

ERA Ratification Status Summary

Three More States are Needed by June 30, 1982

The Equal Rights Amendment:
 (Complete text)

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.

The Equal Rights Amendment was passed by the 92nd Congress on March 22, 1972, and submitted to state legislatures for ratification. Congress, in a preamble to the actual text of the Amendment, imposed a deadline of seven years in which to achieve ratification. In 1978, the 95th Congress, after a year-long campaign initiated and led by NOW, extended the deadline for ratification from March 22, 1979, to June 30, 1982.

To become a part of the U.S. Constitution an Amendment must be ratified by three fourths, or 38, of the states. Thirty-five states, representing 72 percent of the U. S. population, have ratified the ERA. Three more are needed.

The following 15 states have not yet ratified the Equal Rights Amendment:

Alabama	Illinois	North Carolina
Arizona	Louisiana	Oklahoma
Arkansas	Mississippi	South Carolina
Florida	Missouri	Utah
Georgia	Nevada	Virginia

The following 35 states have ratified the Equal Rights Amendment:

State	Date	No.
Alaska	April 5, 1972	10th
California	Nov. 13, 1972	22nd
Connecticut	March 15, 1973	29th
Colorado	April 21, 1972	13th
Delaware	March 23, 1972	3rd
Hawaii	March 22, 1972	1st
Idaho	March 24, 1972	5th
Indiana	January 24, 1977	35th
Iowa	March 24, 1972	4th
Kansas	March 28, 1972	6th
Kentucky	June 26, 1972	20th
Maine	January, 18, 1974	31st
Maryland	May 26, 1972	18th
Massachusetts	June 21, 1972	19th
Michigan	May 22, 1972	17th
Minnesota	February 8, 1973	26th
Montana	January 25, 1974	32nd
Nebraska	March 29, 1972	7th
New Hampshire	March 23, 1972	2nd
New Jersey	April 17, 1972	12th
New Mexico	February 28, 1973	27th
New York	May 18, 1972	16th
North Dakota	February 19, 1974	34th
Ohio	February 7, 1974	33rd
Oregon	February 8, 1973	25th
Pennsylvania	Sept. 27, 1972	21st
Rhode Island	April 14, 1972	11th
South Dakota	February 5, 1973	24th
Tennessee	April 4, 1972	9th
Texas	March 30, 1972	8th
Vermont	March 1, 1973	28th
Washington	March 22, 1973	30th
West Virginia	April 22, 1972	14th
Wisconsin	April 26, 1972	15th
Wyoming	January 26, 1973	23rd

The fact that a state has ratified the federal ERA does not mean that the Amendment is in effect in that state. ERA goes into effect only after the 38th state has ratified and it is officially a part of the United States Constitution.



The following 16 states have adopted equal rights provisions to their State Constitutions though not all of them employ the same wording as the proposed federal Amendment.

Alaska	Maryland	Texas
Colorado	Massachusetts	Utah
Connecticut	Montana	Virginia
Hawaii	New Hampshire	Washington
Illinois	New Mexico	Wyoming
	Pennsylvania	

Over 450 organizations, with memberships of more than 50 million Americans, have endorsed ratification of the ERA. These groups include labor unions, church, civil rights, legal, educational, medical and *all* major women's organizations.

In addition, most of these same groups have supported a boycott of conventions in ERA- unratified states.

A partial listing of pro-ERA organizations follows:

- AFL-CIO
- Amalgamated Clothing and Textile Workers Union
- American Association for the Advancement of Science
- American Association of University Women
- American Baptist Churches, U. S. A.
- American Civil Liberties Union
- American Federation of Teachers
- American Jewish Committee
- American Library Association
- American Nurses' Association
- American Psychological Association
- American Veterans' Commission
- American Women in Radio and Television Association for Intercollegiate Athletics for Women
- B'nai B'rith Women
- Catholics Act for ERA
- Church Women United
- Coalition of Labor Union Women
- Communication Workers of America
- Consumer Federation of America
- Democratic National Committee
- Episcopal Church; Executive Council
- ERAmerica
- Federally Employed Women
- International Ladies Garment Workers Union
- League of Women Voters
- Lutheran Church in America
- National Association of Girls and Women's Sports

- NAACP
- National Bar Association
- National Coalition of American Nuns
- National Congress of Hispanic American Citizens
- National Council on Aging
- National Council of Churches
- National Council of Churches of Christ
- National Council of Jewish Women
- National Council of Negro Women
- National Education Association
- National Federation of Business and Professional Women's Clubs
- National Federation of Democratic Women
- National Organization for Women
- National Woman's Party
- National Women's Political Caucus
- Rural American Women, Inc.
- Southern Christian Leadership Conference
- United Auto Workers
- United Church of Christ
- United Food and Commercial Workers International Union
- United Methodist Church; Board of Church and Society
- United Presbyterian Church
- United Steelworkers of America
- Women in Communications, Inc.
- Young Women's Christian Association

The Democratic Party has endorsed the principle of equality for women since 1940. Its platform included support for the current ERA in 1972, soon after Congress passed the Amendment.

In 1940, the Republicans adopted the following language in their party platform. "We favor submission by Congress to the States an Amendment providing equal rights for women and men." But in 1980, the Republicans reversed their 40 year support for ERA. Officially, the Party Platform takes no position on the Amendment. But, Ronald Reagan has become the first President to oppose a constitutional Amendment which provides equality of rights for women.

The Democrats, in 1980, reaffirmed their support for the Equal Rights Amendment and adopted the policy of denying financial support to those candidates who oppose the ERA.

The Need for the Equal Rights Amendment

ERA NOW or Maybe Never

The Equal Rights Amendment is needed more today than when it was first introduced in 1923 and passed by Congress in 1972. Current conservative policymakers are seeking to repeal the few existing guarantees for women. Under federal "deregulation" schemes, the conservatives are proposing the *repeal* of equal credit and affirmative action regulations, the *removal* of enforcement procedures for equal employment laws and under block grant distribution plans, the dilution of equal education laws.

The ERA is necessary in order to establish a national policy and to set a standard for the elimination of discrimination based on sex. What is at stake is economic independence for women — whether women will continue to be paid only half of what men are paid and whether women will be forever relegated to the dependence which low wages and low status impose.

What is at stake is Constitutional equality for women in this century. One law at a time is the slow road to equality and would take another 250 years at the present rate of development.

Existing Laws Are Not Adequate to Eliminate Sex Discrimination

A statute-by-statute piecemeal approach to eliminate sex discrimination, whether at the federal or state level, does not work. Title VII of the Civil Rights Act, Title IX of the Education Amendments, the Equal Pay Act and the Equal Credit Act are the laws most often cited as providing equal opportunities for women. The experiences of the past 20 years have shown unfortunately, that these statutes have not provided adequate enforcement and have not resulted in desired changes in the patterns and practices of discrimination. The current laws are simply not enough.

Women are still the victims of massive discrimination, especially in employment and education. Today, employed women are paid only 59¢ to every dollar paid to men. This Wage Gap is due, in part, to our educational system's channeling of females into low-paying, dead-end service and clerical jobs.

Full-time homemakers are especially vulnerable to discrimination if they become widowed or divorced. These discrimination problems are caused by major government programs, such as Social Security, by discriminatory state laws and by the inadequacies and loopholes of the current legal structure.

Current Laws Can Be Repealed at Any Time

Most importantly, the ERA is needed to achieve permanent economic equality for women without reversals in our laws. Since the current equal opportunity laws were enacted by Congress without the force of the Constitution, Congress can repeal these laws at any time without replacements. The same is true for state and local laws. Equality for women should not depend on the whims of lawmakers. Equality under the law must be a basic right for all Americans. Women cannot be made to fight for their rights every four years with changing political tides.

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. There can be no "E.R." (equal rights) without the "A" (Amendment to the Constitution).

Changes in Women's Lives Mandate ERA

The role of a woman in society as being exclusively dependent on her husband, both economically and in courts of law has changed dramatically over the past decades. The ERA is needed to reflect these changes. Families have diversified and women are entering the job market at unprecedented rates. Times are changing, but the laws have not kept up with these new conditions.

The picture of an employed husband, full-time homemaking wife, and two children under 18 fits less than 10% of American families. Due to economic necessity, a majority of women must hold paid jobs outside the home. More women than ever before are the sole heads of their family. Women must be afforded equal

protections of the Constitution as individuals under the law. The ERA is needed more today than ever before.

Equal Pay and Equal Opportunity Do Not Exist

Half of all women hold paid jobs outside the home, and they are entering the work force at higher rates than men. The average married woman works for 25 years, a single woman works for 45. But women are concentrated into low-paying, dead-end jobs at the bottom of the career ladder. In 1979, women were paid only 59¢ for every dollar paid to men. In 1960, women were paid 64¢ for every dollar paid to men. Title VII prohibits sex discrimination in employment but has exemptions such as the U. S. Congress, small businesses and the armed services.

In many ways, ratification of the ERA will help full-time homemakers more than any other group. Under most state laws, a homemaker's work is not recognized. Homemakers face some of the most severe forms of discrimination. Under ERA, the courts will view marriage as a "partnership" and will recognize the valuable contribution of full-time homemakers to their family, an important legal status if they become widowed, divorced or separated.

The Social Security System and most pension plans are sex-biased. As a consequence, the vast majority of elderly women who are single or widowed have incomes below the poverty line. In 1979, the annual income for men over 65 was \$6,430 and for women over 65 was \$3,759. For 60% of older women, Social Security is the only source of income in retirement years. Cuts in the System will hurt women disproportionately harder. Under current laws, old women have no redress.

Court Decisions Are Not the Answer— They Have Added to the Problem

In many states where sex discrimination in the law has not been removed through legislative reform, victims of sex bias have no alternative but to go to the courts, relying on existing federal or state provisions. Unfortunately, most state constitutions do not expressly prohibit discrimination. And, without the ERA, the federal Constitution similarly fails to provide adequate relief.

