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Presidential Terms and Tenure: Perspectives and Proposals for Change

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Summary

The President and Vice President's terms of office are prescribed by the Constitution and four of its amendments.

Article II, Section 1, of the Constitution, which came into effect with the convening of the First Congress and inauguration of the first President and Vice President in 1789, sets the terms of these two officers at four years, and does not prohibit their reelection. Four amendments to the Constitution, ratified between 1804 and 1967, have added further conditions to presidential terms and tenure.

The Twelfth Amendment, ratified in 1804, extended the qualifications for Presidents to the vice presidency.

Section 1 of the Twentieth Amendment, ratified in 1933, sets the expiration date for these terms at noon on January 20 of each year following a presidential election.

The Twenty-Second Amendment, ratified in 1951, limits presidential tenure: no person may be elected President more than twice. It also specifies that Vice Presidents who succeed to the office may be elected to two full terms if they served less than two years of the term of the President they succeeded. If they served more than two years of the predecessor's term, they are eligible for election to only one additional term.

The Twenty-Fifth Amendment, ratified in 1967, does not directly affect terms and tenure of the President and Vice President, but provides in Section 1 that the Vice President "shall become President" on the death, resignation, or removal from office of the President. This section clarifies original constitutional language on the status of a Vice President who succeeds to the presidency. Section 2 authorizes the President to make nominations to fill vacancies in the office of Vice President, subject to approval by a majority vote of both houses of Congress, a contingency not covered in the original language of the Constitution.

The length of the President's term and the question of whether Presidents should be eligible for reelection were extensively debated in 1787 at the Constitutional Convention. Late in the proceedings, the delegates settled on a four-year term for both President and Vice President but did not place a limit on the number of terms a President could serve. Following a precedent set by President George Washington (1789-1797), and reinforced by Thomas Jefferson (1801-1809), however, U.S. Presidents adhered to a self-imposed limit of two terms, a precedent that was observed for over 140 years. Although several Presidents during this period who had served two terms considered running for a third, Franklin Roosevelt (1933-1945) was the first to seek and be elected to both a third term, in 1940, and a fourth, in 1944.

Following ratification of the four amendments cited above, additional amendment proposals to change the conditions of presidential terms and tenure were regularly introduced during the second half of the 20th century, but much less frequently to date in the 21st. Two categories of amendment predominated during this period: one variant proposed repeal of the Twenty-Second Amendment, thus permitting Presidents to be elected an unlimited number of times. Another category of proposed amendment would have extended the presidential and vice-presidential terms to six years, often in combination with a requirement limiting Presidents to one term.

No measure to repeal the Twenty-Second Amendment or otherwise change the presidential term of office has been introduced to date in the 116th Congress. This report will be updated if events warrant.

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Introduction

The issue of the President and Vice President's term of office is generally regarded as an accepted constitutional norm that arouses little controversy in the 21st century. Both the four-year term and the venerable two-term tradition, initiated by George Washington and ultimately incorporated in the Constitution in 1951 by the Twenty-Second Amendment, appear to be fixed elements in the nation's political landscape. In marked comparison, the issues of tenure and reelection of the President, and of the Vice President (an office added almost as an afterthought during the Constitutional Convention of 1787), were the subject of intense and prolonged debate during the Philadelphia gathering. Delegates argued for three months over the length of the presidential term and whether the chief executive should be eligible for reelection before reaching a compromise package of provisions—a four-year term, and eligibility for reelection—several days before the convention adjourned.

Since that time, a wide range of changes to these conditions has been proposed as constitutional amendments, but relatively few conditions have been added to the original provisions governing the President's term of office. In addition to the Twenty-Second Amendment cited above, the Twelfth, ratified in 1804, set the same qualifications for the Vice President; the Twentieth, ratified in 1933, set January 20 of every year following a presidential election as the date on which the chief executive's term begins; and the Twenty-Fifth Amendment clarified the question of vice-presidential succession to the presidency and authorized the President to nominate persons to fill vacancies in the vice presidency, subject to approval by vote of both houses of Congress.

Proposals for a single term were popular in the 19th century, and for several decades before the Civil War, the concept of a voluntary limit of one presidential term in office drew wide support.

Beginning in 1808, constitutional amendments were introduced that would have changed the presidential term to five, six, seven, and even eight years. By the 20th century, the single six-year term for Presidents had become a preferred option for such amendments, with multiple amendment proposals introduced in successive Congresses as late as the 1990s, while amendments to repeal the Twenty-Second Amendment to allow unlimited reelection were regularly introduced as recently as the 113th Congress.

In the past two decades, however, public and congressional interest in these issues has arguably declined. In contrast to proceedings at the Constitutional Convention and widespread congressional interest in the past, the questions of presidential term and tenure appear to be relatively settled issues in the contemporary context. Nevertheless, the potential for renewed interest in change, which has emerged as a force to be contended with in the past, remains a possibility in both the present and future.

Presidential Term of Office: Current Provisions and Options for Change

The conditions of terms and tenure for the President and Vice President of the United States have evolved over nearly two centuries, from the earliest provisions in Article II, Section 1, of the U.S. Constitution, set by the Constitutional Convention in 1787, to provisions governing vacancies in the office of Vice President established in the Twenty-Fifth Amendment, ratified in 1967.

Current Provisions in Brief

The Constitution, in its original text and four subsequent amendments, provides the basic conditions of presidential and vice presidential terms and tenure.

- **Constitution:** Article II, Section 1, of the Constitution, ratified in 1788, sets a four-year term of office for the President and Vice President.
- **Twelfth Amendment:** This amendment extended the same qualifications for the President to the office of Vice President.
- **Twentieth Amendment:** Section 1 of this amendment, ratified in 1933, sets the expiration date for these terms at noon on January 20 of each year following a presidential election.
- **Twenty-Second Amendment:** Section 1 of this amendment, ratified in 1951, states that no person shall be elected to the office of President more than twice. It also limits the number of times a Vice President who becomes President may subsequently be elected to that office, depending on when the Vice President succeeds to the presidency.
- **Twenty-Fifth Amendment:** Sections 1 and 2 of this amendment, ratified in 1967, do not directly affect terms and tenure of the President and Vice President, but provide for succession of the Vice President and the filling of vice-presidential vacancies.

Contemporary Options for Change

Proposals to change the length of the President's term of office, or to limit the number of terms to which a President could be elected, were introduced in Congress beginning in the early 19th century. The first category included constitutional amendments for a five-, six-, seven-, or eight-year term of office, usually coupled with limitation to a single term in office. By the 20th century, a six-year single term of office had become the preferred alternative. The Twenty-Second Amendment, ratified in 1951, achieved the goal of limiting the number of times a person could be elected President, but did not alter the four-year term set in Article II. Since that time, most proposed amendments related to the President's term and tenure have (1) called either for a six-year presidential term, usually without the possibility of reelection; or (2) proposed repeal of the Twenty-Second Amendment, allowing individuals to be elected President more than twice.

A Single Six-Year Term for the President and Vice President

The idea of a six-year term for the President and Vice President has a long history: the first amendment to this effect was introduced in 1826, in the 19th Congress (1825-1826). According to earlier CRS research, a total of 181 such amendments had been introduced through the 96th Congress (1979-1980). Thirty-one more amendments that would have established the six-year term, either as "stand-alone" proposals, or as part of more inclusive plans that included changes in congressional terms and term limits, were introduced between the 97th (1981-1982) and 104th (1995-1996) Congresses, for a total of 212. Since then, up through and including the 116th Congress (2019-) however, no amendment proposing a six-year term has been introduced.[1]

[1] Proposals for the 97th through 116th Congresses were compiled by CRS from Congress.gov; proposals for the 19th through 96th Congresses were derived from archived CRS data.

The basic provisions of most of these proposals called for a six-year term for the President and Vice President, with each limited to a single term. In addition, most contained a variant of the existing Twenty-Second Amendment provision for Vice Presidents who succeed to the highest office: they would be eligible for election in their own right to a term as President provided they had served less than three years of the term to which their predecessor was elected. Additionally, in the interest of constitutional consistency, most of these proposed amendments would also have specifically repealed the Twenty-Second Amendment.

For and Against

Over the years, proponents of the single six-year term have deployed a range of arguments in support of their position. Perhaps most prominent, they assert that it would end the "permanent campaign" for reelection, which is said to begin as soon as a newly elected President is inaugurated for a first term. According to this theory, the chief executive would be freed from the distraction of partisan political concerns associated with planning and campaigning for reelection, and would be able to concentrate on legislation, administration, and development of a program of public policy.[2] Decisions on major issues would, proponents claim, be less likely to be judged by their impact on the President's reelection prospects. They maintain that this, in turn, would promote greater consistency in foreign and domestic policy, as the President would be able to focus exclusively on the value and utility of policy proposals, rather than on their political implications.[3] A six-year term would have additional substance, they assert, because it would give the President more time to advocate for and implement these policies, to adjust them as necessary, and to monitor their success; this would give the President's initiatives "a fair chance to work."[4] Former President Jimmy Carter (1977-1981) endorsed the longer single presidential term, adding another dimension when he suggested that a President who had no prospect of reelection might enjoy greater moral authority and credibility, and perhaps greater influence on the course of policy formulation, since he could not be accused of political motivation (i.e., his interest in securing a second term).[5] Similarly, another commentator, noting the length of contemporary presidential election campaigns, suggested that a President who serves a single six-year term would not need to focus two or more years on renomination and reelection. Instead of turning to reelection almost immediately after assembling an administration "team," he or she could devote greater energy to the demands of office as chief executive, a process that could lead to greater stability and continuity in policy formation and administration.[6]

Critics of the proposal suggest that, at its most basic, restricting the President to a single term is fundamentally undemocratic because it deprives voters of the right to choose their preferred candidate for the office.[7] They rebut the arguments of those who claim a single term will help a President concentrate on policy issues, noting that Presidents in their second terms have often struggled to implement their programs because, as "lame ducks," they have lost influence in

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[2] Bruce Buchanan, "The Six-Year One Term Presidency, A New Look at an Old Proposal," *Presidential Studies Quarterly*, vol. 18, winter 1988, p. 130.

[3] Donald L. Robinson, ed., "The Single Six-Year Term for Presidents (1984)," in *Reforming American Government, The Bicentennial Papers of the Committee on the Constitutional System* (Boulder, CO: Westview Press, 1985), p. 173.

[4] Buchanan, "The Six-Year One Term Presidency," p. 132.

[5] Buchanan, "The Six-Year One Term Presidency," p. 133.

[6] Myra Adams, "Six Years and Out: It's Time to Change the Four-Year Presidential Term, *National Review*, October, 20, 2014, at https://www.nationalreview.com/2014/10/six-years-and-out-its-time-change-four-year-presidential-term-myra-adams/.

[7] Robinson, "The Single Six-Year Term for Presidents," p. 174.

Congress and the larger political arena. A one-term chief executive who did not enjoy the prospect of reelection would, they claim, be a lame duck the day he or she took office.[8] Far from being more devoted to questions of policy, opponents suggest that a one-term President might be too well insulated from the give and take of political discourse, and less responsive to the will of the people. As one commentator notes: "a [P]resident protected from public opinion is also a [P]resident unrestrained by it. If he is free to act in the national interest ... that national interest will be as he defines it. And will his definition be superior to the one that is hammered out, under the current system, in the heat of a reelection contest?"[9] In the final analysis, opponents maintain that the single, but longer, term would extend the tenure of failed or simply inadequate Presidents two years beyond their current termination date, while reducing the possible tenure of more capable chief executives by the same length of time: six years in office is too long for a failed President, they say, and too short for a successful one.[10]

History of Congressional Activity

As noted earlier, the proposal to establish a single six-year term for the President and Vice President was a hardy perennial from the early days of the republic: 212 such amendments were introduced between the 19th through 104th Congresses. The format varied: most of these amendments, particularly those introduced before the 1950s, proposed only a single six-year term for the President and Vice President, while others introduced since ratification of the Twenty-Second Amendment included provisions for its repeal. Some versions also prohibited a person elected President from being subsequently elected Vice President. In earlier years, the frequency of these proposals tended to cluster during periods in which an incumbent President was known or suspected to be seeking a third term; they were generally introduced in reaction to such prospects. These periods include

- the 1870s, when President Ulysses Grant contemplated a third term in both 1876 and 1880;
- between 1905 and 1916, presumably in response to President Theodore Roosevelt's consideration of a third term; and
- the 1930s through the late 1940s, first in anticipation of, and later in response to, President Franklin Roosevelt's election to a third and fourth term.[11]

The most recent substantial legislative activity took place during the 92nd (1971-1972) and 93rd (1973-1974) Congresses. Proposals for a six-year term were arguably connected to congressional concern during the Vietnam War era of the 1960s and 1970s about the perceived growing imbalance of power and authority in favor of the President and at the expense of Congress—an "imperial presidency"[12]—and later in the context of the Watergate scandal of 1972-1974. In the 92nd Congress, the Senate Judiciary Committee's Subcommittee on Constitutional Amendments held two days of hearings, on October 28 and 29, 1971, on S.J.Res. 77.[13] A hearing in the House

[8] Robinson, "The Single Six-Year Term for Presidents," p. 174.

