

## **Resolutions Committee Report**

**March 3, 2021**

The AAUWMI Resolutions Committee is responsible for reviewing and recommending proposed resolutions and reviewing adopted resolutions of their 5-year anniversary to determine whether they are current or historic. The Resolutions Committee met on March 3, 2021 to discuss one new resolution and review ten previously adopted resolutions. We are pleased to present for membership consideration, with our endorsement, the following resolution reaffirming AAUWMI's support for the Equal Rights Amendment.

### **Recognition of the 28<sup>th</sup> Amendment (Equal Rights) to the United States Constitution** **Resolution**

**Resolved,** that the American Association of University Women of Michigan reaffirms its support of the Equal Rights Amendment; **and**

**Resolved,** that the American Association of University Women of Michigan urges its members to encourage their Representatives and Senators to call for the recognition of the 28<sup>th</sup> Amendment (Equal Rights) to the US Constitution, as proposed by Congress on March 22, 1972.

#### Rationale:

Equality under the law is a fundamental value of Americans and the people of Michigan. But the United States Constitution does not explicitly guarantee equal rights and equal protection for the sexes. The Equal Rights Amendment would codify these rights and protections in a way that legislation cannot.

The 28<sup>th</sup> Amendment (Equal Rights) states:

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.

In 2020 Virginia became the 38<sup>th</sup> state to ratify the 28<sup>th</sup> Amendment to the U.S. Constitution, the Equal Rights Amendment. The constitutional requirements as detailed in Article V have been met. Yet, the Equal Rights Amendment has not been recognized as part of the U.S. Constitution and there does not appear to have been any effort to implement it as provided for in Section 3 of the amendment.

In 1972, Congress forwarded the Amendment to states for consideration in 1972, but it included a seven-year deadline for ratification. Ratification deadlines are not authorized by Article V, and there is precedence for waiting as long as 202 years between the first state ratification and the 38<sup>th</sup> state ratification. The 27<sup>th</sup> Amendment was first ratified by six states between 1789 and 1792. The 38<sup>th</sup> state to ratify the 27<sup>th</sup> amendment did so in 1992, and it became a part of the U.S. Constitution.

Article V states amendments “shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States...”

While it is true that legislation and court decisions have increased women’s access to education, employment, and public service, legislation can be repealed or struck down by the U.S. Supreme Court. In the United States we continue to experience the negative effects of lack of political parity between men and women, workplace discrimination, health care inequities, disparate rate of poverty, rape and domestic violence assaults. Inclusion of the 28<sup>th</sup> Amendment (Equal Rights) in the Constitution would require courts to increase the level of scrutiny it currently applies to sex discrimination.

The Equal Rights Amendment was first drafted by Alice Paul in 1923. It was introduced to Congress each year from 1923 to 1970 but gained little traction. That changed in 1971 when Michigan Representative Martha Griffiths introduced H.J. Res. 208, proposing an Equal Rights Amendment which passed the house by a vote of 354-24 and the Senate by a vote of 84-8. The text read:

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

Despite overwhelming support for the amendment, it was forwarded to the states with the seven-year ratification deadline. By 1978, thirty-five states had ratified the ERA. The deadline was extended to ten years, but ERA failed to be ratified by the remaining 3 before the deadline. In 2017, Nevada became the 36th state to ratify and was followed by Illinois in 2018. In 2020, Virginia also ratified (as stated above). If the 27<sup>th</sup> amendment can wait 202 years for the 38<sup>th</sup> state to ratify it, there is no reason why ERA should be prevented from inclusion in the Constitution after only 48 years.

At the annual meeting, delegates may offer amendments to the resolved clauses. The rationale is provided to help you determine whether to support the resolution, but it will not be considered or amended. Only the resolves clauses will be considered for adoption.

### **Reviewed Resolutions**

We also present for your ratification recommendations on the ten previously adopted resolutions. While our mandate is to consider resolutions on their 5-year anniversary, four of

the resolutions considered were not on a 5-year anniversary. In the process of creating a single, sortable, complete file of AAUWMI resolutions, it was found that there was no record of recent review or determination of historic status on these four resolutions.

**1.) In Support of Public Education 1996 – Recommendation: Current**

**Resolved** that members voice their support of public education by communicating to elected officials in public discussions of educational issues, and through a variety of media,

**Further, be it Resolved** that AAUW of Michigan encourage branches and individual members to identify and counter challenges to its public policy principles and its priorities for public education,

**Finally, be it Resolved** that AAUW of Michigan encourage branches and individual members to report such efforts to the Board of Directors of AAUW of Michigan, through the Public Policy Director

**2.) Ernestine Rose Recognition 2011 – Recommendation: Current**

**Resolved**, that the AAUW of Michigan urges that Ernestine Rose be significantly honored by some permanent special recognition in Capital Park in downtown Detroit at the site of Michigan's 1846 State Capitol Building.

**3.) Education of the Gifted 1976 – Recommendation: Clause 1 Current, Clause 2 Historic**

**Resolved**, that the Michigan State Division of AAUW call upon its members to investigate and promote programs which will create awareness among parents, educators, legislators and the general public of the needs of high-potential youth, and further, be it

**Resolved**, that the Michigan Division of AAUW encourage and support State and Federal legislation for the gifted to assist this segment of the population in developing its full potential.

The committee recommends retaining as current the first resolved clause and marking as historic the second resolved clause. The members of the committee agreed that promoting programs for "high-potential youth" remains a goal of AAUW. However, they were concerned with whether Michigan continues to have legislation that specifically provides for gifted programs as opposed to general special education legislation.

