

HJR

26

(7)

H. JSE COMMITTEE REPORT

Date Referred: February 22, 1991

FURTHER REFERRALS:

Date of Committee Action: 3-14-91

The JUDICIARY Committee considered:

HJR 26

HOUSE JOINT RESOLUTION NO. 26

EQUAL RIGHTS AMENDMENT: U.S. CONSTITUTION

Relating to the Equal Rights Amendment.

RECOMMENDATIONS:

be replaced with CS HJR 26 (Jud) [ ] the same title [ ] a new title

[ ] have attached amendments(s)

[x] do pass

[ ] do not pass

[ ] no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

[x] zero fiscal note Legislative Affairs

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>David Douley</i>		<i>Terry Martin</i>		<input checked="" type="checkbox"/>	
<i>W. J. ...</i>		<i>Mark ...</i>		<input checked="" type="checkbox"/>	
<i>Kevin P. ...</i>		<i>...</i>			
<i>J. E. ...</i>					

*David Douley*  
CHAIRMAN'S SIGNATURE

**FISCAL NOTE**

**STATE OF ALASKA**  
**1991 LEGISLATIVE SESSION**

**BILL NO:** HJR 26

Revision Date: \_\_\_\_\_  
 Title: Relating to the Equal Rights  
 Amendment: \_\_\_\_\_  
 Sponsor: Representative Gruenberg  
 Requestor: Representative Donley

Department Affected: None  
 BRU: \_\_\_\_\_  
 Component: \_\_\_\_\_

**COMPONENT SERIAL NO:**

**Expenditures/Revenues: (Thousands of Dollars)**

<b>OPERATING</b>	<b>FY 92</b>	<b>FY 93</b>	<b>FY 94</b>	<b>FY 95</b>	<b>FY 96</b>	<b>FY 97</b>
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: \_\_\_\_\_

**ANALYSIS: (Attach a separate page if necessary)**

Zero fiscal impact.

Prepared By: Pamela A. Stoops, Director  
 Division: Administrative Services

Phone: 465-3850  
 Date: 3/5/91

Approved By: Warren W. Endicott, Executive Director  
 Agency: Legislative Affairs Agency

Date: 3/5/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

BILL NO. HJR 26

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Revision Date: 01/24/92  
Title: Amendment to the Constitution RE: Equal Rights Amendment  
U.S. Constitution  
Sponsor: Representative Gruenberg  
Requestor: Senate Judiciary

Department Affected: Office of the Governor-Elections  
BRU: Division of Elections  
Component: II-Primary and General Elections

COMPONENT SERIAL NO. 

0	0	2	2
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Elizabeth Ziegler, Deputy Director  
Division: Elections

Phone: 465-4611  
Date: 01/24/92

Approved by Commissioner: Charles E. Hickston  
Agency: Office of the Governor

Date: 01-27-92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

# State of Alaska

## Committees

CO-CHAIR, HOUSE JUDICIARY  
VICE-CHAIR, HOUSE LABOR AND COMMERCE  
HOUSE HEALTH, EDUCATION  
AND SOCIAL SERVICES



P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4712  
465-4968/4986  
(SESSION)

914 CLAY COURT  
ANCHORAGE, ALASKA 99503  
(907) 276-6844

Representative Max F. Gruenberg, Jr.  
District 11  
Spennard, Upper Midtown Anchorage

## MEMORANDUM

TO: Representative Dave Donley  
Chair, House Judiciary Committee

FROM: Representative Max Gruenberg *MAX*

DATE: February 25, 1991

RE: Scheduling of HJR 26, the ERA Resolution

I would very much appreciate it if you would schedule HJR 26, the ERA resolution, for a hearing as soon as it is possible.

This resolution requests that the U.S. Congress promptly consider and pass recently submitted joint resolutions amending the United States Constitution to explicitly provide 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."

This resolution is very similar to the resolution that Alaska passed in 1972, making it the seventeenth state to ratify the Equal Rights Amendment. Unfortunately, the amendment was three states short of the 38 needed to ratify it, and it died on June 30, 1982.

This year in Congress, Senator Ted Kennedy (D-Massachusetts) and Rep. Don Edwards (D-California) introduced joint resolutions in their respective houses, amending the U.S. Constitution to provide equal rights for women and men.

This resolution asks Congress to expeditiously pass the ERA and present it to the American people for ratification. Discrimination against individuals based on sex, must be eliminated. We must ensure that all individuals are not denied equal opportunity under the laws of the United States.

If you have any questions, please call me or Mona Maehara of my staff at ext. 4968.

Thank you.

