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EQUAL RIGHTS AMENDMENT

BRIEFING PAPER

Prepared by Caucus Staff

November 1, 1983

*passed House 278-147 - six votes short of 2/3
majority needed to pass - 150 rules.
Leadership / rest of - 200 - 100 they 10 votes
to want - no plus 6-8 more. a coalition
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The Congressional Caucus for Women's Issues works to pass legislation to eliminate economic and social discrimination against women. The cornerstone of this goal is passage of H.J.Res. 1, the Equal Rights Amendment.

The Caucus supports H.J.Res. 1 **WITHOUT AMENDMENTS** and considers its passage a top priority in the 98th Congress.

The following fact sheets on the Equal Rights Amendment were prepared by the Caucus in anticipation of House action on H.J.Res. 1. They are based on the Amendment's ten year legislative history as well as recent testimony presented before the House Judiciary Subcommittee on Civil and Constitutional Rights.



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THE EQUAL RIGHTS AMENDMENT: AN OVERVIEW

H.J.Res. 1 resubmits the Equal Rights Amendment to the states for ratification as the 27th amendment to the U.S. Constitution.

The Equal Rights Amendment was first introduced in 1923. It was passed by the 92nd Congress on March 22, 1972, and submitted to the state legislatures for ratification. To become a part of the U.S. Constitution, an amendment must be ratified by three-fourths, or 38, states. The ERA fell three states and a handful of votes short of this goal in 1982.

Below is the full text of the Equal Rights Amendment:

SECTION 1.

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

SECTION 2.

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this Article.

SECTION 3.

This Amendment shall take effect two years after the date of ratification.

American women need the ERA to secure equal justice under the law. Without such constitutional reform, we remain a nation without the mandate for and basic guarantee of equal rights. Consequently, women have less opportunity, less economic security, and fewer rights under the law than men do.

The Equal Rights Amendment is needed to achieve permanent economic equality for women.

EXISTING LAWS ARE NOT ADEQUATE TO ELIMINATE SEX DISCRIMINATION. A statute-by-statute approach to eliminating sex discrimination, whether at the federal or state level, does not work. Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Equal Pay Act of 1963, and the Equal Credit Act are the laws most often cited as providing equal opportunity for women. However, they are riddled with exemptions and have been unevenly applied by the federal courts. The experiences of the past 20 years have shown that these statutes have not provided adequate enforcement and have not resulted in desired changes in the patterns and practices of discrimination.

CURRENT LAWS CAN BE REPEALED OR WEAKENED AT ANY TIME BY LAWMAKERS. For example, the current Administration has already implemented regulations that weaken Title IX, the law prohibiting discrimination in public education, and has argued in court to severely limit its scope.

ERA WOULD PROMPT STATE, LOCAL, AND FEDERAL GOVERNMENTS TO TAKE THE STEPS NECESSARY TO RID THEIR LAWS, PRACTICES AND POLICIES OF SEX BIAS. Under the ERA, state and federal government will no longer be permitted to disadvantage individuals by means of any law, government policy, or government practice that discriminates on the basis of whether an individual is male or female. In some states that have passed their own ERAs, such as Colorado and Pennsylvania, swift legislative reforms followed and countless discriminatory statutes were struck down.

THE STANDARD DEVELOPED BY THE SUPREME COURT TO JUDGE SEX DISCRIMINATION CASES IS UNCLEAR. The 14th Amendment to the U.S. Constitution, frequently the basis for sex discrimination suits, offers uneven and uncertain protection against sex bias. The 14th Amendment, together with the 13th and 15th Amendments, was added to the Constitution more than a century ago to extend civil rights to black Americans. The legislative history of the 14th Amendment's equal protection provisions provides no guidelines for applying it to sex discrimination claims.

A constitutional amendment is the ONLY insurance that women and girls of all races will have fair and equal opportunities in employment, education, benefit and retirement plans, credit during marriage, divorce, and in old age.

Recent public opinion polls have shown extremely high support for the ERA among the American people. Two-thirds of the country, almost 70%, support the amendment. And support is high in both ratified and unratified states. More than 450 major organizations representing over 50 million Americans have endorsed the ERA.

