

## Equal Rights for Women

### Yesterday

- 1787** U.S. Constitution adopted. Based on English common law, women were considered "property" without independent rights.
- 1868** 14th Amendment ratified. Though apparently guaranteeing U.S. citizens equal protection under the law, the Supreme Court did not interpret it to address sex-based discrimination until 1971. Since then, decisions on sex-based discrimination have varied.
- 1920** 19th Amendment ratified. Women win the right to vote.
- 1923** ERA first introduced in Congress.
- 1923-1972** ERA reintroduced in each session of Congress.
- 1972** ERA passed Congress, sent to state legislatures for ratification.
- 1982** ERA defeated, 3 states short of 38 needed for ratification.
- 1983** ERA reintroduced in Congress January 3 (House) and January 26 (Senate); ERA defeated November 15 in House by 6 votes.

### Today

- 1984** ERA is a major national issue. It may be voted on at any time in the House or Senate. It must pass both houses of Congress by a two-thirds vote and then be ratified by three-fourths of the states.

### Tomorrow

"The League of Women Voters' commitment to a constitutional amendment prohibiting discrimination on the basis of sex is as strong as ever before. The League is used to long struggles, having been founded in 1920 at the end of the successful 72-year struggle to gain women's suffrage. We are confident that our political skills will serve us well as we continue to educate our voters on the need for the ERA."

Dorothy S. Ridings, President  
League of Women Voters of the U.S.



## ERA is for Fairness and Economic Justice

There is no permanent and comprehensive national standard guaranteeing women and men equal rights under the law. There is no reason to believe that fundamental changes in sex-based discrimination will take place until the Equal Rights Amendment becomes part of the U.S. Constitution.

### The Principle of the ERA

The basic principle of the ERA is contained in Section 1 of the amendment: **Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.** That is, gender should not be a factor in determining the legal rights of individuals.

Section 2 says: **The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.** This wording conforms to that of the 13th, 14th, 15th, 19th, 23rd, 24th and 26th amendments.

Section 3 says: **This amendment shall take effect two years after the date of ratification.** The purpose of this section is to give the states and the federal government time to bring their laws into conformity with the ERA.

### The Causes of Injustice

The causes of injustice for women are historically rooted in social and economic stereotypes that have been reinforced by the law and administrative practice. The causes are as numerous as they are unfair:

- occupational segregation;
- pay inequities;
- hiring and promotion bias;
- discrimination in social security, insurance and pensions;

- sex stereotyping in the classroom and sex-segregated enrollment in vocational education;
- inadequate child-care services;
- discrimination in the military that deprives women of job training and the educational, retirement and veteran's benefits associated with military service;
- property, inheritance and credit laws and practices that favor the primary wage earner at the expense of the homemaker.

### The Need for the ERA

Passage of the ERA will not mean an automatic and complete end to sex-based discrimination. But it will be a guaranteed foundation from which our basic rights will be derived. The ERA will address—and redress—injustice because:

**It is permanent.** Once it is part of the Constitution, the ERA will establish equality of the sexes as fundamental law of the land. Without the ERA, court decisions can vary and the Congress and state legislatures can easily repeal rights already won.

**It is clear cut.** Persons bringing suit on grounds of sex discrimination will be able to rely on a single, straightforward constitutional standard. Without the ERA, persons seeking legal redress must determine if there is an existing law that covers the particular right being violated.

**It is right.** The ERA is the next logical step in our country's struggle for equality for all citizens. The ERA will put into practice the ideal that our country was founded on—that all men and ALL WOMEN are created equal.

## Q&A

### Is the ERA necessary since we already have the 14th Amendment and anti-discrimination laws?

**Yes.** Although the 14th Amendment, ratified in 1868, guarantees all U.S. citizens equal protection under the law, the Supreme Court did not interpret it to address sex-based discrimination until 1971. Since then, decisions on sex-based discrimination have varied. Similarly, civil rights laws are no substitute for the ERA. Specific laws affect specific kinds of discrimination. These laws can be softened or repealed by legislatures reacting to the prevailing political climate. The ERA will address all kinds of gender discrimination.