# STATE OF ALASKA

## HUMAN RIGHTS COMMISSION

WALTER J. HICKEL, GOVERNOR

HEADQUARTERS  
800 A STREET, SUITE 202  
ANCHORAGE, ALASKA 99501-3628  
PHONE: (907) 278-7474

March 13, 1991

Representative Dave Donley  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

VIA FAX: 465-2299

Dear Judiciary Committee Chairperson:

The Alaska State Commission for Human Rights is committed to Article 1 Section 3 of the Alaska Constitution which now provides:

"No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin."

We are committed also to uphold the laws of the State of Alaska which implement this provision.

Alaska's legislature ratified the Equal Rights Amendment in 1972, and we commend the efforts of the 17th Legislature by Resolution to press the Congress of the United States to resubmit the Equal Rights Amendment to the states for ratification.

We look to the day when all members of our society are treated with equality, fairness, dignity and respect. We urge adoption of HJR 26.

Sincerely,



Esther C. Wunnicke  
Chairperson

ECW:fb  
data\124

WALTER J. HICKEL, GOVERNOR

**HUMAN RIGHTS COMMISSION**

HEADQUARTERS  
800 A STREET, SUITE 202  
ANCHORAGE, ALASKA 99501-3628  
PHONE: (907) 276-7474

March 7, 1991

Representative Max F. Gruenberg, Jr.  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

VIA FAX: 465-4565

Attn: Mona Maihare

Dear Representative Gruenberg:

We are committed to Article 1 Section 3 of the Alaska Constitution which now provides:

"No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin."

We are committed also to uphold the laws of the State of Alaska which implement this provision.

Alaska's legislature ratified the Equal Rights Amendment in 1972 and we commend the efforts of the 17th Legislature by Resolution to press the Congress of the United States to resubmit the Equal Rights Amendment to the states for ratification.

We look to the day when all members of our society are treated with equality, fairness, dignity and respect. We urge adoption of the Resolution you have introduced.

Sincerely,



Esther C. Wunnicke  
Chairperson

ECW:pat  
data\122



GIRL SCOUTS

March 12, 1991

TO WHOM IT MAY CONCERN:

This letter is in support of House Joint Resolution No. 26 relating to the Equal Rights Amendment.

As an all girl organization with a total membership of more than 2.5 million girls nationwide, we understand the importance of this resolution and the ERA. Our nation cannot afford to leave untapped the skills and talents of over half the population. We need women who can make decisions, develop strategies, and lead the way to the future. Without the basic "equality of rights under the law", this is not possible.

Please support and approve HJR 26.

Sincerely,

Gail A. Riter  
Executive Director



GIRL SCOUTS

Susitna Girl Scout Council  
3911 Turnagain Blvd, East  
Anchorage, Alaska 99517  
(907) 248-2250

March 8, 1991

Alaska State Legislature  
P.O. Box V  
State Capitol  
Juneau, Alaska 99811

TO: Alaska State Legislature  
FROM: Susitna Girl Scout Council  
RE: House Joint Resolution Number 26

The Susitna Girl Scout Council of Alaska supports House Joint Resolution Number 26 calling for the ratification of the Equal Rights Amendment to the United States Constitution.

*Ann L. Kieffer*

Ann Kieffer, President  
SUSITNA GIRL SCOUT COUNCIL

*March 8, 1991*

Date



# NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

## ANCHORAGE REGIONAL OFFICE

1411 W. 33RD AVENUE  
ANCHORAGE, ALASKA 99503  
(907) 274-0536  
FAX: (907) 274-0551

## JUNEAU OFFICE

105 MUNICIPAL WAY, SUITE 302  
JUNEAU, ALASKA 99801  
(907) 586-3090  
FAX: (907) 586-2744

## FAIRBANKS REGIONAL OFFICE

2118 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701  
(907) 456-4435  
FAX: (907) 456-2159

March 4, 1991

**TO: Rep. Dave Donley, Chair**  
**Members, House Judiciary Committee**

**RE: HJR 26: "Relating to the Equal Rights Amendment."**

NEA-Alaska supports this Resolution and urges its passage.

Our resolve to support the Equal Rights Amendment is even greater today than it was in 1972 when the Equal Rights Amendment was first a national issue.

We support the rationale stated in the joint resolution. Further, we believe that if an Equal Rights amendment passes the U.S. Congress it will be ratified by states and ensure the human rights of all citizens. Women and men will benefit from passage of the ERA.

These rights are presently being exercised but are not protected by the U.S. Constitution.

Thank you for your consideration of our position.

Sincerely,

Bob Manners  
Executive Director

Don Oberg  
President

LE04/HJR26/dl

**ALASKA WOMEN'S LOBBY**  
POST OFFICE BOX 10-1571, ANCHORAGE, ALASKA 99510

POSITION PAPER      HJR 26      FEDERAL EQUAL RIGHTS AMENDMENT

200 years after the ratification of the United States Constitution women still do not have the basic equality of rights under the law nationwide which the federal Equal Rights Amendment would provide.

