

PROPOSED AMENDMENT TO THE CONSTITUTION OF
THE UNITED STATES RELATING TO TERMS OF OFFICE
OF THE PRESIDENT

FEBRUARY 5, 1947.—Referred to the House Calendar and ordered to be printed

Mr. SPRINGER, from the Committee on the Judiciary, submitted the
following

REPORT

[To accompany H. J. Res. 27]

The Committee on the Judiciary, to whom was referred the joint resolution (H. J. Res. 27) whereby an amendment to the Constitution of the United States is proposed, relating to the terms of office of the President of the United States, having fully considered the same, report favorably thereon with an amendment and, as amended, recommend that the resolution do pass.

AMENDMENT

On page 1, line 9, after "Section 1", strike out the remainder of lines 9, 10, and 11, and, on page 2, lines 1 and 2, down to the semicolon, and insert the following:

Any person who has served as President of the United States during all, or portions, of any two terms, shall thereafter be ineligible to hold the office of President;

Therefore, the main portions of the resolution, as amended, read as follows:

That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Any person who has served as President of the United States during all, or portions, of any two terms, shall thereafter be ineligible to hold the office of the President; but this article shall not prevent any person who may hold the office of President during the term within which this article is ratified from holding such office for the remainder of such term.

2 AMEND CONSTITUTION RELATING TO OFFICE OF PRESIDENT

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

GENERAL STATEMENT

This resolution has but one purpose. That purpose is to submit to the people, by and through their State legislatures, this very important problem of the Presidential tenure of office, and to let the people decide whether or not this limitation should be written into the Constitution.

Heretofore many resolutions have been introduced upon this very question, but for some reason or another they have fallen by the way-side, and no legislation has been passed upon this question, and our Constitution remains without amendment to this date respecting the tenure of the office of President.

Section 1, article II, of the Constitution provides:

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, * * *

Again, under amendment 20, section 1 of our Constitution, we find, in that amendment, the following language:

The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

By reason of the lack of a positive expression upon the subject of tenure of the office of President, and by reason of a well-defined custom which has arisen in the past that no President should have more than two terms in that office, much public discussion has resulted upon this subject. Hence it is the purpose of this legislation, if passed, to submit this question to the people so they, by and through the recognized processes, may express their views upon this question, and, if they shall so elect, they may amend our Constitution and thereby set at rest this problem.

This is not a political question. The importance of the problem to the people transcends all political implications and considerations. This proposed amendment to our Constitution, if adopted, will continue throughout the future years, unless and until a further amendment may be adopted upon this subject. Therefore, in the face of general public discussions, in the face of the custom which has developed throughout the years, we are here presenting a resolution to submit this basic problem to the people.

ACTION TAKEN IN CONSTITUTIONAL CONVENTION

The tenure of the Presidential office proposed under the new Constitution was one of the most difficult and perplexing problems to come before the Convention of 1787. How long should the term of the President be? Should he be eligible for reelection? It was not until the closing days of the Convention that a decision was reached, and then only in the final report of the Committee of Revision, submitted on September 12, 1787. In that report provision was made for the term of 4 years and election by the electoral college.

In the plan submitted by Mr. Randolph on May 29, 1787, however, the term of years was left blank, as was also the case in the resolutions introduced by Mr. Patterson. A proposal for a tenure of 7 years, accompanied by a provision of ineligibility for a second time, appeared in the series of resolutions referred to the Committee of Detail on July 23, but throughout the debates the matter recurred constantly without decision. A draft of the Constitution, reported from the Committee of Five on August 6, provided for a term of 7 years without reeligibility. The report of the Committee of Eleven filed on September 4, 1787, provided for a 4-year term without reference to reeligibility, and that provision appeared in the revised and final draft of September 12, 1787.

MINORITY VIEWS OF MR. CELLER

A number of the members of the House Judiciary Committee oppose House Joint Resolution 27, which limits, in general, the Presidential tenure of office to two terms of 4 years each.

We believe if there is to be any change in Presidential tenure, it should be in the nature of a 6-year term, with no right of reelection, and that no one shall be eligible for the Presidency who has served in that office any part of two previous terms.

