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THE WHITE HOUSE  
WASHINGTON

DATE

*4/26*

TO

*Sheila*

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PRESIDENT AND MRS GERALD R FORD  
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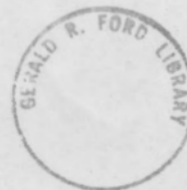
DEAR PRESIDENT AND MRS FORD WE ARE ASKING YOUR ENDORSEMENT FOR THE "NATIONAL RALLY FOR EQUAL RIGHTS" WHICH WILL BRING THOUSANDS FROM ALL OVER THE COUNTRY-31 STATES SO FAR-TO SPRINGFIELD, ILLINOIS, ON MAY 16. THE NATIONAL RALLY IS SPONSORED BY A PRESTIGIOUS COALITION OF ORGANIZATIONS REPRESENTING LABOR, BUSINESS, RELIGION, POLITICS, EDUCATION AND THE WOMENS MOVEMENT.

AMONG ENDORSERS ARE THE COALITION OF LABOR UNION WOMEN (CLUW), NATIONAL ORGANIZATION FOR WOMEN (NOW), NATIONAL EDUCATION ASSOCIATION, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), NATIONAL ASSEMBLY OF WOMENS RELIGIOUS, AMERICAN JEWISH COMMITTEE, LEAGUE OF WOMEN VOTERS OF ILLINOIS AND OTHERS ALSO PARTICIPATING ARE THE AMERICAN FEDERATION OF TEACHERS, COMMUNICATION WORKERS OF AMERICA, UNITED AUTO WORKERS, BROTHERHOOD OF RAILWAY CLERKS, UNITED STEEL WORKERS, AMERICAN ASSOCIATION OF UNIVERSITY WOMEN AND OTHERS.

THE "ERA FREEDOM TRAIN" WILL BRING 700 FROM AS FAR AWAY AS MAINE, GATHERING AMTRAK CARS ALONG THE EASTERN SEABOARD, AND CHARTERED BUSES WILL BRING GEORGIANS SOME 800 MILES. THOUSANDS OF WOMEN, MEN AND CHILDREN WILL SPEND HOURS OF TRAVEL FROM ALL OVER THE U.S., WITH NO FINANCIAL ASSISTANCE FROM CORPORATIONS. WE WILL DEMONSTRATE TO THE ILLINOIS LEGISLATURE THAT THE ERA IS A NATIONAL ISSUE, THE WILL OF THE MAJORITY WITH 34 STATES ALREADY RATIFIED--AND THAT A HANDFUL OF ILLINOIS SENATORS SHOULD NOT IMPEDE THE WILL OF THE MAJORITY.

YESTERDAY, APRIL 22, JIMMY CARTER AND MORRIS UDALL GAVE UNQUALIFIED ENDORSEMENT OF THE NATIONAL RALLY AND WE EXPECT ENDORSEMENTS FROM OTHER CANDIDATES AND PUBLIC OFFICIALS FROM BOTH MAJOR PARTIES IN THE NEXT FEW DAYS. NATURALLY WE WOULD BE JOYFUL TO RECEIVE THE HIGHEST REPUBLICAN ENDORSEMENT, AND WE ARE ASKING BOTH PRESIDENT AND MRS FORD'S SUPPORT. THANK YOU

MS CASEY KELLY  
NATIONAL RALLY FOR EQUAL RIGHTS  
5 SOUTH WABASH SUITE 1614  
CHICAGO IL 60614  
TELEPHONE 3122364075  
3124726448 HOME  
11:29 EST



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WASHINGTON

TO Shida DATE 4/20  
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*File  
ERA memo  
File*

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East Wing  
X 2520

# ERAmerica

1525 M Street, N.W. • Suite 605 • Washington, D.C. 20005 • (202) 833-4354

**Co-Chairs:**

Liz Carpenter

Elly Peterson

**Campaign Manager:**

Jane Wells

April 19, 1976

Mrs. Ford  
The White House  
Washington, D.C. 20500

Dear Betty,

To bring you up to date on ERA -- and our future plans:

Recission moves are now underway in Michigan (backed by Welborn of Kalamazoo, VanderLaan and Byker of Grand Rapids -- all Republicans). The pro-ERA are organizing there and Helen Milliken has been most active. I don't believe there is any problem about stopping it.

Recission was stopped in Kentucky -- spearheaded by Lt. Governor Stovall.

Our next fund raiser is the world premiere of Eleanor -- here in Washington -- the evening of May 2nd. Mrs. Richardson and Mrs. Stevenson are co-chairs. You or any of the members of your family would of course be most welcome. We are also working with Vice President Rockefeller towards convening a group at his home in May. Perhaps you have some suggestions for this list?

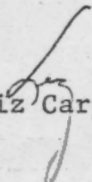
We are personally planning to send mailgrams requesting donations within the next week or two.

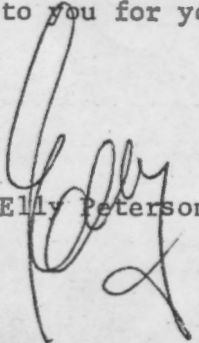
We are still pursuing our idea of securing the backing of wives of former Presidents. Mrs. Johnson is being most cooperative and we will hope to report on others shortly.

We are moving into the states now to organize along the line of National ERAmerica and this has been started in Indiana. We hope to be in most of the key states within the next month to six weeks.

As materials are prepared we will send them to you for your files.

Thanks for all your help. Best wishes,

  
Liz Carpenter

  
Elly Peterson



August 1, 1975

TO: Bob Gable  
FROM: Doug Bailey

SUBJECT: The Equal Rights Amendment

Most of your Kentucky campaign staff and advisors seem to hold varying degrees of opposition to ERA. That (plus an apparent political advantage which might be available by opposing it) leads me to write this briefing on it. In a campaign stressing leadership above politics, this issue may present a tough test.

A. The Women's Movement.

In my opinion, there is no more far-reaching change occurring in American society today than the women's rights movement -- not because of legal changes, or greater opportunities, but because a basic tenet of our entire culture is being discarded. And it is a change with such momentum that it is inevitable; and it is occurring at a dramatic rate.

The historic assumption that women are intellectually, emotionally and administratively inferior is deep-rooted in our law, but more importantly in every aspect of our culture -- so much so that most men and many women accept it as a part of life without ever recognizing or questioning it. In a nation devoted to individual dignity, freedom and opportunity it is a preposterous contradiction.

Few political movements have been well-represented by their most strident and visible leaders, whose "leadership" is frequently more a function of being outspoken than of being supported. The public support

of an Abzug or the bra-burners is not great; but don't make the mistake of equating them with the women's movement. It is massive, reaches into every home, and is inexorable -- because involved is an issue of simple justice.

B. Discrimination.

Much of the opposition from men to the Equal Rights Amendment stems from a total lack of appreciation of the discrimination against women imposed by our culture from the moment of birth. To understand it one must try to put himself in the position of a young girl and realize what society teaches her at every stage of life. Some examples:

- She is taught that the most supreme being, "Our FATHER which art in heaven," is a man.
- She is taught as a child that the most important jobs are done by men. It is rampant in our history books which simply record what has been. It is systematically reflected in our toys -- where toy doctor kits are blue with a boy's picture, and toy nurse's kits are pink with a girl's picture; even in our card games where "a king takes a queen every time."
- Our dating structure re-inforces it; a "proper" girl still must wait on the boy's initiative -- from prom to marriage.
- A girl not only takes her father's name at birth but her husband's name at marriage -- making her symbolically little more than an extension of or adjunct to the men in her life.
- Our society extols achievement, especially achievement through competition, but the competition extolled and advertised is between men -- and the achievements are therefore the achievements of men. All our Presidents have been men; virtually all televised sports are between men; while our symbol of justice is a woman, no woman has ever served on the Supreme Court; etc., etc., etc.
- And the nation's economy -- jobs, property, credit, security -- is run by men for men.

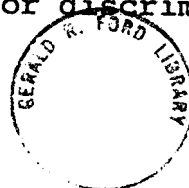


Our culture, in short, conditions every girl to accept a form of second-class citizenship in a society supposedly devoted to equal opportunity and dignity for all. When frustrations are voiced, the culture responds that because only woman can carry and bear children she is pre-destined to stay in the home and subordinate her life. Certainly the opposite conclusion is at least as logical -- that because only man can plant the seed of a child he should stay in the home and subordinate his life. To be thankful for the biological differences in no logical way leads to a conclusion that one sex is inferior to the other.

C. What will ERA do?

The amendment is a small part of a large revolution. Technically, it would deal only with the most easily changed forms of discrimination -- those written into the law. As with racial discrimination, ending discrimination against women in the law will do little to change personal prejudice and ignorance. But most supporters of ERA make no such claim for it. Instead they simply say that through ERA this nation should be committed as a national policy to equal rights and opportunities -- and that laws which deny it should not be tolerated. ( In my opinion, opposition to ERA says perhaps unwittingly the opposite -- i.e., as a nation we are not and should not be committed to equal opportunity for women.)

The Amendment will affect the laws and acts of government. Except symbolically, it will not affect most personal relationships. This is not to say that ERA will not be far-reaching, for discrimination in the law is far-reaching.



A few examples of the 1000's of laws which would and should be changed:

- In employment: In your former field, West Virginia law permits women to mine coal but prohibits a woman from being State Director of Mines. In your new field, Arizona law permits women to run for Governor but prohibits them from being Governor. In D. C., a woman may operate a passenger elevator, but not a freight elevator. Under federal law a man may volunteer for the armed forces without a high school diploma, but not a woman, Etc.
- In property: In Maine (and many other States) a woman may not sell property in her own name without her husband's permission, but the husband needs no such permission. In North Carolina (and many other States) a woman has no legal right to any income derived from property jointly owned with her husband, Etc.
- In economics: Quite aside from familiar examples of job and income discrimination, one instance under Ohio law demonstrates a basic thesis common to State law. Tax-exempt women's institutions in Ohio, like the YWCA, must have men included on their governing boards to handle all monetary and fiduciary matters. Obviously the converse is not true for organizations like the YMCA.
- In sentencing: In New Jersey, a woman (unlike a man) is automatically sentenced to the maximum prison term the law allows. (This approach, used in many States, is combined with parole provisions which permit immediate parole of women at the discretion of prison authorities. But in practice this provision frequently also works to discriminate against women because crowded men's prison facilities produce earlier paroles for men. Under the D. C. application of the federal Youth Corrections Act, for example, average detention for boys is 6 months, for girls 18 months.) Etc.
- In domicile, the basic assumption of the common law has been that the legal residence of the husband automatically determines the legal residence of the wife. Carried to extremes, this has meant that if a married couple lived in Maryland for 20 years and the husband deserted to California, the wife would not be a legal resident of Maryland but of California. A more common example is for a girl student at a State University to lose her State resident tuition advantage because she marries an out-of-State student and automatically becomes a resident of her husband's State even though she's never lived there. A marrying boy student has no such problem, Etc.





