
Women's Equality Amendment

108th Congress

Prepared by the Office of Congresswoman Carolyn B. Maloney
March 11, 2003

WOMEN'S EQUITY AMENDMENT

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Text of the Equal Rights Constitutional Amendment

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

February 27, 2003

Eighty Years is Long Enough! 80 Years Since 1st Introduction of Equal Rights Amendment

"It is not the fact of liberty but the way in which liberty is exercised that ultimately determines whether liberty itself survives." - Dorothy Thompson (1894-1961)

Dear Colleague:



In 1923, two Republican Congressmen introduced the Equal Rights Amendment into Congress. In 1972, Congress passed the ERA with a 7-year deadline that was later extended 3 more years. When the 10-year time limit lapsed in 1982, all but 3 of 38 states necessary for passage had agreed to make equal rights for all Americans a part of the Constitution.

Today, opponents claim that the ERA, also known as the Women's Equality Amendment, is passe. This advances an alarming idea that is simply too dangerous to accept...that equal rights for all Americans is a concept that can expire. As a nation, we encourage our children to recite "with liberty and justice for all" in the Pledge of Allegiance to help them learn to honor and respect the bedrock of American ideals - equality. How much longer can we tolerate the hypocritical notion that "liberty and justice for all" can be an anachronism?

The Women's Equality Amendment already has 182 original cosponsors for reintroduction in the 108th Congress. I urge you to join us. If you would like to become an original cosponsor or would like more information about the ERA, please contact Elizabeth Vogel, Legislative Fellow with Rep. Maloney's office at x57944.

Sincerely,

CAROLYN B. MALONEY
Member of Congress

The language of the Women's Equality 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. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article. This Amendment shall take effect two years after the date of ratification.*

