

Equal Rights Amendment Fact Sheet

The road to equality is long.
Let's take a big step forward.

#RatifyERAIL #ERANow



What is the Equal Rights Amendment (ERA)?

In Illinois, SJRCA4 provides for ratification of the proposed Equal Rights Amendment (ERA) to the U.S. Constitution. On April 11th, 2018, the Illinois Senate voted to ratify the ERA. It is now before the Illinois House of Representatives.

“Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.” - It’s that simple!

First proposed in Congress in 1923, the ERA is the only way to provide legal equality of the sexes and prohibit discrimination on the basis of sex. In 1982, it fell three states short of the 38 needed for ratification. It remains the only clear-cut way to protect against all legal gender-based discrimination in the US and is supported by 94% of Americans.

“*Certainly, the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn’t.”* – Justice Scalia, 2010, UC Hastings College of Law

Illinois’ “Little ERA”

Illinois has had an equality clause in its State Constitution since 1970. We are a 48-year test-pilot for the ERA and have suffered from no unintended negative consequences. 24 other states have enacted “little ERAs” in their state constitutions. But the American population is more mobile than ever before and our rights should not end at the state line! Having a federal ERA, that is uniformly applied throughout the state, will benefit women throughout the country. It will also make class-action lawsuits for gender discrimination a legally viable option.

Why do we need the ERA?

- Equal Justice under the law is a fundamental human right.
- Without the ERA, women are not guaranteed equality under the law like men are under the U.S. Constitution.
- The 14th amendment's equality clause does not protect against sex discrimination. If it did, we wouldn't have needed the 19th amendment just to vote!
- Women are subject to a patchwork of equality laws depending on their location and the whims of Washington.
- Cases of gender discrimination require a higher burden of proof in court than discrimination on the basis of race, religion, or national origin.
- Without the ERA women are forced to endure long, expensive, draining and distracting political and legal battles to prove unequal treatment.
- Of all the constitutions across the world, 84% have an equality clause in their country's constitution, even Afghanistan. The U.S is lagging behind. Why?
- Rights and protections for women have come a long way in the past 100 years. However, these gains can be rolled back or repealed, as we've recently seen with Title IX protections. Only an amendment to our nation's founding document can preserve this progress and keep the ball moving forward.
- Female Poverty and the wage gap are still unresolved and, at our current rate of progress, won't be resolved until 2051. Women make up 1/2 of the workforce and 2/3 of minimum wage workers. 75% of our elderly living in poverty are women. 70% of America's poor are women and the children who depend on them. Moreover, women earn 44-79 cents to every dollar a man is paid. Because of this, women are twice as likely to retire in poverty as men. Without economic equality, women will never be equal. The ERA will help to close the gender pay gap and help ensure that employers could not relegate women to lower pay for doing the same job. For more information and data on the gender wage gap, please visit Equal Means Equal's Wage Index.
- The handling of rape and sexual assault cases in the US is a significant problem. 41% of colleges have not conducted a rape investigation within the last 5 years. Only 2% of rapists go to jail. There are now over 400,000 untested rape kits. Not testing these kits is sex discrimination as the vast majority of rape survivors are women. This would be illegal if we had the Equal Rights Amendment.

Deadline Issues

When the ERA passed out of Congress in 1972, a 7-year deadline was given and 38 States had to ratify it. Within those 7 years, 35 states quickly ratified it. The deadline was extended by an additional 3 years. However, no additional states ratified it in time. Additionally, a few states rescinded their ratification.

For decades, the issue was considered dead. Until 1997 when Herd, Herndon, and Stager published a groundbreaking article in the William and Mary Journal of Women and Law outlining how the Equal Rights Amendment “remains legally viable and properly before the states.” From that point on, ERA advocates have pushed for ‘the three-state strategy’. It argues that once the ERA gets ratified by 3 more states, it can be addressed in courts or again by Congress. Recently, in March of 2017, Nevada ratified the Equal Rights Amendment renewing and reinvigorating proponents of the issue. Now, only 2 more states are needed.

These are some of the many arguments made in support of the ERA’s continued viability.

- The 7-year deadline is in the preamble of the amendment and not in the proposed amendment passed by Congress nor the text ratified by the states.
- The 27th amendment (aka Madison Amendment) took 203 years to be finally ratified and added to our Constitution.
- The 15th amendment was declared ratified despite New York’s rescission of ratification.
- Congress extended the deadline once and can do so again. In fact, there is pending legislation in Congress to do just that!
- The US Constitution does not give Congress authority to limit States’ power to ratify amendments or set a schedule. Nevada ratified the Equal Rights Amendment in 2017, exercising a state’s right to ratify under Article V of the Constitution.
- The Illinois General Assembly should enact laws reflecting the will of Illinois citizens, not predict what Congress or the Supreme Court might do.

Thank you for supporting the Equal Rights Amendment!



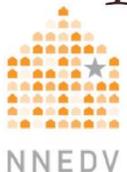
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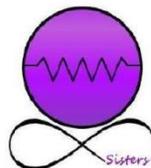
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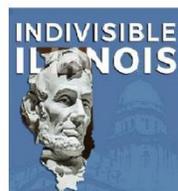
Communications Consortium MediaCenter



CBA/WBAI Joint Task Force on Women and Aging



pass the ERA.



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