Are We Ready Yet? The ERA Today

Developed by:
Linell Ajello
Rosa Cho, Policy & Research Analyst, Re:Gender
Gail Cooper, Vice President for Programs, Re:Gender
Áine Duggan, President, Re:Gender

In July 2014, Democratic Congresswomen Jackie Speier of California and Carolyn Maloney of New York headed a rally to support federal ratification of the Equal Rights Amendment. Attendees gathered in front of the U.S. Supreme Court Building a month after the Court's controversial June 2014 *Hobby Lobby* decision to allow private companies to exclude contraception from employee health care plans. Some believe that decision would have turned out differently if the ERA were part of the frame for the Court's deliberations. Along with Speier and Maloney, members of the ACLU, the Progressive Democrats of America and the National Congress of Black Women wore red kerchiefs tied in their hair, Rosie-the-Riveter style, perhaps to signal the long history of the fight for equal rights. In the view of E. Faye Williams, president of the National Congress of Black Women: "It is about time. Simple equality should not be a controversial subject."

What is the Equal Rights Amendment?

"Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex" – these words are what lies in the heart of the Equal Rights Amendment (ERA). In 1923, **Alice Paul**, a women's rights activist whose suffragist campaign culminated in passage of the Nineteenth Amendment, wrote the ERA. Congress passed the amendment in 1972 and sent it on to the states for ratification. In 1982, it came closest to being ratified when thirty-five of the thirty-eight states required for inclusion in the Constitution passed it. The amendment has been reintroduced into (and defeated by) every Congress since then. In the 113th Congress (2013 – 2015), the ERA was reintroduced as H.J. Res 56 by Rep. Carolyn Maloney (D-NY), who continues to call for the prohibition of "denying or abridging equal rights under law by the United States or any state on account of sex" as it was originally proposed in 1923.

Maloney and company's determined efforts aside, should the fight for the ERA continue? If yes, then for what purpose? The 1970s world of hotly contested women's liberation/ERA battles does not really exist anymore. Legal and social end-runs have decommissioned many of the "moral reasons" conservative activist Phyllis Schlafly deployed to oppose the ERA: fear that it would lead to same-sex marriage (check), women in combat (check) and more women working outside the home (check). In 2013, women made up 47 percent of the labor force (compared with 38 percent in 1972) and comprised 40 percent of primary family household breadwinners. Recent polls show that a large majority of Americans support equal rights for men and women. In a 2001 survey, 91 percent of women and 85 percent of men agreed that the Constitution "should state that male and female citizens are supposed to have equal rights." (Notably, 72 percent believed that the Constitution already makes it clear that men and women are supposed to have equal rights.)

Mainstream and grassroots activism on gender-related issues are still experiencing a schism, which begs the question: does the current version of the ERA speak to the widest possible range of concerns? If not, what would it take to change it for the better? Thirty years ago, the reputation of the feminist movement, including to some extent the ERA push, was shaped in part by its exclusion of women of color and LBTQ women. Today, mainstream feminist conversations are dominated by such topics as leadership, closing the pay gap and work/life balance. Among women of color and LBTQ women, priorities fall more toward community over-policing and under-protection,economic insecurity and the ability to fully inhabit their bodies and gender identities without penalty. Could the ERA, as written, be an umbrella that covers these diverse needs?

This short primer will share the reflections and ideas that feminist scholars, activists and advocates have offered on these kinds of questions. The piece is the first of a two-part series by Re:Gender to generate robust conversation on the issue. We welcome you to share your thoughts and ideas about the ERA, its (potential) relevance to your life and why you would or would not seek its ratification.

Special thanks to the Sy Syms Foundation for supporting this project.

A tool of political power

Historically, the ERA has popped up on the political landscape during periods of intense party competition. "The symbolic power of the ERA was partly because, beginning in 1972, it had been seized by right-wing leaders," writes feminist historian Sara Evans. Today's efforts to get traction on the ERA are not galvanizing a right wing opposition movement, as happened in the 1970s. Instead, the work fits into a Democratic Party campaign strategy that aims to capture the so-called "ideological middle," those voters who are increasingly determining the outcome of elections at all levels. Writing in *The New York Times* in September 2014, Jonathan Martin observed that Democratic senators in swing states are raising "issues related to contraception and women's rights" to "both stoke concerns among moderate voters, especially women, and motivate their base."

