

MEMORANDUM

May 26, 1983

TO: Dick 

FROM: Betsey

SUBJECT: Constitution Subcommittee Hearing on ERA; Chaired  
by Senator Hatch, May 26, 1983.

Senator Tsongas, who is one of the main sponsors of S.J.Res. 10, which is the Equal Rights Amendment legislation, was the first witness. Senator Hatch questioned him for two hours and treated him with the least respect I have ever seen any Senator give another since I have been here. Senator Hatch's premise seems to be because we do not know the effect of the ERA amendment on the various institutions which have grown up within our society, we should have the answers to those questions before we consider passing the Equal Rights Amendment. Senator Tsongas' main premise seems to be that the equal rights for women should be bestowed by the Constitution and that the result of that would show up through court action in future times. Hatch asked a series of questions regarding the effect of an ERA amendment within the military, education, religion, etc. Senator Tsongas answered each one of those questions with "the courts will decide that issue."

Two more witnesses came on on a panel following Senator Tsongas. These included Marna Tucker of the American Bar

Association and Professor Walter Burns from the American Enterprise Institute. Tucker reiterated the pro-ERA stance. Burns reiterated Hatch's stance. Then Hatch proceeded with his list of questions again and seemed to be trying to embarrass Tucker while I personally was more embarrassed by Burns' response. The fourth witness was Congressman Hyde who sought to establish the connection of Federal funding for abortions and the ERA. His premise is that if the ERA is passed then the government would not be able to deny elective surgery to women which translates into not being able to deny funding for abortions for women.

This hearing lasted 4½ hours and that is truly all that came out of it. It is a highly controversial issue which boils down to the question of whether or not we want the Constitution to bestow equal rights upon women or whether we want to proceed statute by statute in bestowing those rights. There is no doubt in my mind that many of the current laws and provisions with regards to all of the institutions within our society would be changed with the ERA amendment, however, the same argument could have been made for equality of the races. I have never been particularly involved in this issue one way or another and have always believed that a woman would best gain her rights by doing something for herself. However, after witnessing Senator Hatch in action, it tends to make me question my lack of involvement in this area.

Note: Hatch was particularly interested in what effect this amendment would have on the tax exempt status of

various churches, including the Mormon Church, which drastically precludes women's involvement in their hierarchy. Aside from Hatch, DeConcini, Leahy, Grassley, Thurmond, Kennedy and Dole were all present at one time or another during the hearing and several of them gave opening statements. There are 56 co-sponsors of this legislation with Senator Packwood and Senator Tsongas as the sponsors. Hatch intends to hold more hearings on this issue throughout the summer.