

# WHY do we still need a state and federal ERA?



## 1. Neither the Minnesota Constitution nor the U.S. Constitution explicitly guarantees that all of the protected rights are held by all citizens without regard to gender.

- Polling shows over 75% of Americans assume women have full equality, while 91% believe everyone should have full equality under the Constitution.
- Currently, the Courts hold sex discrimination to a lower standard than discrimination based on race, religion or national origin.
- Court decisions reflect inconsistency in application of current law which adds to confusion about how to review sex or gender discrimination claims.

## 2. We need to protect ourselves from a rollback of the significant advances in human rights over the past 50 years.

- The many legal protections (Title VII, Title IX, the Minnesota Human Rights Act, the Pregnancy Discrimination Act, and the Equal Pay Act), are statutes only and can be overturned by a simple majority in the legislature, in Congress, or by a court.
- Congress and the legislature have the power to replace existing laws by a simple majority vote, and judicial precedents can be eroded or ignored by reactionary courts responding to political agendas.
- Examples: The Citizens United v. FEC decision erased 100 years of campaign finance regulations. The Lilly Ledbetter v. Goodyear Tire Supreme Court decision erased 20 years of legal precedent in employment law regarding equal pay.

## 3. The United States needs to improve our standing internationally with respect to equal justice under law.

- Many other countries - including Iraq, Japan, and all the emerging nations since the 1970's- specifically affirm legal equality of the sexes in their governing documents. *Whv dont*
- CEDAW (the U.N. Convention on the Elimination of all forms of Discrimination Against Women) has been ratified by all but 7 countries in the world: the U.S. is in the company of Iran, Sudan, Somalia, Nauru, Palau and Tonga.
- Please demand the U.S. ratify CEDAW.

**NOW IS THE TIME TO ACT! We need to secure the progress that has been made by affirming all citizens regardless of gender are protected by the Minnesota and the federal Constitutions.**

"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 Federal Equal Rights Amendment



## What is the History of the Equal Rights Amendment?

The ERA was written by Alice Paul and first introduced by the Republican Party where it remained until 1980. Through 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
- In the 1970's resistance that defeated the effort was built around the draft, unisex bathrooms, fear of female clergy, women "losing femininity," and heavy lobbying against it by the insurance industry.

## 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.

## 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.

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

## Don't we already have enough laws for women?

The Equal Rights Amendment would add strict judicial protection and enforcement to existing legislation. 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. 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."

## What is the text of the MN State Equal Rights Amendment:

"Equality under the law shall not be abridged or denied on account of gender."

## HOW TO GET INVOLVED HERE IN MINNESOTA!

ERA Minnesota and Minnesota NOW are excited to announce the successful launch of our BILLBOARD CAMPAIGN! To donate to the campaign visit: <https://www.gofundme.com/era-billboards>

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