

The American Association of University Women is committed to passage and ratification of the Equal Rights Amendment.

The majority of Americans mistakenly believe that women and men have equal rights under the Constitution.¹ The 14th Amendment of the Constitution explicitly states that men are guaranteed equality under law, but is poignantly silent about women. The advancement of women's equality continues incrementally through patchwork legislation and court decisions, but women's equality under law remains illusory because these laws can be changed or even revoked at the whim of legislators and judges. The Equal Rights Amendment (ERA) provides the constitutional guarantee that all men and women are truly equal under the law, and that these rights cannot easily be abridged.

History

The ERA was first introduced in Congress in 1923 and was re-introduced every year until its passage in 1972. The proposed constitutional amendment required three-fifths of all states to ratify the amendment before fully implementing the ERA. State legislatures were given until 1979 to ratify the amendment, and Congress later extended the ratification deadline to 1982. By the time the final deadline passed in 1982, 35 states approved the ERA, three states short of ratification.²

What it says: The Equal Rights 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.

The Equal Rights Amendment in the 113th Congress

In August 2013, Representative Carolyn Maloney (D-NY) reintroduced the Equal Rights Amendment bill (H.J. Res.

56) in the House of Representatives. H.J. Res. 56 proposes an amendment to the Constitution of the United States declaring that women will have equal rights when compared to their male counterparts. That same year, Senator Robert Menendez (D-NJ) also introduced S.J. Res. 10, the corresponding language in the United States Senate calling for a constitutional amendment prohibiting denying or abridging equality of rights on the account of sex.

The Three State Strategy

In the 113th Congress, Senators Ben Cardin (D-MD) and Mark Kirk (R-IL) introduced S.J. Res. 15, a bipartisan resolution eliminating the ratification deadline from the 1972 ERA bill. Rep. Rob Andrews (D-NJ) introduced (H.J. Res. 43) an identical version in the House. If passed, the existing 35 state ratifications would still be in effect and only three additional states would be needed to successfully ratify the ERA.

Why we need the ERA

The lack of constitutional equality reaches every aspect of women's lives. The ERA would clarify, once and for all, that sex discrimination in employment, reproductive rights, insurance, Social Security, education, and more is a violation of our constitutional rights as Americans.

Constitutional Amendment vs. Sex Discrimination Law

The progress our country has made on gender equality through the courts and patchwork legislation can be reversed. Sex discrimination does not have the same legal protection as other constitutional classes, such as race, religion or nationality.³ This constitutional double standard means that hard-won legislative and court victories against sex discrimination are not permanent – and can be rolled back or difficult to enforce. The ERA would place the burden of proof on those who discriminate instead of those fighting for equality.

Additional Resources

The Simple Truth about the Gender Pay Gap.

American Association of University Women

www.aauw.org/research/the-simple-truth-about-the-gender-pay-gap/

Who Needs an Equal Rights Amendment? You Do!

National Organization for Women

www.now.org/issues/economic/cea/who.html

The Equal Rights Amendment: FAQ

National Council of Women's Organizations

www.equalrightsamendment.org/faq.htm#q11

AAUW advances equity for women and girls through advocacy, education, and research. Since 1881, AAUW has been one of the nation's leading voices promoting education and equity for women and girls. AAUW has a nationwide network of more than 170,000 members and supporters across the United States, as well as 1,000 local branches and 800 college and university partners.

¹ ERA Task Force of the National Council of Women's Organizations. *Why We Need the ERA*. Retrieved November 22, 2013 from www.equalrightsamendment.org/misc/ERA_why_we_need.pdf.

² ERA Task Force of the National Council of Women's Organizations. *The ERA in the States*. Retrieved November 22, 2013 from www.equalrightsamendment.org/states.htm.

³ See [Craig v. Boren](#), 429 US 190 (1976) (Supreme court created the court doctrine of "intermediate" scrutiny, an elevated level of judicial scrutiny that does not invoke the strict scrutiny standard of constitutionally protected classes (such as race or ethnicity), however is higher than the rational basis standard used for all classifications of persons not enumerated in the Constitution.