108TH CONGRESS COSPONSORS

Equal Rights Amendment

as of March 11, 2003 - Total cosponsors = 187

U.S. House of Representatives Cosponsors

Rep. Maloney, Carolyn B.	D-NY	Rep. Cramer, Robert E., Jr.	D-AL	Rep. Kucinich, Dennis J.	D-OH
Rep. Leach, Jim	R-IA	Rep. Crowley, Joseph	D-NY	Rep. Lampson, Nick	D-TX
Rep. Dingell, John D.	D-MI	Rep. Cummings, Elijah.	D-MD	Rep. Langevin, Jim	D-RI
Rep. Kolbe, Jim	R-AZ	Rep. Davis, Artur	D-AL	Rep. Lantos, Tom	D-CA
Rep. Pelosi, Nancy	D-CA	Rep. Davis, Danny K.	D-IL	Rep. Larsen, Rick	D-WA
Rep. Shays, Christopher	R-CT	Rep. Davis, Susan A.	D-CA	Rep. Larson, John B.	D-CT
Rep. Hoyer, Steny H.	D-MD	Rep. DeFazio, Peter A.	D-OR	Rep. Lee, Barbara	D-CA
Rep. Sweeney, John E.	R-NY	Rep. DeGette, Diana	D-CO	Rep. Levin, Sander	D-MI
Rep. Menendez, Bob	D-NJ	Rep. Delahunt, William	D-MA	Rep. Lofgren, Zoe	D-CA
Rep. Castle, Michael N.	R-DE	Rep. DeLauro, Rosa L.	D-CT	Rep. Lowey, Nita	D-NY
Rep. Clyburn, James E.	D-SC	Rep. Deutch, Peter	D-FL	Rep. Lynch, Stephen F.	D-MA
Rep. Simmons, Rob	R-CT	Rep. Dicks, Norman D.	D-WA	Rep. Majette, Denise	D-GA
Rep. Davis, Jim	D-FL	Rep. Doggett, Lloyd	D-TX	Rep. Markey, Ed	D-MA
Rep. Biggert, Judy	R-IL	Rep. Dooley, Cal	D-CA	Rep. Matsui, Robert	D-CA
Rep. Kind, Ron	D-WI	Rep. Doyle, Mike	D-PA	Rep. McCarthy, Carolyn	D-NY
Rep. Greenwood, James	R-PA	Rep. Edwards, Chet	D-TX	Rep. McCarthy, Karen	D-MO
Rep. Conyers, John, Jr.	D-MI	Rep. Emanuel, Rahm	D-IL	Rep. McCollum, Betty	D-MN
Rep. Abercrombie, Neil	D-HI	Rep. Engel, Eliot	D-NY	Rep. McDermott, Jim	D-WA
Rep. Acevedo-Vila, A.	D-PR	Rep. Eshoo, Anna G.	D-CA	Rep. McGovern, James	D-MA
Rep. Ackerman, Gary L.	D-NY	Rep. Evans, Lane	D-IL	Rep. McNulty, Michael R.	D-NY
Rep. Allen, Thomas H.	D-ME	Rep. Faleomavaega, Eni	D-AS	Rep. Meehan, Marty	D-MA
Rep. Andrews, Robert E.	D-NJ	Rep. Fattah, Chaka	D-PA	Rep. Meek, Kendrick	D-FL
Rep. Baca, Joe	D-CA	Rep. Farr, Sam	D-CA	Rep. Meeks, Gregory W.	D-NY
Rep. Baird, Brian	D-WA	Rep. Filner, Bob	D-CA	Rep. Millender-McDonald, J.	D-CA
Rep. Baldwin, Tammy	D-WI	Rep. Ford, Harold	D-TN	Rep. Miller, George	D-CA
Rep. Ballance, Frank	D-NC	Rep. Frank, Barney	D-MA	Rep. Moore, Dennis	D-KS
Rep. Becerra, Xavier	D-CA	Rep. Frost, Martin	D-TX	Rep. Moran, Jim	R-VA
Rep. Bell, Christopher	D-TX	Rep. Green, Gene	D-TX	Rep. Nadler, Jerrold	D-NY
Rep. Berkley, Shelley	D-NV	Rep. Gonzalez, Charlie	D-TX	Rep. Napolitano, Grace	D-CA
Rep. Berman, Howard L.	D-CA	Rep. Grijalva, Raul	D-AZ	Rep. Neal, Richard E.	D-MA
Rep. Bishop, Jim	D-NY	Rep. Gutierrez, Luis	D-IL	Rep. Norton, Eleanor Holmes	D-DC
Rep. Bishop, Sanford D, Jr.	D-GA	Rep. Hall, Ralph M.	D-TX	Rep. Oberstar, James L.	D-MN
Rep. Blumenauer, Earl	D-OR	Rep. Harman, Jane	D-CA	Rep. Olver, John	D-MA
Rep. Boehlert, Sherwood L.	D-GA	Rep. Hastings, Alcee L.	D-FL	Rep. Ortiz, Solomon P.	D-TX
Rep. Boswell, Leonard	D-IA	Rep. Hill, Baron	D-IN	Rep. Owens, Major	D-NY
Rep. Bordallo, Madeleine	D-GU	Rep. Hinchey, Maurice	D-NY	Rep. Pallone Jr., Frank	D-NJ
Rep. Boyd, Allen F. Jr.	D-FL	Rep. Hinojosa, Rubén	D-TX	Rep. Pascrell Jr., Bill	D-NJ
Rep. Brady, Robert A.	D-PA	Rep. Hoeffel, Joseph M.	D-PA	Rep. Pastor, Ed	D-AZ
Rep. Brown, Corrine	D-FL	Rep. Holt, Rush	D-NJ	Rep. Payne, Donald M.	D-NJ
Rep. Brown, Sherrod	D-OH	Rep. Hooley, Darlene	D-OR	Rep. Peterson, Collin C.	D-MN
Rep. Boucher, Rick	D-VA	Rep. Holden, Tim	D-PA	Rep. Price, David	D-NC
Rep. Capps, Lois	D-CA	Rep. Honda, Mike	D-CA	Rep. Rahall, Nick	D-WV
Rep. Capuano, Michael	D-MA	Rep. Inslee, Jay	D-WA	Rep. Rangel, Charles B.	D-NY
Rep. Cardin, Benjamin.	D-MD	Rep. Israel, Steve	D-NY	Rep. Reyes, Silvestre	D-TX
Rep. Cardoza, Dennis	D-CA	Rep. Jackson Jr., Jesse L.	D-IL	Rep. Rodriguez, Ciro D.	D-TX
Rep. Carson, Julia M.	D-IN	Rep. Jackson Lee, Sheila	D-TX	Rep. Rothman, Steve	D-NJ
Rep. Carson, Brad	D-OK	Rep. Jefferson, William	D-LA	Rep. Roybal-Allard, Lucille	D-CA
Rep. Case, Ed	D-HI	Rep. John, Christopher	D-LA	Rep. Ruppertsberger, D.	D-MD
Rep. Christensen, Donna	D-VI	Rep. Johnson, Eddie B.	D-TX	Rep. Rush, Bobby L.	D-IL
Rep. Clay, Wm. Lacy Jr.	D-MO	Rep. Jones, Stephanie	D-OH	Rep. Ryan, Tim	D-OH
Rep. Cooper, Jim	D-TN	Rep. Kaptur, Marcy	D-OH	Rep. Sabo, Martin Olav	D-MN
Rep. Costello, Jerry F.	D-IL	Rep. Kennedy, Patrick	D-RI	Rep. Sanchez, Linda	D-CA
		Rep. Kildee, Dale	D-MI	Rep. Sanchez, Loretta	D-CA
		Rep. Kilpatrick, Carolyn	D-MI	Rep. Sanders, Bernie	D-VT

Rep. Sandlin, Max	D-TX
Rep. Schakowsky, Janice	D-IL
Rep. Schiff, Adam	D-CA
Rep. Scott, David	D-GA
Rep. Serrano, José E.	D-NY
Rep. Sherman, Brad	D-CA
Rep. Slaughter, Louise	D-NY
Rep. Smith, Adam	D-WA
Rep. Solis, Hilda	D-CA
Rep. Spratt, John	D-SC
Rep. Stark, Fortney Pete	D-CA
Rep. Strickland, Ted	D-OH
Rep. Tauscher, Ellen	D-CA
Rep. Tierney, John	D-MA
Rep. Thompson, Bennie	D-MS
Rep. Thompson, Mike	D-CA
Rep. Towns, Edolphus	D-NY
Rep. Turner, Jim	D-TX
Rep. Udall, Mark	D-CO
Rep. Udall, Tom	D-NM
Rep. Velázquez, Nydia	D-NY
Rep. Waters, Maxine	D-CA
Rep. Watson, Diane E.	D-CA
Rep. Watt, Mel	D-NC
Rep. Waxman, Henry	D-CA
Rep. Weiner, Anthony D.	D-NY
Rep. Wexler, Robert	D-FL
Rep. Woolsey, Lynn	D-CA
Rep. Wu, David	D-OR
Rep. Wynn, Albert	D-MD

