

EQUAL RIGHTS AMENDMENT (PROPOSED)

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ISSUE DEFINITION

The proposed Equal Rights Amendment to the U.S. Constitution was first introduced in 1923, and was passed by the Congress in 1972. In 1978, Congress extended the original deadline for ratification of the ERA. Thus, if it receives approval in the form of ratification by 38 States before June 30, 1982, the measure will become the 27th Amendment to the Constitution, and will require equal treatment under Federal and State laws and practices for all persons, regardless of sex. While some Americans would welcome a constitutional guarantee of equal rights and responsibilities for persons of both sexes, others view the proposed amendment as a potential threat to family life and to the traditional roles of men and women.

BACKGROUND AND POLICY ANALYSIS

The proposed Equal Rights Amendment (ERA) to the U.S. Constitution was first introduced 3 years after the 19th Amendment (to provide women's suffrage) was ratified. After being introduced in various forms in nearly every Congress since 1923, the ERA was approved by the 92d Congress in 1972. The proposed amendment provides that:

- 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 Judiciary Committees of both Houses of Congress had held hearings on the measure and had reported the amendment to the full House and Senate prior to its passage by the 92d Congress. The Senate previously had passed the amendment twice: in the 81st Congress on Jan. 25, 1950, and in the 83d Congress on July 16, 1953. On both occasions, the measure included what was known as the "Hayden rider," which provided that "the provisions of this article shall not be construed to impair any rights, benefits, or exemptions now or hereafter conferred by law upon persons of the female sex." Proponents of the measure consistently resisted attempts to amend the ERA.

The House of Representatives passed the Equal Rights Amendment in the 91st Congress on Aug. 10, 1970, after the discharge procedure was used to free the proposal from the Judiciary Committee. There had been no committee action on the ERA for 22 years prior to this action.

When the Senate considered the measure in October 1970, it adopted two amendments: to exempt women from the draft and to permit recitation of nondenominational prayers in public schools and other public buildings. Supporters of the ERA were again unhappy with an amended version, and on Nov. 19, 1970, by unanimous consent, the Senate laid aside the proposed ERA, and

took no further action in the 91st Congress.

The House passed the ERA (H.J.Res. 208) in the 92d Congress on Oct. 12, 1971, rejecting two committee amendments which would have: (1) added the words "of any person" to Section 1, and (2) added a section allowing the exemption of women from the draft and holding that the ERA would not impair the validity of any law which "reasonably promotes the health and safety of the people." After rejecting 10 amendments proposed by Sen. Sam Ervin, the Senate approved H.J.Res. 208 on Mar. 22, 1972, clearing it for ratification by the States.

Three-fourths (38) of the States must ratify the ERA before it can become a part of the Constitution. The original deadline for ratification was Mar. 22, 1979. The 95th Congress enacted legislation extending the deadline until June 30, 1982. It would take effect two years after full ratification.

The first State to ratify, Hawaii, did so within hours of final congressional approval. To date, 35 States have ratified the measure, including Nebraska, Tennessee, Idaho, Kentucky, and South Dakota (where the Lt. Governor, acting with the power of the Governor, who was out of town, vetoed the rescission), which later voted to rescind ratification (see Chronology for dates of State ratification and rescission).

The question of whether a State may rescind its ratification of a proposed amendment has never been finally resolved by either the courts or the Congress. Historically, most legal opinion has tended to agree with the Supreme Court decision in Coleman v. Miller, 307 U.S. 433 (1939), that rescission is a "political question") that Congress has full discretion, free from judicial review, to determine the validity of withdrawal of ratification. In the instances of the Fourteenth and Fifteenth Amendments, Congress determined that withdrawal of a prior ratification was invalid, thereby establishing precedent for congressional non-recognition of rescission. However, because the action of one Congress is not binding on another Congress, the question remains open and is subject to discussion in the ratification of ERA. Legislation was introduced in the 95th Congress to provide that any State legislature which rescinds its ratification of a proposed amendment to the Constitution shall be considered to have not ratified the amendment. Amendments to H.J.Res. 638 to allow rescissions were defeated by the House and Senate.

CONTROVERSY OVER PROPOSED AMENDMENT

Controversy over the proposed amendment relates to: (1) interpretations of its probable effects in some areas, (2) whether there should be room in the law for "reasonable" distinctions in the treatment of men and women, and (3) whether a constitutional amendment is the proper vehicle for improving the legal status of women in our Nation.

There is little disagreement about the general intent of the proposed Equal Rights Amendment. Legislative intent in this regard is clearly seen in the Senate debate on the measure in March 1972, the House and Senate Judiciary Committee reports on the measure, and congressional hearings held in 1970-1971 (see Reports and Hearings). As stated in the Senate Judiciary Committee report on the measure, "The basic principle on which the Amendment rests may be stated shortly: sex should not be a factor in determining the legal rights of men or women.... The Amendment will affect only governmental action; the private actions and the private relationships of men and women

are unaffected."

