



# The Phyllis Schlafly Report

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## ERA: All Dressed Up with No Place to Go

Congress and a few state legislatures are holding staged hearings on the failed Equal Rights Amendment (ERA), a relic from the 1970s like disco music and long lines at gas stations. Almost no one wants to return to that era, or to resurrect the long-buried ERA.

But a few dinosaurs never got over their defeat, and a few newbies do not understand why ERA lost. The House Judiciary Committee held a one-sided hearing on April 30 to reintroduce this amendment although it has no chance of garnering a 2/3rds supermajority in either house of Congress.

Apparently someone noticed that the original ERA lacked the word “women,” and would not have done anything for them. Instead, as Phyllis Schlafly pointed out in defeating it, ERA would have harmed women in numerous ways, including requiring them to register for military service just like men.

This time around, the newly introduced ERA begins with a specific reference to women in addition to its original phrase “on account of sex.” The new wording is silent about transgenders and sexual orientation, but pro-ERA witnesses at the House hearing declared that ERA’s language would protect them too.

Americans are more aware today of the havoc that courts can cause with judicial activism, which Phyllis Schlafly called judicial supremacy. ERA would authorize liberal judges to strike down any law or government program benefiting women or making reasonable, fact-based distinctions between the sexes.

Women’s shelters, for example, would no longer be permissible under ERA any more than a shelter could be segregated by race. Homeless men would have a constitutional right to stay in women’s shelters.

Young men could demand a right to play in women’s sports, especially those in public colleges and high schools. If girls’ swimming, basketball, field hockey, and other sports are open to boys, it would ruin the fair opportunity for girls to compete in athletics.

Taxpayer-funded abortion, a litmus test for radical feminists, fell just one vote short of becoming a constitutional right in a 1980 decision of the Supreme Court. If ERA became part of the Constitution, federal courts would impose taxpayer-funded abortion nationwide.

Some say the feminists have achieved much of their agenda without the Equal Rights Amendment. After all, Hillary Clinton nearly became president, numerous women are running for president in 2020, and there is no shortage of women in Congress and corporate boardrooms.

But feminists are still not happy, because most women still prefer to care for their children even if that reduces their career opportunities. Stay-at-home moms are respected today, and American women stay home in higher percentages than in comparable industrialized nations.

Phyllis Schlafly rightly saw ERA as a threat to young women who want to start a family with a husband as the primary breadwinner. Phyllis’s unique message about the need to protect a woman’s right to make that choice first took root in 1975, after which only one state ratified ERA before its expiration.

In that same year of 1975 the percentage of women aged 16-24 in the workforce began to level off. Since 2000, the percentage of all women participating in the workforce has fallen as more choose to stay at home.

Without ERA, the Soviet-style practice of the average woman having multiple abortions so that she can return immediately to the workforce never transpired here. We were spared another feminist goal, also borrowed from the old Soviet Union, of having children raised in government daycare centers at taxpayer expense.

Without ERA, we are still allowed to have all-girl public schools and classes, which studies show produce high-achieving women. More than a thousand girls annually attend the Philadelphia High School for

Girls, which has thrived since 1848 and has produced many women judges, prominent musicians, and other standouts.

Sensing that a new ERA has no chance of being passed by a supermajority in Congress, radical feminists are also trying to push the original ERA through state legislatures even though its deadline expired more than 40 years ago. The original ERA required 38 states to pass it by March 22, 1979, to become part of the Constitution.

Many states expressly relied on that deadline in their own resolutions, which means those old ratifications have expired. Congress attempted to extend the deadline until June 30, 1982, but a federal judge declared that to be invalid.

Nearly every time that ERA was placed on the ballot, voters rejected it, including in the liberal states of Vermont, New York, and New Jersey. ERA fell out of fashion in the mid-1970s, and is even less fashionable today.

## **Nuclear Option Needed to Confirm Judges**

The vast majority of President Trump's nominees to the federal district courts have been blocked by Democrats in the Senate. Some of them have languished for more than a year, without an up-or-down floor vote on their confirmation.

Last month, Democrats rejected a fair compromise offered by Senate Republicans to break the logjam. On a nearly party-line vote, the Senate killed Senate Resolution 50 which would have established a new procedure to facilitate timely confirmation of nominees approved by the Senate Judiciary Committee.

Sixty votes were needed to advance S.Res. 50, and even though Republicans enjoy majority control of the Senate they cannot muster the super-majority to attain cloture on changing the rules for nominees. So this left Majority Leader Mitch McConnell with only the nuclear option to overcome Democrat obstructionism.

While the Senate has promptly confirmed Trump's nominees to the Courts of Appeal and the Supreme Court, Democrats have blocked dozens of excellent nominees to the lower courts. There are an astounding 133 vacancies today in federal district courts and 13 more vacancies will arise soon.

But under Senate rules, Democrats were able to force several days of delay in confirming each district court judge whenever any senator wants to stall it. At this rate, President Trump would be denied his ability to fill a significant percentage of the trial court vacancies and Democrats hope keep these vacancies unfilled until after the next presidential election.

