

New Path to Ratify the ERA: Three-State Strategy Bill Introduced

By Terry O'Neill, NOW President

Advocates of the Equal Rights Amendment (ERA) were cheered Thursday when a bipartisan resolution was introduced by Sens. Ben Cardin (D-Md.), Mark Kirk (R-Ill.), Barbara Mikulski (D-Md.) and Lisa Murkowski (R-Ak.). The legislation would remove the original deadline specified in the 1972 bill which gave ERA advocates only seven years to attain ratification by three-fourths of the states. That deadline was extended to 1982, but by then only 35 of the required 38 states had ratified the amendment.

NOW and our many allies will work hard for passage of this crucially important legislation. With so many efforts by conservatives to turn back the clock on women's rights, guaranteeing women's equal rights in the U.S. Constitution is essential. Polls show that the public overwhelmingly supports a constitutional guarantee of equal rights for women and now is the time to get the ERA ratified. Rep. Rob Andrews (D-N.J.) has introduced an identical version of the resolution in the House; his bill currently has 32 co-sponsors. Andrews has sponsored similar legislation — referred to as the three-state strategy — in previous years. Rep. Carolyn Maloney (D-N.Y.) will soon introduce a traditional or “start over” ERA bill.

NOW supports both the three-state strategy and the traditional ratification process: Women need the ERA whatever the path. Conservative politicians' ‘war on women’ is a stark example of why women must have stronger legal protections. A push for an equality guarantee in the Constitution can be an effective tool in countering attacks on women's access to health care and their attempts to slash funding for government programs that disproportionately serve and employ women. And it's a safe bet that if women were equally represented in leadership roles throughout society — in government, business, the arts and nonprofits — our country would soon see more policies to end poverty, reverse climate change, protect the environment, ensure full civil rights for all in the lesbian, gay, bisexual and transgender community, end gun violence, and support the rights of workers to form unions.

With the gender pay gap stagnating at 77 cents, it's obvious that women need much better protections. Women of color, in particular, would benefit from the ERA with the gender pay gap for African-American women at 64 cents and for Latinas at 56 cents. Sex-discrimination is still a factor in many areas and the ERA would heighten the legal standard to strict scrutiny, enabling women to more successfully press their cases in court. Additionally, the presence of an equal rights amendment in the constitution would more broadly discourage discriminatory practices by employers, law-makers and government agencies.

An excellent history of the Equal Rights Amendment with a discussion of current ratification issues as prepared by the Congressional Research Service, appears on the NOW website [here](#). The Cardin-Kirk resolution appears on our website [here](#).

Co-sponsors of the Cardin-Kirk resolution include: Democratic Sens. Tom Harkin (Iowa), Carl Levin (Mich.), Robert Menendez (N.J.), Barbara Boxer (Calif.), Kirsten Gillibrand (N.Y.), Dick Durbin (Ill.), Frank Lautenberg (N.J.), Chris Murphy (Conn.), Debbie Stabenow (Mich.), Martin Heinrich (N.M.), Tammy Baldwin (Wis.), Mark Begich (Ak.), Mary Landrieu (La.), Sherrod Brown (Ohio) and Bernie Sanders (I-Vt.).