[9] James L. Sundquist, *Constitutional Reform and Effective Government* (Washington: Brookings Institution, 1986), p. 130.

[10] David C. Nice, "In Retreat from Excellence: The Single Six-Year Term," *Congress and the Presidency*, vol. 13, autumn, 1986, p. 210.

[11] Presidential efforts to secure a third term are examined later in this report, under "Presidential Terms and Tenure: Perspectives."

[12] See Arthur M. Schlesinger, Jr., *The Imperial Presidency* (Boston: Houghton Mifflin, 1983).

[13] See U.S. Congress, Senate Subcommittee on Constitutional Amendments of the Senate Judiciary Committee, *Single*

Judiciary Committee's Subcommittee on Crime on H.J.Res. 76 and H.J.Res. 127, held on September 26, 1973, in the 93rd Congress,[14] were the last congressional activity (beyond the introduction and committee referral of proposed amendments) dealing with this question through the time of the present writing.

Beginning in the late 1970s, the volume of amendment proposals declined, so that the most recent stand-alone amendments were offered in the 101st Congress (1989-1990), including H.J.Res. 6, introduced by Representative Jack Brooks; H.J.Res. 52, introduced by Representative Bill Frenzel; and H.J.Res. 176, introduced by Representative Frank Guarini. These proposals received no action beyond committee referral. In subsequent Congresses, the six-year presidential term was incorporated into several proposals that sought to establish a comprehensive system of term limits for both Congress and the President. In the 102nd Congress, for instance, H.J.Res. 28, introduced by Representative Richard Schulze, sought to establish a single six-year presidential and vice presidential term, but retained the two-term limit. This resolution also proposed a three-year term for Representatives and a rotation in office requirement that effectively limited Representatives to six consecutive three-year terms and Senators to three consecutive six-year terms, or 18 consecutive years in either case.[15] In the 104th Congress, Representative Frank Mascara introduced H.J.Res. 28, which proposed a single six-year term for the President and Vice President, within the context of a four-year term for Representatives and an absolute limit of 12 years of service in one house for Members of both chambers of Congress.[16] No action beyond committee referral occurred on either of these two most recent proposals.

Repeal of the Twenty-Second Amendment

The first efforts to repeal the Twenty-Second Amendment began in 1956, within five years of the amendment's ratification. Since that time, 46 proposed amendments that would eliminate the two-term presidential election limit have been introduced in Congress, most in the House of Representatives, and most recently in the 113th Congress.[17]

Several early proposals to repeal the Twenty-Second Amendment were the subject of congressional interest in the 1950s, but after this period, congressional interest in repeal of the amendment, as measured by the introduction of relevant proposed amendments, receded for some years. Among many other contributing factors, the lack of congressional activity could arguably be attributed to the fact that, with time, the amendment and its effective two-term limit came to be accepted as an increasingly settled element of the constitutional order.

Six-Year Term for President, Hearings on S.J.Res. 77, 92nd Congress, 1st session, October 28 and 29, 1971 (Washington: GPO, 1972). These hearings featured testimony by Sen. Mike Mansfield, political scientist James MacGregor Burns, New Dealers Rexford Tugwell and Thomas Corcoran, Truman advisor and later Secretary of Defense Clark Clifford, Dwight Eisenhower press secretary James Haggerty, and Lyndon B. Johnson advisers George Reedy and Joseph Califano, among others.

[14] See U.S. Congress, House, Subcommittee on Crime of the House Judiciary Committee, *One Six-Year Term*, Hearings on One Six-Year Term, September 26, 1973, 93rd Congress, 1st session (Washington: GPO, 1974).

[15] It should be noted that this resolution did not propose absolute term limits on Senators and Representatives. In theory, a term-limited Senator or Representative (i.e., one who had served 18 consecutive years) could be reelected to Congress after sitting out a single term. The proposed amendment did not provide limits for Representatives who sought election to the Senate, or vice versa.

[16] Under this resolution, a person could serve 12 years as a Representative and 12 more as a Senator, or vice versa.

[17] Proposals for the 97th through 113th Congresses compiled by CRS from Congress.gov; proposals for the 84th through 96th Congresses derived from archived CRS data.

Another factor that may have contributed to lack of support for eliminating the two-term restriction may be found in the turbulent history of the 1960s and 1970s. Public sentiment for repeal of the Twenty-Second Amendment is arguably associated with support for extending the tenure of popular two-term chief executives whose presidencies are perceived at the time as having been successful. If so, then this era, during which five Presidents held office in a period of 20 years, notably lacked this catalyst. During the two decades between the end of Eisenhower's second term in 1961 and the election of President Ronald Reagan in 1980, two presidencies ended prematurely, John Kennedy's by assassination in 1963 and Richard Nixon's by resignation in 1974. Two other Presidents were defeated for election: Gerald Ford, who succeeded as President when Richard Nixon resigned in 1974, lost his bid for election in 1976, while his successor, Jimmy Carter, failed to win reelection in 1980. The fifth President to serve during this period, Lyndon Johnson, withdrew as a candidate for reelection in 1968 due in large part to widespread opposition to U.S. military action in Vietnam.[18]

Beyond the immediate ambit of legislative proposals, the idea, if not the reality, of repealing the Twenty-Second Amendment does appear to gain publicity and a level of at least theoretical support when term-limited Presidents approach the end of their time in office. As noted earlier in this report, there was some interest in the possibility of a third term by President Eisenhower in 1960, notwithstanding the President's documented health problems.

In 1973, following his reelection to a second term, supporters of President Richard Nixon established an organization to promote repeal of the Twenty-Second Amendment as the President brought an end to conflict in Vietnam, pursued arms control and détente with the Soviet Union, and successfully opened informal U.S. relations with China after 24 years of hostility. As the President was increasingly implicated in the events stemming from the Watergate break-in, however, this effort was abruptly abandoned.[19]

Again in 1985, as Ronald Reagan entered his second term, suggestions emerged that repeal of the Twenty-Second Amendment might enable a third term for the popular President. Although Reagan himself indicated his support, he maintained only future Presidents should be eligible for additional terms in office.[20] Supporters in Congress and elsewhere, however, mounted a public campaign to repeal the amendment in time for a third Reagan term in 1989.[21] Although greeted enthusiastically by the President's supporters, the proposal met with mixed reviews in the press and among the general public. Substantial Republican losses in the 1986 congressional elections, followed almost immediately by revelation of the Iran-Contra events, largely dampened further enthusiasm for repeal.[22]

The question of repeal regained support early in President Bill Clinton's second term in office, when five relevant amendments were introduced in the 105th Congress (1997-1998), while more recently, in 2014, Change.org, a petition website, sponsored an "Obama-for-3" Political Action

[18] Frederik Logevall, "Why Lyndon Johnson Dropped Out," *New York Times*, March 24, 2018, at https://www.nytimes.com/2018/03/24/opinion/lyndon-johnson-vietnam.html.

[19] Paul B. Davis, "The Future of Presidential Tenure," *Presidential Studies Quarterly*, volume 10, summer, 1980, pp. 472-473; "Four More Years?" *Newsweek*, March 5, 1973, p. 20.

[20] Irvin Molotsky, "Reagan Wants End of Two-Term Limit," *New York Times*, November 29, 1987, at https://www.nytimes.com/1987/11/29/us/reagan-wants-end-of-two-term-limit.html.

[21] Stephen Stathis, "The Twenty-Second Amendment: A Practical Remedy or Partisan Maneuver," *Constitutional Commentary*, volume 7, 1990, pp. 78-80.

[22] Stathis, "The Twenty-Second Amendment: A Practical Remedy or Partisan Maneuver," p. 81.

Committee that circulated an online petition to repeal the amendment and thus enable President Barack Obama to run for a third term.[23]

In contrast to these occasional surges in support for repeal that have tended to emerge during the second term of a popular President, the Roper Center reports that at no time since ratification of the Twenty-Second Amendment has public opinion favored its repeal. In 2013, the most recent findings reported by Roper, 17% of respondents favored "changing the Constitution and removing the limitation so a President could be elected to more than two terms," while 81% were opposed, and 1% had no opinion.[24]

For and Against

Many of the arguments raised in favor of and opposition to repeal of the Twenty-Second Amendment were cited earlier in this report. Briefly, proponents assert that the amendment is inherently undemocratic, in that it prohibits the voters from electing a qualified candidate they favor. In most instances, they suggest that Presidents would continue to limit themselves to two terms, or be limited by external constraints, such as political considerations, health, or other reasons, unless there were pressing need and demand for a third term. In periods of national or international crisis, they maintain that the Twenty-Second Amendment is a straightjacket that prevents the nation from retaining an experienced and trusted leader at a time when continuity in presidential leadership may be essential. As journalist John B. Judis asserted in *The New Republic*,

> The 22nd Amendment deprives the United States of the possibility of successful second acts. It has also made a virtue of inexperience among American presidents. The practice of having an entirely new president every four or eight years has led to flailing and mistakes during a president's first year or two in office…. Repealing the 22nd Amendment would not eliminate the possibility of presidential stumbles, but might lessen them, particularly if the country faced the prospect of electing an untutored new executive in the midst of a foreign policy crisis.[25]

Finally, as is the case with arguments against the single six-year term, proponents of repeal suggest that every President who is reelected becomes a lame duck the day he takes the oath for his second term, handicapped by diminished influence and authority. The prospect of a third term, they argue, would help avoid the slow diminution of influence most Presidents experience during their second terms.

Supporters of presidential term limits in general and the Twenty-Second Amendment in particular argue that eight years is time enough for any individual in a position of such great power as the presidency of the United States. The intent of the founders for a time-limited presidency, they assert, was clearly expressed at the Constitutional Convention, where the delegates accepted the prospect that Presidents might serve an additional term of office only after lengthy debate. Moreover, they suggest that temptation to accrue excessive power to the executive, even with the best of intentions, is a constant danger to the constitutional model of a balanced federal

[23] "Sign this Petition to Give President Obama a Chance to Run for a Third Term," Change.org, at https://www.change.org/p/obama-for-3-pac-sign-this-petition-to-give-president-obama-a-chance-to-run-for-a-third-term.

[24] Roper Center, Cornell University, "Presidential Third Terms," c. 2018, at https://ropercenter.cornell.edu/presidential-third-terms/https://ropercenter.cornell.edu/presidential-third-terms/.

[25] John B. Judis, "Eight More Years: the Case for Removing Term Limits," *New Republic*, November 5, 2012, at https://newrepublic.com/article/109669/repeal-22nd-amendment-case-removing-term-limits.

government embracing a system of checks and balances within a framework of separation of powers. They note that recent history provides what they regard as troubling examples of this impulse to concentration (e.g., the "imperial presidency," as noted earlier in this report),[26] and the "unitary presidency."[27] Presidential term limits, they conclude, are an essential check to any possibility of a "cult of personality" and the potential for excessive presidential power.

History of Congressional Activity

Amendment proposals that call for the repeal of the Twenty-Second Amendment have generally incorporated simple language and the single requirement of repeal. The legislative language used most frequently has been, "[t]he twenty-second article of amendment to the Constitution of the United States is hereby repealed."[28] As was noted earlier in this report, repeal of the Twenty-Second Amendment appeared in some proposals to establish a single six-year term for President. Unlike the single six-year term approach, which was last introduced in the 94th Congress, simple repeal continued to be a live option until comparatively recently.

As noted previously in this report, the first joint resolutions to repeal the Twenty-Second Amendment were introduced in the 84th Congress (1955-1956), in 1956, less than five years after the amendment had been ratified. Several early proposals to repeal the amendment were the subject of congressional interest in the 1950s, most notably S.J.Res. 11 in the 86th Congress (1959-1960). This measure was accorded hearings in 1959 by the Senate Judiciary Committee's Subcommittee on Constitutional Amendments, the highlight of which was former President Harry Truman's testimony in its support.[29] The subcommittee's vote to approve the proposal and report it to the full committee on September 1 of that year ultimately proved to be the high water mark of the repeal movement in the 1950s. Following this period, congressional interest in repeal of the amendment, as measured by the introduction of relevant proposed amendments, receded for some years, but revived in the 1970s. From that time forward, proposals to repeal the Twenty-Second Amendment continued to be introduced in almost every Congress through the first decade of the 21st century. The most recent was H.J.Res. 15 in the 113th Congress (2013-2014), which was introduced on January 4, 2013, by Representative Jose Serrano. The language of H.J.Res. 15 was typical of many repeal proposals, stating that "[t]he twenty-second article of amendment to the Constitution of the United States is hereby repealed." The resolution was referred to the House Committee on the Judiciary's Subcommittee on the Constitution and Civil Justice, but no further action was taken.

