

Res file - ERA

*Women to Rescind
the Equal Rights Amendment in Rhode Island*

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PETITION FOR THE RESCISSION OF THE RATIFICATION

OF THE EQUAL RIGHTS AMENDMENT (72 S 3482)

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The Women to Rescind the Equal Rights Amendment in Rhode Island humbly petition the members of the General Assembly of Rhode Island to rescind ratification of the Equal Rights Amendment, passed in concurrence on April 14, 1972, in the House of Representatives.

"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."

Who could find fault with the glad ring of "equal rights for women"? Just the great silent majority of women in this country, who are busily ensconced in their chosen careers of homemaking and mothering, blissfully ignorant of the fact that they are "slaves", "demeaned", "exploited", "degraded", and "tools" of men! In state after state, as its far-reaching ramifications are being more thoroughly considered, ERA's professional paid lobbyists[1] are suddenly running into a ballooning outpouring of grassroots opposition from women awakening to the smell of smoke. In the first place they do not want to be liberated from their husbands and families by the sputtering, angry minority of women's liberationists who are pushing hard for the ERA. In the second place, many questions are surfacing about an ERA requiring women to register for the draft at age 18 in the event of a national emergency, and to be eligible for combat duty on an equal basis with men. This is liberation?? To many of us, after studying the possible consequences of an ERA, it is apparent that the prime beneficiaries are men, not women!

Fortunately, for the sake of a common denominator, both proponents and opponents of the ERA agree that the one hundred fifty page analysis of the ERA, printed in the Yale Law Journal for April, 1971, is an accurate one, although it is obviously biased in favor of the ERA. Both ardent proponent, Representative Martha Griffiths, and ardent opponent, former Senator Sam Ervin, have quoted from it extensively, proving that it has been accepted for purposes of research by both sides. The article examines the probable legal consequences of the ERA if and when it is ratified by the 38th state (beginning two years after that, in accordance with Section 3 of the Amendment, which requires a two year buffer period before it would take effect).

The revelations are startling to those of us who at one time were misled to believe that the ERA's purpose was to secure "equal pay for equal work"* (and who could fault that commendable objective?) To the contrary, women stand to lose many of the precious rights they have always taken for granted, but the rights they supposedly will gain are already theirs! In short, it appears the ERA is a vicious fraud, perpetrated by an unhappy minority of highly vocal and aggressive women who, because of personal problems, do not find the normal satisfactions in family life. This is not mere theory, but is borne out by a careful examination of their "literature", including books, newsletters, and magazine articles. Aside from the obscenities liberally sprinkled throughout, what stands out is the utter depravity, radicalism and nihilism of the authors. They all share a rather neurotic preoccupation with themselves -- their bodies, their psyches and their emotions, but to the noticeable exclusion of their poor, starved souls. They desire to be interchangeable with men, considering their femininity merely an accident of nature. Midge Decter, formerly executive editor of "Harper's Magazine" and now literary editor of "World Magazine", dissected some four hundred books, hundreds of magazine articles, and large numbers of newsletters, and reported her findings in her book, The New Chastity and Other Arguments Against Women's Liberation.

National Organization for Women (NOW), the principle organization behind the push for ratification of the ERA, and whose membership includes admitted lesbians, has its own platform of principles appropriately titled "Revolution: Tomorrow is NOW". The action program it promoted includes lobbying for the ERA; government-funded "free" child care centers for all children; pro-lesbian legislation; free abortion, sterilization and contraception; eliminating legislation and programs which give preference to veterans; eliminating tax exemption for churches and challenging church policies; removing school textbooks portraying "stereotypes" of women at home; requiring schools to provide contraceptive and abortion counseling as well as women's lib programs; eliminating women's exemption from the draft; a guaranteed annual income; and requiring business to provide "parent leaves" to both parents, instead of only maternity leaves to mothers! At the 1973 NOW Convention, Ms. Sidney Abbott, a gay liberationist, told reporters that "10 percent of the approximately 2,000 NOW members attending the convention were lesbians."**

It is highly doubtful that these unorthodox women, however intimidating, highly organized and strident in their demands, represent the average woman who is primarily concerned with her home and family. Therefore, it is time for us ladies to speak up before we fall victim to a cruel fate.

*Already guaranteed by Civil Rights Act of 1964 and Equal Employment Opportunities Act of 1972.

