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# Columbia Law School ERA Project Statement on *Virginia v. Ferriero*

## Press Advisory

**Date:** March 6, 2021

**Subject:** Columbia Law School ERA Project Statement on *Virginia v. Ferriero*

**Contact:** Professor Katherine Franke, Faculty Director, ERA Project, Columbia Law School, [kfranke@law.columbia.edu](mailto:kfranke@law.columbia.edu), 646-489-9001

**Download a pdf of this Press Advisory here.**

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**New York, New York** – Columbia Law School’s [Equal Rights Amendment \(ERA\) Project](#) issued the following comment on the decision issued by federal judge Rudolph Contreras in *Virginia v. Ferriero*, a lawsuit brought to force the Archivist of the United States to finally publish the Equal Rights Amendment:

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, one of the professors who filed the academics’ amicus brief in the litigation, and a member of the ERA Project’s [Academic Advisory Council](#) 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.”

[Visit the ERA Project’s website here.](#)

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*The [ERA Project](#), a law and policy think tank, will develop rigorous academic research, policy papers, expert guidance, and strategic leadership to support the Equal Rights Amendment (ERA) to the U.S. Constitution, and the broader project of advancing gender-based justice.*

*The [Center for Gender and Sexuality Law](#) at Columbia Law School develops research projects and initiatives focused on issues of gender, sexuality, reproductive rights, bodily autonomy, and gender identity and expression in law, policy, and professional practice. The Center’s mission is to formulate new approaches to complex issues facing gender and sexual justice movements.*