These campaign strategies overlap with active legislative efforts, and Democrats are using priority issues to attract moderate woman voters and to win the title of the "pro-woman" party, a distinct counterpoint to the Republicans' negative war-on-women legislative stance. For example, on September 14, 2014, Republicans senators blocked the Paycheck Fairness Act. Ramsey Cox, of *The Hill* blog, reported that Republicans claimed Democrats were forcing votes unlikely to pass "for the sake of PR" (or producing "show votees"). But Maya Dusenbery, an executive director of *Feministing*, notes that for a Congress that continually fails to pass legislation, "forcing votes for political fodder seems to be the only move Democrats have left to play."

A tool of legal and legislative power

ERA advocates say that federal ratification could impact issues ranging from reproductive health care coverage to domestic violence protections and equal pay. Plus, it would enable courts to enforce already established social values of equality. Longtime feminist legal thinker Catharine MacKinnon argues in a 2014 paper that a ratified ERA would force judges to question the stereotypes through which they interpret the law, which would translate directly into greater "real world" equality. Yale Law students Alexandra Brodsky and Elizabeth Deutsch agree: "Since the Supreme Court began to hear sex discrimination suits, it has systematically invoked stereotypes and vague notions of biological difference to dismiss these claims, arguing that men and women are inherently different — and so can be treated differently, too." In the 2001 case *Nguyen v. INS*, for example, a statement in the ruling affirms the idea

that women naturally have a closer relationship to children. Such statements, Brodsky and Deutsch contend, exemplify the everyday sexisms that serve as foundations of judgment. With the ERA in place, they believe judges will be more likely to subject these stereotypes themselves to scrutiny.

Yet legal scholars who specialize in gender and the law cannot agree on how big a difference the ratified amendment would make. Duke Law School Professor Katharine Bartlett and Deborah Rhode from Stanford Law School argue against the idea that the ERA would be effective in the current climate. "I think its value is mainly symbolic," Rhode says. Similarly, Bartlett perceives a limited value: "What ERA does is make it [the court], I think, apply a higher standard to sex discrimination, but it would not affect the understanding or definition of discrimination."

MacKinnon, however, sees promise in Maloney's suggestion for a new first sentence for the amendment. ("Women shall have equal rights in the United States and every place subject to its jurisdiction.") To her mind, it confers a "positive right" – a right to demand equality, instead of a right *not* to be discriminated against. Legislative activities post-ratification, then, could go a long way to help women achieve legal and social equality to match their fundamental human rights. For MacKinnon, as well as for younger scholars such as Brodsky and Deutsch: "... by its language, it [the ERA] encourages legislation for equal rights."

Of course, equality-based legislation has been advancing without a ratified amendment. There's Title VII of the Civil Rights Act, passed in 1964, that covers sex-based discrimination in the workplace. Title IX of the Education Amendments of 1972 has long been used to ensure equal footing (access, resources, facilities) for male and female athletes in educational institutions receiving federal funding. In recent years, students have been using it as legal justification in their push for comprehensive prevention of sexual violence against women on campuses. And while the Paycheck Fairness Act stalls, the Lilly Ledbetter Fair Pay Act was signed into law in 2009. Bartlett notes: "Employment equity law seems to be in the process of progressing really well, rather than women's rights. There was a time when we thought that these laws would not progress without the ERA." With valid concerns on either side, political commentator Pema Levy summed up the "should we/shouldn't we" quandary in a 2011 article for *The American Prospect*: "Rather than push for a tough win that will bear disappointing rewards, it might be time to learn from the history of the ERA and then move on without it."

Northeastern Law School Professor Martha Davis, writing in 2008, determined that: "By adding a specific reference to sex equality to the Constitution, the amendment would result in strict scrutiny for governmental policies that discriminate based on sex and lead to a greater consideration of the particular impact of decisions on women even in the private sector." By "strict scrutiny", she means that a discriminatory law must "be narrowly tailored to achieve a compelling government end." The current standard for sex-based discrimination is "moderate scrutiny," a low threshold that requires the potentially discriminatory legislation be "substantially related to important governmental objectives." Representative Maloney and Jessica Neuwirth of Equality Now are likewise steadfast in their beliefs. "But if the Equal Rights Amendment were in the Constitution," Maloney has written, the *Hobby Lobby* case "could have had a different outcome." By demanding "strict scrutiny," the ERA might compel justices to weigh the religious rights of a "closely held" company against what Neuwirth and former Congresswoman Liz Holtzman describe as "the burden on women of denying them access to contraception, a burden that is serious and real and involves millions of women — and men." Gretchen Borchelt, senior counsel at the National Women's Law Center, described "women's literal absence from the majority opinion" in the *Hobby Lobby* case, along with scarce attention to benefits of reproductive health coverage. The ERA could prevent the kind of failure to consider women as a category that Borchelt noted in the majority opinion.

