

# FDR's third-term election and the 22nd amendment

November 5, 2017 by [NCC Staff](#)

On November 5, 1940, President Franklin D. Roosevelt won a third term in office—an unprecedented act that would be barred by a constitutional amendment a decade later.



Roosevelt's decision to break the precedent set by George Washington was made in July, 1940, as the United States neared its entry into World War II.

The third-term decision dominated his election campaign against the Republican contender, Wendell Wilkie. In the end, Roosevelt won the election by a wide margin, and he was able to win a fourth election in 1944.

But the popular fallout about the concept of a long-term president led to the ratification of the 22<sup>nd</sup> amendment in 1951.

“No person shall be elected to the office of the President more than twice, and no person who has held the office of

President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once,” the amendment read, in a clear reference to Roosevelt.

So why were people so upset with Roosevelt's decision to seek a third term, and even more people opposed enough to approve a constitutional amendment?

Franklin Roosevelt wasn't even the first Roosevelt to seek a third term in the White House. His distant cousin, Theodore Roosevelt, ran unsuccessfully as a third-party candidate in 1912, after declining to run in 1908. President Ulysses S. Grant also sought a third term in 1880, but he lacked enough party support to get a nomination.

The first president, Washington, set the two-term precedent in 1796, when he decided to pass on a third term, setting up a scramble between John Adams and Thomas Jefferson in the fall race.

In 1799, a friend [urged Washington to come out of retirement to run for a third term](#). Washington made his thoughts quite clear, especially when it came to new phenomena of political parties.

“The line between Parties,” Washington said, had become “so clearly drawn” that politicians “regard neither truth nor decency; attacking every character, without respect to persons – Public or Private, – who happen to differ from themselves in Politics.”

Washington's voluntary decision to decline a third term was also seen by many people as a safeguard against the type of tyrannical power yielded by the British crown during the Colonial era.

That message wasn't lost on Theodore Roosevelt, who considered running in 1908 despite his public pledges in to the contrary. Instead, he backed William Howard Taft as a surrogate candidate, but the urge to control his own political party lead Roosevelt back to the campaign trail in 1912.

In 1940, Franklin Roosevelt decided to break the Washington precedent after World War II broke out in Europe and Nazi Germany overran France. The move caused some key Roosevelt supporters within the Democratic Party to leave the Roosevelt campaign.

The Republicans campaigned heavily against a third-term president, and the Democrats countered with claims that Wilkie was a “third-rate” candidate.

Later in the campaign, Roosevelt insisted that he was in the race to keep America out of war in Europe, and he easily defeated Wilkie on Election Day.

But talk about a presidential term-limits amendment started in 1944, when Republican candidate Thomas Dewey said a potential 16-year term for Roosevelt was a threat to democracy.

In March 1947, a Republican-controlled Congress approved a 22<sup>nd</sup> Amendment, with an exception that would exclude a president in office from term limits during the ratification process. It took until February 1951 to get enough states to ratify the amendment, and President Harry Truman decided to opt against running for a third term. Since then, some members of Congress have introduced efforts to repeal the 22<sup>nd</sup> Amendment, but they haven't made it out of committee.

<https://www.termlimits.com/top-five-reasons-we-need-term-limits/>

## TOP FIVE REASONS WE NEED TERM LIMITS!

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May 24, 2017



### **1. The Declaration of Independence: Governments derive their just powers from the consent of the governed.**

The very foundation of our country was based on the idea that those who govern are there

because the people have deemed them worthy. People no longer feel their interests are being represented by those sent to Washington to speak on their behalf. People certainly don't feel their representatives are acting on their behalf. Congress has become so entrenched that they are nearly impossible to remove from office. It seems the best way Representatives and Senators in DC are removed from office is not via the ballot box but via indictment, retirement, or death. Senators and Representatives no longer have the consent of the governed when Congress's approval ratings flirt with single digits.

### **2. Passed the torch to the next generation of leaders.**

We need fresh faces and fresh ideas in Congress. Those who have been sitting up in DC for decades have done little but dig us deeper into problems and created little but stalemate and bickering. It's the old guard who has not been able to solve some of the major issues that American's are facing. Perhaps it is time to take a step back, put

their egos (and wallets) aside and do what is right for the people. If we want to solve some of the issues American's are facing today, we need people in there who know what those challenges are and who can see innovative and fresh solutions, because the old ones clearly aren't working.

