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**The City of New York**  
**Community Board 8 Manhattan**  
**Women and Families Committee**  
Wednesday, September 25, 2024 - 6:30 PM  
*Conducted Remotely on Zoom*

**Minutes**

*Present:* Elizabeth Ashby, Gayle Baron, Michele Birnbaum, Lori Bores, Alida Camp, Susan Evans (Public Member), Sahar Husain, Valerie Mason, John McClement, Rita Popper, Peggy Price, Judy Schneider, and Robin Seligson.

*Approximate Number of Public Attendees:* 45

**Item 1: A forum on the proposed Equal Rights Amendment to the NYS Constitution—and its tie-in to the pending ERA to the US Constitution**

This November, New York State’s voters will be choosing whether to support a proposed Equal Rights Amendment to the State’s Constitution. If passed, this initiative, labeled Proposition 1 on the ballot, would significantly expand protections against discrimination in New York State. But passage of the ERA isn’t guaranteed: Not only are there opponents to this amendment but the proposition may go unnoticed by some voters because it will appear on the often-overlooked back side of the ballot.

These were among the issues raised at the Committee’s September 25th forum on New York State’s proposed ERA.

This public event featured presentations by ERA experts, State Assembly Member Rebecca Seawright, the Assembly’s lead sponsor of the ERA proposal; Kimberly Wolf Price, an attorney and immediate past chair of the Women in Law Section of the New York State Bar Association; and Katherine Franke, a professor at Columbia University Law School and director of Columbia Law’s Center for Gender and Sexuality Law.

Speakers addressed the origin and content of New York State’s proposed ERA and concerns raised by its opponents. In addition, Professor Franke provided an update on the status of the pending ERA to the United States Constitution.

Speakers Seawright and Wolf Price explained that Article One of Section 11 of the NY Constitution now protects against discrimination on the basis of race, color, creed, and religion. The ERA proposal would expand those discrimination bans to include ethnicity, national origin, age, disability, sex, sexual origination, gender identity, gender expression, pregnancy, and pregnancy outcomes, as well as reproductive healthcare and autonomy. The amendment also allows laws to be created to prevent or undo past discrimination.

Why an ERA proposal now? Ms. Seawright cited rollbacks in civil rights. “We have seen federal courts turn back the clock on civil, human, and voting rights,” Ms. Seawright said in a film she presented to the audience about the ERA. “We cannot, and must not, stand by as freedom of choice and freedom from discrimination are so outrageously denied.”

In NY State's Constitution, equality provisions haven't been updated since Section 11 was adopted in 1938. Since then, societal changes have given rise to civil rights, gender rights, LGBTQ rights, and disability rights. To Ms. Seawright, "the time for constitutional change," to ensure all New Yorkers have equal rights, "is long overdue."

Although Ms. Seawright expressed optimism that NY's proposed ERA would pass in November, she acknowledged some opposition: "There is a campaign upstate against this amendment. Several candidates running for office" have made "this (opposition to the ERA) their platform." That means "we have to educate people about this amendment."

Speaker Kimberly Wolf Price elaborated on some opponents' objections to the proposed ERA. These "scare tactics," she said, included fears about what would happen if school bathrooms and locker rooms were no longer segregated by sex. Besides that concern, speakers cited religious arguments against the ERA: some opponents fear the ERA would remove religious exemptions to laws and generally erode religious freedom.

Ms. Wolf Price called such concerns "baseless." The proposed ERA, she explained, provides basic civil and human rights protections for a much broader group of New Yorkers. It doesn't dictate which bathroom to use. If the ERA becomes part of the state's constitution, she said, "a municipality trying to pass its own law based on gender would have to prove the law was as narrowly tailored as possible and intended to achieve a compelling government interest. There would be no compelling government interest to make all children use the same bathroom."

Beyond that issue, Ms. Wolf Price explained this year's tussle in the courts over the ERA ballot initiative. As she pointed out, elected officials in the state's Senate and Assembly passed the ERA ballot initiative, as required, in two consecutive sessions, with the final vote in January 2023.

Opponents waited more than another year before challenging the ballot initiative, claiming improper procedures had been used to get it on the ballot. But that effort failed: Overturning a lower court, New York's Appellate Court ruled that the ERA would remain on the New York State ballot this November, Wolf Price said.

Professor Katherine Franke was the final speaker. She began her remarks by explaining how difficult it is to amend the New York State Constitution but praised the process as hyper-democratic. As such, the legislature had to act twice before the ERA amendment, Proposition 1, was placed on the November 5th ballot.

Proposition 1 will amend language from 1938 creating a 21st century NYS constitution. Fortunately, the categories in the amendment already receive statutory protections under NYS's Human Rights Act, but codifying these rights strengthens and expands protections currently in place.

Opponents of Proposition 1 have rung a scary bell saying that protecting categories of identity will have dire consequences. Some argued that freedom of religion will be impacted, which is not the case since NYS's religious liberties exceed that legislated by the Federal government. Others have argued that the use of coed bathrooms will lead to major problems, which is unlikely. College dorms and dorm bathrooms have been mixed gender for decades. Protections on the basis of gender identity are not radical and already exist. These types of protections also are recognized by the current Supreme Court.

Professor Franke recently met with Nevada elected officials and advocates after the state passed an ERA amendment to its constitution. Columbia Law's Center for Gender and Sexuality Law developed a How to Guide with explicit steps on how to implement an ERA amendment. Nevada will use the guide as a template for revisions to its constitution.

Professor Franke next addressed the federal ERA, which passed by a 2/3's congressional vote in the 70s as well as was ratified by 38 state legislatures. The American Bar Association determined that the 28th Amendment is legal. However, issues still exist regarding certain deadlines in the process which may have been missed.

At the conclusion of the forum, the committee met and decided to send a letter to the New York City Board of Elections requesting that poll workers remind all voters to vote on both sides of the ballot.

**Item 2: Old Business – No old business**

**Item 3: New Business – No new business**

The meeting ended at approximately 8:30 PM

P. Gayle Baron and Margaret Price, Co-Chairs, Women and Families Committee