

# Prologue

## A New Exhibit AMENDING AMERICA

the following Articles be proposed to the Legislature of the several States, all Amendments to the Constitution of the United States, all proposed by the four-fourths of the said Legislatures, to be valid to all intents and purposes as part of the original Constitution.

### ARTICLE THE FIRST.

After the first enumeration, required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor less than one Representative for every fifty thousand persons.

### ARTICLE THE SECOND.

No law varying the compensation to the members of Congress, shall take effect, until an election of Representatives shall have intervened.

### ARTICLE THE THIRD.

Congress shall make no law establishing religion or prohibiting the free exercise thereof, nor shall they make any law infringing

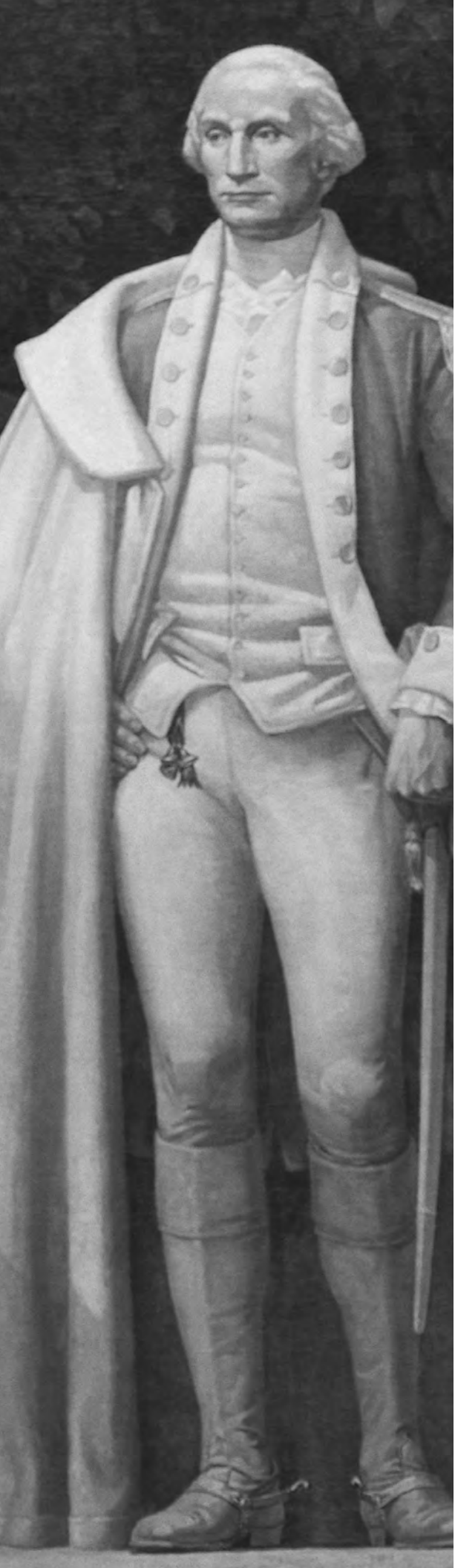
### ARTICLE THE FOURTH.

The Freedom of Speech, and of the Press, and the right of the People peaceably to assemble, and to apply to the Government for a redress of grievances, shall not be infringed.

The first page of the Senate's markup of the House-passed Bill of Rights, the first 10 amendments to the Constitution, ratified in 1791. "Article the First" was never ratified. The third and fourth articles were combined by the Senate into what it now the First Amendment. The second article, dealing with the pay of members of Congress, was ratified more than two centuries after it was sent to the states, in 1992.

*amendment*  
*for the benefit of the States & Representation of the*  
*a*  
*one religious sect or Society in Preference to others*  
*Articles of Faith or a mode of Worship, or prohibiting the free exercise thereof*  
*Congress shall make no law abridging*  
*petition*  
*right*





# Amending America

Exhibit Shows How Changes in the Constitution Affect the Way Our Democracy Works

By Christine Blackerby

What if we elected the President of the United States by lot—by pulling a ball representing a candidate out of a bowl? A constitutional amendment introduced in Congress in 1846 proposed precisely that.

In 1838, one member of Congress shot another, prompting the introduction of an amendment to the Constitution to deny public office to duelers.

A citizen wrote to Congress in 1963 to advocate for a constitutional amendment to require that Americans “tell the truth, the whole truth, and nothing but the truth.” Anyone who failed in that duty would be sentenced to 20 years of hard labor.

These are just a few of the more than 11,000 constitutional amendments that have been proposed in Congress since the Constitution was written in 1787. Some of them were proposed to call attention to an issue, some as satire, some to allow a member of Congress to take a political stand, and some were very serious appeals to resolve pressing problems.

*Left: A mural by Barry Faulkner in the Rotunda of the National Archives Building depicts James Madison handing a copy of the Constitution to George Washington (far right).*



James Madison, often called the “father of the Constitution.”

What most of these proposed amendments have in common, though, is that they failed to be enacted. Only 27 of the more than 11,000 proposed amendments have been ratified to become part of the Constitution.

It is difficult—but not impossible—to turn an idea into an amendment. The reason so few amendments have been successful is that our Constitution sets a high bar to pass amendments. Each of the 27 amendments has passed both houses of Congress by a two-thirds vote, and then they were ratified by three-quarters of the state legislatures.

So, what kinds of proposals achieve enough support to become a ratified amendment?

This question is explored in “Amending America,” a new National Archives exhibition. “Amending America” features National Archives documents that highlight the successes and failures of Americans’ attempts to change our nation’s fundamental governing charter,” said co-curator Jennifer Johnson.

The exhibition is part of the National Archives’ celebration of the 225th anniversary

of the ratification of the first 10 amendments to the Constitution, known collectively as the Bill of Rights. The exhibition will also feature others of the 27 ratified amendments, as well as many of the 11,000 proposed amendments that failed. “Amending America” will be on display in the Lawrence F. O’Brien Gallery at the National Archives Building in Washington, D.C., through September 4, 2017. The exhibition is presented in part by the National Archives Foundation through the generous support of AT&T, HISTORY®, and the Lawrence F. O’Brien Family.

### **Most Amendments Focus On Expanding Our Rights**

More than anything else, the history of constitutional amendments is a history of expanding rights and democracy. Seventeen of the 27 ratified amendments secure or expand individual rights, including voting rights. Some proposed amendments would

limit or remove individual rights, but none of these have ultimately been successful. “Amending America” includes documents that illustrate the struggles to win those rights, and also the clashes when people’s rights conflict.

