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The Fraud Called The Equal Rights Amendment

If there ever was an example of how a tiny minority can cram its views down the throats of the majority, it is the Equal Rights Amendment, called ERA. A noisy clique of women's lib agitators rammed ERA through Congress, intimidating the men into voting for it so they would not be labeled "anti-woman."

The ERA passed Congress with big majorities on March 22, 1972 and was sent to the states for ratification. When it is ratified by 38 states, it will become the law of the land. Within two hours of Senate passage, Hawaii ratified it. New Hampshire and Nebraska, both anxious to be second, rushed their approval the next day. Then in steady succession came Iowa, Idaho, Delaware, Kansas, Texas, Maryland, Tennessee, Alaska, Rhode Island, and New Jersey. As this goes to press, 13 states have ratified it and others are on the verge of doing so.

Three states have rejected it: Oklahoma, Vermont and Connecticut.

What is ERA? The Amendment reads: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

Does that sound good? Don't kid yourself. This innocuous-sounding amendment will take away far more important rights than it will ever give. This was made abundantly clear by the debate in Congress. Senator Sam Ervin (D., N.C.) called it "the most drastic measure in Senate history." He proved this by putting into the *Congressional Record* an article from the *Yale Law Journal* of April 1971.

The importance of this *Yale Law Journal* article is that both the proponents and the opponents of ERA agree that it is an accurate analysis of the consequences of ERA. Congresswoman Martha Griffiths, a leading proponent of ERA, sent a copy of this article to every member of Congress, stating that "It will help you understand the purposes and effects of the Equal Rights Amendment. . . . The article explains how the ERA will work in most areas of the law."

Another leading supporter of ERA, Senator Birch Bayh, inserted a copy of the *Yale Law Journal* article in the *Congressional Record*, declaring it to be a "masterly piece of scholarship."

Senator Sam Ervin, the leading opponent of ERA, agrees that the *Yale Law Journal* article is accurate. It is probably the definitive analysis of what the consequences will be. The following quotations are from this *Yale Law Journal* article and are identified as YLJ.

1. ERA will wipe out the financial obligation of a husband and father to support his wife and children --

the most important of all women's rights.

"In all states husbands are primarily liable for the support of their wives and children. . . . The child support sections of the criminal nonsupport laws . . . could not be sustained where only the male is liable for support." (YLJ, pp. 944-945)

"The Equal Rights Amendment would bar a state from imposing greater liability for support on a husband than on a wife merely because of his sex." (YLJ, p. 945)

"Like the duty of support during marriage and the obligation to pay alimony in the case of separation or divorce, nonsupport would have to be eliminated as a ground for divorce against husbands only. . . ." (YLJ, p. 951)

"The Equal Rights Amendment would not require that alimony be abolished but only that it be available equally to husbands and wives." (YLJ, p. 952)

2. ERA will wipe out the laws which protect only women against sex crimes such as rape.

"Courts faced with criminal laws which do not apply equally to men and women would be likely to invalidate the laws rather than extending or rewriting them to apply to women and men alike." (YLJ, p. 966)

"Seduction laws, statutory rape laws, laws prohibiting obscene language in the presence of women, prostitution and 'manifest danger' laws. . . . The Equal Rights Amendment would not permit such laws, which base their sex discriminatory classification on social stereotypes." (YLJ, p. 954)

"The statutory rape laws, which punish men for having sexual intercourse with any woman under an age specified by law . . . suffer from a double defect under the Equal Rights Amendment." (YLJ, p. 957)

"To be sure, the singling out of women probably reflects sociological reality. . . . But the Equal Rights Amendment forbids finding legislative justification in the sexual double standard. . . ." (YLJ, p. 958)

"Just as the Equal Rights Amendment would invalidate prostitution laws which apply to women only, so the ERA would require invalidation of laws specially designed to protect women from being forced into prostitution." (YLJ, p. 964)

"A court would probably resolve doubts about Congressional intent by striking down the [Federal White Slave Traffic -- Mann Act]." (YLJ, p. 965)

