

GOVERNMENT OF PUERTO RICO

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Session

SENATE OF PUERTO RICO **Conc. S. R. 57**

June 25, 2018

Submitted by *Senator Laboy Alvarado*

Referred to the Internal Affairs Committee

JOINT RESOLUTION

To ratify the Equal Rights Amendment designed to guarantee equal rights for all American citizen regardless of sex as approved in a Joint Resolution by the U.S. House of Representatives on October 12, 1971 and by the U.S. Senate on March 22, 1972.

STATEMENT OF INTENT

Puerto Rico, the longest held territory in the history of the United States, has been and continues to be under the territorial clause of the Constitution of the United States of America. Currently, Puerto Rico is identified for all legal purposes as a non-incorporated territory. The residents of Puerto Rico are U.S. citizens, but the territorial status limits our capacity to fully enjoy equal rights as U.S. citizens. Furthermore, it prevents us from participating in ratifying amendments presented to the U.S. Constitution, even though this Constitution is applied in our jurisdiction. We firmly believe that no citizen should be deprived of the right to elect those who make their laws nor be denied participation through its legislature in the process of adopting amendments to the Constitution. More so in the case of Puerto Rico where more U.S. citizens live here than in twenty-one states of the Union, according to the latest figures from the U.S. Census Bureau.

It is in this democratic and egalitarian spirit that we adopt this bill to express our support for the ratification of the Equal Rights Amendment, as it was approved in a Joint Resolution by the U.S. House of Representatives on October 12, 1971 and by the U.S. Senate on March 22, 1972. The state of Illinois on May 30, 2018 became the thirty-seventh state to ratify the Equal Rights Amendment of the required thirty-eight states needed to ratify. Puerto Rico becomes the next jurisdiction under the U.S. flag to ratify this amendment.

The Ninety-second Congress of the United States of America, at its Second Session, in both houses, by a constitutional majority of two-thirds, adopted the following proposition to amend the Constitution of the United States of America:

"JOINT RESOLUTION RESOLVED BY THE HOUSE OF REPRESENTATIVES AND SENATE 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 a 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 provisions of this article.

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

The Equal Rights Amendment would do what the Constitution currently does not: guarantee that women are equal to men. It was first introduced by the suffragist

leader Alice Paul in 1923. She believed the U.S. Constitution should guarantee equal rights for men and women throughout the United States and every place subject to its jurisdiction. Almost one hundred years later, this is as necessary as when it was first introduced. The fact of the matter is that equality for women in the United States is not enshrined in its Constitution.

The Equal Rights Amendment would provide a fundamental legal remedy against sex discrimination for both women and men. It would guarantee that the rights affirmed by the U.S. Constitution are held equally by all citizens regardless of their sex. It would clarify the legal status of sex discrimination for the courts, and sex would be considered a suspect classification, as race currently is. Governmental actions that treat men and women differently as a class would be subject to strict judicial scrutiny. The adoption of the ERA would send a compelling message that the Constitution has absolutely no tolerance for sex discrimination under the law.

A poll commissioned by the Service Employees International Union (SEIU) on April of 2012 found that 91% of Americans believed men and women should have equal rights affirmed by the Constitution. An Opinion Research Corporation survey showed that 96% of U.S. adults believe that male and female citizens should have equal rights, and 88% believe that the U.S. Constitution should affirm that these rights are equal. However, nearly three-quarters of the respondents mistakenly believed that the Constitution already includes such a guarantee.

In Puerto Rico, we pride ourselves with the fact that our Constitution is a progressive document, which prohibits any type of discriminatory conduct, basing itself on the constitutional right that the dignity of a human being is inviolable. In Section 1 of Article 2 of the Constitution of Puerto Rico clearly states:

“The dignity of the human being is inviolable. All men are equal before the law. No discrimination shall be made on account of race, color, **sex**, birth, social origin or condition, or political or religious ideas. Both the laws and the system of public education shall embody these principles of essential human equality.”

The ratification of the Equal Rights Amendment is in total accordance with the principles of our local Constitution as we strive for equality at every level of society.

BE IT RESOLVED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

1 Section 1: The Equal Rights Amendment designed to guarantee equal rights for
2 all American citizen regardless of sex approved by the U.S. House of Representatives on
3 October 12, 1971 and by the U.S. Senate on March 22, 1972 as set forth in this
4 Concurrent Resolution is hereby ratified.

5 Section 2: A certified copy of this Concurrent Resolution shall be forwarded to
6 the President of the United States, the Vice-President of the United States, the President
7 pro tempore of the United States Senate, the Speaker of the United States House of
8 Representatives, the Resident Commissioner of Puerto Rico in Washington, D.C., and
9 the Governor of Puerto Rico.

10 Section 3: This Concurrent Resolution shall go into effect immediately after its
11 approval.

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