

# Experts Say Congress Can Extend Ratification of Rights Amendment

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WASHINGTON, Nov. 1—The Justice Department and private legal experts held today that Congress has the authority to grant states an additional seven years in which to ratify the equal rights amendment.

The opinions were offered in testimony before a subcommittee of the House Judiciary Committee that is considering the proposed seven-year ratification extension.

The states now have until March 22, 1979, to ratify the amendment, which would bar legal discrimination against women because of their sex. So far, 35 of the required 38 state legislatures have ratified the amendment, but three states—Idaho, Nebraska and Tennessee—subsequently clouded the outcome by rescinding their approval.

The issue that the subcommittee is considering is torhny, because not all proponents of the amendment favor extension of the ratification deadline. Some believe that, by extending the deadline, the momentum for ratification by the current imomentum for ratification by the current expiration date will be sharply diminished.

## Extension Called 'Insurance Policy'

However, two sponsors of the extension proposal — Representative Elizabeth Holtzman, Democrat of Brooklyn, and Margaret M. Heckler, Republican of Massachusetts—contended today that the extension was needed as an "insurance policy" in case sufficient states fail to ratify by 1979.

Asked why the sponsors did not wait until next year to propose the extension, M. Heckler replied. "That's an election year and too many members may find this a politically difficult issue."

The Carter Administration has endorsed the proposed extension, and has urged

ratification of the amendment.

All of those testifying or offering prepared briefs before the subcommittee today said that Congress, by a simple majority vote, could grant a seven-year extension for ratification, thus allowing a total of 14 years in which the states could ratify the amendment.

The Constitution requires a two-thirds vote of both the Senate and the House in proposing a constitutional amendment but, the legal experts agreed, a two-thirds vote would not be required in adjusting the deadline for ratification, because the amendment itself did not set a specific time limit. Only the preamble to the proposed constitutional change set a seven-year limit.

## Validity of Rescissions Debated

While agreeing that Congress has the authority to extend the ratification deadline, the experts disagreed on the issue of the validity of ratification rescissions that have taken place or might take place in other states.

John M. Harmon, an Assistant Attorney General, testified that a state that had ratified an amendment "is powerless to rescind that ratification," adding that Article V of the Constitution gave the states the power to ratify a proposed amendment but not the power to reject.

Laurance H. Tribe, professor of law at Harvard University, took an opposite view, saying that only when 38 states had ratified the amendment could Congress decide whether the ratification rescissions were valid.

A memorandum supporting the authority of Congress to extend the ratification deadline was submitted to the subcommittee by the National Organization for Women. The memorandum was approved by a group of prominent law school professors.