

PRESIDENTIAL TENURE; A HISTORY AND  
EXAMINATION OF THE PRESIDENT'S TERM  
OF OFFICE

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PRESIDENTIAL TENURE: A HISTORY AND EXAMINATION OF  
THE PRESIDENT'S TERM OF OFFICE

INTRODUCTION

The proposal for a six-year term for the American President with ineligibility for reelection, an idea which received hearings during the 92nd Congress, is not without precedent. More than 130 Amendments to the Constitution providing for a presidential term of six years have been introduced in Congress since 1789.

The Constitutional Convention of 1787 determined that the term should be four years with no provision as to reeligibility. The term of the President was discussed at length in the Convention, with recommendations on tenure ranging from a one-year term with ineligibility for reelection, to a twenty-year term during good behavior.

Many of the arguments for or against a limitation on tenure were first presented before the Convention. They have been reiterated at various intervals throughout American history.

Present limitations on presidential tenure are contained in the Constitution and its Amendments as follows:

- (a) Article II, Section 1, para. 1, provides that the President, "...shall hold his office during the Term of four Years ...." without limiting his eligibility for reelection. Section 1 contains language providing for his replacement by the Vice President, which was clarified in the 25th Amendment.
- (b) Article II, Section 4, para. 1, specifies that, "The President ....shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."
- (c) Twenty-second Amendment: "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."

The following report summarizes the debate on presidential tenure in the Constitutional Convention, discusses passage of the 22nd Amendment by Congress in 1947, and canvasses proposed Amendments introduced in Congress from 1789 to 1974 providing for a six-year presidential term.

Those proposals receiving committee and floor action are discussed, as are efforts to change the term to six years by Presidents of the United States, political parties and private groups. Included is a list of six-year term resolutions introduced in Congress detailing resolution number, sponsor, date of introduction, and Congress and session.

Arguments pro and con on the six-year term are set forth. Appendices contain selected relevant commentary by United States Presidents and Members of Congress on presidential tenure; the record vote in the Senate on S.J. Res. 78 in 1913 providing for a six-year term; the years of service of Presidents of the United States; and a compilation of proposed Amendments to the Constitution from 1789 to 1974 advocating a presidential term of one, five, seven and eight years. Also included is a bibliography of selected references on the six-year term.

## I. THE PRESIDENTIAL TERM: DEBATE IN THE CONSTITUTIONAL CONVENTION

The tenure of office of the President of the United States was extensively debated in the Constitutional Convention of 1787. Proposals were made both as to the term of the President and his eligibility for reelection, which in turn hinged on the method by which the President was to be chosen. Two alternatives were clearly possible: election by the people, or by the Congress.

If Congress was to choose the President, a long term with no reelection was favored by most. If election was by some other method, a short term with the possibility of re-election was generally favored. Popular election was not considered with great favor at any time during the proceedings of the Convention. On the other hand, the proposals for selection of the President by Congress gave rise to fears that the legislature would control the executive, thus destroying the principle of separation of powers. To counter this fear and to promote the independence of the Presidency from the Legislature, a long term and ineligibility for re-election were proposed.

No fewer than sixty ballots were cast before the Electoral College method of selecting the President was determined. Five times, the Convention voted in favor of having the President appointed by Congress. Once they voted against that. Once they voted for electors chosen by state legislators, twice against that, and then they voted again to reconsider the entire issue.

The question of tenure was debated at length. As an advocate for a long term, Alexander Hamilton in the Federalist Papers inquired if peace and stability would be served by having half a dozen former Presidents "wandering among the people like discontented ghosts and sighing for a place they were destined never more to possess?" Benjamin Franklin, in the Convention, addressed a similar objection: "In

free governments the rulers are the servants," Franklin said, "and the people their superiors and sovereigns. For the former therefore to return among the latter is not to degrade but to promote them."

Though proposals on tenure ranged from one to twenty years, serious debate occurred on proposals for a four and a seven year term. The first vote taken resulted in a choice of seven years without reeligibility, while the second vote provided for a seven-year term with reeligibility. On the third vote, a resolution was passed providing for a term of seven years without possibility of reelection. The resolution was then referred to the Committee on Eleven, containing one member from each of the eleven States represented in the Convention. The Committee referred back to the Convention a resolution providing for a term of four years. The final decision of the Convention was for a term of four years with the possibility of reelection indefinitely.

The question of the term of office of the President first arose in the Constitutional Convention on May 29, 1787, when Edmund Randolph, Governor of Virginia, presented to the Convention a proposed plan of government consisting of fifteen resolutions, the seventh of which provided for a single executive "to be chosen by the national legislature for a term of ..... years ..... to be ineligible a second time." The Randolph Resolutions were commonly known as the Virginia Plan. On the same day, Charles Pinckney of South Carolina also presented a plan in which the President was to be elected for an unspecified number of years but was to be eligible for re-election.

On June 1 the Convention began consideration of the Randolph provision relating to the executive. While it had been able in a day to cast practically the entire outline of the powers of Congress, the Convention in its consideration of the executive was deliberate and uncertain.

A term of seven years was first approved by the Convention on June 1, by a vote of 5 to 4, with ineligibility for a second term added the next day by vote of 7-2.

Although Pinckney and George Mason of Virginia were staunch supporters of the seven year plan, Gunning Bedford of Delaware strongly opposed a term as long as seven years. He asked what situation the country would be in were a President "saddled on it for such a period and it should be found on trial that he did not possess the qualifications ascribed to him, or should lose them after his appointment." An impeachment, Bedford said, would be "no cure for this evil, as an impeachment would reach misfeasance only, not incapability." He proposed a triennial election with ineligibility after a period of nine years.

On June 15, William Patterson of New Jersey offered a set of nine resolutions as a substitute for those already voted on. Article 4 of the Patterson plan recommended the election of a President to continue in office for an unspecified term of years and to be ineligible for a second term, in effect nullifying the single, seven-year term tentatively accepted by the Convention.

Alexander Hamilton of New York then proposed his plan, Article 4 of which recommended that executive authority be vested in a "Governour" to be elected to serve during "good behavior." Hunt and Scott in their analysis of the Federal Convention state: "[Hamilton] appealed to the feelings of the members present whether a term of seven years would induce the sacrifices of private affairs which an acceptance of public trust would require, so as to ensure the services of the best citizens.... On the plan of appointing [the president] for seven years he thought [the president] ought to have but little power. He would be ambitious, with the means of making creatures; and as the object of his ambition would be to prolong his power it is probable that in case of a war, he would avail himself of

the emergence to evade or refuse a degradation from his place. An Executive for life has not this motive for forgetting his fidelity, and will therefore be a safer depository of power." <sup>1/</sup>

On June 19, the Randolph plan was reported. It provided that the President should be elected by Congress for a seven year term and should be ineligible for reelection. The Convention, on July 17, adopted by a 6 to 4 vote, an amendment striking out the provision for ineligibility. William Houston of New Jersey proposed the amendment striking the ineligibility provision, fearing that the ineligibility proposed by the clause as it stood tended "to destroy the great motive for good behavior, the hope of being rewarded by re-election."

Subsequent to this vote, James McClurg of Virginia moved to strike out seven years and insert "during good behavior." The purpose of McClurg's motion was to free the executive from dependence on Congress for reappointment. The President's independence ostensibly had been weakened by the striking of the ineligibility provision but would be restored if he were to serve "during good behavior." Gouverneur Morris seconded the McClurg motion.

Sherman of Connecticut spoke against the motion. He thought that a President would be on "good behavior" if reeligible and would be continued in office if this were the case. Mason, in the negative, considered a President during good behavior as a softer name only for an executive for life, stating that "the next would be an easy step to hereditary monarchy." The motion to insert "during good behavior" in place of seven years failed to pass. It was unanimously agreed that the vote of July 17, which had struck the ineligibility clause, should be reconsidered at the next session.

On July 19, Luther Martin of Maryland moved to reinstate ineligibility. Morris spoke in opposition to the Martin motion stating that to make the President ineligible "would tend to destroy the great incitement to merit public esteem by taking

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<sup>1/</sup> Gaillard Hunt and James B. Scott (eds.), *The Debates in the Federal Convention of 1787*, New York; Oxford University Press, 1920, pp. 40-41.



away the hope of being rewarded with a reappointment. It would tempt him to make the most of the short space of time allotted him to accumulate wealth and provide for his friends.... Let him be of short duration that he may with propriety be reeligible."

Randolph supported the motion of Martin for restoring the words making the President ineligible a second time. He thought an election by Congress with no reelection to a second term would be more acceptable to the people than a shorter term as suggested by Morris.

Madison, however, stated that "if it be a fundamental principle of free government that the legislature, executive and judiciary powers should be separately exercised, it is equally so that they be independently exercised.... It is essential then that the appointment of the executive should either be drawn from some source, or held by some tenure, that will give him a free agency with regard to the legislature. This could not be if he were to be appointed from time to time by the legislature."

Elbridge Gerry of Massachusetts thought that if the executive was to be elected by the legislature he certainly ought not to be reeligible.

Martin's motion failed. A second vote on the question of whether the presidential term be for seven years also failed of passage.

Ellsworth advocated six years, as did Williamson. Both men stated that if the elections were too frequent, the executive would not be as stable as desired; the expense would be considerable; and the most qualified men would not undertake the service, while those of an "inferior character" might be liable to corruption.

The vote, on July 19, to fix the term at six years with election by electors was in the affirmative.

On July 24, the Convention, which had been favoring election by electors, reverted by vote of 7-4 to election by Congress on a motion by Houston. Gerry led the opposition, suggesting that if the motion were agreed to it would be necessary to make the executive ineligible a second time, in order to render him independent of the legislature.

Upon approval of Houston's motion Martin and Gerry moved to reinstate the ineligibility of the executive a second time. Gerry held that the President should be independent of the legislature, believing that the longer the term of his office the more his dependence would be diminished. "It would be better for him to continue ten, fifteen, or even twenty years, and be ineligible afterwards."

Martin then moved that the term be for eleven years. Gerry suggested fifteen years, King twenty years, and Davis eight years. The motions were postponed, which momentarily killed them.

On July 25, the question of the selection of the President to be chosen by the legislature, with the provision that no person be eligible for more than six years in any twelve years, was defeated by a 6 to 5 vote.

On July 26, the Convention returned to the original proposal of Randolph and voted for seven years and no reelection. This motion was carried by a 7 to 3 vote. The Convention then referred its proceedings to the Committee on Detail, and adjourned to meet again on August 6.

The report of the Committee on Detail issued ten days later recommended a term of seven years with ineligibility for a second term, and that the President should be elected by ballot of Congress. It did not specify whether by separate or joint ballot. If by joint ballot, some delegates believed that the small States would have less influence. This seems to have turned the thoughts of some to favor election by electors chosen by the people, which had been defeated June 2, adopted July 19, and rejected again July 24.

On August 24, Governour Morris made a strong speech on the dangers of choice by the legislature and favored choice by electors chosen by the people. Five States voted for and six against the proposal of Morris.

On September 4, the Committee of Eleven, to which various resolutions had been referred, recommended that the term of the President be four years with no restrictions as to eligibility for reelection. The Committee of Eleven recommended that the President be elected by electors, but that if no person received a majority, the Senate was to elect the President.

On September 5, the question of the selection of the President was again debated, with Pinckney and Rutledge of South Carolina speaking against reeligibility to a second term. On September 6, Hamilton refrained from joining in the discussion because of his dislike of the proposed scheme of government in general. However, he eventually did support the plan of the Committee of Eleven.

Hamilton favored reeligibility but felt that if the President were appointed by the legislature he would be tempted to make use of "corrupt influence to be continued in office." Therefore, it seemed to Hamilton particularly desirable that some other method of election be devised.

An attempt to set the term at seven years was defeated, as was a proposal to limit it to six years.