### **The First 10 Amendments: The Bill of Rights**

The Bill of Rights, ratified in 1791, set the stage for 225 years of expansion and securing of individual rights. Originally, some saw it as merely a statement of values. But in the 20th century it was used to establish enforceable limits on government actions.

As visitors enter the gallery, they will see a montage of photographs and film clips that depict Americans engaging in actions that are protected by the Bill of Rights, including free speech, practice of religion, and the right to peaceably assemble. Nearby will be several documents that illuminate how the Bill of Rights came to be.



One of these is the voting record of the Constitutional Convention in 1787. It shows that the omission of a bill of rights from the Constitution was deliberate, not an oversight. George Mason proposed adding a bill of rights five days before the convention ended. But after a short debate, the state delegations voted the motion down, 0–10.

That omission proved to be a mistake almost fatal to the Constitution. New York and several other states agreed to ratify with the promise that the First Congress would add rights to the Constitution through the amendment process. These states might have rejected the Constitution without the promise of a future bill of rights. Visitors will see several pages of New York's ratification of the Constitution, which includes a list of amendments that New York wanted to see proposed in the First Congress.

The First Amendment protection of the free press covers many things, including crime and horror comic books aimed at children, investigated by the Senate in 1954.

James Madison of Virginia, sometimes called the “father of the Constitution,” kept that promise when he introduced rights-related amendments in the House of Representatives in the First Congress. The Senate then reworked the amendment language passed by the House. Visitors will be able to see the Senate's marked-up draft, which illuminates the Senate's debate. The sena-

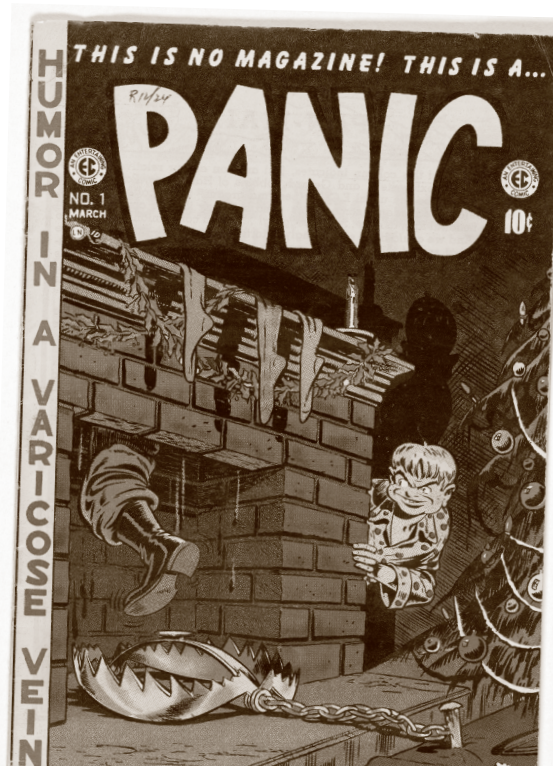
tors spilled the most ink on the Third and Fourth Articles, which were later combined to form the First Amendment.

The Bill of Rights became the first 10 amendments to the Constitution when Virginia ratified them on December 15, 1791. Virginia's affirmative vote, the 11th of the 14 states in the Union, met the constitutionally required bar of three-quarters of the states needed for ratification. Since 1941, December 15 has been celebrated as Bill of Rights Day.

### Protection for Right to Religion, Speech, Press, Assembly, Petition

The First Amendment protects freedom of religion, speech, and press, and the right to assemble and petition. “Amending America” features many documents that portray these rights in action.

In the early 1960s, the Supreme Court invalidated the common practice of teacher-led prayer in public schools



as a violation of the First Amendment's Establishment Clause. In response, members of Congress introduced hundreds of amendments, both to protect school prayer and also to confirm that school prayer could not be required. Others urged Congress not to alter the First Amendment at all.

A letter from a Baptist church stated that these proposed amendments addressed a problem that did not exist. God and the Bible never left schools, the letter writer pointed out. Students could still pray; the Court stated only that compulsory prayer was unconstitutional.

Flag burning is free speech, ruled the Supreme Court in *Texas v. Johnson* (1989). The Court explained, "Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."

In response, Congress considered an amendment to alter the First Amendment to prohibit flag burning. This proposed amendment illustrated that the firm belief in the importance of the American flag as a unique symbol of freedom was at odds with the equally powerful notion that the First Amendment guarantees Americans the right to freedom of speech, regardless of how insulting that speech may be. Visitors can read a letter to Congress from People for the American Way that details several objections to the Flag Desecration Amendment, which ultimately failed to pass.

Does the First Amendment's protection of the free press include crime and horror comic books aimed at children? The Senate Judiciary Subcommittee on Juvenile Delinquency collected more than 600 comic books during a 1954 investigation of whether such comics contributed to youth crime, and one of these is displayed in the gallery. Although the Senate considered censoring this kind of publication, ultimately they proposed no such bill.

The program for the 1963 March on Washington illustrates civil rights activists' plans to exercise their First Amendment right to peaceably assemble. But congressional opponents of the then-pending Civil Rights Act argued that the march would incite violence and riots and