The ERA is needed as much or more today than when it was first introduced in 1923 and passed by Congress in 1972. During the 1980's policy makers who do not support true equality for women have sought to repeal or reverse the few guarantees which exist for women in employment, education, family law and job benefits. Proposed changes include repealing affirmative action regulations, easing enforcement procedures for equal employment laws, and eliminating equal education laws.

The ERA would prohibit gender-based discrimination by government entities, establish a national policy to reinforce existing law and encourage the enactment of new laws reaching the private sector.

The current equal opportunity laws were enacted by Congress without the full force of the Constitution. Title VII of the Civil Rights Act, Title IX of the Education Amendments, the Civil Rights Restoration Act, the Equal Pay Act, and the Equal Credit Act have not provided adequate protections and have not substantially changed patterns and practices of discrimination.

In employment, education, insurance, retirement, family and divorce law, social security, pregnancy, and disability, the current laws are simply not enough.

The 14th Amendment was added to the United States Constitution over 100 years ago. At that time, women were denied such basic prerogatives of citizenship as the right to vote, hold property, serve on juries, and pursue certain occupations. The 14th Amendment's equal protection provision provides no guidelines for applying it to gender-discrimination claims. The Supreme Court has never viewed sex-discrimination as comparable to racial or ethnic classifications for the purpose of equal protection.

A federal ERA would guarantee substantially heightened and uniform scrutiny of all gender-based claims.

A federal ERA would provide equal justice, equal treatment and equal opportunity by extending to both women and men rights formerly reserved for women or men alone.

102d CONGRESS  
1st Session

S. J. RES. 3

Proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

IN THE SENATE OF THE UNITED STATES

January 14 (legislative day, January 3), 1991

Mr. Kennedy (for himself, Mr. Packwood, Mr. Adams, Mr. Akaka, Mr. Baucus, Mr. Bentsen, Mr. Biden, Mr. Bingaman, Mr. Bradley, Mr. Burdick, Mr. Chafee, Mr. Cohen, Mr. Conrad, Mr. Cranston, Mr. Daschle, Mr. DeConcini, Mr. Durenberger, Mr. Gore, Mr. Harkin, Mr. Hatfield, Mr. Hollings, Mr. Inouye, Mr. Jeffords, Mrs. Kassebaum, Mr. Kerry, Mr. Kohl, Mr. Lautenberg, Mr. Leahy, Mr. Leiberman, Mr. Levin, Mr. Metzenbaum, Ms. Mikulski, Mr. Mitchell, Mr. Moynihan, Mr. Pell, Mr. Riegle, Mr. Sarbanes, Mr. Simon, Mr. Specter, Mr. Wirth, Mr. Dodd, Mr. Glenn, Mr. Graham, Mr. Heinz, Mr. Robb, Mr. Wellstone, and Mr. Rockefeller) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

Resolved by the Senate and House of Representatives 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 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 provision of this article.

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

S.J.R.3 BY KENNEDY, EDWARD (D-MA) -- Constitution of the United States,  
Amendment - Equal Rights