Presidential Terms and Tenure: Perspectives

The terms of the President and Vice President were originally established at four years, with eligibility for reelection, by the Philadelphia Convention of 1787, which drafted the U.S. Constitution.

[26] See, for example, Arthur M. Schlesinger, Jr., *The Imperial Presidency* (Boston: Houghton Mifflin, 2004 (c. 1973)).

[27] See, for example, Stephen G.E. Calabresi and Christopher S. Yoo, *The Unitary Executive, Presidential Power from Washington to Bush* (New Haven, CT: Yale University Press, 2008).

[28] H.J.Res. 5, 111th Congress.

[29] U.S. Congress, Subcommittee on Constitutional Amendments of the Committee on the Judiciary, *Hearings on* S.J.Res. 11, Part I, May 4, 1959, 86th Congress, 1st session (Washington: GPO, 1959), pp. 5-13.

The Philadelphia Convention: Debate and Decisions on Terms and Tenure

The questions of presidential term length and reeligibility—whether the executive would be eligible to run for more than one term—were the subject of considerable discussion at the Constitutional Convention, which met in Philadelphia from May 28 through September 17, 1787. The delegates were generally divided between two factions—"federalists" and "anti-federalists." Federalists generally sought to establish a robust federal government vested with the power to tax, exercise authority over interstate commerce and relations, and manage the nation's international trade, foreign relations, and defense policy with a stronger hand. An executive who possessed considerable independence and authority was a key element in the federalist vision. Although considerable overlap existed between the two groups or tendencies, "anti-federalists" generally opposed a stronger central government. They tended to fear greater concentration of authority as a threat to individual liberty and states' rights, preferring a less powerful executive who possessed limited authority and more closely resembled the President of Congress under the Articles of Confederation, or a plural executive that would include up to three members who could check each other.

Early in its deliberations, the convention rejected the concept of a plural executive, however, settling on a single President. It then moved to address two fundamental issues concerning tenure:

- The first centered on duration of the executive's term.[30] Most state governors at that time served terms of one or two years. There appears to have been agreement among most of the delegates that whatever view they took of the federal executive, the office should have a longer term to guarantee stability and continuity in the conduct of government. During the convention, nothing shorter than a three-year term received serious consideration.
- The second was the issue of reelection: should the executive be limited to a single term or be permitted to run for reelection to additional terms, and, if so, how many? Here, the convention delegates sought to balance the potential advantages of continuity and perspective provided by a long-serving executive with their still-fresh memories of domineering colonial governors and pervasive concern that an infinitely reelectable executive might lead to dictatorship or monarchy.

Both these questions were influenced by the question of who should elect the President: from the beginning, many delegates assumed the executive would be chosen by the "legislature" (Congress).[31] It was widely held that in these circumstances a single term would be necessary to avoid excessive congressional influence over the presidency, or worse, the unseemly spectacle of the executive scrambling to ensure congressional support for reelection to a second term. At least a solid minority of delegates, which occasionally expanded to a majority, also opposed eligibility

[30] Although the titles President, executive, and chief executive are used interchangeably in this report, the President was referred to as "the executive" or "the national executive" throughout most of the Constitutional Convention. The "stile" of "the President of the United States" first appeared in the report of the Committee on Detail, which was submitted on August 6, 1787, after the convention had been in session for 10 weeks. Moreover, the Vice President was not considered at all during this period, since the office was not officially proposed until September 4.

[31] During the early proceedings of the convention, the terms "Legislature" or "National Legislature" were used to identify the legislative body. Robert Lansing first moved to establish the name as "Congress" on July 20, a decision confirmed by the Report of the Committee on Detail, submitted on August 6. See Library of Congress website, "Creating the United States," at https://www.loc.gov/exhibits/creating-the-united-states/interactives/constitution/representation/enlarge1.html.

for reelection for the executive on general principle. They feared this provision might result in lengthy or even indefinite tenure for Presidents, providing them the opportunity to accrue overweening power in the executive branch. Other delegates, however, were more concerned about the need, as they saw it, to establish an independent, energetic executive; the fact that the President might be eligible for reelection presented less difficulty for them. Debate over these issues continued off and on for two months, with the convention changing position several times before it reached a final compromise.

As the convention opened, the delegates initially debated a three-year and a seven-year term, both in the context of election by Congress. In early June, they agreed to seven years without eligibility for reelection. Two weeks later, they revisited this decision, at the same time voting to move election from the national legislature to electors chosen in the states. The option for choice by electors was seen by some delegates as eliminating congressional influence over, or control of, the presidential election, which was regarded as an important element of separation of powers. This first hint of what ultimately emerged as the electoral college was followed by a vote to eliminate the prohibition on reelection. At the same time, the delegates voted to shorten the executive's term to six years, but the issue was not yet settled. On July 24, dissatisfied with their earlier choices, the convention voted to restore election by Congress, and followed up immediately with a heated debate on a proposal to reinstate the one-term requirement. The record suggests that tempers had grown short by this time, and even James Madison's restrained style as recorder of the proceedings does not conceal the apparent passion of the debate that followed. Supporters of independent election, still smarting from the recent reversion to congressional election, vehemently opposed the motion, while partisans of the single term and legislative supremacy countered, perhaps facetiously, with various proposals, including an indefinite term (i.e., the executive would serve "during good behavior") and terms of 11, 15, and even 20 years.[32] After two days of further debate, the Convention referred the following resolution to the Committee on Detail by a vote of six states to three: "that a National Executive be instituted—to consist of a single person—to be chosen by the Natl. legislature—for the term of seven years—to be ineligible a 2d time."[33] The Committee on Detail, which was charged with organizing and fleshing out the convention's decisions, returned its draft to the full convention on August 6; as instructed, the report provided a seven-year term, without a provision for reelection.

The matter was still not settled, however. The delegates continued to debate over who should elect the President, with term length and reelection now recognized as a subset of the greater question. By this time, proposals for election of the President by the state legislatures, by electors chosen by lot from among the Members of Congress, and even popular election, had been considered and rejected, but agreement still eluded the delegates. One modern account of the convention notes that some delegates had left the convention to attend to personal business and professional matters after almost three months of nearly continuous, six-day-a-week sessions, while those who remained shared a growing inclination to finish the project. Debates grew shorter and members were quicker to accept compromise solutions to persistent disagreements.[34] In this context, recognizing they were at an impasse, the delegates voted on August 31 to refer the

[32] U.S. Constitutional Convention, 1787, *The Debates in the Federal Convention of 1787 Which Framed the Constitution of the United States of America*, reported by James Madison (Westport, CT: Greenwood Press, 1970, originally published 1920, by the Oxford University Press, New York), p. 314, hereinafter cited as *Madison's Notes*. For a digest of convention debate specifically relating to presidential term reeligibility, consult *The Founders' Constitution*, Philip B. Kurland and Ralph Lerner, eds., available at http://press-pubs.uchicago.edu/founders/.

[33] *Madison's Notes*, p. 326.

[34] Clinton Rossiter, *1787: The Grand Convention* (New York: Macmillan, 1966), pp. 210-215.

presidency question, along with other unresolved issues, to a Committee on Postponed Matters (also known as The Committee of Eleven, for the number of its members).[35] As active participants, the committee members were fully aware of the protracted struggle over presidential election, term, and reelection that had continued since early June. They chose to offer a fresh take on the issue: their report on the presidency, submitted on September 4, provided a four-year term, eligibility for reelection, and, key to the issue, a reworked method of election, by an electoral college appointed in each state "in such manner as its Legislature may direct."[36] The committee's novel solution ultimately resolved the impasse. Although several die-hard opponents continued to argue in favor of legislative election, a single term, or shorter terms, all such motions were defeated by wide margins.[37] The convention had finally reached agreement on term and tenure for the President and the recently conceived office of Vice President. The Committee on Style and Arrangement reworked the various decisions into a form recognizable as the Constitution, and, after some final revisions, the document was approved and proposed to the states for ratification on September 17, 1787, with its now-familiar wording:

> 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, be elected as follows.[38]

In the ensuing campaign for its approval in the states, the federalists cited "energy in the executive," stability in government, and separation of powers in defense of the presidential term and tenure. Conversely, opponents warned that reeligibility and the potential for lengthy or even indefinite terms of office would lead to an excess concentration of power in the presidency, and a tendency to dictatorship or even monarchy. In the final analysis, however, it is arguable that many doubts about these arrangements were mitigated, at least in the short run, by the near certainty that the universally respected George Washington would serve as first President under the Constitution.

Vice Presidential Vacancies: A Constitutional Oversight?

The Constitution addressed the question of presidential vacancies in the following language in Article II, Section 1, clause 6:

> In case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President.[39]

It did not, however, make similar provision for vacancies in the vice presidency, so that office became vacant whenever the Vice President succeeded as President, or left office for any other

[35] *Madison's Notes*, p. 502.

[36] *Madison's Notes*, p. 507. The committee report also marks the first appearance of the office of Vice President.

[37] *Madison's Notes*, pp. 514-515, 521.

[38] For further information on the presidency at the Constitutional Convention, see *Inventing the American Presidency*, ed. Thomas E. Cronin (Lawrence, KS: University of Kansas Press, 1989) or Charles Coleman Thach, *The Creation of the Presidency, 1775-1789* (Baltimore: Johns Hopkins University Press, 1922).

[39] U.S. Constitution, Article II, Section 1, clause 6. The Second Congress addressed the question of vacancy in the offices of both the President and Vice President in the Succession Act of 1792 (1 Stat. 240). The act provided that in such cases, the President pro tempore of the Senate and the Speaker of the House, in that order, would serve as President until a special election could be scheduled, unless the vacancies fell late in the term of office, in which case, the acting President would continue in office until replaced by the regularly elected President and Vice President.

reason, and remained so for the balance of the presidential term. The lack of such a provision was eventually addressed by the 25th Amendment, which also provided more explicitly for cases of presidential disability.[40]

Historical Patterns in Presidential Tenure

As the nation's first President, George Washington set many precedents. One of the most enduring is the tradition that he limited himself, and future chief executives by his example, to not more than two terms in office. His action was frequently cited and generally emulated until Franklin Roosevelt was elected to a third term in 1940. Further, Roosevelt's unprecedented four-term presidency then spurred the subsequent ratification of the Twenty-Second Amendment, which conferred constitutional force on the practice.[41] The two-term tradition is thus widely regarded as the norm, but the record of presidential tenure is more complex: only 12 of the 44 Presidents who served between 1789 and 2017 were elected to, and served, two full consecutive terms, or 96 months, in office.[42] When deaths in office and the vicissitudes of electoral politics are taken into account, average presidential tenure declines to 62 months for the nation's 227 years and 9 months of government under the Constitution between Washington's inauguration on April 30, 1789 and that of Donald J. Trump on January 20, 2017. The average tenure in office of Presidents has fluctuated over time. This is attributable in part to presidential mortality and the renomination and reelection rates of incumbents. In addition, the average length of presidential terms arguably reflects the prevailing levels of political disquiet and/or socioeconomic volatility in the nation during given periods. Moreover, the two-term tradition was persistently challenged during the nation's first century of constitutional government, while proposals that would have extended the executive's term to six years and/or limit Presidents to a single term continued to be offered into the late 20th century and beyond in the case of the latter.

Presidential Tenure, 1789-1825: The Era of the Founders

Although the presidential election of 1800 was among the most bitterly contested in American history, the period between 1789 and 1825 was characterized by stability in presidential tenure: four of the nation's first five Presidents—Washington (1789-1797), Jefferson (1801-1809), Madison (1809-1817), and Monroe (1817-1825)—served two consecutive terms. John Adams (1797-1801) was the outlier, defeated in the 1800 presidential election by his Vice President and longtime rival. Presidents during this period served an average of 86 months, a length of tenure matched in a comparable period only recently, between 1981 and 2017.[43] This stability can be attributed to several factors, notably the triumph of the Jeffersonian Republican Party and the demise of the Federalists, which led to the nation's only period of de facto one-party government, at least on the federal level. Presidential nominees were generally selected by the Jeffersonian

[40] The Succession Act of 1792 also provided a special election for simultaneous vacancies in the presidency and vice presidency. It did not, however, address the question of a vacancy in the office of Vice President. Prior to ratification of the Twenty-Fifth Amendment, the office became vacant on 16 different occasions, for periods ranging from 2 months to 47 months. For information on presidential disability, see CRS Report R45394, *Presidential Disability Under the Twenty-Fifth Amendment: Constitutional Provisions and Perspectives for Congress*, by Thomas H. Neale.

