

The Third Term "Tradition"

by
Cyrus S. Eaton

Reverence for the "No Third Term" tradition in the United States is a puzzling phenomenon to one who is familiar with the history of popular government and of intellectual and political freedom, particularly as exemplified in English and Canadian experience. Bryce, the great liberal who served in Gladstone's cabinet and later was Ambassador to the United States, and who was the most penetrating student of the American system of government has ever had, observed that "the hostility to a third term of office rested not merely on reverence for the example set by Washington, but also on the fear that a President repeatedly chosen would become dangerous to republican institutions," and asserted, "THIS PARTICULAR ALARM SEEMS TO BE EUROPEAN GROUNDLESS."

The history of liberty and democracy in England deserves the study of those who fear that the election of a President for a third term might result in dictatorship. England has offered to the world the one conspicuous example of a long, continuous and orderly development of political institutions. And it is from this early establishment of self-government and the steady growth of this principle in British hands that England has come to be called the "Mother of Parliaments", the forerunner of our own form of government.

The Chief Executive in England

Of almost a dozen men who have served as Prime Ministers of England for longer than eight years, the examples range from

Walpole's twenty-one years, to the younger Pitt's twenty years, to Gladstone's and Salisbury's thirteen years apiece, to Palmerston's and Asquith's nine years each. These statesmen stood for re-election periodically and the voters' least consideration was turning a Prime Minister out of office because he had been there for an arbitrary length of time.

Britain has achieved its finest expression of democracy under government leaders who have served longer than eight years. Furthermore, the British Prime Minister's power has always been considerably greater than that of the American President. For the head of the government in England unites the executive and the legislative power and, in part, the judicial. No written constitution limits him; Parliament passes the laws he asks, and they become the law of the land. The sole check on his authority is insurrection in his own party expressed by a vote of lack of confidence, which can force a new election before his five years in office are up. This system of responsible party government had gradually evolved during the eighteenth century and, by the time our Constitution was written, was virtually realized, with the younger Pitt in office.

The American President, on the other hand, must rely upon his personal capacity for leadership to put his program through. Unless he has this quality in a marked degree, he finds his hands tied by a hostile or indifferent Congress that alters his legislative suggestions beyond recognition or refuses to act upon them at all. The President is further limited because all power not specifically granted to the national government by the Constitution resides in the state and local governments.

The Chief Executive in Canada

The history of the executive in our nearest English-speaking neighbor also merits attention. The Canadian Dominion Government follows the British pattern very closely; the fact that Canada is a federation of provinces makes it perhaps of greater interest than England to the United States. In Canada, all power that has not been delegated to the Provinces is reserved to the Dominion while, as noted above, "States rights" are

stoutly maintained in the United States. Comparison of the powers of the Canadian Prime Minister and those of the American President in other respects shows practically the same difference as between the British and the American executive.

Of the seventy-three years of the Canadian federation's existence forty-nine have been divided among the administrations of three men. Macdonald, a Conservative, served nine years, Laurier, a Liberal, fifteen years, and King, the present Liberal incumbent, has served fifteen years to date, while four years remain of his current term. Laurier served consecutive terms, while Macdonald had a five-year break after his first six years of service, and the King administration has been interrupted once for part of a year and a second time for five years. The remaining twenty-four years of Canadian government have been divided among eight other Prime Ministers. From the Canadian experience it is obvious that the voters' sole concern has been to keep the men whose policies they approve, to defeat the others, without regard to length of service.

Origins of Democracy

Popular government in the United States, as in England and Canada, owes much to ancient Greece. The Greek experiment in political institutions, made possible by liberty of thought and discussion, constitute one of the most important steps in human progress. Twenty-five hundred years ago, Solon initiated the movement to deliver Athens from the oppressive rule of a privileged class and to institute government responsible to the whole people. His efforts were carried forward later by Pericles who governing for thirty years by general consent of the community introduced the idea that power ought to be so equitably diffused as to afford security to all. His ideals, in the words of Acton the foremost historian of freedom, were "to preserve with equal care the independence of labor and the security of property, to make the rich safe against envy and the poor against oppression." It bears careful note that the Golden Age of Pericles which produced perfection in the form of democratic government was followed by the finest flowering of the human spirit and the human intellect that the world has ever known. From the Age

of Pericles comes not only a large part of the political knowledge we possess, but also incomparable literature and art and much of our philosophy, as well as the exact reasoning and close observation on which is based our immeasurable progress in science.

American Democracy and the Constitution

Following the classic example of Athens, the great patriots who founded the United States rejected rule by the aristocracy, whether of birth or wealth, and adopted the principle that those who make and administer the laws are responsible to the people. Every man was given the right to have a voice in the election of those to whose wisdom and integrity he was to entrust his fortune, his family, even his life. Government by consent replaced government by compulsion and, as Lincoln later designated it, became "government of the people, by the people, for the people."

The American President is the direct representative of the whole people; the number of terms he may serve must be decided, as Acton pointed out, by the uncorrupted consciences of the entire electorate. Although the fear of a monarch like George III was uppermost in the minds of most of those who wrote the Constitution, their final decision was to leave any limitation of terms to the voters. Until the present year there has never been a real test, since no man has ever before received his party's nomination for a third term.

The Third Term From Washington to Coolidge

Ten of the thirty men who were President before 1932, it is true, served long enough to be faced with the third term problem. Three of the ten, Washington, Jefferson and Jackson, refused to run again, but their age, their already long and laborious service to the country and other urgent personal reasons seem to have had greater influence on their decisions to retire from office at the end of a second term than conscious purpose to establish an inviolable precedent for all time to come.

