“Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.”

~ THE EQUAL RIGHTS AMENDMENT ~

Presentation based on “2017 Constitutional Equality Presentation” by Kathleen Murphy
Additions & updates in 2020 by Heather Allison
14th Amendment

Amendment XIV

• Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

• Section 2.

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.
1870: 15th Amendment

“The right... to vote shall not be denied or abridged... on account of race, color, or previous condition of servitude.”

Women are not included.
1920: 19th Amendment

A 50 year fight finally won women their only Constitutionally guaranteed right — the right to vote.
Enter Alice Paul

• Born January 11, 1885 in Mt. Laurel, NJ. Alice Paul was a fearless and tireless advocate for women’s rights both in the US and England working alongside suffragists on both sides of the pond. After the adoption of the 19th Amendment, Paul turned her efforts to gaining full equality for women. In 1923 at the 75th anniversary of the Seneca Falls Convention, Alice Paul introduces the Equal Rights Amendment.
1923: Alice Paul Proposes 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.
The Equal Rights Amendment is a non-partisan issue and was introduced in every session of Congress from 1923 until it’s passage in 1972.
1960’s: ERA Movement begins again

The late 1960’s and early 1970’s brought a resurgence of the fight for an Equal Rights Amendment - led by many great women, including activists & authors Betty Friedan, Pauli Murray, Gloria Steinem and bell hooks.
DEADLINE for RATIFICATION

- ERA original 7 year deadline: June 1979
- Congress extended deadline: June 30, 1982
- Arbitrary timeline, only 2 amendments have had a time constraint
- 27th Amendment ratified in 1992 took 203 years for 38th state to pass
Minnesota was the 26th state to ratify in 1973

Author: Bhbuehler
1979: UN adopts CEDAW Treaty


Koryne Horbal of Minnesota was appointed by President Jimmy Carter in 1977 to be the US Representative to the United Nations commission on women’s global status (drafted the CEDAW Treaty).

• Described as an international bill of rights for women, it was instituted on 3 September 1981 and has been ratified by 189 states.

• Only 7 countries not signed on: USA, Iran, Sudan, Somalia, (“Survivor” islands) Nauru, Pelau, and Tonga.
Why was ERA defeated?
Feminist Backlash

Claims made:

- ERA is anti-family & anti-American
- Alimony & child support laws would be ignored
- Women are not REALLY being discriminated against
Why was ERA defeated?
Change in political atmosphere

- 1st U.S. President to ever openly oppose equal rights
- Equal rights were removed from the Republican party platform

Constitutional equal rights had been supported by every U.S. President since Teddy Roosevelt first supported them in 1914.
Scare Tactic #1

- Equal rights would force women to work outside the home.

- (It was actually WWII that forced more women into the work force. Many liked being valued & getting their own paycheck.)
Scare Tactic #2

• Men would not be required to provide for their families.

Scare Tactic #3

• The government would require forced gender integration into things such as:
  - Fraternities & Sororities
  - Boy Scouts & Girl Scouts
  - Same-Sex Public Bathrooms
Scare Tactic #4

- Women would be forced into military combat.

Women soldiers are now in nearly all areas of our military, including combat. They fight and die for our country. What they don’t get is medals of honor when they die –side by side– with the men.
Scare Tactic #5

- Women would lose “protected” status in the workforce.
  - So called “protective” labor laws actually prohibit opportunity.
  - Women have been led to believe that current law held us up on a pedestal to ‘protect’ us from hard work or conditions.
  - Reality: we are still being kept from high wage jobs for this reason.
Scare Tactic #6

• Connection to abortion

There have been rulings suggesting that the state’s ERA was partially responsible for eliminating a ban on public funding of abortion.
Most recent polling...

June 2016 - Americans — by 94% — overwhelmingly support the Equal Rights Amendment.

[Poll conducted by DB5, commissioned by enso on behalf of ERA Coalition/ Fund for Women’s Equality. Contact: info@eracoalition, 202-459-9939, www.eracoalition.org]
AREN’T CURRENT LAWS ENOUGH?

1. Equal rights are not fully guaranteed by the Equal Protection Clause.

2. Judicial standards need to be stricter and clearer.

3. Protection from rolling back significant advances over the last 50 years.

4. Prevalence of gender violence is endemic.

5. United States needs to prove its commitment and be an international leader.
Why necessary?
1) Equal Rights are not fully guaranteed.

- Neither the U.S. Constitution nor the Minnesota Constitution explicitly guarantees that all of the rights it protects are held equally by all citizens without regard to sex.
- The only right that either Constitution specifically affirms as equal for women and men is the right to vote.
Why necessary?
1) Equal Rights are not fully guaranteed.