[41] It is important to note, however, that the Twenty-Second Amendment actually prohibits any person from being elected President more than two times.

[42] Grover Cleveland served two *nonconsecutive* terms (1885-1889, 1893-1897), and is listed as the 22nd and 24th President of the United States. Franklin D. Roosevelt (1933-1945) was elected four times, served three full terms, and died four months after being inaugurated to a fourth term.

[43] The five Presidents who served between 1981 and 2017—Ronald Reagan (1981-1989), George H.W. Bush (1989-1993), Bill Clinton (1993-2001), George W. Bush (2001-2009), and Barack Obama (2009-2017)—also served an average of 86 months.

caucus (later known as the Democratic-Republicans) in Congress during this period, which settled on the incumbent Secretary of State for the succession elections of 1808 and 1816. The latter part of this period was widely referred to at the time as "the Era of Good Feelings," particularly at its zenith during the administration of James Monroe (1817-1825). The Era of Good Feelings came to an abrupt end with the contentious election of 1824, which coincided roughly with the death or retirement from public life of the last of the generation of the Founders.

Setting the Two-Term Precedent

George Washington, the "indispensable man," set a precedent for presidential tenure in 1796 when he announced his retirement after two terms (1789-1797), but there is little evidence he based the decision on a personal understanding that the Constitution implicitly limited his tenure. Washington's announcement, which was incorporated in his renowned 1796 Farewell Address, actually gave no indication that he considered his action to set a precedent for his successors. Rather, he cited his own weariness, and particularly the growing infirmities of age, as primary factors in his decision: "every day the encreasing [*sic*] weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome."[44] Washington's immediate successor, John Adams (1797-1801), was defeated in the tumultuous election of 1800, and never faced the question of how many terms he would serve.[45]

According to some modern scholars, the two-term tradition is more accurately attributed to Thomas Jefferson (1801-1809), who had expressed concern about "perpetual reeligibility" in the presidency as early as 1788.[46] As his own second term drew to a close, he was petitioned by the Vermont legislature to consider another run. Jefferson declined, stating in his reply his belief that

> [i]f some termination to the services of the Chief Magistrate be not fixed by the Constitution, or supplied by practice, his office, nominally four years, will in fact become for life, and history shows how easily that degenerates into an inheritance. Believing that a representative Government responsible at short periods is that which produces the greatest sum of happiness to mankind, I feel it a duty to do no act which shall essentially impair that principle, and I should unwillingly be the person who, disregarding the sound precedent set by an illustrious predecessor [George Washington], should furnish the first example of prolongation beyond the second term of office.[47]

Jefferson's decision acquired the force of tradition, at least in the short run, and was frequently attributed to Washington. Three of Jefferson's four immediate successors, Madison, Monroe, and Andrew Jackson (1829-1837), who, arguably, would have been able to secure reelection, retired at the close of their second terms, while the fourth, John Quincy Adams (1825-1829), was defeated for reelection in 1828 by Jackson.[48] The vice presidency during this period had a similar pattern of stability, with the eight incumbents serving an average tenure of 67 months.[49]

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[44] "Farewell Address," George Washington, September 19, 1796, The American Presidency Project, University of California, Santa Barbara, at https://www.presidency.ucsb.edu/documents/farewell-address.

[45] The election of 1800 may also be regarded as an important milestone in the maturation of government under the Constitution. As bitter as the election campaign was, Adams oversaw the peaceful transfer of authority to his victorious opponent, Thomas Jefferson, under the new Constitution.

[46] Michael Nelson, ed., *Congressional Quarterly's Guide to the Presidency*, 2nd ed. (Washington: Congressional Quarterly, 1996), p. 49.

[47] Thomas Jefferson, "To the Legislature of Vermont," *The Writings of Thomas Jefferson*, memorial edition (Washington: Thomas Jefferson Memorial Association, 1904), vol. 16, pp. 292-293.

[48] Statistics compiled by CRS. Terms have been rounded to the nearest month.

[49] Between 1789 and 1825, two Vice Presidents, George Clinton and Elbridge Gerry, died in office. In a practice

Presidential Tenure, 1825-1901: Decline of the Two-Term Presidency

In contrast to the relative stability of presidential tenure during the first decades of government under the Constitution, the balance of the 19th century was more volatile, reflecting the contentious political, social, and economic developments experienced by the nation during this period.

With the retirement of James Monroe in 1824, the "Era of Good Feelings" Democratic-Republican coalition fractured under sectional pressure, perhaps most notably due to the candidacy of Andrew Jackson, who epitomized the rise of the west and its challenge to the settled order of the previous decades. Four candidates contested the presidency, but none of them gained the requisite majority of electoral votes. In the only contingent election to date under the provisions of the Twelfth Amendment, the House of Representatives picked Secretary of State John Quincy Adams, one of the "establishment" candidates, despite the fact that Jackson had gained more popular and electoral votes.[50] Jackson denounced the House's action as a "corrupt bargain," and although his charge was never proved, he used it in his successful campaign to defeat Adams in the election of 1828.

Between 1837, when Andrew Jackson left office, and 1901, when William McKinley was inaugurated for a second term, only Abraham Lincoln (1861-1865) and Ulysses Grant (1869-1877) were reelected, and only Grant served two full consecutive terms. During these 64 years, 18 Presidents[51] held office for an average of 43 months each, less than a single complete term.

The Single Term Presidency: Design and Circumstance

Throughout much of this period, the concept of a single term for Presidents, rather than the two-term tradition, enjoyed support as an appropriate norm for executive tenure, both by design and circumstance.

From the standpoint of amending the Constitution to limit Presidents to a single term, Jackson himself recommended that Congress consider an amendment that would establish a single four- or six-year presidential term in his Annual Messages to Congress[52] every year between 1830 and 1835.[53] William Henry Harrison (1841) recommended a constitutional amendment to prohibit "the eligibility of the same individual to a second term of the Presidency" in his 1841 inaugural address,[54] while his Whig Party called for "a single term for the presidency" three years later in

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unique to this period, two Vice Presidents served under two different chief executives. Clinton served under Jefferson from 1805 to 1809, and under Madison from 1809 to his death in 1812. In later years, John C. Calhoun served as Vice President under both John Quincy Adams from 1825 to 1829 and Andrew Jackson from 1829 until his resignation in 1832.

[50] For additional information on the contingent election process and the presidential election of 1824, see CRS Report R40504, *Contingent Election of the President and Vice President by Congress: Perspectives and Contemporary Analysis*, by Thomas H. Neale.

[51] Grover Cleveland served two nonconsecutive terms and is generally identified as the 22nd and 24th President of the United States.

[52] The precursor to the State of the Union Message, the President's Annual Message to Congress, was submitted in December every year and was read in the chambers of the House of Representatives and the Senate by clerks. Beginning with Thomas Jefferson, no President delivered his Annual Message in person for a period of 112 years until Woodrow Wilson did so in 1913.

[53] James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents* (New York: Bureau of National Literature, Inc., 1897), vol. 3, pp. 1011, 1082, 1120, 1168, 1253, and 1336.

[54] U.S. Congress, Senate, *Inaugural Addresses of the Presidents of the United States*, 101st Congress, 1st session, Senate Document 101-10 (Washington: GPO, 1989), pp. 83, 84.

1844, in its first published presidential platform.[55] Although similar declarations do not appear in the Democratic platforms of the time, historian Michael Nelson notes that many Democrats supported the proposal; moreover, Democratic Presidents James Polk (1845-1849) and James Buchanan (1857-1861) announced their intention to serve only one term before they entered office.[56] In fact, none of the eight Presidents who served between Jackson and Lincoln was elected to a second term. While such events indicate the acceptance of the single-term presidency during this period, the short tenures of these chief executives are arguably also due to the vagaries of political life: electoral defeat or rejection by their parties, and, in two instances, death in office.[57]

Throughout the balance of the 19th century, the ideal of the two-term presidency, while often deferred to, actually remained the exception, rather than the rule, arguably, both by design and circumstance. At the same time, proposals for a single-term amendment to the Constitution continued to be offered in Congress.[58] As noted previously, in 1864 Abraham Lincoln became the first President elected to a second term since Jackson, while Ulysses S. Grant (1869-1877) was the only chief executive between Jackson and Woodrow Wilson (1913-1921) to serve two full consecutive terms in office. In 1876, Republican Party leaders, with Grant's tacit approval, explored the possibility of a third term for the incumbent, but the force of tradition, combined with the record of his tenure in office,[59] led to a public outcry, and this trial balloon was eventually deflated.[60] Of the other chief executives holding office during this period, Rutherford B. Hayes (1877-1881) declined to seek a second term; moreover, he also proposed a single-term amendment in his inaugural address.[61] Grant sought the GOP nomination again in 1880, permitting his name to be placed in nomination at the Republican National Convention. While he gained a plurality of delegate votes in the first ballot, Grant was unable to attain a majority. Instead, James A. Garfield (1881), a "dark horse" reform candidate won the nomination on the 36th ballot and the subsequent general election.[62] Garfield was shot on July 2, 1881, less than four months after his inauguration, and lingered into September of that year before succumbing to his wound. He was succeeded by his Vice President, Chester Arthur (1881-1885), who was denied

[55] Donald Bruce Johnson, comp. *National Party Platforms*, rev. ed. (Urbana, IL: University of Illinois Press, 1978), vol. 1, p. 9.

[56] Nelson, *Congressional Quarterly's Guide to the Presidency*, p. 49.

[57] Jackson's anointed successor, Martin Van Buren (1837-1841), was defeated for reelection. His successor, William Henry Harrison (1841), died after one month in office. Harrison's Vice President, John Tyler (1841-1845), was denied renomination by the Whig party and not seriously considered as a candidate for election in his own right. James Polk (1845-1849) declined to run for a second term. As with Harrison, Zachary Taylor (1849-1850) died in office; Millard Fillmore (1850-1853), the Vice President who succeeded him, was denied nomination for election in his own right by his party. Franklin Pierce (1853-1857) had an unsuccessful presidency and was denied nomination for a second term by his party's convention. James Buchanan (1857-1861), announced he would serve only one term. His disastrous tenure as President would likely have precluded serious consideration from his divided party in 1860. Historians generally rank Polk as the only successful chief executive between Jackson and Lincoln. See C-SPAN, *Presidential Historians Survey 2017*, at https://www.c-span.org/presidentsurvey2017/.

[58] For further details on these proposals, please consult archived CRS Report 81-129, *Presidential Tenure: A History and Analysis of the President's Term of Office*, by Stephen W. Stathis, available upon request to Members of Congress and staff.

[59] Grant's administration had been plagued by a number of sensational political scandals. Moreover, he and the Republican Party also received much of the blame for the ruinous Panic of 1873 and the subsequent six-year economic depression.

[60] Charles W. Stein, *The Third-Term Tradition, Its Rise and Collapse in American Politics* (Westport, CT: Greenwood Press, 1972 (c. 1943, Columbia University Press)), pp. 79-82.

[61] Stein, *The Third-Term Tradition*, p. 83.

[62] *National Party Conventions, 1831-2000* (Washington: CQ Press, 2001), pp. 63-64, 182.

nomination for a second term by his Republican Party. Arthur's successor, Democrat Grover Cleveland, advocated a single-term amendment in his acceptance message to the Democratic National Convention in 1884,[63] but ultimately became unique among American Presidents. Cleveland served two nonconsecutive terms, 1885-1889 and 1893-1897; his tenure was interrupted when he was defeated for reelection by Benjamin Harrison (1889-1893). He accomplished the unique feat of beating his successor four years later, in 1892, and returning for a second term.[64] William McKinley (1897-1901) won election in 1896, and with his 1900 victory, became the first President elected to a second term since Grant. Three months into his second term, McKinley notified his Cabinet that he would respect the two-term tradition,[65] but three months after making that announcement, he was assassinated, and was succeeded by Vice President Theodore Roosevelt.