THE ERA IS A MAINSTREAM POLITICAL ISSUE WHOSE TIME HAS COME.

ERA : STATE EXPERIENCES

Six states have equal rights amendments substantially identical to the proposed federal ERA. These states are Colorado, Maryland, New Hampshire, New Mexico, Pennsylvania, and Washington.

In several states, legislative action prompted by the state ERA eliminated many discriminatory laws and prohibited future enactment of discriminatory gender-based legislation. In those and other states, a combination of legislative, judicial and administrative action has combined to eliminate much discrimination against women.

Colorado Governor Richard D. Lamm best summed up his state's ERA experience in his testimony before the House Judiciary Committee:

"The cases illustrate the common sense approach which the courts have taken to interpreting the ERA. Judges generally have stayed with familiar legal theories [by employing the strict scrutiny test] to review laws which classify persons on the basis of sex. They have permitted the use of statistics to prove that, although an act is neutral on its face, it has a discriminatory impact. They have recognized that unique physical characteristics may be a compelling reason to uphold sex-based classifications. The courts have refused to play games with the ERA. The judges have always kept in mind the purposes of the ERA and have not permitted the ERA to become a refuge for law breakers or those who seek to penalize women by wrapping themselves in the ERA."

Here are some of the findings under state ERAs:

State courts have recognized the value of the contributions of the homemaker.

Presumption that the husband is owner of household goods possessed and used by both spouses was set aside as incompatible with the Pennsylvania Equal Rights Amendment. DiFlorido v. DiFlorido. 331 A.2d 174 (Pa. Sup. Ct. 1975).

Under the Texas ERA, courts have held that because of the value of the custodial parent's services (in this case, the mother's), a mutual duty of both parents to provide child support does not require equal monetary contributions. Kremp v. Kremp 590 S.W.2d 229 (Tex. Cir. App. 1979).

State ERAs have not mandated that women could be forced to go to work if they wanted to stay home and raise their children.

Under the Pennsylvania ERA, the court found that the divorced mother may not be required to make financial contributions to the child's support because of the value of her custodial services. Wasiolek v. Wasiolek 350 A.2d 400 (Pa. Sup. Ct. 1977).

State ERAs have not mandated abortion funding.

In Massachusetts, state Medicaid restrictions on abortion were challenged under the ERA. The court did not rule on the ERA issue, but rather struck down the restriction on state due process law. Moe v. King, 417 N.E.2d 387 (Mass. 1980).

In Connecticut, state Medicaid restrictions on abortions were challenged under the state ERA. The court ordered state funding on privacy and other grounds. The ERA claim was not adopted by the court. Doe v. Maher, 8 Family Law Report 2006 (Ct. 1981).

Homosexual marriages have not become legal under state ERAs.

In Washington, a statute prohibiting same-sex marriages was upheld under the ERA. The state asserted that since all homosexual marriages were barred by statute, there was no sex discrimination issue. Male pairs as well as female pairs were denied a license under the law. Singer v. Hara, 11 Wash.App. 247 (1974).

State courts have not allowed state ERAs to be used to protect male criminals.

Relying on the remedial purposes of the ERA and recognizing that the ERA permits different treatment based on the unique physical characteristics of the sexes, the Colorado court upheld convictions for rape, gross sexual imposition, and statutory rape under old sexual assault laws. (The Colorado state legislature rewrote the sexual assault laws in neutral language.) People v. Green (183 Colo. 25, 1973).

In Maryland, the defendant in an appeal from a conviction for rape challenged the constitutionality of the statutory definition of rape as abridging his rights on the basis of sex. The court of special appeals rejected this challenge, finding that because physiologically only males could perpetrate rape, the classification limiting culpability to males was rationally related to the state's purpose of criminal penalty. Brooks v. State (24 Md.App. 344, 1975).

E R A A N D T H E H O M E M A K E R

The ERA will recognize the economic partnership of marriage and will acknowledge the homemaker as an equal contributor to the family.