The four year term suggested by the Committee was accepted September 15, as was the proposal for the Electoral College. If electors failed to choose, election was to be by the Senate. On the motion of Sherman of Connecticut, this was changed to election by the House but in such a choice each State should have but one vote. The final motion carried with only Delaware dissenting.

As finally adopted by the Convention and ratified by the States, the Constitution contains the following provision regarding Presidential tenure:

Art. 11, Sec. 1, Para. 1: The Executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of Four Years and, together with the Vice President, chosen for the same Term.....

II. THE TWENTY-SECOND AMENDMENT TO THE CONSTITUTION: LIMITING THE PRESIDENT TO TWO TERMS OF FOUR YEARS EACH

Since the adoption of the Constitution, hundreds of Amendments have been proposed to alter its provisions pertaining to the tenure of the President. Proposals have been introduced to limit the number of terms a President could serve and to change the number of years in a term.

Only one such Amendment, however, has been added to the Constitution. The Twenty-second Amendment, ratified February 27, 1951, limits the President's tenure to two terms of four years each.

The sitting President, Harry S. Truman, was exempted from the provisions of the Amendment. Moreover, any person who succeeds to the Presidency for two years or less of another's term may serve an additional two terms, provided of course that he is elected. This provision lengthens the total possible presidential tenure to ten years.

The two-term tradition for American Presidents was established by George Washington. Although the delegates to the Constitutional Convention expected Washington to become the first President and to serve the rest of his life, Washington undermined the principle of unlimited eligibility for reelection by announcing at the beginning of his second term that it was his personal choosing not to serve another term.

Thomas Jefferson also refused to run for a third term. Jefferson was of the opinion that a self-imposed limitation, in the absence of a constitutional one, was required or the office would be held "for life" and degenerate "into an inheritance." In his autobiography, written in 1821, Jefferson went even further by opposing reeligibility and favoring a term of seven years with ineligibility afterwards.

The precedent Washington and Jefferson established was accepted American political doctrine by the 1860s. Among Presidents whose views coincided with Jefferson's were Andrew Jackson, Andrew Johnson, Rutherford B. Hayes, Grover Cleveland, William McKinley, and William Howard Taft. Two Presidents opposed to limiting presidential tenure were James Buchanan and Woodrow Wilson.

A number of Amendments limiting presidential tenure, particularly a third term, were introduced in Congress following the contested election of 1800 between Jefferson and Burr. Among these was a resolution debated in the Senate in 1803, stating "that no person who has been twice successively elected President shall be eligible as President until four years elapse, when he may be eligible to office for four years and no longer." The resolution was rejected in the Senate by a vote of 4 to 25.

In 1824, the Senate passed a joint resolution by a vote of 36 to 3, providing that no person should be chosen President for more than two terms. No action on the resolution was taken in the House. In 1826, the Senate again approved a resolution recommending a limit of two terms for the President by a vote of 32 to 7. Again, the House did not take action on the resolution.

The question of a third term first became a widespread public issue in 1875 when it became known that Grant would be a candidate for a third nomination in the Presidential election of 1876. A resolution against a third term was immediately proposed in Congress by Representative William M. Springer of Illinois on December

15, 1875. The House of Representatives passed the resolution on the same day as introduction by a vote of 234 to 18 with 38 not voting. The resolution read:

Resolved, That in the opinion of this House, the precedent established by Washington and other Presidents of the United States, in retiring from the Presidential office after their second term has become, by universal concurrence, a part of our republican system of government, and that any departure from this time-honored custom would be unwise, unpatriotic and fraught with peril to our free institutions.

Upon announcement for a third term by Grant, the State Republican conventions of Ohio, Iowa, Minnesota, Massachusetts, New York and Pennsylvania approved anti-third term resolutions. Unable to overcome the opposition to a third term, Grant failed to secure the nomination of the Republican Party. He made no further effort for reelection.

On December 17, 1876, a resolution sponsored by Horace F. Page of California sought to prevent any Constitutional Amendment regarding tenure of the President. It stated that to restrict the tenure would be an "invasion of the powers reserved to the people at large to be freely exercised by them without any interference from any legislative body." This proposal did not advance beyond its introduction.

The question again became an issue when Theodore Roosevelt, who served as President for almost two terms, ran for office in 1912 as the candidate of the Progressive Party. Although he was not elected President, Roosevelt's attempt to over-ride the third-term tradition created a controversy that resulted in the introduction in 1912 of legislation for a six-year presidential term. S. J. Res. 78, introduced by John D. Works of California, passed the Senate in 1913, but died in the House Judiciary Committee with the adjournment of Congress.

In 1928, Senator Robert M. LaFollette of Wisconsin introduced a resolution suggesting that any departure from the precedent established in retiring from the presidency after a second term would be "unwise, unpatriotic and fraught with

peril to our free institutions."\* The Senate passed the resolution February 10, 1928, by a vote of 56 to 26. This was the last consideration of anti-third term legislation by either the Senate or the House prior to the 1940 campaign of Franklin D. Roosevelt.

In 1940 several Amendments to the Constitution were introduced in the Senate and House when Roosevelt announced that he would probably seek a third term. A special subcommittee was created by the Senate Judiciary Committee chaired by Senator Edward R. Burke of Nebraska. Hearings were held from September 4 to October 30, 1940, at which more than fifty persons testified. The Senate, however, took no further action.

In the period from 1940 to 1947, numerous joint resolutions limiting presidential tenure were introduced. Most of these proposed to limit a President to two four-year terms.

Hearings were held in the First Session of the Eightieth Congress on two of these resolutions, H.J. Res. 25 (sponsored by Representatives Everett M. Dirksen of Illinois) limiting the presidency to a single six-year term, and H.J. Res. 27 (sponsored by Representative Earl C. Michener of Michigan) limiting the tenure to two four year terms. Both resolutions were introduced the opening day of the 80th Congress, January 3, 1947.

At these hearings, held before the House Judiciary Committee but never published, considerable controversy developed over the merits of the two proposals and the need for any limitation whatsoever. The Committee, February 5, favorably reported the Michener resolution, with three different minority views.

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\* It is of passing interest that this language duplicates that in the resolution passed by the House in 1879 when Grant attempted to run for a third term.

Representative Emanuel Celler of New York, ranking Democrat on the Committee, favored the Dirksen plan because a single term would be "more productive than two four year terms ... since all bargaining and compromise frequently resorted to in hope of reelection would be eliminated."

Representatives Sam Hobbs of Alabama and Ed Gossett of Texas also supported the Dirksen limitation, since it would "eliminate, so far as it is possible to do so, political considerations from the execution of office."

Six other Democrats on the Committee, William F. Cravens (Arkansas), Estes Kefauver (Tennessee), Frank L. Chelf (Kentucky), Thomas J. Lane (Massachusetts), Joseph R. Bryson (South Carolina) and Martin Gorski (Illinois) opposed any constitutional limitation as implying that "the people of this great Nation cannot think for themselves, and... we must therefore place them in a strait-jacket."

H.J. Res. 27 was brought to the House floor February 6, the day after it was reported, with a rule allowing two hours of general debate. The rule was immediately criticized by Democratic members as a restrictive limitation on debate. They questioned the need to amend provisions of the Constitution which had worked well for over 150 years. Minority Leader Sam Rayburn (Democrat from Texas) suggested a delay before a vote on anything so important was a Constitutional Amendment. The rule, however, was agreed to by voice vote.

Debate on the resolution indicated that the House was divided into the same three groups as the Judiciary Committee:

1. Those who wanted a limitation of two-four year terms; this group included most Republicans.
2. Those who wanted no limitation at all; this group included most Democrats.
3. Those who wanted limitation to one six-year term; this group, headed by Dirksen and Hobbs, included members of both parties.



Republicans insisted that the measure was not a political issue. Instead, they said, it merely put into the Constitution the two-term tradition set by George Washington and maintained until 1940. They urged limitation as a means of preventing the spread of the tendency toward dictatorship. Limitation, they said, would result in better government because no time would be wasted at the end of a limited term in mending political fences.

The Democrats charged that the resolution was "a limitation upon the people" who had a right to make their own choice of President. Minority Whip John W. McCormack of Massachusetts, and other Democrats, declared that Washington, Jefferson, and Theodore Roosevelt had stated that an emergency might make it advisable for a man to accept more than two terms as President. They also quoted William E. Borah and Henry Cabot Lodge, Sr. as opposing any constitutional limitation on Presidential tenure.

After an afternoon of debate, the Committee's amendment providing for the two-term limitation was adopted by voice vote. A substitute amendment which embodied the Dirksen six-year term was supported in debate by members of both parties, but was defeated by voice vote. H.J. Res. 27 passed by vote of 285 to 121, with 26 not voting.

The resolution was debated in the Senate on March 5, 7, 10 and 12, 1947, and passed March 12 by a vote of 59 to 23, 13 not voting. During debate the Republicans repeated arguments previously voiced in the House. They contended that more than two terms endangered the health of a President, that limitation of tenure would stimulate leadership. Senate Democrats were not as opposed to limitation as their fellow minority members in the House, and much debate centered around amendments proposed by them which called for other types of limitation. Throughout the four days the Democrats repeated the assertion that the resolution was

retroactive legislation against Franklin Roosevelt, the only person elected President more than twice.

Among amendments offered on the Senate floor was one introduced by W. Lee O'Daniel from Texas providing for one six-year term for the President, Vice President, and Members of Congress. The amendment was defeated by a vote of 82 to 1.

Subsequent to its ratification in 1951, measures to repeal the Amendment began to appear in the latter part of the Eighty-fourth Congress (1956), and have since continued to appear. The closest attempt at getting floor consideration of a repeal bill occurred September 1, 1959, when the Senate Judiciary Subcommittee on Constitutional Amendments favorably reported S.J. Res. 11 to the full Committee. The Committee took no action on the measure.

### III. HEARINGS AND LEGISLATIVE ACTION ON AMENDMENTS ADVOCATING A SIX-YEAR TERM: 1789 TO 1972

Since the adoption of the Constitution at least 130 Amendments have been offered to change the presidential term from four to six years. The great majority of these also would have made the President ineligible for reelection. Three of these proposals were reported to the floor and one Amendment passed the Senate in 1913.

In 1876, H.R. 147, introduced by Representative Allen Potter of Michigan, and embodying the single six-year term proposal, was reported from the House Judiciary Committee. A motion to read the bill for the third and final time was defeated by a vote of 134 to 104 (a two-thirds vote being necessary for approval).

In the First Session of the next Congress H.R. 41, introduced by William Frye of Maine, was reported by the House Committee on the Judiciary. The majority report favored a four-year term; the minority, a term of six years. The majority proposal failed of passage by a vote of 145 to 108; the minority proposal of six years was rejected by vote of 72 to 184.

In 1912, H.J. Res. 325, introduced by Henry D. Clayton of Alabama and providing for a single six-year term, was reported favorably June 13, by the House Judiciary Committee (H. Rept. 62-885). Intermittently, during June, July, and August the resolution was debated but not voted upon. A survey by the New York World newspaper revealed that thirty-seven Senators were in favor of the six-year term, with three opposed. The remainder were noncommittal. In the House, 209 Representatives responded positively to the six year term, 15 opposed it, while 79 were noncommittal or absent. President Taft himself promised to sign the legislation should it be approved by both Houses. A total of twenty-one Amendments were introduced in Congress during 1912 proposing a limitation on the term of the President.

In 1913, S.J. Res. 78, introduced by John D. Works (California), providing for a term of six years, was passed by the Senate, February 1, by a vote of 48 to 23. A question arose regarding whether President Taft and ex-President Roosevelt should be exempted from the provisions of the Amendment. On January 30, Senator Clarke introduced an amendment to this effect but it was defeated. Other amendments to S.J. Res. 78, providing for a single term of four years, for the direct election of the President, and for two terms of four years, were also defeated.

