

IS EQUAL RIGHTS AMENDMENT DEAD?

"A Fraud Which Will Do Absolutely Nothing for Women"



Interview With Phyllis Schlafly

National Chairman, Stop ERA

Q Mrs. Schlafly, is the drive for a constitutional amendment that guarantees equal rights for women now dying?

A Yes—the momentum is all against the Equal Rights Amendment. The tide turned a year ago. In 1975, ERA was rejected in 16 State legislatures, plus Nebraska where an attempt was made to reratify the Amendment after a previous ratification and rescission by the legislature. In New York and New Jersey, State ERA's identical with the federal Amendment were defeated. Only in one State, North Dakota, was ERA ratified this year.

Q Why do you believe the tide has turned?

A Because the overwhelming majority of women do not want ERA. They recognize it as a fraud which will do absolutely nothing for women, but which constitutes a big take-away of the rights that women now have.

Q What rights would be taken away?

A ERA would take away the right of a young woman to be exempt from the draft and from military-combat duty. It would take away the right of a wife to be supported by her husband and provided with a home by her husband. It would take away the right of a mother to have her minor children supported by the children's father. It would take away the right of a woman who does manual labor to have the benefit of protective labor legislation.

Furthermore, there is no end of mischief that ERA, if ratified, could cause in the hands of its proponents.

Q What sort of mischief do you mean?

A ERA will take away our right to attend single-sex colleges because, by definition, such colleges discriminate. It would take away the right to maintain fraternities or sororities on college campuses, because they discriminate on the basis of sex. ERA will most probably legalize homosexual marriages, too, and enable these couples to file joint income-tax returns, adopt children and get other rights that now belong to husbands and wives.

Some proponents of ERA claim the Amendment would require the State to set up child-care centers for all children, regardless of financial need, because they think it is unequal that mothers have to take care of their babies. Under this theory, it becomes the duty of the State to take care of the babies so the women can have full equality.

ERA may even require husbands to pay double Social Security taxes on the assumed earnings of their wives as homemakers.

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ERA Has Lost Momentum, "But Only Temporarily"



Interview With Jill Ruckelshaus

A Leader in the Women's Rights Movement

Q Mrs. Ruckelshaus, is the drive to guarantee equal rights for women through a constitutional amendment dead?

A Definitely not.

Q Has it lost momentum?

A Perhaps, but only temporarily. It was ratified quickly in many States without much public debate. Subsequently, the debate has developed, and I think that's very healthy. But there is an enormous amount of misinterpretation about the Equal Rights Amendment.

Q What accounts for the misinterpretation?

A Lack of understanding that the courts will follow the intent of Congress in interpreting the ERA. A reading of the majority report of the Senate Judiciary Committee makes it clear that the Amendment, for example, will *not* take away the right to support of dependent wives or change family relationships, and will not legalize homosexual marriage. The opponents are ignoring the fact that the courts will follow the intent of Congress and are publishing charges exploiting fear of change and lack of confidence in our institutions.

Q Does the defeat of the Amendment in several States recently represent a reaction to "women's lib"?

A No, indeed. In the three States that held elections for Governor, on the same day women were elected Lieutenant Governor in two.

Q With all the laws being passed to protect specific rights of women, why is the Amendment itself necessary?

A The ERA is necessary to require legal recognition of the economic contribution of the homemaker; to insure equality of opportunity in public education, governmental "manpower" training programs and recreation programs; to insure that labor laws restricting women's job opportunities are repealed and never again enacted; to insure equal opportunity, privileges and benefits in all aspects of Government employment, including admission to the military services and military-training schools; to require that married women be permitted to maintain a separate legal domicile from their husband's domicile; to insure that the families of women workers receive the same benefits as families of men workers under the Social Security laws, Government pension plans, and workmen's compensation laws, and numerous others.

Q Would ERA take away any rights from women?

A In a few States, women of means cannot be required

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INTERVIEW WITH PHYLLIS SCHLAFLY

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In addition, ERA represents a grab for power at the federal level. A section of the Amendment will take out of the hands of the States and send to Washington control over areas that the Federal Government hasn't yet got its fingers into—marriage laws, divorce, child custody, prison regulations, insurance rates. Why anyone would want to give Washington, D.C., more power, when they can't solve the problems they now have, I don't know.