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 were added to the Constitution more than a century ago to abolish slavery and extend civil rights to blacks. At the time, women were denied such basic prerogatives of citizenship as the right to vote, hold property,

serve on juries and practice certain occupations. The authors of the 14th Amendment did not intend to change these rules. The legislative history of the Amendment's equal protection provisions provides no guides for applying it to sex discrimination claims.

The standard developed by the Supreme Court to judge such claims under the 14th Amendment is unclear, both to the Court itself and to other Federal and State courts.

The treatment of sex under the Equal Protection Clause is according to the whim of the Court:

■ The Court has held that sex discrimination is not a 'suspect classification' under the Equal Protection Clause of the 14th Amendment.

■ This was made clear by Justice Powell in delivering the opinion of the Court in the *Bakke* case, "The court has never viewed such classification [meaning women] as inherently suspect or as comparable to racial or ethnic classifications for the purpose of equal-protection analysis."

■ In 1977, in a split decision, without opinion, the Court let stand a "separate but equal" ruling. By endorsing the opinion of the Third Circuit Federal Court of Appeals which upheld the constitutionality of certain Philadelphia public schools that are sex segregated in *Vorchheimer v. School District of Philadelphia* (532 F.2d 880. 3d Cir. 1976) the Supreme Court reverted to the days of *Plessy v. Ferguson* (163 U. S. 537) handed down in 1896.

Public Support For ERA Remains Strong

The ERA has two-to-one support among the American people as reflected in the June 1981 issue of *Time Magazine's* report on Reagan and social issues. 61% of the American people support ERA. In addition, more than 450 major organizations with memberships well over 50 million have endorsed the Amendment.

The Burden Must Be Shifted

It is unconscionable to expect those who are victims of discrimination to challenge every law and monitor every existing or proposed piece of legislation that discriminates. Even if every state adopted an ERA (only 16 states have such provisions) and they were properly enforced, there would be no protection for women from sex discrimination at the federal level in such massive programs as Social Security and estate taxes.

Less than a year remains for full equality to be achieved in our generation's lifetime. Join the ERA Countdown Campaign today.

STRONG PUBLIC SUPPORT FOR ERA
2-to-1 Margin For A Constitutional Amendment

Strong Public Support For ERA

Two-to-One Margin for a Constitutional Amendment

The ERA has extremely high support among the American people as reflected in public opinion polls conducted over the past several years. In addition, more than 450 major organizations with memberships well over 50 million have endorsed the Amendment.

Public Opinion Polls Show Americans Want ERA

In June 1981, *Time* magazine reported that the Equal Rights Amendment was supported by more than a two-to-one margin with 61% favoring ratification (Yankelovich poll). A Washington Post-ABC News poll conducted at about the same time found Americans supporting the ERA by the same percentage.

Over the past election year, voter support for ERA remained strong. For that matter, pollsters have been indicating that Ronald Reagan's opposition to the ERA caused him to lose votes during the election and continues to plague his support as President.

As the Equal Rights Amendment became a more visible issue in the 1980 presidential elections, support for the Amendment increased considerably especially among probable voters. For example, an NBC-Associated Press survey of *likely voters* in July 1980 reported that 71% of those polled favored a constitutional guarantee for equal rights under the law for women and men. A Gallup poll taken in September 1980, showed 64% favoring the Equal Rights Amendment, similar to the 62% figure found in the 1980 TSI National Survey conducted by Hamilton and Staff.

In April 1981, Yankelovich conducted a poll on Reagan's policy issues and asked: "Do you or do you not hope the Reagan Administration will work for passage into law The Equal Rights Amendment?" Sixty-three percent indicated they hope Reagan *would* work for the Equal Rights Amendment while 27% hoped he would not, 10% were not sure.

Women's Voting Block Emerges During 1980 Elections—The ERA Is a Key Issue

Since the 1980 elections, pollsters have been analyzing the differences between men's and women's voting patterns. Such an analysis was done by G. Evans Witt, the Director of Polling for the Associated Press, in the March 9, 1981, *Opinion Outlook* of the *National Journal*. In an editorial, Witt noted:

"Ronald Reagan has a woman problem . . . (which) began to surface after the GOP convention last summer, when AP/NBC News polls and others picked up a substantial difference between women's attitudes toward Reagan and men's perceptions of him. . . .

"The difference became a hard political fact on election day, when, for the first time ever recorded men and women voted quite differently in the presidential race. The AP/NBC News poll on November 4th found that men backed Reagan by a 56-36% edge, but women split their votes 47-45%. . . .

"But the election day survey by AP/NBC News found a stronger relationship between opinions on the ERA and voting in the presidential race than between attitudes on the "war and peace" issue and the vote for or against Reagan. The warmonger image was certainly a factor in the election, but for women, the issue of women's rights was more significant."

Adam Clymer reported in the *New York Times* that "Mr. Reagan's long standing difficulties in persuading women to vote for him held down his percentages again (on election day). . . . The NY Times/CBS poll suggested that both fear about war and his opposition to the Equal Rights Amendment handicapped Mr. Reagan's bid for their support."

Based on a series of major exit polls, NOW calculated that Mr. Reagan lost about 1 million votes due to his lack of support among women. During a close election, such a margin could be significant.

Support for ERA is High in Unratified States

Polls conducted in states yet to ratify the ERA show that citizens of those states support the federal Amendment even though their state legislatures have not approved ratification.

A *St. Louis Globe-Democrat*-KMOX-TV poll in Missouri in 1979, showed that 54% of the state residents favored ratification of ERA by the Missouri legislature. An earlier poll released in 1977 showed that 60% of Missouri voters favored ERA.

Similarly, a series of public opinion surveys between 1974 and 1978 in Illinois showed that a majority of registered voters consistently favored passage. For example, in 1978, 64% of those polled in Illinois favored ratification.

Surprisingly, there is a stronger positive response from people when asked if they support the text of the Amendment as opposed to the ERA. For example, in May 1980, an independent poll sponsored by the *Salt Lake Tribune* asked Utah voters whether they approved the following language:

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

The language was favored by nearly a two-to-one margin. Yet when asked whether they favor or oppose Utah's passing the "Equal Rights Amendment," many of the same voters who favored the language stated their opposition to ratifying the ERA.

Many other independent polls conducted nationwide consistently show two-to-one majority support for the ERA. But nationally, as in Utah, the support for the principle of equality, including a constitutional amendment providing for equality, has even stronger support, usually about 70%

Since the language quoted in the Utah poll is the text of the ERA, the poll clearly indicates greater support for ERA if people know the exact wording of the Amendment.

Organizational Support for ERA Is Strong

Over 450 organizations representing more than 50 million Americans have endorsed the ERA. These include major labor unions, church and civil rights groups, legal, educational and medical associations and all major women's organizations. Included in this listing are the AFL-CIO, the American Association of University Women, the ACLU, Church Women

United, the League of Women Voters, Lutheran Church in America, the NAACP, the National Bar Association, National Education Association, the Federation of Business and Professional Women's Clubs, NOW, United Methodist Church, United Presbyterian Church and the YWCA. Most of these same groups have supported a boycott of conventions in ERA unratified states.

ERA Countdown Begins June 30, 1981.

Thirty-five states, representing 72 percent of the U. S. population, have ratified the ERA. Only three more states are needed for ERA to become a part of the U. S. Constitution.

The necessity of the ERA is as great today as when it was first proposed in 1923 and even greater than when it was passed by Congress in 1972. Current Administration proposals would actually move women backwards in equal employment, education, credit and other economic and social issues.

The ERA is a basic bread and butter issue; it relates directly to women's jobs, wages, educational opportunities, pensions, social security and homemakers' economic status. What is at stake is economic independence for women—whether women will continue to make only 59% of what men make and whether women will be forever relegated to the dependence that low wages and low status impose.

The current deadline for the Equal Rights Amendment is June 30, 1982. Show your support for the ERA by helping to work for ratification.

The Equal Rights Amendment (Complete text)

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.

ERA and Money

Business, Credit, Insurance, Inheritance

One of the great American myths is that "women control most of the wealth in this country." As the story goes, women, by virtue of being widowed, by inheritance at birth, or by divorce settlements, gain access to great sums of money. *Nothing* is further from the truth.

Under many state laws, divorced women are often left with no financial security, especially in retirement years. Very few widows *control* the estate of a deceased spouse. Traditionally, family money has passed from father to son. Often widows find themselves serving as figureheads with modest monthly support expenses as stipulated in their husbands' will while control of assets rests elsewhere.

The world of big and small business has always been the domain of men. Without ERA, men will continue to control not only Wall Street but Main Street as well.

Women and Corporations

Major corporations have traditionally used women as a cheap source of labor for back-up services, clerical support and factory chores. Women fill the bottom rungs of the corporate ladder, with very few women even near the top.

No women are Chief Executive Officers (CEOs) of the *Forbes* 500 companies. Seventy percent of the top 1300 companies have *no* women on their boards of directors. If women do serve on corporate boards, they serve in token numbers with only one or two seats per corporation filled by females. In 1981, women are only 2% of corporate directors of the top companies.

Women are only 36% of security and commodity brokers, 33% of accountants and 19% of the recipients of masters degrees in business and management. But females are 93% of bank tellers, 99% of secretaries and 93% of bookkeepers. In every large corporation, women are at the bottom of the pay scale, in jobs with low status and little chance of advancement. On the average, women are paid only 59¢ for every dollar paid to men. And that Wage Gap has widened over the past twenty years.

Small Business Women Face Obstacles Everywhere

In the last decade, more and more women have been drawn into the workforce through economic necessity, education and ambition. Yet women who want to go into business on their own face enormous problems.

In 1977, only 6.6% of U. S. firms were owned by women. Women-owned firms are defined as having one-half or more of the partners women, or 50% of the stock being held by women.

■ A woman who aspires to start her own business quickly finds that she has little savings, no access to capital or limited experience for managing productive operations as defined by lending institutions.