BACKGROUND

Many laws and practices operate to deprive homemakers of economic security during marriage, upon divorce, or at widowhood, by failing to recognize their valuable contribution to their families and society. The homemaker's contribution is not viewed as economically equal to the breadwinner's.

Most of our marital laws date back to English common law. Married women were considered the property of their husbands, seen as economically dependent upon their spouses, obligated to provide domestic services and companionship. Today, despite progress, many of our tax and divorce laws, the Social Security system, and insurance and pension plans still reflect these archaic assumptions.

Homemakers lack basic legal rights concerning ownership, possession and control of marital property. In many states a married homemaker cannot obtain credit in her own name because it is assumed that only the wage earning spouse controls assets. Some states still follow common law practices that household goods purchased during marriage belong only to the husband unless the wife can show her monetary contribution to the purchase.

Problems resulting from the homemaker's lack of legal and economic protection become acute if the marriage dissolves through divorce or death. Divorced women rarely receive alimony, and often receive no child support. Even when such money is received, it is usually inadequate. Discrepancies between the earnings of men and women exacerbate the problem. The divorced father almost always has more disposable income than the divorced mother who has the children to support.

Under the ERA, laws and court orders relating to domestic relations will be based on the principle that each spouse contributes equally to the marriage. The ERA will afford women a basis in law that entitles them to equal management and ownership of property acquired during the marriage.

QUESTIONS

- Q. What effect would the ERA have on alimony and support awards?
- A. Under the ERA, gender neutral rules will require monetary and non-monetary contributions from both spouses in accordance with their means.
- Q. Would men still have to support their wives under the ERA?
- A. Many courts have refused to enforce the support obligations of husbands during marriage because of a reluctance to invade the privacy of marriage. As a result, even if a husband denies his wife money for her most basic needs--food, health care, clothes--she cannot, as long as she continues to live with him, expect a court to order him to provide reasonable expenses. ERA will have little impact on this unfortunate situation. However, in the event the marriage dissolves, the homemaker's non-monetary contributions to the family will receive fair recognition in dividing marital property.
- Q. Would the ERA force divorced mothers to work in order to meet her obligation of equal support for the children?
- A. No. This issue has been litigated in Pennsylvania under the state ERA. The court recognized the importance of the custodial parent's role in staying home with the children. Defining rights and responsibilities in sex neutral terms means that both breadwinners and homemakers are entitled to legal and economic recognition, not that each must perform both functions.

Sexist assumptions in Social Security work against the homemaker in various ways:

- ** The unpaid homemaker receives absolutely no disability protection for herself or her family; her survivors receive no benefits. The assumption is that homemakers do not work.
- ** If divorced before 10 years of marriage, homemakers have no coverage for those years. Since approximately one-third of all marriages dissolve before the 10th year, a significant number of women lose financial security.
- ** If an employed married woman leaves the paid labor force to care for her family, she is penalized by having zero earnings entered into her savings history and her pay-outs are reduced.

Q. How would the ERA affect homemakers' Social Security benefits?

- A. Social Security provisions harm women because they are premised on sex-based assumptions that fail to recognize the economic value of work in the home, the discriminatory wage structure in the labor force, and the unique work patterns of women as they temporarily drop out of the labor force to raise children. ERA would require the reexamination of sexist assumptions that underlie the Social Security system.

ERA AND WORKING WOMEN

The ERA will strengthen existing prohibitions against sex discrimination in the work place, and require uniform enforcement of current laws which outlaw bias in wages, fringe benefits, hiring practices, and other conditions of employment.

BACKGROUND

The increased labor force participation of women is one of the most important labor market trends of this century. 43% of all women are working outside the home today, more than ever before. In 1981, over half of all married women were working, up from 24% in 1950. 48% of women with children under 6, and 63% of women with children between the ages of 6 and 17, were in the labor force.

Growth in the number of single women heading households has been dramatic. Accompanying this trend has been a phenomenon known as the feminization of poverty-- more than half of the total number of poor families in this nation are maintained by women. Almost three-quarters of minority children in female-headed households live in poverty. If this trend continues, it is estimated that 100% of the poverty-stricken in the year 2000 will be women and their children.

