AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Chapter CXLV.

AMENDMENTS TO THE CONSTITUTION.

7025. The Constitution provides the methods by which amendments to it may be proposed and adopted.

No amendment to the Constitution may deprive any State, without its consent, of its equal suffrage in the Senate.

Article V of the Constitution provides:

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 tbree-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided,* That no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

7026. Instance of the receipt and reference of the application of a State legislature for the calling of a convention to amend the Constitution of the United States.—On February 15, 1907,[1] under the head of executive communications, the following appears in the Journal and Record, as having been referred under section 2 of Rule XIV:[2]

Application of the legislature of Kansas for the calling of a constitutional convention to consider amendments to the Constitution of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

7027. The vote required on a joint resolution proposing an amendment to the Constitution is two-thirds of those voting, a quorum being present, and not two-thirds of the entire membership.—On May 11, 1898,[3] Mr. John B. Corliss, of Michigan, called up the joint resolution (H. Res. 5) proposing

[1] Second session Fifty-ninth Congress, Record, p. 3072.

[2] See section 3089 of Volume IV of this work.

[3] Second session Fifty-fifth Congress, Record, p. 4826.

an amendment to the Constitution providing for the election of Senators of the United States.

The question being taken on the passage of the resolution, there were yeas 184, nays 11, and the Speaker announced that the joint resolution was passed, two-thirds having voted in favor thereof.

Mr. Ebenezer J. Hill, of Connecticut, called attention to this clause of the Constitution:

> 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.

and made the point of order that the vote required was two-thirds of the entire membership, not two-thirds of a quorum.

The Speaker [1] said:

> The question is one that has been so often decided that it seems hardly necessary to dwell upon it. The provision of the Constitution says "two-thirds of both Houses." What constitutes a House? A quorum of the membership, a majority, one-half and one more. That is all that is necessary to constitute a House to do all the business that comes before the House. Among the business that comes before the House is the reconsideration of a bill which has been vetoed by the President; another is a proposed amendment to the Constitution; and the practice is uniform in both cases that if a quorum of the House is present the House is constituted and two-thirds of those voting are sufficient in order to accomplish the object. It has nothing to do with the question of what States are present and represented, or what States are present and vote for it. It is the House of Representatives in this instance that votes and performs its part of the function. If the Senate does the same thing, then the matter is submitted to the States directly, and they pass upon it.
>
> The first Congress, I think, had about 65 members, and the first amendment that was proposed to the Constitution was voted for by 37 members, obviously not two-thirds of the entire House.[2] So the question seems to have been met right on the very threshold of our Government and disposed of in that way.[3]

The result of the vote was then announced as above recorded.

7028. On February 26, 1869,[4] the Senate agreed by a vote of yeas 39, nays 13, to the report of the committee of conference on the resolution (S. No. 8) proposing an amendment to the Constitution of the United States (suffrage amendment).

Mr. Garrett Davis, of Kentucky, made the point of order that, as the Senate consisted of 74 Members, a vote of 50 was necessary to constitute the two-thirds vote.

During the debate Mr. Lyman Trumbull, of Illinois, recalled that the same question was raised before the war, in the last years of Mr. Buchanan's administration, when Mr. Breckinridge was presiding officer of the Senate, and after debate, the Senate decided by a large vote that the two-thirds required was two-thirds of the Senators present, if a quorum.

A decision having been asked, the President pro tempore [5] sustained the view enunciated by Mr. Trumbull, as in accordance with the precedents.

---

[1] Thomas B. Reed, of Maine, Speaker.

[2] First session First Congress, Journal, p. 121 (Gales & Seaton ed.).

[3] On September 21, 1789 (first session First Congress, Journal, pp. 115, 116), on a question of agreeing to Senate amendments on articles of amendment to the Constitution proposed by the House, the House agreed to certain amendments and disagreed to others, "two-thirds of the Members present concurring on each vote."

[4] Third session Fortieth Congress, Globe, pp. 1641, 1642.

[5] Benjamin F. Wade, of Ohio, President pro tempore.

7029. The requirement of a two-thirds vote for proposing constitutional amendments has been construed, in the later practice, to apply only to the vote on the final passage.—On February 4, 1811,[1] the following was under consideration in Committee of the Whole:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring,[2] That the following section be submitted to the legislatures of the several States, which, when ratified by the legislatures of three-fourths of the States, shall be valid and binding as a part of the Constitution of the United States:

"No Senator or Representative shall be appointed to any civil office, place, or employment, under the authority of the United States, until the expiration of the Presidential term in which such person shall have served as a Senator or Representative."

