

**CLAIMS
AND
COUNTERCLAIMS**

On the Equal Rights Amendment
(Prepared by the Mississippi Committee For The
Retention and Protection of Women's Rights)

EQUAL PAY

1. ERA will give women equal pay for equal work.
(National Organization of Women)

Title VII of the Civil Rights Act of 1964 says an employer may not discriminate in hiring, firing, in establishing wage standards, promotion opportunities or training. The law is implemented through the Equal Opportunities Employment Commission and the Wage and Hour Division of the Labor Dept. ERA is unnecessary for equal pay, and it can add nothing more to the enforcement of existing laws.

LEGAL RIGHTS AS PERSONS

2. ERA is essential to women because the only legal right women are guaranteed under the Constitution is the right to vote.

ERA will make women legally persons under the Constitution.

(National Organization of Women)

The 14th Amendment which provides that no state shall deprive any person of life, liberty, or property without due process of law, and further extends to every person equal protection of the law makes women legally persons. Court cases, admitted by ERA proponents on specific issues, have upheld legal rights and equal protection of women.

THE DRAFT

3. ERA won't affect women's being drafted. Congress already has the power to draft them, but it has even stopped drafting men. So why all the hysteria? (National Organization of Women)

Women will be permitted to enlist in the active services and National Guard under ERA if they meet the requirements, and will be eligible on an equal basis with men for educational benefits. They will be drafted on an equal basis with men and have equal responsibilities. Exemptions based solely on sex would be invalidated. (Common Cause)

Without ERA, the Congress, as it has done in the past, may exempt women from the draft. But if ERA is ratified, Congress will have a Constitutional obligation, not only to draft women on an equal basis with men, but also to assign them to combat roles. No exemptions for pregnancies can be made unless the same exemptions are granted the father. (See Yale Law Journal, April, 1971) It may sound noble for women to share the same draft and combat responsibilities with men, but in practice its effect on the family and combat effectiveness could prove disastrous to the survival of our country. The destruction of the family unit and the military defense of the U.S. is a Communist objective.

PRIVACY

4. The ERA would not mean that men and women in the military would have to share the sleeping quarters and bathrooms. The power of the state to regulate cohabitation and sexual relations of unmarried persons and the constitutional right of privacy would protect these differences. (Common Cause)

The ERA is so worded that it provides no exemptions. The state's power to regulate cohabitation and sexual relations would be abolished because any laws concerning this power are based on sex. Already in Maryland, state legislators have followed this principle in rewriting laws to conform to a state Equal Rights Amendment. Women are automatically to be drafted into the state militia and no provisions have been made in the laws for separate bathrooms or sleeping quarters. (See S.B. 287)

WIFE AND CHILD SUPPORT

5. ERA would not deprive women of any enforceable rights of support for themselves or their children. Right of support is much more limited than is generally known. A married woman living with her husband can get only what he chooses to give her. Courts are reluctant to interfere in ongoing marriages. In divorce cases, alimony and child support cases are the least complied with and least enforced of all cases outside small claims.

Furthermore, ERA could not be used to compel women out of the home and into the labor force. Saying it can be is just a scare tactic. The amendment applies only to governmental action and does not affect private action or social relationships between men and women. (National Organization of Women)

ERA will wipe out the wife's right to be supported by her husband, a right now protected by law in every state except the few which have passed their own ERA. Women will become equally responsible for the support of the family and will lose their freedom not to take a job and to be a fulltime wife and mother supported by her husband. Laws being rewritten in Maryland to conform to its state ERA assert that a wife is criminally liable to support her husband (as he is to support her). No exemption is provided for the wife if her husband is just lazy and doesn't want to work. The number of women who may be abandoned to support their families without a criminal law to protect them could be overwhelming. Many of them, no doubt, would resort to welfare, further overburdening the taxpayer. Colorado's support law has been struck down under its state ERA. In Colorado vs. Elliott, a wife's support was ruled invalid because the support law discriminated against the husband.

ALIMONY

6. ERA will require that men be eligible for alimony under the same conditions as women (as they now are in more than 1/3 of the states). (Common Cause)

Since 1/3 of the states and many court judges are already applying this yardstick, why is ERA necessary? If ERA is ratified, it is estimated that states must rewrite from 150 to 250 laws. Why not rewrite only the few that really cause hardship — that can be done without ERA.