The Equal Rights Amendment would require that governments treat each person, male or female, as a citizen and individual under the law. It is directed at eliminating gender-based classifications in the law which specifically deny equality of rights or violate the principle of nondiscrimination with regard to sex. Thus every Federal or State law which makes a discriminatory distinction between men and women would be invalid under the Equal Rights Amendment. Both proponents and opponents of the amendment agree that proper interpretation of the ERA would result in the elimination of the use of sex as the sole factor in determining, for example, who would be subject to the military draft, if one were reinstated; who in a divorce action would be awarded custody of a child; who would have responsibility for family support; or who would be subject to jury duty. Public schools could not require higher admissions standards for persons of one sex than for the other; courts could not impose longer jail sentences on convicted criminals of one sex. Thus certain responsibilities and protections which have been or are now extended to members of one sex, but not to members of the other sex, would have to be either extended to everyone or eliminated entirely.

Although there is general agreement on the intent of the amendment, one issue of interpretation on which opinions still are divided is whether the existence of separate restrooms, prisons, and dormitories for males and females would be permissible under provisions of the proposed Equal Rights Amendment. One point of view is that the constitutional right of privacy established by the Supreme Court in Griswold v. Connecticut, 381 U.S. 479 (1965), would permit a separation of the sexes with respect to such places as public restrooms and sleeping quarters. The opposing view is that the most recent constitutional amendment takes precedence over all other sections of the constitution with which it is inconsistent, and to allow separate facilities would be to revive the "separate but equal" doctrine. Opponents of the amendment also express concern that the Court has not yet clearly defined the rights of privacy and that therefore it is impossible to ascertain how this principle would be applied under the Equal Rights Amendment. Proponents have argued that the existence of separate restrooms in no way discriminates on the basis of sex and does not violate the equality-of-rights principle which underlies the Equal Rights Amendment.

A second disagreement concerns whether it is in the interest of the Nation, or of the women of the Nation, to establish absolute, unequivocal equality of treatment for men and women under the law. There are some who believe that because of unique characteristics or traditional societal roles, women should receive different legal treatment than men. The opposing view is that all citizens should share equally the rights and responsibilities of citizenship under the law.

This basic conflict leads to the third major area of disagreement: whether the process of constitutional amendment is the best means to improve the legal status of women in the United States. One point of view is that a constitutional amendment is unnecessary because the equal protection clause of the 14th Amendment, if properly interpreted, would nullify every law lacking a rational basis which makes distinctions based on sex. This idea is closely allied with the view that men and women should not always receive absolutely equal legal treatment. The approach of relying on the 14th Amendment appears to offer more flexibility of interpretation than does the proposed Equal Rights Amendment, which forbids any sex-based classification. Those who hold this view also point to the Supreme Court decision in Reed v.

Reed, 404 U.S. 71 (1971), as a strong indication that the Court would find sex-based discrimination to be in violation of the equal protection clause of the Fourteenth Amendment. In the Reed case, the Supreme Court ruled as unconstitutional an Idaho statute requiring preference of male relatives over female relatives as administrators of estates. The Reed decision represented the first time the Supreme Court had struck down a law which discriminated against women.

Since Reed, several other cases have struck down gender classifications: Frontiero v. Richardson, 411 U.S. 677 (1973), concerning military benefits in which four Justices argued that sex should be ruled a "suspect classification," three argued that the Court should not make such a determination, one rejected the idea outright, and the ninth took no position on the matter; Taylor v. Louisiana, 419 U.S. 522 (1975), concerning jury selection; Weinberger v. Wiesenfeld, 420 U.S. 636 (1975), concerning Social Security benefits for widowed fathers; Stanton v. Stanton, 421 U.S. 7 (1975), concerning the age of majority; Craig et al. v. Boren, Governor of Oklahoma, et al., 429 U.S. 190 (1976), concerning the age of majority in the sale of 3.2% beer, and Califano v. Goldfarb, ___ U.S. ___, 45 U.S.L.W. 4237 (Mar. 2, 1977), concerning social security benefits for widowers.

On the other hand, several recent Supreme Court decisions have upheld gender classifications which discriminated against men and in favor of women, on the ground that they are intended to overcome historic discrimination against women. For example: Kahn v. Shevin, 416 U.S. 351 (1974), regarding tax exemptions benefitting widows; and Schlesinger v. Ballard, 419 U.S. 498 (1975), which involved promotion systems in the Navy.

Because gender classifications have not been struck down with consistency in recent Supreme Court decisions, supporters of a constitutional amendment argue that there is a need for the establishment of a clear rule that gender classifications are suspect and that they must be justified by showing a compelling interest in order to be sustained. To date, the Court has not held that sex discrimination is "suspect" under the equal protection clause of the Fourteenth Amendment, thus leaving the burden of proof on a complaining woman that a sex-based classification is "unreasonable."

CONTROVERSY OVER EXTENSION OF THE RATIFICATION DEADLINE

Three basic questions arose during consideration of extending the ratification deadline for the proposed Equal Rights Amendment: (1) does Congress have the power to extend the deadline; (2) if Congress has such authority, should it extend the ratification deadline; and (3) if Congress chose to extend the deadline, by what legislative method would the extension have to be enacted.

