



# The Phyllis Schlafly Report



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## The Hypocrisy of ERA Proponents

Many people are puzzled by the way 16 state legislatures rejected the Equal Rights Amendment during 1975 in spite of the fact that ERA appears to be supported by about 95 percent of the press and a long list of organizations. The explanation of this mystery lies in the great difference between what the ERA proponents say at the hearings held by the state legislatures -- and what they say when they speak in the press and before women's groups. The ERA proponents tell one line to relatively uninformed audiences, but quite another line when they are subject to cross-examination by lawyer-legislators at the hearings. Let us consider some of the areas where ERA proponents are betrayed by their own hypocrisy.

### The Draft and Military Service

When speaking before uninformed women's groups, ERA proponents usually handle this subject with one or more of these arguments: "Oh, you don't think Congress will really draft women, do you?" Or, "All women will not be drafted." Or, "Don't worry, mothers will always be exempted just as fathers have been." Or, "If women are drafted, we won't have any more wars."

When the ERA proponents come before state legislative hearings, of course they cannot make such sleazy arguments that would be an insult to the intelligence of any legislator, lawyer, or other informed person.

Yes, Congress will really draft women if ERA is ratified because the U.S. Constitution is "the supreme law of the land," and Congress must obey it. ERA will forbid Congress, or any other federal or state law or body, to make any difference of treatment based on sex.

Nobody ever said that "all" women will be drafted. But girls of the proper age and in good physical condition *will* be drafted and sent into combat exactly like the men.

The argument that mothers will be exempted as fathers have always been exempted is wholly dishonest when made by any ERA proponent old enough to remember World War II, when fathers up to age 35 were drafted and sent into the fiercest kind of combat. Under ERA, any time fathers are drafted, mothers must be treated exactly the same.

The argument that drafting women will keep us out of war can only be made by those who are ignorant of history. The Arabs were not deterred from attacking Israel

by the knowledge that Israeli women are drafted. And women can even start wars, as Mrs. Indira Gandhi proved when she ordered India's attack on Pakistan.

ERA proponents know they cannot get by before state legislators with such foolish arguments, because the one thing that is indisputable about ERA is that it *will* require federal law and military regulations to give women and men exactly the same treatment. So the ERA proponents adopt an entirely different line. They say: "We want women drafted, and we want them placed in combat; and we don't think women can achieve their full rights in our society until they are treated absolutely equally with men in every job in the military."

At the Virginia hearing, one of the legislators asked a pro-ERA witness: "If we did draft women, don't you think we could assign the women to the safe, non-combat jobs, and leave the actual fighting up to the men?" She replied: "Oh no, because that would discriminate against women and deprive us of our equal opportunity to win a Congressional Medal of Honor!" Unfortunately, most Medal of Honor winners are dead; and the overwhelming majority of American women do not think we were mistreated because we did not have an equal obligation to fight in jungle warfare in Vietnam, and become POWs and MIAs.

The ERA proponents are themselves always either over draft age, or they have no daughters, or they are too young to know what war is all about, or they concede that they personally will be conscientious objectors. They have invariably already exercised *their* freedom of choice to avoid military service, but they are willing to inflict involuntary military duty on all 18-year-old girls in the future.

Alan Alda, the star of the television program "M\*A\*S\*H" whom the ERA proponents imported to Illinois to star as their lead witness at the Senate hearing, expressed himself quite willing for everyone else's daughter to be drafted; but when asked if his three daughters would be conscientious objectors, he replied: "I hope so."

Naturally, when the ERA proponents come into the hearings and tell enthusiastically about how they want ERA so women can be drafted and sent into military combat just like men, the average legislator sits there and thinks, "That surely isn't what the women in my district want." And of course it is *not* what women want. It is absolutely ridiculous to force all women to conform to the demands of the militant women radicals who them-

selves have not the slightest intention of ever serving in the military.

## Employment

When speaking before women's groups and in the press, ERA proponents continue falsely to equate ERA with "equal pay for equal work" and falsely to imply that ERA will give women advantages in the field of employment that they do not now have. These claims are untrue for two reasons: (1) ERA does not even apply to private industry; it applies only to federal and state law; and (2) there is no way that ERA can extend the effect of the Equal Employment Opportunity Act of 1972. This law is completely extensive; it applies to hiring, pay, and promotion, and establishes the enforcement agency called the Equal Employment Opportunity Commission (EEOC).