■ As a result of tradition, prejudice and her "narrow" range of experience the small business woman is severely limited in the number of fields she may choose to enter. She also lacks management credibility with investors. Thus, most women find themselves in cottage businesses that produce very small profits.

■ Once the hurdles of starting her own business are overcome, the small business woman faces a staggering income gap. In 1975, the self-employed business woman made \$3,456 compared to an \$11,000 median income for self-employed men.

Female-owned businesses rarely have a chance to compete for lucrative government contracts. A 1978 report of the U. S. Commission on Civil Rights states: "... minority and female-owned firms encounter problems of staggering proportions in obtaining information on government contracting opportunities in time to submit bids, and in obtaining working capital necessary for effective marketing and bidding."

The odds are against women succeeding in both large corporations and small businesses. The conditions for women are *unlikely* to improve without the Constitutional protection of fair and equal treatment under the law.

Give Women Credit

The battle to give women equal access to credit is far from won. Credit transactions of all types, from charge accounts to business loans and mortgages, are pervaded by sex discrimination.

The Equal Credit Opportunity Act of 1975 prohibits lenders from discriminating on the basis of sex or marital status, but regulations enforcing the law are weak. And, since the law was enacted by Congress, it can be repealed by Congress. For that matter, proposals have been made to repeal equal credit laws under Washington's "deregulation" schemes. In this conservative political atmosphere a Constitutional Amendment is the only *guarantee* that women's gains will not be the target of massive repeals and programmatic cut-backs.

Here are some facts about women and credit:

- One of the most flagrant credit abuses has been the refusal to give a married women credit in her own name. It is now illegal, but some married women are still fighting the practices of credit discrimination.

- In applications for a joint husband and wife credit account, it is common practice for all or part of a wife's income to be discounted.

- Creditors consider full-time homemakers as having no income in their own name.

- Denying credit to single, separated or divorced women who otherwise meet relevant standards of credit worthiness are typical practices documented in various credit studies.

Long standing evidence exists showing that women are better credit risks than men. Thus, the denial of credit to women is not a sound financial decision, but rather one motivated by sexual prejudice.

Without the Equal Rights Amendment, women stand to lose the few gains made during the 1970s. With the economy being used as a reasonable excuse to discriminate, equal credit laws are in danger.

Inheritance Laws Hurt Widows

Federal and state inheritance tax laws are based on the assumption that homemakers make no economic contribution to the family. With the exception of community property states, the husband is considered the owner of a business or farm purchased in joint name, unless the wife can prove that she contributed money toward its purchase. If the wife dies first, the property passes to the husband free of estate tax. But if the husband dies first, the estate passes to the wife free of taxes only to the extent that its value does not exceed the marital deductions.

Under federal estate tax laws, whenever an estate is valued at more than \$425,000 a homemaking widow must prove she contributed to the purchase or improvement of the estate or pay crippling estate taxes. In many cases she is forced to sell the property to pay the taxes and still make ends meet.

Discrimination in Insurance

Insurance companies have discriminated against women for years. Discrimination on the basis of sex is evident in the availability of policies, scope of coverage, rate setting practices, sex-based actuarial tables, and exclusion of female related and pregnancy related illnesses from medical plans. Some health and disability insurance policies exclude normal child-birth and complications of childbearing.

Not only are insurance plans inadequate for women's needs, but frequently women are required to pay *higher* premiums or receive *lower* benefits than their male co-workers because of sex-based actuarial tables. At the present time it is not clear if Title VII of the 1964 Civil Rights Act invalidates unequal benefit levels. Loopholes and a lack of a comprehensive national commitment to eliminate sex discrimination victimize women and their ability to achieve economic equality.

The Equal Rights Amendment will help women where it counts—in their pocketbooks. By guaranteeing constitutional protection, ERA will put women on their way toward economic independence and full equality with men.

The ERA ratification deadline is June 30, 1982. Support the ERA Countdown Campaign.

The Equal Rights Amendment

(Complete text)

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ERA Facts on Rescission

No Retreat From Equality

The small band of groups opposed to the Equal Rights Amendment have tried to use various forms of rearguard political action to slow down the Amendment's momentum. Faced with strong public support for the ERA and a dedicated, broad-based coalition of more than 450 organizations, these right-wing, anti-ERA groups have focused on rescission strategies.

In the face of NOW's successful ratification extension campaign of 1978, anti-ERA forces announced they would attempt to have the ERA rescinded in at least a dozen states if the extension bill passed. On October 6, 1978, the Congress passed the ERA extension, and, on schedule, immediate rescission drives were launched.

Thanks to intensive lobbying by committed pro-ERA activists, all 1979, 1980 and 1981 rescission drives have failed.

ERA Lawsuits

In May 1979, ERA opponents launched yet another attack on the Equal Rights Amendment, a lawsuit to declare the ERA extension unconstitutional and rescission constitutional.

In August 1980, after more than a year's effort, NOW won the right to participate in this case which was brought by legislators from Idaho, Arizona and Washington.

NOW's first action as a party in the case came in September 1980, when NOW moved to disqualify the presiding judge, Marion Callister, because he held a high office in the Mormon Church. The Church has an official position opposing the ERA, ERA extension and supporting rescission. It has been working actively to defeat the Amendment in many states. NOW argued that Callister's high office in the Mormon Church hierarchy taken with the Church's positions on the ERA and its political activities throughout the states, raise a reasonable question as to Judge Callister's impartiality and therefore require his disqualification.

The Ninth Circuit Court of Appeals has so far refused to consider arguments on the disqualification of Judge Callister. On May 13, 1981, Callister heard arguments on the substantive issues raised by the case in his courtroom in Boise, Idaho.

NOW is committed to defending the ERA extension and the unconstitutionality of rescission, to the Supreme Court if necessary. Not only do NOW and the U. S. Department of Justice believe that the ERA extension is constitutional and rescission unconstitutional but also that the case should be dismissed on important procedural grounds. NOW and the Justice Department have urged that the case is not ripe for judicial review at this time, that the legislators do not have legal standing to bring the case, and that the case raises political questions which may only be decided by Congress.

The legislatures in three states, Nebraska, Idaho, and Tennessee have attempted to rescind their ratifications, an action which has never been recognized as valid. South Dakota passed a "null and void" resolution on the grounds that it did not recognize the ERA extension. Such a "null and void" resolution also lacks a sound constitutional base. Kentucky attempted rescission but the acting Governor, Thelma Stovall, vetoed it.

Background of Judicial Precedents on Rescission

The Supreme Court in *Coleman v. Miller*, (1939) stated that the question of the right of states to rescind is one for the Congress to decide. The Court stated that:

"We think that in accordance with historical precedent the question of the efficacy of ratification by state legislatures, in the light of previous rejection or attempted withdrawal, should be regarded as a "political question" pertaining to the political departments, with ultimate authority in the Congress. . . ."

The Court went on to say: "Article V, speaking solely on ratification, contains no provision as to rejection."

In handing down its decision in *Coleman*, the Supreme Court affirmed the view of the Kansas Supreme Court which has stated:

"From the foregoing and from historical precedents, it is also true that where a State has once ratified an amendment, it has no power therefore to withdraw such ratification."

In addition to the *Coleman* case, in both *Hawke v. Smith*, 253 U. S. 221 (1920), and *Lesser v. Garnett*, 258 U. S. 130 (1922), the Supreme Court upheld the concept that a state may place no condition on its ratification, saying in *Lesser v. Garnett*:

"The function of a state legislature in ratifying a proposed amendment to the Federal Constitution, like the function of the Congress in proposing the amendment, is a federal function derived from the Federal Constitution; and it transcends any limitations sought to be imposed by the people of a state."

The Maine Supreme Court, in *Opinion of the Justices*, 118 Me. 544 (1919) aff'd sub nom *Hawke v. Smith*, 253 U. S. 221 (1920), stated that the act of a legislature in ratifying an amendment was final and binding and is not subject to rescission either by the legislature itself or by popular referendum.

Historical and Congressional Precedents on Rescission

In its 200 year history, Congress has consistently taken the position that ratification of a Constitutional amendment is final and that rescissions are invalid. This position found its roots in the thoughts of James Madison, one of the principal architects of the Constitution. In 1788 in a letter to Alexander Hamilton, Madison cautioned New York that it must ratify the Constitution "in toto" and "forever."

Congress refused to recognize rescissions in the cases of the 14th, 15th, and 19th amendments.

During ratification of the 14th Amendment, 28 states were needed for ratification; 29 had ratified, but two of these states had attempted to rescind their ratification. Congress declared the 14th amendment ratified, listing the two states which attempted to rescind among those which had ratified the amendment.

New York attempted to rescind its ratification of the proposed 15th Amendment, but was nonetheless listed as a ratifying state by the Secretary of State, and the ratification was accepted by Congress.

In the case of the 19th Amendment, the Congress took no action after the Secretary of State certified the amendment as ratified despite an attempted rescission by Tennessee.

Over the last fifty years, several bills and Constitutional amendments have been introduced to recognize the right of states to rescind. None have ever been enacted. The Wadsworth-Garrett amendment, introduced in 1921 and 1924, would have allowed states to rescind their prior actions until three-fourths of the states had ratified. Both sponsors of the amendment agreed that their amendment was necessary to remedy a defect in the Constitution. Neither House even seriously considered the Wadsworth-Garrett Amendment.

The current deadline for ERA ratification is June 30, 1982. Thirty-five states have ratified, thirty-eight are needed. Help ratify ERA by supporting the National ERA Countdown Campaign.

The Equal Rights Amendment (Complete text)

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.

History of the ERA

1923-1982

The Early Years

1923

Three years after women are granted the right to vote, ERA is introduced in Congress by Senator Curtis and Representative Anthony, both Republicans. It is authored by Alice Paul, head of the National Women's Party, who led the suffrage campaign. Anthony is the nephew of suffragist Susan B. Anthony.

1923-1946

Buried in committee in both Houses of Congress, the ERA awaits a hearing on the floor. In 1946, it is narrowly defeated by the full Senate, 38-35.

