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TENNESSEE AND FOUR OTHER STATES MOVE TO HALT ATTEMPT TO ILLEGALLY REWRITE THE U.S. CONSTITUTION

(Nashville) — Tennessee has joined Alabama, Louisiana, Nebraska, and South Dakota in a motion to intervene in litigation over whether the Equal Rights Amendment (ERA) can be placed into the Constitution more than forty years after the 1979 deadline for ratifying the proposed amendment expired.

Three States — Illinois, Nevada, and Virginia — recently sued the Archivist of the United States — the federal officer who oversees the ratification process for constitutional amendments — seeking to require him to add the ERA to the Constitution. In their view, the 1979 ratification deadline is unenforceable, even though Congress and the States understood when the ERA was submitted to the States for ratification in 1972 that the ERA would expire if thirty-eight States (three-fourths of 50) did not ratify it by that deadline. The three States also take the view that, even though five of the States needed to reach thirty-eight changed their minds and rescinded their ratifications before the 1979 deadline, those rescissions do not count.

Tennessee, Alabama, Louisiana, Nebraska, and South Dakota are intervening in the case to argue that the deadline for ratifying the ERA has long expired. The intervenor States will also explain why the decisions of the five States to rescind their ratifications must be given effect.

“Tennessee was one of five states that rescinded its ratification before the 1979 deadline,” said Attorney General Herbert H. Slatery III. “Tennessee has an interest in ensuring that its vote to reject the ERA is given effect and that the explicit timeframe set by Congress to ratify the ERA is enforced. As Justice Ruth Bader Ginsburg recently stated, the ERA cannot become part of the Constitution unless it is ‘put back in the political hopper and we start over again collecting the necessary states to ratify it.’ Until that happens, Tennessee will continue to fight to protect the progress women have made and to defend the rule of law upon which we all depend.”

Click here for a copy of the motion to intervene:

<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2020/pr20-04-motion.pdf>