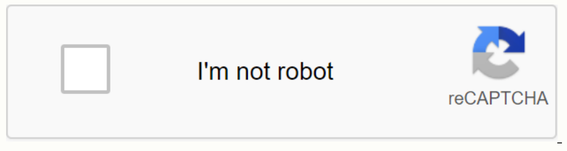

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Equal rights amendment text pdf

The proposed Equal Rights Amendment (EER) to the United States Constitution is a political and cultural insanimate to which many people project their greatest hopes or deepest fears about the changing status of women. Since its introduction to Congress in 1923, ECOM has been an issue that has received both rabid support and fierce opposition. The interpretations of their intention and their potential impact were different and sometimes contradictory. The following answers to frequently asked questions about the ERDF are provided in order to promote the evaluation of the amendment on the basis of facts and not on misrepresentation. For more information about the Equal Rights Amendment, see The Equal Rights Amendment: Unfinished Business for the Constitution, a 17-minute teaching DVD available on this website. Click a question to see the answer. (PDF version) 1. What is the full text of the equality amendment? Section 1: Equality of rights under the law may not be denied or abbreviated by the United States or any state on the basis of sex. Section 2: Congress has the authority to enforce the provisions of this Article by means of appropriate legislation. Section 3: This amendment will enter into force two years after the date of ratification. This wording has been the text of the Equal Rights Amendment since it was written in 1943 by the suffragette and women's rights activist Alice Paul. The original EF, written in 1923 by Paul, the feminist lawyer/activist Crystal Eastman, and several others, was called the Lucretia Mott Amendment: men and women should have equal rights in the United States and in every place under its jurisdiction. Congress has the authority to enforce this article through appropriate legislation. Since the 113th Congress (2014-2015), the text of the ERDF ratification law introduced in the House of Representatives differs slightly from the traditional wording and accompanying law of the Senate. It states: Section 1: Women have equal rights in the United States and in any place under their jurisdiction. Equality of rights under the law may not be denied or abbreviated by the United States or a state on the basis of sex. Section 2: Congress and the various states have the power to enforce the provisions of this Article through appropriate legislation. Section 3: This amendment will enter into force two years after the date of ratification. The inclusion of the first sentence mentions for the first time women-specific in the Constitution and clarifies the intention of the amendment to render discrimination on the basis of a person's gender unconstitutional. The inclusion of and the various States in Section 2 represents the Text, which was drafted by Alice Paul but removed before the passage of the 1972 amendment. It reaffirms that enforcing the constitutional prohibition of discrimination on grounds of sex serves both the federal and state levels of government.2. Why is an amendment to the US Constitution required? Equality Equality provide a fundamental remedy against gender discrimination for both women and men. It would guarantee that the rights confirmed by the US Constitution will be equally represented by all citizens, regardless of their gender. The EERA would clarify the legal status of sex discrimination for the courts if decisions are still not at odds with such claims. For the first time, sex would be considered a suspicious classification of how race is currently. State actions that treat men or women differently as class would be subject to strict judicial control, and would therefore have to live up to the highest level of justification – a necessary reference to a compelling state interest – that must be preserved as constitutional. To actual or potential offenders who would try to write, enforce or decide laws unfairly, the EERA would send a strong preventive message: the Constitution has zero tolerance for discrimination on the basis of sex under the law.3. What is the political history of the ERDF? The Equal Rights Amendment was written in 1923 by Alice Paul, a leader of the women's electoral movement and a women's rights activist with three law degrees. It was introduced in Congress in the same year and then reintroduced in each session of Congress for half a century. In 1943, Alice Paul rewrote the text (now called the Alice Paul Amendment) in its current text, which is modelled on the language of the 19th Amendment, which states that the right of citizens of the United States or a state to vote may not be denied or shortened because of gender. The 19th Amendment is the only explicit guarantee of women's equality in the Constitution. On 22 March 1972, the EERA finally passed the Senate and the House of Representatives with the required two-thirds majority and was sent to the States for ratification. An original seven-year deadline was later extended by Congress to June 30, 1982. By the end of this period, only 35 of the required 38 states (the constitutionally required three-quarters) had ratified the ERDF. It is therefore not yet part