



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HOUSE JOINT RESOLUTION
CONSTITUTIONAL AMENDMENT
HC0003

Introduced 1/12/2005, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

Provides for the ratification of the proposed equal rights amendment to the United States Constitution.

LRB094 02606 RCE 32607 e

1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

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

8 "JOINT RESOLUTION

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

17 "ARTICLE _____

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

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

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

25 WHEREAS, A Joint Resolution is a resolution adopted by both
26 houses of the General Assembly and does not require the
27 signature of the Governor; a Joint Resolution is sufficient for
28 Illinois' ratification of an amendment to the United States
29 Constitution; and

30 WHEREAS, The United States Congress has recently adopted
31 the 27th Amendment to the Constitution of the United States,

1 the so-called Madison Amendment, relating to Compensation of
2 Members of Congress; this amendment was proposed 203 years
3 earlier by our First Congress and only recently ratified by
4 three-fourths of the States; the United States Archivist
5 certified the 27th Amendment on May 18, 1992; and

6 WHEREAS, The founders of our nation, James Madison
7 included, did not favor further restrictions to Article V of
8 the Constitution of the United States, the amending procedure;
9 the United States Constitution is harder to amend than any
10 other constitution in history; and

11 WHEREAS, The restricting time limit for the Equal Rights
12 Amendment ratification is in the resolving clause and is not a
13 part of the amendment proposed by Congress and already ratified
14 by 35 states; and

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

19 WHEREAS, The United States Supreme Court in *Coleman v.*
20 *Miller*, 307 U.S. 433, at 456 (1939), recognized that Congress
21 is in a unique position to judge the tenor of the nation, to be
22 aware of the political, social, and economic factors affecting
23 the nation, and to be aware of the importance to the nation of
24 the proposed amendment; and

25 WHEREAS, If an amendment to the Constitution of the United
26 States has been proposed by two-thirds of both houses of
27 Congress and ratified by three-fourths of the state
28 legislatures, it is for Congress under the principles of
29 *Coleman v. Miller* to determine the validity of the state
30 ratifications occurring after a time limit in the resolving
31 clause, but not in the amendment itself; and

1 WHEREAS, Constitutional equality for women and men
2 continues to be timely in the United States and worldwide, and
3 a number of other nations have achieved constitutional equality
4 for their women and men; therefore, be it

5 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
6 NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
7 SENATE CONCURRING HEREIN, that the proposed amendment to the
8 Constitution of the United States of America set forth in this
9 resolution is ratified; and be it further

10 RESOLVED, That a certified copy of this resolution be
11 forwarded to the Archivist of the United States, the
12 Administrator of General Services of the United States, the
13 President pro tempore of the Senate and the Speaker of the
14 House of Representatives of the Congress of the United States,
15 and each member of the Illinois congressional delegation.