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One aspect of the genius of the Constitution is in its ability to change through amendments; of it, Hamilton said that "time must bring it perfection" (Hamilton). This sentiment that was infused into the United States federal government at its beginning is clearly expressed in the Equal Rights Amendment. That amendment, which prohibits unequal application of the law on the basis of sex, is critical to bringing the Constitution closer to perfection, when every American citizen is ensured "life, liberty, and the pursuit of happiness" as stated in the Declaration of Independence (US 1776). The Fourteenth Amendment is not sufficient to protect the rights of all citizens; it was ratified in 1868, and does not necessarily protect against sex-based discrimination. The ERA is necessary as it codifies an unequivocal stance against such discrimination. In light of the Supreme Court's expected decision to overturn *Roe v. Wade*, too, the ERA is only more essential to maintain judicial precedent without ambiguity.

While the Fourteenth Amendment's Equal Protection Clause is often seen as sufficient, stating that no state can "deny to any person within its jurisdiction the equal protection of the laws," in reality it is too ambiguous to always apply judicially. In the case of *Bradwell v. Illinois*, where the first woman to pass the bar exam in the state was denied the ability to practice, an appeal to the Supreme Court on the grounds of the Fourteenth failed ("Myra Bradwell"). Despite its supposed protection of her rights, she was deemed unprotected by dint of being married; the Court ruled against her eight to one. This case was decided in 1873, though, and attitudes have changed towards the role of the woman in American society, rendering this ruling moot. Yet Justice Antonin Scalia, in an interview in 2010, expressed an originalist reading of the Amendment and said, with regards to prohibiting sex discrimination, that "it doesn't" (Condon). And since originalism is so dominant in the present-day Court, the ERA is the only way to ensure that protection against sex discrimination is truly enshrined in the Constitution.

If accepted, the ERA would add the word "women" to the Constitution. That in and of itself is essential in explicitly proving the evolutionary nature of the Constitution, and the populace whose rights it protects. That populace has grown and shifted over more than two centuries, and the founding document of the United States federal government has, as Hamilton and the Founding Fathers intended it to, mirrored those changes. After Emancipation, the Fourteenth Amendment was passed to end the treatment of African-Americans as second-class citizens, and the Fifteenth to enshrine the right of African-American men to vote. The Twenty-First Amendment, ratified half a century after the Fifteenth, extended voting rights to women. Yet the Fourteenth Amendment, as interpreted by Supreme Court, does not protect against sex-based discrimination. That shortcoming is what the ERA solves; if it was added to the Constitution, it would continue the trend toward enfranchisement of American history, and give women the full rights that they, as citizens, deserve.

This need to realize the full rights of America's female citizens is only more pertinent as *Roe v. Wade* seems poised to be struck down by the current Supreme Court. The leaked draft opinion of Justice Samuel Alito directly attacks the right to privacy, a Supreme Court precedent cobbled from the penumbras of amendments in the Bill of Rights, which was first used in *Griswold v. Connecticut* in 1965 and eventually *Roe v. Wade* in 1973, leaving only the Fourteenth Amendment to uphold *Roe* (Scalia 9). Yet the Fourteenth Amendment is not enough to preserve almost half a century of judicial precedent with regard to *Roe v. Wade*, the only alternative is the ERA. Alito wrote that, when the Court revisited the *Roe* decision with *Planned Parenthood v. Casey* twenty years later, it "grounded the abortion right entirely with the Fourteenth Amendment," and in doing so was "erroneous" (Scalia 51). The link between abortion rights and the ERA is strong; limiting access to abortion promotes gender inequality by putting an "undue burden on women" compared to other procedures of similar risk, and limits societal participation

by women forced to carry pregnancies to term, disadvantaging them relative to male counterparts ("ERA and Abortion Talking Points"). An amendment that explicitly forbids such inequality would protect decades of precedent, and introduce to the Constitution a right to abortion unchanged by judicial philosophy.

Though the Equal Protection Clause of the Fourteenth Amendment may seem superficially sufficient to promote gender equality in America, it is not, as judicial history has borne it out to be. From the verdict of *Griswold v. Connecticut* to the repealing of *Roe v. Wade*, the meaning of the Clause has repeatedly been defined as not supporting gender equality or prohibiting sex-based discrimination. A section of an amendment passed in 1868, over half a century before women gained suffrage, does not adequately address the challenges of the United States in the modern day. The ERA, if ratified and entered into the Constitution, would introduce a more modernized version of the Social Contract originally created by the Founding Fathers. As Martin Luther King Jr. once said, "the arc of the moral universe is long, but it bends toward justice" (King). Does it bend toward equality too? If American history, with its predilection towards enfranchisement, is any indication, it does. The ERA is a step in the journey of that long arc, and an undoubtedly needed one.

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