- In name, under most State laws and common law a woman's legal name automatically becomes that of her husband upon marriage. Frequently legal rights established under her maiden name no longer apply. In Ohio, for example, upon marriage voter registration under the maiden name is automatically cancelled (not transferred, cancelled) requiring re-registration -- and if time does not permit re-registration she loses her right to vote. Etc.
- In pensions: It is customary for insurance and retirement programs to pay women less or cost women more because of actuarial tables which show that the average woman will outlive the average man. (Seldom if ever, by the way, are any actuarial tables used to determine different life expectancies for blacks and whites, northerners and southerners, etc.) But no individual woman is the average woman, and in retirement programs based on specific work done, the inequity seems particularly absurd. For example, in New Jersey if a woman State employee and a man State employee are the same age, earn the same pay, and have the same seniority, they'll receive the same pension -- but for that same pension more money is taken from her monthly paycheck than from his because she's a woman. The new federal pension law provides a system by which employees not covered by any other retirement program may buy into a pension via monthly deductions. The maximum payments allowed are the same for men and women, but the monthly pension checks for women paying the maximum will be smaller than those for men. Etc.

I have intentionally cited fairly non-controversial areas to demonstrate the absurd discrimination in our legal system. Other areas -- such as credit, divorce, custody -- are just as discriminatory but tend to involve such emotions that the forest often gets obscured by the trees.

The reasons for the Amendment seem compelling and obvious. An examination of opposition arguments does little to alter this conclusion.

D. Opposition Arguments.

I will do my best to express the opposition arguments. Some close to your campaign might be able to do them more justice.





1. Argument: "The Amendment is unnecessary because it would alter nothing that could not be remedied by changing existing laws without a constitutional amendment." This may be the most logical argument against ERA, for it is true: There is no discriminatory law at the State or federal level which requires a constitutional amendment to alter or repeal. For example, until 1972 Kentucky's divorce law was broadly cited in legal textbooks as a classic example of sex discrimination. (Among other things, it established adultery or lewd and lascivious behavior by the wife as ample grounds for a divorce by the husband, but only adultery by the husband as ample grounds for a divorce by the wife.) In 1972, Kentucky moved from one end of the spectrum to the other by passing a fair and logical "no-fault" divorce law. Thus, discriminatory laws can be changed without a constitutional amendment. And furthermore, at a constantly accelerated pace, they are being changed -- on a piecemeal basis. But the progress needed is massive and the results so far minimal.

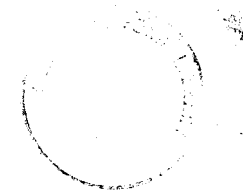
It seems unassailable to me that if discrimination against women is wrong, it should be outlawed. Delaying one more generation, one more decade, one more year, one more day is wrong -- and unnecessary.

Women's suffrage was right; it didn't need a constitutional amendment; it could have been established by the States; but it wasn't established by the States; so a national constitutional fiat and principle was established by amendment. Ending legal discrimination by race was right; it didn't need a constitutional amendment; it could have been done by federal and State legislation; but it wasn't; so a national constitutional fiat and principle was established by amendment. Ending

legal discrimination by sex is right; it doesn't need a constitutional amendment; it can be done by the federal and State legislation; but by and large it isn't being done; so a constitutional fiat and principle should be established by Amendment.

It unfortunately is a patronizing argument, into which men too often slip on this issue, to suggest that there are many ills in our society but we'll get around to correcting them if everyone is patient. I see no reason to be patient; if laws are discriminatory they should be changed; if they can be changed now, they should be changed now; the ERA would do it; nothing else will. And I personally believe that the constitution of the United States without an unequivocal statement establishing legal equality between the sexes mocks the very thesis of individual freedom of opportunity upon which this country was theoretically based.

2. Argument: "ERA is unnecessary because the 14th Amendment already outlaws discrimination in the law on the basis of sex." I agree that that surely could be the contemporary interpretation of the 14th Amendment. But the words don't say it explicitly, and the Supreme Court has never interpreted the 14th Amendment to establish a broad principle to outlaw legal discrimination on the basis of sex. Presumably the Court interprets law in light of the intentions of its framers, and the authors of the 14th Amendment were not dealing with discrimination on the basis of sex. In any event, the Constitution is what the Court says it is and they have yet to interpret the 14th Amendment the way some opponents of ERA claim it could be interpreted.




3. Argument: "The ERA is too broadly worded. It is so sweeping a statement that it could be interpreted to mean almost anything."

Clearly, ERA is broadly worded. Like the rest of the constitution it is a broad principle, with the flexibility to be applicable over time. The U. S. constitution is the oldest written governing document in the world precisely because it is worded in general terms -- relying on court interpretation to assure applicability under changing conditions.

(It is amusing at ERA hearings to listen to opponent witnesses argue successively first that it is too broadly worded for inclusion in the constitution, second that it's already in the constitution, and third that it isn't necessary to include in the constitution. Any two of the positions seem mutually exclusive to me.)

4. Argument: "Article II of the ERA (granting Congress the power to enforce Article I, which bans legal discrimination by sex) is an open door for federal usurpation of State's rights." The Congressional enacting clause of ERA is virtually identical to the Congressional enacting clause in the 13th, 14th, 15th, 18th, 19th, 23rd, 24th and 26th Amendments. It is true that it empowers Congress to act in areas hitherto prohibited from federal legislation -- not to enact new federal laws but to strike down old State laws. ERA will establish unequivocally a principal of American jurisprudence which the doctrine of States Rights will not be permitted to contravene. The question is simple: Which should take precedence in a land of liberty? The rights of the States or the rights of individual citizens to equality under the law? Unless I totally misunderstand the basic premise of free government, the answer is also simple.



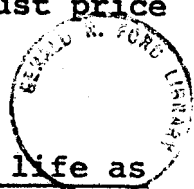
5. Argument: "Under cloak of the Amendment unknown horrors will be visited upon the American people -- from coeducational rest-rooms and prisons, to homosexual marriage, to abortion, to who knows what all." Patient consideration of each potential horror perceived as possible yields logical answers: The so-called co-educational "potty" fear is unfounded because you can't interpret one part of the constitution in a way to render another constitutional provision meaningless, and the constitutional right to privacy is still very much alive; try as hard as I can, I still fail to see the relevance of the subject of homosexual rights to the establishment of equal rights between the sexes; similarly, abortion is totally irrelevant to the subject of equality of rights for men and women. (Only when it becomes biologically possible for a man to become pregnant will the ERA seem relevant to the subject of abortion.) Well-intentioned or not, this type of expressed opposition seems more likely to incite fear of the unknown than to contribute understanding to the debate. From the beginning of mankind, fear of the unknown future has always been cited as a reason to avoid change. Few if any of the horrors warned of if ERA is ratified were not also cited, nearly word for word, as the nation debated women's suffrage. But the beauty of the American system is that it has been able to rely on the common sense and wisdom of each succeeding generation of leaders and jurists to assure reason in the interpretation and application of our law. It seems unlikely that all common sense will end if ERA is ratified. Perhaps Ronald Reagan, in supporting ERA, answered these arguments best when he said: "

"In my opinion, the simple declaration that 'equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex' is morally unassailable. Whether or not its adoption might lead to abuses,

real or imagined, is beside the point. All of the broad principles and basic guarantees of the original constitution carried the same potential for abuse. However, the implementation process -- interpreted by the courts over the years -- and certain informal accepted limitations have kept us on an even course. I am confident this same time-proven process will be effective in this instance also."

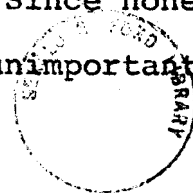
6. Argument: "ERA will mean women will be drafted for combat in the next war." While not irrelevant, it doesn't answer the argument to point out that no one is being drafted today -- or that few would wish the draft re-instituted in any form. If the draft proves necessary after ERA is ratified, it is true that women will be as subject to it as men. But it is worth remembering that no one has ever been "drafted for combat." The services, at least theoretically, assign personnel (to combat or support functions) after they are in the service on the basis of ability (physical capacities, training, and desire). It stands to reason that if men are more physically qualified for combat, men will continue to bear that burden. It is interesting that this argument comes most often (protectively, read patronizingly) from men, while women tend to recognize the unfairness of the draft to men. Most women supporters of ERA seem prepared to accept equal responsibilities as a just price for equal rights.

7. Argument: "Ratification of ERA will destroy family life as we know it by ending the automatic legal assumption that the husband has a unique obligation to support the family." Frequently, this is coupled with an unspoken argument that ERA will also end the common law assumption that child custody should go to the mother in divorce cases unless compelling reasons to the contrary exist. If, indeed, the strength of the American family unit depends upon a real or implied legal threat that the husband has a unique responsibility to support the family



financially then the American family is in a bad way. If in fact ERA will mean that each couple has collective and shared responsibilities both to work out a mutually satisfactory system for providing for the family & rearing the children, family life may prove to be considerably stronger than it is -- for with mutual responsibility should come heightened mutual respect for the abilities, interests and worth of both partners in a marriage. And an absence of pre-determined judgment in custody cases can only benefit the children involved, assuming wisdom in the courts. A system which requires common sense seems infinitely more likely to foster more satisfying human relationships than a system which imposes responsibilities regardless of the personal strengths, weaknesses, or desires of the individuals involved. The frequency with which this argument against (fear of) ERA is heard is sad testimony on the stability of contemporary family life in America; by itself it seems to argue that the current common law system of marriage responsibilities needs re-examination.

8. Argument: "The Equal Rights Amendment demeans the role of the American housewife and mother." Few opponents may use this terminology but this I suspect is the most broadly felt argument of all -- and certainly is the most effective politically. Most women do not work outside the home; most spend a life-time bearing and rearing children and trying to make a happy home environment for their husbands and family. Now ERA advocates and the women's rights movement seem to them to be saying that they have allowed themselves to be used and abused -- that all women should want to compete in a broader environment -- that a woman's worth is really measured by other things. Since none of us wishes to be told our life-time efforts have been unimportant or insig-



nificant there is a natural resentment and defensiveness in many housewives and mothers which is manifested in opposition to ERA. In fact ERA would principally expand women's rights and opportunities. It will require (and/or impose) little of anything of (on) most women. It does not demean the housewife and mother; it seeks to provide opportunities for those women who seek either more or a different opportunity for self-fulfillment. Few mothers I know would trade that portion of their lives for any other experience they have had (or could have under ERA); but most might wish the opportunity to do other things as well if they desire to.

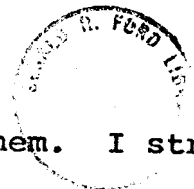
E. A Summary Note.

This briefing is not intended as advice on how to handle ERA in your campaign. I'd be happy to draft something for you on that. But I feel that the issue is of such over-riding importance to the American ethic that your basic position should be on the merits of the issue itself -- not the politics of it.

The art of political leadership is first and foremost the capacity to stand firm on those issues where politically advantageous compromise disservices the principles of the kind of government you personally favor.

There are many issues where political advantages may argue compromise with your own principles and the relative insignificance of the issue may justify compromise.

I don't happen to believe that the ERA is one of them. I strongly advise you to reach a firm personal conclusion as to whether the ERA should be ratified or not -- and then try to put the best political face on that decision possible.



Regardless of your conclusion, if that is your course, Kentucky will truly be witnessing a leader ... for a change.





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HOPE YOU WILL SIGN THE FOLLOWING LETTER TO THE U.N. OFFICIALS.  
PLEASE PHONE DR ERIKA FREEMAN (212) 865-6443.

AS WOMEN COMMITTED TO THE WORLDWIDE STRUGGLE FOR HUMAN RIGHTS  
AND EQUALITY, WE URGE THE GENERAL ASSEMBLY OF THE UNITED NATIONS  
TO REJECT THE RESOLUTION ADOPTED BY THE U.N. THIRD COMMITTEE DEFINING  
ZIONISM AS "A FORM OF RACISM AND RACIAL DISCRIMINATION."

