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FOUR-YEAR U.S. HOUSE OF REPRESENTATIVES TERMS

GOVERNMENT

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HEARING

BEFORE THE

COMMITTEE ON THE CONSTITUTION

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-SIXTH CONGRESS

FIRST SESSION

ON

S.J. Res. 34

JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE
CONSTITUTION OF THE UNITED STATES PROVIDING THAT
THE TERM OF OFFICE OF MEMBERS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES SHALL BE FOUR YEARS

JULY 26, 1979

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FOUR-YEAR U.S. HOUSE OF REPRESENTATIVES TERMS

THURSDAY, JULY 26, 1979

U.S. SENATE,
SUBCOMMITTEE ON THE CONSTITUTION,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:40 a.m., in room 5110 Dirksen Senate Office Building, Hon. Howell Heflin presiding.
Present: Senator Heflin.

Staff present: Majority—Kevin O. Faley, chief counsel and executive director; Mary K. Jolly, staff director and counsel; Linda Rogers-Kingsbury, deputy staff director and chief clerk; Christie F. Johnson, assistant clerk; Arthur Briskman, counsel to Senator Heflin.

Minority—Thomas Parry, minority counsel to Senator Hatch; Steve Markman, minority counsel to Senator Hatch, Jim Lockemy, minority counsel to Senator Thurmond.

Senator HEFLIN. The hearing will come to order, this being the Subcommittee on the Constitution of the Committee on the Judiciary. The hearing is on the House of Representatives terms, Senate Joint Resolution 34.

OPENING STATEMENT OF HON. HOWELL HEFLIN, A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator HEFLIN. This morning the Subcommittee on the Constitution begins the first day of hearings to explore the ramifications of Senate Joint Resolution 34, the proposed constitutional amendment providing that the term of office of Members of the U.S. House of Representatives shall be 4 years.

Senator Birch Bayh, the chairman of this subcommittee, has requested that I chair these hearings since he is engaged in chairing intelligence hearings on the SALT treaty today. However, I wish to thank him and to commend his staff for their cooperation and work that they have done in conjunction with the preparation for these hearings.

As you know, Senator Bayh was the sponsor of similar legislation in the 89th Congress, and I know he welcomes this opportunity to review this proposed constitutional amendment in the 96th Congress.

Since the time of the Constitutional Convention, Members of both Houses of Congress and the public have been interested in the problem this subcommittee now intends to examine. That problem is the question of the most workable length of time Representatives should serve between elections when they answer to their constituents.

The Articles of Confederation, our first governing document, provided for Members of Congress to be elected annually. James Madison, one of the drafters of the Constitution, supported 3-year terms for Members of the House on the grounds that instability is one of the greatest vices of our Republic to be remedied.

In 1966, the late Lyndon B. Johnson, before a joint session of Congress, as President of the United States, proposed amending the U.S. Constitution so that all Members of the House of Representatives would be elected for full 4-year terms. He was answered by a standing ovation, the longest applause given that particular state of the Union address.

But almost 13 years later the 2-year term for House of Representatives remains as it has over the years. Some would say that Mr. Johnson and his supporters may have been somewhat ahead of their time. Others would say that this system has worked well over 200 years and why change it. As the old adage goes, if it ain't broke, why fix it.

Although President Johnson's proposal was followed by an amended bill, it died largely because objections developed to Mr. Johnson's insistence that all House Members run simultaneously with the Presidential candidates. That, it was successfully argued, could create a House full of coattail riders and independent minority party, which often occurs during the off year. That would be questionable speculation.

This is one of the questions that I anticipate that we will be investigating today at these hearings. Although Senator Bayh introduced President Johnson's proposal, he believed that it would be wise to give serious thought to staggered 3-year terms, if we ought to have them at all, rather than making the terms concurrent with Presidential elections.

Several changes in our national composition tend to indicate that congressional terms should be lengthened—factors such as the burden of work on Representatives in this complex age, the variety of subjects he or she must master, the growing number of constituents he or she must try to serve, and campaigning costs, which alone make it increasingly impracticable for candidates to run for national office at 2-year intervals.

It appears that the practical effect of our present system is that Representatives have 1 year in which to work and 1 year in which to campaign for reelection. There are, to be sure, Representatives who are not plagued by these problems, but these are the Representatives from the so-called safe districts.

Since the time of the Continental Congress of 1776, the issue of proper terms for office for Members of Congress has been debated both in Congress and out. From the very early resolutions to increase the term of office for Representatives to the present resolutions in this Congress, the controversy has centered on the relative value to the citizens of the Nation and the Representatives who serve them which an extension of their term may provide.

As with any proposed change in the Constitution, we must be careful and deliberate in examining these suggested amendments to determine if they would indeed improve the legislative process and the effectiveness of our Government.

Our Constitution outlines a representative government. A representative government is one in which the people govern themselves indirectly by entrusting the administration of the state to the officials they choose for that purpose. Representative self-government, therefore, is best preserved by making Representative's terms of office continuously dependent on the people's judgment through the ballot box. If voters are satisfied with the performance of their legislators they can return them to office. If not satisfied, they can chose a new, Representative.

When amending the Constitution, we do not want to amend a strong fabric with a weak patch. We would only wish to amend the Constitution if the reasons are imperative. There are a number of areas that need to be explored and discussed during this hearing in order to determine whether there are compelling reasons to amend the Constitution.

Among the questions I have in mind are: Are there disparities in the abilities of House of Representative Members to represent their constituents based on a 2-year term? Would the adoption of the proposed amendment eliminate any such disparities? Would the adoption of the proposed amendment place each State, each district and each citizen on a more nearly equal footing in the legislative process? Fourth, if this amendment was adopted, should Representatives run for election concurrently with Presidential elections or should their terms be staggered?

Another question: Is there any truth to some people's observation that very good Representatives that we presently have lack the quality we would enjoy if the term was 4 years, that the quality candidates are put off by the cost of Washington and the uncertainty of being reelected after just 2 years?

Another question: Will a 4-year term strengthen or weaken the party structure?

As we begin this hearing, I must say that while I have reservations on the merits of this proposal, I firmly believe that this subject merits a thorough and scholarly investigation. I believe it is only stating the office to say congressional powers and capabilities can be greatly altered by changing the length of term served by the elected Members.

These hearings will provide us with an opportunity to evaluate these proposals. I look forward to an informative and productive session.

[The text of Senate Joint Resolution 34 follows:]

96TH CONGRESS
1ST SESSION

S. J. RES. 34

Proposing an amendment to the Constitution of the United States providing that the term of office of Members of the United States House of Representatives shall be four years.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 6 (legislative day, JANUARY 15), 1979

Mr. JOHNSTON introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States providing that the term of office of Members of the United States House of Representatives shall be four years.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled*
3 *(two-thirds of each House concurring therein), That the fol-*
4 *lowing article is proposed as an amendment to the Constitu-*
5 *tion of the United States, which shall be valid to all intents*
6 *and purposes as a part of the Constitution if ratified by the*
7 *legislatures of three-fourths of the several States within*
8 *seven years after its submission to the States for ratification:*

II—E●

1 "ARTICLE —

2 "SECTION 1. The terms of Members of the House of
3 Representatives shall be four years and shall commence at
4 noon on the third day of January of the same year in which
5 the regular term of the President begins.

6 "SEC. 2. No Member of the House of Representatives
7 shall be eligible for election to the Senate for a term which is
8 to begin before the expiration of his term in the House of
9 Representatives unless, at least thirty days prior to such
10 election, he submits a resignation from the House of Repre-
11 sentatives which shall become effective no later than the
12 beginning of the Senate term.

13 "SEC. 3. This article shall become effective with respect
14 to terms of Representatives which, under the provisions of
15 section 1, begin after the date on which it is ratified as an
16 amendment to the Constitution by the legislatures of
17 three-fourths of the several States."



Senator HEFLIN. We are pleased to have Senator Bennett Johnston of Louisiana with us. Senator Johnston, we would be delighted to hear from you.

**TESTIMONY OF HON. J. BENNETT JOHNSTON, A U.S. SENATOR FROM
THE STATE OF LOUISIANA**

Senator JOHNSTON. Thank you very much, Mr. Chairman.

Mr. Chairman, I have a written statement I would ask be put in the record, if I may. I would like to proceed from notes.

Mr. Chairman, the proposition for a 4-year term for Representatives has been supported by four different Presidents, by Gallup polls going back for many years.

In 1946 the Gallup poll showed 40 percent of the public was in favor of 4-year terms. By 1961 it was up to 51 percent. By 1977 it was 50 percent in favor, 31 percent opposed and 10 percent undecided. When you take the undecideds out, that figures out to be about 62 percent in favor of a 4-year term.

We polled the Members of the House this year, Mr. Chairman, and of the 167 who responded, 59.9 percent were in favor and 35.9 were opposed and 4.2 percent undecided. I suspect that that is one of those issues like a pay raise, that if you really poll the other 35.9 percent, most of those would be in favor as well.

Now, what is the reason for this? It is so obvious in today's modern society why we need 4-year terms, why we need more than 2-year terms, because it takes about half of a 2-year term to tend to political duties of a Congressman. It has been called on the other side the Tuesday-through-Thursday Club, which is an overstatement and exaggeration. But it is indicative of the fact that in order to tend to political duties over there, they must spend an inordinate amount of their time, attention and energies, back home making speeches and raising money and all of those other things that round-the-clock, round-the-calendar political duties entail.

What I have done in this amendment, Mr. Chairman, is to make what I think is the historic compromise, and that is to continue the present situation with respect to the ability of Congressmen to run in Senate races. The present law is, of course, that Congressmen can't run for both the Senate and the House at the same time, and we have continued that custom by saying if a Congressman wants to run for the Senate, that he must resign his position in the House.

I think, frankly, it has been that proposition that has prevented this from ever passing in the past. I can't prove that by the history books, but I could prove it just by human nature. I mean people in the Senate don't want to buy a whole lot of candidates from the House. That is all right with me, Mr. Chairman, if you want to change it back.

Either way I think it is a good deal for the American people. But the reason I put in that compromise was in order to get this piece of legislation passed. I think it will help pass it.

I really don't know of any real arguments against this legislation other than the fact that somehow the people say, well, the Constitution provides it; the Constitution is a sacred document and should not be changed.

I am very much against a willy-nilly change of the Constitution. But, Mr. Chairman, if we hadn't changed that Constitution in some meaningful ways, this country would be in one bad shape. We wouldn't have the income tax and women's suffrage, which maybe some people regard as mistakes, but I think we would have a tough time without those constitutional amendments. And they are amendments that were passed pursuant to real change in the country.

Now, the country has changed since the Founding Fathers provided for 2-year terms for Congressmen. Back in those days the Congress would meet for maybe 2 months a year. In a really big year they might meet for 3 months a year. The citizen legislature would go home where they would spend most of their time practicing law or running their mercantile stores or whatever their particular duties were. They were citizen legislators.

It is a far cry from, Mr. Chairman, from the present situation where we come in in January. The majority leader said last night he hoped we would get out in November. We are going to be meeting, in my view, up to Christmas Eve. It is a round-the-year proposition.

And when you put those claims for time and attention on the Congressman who needs to be here all the while, who needs to be dealing with energy matters and other matters of priority and national importance, and you require him to go home to campaign and to raise money, I think it is unacceptable.

Also, Mr. Chairman, from a standpoint of raising money, raising money in politics seems to be one of those necessary evils. I say necessary evils because I have personally never favored the various forms of Federal financing that have been put out on the floor here.

I would favor my own form of Federal financing, but I guess most of us would have our own form of it. But in any event, I think it is a necessary evil. It is not so bad in the Senate where you have to go raise money every 6 years.

But can you imagine being a Congressman? If you have to run every 2 years, that means you have to be raising money every year. And I just think that is an unacceptable burden on the political system.

I think you asked in your opening statement would it strengthen the parties? I think clearly it would strengthen the parties if you ran at the same time that the President did, which I believe would be appropriate.

Then Congressmen and Presidential candidates, in more cases than they do at present, would run on platforms and as parties and with a party apparatus. Whereas in my State we have never had particularly strong party disciplines as such, I personally believe that more party discipline and more attention to the party makes for a better governmental system in Washington.

Senator HEFLIN. I gather you favor the running at the time of Presidential elections rather than having staggered terms?

Senator JOHNSTON. I think so. But it is one of those difficult, close questions. I might also say, Mr. Chairman, I put this bill in for 4 years because I think that is the appropriate time. I recognize, however, that there will be many who wouldn't want to go all the way to 4 years and would rather settle on 3 years. I think 3 years is 50-percent better than 2 years and 4 years is better than 3.

But the essential thing is to lengthen that term of 2 years. I personally know of at least three topnotch, would-be candidates for the House of Representatives in my State who didn't run, among other things, because they had to run every 2 years. The fact they had to run every 2 years, the fact that the pay they considered to be low. The fact, that they would have to move to Washington, D.C.—you have heard all of those arguments—discouraged these three that I personally knew and was trying to talk into running on three different seats down there.

And this is one of the reasons. I am not denigrating our good brothers on the other side, but I am just saying we miss the services of a lot of good people because of having to run all the time.

Mr. Chairman, I just think the time has come when we need to face up to the facts of modern legislative life, which is that we need more time, the Congressmen need more time to work and less demand of politics.

I would be glad to answer any questions you have.

Senator HEFLIN. Thank you, Senator Johnston. I understand you have another place to go.

Senator JOHNSTON. Thank you very much, Mr. Chairman.

Senator HEFLIN. Thank you very much.

[Senator Johnston's prepared statement follows:]

PREPARED STATEMENT OF J. BENNETT JOHNSTON

Mr. Chairman, the proposal which we are considering today—whether or not to extend the terms of the House of Representatives—is certainly not novel. In fact, since 1869 only five Congresses have not seen efforts to alter in one way or another the terms of House Members. Legislation to this effect has been supported by four Presidents, both Democratic and Republican, since the time of Harry Truman.