of the US Constitution. The Equal Rights Amendment has been reintroduced in every session of Congress since 1982. At the 115thCongress (2017-2018), erA ratification laws were introduced as S.J.Res. 6 (main sponsor, Senator Robert Menendez, D-NJ) and H.J.Res. 33 (main sponsor, Rep. Carolyn Maloney, D-NY). A bill to ex-post abolish the EERA's ratification period and part of the Constitution, when 38 states ratify, was drafted by Sen. Benjamin Cardin (D-MD) and H.J.Res. 53 by Representative Jackie (D-CA) as S.J. Res. 5.4. Which 15 Countries have not ratified the ERDF by 30 June 1982? The 15 states whose legislatures have not ratified the Equal Rights Amendment by the 1982 deadline are Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, South Carolina, Utah, and Virginia.5. Why are these states being asked to: ERDF, even though the 1982 deadline has expired? Since 1995, erDF supporters have been in favour of the adoption of ERDF ratification laws in a number of the 15 so-called unratified states. Such bills were introduced in one or more legislatures in 12 of these states (Arizona, Arkansas, Florida, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, Utah, and Virginia). The E-A bills have made progress in committees and even in the votes in some of these states. The Illinois House, but not the Senate, passed an EA ratification law in 2003, and the Illinois Senate passed a similar law in 2014. In five of the six years between 2011 and 2016, the Virginia Senate passed a bill to ratify the Equal Rights Amendment, but the House of Representatives did not allow an accompanying bill to be dismissed from the committee. In a major breakthrough, on March 22, 2017, 45 years after Congress passed the amendment and passed the amendment to the states for ratification, Nevada became the 36th state to ratify the ERDF. In 2017, E-A bills were also introduced in the legislatures of Arizona, Florida, Illinois, North Carolina, Utah, and Virginia. This political activity is the result of a three-state strategy for the ratification of the e-deal, which was developed after the ratification of the 27th (Madison) Constitutional Amendment in 1992, more than 203 years after its adoption by Congress in 1789. The adoption of this ratification phase as sufficiently simultaneous has led some ERDF supporters to argue that Congress has the power to maintain the legal viability of the existing 35 era ratifications of the ERDF. The erDF ratification deadline is open to changes, as Congress has shown in extending the original deadline, and a precedent set by the 14th and 15th AdditionalS shows that withdrawals (legislative votes withdrawing ratification) are not accepted as valid. As a result, Congress may be able to accept state ratifications that take place after 1982 and keep the existing 35 ratifications alive. The legal analysis of this strategy is explained in The Equal Rights Amendment: Why the ERA Remains Legally Viable and Properly Before the States by Allison Held et al. in the spring 1997 issue of the William & Mary Journal of Women and the Law. , and CRS analysts concluded that the adoption of the Madison Amendment has implications for the three-state strategy. The issue is more of a political issue than a constitutional one. In 1994, Representative Robert Andrews (D-NJ) introduced a bill in every session of Congress that would require the House of Representatives to pass a bill that would require the House of Representatives to measures must be taken to verify that ratification has been achieved when a further three states ratify the ERDF. In 2011, he and lead sponsor Tammy Baldwin (D-WI) supported their bill to repeal the ratification of the E-E. and make it into the Constitution when three other states ratify. The Senate Accompanying Bill was introduced by Sen. Benjamin Cardin (D-MD). The main sponsors of the three-state strategy bills in the 115th Congress are Sen. Cardin and Rep. Jackie Speier (D-CA). Most supporters of the ERDF believe that both the traditional process of change (defined in Article V of the Constitution) and the ratification process of the three-state strategy should be politically supported in order to include the ERDF in the Constitution. 6. Can a State withdraw or impose its ratification of a constitutional amendment that is still being ratified? Five states – Idaho, Kentucky, Nebraska, Tennessee, and South Dakota – have tried to withdraw their support for the Equal Rights Amendment. However, according to the precedent and legal language, a state resignation or other revocation of the ratification of a constitutional amendment is not accepted as valid. During the ratification process for the 14th Amendment, for example, New Jersey and Ohio voted to write down their ratifications after the first yes vote, but both were included in the published list of states that approved Amendment 1868. New York withdrew ratification of the 15th Amendment a month before the last necessary ratification by the state, ratified in 1870, but was counted as one of the ratifying states. Tennessee, the last state to ratify the 19th Amendment guaranteeing women's suffrage, approved the amendment by one vote on