

Presentation for Action Ridge June 2023

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State Law Audit Project

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Equality of rights under the law
shall not be denied or abridged
by the United States
or by any state
on account
of sex.



ERACOALITION



FUND FOR WOMEN'S EQUALITY

The ERA Coalition was founded in 2014 to bring concerted, organized action to the effort to ratify the Equal Rights Amendment. The ERA Coalition has a sister organization, the Fund for Women's Equality, which promotes public education and outreach on the need for constitutional equality. Composed of more than 280 organizations across the country, the Coalition provides education and advocacy on Constitutional Equality.

While the effort to amend the Constitution to include sex equality began nearly a century ago, our renewed efforts are centered on women of color (African American, Asian American/Pacific Islander, Latina, and Native American), gender-nonconforming and transgender women and girls, and nonbinary people – those who are most impacted by systemic inequities.

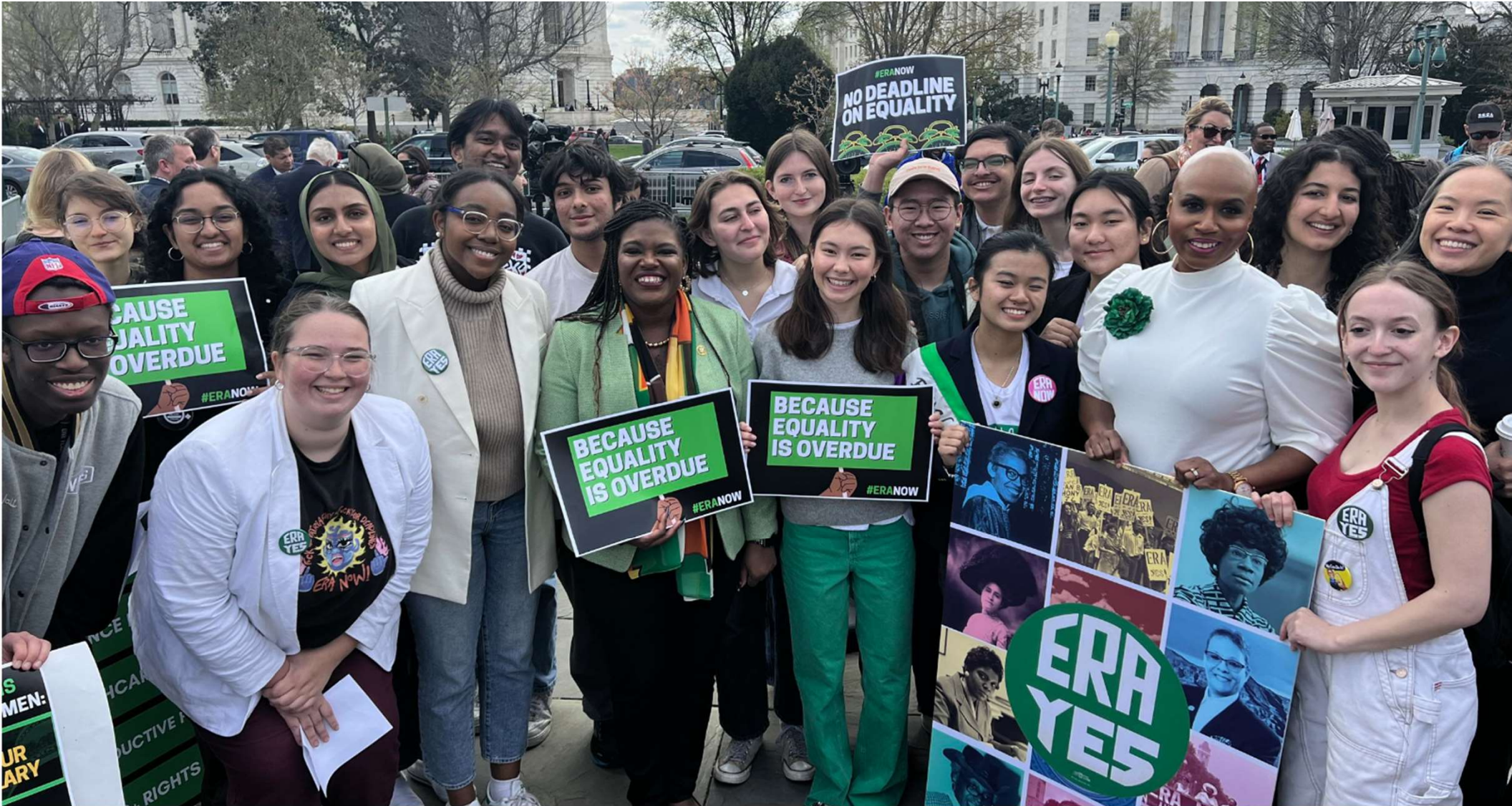


AmyJo Conroy is an attorney practicing in Illinois. Her favorite superhero is She-Hulk. Coordinates a State Law Audit Project for the ERA Coalition.

2020



Article V complete



