

Equal Rights Amendment ^[1]

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Supporters of the Equal Rights Amendment surround a statue of Andrew Jackson on the capitol grounds in Raleigh, 1981. Raleigh News and Observer.

The Equal Rights Amendment (ERA) was proposed to be the Twenty-seventh Amendment to the U.S. Constitution when it was passed by Congress on March 22, 1972 and then forwarded to states for ratification. The ERA was first proposed by [Alice Paul](#) ^[2] in 1923 and underwent numerous revisions and additions before its Congressional passage in 1972. The aim of the amendment is to prohibit discrimination based upon sex and to end disparate legal protections between men and women in matters such as employment, property, and divorce.

Congress originally set a deadline of seven years for the amendment to be ratified by three-fourths (38) of the states in order to become law. The ERA was ratified by 22 states in the year it was approved by congress and by 35 states before the 1979 deadline. In several states, including North Carolina, disagreement over the amendment's implications has led to many years of highly charged debate. As of December 2021, 38 states have ratified the ERA, although there is debate over the validity of several states' ratifications, due to either to the date at which the state ratified the amendment or the state legislatures rescinding of their ratification.

In 1972, both North Carolina's Republican governor [James E. Holshouser Jr.](#) ^[3] and Democratic lieutenant governor [James B. Hunt Jr.](#) ^[4] initially voicing their approval of the ERA. Several organizations formed in the state to support or oppose the amendment. In January 1973, 1,000 ERA supporters gathered at [Duke University](#) ^[5] in [Durham](#) ^[6] to launch North Carolinians United for ERA; [Martha McKay](#) ^[7] of the North Carolina Women's Political Caucus was a major organizer of the event.

Opponents in the ERA debate were led by U.S. Democratic senator [Sam J. Ervin Jr.](#) ^[8], who, after being approached by conservative activist [Phyllis Schlafly](#) ^[9] of Illinois, allowed Schlafly's Stop-ERA group to use his name in its mailings. Schlafly recruited Dorothy "Dot" Malone Slade of Reidsville, a member of the [John Birch Society](#) ^[10] and the [National Federation of Republican Women](#) ^[11], to lead the statewide organization, North Carolinians against ERA.

After the ERA was formally introduced into the North Carolina legislature in February 1973, many proponents were

surprised by the opposition's forceful arguments that outlawing gender discrimination would have detrimental consequences. Robert E. Lee, a Wake Forest University ^[12] law professor, told the Senate Constitutional Amendments Committee that the simple text of the ERA would be open to interpretation by judges, inviting what he viewed as increasing court interference in public life. Perhaps most unsettling to proponents was the organized opposition from conservative women who feared that civil society would fall into chaos if the amendment passed. While ERA supporters concentrated their efforts on lobbying the General Assembly, opponents were more successful in reaching out to North Carolina women and fueling concerns that the rights and privileges they currently enjoyed, such as maternity leave and basic courtesies, would be eliminated by the ERA. Although they may have lacked the political expertise of ERA supporters, anti-ERA activists found champions in Ervin and North Carolina Supreme Court ^[13] justice Susie Marshall Sharp ^[14], a highly respected Democrat who publicly agreed with Ervin's opposition and made personal calls to legislators.



Former U.S. senator Sam J. Ervin Jr. speaks against the Equal Rights Amendment at Dorton Arena in Raleigh, 1977. Raleigh News and Observer.

In 1973 the ERA was defeated in the State Senate by a vote of 27 to 23; it failed again in 1975. The amendment came close to passage in 1977, when Hunt became governor and it sailed through the State House by a vote of 61 to 55 on February 9, 1977. This development prompted 1,500 opponents to stage a rally at Dorton Arena ^[15] in Raleigh ^[16] a week before the scheduled Senate vote; the gathering, at which Schlafly and Ervin spoke, was described by one observer as "a cross between a political rally and a church revival." Opponents found success in lobbying senators, and the ERA was again defeated in the Senate by a vote of 26 to 24.

In 1978, as the expiration date for the ERA neared without ratification from the required 38 states, Congress proposed an extension of the consideration period to 1982. Ervin's successor in the U.S. Senate, ERA supporter Robert B. Morgan, maintained that an extension should in fairness also provide for a right to rescind, although his proposal was not accepted. The extension was granted by Congress, but no states ratified the amendment between the original deadline and the extended deadline. The ERA failed in the North Carolina legislature in 1979, 1981, and 1982.

In 1992, the Twenty-seventh Amendment ^[17], known as the "Madison Amendment," officially became law 203 years after it was originally passed by Congress. This led supporters of the ERA to posit that the ERA's 35 ratifications solidified prior to the original 1979 ratification deadline were still valid, and that if three more states ratified the amendment then it would become law. In March 2017, Nevada ratified the law, followed by Illinois in May 2018 and Virginia in January of 2020, bringing the total number of states that have ratified the amendment to the needed 38. Debate over the ratification of the Equal Rights Amendment continues at the national level. North Carolina remains one of the states that has not ratified the Equal Rights Amendment.

Additional Resources:

<https://www.equalrightsamendment.org/> ^[18]

References:

Blanchard, Margaret A. *Woman's Suffrage, the Equal Rights Amendment, Equal Pay for Equal Work, and Other Such Revolutionary Ideas* (1974).

Coates, Albert. *By Her Own Bootstraps: A Saga of Women in North Carolina*(1975).

Equal rights amendments, 1923-1972. Hanover College History Department, 2017. <https://history.hanover.edu/courses/excerpts/336era.html> ^[19].

Mathews, Donald G., and De Hart Jane Sherron. *Sex, Gender, and the Politics of Era a State and the Nation* New York, NY: Oxford University Press, 1992.

"The Proposed Equal Rights Amendment: Contemporary Ratification Issues." Congressional Research Service, December 23, 2019. <https://www.everycrsreport.com/reports/R42979.html> ^[20].

Twiggs, Howard F. ed., *Before and After the Equal Rights Amendment: The Current Status of Women and the Expected*

Effects of ERA Ratification in North Carolina (1975).

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