**Philadelphia Evening Bulletin 6/27/73.

Here are some of the legal rights we stand to lose, according to the Yale Law Journal, and other sources:

- 1) Right to financial support by our husbands[2]. Rhode Island law presently provides that every husband who neglects to provide according to his means for the support of his wife or children, is guilty of a misdemeanor, punishable by imprisonment[3]. This would have to be invalidated due to its "sexist" language.
- 2) Right to claim nonsupport in case of separation or divorce [4]. (This has always been a lever to help mothers struggling with a new and unfamiliar dual role).
- 3) Right to laws protecting only woman against sex crimes like rape[5], and seduction[5a].
- 4) Right of a woman not to be subject to the draft at age 18 in the event that a national emergency requires conscription[6].
 - A. Women would be eligible for combat duty[7].
 - B. Congress's intent shown when it specifically deleted from the ERA the Wiggins Modification[8] (on the House floor) and the Ervin Modification[9] (on the Senate floor).
 - C. Selective Service Director Curtis W. Tarr revealed in a memo to former President Nixon that even after Nixon's authority to induct expired, the structure of the system would continue as required in Section 10(h) of the Military Selective Service Act: "Selective Service must register young men at age 18 (and young women as well if the ERA becomes a part of the Constitution), hold an annual lottery, classify registrants, and maintain viable procedures in the event of inductions. It might be wise as well to call some young people for preinduction examinations so that the President would have available an acceptable pool of registrants for immediate induction in an emergency[10]."
 - D. Women's right to privacy denied in Services[11].
 - E. "Under the ERA, all standards applied (through intelligence tests and physical examinations) will have to be neutral as between the sexes[12]."
 - F. Deferment policy "could provide that one, but not both, of the parents would be deferred. For example, whichever parent was called first might be eligible for service; the remaining parent, male or female, would be deferred[13]."
- 5) The right to custody of children in case of divorce[14].

6) The right to be protected from dangerous and unpleasant jobs.

- A. Weightlifting regulations for women will be wiped out under the ERA[15].
- B. Exemption of mothers from jury service would be abolished or extended to fathers[16].
- C. "The major danger in the proposed ERA lies in the fact that it would in one fell swoop invalidate all protective legislation enacted by the States to protect working women from exploitative employers.... Protective legislation not only sets maximum hours and minimum wage standards, but also mandates such provisions as rest areas, toilet facilities, elevators, adequate lighting and ventilation, rest and meal breaks (including the right to eat one's meal away from the immediate work area), adequate drinking water (important for women and children who are farm workers), and protective garments and uniforms[17]."

7) Right to Privacy

- A. ERA "would require that there be no segregation of the sexes in prison, reform schools, public rest rooms, and other public facilities[18]."
- B. Sleeping quarters in prisons, hospitals, armed forces (including combat zones and foxholes) would not be segregated by sex under the ERA[19].
- C. Body searches in prisons and physical exams in armed forces would be carried out on a sex neutral basis[19].

8) Social Security legislation endangered. Either Congress and the State Legislatures would have to wipe out special benefits for wives and widows or else provide similar benefits for husbands and widowers[20].

Not only would we stand to lose these enumerated rights, but also we would take offense at some of the community consequences the ERA would foist upon us:

- 1) Homosexuals, not to be denied equal rights under the law on account of sex, could penetrate our schools and teach sex education, could marry one another and adopt children into this weird "family", and could find legal recourse for demanding membership or seminary training in tax exempt churches.
- 2) Our police departments would become sex-integrated; standards would have to be lowered so that an equal number of women could pass the tests. Reverse discrimination would cause the whole community to suffer.

Part of our culture is protecting women in dangerous situations. Male officers would be trying to protect their female counterparts while simultaneously handling touchy situations. Not physically able to handle violent incidents on patrol, female officers would endanger themselves and their male partners, as well as the public. (Solution? A "double track" system for policemen and policewomen, allowing for reasonable differences in assignment, rank, pay, etc. A simple amendment to the Civil Rights Act of 1964 could achieve this more practically than a Constitutional Amendment.)