Capitol Hill, March 2023

STATES

Affirm the 28th Amendment is ratified

California, Colorado, Hawaii, **Illinois** and Minnesota passed resolutions declaring the ERA is fully ratified.

More states introduced affirming resolutions such as Arizona, Georgia, Indiana, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York and Tennessee.

State ERAs – New York, Minnesota, Oregon and Maine

CONGRESS

SJRes 4

HJRes 25

ERA Caucus
5th largest caucus

Affirms the ERA is ratified

What you can do:

1. **Thank our legislators in Congress – HJRes 25**
Handwritten notes, Facebook, Twitter
2. **Thank our legislators in Springfield – HJRes 20**
Handwritten notes, Facebook, Twitter
3. **Awareness Outreach**
Follow @ERACoalition, @ERAillinois and signal boost
Voter Report Card

What Action Ridge can do:

Senator Tammy Duckworth

Representative Nikki Budzinski

Governor JB Pritzker

Representative Lauren Underwood

Inspire

- Netflix
 - My Name is Pauli Murray
 - What the Constitution Means to Me
 - Amend (episode 4)
- Book for teens – Ordinary Equality by Kate Kelly
- “Artists 4 ERA” art exhibit www.artists4era.org
- Podcast - Season 1 of Ordinary Equality on Wonder Media
- Book Group – “Do Everything” about Francis Willard



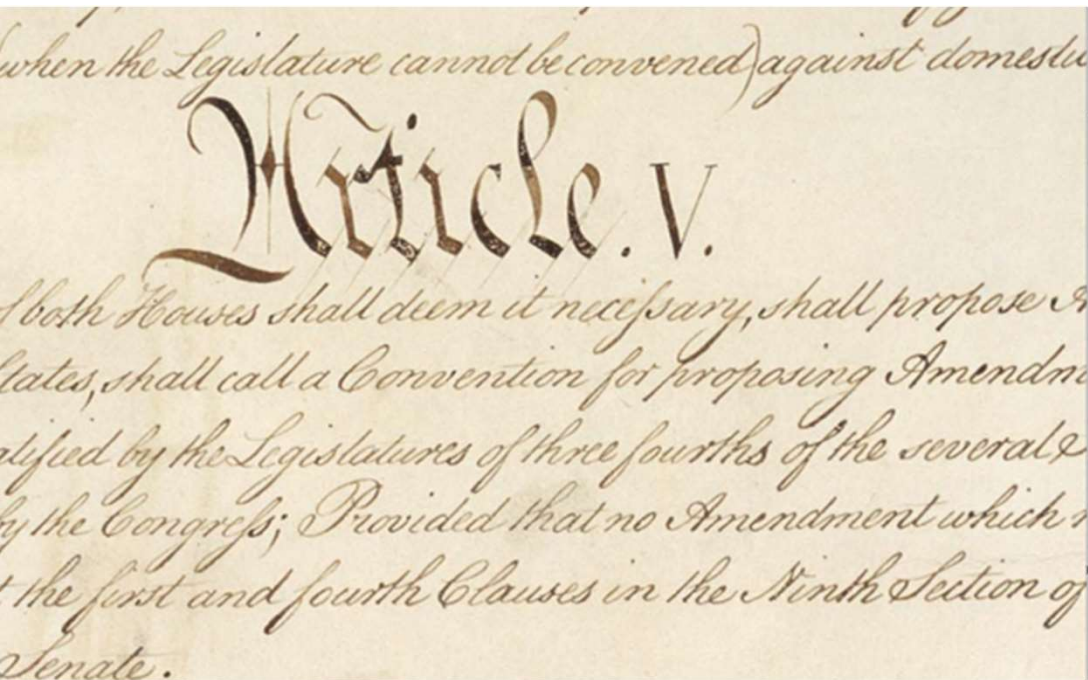
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Ratification Process