Under this Commission, women have won multi-million dollar settlements against the largest companies in the country. When they won a \$38 million settlement against AT&T, women got back pay for not having been paid as much as they should have been, back pay for not having been promoted as they should have been, and even back pay for jobs that they did not apply for because they thought they would not get them! What more could any woman want by way of federal legislation to enforce equal employment opportunity?

In any event, ERA will add no new employment rights whatsoever, and it is deceitful for ERA proponents to claim or imply that it will. When ERA proponents make this argument before uninformed audiences, they are merely pandering to the natural assumption of most working women *and* men that they are underpaid.

When the proponents come into the state legislative hearings, where they are subject to cross-examination, it is interesting that they never claim that ERA will do anything for women in the field of employment. They know there is no substance to this argument, and they do not dare to make it. They readily concede under questioning that ERA will *not* help women in the field of employment.

When I debated the leading Congressional proponent of ERA, Congresswoman Martha Griffiths, I made the statement that "ERA will do absolutely nothing for women in the field of employment." She replied, "I never claimed it would." Her concession blows the whole case of the ERA proponents in regard to jobs.

One point should be watched for in connection with ERA and employment. ERA lawyers at several hearings have tried to allege that ERA will give "equal pay for equal work" to federal, state, county, and municipal employees because they are not covered by the Equal Employment Opportunity Act of 1972. This myth was apparently fabricated by someone in the pro-ERA camp, and then circulated for use by speakers who did not do their homework on the subject. In any event, the claim is wholly untrue, as the Equal Employment Opportunity Act of 1972 specifically does cover federal, state, county, and municipal employees.

It can be stated categorically that ERA will *not* give women equal pay for equal work, or any new rights, choices, or opportunities that they do not now have.

## Family Support

When ERA proponents speak before women's groups or in the press, they try to deny that ERA will invalidate

the state laws that require a husband to support his wife and children and provide them with a home. When they come before the state legislative hearings, however, they are forced to admit under cross-examination that ERA will require the financial obligation of family support to be equal between husband and wife. This is the crux of the problem. Since there is no way yet known to make the bearing of children equal between the sexes, it is a grave injustice to the wife to make her equally financially obligated for family support.

The ERA proponents have tipped their hand by the texts of specific bills on family support that they have introduced into various state legislatures. For example, the ERA leader in the Texas legislature, Representative Sarah Weddington, introduced a bill to change the family support law by the addition of a phrase to ensure complete equality. The present Texas law reads: "The husband has the duty to support the wife and the wife has the duty to support the husband when he is unable to support himself." The obligation is thus not equal. In the normal course of events, the husband has the duty to support his wife. The wife has an obligation only if the husband, for some reason, is unable to support himself (illness, incapacity, unemployment, etc.) That is a good statement of the marriage obligation. Mrs. Weddington's bill, however, would amend this law so that it would read: "The husband has the duty to support the wife *when she is unable to support herself* and the wife has the duty to support the husband when he is unable to support himself." (The italicized words are the ones to be added by her amendment.)

When is a wife "unable" to support herself? Only the first week after she has a baby? Or only for 56 days afterwards, as women are given in China? Or only for a few months afterwards, as women get in European Communist countries?

Under the Weddington bill, as under ERA, the wife will lose her present legal right to be supported and her right to be a fulltime wife and mother in the home, and she would be reduced to proving that "she is unable to support herself." It is hard to see how there could be a more devastating effect on the family structure and on the present legal rights of the wife. This is why Senator Sam Ervin called ERA "the most destructive piece of legislation to ever pass Congress."

This Texas bill is not unique. In Illinois the ERA sponsor, Representative Eugenia Chapman, introduced a similar amendment to change the family support law. The Illinois law now reads: "A husband is liable for the support of his wife, and a wife for the support of her husband if he is in need of such support and is, or is likely to become, a public charge." Mrs. Chapman's amendment would change the law to make the husband and wife responsible for each other's support "if either is in need of such support and is, or is likely to become a public charge." This clearly reduces the wife's customary and primary right to financial support down to the level where she has a legal right to support only if she is "in need" or about to go on welfare.

Sometimes the ERA proponents handle the "equality" requirement for family support by replacing the "sexist" terms (man, woman, male, female, husband, wife) with the sex-neutral terms (person, spouse). Thus, after the Colorado family support law was voided by the Colorado courts under the new Colorado *state* equal rights amendment, the legislature changed the Colorado support law to read "person" shall support "spouse", which, as anyone can plainly see, is *not* the same thing at all as "husband" must support "wife".

