1	State of Arkansas	As Engrossed: H2/6/07			
2	86th General Assembly				
3	Regular Session, 2007		HJR	1002	
4					
5	By: Representatives L. Smith, Abernathy, Allen, T. Baker, Berry, Blount, Bond, T. Bradford, E. Brown,				
6	J. Brown, Burris, Cash, Cheatham, Chesterfield, Cook, Cooper, Cornwell, L. Cowling, Davenport, Davis,				
7	S. Dobbins, Dunn, Edwards, Everett, Flowers, Gaskill, George, Hall, Hardy, Harrelson, Hawkins, House,				
8	Hoyt, Hyde, D. Johnson, J. Johnson, Kidd, W. Lewellen, Lovell, Maxwell, Moore, Overbey, Pate,				
9	Patterson, Pennartz, Pickett, Pierce, Powers, S. Prater, Rainey, Reep, Reynolds, J. Roebuck, Rogers,				
10	Sample, Saunders, Shelby, Stewart, Sullivan, Sumpter, Thyer, Wagner, Webb, Wills, Wood, Wyatt,				
11	Petrus				
12	By: Senators Madison, Argue, Brown, Bryles, Capps, Crumbly, Faris, Salmon, T. Smith, Steele, Wilkins,				
13	R. Thompson				
14					
15					
16	HOUSE JOINT RESOLUTION				
17	RATIFYING THE PROPOSED AMENDMENT TO THE UNITED				
18	STATES CON	NSTITUTION PROVIDING THAT EQUALITY OF			
19	RIGHTS UNI	DER THE LAW SHALL NOT BE DENIED OR			
20	ABRIDGED I	BY THE UNITED STATES OR ANY STATE ON			
21	ACCOUNT OF	? SEX.			
22					
23		Subtitle			
24	RATIFY	ING THE PROPOSED AMENDMENT TO THE			
25	UNITED	STATES CONSTITUTION PROVIDING			
26	THAT EC	QUALITY OF RIGHTS UNDER THE LAW			
27	SHALL 1	NOT BE DENIED OR ABRIDGED BY THE			
28	UNITED	STATES OR ANY STATE ON ACCOUNT OF			
29	SEX.				
30					
31					
32	BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH GENERAL				
33	ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL				
34	MEMBERS ELECTED TO EACH	HOUSE AGREEING THERETO:			
35					
36	SECTION 1. WHEREA	S, in 1789 Congress submitted the Madison	ı Amendme	nt,	

As Engrossed: H2/6/07 HJR1002

1 which relates to the timing of Congressional pay raises, to the states as 2 part of the proposed Bill of Rights, but it was not ratified by three-fourths (3/4) of the states and certified by the United States archivist until two 3 4 hundred three (203) years later in 1992, making it the Twenty-seventh 5 Amendment to the United States Constitution and establishing a precedent such 6 that the Equal Rights Amendment is sufficiently contemporaneous and therefore 7 remains viable; and 8 9 WHEREAS, the Equal Rights Amendment was first introduced in Congress in 10 1923 and filed every session thereafter until it was finally approved by 11 Congress in 1972 and sent to the states for ratification with a seven-year 12 deadline, and in 1978 Congress extended the deadline for three (3) more 13 years; and 14 15 WHEREAS, the restricting time limit for the Equal Rights Amendment is 16 in the resolving clause and is not part of the amendment proposed by 17 Congress, and the amendment is already ratified by thirty-five (35) states; 18 and 19 WHEREAS, Congress passed a time extension for the Equal Rights 20 Amendment on October 20, 1978, demonstrating that a time limit in a resolving 21 22 clause can be disregarded if it is not part of the proposed amendment; and 23 24 WHEREAS, the United States Supreme Court, in Coleman v. Miller, 307 25 U.S. 433, 456 (1939), recognized that Congress is in a unique position to 26 judge the tenor of the nation, to be aware of the political, social, and 27 economic factors affecting the nation, and to be aware of the importance to 28 the nation of a proposed amendment; and 29 30 WHEREAS, if an amendment to the Constitution of the United States has been proposed by two-thirds (2/3) of both houses of Congress and ratified by 31 32 three-fourths (3/4) of the state legislatures, it is for Congress under the 33 principles of Coleman v. Miller to determine the validity of the state 34 ratifications occurring after a time limit in the resolving clause but not in 35 the amendment itself; and 36

1	WHEREAS, the Equal Rights Amendment for men and women is needed in the	
2	United States Constitution because while women enjoy more rights today than	
3	they did when the Equal Rights Amendment was first introduced in 1923 or when	
4	it was passed by Congress in 1972, hard-won laws against gender	
5	discrimination do not rest on any unequivocal constitutional foundation, but	
6	rather those laws can be inconsistently enforced or even repealed; and	
7		
8	WHEREAS, equality for men and women is necessary in order to have a	
9	clear constitutional guarantee that gender is considered a suspect	
10	classification and entitled to the same strict scrutiny that courts reserve	
11	for race, religion, and national origin; and	
12		
13	WHEREAS, nothing in this House Joint Resolution shall be interpreted to	
14	conflict with or negate Arkansas Constitution, Amendment 83 regarding	
15	marriage in Arkansas.	
16		
17	SECTION 2 . The following article proposed as an amendment to the	
18	United States Constitution is ratified:	
19	"ARTICLE	
20	Section 1. Equality of rights under the law shall not be denied or	
21	abridged by the United States or by any State on account of sex.	
22	Section 2. The Congress shall have the power to enforce, by	
23	appropriate legislation, the provisions of this Article.	
24	Section 3. This amendment shall take effect two years after the date	
25	of ratification."	
26		
27	SECTION 3. The Secretary of State of the State of Arkansas is directed	
28	to send a certified copy of this resolution to the Director of the General	
29	Services Administration of the United States and to the Speaker of the House	
30	of Representatives of the Congress of the United States.	
31		
32	/s/ L. Smith, et al	
33		
34		
35		
36		