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HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

FIRST SESSION

ON

ONE SIX-YEAR PRESIDENTIAL TERM

SEPTEMBER 26, 1973

Serial No. 50

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ONE SIX YEAR PRESIDENTIAL TERM

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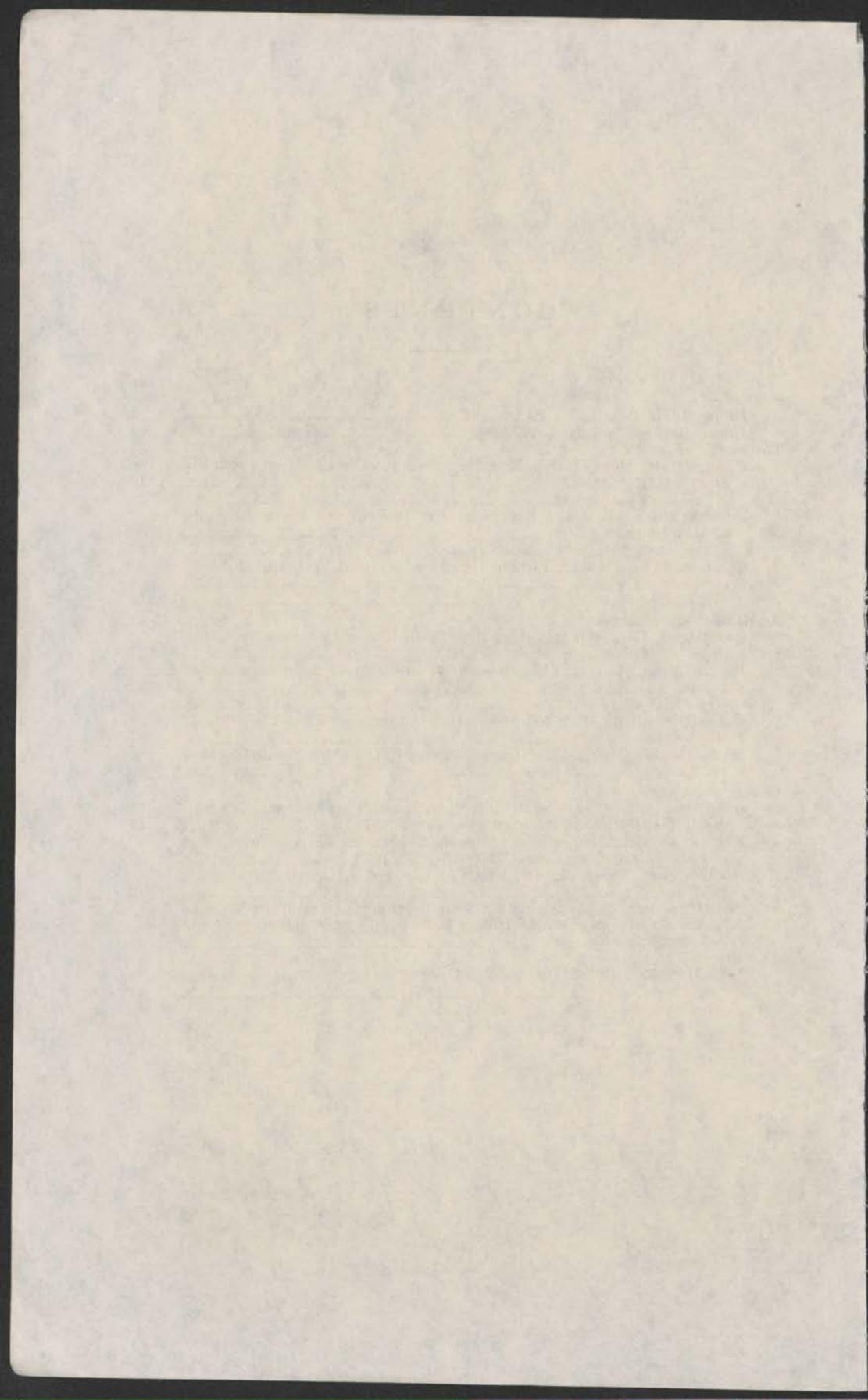
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## ONE SIX-YEAR PRESIDENTIAL TERM

WEDNESDAY, SEPTEMBER 26, 1973

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CRIME  
OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10:25 a.m. in room 2237, Rayburn House Office Building, the Honorable John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, Thornton, Owens, Fish, Keating, Cohen, and Froehlich.

Also present: Maurice A. Barboza, counsel, and Alexander B. Cook, associate counsel.

Mr. CONYERS. The subcommittee will come to order.

Today this subcommittee opens its first hearings on constitutional amendments which would limit the term of office of the President of the United States to a single 6-year term.

One of the resolutions pending before this subcommittee is House Joint Resolution 76, introduced by Congressman E de la Garza, which provides for a single 6-year term for the President and Vice President and restricts anyone over the age of 70 from being elected to either office. This resolution is identical to House Resolution 251, introduced by Congressman Bill Frenzel, and House Joint Resolution 601, introduced by Congressman Robert Sikes.

Another resolution before this subcommittee is House Joint Resolution 127, introduced by the gentleman from Michigan, Charles E. Chamberlain, which provides for a single 6-year term for the President and Vice President. This resolution is identical to House Joint Resolution 606, introduced by the gentleman from Michigan, William Broomfield, and House Joint Resolution 635, introduced by Congressman Albert Quie.

None of these resolutions would prohibit a Vice President who succeeds a President from election to a later term as President.

For almost 200 years the issue of a single 6-year term has been smoldering in the legislative fires. In 1875, and again in 1912, the distinguished House Judiciary Committee, favorably reported amendments providing a single 6-year Presidential term. In 1913, the Senate passed a resolution providing for a single 6-year Presidential term of office. However, the House of Representatives failed to act on the measure.

The validity of this issue was vigorously debated in the Constitutional Convention, and right up through the present time, over 160 resolutions have been offered in the Congress to change the Presidential term from 4 to 6 years. The majority of these proposals, if enacted, would make the President ineligible for reelection.

Now more recently, a Senator from Indiana, Birch Bayh, who Chairs the Senate Judiciary Subcommittee on Constitutional Amendments, held 2 days of hearings during the 92d Congress on a proposal introduced by Senators Mansfield and Aiken, which would have provided for a single 6-year Presidential term. Both Senator Mansfield and Senator Aiken have reintroduced their proposals in the 93d Congress.

What this subcommittee intends to accomplish during its hearings is similar to what has been done in previous Congresses regarding this proposal; that is, to evaluate the single 6-year term in the context of existing circumstances.

This issue before us today, then, is whether or not existing circumstances have tilted the delicate balance between arguments favoring a single 6-year term and those opposing it far enough in either direction to compel the Congress to submit this proposal to the people or again retire it for another Congress.

I think that it is appropriate to begin our hearings by reading to you briefly, an excerpt from the report of 1912 of the House Judiciary Committee on a single 6-year term proposal. That report stated in part that, and I quote:

Our committee believes that it is wise to (1) limit the tenure of office to one term; that it is also wise, (2) to extend the period of one term from four to six years. The President should be ineligible to a second term, because being ineligible, there will be no temptation improperly to use the powers and patronage of that exalted office. The limitation to a single term will, in the opinion of our committee, tend to improve the administration of the laws generally, and to increase the non-partisan and business like efficiency of the Executive department. It will take away from the President any inducement to building up a political machine instead of attending to his duties as Chief Magistrate of the Republic. Such a limitation will prevent the too frequent practice of making appointments for mere partisan or selfish political purposes. It will make the President the Chief Executive of the whole people and not the leader of a mere faction, or the chief of a political party.

[The following joint resolutions were considered during the course of these hearings: H.J. Res. 76 by Mr. de la Garza, January 3, 1973 which is identical to H.J. Res. 251 by Mr. Frenzel, January 29, 1973, and H.J. Res. 601 by Mr. Sikes, June 6, 1973; and H.J. Res. 127 by Mr. Chamberlain, January 3, 1973, which is identical to H.J. Res. 606 by Mr. Broomfield, June 8, 1973, and H.J. 635 by Mr. Quie, June 22, 1973. The texts of H.J. Res. 76 and H.J. Res. 127 follow.]

[H.J. Res. 76, 93d Cong., first sess.]

JOINT RESOLUTION proposing an amendment to the Constitution of the United States to provide an age limit and a single six-year term for the President

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is 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 only if ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States by the Congress:*

"ARTICLE—

"SECTION 1. No person who has attained the age of seventy years shall be eligible for election to the office of President or Vice President.

"SEC. 2. The term of office of the President and Vice President shall be six years, and no person shall be elected to the office of President more than once.

"SEC. 3. This article shall first apply to terms and to persons elected for terms beginning at the expiration of the Presidential term within which this article is ratified."

[H.J. Res. 127, 93d Cong., first sess.]

JOINT RESOLUTION proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is 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. The term of office of the President and the Vice President of the United States shall be six years. No person shall be eligible for election for more than one term as President or Vice President. A person who has been elected as Vice President for any term shall be eligible for election as President for a later term. A person who has been elected as Vice President for any term, and who during that term has succeeded to the office of President, shall be eligible for election as President for a later term.

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

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

Mr. CONYERS. I enter at this time a statement by Kika de la Garza, the distinguished member of Congress from Texas who introduced House Joint Resolution 76, that proposes the constitutional amendment to be considered, and asks that his statement be spread across the record.

[The prepared statement of Hon. E de la Garza follows:]

STATEMENT BY HON. E (KIKA) DE LA GARZA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, I introduced H.J. Res. 76, the proposed constitutional amendment now being considered by your Committee, because I feel strongly that the American people have a right to decide whether the President of the United States should be limited to a single term of six years' duration.

The question of finding a satisfactory method of electing the President provoked heated and prolonged debate during the Constitutional Convention of 1787. During the greater part of the Convention most delegates expressed preference for a six-year term. After more than sixty ballots had been taken, the four-year term with no restriction on election was approved. This solution obviously was a compromise between delegates who favored a single term of the President and those who supported an unlimited tenure of office.

After that momentous decision of 1787 was made, our Nation functioned under the provisions of Article Two of the Constitution until 1951. In that year a constitutional amendment placed a two-term limit on the President's tenure.

During the period from 1787 to 1951, although the constitutional provision did not change, debate over presidential terms continued, particularly after President Franklin D. Roosevelt broke the two-term tradition. Most of the proposals put forward from time to time would have changed the term from four to six years, with a great majority of the proposals making the President ineligible for reelection.

I am convinced that it is time to give this important question new consideration.

It is a striking fact that the only constitutional restrictions on qualifying for the biggest job in the world is that the President must be a U.S. citizen not below the age of thirty-five years. Are these sufficient nowadays? Should we expect more? What standards are necessary for a person actually to qualify for being President of the United States?

Such questions as these offer something for all of us to think about seriously. In my opinion, pro and con debate on a national scale of the issues involved in my proposed amendment to the Constitution would lead to a deeper knowledge among the people generally of the presidency as an institution. That would be all to the good.

Our neighbor to the South, the Republic of Mexico, has a six year term for President, and he cannot be reelected—I have observed that it has worked well.

I know that I repeat what has often been said, but it is worth repeating. If the President cannot succeed himself you do not have all of the re-election, political decisions that must of necessity be made by the President. We have seen how this can deteriorate to such an extent that it endangers the office itself—but if we begin with the clear understanding that the President has a definite term and that is all, the odds are that the purely political action of the President will diminish—he will become, not an impotent lame duck, as some would suggest, but an elder statesman in his own term, with no one to question his actions due to political considerations.

Mr. Chairman, I might add here with your permission—although it is not part of this hearing but certainly worthy of your consideration—that the office of Vice President be abolished. It serves no useful purpose. Anyone can preside over the Senate—this Vice President has presided only two percent of the time. We have seen how ridiculous and political the selection of a Vice Presidential nominee has been, with no thought most of the time to the best interests of the country, but of balancing the ticket. This I submit should not be the way to select a person who could be President. I will have more to say on this and will introduce appropriate legislation to accomplish this in the near future.

Mr. Chairman, I appreciate the opportunity of appearing before your Committee on behalf of H.J. Res. 76. I respectfully request your favorable consideration of this proposed constitutional amendment.

Thank you.

Mr. CONYERS. The Chair takes note of the fact that the subcommittee members present are the ranking minority member from New York, Mr. Fish; the gentleman from Maine, Mr. Cohen; the gentleman from Wisconsin, Mr. Froehlich; the gentleman from Arkansas, Mr. Thornton; and the gentleman from Utah, Mr. Owens.

We are pleased to welcome as the first witness this morning, a very distinguished former member of the Government. He was an assistant to the late Senator John F. Kennedy, during the years 1953 to 1961. He was special counsel to the late President John F. Kennedy through the years 1961 to 1963. He has participated in the Government process at various other high levels.

He has commented and written extensively on our Government and the problems of a democracy in the 20th century. He has authored at least three books "Decision Making in the White House," "Kennedy," and "The Kennedy Legacy."

I refer to Attorney Theodore C. Sorensen, who we are pleased to have with us as a leadoff witness. We have his statement, which will be accepted into the record, and he will be permitted to proceed in any way he chooses.

Welcome, Mr. Sorensen.

#### TESTIMONY OF THEODORE C. SORENSEN, FORMER SPECIAL COUNSEL TO PRESIDENT KENNEDY

Mr. SORENSEN. Thank you, Mr. Chairman.

My statement is relatively brief, and if there is no objection, I will quickly go through it.

My name is Theodore C. Sorensen. I am presently engaged in the practice of law as a member of the New York and Washington firm of Paul, Weiss, Rifkind, Wharton & Garrison.

I very much appreciate your invitation to testify on the recurring proposal for a constitutional amendment that would provide for a single 6-year Presidential term, introduced in this Congress in this body by Congressmen de la Garza, Frenzel, and Chamberlain.

From the earliest beginnings of our Nation this and similar proposals have been put forward under very distinguished sponsorship and for very thoughtful reasons. Presidents, ex-Presidents, Senators, Congressmen and commentators in great number from every political point of view have from time to time favored the concept of a single-term Presidency, as did in fact a substantial number of members of the original Constitutional Convention; and this recommendation has generally included a lengthening of the present 4-year term. While a proper respect for the genius of both our Constitution and those who devised it forbids careless experimentation with the amendment process, that charter's remarkable durability depends in part upon our willingness to consider changes deemed necessary in the light of experience.

It is thus fitting that your committee today considers anew a proposal intended to limit the aggrandizement of Presidential power by preventing a second term for the President. Those members of both parties who have over the years advocated this amendment in order to diminish the role of reelection politics in the White House, and in order to curb the abuse of Presidential might for political ends, can now—and I am sorry to say—find in the revelations of recent months ample confirmation of their worst fears.

For this Nation now knows that, solely to further the reelection of the President, the laws of this land were violated, the rights and privacy of opposition leaders were infringed, law enforcement agencies and courts as well as the Congress and public were deceived and denied essential facts, large corporations were intimidated or encouraged to purchase influence, and the political processes and ethical standards of this country were warped and distorted as never before by acts of political sabotage and espionage financed by unprecedented amounts of secret cash. All of this appears to have been undertaken with the knowledge, consent and to a certain extent participation and direction of those in the White House, with the explicit role of the President himself still to be determined by an examination of evidence thus far withheld.

Because these events have rightly been deplored by members of both parties, it is understandable that renewed consideration is now being given to proposals such as this as a way of limiting the Presidency, making it less necessary for any future incumbent to mix politics with public duty, and banning any future "Committee To Re-elect the President."

But in that context the proposed amendment is, in my opinion, a mistaken solution based upon a mistaken premise. For, frankly speaking, the collection of sorry and scandalous episodes now lumped under the all-embracing label of Watergate reveals serious flaws not in the Presidency but in the President; and whenever the Congress concludes in this or any other instance that Executive misconduct is so grievous as to strike at the very heart of our system, then the remedy is to change not the Presidency but the President. No constitutional amendment is required to prevent or correct malfeasance on the part of any President from any party.

Moreover, with or without Watergate, I would be strongly opposed to the proposed constitutional amendment for the following reasons:

First, this proposal, contrary to the intentions of some of its backers, does not curb the power of the President—it curbs the power of the people.

Support for the notion that this measure would curb Presidential powers comes not only from its proponents but also its opponents, who often express the fear that it would render every President impotent by giving him a “lameduck” status from his first day in office. But this alleged weakness of lameducks—at least until their final months in office, after the selection of a successor—is, in my opinion, greatly exaggerated. A one-term President will still have all the powers given him by the Constitution and Congress in conducting foreign affairs, in originating budget and legislative items, in controlling appointments and patronage, in appealing directly to the people, in lending or withholding his political support from other candidates and in influencing his own party’s choice of a successor.

Indeed there is reason to believe that the opposite danger is more real: that a President not subject to the healthy democratic discipline of facing the electorate again, who takes office free from any review of his stewardship by the people, will be too powerful and independent, too unresponsive to the public needs and interests and too irresponsible in his exercise of power.

For example, suppose President Nixon had known after winning reelection last November that the possibility of another race for the Presidency was still open to him; suppose he had though he might face the voting public again. Would he then have so readily engaged without public explanation in the intensive Christmas bombing of North Vietnam; would he then have continued the bombing of Cambodia without congressional authorization long after our forces were withdrawn from Vietnam; would he have stretched the doctrine of Executive privilege to unprecedented limits in the defiance of congressional and grand jury requests; would he have sought to dismantle programs mandated by the Congress for the public good; would he have avoided the press for so extraordinarily long a period this spring and summer?

I do not know. No one knows. This is not a question of party, for a Democratic President placed in that same posture might also feel less obligated to act “with the consent of the governed”; and I use Mr. Nixon as my example only because no Democrat has been reelected to a second full term since the two-term limitation was enacted. But the point I am making is that no future President, Democrat or Republican, should be tempted from his very first day in office onward with the knowledge that he too will be in a similar position of public unaccountability, that he too can exploit the ambiguities of the Constitution free from electoral review, because he will not be allowed another term.

Even placing a President in that position under our present system by virtue of the 22d amendment, once he is reelected for a second term, is dangerous enough; but at least that President is more likely to be restrained by the patterns and precedents he sets in his first reviewable term, and at least the public is given 4 years to observe him in

office and to decide as best it can whether he can be entrusted with that second unreviewable term.

That is why a one-term Presidency, far from curbing the abuses of Presidential power, may only increase them. The power of the people, on the other hand, would be clearly and significantly curbed by this amendment. It would deny them the right they have now to return a good President to office for a second term; and it would deny them the right they have now to get rid of a bad President after 4 years in office. The two-term limitation imposed by the 22d amendment already places one curb of doubtful necessity upon the power of the electorate; and further restriction in that direction would be not only unnecessary but undemocratic. Moreover, the passage of time has not altered the wisdom of the Constitutional Convention's decision, which was the result of intensive deliberation by its members, that less than 4 years is too short for a good President and more than 4 years is too long for a bad one.

Second, this proposal, contrary to the intentions of some of its backers, does not reduce the role of politics in the White House—nor should that role be reduced.

It is said by some backers of this amendment that a President eligible for reelection is required to consider the public's view of certain difficult decisions he must make; that he is required to take time out from his office to travel among the people soliciting their opinions and support; and that he is required to undergo hostile attacks and harassment from the Members of the Congress, the opposition and the press who are seeking his defeat at the polls. All that is perfectly true; and all that is healthy.

For this country decided long ago that an appointed President, no matter how statesmanlike and brilliant he might be, would not be as successful in that office as an elected President—one who knows how to deal with politicians, how to mobilize support, how to stay abreast of public opinion, how to debate his adversaries, and how to organize his energies and resources for an exhausting campaign. For that same reason it is highly desirable that our President be a politician, that he worry about his reelection and that he be subject to all the same vicissitudes of politics to which the Congress and other elected officials are subject.

He should be the head of his party, not above party. The two-party system in this country needs to be strengthened, not weakened (as this proposed amendment would do). It is sad that Watergate has caused some people to turn away from party politics. For it was not the Republican Party or the Republican National Committee that broke the locks and the law at Watergate but a separate Presidential committee that kept its efforts and funds largely aloof from other campaigning Republicans. That is not surprising, nor is it irrelevant to this proposed amendment. For a national party that knows it must go back to the public time and time again for support is more likely to maintain a lawful and responsible posture than a candidate who knows he will never face the voters again. Party responsibility helps build stability and continuity in our political system; and I would hope that every future President, without neglecting his obligations to the national interest, will recognize his role as the head of the party which put him forward and not be encouraged to disregard it.

But in truth this amendment would not diminish politics either in the White House or in congressional-Executive relations anyway. It might only increase them. Today, during the first few years of a President's first term, the amount of political maneuvering in the legislative branch and elsewhere with an eye to succeeding him is ordinarily nonexistent within his own party and relatively subdued in the opposition. But were he forbidden to seek a second term, the maneuvering in both parties would begin immediately upon his inauguration, continue until his successor was chosen, and still continue without respite in both parties upon that new President's inauguration for his one term. Meanwhile, the President himself, even without the need to worry about his own reelection, would still be engaged in politics on a wide scale in order to influence the passage of his legislative programs, the success of his party in the midterm elections and the choice of his successor.

In short, Mr. Chairman, I regard the proposed amendment as the worst of ideas offered with the best of intentions. I do believe that our political system is in serious need of reform, particularly our election and campaign finance laws. I also believe that the imbalance between Presidential and congressional powers must be righted, primarily by the Congress more fully asserting its own powers. In this whole area of political institutions and arrangements, there is much to be done, there are many problems to be solved, and there are many solutions to consider. But the pending amendment cannot solve any of our problems and could instead make them worse.

I hope it will be soundly rejected by your committee.

Mr. CONYERS. Thank you for a perceptive statement that brings to bear a considerable amount of experience in the Government. We appreciate your coming before this committee to begin anew this discussion.

Mr. SORENSEN. Thank you.

Mr. CONYERS. Mr. Sorensen, would you agree with the observation that there is really nothing inherently sacred about two 4-year terms, that it is first of all a matter of political judgment as to what length of time a President should be allowed to perpetuate himself in office?

Mr. SORENSEN. That is exactly correct, Mr. Chairman. The fact of the matter is, most Presidents in this century did not serve two full terms.

Mr. CONYERS. Well, is it not true, also, that those Presidents who sought second terms were frequently, almost always, reelected to a second term?

Mr. SORENSEN. No.

Mr. CONYERS. Is that not a correct statement of fact?

Mr. SORENSEN. That is correct.

Mr. CONYERS. I suppose it is fair to say then, from your response, that most Presidents who sought a second term were defeated or were not otherwise successful?

Mr. SORENSEN. We will have to count the instances rather carefully. President Taft sought a second term and was defeated. President Coolidge decided not to seek a second term. President Hoover sought a second term and was defeated. Also, President Roosevelt decided not to seek a second full term.

So that President Wilson, President Roosevelt, President Eisenhower, and President Nixon were the only ones who did seek a second term and were successful.

Perhaps I shouldn't say "most," but the statistical pattern is certainly not all one way.

Mr. CONYERS. The heart of the matter involved in examining the single 6-year term would be the elimination of reelection campaigns to the Presidency. The President would be motivated to act, as the saying goes, not like a politician but more like a statesman. He would be able to preside in that office free from the ever present shadow of seeking reelection.

Is there any redeeming merit in that notion? I think it goes to the heart of the proposition of a single term—freedom from reelection encumbrances?