This resolution was agreed to in Committee of the Whole, ayes 63, noes 31.

In the House the question was taken on concurring with the Committee of the Whole House in their agreement to the resolution, and there appeared yeas 71, nays 40.

A question at once arose as to whether or not a two-thirds vote was necessary on the intermediate stages as well as on the final passage.[3]

After debate and on February 5, the Speaker[4] decided that the question taken yesterday being a question directly on the merits of the proposed amendment, and less than two-thirds of the House voting in favor of it, he considered the resolution as negatived.

Mr. John Randolph, of Virginia, having appealed, the House sustained the decision, 61 yeas to 59 nays.

7030. On December 5, 1820,[5] the House was considering a joint resolution proposing an amendment to the Constitution in relation to the election of electors of President and Vice-President of the United States and Members of the House of Representatives.

The question being taken on ordering the resolution to be engrossed and read a third time, there were yeas 103, nays 59.

A question arose as to whether or not a two-thirds vote was required.

---

[1] Third session Eleventh Congress, Journal, pp. 529, 531 (Gales & Seaton ed.); Annals, pp. 897, 899, 904.

[2] This is the form of resolving clause used in 1789, when the first ten amendments to the Constitution were proposed, except that then the words "two-thirds of both Houses, deeming it necessary" were used. (First session First Congress, Journal, p. 89, Gales & Seaton ed.). In 1794, when the eleventh amendment was submitted, the word "concurring" was used, the clause being identical with that above. (First session Third Congress, Journal, p. 79, Gales & Seaton ed.). The same form appears in the resolution submitting the fifteenth amendment, except that the phrase relating to two-thirds concurring appears in parentheses. (15 Stat. L., p 346.)

[3] Although concurrent resolutions and not requiring the approval of the President, these resolutions have their several readings, and are enrolled and signed by Speaker and President of the Senate like bills and joint resolutions. In fact, they are classed as joint resolutions. (See Journals, first session First Congress, p. 89; first session Third Congress, pp. 79, 80, 87 (Gales & Seaton ed.); third session Fortieth Congress, p. 469.)

[4] Joseph B. Varnum, of Massachusetts, Speaker.

[5] Second session Sixteenth Congress, Annals, p. 504.

The Speaker[1] decided that the rules and practice of the House recognized the principle that two-thirds of the votes were required on the final passage[2] of a resolution proposing to amend the Constitution; but that any intermediate question might be carried by a majority of the House.

7031. Proposed amendments to the Constitution may be amended by a majority vote.—On April 13, 1900,[3] the House was considering the joint resolution (H. Res. 28) proposing an amendment to the Constitution providing for the election of Senators of the United States.

To this resolution Mr. W. W. Rucker, of Missouri, on behalf of the minority of the committee reporting the bill, offered an amendment in the nature of a substitute.

The question being upon agreeing to this substitute, Mr. John B. Corliss, of Michigan, made the point of order that, as the original resolution would require a two-thirds vote for its passage, the amendment also should be agreed to by a two-thirds vote.

The Speaker[4] said:

> The Chair holds that in voting upon an amendment it is not necessary for a two-thirds vote, although the original proposition requires it. When the House considers any amendment, it can be voted upon in the usual way; and this proposition of the gentleman from Missouri is but an amendment. When it comes, however, to the passage of the bill, then the point can be made. The Chair overrules the point made by the gentleman from Michigan at this time.

7032. On February 9, 1872,[5] the Senate, while considering the bill (H. R. 380) for the removal of legal and political disabilities imposed by the third section of the fourteenth article of amendments to the Constitution of the United States, adopted as an amendment, on motion of Mr. Charles Sumner, of Massachusetts, the provisions of a bill known as the civil rights bill. This amendment was agreed to by 29 yeas to 28 nays, the Vice-President giving the casting vote. On the same day the bill as amended was rejected, yeas 33, nays 19, the required two-thirds not voting for the bill.

7033. In considering amendments to the Constitution a two-thirds vote was not required in Committee of the Whole, but was required when the House voted on concurring in Senate amendments.—On August 13, 1789,[6] the House was considering in Committee of the Whole House[7] certain proposed amendments to the Constitution of the United States.