“The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, **when ratified by the Legislatures of three fourths of the several States...**”

U.S. CONSTITUTION, ARTICLE V

The Time Limit

“... within seven years from the date of its submission by the Congress”

PASSED BY CONGRESS
ON MARCH 22, 1972

Joint Resolution

Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

“ARTICLE —

“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.

“SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

“SEC. 3. This amendment shall take effect two years after the date of ratification.”

Rescissions



Fourteenth Amendment

Ohio and New Jersey claimed to rescind their ratifications; their claim had no impact.

Fifteenth Amendment

New York claimed to rescind its ratification; their claim had no impact.

Nineteenth Amendment

Tennessee ratified the 19th Amendment and later claimed to rescind the ratification. The rescission was rejected in *Leser v. Garnett*.

PURPORTED "RESCISSIONS"

Nebraska	Kentucky
Tennessee	South Dakota
Idaho	North Dakota

Litigation History



- Idaho v. Freeman (1981)
- Alabama, Louisiana and South Dakota (2019)
- Equal Means Equal v. Ferriero
- Virginia, Illinois and Nevada v. Ferriero
- Elizabeth Cady Stanton Trust lawsuits filed in Michigan, Rhode Island, and New York (2022)

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Americans still experience gender discrimination everywhere.

Childcare • Child Marriage • COVID-19 Response • Criminal Justice System
Domestic Violence • Economy • Education • Employment Law • Essential Workers
Female Genital Mutilation • Healthcare • Housing • Immigration • Labor Regulations
Low Income Communities / Wealth Gap • Maternal Healthcare • Military / Veterans
Police • Property • Sexual Exploitation / Human Trafficking • Welfare Reform

What would the ERA mean?

Adoption of the ERA would finally provide an **explicit guarantee** of protection against discrimination on the basis of sex in the U.S. Constitution.

It would make a critically important statement about equality. The Constitution **reflects our most cherished values** as a nation, and putting sex equality in the Constitution will have broad impacts on all aspects of our society.

In addition to being an important legal tool, the ERA is also a statement of principle and **empowerment**.

What would the ERA mean?

It would bring the United States **up to par with the rest of the world**. Most developed nations (and all new constitutions adopted in the world since World War II) provide some kind of equal rights guaranty.

It would provide **additional tools to protect** against sex-based violence and discrimination in the enforcement of laws and legislation.