Mr. SORENSEN. You are correct, that is the heart of the notion, and I would be reluctant to say it is utterly without redeeming social value. But the fact is that the President is still going to be playing politics with respect to his successor, with respect to his legislative program, with respect to his party's fate in midterm elections, and the Congress is going to be playing politics at an enheightened scale because from his first day in office, they will know he is not eligible to succeed himself.

Moreover, that so-called shadow hovering over him is healthy. It means he has to consider what the public thinks about his program. It means he has to go out and solicit their support and advice. That is all to the good.

Mr. CONYERS. Would you consider the possibility that if the late President Kennedy had been serving, for example, a one 6-year term Presidency, that he might have proceeded in the Vietnam involvement in a different way?

Mr. SORENSEN. That is highly speculative, Mr. Chairman. I don't see how that would have made any difference. No.

Mr. CONYERS. I would like to yield now to the gentleman from Arkansas, for any questions he would have of the witness.

Mr. THORNTON. Thank you, Mr. Chairman.

Mr. SORENSEN, I want to thank you for your very perceptive and thorough presentation.

I would like to explore with you some thoughts which came to my mind as I listened to your presentation.

I have been very concerned with what seems to be a mistrust of democratic processes and efforts under the label of removing from politics decisions of Government. In my own State a couple of major commissions, highway commission, game and fish commission, have been removed from politics by constitutional amendments.

Is having a single 6-year term an effort to remove or insulate the Presidency from the political process?

Mr. SORENSEN. So its backers say. And while I wouldn't want to compare the Presidency with the Arkansas Game and Fish Commission, I think that the Presidency must be a political office. It should be a political office.

Mr. CONYERS. Would the gentleman yield at this point?

Mr. THORNTON. Yes, sir.

Mr. CONYERS. One of the growing number of problems that America has is that it is too political. We are all aware, Mr. Sorensen, that the Presidency is a political office. Unfortunately, that has been brought to our attention quite too frequently. I would imagine—and we have yet to hear from the authors of these proposals—that the notion would be that it would be healthy to depoliticize the office somewhat.

Mr. SORENSEN. I disagree with that, Mr. Chairman. It is not the fact that it is a political office that has caused problems in recent times. There has been abuse of the process of politics. But politics does not mean the breaking of the law, it does not mean breaking and entering, it does not mean the kind of deception and manipulation to which we have been treated. And that has been true to some extent under two administrations, not only the incumbent administration.

So that I don't believe that we would solve the problem by taking the Presidency out of politics, if that were possible, which I don't think it is.

Mr. CONYERS. Well, might I make clear on my part, that I didn't mean to suggest that political activity and criminal activity are synonymous terms, although that is a confusion that could be understood at times. I am referring to the fact that the necessity of indulging in politics at all, or to at least a large extent, might not be a healthy consideration. There may be times when frequently many questions of national and international significance don't need anybody to indulge in political activities. We need to bring nonpolitical judgments to many of the important questions that the most powerful office in the world is confronted with.

So it is in that sense that I would not only distinguish between criminal and illegal activities which may be political in nature, and the fact that we may not need any political spirit involved in the decisions that the President has to make.

Mr. SORENSEN. I know that even the opponents of this amendment have in the past testified that we can rely upon Presidents to avoid political considerations and make statesmenlike decisions on these great issues. Frankly, I don't believe that for a minute. We can rely upon them to make nonpartisan judgments, but to say they are going to exclude politics from their minds, exclude where public opinion stands on a particular issue, where the Congress stands on a particular issue, the long range interest of the country, how it is going to be affected by an issue—I think that is very unrealistic.

Mr. CONYERS. I thank the gentleman from Arkansas for yielding to me.

Mr. THORNTON. May I continue with another couple of questions?

Mr. CONYERS. Please.

Mr. THORNTON. Moving to the national scene, certain bureaucratic institutions on the national scene are rather removed from being responsive to the people. The Office of Management and Budget is one that we are concerned about. It is difficult to affect their decisions. Is it your thought that the people of this country really want their Government to be responsive to their will rather than removed from political control?

Mr. SORENSEN. Obviously, lines have to be drawn. I am told that the technology of communications has now developed to the point where the President could go on television and say "All those who favor

the bombing of North Vietnam, press this button twice, and all those who oppose it, press it once." I would be very much against the introduction of such a system. I don't believe the American public really wants that kind of rule by public opinion. But they do want government that is responsive.

They do want government by the consent of the governed. And we can have managers at the city and county level who are appointed, who are nonpolitical, who are technocrats, and who do the best job as the political leaders who appoint them direct them to do. But I don't believe we can have an appointed manager for the Nation.

Mr. THORNTON. In that light, I wonder if any information can be gained from history as to whether Presidents during their second 4-year terms were less political in their decisions than they were in their first 4-year terms.

As you know, our country is now bound to that rule. However, until the time of Franklin Roosevelt, it was bound by the Washington decision not to seek a third term by tradition, which was almost as strong, and it was assumed that the second 4-year term was the last.

Can any lesson be drawn there? Were indeed the second-term Presidents less political in their attitudes than first-term Presidents?

Mr. SORENSEN. I see no evidence of the fact that any President in his second term, knowing that he would not face the voters again, asked politics as a result. Woodrow Wilson in his second term was as political as he was in his first term. The same is true of Franklin Roosevelt in each of his terms. President Eisenhower showed no diminution of political interest; indeed, I always had the feeling he was becoming more interested in politics the longer he stayed in the White House. And there is some indication that President Nixon thus far in his second term has been political.

Mr. THORNTON. Thank you.

That is all the questions I have, Mr. Chairman.

Mr. CONYERS. The Chair recognizes the gentleman from New York, Mr. Fish.

Mr. FISH. Thank you, Mr. Chairman. And thank you, Mr. Sorensen, for appearing before us and for your excellent statement.

I guess it is fair to say from your testimony that in balance you feel the advantages of having an administration reviewable in that 4-year period and face the electorate outweighs the disadvantages argued by proponents of a single 6-year term?

Mr. SORENSEN. Correct.

Mr. FISH. Are you familiar with the experience in other democratic nations regarding the term of office of the Chief Executive?

Mr. SORENSEN. I can't say I am intimately familiar with it. My law practice takes me to a good many countries where I have observed a wide variety of traditions. Some of them, the term seems to be for life.

Mr. FISH. I was wondering, because I think we can all benefit from a study of comparative government, whether in your travels you had come to any conclusion that there was a success rate in countries that had a one-term Chief Executive.

Mr. SORENSEN. I would be loath to draw judgments from that, Congressman Fish. I think we make a mistake in trying to apply our system to other countries or their experience to us.

Mr. FISH. Do you have any thoughts on the length of the congressional term, either leaving the Presidency as it is, a 4-year term with option to renew, or in the event that a 6-year term is adopted?

Mr. SORENSEN. Yes. Frankly, I think 4 years would be a more appropriate term for Members of the House of Representatives.

Mr. FISH. Would you have that coincide with the term of office of the President or the congressional reelection fall halfway between?

Mr. SORENSEN. I can't claim—

Mr. FISH. In other words, perhaps one of the solutions to this—and you talked in terms of responsiveness, et cetera—is something closer to a parliamentary system, in which the House would come up for elections with the President on a routine basis.

Mr. SORENSEN. Yes, I would favor that.

Mr. KEATING. Would you yield for just a question?

Mr. FISH. Certainly.

Mr. KEATING. You are suggesting that the House come up for election at the time of the President. Am I correct that you are saying you would not favor staggered terms, if you went to 4-year terms for the House Members, but rather that all of the House Members would stand for election every 4 years when the President does?

Mr. SORENSEN. I think so. To tell you the truth, I can't claim I have given this a great deal of thought, but it seems to me for exactly the reason suggested by Congressman Fish, that our national political machinery might work more smoothly and more responsively if all Members of the Congress and the President were elected at the same time.

Mr. KEATING. I yield back. Thank you, Mr. Fish.

Mr. FISH. I take it from your testimony that you don't agree with the argument that a President is a lameduck, either in his second term or if he has just one term.

Mr. SORENSEN. Not in terms of weakening his powers. The primary effect of lameduck status is to increase the amount of political maneuvering going on in his party and in the opposition party in the Congress.

Mr. FISH. One final area, Mr. Sorensen. I am referring to an issue that the chairman raised, and I do so only because of your high position in the Kennedy administration.

The chairman referred to the hearings held in October of 1971 before the Senate Committee on the Judiciary. An article by Kenneth O'Donnell from Life magazine, August 7, 1970 was inserted in the hearing record. On page 41 of the hearing transcript, a meeting in 1963 between President Kennedy and Senator Mansfield is discussed, during which the President had had second thoughts about Mansfield's argument for complete military withdrawal from Vietnam and agreed with the Senator's thinking. And this is a quote, "But I can't do that until 1965, after I'm reelected," Kennedy told Mansfield."

Now, I assume that our chairman was pointing out the possibility that if the President had not had the 1964 election facing him, he might have acted differently. He might have followed the thinking of Senator Mansfield at that time, and had a withdrawal from Vietnam in 1963 or 1964, which certainly would have changed history.

I was wondering if you had any comment on the accuracy of the statement, or were you privy to it—

Mr. SORENSEN. Let me make the following comment. I was not privy to it, I had no idea as to its accuracy. Senator Mansfield, I believe, has said he knows of no explicit statement to that effect made to him.

I think we should bear in mind, without getting into a long debate over Vietnam war history, that President Kennedy refused, rejected the advice of those who said he should put combat troop divisions in Vietnam and bomb North Vietnam.

It is very possible that he felt certain decisions should be taken in his second term, not because they would affect his reelection, but because he hoped at that time to have a broader and stronger mandate from the public and larger margin in the Congress.

I know of at least one other decision which he felt ought to be put off until he could have a wider margin of support in the Congress. And if he made such a statement as is quoted, it may very well be he had that in mind with respect to Vietnam.

So that had he been the incumbent in a single 6-year term, elected by two-tenths of 1 percent of the vote, with a bare majority of his own party in both Houses of Congress, that only would have made it more difficult if not impossible for him to take those difficult actions.

Mr. FISH. Thank you very much for your answer.

Thank you, Mr. Chairman.

Mr. CONYERS. Before I recognize the gentleman from Ohio, Mr. Keating, let me ask you why would that have been more difficult, Mr. Sorensen, if President Kennedy were on a one 6-year nonreelectable term? It seems to me it logically would have made it infinitely easier.

Mr. SORENSEN. No, because as I said, he felt, as Jefferson said, great decisions cannot be forced on slender majorities. He was elected with less than 50 percent of the vote, and by plurality of two- or three-tenths of 1 percent. Twenty-one members of his own party in the House went down to defeat and the Democratic program in the House, in 1959 and 1960, had largely met with defeat. He therefore felt that he needed an opportunity in his first term to prove himself to the public, to win a larger mandate from the public, to win a larger margin of support in the House, and then he could move ahead more effectively.

Mr. CONYERS. I see. Well, of course, the issue of Vietnam wasn't before the American people in 1960, as I recall, nor was it before the Congress. We never declared war as we should have, or that, at least is my understanding. So that whether he had a majority in the Congress or not, could it not be argued, would have no bearing on an Executive decision in the first place. It wasn't up to Congress to determine whether the President should authorize a few thousand troops for the Vietnam war as it began, or a few advisers which led to a few thousand troops, which in turn led to one of the most questionable wars in our history. So whether he had a majority or a minority in the Congress politically, could not one argue that this would have had no bearing at all on his own decisions as the Chief Executive Officer?

Mr. SORENSEN. That might be true of a Chief Executive Officer who intended to bypass the Congress and not to involve it in the great decisions. But President Kennedy discovered, for example, in the area of civil rights, that his Executive proclamations, even though they were not matters on which the Congress was required to vote, never-

theless had a considerable impact upon his support within the Congress. And I think he may very well have felt that a decision on Vietnam that the Congress was unwilling to support would hamper his legislative program in that body.

Mr. CONYERS. Thank you.

The Chair recognizes the gentleman from Ohio, Mr. Keating.

Mr. KEATING. Mr. Chairman, with your permission, I would like to yield to the gentleman from Maine, Mr. Cohen.

Mr. CONYERS. The Chair recognizes the gentleman from Maine, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Keating, for yielding.

I would like to follow up that last line of questioning, thanking you first for your testimony which was energetically delivered as well.

Much has been made about Kenneth O'Donnell's statement that President Kennedy would have pulled the troops out of Vietnam if he had not had to face reelection, and therefore would have saved thousands of American lives and Vietnamese lives.

It seems to me President Johnson retired from the office because of the tremendous public outcry against the war, at least that is the major speculation, and had he not had to face reelection, could we plausibly argue he would have continued the war. Would you agree with that?

Mr. SORENSEN. No. I think that by 1968, President Johnson was fed up with the recommendations for continuing and escalating the war. He realized that it was an impossible track that he was on. He also was looking for ways of turning it around, regardless of whether he sought reelection or not.

Mr. COHEN. But he was also very concerned about the public outcry against the war at that particular point.

Mr. SORENSEN. Yes, because he felt it had some affect upon the credibility of our war machine.

Mr. COHEN. An issue which you have touched upon in your statement deals with Congress' reassertion of its constitutional powers and prerogatives. Perhaps you are familiar with Jack Valenti's statement concerning the 6-year term. Let me just quote the last sentence, where he suggests, "In short, a President needs to be freed from any major pressures that might divert him from his primary function as our leader."

It seems to me, inherent in this particular argument, is the presumption that there is an overwhelmingly strong Executive in that situation, who can ignore or be free from public pressures. If you have a strong President free from political pressures as such, Congress has a choice of either adopting his proposals, in which instance they could just be labeled a rubber stamp; or No. 2, continue to oppose those which it feels are inconsistent with the needs of the public and thereby be labeled irresponsible partisans.

Do you agree that imbalance could be created by a 6-year term of the Presidency?

Mr. SORENSEN. Yes, I do. I am very much for a strong President and a strong Congress. And I think the two working together can best provide the leadership that this country requires. There is no reason why the President should not be subject to the same kind of public pressures as the Congress is subject to.

Mr. COHEN. One of the arguments I understand will be offered by subsequent witnesses is that many programs over the years become ingrown or deeply ingrained in our system, and they have become so deeply rooted that special interests would perpetuate them well beyond their usefulness. With a 6-year term the President has the flexibility and freedom to make vast changes without fear of retaliation at the polls.

The question I would ask you is, could a President even with a 6-year term accomplish this objective while Congress is elected, or the House of Representatives is elected, every 2 years? In your opinion, could that be possible?

Mr. SORENSEN. I doubt it. I agree there are many ingrained programs protected by special interests. The fault there lies largely in our electoral system and our campaign finance laws, and no President, whether his term is 6 years or otherwise, is going to be able on his own to get rid of those ingrained programs.

Mr. COHEN. As long as Congress is elected every 2 years, because they have to be fairly close to the people, they would not be as eager to diminish medical service programs or cut off public health services, because they do have to face the public every 2 years; is that correct?

Mr. SORENSEN. I am not necessarily agreeing with the examples you cite, Congressman.

Mr. COHEN. But you agree with the proposition.

The next question I would have then, why would you support an extension of the House of Representatives to a 4-year term? It seems to me that gets Representatives away from the people they represent, and it may allow them the freedom to be removed from those same pressures for another 2 years. Isn't that inconsistent with the notion that we should stay close to the people?

Mr. SORENSEN. The question is where is the line to be drawn. We could say that the President would be even more responsive if he were elected every 2 years. I don't happen to believe that is true. I think a Congressman who must face the voters every 2 years finds himself campaigning for office constantly, unable to devote himself to the extent that he would like to his duties, to a careful study of some of the programs we are talking about.

Mr. COHEN. What is your opinion about the other portion of this bill, which would put a 70-year age limitation on office?

Mr. SORENSEN. Is that on Presidents only?

Mr. COHEN. There is legislation, also, which would apply to Senators and Representatives. Would you support that as well?

The reason I ask is that the thrust of your argument seems to be there is inherent in this suggestion we remove Presidents from politics, the notion we can't trust the public's judgment, and this also obtains to the argument we should have limitation upon those who seek office or who hold office. Do you agree the public is really the final and best judge of when the Representative or Senator fails to effectively represent them.

Mr. SORENSEN. My general posture is one of against limitations on the public's right to choose whomever they wish for public office. I think there have been occasions in the past where individuals have held on to office well past the age of their effectiveness, but I would doubt very much I would set that at age 70.

Mr. COHEN. One final question, if I might, Mr. Chairman.

The chairman suggested in his line of questioning that perhaps we should have nonpolitical judgments being exercised by this powerful office. This isn't particularly germane to the bill we are discussing, or perhaps to your testimony, but there has been a great deal of speculation, I must add often unfair speculation, about the possibilities of Vice Presidential succession. The same argument, it seems to me, is being made along that line that we should have a nonpolitical caretaker as Vice President.

I take it from your statement that you disagree with that?

Mr. SORENSEN. I want to again draw the distinction between the words nonpolitical and nonpartisan. I doubt very much that it would be either possible or appropriate to have a nonpolitical Vice President, one who did not know about and did not care about politics and political machinery in this country. It is possible, I suppose, to have a nonpartisan Vice President.

Mr. COHEN. But the notion of a nonpolitical or nonpartisan caretaker is somewhat inconsistent with your notion of the office itself.

Mr. SORENSEN. Bear in mind that the duties of the Vice President are considerably different from the duties of the President.

Mr. COHEN. For the time being, but it may be transformed rather immediately.

Mr. SORENSEN. Yes.

Mr. COHEN. I have no other questions.

Mr. CONYERS. Are there any further questions from subcommittee members?

If not, I want to thank you on behalf of this subcommittee, Mr. Sorensen. Your testimony, as was expected, has been very helpful to us all.

Mr. SORENSEN. Thank you, Mr. Chairman.

[The prepared statement of Mr. Sorensen follows:]

#### STATEMENT OF THEODORE C. SORENSEN

Mr. Chairman and Members of the Committee, my name is Theodore C. Sorensen. I am presently engaged in the practice of law as a member of the New York and Washington firm of Paul, Weiss, Rifkind, Wharton & Garrison.

I very much appreciate your invitation to testify on the recurring proposal for a Constitutional Amendment that would provide for a single six year Presidential term, introduced in this Congress in this body by Congressmen de la Garza, Frenzel and Chamberlain.

From the earliest beginnings of our nation this and similar proposals have been put forward under very distinguished sponsorship and for very thoughtful reasons. Presidents, ex-Presidents, Senators, Congressmen and commentators in great number from every political point of view have from time to time favored the concept of a single term Presidency, as did in fact a substantial number of members of the original Constitutional Convention; and this recommendation has generally included a lengthening of the present four year term. While a proper respect for the genius of both our Constitution and those who devised it forbids careless experimentation with the amendment process, that charter's remarkable durability depends in part upon our willingness to consider changes deemed necessary in the light of experience.

It is thus fitting that your Committee today considers anew a proposal intended to limit the aggrandizement of Presidential power by preventing a second term for the President. Those members of both parties who have over the years advocated this amendment in order to diminish the role of reelection politics in the White House, and in order to curb the abuse of Presidential might for political ends, can now—I am sorry to say—find in the revelations of recent months ample confirmation of their worst fears.

For this nation now knows that, solely to further the reelection of the President, the laws of this land were violated, the rights and privacy of opposition leaders were infringed, law enforcement agencies and courts as well as the Congress and public were deceived and denied essential facts, large corporations were intimidated or encouraged to purchase influence, and the political processes and ethical standards of this country were warped and distorted as never before by acts of political sabotage and espionage financed by unprecedented amounts of secret cash. All of this appears to have been undertaken with the knowledge, consent and to a certain extent participation and direction of those in the White House, with the explicit role of the President himself still to be determined by an examination of evidence thus far withheld.

Because these events have rightly been deplored by members of both parties, it is understandable that renewed consideration is now being given to proposals such as this as a way of limiting the Presidency, making it less necessary for any future incumbent to mix politics with public duty, and banning any future "Committee to Re-elect the President."

But in that context the proposed Amendment is, in my opinion, a mistaken solution based upon a mistaken premise. For, frankly speaking, the collection of sorry and scandalous episodes now lumped under the all-embracing label of Watergate reveals serious flaws not in the Presidency but in the President; and whenever the Congress concludes in this or any other instance that executive misconduct is so grievous as to strike at the very heart of our system, then the remedy is to change not the Presidency but the President. No Constitutional Amendment is required to prevent or correct malfeasance on the part of any President from any party.

Moreover, with or without Watergate, I would be strongly opposed to the proposed Constitutional Amendment for the following reasons:

First, this proposal, contrary to the intentions of some of its backers, does not curb the power of the President—it curbs the power of the people.

Support for the notion that this measure would curb Presidential powers comes not only from its proponents but also its opponents, who often express the fear that it would render every President impotent by giving him a "lame-duck" status from his first day in office. But this alleged weakness of lame-ducks—at least until their final months in office, after the selection of a successor—is, in my opinion, greatly exaggerated. A one-term President will still have all the powers given him by the Constitution and Congress in conducting foreign affairs, in originating budget and legislative items, in controlling appointments and patronage, in appealing directly to the people, in lending or withholding his political support from other candidates and in influencing his own party's choice of a successor.

Indeed there is reason to believe that the opposite danger is more real: that a President not subject to the healthy democratic discipline of facing the electorate again, who takes office free from any review of his stewardship by the people, will be too powerful and independent, too unresponsive to the public needs and interests and too irresponsible in his exercise of power.

For example, suppose President Nixon had known after winning reelection last November that the possibility of another race for the Presidency was still open to him; suppose he had thought he might face the voting public again. Would he then have so readily engaged without public explanation in the intensive Christmas bombing of North Vietnam; would he then have continued the bombing of Cambodia without Congressional authorization long after our forces were withdrawn from Vietnam; would he have stretched the doctrine of executive privilege to unprecedented limits in defiance of Congressional and Grand Jury requests; would he have sought to dismantle programs mandated by the Congress for the public good; would he have avoided the press for so extraordinarily long a period this spring and summer? I do not know. No one knows. This is not a question of party, for a Democratic President placed in that same posture might also feel less obligated to act "with the consent of the governed;" and I use Mr. Nixon as my example only because no Democrat has been reelected to a second full term since the two-term limitation was enacted. But the point I am making is that no future President, Democrat or Republican, should be tempted from his very first day in office onward with the knowledge that he too will be in a similar position of public unaccountability, that he too can exploit the ambiguities of the Constitution free from electoral review, because he will not be allowed another term.

Even placing a President in that position under our present system by virtue of the 22nd Amendment, once he is reelected for a second term, is dangerous enough; but at least that President is more likely to be restrained by the patterns and precedents he sets in his first reviewable term, and at least the public is given four years to observe him in office and to decide as best it can whether he can be entrusted with that second unreviewable term.

That is why a one-term Presidency, far from curbing the abuses of Presidential power, may only increase them. The power of the people, on the other hand, would be clearly and significantly curbed by this Amendment. It would deny them the right they have now to return a good President to office for a second term; and it would deny them the right they have now to get rid of a bad President after four years in office. The two-term limitation imposed by the 22nd Amendment already places one curb of doubtful necessity upon the power of the electorate; and further restriction in that direction would be not only unnecessary but undemocratic. Moreover, the passage of time has not altered the wisdom of the Constitutional Convention's decision, which was the result of intensive deliberation by its members, that less than four years is too short for a good President and more than four years is too long for a bad one.