Amendments being proposed to the amendment under consideration, Mr. Samuel Livermore, of New Hampshire, as a parliamentary inquiry, asked whether or not two-thirds should agree to carry a motion in Committee.

In the course of the debate Mr. Thomas Hartley, of Pennsylvania, recalled that in his State they had a council of censors who were authorized to call a con-

---

[1] John W. Taylor, of New York, Speaker.

[2] So decided on February 5, 1811 (Eleventh Congress, Journal, pp. 217, 219).

[3] First session Fifty-sixth Congress, Record, p. 4128; Journal, pp. 467, 468.

[4] David B. Henderson, of Iowa, Speaker.

[5] Second session Forty-second Congress, Globe, pp. 919, 928, 929.

[6] First session First Congress, Journal (Gales & Seaton ed.). p. 79; Annals, p. 744.

[7] The Committee of the Whole House had then functions different from those exercised at present.

vention to amend the Constitution, but two-thirds were required for that purpose. He had been a member of that body when they had examined the business in a committee of council; the majority made a report, which was lost for want of two-thirds to carry it through the council.

The Chairman[1] of the Committee of the Whole House decided that a majority of the Committee were sufficient to form a report.

Upon an appeal this decision was sustained.

On September 24, 1789, the House proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the proposed constitutional amendments, and on a question relating to concurring in a Senate amendment with an amendment the yeas were 37 and the nays were 14. This was a two-thirds vote, but no question was made as to whether a two-thirds vote was required.[2] But on September 21,[3] when the Senate amendments to the articles as agreed to by the House were under consideration in the House, it was

Resolved, That this House doth agree to the second, fourth, etc., amendments; and doth disagree to the first, third, etc., amendments proposed by the Senate to the said articles; two-thirds of the Members present concurring on each vote.

7034. A two-thirds vote is required to agree to a Senate amendment to a joint resolution proposing an amendment to the Constitution.—On June 13, 1866,[4] the House considered the Senate amendments to the joint resolution (H. Res. 127) proposing an amendment to the Constitution of the United States. It was assumed, and stated as a matter of course by the Speaker,[5] that a two-thirds vote would be required on the motion to agree to the several amendments.

7035. One House having by a two-thirds vote passed in amended form a proposed constitutional amendment from the other House, and then having by a majority vote receded from its amendment, the constitutional amendment was held not to be passed.—On February 9, 1869,[6] the Senate proceeded to the consideration of the resolution of the House (H. Res. 402) proposing an amendment to the Constitution of the United States (the suffrage amendment), and several amendments were proposed and voted on, most of them being decided in the negative. But one amendment received yeas 37, nays 19 (not a two-thirds vote) and was declared agreed to. Then the resolution as amended was passed by the Senate by a two-thirds vote, the President pro tempore[7] requiring the yeas and nays to be taken in order to be certain that the vote was two-thirds.

On February 15[8] the resolution, with the Senate amendment, came up for consideration in the House, and the question being put on the amendment, the Speaker[5] said:

The question will first be taken upon concurring in the amendment with regard to suffrage. A two-thirds vote is necessary to decide this question in the affirmative.

---

[1] Elias Boudinot, of New Jersey, Chairman.

[2] Journal (Gales & Seaton ed.), p. 121; Annals, p. 948.

[3] Journal, pp. 115, 116; Annals, p. 939.

[4] First session Thirty-ninth Congress, Journal, p. 833; Globe, p. 3148.

[5] Schuyler Colfax, of Indiana, Speaker.

[6] Third session Fortieth Congress, Journal, p. 312; Globe, pp. 1042–1044.

[7] Benjamin F. Wade, of Ohio, President pro tempore.

[8] Journal, pp. 353, 354; Globe, p. 1226.

The question being taken, there were yeas 37, nays 133. So, two-thirds not voting in favor thereof, the amendment was not concurred in.

The House then, having acted on other amendments, asked a conference with the Senate.

On February 17 [1] the resolution came back to the Senate with the amendment of the Senate disagreed to and a conference requested. A proposition to recede from the amendment having been made, Mr. Roscoe Conkling, of New York, raised a question as to the vote by which the motion to recede should be agreed to, whether by a majority or by a two-thirds vote.

The question was debated at length, and finally Mr. Thomas A. Hendricks, of Indiana, asked the Chair to decide that the motion to recede would require two-thirds.

