



# The Phyllis Schlafly Report



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## Women's Magazines Promote ERA -- But Deny Equal Rights

"Never give equal rights to those who oppose the Equal Rights Amendment" is obviously the operative slogan of the consortium of federal employees, biased media, and show biz personalities determined to ram ERA down the throats of Americans, despite the fact that it was defeated in the long seven years allowed for ratification of this proposed constitutional amendment. The federal-media-show biz consortium is now trying to shift the battleground for the decision about ratification from the state legislatures to the media -- where they don't have to give fair treatment to both sides, where they can ride roughshod over the wishes of American citizens, and where they feel more at home in an environment which is continually exploiting immorality and the overturning of common-sense standards that they label "outdated stereotypes."

A November ERA propaganda blitz by 35 women's magazines, having a combined circulation of 60 million, was organized by *Redbook* editor Sey Chassler, a member of the Commission on International Women's Year which staged that pro-abortion, pro-lesbian debacle in Houston in 1977. Naturally, not a single magazine published an article against ERA -- or even gave equal space to the arguments pro and con. What better evidence could anyone want of the power and the bias of the national magazines?

Will this magazine blitz be successful? In reporting on the group action, *Time* quoted *Cosmopolitan's* editor Helen Gurley Brown: "All the women's magazines together may not be as effective as Phyllis Schlafly with her rabble-rousing TV appearances."

The reason why the women's magazines won't be effective is that the 35 magazines are a combination of (1) incitement to illegal action which will put in jail those who follow the bad advice, (2) pornography, (3) tear-jerking sob stories which appeal to those who seek escapism in "true confessions" slicks, and (4) when they attempt to appeal to the educated audience on legal grounds, the arguments are so shoddy that they won't stand analysis.

In *Working Woman* (p. 34), Jane Trahey calls on women to break the law by refusing to pay their income taxes until women have their "equal share" of federal appointments, state and federal judges, Supreme Court Justices, and U.S. Senators and Representatives. She also suggests that female employers refuse to deduct taxes from their employees, which is also against the law. She gives a sample of the letter which ERAers should write to the Internal Revenue Service:

"Dear Aunt Sam: I am a self-employed female. This year I am deducting nothing for taxes. Nor have I withheld any taxes for my female employees. (You'll be hearing from them, too.) We all think our government has failed to give us equal treatment. Therefore, no more taxes until we get the ERA."

Jane Trahey, a New York advertising executive, is reputed to be one of the smart businesswomen on the ERA side! We wonder if she will take her own advice -- and then continue her ERA fight from prison.

*Playgirl* (pp. 4 & 7) gives ERA a strong editorial endorsement and then reprints with relish the letter which President Jimmy Carter sent to participating magazines in which he endorsed ERA because women are "second-class citizens today." The magazine also features 20 obscene color photographs of nude men and five photographs of sex acts.

*Vogue* (p. 76) features an article by an ex-nun, Jacqueline G. Wexler, who left her Roman Catholic order to get married. She uses her space to attack the Catholic Church because "the church never took the final step of seeing women as full adults, full partners." It is not clear how ERA will solve this problem unless she believes that ERA will require the churches to ordain women and/or to allow nuns to marry.

*Redbook* (p. 208) presents a classic in ridiculous arguments for ERA: the speech by U.S. Senator Kaneaster Hodges, Jr., of Arkansas when he announced he was reneging on his promise to vote against the ERA time extension resolution. Here are Hodges' own words:

"I am very close to both of my children. A few years ago my daughter, then seven years old, picked out an office in the building where my family practices law, claimed it as her own and declared her intention to become a lawyer. One day she came to me in tears. She had been told by her classmates that women could not be lawyers. What kind of social structure could encourage this kind of thought? Can it be remedied in any way? . . . Suddenly, as I wrestled with this problem, it came to me like a bolt of lightning. This is a simple matter of equality. . . . The ERA should be a burning torch held high."

So now you know why Mr. Hodges is for ERA: because seven-year-old children don't know that women can be lawyers in Arkansas and in every other state in the United States! That childish argument is about what one would expect from a man who gets his information on the U.S. Constitution from "a bolt of

lightning.”