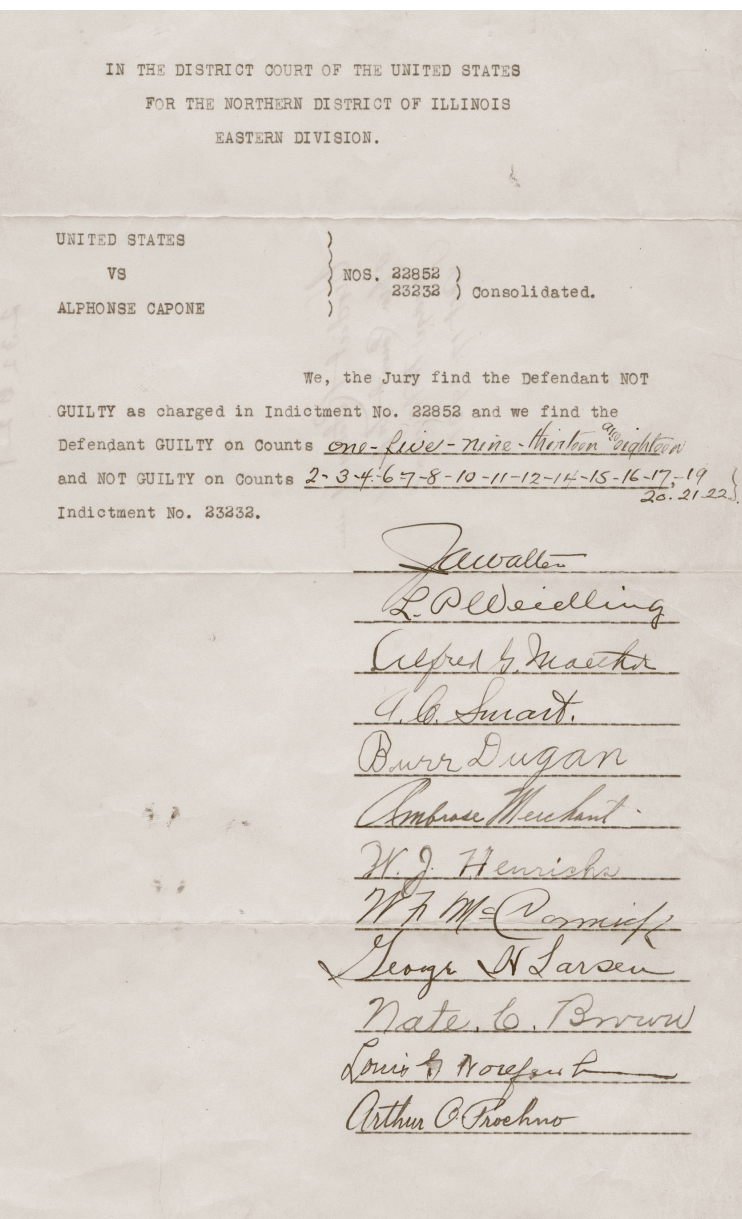
therefore should be prohibited as an "illegal assembly." Their fears were unfounded, and the march proceeded calmly. Many of the addresses were memorable—especially Martin Luther King Jr.'s "I Have a Dream" speech—but the most emotionally powerful aspect of the march was the demonstrators' peaceful assembly. The Civil Rights Act became law in 1964.

Petition drive organizers in the 1800s and 1900s vigorously exercised their First Amendment right to petition the government for redress of grievances. Organizers printed the text of a petition on the top of a page and then left the bottom blank for signatures. After gathering signatures, the pages were often glued end to end to form one giant document, which was then sent to Congress. One of these large petitions, from the residents of the District of Columbia against the enactment of a District Prohibition bill, is rolled up like a scroll and will be in the gallery for visitors to examine.

Like so many other parts of 21st-century life, petitioning has gone digital. Visitors will be able to use an iPad to explore the "We the People" website, created by the Obama administration to allow direct petitioning of the President. Anyone can create a petition, and if a petition gets 100,000 signatures within 30 days, the administration will respond.

Many of the documents at the National Archives tell stories of the protection of First Amendment rights, but some show these rights being infringed. Visitors can see a poster by the Hollywood writers and actors who created the Committee for the First Amendment in 1947 to defend their right to free speech from the investigations of the House UnAmerican Activities Committee (HUAC) of Congress. In an attempt to root out communists from American institutions during the Cold War, HUAC subpoenaed actors and screenwriters known as the "Hollywood Ten" to question their beliefs and associations with the Communist Party. Citing the First Amendment, they refused to answer and were jailed for contempt of Congress.

Al Capone thought he had fixed the jury in his 1931 tax evasion trial, but when the judge heard about it, he had the jury switched with another one. The replacement jury convicted Capone. The Sixth Amendment guarantees a jury trial in criminal prosecution.



As congressional committees continued to investigate individuals' personal beliefs, speech, and associations, the targets of the investigators abandoned the unsuccessful First Amendment defense and switched to the Fifth.

### The Bill of Rights Provides Many Protections for Citizens

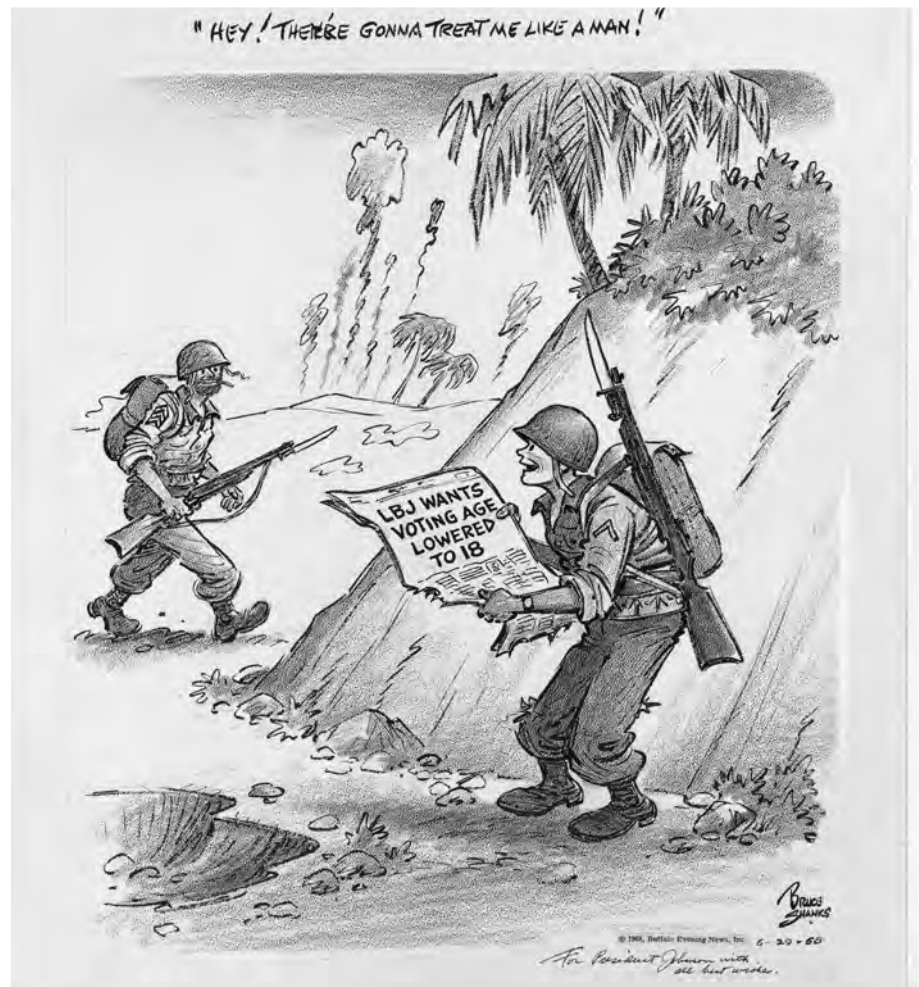
The Fifth Amendment provides protections to accused criminals, including the right against self-incrimination. Although she was a playwright, not a criminal, Lillian Hellman "pled the Fifth," refusing to testify to HUAC about herself if it meant that she also had to testify about other people's political beliefs and speech. Those who "pled the Fifth" did not go to prison, but most of them were blacklisted and could no longer find work in Hollywood.

