HJR97

204442-1

By Representatives Coleman, Hollis, Drummond, Morris, Clarke, Hall and Warren

RFD: Rules

First Read: 05-MAR-20
RATIFYING THE EQUAL RIGHTS AMENDMENT TO THE
CONSTITUTION OF THE UNITED STATES OF AMERICA.

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

WHEREAS, the 95th Congress of the United States
amended the resolution of the 92nd Congress to extend the time
for ratification to June 30, 1982, thereby indicating its
continued support of the amendment; and

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

WHEREAS, in passing a time extension for the Equal
Rights Amendment on October 20, 1978, Congress demonstrated
that a time limit in a resolving clause may be disregarded if it is not part of the proposed amendment; and

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

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

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

"HOUSE JOINT RESOLUTION 208

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

"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 any State on account of sex.

"Section 2. Congress and the several States 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."

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