1950

The ERA is passed by the Senate with a rider that nullifies its equal protection aspects.

1953-1970

Through the efforts of Alice Paul, the Amendment is introduced into each session of Congress but held in Committee.

The Last 15 Years

1967

The National Organization for Women, a recently founded feminist group, pledges to fight tirelessly for the ratification of the Equal Rights Amendment.

1970

February: Twenty NOW leaders disrupt hearings of the U. S. Senate Subcommittee on Constitutional Amendments, demanding that ERA be heard by the full Congress.

May: The Senate Subcommittee begins hearings on the ERA under Senator Birch Bayh.

June: The ERA finally leaves the House Judiciary Committee due to a discharge petition filed by Representative Martha Griffiths.

1971

The ERA is approved without amendments by the U. S. House of Representatives on a vote of 354-24.

1972

March 22: The Equal Rights Amendment is approved by the full Senate without changes—84-8. Finally, 49 years after its first introduction, the ERA is sent to the states for ratification by the needed 38. Senator Sam Ervin and Representative Emanuel Celler succeed in setting an arbitrary time limit of seven years for ratification. By the end of 1972, 22 state legislatures have ratified ERA.

1973-1975

The ERA wins a powerful ally when the AFL-CIO reverses its earlier stand and votes to endorse the ERA in 1973. Twelve more state legislatures ratify the ERA, bringing the total to 34.

1975-1977

Pressure from anti-ERA, right-wing groups begins to surface in state legislatures. Indiana ratifies in 1977. NOW chapters in unratified states are succeeding in electing pro-ERA candidates. But instances of "turncoat voting" on the ERA are also surfacing.

February 1977: Nevada becomes an example of turncoat voting as the state Assembly rejects the ERA following its approval in the Nevada Senate. Eleven of the 24 no votes are cast by Democrats who ran on pro-ERA slates and accepted campaign assistance from NOW and other pro-ERA groups.

February: NOW publicizes the ERA boycott of unratified states and gathers even more support for the Amendment. The number of pro-ERA groups grows to more than 450, representing more than 50 million Americans.

March: Two law students, Catherine Timlin and Alice Bennett, propose that NOW seek an extension of the deadline for ERA ratification. Their argument is that the Constitution imposes no time limit for ratification of Amendments. Further, the seven year provision of ERA is not a part of the text of the Amendment, but rather is only in the resolving clause. Congress has the power to establish and change the time limit.

July 9: Alice Paul, ERA author, dies at age 92.

October: Representative Elizabeth Holtzman introduces a bill calling for an extension of the ERA deadline which had been March 22, 1979.

1978

February: The NOW National Board declares a State of Emergency on the ERA. It pledges full resources to winning the deadline extension and to ongoing ratification campaigns.

February-March: Missouri and Nevada file suit on antitrust grounds against NOW, claiming it violated the Sherman Antitrust Act by urging groups to boycott unratified states and hold conventions only in ratified states.

July 9: NOW organizes ERA Extension March of 100,000 plus supporters in Washington, D. C. This March for Equality is the largest in feminist history, and one of the most massive demonstrations ever to be held in the nation's capitol.

August 15: The U. S. House of Representatives approves the ERA deadline extension, 233-189.

October 6: The U. S. Senate joins the House and approves extension 60-36.

1979

January-June: ERA opponents launch all-out attack by attempting to pass rescission bills in at least a dozen states. Rescission bills are defeated in Indiana, South Dakota, North Dakota, Rhode Island, New Hampshire, Texas, Iowa, Delaware, Wyoming, West Virginia, Kansas and Montana.

February: Federal Judge Elmo Hunter rules in the ERA boycott case that NOW's activities are protected by the First Amendment and do not violate antitrust laws. This decision is later upheld by the U. S. Court of Appeals. The Supreme Court in late 1980 denies to hear the case. The ERA Boycott is legal.

May: Legislators from Idaho, Arizona and Washington state file suit in federal court challenging the constitutionality of the ERA extension and seeking to validate a state's power to rescind a prior ratification. Idaho is one of the three states that claims it rescinded its previous ratification. The case is assigned to Judge Marion Callister, who at the time the litigation began (and 6 months after) held a high office (Regional Representative) in the hierarchy of the Church of Jesus Christ of Latter-day Saints. The LDS Church, commonly known as the Mormon Church, officially and actively opposes the ERA and the ERA extension and supports rescission. The U. S. Department of the Justice move to disqualify Callister on grounds that a reasonable question exists as to the judge's impartiality because of his holding a high office in the hierarchy of the Mormon Church.

December: The Mormon Church excommunicates Sonia Johnson, President of Mormons for ERA, for her activities in support of the Amendment.

1980

May: NOW organizes 85,000 people to march in Chicago in support of Illinois ratifying the ERA.

July: During platform hearings, the Republican Party reverses its 40 year tradition of support for ERA. NOW organizes 12,000 to march in Detroit at the Republican Convention. The final Republican Platform officially takes no position on ERA, but candidate Ronald Reagan and newly elected right-wing party officials actively oppose the Amendment.

August: The Democratic Party reaffirms support for ERA and the ERA boycott. The Platform pledges to withhold campaign funds and assistance from candidates who do not support ERA.

August: NOW wins the right to intervene in the ERA extension/rescission lawsuit to protect the interests of ERA supporters.

November: Exit polls on election day show that for the first time ever recorded, men and women vote quite differently in the presidential race. AP/NBC News reports that men backed Reagan by a 56-36% edge, but women split their votes 47-45%. Pollsters later indicate that for women, the issue of women's rights and ERA had a significant impact on their votes. By March, 1981, leading pollsters are claiming "Ronald Reagan has a woman problem" . . . on ERA.

1981

January: Ronald Reagan becomes the first U. S. President opposed to a constitutional amendment which provides equal rights for women. NOW organizes "ERA YES Inaugural Watch" where some 40,000 ERA supporters remind the new President of the overwhelming pro-ERA sentiments in the nation.

April: NOW sends Feminist Missionaries to Utah, the heart of the opposition to ERA, and the headquarters of the Mormon Church, to take the message of the ERA directly to the Mormon people, door-to-door.

May: NOW files a \$10 million lawsuit against the Attorney General of Missouri charging that he intentionally injured NOW, the Equal Rights Amendment campaign and the women's rights movement by suing NOW for its convention boycott of states which have not ratified ERA.

June: Former First Lady Betty Ford and Alan Alda with NOW President Ellie Smeal, announce Betty Ford as Honorary Chair and Alan Alda as Co-Chair of NOW's ERA Countdown Campaign activities.

June 30, 1981: NOW sponsors ERA Countdown Rallies in over 160 cities to draw attention to the ERA deadline of June 30, 1982, and to dramatize the wide support for the ERA.

ERA and the 59¢ Wage Gap

Why Women Don't Get Equal Pay

Employed women are paid only 59¢ for every dollar paid to men. This Wage Gap exists primarily because women are concentrated at the bottom of the occupational ladder in low-paying, dead-end jobs.

Current equal employment laws are inadequate and enforcement is weak, at best. In addition, these laws cannot properly be enforced due to varying judicial and statutory standards of the courts.

Without the Equal Rights Amendment, female workers of not only this, but the next generations will face repeated and varied forms of discrimination. And because of discrimination in educational institutions, young women, year after year, continue to be tracked into the same low-paying clerical and service jobs. Without full equality under the Constitution, the patterns of sex discrimination in the workplace may never change.

Since 1955, the Wage Gap Has Widened.

The median earnings of year-round, full-time workers in 1955 were \$2,719 for women and \$4,252 for men, roughly 65¢ to the dollar for women. In 1979, earnings were \$10,168 for women and \$17,062 for men. Thus, women were paid 59¢ for every dollar paid to men. This means women have to work nine days to make what men are paid in five.

Over the years, for every dollar paid to men, women were paid the following:

1955	63.9¢	1972	57.9¢
1959	61.3¢	1973	56.6¢
1960	60.8¢	1975	58.8¢
1962	59.5¢	1977	58.9¢
1965	60.0¢	1978	59.4¢
1967	57.8¢	1979	59.6¢
1970	59.4¢		

The Wage Gap by Race.

	Annual Earnings	
White Males	\$17,427	\$1.00
Black Males	12,738	73¢
Hispanic Males	12,658	73¢
White Females	10,244	59¢
Black Females	9,476	54¢
Hispanic Females	8,466	49¢

Men are Paid More than Women at Every Age, but Considerable Differences Exist at Each Level.

Age Group:	M	W	Women's Pay to Men's \$
15-19	\$7,519	\$6,716	89¢
20-24	11,481	8,572	75¢
25-34	16,825	11,156	66¢
35-44	20,070	11,185	56¢
45-54	20,465	10,935	53¢
55-64	19,437	10,874	56¢
65+	16,107	10,664	66¢

Wage Gap by Education:

Education	M	W	Women's Pay to Men's \$
Less than 8 years	\$11,034	\$7,425	67¢
8 years	14,475	7,766	54¢
High School:			
1-3 years	15,205	8,552	56¢
4 years	18,111	10,506	58¢
College:			
1-3 years	19,376	11,861	61¢
4 years	23,388	13,430	57¢
5+	25,858	16,694	65¢

As shown above, a woman with a college degree continues to make less than men with an 8th grade education.

Separate and Unequal

Despite their increasing numbers as wage earners, females are segregated in low-paying, underrated jobs. The sex segregation of women in the work force is a century-old story. Since the 1900's when women were a cheap source of labor in factories and textile mills, females have been separated into "women's jobs." This practice was created by so-called "protective legislation" which in reality, restricted and barred women from participating in better-paid jobs. Many of these archaic laws, which limited such things as the number of hours women may work and types of jobs they may perform, remain on the books. Although some of these statutes have been repealed and others are of questionable validity, they symbolize a type of discrimination under the law that is far from dead.

