

Texas

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.

Texas's consideration of the 22nd Amendment:

- The Texas legislature voted to ratify the 22nd Amendment on [February 22, 1951](#) after overwhelming majorities in both chambers approved the measure.
- Democratic Representative [Max C. Smith](#) sponsored the Joint Resolution proposing ratification. He [noted](#) that although "Southern states have hesitated to ratify the amendment because Democrats were in office ... New York and Missouri, the home states of President Roosevelt and Truman, both have approved the proposition" and did not view the amendment as partisan.
- The Joint Resolution to ratify the amendment [passed](#) the Texas House on February 20, 1951, by a bipartisan vote of 122 to 22 (with 5 absent).
- In debate in the House, some representatives who supported President Franklin Roosevelt "rallied to the cry that [the Amendment] would be a slap at his [memory](#)." Legislators against the Amendment argued it would tie "the hands of future generations" and considered the amendment to be "anti-Roosevelt..."

Texas Votes Term Limit Of President

By **DAWSON DUNCAN**
Austin Bureau of The News

Sen. Searcy Bracewell of Houston steered the resolution through the Senate. He got unanimous agreement of Senators to interrupt scheduled business to suspend rules and pass it.

"Today is George Washington's birthday," interjected Sen. Keith Kelly of Fort Worth, a cosponsor of ratification with Bracewell.

"Don't you think it is an appropriate day to write into the Constitution, a good old American custom?"

2-Term Rule Endorsed by Texas House

By **RICHARD M. MOREHEAD**
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AUSTIN, Texas, Feb. 20.—The Texas House of Representatives voted, 120 to 23, Tuesday for limiting future Presidents to two terms.

If the State Senate approves, Texas will become the thirty-third state to ratify the twenty-second amendment to the Federal Constitution.

Within a week, predicted Rep. Max C. Smith of San Marcos, the required thirty-six states will have ratified it. South Carolina and Minnesota Legislatures have advanced the resolution through either House or Senate. Tennessee finished passing it only Tuesday.

Twice before, in 1947 and 1949, pro-New Deal Democrats defeated the proposal in the Texas Legislature.

All six Dallas Representatives supported the resolution.

Representatives Maury Maverick Jr. of San Antonio and W. R. Chambers of May opposed the plan. But members generally applauded the view of S. J. Isaacks, 82-year-old dean of the Legislature from El Paso:

"The Constitution is written to see to it that our public officers do not have too much power.

"Any President, by force of patronage, can renominate himself. The President appoints every federal judge, every district attorney, and indirectly every postmaster. They are responsible to him for bread and meat.

"When a man can renominate himself through patronage, he may also be re-elected through patronage. That's not democratic. It resembles dictatorship."

still fighting the ghost of FDR.” The Texas legislature ultimately rejected this argument as the Joint Resolution passed by an overwhelming margin in both chambers.

- The measure [passed](#) the Texas Senate on February 22, 1951, by a vote of 25 to 4 (with 2 absent).
- Texas senators chose to ratify the amendment on George Washington’s [birthday](#), February 22. Senator [Keith Kelly](#) (D), a cosponsor of ratification, said “[t]oday is George Washington’s birthday. Don’t you think it is an appropriate day to write into the Constitution a good old American custom?” As described by contemporaneous reporting, the amendment put “into the Constitution the custom set by Washington” of presidents serving only two terms.
- At the time of ratification, the Texas legislature was [controlled](#) by [Democratic](#) majorities, but the [measure](#) enjoyed bipartisan support. Republican Representative [Edward Dicker](#), who voted in favor of the amendment [said](#), “I’m for it 1,000 per cent. And it is going to be our handicap, because the next President will be a Republican and the 2-term limit will apply to him. But they can count on me to be for it, Republican or Democrat.”
- Representative [Samuel Jackson Isaacks](#) (D), dean of the Legislature, described, “[The](#) Constitution is written to see to it that our public officers do not have too much power. Any President, by force of patronage, can renominate himself. The President appoints every federal judge, every district attorney, and indirectly every postmaster. They are responsible to him for bread and meat. When a man can renominate himself through patronage, he may also be re-elected through patronage. That’s not democratic. It resembles dictatorship.”
- The House Speaker, Democrat [Reuben E. Senterfitt](#), [signed](#) the Joint Resolution, as a courtesy on February 26, 1951, after its passage by both chambers. Under [Texas House Rules](#), the customary procedure for ratification of an amendment to the Federal Constitution was merely a majority vote of each house approving a Joint Resolution proposing ratification.
- A column in the *Dallas Morning News* following the House’s passage of the [Joint Resolution](#) described the merits of the 22nd Amendment: “Too much power accumulates in the hands of a long-time President. He becomes in time an absolute monarch.”

Cases involving the 22nd Amendment in Texas:

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