If wives and female heads of households were paid the wages that similarly qualified men earn, about half of the families now mired in poverty would not be poor.

Discrimination against women in the market place has not been eradicated, despite laws on the books to protect them. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination and the Equal Pay Act of 1963 requires wage equity, but in 1983 women continue to earn only 59% of men's income. These equal employment laws and affirmative action policies are simply inadequate, unevenly applied, and often loosely enforced. And, as with all statutes, they can be repealed or weakened at any time, or simply not be enforced by the agencies charged with that responsibility.

Moreover, even statutes such as Title VII and the Equal Pay Act are inadequate to address one of the most powerful forces against economic equity for women-- occupational segregation. Most working women are concentrated in a small number of relatively poorly paid occupations. Studies show that jobs viewed as "women's work" are lower paid simply because they are "women's work," regardless of the skill, responsibility or training required to do them.

A statute-by-statute approach to remedying economic bias does not work. Only a constitutional guarantee of equal employment opportunities for women can get at the root of the problem. Women are in the work force to stay. Limited access to job training, vocational studies, and educational fields will ensure the endurance of the feminization of poverty and the widening of the wage gap.

The ERA would prohibit sex discrimination by public employers, prompt state legislatures to repeal discriminatory laws, and guide the courts when enforcing the laws. So-called "protective legislation" restricting the types of jobs women can hold and the hours they can work would be repealed. Loopholes and exceptions in equal employment laws would be closed.

QUESTIONS

- Q. What effect would the ERA have on veterans' preference in public employment?
- A. It should be noted, first of all, that public employment has always been an important source of jobs for women. There are currently some veterans' preference schemes so extreme that women have been virtually excluded from the upper levels of state employment, relegated to clerical and support positions, no matter how qualified. Programs to reward our veterans reentering the work force would have to be more narrowly tailored and carefully weighed against the ERA's prohibitions against sex discrimination so as not to unduly limit employment opportunities for women.

Q. How would the ERA affect seniority systems?

A. Genuine nondiscriminatory seniority systems would not be struck down by the ERA. However, in cases where these systems mask actions which exclude women from jobs or job advancement, deny them adequate pay, or make them more likely to be laid off, seniority would be subject to challenge. Every major labor union in the nation supports the ERA.

Q. How would the ERA affect employment and pregnancy?

A. Work policies prohibiting pregnant women from working, laws denying unemployment benefits to pregnant women, and plans revoking accrued seniority and fringe benefits following temporary leaves of absence due to pregnancy have created powerful obstacles to women in the work place. Current law offers protection against some of these practices, but are subject to the threat of repeal and less than aggressive enforcement. The constitutional guarantees of the ERA would ensure that pregnant workers continue to be treated as individuals--sick leave, disability pay, and other health benefits would be granted to them on the same basis as to other disabled workers.

E R A A N D E D U C A T I O N

The ERA will require that all publicly supported schools at all levels eliminate practices which discriminate against women. It will not tell schools what to do, but only that whatever they do, they must do fairly.

BACKGROUND

Sex discrimination in education reflects and perpetuates the discrimination women face throughout their adult lives. It begins in grade school with sex stereotyped texts that portray boys as leaders and achievers and girls as followers and watchers, continues through high schools where boys learn to operate machines and girls learn to keep house, and culminates in universities with weighted admissions policies, limited women's athletic programs and courses of study.

No one can deny the importance of education in determining life and employment opportunities. One-half of all women work; two-thirds work out of economic necessity. Yet women's educational preparation for the job market is heavily weighted in favor of low paying, dead-end jobs. In vocational courses, women have been concentrated in home economics, health, office occupations and consumer and homemaking programs, while men have dominated technical, agricultural, trade and industrial programs which lead to higher paying jobs. At a time when our society is moving into an advanced technological era, when math and science training is essential for jobs in high technology and other growing employment fields, 83% of home economics students are female, while 94% of trades and industry students are male.

QUESTIONS

- Q. What impact would the ERA have on single-sex public schools?
- A. The ERA would mandate that public schools could not continue discriminatory practices -- they would have to integrate.
- Q. What impact would the ERA have on single-sex private schools?
- A. The impact of the ERA on private educational institutions would depend on the extent of state involvement. A private institution whose sex-segregated policies could not be justified might lose government funds.

