

Women Matter Use Your Power

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The History of the pursuit of Constitutionally Guaranteed Gender Equality (The Equal Rights Amendment)

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 and The Equal Rights Amendment, both written by Alice Paul have almost identical wording with the substitution of only four words in the text, (*the "right to vote" shall not be denied or abridged by the United States or any state on account of sex*) versus (*"equality of rights" shall not be denied or abridged by the United States or any state on account of sex*). The Equal Rights Amendment was supposed to follow the 19th amendment, not languish for 94 years.

Resistance to Constitutional Gender Equality has changed over the years but has continued to mirror its generation of origin

- In the 1800's women couldn't own property and were relegated to perpetual guardianship by their male family members
- In 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 killed ERA in the 70's was Sam Irwin, a NC Democrat, who believed it was "folly to treat women and men legally equal." Sam Irwin 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 been able to **draft women but has chosen not to**.

Frequently Asked Questions about the ERA

Women in the Military

Constitutionally protected gender equality would provide equal opportunity and redress to women bravely serving in the military. 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 females (The Draft)

Congress has always had the right to draft women so the passage of the ERA would not affect the draft.

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. Religions would be unaffected by the ratification of the ERA and would continue to exercise their authority over religious matters.

As previously stated, religious liberty falls under separation of church and state, for example churches reserve the right to not marry divorced persons or couples who don't complete premarital counseling etc. Thus churches will remain unaffected by constitutional gender equality.

Women will lose social security benefits

The Widow benefit was converted to a spousal benefit (male or female) in the 1970s in anticipation of passage of the ERA and continues to be the standard to this day.

Unisex bathrooms

Unisex bathrooms already exist at stores like Trader Joes, airplanes, trains and bus stations where single stall and family bathrooms are the norm. 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.

Roe v Wade

The passage and ratification of the ERA will have no effect on the Supreme Court's Roe vs. Wade decision, as this case was decided on the constitutional right to privacy and not equality.

The 14th Amendment, the equality Amendment, already provides equality thus the ERA is 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.

"We already have enough laws for women"

Without the clear legal guidance provided by a Constitutional amendment, the incremental patchwork of laws addressing women and equality of opportunity and pay equity are "nails without a hammer". Sen. Kelly Ayotte 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*". The Equal Rights Amendment would add strict judicial protection and enforcement to existing legislation.

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

The Benefits to tax payers of an Equal Rights Amendment

Constitutionally guaranteed equality of the sexes would reinforce existing laws and clarify women's legal rights to economic and employment parity with men. If women are allowed to be paid less for the same job as men, or are denied equal opportunities for advancement, it damages our economy and our community.

Safety net programs such as SNAP (food stamps) and reduced cost lunches are needed in higher numbers by women when they do not have parity with male salaries or opportunity for advancement. Women deserve the same dignity as men in providing for their families without needing government assistance to fill in the wage gap

The ERA enjoys a bi-partisan history

The Equal Rights Amendment has a long bipartisan history and bipartisanship should be key to its final ratification.

- 97% of Americans polled believe women should have constitutionally guaranteed gender equality (an equal rights amendment) and 72% think it's already in place.
- Supporting and championing this legislation will enjoy vigorous public support by the voting public once the voting public is further educated on the need for the ERA.
- The Equal Rights Amendment is important Civil Rights Legislation which 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.

The Text of the ERA

- 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.

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