

## 1 SENATE JOINT RESOLUTION

## 2 CONSTITUTIONAL AMENDMENT 4

3 (As Amended by Senate Amendment No. 1)

4 WHEREAS, The Ninety-second Congress of the United States of  
5 America, at its Second Session, in both houses, by a  
6 constitutional majority of two-thirds, adopted the following  
7 proposition to amend the Constitution of the United States of  
8 America:

## 9 "JOINT RESOLUTION

10 RESOLVED BY THE HOUSE OF REPRESENTATIVES AND SENATE OF THE  
11 UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF  
12 EACH HOUSE CONCURRING THEREIN), That the following article is  
13 proposed as an amendment to the Constitution of the United  
14 States, which shall be valid to all intents and purposes as a  
15 part of the Constitution when ratified by the legislatures of  
16 three-fourths of the several States within seven years from the  
17 date of its submission by the Congress:

## 18 "ARTICLE \_\_\_\_\_

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

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

24 Section 3. This amendment shall take effect two years after

1 the date of ratification.""; and

2 WHEREAS, A Joint Resolution is a resolution adopted by both  
3 houses of the General Assembly and does not require the  
4 signature of the Governor; a Joint Resolution is sufficient for  
5 Illinois' ratification of an amendment to the United States  
6 Constitution; and

7 WHEREAS, The United States Congress has recently adopted  
8 the 27th Amendment to the Constitution of the United States,  
9 the so-called Madison Amendment, relating to Compensation of  
10 Members of Congress; this amendment was proposed 203 years  
11 earlier by our First Congress and only recently ratified by  
12 three-fourths of the States; the United States Archivist  
13 certified the 27th Amendment on May 18, 1992; and

14 WHEREAS, The founders of our nation, James Madison  
15 included, did not favor further restrictions to Article V of  
16 the Constitution of the United States, the amending procedure;  
17 the United States Constitution is harder to amend than any  
18 other constitution in history; and

19 WHEREAS, The restricting time limit for the Equal Rights  
20 Amendment ratification is in the resolving clause and is not a  
21 part of the amendment proposed by Congress and already ratified  
22 by 35 states; and

1           WHEREAS, Having passed a time extension for the Equal  
2 Rights Amendment on October 20, 1978, Congress has demonstrated  
3 that a time limit in a resolving clause can be disregarded if  
4 it is not a part of the proposed amendment; and

5           WHEREAS, The United States Supreme Court in Coleman v.  
6 Miller, 307 U.S. 433, at 456 (1939), recognized that Congress  
7 is in a unique position to judge the tenor of the nation, to be  
8 aware of the political, social, and economic factors affecting  
9 the nation, and to be aware of the importance to the nation of  
10 the proposed amendment; and

11           WHEREAS, If an amendment to the Constitution of the United  
12 States has been proposed by two-thirds of both houses of  
13 Congress and ratified by three-fourths of the state  
14 legislatures, it is for Congress under the principles of  
15 Coleman v. Miller to determine the validity of the state  
16 ratifications occurring after a time limit in the resolving  
17 clause, but not in the amendment itself; and

18           WHEREAS, Constitutional equality for women and men  
19 continues to be timely in the United States and worldwide, and  
20 a number of other nations have achieved constitutional equality  
21 for their women and men; therefore, be it

1           RESOLVED, BY THE SENATE OF THE ONE HUNDREDTH GENERAL  
2 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES  
3 CONCURRING HEREIN, that the proposed amendment to the  
4 Constitution of the United States of America set forth in this  
5 resolution is ratified; and be it further

6           RESOLVED, That a certified copy of this resolution be  
7 forwarded to the Archivist of the United States, the President  
8 pro tempore of the Senate and the Speaker of the House of  
9 Representatives of the Congress of the United States, and each  
10 member of the Illinois congressional delegation.