However, just as under current law regarding race, the ERA would allow some schools or programs to continue admissions policies and compensatory aid for women if their single-sex nature is evaluated by the courts as making a positive contribution to overcoming the effects of past discrimination and promoting sex equity. A policy designed to provide educational opportunities for women to overcome past discrimination need not be inconsistent with the ERA.

Tax-exempt status alone may not create sufficient state involvement to be affected by the ERA. Under Bob Jones University v. U.S. 103 S.Ct.2017 (1983), it may be permissible to deny tax-exempt status if the institution's practices can be found to offend public policy.

- Q. Would sports teams have to be integrated?
- A. The ERA would accommodate the maintenance of all-female teams where necessary to guarantee equality of athletic opportunity. But women qualified to play on all-male teams would be allowed to do so.
- Q. Would ERA outlaw fraternities, sororities and other private clubs and associations at colleges and universities?
- A. Purely private social organizations would not be affected by the ERA. If such organizations were supported with public funds or were so interwoven with the academic life of an institution as to represent official action, the ERA would apply. (See Iron Arrow Honor Society v. Heckler, 51 U.S.L.W. 2649, 11th Cir. 4-11-83.)
- Q. Would sleeping facilities and bathrooms have to be integrated?
- A. No. The right to privacy is not in conflict with the ERA. Privacy cannot be a subterfuge for providing unequal opportunity, however.

E R A A N D R E T I R E M E N T

The ERA will strike overt discriminatory laws from the books and open the door to challenge superficially sex neutral laws that have a discriminatory impact on women.

BACKGROUND

The "pension game" is one that the American woman almost always loses. All women--single, married, divorced or widowed--are shortchanged by a system that has failed to meet their changing needs and to guarantee them economic justice. Most retirement systems, designed to reward the long-term, steady worker with low mobility and high earnings, do not reflect modern work and family patterns, and do not apply to most women.

Today 53% of all women--43% of the total labor force--work for pay. Their unique work patterns stemming from childbearing and rearing responsibilities are not recognized as having economic worth, and hence are not provided for in present retirement systems. In 1980, fewer than 10% of all American two-parent families fit the 1940's stereotype of an employed father, stay-at-home mother and two or more children under 18. Moreover, with the high incidence of divorce and even higher percentage of surviving spouses being female, the presumption that the husband will be present to provide for his wife is no longer realistic.

This presumption of dependency works against all women, especially in the Social Security system. If a husband and wife jointly own a business or farm, benefits accrue in his name. If the wife is disabled, she has no credits on which to seek benefits. Because of the principle of only paying one worker in a couple, a two-earner couple with the same income as a one-earner couple receives lower benefits. In 1979, 2.3 million retired women who paid Social Security taxes were no better off than had they never worked for pay and never contributed to Social Security. The net result is a growing population of elderly, poor women. 85% of the elderly poor are single women; 60% of them depend solely on Social Security for their income. Yet, in 1983 the average Social Security payment for women 65 or older was \$4,476, compared to \$5,725 for men.

Inequities in pension systems compound the problem. Regulations which ignore women's typical work patterns, such as minimum participation age and vesting requirements, coupled with inadequate provision for survivor benefits, mean that in 1981 only 10% of retirement age women received a pension, compared to 28% of retirement age men. Even if a woman does have a pension based on her own earnings, the average benefit is only 59% of a man's average benefit, reflecting continuation of the wage gap into old age.

Pensions must accommodate today's work patterns and needs of women in order to offer a decent standard of living after retirement.

