



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HOUSE JOINT RESOLUTION

CONSTITUTIONAL AMENDMENT

HC0002

Introduced , by Rep. Lou Lang - Sara Feigenholtz - Karen A. Yarbrough - Kelly M. Cassidy - Carol A. Sente

SYNOPSIS AS INTRODUCED:

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

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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

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

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

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

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

22 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE

1 NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
2 SENATE CONCURRING HEREIN, that the proposed amendment to the
3 Constitution of the United States of America set forth in this
4 resolution is ratified; and be it further

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