

FACTS ABOUT THE EQUAL RIGHTS AMENDMENT (ERA)

1. The ERA is the proposed amendment to the U.S. Constitution that would provide for equal rights for men and women. It was first introduced in 1923, and has been introduced in every Congress since. The pertinent text reads “Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.”
2. The U.S. Constitution does not **explicitly** state that men and women have equal rights under the law. The ERA would make that clear for the first time in U.S. history. **(Indeed, Supreme Court Justice Ruth Bader Ginsburg wrote in 1976 that it was not the intent of our Founding Fathers to make women equal, and that clarity very much is needed.)**
3. The most important effect of the ERA would be clarification of the status of sex discrimination for the courts, whose decisions still show confusion about how to deal with such claims. **Justice Antonin Scalia** in his 1976 VMI dissent noted that “*equal-protection jurisprudence,... regards this Court as free to evaluate everything under the sun by applying one of three tests: “Rational basis” scrutiny, intermediate scrutiny or strict scrutiny. These tests are no more scientific than their names suggest,... and it is largely up to us which test will be applied in each case.*” **The ERA would require courts to review alleged discrimination based on sex with the same high level of “strict scrutiny” as classifications based on race, religion and national origin.** (Courts do not currently do this under the equal protection clause of the 14th Amendment.)
4. Justice Scalia also stated in his VMI dissent: “*It is my view, that when a practice not expressly prohibited by the text of the Bill of Rights bears the endorsement of a long tradition of open, widespread, and unchallenged use that dates back to the beginning of the Republic, we have no proper basis for striking it down.*” **This interpretation of the Constitution underscores the NEED for the ERA. Without it, state, federal, or local laws granting men and women equal rights can be repealed by majority vote, not enforced by the agencies responsible for implementing the laws, and limited or struck down by the courts. Earlier court decisions can be reversed or overruled.**
5. If ratified by 38 States, the ERA would become the 28th amendment to the U.S. Constitution. So far, 35 States have ratified the ERA. No state has ratified since 1977, but Congressional acceptance of state ratification in 1992 of the Madison Amendment (proposed, but never ratified, as one of the amendments that became the Bill of Rights) provides a precedent for the current strategy of pursuing ratification in three more states!
6. **Florida is one of the 15 States that has not ratified the ERA. Ratification failed narrowly in 1982, the last time it was given a full floor vote. (The Senate Judiciary Committee voted for ratification by a 6-3 vote in 2003 & on April 1, 2008 voted 8-3 for ratification – the only votes taken on the measure since 1982.)**
7. Historically, Republicans were the first to support the Equal Rights Amendment. Alice Paul, the author of the ERA was a Republican and the Republicans were the first party to endorse the ERA in their party platform.
8. In 1998 Florida voters -- by a margin of 65% to 35% -- approved a similar amendment to the Florida Constitution when they approved of Revision 9. Therefore, ratification of the federal ERA would be fully consistent with the will of the voters of Florida.
9. Florida did not ratify the 19th Amendment granting women the right to vote until **1969!**
12. **Let’s make Florida the leader of the effort to extend the Constitutional guarantee of equal rights under the law to women as well as to men in 2008.**