### **3. Three-quarters of Americans want term limits.**

In a time when it is difficult to get 51% of people to agree that the grass is green, surely the fact that such a majority of Americans want this to happen should be an indicator...that it should happen. This is the most bipartisan issue in the country. Democrats, republicans, African Americans, Hispanics, whites, old, young, rich or poor all overwhelming support term limits on Congress. With so much support around a single issue, surely it is something we need to come together and make happen?

### **4. Term limits get rid of career politicians**

Congress was created to help serve and protect their constituents and the country. This is the reason it is referred to as 'serving' in Congress. We also use the same word for those who signed up for our armed forces. That mentality has been perverted by those who do little more than sit in a seat for 30-40 years doing little more than collect a paycheck, great healthcare, and PAC money. Serving in Congress was not meant to be a career. Serving was meant to be a sacrifice that someone made for a short period of time and then step aside for someone else to have the honor to serve their country as citizen legislators. No one should be able to 'own' a seat for decades. They should always fear removal via the ballot box, unfortunately, time has proved that is not the case.

### **5. More options for Voters**

The current system of incumbency means that certain elected officials go without opposition. If they do face an opponent their opposition is usually underfunded and lacks structural support. Running a campaign is hard work, quite expensive, and usually a full-time job. Who has the time and money to run against an entrenched incumbent when they know the odds are against them? How much against them? If an opponent running against an incumbent raises less than a million dollars the odds of them winning is 2:293. The result is fewer candidates run, and the competitive candidates wait years for an open seat. Having a wider pool of candidates more often gives voters a chance to see new people and new ideas.

<https://www.brookings.edu/blog/fixgov/2018/01/18/five-reasons-to-oppose-congressional-term-limits/>

# Five reasons to oppose congressional term limits

Casey Burgat Thursday, January 18, 2018

“Nothing renders government more unstable than a frequent change of the persons that administer it.” – Roger Sherman, open letter, 1788.

Congressional term limits have long been argued to be an easy mechanism for improving the effectiveness of Congress and government at large. More specifically, advocates suggest term limits would allow members to spend less time dialing for dollars and more time on policymaking, allow them to make unpopular but necessary decisions without fear of retaliation at the ballot box, and avoid the corruptive influence of special interests that many assume is an inevitable result of spending too much time in Washington, D.C.

Plus, proponents reason, new blood in Congress is a good thing. New members bring fresh ideas and aren't beholden to the old ways of Washington that have left so many voters frustrated and **Congress' approval rating** in shambles. At the very least, term limits would prevent members from being reelected despite serving long past their primes.

In a political environment where bipartisan agreement on any issue of any size is rarely enjoyed, this proposal is incredibly popular. **Seventy-four percent** of likely voters are in favor of congressional term limits. In fact, many members—the very people who would be affected should such a policy be put in place—have shown their desire to limit the number of terms they themselves are eligible to serve by **introducing legislation** in nearly every congressional session since 1943 that would add a term-limit amendment to the U.S. Constitution. Even then-candidate Donald Trump **argued term limits** would effectively help him “drain the swamp” when elected, much to the delight of his anti-establishment base.

The implicit argument is that Washington, with its corrosive practices, corrupts even the most well-intentioned lawmakers. Because of this, the best—and maybe only—form of inoculation is to limit, constitutionally, the time elected officials can spend in power. At their core, limit advocates contend that elections can't be trusted to produce incorruptible representatives.

Much of the term-limit reasoning makes sense. However, it ignores the very real downsides that would result. Despite widespread support, instituting term limits would have numerous negative consequences for Congress.

Limiting the number of terms members can serve would:

**1. Take power away from voters:** Perhaps the most obvious consequence of establishing congressional term limits is that it would severely curtail the choices of voters. A fundamental principle in our system of government is that voters get to choose their representatives. Voter choices are restricted when a candidate is barred from being on the ballot.

**2. Severely decrease congressional capacity:** Policymaking is a profession in and of itself. Our system tasks lawmakers with creating solutions to pressing societal problems, often with no simple answers and huge likelihoods for unintended consequences. Crafting legislative proposals is a learned skill; as in other professions, experience matters. In fact, as expert **analysis has shown** with the recently passed Senate tax bill, policy crafted by even the most experienced of lawmakers is likely to have ambiguous provisions and loopholes that undermine the intended effects of the legislation. The

public is not best served if inexperienced members are making policy choices with widespread, lasting effects.