The Senate debate lasted three days. The proposed Amendment was passed by a margin of one vote (a two-third's vote being necessary). After passage by the Senate, the resolution was referred to the House Judiciary Committee.

During this time, President-elect Woodrow Wilson expressed his views to the Judiciary Committee as follows:

Four years is too long a term for a President who is not the true spokesman of the people, who is imposed upon and does not lead. It is too short a term for a President who is doing or attempting a great work of reform, and who has not had time to finish it. To change the term to six years would increase the likelihood of its being too long, without any assurance that it would, in happy cases, be long enough. A fixed constitutional limitation to a single term of office is highly arbitrary and unsatisfactory from every point of view....

When Wilson's views were learned the resolution was pigeonholed in the Judiciary Committee and allowed to die with the adjournment of the Congress. Had the resolution been adopted by two-thirds of the House and passed by three-fourths of the State legislatures, Roosevelt, Taft, and Wilson would have been disqualified from further service in the White House.

In 1940, the Third Session of the Seventy-sixth Congress, hearings were held September 4 - October 30 by a subcommittee of the Senate Judiciary Committee on S. J. Res. 15, providing for a single six-year term, and S. J. Res. 289, calling for two terms of four years each. No further action was taken.

In 1947, the Twenty-second Amendment was approved by Congress and sent to the States for ratification. At that time a minority of the House Judiciary Committee favored no change, but if there had to be a change, expressed preference for a single term of six years. During debate on the subject, Senator O'Daniel offered an amendment, defeated by a vote of 82 to 1, to limit all elected officials to a single term of six years.

In 1971, hearings were held by the Senate Subcommittee on Constitutional Amendments of the Judiciary Committee on S. J. Res. 77, providing for a single six-year term. The resolution was introduced by Senators Mike Mansfield of Montana and George D. Aiken of Vermont on April 1, 1971. The text of S. J. Res. 77 follows:

"SECTION 1. The term of office of the President and the Vice President of the United States shall be six years. No person shall be eligible for election for more than one term as President or Vice President. A person who has been elected as Vice President for any term shall be eligible for election as President for a later term. A person who has been elected as Vice President for any term, and who during that term has succeeded to the office of President, shall be eligible for election as President for a later term.

"SEC. 2. This article shall take effect on the 1st day of February following its ratification, except that this article shall not affect the duration of the term of office of President and Vice President in which such day occurs.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress."

During the course of hearings held October 28 and 29, 1971, testimony was received from Mansfield and Aiken; Clark M. Clifford, former Secretary of Defense; George E. Reedy, Jr., former press secretary to President Johnson; James Hagerty, former press secretary to President Eisenhower; Joseph Califano, former special assistant to President Johnson; Rexford G. Tugwell and Thomas Corcoran, former advisers to President Roosevelt; and James MacGregor Burns, former assistant to President Kennedy.

The majority of those testifying advocated repeal of the present constitutional limitation of two four-year terms to permit three, four or more terms if the voters so determined.

Two resolutions introduced in the First Session of the 92nd Congress in the House of Representatives also provided for a single six-year term, H.J. Res. 783, introduced by Representative Charles E. Chamberlain of Michigan on July 15, 1971, and H.J. Res. 736, introduced by Representative Bill Frenzel of Minnesota, on June 22, 1971. Both measures were referred to the House Judiciary Committee.

IV. PROPOSED AMENDMENTS TO THE CONSTITUTION PROVIDING FOR A TERM OF SIX YEARS: 1789 TO 1973

Most Amendments proposed to alter the presidential term during the 1800's sought to preclude a President from being eligible for the ensuing term. This restriction was also usually part of any proposed Amendment to fix the term at six years.

From 1789 to 1889 (1st through 50th Congresses) more than one hundred twenty-five proposals were made to change the presidential term of office. A major reason for these proposals was the belief that a President used the patronage of his office to secure reelection. The first known proposal to limit the eligibility of the President was made in 1788 by the first convention in North Carolina called for the purpose of ratifying the Constitution.

The first Amendment introduced in Congress to provide for a six-year term was proposed by Representative Hemphill of Pennsylvania on February 24, 1826. The majority of proposals during this 100 years period stipulated that the President should be ineligible for reelection. The available records show that at least 30 resolutions proposing a six-year term were introduced in Congress during this period of time.<sup>1/</sup>

During this same time span, two proposals were made to set the term at a number of years higher than four but other than six. In 1831 Representative Tucker proposed a term of five years, and, in 1888, Representative Hudd proposed a term of eight years. One proposal would have reduced the term (Senator Hillhouse's proposal in 1808 for a term of one year). Some Amendments proposed to limit the number of terms the same person could serve, rather than to change the term of office.

<sup>1/</sup> Ames claims that it was at least 52, but his own listing does not support this claim. (see Ames, infra, pp. 123, and Appendix A)

From 1889 to 1929 (51st through 70th Congresses), eighty-five proposals were introduced either to restrict the President's service to one term, to prohibit a longer tenure than two terms, or to restrict the President to one term but lengthen the term. Nine resolutions were introduced providing for a single term of four years (four in 1894 and one each in 1889, 1893, 1908, 1909, and 1912). A total of 55 resolutions were introduced calling for a six-year term.

In the two-year periods 1892-93 and 1912-13, a large number of Amendments were introduced pertaining to the number of terms that a President could serve. At this time of course there was no provision in the Constitution as to the number of times the same person could be elected President. Perhaps the large number of Amendments introduced related to ex-President Grover Cleveland running for election after an absence of four years from office and ex-President Theodore Roosevelt seeking a third term, also after an intervening term of absence. During 1892 and 1893, ten Amendments were submitted, four providing for a six-year term with no eligibility for a second term, four providing that a President could not succeed himself in office, and two making two consecutive terms of office the limit.

During 1912 and 1913 twenty-two resolutions were offered, fifteen providing for a six-year term with ineligibility for a second term, three prohibiting a third term, two providing for a single seven-year term, and one prohibiting any more than two consecutive terms in office.

In this same forty-year period six Amendments were proposed to make self-succession in the presidential office impossible. Four resolutions were submitted prohibiting more than two successive terms. One Amendment, introduced in 1920, provided that no President shall serve more than two terms but did not designate whether it meant two successive terms or two terms in all.

From 1929 through 1974 (71st through 93rd Congresses), a total of sixty Amendments proposing a six-year presidential term were introduced. Three Amendments were introduced to limit the President to one four-year term and thirty-four to limit the President to two terms. Four resolutions were introduced calling for a three-year term. One proposal (H.J. Res. 1354) providing for a tenure for not more than eight consecutive years was introduced August 13, 1970, by Clark MacGregor of Minnesota.

Listed below are proposed Amendments to the Constitution calling for a presidential term of six years, introduced in Congress from 1789 to 1972:

Proposed Amendments to the Constitution of the United States Advocating  
an Executive Term of Six Years: 1789 to December 1974

Congress	Session	Resolution	Introduced by	Date of Introduction
19	1	<u>1/</u>	Hemphill [Pennsylvania]	February 24, 1826
20	2	<u>1/</u> , <u>2/</u>	Condict [New Jersey]	February 7, 1829
22	1	<u>1/</u> , <u>3/</u>	Root [New York]	March 2, 1832
23	2	<u>1/</u> , <u>4/</u>	Speight [N. Carolina]	February 25, 1835
24	2	<u>1/</u>	Galbraith [Pennsylvania]	December 29, 1836
29	1	S.J. Res. 8	Bagley [Alabama]	January 21, 1846
38	1	S.J. Res. 16 <u>5/</u>	Powell [Kentucky]	April 6, 1864
39	2	S.J. Res. 33 <u>6/</u>	Poland [Vermont]	February 11, 1867
42	2	H.J. Res. 49	Potter [New York]	December 6, 1871
42	3	H.J. Res. 163	Banks [Massachusetts]	December 9, 1972
43	1	S.J. Res. 2	Sumner [Massachusetts]	December 1, 1873
43	1	H.J. Res. 98	Morrison [Illinois]	May 11, 1874
43	2	H.J. Res. 124	Storm [Pennsylvania]	December 14, 1874
43	1	H.J. Res. 147	Potter [New York]	January 26, 1875
44	1	H.J. Res. 2	Randall [Pennsylvania]	December 14, 1875
44	1	H.J. Res. 6	Harrison [Illinois]	December 14, 1875
44	1	H.J. Res. 7	Morrison [Illinois]	December 14, 1875
44	1	H.J. Res. 41 <u>7/</u>	Frye [Maine]	January 18, 1876
44	1	H.J. Res. 62	Oliver [Iowa]	February 7, 1876
45	1	H.J. Res. 36	House [Tennessee]	November 6, 1877
45	2	H.J. Res. 65	Joyce [Vermont]	December 10, 1877
46	1	H.J. Res. 67	Buckner [Missouri]	May 12, 1879
48	1	S.J. Res. 74	Jackson [Tennessee]	March 12, 1884
48	2	H.J. Res. 299	Millard [New York]	December 12, 1884
49	1	S.J. Res. 11	Jackson [Tennessee]	December 15, 1885
49	1	H.J. Res. 69	Millard [New York]	January 7, 1886
49	1	H.J. Res. 107	McCreary [Kentucky]	February 1, 1886
50	1	H.J. Res. 149	McComas [Maryland]	April 16, 1886



Congress	Session	Resolution	Introduced by	Date of Introduction
50	1	H.J. Res. 167	Neal [Tennessee]	May 14, 1888
50	2	S.J. Res. 119	Butler [Maryland]	December 6, 1888
51	1	H.J. Res. 35	McComas [Maryland]	December 18, 1889
51	1	H.J. Res. 101	Taylor [Illinois]	February 17, 1890
52	1	H.J. Res. 33	Stewart [Texas]	January 7, 1892
52	1	H.J. Res. 82	Springer [Illinois]	February 8, 1892
52	1	S.J. Res. 53	Proctor [Vermont]	February 18, 1892
53	1	H.J. Res. 23	Beltzhoover [Pennsylvania]	September 6, 1893
53	2	H.J. Res. 111	Oates [Alabama]	January 15, 1894
54	1	S.J. Res. 9	Peffer [Kansas]	December 3, 1895
54	2	S.J. Res. 180	Proctor [Vermont]	December 21, 1896
56	1	H.J. Res. 11	Fitzgerald [Massachusetts]	December 4, 1899
56	1	S.J. Res. 30	Harris [Kansas]	December 7, 1899
56	1	H.J. Res. 223	Aldrich [Alabama]	March 30, 1900
58	1	H.J. Res. 32	Gaines [Tennessee]	November 16, 1903
58	3	S.J. Res. 87	Bailey [Texas]	January 5, 1905
59	1	H.J. Res. 2	Gaines [Tennessee]	December 4, 1905
59	2	S.J. Res. 77	Cullom [Illinois]	December 7, 1906
59	2	H.J. Res. 197	Lowden [Illinois]	December 10, 1906
60	1	H.J. Res. 65	Lowden [Illinois]	December 16, 1907
60	1	H.J. Res. 67	Hamilton [Iowa]	December 19, 1907
60	1	S.J. Res. 16	Cullom [Illinois]	December 21, 1907
60	1	H.J. Res. 85	Granger [Rhode Island]	January 6, 1908
60	2	S.J. Res. 110	Dillingham [Vermont]	January 4, 1909
61	1	H.J. Res. 11	Lowden [Illinois]	March 15, 1909
61	1	S.J. Res. 15	Cullom [Illinois]	April 5, 1909
62	2	H.J. Res. 237	Higgins [Connecticut]	February 5, 1912
62	2	S.J. Res. 78	Works [California]	February 13, 1912
62	2	H.J. Res. 248	Curley [Massachusetts]	February 21, 1912
62	2	H.J. Res. 311	Clayton [Alabama]	April 30, 1912
62	2	H.J. Res. 313	Clayton [Alabama]	May 1, 1912
62	2	H.J. Res. 325	Clayton [Alabama]	June 13, 1912
62	3	H.J. Res. 365	DeForest [New York]	December 3, 1912
63	1	S.J. Res. 11	Works [California]	April 8, 1913
63	1	H.J. Res. 45	Barkley [Kentucky]	April 8, 1913
63	1	S.J. Res. 21	Thompson [Kansas]	April 17, 1913
63	1	H.J. Res. 78	Curley [Massachusetts]	April 29, 1913
63	1	H.J. Res. 86	Britten [Illinois]	May 16, 1913
63	1	H.J. Res. 94	Rucker [Missouri]	June 6, 1913
63	1	H.J. Res. 97	Rucker [Missouri]	June 17, 1913
63	1	H.J. Res. 106	Madden [Illinois]	July 12, 1913
63	2	H.J. Res. 345	Buchanan [Illinois]	September 11, 1914
63	3	H.J. Res. 402	Beakes [Michigan]	January 15, 1915
64	1	H.J. Res. 34	Beakes [Michigan]	December 6, 1915
64	1	S.J. Res. 23	Works [California]	December 7, 1915
64	1	H.J. Res. 121	Barkley [Kentucky]	January 28, 1916
64	1	H.J. Res. 122	Hayes [California]	January 29, 1916
64	1	H.J. Res. 192	Bailey [Pennsylvania]	March 29, 1916
64	2	S.J. Res. 177	Shafroth [Colorado]	December 5, 1916

