

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. By 1979, it had been approved by 35 of the necessary 38 state legislatures. Despite an extension of the ratification deadline until 1982, organized opposition prevented any more state ratifications. Every year since 1982 the ERA has been introduced in the House and Senate. Resolutions to remove the deadline for ratification have been introduced since 2011. These resolutions have garnered some votes in both houses of Congress, but no other action has ensued. Nevertheless, activists continued their work to get three states to ratify it. Nevada ratified in 2017, Illinois in 2018, and Virginia in 2020. Legal battles are ongoing to have the US Archivist accept the Amendment and enter it into the Constitution, and to fight claims that the deadline makes it impossible for ERA to become the law of the land. Additionally, activists are asking President Biden to direct the US Archivist to publish the amendment so that it can become part of US law.

National polls have shown that well over 90% of US adults believe that male and female citizens should have equal rights included in the Constitution, and 70% believe they already are. For ongoing ERA actions in Congress, search under 'Bills' at <https://www.govtrack.us>

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, ethnicity and place of 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 ERA 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-nine years of protective legislation have not brought women equal justice under the law. Only the Equal Rights Amendment can do that.

Quick facts about the Equal Rights Amendment (ERA) - page 2

*** Some concerns being expressed now about the consequences of passing ERA mirror many of those 50 years ago: women will be subject to the military draft; workplace laws and Title 9 provisions intended to protect women will be undermined; transgender women will use women-only restrooms and locker rooms; abortion on demand.

*** Without Constitutionally Guaranteed Equal Rights (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. The precedent-making *Roe v Wade* decision was overturned by the six conservative justices of the Supreme Court in 2022. Dozens of draconian provisions have been added to state laws to restrict or deny women's access to reproductive healthcare services, including abortion.

More importantly, 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 83 cents for every dollar men are paid for the same work. That figure is 69 cents for African American women and 56 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 against pay discrimination may be brought. Even the bitterly fought and re-authorized Violence Against Women Act comes up for renewal every 5 years. (Does anyone think that violence against women will end in any 5-year period?)

States that have ratified the ERA: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois (2018), Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada (2017), New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Vermont, Virginia (2020), Washington, West Virginia, Wisconsin and Wyoming.

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

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 (added 1973), Oregon (added 2014), Pennsylvania, Texas, Washington and Wyoming. (New York may do so in 2022.)

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

Sylvia Ramos Cruz, smrcmd@hotmail.com Revised 07/24/2022

EqualMeandEqual.org ~ ERACoalition.org ~ AlicePaul.org ~ GenerationRatify.org