The period between 1825 and 1901 thus presents a contrast in presidential tenure to the era of the founders. A wide range of factors arguably contributed to the change: the death of five incumbent Presidents, two due to natural causes and three to assassination; chronic political volatility; the occurrence of the Civil War and its aftermath; recurrent financial crises and subsequent economic downturns. All these events, as well as continued support for a one-term limit, could be cited as contributing to shorter average presidential tenure between 1837 and 1901. After Jackson, the 18 chief executives who served during this period spent an average of 43 months in office, considerably less than the overall historical mean of 61 months.

Presidential tenure during the earlier part of the era, between 1837 and 1861, serves to highlight the comparative political instability of the post-Jackson period, when the nation seemed to move inevitably toward disunion. During these tumultuous 24 years, presidential tenure reached a low point: the eight chief executives from Van Buren to Buchanan served an average of 36 months, less than one full term each. The period between 1861 and 1901, which began with Lincoln's inauguration and the onset of the Civil War, and concluded with the death of William McKinley, was only marginally less volatile: the 10 Presidents from Lincoln through McKinley averaged 48 months in office, a single term.

Tenure in the Early 20th Century

The assassination and death of William McKinley in September 1901, and the accession of Vice President Theodore Roosevelt, provides a break with the conditions of presidential tenure that prevailed in the 19th century.[66] Average presidential tenure lengthened between 1901 and 1945,

[63] Stein, *The Third-Term Tradition*, p. 117.

[64] Cleveland won the popular vote in 1888, but was defeated in the electoral college. He outpolled Harrison by 100,000 popular votes 5,540,000 to 5,440,000, but the GOP won a comfortable electoral vote majority of 233 to 178. Cleveland won the southern states with large popular vote margins, but lost many northern and midwestern states to the GOP candidate by small margins. Under the prevailing general ticket "winner-take-all" system, all electors in each state were awarded to the popular vote winner in that state, but none to the runner-up, no matter how close the results. For additional information on so-called electoral college "misfires," please consult CRS Report RL32611, *The Electoral College: How It Works in Contemporary Presidential Elections*, by Thomas H. Neale.

[65] Stein, *The Third-Term Tradition*, p. 134.

[66] A wide range of developments, events, and personalities contributed to the sense of change the nation experienced as the 20th century dawned. These included continued technological progress, the closure of the frontier as reported by the 1890 Census, the Spanish-American War of 1898 and the acquisition of overseas possessions by the nation, the dawning of the progressive era, the excitement generated by the arrival of a new century, and, not least, the replacement of the placid, avuncular McKinley by Theodore Roosevelt, the nation's youngest and perhaps its most demonstrably vigorous President to date. For further information, see Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York, Alfred Knopf: 1954), and Library of Congress, Digital Collections, *America at the Turn of the Century: A Look at the Historical Context*, at https://www.loc.gov/collections/early-films-of-new-york-1898-to-

growing to more than 74 months, due largely to the record time in office of Franklin D. Roosevelt (1933-1945), and the terms served by Theodore Roosevelt (1901-1909) and Woodrow Wilson (1913-1921). This was substantially longer than the mean of 61 months for all chief executives, especially when compared with the 43-month average time in office of Presidents who served between 1837 and 1901.

Most early 20th century Presidents prior to Franklin Roosevelt observed the two-term tradition, although several considered the prospect of a third. After serving most of McKinley's second term, Theodore Roosevelt was elected President in his own right in 1904. He declared his adherence to the two-term tradition in a statement issued on the night of his election victory:

> On the 4th of March next I shall have served three and a half years and this ... constitutes my first term. The wise caution which limits the President to two terms regards the substance and not the form; and under no circumstances will I be a candidate for or accept another nomination.[67]

Roosevelt kept his promise, retiring in 1908, but dissatisfaction with his chosen successor, William Howard Taft (1909-1913), led the former President to run again in 1912, explaining that in 1904 he had meant to say he would not seek a third *consecutive* term.[68] Denied the Republican nomination, Roosevelt ran as the Progressive Party candidate, thus dividing the Republican vote and guaranteeing the election of Democratic nominee Woodrow Wilson.

The Democratic National Convention responded to Theodore Roosevelt's third-party bid by adopting a plank in its 1912 platform that called for "an amendment to the Constitution making the President of the United States ineligible to reelection."[69] Following the election, the Democratic-controlled 62nd Congress moved to implement the proposal, and a single-term amendment passed the Senate by the requisite two-thirds majority in February 1913, even before Wilson's inauguration. The Senate resolution was referred to the House Judiciary Committee, but no further action was taken on it, despite suggestions that it enjoyed substantial support in the House of Representatives, and it expired with the end of the 62nd Congress on March 4, 1913. The reason the amendment stalled was not explained until 1916, when it was revealed Wilson himself had written to a trusted Representative in February relating his opposition to the single-term amendment. When the House Democratic leadership learned of the President-elect's opinion, they bowed to his wishes and shelved the amendment.[70]

According to one historian, Wilson himself contemplated running for a third term eight years later, in 1920. Although crippled by a stroke suffered in October 1919, the President may have envisioned his third-term candidacy as an opportunity for a national referendum on his plan for the League of Nations, which had been stalled in the Senate for more than a year.[71] Beyond discussion among Democratic Party leaders, nothing came of these suggestions. The lack of follow-through is attributed variously to rumors of Wilson's ill health, the influence of the two-term tradition, a robust succession struggle within the Democratic Party, and anxieties that a referendum on the League would lead to repudiation of the party by the voters.[72] Although the

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1906/articles-and-essays/america-at-the-turn-of-the-century-a-look-at-the-historical-context/.

[67] Reported in *The New York Tribune*, November 9, 1904, as quoted in Stein, *The Third-Term Tradition*, p. 145.

[68] Quoted in George Harvey, "The Unwritten Law and the 'Great Emergency,'" *North American Review*, vol. 195, April, 1912, p. 445.

[69] Johnson, *National Party Platforms*, vol. 1, p. 170.

[70] Stein, *The Third-Term Tradition*, pp. 228-230.

[71] Stein, *The Third-Term Tradition*, pp. 240-265.

[72] See Wesley M. Bagby, "Woodrow Wilson, a Third Term, and the Solemn Referendum," *American Historical*

1920 Democratic National Convention required 44 ballots before it picked James M. Cox as the party's standard-bearer, President Wilson's name was never placed in nomination.[73]

None of Wilson's three immediate successors served two full terms. Warren Harding (1921-1923) died in office in 1923; he was succeeded by Calvin Coolidge (1923-1929), who was elected in his own right in 1924, but declined to seek a second term in 1928, and ultimately by Herbert Hoover (1929-1933), who was defeated for reelection in 1932. One account asserts, however, that Coolidge (1923-1929) was actively interested in the Republican nomination in 1928, had it been offered to him. He continued to enjoy broad popularity as the election approached, and a substantial number of party leaders and journalists continued to suggest his candidacy. According to Charles Stein, writing in *The Third-Term Tradition*, the President refused to commit himself unless he was sure of an overwhelming demand.[74] As the level of support for an additional Coolidge candidacy stalled, the President ended speculation with a characteristically laconic statement, which he issued without additional comment on August 2, 1927: "I do not choose to run for President in 1928."[75]

Breaking With Tradition: A Third and Fourth Term for President Franklin D. Roosevelt

The two-term mold was finally broken by President Franklin D. Roosevelt in 1940. Following his 1936 landslide reelection to a second term, it seemed likely that he would retire in 1940. Although some supporters urged him to seek a third term, the President refused to commit himself, and, according to some historians, he may have been undecided at the time.[76]

In September 1939, the political landscape was transformed by the outbreak of war in Europe. The conflict erupted into a world crisis in the spring and summer of 1940, as Germany first overwhelmed Denmark and Norway in April, and then attacked France, Belgium, the Netherlands, and Luxembourg in May, crushing resistance in less than six weeks. By the time the Democratic National Convention opened on July 15, the President had decided to accept his party's nomination, but only if it came in the form of a draft.[77] With characteristic indirection, Roosevelt authorized Senator Alben Barkley to declare from the convention platform that "[h]e (President Roosevelt) wishes in all earnestness and sincerity to make it clear that all the delegates to this Convention are free to vote for any candidate."[78] The President's ambiguous statement was taken, as he intended it would be, as a signal that he would accept the nomination. The convention erupted in boisterous pro-Roosevelt demonstrations, and the President was duly nominated on July 17 by an overwhelming margin.[79]

Little more than a year after President Roosevelt's 1940 reelection, the United States was thrust into the war following a surprise Japanese attack on U.S. military installations at Pearl Harbor in

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Review, vol. 60, no. 3, April 1955, pp. 567-575.

[73] *National Party Conventions, 1831-2000*, pp. 90-91, 198.

[74] Stein, *The Third-Term Tradition*, pp. 273-276.

[75] Stein, *The Third-Term Tradition*, p. 282.

[76] James McGregor Burns, *Roosevelt, The Lion and the Fox* (New York: Harcourt Brace Jovanovich, 1956), pp. 409-413; Herbert S. Parmet and Marie B. Hecht, *Never Again, A President Runs for a Third Term* (New York: Macmillan, 1968), pp. 176-177.

[77] Burns, *Roosevelt, The Lion and the Fox*, pp. 426-427.

[78] Burns, *Roosevelt, The Lion and the Fox*, pp. 426-427.

[79] Johnson, *National Party Conventions*, pp. 103, 206.

Hawaii, as well as on other American possessions in the Pacific. As the election of 1944 approached, the nation was deeply involved in World War II, and the injunction "don't change horses in the middle of a stream" seemed even more compelling than in 1940. Roosevelt, whose coronary artery disease and failing general health were concealed from the public, was elected to a fourth term in November.[80] Exhausted by years of stress and overwork, however, he succumbed to what was believed to be a cerebral hemorrhage on April 12, 1945, less than three months after his fourth inaugural.[81]

The Twenty-Second Amendment and After: Presidential Tenure Since President Franklin Roosevelt

President Roosevelt was succeeded in 1945 by his Vice President, Harry S. Truman. Within two years, in 1947, the 80th Congress had proposed the Twenty-Second Amendment to the states, and in 1951, the states completed the ratification process. The amendment, examined in detail later in this report, provides that no person shall be elected more than twice to the presidency and also sets additional conditions of service for Presidents who succeed to the unfinished terms of their predecessors.

While Truman was not covered by the amendment, all 12 Presidents who have served since the amendment took effect have been subject to its provisions. Of these, five—Dwight Eisenhower (1953-1961), Ronald Reagan (1981-1989), William (Bill) Clinton (1993-2001), George W. Bush (2001-2009), and Barack Obama (2009-2017)—each served two full consecutive terms, while Truman's time in office was just three months short of a full eight years. These "standard" two-term presidencies contributed to lengthening the average tenure in office to just under 74 months for the period between the accession of Truman in 1945 and the inauguration of Donald Trump in 2017, making this the longest average tenure for any of the periods covered in this report since the early days under the Constitution.

Embedded within this period, however, were two volatile decades: the years between 1961 and 1981, which witnessed a rate of presidential turnover comparable to that of the 1840s and the 1850s. Five Presidents served in the space of 20 years: John Kennedy (1961-1963), Lyndon Johnson (1963-1969), Richard Nixon (1969-1974), Gerald Ford (1974-1977), and Jimmy Carter (1977-1981). The reasons for their rapid succession in office tend to mirror those experienced by the chief executives of the similarly turbulent 1840s and 1850s: Kennedy was assassinated, but his four immediate successors arguably experienced the consequences of a series of adverse political and economic developments.[82]

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[80] Kenneth R. Crispell and Carlos Gomez, *Hidden Illness in the White House* (Durham, NC: Duke University Press, 1988), pp. 114-120.

[81] Crispell and Gomez, *Hidden Illness in the White House*, pp. 152-157. The diagnosis of a cerebral hemorrhage was speculative because no autopsy was performed. Another theory maintains that undiagnosed metastatic cancer was a contributing factor in the President's death. See Steven Lomazow and Eric Fettman, *FDR's Deadly Secret* (New York: Public Affairs Press, 2009).

[82] Lyndon Johnson presided over the bitterly divisive Vietnam War and chose not to seek reelection in 1968. Richard Nixon resigned in 1974, rather than face impeachment and likely removal from office for his role in the Watergate break-in and its subsequent cover-up. Gerald Ford, an appointed Vice President who succeeded Nixon, arguably owed his 1976 election defeat to his pardon of Nixon, continuing public discontent over Watergate, and economic difficulties. Jimmy Carter's 1980 defeat for reelection was arguably the result of continued economic difficulties and foreign policy reverses. See James T. Patterson, *Grand Expectations: The United States, 1954-1974* (New York: Oxford University Press, 1996); and James T. Patterson, *Restless Giant: the United States from Watergate to Bush v. Gore* (New York: Oxford University Press, 2007).

