By: Representative Clark

To: Constitution; Rules

HOUSE CONCURRENT RESOLUTION NO. 16

A CONCURRENT RESOLUTION TO RATIFY THE EQUAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION.

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

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

ARTICLE ___

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

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

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

WHEREAS, the founders of our nation did not favor further restrictions to Article V of the Constitution of the United States, and the restricting time limit for the ratification of the Equal Rights Amendment, which is in the resolving clause, is not included in the amendment proposed by Congress and already ratified by 36 states, and having passed a time extension for the Equal Rights Amendment on October 20, 1978, Congress has demonstrated that a time limit in a resolving clause can be disregarded if it is not a part of the proposed amendment; and

WHEREAS, the United States Supreme Court in *Coleman v. Miller*, 307 U.S. 433, at 456 (1939), recognized that Congress is aware of the importance of the proposed amendment and is in a unique position to judge the tenor of the nation and to be aware of the political, social and economic factors which affect the nation's citizens; and

WHEREAS, if an amendment to the Constitution of the United States has been proposed by two-thirds of both houses of Congress and ratified by three-fourths of the state legislatures, it is for

Congress under the principles of *Coleman v. Miller* to determine the validity of the state ratifications occurring after a time limit in the resolving clause, but not in the amendment itself; and

WHEREAS, it is imperative that this Legislature pursue the interests of its citizens by ensuring that Mississippi recognizes and upholds constitutional equality for men and women, which reflects the great strides made by all citizens, and with a number of other nations already having achieved constitutional equality for their citizens, it continues to be a timely issue in the State of Mississippi and in the United States as a whole:

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING THEREIN, That the proposed amendment to the Constitution of the United States of America set forth in this resolution is ratified.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Archivist of the United States, the President Pro Tempore of the Senate and the Speaker of the House of Representatives of the Congress of the United States and each member of the Mississippi congressional delegation.