IN OUR UNANIMOUS CONVICTION THAT ALL HUMAN RIGHTS ARE INDIVISIBLE,  
WE ARE APPALLED AT THE "RACIST" LABEL APPLIED SOLELY TO THE NATIONAL  
SELF-DETERMINATION MOVEMENT OF THE JEWISH PEOPLE. WE DECRY THIS  
IMPLICIT DENIAL OF ISRAELI STATEHOOD AND THIS INCITEMENT TO  
WORLDWIDE ANTISEMITISM. IF SUCH A RESOLUTION WERE TO BE PASSED BY  
THE GENERAL ASSEMBLY, THIS WOULD BE THE FIRST AND ONLY TIME AN  
AUTHENTIC MOVEMENT FOR NATIONAL AND ETHNIC SURVIVAL WOULD BE  
CONDEMNED AS RACIST.

THIS RESOLUTION ENDANGERS THE MORAL PRINCIPLES OF THE UNITED  
NATIONS CHARTER BY ABANDONING THEM TO CYNICAL POLITICAL  
EXPEDIENCY. THUS THE RESOLUTION WOULD DESTROY THE CREDIBILITY  
AND CAPACITY OF THE UNITED NATIONS TO CONDUCT ANY STRUGGLE  
AGAINST GENUINE RACISM AND COLONIALISM.

WE CALL UPON THE GENERAL ASSEMBLY TO DEFEAT THIS UNJUST AND  
DISCRIMINATORY RESOLUTION, IN ORDER TO PRESERVE ITS OWN  
SELF-INTEREST AND RE-ASSERT ITS AUTHORITY AS A FORCE FOR  
INTERNATIONAL MORALITY.

PATRICIA BARNES	BESS MYERSON
LYNN CAINE	ELEANORE HOLMES NORTON
GERALDINE FITZGERALD	ELEANOR PERRY
MURIEL FOX	BARBARA SEAMAN
DR ERIKA FREEMAN	MURIEL SIEBERT
ELINORE GUGGENHEIMER	ALTHEA T. L. SIMMONS
ELIZABETH FORSLING	HARRIS ANNA STRASSBERG
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WASHINGTON, D.C. 20500

RATIFYING EQUAL RIGHT AMENDMENT AND ELECTING MORE WOMEN TO PUBLIC OFFICE ARE MOST IMPORTANT TASKS WOMEN FACE TODAY. NATIONAL WOMEN'S POLITICAL CAUCUS CAMPAIGN SUPPORT COMMITTEE GIVES EXPERT CAMPAIGN SERVICES TO WOMEN CANDIDATES AND TO CANDIDATES FOR LEGISLATURES IN KEY E.R.A. STATES. THIS TAKES MONEY. WE NEED YOUR NAME ON INVITATION TO \$100 PER PERSON FUND-RAISER IN EARLY MARCH. PLEASE JOIN ME AS SPONSOR TO RAISE SEED MONEY FOR THIS EVENT. REQUEST YOU RESPOND BY FEBRUARY 2 TO LISA KOTEEN 202/785-2911 AND MAIL YOUR \$100 CHECK PAYABLE TO NWPC CAMPAIGN SUPPORT COMMITTEE, 1921 PENNSYLVANIA AVE., NW, WASHINGTON, D.C. 20006.

SISSY FARENTHOLD, CHAIR ADVISORY COMMITTEE

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RATIFYING EQUAL RIGHT AMENDMENT AND ELECTING MORE WOMEN  
TO PUBLIC OFFICE ARE MOST IMPORTANT TASKS WOMEN FACE  
TODAY. NATIONAL WOMEN'S POLITICAL CAUCUS CAMPAIGN  
SUPPORT COMMITTEE GIVES EXPERT CAMPAIGN SERVICES TO  
WOMEN CANDIDATES AND TO CANDIDATES FOR LEGISLATURES  
IN KEY E.R.A. STATES. THIS TAKES MONEY. WE NEED YOUR  
NAME ON INVITATION TO \$100 PER PERSON FUND-RAISER IN  
EARLY MARCH. PLEASE JOIN ME AS SPONSOR TO RAISE SEED  
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MARIAN BURROS

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15. Does the Equal Rights Amendment belong to the "Lib" Movement?

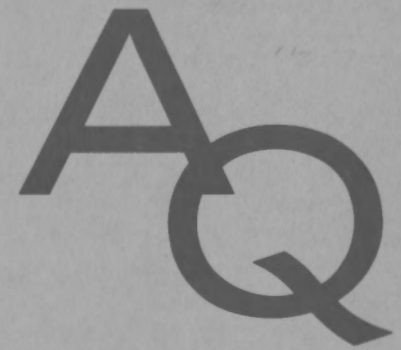
A. No. The so-called "Womens' Liberation Movement" began sometime in the mid-1960's. The Equal Rights Amendment was authored, and sponsored for 49 years by the National Woman's Party. Their sole purpose and dedication over 49 years, and their sole activity, was to help women attain a legal status — to become a person — by an Amendment to the U.S. Constitution, i.e. passage of The Equal Rights Amendment. The press has equated the Equal Rights Amendment to the "Lib Movement".

16. What is the National Woman's Party?

A. The National Woman's Party was founded in 1913 and spearheaded the woman's suffrage movement. After the passage of the Suffrage Act in 1920, these valiant and courageous women, under the leadership of Alice Paul, Founder and Honorary Chairman of this Party, had introduced in Congress in 1923 the first Equal Rights Amendment bill ever proposed for women. For 49 years, this Party has had this Amendment introduced in every Congress, obtaining more and more sponsors each year. Over the years they diligently kept the fires burning for this Amendment, educating other organizations, publishing bulletins and maintaining an instant information bureau where anyone interested in the Equal Rights Amendment could obtain the exact status of its progress and sponsors day or night. The National Woman's Party is still an effective working organization. It sought no publicity over the years, but the Equal Rights Amendment truly belongs to the National Woman's Party.

NATIONAL WOMAN'S PARTY  
144 Constitution Avenue, N.E.  
Washington, D.C. 20002

Weidenfeld  
Box 47



ANSWERS  
to  
QUESTIONS  
about  
EQUAL RIGHTS  
AMENDMENT

*"Equality of rights under the law shall not be denied or abridged  
by the United States or by any State on account of sex."*



NATIONAL WOMAN'S PARTY  
144 Constitution Avenue, N.E.  
Washington, D.C. 20002  
Founded 1913

a possibility that this Volunteer Army would be a reality long before the Equal Rights Amendment becomes effective.

**9. Will women be assigned combat duty?**

A. Every man is not assigned combat duty, so there is no reason to believe women will be. Most men are assigned to civilian type jobs, and many men are needed to fill these jobs. The University of Kansas Commission on the Status of Women in March 1971 reported: "Studies have shown that almost nine out of ten jobs done by servicemen are civilian jobs." Therefore, many men and women are needed to serve their country in capacities which do not require combat training. Again, if men and women are accepted and drafted into the armed services on an equal basis, they could be assigned to the duties they are most capable of doing and also willing, regardless of sex. As women would receive the same exemptions and deferments that Congress has the power to give to men, it seems improbable that anyone, man or woman, not desiring to serve (as in the case of some men now) would serve in a capacity they didn't wish to.

The Intercollegiate Association of Women Students, a body of young women numbering approximately 250,000, at its March 1971 Convention passed a Resolution that given whatever Selective Service System prevailing they would support the involvement of women equally with men in the responsibilities.

**10. How does the Equal Rights Amendment affect admittance of women to public colleges?**

A. It will open the doors for women. Admission will have to be based on ability and not on basis of sex. Young women from poor families will be especially benefited, and Graduate Schools and the education profession will offer many more opportunities for women. At present, there is great discrimination in this area.

**11. How does the Equal Rights Amendment affect the jury laws?**

A. The Equal Rights Amendment would make all women eligible for jury duty on the same basis as a man, and they would be "relieved" on the same basis as a man, and not simply because they were a woman.

**12. How does the Equal Rights Amendment affect criminal laws and especially rape?**

A. Laws which give a longer sentence to a woman than a man will be invalidated.

"The Equal Rights Amendment will not invalidate laws which punish rape, for such laws are designed to protect women in a way that they are uniformly distinct from men." (Senate Report 92-689).

Laws based on a physical characteristic of one sex (whether criminal-prohibiting rape, or civil governing medical payments for child-birth) will continue to be valid.

**13. How does the Equal Rights Amendment affect the privacy of women-sleeping quarters and bathroom facilities?**

A. Not at all. Senate Report 92-689 so stated under two legal principles—the power of the state to regulate cohabitation and sexual relations of unmarried persons; and the constitutional right of privacy (enunciated by the Supreme Court in 1965).

These principles would permit separate sleeping, bathing and toilet facilities in public institutions such as colleges, prisons and military barracks.

**14. How does the Equal Rights Amendment affect States Rights?**

A. The Equal Rights Amendment does not change the status of States Right except to make their laws apply equally to men and women.

**15. Does the Equal Rights Amendment belong to the "Lib" Movement?**

A. No. The so-called "Womens' Liberation Movement" began sometime in the mid-1960's. The Equal Rights Amendment was authored, and sponsored for 49 years by the National Woman's Party. Their sole purpose and dedication over 49 years, and their sole activity, was to help women attain a legal status — to become a person — by an Amendment to the U.S. Constitution, i.e. passage of The Equal Rights Amendment. The press has equated the Equal Rights Amendment to the "Lib Movement".

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## HISTORY

The National Woman's Party was founded in 1913 and spearheaded the Woman's Suffrage Movement. After passage of the Suffrage Act in 1920 the National Woman's Party had introduced in Congress in 1923 the first Equal Rights Amendment bill ever proposed for women. For 49 years this Party has been engaged solely in a campaign to raise the status of women and to obtain passage of the Equal Rights Amendment and currently the ratification of the Equal Rights Amendment.

In addition, this Party is restoring the Alva Belmont House, the Headquarters of the National Woman's Party. The Alva Belmont House has been declared a historic site by an Act of Congress.

Contributions toward the restoration of this "Monument to Women" are tax deductible.

Elizabeth L. Chittick  
National Chairman

---

## NATIONAL MEMBERSHIP

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National Memberships are independent of and in addition to State and Local Memberships.

National Memberships support the national campaign to raise the status of women and at present to help in obtaining ratification of the Equal Rights Amendment.

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## NATIONAL WOMAN'S PARTY

144 Constitution Avenue, N.E.  
Washington, D.C. 20002  
(202) 546-1211

## 1. Why is the Equal Rights Amendment for Women necessary?

A. It is necessary to give a woman a legal status which was not defined by the United States Constitution as it was framed and adopted under the concept of English Common Law which does not regard women as legal persons or entities. The 14th Amendment which guarantees "equal protection of the laws" did not fully give a woman equal status with men even though a Supreme Court decision in 1971 struck down a law discriminating against women, as it did not overrule earlier decisions upholding sex discrimination cases in other laws. Therefore, the burden is on each plaintiff to prove his case. The Equal Rights Amendment would give every man and woman freedom from sex discrimination without the necessity of going to court, case-by-case, which is expensive and time-consuming. Also, faint-hearted women will not attempt to go to court.