It has always been natural for the incumbent President to have his eyes fixed on reelection, and all the acts of the first term, directly or indirectly, in some measure, are affected by the ambition for a second term. It is only natural for the incumbent President to make appointments to his Cabinet with due consideration for political repercussions. Even appointments to important judicial posts are tinged with politics. He is wont to ask himself and his intimates, "Will the appointment enhance or diminish my prospects for reelection?"

If there is no possibility for reelection there is no need to canvass for delegates at the national convention, no need to placate certain sections of the country that may be hostile, no need to suggest legislation that might mean the garnering of additional votes that would be useful at the national convention.

The writer reveres the memory of the late President, Franklin Delano Roosevelt. Great as he was, he was not without his faults. The greatest of men make mistakes; the diamond has its flaws, the sun its spots. However, I distinctly recall how in his first term he succeeded in getting passed the Silver Purchase Acts, one of the objectives of which was to win the votes of Members of both Houses of Congress from those States which would greatly profit from these Silver Purchase Acts. These acts may or may not have served a good purpose, but they were not without political import.

Questions of tariff have often been correlated with the parts of the country most affected. Not too infrequently politics have been the governing motive in tariff policies. If there were no possibility of reelection we would remove a goodly portion of the political taint. The ambition for reelection always casts a shadow over the words and works of any President. We, therefore, oppose House Joint Resolution 27 because it permits a reelection for an additional term of 4 years.

It is interesting to take the views of some of our Presidents. I quote from the sixth annual message of Andrew Jackson to Congress, December 1, 1834:

I trust that I may be also pardoned for renewing the recommendation I have so often submitted to your attention in regard to the mode of electing the President and Vice President of the United States. All the reflection I have been able to bestow upon the subject increases my conviction that the best interests of the country will be promoted by the adoption of some plan which will secure in all

contingencies the important right of sovereignty to the direct control of the people. Could this be attained, and the terms of those officers be limited to a single period of either 4 or 6 years, I think our liberties would possess an additional safeguard.

In his inaugural address, Rutherford B. Hayes stated:

In furtherance of the reform we seek, and in other important respects a change of great importance, I recommend an amendment to the Constitution prescribing a term of 6 years for the Presidential office and forbidding a reelection.

Grover Cleveland, in accepting the nomination for President, wrote:

Then an election to office shall be the selection by the voters of one of their number to assume for a time a public trust, instead of his dedication to the profession of politics; when the holders of the ballot, quickened by a sense of duty, shall avenge truth betrayed and pledges broken, and when the suffrage shall be altogether free and uncorrupted, the full realization of a government by the people will be at hand. And of the means to this end not one would, in my judgment, be more effective than an amendment to the Constitution disqualifying the President from reelection. When we consider the patronage of this great office, the allurements of power, the temptations to retain public place once gained, and, more than all, the availability a party finds in an incumbent when a horde of officeholders, with a zeal born of benefits received and fostered by the hope of favors yet to come, stand ready to aid with money and trained political service, we recognize in the eligibility of the President for reelection a most serious danger to that calm, deliberate, and intelligent political action which must characterize a government by the people.

William Howard Taft, in 1915, wrote:

I am strongly inclined to the view that it would have been a wiser provision, as it was at one time voted in the Convention, to make the term of the President 6 or 7 years, and render him ineligible thereafter. Such a change would give to the Executive greater courage and independence in the discharge of his duties. The absorbing and diverting interest in the reelection of the incumbent, taken by those Federal civil servants who regard their own tenure as dependent upon his, would disappear and the efficiency of administration in the last 18 months of a term would be maintained.

One of the best minds that ever sat in the Senate was Senator Root, of New York. He stated:

I think the possibility of renomination and reelection of a President who is in office seriously interferes with the working of our governmental machinery during the last 2 years of his term; and, just about the time he gets to the point of highest efficiency, people in the Senate and in the House begin to figure to try to beat him. You cannot separate the attempt to beat an individual from the attempt to make ineffective the operations of government which that individual is carrying on in accordance with his duty. Legislation in this Congress has been largely dominated for 2 years past by considerations of that sort; and I should like to see those considerations exiled from these Halls.

The possibility of reelection tends to build up a dangerous political machine. It interferes with the highest efficiency of the President as the Nation's Executive. A single 6-year term of office will remedy these evils and will remove the menace of rigidity. It will relieve the President of the tremendous political strain of trying to be all things to all men. Likewise, the present burdensome cost of reelection borne by the people would be reduced. There would be fewer disturbances in trade and markets, less changes in our financial system.