Q Why, with all the drawbacks of ERA that you claim, has it won rapid approval in so many legislatures?

A It got off to a fast start because it was pushed by a small, minority pressure group. The first States that ratified did so without hearings or debate. After States began to hold hearings and hear speakers pro and con and to examine the issues, they began knocking down ERA with increasing momentum.

Q Are there any rights women might gain if ERA becomes law?

A There is no gain in ERA for women. It won't give women any rights in employment. It won't give them any rights in education. It won't give them any rights in credit. There is no way that ERA can add anything to the effect of the Equal Employment Opportunity Act of 1972, the education amendments of 1972, and the Equal Credit Opportunity Act of 1974.

Q Do you feel that women, so far as legal rights are concerned, need no further legislative protection?

A Women have an extremely fine position in our country. The laws of our States give wives and women, in general, very fine rights. If there is any minor problem that needs to be taken care of, it can best be handled by specific legislation, as many States are doing at the present time. But the blunderbuss approach—which will actually take rights that now exist away from women—is no way to do the job.

Q Are groups that oppose ERA planning to try to get States to rescind ratification they have already voted?

A We certainly are. Nebraska and Tennessee have already rescinded. Now we are moving for rescission in about a dozen other States that have previously ratified, including New York, New Jersey, Texas, Kentucky and Idaho.

Q Some lawyers claim that a State doesn't have the legal right to rescind a ratification of an amendment—

A The best legal authorities say that a State has every right to rescind, including former Senator Sam Ervin [of North Carolina] and Prof. Charles Black of the Yale Law School.

Q Have courts, in the past, refused to allow rescissions?

A There is nothing in the U.S. Constitution, in any State, in any statute, or in any court decision that denies to a State this right. It's very interesting—the double standard that proponents have: They take the position that a State can reject the Amendment two, three or four times and still go on to ratify, but they want to deny a State the right to ratify and then rescind.

Q Do you think it is mainly women or men who are turning against ERA now?

A It's mainly women. Actually, there has never been a movement that is such a complete cross section of every age, race, creed, color, political party, ideological basis, marital status or economic class as the drive to stop the Equal Rights Amendment. We have women from every group. Any attempt to pigeonhole it as representing just one section of America is completely contrary to the facts.

INTERVIEW WITH JILL RUCKELSHAUS

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to pay alimony to dependent husbands. Alimony would have to be granted husbands under the same conditions it is granted to wives.

Q Under ERA, would women lose the right to be exempt from the draft?

A Congress can draft women now. In another emergency, women would undoubtedly be drafted, subject to the same exemptions as men, for example, parenthood and ongoing education.

Q Would women have to face combat duty?

A What happens to anyone after they get into the service is up to the service, which can use draftees where they think they might best serve.

Q What about the claim that ERA would take away the right to attend single-sex colleges?

A ERA applies only to State universities and colleges, almost all of which are now coeducational.

Q Would women lose the right to a husband's support if ERA is passed?

A The majority report of the Senate Judiciary Committee on the Amendment makes clear that the Amendment does not require that husband and wife contribute equal amounts of money. As a practical matter, courts really are reluctant to interfere at all in the allocation of support in ongoing marriages—it's left to the husband and wife to decide. So what is basically at issue is alimony or support after divorce.

Under ERA, we might actually see a better arrangement for women in terms of divorce. Under ERA, the court would have to take into account, in determining alimony or support, the contributions that the wife had made in a nonmonetary way—if she had been in the home all the time—in the form of domestic tasks and child care, of the loss of potential earnings since she had been out of the job market for years.

Q What will groups supporting ERA do now to restore momentum to their drive?

A Coalitions in each State yet to ratify the Amendment will have to work very hard at educating people about the true effect and advantages of ERA—including legislators in some cases who have kept the Amendment from coming to the floor for a vote. If they aren't able to change the individual's mind, the right thing to do then is to try to find someone else who supports ERA to run against that person.

Q In those States where there are moves to rescind ratification—

A We need education there, too, to help tamp down some of the fears that people have expressed and to tell the positive advantages of ERA to both women and men.

Actually, however, judicial history indicates that once a State has ratified an amendment to the Constitution, it has no further power to rescind.