The phrasing of the Second Amendment has led to different interpretations. A long-standing argument is that the "right to bear arms" is a collective right that prohibits the federal government from disarming state militia. The ascendant argument says it is an individual right guaranteed to every citizen.

After President Gerald Ford escaped two assassination attempts in 1975, both made with "Saturday Night Specials," many citizens blamed these small, easy-to-conceal handguns for rising crime rates. The guns became the focus of an advertisement by the Committee for Hand Gun Control, which visitors can examine. The DC Firearms Control Regulations Act passed soon after in 1976. The Supreme Court invalidated the act in *District of Columbia v. Heller* (2008), ruling for the first time that gun ownership is an individual right.

The right to trial by jury, guaranteed by the Sixth Amendment, is so fundamental that it dates to Magna Carta of 1215. A jury of one's peers stands between the accused criminal and the government, preventing abuse of power. The Seventh Amendment protects the same right in civil trials.

Visitors can see the signatures of the 12 members of the jury on the guilty verdict in gangster Al Capone's tax evasion trial. However, this



jury was not the one Capone initially expected. Capone knew who would be the jurors before the trial judge did. He had already passed out thousands of dollars in cash, free tickets, and other goodies to the jurors before the trial convened. The judge learned what Capone had done, and as the trial opened, he ordered that the entire jury be unseated and switched with the panel for a trial that was starting in another courtroom. The replacement jury convicted Capone, and he served eight years in prison.

### Voting Rights Expand To More Americans

Seven other ratified amendments, besides the first 10, relate to rights, and thousands more were proposed in Congress to expand or constrict rights.

Because the Constitution gives each state the power to determine voter qualifications, a constitutional amendment is required to guarantee any particular group of Americans

When 18-year-olds were drafted to fight in Vietnam, the long-simmering push to lower the voting age to 18 took hold. The 26th Amendment was ratified in 1971, faster than any other amendment—100 days—and prompted this commentary by cartoonist Bruce Shanks.

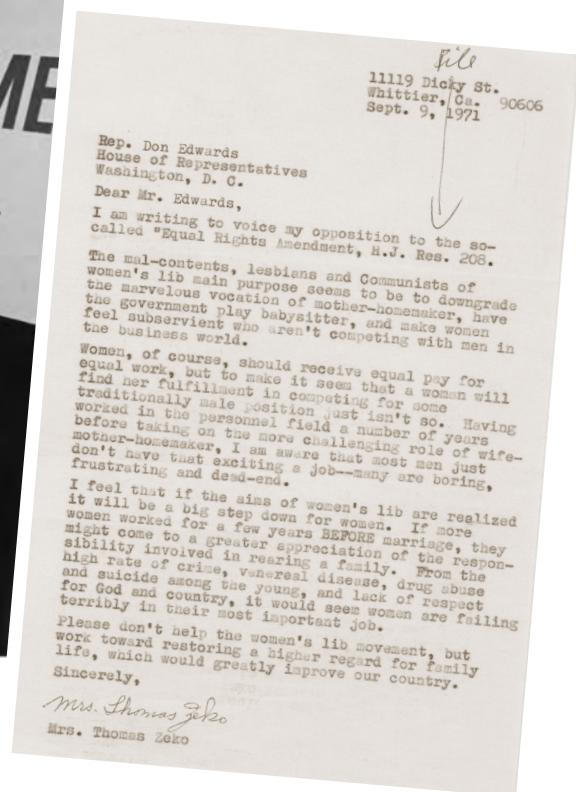
the right to vote. Some states historically have excluded groups from voting, such as African Americans, women, illiterate persons, felons, or young people.

The first amendment to change those requirements was the 15th Amendment, ratified in 1870, five years after the end of the Civil War. It forbids any state from denying the vote to anyone "on account of race, color, or previous condition of servitude."

However, the amendment was not enforced until after the passage of the Voting Rights Act of 1965, 95 years later. The act was introduced in Congress after television news stations broadcast graphic footage of "Bloody Sunday," when peaceful voting rights marchers in Selma were violently suppressed by Alabama state troopers.



The proposed Equal Rights Amendment had strong opposition as well as strong support but could not be ratified in the time allotted by Congress; only 35 states of the 38 needed ratified it by 1982. This woman expressed her opposition at the National Women's Conference in Houston, Texas, in 1977. *Right:* Another opponent wrote to a congressman.



This horrific event catalyzed public support for voting rights legislation to enforce the 15th Amendment's guarantee of the right to vote regardless of race. "Amending America" includes an emotionally powerful letter from Mrs. E. Jackson to illustrate that support. She wrote it the day after Bloody Sunday to urge Congress to protect the marchers' right to vote.

Some amendments introduced in Congress attempted but failed to solve a problem that was successfully addressed by a later amendment.

Before the 19th Amendment granted woman suffrage in 1920, an 1888 resolution proposed voting rights only for widows and spinsters, suggesting that married women were "represented" by their husbands. Part serious and part mocking, suffragist Elizabeth Cady Stanton testified to Congress in support of this proposal, stating: "they are industrious, common-sense women . . . who love their country (having no husbands to love) better than themselves."

At the age of 18, young men were considered mature enough to fight, but not to vote. When 18-year-olds were drafted to fight in Vietnam, the disparity became striking. A

political cartoon published in 1968 portrayed this incongruity with an image of a young soldier in a combat zone reading a newspaper story about lowering the voting age, and he tells his buddy, "Hey! They're going to treat me like a man!" In 1971, the 26th Amendment lowered the voting age from 21 to 18. This amendment was ratified faster than any other amendment—in only 100 days.

Five ratified amendments relating to voting rights have guaranteed suffrage to most Americans. But a notable group remains disenfranchised. Residents of the District of Columbia—the capital of the United States—pay federal taxes, serve on juries, and enlist in the military, but they cannot vote for congressional representatives because they have no senators or representatives in the House. An amendment that passed Congress in 1978 would have changed that, but it was not ratified by the states. In 1961, however, the 23rd Amendment gave the District three Electoral College votes for President. Visitors can see a political cartoon from 1920 that portrays District residents as similar to the American revolutionaries who fought against taxation without representation.