Not only have efforts to pass such an amendment been numerous, but these efforts have gained increased popular support in recent years. In 1946 a Gallup poll showed only 40 percent of the American population in favor of such an amendment. That support increased to 51 percent in 1961; and the most recent poll, taken in 1977, shows 50 percent of the American public in favor of longer House terms, only 31 percent opposed and 10 percent undecided. I recently conducted a poll of House Members of both parties which showed similar results. Of 167 Members polled, 100, or 59.5 percent, favored a four year term with 35.9 percent opposed and 4.2 percent undecided. I believe this increased support is indicative of the merit of such a proposal.

The role of the House of Representatives has changed drastically in the almost 200 years since the first Congress. In 1787 the relatively primitive stages of communication and travel made a two year term necessary in order to keep a Member from becoming too independent from the citizens of his district. However, modern technological advancements have caused this argument to lose much of its efficacy. A Member can easily and effectively keep in touch with the viewpoints and opinions of his constituents through modern communication, public opinion polls and the media.

The modern day House is a continuous and professional work organization which deals with highly complex issues. A four year term would allow a sufficient period of time in which to gain and apply the expertise necessary to deal with

these complex problems. Under the longer term, a Member would be able to conceive, revise and complete appropriate solutions and thereby avoid piece-meal legislation.

A four-year term would also serve to increase the power of the House of Representatives. In recent years Congressional power has slowly been usurped by the Imperial Presidency, the Courts, and the federal bureaucracy. The longer term would help regain some of this lost power. In addition, a Member's increased security and familiarity with the issues would decrease his reliance on his staff and on permanent Congressional Committees.

One of the greatest advantages to a four-year term is the fact that it decreases by half the number of elections held for Representatives. When a Member must spend one year of every two-year term campaigning, it is all too easy to become more interested in being re-elected than in being a legislator. As we saw so vividly last year, the end of a session is hectic enough without the added pressure of an election. The extended term would allow the Member to concentrate on the problems of the nation rather than the problems of re-election.

The longer term would also avoid some of the tremendous financial burdens of campaigning. Last year, House and Senate candidates spent 150 million dollars on primary and general election campaigns. This represents a 50 percent increase over 1976 election costs. In 1978, incumbent House Members spent an average of \$108,000 on re-election campaigns. A four-year term would lower these election costs and thus reduce the opportunities of special interest groups to exert pressure on Members through contributions.

Were Representatives to be elected every four years contiguous with the Presidential election, voter turnout would be greatly increased and elections would thus result in increased representation and responsiveness. Opponents of a measure such as this frequently rely on the maxim that elections are needed every two years in order to be able to "turn the rascal out". While I would certainly never contend that there are any rascals in the House, statistics show that only rarely is any incumbent turned out of the Congress. In fact, between 1954 and 1970, 95 percent of all re-election campaigns were successful. One might suspect that this 95 percent figure is higher due to the six-year term of Senators and the advantage that the longer incumbency might bring. Here again, however, the figures show the opposite. In 1976, over 95 percent of House incumbents were re-elected while only 64 percent of Senate incumbents were voted back into office. In 1978, the figures were equally revealing. 93 percent of the incumbent candidates were re-elected in the House as opposed to only 60 percent in the Senate. I think, as is evident from these figures, a longer term of office does not a re-election make.

The average voter of today is much more sophisticated than he was in 1787. He is much better informed as to both the issues and the ability and integrity of the candidate. Voters can now make a proper choice the first time and it is no longer necessary for a Representative to run every two years in order to receive the blessings of his constituency.

Mr. Chairman, the resolution before us today proposes a major change in an institution which has been around in this country for almost 200 years, and it is not a change which should be taken lightly. But just because a two year term has always worked before does not necessarily mean it is the best course for the future. Such an approach tends to confuse the obvious with the necessary. Since the time the Constitution was ratified, both the Country and the Congress have changed. I believe that a careful weighing of the factors shows overwhelmingly that it is time to change the terms of House of Representatives Members.

The S.J. Resolution 34 represents such a change, and it is a change which I feel is both a beneficial response to the needs of the modern Congress and an appropriate method to keep that Congress operating effectively in the future. I feel that S.J. Res. 34, the House Term Extension, should therefore receive the support of this Committee and this Congress, and I urge its speedy consideration.

TO: MEMBERS OF THE HOUSE OF REPRESENTATIVES

FROM: SENATOR J. BENNETT JOHNSTON, JR.

RE: PROPOSAL TO AMEND THE CONSTITUTION TO INCREASE THE TERM OF OFFICE
FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES FROM TWO TO FOUR YEARS.

On April 12, 1979, the Senate Judiciary Committee will hold hearings on the above referenced proposition. Prior to the hearings, I want to obtain the opinion of the members of the House on the issue.

My intention for this poll is to measure the sentiment and opinion of members of the House in aggregate and not on an individual basis. Please complete this questionnaire and return it to my office by April 1, 1979.

If you believe there are other pertinent issues not addressed in the following questions, please feel free to make comments on the attached questionnaire.

1. Do you favor or oppose an amendment to the U.S. Constitution to increase the term of office for members of the House of Representatives from two (2) to four (4) years?

Favor _____ Oppose _____ No Opinion _____

2. In your opinion, would your constituency (if given the opportunity to vote on the issue) favor or oppose the proposed amendment?

Favor _____ Oppose _____

3. In your opinion, would your state's legislature ratify the proposed amendment?

Favor _____ Oppose _____ Maybe _____

4. Please respond to the following statements:

Strongly
Agree Agree Disagree Disagree No
Opinion

- a. A four year term would make me (as a member of the House) less responsive to the needs of my constituents.

- b. A four year term is necessary for me to acquire the experience and expertise needed to serve my constituents.

	<u>Strongly</u> <u>Agree</u>	<u>Agree</u>	<u>Disagree</u>	<u>Strongly</u> <u>Disagree</u>	<u>No</u> <u>Opinion</u>
c. The proposed amendment would impair the original intent of the U.S. Constitution.	_____	_____	_____	_____	_____
d. Elections held every two years help keep me in touch with my constituents' sentiments and opinions.	_____	_____	_____	_____	_____
e. Elections held every two years hinder my responsibility to my constituents.	_____	_____	_____	_____	_____
f. Internal reform to improve the efficiency of congressional operations is needed, not a longer term.	_____	_____	_____	_____	_____
g. If I supported this proposed amendment, it would make me appear to be self-serving.	_____	_____	_____	_____	_____
h. The time I spend raising money to campaign every two years could be better spent serving my constituents in Congress.	_____	_____	_____	_____	_____
5. What is your party affiliation?					
Democrat _____ Independent _____ Republican _____					
6. How many times have you been elected to the U. S. House of Representatives? _____					

Thank you.

COMMENTS:

Senator HEFLIN. Our next witness will be Congressman Larry Winn of Kansas, who is in his seventh term in the Congress, a member of the Republican Party.

Congressman Winn, we are delighted to have you here.

Congressman Erdahl, would you like to come up at the same time and do this as a team? I am sure you are busy just like everybody else.

If you have prepared statements, they can be entered in the record and you can tell us what you would like to, repeat your statement, in whatever manner you would like to proceed.

TESTIMONY OF HON. LARRY WINN, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KANSAS; AND HON. ARLEN ERDAHL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Representative WINN. Thank you, Mr. Chairman. I think I will just work from the prepared statement. It is short. I think it is to the point. Much of it is probably repetitious of what Senator Johnston just said. But I do appreciate your giving me the opportunity to

present my views on extending the term of office for Members of the U.S. House of Representatives.

The time has come to carefully consider that which has been an issue now for many years. In fact, since the Founding Fathers first began shaping our Government, the issue of 1, 2, 3, or 4-year terms has been a source of concern, and has generated much publicity and much debate.

The decision to limit the term of office for a Representative to 2 years was based on criteria that were valid in their own time. But as Senator Johnston pointed out, times and criteria have changed. It is imperative that this Congress adjust itself accordingly. We are faced with the primary responsibility of conducting this Nation's business, and we cannot hope to do so effectively if we do not make that adjustment.

The resolution of which I am a co-sponsor, House Joint Resolution 272, identical to Senate Joint Resolution 34, would change the term of office for a Representative to 4 years instead of the 2. I have long been interested in this for the primary reason of reducing the cost of elections that are held every 2 years.

We are all aware that the cost of elections has skyrocketed over the past few years. Campaigns have become longer, more elaborate and more expensive. And I see no hope in sight but that this trend will continue.

At the present time a Representative faces a reelection every 2 years. Each campaign requires a lot of time and effort from campaign workers and the Representative himself. It also requires a lot of money. Were this expenditure to occur every 4 years instead of every 2, the costs would be cut in half.

At a time when money is such a sensitive issue, I believe it is our duty to save wherever possible—and I doubt that such a statement would find much disagreement among the taxpayers these days.

I am concerned as well with the financial burden placed on those seeking to run for a first term. Many highly qualified men and women, as Senator Johnston pointed out, are simply not willing to spend the kind of money that a campaign requires if it is only for a 2-year period of time. They are also not willing to transplant themselves and their families for such a short and possibly indefinite time. The present 2-year term, as well as the cost involved, discourages these people from running for office.

The current 2-year term is a particular burden to the freshman member. As soon as he steps into office, he must be concerned with being reelected. As you know, and I know, Mr. Chairman, both parties immediately start an educational process, a training period, that all of our freshman must go through on how to get reelected. That takes time and that takes money.

When he assumes office, he must take part in procedures and operations and education that are terribly intricate and complex. With the concern of reelection hanging over his head, the fundamental responsibility of learning the ways of the House cannot help but be hindered. It is unfair to the people of this Nation that a Member must run for reelection every 2 years. Valuable time is spent in these campaigns that could be spent on legislation and constituent problems. Under the present system, it is impossible to give adequate time to either.

I respect the right given the voter by the Constitution to replace his Representative if he is not fulfilling certain expectations. A 4-year term would not change that right. What is more, I expect my own constituents to vote me out of office if they are not pleased with my performance. I highly respect that decision, as we are expected to be held accountable to the voters.

The resolution that I have co-sponsored does not detract from the importance of accountability in any way. We are made aware of the voters' opinions and wishes through many channels, one of which is the election process.

Modern technology is such that a Representative can be made aware almost instantaneously of what his voters are thinking. Travel back and forth between the district and the office here in Washington is easily arranged and, by the way, paid for by the Government. An original argument for the 2-year term was that it would facilitate contact between the Representative and his constituency, I understand, for the early days of our history. But that is no longer the case, as I have pointed out.

A 4-year term allows the Representative to commit more of his time to his constituents. Time and energy in trying to be reelected in order to continue serving the needs of the constituents can be better channeled if reelection occurs every 4 years instead of every 2.

With a 4-year term, voters can be sure that the Congressman-elect will have an adequate and fair amount of time to work in his constituents' best interest. Upon reelection at the end of 4 years, both the voters as well as the Representative would know that performance was the true indicator to be judged at the polls.

I also favor holding the 4-year election of a Representative in a year different from that of the presidential election. We do not need to fall into the trap of riding into office on the coattails of the President-elect. I point that out, Mr. Chairman, because when President Johnson was elected, many of those Representatives who were elected on his ticket were replaced 2 years later. In 1966, those of us in the minority party replaced a great many of the members of the majority party, some of whom obviously rode in on President Johnson's coattails.

Mr. Chairman, again I appreciate the opportunity to testify before this distinguished subcommittee in regard to the 4-year term for Members of the House.

Without being disrespectful of you and your colleagues, I doubt very much that this legislation will receive much further consideration or activity on the floor of the Senate. Many of those of us in the House and many keen political observers feel that the Senate is less than enthusiastic about 4-year terms for Members of the House. Nevertheless, Mr. Chairman, I am aware of your interest, and of the enthusiasm of Senator Bayh and his support for this measure.

I again thank you for your courtesy and consideration this morning. Senator HEFLIN. Thank you, sir.

Representative WINN. I will be glad to answer any questions.

Senator HEFLIN. We will go ahead with Congressman Erdahl. I believe, Congressman, you are a Republican in your first term. So we have a veteran and a new Congressman that will be testifying.

Representative ERDAHL. Thank you very much, Senator. I do regard this as a high honor and privilege to appear before your committee today. I am co-author of a similar measure in the House. I think the

Senator is to be commended for granting hearings on what I think is an important issue.

I have a statement that was submitted to the committee. Rather than read that, maybe I will just summarize a few key points, and if I could, maybe add some personal observations to it.

Too often, Members of the House find themselves in a perpetual campaign. I think one of my colleagues from Minnesota ran for Congress, lost the first time, but ran again and won. He told me after he had been in Congress about 6 months that he was in his third campaign. It was true. He ran and he lost; he ran and he won; and he was campaigning again.

I think that ideally we should be directing our energies, our activities, toward serving the people rather than being involved in a perpetual ongoing campaign.

Certainly one might criticize and say, "Well, this is somewhat self-serving for you, as a Member of the House, to ask that you be excused from the ordeal of a campaign every 2 years." Yet I think ideally, as the two people who preceded me said so eloquently, the real concern is serving the people and what is best for the country.

While it might be less hectic for Members of Congress, I think it would be beneficial to people of the country.

A few years ago, in Minnesota we had 2-year terms for Governor and constitutional officers. That was changed by constitutional amendment to our State constitution. There was some of the same criticism that I am sure we hear in regard to this bill, that these people would be less responsive to the public.

But I think once it has been done, it has been well accepted. I would guess, Senator, when you are out on the campaign trail, you have heard, as I have, "You people spend too much time campaigning." I think the public is very sensitive to the ordeals people go through in getting elected to public office.

If I could add another personal note, I served for several 2-year terms in the State legislature which still goes on in Minnesota, and then I served as secretary of state. I can remember the big difference in that 4-year term as compared to the constant campaigning of the 2-year term. I can affirm from some personal experience that you really have more time to do the very thing we are elected to do, and that is to represent a constituency and to work for the people in our district.

