

Equal Rights Amendment, 1972

Section 1.

Equality of Rights under the law shall not be denied or abridged by the United States or 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 ERA passed Congress in the above form in 1972, but was not ratified by the necessary thirty-eight states by the July 1982 deadline. It was ratified by only thirty-five states. In addition, five of those states—Kentucky, Nebraska, Tennessee, South Dakota and Idaho—rescinded their ratifications before the 1982 deadline. In 2017, Nevada became the first state in 45 years to pass the ERA, followed by Illinois in 2018 and Virginia in 2020. The ERA is currently in limbo. The necessary 38 states have formally ratified, but Congress must eliminate the original 1982 deadline. In February 2020, the U.S. House of Representatives voted to do that, but there are questions about whether doing so is constitutional. Also, if the five states that voted to rescind are counted, even the addition of the three new states would leave the ERA short of the 38 states needed to become part of the Constitution.

The Equal Rights Amendment was originally written in 1921 by suffragist Alice Paul. It has been introduced in Congress every session since 1923.