Congress	Session	Resolution	Introduced by	Date of Introduction
65	1	H.J. Res. 120	Steele [Pennsylvania]	July 11, 1917
66	2	S.J. Res. 209	Smith [Georgia]	June 2, 1920
67	1	S.J. Res. 86	Harris [Georgia]	July 21, 1921
67	2	H.J. Res. 290	Wood [Indiana]	March 20, 1922
67	4	H.J. Res. 413	Lineberger [California]	December 16, 1922
68	1	S.J. Res. 6	Harris [Georgia]	December 6, 1923
68	1	H.J. Res. 185	Lineberger [California]	February 14, 1924
70	1	H.J. Res. 88	Deal [Virginia]	December 12, 1927
72	2	H.J. Res. 599	Christopherson [S. Dakota]	February 21, 1933
72	2	H.J. Res. 608	Ramseyer [Iowa]	February 21, 1933
73	1	H.J. Res. 96	McLean [New Jersey]	March 16, 1933
74	1	H.J. Res. 251	Crowther [New York]	April 18, 1935
74	2	H.J. Res. 423	Fletcher [Ohio]	January 3, 1936
75	1	S.J. Res. 2	Burke [Nebraska]	January 6, 1937
75	1	H.J. Res. 7	Culkin [New York]	January 5, 1937
75	1	H.J. Res. 15	Crowther [New York]	January 5, 1937
75	1	H.J. Res. 37	Fletcher [Ohio]	January 5, 1937
75	1	H.J. Res. 68	McLean [New Jersey]	January 5, 1937
75	1	H.J. Res. 70	Tinkham [Massachusetts]	January 5, 1937
76	1	S.J. Res. 15	Burke [Nebraska]	January 4, 1939
76	1	S.J. Res. 141	Wiley [Wisconsin]	May 31, 1939
76	1	H.J. Res. 40	Culkin [New York]	January 3, 1939
76	1	H.J. Res. 43	Crowther [New York]	January 3, 1939
76	1	H.J. Res. 50	McLean [New Jersey]	January 3, 1939
76	1	H.J. Res. 312	Angell [Oregon]	June 5, 1939
77	1	S.J. Res. 13	Wiley [Wisconsin]	January 8, 1941
77	1	H.J. Res. 4	Angell [Oregon]	January 3, 1941
77	1	H.J. Res. 9	Crowther [New York]	January 3, 1941
77	1	H.J. Res. 12	Culkin [New York]	January 3, 1941
77	1	H.J. Res. 87	Tinkham [Massachusetts]	January 24, 1941
78	1	S.J. Res. 86	O'Daniel [Texas]	October 14, 1943
78	1	H.J. Res. 25	Angell [Oregon]	January 6, 1943
78	1	H.J. Res. 130	Dondero [Michigan]	May 25, 1943
78	1	H.J. Res. 172	Arnold [Missouri]	October 14, 1943
79	1	S.J. Res. 21	O'Daniel [Texas]	January 22, 1945
79	1	H.J. Res. 36	Dondero [Michigan]	January 3, 1945
79	1	H.J. Res. 68	Angell [Oregon]	January 15, 1945
79	1	H.J. Res. 151	Lemke [North Dakota]	April 12, 1945
79	1	H.J. Res. 229	Arnold [Missouri]	July 17, 1945
79	2	H.J. Res. 339	Randolph [West Virginia]	April 13, 1946
80	1	S.J. Res. 18	O'Daniel [Texas]	January 8, 1947
80	1	S.J. Res. 29	Fulbright [Arkansas]	January 15, 1947
80	1	S.J. Res. 55	Bridges [New Hampshire]	February 3, 1947
80	1	H.J. Res. 4	Angell [Oregon]	January 3, 1947
80	1	H.J. Res. 6	Dondero [Michigan]	January 3, 1947
80	1	H.J. Res. 25	Dirksen [Illinois]	January 3, 1947
80	1	H.J. Res. 28	Mundt [South Dakota]	January 3, 1947
80	1	H.J. Res. 87	Lemke [North Dakota]	January 27, 1947
80	1	H.J. Res. 111	Stockman [Oregon]	February 6, 1947

Congress	Session	Resolution	Introduced by	Date of Introduction
81	1	H.J. Res. 207	Stockman [Oregon]	March 29, 1949
82	1	H.J. Res. 124	Angell [Oregon]	January 22, 1951
82	1	H.J. Res. 220	Stockman [Oregon]	April 3, 1951
90	2	S.J. Res. 178	Mansfield [Montana]	June 17, 1968
91	1	S.J. Res. 21	Mansfield [Montana] Aiken [Vermont]	January 17, 1969
92	1	S.J. Res. 77	Mansfield [Montana] Aiken [Vermont]	April 1, 1971
92	1	H.J. Res. 736	Frenzel [Minnesota]	June 22, 1971
92	1	H.J. Res. 783	Chamberlain [Michigan]	July 15, 1971
92	2	H.J. Res. 1162	Ashbrook [Ohio]	April 17, 1972
93	1	S.J. Res. 109	Mansfield [Montana] Aiken [Vermont]	May 16, 1973
93	1	H.J. Res. 76	de la Garza [Texas]	January 3, 1973
93	1	H.J. Res. 127	Chamberlain [Michigan]	January 3, 1973
93	1	H.J. Res. 251	Frenzel [Minnesota]	January 29, 1973
93	1	H.J. Res. 588	Fraser [Minnesota]	May 30, 1973
93	1	H.J. Res. 601	Sikes [Florida]	June 6, 1973
93	1	H.J. Res. 606	Broomfield [Michigan]	June 8, 1973
93	1	H.J. Res. 635	Quie [Minnesota]	June 22, 1973
93	1	H.J. Res. 701	Fraser [Minnesota]	August 2, 1973
93	2	H.J. Res. 956	Johnson [Pennsylvania]	March 27, 1974

<sup>1/</sup> In early Congresses, bills and resolutions were usually introduced without numbers. Accordingly, there are no numbers for these joint resolutions.

<sup>2/</sup> Amendment, proposing six-year term, to Smyth resolution of December 18, 1828, to limit President to one term.

<sup>3/</sup> Root joint resolution proposed, inter alia, that President be ineligible for another term. Joint resolution as reported from a select committee, May 26, 1832, proposed a single six-year term.

<sup>4/</sup> Rejected as an amendment to a resolution introduced by Mr. Gilmer, January 31, 1875.

<sup>5/</sup> Amendment (rejected 12 to 32), proposing a six-year term, to S.J. Res. 16, which became the XIII Amendment (prohibiting slavery).

<sup>6/</sup> Substitute, proposing a six-year term, for S.J. Res. 33, providing for a single term.

<sup>7/</sup> Amendment (rejected 72 to 184), proposing a six-year term, to H.J. Res. 41, providing for no second term.

**SOURCES:** Herman V. Ames, *The Proposed Amendments to the Constitution of the United States During the First Century of Its History*. Annual Report of the American Historical Association, vols. I and II, House Doc. 353, 54th Cong., 2d Sess., 1897.

M. A. Musmanno, *Proposed Amendments to the Constitution*, House Doc. 551, 70th Cong., 2d Sess., 1929.

Charles C. Tansill, *Proposed Amendments to the Constitution of the United States*. Senate Doc. 93, 69th Cong., 1st Sess., 1926.

Felton M. Johnston and Richard D. Hupman, *Proposed Amendments to the Constitution of the United States of America*, Senate Doc. 163, 87th Cong., 2d Sess., 1963.

Francis R. Valeo and Richard D. Hupman, *Proposed Amendments to the Constitution of the United States of America*, Senate Doc. 91-38, 91st Cong., 1st Sess., 1969.

*Annals of Congress and Congressional Record*.

*Calendar of the Senate and House Committees on the Judiciary*.

## V. SUPPORTERS OF A SINGLE TERM: 1789 TO 1974

Proposals for a single term of six years have been advocated by several Presidents of the United States, by political parties, and by others. President Andrew Jackson in all eight of his annual messages to Congress (1829-1836) advocated a single term of either four or six years. President William H. Harrison in his Inaugural Address in 1841 recommended a single term for the President. During this same year the legislatures of seven States (Vermont, Indiana, Delaware, Maine, Massachusetts, Connecticut and Rhode Island) sent one-term Amendments to Congress. In 1842, the legislature of Kentucky sent a one-term Amendment to Congress.

In 1844 the Whig Party inserted a one-term plank in its platform, and in 1856 President Buchanan supported the principle of a single term of six years during the campaign of that year. The Southern Confederacy, 1861-1865, adopted the single term of six years for its president. President Andrew Johnson expressed his approval of the proposal at least twice during his tenure. Samuel Tilden in 1876 and President Hayes, in his Inaugural Address, in 1877 advocated a single six-year term.

The Convention of the State of New York after adopting the Federal Constitution passed a resolution July 4, 1788 providing that the President hold office during the term of seven years and that he should not be eligible a second term. Several states since have memorialized Congress to pass legislation providing for a convention to propose an Amendment to the Constitution relating to term of office of the President. Most of the memorials presented to Congress on presidential tenure sought to limit the number of terms for which a President could serve. One such memorial, however, provided for a six-year term and was submitted to the Senate April 8, 1913 by Thomas Sterling, Senator from South Dakota. This memorial was South Dakota's S.J. Res. 29, signed by South Dakota's Secretary of State March 8, 1913. [Congressional Record, v. 30, 63rd Cong., 1st Sess., April 8, 1913; 127]

Grover Cleveland in accepting the Democratic nomination in 1884 and in his first Inaugural Address expressed his opposition to the reeligibility of the President and suggested that a single term might be more appropriate. The platforms of the People's (Populist) Party in 1888 and 1892 and the Democratic Party in 1912 favored a single term but did not specify the length of the term. The Prohibition Party in 1912 and 1916 favored a single six-year term. Ex-President William Howard Taft in a lecture at Columbia University in 1915 expressed himself as favoring a single Presidential term of six or seven years.

Wendell Wilkie in the 1940 campaign favored a single term of eight years or less. The National Negro Council, Governor (later Senator) John Bricker of Ohio, Senator Harry Flood Byrd of Virginia, and Senator W. Lee O'Daniel all expressed approval of the proposal for a single term of six years.

