need a president who is mentally fit. The demands placed on a president are intense, requiring continual cognitive clarity. He is often called on to make life-and-death decisions with little time. And in the wrong hands, the powers of the office could be dangerously abused. In short, it’s been said that “[w]e give the President more work than a man can do, more responsibility than a man should take, [and] more pressure than a man can bear.”⁴ If that’s true for a healthy man, how can a man in decline hope to be up to the task?

In response to the Special Counsel’s report, you rejected his assessment as “politically motivated.” As your best contrary example of the President’s mental acuity, you cited his handling of the October 7 terrorist attacks on Israel. Yet the President’s approach to the situation in the Middle East only confirms that his mental struggles are real and pervasive. For instance:

- President Biden recently gave a confused and meandering description of recent events in the Middle East, *even forgetting Hamas’s name*;
- President Biden answered a question about Gaza and Egypt by referring to the “President of Mexico”; and
- The White House emphasized that President Biden’s interviews with the special counsel took place the day after the attacks, implying that one day of crisis management taxed the President so much that he was rendered unable to provide basic biographical facts.

These and other moments confirm that there’s more at play here than politics. Special Counsel Hur’s report is one more piece of evidence on a growing pile that shows that America is facing a genuine crisis of leadership.

I recognize that invoking the Twenty-Fifth Amendment is an extreme measure. But if you can look beyond your personal relationship with the President and evaluate the situation objectively, I’m confident you’ll conclude that now is the time for extreme measures.

¹ Herbert L. Abrams, *Can the Twenty-Fifth Amendment Deal with a Disabled President?: Preventing Future White House Cover-ups*, 29 PRESIDENTIAL STUD. Q. 115 (1999).

² 111 CONG. REC. 3282 (1965) (Sen. Birch Bayh).

³ JOHN D. FEERICK, *THE TWENTY-FIFTH AMENDMENT: ITS COMPLETE HISTORY AND APPLICATIONS 197-98* (2d ed. 1992) (emphasis added).

⁴ JOHN STEINBECK, *GOVERNMENT OF THE PEOPLE, IN AMERICA AND AMERICANS AND SELECTED NONFICTION* 339, 343 (Susan Shillinglaw & Jackson J. Benson eds., 2002).

If you nevertheless insist that the President *is* mentally fit, then you should call on the Attorney General to pursue appropriate charges for the President's willful mishandling of documents. After all, the Special Counsel declined to prosecute in large part because he thought President Biden's profound forgetfulness would make it hard to prove *mens rea*. If President Biden is sharp enough to run a country, then he is sharp enough to act willfully. And as a former prosecutor, I expect that you want to see justice done in every case—even one involving a president.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrissey". The signature is written in a cursive, slightly slanted style.

Patrick Morrissey
Attorney General