

Mr. Hubbard and Mr. Underwood offered the following resolution:

House Joint Resolution No. 9—"Providing for the ratification of the proposed amendment to the Constitution of the United States, and known as the 22nd Amendment to the Constitution of the United States, relating to the terms of office of the President.

WHEREAS, The House of Representatives on February 6th, 1947, and the United States Senate on March 12th, 1947, both by the constitutional two-thirds thereof passed a proposed constitutional amendment to be known as the 22nd Amendment to the Constitution; and

WHEREAS, Said proposed Amendment was submitted to the States for Ratification upon March 26th, 1947, and said proposed Amendment to the Constitution of the United States of America, is in the following words, to-wit:

"Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President, shall be elected to the office of President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. 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 to the states by the Congress."

Be it Resolved by the Legislature of West Virginia, two-thirds of all the members of each House agreeing thereto:

That the proposed Amendment No. 22 to the Constitution of the United States of America be and the same is hereby ratified by the Legislature of West Virginia; and, be it

Further Resolved, That certified copies of the foregoing preamble and resolution be immediately forwarded by the Secretary of State of the State of West Virginia, under the Great Seal, to the President of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States.

Referred to the Committee on the Judiciary.

McCormick	Mullennex	Rairden	Underwood
Miley	Mullins	Scanes	Watts
Miller	Phillips	Shafer	Williams
Mills	Pomroy	Stidham	Wright
Moreland	Prather	Tucker	Wysong

NAYS—48

Andrews	Earley	McCoy	Rogers
Ashcraft	Hall	McCulty	Sammons
Ballard	Hamilton, Marion	McElwee	Tetrick
Barron	Hammond	Meadows	Thomas
Blankenship	Hutton	Morgan	Thompson
Campbell	Kidd, Braxton	Mouse	Walker
Caplan	Kidd, Gilmer	Parker	Warden
Carroll	Layne	Pauley	Wells
Casey	Loop	Perry	Whetsell
Creel	Matney	Powell	White, Cabell
Davis	Maxwell	Ridenour	Whitt
Doringer	May	Roberts	Zinn

ABSENT AND NOT VOTING—6

Bowles	Maroney	White, Boone
Knight	Neal	Flannery, Speaker

So, a majority of all the members present and voting not having voted in the affirmative, the motion did not prevail.

Mr. Hubbard moved that the Committee on the Judiciary be discharged from further consideration, of

House Joint Resolution No. 9—"Providing for the ratification of the proposed amendment to the Constitution of the United States, and known as the 22nd Amendment to the Constitution of the United States, relating to the terms of office of the President."

On this question, Mr. Hubbard demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken and there were—yeas 32, nays 57, absent and not voting 5, as follows:

[Roll No. 423]

YEAS—32

Ambler	Hammond	Morgan	Ridenour
Ashcraft	Honecker	Mouse	Rogers
Creel	Hubbard	Mullenex	Sammons
Curtis	Hutton	Neal	Thomas
Dawson	Layne	Parker	Underwood
Drewry	May	Pauley	Warden
Gompers	McCulty	Powell	Whetsell
Hall	Moreland	Rairden	Zinn

NAYS—57

Andrews	Earley	McCoy	Thompson
Ballard	Fox	McElwee	Tucker
Barron	Hamilton, Calhoun	Meadows	Walker
Blankenship	Hamilton, Marion	Miley	Watts
Booth	Harmon	Miller	Wells
Bowles	Johnston	Mullins	White, Boone
Browning	Kidd, Braxton	Perry	White, Cabell
Campbell	Kidd, Gilmer	Phillips	Whitt
Caplan	Loop	Pomroy	Williams
Carroll	Maloney	Prather	Wright
Casey	Maroney	Roberts	Wysong
Chambers	Martin	Scanes	Flannery, Speaker
Cole	Matney	Shafer	
Davis	Maxwell	Stidham	
Doringer	McCormick	Tetrick	

ABSENT AND NOT VOTING—5

Beneke	Hunt	Mills
Humphreys	Knight	

So, a majority of all the members present and voting not having voted in the affirmative, the motion did not prevail.

At the request of Mr. Morgan, and by unanimous consent, the following remarks made on the motion to discharge the committee from further consideration of H. J. R. No. 9, were ordered printed in the Journal:

MR. HUBBARD. Mr. Speaker, I have listened with a great deal of interest to the discussions this morning, and this afternoon, relative to committee action. I was particularly impressed with the remarks from the gentleman from Webster. Now on the 2nd day of February, House Joint Resolution No. 9 was introduced and referred to the Judiciary Committee. I would like to move that the Judiciary Committee be discharged from further consideration of this resolution. The resolution pertains to the ratification of the twenty-second amendment to the constitution and I might add that, in considering this motion, the House should bear in mind that the release from the Judiciary Committee and action on this floor will of course not enact any law that is not already the law of the United States. So, I respectfully move that the Judiciary Committee be relieved of further consideration of this resolution.

MR. UNDERWOOD. Mr. Speaker, I rise to support the motion of the gentleman from Ohio to discharge the Judiciary Committee from further consideration of House Joint Resolution No. 9.

