

# Twenty-seventh Amendment

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**(1992)**  
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*“We can eradicate the aura of privilege that has hung over the chamber for two hundred years. James Madison saw something wrong with members of Congress increasing their own salaries, unchecked by their constituencies. Adoption of this much-delayed amendment to the Constitution will prevent a future Congress from raising its own pay until a recorded vote has been held and an election has intervened. This is progress, after 200 years of delay.”*”

—West Virginia Senator Jennings Randolph, the chief sponsor of the Twenty-sixth Amendment, in a Washington Post interview, October 14, 1984

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## WHAT IT SAYS

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

### TWO HUNDRED YEARS: THE DATES ON WHICH STATES RATIFIED THE TWENTY-SEVENTH AMENDMENT

Maryland	December 19, 1789
North Carolina	December 22, 1789
South Carolina	January 19, 1790
Delaware	January 28, 1790
Vermont	November 3, 1791
Virginia	December 15, 1791
Ohio	May 6, 1873
Wyoming	March 6, 1978
Maine	April 27, 1983
Colorado	April 22, 1984
South Dakota	February 21, 1985
New Hampshire	March 7, 1985
Arizona	April 3, 1985
Oklahoma	July 10, 1985
New Mexico	February 14, 1986
Indiana	February 24, 1986
Utah	February 25, 1986
Arkansas	March 13, 1987
Montana	March 17, 1987
Connecticut	May 13, 1987
Wisconsin	July 15, 1987
Georgia	February 2, 1988
West Virginia	March 10, 1988
Louisiana	July 7, 1988
Iowa	February 9, 1989
Idaho	March 23, 1989
Nevada	April 26, 1989
Alaska	May 6, 1989
Oregon	May 19, 1989
Minnesota	May 22, 1989
Texas	May 25, 1989
Kansas	April 5, 1989
Florida	May 31, 1990
North Dakota	March 25, 1991
Alabama	May 5, 1992
Michigan	May 7, 1992
New Jersey	May 7, 1992
Illinois	May 12, 1992

Ratification was completed on May 7, 1992, when the thirty-eighth and thirty-ninth states approved the amendment, providing the three-quarters of the states necessary to add the amendment to the Constitution. The archivist of the United States declared the amendment valid on May 18, 1992.

## WHAT IT MEANS

The Twenty-seventh Amendment prevents any congressional pay raise from going into effect until after the voters have been able to cast ballots in the next election, registering their approval or disapproval. With the voters in mind, legislators were likely to be more cautious about increasing their own salaries. James Madison introduced the Amendment in 1789 and it was sent to the states with the Bill of Rights. An insufficient number of states ratified it and the amendment lay dormant until 1982, when public outrage over a large boost in congressional salaries encouraged the states to revive the amendment. Unlike modern amendments, the Twenty-seventh had no time limit for ratification, so that some state legislatures ratified it more than two hundred years apart. In 1992, the Michigan state legislature passed the amendment, and it was finally ratified.

### CONGRESSIONAL SALARIES PRIOR TO RATIFICATION OF THE TWENTY-SEVENTH AMENDMENT

1789	\$1,500
1817	\$2,000
1855	\$3,000
1865	\$5,000
1871	\$7,500
1874	\$5,000*
1907	\$7,500
1925	\$10,000
1932	\$9,000**
1933	\$8,500
1934	\$9,500
1935	\$10,000
1947	\$12,500
1955	\$22,500
1965	\$30,000
1969	\$42,500
1975	\$44,600
1977	\$57,500
1979	\$60,663
1983	\$69,800
1984	\$72,600
1985	\$75,100
1987	\$89,500
1990	Senate: \$98,400 House: \$96,600
1991	Senate: \$101,900*** House: \$125,100
1991	\$125,100****

\* After an unpopular increase known as the Salary Grab, Congress reduced its salary

\*\* As an economic move during the Great Depression, government salaries were cut

\*\*\* The Senate chose not to raise its salary as high as the House, but allowed senators to accept honoraria for giving speeches away from the Senate

\*\*\*\* The Senate raised its salary to the House level, but banned honoraria for outside activities

# Twenty-sixth Amendment

**Wartime service raises calls to lower the voting age**

→ 1941

As America enters World War II, the phrase, “old enough to fight, old enough to vote” becomes a popular slogan among those seeking to lower the voting age to eighteen, the same age that men can be drafted into the military.

