

2023-K947

Assembly Resolution No. 947

BY: M. of A. Seawright

CALLING for ratification of the Equal Rights
Amendment

WHEREAS, The U.S. Constitution does not explicitly guarantee equal rights to all persons regardless of sex; and

WHEREAS, The Equal Rights Amendment (ERA), first proposed in 1923, is an amendment to the United States Constitution that guarantees equality of rights under the law for all persons regardless of sex; and

WHEREAS, The Equal Rights Amendment was written in 1921 by suffragist Alice Paul; it has been introduced in Congress every session since 1923; it passed Congress in the above form in 1972, but was not ratified by the necessary thirty-eight states by the July 1982 deadline; it was ratified by thirty-five states; and

WHEREAS, The ERA has met both requirements under Article V of the US Constitution passing 2/3rds of both houses of Congress and ratified by 3/4ths of the States (38); and

WHEREAS, Under 1 U.S.C. section 106b, Congress has charged the Archivist of the United States with the responsibility to publish new constitutional amendments upon receiving official notice of ratification from the requisite number of states; and

WHEREAS, Article V of the Constitution imposes no time limit for ratification of amendments; Supreme Court decisions have recognized the power of Congress to determine the mode of ratification; the 1992 ratification of the 27th ("Madison") Amendment 203 years after it was first proposed supports the premise that state ERA ratification votes since 1972 are sufficiently contemporaneous; and

WHEREAS, On March 17, 2021, the U.S House of Representatives passed HJ Res 17 to remove the deadline for the ratification of the Equal Rights Amendment; and

WHEREAS, On January 27, 2022, the U.S. House of Representatives introduced a resolution recognizing the Equal Rights Amendment has met all requirements to be affirmed as the 28th Amendment; and

WHEREAS, The President of the United States Joseph R. Biden Jr. has urged Congress to pass a resolution recognizing the ratification of the Equal Rights Amendment; and

WHEREAS, On July 13, 2023, Representative Cori Bush and Senator Kirsten Gillibrand submitted a Joint Resolution verifying that the ERA is fully ratified and effective, and that it can and must be published by the Archivist in the United States Constitution as the valid 28th Amendment; and

WHEREAS, A leader in advocating for women's equality, New York State has championed paid family leave, equal pay for equal work, and issues that face pregnant women in the workforce; now, therefore, be it

RESOLVED, That this Legislative Body pause in its deliberations to call on the US Archivist to certify and publish the ERA; and be it

further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each member of the Congress of the United States from the State of New York.