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Leroy regrets high court shuns ERA case

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Attorney General David H. Leroy Friday expressed regret the U.S. Supreme Court declined to decide whether the Equal Rights Amendment was legally dead before the June 30 deadline.

The court dismissed a case in federal court upholding Idaho's revocation of its earlier approval of the amendment.

Leroy said, however, the states still had scored some legal points on the issue.

U.S. District Judge Marion Callister, Boise, last Dec. 23 ruled that the proposed ERA had died three years ago, holding that Congress acted unconstitutionally when it extended the ratification deadline three years. He also ruled that states were free to rescind previous ratification votes. Idaho was one of five states to rescind. The others were Nebraska, Tennessee, Kentucky and South Dakota. Thirty-five of the required 38 states had adopted the ratification.



David H. Leroy

The Supreme Court ruling now means the justices will not decide the deadline-extending and rescinding issues, said Leroy.

Leroy said he feels the high court declined an excellent opportunity to settle broader legal issues involving the ratification.

Leroy said "our case since June 30, without the amendment's political outcome still hanging in the balance, presented the best possible opportunity to announce enduring rules for future clarification of the fundamental process of amending and protecting our constitution. The nation faces recurring troublesome questions about this procedure. The many proposed amendments currently being argued in Congress, favoring many topics and political philosophies, show the need to decide the issues raised by Arizona and Idaho in this lawsuit."

"Arizona and Idaho had consistently maintained that the case should be heard by the Supreme Court because it involved the integrity of the amendment process rather than political fate of the expired proposed 27th amendment, that the rescission by Idaho was properly accomplished, and that Congress' attempted three-year extension of the time for ratification was null and void," he said.

"We have made an important point on principle by filing and pushing this case to the Supreme Court."

Leroy said the lawsuit cost about \$1,000, exclusive of the cost of staff time.