3. ERA will make women subject to the draft and to combat duty equally with men.

"The Equal Rights Amendment will have a substantial and pervasive impact upon military

practices and institutions. As now formulated, the Amendment permits no exceptions for the military." (YLJ, p. 969)

"Women will serve in all kinds of units, and they will be eligible for combat duty. The double standard for treatment of sexual activity of men and women will be prohibited." (YLJ, p. 978)

"Neither the right to privacy nor any unique physical characteristic justifies different treatment of the sexes with respect to voluntary or involuntary service, and pregnancy justifies only slightly different conditions of service for women." (YLJ, p. 969)

"Such obvious differential treatment for women as exemption from the draft, exclusion from the service academies, and more restrictive standards for enlistment will have to be brought into conformity with the Amendment's basic prohibition of sex discrimination." (YLJ, p. 969)

"These changes will require a radical restructuring of the military's view of women." (YLJ, p. 969)

"The Equal Rights Amendment will greatly hasten this process and will require the military to see women as it sees men." (YLJ, p. 970)

"A woman will register for the draft at the age of eighteen, as a man now does." (YLJ, p. 971)

"Under the Equal Rights Amendment, all standards applied through [intelligence tests and physical examinations] will have to be neutral as between the sexes." (YLJ, p. 971)

"Height standards will have to be revised from the dual system which now exists." (YLJ, p. 971)

"The height-weight correlations for the sexes will also have to be modified." (YLJ, p. 972)

"[Deferment policy] could provide that one, but not both, of the parents would be deferred. For example, whichever parent was called first might be eligible for service; the remaining parent, male or female, would be deferred." (YLJ, p. 973)

"If the rules continue to require discharge of women with dependent children, then men in a similar situation will also have to be discharged. . . . The nondiscriminatory alternative is to allow both men and women with children to remain in the service and to take their dependents on assignments in noncombat zones, as men are now permitted to do." (YLJ, p. 975)

"Distinctions between single and married women who become pregnant will be permissible only if the same distinction is drawn between single and married men who father children." (YLJ, p. 975)

"Thus, if unmarried women are discharged for pregnancy, men shown to be fathers of children born out of wedlock would also be discharged. Even in this form such a rule would be suspect under the Amendment, because it would probably be enforced more frequently against women. A court will therefore be likely to strike down the rule despite the neutrality of its terms, because of its differential impact." (YLJ, p. 975)

"Women are physically as able as men to perform many jobs classified as combat duty, such as piloting an airplane or engaging in naval operations. . . . There is no reason to prevent women from doing these jobs in combat zones." (YLJ, p. 977)

"No one would suggest that . . . women who serve can avoid the possibility of physical harm and assault. But it is important to remember that all combat is dangerous, degrading and dehumanizing." (YLJ, p. 977)

4. ERA will wipe out the right of the mother to keep her children in case of divorce.

"In 90 per cent of custody cases the mother is

awarded the custody. The Equal Rights Amendment would prohibit both statutory and common law presumptions about which parent was the proper guardian based on the sex of the parent." (YLJ, p. 953)

5. ERA will lower the age at which boys can marry.

"Physical capacity to bear children can no longer justify a different statutory marriage age for men and women." (YLJ, p. 939)

6. ERA will wipe out the protections women now have from dangerous and unpleasant jobs.

"There is little reason to doubt, therefore, that courts will invalidate weightlifting regulations for women under the Equal Rights Amendment." (YLJ, p. 935)

"States which grant jury service exemption to women with children will either extend the exemption to men with children or abolish the exemption altogether." (YLJ, p. 920)

A librarian at the University of California Library, Mrs. Laurel Burley, has made a deep study of the drastic consequences of ERA on labor laws which provide advantages for working-class women. She states that: "The major danger in the proposed ERA lies in the fact that it would in one fell swoop invalidate all protective legislation enacted by the States to protect working women from exploitative employers. . . . Protective legislation not only sets maximum hours and minimum wage standards, but also mandates such provisions as rest areas, toilet facilities, elevators, adequate lighting and ventilation, rest and meal breaks (including the right to eat one's meal away from the immediate work area), adequate drinking water (important for women and children who are farm workers), and protective garments and uniforms." (*Congressional Record*, March 22, 1972, p. S4577)

7. ERA will wipe out women's right to privacy.

Professor Paul Freund of the Harvard Law School testified that ERA would be absolute and "would require that there be no segregation of the sexes in prison, reform schools, public restrooms, and other public facilities."