Case #1: Equal Pay for Equal Work.

- On average, women make $0.82 on the dollar to what the average white male makes yet women pay the same rent, mortgage, tuition debt, etc. The Institute for Women’s Policy Research found that paying women of all races equally to white men would put $200 billion more into the economy every year.
Why necessary?
1) Equal Rights are not fully guaranteed.

Case #2: Women’s Healthcare Under Attack
- Family planning funding to be eliminated
- Emergency reproductive care could be entirely eliminated
- Men’s healthcare needs are covered by insurance, including Viagra & Cialis
- Women pay more in premiums
Why necessary?

2) Need for a clearer & stricter judicial standard for deciding cases of sex discrimination.

- The Courts hold sex discrimination to a lower standard than discrimination based on race or religion.
- Court decisions are inconsistent in applying current law - adding to confusion about how to review sex discrimination claims.
- A Constitutional amendment would send the message that our state and our country has zero tolerance for all forms of sex discrimination.
Gender Violence.

“Sexual violence is a clear indicator of gender inequality. The single greatest risk factor for becoming a victim of sexual assault is being a woman. * Violence against women is a systemic, and literally deadly, expression of a fundamental gender inequity. Sexual violence, and all violence against women, not only reflects this fundamental inequality but moreover perpetuates it.”

- Kate Ravenscroft, 10 Reasons We All Need to Care About Sexual Violence
But is a State ERA necessary?

- Minnesota Laws: 116 statutes with gender classifications have been overturned in MN since 1972 (current laws not protected)

- A Constitution is the foundation on which all laws are based. It states the fundamental beliefs and principles of our state.

- The MN Constitution protects hunting, fishing and a state lottery...

WHY NOT WOMEN?
25 states have added Equal Rights Amendments to their state Constitutions

States whose constitutions contain equal rights provisions (blue). In three states (yellow), such an amendment has passed one of two houses of the legislature. [Map Source: RaynevVandunen, Wikipedia]
Benefits for men...

• Acceptance of men in non traditional work
• Acceptance of pay equality
• Cultural shift
• Paternity leave for men
• Parental custody issues
Benefits for LGBT...

- States with ERAs adopted were 4 times more likely to have accepted marriage equality before it was decided at the Supreme Court
- Acceptance of gender identity and gender expression
- Cultural shift
- Affirming that discrimination of any kind is not acceptable under the law
Where Are We Now?

- In January 2020, Virginia became the 38th state to pass the ERA and now the fate of the federal Equal Rights Amendment is in the hands of Attorney Generals across the country. There are lawsuits being fought as to whether or not the artificial deadline placed on the original ERA hold true.

- Here in Minnesota we are fighting to make sure the ERA gets on the ballot so Minnesotans can decide whether or not we want an ERA in our state constitution!
Minnesota Strategy: Legislation & Ballot Initiative

- **Grassroots:** community by community education, awareness & citizen lobbying

- **TWO bills:**
  1) Memorialize Congress to act on the Federal ERA
  2) Pass an ERA for the Minnesota Constitution
How Can You Help?
National

• **REACH OUT:** Let’s blanket the state with editorials and letters to the editor in every region! You can help, write about what the ERA means to you today!

Minneapolis State

• **REACH OUT:** Letters to the Editor, Opinion Editorials, Phone calls to Senate leadership/your senators.

• **HOUSE PARTIES:** Host a get together of your friends, family, colleagues to watch one of the ERA films – we can provide you with everything you need as well as are always available to join to help facilitate.

• **LOBBY YOUR LEGISLATOR:** Schedule a meeting with your legislator, visit them at their local office or at the capitol to talk about what the ERA means to you, they won’t act unless they know it matters to you!

• **RESOLUTIONS:** Present a resolution in support of the ERA to your precinct caucus, Senate or State convention! Consider presenting to your local city council or County Commissioner board for support as well!

• **VIDEOS:** Post a video on your social media channels to talk about what the ERA means to you and get all your followers to share!

• **ELECTIONS:** Make sure you know your candidate’s stance on the ERA – talk to them about what it means to you and let us know what they say so we can post on our website. We will be asking every MN candidate running in the 2020 election, a no response means no support.
VISIT:

For sample scripts, toolkits and more:

www.eramn.org/act-now
Join Us!

Spread the word
Become a member
Volunteer
Donate

www.eramn.org
www.eracoalition.org
www.equalmeansequal.com
www.equalrightsamendment.org