U.S. Senate Cosponsors

Sen. Cantwell, Maria	D-WA
Sen. Clinton, Hillary	D-NY
Sen. Corzine, Jon S.	D-NJ
Sen. Dayton, Mark	D-MN
Sen. Dodd, Christopher	D-CT
Sen. Kennedy, Edward	D-NY
Sen. Kerry, John	D-MA
Sen. Lieberman, Joseph	D-CT
Sen. Murray, Patty	D-WA
Sen. Schumer, Charles	D-NY

ERA COSPONSORING HISTORY

HOUSE OF REPRESENTATIVES

Congress	No. Cosponsors	Introducing Member
107 th Congress	211	Maloney, NY
106 th Congress	152	Maloney, NY
105 th Congress	129	Maloney, NY
104 th Congress	N/A	<i>No bill</i>
103 rd Congress	77	Edwards, CA
102 nd Congress	138	Edwards, CA
101 st Congress	186	Edwards, CA
100 th Congress	185	Edwards, CA
99 th Congress	38	Rodino
98 th Congress	246	Rodino
67 th Congress (1923)	N/A	Anthony, KS

SOME FACTS YOU SHOULD KNOW...

Throughout the mid-to-late 1900's, legislative efforts increased women's rights...but the gains were often hard won! Why is there such strong opposition to giving women the same rights as men?

- Did you know...The 19th Amendment which grants women the right to vote was slimly ratified? It came down to one single vote in the state of Tennessee.
- Did you know...The Civil Rights Act of 1964 which bans discrimination because of a person's color, race, national origin, religion, or *sex* was passed after a 75-day *filibuster* in the Senate? The debate was one of the longest in Senate history.
- With the growing attention to the importance of worldwide equal rights for women, it is **OUTRAGEOUS** that unlike the constitutions of over 50 nations, the United States Constitution still does not guarantee its female citizens equal rights with men. The following are just a few countries which have explicit statements on women's equality or non-discrimination based on gender in their constitutions:

Austria	Bosnia and Herzegovina	Canada	Ethiopia	Fiji
Finland	Hungary	Japan	Madagascar	Mexico
Portugal	South Africa	Switzerland	Thailand	Turkey

- Over thirty years have elapsed since the Congress passed the Equal Rights Amendment. This historic Constitutional Amendment was intended to ensure equality for women and men in all areas of society. When Congress passed the ERA in 1972, it provided that the measure had to be ratified by the necessary number of states (38) within 7 years. (The deadline was later extended to 10 years). The ERA was only three states shy of full ratification at the 1982 deadline.

During the last 30 years, women have made extraordinary strides toward achieving equality-- but without the ERA, women have often been denied the ability to seek justice when they have experienced discrimination. The Supreme Court decision in the Virginia Military Institute case (*Virginia v. United States*) helped clarify that gender "classifications may not be used... to create or perpetuate the legal, social, and economic inferiority of women." That principle has been upheld; however, laws can still perpetuate gender classifications that keep women from achieving their full potential. Passage of the ERA is the Constitutional affirmation of this Supreme Court decision.

DINGELL-MALONEY GLASS CEILING REPORT

Study shows glass ceiling is hardening, not shattering; It's time to pass the Equal Rights Amendment

The Dingell-Maloney report (2002), "A New Look at the Glass Ceiling: Where are the Women?" yielded shocking data suggesting that the "glass ceiling" in the management ranks of American companies is hardening, not shattering. The study, which was based on current census data analyzed by the GAO, contributes to a body of research contradicting conventional wisdom that the status of women in the workplace is improving. We believe this research presents the need to revisit writing equal opportunity for women into the United States Constitution. Among the survey's most telling conclusions:

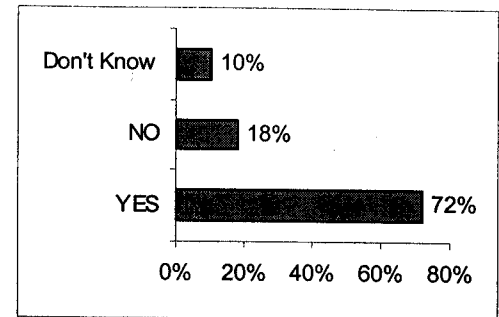
- **In seven of the ten industries studied, the earnings gap between full-time women and men managers actually widened between 1995 and 2000.**
- **Full-time women managers earned less than their male counterparts in both 1995 and 2000 in all ten industries studied.**
- **In only five of the ten industries studied do women hold a share of management jobs proportionate to their share of the industry workforce.**
- **While women may hold 'management titles', the positions are often in less strategic, lower-paying areas of the company's operations.**

This study and others with similar findings, highlight the need for additional research and hearings, and regulatory and statutory changes at the federal, state and local levels. It should also be a wake-up call for corporate America to reassess their employment and promotion practices. But above all, the hardening of the glass ceiling begs something that fell three states short of ratification 20 years ago: a constitutional amendment. Passing the Equality Amendment, also known as the ERA, would help set the tone for equality in the workplace by writing into the Constitution what most Americans strongly believe; that the equal rights under the law shall not be denied or abridged on account of sex.

