

# POST-DISPATCH

FINAL

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2:50 P.M. New York Stocks  
Pages 4B and 5B

MONDAY, OCTOBER 4, 1982

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## Deal Denied

tract students St. Louis school board has supported city-county desegregation efforts.

he last Rava called the action "the crowning result and conclusion of a long series of precedents. The Supreme Court has denied (review) ... of the case at least three times. It is very important to the orderly dispatch of the pending aspects of the case."

ft said he was "very" at the decision but added in no way undermines continuation of the state on in the court

N. Page 8

## Supreme Court Declares ERA Issues Legally Dead

WASHINGTON (UPI) — The Supreme Court today closed the coffin lid on the 10-year-old Equal Rights Amendment. The court declared the amendment legally dead and refused to rule on questions raised about the ratification process.

The justices dismissed a case over a federal court ruling that upheld Idaho's revocation of its earlier approval of the ERA. They declared the issues "moot" — no

longer presenting a live controversy.

The court had temporarily blocked the ruling in January. Today, it wiped the decision off the books so that it could not serve as a precedent.

The amendment was adopted by Congress in March 1972. It officially died on June 30, when the amendment gained approval of only 35 states. This was 3 states

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OFFICE OF THE CLERK  
SUPREME COURT OF THE UNITED STATES  
WASHINGTON, D. C. 20543

October 4, 1982

The Honorable Lawrence G. Wallace  
Acting Solicitor General  
U. S. Department of Justice  
Washington, DC 20530

Laurence H. Tribe, Esq.  
1525 Massachusetts Avenue  
Cambridge, Massachusetts 02138

RE: National Organization for Women, Inc., et al. v. Idaho (No. 81-1282); National Organization for Women, Inc., et al. v. Idaho, et al. (No. 81-1283); Gerald P. Carmen, Administrator, General Services v. Idaho, et al. (No. 81-1312); Gerald P. Carmen, Administrator General Services v. Idaho, et al. (No. 81-1313)

Dear Counsel

The Court today entered the following order in the above-entitled case:

'Upon consideration of the memorandum for the Administrator of General Services suggesting mootness, filed July 9, 1982, and the responses thereto, the judgment of the United States District Court for the District of Idaho is vacated and the cases are remanded to that Court with instructions to dismiss the complaints as moot. United States v. Munsingwear, Inc., 340 U.S.36 (1950).'

Very truly yours,

ALEXANDER L. STEVAS, Clerk

By

Francis J. Lorson  
Chief Deputy Clerk

rjb

cc: Counsel of record  
Gerold L. Clapp, Esq., Clerk, U. S. District Court for  
the District of Idaho (your No. 79-1097)  
Phillip Winberry, Esq., Clerk, U. S. Court of Appeals for  
the Ninth Circuit (your No. 79-4844)

Administrator not to list Idaho as a ratifying state; and an injunction restraining the Administrator from taking account of any ratification that occurred after the expiration of the original seven-year period (*id.* at 2a).

The district court ruled in favor of plaintiffs. It held that plaintiffs had standing to sue and that their claims were ripe and did not present a political question (81-1282 J.S. App. 13a-76a). The district court then declared that the state rescissions nullified the prior ratifications, that Congress could establish the period in which ratifications would be valid only by a two-thirds vote, and that in any case Congress lacked the power to extend the ratification period for a proposed amendment once that period had been established (*id.* at 76a-93a).

The Administrator and NOW appealed to the United States Court of Appeals for the Ninth Circuit, filed petitions for a writ of certiorari before judgment to that court, and docketed appeals in this Court. On January 25, 1982, the Court granted the petitions for a writ of certiorari, postponed further consideration of the question of jurisdiction on appeal to the hearing of the cases on the merits, consolidated the cases, and stayed the judgment of the district court.

3. On June 30, 1982, the extended period for ratifying the Amendment expired. The Administrator informs us that no state transmitted a ratification of the Amendment during the period after the original expiration date of March 22, 1979. Congress has not passed any additional extension.

Consequently, the Amendment has failed of adoption no matter what the resolution of the legal issues presented here, and the Administrator informs us that he will not certify to Congress that the Amendment has been adopted. Even if all the ratifications remain valid, the rescissions are disregarded, and Congress is conceded the power to extend the

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NATIONAL ORGANIZATION FOR WOMEN, INC., ET AL. v. IDAHO ET AL.  
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SUPREME COURT OF THE UNITED STATES

459 U.S. 809; 103 S. Ct. 22; 1982 U.S. LEXIS 3006; 74 L. Ed. 2d 39;  
51 U.S.L.W. 3251; 30 Empl. Prac. Dec. (CCH) P33,063

October 4, 1982

**PRIOR HISTORY:**

Appeal from D.C. Idaho. [Probable jurisdiction postponed, 455 U.S. 918];  
C.A. 9th Cir. [Certiorari before judgment granted, 455 U.S. 918];  
Appeal from D.C. Idaho. [Probable jurisdiction postponed, 455 U.S. 918]; and  
C.A. 9th Cir. [Certiorari before judgment granted, 455 U.S. 918.]

**OPINION:**

Upon consideration of the memorandum for the Administrator of General Services suggesting mootness, filed July 9, 1982, and the responses thereto, the judgment of the United States District Court for the District of Idaho is vacated and the cases are remanded to that court with instructions to dismiss the complaints as moot. *United States v. Munsingwear, Inc.*, 340 U.S. 36 (1950).