Among the first pieces of major legislation to pass the 80th Congress was House Joint Resolution 27 which proposed an amendment to the Constitution limiting the term of office of the President to two terms of four years each. The resolution

had passed the House on February 6 by a vote of 285 - 121, was amended in the Senate and passed that body 59 - 23 on March 12. The House concurred in the Senate amendments and voted its final approval on March 21. From there the resolution was sent to the several state legislatures.

The pertinent language of the proposal reads:

"No person shall be elected to the office of President more than twice, and no person who has held the office of President, or acted as President for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term."

In submitting the amendment to the states, Congress provided a period of seven years for the legislatures of three-fourths of the states to ratify the proposal. It has been approved by thirty-six state legislatures and is now a part of the Federal Constitution.

Thus Congress and the states have taken formal action in a controversy which has lived as long as the Constitution itself. During this 160-year period more than two hundred different proposals have been introduced in Congress to limit the term of office of the President. Since 1890 the record shows the following classification of proposals: one to limit the term to five years, 79 to six years, three to seven years, three to eight years, and 14 to two terms of four years each.

The two-term tradition for American presidents was established by George Washington in 1790 when he retired at the end of his second administration. Most historians agree that the first President retired for personal reasons and not because he held any strong feeling against a third term. He was sixty-four years old at the time and was tired of public life which had taken so many of his years. The appearance of political factions and the beginning of public criticism of his administration probably influenced the President to quit. No doubt he realized that another term would bring bitterness and reflection to his long and colorful public life.

Those today who seek historical evidence to support their contentions that third terms will imperil our democratic way of life must look to the founder of the present Democratic party, Thomas Jefferson. His thinking is probably best pictured in a letter to his friend, John Taylor, in January, 1805, in which he wrote:

"My opinion originally was that the President of the U. S.

should have been elected for 7 years, and forever ineligible afterwards. I have since become sensible that 7 years is too long to be irremovable, and that there should be a peaceable way of withdrawing a man in midway who is wrongdoing. The service for 8 years with a power to remove at the end of the first four, comes nearly to my principle as corrected by experience . . . It is in adherence to that that I am determined to withdraw at the end of my second term. . . The danger is that the indulgence and attachments of the people will keep a man in the chair after he becomes a dotard, that reelection through life shall become habitual, and election for life follow that. General Washington set the example of voluntary retirement after 8 years. I shall follow it, and a few more precedents will oppose the obstacle of habit to any one after a while who shall endeavor to extend his term. Perhaps it may beget a disposition to establish it by an amendment of the Constitution. I believe I am doing right, therefore, in pursuing my principle. . ."

President Jackson advocated a 10-year limitation in his message to Congress in 1829 as did William Henry Harrison in his inaugural in 1841. President Johnson again urged its adoption in his message to the Congress in 1865 and William Jennings Bryan ran on a platform containing such a proposition in 1896. Most of us here remember President Coolidge's famous words, "I do not choose to run," in 1928.

The strongest point advanced by the opponents of limitation of tenure is the danger of writing such restrictive language into the Constitution and thereby tying the hands of future generations of voters who may desire otherwise. Just as those who wrote the original document could not foresee conditions of today neither can we picture what will happen in a few short years of this atomic age. In an era constantly faced with one emergency after another, any move by a republic presents a great challenge and embodies some danger. These opponents logically point out that we have a better safeguard in our free elections where the American voters can turn a President out of office at the end of any term. This is a strong argument when based on completely free elections and the representative character of our national nominating conventions and Electoral College system. When one realizes that conventions do not always reflect popular will, a minority president may be elected through the electoral system. When only about half of the eligible voters in this country participate in national elections, these safeguards do not seem to be so real.

The affirmative argument that long tenure always points to a dictatorship does not seem to be very strong nor supported by much fact. The office of the President embodies such extensive power that a person lusting for dictatorial power could seize the government even in his first term. The case of Huey Long in Louisiana presents an excellent preview of such a pos-

sibility in America. If that time ever comes in this republic, no constitutional restrictions will save the day.

With the tradition broken, the question of every President being tempted to run for life is, of course, a real possibility. Supporters point out that many of our presidents have had the desire to seek a third term, but feared the outcome. Most historians agree that Washington, Jefferson, and Jackson could have been easily reelected for a third term, and that Grant and Theodore Roosevelt could have succeeded in their attempts if they had not left the office for one term—this absence cost them the control of the party machinery. The opposition contends that even though many men have longed for a third term, public sentiment has blocked their ambitions. It is usually conceded that Franklin Roosevelt's election in 1940 was brought about by the impending international crisis. Truman's chances in 1952 probably depend on the conditions of the world at that time.

This contention points to another point in the case for limitation. During the last twenty years, we have lived through a series of national and international emergencies, and present world conditions do not picture peace for some years to come. The role the President has played in keeping these emergencies alive is always debatable. It can be agreed now that world conditions are certainly beyond his control. In periods of such far-reaching conflicts, the changing of national leadership is always doubtful, but it must come at some time, whether the crisis has been solved or not.