Second, this proposal, contrary to the intentions of some of its backers, does not reduce the role of politics in the White House—nor should that role be reduced.

It is said by some backers of this Amendment that a President eligible for reelection is required to consider the public's view of certain difficult decisions he must make; that he is required to take time out from his office to travel among the people soliciting their opinions and support; and that he is required to undergo hostile attacks and harassment from the members of the Congress, the opposition and the press who are seeking his defeat at the polls. All that is perfectly true; and all that is healthy.

For this country decided long ago that an appointed President, no matter how statesmanlike and brilliant he might be, would not be as successful in that office as an elected President—one who knows how to deal with politicians, how to mobilize support, how to stay abreast of public opinion, how to debate his adversaries, and how to organize his energies and resources for an exhausting campaign. For that same reason it is highly desirable that our President be a politician, that he worry about his reelection and that he be subject to all the same vicissitudes of politics to which the Congress and other elected officials are subject.

He should be the head of his party, not above party. The two-party system in this country needs to be strengthened, not weakened (as this proposed Amendment would do). It is sad that Watergate has caused some people to turn away from party politics. For it was not the Republican Party or the Republican National Committee that broke the locks and the law at Watergate but a separate Presidential committee that kept its efforts and funds largely aloof from other campaigning Republicans. That is not surprising, nor is it irrelevant to this proposed Amendment. For a national party that knows it must go back to the public time and time again for support is more likely to maintain a lawful and responsible posture than a candidate who knows he will never face the voters again. Party responsibility helps build stability and continuity in our political system; and I would hope that every future President, without neglecting his obligations to the national interest, will recognize his role as the head of the party which put him forward and not be encouraged to disregard it.

But in truth this Amendment would not diminish politics either in the White House or in Congressional-executive relations anyway. It might only increase them. Today, during the first few years of a President's first term, the amount of political maneuvering in the legislative branch and elsewhere with an eye to succeeding him is ordinarily non-existent within his own party and relatively subdued in the opposition. But were he forbidden to seek a second term, the maneuvering in both parties would begin immediately upon his inauguration, continue until his successor was chosen, and still continue without respite in both parties upon that new President's inauguration for his one term. Meanwhile, the President himself, even without the need to worry about his own reelection, would still be engaged in politics on a wide scale in order to influence the passage of his legislative programs, the success of his party in the mid-term elections and the choice of his successor.

In short, Mr. Chairman, I regard the proposed Amendment as the worst of ideas offered with the best of intentions. I do believe that our political system is in serious need of reform, particularly our election and campaign finance laws. I also believe that the imbalance between Presidential and Congressional powers must be righted, primarily by the Congress more fully asserting its own powers. In this whole area of political institutions and arrangements, there is much to be done, there are many problems to be solved, and there are many solutions to consider. But the pending Amendment cannot solve any of our problems and could instead make them worse.

I hope it will soundly be rejected by your Committee.

Mr. CONYERS. Our next witness is the distinguished gentleman from Michigan, Mr. Charles Chamberlain, who has been in the Congress since the 85th session. He is a gentleman with whom I personally am acquainted. He has served with great distinction on the Ways and Means Committee, and is himself a member of the bar. We have his prepared statement which will be made a part of the record.

On behalf of the committee, we welcome you and we invite you to proceed in your own way.

#### TESTIMONY OF HON. CHARLES E. CHAMBERLAIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. CHAMBERLAIN. Thank you, Mr. Chairman. Thank you particularly for your kind words.

Mr. Chairman and members of the committee. I greatly appreciate this opportunity to speak in support of an amendment to the Constitution which would limit the terms of the office of the President and Vice President to one term of 6 years.

I first introduced this proposal in July 1971, feeling that because of the tremendous responsibilities of the Presidential office, the time had come to reexamine the fundamental question of whether any President can fulfill his duties as head of state if he is preoccupied with the demands of reelection. Clearly, the events of the past year point up the prudence of that concern and the dangers of White House preoccupation with election politics. We can no longer postpone serious bipartisan debate of the one-term proposal.

You will recall that in 1947 Congress passed the 22d amendment, subsequently ratified in 1951, to limit our Presidents to two terms in office. I believe passage of that amendment was wise, both for the sake of representative democracy and for the benefit of the man who must shoulder the burdens of that office. Yet our experience over the past 20 years suggests to me, and others as well, that we need to go further.

One of the popular ways of viewing the President is to think of him as a leader who wears many hats: that of leader of all the people, that of administrative head of the Government, that of legislative leader, that of chief foreign policymaker, that of Commander-in-Chief of all our military forces, and that of party leader. In considering these manifold areas of responsibility which directly affect world peace and domestic well-being of every American citizen, the legitimate question has been raised as to whether a President can devote the fullest measure of his time and talents to the pressing duties of state if he must be preoccupied with the concerns of reelection. The problem has been well stated by former Presidential assistant, Jack Valenti, who has written—and I believe this may be a quote that was alluded to earlier:

The man who holds that office has to deal with problems so monstrous, so disruptive, so resistant to permanent solution that the reelection process is no longer suitable. The President cannot be allowed to be diverted from his hard duties and even harder decisions by the so-called normalcies of politics and reelection.

While the demands on the modern Presidency make the need for a change in election procedure that much more pressing, interest in a 6-year term for the Chief Executive actually dates back to the early days of our Republic. Considerable discussion of a 6-year term took place at the Constitutional Convention in 1787, and well over a hundred amendments have been offered to achieve that purpose since the Constitution became operative. During his Presidency, Thomas Jefferson declared himself in favor of a single 8-year term, while Presidents Jackson, Polk, William Henry Harrison, Andrew Johnson, Cleveland, and Taft, at one time or another, advocated the 6-year, nonrenewable term.

In 1912, the House Committee on the Judiciary reported a resolution to amend the Constitution to provide a single, 6-year term. In its report to the House, the committee stated in part:

The President should be ineligible to a second term, because being ineligible there will be no temptation improperly to use the powers and patronage of that exalted office.

And further:

It will make the President the Chief Executive of the whole people and not the leader of a mere faction or the chief of a political party.

Considering 4 years an inadequate period of time in which a President may act to realize the goals of the platform on which he was elected, the committee felt that "6 years, coupled with the freedom from anxiety for reelection, would give sufficient opportunity to the President to properly organize his administration and to bring about real accomplishments within the bounds of his duties and powers under the Constitution." In conclusion the committee wrote:

This amendment, if submitted and ratified, will increase the efficiency of the administration of the President; will remove the temptation to build up a political machine by the abuse of patronage and power; and will save the President from the humiliating necessity of going to the stump to repel assaults made upon him.

It is equally interesting to note that in 1913 the Senate actually approved a proposed constitutional amendment for a 6-year term, but since President Woodrow Wilson objected, the measure died in the House Judiciary Committee.

With the passage of time, the powers and responsibilities of the Presidency have, of course, increased dramatically. We all know that. If there were reason and justification for considering such a course of action 60 years ago, how much more justified we are in proposing a 6-year term today when the burdens of that high office have multiplied to previously unimagined complexity. As Washington columnist, Marquis Childs, has written:

The difficulties facing a President today are so enormous, so complex, so riddled with partisanship that no Chief Executive can emerge at the end of four years with the prospect of a majority of the electorate.

I find that judgment to be sound. In the light of Watergate, we know that the President would be better able to direct his energies both toward the administration of the Government and the implementation of his programs were he accorded a longer term and relieved of the partisan political concerns involving reelection to office. We know that the pressures on a President are tremendous. While I do not suggest that the office of the Presidency be made immune to the legitimate problems of state, I do think that removal of the concern over reelection would permit a President to act more efficiently in what is best for the country.

I fully realize that the proposal for a 6-year term for the President is not without risk or reasons for doubt, and certainly there are pertinent questions to be considered with respect to any new limitations placed upon that office. And I am certain this committee will probe deeply into these. But we have already accepted a time limitation with the passage of the 22d amendment and arguments against creating a "lameduck" Presidency lose much of their validity when we realize that a President is already a "lameduck" for his entire second term of 4 years. While I have no illusions that a 6-year term will be a panacea, I am satisfied that this is a matter that should be carefully reviewed and studied and that we should seriously ask ourselves if such a change would not further improve our system of government.

Mr. Chairman, I commend you personally and each of the members of your committee for scheduling these hearings and directing attention to what I regard as a most important problem. I urge that this proposal receive your approval and that the House of Representatives has an early opportunity to consider such a change in our Constitution.

I thank you, Mr. Chairman.

Mr. CONYERS. We are grateful for your statement. I would like to examine this question with you, in view of your extended experience in the Congress.

Do you give any credence to the notion that Presidents are in politics to begin with, so that any attempt to diminish the political aspects of the office of the Presidency cannot be accomplished by a one-term of office?

Mr. CHAMBERLAIN. No, I don't think we are ever going to remove the President of the United States from legitimate political concerns. It is a political office, and the President should very well be occupied with political matters. But what I am saying is that I feel we should be trying to minimize his participation in partisan political affairs after he becomes the President of the United States.

Now, if I may, I would like to answer your question by alluding to my own personal situation. This is my ninth term in the Congress. However, I have decided that I shall not seek reelection for another term.

I feel, insofar as political matters are concerned, a lot different than I did last year when I knew that in 1972 I would be campaigning for reelection. Now, I can take every vote that comes before the House and weigh only one thing—what is good for the country, in my judgment.

This is not to say it is not well I be responsive and that all members should be responsive to the people at home, or that the President shouldn't be. But I feel that we have arrived at that point in the

history of our country with all of our technological advances, with our atomic bombs and instant communication and satellites and everything else, when we should minimize the political activities of our President after he has taken his oath of office, and have him motivated by just two basic concerns: (1) to do the best job he can as President and find his place in history, and (2) to make his peace with his maker and not have to be concerned about "how will I get reelected."

Mr. CONYERS. I appreciate the intensely personal observations which you bring before this committee.

Finally, might I ask you if you feel that the late President Kennedy would have reacted to the Vietnam war differently had he been elected on a single 6-year term? Do you feel that the late President Johnson would have reacted differently and perhaps caused a different historical result with respect to Vietnam. Do you feel that the present officeholder of the Presidency of the United States would have a different outlook had he not been forced to seek reelection. And was that, in any way, a consideration in your offering this measure before us, Mr. Chamberlain?

Mr. CHAMBERLAIN. Mr. Chairman, I have very strong feelings about the question you have asked.

Mr. CONYERS. I have no hesitancy to withdraw the question if it is in any way embarrassing to you.

Mr. CHAMBERLAIN. Oh, no, I would like to answer it, as I have strong feelings indeed about it.

The reason for any hesitancy at all is that both of us, you and myself, and the other members of the committee, when we delve into this, engage in highly speculative and hypothetical, so-called Sunday quarterbacking. How could any of us really know. And I don't want to attribute to anybody but the best of faith in the decisions that have been made in the past.

But at the same time, Mr. Chairman, this is perhaps the motivating factor that has caused me to introduce this amendment, back in 1971, and to be pursuing it with you right now.

It was a privilege, Mr. Chairman and members of the committee, to serve on the Armed Services Committee for many years. I was on the Armed Services Committee during the Eisenhower administration. That was pre-Vietnam. I sat on that committee and watched the whole Vietnam conflict unfold. As a matter of fact, I left the committee because I was disillusioned, by 1969, with the course of Vietnam. It had become a deep political problem rather than a military problem. I could see that the military was being chastized for the failures of Vietnam and I felt that I could do no more to contribute to the solution of that problem on the Armed Services Committee, and when the opportunity presented itself to go to the Ways and Means Committee, I felt that I should accept it.

I prefer not to respond to that portion of your question as to President Kennedy. I really don't have any basis for knowing, what course of conduct he may or may not have pursued. I really don't know. But I have a stronger feeling with reference to President Johnson's and President Nixon's administrations.

I feel that when President Johnson was elected—when he first took office in 1963, at the death of the late President Kennedy, the whole

problem of Vietnam was put in neutral for about a year, if you recall. From November 1963 until November 1964 we weren't going to become involved. And then after the election in 1964, we did become more involved.

I think that the President's conduct in that 1 year was guided very materially by his desire to be reelected. I also feel from 1964 and 1968 he pursued a course of conduct that he felt would cause him to be reelected, this did not materialize and he did not run for reelection.

In fairness, I must also say that I feel that President Nixon in his first term conducted himself, so far as the war was concerned, with the intentions of being a candidate for a second term himself.

Now, I can't tell you what either of these Presidents might have done differently, I really don't know. But I think that we all must recognize the fact that they did have their eyes on the calendar, that the decisions that they made did have this one element in them, each of them. And I say that when we have gone through the ordeal that we have gone through for these many years, the longest war our Nation has ever been engaged in, and its many complex aspects, and the greatly increased duties of the President, I feel that it is well that we try to minimize his political concerns.

Mr. CONYERS. The gentleman from Arkansas, Mr. Thornton.

Mr. THORNTON. Thank you very much, Mr. Chairman.

Mr. Chamberlain, I would like to join the chairman in thanking you for your thoughtful and obviously deep and sincere statement in support of this proposal.

I was very impressed at the attitude that you reflect with regard to the freedom to vote your convictions. I am sure that you followed that throughout the time that you have been serving in Congress, although it may be somewhat easier not looking over your shoulder at the electorate at this time.

I believe Kierkegaard said a man is free when he decides to be. Isn't that basically the situation?

Mr. CHAMBERLAIN. I think you are right. I don't mean to infer that in my past years I have sensed any deep conflicts. I really haven't. But, nonetheless, I think most every Member of the House would look forward to his last term, if we could plan it that way.

Mr. THORNTON. At some distant day in the future.

Mr. CHAMBERLAIN. Yes.

Mr. THORNTON. I would like to go for a moment into the presentation you made. It seems to me the thrust of your presentation is that with the complexities of government which now exist, the tremendous bureaucracy, the difficulty in finding effective means to affect the governmental process, that a 6-year term is needed to enable the President to cope with these complex problems. Is that a fair description?

Mr. CHAMBERLAIN. Yes, indeed. I will subscribe to that.

Mr. THORNTON. And following that, the thought is that this would strengthen the Presidency in his ability to cope with these governmental processes.

Mr. CHAMBERLAIN. I think so. To the extent that he will not be concerned with these political considerations.

Mr. THORNTON. The next thought which occurs to me is whether indeed in maintaining the balance of power between the executive and

legislative branch, whether a stronger Executive is what is needed today in the democratic system?

Mr. CHAMBERLAIN. Well, I think that we have been going through this debate for the last year or so, particularly with the Congress itself reasserting some of its authority. And I don't quarrel with this at all. I think that we should. I think we have abdicated our responsibility in many areas and given it to the President. I don't see how the reassertion of the powers that belong to the Congress are going to alter attitudes certainly my attitude toward a 6-year term. I would still think it would be consistent.

We want a strong President for our country. We have always looked to him for leadership but that doesn't mean we should abdicate our own prerogatives.

Mr. THORNTON. Certainly I agree the course for the Congress is to reassert its responsibility in various areas. The point I am really getting at is whether there has not been in modern years a tendency to glorify the office of the Presidency and to identify that office as being the office that can do no wrong, that stands above the other branches of Government, and whether that is desirable.

Mr. CHAMBERLAIN. Well, we do have three coequal branches, but there is no doubt about it, the Presidency is the focal point of our Government and always has been. And the reason Presidents get all of the publicity is because this is where the ultimate decisions are made on so many great issues, and the press and everybody else, concentrates on the office of the President, no matter who is there. This has always been so and I presume it will continue. So I don't know how we can change that, even with any length of the term.

But again, I share your view that we certainly have the duty to perform our full responsibilities under the Constitution and in some respects, I feel we have been a bit negligent.

Mr. THORNTON. I thank you for your responsive and thoughtful responses to my questions.

Mr. CHAMBERLAIN. Thank you.

Mr. CONYERS. The Chair recognizes the gentleman from New York, Mr. Fish.

Mr. FISH. Mr. Chamberlain, thank you very much for your most thoughtful presentation.

I wonder if you could address yourself to the principal argument of the prior witness, Mr. Sorensen, because I think this is a rather challenging expression by him. He maintains the proposal for a single 6-year term, contrary to the intentions of some of its backers, does not curb the power of the President, but rather curbs the power of the people.

And he goes on to say that:

A President not subject to the healthy democratic discipline of facing the electorate again, who takes office free from any review of his stewardship by the people, will be too powerful and independent, too unresponsive to the public needs and interests and too irresponsible in his exercise of power.

Mr. CHAMBERLAIN. Well, this is not a new argument, and I believe that I alluded to it in my own statement, when I said that the first I must concede, Mr. Fish, is that a President that is reelected for his second 4-year term is a lameduck for 4 years, and so every argument that has been made against the single 6-year term is applicable to the second 4-year term. Everyone of them.

Now, for me to try to say that the extension of the Presidential term for two additional years does not in fact remove the President to that extent from the people, I readily concede that a valid argument just can't be made against it. Should we extend the term of the President we remove him from the people to that extent. But there comes a time when you must balance the pros and cons. This is the decision your committee is going to make.

Now, as to accountability and conceding that a 6-year term would free the President from many political pressures, I suppose in pure theory that the argument you suggest could be made. But more realistically, I think any President, no matter who he is, or of what party, is going to want to leave that office with a favorable impression on the people of the country. He is going to want to be loved and have history treat him well and he can't do this if he is going to ignore public opinion and his own commitments that he has made, his own responsibilities to his party, and all up and down the line.

I am not frightened by this. I really am not. I think that we have to weigh the advantages and the disadvantages, and to me—and this isn't to say others will not differ—but to me, I think the advantages of the extension of the term outweigh the disadvantage that you mention.

Mr. FISH. Could I ask you, sir, why in your legislation—and this is true of most of the bills before us—the single term is set at 6 years and not 5 or 7 or 8?

Mr. CHAMBERLAIN. Well, I certainly wouldn't want to say there is any magic in 6 years. If your committee, in its wisdom and the House wanted to work its will and say 5 or 7, that would be agreeable with me.

I question, however, that we would want to accept a 4-year limit and just say a President shall only have one 4-year term. I don't think that that would be in the interest of the country at the present time.

So if you want to make it 5, 5½, all right. But the 6 kind of fits in with the calendar and the senatorial, and the House terms. I think it could probably be woven into our election fabric a little more easily.

Mr. FISH. If we did have a single 6-year term, would you recommend any changes in the terms of either U.S. Senators or Members of the House?

Mr. CHAMBERLAIN. I think not. I wasn't here to hear all of what Mr. Sorensen had to say, I came in late, I was in committee meeting myself—but I did hear some comment that he made on the 4-year term.

I differ with him. As a Member of the House of Representatives, I think we would all prefer, if possible, to be elected for life. Now, if we couldn't have it, maybe a 10-year term or 8, or anything would be better personally, because we all know of the arduous work that goes into performing our role in the elective process.

But when you say 4-year term, it is going to take the pressure off the Members for an added 2 years before they have to face the electorate. We hear our colleagues in the other body speak of having 5 years off and 1 year to campaign, and maybe that is good, they can be statesmen during the 5-year period, that was the theory. But it is said that you people in the House are running for election all the while. You don't have time to do your work, to consider the legislation that is coming before the Congress.

And there is a measure of validity and merit to that argument, but this is precisely, in my judgment, what our Founding Fathers wanted. They wanted to have one House of this Congress here that was immediately responsible to the will of the people. And how is that going to be unless you are going to keep the pressure on and have them running for reelection all the while.

And you members of the committee are going home weekends to your districts, you are holding office hours, you are performing your function in the high tradition of the Constitution, so that the American people do have an input in legislation policy.

Now, one thought came to mind as I was listening to the prior witness, and that is the 4-year term that coincided with the President's term. This would be very helpful in terms of partisan policy, Republican or Democrat. Hopefully, for all partisans, the Congress would be of the party of the President. But I recall the election of 1964 when President Johnson won by a very heavy majority. I believe, Mr. Chairman, you were serving in that Congress with me, too, and we had 140 Republicans in the minority, we had 295 Democrats in the majority.

Now, if we had had a single 4-year term, there would have been a better than 2 to 1 majority in the House for a 4-year period. If you recall, we had the Great Society programs before the Congress at that time. And for 2 years we were very prolific in our legislative activity. In 1966, the House of Representatives went back to the people and the people blew the whistle on the Great Society, and 47 additional Republicans were elected. That changed the lineup considerably in the House.

I don't mean to be partisan about this at all, gentlemen. I am trying to be just as objective as I can, saying that it is good to have two sides.

I think it is well the people have this input.

Now, getting back to what Mr. Fish had to say, the President being removed from the people for this 6-year term. Certainly the people are going to have this opportunity to express themselves with the Congress every 2 years, and if things get too far out of line during this 6-year term, the Congress is going to have its say. The people are going to be electing their House of Representatives, unless we change it, of course. But in answering the question that was put to me, I think the 2-year term, as hard as it is on the Members is best for the country. I would not urge its change.

Mr. FISH. Thank you.

One more question, Mr. Chairman.

I would like to talk a little about the Vice President in this context, because if my memory is right, we have had several Presidents who were first Vice Presidents.

In your testimony, you tell us that you favor the 22d amendment which limits the term of office to two terms, and from the testimony of the previous witness we heard testimony that actually only one President in this century has served more than two terms, and not many have served even two terms, but have been defeated or decided not to run.

It would seem to me inherent in your proposal is a possibility of an 11-year term for the President, in that a Vice President who becomes President in the first year of his administration has a right to seek reelection. And he would be seeking reelection for the full 6-year term after serving a 5-year term.

If the process is to squeeze it down from 8 to 6 years, aren't we opening up the possibility that one man would have a term considerably longer than 6 years?

MR. CHAMBERLAIN. I would have to concede that that is so, that we are doing that. Unless, of course, your committee or the Congress in its wisdom altered or made some changes in the Vice Presidency, or would possibly provide that he might not be able to succeed himself. That be done, too.

But in any event, Mr. Fish, that man is going to have to go to the people again at some time for reelection if he is to have his term beyond 6 years. Should he seek the Presidency again he must give an accounting of his stewardship and the people will have to make the judgment as to whether or not they want to renew his contract. And if they say "yes," it would be because they did in fact trust him.

The other aspect of this, too, I would think, is that the pressures of this office are tremendous. We all know that. They are really beyond our comprehension. Perhaps only the President himself may have a full realization of the weight and the loneliness of that office. But I think there would perhaps be an awful lot of self-discipline on the part of that individual if he had in fact assumed the Presidency after a short period as Vice President, say within the first year of a new term of the President. And having had it for 5 years, I think he might say—do I want to go another 6 at this time.

MR. FISH. Thank you. No further questions.

MR. CONYERS. The Chair recognizes the gentleman from Maine, Mr. Cohen.

MR. COHEN. Thank you, Mr. Chairman. Just a couple of questions.

Kierkegaard was quoted earlier, but I believe, also, Edmund Burke pointed out the role of an elected official was not simply to give you his energy but also his judgment.

One of the things which you talked about during your testimony was the traditional dilemma that faces all of us, and that is voting your conscience rather than for your constituents; you find the two are not necessarily compatible on every issue.

It seems to me that is a dilemma we all face and one that is healthy in our system. I don't see any substantial benefit to remove that dilemma from a President any more than from a Senator or Representative.

