

1 HJR35
2 204442-3
3 By Representatives Coleman, Hollis, Howard, Bracy, Jackson,
4 Boyd, Clarke, Drummond, Warren and Givan
5 RFD: Rules
6 First Read: 09-FEB-21

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8 RATIFYING THE EQUAL RIGHTS AMENDMENT TO THE
9 CONSTITUTION OF THE UNITED STATES OF AMERICA.

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11 WHEREAS, on May 18, 1992, the Congress of the United
12 States adopted and certified the 27th Amendment to the
13 Constitution of the United States, which was proposed in 1789
14 by our First Congress but not ratified by three-fourths of the
15 States until May 7, 1992; and

16 WHEREAS, the 95th Congress of the United States
17 amended the resolution of the 92nd Congress to extend the time
18 for ratification of the proposed Equal Rights Amendment to
19 June 30, 1982, thereby indicating its continued support of the
20 amendment; and

21 WHEREAS, the restricting time limit for ratification
22 of the Equal Rights Amendment is in the resolving clause and
23 is not part of the amendment which was proposed by Congress
24 and which has already been ratified by 35 states; and

25 WHEREAS, in passing a time extension for the Equal
26 Rights Amendment in 1978, the 95th Congress demonstrated that

1 a time limit in a resolving clause may be disregarded if it is
2 not part of the proposed amendment; and

3 WHEREAS, if an amendment to the Constitution has
4 been proposed by two-thirds of both houses of Congress and
5 ratified by three-fourths of the state legislatures it is for
6 Congress, under the principles of *Coleman v. Miller*, 307 U.S.
7 433 (1939), to determine the validity of the state
8 ratifications occurring after a time limit in the resolving
9 clause, but not in the amendment itself; and

10 WHEREAS, the fundamental right of men and women to
11 be treated equally under the law has always been and always
12 will be a timely issue for the people of the United States and
13 of the State of Alabama; now therefore,

14 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
15 HOUSES THEREOF CONCURRING, That this body hereby ratifies and
16 affirms the Equal Rights Amendment to the Constitution of the
17 United States, proposed by the United States Congress on March
18 22, 1972, and ratified by 38 state legislatures; the complete
19 text of House Joint Resolution 208 proposing the Equal Rights
20 Amendment follows:

21 "HOUSE JOINT RESOLUTION 208

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

24 "Resolved by the Senate and House of Representatives
25 of the United States of America in Congress assembled
26 (two-thirds of each House concurring therein), That the
27 following article is proposed as an amendment to the

1 Constitution of the United States, which shall be valid to all
2 intents and purposes as part of the Constitution when ratified
3 by the legislatures of three-fourths of the several States
4 within seven years from the date of its submission by the
5 Congress:

6 "Article-

7 "Section 1. Equality of rights under the law shall
8 not be denied or abridged by the United States or any State on
9 account of sex.

10 "Section 2. Congress and the several States shall
11 have the power to enforce, by appropriate legislation, the
12 provisions of this article.

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

15 BE IT FURTHER RESOLVED, That copies of this joint
16 resolution be transmitted to the President of the United
17 States, the Speaker of the United States House of
18 Representatives, the President of the United States Senate,
19 all members of the Alabama Congressional Delegation, the
20 Archivist of the United States at the National Archives and
21 Records Administration of the United States, the Governor of
22 Alabama, the Director of the Alabama Department of Archives
23 and History, and the Attorney General of the State of Alabama.