CURRENTLY: 39 Democrats  
9 Republicans

---  
48 Cosponsors

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ADAMS (D-WA)	As Introduced	01/14/91
AKAKA (D-HI)	As Introduced	01/14/91
BAUCUS (D-MT)	As Introduced	01/14/91
BENTSEN (D-TX)	As Introduced	01/14/91
BIDEN (D-DE)	As Introduced	01/14/91
BINGAMAN (D-NM)	As Introduced	01/14/91
BRADLEY (D-NJ)	As Introduced	01/14/91
BURDICK (D-ND)	As Introduced	01/14/91
CHAFEE (R-RI)	As Introduced	01/14/91
COHEN (R-ME)	As Introduced	01/14/91
CONRAD (D-ND)	As Introduced	01/14/91
CRANSTON (D-CA)	As Introduced	01/14/91
DASCHLE (D-SD)	As Introduced	01/14/91
DECONCINI (D-AZ)	As Introduced	01/14/91
DIXON, ALAN (D-IL)	Added	01/22/91
DODD (D-CT)	As Introduced	01/14/91
DURENBERGER (R-MN)	As Introduced	01/14/91
GLENN (D-OH)	As Introduced	01/14/91
GORE (D-TN)	As Introduced	01/14/91
GRAHAM, BOB (D-FL)	As Introduced	01/14/91
HARKIN (D-IA)	As Introduced	01/14/91
HATFIELD (R-OR)	As Introduced	01/14/91
HEINZ (R-PA)	As Introduced	01/14/91
HOLLINGS (D-SC)	As Introduced	01/14/91
INOUE (D-HI)	As Introduced	01/14/91
JEFFORDS (R-VT)	As Introduced	01/14/91
KASSEBAUM (R-KS)	As Introduced	01/14/91
KERRY, JOHN (D-MA)	As Introduced	01/14/91
KOHL (D-WI)	As Introduced	01/14/91
LAUTENBERG (D-NJ)	As Introduced	01/14/91
LEAHY (D-VT)	As Introduced	01/14/91
LEVIN, CARL (D-MI)	As Introduced	01/14/91
LIEBERMAN (D-CT)	As Introduced	01/14/91
METZENBAUM (D-OH)	As Introduced	01/14/91
MIKULSKI (D-MD)	As Introduced	01/14/91
MITCHELL, GEORGE (D-ME)	As Introduced	01/14/91
MOYNIHAN (D-NY)	As Introduced	01/14/91
PACKWOOD (R-OR)	As Introduced	01/14/91
PELL (D-RI)	As Introduced	01/14/91
PIEGLE (D-MI)	As Introduced	01/14/91
ROBB (D-VA)	As Introduced	01/14/91
ROCKEFELLER (D-WV)	As Introduced	01/14/91
RANFORD (D-NC)	Added	01/22/91
SARBANES (D-MD)	As Introduced	01/14/91
SIMON (D-IL)	As Introduced	01/14/91
SPECTER (R-PA)	As Introduced	01/14/91
WELLSTONE (D-MN)	As Introduced	01/14/91
WIRTH (D-CO)	As Introduced	01/14/91

H.J.R.1 BY EDWARDS, DON (D-CA) -- Constitution of the United States,  
Amendment - Equal Rights

CURRENTLY: 81 Democrats  
13 Republicans

---  
94 Cosponsors

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ABERCROMBIE (D-HI)	Added	02/04/91
ACKERMAN (D-NY)	Added	02/04/91
ANDREWS, MIKE (D-TX)	Added	02/04/91
ANDREWS, THOMAS (D-ME)	Added	02/04/91
ATKINS (D-MA)	Added	02/04/91
AUCOIN (D-OR)	Added	02/04/91
BACCHUS (D-FL)	Added	01/18/91
BEILENSON (D-CA)	Added	01/18/91
BERMAN (D-CA)	Added	01/18/91
BOEHLERT (R-NY)	Added	02/04/91
BOUCHER (D-VA)	Added	02/04/91
BOXER (D-CA)	Added	02/04/91
BROOKS (D-TX)	As Introduced	01/03/91
BROWN, GEORGE (D-CA)	Added	02/04/91
CAMPBELL, BEN (D-CO)	Added	02/04/91
CARDIN (D-MD)	Added	02/04/91
CLAY (D-MO)	Added	02/04/91
COLEMAN, RONALD (D-TX)	Added	01/18/91
DE FAZIO (D-OR)	Added	02/04/91
DICKS (D-WA)	Added	01/18/91
DIXON, JULIAN (D-CA)	Added	01/18/91
DOWNEY, THOMAS (D-NY)	Added	02/04/91
EVANS, LANE (D-IL)	Added	02/04/91
FASCELL (D-FL)	Added	01/18/91
FAZIO (D-CA)	As Introduced	01/03/91
FISH (R-NY)	As Introduced	01/03/91
FOGLIETTA (D-PA)	Added	01/18/91
FUSTER (D-PR)	Added	01/18/91
GEPHARDT (D-MO)	As Introduced	01/03/91
GEREN (D-TX)	Added	02/04/91
GLICKMAN (D-KS)	Added	02/04/91
GRAY, WILLIAM (D-PA)	As Introduced	01/03/91
GREEN (R-NY)	Added	01/18/91
HORTON (R-NY)	Added	02/04/91
HOYER (D-MD)	As Introduced	01/03/91
HUGHES (D-NJ)	Added	01/18/91
JACOBS (D-IN)	Added	01/18/91
JONTZ (D-IN)	Added	02/04/91
KAPTUR (D-OH)	Added	02/04/91
KILDEE (D-MI)	Added	02/04/91
KLUG (R-WI)	Added	02/04/91
LEACH, JAMES (R-IA)	Added	02/04/91
LEHMAN, RICHARD (D-CA)	Added	02/04/91
LEHMAN, WILLIAM (D-FL)	Added	01/18/91
LEVINE, MEL (D-CA)	Added	01/18/91
LOWERY, BILL (R-CA)	Added	01/18/91
LOWEY, NITA (D-NY)	Added	02/04/91

