

Ninety-second Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday, the eighteenth day of January,
one thousand nine hundred and seventy-two*

Joint Resolution

Proposing an amendment to the Constitution of the United States relative to
equal rights for men and women.

*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 rati-
fied by the legislatures of three-fourths of the several States within
seven years from the date of its submission to the Congress:*

"Article

"SECTION 1. Equality of rights shall not be denied or
abridged by the United States or by any State.

"SEC. 2. The Congress shall have the power to enforce, by appropriate
legislation, the provisions of this article.

"SEC. 3. This amendment shall be ratifiable by the legislatures of the
States within seven years of the date of ratification."



1920 2020

19TH AMENDMENT CENTENNIAL NATIONAL ARCHIVES

THE EQUAL RIGHTS AMENDMENT AND YOU

FOCUSING ON THE DETAILS

GRADES 9-12



Students will analyze and discuss four primary documents pertaining to the Equal Rights Amendment of 1972. It may be assigned to students as a group activity, or a more extensive individual assignment. An internet connection and Adobe Reader will be required for online completion. If completing printed lesson, see last page for External Links Cited for embedded hyperlink addresses.

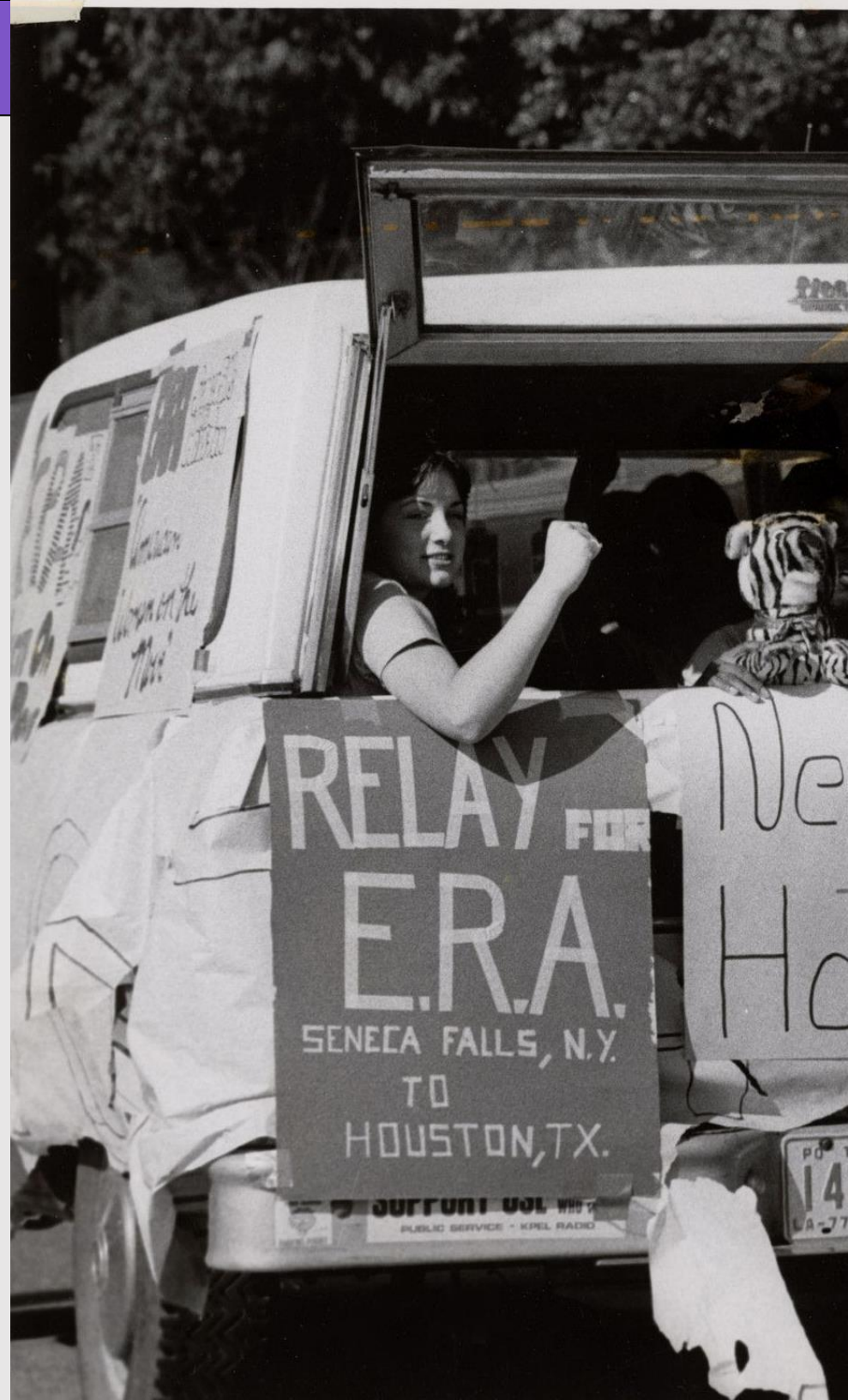
Students will familiarize themselves with assigned documents by completing corresponding [Document Analysis Worksheets](#).¹To record answers in digital form, follow these steps:

1. On the left side of the PDF Taskbar, click Tools
2. Click on the Fill & Sign icon
3. Click on desired area of document to record response
4. Begin typing in field that says “Type Text Here”

Following completion of Document Analysis Worksheets, students will answer corresponding discussion questions, with some requiring access to external online links for completion. To record answers in digital form, follow steps 3 and 4 listed above.

Once students have completed the discussion questions, they will share their responses with the class, with the instructor facilitating further discussion.

Right: TorchRelay from Seneca Falls, NY to Houston, TX, 1977 (National Archives Identifier: [7452296](#))



The Social Movement Era of the 1960s presented America with multiple opportunities for equality through legislation. One of these grassroots movements was that of the Women's Movement, which called for political and social reform on several women-related issues. The Equal Rights Amendment (ERA), originally passed by Congress in 1972 with a deadline for ratification by March 1979, gained much support from women and men who felt social change could be garnered through legislation. Thirty-five state legislatures approved the amendment for ratification, however, 38 was the magic number needed. In 1978 Congress and President Carter extended the deadline to June 30, 1982; the remaining three states' approval would not come by that time.

Since the 1982 deadline has passed, the ERA has continued to generate complex constitutional questions and debate. Four states — Nebraska, Tennessee, Idaho, and Kentucky — have since voted to rescind ratification. Additionally, South Dakota has stated its vote in favor of ratification lapsed following the original deadline of March 1979. To further compound legal arguments, the states of Nevada, Illinois and Virginia have since voted to ratify the amendment, on the grounds that Congress never had the power to set a deadline to begin with. Resolution to these questions regarding the ERA may be reached by our courts through analysis and interpretation of primary sources. Or perhaps ratification of a Constitutional amendment to clarify the ratification process itself...only time will tell.

Right: Woman wearing a "Stop ERA" badge, 1977 (National Archives Identifier: [7452309](#))



H. J. Res. 208

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fied by the legislatures of three-fourths of the several States within
seven years from the date of its submission by the Congress:*

"ARTICLE —

"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.

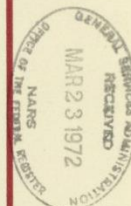
"SEC. 2. The Congress shall have the power to enforce, by appropri-
ate legislation, the provisions of this article.

"SEC. 3. This amendment shall take effect two years after the date
of ratification."

Carl Albert

Speaker of the House of Representatives.

Alfred E. Brown
Vice President of the United States and
President of the Senate pro Tempore



Analyze a Written Document

Meet the document.

Type (check all that apply):

- | | | | | |
|---|------------------------------------|--|--|--|
| <input type="checkbox"/> Letter | <input type="checkbox"/> Speech | <input type="checkbox"/> Patent | <input type="checkbox"/> Telegram | <input type="checkbox"/> Court document |
| <input type="checkbox"/> Chart | <input type="checkbox"/> Newspaper | <input type="checkbox"/> Advertisement | <input type="checkbox"/> Press Release | <input type="checkbox"/> Memorandum |
| <input type="checkbox"/> Report | <input type="checkbox"/> Email | <input type="checkbox"/> Identification document | | <input type="checkbox"/> Presidential document |
| <input type="checkbox"/> Congressional document | | <input type="checkbox"/> Other | | |

Describe it as if you were explaining to someone who can't see it.