In all, I say the President will be able to do a better job. He would not have to curry to selfish groups, and thus would be better able to enforce the policies he thought best.

Frankly, under the present system, the fourth year of the first term is mainly devoted to campaigning for reelection. The tenure of the first term is only 3 years in relation to concentration on affairs of office.

In the last three decades, and even theretofore, a President seeking reelection repeatedly takes the platform for party or factional purposes. A single term of 6 years will elevate the Presidency by eliminating the rough and tumble of debate to which the President must descend prior and during his second campaign.

We believe appointments made by a President who cannot succeed himself would be less likely to be political.

A single 6-year term filled by an Executive who knows he cannot seek reelection would be more productive than two 4-year terms allow, since all the bargaining and compromise frequently resorted to with hope of reelection would be eliminated.

When a President is involved in a political campaign, he cannot, of necessity, pay proper attention to his Presidential duties. That neglect may, at times, be dangerous to the welfare of the Nation. The public welfare demands every moment of the President's time and attention. No President should be subjected to the mental and physical strains of an election campaign. Either he does justice to the campaign demands with resultant neglect of his Presidential duties or he adequately satisfies the needs of his high office with consequent neglect of his campaign and party duties. No President should be faced with that dilemma. The complexities of government and the duties of the President have greatly expanded. It is presently well-nigh a superhuman task to be President. That is all the more reason why there should be no diversion of the President's energies to a reelection campaign.

A single term would enhance the dignity of the office. It is not a very edifying spectacle to watch the President of the United States descend into the political arena to be subjected to the too-often indelicate give and take of political rivalry.

It may be that a 6-year term is too long for a mediocre President. It is, however, long enough for even the best President. Actually, the average occupancy by the Presidents throughout the existence of our Union has been 5 years.

There is, of course, no perfect answer. We must take the plan that offers the most advantages and the 6-year tenure does that.

Six years are long enough for a man to do all the things that his office affords; that is, if he thinks first of his country and not of himself. If his conscience and zeal do not stir him during his one term in office, the hope he will do better during a second term is a vain illusion.

It is interesting to note that at the Constitutional Convention, our founding fathers voted for a 6-year term without right of reelection. This was subsequently changed to our present system. The change was effected because everybody knew Washington was to be the first President. It was felt that there should be no limitation on his election or reelection to a second, third, fourth, or even fifth term. Washington, Jefferson, and others chose not to run a third time. Roosevelt chose to run a third and even a fourth time.

The time has now come to realize that a change is necessary. Shall the change be one to a two-term limit of 4 years each or one term of 6 years? We have weighed the advantages and disadvantages of both proposals and we feel that the advantages of the single 6-year term outweigh the advantages offered by House Joint Resolution 27.

EMANUEL CELLER.

MINORITY VIEWS OF MR. HOBBS AND MR. GOSSETT

The Committee on the Judiciary is divided on the question presented by the first resolution offered by its chairman, Hon. Earl C. Michener. As usual, however, the three diverse convictions represented by the dissident groups are held with no regard for persons or politics. Each member, realizing the merit and statesmanship of all three positions taken, is actuated solely by what he conceives to be the best interest of the Nation.

Now that the crises of preparation for and waging and winning the war have passed, some 20 of us feel that we may safely amend our Constitution so as to limit the tenure of any future President.

Of course, other crises may arise in the course of our history wherein we may long to retain the experienced and able guiding hand that may then be steering the ship of state, beyond the limit of tenure fixed, and regret that we surrendered our ancient heritage of such perfect freedom. But in the exercise of our best, studied judgment we certify our conviction that the advantages of limited tenure far outweigh the disadvantages urged against it, and have confidence that, the certitude of law having removed all question of repudiation, we may count with the utmost assurance upon the patriotic service as lieutenant of every captain who steps down from the bridge.

The reason that impels our conclusion is that the fixing of the possibility of tenure of the office of President of the United States at one term of 6 years would eliminate, as far as it is possible so to do, political considerations from the execution of office.

