

## WHO IS THIS PRESIDENT?

Whatever else a President must be, the Constitution says that he—and likely one day, she—must meet three formal qualifications for office (Article II, Section 1, Clause 5). These qualifications are related to a candidate's citizenship, age, and residency.

### ***Citizenship***

Any man or woman who seeks the presidency must first be “a natural born Citizen . . . of the United States.” But what exactly do the words “natural born” mean? Do they refer to being “native born”—that is, born in the United States? By law, a person born abroad to an American-citizen parent becomes an American citizen at birth. That law leads many to argue that it is therefore possible for a person born outside the United States to become President. Some dispute that view, however. The question of what the Constitution means here cannot be answered until someone born a citizen, but born abroad, does in fact seek the presidency.

### ***Age***

The Constitution also states that in order to serve as President, a person must “have attained . . . the Age of 35 years.” John F. Kennedy, at 43, was the youngest person ever elected to the office. Theodore Roosevelt reached the White House by succession at age 42. Only seven other chief executives took the oath of office before age 50, most recently, Bill Clinton in 1993, and Barack Obama in 2009.

Ronald Reagan, who was 69 when he was first elected in 1980, was the oldest candidate ever to win the office; and, when he left office in 1989 at age 77, he was the oldest person ever to hold the presidency. (Donald Trump is now the oldest ever to win the office. He was 70.) Most chief executives have been in their 50s when they gained the White House.

### ***Residency***

Finally, to hold the office of President of the United States, a person must “[H]ave . . . been fourteen years a Resident within the United States.” Given the elections of Herbert Hoover (in 1928) and Dwight Eisenhower (in 1952), we know that here the Constitution means any 14 years in a person’s life. Both Mr. Hoover and General Eisenhower spent several years outside the country before winning the White House.

While these formal qualifications do have some importance, they are really not very difficult to meet. Indeed, well over 100 million Americans do so today. Several other informal and important qualifications for the presidency exist as well, however. These include such requirements as political experience and speaking ability.

## THE PRESIDENTIAL TERM OF OFFICE

The Framers considered a number of different limits on the length of the presidential term. Most of their debate centered on a four-year term, with the President eligible for reelection, versus a single six-year or seven-year term without being eligible for reelection. They finally settled on a four-year term (Article II, Section 1, Clause 1). They agreed, as Alexander Hamilton wrote in *The Federalist No. 71*, that four years was a long enough period for a President to have gained experience, demonstrated his abilities, and established stable policies.

Until 1951, the Constitution placed no limit on the number of terms a President might serve. Several Presidents, beginning with George Washington, refused to seek more than two terms, however. Soon, the “no-third term tradition” became an unwritten rule.

Franklin D. Roosevelt broke the tradition by seeking and winning a third term in 1940, and then a fourth in 1944. To prevent this from recurring, the 22nd Amendment made the unwritten custom limiting presidential terms a part of the written Constitution.

Each President may now serve a maximum of two full terms—eight years—in office. A President who succeeds to the office after the midpoint in a term could possibly serve for more than eight years. In that case, the President

may finish out the predecessor's term and then seek two full terms of his or her own. However, no President may serve more than ten years in the office. Lyndon Johnson, who succeeded JFK after his assassination in 1963, was eligible to be elected twice because there were less than two years remaining on Kennedy's term. Gerald Ford, who succeeded Nixon after his resignation in 1974, was eligible to be elected only once because there were more than two years remaining on Nixon's term.

Many people, including Presidents Truman, Eisenhower, and Reagan, have called for the repeal of the 22nd Amendment. They insist that the two-term rule is undemocratic because it places an arbitrary limit on the people's right to decide who should be President. Critics also say that it undercuts the authority of a two-term President, especially in the latter part of a second term. Supporters of the amendment defend it as a reasonable safeguard against "executive tyranny."

Several Presidents have urged a single six-year term. They and others have argued that a single, nonrenewable term would free a President from the pressures of a campaign for a second term—and so would allow the chief executive to focus on the pressing demands of the office.

## **THE IMPEACHMENT PROCESS**

The Constitution provides a way to remove a president before his term is over, but it is not an easy process. The House of Representatives may, by majority vote, impeach the president for "Treason, Bribery, or other high Crimes and Misdemeanors." Once the House impeaches the president, the case goes to the Senate, which tries the president, with the chief justice of the Supreme Court presiding. By a two-third vote, the Senate may convict and remove the president from office. Only two presidents have been impeached – Andrew Johnson and Bill Clinton. The House impeached Andrew Johnson in 1868 in the wake of the post-Civil War politics, but the Senate failed to convict him (by a one vote margin), and he remained in office. Bill Clinton was impeached by the House in 2000 on two counts: committing perjury and obstructing justice in the investigation of sex scandals surrounding the President's relationships with Paula Jones and Monica Lewinsky. The Senate failed to convict Clinton on either count by the necessary two-thirds vote and he remained in office.

Richard Nixon came close to impeachment when on July 31, 1974, the House Judiciary Committee voted to recommend his impeachment to the House as a result of the Watergate scandal. Nixon avoided impeachment by resigning from the presidency a few days later.