

# The Perils of E.R.A.

The Equal Rights Amendment is in trouble. After more than six years of battle to win ratification, E.R.A. is still three states short of the necessary 38. Fearing failure, some proponents are pressing Congress to postpone the March 1979 deadline and give them another seven-year try at ratification. They point out that the original deadline was set by Congress, not by the Constitution, and therefore can be reset by Congress. Although the last seven constitutional amendments have all passed easily under a seven-year deadline, some boosters contend that E.R.A. is too complex and controversial to be decided upon in a mere seven years.

We have long warmly supported the Equal Rights Amendment. A statement that sex may no longer be a barrier to equality belongs in the Constitution of a nation that promises equal rights to all but does not grant them to women. Such an amendment would reduce the costly, time-consuming, case-by-case battles necessary now to win an end to discrimination based on sex. Despite our deep commitment to E.R.A., however, we cannot accept the idea of extending the deadline for ratification.

There is in fact little guidance from the authors of the Constitution on the process of amendment, except that it is not to be easy or casual; it requires the approval of three-fourths of the state legislatures, not merely of a majority. In 1917, in an effort to assure that a vote would take place in timely fashion, Congress set a seven-year limit that has since become traditional. More time than that has never been necessary for ratification.

We would not tamper lightly with this tradition. Seven

years offers a reasonable period for discussion, and it is the period that E.R.A. originally was granted for its ratification test. The argument that the proposed 27th Amendment is somehow too complex or divisive to be ratified by the states in seven years does not hold up. When E.R.A. was born in 1972, its proponents thought it would be quickly ratified. Its complexity has not multiplied; only the opposition to it has. But that is not reason enough to change the deadline.

There is another, practical argument against extension. Four of the 35 states that have so far endorsed E.R.A. voted later to rescind that endorsement. In one state the rescision was vetoed by the acting governor in a move now under challenge in court. Although constitutional scholars dispute the validity of rescisions, a case can be made that none of them should be counted against E.R.A. in the tally next March. However, if the ratification period is extended, the rescisions could multiply, and the courts would surely find it difficult to extend until 1986 the right of states to switch their votes to support the amendment while denying them the right to switch against it.

Finally, there is a tactical reason to reject the idea of extension. Too much energy has gone into the fight for passage of the amendment and not enough into battling for other issues, particularly the right to abortion, which may be more critical to women than E.R.A. Much of what the amendment would achieve can be won other ways, though more slowly and less thoroughly. We hope and believe that the amendment will some day prevail. But it should not prevail at too high a cost.