



Action Alert

From NFDW President Cindy Jenks

December 22, 2019

“It is with great disappointment and concern that I am reaching out to our NFDW members and supporters to inform you about the lawsuit that has been filed to prevent the 38th State from ratifying the Equal Rights Amendment. The states of Alabama, Louisiana and South Dakota have filed in federal court to preempt a 38th State from ratifying the ERA,” said NFDW President Cindy Jenks.

The issue of the ERA being decided by a court has been looming ever since the renewed interest to ratify began in recent years. Opponents of the ERA are claiming that the time for passage has expired. Supporters of the ERA are claiming the Madison Amendment, which led to the passage of the 27th Amendment more than 200 years later, as the precedent for now passing the ERA.

“We must ramp up our efforts to call all members of Congress and the U.S. Senate to sign and pass H.J. Res 79, Congresswoman Jackie Speier’s legislation to remove the deadline for ratification of the ERA, and Senator Ben Cardin’s S.J. Res 5, which also removes the deadline for passing the ERA. We must continue the fight for the equality,” said Jenks.

From the Associated Press:

The lawsuit filed in federal court in Alabama comes in response to a renewed [push](#) to get the required 38th state to ratify the Equal Rights Amendment, which would ban discrimination on the basis of sex. The lawsuit notes that Congress set a 1982 deadline to get the required 38 states to agree and seeks to prevent David Ferriero, the archivist of the United States, from accepting a new ratification from a state.

“The people had seven years to consider the ERA, and they rejected it. To sneak it into the Constitution through this illegal process would undermine the very basis for our constitutional order,” Alabama Attorney General Steve Marshall said in a statement announcing the lawsuit.

Marshall said Alabama, Louisiana and South Dakota are committed to equality but contended the “ERA would not promote true equality, but rather a far-left

agenda.” He argued the amendment could be used to strike down abortion restrictions or require boys and girls to compete against each other in sports.

The Republican Alabama attorney general also noted that five states that previously ratified the amendment later moved to rescind their support.

The amendment, submitted to the states in the early 1970s, would ban any discrimination based on sex. It fell short of the required 38 states needed to make it the 28th amendment to the Constitution.

There is an effort in Congress to try to remove the 1982 deadline.

The ERA Coalition, a group working for the ratification of the amendment, criticized the lawsuit as a “disgraceful exercise in fear mongering.”

“The filing of a lawsuit by Alabama’s Attorney-General to stop the Equal Rights Amendment is a shameful effort to keep women from gaining Constitutional equality,” the organization said. “Alabama has filed this lawsuit to thwart the democratic process, and the will of the overwhelming majority of Americans to enshrine the fundamental right to sex equality in our Constitution. The Attorney General of Alabama has done a disservice to women, including the women of Alabama.”

Virginia is among the states considering ERA ratification. Charlotte Gomer, press secretary for Virginia Attorney General Mark Herring, said their office will examine the suit to see if they need to get involved.

“It is absolutely ridiculous that in 2019 states would preemptively sue to block equality from being enshrined in the Constitution. When Virginia ratifies the ERA in the upcoming legislative session Attorney General Herring is prepared to take any steps necessary to ensure it is added to the Constitution, as it should be,” Gomer wrote in an email.

Additional note: NFDW will conduct Women in Blue in Washington, DC March 25 and 26, 2020. We will gather for discussions on the evening of March 25 and then visit with members of Congress on March 26. See NFDW’s website for more details: www.nfdw.com.

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