

# THE ERA

*Joanne*  
*the League of Women Voters*  
**what it means to men and women**

**What is ERA?**

ERA, the Equal Rights Amendment, is the proposed 27th Amendment to the U.S. Constitution. It says that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

**What will ERA do?**

It will remove sex as a factor in determining the legal rights of men and women. It will primarily affect government action. It will not interfere in private relationships. For example, the questions of who will wash the dishes, open the door, or bring home the paycheck are outside the jurisdiction of the ERA. The general principle is: IF A LAW RESTRICTS RIGHTS, IT WILL NO LONGER BE VALID; IF IT PROTECTS RIGHTS, IT WILL PROBABLY BE EXTENDED TO MEN.

**How will ERA become law?**

By March 1973, 29 states had ratified the ERA. Ratification by 9 more states before March 1979 will bring the total to 38--the three-fourths required to amend the Constitution. ERA will not become effective, though, when the 38th state ratifies it. States will then have two years to review and revise their laws, regulations and practices--ample time to bring them into compliance.

**Why do we need ERA?**

Even though there are some laws on the books forbidding discrimination against women, there is no clear constitutional protection. The Supreme Court has never decided whether the 14th Amendment prohibits discrimination based on sex. Today in 1973, 49 years after ERA was first introduced, women in some states are still not recognized as mature, responsible adults. They cannot serve on juries...start a business... get a mortgage...control their own property, their own paychecks, or the property and money of their children.

PRESIDENT NIXON put his finger on the need when he said, "Throughout twenty-one years I have not altered my belief that equal rights for women warrant a Constitutional guarantee." (March 18, 1972)

**What do national leaders say about ERA?**

VICE PRESIDENT SPIRO T. AGNEW

"The Equal Rights for Women Amendment...deserves whole-hearted support of all Americans.../W/e have made a great deal of progress toward the goal of equality between the sexes but we need a continuing concerted effort to make this principle a reality." (October 24, 1968)

U.S. REPRESENTATIVE MARTHA GRIFFITHS

"In 196 years of this country's being, any government could make any law it chose against women and the Supreme Court has upheld that law...Corporations have been 'people' for more than 100 years. It is high time that we too became human. We cannot rely upon the Courts. I urge the ratification of the Equal Rights Amendment." (February 27, 1973)

U.S. SENATOR STROM THURMOND

"There has been progress in recent years toward the goal of equal rights and responsibilities for men and women.../T/he only practical basis to provide the necessary changes is thru a constitutional amendment." (April 10, 1972)

LUCY WILSON BENSON, President, LWVUS

"The League grew out of women's struggle for the vote. The League has been a part of the struggle to assure constitutional rights for all people, and we know how slow the case-by-case process can be. We think it's long past time for the nation to affirm the legal equality of women right in the Constitution." (August 26, 1972)

GOVERNOR GEORGE C. WALLACE

"I...favor the Equal Rights for Women Amendment. I...will do all in my power to bring about the early passage of the appropriate legislation." (July 20, 1968)

THE 92ND CONGRESS

The House passed the ERA by a vote of 354 to 23.

The Senate passed the ERA by a vote of 84 to 8.

**How will ERA affect Social Security benefits?**

The ERA won't take away a single Social Security benefit women now have. It will give benefits equally to men and women. The 1972 Social Security Amendments have already moved in that direction. For instance, men as well as women can now begin to draw benefits at 62.

The ERA will enable a man to draw on his wife's social security just as any wife now draws on her husband's account. For example, today if a woman dies or retires, her widower is not automatically entitled as a dependent to his wife's benefits. Under ERA he would be.

**Will men and women have to share sleeping quarters?**

The ERA won't interfere with the constitutional right of privacy, which permits separation of the sexes in such places as public toilets and military barracks. And states will still have the power to separate the sexes in sleeping quarters of such institutions as coeducational schools, prison dormitories and mental care facilities.

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**Will women be drafted under ERA?**

With a volunteer army about to go into effect, it's a dead issue for now, anyway. Under ERA, Congress could draft women (incidentally, it already can) but their chances of serving in combat duty is slim. In 1971, only 5% of eligible males were actually inducted, only 1% of those inducted were ever assigned to combat duty, and only a fraction of those served at the front lines. Women won't be "snatched away" from their children to be drafted. Men have always been exempted for a variety of reasons, including family responsibilities--and so will women be.

What the ERA would do is end the practice of demanding higher qualifications for women than for men and so open up the possibility of GI benefits to a greater number of women.

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**How will ERA affect labor laws that protect women?**

Labor laws saying what hours women can work and how many pounds they can lift, originally intended to protect women from being exploited on the job, are now often used to bar working women from getting better jobs at better pay. Such discriminatory rules and regulations exist in 26 states. In Ohio, for example, a woman cannot be a gas or electric meter reader or a section hand. ERA would put a stop to this nonsense.

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**Will ERA eliminate laws against rape?**

Criminal laws against rape will still be valid (as well as civil laws applying to one sex, such as medical payments for childbirth). What ERA will change is this: Courts will have to stop giving a longer prison sentence to a woman than to a man for the same offense--or vice versa.

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**How will ERA affect states' rights?**

Section 2 of ERA, which reads, "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article," does not take away states' rights. Whenever the Constitution is amended, the states have the right to act and enforce the amendment. Almost identical language appears in the 13th, 14th, 15th, 19th, 23rd, 24th and 26th Amendments to the Constitution.

**What happens to women's rights in marriage and divorce under ERA?**

ERA will continue a trend toward applying the yardstick, "Who is able to support whom?" Since courts seldom intervene in such private relationships as an ONGOING MARRIAGE, in reality a married woman living with her husband gets only what he chooses to give her. Under ERA, support in SEPARATION cases would be settled, as it is now, on an individual basis.

The case of the woman divorced in late middle years and unequipped by training or experience to earn a living is often cited. In a DIVORCE, the same principle of need and ability to pay will apply to ALIMONY under ERA--just as it does now. So also with CHILD SUPPORT. (At present, only 38% of fathers are making full child support payments one year after the decree.) Correspondingly, CHILD CUSTODY will be based on which parent can better care for the child.

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**Who supports ERA?**

Many organizations, representing a great variety of men and women, endorse the ERA. Among the national groups are these:

American Association of University Women; American Home Economics Association; American Jewish Congress; American Medical Women's Association; American Newspaper Guild; American Nurses Association; American Women in Radio and Television; Association of American Women Dentists; B'nai B'rith Women; Citizens' Advisory Council on the Status of Women; Common Cause; Communications Workers of America--AFL-CIO; Council for Christian Social Action, United Church of Christ; Ecumenical Task Force of Women and Religion (Catholic Caucus); Federally Employed Women; General Federation of Women's Clubs; Intercollegiate Association of Women Students; International Brotherhood of Painters and Allied Trades; International Brotherhood of Teamsters; League of American Working Women; League of Women Voters; National Association of Negro Business and Professional Women; National Association of Women Deans and Counselors; National Education Association; National Federation of Business and Professional Women; National Organization for Women; National Welfare Rights Organization; National Woman's Party; National Women's Political Caucus; Professional Women's Conference; NETWORK; St. Joan's Alliance of Catholic Women; United Auto Workers; United Methodist Church-Women's Division; and Women United.

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