

## ***Common Equal Rights Amendment (ERA) Questions***

### **1. What does the Equal Rights Amendment say completely?**

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. Many refer only to this, Section 1, as it provides the intent of the ERA. The other two refer to its implementation.

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.

### **2. But I thought the ERA was dead, its time limit has passed.**

Substantive arguments exist against a time limit being an immutable deadline that passed in 1982 for ERA to have 38 states ratifying. Just three more states may be needed to pass the Equal Rights Amendment into the U.S.

Constitution, since:

- ERA was never declared Dead.
- Precedent-- Madison Amendment was passed after more than 203 years.
- ERA's time limit was added only in the Proposing Clause (introductory and non-votable).
- ERA is "viable and contemporaneous", stated by respected constitutional scholars (citation: Congressional Research Service; Held and others, William & Mary Law School)
- Time limit in Proposing Clause was already changed once by Congress from a seven year limit to 10 years, showing flexibility of the time limit. Congress could overlook it or eliminate it per pending Federal bill to eliminate it.
- Any time limit itself may be unconstitutional. Perhaps should never have been imposed on such an important issue affecting so large a segment of the population, American males as well as females. Rhetorically, how long should be allowed for equality--ten minutes or fifteen...?

### **3. Why is it that the ERA is now brought up again?**

The Equal Rights Amendment, when passed will make sex discrimination based on one's gender a violation of the U.S. Constitution in many cases. Without an ERA in the Constitution sex discrimination has no reliable

deterrent; neither the 14th Amendment, nor laws, nor state constitutions work reliably. Other nations, created post-WWII, have been required by the U.S.A. to codify sex-equal treatment. Some noted their Gross Domestic Product/GDP grew by 9%. America's ERA is reported by respected economists now that our GDP is predicted to grow by 15%. Similar predictions are made by the European Union, the International Monetary Fund and the OECD, Sex discrimination is now rampant worldwide and in the United States. Millennials, young women, describe it as a "rape culture". The present "War on Women" must stop.

It began with 916 nationwide ALEC-led, [ALECexposed.org] anti-woman, anti-family bills filed over just a 3-month period, and continues with more such legislation and hate speech against women and girls. Increased economic injustices that hit women harder and men now demonstrate that the time for passing the Equal Rights Amendment has come. Respected surveys show that Americans are now in favor of doing so by 94% ! as compared to 63% when 1972 U.S. Congress first passed ERA out to the state legislatures for ratification. However, the political energy was much more positive during that time. We have to work much harder now, therefore.

### **4. Does ERA have to start all over again to get the 38 states to ratify?**

Our legal teams tell us that it is quite plausible that just three remaining states' ratifications can pass the Equal Rights Amendment into the U.S. Constitution--as the "3-State Strategy. That strategy eliminates the requirement that ERA legislation be re-started. One of our sister groups, the respected ERA Coalition, prefers its own "Start-Over" ERA process.

We believe that a "start-over Amendment" could take as long as 100 years or more to pass especially in this truculent political environment. It has already taken more than 90 years just for the not-yet-passed original ERA during a period of much less antipathy toward it during the 1970-82 period in the U.S.A. Of course, we and another sister organization, ERA Action, will support any avenue that leads to ERA passage into the U.S. Constitution.

Once three additional state legislatures have ratified the ERA (two more have -- only need one more state), we anticipate that the U.S. Congress will take up the issue of whether all 38 states have been appropriately ratified, given questions of whether some state rescissions are valid and if a time limit has indeed expired. If our co-

authored new Federal “time limit removal” legislation has been passed, that could facilitate ERA passage by Congressional vote once the final three states ratify. It will likely be held up to the U.S. Congress to decide, as it is deemed “a political question”, and not a “judicial” one that would instead be the purview of the U.S. Supreme Court. All evidence seems to point to approval and passage of the Equal Rights Amendment, though it is not certain at present. All objections to the contrary are likewise conjecture.

## **5. What kind of opposition could one have to the concept of Equality for both sexes?**

The Catholic Church, the Southern Baptist Church, certain evangelical churches, certain men’s groups, Phyllis Schlafly, people who do not understand that the ERA would support everyone’s share of the common good, some Conservative groups, many corporations, and today’s Republican Party, do oppose firmly. For the most part, their arguments are flawed for self-serving or “political” gain.

## **6. What’s the basis of the opposition?**

There is a pot potpurri of bases for opposition:

- historical,
- cultural or religious traditions and edicts;
- perceived threats to male power or fears of social change; or
- fear of financial or political losses should American females gain rights to equal treatment across society.

