



Policy Brief: 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. -*Section 1 of the Equal Rights Amendment*

ABOUT THE ERA

Drafted by renowned suffragist Alice Paul, the Equal Rights Amendment (ERA) was first introduced in Congress in 1923. In 1972, both Houses of Congress passed the ERA by a supermajority vote and sent the bill to the states for ratification, with a 7-year time limit in the preamble of the bill (later extended to 10 years). In 1982, the ERA fell just three states short of ratification when the time limit expired. Since the expiration of the time limit, an ERA has been introduced in every session of Congress.

KEY MESSAGES

- ERA Coalition polling finds that 94% of respondents would support an amendment to the U.S. Constitution to guarantee equality for women and men, including 99% of millennials and Gen-Z.
- Near-universal support crosses party lines. The public knows that the ERA is an important protection for sex equality and every member of society.
- All recent votes, both at the state and federal level, that have been taken on ratification of the ERA have had broad and bi-partisan support.

WHY WE NEED THE EQUAL RIGHTS AMENDMENT IN 2021

The ratification of the ERA is fundamental to achieving equality in America. Among other protections, the ERA would:

- Create additional avenues of legal recourse for people who face discrimination under the laws on the basis of sex, and ensure that the Supreme Court applies the same standard of review for sex discrimination cases as it applies to cases of discrimination based on race and national origin.
- Give Congress more power to enact laws that ensure better legal protection against sexual assault, domestic violence, and paycheck fairness.
- Confirm the rightful place of sex equality in all aspects of life.

WHERE WE ARE NOW

Nearly 100 years after its introduction, there is a renewed movement for the ERA. In January 2020, Virginia voted to become the 38th state to ratify the ERA—the number required for the amendment to be added to the U.S. Constitution—following the ratifications of Nevada in 2017 and Illinois in 2018.



Senator Ben Cardin (D-Md.) and Senator Lisa Murkowski (R-Alaska) announced the bipartisan introduction of their Senate Joint Resolution to remove the time limit from the ERA, SJ Res 1, as a day one priority on January 21, 2021. That same day, Congresswoman Jackie Speier (D-Calif.-14) and Congressman Tom Reed (R-N.Y.-23) introduced the companion House Joint Resolution, HJ Res 17. The U.S. House of Representatives voted to pass HJ Res 17 on March 17, 2021 with a bipartisan vote of 222-204.

State ratification efforts are active in nearly all the 12 unratified states, including South Carolina, Georgia, Arizona, Florida, Utah, and North Carolina.

WHAT COMES NEXT

With the reintroduction of both the House and Senate Joint Resolutions to remove the time limit from the ERA, we are working to move forward for passage of the resolutions in both chambers. Passage of the Congressional resolutions to remove the time limit would clear any ambiguity that the ERA has satisfied all requirements to be the 28th Amendment to the U.S. Constitution.

We are additionally calling on the U.S. Archivist to publish, with his certificate, the Equal Rights Amendment (ERA) as the 28th Amendment to the U.S. Constitution. With Virginia's becoming the 38th state to ratify the ERA on January 27, 2020, all requirements for ratification have been satisfied. The ERA has yet to be published by the Archivist, however, following the opinion issued in a memo from the Office of Legal Counsel of the Trump Administration's Department of Justice.

We are continuing to pursue a "50 state strategy" with activists working in nearly every unratified state to send a message that equality is a universal American value.