August 18, 1920. The Tennessee House did not approve on August 31, but the Secretary of State had already announced the inclusion of the amendment in the Constitution on August 26 (now Gender Equality Day). In The Story of the Constitution (1937), the United States Constitution Sesquicentennial Commission declared that a change was in effect on the day the legislature of the last necessary state ratified. Such ratification is completely different from state regulations that respect the adoption of laws or resolutions.... The Governor's approval or veto of such ratification shall not be taken into account in view of the date or the legality of the sanction. The rule that ratification, once it has been carried out, must not be repealed has been applied in all cases; a legislator who has refused to do so can later agree, and this amendment has been made in consideration of several amendments. In a letter dated October 25, 2012, in response to a request from Congresswoman Carolyn Maloney (NY), the main sponsor of the ERA in the House of Representatives, David Ferriero replied: NarA's [National Archives and Records Administration's] website page The Constitutional Process . . . . notes that an amendment will become part of the Constitution as soon as it is ratified by three-quarters of states, suggesting that action by Congress is not necessary to certify that the has been added to the Constitution. It also states that [the] certification of the legal sufficiency of the ratification documents by [the US archivist] is final and conclusive and that a subsequent withdrawal of ratification by a state is not recognised as valid. These statements originate from 1 U.S.C. 106b, which states that whenever official notice to the National Archives and Records Administration that any amendment to the United States Constitution has been proposed was adopted in accordance with the provisions of the Constitution, the archivist of the United States immediately arranges for the amendment to be made public, with his certificate indicating the states by which the same may have been adopted and that this is valid in all respects under the United States Constitution. has become. Under the authority granted by this statute, once narA receives at least 38 state ratifications of a proposed constitutional amendment, narA publishes the amendment along with confirmation of ratifications and becomes part of the Constitution without any further action being taken by Congress. Once the process in 1 U.S.C. 106b is completed, the amendment becomes part of the Constitution and cannot be repealed. A further constitutional amendment would be needed to abolish the new amendment.7. Do some states have state ERAs or other guarantees for equal rights based on gender? Only a federal Equal Rights Amendment can provide U.S. citizens with the highest and widest level of legal protection against gender discrimination. However, the constitutions of 24 states – Alaska, California, Colorado, Connecticut, Florida, Hawaii, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Virginia, Washington, and Wyoming – provide either inclusive or partial guarantees of equal rights based on gender. (By historical comparison, when the 19th Amendment to guarantee women's right to vote was incorporated into the Constitution in 1920, a quarter of states had state guarantees for this right.) States guarantee equal rights on the basis of sex in different ways. Some (e.g. Utah, Wyoming) joined the Union in the 1890s with constitutions that establish equality for male and female citizens. Some (e.g. Colorado, Hawaii) changed their constitutions in the 1970s with a language that is virtually identical to the federal EF. Some (e.g. New Jersey, Florida) have language in their state constitutions that implicitly or explicitly includes both men and women in their affirmation of rights. Some states are restricting their equality guarantees For example, California clarifies equal employment and education rights, Louisiana prohibits arbitrary and unreasonable discrimination based on gender, and Rhode Island excludes the application to abortion rights. Ironically, five states with equal rights have made changes or guarantees (Florida, Illinois, Illinois, Utah and Virginia) have not ratified the federal ERDF. The state balance of equal rights has produced a solid amount of evidence over many decades about the prospective impact of a federal EF and refuted many of the claims made by ECM opponents. For more information on state ERAs, see State Equal Rights Amendments Revisited: Evaluating their Effectiveness in Advancing Protection Against Sex Discrimination by Linda J. Wharton, Esq., in Rutgers Law Journal (Volume 36, Issue 4, 2006).8. Since the 14th Amendment guarantees equal protection of the law for all citizens, why do we still need the ERDF? The 14th Amendment was ratified in 1868, after the Civil War, to address racial discrimination. As for the electorate, she added the word male to the Constitution for the first time. Even with the 14th Amendment, women had to wage a long and hard political struggle for more than 70 years, in order to obtain their right to vote through the 