



The Phyllis Schlafly Report



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Time Is Running Out On E.R.A.

Time is running out on the Equal Rights Amendment. The ERA Joint Resolution passed by Congress on March 22, 1972, reads as follows: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress." Then followed immediately the three more widely-quoted sections of ERA.

Realizing that ERA will die on March 22, 1979, if it is not ratified by 38 states, the ERA proponents have resorted to three tactics to force their amendment down the throats of an unwilling America.

1. **BOYCOTT.** The ERA proponents, NOW, and ERAmerica have organized a deliberate campaign to persuade organizations to cancel their conventions in the 15 states that have not ratified ERA -- a policy which the ERA proponents brag will cause millions of dollars of financial losses to key convention cities such as Chicago, Miami Beach, Atlanta, New Orleans, Kansas City, St. Louis and Las Vegas. NOW claims it has 80 organizations such as the American Psychiatric Association, Common Cause and the National Organization for Non-Parents who are participating in this campaign.

This campaign of revenge to hurt innocent people who have nothing to do with the ERA controversy proves how malicious and vindictive the ERA proponents are. They are deliberately trying to cause financial losses to hotels and convention facilities, and throw innocent people such as hotel waiters and maids out of work.

The boycott (should it be "personcott"?) only proves that the ERAers have NO good arguments for their Amendment. If there were any merit to ERA, its supporters would not need to resort to the tactics of tantrum and revenge.

2. **ERA TIME EXTENSION.** Because their chances of getting enough states to ratify ERA before the March 22, 1979, deadline are slim, the ERA proponents have come up with a plan to change the rules in the middle of the game. They want to extend the time for ratification from 7 to 14 years.

The ERA Time Extension Bill is a tactic of desperation. It's just like a losing football team demanding

that a fifth quarter be played in order to give them a chance to catch up. The fans *on either side* would not stand for such an outrageous changing of the rules, and neither will fair-minded Americans accept this similar attempt to change the rules in the middle of ratification. The ERA Extension Bill should be buried under a torrent of righteous indignation.

The U.S. Supreme Court ruled in the cases of *Dillon v. Gloss*, 256 U.S. 368 (1921) and *Coleman v. Miller*, 307 U.S. 433 (1939) that Congress has the power to set a "reasonable" time limit for ratification. Nothing could be more unreasonable than to saddle State Legislatures with the duty of debating the same constitutional amendment for 14 years.

3. **FEDERAL SPENDING.** The ERA would be dead today if it were not for the artificial respiration breathed into it by Federal money. The Commission on International Women's Year spent \$5 million of our money after making ERA its "highest priority" and pledging "to do all in our capacity to see that ERA is ratified at the earliest possible moment."

Poll Shows Americans Against ERA

A new national public opinion poll proves that the American people oppose ERA by a decisive margin. Conducted by a most highly respected national public opinion research organization, Decision Making Information of California, this poll shows the following results:

1. By a margin of almost 2-to-1 (61% to 35%), the American people oppose sending draft-age women into military combat just like men.

2. By margin of almost 3-to-1 (65% to 23%), the American people oppose transferring final power over marriage, divorce and child custody from the states to the Federal Government.

3. By a margin of 51% to 44%, the American people oppose making every school and college, including all their activities, coed.

4. By a margin of far more than 2-to-1 (66% to 28%), the American people oppose giving homosexuals the right to get marriage licenses and to teach in the schools.

Fifteen states have repeatedly rejected ERA despite White House lobbying. In the last two years, only one state has ratified. Three states have rescinded their previous ratification: Nebraska, Tennessee, and Idaho.

Don't Stoop to Equality

The women's liberation movement has, unfortunately, given many women a very negative outlook on life and flattened their own self-esteem. The women's movement tells women: "Sister, the cards are stacked against you before you get up in the morning. A woman is just a second-class citizen. Because you are a woman, you probably won't get a job. If you do, it won't be a good one, and you won't get promoted. If you get married, your husband will treat you like a servant. You will lose your identity under a man's name, and be doomed to a life of dirty diapers and dirty dishes."

It's no wonder that women who read that kind of nonsense get psychological problems. The fact is that, of all the classes of people who ever lived on the face of the earth, the American woman is the most fortunate. She has the most rights, the most choices, and the most opportunities.

The proposed Equal Rights Amendment, which would require our nation to treat women exactly the same as men, is the biggest fraud that ever came down the pike. It would not give women any rights or benefits that they do not have now, but it would take away many rights and benefits that women now enjoy. It would not accomplish any of the goals popularly believed to be its purpose, but it would bring about major changes in our social structure and governmental balance of powers.