Campaigning takes us away from our legislative duties in Washington. All of us know how precious our time is. Senator, I mentioned this was the first time I appeared before a Senate committee, but 10 years ago it was my good fortune to be here in Washington as an intern when I worked for Senator Mark Hatfield and for Gerald Ford when he was minority leader. Ten years later, I am back as a Member. I was aware at that time how fantastically busy I found Senator Hatfield to be, and Congressman Ford to be. I didn't realize Arlen Erdahl would be that busy, but I think that is the experience of all of us.

As we look into the year ahead, and my colleague said it so well, one of the first things we do is start attending seminars and briefings on, how do you campaign to get reelected again. I would hope we would get into this process of amending the Constitution. It is a long, drawnout process. It is not to be taken lightly.

Very likely, for those of us who might be proponents of the bill, the chances are we won't be around here to reap the benefits that could accrue to Members, anyway. So I think we could probably dismiss that point.

The other points I think have been made so well could be stressed a bit. Things have changed dramatically since the framers of the Constitution put this wonderful document together. I don't think they envisioned the full-time Congress we have today. I don't think they envisioned, by any stretch of the imagination, the costs that are involved in getting elected to these offices, before the time of television and radio and the constant trips back and forth. I think there are other good reasons why we should take a new look at it today, and really in the interest of the Members who might serve—and it is an honor to serve in this great body—not in their interest primarily, but I think in the interest of continued, good, sound government, of representing our people, representing those that elected us, not to be perpetual campaigners but to be the legislators. I would hope the Senate would look favorably at the resolution before you today, to change the term of House Members from 2 to 4 years. I am hopeful we might get a hearing on it in the House.

Thank you very much, Mr. Chairman.

Senator HEFLIN. Thank you, sir. I appreciate your presence here.

I don't know how anxious you are to get back.

Representative WINN. We would be glad to answer questions. We are in session at 10.

Senator HEFLIN. All right, sir.

I was interested in what you said pertaining to the election, to either staggered or running with the President on a 4-year term. It was suggested, I think, by Senator Johnston, a 3-year term. I am just trying to project 3-year terms. If you started out with a Presidential election, how long would it be until you would come back to another Presidential election?

Twelve years. What are your thoughts about 3-year terms?

Representative WINN. Even though I favor the 4-year terms, I do think the 3-year terms are healthier as far as the Nation is concerned because it would give us a chance for some continuity in the House. I suppose you would have to argue that there is a continuity now based on seniority. Members of the House who have done a good job will almost automatically be returned by their constituents. I think the 3-year term would be very healthy for the Nation.

Just having experienced it and having seen it, with no reflection on President Johnson at all, but that was a good example of where a President did, because of the margin of victory I suppose, carry in large numbers of members of his party, and within a 2-year period of time, rightfully or wrongfully, and whether they were really talented and accomplished and capable or not, I don't think they really got a fair chance in a 2-year period of time.

But obviously with the tremendous turnover we had in 1966, the 2-year term and those that rode in on President Johnson's coattails, many of them were turned out.

I would favor a 3-year term. I really favor the 4-year more, but I would buy the 3-year term, too.

Representative ERDAHL. Can I comment on that, Mr. Chairman?

Senator HEFLIN. Yes.

Representative ERDAHL. First of all, I guess I would take slight issue with my distinguished colleague here because I think in recent years we have found coattails to be rather slippery. I don't think you can hang very tightly on the coattails of anybody. I think that effect is not as great maybe as it was a few years ago. Then, as I mentioned in my brief testimony, I had the privilege of serving as secretary of state in the State of Minnesota. This happens to be the chief election official in most States. It is in Minnesota. I would have serious reservations of shifting over to a 3-year term because of the mechanical difficulties of elections and the costs involved there.

I think if we made the change, my strong recommendation would be to go to the 4-year term and not fool around with the 3-year term.

Senator HEFLIN. The idea of coattails, from a viewpoint of Government and the relationship of executive leadership and parliamentary approaches, there are some governments of the world that in effect tie their executive leadership and their parliamentary support as a group. And when a person, in effect, loses parliamentary support, then calls for elections, the concept is you speak as a whole towards the executive and parliamentary bodies and that therefore it is more expressive of the will of the people, of the mood of the people at that particular time.

Now the idea Johnson had probably had some of that rationale in it. Is there a feeling that if you had it at the time which would be separate from the Presidential election that it would give more independence to Congress? Is that the concept?

Representative WINN. I definitely think so. We feel we are representing in the House approximately 500,000 people. That is not going to change. That basic number is not going to change. The number of Representatives will change, of course, after each census is taken, the next one being 1980. But we feel that we have an obligation to represent those approximately 500,000 people.

Now their thinking and their philosophy and their needs and their desires could be very, very different from those supported by the President or Vice President of the United States or even the leadership of their own party.

Senator HEFLIN. That is one of the real Founding Fathers concepts of having a bicameral system of legislation.

Representative WINN. I don't think that would be lost in a 4-year term, though. I really don't.

Senator HEFLIN. There is a provision in Senator Johnston's bill about eligibility to run for the Senate during a term in which a person is serving as a Congressman. Would you care to comment on that provision?

Representative ERDAHL. Maybe I could start off on that, Senator.

Maybe it is a necessary part to get it through the Senate. I don't really see that as a necessary part as far as serving the people of the country is concerned. Your distinguished body has among its Members many who served in the House. I suppose that will continue. We in the House have one distinguished former Senator, Senator Claude Pepper, who served here. So there is some movement back and forth, usually from that side of the Hill toward this side of the Hill.

I am not so sure we should write into the Constitution a provision that would preclude that from happening. Maybe the political realities are such that some Senators would be threatened by 8 or 10

potential opponents within their State. But I think that the public would be best served if we did not have that prohibition and that a House Member, if he so wished, could jeopardize his House seat and run for the Senate.

Representative WINN. I agree with my colleague. I don't think that there should be any prohibition. That really almost takes away the Democratic background of our history.

I don't think that there are going to be—maybe with few exceptions, if you have an extremely weak Senator, you might be six or seven candidates, several from the House, that might try to run against him. But I just don't think that would be a reality.

Senator HEFLIN. Do you know whether there is any legal impediment in Federal law that would prevent at the present time a Congressman running for his Congress seat and running for the Senate at the same time?

Representative WINN. I can't answer that.

Senator HEFLIN. I know in my State there is an interpretation of a State statute that indicates you cannot run for two offices at the same time. But that is questionable as to its legality since many decisions say that Congress establishes the rules for the conduct of elections of Members of Congress as opposed to the States doing it.

But I don't know whether there is anything. I just wondered, to your knowledge, has that occurred where somebody in some other State has run for Congress at the same time and ran for the Senate?

Representative ERDAHL. Not to my knowledge. I believe that some years ago, wasn't Lyndon Johnson elected to the U.S. Senate and the Vice Presidency at the same time? I might be incorrect on that. I think some State laws might make that possible.

But I think the usual procedure, and again from my background in elections, is one cannot seek two offices simultaneously. Obviously a House Member could run, if this 4-year term is put into practice, for that seat if a Senator was up for reelection. But it just seems very unlikely that you actually run and file for two offices simultaneously in the same election.

Senator HEFLIN. There is a political barrier, impediment in that I think. Do you know during the 7 years you have served in Congress, have you ever heard of any Congressman running for the Senate and for Congress at the same time?

Representative WINN. I have never heard of it.

Representative ERDAHL. Of course that is a possibility now, if their terms coincide, even with the 2-year term.

Representative WINN. They can't retain their seats.

Representative ERDAHL. No.

Senator HEFLIN. If a person was elected to both, then he could choose after the election, before taking the oath of office. He could resign and then take his choice.

Actually, we had an instance in Alabama where Senator Sparkman did that. It was an unusual set of facts. He was the nominee for the Democratic Party for the Eighth Congressional District, and during the period between the Democratic primary, where he had no opposition in the general election death occurred. Senator Bankhead died. He ran, and the primary was held during that interim. In the general election in November he was elected to both positions. Then he chose to go to the Senate.

There was a State law that would have prohibited it, but at least the interpretation—I think it was legal—was that applied only in regular elections, that if special elections were to be called, it was not applicable. So it got rather complicated.

Representative WINN. If he would have run on both tickets, he would have had the world. [Laughter.]

Senator HEFLIN. Thank you, gentlemen. We appreciate your appearance here.

Representative WINN. Thank you, Mr. Chairman.

Representative ERDAHL. Thank you very much.

[Congressman Erdahl's prepared statement follows:]

PREPARED STATEMENT OF CONGRESSMAN ARLEN ERDAHL

I would like to thank the Subcommittee today for giving me the privilege and opportunity to express my opinions in favor of S.J. Res. 34. As a sponsor of a similar resolution in the House of Representatives and in light of this resolution being an amendment to the Constitution of the United States, we must seriously study the reasons why this resolution should be passed. But first, I must speak frankly about the nature of the business we in Congress face.

Too often members of the House of Representatives find themselves in a perpetual campaign. Our ideal goal should be to serve the people in our district and not only to be re-elected. Thus as politicians, all Members of Congress recognize the importance of that goal as well.

While a longer term for House members would make it a less hectic experience for a Member, I think it would also be better for those we serve in our districts and also for the country.

This was our experience in Minnesota where a few years ago the term for our governor was changed from two to four years. While there was some opposition and skepticism at first, it is now well accepted that this was the proper move. It certainly seems in the public interest to allow an elected official to set service to his constituents as a top priority. The present two year terms and the reality of politics now make this a difficult choice.

Every two years we in the House are forced to run for re-election. To get re-elected in today's society, we all know that we must go out and campaign hard. Campaigning does take us back to the district that elected us and it keeps us in contact with the people, but our incentive to return frequently to our districts should be as representatives of the people and not as campaigning politicians.

Campaigning takes us away from our legislative duties in Washington. We have precious little time to fulfill our roles, if we must spend our time flying back and forth. Our job as our Nation's legislators suffers; we are no longer representatives to Congress, but professional campaigners. Besides taking much of our time, campaigning costs a tremendous amount of money.

The Framers of our Constitution did not envision a full-time Congress. They did see the role of representatives as being responsible to their constituents. This responsibility can best be served by requiring less campaigning and more attention to the needs of the people we are elected to represent.

Modern media requirements dictate that ever increasingly large amounts of money must be spent on congressional campaigns. In urban districts, this figure is sometime over one million dollars. The requirements of obtaining adequate campaign funds to run effective campaigns is creating an excessive drain on our time; consequently, we fall short in our duty to represent the citizens of the country. Thus, I've described the consequences of Article 1, Section 2 of our Constitution.

To stop the unnecessary expense of time and money, we should amend the Constitution and replace the two year term with one that is four years in length.

We should not take amending the Constitution lightly. This document has endured the time and strains of 190 years. When we amend such a piece of our democratic heritage, we must do so in a pragmatic and deliberate way.

Let me before I close today, refute arguments put forth by opponents of this bill. Some argue that we are opportunists, trying to ensure that we will have a job and longer tenure. I reply to this argument by suggesting that we look to recent attempts to modify the Constitution. It takes a long time to amend our Constitution. Those of us now, who have the opportunity to propose changes to this document will not necessarily reap the reward of such change. I am referring to the rewards and pleasures of arriving at a state where we can finally become legislators and representatives of our constituents.

Another argument stated by the resolution's opponents is that the House of Representatives was designed by the Framers of the Constitution in the Great Compromise to represent the people while the Senate was established to represent the States. If this resolution or amendment becomes reality, we in the House will still be elected more frequently than the members of the Senate and will have the time to keep in contact with our constituents, without constantly campaigning. Therefore, I believe that these arguments proposed by this bill's opponents can be refuted.

Finally today, I would like to summarize the major points of my brief statement. The Constitution provides that we in the House of Representatives be elected every two years. The ramifications in recent years have caused us to be constant campaigners rather than legislators. Because of the need for campaign expenses, we must devote ever increasing amounts of our time to fundraising. Because of the need to campaign, we must often neglect our duties in the Nation's Capital. Therefore, I believe that we should pass S. J. Res. 34 and send it on to the several states and encourage them to consider the amendment and favorably pass it so that it can become part of our great Constitution.

Thank you for letting me speak before the Subcommittee.

Senator HEFLIN. We have a panel of Ms. Catharine Trauernicht, Dr. Thomas E. Mann, and Dr. Norman Ornstein. If you will all come forward, we would be delighted to hear you.

Ms. Trauernicht, I believe you are the director of Research for the Foundation for the Study of Presidential and Congressional Terms. We would be delighted to hear from you.

TESTIMONIES OF CATHARINE TRAUERNICHT, DIRECTOR OF RESEARCH, FOUNDATION FOR THE STUDY OF PRESIDENTIAL AND CONGRESSIONAL TERMS; THOMAS E. MANN, ASSISTANT DIRECTOR, AMERICAN POLITICAL SCIENCE ASSOCIATION AND CODIRECTOR AMERICAN ENTERPRISE INSTITUTE; AND, NORMAN ORNSTEIN, ASSOCIATE PROFESSOR AND ADJUNCT SCHOLAR AMERICAN ENTERPRISE INSTITUTE, DEPARTMENT OF POLITICS, CATHOLIC UNIVERSITY

Ms. TRAUERNICHT. Thank you, Mr. Chairman.

I am appearing today as a private citizen who favors a 3-year House term coupled with a single 6-year Presidential term. Although I am director of research for the Foundation for the Study of Presidential and Congressional Terms, my testimony reflects my personal feelings on the subject of extended House terms, having worked for two Members of the House of Representatives and having studied this issue for the past 2 years. The foundation takes no position on the extended House term amendments.

I appreciate the opportunity to participate in these discussions. I think it is important that we reassess the 2-year term in light of today's political realities.

The bottom line in this debate is whether or not our elected Representatives are fulfilling their constitutional duties to the American people. I believe they are not, for two basic reasons.