Dwight D. Eisenhower spoke in favor of a single term, proposing that after a single term a President turn the responsibility to a younger man. It is reported in Richard Nixon's Six Crises that Eisenhower almost incorporated this proposal in his first Inaugural Address.

In recent years, the six year term has been supported by Marvin Watson and Jack Valenti, former White House assistants to President Johnson. During an interview January 27, 1972, by Walter Cronkite, former President Johnson himself stated that a six-year term would present advantages over the present system but he expressed doubt that the proposal could gain popular approval at that time.

President Johnson's doubts may apply to years before his tenure, in that Gallup polls in 1939, 1943, and 1945 showed public opinion opposed, approximately three to one, to changing the presidential tenure to a single term of six years. Furthermore, the results of a Starch Commercial Research poll, printed in the Washington Star, November 29, 1936, in response to the question, "Do you favor a single six-year term for President instead of the present tenure?" were 26.7 percent "yes", 66.4 percent "no," and 6.0 "no opinion."

## VI. ARGUMENTS IN FAVOR OF A SINGLE SIX-YEAR PRESIDENTIAL TERM

Those who favor a presidential term of six years advance the following arguments:

1. A single term would free the President from the pressures and demands of electoral politics. A prime advantage of a six-year term is in providing the President the opportunity to make difficult decisions without concern about reelection and the preoccupation of re-election politics. One term without reeligibility would permit the President to devote his time and energy to problems facing the country.

As it is now every President enters office faced with having to run for a second term, a preoccupation that interferes with effective government. We cannot expect a President to give his best so long as he is constantly under criticism from those whose main purpose is to prevent his re-election. A single term should allow him to make decisions free from the temptation of political expediency. "He should be allowed the freedom to exercise statesmanship without constant regard to the consequences a necessary course of action might have on the next election day."

A single six-year term would go far in discouraging would-be successors to the office from harassing the President or making unwarranted criticism, thus impeding his work.

The Presidency must come to grips with problems so disruptive and, at times, so resistant to permanent solution that the re-election process is no longer tolerable. He cannot be allowed to be diverted from the hard duties and even harder decisions by the demands of politics.

2. A single six-year term would enhance the relationship between the President and the Congress. Congress, knowing that the President could not be re-elected

for a second term, would be more likely to work through consultation rather than confrontation. There has always been a rivalry between the executive branch and the legislative branch to see who gets the credit and who the blame. This would not necessarily be cured through any tenure proposal, for each branch of government naturally desires to take credit for the more popular accomplishments and disclaim responsibility for those programs that do not work. Under a single term, this spirit of rivalry, however, could be diminished.

One of the major criticisms of the presidency today is over-dependence of the President on his White House advisors. His staff constitutes a major influence on him yet it is accountable to no one other than the President. The danger of such insularity is well-documented. If a President was not faced with re-election he might be less prone to insularity and more open to an input from the congressional leadership than is presently true. Certainly he would have less reason to be secretive and his staff less reason to be over-protective.

Under a single term, the President would always be guaranteed a certain degree of congressional cooperation through the influence of public opinion. Should the President introduce legislative proposals receiving popular support, Congress would be pressured to implement many and at least some parts of these proposals. This rebuts to some degree the contention that saddling a President



with a single term makes him a "lame duck" from the onset of his term. Moreover, that type of argument fails to appreciate the prestige of the office and ignores the success enjoyed by Presidents who have been lame ducks since passage of the 22nd Amendment in 1951 (Eisenhower, Johnson, Nixon).

3. The demands of our president today are so exhausting that no one should be required to accept election for a period greater than six years. No one person should have to endure longer than six years the tensions and strains of the Presidency, certain to increase in the future. Incredible strain is placed upon the physical and mental strength of a <sup>Q</sup>man who is president for eight years. Reducing the term to six years will reduce this by two years.

4. Six years is a reasonable time span for a President to accomplish his goals in office. Granting the advisability of a single term, six years seems a reasonable time span to allot for a President to try to accomplish his goals. Four years is too few a number because he must be allowed sufficient time to shape his Government through appointments and his program(s) for presentation to Congress. For this process he needs a year or two. Under the six-year plan, this leaves four to five years to govern and get his programs enacted. Such a period of time seems fair. A single term of eight years is too long a period of time without affording the people an opportunity to pass judgment on a sitting President. With four too short and eight too long, six seems a sensible compromise.

5. A single term would maintain the doctrine of rotation of office, one of the principle doctrines of a democracy. The importance of rotation in office transcends all arguments based on the necessity of expedient choice. It should be applied regardless of the seemingly apparent gravity of any situation which the country may face. More is to be lost by the continuance of a President in office than is generally to be gained by his experience.

Furthermore, the existence of "emergency" conditions is a factor which tends to be overemphasized. There is always an emergency of some sort, but there is no indispensable man. Nor is it reasonable to assume our system incapable of producing in any era several leaders possessing the calibre and experience necessary to assume the heavy duties of the presidential office.

A six-year term would insure the infusion of new energy and ideas into politics and government. Changes in the presidency are more beneficial to the conduct of public affairs than the inconvenience which may otherwise be caused.

6. A "lame duck" presidency is not inherent in a single term. Performance is related more to the President himself, to his strength and quality as an office holder, than it is to his status as a "lame duck." A President barred from serving a second term by the Constitution still has all the powers of the presidency while in office.

## VII. ARGUMENTS AGAINST A SINGLE SIX-YEAR PRESIDENTIAL TERM

Those who oppose a presidential term of six years advance the following arguments:

1. A President subject to re-election is a President accountable to the people. The framers of the Constitution put no limit on the number of terms a person could serve as President. By tradition there developed a two-term limit which was followed until the Administration of Franklin D. Roosevelt, who was elected to a third and a fourth term. In reaction to his four elections, the 22nd Amendment was adopted which constitutionally limits a person to two terms. At the time the wisdom of this move was questioned. The reason is simple. So long as a President may be re-elected he is likely to be more attentive to the people and careful to gauge his actions according to their effect on his re-election prospects. Such a gauging is not pernicious to democracy but of its very essence. It is bad enough that the 22nd Amendment now places an incumbent President elected to a second term in a position of not having to worry about re-election, thus free from the constraints of that concern. It would be intolerable to elect him for a six-year period without his having to face the people for an electoral decision on his performance in office.

No democratic process in the Nation makes for greater accountability than placing an incumbent President in the position of taking his record to the people after four years to permit them to choose between him and his opponent(s). We should not remove the President from this central position of accountability. A President above politics is a President beyond popular reach.

2. Should a President prove to be unpopular and unresponsive, the voters under a single six-year presidential term would have him for six years, instead of a minimum of four. The presidency is a task of leadership and commanding the support of the people. The President's policies do not work or fail just because they have been well drawn up or because they have been poorly drawn up. The President's policies work or fail because they have the confidence of the people. The President is the national political leader and the presidency is the institution through which the legitimate executive power can be exercised. However, the substance of power comes from the consent of the governed, and, once that is not present, the force is virtually ineffective.

Under the present system, the electorate has the chance to recall a President at the end of four years. Should the people, however, desire to return the President for another four years, for a total of eight years, they have the choice to do so. When a President is elected with only 43.4 percent of the vote, as in 1968, it is important for the people to have an opportunity to pass judgment on a President after four years. A single six-year term would deprive the electorate of this opportunity. A President who is effective probably will have little difficulty in getting elected to a second term. The fact that the voters have given approval will strengthen his position abroad as well as at home.

3. A single six-year term would weaken the responsibility of a President to his party. The President is the leader of his political party. While the Constitution does not mention this function, it is at the present time an important aspect of the presidential office. A limitation of tenure to a single term could have the effect of weakening the President's position as party leader.

4. A single six-year term is not enough time for a President to accomplish his goals and realize the accomplishments of his programs. A six-year term does not provide adequate time for a President to develop and implement his programs. Under the six-year proposal a President might just get started on implementation and his term would end. At least at present he gets eight years to accomplish his goals. A six-year term deprives him of two precious years.

5. A single six-year term could weaken the influence of the President with Congress. A President faced with a hostile Congress has some hope today that when he runs for re-election he may be able to affect enough voters to shift the power balance in Congress more in his favor. This possibility is totally removed for him if he is limited to a single, six-year term, thus working to weaken his influence with and on the make-up of the Congress.

6. It deprives the people of the right to re-elect a man in whom they have confidence. The 22nd Amendment already circumscribes the people's right to re-elect a man in whom they have confidence beyond a second term. The six-year term proposal would go a step further and forbid any re-election. Is this wise? Alexander Hamilton in The Federalist spoke against any limitation in tenure arguing that the electorate must be accorded the right to elect that man most suited in a time of great need. Washington, the author of the voluntary two-term limit, was opposed to constitutional limitations on tenure stating that in time of great emergency the people should be free to elect a President to another term of office.

7. It is questionable whether the single term will remove the President from politics. It may be foolish to believe, as proponents do, that a single term will remove the President from politics. A President is, first of all, a politician and he will maintain keen interest in the party composition of Congress, seeking

to maintain it favorable to him, and he will also be interested in his successor in office, hoping for someone who will continue the work that he has begun. How insulated then will he be from partisan politics?

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General Sources for Arguments Presented Pro and Con:

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David S. Broder, Why Limit Presidents to Two Terms? Washington Post, January 21, 1973: C6.

Bryant Putney, Limitation of the President's Tenure, Editorial Research Reports [Washington, D.C.], Dec. 28, 1936: 457-473.

Jack Valenti, The Case For a Six-Year Presidency, Saturday Review, v. 45, Aug. 3, 1968: 13-14.

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U.S. Congress. Senate. Six-Year term for President. Statements and Arguments on the Subject of Six-Year Term for President. Washington, U.S. Govt. Print. Off., 1927. (70th Cong. 1st Sess. Senate. Document No. 70-19).

Debate in the Senate on S. J. Res. 79 Proposing an Amendment to the Constitution for a Six-Year Presidential Term. Congressional Record, v. 48, August 21, 1912, 62d Cong., 2d Sess: 11439-11443; Jan. 30-Feb. 1, 1913: 2258-2281, 2344-2360, and 2401-2420.

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on Constitutional Amendments. Single Six-Year Term for President. Hearings pursuant to S. J. Res. 77, 92d Cong., 1st Sess., 1971.

APPENDICES

A. Statements of U.S. Presidents, Members of Congress, and Others Regarding Presidential Tenure

Presidents:

Thomas Jefferson in letter to John Taylor, January 1805:

My opinion originally was that the President of the United States should have been elected for seven years, and forever ineligible afterwards. I have since become sensible that seven years is too long to be irremovable, and that there should be a peaceable way of withdrawing a man in midway who is doing wrong. The service of eight years, with a power to remove at the end of the first four, comes nearly to my principle as corrected by experience; and it is in adherence to that, that I determine to withdraw at the end of my second term.

John P. Foley. (ed.) The Jeffersonian Cyclopedia.  
New York, Funk and Wagnalls Co., 1900, p. 365.

Thomas Jefferson in a letter to James Martin, January 1809:

I am for responsibilities at short periods seeing neither reason nor safety in making public functionaries independent on the Nation for life, or even for long terms of years. On this principle I prefer the Presidential term of 4 years, to that of 7 years, which I myself had at first suggested, annexing to it, however, ineligibility forever after; and I wish it were now annexed to the second quadrennial election of President.

John P. Foley (ed.). Jeffersonian Encyclopedia  
New York, Funk and Wagnalls Co., 1900, p. 866.

Thomas Jefferson in his autobiography written at Monticello completed January 6, 1821:

My wish was that the President should be elected for seven years, and be ineligible afterward. This term I thought sufficient to enable him, with the concurrence of the Legislature, to carry through and establish any system of improvement he should propose for the general good. But the practice adopted, I think, is better, allowing his continuance for eight years, with a liability to be dropped at halfway of the term, making that a period of probation . . . and though this amendment has not been made in form, yet practice seems to have established it. The example of four Presidents voluntarily retiring at the end of their eighth years, and the progress of public opinion that the principle is salutary, have given it in practice the form of precedent and usage; in so much that should a President consent to be a candidate for a third election, I trust he would be rejected on this demonstration of ambitious views.