I also note in your statement that you quote from Jefferson, supporting the longer term. But he also retracted that later on, and in a letter back in 1805, he said:

I originally supported the position of electing a President for seven years and who was forever ineligible thereafter. I have since become sensible \* \* \* seven years is too long to be irremovable and there should be a peaceable way of withdrawing a man in midway who has been doing wrong. Service for eight years with power to remove after the first four comes close to my principle \* \* \*

MR. CHAMBERLAIN. I certainly stand corrected.

MR. COHEN. He did take that position initially, he then changed his mind, but it leads to another facet of my question. You quoted from Jack Valenti, who supports the 6-year term. I would like to get your impression of his statement in criticizing Mr. Clayton Fritchey, who is opposed to it. Let me preface that a bit.

Watergate somehow has stirred the ashes of our interest in this particular legislation. I question seriously whether Watergate should

have any bearing on this issue whatsoever, but many people, pro and con, are pointing to it.

Mr. Valenti takes the opposite position of Fritchey when he says:

Watergate cries out as the important reason in favor of a six-year term. Watergate became a cancer not in its breaking-and-entering but in its cover-up attempts. There would have been no reason to cover up had there been no need (as campaign aides saw it) to re-elect the President. Presidential aides in their zeal to guarantee reelection pursued an activity that would have never been imagined if that damnable re-election campaign wasn't in full bloom. Thus, Watergate presents itself as Exhibit A in the case for the six-year term.

Would you subscribe to that line of reasoning?

Mr. CHAMBERLAIN. I don't think that during the current deliberations of this committee you can fully disassociate your considerations from the Watergate issue. It is here, it isn't going to go away, it is in the back of people's minds, and we have to accept it. But at the same time, I don't feel that it is paramount or controlling. Certainly, not in my case. I introduced my bill back in July 1971. That is a matter of record, and that was long before Watergate. None of us would have accepted Watergate in a fiction book at that time. So as to my own motivations, I addressed that issue a bit earlier when I spoke of some of my attitudes with reference to Vietnam.

Mr. COHEN. It just comes back to the point I tried to make about Jefferson's comment, there must be some more immediate way or peaceable way to remove a President, and he suggested it come at the end of the 4-year term. If you take the alternative of a 6-year term with no reelection, then you do bring up the specter, and it is not exactly a desirable one for many of the Congressmen, of impeachment proceedings as the only other alternative.

Mr. CHAMBERLAIN. Very traumatic and I can't take issue with what you say. You have indeed pointed up the other side of the coin.

Mr. COHEN. That is all I have.

Mr. CONYERS. Again, on behalf of the subcommittee, your statement and particularly your experiences and your decisions in your own very long and distinguished career in the Congress, will be cause for reflection as we continue to study this proposed legislation. We are grateful to you for coming before the committee.

Mr. CHAMBERLAIN. Mr. Chairman, I am grateful to you for your courtesy and interest, and again I commend the committee for its addressing this very important problem to our country.

Thank you.

[The prepared statement of Hon. Charles E. Chamberlain follows:]

STATEMENT OF HON. CHARLES E. CHAMBERLAIN, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF MICHIGAN

Mr. Chairman and members of the Committee, I appreciate this opportunity to speak in support of an amendment to the Constitution which would limit the terms of the office of the President and Vice President to one term of six years.

I first introduced this proposal in July 1971, feeling that because of the tremendous responsibilities of the Presidential office, the time had come to reexamine the fundamental question of whether any President can fulfill his duties as head of state if he is preoccupied with the demands of reelection. Clearly, the events of the past year point up the prudence of that concern and the dangers of White House preoccupation with election politics. We can no longer postpone serious bi-partisan debate of the one term proposal.

You will recall that in 1947 Congress passed the 22nd Amendment, subsequently ratified in 1951, to limit our Presidents to two terms in office. I believe passage of that amendment was wise, both for the sake of representative democracy and for the benefit of the man who must shoulder the burdens of that office. Yet our experience over the past twenty years suggests to me, and others as well, that we need to go further.

One of the popular ways of viewing the President is to think of him as a leader who wears many hats: that of leader of all the people, that of administrative head of the government, that of legislative leader, that of chief foreign policymaker, that of Commander-in-Chief of all our military forces, and that of party leader. In considering these manifold areas of responsibility which directly affect world peace and the domestic well-being of every American citizen, the legitimate question has been raised as to whether a President can devote the fullest measure of his time and talents to the pressing duties of state if he must be preoccupied with the concerns of reelection. The problem has been well stated by former Presidential assistant, Jack Valenti, who has written:

"The man who holds that office has to deal with problems so monstrous, so disruptive, so resistant to permanent solution that the reelection process is no longer suitable. The President cannot be allowed to be diverted from his hard duties and even harder decisions by the so-called normalcies of politics and reelection."

While the demands on the modern Presidency make the need for a change in election procedure that much more pressing, interest in a six-year term for the Chief Executive actually dates back to the early days of our Republic. Considerable discussion of a six-year term took place at the Constitutional Convention in 1787, and well over a hundred amendments have been offered to achieve that purpose since the Constitution became operative. During his Presidency, Thomas Jefferson declared himself in favor of a single eight-year term, while Presidents Jackson, Polk, William Henry Harrison, Andrew Johnson, Cleveland, and Taft, at one time or another, advocated the six-year, non-renewable term.

In 1912, the House Committee on the Judiciary reported a resolution to amend the Constitution to provide a single, six-year term. In its report to the House, the Committee stated:

"The President should be ineligible to a second term, because being ineligible there will be no temptation improperly to use the powers and patronage of that exalted office."

And further:

"It will make the President the Chief Executive of the whole people and not the leader of a mere faction or the chief of a political party."

Considering four years an inadequate period of time in which a President may act to realize the goals of the platform on which he was elected, the Committee felt that "six years, coupled with the freedom from anxiety for reelection, would give sufficient opportunity to the President to properly organize his administration and to bring about real accomplishments within the bounds of his duties and powers under the Constitution." In conclusion the Committee wrote:

"This amendment, if submitted and ratified, will increase the efficiency of the administration of the President; will remove the temptation to build up a political machine by the abuse of patronage and power; and will save the President from the humiliating necessity of going to the stump to repel assaults made upon him."

It is equally interesting to note that in 1913 the Senate actually approved a proposed constitutional amendment for a six-year term, but since President Woodrow Wilson objected, the measure died in the House Judiciary Committee.

With the passage of time, the powers and responsibilities of the Presidency have, of course, increased dramatically. If there were reason and justification for considering such a course of action sixty years ago, how much more justified we are in proposing a six-year term today when the burdens of that high office have multiplied to previously unimagined complexity. As Washington columnist Marquis Childs has written:

"The difficulties facing a President today are so enormous, so complex, so riddled with partisanship that no Chief Executive can emerge at the end of four years with the prospect of a majority of the electorate."

I find that judgment to be sound. In the light of Watergate, we know that the President would be better able to direct his energies both toward the administration of the government and the implementation of his programs were he accorded a longer term and relieved of the partisan political concerns involving reelection

to office. We know that the pressures on a President are tremendous. While I do not suggest that the office of the Presidency be made immune to the legitimate problems of state, I do think that removal of the concern over reelection would permit a President to act more efficiently in what is best for the country.

I fully realize that the proposal for a six-year term for the President is not without risk or reasons for doubt, and certainly there are pertinent questions to be considered with respect to any new limitations placed upon that office. But we have already accepted a time limitation with the passage of the 22nd Amendment and arguments against creating a "lame duck" Presidency lose much of their validity when we realize that a President is already a "lame duck" for his entire second term of four years. While I have no illusions that a six-year term will be a panacea, I am satisfied that this is a matter that should be carefully reviewed and studied and that we should seriously ask ourselves if such a change would not further improve our system of government.

Mr. Chairman, I commend you and your Committee for scheduling these hearings and directing attention to what I regard as a most important problem. I urge that this proposal receive your approval and that the House of Representatives has an early opportunity to consider such a change in our Constitution.

Mr. CONYERS. Our next witness is the gentleman from Minnesota, Mr. William Frenzel, who has been with us since the 92d term of Congress. He serves on both the Banking and Currency Committee and the Committee on House Administration, and has introduced one of the several proposals now pending before this subcommittee.

We are delighted to have you here. We have your statement which will be included in the record. You may proceed in your own way.

#### TESTIMONY OF HON. WILLIAM FRENZEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. FRENZEL. Thank you very much, Mr. Chairman. I want to thank you also for beginning deliberation on what I think is an important concept and I hope that it is one that will be passed.

My particular bill is House Joint Resolution 251, introduced on January 29, but like the previous witness, my first House resolution on this subject was introduced early in 1971, shortly after I got here. I felt that the idea had merit then, and regardless of what has happened since, I think some of those arguments still hold.

Mr. Chairman, I am not going to go through the material that I have presented to you, except to say that it was written as an article originally for the American Legion magazine. I believe at that time I was the only Member of Congress to be found who would stand up for the 6-year single term. My position was defeated 4 or 5 to 1 in the Legion mail ballot.

Shortly before that, I was the only Member of Congress who could be found to take the same position on a television program called the Advocates. They have a post card or telephone system, also, and I think I was clobbered about 5 to 1 on that one, too.

So I have the idea this may be a proposition whose time has not yet quite arrived. Nevertheless, I am delighted that the committee has taken it upon itself to hold these hearings.

Let me speak to two ideas. The first one is the thought of depoliticizing the Presidency. Most of the criticism of the single 6-year term seems to concentrate on the argument that it will remove the President from politics, and since we have a political system, that is not a very good idea.

I think that my thinking in this regard is that it will remove the President from the personal side of the politics. Since the President, whoever he may be, will be a political creature, it can't remove him from politics completely. He will want to see his proteges have the light shine upon them, and certainly he will be political. But he will be removed from the thought of personally promoting himself, and more than that, his bureaucracy and his assistants and his White House staff won't have that compulsion to do or to be suspected of doing things to reelect him that should not necessarily be done.

The other point I would like to talk about is that 6 years is too long in office. During my lifetime, Mr. Chairman, only one President who sought a second term has been denied it. His name was Herbert Hoover, and his denial came before this country really had developed its electronic media. President Roosevelt was the first President to make use of radio very effectively. Since then, of course, we have seen the domination of the television media.

In my judgment, it is going to be almost impossible to defeat an incumbent, and indeed it has been impossible since Herbert Hoover to defeat an incumbent who wants to run again. So you are in fact giving a man when you elect him the first time, an 8-year operation. Therefore, I don't think the 6-year proposition will give anybody anything. I think I am taking it away from them. It would be my guess that in the ensuing couple of years, or couple of generations, that under a 6-year term there would be less service on an average by any President than you would have under the present setup.

With respect to the gentleman from New York's question of whether or not a person could get 11 years under this proposition, the answer is yes, but you could under the current setup, too. For a Vice President could get 3 of his predecessor's 4 and 8 of his own—also 11 years. To be sure, he would have to stand one more election, but if you accept my assumption that an incumbent is almost undefeatable, and given our media situation now, it really doesn't make any difference.

Mr. Chairman, you have heard wonderful testimony by people much smarter and more experienced than I, so I am going to terminate now, and if you have any questions, I would be glad to comment.

[The prepared statement of Hon. William Frenzel follows:]

STATEMENT BY HON. WILLIAM FRENZEL, A REPRESENTATIVE IN CONGRESS  
FROM THE STATE OF MICHIGAN

Mr. Chairman, thank you for allowing me to appear here today in favor of the concept of the single six-year term for President, and specifically for my own House Joint Resolution 251 of January 29, 1973. I am pleased that you are considering it, and I hope it will be passed.

In 1787, the "Framers" of our Constitution, after much debate, chose a multiple-term, four-year Presidency rather than a six-year term. In 1951, the Congress wisely chose to limit the Presidency to two terms.

Neither in 1787, nor even in 1951, did anyone envision a \$250 billion government, employing millions and rendering "cradle to grave" services in a complex society of over 200 million people. I think the times now call for another change—the single-term, six-year Presidency as provided in my House Joint Resolution 251 of January 29, 1973.

For a President, these are the advantages:

1. Insulation from personal, partisan attacks by Members of Congress (the natural competitors for his job). A single term forces criticism away from personalities and back to policies.

2. Relief from pressures to use the office for re-election. Every first-term President is thought to be acting "politically", no matter what he does. The single term can't take any President out of politics, but it will elevate him from the suspicious level of personal politics.

3. Better ability to control a now almost unmanageable bureaucracy. Liberation from re-election concerns will allow total concentration on running the country.

4. Needed lead time to develop, operate, evaluate and modify legislative programs. Two extra years is an advantageous trade for a possible second term.

5. Easier recruitment of high-level personnel. A single term requires no indefinite commitments.

For Congress, some of the advantages are:

1. Improved program consideration. A President's party would not have to hurry to pass his doubtful programs. The opposition need not be afraid to endorse his good ones.

2. Reduced Presidential threat: A single-term President has meager coattails for friends and poses minimum dangers for enemies at election time.

3. Reduced fixation on President's re-election. There would be one-third fewer election-year legislative doldrums. Senators (except actual candidates) could safely return to senatoring again.

President Wilson was right in saying that four years is too long for a bad President and not long enough for a good one. But, given the enormous advantages of incumbency and our increasing reliance on electronic media, the single term will probably give us shorter overall tenures than the present system.

I believe that the net effect of the single six-year term would be a more effective, credible President, a stronger policy role for Congress, a more manageable bureaucracy and a healthier Executive-Legislative relationship.

Constitutional changes should not be taken lightly. Nevertheless, the benefits of the single six-year term are so important that this Constitutional Amendment should be considered now.

Two years ago I was the only House Member actively supporting the single six-year Presidential term. Since Watergate, interest has increased. I hope that this is an idea whose time is coming.

Mr. CONYERS. Not only is your statement helpful to this subcommittee, but your own additional views based on your listening to the previous witnesses, I think, have been extremely helpful to us.

I would like to recognize the gentleman from Arkansas for any questions he may have.

Mr. THORNTON. Thank you, Mr. Chairman.

The only question I have is a quick one, and that is with regard to the election for second term. I wonder if Lyndon Johnson would likely have been reelected had he chosen to run for a second term. Do you have any feel on that?

Mr. FRENZEL. I really don't. I can't read the hearts and minds of a Kennedy or a Johnson or a Truman, or anyone who gave up the opportunity or had it snatched from them. I would rather not comment on their thinking.

Mr. THORNTON. That is the only question.

Mr. CONYERS. The Chair recognizes the gentleman from New York, Mr. Fish.

Mr. FISH. Thank you, Mr. Chairman.

Our attention has been directed, Mr. Frenzel, to a New York Times' article of June of 1973. The headline reads, "Only 30 percent of the Poll backs 6-year term." So I guess the experience that you were put through a few years back is only now nearing a 3-to-1 position.

Mr. FRENZEL. All I can say is we are gaining, Mr. Fish. We are creeping up on you, watch out.

Mr. FISH. I don't mean to express any opinion one way or another on this legislation.

I think what you have said has been very appropriate, and I wonder if you would care to comment a little further on this question of the power, the opportunity to become too powerful and independent since a President would not have to go back to the people at the end of one term.

Mr. FRENZEL. I would admit that the single 6-year term idea is subject to valid criticism from the standpoint that any person elected under it has 6 years without recall, except by impeachment, which, as all of us know, has never been accomplished in the history of our country.

I would agree that that gives me pause and I would agree with those who say it is a risk. On the other hand, I will restate my original idea of an automatic 8-year term in our society dominated, as it is, by the large media and instantaneous communications.

I would also say that with the power of the Presidency and the changes in the last three or four decades, 6 years is not too long for a President to take to put his programs in place and to be actually able to tell whether they are working or not. Things are so different. The country has changed in addition to the media change I pointed out. Things have gotten so complicated that you need almost more than 4 years to see whether what you are doing is working and to either continue it or change it.

My committee works with devaluation. We know it takes almost 2 years before you begin to feel the effects with respect to trade. We know that it takes twice that long at least before you begin to feel the effects of the capital movements.

The same is true of anything that you do in the economy. When you push the pin in over here, you don't know what happens over there for quite a while. So it seems to me there is a risk of increasing the term. On the other hand, it is balanced by the risk inherent at the present time giving an 8-year term when you think you are only giving a 4-year term.

Mr. FISH. Thank you very much.

Mr. CONYERS. The Chair recognizes the gentleman from Maine.

Mr. COHEN. Thank you, Mr. Chairman.

I was just going to make a point that during the summer months, I was fortunate enough to play in a congressional baseball game and had the good privilege of pitching to the gentleman before us now, Congressman Frenzel. And I am happy the situation has been reversed and he is now back here throwing the ball at us, and I must admit with greater accuracy than I threw it during the summer months.

I was slandered by the Washington Post article which accused me of being wild, and I notice Congressman Frenzel, in my few months serving in Congress, has always thrown it pretty straight, no curve balls.

I want to touch on one point, and that is the thing that troubles me about the entire issue of overconcentration of power in the executive branch. It is something that has been much talked about, and a great deal of ink has been spilled on the subject over recent years.

George Reedy in his recent book was analyzing some of the difficulties we have with our institutional systems and suggested that the concentration of power, not only in this administration but over the past few years, several terms of Presidents, power generally leads to isolation, that isolation leads in turn to arrogance, and arrogance in turn leads to abuse of power.

It seems to me we could have that situation in this country and it always looms as a potential threat. And it raises the problem when you have a 6-year term, with no need to be responsive to public needs or desires or even outcries, that you increase or enhance that risk of abuse.

What troubles me, if you eliminate the reelection aspect of the Presidential term, then the only remedy, as we keep talking about here, is that of impeachment and the danger to our political system if we should turn to impeachment with the ease or facility of trying to curb Presidential actions.

For example, it would not merely have to be the commission of crimes that could lead to impeachment, it could be a disagreement over Executive policy, such as impoundment, such as the termination of programs or policies, of any one of these other factors that we have witnessed in recent years. A single 6-year term may well enhance the occurrence, or the risk of impeachment proceedings being brought against a President because of political reasons rather than any impeachable crime or offense as such.

That hazard really has me troubled. I think we are at a particular point in our history when the very motion of it becomes much more easy to talk about. We hear a great deal of talk about it now and I am troubled by that aspect.

Mr. FRENZEL. I don't disagree that there is risk here and I said that a number of times in my testimony. Nevertheless, our system is pretty well balanced and if the Congress is the weakest link of the balance now, as many of us allege, that is the Congress problem and it has lots of things to do to put its house in order to become an equal partner.

On the other hand, I believe that this proposal will help the Congress to regain some of its strength, simply by taking its eye off a ball which is in some cases frivolous.

When I put this bill in the first time in 1971, I was absolutely dismayed by what was going on in the other body between the President and 20 or 30 Senators, all of whom were contenders to be President.

And the debate, discussion, the mudslinging, or whatever it was, centered largely on politics, on the prospect of the President's running again, rather than on any kind of policies. At that time, in my judgment, the Senate had no policy. I don't think it has one today, but that's its problem. But it seems to me it could have, and that the Congress could have had a policy.

But at that time we were so tied up in reelection of a President that no matter what he did, a whole flock of Senators had to be against it—good, bad or indifferent. And when the President did some things, that maybe should have been taken back, there was no room to retreat or admit mistake because here was an election coming.

I think we could remove a lot of that. I don't want to remove all of it: I don't want to take politics out of the election process, but I think we can concentrate on other things that are more important.

If I didn't believe this would strengthen both the Executive and the Congress, I wouldn't be presenting it, but I do not deny that there is risk.

Mr. COHEN. If Congress is true to its announced intentions of reasserting itself, which I think it should, wouldn't it upset the balance to have a President who is elected for 6 years, and Representatives for 2 years, who have to remain rather close to the people and what they want—responsive to what they feel is necessary, as opposed to what

the President or maybe the Office of Management and Budget might dictate as in the best interest of the country?

Doesn't it put the Congress in the position of having the two alternatives I mentioned before, either acting as a rubber stamp to what the President wants, or opposing what he wants because it is being responsive to the people and therefore being branded irresponsible legislators?

I see that as a tremendous imbalance in terms of power of the two offices.

Mr. FRENZEL. I think the political power of the President has a great deal to do with the reelection process. Every President who is a candidate for reelection, if you accept my original assumption, is a favorite to be reelected. He holds that over the Congress in some respects, because we run at the same time he does and he can either smile at us or frown on us and we will lose or gain some votes.

Some Presidents have more coattails than others, some have more clout than others, but it seems to me that under the single 6-year term he loses that because he doesn't run again. He is not going to carry people with him on a new mandate and therefore either wipe out the Congress or reestablish his friends in the Congress. I think it takes away some of that and enhances the stature of the Congress.

But certainly, there are other thoughts such as ours.

Mr. COHEN. Thank you very much.

That is all I have.

Mr. CONYERS. The Chair recognizes the gentleman from Wisconsin.

Mr. FROEHLICH. No questions, Mr. Chairman.

Mr. CONYERS. Your candor in response to some very difficult questions has been very helpful. We are going to further hearings on these amendments and your statement and your views will be kept in consideration. Thank you very much for joining us.

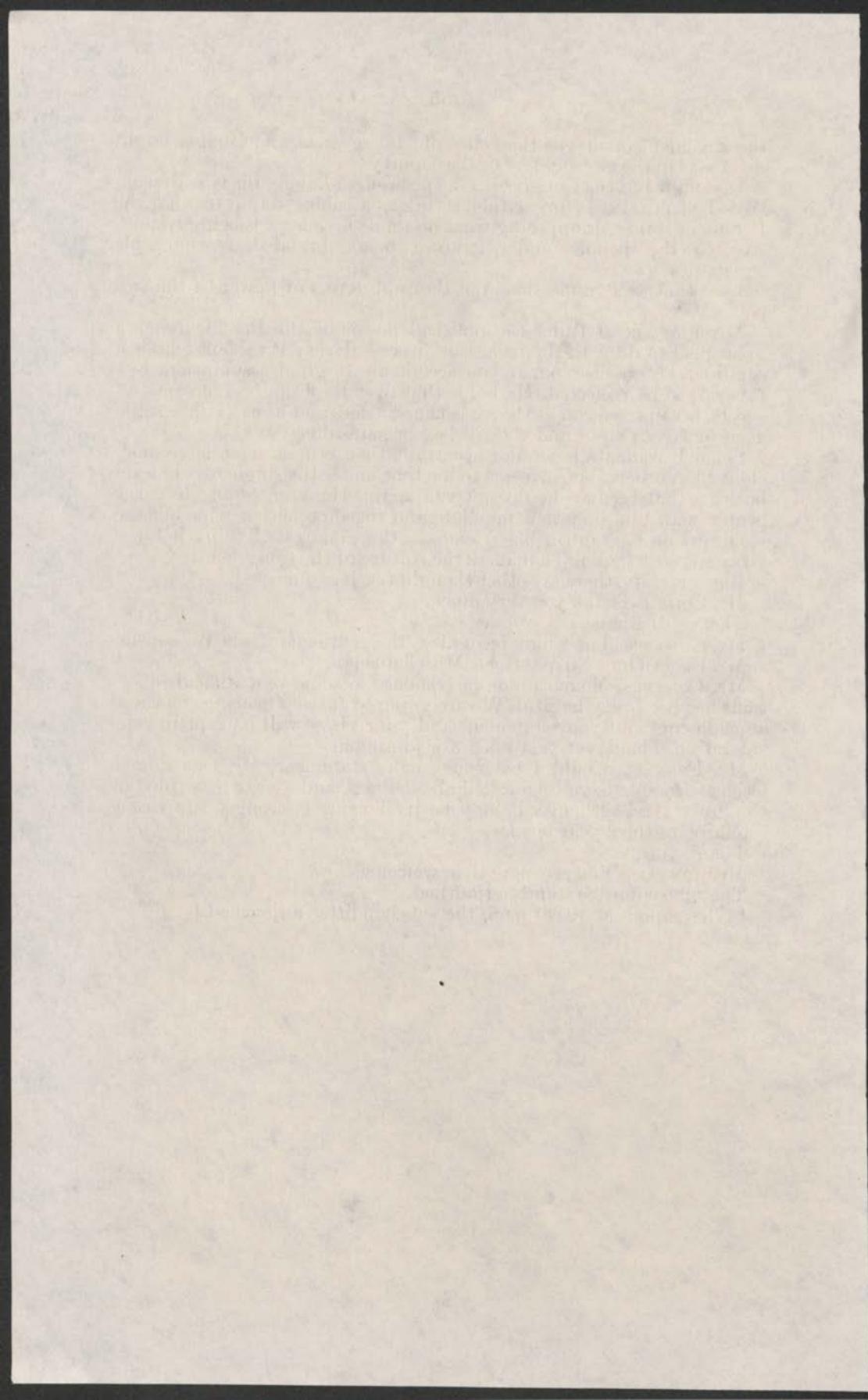
Mr. FRENZEL. Could I make one more statement, Mr. Chairman? Other witnesses have been asked about the 2- and 4-year term for the Congress. And although it may be irrelevant, I strongly support a retention of the 2-year term.