The most common argument against the Equality Amendment is that women already have equal rights. We urge you to read this report (www.house.gov/maloney or www.house.gov/dingell) and decide for yourself that indeed this is the case. If you have questions, please contact Orly Isaacson or Elizabeth Vogel (Congressional Fellow) with Rep. Maloney at x5-7944 or Katie Murtha with Rep. Dingell at x5-4071.

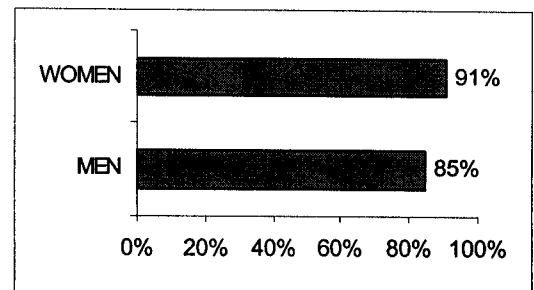
ERA PUBLIC AWARENESS POLL

7 out of 10 people surveyed think that the Constitution **ALREADY makes it clear that male and female citizens are entitled to *equal rights*.***



“As far as you know, does the Constitution of the United States make it clear that male and female citizens are supposed to have equal rights?”

When they learn it does not, NINE out of every Ten Americans, both MEN and WOMEN believe the Constitution should state that male and female citizens are entitled to equal rights.



“In your opinion, **SHOULD** the Constitution make it clear that male and female citizens are supposed to have equal rights?” Yes:

Although most Americans believe that women have the same rights as men under our Constitution, they are mistaken. Men’s rights are guaranteed by specific language in the Constitution. Women’s rights are secured only at the whim of Congress or state legislatures.

It is time women’s rights were embedded in the CONSTITUTION. Men do not rely on Congress to ensure them the right to life, liberty and the pursuit of happiness. Why should American women have their rights subject to the mercy of politicians?

Isn’t it time that equality is guaranteed to all persons regardless of gender?

*Survey conducted by Opinion Research Corporation Caravan Services in July 2001. Sample size 1,002 adults, 500 men, 502 women. 95% confidence level.

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STATISTICAL SNAPSHOT OF AMERICAN WOMEN

The Equality Amendment: An Important Step Forward For Women

Women: A Statistical Snapshot

- There are 6 million more women in the United States than men; women are 51 percent of the population.
- 61 percent of women age 16 and over are in the civilian labor force (March 2000).
- The projected life expectancy for women in 2000 is 80 years.
- 14 percent of the US military personnel are women. There are 38 women generals and flag officers serving on active duty.
- There are 61 women Members of Congress, 13 women Senators and 2 Supreme Court Justices who are women.
- 56 percent of bachelor's degrees, 57 percent of masters' degrees, 44 percent of law degrees, 41 percent of medical degrees and 41 percent of doctorates were awarded to women in 1997.
- In 1999, there were 9.1 million women-owned businesses in the United States, employing over 27.5 million people and generating 3.6 trillion in sales.

WAGE INEQUALITY PERSISTS IN THE 21ST CENTURY, AND IT AFFECTS MEN AS WELL AS WOMEN

- The gender wage gap has not changed much in recent years, and women currently earn only 72.8 percent as much as men.
- Thirty-three million men have working wives, and married women and their families lose an average of \$4,205 a year because of women's lower wages.
- In more than one-fourth of these marriages, the wife earns more than her husband. These families are especially dependent on the wife's earnings, even though she is very likely to suffer from discrimination.
- Men's earnings are lower when they work in female-dominated occupations - by an average of \$6,259 per year.

**WOMEN HAVE MOVED INTO THE WORKFORCE,
BUT THEY HAVEN'T BEEN ALLOWED INTO THE BOARDROOM**

- Only 9 percent of board members of media, telecom, and high-tech firms are women.
- Only 3 percent of executives from media, telecom and e-companies were women with 'Clout Titles,' including Chairman, Chief Executive Officer and Vice President.
- Women-owned firms get only 2 percent of all venture capital investments.
- Only 4 percent of the highest-ranking corporate officers are women.
- Less than 3 percent of federal contacts go to women-owned firms.

**DISCRIMINATION THROUGHOUT THE LIFE CYCLE
MAKES OLDER WOMEN MORE VULNERABLE**

- The poverty rate of older women is nearly twice as high as that of older men. Nearly one in every seven women aged 75 and older is poor.
- The pension gap is even larger than the earnings gap: retired women are only half as likely as men to receive any kind of pension.

