

“TO FORM A MORE PERFECT UNION” --RATIFY THE EQUAL RIGHTS AMENDMENT

WHAT IS THE TEXT OF THE EQUAL RIGHTS AMENDMENT?

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

WHY IS THE ERA NEEDED?

- The majority of American citizens (women) still do not have constitutionally guaranteed rights except the right to vote.
- *Without this guarantee of equality, all laws can be overturned by a single majority vote in state legislatures or in Congress.* This fact is being demonstrated daily in our current political scene.
- Some claim that the 14th Amendment gives women those rights, but sex discrimination cases based on the amendment have usually lost. Justice Antonin Scalia has stated flatly that the Constitution does not prohibit sex discrimination.
- Currently our courts view sex discrimination cases with **intermediate** or **rational scrutiny**, whereas cases of discrimination based on race, religion, and national origin are treated with **strict scrutiny**.
- The ERA will protect men as well as women and would require fair treatment in cases of family law, military service, and other areas. Currently men file about half the sex discrimination cases before the Supreme Court.

A 90-YEAR STRUGGLE

- Dr. Alice Paul, a Republican who held doctoral degrees in economics and in civil law, wrote the Equal Rights Amendment in 1923. She recognized that only a constitutional amendment could guarantee that women’s economic, political, social, and civil rights would not be subject to governmental tyranny.
- Republicans added the ERA to their party platform in 1940, and Democrats followed in 1944. It was not until 1972 that a bipartisan Congress finally achieved the 2/3 approval needed to send the ERA to the states for ratification. But Congress tacked on a seven-year time limit (later extended by three more years) on the states. The ERA was assumed to have expired in 1982, just three states shy of victory.
- A decade later, the 27th (Madison) Amendment, originally written in 1789, was ratified by 38 states after 203 years. Their action prompted legal analyses that concluded that the ERA remains legally viable and properly before the states.

HOW WILL THE ERA CHANGE THINGS?

- *Little will change overnight*, but the ERA will make sex discrimination illegal in government wherever it exists. Over time, equality would be upheld in credit, wages, employment, insurance, education, and sports—to name just a few areas.
- A constitutional amendment sends a clear message that discrimination cannot be tolerated and strict scrutiny would be applied to every case.

WHERE DOES THE ERA STAND NOW?

- North Carolina, one of 15 unratified states, will be urged to consider the ERA in 2015. Three more states are needed to make it part of the Constitution.
- ERA campaigns have been active in Arizona, Florida, Illinois, Louisiana, Missouri, North Carolina, and Virginia.
- **RATIFY ERA-NC** is building a statewide network of women and men to educate citizens and promote grassroots advocacy for ERA ratification. Already nineteen organizations have endorsed this effort.
- Some people question whether the ERA is still legally viable because of the deadline. To clarify the issue, **resolutions will be introduced in both houses of Congress this spring to eliminate the deadline and specify that only three more states must ratify in order for the ERA to become part of the Constitution.** The alternative, “start-over” strategy would begin the whole process anew, with 38 state ratifications needed—perhaps taking another 90 years.
- Passage of these congressional resolutions will send an important signal to legislatures that still use the time limit as an excuse not to consider the ERA. **We must urge our members of Congress to cosponsor the resolutions.**
- Women appear to have become scapegoats for an increasingly disrespectful, vicious, and ideologically skewed debate among lawmakers who ignore their responsibility to promote the general welfare.
- A national survey in 2001 showed that an overwhelming majority of women and men believed the U.S. needs the ERA in the U.S. Constitution.
- **RATIFY ERA-NC** is currently applying for a 501(c)(3) designation under the federal tax code.

ADDRESSING OBJECTIONS

- *Some believe that since the deadline for ratification of the ERA expired in 1982, the amendment is dead.* However, the deadline has already been changed once, thus setting a precedent. And the 27th Amendment, dealing with congressional pay raises, became part of the Constitution after 203 years.
- **Second**, Congress or the Supreme Court will determine validity of the deadline, once three more states ratify.
- **Third**, the U.S. has insisted that all new constitutions adopted in other countries since WWII—including Afghanistan and Iraq—include equal rights for men and women.
- **Fourth**, the fact that legislators are still voting against the ERA in states where advocates are attempting to ratify it, shows that **sex bias is still very much in evidence.**
- **Fifth**, some express fears that the ERA would impinge on states’ rights. In truth, the amendment would require that all state laws apply equally to women and men--not truly an impingement.
- **Sixth**, opponents in the past raised fearful objections as they fought to preserve white male-dominated relationships in certain populations. With the ERA in place, men and women in those groups may continue to do whatever they want personally, while the remaining, much larger, majority of the population could move forward with beneficial equal rights.

WHAT YOU CAN DO

- Write or call your members of Congress and urge them to cosponsor the resolutions to eliminate the deadline and make ERA part of the Constitution after 3 more states ratify. Call the Capitol switchboard: 1.877.762.8762.
- Encourage organizations to which you belong to endorse the ERA and the three-state strategy.
- Ask your friends and family to speak out for the Equal Rights Amendment. Explain why you support the ERA and urge them to support it when it comes up in 2015.

HOW TO REACH RATIFY ERA-NC:

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Visit our website at www.era-nc.org Visit www.United4Equality for national updates from Washington DC.