No one can doubt the extensive control a President exercises over the machinery of his political party. It is virtually impossible to defeat a President in a national convention when he has full usage of the appointment and patronage system with more than three million persons dependent upon him for their employment. In addition there are the other millions who are either directly or indirectly dependent on income from the government through public assistance, subsidies, etc. Even Jim Farley who set up the Roosevelt machine of the 30's could not stop this machine at Chicago in 1940; and all of the liberal elements of the Democratic party in 1948, including the Roosevelt family, the ADA of New Deal essence, Senator Pepper and his following, along with the Dixiecrat threats proved no hurdle for President Truman at Philadelphia. After his nomination, a President needs to secure only about twenty-six per cent of the American voters to win another term, since only about fifty per cent of them will vote in the fall elections. With such a limited use of the suffrage, the influence of the government employees and beneficiaries becomes a real force—one that almost defies successful competition.

The most costly feature of unlimited tenure in the presidency and a strong personality in that office is the vast destruction

of developing political leadership primarily in the majority party. The president has in his grasp sufficient power to eliminate those in his party who may appear to be a threat to his position. We saw this happen under Franklin Roosevelt; at no time did any Democrat leader gain enough strength to even suggest a threat to the chief. The result was the selection of a mediocre candidate for Vice President at Chicago in 1944 in order to please most of the pressure groups who controlled large blocks of votes. No one then wanted to change our national leadership in the midst of history's greatest conflict; but within a year death had made this change and this mediocre Vice President moved into the White House. With the power and prestige of his office at his command, the party could not stop him in the next convention.

With all of the recent developments of the 20th century which give to the President undreamed-of powers and with our federal government continuing to grow larger at an amazingly rapid rate, some limit on presidential tenure seems necessary if we are to enjoy the American way of government.

In all sincerity I urge the members of the House to bring this resolution from committee and vote their approval of the adoption of the 22nd amendment to the Constitution of these United States.

Mr. Hamilton (of Marion) moved that the Committee on the Judiciary be discharged from further consideration of H. B. No. 122.

On this question, Mr. Hamilton (of Marion) demanded the yeas and nays, which demand was sustained.

The yeas and nays having been ordered, they were taken and there were—yeas 38, nays 45, absent and not voting 11, as follows:

[Roll No. 424]

YEAS—38

Ashcraft	Hutton	Mullennex	Tetrick
Chambers	Johnston	Mullins	Thomas
Dawson	Kidd, Gilmer	Parker	Thompson
Doring	Maroney	Pauley	Underwood
Drewry	May	Pomroy	Warden
Gompers	Meadows	Powell	Wells
Hall	Miley	Rairden	Wright
Hamilton, Calhoun	Mills	Sammons	Wysong
Hamilton, Marion	Morgan	Scanes	
Honecker	Mouse	Shafer	

NAYS—45

Ambler	Barron	Bowles	Caplan
Andrews	Blankenship	Browning	Carroll
Ballard	Booth	Campbell	Casey

Cole	Loop	Moreland	Whetsell
Creel	Maloney	Neal	White, Cabell
Curtis	Martin	Perry	Whitt
Davis	Matney	Phillips	Williams
Earley	Maxwell	Prather	Zinn
Fox	McCormick	Roberts	Flannery, Speaker
Hammond	McCoy	Stidham	
Kidd, Braxton	McCulty	Walker	
Layne	McElwee	Watts	

ABSENT AND NOT VOTING—11

Beneke	Humphreys	Miller	Tucker
Harmon	Hunt	Ridenour	White, Boone
Hubbard	Knight	Rogers	

So, a majority of all the members present and voting not having voted in the affirmative, the motion did not prevail.

Action on Senate amendments, to

Eng. House Bill No. 226—"A Bill to amend article two, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eleven-a, prohibiting advertising for or on behalf of companies transacting the business of insurance in West Virginia, unless such advertising indicates whether such insurer is licensed to do business in this state,"

Coming up in regular order, as unfinished business, was reported by the Clerk.

On motion of Mr. Davis, the House of Delegates agreed to the amendments of the Senate reported in yesterday's House Journal.

The bill, as amended, was then put upon its passage.

On the passage of the bill, the yeas and nays were taken and there were—yeas 88, nays none, absent and not voting 6, as follows:

[Roll No. 425]

YEAS—88

Ambler	Cole	Harmon	Martin
Ashcraft	Creel	Honecker	Matney
Ballard	Curtis	Hubbard	Maxwell
Barron	Davis	Humphreys	May
Blankenship	Dawson	Hunt	McCormick
Booth	Doringer	Hutton	McCoy
Bowles	Drewry	Johnston	McCulty
Browning	Earley	Kidd, Braxton	McElwee
Campbell	Fox	Kidd, Gilmer	Meadows
Caplan	Gompers	Layne	Miley
Carroll	Hall	Loop	Miller
Casey	Hamilton, Calhoun	Maloney	Mills
Chambers	Hammond	Maroney	Moreland