Think about: Is it handwritten or typed? Is it all by the same person? Are there stamps or other marks? What else do you see on it?

Observe its parts.

Who wrote it?

Who read/received it?

When is it from?

Where is it from?

Try to make sense of it.

What is it talking about?

Write one sentence summarizing this document.

Why did the author write it?

Quote evidence from the document that tells you this.

What was happening at the time in history this document was created?

Use it as historical evidence.

What did you find out from this document that you might not learn anywhere else?

What other documents or historical evidence are you going to use to help you understand this event or topic?



1. After reviewing the proposed Equal Rights Amendment of 1972, do you feel its language adequately addresses the issue of gender inequality (e.g. is “sex” inclusive of contemporary definitions)? Why or why not?

2. Building upon your response to the previous question, generate your own Equal Rights Amendment proposal, or argument against it.

DOCUMENT TWO

RUTGERS UNIVERSITY *The State University of New Jersey*

file

[Handwritten signature]

SCHOOL OF LAW • NEWARK
180 University Avenue
Newark, New Jersey 07102
Tel. 201-~~624-7666~~
648-5486

April 15, 1971

The Honorable Don Edwards
House of Representatives
Washington, D. C. 20515

Dear Congressman Edwards:

I wish to urge your support and cooperation in expediting passage of the Equal Rights Amendment (H.J. Res. 208).

In this critical area of human rights it is regrettable that the United States has delayed assertion of a pace-setting role. Reporting on developments in his country, Sweden's Prime Minister stated during his stay in Washington last year:

"Public opinion is nowadays so well informed that if a politician today should declare that women ought to have a different role than men [in economic and social life] he would be regarded to be of the stone age."

He emphasized that equal rights entailed emancipation of the man as much as the woman. Address by Mr. Olof Palme, the Women's National Democratic Club, Washington, D. C., June 8, 1970.

Although the Women's Equality Act of 1971 is a desirable supplement, it is not a substitute for the statement of basic rights represented by the Equal Rights Amendment.

I very much hope that you will do all that you can to assure that in this nation every person will be given equal opportunity to develop his or her individual talents. Application of this fundamental principle to women is long overdue.

Sincerely,

[Handwritten signature: Ruth Bader Ginsburg]

Ruth Bader Ginsburg
Professor of Law

RBG/em

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1. How do you interpret Ginsburg's reference to then-Prime Minister of Sweden Olof Palme's statement that equal rights entail emancipation of the man as much as the woman?

2. Briefly review the [Pregnancy Discrimination Act of 1978](#)². Can multiple pieces of similar state or federal legislation adequately address gender inequality or are they just a “desirable supplement” to a Constitutional amendment?



STOP Equal Rights Amendment

National Chairman:
Phyllis Schlafly
Box 618
Alton, Illinois 62002

NATIONAL COMMITTEE OF
ENDORSERS AGAINST ERA

November 18, 1974

Mrs. Arthur Eisenhower,
Kansas

Mrs. Gordon Lamont,
New York

Senators' wives:

Mrs. Sam J. Ervin, Jr.
North Carolina

Mrs. Paul Fannin,
Arizona

Congressmen's wives:

Mrs. K. Gunn McKay,
Utah

Mrs. W. R. Poage,
Texas

Mrs. John P. Saylor,
Pennsylvania

Mrs. Sam Steiger,
Arizona

Mrs. Charles E. Wiggins,
California

Ms. Patricia S. Lindh
Special Assistant to the Counsellor
for Women's Programs
The White House
Washington, D.C.

Dear Ms. Lindh:

Several people have sent me a copy of a letter you are sending out on White House stationery about the Equal Rights Amendment. In this letter you state that "We [presumably you and the President] are convinced that it [ERA] will not abridge any personal liberties presently guaranteed under the law."