First of all, the constant reelection campaign keeps Members of the House from making tough political decisions, resulting in congressional inertia on many problems that need attention. Substantive work on long-term problems, such as energy, is too often subordinated to short-term considerations that bear on a Member's public image or avoid controversy.

Former Representative Donald Matthews, testifying before this subcommittee when similar hearings were held in 1966, said:

The relative political insecurity and apprehension engendered by too-frequent elections are obstacles * * * to wholehearted devotion to the public business.

Our Representatives tend to be campaigners and not legislators. Your former colleague Sen. William Hathaway when he was a Member of the House, also testified at the 1966 hearings. He remarked:

Under the 2-year term, we are constantly campaigning * * *. Our legislative duty, which should be our primary duty, has become a secondary duty.

The second reason is similar to the first in that the Members simply do not have the time necessary to legislate effectively. The volume of legislation and complexity of today's issues present an awesome challenge to any Member wishing to pursue legislative responsibilities conscientiously.

Former Representative Seymour Halpern lamented:

The challenge of survival and the many diversions required for outright political activity is becoming for most of us a self-perpetuating cycle of enormous strain which is seriously inhibiting the exercise of effective legislative action.

Staff power has grown to such an extent that suggests staff personnel are increasingly taking over the Members' legislative functions.

Former Representative Donald Fraser said last year:

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.

There are other reasons for lengthening the House term. A longer term would almost certainly diminish special interest claims upon our Representatives.

It would establish a more definitive, clearcut record by which voters could judge the Representative's performance.

A lengthened term would make the office more attractive to a broader range of candidates. Now people must be prepared to campaign constantly. They are professional politicians.

There is a good possibility voter participation in elections would increase. As Alexander Hamilton said almost 200 years ago, too frequent elections "make people listless to them."

A Representative's family life is often damaged by his or her pre-occupation with next year's election. An extended term of service may mitigate family strains brought on by constant physical separation.

Senators may be interested in the strong possibility that an extended House term may incline more Members to remain in the House instead of seeking longer Senate terms.

Just as an aside, 46 of our State Governors serve 4-year terms in response to the complexity of today's issues. Alexander Hamilton wrote:

The business of Federal legislation exceeds both in novelty and difficulty the legislative business of a single State so as to justify the longer period of service.

There is nothing magical about the 2-year term. It resulted from compromise at the Constitutional Convention. When it was finally adopted on June 21, 1787, only George Mason spoke in favor of it.

James Madison thought under a 2-year term that no Representative who wished to be reelected would remain at the seat of Government. He favored a 3-year term to give Members enough time to learn about

the various interests of other States, and time was necessary, he thought, in a government as extensive as the United States.

Alexander Hamilton favored frequent elections as they were essential to the preservation of liberty. But he said the frequency would depend on a variety of circumstances.

He wrote:

The length of the House term ought to bear some proportion to the extent of practical knowledge requisite to the due performance of the service.

Since the Constitutional Convention, approximately 211 constitutional amendments to lengthen the House term have been introduced in Congress. Hearings have been held and votes have been taken on some of them, but to no avail. Presidents Truman, Eisenhower, and Johnson all advocated a 4-year House term to run concurrently with Presidential elections. President Nixon favored the 4-year term, with one-half the House standing for reelection every 2 years.

My statement discusses results for several polls taken on the issue. I can go into those at a later time.

James Madison and Alexander Hamilton argued for a House term short enough to be responsive to the constituents and long enough to enable the legislators to learn about their jobs and carry out their public function. Toward that end, I am recommending 3-year House terms, coupled with a single 6-year term for President.

Under this arrangement the House would remain a noncontinuing body. It would not under the 4-year, staggered term approach. The 3-year House term combined with a single, 6-year Presidency would maintain the tradition of off-year elections providing a referendum on Presidential performance.

I find the 3-year term an acceptable and workable compromise between calls for retention of the 2-year term and arguments for a 4-year term. Some of the amendments introduced, including Senator Johnston's, stipulate that Representatives who run for a Senate seat in the middle of their 4-year term resign from the House. I not only think this is a good idea under either a 3-year term or a 4-year term but for any elected Federal official running for another Federal office.

The essence of representative government is that the people choose their legislators to govern on their behalf. Those who do the choosing would be better served in the long run if their legislators were enabled through an extended House term to spend more time in the substance of their jobs and less in competing for popular favor.

Senator HEFLIN. Thank you.

Mr. Mann, I believe you are assistant director of the American Political Science Association and codirector of the American Enterprise Institute of Washington, D.C. We are delighted to hear from you.

Mr. MANN. Thank you, Mr. Chairman. I am delighted to be here.

It is codirector of the Congress project within the American Enterprise Institute.

Let me begin by noting the testimony prepared by Professor Charles O. Jones. He could not be with Dr. Ornstein and myself this morning, but we ask that his statement be made a part of the record.

Senator HEFLIN. All right, sir. Give a copy of the testimony to the court reporter.

Mr. MANN. Fine.

I want to associate myself with the statement prepared by Professor Jones, as I believe Dr. Ornstein does. Rather than read his statement I would like to make a few observations in response to some of the testimony that I have heard this morning.

As Professor Jones noted, this constitutional amendment, once again is a solution in search of a set of problems. It is an old solution. It has been kicking around for many, many decades. But it never seems to mesh with a set of problems.

What I would urge the Senate to do, and the Judiciary Committee in particular, is first identify what the problems are and then go looking for solutions. My guess is that there are legislative changes that can be made quite separate from anything as dramatic as a constitutional amendment to deal with problems identified.

I was here last year testifying against the constitutional amendment to limit the number of terms that Senators and Congressmen would be eligible to serve. I believe that was a bad idea.

I believe this is an equally bad idea. And I have noticed the two often go hand in hand. It isn't necessary, but many of the proponents of the 4-year term also believe we ought to limit the number of terms that members can serve.

I believe all of these proposals reflect a belief that somehow the electoral process and the political process get in the way of rational decisionmaking in the public interest. There is a fear, a distrust of elections and politics.

I believe, on the contrary, that our whole democratic system is predicated on frequent elections and lots of politics. That is how we resolve conflicts and reach compromises. I think it is a healthy part of the system.

As Professor Jones demonstrated in his statement, the ills diagnosed by the proponents of this legislation are neither new nor obviously adverse in their effects, nor are they amenable to treatment by constitutional amendment.

Elections distract from the business of legislating. I suppose that is true. Does that mean that because Senators have 6-year terms and Congressmen have 2-year terms there is much more legislating going on in the Senate than in the House? I think it would naturally follow, but I haven't seen anybody make that argument. I think equally good legislation is made in both bodies. It has little to do with length of the term.

Too much money in the campaign? One might argue there ought to be more money in campaigns. Our national political campaigns now spend less money than our national advertising budget for soap. Maybe people hear too little about congressional campaigns.

I would argue that one of the problems is that there is too little money for challengers in congressional elections. We ought to be seeing about increasing the amount of money in politics.

But even if you believe there is too much money in politics, I don't think you would reduce it, certainly not cut it in half, by having 4-year terms. What you would likely do is double the amount spent in every election when it occurs in that 4-year period.

Quality of persons? Is a certain quality of person discouraged from running for the 2-year term? I am impressed by the quality of House Members. By most everyone's admission, I think it was always high. Moreover, the quality has increased over the last decade. I can't

imagine what kind of person won't run now that would with a 4-year term.

Senator HEFLIN. Would you care to comment on the Senatorial occupants? [Laughter.]

Mr. MANN. I am struck by the fact that by every kind of standard we can come up with, the quality seems to be equally high in the House and in the Senate, Senator. I am delighted with that. The length of term seems to be irrelevant to the general high quality in both bodies.

The final argument in support of the amendment is that somehow the 2-year term weakens the party system. If I believed that was true, I think I would be a proponent of this lengthened term to 4 years. The problem is that the weakness of the party system has nothing to do with the 2-year term. We have had the 2-year term forever and we have had times when parties were strong relative to the present time. The 4-year term concurrent with the Presidential election might marginally strengthen the ties between the President and the Congress. I say marginally because all you have to do is look at the elections of 1972 and 1976 to see the great divergence between the Presidential vote and the congressional vote. So it would be marginal at best.

There are other costs in doing so. For example, we would lose the ability to have the mid-term referendum on the performance of the President. Off-year elections are primarily elections based on the choice of candidates in individual congressional districts. But there is always an element of assessing Presidential performance midway through the administration. I think that is a very healthy phenomenon. That cycle is good for our political system.

I will conclude with one observation about the public opinion polls. One of the things I do is conduct polls. I also teach survey research. I always caution my students on the bias in questions which results from asking someone whether they are for or against a proposal when they have very little information or knowledge about it. The bias is always positive. I could get the American public to agree to any disparate set of constitutional changes that they hadn't thought about before simply by framing the proposals in the affirmative.

That is why we have representative government. That is why we send people here who have the time to deliberate on these matters. It seems to me this is clearly not a case for looking to a fragile public opinion.

Thank you very much, Mr. Chairman.

Senator HEFLIN. Do you have the concept that there is something intriguing in the mind of the average American person toward change?

Mr. MANN. I think so. It is coupled with the general distrust of governmental institutions that has been on the increase since the early 1960's, with the beginning of civil rights demonstrations, the war in Vietnam, and so on.

People somehow want to believe that if we make a structural change, we will solve the problem. In fact, I have seen surveys on five or six contradictory structural changes that the American public all endorsed overwhelmingly.

Senator HEFLIN. That is interesting. Thank you, sir.

Dr. Ornstein, I believe you are the associate professor, Department of Politics, Catholic University, and adjunct scholar of the American Enterprise Institute. We are delighted to have you here.

Mr. ORNSTEIN. Thank you, Mr. Chairman.

I would like to associate myself with Dr. Mann's remarks and also with Professor Jones' statement. Let me just elaborate on a few additional points.

Like Tom Mann, I believe that our whole system of government is predicated on frequent elections, choosing representatives who then make decisions on behalf of their constituents. Frankly, I am very disturbed and unhappy about what I have seen in the last few years as gradual, but increasing, moves toward a total direct democracy in this country, through initiatives and referendums and what may well move in the future, particularly given the technical advances in things like two-way television and other innovations, toward possible proposals to just scrap the representative system altogether and go to instantaneous and daily national votes on issues.

It seems to me that since our system is predicated on frequent elections, choosing representatives, the more we isolate representatives and the more we downgrade the role of the public in elections, the more the outlet for public cynicism is going to be to bypass the representative system and move toward more direct democracy.

Recent proposals to change the Constitution that have come before this subcommittee, it seems to me, fuel that cynicism and that movement in two ways. The proposals to limit the number of terms of Members reinforce a public image of politicians as people not to be trusted and also reinforce the image of the public as not discerning enough to be able to decide when representatives should stay and should leave.

The 4-year term notion comes to that problem from a different direction, but I think works much the same way, in the sense it creates a Marie Antoinette type image of "let the public eat cake"; we are going to get ourselves a little bit further away from them so that we can have a little bit more insulation and isolation from them.

I don't think that either of these proposals would necessarily help the system. Indeed, over the long run they might lead us in the direction that I think very few people who are students of the political process would like to see us go.

In a sense, I guess partly what I am saying is that reforms of this type may have unintended consequences. Let me move in another direction and discuss unintended consequences for a minute.

I have spent the better part of my adult life either working for political and congressional reforms, in this institution as well as in the House of Representatives, or studying such reforms and their effects. If there is one generalization that I think I would make about congressional reform, political reform generally, it is that almost inevitably the unintended consequences outweigh the intended consequences of such changes, particularly for something like this.

I think this subcommittee, the Senate, the House, and other institutions and individuals should think long and hard about what the consequences, outside of maybe relatively narrow improvements which have been discussed, might be with a change of this type.

In a way I am struck by how the various statements of people who have appeared here today or people who have put things in the record have an almost tunnel vision approach in looking only at the effect of this particular change on the House of Representatives and its internal functioning and its campaigning. Some of these statements suggest if we have less frequent elections, we will have certain results.

One thing that is ignored here is we would still have off-year elections. One-third of the Senate would come up in these off-year elections, without the House of Representatives running. Some Governors would come up at the same time, and a number of State legislators.

I would urge the subcommittee to put some thought into what this type of change would do to these elections and what this might do to the Senate. What this might do in the off-year elections, which would be the only outlet for the public in a national way to express their views, would be to focus even more heavily than they do now on 33 or 34 Senate seats.

I have a feeling, frankly, that the Senate might find itself rather more uncomfortable with that particular situation than they do with the election as it exists now. Indeed, it might have consequences for the Senate that would be quite detrimental to the institution, to the individuals in the institution and to our whole notion of elections in the electoral process.

Let me talk a little bit about some of the things that have been suggested by Senator Johnston and others as benefits that would flow from this particular change.

I was quite interested to see in Senator Johnston's statement his belief that with the movement to a 4-year term, "a Member increased security and familiarity with the issues would decrease his reliance on his staff and on permanent congressional committees."

I hesitate to make direct comparisons between the House and Senate. There are a number of causes behind differences between the institutions. Nevertheless, in this case I think it might be appropriate to make a comparison and to ask whether or not the 6-year term for Senators has resulted in less reliance on staff and on permanent congressional committees for those individuals, than a 2-year term has meant for Members of the House.

I don't want to single out Senator Johnston in any way, but I was quite struck while sitting in the audience to notice that when he left after making his statement, he was surrounded by a covey of staff people and trailed by one young staffer carrying a very thick briefcase and bird-dogging behind on to the next meeting.

I was also struck by the fact that the two Members of the House of Representatives who came over here to testify left without the same covey of staff people who were following around Senator Johnston.

Senator HEFLIN. There might be an explanation for that. The staff won't walk over 150 yards. [Laughter.]

Mr. ORNSTEIN. No doubt for a large number of staff people that is true, although I see many of them jogging around the Hill frequently on mornings and throughout the day.

