

# Breaking and Mending the Two-Term Precedent

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LESSON CREATED BY

Hannah Markwardt

*Life Guard Teacher Fellow*

George Washington Teacher Institute

SUGGESTED GRADE LEVELS

9-12

SUGGESTED TIME FRAME

5-6 class periods, or  
2-3 blocks

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## Lesson Description/Purpose

This lesson draws a connection between George Washington's establishment of the two-term precedent for the presidency and Franklin Delano Roosevelt's breaking of that precedent nearly 150 years later. In this lesson, students will analyze multiple primary and secondary sources, both collaboratively and independently. Discussion and debate is a large focus of this lesson. Students will make interdisciplinary connections between history and government / civics.

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## Objectives

- Students will evaluate the practice of term limits for the American presidency
- Students will compare and contrast Constitutional provisions for the presidency with debates during the Constitutional Convention and real life applications to the presidency
- Students will use context clues to determine the meaning of academic vocabulary in a primary source
- Students will analyze the content and message of a political cartoon
- Students will debate the merits of presidential term limits

## Related Standards

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- Reading and Writing Literacy in History/Social Studies
- Integrate and Evaluate Content in Diverse Formats.
- Writing Standards
- Speaking and Listening
- Principles of Democracy
- Power, Authority, and Governance
- Time, Continuity, and Change

## Materials

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- Copy of Article II of the US Constitution for each student
  - If you don't have a version you like to use in your classroom, students can explore George Washington's copy <http://bit.ly/ActsOfCongress>
- Whiteboard and marker (or alternative)
- One copy of "Constitutional Convention Quotes" cut along the horizontal lines (between quotes)
- Class set of "Views on George Washington's Reelection" handout
- Copy of the "Farewell Address" packet for each student
- Classroom projection technology
- Copy of the "Breaking the Precedent" packet for each student

## Background Information

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Despite lots of debate at the Constitutional Convention about the wisdom of "re-eligibility," the finished product of the Constitution did not express any term limits for the presidential office. Therefore, when George Washington stepped down from the presidency after the completion of his second term, he set a powerful precedent for future presidents. The next 30 presidents all served two or fewer terms (which is not to say that some of them did not try to serve a third). Franklin Delano Roosevelt (FDR) in 1940, however, was successfully elected to a third term as president and consequently broke the precedent set nearly 150 years prior by George Washington. FDR felt he was responding to a specific set of historical circumstances in his decision to stay "at the helm" while World War II began to rage abroad. After FDR's death while serving his 4th term, Congress passed the 22nd amendment to the Constitution, officially limiting future presidents to two elected terms only.

## Procedures

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### PRE-WRITE

Have students respond to the following pre-write question:

- Should American presidents be limited in how many times they can serve?

Give students 5-7 minutes to develop a written response. Have several students share their answers with the class.

### CONSTITUTIONAL PROVISIONS

First, have students explore what the Constitution says about the Presidency.

- Begin by giving each student a copy of Article II of the US Constitution.
- Have students read the Article to themselves.
- Instruct students to cross out the 3rd and 6th paragraphs of Article II, as these have since been stricken from the Constitution. In the margin beside the now crossed out 3rd paragraph, students should write “12th Amendment: Electoral College revisions.” Likewise, in the margin next to the crossed out 6th paragraph, students should write “25th Amendment: Succession to the Presidency, Vice Presidential vacancy, Presidential disability.”
- Now ask students to take turns finding “rules” for American presidents in the text of Article II. Require students to give you the “rules” both by quoting the text and by summarizing the “rule” in their own words. List students’ “rules” on the board.
- Ask students to reflect on the list. Ask, “Is there a rule about how many times a person can be president?” Students should quickly see that the answer is “No.”
- Inform students that the absence of term limits was not inevitable. In fact, there was a lot of debate about the question of “re-eligibility” for the office when the Founders were writing the Constitution.

### TERM LIMITS

Students will consider the question of term limits for the president collaboratively.

