

SECOND REGULAR SESSION

HOUSE CONCURRENT RESOLUTION NO. 32

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURNETT.

4553H.01I

DANA RADEMAN MILLER, Chief Clerk

WHEREAS, in 1972, the Ninety-second Congress of the United States of America, at
2 its Second Session, in both houses, by a constitutional majority of two-thirds, adopted the
3 following proposition to amend the Constitution of the United States of America:

4

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

12

13 ARTICLE —

14

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

17

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

20

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

22

23 **WHEREAS**, Article V of the Constitution of the United States sets forth a two-step
24 amending procedure; and

25

26 **WHEREAS**, the first step of the Article V amending procedure is proposal of an
27 amendment either by two-thirds vote of both houses of Congress or by a convention called by
28 application of two-thirds of the States; and

29

30 **WHEREAS**, the second and final step of the Article V amending procedure is
31 ratification of an amendment by three-fourths of the States; and

32

33 **WHEREAS**, the Constitution of the United States does not limit the time for States to
34 ratify an amendment; and

35

36 **WHEREAS**, the Constitution of the United States does not grant Congress the
37 unilateral authority to limit the time for States to ratify amendments; and

38

39 **WHEREAS**, a time limit on State ratifications of amendments is a substantive change
40 to the Constitution of the United States; and

41

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

46

47 **WHEREAS**, in the proposal step for the Equal Rights Amendment the time limit on
48 State ratifications was only in the preamble section of the resolution by Congress and not
49 within the text of the amendment presented to states for state approval; and

50

51 **WHEREAS**, in the ratification step, the States ratified only the text of the Equal
52 Rights Amendment; and

53

54 **WHEREAS**, a time limit was only approved by Congress in 1972, but not
55 subsequently approved by the states and is thus, without force or effect; and

56

57 **WHEREAS**, in comparison, in 1978, two-thirds vote of both houses of Congress
58 passed the District of Columbia Voting Rights Amendment, and included a timeline within
59 the text of the Amendment offered to states for ratification; and

60

61 **WHEREAS**, the time limit for the District of Columbia Voting Rights Amendment
62 ended before completion of the second and final step of ratification of the amendment by
63 three-fourths of the States; and

64

65 **WHEREAS**, because the time limit was within the text of the District of Columbia
66 Voting Rights Amendment, that time limit had full force and effect and that amendment
67 expired in 1985; and

68

69 **WHEREAS**, in comparison, the text of the 21st and 22nd Amendments both include a
70 timeline within the text of each amendment, and such timelines were ratified by three-fourths
71 of the states within the agreed timeline; and

72

73 **WHEREAS**, in 1789, by two-thirds vote of each house of our First Congress, the so-
74 called Madison Amendment relating to compensation of members of Congress completed the
75 proposal step of Article V; and

76

77 **WHEREAS**, approximately 203 years later, the Madison Amendment completed the
78 ratification step of Article V through ratification by three-fourths of the States; and

79

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

83

84 **WHEREAS**, following publication of the Madison Amendment, Congress affirmed
85 the Madison Amendment as our 27th Amendment to the Constitution of the United States;
86 and

87

88 **WHEREAS**, as of January 27, 2020, three-fourths of the States have ratified the
89 Equal Rights Amendment; and

90

91 **WHEREAS**, unlike the District of Columbia Voting Rights Amendment, the Equal
92 Rights Amendment does not have a time limit in its text where it would be of full force and
93 effect; and

94

95 **WHEREAS**, in contrast to the Madison Amendment, which took 203 years to ratify,
96 the Equal Rights Amendment took a mere 48 years to ratify; and

97

98 **WHEREAS**, the text of Article V of the Constitution gives the States the power of
99 ratification, not rescission; and

100

101 **WHEREAS**, Samuel Johnson's dictionary of 1755 defines "ratify" as "to confirm; to
102 settle"; and

103

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

106

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

109

110 **WHEREAS**, the various attempts throughout history to rescind the ratifications of the
111 Constitution of the United States or its amendments, including the 14th, 15th, and 19th
112 Amendments, have never been honored; and

113

114 **WHEREAS**, the Equal Rights Amendment now meets the strict requirements of
115 Article V of our Constitution of the United States to be added as our 28th Amendment:

116

117 **NOW THEREFORE BE IT RESOLVED** that the members of the House of
118 Representatives of the One Hundred Second General Assembly, Second Regular Session, the
119 Senate concurring therein, hereby urge the administration of President Joseph R. Biden, Jr. to
120 publish without delay the Equal Rights Amendment as our 28th Amendment to the
121 Constitution of the United States; and

122

123 **BE IT FURTHER RESOLVED** that the General Assembly urges the Congress of
124 the United States to pass a joint resolution affirming the Equal Rights Amendment as our 28th
125 Amendment to the Constitution of the United States; and

126

127 **BE IT FURTHER RESOLVED** that General Assembly calls on other States to join
128 in this action by passing the same or similar resolutions; and

129

130 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
131 Representatives be instructed to prepare a properly inscribed copy of this resolution for the

132 President Joseph R. Biden, Jr., Vice President Kamala Harris, the Missouri Congressional
133 delegation, and the Archivist of the United States.

✓