

## Twenty-eighth Amendment (ERA) Now in Court

Virginia ratified the Equal Rights Amendment in January 2020 to become the 38th and last State necessary to enshrine it in the Constitution as the 28th Amendment. However, the National Archivist, David Ferriero, refuses to publish the ERA, as required by law, without a court order.

The Attorneys General of Virginia, Illinois and Nevada sued the Archivist seeking a judicial ruling that the ERA is now part of the Constitution and an order requiring the Archivist perform his "purely ministerial duty" to publish the amendment.

The suit, *Virginia et al. v Ferriero*, was filed in U.S District Court in the District of Columbia on June 29, 2020.

To date, ten Friend of the Court (Amicus) briefs have been filed in support of the suit including the **Women's Movement Brief**, signed by 52 organizations. Among them: Michigan ERAmerica and the Michigan Federation of Business and Professional Women. The following national organizations are also Amici on this brief: American Association of University Women, League of Women Voters, and National Organization for Women.

The **Business and Corporate Entities Brief** was filed by a group of 93 companies whose business activities span the breadth of the U.S. economy. These companies include: Goldman Sachs Group; Morgan Stanley; New York Life; Boeing; Google; Build America Mutual; and others.

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## Anti-28th Amendment Attack

The Attorneys General of Alabama, Louisiana, Nebraska, South Dakota, and Tennessee have intervened by filing a motion for a Summary Judgment in the case of *Virginia v Ferriero* on July 7, 2020. The motion asks the Judge to dismiss the suit without a trial.

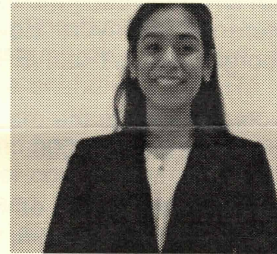
Proponents monitoring the suit are not concerned. They are confident this motion will be rejected and believe their suit is on solid constitutional grounds. They feel that they are prepared to respond to any claims made by the opponents in their motion.

For example, the interveners lose all credibility or standing by claiming that the 48-year old ERA is no longer 'contemporaneous'. Because, all five of their State legislatures voted to ratify the 203-year old 27th (Madison) Amendment.

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## A New Generation of 28th Amendment Supporters!

Meet Akhila Mullapudi a senior at Farmington Hills High School and Michigan Director of Generation Ratify.



Akhila Mullapudi

become national.

Generation Ratify is a youth-lead group fighting for the ratification for the Equal Rights Amendment and the removal of the deadline. It was founded in July 2019, in Arlington, VA, as part of a massive ERA education campaign. The organization has now

Although Akhila's work with ERA began in February 2020, her journey for equal rights began much earlier when she started working and learned about the wage gap.

"It shocked me to see the disparities between a man and a woman's wage as well as how women of color are paid significantly less. To my dismay, I also learned that fewer women made it to the top," Akhila explains.

A few years later, Akhila discovered Generation Ratify, and their mission to ratify the Equal Rights Amendment. She followed them on-line for a few months. When she learned they were looking for State Directors, she applied to become one.

As Michigan State Director Akhila has helped build and maintain Generation Ratify's presence in Michigan with members across the state. The organization is now in coalition and partnership with many organizations in Michigan.

Akhila says, "Being a part of this amazing organization has provided me with many opportunities to meet activists of all ages and causes, learn about politics and grassroots mobilizing, but most importantly has given me a cause worth fighting for."

Welcome, Akhila, to the great cause of Women's Equality.

For more information go to:  
<https://www.generationratify.org/>



## Twenty-eighth Amendment in Court continued

This Brief states that ratification of the Equal Rights Amendment would send a powerful message about the nation's commitment to gender equality and be transformational for the American economy. By eliminating systemic barriers that impede women's economic and social advancement, the Equal Rights Amendment would result in a more just, vibrant, and productive America.

Other Amicus briefs include: **Equality Now and International Organizations; Generation Ratify;** and the **Plaintiff States** of Virginia, Illinois and Nevada. The latter brief includes branches of national women's organizations within these individual states, such as AAUW, LWV and NOW.

The **Southern Legal Counsel Brief** includes the following organizations: The U.S. Conference of Mayors; Equal Means ERA; 38 Agree for Georgia; and LARatifyERA.

The U.S. Conference of Mayors represents the mayors of 1,400 cities with populations greater than 30,000.

Among the points made in this Brief are that all other industrialized nations guarantee equality for women; under the ERA, sex discrimination claims would be subject to greater court scrutiny, as are claims of discrimination based on race, religion, and national origin; and the ERA would provide uniform protection from sex-based discrimination for the first time in history.

The **New York and Other States Brief** was filed by eighteen State Attorneys General, the Governor of Kansas, and the District of Columbia.

In a press release, Kansas Governor, Laura Kelly, said, "After generations of fighting for equal treatment and nearly 50 years after Kansas first passed the Equal Rights Amendment, the required 38 states have ratified it, and the Amendment should take its rightful place in the Constitution. Kansas will join the chorus of other states proclaiming that equal rights belong to all Americans, regardless of sex."