I don't mean to suggest that Senators are captives of their staffs, but I would suggest that studies by academics and statements by Senators alike would suggest that people in the Senate are quite concerned about the role that staff are playing, perhaps more concerned than Members of the House of Representatives are right now about the role of staff in their institution.

I don't mean to suggest that this is either good or bad, but what I would suggest is that moving from a 2-year to a 4-year term is not likely to have dramatic effects on the role that staff plays in the system or on the familiarity with issues that Members have.

The other night I attended a small dinner which was held appropriately in Room EF-100 in the Capitol. The only room that is on neither the House nor the Senate side. Discussion turned to whether or not various interparliamentary exchanges should include House Members and Senators together. The meeting was with a number of House Members.

I was struck by the eloquence and vehemence with which House Members suggested that Senators should be kept separate from these meetings because they tended to know less about specific issues than the House Members did, because they tended to get more attention in spite of their knowing less.

Now clearly there are other reasons that fit into the diatribe, essentially, that the House Members raised against the Senate. But I think that it is in no way clear that their point is totally irrelevant and it is in no way clear that a 2-year term means that Members of the House are less knowledgeable about the intricacies of legislation than Senators who serve 6-year terms.

Let me make a point, too, about campaign expenses. I think that Professor Jones' statement refutes better than I ever could the notion that moving to a 4-year term will reduce the expenses of campaigns. But it seems to me that the point Tom Mann was making a little bit earlier about solutions in search of problems is particularly appropriate here.

If we are worried about the costs of campaigns in this country—and we have good reason to be worried—and the length of campaigns, and the nature of campaigns, there are many nonconstitutional structural ways of dealing with this problem. And we should deal with this problem. But clearly we can do it without relying on an alteration in the basic document that governs this Nation.

It seems to me as well that virtually all the arguments that Senator Johnston makes in his statement, that relate to benefits accruing from this change, could be discussed in the same fashion and basically refuted in the same fashion. If what we are concerned about is having a better functioning House of Representatives, with more knowledgeable Members, with a better handle on legislation, that there are ways of achieving these ends short of a sweeping alteration of the Constitution.

Thank you.

Senator HEFLIN. Would either of the three of you like to comment on this provision in Senator Johnston's proposed joint resolution which would prohibit Members of the House from running for a Senatorial seat unless they resigned, or the resignation to take effect before they could do that?

Mr. MANN. Mr. Chairman, dispassionate observers might look at this feature of the amendment and suggest that the overall motive is to reduce the number of challenges to Senators from House Members who might be less inclined to run for the Senate if they had a 4-year term in the House.

My own belief is that politically it would be the only way to make any progress on the amendment in the Senate; allowing a free ride for House Members, giving them the ability to run against a Senator and retain their House seat, would be fatal in the Senate and, consequently, there really isn't much point in discussing its virtues. I think it is so clear politically that it would have to be part of the proposal.

Mr. ORNSTEIN. I think very few things are predictable in political life, particularly in Washington these days. But one thing is utterly predictable: If this particular measure ever did get out on the Senate floor and pass the Senate and went to the House of Representatives, that provision would stay in in the Senate and it would be knocked out in the House. There would be a very long conference over its nature.

I might add, I noticed that you asked the two Members of the House whether or not there was anything in Federal law that affected these things. I am not certain about Federal provisions. There were in the past indeed State laws that allowed it.

I recall that Lyndon Johnson, I believe the second time he ran for the Senate—the first time he lost—the second time he won by 87 votes and got the name “Landslide Lyndon.” He kept his House seat and, indeed, was given the option of choosing, after being elected to both seats, as to which one he would keep and which one he would give up.

But these provisions were only true in the South, I believe. I am pretty sure State laws have taken care of that.

Senator HEFLIN. Ms. Trauernicht, do you want to close this? They took a little different position from you, particularly in regard to the statement that it was sort of a narrow tunnel. I was impressed that you had an overall viewpoint of Presidential as well as congressional terms. Would you like to refute or make any statements?

Ms. TRAUERNICHT. I think their argument is somewhat missing the point, that the people are not getting the quality of legislation they deserve out of the House.

I worked on the House side. I know what elections can do to substantive work on legislation. It is not just that Members don't have time to study these issues. I am not sure with all the issues they have to contend with that they would ever have enough deep understanding of each bill. But legislation is not getting the proper attention it needs.

Take one example of the social security system. It needs some corrections. With elections coming up every 2 years, it doesn't get the kind of attention it needs.

Taxes have to be raised to cover a deficit in the system later on. It takes forever to get people in the House to think about changes like that because they won't be popular with the voters.

Senator HEFLIN. I would think that from a viewpoint of endeavoring to buttress your position with empirical evidence, perhaps it would be interesting to see the results of a study of the absence of Members of Congress during the period of an election, a comparison of the number of votes percentage-wise in the noncampaigning periods as opposed to campaigning periods, as to what it would reveal.

Ms. TRAUERNICHT. Absenteeism clearly shoots up during an election year. When former Representative Koch ran for mayor of New York, he missed something like 83 percent of the votes. He was being paid to be a Representative of the U.S. Congress, not a candidate for mayor of New York City.

There is a provision in Federal law now that is being ignored that says when a Member of the House or Senate is absent during a session of Congress, for reasons other than illness, a day's pay should be docked. That is not being enforced.

Absenteeism retards progress toward solving our national problems. We can diminish its consequences by lengthening the House term and stretching out the time between elections.

Mr. MANN. Mr. Chairman, if I could just respond to a couple of points. On the last one, the absenteeism increases when Members of the House run for another office—for the Senate, for mayor of New York, for Governor of New York, or what have you. These Members have lost touch since they are leaving the institution.

On the other hand Members running for reelection to the same institution have many reasons to stay abreast of and on top of that institution. In fact, many incumbents find it valuable to delay the official start of the campaign by staying in Washington. It is a traditional pattern of campaigning. One could generalize from that to note that Members of the House and Senate really campaign continuously.

I don't say that in a critical way. I find that is what the job of being a Representative is about—to go back to the district to explain votes and to listen to people's problems.

Members of the House are now provided with over 30 trips back home in a year. It is the same in off-years as in election years. In the Senate I believe it is 44. They are going home constantly because that is what the job is all about.

On the question of the quality of legislating in the House, I again note two things. One, we have a committee system—a committee system that allows a number of individuals to specialize, to become experts. I would argue that the expertise on social security in the House is as high as it is in the Senate; that on one has made the argument that the quality of legislating is dramatically higher in the Senate than in the House, and then tying that difference to the length of the term.

I am generally impressed by the quality of legislating. If I have any criticisms, they don't go to the length of terms; they go to the effects of the democratization of the House of Representatives in recent years whereby committees don't carry the weight on the floor they once did, leading to a lot more amendments passing on the floor and some sloppy legislation particularly with omnibus bills.

The pattern for years and years was for there to be very few amendments passed in the House and lots of them in the Senate. That is just one of the differences in the two institutions.

So if one argues quality is increased by having experts or specialists consider that legislation deliberately and then bring it and salvage it on the floor of the body, I think you would have to argue the quality is better maintained in the House than in the Senate.

Mr. ORNSTEIN. One other point I would like to make, Mr. Chairman. I think it is rather tricky to leap from a lengthening of terms to better quality legislation in any kind of a causal way.

We could look at the Senate and suggest that the Senate does not have better quality legislation coming out than the House, although I am not sure how one would judge quality.

One could also look at other systems. Look at the British, for example. They average an election about every 4 years, although it varies. I am not sure one would want to argue over the last 15 or 20 years that the British have done better in terms of the quality of their legislation than we have in our system. One indeed could take it to its logical extreme and look at systems that don't have any elections or that have elections that mean very little. They don't have to spend their time in the Supreme Soviet campaigning back in their districts. I am not sure I, for one, would want to make a judgment that they do better in terms of the quality of their public policy than we do.

Senator HEFLIN. Thank you. We appreciate your testimony. If any of you have written statements, if you give them to the reporter, they will be made a part of the record. Dr. Jones' statement will also be made a part of the record.

This hearing is now adjourned.

[Whereupon, at 10:55 a.m., the subcommittee was recessed, to reconvene subject to the call of the Chair.]

[Answer to written question submitted to Ms. Trauernicht, Ms. Trauernicht's prepared statement, and the prepared statement of Prof. Charles O. Jones submitted by Thomas E. Mann follows:]

QUESTION SUBMITTED TO CATHARINE W. TRAUERNICHT BY THE SUBCOMMITTEE

Question. How do you respond to the argument that extending the House term would deprive voters of their right and opportunity to cast opinion on the legislature's performance at frequent intervals?

Answer. I don't believe the voters are exercising this right now. Appended to my testimony is a listing of voter turnout percentages from the years 1930 through 1978; it clearly shows voter turnout dropping between presidential election years. Voters certainly are not turning out in droves to make their voices heard.

What causes this predictable decline? I offer two explanations. One is that too frequent elections foster voter apathy, as Alexander Hamilton said almost 200 years ago. (The apathy may be partly attributable to voter frustration with a Congress that can't seem to produce substantive solutions to the Nation's problems in a short period of 2 years.) The second explanation I offer is that voters may not know there is a national election every 2 years. I have heard several Members of the House report that during their off-year campaigns constituents often ask, "Are you running again so soon?"

So, I would say that the 2-year term is hindering voter turnout. The people have every opportunity to go to the polls between presidential elections, but a majority of them does not. A longer House term may kindle voter interest by giving the people more substantive legislative records by which to judge their Representatives' performance.

I feel strongly that increased voter interest would be a by-product of the extended House term and that this interest would demonstrate itself at the polls.

VOTER TURNOUT

Year	Presidential election	Turnout for House election (percent of voting age population)
1930		33.7
1932	X	49.7
1934		41.4
1936	X	53.3
1938		44.0
1940	X	55.4
1942		32.5
1944	X	32.7
1946		37.1
1948	X	48.1
1950		41.1
1952	X	57.6
1954		41.7
1956	X	55.9
1958		43.0
1960	X	58.5
1962		46.3
1964	X	58.1
1966		45.4
1968	X	55.2
1970		43.5
1972	X	50.9
1974		36.2
1976	X	54.4
1978		38.0

Source: U.S. Bureau of the Census, Current Population Reports, series P-20, Nos. 192 and 253, and unpublished data.

PREPARED STATEMENT OF CATHARINE W. TRAUERNICHT

Thank you, Mr. Chairman, for giving me the opportunity to participate in these hearings on lengthening the House term.

I am appearing today as a private citizen who favors a 3-year House term coupled with a single, 6-year term for the President. Although I am Director of Research for the Foundation for the Study of Presidential and Congressional Terms, a non-partisan, non-profit educational foundation created to examine proposals to alter presidential and congressional tenure, my testimony reflects my own feelings on the subject after working for two Members of the House of Representatives and studying the issue of congressional tenure for the past two years. My remarks do not represent the Foundation's position, as the Foundation has taken no position.

I. WHY EXTENSION IS NEEDED

The bottom line in this debate is whether or not our elected Representatives are fulfilling their constitutional duties to the American people. I believe they are not for the following reasons.

1. The 2-year term keeps Members of the House from making tough political decisions resulting in Congressional inertia on many problems that need attention. Many Members are too preoccupied with their own political survival; substantive work on long-term problems (such as energy) is subordinated to short-term considerations that bear on a Member's public image or avoid controversy. Former Representative Donald Matthews (D-FL), testifying before a similar Senate hearing in 1966, said, "The relative political insecurity and apprehension engendered by too-frequent elections are obstacles . . . to wholehearted devotion to the public business." A Member of Congress participating in the 1959 Brookings Round Table Conference on Congress suggested, "I think that the 4 years would help you to be a braver Congressman, and I think what you need is bravery."

Our Representatives tend to be "campaigners" and not "legislators". Former Senator William Hathaway (D-ME), when he was a Member of the House, also testified at the 1966 hearings saying, "Under the 2-year term we are constantly campaigning. . . . our legislative duty, which should be our primary duty, has become a secondary duty." Absenteeism is an inevitable by-product of election years and retards progress toward solving national problems. We can diminish its consequences by stretching out the time between elections.

2. The volume of legislation and complexity of today's issues present an awesome challenge to conscientious Members. Election pressures impinge on the time they need to develop informed judgments. Another witness at the previous Senate hearings, former Representative Seymour Halpern (R-NY), lamented, "The challenge of survival and the many diversions required for outright political activity is becoming for most of us a self-perpetuating cycle of enormous strain which is seriously inhibiting the exercise of effective legislative action."

The 2-year term has been known to exert a great deal of pressure on Members, particularly the leadership, to move legislation through the system at a rapid rate which impairs the quality of the final product. The current Congress' deliberately slower pace is no guarantee that the traditional end-of-session marathons will be any less hectic.

Staff power (both of individual Members and the committees) has grown enormously over recent years (House staffs have tripled and Senate staffs have more than doubled in less than 20 years) to a degree that suggests staff personnel are increasingly taking over legislative functions.

Introducing a bill in the 95th Congress to provide for a 3-year House term, former Representative Donald Fraser (D-MN) said, "After serving 5 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."

Longer terms will benefit the American people and their Representatives in other ways:

A longer term would almost certainly diminish special interest claims upon our Representatives. Fewer elections would mean less need to turn to lobbyists for campaign contributions.

A longer term would establish a more definitive, clear-cut record by which a voter could judge the Representative's performance.

Longer terms would make the office more attractive to a broader range of candidates. Congressional life now appeals only to people who are prepared to campaign constantly.

There is a good possibility voter interest in elections would increase. Too frequent elections foster voter apathy.

A Representative's family life is often damaged by his or her preoccupation with next year's election. An extended term of service may mitigate family strains brought on by physical separation.

Of interest to Senators is the strong possibility that an extended House term may incline more Members to remain in the House instead of seeking longer Senate terms.

In response to the complexity of today's political issues, most State Governors' terms have been increased. Forty-six Governors serve 4-year terms.

