



The

# Phyllis Schlafly Report



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## Why E.R.A. Rescissions Are A Moral Imperative

The question is sometimes asked: if the American people don't want the Equal Rights Amendment, then why has it been ratified by so many state legislatures? The answer is simple -- and shocking. Most of the 20 states that approved ERA in 1972 ratified it --

- a) without any hearings or committee action,
- b) without any substantive consideration or debate,
- c) without any airing of the issues in the media,
- d) without any input from the voters.

ERA was just called up and passed like a perfunctory courtesy resolution, often by "emergency" action or suspension of the rules. It was given no more thought or time than if a legislator had stood up in the Chamber and said: "I love women. I move that we all give three cheers for the ladies." Who, but a clod, could fail to respond, "Rah, Rah, Rah."

The failure of those first 20 legislatures to face the issues involved in ERA was exceeded only by the ignorance about ERA of their constituents. In many of the states that ratified in 1972 and 1973, most people still don't know what ERA is. In those states, ERA has been and still is a non-issue. The average man thinks ERA means Earned Run Average. The average woman thinks ERA is a Proctor and Gamble detergent.

On the other pages of this newsletter, we have reproduced the *entire* legislative debate on ERA by some states. You've heard of "same-day dry cleaning"? Hawaii boasts of "same-day ratification." It was all done on March 22, 1972, within hours of Congressional passage. The proposer presented ERA in the House; no one else spoke, and it passed. In the Senate, it passed without anyone speaking for or against.

In the Nebraska unicameral legislature, the sole concern of the legislators was their desire to be Number Two in ratifying a constitutional amendment. Nebraska was in so much of a hurry to ratify on March 23, 1972 (the day after Congress voted it out) that the legislators omitted part of the ERA resolution and had to do the job all over again on March 29. Again, the only issue discussed was, "Let's do it as quickly as possible."

It's not surprising that Nebraska missed part of ERA the first time around. The legislature's rules require that all bills to be voted on must first be printed and placed on the desks of the members. ERA was not printed or provided to the legislators before they voted.

On page 2 of this newsletter, you can read the entire

record of how a militant lobby successfully rushed and rammed its special-interest amendment through the legislature. Yet this is the procedure that a Nebraska newspaper assured its readers was "the proper thing" and should not be rescinded.

Likewise in Idaho, the only discussion by the legislators was their concern to be Number Two. ERA was never referred to committee; the rules were suspended; there was no floor debate or discussion. Although the legislature's rules require that all legislation be read three times before passage, ERA was never read. It was just called up and passed in both houses within 36 hours after it was voted out by Congress.

In Kansas, the total debate on ERA took only ten minutes. ERA was brought up "on emergency" consideration on the last day of the session, and quickly approved.

Yet, these are the shoddy actions that the ERA proponents now tell us we have no right to rescind. It would be a perversion of democracy and a mockery of the U.S. Constitution if such unthinking actions were forever set in concrete. The states that rammed ERA through with this type of action have a moral obligation to rescind their ratification of ERA *for procedural reasons alone*.

It takes a Big Person to admit that he or she made a mistake and is ready to remedy the wrong. This is what the men in the Nebraska Legislature did when ERA was rescinded there in 1973. This is what the men in the Tennessee legislature did when they rescinded in 1975. This is what the men in the Idaho legislature did when they rescinded in 1977. All those rescission actions followed full hearings, debate, press coverage, and public participation.

If you live in a state that has ratified ERA, try to find out what procedures your legislature followed. Did your legislature hold public hearings? How much debate did your legislators give ERA? Was there adequate press coverage before the vote so that the people knew the U.S. Constitution was about to be changed?

What Nebraska, Tennessee and Idaho can do, any other state can do, too. Pretending they can't rescind is a cop-out on the substantive issues involved in the proposed Equal Rights Amendment.

# Nebraska Legislature

## Journal

March 23, 1972

*President:* Senator Orme.