Rights protections are not just the purview of federal legislation. States have reacted to decisions such as the Supreme Court's decision in *Hobby Lobby,* with some — including New York, Ohio and Michigan — legislating defensively to protect individuals from the ramifications of the ruling. (See coverage of this effort on the National Women's Law Center website.) But consigning rights protections to the states means that not only are rights not universally guaranteed, there also is no consistent standard. For example, definitions of sexual assault vary by state. Thus, the patchwork nature of these laws that vary by state leaves people unprotected, and this can lead to heavy consequences. In 2013, Bryce Covert, economic policy editor for ThinkProgress, drew attention to the fact that in most states one can be fired from a job for being a victim of domestic violence. According to analysis in the 1981 U.S. Civil Rights Commission report, the ERA would both establish a standard and close such loopholes. Speaking in late September 2014, Eleanor Smeal, president of the Feminist Majority Foundation, cited more recent examples of loopholes and weak laws that allow discrimination, at the same time "an opposition...keeps trying to unwind laws we do have on the books, reverse them through leg or court cases."

The ERA, by some lights, could also help to undercut deeply embedded sex-based discrimination. Along with using the strict scrutiny standard, MacKinnon points out that the ERA does not require a finding of intent – i.e., that a person or institution knew at the time that an action or rule violated the Amendment. Many, like MacKinnon, believe this would change the discrimination equation at the structural – and sometimes socially acceptable – level beyond what the 14th Amendment currently provides. "Probably nobody is consciously deciding that women will be raped and nothing will be done about it," writes MacKinnon who, like Brodsky and Deutsch, sees the ERA's possibilities as a powerful tool, unlike Bartlett and Rhode. This is the "which comes first?" riddle: a change to social standards and the "cultural lens" that guides interpretation, or the law? The ERA, for example, could help change the fact that police often place the onus on rape victims to prompt each stage of inquiry, unlike other crimes they investigate, as reported in recent articles from *Slate* and *Huffington Post*.

Two prominent feminists who dedicated decades to equal rights — labor activist Dolores Huerta and Dr. E. Faye Williams– both brought up the issues of domestic violence, police failure to report and investigate rape and campus rape and sexual assault as evidence for the acute need for the ERA. "The statistics are horrendous," Huerta said. And Williams, who had recently attended an event commemorating the Violence Against Women Act (VAWA), said: "When you look at what happens today with violence, you see that women are not equal in this country. If we had the ERA, we wouldn't be trying to define rape as a crime." To both Huerta and Williams, the ERA would have pragmatic legal effects at the same time that it would call attention to the reality of inequality — solving the "which comes first?" dilemma.

In a 2011 article by Pema Levy, published in *The American Prospect*, University of Pennsylvania Law School Professor Serena Mayeri provided an important caution to overly optimistic thinking about the role of federal constitutional amendment: "[I]ts interpretation would still be in the hands of a (fairly conservative) judiciary." But, as feminist legal scholar Linda J. Wharton, assistant political science professor at Richard Stockton College of New Jersey, notes**,** Justice Antonin Scalia's statement that the Constitution does not prohibit discrimination on the basis of sex is itself one of the strongest arguments for the ERA.

A tool of divisiveness and exclusion?

Mainstream feminism's reputation as largely heteronormative — or focused on straight, white, middle-class women – was earned partly through its approach to ERA advocacy. Does a successful ERA strategy need to signal a more progressive and inclusive stance?

Where do race, class, age, etc., fit into the ERA?

Sara Evans writes that the 1980s were the era when "feminism" became associated with wealthier white women, as NOW, *Ms.* Magazine and other organizations took on a more mainstream character. In some ways, this continued in the 1990s, with fracture between grassroots organizations and a burgeoning focus on feminist theory in academia. But scholars such as Anne Valk who focus on particular regions (in her case, District of Columbia) along with Evans, point out instances in which particular initiatives at the national level and state-level grassroots collaboration have galvanized feminist activism across class and color lines.

One activist in particular, African American feminist lawyer Pauli Murray, refused to give in to an either/or binary when working on the Civil Rights and feminist movements of the 1960s and 1970s. As described by legal scholar Serena Mayeri: "Murray devoted her career to building bridges between outsider groups otherwise tempted to compete with one another — most importantly for her, between the male-dominated African-American civil-rights movement and the predominantly white women's movement." In addition, during the height of the legal and legislative struggles in the mid- to late-20th century, Murray argued "for the inclusion of women on the civil-rights agenda and the inclusion of women of color on the feminist agenda. Again and again, she pushed her colleagues to embrace inclusive solutions, not only because a universalist approach was morally right, but also because it was pragmatic." Today, Murray's approach is widely embraced as "intersectionality," a concept named by Kimberlé Crenshaw, a prominent legal scholar of critical race theory, to point out how different types of discrimination interact based on one's identities — race, class, gender identity, sex, nationality, ability, etc.

