



**ALICE PAUL
INSTITUTE**

Education. Empowerment. Equality.

128 Hooten Road
Mount Laurel, NJ 08054
856.231.1885
info@alicepaul.org
www.AlicePaul.org
www.EqualRightsAmendment.org

A Brief History of the Equal Rights Amendment

Alice Stokes Paul (1885-1977), a Quaker from Mount Laurel, New Jersey, was a key figure in the passage of the 19th Amendment, which granted women the right to vote. While many suffragists left public life after the enactment of the 19th Amendment, Alice Paul believed the true battle for equality had yet to be won. In 1923, Paul announced that she would be working for a new constitutional amendment, one she authored and initially named the “Lucretia Mott Amendment.” Renamed in 1943 as the Equal Rights Amendment (ERA), it called for absolute equality stating, “Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction.” The ERA was introduced in every session of Congress from 1923 until it passed in 1972. During the 1940s, both the Republicans and Democrats added the ERA to their party platforms. In 1943, the ERA was rewritten and dubbed the “Alice Paul Amendment.” In its current wording it reads, Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

“There is nothing complicated about ordinary equality.”

- Alice Stokes Paul, author of the ERA

In 1972, the ERA passed both houses of Congress and went to the states for ratification. Congress placed a seven-year deadline on the ratification process, a comparatively short deadline for an amendment, especially when considering that most amendments are never given deadlines to begin with. This time limit was placed not in the words of the ERA itself, but in the proposing clause. Like the 19th Amendment before it, the ERA barreled out of Congress, getting 22 of the necessary 38 state ratifications in the first year. The pace slowed as opposition groups began to organize – only eight ratifications in 1973, three in 1974, one in 1975, and none in 1976. Despite a Congressional extension through June 30, 1982, the ERA did not succeed in getting an additional three state ratifications before the deadline.

The ERA Today

There are two movements to pass the ERA today. The traditional route would require the ERA to be voted on again, requiring the amendment’s passage by two-thirds of each house of Congress and then ratification by 38 states. An alternative strategy would maintain the legal viability of the existing 35 state ratifications and attempt to gain three more state ratifications to complete the process and make the ERA the 28th Amendment to the Constitution.

Some points to consider:

- The 19th Amendment, granting women suffrage is the only mention of the word “woman” in the U.S. Constitution. Furthermore, the only right guaranteed to women by federal law is the right to vote.
- According to the American Association of University Women (AAUW), among full-time, year-round workers, women earn 77% of what men earn. This disparity increases even more for African

American and Hispanic women. Additionally, women are half as likely to receive a pension, and those that do receive almost half as much. Social Security still defines women as dependents and therefore women who have been in the workforce for decades still receive lower payments.

- The most important effect of the ERA would be the clarification of the status of sex discrimination for the courts, the decisions of which still demonstrate confusion regarding such claims. For the first time, “sex” would be a suspect classification, like race, and would require the same level of “strict scrutiny” and have to meet the same high level of justification – a “necessary” relation to a “compelling” state interest – as the classification of race.
- The ERA would not make all single-sex institutions unconstitutional – only those whose aim is to perpetuate the historic dominance of one sex over the other. Single-sex institutions that work to overcome past discrimination are currently constitutional and are likely to remain so.
- The 14th Amendment, providing an equal protection clause to all U.S. citizens, was not originally intended to apply to women, as it predates the 19th Amendment. As proof of this, Susan B. Anthony voted in the 1872 presidential election, was arrested two weeks later, and was convicted the following year for illegal voting. At her trial, she attempted to use the 14th Amendment to defend her actions, but the judge ruled that the amendment did not apply to her because she was a woman.
- The Equal Rights Amendment would prevent a rollback of the legal advances women have gained. It is important to remember that as governments change from conservative to liberal, citizens, neither male nor female, should not be subject to lose their right to vote, their right to free speech, or any other of their constitutional rights due to a change of political opinion.
- The ERA does not add new laws to the U.S. Constitution, it only guarantees the rights currently within it. Issues like abortion, same-sex marriage, unisex bathrooms, and the female draft exist separately from the ERA and would not become law upon the ERA’s passage.
- The ERA is an amendment for both men and women – it is not just a woman’s issue. Issues of custody, employment, and fair wages are important to both sexes and an Equal Rights Amendment would guarantee equal legal rights without regard to sex.
- The ERA would affirm the purpose that began with the writing of the U.S. Constitution, the basic human right of constitutional protection.

For more information on the Equal Rights Amendment, visit www.equalrightsamendment.org