## 2. Why does a woman need a legal status?

A. A legal status is necessary so that a woman will be given equal treatment and consideration in all areas of life as a man. For instance, equal work — equal pay; the right to work overtime; the right to serve on juries; the right to receive the same penalties as males when violating the laws, whereas some state laws now have greater penalties for females than for males; the right to establish a business, become guarantors, enter into contracts and administer estates, etc.

## 3. What does the Equal Rights Amendment have to do with the social issues of women—such as, abortion, child care, communal living?

A. Absolutely nothing. These social issues must not be confused with the Equal Rights Amendment. The Equal Rights Amendment and social issues seem to be one, but most of the social issues in the limelight today have nothing to do with the Equal Rights Amend-

ment and the legal status of women, as they can be attained without the Equal Rights Amendment. The press has helped to equate the Equal Rights Amendment with the "Lib" Movement and the social issues, but the Equal Rights Amendment is a legal issue basically and only later a social issue in a much smaller degree. Men and women will have the same relationship as they now have and as they decide on an individual basis.

## 4. Does the Equal Rights Amendment affect the housewife-homemaker?

A. Only as it affects all women, in that, each woman may choose her own way of life — homemaker or wage earner. Housewives need not fear that their security is being taken away from them. The Equal Rights Amendment does not take away the enforceable laws of support. In fact, there are many inadequate support laws now, and these laws should be improved to safeguard the housewife-homemaker.

## 5. How does the Equal Rights Amendment affect alimony and child-support laws?

A. The Equal Rights Amendment will only change the present laws to include men under the same conditions as women (as they are now in more than one-third of the states).

The Citizens' Advisory Council on the Status of Women reported that rather than depriving women and children of support, the Equal Rights Amendment "could very well result in greater rights," as "women's legal rights to support by their husbands, and to support of their children in cases of divorce or separation are much more limited than is generally known and enforcement is very inadequate."

"The Equal Rights Amendment would not make alimony unconstitutional but would require a fair allocation of it on a case-by-case basis. In the great bulk of cases, women would still receive alimony or support payments." (Senator Birch Bayh of Indiana, in 1971)



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In the end, the welfare of the child would be the criterion in awarding custody of the child in a court contested case (as it is now in many states) and mothers would be responsible for child support only within their means. A homemaker with no means would have complete protection under this concept.

#### 6. How does the Equal Rights Amendment affect Property Laws?

A. The equal Rights Amendment would invalidate state laws which treat men and women differently in respect to their property rights and, in particular, married women. A married woman will be able to enter into contracts, run her own business, manage her own property, become a guarantor, and a woman would be treated equally as an administrator of an estate. In community property states, no one sex would have arbitrary preference, and the division and management of property would be on the basis of expertise and not on sex.

#### 7. What will happen to the present protective laws for women?

A. Protective laws that discriminate against a woman will be invalidated, as the Equal Rights Amendment will require that the Federal Government and all State and local governments must treat each person, man or woman, as an individual.

The laws which were meant to protect a woman are in this time era discriminating against a woman and especially so since many women today are heads of household and the sole support of children. Many women are physically stronger than some men. As strength and weakness seem to have been the criterion for the protective laws, let each person, man or woman, be protected according to each individual's physical strength. Therefore, the laws would be changed to include men and women and men would also receive any protection the law would give on an individual basis, and not on sex. Protective legislation would be made to

cover hazardous occupations, health, safety and hours of work without regard to sex.

#### 8. Will women be drafted?

A. Congress already has the power to draft women, if necessary. The U.S. Constitution gives to the Congress the power "To raise and support armies . . . To provide and maintain a navy." There were no restrictions or limitations on this "great power"; and the Supreme Court has held that it will not even review the manner in which this power is exercised. Selective Draft Law Cases, 245 U.S. 360 (1918) *Lichter v U.S.*, 334 U.S. 742 (1948).

Every person is subject to be called for military duty in the public safety. It is for Congress to say when, who, and to what extent and how they shall be selected. *Warren v. U.S.* 177 F. 2d 596 (1949).

The Equal Rights Amendment does not affect this power, but would give women the right to volunteer for service, and would also give her some of the benefits now being received by men, such as, GI educational benefits; job preferences in and out of Government work; free food, housing, insurance, training and leadership experience.

The Equal Rights Amendment would require that men and women be treated alike, with respect to military service. As men now receive exemptions and deferments, so would women. They could exempt parents who are required to stay with children; either or both parents with small children; physical disabilities; conscientious objectors; and the many other reasons for which men now receive exemptions. Men and women would be treated alike on the exemptions and deferments and receive the same benefits, which are many.

President Nixon has said there would be a volunteer army by 1973. As the Equal Rights Amendment does not take effect until two years after its ratification by the states, there is



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INTERPRETATION OF THE EQUAL RIGHTS AMENDMENT IN  
ACCORDANCE WITH LEGISLATIVE HISTORY



CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN  
Room 1336, Department of Labor Building  
Washington, D.C. 20210

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\* Does not endorse the Equal Rights Amendment.

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Member, House of Representatives

Role of Federal Courts

Will the ERA affect private business or personal

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# CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN

Room 1336, Department of Labor Building

Washington, D. C. 20210

## INTERPRETATION OF THE EQUAL RIGHTS AMENDMENT IN

### ACCORDANCE WITH LEGISLATIVE HISTORY

The Amendment reads as follows:

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 appropriate legislation, the provisions of this article.

Sec. 3. This amendment shall take effect two years after the date of ratification.<sup>1</sup>\*

### Role of Legislatures

The very key role of the State legislatures and the Congress in implementing the Amendment is often overlooked. The purpose of the two-year period in Sec. 3 of the Amendment is to allow the States and the Federal government adequate time to revise their laws to eliminate distinctions based on sex.<sup>2</sup>

Some States have already made major changes without damage to rights of men and women. The legislature of the State of Washington has already revised all of its laws to conform, and the legislatures of Arizona, Hawaii, and Wisconsin have made substantial progress to eliminate discrimination in their laws. In addition, identification and amendment of Federal laws in conflict are well under way. Progress indicates that most laws in conflict with the Amendment will be revised before the effective date of the Equal Rights Amendment.

### Role of Federal Courts

The Federal courts will be interpreting the Amendment in those cases where citizens believe that the Congress or the States have not amended their laws or official practices to conform. The courts in interpreting amendments to the Constitution traditionally give great weight to the intent and purpose of the Congress and the State legislatures in ratifying the amendments.<sup>3</sup> In this connection the great importance of the "legislative history" is often not understood.

\* Footnotes appear at end of article.

\* Does not endorse the Equal Rights Amendment.



In addition to the Senate Judiciary Committee report and the debate in both houses of the Congress, the courts will have available a very thoroughly researched and clear law review article endorsed by Congresswoman Martha Griffiths, chief sponsor in the House of Representatives, distributed by her to all members of the House, and inserted in the Congressional Record by Senator Birch Bayh, chief proponent in the Senate. One of the coauthors was Professor Thomas Emerson, whose testimony before both Judiciary Committees had been very influential and whose views had been incorporated in the views of the proponents on both committees. The importance of this article is underscored by Senator Ervin's statement in his minority views in the Senate Judiciary Report, calling it "one of the best guides to a general interpretation of the Equal Rights Amendment." For these reasons, this article "The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women" (80 Yale L.J. 871) will carry more weight with the courts than a law review article ordinarily would.<sup>4/</sup>

The most sophisticated writings of opposition quote authorities of apparently equal weight, who disagree on the legal effects of the ERA, thus leaving the impression that the legal effects are in great doubt. They do not mention that the courts will rely on the majority report of the Senate Judiciary Committee and views of chief proponents.

The legislative history of the Equal Rights Amendment is unusually comprehensive and clear. Both houses of the Congress passed the same version, and there was a remarkable unanimity among the chief proponents, expressed fully in the majority report of the Senate Judiciary Committee,<sup>5/</sup> hereafter referred to as the Senate Report, and in the debate.

The majority report of the House Judiciary Committee, which took the point of view of the opponents in interpreting the Amendment and proposed the crippling Wiggins amendment, was rejected by the House of Representatives 265-87. The House of Representatives then adopted the original amendment as recommended by the fourteen members of the Judiciary Committee who had expressed their understanding of the Amendment in "Separate Views." Their separate views were incorporated in the Senate Judiciary Committee Report, thus making it a most authoritative statement representing the views of the proponents on both the House and Senate Judiciary Committees.

The majority report of the Senate Judiciary Committee, which expresses the intent of Congress, has been widely distributed to State legislators, along with publications of the Council and other organizations that are in harmony with the report.

Our purpose here is to provide authoritative answers to basic questions through quotes from the Senate Judiciary Committee Report and the debate.

# Excerpts from Legislative History with Respect to Key Questions

## Will the ERA affect private business or personal relationships between men and women?

From the Senate Report (p. 11):

The general principles on which the Equal Rights Amendment rests are simple and well-understood. Essentially, the Amendment requires that the federal government and all state and local governments treat each person, male and female, as an individual.

....The Amendment applies only to governmental action; it does not affect private action or the purely social relationships between men and women.

Congresswoman Martha Griffiths<sup>6/</sup> in debate of August 10, 1970(116 Cong. Rec. H7953):

The amendment would restrict only governmental action, and would not apply to purely private action. What constitutes "State action" would be the same as under the 14th amendment and as developed in 14th amendment litigation on other subjects. In 1964 Civil Rights Act granted far more rights to women and other minorities than this amendment ever dreamed of. That act applies against private industry. This amendment applies only against government.

Senator Marlow Cook<sup>7/</sup> in debate of October 9, 1970 (116 Cong. Rec. S17639):

It is important to note that the only kind of sex discrimination which [ERA] would forbid is that which exists in law. Interpersonal relationships and customs of chivalry will, of course, remain as they always have been, a matter of individual choice. The passage of this Amendment will neither make a man a gentleman nor will it require him to stop being one.

Congresswoman Florence Dwyer<sup>8/</sup> in debate of October 6, 1971(117 Cong. Rec. H9260):

....The basic principle of the equal rights amendment rests on two fundamental judgments which the Congress and the people have long subscribed to: First, the moral judgment that women as a group should not be forced into an inferior position in our society; and, second, the practical judgment that classification by sex automatically

excludes consideration of the real differences that exist among women as among men, and thus forces all individuals into a single mold where rights as an individual person no longer receive recognition.

This is why the equal rights amendment is so fundamental.

It would require only that women have the same protection of the laws as men. There are no hidden meanings or tricky implications in this language. It is straightforward and means no more nor no less than it says. It imposes obligations just as it protects rights. But it does not--and this deserves special emphasis--it does not obliterate the differences between male and female.

Those differences exist, and I, for one, welcome them. But the differences between men and women are principally physical and psychological. Where those differences have a significant effect on the capacities of individual women, the law will continue to recognize them, just as the law respects similar differences among men. But these differences should not serve, as they have, as a subterfuge for denying the human and civil rights that belong to all of us. Women, like their male counterparts, should be judged by the law as individuals, not as a class of inferior beings.

This is all the equal rights amendment would do. It would not take women out of the home. It would not downgrade the roles of mother and housewife.

Indeed, it would give new dignity to these important roles. By confirming women's equality under the law, by upholding woman's right to choose her place in society, the Equal Rights Amendment can only enhance the status of traditional women's occupations. For these would become positions accepted by women as equals, not roles imposed on them as inferiors....