*Senator Orme:* Mr. President, members of the legislature, I regret that this is so late, but if you remember I started the day with this. We just got it assembled and I am asking unanimous consent to suspend the rules and take up the resolution today.

*President:* Senator Orme is asking, a . . . a . . . Senator Orme is asking to suspend the rules and taking up the resolution up today. Question is shall the rules be suspended and the resolution taken up. All those in favor vote Aye, those opposed vote No. Senator Orme is asking that the rules be suspended so that LR83 can be taken up today. Senator Orme is asking to suspend the rules so that LR83 can be taken up today. Have you all voted? 30 votes are required. Clerk will record.

*Clerk:* 32 Ayes.

*President:* Very Good we will consider LR83, Senator Orme.

*Senator Orme:* I think that the resolution as it is presented and is in line with that which we are told that we have to have from Washington. I'm now hoping that we will be the second state to ratify the equal rights amendment and I now will put in parenthesis any of the rest of you that wish to go on the resolution, we will be happy to have you, but I do move the adoption of the resolution today Mr. Speaker.

*President:* Is there any further discussion of the resolution? Senator Carpenter.

*Senator Carpenter:* I just want to add my name, this is a very highly important resolution.

*President:* Very good, Senator Carpenter asking to add his name, are there objections? Hearing none, so ordered. Senator Holmquist.

*Senator Holmquist:* Mr. President, members of the legislature, Senator Orme hoped that we would adopt this and be the second state to ratify it. I don't think we can do it with a resolution. Could that be treated as a bill?

*Senator Orme:* I'm sorry, I didn't hear you Senator Holmquist. Did you address something to me?

*Senator Holmquist:* Are you saying that we can ratify whatever the amendment is to the Constitution of the United States, by this resolution?

*Senator Orme:* This is the understanding that I have from the bill drafter, right.

*Senator Holmquist:* As I understand it you have to have a committee hearing on this.

*Senator Orme:* Well, this is in line with what was done with the 18 year olds, and I'm going on the information given to me sir.

*President:* Chair recognizes Senator Stahmer.

*Senator Stahmer:* I'd like to put my name on it if we need to suspend the rules and pay the bill, let's do that.

*President:* Senator Stahmer asking unanimous consent to having his name added to the Resolution. Are there objections? Hearing none, so ordered. Any further discussion of the resolution? Senator Craft, did you wish to be recognized?

*Senator Craft:* I would certainly support this resolution I hope that you will vote for it, I'd like to have us be second on the list to ratify it.

*President:* Any further discussion of the resolution?

Senator Holmquist.

*Senator Holmquist:* Mr. President, I think we ought to make certain that this is what we are going to accomplish by simply introducing a resolution package. Can anybody tell us.

*Senator Orme:* I am certain that the information I have from the bill drafter, Senator Holmquist.

*Senator Holmquist:* Why don't you talk to the Attorney General and get his advice and see what he says.

*Senator Orme:* I will be happy to, but may we adopt this at this time? If necessary to do something else, I will come up with that.

*President:* Let's try Senator De Camp.

*Senator De Camp:* Mr. President, members of the legislature, last year when the question of the 18 year old vote came up, I got an old attorney general's opinion dating back 5 or 7 years and it did indicate that this was the proper procedure. I checked with the bill drafter at that time last year and they indicated that it was, so the Attorney General already has a ruling on it I don't have it handy here but I'm certain that this is the proper procedure. A resolution just like this. We could have a committee hearing, but I see no need for it.

*President:* Senator Swanson, was that your input also? Alright the question is shall the resolution be adopted? All those in favor of adopting LR83 as introduced by Senator Orme vote Aye, those opposed vote No. Voting for LR83, as introduced by Senator Orme. Once again the Chair would ask, have you all voted? Have you all voted? Clerk will record the votes.

*Clerk:* 38 Ayes, Mr. President.