QUESTIONS

- Q. Since most women live longer than most men, isn't it fair to have a different contribution and payout schedule under pension plans?
- A. Most older women do not live longer than most men of the same age. In a random sample of 1,000 men and 1,000 women age 65, 86% of men and women matched in death ages. Life expectancy differences between men and women reflect nothing more than group averages applied to individuals. Moreover, a recent National Research Council study has revealed that the overwhelming reason for the difference in life expectancy at birth between men and women is smoking: the life expectancy figures for non-smoking men and non-smoking women were identical. Other factors, more reliable and specific than sex, should be used in annuity and pension calculations.
- Q. Won't the elimination of sex-based actuarial tables, now widely used in pension plans, impose a tremendous administrative burden on companies?
- A. Under Title VII of the Civil Rights Act, the Supreme Court has already determined that sex-based actuarial tables cannot be used to force women to contribute more to a pension plan for equal benefits (Manhart) or to receive lower benefits for the same contribution (Norris). However, these decisions only affect employer-sponsored pensions plans and many women are not covered by such plans. The ERA is necessary to expand and cement these principles in all pension plans.
- Q. Won't it cost millions to equalize pension payouts?
- A. The industry estimates that \$2 billion will be required to equalize pension payouts. While that seems like a lot of money, it is only three-tenths of 1% of current pension fund assets.

ERA AND INSURANCE

The ERA will prohibit sex-based discrimination in insurance, requiring insurers to set rates and coverage in the same manner for men and women. Sex-based actuarial tables would be disallowed, in favor of a system which uses individual characteristics more closely related to health, life, and casualty expectancies.

BACKGROUND

Despite our national policy prohibiting discrimination on the basis of race, color, origin, religion, and sex, unfair treatment of women seeking insurance coverage remains a major obstacle in the path to economic equity. Insurance companies practice sex discrimination when they limit women's access to certain types of insurance coverage and set rates, terms, and conditions that are unequal for women and men seeking identical coverage.

Adequate insurance coverage for American women and their families is of critical importance. Women comprise 43% of today's work force. They are the primary wage-earners for 7.7 million single-parent families, but their average earnings are only 59% of male wage-earners' incomes. The notion that women do not need insurance coverage is outdated, and yet they continue to receive inequitable treatment in such areas as disability, life, and health insurance.

The use of sex-based actuarial tables by private insurers often results in unequal benefits and limited coverage for women. These insurers justify this practice by tables showing that women live longer than men, on average. As a result, women as a whole have received lower monthly payouts of annuities for which they have contributed identically as their male counterparts.

Most women, however, do not live longer than most men of the same age. 86% of men and women of retirement age die at the same time. This means that the majority of women pay for the longevity of a few in annuity and insurance benefits. Using gender to determine benefits in this way, then, serves merely as a proxy for other characteristics more closely associated with mortality, longevity, and morbidity. Studies have shown that personal habits such as smoking and drinking are more relevant to determining life expectancy, but insurers continue to rely on gender as a substitute for individual characteristics.

Gender-based classifications that inhibit women's economic security are demonstrated in the following areas:

****DISABILITY INSURANCE**** This type of insurance is generally unavailable to women who do not work outside the home, nor to part-time workers, the majority of whom are women. In states which do provide this insurance coverage for women, studies show that women pay more than men with identical or better coverage.

****HEALTH INSURANCE**** According to a report prepared by the Women's Equity Action League, it is not uncommon to find that, despite higher premiums paid by women, the benefits they receive are much lower than those received by men. Health insurance often does not cover pregnancy and related conditions; the rationale is that pregnancy is a "voluntary condition." The same health plan often covers other voluntary disabilities, however, such as sports injuries and vasectomies.

****LIFE INSURANCE**** Under certain policies, a married woman is allowed to purchase coverage only up to the amount of the husband's policy, regardless of her own earning power. Sex-based life-expectancy tables are used to set different rates for men and women. Women must demonstrate need to qualify for the option to forego premium payments during disability; this benefit is automatically granted to men.

QUESTIONS

- Q. Will the net effect of the ERA on insurance be higher insurance costs for women?
- A. Because women are now overcharged for all lines of insurance, the net effect of the ERA would be lower insurance costs for women.

Women as a group now benefit from sex-based rates in life and auto insurance (but only when they are young). The high costs and low benefits in the areas of health, disability, or annuity coverage, however, greatly outweigh the advantages to women in life and auto coverage. The ERA would institute treatment of women as individuals. Men and women will gain from a system which classifies risks on the basis of individual behavior or characteristics more closely related to mortality, morbidity, or casualty experience.

