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SENATE JOINT RESOLUTION

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WHEREAS, The Ninety-second Congress of the United States of America, at its Second Session, adopted a Joint Resolution to amend the Constitution of the United States of America with language commonly referred to as the Equal Rights Amendment with a deadline for ratification by the states of March 22, 1979; and

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WHEREAS, In 1978, Congress passed an extension of the ratification of the Equal Rights Amendment from the original deadline of seven years to June 30, 1982; and

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WHEREAS, At the time of the extension, only 35 of the necessary 38 states had ratified the Equal Rights Amendment with 24 of those ratifications referring to the original 1979 deadline; and

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WHEREAS, The United States District Court ruled on December 23, 1981 in Idaho v. Freeman that the Equal Rights Amendment Time Extension voted by Congress was unconstitutional and that the rescissions of States from the Equal Rights Amendment were constitutional; and

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WHEREAS, After the expiration of the June 20, 1982 extended deadline for ratification of the Equal Rights Amendment, in the

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1 appeal of Idaho v Freeman (NOW v Idaho), the United States  
2 Supreme Court vacated the district's opinion and remanded to  
3 the District Court with direction to dismiss the case as moot,  
4 thus indicating that the Equal Rights Amendment was no longer  
5 before the states for ratification; and

6 WHEREAS, No additional states ratified the Equal Rights  
7 Amendment by the June 30, 1982 extended deadline; and

8 WHEREAS, Five states rescinded their ratification of the  
9 Equal Rights Amendment prior to the expiration of the original  
10 1979 deadline for ratification, thereby reducing the number of  
11 states that had ratified the amendment to 30; and

12 WHEREAS, Congress reintroduced the Equal Rights Amendment  
13 in 1983 and failed to receive the two-thirds majority vote  
14 required to send the Equal Rights Amendment to the states for  
15 ratification; and

16 Whereas, Only 30 states have ratified the Equal Rights  
17 Amendment in its original form; and

18 WHEREAS, Both the original and extended deadline for the  
19 ratification of the Equal Rights Amendment have expired; and

20 WHEREAS, Congress has not reintroduced the Equal Rights

1 Amendment and any extension of the original deadline would be  
2 unconstitutional under Idaho v. Freeman; and

3 WHEREAS, Any action by Illinois to ratify the Equal Rights  
4 Amendment would occur after the March 22, 1979 deadline and the  
5 ratification of the current Equal Rights Amendment is no longer  
6 an available option to the Illinois Legislature; and

7 WHEREAS, It would be preferable to start over with a new  
8 Equal Rights Amendment that addresses many of the concerns that  
9 have been raised about the original Equal Rights Amendment over  
10 the intervening years; and

11 WHEREAS, The Illinois Constitution guarantees that equal  
12 protection of the laws shall not be denied or abridged on  
13 account of sex by the State or its units of local government  
14 and school districts; and

15 WHEREAS, Language similar to that in the Illinois  
16 Constitution is preferable to the original language of the  
17 Equal Rights Amendment; and

18 WHEREAS, The United States Constitution can be amended  
19 either by Congress submitting an amendment to the states for  
20 ratification or by two-thirds of the states calling for a  
21 Constitutional Convention; and

1           WHEREAS, The Illinois General Assembly supports passage of  
2 the Equal Rights Amendment in a modified form to reflect the  
3 language of the Illinois Constitution; therefore, be it

4           RESOLVED, BY THE SENATE OF THE ONE HUNDREDTH GENERAL  
5 ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES  
6 CONCURRING HEREIN, that we hereby apply to Congress to call a  
7 limited constitutional convention for the purpose of proposing  
8 to the states for ratification an amendment to the United  
9 States Constitution; and be it further

10          RESOLVED, That this amendment should be worded as follows,  
11 without substantial alteration: "The equal protection of the  
12 laws shall not be denied or abridged on account of sex by the  
13 United States or any State."; and be it further

14          RESOLVED, That this application constitutes a continuing  
15 application in accordance with Article V of the United States  
16 Constitution until at least two-thirds of the legislatures of  
17 the several states have made application for a limited  
18 constitutional convention; and be it further

19          RESOLVED, That, if the limited convention called by  
20 Congress is not limited to the topics proposed in this  
21 resolution, that this resolution calling for a convention shall

1 be considered null and void and legally insufficient to be  
2 considered under Article V as one of the two-thirds of the  
3 several state resolutions necessary to call a limited  
4 constitutional convention; if a limited convention were to  
5 consider topics beyond the limited scope of this call for a  
6 constitutional convention, delegates, representatives, or  
7 participants shall be selected by the citizens of the State of  
8 Illinois to participate in the limited convention and shall be  
9 permitted to vote only on proposed amendments topically  
10 contained within the scope of this call and shall be instructed  
11 to vote against any other proposed amendments; and be it  
12 further

13 RESOLVED, That, if two-thirds of the legislatures of the  
14 several states make application to Congress to call a limited  
15 constitutional convention, the State of Illinois requests that  
16 such a convention be called not later than six months after  
17 Congress receives the necessary applications from state  
18 legislatures; and be it further

19 RESOLVED, That suitable copies of this resolution be  
20 presented to the Speaker and Clerk of the United States House  
21 of Representatives, the President Pro Tempore and Secretary of  
22 the United States Senate, the members of the Illinois  
23 congressional delegation, the presiding officers of each  
24 chamber of each state legislature in the United States, and the

1 news media of the State of Illinois.