- On the board, draw a t-chart / pro-con chart.

- Call on each student to give a reason for or against term limits for presidents. This will get more challenging as the list gets longer. Just encourage students to think critically and creatively.

### CONSTITUTIONAL CONVENTION

Next, students will look into the reasons given for and against “re-eligibility” at the Constitutional Convention.

- First, students will need some background on the context of the Constitutional Convention debates and documentation in order to successfully interpret the primary sources they will be using in this activity.
  - Explain to students that the Founders did not use the phrase “term limits.” Instead, they talked about a person being “eligible” for the presidency. Thus, if a person were allowed to be reelected for another term in office, he would be “re-eligible.” The Founders also talk about “the doctrine of rotation” at the Constitutional Convention. They are talking about rotating people into and out of the presidency.
  - Students need to be aware that there was discussion about having the president appointed by the national legislature instead of elected by the people. At some points in the Convention excerpts the students will be reading, the speakers were under the assumption that the president would come to office by such appointment.
  - Finally, students need to know that historians’ knowledge about the Constitutional Convention is filtered through James Madison’s notes. Therefore, in the primary source quotations they will be working with, the arguments are attributed to various representatives at the Convention but are all in third person, as expressed by Madison.
- Students will also benefit from some vocabulary pre-teaching. Have students record the following vocabulary words and their contextual definitions:
  - to execute: to carry out, to put into action
  - eligible: able and allowed to do something, in this case serve in office
  - incitement: motivation
  - to merit: to deserve or earn
  - esteem: respect
  - Civil: non-military
- Quotation Activity:

- Divide students into 13 mixed-ability groups of two or three students each. Give each group one of the “Constitutional Convention Quotes.”
- Student groups should read their quote, then re-write it in their own words. They should also determine if the quotation is for or against term limits.
- Each group should then take turns reading their original quotation aloud to the class and sharing their re-write of it.
- Written response: After they have heard all the quotations, students will respond in writing to the following question:
  - What is the strongest reason for or against term limits? Why?

*Students may select a reason cited at the Constitutional Convention or one from the pro-con chart the class developed earlier in the lesson. Give students 3-5 minutes to compose a written response to the question. Have several students share their answers with the class.*

### **GEORGE WASHINGTON’S TWO TERMS:**

Because George Washington was the first American president, he had to help further define the rules and procedures for the presidency, including determining if and when to stop running for reelection. Washington claimed to want nothing more than retirement, but he agreed to serve as president to help the nation. At the end of his first term in office, America was facing some serious domestic and diplomatic challenges. Despite his reservations, Washington allowed himself to be nominated for the presidency for a second term. This activity focuses on Washington’s decision to run for reelection in 1793.

- Students will first consult several primary sources about Washington’s reelection. Distribute a copy of “Views on George Washington’s Reelection” to each student. Have students read the excerpts, then respond to the following questions:
  - How did George Washington feel about being reelected to a second term of the Presidency?
  - Why did other people want him to continue as President?

*Students must cite specific textual evidence in their answers.*

### **GEORGE WASHINGTON’S FAREWELL ADDRESS**

Distribute a copy of the “Farewell Address” packet to each student. Have students read the excerpt from George Washington’s Farewell Address and answer the questions in the packet. Discuss student answers. Require students to back up their answers with specific textual evidence.

## DEFINING PRECEDENT

Display George Washington's May 5, 1789, letter to James Madison using classroom projection technology: <http://founders.archives.gov/documents/Washington/05-02-02-0157>

- Have a student volunteer read this short letter aloud.
- Have the class work together to define the word “precedent” based on context clues in the letter. (Merriam-Webster, for example, offers the following definition: “something done or said that may serve as an example or rule to authorize or justify a subsequent act of the same or an analogous kind”)

## BREAKING THE PRECEDENT

An important precedent that George Washington set was the two term tradition for presidents. Even though there was no rule in the Constitution about how many times a person could be president, Washington and the next 30 presidents after him each served two or fewer terms. Franklin Delano Roosevelt, however, was successfully elected to a third and even fourth term as president.

