

What Killed Equal Rights?

A ten-year struggle teaches American women the art of politics

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

It sounds simple, just and long overdue. But last Wednesday, ten years after it was passed by Congress, the proposed Equal Rights Amendment to the Constitution died, three states shy of the 38 needed for ratification.

The ERA "is dead for now and forever in this century," said a joyous Phyllis Schlafly, the amendment's leading foe, at a press conference in Washington. There was no conciliatory gesture to ERA backers, whom she termed "con men" and "vicious people."

Schlafly and her supporters celebrated at a balloon-festooned Over-the-Rainbow party, where the 1,400 guests pledged allegiance to the flag and listened to some 30 victory speeches. Said *Conservative Digest* Editor John Lofton: "I salute you fellows for doing to the ERA what Menachem Begin is doing to the P.L.O." And they applauded "special service" awards given to outstanding ERA opponents, among them the Rev. Jerry Falwell, Under Secretary of State James Buckley and Senator Jesse Helms.

The amendment's backers marked the day less festively. At rededication rallies around the country, they pledged to continue the fight. In Washington's Lafayette Square, Eleanor Smeal, president of the National Organization for Women, told a crowd of 2,000: "We are ending this campaign stronger than we began. We are a majority. We are determined to play majority politics . . .

We are not going to be reduced again to the ladies' auxiliary." A new ratification effort will begin July 14, when at least 157 Representatives and 46 Senators will reintroduce the amendment to Congress.

ERA supporters vowed vengeance for the amendment's defeat. The National Women's Political Caucus issued a "dirty dozen" list of state legislators, all male, who "roadblocked the Equal Rights Amendment." More constructively, they pledged to elect women to office in far greater numbers. Said Goucher College Student Anna Maria Halkousis: "In America, over half the population is female, but we are not the better half and not even the other half. In government, we are still the missing half."

The ratification effort failed despite widespread support. More than 450 national organizations, from the AFL-CIO to the Y.W.C.A. to the American Jewish Committee, endorsed the amendment. Polls showed consistently that its passage was favored by more than two-thirds of U.S. citizens. Indeed, the idea

of an ERA is hardly new. It was proposed in 1923 by Feminist Alice Paul, founder of the National Woman's Party, and that same year was introduced in Congress, where it languished for decades. The modern campaign began in 1967, when a stubborn Paul, then 82, persuaded the National Organization for Women to endorse the amendment. By 1972, partly because of the momentum of the civil rights and antiwar movements and partly because of adroit political maneuvering, particularly by Martha

Griffiths, then a Democratic Congresswoman from Michigan, the ERA had been passed by Congress. A seven-year deadline was set for ratification by three-fourths of the state legislatures. By the end of 1972, 22 states had passed the amendment, but others followed much more slowly. As the 1979 cut-off approached, the ERA was still three states short of ratification. Intense lobbying by amendment advocates persuaded Congress to extend the deadline another three years, to June 30, 1982.

But the ERA was in serious trouble. By March of 1979 ERA opponents had succeeded in getting five states—Tennessee, Kentucky, Idaho, Nebraska and South Dakota—to overturn their ratification votes. In December of 1981, in a long-awaited decision, U.S. District Court Judge Marion J. Callister ruled that states have the right to rescind passage of constitutional amendments. Moreover, he declared, Congress had violated the Constitution by granting the three-year extension of the deadline. Angry ERA supporters immediately appealed Callister's decision. They also launched

a vigorous ERA Countdown campaign aimed at getting Oklahoma, North Carolina, Missouri, Illinois and Florida to pass the amendment, but to no avail. The last state to ratify the ERA was Indiana in 1977.

A amendment supporters place heavy blame for the defeat on men. Women are, after all, still relatively unrepresented in national and local legislatures. Even powerful male politicians who endorsed the amendment seldom gave it a high priority. Says Liz Carpenter of ERAmerica: "They spent their credit on other issues."

Smeal focuses on the "invisible lobby of business" that profits from sexual discrimination. She notes that no trade association, no businessman's alliance, no Chamber of Commerce and no National Association of Manufacturers was on the roll of ERA supporters. But her strongest condemnation is of the insurance industry. NOW claims that women unfairly pay more than men for health and disability insurance: women have shorter



Eleanor Smeal: blunt, tenacious, but inept in the world of politics

hospital stays than men do and fewer injuries on the job.

The American Council of Life Insurance, a trade group, denies that differing rate structures for men and women are inequitable. Women do lose less time than men from work due to job injuries. But when days lost by illness are included, the average woman is away from work 10% more than the average man. Women do have shorter hospital stays, but they also are hospitalized 40% more often. Says Robert Waldron, ACLI spokesman: "We haven't lifted a finger, covertly or in any setting, to oppose ERA. Indeed, a great many people in the business support ERA."

