

TIMES PAST

1972

ERA supporters rally in Pittsburgh, 1976.



# THE EQUAL RIGHTS AMENDMENT

An effort 40 years ago to amend the Constitution to guarantee equal rights for women ultimately failed. But women have made enormous gains in their quest for equality. BY MONICA DAVEY

**F**our decades ago, as a fierce national debate played out over an amendment meant to guarantee women the same rights as men, young people spoke out on both sides of the issue.

In Missouri, several hundred students at a Bible college testified against the amendment before the state legislature, arguing that it would lead to coed dorm rooms and force women to the front lines in war.

Hundreds of other college students—some wearing pins that read “59 cents,” a reference to the average amount a woman earned at the time for every dollar a man earned—traveled to college campuses around the

country. They argued that without the amendment, women’s college degrees would be just “pieces of paper.”

Across the nation, Americans were similarly divided. On the heels of the civil rights movement, women wanted guarantees of equal opportunities in school and career, as well as equal pay for equal work. But opponents thought the amendment was unnecessary—and even dangerous.

The Equal Rights Amendment (ERA) was passed by Congress in 1972, but ultimately failed to win approval by the 38 states (3/4 of 50) necessary to ratify a constitutional amendment. Nonetheless, the movement to secure passage of the amendment left its mark on America.

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Abigail Adams's letter on women's rights  
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“Most teenagers assume that they’re going to have equal opportunities regardless of their gender,” says Martha Davis, a professor at Northeastern University’s School of Law in Boston. “And the reason they can make that assumption is because of the work that was done during the Equal Rights Amendment.”

### ‘Remember the Ladies’

The struggle for women’s rights in the U.S. goes back to the nation’s beginnings and the early musings of people like Abigail Adams, the wife of Founding Father John Adams. In one letter, she urged her husband to “remember the ladies.” She added that “if particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation.”

It may seem unimaginable today, but at points in the nation’s history, women were denied a range of basic rights. Married women could not own property. Women weren’t allowed to serve on juries. They had few job opportunities—and, of course, weren’t allowed to vote.

In 1920, women won their decades-long fight to vote with ratification of the 19th Amendment to the U.S. Constitution. Some who had been active in the suffrage movement soon turned to the question of other, more sweeping rights.

In 1923, Alice Paul, a leader in the women’s movement of the time, announced the push for an equal rights amendment intended to guarantee equal treatment of women and men.

“We are not safe until we have equality guaranteed by the federal constitution,” Paul said that July, as a convention of the National Woman’s Party in Washington, D.C., considered the proposal.

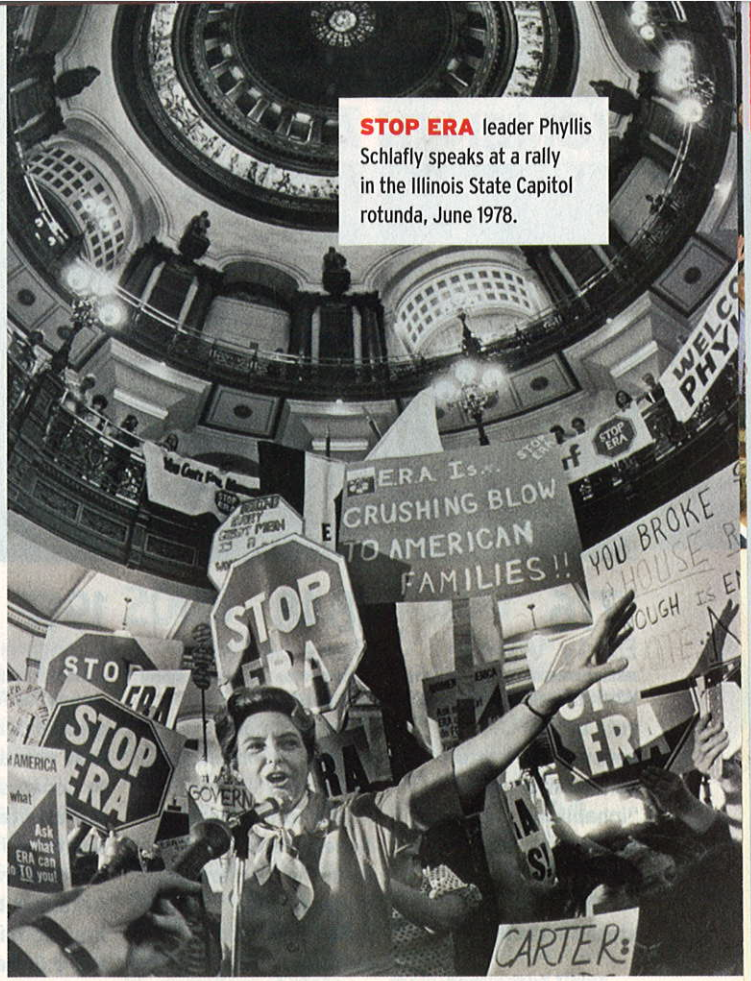
There were early signs the idea might take off. When members of the National Woman’s Party visited President Calvin Coolidge at the White House later that year, he said he hadn’t “the slightest doubt” that Congress would respond favorably.