Being on the job allows members an opportunity to learn and navigate the labyrinth of rules, precedents and procedures unique to each chamber. Term limits would result in large swaths of lawmakers forfeiting their hard-earned experience while simultaneously requiring that freshman members make up for the training and legislative acumen that was just forced out of the door.

Plus, even with term limits, freshman members would still likely defer to more experienced lawmakers—even those with just one or two terms of service—who are further along the congressional learning curve or who have amassed some level of institutional clout. Much as we see today, this deference would effectively consolidate power in members that have experience in the art of making laws. In other words, a new, though less-experienced, Washington “establishment” would still wield a disproportionate degree of power over policymaking.

Even in instances where staffers, rather than members, lead the charge in crafting policies, it is often the member-to-member interactions that solidify a measure’s final details, build coalitions, and ultimately get legislation passed. Take, for example, the recent Sen. Graham-Sen. Durbin alliance that has recently proposed a **bipartisan immigration compromise**. Such a partnership is due in no small part to the pair’s long history—Graham and Durbin served two years together in the House and the Senate for 21 years and counting. Term limits would severely hamper the opportunity for these necessary relationships to develop. Strangers in a new environment are in a far worse position to readily trust and rely on their colleagues, particularly from across the aisle.

**3. Limit incentives for gaining policy expertise:** Members who know their time in Congress is limited will face less pressure to develop expertise on specific issues simply because, in most cases, the knowledge accrued won’t be nearly as valuable in a few short years.

We have **seen a semblance** of this effect after Republicans limited House committee chairs to six years at the helm. The incentives for chairs to dive deep into the policy details of their committee’s jurisdiction are now limited, given that chairs know they will soon be forced to give up the gavel. (In the 115th Congress alone, an alarming **seven House Chairs** have announced their retirements from Congress.)

Thus, term limits would impose a tremendous brain drain on the institution. Fewer experienced policymakers in Congress results in increased influence of special interests that are ready and willing to fill the issue-specific information voids. Additionally, a decrease in the number of seasoned lawmakers would result in greater deference to the executive branch and its agencies that administer the laws on a daily basis, given their greater expertise and longer tenure.

**4. Automatically kick out effective lawmakers:** No matter how knowledgeable or effectual a member may be in the arduous tasks of writing and advancing legislation, term limits would ensure that his or her talents will run up against a strict time horizon. In what other profession do we force the best employees into retirement with no consideration as to their abilities or effectiveness on the job? Doesn’t it make more sense to capitalize on their skills, talents and experience, rather than forcing them to the sidelines where they will do their constituents, the public and the institution far less good? Kicking out popular and competent lawmakers simply because their time runs out ultimately results in a bad return on the investment of time spent learning and mastering the ins and outs of policymaking in Congress.

**5. Do little to minimize corruptive behavior or slow the revolving door:**

Because term limits have never existed on the federal level, political scientists have studied states’ and foreign governments’ experiences with term limits to project what effects the measure would have on

Congress. These **studies regularly find** that many of the corruptive, ‘swampy,’ influences advocates contend would be curtailed by instituting term limits are, in fact, exacerbated by their implementation. Take lobbyist influence, for example. Term limit advocates contend lawmakers unconcerned with reelection will rebuff special interest pressures in favor of crafting and voting for legislation solely on its merits. However, the term limit literature commonly finds that more novice legislators will look to fill their own informational and policy gaps by an **increased reliance** on special interests and lobbyists. Relatedly, lawmakers in states with term limits have been found—including from **this 2006 50-state survey**—to increase deference to agencies, bureaucrats, and executives within their respective states and countries simply because the longer serving officials have more experience with the matters. Advocates also suggest that limiting the number of terms lawmakers can serve will ultimately result in fewer members looking to capitalize on their Hill relationships and policymaking experience by becoming lobbyists themselves. Establishing term limits, however, would likely worsen the revolving door problem between Congress and the private sector given that mandating member exits ensures a predictable and consistently high number of former members available to peddle their influence. The revolving door phenomenon is considered a normative problem without term limits and relatively few departing members per cycle. With term limits, the number of influential former members would drastically increase, giving more private sector landing spots to members whose time has run out. More lobbying firms would have members able to advance their special interests with former members making use of their relationships and deep understanding of the ways of the Hill. On the surface, the case for term limits is strong given their potential to curtail the forces of corruption that so many assume dictate the ways of Washington. But, precisely because the creation of successful public policies by even the most experienced of officials is so difficult and uncertain, we should not mandate that our most effective and seasoned lawmakers be forced out of the institution. Instead, as constituents, we should rely on the most effective mechanism available to remove unresponsive, ineffectual members of Congress: elections.

