

Paul J. De Muniz
484 Holmes Cr. SE
Salem, OR 97302

June 11, 2014

Re: Proposed Oregon Equal Rights Amendment

To Interested Parties,

Oregon voters will soon have an opportunity to vote on a proposal to add the Equal Rights Amendment to the Oregon Constitution. The text of the measure creates a new Section 46 to Article I of the Constitution and provides:

"(1) Equality of rights under the law shall not be denied or abridged by the State of Oregon or by any political subdivision in this state on account of sex.

"(2) The Legislative Assembly shall have the power to enforce, by appropriate legislation, the provision of this section.

"(3) Nothing in this section shall diminish a right otherwise available to persons under Section 20 of this Article or any other provision of this Constitution."

Subsections (1) and (2) of the text are the proposed Federal Equal Rights Amendment with modifications for application to a state and its political subdivisions.

Subsection (3) of the text makes absolutely clear that nothing in the proposed ERA shall diminish any rights otherwise available to persons under any provision of the Constitution.

The local chapter of the ACLU has recently prepared a position statement opposing the proposed measure.

The ACLU begins by citing its longstanding support for the federal ERA. Although it supports passage of the federal ERA, it evidently opposes its mirror image in the Oregon Constitution. ACLU states that Oregon's Constitution already has the strongest possible protection against sex discrimination. That is not correct. First, as the Attorney General's ballot title makes clear no current provision in the Constitution expressly provides those protections. Instead, the protections available to women are present as a result of caselaw.

In addition, as the ballot title prepared by the Attorney General also points out, under current case law, there is a prohibition on laws granting or denying privileges or immunities on account of sex, unless justified by specific biological differences between men and women. The ERA would remove the biological differences exception.

The ACLU position paper also suggests several scenarios in which the rights of others could be affected by passage of an Oregon ERA but supplies no support or evidence for any of these suggestions.

The text of the ERA itself provides that nothing in it will diminish the rights of any group under any provision of the Oregon Constitution. Not only does the ballot title approved by the Attorney General confirm this, but Oregon's Office of Legislative Counsel has also issued opinions further supporting that nothing in the ERA proposal will diminish the rights of any other group. At least 22 states have adopted equal rights amendments in their constitutions. Not one of the "concerns" voiced by the ACLU has ever come to pass in those states.

The ACLU has a tradition of taking up the rights of others and advocating for their civil rights in courts of law. In recent history, the ACLU has also lobbied the legislature and the public advocating public policy positions. Although we respect and honor their right to do so, they are mistaken to oppose passage of the Oregon ERA. We believe that passage of the Oregon ERA will acknowledge the contributions and importance of more than 50% of our citizens by finally providing women express recognition in our state's most important document, its constitution.

Very truly yours,

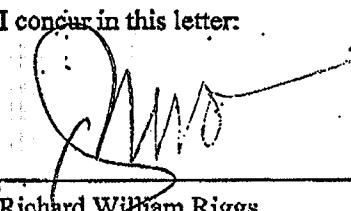

Paul J. De Muniz

I concur in this letter:


W. Michael Gillette

Date
6/16/14

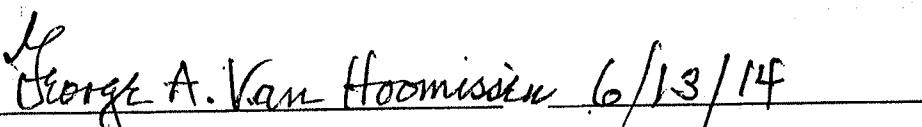
I concur in this letter:


Richard William Riggs

Date

6/12/14

I concur in this letter:


George A. Van Hoomissen

Date