Although ERA pretends to be an advance for women, it will actually do nothing to benefit women in any area of the law. ERA will not give women equal pay for equal work or any new employment opportunities, rights or benefits. The Equal Employment Opportunity Act of 1972 already bars sex discrimination in hiring, pay and promotions. Under this Act and the Commission it created, women have already won multi-million dollar back-pay settlements against the largest companies in our land.

The Education Amendments of 1972 have already given women equal rights in education at every

level, from kindergarten through graduate school. The Equal Credit Opportunity Act of 1974 has already given women equal rights and ended discrimination in credit. All laws that discriminate against women have either been repealed, voided by the courts, or buried in long-forgotten and never-enforced statute books.

What ERA will do is to require us to "neuterize" all Federal and State laws and regulations, removing the "sexist" words such as male, female, man, woman, husband and wife, and replacing them with the sex-neutral words such as person, taxpayer, and spouse. In some areas, such as employment and tax laws, ERA will have no effect because sex-neutral terms are already the norm. In other areas, such as the military, these changes will have a dramatic effect and will deprive women of many important rights, benefits or exemptions they now enjoy.

At the Federal level, the most obvious result would be on the military. ERA will take away a young girl's exemption from the draft in all future wars and force her to register just like men. The Selective Service Act would have to read "all persons" must register instead of "all male citizens." Congress already has the power to make the draft act applicable to females, but during 200 years and nine wars, Congress never has. ERA would make it constitutionally impermissible to exempt women on account of their sex.

Likewise, ERA will require the military to assign women to all jobs in the armed services, including combat duty. Present Federal laws that exempt women from combat duty would become unconstitutional under ERA because the U.S. Constitution is "the supreme law of the land." Although Senator Birch Bayh claims that women should consider it a "privilege" to be drafted and sent into combat, it can hardly be assumed that this is the national consensus.

ERA would also have a great effect on the Education Amendments of 1972, Title IX. Although this law guarantees women equal access to every type of educational opportunity

and professional school, Congress cut certain exemptions out of the national mandate against sex discrimination: single-sex schools and colleges, military and merchant marine schools, seminaries, and college dormitory facilities. There are about a hundred all-women's colleges and a few all-men's colleges that have resisted the coed trend and appear to be happy about their choice. Although some military schools and seminaries admit some women, most admit all or mostly all men. Many college dormitory facilities are sex-segregated.

Our five years' experience with implementation of Title IX by the Department of Health, Education and Welfare proves that the bureaucrats will push to achieve a unisex educational system in every aspect except where expressly prohibited by the law. In 1974, HEW tried to force fraternities and sororities to go coed because fraternities discriminate against girls and sororities discriminate against boys. In 1975 HEW tried to sex-integrate the high school good-citizenship conferences sponsored by the American Legion called Girls State and Boys State. In 1976 HEW tried to ban father-son and mother-daughter events from public schools because they discriminate on account of sex. In each of these cases, Congress had to pass a special amendment to allow for these sex-discriminatory activities. More recently, HEW has been trying to stamp out the supposed evil of all-boys' and all-girls' choirs.

Our experience with Title IX teaches important lessons. First, reasonable people do want many exceptions in a national mandate against sex discrimination. Second, unless restrained by law, the bureaucrats will militantly try to force their unisex goals upon us. Third, if ERA is ever ratified, it will wipe out the existing exemptions in Title IX because of the Supremacy Clause. There will then be no way to restrain the HEW radicals who are seeking the goal of a "gender-free" society unless we pass another constitutional amendment.

When the laws pertaining to family support are neutered, this will void the husband's obligation to support his wife, to provide her with a home, and to support their minor children. Existing support obligations are not sex equal because they are based on the fact that women have babies and men do not. These laws could not survive under ERA because ERA makes no allowance for sex discriminations based on rational reasons.

How will ERA change the family support laws to make them sex equal? Various formulas are suggested, but the one proposed by the principal ERA advocates such as Professor Thomas I. Emerson of the Yale Law School is to change the state support laws so that the obligation will be mutual or reciprocal, and each spouse will be liable for the support of the other if he or she is incapacitated.

Since a wife may be "incapacitated" only the week after she gives birth to a baby, under this formula, she would have no right to support during all the other weeks and years of her married life. No wonder Senator Sam J. Ervin, Jr. called ERA "the most destructive piece of legislation to ever pass Congress."

Today some forty million wives are being supported by their husbands. If ERA proclaims as a national mandate that their husbands no longer have the legal duty of support, the result is predictable. Millions of housewives will flood into the work force to build up seniority to replace their former economic security in the home. The economic effect of such a move could be massive even if only a small fraction of the forty million homemakers start competing for jobs.

