

A Resolution Calling for Ratification of the Equal Rights Amendment

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 proposed Equal Rights Amendment (ERA) to the Constitution affirms 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”; and

Whereas, the ERA was written by suffragist leader Alice Paul and introduced in Congress in 1923, was passed by Congress in 1972 with a seven-year time limit, and after Congressional extension of the time limit to June 30, 1982, has been ratified by 36 of the 38 states necessary to put it into the Constitution; and

Whereas, Supreme Court Justice Antonin Scalia has said that the Constitution does not prohibit sex discrimination, and the 14th Amendment’s equal protection clause has never been interpreted to guarantee equal rights in cases of sex discrimination with the highest level of strict scrutiny that is applied to cases of discrimination based on race or religion; and

Whereas, Article V of the Constitution imposes no time limit for ratification of amendments; 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, two processes are being proposed for ratification of the ERA: (1) the traditional Article V passage by two-thirds votes in the Senate and the House of Representatives followed by ratification by three-quarters of the states, and (2) the “three-state strategy” of overriding or removing the time limit via judicial and/or statutory action and declaring the ERA to be part of the Constitution when two more states ratify;

Now, Therefore, Be It Resolved, that we call on all members of the North Carolina General Assembly to co-sponsor, support, and pass into law SB 85 and HB 102, and

Be it Further Resolved, that we affirm our strong support 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.

Approved by League of Women Voters of North Carolina, this 8th day of August, 2017.

Margaret Salinger
Signature

Co-president, LWVNC
Title

Janet Hay
Signature

Co-president, LWVNC
Title