The President pro tempore said:

> The Chair does not so understand it.

Thereupon the question arose whether, under this ruling, a vote to recede would pass the resolution, and the question being put to the Senate was decided in the negative, without division.

The question was taken on the motion to recede, and it was decided in the affirmative, yeas 33, nays 24.

Thereupon a question arose as to the further action of the Senate. As it had originally given its two-thirds vote, not to the resolution as it came from the House, but to the resolution as it stood with the amendment from which it had now receded by a majority vote, it was evident that the resolution of the House had not received the approval of the required two-thirds. The President pro tempore ruled that the resolution would not be amendable, and then, after debate, the question was taken on concurring in the resolution as it came from the House, and on the vote there appeared yeas 31, nays 27, not the required two-thirds, so the resolution of the House was rejected.

7036. A two-thirds vote is required to agree to a conference report on a joint resolution proposing an amendment to the Constitution.—On February 25, 1869,[2] the House was considering the joint resolution (S. No. 8) proposing an amendment to the Constitution of the United States (suffrage amendment), the question before the House being on the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution.

Mr. William E. Niblack, of Indiana, rising to a parliamentary inquiry, asked if a two-thirds vote was required to agree to the conference report.

The Speaker [3] said:

> It is the opinion of the Chair that every part of the proceeding must be covered by a two-thirds vote in both branches.

In the Senate [4] a two-thirds vote was required on the same report.

7037. A difference between the two Houses as to an amendment to a proposed constitutional amendment may properly be committed to a con-

---

[1] Globe, pp. 1291–1300; Journal, p. 374.

[2] Third session Fortieth Congress, Globe, p. 1563.

[3] Schuyler Colfax, of Indiana, Speaker.

[4] Globe, pp. 1641, 1642.

ference.—On February 15, 1869,[1] the House had considered and disagreed to an amendment of the Senate to the resolution of the House (H. Res. 402) proposing an amendment to the Constitution of the United States (suffrage amendment) and a motion had been made that the House ask a conference.

Thereupon Mr. George W. Woodward, of Pennsylvania, raised the question of order that this was not a proper case to submit to a committee of conference, which was simply a legislative device, and did not tend to secure proper conformation with the Constitutional requirement that amendments should receive the assent of two-thirds of both Houses.

The Speaker[2] said:

> The gentleman makes the point of order that a proposed amendment to the Constitution is an extraordinary measure of legislation, and therefore the rules of the House do not apply to it. The Chair overrules that point of order, not by parliamentary law, not by the Digest, but by the language of the Constitution itself. Section 5 of article 1 provides:
>
> "Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member."
>
> Under that provision of the Constitution the House has adopted certain rules; and on page 67 of the Digest it is provided that there may be committees of conference in all cases of difference of opinion between the two Houses. I will read the exact language:
>
> "It is on the occasion of amendments between the Houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them."
>
> It is further provided on page 68 as follows:
>
> "In the case of disagreeing votes between the two Houses, the House may either recede, insist, and ask a conference, or adhere, and motions for such purposes take precedence in that order."
>
> The Constitution declares that each House may determine the rules of its proceedings, etc., and under that the House has adopted a rule that in all cases of difference of opinion between the two Houses conferences may be asked. The Chair, therefore, overrules the point of order.

On February 17[3] the resolution was received in the Senate with the request of the House for a conference. Objection was at once made to putting so important a matter into the hands of a committee of conference, the precedent of the military reconstruction bill in a former case being cited as an instance, when the Senate decided to consider and settle the matter in open Senate, rather than intrust it to a committee of conference. After debate the proposition to agree to the conference asked by the House was abandoned, and the Senate proceeded to recede from their amendment, and then to disagree to the resolution of the House.

But in the case of another resolution (S. Res. 8), proposing the same amendment in a modified form, the differences of the House were submitted to a committee of conference, which reported February 25, 1869.[4]

7038. The yeas and nays are not necessarily taken on the passage of a resolution proposing an amendment to the Constitution.—On February 13, 1902,[5] the House was considering, the joint resolution (H. J. Res. 41) proposing an amendment to the Constitution, providing for the election of Senators of the United States.

---

[1] Third session Fortieth Congress, Globe, p. 1226.

[2] Schuyler Colfax, of Indiana, Speaker.

[3] Globe, p. 1284.