Though pro-ERA forces scored impressive successes—mobilizing thousands of people for rallies, maneuvering for the deadline extension, getting organizations to relocate conventions to ratified states—they also clearly must share in the blame for the amendment's defeat. Feminists relied too much on moral fervor and impassioned rhetoric, and displayed little of the political savvy needed to wage an effective state-by-state ratification drive. Symbolically perhaps, Smeal showed great tenacity and faith but revealed little taste or talent for politicians or politics. In the early days activists did not seem to know how to find a precinct list or run a phone bank. Says Elaine Gordon of the Florida legislature: "We all tried to tell them how the process worked and the importance of things like raising money, but they didn't believe us. They thought that just being right would be enough."

Advocates often showed a curious blend of naiveté and arrogance. There was a failure initially to recruit nonworking and minority women. Nonprofessional pink-collar workers felt put down. Women who had "made it" economically also felt estranged. When it came to lobbying legislators, ERA supporters could be appallingly inept. In Illinois, a woman offered a legislator a \$1,000 bribe. In Georgia, a state representative claimed that he had been propositioned in an effort to solicit his vote. And in Florida, pro-ERA workers banged on doors of legislators' homes at 7 a.m. to hand them literature, a state senator's driveway was painted with pro-ERA slogans, and the white façade of the state capitol was defaced with pro-amendment mottoes.

In contrast, the opposition—the Eagle Forum, Fundamental Christian churches, the Moral Majority, the John Birch Society, the Mormon Church, the American Farm Bureau—was well financed and smoothly organized almost from the start. While ERA supporters staged national demonstrations, foes visited state legislators to argue that women are already protected by the 14th Amendment, which offers equal protection to "all persons." They quickly co-opted the fight and mired it down in dire warnings of homosexual marriages and unisex toilets. ERA supporters dismissed the scare talk as irrelevant. But, says Emory University Political Scientist Eleanor Main, "we should have presented evidence to prove, for example, that the privacy act would preclude unisex toilets." When the battle moved to more substantial issues, it was again on opponents' terms. Foes claimed that the ERA would cede states' rights to the Federal Government, cause the death of the family by removing a man's obligation to support his wife and children and lead to women

being drafted for combat duty. Both feminists and Schlafly believe the draft was the issue most damaging to ERA's chances. Says Oklahoma State Senator Marvin York, a strong ERA supporter: "People were literally led to believe their worst fears."

It took ERA advocates until a few months ago to seize the initiative by emphasizing positive issues like pay discrepancies. New radio ads featured a father outraged that his daughter had lost out on a job because she was a female and a woman suffering the economic impact of an inequitable divorce settlement.

Both ERA supporters and opponents have learned some practical lessons, which they plan to put to use. Ruth Adams originally came to Oklahoma from North Dakota last summer to coordinate the pro-ERA drive but will stay on with her family to work for NOW until after the fall elections. Irene Toepfer, on the other hand, a member of the anti-ERA Illinois Eagle Forum, plans to use her skills to oppose abortion and sex education in the schools and to lobby for textbook reform.

These are not isolated instances. Thousands of women, politically awakened in the ten-year struggle, have become a potent political force. Says Carpenter: "A political figure is going to look very laughable if he is antiwoman. This fall there is going to be sexual harassment at the ballot box in a way that men have never known before."

Politicians now speak respectfully of a "gender gap" between men and women voters. No longer do women follow their fathers', husbands' or lovers' leads on candidates and issues. They are making up their own minds, and often disagreeing. A poll on the Illinois Governor's race shows that women, angered by incumbent Republican James Thompson's lukewarm endorsement of ERA, have flocked to his opponent, Democrat Adlai E. Stevenson III. Their support has given Stevenson the edge in a race in which he had been running behind. Last week a New York Times/CBS News poll revealed that 50% of men but only 41% of women approve of Reagan's handling of the presidency. Presidential Pollster Richard Wirthlin suggests women distrust Reagan's economic

programs and fear he is too hawkish on foreign policy.

Ignoring women, politicians of both parties now acknowledge, may ultimately prove a costly mistake. Even the most conservative are now wary. Republican Senator Orrin Hatch of Utah, who proposes a constitutional amendment to limit abortion, is at pains to indicate he "feels deeply about women's rights. I opposed the ERA," he says, "because I didn't want the Federal Government to control all aspects of family life. I don't believe anybody won in this fight. I think women do not have equality." Senator Hatch is up for re-election.

Women, in fact are not just coming up even with men but taking the lead on issues. Says Pollster Patrick Caddell: "It's the women who seem to be staking out the first set of positions, whether it's on quality of life or nuclear power, and the men who seem to be moving toward them. If that pattern holds up, it could be of enormous political significance. That changes the real dynamics of American politics." —By Anastasia Toufexis.

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Phyllis Schlafly: adroit, determined, playing to people's worst fears