- Distribute a copy of the “Breaking the Precedent” packet to each student. Have students read Richard Moe’s article “Why (and How) FDR Ran for His Third Term” on George Mason University’s History News Network site and answer the corresponding questions in their packets: <http://hnn.us/article/152895>
- Display Fred O. Seibel’s Feb. 22, 1940, political cartoon “The First President” using classroom projection technology and ask students a series of questions to help them analyze this source: <http://findingaids.princeton.edu/collections/MC180/c00939>
  - Whose image is portrayed here? (George Washington’s)
  - Which of Washington’s political philosophies does Seibel choose to highlight? (Serving only two terms, staying neutral in foreign wars)
  - What foreign war was raging at the time this political cartoon was created? (World War II)
  - What is the message of this political cartoon? (FDR is going against the wishes of Washington, who many consider to be among the best or most respected presidents)
- Debate: Hold an informal classroom debate around the following question:
  - Should FDR have broken the two term precedent?

*Encourage all students to speak at least once. Student comments should not only assert the student’s own point but also explicitly support or challenge a previous speaker’s assertion.*

## 22ND AMENDMENT

After FDR's death, Congress passed the 22nd amendment to the Constitution, limiting the number of terms a person may serve as president.

- Have a couple student volunteers read the text of 22nd amendment to the class:  
<https://www.law.cornell.edu/constitution/amendmentxxii>
- Check for understanding of the amendment by asking students to summarize its meaning in their own words.

## SILENT DEBATE

Students will have a silent debate about the merits of the 22nd amendment. The prompt of the debate is "Should presidents be limited to two terms by the Constitution?"

- To complete a silent debate, students will be placed in pairs. Assign one student of each pair to argue that presidents should, indeed, be limited to two terms by the Constitution. The other student in the pair will argue that presidents should not be limited to two terms by the Constitution.
- The student arguing in the affirmative will start with a sheet of paper. She will write a 1-2 sentence "opening argument" then pass the paper to her partner. The partner will respond to the affirmative's assertion briefly then make his own opening argument.
- The students will pass the sheet of paper back and forth for 15-20 minutes, each time responding to the previous statement and adding to their own argument. If students get stuck in their debate, ask leading questions such as "Should people be able to keep their leaders as long as they want?" and "What could go wrong if there were no limits?"
- At the end of the debate, call on student pairs to share their debates aloud. Ask pairs which side won the debate and why.

## Assessments

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**FORMATIVE:** pre-write, Constitutional provisions list activity, term limits t-chart, Constitutional Convention quotes activity, "Views on George Washington's Reelection" questions, "Farewell Address" packet, "Breaking the Precedent" packet, political cartoon analysis

**SUMMATIVE:** final term limits written response, FDR precedent class debate, two terms silent debate response

## Accommodations

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**EXCEPTIONAL EDUCATION STUDENTS:** For the “Constitutional Convention” activity, focus on the following three quotations:

- King’s July 19, 1787 quote
- the first of Morris’s July 19, 1787 quotes
- Mason’s July 26, 1787 quote

As a class, read these quotations. Break them into chunks and help students translate them into more comprehensible language. Then, as a group, identify which of those three arguments are in favor of term limits and which are against them. Have students select the quotation they feel makes the strongest argument.

**ENGLISH-LANGUAGE LEARNERS:** Lead students through a reading of Article II of the Constitution. Read the Article together phrase by phrase. Identify “rules” for the president as you go and have students highlight or underline such rules as they encounter them. “Think aloud” to summarize the Article and let students know which parts are relevant to the assigned task.

**GIFTED STUDENTS:** Have students create their own political cartoons about term limits. Their political cartoons should communicate a clear message about the strengths or weaknesses of term limits. Have students present and explain their political cartoons to the class. Then display student work in the classroom.