**Ladies' Home Journal** (p. 69) features an emotional article for ERA by Senator Ted Kennedy, which *Time* called “the most platitudinous” in all the 35 magazines. He urges ratification of ERA because “I have heard the voices of countless women who have described their plight in dramatic testimony at congressional hearings on health care, Social Security, child care, domestic violence, taxation, education, welfare, nutrition, credit practices, jobs, and civil rights.” That laundry list of emotional problems has no more relation to ERA than the voice of the woman he failed to save from his car on the bottom of Chappaquiddick pond.

**Good Housekeeping** (p. 116) features an article by Eleanor Smeal, president of the National Organization for Women (NOW). Her main point is that “polls show that well over half of Americans want the ERA.” Ms Smeal probably didn't realize it, but that is an admission that ERA does not have anywhere near enough support to become part of the U.S. Constitution. It is usually impossible, constitutionally or legally, to change any constitution (of a country, a state, a corporation, or an organization) unless there is at least a two-thirds majority in favor of the change. Amendments to the U.S. Constitution require a two-thirds majority in each House of Congress and then ratification by three-fourths of the state legislatures. This super-majority requirement is proper because we do not want the Constitution changed for frivolous reasons or by pressures from special-interest groups. We would not want the First Amendment changed even if “well over half of Americans” wanted it changed. Constitutional amendments should require a two-thirds or three-fourths majority -- and now even Eleanor Smeal has admitted that ERA does not have anywhere near that strength.

Of course, we believe that ERA does not even enjoy the support of as many people as Ms Smeal claims. The best polls are in the ballot box. ERA was on the ballot in November 1978 in the state of Nevada, where it was defeated with 66 percent of the voters voting NO. ERA was on the ballot in November 1978 in the state of Florida, where it was defeated with 60 percent of the voters voting NO (even though all the usual polls predicted that ERA would pass easily, and the ERA proponents spent \$2 million to urge passage). ERA was defeated on the ballot in the state of New York in November 1975 by a margin of more than 400,000 voters. ERA was defeated on the ballot in the state of New Jersey in November 1975. In 1973, ERA was defeated on the ballot in Wisconsin by a large majority.

**Cosmopolitan** (p. 166) features one of the leading pro-ERA lawyers, supposedly presenting a lawyer's case for ERA. Ruth Bader Ginsburg of New York has been active in much women's lib litigation. She was in the case which tried to knock out the Florida law which gives a property tax exemption to widows. Fortunately, she lost that case in the Supreme Court decision of *Kahn v. Shevin* when the Court held that it is perfectly rational and constitutional under the 14th Amendment for a state to give a little preferment to widows through a property tax exemption. It is clear that the decision would be different if ERA were in the Constitution. ERA would prohibit *any* difference of treatment based on sex and we could never again give any special rights, benefits or exemptions to wives, mothers or widows.

In the *Cosmopolitan* article, Ms Ginsburg implies

that the U.S. Constitution says “all *men* are created equal.” Of course the Constitution doesn't say that at all! Those words are from the Declaration of Independence, and ERA will not amend that! Note how slickly she makes the reader believe that women are excluded from the Constitution while she quotes the Declaration of Independence. (There are not many people who know that Jefferson was *not* one of the authors of our Constitution.) She says: “When our Constitution was framed, only white men were considered full, independent citizens. Blacks were slaves, not citizens. When Thomas Jefferson wrote ‘all *men* are created equal,’ people understood that he didn't intend the immediate abolition of slavery.”

The U.S. Constitution is the most beautiful sex-neutral document ever written. It does not talk about men and women. It uses only sex-neutral words such as persons, citizens, residents, inhabitants, Presidents, Vice Presidents, Senators, Representatives, Ambassadors, Ministers, and electors. Women can be every one of those things. Women enjoy every constitutional right that men enjoy, including freedom of religion, speech and press, trial by jury, and due process.

The most interesting sentence in Ms Ginsburg's article is that ERA would bring “reforms” which would include recognizing the wife “as entitled, *in her own name*, to half of her husband's Social Security account.” All the proposals to change Social Security by giving the wife half of her husband's Social Security also at the same time eliminate the wife's (spouse's) Social Security benefit, so the net result is to slash the retirement benefits due to the traditional family couple about 19 percent. Anytime anyone talks about giving the wife half of her husband's Social Security retirement benefit, you should ask the \$64 question: but what happens to the present homemaker wife's own Social Security benefit? The truthful answer is that the homemaker wife's retirement check would be eliminated, so that the net retirement income of the family unit will be cut about \$100 a month. That cash loss is a tremendous reason to be against ERA!