E R A AND THE M I L I T A R Y

The ERA will prohibit denying women entry, promotion, education and training in the service branches solely and exclusively on the basis of gender.

BACKGROUND

The military is the largest employer and educator in the nation and yet is virtually immune from policies and laws prohibiting sex discrimination. Women are denied entry to every service branch, promotion opportunities, education and training not on the basis of their capabilities but simply because of their sex. These discriminatory policies limit opportunities for women and the contribution they can make to our nation. Currently, federal statutes restrict the manner in which the Secretaries of the Air Force and Navy can assign women, and all the services (except the Coast Guard) further restrict the roles women can play.

These restrictions jeopardize the women who must serve in dangerous military situations without the training and support essential to survival. Further, they perpetrate harmful, archaic and overbroad stereotypes about the capabilities of women and the role of women and men in society. Exclusion from full participation in military service also means lost opportunities for college scholarships, veterans' education benefits, veterans' preference in government employment, veterans' insurance and loan programs, and limited access to the revolving door of the military/industrial connection--where the private sector pays well for the defense related skills of former service members.

Exclusion of women from the military is an economic issue. The Texas Population Research Center has just released data showing that among employed women of all races, those who have served in the Armed Forces are almost twice as likely to earn salaries at least \$300 per week better than those women who have not.

QUESTIONS

- Q. Would women be eligible for the draft under the ERA?
- A. Under the ERA, women would be treated equally with men with regard to registration for the draft. However, certain women, like certain men, may be exempted from the draft as conscientious objectors, the parents of dependent children, or because of medical reasons. Once inducted, men and women would be assigned responsibilities on the basis of service needs and individual qualifications, not gender.
- Q. If the ERA is not enacted, are women protected from the draft?
- A. No. The Department of Defense has already prepared legislation designed to alter existing law so that both sexes can be subject to future conscriptions.
- Q. Would the ERA result in women being assigned to combat duties?
- A. There is no current statute or policy that defines "combat." Combat exclusion rules are often inconsistent among the service branches and have been altered many times over the years. These rules reflect the needs of each service; they are not designed to protect women. Women, like men, will be assigned to those jobs for which they are qualified.
- Q. Would the ERA eliminate job-related qualifications in the military?
- A. No, just the reverse. Under the ERA, all military positions, including combat positions, would be filled by the most qualified individuals available. Women and men who are physically or psychologically unsuited for a combat-related job would be excluded from such an assignment.
- Q. What effect would the eligibility of women for combat have on military effectiveness?
- A. Despite repeated studies to establish the limits of our military women's capabilities, no such limitation has been demonstrated. Army studies show that increasing the proportion of women in combat support and combat service support units has no measurable effect on unit performance in field training exercises.

ERA: PUBLIC SUPPORT

The nation overwhelmingly supports the Equal Rights Amendment:

In June 1981, TIME magazine reported that the Equal Rights Amendment was supported by more than a two-to-one margin.

Independent polls conducted nationwide show three-quarters of U.S. voters support exact wording of the ERA.

Over 450 major organizations with memberships well over 50 million have endorsed the ERA.

Support and Opposition to the ERA by the American Public:

Year	Favor (%)	Oppose (%)	Don't Know (%)	Total (%)	Total (N)
1974	73.6	21.1	5.2	100	2822
1975	58.3	23.7	18.0	100	2762
1976	56.7	24.5	18.8	100	2798
1977	65.5	26.5	8.0	100	1000
1978	58.0	31.0	11.0	100	1010
1980	52.3	28.3	19.4	100	2780
1981	55.5	28.1	16.4	100	2740
1982	61.5	23.4	15.1	100	1506

Source: Gallup Poll; National Opinion Research Center General Social Survey

IN CONCLUSION: in 1982, a 63 to 33 percent majority supported the ERA. This is the fourth highest percentage of American support EVER recorded in favor of the amendment's passage. People have clearly not given up hope that, ultimately, the constitutional guarantee of equal rights for women will be ratified. (Harris Survey, 1982.)

10/25/83

U.S. HOUSE OF REPRESENTATIVES

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