

AFD 228 Equal Rights Amendment

- <http://www.chicagotribune.com/news/local/politics/ct-met-equal-rights-amendment-illinois-history-20180531-story.html>
- <http://www.equalrightsamendment.org/ratification.htm>

- Idaho Ratified March 24, 1972; voted to rescind Feb. 8, 1977
Rescission Article V of the Constitution speaks only to the states' power to ratify an amendment but not to the power to rescind a ratification. All precedents concerning state rescissions of ratifications indicate that such actions are not valid and that the constitutional amendment process as described in Article V allows only for ratification. For example, the official tally of ratifying states for the 14th Amendment in 1868 by both the Secretary of State and Congress included New Jersey and Ohio, states which had passed resolutions to rescind their ratifications. Also included in the tally were North Carolina and South Carolina, states which had originally rejected and later ratified the amendment. In the course of promulgating the 14th Amendment, therefore, Congress determined that both attempted withdrawals of ratifications and previous rejections prior to ratification had no legal validity.

Therefore, it is most likely that the actions of the five states — Idaho, Kentucky, Nebraska, South Dakota, and Tennessee — that voted to rescind their ratification of the ERA between 1972 and 1982 are a legal nullity.

A 1981 court decision (*Idaho v. Freeman*) in the U.S. District Court of the District of Idaho is sometimes inaccurately cited as support for the claim that the ERA time extension was invalid and rescission votes are permissible.

This decision was appealed to the Supreme Court, which did not hear arguments on the appeal before the June 30, 1982 ratification deadline passed. As the Congressional Quarterly's 1982 CQ Almanac explained, "Not only did the justices dismiss the cases as moot, they also vacated the lower court decision [*Idaho v. Freeman*], wiping it off the law books and rendering it useless as a precedent, a partial victory for those challenging it."