Separately, a **Michigan Brief**, filed by Attorney General, Dana Nessel, recounts the efforts of U.S. Representative Martha Griffiths in the struggle for legal equality. Griffiths circulated a discharge petition in 1971 to blast the ERA out of committee where it had been held captive for 48 years.

The **Oregon VoteERA.org Brief** presents a powerful argument as to why the time-limit is unconstitutional. Here is an excerpt: "if those who debated and drafted the Constitution intended Congress to have the power to limit the time periods for the passage of amendments, they would have expressly stated so... When the Framers wanted a time limitation to govern certain activity, they knew how to say so."

Following are some examples where the Framers added time limitations to certain sections of the Constitution:

"...representatives must be elected every second year, a census be taken every ten years, following the first census and the President may veto a bill or sign a bill into law in

In a brief entitled **Montana**, Governor Steve Bullock, seeks to preserve that State's 46-year old ratification of the ERA.

"[The] States' role as separate sovereigns accountable to their citizens and to the Union requires that their powers to improve the Constitution by lawful amendment remain full and intact. There is danger here of undermining States' well-considered and important role in the balance of powers between two sovereigns. Montana urges the Court to read the Constitution as it is written: When three-fourths of the States ratify an amendment to the Constitution, it "shall be valid."

Lastly, the **Chemerinsky, Feldman, Siegel, Suk Brief** was written by constitutional scholars, Erwin Chemerinsky, Dean of Berkeley Law; Noah Feldman, Professor of Law at Harvard Law School; Reva Siegel, Professor of Law at Yale Law School; and Julie C. Suk, Professor of Sociology and Political Science at City University of New York.

They believe that the fate of the ERA should be decided by Congress not the Court.

"Congress is the only standing body of the national government with a textually prescribed role in amending the Constitution. As such, Congress should have the opportunity to decide whether the ERA has been effectively ratified in the first instance. Congress's historic role in resolving disagreements about constitutional amendment ratification underscores the appropriateness of awaiting action by Congress—as does the intensely political nature of the question."

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## No One Knows What the Court/s Will Do.

It's possible that the Court may follow the reasoning of the Chemerinsky Brief and simply send the 28th Amendment back to Congress to resolve. Therefore, it is imperative that we elect 'Equality Candidates', Candidates that will vote to eliminate the deadline.

**Ask candidates for U.S. House and Senate if they will vote to remove the ERA Deadline.**

**Vote accordingly!!!**



## Anti-28th Attack continued

Proponents do not expect *Virginia v Ferriero* to be heard until after the election. No matter what the Federal District Court decides, there will be an appeal. As a result, the case could end up before the Supreme Court.

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## EME Also Sues Archivist

On June 25, 2020, Equal Means Equal (EME) filed a separate law suit against the National Archivist and the Trump administration in Federal Court in Boston, MA. The suit is entitled *Equal Means Equal v Ferriero*. Yellow Roses, a youth organization of 28th Amendment supporters and a sex assault victim are also plaintiffs.

A powerful cross-section of labor, clergy, artistic, activist, philanthropic, anti-violence and consumer groups have joined the suit as Friends of the Court.

More than four-dozen organizations including Michigan ERAmerica have signed an Amicus Brief and thrown their vital support behind this lawsuit demanding that the U.S. government validate and add the Equal Rights Amendment to the Constitution of the United States.

Wendy Murphy, lead lawyer, in this case, directly attacks the deadline as unconstitutional:

"If this Court rules that Congress may lawfully impose extra-textual (not in text) ratification deadlines on the States, it will be declaring for the first time in history, with retroactive effect, that the National government has unilateral authority to determine whether the Constitution will be amended.

"Such authority would mean that Congress may impose short deadlines on amendments preferred by the States, for the purpose of defeating them, and long deadlines or none at all on amendments favored by Congress.

"This cannot be tolerated under Article V, as the framers were clear that States' amendatory powers should be equal to those of the National government.

Congress' arbitrary handling of ratification deadlines further supports Plaintiffs' position. No deadlines were included in any amendments for the first 130 years of our nation. Congress began imposing deadlines relatively recently with the 18th Amendment in 1917, and has done so only a handful of times, without consistency. A deadline was imposed on the 18th but not the 19<sup>th</sup> Amendment, and when deadlines were imposed, some were placed in the text of the amendment, while others were placed in a preamble." (ERA deadline is in the preamble—not text of the 28<sup>th</sup> Amendment.)

A hearing was held on *EME v Ferriero* on July 14, 2020. The case has two motions pending - the Department of Justice motion to dismiss the case and EME's motion for Summary Judgment - meaning that EME is asking the judge to rule in our favor because the issues cited are purely legal.

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## Making the 28th a National Issue

Virginia advocates, who led that state's successful ERA education campaign in the fall of 2020, have set their sights on making the whole country aware that the ERA is ratified and is now the 28th Amendment to the Constitution.