### The 14th Amendment Focuses On Equality for All Citizens

The Declaration of Independence states that "all men are created equal." Several amendments aimed to ensure that everyone was treated equally, too.

The Civil War produced seismic shifts in American culture, the economy, and the Constitution. In the 1860s, three amendments were ratified, and each one expanded rights. Visitors to "Amending America" will be able to see a significant failed amendment from this time period, the Corwin Amendment.

Just weeks before the Civil War started in 1861, concerns over Southern secession were still balanced with hopes of preserving the Union and averting war. Representative Thomas Corwin (R-Ohio) proposed a constitutional amendment to maintain slavery and make the amendment itself unamendable. It passed Congress, but the Civil War started before the states had time to consider ratification. Four years later, Congress passed the 13th Amendment abolishing slavery—the exact opposite of Corwin's amendment.



The 14th Amendment fundamentally altered the balance of power between the states and the federal government by requiring states to protect rights to which they previously had not been constitutionally bound. The joint resolution of Congress that proposed the 14th Amendment, arguably one of the most consequential of the 27 ratified amendments, will be on display.

When it was ratified in 1791, the Bill of Rights only prohibited the federal government from restricting rights—the protections did not apply to state governments. The 14th Amendment changed this—eventually. It passed Congress in 1866 (and was ratified by the states in 1868) with the intention of protecting the rights of the newly freed slaves from the state governments that so recently had been part of the Confederacy. It failed in that regard, but in the 20th century, the 14th Amendment became the core instrument for challenging discriminatory laws and expanding rights for all citizens.

Starting in the 1920s, the Supreme Court began to change its interpretation of the Due Process Clause of the 14th Amendment. Case by case, the Supreme Court ruled that the “due process of law” guaranteed to all by the 14th Amendment meant

that the states as well as the federal government were required to uphold fundamental rights. Through this process, referred to as “incorporation,” most of the Bill of Rights now applies to state governments, too.

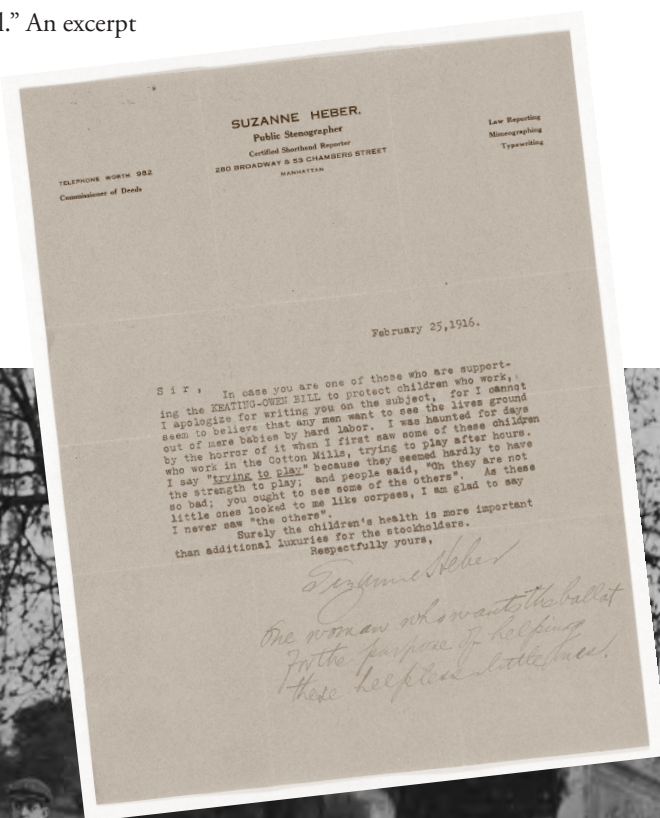
The 14th Amendment has five sections, but Section 1 is a constitutional powerhouse. The Due Process Clause ensures fair treatment in the legal system. The Citizenship Clause defines a citizen as anyone born in the United States. The Equal Protection Clause requires governments to treat all citizens equally under the law.

Relying on the Equal Protection Clause of the 14th Amendment, the complainants in *Brown v. Board of Education of Topeka* argued that segregated schools were unconstitutional. The landmark 1954 Supreme Court decision ended school segregation, stating, “We conclude that, in the field of public education, the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.” An excerpt of the complaint in this case is on display in the gallery.

Newsboys, like these near the U.S. Capitol in 1912, often skipped school and worked late. A letter to senators strongly supported an amendment to curb child labor, but one introduced in 1924 failed.

Introduced in Congress more times than any other proposed amendment, the Equal Rights Amendment (ERA) would have provided for legal gender equality if it had been ratified by the states before the congressionally imposed deadline in 1982. Opponents of the ERA argued that it would nullify laws that “protected” women from working long hours or physically challenging jobs. But supporters wanted equal treatment regardless.

Letters to Congress from two women represent these contrary perspectives on the ERA. Mrs. Thomas Zeko expressed her opposition, stating “that a woman will find her fulfillment in competing for some traditionally male position just isn’t so.” But supporter Liz Carpenter said, “Women will gladly trade protective laws for some equal pay and equal rights.”





Vice President Lyndon B. Johnson takes the oath of office as President aboard Air Force One following John F. Kennedy's assassination in Dallas on November 22, 1963. The lack of a Vice President for more than a year prompted the 25th Amendment, which allows for an appointment when the office of Vice President becomes vacant.

ratified by three-fourths of the states. Subsequent legislation was upheld, and the proposed amendment became moot.

An amendment introduced in 1838 to prohibit any person involved in a duel from holding federal office represents the kind of amendment that failed because the need for it did not last over time. That year, Representative William Graves of Kentucky shot and killed Representative Jonathan Cilley of Maine in a duel at the Bladensburg dueling grounds in Maryland.

Although duels had been seen as demonstrations of bravery and honor, they became an unacceptable way to resolve disputes. Members of Congress introduced two amendments to forbid duelists from holding public office. Neither succeeded, but dueling faded away anyway.

In addition to adding or removing powers from the list given to the federal government in the Constitution, some proposed amendments would have made changes to how existing powers are exercised. The decision to declare war is a critical power given to Congress. But after World War I and during the Great Depression, some war-weary petitioners sought an amendment that would “give the people the opportunity to vote on whether or not we are to be plunged into another foreign war.”

In a diverse nation, some amendments to our founding charter have aimed to define what it means to be American. For some, this has meant proclaiming America to be a Christian nation.