#### Will women lose support rights?

From the Senate Report (pp. 17 and 18):

The Equal Rights Amendment may also have an effect on those State laws affecting domestic relations. In this area, as elsewhere, the Amendment will prohibit discrimination based on sex. This will mean that State domestic relations laws will have to be based on individual circumstances and needs, and not on sexual stereotypes. The report of the Association of the Bar of the City of New York accurately describes the Amendment's effect in this area:

The Amendment would bar a state from imposing a greater liability on one spouse than on the other merely because of sex. It is clear that the Amendment would not require both a husband and wife to contribute identical amounts of money to a marriage. The support obligation of each spouse would be defined in functional terms based, for example, on each spouse's earning power, current resources and nonmonetary contributions to the family welfare.

Thus, if spouses have equal resources and earning capacities, each would be equally liable for the support of the other--or in practical effect, neither would be required to support the other. On the other hand where one spouse is the primary wage earner and the other runs the home, the wage earner would have a duty to support the spouse who stays at home in compensation for the performance of her or his duties.

Although courts still probably would be reluctant to interfere in the allocation of support between husband and wife in an on-going marriage, upon the dissolution of marriage, both husbands and wives would be entitled to fairer treatment on the basis of individual circumstances rather than sex. Thus alimony laws could be drafted to take into consideration the spouse who had been out of the labor market for a period of years in order to make a non-compensated contribution to the family in the form of domestic tasks and/or child care.

As Professor Norman Dorsen pointed out to the Committee:

The National Conference of Commissioners on Uniform State Laws recently adopted a Uniform Marriage and Divorce Act which takes an approach similar to that contemplated by the Equal Rights Amendment. It provides for alimony or maintenance for either spouse, and child support by either or both spouses, by defining all duties neutrally in terms of functions and needs of the people involved, rather than in terms of their sex. The action by the Commissioners, a respected and prudent body, deserves special consideration.

In sum, there is no reason to fear that the Equal Rights Amendment will have undesirable effects on the rights of men and women under State domestic relations laws.

#### Will a State be able to prohibit homosexual marriages?

Senator Bayh in debate of March 21, 1972 (118 Cong. Rec. S4389):

The equal rights amendment would not prohibit a State from saying that the institution of marriage would be prohibited to men partners.



It would not prohibit a State from saying the institution of marriage would be prohibited from two women partners. All it says is that if a State legislature makes a judgment that it is wrong for a man to marry a man, then it must say it is wrong for a woman to marry a woman--or if a State says it is wrong for a woman to marry a woman, then it must say that it is wrong for a man to marry a man.

Is Section 2 of the Equal Rights Amendment a "gigantic grab for power at the Federal level" at the expense of the States? \*

From the Senate Report (p. 20):

Section 2: This section grants congress the power to implement the provisions of the Amendment by legislation. The wording is taken from Section 5 of the 14th Amendment, and almost identical language is found in the 13th, 15th, 19th, 23d, 24th, and 26th Amendments.<sup>9/</sup>

From debate of October 12, 1971 (117 Cong. Rec. H9391):

Mr. Myers. I would like to ask this question: Is it the judgment of the author and the committee that the absence of the word "State" in section 2 would in no way weaken this resolution or deny the right of the State to legislate in this area?....

Mrs. Griffiths. The gentleman is quite correct. This does not interfere with the States' right to make their laws.

From debate of October 6, 1971 (117 Cong. Rec. H9236):

Mrs. Griffiths. The distinguished gentleman from Michigan who wrote one of the opinions in the report pointed out that his real objection is that it denies Congress the power to legislate.....

The equal rights amendment does not deny Congress the right to legislate. It denies Congress the power to discriminate--as it denies it to all other legislative bodies. But it says to every legislative body--"Act now--equalize these laws--wipe out these old discriminations."

The charges about the intent and effect of section 2 have arisen since the ERA passed the Congress and are not supported by the legislative history.

A change in wording of the enforcement clause between the resolutions considered in the 91st Congress and those passed in the 92nd Congress has been claimed to prove that Section 2 is a grab for Federal power.

\* See p. 1 for wording of Section 2.

The enforcement clause originally read:

Congress and the several States shall have power within their respective jurisdictions, to enforce this article by appropriate legislation.

Section 2 as passed appears on page 1.

The change in language was made because of objections to the original unconventional language by constitutional authorities. Professor Paul A. Freund, leading constitutional authority among opposition witnesses, in testimony before the Senate Judiciary Committee on September 9, 1970, commenting on original language (quoted at 118 Cong. Rec. S4411):

In this connection let me point out a serious deficiency in the proposed amendment. Its enforcement clause gives legislative authority to Congress and the States "within their respective jurisdictions." This is a more restrictive authorization to Congress than is to be found in any other amendment, including the 14th. If the new amendment is deemed to supersede the 14th concerning equal rights with respect to sex, Congress will be left with less power than it now possesses to make the guarantee effective. This is the final anomaly. (Equal Rights 1970, Hearings before the Committee on the Judiciary, United States Senate, Ninety-First Congress, 2d Session on S.J. Res. 61 and S.J. Res. 231, p. 80.)

In addition, Congressman William M. McCulloch, senior member of the Judiciary Committee, who also opposed the Amendment, and then Dean Louis H. Pollak of Yale Law School, a proponent, also objected to the original wording (116 Cong. Rec. H7955 and 117 Cong. Rec. H9391).

It should be noted that Senator Ervin, the leading opponent in the Senate, did not propose any amendment of Section 2, although he proposed a number of amendments in the Judiciary Committee and in the debate in the Senate. Representatives Celler and Wiggins, the leading opponents in the House of Representatives did not object to Section 2.

That no additional grant of Federal power is conferred by the Equal Rights Amendment is conclusively shown by the agreement between proponents and opponents that the 14th Amendment (which has an identical enforcement clause) was adequate authority for the Supreme Court to bar State legislation discriminating on the basis of sex, and the 14th Amendment and the commerce clause are adequate for the Congress to enact any legislation needed to end legal discrimination. The following exchange between Congressman Dennis and Congressman McClory is illustrative (117 Cong. Rec. H.9256, October 6, 1971):

Mr. Dennis....Prof. Paul A. Freund, of Harvard Law School, a recognized constitutional authority, has said in a statement submitted to the committee:

Congressional power under the commerce clause, as the civil-rights legislation shows, is adequate to deal with discrimination (whether private or governmental) based on sex, as on race.

And again:

Congress can exercise its enforcement power under the fourteenth amendment to identify and displace state laws that in its judgment work an unreasonable discrimination based on sex....

.....

Another reason why a constitutional amendment is unnecessary is that there is a very good probability that governmental discrimination based on sex, on the part of the several States of the Union, is already barred under the "equal protection" clause of the 14th amendment.

.....

Mr. McClory. I thank the gentleman. I want to comment that it is true that a great many proponents of this principle do feel that the entire action could be taken by legislation. I conceded that in my remarks.

Also, the gentleman is correct that the 14th amendment could be applied to provide equal rights to women, but it has not been so far, and if the pending cases do achieve this before the ratification, why, then, of course, it is possible that this would be redundant. But there is nothing here to indicate in their decisions that that would be the case.

One opponent claims that the fact that the 16th Amendment has no Section 2 "proves" that Section 2 of the ERA will transfer legislative power from the States to the Federal Congress. No enforcement clause was needed because the 16th Amendment itself was a grant of power to the Congress reading, "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration." The essential point about the language of the 16th Amendment is that no mention of the States was necessary to preserve the power of the States to enact income tax laws.

In summary, the legislative history shows that Section 2 of the Equal Rights Amendment is the customary enforcement clause and does not transfer any authority from the State legislatures to the Congress.

Will the Equal Rights Amendment nullify all laws making distinctions based on sex?

From the Senate Report (p. 15):

...the legislatures of the several States will have the primary responsibility for revising those laws which conflict with the Equal Rights Amendment. Indeed, the purpose of delaying the effective date of the Equal Rights Amendment for two years after ratification is to allow legislatures--particularly those which meet only in alternate years--and agencies an opportunity to review and revise their laws and regulations....

.....

In those situations where a court finds a State or federal law in conflict with the Equal Rights Amendment, the legal infirmity will be cured either by expanding the law to include both sexes or nullifying it entirely....it is expected that those laws which are discriminatory and restrictive will be stricken entirely as the court did in McCrimmon v. Daley, 2 FEP Cases 971 (N.D. Ill., March 31, 1970) which involved a law banning women from a certain occupation. On the other hand, it is expected that those laws which provide a meaningful protection would be expanded to include both men and women, as for example minimum wage laws, see Potlatch Forests, Inc. v. Hays, 318 F.Supp. 1368 (E.D. Ark. 1970), or laws requiring rest periods, cf. Equal Employment Opportunities Commission Case No. 6-8-6654 (June 23, 1969), 1 CCH Employ. Prac. Guide 6021.

There can be no question that the courts, upon holding a statute unconstitutional, can expand the scope of the statute if necessary to cure its legal infirmity. As Mr. Justice Harlan said, concurring in Welsh v. United States, 398 U.S. 333, 361 (1970) (footnote omitted):

Where a statute is defective because of underinclusion there exist two remedial alternatives; a court may either declare it a nullity and order that its benefits not extend to the class that the legislature intended to benefit, or it may extend the coverage of the statute to include those who are aggrieved by exclusion. See Skinner v. Oklahoma ex rel. Williams, 316 U.S. 535, 543 (1942); Iowa Des-Moines Nat'l. Bank v. Bennett, 284 U.S. 239, 247 (1931); Developments In the Law-Equal Protection 82 Harv. L. Rev. 1065, 1136-37 (1969).

The Supreme Court has applied this principle in many cases.<sup>10/</sup> In 1880, for example, the Court extended a State statute limiting jury service to "electors" to include blacks enfranchised by the 14th and 15th Amendments rather than striking the law down. Neal v. Delaware, 103 U.S.



370 (1880). In Sweat v. Painter, 339 U.S. 637 (1950), and McLaurin v. Oklahoma State Regents, 339 U.S. 637 (1950) the Court held that State laws restricting access to State institutions of higher education on the basis of race were unconstitutional; it expanded the laws so that black students had equal access. And in Levy v. Louisiana, 391 U.S. 68 (1968), the Court extended to illegitimate children, to recover wrongful death benefits. See generally Dorsen, The Necessity of a Constitutional Amendment in Equal Rights for Women: A Symposium on the Proposed Constitutional Amendment, 6 Harv. Civ. Rts.--Civ. Lib. L. Rev. 216 (1971).

Will the ERA require that women be drafted and serve in combat?

From the Senate Report (p. 13):

....It seems clear that the Equal Rights Amendment will require that women be allowed to volunteer for military service on the same basis as men; that is, women who are physically and otherwise qualified under neutral standards could not be prohibited from joining the service solely on the basis of their sex. This result is highly desirable for today women are often arbitrarily barred from military service and from the benefits which flow from it: for example, educational benefits of the G.I. bill; medical care in the service and through Veterans Hospitals; job preferences in government and out; and the training, maturity and leadership provided by service in the military itself.

It seems likely as well that the ERA will require Congress to treat men and women equally with respect to the draft. This means that, if there is a draft at all, both men and women who meet the physical and other requirements, and who are not exempt or deferred by law, will be subject to conscription. Once in the service, women, like men, would be assigned to various duties by their commanders, depending on their qualifications and the service's needs.