[4] Globe, p. 1563; Journal p. 449.

[5] First session Fifty-seventh Congress, Record, pp. 1721, 1722.

Mr. John B. Corliss, of Michigan, rising to a parliamentary inquiry, asked whether a roll call was necessary, or it would be sufficient if in the judgment of the Speaker a two-thirds vote was cast.

The Speaker [1] said:

If the House orders it, it must be had. In the early times, during the war period, when great amendments were pending, the Speaker ordered a roll call; but in the more recent times the practice has been to put it to vote, the presumption being that a quorum was present, and the Chair deciding, in his opinion, whether there was a two-thirds vote in favor of the measure. It is always within the power of the House to test the matter.

7039. On January 30, 1869,[2] the House was considering the joint resolution of the House (H. Res. 402) proposing an amendment to the Constitution of the United States (suffrage amendment), and the question was on the passage of the resolution.

Mr. Robert C. Schenck, of Ohio, rising to a parliamentary inquiry, asked if the Constitution did not require the vote to be taken by yeas and nays.

The Speaker [3] said:

It does not. The only imperative requirement of the yeas and nays under the Constitution is in regard to a veto, where a concurrent vote of two-thirds of each House by yeas, and nays is required. On all other question requiring a two-thirds vote, such as proposed amendments to the Constitution and relief from political disabilities, the Constitution does not command the vote to be taken by yeas and nays any more than on bills which only require a majority vote. On bills relieving from disability under the fourteenth amendment the Chair has ruled, with the assent of the House, that the Constitution does not require the yeas and nays, but that the result must be arrived at by a two-thirds vote, to be declared by the Chair. On constitutional amendments, however, on account of their gravity and the value of the record, the usage has been to take the vote by yeas and nays.

The yeas and nays were then demanded by one-fifth of those present.

7040. It has been conclusively settled that a joint resolution proposing an amendment to the Constitution should not be presented to the President for his approval.—On February 25, 1869,[4] Mr. George S. Boutwell, of Massachusetts, presented the report of the committee of conference on the disagreeing votes of the House and Senate on the resolution (S. No. 8) proposing an amendment to the Constitution of the United States (suffrage amendment).

Mr. George W. Woodward, of Pennsylvania, made the point of order that the subject of the report of the committee would have to be sent to the President of the United States for his approval, under that clause of the Constitution which provides that—

Every order, resolution, or vote on which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States, etc.

The Speaker [3] said:

The gentleman having stated the point of order, the Chair will decide it. It has been raised once before and decided by the Chair. He will repeat the substantial points of that decision, which he thinks will satisfy the gentleman that his point is not well taken, although based by him upon the

[1] David B. Henderson, of Iowa, Speaker.

[2] Third session Fortieth Congress, Globe, p. 745; Journal, p. 237.

[3] Schuyler Colfax, of Indiana, Speaker.

[4] Third session Fortieth Congress, Globe, p. 1563.

Constitution of the United States. The question was raised distinctly in 1803 in the Senate of the United States, on a motion that the then proposed amendment to the Constitution should be submitted to the President:

"On motion that the Committee on Enrolled Bills be directed to present to the President of the United States for his approbation the resolution which has been passed by both Houses of Congress, proposing to the consideration of the State legislatures an amendment to the Constitution of the United States respecting the mode of electing President and Vice-President thereof, it was decided in the negative, yeas 7, nays 23."

On a distinct vote of 23 to 7 the Senate voted that the Committee on Enrolled Bills should not present the proposed amendment. This is a decision made by one of the early Congresses. But the Chair is not satisfied with having it rest on that; he is disposed to present higher authority in overruling the point of order.

In 1798 a case arose in the Supreme Court of the United States depending upon the amendment to the Constitution proposed in 1794, and the counsel, in argument before the court, insisted that the amendment was not valid, not having been approved by the President of the United States. The Attorney-General, Mr. Lee, in reply to this argument, said:

"Has not the same course been pursued relative to all other amendments that have been adopted? And the case of amendments is evidently a substantive act, unconnected with the ordinary business of legislation, and not within the policy or terms of investing the President with a qualified negative on the acts and resolutions of Congress."

That was the remark of the Attorney-General. But the Chair does not rest his decision upon that. He sustains it by the decision of the Supreme Court of the United States. The court, speaking through Chase, justice, in reply to the Attorney-General, observed:

"There can surely be no necessity to answer that argument. The negative of the President applies only to the ordinary cases of legislation. He has nothing to do with the proposition or adoption of amendments to the Constitution."