Now, under Colorado law, the wife shares equally the obligation to support her family, under pain of criminal conviction as a Class 5 felony.

All this *specific* legislation supported by the ERA proponents in the various state legislatures proves that -- despite their denials when they are talking in the press ERA proponents are working assiduously to make the financial obligation for family support fall equally on the wife, and to deprive the wife of her present legal right to be supported by her husband.

The injustice of this was demonstrated anew by a Pennsylvania court decision on April 2, 1975 involving a bastardy case. Under the new Pennsylvania *state* equal rights amendment, the court ruled unconstitutional the Pennsylvania law requiring the father of an illegitimate child to pay the financial expenses and support of the baby. The court voided that law under ERA because it imposes a heavier obligation on the father than on the mother.

So, the woman bears the baby, and the man gets off scot-free. That is the inescapable result of ERA because ERA cannot change the fact of which sex gets pregnant, but ERA can and does change the law about who is responsible for financial support. This is what the ERA proponents are working hard for in the legislatures and in the courts -- all the time they are denying this when they speak in the press or to audiences of married women.

## Homosexual Rights

When ERA proponents are speaking before women's clubs that are reasonably strait-laced and proper, they deny that ERA will grant homosexuals all the rights that now belong to husbands and wives, and profess horror that anyone would use "scare tactics" by mentioning this subject. But when ERA proponents speak before lawyers or respond under cross-examination at state hearings, ERA proponents must admit that ERA will legalize homosexual marriages and give homosexuals and lesbians all the rights of husbands and wives such as the right to file joint income tax returns, to adopt children, to teach in the schools, etc.

Thus, Rita Hauser, New York lawyer and U.S. representative to the UN Human Rights Commission, addressed the American Bar Association at its annual meeting in St. Louis in August 1970 on the subject of ERA and stated: "I also believe that the proposed Amendment, if adopted, would void the legal requirement or practice of the states' limiting marriage, which is a legal right, to partners of different sexes."

At the Texas hearing on rescission of ratification of ERA, held on April 4, 1975, the ERA proponents provided five constitutional lawyers as their witnesses. Four out of five admitted that ERA will legalize homosexual marriages and give them the rights of husbands and wives. The reason for this is clear. ERA would constitutionally forbid any discrimination "on account of sex," and it is precisely "on account of sex" that a state now denies a marriage license to a man and a man, or to a woman and a woman.

## The Federal Grab for Power

When talking before women's groups and the press, the ERA proponents vigorously deny that Section 2 of ERA is a grab for power at the federal level. Section 2 says that "Congress shall have the power to enforce" ERA. However, under cross-examination at state legislative hearings, the ERA proponents must admit that Section 2, indeed, will authorize Congress, the federal

bureaucracy, and the federal courts to intervene to impose their interpretation of "equal rights" on all of us.

Thus, Congresswoman Martha Griffiths, in testifying before the Missouri hearing on January 28, 1975, admitted under cross-examination: "The intent of Section 2 is to make state laws uniform."

"Uniformity" in state laws, of course, is not our American system of government. We have differences among state laws in regard to taxes, criminal laws, property laws, contract laws, election laws, etc. If you don't like the high taxes and high crime rate in New York, you are free to move to a low-tax and low-crime state.

Most of the 16 states that have rejected ERA have state laws that give wives superior rights which they will lose if ERA is ratified. These superior rights, which vary from state to state, include the right of a wife to inherit a large part of her husband's property while she has the right to dispose of her property as she wishes, and the immunity a wife has from her husband's debts while he has no such immunity from her debts.

Florida has a law that gives a small tax advantage to widows, and this superior right was recently upheld by the U.S. Supreme Court. ERA will, of course, wipe this out. It is a measure of the hypocrisy of the ERA proponents that their lawyers cite this case in *other* state hearings as an example of the "injustices" that ERA will get rid of. ERA proponents do not, of course, use this example when they are speaking in Florida.

ERA proponents try to allay the fears of those who worry about the longterm effect of Section 2 by saying that Section 3 gives the state legislatures two years in which to bring their state laws into line. Estimates of the number of state laws in each state that would have to be changed under ERA range from 150 to 400. But under cross-examination, ERA proponents must admit that, if the state legislatures don't conform within the two-year period, then the federal government (either through Congress or the bureaucracy or the courts) will step in and require equality on the terms that the federal government determines.

ERA is thus a tremendous transferral of power from the states to the federal government, and a possible two-year delay in enforcement will not change that fact.