District courts are the tribunals that conduct all federal trials and they are where the vast majority of federal judiciary decisions are made. These are the courts that have repeatedly issued injunctions against President Trump, which he then has to run up on appeal to get them overturned months later.

It is federal district courts which issue injunctions in favor of Planned Parenthood virtually any time it demands them. It can take years to overturn those injunctions on appeal and often the appellate court simply remands the case back to the same district court, which then rules for Planned Parenthood again.

This means that while the U.S. Courts of Appeal have the last say in many cases, the federal district courts are the place where most litigation occurs. As a practical matter, continued liberal control of the district courts means never-ending judicial activism.

So it is not surprising that Democrats have done everything they can to continue their grip on the district courts. By causing seemingly endless hours of debate on each and every district court nominee, Democrats have frustrated the ability of President Trump to obtain confirmation of his judges at the trial level.

Democrats have obstructed district court nominees to such an extent that it has taken an average of 133 days – more than a third of a year – for the Senate to vote on a nominee after approval by the Senate Judiciary Committee. The non-partisan Congressional Research Service found that 37 district court nominees still await a floor vote after approval by the Judiciary Committee.

Mississippi is another conservative state which has not had a single Trump judge appointed to a federal district court there. One vacancy has been pending for more than a year in its Southern District and another vacancy is expected there at the end of this month.

In Texas, another solidly Republican state, its Southern District, which includes Houston, has three vacancies. The Northern District of Texas, which includes Dallas, has five vacancies and five nominees by President Trump await confirmation by the Senate.

Senator Mitch McConnell expressed his justified frustration about this obstinance by the Democrats. He observed that their intransigence on these district court nominees “is unsustainable for the Senate and for the country,” and warned that it does not bode well for a future Democratic president either, because Republicans would return the favor in blocking his nominee.

If Democrats had supported Senate Resolution 50, then this gridlock on judges could have been amicably and sensibly resolved. S.Res. 50 would have shortened the post-cloture time for a floor vote on presidential

nominees, which means that Trump's nominees could be brought to a vote without undue delay.

By rejecting this compromise, Democrats have made the nuclear option necessary to shut down the endless filibustering of these good Trump nominees. Majority Leader McConnell should next implement this option to proceed, with only a simple majority vote, to change the rules in order to hold timely floor votes on Trump's district court nominees.

## **Gas Tax Hike: Dumber than Dumb**

Still smarting from how President Trump crushed its phony free trade agenda, the U.S. Chamber of Commerce has come up with something even dumber. Led by its anti-Trumper president Tom Donohue, the Chamber has proposed a 25-cent increase in the federal gas tax.

William Weld, who just announced his absurd challenge to Trump for the Republican nomination, presided over a gas tax increase when he was governor of Massachusetts in 1991. That state became known as Taxachusetts with a massive exodus of residents following Weld's unhappy tenure.

Yet already some liberal Republicans are biting the bait of increasing the taxes on gas. If adopted, this would facilitate a Democratic landslide in 2020.

Gas taxes are immensely unpopular with President Trump's middle-class supporters, many of whom drive long distances to support their families. They also tend to go on driving trips, such as family summer vacations, and a gas tax increase would disrupt their plans.

Limousine liberals and government workers would barely feel the pinch of a gas tax as they ride the taxpayer-funded D.C. Metro. They would be fine with higher gas taxes, while swing voters who decide elections are hit the hardest.

A large share of the gas tax is diverted to subways, trains and buses. Car drivers who already pay enormous state and federal taxes should not be forced to further subsidize public transportation.

The federal gas tax is currently 18.4 cents a gallon, and all the states tack on a whopping additional tax of their own. In Pennsylvania, its state gas tax is an additional 58.2 cents a gallon.

The "yellow vest" demonstrations that have turned Paris upside down were primarily a protest against high gas taxes in France. Even in liberal Washington State, its voters defeated a carbon tax by 56 to 44 percent last November, and by a wider margin in 2016.

The wasteful way that government fails to maintain

roads is the real problem, and hiking gas taxes will not repair that. A familiar sight on interstate highways is the many construction sites that lack real work activity, diverting traffic longer than they should.

In this era of Uber and Lyft, electric and hybrid vehicles, as well as humongous tandem tractor trailers, the gasoline tax is no longer a fair way to pay for our highways. Roads should be funded by those who use them, with variable fees that depend on cost and time of day.

The Dulles Greenway in Virginia is an example of a successful private highway which connects Washington Dulles Airport to Leesburg, Virginia. It has an electronic system for collecting tolls from riders, who enjoy its convenient and efficient access.

In this 21st century, drivers can pay electronically with their smartphones based on their GPS-tracked travel. That efficiency would help deter the massive commuter traffic jams that currently plague our public highways.

The practice of some cities, such as Chicago, to enter into long-term leases of its roads to a foreign owner is not the right approach. A consortium of Canadian pension funds owns the Chicago Skyway toll road, which may be preferable to government ownership but raises questions as to why an American owner was not found for it.

