

# Virginia

The 22nd Amendment to the Constitution, which limits a person to being elected to the presidency two times, and sets additional eligibility conditions for presidents who succeed to the presidency, was voted out of Congress by a supermajority vote in both chambers. Between 1947 and 1951, the 22nd Amendment was ratified by 41 state legislatures and officially came into effect after 36 states ratified the amendment in February 1951. Since the history of the 22nd Amendment's passage and the intent of those who ratified it has become relevant again, this factsheet is part of a series covering each state's ratification process.

## Virginia's consideration of the 22nd Amendment:

- The Virginia General Assembly voted to ratify the 22nd Amendment on January 28, 1948.
- Democratic Governor William Munford Tuck recommended that the Assembly approve the amendment.
- In the House of Delegates, the resolution to ratify the amendment was introduced by Democrat Delegate John B. Boatwright on January 14, 1948.
- The House voted unanimously to approve House Joint Resolution No. 6, to ratify the 22nd Amendment on January 27, 1948 by a vote of 90 to 0 (with 10 members not recorded).
- Delegate Boatwright's motion to reconsider the agreed vote was rejected.
- On January 28, 1948 the Senate approved a resolution to ratify the amendment by a vote of 29 to 6 (with 4 members unrecorded).

**Delegates Oppose Two Term Limit Measure**

RICHMOND, Jan. 28 (UP)—Opposition to a constitutional amendment limiting the President to two terms set off a lively debate in the Virginia Senate today before the resolution was finally adopted.

The measure which received a unanimous vote in the House of Delegates passed the upper chamber with a 29 to 6 vote. Dissenters were Senators Edward L. Breeden, Jr., of Norfolk; Lloyd M. Robinette, of Jonesville; Major M. Hilliard, of Portsmouth; Charles W. Crowder, of Richmond; Chas. T. Moses, of Appomattox and Mosby G. Perrow, Jr., of Lynchburg.

Senators Breeden and Robinette spoke against the proposed amendment and Senator Robert O. Norris, of Lancaster, defended it. Gov. Tuck recommended that the Virginia Assembly approve the measure.

### No Third Term Again

Virginia has gone on record for placing a two-term limit upon tenure of the Presidency of the United States. First the House of Delegates approved the Constitutional amendment, 90 to 0, and then on Wednesday the Senate gave its support, 29 to 6, with four members unrecorded. There is one vacancy. In the House 10 members were not recorded.

Sen. Edward L. Breeden, Jr., of Norfolk, led the fight against approval, declaring that he had received no mandate from the people. Sen. L. M. Robinette, of Lee, backed this point of view with the observation that he felt the people could exercise their judgment in electing a chief executive.

The people of Virginia have been aware that the amendment would come up this session. Endorsement or rejection by the legislatures of the several States is one of the two methods provided. The other is by conventions in the States. In either case a three-fourths majority is required for the amendment to become a part of the nation's basic law. It is hardly possible that the Virginia General Assembly would vote for this one unless a majority of the people approved, although no clear mandate has been given.

The question of a third or fourth term has been debated endlessly since Franklin D. Roosevelt broke the two-term tradition. When the Country gave him two extra terms it was doing so under the theory of the "indispensable man." That theory has been sadly cracked and frayed since start of the fourth term which he survived for only about 90 days. American thought has altered a great deal since April, 1945. Most people, we are convinced, now feel that if the Country could get along without Washington, Jefferson, Theodore Roosevelt and Woodrow Wilson after two terms it can do without any other president following his eight years in the White House. In a Nation so great as ours it doesn't seem reasonable that our fate should depend on any one man. After all, this is a government of laws and our institutions have proved time and again they can stand against great shock.

The no third-term amendment undoubtedly will become a part of our Constitution in due time and the Country will survive.

- Democratic Senator Harry F. Byrd Jr's motion to reconsider the agreed vote was rejected.

### **Cases involving the 22nd Amendment in Virginia:**

- There are no relevant cases in Virginia that analyze the requirements of the 22nd Amendment.