The pressure to stay on one side or the other of the either/or binary remains present in today's feminist activism. Equal pay is a key issue for ERA proponents, and Sheryl Sandberg's "lean in" executive class feminism has been influential since the publication of her book in 2013. But women are impacted by sex discrimination not only by being kept out of top positions or being paid less for the same job. As a September 2014 article from Demos described, more than 90 percent of people in home-care aide positions are women, and these jobs are low paying "because care work is traditionally performed by women." Unfortunately, there appears to be little crossover between grassroots economic justice work and executive leadership, even though both focus on opportunity for women. The current push for the ERA does not seem connected to grassroots work. Of the 140 names listed in Representative Maloney's publication, there are a few labor organizations, including International Black Women for Wages for Housework and the American Nurses Association. But Unite Here and the National Domestic Workers Alliance are not. Recent MacArthur Award winner Ai-jen Poo, who heads the Alliance, is putting forward a Domestic Worker Bill of Rights, seemingly with no connection to the ERA. Similarly, the organization Latino Justice, which advocates for fair working conditions, has no direct affiliation with Maloney's ERA advocacy.

Dr. E. Faye Williams, president of the National Congress of Black Women, highlights low-income jobs, domestic violence and the furor sparked in Ferguson, Missouri, over Michael Brown's death as concerns for black women: "Black women have so many things to place their attention on, they are so stretched out to deal with race as well as gender." But Williams describes her close affiliation with NOW President Terry O'Neill, and she stresses that the ERA represents common cause among white women and women of color. "We play the role we can. One of the roles I am playing in the ERA movement is that I want to see women of color involved in this. A lot of times, women of color don't support things because they're not brought into the conversation." Her organization is seeking funds that would allow them to hire "a special person to work on nothing but ERA."

The NAACP supports the ERA, and members of Support ERA marched in one of the broadly progressive Moral Monday events in Raleigh, North Carolina (sponsored by the NAACP). Emma Akpan, blogging at *Reality Check,* reported that an email from "an individual who works closely with" the NAACP and the women's coalition Moral Mondays did not think Ferguson should not be on the agenda of "women's issues." Akpan writes: "Luckily, leaders in the women's movement in North Carolina have begun to recognize the deep and racist problems that cause some white women to consider only reproductive health and equal pay as women's issues."

Like Williams, Dolores Huerta — who is on the board of the Feminist Majority — supports the ERA "absolutely." To bring in a younger population of women to the ERA effort, law professor Linda Wharton says the Democrats should articulate its impact in a more robust way and not shy away from tying reproductive health to abortion rights. Over the years, she says, "legislators have begun to worry that if they link ERA to abortion, they're going to sink it. So they move around it. At the level of political strategy, I understand it. But at the end of the day, I want a robust ERA that is going to get to the heart of women's autonomy issues." As journalist Irin Carmon recently noted, the willingness of some Democratic politicians to use the "A" word may signal a more robust and inclusive ERA discussion that gathers steam as it draws in more supporters, at least from some quarters.

To stem the effort to repeal equal rights gains and strengthen and unify existing laws, Smeal, Wharton and others see a need for state and grassroots efforts in combination with efforts at the federal and national level. One reason is to keep the issue before the public. As Smeal notes, another is to keep up a tactic used by the suffragists: going back and forth between advocacy on state and federal levels. Having states pass the ERA is leverage, Smeal says, not only at the legislative level, but also in terms of highlighting existing legal discriminations to the public.

In or Out? Answering the LBTQ Question

Betty Friedan uttered her infamous "lavender menace" slur in 1969, arguing that including lesbians would diminish the chance of advancing the feminist agenda. NOW recognized lesbian rights in 1971, and Sara Evans describes the broad inclusion of the Women's Political Caucus of 1971. But divisions within the movement continued in the 1970s, and a prominent argument was that "linking to abortion, lesbianism, and sex-sex marriages would be a mistake." (See Critchlow and Stachecki.) In the decades since, NOW and other organizations have come out in support of LBTQ rights.

American culture has shifted tremendously since the 1970s. Both among activists and in the mainstream culture, there is far greater understanding of sex, gender, sexual orientation and gender identity. In turn, greater efforts are being made by and on behalf of LBTQ communities in the name of feminism. However, the controversies and schisms continue. Recent examples include controversies at women's colleges, including Mills College and Mount Holyoke College (both of which have changed course), that barred transgender women students whose stated gender identity does not match the designation on their ID; or the ongoing efforts by transgender women to be included at the Michigan Womyn's Festival, which currently only allows cisgender women, or "women born women," to attend.