Sources: Institute for Women's Policy Research, U.S. Census Bureau, Department of Defense, National Foundation of Women Business Owners, Annenberg Public Policy Center of the University of Pennsylvania

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EQUAL RIGHTS AMENDMENT ENDORSEMENTS

The language of the Equal Rights Amendment:

- 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.*
- 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.*
- 3. This Amendment shall take effect two years after the day of ratification.*

African-American Women's Clergy Association
American Civil Liberties Union
Alice Paul Centennial Foundation
Alexandria Commission for Women
American Association of University
Women
Americans for Democratic Action
American Medical Women's Association
American Nurses Association
American Physical Therapy Association
American Women in Radio and
Television
Association for Women in Science
Association of Junior Leagues International
Black Women United for Action
Black Women's Agenda, Inc.
Board of Church & Society of the United Methodist
Church
Business and Professional Women/USA
Catholics for a Free Choice
The Center for Advancement of Public
Policy
Center for the Child Care Workforce
Center for Policy Alternatives
Center for Reproductive Law & Policy
Center for Women's Policy Studies
Child Care Action Campaign
Choice USA
Church Women United
Clearinghouse on Women's Issues
Coalition of Labor Union Women
Council of Presidents
Dialogue on Diversity, Inc.
Economists' Policy Group on Women's Issues
Equal Rights Advocates
ERA Campaign Network
ERA Illinois
ERA Summit
Feminist Majority Foundation

Financial Women International
General Federation of Women's Clubs
Girls Inc.
HADASSAH
Idaho Women's Network
Institute for Health and Aging, University of
California
Institute for Women and Work, Cornell University
Institute for Women's Policy Research
International Black Women for Wages for Housework
International Women's Democracy Center
Jewish Women International
Jewish Women's Coalition
Kentucky Pro-ERA Alliance
League of Women Voters
MANA, A National Latina Organization
McAuley Institute
Men's Rights, Inc., ERA Project
Michigan ERAmerica
Ms. Foundation Institute
9 to 5: National Association of Working Women
NA'AMAT USA
National Abortion Federation
National Association for Female Executives
National Association for Girls and Women in Sports
National Association for Women in Education
National Association of Commissions for Women
National Association of Orthopaedic Nurses
National Center on Women and Aging
National Coalition for Women with Heart Disease
National Committee on Pay Equity
National Council for Research on Women
National Council of Jewish Women

National Council of Negro Women
 National Council of Women of the United States
 National Council of Women's Organizations
 National Federation of Democratic Women
 National Foundation for Women Legislators
 National Hispana Leadership Institute
 National Hook-Up of Black Women
 National Museum of Women's History
 National Organization for Women
 National Partnership for Women and Families
 National Political Congress of Black Women, Inc.
 National Woman's Party
 National Women's Conference Center, Inc.
 National Women's Conference Committee
 National Women's Hall of Fame
 National Women's Health Resource Center
 National Women's History Project
 National Women's Law Center
 National Women's Political Caucus
 NCA Union Retirees
 Network, A National Catholic Social Justice Lobby
 NOW Legal Defense and Education Fund
 Older Women's League
 Organization of Chinese American Women
 Planned Parenthood Federation of America
 Postpartum Support International
 Radcliffe Public Policy Institute
 Religious Coalition for Reproductive Choice
 Soroptimist International of the Americas
 The Stories Center
 Third Wave Foundation
 US Committee for UNIFEM
 United Methodist Church, General Board of Church and Society
 United Food and Commercial Workers International Union
 US Women Connect
 Veteran Feminists of America
 Virginia ERA Ratification Council
 Wages for Housework Campaign
 Washington Women's Television Network
 Wider Opportunities for Women
 Woman Activist Fund, Inc. and the Woman Activist
 Women-Church Convergence
 Women Employed
 Women Executives in State Government
 Women in Government
 Women Leaders Online
 Women, Men and Media
 Women's Action for New Directions
 The Women's Activist Fund
 Women's Bar Association of the District of Columbia
 Women's Bar Association of the State of New York
 Women's Business Development Center
 Women's Center for Ethics in Action
 Women's Division, United Methodist Church
 Women's Edge
 Women's Environment and Development Organization
 Women's Equity Action League
 Women's Information Network
 Women's Institute for Freedom of the Press
 Women's Institute for a Secure Retirement
 Women's International League for Peace and Freedom
 Women's International Public Health Network
 Women Work! The National Network for Women's Employment
 Women's Law Center of Maryland, Inc.
 Women's Legal Defense Fund
 The Women's Office of the Sisters of Charity
 Women's Research and Education Institute
 Women Studies Program at George Washington University
 YWCA of the USA
 ZONTA

CONSTITUTIONAL AMENDMENT PROCESS

THE EQUAL RIGHTS AMENDMENT IT'S NOT A PART OF THE CONSTITUTION... HOW CAN WE CHANGE THAT?

Process:

In order to amend the U.S. Constitution, we must have the consent of:

- ★ **2/3** of the members (290 in the house and 67 in the Senate) – once the ERA passes in Congress, it then goes to the States who must ratify the Constitutional Amendment;
- ★ **3/4** of the States – 38 states must ratify the ERA for it to become a part of the Constitution;
- ★ By 1982, 35 states had ratified the ERA. Indiana was the 35th State to ratify the ERA (in 1977);
- ★ Five rescinded their ratification: Tennessee, Kentucky, Idaho, South Dakota, Nebraska; however, ratification of the 14th amendment set a legal precedent stating that states may not rescind ratification.
- ★ The 15 states that never ratified the ERA are: Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Michigan, Missouri, Nevada, North Carolina, Oklahoma, South Carolina, Utah, and Virginia.