The first question regarding congressional authority to extend the deadline for ratification had never been addressed specifically by earlier Congresses or the courts. Article V of the Constitution sets forth the method of amending the Constitution; however, it does not mention any time limits for ratification of a proposed amendment. The Supreme Court in Dillon v. Gloss, 256 U.S. 368 (1921), held that under Article V of the Constitution, Congress, in proposing an amendment, may fix a reasonable time for ratification. Beginning with the 18th Amendment and continuing until the 23rd, except for the 19th Amendment (the Woman's Suffrage Amendment) for which no time limit was set, 7-year limits were included in the substantive provisions of amendments. Then, beginning with the 23rd Amendment, time

limits were included as a part of the resolving clause of the underlying resolution proposing a constitutional amendment, as is the case of the proposed Equal Rights Amendment. Therefore, there is no disagreement that the Congress has the power to set a reasonable time limit for ratification of a proposed amendment.

With respect to the actual time limit set for ratification of a proposed amendment, the Supreme Court has held that seven years is reasonable (Dillon v. Gloss) and the Congress can make the final determination, with respect to an amendment which originally had no time limit, on the reasonableness of the time within which a sufficient number of States must act (Coleman v. Miller, 307 U.S. 433 (1939)). For example, since 1900 only one amendment, the proposed child-labor amendment submitted in June 1924, has not been ratified by the requisite number of States. Since this proposed amendment had no time limit, it is still pending before the States. If this proposed amendment were ratified by the requisite number of States, it would then be up to the Congress to decide if its ratification were completed within a reasonable amount of time.

With reference to the proposed ERA the question was whether Congress, once it has set a time limit, could extend that time period. The Coleman decision was used by both opponents and proponents of the extension. Opponents said that a succeeding Congress can determine the validity of the time period only when no time limit has been set by the proposing Congress. Proponents said that since the Court held that a subsequent Congress can determine the reasonableness of the time within which a sufficient number of States must act when no time limit for ratification has been set, a subsequent Congress can also determine the validity of the reasonableness of a time limit set by the proposing Congress.

Opponents of the extension also argued that the only role for the Congress in the amendment process is that of proposing amendments and, then, perhaps deciding on ratification if no time limit is set. Congress, therefore, has no authority to interfere with the ratification process once begun. Another argument was that the States when ratifying relied on the 7-year deadline and it would be unfair to these States to change the time limit.

Proponents of the extension argued, that according to the Dillon and Coleman decisions, the Congress has the authority to establish a reasonable time for ratification and therefore may extend the period if the extension is for a reasonable time. They further argued that the time period was in the resolving clause and not the amendment submitted to the States, therefore, it is a matter of detail, not substance, and is under the exclusive purview of the Congress.

Has a reasonable period of time been given to ratification of the proposed Equal Rights Amendment or should the Congress extend the deadline?

Opponents of the extension stated that a reasonable time has been given for ratification. They argued that the purpose of the reasonable time rule articulated by the Supreme Court in Dillon was that there be a contemporaneous consensus; that is, all the ratifications of the several States should have occurred sufficiently close together to reflect a consensus of three-fourths of the several States at a given point in time. Opponents pointed out that 30 States ratified the ERA during the first year. Three additional States ratified the amendment in 1974, one in 1975 and one in January 1977. They argued that now the trend is against ratification as four States have rescinded their prior ratifications. They pointed out that

every State legislature has considered ERA and worked its will according to its constitutional processes. In the 15 unratified States, 24 committee votes and 59 floor votes have taken place since the proposed amendment was submitted to the States for ratification. Opponents argue that in this day of mass communications seven years is a more than reasonable period of time. Further they argued that it is unfair "to change the rules in the middle of the game."

Proponents of the extension stated that the 92nd Congress set the 7-year time limit because that had been the traditional time period set on amendments proposed since 1917, with the 18th Amendment (except for the woman's suffrage amendment, which set no time limit). Regarding the contemporaneous consensus, proponents argued that there is no contemporaneous consensus on the issues raised by the 14th Amendment because the debate is still going on. Likewise, there is no contemporaneous consensus on the issues raised by the ERA nor is there likely to be. They further argued that it took nearly 50 years to get the ERA passed by Congress and will probably take at least another 50 years for the Amendment's full impact to be felt. Proponents argued that public opinion polls continue to reflect the belief of a majority of Americans that the ERA should be ratified. They further argue that ERA has not been fully heard in some States. For example, in one State ERA has never come to the floor of either house. In four States, only one house has voted on ERA. In others ERA has been held up in committee. At least seven States have enacted rules requiring more than a simple majority for the ratification of a constitutional amendment. [Alabama -- three-fifths in the House; Arkansas, Colorado, Georgia, Idaho and Kansas -- two-thirds in both Houses; and Illinois -- three-fifths in both Houses.] Proponents argued that a time limit can not be set on human equality.

