

Time Is Up, We Need The ERA

by Elizabeth Robinson

“We shall not be safe until the principle of equal rights is written into the framework of our government.”
Alice Paul

Many believe that because we have seen progress around women's issues that the amendment is irrelevant. That would imply that we are now safe. Are we safe? I think we know from recent movements that we are not. Women need the same legal protection that men enjoy through the Constitution that would allow for prosecution when their rights are not upheld. Passage of the Equal Rights Amendment (ERA) is paramount to guaranteeing equal treatment under the law for women and men. The ERA states, “Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.” It has been introduced in congress every year (95 times) awaiting two more states to ratify it.

What would it look like, feel like, and be like if women and men were equal according to the law and according to our society?

Why we need the Equal Rights Amendment

- We are not equal. Even today, the U.S. Constitution does not explicitly guarantee all rights are equal for all citizens without regard to sex. The only right the Constitution specifically affirms to be equal for women and men is the right to vote (19th Amendment, 1920).
- The 14th Amendment's equal protection clause (1868) has never been interpreted to guarantee equal rights in the same way the Equal Rights Amendment would and has only been applied to sex discrimination since 1971.
- We need a clear and strict judicial standard for deciding cases of sex discrimination, just as race discrimination does. Currently, if a woman has been treated unequally, she must prove that the person intended to do her harm or at least intended to treat her unequally. It is very difficult to prove and easy to deny.
- We need the ERA's protection against a rollback of the significant advances in women's rights achieved over the past half century. With the ERA in the Constitution, it would be more difficult for lawmakers and judges to reverse progress already made in eliminating sex discrimination so we don't have to keep fighting for the same things over and over.
- The ERA will set a norm for equal pay and provide a basis for litigation and legislation to extend the same pay entitlements to women and men.
- Until we have the ERA, women will have to continue to fight long, expensive, and difficult political and legal battles to ensure that their rights are equal to the rights automatically held by men.
- The U.S. needs the ERA in order to maintain global legitimacy with respect to equal justice under the law. The governing documents of many other countries, however imperfectly implemented, specifically affirm legal equality of women and men, and so must ours.

“If there's ever been a time that people can see they make different legislation for women than for men, we see that now.” said Molly Murphy MacGregor, head of the Women's History Project. In the ongoing effort to promote equality between women and men, an Equal Rights Amendment would send a clear message that sex equality is a fundamental human right in the United States, recognized and enforceable as such at the highest level of its law. The women and men who marched for women rights, supported the “Me too” movement know that time is up. Ratifying the ERA is the one tangible action that will allow for legal adjudication of rights violations. Go to the [ERA](#)

[Coalition](#) and National Council of Women's Organizations for their ongoing equality efforts and use the resources and information they provide.