

The ERA: where are we now?
By AJ Conroy, ERA Illinois

In January, Virginia became the 38th state to ratify the Equal Rights Amendment. The resolution was promptly sent to the National Archivist for certification. This ministerial task is proscribed by federal statute and was the process followed by Nevada, Illinois, the archivist, and every state that ratified the “Madison Amendment” in the 90s. However Alabama, South Dakota and Louisiana sued to prevent the archivist from doing his job. Upon the advice of the Department of Justice (i.e, the lawyers for the Executive Branch), the Archivist has not yet certified Virginia’s ratification.

In response, Illinois, Nevada and Virginia filed a separate lawsuit to compel the Archivist to certify Virginia's ratification and declare the Equal Rights Amendment as added to the US Constitution. Again, this is a clerical task given to the Archivist by a federal law. Meanwhile, a private lawsuit was filed by the group Equal Means Equal (filmmakers). The three lawsuits are in different federal courts. One or all of them is expected to go before the Supreme Court. More on that in a bit.

In another development, the House of Representatives voted on February 13 (Galentines Day!) to remove the Congressional ERA time limit. The resolution is now before the Senate as SJRes6.

What happens next?

There are several possibilities, but no one really knows. The best outcome would be for the Senate to vote this year to remove the time limit, and for the Supreme Court to then defer to Congress on the doctrine of “political question” and affirm that only Congress can author an Amendment. The ERA would then become part of the US Constitution. Another possibility is that the Supreme Court directs the Archivist to certify Virginia's ratification without the Senate taking action. The ERA would then become part of the US Constitution. A third possibility is that a Supreme Court decision dismisses the ERA, and advocates must restart the ratification process.

Much of the future will be determined by the Supreme Court but there is one ERA advocates can influence and that is pushing for a senate vote.

The plan for the Senate.

In Illinois, at the height of ratification efforts, we focused on legislators in contested races. That same strategy can work in the Senate. Pollsters have identified six states as having competitive Senate races. Working under the assumption that Senate Majority Leader Mitch McConnell and party leadership are focused on maintaining a senate majority, our task is to convince them that allowing a vote for the Equal Rights Amendment is critical to winning key Senate races. These key states are Arizona, Colorado, Maine, North Carolina, Georgia, Missouri, Kentucky and Iowa.

What you can do?

Reach out to family friends and peers in those states. Tell them about the Senate and why they could play a crucial role. Not only are they in a pivotal state, but they may be part of a pivotal demographic. Historically, middle-age and older women vote at a higher rate, and politicians know that well. Here are some things they can do 1) call their Senator weekly, 2) attend candidate forums, 3) write a letter to the editor, and 4) host screening of Equal Means Equal. Details and more ideas are located at www.eraIllinois.org/resources.

When to act?

We have a window between now and November. You can make a difference and together we can get this done. #ERAnow!

From AAUW-IL Public Policy Group