

1 HOUSE JOINT RESOLUTION
2 CONSTITUTIONAL AMENDMENT

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

18 "ARTICLE _____

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

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

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

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

31 WHEREAS, The United States Congress has recently adopted
32 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
9 procedure; the United States Constitution is harder to amend
10 than any 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
13 a part of the amendment proposed by Congress and already
14 ratified by 35 states; and

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

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

26 WHEREAS, If an amendment to the Constitution of the
27 United States has been proposed by two-thirds of both houses
28 of Congress and ratified by three-fourths of the state
29 legislatures, it is for Congress under the principles of
30 Coleman v. Miller to determine the validity of the state
31 ratifications occurring after a time limit in the resolving
32 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,
3 and a number of other nations have achieved constitutional
4 equality for their women and men; therefore, be it

5 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
6 NINETY-SECOND 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
9 this 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
15 States, and each member of the Illinois congressional
16 delegation.