19th Amendment in 1920.It only in 1971 in Reed v. Reed, that the Supreme Court applied the 14th Amendment for the first time to prohibit discrimination on grounds of sex, in this case because the circumstances did not meet a rational basic test. In this and later decisions (e.g. Craig v. Boren, 1976; United States v. Commonwealth of Virginia, 1996), the court refused to raise the sex discrimination claims to the strict review standard that the 14th Amendment requires for certain suspicious classifications, such as race, religion, and national origin. Discrimination on the basis of these categories must be in the mandatory interest of the state in order to be preserved as constitutional. The Court now applies increased (so-called sceptical) control in cases of sex discrimination and requires highly convincing evidence to resurrect a state measure that differentiates by gender. However, such claims can still be assessed according to an intermediate standard of review, which only presupposes that such classifications must significantly advance an important government objective. The EERA would require the courts to go beyond the current application of the 14th Amendment by adding gender to the list of suspicious classifications protected by the highest level of strict judicial review. In an interview reported in California in January 2011, the late Supreme Court Justice Antonin Scalia flouted 40 years of precedent when he declared his belief that the Constitution does not protect against discrimination on the basis of sex. This remark, which provoked a broad public reaction, was seen as clear evidence of the need for Amendment on equality to ensure that all judges, regardless of their judicial or political philosophy, use the Constitution to prohibit discrimination on grounds of sex.9. Why has the ERDF sometimes been referred to as an amendment on women's equality? The ERDF is sometimes referred to as a change in women's equality in order to emphasise that women women rights are guaranteed less than men, and that equality can be achieved by easing women's rights to the same level of constitutional protection as men's. However, as their gender-neutral language makes clear, the ERDF's guarantee of equal rights would protect both women as class and men as a class against gender discrimination under the law.10 Is there not adequate legal protection against sex discrimination in the Equal Pay Act, the Pregnancy Discrimination Act, Titles VII and IX of the Civil Rights Act of 1964, court decisions based on the equality law of the 14th Amendment and other laws and lawsuits? Without the EGE in the Constitution, the statutes and jurisprudence that have made great progress on women's rights since the middle of the last century are vulnerable to being ignored, weakened or reversed. With a simple majority, Congress can amend or repeal anti-discrimination laws by a simple majority, the government can negligently enforce such laws, and the Supreme Court can use the intermediate standard of review to allow certain regressive forms of gender discrimination. Ratification of the ERDF would also improve the global credibility of the United States in the field of gender discrimination. Many other countries, however imperfect they are implemented, have in their government documents an affirmation of legal equality between the sexes. Ironically, some of these constitutions – in Japan and Afghanistan, for example – were written under the direction of the UNITED States GOVERNMENT. The ERDF is necessary to reconcile our own constitution with the promise engraved above the entrance to the Supreme Court – equal justice according to the law. 11. How is the ERDF related to reproductive rights? Opponents' repeated assertions that the ERDF would require the government to allow abortion on demand is a clear misrepresentation of existing federal and state laws and court decisions. In federal courts, including the Supreme Court, a number of restrictive laws on contraception and abortion have been invalidated since the mid-20th century, based on the application of the constitutional principles of the right to privacy and the 14th Amendment's due process clause. The principles of equal protection or rights have not yet been applied at the federal level. Some state court decisions (e.g. in Connecticut and New Mexico) have cited changes to the state's eparty laws on a very specific issue, a state that funds low-income Medicaid-eligible women for birth costs should also be required to fund medically necessary abortions for women in this government program. Those courts ruled that the state must fund both procedures related to pregnancy if it finances one of the two procedures in order to prevent the government from exerting fiscal pressure to exercise a deterrent influence on the exercise of a woman's constitutional right to make medical decisions about her pregnancy. The New Jersey Supreme Court issued a similar on the right to privacy and equal protection, without reference to the guarantee of equality of its State constitution. The existence or absence of a state ERDF or guarantee of equal protection does not necessarily correlate with