

## Press Advisory

**Date:** March 6, 2021

**Subject:** Federal Court issues decision dismissing Virginia, Illinois, and Nevada’s lawsuit seeking to have the Equal Rights Amendment declared effective immediately

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Yesterday, a federal district court in the District of Columbia [dismissed a lawsuit](#) brought by three states, Virginia, Illinois, and Nevada, seeking to have the Equal Rights Amendment (ERA) declared effective immediately. The lawsuit was brought by these three states – the last three states to ratify the ERA – against the Archivist of the United States seeking to have him publish the ERA as part of the U.S. Constitution. When Congress passed the ERA in 1972, it included a seven-year deadline for three-quarters of the states to ratify the amendment. Yet these three states’ ratification took place after the deadline had expired. The district court yesterday disagreed with the states’ arguments, thus returning the issue to the Congress, where joint resolutions have been introduced in the House and the Senate to lift the deadline retroactively. The House resolution, H.J.79, is sponsored by Reps. Jackie Speier (D-CA) and Tom Reed (R-NY), and the Senate resolution, S.J.1, is sponsored by Senators Ben Cardin (D-MD) and Lisa Murkowski (R-AK). Adoption of these resolutions would add the ERA to the U.S. Constitution.

For a more detailed explanation of the district court’s ruling, [please see the ERA Project’s FAQ about the district court’s ruling here](#).

“By dismissing the lawsuit, the federal court affirmed that making the ERA part of the U.S. Constitution lies primarily in the hands of the people and their elected representatives,” said Katherine Franke, Faculty Director of [the ERA Project](#) at Columbia Law School. “Yesterday’s ruling is not really a setback for sex equality or the ERA, rather it renews our focus on the bill introduced by Rep. Jackie Speier (with 203 co-sponsors from both political parties) that would declare the ERA fully ratified whenever three-quarters of the states have voted to do so,” continued Professor Franke.

Julie Suk, Professor of Sociology and Political Science at The Graduate Center, CUNY, and one of the professors who filed the academics' amicus brief in the litigation, said, "In concluding that the seven-year ratification deadline was effective, the decision explicitly leaves open the issue of whether Congress can now remove the deadline and validate the late ratifications. The court's reasoning clearly affirms Congress's role as the director of the Article V amendment process. The ball is clearly in Congress's court, where there has been bipartisan support for sex equality as a constitutional principle for the past fifty years."

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*[The ERA Project](#) at Columbia Law School's Center for Gender and Sexuality Law is a law and policy think tank established in January 2021 to develop academically rigorous research, policy papers, expert guidance, and strategic leadership on the Equal Rights Amendment (ERA) to the U.S. Constitution, and on the role of the ERA in advancing the larger cause of gender-based justice.*

*The ERA Project does not engage in lobbying, but instead develops academic, legal and policy expertise to support efforts to expand protections for gender-based equality and justice.*