After extensive research into the probable effects of the Equal Rights Amendment, Arthur E. Ryman, Jr., professor of law at Drake University, concluded that ERA will seriously affect marriage, both as an economic and as a social institution in America. If ERA is ratified, he wrote in the *Drake Law Review* of June 1973, "many states will adopt a wildly permissive approach" that would "degrade the homemaker role and support economic development requiring women to seek careers."

Even more far-reaching than the social and economic changes caused by ERA would be the shift in power from the states to the Federal Government. Section 2 states: "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." Section 2 will transfer into the hands of the Federal Government the last remaining aspects of our life that it does not already control, including marriage, divorce, child custody, prison regulations, protective labor legislation, and insurance rates.

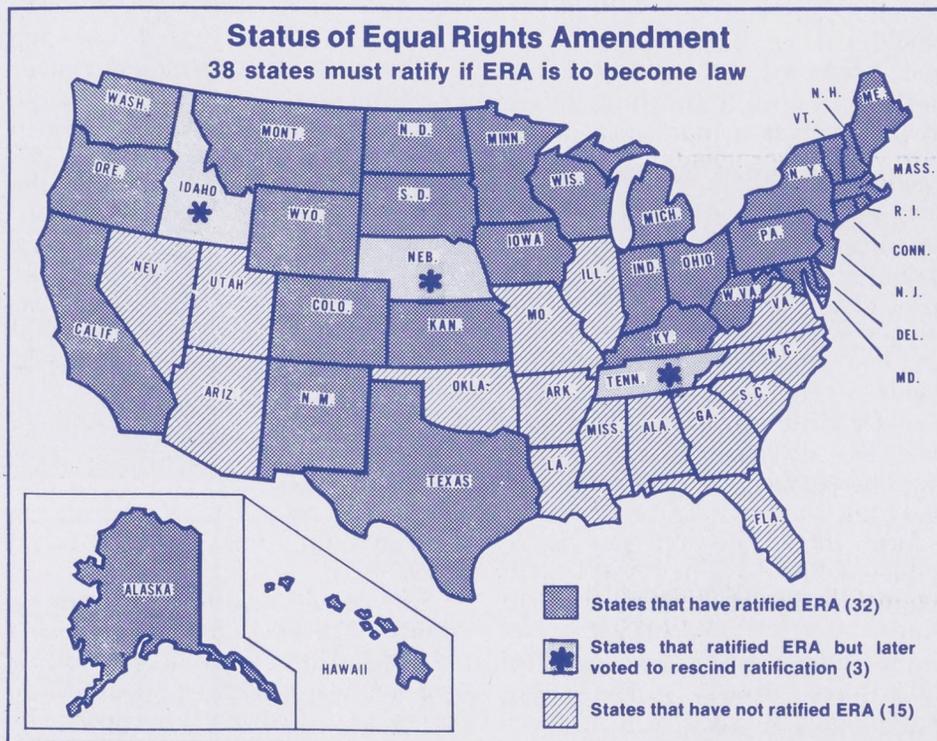
There are seven constitutional amendments that have similar sections giving Congress the power to enforce by appropriate legislation. Five are voting rights amendments which grant only one specific power each. The Thirteenth and Fourteenth Amendments, however, are open-ended and have brought about extensions of Federal power undreamed of by their authors.

In the leading case of *Katzenbach v. Morgan*, the U.S. Supreme Court interpreted Section 5 of the Fourteenth Amendment, which has wording identical to Section 2 of ERA, holding that a Federal law can preempt any matter covered by Section 1 so that the states lose their power to legislate on that subject. This clause thus gave Congress the power to nullify a state law which the

states were specifically empowered to enact by three provisions of the U.S. Constitution, and to substitute for it a Federal law which Congress was forbidden to enact by the same three provisions of the Constitution. In six other decisions handed down since January 1968, the U.S. Supreme Court applied a drastically new interpretation of Section 2 of the Thirteenth Amendment, which also has the same wording as Section 2 of ERA.

ERA will prevent us forever from making reasonable differences between men and women based on factual differences in childbearing and physical strength. ERA will force upon us the rigid, unisex, gender-free mandate demanded by the women's liberation movement, and it will transfer the power to apply this mandate to the Federal Government and the Federal courts.

With no tangible benefits and a host of real and probable disadvantages, it is no wonder that, in the 1975, 1976, and 1977 legislative sessions, fifteen states rejected ERA while only two states ratified it. Three states which ratified early have rescinded their earlier approval. Many people hope that ERA will never achieve the 38 ratifications necessary to become the Twenty-seventh Amendment to the United States Constitution.