Over time, we have noted that in some national regions the purported bases for legislative opposition has moved from these arguments:

- that ERA encourages more pregnancy terminations (actually, states that have codified ERA language in their constitutions have statistically lower numbers of such procedures);
- objections to “uni-sex” restrooms (already commonly in use in homes, airplanes, elsewhere);
- women as members of the military or drafted (U.S. Congress could vote at any time to draft women or men into military service);
- ERA would open the gates to same-sex marriage, etc. (Recent Supreme Court decision favoring that proves that ERA does not regulate such matters.)

Having lost those arguments, the opposition switches to arguing that ERA has “unintended consequences”. Although such vague arguments are

difficult to challenge, our legal teams were able to overturn this one with bold, authenticated rationales.

Lately, arguments center on ERA being dead, having exceeded the time limit (see above) or because 5 states had voted to rescind or change their ratification votes to the negative. (Article V of the U.S. Constitution makes no provision for the possibility of rescission of votes); (Congressional Research Service, Thos. H. Neale reports that on July 30, 1978 Congress voted to reject any proposals of rescissions); and all official tallies still include those 5 states as ratified. The opposition will probably continue to raise objections until all of them are refuted, coming soon.

## **7. Who are our supporters in Florida, elsewhere?**

Many major organizations have signed our generic ERA Resolution on this site; 300,000 individual members have joined our National Equal Rights Amendment Alliance and ERA Education, both non-profit corporations. We partner in solidarity for ERA passage with 3 other nationwide ERA organizations: Equal Means Equal; ERA Coalition; and ERA Action. The last two listed also hold nationwide teleconferences to stay updated with the huge numbers of Actions taken by others.

Seven newspapers, seven Florida counties and a legendary Board headed by former U.S. Congresswoman Pat Schroeder all champion the Cause of the ERA in our Action-oriented, grassroots, non-profit, nonpartisan, non-sexist, single-issue organization, open to all who endorse sex–equal treatment.

## **8. What’s happening in Florida’s legislature regarding ERA ratification?**

For many years, since the National ERA Alliance was formed, ERA ratification legislation has been filed in both the Florida House and Senate every year and in several other states. Two Florida Senate committees have passed it overwhelmingly via bi-partisan votes. Every year since, the Republican chairs of the committees to which ERA has been assigned in the Florida House has refused to hold a vote on ERA ratification. So it stalls in Florida until the next Legislative session next year.

2019 session was the 19<sup>th</sup> year we’ve gotten ERA filed in both houses, so we are redoubling efforts in the Florida House and Senate committees. WE PERSIST..and THAT does Work.

## 9. What's happening with the ERA movement in the 6 other states in play right now?

The other states besides Florida that file ratification legislation are often:

- Arkansas,
- Arizona,
- Georgia,
- Louisiana,
- Missouri,
- Utah, and
- Virginia, which has come closest to ratification as the Senate bill passes, yet the Assembly (similar to any state's House) refuses to address the issue.

The other named state legislatures have not just let ERA ratification die in committee they have killed the bills by raising false issues that seem neo-medieval to some. We hope anyone from any of these states reads this and is drawn to connect or is just plain curious, she or he can communicate with their state ERA leaders via Googling State of XX Legislators. It's most effective to phone for a local office appointment with your state House /Assembly member when your state legislators are NOT in Session at their state capitol, which is very busy. Email us for handouts to leave there and our Hot Tips to say, claimed to be "brilliant".

## 10. What's happening in Washington with the ERA?

In 2009, ERA leaders in 4 states including Florida became aware that the original ERA time limit for ratifying the required 38 states that is located in the introductory or Proposing Clause was being used as a last-ditch stand against ratification by the political opposition. Substantive arguments against that do exist, so four of us co-authored legislation before the U.S. House and Senate that proposes removal of the time-limit phrase from that non-votable Clause. IT HAS NOW BEEN HEARD ON APRIL 30, 2019 BEFORE THE U.S. HOUSE JUDICIARY AND WARMLY RECEIVED AFTER 36 YEARS OF NO ERA HEARINGS THERE WHATSOEVER!

## 11. What can people do who want to help move the ERA?...right now....and later...

Warmly welcome them to our website—we ask that you, too, familiarize yourself with the information there.

Please publicize the Equal Rights Amendment in any and all ways, please. Use your own ideas or refer to our website's ACT Tab, to launch your own ACTIONS. Let us know how we can assist your initiative.

**We are happy to help you.**

**Any other questions?**

**Email us at [SandyO@PassERA.org](mailto:SandyO@PassERA.org)**

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