Andrew A. Lipscomb. The Writings of Thomas Jefferson. Issued under auspices of the Thomas Jefferson Memorial Association, Washington, D.C. 1903, p. 119.

James Buchanan in an address to the House of Representatives, February 6, 1829:

The example of Washington, which has been followed by Jefferson, Madison, and Monroe, has forever determined that no President shall be more than once reelected. This principle is now become as sacred as if it were written in the Constitution. I would incline to leave to the people of the United States, without incorporating it in the Constitution, whether a President should serve longer than one term. The day may come when dangers shall lower over us, and when we may have a President at the helm of State who possesses the confidence of the country, and is better able to weather the storm than any other pilot; shall we, then, under such circumstances, deprive the people of the United States of the power of obtaining his services for a second term? Shall we pass a decree, as fixed as fate, to bind the American people and prevent them from ever reelecting such a man? I am not afraid to trust them with this power.

Gales and Seaton. Register of Debates  
in Congress, February 6, 1829, 20th Cong.,  
2nd sess., p. 321.

Andrew Jackson in his first annual message to Congress, December 8, 1829:

I . . . would recommend such an amendment of the Constitution as may remove all intermediate agency in the election of the President and Vice President . . . In connection with such an amendment it would seem advisable to limit the service of the Chief Magistrate to a single term of ~~either four or six years~~ . . .

Richardson's Messages and Papers of the  
Presidents. New York, 1897. Vol. III,  
p. 1011.

Andrew Jackson in his second annual message to Congress, December 6, 1830:

The agent most likely to contravene this design [independence of the Executive and legislature of the Constitution] is the Chief Magistrate. In order, particularly, that his appointment may as far as possible be placed beyond the reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people uncommitted to any other course than the strict line of constitutional duty, and that the securities of this independence may be rendered as strong as the nature of power and the weakness of its possessor will admit, I can not too earnestly invite your attention to the propriety of promoting such an amendment of the Constitution as will render him ineligible after one term of service.

Richardson's Messages and Papers of  
the Presidents. New York, 1897. Vol. III,  
p. 1082.



★ Andrew Jackson in his sixth annual message to Congress, December 1, 1834:

I trust that I may be also pardoned for renewing the recommendation I have so often submitted to your attention in regard to the mode of electing the President and Vice-President of the United States. [All the reflection I have been able to bestow upon the subject increases my conviction that the best interests of the country will be promoted by the adoption of some plan which will secure in all contingencies that important right of sovereignty to the direct control of the people. Could this be attained, and the terms of those officers be limited to a single period of ~~either four~~ <sup>of</sup> six years, I think our liberties would possess an additional safeguard.

Richardson's Messages and Papers of the Presidents. New York, 1897. Vol. III, p. 1336.

James K. Polk in the House of Representatives, February 25, 1835:

[In discussion of joint resolutions on subject of election of President of the United States] Mr. Polk said, . . . he was for a single term; against an election by that House, and would, in all cases confine the election to the people; but he did not think that they should pass upon so weighty a subject in half an hour's deliberation.

Congressional Globe, February 25, 1835, 23rd Cong., 2d sess., p. 292.

✕ Rutherford B. Hayes in his inaugural address, March 5, 1877:

In furtherance of the reform we seek, and in other important respects a change of great importance, I recommend an amendment to the Constitution prescribing a term of six years for the Presidential office and forbidding a reelection.

Richardson's Messages and Papers of the Presidents. New York, 1897. Vol. IX, p. 4397.

Grover Cleveland in accepting the nomination for President, August 18, 1884:

Then an election to office shall be the selection by the voters of one of their number to assume for a time a public trust instead of his dedication to the profession of politics. When the holders of the ballot, quickened by a sense of duty, shall avenge truth betrayed and pledges broken . . . the full realization of a government by the people will be at hand. And of the means to this end not one would, in my judgment, be more effective than an amendment to the Constitution disqualifying the President from

reelection. When we consider the patronage of this great office, the allurements of power, the temptations to retain public place once gained, and, more than all, the availability a party finds in an incumbent when a horde of officeholders, with a zeal born of benefits received and fostered by the hope of favors yet to come. . . . we recognize in the eligibility of the President for reelection a most serious danger to that calm, deliberate, and intelligent political action which much characterizes a government by the people.

George F. Parker (ed.). The Writings and Speeches of Grover Cleveland. New York, Cassell Publishing Co., 1892, p. 11.

Benjamin Harrison in This Country of Ours. New York, Charles Scribner's Sons, 1897, pp. 72-73:

Some of our leading and most thoughtful public men have challenged the wisdom of the four-year term, and have advocated six years, usually accompanied with a provision of a second term. And unless some method can be devised by which a less considerable part of the four-year term must be given to hearing applicants for office and to making appointments, it would be wise to give the President, by extending the term, a better chance to show what he can do for the country. . . . The ineligibility to a second term will give to the Executive action greater independence.

Woodrow Wilson in Congressional Government, doctoral thesis of Wilson at John Hopkins University, first published in 1885:

Efficiency is the only just foundation for confidence in a public officer, under republican institutions no less than under monarchs; and short terms which cut off the efficient as surely and inexorably as the inefficient are quite as repugnant to republican as monarchical rules of wisdom. . . . A President is dismissed almost as soon as he has learned the duties of his office, and a man who has served a dozen terms in Congress is a curiosity.

Arthur S. Link. The Papers of Woodrow Wilson, v. 4 (1885). New Jersey, Princeton University Press, 1908, p. 134.

Woodrow Wilson in a letter to Representative A. Mitchell Palmer, February 3, 1913:

I have not hitherto said anything about this question because I had not observed that there was any evidence that the public was very much interested in it. I must have been mistaken in this, else the Senate would hardly have acted so promptly upon it.

It is a matter which concerns the character and conduct of the great office upon the duties of which I am about to enter. I feel, therefore, that in the present circumstances I should not be acting consistently with my ideals with regard to the rule of entire frankness and plain speaking that ought to exist between public servants and the public whom they serve if I did not speak out about it without reserve of any kind and without thought of the personal embarrassment.

The question is simply this: Shall our Presidents be free, so far as the law is concerned, to seek a second term of four years, or shall they be limited by Constitutional Amendment to a single term of four years or to a single term extended to six years?

Four years is too long a term for a President who is not the true spokesman of the people, who is imposed upon and does not lead. It is too short for a President who is doing, or attempting a great work of reform, and who has not had time to finish it. To change the term to six years, would be to increase the likelihood of its being too long, without any assurance that it would, in happy cases, be long enough. A fixed Constitutional limitation to a single term of office is highly arbitrary, and unsatisfactory from every point of view.

The argument for it rests upon temporary conditions which can easily be removed by law. Presidents, it is said, are effective for one-half of their term only because they devote their attention during the last two years of the term to building up the influences, and above all, the organization by which they hope and purpose to secure a second nomination and election.

It is their illicit power, not their legitimate influence with the country, that the advocates of a Constitutional change profess to be afraid of, and I heartily sympathize with them. It is intolerable that any President should be permitted to determine who should succeed him -- himself or another -- by patronage or coercion, or by any sort of control of the machinery by which delegates to the nominating convention are chosen.

There ought never to be another presidential nominating convention; and there need never be another. Several of the States have successfully solved that difficulty with regard to the choice of their governors, and Federal law can solve it in the same way with regard to the choice of President. The nomination should be made directly by the people.

It must be clear to everybody who has studied our political development at all that the character of the presidency is passing through a transitional stage. We know what the office is now and what use must be made of it; but we do not know what it is going to work out into; and until we do know, we shall not know what Constitutional change, if any is needed, it would be best to make.

I must speak with absolute freedom and candor in this matter, or not speak at all; and it seems to me that the present position of the presidency in our actual system, as we use it, is quite abnormal and must lead eventually to something very different.

He is expected by the Nation to be the leader of his party as well as the chief executive officer of the Government, and the country will take no excuses from him. He must play the part and play it successfully or lose the country's confidence. He must be prime minister, as much concerned with the guidance of legislation as with the just and orderly execution of law, and he is the spokesman of the Nation in everything even the most momentous and most delicate dealings of the Government with foreign nations.

Why in such circumstances should he be responsible to no one for four long years? All the people's legislative spokesmen in the House of Representatives and one-third of their representatives in the Senate are brought to book every two years; why not the President, if he is to be the leader of the party and the spokesman of policy?

Sooner or later, it would seem, he must be made answerable to opinion in a somewhat more informal and intimate fashion -- answerable, it may be, to the Houses whom he seeks to lead, either personally or through a Cabinet, as well as to the people for whom they speak. But that is a matter to be worked out -- as it inevitably will be -- in some natural American way which we cannot yet even predict.

The present fact is that the President is held responsible for what happens in Washington in every large matter, and so long as he is commanded to lead he is surely entitled to a certain amount of power -- all the power he can get from the support and convictions and opinions of his fellow countrymen; and he ought to be suffered to use that power against his opponents until his work is done. It will be very difficult for him to abuse it. He holds it upon sufferance, at the pleasure of public opinion. Everyone else, his opponents included, has access to opinion, as he has. He must keep the confidence of the country by earning it, for he can keep it in no other way.

Put the present customary limitation of two terms into the Constitution, if you do not trust the people to take care of themselves, but make it two terms (not one, because four years is often too long), and give the President a chance to win the full service by proving himself fit for it.

If you wish to learn the result of Constitutional ineligibility to reelection, ask any former governor of New Jersey, for example, what the effect is in actual experience. He will tell you how cynically and with what complacency the politicians banded against him waited for the inevitable end of his term to take their chances with his successor.

Constitutions place and can place no limitations upon their power. They may control what governors they can as long as they please, as long as they can keep their outside power and influence together. They smile at the coming and going of governors as some men in Washington have smiled at the coming and going of Presidents, as upon things ephemeral which passed and were soon enough got rid of if you but sat tight and waited.

As things stand now the people might more likely be cheated than served by further limitations of the President's eligibility. His fighting power in their behalf would be immensely weakened. No one will fear a President except those whom he can make fear the elections.

We singularly belie our own principles by seeking to determine by fixed Constitutional provision what the people shall determine for themselves and are perfectly competent to determine for themselves. We cast a doubt upon the whole theory of popular Government.

I believe that we should fatally embarrass ourselves if we made the Constitutional change proposed. If we want our Presidents to fight our battles for us, we should give them the means, the legitimate means, their opponents will always have. Strip them of everything else but the right to appeal to the people, but leave them that; suffer them to be leaders; absolutely prevent them from being bosses.

I am very well aware that my position on this question will be misconstrued, but that is a matter of perfect indifference to me. The truth is much more important than my reputation for modesty and lack of personal ambition. My reputation will take care of itself, but Constitutional questions and questions of policy will not take care of themselves without frank and fearless discussion.

Congressional Record, v. 53, August 15, 1916,  
64th Cong., 1st sess., p. 12620.

William Howard Taft in *The Presidency: its duties, its powers, its opportunities and its limitations*. New York, Charles Scribner's Sons, 1916. p. 4:

I am strongly inclined to the view that it would have been a wiser provision, as it was at one time voted in the convention, to make the term of President seven years and render him ineligible thereafter. Such a change would give to the Executive greater courage and independence in the discharge of his duties. The absorbing and diverting interest in the reelection of the incumbent taken by Federal civil servants who regard their own tenure as dependent upon his would disappear and the efficiency of administration in the last year of a term be maintained.