Wage Gap by Full-Time Occupations:

In each category and job title, even those dominated by women, females get paid less money.

In clerical jobs, for instance, women averaged about \$9,855 per year. Men in clerical jobs made \$16,503 or 40% more than females.

Below is a partial listing of detailed occupations as released by the Census Bureau for 1979.

Wage Gap by Full-Time Occupations and Job Titles:

Occupation	M	W	Women's Pay to Men's \$
Clerical Workers	\$16,503	\$ 9,855	60¢
Typists	12,122	9,248	76¢
Cashiers	11,244	7,645	68¢
Service Workers	11,925	7,319	61¢
Private Household	12,991	3,618	28¢
Health Services	11,238	8,346	74¢
Professionals	21,310	13,701	64¢
Teachers	18,158	13,431	74¢
Grade & High School	16,905	13,107	78¢
College	22,958	16,219	71¢
Computer Specialists	21,774	18,342	84¢
Operatives	14,921	8,562	57¢
Manufacturing	15,109	8,725	58¢
Sales Workers	17,084	8,880	52¢
Sales Clerks	10,994	7,208	66¢
Retail Trade	12,245	7,297	60¢
Managers	21,835	11,705	54¢
Finance/Insurance	24,127	12,044	50¢
Public Administration	20,401	14,753	72¢
Laborers, except farm	11,974	8,985	75¢
Manufacturing	13,457	9,217	68¢
Construction	10,916	7,821	72¢
Craft Workers	17,106	10,585	62¢

Wage Gap by State:

Women's Pay to Men's \$

1. District of Columbia	78.4¢	
2. New Jersey	66.1¢	
3. Vermont	65.4¢	
4. New York	64.9¢	
5. Tennessee	63.8¢	
6. Maryland	62.2¢	
7. Georgia	61.8¢	
8. North Carolina	61.1¢	
9. Michigan	61.1¢	
10. South Carolina	60.9¢	
11. Arkansas	60.7¢	
12. Massachusetts	60.7¢	
13. Florida	60.0¢	
14. Mississippi	60.0¢	
15. Virginia	59.8¢	
16. Pennsylvania	59.7¢	
17. New Hampshire	59.3¢	
18. Alabama	59.2¢	
19. Maine	59.1¢	
20. Oklahoma	58.6¢	
21. California	58.4¢	
22. Kentucky	58.4¢	
23. Minnesota	58.2¢	
24. Nevada	58.2¢	
25. New Mexico	58.0¢	
26. Ohio	57.9¢	
27. Colorado	57.9¢	
28. Kansas	57.8¢	
29. Hawaii	57.7¢	
30. Arizona	57.6¢	
31. Connecticut	57.5¢	
32. Illinois	57.5¢	
33. Wisconsin	57.5¢	
34. Nebraska	57.2¢	
35. South Dakota	57.1¢	
36. Texas	57.0¢	
37. Rhode Island	56.6¢	
38. Missouri	56.5¢	
39. North Dakota	56.0¢	
40. Iowa	55.7¢	
41. Idaho	55.4¢	
42. Montana	55.3¢	
43. Oregon	55.3¢	
44. Alaska	55.2¢	
45. Delaware	55.1¢	
46. West Virginia	55.0¢	
47. Washington	54.7¢	
48. Indiana	53.8¢	
49. Wyoming	53.7¢	
50. Utah	53.3¢	
51. Louisiana	49.8¢	

The green and white 59¢ button has become a critical tool in NOW's drive for ratification of the Equal Rights Amendment. 59¢ represents more than just the Wage Gap between women and men. It symbolizes the economic injustice suffered by the average American woman. As this Gap continues, the need for the Equal Rights Amendment increases.

The ERA will be an important legal weapon to counter sex-based discrimination in employment regardless of the political climate.

The ERA will provide for more effective and aggressive enforcement of anti-discrimination laws.

The ERA will create a uniform standard that all courts must apply when they decide cases raising problems of sex discrimination in employment and education.

To become a part of the Constitution, the ERA must be ratified by June 30, 1982.

The above information was collected from the Bureau of Labor Statistics, U. S. Department of Labor and the Census Bureau of the U. S. Department of Commerce and is based on 1979 data of the annual P-60 series, No. 125. All information is based on median annual earnings of full-time, year-round workers with the exception of the tables by Age and Education which are based on annual income data. The State Wage Gap chart is based on a special study released in 1978 using 1975 data and is not issued annually.

ERA and Employed Women

Economic Equality Now

The reality for nearly every female worker today is that she is caught in a low-paying, dead-end job at the bottom of the career ladder. Women still are paid only 59¢ for every dollar paid to men; 25 years ago, women were paid 64¢ to men's dollar.

Granted, women have made some employment gains over the past decade, but only in token numbers. While hard-fought battles over equal employment laws have opened some opportunities, the gains are fragile at best.

Equal employment laws prohibiting sex discrimination were enacted by the U. S. Congress and state legislatures over the past twenty years. Unfortunately, these statutes are not enough. Experiences of the past 20 years show that a statute-by-statute approach to eliminate sex discrimination is insufficient.

Moreover, equal employment laws can be repealed *at any time*. Some lawmakers are moving in such a direction. Current conservative proposals call for the *reversal* of existing equal employment laws, the *removal* of enforcement procedures and *lifting* EEO requirements of federal contractors.

Without the Equal Rights Amendment, chances are female workers of the next generation will face the same discrimination and sex-bias as today's employed women.

ERA is needed more today than ever if women are to achieve permanent economic equality without reversals.

Women Have Always Been Denied Access to Higher-Paying Jobs

In 1960, 52% of all women were employed in just four occupations: clericals, saleswomen, waitresses, and hairdressers. In 1979, 47% of all working women were still in the categories which are among the lowest paying jobs.

Twenty years ago, 12% of women were professional and technical workers, over half of these females were primary and secondary school teachers and nurses. Today, only 16% of women work in professional and technical positions, still over half of these are teachers and nurses.

In 1960, 5% of employed women were managers. Today, only 6% are managers. Twenty years ago, 1% of employed women were in skilled craft jobs. Today, only 2% of employed women hold these jobs.

Even when a few women finally succeed in breaking the barriers and enter job classifications traditionally held by men, they are clustered in the lowest-paid positions in these classifications. Progression up the career ladder for women is slower than for their male counterparts. For example, women bank officers, whose non-officer years far outnumber those of their male counterparts, are predominately found in the lowest salary grades for officers.

When women are initially placed in dead-end jobs, their opportunities for advancement are severely limited. Because some jobs are still viewed as "women's jobs" and others as "men's jobs," mobility for women is reduced and economic achievement is limited.

Traditionally, when women are placed in jobs with no career paths, they are caught in a "Catch-22" situation. In order to qualify for more responsible jobs, certain training and job experiences are necessary, but women are denied access to jobs which would qualify them for higher-paying positions. Then employers assert that no "qualified" women can be found to fill job openings. And the wage gap widens.

Women Are in the Workforce to Stay

During the past decade, women's participation in the workforce has increased dramatically. Women are marrying later and having fewer children, if any. Married women are working for pay an average of 23 years, single women work for 45. More women took paid jobs during the 1970's than in any other decade in our nation's history. Females account for 60% of the net growth of the labor force in the past ten years.

In 1979, 43 million women, or more than half of all females 16 and older, held paid jobs. The number of employed married women has nearly tripled since 1950, with 52% of all wives holding jobs outside the home. And the participation

rate for married mothers with children under 6 has increased from 30% in 1970 to 43% in 1979.

These overall participation rates are deceptive, however. A far higher number of women aged 25-34 hold paid jobs as shown below:

Labor force participation rates by age, 1979:

Age	Rate	Age	Rate
16-19	50.9%	35-44	63.6%
20-24	68.7%	45-54	58.6%
25-34	63.5%	55-64	42.7%
		65+	8.7%

Women have jobs for the same reason men do: their paychecks. Over 50% of women are employed to support themselves or their families. For that matter, one of every nine women in the work force — about 5 million — is either divorced, widowed, or not married and is the only source of support for her family.

Without question, the increasing participation of women in the paid work force will continue at a rapid pace due to the changed economy, shifts in family patterns and working conditions.

Thus, sex discrimination on the job taking the form of lower pay, discriminatory benefits, sexual harassment and little upward mobility, is a powerful weapon working against a vast and growing number of women.

Existing Laws Are Inadequate

Despite the increased participation of and need for women workers, and despite the existence of federal and state equal employment opportunity laws, women are still the victims of massive discriminatory practices. Some employment problems are caused by governmental action and the inadequacies and loopholes of the current legal structure.

Government and private industry alike assign low wages to jobs traditionally held, and still largely performed, by females. Since federal, state and local governments are by far the largest employer in the United States, public employment policies are vital in closing the wage gap. Women are concentrated in lower salary grades in federal jobs. For example, 78% of all federal women workers are concentrated in jobs rated at GS-8 or lower. Only 27% of all men are employed at GS-8 or below. At the top of the government ladder (GS-16 and above), women hold only 6.6% of the positions while men hold 93.4% of these high paying jobs. This pattern of clustering women at the bottom of the federal pay scale is mirrored throughout the entire work force.

Federal legislation, such as the Equal Pay Act, Title VII of the Civil Rights Act of 1964, and Executive Order No. 11246 (federal contract

compliance), are inadequate. Attempts to find redress under these laws have shown them to be plagued with "exceptions to the rules" and unevenly applied by the courts.

These three provisions contain certain exemptions, for example, none cover employees of elected officials or of the U.S. Congress.

The Equal Pay Act prohibits sex discrimination in wages and fringe benefits, but guarantees equal pay only between jobs of equal skill, responsibility and effort. Thus, it is not broad enough to cover many types of job discrimination.

Title VII, which prohibits discrimination based on sex in wages, hiring practices and other conditions of employment, is broader than the Equal Pay Act, but federal courts have disagreed on its application. Current equal employment statutes simply do not carry the weight of the Constitution.