By adding the word "woman" in her suggested edit to the ERA, it is unclear whether Representative Maloney's new language points toward or away from an interpretation of "sex" that includes LBTQ people. Smeal points out that the addition of the word "woman" in Maloney's new first line addresses the lack of women as a category in the Constitution, an omission that contributes to the dangerous and tentative nature of gender rights: "Everything, in terms of rights won through Title IX, Title VII, and the 14th Amendment, can be reversed by a hostile president, or hostile courts."

Like a recurring dream, the current push for the ERA might be viewed as taking a tactically faceted approach not dissimilar from the campaign to pass the Violence Against Women Act in 1995 and get it reauthorized in the years since. In that case and this, the strategy beckons moderate women voters by keeping LBTQ off the marquee, while pushing for LBTQ rights in the legislation through backdoor efforts. Is that the right approach? After all, Democrats did not pass a version of VAWA that includes provisions for sexual identity and orientation (along with a provision that enables immigrant victims of domestic violence ground on which to petition for citizenship) until last year, almost 20 years after its original passage. Speaking on the House floor on behalf of a stronger, more inclusive Democratic version of VAWA, Wisconsin Democratic Representative Gwen Moore said: "As I think about the LBTQ victims who are not here, the native women who are not here, the immigrants who aren't in this bill, I would say, as Sojourner Truth would say, 'Ain't they women?'"

Once again, this less upfront inclusion of LBTQ people may have to do with capturing the middle. Polling results vary, and while many find a majority of people support equal rights for LGBT people, the margins are narrower than those for polls that ask questions along the lines of men and women. (See polls here, here, and here.) And LBTQ organizations seem to be working according to Pema Levy's observation that with the repeal of "don't ask, don't tell" and the advancement of marriage equality, "the gay-rights movement is better off sticking to its current track of individual cases to secure equal rights." LGBT groups have continued their work apace, pushing through equal rights legislation at state and local levels. The Houston Equal Rights Ordinance, backed by Human Rights Campaign (HRC), contained LGBT-inclusive language, as did legislation passed — in the midst of intense division — in Austin, Dallas and Fort Worth. HRC is currently working on such legislation in Nebraska.

Meanwhile, religious exemptions in the Employee Non-Discrimination Act (ENDA) have caused organizations such as the National Gay and Lesbian Task Force (NGLTF), ACLU and others to withdraw their support. On September 17, a new version of ENDA was put forward, with Democratic backing, that narrowed the religious exemption and, according to Rea Carey, executive director of NGLTF, it treats "LGBT people the same as other protected classes."

Conclusion

Whether the ERA becomes a rallying piece of legislation for early 21st century feminism or continues to languish unratified and powerless remains to be seen. Public longing for the symbolic power the amendment might confer could overcome the skepticism about its power to bring about significant material change — legislative, legal, political, economic, etc. What also seems clear, however, is that there is little hope that diverse groups will work on its behalf without more assurances that the amendment will meet their needs. The demands of intersectional activism often mean that while organizations may have some stake in a federal ERA, without a more direct effort to include their concerns prominently in the agenda, the national movement will lack their direct support. As Wharton argues, the statements made now about the ERA matter, as they could shape how robustly the law is interpreted later on.

Contributors:

Katharine T. Bartlett, JD
A. Kenneth Pye Professor of Law
Duke Law School

Dolores Huerta
Founder and President of the Dolores Huerta Foundation
Co-founder of the National Farm Workers Association

Sonji Patrick, JD
Director of Education Programs
LatinoJustice Institute PRLDEF

Deborah L. Rhode, JD
Ernest W. McFarland Professor of Law
Stanford Law School

Eleanor Smeal
President
Feminist Majority Foundation

Linda J. Wharton, JD
Associate Professor of Political Science
Richard Stockton College of New Jersey

E. Faye Williams, JD
President
National Congress of Black Women

Citations

Akpan, Emma. "What Is a 'Women's Issue'? Women of Color Challenge the Prevailing Narrative." *RH Reality Check.* August 5, 2014. Accessed September 25, 2014. http://rhrealitycheck.org/article/2014/08/05/womens-issue-women-color-challenge-prevailing-narrative/

American Association of University Women. "The Simple Truth about the Gender Pay Gap (Fall 2014)." September 18, 2014. Accessed September 25, 2014. http://www.aauw.org/research/the-simple-truth-about-the-gender-pay-gap/