Calvin Coolidge in his autobiography published in 1929:

The Presidential office takes a heavy toll of those who occupy it and those who are dear to them. While we should not refuse to spend and be spent in the service of our country, it is hazardous to attempt what we feel is beyond our strength to accomplish . . . . Irrespective of the third-term policy, the Presidential office is of such a nature that it is

difficult to conceive how one man can successfully serve the country for a term of more than 8 years . . . . The chances of having wise and faithful public service are increased by a change in the Presidential office after a moderate length of time. It is necessary for the head of the Nation to differ with many people who are honest in their opinions. As his term progresses, the number who are disappointed accumulates. Finally, there is so large a body who have lost confidence in him that he meets a rising opposition which makes his efforts less effective . . . . An examination of the records of those Presidents who have served 8 years will disclose that in almost every instance the latter part of their term has shown very little in the way of constructive accomplishments. They often have been clouded with grave disappointments.

The Autobiography of Calvin Coolidge. New York, Cosmopolitan Book Corp., 1929, p. 246-247.

Harry S. Truman, testimony in hearings before the Committee on the Judiciary regarding the 22nd Amendment, May 4, 1959:

You do not have to be very smart to know that an officeholder who is not eligible for reelection loses a lot of influence. So, what have you done? You have taken a man and put him in the hardest job in the world, and sent him out to fight our battles in a life-and-death struggle -- and you have sent him out to fight with one hand tied behind his back, because everyone knows he cannot run for reelection.

It makes no sense to treat a President this way -- no matter who he is -- Republican or Democrat. He is still the President of the whole country; and all of us are dependent upon him; and we ought to give him the tools to do his job.

If he is not a good President, and you do not want to keep him, you do not have to reelect him. There is a way to get rid of him and it does not require a constitutional amendment to do it.

U.S. Congress. Senate. Subcommittee on Constitutional Amendments. Committee on the Judiciary. Presidential term of office. Hearings, 86th Cong., 1st sess., pursuant to S.J. Res. 11. Washington, U.S. Gov't. Print. Off., 1959: 7-8.

John F. Kennedy in a television and radio interview "After Two Years - A Conversation with the President," December 17, 1962:

Mr. Lawrence: As a young Congressman, sir, you voted to impose a two-term limitation on Presidents. Now that you have held the office for a while, and also observed its effect on President Eisenhower's second term, would you repeat that vote, even if the amendment did not apply to yourself?

The President. Yes, I would. I would. I know the conditions were special in '47, but I think 8 years is enough, and I am not sure that a President, in my case if I were reelected, that you are at such a disadvantage. There are not many jobs. That is not the power of the Presidency -- patronage -- at all. They are filled in the first months. Most of those jobs belong to the members of the Congress, anyway. So patronage is not a factor. I think there are many other powers of the Presidency that run in the second terms as well as the first.

Mr. Vanocur: Mr. President, on that point --

The President. The fact is, President Eisenhower has great influence today in the Republican Party, and therefore in the country, and has great influence in foreign policy, and he does not even hold office. In some ways his influence is greater to some degree. So that the same is really also true of President Truman and President Hoover. I don't think that it depends -- the influence of a President is still substantial in his second term, though I haven't had a second term -- I think it is.

Mr. Vanocur: Mr. President, on that point, much of your program still remains to be passed by the Congress. There are some people who say that you either do it in the next 2 years, or it won't be done, should you be elected to a second term. Do you share that point of view?

The President. No. . . . I would think there are going to be new problems if I were reelected in 1965, and I don't think -- I don't look at the second term as necessarily a decline. I don't think that at all. In fact, I think you know much more about the position.

It is a tremendous change to go from being a Senator to being President. In the first months, it is very difficult. But I have no reason to believe that a President with the powers of this office and the responsibilities placed on it, if he has a judgment that some things need to be done, I think he can do it just as well the second time as the first, depending of course on the makeup of the Congress. . . .

Warren R. Reid (ed.) Public Papers of the Presidents of the United States, John F. Kennedy. Washington, U.S. Gov't. Print. Off., 1962: 892.

Lyndon B. Johnson in an interview on CBS television, January 27, 1972:

I would like to see us try it [six-year term], although I don't think we're likely to do it right now, but I think it's worth exploring. I believe that if a man knew that he just had one term and he had to get everything through in six years, that he didn't have to play to any political group and he didn't have to satisfy any segment of our society and this was the only chance he was going to have and he couldn't put it off, I think it would probably - be in the best interests of the nation.

Paul Hope. One term of six years backed by Johnson. Washington Star, January 28, 1972: A2.

Senators and Others

John D. Works (U.S. Senator from California and author of S.J. Res. 78 providing for a six-year term) in the U.S. Senate, March 11, 1912:

I am not urging this amendment to the Constitution because of the length of time a President may serve, but to prevent his holding a second term, with all the evils resulting from the use of patronage to secure a renomination and reelection. I would not object to the holding of a second term if such term did not follow immediately after the first. I would rather -- much rather -- see one term of ten years than two terms of four years each in immediate succession.

This movement to bring about the amendment of the Constitution is not the result of a sudden impulse. It is not a personal matter. It has no connection with the coming political campaign. It is intended to correct a great evil that has grown up under the Constitution as it now is and which is growing with every political campaign. If this change were made, the American people would be spared the humiliating spectacle of a President of the United States traveling up and down the country, guarded by an Army officer and private detectives, making political speeches and urging his own reelection. The White House would not be turned into a political press gallery, managed by the Secretary of the President. The official head of this great Nation would be free from the over-powering temptation to use his office and his power as such to secure a second term. Time was when such efforts to secure the great office of President of the United States was looked upon as a disgrace to the Nation and unworthy of a candidate therefor.

It was an unfortunate day for this country when one of its distinguished, honorable, and well-beloved citizens inaugurated the system, as a candidate for President, of receiving delegates at his home and discussing political questions, ostensibly for their information but, in fact, to be sent broadcast throughout the country. That was the beginning of an evil and wholly inexcusable custom, by which the great office of President of the United States was brought down to the level of self-seeking politics and personal appeals for office. Now, and for a long time, the candidate does not wait for delegations to come to him. He goes out on the stump and discusses political questions, abuses his opponents, and urges the continuance in power of his party, involving his own reelection. To me it is a pitiful and humiliating spectacle. Who does a President represent in his official capacity during his term of office? Presumably the whole people of the country of every political faith and shade of belief. But does he, in fact, under present conditions? No, he does not. The President has come to be regarded as the head of his political party. Instead of laying aside politics and assuming the position of representative of the people, he becomes, if he had not been so before, a politician, the titular head and leader of his party, with all that that implies. And what does it imply and what follows? Every appointee of his, from the highest to the lowest office considers that he owes him not official loyalty alone, but



political and personal loyalty as well. He seems to feel that he must support the President in his political views and aspirations, personal and otherwise, even to supporting him for reelection, or get out of office. Few of them choose the latter course.

The evils of such a system are too obvious to need comment. Every thinking man sees and knows the evils of it; but what are we doing to prevent it? One President may very well say, in his justification, or by way of excuse, for nothing can justify it: 'Other Presidents have done it before me. It is the custom. Why should I not secure a second term by such means as my predecessors have done?' I have lived in hopes, that some time we would elect a Chief Magistrate of this Republic with moral courage and determination enough to put this pernicious and obnoxious custom under his feet. I have been disappointed. I realize that the temptation to follow the custom, and thus secure a reelection, is a tremendous temptation. So far it has been an overpowering one.

Let us look for a moment at the consequences, or some of them, that flow from this condition of things. The President has the power to appoint thousands of public officers. They are found in every city, town, and village in the country. Every one of these appointees, from a Cabinet officer down, with very rare exceptions, considers himself as strong political allegiance to the President personally. In fact, with most of them, this personal political allegiance is looked upon as far more binding than their official obligation to the public. When the Presidential term of office is about to expire you will find them all from the highest to the lowest lined up for him and supporting him for a second term. If they are capable of it they take the stump in his behalf. If not stump orators they belong to the gumshoe brigade that works so effectually with the individual voter. The question of his fitness for a second term or his convictions on fundamental governmental questions has no weight with them. He is their political chief, as they understand, and their support is his absolute right. But there is another consideration of no little weight with the President's appointees. If he is not reelected they will lose their jobs and thereby the country be deprived of their most valuable services. Does anyone believe that the people of this country are satisfied with this condition? Certainly they are not. They do not believe in it. It is a custom that has been under public censure and condemnation from the time it was inaugurated.

It is not alone that such a system enables the President to build up a good political machine, with representatives in every county of every state of the Union, through which he may force his renomination, that it meets with public commendation, but because it imposes a burden upon the presidential office that it should not bear. Why should the President be burdened with the appointment of the thousands of Federal officials now subject to his choice? Why should not these appointments be placed under the classified Civil Service rules and made to stand upon merit and not on political or personal favors of Senators or anyone else?

The proposed amendment to the Constitution that I have offered would, if adopted, take away from the President every opportunity or temptation to strive for his own reelection or to use the power or influence of the thousands of his appointees to secure his reelection or the success of his party.

I am not wedded to any particular term for the President, long or short, as I have said the length of term is not the important matter to be considered. It is the right of the President under the present rule to succeed himself that I am combating.

I would have no objection to four years or eight years as the term of office. I would not be willing to go beyond eight years. What I desire to impress upon the Senate is my unutterable objection to two terms, one following the other, I do not believe in changing the Constitution except for grave reasons affecting the public interests. I am particularly averse to any changes affecting the fundamental principles of government. But I consider the change I am seeking to bring about as one of profound interest and grave consequence. It will not change the principles established by the Constitution, principles that we should be careful to preserve and maintain, or invade fundamental questions. It simply destroys the condition that has afforded an opportunity to build up a vicious political system that every good citizen should deplore.

Congressional Record, v. 48, March 11, 1912, p. 3132.

Elihu Root (U.S. Senator from New York) in remarks on Work's Resolution (S.J. Res. 78) for a six-year term:

I think the possibility of renomination and reelection of a President who is in office seriously interferes with the working of our governmental machinery during the last two years of his term; and just about the time he gets to the point of highest efficiency, people in the Senate and in the House, begin to try to beat him. You cannot separate the attempt to beat an individual from the attempt to make ineffective the operations of government which that individual is carrying on in accordance with his duty. Legislation in this Congress has been largely dominated for two years past by considerations of that sort; and I should like to see these considerations exiled from these halls.

Current Opinion, v. 54, March 1913: 180.

Albert B. Cummins (U.S. Senator from Iowa) in the New York Times:

I have always believed that one term is enough. The great responsibility and the tremendous strain of the office are more than any man can stand. Human frailties are too great to stand the strain which the Presidency places on a man. We should limit the President to one term. I might be for a six-year term, but I am not sure about that even. Our theory of government that the President should be the Chief Executive of the nation has been extended to make him the political leader of his party. President Harding gave his life to his country and his party.

New York Times, Aug. 6, 1923: 3.

Everett M. Dirksen (U.S. Senator from Illinois) in an address in the Senate (during debate on H.J. Res. 27, two term limitation), February 6, 1947:

. . . . What we are attempting to do today is to repair a shattered political tradition -- a tradition that started in 1789 and endured until 1940 . . . . My preference, however, is not for the pending resolution, but for a single 6-year term . . . . The fact of the matter is, and everybody knows, that when a President has been elected for one term he must, among other things, go about the business of being reelected to another. To that end he uses the Federal pay roll and the appointing power.

Congressional Record, v. 93, Feb. 6, 1947,  
80th Cong., 1st sess., p. 858-859.

George D. Aiken (U.S. Senator from Vermont) in an address in the Senate March 31, 1970:

They [political aspirants of the opposition party] make the work of his office more difficult. Not only are impossible demands made upon the executive branch but by more indirect means many undertake to lessen the President's standing both at home and abroad . . . .