Three others stood no chance of re-election. The Presidential stars of Madison and Monroe had waned by the end of their second terms. Cleveland was elected the first and last of

the three times he ran; the severe business depression that coincided with his second term precluded any thought of running a fourth time.

Three others, Grant, Wilson and Coolidge, were all willing to run. Grant tried in vain for a third nomination. Wilson's health was his stumbling block. Coolidge found himself outmaneuvered after he declared that he did not "choose" to run.

Theodore Roosevelt was not only willing; he actually did run for a third term in 1912, even though he could not secure his own party's nomination. Nor can his failure be considered a final verdict on the third term, inasmuch as the third party factor split the vote. In nominating Taft, the Republican convention of that year ignored popular opinion, as expressed in pre-convention primaries, with the consequence that in the November election Roosevelt's Progressive ticket received a popular vote 18% greater than that of the regular Republican slate and took 88 electoral votes to Taft's 8.

Democracy versus Shibboleths

Those who, in sincerity, seek to introduce the shibboleths of "no third term" and "no indispensable man" imply either that the majority of the voters are incompetent to choose a President or that they have been "bought." The latter implication overlooks the simple truth that the ballot is still secret; the former attacks the very foundations of popular government as the United States has known it for a century and a half.

What about Tradition?

Emphasis on reverence for political traditions is open to the weakness that in American politics a tradition is usually retained only so long as it strengthens its advocates' cause. That the "no third term" tradition as applied to the approaching election is no exception to this rule is underlined by the fact that a dozen of the present Senators, who were in the Senate in 1928 and who voted at that time for the La Follette resolution against a third term on traditional grounds, have publicly declared their support of a third term candidate in 1940. The plea for tradition in the

present political campaign also ignores the fact that, while the Democratic Convention broke all precedents by nominating a man for a third term, the Republican Convention a few weeks earlier had likewise upset custom by nominating a registered Democrat.

The Democratic Convention of 1940

Because both 1940 party conclaves departed from tradition, the two conventions require further study as instruments of the popular government. The charge is repeatedly made that the Chicago Convention was "controlled." Yet the Democratic Party chose not only the man who was their most experienced statesman, but the man who, wherever there had been a pre-convention contest by secret ballot in state primaries, had won an overwhelming victory. Thus popular influence would seem to have been on the side of the procedure followed at Chicago in July. Moreover, the Democratic nomination assured that the November election would be a real popular test of the man, the measures and the methods of the past eight years, the very test for which the Republican candidate had expressed a desire in public statements shortly after his own nomination in June.

The Republican Convention of 1940

By charging that the Democratic Party seeks through a third term to destroy democracy, the Republican Party invites public scrutiny of the degree to which its own choice of a candidate reflected popular preference. The Republican delegates passed over all their experienced statesmen, including their former President, their former Presidential nominee, their Governors, Senators, Representatives, Judges and Mayors. The convention flatly turned down the men who had received the popular pre-convention vote in Republican primaries. The delegates went to the other extreme at Philadelphia to select a nominee who had never before been a candidate for any office, who had never had any experience in public service and who, while he had been well and favorably known to a small but distinguished wing of the Republican Party, was unknown to most voters.

American political history shows that many users of the "no third term" argument have been unconsciously motivated by personal and party reasons. So great is the lure of the Presidency, so small is the number of those who can hope to occupy it, that every member of the Senate, the chairman of every important committee in the House, every important officeholder in federal, state or city government understandably feels himself a potential President and employs any and every argument, especially that against a third term when it is applicable, to diminish the chances of a popular contender. It is worth noting that Bryan, although never elected, was three times nominated because he was the popular choice of his party, and it was not considered had form on his part to accept the three nominations even though they limited the Presidential opportunities of his Democratic contemporaries. Jefferson and Jackson were also candidates three times; each was defeated once before becoming President for two terms. Cleveland's three consecutive candidacies have already been mentioned.

If there is a popular man in office, the other party will as a matter of policy maintain that the fewer terms he has the better. Ambitious rivals in his own party will also stress the tradition against a third term as the one argument they can safely make without injuring their party. This was borne out in this year's pre-convention tussle in the Democratic Party, where there was no lack of aggressive striving for delegates on behalf of a number of exceptionally resourceful and influential Democrats.

Totalitarianism and the Third Term

The alarm of those who profess to believe that the present totalitarian trend in a large part of the rest of the world will sweep the United States as a result of a third term lacks substantiation in the history of dictatorships and, as pointed out above, in the record of English-speaking democracies. Hitler set up Nazism as soon as his party obtained sufficient Reichstag seats to enable him to become Chancellor of Germany. Mussolini marched on Rome and took over the Italian Government without the formality of an election. In each case dictatorship was premeditated

and not a product of afterthought following one or more terms in office secured by popular election under democratic methods.

The Real Election Issue

On the available evidence, a detached student of constitutional history finds the third term, far from being a real issue in any election, a convenient catchword, the use of which has been encouraged for the most part by those who would be President or who have reason to defeat a President on totally different grounds. Actually the single problem confronting the voters is to decide which of the candidates they believe better qualified for office.

It cannot be repeated too often that the President is elected by a popular vote of the whole electorate. He is therefore subject to the control of those for whom he acts. Once the merit of popular government has been conceded as against oligarchy or dictatorship—and in the present campaign both candidates have emphatically proclaimed their belief in democracy—no valid objection remains to a third term if that is the will of the people. As Bryce said, "A President is strong . . . because his rights come straight from the people . . . Nowhere is the rule of public opinion so complete as in America, or so direct."

Cleveland, Ohio
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