

Assembly Resolution No. 168

BY: M. of A. Seawright

CALLING for ratification of the Equal Rights
Amendment

WHEREAS, The U.S. Constitution does not explicitly guarantee equal rights to all persons regardless of sex; and

WHEREAS, The 19th Amendment, adopted in 1920, grants all citizens the right to vote without abridgment or denial on account of sex; and

WHEREAS, The proposed Equal Rights Amendment (ERA) to the Constitution affirms that "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex"; and

WHEREAS, The ERA was written by suffragist leader Alice Paul and introduced in Congress in 1923, was passed by Congress in 1972 with a seven-year time limit, and after Congressional extension of the time limit to June 30, 1982, has been ratified by 35 of the 38 states necessary to put it into the Constitution; and

WHEREAS, Article V of the Constitution imposes no time limit for ratification of amendments; Supreme Court decisions have recognized the power of Congress to determine the mode of ratification; and the 1992 ratification of the 27th ("Madison") Amendment 203 years after it was first proposed supports the premise that state ERA ratification votes since 1972 are sufficiently contemporaneous; and

WHEREAS, On Monday, March 20, 2017, the State of Nevada voted to ratify the Equal Rights Amendment, leaving only two more states needed for ratification; and

WHEREAS, Two processes are being proposed for ratification of the ERA: (1) the traditional Article V passage by two-thirds votes in the Senate and the House of Representatives followed by ratification by three-quarters of the states, and (2) the "three-state strategy" of overriding or removing the time limit via judicial and/or statutory action and declaring the ERA to be part of the Constitution when three more states ratify; and

WHEREAS, A leader in advocating for women's equality, New York State has championed paid family leave, equal pay for equal work, and issues that face pregnant women in the workforce; now, therefore, be it

RESOLVED, That this Legislative Body pause in its deliberations to call on all members of the U.S. Senate and House of Representatives in the 115th Congress to co-sponsor, support, and pass into law joint resolutions for both the traditional Article V ratification process (S.J. Res. 16, H.J. Res. 33) and the "three-state strategy" process (S.J. Res. 5, H.J. Res. 53); and be it further

RESOLVED, That this Legislative Body pause further to affirm our strong support of the Equal Rights Amendment and our commitment to put the ERA into the Constitution; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each member of the Congress of the United States from the State of New York.