

THE EQUAL RIGHTS AMENDMENT

Alice Paul and the National Woman's Party, in 1923, proposed **The Equal Rights Amendment (ERA)**, which by 1943 was worded as follows:

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.

HISTORY OF THE EQUAL RIGHTS AMENDMENT AND THE THREE-STATE STRATEGY

Thanks to strong women's rights efforts, the "Alice Paul" ERA was finally passed by Congress in 1972, and sent to the states for ratification. In spite of a 3-year extension to the original 7-year ratification time limit, the ERA was ratified by only 35 states – three short of the required 38 (three-fourths of the states).

In the 1990's, a promising new strategy for achieving the ERA began to arise. The "Madison" Amendment, concerning congressional pay raises, became the 27th Amendment to the Constitution after a ratification period of 203 years. This established a precedent such that there should be no constitutional objection to an ERA ratification period longer than the current three decades.

Also, Congress, when it first passed the ERA in 1972, chose to impose a time limit. Later, a different session of Congress extended that time limit, thus establishing the precedent that it has the power to do so. A strong argument can therefore be made that any session of Congress could, by a simple majority in both houses, extend (or eliminate) the currently expired ratification time limit on the ERA, such that just three more state ratifications would add the ERA to the Constitution. Note: The 35 existing state ratifications should stand, because under Article V of the Constitution and confirmed by precedent, states that have once ratified an amendment do not have the power to rescind that ratification.

Thus the "3-state strategy" was launched, recognizing the likelihood of opposition from those who still oppose equal rights for women, but buoyed by authoritative analyses supporting its legal validity. Today, the 3-state strategy is gaining more and more attention, and a major new activist push for the ERA is growing rapidly.