- 3) Our courts would be thrown into chaos because of Section 2 of ERA, requiring all laws with "sexist" language be rewritten. They would be clogged up with the prodigious amount of test litigation that would surely ensue. Not only that, but in 1966 the U. S. Supreme Court ruled[21] that the words of Section 5 of the 14th Amendment (same words as Section 2 of ERA) meant that Congress can preempt the field and states lose jurisdiction to legislate on that subject. (Because Article VI of U. S. Constitution says the Constitution shall be the supreme law of the land.) Thus vast areas now regulated by state legislatures will be transferred to the Federal Government by ERA.
- 4) Under the ERA, since men obviously have the right not to be pregnant, no Federal or State law against abortion would be able to deny a woman the "equal right" not to be pregnant. Since the current right of abortion is only a "Supreme Court" right (Roe v. Wade, 1/22/73), and there was a split by 7-2 decision, there is always the chance several Justices might change their minds, or the personnel of the Supreme Court could change, or Congress could legislate to remove abortion from the Supreme Court's jurisdiction. Thus the ERA would protect from all contingencies the constitutional right of females to terminate pregnancies that they do not wish to continue. Any vestigial control of abortion in the hands of the State Legislatures would be abolished[22].
- 5) Tax exempt churches debating role of women in ecclesiastical structures will have their decisions made for them if ERA is ratified[23]. This would infringe upon religious freedom to obey Scripture, which forbids women to teach in the church or usurp authority over men[24].

Our committee represents women who enjoy the special status and privileges our society's culture has handed down to them through the years. We like being women, and are content with our station in life. We don't want to be lowered to "equality" of treatment! Perhaps the final arbiter of the proper role of women in society ought to be the Word of God. Scripture is replete with examples:

"And the Lord God said, It is not good that the man should be alone; I will make him an help meet for him." (Genesis 2:18)

"Woman is the glory of the man" (I Corinthians 11:7)

"For the man is not of the woman, but the woman of the man" (I Cor. 11:8)

"neither was the man created for the woman, but the woman for the man"
(I Cor. 11:9)

These words do not enrage or make us feel demeaned, but gladden us because we recognize the truth in them and we can see that when we accept in our hearts our Creator's good and wise plan for us, we are then happier than if we strive and struggle to "be free". In fact, we are free:

"If the Son therefore shall make you free, ye shall be free indeed." (John 8:36)

The first thing the owner of a brand new car does is to read the Manufacturer's Guide in order to learn how to get maximum performance from it. Similarly, we as Christian women, look to our Bible for guidance in determining our proper responsibilities. If this seems old fashioned and out of step with modern notions to some, so be it, but we can truthfully say that we are happy and have found peace. The sputterings and harangues of our rather infantile and discontented sisters, who rebel against their own natures and thus do not and cannot have personal peace whether or not the ERA Amendment is ratified, have forced us to stand in our own defense, and stand, we will.

We see at stake our churches' very freedom of religion, including their right to deny ordination to lesbians, homosexuals or women; and we envision the government coming to the place where separation of church and state could no longer exist[25]. Might not a tax-exempt seminary be denied recognition for the GI bill unless it recruited women, or a denomination denied any military chaplains unless it sponsored qualified women? Christian women who live by the Word of God will surely be dismayed and offended at how the ERA's effect of depriving them of legal support goes counter to Paul's admonition to men in I Timothy, Chapter 5, Verse 8:

"But if any provide not for his own and especially for those of his own house, he hath denied the faith, and is worse than an infidel."

Paul teaches Titus how to exhort his flock in Titus, Chapter 2, Verses 1-5:

"But speak thou the things which become sound doctrine: That the aged men be sober, grave, temperate, sound in faith, in charity, in patience. The aged women likewise, that they be in behaviour as becometh holiness, not false accusers, not given to much wine, teachers of good things; That they may teach the young women to be sober, to love their husbands, to love their children, To be discreet, chaste, keepers at home, good, obedient to their own husbands, that the word of God be not blasphemed."

No women's liberationist could accept that, yet if the ERA is ratified, we may very well lose our right to the blessings God ordained for us.

Thus, for these reasons, and many more, we humbly petition all compassionate and decent legislators to rescind ratification of the Equal Rights Amendment. The very least the General Assembly could do before throwing us to the wolves, is to charge a commission to investigate the legal consequences of the ERA in R. I., as has been done in Virginia, Arkansas, Maryland and elsewhere, and to study the states where State Equal Rights Amendments have already begun to wreak havoc with the social order. Save the great silent majority of our women from a cruel fate, save our children from growing up in day care centers, and save our men from the swaggering feminoids this amendment would surely spawn.

