

Legislative History of ERA

The legislative history of the Equal Rights Amendment provides conclusive proof that ERA is intended to wipe out any and all distinctions between men and women, no matter how reasonable or how much such distinctions or separations might be desired by the majority of our citizens.

When ERA went through Congress the first time, in 1971 and 1972, certain amendments were proposed to prevent ERA from taking away traditional rights and benefits from women. All these modifying clauses were defeated, thereby leaving ERA in strict, absolute, rigid language.

The House rejected the Wiggins Amendment on October 12, 1971, which stated:

"This article shall not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or of any State which reasonably promotes the health and safety of the people."

When the Senate voted on ERA on March 21 and 22, 1972, Senator Sam J. Ervin, Jr., proposed nine separate amendments to ERA to protect the traditional rights of women. Every one was defeated on a roll-call vote, thus establishing the legislative history that ERA was intended to do exactly what the Ervin Amendments would have prevented ERA from doing. The Ervin Amendments show how far-reaching ERA would be and how massive and radical its effect. Here are the nine Ervin Amendments:²

Amendment 1065: *"This article shall not impair, however, the validity of any laws of the United States or any State which exempt women from compulsory military service."*

Amendment 1066: *"This article shall not impair the validity, however, of any laws of the United States or any State which exempt women from service in combat units of the Armed Forces."*

Amendment 1067: *"This article shall not impair the validity, however, of any laws of the United States or any State which extend protections or exemptions to women."*

Amendment 1068: *"This article shall not impair the validity, however, of any laws of the United States or any State which extend protections or exemptions to wives, mothers, or widows."*

Amendment 1069: *"This article shall not impair the validity, however, of any laws of the United States or any State which impose upon fathers responsibility for the support of their children."*

Amendment 1070: *"This article shall not impair the validity, however, of any laws of the United States or any State which secure privacy to men or women, or boys or girls."*

Amendment 1071: *"This article shall not impair the validity, however, of any laws of the United States or any State which make punishable as crimes sexual offenses."*

Amendment 472: *"Neither the United States nor any State shall make any legal distinction between the rights and responsibilities of male and female persons unless such distinction is based on physiological or functional differences between them."*

Amendment 1044: *"The provisions of this article shall not impair the validity, however, of any laws of the United States or any State which exempt women from compulsory military service, or from service in combat units of the Armed Forces; or extend protections or exemptions to wives, mothers, or widows; or impose upon fathers responsibility for the support of children; or secure privacy to men or women, or boys or girls; or make punishable as crimes rape, seduction, or other sexual offenses."*

ERA Ratification Difficulties

Congress sent ERA out to the states on March 22, 1972. Within twelve months, 30 states had ratified it. Then the disillusionment set in. In the next six years, only five more states ratified ERA, but five of the 30 states rescinded their previous ratifications of ERA, leaving a net score of zero for six years of lobbying for ERA. The five states that rescinded their previous ratifications were:

Nebraska	3/15/73
Tennessee	4/23/74
Idaho	2/08/77
Kentucky	3/16/78
South Dakota	3/01/79

The following 15 states never ratified ERA:

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

ERA Time Extension

The original ERA resolution which passed Congress on March 22, 1972 included the following preamble before the three sections of the text of ERA:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"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."

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When the end of the seven years approached and it became clear that three-fourths of the states (38 states) would NOT ratify ERA, Congress amended the ERA resolution to redefine "within seven years" to mean 10 years, 3 months, 8 days, 7 hours and 35 minutes, so that the time limit was extended to June 30, 1982 (instead of expiring on March 22, 1979).

Furthermore, Congress passed the ERA Time Extension by a simple majority vote instead of by the two-thirds majority vote required by Article V of the U.S. Constitution for all constitutional amendments.

The American public was so turned off by the unfairness of the Extension and the refusal of the ERA proponents to admit the legality of the rescissions that not a single state ratified ERA after the Time Extension was passed by Congress.

After a two-and-a-half-year lawsuit, the U.S. District Court ruled on December 23, 1981 in *Idaho v. Freeman* that the ERA Time Extension voted by Congress was unconstitutional and that the rescissions of ERA were constitutional. The U.S. Supreme Court did not decide the appeal of this case until after the expiration of ERA on June 30, 1982, at which time the Supreme Court ruled that the case was moot and no longer needed to be decided.

ERA Referenda

Meanwhile, the voters in the following six states rejected ERA in a state-wide referendum. (Nevada was an advisory referendum on the Federal ERA; the others were all referenda on a State ERA.)

Florida	11/78	(60% against)
Iowa	11/80	(55% against)
Nevada	11/78	(66% against)
New Jersey	11/75	(52% against)
New York	11/75	(420,000 majority against)
Wisconsin	11/73	(60,000 majority against)

References:

1. *Congressional Record*, October 12, 1971, pp. H9361-9390.
2. *Congressional Record*, March 21, 1972, pp. S9317-S9370 and March 22, 1972, pp. S9372-9540.