<https://www.vox.com/mischiefs-of-faction/2017/1/17/14303072/presidential-term-limits-violating-norms>

## **What the politics of presidential term limits teaches us about violating norms**

By [Julia Azari](#) Jan 17, 2017, 5:20pm EST

President Obama leaves office this week because, among other things, the Constitution says he has to. A few weeks ago, he suggested that if he'd been allowed to be on the ticket, he would have beaten Trump. But because of the 22nd Amendment to the Constitution, we'll never know. As of Friday, only five presidents will have left office because of formal term limits — but only one, FDR, has ever served more than two terms.

Why did our system of informal limits get replaced with a formal one? Why was there an informal one in the first place? What can we learn from this about what happens when presidents break longstanding norms?

The politics of term limits leading up to FDR's unprecedented third, and then fourth, presidential run help to illustrate why he became the last president to do it. When the presidency was under discussion at the **Constitutional Convention**, term length and reeligibility were a big deal. How long should presidents be in office? There were almost as

many opinions about this as there were people in the room — views ranged from just a year or two to a lifetime appointment. The length of the term was also tied up in whether the president would be eligible for reelection, and how presidents would be chosen. In other words, it was a complex issue without an obvious solution. And all the ideas about how long the president should ideally serve boiled down to conjecture — no one really knew what this office would look like, or where the worst pitfalls would be.

George Washington left office after his second term, but it was Thomas Jefferson who noted Washington's precedent and made it an informal rule. Scholars disagree somewhat about why no one violated this rule before FDR's unprecedented victories in 1940 and 1944. Theodore Roosevelt tried in 1912, after serving most of William McKinley's second term and a full term of his own in from 1905 to 1909. Ulysses S. Grant was technically in contention for the nomination in 1880, which would have meant seeking a third term.

Bruce Peabody and Scott Gant **argue** that the reason this was so rare was mostly idiosyncratic — death, party dynamics, and national political conditions meant that a third term eluded presidents, but there was no clear unifying reason. In a **fantastic 2011 book** on the subject, Michael Korzi points out that the topic came up in party platforms periodically, usually in response to specific presidents. Some of these, like the 1912 Democratic platform, advocated for single-term limits, while others, like the Republican platforms in — surprise! — 1944 and 1948, called for two terms.

In our **paper on informal institutions**, Jenny Smith and I identify Jefferson's two-term precedent as an informal rule. The fact that its violation led to a fairly swift amendment of the Constitution (FDR was elected to his fourth term in 1944; the 22nd Amendment was ratified in 1951) lends support to our main argument in the paper, that norm violation is an underappreciated source of institutional change.

Importantly, parties played a key role in enforcing the two-term norm. As Daniel Klinghard **points out**, 19th-century presidents often didn't get nominated for a second term — much less nominated or elected for a third. Parties in this era recruited and bolstered ambitious politicians who checked presidential power in a very **Madisonian way** — with their own desire to move up the political ladder and try for executive office. Formal term limits have removed this incentive for parties to check their own **presidents**.

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There are a couple of lessons here that are relevant for contemporary politics. First, the presidency is powerful and guided by many more informal guidelines than formal constitutional restrictions. You've probably heard a thing or two about norms lately. Term limits are an area in which the norm violation was clear and allowed for an alignment between, as Korzi points out in his book, politicians who just didn't like Roosevelt and those who had a more principled belief in limiting how long presidents could serve. One of the changes we might expect from a Trump presidency is the formal codification of informal expectations, perhaps involving conflicts of interest, how presidents communicate with the public, or, depending on things go, something even bigger, like requiring some experience public office.

But the other thing we learn by looking at the term limits story is that these institutional changes have unintended consequences. It's not just that we're not watching Obama get sworn in for a

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third time this week — or George W. Bush. The 22nd Amendment has affected the incentives that parties have to recruit presidential-caliber candidates, and it seems to have contributed to a decline in the influence of **second-term** presidents. The kinds of fixes required to curb presidential power are just as likely to undermine institutions as to build them up.

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At a time when our basic institutions — government, media, parties — seem compromised and unpopular, this is especially important. Our next president is likely to violate norms. How we respond to that may last well beyond his presidency.