

# Montana

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.

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

- Montana ratified the 22nd Amendment on January 25, 1951.
- On January 4, 1951, six Republican Montana legislators—Representatives O'Connor, Scofield, McElwain, Working, Peters and Schiltz—introduced the proposed amendment as House Joint Resolution No. 1. The resolution was referred to the Committee on Judiciary, which later recommended it do pass.
- On January 16, 1951, the resolution passed the Montana House by a vote of 51 to 37 (with 2 absent/not voting).
- On January 17, 1951, the resolution was introduced in the Montana Senate and referred to the Committee on Federal Relations, which, one day later, recommended the resolution be concurred in.
- On January 25, 1951, the resolution passed the Montana Senate by a vote of 31 to 24 (with 1 excused); both votes include “pairs” of votes which were made after the initial roll call vote.
- Montana's legislature considered presidential term limits at the same time it debated amending the state's constitution to limit governors to two consecutive terms. Two years prior, in 1949, a proposal to ratify the 22nd Amendment failed in the legislature,

## Amendment to Limit Terms Of Presidents Advances

By Tribune Staff Writer

HELENA, Jan. 11—A joint resolution intended to ratify a federal constitutional amendment limiting presidents to two terms cleared its first hurdle in the house of representatives today.

At the same time there was notice an amendment to the state constitution limiting governors to two consecutive terms also was in the making.

Both measures are Republican inspired this session. Neither is new to the Montana legislature.

Two years ago the Republican senate passed a resolution to ratify the proposed federal amendment. It died in the house of representatives which then was controlled by the Democrats.

Four years ago 28 representatives, mostly Democrats, sponsored a state constitutional change to limit tenure of the governor and the lieutenant governor to two successive terms. The measure was killed by an unfavorable committee report in the house which was controlled by the Republicans.

The proposed presidential term limitation is considered by many Democrats to be aimed at the memory of Franklin D. Roosevelt and possible aspirations of Harry Truman. On a standing vote today only one Democrat was seen to rise with the solid Republican bloc urging that the resolution be passed.

The action sent some scurrying to law books to determine just what

further procedure was necessary. The federal constitution is plain that an amendment of this type must be approved by two-thirds vote of both houses of congress. It then must be ratified by three-quarters of the states. But the feeling held by some that the Montana legislature also must approve by a two-thirds margin was not borne out by a search of authorities available here. Thus majority votes in both houses probably will suffice.

In the lower house the Republicans have a 9-vote margin. In the senate, however, the margin is only 2, and one of the majority side is ill and has not been present at any session so far.

The Republican sponsored state amendment to limit governors to two consecutive terms was explained as not being aimed at any individual but that it was designed to prevent any chief executive from building up a machine that would keep him in office indefinitely.

In 1947 a similar bill was introduced by Democrats who thought they saw third term ambitions by Gov. Sam C. Ford. The measure failed to pass. Ford ran for a third term and was defeated.

A search of the records indicates the amendment, if it had been in the constitution from the start, would have affected the political career of only one man.

Joseph K. Toole, first governor of Montana, served three terms but only two consecutively. John E. Erickson was elected to three consecutive terms but he served only a little more than two months of the third term before resigning to accept appointment to the U. S. senate succeeding the late Thomas J. Walsh.

### Saco Lodge Installs

By Tribune Correspondent

SACO, Jan. 11—Members of the

where it was passed by the Republican-controlled Senate, but died in the Democrat-led House of Representatives.

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

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