Law-by-Law Means Women Suffer

The current statute-by-statute piecemeal approach to eliminating employment discrimination does not work. Piecemeal statutes and regulations are not comprehensive and permit government programs to practice discrimination, thereby creating and perpetuating massive inequities for women including the 59¢ Wage Gap.

Ratification of the Equal Rights Amendment is essential to end discriminatory government programs and to close loopholes in existing legislation and regulations. The Equal Rights Amendment would require a stricter standard of review for sex discrimination suits and provide the climate necessary for vigorous enforcement of laws.

The Equal Rights Amendment is a crucial issue for employed women. It is potentially the most powerful legal tool that can be wielded against sex discrimination in the work place. But more than that, it is our only guarantee that such discrimination will be prohibited, once and for all. The ERA is needed to establish clear and comprehensive legal protection for all women.

The ERA would prohibit sex discrimination by public employers, prompt state legislatures to repeal discriminatory laws and guide the courts when enforcing the laws. Without it, women will continue to suffer from sex discrimination in employment and wages. The Equal Rights Amendment is the one guarantee that an employed woman's labor will be valued and protected.

June 30, 1982, is the deadline for the current Equal Rights Amendment. Join the ERA Countdown Campaign today.

ERA and Minority Women

Double Discrimination – Racism and Sexism

Minority women have long been the victims of double discrimination, suffering from effects of both racism and sexism. Women on the average are paid 59¢ for every dollar paid to men. But for Black women, the 59¢ shrinks to 54¢ and for Hispanic women, to 49¢. The treatment of race as a suspect class under the 14th Amendment and the statutory guarantees against race discrimination, while not a panacea, have had a significant effect. Black and Hispanic men on the average are paid 73¢ for every dollar paid to white males.

Just as the 14th Amendment was enacted to guarantee equal protection under the law for Blacks leading to the legal definition of race as a “suspect” classification, the Equal Rights Amendment must be passed to guarantee equal protection under the Constitution without regard to sex.

The Equal Rights Amendment which would guarantee equal justice under the law for *all* women is a vitally important tool in the fight for minority women’s rights.

Diversity Among Women

The backgrounds and experiences of all women vary by race, ethnicity, economic status, religion and culture. But specific problems become especially clear when racial and ethnic data are made available by sex. For example:

Black women over the years have had higher rates of participation in the employment ranks than any other group of women. A majority of Black adult females have been in the labor pool since about 1975. These high job rates, however, do not spell success for Black women in the labor force. Their unemployment rates have generally been the highest of any category. This is true despite the strides Black women have made in recent years in closing the education gap. In 1979, the median years of education attained by black women were 11.1, compared to 12.3 for white women and 9.3 for hispanic women.

Mexican-Americans constitute the second largest minority in the United States today.

Census projections are that the Hispanic population will surpass the number of Black Americans during the next decade. Chicanas face not only economic and educational barriers, but language, religious and cultural blocks as well.

Puerto Rican women differ from other minorities who preceded them to the United States: they came as American citizens. Nevertheless, numerous problems, differences in customs, racial and ethnic biases and limited knowledge of English, have restricted their social, economic and educational success. Other women of Spanish origin, including *Cuban women*, face similar discrimination, but have varied backgrounds and cultures.

In any discussion of *Native American women*, it is necessary to keep in mind the diversity among the nearly 800 tribal entities in existence today. Despite the availability of free schools, in parts of the Southwest less than 10% of Native American women have completed eight years of schooling. Census data show, however, that women in the total Native American population have completed a median of 10.5 years of school.

Asian American women, like Native Americans, are a highly diversified ethnic group. The Asian American population includes Koreans, Vietnamese, Indonesians, Thais, Malaysians and a wide representation of Pacific people such as Samoans, Guamanians and native Hawaiians, and Americans of Chinese, Japanese and Filipino origins. Although many Asian American women are educated, having attended or completed college, they are still concentrated in lower-paying clerical positions. The segment of the Asian population most at a disadvantage, however, is composed of those women who cannot speak, read or write English. Illiteracy in English is generally a problem for Asian American women over 55.

A serious barrier when defining the problems of minority women for lawmakers is the lack of adequate employment and education data. This is especially true for Native American, Asian American women, and the many Spanish-origin populations. 1980 census data has not yet been

tabulated, and government figures between census years are based on estimates at best.

Below is an analysis of available data by race and sex. The figures graphically show how minority women are victimized by both race and sex discrimination. Regrettably, the available data are adequate only to explore the plight of Black and Hispanic women.

Minority Women Face Severe Economic Discrimination

Minority women are victims of the lowest wage rate and highest unemployment rates of all categories of persons. The following chart shows the Wage Gap—the real picture of double discrimination faced by minority women.

The Wage Gap

	1979 Annual Earnings	
White Males	\$17,427	\$1.00
Black Males	12,738	73¢
Hispanic Males	12,658	73¢
White Females	10,244	59¢
Black Females	9,476	54¢
Hispanic Females	8,466	49¢

The Workforce is Changing But Women Are Still at the Bottom

The needs of the modern workplace are shifting. The previously labor intensive manufacturing industries, traditionally male dominated, need fewer and fewer workers. At the same time, traditional female occupations are experiencing a great increase, especially in the area of clerical and service industries. These “women’s jobs” however, are low paying and have little advancement opportunity. Minority women are especially overrepresented in these fields.

Today’s educational system channels women into traditional female occupations. A greater proportion of minority women hold service, household and operative jobs than other groups. Hispanic and Black women hold few managerial and professional jobs. The following table illustrates job segregation:

1979 Occupational Distribution of Employed White, Black and Hispanic Males and Females:

	Women			Men		
	White	Black	Hispanic	White	Black	Hispanic
Clerical	36%	29%	32%	6%	7%	6%
Service	18	35	22	8	17	13
Private Household	2	8	3	.1	.1	.1
Other Service	16	27	19	8	17	13
Professional/Technical	17	13	8	16	9	8
Operatives	11	14	25	17	26	26
Management/Administrative	7	3	4	15	6	6
Sales	7	3	5	7	2	3
Craft	2	2	2	22	18	21
Nonfarm laborers	1	2	1	6	14	12

A large majority of people living in poverty in the United States are women and children. A study by the National Advisory Council on Economic Opportunity calls the trend the “feminization of poverty,” and predicts that by the year 2000 the poor population will be composed entirely of women and children.

In 1979, 12% of all persons were below the poverty line; of those, 9% were whites and 31% blacks. Only 7% of male heads of household were so impoverished, while 32% of female heads of households were below the poverty line.

Forecast for the Future

The budget cutbacks by the Reagan Administration hit women with special force. Aid to Families with Dependent Children (AFDC), food stamps, health care for poor women and children, CETA job training programs—all face drastic cuts or elimination. And these budget cuts have the greatest effect on those least able to afford it: minority women who already bear the burden of double discrimination.

Most minority women understand the need for Equal Rights Amendment. Support for ERA as reflected in public opinion polls is higher among minority women than white women.

Strong Support for ERA

The following is a partial listing of civil rights groups who recognize the importance of ERA and endorse the Amendment:

African Studies Association; Black Women for ERA; Coalition of Black Trade Unionists; Las Hermanas; Latin American Studies Association; Leadership Conference on Civil Rights; Mexican-American Women’s National Association; National Alliance of Black Feminists; NAACP; National Association of Colored Women’s Clubs; National Association of Cuban American Women; National Association of Negro Business and Professional Women’s Clubs; National Conference of Puerto Rican Women; National Congress of Hispanic American Citizens; National Council of Negro Women; Organization of Pan-Asian Pacific Women.

The ERA is the strongest legal weapon available for eliminating sex discrimination in our nation. It is an assurance that women will be fairly paid, get an equal education, be entitled to challenge sex discrimination in the courts and have an opportunity to lead lives based on economic security. Minority women will probably never have equal rights under the law unless the ERA becomes a part of the Constitution.

The ERA is for all women. Join the ERA Countdown Campaign. Three more states are needed by June 30, 1982.

ERA and Social Security

A Sex Biased System that Needs Revisions

The Social Security system is one of the largest and oldest public programs in the history of the United States. It was designed during the 1930's on the principle of helping working Americans to live out their lives in dignity and decency.

On its value, the Social Security system sounds simple and fair, but it's not. It is a sex-biased system that condemns millions of women to lives of poverty in their old age. A majority of women over 65 who have been full-time homemakers and are now alone already face a daily struggle for survival. These women are heavily dependent on Social Security. And without a doubt, proposed cuts in Social Security bear down disproportionately hard on women and mean that even more elderly females will be living in poverty.

The Equal Rights Amendment is urgently needed to correct the inequities of Social Security and to help those women already on the system as well as future generations of women who have been promised security.

Older Women Are Victims Under Social Security

The Social Security system hurts elderly women, especially those living alone by virtue of being single, widowed or divorced.

Of the 13 million women who were 65 or over in 1979, 72% had to live on incomes of less than \$5,000 per year.

The average monthly benefit for women who retired at 65 is \$256, or about \$3072 per year. For men who retired at 65, the benefits are \$326 or \$3,912. But women are more dependent on Social Security than men. For 60% of older women, Social Security is their *only* source of income. In 1979, the median annual income for women over 65 was \$3,759 compared to \$6,430 for men.

Women tend to marry men older than themselves. And unfortunately, this pattern was not taken into consideration when Social Security

was developed. Thus, women who have been full-time homemakers and retire with their husband receive reduced benefits. The average reduced benefit for women is only \$189 per month or \$2256 per year. Seventy-five percent of the 3 million elderly who receive minimum benefits of \$122 per month are women.

Social Security is Unequal and Inadequate

Basically, Social Security was designed to work like this: when a person holds a job covered by Social Security, a wage record is created which determines the level of benefits for retirement, death or disability. The reality of Social Security, however, is that it discriminates against women, both full-time homemakers and employed women.

