

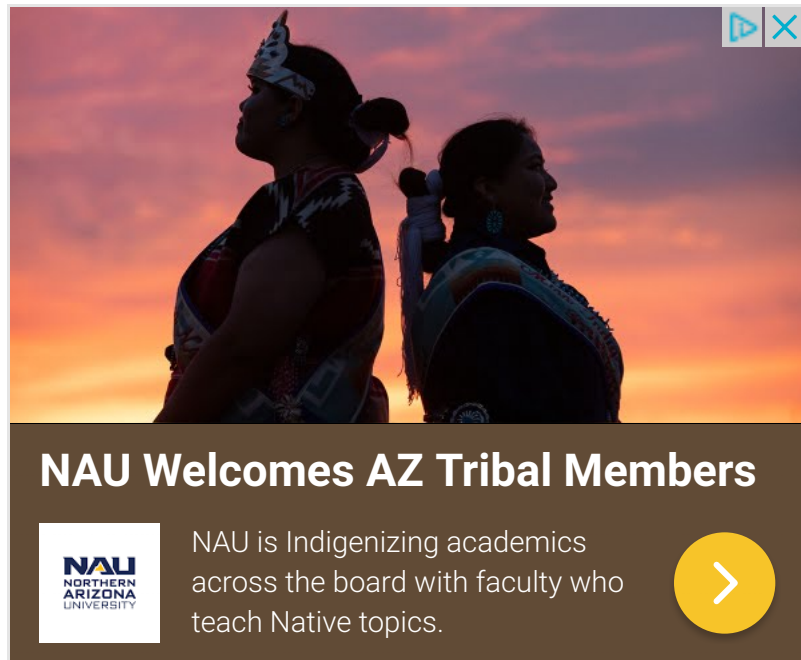
# Guest opinion: Validate the ratification of the ERA

By Ellen Brady - Special to the Standard-Examiner | Jun 21, 2023



One hundred years since the fight for equality began, American women still are not equal to men under the law. Not satisfied with the simple right to vote, as afforded in 1920 by the 19th Amendment to the U.S. Constitution, Alice Paul and Crystal Eastman [introduced the Equal Rights Amendment](#) to those attending the 75th anniversary of the 1848 Women’s Rights Convention in July 1923 and to [Congress that December](#). In spite of yearly efforts, it was 1972 before Congress sent it to the states for ratification. When only 35 of the required 38 states did so before the 1977 deadline, Congress passed a three-year extension. Still, [no more states ratified it and five voted to rescind approval](#). The #MeToo movement and 2016 Women’s March reenergized ratification efforts and, in 2020, [Virginia became the 38th state to ratify](#). Unfortunately, legal ambiguity over the validity of those last three ratifications and rescissions caused the Trump administration’s Office of Legal Counsel and the National Archivist to [block publication of the amended Constitution](#).

Where are we now? In 2022, the 117th Congress removed the ratification deadline via [House Joint Resolution 17](#) (HJR17). A [Senate corollary](#) (SJR1) failed in the Judicial Committee; however, a procedural maneuver preserved the ability to reintroduce it. The 118th Congress introduced [HJR25](#); it simply declares that the ratification of the ERA is valid.



Why does this matter? Many argue that women now have the rights that the ERA sought to ensure — access to educational, career and economic opportunities. Similarly, the worst fears of opponents have been realized, as women now serve in military combat roles and same sex marriage is legal.

It matters because. Because laws can be repealed. Because gains came through litigation and legislation rather than as a constitutionally protected right. Because gender-based discrimination in the workplace still persists in its many not-so-nuanced forms. Because Congress and society writ large have failed to take violence against women seriously, as evidenced by failure to renew the [Violence Against Women Act](#). Because the current U.S. Supreme Court signaled its willingness to roll back hard-won protections for women that have been central to the all too recent advances we have made. Because legislators and the courts have taken away our right to bodily autonomy and medically appropriate reproductive health care, giving fertilized eggs and embryos greater standing under the law than an adult woman. Because courts and legislatures have signaled that they do not intend to stop the assault on our rights, but are vigorously attacking our access to contraception, our right to enter into a same-sex marriage or our right to live as a transgender person. Because Americans [overwhelmingly believe](#) that [the ERA should be incorporated into the U.S. Constitution](#). Because the United States is one of only six member countries that have not ratified the [United Nations Convention on the Elimination of All Forms of Discrimination against Women Treaty](#) (CEDAW) that grants women a lengthy and explicit set of rights, protections and equality — a failure that puts us [in the company of nations such as the Sudan, Iran and Somalia](#). Because, similarly, the U.S. is one of only 10 countries out of 195 without constitutionally encoded equality. Even then, turning that paper-based equality into lived reality remains a worldwide struggle. The U.S. must lead, not follow.

On March 31, 1776, [Abigail Adams wrote to her husband John](#), asking that “in the new code of laws which I suppose it will be necessary for you to make, I desire you would remember the ladies and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of the husbands. Remember, all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation.”

Her plea fell on deaf ears. Women’s suffrage took 144 years; ratification of the ERA still has not happened 100 years after its introduction and 247 years after Abigail’s entreaty. They persisted, as will we. We applaud Rep. Curtis’s support of HJR17, but it’s time for a rebellion — urge all members of our delegation to support HJR25.



Ellen Brady, of Murray, is the issues director for the Women's Democratic Club of Utah.

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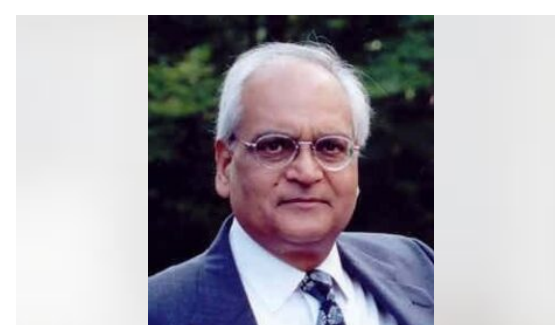
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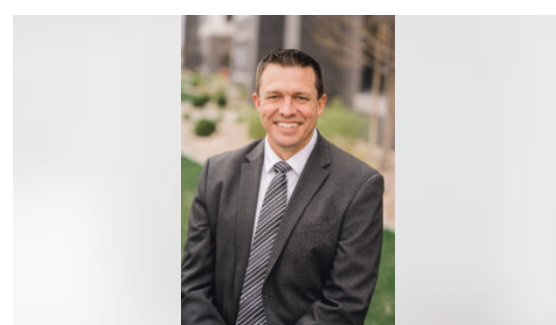
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