God is not directly cited in the Constitution, but some religious groups tried to change

### Amendments Are Proposed To Refine Government Power

What do we want our government to do for us?

The Constitution authorizes many powers for the federal government, but Americans have suggested many additions to that list. Frequently, the powers in proposed amendments to the Constitution are responses to specific events at certain points in time. They fail because they don't achieve a sustained consensus over time.

Attempts to codify “proper” behavior through amendments has been unsuccessful, but it hasn't stopped every generation from trying. The establishment of Prohibition in 1919 with the ratification of the 18th Amendment was the capstone of decades of efforts by those who supported moral living by refusing to drink alcohol. But Prohibition failed after 14 years, and in 1933, the

21st Amendment repealed the 18th. This is the only instance of the successful repeal of an amendment.

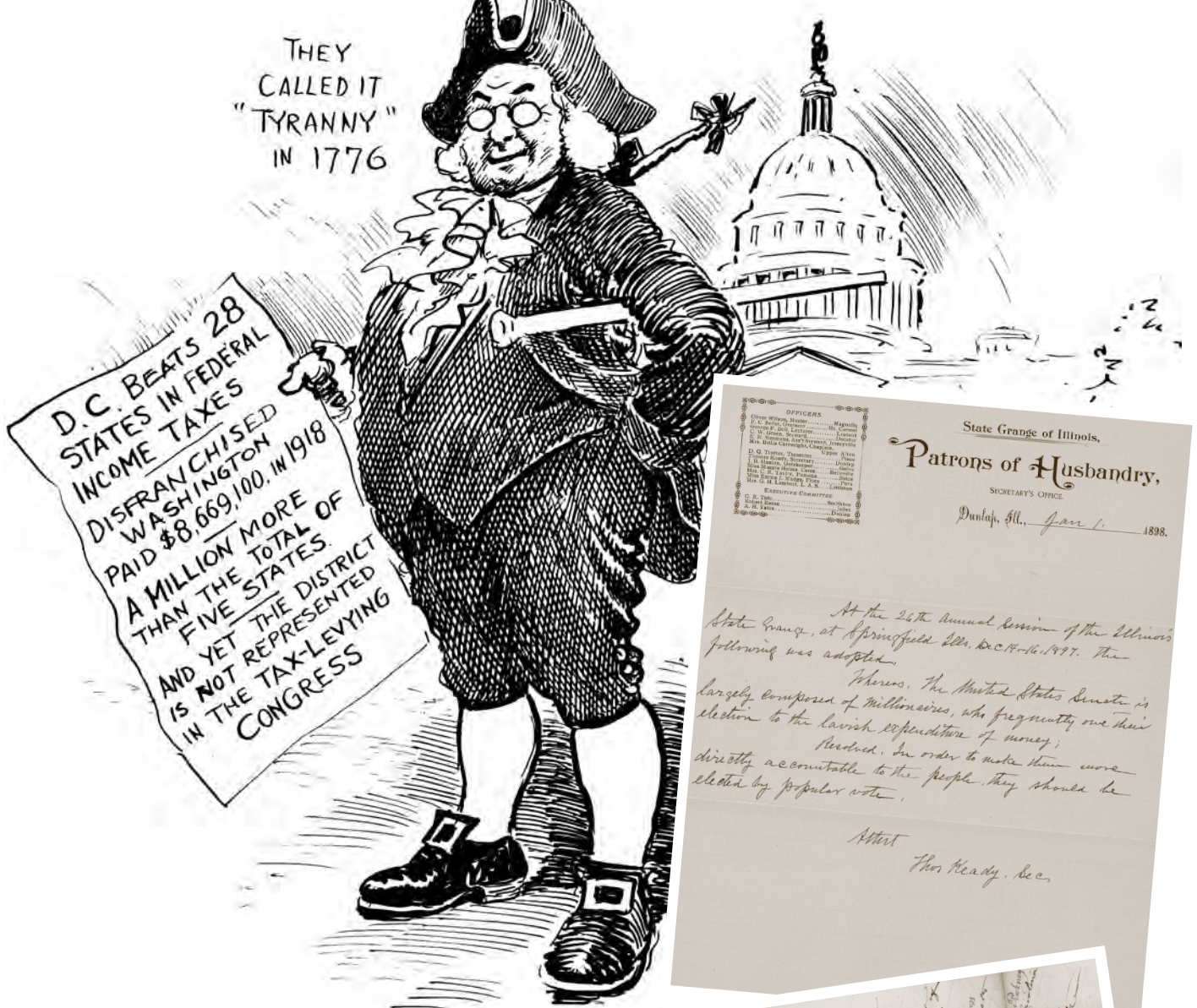
Five years after the end of Prohibition, some people could not let it go. Instead of prohibiting alcohol sales, an amendment proposed in 1938 would have regulated personal behavior by prohibiting drunkenness. The absurdity of enforcing this ban was cheekily pointed out in the handwritten note at the bottom, which proposed adding an equally far-fetched effort to abolish Saturday nights.

Child labor was another topic that sparked emotional reactions. A letter from Suzanne Heber conveys her horror at seeing “the lives ground out of mere babies by hard labor.” The cruelty she witnessed spurred her to support child labor regulation. After the Supreme Court invalidated several child labor laws, Congress proposed the Child Labor Amendment in 1924, but it was not



#### To learn more about . . .

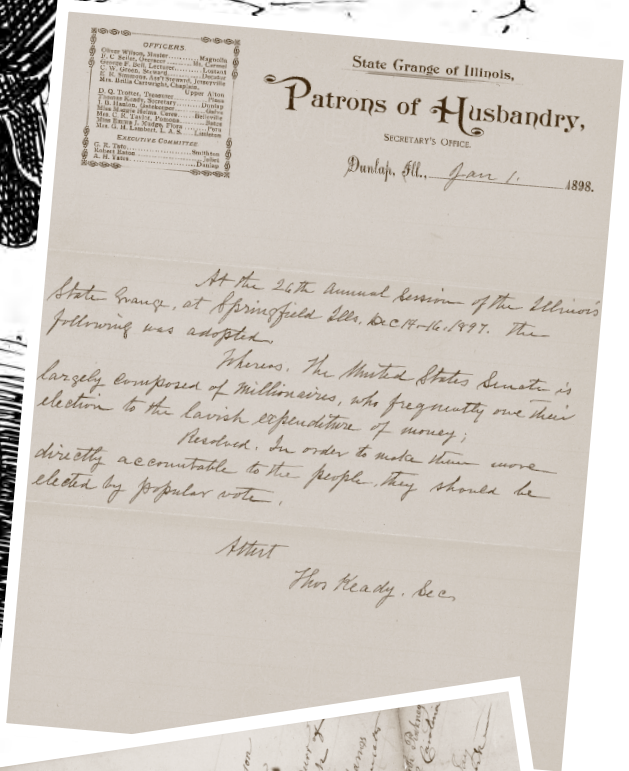
- One of the Founding Fathers' role in creating the Bill of Rights, go to “A Founding Father in Dissent: Elbridge Gerry Helped Inspire Bill of Rights in His Opposition to the Constitution” at [www.archives.gov/publications/prologue/2006/spring/](http://www.archives.gov/publications/prologue/2006/spring/).
- The Constitution and its signers, go to [www.archives.gov/exhibits/charters/constitution.html](http://www.archives.gov/exhibits/charters/constitution.html).
- How the Constitution received expert conservation treatment a decade ago, go to [www.archives.gov/publications/prologue/2003/fall/](http://www.archives.gov/publications/prologue/2003/fall/).