History:

- ★ Originally introduced in 1923, the ERA passed Congress in 1972. Congress originally gave the states 7 years to ratify. Congress subsequently extended the deadline by an additional 3 years, for a total of 10 years. However, by 1982, the amendment had fallen 3 states short of the 38 states necessary for ratification.
- ★ Women's rights advocate Alice Paul wrote the bill in 1923. It was introduced by Senator Curtis and Representative Anthony, both Republicans. Rep. Anthony was the nephew of suffragist Susan B. Anthony.

NATIONAL COUNCIL OF WOMEN'S ORGANIZATION

STATEMENT

WHY WE NEED 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.”

We need the ERA because **we do not have it yet!** Even in the 21st century, the U.S. Constitution still does not explicitly guarantee that all of the rights it protects are held equally by all citizens without regard to sex. The first-and still the only- right that the Constitution specifically affirms as equal for women and men is the right to vote.

We need the ERA because the 14th **Amendment equal protection clause has never been interpreted to grant equal rights** on the basis of sex in the same way that the Equal Rights Amendment would. The 14th Amendment has only been applied to sex discrimination since 1971, and the Supreme Court's latest decision on that issue, regarding admission of women to Virginia Military Institute, does not move beyond the traditional assumption that males hold rights and females must prove that they hold them.

We need the ERA because until we have it, women will have to continue to fight **long, expensive, and difficult political and judicial battles** to ensure that their rights are constitutionally equal to the rights automatically granted to males on the basis of sex. And in a few cases, men will have to do the same to ensure that they have equal rights with females (usually in areas of family law).

We need the ERA because we need its **protection against a rollback of the significant advances in women's rights** over the past 50 years. Congress has the power to replace existing laws by a majority vote, and even judicial precedents can be eroded or ignored by a reactionary Supreme Court responding to a conservative political agenda. With an ERA in place, progress already made in eliminating sex discrimination would be much harder to reverse.

We need an ERA because we need a **clearer federal judicial standard for deciding cases of sex discrimination**. Lower-court decisions in the various circuits and states (some with the state ERA's and some without) still reflect much confusion and inconsistency about how to deal with sex discrimination claims.

We need an ERA because we need to **improve the standing of the United States in the world community** with respect to equal justice under the law. The governing documents of many other countries specifically affirm legal equality of the sexes (however less than perfect implementation of that ideal may be). The United States' image is also tarnished by the fact that the Senate has not ratified the U.N. Convention on the Elimination of All forms of Discrimination Against Women (CEDAW).

We need the ERA because we **need to move beyond the struggle** for it. We need to affirm the spirit and free energies of the women and men who have spent countless hours, years, and even lifetimes working for this basic human right of equal constitutional protection regardless of sex. When we can redirect that energy and those resources to work on the challenges we face in common, we will truly have fulfilled the vision of suffragist leader and ERA author Alice Paul.

*—Roberta W. Francis, NCWO ERA Task Force Chair
March 22, 2001*

RATIFICATION STATUS IN THE STATES AND STATE ERAS

1972 EQUAL RIGHTS CONSTITUTIONAL AMENDMENT INDIVIDUAL STATES' ERAs

Updated March 2003

<u>State</u>	<u>Ratified ERA?</u>	<u>State ERA?</u>	<u>State</u>	<u>Ratified ERA?</u>	<u>State ERA?</u>
AL	NO	NO	MT	YES, 1974	YES, 1973
AK	YES, 1972	YES, 1972	NE	YES, 1972	NO
AZ	NO	NO	NV	NO	NO
AR	NO	NO	NH	YES, 1972	YES, 1975
CA	YES, 1972	YES	NJ	YES, 1972	YES, 1974
CO	YES, 1972	YES, 1972	NM	YES, 1973	YES, 1973
CT	YES, 1973	YES, 1974	NY	YES, 1972	NO
DE	YES, 1972	NO	NC	NO	NO
FL	NO	YES, 1998	ND	YES, 1975	NO
GA	NO	NO	OH	YES, 1975	NO
HI	YES, 1972	YES, 1968	OK	NO	NO
ID	YES, 1972	NO	OR	YES, 1973	NO
IL	NO	YES, 1971	PA	YES, 1972	YES, 1971
IN	YES, 1977	NO	RI	YES, 1972	NO
IA	YES, 1972	YES, 1998	SC	NO	NO
KS	YES, 1972	NO	SD	YES, 1973	NO
KY	YES, 1972	NO	TN	YES, 1972	NO
LA	NO	YES, 1974	TX	YES, 1972	YES, 1972
ME	YES, 1974	NO	UT	NO	YES, 1986
MD	YES, 1972	YES, 1972	VT	YES, 1973	NO
MA	YES, 1972	YES, 1976	VA	NO	YES, 1971
MI	YES, 1972	NO	WA	YES, 1973	YES, 1972
MN	YES, 1973	NO	WV	YES, 1972	NO
MS	NO	NO	WI	YES, 1972	NO
MO	NO	NO	WY	YES, 1973	YES, 1980

*Five states have voted to rescind their ratification vote (Nebraska in 1973, Tennessee in 1974, Idaho in 1977, Kentucky in 1978 [although Kentucky's rescision was vetoed by the acting Governor], and South Dakota in 1979. However, ratification of the 14th Amendment set a legal precedent stating that states may not rescind ratification.

