

Quick facts about the Equal Rights Amendment (ERA)

Complete Text of ERA: Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex. Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article. Section 3. This amendment shall take effect two years after the date of ratification.

The Equal Rights Amendment (ERA) was passed by Congress in 1972 and sent to the states for ratification. It was approved by 35 of the necessary 38 state legislatures. Despite an extension of the ratification deadline from 1979 to 1982, organized opposition prevented any more state ratifications. Every year since 1982 the ERA has been introduced in the House and the Senate but it has never again been voted on by Congress.

In 2011 resolutions were introduced in the House and the Senate to do away with the deadline for ratification so that the effort may proceed to get the last three states needed to ratify it (the 3-state strategy). Once the last 3 states ratify it, the ERA will be added to our Constitution and all citizens will be guaranteed “equal justice under law” as inscribed in the front wall of our Supreme Court. The 2014 3-state strategy ERA resolutions are S J Res 15 sponsored by Senators Ben Cardin and Mark Kirk and H J Res 113 sponsored by Representative Jackie Speier.

National polls have shown that well over 90% of US adults believe that male and female citizens should have equal rights affirmed by the Constitution. In fact, over 70% of those polled assumed that the Constitution already includes such a guarantee.

Why do we need the ERA? We need it because:

1. Equal justice under the law is a basic human right.
2. Without it women are not guaranteed equal justice under the law, as men are by our Constitution. The 14th amendment’s equal protection clause does not protect against sex based discrimination.
3. Lack of recognition of women’s equality in the Constitution engenders, promotes and perpetuates the impression that women are not the equal of men in our society and that impression leads to unequal treatment of women in all spheres of endeavor and to *de facto* inequality
4. Depending on where they live, women are subject to a patchwork of discriminatory laws that change from one state to another and affect them as they move and resettle around the country
5. Cases of discrimination based on sex should receive the highest level of strict judicial scrutiny in their adjudication as is already done for cases of discrimination based on race, religion and national origin.
6. Advances in women’s rights that have been achieved over the past century are being rolled back and rescinded and new discriminatory laws are being enacted in many states.
7. Without it women will have to continue to fight long, expensive, draining and distracting political and legal battles to ensure that their rights are constitutionally equal to the rights automatically held by men .
8. It would improve the standing of the United States globally to have a specific guarantee of equal rights for women in our Constitution, as many other countries currently have.
9. Ninety years of protective legislation have not brought women equal justice under the law. Only the Equal Rights Amendment will do that.

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*** Some concerns expressed in the past about the consequences of passing an equal rights amendment: it would lead to same-sex bathrooms; it would lead to same-sex marriages; women would lose their ability to collect alimony; women would be responsible for 50% of a family's income; there would be "abortion on demand"; women would be subject to being drafted into the military; and many others. Most of these issues were misrepresentations of the intent and possible results of the ERA. In fact, time has proven them to be irrelevant.

*** What has happened is that without an ERA, even the modest gains that have been made over the past 100 years to help protect women's rights are being eroded and rescinded. Protective laws at the state level, such as the Wisconsin Equal Pay Enforcement Act that was intended to address the persistent wage disparity between women and men in the same job, are being revoked. Even though abortion is a constitutionally protected right, in 2011 there were 92 provisions included in state laws that restrict access to abortion services. Additionally, even well-meaning federal laws have failed to achieve equality. The Equal Pay Act was signed in 1963 at a time when women earned 59% of what men were paid. Women now earn 77 cents for every dollar men are paid for the same work. That figure is 69 cents for African-American women and 52 cents for Latinas. Contrary to popular belief, the Lilly Ledbetter Fair Pay Act of 2009 does not ensure equal pay for equal work. It only allows for a longer period of time during which suits in cases of pay discrimination may be brought. Even the bitterly fought and just re-authorized Violence Against Women Act will be up for renewal again in 5 years.

States that have ratified the ERA: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, Wisconsin and Wyoming.

States that have **not** yet ratified the ERA: Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, South Carolina, Utah and Virginia.

States that ratified the ERA and also have an equal rights amendment/wording in their state constitutions:: Alaska, California, Colorado, Connecticut, Hawaii, Iowa, Maryland, Massachusetts, Montana, New Hampshire, New Jersey, New Mexico, Pennsylvania, Texas, Washington and Wyoming.

States that did **not** ratify the national ERA but have an equal rights amendment/wording in their state constitutions: Florida, Illinois, Louisiana, Utah and Virginia

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