

ERA Ratification in the U.S.



www.equalrightsamendment.org/states.htm

The 15 states that have not yet ratified the Equal Rights Amendment are:

Alabama
Arizona
Arkansas
Florida
Georgia
Illinois
Louisiana
Mississippi

Missouri
Nevada
North Carolina
Oklahoma
South Carolina
Utah
Virginia

Purple States = Ratified

Gold States = Unratified

"Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't."

- Supreme Court Justice Antonin Scalia 2010

ERA Resources/Contacts

State Level

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National Level

www.equalrightsamendment.org Roberta
Francis, Founding Chair, ERA Task Force, National
Council of Women's Organizations

www.eracoalition.org Jessica Neuwirth,
President and Bettina Hager, DC Director,
ERA Coalition.

www.eraaction.org Cathy Kaelin and Tammy
Simkins, Co-Directors ERA Action.

www.eraeducationproject.com Kamala Lopez,
ERA Education Project, Women's Rights
Advocate and Documentarian.

www.thomas.loc.gov/home/thomas.php
Thomas, Library of Congress. Locate bills.

www.thenewpress.com/books/equal-means-equal Equal Means Equal: Why The Time for an Equal Rights Amendment Is Now - Jessica Neuwirth, Founder Director, ERA Coalition and Donor Direct Action; Former Director New York Office of the United Nations High Commissioner for Human Rights.

A Woman's Civil Right to
Equal Constitutional Protection



NC4ERA

**Equal Rights
Amendment**

*The Time
Is NOW*

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.

"Every constitution written since the end of World War II includes a provision that men and women are citizens of equal stature."

"Ours does not."

- Supreme Court Justice Ruth Bader Ginsburg

NC4ERA is a project of
NC National Organization for Women
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Twitter: @NC4ERANOW

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Why ERA

"Born female, not one 'Woman American' has ever drawn a breath fully equal under her own constitution." - Marena Groll, NC4ERA

The ERA is an important statement of principle.

The U.S. Constitution, the highest and most formal statement of our human rights principles, doesn't include a sex equality provision. Most countries do. Equality between the sexes is a fundamental human right that should be guaranteed in the Constitution.

Sex discrimination continues to limit equal opportunity and justice for women. Economic inequality, pregnancy discrimination, violence against women, and other forms of discrimination are pervasive leaving women without effective legal recourse. State laws are not uniform and federal laws are not comprehensive. **Also, these laws can be at any time, and in some cases have been, rolled back.**

The Equal Protection Clause of the Constitution doesn't protect women from sex discrimination.

The 14th Amendment provides equal protection of the law, but claims of discrimination on account of sex invoke intermediate rather than strict scrutiny. This is a lower standard of judicial review than for racial discrimination claims.

www.eracoalition.org/about.php

Legal History

"The Equal Rights Amendment (ERA), written by suffragist leader Alice Paul, was first proposed and introduced in U.S Congress in 1923. It was passed by Congress in 1972 and sent to the states with a seven-year deadline for ratification. Although Congress extended the deadline to June 30, 1982, the ERA received only **35 of the necessary 38 state ratifications**. The amendment has been **reintroduced in every session of Congress** since that time." -

www.equalrightsamendment.org

Two Strategy Approaches

There are two approaches to passing the ERA. Most advocates support both. The three-state strategy operates on Congress already having passed the ERA and 35 states having ratified it. We only need 3 more states to ratify it to reach the needed 38 states. The other is a fresh start strategy. Congress would need to pass an ERA again and 38 states would need to ratify it. There are national bills addressing both approaches. The sponsors of these bills advocate for both approaches. Both have advantages and face challenges.

Three-state strategy

The ERA passed Congress in 1972. We need ratification in 3 more of the 15 state legislatures that did not ratify the ERA during the 1972-82 ratification campaign. Legal analysis supports the conclusion that the ERA is still viable and properly before the states for ratification. Article V of the Constitution imposes no time limit for ratification of amendments. Congress can alter time limits in the proposing clauses of amendments (lift the deadline). The deadline for the ERA appeared only in the preamble and not in the actual legislation. The ratification of the Madison (27th) Amendment 203 years after it was first proposed supports the premise that state ERA ratification votes since 1972 are sufficiently contemporaneous.

www.equalrightsamendment.org/strategy.htm#legal_analysis

Fresh start strategy

The ERA would pass following the traditional process outlined in Article V of the Constitution. This requires passage by a two-thirds majority in the Congress (U.S. Senate and House) followed by ratification by legislatures in three-quarters (38) of the 50 states. www.archives.gov/federal-register/constitution/article-v.html

Current National Legislation

In the 114th US Congress, there are 2 sets of joint resolutions sponsored by legislators using both strategies to pass the ERA:

Three-state, lift deadline

Senate Joint Resolution 15 (SJRes15)
Sen. Ben Cardin

House Joint Resolution 51 (HJRes51)
Rep. Jackie Speier

Fresh start, traditional

Senate Joint Resolution 16 (SJRes16)
Sen. Robert Menendez

House Joint Resolution 52 (HJRes52)
Rep. Carolyn Maloney

Current NC Legislation 3-State Strategy

In the long session of the NCGA in 2015, ERA bills were sponsored by Sen. Floyd McKissick (D) (S184) and Rep. Carla Cunningham (D) (H166).

Although neither of the bills were heard in or progressed out of committee hearings, both **NC4ERA** and **Ratify ERA-NC** are wholly dedicated to North Carolina becoming one of the states to ratify the ERA of the three states that are still needed to amend the US Constitution.

ERA-NC Alliance

NC4ERA is honored to be a founding member of ERA-NC, a statewide ERA alliance that was forged on February 4, 2016 in direct collaboration with the national ERA Coalition. The alliance is proud to serve as a national model for alliance building.

To join this alliance visit: www.era-nc.org.

Questions? Contact Marena Groll at:
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