## Suggestion for Extension

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Have students read FDR’s July 19, 1940, “Radio Address to the Democratic National Convention Accepting the Nomination”: <http://www.presidency.ucsb.edu/ws/?pid=15980>. Discuss why, according to FDR, he is running for a third term as president. Have students cite specific textual evidence to support their assertions.

# Farewell Address Answer Key

**Why is George Washington publishing this address now?**



Election time is coming up, and people need to know that the current president will not be seeking reelection so that they can start looking at other possible candidates. (Paragraph 1)

**What is the purpose of Washington's "Farewell Address"?**

The "Farewell Address" lets people know that Washington will not be running for a third term as president. (Paragraph 1)

**What is Washington's purpose for writing the 2nd paragraph?**

In this paragraph, Washington assures citizens the decision to retire has not been made lightly.

**Why did Washington want to resign after his 1st term?**

He wanted to be retired. (Paragraph 3)

**According to the "Farewell Address," why does Washington continue for a 2nd term?**

At the end of his first term, the US was in a "perplexed and critical" position in foreign affairs. (Paragraph 3)

**Why does Washington feel he can retire now?**

The US now faces better domestic and international circumstances. (Paragraph 4)

# Breaking the Precedent

## Answer Key

**What specific plans had FDR made for after his retirement, originally scheduled for January 1941?**

He was going to move to his home at Hyde Park, where a presidential library was already under construction. In fact, he was already bringing papers and artifacts to Hyde Park to help fill this library. There was also a “small private retreat” near Hyde Park for him. He was going to make a lot of money by writing articles for Colliers magazine, and he had already talked two of his aides into moving back to Hyde Park with him to help him with this magazine writing, as well as the writing of his memoirs.

**Why did FDR begin to waver on his resolution to retire in 1940?**

A huge war (what would become WWII) started in Europe.

**What became FDR’s “loophole” to his resolution to retire in 1940?**

FDR would run again if Hitler started a “shooting war” in Europe and no one else could fill the role of president appropriately (in his opinion).

**Describe FDR’s general decision making method.**

He “put off making [decisions] as long as possible.”

**What were the possible outcomes of this method?**

He found that some problems and challenges would resolve themselves before he needed to get involved. Other problems would at least be better solved later when he had more information. In both cases, he felt that delaying a decision kept him in control of the situation.

**Do you think this is a valid method of making decisions? Why or why not?**

Answers will vary.

**Describe your decision-making method.**

Answers will vary.

**How did staying silent on his decision whether or not to retire benefit FDR?**

It kept him from becoming a lame duck president who was ignored and whose opinions were discounted. At the same time, he did not want the American people to see him as a “dictator” for wanting to continue as president.

**How did FDR’s “solitary nature” impact his decision making?**

Answers will vary, but may include: He did not talk to others about his decisions. Therefore, he did not / could not bounce ideas off other people or get their opinions.

**Describe the circumstances under which FDR eventually resolved to run again.**

Hitler had finally begun a “hot war” in Europe, and FDR could not find anyone to take his place on the Democratic ticket who both agreed with FDR’s policies and had the ability to get elected successfully.

**When did he finally tell someone that he was going to run for a third term?**

Four days before the Democratic nominating convention

**How did Felix Frankfurter feel about FDR’s running for a third term?**

He felt it was “justified” because the country was facing “unprecedented conditions” such as WWII and the Great Depression. In fact, he believed FDR had a “duty to run” because of his eight years of experience leading the country through challenging times.

**How does Frankfurter’s response align with the arguments over “re-eligibility” at the Constitutional Convention?**

Frankfurter focuses on FDR’s preparedness for the role compared to other possible presidential candidates. Founders such as Sherman, King, and Morris made very similar arguments at the Constitutional Convention about the value of experience.

**Do you agree with Frankfurter's analysis of the situation?**

Answers will vary.

**Should FDR have broken the two-term precedent set by Washington?**

Answer will vary.