If the ERA had not been ratified by Mar. 22, 1979, some observers felt that several options remained open for the passage and ratification of an Equal Rights Amendment. If an extension not passed the Congress, one alternative was to seek the enactment of a new amendment. Some opponents of the extension urged the Congress to defeat the extension and, after the time limit expired, pass a revised version of the ERA more acceptable to the States.

Another issue discussed in relation to extension is whether States should be statutorily allowed by such legislation to rescind their prior ratification of a proposed amendment. The Supreme Court has said that rescission is a political matter for the Congress to decide. (Coleman v. Miller) One question is when should the Congress decide that issue with respect to the proposed Equal Rights Amendment. Some argued that since rescission is a separate issue, the time to make the decision on whether a State can rescind its ratification is when the requisite number of States have ratified. The Congress has made such determinations with respect to the 14th and 15th Amendments. Others argued that it would be unfair to extend the time for ratification without allowing States to rescind their prior ratifications. In other words, a State legislature's vote to ratify would be considered irreversable within the ratification time period, but a comparable vote against ratification or the rescission of an earlier ratification could be reversed by subsequent action. Amendments to H.J.Res. 638 to allow rescission were defeated in both the House and Senate.

At the time Congress chose to extend the deadline, what legislative method should have been used?

Several possible methods were available to the Congress for extending the

ratification deadline. Those who supported the concurrent resolution, requiring only a majority vote, argued that the Constitution identifies issues as requiring a two-thirds vote. With respect to the constitutional amendment process, only the substance of proposed amendments to the Constitution require a two-thirds vote, as opposed to other parts of the amending process requiring a simple majority vote. For example, Congress, when deciding whether the necessary three-fourths of the States had ratified the 14th Amendment, used the concurrent resolution to express the congressional view. An argument raised against a concurrent resolution was that it does not have the force of law and therefore was not binding on a subsequent Congress.

Others argued that a joint resolution requiring a two-thirds vote is necessary since the ERA was originally proposed and passed by a joint resolution. They argued that many Members of Congress may have voted for the Amendment because of the time limit and it would be unfair to change that time limit by a simple majority. Another argument for a joint resolution was that it would have the force of law. An argument against the necessity for a two-thirds vote was that extending the deadline is a matter of detail and not substance; therefore, requiring only a majority vote.

A third proposal was to pass a joint resolution by a majority vote requiring the President's signature. This method, like the two-thirds vote on a joint resolution, would have the effect of law. An argument for this approach was that if the Congress wanted to change the time limit when the ERA was being considered by the 92nd Congress, such a change would have required only a majority vote and, therefore, it should only require a majority vote now. Those who argued against this method say that it is a dangerous precedent to involve the executive branch in the process of amending the Constitution of the United States.

H.J.Res. 638 passed both the House and Senate by majority votes. H.J.Res. 638 was signed by the President on Oct. 20, 1978, although there is still a question as to whether his signature is necessary.

RATIFICATION HISTORY

Although the Equal Rights Amendment was ratified by 35 States out of the requisite 38, no States ratified the Amendment after January 1977. The extension of the ratification period provided by H.J.Res. 638 ended on June 30, 1982, and the proposed amendment, still three States short, died automatically on that date.

LEGAL CHALLENGES

A ruling on Dec. 23, 1981, by the U.S. District Court for Idaho raised substantial questions about the amendment's legal status with regard to the issues of rescission and extension. In Idaho v. Freeman, Civil No. 79-1097 (D. Idaho, Dec. 23, 1981), Judge Marion J. Callister ruled that individual States were not bound by their original votes to ratify the amendment, but might rescind at any point before three-fourths of the States vote to ratify. Five State legislatures, Nebraska, Tennessee, Idaho, Kentucky, and South Dakota, have reversed their approval of the amendment. "Rescission," said Judge Callister, is "clearly a proper exercise of a State's power[.]" (Idaho v. Freeman, Slip Opinion at p. 62.) "Congress has no power to determine the validity or invalidity of a properly certified ratification

or rescission," (Ibid, p. 71)

The district court also said that Congress violated the Constitution when it extended the deadline for the proposed amendment. In his decision, Judge Callister wrote that "[a]s part of the mode of ratification Congress may, by a two-thirds vote of both Houses, set a reasonable time limit for the States to act in order for the ratification to be effective. When [such a limit] is set, it is binding on Congress and the States and it cannot be changed by Congress thereafter." (Ibid, p. 71.) In addition, the Court said that even if Congress had the power to extend the time limit, it could not do so by a simple majority vote, as it did in 1978, since extension would require the same two-thirds majority in both Houses as required by Article V of the Constitution for proposal of an amendment.

However, on Jan. 25, 1982, the Supreme Court stayed the Idaho court decision in its entirety, thus clearing the amendment's legal status (pending a hearing by the Court at a later date).

LEGISLATION

H.J.Res. 208, 92d Congress (Griffiths)

Constitutional Amendment. Provides that equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. Passed the House of Representatives by a vote of 354-24 on Oct. 12, 1971, and passed the Senate on Mar. 22, 1972, by a vote of 84-8. The amendment must be ratified by three-fourths (38) of the States within 7 years from the date of final approval by the Congress.

