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### The ERA Brief October 2021

Center for Gender and Sexuality Law

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We are excited to return to campus and rejoin the vibrant law school community. Our work at the ERA Project has taken on a renewed sense of urgency as we seek to advance sex equality in a time when the right to bodily autonomy is under threat from restrictions on reproductive and transgender rights.

Last week we submitted an *amicus*—or friend of the court—[brief](#) to the Pennsylvania Supreme Court explaining why a state ban on public funding for abortion for Medicaid recipients violates the state’s Equal Rights Amendment. In the brief filed in ***Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services***, we described the legal principles that show that the denial of reproductive health care in general, and access to abortion in particular, is a form of sex-based discrimination.

We also recently issued a policy brief titled “***The Equal Rights Amendment and the Equality Act: Two Equality Measures Explained.***” The brief provides an in-depth analysis of how each measure would strengthen legal protections against discrimination based on sex, sexual orientation, and gender identity, how they work together, and why we need them both. We describe the historical background of the problematic ways in which women’s rights and transgender rights have been used as a wedge issue, and argue that not only are these two measures compatible, but they are mutually reinforcing pillars of equality. Here are quick links to the [brief](#) and a set of short [talking points](#) on the ERA and the Equality Act.

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## ERA Project submits testimony to Congress

On **Thursday, October 21, 2021 at 10 AM (EST)**, Rep. Carolyn Maloney, Chairwoman of the Committee on Oversight and Reform, will hold a **hearing on “The Equal Rights Amendment: Achieving Constitutional Equality for All.”**

In advance of the hearing, Chairwoman Carolyn Maloney requested expert guidance from the ERA Project regarding the validity of the 2020 Office of Legal Counsel memo on the status of the ERA. Our legal analysis has been submitted into the record as testimony in the hearing.

To read our letter visit [here](#).

To watch the hearing via live stream visit [here](#).

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On September 28th, the Center for Gender and Sexuality Law's Equal Rights Amendment (ERA) Project hosted a virtual advance screening of the documentary ***My Name Is Pauli Murray***. The screening was followed by a live Q&A with ERA Project Director, Ting Ting Cheng, and director of the film and Columbia alum, Betsy West.

The film celebrates the life and ideas of Pauli Murray, a non-binary Black lawyer, activist, Episcopalian priest and poet who influenced both Ruth Bader Ginsburg and Thurgood Marshall.

[You can watch a recording of the Q&A here.](#)

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Virtual Event: November 16th, 2021 @ 8pm (EST)

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# 21 LEADERS FOR THE 21<sup>ST</sup> CENTURY



Last week we announced that Ting Ting Cheng, Director of the ERA Project, will receive the Marcy Syms Leader for Gender Equality Award at the Women's eNews 21 Leaders for the 21st Century gala. We are so grateful to Advisory Board member Marcy Syms, Women's eNews and this powerful community of advocates committed to uplifting women's leadership.

Please note that this virtual event **has been rescheduled and will be held on Tuesday, November 16th, 2021 at 8pm Eastern.** We will send out the link to the livestream a few days before the event.

In the meantime, we invite you to learn about the incredible work of fellow honorees by clicking below.

[Meet the Honorees](#)



### **ERA Project team member received STAR Award from Columbia Law School!**

Lilia Hadjiivanova, ERA Project Administrative Director, was recognized with the Staff Appreciation & Recognition (STAR) Award by Columbia Law School for her exceptional dedication, creativity and problem-solving.



[\*\*Constitution Day Is The Perfect Day To Remind You We Still Don't Have Equal Rights\*\*](#)

September 17, 2021

Kathryn Rubino,

“Anyway, **the ERA Project at Columbia Law School** — a law and policy think tank to develop academically rigorous research, policy papers, & expert guidance on the Equal Rights Amendment — has taken a slightly different approach. For Constitution Day, and as we come upon the one-year anniversary of Ruth Bader Ginsburg’s passing, they want to remind us that there still is not a constitutional amendment to guarantee equal treatment based on sex. Indeed, as a reminder, way back in 1787 when the Constitution was signed, it was not intended to include women. So, you know, an actual amendment about that is probably overdue.”

 **@ERAProjectCLS** @eraprojectcls · Sep 17, 2021 

On today's [#ConstitutionDay](#), we at the [@ERAProjectCLS](#) want to remind everyone of the universal truth of [#GenderEquality](#). No one is equal until we are all equal -- including women and the LGBTQ community. [#ERANow](#)

**What does the  
Constitution  
mean to you?**

 Columbia Law School  
EQUAL RIGHTS AMENDMENT PROJECT



**@ERAProjectCLS**

@eraprojectcls

When the U.S. Constitution was written, [#WeThePeople](#) was not intended to include women. On [#ConstitutionDay](#), join us in calling for explicit [#sexequality](#) in the Constitution -- a much needed step to ensure that [#WeThePeople](#) truly includes all of us. [#ERANow](#)

10:00 AM · Sep 17, 2021



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## [What makes the Supreme Court's abortion ruling so radical \(op-ed\)](#)

September 3, 2021

Katherine Franke, *New York Daily News*

[Excerpt] “When read together, the Texas abortion case, the COVID mass gatherings case and the eviction moratorium case, signal a startling new approach to constitutional rights forged by this Supreme Court, as the Law, Rights, and Religion Project at Columbia Law School noted in a recent report. Some rights are ranked as more fundamental, and thus more deserving of the court’s immediate attention. When these first-tier rights — religious exercise and property rights — are claimed to be under threat, the court senses a constitutional emergency that deserves immediate attention.

Second-tier rights — public health, reproductive rights, racial, sexual orientation and gender equality — are regarded as less worthy of the court’s protection and, in many cases, must now yield to the protection of more favored rights.”

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## Where We're Learning, Acting, Dreaming



### **What we're listening to:**

Shungudzo, [To Be Me](#)

### **What we're reading:**

Farah Jasmine Griffin, [\*Read Until You Understand: The Profound Wisdom of Black Life and Literature\*](#)

Pauli Murray, [\*Dark Testament: and Other Poems\*](#)

Rep. Lauren Underwood, [\*We Must Advance Maternal Health Equity in the Build Back Better Act\*](#)

Heather McGhee, [\*The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together\*](#)

Cecilia Gentili, [\*This Is What Will Make Sex Work in New York Safer\*](#)

Farah Stockman, [\*American Made: What Happens to People When Work Disappears\*](#)



Please share where you're  
learning, acting, and  
dreaming about a just world!

Tweet at us  
@ERAProjectCLS



 Columbia Law School  
**THE ERA PROJECT**

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