**4.) 3 State Strategy 2001 – Recommendation: Historic**

**Resolved**, AAUW of Michigan reaffirms its support for the Equal Rights Amendment and expresses its support for the three-state strategy, and

**be it further resolved** that AAUW of Michigan shall encourage its branches to inform members and the public of renewed activity for passage of the Equal Rights Amendment, and

**be it further resolved** that AAUW of Michigan shall encourage individual financial support of the ERA ratification efforts by our sister AAUW organizations in the unratified states of Illinois and Missouri.

With the ratification of the 38<sup>th</sup> state in 2020 (Virginia), the three-state strategy has been realized, making this resolution historic. Adoption of the 2021 proposed Resolution will serve as a superseding resolution that once again reaffirms AAUWMI's support for the Equal Rights Amendment.

#### **5.) Defeat MCRI 2006 – Recommendation: Historic**

**Therefore**, be it resolved that the members of AAUW of Michigan at the branch and state levels of the organization are strongly encouraged to initiate and participate in education and action projects and events to oppose the MCRI amendment in the remaining seven-month interval before the November 7, 2006 election.

The “Michigan Civil Rights Initiative” was a constitutional amendment that proposed to ban all public sector voluntary affirmative action programs in education, employment and contracting. It was adopted in 2006. While AAUWMI continues to support programs directed towards elimination of systemic racism and systemic gender discrimination, the particular resolution was specific to a state ballot initiative under consideration in 2006. A new resolution that addresses system racism and gender discrimination could be adopted if members of AAUWMI would like to propose one for consideration at the 2022 annual meeting.

#### **6.) Water Use of Great Lakes 2006 – Recommendation: Historic**

**Resolved**, that AAUW of Michigan recommends to the State of Michigan that it should assume further responsibility to research and monitor the interrelationship of farm, industrial and municipal water-related activities, and address itself to the abovementioned problem areas, so that water shall be used and returned to the Great Lakes system without degrading its qualities.

Environmental protection is no longer considered a mission focused area for AAUW advocacy. Therefore, the committee recommends deeming this resolution historic. However, the committee recognizes the equity and health and safety implications of not protecting municipal water supplies. The committee will work on a new resolution that is focused on health and safety as opposed to environmental protection.

## **7.) Use of Great Lakes 2006 – Recommendation: Historic**

**Resolved**, that AAUW of Michigan create an Environmental Task Force for the purpose of educating members about the interrelationship of farm, industrial and municipal water related activities; and further, be it

**Resolved**, that the Great Lakes Regional Collaboration Strategy adopted by regional and national leaders on December 12, 2005 in Chicago, be studied and reported on at the 2007 AAUW of MI State Convention, to encourage members to learn how the strategy serves as a long-term plan to guide the protection and restoration efforts of the Great Lakes; and further, be it

**Resolved**, that the Great Lakes Annex Implementing Agreements, signed on December 13, 2005 be studied and reported on at the 2007 AAUW of MI State Convention, to determine if they are successfully prohibiting long-distance diversions from the eight States and two Provinces in the Great Lakes-St. Lawrence River Basin.

AAUW and by extension AAUWMI have contracted our focus to mission-based advocacy. Although important to the quality of life, and therefore a women's issue, environmental protection is not directly related to gender equity and economic security. AAUWMI can amplify its voice by limiting its efforts to those issues that are more directly related to the AAUW mission.

## **8.) Opposition to the Legalization of Marijuana 1970 – Recommendation: Historic**

### **Michigan State Division Resolves**

- 1.) That the AAUW actively oppose all efforts to legalize the sale of marijuana;
- 2.) That the AAUW examine and support change in current laws and penalties for possession and sale of drugs, which are abusive.

AAUWMI's focus is on advocacy that advances gender equity and economic security. Moreover, in 2018 Michigan legalized recreational use of marijuana. Cultural norms have changed dramatically in the intervening years since this resolution was written. Medical use of marijuana has proven to be effective in pain management among other purposes.

## **9.) TV Monitoring 1975 – Recommendation: Historic**

**Resolved**, that the Michigan State Division of AAUW, through its members and branches urge the networks to be more selective in the programs presented; further, be it

**Resolved**, that these members and branches suggest monitoring to television during hours when children are watchers; further, be it

**Resolved,** that both public and private protests, of the showing of objectionable material and over-commercialization in children and youth programs be expressed and the approval of programs of informational and educational value be encouraged, by members and branches; further be it

**Resolved,** that the Michigan State Division of AAUW encourage the networks and broadcasters to consider the impact of television on children's lives, and emphasize educational and enriching material, and urge the networks to portray a wholesome society and omit elements of violence, especially during the day and early evening hours.

This resolution is outside of AAUWMI's focus on advocacy that advances gender equity and economic security.

#### **10.) Long-term Care 2004 – Recommendation: Historic**

**Whereas,** a long term care system must be built on consumer driven design and meaningful choice in services and providers, and

**Whereas,** a long term care system must provide appropriate services, and should be available to any person regardless of age, gender, sexual orientation, race, diagnoses or setting, and

**Whereas,** assessment must be designed and

**Whereas,** consumers have a guaranteed Bill of Rights containing provisions for detailed information on specific providers, access to services, protection, due process and quality, and operated as the initial tool of consumers empowerment through comprehensive information about care choices, and

**Whereas,** independent ombudsman services must be locally and readily available, and have adequate resources to address individual and systemic consumer advocacy needs, and

**Therefore, be it resolved,** that members of AAUW of Michigan support local, regional and state efforts to maintain the above principles upholding the provision of services in Michigan communities.

The committee recommends deeming this resolution historic. The committee will prepare a superseding resolution for consideration at the 2022 annual meeting that focuses on long-term care from the lens of economic security and gender equity and health and safety.