

## A RESOLUTION CALLING FOR THE NORTH CAROLINA GENERAL ASSEMBLY TO RATIFY THE EQUAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION

WHEREAS, Women are 51.3% of the North Carolina population; and<sup>1</sup>

WHEREAS, Equal pay for women is a civil right critical to families' economic security, yet in North Carolina in 2013 for full-time year round workers, compared to every dollar a white, non-hispanic man made, women earned significantly less (White, 77¢; African-American, 63¢; Latina, 46¢)<sup>2</sup>; and

WHEREAS, More than 4 in 10 of the state's working women are their families' primary breadwinner<sup>3</sup>; but 24% of working women earn poverty-level wages, compared with 18% of men; and 13.2% of North Carolina working women earn below the Living Income Standard, compared with 9.7% of working men<sup>4</sup>; and

WHEREAS, If women received equal pay in the workplace, a major reduction in poverty and government spending on anti-poverty programs would result, since women's earnings would increase by nearly 14 times what federal and state governments invest in the anti-poverty Temporary Assistance for Needy Families program<sup>5</sup>; and

WHEREAS, The North Carolina General Assembly did not pass the Pay Equity Act proposed in 2013, ensuring that equally qualified and equally performing women earn the same wage as their male colleagues<sup>6</sup>; and existing federal laws against pay discrimination have failed to eliminate the wage gap between women and men; and

WHEREAS, The U.S. Constitution, the highest and most formal statement of our human rights principles, does not include a sex equality provision as do the statements of principles of most countries in the world, and the Equal Rights Amendment (ERA) would promote the fundamental human rights principle of equality for women; and

WHEREAS, The U.S. Constitution does not explicitly prohibit discrimination on the basis of sex, and according to Supreme Court Justice Antonin Scalia, should not be interpreted to prohibit sex discrimination<sup>7</sup>; and

WHEREAS, The 14<sup>th</sup> Amendment's equal protection clause has not been interpreted to guarantee equal rights for women in the same way the proposed ERA to the Constitution would, as demonstrated by the fact that currently cases of sex discrimination receive only intermediate scrutiny, but with the ERA in the Constitution, they would receive the highest level of strict judicial scrutiny, just as race discrimination does; and

WHEREAS, The ERA was first proposed in 1923, was passed by Congress in 1972 and had been ratified by 35 of the 38 states necessary to put it into the Constitution at the time an extended ratification deadline passed in 1982; and

WHEREAS, Legal analysis supports the conclusion that the ERA is still viable and properly before the states for ratification, since Article V of the Constitution imposes no time limit for ratification of amendments; Congress can alter time limits in the proposing clauses of amendments; the deadline for ERA appeared only in the preamble and not in the actual legislation; and ratification of the Madison (27<sup>th</sup>) Amendment 203 years after it was first proposed supports the premise that state ERA ratification votes since 1972 are sufficiently contemporaneous<sup>8</sup>; and

WHEREAS, The ERA would guarantee that women will have equal rights, including equal economic rights, under the U.S. Constitution, and the 2012 Democratic National Platform recognized women's rights as civil rights and reaffirmed its continuing support of the ERA, which it first adopted in 1944; now, therefore, be it

RESOLVED, That the \_\_\_\_\_ Precinct of the \_\_\_\_\_ County Democratic Party of North Carolina calls on all members of the North Carolina House and Senate to cosponsor, support, and pass into law House Joint Resolution\* \_\_\_ and Senate Joint Resolution\* \_\_\_ to ratify and affirm the Equal Rights Amendment to the U.S. Constitution as proposed by the U.S. Congress on March 22, 1972, and ratified by 35 state legislatures; and,

BE IT FURTHER RESOLVED, That the \_\_\_\_\_ Precinct and \_\_\_\_\_ County of the Democratic Party of North Carolina pursue grassroots and legislative strategies for passage of the ERA.

Submitted to the \_\_\_\_\_ Precinct by  
Name \_\_\_\_\_, \_\_\_\_\_ County  
Date \_\_\_\_\_

\*Joint Resolution bill numbers will be available upon introduction in the near future.

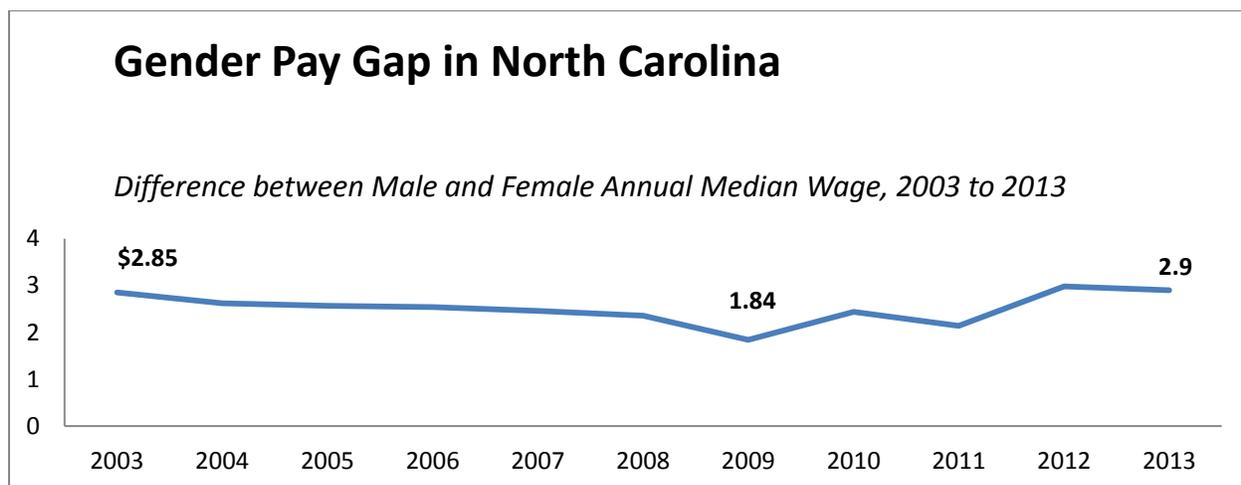
1. [U.S. Census Bureau Quick Facts, 2013-2014](#)

2. [Tazra Mitchell, Analysis of 2011-2013 American Community Survey, provided by Budget and Tax Center, NC Justice Center, Raleigh, NC, 2014](#) and [The Wage Gap State By State, National Women's Law Center, 2013](#)

3-6. [Alexandra Sirota, Tazra Mitchell et al., North Carolina's Tomorrow: Seeking Good, Quality Jobs to Build an Economy that Works for All, State of Working North Carolina, Budget and Tax Center Report, NC Justice Center, Raleigh, NC, 2014](#) and [NC H603, Pay Equity Act, 2013](#)

7. [Emily Martin, Justice Scalia Writes Women Out of the Constitution, National Women's Law Center, January 2011, \(quoted in California Lawyer, January 2011\)](#)

8. [Allison Held et al., The Equal Rights Amendment: Why the ERA Remains Legally Viable and Properly Before the States, William & Mary Journal of Women and the Law \(Vol. 3, No. 1\), Spring 1997](#)



Source: [State of Working North Carolina, NC Justice Center, 2014](#)