

The Equal Rights Amendment

Unfinished Business for the Constitution

ERA Overview Exhibit for Nevada Senate Joint Resolution 2 (SJR 2) to ratify the Equal Rights Amendment

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For add'l. info., visit equalrightsamendment.org, eraaction.org, eracoalition.org, and eraeducationproject.com or call Janette Dean at 775-771-8735, Senator Pat Spearman at 775-684-1424, or Senator Yvanna Cancela at 775-684-1427.

THE EQUAL RIGHTS AMENDMENT

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.

THE UNNECESSARY 1982 ERA RATIFICATION DEADLINE

Two wrongs do not make a right. Setting an unnecessary deadline to add equal rights to the U.S. Constitution was the first wrong, and the second wrong is still being done by states who continue to refuse to ratify it, knowing full well that there are consistent efforts to lift the unnecessary 1982 deadline and that new state ratifications would help immensely in that effort. Most recently, the Illinois Senate and the Virginia Senate passed resolutions in 2014 ratifying the ERA, but are still working on gaining more support to pass it out of their state houses.

Equal rights should ethically have no deadline. Rights are timeless and are far too important. In addition, several states have ratified constitutional amendments even after they were fully ratified with the $\frac{3}{4}$ minimum because they wanted to be shown in the Congressional Record as ratifying states; two examples are 12 states that later ratified the 19th amendment for women's right to vote (Mississippi was the last on March 22, 1984) and 9 states that later ratified the 13th amendment abolishing slavery and involuntary servitude (with Mississippi also being the last on March 16, 1995). In conclusion, there is nothing that can stop a state from ratifying an amendment at anytime to show support for it.

KEY FACTS & POINTS

- After continued annual efforts since 1923, Congress FINALLY passed the ERA on March 22, 1972 (almost 55 years ago) and $\frac{3}{4}$ of 50 states (38) were then needed to ratify it. Amendments before the Eighteenth Amendment in 1917 for Prohibition had never been given a deadline, but the ERA was given a seven-year deadline of 1979. By that deadline, a numerous 35 of 50 states had ratified, but three more were still needed. Congress then passed a three-year extension to 1982 (instead of the seven requested), but no other states ratified it. The three Western states that refused to ratify were Nevada, Arizona and Utah along with several Southern states and the two Midwestern states of Illinois and Missouri.

- The most recent amendment to the Constitution is the 27th Amendment (added in 1992). It delays Congressional salary changes from taking effect until the next term, and finally became an amendment after 202 years (it had been introduced in 1789 with no deadline). Many resolutions to lift the ERA's unethical 1982 deadline (for such an essential national right as equal rights) have been introduced in Congress, but have been blocked due to partisanship. However, recent resolutions (newest below), in the U.S. Senate and House are gaining more momentum due to growing numbers of female legislators as well as increasing public awareness and impatience by both women and men. The White House under President Obama also issued announcements giving full support for the ERA being fully ratified.
 - SJR5, just introduced 1/17/17 by Sen. Benjamin Cardin (D-MD), already has 27 co-sponsors
 - HJR53, just introduced 1/31/17 by Rep. Jackie Speier (D-CA-14), already has 144 co-sponsors including Representatives Ruben Kihuen (D-NV-4), Jacky Rosen (D-NV-3) and Dina Titus (D-NV-1)
- Republican legislators are far more reluctant to admit a need for the ERA, but the Equal Protection Clause of the 14th Amendment only allows "intermediate scrutiny" in sex discrimination cases, NOT the needed "strict scrutiny" that the ERA would require. In the Supreme Court case of *Minor Vs. Happersett (1875)*, the 14th Amendment was determined to not even allow women the right to vote. That case necessitated the 19th Amendment for women's suffrage and also the Equal Rights Amendment. In addition, although some states have their own ERA laws, they are not always applied or enforced due to the lack of an ERA at the federal level. Currently, under Nevada Revised Statute 233 enacted in 1961 and updated as recently as 2011, Nevada does specifically protect against discrimination by sex and many other characteristics for housing, service in public accommodations, employment, and an overarching area; so certainly, the state does supports equal rights at least in Nevada which is why they should also support them for fellow Americans and everywhere in the United States that Nevadans may travel.
- An April 2012 poll for Daily Kos and Service Employees International Union (SEIU) found that 91% of Americans believe that men and women should have equal rights affirmed by the Constitution.

NEVADA

- Nevada ratification of the ERA passed the Assembly in 1975 and the Senate in 1977, but it has never passed both houses with the 'simple majority' needed (51% or more of the 21-seat Senate and the 42-seat Assembly). The Governor's signature is not required on resolutions. In 1978, the ERA also failed in Nevada by a 2-1 margin as a Ballot Advisory Question (124K vs. 62K). The last resolutions to ratify the ERA in Nevada were introduced by Senator Pat Spearman in 2015 and Assemblywoman Kathryn McClain of Las Vegas in 2009, but neither resolution was able to get voted out of committee due to partisanship.

OTHER STATES

- Cross-country ERA pilgrim, Helene Swanson, who once lived in Nevada visited key states on her journey in 2014 and 2015 to inspire stronger ERA ratification efforts and she is succeeding. Strong efforts are now underway here and in Illinois, Virginia, Arizona, and also Utah where Mormons for the ERA are very active.