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The ERA Brief June 2021

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Why Do We Need the ERA? New Decision from the 6th Circuit Answers the Question

At the ERA Project we get asked all the time: “Why do we need the Equal Rights Amendment (ERA)?” “Doesn’t the Constitution already prohibit sex discrimination?” “What difference would it make to add explicit sex discrimination protections in the Constitution as the 28th Amendment?”

Well, last week the 6th Circuit Court of Appeals (the federal appeals court covering Ohio, Michigan, Kentucky, and Tennessee) provided a perfect example of why the anti-discrimination protections contained in the U.S. Constitution need to be updated and strengthened, and how the ERA could do this.

The case, [*Vitolo v. Guzman*](#), involved a challenge to a key provision of the \$1.9 trillion COVID-19 stimulus package signed into law by President Biden in March 2021. The program targeted economic sectors particularly impacted by the pandemic, such as restaurant owners, providing “a one-off monetary lifeline aimed at ameliorating short-term economic devastation.” Congress built into the aid application process a 21-day fast track for restaurant owners hardest hit by the pandemic: women and “socially and economically disadvantaged” people, a.k.a. people of color. Other restaurant owners could apply for aid during this period as well, but applications from women and people of color would be processed first. Nevertheless, Antonio Vitolo, the white male owner of Jake’s Bar and Grill in Harriman, Tennessee, challenged the fast track application procedure, claiming that it discriminated against him on the basis of his sex and race.

[Read our full brief on the case here.](#)



- Check out Ting Ting and Katherine’s [conversation](#) about the modern ERA movement and its possibilities.
 - Ting Ting and Marcy Syms, a founding Advisory Board member of the ERA project, co-authored the op-ed, “[American Families Plan can pave the way for a gender equity New Deal](#)” on Biden’s infrastructure and economic recovery plan.
 - We issued a [litigation update](#) on recent appeals in two pending lawsuits, *Virginia v. Ferriero* and *Equal Means Equal v. Ferriero*, challenging the validity of the Congressional time limits.
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[Where Abortion Access Would Decline if Roe v. Wade Were Overturned](#)

May 18, 2021

New York Times, Quoc Trung Bui, Claire Cain Miller and Margot Sanger-Katz

“I think it’s more likely now that we would see them frontally reverse Roe v. Wade than even a year ago,” said **Katherine Franke**, director of the center for gender and sexuality law at Columbia. “But they don’t need to. They could certainly accomplish the same end by keeping Roe on paper, but they would have hollowed it out so entirely that it would give a green light to conservative state legislatures to enact laws that essentially overrule Roe.”

[The Equal Rights Amendment: How Long Must American Women Wait?](#)

April 14, 2021

Power Up Women! Podcast

Columbia Law Professor **Katherine Franke**, who recently launched **THE ERA PROJECT** and Barbara Rodriguez, a journalist covering the renewed ERA push for The 19th clear up the misinformation and intentional disinformation about what the ERA would do and shed light on what it will take to finally get it passed.

[The nearly century-long battle to pass the Equal Rights Amendment](#)

April 1, 2021

CBS This Morning Podcast

Columbia University Law professor **Katherine Franke** joins CBS News congressional reporter Nikole Killion to discuss the status of the Equal Rights Amendment (ERA).

Where We're Learning, Acting, Dreaming



What we're reading:

[*How Black women have built movements and cultivated joy*](#), Amanda Alexander, Director, Detroit Justice Center

[*Pregnant Women Allege Abuse in Texas Jails: At the same time, state lawmakers are pushing to incarcerate more people pretrial*](#), Elizabeth Weill-Greenberg, The Appeal

[*Somebody's Daughter*](#), Ashley C. Ford

What we're listening to:

[*Ordinary Equality Podcast: Changing the Way We Talk About Abortion*](#)

Episode 38: [*Motherhood on Trial - Pregnant and incarcerated*](#), *The Activist Files* Podcast, Center for Constitutional Rights

What we're watching:

[*The Great*](#) (The Great is a satirical, comedic drama about the rise of Catherine the Great from outsider to the longest reigning female ruler in Russia's history. Available on Hulu.)

[*Town Bloody Hall*](#) (*Town Bloody Hall* is a dazzling display of feminist firepower courtesy of some of the most influential figures of the era, with [Norman] Mailer plainly relishing his role as the pugnacious rabble-rouser and literary lion at the center of it all. Available at the Criterion Collection.)

Please share where you're
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dreaming about a just world!

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