the legal climate of a state for reproductive rights. For example, despite the state's EIS, the Pennsylvania Supreme Court ruled that restrictions on Medicaid funding for abortions are constitutional. The U.S. Supreme Court upheld Pennsylvania's restrictions on abortion under the Federal Due Process clause in a separate lawsuit (Planned Parenthood v. Casey, 1992). State court decisions on reproductive rights are not conclusive evidence of how federal courts would decide such cases. For example, while some state courts have demanded Medicaid funding for medically necessary abortions, the U.S. Supreme Court has upheld the constitutionality of the federal Hyde Amendment, which for decades has prohibited the federal government from funding most or all Of Medicaid abortions, even many medically necessary abortions. To what extent is the ERDF related to discrimination on the grounds of sexual orientation and the issue of same-sex marriage? Opponents of the ERDF have long argued that the government should respect same-sex marriage and other so-called gay rights, but discrimination based on sexual orientation has traditionally not been treated by courts as a form of gender discrimination protected by an equality guarantee. But even without an EGE in the Constitution, laws and court decisions have evolved rapidly over the past two decades to legalize same-sex marriage and overturn discrimination based on sexuality, which is based primarily on equal protection and individual principles of freedom. At the state level, where most marriage laws are passed and decided, laws, court decisions, and plebiscites increasingly supported the principle of same-sex marriage rights for same-sex couples, with or without state ERDF. A 1996 Federal Defense of Marriage Act (DOMA), which prohibits the federal government from recognizing same-sex marriages and denying federal benefits to spouses in such marriages, was overturned by the Supreme Court in 2013 in U.S. v. Windsor. The 5-4 majority ruled that DOMA violated the same freedom and guarantees of protection of the Constitution. In June 2015, by a 5-4 decision in Obergefell v. Hodges, the Supreme Court finally recognized a constitutional right to same-sex marriage and demanded States to allow same-sex couples to exercise this right. The decision was based primarily on the legal clauses of the Constitution and equal protection, not on the legal analysis of equality. In The Nation (July 20-27, 2015), David Cole wrote: Obergefell was the cornerstone of more than two decades of struggle between people who are committed to a vision of equality.... This change was not made by the whim of five judges, but by the laborious work People across the country who have committed to the idea of equality – and are willing to fight for it in state parliaments and courts, in state referendums, in their churches, and in their communities. And that is exactly how constitutional law has developed in our society in general: through the stubborn struggle of groups of committed citizens. 13. How is the EF related to single-sex institutions? Even without an EGE in the Constitution, Supreme Court decisions have increasingly limited the constitutionality of public lone-wolf institutions for decades. In 1982, the mississippi University for Women v. Hogan court ruled that Mississippi's policy of not including men in its all-female School of Nursing was unconstitutional. Judge Sandra Day O'Connor wrote in the majority decision that a gender classification could only be justified as compensation if members of the beneficiary sex had actually suffered a disadvantage. In United States v. The Commonwealth of Virginia decision, which prohibited the use of public funds for the then all-male Virginia Military Institute unless it admitted women, was in the majority opinion of Justice Ruth Bader Ginsburg that gender classifications can be used to compensate the disadvantaged class for certain economic disabilities [they] suffered in order to promote equal opportunities and promote the full development of the talents and skills of all citizens. However, such classifications must not be used to create or perpetuate the legal, social and economic inferiority of the traditionally disadvantaged class, in this case women. Thus, single institutions whose aim is to perpetuate the historical dominance of one sex over the other are already unconstitutional, while single-sex institutions that work to overcome past discrimination are now constitutional and, if the courts decide, could remain under an ERDF.14. What is the ERDF's relationship with women in the military? About 15% of U.S. military personnel are women. Women have participated in every war our country has ever waged, starting with the American Revolution, and they now hold top positions in all areas of the military, state defense, and national security institutions. They fight and die in battle, and the armed forces cannot work effectively without their involvement. Without ERDF, however, equal access for women to military career ladders and their protection against discrimination on grounds of sex are not guaranteed. The question of the draft often put forward