Constitutional Amendments Affecting Presidential and Vice Presidential Tenure

More than a century after the Twelfth Amendment set qualifications for the vice presidency, the Twentieth, Twenty-Second, and Twenty-Fifth Amendments altered some of the original constitutional and early legislative provisions governing presidential and vice presidential terms and tenure.

The Twentieth Amendment: Beginning Presidential Terms on January 20

The Twentieth Amendment was proposed by Congress in 1932, and its ratification by the states was completed in 1933. It provided the first change in any aspect of presidential or vice presidential term and tenure since the Twelfth Amendment, in 1804, extended qualifications for the President to the Vice President, which was arguably only a technical adjustment made necessary by the amendment's establishment of separate votes for the two offices.

From 1789 until 1937, presidential and vice presidential terms ended on March 4 of every year following a presidential election.[83] This date, which originally applied to the opening day of the First Congress, was confirmed and extended to presidential and vice presidential terms of office by the Second Congress in 1792.[84] This arrangement led to a four-month interval between the choice of presidential electors, which was set by Congress in 1845 for Tuesday after the first Monday in November "of the year in which they are to be appointed…."[85] and the opening of the new Congress and the presidential inauguration, both of which, as noted above, occurred on March 4 of the following year.

Congressional sessions were also connected with the presidential term of office. Article I, Section 4, clause 2 of the Constitution required Congress to assemble "at least once in every Year, and such meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day." As a result, the first session of most Congresses did not convene until more than a year after election day, and the second session, also known as the short session, usually convened *after* elections for its successor had been held, and continued through March 4.[86] These "lame duck" sessions were increasingly criticized in the 20th century, as they included Members of both chambers who had retired or had been defeated for reelection, and occasionally were dominated by political parties that had been repudiated at the November elections. Similarly, as the powers

[83] Similarly, the terms of the 1st through 73rd Congresses expired on March 4 of every odd-numbered year. The March date, which had no particular significance in itself, was selected by Congress under the Articles of Confederation. In September 1788, when it was informed that the requisite two-thirds of states had ratified the proposed Constitution of the United States, Congress passed a resolution setting a timeline for the new government: the first Wednesday following January, in 1789, would be the day on which electoral votes would be cast; they would be counted on the first Wednesday in February, and "the first Wednesday in March next [shall] be the time and the present seat of Congress the place for commencing proceedings under the said constitution." As the first Wednesday in March 1789 fell on March 4, the 4th was ultimately set as the date on which future terms of office for President and Congress would expire. See also U.S. *Journals of the Continental Congress* (Washington: GPO, 1937), vol. xxxiv, 1788-1789, pp. 522-253.

[84] 1 Stat. 241.

[85] 5 Stat. 721. The first presidential electors were appointed in 1788, so combined with the four-year term of office, "the year in which they are to be appointed" has been every subsequent fourth year divisible by the number four (i.e., 1788 to 2016, to date).

[86] In an exception to this rule, throughout this period, the Senate also regularly convened after new Presidents were inaugurated to consider Cabinet nominations and other appointments.

and responsibilities of the presidency expanded, there was increasing demand that the four-month presidential transition be shortened.

Although the Senate passed an amendment resolution ending the lame duck session as early as 1923,[87] efforts to change the dates for congressional and presidential terms of office were stalled in the House of Representatives throughout the decade of the 1920s. In addition to the lame duck session arguments noted above, proponents of the amendment favored elimination of time limits on the short session on the grounds that it promoted obstructionism in both chambers, and particularly, filibusters in the Senate.[88] Opposition to the measure centered on the congressional term: opponents of both parties feared it would eliminate what they regarded as a politically salubrious "cooling off period" after the elections. By convening the new Congress just two months after elections, rather than 13 months, as under the then-current system, the passions generated during the election campaign would, they suggested, still be fresh, and might negatively affect the flow of legislative business. Further, they opposed longer, or continuous, congressional sessions on the grounds that these would present opportunities for the abuse of legislative power. House Speaker Nicholas Longworth spoke for many opponents when he stated the following (in the lame duck third session of the 71st Congress):

> Under this resolution ... it will be entirely possible for Congress to be in session perpetually from the time it convenes.... It seems to me obvious that great and serious danger might follow a perpetual two years' session of the Congress. I am not one of those who says the country is better off when Congress goes home, I do not think so, but I do think that the Congress and the country ought to have a breathing space at least once every two years.[89]

By 1932, however, party control of the House in the 75th Congress had shifted, and a bipartisan coalition was able to bring a proposal to the floor in both chambers. The amendment,[90] which was proposed to the states on March 2, 1932, included the following provisions:

- Terms of the President and Vice President would end on January 20 of the year following a presidential election.
- Terms of Representatives and Senators would end at "noon on the 3d day of January."
- Congress would meet at least once annually, at "noon on the 3d day of January," unless Congress appointed a different day by law.
- If the President elect died, the Vice President elect would become the President-elect.
- Congress was empowered to provide by law for cases of vacancy or deadlock connected with the contingent election process.

In addition, although not included in the amendment's text, one of its intended effects was that the counting of electoral votes cast in presidential elections, declaration of the election results, and contingent election of the President and Vice President, if necessary, would be conducted by the newly elected Congress, rather than by the lame duck session.[91]

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[87] S.J.Res. 253, 67th Congress.

[88] Alan P. Grimes, *Democracy and the Amendments to the Constitution* (Lexington, MA: Lexington Books (D.C. Heath) 1978), p. 107.

[89] U.S. Congress, *Congressional Record*, 71st Congress, 3rd session, vol. 74, February 24, 1931, p. 5902.

[90] S.J.Res. 14, 72nd Congress.

[91] U.S. Congress, House of Representatives, *Proposing an Amendment to the Constitution of the United States*, Report to Accompany S.J.Res. 14, 72nd Congress, 1st session, report No. 345, February 2, 1932, p. 4. For additional

The ratification process proceeded with considerable speed, and was completed on January 23, 1933, when the 36th state approved it. By May of the same year, the 48th, and last, state legislature added its approval.[92] The Twentieth Amendment became effective for the legislative branch in 1935, when the 74th Congress convened on January 4, and for the President and Vice President in 1937, when President Roosevelt and Vice President John Garner were inaugurated on January 20.[93]

The Twenty-Second Amendment: "Term Limits" for the President

In 1946, the Republican Party regained control of both houses of Congress for the first time in 16 years. The GOP had previously committed itself to term limitations on the presidency "[t]o insure against the overthrow of our American system of government" in its 1940 national convention platform, while the party's 1944 manifesto called for a single six-year term for the chief executive.[94] The question of presidential tenure was thus high on the agenda of the 80th Congress when it convened on January 3, 1947, and resolutions proposing constitutional amendments that would impose term limitations on future Presidents were introduced in both chambers when Congress assembled.

Debate on the amendment proceeded generally on partisan lines. Clearly the most important factor in consideration of the amendment was the unprecedented example of President Roosevelt's 12 years in office. Between the successive crises of the depression and World War II, and President Roosevelt's activist conception of the office, the power and authority of the presidency had expanded well beyond its traditional boundaries. Supporters claimed their goal was the prevention of excessive concentration of power in the hands of future Presidents. Opponents argued that the proposal was a case of overkill: the informal two-term limit had been set aside by the President (with the approval of a substantial majority of the voters, they noted) only because of the extraordinary circumstances surrounding World War II. It was, they asserted, a restriction of democracy, depriving the people of their right to elect any qualified candidate they chose. One nationally prominent journalist of the era described the amendment as "'an act of retroactive vindictiveness' [against Franklin Roosevelt]. They could never beat him while he was alive, [Elmer] Davis said, so they beat him after he was dead."[95] On the other hand, one scholar of the presidency noted that the idea of presidential term limits was not new at that time: more than 270 amendments to circumscribe presidential tenure had been introduced between 1789 and 1947.[96]

The House took the lead on the question, moving quickly after the new Congress assembled. Two approaches to the question of presidential term limitations emerged: H.J.Res. 25, introduced by Representative Everett M. Dirksen, sought a single six-year term, while H.J.Res. 27, offered by

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information on contingent election, please consult CRS Report R40504, *Contingent Election of the President and Vice President by Congress: Perspectives and Contemporary Analysis*, by Thomas H. Neale.

[92] U.S. Congress, Senate, *The Constitution of the United States of America, Analysis and Interpretation*, 112th Congress, 2nd session, S.Doc. 112-9 (Washington: GPO, 2017), p. 36, at https://www.congress.gov/content/conan/pdf/GPO-CONAN-2017.pdf.

[93] By tradition, if January 20 falls on Sunday, the President and Vice President are sworn in at a private White House ceremony on the 20th, and the public ceremony is held the next day. This occurred most recently in 2013, and will occur again in 2037.

[94] Johnson, *National Party Platforms*, vol. 1, pp. 394, 406.

[95] Louis Koenig, *The Chief Executive*, 4th ed. (New York, Harcourt, Brace, Jovanovich: 1981), p. 70.

[96] Thomas Cronin, "Twenty-Second Amendment," in *Encyclopedia of the American Presidency*, Leonard W. Levy and Louis Fisher, eds., (New York: Simon and Schuster, 1994), vol. 4, p. 1511.

Representative Earl C. Michener, proposed a limit of two four-year terms. On February 5, the Judiciary Committee reported H.J.Res. 27 favorably, and the proposal was taken up by the full House on February 6. Debate on the resolution itself was limited to two hours, and to five minutes each on proposed amendments, after which the House voted to approve H.J.Res. 27 on February 6, 1947, by a vote of 285 to 121.[97] House debate fell largely along party lines; the amendment has largely been characterized as a "Republican" measure, and it is worth noting that the Republican caucus in the House was united in support of the resolution. On the other hand, one historian points out that the votes of 47 mostly southern Democrats provided the resolution the necessary two-thirds majority required by the Constitution, so there was, in fact, a level of bipartisan support; most Democratic "yes" votes came from southern or border states.[98]

Senate consideration of the amendment proceeded at a more measured pace than in the House. The House measure, H.J.Res. 27, which the Senate used as the vehicle for its deliberation, was reported from the Senate Judiciary Committee on February 21; it differed from the House resolution by requiring that the amendment be submitted to ad hoc state conventions for ratification, rather than to the state legislatures—Article V of the Constitution provides for either method of ratification, at the discretion of Congress. The argument was that ad hoc conventions, elected for the single purpose of considering the amendment, would be more familiar with, and responsive to, public opinion on the proposal. Secondly, the committee version included a prohibition on further presidential service of any person who had served more than 365 days in each of two terms.

When the full Senate took up the amendment, both these provisions were stripped out, but the Senate approved an amendment by Senator Robert Taft that clarified procedures governing the number of times a Vice President who succeeded to the presidency might be elected. Taft's amendment included the now-familiar provision that if a Vice President becomes President in the latter two years of a predecessor's term, he or she is eligible to be elected to two full terms, for a total of 10 years' service. If, however, the Vice President serves more than two years of a predecessor's term, he or she may be elected only to a single subsequent term. The Senate passed the resolution, as amended, by a vote of 59 to 23 on March 12.[99] As with the House, there was substantial Democratic support for the measure: 16 Democratic Senators, mostly from southern and border states,[100] joined all 43 Republicans present and voting to produce the necessary two-thirds majority. The 23 "no" votes were cast by Democrats.

Although the Senate appointed conferees to resolve differences between the two versions of the bill, there is no evidence a conference committee met. On March 21, the House took up the Senate version, which, according to Representative Michener, had been "considered informally before the full Judiciary Committee."[101] The House, after additional debate, accepted the Senate's amendments to H.J.Res. 27 on March 21.[102]

The Senate version of the amendment, as agreed to in the House and proposed to the states, included the following provisions:

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[97] U.S. Congress, *Congressional Record*, 80th Congress, 1st session, vol. 93, February 6, 1947, pp. 871-872.

[98] Grimes, *Democracy and the Amendments to the Constitution* p. 119. As a notable sidelight for the record, according to Grimes, Representatives John F. Kennedy and Richard M. Nixon, both future Presidents, voted in favor of the amendment.

[99] *Congressional Record*, 80th Congress, 1st session, vol. 93, March 12, 1947, p. 1978.

[100] Grimes, *Democracy and the Amendments to the Constitution*, p. 120.

[101] *Congressional Record*, 80th Congress, 1st session, vol. 93, March 21, 1947, p. 2389.

[102] *Congressional Record*, 80th Congress, 1st session, vol. 93, March 21, 1947, p. 2392.

- No person could be elected to the office of President more than twice.
- Persons who had been President or acted as President for *more* than two years of their predecessor's term could be elected once.
- Persons who had been President or acted as President for *less* than two years of their predecessor's term could be elected twice.
- The amendment did not apply to any person serving as President when it was proposed, or when it was ratified.