1) Is a constitutional amendment necessary to end sex discrimination and to insure equality of opportunity for women?

It is irrelevant to discuss "a" constitutional amendment on sex discrimination. Under our system of government, we are considering whether to accept or reject "the" Equal Rights Amendment. We cannot change it or amend it now. The time for that is past.

ERA in its present text, will do nothing at all for women. It will not bar sex discrimination in hiring, pay or promotions. The Equal Employment Opportunity Act of 1972 already does exactly this. The Education Amendments of 1972 already give women full equal rights in education at every level. The Equal Credit Opportunity Act of 1974 already gives women equal rights in credit.

Specific legislation is the intelligent way to tackle problems, not the blunderbuss approach.

2) Will the passage of ERA take away any rights and privileges presently enjoyed by women?

ERA will take away many rights and benefits that women presently enjoy. ERA will take away a young woman's exemption from the military draft and from combat duty. In our country's future wars (which the politicians get us into about every ten years), young women will have to be inducted and assigned to combat just like men. You have to be kidding to call this an advance for women! If the American people want to draft women, we can do it now without ERA. But if we have ERA, it will be constitutionally impermissible to exempt women.

ERA will take away the right of a girl or woman to attend an all girls' school or college, or to join an all women's sorority. There are more than 100 women's colleges which, even though they are private, are still subject to Title IX. They are allowed to reject boys because of an exemption in Title IX. ERA would wipe out that exception because the Constitution is "the supreme law of the land."

3) How will ERA affect homemakers?

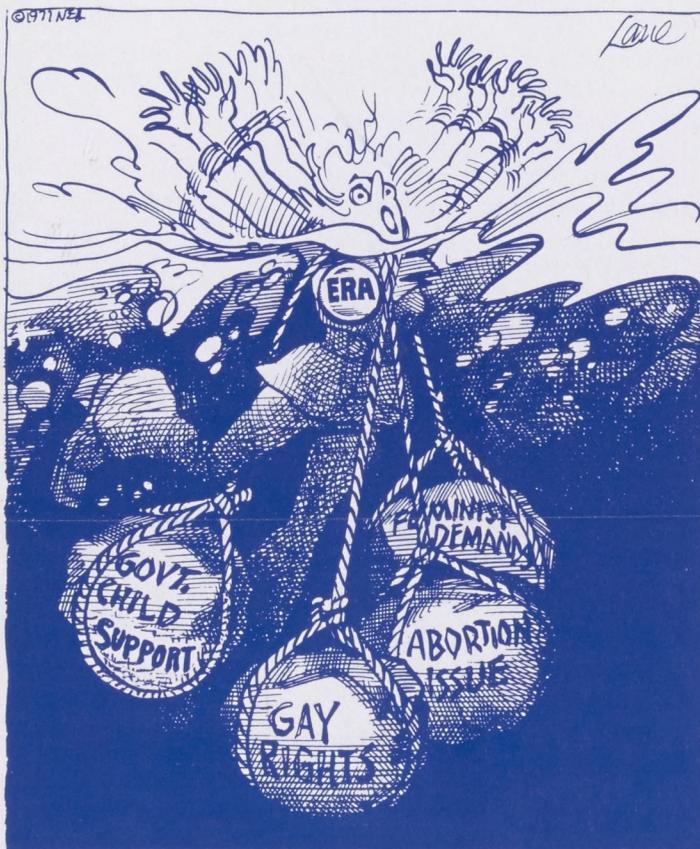
ERA would proclaim as a constitutional mandate that no longer can we have any laws that impose a greater duty of financial support on the husband and father than on the wife and mother. Every law would have to become sex equal. This would be grievously unfair to the woman because women have babies and men do not have babies. Equality of financial obligation puts a double burden on the woman.

4) How will ERA affect men?

The biggest effect of ERA on men (and women, too) will result from Section 2 which gives Congress the power to enforce it. This is a grab for power by the Federal Government that will transfer all power over marriage, divorce, child custody and any legislation that makes a difference between men and women, into a Federal problem to be administered by the Washington bureaucrats, with final decisions made by the Federal judges. ERA would, in the words of Senator Sam Ervin, reduce the states of our nation to "zeroes on our nation's map."

5) Why do you think that after 30 states ratified the ERA within two years, only five additional states have done so in the four years since then?

ERA was rushed through the first 30 states without any hearings or debate. When states began to study ERA, they have rejected it with increasing momentum. The American people recognize ERA as a fraud.



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