No man worthy to be called to assume the crushing weight of such responsibility could fail to thrill with the challenge to rise to the heights of his utmost potentiality with the help of Almighty God, if freed to follow His omniscient leadership. The greatest help that could be given the choice of "this so great people" would be the assurance that he need never give a thought to reelection, but in singleness of purpose center his soul on giving his all, with the best Cabinet, similarly dedicated, who could possibly be enlisted.

Nor are we the first to advocate the single term. In the Nation's Constitutional Convention, the Convention sitting as the Committee of the Whole debated for 8 days the Randolph proposal of one term of 7 years, with reelection prohibited, and, after such careful consideration, it was adopted, becoming part of the first draft of the Constitution.

Five Presidents urged the single-term limitation while they were in the White House, and four other Presidents, while not serving, expressed themselves as favoring the proposal.

William Howard Taft was certainly as well qualified by natural endowment, education, and experience as anyone could be to express

opinion of utmost value on this question. As was so often true, his opinion summed up the case. In 1915 he wrote:

I am strongly inclined to the view that it would have been a wiser provision, as it was at one time voted in the Convention, to make the term of the President 6 or 7 years, and render him ineligible thereafter. Such a change would give to the Executive greater courage and independence in the discharge of his duties. The absorbing and diverting interest in the reelection of the incumbent, taken by those Federal civil servants who regard their own tenure dependent upon his, would disappear and the efficiency of administration the last 18 months of a term would be maintained.

If that was true in 1915 (as it was), how much more so is it now, when the then regiment of Federal civil servants has become a mighty army? And is any one naive enough to believe that importunity to pure politics has gained that wholly desirable goal?

Another great American and outstanding mind, Elihu Root, stressed the same points.

More than 100 attempts have been made in Congress to get the single-term limitation adopted.

The platform of the Democratic Party in 1912 contained such a plank.

A 6-year single-term limitation would free our elections in two out of three cases of the blighting influence of "the coattail riders."

For these and many other good reasons advanced and made familiar through the years by a host of advocates, we respectfully submit that the Dirksen resolution should be adopted as a substitute for the Michener.

SAM HOBBS.
ED GOSSETT.

FURTHER MINORITY VIEWS

We are opposed to the resolution limiting the tenure of the President to two terms and also to the resolution limiting the tenure to one term of 6 years.

The people, by a mere majority vote, have the opportunity of deciding every 4 years whether they want to terminate the services of the President if he stands for reelection. We do not feel that any further limitation is justified. What have the American people done to justify this restriction being placed upon the democratic process? Apparently the offense is the decision of the voters to elect Franklin D. Roosevelt for a third term. Do the sponsors of this amendment contend that the majority of the voters were ignorant or misled in 1940? After all, the fires of war were sweeping the globe and the people wanted continuity of leadership. Is the freedom of choice of the voters to be thwarted because 45 States wanted Franklin Roosevelt to carry on in 1940?

How can we assume to speak for the generations to come? Let's hope it does not; but the time may again come when the United States may be in the grips of war with another dangerous enemy. They may again want a President "to see them through", be he a Republican or a Democrat. We cannot anticipate their dilemma. We should not tie their hands and require them, in the midst of a titanic struggle, to change leadership and peril defeat and destruction.

Does Congress propose to set itself up as a committee, guardian, or curator of the American people? By this amendment we say quite frankly that the people of this great Nation have not sufficient intelligence or judgment to know their own minds, cannot think for themselves, and, as a result, we must therefore place them in a strait-jacket.

We have changed the Constitution on several occasions to further democratic ways. By appropriate amendments a large segment of the country's population was given its freedom and right of citizenship. The people were given the right of voting directly for Members of the Senate. The right of franchise has been given to the women of America. The Norris amendment abolishing "lame duck" sessions of Congress was adopted.

These amendments constitute enlargements of the democratic process. With this long history of additional responsibilities being successfully assumed by the people, we regret that the majority party has now seen fit to propose this amendment to impede the freedom and democratic power of the voters.

We cannot subscribe to the idea that anything has occurred which justifies the belief that restrictions upon the rights of the people are necessary.

FADJO CRAVENS.
ESTES KEFAUVER. ✓
FRANK L. CHELF. ✓
THOMAS J. LANE. ✓
JOSEPH R. BRYSON.
MARTIN GORSKI.