Towards this end, they have formed a 501(C) (3) coalition called, "**VoteEqualityUS.**"

One strategy is to always reference the fully-ratified 28th Amendment (Equal Rights) and to drop the ERA nomenclature. People need to begin talking about the fact that IT IS an amendment, even if some powerful men are trying to keep from adding it to the Constitution.

Court watchers note that the Supreme Court is aware of public sentiment on important issues. Therefore, developing widespread public support in the court of public opinion is vital to the success of the enshrining the ERA as the 28th Amendment.

The new campaign is designed to promote broader awareness of the need for constitutional equality for women. Primary talking points are: 1. Close the Equality Gap; 2. Equality for Everyone; 3. The Future is Equal; 4. Equality Not Hypocrisy

Vote EqualityUS plans to use social media and public engagement to promote its message. Their new website is: **VoteEquality.US**

Advocates originally planned to sponsor a tour through eight key states for voter education and awareness. They were the non-ratified states of Arizona, North Carolina, South Carolina, and Georgia, and the ratified states of Iowa, Kansas, Montana, and Colorado. Now, because of COVID 19 and logistics, it will just be a **VoteEquality.US** tour.

Information on the need for the 28th Amendment will be presented in virtual town hall meetings, letters to the editor, paid media, and social media.

With the upcoming election now less than four months away, remember to vote for equality candidates. Once elected, we will need to make SURE that the ERA deadline is removed in both the U.S. House and Senate immediately.

Contributions may be given online or sent to:

**VoteEqualityUS**  
c/o Cheralyn Potts  
5710 Saddle Hill Drive  
Midlothian, VA 23112

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## 28th Amendment (ERA) Pilgrimage

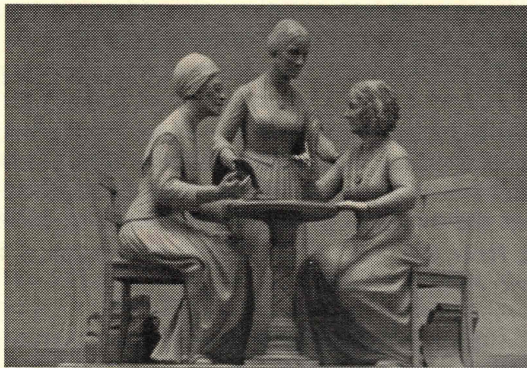
On July 19, 2020, Katrina's Dream Founder, Helene de Boisiere -Swanson, began her third pilgrimage entitled Congress - Remove the Deadline on the E.R.A

Her pilgrimage began in Park Slope, NY and will end in Bar Harbor, ME. This is the city where Swanson's mother-in-law, Katrina Swanson, one of the first women ordained as an Episcopal priest, celebrated a Liturgy in Thanksgiving for the Ordination of Women.

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**Monument of Women's Rights Pioneers  
 Coming to Central Park in August**



A new monument showcasing Sojourner Truth, Susan B. Anthony (standing) and Elizabeth Cady Stanton is set to be unveiled in Central Park on Aug. 26, 2020. This date coincides with the 100th anniversary of the ratification of the 19th Amendment, which gave women the right to vote.

The 14-foot-high bronze and granite composite piece will be the first among Central Park's 23 other statues to honor a woman (women).

The work, now being made at a foundry in Orange County NY, is "quite a monumental achievement," said activist model Natalie White, who in 2016 led a 250-mile march from New York City to Washington, D.C., to raise awareness for the Equal Rights Amendment.

The \$1.5 million cost was raised by the non-profit Monumental Women's Statue Fund, a volunteer group of women's rights advocates, historians and community leaders, and designed by sculptor Meredith Bergmann, who also did the Boston's Women's Memorial and the September 11th Memorial at the Cathedral of St. John the Divine, NY City.

We need statues of real women in Central Park," Bergmann wrote in an online post. "We need to be true to our new

understanding of the historical record which does not shrink from calling out injustice and oppression, or minimize the contributions of people of color or the harms done to people of color."

*Excerpt: Dean Balsamini June 27, 2020 New York Post*

**28th Amendment Pilgrimage** continued

Swanson meets with elected officials on her pilgrimages. However, her focus is influencing religious communities – primarily Episcopal.

Swanson's first pilgrimage, [A Sentimental Journey](#) began on July 19, 2012, in Seneca Falls, N.Y. on the 164<sup>th</sup> anniversary of the Seneca Falls Convention where the Declaration of Sentiments was written and ended in Washington DC.

Swanson's second pilgrimage, [A Quest for Equality](#) began at the Golden Gate Bridge on March 8, 2014 and took her through all 15 then non-ratified states.

During her walks, Swanson has met and influenced numerous people and moved them to action and support of the ERA.

Source: *Cission Newswire Tammy Simpkins 7-20-2020*

*Women's Equality Day Luncheon*

**CANCELLED** due to COVID 19

We are deeply disappointed to have to postpone our celebration of 100 years of Women's Suffrage and Virginia's ratification of the ERA until next year.

Mark your calendars for:

*Saturday, August 21, 2021*