

HOUSE JOINT RESOLUTION 757

By Powell

A RESOLUTION to support ratification of the proposed Equal Rights Amendment to the United States Constitution.

WHEREAS, the United States Constitution does not explicitly guarantee that all the rights it protects are held equally by all citizens without regard to sex, and the only right it specifically affirms to be equal for women and men is the right to vote in the 19th Amendment; and

WHEREAS, the 14th Amendment's equal protection clause has not been interpreted to guarantee equal rights on the basis of sex in the same way the Equal Rights Amendment would, as demonstrated by the fact that, currently, cases of sex discrimination receive only intermediate scrutiny but should receive the highest level of strict judicial scrutiny, just as race discrimination does; and

WHEREAS, gender equality under the Constitution continues to be timely in the United States and worldwide, and a number of other nations have achieved constitutional gender equality; and

WHEREAS, the principle of gender equality is contained in the Charter of the United Nations, the Universal Declaration of Human Rights, and all subsequent major international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which has been ratified by 187 other nations; and

WHEREAS, citizens of the United States have been seeking full constitutional equality on the basis of sex since the Equal Rights Amendment was first introduced in 1923; and

WHEREAS, the Equal Rights Amendment was passed by Congress in 1972 and later ratified by thirty-seven of the thirty-eight states necessary for inclusion of the amendment into the Constitution; and

WHEREAS, Article V of the United States Constitution imposes no time limit for ratification of amendments; and

WHEREAS, state Equal Rights Amendment ratification votes since 1972 must be considered sufficiently contemporaneous, given that the Archivist of the United States certified the Madison (27th) Amendment on May 18, 1992, once three-fourths of the states had ratified it, even though that amendment was passed by the first Congress of the United States and had a ratification period lasting 203 years; and

WHEREAS, the restricting time limit for ratification of the Equal Rights Amendment is in the proposing clause and is not a part of the amendment that has already been ratified by thirty-seven states; and

WHEREAS, Congress is empowered to alter time limits in the proposing clauses of amendments and has done so once already for the Equal Rights Amendment, when it passed a time extension on October 20, 1978; and

WHEREAS, the Equal Rights Amendment will finally ensure that all citizens will have equal rights under the United States Constitution, without regard to sex; and

WHEREAS, the people of Tennessee are not willing to wait another 200 years for gender equality; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED TWELFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the General Assembly calls on the Congress of the United States to enact a resolution or legislation to remove the deadline for ratification of the Equal Rights Amendment by the states.

BE IT FURTHER RESOLVED, that the General Assembly calls on other states to join in this action by passing the same or similar resolutions.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, Tennessee's Senators and Representatives in Congress, and the presiding officers of each of the legislative houses in the several states, requesting their cooperation.