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## **Alabama, Louisiana, and South Dakota File Legal Challenge to Stop Activists from Illegally Rewriting the U.S. Constitution**

(MONTGOMERY) – Alabama, Louisiana and South Dakota have filed a lawsuit in federal court against the Archivist of the United States – the federal officer who oversees the ratification process for constitutional amendments – seeking to prevent him from illegally adding the long-failed Equal Rights Amendment (ERA) to the U.S. Constitution, announced Alabama Attorney General Steve Marshall.

“In 1972, Congress proposed the ERA to the U.S. Constitution and, critically, imposed a seven-year deadline for the necessary 38 states to approve the amendment,” said Attorney General Marshall. “After a period of intense national debate, the ERA fell eight states short. Only thirty-five states ratified, and five of those states – Idaho, Kentucky, Nebraska, Tennessee and South Dakota – reconsidered and rescinded their ratifications before the deadline. Now, forty years later, a group of activists are arguing that both those rescissions and the seven-year deadline can simply be ignored. Two states recently purported to ‘ratify’ the expired amendment, and Virginia is poised to become the ‘38th’ state in a matter of weeks. Though these actions are [legally bankrupt](#), the Archivist of the United States appears to agree with the activists’ approach. He has refused to recognize the rescissions of the five states and has continued to hold open the ratification process.

“If this constitutional bait-and-switch is successful, there will be dire consequences for the rule of law. 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.

“The practical policy impacts of the ERA’s ratification are no less troubling. While Alabama, Louisiana, and South Dakota are firmly committed to equality, the ERA would not promote true equality, but rather a far-left agenda. Where states have passed their own state-law versions of the ERA, courts have interpreted them to [invalidate](#) reasonable restrictions on abortion, [require](#) states to fund abortions, and [mandate](#) that boys be allowed to compete in sports against girls. And it is not hard to imagine courts using a federal ERA to threaten state-funded women’s shelters for excluding men, state prisons for housing women apart from men, or even state colleges for considering sex when assigning roommates.

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“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 Justice Ruth Bader Ginsburg – a noted proponent of the ERA – recently [stated](#), the ERA cannot be law unless it is ‘put back in the political hopper and we start over again collecting the necessary states to ratify it.’

“Until that time, Alabama, Louisiana and South Dakota have filed our lawsuit to protect the progress women have made and the rule of law upon which we all depend.”

*A copy of the lawsuit is linked [here](#).*