But the amendment languished in Congress for years. Time after time, versions were introduced, but they rarely even made their way out of the labyrinth of committees to receive an up or down vote.

In the meantime, perceptions—and realities—of women were changing. Although women had long been part of the workforce, World War II was a turning point (*see Timeline, p. 18*). With men off fighting in Europe and Asia, millions of women filled jobs on factory lines and in munitions plants that were critical to the war effort. Many returned to their homes when the war ended and the men came back, but the events had permanently changed assumptions about women’s roles. At the same time, technological advances—including dishwashers and washer-dryers for clothes—made it possible for household tasks to be done more rapidly, leading more women to consider working outside their homes.

Then came the civil rights movement of the 1960s, a turbulent era marked by demonstrations and sit-ins to protest the unequal treatment of African-Americans. Meanwhile, opposition to the

**STOP ERA** leader Phyllis Schlafly speaks at a rally in the Illinois State Capitol rotunda, June 1978.



Vietnam War was building, with protests drawing hundreds of thousands of people across the U.S. In the 1970s, a new drive for women’s rights drew inspiration and leaders from the earlier decade and its legislative wins, such as the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

“The idea of ‘rights,’ which the civil rights movement pushed, spread to many different groups—Latino rights, animal rights, women’s rights,” says Sarah Soule, a professor at

## Women's Work?

Percentage of jobs held by women in selected fields

JOB TITLE	1970	TODAY*
Accountants	26%	61%
Construction Jobs	2%	2%
Doctors	8%	30%
Engineers	2%	13%
Lawyers	5%	32%
Preschool and kindergarten teachers	98%	98%
Police officers	4%	12%
Registered nurses	97%	91%
Retail salespeople	65%	51%
Waiters	89%	70%

SOURCES: U.S. BUREAU OF LABOR STATISTICS; U.S. CENSUS BUREAU; AMERICAN MEDICAL ASSOCIATION; \*2011 DATA; FOR DOCTORS, DATA IS FROM 2010.

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# TIMELINE

## WOMEN IN AMERICA



### 1776 Early Voters

Women are allowed to vote in New Jersey because the state's constitution cites "inhabitants" without mentioning sex. In 1807, that right is rescinded by the state's legislature.

### 1848 Seneca Falls

Elizabeth Cady Stanton (*above*) is among the organizers of the first women's rights convention, in Seneca Falls, N.Y. It issues a "Declaration of Sentiments" that calls for women's suffrage.



### 1917 Congress

Jeanette Rankin (*above*) becomes the first woman elected to Congress, as a representative from Montana. In 1932, Hattie Caraway of Arkansas becomes the first woman elected to the U.S. Senate.



### 1941-45 'Rosie the Riveter'

Eight million women take jobs vacated by men fighting in World War II—the first time women enter the workforce on a large scale. Many lose their jobs to returning veterans at war's end.

Stanford University in California who has written about the Equal Rights Amendment.

In 1970, Representative Martha Griffiths, a Democrat from Michigan, resurrected a slightly reworded version of Alice Paul's Equal Rights Amendment. She managed to get it to the floor of the House of Representatives, where it was approved a year later.

Then on March 22, 1972, a crowd in the Senate gallery cheered as the Senate voted 84-8 in favor of the measure. It read, "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

That approval from Congress, nearly half a century in the making, was a landmark moment. But, of course, approval from the House and the Senate is just the first step in amending the Constitution. Three-quarters of the nation's state legislatures (38 of 50) also have to approve an amendment before it could become part of the Constitution.

Less than an hour after Senate passage in Washington, Hawaii became the first state to ratify the amendment. In the next 12 months, 29 other states followed suit. But by 1975,

only 35 states had approved the Equal Rights Amendment, leaving it three states short.

From there, efforts stalled, particularly in the South.

Opinion polls at the time showed that a majority of Americans favored approval of the amendment. But opponents, led by conservatives like Phyllis Schlafly, a constitutional lawyer and political activist from Missouri, created a powerful "STOP ERA" movement in the remaining states. They also launched efforts to get some states to rescind their approvals, though there is still debate over their legal right to do so.