Professor Phil Kurland, Editor of the *Supreme Court Review* and a Professor of Law at the University of Chicago Law School, testified before the Senate Judiciary Committee, and here is the colloquy:

"*Senator Ervin.* The law which exists in North Carolina and in virtually every other state of the Union which requires separate restrooms for boys and girls in public schools would be nullified, would it not?"

"*Professor Kurland.* That is right, unless the separate but equal doctrine is revived."

"*Senator Ervin.* And the laws of the states and the regulations of the Federal government which require separate restrooms for men and women in public buildings would also be nullified, would it not?"

"*Professor Kurland.* My answer would be the same."

Senator Ervin then concluded: "A few examples in our society where the privacy aspect of the relationship between men and women would be changed are: (1) Police practices by which a search involving the removal of clothing will be able to be performed by members of either sex without regard to the sex of the one to be searched. (2) Segregation by sex in sleeping quarters of prisons or similar public institutions would be outlawed. (3) Segregation by sex of living conditions in the armed forces would be outlawed. This includes close quarter living in combat zones and foxholes. (4) Segregation by sex in hospitals would be outlawed. (5) Physical exams in the armed

forces will have to be carried out on a sex neutral basis." (*Congressional Record*, March 22, 1972, p. S4578)

Do Women Want ERA?

One of the great myths put over on the politicians is the illusion that American women want the Equal Rights Amendment. The majority certainly do *not* want ERA.

The only detailed poll ever taken on women's opinions on the ERA was done by Elmo Roper in September 1971. Here are the results:

In the Roper Poll, 77 per cent of American women *disagree* "that women should have equal treatment regarding the draft." Yet, the Congressional debate and the *Yale Law Journal* article confirm that ERA will positively cause women to be drafted and to serve in combat.

In the Roper Poll, 83 per cent of American women *disagree* that "a wife should be the breadwinner if a better wage earner than husband." Yet, the Congressional debate and the *Yale Law Journal* article confirm that ERA will eliminate a man's obligation to be the breadwinner and support his wife and children.

In the Roper Poll, 69 percent of American women *disagree* that "a divorced woman should pay alimony if she has money and her husband hasn't." Yet, the Congressional debate and the *Yale Law Journal* confirm that ERA will make women and men equally liable for alimony.

The February *Phyllis Schlafly Report* called "What's Wrong With Equal Rights For Women?" drew the biggest response in the five-year history of this newsletter. This is just additional confirmation of the fact that American women do *not* want to be reduced to the level of "equal rights."

On April 19, 1972, Phyllis Schlafly appeared on a one-hour television program called the Phil Donohue Show, aired in 42 cities. The live studio audience was 98 per cent against women's lib and the Equal Rights Amendment.

Most interesting was the flood of fan mail which resulted from the show, also 98 percent against women's lib and the Equal Rights Amendment. Because these fan letters represent a spontaneous outpouring of opinion from women in all walks of life -- who are not politically active in any way, but are just average American women who happened to have their television sets on that morning -- we are reprinting excerpts below.

From Phyllis' Mail Box

"I certainly found your ideas, as voiced on the Phil Donohue Show, terrifically stimulating... and I couldn't agree with you more! You seem to represent the dignity of womanhood, as well as the beauty of motherhood in the traditional sense.... Thank you for pointing out the pitfalls of the Equal Rights Amendment. Please send me your Reports." R.D.B.

"I served ten years in the Middle East and North Africa as a State department employee. Therefore, I was able to see first hand the plight of women there. Your statement that American women are the most favored in all of history is well taken. I found myself in full agreement with your statements on women's lib and the Equal Rights Amendment.... Surely your husband and children must be the most fortunate of persons. Keep up the good work!" --C.E.R.