### Are state ERAs a substitute for the federal ERA?

**No.** While state ERAs have helped eliminate sex bias in the 16 states that have them, a federal amendment will guarantee equality for women and men in all 50 states. A state-by-state, or even statute-by-statute, quest for equality would not guarantee equal rights for everyone and would not cover the federal government, a major employer of women. Before the 19th Amendment passed, women could vote in SOME states. After it passed, women could vote in ALL states.

### Who supports the ERA?

The large majority of Americans—62 percent in August 1983—favor passage of the ERA. Major women's, church, labor and civil rights groups support the ERA. The ERA has been supported by both major political parties since 1944, until 1980 when the Republican party dropped its support.

### Then what's the debate all about?

If the ERA were discussed solely on its merits, it would have been ratified years ago. Instead, it has become a scapegoat for changes in society that already have oc-

curred. Legislative history and experience with state ERAs dispel the most commonly expressed misinterpretations of the ERA:

- The ERA will not force anyone to earn or to learn. It won't tell women to go to work or to stay home. It won't tell schools or employers what to do, but only that what they do, they must do fairly.
- The ERA will not interfere with people's constitutionally guaranteed right to privacy in public places such as bathrooms, dormitories and locker rooms and in hospital, military and prison facilities. Private organizations and institutions will not be affected by the ERA unless the government is substantially involved in their funding or operation.

### Why not amend the ERA "to make it more acceptable"?

Many ERA opponents say they are in favor of the ERA "if we can clarify it with a few amendments." This is not a defensible position; in fact, it is a contradiction. Any amendment to the ERA, no matter how well meaning, is a violation of the ERA's basic principle of full equality for all citizens under the law. Until now, women have been accorded their rights (property ownership, the vote) piecemeal and as a result of long and bitter political battles, thus receiving them more as privileges being granted than as rights being affirmed.

The sole premise of the ERA is that all the rights guaranteed by our government and articulated in the U.S. Constitution will be granted equally to women and men—without regard to gender. Therefore, any proposal to amend that affirmation of equal rights violates its very essence and presumes that the rights of women are not equal to the rights of men.

It is crucial that the ERA's basic affirmation of equality remain inviolate and that any issues that need clarifying be dealt with by equitable, carefully tailored legislation.

- The ERA will not affect a woman's right to decide whether or not to bear a child. The Supreme Court has affirmed this right on grounds of privacy and due process.
- The ERA will not affect the issue of homosexual marriage. The ERA deals with discrimination based on gender, not discrimination based on sexual preference.

**THE IMPORTANT THING TO REMEMBER IS THAT THE ERA WILL ENSURE THAT WOMEN AND MEN ARE TREATED AS INDIVIDUALS UNDER THE LAW, REGARDLESS OF GENDER.** The ERA concerns governmental actions, not private or social relationships. It means equality, not sameness. The ERA will guarantee all Americans equal rights and opportunities in schools, on the job and in the military.

## What You Can Do

### Make the ERA an election issue.

Ask every candidate for office—any office—her or his stand on the ERA. Use the pre-election period to educate candidates and the public on the need for the ERA.

### Know your congressional delegation.

Find out if your members of Congress support the ERA. If they do, thank them and urge them to oppose all attempts to amend the ERA; if they don't, let them know that you, as a constituent, would like them to reconsider.

### Contribute time, talent, money.

Arrange programs to explain goals and principles of the ERA in schools, churches, associations, clubs and organizations. Make a donation to organizations and individuals working for passage of the ERA.

### Take a stand.

Speak up and make your views known to your family, your friends, your coworkers, your classmates, your business associates and customers.

### Join the League of Women Voters.

The ERA is a League priority. We will work as long and as hard as it takes to put the ERA where it belongs—in the U.S. Constitution.



## Be part of the ACTION.

### Join the League of Women Voters.

To join the League, contact your local (or state) League.

Or, send \$30 and this form to:

The League of Women Voters (MTS)  
1730 M Street, NW  
Washington, DC 20036

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