

# Unratified Constitutional Amendments

“Hundreds of proposed amendments to the United States Constitution are introduced during each session of the United States Congress. From 1789 through January 3, 2017, approximately 11,699 measures have been proposed to amend the United States Constitution. Collectively, members of the House and Senate typically propose around 200 amendments during each two-year term of Congress. Most however, never get out of the Congressional committees in which they were proposed, and only a fraction of those that do receive enough support to win Congressional approval to actually go through the constitutional ratification process. Some proposed amendments are introduced over and over again in different sessions of Congress. It is also common for a number of identical resolutions to be offered on issues that have widespread public and congressional support.

“Since 1789, Congress has sent 33 constitutional amendments to the states for ratification. Of these, 27 have been ratified.”

[https://en.wikipedia.org/wiki/List\\_of\\_proposed\\_amendments\\_to\\_the\\_United\\_States\\_Constitution](https://en.wikipedia.org/wiki/List_of_proposed_amendments_to_the_United_States_Constitution)

According to the above, there have been six amendments offered to the states that have not been ratified. Some of these have “expired” as a deadline was set for their ratification. One, originally proposed as the first of the 12 rights in the Bill of Rights, has no expiration date. Another one of the 12 rights was actually passed as the 27<sup>th</sup> Amendment in 1992 (see sidebar).

**27<sup>th</sup> Amendment**  
No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

The questions are:

1. Why have those six proposed amendments not been ratified?
2. Should they have been?

The following list for discussion comprises the six unratified amendments not passed by the states.

## 1. Congressional Apportionment Amendment

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 more than one Representative for every fifty thousand persons.

[https://en.wikipedia.org/wiki/Congressional\\_Apportionment\\_Amendment](https://en.wikipedia.org/wiki/Congressional_Apportionment_Amendment)

Now unnecessary after Section 2 of the Fourteenth Amendment.

## 2. Titles of Nobility Amendment

If any citizen of the United States shall accept, claim, receive or retain, any title of nobility or honour, or shall, without the consent of Congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

[https://en.wikipedia.org/wiki/Titles\\_of\\_Nobility\\_Amendment](https://en.wikipedia.org/wiki/Titles_of_Nobility_Amendment)

Proposed in 1810 and still pending before the states.

## 3. Corwin Amendment

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State.

Proposed in 1861 and still pending before the states.

#### 4. Child Labor Amendment

**Section 1.** The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

**Section 2.** The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

Proposed in 1924 and still pending before the states. It requires passage by 10 more states to become effective. Since the passage of the Fair Labor Standards Act in 1938 (upheld by the Supreme Court) no states have voted on the proposed amendment.

#### 5. Equal Rights Amendment

**Section 1.** Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

**Section 2.** The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

**Section 3.** This amendment shall take effect two years after the date of ratification.

First introduced in Congress in 1921. Proposed to the states in 1972, with Congress setting a ratification deadline of March 22, 1979. Five state legislatures (Idaho, Kentucky, Nebraska, Tennessee, and South Dakota) voted to revoke their ERA ratifications. In 1978, Congress passed a measure extending the deadline to June 30, 1982. Because no additional state legislatures ratified the ERA since then, the validity of that disputed extension is a moot question.

## 6. District of Columbia Voting Rights Amendment

**Section 1.** For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

**Section 2.** The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

**Section 3.** The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

**Section 4.** This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Proposed in 1978. Expired in 1985.