H.J.Res. 638, 95th Congress (Holtzman et al.)

Extends the deadline for ratification of the proposed Equal Rights Amendment until June 30, 1982. Passed the House on Aug. 15, 1978, by a vote of 233 to 189 and passed the Senate on Oct. 6, 1978, by a vote of 60 to 36. Signed by the President on Oct. 20, 1978.

H.J.Res. 192, 97th Congress (Kindness)

Constitutional Amendment. Declares that equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex. Introduced Feb. 25, 1981; referred to Committee on the Judiciary.

HEARINGS

U.S. Congress. House. Committee on the Judiciary. Subcommittee on Civil and Constitutional Rights. Equal Rights Amendment extension.

Hearings, 95th Congress, 1st and 2nd sessions, on H.J.Res. 638. Washington, U.S. Govt. Print. Off., 1978. 378 p.

Hearings held Nov. 1, 4, and 8, 1977; and May 17-19, 1978.

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on Constitution. Extension of the deadline for ratification of the Equal Rights Amendment. Hearings, 95th Congress, 2d session. (Printed hearings not yet available.)

Hearings held Aug. 2-4, 1978.

U.S. Congress. House. Committee on the Judiciary. Subcommittee No. 4. Equal rights for men and women, 1971. Hearings, 92d Congress, 1st session, on H.J.Res. 35, 208, and related bills; and H.R. 916 and related bills. Mar. 24, 25, and 31; Apr. 1, 2, and 5, 1971. Washington, U.S. Govt. Print. Off., 1971. 724 p.

U.S. Congress. Senate. Committee on the Judiciary. Equal rights, 1970. Hearings, 91st Congress, 2d session, on S.J.Res. 61 and S.J.Res. 231. Sept. 9, 10, 11, and 15, 1970. Washington, U.S. Govt. Print. Off., 1970. 433 p.

U.S. Congress. Senate. Committee on the Judiciary. Subcommittee on Constitutional Amendments. The "equal rights" amendment. Hearings, 91st Congress, 2d session, on S.J.Res. 61. May 5, 6 and 7, 1970. Washington, U.S. Govt. Print. Off., 1970. 793 p.

REPORTS AND CONGRESSIONAL DOCUMENTS

U.S. Congress. House. Committee on the Judiciary. Equal rights for men and women; report together with individual views to accompany H.J.Res. 208. Washington, U.S. Govt. Print. Off., 1971. 16 p. (92d Congress, 1st session. House. Report no. 92-359)

----- Proposed equal rights amendment extension; report to accompany H.J.Res. 638. Washington, U.S. Govt. Print. Off., 1978. 64 p. (95th Congress, 2d session. House Report no. 95-1405).

U.S. Congress. Senate. Committee on the Judiciary. Equal rights for men and women; report together with individual views to accompany S.J.Res. 9, and H.J.Res. 208. Washington, U.S. Govt. Print. Off., 1972. 52 p. (92d Congress, 2d session. Senate. Report no. 92-689)

OTHER CONGRESSIONAL ACTION

N/A

CHRONOLOGY OF EVENTS

The following 35 State legislatures have ratified the Equal Rights Amendment:

01/24/77 -- Indiana
 03/19/75 -- North Dakota
 02/07/74 -- Ohio
 01/25/74 -- Montana
 01/18/74 -- Maine
 03/22/73 -- Washington
 03/15/73 -- Connecticut
 03/01/73 -- Vermont
 02/28/73 -- New Mexico
 02/08/73 -- Minnesota
 02/08/73 -- Oregon
 02/05/73 -- South Dakota (voted to rescind 03/01/79)

01/26/73 -- Wyoming
 11/13/72 -- California
 09/27/72 -- Pennsylvania
 06/26/72 -- Kentucky (voted to rescind 03/16/78)
 06/21/72 -- Massachusetts
 05/26/72 -- Maryland
 05/22/72 -- Michigan
 05/18/72 -- New York
 04/26/72 -- Wisconsin
 04/22/72 -- West Virginia
 04/21/72 -- Colorado
 04/17/72 -- New Jersey
 04/14/72 -- Rhode Island
 04/05/72 -- Alaska
 04/04/72 -- Tennessee (voted to rescind 04/23/74)
 03/30/72 -- Texas
 03/29/72 -- Nebraska (voted to rescind 03/15/73)
 03/28/72 -- Kansas
 03/24/72 -- Idaho (voted to rescind 02/08/77)
 03/24/72 -- Iowa
 03/23/72 -- Delaware
 03/23/72 -- New Hampshire
 03/22/72 -- Hawaii

The following 15 State legislatures have not ratified the Equal Rights Amendment:

Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, South Carolina, Utah, and Virginia.

The following 16 States have equal rights provisions in their constitutions:

Alaska, Colorado, Connecticut, Hawaii, Illinois, Maryland, Massachusetts, Montana, New Hampshire, New Mexico, Pennsylvania, Texas, Utah, Virginia, Washington, and Wyoming.