Politicians who have suggested a national carbon tax are not popular either, and anti-Trump Rep. Carlos Curbelo (R-FL) was defeated for reelection after he endorsed that bad idea. A carbon tax is on the amount of carbon in energy sources, primarily fossil fuels.

The same concept of increasing the gas tax is already being pursued by liberal states such as California, Illinois, and New Jersey. Each of those states have enacted or are considering sharp increases in their own state gas tax, in addition to the federal tax.

In New Jersey, the gas tax was increased by 23 cents a gallon in 2016, and then an additional 4.3 cents last year. Yet another gas tax increase there is possible later this year, with little to show for it except angrier drivers.

In California, where prices already average an eye-popping \$3.80 per gallon, a new state tax of 5.6 cents per gallon will hit this summer. Legislation in the Illinois state senate proposes doubling the gas tax there, to 38 cents a gallon.

When the price of a good goes up, demand for the good goes down and a smaller amount is sold. An increase in gas taxes means fewer car trips, less shopping, a decline in summer family vacations on the road, and millions of angry daily commuters who vote.

## Green New Deal Is a Raw Deal for Democrats

The far Left is taking over the Democratic Party, creating a potential repeat of their landslide defeat in the 1972 presidential election when a vulnerable Richard Nixon trounced the liberal George McGovern. The radical “Green New Deal” illustrates how the so-called progressives, which is a euphemism for socialists, are driving the agenda for Democrats today.

This fanciful scheme tries to convert nearly all of our energy to wind, water, and solar power within a decade. Currently only about 10% of our energy needs are met by the inefficient wind and solar resources.

President Trump is already mocking this fanciful plan. Speaking to a massive crowd of supporters in El Paso, Texas, Trump declared that “I really don’t like their policy of taking away your car, of taking away your airplane rights, of ‘let’s hop a train to California,’ of you’re not allowed to own cows anymore!”

With characteristic wit, Trump added that “it would shut down a little thing called air travel. How do you take a train to Europe?”

He could have added that the Green New Deal will take away many American jobs, too, by hindering economic growth. Wind and solar power are more expensive than energy based on traditional fossil fuels, such as coal and oil, and higher costs limit economic growth.

Full-scale socialism, with strict government control of the production and use of energy, would be necessary to implement the Green New Deal. So it is not surprising that a self-described democratic socialist, freshman congresswoman Alexandria Ocasio-Cortez (NY), is its chief sponsor.

She is making so many waves in Congress that she is known by her initials, “AOC.” Defeated Senator Claire McCaskill (MO) expressed dismay at the attention given to AOC, but she appears to be the future of the Democratic Party.

An entrenched Democrat was routed by AOC in his own primary, and many Democrats are fearful of the same fate if they oppose the new “progressive” agenda by AOC and other socialists. Senator Bernie Sanders, himself a socialist who supports the Green New Deal, nearly won the nomination for president in 2016 and could be the flag-bearer for the Party in 2020.

Already, more established Democrats are supporting this plan, including longtime former congressman and now-Senator Ed Markey (MA). Presidential candidates in the Democratic Party are also lining up in support of it, including prominent Senators Kamala Harris (D-CA), Kirsten Gillibrand (D-NY), and Elizabeth Warren (D-MA).

Meanwhile, Hawaii overwhelmingly supports the Democratic Party, but residents there are fighting a proposed wind farm to be built on West Oahu.

As small islands in the middle of the wind currents of the Pacific Ocean, scenic Hawaii has perhaps more to offer to wind energy than any other American location. Installation of additional clunky eyesores of windmills atop Hawaii would be a green energy dream come true.

But Hawaiian residents do not want them, and neither do many environmentalists. Wind farms blight the beautiful landscape, create a constant irritating noise, and injure wildlife.

Yet this is what the “democratic socialists” want to impose on the entire United States, in their fantasy that this might reduce much-ballyhooed climate change. It is difficult to see how some windmills atop Hawaii would reduce hurricanes in Florida, but that is what supporters of the Green New Deal effectively claim.

President Trump has seized upon the absurdity of his opponents, the presidential wannabes. No politician can mock the other side as effectively as Trump does, and the Green New Deal gives him much material to work with.

Even House Speaker Nancy Pelosi (D-CA) disparaged the Green New Deal as the “Green dream, or whatever they call it.” Perennial potential presidential candidate and billionaire Michael Bloomberg (D) buys into the climate change theory of the Left, but cautioned against “things that are pie in the sky.”

Yet it seems doubtful that the Old Guard will be able to rein in the rising socialists who are not content with incremental changes. Senator Dianne Feinstein struggled to win reelection against a challenge by an underfunded Leftist in California, and surely many other Democrats have taken notice of the political winds that are blowing strongly towards socialism in their Party.

Then, as now, a leading Democrat voiced criticism of his own Party. McGovern’s own initial choice for his running mate, Senator Tom Eagleton, said Dems were the Party of “acid, amnesty and abortion” in an off-the-record interview with conservative columnist Bob Novak, who then published it without disclosing its source until after Eagleton’s death.

History repeats itself as Democrats implode on the eve of a presidential election year.

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