

2024 -- S 2899

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

SENATE RESOLUTION

RESPECTFULLY CALLING FOR PUBLICATION AND AFFIRMATION OF THE EQUAL RIGHTS AMENDMENT

Introduced By: Senators Mack, Gu, Murray, DiMario, Cano, and Kallman

Date Introduced: March 22, 2024

Referred To: Senate Judiciary

1 WHEREAS, In 1972, the 92nd United States Congress, at its Second Session, in both
2 houses, by a constitutional majority of two-thirds, adopted the following proposition to amend the
3 Constitution of the United States of America;

4 JOINT RESOLUTION RESOLVED BY THE HOUSE OF REPRESENTATIVES AND
5 SENATE OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-
6 THIRDS OF EACH HOUSE CONCURRING THEREIN), That the following article is proposed
7 as an amendment to the Constitution of the United States, which shall be valid to all intents and
8 purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the
9 several States within seven years from the date of its submission by the Congress;

10 ARTICLE —

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

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

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

16 WHEREAS, Article V of the Constitution of the United States sets forth a two-step
17 amending procedure; and

18 WHEREAS, The first step of the Article V amending procedure is proposal of an
19 amendment either by two-thirds vote of both houses of Congress or by a convention called by

1 application of two-thirds of the States; and

2 WHEREAS, The second and final step of the Article V amending procedure is
3 ratification of an amendment by three-fourths of the States; and

4 WHEREAS, The Constitution of the United States does not limit the time for States to
5 ratify an amendment; and

6 WHEREAS, The Constitution of the United States does not grant Congress the unilateral
7 authority to limit the time for States to ratify amendments; and

8 WHEREAS, A time limit on State ratifications of amendments is a substantive change to
9 the Constitution of the United States; and

10 WHEREAS, To have full force and effect, any substantive change to the Constitution of
11 the United States such as a time limit on ratification must be within the text of an amendment,
12 where it can also be approved by states as part of each of the two steps of the Article V amending
13 procedure— a proposal step and a ratification step; and

14 WHEREAS, In the proposal step for the Equal Rights Amendment, the time limit on
15 State ratifications was only in the preamble section of the resolution by Congress and not within
16 the text of the amendment presented to States for State approval; and

17 WHEREAS, In the ratification step, the States ratified only the text of the Equal Rights
18 Amendment; and

19 WHEREAS, A time limit was only approved by Congress in 1972, but not subsequently
20 approved by the States and is thus, without force or effect; and

21 WHEREAS, In comparison, in 1978, a two-thirds vote of both houses of Congress passed
22 the District of Columbia Voting Rights Amendment, and included a timeline within the text of the
23 Amendment offered to States for ratification; and

24 WHEREAS, The time limit for the District of Columbia Voting Rights Amendment
25 ended before completion of the second and final step of ratification of the amendment by three-
26 fourths of the States; and

27 WHEREAS, Because the time limit was within the text of the District of Columbia
28 Voting Rights Amendment, that time limit had full force and effect and that amendment expired
29 in 1985; and

30 WHEREAS, In comparison, the text of the 21st and 22nd Amendments both include a
31 timeline within the text of each amendment, and such timelines were ratified by three-fourths of
32 the States within the agreed timeline; and

33 WHEREAS, In 1789, by two-thirds vote of each house of our First Congress, the so-
34 called Madison Amendment relating to compensation of members of Congress completed the

1 proposal step of Article V; and

2 WHEREAS, Approximately 203 years later, the Madison Amendment completed the
3 ratification step of Article V through ratification by three-fourths of the States; and

4 WHEREAS, In 1992, having met the strict two-step requirements of Article V, the
5 Madison Amendment was published by the Archivist during the Administration of President
6 George H.W. Bush as our 27th Amendment to the Constitution of the United States; and

7 WHEREAS, Following publication of the Madison Amendment, Congress affirmed the
8 Madison Amendment as our 27th Amendment to the Constitution of the United States; and

9 WHEREAS, As of January 27, 2020, three-fourths of the States have ratified the Equal
10 Rights Amendment; and

11 WHEREAS, Unlike the District of Columbia Voting Rights Amendment, the Equal
12 Rights Amendment does not have a time limit in its text where it would be of full force and
13 effect; and

14 WHEREAS, In contrast to the Madison Amendment, which took 203 years to ratify, the
15 Equal Rights Amendment took a mere 48 years to ratify; and

16 WHEREAS, The text of Article V of the Constitution gives the States the power of
17 ratification, not rescission; and

18 WHEREAS, Samuel Johnson's dictionary of 1755 defines ratify as "to confirm; to settle";
19 and

20 WHEREAS, Bouvier's Law Dictionary of 1856, considered to be the first American legal
21 dictionary, states that a ratification once done, "cannot be revoked or recalled"; and

22 WHEREAS, James Madison wrote in a July 20, 1788, letter to Alexander Hamilton that
23 ratification is "in toto and for ever"; and

24 WHEREAS, The various attempts throughout history to rescind the ratifications of the
25 Constitution of the United States or its amendments, including the 14th, 15th, and 19th
26 Amendments, have never been honored; and

27 WHEREAS, The Equal Rights Amendment now meets the strict requirements of Article
28 V of our Constitution of the United States to be added as our 28th Amendment; now, therefore be
29 it

30 RESOLVED, That this Senate of the State of Rhode Island hereby urges the
31 Administration of President Joseph R. Biden, Jr. to publish without delay the Equal Rights
32 Amendment as our Twenty-Eighth Amendment to the Constitution of the United States; and be it
33 further

34 RESOLVED, That this Senate hereby urges the Congress of the United States to pass a

1 joint resolution affirming the Equal Rights Amendment as our Twenty-Eighth Amendment to the
2 Constitution of the United States; and be it further

3 RESOLVED, That this Senate hereby calls on other States to join in this action by
4 passing the same or similar resolutions; and be it further

5 RESOLVED, That the Secretary of State be and hereby is authorized and directed to
6 transmit duly certified copies of this resolution to the President and Vice President of the United
7 States, the Rhode Island delegation to the United States Congress, and the Archivist of the United
8 States.

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