

# Why we need a Federal Marriage Amendment

## FACT SHEET #5

### **AMENDING THE UNITED STATES CONSTITUTION:** *Procedure and History*

#### **AMENDING THE CONSTITUTION**

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According to Article V, Clause 1, the Constitution can be amended in two ways.

A bill can be approved by a two-thirds vote of both chambers of Congress, and three-quarters (38) of state legislatures.

Or, two-thirds of the legislatures of the state can convene a Constitutional Convention during which they propose one or more amendments. These amendments are then sent to the states to be approved by three-fourths of the legislatures or conventions. This route has never been taken.

Congress can also set a time limit on ratification.

Other than the Bill of Rights, 17 amendments have been made to the United States Constitution. Successful amendments:

Amendment XI	Suits Against a State (1795)
Amendment XII	Election of President and Vice-President (1804)
Amendment XIII	Abolition of Slavery (1865)
Amendment XIV	Due Process, Equal Protection, Apportionment of Representatives, Civil War Disqualification and Debt (1868)
Amendment XV	Rights Not to Be Denied on Account of Race (1870)
Amendment XVI	Income Tax (1913)
Amendment XVII	Election of Senators (1913)
Amendment XVIII	Prohibition (1919)
Amendment XIX	Women's Right to Vote (1920)
Amendment XX	Presidential Term and Succession (1933)
Amendment XXI	Repeal of Prohibition (1933)
Amendment XXII	Two Term Limit on President (1951)
Amendment XXIII	Presidential Vote in D.C. (1961)
Amendment XXIV	Poll Tax (1964)
Amendment XXV	Presidential Succession (1967)
Amendment XXVI	Right to Vote at Age 18 (1971)
Amendment XXVII	Compensation of Members of Congress (1992)

#### **PROPOSED AMENDMENTS (107<sup>TH</sup> AND 108<sup>TH</sup> CONGRESSES)**

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##### **108th Congress (2003-2004)**

- To guarantee the right to use the word "God" in the Pledge of Allegiance and the national motto
- To protect the definition of marriage as between a man and a woman
- To remove any protection any court may find for child pornography
- To allow Congress to pass laws for emergency replenishment of its membership should more than a quarter of either house be killed
- To place Presidential nominees immediately into position, providing the Senate with 120 days to reject the nominee before the appointment is automatically permanent

## 107th Congress (2001-2002)

- Calling for the repeal of the 8th Amendment
- To specify that progressive income taxes must be used
- To specify a right to "equal high quality" health care
- To limit pardons granted between October 1 and January 21 of any presidential election year
- To require a balanced budget without use of Social Security Trust Fund monies
- To allow for any person who has been a citizen of the United States for twenty years or more to be eligible for the Presidency
- To force the members of Congress and the President to forfeit their salary, on a per diem basis, for every day past the end of the fiscal year that a budget remains unpassed

## ***FAILED AMENDMENTS (SENT TO STATES, NEVER RATIFIED)***

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**Article 1 of the original Bill of Rights.** This amendment, proposed in 1789, dealt with the number of persons represented by each member of the House, and the number of members of the House. This amendment is still outstanding, having been ratified by only 10 states.

**The Anti-Title Amendment.** This amendment, submitted to the States in the 11th Congress (in 1810), said that any citizen who accepted or received any title of nobility from a foreign power, or who accepted without the consent of Congress any gift from a foreign power, would no longer be a citizen. This amendment is still outstanding, ratified by twelve states.

**The Slavery Amendment.** In 1861, an amendment prohibiting the Congress from making any law interfering with the domestic institutions of any State (slavery being specifically mentioned) was proposed and sent to the states. This amendment is still outstanding.

**The Child Labor Amendment.** In 1926, an amendment was proposed which granted Congress the power to regulate the labor of children under the age of 18. This amendment is still outstanding, having been ratified by 28 states.

**The Equal Rights Amendment (ERA).** The ERA's first section states: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." It was sent to the states in March, 1972. It expired unratified in 1982.

**The Washington DC Voting Rights Amendment.** Granted the citizens of Washington DC the same full representation in Congress as any state, and repealed the 23rd Amendment granting the District votes in the Electoral College. Proposed in 1978, it expired unratified in 1985.

## ***CONCLUSION***

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- Amending the Constitution is an uphill battle.
- Any proposed amendment must have the broadest possible appeal and deal with fundamental aspects of our society.
- The currently proposed Federal Marriage Amendment meets both requirements.
  - o The overwhelming majority of the American people agree with its definition of marriage.
  - o Marriage and family are fundamental not only to the stability of our communities but to the health of children.
- Government has a vested interest in insuring that children are offered the best possible environment in which to grow.
- Statistics show that such an environment consists of a child living with both of his or her married, biological parents.
- Countries that have severed this connection between marriage and children have experienced a precipitous drop in the number of children living with their married, biological parents.
- Therefore, we must do all we can to preserve the definition of marriage and its importance to our nation's children.