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SENATE JOINT RESOLUTION

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

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

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"ARTICLE _____

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

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

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Section 3. This amendment shall take effect two 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 SENATE OF THE ONE HUNDRED SECOND GENERAL
11 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF
12 REPRESENTATIVES CONCURRING HEREIN, that the General Assembly
13 urges the Administration of President Joseph R. Biden, Jr. to
14 publish without delay the Equal Rights Amendment as the
15 Twenty-Eighth Amendment to the Constitution of the United
16 States; and be it 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.