Of course, the ERA will not require that all women serve in the military any more than all men are now required to serve. Those women who are physically or mentally unqualified, or who are conscientious objectors, or who are exempt because of their responsibilities (e.g., certain public officials; or those with dependents) will not have to serve, just as men who are unqualified or exempt do not serve today. Thus the fear that mothers will be conscripted from their children into military service if the Equal Rights Amendment is ratified is totally and completely unfounded. Congress will retain ample power to create legitimate sex-neutral exemptions from compulsory service. For example, Congress might well decide to exempt all parents of children under 18 from the draft.

Congresswoman Martha Griffiths in debate of October 6, 1971 (117 Cong. Rec. H9236):

....It is possible that women will be drafted,... It is entirely possible that by the time this bill becomes law we will not have a draft law, and that what this bill will really say is that men and women can volunteer on exactly the same basis--and they cannot do that now....

But second, I would like to say to the Members--and the Members themselves know it--if this country gets into any real trouble, women are going to be drafted whether we have this bill or some other bill. We cannot have 40 percent of the work force free from a draft, because if we do we have given that 40 percent of the population an enormous advantage over the other 60 percent.

Senator Birch Bayh<sup>11/</sup> in debate of March 21, 1972 (118 Cong. Rec. S4390-S4391):

....Let us look at those who are not able to claim an exemption and those who are subject to the draft. What size burden are we really talking about? Does every 17, 18-, or 19-, or 22-year-old woman feel that she is going to be drafted?

....Let us take the 1971 draft call, the most recent draft call. There were, in 1971, 1.9 million men in this country eligible for the draft; 50.5 percent, or over half of those, were rejected for induction for one reason or another; 24.9 percent were rejected at induction.

So when we get right down to it, less than 25 percent of the men of this country were ever subjected to the draft in the first place. That number was between 400,000 and 500,000. Of this almost 500,000-man pool of men subjected to the draft after the various rejections, only 98,000 were ever called, and only 94,000 of those were ever inducted.

In other words, 5 percent of the eligible males in the country were inducted into the Army last year....less than 1 percent of the eligible males in the whole country....were ever assigned to a combat unit.

It might be fair to say that is about the same risk women would be subjected to, except it would be fairer to assume that the sex-neutral standards that would be established by the Armed Forces on the basis of physical competence would exclude an even greater percentage of women because of the ordinary physical standards required, such as pushups, chins, running, and other physical and combat characteristics that are necessary for any member of the armed services.<sup>12/</sup>



Now, of this less than 1 percent--and if you look at all of the physical rejections that could occur, you would get down to significantly less than 1 percent of all the women in the pool who would be drafted in the first place--would they be assigned to combat duty?

Admittedly, there is no way we can guarantee they would not be, but in the judgment of the Senator from Indiana, they would be assigned to duty as their commanders thought they were qualified to serve. Just as 85 percent of those who are now in the armed services and who are men are not assigned to combat duties, so the commander would not need to send a woman into the front trenches if he felt that it would not be in the best interests of the combat unit to make such an assignment.

...I hope the time will not come when we have women drafted and sent into combat.... But I suggest that right now we have a significant number of women in all of our military services who are serving with distinction, and many of them are serving in combat zones. You ask a nurse serving in an Army hospital in Danang whether she is in a combat zone or not, and whether she might be spirited away or detained by the V.C., and I am sure she will tell you that is something she has thought about.

I suggest we are not talking about just a one-way street.... We are talking about a responsibility; yes. But we are also talking about a significant benefit to be derived as a result of this service for the country.

A woman, before she is even considered in our services today, must have a high school diploma. That is not true for a man. So the first impact of this equal rights amendment as far as the military services are concerned would be to say that any woman who wants to serve her country will have the same opportunity to do so, and will be either admitted or denied admission on the basis of the same grounds used to admit or deny men.

The GI educational bill which has provided the greatest reservoir of talent that this country has ever known, is the first example that comes to mind... I wonder how many young women would make the same choice that the Senator from Indiana and many other young men made. When trying to weigh whether I should volunteer or not, one of the things I considered was not only what I could do in the Army, but that if I went in the Army and served my country for a certain period of

time, it would permit me, on my own self-reliance, to provide an educational opportunity for myself. Most young women in this country do not have that choice today. This amendment would give them that choice.

It would also give them the benefit of GI loans for homes, farms, and businesses....

Perhaps the most insidious type of discrimination... is in the employment area.... We know that there are certain types of employment by our U.S. Government where, if you are a man and you have been in the military, you get X number of points added to your score,...

What we are saying is not that this is bad. If persons serve their country, give them the extra points. They earned them. But make this opportunity available on an equal basis to the young women of this country.

The Council was established by Executive Order 11126 in 1963 on the recommendation of the President's Commission on the Status of Women. Council members are appointed by the President and serve without compensation for an indeterminate period. One of the Council's primary purposes is to suggest, to arouse public awareness and understanding, and to stimulate action with private and public institutions, organizations and individuals working for improvement of conditions of special concern to women.

The views expressed by the Council cannot be attributed to any Federal agency.

# FOOTNOTES

- 1/ The Equal Rights Amendment has been introduced in every Congress since 1923. Prior to 1943, when it was revised by the Senate Judiciary Committee, the language was much more comprehensive, stating "Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction." Some of the misunderstandings about the nature of the Amendment may flow from this earlier language.
- 2/ See 118 Cong. Rec. S3739, memo of Staff of Subcommittee on Constitutional Amendments placed in record by Senator Bayh, March 9, 1972.
- 3/ Home Building and Loan Association v. Blaisdell 290 U.S. 453; Bickel, Alexander M., "The Original Understanding of the Segregation Decision," 69 Harvard Law Review 1.
- 4/ The other authors were three outstanding women students at Yale Law School: Barbara A. Brown, Gail Falk, and Ann E. Freedman.
- 5/ U.S. Senate, "Equal Rights for Men and Women" Report No. 92-689, 92d Cong., 2d Sess. A limited number of copies of the report are available from the Subcommittee on Constitutional Amendments, Room 300, Russell Senate Office Building, Washington, D.C. 20510. Copies of a reprint of the report of the majority are available in larger quantities. By way of contrast the report of the Joint Committee on Reconstruction, which held hearings on and proposed the 14th amendment, was not published until after the resolution had passed both houses. Furthermore, section 1, the most significant, was little discussed in the debate or in the report. There is no legislative history whatever on sex discrimination to guide the courts since the 14th Amendment was not intended to cover sex discrimination. See Bickel article.
- 6/ Congresswoman Martha Griffiths was primary sponsor in the House of Representatives and filed the successful discharge petition that resulted in passage in the House of Representatives on August 10, 1970. The limits of "State action" under the 14th amendment have been further defined in two subsequent Federal Court decisions: Moose Lodge v. Irvis 407 U.S. 163 (1972) and Millenson v. New Hotel Monteleone Inc. 475 F. 2d 736 (1973), cert. denied 42 Law Week 3271 (1973).
- 7/ Senator Marlow Cook was the leading Republican proponent in the Senate and a member of the Subcommittee on Constitutional Amendments, which held the hearings.
- 8/ Senior Republican woman Member of Congress, now retired.

- 9/ As Ruth Bader Ginsberg, professor of law at Columbia University, testified in hearings in the Ohio Senate on April 10, 1973, "Our Constitution proceeds from the assumption that all legislative powers reside in the states. That power is shared only when the Constitution expressly delegates authority to the national government. Hence,...conferring power on the states would be a tautology.... Law making authority resides in the states and needs to be expressly conferred only on the national legislature."
- 10/ The Supreme Court again on May 14, 1973, extended a law in conflict with the 14th Amendment rather than nullifying it (Frontiero v. Richardson, 411 U.S. 677). A Federal law awarded male members of the military housing allowances and medical care for their wives regardless of dependency but authorized benefits for female members of the military only if they in fact provided more than half their husband's support. The law was invalidated only insofar as it required a female member to prove the dependency of her spouse.
- 11/ Senator Birch Bayh was floor leader in the debate and Chairman of the Subcommittee on Constitutional Amendments, which held the hearings on the Amendment.
- 12/ See also "The Equal Rights Amendment and the Military" by Joan G. Wexler (82 Yale L.J. 153), which discusses the constitutional "doctrine of military necessity" in its relationship to military service for women under the ERA.

NOTE: The Council is greatly indebted to Professor Thomas I. Emerson of Yale University Law School and Professor Ruth Bader Ginsberg of Columbia University Law School, who reviewed this paper in draft form and provided expert advice.



The language of the amendment was "Equality of rights under the law shall not be denied or abridged on account of sex"

It did not precisely spell out how it might affect the innumerable situations in which women come into contact with government or the law.

N.Y feels because of the wording, ERA was defeated by women themselves.

ERA lost in NY, NJ, ~~Okla~~ and Texas.

• Mayor Beame voted for ERA.

out of NY's 7.9 million registered voters, only 10-15% came out.

E.R.A. was considered the most controversial of the seven amendments on the N.Y. ballot.

ERA was defeated by over 400,000 votes



Fed. ERA passed with no problem in 1972 (1st yr states were considered amendment following year pro-ERA amendment w/be good public relation in country--seemed like a good idea

in NY an amendment to the state constitution must pass 2 <sup>consecutive</sup> ~~successful~~ <sup>legislative</sup> sessions  
it breezed thru 2nd session of 74 legislature w/no problems then came up 75  
in the ~~am~~ assembly w/few problems then to Senate w/problems in Judiciary cmte  
Rep) → Chairmen Berny Gordon decided to hold hearings (didn't have to) hearings were  
very shorney (15 hrs?) lots of pressure put on conservative rep. in State legislat,  
used as battlefield for Reagon/Rockefeller

*consequence*  
*defeated*  
amendment was ERA <sup>shall</sup> ~~should~~ apply except in those areas where it would bridge  
protection currently enjoyed by women. If the amendment to the amendment  
the process w/have started over. Clearly tactic design to kill it.

Warren Anderson, Speaker of the State Senate, spoke on defeating this amendment  
was influential. Republicans passed in Senate. He did a marvelous job. *in having*  
*it defeated*

A referendum was put on ballot for voters.

100 groups of Coalition --tried to educate

Anti-ERA were highly emotional, impossible to debate with

#212-730-0803 Coalition

Karen Bernstein, State Senator --212-582-4687

Carol ~~Bellamy~~ Bellamy--212-488-4690, State Senator

*Rep + Dem. Hqs //*

*St. Bd. of Elections // Albany // 474 6220* <sup>518</sup>

*→ philosophically <sup>!!!</sup> w/ it to pass*

*also a boost for ERA*

*Ms. Magazine*



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# Weather, Issues & Voting—All Mild

By SAM ROBERTS

New Yorkers went to the polls in mild temperatures and even milder enthusiasm yesterday to decide the fate of the city's political structure, the state equal rights amendment, seven other statewide issues and a handful of local candidates.

Only hours before the polls closed at 9 p.m., elections officials said that the turnout by the state's 7.9 million registered voters was light even for an off year and could be as low as 10% in the city.

Although only minor problems were reported in the city's 5,000 election districts, officials said that the complexity of city charter revision and other proposals on the issue-dominated ballot had delayed voters in some polling places.

Mayor Beame voted at St. Joseph's School near Gracie Mansion in Yorkville, just after 10 a.m., emerging from the voting booth to disclose that he had cast ballots for the equal rights amendment and against all 10 proposals to revise the City Charter for the first time in 14 years.