I have a daughter who will be 18 years old in a couple of years. Will you please tell me how you can assure her that her "personal liberties" NOT to be required to register for the draft, which are "presently guaranteed under the [Selective Service] law," will not be "abridged" by ERA?

Thanking you for your reply, I am

Sincerely yours,

LEGAL ADVISERS

Mrs. Claire B. Ford
Florida

Miss Evelyn Pitschke
Indiana

Mrs. Regina C. Cooper
Louisiana

Mrs. Filomena Mennite
New Jersey



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1. Review the topic of [Women and the Draft](#)³ provided by the Selective Service System. Does the absence of a ratified Equal Rights Amendment guarantee the “personal liberties” of women will not be “abridged” to require registration for the draft? Why or why not?

2. The Fifth Amendment to the Constitution states no person shall “...be deprived of life, liberty, or property, without due process of law”. Does this clause support or deny anyone of any gender the right to refuse registration for Selective Service?

DOCUMENT FOUR



DOCUMENT FOUR DISCUSSION QUESTIONS

1. Review the language of Article V of the Constitution and the accompanying annotation provided by the [Library of Congress](#)⁴. What check does the Supreme Court provide regarding the establishment of deadlines for proposed amendments to the Constitution? Do you think President Carter had the Constitutional authority to extend the ERA's ratification deadline?

2. After the deadline, three states voted to rescind their vote for ratification. Does Article V confirm or deny a state's right to rescind its ratification of a proposed amendment? Why or why not?

1. Joint Resolution of March 22, 1972, 86 STAT 1523, Proposing an Amendment to the Constitution of the United States Relative to Equal Rights for Men and Women; 3/22/1972; H.J. Res. 208, 27th Amendment [Proposed 27th Amendment]; Enrolled Acts of Resolutions of Congress, 1789 – 2011; General Records of the United States Government, Record Group 11; National Archives Building, Washington, DC. (National Archives Identifier: 7455549)
2. Letter from Law Professor Ruth Bader Ginsburg in Support of the Equal Rights Amendment; 4/15/1971; Legislative Files of the Committee on the Judiciary for the 92nd Congress; Committee Papers, 1813 – 2011; Records of the U.S. House of Representatives, Record Group 233; National Archives Building, Washington, DC. (National Archives Identifier: 26283960)
3. STOP ERA Letter from Phyllis Schlafly; 11/18/1974; White House Central Files Name Files, 8/1974 – 1/1977; Collection GRF-0059: White House Central Files Name Files (Ford Administration); Gerald R. Ford Library, Ann Arbor, MI.
4. Photograph of Jimmy Carter Signing Extension of Equal Rights Amendment (ERA) Ratification; 10/20/1978; Jimmy Carter's Presidential Photographs, 1/20/1977-1/20/1981; Collection JC-WHSP: White House Staff Photographer's Collection; Jimmy Carter Library, Atlanta, GA. (National Archives Identifier: 181981)

Left: STOP ERA Booth at the First National Women's Conference, Houston, TX, 1977 (National Archives Identifier: [24520410](#)) **Right:** First Lady Betty Ford Expressing Her Support for the Equal Rights Amendment, Hollywood, FL, 2/25/1975 (National Archives Identifier: [5730761](#))



1. National Archives and Records Administration, “Document Analysis Worksheets.” *National Archives and Records Administration*, www.archives.gov/education/lessons/worksheets.
2. U.S. Equal Employment Opportunity Commission, “The Pregnancy Discrimination Act of 1978.” *U.S. Equal Employment Opportunity Commission*, www.eeoc.gov/statutes/pregnancy-discrimination-act-1978.
3. Selective Service System, “Background: Women and the Draft.” *Selective Service System*, www.sss.gov/register/women/background.
4. Library of Congress, “Art.V.3.1 Ratification by State Legislatures” *Constitution Annotated: Analysis and Interpretation of the U.S. Constitution*, www.constitution.congress.gov/browse/essay/artV-3-1/ALDE_00001025/

Bella Abzug, Betty Friedan, and Billie Jean King Accompany Torch Relay Runners into Houston, 1977 (National Archives Identifier: [7452293](https://www.archives.gov/details/7452293))