March, 1975

- [1] "Missouri a key Battleground for Equal Rights Amendment", Providence Sunday Journal, 2/23/75, p. A-12; (article reveals a Washington political consulting firm, Bailey and Deardourff, was hired to lobby in "target" states.)
- [2] Yale Law Journal, pp. 944, 945: "The ERA would bar a state from imposing greater liability for support on a husband than on a wife merely because of his sex. However, a court could equalize the civil law by extending the duty of support to women."
- [3] Rhode Island General Laws, 11-2-1.
- [4] Yale Law Journal, p. 951: "... in the case of separation or divorce, nonsupport would have to be eliminated as a grounds for divorce against husbands only ..."
- [5] Yale Law Journal, p. 966: "Courts faced with criminal laws which do not apply equally to men and women would be likely to invalidate the laws rather than extending or rewriting them to apply to women and men alike." (Note: But since when may courts extend and rewrite laws? Their function is wholly the adjudication of laws that exist. Only legislators may rewrite laws.)
- [5a] Yale Law Journal, p. 954: "Seduction laws, statutory rape laws, and laws prohibiting obscene language in the presence of women, prostitution and 'manifest danger' laws The ERA would not permit such laws, which base their sex discriminatory classification on social stereotypes."
- [6] Yale Law Journal, p. 969: "The ERA will have a substantial and pervasive impact upon military practices and institutions. As now formulated, the amendment permits no exceptions for the military."
- [7] Yale Law Journal, p. 978: "Women will serve in all kinds of units, and they will be eligible for combat duty."
- [8] Wiggins Modification: "This article shall not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or of any state which reasonably promotes the health and safety of the people."
- [9] Ervin Modification: "This article shall not impair the validity of any law of the United States which exempts women from compulsory military service or service in combat units of the Armed Forces."
- [10] Selective Service Bulletin, 1/1/72 to 7/30/72, p. 37. See also Report 92-359, issued in 1972 by House Judiciary Committee.
- [11] Senator Ervin's testimony as recorded in Congressional Record, 3/22/72, p. S4578: "Segregation by sex of living conditions in the armed forces would be outlawed. This includes close quarter living in combat zones and foxholes." Also: "Physical exams in the armed forces will have to be carried out on a sex neutral basis."
- [12] Yale Law Journal, p. 971

- [13] Yale Law Journal, p. 973.
- [14] Yale Law Journal, p. 953, "The ERA would prohibit both statutory and common law presumptions about which parent was the proper guardian based on the sex of the parent."
- [15] Yale Law Journal, p. 935: "There is little reason to doubt therefore, that courts will invalidate weightlifting regulations for women under the ERA."
- [16] Yale Law Journal, p. 920: "States which grant jury service exemption to women with children will either extend the exemption to men with children or abolish the exemption altogether."
- [17] See testimony in Congressional Record, 3/22/72, p. S4577, by Mrs. Laurel Burley, librarian at University of California Library, who has extensively studied effects of the ERA on women's labor legislation.
- [18] Prof. Paul Freund, Harvard Law School, in Congressional testimony
- [19] Remarks by Senator Sam Ervin, recorded in Congressional Record, 3/22/72, p. S4578.
- [20] The Phyliss Schlafly Report, Vol. 8, No. 3, Section 2, October, 1974.
- [21] Katzenbach v. Morgan (384 U.S. 641, 1966)
- [22] Letter dated 11/12/74 from Clarence Manion, former Dean of Notre Dame Law School, and a distinguished constitutional lawyer.
- [23] Christianity Today, April 3, 1973.
- [24] (a) I Corinthians 14:34: "Let your women keep silence in the churches, for it is not permitted unto them to speak."
- (b) I Timothy 2:12, 13: "But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence. For Adam was first formed, then Eve."

(ERA would grant women the right to become ministers and priests, thus abridging Bible believers' freedom of religion, "according to the dictates of his own conscience", as reserved to us in the Rhode Island Constitution, Article 1, Section 3.)

- [25] Romans 1:26, 27: "For this cause God gave them up unto vile affections: for even their women did change the natural use into that which is against nature: And likewise also the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which is unseemly, and receiving in themselves that recompence of their error which was meet."