Thank you.

Mr. CONYERS. You are more than welcome.

The subcommittee stands adjourned.

[Whereupon, at 12:20 p.m., the subcommittee adjourned.]



## ADDITIONAL STATEMENTS AND COMMUNICATIONS

STATEMENT BY HON. WILLIAM S. BROOMFIELD, A REPRESENTATIVE IN CONGRESS  
FROM THE STATE OF MICHIGAN

Mr. Chairman, I would like to thank the committee for holding these hearings on the proposed Constitutional amendment calling for a single, six-year Presidential term. As you know, I have proposed similar legislation, and I whole-heartedly support this bill, H.J. Res. 76.

The case for a single, six-year term is not new by any means. Many members of the Constitutional Convention of 1787 favored such a proposal. Presidential support for the six-year term goes back to Thomas Jefferson. Never, Mr. Chairman, has the need for such an amendment been more evident than at this time.

When the Constitutional Convention decided upon the four-year term, our nation was relatively small and mostly rural. Running the government, while not an easy chore, was relatively uncomplicated. Now, as we approach our 200th birthday our society has become highly technical and complicated, and the job of running the government has become equally complicated.

To stay on top of such a complex office, a President must devote his full attention and energies, all the time. Yet, under our present system, after four years in office the President must assume the added burden of running for reelection. This leaves a President with two alternatives—devote less time to his Presidential duties, or delegate authority for the campaign to his subordinates. As we have seen, neither option is acceptable.

It has become apparent that four years is just not sufficient time to propose, enact, and make operational programs large enough to benefit significant numbers of people. In terms of operational efficiency, the six-year term would allow a President ample time to efficiently implement his programs while removing the burden of disrupting the administration after four years to run a campaign.

Changing to a single, six-year term would help free the President of this purely political task, and enable him to devote his time to the demanding task of serving as Chief Executive of all the people. The job of President is an enormous and complicated one, Mr. Chairman, and the burden of campaigning for reelection merely adds unnecessary pressures to it.

There is also an economic factor to consider in regards to the six-year term. The cost of Presidential campaigns has increased at a rather alarming rate in recent years. If the trend continues, and we have campaigns every four years, the result could be the financial collapse of our national parties. Having campaigns every six years would certainly help to ease this financial burden.

A six-year term will not remove a President from politics, as many have argued. As a political person, a President naturally will be interested in the success of his party. What the six-year term will do, however, is remove the worry of personal political survival from the President and allow him to make decisions free from the temptation of political expediency.

The time has come, Mr. Chairman, for Congress to act on this proposal and give the people of the 50 states an opportunity to be heard on this matter. I urge the committee to act promptly and favorably on this legislation, and send it one step closer to the American people for final decision.

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STATEMENT OF HON. ALBERT H. QUIE, A REPRESENTATIVE IN CONGRESS FROM THE  
STATE OF MINNESOTA

Mr. Chairman, I welcome the opportunity to discuss legislative proposals relating to the extension of the term of office for the President and Vice President.

Our structure of government contains methods by which it is allowed to change to meet new challenges. Using this process, I have introduced H.J. Res. 635, a Constitutional amendment calling for a single six-year term for the Office of President and Vice President. This proposal ought not to be considered a panacea

designed to cure all of the ills of the presidency, but it will grant the President six full years to exercise greater care in the discharge of his duties, and serve to streamline the operation of government, holding the President and the Congress more accountable to the people.

The debate over the length of the presidential term has never been laid to rest. During the Constitutional Convention in 1787, it became the most hotly debated issue. Since 1787, more than 300 proposals limiting the President and Vice President to single six-year terms have been submitted to the Congress.

In his 1929 autobiography, President Calvin Coolidge, although an opponent of the single-term concept, gave an excellent reason for its adoption:

"It is difficult for men in his office to avoid the malady of self-delusion. They are always surrounded by worshippers. They are constantly, and for the most part sincerely, assured of their greatness. They live in an artificial atmosphere of adulation and exaltation which sooner or later impairs their judgment. They are in grave danger of becoming careless and arrogant. The chances of having wise and faithful public service are increased by a change in the Presidential office after a moderate length of time."

Now, and without assessing blame, the atmosphere surrounding the 1972 presidential campaign has sparked renewed and appropriate interest in this proposal. It is an atmosphere which makes the need for adoption much more clear.

A single six-year term would remove some of the inherent weaknesses in the present system. With all of the stress on the office, it is intolerable that a President eager to run for a second term must begin campaigning in the first. Yet this is the situation. Re-election places yet another burden on a President whose time should be occupied with guiding the Ship of State, executing its laws, and steering legislation through Congress. Clearly, the Chief Executive should not be forced to abandon worthwhile proposals during the last two years to campaign for another four.

Outside his election circle he is saddled with requests by incumbents and newcomers, all of whom have their say. Members of Congress obsessed with Oval Office aspirations seek to destroy his re-election chances. As a consequence, White House decisions are made not for the benefit of the Nation, but for the benefit of survival. Inside his election circle, he is surrounded by administrative personnel whose positions of trust depend upon the President's survival; persons whose main duties during election time are to "sell" the President, not to serve him.

My bill, H.J. Res. 635 is aimed at correcting these weaknesses. Passage of this amendment means that the President and his aides can devote six full years to tend to the matters of the country. Implementing presidential policy is slow; often it cannot be done in four years. Extending the term to six years should (1) greatly increase the probability of legislative passage, (2) improve the efficiency of the President and his staff, and (3) boost consistency in government policy. For Members of Congress it means concentrating on legislative work rather than trying to prevent the re-election of the President.

Some believe a single six-year term will effectively remove the President from politics, somehow elevating him to a higher position where he would be above the influence of the people and unaccountable to the Congress.

Mr. Chairman, I believe this argument has little, if any merit. Knowing that he will not be subject to the political pressure of campaigning, it is probable that the exact opposite will be true. Our tripartite Constitutional system insures a strong Congress responsive to an informed electorate; we are inherently protected against abuses of power on the part of the Chief Executive by the checks placed on him by the Congress.

In order to make the President more responsive to all of the people, I believe it is also time to seriously consider another amendment calling for a national primary system, allowing voters in every state the opportunity to participate in the nomination of their President. As Congress seeks to modify and expand the presidential term, and as pressure is brought to bear to produce legislation opening up the selection process, a national primary must be considered an essential link.

The amendment should be designed to encourage candidates to stalk all 50 states, not just 21 (as in the 1972 campaign). The amendment establishing a national primary would directly involve more people, not just a powerful few. It would restore confidence in the democratic process in general and our democratic system in particular.

Mr. Chairman, the amendments face us, ready for scrutiny. The Founding Fathers meant for the Constitution to be amended. Properly, it is a long, involved, complicated process. Adopting these amendments, one for a six-year term for the

office of the President and Vice President, the other for a national primary system, is one of the most important changes our government could undergo. It is an important and proper step for the Congress to take in order to insure government of the people, by the people, and for the people.

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STATEMENT OF HON. ROBERT L. F. SIKES, A REPRESENTATIVE IN CONGRESS FROM  
THE STATE OF FLORIDA

Mr. Chairman, I appreciate the opportunity of appearing before your distinguished Committee today in support of H.J. Res. 76, a bill which proposes to amend the Constitution of the United States to provide an age limit and a single six-year term for the President. As you know, I am the sponsor of H.J. Res. 601 which is similar to H.J. Res. 76.

The suggestion that presidential terms be limited to one of six years has merit and it deserves more consideration than it has received. It is generally accepted that an incumbent President, concerned about his reelection, is less effective as a leader than a man who knows he need not be political in his actions. He spends too much of his first four years seeking to be reelected. It is only natural that his decisions be weighted at least in part with political considerations.

Recent revelations tend to support this hypothesis. Watergate would not have happened if some of those around the President had been more concerned with what was right than with what was politically expedient.

When the framers of our Constitution established the presidency, there was no limitation as to the number of terms he could serve, but tradition dictated over the years that two four-year terms would be the rule. It was only in this century that tradition was broken, and then by only one President, Franklin D. Roosevelt.

Congress later approved an amendment limiting presidential service to no more than two terms, largely to avoid the establishment of a political machine which the people could not overturn at the ballot box. I believe that was a wise decision, but we must change with the times. The founding fathers were seeking an ideal situation. They had few precedents. We have the benefit of experience. Other nations have successfully tested the concept of one six-year term. Mexico is a good example. Few governments in modern times have been as stable.

Mr. Chairman, it is worthy of note that President Nixon has endorsed the suggestion for one six-year term. A constitutional amendment is required and this in itself is a slow process. It is time for a beginning. For the good of our political system and our nation, I urge this Committee to favorably report this legislation.

Thank you.

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LITTLE NECK, N.Y., December 13, 1973.

MR. MAURICE A. BARBOZA,  
Rayburn House Office Building,  
Washington, D.C.

DEAR MR. BARBOZA: Some time ago, I wrote to Mr. Peter Rodino to express my views on the question of the six-year presidential term. He was kind enough to suggest that you might want to include my piece in the record being compiled by the committee for which you are counsel.

Enclosed herewith are my thoughts on the subject. I hope that you will find them useful.

Sincerely yours,

ABRAHAM KOLTUN.

YES, WE DO WANT A SIX-YEAR PRESIDENT

The question under consideration is, "Do We Want a Six-Year President?" My answer is YES, loud and clear. My reason: I prefer a six-year president to an eight-year president.

The reasons for continuing the four year renewable term are familiar to all. In a textbook sense, they are persuasive. The trouble is that it just doesn't work out that way. To all intents and purposes, when we elect a president he can look forward to eight years in the White House. Since Grover Cleveland lost his bid

for re-election in 1888—at that, he gained a majority of the popular vote—only one incumbent has been turned out of office. That was Herbert Hoover in 1932, and it took a depression of catastrophic proportions to do it.

Even under the best of circumstances, an incumbent enjoys almost insuperable advantages:

(1) He is virtually assured of renomination at a convention featured by a well-orchestrated outpouring of support and approval. By contrast, his challengers in the opposing party must survive a bloodbath that not only splits the party wide open but often provides the incumbent with all the ammunition he needs for the campaign that follows.

(2) The president's name is a household word. The challenger must spend millions just so that people can learn who he is.

(3) The incumbent enjoys high visibility, usually at public expense. He travels widely; he entertains visiting heads of state; he welcomes returning military heroes and POW's and congratulates winning athletes; he speaks to men walking on the moon. Whether he accomplishes much or little, he is seen by millions of Americans with whatever frequency he desires.

(4) Aside from his ceremonial activities, the President can command prime time on the broadcast media to make political speeches disguised as non-partisan messages. His opponents seldom if ever obtain equal time for rebuttal.

(5) The president is so important to the media that top reporters are assigned to cover his every move. Even on days when he does nothing, his inactivity is considered as newsworthy as his opponent's activity.

(6) A great many officeholders owe their employment to the incumbent. They constitute the nucleus of the re-election effort and they, in turn, recruit campaign workers who are beholden to them.

(7) The incumbent can take credit, deserved or not, for all legislation he signs. Nixon fought the increase in social security benefits proposed by a Democratic Congress but when it was passed over his opposition, he addressed a message to recipients posing as the author of this largesse.

(8) Most important of all, the office of the president has acquired an aura that make any criticism of him, to many voters, a sign of disloyalty to the nation. In the last campaign, this feeling was shrewdly and cynically exploited. Banners and slogans exhorted people to "Re-elect the President." Nixon, who commanded little affection or admiration—and his campaign committee knew this well—was seldom mentioned by name.

When the incumbent is less than completely scrupulous, he commands an advantage whose extent can only be surmised—or uncovered after lengthy investigation. For example, he can:

(1) Amass a tremendous war chest by means that may either include or border on extortion.

(2) Use government agencies—the Attorney General's Office, the FBI, the CIA, the IRS, among others—to intimidate and harass his political enemies.

(3) Develop a secret staff, at public expense, to serve his political ends by engaging in spying, breaking and entering, and other covert operations.

(4) Intimidate the media by threats to licensees, wiretaps on reporters, and FBI investigation.

(5) Invoke the specter of national security whenever it suits his political purpose.

With the incumbent's re-election all but assured, the Campaign serves no useful purpose. To the contrary, the continuance of political invective under such circumstances only divides the nation and creates unnecessary animosities. A fair election is the finest manifestation of democracy in action. An election where the cards are stacked in favor of the incumbent is a mockery; it destroys faith in democratic institutions.

Having little or no chance to win, the losing party suffers grievous wounds. This delights the incumbent but hurts the country. A "sweeping mandate" earned at the expense of an impotent challenger encourages the president to become contemptuous of those who did not support him. When the losing party still controls Congress, effective government grinds to a halt.

The money spent on an unnecessary campaign—over \$100,000,000 in 1972—represents an indefensible waste of our resources when urgent needs go begging. But waste is not the totality of evil: the limitless resources make all kinds of chicanery possible.

Changing anything as basic as the presidential term of office will not come easily. Witness the small number of amendments to the Constitution. But state

legislatures chose United States senators for more than 120 years—and who would advocate that procedure today? It takes courage and vision to recognize when a tradition has become antiquated. If the 1972 campaign taught us anything, it should have been this.

REPUBLICAN NATIONAL COMMITTEE,  
Washington, D.C., October 5, 1973.

Mr. RICHARD J. OPARIL,  
Syracuse, N.Y.

DEAR RICHARD: It is always gratifying to hear from young people like yourself who are eager to learn about political parties and our system of government.

In your recent letter you ask the opinion of the Republican National Committee on the matter of a six year term for the President of the United States. There is no mention of this in the Platform adopted by the 1972 Republican National Convention; therefore, we do not have an official position to give to you at this time.

The Members of Congress will have varied views on this subject and I expect there will be great differences among the Members of both parties. If this proposal becomes a strong issue, it will no doubt be considered in the deliberations on the Platform for the 1976 Republican National Convention unless the Constitution has been amended by that time, which I doubt will be the case since this is normally a very slow process.

Since you are prepared to testify before the Judiciary Committee of the House of Representatives, I think you should not be influenced by any party position but make up your own mind. If you keep up with Congressional activities you are probably conscious of the position taken by leaders of both political parties in the Congress.

We hope that you will continue to take such a keen interest in the affairs of our Nation.

Sincerely yours,

JOSEPHINE L. GOOD,  
Convention Director.

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STATEMENT OF RICHARD J. OPARIL

Mr. Chairman, I am honored to have this opportunity to submit this statement for the hearing record, to express my views on House Joint Resolution 76. A Joint Resolution proposing an amendment to the Constitution of the United States, providing for a single six-year term for the President, and an age limit of seventy years.

Before I begin to outline the reasons why I support this Joint Resolution, I would like to tell you something about myself. My name is Richard J. Oparil, and I reside at 419 Craddock Street, Syracuse, New York 13207. I'm thirteen years old, and am very interested in law and the United States Congress.

It is my firm belief that this Subcommittee should report favorably on H.J. Res. 76.

The American people have witnessed in the past few weeks and months how political ambitions in the White House can literally bring the government to a standstill. We are at the climax of a great constitutional confrontation, the Executive vs. the Legislative and Judicial Branches. However, if this amendment were in effect, we would have none of this.

In preparation for the submission of this statement I've written to the White House, Democratic National Committee, Republican National Committee, AFL-CIO Legislative Department, and the District of Columbia Bar Association. I have only heard from, however, the Office of the White House Press Secretary, and the Republican National Committee. I have hereto attached as Exhibit No. 1, a letter from Josephine L. Good, The Republican Convention Director.

I also attach a letter from the Chairman of the House Judiciary Committee, Peter W. Rodino, giving me permission to file this statement, as Exhibit No. 2.

A proposal of this type was recommended to the Congress in 1837 by President Andrew Jackson. He said, "the Chief Magistrate should be limited to a single term of either four or six years." I might also add as a footnote that in 1861 when the South formed the Confederate States of America, they included a clause in their Constitution providing for a single six year term for the President.

Turning now to a related subject, I suggest that the Subcommittee on Crime attach an amendment to H.J. Res. 76 which would extend the term of Members of the House of Representatives to four years. As you well know Representatives

run for re-election every other year. They must be constantly campaigning. This puts a tremendous burden on the Member, financially, as well as politically. To quote from Lyndon Johnson: "To strengthen the work of Congress, I strongly urge an amendment to provide a four year term for Members of the House. . . ." Continuing, "The present two year term requires most members of Congress to divert enormous energies to an almost constant process of campaigning. . . . And a longer term will serve to attract more men of the highest quality to political life."

Mr. Chairman, I can not express to you, and to the Members of the Subcommittee on Crime of the Committee on the Judiciary, my gratitude for allowing me to express my opinion on this very important issue. I urge all of you to support it, as amended.

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COMMITTEE ON THE JUDICIARY,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., October 18, 1973.

Mr. RICHARD J. OPARIL,  
Syracuse, N.Y.

DEAR RICHARD: Thank you for your letter concerning H.J. Res. 76, a bill proposing an amendment to the Constitution of the United States to provide for a single six-year term for the President.

The Subcommittee on Crime, to which this measure has been referred, held a day of hearing on H.J. Res. 76 and related bills on September 26. Additional hearings are being contemplated by the Subcommittee, but at this time no further action has been scheduled.

Should you wish to submit an expression of your views on a single six-year Presidential term for the record, please feel free to do so, and direct it to the attention of Maurice A. Barboza, counsel, Subcommittee on Crime, B-351B Rayburn House Office Building.

I commend you for your interest in national affairs and for your efforts to improve the effectiveness of the Presidency.

With all good wishes, I am

Sincerely yours,

PETER W. RODINO, Jr., *Chairman.*

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THOMAS E. CRONIN—THE CASE AGAINST THE SINGLE SIX-YEAR  
PRESIDENTIAL TERM

*(Center Visiting Fellow Thomas E. Cronin, a former White House Fellow and staff member of the Brookings Institution, has taught at Stanford and the University of North Carolina at Chapel Hill. Author of numerous articles on the presidency and national politics, he is the co-author and editor of The Presidential Advisory System (1969) and co-editor, with Rexford G. Tugwell, of The Presidency Reappraised, which will be published early in 1974.)*

One of the more persistent remedies in discussion of the presidency, in light of the Watergate scandals, is that presidents should be removed from "politics." The assumption is that once elected, presidents should provide leadership for all people and cast aside partisan calculations. He should do what is "right" even if this means that his party might lose votes, his friend suffer financial losses, or his own political future be damaged.

Those who want to take the politics out of the presidency usually want to de-emphasize the divisive aspects of both electoral politics and partisanship and somehow elevate the presidency above selfish ambitions. Implicit is the hope that the dignity of the office can be enhanced by encouraging presidents to act so as never to favor one party over another, one region over another, or one class over another. The verdict is rendered that the roles of politician and statesman are incompatible. Critics voice disapproval when presidents appoint well known party workers or campaign contributors to key administration or ambassadorial posts. Appointments, critics say, should be made on merit alone, above politics! Then, too, presidents look unstatesmanlike to some when they appear at fund raising dinners or intervene in state and congressional political elections.

The proposed Constitutional amendment championed by Senator Mike Mansfield (D-Mont.) and George Aiken (R-Vt.) in the 92d and 93d Congresses and

suggested by President Nixon in the wake of the Watergate scandals, would extend the term of a president to six years but make presidents ineligible to run a second time. Such a change, it is hoped, might give a president greater courage and freedom in the exercise of his responsibilities. Arguing that we must liberate the presidency from "unnecessary political burdens," Mansfield says that it is intolerable that a president "is compelled to devote his time, energy and talents to what can be termed only as purely political tasks. . . . a president facing reelection faces . . . a host of demands that range from attending the needs of political office holders, office seekers, financial backers and all the rest, to riding herd on the day-to-day developments within the pedestrian partisan arena."

The six-year term proposal is supported by those who feel the country's chief executive should be more businesslike and that reducing his political activities would assure more time and energy for planning and systematic program implementation. Some hope, moreover, that it would enable a president to overcome his deference to special interests and the timidity that results from having to keep his eye on the forthcoming election. Several former White House aides have given support to the concept of a six-year term and offer this type of rationale: From a former administrative aide to Lyndon Johnson:

"I would favor one six-year term for the presidency. I don't think the president should be concerned and involved with politics and the considerations of becoming elected for another term. The president's obligations should be devoted to a whole nation and not to any one section of it."

A Nixon foreign policy aide offered this view:

"I am in favor of a six-year term because we frankly don't have enough time to get going as it is. We are working on several things now that are just developing and will have to be dropped this year or next because of the political restraints involved in the election . . . there can be some excellent results if we keep pushing. But we are being held back—some of the president's political aides are already sending us memos to that effect."

And a former national security counselor to President Johnson writes:

"The four-year presidential term with its tremendous pressures on the incumbent to lay the groundwork for his reelection inhibits . . . long-range nonpartisan political thinking. . . . We have seen all too much of White House pressures for dramatic quick fixes on the grounds that "the president needs something fast before he comes up for reelection." The single six-year term would seem to provide an atmosphere in which . . . long term planning and less partisan solutions might have a chance to flourish."

Support for a six-year term without reelection also came from President Johnson, himself, who felt that four years is not long enough for a president to develop and carry out major reform programs. From the day a new president assumes office, he is racing against an almost impossible time schedule. National budgets are made a year and a half, or two years, in advance and even then uncontrollable fiscal and political factors prohibit a new president from significantly reordering national priorities. Johnson and several former aides argued that the most needed reforms take more than four years to formulate, pass, fund, and implement. The case for this reform, said Johnson in 1971, is stronger now than ever before: "The growing burdens of the office exact an enormous physical toll on the man himself and place incredible demands on his time. Under these circumstances the old belief that a president can carry out the responsibilities of the office and at the same time undergo the rigors of campaigning is, in my opinion, no longer valid."