RATIFICATION HISTORY OF THE EQUAL RIGHTS AMENDMENT

ALABAMA: Senate - rejected, 06/12/73, 26-6; rejected, 01/31/78 24-8.

ALASKA: House - ratified, 03/24/72, 38-2. Senate - ratified, 04/05/72, 16-2.

ARIZONA: House - rejected in committee, 02/22/73; rejected in committee 03/07/74, 7-5; rejected in House 02/25/75, 41-19. Senate - rejected in committee, 03/05/73; rejected in committee 04/01/74, 5-4; rejected in Senate 02/13/75, 16-14; approved on 1st reading 02/26/76, 16-14; rejected on 2nd reading 03/01/76, 15-15; rejected in Senate, 05/05/77, 18-11; rejected by passing amended version striking section 2, 04/11/78, 17-13.

ARKANSAS: Senate - rejected by passing amended version 02/01/73, 20-14. House - approved a "do pass" recommendation

in committee, 02/16/77, voice vote; approved a "do not pass" recommendation in committee, 03/14/79, by a vote of 14-4.

CALIFORNIA: Senate - ratified, 11/09/72, 29-9. House - ratified, 11/13/72, 54-16.

COLORADO: House - ratified, 04/13/72, 61-0. Senate - ratified, 04/21/72, 30-1.

CONNECTICUT: House - rejected, 04/06/72, 83-77; ratified, 03/08/73, 99-47. Senate - ratified, 03/15/73, 27-9.

DELAWARE: Senate - ratified, 03/22/72, 16-0. House - ratified, 03/23/72, 37-0.

FLORIDA: House - ratified, 03/24/72, 91-4; rejected, 04/17/73, 64-54; ratified, 04/10/75, 62-58; ratified, 05/17/79, 66-53; ratified, 06/21/82, 60-58. Senate - rejected in committee, 04/04/73, 3-3; rejected in Senate, 04/10/74, 21-19; rejected, 04/25/75, 21-17; rejected, 04/13/77, 21-19; rejected in committee, 04/04/79, 12-4; rejected, 05/24/79, 19-21; rejected, 06/21/82, 22-16.

GEORGIA: House - rejected in committee, 02/19/73, 9-2; rejected in House, 01/28/74, 104-70; rejected in House, 01/25/82, 116-57. Senate - rejected, 02/17/75, 33-22; rejected in committee, 01/12/78, unanimously; rejected, 01/21/80, 32-23; rejected in House, 01/27/82, 116-57.

HAWAII: House - ratified, 03/22/72, 51-0. Senate - ratified, 03/22/72, 25-0.

IDAHO: House - ratified, 03/24/72, 59-5; rescission defeated 02/13/74, 35-35; rescinded, 02/04/77, 44-22. Senate - ratified, 03/24/72, 31-4; rescinded, 1974, 2 dissenting votes; rescinded, 02/08/77, 18-17.

ILLINOIS: Senate - ratified, 05/00/72, 30-21; rejected in committee, 04/04/73, 14-7; rejected, 06/18/74, 30-24 as three-fifths majority is necessary for ratification in Illinois; Senate voted to retain the rule requiring a three-fifths vote to ratify a constitutional amendment, 03/05/75; Senate voted not to discharge measure from committee, 06/17/75, 30-28; rejected, 12/16/76, 29-22, as three-fifths majority is necessary for ratification Illinois. House - rejected 05/16/72, 75-68, rejected, 06/30/72, 82-76; rejected, 04/04/73, 95-72; ratified, 05/01/75, 113-62; rejected a motion to change the three-fifths majority necessary to ratify a constitutional amendment to a simple majority, 03/09/77, 100-66; rejected, 06/02/77, 101-74, as 107 votes were needed to to ratify; rejected 06/07/78, 101-65, as 107

votes were needed for ratification; rejected 06/22/78, 105-71, as 107 votes were needed for ratification; rejected, 06/18/80, 102-71; rejected 06/22/82, 103-72, as 107 votes were needed for ratification.

INDIANA: House - ratified, 02/14/73, 53-45; ratified, 01/24/75, 61-39; ratified, 01/12/77, 54-45. Senate - rejected, 04/02/73, 34-16; rejected in committee, 02/13/75, 8-5; ratified, 01/18/77, 26-24.

IOWA: House - ratified, 03/24/72, 73-14. Senate - ratified, 03/24/72, 44-1.

KANSAS: House - ratified, 03/28/72, 86-37; rejected rescission, 02/24/77, 66-56. Senate - ratified, 03/28/72, 34-5.

KENTUCKY: House - ratified, 06/12/72, 56-31; voted to rescind, 02/18/76, 57-40; voted to rescind, 03/16/78, 61-28. Senate -- ratified, 06/15/72, 20-18; voted to rescind, 03/14/78, 23-15. 03/20/78 -- the Lieutenant Governor, acting with the power of the Governor who was out of town, vetoed the rescission of Kentucky's ratification of ERA.

