

## Why the E.R.A. Matters

On April 27th, a joint resolution to remove an expired deadline for states to ratify the Equal Rights Amendment received 51 (bipartisan) votes in the U.S. Senate but fell short of the 60 votes necessary for the resolution to advance under current Senate rules.

Congress adopted the E.R.A. in 1972. Thirty-eight states were needed to ratify within seven years. With the ratification goal still three states shy in 1979, the time frame was extended to 1982. Nevada ratified in 2017, Illinois in 2018, and finally Virginia in 2020, reaching the thirty-eight-state goal, but after Congress's imposed deadline.

The debate today is over who decides how to treat both deadlines and rescissions. The Constitution's provisions on amendment are silent on these questions. The Senate resolution would have removed the deadline so the E.R.A. could become the 28<sup>th</sup> Amendment.

The E.R.A. would protect the fundamental rights of women to live as equal citizens in America. Properly applied, it would guard against discrimination based on pregnancy and motherhood, and it would protect women's control over their reproductive lives. Currently, the only right that cannot be denied or abridged "on account of sex" in the Constitution is the right to vote.

The amendment process was designed to give the people's representatives in Congress the lead role in shaping Constitutional meaning, especially at times when the unelected Supreme Court's interpretation of the Constitution may neglect the needs and desires of the American people.

In 1924, for example, after the Supreme Court [struck down federal laws](#) that restricted child labor, Congress proposed [the Child Labor Amendment](#). After 28 states ratified it, the Supreme Court changed course. Not only did [the court begin upholding federal child labor laws](#); it also conceded that the question of a constitutional amendment's timeliness was a political question that the framers left to Congress rather than the courts.