While the proposal's adoption at this time is unlikely, it does have beguiling aspects. Its likely consequences are, however, far less attractive than they may seem at first. Woodrow Wilson offered this trenchant perspective: "The argument is not that it is clearly known now just how long each president should remain in office. Four years is too long a term for a president who is not the true spokesman of the people, who is imposed upon and does not lead. It is too short a term for a president who is doing, or attempting a great work of reform, and who has not had time to finish it."

To change the term to six years would be to increase the likelihood of its being too long, without any assurance that it would in happy cases, be long enough. A fixed constitutional limitation to a single term of office is highly arbitrary and unsatisfactory from any point of view."

The proposed divorce (between the presidency and politics) presupposes a significantly different type of political system than ours, which is glued together in large measure by ambiguity, compromise, and the extensive sharing of powers. In light of the requisites of democracy, the presidency must be a highly political office, and the president an expert practitioner of the art of politics. Quite simply, there is no other way for presidents to negotiate favorable coalitions within the

country, Congress and the executive branch, and to gather the authority needed to translate ideas into accomplishments. A president who remains aloof from politics, campaigns, and partisan alliances does so at the risk of becoming the prisoner of events, special interests, or his own whims.

Most of the men who have been effective presidents have also been highly political; they knew how to stretch the limited resources of the office, they loved politics and enjoyed the responsibilities of party leadership. The nation has been well served by sensitive politicians, disciplined by the general thrust of partisan and public thinking. Many of the least political presidents were also the least successful and seemingly the least suited temperamentally to the rigors of the office. The best have been those who listened to people, who responded to majority as well as to intense minority sentiment, who saw that political parties are often the most important vehicle for communicating voter preferences to those in public office, and who were attentive to the diversity and intensity of public attitudes, even as they attempted to educate and to influence the direction of opinion.

President Nixon told the nation during his Watergate crisis that the presidency had to come first and politics second. This, he said, is why he did not involve himself in the 1972 election campaign. This is a pleasing posture, of course, but its implications are misleading and in large measure wrong. Everything a president does has political consequences, and every political act by a president has implications for the state of the presidency. As a nation we might just as well grow up to the full recognition that presidents will and must be political and they ought to be vigorous partisan leaders as well. Bipartisanship rarely has served us well. James MacGregor Burns aptly notes that, "Almost as many crimes have been committed in the name of mindless bipartisanship as in the name of mindless patriotism." Recognition of the reality of presidents as partisan political leaders might also serve to underscore the seriousness of the lack of an opposition party that can challenge a president's program, challenge the presidential establishment, and that is eager and able to proclaim alternative national priorities.

If our national leaders do become isolated or insulated from the mood of the public, then electing our presidents for longer terms would only encourage this tendency. Frequent elections necessarily remain a chief means of motivating responsive and responsible behavior. An apolitical president, disinterested in reelection, motivated by personal principle or moralistic abstractions, and aloof from the concerns of our political parties, could be a highly irresponsible president. Elections customarily force an assessment of presidential performance. Elections are welcomed when promises have been kept and feared when performance has been unsatisfactory. Is it a mere coincidence, or were President Nixon's troop withdrawal rates aimed toward the election of 1972, or the Johnson-Humphrey bombing halt of 1968 aimed toward that election? President Nixon's significant economic "game plan" reversal in 1971 and President Johnson's vain efforts at peace negotiations in 1967 and 1968 unmistakably were related to the action-forcing character of American elections.

Though important national policy change is a slow process, it does not necessarily follow that a six-year term is an appropriate remedy. Frequently policy changes which have frustrated the White House have come slowly because they have been highly controversial and support was not adequately assembled. Mobilization of support is just as much a presidential responsibility as proclaiming the need, and support would be no less crucial with a seven-year or even eleven-year term. Only a shrewdly political president who is also his party's leader, sensitive to political moods, and allied with dozens of political and party elites, can build the coalitions that can bridge the separation of powers in Washington, and offset strong forces bent on thwarting progress.

Often, when the White House is frustrated in attempting reform, the proposed changes have not been adequately planned or tested. In the case of the Johnson administration it is now well known that too many policies were pronounced prematurely; sometimes policy was "made" by press release and the administration acted as though bill-signing ceremonies were the culmination of the policymaking process. The Johnson administration also was frustrated in its attempt to implement sweeping domestic policy changes precisely because too much emphasis was placed on "getting the laws on the books" to the neglect of developing the managerial and bureaucratic organizations necessary for imaginative administration of these laws. A White House that becomes overly transfixed with a legislative box score or that succumbs to the unquenchable thirst for quick political credit may, at least for a while, appear to be accomplishing great innovations. But translating paper victories into genuine policy accomplishments requires far more than monopolization of the legislative process.

In the early history of the presidency, presidents who were unable to mobilize support within Congress were also unable to maintain reasonable support within their own executive branch. Keeping in the good graces of a president, who had partisans of his own in Congress, became politically prudent for cabinet members who had program or political ambitions of their own. According to political scientist James S. Young, presidential effectiveness depended in large measure on political-partisan leadership skills.

What was true in the past remains true today: effective national leadership requires what the Constitution tried to discourage, that a party or faction disperse its members or its influence across the branches of government. A president under normal circumstances who ignores this or retreats from these partisan and political responsibilities is unlikely to achieve much substantive policy innovation.

*Favor changing to six-year presidency?*

	Percent	
	Yes	No
1936-----	26	74
1939-----	24	76
1945-----	27	73
1969-----	19	81
1973-----	30	70

Source: The Gallup Opinion Index (July 1973).

Moreover, as Clark Clifford, a former counselor to three presidents put it: "A president who can never again be a candidate is a president whose coattails are permanently in mothballs." A president elected to a six-year term with reelection forbidden would be a president inescapably confronted with a bureaucracy of the permanent government, as well as his senior political appointees even less responsive to him than now. Even when presidents are both popular and eligible for reelection their dependence on the senior and mid-career services of the permanent government can never be overestimated. This is well summed up in a wonderfully wry, albeit overstated, Washington observation that the "bureaucracy eats presidents for lunch." When it is known that a chief executive is to leave by a certain date, bureaucratic entrepreneurs suddenly enjoy wider degrees of discretion and independence. Used or not reeligibility is a potentially significant political resource in the hands of a president, and denying that resource will diminish the leadership discretion of future presidents who desire to be activist policy initiators. It could have the same effect as the Twenty-Second Amendment; though, to be sure, this is not a propitious time to expend much energy on repealing the Twenty-Second Amendment; it was, in enactment, a massive vote of no-confidence in the political judgment of future generations. As Henry Steel Commander once put it, "We substitute *our* judgment for theirs on the crucial matter of electing a President."

One may sympathize with President Johnson's predicament in 1968, when he was losing popularity, when the American public was disillusioned with his war policies, and his domestic programs were running into a myriad of implementation difficulties. Many of his domestic efforts had become controversial, many were underfunded or not funded at all, and those that received funding often foundered on the shoals of Johnson's Vietnam-generated inflation or from inter-governmental obstacles not anticipated by White House domestic program architects. It is doubtful, however, that much would have been different under a Constitutional six-year term.

A six-year term might induce some otherwise timid president to propose more courageous and far-reaching policies. But that was hardly a Johnson deficiency. A six-year term might make those who are overly concerned with party patronage and party machinery less so. But this was clearly not a Johnson preoccupation. A six-year term might permit a greater degree of program follow-through, monitoring, and evaluation. But this apparently was never a personal Johnson interest. Nor would a six-year term have been any guarantee that much of the Watergate scandals would not have occurred anyway.

The idea of a set single six-year presidential term is the last gasp of those who cling to the hope that we can separate national leadership from the crucible of politics, or of those who contend that our presidency is overly beholden to the workings of a patronage or spoils system. Neither is the case: the former remains an impossibility while the latter is a problem whose time largely has passed. So, too, the notion that intense conflicts over policy choices can be some-

how removed from the presidency is undesirable. The conflicts that surround the presidency and require a president to act as public mediator mirror existing and potential conflicts over values in the society at large. If our presidents were not asked to resolve political conflicts they would not be fulfilling those responsibilities which rightly are associated with democratic leadership.

## ADDITIONAL MATERIAL

### LIMITING TENURE OF FUTURE PRESIDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Chamberlain) is recognized for 30 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, several years ago, because of my deep concern about the division within the Nation over Vietnam, and after giving the matter much thought and study, I introduced an amendment to the Constitution to limit the tenure of future presidents of the United States to one term of 6 years. On the opening day of this 93d Congress, January 3, 1973, I reintroduced the same amendment which is House Joint Resolution 127.

Much has happened since that time to strengthen immeasurably the case for such a change.

Today, I would ask my colleagues, on both sides of the aisle, to reflect again on the merit of this proposal. And in doing so, I would ask that you take both a long view and a short view of American history.

Certainly, Mr. Speaker, the idea is not at all new. In fact, it is a very old suggestion. But being an old proposition does not necessarily make it a bad one. Indeed, the fact that it keeps coming back for reconsideration from time to time and is debated at intervals of a few decades shows that it attracts the attention of succeeding generations. It refuses to die.

As you may well know, the single 6-year term was debated at the constitutional convention of 1787. Considerable discussion of its merits took place at that time, and I think it is quite significant that well over 100 amendments to put it into effect have been offered since the Constitution became operative.

The suggestion has been supported by notable names in our history. President Jackson, President Polk, President William Henry Harrison, President Andrew Johnson, President Cleveland and President Taft all endorsed it at one time or another.

In 1912, the House Judiciary Committee recommended a single 6-year term. In its report it stated:

"The President should be ineligible to a second term, because being ineligible there will be no temptation improperly to use the powers and patronage of that exalted office."

The report also said:

"It will make the President the chief executive of the whole people and not the leader of a mere faction or the chief of a political party."

And in conclusion the committee commented:

"This amendment, if submitted and ratified, will increase the efficiency of the administration of the President; will remove the temptation to build up a political machine by the abuse of patronage and power; and save the President from the humiliating necessity of going to the stamp to repel assaults made upon him."

A year later, in 1913, the Senate actually approved an amendment for a 6-year term, but President Woodrow Wilson objected to it, and it died on this side of the Capitol.

With the passage of time, the powers and responsibilities of the presidency have, of course, increased dramatically. If there were reason and justification for considering such a course of action 60 years ago, how much more justified we are in proposing a 6-year term today when the burdens of that high office have multiplied to previously unimagined complexity.

Several years ago, the majority leader of the Senate, Senator Mansfield, joined the Republican dean of that body, Senator Aiken, to make an eloquent plea for such an amendment. In 1971, Senator Mansfield told a Senate subcommittee:

"It is just intolerable that a President of the United States—any President, whatever his party—is compelled to devote his time, energy and talents to what can be termed only as purely political tasks."

He added at a later point:

"Surely this amendment does not represent a panacea for these ills which have grown up with our system of democracy. But it would go far, I think, in unsaddling the presidency from many of these unnecessary political burdens that an incumbent bears."

One of the arguments frequently advanced against this proposition is a statement that it would make the President a "lameduck"—a person on his way out and with no political future, and supposedly, therefore, without incentive to do a good job.

At the outset let me reject such misuse of the label of "lameduck." By definition and generally accepted usage, a "lameduck" is an officeholder who has sought reelection and failed to win it. So the term is a misnomer when used in this particular context.

However, to answer the argument, let us use the term loosely. To those who have doubts about a single 6-year term for that reason, I would suggest that second-term Presidents are already "lameducks." This we did when we adopted the 22d amendment limiting the President to two terms. Therefore, it seems to me that the benefits of such an amendment would outweigh whatever we might lose by having so-called 6-year "lameducks" instead of 4-year "lameducks" as they may be called in their second terms.

Such a change would give our President more time to attend to his immeasurable and ever-growing duties—Chief of State, administrative head of the executive branch, Commander in Chief of the Armed Forces, architect of our foreign policy, as well as of the domestic programs to assure the well-being of the state of the Union, and the political head of his party. These are tremendous responsibilities in a world made more dangerous by intercontinental nuclear missiles and radically shrunken by jet aircraft, fantastic communications, and our recent space exploits. I believe that today, more than ever before, it is absolutely essential to minimize political demands on the President, so that he can devote his full attention to the affairs of state.

The amendment would minimize or remove a lot of uncertainty—for the President, for the Nation, and for the nations that deal with us.

Let us briefly examine another argument raised against such an amendment, some object to the proposal as removing the President from public accountability, making him unresponsive to a public which he will not have to face in another election. This is a valid concern, but not, I think, a real danger.

Any President wants to succeed in the office and to succeed he must not only win, but he must have wide popular support for his recommendations and programs. Every President needs support in Congress which he cannot get if he alienates himself from the people. Every President desires the continued success of his political party and the philosophy it represents. This, too, requires popular support. Most Presidents will want to have some influence on the choice of their successors, and this, too, requires popular support. Finally, any President—being human—desires to be well thought of by his countrymen. He wants to be liked. All of these considerations will insure that a President, even under a single-term limitation, will be sensitive to the needs and wishes of the American people.

Then there is the notion that one 6-year term would "freeze in" poor Presidents by lengthening their term by 2 years.

It is my view that such an amendment would shorten, not lengthen the tenure of Presidents since in actual practice the term of the Presidency has become a usual 8 years.

For more than 40 years, every American President, save one, has served more than 4 years in office. The one exception was President Kennedy, who was assassinated in his third year in office, and I am sure that most observers would readily concede that he would have been reelected for a second term.

What is known as "the power of the incumbency" is well exemplified in our presidency. Most Presidents want two terms and most Presidents get two terms. Their names become household words. They are followed by a press corps from throughout the Nation and the world. On short notice, their faces and their statements go into tens of millions of homes via television.

They become almost unbeatable. Their challengers have no such platforms until just weeks before the election date.

At this point in our history, it might be well to speculate on how different things might have been for the late President Lyndon B. Johnson and our incumbent President who succeeded him, Richard M. Nixon, had they been elected to single 6-year terms.

President Johnson, after winning election in his own right in 1964, promoted the "great society" as his major domestic program while the U.S. involvement

In Vietnam steadily increased. The resulting combination of Federal spending set up tremendous economic pressures. Yet he refused, because of political considerations, to call for a tax increase to provide the revenue to meet those expenditures. Today we are still suffering from inflationary pressures that have ensued.

Indeed, one can go beyond domestic policy and build a strong case that the conduct of the war itself might well have gone differently and might have been concluded earlier. The intransigence of Hanoi would not have been buoyed by many of the uncertainties, including the possibility of a change of leadership.

Mr. Johnson, after he was out of office, indicated he had given a lot of thought to a single term and that he leaned that way. Here is what he said in a television interview of 1972 with Walter Cronkite of CBS News:

"I believe that if a man knew that he just had one term and he had to get everything through in six years, that he didn't have to play to any political group and he didn't have to satisfy any segment of our society and this was the only chance he was going to have and he couldn't put it off, I think it would probably—and I say probably—be in the best interest of the Nation."

Mr. Speaker, let us now turn to a President of my own party, President Nixon, whose possible impeachment is under study by the Judiciary Committee of this House.

Had he been elected to a single 6-year term, I feel sure there would have been no Watergate. Certainly there would have been no CREEP. There would have been no one raising campaign funds—legal or otherwise—for his reelection. There would have been no "political adolescents," in the phraseology of Vice President Gerald Ford, running the campaign and carrying out illegal and unethical acts.

Mr. Nixon would have been in a much better position to follow up on the brilliant initiative he made with China and the Soviet Union. In addition, he would have had much more time to devote to his domestic programs and to work with the Congress in solving the multitude of problems we have right here at home.

We improved the Constitution, in my opinion, when we adopted the 22d amendment and limited our President to two 4-year terms.

We made a further improvement when we adopted the 25th amendment which was exercised for the first time last December in filing the Vice-Presidency. And in that amendment we also provided for the Vice President to become Acting President should the need arise—as it did arise with President Wilson and President Eisenhower, among others.

That is progress. That is giving substance to the oft-heard statement that our Constitution is a living document that can be changed to accommodate the needs of the times.

But it is not as much progress as the Congress is capable of providing, or as much as I believe the American people want and are ready to accept.

The Senate has enacted rather sweeping proposals to strengthen the laws governing campaign financing. That is all very well, and in due course I am sure this House will consider them and work its will. But as to the Presidential contest, it is my contention that these proposals treat the symptoms while ignoring the illness.

The Nation's needs and our recent traumas clearly indicate that we should abolish second term Presidential elections. When we do that, and only then, will we be on the clear path toward the urgently needed and fundamental improvement in the highest political office in the land.

We need to get reelection activity out of the White House—and we need to get the White House out of reelection activity. And I mean really get it out, root and branch, just as much and just as soon as we possibly can, rather than camouflage it by sending it a few doors up Pennsylvania Avenue or over to the offices of the national political committees.

The time to move is now—while so much that is wrong under the present system is apparent to all and while the country not only is eager—but is, in fact, demanding, genuine election reform.

Now I am not advocating that there is any magic in the concept of one term of 6 years. As I view it, 6 years is simply a compromise between 4 years and 8 years. If the Congress, in its wisdom, concluded that a single term of 4 years, or 5, would be better, that would be acceptable to me. My point is only this—that it is time for action—time to get some movement rolling.

But the principle that should not be compromised is the ending of all reelection activity by the President of the United States. In brief, and I would hope that

there would be broad agreement on this, what I would like to do is to get the President down off the stump and give him more time to work on his job and in the interest of the country and of all our citizens.

The need is great. The time is right. It is my hope that we can get some action started yet this year.

Mr. Speaker, we owe it to the Presidency, but more importantly, I feel it is our obligation to the country.

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[From the Wall Street Journal, May 16, 1973]

#### WATERGATE SPURS CAMPAIGN REFORM MOVES; NIXON BACKS ONE 6-YEAR TERM FOR PRESIDENT

WASHINGTON.—The Watergate scandal is prompting a rash of ideas for cleaning up election abuses, including a proposal that could change the presidency itself.

President Nixon is initiating part of the reform effort, reviving an idea that has been kicking around Congress for years: a constitutional amendment limiting the President to a single six-year term, with no eligibility for reelection.

Senate Democratic Leader Mike Mansfield of Montana and George Aiken of Vermont, the Senate's senior Republican, are veteran sponsors of the six-year-term idea, but it has gone nowhere. Yesterday, Sen. Mansfield said Mr. Nixon "indicated that he approved it" during a discussion of campaign-reform proposals with congressional leaders at the White House.

The idea of a single six-year term has been opposed by many political scientists on the ground it would cut the President's clout by making him a "lame duck" from Inauguration Day onward. Sen. Mansfield and other supporters argue it would remove unwholesome political pressures from the presidency, including the temptation to use the government's machinery to help the incumbent get reelected.

The White House will propose today the creation of a 17-member commission to make recommendations by next December for new election laws. According to a White House spokesman, the commission will study the wisdom of the six-year single presidential term along with other reform proposals. He said Mr. Nixon doesn't want to "dictate" the committee's recommendations, but he didn't dispute Sen. Mansfield's report that the President favors the six-year term.

The commission also will study a proposal by Senate Republican leader Hugh Scott of Pennsylvania for the establishment of a permanent new election-monitoring agency to take over from the Justice Department the job of enforcing the law requiring public disclosure of the source and use of campaign money. The Justice Department has been criticized for failing to prosecute individuals involved in campaign-financing law violations in the 1972 election.

Even before Mr. Nixon, in his April 30 Watergate address, called for elimination of "inexcusable campaign tactics," Congress was working on several bills tightening up existing laws. The Senate Commerce Committee is scheduled to consider today a bill sponsored by Sen. John Pastore (D., R.I.) putting a ceiling on all money spent in elections for federal office. Existing law limits outlays for broadcast and print advertising by a candidate, but doesn't regulate expenses for such campaign staples as direct mail.

Sen. Mansfield said the President made it clear that Congress is welcome to work on new election laws this year, even before the recommendations of the proposed commission are made.

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[From The Evening Star and Daily News, May 17, 1973]

#### SCANDAL REOPENS DEBATE: ONE-TERM PRESIDENCIES?

(By Paul Hope, Star-News Staff Writer)

Another round of debate in the 200-year-old controversy over whether presidents should be limited to a single, six-year term has been set off by the Watergate scandal.

President Nixon recommended yesterday that an election commission be established by Congress to recommend reform of the political process to eliminate such abuses as have been revealed in the Watergate case and included the possibility of limiting the presidential term of office.

Senate Democratic Leader Mike Mansfield, long a proponent of the idea, immediately introduced an amendment on behalf of himself and Sen. George D. Aiken, R-Vt., to write the limit into the Constitution.

The Watergate scandal may provide the basis for a spirited debate. But if history is a guide, the Mansfield-Aiken amendment will go the way of about 160 similar proposals during the past two centuries.

In general, the arguments for a single, six-year term have been that it would free the President to give his best to the nation without being constrained by political considerations. It also is argued that it would free the President from the demands of planning and carrying out a second campaign.

One big argument against it has been that the President would be a "lame duck" from the outset of his term and therefore less effective than he might otherwise be. Another is that the presidency is immersed in politics and should not be divorced from it.

In introducing his amendment yesterday, Mansfield said:

"It is only by providing a single presidential term of six years, I believe, that this nation will preserve for future generations the complete integrity of its highest office. Only with a single term will there be assured a sufficient degree of freedom and independence for the President to function properly and adequately today and in the years ahead . . .

"It is just intolerable that a President . . . is compelled to devote his time, energy and talents to what can be termed only as purely political tasks."

To the usual arguments, Mansfield added another, one that touched directly on the Watergate case. He said that in addition to a single term, the Congress should provide for public financing of presidential campaigns.

"The facts of what happens when political slush funds are made available are just beginning to emerge," he said. "Spreading the financial strain over six-year intervals should certainly ease some of the financial burden, but the only answer is in a comprehensive public election financing law."

Presidential tenure has occupied politicians and scholars since the beginnings of the nation. It was one of the most hotly debated issues in the Constitutional Convention of 1787, and required at least 60 ballots before the method of selection and the term was settled.

George Washington, in a letter in 1788 to France's Marquis de Lafayette discussing the proposed Constitution, said:

"There cannot in my judgment be the least danger that the president will by any practicable intrigue ever be able to continue himself one moment in office, much less perpetuate himself in it, but in the last stage of corrupted morals and political depravity; and even then there is as much danger that any other species of domination would prevail.

"Though when a people shall have become incapable of governing themselves, and fit for a master, it is of little consequence from what quarter he comes. Under an extended view of this part of the subject, I can see no propriety in precluding ourselves from the service of any man, who on some great emergency shall be deemed universally most capable of serving the public."

Thomas Jefferson favored a single, seven-year term but later came to accept the four-year term, with the tradition established by Washington of accepting only two terms.

In the Federalist Papers, Alexander Hamilton argued for a long term, asking if peace and stability would be served by having a half dozen former presidents "wandering among the people like discontented ghosts and sighing for a place they were destined never more to possess."

Since the Constitution was adopted, proposals offered in the Congress to change the term have ranged from a low of one year to a high of eight, and most of them have recommended the President be ineligible for re-election.

The first proposal for a six-year term was offered in 1826 by Rep. Joseph Hemphill of Pennsylvania, a Jacksonian Democrat.

President Andrew Jackson (1829-36) advocated a single term of four or six years in each of his eight annual messages to Congress.