Remember, we do not claim that ERA will have this effect on Social Security -- Ruth Bader Ginsburg, one of the leading pro-ERA lawyers claims that in *Cosmopolitan*.

This is just a variation of the claim by the financial columnist Sylvia Porter in her syndicated column of April 9, 1975 that ERA “will require” every husband whose wife is not employed outside the home to pay double Social Security taxes on the assumed “earnings” of his wife as a homemaker. This would impose an additional \$1,000 a year in federal taxes on the traditional family for which they would receive no additional benefit. The feminists are trying to put this over by telling the homemaker she will have “Social Security in her own name.” What this really means is: “taxes in her own name.”

No one knows what the Supreme Court might decide on the Social Security issue. But now we know what Ms Ginsburg, a perennial feminist litigator, is trying to achieve and believes she can accomplish through ERA.

**Woman's Day** (p. 54) uses the approach of tear-jerking human interest stories to imply that ERA will solve all women's problems, whatever they might be. Let's look at the ten cases and see how phony they are in respect to ERA.

*Case #1* is the 13-year old girl who wanted to go to an all-boys' high school in Philadelphia where she

would be the only girl and all the other students would be boys. Now wouldn't that be fun for her! She could have gone to an all-girls' honor high school which is equally prestigious and where she would get exactly the same education as the all-boys' high school. Or she could have gone to one of the dozens of fine coed public high schools in Philadelphia. But no, she wanted to go to the all-boys' high school and she took her case to the Supreme Court to try to force her way in. She lost, as she should have. There is no reason why one girl, backed by the women's lib movement, should be allowed to take away the rights of all those who choose to attend a single-sex school. Under ERA, the decision would have been different: ERA will take away the right of anyone, girls or boys, to attend a single-sex school or college.

*Case #2* is a woman who found that a government agency was violating the Equal Employment Opportunity Act of 1972 which prohibits sex discrimination. She used the procedures available under existing laws in order to establish her rights. ERA would make no difference whatsoever in her case. ERA does nothing to solve problems of violations of the law, or to improve enforcement, or to reduce a backlog of cases. All ERA does is to make the laws sex neutral, and our employment laws are already sex neutral.

*Case #3* is a pathetic wife who was beaten by her husband at least once a week for six years. *Woman's Day* recounts the beatings in gory detail, describing the blows in her face and belly, and ending with a cigarette lighter burning. The magazine then asserts that 25 million wives have been battered by their husbands. ERA will do absolutely nothing to stop husbands from beating their wives. Every state has laws against assault and battery, and they already apply equally to men and to women, which is the only effect ERA would have.

*Case #4* is the sad case of a wife whose husband abandoned her just after she bore their sixth child. After reciting this pathetic story, the magazine admits that "the ERA would not have helped Maria Fagan." Obviously, her case was included just to make you cry a little and get in the mood to accept ERA.

*Case #5* involves the Louisiana woman who failed to exercise the rights she had under Louisiana law and then complained to the court that her husband took out a mortgage on the house she had paid for. The state legislature has since changed the law which she complained about, which is the way changes in the marriage laws should be brought about. We do not want the courts writing marriage laws. In any event, hers was an unusual case. The fact is that wives in Louisiana are more fortunate than wives in most other states because Louisiana is a community property state, of which there are only eight out of the 50 states. In a community property state, the wife *actually owns* one-half of all the income her husband receives during their marriage. Wives in Louisiana are very fortunate, indeed, and they have nothing to complain about.

*Case #6* involves a woman who wanted to borrow \$100,000 of the taxpayers' money from the Small Business Administration in order to buy a pancake restaurant business. ERA would have no effect whatsoever on her case because the Equal Credit Opportunity Act of 1974 prohibits discrimination in credit based on sex. She felt discriminated against because she is a single woman, but most banks and lending agencies do require more assurances from single borrowers than from married borrowers based on actual experience in the real world. The Small Business Administration has

been accused of making far too many risky loans, and if SBA is tightening up its lending policies, that is a benefit to all taxpayers.

*Case #7* is the sad case of a wife whose husband demanded a divorce after 25 years of marriage. This is, indeed, an all-too-frequent occurrence. ERA will do absolutely nothing to help her. ERA will not keep her husband from deserting her for a younger woman. ERA will not give her alimony or support. It is very dishonest to imply that ERA will help this situation. The real cause of her problem is the no-fault divorce laws, which enable a spouse to walk out on a marriage so easily and without any penalty. The feminist movement was a principal supporter of the no-fault divorce laws in the name of "liberation," and now thousands of women are paying a terrible price.

