

House Resolution 8

By: Representatives Mitchell of the 88th and Hugley of the 141st

A RESOLUTION

1 Encouraging the Administration of President Joseph R. Biden, Jr. to publish without delay
2 the Equal Rights Amendment as the Twenty-eighth Amendment to the Constitution of the
3 United States; and for other purposes.

4 WHEREAS, in 1972, the Ninety-second Congress of the United States of America, at its
5 Second Session, in both houses, by a constitutional majority of two-thirds, adopted the
6 following proposition to amend the Constitution of the United States of America:

7 "JOINT RESOLUTION RESOLVED BY THE HOUSE OF REPRESENTATIVES AND
8 SENATE OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED
9 (TWO-THIRDS OF EACH HOUSE CONCURRING THEREIN), That the following
10 article is proposed as an amendment to the Constitution of the United States, which shall
11 be valid to all intents and purposes as a part of the Constitution when ratified by the
12 legislatures of three-fourths of the several States within seven years from the date of its
13 submission by the Congress:

14 "ARTICLE _____
15 Section 1. Equality of rights under the law shall not be denied or abridged by the United
16 States or by any State on account of sex.

17 Section 2. The Congress shall have the power to enforce, by appropriate legislation, the
18 provisions of this article.

19 Section 3. This amendment shall take effect two years after the date of ratification."; and
20

21 WHEREAS, Article V of the Constitution of the United States sets forth a two-step
22 amending procedure; and

23 WHEREAS, the first step of the Article V amending procedure is proposal of an amendment
24 either by a two-thirds' vote of both houses of Congress or by a convention called by
25 application of two-thirds of the states; and

26 WHEREAS, the second and final step of the Article V amending procedure is ratification of
27 an amendment by three-fourths of the states; and

28 WHEREAS, the Constitution of the United States does not limit the time for states to ratify
29 an amendment; and

30 WHEREAS, the Constitution of the United States does not grant Congress the unilateral
31 authority to limit the time for states to ratify amendments; and

32 WHEREAS, a time limit on state ratifications of amendments is a substantive change to the
33 Constitution of the United States; and

34 WHEREAS, to have full force and effect, any substantive change to the Constitution of the
35 United States, such as a time limit on ratification, must be within the text of an amendment

36 where it can also be approved by states as part of each of the two steps of the Article V
37 amending procedure—a proposal step and a ratification step; and

38 WHEREAS, in the proposal step for the Equal Rights Amendment, the time limit on state
39 ratifications was only in the preamble section of the resolution by Congress and not within
40 the text of the amendment presented to states for state approval; and

41 WHEREAS, in the ratification step, the states ratified only the text of the Equal Rights
42 Amendment; and

43 WHEREAS, a time limit was only approved by Congress in 1972, but not subsequently
44 approved by the states, and is thus without force or effect; and

45 WHEREAS, in comparison, in 1978, a two-thirds' vote in both houses of Congress passed
46 the District of Columbia Voting Rights Amendment and included a timeline within the text
47 of the amendment offered to states for ratification; and

48 WHEREAS, the time limit for the District of Columbia Voting Rights Amendment ended
49 before completion of the second and final step of ratification of the amendment by
50 three-fourths of the states; and

51 WHEREAS, because the time limit was within the text of the District of Columbia Voting
52 Rights Amendment, that time limit had full force and effect and such amendment expired in
53 1985; and

54 WHEREAS, in comparison, the text of the Twenty-first and Twenty-second Amendments
55 both include a timeline within the text of each amendment, and such timelines were ratified
56 by three-fourths of the states within the agreed timeline; and

57 WHEREAS, in 1789, by a two-thirds' vote in each house of the First Congress, the so-called
58 Madison Amendment relating to compensation of members of Congress, completed the
59 proposal step of Article V; and

60 WHEREAS, approximately 203 years later, the Madison Amendment completed the
61 ratification step of Article V through ratification by three-fourths of the states; and

62 WHEREAS, in 1992, having met the strict two-step requirements of Article V, the Madison
63 Amendment was published by the Archivist of the United States and affirmed by Congress
64 during the administration of President George H.W. Bush as the Twenty-seventh
65 Amendment to the Constitution of the United States; and

66 WHEREAS, as of January 27, 2020, three-fourths of the states have ratified the Equal Rights
67 Amendment; and

68 WHEREAS, unlike the District of Columbia Voting Rights Amendment, the Equal Rights
69 Amendment does not have a time limit in its text where it would be of full force and effect;
70 and

71 WHEREAS, in contrast to the Madison Amendment, which took 203 years to ratify, the
72 Equal Rights Amendment took a mere 48 years to ratify; and

73 WHEREAS, the text of Article V of the Constitution gives the states the power of
74 ratification, not rescission; and

75 WHEREAS, Samuel Johnson's dictionary of 1755 defines "ratify" as "to confirm; to settle";
76 and

77 WHEREAS, *Bouvier's Law Dictionary* of 1856, considered to be the first American legal
78 dictionary, states that a ratification, once done, "cannot be revoked or recalled"; and

79 WHEREAS, James Madison wrote in a July 20, 1788, letter to Alexander Hamilton that
80 ratification is "in toto and for ever"; and

81 WHEREAS, the various attempts throughout history to rescind the ratifications of the
82 Constitution of the United States or its amendments, including the Fourteenth, Fifteenth, and
83 Nineteenth Amendments, have never been honored; and

84 WHEREAS, the Equal Rights Amendment now meets the strict requirements of Article V
85 of the Constitution of the United States to be added as the Twenty-eighth Amendment.

86 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
87 GEORGIA that the General Assembly encourages the Administration of President Joseph
88 R. Biden, Jr. to publish without delay the Equal Rights Amendment as the Twenty-eighth
89 Amendment to the Constitution of the United States.

90 BE IT FURTHER RESOLVED that the General Assembly of Georgia encourages the
91 Congress of the United States to pass a joint resolution affirming the Equal Rights
92 Amendment as the Twenty-eighth Amendment to the Constitution of the United States.

93 BE IT FURTHER RESOLVED that the General Assembly of Georgia calls on other states
94 to join in this action by passing the same or similar resolutions.

95 BE IT FURTHER RESOLVED that the Secretary of the Senate and the Clerk of the House
96 of Representatives are authorized and directed to transmit appropriate copies of this
97 resolution to the President and Vice President of the United States, the Georgia delegation
98 of the United States Congress, and the Archivist of the United States.