

Opinion No. 25-3794

January 27, 1925

BY: JOHN W. ARMSTRONG, Attorney General

TO: Requested by: Hon. E. E. Thaxton, State Senator, Santa Fe, New Mexico.

Ratification of an Amendment to the Federal Constitution may not be affected by submitting same to a vote of the people.

OPINION

You ask whether or not submitting an amendment to the Federal Constitution to a vote of the people in New Mexico would be effective to ratify such amendment.

Art. 5 of the Federal Constitution provides:

"The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, * * * which shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, * * *."

It will be observed from the foregoing provisions that submitting the Child Labor Amendment to a vote of the people of the State of New Mexico, could not and would not, in any sense, legally ratify or reject same.