The one-term limitation has worked well in other countries. It permits the President to devote all his time and efforts to the service of his country. The constitutional amendment would go far in discouraging would-be successors to the office from wasting their time in harassing him or trumping up unwarranted charges or impeding his work because he could not run against any of them anyway.

Congressional Record (daily edition),  
March 31, 1970, 91st Cong., 2nd sess.,  
p. S4663.

Jack Valenti (former presidential assistant to President Lyndon B. Johnson) in the New York Times, December 15, 1971:

. . . . the prime asset of the six-year term is the spacious arena it provides the President, the opportunity to make the hard choices in the public interest without nagging doubts about his reeligibility.

## B. THE RECORD VOTE ON S. J. RES. 78

62nd Congress, 3rd Session, Limiting the Presidential Term

to Six Years

February 1, 1913

Yeas	47	Democrats	28
		Republicans	19
Nays	23	Democrats	1
		Republicans	20
		Progressives	2
Not Voting	25	Democrats	15
		Republicans	10

yeas - 47

Ashurst (Dem.)	Nelson (Rep.)
Bankhead (Dem.)	Newlands (Dem.)
Brandegree (Rep.)	Overman (Dem.)
Brown (Rep.)	Owen (Dem.)
Bryan (Dem.)	Paynter (Dem.)
Burnham (Rep.)	Penrose (Rep.)
Burton (Rep.)	Percy (Dem.)
Catron (Rep.)	Perkins (Rep.)
Chamberlain (Dem.)	Perky (Dem.)
Chilton, Wyo. (Dem.)	Pomerene (Dem.)
Clark, Ark. (Dem.)	Simmons (Dem.)
Cummins (Rep.)	Smith, Ariz. (Dem.)
Dillingham (Rep.)	Smith, Ga. (Dem.)
Dupont (Rep.)	Smith, Md. (Dem.)
Fletcher (Dem.)	Smoot (Rep.)
Gamble (Rep.)	Sutherland (Rep.)
Gardiner (Dem.)	Swanson (Dem.)
Guggenheim (Rep.)	Thomas (Dem.)
Hitchcock (Dem.)	Thornton (Dem.)
Johnson, Mo. (Dem.)	Westmore (Rep.)
Johnston, Ala. (Dem.)	Williams (Dem.)
Kavanaugh (Dem.)	Works (Rep.)
Kern (Dem.)	
McCumber (Rep.)	

Nays - 23

Borah (Rep.)  
Bourne (Rep.)  
Bradley (Rep.)  
Bristow (Rep.)  
Clapp (Rep.)  
Curtis (Rep.)  
Dixon (Prog.)  
Gallinger (Rep.)  
Jackson (Rep.)  
Jones (Rep.)  
Kenyon (Rep.)

LaFollette (Rep.)  
Lippitt (Rep.)  
Lodge (Rep.)  
McLean (Rep.)  
Oliver (Rep.)  
Page (Rep.)  
Poindexter (Prog.)  
Richardson (Rep.)  
Sanders (Rep.)  
Shively (Dem.)  
Stefanson (Rep.)  
Townsend (Rep.)

Not Voting - 19

Bacon (Dem.)  
Briggs (Rep.)  
Crane (Rep.)  
Crawford (Rep.)  
Culberson (Dem.)  
Cullom (Rep.)  
Fall (Rep.)  
Foster (Dem.)  
Gore (Dem.)

Gronna (Rep.)  
Johnston (Dem.)  
Lea (Dem.)  
Root (Rep.)  
Smith, Mich. (Rep.)  
Smith, S. C. (Dem.)  
Stone (Dem.)  
Fillman (Dem.)  
Warren (Rep.)  
Watson (Dem.)

## C. Length of Service of Presidents of the United States

<u>President</u>	<u>Age at Inauguration</u>	<u>Age at Termination of Service</u>	<u>Term of Office</u>	<u>Number of Years Served</u>
George Washington	57	65	Apr. 30, 1789- Mar. 3, 1797	7 years, 308 days
John Adams	61	65	Mar. 4, 1797- Mar. 3, 1801	4 years
Thomas Jefferson	57	65	Mar. 4, 1801- Mar. 3, 1809	8 years
James Madison	57	65	Mar. 4, 1809- Mar. 3, 1817	8 years
James Monroe	58	66	Mar. 4, 1817- Mar. 3, 1825	8 years
John Quincy Adams	57	61	Mar. 4, 1825- Mar. 3, 1829	4 years
Andrew Jackson	61	69	Mar. 4, 1829- Mar. 3, 1837	8 years
Martin Van Buren	54	58	Mar. 4, 1837- Mar. 3, 1841	4 years
William H. Harrison <sup>1</sup>	68	68	Mar. 4, 1841- April 4, 1841	32 days
John Tyler	51	54	Apr. 6, 1841 Mar. 3, 1845	3 years, 332 days
James K. Polk	49	53	Mar. 4, 1845- Mar. 3, 1849	4 years
Zachary Taylor <sup>2</sup>	64	65	Mar. 4, 1849- July 9, 1850	1 year, 127 days
Millard Fillmore	50	53	July 10, 1850- Mar. 3, 1853	2 years, 236 days
Franklin Pierce	48	52	Mar. 4, 1853- Mar. 3, 1857	4 years

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<sup>1</sup>Died in office April 4, 1841.

<sup>2</sup>Died in office July 9, 1850

<u>President</u>	<u>Age at Inauguration</u>	<u>Age at Termination of Service</u>	<u>Term of Office</u>	<u>Number of Years Served</u>
James Buchanan	65	69	Mar. 4, 1857- Mar. 3, 1861	4 years
Abraham Lincoln <sup>3</sup>	52	56	Mar. 4, 1861- April 15, 1865	4 years, 42 days
Andrew Johnson	56	60	April 15, 1865- Mar. 3, 1869	3 years, 323 days
Ulysses S. Grant	46	54	Mar. 4, 1869- Mar. 3, 1877	8 years
Rutherford B. Hayes	54	58	Mar. 4, 1877 Mar. 3, 1881	4 years
James A. Garfield <sup>4</sup>	49	49	Mar. 4, 1881- Sept. 19, 1881	199 days
Chester A. Arthur	50	54	Sept. 20, 1881- Mar. 3, 1885	3 years 166 days
Grover Cleveland	47	51	Mar. 4, 1885- Mar. 3, 1889	4 years
Benjamin Harrison	55	59	Mar. 4, 1889- Mar. 3, 1893	4 years
Grover Cleveland	55	59	Mar. 4, 1893 Mar. 3, 1897	4 years
William McKinley <sup>5</sup>	54	58	Mar. 4, 1897- Sept. 14, 1901	4 years 194 days
Theodore Roosevelt	42	50	Sept. 14, 1901- Mar. 3, 1909	7 years, 171 days
William H. Taft	51	55	Mar. 4, 1909- Mar. 3, 1913	4 years
Woodrow Wilson	56	64	Mar. 4, 1913- Mar. 3, 1921	8 years
Warren G. Harding <sup>6</sup>	55	57	Mar. 4, 1921- Aug. 2, 1923	2 years, 151 days
Calvin Coolidge	51	57	Aug. 3, 1923- Mar. 3, 1929	5 years, 214 days

<sup>3</sup>Died in office April 15, 1865.

<sup>4</sup>Died in office September 19, 1881.

<sup>5</sup>Died in office September 14, 1901.

<sup>6</sup>Died in office August 2, 1923.

<u>President</u>	<u>Age at Inauguration</u>	<u>Age at Termination of Service</u>	<u>Term of Office</u>	<u>Number of Years Served</u>
Herbert C. Hoover	54	58	Mar. 4, 1929- Mar. 3, 1933	4 years
Franklin D. Roosevelt <sup>7</sup>	51	63	Mar. 4, 1933- Apr. 12, 1945	12 years, 39 days
Harry S. Truman	60	69	Apr. 12, 1945- Jan. 20, 1953	7 years 283 days
Dwight D. Eisenhower	62	70	Jan. 20, 1953- Jan. 20, 1961	8 years
John F. Kennedy <sup>8</sup>	43	45	Jan. 20, 1961 Nov. 22, 1963	2 years 306 days
Lyndon B. Johnson	55	61	Nov. 22, 1963- Jan. 20, 1969	5 years 60 days
Richard M. Nixon <sup>9</sup>	56	61	Jan. 20, 1969- Aug. 9, 1974	5 years 201 days
Gerald R. Ford	61		Aug. 9, 1974-	

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<sup>7</sup> Died in office April 12, 1945.

<sup>8</sup> Died in office November 22, 1963.

<sup>9</sup> Resigned from office, August 9, 1974.



D. Proposed Amendments to the Constitution of the United States Advocating a Presidential Term of One, Five, Seven and Eight Years: 1789 to 1972

<u>Congress</u>	<u>Session</u>	<u>Bill Number</u>	<u>Sponsor</u>	<u>Date of Introduction</u>
<u>One Year</u>				
10	1	[1]	Hillhouse (Connecticut)	April 12, 1808*
<u>Five Years</u>				
21	2	[1]	Tucker (South Carolina)	January 5, 1831
52	1	H. J. Res. 17	Outhwaite (Ohio)	January 5, 1892
52	1	H.J. Res. 20	Hermann (Oregon)	January 7, 1892
<u>Seven Year Terms</u>				
62	3	H. J. Res. 382	Hobson (Alabama)	January 13, 1913
63	1	H. J. Res. 14	Hobson (Alabama)	April 7, 1913
72	1	S. J. Res. 158	Logan (Kentucky)	May 9, 1932
<u>Eight Years</u>				
50	1	H. R. 115	Hudd (Wisconsin)	February 20, 1888
54	2	H. J. Res. 208	Treloar (Missouri)	December 14, 1896
58	3	H. J. Res. 166	Norris (Nebraska)	December 8, 1904
59	1	H. J. Res. 69	Norris (Nebraska)	January 11, 1906
70	1	S. J. Res. 54	Dill (Washington)	December 19, 1927

<sup>1</sup>The Annals or Debates do not indicate a number for this resolution

\*In connection with plan for the choice of President by lot from retiring Senators.

## E. Six-Year Term Limit to Presidency

Question: "Would you favor changing the term of office of the President of the United States to one six-year term with no reelection?"

June 1-4, 1973

	<u>Yes</u>	<u>No</u>	<u>No Opinion</u>
NATIONAL	28%	64%	8%
SEX			
Male	28	65	7
Female	27	63	10
RACE			
White	28	65	7
Non-White	27	56	17
EDUCATION			
College	32	64	4
High School	26	67	7
Grade School	27	57	16
OCCUPATION			
Prof. & Bus.	27	69	4
White Collar	26	67	7
Farmers	17	74	9
Manual	24	66	10
AGE			
18-29 years	22	70	8
30-49 years	27	66	7
50 & over	33	57	10
RELIGION			
Protestant	27	64	9
Catholic	31	63	6
Jewish	X	X	X
POLITICS			
Republican	29	64	7
Democrat	25	65	10
Independent	32	62	6

REGION

East	25	65	10
Midwest	30	63	7
South	25	66	9
West	33	62	5

INCOME

\$15,000 & over	29	68	3
\$10,000-\$14,999	28	67	5
\$7,000-\$9,999	24	70	6
\$5,000-\$6,999	28	57	15
\$3,000-\$4,999	32	58	10
Under \$3,000	27	55	18

FAVOR CHANGING TO SIX-  
YEAR PRESIDENCY?

COMMUNITY SIZE

1,000,000 & over	29	62	9
500,000-999,999	30	63	7
50,000-499,999	30	67	3
2,500-49,999	28	61	11
Under 2,500, Rural	24	65	11

	<u>Yes</u>	<u>No</u>
1936.....	26%	74%
1939.....	24	76
1945.....	27	73
1969.....	19	81
1973.....	30	70

Source: Gallup Opinion Index, Report No. 97, July 1973.

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