"I was thoroughly impressed and delighted by your presentation on the Phil Donohue program. At last we have an intelligent and articulate 'executive homemaker' speaking up for the less popular view of the role of the American woman in today's society. Your refreshing attitude inspired me to write to six

legislators informing them of my total opposition to the ratification of the Equal Rights Amendment.... I am 19 years old and single.... I look forward to the day when I will become a wife, homemaker and mother. Until then, I am having a ball. I have an interesting job and am involved politically and socially. Best of all, some young doctors, attorneys and various other 'male chauvinist pig' gentlemen wine me and dine me every weekend. By the way, they all are favorably impressed with my attitude toward marriage and society. Heck, I am thrilled that we have women's lib -- it certainly cuts down on the competition.... Keep up the good work and continue to encourage women to write to legislators against ERA." --K.F.

"Just caught the Phil Donohue Show and thought-- at last, here is a woman who is speaking for us women who are homemakers and who feel already very liberated.... You were a delight. Thanks." --F.G.

"I just finished watching you on the Phil Donohue Show and thought I would write and let you know I am behind you 100%. Incidentally, I watched you on my lovely Danish modern walnut home entertainment unit, which my husband presented me a few years ago for Mother's Day. We aren't rich. Just an average family. My husband saved for months to surprise me. We are one of the families you referred to where, if the wife tries to treat her husband like a king, the husband will treat her like a queen. Since I can't be rewarded always with an expensive item, I have been also rewarded with more things that are dearer to my heart, such as a hug, a kiss, or a specially kind word.... Keep up the good work. And I do appreciate your representing women such as myself." --J.R.C.

"I just finished watching you on the Phil Donohue show and wanted to tell you I agree with your views and hope you continue to voice your opinions." --C.B.

"Thank God, I finally found someone like you. I've been looking for someone to help me fight this Equal Rights Amendment.... Please tell me what more I can do.... I believe that the women's libbers are mostly single women who never had a good man and probably don't want a man. Why should we satisfied mothers and housewives have to sit by and let these women speak for us? I know what is good for me. I don't want to be 'liberated'. I have a saint of a husband I love very much, and I love being a woman.... Our daughters and their daughters are the ones who will really suffer and feel the terrible blow of the Equal Rights Amendment if it passes. It must be stopped." --F.R. (Mrs. and proud of it)

"I just finished watching you on the Phil Donohue Show. I agree with you that women's liberation is destroying the family. I have been married three years, have a son 14 months old, and I am 25. I worked for five years before I was married and a year after. I am now a fulltime wife and mother and love every minute.... I have never marched or even written a letter before on women's lib, so you know I must feel very strongly about this matter to write you." --J.N.

"Just heard you on the Phil Donohue show. Terrific!" --D.J.C.

"Before, whenever I heard or read about equal rights, it was glamorized. Equal rights has a nice ring, but hides a serious threat. I'd like to believe it couldn't happen, but it has already happened in 12 states.... I plan to bring the subject up at the next get-together of the girls." --C.B.

"As for being liberated, I am content to stay home and take care of my family.... It is beyond me how some women can complain of being bored at home. I have raised seven children, three of whom are still at

home, and now I have time for a great number of creative projects. In the course of one week, I am able to do all these things: Practice the piano. Am taking a refresher course in typing and shorthand. Besides all the duties of being wife, mother and grandmother, I knit, crochet, attend a math class two hours a week, refinish old furniture, sing in a choir, and belong to a group helping the mentally retarded. I am interested in all levels of government and would even like to run for city council." --F.C.

"I'm sorry if I have misspelled your name. But I do want to say how much I appreciate the work you are doing. How we need women like you to speak out against the radical element of women who would destroy our God-given rights. God bless you as you speak out." --G.T.

"What, if anything, can the many of us happily married (already liberated) women do to keep our rights from being taken away from us? I am anxious for your reply and am behind you 100%." --P.B.

"Can we form some women's organizations to make an outcry to counter the vocal women's lib groups?" --L.K.

