

## Why do we need the ERA?

- ✓ Equal justice under the law should be a basic right of citizenship.
- ✓ The 14th amendment's equal protection clause does not apply to sex based discrimination. See *Minor v. Happersett* or *Bradwell v. Illinois*. That's why women needed an amendment just to vote.
- ✓ The Constitution's silence on gender 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.
- ✓ Depending on where one lives, women are subject to a patchwork of laws. Women living in some states, like Illinois, are lucky have a state ERA, unlike Michigan and Wisconsin.
- ✓ Cases of sex discrimination should be reviewed under the same standard as for cases of discrimination based on race, ethnicity and national origin—strict scrutiny.
- ✓ Without it women continue to fight long, expensive, and draining battles to ensure equal rights now automatically held by men.
- ✓ Ninety years of piecemeal legislation have not brought women equal justice under the law. Only the Equal Rights Amendment can do that.
- ✓ The United States fails in its global leadership as long as there is no a specific guarantee of equal rights for women in our Constitution.
- ✓ Afghanistan's constitution has an ERA and the USA does not.

## EQUAL RIGHTS AMENDMENT

**American Fairness ~ Economic Growth ~ Global Leadership**

**#SJRCA4**

# Equal Rights Amendment

## Background and history of the Equal Rights Amendment

- Under current law, there is no federal constitutional provision that expressly guarantees equality on the basis of sex.
- Congress passed the ERA in 1972 and established an original ratification deadline of 1979.
- Thus far, 36 states have ratified the ERA out of 38 required to amend the Constitution.
- Though the deadline to pass the ERA has technically passed, a Supreme Court ruling, and the historical precedent of the 27<sup>th</sup> (aka “Madison Amendment”) shows that the deadline is discretionary.

## Passing the ERA in Nevada

- On March 22, 2017, Nevada voted to ratify the Equal Rights Amendment becoming the 36th state to do so. Nevada was the first state in four decades to ratify the ERA.
- There was some opposition to ratifying the ERA. Some argued that voting to ratify it was merely symbolic.

## History of the ERA in Illinois

- In May 2014, the Illinois Senate adopted the ERA, but it failed to advance to the House.
- Both chambers of the Illinois legislature have attempted to ratify the ERA in the past, including the House in 2003.
- In all instances, a majority of members voted in favor of ratification but the results were less than the 3/5s supermajority required for ratification by the Illinois state constitution.

## Current Equal Rights Amendment Legislation

SJRCA4 proposes to ratify the Equal Rights Amendment to the U.S. Constitution, making it the 28<sup>th</sup> Amendment. The text of the Equal Rights Amendment includes only three provisions:

1. Equality of rights under law shall not be denied or abridged by the United States or any State on account of sex.
2. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.
3. The Amendment shall take effect two years after the date of ratification.