Bland, Scott. "Younger Americans Back Transgender Worker Protections." *National Journal.* December 12, 2013. Accessed September 25, 2014. http://www.nationaljournal.com/congressional-connection/coverage/younger-americans-back-transgender-worker-protections-20131212

Borchelt, Gretchen. "The Hobby Lobby Majority Opinion: It Can't Be Sex Discrimination If Women Aren't in the Picture." National Women's Law Center. July 8, 2014. Accessed September 25, 2014. http://www.nwlc.org/our-blog/hobby-lobby-majority-opinion-it-cant-be-sex-discrimination-if-women-arent-picture

Brafman, Sarah. "After Hobby Lobby Decision, State Legislators Mobilize to Protect Employees' Access to Reproductive Healthcare Services." National Women's Law Center. August 11, 2014. Accessed September 25, 2014. http://www.nwlc.org/our-blog/after-hobby-lobby-decision-state-legislators-mobilize-protect-employees%E2%80%99-access-reproductiv

Brodsky, Alexandra and Elizabeth Deutsch. "Time for an Equal Rights Amendment." *Politico.* July 29, 2014. Accessed September 25, 2014. http://www.politico.com/magazine/story/2014/07/time-for-a-new-equal-rights-amendment-109519.html#.VCXLmPldX9t

Carmon, Irin. "Some Democrats Aren't Afraid of the A-Word." MSNBC. September 16, 2014. Accessed September 25, 2014.http://www.msnbc.com/msnbc/some-democrats-arent-afraid-the-word

Church of Jesus Christ of Latter-Day Saints. "The Church and the Proposed Equal Rights Amendment: A Moral Issue." *Ensign.* February 1980. Accessed September 25, 2014. https://www.lds.org/ensign/1980/03/the-church-and-the-proposed-equal-rights-amendment-a-moral-issue?lang=eng

Cohen, Tom. "House Passes Violence Against Women Act After GOP Version Defeated." CNN. February 28, 2013. Accessed September 25, 2014. http://www.cnn.com/2013/02/28/politics/violence-against-women/

Covert, Bryce. "In All But Six States, You Can Be Fired for Being a Victim of Domestic Violence." *ThinkProgress.* June 20, 2013. Accessed September 25, 2014. http://thinkprogress.org/economy/2013/06/20/2190691/domestic-violence-employment-discrimination/

Cox, Ramsey. "Senate Advances Paycheck Fairness Act." *The Hill.* September 10, 2014. Accessed September 25, 2014.http://thehill.com/blogs/floor-action/senate/217301-paycheck-fairness-advances-in-the-senate

Crenshaw, Kimberlé. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics." *University of Chicago Legal Forum.* 1989:139-167. Accessed September 25, 2014. http://web.calstatela.edu/faculty/tbettch/Crenshaw%20Demarginalizing%20Intersection%20Race%20Sex.pdf

Critchlow, Donald T. and Cynthia L. Stachecki. "The Equal Rights Amendment Reconsidered: Politics, Policy, and Social Mobilization in a Democracy." *Journal of Policy History.* 2008:157-176. Accessed September 25, 2014.http://muse.jhu.edu/journals/jph/summary/v020/20.1.critchlow.html

C-SPAN. "Violence Against Women Act 20th Anniversary Commemoration." September 9, 2014. Accessed September 25, 2014.http://www.c-span.org/video/?321382-1/vice-president-biden-remarks-violence-women-act

Davis, Martha F. "The Equal Rights Amendment: Then and Now." *IRis*, Northeastern University. *School of Law Faculty Publications*, Paper 192. January 1, 2008. Accessed September 25, 2014. http://iris.lib.neu.edu/cgi/viewcontent.cgi?article=1192&context=slaw_fac_pubs

Department for Professional Employees, AFL-CIO. "Women in the Professional Workforce." August 2013. Accessed September 25, 2014. http://dpeaflcio.org/professionals/professionals-in-the-workplace/women-in-the-professional-and-technical-labor-force/

Dusenbery, Maya. "For the 4th Time, Senate Republicans Vote Against Equal Pay Protections for Women." *Feministing.* September 16, 2014. Accessed September 25, 2014. http://feministing.com/2014/09/16/for-the-4th-time-senate-republicans-vote-against-equal-pay-protections-for-women/#more-87430

The Equal Rights Amendment Campaign Network. "A Nationwide Survey Shows that Americans Want a Constitutional Guarantee of Equal Rights for Women." Accessed September 25, 2014. http://2passera.org/survey.shtml

Feminist Majority Foundation. Accessed September 25, 2014. http://www.feminist.org/