*Case #8* is a divorced woman whose ex-husband has stopped sending child-support payments. ERA will do absolutely nothing to force her husband to make the payments. The magazine article admits this, stating "the ERA does not address itself directly to this area." So why was this case included? Again, to make the reader cry a little and accept ERA on an emotional basis.

*Case #9* is a wife whose husband died at age 59 before he was eligible to receive his company pension, and who was 59 herself so she had one year to go before she could receive Social Security retirement. ERA has absolutely nothing to do with the *age* at which pensions or Social Security benefits are received. ERA affects *only* differences based on sex. ERA would not help this woman.

*Case #10* is a farmer's wife who feels discriminated against because the government took \$25,000 in estate taxes when her husband died. It is absolutely false to state or imply that ERA will reduce estate taxes. It won't, and anyone who believes this phony argument is in for a rude awakening. The federal estate tax (often called the inheritance tax) is completely sex-neutral. It does not speak of husband and wife; it speaks only about taxpayer and spouse. The tax is exactly the same whether the one who dies is a man or a woman. If the wife had owned the farm, the \$25,000 would have been taken out before her husband could receive it. Under present law, one spouse can leave *tax free* to the other spouse half of everything he or she owns or \$420,000, whichever is larger. Since most of us are under that amount, the estate tax on transfers between husbands and wives is not significant. Many of us would like to see the estate tax and its complicated requirements eliminated altogether, but ERA will not solve any of the estate tax problems. Furthermore, the Tax Reform Act of 1976 allows generous extra adjustments to meet the situation where the wife has worked on her husband's farm or in his business. We repeat, ERA will not reduce taxes. ERA will not allow tax-free transfers of property between husbands and wives. The magazine is playing on the emotional tragedy of widowhood to create false hopes about ERA.

**Redbook** (p. 212) republishes a Paul Harvey column from May 26, 1979. Apparently Mr. Harvey made the magazine give the disclaimer that "Mr. Harvey has not taken a position on the Equal Rights Amendment." However, the column is full of false claims about ERA.

Harvey says: "There are only 24 words in the proposed amendment: 'Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.'" That statement is so clearly false that it should shock everyone

into realizing that someone has given Mr. Harvey (and others) some terrible misinformation. Section 2 of ERA reads: "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." This section is a Federal grab for power and explains why Federal employees are working so hard to force state legislatures to ratify ERA. Senator Sam J. Ervin, Jr., testified in the summer of 1978 before the U.S. Senate that this Section would transfer to the Federal Government approximately 70 percent of the powers that still remain at state and local levels. This would include powers over marriage, divorce, adoptions, child custody, property, prison regulations, private schools, homosexuals, insurance rates, and any type of legislation that has traditionally made a difference of treatment based on sex. Most people do not see any reason to give the Federal bureaucrats and politicians a whole new grant of power (especially since they are not doing such a good job of handling the problems already assigned to the Federal Government). We know this would be the effect of ERA's Section 2 because of the many Supreme Court decisions since the mid-1960s interpreting that same enforcement language in seven other constitutional amendments. There is also a Section 3 of ERA which states it will go into effect two years after ratification.

Harvey says: "In 16 states where women are already guaranteed equal rights, none of these dire predictions has come to pass." First, there is no state where the Federal ERA is in effect now because it does not go into effect anywhere unless and until ERA gets 38 valid ratifications. No State ERA could be the same as the Federal ERA because no State ERA has a Section 2, and no State ERA could govern Federal law. Most of the states which mention sex in their constitutions do not use the language of the Federal ERA at all. Only six states have a true Section 1 ERA, and, contrary to Harvey's claim, our predictions that women will lose rights have come to pass. For example, in Maryland, which has a State ERA, the courts held that the statute which makes it a crime for a husband to fail to support his wife is unconstitutional under the State ERA (*Coleman v. Maryland*). In Pennsylvania, the court held that the statute which requires a husband to pay for his wife's "necessaries" is unconstitutional under the State ERA, and therefore the husband did not even have to pay his wife's hospital and medical bills (*Albert Einstein Medical Center v. Nathans*). The Pennsylvania court also held that the statute which placed the primary duty of support of a minor child on the father is unconstitutional under the State ERA (*Conway v. Dana*). All the unique effects of ERA, whether Federal or State, are hurtful to women and to the family. None of the unique effects of ERA is beneficial to women or the family.

