



History of the Equal Rights Amendment

Alice Paul drafted and introduced the first Equal Rights Amendment (ERA) in 1923, at a conference to commemorate the 75th anniversary of the Seneca Falls Convention. She was a Republican and one of the founders of the National Woman's Party, which worked for the passage of the Nineteenth Amendment granting women the right to vote. After successfully gaining women's suffrage in 1920, Paul characterized the amendment as the next logical step for the women's movement.

Support for the amendment slowly grew, and the ERA was added to the Republican Party platform in 1940 and Democratic Party platform in 1944. In 1972, nearly fifty years after it was first introduced, the ERA passed the House and Senate with the required two-thirds majority. The amendment was then sent for ratification by three-fourths of the states with a seven-year deadline.

States initially rushed to ratify the ERA and twenty-two states ratified the amendment within the first year. Progress slowed over the years and by 1977, two years before the ratification deadline expired, only 35 of the 38 states needed had ratified. Five states rescinded their ratification, but the legal status of these rescissions is uncertain. When it became clear that the thirty-eight states needed for ratification would not occur by the 1979 deadline, legislation was passed by Congress to extend the deadline to June 30, 1982. No further states ratified during this time period and the ERA was not added to the Constitution.

Current Efforts for the Equal Rights Amendment

Since the expiration of the June 30, 1982 deadline, the Equal Rights Amendment has been introduced in every Congressional session. Over the course of the past thirty years, Representative Carolyn Maloney and Senator Edward Kennedy were longtime sponsors of the ERA. More recently, Senator Robert Menendez has sponsored the ERA in the Senate, and in the House, Representative Maloney has introduced a new ERA with a sentence explicitly mentioning women drawn from the text originally drafted by Alice Paul in 1923, followed by the text of the ERA passed in 1972.

Another current approach, led by Senator Benjamin Cardin and Congresswoman Jackie Speier proposes the removal by Congress of the ten-year deadline for ratification of the ERA, to enable ratification by the three states needed. This approach, first introduced in 1994 by Representative Rob Andrews, was inspired after the Madison Amendment was successfully ratified 203 years after it was passed through Congress. There was no ratification deadline on the Madison Amendment. The legal issues arising from this approach include whether Congress has the power to change the deadline after it has expired, and whether it can be changed by a majority vote.



Equal Rights Amendment Legislation

Start-Over ERA- HJ Res 52

Introduced by Representatives Carolyn Maloney (D-NY) and Cynthia Lummis (R-WY)

This legislation currently has 194 cosponsors

SECTION 1. *Women shall have equal rights in the United States and every place subject to its jurisdiction. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.*

SECTION 2. Congress and the several States shall have the power to enforce, by appropriate legislation, the provisions of this article.

SECTION 3. This amendment shall take effect two years after the date of ratification.

Start-Over ERA- SJ Res 16

Introduced by Senator Robert Menendez (D-NJ)

This legislation currently has 9 cosponsors

SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

SECTION 3. This article shall take effect 2 years after the date of ratification.

Three State Strategy- HJ Res 51 & SJ Res 15

HJ Res 51 was introduced by Congresswoman Jackie Speier (D-CA)

This legislation currently has 164 cosponsors

SJ Res 15 was introduced by Senators Ben Cardin (D-MD) and Mark Kirk (R-IL)

This legislation currently has 30 cosponsors

Removing the deadline for the ratification of the equal rights amendment.

That notwithstanding any time limit contained in House Joint Resolution 208, 92d Congress, as agreed to in the Senate on March 22, 1972, the article of amendment proposed to the States in that joint resolution shall be valid to all intents and purposes as part of the Constitution whenever ratified by the legislatures of three-fourths of the several States.