

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

WHEREAS, women, who constitute over 51% of the population of North Carolina (NC), play an essential and irreplaceable role in society, contributing to our economy and advancing our nation in both public and private realms; and

WHEREAS, women continue to confront workplace discrimination, wage inequities, health care inequities, higher rates of poverty, rape and domestic violence assaults, a lack of political parity, and other forms of sex-based discrimination that are particularly compounding issues for Black women, Latinas, Indigenous and Native American women, immigrants, LGBTQ+ women, single mothers, and women in the military services; and

WHEREAS, state and federal anti-discrimination laws are not uniform or comprehensive, and can be repealed, amended, or ineffectively applied by the courts; and

WHEREAS, the ERA is essential for correcting systemic sex discrimination since it would guarantee 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 last three state ratifications of the thirty-eight needed to pass the ERA were procured – Nevada in 2017, Illinois in 2018 and Virginia in 2020; however, the National Archivist refused to publish and certify the ratifications without a court order based on a 2020 opinion from the Office of Legal Counsel (OLC), US Department of Justice; and

WHEREAS, on January 26, 2022, the OLC issued a new memorandum that the 2020 opinion was not an obstacle to Congressional action on ratification, followed with a statement from President Biden calling on Congress to recognize ratification of the ERA; and

WHEREAS, H.Res. 891 was introduced resolving that in the sense of the US House, the ERA had met the necessary requirements and become valid as the 28th Amendment; and

WHEREAS, ERA ratifications bills were introduced in the NC General Assembly in 2015, 2017, 2018, 2019 and 2021;

THEREFORE, BE IT RESOLVED, that we call on the NC General Assembly to ratify the ERA in order to join the growing list of states supporting a guarantee of equal constitutional rights to all citizens without regard to their sex; and

BE IT RESOLVED, that we call on the OLC to withdraw the 2020 opinion and the National Archivist to publish and certify the ERA as the 28th Amendment to the US Constitution; and

BE IT FURTHER RESOLVED, that we call on Congress to act immediately to pass H.Res. 891 recognizing ratification of the ERA; and

BE IT FINALLY RESOLVED, that we support efforts to pass S.J.Res. 1, joining the US House in lifting the time limit to remove any questions about timing.

ORGANIZATION _____

DATE ADOPTED _____

SIGNATURE, TITLE _____

Sources: ERA Project at Columbia Law School’s Center for Gender and Sexuality Law; Vote Equality; ERA Coalition; ERA-NC Alliance; EqualRightsAmendment.org; and Amicus Briefs, Virginia vs Ferriero