

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: October 17, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations Committee

FROM: Gerry F. Miller 
Chief Legislative Analyst

Council File No.: 13-0002-S118
Assignment No.: 13-08-0774

SUBJECT: Resolution (Martinez - O'Farrell) to support HJR 56 (Maloney).

CLARECOMMENDATION: Adopt the attached Resolution to include in the City's 2013-2014 Federal Legislative Program SUPPORT for HJR 56 (Maloney) and any similar legislation upholding equal rights for women.

SUMMARY

Resolution (Martinez - O'Farrell) states that since 1920 women have made tremendous gains in society which include the rights to vote and education. However, the Resolution advises that despite these gains further action is needed. The Resolution indicates that the Equal Rights Amendment (ERA) was first introduced in Congress in 1923 to provide men and women equal protection under the law. According to the Resolution between 1923 and 1972 the ERA was offered in every session of Congress and passed congress in 1972 and sent to the states where it received 35 of the 38 states required for ratification. The Resolution indicates that women currently earn 77 cents to every dollar earned by a man, disproportionately live in poverty, and are more likely to be victims of domestic violence.

The Resolution notes that on August 1, 2013 Rep. Carolyn Maloney of New York introduced House Joint Resolution (HJR) 56 which would amend the Constitution to explicitly demand equal rights for women under the law. According to the Resolution, the time is long overdue for a constitutional guarantee of equality between women and men.

The Resolution requests that the City: (1) support HJR 56; (2) provide a copy of the Resolution to the President and the California Congressional delegation; and (3) request that the President and Congress continue to uphold existing laws and promote new initiatives to achieve equality between women and men.

BACKGROUND

On August 1, 2013, HJR 56 was introduced in the U.S. House of Representatives by Representative Carolyn Maloney of New York. HJR 56 would amend the U.S. Constitution by including the following language: "Women shall have equal rights in the United States and every place subject to its jurisdiction. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." Upon ratification, the amendment would take effect in two years and Congress and individual states would be authorized to enforce the amendment by legislation.

The author of HJR 56 notes that the passage of the federal 1964 Civil Rights Act and similar legislation on the state and local level has enhanced women's opportunities in society yet women continue to be negatively affected by wage inequality, discrimination in employment, and poverty. According to the

author, passage of the ERA on the federal level is necessary to address limitations in existing nondiscrimination laws and ensure that women's rights continue to be upheld nationwide.

The 19th Amendment, which guaranteed women the right to vote, was ratified in 1920. The New York Times states in an article dated March 22, 2012 that the ERA was first drafted by women's rights leader Alice Paul in 1923 and introduced in every session of Congress between 1923 and 1970. On March 22, 1972, the United States House of Representatives and the Senate approved the ERA. According to the article, the amendment was intended to address such issues as restrictions on women in business, laws that favor women in child-custody and alimony cases, laws that deny compensation to pregnant women still able to work, and different standards for boys and girls in public school programs. It should be noted that the ERA, as approved by Congress in 1972, would expire within seven years if not ratified by the necessary number of states.

The ERA was ratified by 35 of the 38 required states prior to the 1979 deadline and has been introduced in every session of Congress since 1983. The Times notes that in March 2011, Representative Tammy Baldwin of Wisconsin introduced legislation to remove the ratification deadline and allow approval of the ERA upon the ratification of three more states.

Support for HJR 56 (Maloney) is consistent with existing policy to protect and advance the civil rights of City residents. Therefore, we recommend support of HJR 56.

Departments Notified

None.

Bill Status

2013

Sept. 13	Referred to Constitution and Civil Justice Subcommittee
Aug. 1	Sponsor introductory remarks; referred to the House Judiciary Committee.



Brian Randol
Analyst

Attachments: 1. Resolution
 2. Text of HJR 56 (Maloney)

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RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state, or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, August 26, 2013 marks the 93rd anniversary of the passage of the Nineteenth Amendment to the United States Constitution and is Women's Equality Day, a day deserving of celebration and public commemoration; and

WHEREAS, Elizabeth Cady Stanton and Lucretia Mott organized the first Women's Rights Convention in 1848 where 100 women and men from all walks of life declared that "all men and women are created equal" and called for universal women's suffrage; and

WHEREAS, On August 26, 1920, after a 72 year struggle, the Nineteenth Amendment was added to the United States Constitution, securing a woman's right to vote; and

WHEREAS, in 1971, the United States Congress designated August 26 as Women's Equality Day to commemorate the passage of the Nineteenth Amendment to the United States Constitution and as a reminder of women's continuing efforts to achieve full equality; and