Gov. Carey flew from Albany to vote at St. Francis Xavier School near his Park Slope apartment in Brooklyn.

Topping the ballot was the sole statewide proposition

which would authorize the financially-strapped state to finance low-cost housing for the issue \$250 million in bonds to elderly.

But most controversial of the seven amendments that followed it on voting machines here was the equal rights amendment.

The amendment, which duplicates the proposed amendment of the federal constitution, states that "equality of rights under the law shall not be denied or abridged on account of sex." But that 16-word sentence sparked virtually the only statewide excitement of the 1975 campaign.

Poll watchers in some areas reported a pickup in turnout by women in midmorning, as one official explained, "after mothers

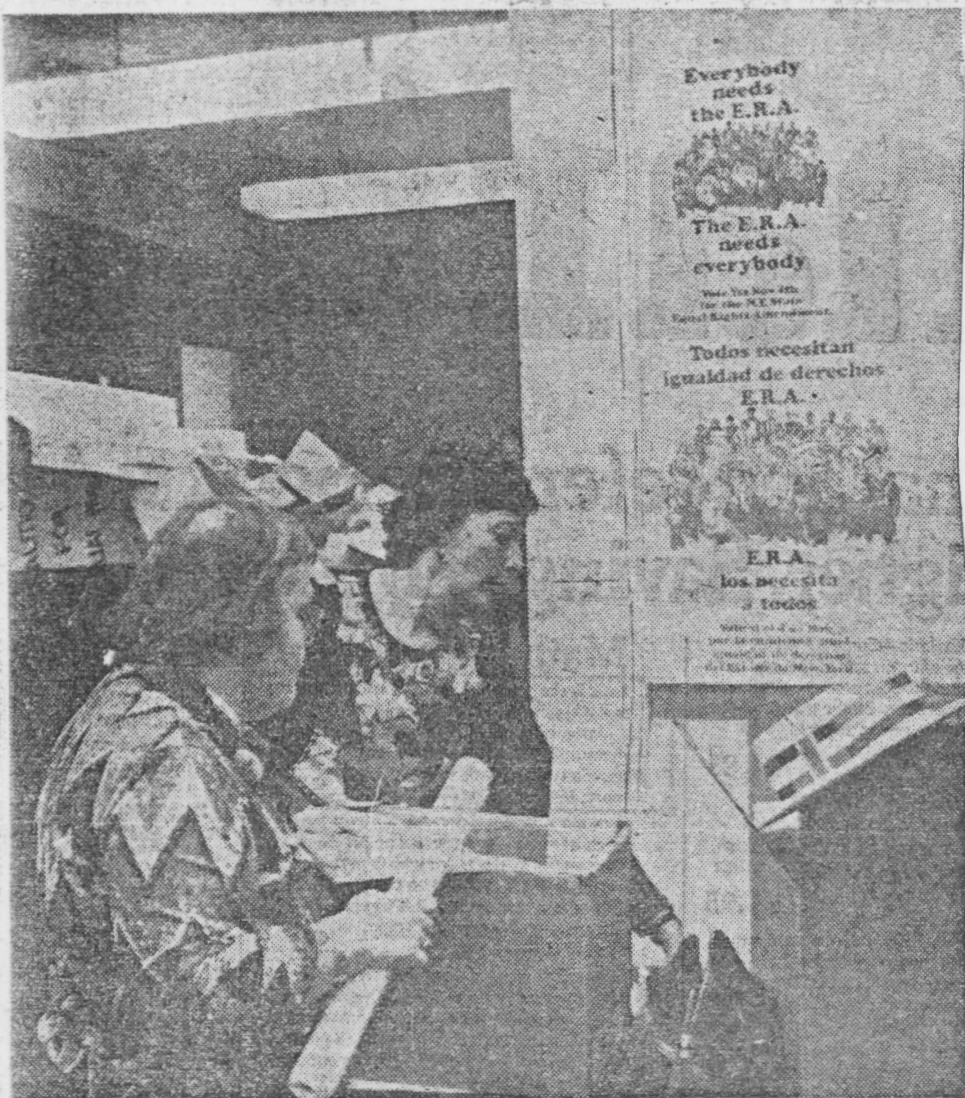


News photo by Frank Giorandino

Rep. Bella Abzug signs voting register of 17th ED yesterday.







Members of the Equal Rights Coalition, whose campaign for approval of the equal rights amendment failed, preparing to move from 11 West 42d Street to new quarters.

The New York Times/Robert Walker

But the Turnout Is Still Low  
Even Using Standards  
of Similar Elections

## EQUAL RIGHTS AN ISSUE

Other Subjects a Revised  
Charter and Additional  
State Amendments

NY TIMES

NOV 6

By FRANK LYNN

Encouraged by weather more appropriate for June than November, voters turned out at the polls in larger numbers than expected in some areas in New York and Connecticut. But, over-all, election officials stuck to their predictions of a low turnout even by off-year standards.

Betty Dolen, executive director of the city's Board of Elections, said after a midafternoon tour of polling places that she did not expect more than a 15 percent turnout of the 31,057,792 registered voters in the city.

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C

## Balmy Weather Stimulates Vote, but Turnout Is Low

Continued From Page 1, Col. 8  
only three amendments were approved.

Statewide in New York, seven constitutional amendments, including the equal-rights amendment, were the major contests outside of the county and town elections.

Some of the heat generated by the rights amendment resulted in some of the few untoward incidents reported at the polls.

Proponents of the amendment

be amended without voter approval, nor can the state borrow without the permission of the voters.

The six other amendments would create a commission on judicial conduct and reorganize on the Judiciary; unify the state's courts under an administrator; permit the State Legislature to call itself into special session, allow localities to borrow for construction of storm sewers; permit local taxation beyond the debt limit to finance pensions and permit games of chance in addition to bingo for charitable purposes.



NY TIMES  
Nov 6 '75

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# Vote on Charter Changes Called Defeat for Beame

Passage of First 6 Questions Linked  
to Clever Campaign by Commission—  
'Negativism' Cited in Bond Loss

By MAURICE CARROLL

Disenchantment with incumbent officials in general—and according to nearly complete city figures. On Question 7 in particular—was the lesson the first of those that lost that politicians read yesterday the vote was 199,849 to 473.

Star

YESTERDAY was not a good day for new proposals. Equal rights amendments lost in New York and New Jersey, Texas voters overwhelmingly rejected a new state constitution, and in Ohio, New York and New Jersey they turned down proposed bond issues.

Ohio's \$4.5 billion program would have been the largest in U.S. history. Proposed by Republican Gov. James Rhodes to revitalize the state's economy, it lost by about 4 to 1. It included tax abatement for new industry, \$1.75 billion for transportation projects, and \$2.75 billion for

# Women Called Key to Rights Plan Losses

11/4 TIMES 11/6

Continued From Page 1, Col. 7

credit for Tuesday night."

Most of the credit, or blame, apparently goes to women themselves, and to their perceptions of what the amendment would have actually meant in their lives.

"There's no way to measure it, of course, but I suspect it was us who voted against it," said Ross Graham, executive

the entire array of changes in the law, and society as a whole, that have been sought or achieved by different elements of the women's movement in recent years. In turn, the response to those changes dictated response to the proposed amendment.

"People were fed up by all that radical nonsense and concerned about what has been happening to the family," Annette Stern, president of Opera-

women who were elected Lieutenant Governors of Mississippi and Kentucky and another woman, Margaret Hance, who won 55 percent of the vote in an eight-way race for Mayor of Phoenix, Ariz.

Representative Abzug cited these results yesterday to show that the E.R.A. defeats had not signalled the political death of the women's movement in the state and to counter speculation that she, in particular,

# Defeat of Equal Rights Bills Traced to Women's Votes

By LINDA GREENHOUSE

It was women, not men, whose negative votes brought about the stunning defeat of state equal-rights amendments in New York and New Jersey, both supporters and opponents of the amendments agreed yesterday on the basis of their thousands of the amendment's old friends turned against it.

ment. The New York and New Jersey State Legislatures were among the earliest to ratify the Federal amendment in 1972 and, with the national drive stalled at four states short of the required 38, Tuesday's vote will be read as a signal that

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## DOUBLE DRUBBING FOR ERA

Supporters of the federal Equal Rights Amendment for women are dismayed—as well they should be—by the decisive rejection of state ERA proposals in New York and New Jersey on Tuesday. (New York City excepted).



ERA

Although we recommended adoption of the state propositions, we can-

# 95, She Votes a Yea, ERA

## Recalls Elections of Yesteryear

Take your average, run-of-the-mill 95-year-old and it suffices that he or she summon up the energy to stir a hot porridge to cool, that his or her name not be among the obituaries in the morning newspapers and that the nostrils be able to differentiate between a bouquet of roses and a kettle of boiled cabbage.

But then, Sarah Schottland never settled for being an average, run-of-the-mill anything, much less than a so-so 95-year-





888 Eighth Avenue  
New York, New York 10019

16 October 1975

Ms. Sheila Rabb Weidenfeld  
The White House  
Washington, D. C. 20500

Dear Ms. Weidenfeld:

As you may recall, we spoke last July (prior to Europe and Vail) about my interest in interviewing Betty Ford for my column in The News Sunday Magazine.

You asked that I send you a tearsheet (I'm including several -- the column began in May 1972) and you explained that, because of the upcoming trips, it might be fall before it would be possible to arrange an interview. (At that time, I had hoped to be in print September 7; you birthday, I think you said ...)

Because of my limited space, I should like to focus on the Equal Rights Amendment and would like to run such a column to kick off the Bicentennial Year. (I have a six week lead time.)

The New York News Sunday Magazine reaches 6,000,000 readers in New York, New Jersey, and Connecticut. The column is featured on 35 radio spots during the weekend and is billboarded mid-week in the daily papers as well.

You may be interested to know that Martha Graham (whom I interviewed several weeks ago for Ms. Magazine) made a







(2)

point of showing me some color photographs of the Gala which she said, with great pleasure, had been sent to her by Betty Ford.

Sincerely,

Ellen Cohn

P.S. In replying, please use the address top right on page one, or please phone (212) JU 2 - 4844.



*Women's Lib*

October 31, 1975

Dear Ms. Cohn:

I've delayed responding to your note of October 16 in the hopes of being able to set a date for you to interview Mrs. Ford.

Unfortunately, Mrs. Ford's commitments are such that it is not possible to schedule an interview at this time.

I enjoyed your tear sheets and look forward to meeting you.

Sincerely,

Sheila Rabb Weidenfeld  
Press Secretary to Mrs. Ford

Ms. Ellen Cohn  
The News  
888 Eighth Avenue  
New York, New York 10019





"My view that the ERA is the most destructive piece of legislation to ever pass Congress still stands. . . . The ERA would give every woman a constitutional right to have an abortion at will."

-- U.S. Senator Sam J. Ervin, Jr.

"I do not wish to see -- and to vote for -- a constitutional amendment which would require all women to be equally obligated with their husbands to support the family, even though millions of women may choose to do so."

-- Congresswoman Leonor Sullivan

"I call the Equal Rights Amendment the liftin' and totin' bill. More than half of the black women with jobs work in service occupations; if the Amendment becomes law, we will be the ones liftin' and totin'."

-- Jean Noble, National Council of Negro Women

"I refuse to allow the glad-sounding ring of an easy slogan to victimize millions of women and children."

