

PRESS RELEASE

Baker Donelson Represents the U.S. Conference of Mayors and Three Statewide Organizations in Filing Amicus Brief in Lawsuit Seeking Ratification of the Equal Rights Amendment

June 29, 2020

The United States Conference of Mayors, along with organizations in South Carolina, Georgia and Louisiana devoted to their states' ratification of the Equal Rights Amendment, today filed an amicus brief in support of Virginia, Illinois and Nevada in their lawsuit demanding the federal government add the ERA as the 28th Amendment to the U.S. Constitution.

Represented by Gainesville, Fla.-based [Southern Legal Counsel](#) and the law firm of [Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C.](#), the organizations, which include [Equal Means ERA](#), [38 Agree for Georgia](#) and [LARatifyERA](#), address in their brief the policy implications and outcomes of ratifying or refusing to ratify the ERA.

In January, Virginia became the 38th state to ratify the Equal Rights Amendment, which was authored by suffragist and women's rights activist Alice Paul in 1923 and passed by Congress in 1972 but has yet to become part of the U.S. Constitution. According to Article V of the Constitution, a proposed amendment becomes part of the Constitution as soon as it is ratified by three-fourths of the States, or 38 of the 50 states.

However, the United States is challenging the ERA's validity on the basis that Congress had originally set a ratification deadline of March 22, 1979, for the state legislatures to consider the ERA, and five states rescinded their ratifications in the 1970s.

Virginia, Illinois and Nevada, the three most recent states to ratify the ERA, are all suing the Archivist of the United States, who is responsible for keeping track of constitutional amendments, and has moved to dismiss the states' lawsuit seeking the ratification of the ERA.

The U.S. Conference of Mayors and the other three organizations present arguments in their amicus curiae – a brief offered by someone who is not party to a case – that provide context and support for the plaintiff's arguments.

Among the points raised are that ratification of the ERA would: put the United States in the company of all other industrialized nations in guaranteeing equality for women; lead to sex discrimination claims being subjected to a strict scrutiny analysis by courts along with race, religion and national origin; and provide uniform protections from sex-based discrimination across the United States for the first time in history.

The brief cites pay discrimination based on gender as an example. In spite of the passage of the Equal Pay Act of 1963, employers can still pay men more than women based on factors including salary history "even if those factors are ultimately based on sex" because of a history of pay inequity.

"The citizens of the United States have spoken and affirmatively say that they do not want to be an international outlier. Even North Korea's Constitution provides that 'Women are accorded equal social status

and rights with men," the brief argues. "The U.S. Archivist should add the ERA to the Constitution so that the expressed principle of the American people will be institutionalized."

Funding for Southern Legal Counsel's work on behalf of the organizations filing the amicus brief was provided by Winsome McIntosh, president of the McIntosh Foundation.

About the United States Conference of Mayors

The U.S. Conference of Mayors is the official nonpartisan organization of cities with populations of 30,000 or more. There are more than 1,400 such cities in the country today, and each city is represented in the Conference by its chief elected official, the mayor. Like us on Facebook at [facebook.com/usmayors](https://www.facebook.com/usmayors), or follow us on Twitter at twitter.com/usmayors.

About Equal Means ERA

Equal Means ERA is a nonpartisan group of women and men who have come together to support South Carolina's ratification of the Equal Rights Amendment to the United States Constitution.

About LaRatifyERA

LaRatifyERA is a nonpartisan coalition of organizations working to ratify the Equal Rights Amendment in Louisiana.

About Southern Legal Counsel

Southern Legal Counsel is a statewide, nonprofit law firm that works proactively to ensure fairness, social justice and government accountability for Floridians through focused, high-impact initiatives, policy advocacy and civil litigation.