**Jennings Randolph introduces a proposal to lower the voting age**

→ 1942

Jennings Randolph, a Democratic representative from West Virginia, introduces an amendment to lower the voting age to eighteen. He continues to propose this amendment repeatedly during the course of his four decades in the House and the Senate until it eventually passes in 1971.

**Georgia becomes the first state to lower its voting age**

→ 1943

Georgia passes a law to lower the voting age to eighteen for state and local, but not federal, elections.

# Twenty-seventh Amendment

**Congress sends the amendment to the states as part of the Bill of Rights**

→ 1789

Congress sends the states twelve amendments to the Constitution, but only ten of the amendments—known as the Bill of Rights—are ratified. The two that are not adopted deal with congressional pay raises and the size of districts for the House of Representatives. The pay raise amendment is approved by only six of the eleven states needed for ratification, and rejected by five states.

**Unless Congress sets a date for terminating ratification, amendments are valid**

→ 1939

Under a ruling of the U.S. Supreme Court in the landmark case of *Coleman v. Miller*, any proposed amendment for which Congress has not specified a ratification deadline remains in play. The Court says that states may continue to consider an amendment regardless of how long it has been since it was first proposed.

**Wyoming revives the pay raise amendment**

→ 1978

A century after the last state, Ohio, ratified the salary amendment, the Wyoming legislature adds its ratification. This act is part of a general dissatisfaction with the directions of the federal government on matters of taxing and spending expressed by western states in what became known as the Sagebrush Rebellion.

# TIMELINE

## President Johnson gradually escalates the war in Vietnam

→ 1965

Following a reelection campaign in which he pledges not to send Americans to fight a war in Asia, President Johnson gradually escalates American troop strength in South Vietnam, until more than a half million American soldiers, sailors, and marines are engaged in combat. The government uses the draft to build its military strength.

## Congress can lower the voting age in federal, but not state, elections

→ 1970

Following the passage of a five-year extension of the Voting Rights Act of 1965, the U.S. government files suits against the states of Arizona and Idaho to seek compliance with the law. Texas and Oregon file lawsuits claiming Congress has overstepped its authority when it passed the law. In the U.S. Supreme Court, the four cases are combined into one, *Oregon v. United States*. The Court upholds the federal prohibitions on literacy tests and residency requirements and certain rules on absentee balloting. The Court also rules that Congress can lower the voting age in federal elections, but not in state and local elections.

## Young voters turn out in high numbers

→ 1972

In the first election in which they are eligible to vote, 50 percent of Americans between eighteen and twenty-one go to the polls on Election Day. However, in Presidential election years between 1972 and 2000, the national voter turnout rate declines among younger voters, much more sharply than among older voters.

## A student researches the issue

→ 1982

In 1982, while looking for a research paper topic, University of Texas graduate student Gregory Watson discovers that in addition to the ten amendments that became the Bill of Rights, there were two other amendments that the First Congress had proposed and submitted to the states for ratification. In a paper, he argues that those amendments, though not ratified at the time, are still viable because they do not contain a “sunset provision” limiting the time for ratification. His professor is not impressed with his argument and gives him a C on his paper. Convinced that the amendment is still pending, Watson then begins a campaign to lobby state legislatures to ratify the forgotten amendments. When Congress votes itself a large pay increase, the campaign gains momentum.

## Michigan ratifies Twenty-seventh Amendment

→ 1992

Between 1983 and 1992, thirty-three additional states ratify the pay raise amendment. On May 7, 1992, 203 years after its submission to the states, the Twenty-seventh Amendment is ratified with its passage by the Michigan State Legislature. The U.S. Senate and House of Representatives adopt concurrent resolutions agreeing that the Twenty-seventh Amendment has been validly ratified, despite the unorthodox lapse between its submission and completion.

## Members of Congress are not harmed by pay increases

→ 2001

Representative Bob Schaffer and three others challenge the cost-of-living increases in the Ethics Reform Act of 1989, arguing that such automatic increases grant legislators raises before a new Congressional session begins. In *Schaffer v. Clinton*, the district court dismisses three of the plaintiffs (a state legislator, a taxpayer, and a voter), on the ground that they have no standing to bring the case. The court dismisses case finding that the cost-of-living raises accomplish the goal of the Twenty-seventh Amendment because they “eliminate the possibility that Congress will grant itself a new pay raise during its current session.” The court of appeals dismisses the appeal because Schaffer, by receiving the pay increase, has not suffered any real injury.