LOUISIANA: Senate - ratified, 06/07/72, 25-13; approved an amended version of ERA, 01/22/75, 21-16. House - rejected, 06/29/72, 64-32; rejected in committee, 06/19/74, 10-7; rejected in committee, 06/11/75, 8-7; rejected in committee, 06/16/76, 10-6; rejected in committee, 06/07/77, 11-5; rejected in committee, 06/11/79, 11-5.

MAINE: House - ratified, 02/27/73, 74-72; ratified, 01/17/74, 78-68. Senate - rejected, 03/08/73, 16-15; ratified, 01/18/74, 19-11.

MARYLAND: House - ratified, 03/24/72, 86-32. Senate - ratified, 03/31/72, unanimous.

MASSACHUSETTS: Senate - ratified, 06/19/72, voice vote. House - ratified, 06/21/72, 205-7.

MICHIGAN: House - ratified, 05/18/72, 90-18. Senate - ratified, 05/22/72, voice vote.

MINNESOTA: House - ratified, 01/17/73, 104-28. Senate - ratified, 02/08/73, 48-18.

MISSISSIPPI: Senate - rejected in Senate Committee, 02/08/73, 7-2; rejected in committee, 03/09/76, 4-3; rejected in committee 01/28/77, 5-4.

MISSOURI: Senate - rejected in committee, 02/06/73, 7-3; rejected in Senate, 06/02/75, 20-14; rejected, 03/15/77, 22-12. House - rejected, 05/09/73, 81-70; ratified, 02/07/75, 82-75.

MONTANA: House - ratified, 01/18/73, 73-23. Senate - rejected, 02/02/73, 25-2; ratified, 01/11/74, 35-14; rejected rescission, 02/09/77, 25-25.

NEBRASKA: Unicameral legislature - ratified, 03/23/72, 38-0; rescinded, 03/15/73, 31-17; rejected ratification, 02/04/75, 25-25.

NEVADA: Senate - rejected, 03/01/73, 16-4; rejected, 02/19/75, 12-8; ratified, 02/08/77, 11-10; defeated, 01/16/79, 14-3. House - ratified, 02/17/75, 27-13; rejected, 02/11/77, 24-15.

NEW HAMPSHIRE: House - ratified, 03/23/72, 179-81. Senate - ratified, 03/23/72, 21-0.

NEW JERSEY: House - ratified, 04/17/72, 62-4. Senate - ratified, 04/17/72, 34-0.

NEW MEXICO: House - ratified, 02/13/73, 40-22. Senate - ratified, 02/13/73, 33-8.

NEW YORK: Senate - ratified, 04/20/72, 51-4. House - ratified, 05/03/72, 117-25.

NORTH CAROLINA: Senate - rejected, 03/01/73, 27-24; rejected, 03/01/77, 26-24; rejected in committee 02/16/79; motion to table 06/04/82, 27-23. House - rejected in committee, 01/21/74, 10-6; approved on first reading, 04/15/75, 60-58; rejected on second reading, 04/16/75, 62-57; ratified, 02/09/77, 61-55.

NORTH DAKOTA: Senate - ratified, 02/07/73, 30-20; ratified, 01/24/75, 28-22; rejected rescission, 02/17/77, 32-18. House - rejected, 02/23/73, 51-49; ratified, 02/03/75, 52-49.

OHIO: House - ratified, 03/28/73, 54-40. Senate - rejected in committee, 04/22/73, 6-3; rejected in committee, 05/08/73, 5-4; ratified, 02/07/74, 20-12.

OKLAHOMA: Senate - ratified, 03/23/72, voice vote. House - rejected, 03/29/72, 52-36; rejected, 02/01/73, 53-45; rejected a "do pass" motion, 01/21/75, 51-45; rejected a "report progress" motion, 01/21/75, 51-45; approved a "do not pass" motion, 01/21/75, 50-43; referred back to second House Committee, 03/15/77.

OREGON: Senate - ratified, 02/01/73, 23-6; reaffirmed their ratification, 02/22/77, 48-14. House - ratified, 02/08/73, 50-9.

PENNSYLVANIA: House - ratified, 05/02/72, 178-3. Senate - ratified, 09/20/72, 43-3.

RHODE ISLAND: Senate - ratified, 04/04/72, 39-11. House - ratified,

04/14/72, 70-12.

SOUTH CAROLINA: House - ratified, 03/22/72, 83-0; rejected, 04/26/73, 62-44; rejected on a motion to table, 03/26/75, 46-43. Senate - rejected on motion to table, 02/07/78, 23-18.

SOUTH DAKOTA: Senate - ratified, 01/29/73, 22-13; rejected rescission, 03/08/77. House - ratified, 02/02/73, 43-27. 03/01/79, Senate concurred with House in holding prior ratification of ERA null and void, effective 03/23/79.

TENNESSEE: House - ratified, 03/23/72, 70-0; rescinded, 04/23/74, 56-33. Senate - ratified, 04/04/72, 25-5; rescinded, 03/19/74, 17-11.

TEXAS: Senate - ratified, 03/29/72, unanimously. House - ratified, 03/30/72, 137-9.