Top image: A Clifford Berryman editorial cartoon summarizes some of the arguments for full representation in Congress for the District of Columbia.

Top document: By the early 1900s, senators were often viewed as corrupt, rich, and unresponsive, and the State Grange of Illinois was among those calling for a change in how they were chosen. The 17th Amendment made senators elected directly by the citizens of each state.

Bottom document: A 73-73 tie in the Electoral College in 1800 threw the election into the House of Representatives. The 12th Amendment ensured that a tie vote would not happen again.



New Hampshire	6	6		
Massachusetts	16	16		
Rhode Island	4	3	1	
Connecticut	9	9		
Delaware	4	4		
Vermont	12	12		
New York		7	7	
New Jersey	8	8	7	7
Pennsylvania		3	3	
Delaware	5	5	5	5
Maryland	21	21		
Virginia	4	4		
Kentucky	8	8	4	4
North Carolina	3	3		
Tennessee	8	8		
South Carolina	4	4		
Georgia	7	3	6	4
<b>Total</b>	<b>73</b>	<b>73</b>	<b>65</b>	<b>64</b>

that. The “Christian Amendment” would have altered the Preamble of the Constitution to cite “Almighty God” (or other variations) rather than “We the People” as the document’s primary source of authority. Opponents believed it threatened religious liberty, and the movement faded. Visitors will see a version of the amendment from 1923, but there are similar records dating from the 1840s to the 1990s.

Many consider America’s identity to be based on shared political ideals rather

than on shared culture or language. For some, an English Language Only amendment would divide Americans, increase tension between communities, and invite discrimination. But for others, English is central to national unity. A letter from the Polish American Congress explained that

ARCHIVIST OF THE UNITED STATES  
UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME,  
GREETING:

KNOW YE, That the first Congress of the United States, at its first session, held in New York, New York, on the twenty-fifth day of September, in the year one thousand seven hundred and eighty-nine, passed the following resolution to amend the Constitution of the United States of America, in the following words and figures in part, to wit:

The Conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government will best ensure the beneficent ends of its institution;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Article the Second...No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

And, further, that Section 106b, Title 1 of the United States Code provides that whenever official notice is received at the National Archives and Records Administration that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Archivist of the United States shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

And, further, that it appears from official documents on file in the National Archives of the United States that the Amendment to the Constitution of the United States proposed as aforesaid has been ratified by the Legislatures of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

And, further, that the States whose Legislatures have so ratified the said proposed Amendment constitute the requisite three fourths of the whole number of States in the United States.

NOW, Therefore, be it known that I, Don W. Wilson, Archivist of the United States, by virtue and in pursuance of Section 106b, Title 1 of the United States Code, do hereby certify that the aforesaid Amendment has been ratified, to all intents and purposes, as a part of the Constitution of the United States.

IN TESTIMONY WHEREOF,

I have hereunto set my hand and caused the seal of the National Archives and Records Administration to be affixed.

DONE at the City of Washington this 18th day of May in the year of our Lord one thousand nine hundred and ninety-two.

DON W. WILSON

foregoing was signed in my presence on this 18 day of May, 1992.

Martha D. [Signature]

The 27th Amendment, regulating the pay of members of Congress, took more than 202 years to be ratified. It was confirmed as an official part of the Constitution when Archivist of the United States Don Wilson certified it in 1992.

organization's support for an English language amendment, stating that a universal language helps immigrants participate in their communities. Several attempts to establish English as the official or only language of America failed in Congress in the late 20th century.

### Several Amendments Focus on Shape, Mechanics of Our Government

The Founders who wrote the Constitution were uncertain it would work. They were constructing new ways to run a government that had never been tried before. It is not surprising, then, that time would reveal some flaws or inefficiencies. Many proposed amendments would alter how the federal government is structured, who participates in government, and how candidates are elected.

From the length of a term to what happens when a President dies in office, the

presidency has been a hot topic for revision throughout America's history. These suggested changes are represented through several documents that show attempts to alter the structure of the presidency.

For a total of 38 years in the nation's history, the vice presidency has been vacant when the Vice President died or became President. When Lyndon Johnson became President after John Kennedy's assassination in 1963, the tragedy galvanized support for the 25th Amendment, which provided for the appointment of a Vice President. This new process was quickly put to use, only six years after it was ratified in 1967, when Vice President Spiro Agnew resigned in 1973 and President Richard Nixon appointed Gerald Ford to the position. It was used again the very next year in 1974, when Nixon resigned and Ford became President. Subsequently, Ford appointed Nelson Rockefeller to the vice presidency.

When Franklin Roosevelt ran for an unprecedented third presidential term in 1940, Europe was engulfed in the flames of World War II, and America would soon join. Less troubled with breaking George Washington's two-term precedent, many Americans wanted the most qualified person to lead the nation during war. Many citizens wrote to Roosevelt to express their opposition to or support for a third term. After he won a fourth term in 1944, the 22nd Amendment, limiting future Presidents to two terms or 10 years, was ratified in 1951.

Plans for changing how Presidents and members of Congress are chosen for office inspired notable proposed amendments.