Here are some examples:

- Since Social Security is based on retrogressive payments, a two-earner couple with the same income as a one-earner couple receives *lower* monthly benefits.
- The Social Security system does not consider marriage as a "partnership" but rather as the wage earner and "dependent." As dependents, both homemakers and employed women, are hurt by the structure of the system.
- Employed married women can collect benefits based on either their own wage record or their husband's benefit, whichever is higher. A woman who makes less income than her husband—which is nearly always true—must pay into a system from which she will never collect as an individual, but only as a "dependent" of her spouse. If the husband is alive, her benefits would be half of his.
- Full-time homemakers have never been accorded any independent Social Security coverage and, therefore, are hurt the hardest under the current system. The Social Security law is structured so that married homemakers receive benefits only through a covered husband and

then only under certain conditions. For example: if a divorced homemaker is not married to the same man for ten years, she has no Social Security protections.

If a homemaker becomes disabled or dies, she and her family are not entitled to disability or survivor benefits.

If a homemaker is widowed, she will receive no benefits until age 60 unless she is either disabled or caring for a child under age 18. She can receive full benefits only if she waits until age 65 to retire.

If a homemaker reaches retirement age with her husband, her benefits will be equal to only half of his.

If her husband retires early and thus receives reduced benefits, the homemaker's benefits will also be reduced.

If, at any time after retirement, the husband decides to return to work, the wife's benefits will be stopped.

If, in this last case, the couple is divorced, the wife cannot receive Social Security benefits until her former husband retires or dies; until then, she may be destitute.

■ People who have remained unmarried during their lives pay the same into the system, but get less in benefits than a married couple.

■ Employed women are penalized for taking time off their jobs to have a family because Social Security averages "zeros" during the time she left the job market. The current long averaging periods combined with "zero" years for childrearing result in lower benefits for women.

Social Security is a Sex-Biased System that Needs Updating

Developed during the Great Depression, the Social Security system continues to reflect a stereotype of women and family life that is no longer a reality. In 1940, only 14% of married women were in the paid workforce. Today, more than 50% of married women hold paid jobs, primarily out of economic necessity. There was one divorce for every six marriages in 1940; today, there is one divorce for every three.

In 1980, less than 10% of all American husband-wife families fit the stereotype of an employed father, stay-at-home mother and two or more children under 18. Over the years, the structure of American families has changed, but the Social Security system is still based on the characteristics of a 1940's society.

The result is that women in their retirement years are shortchanged by a system that has failed to meet their changing needs and to guarantee them economic justice.

Women will fall victim to proposed budget cuts in Social Security. Any Social Security cutbacks make women vulnerable because they are disproportionately dependent on benefits and because the current benefit structure is weighted against females. As long as Social Security remains a sex-biased system, women will continue to live their final years at minimum survival levels which no economic equality.

The Social Security law must be changed to end the poverty and dependency of women. Ratification of the Equal Rights Amendment will provide a sound constitutional basis for reforming Social Security in a manner that is fair to *all* women.

Under ERA, a homemaker will be recognized for her economic contribution, requiring changes in aspects of Social Security, pension plans, retirement benefits and inheritance laws and providing fair and equal treatment under the law.

Under ERA, employed women will have a powerful legal tool to challenge sex-biased assumptions inherent in many of today's laws.

The deadline for the current Equal Rights Amendment is June 30, 1982. Join the ERA Countdown Campaign.

The Equal Rights Amendment (Complete text)

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.

ERA and Education

Tracking Females to Low-Paying Jobs

A major fault in today's education system is that schools direct females into just a handful of low paying, dead-end jobs. Most women workers are clustered in just 20 occupations at the lower end of the pay scale, primarily as clericals, sales-people, hairdressers and waitresses. The majority of men, on the other hand, are employed in about 250 occupations, many of which have a full range of pay and promotion.

The concentration of women into a limited number of jobs is due in part to their lack of technical training, encouragement and skills development. It will be tragic if another generation of females does not receive adequate training and encouragement necessary for a modern education in an advanced technological society along a full range of job opportunities and specialities.

The Equal Rights Amendment is needed to ensure once and for all that females get a fair chance for equal educational opportunities. Law-by-law, state-by-state reforms to eliminate sex discrimination offer no guarantees for fair treatment.

Under the current conservative Administration, existing educational equity programs, although inadequate, are being further diluted. The enforcement of Title IX, the law prohibiting discrimination in public education, depends upon tracing distribution of "federal" dollars to particular school programs. Under Reagan budget block grants for state and local governments, such tracing and hence enforcement, is nearly impossible.

Further, equal education laws are only statutes passed by Congress which can be reversed at anytime. A Constitutional Amendment is the only insurance that women and girls will be given fair educational opportunities. Today's schooling is leaving girls ill-prepared for the modern workplace. Chances are, without ERA, little will change and females could even go backwards.

Females Have Only Half a Chance in Today's Schools

From kindergarten to college, our educational system discourages females from taking math, science, and a wide range of vocational courses; undertrains them in physical education and self-defense; and directs women into low-paying fields with little or no advancement opportunity.

Here's Why:

Many of our public school programs—from the late 1800s to the early 1970s—were developed on the assumption that men were the "heads of household" or breadwinners and that women would stay home full-time to raise a family as their husband's "dependents." At the turn of the century, women were considered inferior because it was thought that women had smaller brains. This late 19th century theory claimed that since women's wombs drew blood and energy from their brains, the needed strength for the primary function of childbearing would be diverted if females took part in intellectual pursuits. Such theories were eventually dismissed, but sex discrimination has remained widespread throughout the 20th century.

Public school curricula were often based on male/breadwinner, female/dependent assumptions. Separate courses were designed to teach boys and girls different skills. Boys learned to handle machinery and tools, girls to keep house. Boys were urged to continue their education, learn technical subjects and develop lifetime careers. Girls were told that if "special" circumstances required them to hold jobs, they might learn typing, shorthand or bookkeeping.

Times are changing. But many of the stereotypes about education and careers continue to work against women and girls who seek equal opportunities. Our education systems are filled with sex discrimination.

Here are the Facts:

In grade school, sex stereotyping continues. Readers and textbooks portray boys as leaders, achievers, and independent; while girls are shown as dependent, passive and watching from the sidelines. Men are portrayed as doctors, women as nurses.

In high schools during 1979, 63% of the boys intending to go to college studied math and physical science. This was true for only about 43% of the girls, up from 37% in 1974.

Minority females are at an educational disadvantage compared to whites because of both race and sex discrimination. Educational attainment for minority women declined between 1970 and 1976. Overall, the labor force participation rates are higher for black women than white women. The wage gap for minority women is even wider, at 54¢ (for black women) and 49¢ (for hispanic) for every dollar paid to white men. Minority women have higher unemployment rates than any other category and they are those least likely to obtain a college education. This makes women of color especially dependent on primary and secondary schooling for job training.

Vocational education is far worse in its extent of sex stereotyping than college-bound programs. Females enroll primarily in consumer/home-making or office/business courses. Males are found in technical, agriculture and trade/industry courses. Recent studies show:

- 83% of home economics students are female.
- 94% of the trades and industry students are male.
- 30% of the female students in traditionally male voc-ed programs reported being discouraged from those programs by teachers and counselors.

Although females earn about half of the college bachelors degrees, a majority are in areas traditionally dominated by women such as nursing and primary/secondary school teaching which eventually lead to low-paying jobs.

Women earn about half of the masters degrees but only one-fourth of the PhDs — again in traditionally “female” areas.

In the early 70s, the female enrollment in technical and professional education programs dramatically increased. But during the past several years, women’s enrollment in these areas has leveled off and in some areas has declined. Since female participation rates have never been equal to males’, this trend indicates a backward move for women.

Existing Laws Are Inadequate

In 1972, Congress passed Title IX of the Education Amendments which prohibits sex discrimination in “any education program or activity receiving *Federal financial assistance*.” Past experience shows that equal education cannot be achieved through enforcement and monitoring of federal dollars due to current funding schemes of public schools. Most financing for primary and secondary public schools comes from state and local governments, not the federal government. And further, under proposed federal consolidation of categorical programs (block grants) for state educational funding, money cannot be traced to specific programs. Chances are Title IX will only apply to programs such as school lunches which have a direct budget line. Hence, under any federal funding scheme which consolidates education money with other state money allocations, it is nearly impossible to trace *direct* funds to local school systems.

ERA would require each state, as well as the federal government, to review all laws within two years of ratification and make sure state laws are in compliance with the Amendment. Due to shifts in federal budget distribution systems and the current structure of school financing, the ERA then becomes the only effective tool for eliminating discrimination in education.

The Equal Rights Amendment will require that publicly supported schools at all levels eliminate practices which discriminate against females. It will establish the principle of equality so that girls and boys can learn from the Constitution that they are considered equals before the law.

The ERA must be ratified by June 30, 1982. Join the ERA Ratification Campaign today.

The Equal Rights Amendment (Complete text)

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.

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Section 3.

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ERA and Religion

Churches and Equality

In 1873, the U. S. Supreme Court heard the case of Myra Bradwell who had applied for a license to practice law in Illinois. The lower court denied her request because she was a woman. In its opinion, the Illinois court ruled "... God designed the sexes to occupy different spheres of action, and that it belonged to men to make, apply and execute the laws, was regarded as an almost axiomatic truth." This case *Bradwell v. Illinois*, was one of the earliest suits to challenge discrimination based on sex in our country.

The United States Supreme Court upheld the lower court's decision. It added language to support the belief that women and men were not equals under the law because of divine will:

"Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. . . .

"It is true that many women are unmarried and not affected by any of the duties, complications, and incapacities arising out of the marital state, but these are exceptions to the general rule. The paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator. And the rules of civil society must be adopted to the general constitution of things, and cannot be based on exceptional cases."

The religious reasoning represented in the 1873 *Bradwell* decision for the most part has been dispelled. A small but vocal and well-organized band of right wing fundamentalists still promote this view however.

