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## HOUSE JOINT RESOLUTION NO. 87

Offered January 21, 1994

*Ratifying the Equal Rights Amendment to the United States Constitution.*

Patrons—Darner, Abbitt, Almand, Barlow, Brickley, Callahan, Christian, Cohen, Connally, Cooper, Copeland, Crittenden, Croshaw, Cunningham, Diamonstein, Dillard, Giesen, Grayson, Hall, Harris, Heilig, Hull, Jones, D. C., Jones, J.C., Keating, Mayer, Melvin, Moss, Phillips, Plum, Puller, Robinson, Scott, Shuler, Spruill, Stump, Van Landingham and Van Yahres; Senators: Gartlan, Holland, E.M., Howell, Lucas, Miller, Y.B. and Saslaw

Referred to Committee on Privileges and Elections

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 has recently adopted the 27th Amendment to the United States Constitution, the so-called Madison Amendment, relating to compensation of members of Congress; this amendment was proposed 203 years earlier by our First Congress and only recently ratified by three-fourths of the States, and the United States Archivist certified the 27th Amendment on May 18, 1992; 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; 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 timely 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, the United States Supreme Court in Coleman v. Miller, 307 U.S. 433, at 456 (1939), recognized that 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 under the principles of Coleman v. Miller 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 House of Delegates, the Senate of Virginia 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 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

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 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 House of Delegates to the President of the United States, the Archivist of the United States at the National Archives and Records Administration of the United States, the President of the United States

INTRODUCED

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**60** Senate, the Speaker of the United States House of Representatives, and the members of the Virginia  
**61** delegation to the United States Senate.