UTAH: House - rejected, 01/24/73, 51-20; rejected, 02/18/75, 54-21.

VERMONT: House - rejected, 1972, 69-67; ratified, 01/12/73, 120-28. Senate - ratified, 02/21/73, 19-8.

VIRGINIA: House - rejected in committee, 02/06/73, 13-2; rejected in committee, 02/27/74, 02/27/74, 12-8; House failed in effort to change rules, 01/21/77, 62-46; rejected in committee, 02/09/78, 12-8. Senate - rejected in committee, 02/28/74, 10-5; approved in committee, 01/17/75, 6-5; rejected in Senate, 01/21/75, 21-19; rejected in committee, 01/23/75, 8-7; rejected in committee, 02/04/76, 8-7; rejected in Senate, 01/27/77, 20-18 as 21 votes were necessary for ratification; Senate Privileges and Elections Committee voted 8-7 against a proposal to ratify; Senate rejected, 02/12/80, 19-20 (21 votes necessary to ratify); Senate rejected, 02/17/82, 19-20.

WASHINGTON: House - ratified, 03/09/73, 76-21. Senate - ratified, 03/22/73, 29-19.

WEST VIRGINIA: Senate - ratified, 04/21/72, 31-0; rescission defeated, 02/26/74, 18-15. House - ratified, 04/22/72, unrecorded vote.

WISCONSIN: House - ratified, 04/19/72, 81-11. Senate - ratified, 04/20/72, 29-4.

WYOMING: House - ratified, 01/15/73, 41-20. Senate - ratified, 01/24/73, 17-12; defeated rescission, 01/22/77, 16-14.

CHRONOLOGY

10/20/78 -- H.J.Res. 638 signed by the President.

- 10/06/78 -- H.J.Res. 638 passed the Senate by a vote of 60-36.
- 08/15/78 -- H.J.Res. 638, as amended by the Committee on the Judiciary to extend the ratification deadline until June 30, 1982, passed the House by a vote of 233-189.
- 08/04/78 -- Hearings held by Subcommittee on the Constitution on S.J.Res. 134.
- 08/03/78 -- Hearings held by the Subcommittee on the Constitution on S.J.Res. 134.
- 08/02/78 -- Hearings held by the Subcommittee on the Constitution on S.J.Res. 134.
- 07/18/78 -- House Committee on the Judiciary reported H.J.Res. 638 with an amendment to extend the ratification deadline until June 30, 1982.
- 05/17/78 - 05/19/78 -- Hearings on H.J.Res. 638 held by Subcommittee on Civil and Constitutional Rights.
- 11/08/77 -- Third day of hearings held by the Subcommittee on Civil and Constitutional Rights on H.J. Res. 638.
- 11/04/77 -- Second day of hearings held by the Subcommittee on Civil and Constitutional Rights on H.J. Res. 638.
- 11/01/77 -- First day of hearings held by the Subcommittee on Civil and Constitutional Rights on H.J.Res. 638.
- 10/26/77 -- H.J. Res. 638 introduced to extend the deadline for ratification of the proposed Equal Rights Amendment.
- 03/22/72 -- The Senate passed H.J.Res. 208 by a vote of 84 to 8.
- 10/12/71 -- The House passed H.J.Res. 208 by a vote of 354 to 24.

ADDITIONAL REFERENCE SOURCES

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- U.S. Library of Congress. Congressional Research Service. Amending the Federal constitution -- procedures of the General Services Administration and the State legislatures [by] Stuart Glass. [Washington] June 21, 1971. 22 p. Multilith 71-196A
- Analysis of the constitutionality of Illinois General Assembly's three-fifths majority rule [by] Karen J. Lewis. [Washington] July 31, 1978. 8 p.
- Analysis regarding the issue of extending the ratification

deadline of the proposed Equal Rights Amendment [by]
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- Equal Rights Amendment: selected floor debate and votes [by] Morigene Holcomb. [Washington] 1974. 43 p.
- Interpretation of 1 U.S.C. 106 (b) [by] Karen Lewis. [Washington] June 2, 1978. 6 p.
- The proposed equal rights amendment [by] Karen Keesling. Jan. 15, 1971; rev. Mar. 24, 1972; rev. July 1, 1977. [Washington, 1977] 26 p.
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- Ratification status of the proposed Equal Rights Amendment: a summary report [by] Karen Keesling. [Washington] 1978. 5 p.
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- Sex discrimination and the U.S. Supreme Court [by] Karen J. Lewis. Nov. 18, 1976; rev. Aug. 3, 1977. [Washington] 76 p.
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- State by State analysis, 1978 and 1979: equal rights amendment ratification status in the unratified states [by] Karen Keesling. [Washington] Dec. 4, 1978. 3 p.
- State ratification of the proposed equal rights amendment (wording and type of legislative action) [by] Karen Keesling. [Washington] 1978. 40 p.
- State ratifications of the proposed equal rights amendment [by] Karen Lewis. [Washington] June 28, 1978. 8 p.