II. CONSTITUTIONAL BACKGROUND

There is nothing magical about the 2-year term. It resulted from compromise at the Constitutional Convention of 1787 and was designed to keep the House of Representatives close to the people. Communication was slow and unsophisticated; it was thought that by electing Representatives every two years the people would have sufficient time to learn about their elected officials' activities while also giving them the opportunity to voice frequent opinion at the polls. Two years was also considered enough time for the legislators to familiarize themselves with public opinion.

Today's modern communications, opinion polls, letters and the like offer substantial information for the Members on the moods and desires of the people, keeping them in constant tune with their constituencies. A 3 or 4-year House term would certainly keep the House close to the people.

James Madison believed a continuation of the 1-year term, under which the delegates under the Articles of Confederation served, would be "almost consumed in preparing for and traveling to and from the seat of national business." He didn't think the 2-year term was much of an improvement since none of the Representatives "who wished to be reelected would remain at the seat of government." On June 22, 1787, Madison stated the case for the 3-year term saying.

"Three years will be necessary in a government so extensive for members to form any knowledge of the various interests of the States to which they do not belong, and of which they can know but little from the situation and affairs of their own."

Alexander Hamilton believed frequent elections were the only policy by which Members could develop "an immediate dependence on, and an intimate sympathy with, the people," qualities which he found essential to the preservation of liberty. But he added that the particular degree of frequency depended on a variety of circumstances. Hamilton advocated the 2-year term almost 200 years ago because he thought too frequent elections "make people listless to them."

In deciding upon the length of the House term the author of Federalist Paper No. 53 (Madison or Hamilton) said, it "ought to bear some proportion to the extent of practical knowledge requisite to the due performance of the service. . . the business of federal legislation must continue so far to exceed, both in novelty and difficulty, the legislative business of a single State, as to justify the longer period of service assigned to those who transact it."

When the 2-year term was finally approved after much debate on June 21, 1787, no one actually spoke in favor of it except George Mason. There was not much sentiment for it either way; it was truly a compromise.

III. LEGISLATIVE HISTORY AND PRESIDENTIAL SUPPORT

Since the days of the Constitutional Convention approximately 211 constitutional amendments to lengthen the House term have been introduced in Congress. On June 20, 1906, by a vote of 89 to 86, the House defeated H.J. Res. 120, calling for a 4-year House term and for the popular election of Senators; the required two-thirds majority for passage of a constitutional amendment was not attained. In 1923 the House Committee on Elections reported a 4-year term resolution, but no further action was taken. On February 24, 1931, during House consideration of the 20th amendment, an attempt to establish a 4-year House term failed. During a session of the Joint Committee on the Organization of Congress in 1945 two Members suggested a 6-year term for Representatives, but no recommendations by the Committee were subsequently made; the 4-year term was discussed briefly again during Committee hearings in 1965. The American Political Science Association's Committee on Political Parties advocated the 4-year House term in 1950.

In 1951 President Truman proposed a 4-year term for Representatives who would be chosen concurrently with the President, and an overall limit of 12 years on service for both Representatives and Senators. President Eisenhower also supported the 4-year term running concurrently with a President's term in March,

1955, and in January, 1963. President Johnson asked Congress to pass a 4-year term (concurrent with the presidential term) when he delivered his State of the Union address on January 12, 1966. Hearings on the subject were later held by Senate and House Judiciary Subcommittees. And on May 16, 1973, during a radio address, President Nixon endorsed the 4-year term with one-half the House standing for reelection every 2 years.

IV. PUBLIC OPINION

Four Gallup polls have been taken on the 4-year House term question. The results are as follows:

- 1946—40 percent in favor of extending the House term
51 percent against
9 percent had no opinion
- 1961—51 percent in favor
34 percent against
15 percent no opinion
- 1966—61 percent in favor
24 percent against
15 percent no opinion

In 1977 Gallup asked, "A law has been proposed which would limit a member of the House of Representatives to three terms of four years apiece, or a total of 12 years. Would you favor or oppose such a law?" Here are the results:

Favor: 59 percent (Dems.—61 percent, Reps.—62 percent, Indeps.—59 percent).

Oppose: 31 percent (Dems.—29 percent, Reps.—29 percent, Indeps.—34 percent).

No opinion: 10 percent (Dems.—10 percent, Reps.—9 percent, Indeps.—7 percent).

In 1976 the National Federation of Independent Business conducted a poll among its membership, at that time about 525,000 people, and found 40 percent in favor of the 4-year term, 38 percent in favor of the 2-year term, 19 percent in favor of a 3-year term, and 3 percent of those polled offered no opinion.

The Foundation for the Study of Presidential and Congressional Terms has conducted several informal polls (via written questionnaire) on the length of the House term. One survey of members of the 95th Congress showed 53 percent in favor of a 4-year term. A survey conducted among 699 former Members of Congress showed 83 percent in favor of a 4-year term, 15 percent in favor of a 3-year term, and 2 percent favored the category "Other" and did not elaborate. Another survey taken this year canvassed 457 top-ranking officials who served in the Executive branch during the past 26 years. Results showed 76 percent favoring a 4-year term, 18 percent favoring a 3-year term, 4 percent favoring a 6-year term, with 1 percent undecided. The Foundation's most recent survey was conducted among 200 members of the business community. So far the replies show 81 percent in favor of the 4-year term, 12 percent in favor of the 3-year term, and 7 percent in favor of a 6-year term.

V. THREE-YEAR HOUSE TERM

James Madison and Alexander Hamilton argued for a House term short enough to be responsive to the voters yet long enough to enable the legislators to learn about their jobs and carry out their public function. Toward that end I recommend a 3-year term for Members of the House coupled with a single, 6-year term for President of the United States.

Under this arrangement the House would remain a non-continuing body, whereas under the 4-year staggered term approach it would not. The 3-year House term combined with a single, 6-year presidency would maintain the tradition of off-year elections providing a "referendum" on presidential performance. (Under a 3-year House term, 4-year presidential term situation, three out of four House elections would take place during a non-presidential election year.)

I find the 3-year term an acceptable and workable compromise between calls for retention of the 2-year term and arguments for a 4-year term. The 4-year term poses problems in that either the entire House runs for reelection concurrently with the President, or one-half the membership stands for reelection in "on" years and one-half in "off" years. Independent voting and a weakened party structure in this country have diminished the influence of presidential coattails, but the House would represent the sentiment of the electorate less accurately if congressional and presidential elections were always combined. We should maintain the off-year referendum on presidential performance.

If we were to adopt a staggered system of elections for the House we would run into problems in States having only one Representative (Alaska, Delaware, Nevada, North Dakota, Vermont and Wyoming) or an odd-number of Representatives. The question of reapportionment in the middle of a Member's 4-year term also arises.

The cost of lengthening the House term should be touched upon. Opponents have said extension of the term would substantially increase local election costs. But Gary Greenhalgh, Director of the Federal Election Commission's Clearinghouse on Election Administration, does not agree. He maintains the cost of administering elections does not drop that much in an off-year anyway because the majority of counties in the United States now hold some kind of election every year. The additional cost for changing House elections would depend on whether or not localities hold off-year elections in November when the congressional elections would occur. There is a move among several States to consolidate annual elections in order to achieve election administration cost savings. Administration of House elections every 3 years could be carried out at minimal cost if local elections were held in November.

The essence of representative government is that the people choose their legislators to govern on their behalf. I believe the people who do the choosing will be better served if the legislators are enabled through an extended House term to spend more time in the substance of their jobs and less in competing for popular favor.

PREPARED STATEMENT OF CHARLES O. JONES, UNIVERSITY OF PITTSBURGH

One of the hardest among the constitutional proposals for tinkering with the congressional order is the four-year term for members of the House of Representatives. Like many such structural changes, it is a solution in search of a set of problems. It seems like such a good idea, surely it will relieve any number of the current frustrations of legislative life. Alas, not so. The experience of the last decade tells us that reforms enacted are not necessarily changes realized and the changes realized are not necessarily those expected. This matter of reform is a tricky business and certainly no more so than when we tinker with the basic structure and organization of the place.

I have written a book on this subject of the two-year term and don't propose to repeat very much of what I had to say there. My conclusion then was that proponents of change should be required to make the strongest possible case, defined as "one which permits some reasonably reliable prediction that the outcome of the change will benefit the membership, the institution, and the nation." (Jones, 1967, p. 97). I tried to look carefully at the arguments pro and con and test them against available evidence. I concluded the case had not been made for the four-year term at that time. I found that the adverse effects were not as obvious or widespread as the proponents of change had argued; that while many members agreed with the four-year term, they could not agree on which proposal to support; and that there were definite advantages to the present arrangements, as expressed by the members themselves. I also advised that those who want change be charged first with specifying which problems they wish to solve and surveying nonconstitutional means for treating those problems before changing the constitution.

The obvious question today is: Has a persuasive case for change been developed now? I have not had time to prepare the type of analysis I did for The Brookings Institution several years ago, but I highly recommend that such a report be made—i.e., one that essentially updates the earlier study. What I can do is respond to a recent statement justifying the four-year term proposal that was presented to the United States Senate by the sponsor of the present resolution, Senator J. Bennett Johnston, Jr. (D-Louisiana). At least that will provide the subcommittee with my current thinking and, perhaps, illustrate what it is I believe is required for a reasonably full analysis of the issue.

Senator Johnston has provided an excellent sample of the arguments typically used to support the case for the four-year term. My brief summary below does an injustice to the elegance of his statement but it does provide a basis for my comments. The arguments are:

1. Representatives no longer need to go home as often given modern communications.

Senator Johnston and others no longer buy the argument of the short-term advocates at the constitutional convention that elections should be used to force members to come home. According to Johnston: "Modern communication, opinion polls, letters, and the telephone give Members of Congress ample data on what people in their district are doing and thinking." (Congressional Record, February 6,

1979, S1174). If that is so, one wonders why provision is made for 33 trips home a year for House members, 40-44 trips home a year for Senators. That aside, some people argue that an election offers a special type of learning, not quite like that provided in opinion polls (many of which are structured to elicit particular kinds of information that the member wants to get, rather than what the constituent wants to give). Some people believe that frequent elections are essential for representative democracy—at least for a part of the structure. Others might even argue that the problem is to get senators to represent more, not to permit House members to represent less. In any event, effective communication with constituencies is a very serious matter, requiring, in my judgment, careful study and analysis to determine whether it is promoted or demoted by extending the term of office.

2. Representatives campaign too much, the four-year term would give them "2 years to be a legislator and 2 years to be a candidate or perhaps . . . 3 years to be a legislator and 1 year to be a candidate." (CR, February 6, 1979, S1175).

Perhaps more than any other, this point goes to the heart of the differences in how various people view the representative function of the House. Bearing in mind that it is called the House of Representatives, the short-term advocates are less likely than Senator Johnston to distinguish between the role of legislator and candidate. Any representative legislature must solve the difficult problem of how to move from a collectivity of elected representatives to a community of legislators. The election is a device for insuring representation; legislative organization provides many devices for insuring legislation. The two roles—representative and legislator—can be separated analytically, but they come together within each member. Therefore, each member has the same problem as the legislature as a whole—i.e., how to accommodate these two forces: the pull toward the people and the pull toward the law. Some settle the matter by campaigning all the time, some by concentrating heavily on law-making, and most by a blend of some sort. That is true, I might add, of senators with six-year terms as well as representatives with two-year terms. Few that I know lead such neatly segmented lives as is suggested by the four-year term proponents ("x" amount of time as candidate, "y" amount as something else). My principle point here is simply that the debate on this whole issue is not furthered by imagining that a longer term will somehow solve one of the oldest problems of an elected legislature: i.e., how to campaign, represent and still make law.

One other point. I am perfectly willing to be instructed that senators art better legislators than representatives because of their longer terms. But I at least feel bound to report that many bureaucrats, journalists, and scholars I have talked to about this subject say just the opposite. What are the terms of reference? Well, that is the point, isn't it? What, indeed, are the terms of reference when we are advised to conclude that two-year representatives are not now performing as legislators?

3. Representatives spend too much time raising money. The four-year term would reduce the amount and influence of money in campaigns.

Congress has been struggling with this matter of campaign finance for a long time now. Whatever else has been learned, one lesson seems apparent: there are no easy answers. Lacking a careful study of the whole matter, one can as easily make the case that costs of campaigns, and possibly the influence of money, will increase with the longer term. What if Senator Johnston is correct that a four-year term will attract more candidates (see below)? Isn't it then conceivable that the total cost will be greater, not less? Won't a member have to spend a great deal of time raising money to fight strong primary challenges? Is it possible that the member will be spending more total money in one election every four years than in two elections during the same period? The fact is that I don't know the answers to these questions, but surely we need to find out, to study the matter carefully before making this change.

It may interest the Subcommittee that I did a quick analysis of the per vote expenditures of senators and representatives for two states (selected primarily because they were small and I had only a limited amount of time to prepare this statement). I was interested in whether long-term senators spend less per vote than shorter-term representatives, as well as looking for clues as to cause of expenditures. The results of this sampling are mixed (see Table 1). House candidates in Arizona typically did not spend as much per vote as the Senate candidates; several House candidates in Connecticut spent more per vote. In Arizona the larger expenditures appear to be associated with close races, but that does not appear to be the case in Connecticut.

So what does one conclude? First, it is again apparent that the matter of campaign finance requires careful study. Second, I certainly am not tempted to jump to the conclusion that longer terms mean less money spent per vote in any one election. What else happens is subject to conjecture—i.e., whether longer-term candidates are free from influence if they spent more or less money than shorter-term candidates.

Further, as a Pennsylvania resident, I can't resist directing your attention to comparative campaign expenditures in 1976, Senate and House. The two major party Senate candidates—Green and Heinz—reported expenditures totalling \$4,274,223 (94.8 cents per vote received). The 50 major party candidates for 25 House seats spent a total of \$2,727,689 (or 63.8 percent of the Senate total). Will longer terms reduce campaign expenses? I submit that the question remains open.

Finally, here is a set of problems that can be attacked directly if Congress is so moved. One need not alter the length of terms for House members through constitutional means in order to reduce campaign expenses.