"Thank you for expressing my feelings on the Phil Donohue Show. May all the women of America recognize women's liberation for what it is. Please let me know if there is any organization in this area representing your ideas I could volunteer my services to." --R.A.B.

"I saw you on the Phil Donohue Show today and I thought you were terrific. I would certainly like to work for and with you. I am happily married and have four young children.... My husband thinks you're great, too!" --R.J.D.

"I saw you on the Phil Donohue Show and all I can say is Hooray for you. I deeply resent a small bunch of women trying to free me when I have never been enslaved.... I believe life is what you make it. --R.P.

"When I started watching the Phil Donohue Show this morning, I was furious with disagreement, but as I listened to what you had to say about the Equal Rights Amendment, I changed my mind.... I believe women's libbers are getting into something they wish they had not. Thank you for your help." --K.A.P.

"I heard your comments this morning on the Phil Donohue Show. I must say that what you said on that program summed up my feelings on women's lib, homemaking, and especially the Equal Rights Bill. Mrs. Schlafly, I am 25 years old, a happy wife and mother, a college graduate, and now I'm realizing I have an interest in politics. I'm angered and disgusted to think my daughter will have to go to war. ... I cannot believe our great nation caters to such a few raucous demonstrators. It seems the louder one screams, the quicker one will be heard. Well, I'm ready to scream, too." --A.D.

One critical letter came in. The writer was against husbands being required to support their wives financially, and was in favor of women being drafted as they are in Russia and Red China. The writer, of course, was a man.

What Can You Do?

To abolish unreasonable and unfair discriminations against women is a worthy goal which can be achieved by specific legislation and by application of the Equal Protection Clause of the Constitution. To resort to the Equal Rights Amendment for this purpose is about as unwise as using an atomic bomb to exterminate mice.

The ERA will not promote women to better jobs, will not elect more women to public office, and will not convince men they should help with the

housework. It will cause massive disruption of our military defense and chaos in our laws. Just think, for example, of the dislocations caused by the fact that ERA will "prohibit the states from requiring that a child's last name be the same as his or her father's." (YLJ, p. 941)

Most important, ERA will deprive the American woman of her most cherished right of all -- the right to stay home, keep her baby, and be supported by her husband.

What can you do? Well, if you live in Hawaii, New Hampshire, Nebraska, Iowa, Idaho, Delaware, Kansas, Texas, Maryland, Tennessee, Alaska, Rhode Island, or New Jersey, you are too late to do anything. The women's libbers were too fast for you.

If you live in Oklahoma, Vermont or Connecticut, you can congratulate yourself that you have women who were ready for the battle when it was thrust upon them.

If you live in one of the other states, run, don't walk, to the home of your most effective and persuasive woman friend. Take this *Report* with you and discuss it with her. The February *Phyllis Schlafly Report* gives additional background information.

Then, telephone your own State Legislator. Find out if your State Legislature is in session. If it is, find out the days of the week that the Legislators are in their offices at the State Capitol (usually Tuesdays and Wednesdays are the best). Then, you and your friend, and a couple of other women should go to the State Capitol and talk personally to every State Legislator, using the arguments given in this *Report*. It would be best if you use these arguments as your own and in your own words, rather than giving them some piece of literature. You only need a handful of women to do the job because, remember, you are speaking for the majority. Good luck!

One more thing you can do is to use these arguments to request "equal time" on any television or radio program which presents the women's libbers or other advocates of the ERA. One of our readers successfully used the February *Phyllis Schlafly Report* to request equal time on the Phil Donohue Show. You can do this, too!

Phyllis Schlafly Receives Two Awards

Phyllis Schlafly was honored by the Military Affairs Committee of the Chamber of Commerce of Memphis, Tennessee on April 11. At a Rotary Club Luncheon, she was presented with a beautiful silver tray inscribed "for her enduring patriotic efforts to make America strong and safe."

On April 27, Phyllis was a charter recipient of the "Tres Bien" Award given by her high school in St. Louis. This Award will hereafter be given annually by the Villa Duchesne—City House Alumnae Association in St. Louis.

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