*President:* Resolution is adopted.

March 29, 1972

*President:* Chair recognizes Senator Orme.

*Senator Orme:* Mr. President, members of the legislature you have all had an opportunity to sign this resolution. It is unfortunate in our attempts in being number 2 and that our attempts to be number 1 but I think we are number 2 in getting it into Washington. Part of the it part of the proper resolution was left unattached so that was returned to the Secretary of State and we have to start over again. We hope to have retained our position but we are not sure. Mr. President, I would ask for the suspension of the rules and let us vote on this measure today.

*President:* It has been moved and seconded that the rules be suspended so that we can take up the resolution today. Any further discussion? All those in favor of suspending the rules vote Aye, those opposed vote No. Voting on the suspension of rules to take up Senator Orme's resolution. Have you all voted? Have you all voted? Clerk will record the votes.

*Clerk:* 37 Ayes on the motion to suspend.

*President:* Senator Orme, I'm going to ask for the vote on the resolution. I think it would be awfully nice though if we could have the entire membership here we do have all the members listed, I hate to ask for a call of the house when we are in this position, so I will just ask that we adopt the resolution. I move for the adoption.

*President:* It has been moved and seconded that the resolution be adopted. You would like a vote on this?

*Senator Orme:* Yes, Mr. President.

*President:* All those in favor of adopting the resolution vote aye, those opposed vote No. Have you all voted? Have you all voted? Clerk will record the votes.

*Clerk:* 42 Ayes, Mr. President.

*Senator Orme:* Mr. President, I ask that the resolution be expedited and that we get it into Washington as quickly as possible.

*President:* Senator Orme asking that the resolution be expedited. Any objections? So ordered.

## Hawaii Legislature

### House Journal

March 22, 1972

A communication from the Senate (Sen. Com. No. 57) transmitting Senate Concurrent Resolution No. 39 ratifying a proposed amendment to the Constitution of the United States providing for equal rights under the law without discrimination on account of sex which was adopted by the Senate on March 22, 1972 was placed on file.

Representative Ushijima moved that S. C. R. No. 39 be adopted, seconded by Representative J. Garcia.

Representative Saiki then rose to speak in favor of the adoption of the concurrent resolution as follows:

"Mr. Speaker, I am very delighted that the equal rights amendment has finally passed the United States Congress and with the ratification of this amendment by thirty-eight of our United States, that it will be then an integral part of our Constitution. I ask the members of this body to vote in favor of S. C. R. No. 39.

If I can take a little time, Mr. Speaker, to explain a little history on this amendment.

The struggle for equality in our world is age old. It was in the minds of our founding fathers when they first drafted the Constitution almost 200 years ago. It was in the minds of our people when they adopted the 14th Amendment over 100 years ago. The struggle over this specific amendment, the equal rights amendment, has taken over 48 years.

Adoption of this amendment will mean that, at least, women and men must be treated equally under the law. Women could no longer be required to meet higher standards than men for admission to state educational institutions. Nor could they be denied, by so-called protective labor laws, their rights to choose jobs according to their qualifications. And the amendment works both ways. Approval of the equal rights amendment will result in greater equity for men in alimony and disputes over the custody of children.

I earnestly request that this body act at once to ratify the 27th Amendment to the United States Constitution. Let Hawaii be one of the very first states to voice her conviction that all the people of this nation -- regardless of race; regardless of sex; regardless of national origin -- are equal under the law of the land.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and S. C. R. No. 39 was adopted by a rising vote.

The Chair directed the Clerk to note that S. C. R. No. 39 was adopted at 12:10 o'clock p.m.

