

## **1. What's the History of the ERA?**

The Equal Rights Amendment was first introduced by the Republican Party and remained in the party platform until the 1980's. Presidents Ford and Nixon and their spouses vigorously supported ratifying The Equal Rights Amendment. Alice Paul, the author of the Equal Rights Amendment, was a Republican.

The 19th amendment & The Equal Rights Amendment - both written by Alice Paul and friends - have almost identical wording, with the substitution of only four words in the text: 19<sup>th</sup> Amendment reads The right to vote shall not be denied or abridged by the United States or any state on account of sex; versus the ERA Amendment reads Equality of rights shall not be denied or abridged by the United States or any state on of account sex. The Equal Rights Amendment was intended to follow the 19th amendment, not languish for 93 years.

Over the years, resistance to constitutional gender equality has changed but has continued to mirror its generation's perceptions:

- In the 1800's women couldn't own property and were relegated to perpetual guardianship by their male family members;
- From the 1920s to pre-WWII it was "you have the vote, that's enough"
- In the 1950's and 1960's a female still could not have her own credit, sign a mortgage, or serve on a jury ("Mad Men culture");
- In the 1970's resistance was built around the draft, unisex bathrooms, fear of female clergy and women "losing femininity".

The man who was largely responsible for ending the ERA push in the 70's was Sam Ervin, a NC Democrat who believed it was "folly to treat women and men legally equal." Sam Ervin unsuccessfully tried to pass a bill to make it illegal to draft women. This proved that the ERA has nothing to do with women being drafted, as Congress has always had the power to draft women if necessary.

## **2. Will ERA affect Women in the Military?**

Constitutionally protected gender equality would provide equal opportunity and redress to women bravely serving in the military. Currently women serve in combat positions – even without an equal rights clause in our constitution. Women can fight and die for their country but they do not have equal rights. One of the primary reasons for the ERA's failure in the 70's and early 80's was never a legitimate concern:

- Selective Service for women (*The Draft*): Congress has always had the right to draft women; passage of the ERA would not affect the draft.

## **3. Would the ERA force religions to ordain women?**

Passage of the ERA would not require religions to ordain women, as the constitution provides for the separation of church and state. Religious freedom would be unaffected by the ratification of the ERA religious hierarchies would continue to be able to exercise their authority over religious matters.

Religious liberty falls under separation of church and state; for example: some churches reserve the right to not marry divorced persons or couples who don't complete premarital counseling etc. These decisions of churches will remain unaffected by constitutional gender equality.

**4. Will women lose social security benefits?**

No. The Widow benefit was converted to a spousal benefit (male or female) in the 1970s in anticipation of passage of the ERA, and it continues to be the standard to this day.

**5. Will the ERA cause unisex bathrooms?**

Unisex bathrooms already exist at stores like Trader Joes, on airplanes, in many public buildings, restaurants, theatres, shopping centers, trains and bus stations - where single stall & family bathrooms are the norm. The ERA did not cause unisex bathrooms; they evolved over time as society found the necessity to provide them. This would not change with the passage of the ERA and is not a valid reason to deny constitutionally protected gender equality to the majority sex, as women are 52% of the U.S. population.

**6. How would ERA affect Roe v Wade?**

This case was decided on the constitutional *right to privacy* under the due process clause of Article XIX of the U.S. Constitution and not on *equality* - which is a *civil rights issue*. Passage and ratification of the ERA will have no effect on the Supreme Court's Roe vs. Wade decision.

**7. The 14th Amendment, the equality Amendment, already provides equality, thus isn't the ERA no longer necessary?**

Section 2 of the 14th Amendment specifically includes the wording male citizen and male inhabitant 3 times and is very gender specific in its applicability to males. Female citizens and female inhabitants are not mentioned. A constitutional amendment (the Equal Rights Amendment) is needed to provide constitutionally protected gender equality for women.

If we had been protected under Article XIV of the U.S. Constitution, then Article XIX - the 19<sup>th</sup> Amendment - providing women the right to vote – would not have been necessary.

**8. Don't we already have enough laws for women?**

The Equal Rights Amendment would add strict judicial protection and enforcement to existing legislation. Those elements names in the constitution, i.e. religion, race, male citizens, and country of origin, receive "strict scrutiny" in courts of law; but protection of gender against discrimination is not specified in the constitution, and thereby only receives "intermediate scrutiny"; resulting in unequal justice for women and men.

Sen. Kelly Ayotte once stated when explaining why she voted against The Equal Pay Act,

"The reason that I voted against that specific bill is that, I looked at it, and there were already existing laws that need to be enforced". Yet without the clear legal guidance provided by a Constitutional amendment, the incremental patchwork of laws addressing women, equal opportunity, and pay equity are "nails without a hammer".

Justice Scalia when asked why he voted against The Lilly Ledbetter Petition stated, "The Constitution does not prohibit discrimination based on sex, thus I was under no constitutional obligation to do so".

### **9. Are there benefits to taxpayers with an Equal Rights Amendment?**

Constitutionally guaranteed equality would reinforce existing laws and clarify women's legal rights to economic and employment parity with men. When women are paid less for the same job as men, or are denied equal opportunities for advancement, it damages our economy and our community. For too long women have been treated as 'cheap labor', underpaid for equal work.

When women's salaries have neither parity with men's salaries nor opportunity for advancement, government safety net programs such as SNAP (food stamps) and reduced-cost lunch programs are needed to make up the slack in wages. Better pay would help reduce the need (costs) of these programs. Women deserve the same dignity as men when providing for their families - without having to rely on government assistance to backfill the wage gap.

### **10. Is the ERA a partisan thing?**

The Equal Rights Amendment has a long bipartisan history and bipartisanship must be the key to success of its final ratification.

- 97% of Americans polled believe women should have constitutionally guaranteed gender equality (an equal rights amendment);
- 72% of American polled think it's already in place;
- Elected leaders who support and champion this legislation will enjoy vigorous public support by the voting public once the public made aware of the ongoing necessity for an ERA.
- The Equal Rights Amendment is important *civil rights legislation* that ensures unequivocal equality of all persons, regardless of gender, in the United States Constitution.
- Women are 52% of U.S population; women love and respect the Constitution and want unequivocal inclusion in this bedrock document. We expect nothing less.

### **11. 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.**