## Abortion

Before the general public and pro-life audiences, ERA proponents deny that ERA has anything to do with abortion, and again profess horror and amazement that anyone would try to link the two issues. But when they are testifying before legislative hearings, it is a different story.

Thus, when Sarah Weddington, the ERA leader in the Texas legislature and the lawyer who argued the case in the U.S. Supreme Court for the abortionists, testified before a U.S. Senate Subcommittee on April 11, 1975, she said that enactment of the proposed Human Life Amendment would deny the ERA principle that women have a right to "all choices." That is the code expression for abortion -- just as "different lifestyles" and "the right to be different" are the code words for homosexuals.

When Congresswoman Bella Abzug talks about "the constitutional right of females to terminate pregnancies that they do not wish to continue," she is talking about the effect of ERA. There is *no* such "constitutional right" today. There is only the "Supreme Court right" which flows from the split *Roe v. Wade* decision of January 22, 1973. The abortionists are confidently expecting that ERA will "constitutionalize" this decision and make it impossible to overturn.

# Who Will Profit From ERA?

The state legislative hearings have conclusively proven that there is *no* affirmative case for ERA. It will give women *no* new rights, benefits, or opportunities. Every argument that the ERA proponents make before women's groups and in the press can be fully demonstrated to be false, obsolete, or irrelevant.

Why, then, is there such a tremendously well-organized and well-financed drive for ERA? Who, really, will benefit? Or, in the famous Latin phrase, *cui bono*? Women will lose, families will lose, society will lose -- but certain militant minority pressure groups will profit, and that is where the money and push come from.

**1. Government employees, particularly federal employees.** Certain federal payrollers see in ERA a tremendous opportunity to increase their jurisdiction, their control over our lives and activities, the size of their staffs, and the amount of tax money they have available to spend. Section 2 of ERA is a gigantic grab for power into the hands of the government. This is why so much federal and state tax money is now being spent to push passage of ERA before too many people find out about its dangers.

It is rather well known that the American people have reached just about the maximum of the tax load that they are willing to bear. Every time they get a chance to vote against higher taxes, tax increases are defeated. The advocates of more spending and control by the government are desperate to find new sources of revenue. If they can get all the women out of the homes and into paid employment, this will give the government an enormous new source of additional tax revenue.

**2. The homosexuals and the lesbians.** Every gay group in the country is supporting speedy ratification of ERA because they see in ERA the chance to get all the rights that husbands and wives now enjoy. Homosexuals have generally been unable to obtain these benefits through the normal legislative process at the Congressional, state, or local level. ERA will make it constitutionally impermissible to discriminate on account of sex, and make it constitutionally impossible to deny their radical demands.

**3. The abortionists.** The drive for unrestricted, unre-

gulated, and government-financed abortion is the major objective of the women's liberation movement. They look upon a woman's susceptibility to becoming pregnant as the greatest of all injustices between men and women, and they look to the Constitution to remedy the centuries of "oppression" caused by this biological fact. They support ERA as the essential step in establishing abortion as an act that is constitutionally and psychologically normal. All abortionists support ERA.

**4. The population-control advocates.** The powerful lobby working for Zero Population Growth supports ERA for the reason that it will have the longterm result of pushing wives out of the homes into the work force, and this will result in their having fewer children. The Rockefeller Commission on Population Growth, which has been a major source of funding for the population-control lobby, has made this clear. In its 1970 report, the Rockefeller Commission urged the adoption of ERA for the reason that it will "neutralize the legal, social, and institutional pressures that historically have encouraged childbearing."

**5. The radical groups seeking to force the churches to ordain women and admit them to the seminaries in equal numbers with men.** Churches today have full freedom of choice; they can ordain or not ordain women, as they wish and as their doctrine teaches. This is not acceptable to the radical women's libbers. They want to use the power of the federal government to *force* the churches to stop "discriminating" against women and force them to start ordaining women -- or else forfeit their tax exemption. They are **planning** endless litigation against church officials in every denomination, if they decline to acquiesce in the demands of the radical minority.

**6. Those who want to weaken our military defenses.** ERA will absolutely require the military to remove its quota on the percentage of women, to take women in equal numbers with the men, and to assign women indiscriminately to all jobs including combat. ERA will require the military academies to admit women on a 50/50 basis; ERA will not tolerate "tokenism" as is envisioned by the laws presently proposed in Congress.

ERA will require a 50/50 coed army and navy.

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