

## EQUAL RIGHTS AMENDMENT (ERA) FACTSHEET

### \* What is the text of the Equal Rights Amendment?

#### 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.

### \* Why is it needed?

The majority of American citizens (women) still do not have any incontestable, constitutionally guaranteed rights to self-determination as whole, free persons other than the right to vote.

Some claim that the 14<sup>th</sup> amendment gives them those rights, but in Section 2 of that amendment, “persons” are identified as “male”.

All statutory laws and State ERAs can be overturned by a simple majority vote in our states or in the congress without a written constitutional guarantee.

Currently, our courts view sex discrimination cases with *intermediate or rational scrutiny*, as opposed to cases of discrimination on the basis of race, religion and national origin which are treated with *strict scrutiny*. Consequently, the same sex discrimination suits occur over and over again since they are not backed up with a constitutional amendment, and so are subject to interpretation by the prevailing mores of the times.

This amendment would apply to men as well as women and would require fair treatment in cases of child custody, the draft, etc. Currently about half the sex discrimination cases before the Supreme Court are filed by men.

### \* What will change with passage of the ERA?

Little will change overnight. The ERA will make sex discrimination/inequality illegal in government wherever it is now practiced. Race discrimination was not eradicated overnight either, but with a constitutional amendment, our government gave a clear message that discrimination would not be tolerated and strict scrutiny applied to every case.

Over time equality would be upheld in areas where there is currently discrimination such as insurance, wages, hiring, education and sports to name just a few.

### \* Objections

There are some who believe that because the timeline for ratification for the ERA expired in 1982 that it is dead. **First**, the timeline has already been changed once which sets a precedent. **Second**, the validity of the timeline will be determined in court, once three more states ratify. **Third**, The US has seen to it that all new constitutions adopted in other countries since WWII (including Afghanistan and Iraq) include equal rights for men and women. It is sheer hypocrisy on our part not to support the equality of more than half of our own population. **Fourth**, the fact that legislators are still voting against this amendment shows that sex bias is still very much in evidence in our country. It is inconceivable in this day and age that over one half of the population is not treated equally under the law.