MACHTLEY (R-RI)	Added	01/18/91
MANTON (D-NY)	Added	01/18/91
MARTINEZ (D-CA)	Added	02/04/91
MATSUI (D-CA)	Added	01/18/91
MCCLOSKEY (D-IN)	Added	01/18/91
MCDERMOTT (D-WA)	Added	01/18/91
MCHUGH (D-NY)	Added	02/04/91
MILLER, GEORGE (D-CA)	Added	01/18/91
MINETA (D-CA)	Added	02/04/91
MOODY (D-WI)	Added	01/18/91
MORAN (D-VA)	Added	02/04/91
MORELLA (R-MD)	Added	01/18/91
MRAZEK (D-NY)	Added	02/04/91
NAGLE (D-IA)	Added	02/04/91
NORTON (D-DC)	Added	01/18/91
PEASE (D-OH)	Added	02/04/91
PELOSI (D-CA)	Added	01/18/91
PENNY (D-MN)	Added	01/18/91
PICKLE (D-TX)	Added	01/18/91
RANGEL, CHARLES (D-NY)	Added	02/04/91
RICHARDSON (D-NM)	Added	01/18/91
ROE (D-NJ)	Added	02/04/91
ROYBAL (D-CA)	Added	01/18/91
SANGMEISTER (D-IL)	Added	01/18/91
SCHEUER (D-NY)	Added	02/04/91
SCHROEDER (D-CO)	As Introduced	01/03/91
SCHUMER (D-NY)	Added	01/18/91
SHARP (D-IN)	Added	02/04/91
SHAYS (R-CT)	Added	01/18/91
SLAUGHTER, LOUISE (D-NY)	Added	02/04/91
SMITH, LAWRENCE (D-FL)	Added	01/18/91
SNOWE (R-ME)	As Introduced	01/03/91
STARK (D-CA)	Added	01/18/91
STUDDS (D-MA)	Added	01/18/91
SWIFT (D-WA)	Added	01/18/91
TRAXLER (D-MI)	Added	02/04/91
UDALL (D-AZ)	Added	02/04/91
UNSOELD (D-WA)	Added	02/04/91
VENTO (D-MN)	Added	02/04/91
WALSH (R-NY)	Added	02/04/91
WAXMAN (D-CA)	Added	02/04/91
WHEAT (D-MO)	Added	01/18/91
WILLIAMS, PAT (D-MT)	Added	02/04/91
WILSON, CHARLES (D-TX)	Added	02/04/91
WYDEN (D-OR)	Added	02/04/91
YATES (D-IL)	Added	01/18/91
ZIMMER (R-NJ)	Added	02/04/91

Table 1-5 State Action on Proposed Constitutional Amendments

State	Proposed amendment				
	Congressional pay <sup>a</sup>	Reapportionment <sup>b</sup>	Equal rights <sup>c</sup>	Balanced budget <sup>d</sup>	Ban abortion <sup>e</sup>
Alabama	n.a.	yes	n.a.	r	yes
Alaska	n.a.	n.a.	yes	yes	n.a.
Arizona	yes	yes	n.a.	yes	n.a.
Arkansas	yes	yes	n.a.	yes	yes
California	n.a.	n.a.	yes	n.a. <sup>f</sup>	n.a.
Colorado	yes	yes	yes	yes	n.a.
Connecticut	yes	n.a.	yes	n.a.	n.a.
Delaware	yes	n.a.	yes	yes	yes
Florida	n.a.	yes	n.a.	r	n.a.
Georgia	yes	yes	n.a.	yes	n.a.
Hawaii	n.a.	n.a.	yes	n.a.	n.a.
Idaho	n.a.	yes	r	yes	yes
Illinois	n.a.	r <sup>g</sup>	n.a.	n.a. <sup>f</sup>	n.a.
Indiana	yes	yes	yes	yes	yes
Iowa	n.a.	yes	yes	yes	n.a.
Kansas	n.a.	r <sup>g</sup>	yes	yes	n.a.
Kentucky	n.a.	yes	r	n.a. <sup>f</sup>	yes
Louisiana	yes	yes	n.a.	yes	yes
Maine	yes	n.a.	yes	n.a.	n.a.
Maryland	yes	r <sup>g</sup>	yes	yes	n.a.
Massachusetts	n.a.	n.a.	yes	n.a.	yes
Michigan	n.a.	n.a.	yes	n.a.	n.a.
Minnesota	n.a.	yes	yes	n.a.	n.a.
Mississippi	n.a.	yes	n.a.	yes	yes
Missouri	n.a.	yes	n.a.	yes	yes
Montana	yes	yes	yes	n.a. <sup>f</sup>	n.a.
Nebraska	n.a.	yes	r	yes	yes
Nevada	n.a.	yes	n.a.	yes	yes
New Hampshire	yes	yes	yes	yes	n.a.
New Jersey	n.a.	n.a.	yes	n.a.	yes
New Mexico	yes	yes	yes	yes	n.a.
New York	n.a.	n.a.	yes	n.a.	n.a.
North Carolina	yes	r <sup>g</sup>	n.a.	yes	n.a.
North Dakota	n.a.	yes	yes	yes	n.a.
Ohio	yes	n.a.	yes	n.a.	n.a.
Oklahoma	yes	yes	n.a.	yes	yes
Oregon	n.a.	n.a.	yes	yes	n.a.
Pennsylvania	n.a.	n.a.	yes	yes	yes
Rhode Island	n.a.	n.a.	yes	n.a.	yes
South Carolina	yes	yes	n.a.	yes	n.a.
South Dakota	yes	yes	r	yes	yes
Tennessee	yes	yes	r	yes	yes

