



CAPITOL HILL REPORT

November 15, 2019

Democrats Legislating Text Away They Don't Like

While lawmakers fought in Longworth, one of the three House office buildings, about impeachment another contentious piece of legislation was being debated in Rayburn.

This was Representative Jackie Speier's (D-CA) resolution, [H.J. Res. 38](#), to remove the original deadline of the 1972 ERA proposal. As you might recall, the Equal Rights Amendment was sent to the states for ratification on March 22, 1972. 38 states needed to approve the amendment within seven years. In that time frame, only 35 states passed the ERA and Nebraska, Tennessee, Idaho, Kentucky, and South Dakota ultimately rescinded their ratifications.

The 1982 Supreme Court decision in [NOW v. Idaho](#) upheld and validated the ratification deadline. But, ERA activists wrongly claim only one state is needed to pass the amendment. And this past election Tuesday, Democrats claimed victory in the fight for the Equal Rights Amendment by gaining control over the Virginia state houses and vowing to [pass](#) the measure.

But to do this, Democrats and ERA advocates must do something about the deadline. Their answer? Simply legislate it away with no regard to precedent and consequences.

ERA supporters forget that the ratification deadline protects Americans. The Supreme Court ruled unanimously in [Dillon v. Gloss](#) (1921) that Congress has the power to choose a reasonable time frame for the states to consider amendments. Amendments [should have](#) a "contemporaneous consensus" or a time frame that protects the Constitution and Americans from amendments that are no longer relevant to current day. Most would agree that we've come a long way since the 1970s.

But, Democrats don't seem to care about contemporaneous consensus. Congressman Steve Cohen (D-TN) brushed off the amending process by [saying](#) he "stands on principle" implying that Democrats are seeking to pass the ERA purely in the name of feminism and to make "progress."

With a quick retort, Congressman Mike Johnson (R-LA) [reiterated](#) that the "process is a critical component of maintaining the rule of law." Without the processes outlined in the Constitution

for amending, the document would be riddled with unnecessary and burdensome amendments that undermine the true meaning of the document.

If Democrats really want to revisit the ERA debate, then they must stop attempting to railroad the ERA through Congress. Americans shouldn't so easily give lawmakers the ability to pick and choose which aspects of law they no longer like. This sets a dangerous precedent allowing Congress to determine which aspects of law they will support or remove.

Eagle Forum will continue to fight all methods of ratifying the ERA and we hope you will too!