



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 time limit.

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 time limit 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 Five states rescinded their ratification, but the legal status of these rescissions is uncertain.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 time limit, legislation was passed by Congress to extend the time limit 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 time limit, the Equal Rights Amendment has been introduced in every Congressional session. 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, followed by the text of the ERA passed in 1972.

Another current approach, led by Senators Benjamin Cardin and Lisa Murkowski and Congresswoman Jackie Speier proposes the removal by Congress of the ten-year time limit for ratification of the ERA, to enable ratification by the additional states needed. HJ Res 79 was the subject of a Congressional hearing in April 2019, marked up in the House Judiciary Committee in November 2019 and scheduled to be voted on by the full House in February 2020. HJ Res 79, introduced by Congresswoman Speier and SJ Res 6, introduced by Senators Ben Cardin and Lisa Murkowski, both have bipartisan support.

In 2017 Nevada voted to ratify the ERA, in 2018 Illinois voted to ratify the ERA, and in 2020 Virginia voted to ratify the ERA, becoming the 38th ratification required for the amendment to be added to the Constitution. In January 2020, the Attorneys General of Virginia, Illinois and Nevada sued the Archivist for not certifying and publishing the amendment. The Archivist's inaction was in deference to the opinion issued by the U.S. Department of Justice's Office of Legal Counsel (OLC) that the time limit on ERA ratification cannot be removed, instructing the Archivist not to publish and certify its ratification. The OLC opinion however, is not binding on Congress, the courts or the states that have expressed their ongoing will to give women constitutional equality. Previously, in December 2019, the Attorneys General of Alabama, Louisiana and South Dakota sued the Archivist to not certify and publish the ERA once ratified by 38 states. State efforts to ratify the ERA are active in many states including Arizona, Florida, Georgia, Louisiana, Missouri, and North Carolina.



ERACoALITION

Equal Rights Amendment Legislation

Three State Strategy- HJ Res 79 & SJ Res 6

HJ Res 38 is introduced by Congresswoman Jackie Speier (D-CA)

This legislation has 224 co-sponsors

SJ Res 6 is introduced by Senator Ben Cardin (D-MD) and Senator Lisa Murkowski (R-AK)

This legislation has 41 co-sponsors

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.

Start-Over ERA- HJ Res 35

HJ Res 35 is introduced by Representative Carolyn Maloney (D-NY)

This legislation has 180 co-sponsors

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 15

SJ Res 15 is introduced by Senator Robert Menendez (D-NJ)

This legislation has 23 co-sponsors

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.