(Table continues)

Table 1-5 (Continued)

State	Proposed amendment				
	Congressional pay <sup>a</sup>	Reapportionment <sup>b</sup>	Equal rights <sup>c</sup>	Balanced budget <sup>d</sup>	Ban abortion <sup>e</sup>
Texas	yes	r <sup>g</sup>	yes	yes	n.a.
Utah	yes	yes	n.a.	yes	yes
Vermont	yes	n.a.	yes	n.a.	n.a.
Virginia	yes	yes	n.a.	yes	n.a.
Washington	n.a.	r <sup>g</sup>	yes	n.a.	n.a.
West Virginia	yes	n.a.	yes	n.a.	n.a.
Wisconsin	yes	n.a.	yes	n.a.	n.a.
Wyoming	yes	yes	yes	yes	n.a.

Note: "Yes" indicates state legislature approved the amendment or sent a petition to Congress for a constitutional convention; "n.a." indicates no action was taken or the state legislature rejected the amendment or a proposal to petition for a convention; and "r" indicates previous appeal was rescinded. The equal rights amendment and congressional pay amendment were initiated by Congress and submitted to the states for ratification. The other three proposed amendments were initiated by petition from state legislatures.

<sup>a</sup> Congressional Pay: This amendment as proposed by a resolution of the First Congress of the United States on September 25, 1789, reads: "No law varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

<sup>b</sup> Reapportionment: States acted to petition Congress for a constitutional convention on this issue following two Supreme Court "one person, one vote" decisions concerning how states were apportioned for their state legislatures. As a result, some states called for a convention to consider an amendment that would allow one house of a state legislature to be apportioned on a basis other than population.

<sup>c</sup> Equal Rights: This amendment, as proposed by Congress and voted on by the states, read: "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."

<sup>d</sup> Balanced Budget: This proposed amendment has various forms. In its simplest form, Congress would be required to approve a balanced federal budget each year. In other forms there is a provision that a three-fifths majority of Congress could vote not to balance the budget in any given year.

<sup>e</sup> Abortion: Some states have called for a constitutional convention to consider an amendment that would ban abortions. The most common approach among the various proposed amendments is to apply the constitutional protection of due process against the denial of life and property to unborn children.

<sup>f</sup> The state did not endorse the call for a constitutional convention but petitioned Congress to propose a balanced budget amendment to the states.

<sup>g</sup> Passed by only one house of each of the state legislatures.

Sources: Reapportionment: *Congressional Quarterly Weekly Report* (1969), 1372-1373; equal rights: *Public Opinion* (August/September 1981), 39 (reprinted with permission of the American Enterprise Institute for Public Policy Research); Congressional Research Service, *The Constitution of the United States*, 43; balanced budget: *Congressional Record* citations to state communications relating to constitutional conventions, *The Gallup Report* (September 1985), 11; abortion: *Congressional Record* citations to state communications relating to constitutional conventions; congressional pay: House Joint Resolution No. 6 (71st Legislature of the State of Texas, R.S.).



of 19-78. (*Vote 179, p. 32-S*)

- Ted Stevens, R-Alaska, to allow states to bail out even if all of their counties were not eligible to escape coverage, by a vote of 32-58. (*Vote 181, p. 32-S*)

- Stevens, to incorporate the results test of Section Two of the act in the bailout provisions, which were in another section, by a vote of 38-59. (*Vote 180, p. 32-S*)

- Hayakawa, to delete from the bill all requirements for bilingual election materials, by a vote of 32-54. (*Vote 182, p. 32-S*)

- Thad Cochran, R-Miss., to extend nationwide the Section Five requirement for Justice Department approval of election law changes, by 16-74. (*Vote 183, p. 32-S*)

### House Accepts Senate Amendments

After the months of controversy in the Senate, final House action on HR 3112 was anticlimactic. The House June 23 accepted the Senate amendments without debate and by unanimous consent.

