

New Jersey

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.

New Jersey's consideration of the 22nd Amendment:

- The New Jersey legislature voted to ratify the 22nd Amendment on April 15, 1947.
- On April 1, 1947, a resolution to ratify the amendment was introduced in the Senate by Republican Senator Samuel Bodine.
- According to Senate President Charles K. Barton (R), the amendment aimed to halt “the zeal of a certain outfit to stay in power,” and that no person should stay in power for “the sake of authority alone.”
- Senator Barton added that those who opposed the two-term limit “are trying to idolize their idol,” but the 22nd Amendment will “bring America back to the ideals of our forefathers.”
- Democrats who opposed the measure criticized the amendment as a “limit to the freedom of the people of the United States.” Democratic Senator Edward O’Mara warned that a future international crisis might lead to concern about having a term-limited president in office.
- These critiques were ultimately rejected, as the measure passed the Senate on the same day the resolution was introduced by a 15 to 3 vote.
- On April 15, 1947, the House passed the resolution by a *viva voce* (oral) vote.

**N. J. Senate votes
President's tenure**

TRENTON (AP)—Over the opposition of Democrats, who termed it a “limit to the freedom of the people of the United States,” the New Jersey Senate last night approved the proposed 22nd amendment to the U. S. Constitution limiting the President to two terms in office. The vote was 15 to 3.

Declaring that ratifying the proposed 22nd amendment to the Constitution was “hamstringing future generations,” Sen. Edward J. O’Mara (D.-Hudson) declared that a future crisis in international affairs might cause concern over the limitation of the term of the President.

Senate President Charles K. Barton (R.-Passaic) declared that the amendment would halt the “zeal of a certain outfit to stay in power. . . . The people are sick of New Deal nonsense.”

Approving the amendment yesterday were the Legislatures of Iowa, Kansas and New Hampshire. The day before, the measure had been adopted in Maine and Michigan. All five states have Republican Legislatures. Thirty-six states must ratify the proposal to write it into the Constitution.

Cases involving 22nd Amendment in New Jersey:

- The only relevant case in New Jersey interpreting the 22nd Amendment reinforces the understanding that a twice elected president is ineligible to be elected to the presidency again.
- In *Gordon v. Sec'y of N.J.*, 460 F. Supp. 1026, 1027 n.1. (D.N.J. 1978), the District of New Jersey dismissed a frivolous complaint that the 1976 presidential election was illegitimate due to a minor candidate having been arrested during the campaign. In the process of discussing the case, the court noted: "Under Article II, s 1, par. 5, every natural born citizen of the United States, over the age of 35 years and a resident for 14 years, is eligible to be elected President. There is only one individual now alive, otherwise qualified, who is ineligible. That individual is Richard Nixon, who was twice elected, and so is barred by Amendment XXII."