

North Dakota

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.

North Dakota's consideration of the 22nd Amendment:

- The North Dakota legislature completed its process ratifying the 22nd Amendment on March 2, 1949.
- On January 18, 1949, the Senate approved a resolution to ratify the amendment by a vote of 28 to 19 (with 2 absent). The measure passed with the support of senators from the GOP as well as from the Nonpartisan League.
- Democratic Senator Harry O'Brien opposed the measure, calling it "shameful", "a step toward limiting freedom of choice" and "motivated by Franklin Delano Roosevelt's success at the polls."
- Senator R. M. Streibel, the floor leader of the nonpartisan league faction, "took issue with O'Brien, saying that without it, a U.S. president might perpetuate himself in office."
- The resolution was passed in the House on February 25, 1949 by a vote of 71 to 40 (with 2 absent/not voting).
- After the vote, Rep. William S. Murray expressed his disapproval of the resolution's passage. He said, "[Y]our sacred Republican Party may be dead and forgotten when this Amendment first has its real effect, say in

of the long-term effect of this thing—to take away the right of the people to select who should be their President."

Rep. Wolf moved that the vote by which Senate Concurrent Resolution "A" was adopted be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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So the concurrent resolution was declared adopted.

Rep. Murray: "Mr. Speaker: I ask that my remarks be recorded in the journal."

Now, Mr. Speaker, I again wish to express my opposition to Senate Resolution "A".

Everyone has their mind made up on this matter, and argument would be futile. I hope, though, that this House knows they are driving one nail into the structure of the United States Constitution, and that is a serious step; to add to or take from that sacred document. It is not a matter to take lightly. It is not just another Senate Bill 30 for us to squabble over—who will have jurisdiction over milk inspection in the State of North Dakota. We are adding to the structure of the Constitution of the United States; and it is the unborn generations of the future who will profit or suffer by what we do here today.

By what right do we arrogate to ourselves the authority to tell the generations of 1960 or 1980 that they cannot elect a man to a third term as president?

George Washington has been cited or quoted on the floor here. George Washington, like other great figures, is misquoted constantly or else remarks are taken out of their proper context. In this connection, I now quote from an editorial in The Leader, dated February 24, 1949, commemorating the birthday of our First President:

By the way, since there is a law before the legislature to make it illegal for a president to serve more than two terms, we'd like to repeat what Washington said on the subject. He said that he himself didn't want a third term, as he was tired and wanted to go home to his estate in his declining years. But he added another thought as well. He said he thought any such bill would be unwise. He said he did not think the nation should "preclude" itself from the services of the best man available at the moment—whether it was for one, two or ten terms.

We think those are pretty wise words. If we had a Washington or a Lincoln in the White House today, would it be wise to kick him out under a two-term limitation—because of a foolish law—and replace him with a possible Harding or Coolidge? We think not. Great men are rare in any country's history—and The Leader thinks we should use their services as long as they are willing to serve!

Now, I am under no illusions how this House is going to vote. I hope when you do vote you are not motivated by hatred or vengeance against a dead President, namely Roosevelt; this amendment cannot help or hurt Franklin D. Roosevelt, who is beyond your vengeance. Nor can it hurt or help President Truman, since it is so drawn that it could not apply to him. So make your vote here on the long view. As I said yesterday, your sacred Republican Party may be dead and forgotten when this Amendment first has its real effect, say in some time of crisis, fifty years from now. The Democratic Party too may long since have fallen by the wayside, by that time. New parties may have taken over—let us hope they will be good ones. Here's hoping it won't be Henry Wallace's party.

So don't cast your vote with Roosevelt in mind. Don't cast your vote with Harding, Coolidge or Hoover in mind. Think

some time of crisis, fifty years from now. The Democratic Party too may long since have fallen by the wayside, by that time. ... So don't cast your vote with Roosevelt in mind. Don't cast your vote with Harding, Coolidge or Hoover in mind. Think of the long-term effect of this thing—to take away the right of the people to select who should be their president."

- Following Rep. Murray's speech in opposition to the amendment, Rep. Wolf motioned that the adopted resolution ratifying the 22nd Amendment be reconsidered and the motion passed.
- The resolution returned to the floor on February 26, 1949, and was passed again "unchanged."
- On March 1, 1949 the secretary put forth the resolution for the speaker's signature which was signed on March 2, 1949.
- North Dakota was one of only two states to ratify the amendment in 1949, with the Associated Press called 1949 "a rough year for the proposal" noting that "[r]esolutions to ratify were defeated or sidetracked in Utah, Nevada, Idaho, Minnesota, Maryland, Massachusetts, Indiana, Montana, North Carolina, New Mexico, Washington, Wyoming and Alabama."

Cases involving the 22nd Amendment in North Dakota:

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