There was only one moment of minor fireworks. Rep.

Henry J. Hyde, R-Ill., angry he was not consulted about the procedure used to clear the bill, resigned from the subcommittee that had handled it.

Hyde, ranking Republican on the House Judiciary Civil and Constitutional Rights Subcommittee, initially opposed a Section Five extension. But after hearing a month of testimony, he publicly stated his support for the extension and began to work with Democrats on a compromise proposal.

Hyde's proposal ultimately was not accepted, and instead Democrats put together a compromise with Republicans F. James Sensenbrenner Jr., Wis., and Hamilton Fish Jr., N.Y.

However, Hyde did vote to report the bill to the House and to pass it.

When subcommittee Chairman Don Edwards, D-Calif., chief sponsor of HR 3112, rose to compliment Hyde for his work on the measure, the Illinois Republican stormed off the House floor. Moments later, he resigned from Edwards' panel. ■

## ERA Dies Three States Short of Ratification

The proposed Equal Rights Amendment (ERA) to the Constitution officially died June 30, three states short of the 38 needed to ratify it.

No state had approved the ERA since 1978, when Congress extended the original March 22, 1979, ratification deadline. (*1978 Almanac p. 773*)

Fifteen states, most of them in the South, never ratified the ERA: Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, South Carolina, Utah and Virginia.

Idaho, Tennessee and Nebraska rescinded their pro-ERA votes. The Kentucky Legislature rescinded its vote in favor of the ERA in March 1978 but the resolution was vetoed by the lieutenant governor, who was acting as governor. The South Dakota Legislature passed a resolution in 1979 declaring that its earlier ratification of the ERA would become void if the amendment were not finally approved by the original March 22, 1979, deadline.

The operative language of the proposed amendment was short and to the point:

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

However, the proposal stirred a national political and social debate out of all proportion to its seeming simplicity.

### ERA Background

Congressional approval of the ERA was no easier than the ratification fight. The amendment finally was approved by Congress March 22, 1972, 49 years after it was first introduced.

Although the House Judiciary Committee handily approved the bill by a 32-3 vote June 22, 1971, supporters had to work to defeat two restrictive amendments on the House floor. The measure was passed Oct. 12 on a 354-24 vote, a margin substantially greater than the two-thirds necessary. (*1971 Almanac p. 656*)

The Senate did not take up the ERA until 1972. The Judiciary Committee approved the bill by a 15-1 vote March 14, 1972. The only senator voting against it was Sam J.

Ervin Jr., D-N.C. (1954-74), who led a vigorous floor battle to block the proposal. (*1972 Almanac p. 199*)

But after four days of debate in which nine Ervin amendments were defeated, the Senate approved the resolution March 22 by an 84-8 vote.

Less than two hours after the Senate acted, Hawaii became the first state to ratify the amendment.

By early 1978, 35 states had ratified the ERA, but with the March 22, 1979, deadline approaching, amendment supporters knew they were in trouble. They launched a campaign to extend the ratification period.

After months of furious lobbying and often heated debate, Congress on Oct. 6 gave final approval to a resolution extending the ratification deadline by 39 months, until June 30, 1982.

### The Court Challenge

The legality of that extension was soon challenged. After Idaho in 1978 voted to rescind its 1973 ratification of the ERA, a group of anti-ERA state legislators and other officials sued the General Services Administration (GSA), which maintained the official list of ratifying states, seeking to force removal of Idaho from the list.

Pro-ERA forces and the Justice Department sought unsuccessfully to remove Judge Marion Callister, of the federal district court in Idaho, from hearing the case because he was a Mormon, and his church opposed the ERA.

However, on Dec. 23, 1981, Callister ruled that Congress exceeded its power when it extended the ERA ratification period in 1978, and that states could rescind their approval of the amendment if they acted within the period available for ratification.

After Callister's adverse ruling, both the National Organization for Women (NOW) and the Justice Department appealed directly to the Supreme Court. NOW asked for expedited consideration of the appeal, but the Justice Department — which was under fire from conservative political groups opposed to the ERA — said such speed would be "inadvisable."

On Jan. 25, 1982, the Supreme Court agreed to hear

the cases of *NOW v. Idaho* and *Carmen v. Idaho* but denied NOW's request for expedited action.

The court did not hear arguments in the case during its 1981-82 term, and on Oct. 4, 1982, the first day of its 1982-83 term, the court dismissed the ERA cases as moot.

Not only did the justices dismiss the cases as moot, they also vacated the lower court decision, wiping it off the law books and rendering it useless as a precedent, a partial victory for those challenging it.

### Doom in June

Despite a massive fund-raising and lobbying effort in 1982, ERA supporters were dealt three crushing blows in June, when state legislatures in North Carolina, Florida and Illinois rejected the amendment.