The Southern Confederacy adopted the single term of six years for its president.

The Whig party platform in 1844 asked for a single term. The People's party in 1888 and 1892 and the Democratic party platform in 1912 favored a single term without specifying a length. The Prohibition party in 1912 and 1916 favored a single six-year term.

The Senate passed a constitutional amendment providing for a single, six-year term in 1913 but it died in the House after opposition from President-elect Woodrow Wilson.

Since 1926, about 40 proposals for six-year terms have been introduced in the Congress. Mansfield offered one in 1968 and again in 1971 together with Aiken.

Until 1940, Congress didn't get overly excited about presidential tenure. But Franklin D. Roosevelt's election to a third term that year and his election to a fourth term in 1944 led to the 1947 amendment that now limits presidents to two, four-year terms.

The two-term limit was passed by a Republican Congress, and Democrat Harry Truman, President at the time, said he never thought much of it. Dwight D. Eisenhower, the first President affected by the limit, called it "unwise" but later opposed repeal saying Congress should see how it works for a few years.

President Lyndon B. Johnson, in his memoirs "The Vantage Point," said that a single, six-year term might strengthen the federal machinery.

In a January 1972 televised interview with Walter Cronkite, Johnson said:

"I would like to see us try it, although I don't think we're likely to do it right now, but I think it's worth exploring.

"I believe that if a man knew that he just had one term and he had to get everything through in six years, that he didn't have to satisfy any segment of our society and this was the only chance he was going to have and he couldn't put it off, I think it would probably—and I say probably—be in the best interests of the nation . . .

"I think that we're all inclined to put off the hard ones and postpone them sometimes because we think, Well, we'll have another term, or if we can't get it all done before the sun goes down today, we'll get to it tomorrow."

Johnson also said that every public servant is concerned with his reelection and "has to think of that from the day he takes the oath."

But some of Johnson's closest associates spoke against a single, six-year term during 1971 hearings on the Mansfield-Aiken amendment before a Senate Judiciary subcommittee headed by Sen. Birch Bayh, D.Ind.

Clark M. Clifford, former secretary of Defense and long-time political intimate of Johnson, said: "I find the notion that a President should be above politics inconsistent with our system of government . . . I believe we denigrate ourselves as an enlightened people, and our political process as a whole, in imposing on ourselves still further disability to retain tested and trusted leadership."

George Reedy, Johnson's press secretary, also opposed it. But two other top aides, Joseph A. Califano and Jack Valenti, supported it.

Thomas (Tommy the Cork) Corcoran, a confidant of Franklin Roosevelt and a Washington insider ever since, told the Bayh committee that it "is impossible to take politics out of politics."

He capped his argument against the limitation by saying, "When in doubt, don't."

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[From the Washington Post, June 27, 1973]

#### THE UNDEMOCRATIC LOGIC OF A SIX-YEAR TERM

(By George Will)

Not the least alarming aspect of the Watergate debacle is that it has loosed a spirit of reform, including constitutional reform.

This has comic aspects, like the antic bravado of Mr. Nixon—whose idea of a good lawyer is Herbert Kalmbach—suggesting improvements on James Madison's handiwork. Mr. Nixon's most significant suggestion (which has the implicit purpose of preventing future Nixons) is that all future presidents should be restricted to a single six-year term.

It is, of course, true that we would not have had the Watergate re-election scandal if we did not have re-elections. Similarly, we would not have election scandals if we did not have elections. And that extreme "solution" flows from the anti-democratic logic of the argument for a single six-year-term.

That argument radiates distrust of the voters. It, like the 22nd Amendment, rests on the idea that the voters must have their opinions severely restricted lest they become irrationally addicted to a president or lest they be endlessly manipulated by an incumbent scoundrel.

In addition, and somewhat contradictorily, the argument for a single six-year term implies that the electorate is a lurking, dumb impediment to the inscrutably subtle statesmanship most presidents yearn to practice. The implication is that presidents cannot perform their duties well, or would perform them better if they could ignore irrelevant distractions like voters.

Such distrust of the people got today's President, and the presidency, into the current pickle. By 1971, Mr. Nixon's men held in uneasy equipoise two silly ideas: Mr. Nixon is all that stands between the republic and perdition and the voters cannot be trusted to side with Mr. Nixon in a fair orthodox contest with the perfidious Democrats.

Mr. Nixon's men considered firm the greatest thing since sliced bread. They considered the leading Democratic contenders to be among nature's gravest blunders. Yet they did not trust the voters to understand this stark, Manichean choice. Rather than rely on persuasion, they ginned up some pretty rum tricks to help win.

Mr. Nixon himself, an intelligent but studiously uncommunicative man, clearly believes the American people will not listen to persuasion on behalf of his policies. For four and a half years he has relied on imagemakers and sloganeers to make his policies "play in Peoria." So today, when his reputation depends on his ability to persuade an understandably skeptical public to believe an unpersuasive Watergate tale, he finds his powers of persuasion have atrophied.

Yet today a number of people, including Jack Valenti, a former aide to Lyndon Johnson, are advocating a constitutional change that would lessen the need for a president to have confidence in the people or to take them into his confidence.

According to Mr. Valenti, "the biggest asset the six year term brings to the Oval Office is the freedom it gives a president to decide the tough issues without fear of burning his re-election bridges." Mr. Valenti, an incendiary of historic dimension, wants to burn the bridges of all future presidents, evidently because he thinks it is unrealistic, unfair or imprudent to expect presidents to waste time helping the voters to understand the "tough issues."

This was the spirit of Lyndon Johnson's only presidential campaign. In 1964, he refused to talk candidly about anything, including his plans for fulfilling U.S. commitments to South Vietnam. It is worth remembering that it did not take a constitutional amendment to keep President Johnson from asking the electorate for another term.

Vietnam is the "tough issue" that, before Watergate, raised difficult questions about the responsibilities of presidents and the potential for abuse of presidential power. Thus it is odd that Mr. Valenti tries to bolster his argument for a single six-year term by citing a Vietnam-related incident reported by Kenneth O'Donnell, an aide to President Kennedy.

Mr. O'Donnell claims that by 1963 Kennedy had decided on complete military withdrawal from Vietnam. "But," President Kennedy is supposed to have said, "I can't do that until 1965, after I'm re-elected." Mr. O'Donnell says President Kennedy feared "a wild conservative outcry."

Even if Mr. O'Donnell's portrait of Kennedy courage is accurate (Camelot hagiographers have been known to gild the dandelion) it is not evidence that all presidents should be barred from re-election. Rather, it is evidence that men like President Kennedy, who do not trust the people, should not be elected at all.

President Kennedy wanted Americans to commit themselves and take risks for more than a year in a cause he did not believe in, and which he intended to liquidate as soon as he could do so without political inconvenience. The interesting question is: Why did President Kennedy think it would be intolerably inconvenient to try to persuade the voters that withdrawal was correct?

Evidently he believed the voters could not be reasoned with. This idea is fashionable. It is implicit in Mr. Valenti's theory that "one of the main advantages of the six-year term is the elbow room it would give a President to make hard choices in the public interest with nagging doubts as to whether his decision would affect his re-election chances."

Three cheers for nagging doubts! They do more than the Bill of Rights to force politicians to consult the public about the public interest. Democracy is, among other things, a way to institutionalize nagging doubts about whether the people are peeved. That is one reason for repealing the 22nd Amendment.

Mr. Valenti says "the most valuable asset we have is the unfettered judgment of the President." Unfettered? Surely even before Watergate it was obvious that the most pressing political task is to find ways to make presidents feel the effective pressure of a snaffle.

And this is a *political* task, not a task of constitutional tinkering. It comes down to preserving and exploiting every opportunity the voters have for making incumbents nervous.

[From the New York Times, June 29, 1973]

## ONLY 30 PERCENT IN A POLL BACK 6-YEAR TERM

Continued disapproval by the American public for changing the term of office of the President to one six-year term with no re-election was indicated in a Gallup Poll survey released yesterday.

President Nixon recently suggested that a commission dealing with electoral reform study a single six-year term for Presidents. However, among those in the latest survey who expressed an opinion, 70 percent said they were opposed while 30 per cent voted in favor of such a change.

Both men and women were almost equally against the change, while adults under 30 were less in favor of the proposal than were those who are 50 years of age or older.

The trend in opinions regarding a six year Presidency has shown a slight increase in support of the idea. In 1936, those in favor totaled 26 per cent, those opposed 74 per cent. In the latest survey those in favor rose 4 percentage points.

The findings reported yesterday are based on interviews with a total of 1,552 adults, 18 and older, interviewed in person in more than 300 localities during the period of June 1 to June 4.

## A SIX-YEAR PRESIDENCY?

(By Jack Valenti)

If the Watergate mess tells us anything, it is that the re-election of a President is the most nagging concern in the White House and that, given the limits of human nature, it is altogether possible that the first item on the agenda of an incoming Administration is its re-election. There is really nothing sinister in this objective—it's the most normal thing in our politics.

But, at the risk of stepping on the droppings of shrewder and wiser philosophers, I think the time has come for changing the rules by which Presidential politics are played. My proposal is a single six-year term for the President with no re-election eligibility.

Two of the most respected of all United States senators, Majority Leader Mike Mansfield of Montana and senior Republican George Aiken of Vermont, have both sponsored such an idea. They believe that while we ought not to tinker too much with the constitutional machinery, we can rearrange a bit of the constitutional furniture.

## THE JUDGMENT OF HISTORY

Consider for a moment the election of a new President under a six-year term. He takes office knowing that he cannot seek re-election, that he will make his place in history, for better or worse, on the deeds and achievements of the next 72 months of his stewardship. He has only to do what he thinks is right, with the sure understanding that he must heed the people, for they are co-authors of the record he will leave to the historians. It is this judgment that most Presidents are keen to certify; they value it far above the Great Gallup Poll in the Sky that measures their popularity rather than their legacy.

Should taxes be raised? Should rationing be instituted? Should troops be withdrawn? Should wrongs be righted even though some voters are offended? If the election is a year or two away, you can mark it down as a Major Truth that a first-term President will carefully weigh the effects of whatever he does on his second-term prospects. Kenneth O'Donnell, JFK's closest political aide, wrote some years ago of a conversation President Kennedy had with Senator Mansfield in 1963 during which the senator urged JFK to get the hell out of Vietnam. To which, according to O'Donnell, the President wryly confessed he wanted to do just that, but he had to wait until after the election lest he be swamped at the polling booths.

Watergate would never have occurred if Presidential aides were not obsessed with re-election. If they had been comfortable in their tenure, knowing that in six years they would lose their lease—and in that short time they must write their record as bravely and wisely as possible—is it not possible that their arrogance might have softened and their reach for power might have shortened?

The counter-arguments to the six-year term are (1) the President must not be freed from considering the political implications of his acts or he becomes isolated from the people, and (2) he is a lame duck the day of his election.

Let's consider those two arguments.

## POWER AND POLITICS

Don't we make the President a lame duck now the day he is elected to his second term? Does that hamper him? Of course not. The President has such power that he can wield it sufficiently and with precision to the last weeks of his tenure. President Johnson signed into law two of the most controversial pieces of legislation of his Administration in the last seven months of his office, the equal-housing and tax reform acts. The powers of appointment, of veto, of budget making, of initiation of programs, of moral suasion—these are all intact, fully armed and borne by him until his successor is sworn in. Lame-duckism is a myth in the Presidency.

A six-year-term President is not isolated and divorced from the daily political marketplace. Any President who wants to pass a bill, build a budget, construct a program, implement a plan, make a treaty, negotiate at a conference must be sensitive to the people and the Congress. He must act within the framework of the separation of powers; he is powerful, but he is not all-powerful. Common sense dictates his actions, and his own sensitivity to his place in history freights his every move. Therefore it follows, quite reasonably, that the President who would write a durable and measurably valuable record must persuade the Congress and the people.

The Congress and the Supreme Court (the one answerable often to the voters, and the other secure behind lifetime tenure) have only to exercise their power under the Constitution and the insensitive President, opaque to the nation's needs, can be pressured to straighten up and fly right.

We must always remember that a President's noblest stirring is toward his place in history as a Good, perhaps Great, President. If we abort his other objective, his re-election, we reduce the potential for mischief and leave the better angles undisturbed.

We should also factor into our decision the time consumed in the re-election campaign. Some two and a half years after a President is inaugurated, the elephantine apparatus of the Federal establishment moves to provision the re-election caravan. Energy, money and time are thrown into the job of precinct winning.

Why waste this effort and treasure? We no longer have the luxury of slow communications, of ships taking a month to cross the ocean, and the slow seepage of political impact. Today we deal in eight minutes to catastrophe, or the time it takes a MIRVed missile to hurl itself across borders. The stakes in the game have become too high to indulge ourselves in what seemed all right a century, or even three decades, ago.

The Founding Fathers understood the possibility of change: they built the amendment mechanism into the Constitution. We have used this mechanism 26 times, mostly to our great benefit—and we should use it again to bring about the six-year Presidency.

## A HOSTAGE TO EMERGENCY

Churchill once observed: "The amount of energy wasted by men and women of first-class quality in arriving at their true degree before they begin to play on the world stage can never be measured. One may say that 60, perhaps 70 per cent of all they have to give is expended on fights which have no other object but to get to their battlefield."

That dusty, wasteful system is no longer acceptable in a world living on the nerve edge of disaster. The Presidency today is hostage to emergency. Every moment devoted to getting re-elected squanders the most precious resources of the Presidency—and the nation.

Valenti, a former LBJ aide, is president of the Motion Picture Association of America.

## FALLACY OF ONE-TERM PRESIDENT

(By Clayton Fritchey)

WASHINGTON.—Reacting to the Watergate expose, President Nixon has called for serious consideration of a constitutional amendment limiting Presidents to a single six-year term. But Watergate will also be the death of the idea.

The prospects for congressional approval of such legislation may momentarily look bright, since the majority leader, Sen. Mike Mansfield [D., Mont.], immediately introduced an amendment to carry out the Nixon proposal. Yet the chances for final passage are slim.

Mansfield acted promptly because he and a senior Republican leader, Sen. George Aiken of Vermont, have for years been advocating a single six-year term amendment. Despite their great influence, it has made little progress. This year, owing to the White House scandals, the climate is even worse for it.

Nixon made his suggestion while calling on Congress to create a nonpartisan study commission to recommend electoral reforms. No study is needed, however, to see that the lesson of Watergate is that nothing could be more dangerous than an extended six-year term in the event of a Presidency turning sour.

If, for instance, the proposed amendment were already in effect, Nixon would now be at the start of a term lasting until Jan. 20, 1979. If Watergate further discredits and disables him, it will be difficult for the country to survive the last three years of his incumbency, let alone five to six years, had the extended term been operative.

Older Americans know from experience the agony of a prolonged failure in the White House. During the Great Depression, the country went from bad to worse for more than three years as a bewildered and panicky pilot [President Hoover] let the Ship of State sink almost to the bottom. When Hoover left office, anarchy and revolution were in the air. It is doubtful the United States could have survived another two years under the hapless Hoover.

Andrew Jackson was the only incumbent President other than Nixon to advance the one-term idea, altho the architects of the Constitution considered it before settling on a four-year term with no limitation on reelection. Altho more than 150 years of experience confirmed the wisdom of the Founding Fathers, Congress nevertheless has continued to tinker with suggestions for change.

In the last 50 years, 40 proposals for six-year terms have been introduced in Congress, and once [in 1913] the Senate, but not the House, passed such a bill. Finally, in 1947, "in a posthumous revenge" against four-term winner Franklin Roosevelt, a Republican Congress passed the 22d Amendment limiting the Presidency to two terms.

Up to now the only effect of this was to keep Gen. Eisenhower from a possible third term. Considering what has happened since he retired, the country might have been better off if he had continued in office. So, if the present Congress wants to do something useful in this area, it could repeal the 22d Amendment and go back to the original Constitution.

The spurious logic of the one-term limitation is that if a President cannot succeed himself he will be "above politics," and presumably a better chief executive. In practice, tho, all of our Presidents, especially the great ones, have made their reputations in their first terms, which may be why nearly all the great ones were reelected.

The reason the Founding Fathers decided against a one-term limitation is that it was saying, in effect, that the democratic process could not be trusted, and that future generations could not be counted on to decide for themselves whether or not a President should be retained.

It is, fundamentally a condescending notion and, happily, one that has been disproved. On the whole, there could hardly be a better testimonial to popular judgment than the Presidents who have been reelected, such as Washington, Jefferson, Jackson, Lincoln and, in this century, Wilson, Franklin Roosevelt, and Eisenhower. Perhaps the only better testimonial is the Presidents who have not been reelected.

Mansfield and Aiken are attracted to the one-term limitation for the same reason. Says Aiken: "A single term would allow a President to wear at all times his Presidential hat and forget for a while that he also owns a politician's hat." Says Mansfield: "We want to help the President to be President of all the people all the time, politics apart."

The best short answer I know to this comes from Clark Clifford, an adviser to several chief executives. He says: "A President immunized from political considerations is a President who need not listen to the people, respond to majority sentiment, or pay attention to views that may be diverse, intense, and perhaps at variance with his own."

And Arthur Schlesinger Jr. adds, "The idea of a President 'above politics' is hostile to the genius of democracy."

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#### NEW TERMS OF OFFICE FOR THE PRESIDENT AND MEMBERS OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Fraser) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, today I am introducing a resolution to amend the Constitution to provide new terms of office for the President and Members of Congress.

The President would be limited to a single 6-year term under this proposal. A new triennial Federal election cycle would replace the current biennial cycle. House Members would be elected every 3 years. Senators would retain their current 6-year terms but half of them would be elected at every triennial election.

#### A SINGLE 6-YEAR TERM FOR THE PRESIDENT

If nothing else, the Watergate affair has pointed up the dangers of White House preoccupation with election year politics.

We now know that the upper echelons of the White House staff were totally absorbed in the President's reelection campaign during the months leading up to November 1972.

On a public level, at least, the reelection campaign was the responsibility of a nongovernmental organization, the Committee To Re-Elect the President. But the Watergate hearings have shown that CREP was little more than a "front" for a small group of Presidential aides who had ultimate control over virtually all campaign activities.

It is an oversimplification to say that Watergate would not have occurred if President Nixon had not been running for reelection. But clearly, the temptation to use the apparatus of the Federal Government for purely political purposes would have been lessened considerably if the White House staff had not found it necessary to mobilize all available resources to aid the Nixon reelection effort.

President Nixon recognized this problem, himself, when he suggested on May 16 that consideration be given to a constitutional amendment limiting the President to a single 6-year term.

Probably the most succinct argument in favor of a single Presidential term was put forward by Senator George Aiken in a statement on the Senate floor during the early months of the 92d Congress. Senator Aiken said at that time that:

"The amendment would allow a President to devote himself entirely to the problems of the nation and would free him from the millstone of partisan politics. A single term would allow a President to wear at all times his presidential hat and forget for a while that he also owns a politician's hat."

Senator Aiken contended that no President can give his best to the Nation or maintain our prestige in the world as long as he is constantly being fired upon by those whose main objective is to keep him from being reelected.

This is not to say that the President should cease being a political leader—even in the partisan sense.

During his single term, the President would be the chief spokesman for his party and the chief advocate for its programs. While he would be unable to succeed himself, he would have some interest in seeing that his programs were moved forward after his term in office and that his party continued to hold the White House. But he would be working to perpetuate his party and his programs rather than his personal position of power.

In recent years, we have seen that a first term President's program is developed in large part to meet his own reelection needs.

In the case of President Nixon's domestic program, for example his basic policy interests were not revealed until the start of his second term. Why did we have to wait 4 years to discover the Nixon administration's real views about the Great Society programs? Mainly because the President knew that his basically conservative orientation towards social issues, if fully revealed too soon, might harm his reelection chances.

If the circumstances were reversed, we might have found ourselves with a Democratic President who attempted to camouflage his liberal orientation for 4 years until he was sure that his liberal policies would not damage him politically.

By giving the President one term and extending it to 6 years, we would be providing him with enough time to develop a program and see it take hold. Given the complexities of national public policy issues, 4 years is not enough time to work up new programs and then test them to see if they really work. Even if a first term President is lucky enough to see the major elements of his legislative program adopted during his first 2 years in office, the next election campaign is already upon him before the programs have begun to have an impact.

A single Presidential term might also help to strengthen our political party system.

With the exception of Eisenhower years, the party in power in recent times has been dominated almost totally by the man who occupies the White House. This was true of the Johnson administration and it is certainly true of the Nixon administration.

A first term President views his party almost solely in terms of his own reelection needs. Other party objectives, including the election of party members to Congress and to State and local office, clearly rank near the bottom of the White House's political agenda.

If a President is freed from the need to concern himself with his own reelection, he will not be tempted to take personal control of his party's organization—unless he wants to hand pick his successor, a risky business at best.

Once the Presidential election is over, it will be the new President's political party, not the Chief Executive himself, that must begin to think about and plan for the next election. This is as it should be. Political campaigns are the proper business of political parties. They should not become the preoccupation of the White House.

Obviously, a single term will not, in itself, purify and reform Presidential politics. There may still be political sabotage and campaign spending abuses. But at least the chances are less that the power of the presidency will be used for these negative purposes.

In drafting a constitutional amendment providing for a single 6-year term, we have encountered a practical problem. Unless the amendment is ratified during the next 2 years—a very unlikely possibility—it will become entangled in the 1976 campaign if it applies to President Nixon's successor. And after 1976, it will be difficult if not impossible to limit the term of a President who has been elected under the current system.

For this reason, the amendment does not take effect until 1984, thus giving the next President the opportunity to serve two 4-year terms, as he can do now under the 22d amendment.

#### A 3-YEAR TERM FOR HOUSE MEMBERS

The establishment of a 6-year Presidential term gives us an opportunity to deal with another significant though less serious problem, the term of office for Members of the House of Representatives.

This is not a new issue. It has been with us since the Constitutional Convention. Then, the debate raged between those who thought that annual terms were essential to a democratic system, and others like James Madison who advocated a 3-year term so House Members would have enough time to learn about problems of the various States.

Madison's views sound surprisingly contemporary to many current Members of the House. He was sure that Congressmen would spend much of a 1-year term traveling back and forth between their districts and the U.S. Capitol. Even with a 2-year term, Madison was convinced that "none of the Representatives who wished to be reelected would remain very long at the seat of Government."

The 2-year term was finally written into the Constitution as a compromise between the advocates of annual elections and those like Madison who wanted 3-year terms in the interest of a more effective legislative process.

There is nothing magic in the number 2, as President Johnson said in a 1966 message to Congress. He proposed at that time a 4-year House term, saying that it was necessary in light of the complex legislative demands placed on the House of Representatives.

In the first Congress, 142 bills were introduced resulting in 108 public laws. The 92d Congress, by comparison, introduced over 17,000 bills, 607 of which were enacted into law. House Members are now required to be knowledgeable about the broad range of public policy issues—from the complexities of welfare legislation to the intricacies of military weapons systems.

After serving five terms in the House, I am convinced that 2 years is not enough time for a Member to fulfill his legislative responsibilities before he must face the voters again.

In an earlier period, Congress was able to adjourn in the spring of election years, thus enabling House Members to spend the summer and fall campaigning in their districts.

Even with the new streamlined House procedures, sessions are now likely to extend late into the fall every year. The competing political and legislative pressures on the incumbent during the preelection months make it difficult for him to be either an effective legislator or an effective campaigner.

