

LWW LEAGUE OF WOMEN VOTERS*

A Resolution Calling for Ratification of the Equal Rights Amendment (2019)

Whereas, the U.S. Constitution does not explicitly guarantee that all of the rights it protects are held equally by all citizens without regard to sex, and the only right it specifically affirms as equal for women and men is the right to vote, guaranteed by the 19th Amendment in 1920; and

Whereas, the 14th Amendment's equal protection clause was not applied to sex discrimination cases until 1971 and has never been interpreted to guarantee equal rights in such cases through application of strict judicial scrutiny (the highest level of protection, used in cases of discrimination based on race or religion), and some "originalist" legal analysts (e.g., the late Supreme Court Justice Antonin Scalia) even contend that the Constitution does not prohibit sex discrimination; and

Whereas, the proposed Equal Rights Amendment (ERA) to the Constitution – which affirms simply that "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex" – was written by suffragist leader Alice Paul and introduced in Congress in 1923, and passed by Congress in 1972 with a seven-year time limit, later extended to June 30, 1982; and as of January 1, 2019 has been ratified by 37 of the 38 states necessary to put it into the Constitution; and

Whereas, Article V of the Constitution imposes no time limit for ratification of amendments, and no proposed amendment had a time limit until 1917; Supreme Court decisions have recognized the power of Congress to determine the mode of ratification; and the 1992 ratification of the 27th ("Madison") Amendment 203 years after it was first proposed supports the premise that state ERA ratification votes since 1972 are sufficiently contemporaneous; and

Whereas, the process for ratification of the ERA maintaining the existing ratifications, overriding or removing the time limit via judicial and/or statutory action, and declaring the ERA to be part of the Constitution when 38 states ratify, is proposed as legally viable;

Now, Therefore, Be It Resolved, that we call on North Carolina's Legislature to ratify the Equal Rights Amendment as soon as possible in the current legislative session, in order to guarantee equal constitutional rights to all citizens without regard to their sex.

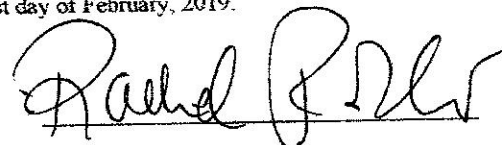
Be It Further Resolved, that we call on North Carolina's U.S. Senators and Members of the House of Representatives to co-sponsor, support, and pass into law the ERA ratification bills in the 116th Congress (2019-2020) that advance the process for removing the time limit.

Be it Finally Resolved, that we affirm strong support of ratification of the Equal Rights Amendment and our commitment to participate in effective legislative and advocacy actions at federal and state levels in order to put the ERA into the Constitution and guarantee equal constitutional rights to all citizens without regard to their sex.

Approved by League of Women Voters Henderson County, this 21st day of February, 2019.

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