The amendment was proposed to the states for ratification by their legislatures on March 24, 1947. Minnesota became the 36th state to ratify the proposal on February 27, 1951, and it was declared to be ratified and effective on March 1 of the same year.[103]

Since its ratification in 1951, the Twenty-Second Amendment has applied to six Presidents who have been elected twice to the Presidency: Dwight D. Eisenhower (1953-1961), Ronald W. Reagan (1981-1989), William (Bill) J. Clinton (1993-2001), George W. Bush (2001-2009), and Barack H. Obama (2009-2017). In addition, Richard M. Nixon (1969-1974), who resigned from office under the threat of impeachment, was technically covered by the amendment's provisions, having been elected twice to the presidency.

To date, two Presidents who succeeded to the presidency have been covered under the Amendment's provisions that govern succession to their predecessors' uncompleted terms:

> … 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.[104]

The first, Lyndon B. Johnson (1963-1969), succeeded to the presidency when John F. Kennedy was assassinated in November 1963. Under the provisions of the Twentieth Amendment, Johnson would have been eligible to be elected to two full terms, because he entered office more than halfway through his predecessor's term. On the other hand, Gerald R. Ford (1974-1977), the second Vice President to succeed to the presidency during this period, was eligible to be elected to only one full term in his own right, since he served more than two years of the term to which President Nixon had been elected.[105]

Does the Twenty-Second Amendment Provide an Absolute Term Limitation on Presidential Service?

The Twenty-Second Amendment prohibits anyone from being *elected* President more than twice. The question has been asked, however, whether a President who was elected to two terms as chief executive could subsequently be elected Vice President and then succeed to the presidency as a result of the incumbent's death, resignation, or removal from office. Another version of this scenario questions whether a former President who had been elected twice could succeed to the office of chief executive from other positions in the line of presidential succession, such as the

[103] *The Constitution of the United States of America, Analysis and Interpretation*, p. 39, at https://www.congress.gov/content/conan/pdf/GPO-CONAN-2017.pdf.

[104] U.S. Constitution, Twenty-Second Amendment, Section 1, clause 1.

[105] Elected President in his own right in 1964, Johnson declined to seek a second term four years later. Ford was defeated in 1976 in his bid to win election to the single term to which he was entitled.

offices of Speaker of the House of Representatives, President pro tempore of the Senate, or positions in the Cabinet, as provided for in the Presidential Succession Act.[106]

This issue was raised initially during discussions of the Twenty-Second Amendment in 1960, when President Eisenhower was about to become the first President covered by its limitations.[107] While the question may have been largely academic with respect to Eisenhower, due to his age and condition of his health, it was also raised again concerning former President Barack Obama, who left office in 2017 at the age of 55.[108]

Some commentators argue that the Twelfth Amendment's statement that "no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President" *ipso facto* bars any former chief executive covered by the Twenty-Second Amendment from serving either as Vice President or succeeding to the presidency from any other line of succession position (i.e., the Speaker of the House, President pro tempore of the Senate, or the Cabinet).[109]

Others maintain, however, that the original intent of the Twelfth Amendment's language was only to apply the same qualifications of age, residence, and "natural born" citizenship to the Vice President as apply to the President, and that it has no bearing on eligibility to serve as President.[110] Moreover, they maintain that the Twenty-Second Amendment's prohibition can be interpreted as extending only to eligibility for *election*, not *service*; by this reasoning, a term-limited President could be elected Vice President, and then succeed to the presidency to serve out the balance of the term. Adherents of both positions, however, generally agree that anyone becoming President under any of these scenarios would be prohibited from running for election to an additional term.[111]

Assessing a related question, legal scholars Bruce Peabody and Scott Gant asserted in a 1999 article that a former President could also succeed to the presidency, or be "acting President" from the wide range of positions covered in the Presidential Succession Act. By their reasoning, a former President serving as Speaker of the House, President pro tempore of the Senate, or as a Cabinet officer would also be able to assume the office of President or act as President under the "service vs. election" interpretation of the Twenty-Second Amendment.[112] *The Constitution Annotated* tends to support some version of this interpretation, but notes that many issues would need to be addressed if this situation ever occurred:

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[106] 61 Stat. 3880, 3 U.S.C. 19. For further information on the Presidential Succession Act, please consult archived CRS Report RL34692, *Presidential Succession: Perspectives, Contemporary Analysis, and 110th Congress Proposed Legislation*, by Thomas H. Neale, available to Members of Congress and congressional staff on request.

[107] Stephen W. Stathis, "The Twenty-Second Amendment: A Practical Remedy or Partisan Maneuver?" pp. 76-77.

[108] See, for instance, James V. DeLong, "Is a Third Obama Term Really Impossible?" *Real Clear Policy*, August 2, 2015, at https://www.realclearpolicy.com/blog/2015/08/03/is_a_third_obama_term_really_impossible_1384.html.

[109] Henry H. Fowler, quoted in Robert E. Clark, "The Constitutional Issues: A 'Back-door' Third Term?" *The Sunday Star* (Washington, DC), January 31, 1960, p. C4; Matthew J. Franck, "Constitutional Sleight of Hand," *National Review Online*, July 31, 2007, https://www.nationalreview.com/bench-memos/re-constitutional-sleight-hand-matthew-j-franck/.

[110] The Constitution originally included no qualifications for the office of Vice President. Under the original constitutional provision, there were only candidates for President; the runner-up was elected Vice President. When the Twelfth Amendment established separate electoral college ballots for the President and Vice President, language establishing the same qualifications for the second office was included as the last sentence in the amendment's text.

[111] Edwin S. Corwin, quoted in Clark, "The Constitutional Issues: A 'Back-door Third Term," p. C4; Bruce G. Peabody and Scott E. Gant, "The Twice and Future President: Constitutional Interstices and the Twenty-Second Amendment," *Minnesota Law Review*, vol. 83, February 1999, pp. 565-635.

[112] Peabody and Gant, "The Twice and Future President," pp. 567-569.

> The Twenty-Second Amendment has yet to be tested or applied. Commentary suggests, however, that a number of issues could be raised as to the Amendment's meaning and application, especially in relation to the Twelfth Amendment. By its terms, the Twenty-Second Amendment bars only the election of two-term Presidents, and this prohibition would not prevent someone who had twice been elected President from succeeding to the office after having been elected or appointed Vice-President. Broader language providing that no such person "shall be chosen or serve as President ... or be eligible to hold the office" was rejected in favor of the Amendment's ban merely on election (H.J.Res. 27, 80th Cong., 1st Sess. (1947)), (as introduced). As the House Judiciary Committee reported the measure, it would have made the covered category of former presidents "ineligible to hold the office of President." (H.R. Rep. No. 17, 80th Cong., 1st Sess. at 1 (1947)). Whether a two-term President could be elected or appointed Vice President depends upon the meaning of the Twelfth Amendment, which provides that "no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President." Is someone prohibited by the Twenty-Second Amendment from being "elected" to the office of President thereby "constitutionally ineligible to the office"? Note also that neither Amendment addresses the eligibility of a former two-term President to serve as Speaker of the House or as one of the other officers who could serve as President through operation of the Succession Act.[113]

It seems unlikely that this question will be answered conclusively barring an actual occurrence of the as-yet hypothetical situation cited above. As former Secretary of State Dean Acheson commented when the issue was first raised in 1960, "it may be more unlikely than unconstitutional."[114]

The Twenty-Fifth Amendment: Filling Vice Presidential Vacancies

The Twenty-Fifth Amendment, which provides for several aspects of presidential succession and disability, also filled a gap in constitutional procedures that had existed since 1789. The amendment established procedures for filling vacancies in the vice presidency that have been implemented twice since the amendment's ratification in 1967.

As noted previously in this report, the Constitution originally made no provision for filling vacancies in the vice presidency, but authorized Congress to provide for simultaneous vacancies in both executive offices. The Succession Act of 1792 (1 Stat. 240), passed by the Second Congress (1791-1793), addressed the issue, authorizing the President pro tempore of the Senate and the Speaker of the House, in that order, to act as President until a special election could be held to fill a presidential vacancy, unless the vacancy occurred late in the last full year of the incumbent's term of office.[115] The act made no provision for vacancies in the vice presidency, an omission that continued in its subsequent revisions, the succession acts of 1881 (24 Stat. 1) and 1947 (61 Stat. 380). Consequently, the office of Vice President was vacant on 14 different occasions between 1809 and 1965, due to the death or resignation of various incumbents. These vacancies ranged in duration from 67 days, following John C. Calhoun's resignation to assume a Senate seat in December 1832, to 47 months, when John Tyler became President following the death of William Henry Harrison in 1841.[116]

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[113] *The Constitution of the United States of America, Analysis and Interpretation*, p. 2104, at https://www.congress.gov/content/conan/pdf/GPO-CONAN-2017.pdf.

[114] George Dixon, "Washington Scene ... Ike's Right to V.P. Spot," *Washington Post*, January 21, 1960, p. A 23.

[115] The Succession Act of 1792 made no provision for vice presidential vacancies in this circumstance because it was unnecessary under the existing presidential election procedures: each elector cast two votes for President, with the winner elected President and the runner-up elected Vice President.

[116] For additional information on presidential and vice presidential succession and disability, please consult archived

During the 1950s, Congress considered proposals concerning presidential disability that were largely generated by concern over illnesses suffered by President Dwight Eisenhower during his two terms in office (1953-1961). These included a moderate heart attack, a mild stroke, and surgery for a partial obstruction of the President's intestine.[117] Hearings on an amendment to provide for instances of presidential disability were held by the Senate Judiciary Committee's Subcommittee on Constitutional Amendments, chaired by Senator Estes Kefauver, in 1958 and 1959. No floor action was taken in either chamber on the question during this period. When Senator Kefauver, the chief advocate for constitutional action, died in August 1963, Senator Birch Bayh assumed leadership of succession and disability reform proponents in the Senate, in cooperation with Representative Emanuel Celler, chairman of the House Judiciary Committee.

The assassination of President John F. Kennedy on November 22, 1963, shocked and traumatized the nation. In Congress, the President's death provided fresh impetus to congressional action on presidential succession and disability leading to proposal of the Twenty-Fifth Amendment to the Constitution. Although Vice President Lyndon B. Johnson succeeded without incident after Kennedy's death, the office of Vice President remained vacant for 14 months, until Senator Hubert Humphrey was elected in 1964 and inaugurated on January 20, 1965. Following President Johnson's November 27, 1963, address to a joint session of Congress, contemporary observers noted that his potential immediate successor, House Speaker John W. McCormack, was 71 years old, and that Senate President pro tempore Carl T. Hayden, second in the order of succession, was 86 and visibly frail.[118] A consensus emerged that a vice presidential vacancy for any length of time constituted a dangerous gap in the nation's leadership during the Cold War, an era of international tensions and the threat of nuclear war.[119]

Senator Bayh introduced a constitutional amendment shortly after President Kennedy's death that provided new procedures for (1) presidential succession, (2) vice presidential vacancies, and (3) instances of presidential disability. Although the House did not act on the proposal in 1964, it was reintroduced the following year in both chambers early in the first session of the 89th Congress. The proposal included in its nearly identical House and Senate versions (H.J.Res. 1 and S.J.Res. 1, respectively) the following provisions:

- Section 1 provided that the Vice President becomes President in "case of the removal of the President from office or of his death or resignation."[120]
- Section 2 provided that whenever the office of Vice President is vacant, the President nominates a successor "who shall take office upon confirmation by a majority vote of both Houses of Congress."[121]

CRS Report RL34692, *Presidential Succession: Perspectives, Contemporary Analysis, and 110th Congress Proposed Legislation*, by Thomas H. Neale, available to Members of Congress and congressional staff on request.

[117] John D. Feerick, *From Failing Hands, The Story of Presidential Succession* (New York: Fordham University Press, 1965), pp. 215-229.

[118] Feerick, *From Failing Hands*, p. 264. Joel K. Goldstein, *The Modern American Vice Presidency: The Transformation of a Political Institution* (Princeton, NJ: Princeton University Press, 1982), p. 230.

[119] John D. Feerick, *The Twenty-Fifth Amendment: Its Complete History and Applications*, 3rd ed. (New York: Fordham University Press, 2014), pp. 56-58.

[120] This provision settled an issue that had been debated since the first vice-presidential succession, by John Tyler on the death of William Henry Harrison in 1841. The question was, did a Vice President who replaced the President assume his powers and duties only, effectively becoming an "acting" President, or did he assume the presidency itself? Tyler and subsequent Vice Presidents who succeeded claimed to be President in full, not acting President, but their status continued to be debated until the amendment settled the argument.

