
HOUSE RESOLUTION

URGING THE PRESIDENT OF THE UNITED STATES TO PUBLISH THE EQUAL RIGHTS AMENDMENT AS THE TWENTY-EIGHTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

1 WHEREAS, in 1972, the ninety-second Congress of the United
2 States, at its second session, in both houses, by a
3 constitutional majority of two-thirds, adopted the following
4 proposition to amend the Constitution of the United States of
5 America:

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

16
17 "ARTICLE _____

18
19 Section 1. Equality of rights under the law shall not
20 be denied or abridged by the United States or by any
21 State on account of sex.

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23 Section 2. The Congress shall have the power to
24 enforce, by appropriate legislation, the provisions of
25 this article.

26
27 Section 3. This amendment shall take effect two years
28 after the date of ratification.""; and

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30 WHEREAS, Article V of the Constitution of the United States
31 sets forth a two-step amending procedure; and
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1 WHEREAS, the first step of the Article V amending procedure
2 is proposal of an amendment either by two-thirds vote of both
3 houses of Congress or by a convention called by application of
4 two-thirds of the states; and

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

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

12
13 WHEREAS, the Constitution of the United States does not
14 grant Congress the unilateral authority to limit the time for
15 states to ratify amendments; and

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17 WHEREAS, a time limit on state ratification of amendments
18 is a substantive change to the Constitution of the United
19 States; and

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21 WHEREAS, to have full force and effect, any substantive
22 change to the Constitution of the United States, such as a time
23 limit on ratification, must be within the text of an amendment,
24 where it can also be approved by states as part of each of the
25 two steps of the Article V amending procedure - a proposal step
26 and a ratification step; and

27
28 WHEREAS, in the proposal step for the Equal Rights
29 Amendment, the time limit on state ratification was only in the
30 preamble section of the resolution by Congress and not within
31 the text of the amendment presented to the states for state
32 approval; and

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

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37 WHEREAS, a time limit was only approved by Congress in
38 1972, but not subsequently approved by the states and is thus
39 without force or effect; and

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41 WHEREAS, in comparison, when in 1978 two-thirds of both
42 houses of Congress passed the District of Columbia Voting Rights



1 Amendment, a timeline was included within the text of the
2 amendment offered to states for ratification; and

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4 WHEREAS, the time limit for the District of Columbia Voting
5 Rights Amendment ended before completion of the second and final
6 step of ratification of the amendment by three-fourths of the
7 states; and

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9 WHEREAS, because the time limit was within the text of the
10 District of Columbia Voting Rights Amendment, that time limit
11 had full force and effect and the amendment expired in 1985; and

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

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18 WHEREAS, in 1789, by two-thirds vote of each house of the
19 first United States Congress, the so-called Madison Amendment
20 relating to compensation of members of Congress completed the
21 proposal step of Article V; and

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23 WHEREAS, approximately two hundred three years later the
24 Madison Amendment completed the ratification step of Article V
25 through ratification by three-fourths of the states; and

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27 WHEREAS, in 1992, having met the strict two-step
28 requirements of Article V, the Madison Amendment was published
29 by the Archivist of the United States during President George
30 H.W. Bush's administration as the Twenty-seventh Amendment to
31 the Constitution of the United States; and

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33 WHEREAS, following publication of the Madison Amendment,
34 Congress affirmed the Madison Amendment as the Twenty-seventh
35 Amendment of the Constitution of the United States; and

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

39
40 WHEREAS, unlike the District of Columbia Voting Rights
41 Amendment, the Equal Rights Amendment does not have a time limit
42 in its text where it would be of full force and effect; and



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2 WHEREAS, in contrast to the Madison Amendment, which took
3 two hundred three years to ratify, the Equal Rights Amendment
4 took a mere forty-eight years to ratify; and

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6 WHEREAS, the text of Article V of the Constitution of the
7 United States gives the states the power of ratification, not
8 recission; and

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

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

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

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

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26 WHEREAS, the Equal Rights Amendment now meets the strict
27 requirements of Article V of the Constitution of the United
28 States and should be added as the Twenty-eighth Amendment; now,
29 therefore,

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31 BE IT RESOLVED by the House of Representatives of the
32 Thirty-second Legislature of the State of Hawaii, Regular
33 Session of 2023, that this body urges the administration of
34 President Joseph R. Biden, Jr., to publish without delay the
35 Equal Rights Amendment as the Twenty-eighth Amendment to the
36 Constitution of the United States; and

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38 BE IT FURTHER RESOLVED that this body urges the Congress of
39 the United States to pass a joint resolution affirming the Equal
40 Rights Amendment as the Twenty-eighth Amendment to the
41 Constitution of the United States; and

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H.R. NO. 204

1 BE IT FURTHER RESOLVED that this body calls on other states
2 to join this action by passing the same or similar resolutions;
3 and

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5 BE IT FURTHER RESOLVED that certified copies of this
6 Resolution be transmitted to the President of the United States,
7 Vice President of the United States, each member of Hawaii's
8 congressional delegation, and Archivist of the United States.

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OFFERED BY: *Anna A. Schultz*

MAR 10 2023