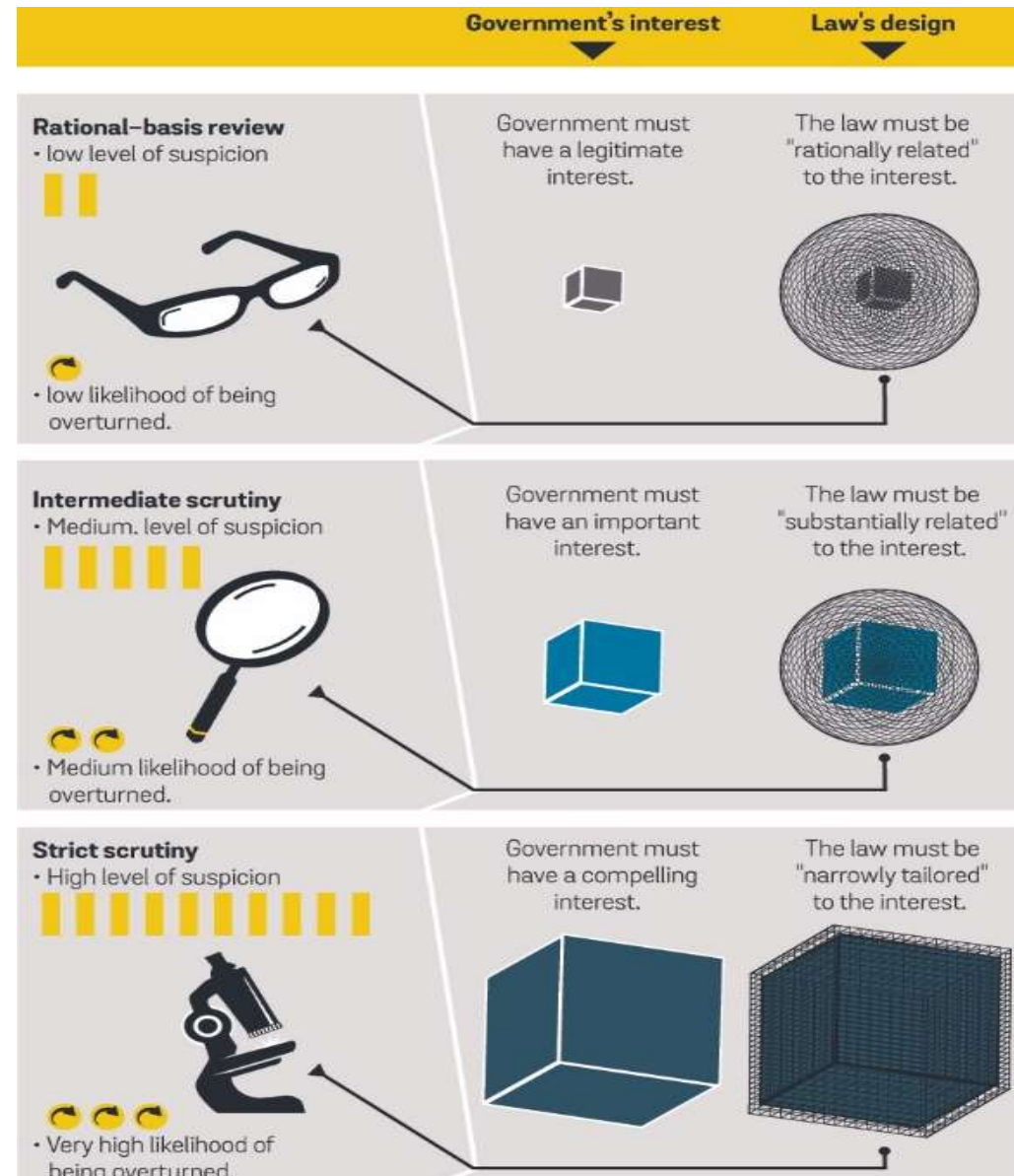
It would provide **additional tools to combat** discrimination in government employment, including in education, law enforcement, and the military.

Strict Scrutiny

Under current cases, the 14th Amendment's Equal Protection Clause gives *some* protection against sex discrimination, but not as much as against race discrimination.

And even those cases are in question. Some justices believe the 14th Amendment should not apply to sex at all, because its authors did not have sex equality in mind.

According to the late Justice Scalia, "Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. **It doesn't.**"





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