As the Supreme Court of the United States has settled this question by a decision, the Chair does not need to read further authorities. But this question came before the Senate of the United States recently, since the recent exciting questions have been before the country, and the chairman of the Judiciary Committee of the Senate (Mr. Lyman Trumbull, of Illinois) offered the following resolution:

"Resolved, That the article of amendment proposed by Congress to be added to the Constitution of the United States respecting the extinction of slavery therein having been inadvertently presented to the President for his approval, it is hereby declared that such approval was unnecessary to give effect to the action of Congress in proposing said amendment, inconsistent with former practice in reference to all amendments to the Constitution heretofore adopted, and being inadvertently done, should not constitute a precedent for the future; and the Secretary is hereby instructed not to communicate the notice of the approval of said proposed amendment by the President to the House of Representatives."

Upon that resolution the Senator from Maryland, Mr. Reverdy Johnson, who had been formerly Attorney-General of the United States, made a speech which the Chair will not quote, corroborating, however, the opinion of the Chair, and the Senate adopted the resolution of Mr. Trumbull without a division and without the yeas and nays.

The Chair therefore thinks that the question is settled, not only by the practice of Congress but by a decision of the Supreme Court of the United States, and therefore overrules the point of order.

7041. The filing with the Secretary of State and the transmission to the States of joint resolutions proposing amendments to the Constitution.—On June 18, 1866,[1] Mr. Amasa Cobb, of Wisconsin, from the Committee on Enrolled Bills, reported that the committee did, on the 16th day of June, 1866, present to and file with the Secretary of State of the United States a joint resolution of the following title, viz:

H. Res. 127. Joint resolution proposing an amendment to the Constitution of the United States.

[1] First session Thirty-ninth Congress, Journal, pp. 859, 866, 889; Globe, pp. 3241, 3357.

On the same day the House considered under suspension of the rules and agreed to the following:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be requested to transmit forthwith to the executives of the several States of the United States copies of the article of amendment proposed by Congress to the State legislatures to amend the Constitution of the United States, passed June 13, 1866, respecting citizenship, the basis of representation, disqualification for office, and validity of the public debt of the United States, etc., to the end that the said States may proceed to act upon the said article of amendment; and that he request the executive of each State that may ratify said amendment to transmit to the Secretary of State a certified copy of such ratification.

On June 19 the Speaker, by unanimous consent, laid before the House a letter from the Clerk of the House, stating that he did this day present to the President a certified copy of the concurrent resolution of the 18th instant, requesting, etc.

On June 22 a message was received from the President submitting a report of the Secretary of State relating to the submission of the amendment to the legislatures of the States calling attention to the fact that the amendment was not submitted to the President for his approval, that several States were still out of the Union, etc., and stating that the act of the administration in submitting the amendment should be regarded as purely ministerial, and not as an endorsement of it.

7042. On February 22, 1870,[1] occurred a learned and carefully considered debate in the Senate concerning the power of a State to recall its assent duly given to a constitutional amendment. This debate arose over the act of the legislature of New York in attempting to recall the assent of a previous legislature to the Fifteenth amendment.

7043. The two Houses requested the President to transmit to the States forthwith certain proposed amendments to the Constitution.—On March 2, 1869,[2] the Senate and House adopted a concurrent resolution requesting the President to transmit forthwith to the executives of the several States copies of the article of amendment proposed to the Constitution of the United States, and passed February 26, 1869, respecting the exercise of the elective franchise, in order that the States tight proceed to act on the amendment, and also to request the executive of each of the States that might ratify the amendment to transmit to the Secretary of State a certified copy of the ratification.

7044. The President may notify Congress by message of the promulgation of the ratification of a constitutional amendment.—On March 30, 1870,[3] President Grant by message notified Congress of the promulgation of the ratification of the fifteenth amendment to the Constitution, saying that he was aware that such a course was not usual, but in view of the importance of the subject he transmitted the notification, with the expressed hope that Congress would take all means within their powers to promote popular education in the country.

---

[1] Second session Forty-first Congress, Globe, pp. 377, 1477.

[2] Third session Fortieth Congress, Journal, p. 502; Globe, p. 1816.

[3] Second session Forty-first Congress, Journal, p. 548.