

2017 Regular Session

SENATE CONCURRENT RESOLUTION NO. 45

BY SENATOR COLOMB

CONGRESS. Memorializes Congress to extend or eliminate the currently expired ratification time limit on the Equal Rights Amendment.

1 A CONCURRENT RESOLUTION

2 To memorialize the Congress of the United States to extend or eliminate the currently
3 expired ratification time limit on the Equal Rights Amendment.

4 WHEREAS, the proposed Equal Rights Amendment (ERA) states that the rights
5 guaranteed by the United States Constitution apply equally to all persons regardless of their
6 sex; and

7 WHEREAS, in 1972, the ERA was finally passed by Congress and sent to the states
8 for ratification; and

9 WHEREAS, the original seven-year time limit was extended by Congress to June 30,
10 1982, but by that deadline, the ERA had been ratified by only thirty-five states, three states
11 short of the thirty-eight required to place it in the Constitution; and

12 WHEREAS, the ERA has been introduced in every Congress since the deadline; and

13 WHEREAS, the restricting time limit for ratification of the ERA is in the resolving
14 clause and is not part of the amendment proposed by Congress and ratified by thirty-five
15 states; and

16 WHEREAS, Congress has demonstrated that a time limit in a resolving clause can
17 be disregarded if it is not part of the proposed amendment; and

18 WHEREAS, the United States Supreme Court in *Coleman v. Miller*, 307 U.S. 433,

1 (1939), recognized that Congress is in a unique position to judge the tenor of the nation, to
2 be aware of the political, social, and economic factors affecting the nation, and to be aware
3 of the importance of the proposed amendment to the nation; and

4 WHEREAS, if an amendment to the Constitution of the United States has been
5 proposed by two-thirds of both houses of Congress and ratified by three-fourths of the state
6 legislatures, it is for Congress under the principles of *Coleman v. Miller* to determine the
7 validity of the state ratifications occurring after a time limit in the resolving clause but not
8 in the amendment itself; and

9 WHEREAS, constitutional equality for women and men continues to be timely in the
10 United States and worldwide, with a number of other nations having achieved such equality
11 for their citizens.

12 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana memorializes
13 the Congress of the United States to extend or eliminate the currently expired ratification
14 time limit on the Equal Rights Amendment.

15 BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted
16 to the secretary of the United States Senate and the clerk of the United States House of
17 Representatives and to each member of the Louisiana delegation to the United States
18 Congress.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Nancy Vicknair.

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on the Equal Rights Amendment.