-- Congressman Emanuel Celler

"Only those who are indifferent to the exacting aspects of women's industrial life will have the naivete or the recklessness to sum up woman's whole position in a meaningless and mischievous phrase about 'Equal Rights.'"

-- Justice Felix Frankfurter

"Not only would women, including mothers, be subject to the draft, but the military would be compelled to place them in combat units alongside of men."

-- U.S. House Judiciary Committee Report, No. 92-359

## Who Opposes ERA?

- 18 State Legislatures.
- 3 State Referendums.
- Veterans of Foreign Wars.
- American Legion, New York State.
- American Farm Bureau.
- National Council of Catholic Women.
- Knights of Columbus.
- Catholic Daughters of America.
- Lutheran Church, Missouri Synod. (Social Concerns Committee, Commission on Theology & Church Relations).
- General Association of Regular Baptist Churches.
- Mormon Church.
- Church of Christ, dozens of congregations.
- Union of Orthodox Jewish Congregations.
- Union of Orthodox Rabbis.
- Yeshiva University Alumni Association.
- Illinois PTA.
- Texas PTA.
- National School Boards Association.
- Illinois Federation of Women's Clubs.
- Florida Federation of Women's Clubs.
- New York City Federation of Women's Clubs.
- Virginia Federation of Women's Clubs.
- Conservative Party of New York.
- League of Large Families.
- Young Americans for Freedom.
- Young Republican National Federation.
- Women's Christian Temperance Union.
- Daughters of the American Revolution.
- Women For Responsible Legislation.
- Women in Industry.
- American Legislative Exchange Council.
- League of Men Voters.

*Wendell Box 47*

For further information, write

**W.W.W.W.**

1510 MEADOWBROOK DRIVE  
MASON CITY, IOWA 50401

# You Can't Fool Mother Nature



## Equal Rights Amendment

# ERA Will Hurt The Family:

**ERA** will invalidate all state laws which require a husband to support his wife. ERA will impose on women the equal (50%) financial obligation to support their spouses (under criminal penalties, just like husbands).

**ERA** will impose on mothers the equal (50%) financial obligation for the financial support of their infant and minor children.

**ERA** will deprive senior women, who have spent many years in the home as wife and mother, of their present right to be supported by their husbands, and to be provided with a home.

**ERA** will eliminate the present right of a wife to draw Social Security benefits based on her husband's earnings. For a homemaker to receive benefits, her husband would be forced to pay *double* Social Security taxes on the *assumed* value of her services in the home.

**ERA** will compel the states to set up taxpayer-financed child-care centers for *all* children regardless of need. (See Ohio Task Force Report)

**ERA** will deprive state legislatures of all power to stop or regulate abortions at any time during pregnancy. ERA will give women a "constitutional" right to abortion on demand.

**ERA** will legalize homosexual "marriages" and permit such "couples" to adopt children and to get tax and homestead benefits now given to husbands and wives.

# The Mischief Of ERA:

**ERA** is a big power-grab by the Federal Government. It will transfer jurisdiction over marriage, property rights, divorce, alimony, child custody, and inheritance rights out of the hands of the individual states and into the Federal bureaucrats and the Federal courts.

**ERA** will make women subject to the draft on an equal basis with men in all our future wars. ERA will make women and mothers subject to military combat and warship duty.

**ERA** will eliminate all-girls' and all-boys' schools and colleges. ERA will eliminate single-sex fraternities and sororities in high schools and on college campuses.

**ERA** may give the Federal Government the power to force the admission of women to seminaries equally with men, and possibly force the churches to ordain women.

**ERA** will deprive women in industry of their legal protections against being involuntarily assigned to heavy-lifting, strenuous, and dangerous men's jobs, and compulsory overtime.

**ERA** will require police departments to eliminate physical tests and to pass over qualified men so that women will be hired and assigned on a one-to-one basis.

**ERA** will eliminate present lower life insurance and automobile accident insurance rates for women.

# What ERA Will Not Do!

**ERA** will **not** give women "equal pay for equal work," better paying jobs, promotions, or better working conditions. ERA can add nothing whatsoever to the Equal Employment Opportunity Act of 1972.

**ERA** will **not** help women in the field of credit. This has already been mandated by the Equal Credit Opportunity Act of 1974. On the other hand, ERA will take away from wives their present right to get credit in their husband's name.

**ERA** will **not** give women better educational opportunities. This has already been mandated by the Education Amendments of 1972.

**ERA** will **not** help women in athletics, but will require sex-integrated coed nonsense such as the recent order by the Pennsylvania courts that all high schools must permit girls and boys to compete and practice together in all sports including football and wrestling.

**ERA** will **not** protect privacy, but instead will prohibit privacy based on sex in public school restrooms, hospitals, public accommodations, prisons and reform schools.

*With so much to lose and nothing to gain, why take a chance?*

*ERA is a fraud. It pretends to improve the status of women but actually is a big takeaway of the rights women now possess.*

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# the liberated woman

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by ELLEN COHN

## Making History

A couple of years ago, The New Yorker published a cartoon by Dana Fradon that for wit and profundity all-in-one is among the best I know. A man and woman, their chests swelled with pride, are standing beaming before the Declaration of Independence. The man is saying, "If I'd lived back then, I would have signed it too."

It's nice to think so. We'd all like to think we would have done the brave and bold deed, laid our pens and our lives on the line for liberty, made history.



# the liberated woman

by ELLEN COHN

## All About Heroes

"You expect everyone to be a hero," a friend said to me several years ago. I don't know how it came up. My friend wasn't angry but something in his tone was accusing. If nothing else, I was being put on the spot for wanting the impossible.

"That's right," I snapped back although I don't remember if I snapped back out loud.



# the liberated woman

by ELLEN COHN

## Down With DUST

Dust is more certain than either death or taxes. It gets to us every day of our lives. It is *the* reason housework (formerly "woman's work") is never done. It is possible to finish



NEW YORK SUNDAY NEWS • MAY 20, 1973



# The liberated woman

by ELLEN COHN



Ann Wolfe

## An Ecumenical Program Examines New Roles for Women

"These are times of accelerated change for women and they need to affirm for them-

Nuns and the American Jewish Committee, is "the only church-related interfaith women's coalition organized to search for the religious roots of women's liberation." In-

Judaism, Catholicism and Protestantism, as it is of Eastern religions like Buddhism, Hinduism and Islam.

Citino Harris and Gallup polls which in-



Sister Traxler

# the liberated woman

by ELLEN COHN

## Homemakers as Nonworkers

In a recent front page story headlined "The Nonworkers," The Wall Street Journal took a close look at the life of a man named Joe Errera. From that headline you might as-



# the liberated woman

by ELLEN COHN

## Calling a Halt on Runaway Fathers

"An exercise in futility" is how attorney Diana DuBroff termed the process of "pursuing a man who does not want to pay alimony or child support" (The Liberated Woman, Dec. 31).

Representative Gerald R. Ford (R-Mich.) across "State



Rep. Gerald Ford



V. LEIBENS PHOTO  
Shirley Clarke



Kate Millett

# the liberated woman

by ELLEN COHN

## ERA: Six-Month Status Report

When I last wrote about the Equal Rights Amendment in January, 30 of the necessary 38 state legislatures had voted for ratification. Since then, Maine, Montana, and Ohio have voted to ratify and



# The liberated woman

## ERA Status Report

With 1975 not even half over, it's dismaying to report that the Equal Rights Amendment will not become

platforms last fall, did an about-face when they got into office. (One of the principal causes for optimism this year was the election of many candi-

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The text of the Equal Rights Amendment, proposed as the 27th Amendment to the United States Constitution:

*"Section 1. Equality of rights under law shall not be denied or abridged by the United States or by any State on account of sex.*

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

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

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HOLIDAY MAGAZINE

1100 Waterway Boulevard, Indianapolis, Indiana 46202 (317) 634-1100

7 m EPA

12-1-75

Dear Mr. Weidenfeld:

Thank you again for sending  
the EPA info. from Mrs. Ford.  
Here's the article at last.  
(Please see p. 30.) Hope you like it.

Sincerely,

*Anthony J. Hansen*  
Managing Editor



# HOLIDAY

14251

Nov/Dec.  
\$1.00

## JOURNEY TO THE EAST

**Paul Theroux: The Ozora Limited  
Malaysian Stopover  
Hawaii  
New Zealand**

## MUHAMMAD ALI

**Causes Célèbres: Betty Ford,  
Paul Newman, Beverly Sills,  
Cleveland Amory, Carol Burnett**

## AIR FARES

**Higs, Lows, and Open Jaws**

## HOLIDAY EXOTICA

**Mongolian Firepot Dinners  
Love Affair of an Enologist  
Ten Great Christmas Vacations**



# Causes Célèbres

by William McKeen  
Illustrated by Peg Zych

There's something to be said for being famous. People tend to be nice to you—they give you a little leeway. You entertain them and, in return, they show you respect. For instance, no one wants to listen to what Godfrey Hotchkiss has to say when Betty Ford is about to speak her mind.

**HOLIDAY** recently polled a number of celebrities on the subject of pet causes. Some responses, like their authors, were whimsical; others, more serious (when you put your name on the line for a charity, it's no laughing matter).

Betty Ford's special cause is the Equal Rights Amendment, and by now it's no secret that she thinks it should be passed in 1976. "We have struggled throughout our history to advance the American ideal of equality. We are still involved in that struggle today," she says. One of Mrs. Ford's heroines is Susan B. Anthony. "Her work helped pave the way for the adoption of the 19th Amendment to our Constitution and the worldwide recognition of human rights expressed in the charter of the United Nations.

"I keep drilling into my husband's head that women make up 53 percent of the registered voters. I think that's how I get my points across."

Another active feminist stumping for the ERA is Alan Alda, the Emmy Award-winning actor who plays the jaded, hungover Dr. Hawkeye Pierce on TV's *M\*A\*S\*H*.

"It is outrageous to think that 200 years after the founding of the country we are still debating whether we should put a sentence in the Constitution asserting that women are equal. People who say we don't need it aren't accurately stating the case. The debate is good, however. It's becoming clear to all of us just what inequality exists."

Paul Newman and Joanne Woodward like to take time off between films to go to The Wild Places. Their television special earlier this year bore that title and featured spots left in America that are more or less untouched by man. Ecology, for Newman, is "a vital topic. It is man's responsibility to preserve and protect the environment."

When they go camping in their new motor home, the Newmans take their children. "I'm glad we are able to bring Lissy and Clea along," says Newman.

Betty Ford and Alan Alda: ERA  
Don't M\*A\*S\*H the Msguided.

Paul Newman and  
Joanne Woodward:  
Ecology  
Wild and campy.



"It's important for them to be aware of nature and to learn how to live in the open spaces. It's good for all four of us to be outdoors together."

Cleveland Amory's latest book, *Man Kind?*, deals with his favorite cause—animal welfare work.

"I first became involved over 20 years ago, after seeing a bullfight," he says. "I was so appalled that people would applaud such senseless, brutal

cruelty that I determined to use whatever voice and public posture I had to fight for better treatment of all creatures. In 1967, I founded the Fund for Animals which is now one of the largest anti-cruelty organizations in the United States."

Amory serves as the unpaid president of the Fund, which seeks a revision of hunting regulations and the establishment of nature education programs in the schools "that will teach young people sympathy for our fellow creatures