



HJ0094

LRB102 28896 LNS 40788 r

1 HOUSE JOINT RESOLUTION

2 WHEREAS, In 1972, the Ninety-second Congress of the United  
3 States of America, at its Second Session, in both houses, by a  
4 constitutional majority of two-thirds, adopted the following  
5 proposition to amend the Constitution of the United States of  
6 America:

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

16 "ARTICLE \_\_\_\_\_

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

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

23 Section 3. This amendment shall take effect two  
24 years after the date of ratification.""; and

1           WHEREAS, Article V of the Constitution of the United  
2 States sets forth a two-step amending procedure; and

3           WHEREAS, The first step of the Article V amending  
4 procedure is proposal of an amendment either by two-thirds  
5 vote of both houses of Congress or by a convention called by  
6 application of two-thirds of the States; and

7           WHEREAS, The second and final step of the Article V  
8 amending procedure is ratification of an amendment by  
9 three-fourths of the States; and

10          WHEREAS, The Constitution of the United States does not  
11 limit the time for States to ratify an amendment; and

12          WHEREAS, The Constitution of the United States does not  
13 grant Congress the authority to limit the time for States to  
14 ratify amendments; and

15          WHEREAS, A time limit on State ratifications of amendments  
16 is a substantive change to the Constitution of the United  
17 States; and

18          WHEREAS, To have full force and effect, any substantive  
19 change to the Constitution of the United States must be within  
20 the text of an amendment, where it can be approved as part of

1 each of the two steps of the Article V amending procedure; and

2 WHEREAS, The time limit on State ratifications of the  
3 Equal Rights Amendment is within only the internal resolution  
4 used by Congress in the proposal step and not within the text  
5 of the amendment; and

6 WHEREAS, In the ratification step, the States ratified  
7 only the text of the Equal Rights Amendment; and

8 WHEREAS, The time limit within the internal resolution  
9 used by Congress in 1972 to propose the Equal Rights Amendment  
10 is, thus, without force or effect; and

11 WHEREAS, The most recent constitutional amendment to be  
12 proposed by two-thirds vote of both houses of Congress was the  
13 District of Columbia Voting Rights Amendment in 1978; and

14 WHEREAS, Congress included a time limit within the text of  
15 the District of Columbia Voting Rights Amendment, in order for  
16 that time limit to have full force and effect; and

17 WHEREAS, The time limit for the District of Columbia  
18 Voting Rights Amendment ended before completion of the second  
19 and final step of ratification of the amendment by  
20 three-fourths of the States; and

1           WHEREAS, Because the time limit was within the text of the  
2           District of Columbia Voting Rights Amendment, that time limit  
3           had full force and effect and that amendment did expire in  
4           1985; and

5           WHEREAS, The so-called Madison Amendment, relating to  
6           Compensation of Members of Congress, is the Twenty-Seventh  
7           Amendment to the Constitution of the United States; and

8           WHEREAS, In 1789, by two-thirds vote of each house of the  
9           First Congress, the Madison Amendment completed the proposal  
10          step of Article V; and

11          WHEREAS, Approximately 203 years later, the Madison  
12          Amendment completed the ratification step of Article V through  
13          ratification by three-fourths of the States; and

14          WHEREAS, In 1992, having met the strict two-step  
15          requirements of Article V, the Madison Amendment was published  
16          by the Administration of President George H.W. Bush as the  
17          Twenty-Seventh Amendment to the Constitution of the United  
18          States; and

19          WHEREAS, Following publication of the Madison Amendment,  
20          Congress affirmed the Madison Amendment as the Twenty-Seventh

1 Amendment to the Constitution of the United States; and

2 WHEREAS, As of January 27, 2020, three-fourths of the  
3 States have ratified the Equal Rights Amendment; and

4 WHEREAS, Unlike the District of Columbia Voting Rights  
5 Amendment, the Equal Rights Amendment does not have a time  
6 limit in its text where it would be of full force and effect;  
7 and

8 WHEREAS, In contrast to the Madison Amendment which took  
9 203 years to ratify, the Equal Rights Amendment took a mere 48  
10 years to ratify; and

11 WHEREAS, The text of Article V of the Constitution  
12 references only ratification, not rescission; and

13 WHEREAS, Samuel Johnson's dictionary of 1755 defines  
14 "ratify" as "to confirm; to settle"; and

15 WHEREAS, Bouvier's Law Dictionary of 1856, considered to  
16 be the first American legal dictionary, states that a  
17 ratification once done, "cannot be revoked or recalled"; and

18 WHEREAS, James Madison wrote in a July 20, 1788 letter to  
19 Alexander Hamilton that ratification is "in toto and for

1 ever"; and

2 WHEREAS, The various attempts throughout history to  
3 rescind the ratifications of the Constitution of the United  
4 States or its amendments, including the Fourteenth, Fifteenth,  
5 and Nineteenth Amendments, have never been honored; and

6 WHEREAS, The Equal Rights Amendment now meets the strict  
7 requirements of Article V of the Constitution of the United  
8 States to be added as the Twenty-Eighth Amendment; therefore,  
9 be it

10 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE  
11 HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
12 SENATE CONCURRING HEREIN, that the General Assembly urges the  
13 Administration of President Joseph R. Biden, Jr. to publish  
14 without delay the Equal Rights Amendment as the Twenty-Eighth  
15 Amendment to the Constitution of the United States; and be it  
16 further

17 RESOLVED, That the General Assembly urges the Congress of  
18 the United States to pass a joint resolution, affirming the  
19 Equal Rights Amendment as the Twenty-Eighth Amendment to the  
20 Constitution of the United States; and be it further

21 RESOLVED, That the General Assembly calls on other States

1 to join in this action by passing the same or similar  
2 resolutions; and be it further

3       RESOLVED, That suitable copies of this resolution be  
4 transmitted to the President and Vice President of the United  
5 States, to Members of the United States Congress, and to the  
6 Archivist of the United States.