CRS Report for Congress

Received through the CRS Web

Equal Rights Amendments: State Provisions

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Summary

Twenty states adopted state equal rights amendments between 1879 and 1998. The texts of most of these amendments either are similar to the proposed federal amendment or restate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. The timing of the enactment of these state amendments and the choice of wording reflect both the ebb and flow of the women's movement in the United States and the political culture of the particular states at the time of passage. A brief history of the women's rights movement as it relates to the passage of state equal rights amendments is included. The report ends with the text and the date of enactment of each amendment. There are no plans to update this report.

Introduction

Twenty states have adopted constitutions or constitutional amendments providing that equal rights under the law shall not be denied because of sex. Most of these provisions repeat the broad language of the proposed federal amendment;¹ in others, the wording resembles the Equal Protection Clause of the Fourteenth Amendment.²

The earliest state constitutional rights provision on record, the California provision of 1879, differs from both of these models by limiting the equal rights conferred to "entering or pursuing a business, profession, vocation, or employment." Interestingly, the other two 19th century rights provisions, those of Wyoming (1890) and Utah (1896), are broadly written to insure political and civil equality to women. Most state amendments were adopted in the 20th century, between 1971 and 1978. These years approximate the period when the federal Equal Rights Amendment (ERA) was before the states for

¹Section 1 of the proposed federal Equal Rights Amendment 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."

²For texts of state equal rights amendments, see listing at end of this report.

ratification.³ Between 1978 and 1997, no state ERAs were adopted. Then in 1998 two more states, Florida and Iowa, passed amendments that have been referred to as equal rights amendments, although Florida's is called a "basic rights amendment." These new state amendments are similar in intent to a number of the other state provisions, but avoid language, such as "equality of rights," that became divisive in earlier attempts at passage.⁴

History

By the 1840s, as a result of their participation in reform movements to abolish slavery, many women began to evolve a philosophy of their own place in society and of greater rights for themselves. Until then, the question of whether, and to what extent, the status of women under the U.S. and state constitutions was different than that of men was not recognized as a public issue. Despite earlier published writings on the subject of women's status by Thomas Paine, Mary Wollstonecraft, and John Stuart Mill, as well as other American and English activists,⁵ organized political pressure on behalf of women did not emerge until the middle of the 19th century.

In 1848, a small group that was meeting in Seneca Falls, New York, to discuss "the social, civil, and religious rights of women"⁶ signed a "Declaration of Sentiments," calling for the removal of all forms of subjugation of women and demanding the right to vote and to complete equality under the law. The strategy of the early women's rights movement was to reform laws it considered unjust, but changes were slow and difficult to achieve.

Following the Civil War, all attention was focused on emancipation and suffrage for blacks, and women were advised that the times were not auspicious for pressing their concerns. When attempts to include rights for women under the post-Civil War Fourteenth and Fifteenth amendments failed, women began to work for constitutional reforms at both the state and national levels, but the primary emphasis was on the U.S. Constitution, a state-by-state effort being rejected as too lengthy. That three western territorial legislatures, far removed from the politics of the East and Midwest, enacted rights for women in the 19th century is not an anomaly. California was in the midst of a rampant expansion, and every hand was needed. Sparsely settled Wyoming was home to a few strong pro-suffrage women, backed by a sympathetic governor, who saw an opportunity for victory. In Utah, Mormon women were not asking for rights, but the issue of polygamy was delaying a much desired advancement to statehood and its promise of

³The federal Equal Rights Amendment was passed on March 22, 1972. The usual 7-year period for ratification was extended by Congress on October 6, 1978, until June 30, 1982. On that date the amendment failed, since only 35 states of the 38 required had ratified it.

⁴See Lee Rood, "Nineties-style Feminism a Low-Key Affair," *Des Moines Register*, Nov. 27, 1998, p. 1, and Jeff Kunerth, "Voters Go for Most Revisions on the Ballot," *Orlando Sentinel*, November 4, 1998, p. D1.

⁵For Thomas Paine, see *Pennsylvania Magazine*, August 1775, p. 363. For Mary Wollstonecraft, see Miriam Schneir, ed., *A Vindication of the Rights of Woman* (New York: Vintage, 1972), pp. 5-16. For John Stuart Mill, see Alice S. Rossi, ed., "The Subjection of Women," in *The Feminist Papers: From Adams to de Beauvoir* (New York: Columbia University Press, 1973) pp. 196-238.

⁶Elizabeth Cady Stanton, Susan B. Anthony, and Mathilda Joslyn Gage, eds., *History of Woman Suffrage*, vol. I (New York: Arno, 1969), p. 67.

greater self-government. Mormon elders saw enfranchising women as a chance to increase their power against federal interference in governing the territory (and later the state).⁷

During the 1970s, when the federal amendment was before the states for ratification, a number of states passed state versions. These efforts were in large part an endorsement of the federal effort, but they also were intended to ensure equal rights at the state level until the time when a federal amendment might become a reality.