4. Representatives are "very good" but lack the quality we would enjoy if the term was four years. Quality candidates are put off by the costs of Washington and the uncertainty of being reelected after just two years. Retirements are increasing.

Well, a great deal is packaged in these remarks. First on the matter of quality, one can only point out that we get quality candidates for the House by almost any criteria one wishes to employ. Whether even higher quality people would be attracted to run if the term were four years is hard to say. What we do know is that there are few differences between the educational and occupational characteristics of two-year representatives and six-year senators (there are percentagewise more lawyers in the Senate, if that is good, and more millionaires, but otherwise senators are drawn from the same pool of talent—indeed, many House members become Senators).

TABLE 1.—COMPARATIVE PER VOTE EXPENDITURES IN SENATE AND HOUSE RACES, ARIZONA, AND CONNECTICUT
1976

	Per vote expenditures	Percent of vote
Arizona:		
Senate:		
Democrat.....	\$1.49	54
Republican.....	2.11	43.3
House:		
1—Democrat.....	1.10	40.7
Republican.....	2.09	57.3
2—Democrat.....	.43	58.2
Republican.....	.43	39.4
3—Democrat.....	1.27	47.5
Republican.....	1.31	42.3
4—Democrat.....	1.86	48.2
Republican.....	1.25	48.6
Connecticut:		
Senate:		
Democrat.....	.55	41.2
Republican.....	.61	57.7
House:		
1—Democrat.....	.48	57.1
Republican.....	.26	41.8
2—Democrat.....	.69	65.1
Republican.....	.26	34.1
3—Democrat.....	.52	54.6
Republican.....	.15	43.4
4—Democrat.....	.64	37.1
Republican.....	.90	61.0
5—Democrat.....	.73	32.7
Republican.....	.73	66.7
6—Democrat.....	.90	56.6
Republican.....	.83	43.0

Source: "Congressional Quarterly Weekly Reports," Mar. 19, 1977, pp. 491-493; June 25, 1977, p. 1293; Oct. 29, 1977, pp. 2305-2311.

Second, I don't know what is special about the quality persons who want to be in the House, but don't run because of the costs of living in Washington. Maybe they have some special representative and law-making talents not possessed by those quality persons who do run and serve. But I need to have someone explain

to me what these are. As to the uncertainty of being reelected, one can make two types of statements. (1) Shorter-term advocates like it that way—believing as they do that uncertainty leads to attentiveness to issues. (2) Empirical studies show that: (a) typically over 90 percent of House incumbents seeking reelection are returned to office, which raises the question for some people of whether a bit more uncertainty might not be healthy, (Thomas E. Mann assures us, however, that incumbents are uncertain regardless of the return rate), and (b) junior members tend to be returned at a slightly higher rate than senior members so new candidates need not be unduly discouraged on that count. (Jones, 1967, Ch. 3; Mayhew, 1974; Mann, 1978).

And what of the retirements? Clearly we do lose quality persons because of retirement—one thinks immediately of Paul Rogers (D-Florida) in this regard. But is it the two-year term that is responsible? Probably so in some cases, but then other factors play a role too—e.g., the pension system. Surely the increase in retirements is not a reason in and of itself to justify constitutional change of this type.

5. The four-year term will strengthen the party system.

I regard the decline in political parties as a major public problem of immensely greater moment than any problems associated with the two-year term. In fact, I presume to take this opportunity to urge the members of this Subcommittee to devote more time to the distressing state of party affairs.

Having said that, however, I don't necessarily see the four-year term as a solution. Every other time representatives run with the President under the present arrangement, and both appear actively to maintain separation. Having representatives run every four years with the President, and not at mid-term, will not solve the problems of split party control, e.g., a Republican in the White House working with a Democratic Congress. Nor will it solve the Carter phenomenon from occurring, i.e., where a presidential candidate runs against Washington, Congress, both political parties, and all other politics.

But this point by Senator Johnston permits me to return to the central message of this statement, i.e., to concentrate on solving problems rather than promoting ideas. As I pointed out in the introduction, the four-year term proposal tends to be an attractive idea that is publicized and then justified as solving all manner of problems. Why not turn the process around? Identify what the problems are, then determine what actions might be taken to solve them. Are campaigns too long? Take actions to shorten them (e.g., a national congressional primary two months before the general election). Is too much money spent in campaigns? Limit expenditures either directly through controls or indirectly through shortening the campaign or the period in which money can be given. Are members not attending to duties in Washington? Require attendance at meetings; reduce their staffs. I do not hold any particular brief for these solutions. Rather I am arguing for an approach to reform that identifies the problem, reviews various possible solutions, and makes some estimate of the impact of the change.

Finally, I will make a small case for a longer term in the context of party revitalization. Concerned as I am for the future of the political parties, I am open to considering the four-year term as a part of a package of reforms designed to strengthen parties. As noted earlier, I do not necessarily believe that the four-year term will contribute to this end. But I am prepared to consider it in that context. What I am not prepared to do is accept on faith that the proposal will produce favorable results for the members, the Congress, the political parties, or the general public.

* * * * *

This proposal to extend House terms has been before Congress many times. Unfortunately, in this case, frequency of appearance has not resulted in cumulative and expanding knowledge. I am bound to say that the arguments look no more cogent today than when I studied whis whole issue several years ago. Therefore, I remain unconvinced of the need for change.

One very final point. If the Subcommittee is moved to report favorably on this amendment, following the kind of careful study I have proposed here, then I would advise one change. The resolution calls for a representative to resign in order to run for the Senate "before the expiration of his term in the House of Representatives." Why not worry about possible free rides for Senators too? Perhaps they will be moved to try for House seats if the term is extended to four years. The case can certainly be made—i.e., fewer people to represent, fewer committees and subcommittees, same salary. Or a Senator may guess that growing political problems will result in defeat in two more years. Thus, if a presidential

election year occurs in the fourth year of the Senator's term, perhaps the choice will be made to run for a four-year House term without resigning from the Senate. Thus, I believe that Sec. 2 should read as follows:

"No Member of the House of Representatives or Senate shall be eligible for election to the other chamber for a term which is to begin before the expiration of the member's term in the House of Representatives or Senate unless, at least thirty days prior to such election, the member submits a resignation from the House of Representatives or Senate which shall become effective no later than the beginning of the term in the other chamber."

REFERENCES

1. *Congressional Quarterly Weekly Reports*, March 19; June 25; October 29, 1977.
2. *Congressional Record*, February 6, 1979, S 1174-1175. Statement by Senator J. Bennett Johnston (D-Louisiana) in support of S.J. Res. 34.
3. Charles O. Jones, *Every Second Year* (Washington: The Brookings Institution, 1967).
4. Thomas E. Mann, *Unsafe At Any Margin* (Washington: American Enterprise Institute, 1978).
5. David Mayhew, *Congress: The Electoral Connection* (New Haven: Yale University Press, 1974).

APPENDIX

ADDITIONAL STATEMENTS SUBMITTED FOR THE RECORD

STATEMENT OF U.S. CONGRESSMAN DAN QUAYLE, OF INDIANA

Mr. Chairman and Members of the Subcommittee: I appreciate this opportunity to submit testimony on the subject of changing the terms of office for members of the United States House of Representatives from two years to four years. The last time the Congress considered this matter was when President Lyndon Johnson submitted such a proposal in 1966.

I strongly believe extending the term of office from two to four years only compounds the existing problem. Instead of lengthening terms of Congressmen, we should limit the amount of time a member can serve. Not only should we limit Congressmen and Senators to 12 years, but the President to one six-year term, and Federal judges to 15 years.

President Carter recently told the nation that Washington, D.C., is an island and he spoke of a "crisis of confidence" by the people in government. In many respects, he is right. Only 36 percent of the people voted in the last election. We are isolated and too secure here. The people see this in the legislation we pass, the actions we fail to take, and in our seeming inability to effectively deal with the crucial problems of this nation.

They see that few of us, once coming to the banks of the Potomac, ever really leave here. Over 35 of those members who left the 95th Congress, for one reason or another, are still here in Washington, working in other areas of government or as lobbyists.

The immediate impact of such a constitutional amendment to limit service rather than extend is apparent. It would guarantee a steady flow of average citizens into and out of government. It would insure that those persons elected to make our laws also are responsive to the people, whose ranks they had recently left and to which they would shortly be returning.

The so-called "professional politician" was not envisioned by our Founding Fathers. It was presumed that citizens would always take an active interest in public affairs, but it was never considered that some would make a life's career off the taxpayers. Our first legislators did not have time to become infected with "Potomac Fever." They felt the direct impact of taxes, government policies, and regulatory actions from which we today, as a body, exempt ourselves.

Several forces have lead to an erosion of the citizen-legislator concept advocated by the Founding Fathers. Elected office has become a fulltime job. The powers of the incumbency render a sitting Congressman almost impossible to defeat. Government has become more involved in our private lives, our businesses, and our pocketbooks. These factors demonstrate the pressing need for a limit on government service, for an infusion of fresh ideas, and they mandate a Constitutional amendment to achieve this objective.

Limiting terms of Congressmen, Senators, the President and Federal judges and thereby assuring a steady turnover would visibly demonstrate to the people that their public officials are not professional politicians but instead knowledgeable and concerned citizens like them, serving their time in public office. It would help put an end to the idea that we are isolated from the people. It surely would be a stimulant to citizens to again return to the polls to exercise their vote in greater numbers than we have seen in recent years.

Mr. Chairman, I know the Subcommittee will proceed with caution on this matter. However, it is my belief that to merely extend the term of the U.S. Representative from two to four years without any limitation will only complicate the problems of lack of confidence which we experience at present.

We cannot afford any further isolation of the people from the government. This is a 20th Century development the Founding Fathers could not have foreseen. We must bring government back into line with their vision for us, by passing an amendment to limit the terms of office of government officials.

Thank you.

STATEMENT OF U.S. CONGRESSMAN ELWOOD H. HILLIS, OF INDIANA

LIMITATION OF TERMS FOR MEMBERS OF CONGRESS

Mr. Chairman: As a sponsor of H.J. Res. 50, a proposed Constitutional amendment to extend the terms of Representatives to 3 years, the terms of the President and Vice President to 6 years, and to limit the number of years Representatives can serve in the House to 12 years, Senators to 12 years, and combined service in the House and Senate to 18 years, I appreciate having the opportunity to appear here today.

I realize that the purpose of today's hearing is to consider S.J. Res. 34, providing that the terms of office for Members be extended from 2 to 4 years; however, I feel that a more comprehensive approach should be considered. The provisions of H.J. Res. 50 properly represent a balance between the various factors involved in extending congressional terms. In outlining the reasons I introduced H.J. Res. 50, I hope to convince the Subcommittee that this measure better represents the interests of the American people.

My proposal is intended to be a comprehensive reform designed to modernize our Constitution, thus improving our electoral process. As outlined, my proposal as three separate components.

First, to establish triennial terms for Representatives; Second, to establish hexennial terms for the President and Vice President; and Third, to limit service in Congress to 12 years in either House, and 18 years in both the House and Senate.

Each component needs to be thoroughly reviewed and examined as well as the aggregate effects of the proposed amendment.

First of all, the need for longer terms for Members of the House should be apparent to any student of our political process. The original purpose of the biennial term was to keep Members in close contact with the electorate by establishing these relatively short terms of service.

Alexander Hamilton who is generally credited with authorship of Federalist Paper No. 52 explained the rationale of the biennial term as follows:

"As it is essential to liberty, that the government in general should have a common interest with the people; so it is particularly essential that the branch of it consideration should have an immediate dependence on, and an intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which this dependence and sympathy can be effectually secured. But what particular degree of frequency may be absolutely necessary for the purpose does not appear to be susceptible of any precise calculation—and must depend on a variety of circumstances, with which it may be connected."

Considering the world of the late 1700's, a biennial term was undoubtedly necessary to keep Members in close touch with their constituents. However, as Alexander Hamilton rightly pointed out, there is no way to determine what is the absolute best length of a term, but that the length of the term must be dependent on a variety of circumstances with which it may be connected.

I submit that the circumstances have, indeed, changed since the Constitution was ratified. To begin with, through modern mailing techniques, both by constituents and interest groups, Members are well exposed to the opinions and moods of the citizenry. In addition, telephones and television along with sophisticated public opinion polls contribute to keep Members abreast of the views of their constituents and the Nation as a whole. Newspapers and magazines also add to the exposure of public moods to Members.

Obviously, improvements in transportation have helped Members keep in close contact with the electorate. To illustrate the frame of mind of the delegates to the Constitutional Convention and the circumstances under which they lived, I quote from Carl Van Doren in his book of the Constitution *The Great Rehearsal*:

"The journey from New Hampshire to Philadelphia took usually a good part of two weeks, from Georgia a good part of three."

In a world where it took up to three weeks to travel from Georgia to Pennsylvania, a biennial term would appear to be needed to prevent Members from losing

touch with their constituents. However, in a world where a Member can fly from Washington, D.C., to Los Angeles in six hours, the rationale behind a biennial term must be questioned.

There can be no question, but that the circumstances under which Representatives serve have changed. None of the aforementioned modern communication and transportation inventions which help to disseminate and facilitate the views of the American people to the Members were available when the Constitution was drafted and ratified. Certainly, the modern-day Congressman has every opportunity to avail himself of the thoughts and views of constituents. In my opinion, there is no justification to the argument that extending Members' terms from biennial to triennial will lessen their rapport with constituents.

There are two other considerations which were important in the minds of the delegates to the Constitutional Convention in deciding on a 2-year term. They felt that the term must be long enough to allow Representatives to adequately do their job without unnecessary disruption and allow them to adequately comprehend the job before facing reelection. Second, the delegates wanted to insure that the term was short enough to protect the safety, or freedoms and liberties of the people.