Ford, Zack. "Women's College Opens Doors to Transgender Students." *ThinkProgress.* September 2, 2014. Accessed September 25, 2014. http://thinkprogress.org/lgbt/2014/08/27/3476188/mills-college-transgender/

Gallup. "Gay and Lesbian Rights." Accessed September 25, 2014. http://www.gallup.com/poll/1651/gay-lesbian-rights.aspx#4

Gender and Water Network. "History and Theory of Feminism." Accessed September 25, 2014. http://www.gender.cawater-info.net/knowledge_base/rubricator/feminism_e.htm

Goldberg, Michelle. "What is a Woman?" *The New Yorker.* August 4, 2014. Accessed September 25, 2014.http://www.newyorker.com/magazine/2014/08/04/woman-2

Gray, Kaili Joy. "*Daily Kos*/SEIU Poll: Huge Majority of Americans Support Equal Rights for Women in Constitution." *Daily Kos.* April 24, 2012. Accessed September 25, 2014. http://www.dailykos.com/story/2012/04/24/1086021/-Daily-Kos-SEIU-poll-Huge-majority-of-Americans-support-equal-rights-for-women-in-Constitution

Hiltonsmith, Robert. "How Home Health Care Aides Are a Microcosm of the Jobs Crisis." Demos. July 22, 2014. Accessed September 25, 2014. http://www.demos.org/blog/7/22/14/how-home-health-care-aides-are-microcosm-jobs-crisis

Holtzman, Liz and Jessica Neuwirth. "The Hobby Lobby Shock: It's High Time for an Equal Rights Amendment." *The Guardian.* July 11, 2014. Accessed September 25, 2014. http://www.theguardian.com/sustainable-business/2014/jul/11/hobby-lobby-birth-control-contraception-supreme-court-sexism-constitution

The Huffington Post. Moral Mondays. Accessed September 25, 2014. http://www.huffingtonpost.com/news/moral-mondays/

The Huffington Post. Women Work Life Balance. Accessed September 25, 2014. http://www.huffingtonpost.com/tag/women-work-life-balance/

Kessler, Glenn. "Overselling the Importance of Independent Voters." *The Washington Post.* November 20, 2012. Accessed September 25, 2014. http://www.washingtonpost.com/blogs/fact-checker/post/overselling-the-importance-of-independent-voters/2012/11/19/1c04b598-3294-11e2-bfd5-e202b6d7b501_blog.html

Killermann, Sam. "30+ Examples of Cisgender Privilege." *Everyday Feminism.* September 20, 2012. Accessed September 25, 2014. http://everydayfeminism.com/2012/09/30-examples-of-cisgender-privilege/

Kingkade, Tyler. "Turning College Sexual Assault Cases Over to Police May Not Mean More Convictions." *The Huffington Post.* April 25, 2014. Accessed September 25, 2014. http://www.huffingtonpost.com/2014/04/25/college-sexual-assault-police_n_5213384.html

LatinoJustice PRLDEF. Accessed September 25, 2014. http://latinojustice.org/

Lean In. Accessed September 25, 2014. http://leanin.org/

Levy, Pema. "The Gay Equal Rights Amendment." *The American Prospect.* January 27, 2011. Accessed September 25, 2014.http://prospect.org/article/gay-equal-rights-amendment

Levy, Pema. "Revive the ERA?" *The American Prospect.* January 26, 2011. Accessed September 25, 2014.http://prospect.org/article/revive-era

Lopez, German. "11 Things You Should Know About the Michael Brown Shooting." *Vox.* September 27, 2014. Accessed September 27, 2014. http://www.vox.com/cards/mike-brown-protests-ferguson-missouri/mike-brown-ferguson-MO-protests

MacKinnon, Catharine. "Toward a Renewed Equal Rights Amendment: Now More Than Ever." *Harvard Journal of Law & Gender.* 2014:569-579. Accessed September 25, 2014. http://harvardjlg.com/wp-content/uploads/2014/07/MacKinnon.pdf

Maloney, Carolyn B. "Hobby Lobby Proves Need for ERA: Column." *USA Today.* July 9, 2014. Accessed September 25, 2014.http://www.usatoday.com/story/opinion/2014/07/08/contraception-era-hobby-lobby-column/12291971/

Marcotte, Amanda. "Why Not Just Turn Campus Rape Allegations Over to the Police? Because the Police Don't Investigate." *Slate.* September 15, 2014. Accessed September 25, 2014.http://www.slate.com/blogs/xx_factor/2014/09/15/new_york_times_on_the_laughable_tallahassee_police_response_to_sexual_assault.html