Harvey says: "Those opposed to ERA have predicted dire consequences: It will legalize prostitution . . ." It is proponents, not opponents, who bring up this subject. The hookers have been much in evidence in the pro-ERA battle, especially in Florida and Illinois. Margo St. James, head of the hookers' lobby called COYOTE (Cast Off Your Old Tired Ethics), came to Bradley University in Peoria, Illinois, on May 2, 1979, where, according to the *Peoria Journal Star*, she talked non-stop for two hours promoting ERA and the legalization of prostitution, and describing her "Kiss and Tell Campaign" in which hookers are asked to turn in the names of state legislators to pro-ERA groups in order to assist ERA lobbying efforts. According to the

Associated Press dispatch of May 9, 1979 from Tallahassee, Florida, the COYOTE spokeswoman there described the "Kiss and Tell Campaign" as one to convince anti-ERA legislators to support ratification or risk being publicly identified. It's the pro-ERAs who say that ERA will "legalize prostitution."

Harvey: ". . . and homosexual marriages . . ." Again, it's primarily the pro-ERAs who have developed the argument that ERA will legalize homosexual marriages. Rita Hauser, the U.S. representative to the United Nations Human Rights Commission, addressed the American Bar Association Annual Meeting in St. Louis in August 1970 on ERA and stated: "I also believe that the proposed [ERA] 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." An article in the *Yale Law Journal* candidly stated the case for this effect of ERA: "A statute or administrative policy which permits a man to marry a woman, subject to certain regulatory restrictions, but categorically denies him the right to marry another man clearly entails a classification along sexual lines. . . . The stringent requirements of the proposed Equal Rights Amendment argue strongly for . . . granting marriage licenses to homosexual couples who satisfy reasonable and non-discriminatory qualifications." Anti-ERA authorities agree. Professor Paul Freund of the Harvard Law School testified before the State Judiciary Committee: "Indeed, if the law must be as undiscriminating concerning sex as it is toward race, it would follow that laws outlawing wedlock between members of the same sex would be as invalid as laws forbidding miscegenation." And Senator Sam J. Ervin, Jr., told a Raleigh audience on February 22, 1977: "I don't know but one group of people in the United States the ERA would do any good for. That's homosexuals."

The complete list of magazines carrying articles about ERA in their November issue follows:

Working Woman, 600 Madison Ave., New York, N.Y. 10022; Playgirl, 3420 Ocean Park Blvd., Suite 3000, Santa Monica, CA 90405; Vogue, 350 Madison Ave., New York, N.Y. 10017; Redbook, 230 Park Ave., New York, N.Y. 10017; Ladies' Home Journal, 641 Lexington Ave., New York, N.Y. 10022; Good Housekeeping, 959 8th Ave., New York, N.Y. 10019; Cosmopolitan, 57th St. at 8th Ave., New York, N.Y. 10019; Woman's Day, 1 Fawcett Place, Greenwich, Conn. 06830; Glamour, 350 Madison Ave., New York, N.Y. 10017; Harper's Bazaar, 717 Fifth Ave., New York, N.Y. 10022; MS., 370 Lexington Ave., New York, N.Y. 10017; Family Circle, 488 Madison Ave., New York, N.Y. 10022; McCall's, 230 Park Ave., New York, N.Y. 10017; Parents, 80 New Bridge Road, Bergenfield, N.J. 07621; Apartment Life, 750 Third Ave., New York, N.Y. 10017; Essence, 1500 Broadway, New York, N.Y. 10036; Mother Jones, 625 Third St., San Francisco, CA 94107; House and Garden, 350 Madison Ave., New York, N.Y. 10017; Working Mother, 230 Park Ave., New York, N.Y. 10017; Bride's, 350 Madison Ave., New York, N.Y. 10017; Mademoiselle, 350 Madison Ave., New York, N.Y. 10017; Seventeen, 850 Third Ave., New York, N.Y. 10022; Colorado Woman; Nurse Practitioner; Daytime TV; Texas Woman; 50 Plus; Savvy; Ladycom; Self; Mother's Manual; Spokeswoman; Coed; Women Now; and Talk.

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