

# South 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.

## South Dakota's consideration of the 22nd Amendment:

- The South Dakota legislature voted to ratify the 22nd Amendment on January 21, 1949.
- South Dakota was one of only two states to ratify the amendment in 1949. 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,

**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

**Saco Lodge Installs**

By Tribune Correspondent

SACO, Jan. 11—Members of the

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.

## State Is 22nd to Back Limit for President

By THE ASSOCIATED PRESS

South Dakota today stood as the 22nd state to ratify the proposed constitutional amendment limiting the president's tenure of office to two terms.

At least 14 more states must take similar action within the next five years before the proposal can become law. Congress completed favorable action March 21, 1947, on the amendment. It must be ratified by 36 states by March, 1954.

North Dakota currently is the only state that has the proposal definitely before its Legislature. The measure has passed the North Dakota Senate, but awaits approval or rejection by the House.

The Idaho Senate rejected the proposal yesterday.

An amendment resolution was tabled by the Texas House of Representatives last session, amounting virtually to rejection, except that the measure can be called up again at any session.

In most of the states that have not yet acted, control of the Legislature either is in Democratic hands or control is split between the two major parties. Democratic legislators in most states have been cool to the proposition in the past.

Besides South Dakota, which acted last week, states which have passed the proposal include Maine, Michigan, Iowa, Kansas, New Hampshire, Oregon, Illinois, Delaware, Vermont, California, New Jersey, Wisconsin, Ohio, Colorado, Pennsylvania, Nebraska, Missouri, Connecticut, New York, Virginia and Mississippi.

Minnesota, Maryland, Massachusetts, Indiana, Montana, North Carolina, New Mexico, Washington, Wyoming, and Alabama."

- On January 7, 1949, Governor George T. Mickelson, a Republican, wrote to the South Dakota House of Representatives introducing a Joint Resolution to adopt the proposed 22nd Amendment of the U.S. Constitution, and he recommended that the resolution be "promptly ratified."
- At the same time that the legislature considered the 22nd Amendment, South Dakota newspapers were debating the prospect of the legislature amending state term limits so that Governor Mickelson could pursue a third term.
- In the House, the resolution to ratify the amendment was submitted in the name of Republican Representative David Pulford.
- The House resolution was referred to the Committee on State Affairs, which recommended it "do pass."
- On January 14, 1949, the resolution passed the House in a bipartisan vote of 58 to 15, with two House members not voting.
- On January 21, 1949, the resolution passed in the Senate by a vote of 26 to 9.

### **Cases involving the 22nd Amendment in South Dakota:**

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