Martin, Jonathan. "Democrats Put Cultural Issues in Their Quiver." *The New York Times.* September 15, 2014. Accessed September 25, 2014. http://www.nytimes.com/2014/09/16/us/politics/turning-tables-democrats-use-cultural-issues-as-a-cudgel.html

Mayeri, Serena K. "Two Women, Two Histories." *Harvard Magazine.* November-December 2007. Accessed September 25, 2014.http://www.harvardmagazine.com/2007/11/two-women-two-histories.html

Morris, Mike. "Council Passes Equal Rights Ordinance." *Chron.* May 28, 2014. Accessed September 25, 2014.http://www.chron.com/news/politics/houston/article/Council-passes-equal-rights-ordinance-5510672.php

National Domestic Workers Alliance. Accessed September 25, 2014. http://www.domesticworkers.org/

National Domestic Workers Alliance. Campaigns. Accessed September 25, 2014. http://www.domesticworkers.org/campaigns

National Gay and Lesbian Task Force. "Today's Discharge Petition on the Employment Non-Discrimination Act (ENDA) with Narrow Religious Exemption." September 17, 2014. Accessed September 25, 2014.http://www.thetaskforce.org/press/releases/pr_af_091714

National Organization for Women-NoVA Chapter. Issues. Accessed September 25, 2014. http://www.novanow.org/about-now/

Ocen, Priscilla A., and Kimberlé Crenshaw. "Marissa Alexander and Overpolicing and Underprotection of Black Women." *Ebony.* March 24, 2014. Accessed September 25, 2014. http://www.ebony.com/news-views/marissa-alexander-and-overpolicing-and-underprotection-of-black-women-405#axzz3ESF4g9Wq

Office of Congresswoman Carolyn B. Maloney. "The Equal Rights Amendment, 111th Congress." July 13, 2009. Accessed September 25, 2014.https://maloney.house.gov/sites/maloney.house.gov/files/documents/women/era/Facts%20About%20the%20ERA%20in%20the%20111th%20Congress.pdf

Palmer, Brian. "What's the Difference Between 'Rape' and 'Sexual Assault'?" *Slate.* February 17, 2011. Accessed September 25, 2014.http://www.slate.com/articles/news_and_politics/explainer/2011/02/whats_the_difference_between_rape_and_sexual_assault.html

Parker, Ashley. "House Renews Violence Against Women Measure." *The New York Times.* February 28, 2013. Accessed September 25, 2014. http://www.nytimes.com/2013/03/01/us/politics/congress-passes-reauthorization-of-violence-against-women-act.html?pagewanted=all&_r=0

Ring, Trudy. "Transgender Rights Support Crosses Religious, Political Lines." *Advocate.* November 13, 2011. Accessed September 25, 2014. http://www.advocate.com/news/daily-news/2011/11/13/transgender-rights-support-crosses-religious-political-lines

Steinmetz, Katy. "Laverne Cox Talks to *TIME* About the Transgender Movement." *TIME.* May 29, 2014. Accessed September 25, 2014. http://time.com/132769/transgender-orange-is-the-new-black-laverne-cox-interview/

Tate, Hubert. "Enhanced Plans to Achieve LGBT Equality in Nebraska." *Human Rights Campaign.* September 15, 2014. Accessed September 25, 2014. http://www.hrc.org/blog/entry/enhanced-plans-to-achieve-lgbt-equality-in-nebraska

Terkel, Amanda. "Scalia: Women Don't Have Constitutional Protection Against Discrimination." *The Huffington Post.* May 25, 2011. Accessed September 25, 2014. http://www.huffingtonpost.com/2011/01/03/scalia-women-discrimination-constitution_n_803813.html

Tucker, Karen Iris. "Is It Wrong to Perform at Michfest?" *Advocate.* May 28, 2013. Accessed September 25, 2014.http://www.advocate.com/politics/transgender/2013/05/28/it-wrong-perform-michfest?page=full

UNITE HERE. Accessed September 25, 2014. http://unitehere.org/

United States Commission on Civil Rights. "The Equal Rights Amendment: Guaranteeing Equal Rights for Women Under the Constitution." June 1981. Accessed September 25, 2014. https://www.law.umaryland.edu/marshall/usccr/documents/cr11068.pdf

Wang, Wendy, Kim Parker and Paul Taylor. "Breadwinner Moms." *Pew Research Social & Demographic Trends.* May 29, 2013. Accessed September 25, 2014. http://www.pewsocialtrends.org/2013/05/29/breadwinner-moms/

Wood, L. Maren. "The Women's Movement." *Learn NC.* Accessed September 25, 2014. http://www.learnnc.org/lp/editions/nchist-postwar/6055