



**Resolution # 2017 – 07-02  
Calling for Ratification  
of the Equal Rights Amendment**

**WHEREAS**, the U.S. Constitution does not explicitly guarantee that all of the rights it protects are held equally by all citizens without regard to sex, and the only right it specifically affirms as equal for women and men is the right to vote, guaranteed by the 19<sup>th</sup> Amendment in 1920; and

**WHEREAS**, the proposed Equal Rights Amendment (ERA) to the Constitution affirms that "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex"; and

**WHEREAS**, the ERA was written by suffragist leader Alice Paul and introduced in Congress in 1923, was passed by Congress in 1972 with a seven-year time limit, and after Congressional extension of the time limit to June 30, 1982, has been ratified by 36 of the 38 states necessary to put it into the Constitution; and

**WHEREAS**, Supreme Court Justice Antonin Scalia has said that the Constitution does not prohibit sex discrimination and the 14<sup>th</sup> Amendment's equal protection clause has never been interpreted to guarantee equal rights in case of sex discrimination with the highest level of strict scrutiny that is applied to cases of discrimination based on race or religion; 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; and the 1992 ratification of the 27<sup>th</sup> ("Madison") Amendment 203 years after it was first proposed supports the premise that state ERA ratification votes since 1972 are sufficiently contemporaneous; and

**WHEREAS**, two processes are being proposed for ratification of the ERA: (1) the traditional Article V passage by two-thirds votes in the Senate and the House of Representatives followed by ratification by three-quarters of the states, and (2) the "three-state strategy" of overriding or removing the time limit via judicial and/or statutory action and declaring the ERA to be part of the Constitution when two more states ratify.


**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Elizabeth City to call on all members of the North Carolina General Assembly to co-sponsor, support, and pass into law Senate Bill 85 and House Bill 102; and


**BE IT FURTHER RESOLVED**, that the City Council of the City of Elizabeth City, North Carolina affirms its strong support of the Equal Rights Amendment and its

commitment to participate in effective legislative and advocacy actions at federal and state levels in order to place the Equal Rights Amendment into the Constitution.

ADOPTED, this 10<sup>th</sup> day of July 2017.



  
Joseph W. Peel  
Mayor

  
Vivian D. White, CMC/NCCMC  
City Clerk