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HOUSE JOINT RESOLUTION NO. 692

Offered January 9, 2019

Memorializing the Congress of the United States to submit a new Equal Rights Amendment, with language that addresses the concerns over religious and privacy rights, to the states for ratification.

Patrons—Cole, Ransone, Byron, Pogge, Fowler, Head, Hugo, Ingram, Landes, Leftwich, McGuire, Orrock, Stolle, Ware and Webert

Referred to Committee on Rules

WHEREAS, the United States Congress submitted the Equal Rights Amendment to the United States Constitution to the states for ratification in 1972 with a seven-year deadline for ratification; and

WHEREAS, the amendment appeared to be moving quickly towards adoption with 35 states ratifying it, when concerns were raised about potential unintended consequences, including the loss of religious liberties and privacy rights; and

WHEREAS, once those concerns were raised not only did no new states ratify the amendment, but five states rescinded their previous ratification, leaving the total of states that ratified the amendment at 30; and

WHEREAS, when the original 1979 deadline approached, Congress extended the deadline to 1982 by a majority vote rather than the two-thirds required for an amendment, causing this extension to be the subject of a court challenge; and

WHEREAS, the extended deadline passed in 1982 with no new states ratifying the amendment, effectively withdrawing the proposed amendment from consideration by the states; and

WHEREAS, the expiration of the amendment has already been recognized by the United States Supreme Court when a lawsuit related to the amendment was dismissed on October 4, 1982, in NOW v. Idaho, 459 U.S. 809 (1982), on the grounds that the question was moot since the Equal Rights Amendment as presented to the states for ratification had expired; and

WHEREAS, federal courts have ruled that both women and men already have full claim to equal rights through the 5th and 14th Amendments to the United States Constitution, and the Constitution of Virginia also prohibits discrimination on the basis of sex; and

WHEREAS, legislators have worked to address equal rights on both the state and national level, resulting in at least 50 laws in the Code of Virginia and more than 125 federal laws prohibiting discrimination on the basis of sex, including employment and equal pay protections; and

WHEREAS, because the Equal Rights Amendment was not ratified within the original or the extended time limit established by Congress for its ratification, it is no longer before the states for ratification, and any action by the General Assembly to ratify it now would be a nullity; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to submit a new Equal Rights Amendment, with language that addresses the concerns over religious and privacy rights, to the states for consideration; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

INTRODUCED

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