

# Twentieth Amendment

◆◆◆◆◆  
(1933)

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*“No longer would a new Congress need to wait a year between its election and its first meeting. No longer would lame-duck members remain in office so long after their defeat. No longer would four-month interregnums exist between the election and inauguration of a president.”*

—Senator Robert C. Byrd, describing the impact of the Twentieth Amendment in *The Senate, 1789–1989: Addresses on the History of the Senate* (1989)

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## WHAT IT SAYS

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Section 1. The terms of the President and Vice-President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice-President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice-President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice-President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice-President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

## WHAT IT MEANS

March 4 was initially chosen as the date a new President, Vice President, and Congress took office, because there needed to be time to travel to the capital and for the new representatives and senators to settle their affairs at home before sitting as a Congress. As transportation and communications improved, this meant that the departing Congress and President remained in office for an unnecessarily long time. By moving the beginning of the new term from March 4 to January 20 (and in the case of Congress to January 3) proponents of the Twentieth Amendment hoped to put an end to the “lame duck” syndrome. Lame ducks, incumbents who had been defeated or had not stood for reelection, were perceived to be able to accomplish little of value, and Congress and these Presidents were less likely to support each other’s initiatives.

This shortened interval between the election and the convening of a new Congress on January 3 and the Presidential inauguration on January 20 allows the outgoing President time to consider the outgoing Congress’s legislation for signature or veto while enabling the government to be passed swiftly to the new administration.

The Twentieth Amendment also provides for succession plans if the newly elected President or Vice President is unable to assume his or her position. If the President is not able to hold office, either because of death or failure to qualify, the Vice President will act as President. If the Vice President is also not able to carry out the Presidential duties, Congress may select someone to act as President.

### LAME DUCK SESSIONS HELD SINCE THE PASSAGE OF THE TWENTIETH AMENDMENT

CONGRESS (YEAR)	SENATE DATES	HOUSE DATES
76th (1940-1041)	Nov. 7-Jan. 3	Nov. 7-Jan. 2
77th (1942)	Nov. 5-Dec. 16	Nov. 5-Dec. 16
78th (1944)	Nov. 14-Dec. 19	Nov. 14-Dec. 19
80th (1948)	Dec. 31	Dec. 31
81st (1950-1951)	Nov. 27-Dec. 22 Dec. 26-29	Nov. 27-Dec. 22 Did not meet
83rd (1954)	Nov. 8-17 Nov. 29-Dec. 2	Did not meet Did not meet
91st (1970-1971)	Nov. 16-Jan., 2	Nov. 16-Jan., 2
93rd (1974)	Nov. 18-26 Dec. 2-20	Nov. 18-26 Dec. 2-20
96th (1980)	Nov. 12-25 Dec. 1-16	Nov. 12-24 Dec. 1-16
97th (1982)	Nov. 29-Dec. 23	Nov. 29-Dec. 21
103rd (1944)	Nov. 30, Dec. 1	Nov. 29
105th (1998)	Did not meet	Dec. 17-19
106th (2000)	Nov. 14 Dec. 5-15	Nov. 13-14 Dec. 4-15
107th (2002)	Nov. 7-8 Nov. 12-20	Nov. 7-8 Nov. 12-22
108th (2004)	Nov. 16-24	Nov. 16-24

## SENATOR NORRIS TARGETS THE LAME DUCK SESSIONS

Originally applied to businessmen who went bankrupt, the term “lame duck” has transferred to politicians who continue in office after they have been defeated, have chosen not to run for reelection, or have been legally barred from seeking another term. (In the federal government, only the President is limited to two terms. Some states have set term limits for their own state legislators, but the Constitution does not permit them to place limits on the terms of U.S. senators and representatives.) The Twentieth Amendment is called the Lame Duck Amendment because it was designed to reduce the chances of legislators meeting and casting votes after failing to win reelection.

As chairman of the Senate Judiciary Committee, Senator George W. Norris (above) sponsored the Twentieth Amendment. A Republican from Nebraska, Norris had earned a reputation as a progressive reformer in the House of Representatives, where he led a revolt against the powerful Speaker Joseph Cannon to make the House operate more democratically. Serving in the Senate during the conservative 1920s, Norris forged alliances with liberals and progressives in both parties to promote his reforms. The author of much legislation, he is remembered primarily as the author of the legislation that created the Tennessee Valley Authority, which brought electrical power to vast areas of the rural South.

