

Background: The Equal Rights Amendment Before 1972

The Equal Rights Amendment (ERA) had its origins in the arguments within the nineteenth-century Woman Suffrage Movement. Shortly after the Civil War, the question arose whether the right to vote for African American men should take precedence over suffrage for women. It was argued that women should wait until the men who had suffered under slavery gained their full rights.

Woman Suffrage leaders, such as Susan B. Anthony, argued that women could wait no longer: They were branded racists for saying so. In the end, those favoring women placing the interests of black men before their own won the debate. As a result, the Fourteenth Amendment contained a clause that penalized states that disallowed the vote for “the male inhabitants of such State.” This left discrimination against women untouched. For the first time in its history, the U.S. Constitution specifically differentiated between the sexes. The Fifteenth Amendment, declaring the right to vote regardless of “race, color, or previous condition of servitude,” failed to reverse this inequality.

The long struggle for woman suffrage was finally won with the ratification of the Nineteenth Amendment in 1920. But the most prominent woman suffrage leader of the time, Alice Paul, argued that a further constitutional amendment was required to guarantee complete gender equality. In 1923, Paul drafted the Equal Rights Amendment and presented it during the seventy-fifth anniversary commemoration of the Seneca Falls Convention and the Declaration of Sentiments that first proposed equal rights for women— “Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction.”

The proposed amendment was not supported by all women, however. Instead, many believed it would invalidate legislation protecting women, treating them differently from men. Although the amendment was introduced in Congress each year from 1923 onward, it was not passed and sent to the states for ratification.

In the 1930s, the amendment continued to face opposition from both the political left and right. Eleanor Roosevelt and most New Deal supporters opposed the ERA, believing that it would harm labor unions and the labor movement.

Still, by the early 1940s, both the Democratic and Republican parties officially supported the ERA. In 1943, Alice Paul introduced a revised form of the amendment, which read: “Equality of rights under the law shall not be denied or abridged by the United States [federal law] or by any state on account of sex.”

Much of the amendment’s support was found among wealthy conservative women, although a minority of Democrats also favored it. In 1958, Republican President Dwight D. Eisenhower called upon Congress to pass the amendment.

In the 1960s, however, currents of change in support of the Equal Rights Amendment were soon apparent. Newly elected in 1960, President John F. Kennedy supported the ERA, though in a muted fashion because of his support by labor unions, which opposed it. Kennedy signed an Executive Order banning sex discrimination in the federal civil service. He also appointed a President's Commission on the Status of Women, chaired by Eleanor Roosevelt, which helped pass the Equal Pay Act of 1963 establishing equal pay for men and women for equal work.

More importantly, the 1960s saw the birth of a new women's movement after publication of Betty Friedan's *The Feminine Mystique* (1963). In 1966, Friedan and others, upset at the lack of progress in attaining full equality for women in American life, formed the National Organization for Women (NOW), billed as an NAACP for women. NOW soon became a militant advocate for passage of the ERA. Political and legislative victories followed, setting the stage for passage of the amendment in 1972. The amendment failed, but attempts to ratify it have continued.