

Department of Justice
Washington, D.C. 20530

1 MAY 1980

MEMORANDUM FOR KEVIN D. ROONEY
Assistant Attorney General for Administration
Office of Management and Finance

Re: Legality of an Executive Branch Boycott
of States which have not Ratified the ERA.

We suggest the following response to the House Judiciary Committee's first question concerning the legality of an Executive Branch boycott of States which have not ratified the ERA. We are also sending a copy of our proposed response to the Office of Legislative Affairs for their review.

- (1) There has been recent litigation concerning the alleged Department of Energy policy not to schedule agency events in States which have not ratified the ERA. Senator Orrin Hatch, et al. v. James Earl Carter, et al. (D.D.C., 1980). However, we understand that both the President and the Department of Energy have disavowed any such policy of "boycotting" States which have not ratified the ERA. Accordingly, a joint stipulation of dismissal was filed by the parties in the above litigation on April 25, 1980.

In light of the current litigation and the fact that there is no actual Executive policy on this subject to scrutinize, we cannot address the merits of your inquiry. We have attached for your information, a copy of the stipulation of dismissal which was filed in the Hatch litigation.

Larry L. Simms
Deputy Assistant Attorney General
Office of Legal Counsel

cc: Alan A. Parker
Jose N. Uranga
Robert N. Ford