[121] U.S. Constitution, Twenty-Fifth Amendment, Section 2.

- Section 3 provided that whenever the President declares he is disabled and unable to discharge his duties, the Vice President serves as Acting President.
- Section 4 provided that whenever the Vice President and a majority of the Cabinet, or, alternatively, the Vice President and a disability review body established by law, transmits to the Speaker of the House of Representatives and the President pro tempore of the Senate a declaration that the President is incapacitated, the Vice President becomes Acting President. When the President transmits a message to the same officers declaring that no inability exists, the President resumes the powers and duties of the office. If, however, the Vice President and a majority of either the Cabinet or the Vice President and the disability review body, if one has been established, disputes the President's message, then Congress decides the issue within a limited period of time. A two-thirds vote of both houses of Congress is necessary to sustain the Vice President's judgment that the President remains impaired; otherwise the President resumes the powers and duties of the office.[122]

The proposed amendment moved through the relevant committees and came to the floor of both chambers early during the first session of the new Congress. A bipartisan consensus emerged in favor of Sections 1 through 3; Section 4, however, generated controversy that centered on its provisions governing disputed presidential disability. Opponents asserted that these procedures were too detailed to be included in a constitutional amendment, and that the question of disability would be better addressed in the proposed amendment by authorizing Congress to provide by law for such instances. Defenders responded by noting that leaving the disability review function to legislation, and dependent on a simple majority in both houses of Congress, might subject this critical issue to political manipulation: better to "set it in stone" in the Constitution.[123] Senator Everett Dirksen was the chief proponent of the legislative route for disability procedures, but his amendment to the resolution was rejected by a substantial margin.[124] The Senate ultimately passed S.J.Res. 1 without the Dirksen amendment on February 13, 1965, by a vote of 72 to 0,[125] followed by House passage of H.J.Res. 1 on April 13, by a vote of 368 to 29.[126] A conference reconciled minor differences between the two versions, and the amendment was officially proposed to the states on July 6. Ratification proceeded quickly in the states; Nevada became the 38th state to ratify on February 10, 1967, and the Administrator of General Services declared the amendment to be in effect on February 23 of the same year.[127]

Implementing Section 1 of the Twenty-Fifth Amendment

Both Sections 1 and 2 of the Twenty-Fifth Amendment, which relate to presidential and vice presidential term and tenure, have been implemented since its ratification in 1967. In the case of Section 1, no direct action beyond swearing in the new President was necessary on August 9, 1974, when President Richard Nixon resigned while facing almost certain impeachment resulting from the revelation of his involvement in events connected with the Watergate break-in and

[122] For additional information on Sections 3 and 4 of the Twenty-Fifth Amendment, as ratified, see CRS Report R45394, *Presidential Disability Under the Twenty-Fifth Amendment: Constitutional Provisions and Perspectives for Congress*, by Thomas H. Neale.

[123] Grimes, *Democracy and the Amendments to the Constitution*, pp. 137-140.

[124] *Congressional Record*, 89th Congress, 1st session, vol. 111, February 12, 1965, p. 3272.

[125] *Congressional Record*, 89th Congress, 1st session, vol. 111, February 12, 1965, p. 3286.

[126] *Congressional Record*, 89th Congress, 1st session, vol. 111, April 13, 1965, pp. 7968-7969.

[127] *The Constitution of the United States, Analysis and Interpretation*, p. 42, at https://www.congress.gov/content/conan/pdf/GPO-CONAN-2017.pdf.

subsequent cover-up. The Vice President, former Representative Gerald R. Ford, became President, and was inaugurated without incident when he took the oath of office the same day.

Implementing Section 2 of the Twenty-Fifth Amendment

Section 2 of the Twenty-Fifth Amendment has been implemented twice since its ratification, in 1973, with the nomination and confirmation of Representative Gerald R. Ford as Vice President, and in 1974, with the nomination and confirmation of New York Governor Nelson A. Rockefeller as Vice President.

1973: Nomination and Confirmation of Gerald R. Ford as Vice President

The provisions of Section 2 of the Twenty-Fifth Amendment were invoked twice within a few years of the amendment's ratification. Between 1973 and 1974, the circumstances surrounding the Watergate break-in of 1972 resulted in what amounted to back-to-back implementations of the section within the space of 16 months, as the vice presidency became vacant twice, first due to resignation, and second, due to succession of the Vice President to the presidency.[128] As the events resulting from the Watergate break-in unfolded in June 1973, an unrelated federal investigation of political corruption in Baltimore County, Maryland, uncovered evidence of illegal activities by Vice President Spiro T. Agnew during and after his service both as county executive and as Governor of Maryland from 1967 to 1969.[129] After a grand jury was convened, the Vice President entered into negotiations with the Justice Department and President Nixon's counsel, as a result of which he agreed to resign and plead "no contest" to one count of tax evasion, in return for a fine and three years of probation. Agnew resigned the vice presidency on October 10, 1973. On October 12, the President nominated the House Republican Leader, Representative Gerald Ford, to be Vice President, thus activating Section 2 of the amendment.[130]

The nomination was referred in the House to the Committee on the Judiciary, and in the Senate to the Committee on Rules and Administration; the two chambers agreed on consecutive hearings, with the Senate proceeding first. The Senate Rules Committee hearings began on November 1, 1973, and continued in both public and executive sessions until the committee voted unanimously to report the nomination favorably to the full Senate on November 20.[131] The House Judiciary Committee opened its first session on November 15, immediately following the Senate's last public hearings session. House hearings continued until November 26, and on November 29, the committee voted 30-8 to report the nomination favorably to the full House.[132] After two days of

[128] For a fuller account of the events surrounding Watergate and aspects particularly related to the role of Section 2 of the Twenty-Fifth Amendment see the following: Richard M. Cohen and Jules Witcover, *A Heartbeat Away: The Investigation and Resignation of Vice president Spiro T. Agnew* (New York: Viking Press, 1974); Theodore H. White, *Breach of Faith: The Fall of Richard Nixon* (New York: Atheneum, 1975), and *Watergate, Chronology of a Crisis* (Washington: Congressional Quarterly, 1975).

[129] This account relies substantially on Richard M. Cohen and Jules Witcover, *A Heartbeat Away: The Investigation and Resignation of Vice President Spiro T. Agnew*, and "Agnew: Second Vice President to Resign," in *Congressional Quarterly Almanac, 93rd Congress, 1st session, 1973*, vol. 29 (Washington: Congressional Quarterly, 1974), pp. 1054-1058.

[130] U.S. President (Nixon), "Remarks Announcing Intention to Nominate Gerald R. Ford To Be Vice President," *Public Papers of the Presidents of the United States: Richard M. Nixon, 1973* (Washington: GPO, 1975), pp. 867-869.

[131] U.S. Congress, Senate Committee on Rules and Administration, *Nomination of Gerald R. Ford of Michigan To Be Vice President of the United States*, report, 93rd Congress, 1st session, Senate Executive Report 93-26 (Washington: GPO, 1973).

[132] U.S. Congress, House, Committee on the Judiciary, *Confirmation of Gerald R. Ford as Vice President of the United States*, report to accompany H.Res. 735, 93rd Congress, 1st session, H.Rept. 93-695 (Washington: GPO, 1973).

floor debate, the Senate voted on November 27 by a margin of 93 to 2 to confirm Ford as Vice President.[133] The House voted to confirm Ford on December 6, after one day of debate, by a vote of 387 to 35.[134] Representative Ford took the oath as Vice President before a joint session of Congress in the House chamber the same day.[135]

1974: Nomination and Confirmation of Nelson A. Rockefeller as Vice President

The second, and to date the only other, implementation of Section 2 occurred less than a year later. On August 9, 1974, Richard Nixon resigned the presidency, after being confronted with the near certainty of impeachment and possible removal from office due to his role in the events associated with the Watergate break-in. Gerald Ford was immediately sworn in as President, thus creating a vacancy in the vice presidency, for which he nominated former New York Governor Nelson Rockefeller on August 20.[136] Congress adopted the procedures used in consideration of the Ford nomination, but the hearing schedules were complicated by the press of legislative business and the fact that 33 members of the House Judiciary Committee and 2 members of the Senate Committee on Rules and Administration were running for reelection in the midterm congressional elections held November 2, 1974. An additional factor in the delay was the fact that, as a scion of one of America's wealthiest families, Governor Rockefeller's personal finances were extremely complex and required a lengthy investigation. Given these factors, the Senate hearings were conducted in two widely separated installments, from September 23 to 26, and again between November 13 and 15. The Rules Committee voted unanimously to report the nomination to the full Senate on November 22.[137] The House again scheduled consecutive hearings, convening the Judiciary Committee from November 21 to 26, and again between December 2 and 4. The committee voted 26 to 12 to report the nomination favorably on December 12.[138] As was the case with the Ford nomination, floor debate on the confirmation of Nelson Rockefeller to be Vice President was somewhat anticlimactic. Most of the substantive points in favor of, or in opposition to, the nominee had been thoroughly examined in the hearings process and were largely disposed of in the Rules and Judiciary Committee reports. The Senate voted 90 to 7 to confirm Rockefeller on December 10,[139] while the House confirmed the nomination by a closer margin, 287 to 128, on December 19.[140] Vice President Rockefeller was inaugurated in the Senate, with House Members in attendance, the same day.[141]

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[133] *Congressional Record*, 93rd Congress, vol. 119, November 27, 1973, p. 38225.

[134] *Congressional Record*, 93rd Congress, vol. 119, December 6, 1973, p. 39899.

[135] *Congressional Record*, 93rd Congress, vol. 119, December 6, 1973, pp. 39925-26.

[136] U.S. President (Ford), "Remarks on Intention To Nominate Nelson A. Rockefeller To Be Vice President of the United States," *Public Papers of the Presidents of the United States: Gerald R. Ford, 1974* (Washington: GPO, 1975), pp. 28-29.

[137] U.S. Congress, Senate Committee on Rules and Administration, *Nomination of Nelson A. Rockefeller of New York To Be Vice President of the United States*, report, 93rd Congress, 2nd session, Senate Executive Report 93-34 (Washington: GPO, 1974).

[138] U.S. Congress, House Committee on the Judiciary, Confirmation of Nelson A. Rockefeller as Vice President of the United States, report to accompany H.Res. 1511, 93rd Congress, 2nd session, H.Rept. 93-1609 (Washington: GPO, 1974).

[139] *Congressional Record*, 93rd Congress, vol. 120, December 10, 1974, p. 38936.

[140] *Congressional Record*, 93rd Congress, vol. 120, December 19, 1974, p. 41517.

[141] *Congressional Record*, 93rd Congress, vol. 120, December 19, 1974, pp. 41181-41182. The apparent discrepancy in pagination is due to the fact that Senate proceedings for December 19, which include the inaugural ceremony, are printed before those of the House.

Concluding Observations

The question of presidential and vice presidential terms and tenure has had a sometimes-dramatic history in the more than two centuries that have passed since the Constitutional Convention settled on the basic questions of term length and reelection. As this report documents, various circumstances contributed to what approached a de facto one-term presidential tradition for much of the 19th century, while during this same period a durable body of opinion favored a constitutional amendment to formalize the single term. In the 20th century, three constitutional amendments made incremental changes in certain conditions of presidential tenure, most notably the Twenty-Second Amendment's establishment of limits on the number of times a person could be elected President of the United States. In recent years, however, these issues have not been the subject of much debate. Certain questions do occasionally rise to command some degree of public attention, including speculation on the applicability of the Twenty-Second Amendment to Presidents who have been elected twice, or proposals for constitutional changes that would repeal the amendment or establish a single six-year presidential and vice presidential term. By design, however, constitutional amendments must pass a number of demanding tests before they can be incorporated in the nation's fundamental charter. Those few of the many hundreds of amendments proposed that were successful arguably owe their success to one or more of the following developments:

- They incorporate a reform that has been considered and debated over a period of time, and has gradually gained the approval of a contemporaneous majority of the public that includes a wide range of social, cultural, and political support from diverse elements around the nation.
- They have been viewed as a remedy to a sudden and traumatic event in the nation's life that requires a swift and definitive solution.
- They have received the steady support of generally bipartisan leadership in both houses of Congress over the extended periods generally necessary for the legislature to consider and propose amendments for consideration by the states.

Until or unless any proposals to change the existing conditions of presidential terms and tenure meet one or more of these requirements, there is arguably little momentum for their moving beyond the realm of advocacy and speculation.

Author Information

Thomas H. Neale
Specialist in American National Government

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