Some believe that a principal drawback of state ERAs is the variation in their wording, a situation that has led to differing interpretations by state courts and, therefore, a lack of uniformity of rights among states.⁸ Others regard having a state ERA, even an arguably weak one, as better than not having any legal and philosophical statement of equality on the record.

Texts of State Equal Rights Amendments⁹

Alaska: "No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex or national origin. The legislature shall implement this section." Alaska Constitution, Article I, §3 (1972).

California: "A person may not be disqualified from entering or pursuing a business, profession, vocation, or employment because of sex, race, creed, color, or national or ethnic origin." California Constitution, Article I, §8 (1879).¹⁰

Colorado: "Equality of rights under the law shall not be denied or abridged by the state of Colorado or any of its political subdivisions because of sex." Colorado Constitution, Article II, §29 (1973).

Connecticut: "No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin or sex." Connecticut Constitution, Article I, §20 (1974).¹¹

⁷Mormon men assumed that Mormon women would vote in the same way as their husbands. For an account of this period, see Eleanor Flexner, *Century of Struggle: The Women's Rights Movement in the United States* (Cambridge: Belknap Press of Harvard University Press, 1959), pp. 159-163.

⁸For a discussion of some of the legal effects of state ERAs, see Paul Benjamin Linton, "State Equal Rights Amendments: Making a Difference or Making a Statement?" *Temple Law Review*, fall 1997, pp. 907-944.

⁹Sources for state texts were *ibid.*; "A Guide to Equal Rights Provisions," *National Law Journal*, vol. 3, July 5, 1982, p. 28; and state legislative libraries in Sacramento, California, Tallahassee, Florida, and Des Moines, Iowa.

¹⁰This provision was originally article 20, §18. When the constitution was revised in 1974, it was redesignated as article I, §8. An 1974 amendment added protection for "race, creed, color, or national or ethnic origin" to the original text.

¹¹An amendment in 1984 added protection for "physical or mental disability."

Florida: "All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property; except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race, religion, national origin, or physical disability." Florida Constitution, Article I, §2 (1998).

Hawaii: "Equality of rights under the law shall not be denied or abridged by the State on account of sex. The legislature shall have the power to enforce, by appropriate legislation, the provisions of this section." Hawaii Constitution, Article I, §3 (1972).

"No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry." Hawaii Constitution, Article 1, §5 (1978).

Illinois: "All persons shall have the right to be free from discrimination on the basis of race, color, creed, national ancestry, and sex in the hiring and promotion practices of any employer or in the sale or rental of property."

"These rights are enforceable without action by the General Assembly, but the General Assembly by law may establish reasonable exemptions relating to these rights and provide additional remedies for their violation." Illinois Constitution, Article I, §17 (1971).

"The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts." Illinois Constitution, Article I, §1 (1971).

Iowa: "All men and women are, by nature, free and equal and have certain inalienable rights — among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness." Iowa Constitution, Article I, §1 (1998).

Louisiana: "No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for a crime." Louisiana Constitution, Article I, §3 (1974).

"In access to public areas, accommodations, and facilities, every person shall be free from discrimination based on race, sex, religion, or national ancestry and from arbitrary, capricious or unreasonable discrimination based on age, sex, or physical condition." Louisiana Constitution, Article I, § 12 (1974).

Maryland: "Equality of rights under the law shall not be abridged or denied because of sex." Maryland Constitution, Declaration of Rights, Article 46 (1972).

Massachusetts: "All people are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness. Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin." Massachusetts Constitution, Part 1, Article 1 (1976).

Montana: "The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin, or condition, or political or religious ideas." Montana Constitution, Article II, §4 (1973).

New Hampshire: "All men have certain natural, essential and inherent rights—among which are, enjoying and defending life and liberty; acquiring, possessing, and protecting property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this state on account of race, creed, color, sex or national origin." New Hampshire Constitution, Part 1, Article 2 (1974).

New Mexico: "No person shall be deprived of life, liberty or property without due process of law. Equality of rights under the law shall not be denied on account of the sex of any person." New Mexico Constitution, Article II, §18 (1973).

Pennsylvania: "Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual." Pennsylvania Constitution, Article I, §28 (1971).

Texas: "Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative." Texas Constitution, Article I, §3a (1972).

Utah: "The rights of citizens of the State of Utah to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall enjoy all civil, political and religious rights and privileges." Utah Constitution, Article IV, §1 (1896).¹²

Virginia: "The right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged, except that the mere separation of the sexes shall not be considered discrimination." Virginia Constitution, Article I, §11 (1971).

Washington: "Equality of rights and responsibility under the law shall not be denied or abridged on account of sex." Washington Constitution, Article XXXI, §1 (1972).

Wyoming: "In their inherent right to life, liberty and the pursuit of happiness, all members of the human race are equal. Since equality in the enjoyment of natural and civil

¹²The Territory of Utah enacted women's suffrage in 1870 and carried it into statehood in 1896.

rights is only made sure through political equality, the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatsoever other than the individual incompetency or unworthiness duly ascertained by a court of competent jurisdiction. The rights of citizens of the state of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this state shall equally enjoy all civil, political and religious rights and privileges." Wyoming Constitution, Articles I and VI (1890).¹³

¹³The Territory of Wyoming originally granted rights to women in 1869 and carried enfranchisement into statehood in 1890.