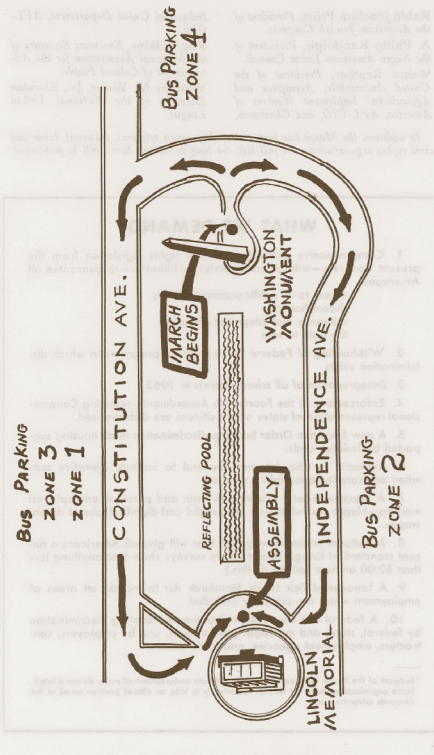
Some petitioners from Ohio ironically highlighted the hypocrisy behind Southern states' defense of the Three-Fifths Clause in the Constitution: they claimed that slaves are property but also count them as three-fifths of a person for representation in Congress.

# MARCH ON WASHINGTON FOR JOBS AND FREEDOM AUGUST 28, 1963

## LINCOLN MEMORIAL PROGRAM

- |   |   |
|---|---|
| 1. The National Anthem                            | Led by Marian Anderson.   |
| 2. Invocation                                     | The Very Rev. Patrick O'Boyle, <i>Archbishop of Washington.</i>   |
| 3. Opening Remarks                                | A. Philip Randolph, <i>Director March on Washington for Jobs and Freedom.</i>   |
| 4. Remarks  | Dr. Eugene Carson Blake, <i>Stated Clerk, United Presbyterian Church of the U.S.A.; Vice Chairman, Commission on Race Relations of the National Council of Churches of Christ in America.</i> |
| 5. Tribute to Negro Women<br>Fighters for Freedom | Mrs. Medgar Evers   |
|   | Daisy Bates<br>Diane Nash Bevel<br>Mrs. Medgar Evers<br>Mrs. Herbert Lee<br>Rosa Parks<br>Gloria Richardson   |
| 6. Remarks  | John Lewis, <i>National Chairman, Student Nonviolent Coordinating Committee.</i>  |
| 7. Remarks  | Walter Reuther, <i>President, United Automobile, Aerospace and Agricultural Implement Workers of America, AFL-CIO; Chairman, Industrial Union Department, AFL-CIO.</i>                        |
| 8. Remarks  | James Farmer, <i>National Director, Congress of Racial Equality.</i>  |
| 9. Selection                                      | Eva Jessye Choir  |
| 10. Prayer  | Rabbi Uri Miller, <i>President Synagogue Council of America.</i>  |
| 11. Remarks                                       | Whitney M. Young, Jr., <i>Executive Director, National Urban League.</i>  |
| 12. Remarks                                       | Mathew Ahmann, <i>Executive Director, National Catholic Conference for Interracial Justice.</i>   |
| 13. Remarks                                       | Roy Wilkins, <i>Executive Secretary, National Association for the Advancement of Colored People.</i>  |
| 14. Selection                                     | Miss Mahalia Jackson  |
| 15. Remarks                                       | Rabbi Joachim Prinz, <i>President American Jewish Congress.</i>   |
| 16. Remarks                                       | The Rev. Dr. Martin Luther King, Jr., <i>President, Southern Christian Leadership Conference.</i>   |
| 17. The Pledge                                    | A Philip Randolph   |
| 18. Benediction                                   | Dr. Benjamin E. Mays, <i>President, Morehouse College.</i>  |

“WE SHALL OVERCOME”



The program for the 1963 March on Washington illustrates civil rights activists' plans to exercise their First Amendment right to peaceably assemble.

The petitioners argued that animal property in free states should be counted as persons with respect to congressional apportionment to balance the counting of enslaved persons in the South. If that was not possible, the petitioners suggested just removing the Three-Fifths Clause altogether.

In the Progressive Era of the early 20th century, the Senate was alleged to be corrupt, unresponsive to citizens, and filled with millionaires who spent too much on campaigns. A letter on display from the State Grange of Illinois succinctly states these opinions. In response to this letter and others with similar sentiments, the 17th Amendment was ratified in 1913. It provided for direct election of senators by the people instead of election by state legislatures.

The 12th Amendment was a direct response to flaw in the Electoral College system devised by the Founders. In the Electoral College vote tally for the 1800 presidential election, visitors can see that one Federalist member of the Electoral College voted for John Jay. If the Republicans

had also cast one vote for another candidate, they would have avoided a 73–73 tie in the Electoral College and a contentious 36-ballot fight to choose the President in the House of Representatives.

The election was resolved only after Alexander Hamilton encouraged the House of Representatives to elect his adversary Thomas Jefferson over his future mortal enemy Aaron Burr. (Burr killed Hamilton in a duel in 1804.) In 1804, the 12th Amendment modified the Electoral College, ensuring that a tie vote would not occur again. Another document shows one of many recurring attempts to abolish the Electoral College altogether.

Many documents in the National Archives indicate that Americans are clearly not enamored of one of the unique designs in the Constitution—the Electoral College. One of many ideas suggested in Congress for replacing the Electoral College system devised by the Founders was to elect the President of the United States by lot. House Joint Resolution 8 in 1846 proposed that a

ball would be picked from a bowl, and that a candidate from the state marked on the ball would become President. The randomness of this method may have been an attempt to sidestep growing sectional rivalries before the Civil War.

## An Idea Becomes An Amendment

With only 27 ratified amendments out of over 11,000 attempts, it is clearly a difficult process to navigate. Visitors will learn about that process through an animation that explains how an idea becomes an amendment. The National Archives plays an important role. The Archivist of the United States certifies the ratification of amendments to affirm that the requirements that are described in Article V of the Constitution have been met. The Archivist's certification of the 27th Amendment will be on display in the gallery.

The time it took to ratify the 27th Amendment was unusually long—more than 202 years—the longest amount of time for any amendment. But that fact points to the main lesson to be learned from a study of the 11,000 amendment proposals: it takes a long time and a high degree of societal consensus to get a ratified constitutional amendment.

Why do we amend? We amend when Americans share an understanding of an essential concern that affects us all. We amend so that We the People can create a more perfect Union. When we add new ideas to our fundamental governing charter—our Constitution—we are Amending America.



### Author

Christine Blackerby is the curator of “Amending America.” She is an education and public outreach specialist in the Center for Legislative Archives in Washington, D.C. She conducts educator workshops, writes articles, and creates classroom materials using historical records to promote a better understanding of Congress and the history of American representative government.