WHEREAS, Since 1920, women have made tremendous gains in society, including the right to vote, the right to be free from discrimination in employment and the right to have guaranteed equal access to education including sports; and

WHEREAS, Despite these gains, women still have great strides to make in order to be full participants in 21st century society; and

WHEREAS, the Equal Rights Amendment (ERA) was first introduced in Congress in 1923 to affirm the equal application of the U.S Constitution to both women and men and the basic American value of equal protection under the law; and

WHEREAS, Between 1923 and 1972 the ERA was offered in every session of Congress, ultimately being passed by Congress in 1972 at which time it was sent to states for ratification; and

WHEREAS, Amending the U.S Constitution requires ratification by 38 states, and ultimately the ERA fell three votes short of passage; and

WHEREAS, Women still earn only 77 cents to every dollar earned by a man, women disproportionately live in poverty, women are more likely to be victims of domestic violence than men, and for every dollar spent on women's athletics programs, three dollars are spent on men's athletics programs; and



WHEREAS. On August 1, 2013 Representative Carolyn B. Maloney (D-NY) reintroduced House Joint Resolution 56 in the U.S House of Representatives proposing an amendment to the Constitution of the United States to explicitly demand equal rights for women under the law; and

WHEREAS. The time is long overdue for a constitutional guarantee of equality between sexes; and

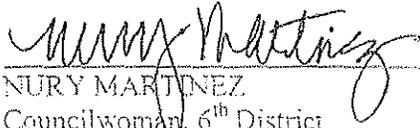
WHEREAS. The only way for women to achieve permanent equality in the United States is to write it into the Constitution.

NOW, THEREFORE BE IT RESOLVED that by adoption of this resolution, the members of the Los Angeles City Council urge the United States Congress and the President of United States to uphold current protections and continue to pioneer new protections of equality for women until women achieve parity with men; and

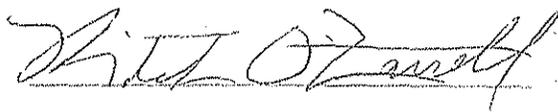
BE IT FURTHER RESOLVED with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its Federal Legislative Program SUPPORT for the HJ Resolution 56 (Maloney) and any similar legislation upholding Equal Rights for Women.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the President of the United States and to the California congressional delegation.

Presented By:


NURY MARTINEZ
Councilwoman, 6th District

Seconded By:



AUG 27 2013

113TH CONGRESS
1ST SESSION

H. J. RES. 56

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2013

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. ANDREWS, Ms. BASS, Mrs. BEATTY, Mr. BECERRA, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPs, Mr. CAPUANO, Mr. CÁRDENAS, Ms. CASTOR of Florida, Mr. CICILLINE, Ms. CLARKE, Mr. CLAY, Mr. CLYBURN, Mr. COHEN, Mr. COOPER, Mr. COSTA, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFazio, Ms. DEGETTE, Mr. DENT, Mr. DINGELL, Ms. DUCKWORTH, Mr. ELLISON, Mr. FARR, Mr. FATAH, Mr. FOSTER, Mr. FRIELINGHUYSEN, Ms. FUDGE, Ms. GABBARD, Mr. GARAMENDI, Mr. GRAYSON, Mr. AL GRIEN of Texas, Mr. GRJALVA, Ms. MICHELLE LULIAN GRISHAM of New Mexico, Mr. GUTIÉRREZ, Mr. HIGGINS, Mr. HIMES, Mr. HINOJOSA, Mr. ISRAEL, Ms. JACKSON LEE, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KEATING, Mr. KENNEDY, Mr. KILDIEE, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS, Mr. LOEBSACK, Ms. LOPGREN, Mrs. LUMMIS, Mr. LYNCH, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Ms. MENG, Ms. MOORE, Mr. NADLER, Mrs. NAPOLITANO, Mr. PASCRELL, Mr. PERLMUTTER, Ms. PINGREE of Maine, Mr. QUIGLEY, Mr. RANGEL, Mr. RUIZ, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. DAVID SCOTT of Georgia, Ms. SEWELL of Alabama, Ms. SHEA-PORTER, Mr. SHERMAN, Ms. SLAUGHTER, Mr. THOMPSON of Mississippi, Ms. TIFUS, Mr. TONKO, Ms. TSONGAS, Mr. VAN HOLLEN, Ms. VELÁZQUEZ, Ms. WATERS, Mr. WATT, Mr. WAXMAN, Mr. WELCH, and Ms. WILSON of Florida) introduced the following joint resolution; which was referred to the Committee on the Judiciary

