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RATIFIED AMENDMENTS XI-XXVII OF THE UNITED STATES CONSTITUTIONS

Introduction

On the 16 rolls of this microfilms publication, M1518, are reproduced records relating to Ratified Amendments XI-XXVII of the United States Constitution, which are part of General Records of the United States Government, Record Group 11. Records relating to the Bill of Rights and the Constitution are reproduced on National Archives Microfilm Publication M338, along with the materials submitted by the original 13 States relating to their ratification.

Background

Article V of the U.S. Constitution states:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three-fourths of the several states, or by Conventions in three fourths thereof, as the one of the other Mode of Ratification may be proposed by the Congress....

An Amendment to the Constitution may be proposed in a joint or concurrent resolution of Congress approved by two-thirds of each House. The resolution is sent to the States without the signature of the President. (Although President Abraham Lincoln signed the proposed 13th amendment, his signature was considered unnecessary, and the Senate adopted a resolution to that effect shortly thereafter.) The second method for proposing an amendment is for the legislatures of two-thirds of the States to request Congress to call a Constitutional Convention.

Certified copies of a proposed amendment are sent to the State Governors, who in turn send the proposed amendment to their legislatures for consideration. The State legislatures may approve or reject a proposed amendment, or not act on it at all. The Governor is responsible for keeping the Federal Government informed of the status of the proposed amendment. Congress may request, as an alternative, as it did when proposing the 21st amendment, that the States convene special conventions to ratify the proposed amendment.

With either of these methods, the proposed amendment must be ratified by three-fourths of the States before it can become part of the Constitution. No time limit on proposed amendments is specified in the Constitution; for example, Amendment 27 was proposed on Sept. 25, 1789, and took 203 years to complete the ratification process. Amendments are considered pending unless a time limit has been placed on them by Congress in its instructions to the States. The 18th, 20th, 21st, and 22^d amendments contained these instructions within the language of the proposed amendment. Beginning with the 23^d amendment, the time limit has been placed within the resolution proposing the amendment, not within the text of the amendment.

There are no instructions in the Constitution specifying responsibilities for executing the administrative duties of the ratification process. Because of the confusion surrounding the administration of the proposed 11th amendment, its ratification was not announced until 1798, even though the last necessary State to ratify it had done so three years earlier, in 1795. The 12th amendment (1804) was accomplished by act of Congress (2 Stat. 295) instructing the Secretary of State to administer its ratification. An 1818 act of Congress (3 Stat. 439) formally assigned these functions to the Secretary of State. The administrative functions were transferred to the Administrator of General Services in 1950 (64 Stat. 1272) and to the Archivist of the United States in 1985 (1 U.S.C. 106b). Within the National Archives and Records Administration, the amendment process is monitored by the Office of the Federal Register which sends certified copies to the States for ratification and keeps a record of State actions on the proposed amendment. When it is determined that the last necessary State has ratified the proposed amendment, it is certified by the Archivist of the United States, and Congress is notified of the amendment's ratification. Unless otherwise noted in the text of the amendment, it is considered in effect on the date of its approval by the last necessary State.

Records Description

The records reproduced in this publication are arranged by amendment number, and generally thereunder by materials produced at the Federal level, such as certified copies of joint and concurrent resolutions of Congress; correspondence concerning ratification; certifications of the amendments, and other miscellaneous correspondence; followed by materials received from the States, such as certified copies of ratifications and rejections.

The text of the U.S. Constitution (House Document No. 95-256) and its amendments to date are included in this publication.

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