



## EQUAL RIGHTS AMENDMENT

**History:** 1921. On September 25, 1921, the National Woman's Party proposed an amendment to the U.S. Constitution. The proposed amendment called for no political, civil, or legal disabilities or inequalities on account of sex or marriage.

1923. Alice Paul announced on the 75<sup>th</sup> anniversary of the Seneca Falls Convention that she would be working for a new constitutional amendment known as the "Lucretia Mott Amendment." It was introduced in Congress and known as the Equal Rights Amendment (ERA) and supported by the National Woman's Party. It was reintroduced in every session. Business & Professional Women endorsed the ERA in 1937.

1943. Alice Paul rewrote the amendment to "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

1971. U.S. Representative Martha Griffiths reintroduced the ERA, House Joint Resolution 208. It was adopted by the House on October 12, 1971, with a vote of 354 yeas (For), 24 nays (Against) and 51 not voting. Griffiths' joint resolution was then adopted by the Senate—without change—on March 22, 1972, by a vote of 84 yeas, 8 nays and 7 not voting. President Richard Nixon immediately endorsed the ERA's approval upon its passage by the 92<sup>nd</sup> Congress.

*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 within seven years from the date of its submission by the Congress:*

**"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 amendment shall take effect two years after the date of ratification."

1972. The ERA was placed before the state legislatures, with a seven-year deadline to acquire ratification by three-fourths (38) of the state legislatures. A majority of states ratified the proposed constitutional amendment within a year. League of Women Voters of the U.S., endorsed the ERA.

1978. The 95<sup>th</sup> Congress adopted House Joint Resolution 638 introduced by Representative Elizabeth Holtzman of New York. House vote on 8/15/78 was 233-189; Senate vote was 60-36 on 10/6/78. President Jimmy Carter signed on 10/20/78. 1980 Mother's Day March was held in Chicago. The resolution extended the ERA's ratification deadline to June 30, 1982.

### **States Ratified:**

1. Hawaii (March 22, 1972)
2. New Hampshire (March 23, 1972)
3. Delaware (March 23, 1972)
4. Iowa (March 24, 1972)
5. Idaho (March 24, 1972) – voted to rescind February 8, 1977
6. Kansas (March 28, 1972)

7. Nebraska (March 29, 1972) – voted to rescind March 15, 1973
8. Texas (March 30, 1972)
9. Tennessee (April 4, 1972) – voted to rescind April 23, 1974
10. Alaska (April 5, 1972)
11. Rhode Island (April 14, 1972)
12. New Jersey (April 17, 1972)
13. Colorado (April 21, 1972)
14. West Virginia (April 22, 1972)
15. Wisconsin (April 26, 1972)
16. New York (May 18, 1972)
17. Michigan (May 22, 1972)
18. Maryland (May 26, 1972)
19. Massachusetts (June 21, 1972)
20. Kentucky (June 27, 1972) – voted to rescind March 17, 1978
21. Pennsylvania (September 27, 1972)
22. California (November 13, 1972)
23. Wyoming (January 26, 1973)
24. South Dakota (February 5, 1973) – voted to rescind March 5, 1979
25. Oregon (February 8, 1973)
26. Minnesota (February 8, 1973)
27. New Mexico (February 28, 1973)
28. Vermont (March 1, 1973)
29. Connecticut (March 15, 1973)
30. Washington (March 22, 1973)
31. Maine (January 18, 1974)
32. Montana (January 25, 1974)
33. Ohio (February 7, 1974)
34. North Dakota (February 3, 1975) - voted to rescind March 19, 2021
35. Indiana (January 18, 1977)
36. Nevada (March 22, 2017)
37. Illinois (May 30, 2018)
38. Virginia (January 27, 2020) - **3/4s of states is 38**



The twelve states that did not ratify are: Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Utah

**Court Cases:** On December 16, 2019, Alabama, Louisiana, South Dakota, and Tennessee filed a lawsuit saying that if the U.S. Archivist cannot recognize Virginia as the 38th state because it would harm their states. The U.S. Department of Justice Office of Legal Counsel issued a formal opinion stating that the ERA cannot be ratified. The case was dismissed, *Alabama v Ferriero*. On January 30, 2020, Illinois, Nevada, and Virginia filed a suit that says the U.S. Archivist has a duty to ratify the ERA. On February 28, 2023, the U.S. Court of Appeals for the DC Circuit states ruled against supporters of ratifying the ERA, *Illinois v Ferriero*.

**Congressional Action:** House Journal Resolution 25 – U.S. Representative Ayanna Presley (D-MA) introduced on 1/31/23. The resolution says the ERA is a valid constitutional amendment regardless of any time limit. 207 co-sponsors. 7/18/23 motion to discharge. In 2021, House passed similar resolution to remove 1982 deadline, 222-204. Senate Journal Resolution 4 – Senators Ben Cardin (D-MD) and Lisa Murkowski (R-AK) introduced on 1/31/23. The resolution is the same as HJR 25. April 2023 tried to bring to vote 51-47 but did not have 60 votes to overcome filibuster.

Senator Kirsten Gillibrand (D-NY) introduced Senate Joint Resolution to tell the archive to print the 28<sup>th</sup> amendment in the constitution on July 13, 2023. No vote yet.

**Countries with ERAs:** 14 countries offer full legal protections to women, according to the report Women, Business and Law 2023 published by the World Bank. Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Ireland, Latvia, Luxembourg, Netherlands, Portugal, Spain, and Sweden

**State ERAs:** These states have adopted a state ERA: Alaska, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Virginia, Washington, Wyoming. (27)

**ACTION TO TAKE:** Contact your U.S. Representative, U.S. Senator and President Biden and tell them to amend the U.S. Constitution to affirm the validity of the ERA. More information at ERA Coalition, [www.eracoalition.org](http://www.eracoalition.org).

Action Alert – at [LWVUS Urges US House to Support Equal Rights Amendment \(ERA\) for Centennial | League of Women Voters](#).

10/14/23 JAK