

Steve Marshall
Alabama Attorney General



**Attorney General Steve Marshall Announces Victory at the D.C. Circuit
against Long-Expired Equal Rights Amendment**

(MONTGOMERY) – Alabama Attorney General Steve Marshall announced that the U.S. Court of Appeals for the D.C. Circuit affirmed Alabama’s win defending against a lawsuit that sought to compel the U.S. Archivist to certify the long-expired Equal Rights Amendment as part of the Constitution.

In 1972, Congress submitted the proposed Equal Rights Amendment to the states for ratification and set a seven-year ratification deadline. That deadline came and went without the necessary 38 states ratifying the proposed amendment. But in 2018, Nevada purported to become the 36th state to ratify the amendment, followed shortly by Illinois and Virginia. Those states then filed suit to compel the Archivist to certify their untimely ratifications and add the Equal Rights Amendment to the Constitution. Virginia later dropped its suit.

Alabama, Louisiana, Nebraska, South Dakota, and Tennessee intervened in the litigation, arguing that the expiration of the seven-year ratification deadline meant that the amendment process would have to begin anew if the Equal Rights Amendment were to be enacted. The district court agreed, holding that “the ERA’s deadline barred Plaintiffs’ late-coming ratifications.”

Today, the D.C. appellate court affirmed Alabama’s position, holding that the challenging states had not shown a clear legal right to have a federal court order the Archivist to certify the proposed amendment. The court noted that the ratification deadline had long ago expired, and it rejected the challenging states’ argument that the deadline was invalid or could otherwise be ignored.

Attorney General Marshall hailed the win. “Today, the U.S. Court of Appeals for the D.C. Circuit agreed with our argument that Nevada and Illinois cannot purport to ratify a proposed amendment that expired decades ago and then force the Archivist to sneak the Equal Rights Amendment into the Constitution,” said Attorney General Marshall. “This is a significant victory for the rule of law.”

“We are glad the court rejected plaintiffs’ calls to unconstitutionally amend our Constitution,” continued Marshall. “If activists want a new ERA, they should persuade



their fellow Americans that it makes sense, then pass it through Congress and a new state ratification process. As the late Justice Ruth Bader Ginsburg – a noted proponent of the ERA – stated, the ERA cannot become law unless it is ‘put back in the political hopper and we start over again collecting the necessary states to ratify it.’ Any other route would undermine the rule of law upon which we all depend.”

The Court ruling is linked [here](#).