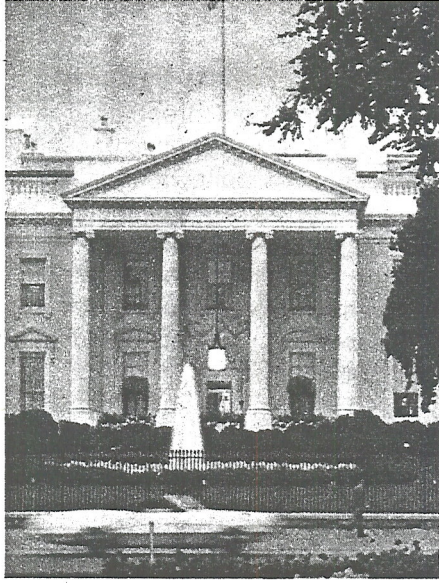


How Long Should a President Serve?

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The Presidency is in trouble, not merely the President but the institution itself. There is talk of unprecedented action—"removal," for example. There is questioning of the principle of the separation of powers. There is consideration of a shift to the parliamentary system, and proposals for constitutional amendments redefining Presidential power.

There is nothing new about all this. The Presidency as an institution has always been in trouble. And no wonder. It was, after all, something new under the political sun. No other nation had ever provided for an elected head of state, and there were no precedents to guide the Founding Fathers. Besides, the men who wrote the Constitution were confronted from the beginning with a dilemma. On the one hand they were determined that there should be no monarch to be—as were almost all the crowned heads of Europe—above the law.

Washington presides

On the other hand, the Founding Fathers recognized the need for a strong executive to rescue them from the disorder of the Confederation, and to represent them in their dealings with foreign states. And, just to complicate things, there sat George Washington, presiding with his customary dignity over the Convention, the great man who would inevitably be the first President, and whose rectitude and virtue dispelled all fears of ambition or corruption.

Accordingly, no other part of the Constitution was the subject of such prolonged debates as the one devoted to the executive, Article II. The article, as finally completed, was a masterpiece of evasion and ambiguity whose meaning we have been debating ever since.

Since Article II was unsatisfactory from the beginning and has remained so to this day, it is not surprising that it has been modified by no less than four Constitutional Amendments—the 12th, 20th, 22nd and 25th. Clearly the end is not yet in sight.

Nixon's proposal

President Nixon now wants Congress to set up a commission to consider a six-year Presidential term, with no right to reelection. The commission would also deal with regulation of the financing of campaign expenditures, a code of Presidential ethics, or perhaps just of election ethics, and the creation of a permanent Election Commission. Along with this the President has suggested

extending the term for members of the House from two to four years. These proposals are not new, to be sure; in one form or another they have popped up again and again during the past century. As for the regulation of finances, it is just two years since the Congress passed a very good bill, only to have Mr. Nixon veto it! The problems have been debated, but thus far, all proposals to change the term of office have been defeated. And all but one of the proposals on the issue of re-eligibility have failed.

Roosevelt's decision

The one that succeeded became the 22nd Amendment, and that plunges us into the heart of the matter. Ever since President Washington refused a third term, the "two-term tradition" had been part of the "unwritten" Constitution. But in the war crisis of 1940 President Franklin Roosevelt concluded that only he could lead the nation safely, and he decided to break the tradition.

Whether he was right or wrong is immaterial; what matters is that the people thought he was right and re-elected him to a third term by a thumping majority of five million. Then, just to rub it in, as it were, FDR did it again four years later. Since the Republicans could not defeat him alive, they decided to defeat him dead, and in what President Eisenhower himself called a mood of "retroactive vindictiveness," they passed and a disillusioned country ratified the 22nd Amendment limiting the Presidency to two terms.

Now Mr. Nixon has suggested that one term might be even better—one term of six years. This is just what the Founding Fathers (who actually prefer-

red seven years) favored until three or four weeks before the close of the Convention.

To me, a limitation to a single term seems mistaken, just as a limitation to two terms was mistaken. For a decision of this kind is one of principle, and the principle is democracy.

What right, after all, does one generation have to impose on succeeding generations a restriction on their choice of a President? An electorate which believes strongly in limiting a President to one or two terms can express the belief very easily at the ballot box—just what the American people did when they rejected Hoover after one term in 1932; just what they refused to do when they rejected the two-term tradition in 1940 and 1944. Imposing a restriction on the freedom to repeatedly reelect a President is to violate the essential principle of democracy—that a people have a right to exercise a free and untrammelled ballot, even if they exercise it badly. The "dead hand of the past," as Jefferson put it, should not control the living present or the future.

Basis for judgment

It is in the light of this Jeffersonian principle that we should consider the proposal of a single six-year term. Six years has much to recommend it; it was what most members of the Convention preferred during most of the discussion. Certainly it is long enough to carry through any program; after all, the great creative programs of Washington, Jefferson, Polk, Theodore Roosevelt, Wilson, Franklin Roosevelt, and Lyndon Johnson all came in the first few years of their administrations. The assumption that a second administration is habitually less effective than a first is well founded—consider those of Jefferson, Wilson, and Johnson—and may we add Nixon—for example. But if we concede the principle that in a democracy the people must be allowed to reelect a President if they chose to do so, then six years is too long a term; even under the 22nd Amendment two terms would stretch out to 12 years, the equivalent of three current terms.

On this matter, then, of Presidential tenure, I conclude that any limitation on the right of the people to elect and reelect the man they want for President, violates a fundamental principle of democracy. It follows however that to extend the term of office to six or more years is to run unwise and unnecessary risks of prolonging the cost of mistaken judgment. As the people have a right to elect their President,

they have a corresponding right to turn him out of office within a reasonable time. Six years does not seem to be as reasonable a time as four.

Does this mean that we should reject the Nixon proposal altogether and accept the current difficulties as unavoidable, particularly those difficulties so dramatically and traumatically illustrated by the present Administration? Not at all.

Campaign expenditures

The most promising and, potentially most practical part of the Nixon proposal has to do with regulating campaign expenditures. Everyone appears to agree that the current situation is a scandal; that campaigns cost so much that only the rich (or far more dangerous those with access to the rich) can afford politics, and that money is the root of most of the evils of current politics. The solution seems complex but is in fact simple. It has been recommended at various times by William Jennings Bryan and Theodore Roosevelt: Take money out of politics. Clearly it can be done—it is done pretty effectively in Britain and most countries of northern Europe, and if the English can do it or the Dutch or the Swedes, the Americans can do it. This does not mean "regulation" of campaign gifts, corporate or private; once these are permitted at all it is almost impossible to regulate them. Nor is it to be accomplished by half measures like public disclosure, for clever donors, corporate or union, can outwit that provision.

No, the prohibition must be complete—no private or corporate money. How, then, are our ruinously expensive campaigns to be financed? First, they need not be so ruinously expensive. The largest single item, television, can be reduced or eliminated by reliance on public television financed by governments. Costs can be cut, too, by shortening the agonizing process; after all if the British can conduct an election for Parliament in three weeks, why must it take us six months?

Dollar a voter

As for the costs themselves, these should simply be assumed by the appropriate government—federal, state and local, on a fair basis worked out carefully and impartially well in advance. A payment of one dollar for each voter in the previous election would yield some 43 million dollars to the Republican candidate in 1976 and 23 million to the Democratic.

The details are complex, but not more complex than—let us say—social security or the financing of health and education; certainly they are not too complex to baffle the ingenuity of our statesmen. The rewards would be the effective elimination of money from national politics and with it of the lawlessness and corruption which has so long disgraced the American political scene.