On the first point, Hamilton wrote in Federalist Paper No. 53:

"No man can be a competent legislator who does not add to an upright intention and a sound judgment, a certain degree of knowledge of the subject on which he is to legislate. A part of this knowledge may be acquired by means of information, which lie within the compass of men in private, as well as public stations. Another part can only be attained, or at least thoroughly attained, by actual experience in the station which required the use of it. The period of service ought, therefore, in all cases, to bear some proportion to the extent of practical knowledge requisite to the due performance of the service."

Our world today is infinitely more complex than the world in which Hamilton lived. Since our world is more complex, the issues we face are more complex. Hamilton was correct in saying that the term should be proportionate to the knowledge requisite to do the job. The requisite knowledge to handle the issues today is very large and continues to grow. A triennial term is more proportionate today than a biennial term to the requisite knowledge to handle legislative matters in the best interest of the Nation.

A triennial term would give each Congress an additional year to complete work on complex pieces of legislation without having to start the legislative process over again. At the beginning of each Congress, our committees must hold hearings and markup sessions and report measures that had been reported during the previous Congress but failed to be enacted due to logjams which occur at the end of every Congress. During this process a substantial amount of time and effort is lost which under a triennial term could be directed toward solving the problems facing the Nation.

The last concern of the delegates in selecting a biennial term for Representatives was to protect the safety of the people, to which I made reference to earlier. We should remember that the delegates were forming a new government. They lived in a world where liberties and freedoms of expression and movement were rare. Now that our Nation is over 200 years old, the liberties and freedoms of our people are well established. Unlike the delegates, we have the benefit of experience which proves that the Government established by the Constitution has sufficient safeguards against threats by the Congress to the safety of the American people. Little argument can be made that a triennial term would undermine the safety of the American people.

By creating triennial terms for Members of Congress, we obviously reduce the number of elections within any given period over 4 years. Thus, the American people will be able to save millions of dollars in political contributions and the millions of dollars necessary to hold elections.

The second major change in our electoral process I propose is a 6-year term for our President and Vice President. Certainly, it would be desirable to have a hexennial Presidential term if a triennial term to Representatives is approved.

It is important that we keep the system of having congressional elections halfway through a President's term and simultaneous with his election or reelection. Midterm elections have often proved important in our history. They provide an indication to the President on how well the public views his policies. Beyond this however, I feel it is important that Congressmen be elected from time to time free of the overshadowing influence of Presidential elections.

It is also obvious that the Senate elections should occur every 3 years with half the Senate elected each time. Under my proposal, each State would elect one Senator every 3 years for a hexennial term.

While a triennial term for Members of the House warrants support, that alone does not warrant a hexennial term for the President just to preserve the traditional relationship between congressional and Presidential elections. A hexennial Presidential term must be able to stand on its own merits to deserve our support.

It should be noted that we already have made one important change in the Presidential term. The 22d amendment ratified in 1951 prevents any person from holding the office of President more than twice. The Federal bureaucracy which the President must manage has become overwhelming in size and complexity. With the passage of the 22d amendment, Presidents' have a maximum of 10 years (and most often, only 8 years) to learn the nuances of the job, gain control of the bureaucracy, recommend changes and implement those recommendations. Further, the President must direct much attention, almost 1 year, to reelection efforts. Upon close examination, 8 years is too short a period for a President to truly make a strong and lasting imprint on the executive branch, and to fulfill his mandate from the electorate to implement the policies on which he based his election and reelection campaigns.

I submit that a hexennial Presidential term would provide for a more stable foreign policy. Ever since the United State became a world superpower, other, nations have watched Presidential elections with great interest. In recent years, we have seen important issues come to a complete standstill due to uncertainty in the outcomes of a Presidential election. If the United States is to have a more consistent foreign policy, we must have a more stable Presidency.

Further, our defense systems must be based on our foreign policy in order that policy can be implemented. Modern weapons systems take years to develop and build. It has become increasingly difficult for the Department of Defense to develop long-term designs of military posture due to fluctuations in Presidential policies. While hexennial terms will not eliminate such fluctuations, they will be reduced. I use foreign policy and defense issues only as examples of how our quadrennial Presidential terms hamper a President's ability to function. The same arguments are applicable to many domestic issues.

Under my proposal, the President would be eligible for reelection, but limited to two terms. There are some I realize that might support a 6-year term for President, but only if limited to one term. The main argument in favor of this position appears to be an effort to free the President from election politics allowing, in theory, the President to only be concerned with what is best for the Nation. If that argument were true, we should be able to see substantial differences between the actions of past Presidents in their first and second terms. That has not been the case as history tells us.

It must be noted that while before 1951, there was no prohibition from running for a third term, the tradition was so strong that only Franklin Roosevelt was able to overcome it. While other Presidents (most notably President Grant) considered or tried to break the tradition, it was too strong to overcome.

History tells us that when a President is ineligible for reelection (whether prohibited by the Constitution or tradition), he is not "removed from politics." Party considerations and a natural desire that his party maintain control of the White House continue to influence Presidential actions.

Limiting a President to one 6-year term does not provide an adequate amount of time to develop and implement his programs. As I said earlier, I do not believe that even 8 years is long enough. By allowing for two 6-year terms, the President should have sufficient time to develop and implement programs, and also allow the American people an opportunity to replace him should his first term prove unsatisfactory.

A hexennial Presidential term is not a new idea. The term of the President coupled with the reelection issue was heavily debated during the Constitutional Convention. Since then, almost 150 proposals have been introduced to somehow change or limit Presidential terms.

It takes a special effort from an extraordinary person to be elected President today. I find it hard to believe that such a person would not be primarily motivated by a sense of history and aware of some of the awesome responsibilities associated with the job. The degree to which politics plays a role in the day-to-day decisions of the President hopefully helps shape his decisions to reflect public opinion thus improving his popularity. To that end, the eligibility for reelection may help a President better reflect the desires of the American people.

The third and last major component contained in my proposal would limit service in the House and Senate. As with the first and second components of my amendment, limiting service in Congress is not a new idea. It has been debated

numerous times since the Constitution was ratified. Most recently, hearings were held last year by the Senate Subcommittee on the Constitution of the Committee on the Judiciary.

I think the major objection to limiting service in Congress is that such a limitation might prevent the American people from being represented by the person of their choice. I am not sure that this argument is really valid. The powers of incumbency are so great that little choice is truly available to the voter.

Incumbents have the advantages of franked mail, highly qualified personal and committee staffs, the entire resources of the Library of Congress, and so on until the list of advantages become overwhelming. One only has to review the results of the last several elections where about 90 percent of all incumbents won reelection to see that these advantages are hard to beat.

The same arguments which are used against limiting Presidential service can be used against limiting terms of service in Congress. Nevertheless, and perhaps because of the visibility of the office, the people of the United States recognize the dangers of excess tenure by a single person in an office like the Presidency.

The trend toward congressional careerism is relatively new. During the 1800's, it was the tradition for Members to self-impose a 4-year limit of service in the House and 6 years in the Senate. Service in the Congress was not considered a career, but more a form of public service to be shared by others. It is that sense of public service which we now lack and which coincides with the concept of a citizen's legislature that I desire to reinstate.

The concepts of equal representation were as important in the minds of those who wrote the Constitution as they are to us today. However, a strong argument can be made that excessive tenure coupled with the seniority system, even as that system exists today, undermines equal representation. Under the present system, Senators or Congressmen who hold chairmanships for extended periods gain awesome legislative power. Can equal representation be served when one Senator or Congressman holds substantially more power and influence than any other member?

By adopting limitations on service in the National Legislature, we may not eliminate the centralization of legislative power, but we provide for a method of dispersing the power among more Congressmen and Senators.

As anyone who takes the time to listen to the ideas and opinions of the citizenry knows, there are many individuals who possess fresh ideas and approaches to the problems we deal with that are never given an opportunity to be heard in the proper form. By providing for a more constant turnover of legislators, the doors of Congress will be opened to the new ideas, concepts, and beliefs of more people. New faces will bring new approaches to old problems. The new faces should be presented to the review of the electorate for support or rejection. By limiting congressional service, we provide competition among the various approaches to Government and the major issues facing the Nation.

Another often repeated argument against limiting service in Congress is that such a limitation might deny the electorate the opportunity of being represented by a highly qualified legislator. I doubt that any Member is so unique that there is no one in his constituency capable of doing the job just as well or even better.

Each of the provisions of H.J. Res. 50 I have described deserve the support of the Congress, and the combination of the components justifies the extraordinary effort necessary to amend the Constitution. Should my proposal receive sufficient support, it would modernize the Constitution by altering the terms of Members of Congress and the President to make them proportionate with the requisite knowledge to properly execute the job. By maximizing the participation in the legislature and minimizing the burdens of reelection, my proposal would enhance the ambience within which the Government must operate.

A copy of my amendment is attached to my prepared statement.

I wish to again thank the Subcommittee for allowing me to appear today. I hope the Subcommittee will consider my arguments and support an amendment similar to H.J. Res. 50.

96TH CONGRESS
1ST SESSION

H. J. RES. 50

Proposing an amendment to the Constitution of the United States to provide a six-year term for President and for Vice President and a three-year term for Representatives and to limit the total number of years for which Senators and Representatives may serve.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 1979

Mr. HILLIS introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States to provide a six-year term for President and for Vice President and a three-year term for Representatives and to limit the total number of years for which Senators and Representatives may serve.

1 *Resolved by the Senate and House of Representatives of*
2 *the United States of America in Congress assembled (two-*
3 *thirds of each House concurring therein), That the following*
4 *article is proposed as an amendment to the Constitution of*
5 *the United States, to be valid only if ratified by the legisla-*
6 *tures of three-fourths of the several States within seven years*

I—E

1 after the date of submission of this joint resolution by the
2 Congress:

3 "ARTICLE —

4 "SECTION 1. The twenty-second article of amendment
5 to the Constitution of the United States is hereby repealed.
6 "SEC. 2. The President and Vice President shall hold
7 their offices during a term of six years. No person shall be
8 elected to the office of the President more than twice, and no
9 person who has held the office of President, or acted as
10 President, for more than three years of a term to which some
11 other person was elected President shall be elected to the
12 office of the President more than once.

13 "SEC. 3. The House of Representatives shall be com-
14 posed of Members chosen for terms of three years by the
15 people of the several States.

16 "SEC. 4. As soon as possible after the date of ratifica-
17 tion of this article, the Senate shall adopt a resolution adjust-
18 ing the terms of Senators beginning after the effective date of
19 this article so that the term of one Senator from each State
20 begins every three years and the term of one Senator from
21 each State begins in the same year as the term of the Presi-
22 dent begins.

23 "SEC. 5. No person may serve any portion of a term as
24 a Representative if, at the completion of such term, such
25 person would have served as a Representative for periods

1 aggregating more than twelve years, taking into account only
2 service after the effective date of this article.

3 "SEC. 6. No person may serve any portion of a term as
4 a Senator if, at the completion of such term, such person
5 would have served as a Senator for periods aggregating more
6 than twelve years, taking into account only service after the
7 effective date of this article.

8 "SEC. 7. No person may serve any portion of a term as
9 a Representative or Senator if, at the completion of such
10 term, the aggregate period served as both a Senator and a
11 Representative would exceed eighteen years, taking into ac-
12 count only service after the effective date of this article.

13 "SEC. 8. For purposes of calculating periods of service
14 under this article, only service in calendar years during
15 which a person has served in office for at least nine calendar
16 months, including any portion of any month, shall be consid-
17 ered and such service shall be considered to be service for
18 one year.

19 "SEC. 9. This article shall take effect on the first day of
20 the first calendar year beginning more than one year after the
21 ratification of this article in which a Presidential term
22 begins."

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STATEMENT OF U.S. CONGRESSMAN DAVID F. EMERY, OF MAINE

Mr. Chairman, Members of the Subcommittee, I am pleased to be able to appear before you this morning to testify in favor of S.J. Res. 34, which proposes an amendment to the Constitution of the United States providing that the term of office of Members of the House of Representatives shall be four years. As many of you may already be aware, I have sponsored similar legislation this session in the House. It is with pleasure that I attend this hearing and observe that such a proposal is being seriously evaluated.

After serving only four years in the House, I am convinced that the current two-year term is not in tune with present day needs. I believe that the time, energy, and expense of running a campaign every two years works against our system rather than for it.

Members find themselves constantly campaigning, raising funds, and using their time on matters unrelated to the complex issues facing the Congress. At the same time that Congress's jurisdiction has expanded to keep pace with large government programs, address constituent problems, and seek solutions to complex national issues, campaign demands have also increased. Because of the need to be away from Washington for extended periods of time during "campaign time", important national issues are often set aside until a later date. Unfortunately, many matters cannot be postponed, and, thus, they are ignored until it is too late.

Almost as important as the fact that many issues are ignored during campaign season, are financial considerations. We have all observed the growing distrust in elected officials, partially fueled by the practice of accepting special interest campaign contributions. The fact that many Members feel compelled to accept these contributions every two years in order to finance his or her campaign, is another reason why a four-year term of office would interject a measure of financial sanity into the campaign process. Rather than always soliciting funds, a Member could be his own person for awhile.

The argument is often used that Senators are national figures, and Congressmen are "men of the people". A Congressman's dependence upon constituent evaluation every two years in order to remain in office mandates that he be accessible and more responsive to the whims of the electorate. To some extent, this is certainly true, but I do not believe that the difference between a two-year term and a four-year term will put a Congressman out of touch with his District.

District offices, mass communication, the freedom to travel home often, and other services have changed the very nature of Congressional representation. When our Constitution was written, none of these existed. District officers were unheard of, the telephone was not invented, a Member went home no more than once or twice a year, and communication, when it existed, was slow. We need not be reminded today of our district staffs, WATS lines, transportation allowance, and office computers. Obviously, there is little excuse for being out of touch with our constituent's views.

The differences between present day representation and campaign demands and when our Constitution was written are reason enough, in my opinion, to justify a change in the length of Members' terms of office. I am hopeful that my colleagues in the Senate will carefully assess the need for a four-year term of office and support this legislation.

