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Education. Empowerment. Equality.

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The Equal Rights Amendment: A Brief History

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.

The fight for equal rights in the United States has a rich history of advocacy and activism by both women and men who believe in constitutionally protected gender equality. From the first visible public demand for women's suffrage in 1848 by Elizabeth Cady Stanton and Lucretia Mott at the first Woman's Rights Convention in Seneca Falls, New York to the introduction of the Equal Rights Amendment by Alice Paul in 1923, the fight for gender equality is not over.

In her remarks as she introduced the Equal Rights Amendment in Seneca Falls in 1923, Alice Paul sounded a call that has great poignancy and significance over 80 years later:

"If we keep on this way they will be celebrating the 150th anniversary of the 1848 Convention without being much further advanced in equal rights than we are...If we had not concentrated on the Federal Amendment we should be working today for suffrage...We shall not be safe until the principle of equal rights is written into the framework of our government."

As supporters of the Equal Rights Amendment lobbied, marched, rallied, petitioned, picketed, went on hunger strikes, and committed acts of civil disobedience between 1972 and 1982, it is probable that many of them were not aware of their place in the long historical continuum of women's struggle for constitutional equality in the United States. From the very beginning, the inequality of men and women under the Constitution has been an issue for advocacy.

In order to achieve freedom from legal sex discrimination, Alice Paul believed we needed an Equal Rights Amendment that affirmed the equal application of the Constitution to all citizens. In 1923, in Seneca Falls for the celebration of the 75th anniversary of the 1848 Woman's Rights Convention, Alice Paul first introduced the first version of the Equal Rights Amendment, which was called the "Lucretia Mott Amendment" at the time. It stated: "Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction." The amendment was introduced in Congress the same year.

Although the National Woman's Party and professional women such as Amelia Earhart supported the amendment, reformers who had worked for protective labor laws that treated women differently from men were afraid that the ERA would wipe out the progress they had made. In the early 1940s, both the

Republican and Democratic parties added support of the Equal Rights Amendment to their political platforms.

Twenty years after she first introduced it, Alice Paul rewrote the ERA in 1943. It was given a new title — the "Alice Paul Amendment — to better reflect the language in both the 15th and the 19th Amendments. The new version stated:

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

But the labor movement was still committed to protective workplace laws, and social conservatives considered equal rights for women a threat to existing power structures. In the 1960s, over a century after the fight to end slavery fostered the first wave of the women's rights movement, the civil rights battles of the time provided an impetus for the second wave. Women organized to demand their birthright as citizens and persons, and the Equal Rights Amendment rather than the right to vote became the central symbol of the struggle.

Finally, organized labor and an increasingly large number of mainstream groups joined the call for the Equal Rights Amendment, and politicians reacted to the power of organized women's voices in a way they had not done since the battle for the vote.

The Equal Rights Amendment passed the U.S. Senate and then the House of Representatives, and on March 22, 1972, the proposed 27th Amendment to the Constitution was sent to the states for ratification. But as it had done for every amendment since the 18th (Prohibition), with the exception of the 19th Amendment, Congress placed a seven-year deadline on the ratification process. 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. But the pace slowed as opposition began to organize — only eight ratifications in 1973, three in 1974, one in 1975, and none in 1976.

Throughout the mid-1970s, arguments by ERA opponents such as Phyllis Schlafly, right-wing leader of the Eagle Forum/STOP ERA, played on the same fears that had generated female opposition to woman suffrage. Anti-ERA organizers claimed that the ERA would deny woman's right to be supported by her husband, privacy rights would be overturned, women would be sent into combat, and abortion rights and homosexual marriages would be upheld. Opponents surfaced from other traditional sectors as well. States'-rights advocates said the ERA was a federal power grab, and business interests such as the insurance industry opposed a measure they believed would cost them money. Opposition to the ERA was also organized by fundamentalist religious groups.

Pro-ERA advocacy was led by the National Organization for Women (NOW) and ERAmerica, a coalition of nearly 80 other mainstream organizations and in 1977, Indiana became the 35th state to ratify the ERA.

Alice Paul died in 1977 at a nursing home in Mt. Laurel, New Jersey, near her childhood home that is now a National Historic Landmark and non-profit organization dedicated to furthering her work for gender equality. Like Elizabeth Cady Stanton and Susan B. Anthony before her, Alice Paul never saw the Constitution amended to include the equality of rights she had worked for all her life.

As the 1970s came to a close, hopes for victory continued to dim as other states postponed consideration or defeated ratification bills. Illinois changed its rules to require a three-fifths majority to ratify an amendment, thereby ensuring that their repeated simple majority votes in favor of the ERA did not count. Other states proposed or passed rescission bills, despite legal precedent that states do not have the power to retract a ratification.

As the original 1979 deadline approached, some pro-ERA groups, like the League of Women Voters, wanted to retain the eleventh-hour pressure as a political strategy. But many ERA advocates appealed to Congress for an indefinite extension of the time limit, and in July 1978, the National Organization of Women coordinated a successful march of 100,000 supporters in Washington, DC. Bowing to public pressure, Congress granted an extension until June 30, 1982.

The political tide continued to turn more conservative as the 1970s ended. In 1980 — the year Ronald Reagan was elected president — the Republican Party removed their support for the Equal Rights Amendment from its platform.

Although pro-ERA activities increased with massive lobbying, petitioning, countdown rallies, walkathons, fundraisers, and even the radical suffragist tactics of hunger strikes, White House picketing, and civil disobedience, the Equal Rights Amendment did not succeed in getting three more state ratifications before the deadline. The country was still unwilling to guarantee women constitutional rights equal to those of men.

When the deadline for ratification arrived on June 30, 1982, the Equal Rights Amendment was three states shy of the necessary 38 states for full ratification. It was a significant defeat for all those who has fought so hard for so decades.

The Equal Rights Amendment was reintroduced in Congress on July 14, 1982 and has been introduced before every session of Congress since then as the movement to ratify the ERA continues. Several strategies are in motion to achieve full ratification of the Equal Rights Amendment.

As the fight for women's rights, specifically equal pay for equal work and freedom from sexual harassment, gained momentum in the 2000s, work for the ratification of the Equal Rights Amendment has been renewed across the nation.

In March of 2017, thanks for the efforts of state Sen. Pat Spearman, the state of Nevada became the 36th state —the first state since 1977, and 35 years after the original deadline in 1982 — to ratify the Equal Rights Amendment.

This surge in support for the Equal Rights Amendment was quickly followed by the state of Illinois which became the 36th state to ratify the ERA in April 2018. State Senator Heather Steans stated that, "By ratifying the Equal Rights Amendment we can provide a strong legal protection for women's rights and prevent rollbacks from Congress or presidential administrations. This amendment is still relevant and necessary."

There are current efforts in several states, specifically Virginia, North Carolina, Tennessee, and Florida, to ratify the Equal Rights Amendment.

To learn more about current efforts, and the legal challenges, to ratifying the ERA, visit www.EqualRightsAmendment.org. For more information about Alice Paul, visit www.AlicePaul.org.