Women's rights activists conceded defeat almost a week before the June 30 deadline, marking the end of a 10-year battle.

At a June 24 news conference, Eleanor Smeal, president of the National Organization for Women (NOW), which led the ERA drive, said that women's groups would concentrate on electing women and their male backers to state legislatures. They would also use lawsuits and such political tools as boycotts and demonstrations to improve women's rights in the business sector, she said.

Smeal was sharply critical of the Republican Party, which she contended led the attack on the amendment. In somewhat softer terms, she also complained that while the Democratic Party included the ERA in its platform for the 1980 election, the amendment and women's rights generally were not high enough on the party's agenda.

President Reagan opposed the ERA, although he did not take an active role in trying to defeat it. By contrast, President Carter and his wife, Rosalynn, strongly supported the amendment, and though it was to no avail, they lobbied legislators extensively in key states while Carter was in office.

### Supporters, Foes Looking Ahead

On June 30, the day the ERA officially died, its leading supporters and most vociferous foes all held press conferences to mark its passing and look toward the future.

Phyllis Schlafly, the head of Stop ERA and a leading opponent of the amendment, proclaimed ERA "not only dead now but forever in this century."

She said the amendment had been given three years "of artificial life" by the news media since the ratification deadline was extended in 1979.

Schlafly said ERA failed because her supporters could show it would lead to erosion of family life and the draft of women for military service.

"The gift that we give to Americans today," she said, "is to assure the young women today and for all future years that they will forever be exempted from the military draft."

Pro-ERA leaders vowed to continue their fight. Smeal released a list of 137 Republican state legislators she said opposed the ERA. While she did not say that these 137 would be targeted specifically in upcoming elections, Smeal said NOW would advise women "to vote selectively on the basis of a candidate's stands on women's rights issues."

Kathy Wilson, head of the National Women's Political Caucus, at a separate press conference released her group's "dirty dozen" list of 12 state legislators who she said played strategic roles in defeating the ERA in seven states. Only two were Republicans.

Wilson blamed the ERA's defeat on the seniority system in state legislatures, which she contended gave anti-ERA legislators key political positions. "The seniority system gave power to the unrepresentative few, small-minded men who became our true adversaries in this decade of struggle for equality," she said.

"We will continue to change the political complexion of the legislatures at large. With more feminists in the ring, these men will never again be the ring leaders."

### New Effort Begun

Even before ERA was put to rest, an identical constitutional amendment was introduced in the House.

On June 24, six days before the ERA died, Rep. Mario Biaggi, D-N.Y., dropped an identical constitutional amendment (H J Res 529) into the House hopper.

And July 14, two weeks after the ratification deadline passed, another — identically worded — amendment (S J Res 213, H J Res 533) was introduced.

The new Senate amendment had 51 cosponsors, led by Paul E. Tsongas, D-Mass., and Bob Packwood, R-Ore. A two-thirds majority — 67 if all members vote — is required to pass a constitutional amendment.

In the House, where the effort was headed by Democratic Reps. Don Edwards, Calif., Peter W. Rodino Jr., N.J., and Patricia Schroeder, Colo., and Republican Rep. Margaret M. Heckler, Mass., sponsors claimed 205 supporters. This was well short of the two-thirds majority (290) that would be needed if all members voted.

However, no action was taken on the new ERA before the 97th Congress adjourned. Senate Majority Leader Howard H. Baker, R-Tenn., said shortly after the original version died June 30 that he favored a "cooling off" period before starting the congressional debate all over again. ■

## LEAA Goes Out of Business

Fourteen years after its creation, the Law Enforcement Assistance Administration (LEAA) went quietly out of business April 15, a demise ordered by Attorney General William French Smith but preordained in the final years of the Carter administration.

In its somewhat troubled life, the grant agency dispensed nearly \$8 billion to local law enforcement agencies for programs such as improved police equipment, shelters for homeless youth and special local task forces to prosecute "career criminals." In recent years, however, LEAA was criticized for requiring too much red tape in its grant program and for wasting money on Dick Tracy-type gadgetry.

The LEAA's official end came by order of Attorney General Smith, who announced Dec. 30, 1981, that the agency would be out of business by April 15. The agency came to a practical end March 20, when all LEAA personnel either were transferred to related law enforcement divisions or laid off.

Four LEAA programs continued after April 15 but were operated through the Office of Justice Assistance, Research and Statistics (OJARS), the government's umbrella law enforcement assistance agency. They were: a benefit program that paid \$50,000 to the survivors of police officers killed in action, a regional organized crime intelligence center, a drug treatment program and a program that helped local police run "sting" operations.

The death knell of the LEAA was sounded in 1979