as an argument against the ERDF. Indeed, the absence of an ERDF in the Constitution does not protect women from involuntary military service. Congress already has the power to design both women and men, and the Senate debated the possibility of disensitising nurses in preparation for a possible invasion of Japan in World War II. Traditionally, and currently, only men are required to register for the draft. After Troops from Vietnam in 1973, the United States switched to an all-volunteer military and has since not drafted registered men into active duty. In 1981, in Rostker v. Goldberg, the Supreme Court upheld the constitutionality of an all-male draft registration. In recent years, however, the Department of Defense has included memos and congressional drafts that deal with the draft or the national service, both men and women, into the system. The Defense Department's 2015 decision to open all combat positions to women has revived public debate over whether a future draft would include women. It is virtually certain that a reactivated system of a reactivated system would be legally challenged only for men as a form of discrimination on grounds of sex, and it would most likely be unconstitutional, with or without ERDF in the Constitution. The authors would continue to be examined for mental, physical and moral aptitude and other reasons for liberation (e.g. student status, parental status) before they were deferred, liberated, or accepted into military service. Since there is no immediate prospect of a re-establishment of the draft and no way of knowing what its requirements would be if it were to be reactivated, a discussion on the ERDF's relationship with that draft is primarily theoretical. However, the immediate practical value of the introduction of the ERDF in the Constitution would be to ensure equal treatment for women who volunteer in the military and to provide them with the same justice under the law that they risk and even sacrifice their lives to defend.15 Would the ERDF have a detrimental effect on existing benefits and protections that women now receive (e.g. maintenance, custody of children, social security payments, etc.)? Most family laws are written, administered, and decided at the state level, and court decisions in states with ERAs show that the benefits opponents claim women lose are in fact unconstitutional if they are made available gender-neutrally based on function, not stereotypical gender roles. The same principle would apply to laws and benefits (e.g. social security) at the federal level. Legislators would have two years after the ratification of the federal ERDF to change gender classifications in any law that could be considered unconstitutional. These laws can be brought into line with the ERDF by replacing gender-neutral categories (e.g. primary carers instead of mothers) in order to achieve their objectives. Courts have been moving towards Standards in family court decisions, and lawmakers write laws with more attention to gender-neutral language and intent. It is unlikely that the ERDF would have a disruptive effect on these trends.16. Is the ERDF shifting power from the Länder to the Federal Government? Opponents have called Section 2 of the EF (Congress has the power to enforce the provisions of this article through appropriate legislation) a federal power grab. In fact, this fact is a fact sometimes with a variation in wording to include the states appears in eight other amendments, starting with the 13th Amendment in 1865.The EERA would not transfer jurisdiction for laws from the states to the federal government. It would simply be another legal principle among many others in the US Constitution, with which the courts assess the constitutionality of state actions.17 What is the level of public support for constitutional guaranteeing equality between women and men? According to a 2016 survey commissioned by the ERA coalition, 94% of Americans support a constitutional amendment to ensure equality between men and women. That support reaches up to 99% among 18- to 24-year-olds, African-Americans, Asians and Hispanics Americans.In April 2012, a daily Kos/Service Employees International Union (SEIU) poll asked: Do you think the Constitution should guarantee equal rights for men and women, or not? The answers were 91% yes, 4% no and 5% not sure. A 2001 Survey by the Opinion Research Corporation, commissioned by the ERA Campaign Network of Princeton, NJ, found that nearly all u.S. adults – 96% – believe that male and female citizens should have the same rights. The vast majority – 88% – also believe that the US Constitution should make it clear that these rights should be the same. However, almost three-quarters of respondents – 72% – wrongly believe that the Constitution already contains such a guarantee. By asking these questions, without explicitly mentioning the term Equal Rights Amendment, the polls filtered out the negative effects of widespread misrepresentations and misjudgments of the ERDF, and showed that the citizens of the United States overwhelmingly support and increasingly support a constitutional guarantee of equal rights based on gender. Sex.