

**SENATE CONCURRENT
RESOLUTION No. 63**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 10, 2020

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator M. TERESA RUIZ

District 29 (Essex)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Urges U.S. Congress to adopt Equal Rights Amendment into U.S. Constitution.

CURRENT VERSION OF TEXT

As introduced.



1 **A CONCURRENT RESOLUTION** urging the United States Congress to
2 adopt the Equal Rights Amendment into the United States
3 Constitution.
4
5 **WHEREAS**, Equality is a founding principle of American democracy
6 and culture, with the Declaration of Independence stating that all
7 men are created equal; and
8 **WHEREAS**, Throughout the course of America’s history, there have
9 been numerous movements to extend the right of equality to more
10 people; and
11 **WHEREAS**, The Equal Rights Amendment (ERA) is a proposed
12 amendment to the United States Constitution designed to guarantee
13 equal rights for women and to create a strong legal defense against
14 sex discrimination and any infringements upon women’s rights; and
15 **WHEREAS**, The ERA states “Equality of rights under the law shall not
16 be denied or abridged by the United States or by the State on
17 account of sex”; and
18 **WHEREAS**, While the 14th Amendment’s equal protection clause has
19 been interpreted to protect against sex discrimination in the case of
20 Reed v. Reed, 404 U.S. 71 (1971), the amendment does not
21 explicitly create a federal judicial standard in deciding cases of sex
22 discrimination; and
23 **WHEREAS**, New Jersey feminist leader Alice Paul, who was
24 instrumental in the passage of the 19th amendment, which granted
25 women the right to vote, helped author the ERA in 1923; and
26 **WHEREAS**, In 1972, the ERA passed the United States Congress and
27 was submitted to the state legislatures for ratification, with
28 Congress establishing a ratification deadline of March 22, 1979;
29 and
30 **WHEREAS**, Through 1977, 35 of the required 38 states had ratified the
31 amendment; and
32 **WHEREAS**, In 1978, a joint resolution of the United States Congress
33 extended the deadline for ratification to June 30, 1982, but no other
34 state ratified the amendment before the 1982 deadline; and
35 **WHEREAS**, Article V of the Constitution does not impose a time limit
36 for the ratification of amendments and since 2017, three more states
37 have ratified the ERA, reaching the required 38 states needed for
38 ratification; and
39 **WHEREAS**, Some proponents of the ERA are currently pursuing a
40 “three-state strategy,” based on the premise that if Congress has the
41 legal standing to instate a deadline, then it has the same legal
42 standing to remove the time limit for ratification; and
43 **WHEREAS**, Currently, Senate Joint Resolution 5 and House Joint
44 Resolution 38 of the 116th Congress both call for the elimination of
45 the deadline for the ratification of the ERA, which if passed, would
46 certify the three most recent state ratifications of the ERA; and
47 **WHEREAS**, The adoption of the ERA into the United States
48 Constitution by the United States Congress would affirm this

1 country's commitment to equal rights for women and introduce the
2 idea of sex equality as a fundamental principle in the United States
3 Constitution; now, therefore,

4
5 **BE IT RESOLVED** *by the Senate of the State of New Jersey (the*
6 *General Assembly concurring):*

7
8 1. The Legislature urges the United States Congress to take the
9 necessary steps to adopt the Equal Rights Amendment into the
10 United States Constitution, as all 38 of the required number of
11 states have voted for the amendment's ratification.

12
13 2. Copies of this resolution, as filed with the Secretary of State,
14 shall be transmitted by the Secretary of the Senate or the Clerk of
15 the General Assembly to the Majority and Minority Leader of the
16 United States Senate, the Speaker and Minority Leader of the
17 United States House of Representatives, and to every member of
18 Congress elected from this State.

19
20
21 STATEMENT

22
23 This resolution urges the United States Congress to take the
24 necessary steps to adopt the Equal Rights Amendment into the
25 United States Constitution. The Equal Rights Amendment
26 guarantees equal rights for women and creates a clear federal
27 judicial standard in cases of sex discrimination. New Jersey
28 feminist leader, Alice Paul, helped author the Equal Rights
29 Amendment in 1923. The Equal Rights Amendment was passed by
30 the United States Congress in 1972 and was given a ratification
31 deadline of March 22, 1979, which was later extended to June 30,
32 1982. The amendment was only able to receive 35 of the 38
33 required state ratifications before the deadline. Since 2017, three
34 more states have ratified the Equal Rights Amendment, which now
35 has all 38 of the state ratifications required for adoption into the
36 United States Constitution. The adoption of the Equal Rights
37 Amendment would affirm the country's commitment to equal rights
38 for women and introduce the idea of sex equality as a fundamental
39 principle in the United States Constitution.