A 6-year Presidential term would let us ease this problem somewhat by extending the House term for 2 to 3 years. This extra year, I am convinced, would

help to improve the legislative effectiveness of Congressmen without at the same time weakening their ties to their constituents.

We have dealt with one other institutional problem in this amendment—seniority. Under the provisions of the amendment, Congress would have the option of setting a mandatory retirement age for its Members and limiting the number of terms they could serve. Service in either House could not be limited to less than 18 years, however, and the mandatory retirement could not be set below the age of 70.

#### A NEW ELECTION CYCLE FOR THE SENATE

The new 3-year term for the House poses a special problem for the Senate. It would be possible to retain the current election cycle for the Senate, a third of its Members elected every 2 years, but this would require two additional Federal elections during each 6-year Presidential term when only Senators would be chosen.

In order to eliminate the two "Senate only" elections, we have established a new election cycle for the Senate—half its membership elected every 3 years—in order to conform with the new term for the House. Senators would continue to serve 6-year terms, as they do now.

We have provided the following system for phasing in this new cycle. Those States that elect a Senator for a regular term in 1984 would proceed with the senatorial election under the current system. The second Senator from the State would be elected at the new 1987 mid-Presidential term election. This means that some incumbent Senators running in 1987 would have their terms shortened by 1 year. Others would have their terms extended by 1 year.

Following the 1987 election, all Senators would be back on a 6-year cycle, with half of them up for reelection in 1990 and the other half in 1993.

#### CONCLUSION

This amendment represents an admittedly long-range solution to problems as current as today's headlines. But if we are to alter institutional arrangements that are nearly 190 years old, we must do so with great care.

A 6-year term for the President and a 3-year term for the House will do much, I feel, to improve the effectiveness of both branches of Government. Neither change can and will be made, however, unless we can deal with these structural issues separately from the battles that now occupy the center stage of the political arena.

A copy of the resolution is reprinted below:

#### HOUSE JOINT RESOLUTION 588

Joint resolution proposing an amendment to the Constitution of the United States to alter the process of election of U.S. Senators, Members of the House of Representatives, and the President of the United States

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein),* That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States by December 31, 1983.

#### ARTICLE—

SECTION 1. (a) The President and Vice President of the United States shall each hold office during a term of six years.

(b) No person shall be elected to the office of the President more than once.

SEC. 2. The House of Representatives shall be composed of Members chosen every third year by the people of the several States.

SEC. 3. Congress may by law limit service in the Senate and the House of Representatives based on age but no age limitation shall bar service under 70 years of age, or by length of service which shall be not less than 18 years in each House, and the law shall be uniform as to both Houses.

SEC. 4. This article shall be effective with respect to those offices to be filled for a regular term in the general election of 1984 and thereafter, and a person once elected to the Presidency prior thereto may be elected to such office again, but a person who could not be elected to the office of President in 1984 or thereafter under the Twenty-Second Article of Amendment to the Constitution of the United States shall continue to be ineligible for such office.

Those States which (without regard to this Article of Amendment) would have elected a Senator for a regular term in 1984 shall elect a Senator in that year for a six-year term and the second Senator from each such State shall be elected in 1987 (in lieu of 1986 or 1988, as the case may be) for a six-year term, with the immediately preceding term for each such office extended or shortened accordingly. Any State which (without regard to this Article of Amendment) would not have elected a Senator for a regular term in 1984 shall elect a Senator in 1987 (in lieu of 1986) for a six-year term with the immediately preceding term for each such office extended accordingly; and the second Senator from each such State shall be elected in 1990 (in lieu of 1988) for six-year term with the immediately preceding term for each such office being extended accordingly.

[From the Evening Star and Daily News, Friday, June 1, 1973]

#### LONGER TERMS MIGHT PROVE UNWISE

(By James J. Kilpatrick)

In his May 16 radio address, dealing with reform of federal election laws, President Nixon touched lightly on two heavyweight proposals for changing the structure of our government.

By implication, he appeared to support the view of "many political scientists" that a president should be elected for a single, non-renewable six-year term. He also recalled that he himself long had favored four-year terms for members of the House, "with half of the members elected every two years." He suggested that his proposed 17-member Commission on Federal Election Reform consider the propositions.

These are old proposals, many times considered, and as many times rejected.

The idea of a single six-year term was briefly revived 25 years ago, in debates on the 22nd Amendment, but talk faded when agreement was reached on a two-term limitation. Political scientists still may think highly of the six-year plan, but no popular support can be discerned. The objection is well taken, it seems to me, that six years is too long for a poor president, while eight years is enough for even a good one.

Nixon's second proposal, that members of the House be named for four-year terms, has a good deal more in its favor. The idea gathered momentum after the Civil War and in 1906 won ringing endorsement from the House Judiciary Committee before the resolution was defeated on the floor. Again in 1923, a similar amendment got out of committee. Lyndon Johnson strongly endorsed the plan in 1966. Now Nixon has revived the debate.

Proponents of a four-year term observe that the work of the House has increased greatly, both in complexity and in volume, since the two-year term was fixed in 1787. It is contended that it takes longer for a congressman to master the issues before him. In sharply contested districts, it is urged a member of the House serves for his first year and campaigns—expensively—in his second.

One more advantage was expressed vividly by the House committee in 1923. "With an election every two years the political grafter who thrives on partisan strife and on the nervous uncertainty controlling candidates for office is able to live from one election to another by the boodle secured at his unholy business. The adoption of the proposed amendment would render it less possible for this creature to ply his trade."

Opponents of the four-year term, in my own view have the better case. It is unclear, under the Nixon proposal, how districts would be divided in the first instance, so that half the seats might be filled in 1976, the other half in 1978. Apparently the plan would give us a four-year Congress instead of a two-year Congress, and it might make the House, like the Senate, a "continuing body."

The most serious objection, voiced by conservative political philosophers, since Mason, is that four-year terms would deny the people the power of reasonably swift response to public events.

If the proposed study commission gets into this area, it might consider another hoary idea—the idea of periodic ineligibility. Mason felt that legislators could best be restrained from oppression "by feeling and participating the Burthens of the People," and he urged that "they should, at fixed Periods, be reduced to a private Station, and return into that Body from which they were originally taken." The idea of limiting senators to, say, three terms, and members of the House to nine, would set off a howl, but it might make sense.

MANSFIELD FAVORS A SINGLE 6-YEAR TERM TO SEPARATE PRESIDENCY FROM POLITICS

(By Mike Mansfield)

The political processes of America are undergoing a degree of stress and strain today, the likes of which seldom, if ever, have been witnessed in the nation's history.

It is in such an atmosphere, however, that I have chosen to raise anew the proposal to change the Constitution so as to limit the Presidency to a single term of six years—and have introduced a resolution calling for a constitutional amendment to that effect.

Without attempting to assess blame or liability, it is only in terms of the political circumstances in which the nation now finds itself that the merits of this proposal can be so clearly viewed.

There is no more compelling argument for this proposal than that which says every step must be taken that serves to divorce the office of the Presidency from the arena of the political campaign. A single term of six years—or five or seven—would assist such an end.

With that said, I would note that in recent years there have been a number of significant amendments to the Constitution.

Correcting the matter of presidential succession and, particularly, extending the franchise of the ballot to young adults represent enormous strides forward—actions that, in my judgment, serve to protect and enhance the democratic processes of this nation.

It is in this same context of constitutional evolution that I urge a single presidential term of six years. Such a change would preserve for future generations the complete integrity of this nation's highest office.

Though the suggestion for this constitutional change has been receiving fresh attention, it is not to be implied that new ground is being broken.

Indeed, the suggestion of a single six-year term has been with us ever since the delegates to the Constitutional Convention of 1787 thrashed over the issue of a President's term and his eligibility for reelection (see table on page 66).

In this day and age, it is just intolerable that a President is compelled to devote his time, energy, efforts and talents to what can be characterized only as purely political campaign tasks.

I do not refer solely to a President's own reelection campaign. To be sure, a reelection effort and all it entails are burdens enough.

But a President facing reelection faces as well a host of demands—from attending the needs of political officeholders, office seekers, financial backers and all the rest, to riding herd on the day-to-day developments within the pedestrian partisan arena.

Surely this amendment does not represent a panacea for these ills which have grown up with our system of democracy. But along with an effective public financing law for elections, it would go far, I think, in freeing an incumbent President from unnecessary political burdens.

To a great extent, such a change would allow the President to devote a far greater measure of his time to the enormous task of serving the people.

Accordingly, more time would be provided for policy-making and policy-implementing, for initiating programs and for shaping and directing his administration.

More time would be provided as well for the kind of experimentation that a successful Presidency requires; such experimentation has come too infrequently in recent years.

What of the arguments against this proposition? One argument goes that when a President is elected for a single term of six years, he immediately becomes a lame duck. But the same is true today as soon as a President has been reelected to a second term—the 22nd Amendment saw to that. And upon examination it is really no argument at all.

Lameness is by no means inherent in a single term. It relates to the strength and quality of the man holding the office.

If a President becomes a lame duck, it is not because of any inhibitions imposed by a single term. An unlimited number of terms would not sustain such a man.

On the other hand, a six-year President who rises to his responsibilities will have sufficient time to organize an effective and successful administration.

Six years is not the magic number, to be sure; five or seven years will do just as well. But, conversely, six years is long enough for one man to endure in a position filled with the pressures and tensions, the worries and responsibilities of the Presidency.

With a single six-year term, gone would be the charge, however invalid, that a President uses his power to appoint to achieve political ends and to pave the way for his own reelection.

For that matter, too, it would help offset the charge that political considerations enter into decisions involving such crucial areas as foreign and economic policy.

Finally, there is the matter of election costs. The money required for a presidential campaign today has skyrocketed beyond all reason—a situation which cannot be tolerated. (The consequences of exceeding the campaign budget are now surfacing in the Watergate mess.)

Spreading the financial strain over six-year intervals should certainly ease some of the financial burden; but the only real answer lies, I think, in a comprehensive public election financing law. Such reform must be considered along with the proposal for a single presidential term.

Thus, what my amendment seeks is to place the office of the Presidency in a position that, as much as possible, transcends partisan political considerations of whatever nature and source.

Although instituting a six-year term cannot do the reform job completely, its adoption would do much, I think, to streamline the Presidency—and ultimately make it more fully responsive to the concerns of all Americans.

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[From the Wall Street Journal, June 5, 1973]

#### REVIEW AND OUTLOOK—SIX YEARS ONLY?

Scandal has so tainted the work of the Committee to Re-elect the President that the Chief Executive apparently now has qualms about its slogan, "Four More Years." That, at least, is the conclusion one draws from reading that President Nixon, in proposing a bipartisan election reform commission, suggested it seriously consider a single six-year term for the presidency and four-year terms for the House of Representatives.

These ideas, which would require amending the Constitution, have been kicking around for a long time, in fact ever since the Constitutional Convention of 1787 turned them down. The four-year term for Congressmen is meant to relieve them of the burden of running again every second year. It might indeed improve their grasp of public affairs. But the two-year term was intended precisely to keep the Representatives worrying about re-election, since their job, as the Federalist put it, was to "have an immediate dependence on, and an intimate sympathy with the people."

In a similar vein, a six-year presidential term with no re-election would eliminate the ugly necessities of a re-election campaign, and, in the present context, the even uglier gratuitous acts of the Watergate affair. Some of the Founders also thought it would make the President more independent of strictly political pressures and would protect the people from usurpation.

On this subject as well, we incline toward the opinion of the Federalist, "nothing appears more plausible at first sight, nor more ill-founded upon close inspection." Six years seems too long to let the Chief Magistrate pass without a popular judgment, but too short for him to carry out his program. The ban on re-election might deprive the country of an experienced leader just when he might be needed most.

We have further reservations about the contemporary revivals of these suggestions. Too often, they are advanced in a spirit of frivolous tinkering, which fails to acknowledge what an intricate machine the Constitution created. The length of the President's term not only affects the terms of Senators and Representatives, it was meant to regulate the distribution of power among them. Abuses in election campaigns—their inordinate length, for instance—can be corrected without attacking the fundamental balance of the government.

And above all, we are disturbed by the circumstances of this call for an election reform commission, which to say the least are inappropriate for discussing constitutional amendments. If presidential commissions have not yet been thoroughly discredited, they have certainly done their best to be.

When a problem upsets the public and no one quite knows how to make it go away, the White House has gotten into the habit of appointing a blue ribbon panel of distinguished figures to study it. This panel usually fronts for an obscure team of researchers too detached from the public to embody political wisdom and too pressed by a deadline to produce sound scholarship. The government has

probably been wise to ignore its commission reports on racism, pornography, student unrest and marijuana, to name a few.

These ghosts might have been exorcised by commissions, but Watergate is something else again. It involves a question of criminal activity and extremely bad personal judgment. Whatever one might say about the White House staff system, there is little to show that constitutional arrangements were at fault. In fact, as the televised hearings are clearly showing, the Senate remains an effective check on the abuses of the Executive branch.

The proposal for one more study commission smacks of an attempt to make political institutions share some blame for an undiluted case of personal wrongdoing. The petty frame of mind that produced these burglaries, illegal wire-taps and what-not was simply not working at the level of the Constitution. As our fundamental law, the Constitution should be kept aloof from a scandal which, no matter how sensational or widespread, is still an individual, not an institutional, malfunction.

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[From the Washington Post, June 18, 1973]

#### THE CASE FOR A SIX-YEAR TERM

(By Jack Valenti)

If ever an idea had a time that has come, the six-year presidential term is it.

Both Mike Mansfield and George Aiken, two of the Senate's most thoughtful and respected members, both of whom wear a special badge of objectivity, have endorsed this plan. President Nixon has called for serious consideration of the six-year term. President Johnson was very much for it. It is not a new idea. As far back as President Andrew Jackson, it has been surfacing as an idea full of good sense and purpose.

There is no special sanctity about the four-year term. The Constitutional Convention in 1787 settled on four years as a compromise after a good deal of backing and filling. A seven-year term without re-election eligibility was wobbily decided on in those debates, and then, as a last minute thing, changed by the convention. The change to the four-year term was not the result of studied logic or thoughtful re-examination: It was changed because Benjamin Franklin, a man of considerable influence in the convention, insisted on re-election eligibility. Franklin's idea won because of old-fashioned personal persuasion, not because a four-year term was sacred.

The argument for the one-term, six-year limit is overwhelmingly simple. At a moment in history when catastrophe here and abroad can be so easily ignited, when a president is faced with so many problems of such magnitude and sensitivity that one misstep, one tiny error of judgment could mean disaster, a president ought to be able to focus on his duties without the distraction of re-election campaigns. In short, a president needs to be freed from any major pressures that might divert him from his primary function as our leader.

Clayton Fritchey, that wise, experienced political columnist, writes that the Watergate scandal is a sound reason for keeping what we have since six years would shield a president from any removal (short, of course, of impeachment, never an easy course to take). But Fritchey overlooks the crucial point: Watergate cries out as the important reason *in favor* of a six-year term. Watergate became a cancer not in its breaking-and-entering but in its cover-up attempts. There would have been no reason to cover up had there been no need (as campaign aides saw it) to re-elect the President. Presidential aides in their zeal to guarantee re-election pursued an activity that would have never been imagined if that damnable re-election campaign wasn't in full bloom. Thus, Watergate presents itself as Exhibit A in the case *for* the six-year term.

A counterargument is that a president, in a six year term, becomes a lame duck the day he takes office. But the XXII Amendment, which restricts a president to no more than two terms, already makes a president a lame duck the day he is elected to his second term. Six years is neither too long nor too short. It is brief enough to discourage arrogance, which has a softer bite when it does not have time to harden. And it is long enough to allow a president to do what he believes to be right, even though he may, for the moment, erode his political base.

Indeed one of the main advantages of the six-year term is the elbow room it would give a president to make hard choices in the public interest without nagging doubts as to whether his decisions would affect his re-election chances.

On the other hand, critics assert that six years is a long time to live with a president who might attempt to disfigure the public weal with coercive decisions. But that is why we have a Congress and a Supreme Court. Through their elected congressmen the people can speak loudly enough and decisively enough to any president who decides he is divinely inspired.

But the biggest asset the six year term brings to the Oval Office is the freedom it gives a president to decide the tough issues without fear of burning his re-election bridges. I am not saying that all presidents are totally swayed by the prospect of re-election to the detriment of their clear duty. But a second term is mighty inviting.

In 1970 Kenneth O'Donnell, chief aide to President John F. Kennedy, wrote an article for *Life* in which he candidly unveiled this dilemma. Here is what O'Donnell had to say about a meeting with Mansfield and President Kennedy concerning Vietnam:

The President told Mansfield that he had been having serious second thoughts about Mansfield's argument and that he now agreed with the senator's thinking on the need for a complete military withdrawal from Vietnam.

"But I can't do that until 1965, after I'm re-elected," Kennedy told Mansfield. President Kennedy felt that if he announced a total withdrawal of American military personnel from Vietnam before the 1964 election, there would be a wild conservative outcry against returning him to the presidency for a second term."

Is there a possibility that if President Kennedy were serving a one-term six-year presidency, he would have withdrawn from Vietnam before we had lost thousands of American lives and spent so much of our treasure? The possibility exists, and its very presence is powerful motivation to order a six-year term now.

It is never simple to change. It is far more simple—and all too human—to accept what we have rather than to replace it with an unknown quantity whose mischief or benefit we are unable to see clearly. But the world and the country are not what they were. Old traditions and ancient customs are being flouted and ignored, and peril, once contained beyond the open seas, is now a monstrous and unwanted guest in our house.

In the very best of times, a president is besieged by an unending flood of problems. But today the tensions and the stress are greater than at any other period of our history. Because the stakes are so high (President Nixon is embarking on crucial decisions with the Chinese and the Soviets that may well shape the kind of life we will lead in the years ahead) the most valuable asset we have is the unfettered judgment of the president. In times like these, the next president should not have to spend any time worrying about whether he is going to be re-elected. He should be free—for the entire period of his term—to concentrate on how this nation can elevate its standards, redress its wrongs and negotiate its way to lasting peace.

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#### FOUR REFORMS—A GUIDE FOR THE SEVENTIES

(By William F. Buckley, Jr.)

I attach to this introduction two proposals, or reforms, which I prescind from the others. That decision is arbitrary, and I do not dwell on the reasons for it. It suffices to say only that I wished to deal at lesser length with them. One, so far as I am aware, is altogether original. The other is very old hat, and it is wearisome even to think of rehearsing all the arguments in favor and all the arguments against it, so well known are they. I mean the proposal in favor of a single term for the President of the United States, a term of six years.

In recent months the old-time opponents of the Twenty-second Amendment limiting a President to two terms have spoken out for repealing it, in favor of the status quo ante. They will tell you that the Amendment in question was a morbid

bill of attainder against the memory of a dead man whom all the forces of reaction could not beat while he was alive. Let us assume that this is the case, without conceding that because the Amendment was churlishly motivated, it was for that reason unsound. But surely the arguments favor going beyond the Twenty-second Amendment, rather than returning in the other direction. The principal argument for a one-term executive, it seems to me—and note once again that we are dealing with a procedural rather than a substantive reform—is that the power of the Executive, however much everyone from left to right seeks to control it in the years and decades to come, will remain inordinate unless such organic revisions of the Constitution are undertaken as in point of fact, never will be. It is not only instructive but amusing to sit about, as the scholars do at Santa Barbara, composing models for a very different republic. Perhaps if the Founding Fathers had been separated by more than just a few years from the opprobrious memory of George III they would have shown less hostility to the idea of a monarch who, whatever his powers two hundred years ago when kings were sure-enough kings and queens queens, would by now have been thoroughly domesticated, even as in England, and left to perform functions primarily ceremonial. But even these functions are very important, and august, and enhance enormously the prestige and therefore the subtle power of the American President who performs them. Presidents are very much conscious of their singularity as, simultaneously, chief of government and chief of state. When President Eisenhower went to the summit in Geneva in 1955 to meet with Eden, Bulganin, and Faure, he declined, when the projected schedule was elaborated before him, to act even as *primus inter pares*. The co-celebrants were tactfully reminded that there existed back home a flesh-and-blood Queen of England, a President of Russia, and a President of France, no one of whom was present at Geneva; whereas the American was both executive and titular representative of his country, and should be treated with appropriate diplomatic deference.

These, as I say, are bygones, and it is simply idle to talk about reforms in the Constitution of a kind that would divide the power of the Presidency among more people. But there is sentiment for the moderate suggestion to limit the President to a single term; and not inconceivably perhaps after a President during his second term leaves a particularly sour taste (the incumbent, who endorses the reform, might serve the purpose well), a Presidential candidate will include in his platform a promise to back an amendment that would limit his term to six years.

Grant the hypothetical disadvantage—that destiny might at some great historical juncture vouchsafe us a Periclean figure whose continued service we would not want to deprive ourselves of. But even as matters now stand, we could have Pericles only for two more years beyond the projected six. The opposite argument, that we would need to wait six long years before getting rid of a bad President, is best reduced to size by reminding ourselves that we would need to wait only two years more than we now have to wait; and anyway, the only two Presidents in this century who were defeated after their first term (Taft and Hoover) could each have served another two years with minimum distress to the Republic, and possibly with great advantage to it.

The House of Representatives is continuously there to transcribe the popular will (and oblige it on those few occasions when it is truly hortatory), and Congress can take action affirmative or negative—including action to vitiate or ignore Presidential initiatives. But there is the institutional argument for encouraging the more strategic uses of the Presidency, and I find it hard to understand why the procedure is not slightly modified so as to encourage Presidents to take the longer view they cannot safely take when reelection contest lies implacably before them.

#### SIX-YEAR TERM LIMIT TO PRESIDENCY

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

## JULY 1973 GALLUP OPINION INDEX

[In percent]

	June 1-4, 1973		
	Yes	No	No opinion
National.....	28	64	8
Sex:			
Male.....	28	65	7
Female.....	27	63	10
Race:			
White.....	28	65	7
Nonwhite.....	27	56	17
Education:			
College.....	32	64	4
High school.....	26	67	7
Grade school.....	27	57	16
Occupation:			
Professional and business.....	27	69	4
White collar.....	26	67	7
Farmers.....	17	74	9
Manual.....	24	66	10
Age:			
18 to 29 years.....	22	70	9
30 to 49 years.....	27	66	7
50 and over.....	33	57	10
Religion:			
Protestant.....	27	64	9
Catholic.....	31	63	6
Jewish.....	X	X	X
Politics:			
Republican.....	29	64	7
Democrat.....	25	65	10
Independent.....	32	62	6
Region:			
East.....	25	65	10
Midwest.....	30	63	7
South.....	25	66	9
West.....	33	62	5
Income:			
\$15,000 and over.....	29	68	3
\$10,000 to \$14,999.....	28	67	5
\$7,000 to \$9,999.....	24	70	6
\$5,000 to \$6,999.....	28	57	15
\$3,000 to \$4,999.....	32	58	10
Under \$3,000.....	27	55	18
Community size:			
1,000,000 and over.....	29	62	9
500,000 to 999,999.....	30	63	7
50,000 to 499,999.....	30	67	3
2,500 to 49,999.....	28	61	11
Under 2,500, rural.....	24	65	11

Note.—Favor changing to 6-year presidency?

	Yes (percent)	No (percent)
1936.....	26	74
1939.....	24	76
1945.....	27	73
1969.....	19	81
1973.....	30	70

