



Women's Division Washington Office

Issue Briefing - The Nation

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The Equal Rights Amendment

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

Including these words into the U.S. Constitution has been an ongoing debate in the U.S. Congress and among states since the first Equal Rights Amendment (ERA) was written by Alice Paul in 1923. On March 27, 2007 members of the House of Representatives and the Senate reintroduced the Equal Rights Amendment (S.J. Res.10 and H.J. Res. 40) into Congress in an effort to bring it to a vote in both chambers by the end of the current session.

Lucretia Mott, “born in 1793 into a Quaker tradition and grounded in the values of honesty and integrity,” was one of the first women in the United States to speak out publicly on social issues.¹ Although Mott was working on social justice issues long before the first Women’s Rights Convention in Seneca Falls, New York in 1848, it was at this convention where a proposal for woman suffrage was passed. After many struggles led by Mott, Elizabeth Cady Stanton, Susan B. Anthony and Sojourner Truth to include women in the Constitution, the 19th Amendment which gave the women the right to vote was passed in 1920. Thus, women’s rights activists “finally won the first, and still the only, specific written guarantee of women’s equal rights in the Constitution.”² On the 75th anniversary (1923) of the Women’s Rights Convention in Seneca Falls Alice Paul introduced the “Lucretia Mott Amendment,” which read: “Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction.” Alice Paul believed “freedom from legal sex discrimination required an Equal Rights Amendment that affirmed the equal application of the Constitution to all citizens.”³ In the early 1940’s Alice Paul rewrote the ERA to reflect the 15th and 19th Amendments. The new version of the ERA was included in the platforms of the Republic and Democratic Parties.

From 1923 to 1972 the ERA was introduced into every session of Congress. In 1972 it passed and was sent to the states for ratification by 38 states within seven years (1979). In order for an amendment to be added to the Constitution it must first pass both houses of Congress and then secure approval of three-quarters of all states (38 states). The deadline for the ERA ratification was later extended by Congress to June 30, 1982. At the time of the final deadline 35 states had ratified the ERA.

States Which Have Not Ratified the ERA

Alabama	Florida*	Louisiana	Nevada	South Carolina
Arizona*	Georgia	Mississippi*	North Carolina	Utah
Arkansas*	Illinois*	Missouri*	Oklahoma*	Virginia*

**States with pending ratification bills in their state legislature.*

The bill introduced into Congress in 2007 has 21 Senate co-sponsors and 190 House co-sponsors and does not include a deadline for ratification by states. Advocates for the ERA are pressing Congress to count the 35 states which have already ratified the ERA as viable, despite the 1982 deadline, which would mean that only three additional states will be needed for ratification.



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ERA supporters argue that Congress “has the power to maintain the legal viability of the ERA’s existing 35 state ratifications”⁴ because in 1992 Congress certified the Madison Amendment—which affects congressional pay raises—as the 27th Amendment to the Constitution 203 years after it was first passed. Since 1995 eight of the states which have not ratified the ERA have introduced ratification bills in their state legislature.

According to the *Global Gender Gap Report 2006* by the World Economic Forum, the United States ranks 23 in the world in gender gap rankings which encompasses the areas of education, health and politics. Countries that have smaller gender gaps include Canada, South Africa, Australia, Philippines, Sri Lanka and many countries in Europe, including Croatia, Moldova and Latvia.

“We [the United States] are 68th in the world in women’s participation in national legislatures. On average, a woman working full time and year-round still makes only 77 cents to a man’s dollar. Women hold 98 percent of the low-paying ‘women’s’ jobs and fewer than 15 percent of the board seats at major corporations. Because their private pensions -- if they have them at all -- are lower and because Social Security puts working women at a disadvantage and grants no credit for years spent at home caring for children or aging parents, three-quarters of the elderly in poverty are women. And in every state except Montana, women still pay higher rates than similarly situated men for almost all kinds of insurance. All that could change if we put equal rights for women in our Constitution.”⁵

Opponents of the ERA, such as Concerned Women for America, argue that “there is no need to introduce an amendment to repeat common-sense recognition of the rights of women that are already enforced politically, legally and socially.”⁶ They believe that the ERA will lead to same-sex marriage, federally funded abortions and the inclusion of women in the draft for the military. Supporters of the ERA, such as 4ERA, argue that the ERA “will provide the legal muscle that is needed to begin to eliminate sexual discrimination in our society,”⁷ similar to the effects of the Civil Rights Act on racial discrimination in America.

The Joint Resolution Introduced into the 110th Congress (S.J. Res. 10 & H.J. Res. 40)

-From the Library of Congress Website (<http://thomas.loc.gov/>)

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

‘Article--

‘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.’

Resources

The United Methodist Church and the Equal Rights Amendment:

The Book of Resolutions 2004 #191 The Status of Women pg. 490-496

Women’s Division Resolution to the 1984 General Conference [October 1983]

For Further Information on the Equal Rights Amendment:

Pro ERA: www.equalrightsamendment.org

Anti-ERA: www.cwfa.org

¹ Helen LaKelly Hunt. *Faith and Feminism A Holy Alliance*. Atria Books. 2004.

² <http://www.equalrightsamendment.org/era.htm>

³ Ibid.

⁴ <http://www.equalrightsamendment.org>

⁵ Martha Burke and Elenor Smeal. Why We Need an ERA: The Gender Gap Runs Deep in American Law. *The Washington Post*. April 27, 2007. Page A23.

⁶ Sarah Rode. The Equal Rights Amendment: A Case for Rejection. 06/08/2007. Concerned Women of America website. <http://www.cwfa.org/articledisplay.asp?id=13163&department=CWA&categoryid=life>

⁷ 4ERA website. <http://www.4era.org/myths.htm>