



National Federation of Democratic Women Supports the New Equal Rights Amendment Legislation

Equal Rights Amendment Legislation is currently before the 116th Congress and the National Federation of Democratic Women (NFDW) is supportive of all three resolutions. At present neither a Senate nor House committee has considered these resolutions. NFDW requests that the following bills be given timely hearings and passed:

S.J. Res. 6: A joint resolution removing the deadline for the ratification of the Equal Rights Amendment.
Sponsor: **Senator Benjamin Cardin [D-MD]**

H.J. Res. 35: Proposing an amendment to the constitution of the United States relative to equal rights for men and women. Sponsor: **Representative Carolyn Maloney [D-NY 12]**

H.J. Res. 38: Removing the deadline for the ratification of the Equal Rights Amendment. Sponsor: **Rep. Jackie Speier [D-CA 14]**

The legislation that Congress passed March 22, 1972 and sent to the states, has now been passed by 37 states, including Nevada in 2017 and Illinois in 2018. The legislation is now prime for one last state to complete the 38 state mandate. This process for finishing the ratification is based on the precedent set by the Madison Amendment.

Should Congress reject the Three State Strategy that has secured the final three states, if we have now passed the new ERA legislation **S.J. Res. 6, H.J. Res. 35, and H.J. Res 38**, our country will have moved ahead and restarted this riveting process of making women and men whole under the U.S. Constitution.



The Equal Rights Amendment (as passed by Congress in 1972)

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.

Position: It is the position of the NFDW that we commit ourselves to end discrimination in all forms, including to incorporate the principle of equality of men and women in our legal system, (support ERA) abolish all discriminatory laws and adopt appropriate laws prohibiting discrimination.

What the ERA Would Do

- Guarantee that the rights affirmed by the U.S. Constitution are held equally by all citizens without regard to sex;
- Provide a fundamental legal remedy against sex discrimination for both women and men;
- Clarify the legal status of sex discrimination for the courts, where decisions still deal with such claims;
- Make "sex" a suspect classification, as race currently is, so that governmental actions that treat males or females differently as a class would have to bear a necessary relation to a compelling state interest in order to be upheld as constitutional.

We Need the ERA Because . . . We don't have it!

- The Constitution does not guarantee equal rights. The only right that the Constitution specifically affirms to be equal for women and men is the right to vote (19th Amendment, 1920).
- The 14th Amendment's equal protection clause has never been interpreted to protect against sex discrimination to the same extent that the ERA would.
- We need a clearer and stricter judicial standard for deciding cases of sex discrimination. Sex discrimination should get the highest level of strict judicial scrutiny, just as race discrimination does, but it currently receives only a heightened level of intermediate scrutiny.
- We need a constitutional guarantee of equality to protect against current threats to the significant advances in women's rights achieved over the past half century.
- Without the ERA, women and men still have to fight long, expensive, and difficult political and legal battles for equal rights under the law.
- We need to improve the standing of the United States globally with respect to equal justice under law, since the governing documents of many other countries, however imperfectly implemented, specifically affirm legal equality of the sexes.

World View

- In pursuit of democracy across the globe, the US Congress believed it was absolutely mandatory that the 2003/04 Afghan Constitution (and later the Iraqi Constitution) include an ERA for their women.
- In fact, most countries in the world have an ERA, many of them written into constitutions by US Army lawyers after World War II.
- In 1979, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) specifically called on countries to establish equal rights between men and women in all areas of life.
- 189 countries of the world have ratified this treaty. Sudan, Somalia, Iran, Palau, Tonga, the Holy See and the United States have not.

Issues and Implications:

Passage would influence many areas, including, but not limited to political participation, civil rights, healthcare, employment, marriage, education, and poverty.