### Senate Journal

March 22, 1972

A concurrent resolution (S.C.R. No. 39), entitled:

"SENATE CONCURRENT RESOLUTION RATIFYING A PROPOSED AMENDMENT OF THE UNITED STATES PROVIDING FOR EQUAL RIGHTS UNDER THE LAW WITHOUT DISCRIMINATION ON ACCOUNT OF SEX", was jointly offered by Senators McClung, Ushijima, Yamasaki, Hara, Kuroda, Taira, Anderson, Ching, Takitani, Lum, Mirikitani, Rohlring, Henderson, Hulten, Mills, Forbes, Yee, Brown, Wong, Takahashi, Nishimura, Altiery, Kawasaki, Toyofuku and Yoshinaga, and was read by the Clerk.

On motion by Senator Taira, seconded by Senator Yoshinaga and carried, S.C.R. No. 39 was adopted.

## Kansas Legislature

### Senate Journal

March 28, 1972

On emergency motion of Senator Hodge, HCR 1155 was advanced to Second Reading. The bill was then read for the second time.

On emergency motion of Senator Hodge, HCR 1155 was advanced to Third Reading, subject to amendment, debate and roll call.

HCR 1155, A concurrent resolution relating to and ratifying the proposed amendment to the constitution of the United States relative to equal rights for men and women, was read the third time.

On roll call, the vote was: Yeas 34, nays 5 -- Arvin, Christy, Hinchey, Thomas, Vermillion; absent or not voting, 1 -- Doyen.

The resolution was adopted.

Senator Ball asked unanimous consent to have his explanation of vote on HCR 1155 inserted in the Journal of the Senate. Consent was granted.

#### EXPLANATION OF VOTE

*Mr. President:* I desire to explain my vote on HCR 1155.

It astonishes me that so many women want to put something in the United States Constitution pulling themselves down to the level of men. Apparently that is what they want, so I vote "aye". -- Steadman Ball.

### House Journal

March 28, 1972

#### ORIGINAL MOTIONS AND RESOLUTIONS

HCR 1155, by Messrs. Heinemann, Peterson, Linde, Turner, Euler and Harper of Sedgwick, as follows, was introduced and read the first time:

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the foregoing and above recited amendment to the constitution of the United States be, and the same is, hereby ratified by said legislature of the state of Kansas as a part of, and amendment to, the constitution of the United States.

*Be it further resolved:* That the governor of the state of Kansas forthwith forward to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States authenticated copies of the foregoing resolution.

On emergency motion of Mr. Kay, HCR 1155 was advanced to second reading.

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On emergency motion of Mr. Kay, HCR 1155 was advanced to Third Reading, subject to amendment, debate and roll call.

#### THIRD READING OF BILLS

HCR 1155, A concurrent resolution relating to and ratifying the proposed amendment to the constitution of the United States relative to equal rights for men and women, was read the third time.

Call of House was demanded.

On roll call, the vote was: Yeas 86, nays 37; present but not voting 0; absent or not voting, 2.

A two-thirds majority of the members elected having voted in the affirmative, the resolution was adopted.

#### EXPLANATION OF VOTE

*Mr. Speaker:* The desire to eliminate the allocation of women to low-status and unrewarded tasks is indeed noble. Such a basic change would have profound implications for all aspects of women's liberation. The differential socialization of young girls presumably would

come to an end with the elimination of sex-typed adult rules.

For women, our action in the last few minutes might well disapprove Lewis Carroll when he said "I am tomorrow, and I am yesterday, but never I am today."

I vote yes for "today." -- Robert H. Miller.

## "Yes . . . We Can Rescind"

This is the title of an excellent booklet that gives impressive documentation on the legal right of state legislatures to rescind their ratifications of a constitutional amendment. Among the eminent constitutional authorities whose statements appear in this book are Senator Sam J. Ervin, Jr., Professor Philip Kurland of the University of Chicago Law School, and Professor Charles Black of Yale Law School.

To obtain your copy of this book, send \$2.50 to Michigan Stop ERA, 19724 Dale, Detroit, Michigan 48219.



A full set of 25 different Phyllis Schlafly Reports on ERA is available at \$3.00.

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