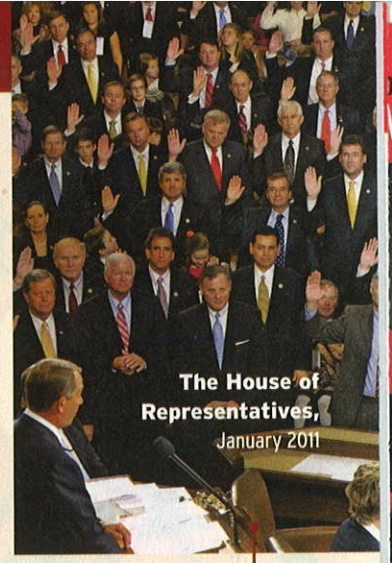
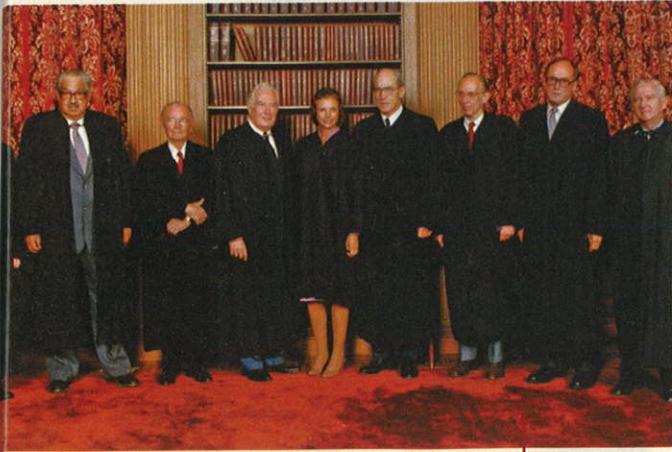
**'Equality of rights under the law shall not be denied . . . on account of sex.'**

—TEXT OF ERA

support from husbands, and force them to share public bathrooms with men. Broadly, they argued that such an amendment would go far beyond creating legal equity between the sexes and would, in effect, erase all differences between men and women.

### Unisex Bathrooms?

Opponents questioned the need for the amendment since specific laws banning workplace discrimination already existed. And they raised concerns that the amendment might actually harm women, suggesting it would allow them to be drafted and sent into combat, cause them to lose government benefits and legal sup-



The House of Representatives, January 2011

**1972**  
Congress passes ERA  
Ratification later fails.

**1981**  
Supreme Court

Sandra Day O'Connor (above, center) of Arizona becomes the first woman on the Supreme Court after she is appointed by President Ronald Reagan.

**1984**  
V.P. Candidate

Congresswoman Geraldine Ferraro of New York becomes the first female vice presidential candidate on a major-party (Democratic) ticket.

**2008**  
Hillary for President

In a close primary race, Senator Hillary Clinton of New York loses the Democratic nomination to Senator Barack Obama. In 2009, President Obama makes Clinton his secretary of state.

**TODAY**  
Progress & Challenges

Women still earn less than men on average and are underrepresented in Congress. But they make up the majority of students in college and graduate school and have entered many male-dominated fields.

FROM LEFT: ©CORBIS; ©STAN HONDA/AFP/GETTY IMAGES; ©AP IMAGES/SUSAN WALSH

As a 10-year deadline for passage (extended from a 7-year deadline) approached at the end of June 1982, ERA proponents pushed hard for passage in a handful of states—Oklahoma, North Carolina, Illinois, and Florida—that were seen as most likely to approve it among the 15 states that had not so far. But in late June, with only days left before the deadline, the Illinois House and the Florida Senate rejected it, sealing the ERA's fate.

Despite that defeat, however, women have made enormous strides since the Equal Rights Amendment fight in the 1970s and 1980s. Half a century ago, women constituted about one third of the U.S. workforce but now make up about half of it. They now work in many fields traditionally dominated by men (see chart, p. 17). And women today make up a majority—57 percent—of college undergraduates, with more women than men going on to earn master's degrees.

Legislation and court decisions separate from the ERA have also changed the landscape. Congressional passage of Title IX in 1972 barred discrimination in educational programs that get federal aid, paving the way for equity in school sports for girls across the country—and for the modern era, in which female sports stars can command big audiences just like male athletes.

In 1981, Sandra Day O'Connor became the first woman appointed to the U.S. Supreme Court. Today three women—Elena

Kagan, Ruth Bader Ginsburg, and Sonia Sotomayor—are among the nine Justices who sit on the nation's highest court.

Women increasingly hold high-ranking federal cabinet positions, including secretary of state—a post now held by Hillary Clinton, a former senator and presidential candidate, and in recent administrations by Condoleezza Rice and Madeleine Albright.

For all these advances, though, a gender gap still exists. Females hold fewer than one-fifth of the 535 elected positions in Congress. And nationwide, women earn 77 percent of what men earn, according to a study by the American Association of University Women—though debate remains over the causes of that discrepancy.

Still, there's wide agreement that even without the Equal Rights Amendment, women in the U.S. have come remarkably far in the past four decades.

"The feminist movement has been very successful," says Jane Mansbridge a Harvard University professor and author of *Why We Lost the ERA*. Mansbridge adds, however, that it's unclear whether "an ERA in the U.S. Constitution would have helped in producing even greater equality." ●

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