# Twentieth Amendment

## The Confederation Congress sets the beginning of the new government

→ 1788

With the ratification of the Constitution, the outgoing Congress under the Articles of Confederation sets March 4, 1789, as the date on which the new federal government will begin. The House of Representatives is unable to establish a quorum to conduct business until April 1, and the Senate does not get its first quorum until April 6. George Washington is inaugurated as the first President on April 30, 1789.

## First lame duck session of Congress

→ 1790

The Constitution provides that the Congress will begin each session on the first Monday in December. The first session of each two-year Congress therefore begins thirteen months after the congressional elections are held. The second session begins a month after the next election, and continues until March 3. Some of the members who serve during that second session might have been defeated or chosen not to run for reelection in the last election. They are known as “lame ducks,” and any session held after an election is a “lame duck session.”

## Congress establishes a line of Presidential succession

→ 1792

Congress passes the Presidential Succession Act, which provides that should both the President and Vice President be unable to serve, the president pro tempore of the Senate (selected to preside over the Senate when the Vice President is absent) will serve as President. Next in line of succession are the Speaker of the House of Representatives, followed by the members of the cabinet in the order in which departments were created.

## First Congress to convene in January

→ 1935

Under the Twentieth Amendment, the Seventy-fourth Congress, elected in November 1934, meets in January 1935, rather than waiting until the following December, as had been the previous practice. As a result, the outgoing Seventy-third Congress has no “lame duck session.” In later years, Congress only rarely holds lame duck sessions.

## Franklin Roosevelt is the first President inaugurated on January 20

→ 1937

President Roosevelt’s first term, which began on March 4, 1933, ends at noon on January 20, 1937, when he becomes the first President to be inaugurated under the Twentieth Amendment.

## Threat of war deeps Congress in a lame duck session

→ 1940

Europe goes to war in September 1939, and, while the United States struggles to remain out of the war, the constant threat of hostilities keeps Congress in session throughout 1940, even during the months after the November election. This is the first lame duck session held after the Twentieth Amendment was ratified. Congress also holds lame duck sessions in 1942 and 1944, while the United States is engaged in World War II.

# TIMELINE

## John Tyler becomes the first Vice President to assume the Presidency

1841

William Henry Harrison died of pneumonia within a month of becoming President. Vice President John Tyler then assumes the Presidency. Some members of Congress refer to Tyler as the “acting President,” and suggest that a special election should be held to fill the post. However, Tyler claims the full rights of the Presidency and serves out all of the nearly four years remaining in Harrison’s term.

## Congress changes the order of succession to the Presidency

1886

In 1886, Congress passes a new Presidential Succession Act that removes the president pro tempore of the Senate and the Speaker of the House of Representatives from the line of succession. After 1886, cabinet officers, in the order their departments were created, are next in line for the Presidency. In 1948, Congress reinstates the Speaker of the House and president pro tempore of the Senate in that order in the line of succession.

## Franklin Roosevelt is the last President inaugurated on March 4

1933

The Twentieth Amendment is ratified in 1933, but not in time to change the date of the inauguration. As a result there is a five-month interval between Roosevelt’s election in November 1932 and his inauguration in March. The economy slips to the lowest level of the depression, with widespread bank failures, foreclosures, and unemployment. Neither the outgoing President Herbert Hoover nor the incoming President Roosevelt feels he has authority to confront those issues during the interregnum.

## Censure of Senator Joe McCarthy

1954

The Senate returns in a lame duck session following the election of 1954 to consider the censure of Joseph R. McCarthy, a Wisconsin Republican accused of conduct unbecoming a senator. McCarthy gained national publicity for his controversial hearings into Communist subversion of the government and assailed anyone who criticized his tactics, including other senators. In a lame duck session in December 1954, the Senate votes 67 to 22 to condemn McCarthy’s conduct.

## Speaker O’Neill denounces lame duck sessions

1982

After the elections in November 1982 the House of Representatives returns to a lame duck session to deal with unresolved budget and appropriations issues. The session is so frustrating and unproductive that House Speaker Tip O’Neill vows never to hold another lame duck session while he is in office. He keeps his word, but after O’Neill retires Congress resumes occasional lame duck sessions to wrap up unfinished work.

## A lame duck House of Representatives impeaches President Clinton

1998

With President Bill Clinton being investigated for lying to a grand jury about his relationship with a White House intern, Republicans in the House of Representatives move toward voting to impeach the President prior to the 1998 election. House Speaker Newt Gingrich predicts that his party will increase its numbers in the House in 1998, but instead the party loses seats and Gingrich resigns. Despite polls showing that public opposes impeachment, a lame duck session of the House votes almost entirely along party lines to impeach the President. Clinton is acquitted in a Senate trial the next year.