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SENATE JOINT RESOLUTION NO. 78

Offered January 8, 2014
Prefiled January 8, 2014

Ratifying the Equal Rights Amendment to the United States Constitution.

Patrons—Marsh, Deeds, Ebbin, Favola, Howell, Locke and Lucas

Referred to Committee on Rules

WHEREAS, a concurrent or joint resolution is a resolution adopted by both houses of a bicameral legislature, which does not require the signature of the chief executive; and a concurrent resolution is sufficient for a state's ratification of an amendment to the United States Constitution; and

WHEREAS, the United States Congress adopted the 27th Amendment to the United States Constitution, the so-called Madison Amendment, relating to compensation of members of Congress; and

WHEREAS, the Madison Amendment was proposed by our first Congress and only recently ratified by three-fourths of the states, and the Archivist of the United States certified the 27th Amendment on May 18, 1992, or 203 years after it was first proposed; and

WHEREAS, the founders of our nation, James Madison included, did not favor further restrictions to Article V of the United States Constitution, the amending procedure; and

WHEREAS, the United States Constitution is harder to amend than any other constitution in history; and

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

WHEREAS, constitutional equality for women and men continues to be a timely issue in the United States and worldwide, and a number of other nations have achieved constitutional equality for their women and men; and

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

WHEREAS, Congress is in a unique position to judge the tenor of the nation, to be aware of the political, social, and economic factors affecting the nation, and to be aware of the importance to the nation of the proposed amendment; and

WHEREAS, if an amendment to the United States Constitution has been proposed by two-thirds of both houses of Congress and ratified by three-fourths of the state legislatures, it is for Congress to determine the validity of the state ratifications occurring after a time limit in the resolving clause, but not in the amendment itself; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly of the Commonwealth of Virginia hereby ratify and affirm the Equal Rights Amendment to the United States Constitution proposed by the United States Congress on March 22, 1972, and ratified by 35 state legislatures. The complete text of House Joint Resolution 208 proposing the Equal Rights Amendment follows:

HOUSE JOINT RESOLUTION 208

Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Resolved by the Senate and House of Representatives 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 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:

"Article—

"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.

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

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

RESOLVED FURTHER, That certified copies of this joint resolution be forwarded by the Clerk of the Senate to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Virginia delegation to the House of Representatives and the United States Senate, and the Archivist of the United States at the

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59 National Archives and Records Administration of the United States.