MONEY AFFAIRS

7. ERA would keep women from being denied credit because their earnings are considered less real than men's, (National Organization of Women)

ERA would make it possible for women to buy cars, furnish or mortgage their homes, or go into business on the same terms available to equally qualified men. (National Organization of Women.)

SPECIAL BENEFITS

8. "Inequalities suffered by men in insurance rates, social security, pension benefits as widowers would be corrected." (Anne Armstrong: Republican National Committee)

WOMEN IN INDUSTRY

9. So-called protective labor legislation for women will not be eliminated under ERA. Such legislation is already prohibited under the Civil Rights Act of 1964. (NOW)

"Under ERA where state laws actually provide 'meaningful protection (they) would be expanded to include both men and women.'" Senate Report 92-689 (Common Cause)

"Special labor safety and health provisions that do not restrict opportunities will be extended to men rather than denied to women (Anne Armstrong)

10. Public colleges will have to admit women on an equal basis with men. The Amendment will not affect private schools, it will not require quotas, or equal numbers of men and women. (Common Cause)

EFFECTS

11. The ERA will usher "in a new era of rights and responsibilities for all the people of the U.S." (Anne Armstrong, RPC)

"It's also hard to understand how being protected against sex discrimination can be an attack on women's traditional role as mothers and housewives and can 'degrade womanhood.'" (NOW)

PROponents AND OPPONENTS

12. The Communist Party, the John Birch Society, the American Independent Party and some elements of the Catholic Church don't want ERA, but Congress, the President, the Republican and Democratic parties, churches, universities and an endless list of responsible citizen's organizations want it (NOW)

Presidents Eisenhower, Kennedy, Johnson and Nixon, and the platforms of the major political parties have supported the Amendment. The U.S. House of Representatives passed the Amendment by a vote of 354 to 23 and the Senate, 84 to 6. In both cases opponents tried to add qualifying language to limit the scope of the Amendment and were decisively defeated time and again. (Common Cause)

For more information, write
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Anti-ERA petitions are available.

ERA has no power to obtain credit for any bad risks. Businesses and banks base credit on the person's ability to pay. It is incredible that ERA proponents would suggest that women be given credit whether they're able to pay or not, just because they're women.

Some states may restrict women in establishing businesses, being guarantors or entering into contracts; but Mississippi does not. Let other states change their laws.

Present preferential treatment and financial benefits enjoyed by women in insurance rates because of longer longevity, social security and pensions will be wiped out by ERA. The old equality concept rules again.

To claim that special benefits will be extended to men ignores precedent. "Nothing in the Amendment prohibits the reduction of present benefits and privileges as a means of complying with the equality standard set by the amendment," according to AFL-CIO testimony. The Bank of America in California withdrew cab fares for women working at night rather than extend them to men."

Federal legislation already is more than adequate for educational opportunity, admissions and employment under Title VII of the Civil Rights Act of 1964, amended in March, 1972 to cover all educational institutions, public or private, federal aid or not. The passage of ERA would also forbid separate living quarters in colleges. As for quotas, there is no insurance against them, as busing proves.

ERA will usher in a new era of rights for married men to avoid their financial obligation to support their wives and children, and a new era for married women to assume the responsibility to provide half the financial support of their children.

"ERA will bring social disruption, unhappiness and increasing rates of divorce and desertion. Weakening of family ties may also lead to increased rates of alcoholism, suicide and possible sexual deviation," Dr. Jonathan A. Pincus, Professor of Neurology at Yale Medical School.

Communists, Communist front groups and individuals closely associated with these groups have been the leaders in pushing ERA. (See issues of the Daily Worker and Political Affairs) The proponents use smear tactics against the opponents to cover up their lack of reasonable arguments. Equality has long been a stated goal of Communists and Socialists. But note that it is under capitalism that woman has made her greatest strides for true liberties.

When Presidents Eisenhower, Kennedy, Johnson and Nixon (at first) supported ERA, it had attached to it the Hayden Modification which says: "The provisions of this article shall not be construed to impair any rights, benefits or exemptions conferred by law upon persons of the female sex." Striking this modification was insisted upon by women liberationists, thus showing that their purpose is to deprive women of rights, benefits, and exemptions so hard won in years past.

The House passed ERA with only an hour's debate and with no hearings in committee. Many Senators voted yea with reservations, besieged by militants. Passing the buck to the states, many expressed hope that more careful consideration would be given on the local level.