Churches and Equality

A majority of religious denominations representing tens of millions of Americans believe that a woman should have legal rights as individual persons and thus have the same rights and

responsibilities as men. Proponents of the ERA see marriage as a "partnership" to which both adults make important contributions.

A small minority of religious groups, most particularly those who oppose ERA, believe that God ordains certain roles for men and women. And, the place for men is in the public sphere while the place for women is exclusively in the home. Some ERA opponents argue that the basic legal unit of society for civil purposes is the family, not the individual person. Thus, equal rights for women would subvert the family and church.

Religious traditions and legal precedent in the United States, based on common law and 19th century practices, have assumed that when a man and woman become "one flesh" in marriage, the "one" would be represented in civil and legal matters by the husband. Thus, the family was represented by the male in property rights, voting, inheritance, taxes and other issues before the government. In this view, there was no reason for women to take part in public affairs because she was represented by her husband. In return, the society deemed the husband as authority over the family. Married women were considered second class citizens without voting or property rights.

Changes in Women's Lives Mandate ERA

The times have changed but many of federal and state laws have *not*. Less than 10% of American families have an employed father, full-time homemaking mother and children under 18 at home. There has been a drastic increase in the number of single parent families, extended families, adults who choose not to have children and elderly, frequently alone and without children. Unfortunately, many of our laws are based on the assumption that *all* men are breadwinners and *all* women are full-time homemakers who will never be widowed, divorced or separated from their family.

Without ERA to guide them, the courts continue to apply different standards to males and females. Under this scheme, for example, many state laws actually hurt women during divorce or when widowed. Other legal precedents place women in a separate "protected" class and out of certain jobs, often keeping women from higher paying occupations.

Most churches recognize the changes that have taken place in society over the last several decades. These changes are due to many factors, among them the increase of females into the labor force, a drop in the birthrate, the increased rate of divorces, and increased longevity, especially of females. Logically, these churches advocate the ratification of the Equal Rights Amendment. They recognize the need for women to have full rights, responsibilities and equal protections under the law. These denominations also recognize that marriages based on the concept of a "partnership" strengthen family life, reduce violence in the home and provide a healthy environment for raising children.

Strong Church Support for ERA

For that matter, a *majority* of churches and religious groups representing millions of Americans have a position in support of the Equal Rights Amendment. A partial list of these include:

American Association of Pastoral Counselors; American Baptist Churches, U.S.A.; American Friends Service Committee; American Jewish Committee; American Jewish Council; Anti-Defamation League of B'nai B'rith; B'nai B'rith Women; Catholics Act for ERA; The Christian Church (Disciples of Christ); Christian Methodist Episcopal Church; Church of the Brethren; Church Women United; Episcopal Church, Executive Council; Evangelical Women's Caucus; Hadassah; Las Hermanas; Leadership Conference of Women Religious; Lutheran Church in America; Mormons for ERA; National Assembly of Women Religious; National Association of College and University Chaplains; National Coalition of American Nuns; National Council of Churches; National Council of Jewish Women; National Federation of Temple Sisterhoods; Network; Priests for Equality; The Presbyterian Church in the U. S.; Religious Committee for ERA; Southern Christian Leadership Conference; Union of American Hebrew Congregations; Unitarian Universalist Association of Congregations; United Church of Christ; United Methodist Church, Board of Global Ministries, and Board of Church and Society; United Presbyterian Church in the U.S.A.; YWCA.

A small number of church groups, however, still have a 19th century view of the role of women in society and within the family. They see the male as the head of the household and the female as his dependent and in some instances, his property.

Included in the religious groups that oppose ratification of ERA are fundamentalists as well as right wing organizations including the Moral Majority which lists as its founders numerous fundamentalist churches.

In addition, religious institutions such as the Church of Jesus Christ of Latter-day Saints, commonly called the Mormon Church, are actively working to defeat ERA.

Ironically, a founder of the Mormon Church, Brigham Young, made statements in support of women's rights:

"We believe that women are useful, not only to sweep houses, wash dishes, make beds and raise babies, but that they should stand behind the counter, study law, or physics or become good bookkeepers and be able to do business in any counting house and all this to enlarge their sphere of usefulness for the benefit of society at large."

Who Is Opposing ERA?

Interpretation of Scripture and theology seem to be the key to the debate of equal rights for women. Passages can be found in nearly every religious document to either support *or* oppose full partnership between women and men.

Unfortunately, many of the decisions concerning the ERA and other issues of concern to women's rights supporters are being made by all-male church hierarchies, as is the case of the Mormon Church's opposition to ERA.

Some "religious" groups are using the ERA as a way to exploit women's rights issues when in fact they have another agenda. Many of these religious right wing groups are active in causes and issues of the radical right including hard-line anti-communism, increased military defense spending, anti-gun control, prayer in the school, anti 55 mph speed limit and a host of other "moral" issues. Some observers believe they are simply using women's rights issues which hit close to home to organize people's emotions while advancing other causes.

The deadline for ratification of the ERA is June 30, 1982. Join the ERA Countdown Campaign.

ERA and Homemakers

Partnership in Marriage

Full-time homemakers provide a valuable contribution to their home, family and community. However, their work is not legally recognized because most statutes generally have defined the homemaker as a second-class citizen. Subsequently, homemakers face some of the most severe forms of discrimination. As the laws are currently written, with the exception of certain states, a homemaker's contribution has no worth in economic, or more importantly, in legal terms.

Divorce hits homemakers hardest. And if trends continue, nearly half of all marriages will end in divorce. For a majority of divorced homemakers today, alimony and child support payments are a myth. Only 15% of divorced women are awarded alimony generally, and less than 25% of these receive payments. Of divorced mothers with minor children, 78% are awarded child support with only 59% of these collecting payments. Putting the statistics to life, this means that of every 100 divorced women with children, 78 are awarded money for child support and fewer than 46 collect payments. To put it more vividly, 2 of 5 divorced fathers do not pay for their children's support.

In many ways, ratification of the Equal Rights Amendment will help full-time homemakers more than any other group of women. The ERA will secure legal and economic rights of homemakers and guarantee that marriage be viewed by the courts as a "partnership" between husband and wife.

If a full-time homemaker finds herself in the unfortunate position of being widowed, divorced, or separated, she will have full legal protections under the law, a right that is denied her today in most states.

Outdated Laws of Yesterday Hurt Modern Homemakers

Most of our family laws date back to the English common law system in which married women

were considered the "property" of their husbands. Many women could not own land in their own name, serve on juries, could not vote, nor were allowed in certain public places. The reasoning at the time was that men were the "heads of the household" while women and children were their "dependents." Many of our tax and divorce laws, the Social Security system, insurance and pension plans and protective labor laws are all based on these outdated notions.

Times have changed; unfortunately the laws have not. Today, most adults see marriage as a partnership, with both the husband and wife making full contributions.

Today, the average family of four with an employed father, full-time homemaking mother and two children under 18 describes less than 10% of American households. Today, more women than ever before are combining homemaking with paid work roles at some time in their lives. But, women who are full-time homemakers make valuable contributions and time commitments that are as important as economic support.

Homemakers Still Lack Basic Legal Rights

To this day laws affecting property rights during marriage are based on 19th century attitudes concerning ownership, possession and control of marital property that discriminate against women.

For example, some states still follow common law practices that household goods which were purchased by both spouses during marriage belong only to the husband.

In North Carolina, real estate held jointly by husband and wife, known as tenants by entirety, is controlled only by the husband. This means the wife is entitled to none of the rents and profits produced by the 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.

An Oklahoma law states that since the male is the head of the household, he may select any reasonable place of residence and the style of living. His wife *must* conform to his wishes.

Contrary to popular belief, even support laws are set up in such a way as to hurt homemakers. In many states, (although the duty of support is placed on the husband), the laws have never really protected wives who are economically dependent on their spouses.

Time and again, courts have refused to enforce the support obligations of husbands because judges are unwilling to invade the privacy of marriage. As a result, during a marriage, even if a husband denies his wife money for her most basic needs — clothes, health care or food — she cannot, as long as she continues to live with him, expect a court to order him to provide reasonable expenses. Unfortunately, there must be a breakdown in the marriage and a legal action started for separation or divorce in order for a woman to get access to money for her basic needs.

If A Homemaker is Widowed or Divorced, She is Usually Caught Unaware of her Lack of Legal Rights.

And, often it is too late. After the death of a husband, millions of women who are homemakers find themselves too young to retire and too old to find a good-paying job. These women are caught in the "widow's gap" and are forced into low paid, dead-end jobs.

■ If a homemaker is widowed before the age of 60, she cannot collect Social Security benefits unless she has children under 18. She will not be eligible for full benefits until age 65.

■ If a homemaker divorces before 10 years of marriage, she has no rights at all to her husband's Social Security benefits. Under some federal programs, a homemaker must be married for 20 years or more to collect benefits.

How ERA Helps Homemakers

The Equal Rights Amendment will require that marriage laws be based on the jobs of each spouse within the family, instead of gender. Marriages would be viewed by the courts as a partnership with each spouse making a contribution, be it monetary or non-monetary.

Husbands and wives would be responsible to each other based on their individual resources, abilities and type of contribution, whether financial or services in the home.

The ERA *will not* require women to take paid jobs outside the home. Nor would husbands and wives be forced to make equal financial contributions.

As the legislative history of ERA states:

"The support obligation of each spouse would be defined in functional terms based, for example, on each spouse's earning power, current resources and non-monetary contribution to the family welfare . . . Where one spouse is the primary wage earner and the other runs the home, the wage earner would have a duty to support the spouse who stays at home in compensation for the performance of her or his duties."

The ERA *will* secure the legal rights of full-time homemakers. It will also guarantee a "partnership" in which marital property belongs to both the husband and wife. The ERA will ensure that outdated laws which hurt women be removed from federal and state codes.

But, because of many different domestic relations laws in the 50 states, without ERA women will not have constitutional or economic equality in this century. The deadline for ratification is June 30, 1982. Help Ratify the Equal Rights Amendment.

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