HOW ABOUT THAT????

AS THE PUBLIC BECOMES MORE AWARE OF THE IMPLICATIONS IN THE PROPOSED 27TH CONSTITUTIONAL AMENDMENT (ERA), THIS INTEREST IS REFLECTED IN QUESTIONS WHICH HAVE BEEN ASKED. AS A RESULT, MUCH MISINFORMATION IS BEING DISTRIBUTED. CONSIDER SOME OF THESE QUESTIONS.

Q. "DIDN'T TEXAS VOTERS RATIFY THE EQUAL RIGHTS AMENDMENT BY A VOTE OF 4 TO 1?"

A. No. The Federal ERA, 27th Amendment, is not voted on by the citizens. It is a legislative process decided in State Legislatures. It was passed in Washington March 22, 1972, and sent to the states for ratification. If 38 states ratify, it will become a Constitutional Amendment.

The Texas Legislature ratified on March 30, 1972, and it will be their responsibility to revoke this action. Therefore, the only way Texans can help to rescind the ERA is through their State Representatives. So let them know how you feel about it — immediately!

Q. "THEN WHAT DID TEXANS VOTE ON?"

A. Texans voted on a State ERA, and there is a great deal of difference. Though many provisions are parallel, the State ERA is state-enforced and could be revoked by the voters — as long as there is no Federal ERA to supersede it. The Federal ERA would be a Constitutional Amendment, federally enforced, a necessary guideline for federal judges in court decisions. Unwanted or evil effects could be reversed only by another Constitutional Amendment, which would require many years.

Q. "WE HAVE BEEN LIVING UNDER THE ERA FOR TWO YEARS AND HAVEN'T SEEN RADICAL CHANGES, SO WHY BE UPSET ABOUT IT?"

A. As already mentioned, we have not been living under a Federal ERA, because such has not yet been ratified. The full impact of the State ERA has not yet been felt, because few of its provisions have been tested in court. The inherent changes will come gradually, not suddenly. To know what to expect, study the new Texas Family Code and also H.B. 784, which was introduced in the Texas Legislature, designed to bring Texas laws into conformity with ERA. It passed committee but was not brought to the floor of the House. However, its proposals will become necessary under the ERA.

In the next place, such provisions as drafting women are not required under a State ERA but would be so under a Federal Constitutional Amendment.

Q. "I'D LIKE TO READ THE EQUAL RIGHTS AMENDMENT. WHERE CAN I FIND A COPY?"

A. The Amendment contains only three sentences, in three sections, as follows:

Section I. 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 II. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

Section III. This amendment shall take effect two years after date of ratification.

Q. "WHO IS BEST QUALIFIED TO ANALYZE THE POSSIBLE EFFECTS OF A FEDERAL ERA?"

A. If you needed an operation, you would call a skilled surgeon — not an artist or a carpenter. To study the proposed Constitutional Amendment, common sense demands us to consult legal scholars and lawyers who have spent their lives examining constitutional law and its interpretation. Though some of these scholars favor and some oppose the ERA, they vary but little in their analysis of its effect.

Among these experts are Prof. Paul Freund, Harvard Law School; Prof. James J. White, Michigan Law School; Prof. Phil Kurland, Chicago Law School; Prof. Thomas I. Emerson, Yale Law School; and many others, including Senator Sam Ervin, who is one of our nation's most outstanding constitutional lawyers (this was emphasized on a recent CBS-TV program featuring his retirement). In answering these questions, we are merely citing the documented judgment of qualified men — not our own ideas.

So it is up to you. Would you prefer to rely on the testimony of experts in the field of constitutional law? Or would you prefer the judgment of some women's organization, or the editor of Ms., Redbook, or Family Circle? When you read an article on ERA (or a letter to the editor) check the documentation. Is the writer merely quoting himself or herself?

Q. "BUT HASN'T THE AMERICAN BAR ASSOCIATION ENDORSED THE ERA?"

A. Officially, yes. However, many outstanding attorneys do not concur in this endorsement. And remember: not every lawyer is well versed in constitutional law. Is every medical doctor a competent brain surgeon? Prof. James J. White observed: "If I were a Senator, my reaction would be that I would vote against (ERA) and I would seek to accomplish the goals by additional legislation . . . It would be great for lawyers, though."

Q. "AREN'T THE ANTI-ERA GROUPS MERELY USING SCARE TACTICS?"

A. Not at all. There's a vast difference between an alarming fact and a scare tactic. For example, if a neighbor saw your house aflame and pounded frantically on your door yelling, "Fire, fire!" — that's an alarming fact.

If your neighbor did so when there was no fire — that's a scare tactic.

But suppose a skilled electrician found in your attic a faulty connection, which, judging by all his past experience, would surely result in fire to your home sometime in the future. If he should so warn you, what would you do? Accuse him of merely using scare tactics? Or would you be grateful for his skill and his willingness to warn you?

This is what the constitutional lawyers are doing. What shall we do? Ignore them? Accuse them of using scare tactics? Or be grateful to them and act on their judgment and warning?

Q. "WHAT IS THE SOURCE OF INFORMATION ON THE 'PINK SHEET'?"

A. From three major sources:

(1) The Yale Law Journal, Vol. 80, No. 5, April, 1971, by ERA proponent Prof. Thomas I. Emerson, et al — endorsed and highly praised by ERA proponents Senator Birch Bayh and Rep. Martha Griffiths.

(2) Harvard Civil Rights — Civil Liberties Review, Vol. 6, No. 2, March, 1971, an analysis of ERA by Prof. Paul A. Freund, who opposes it as a result of study spanning more than twenty-five years.

(3) The Library of Congress Congressional Research bulletin No. HQ 1428, U.S.D., which includes the Congressional Record of March 21 and 22, 1972, Senate debate on ERA (a very valuable document, reprinted with permission, and available from WWWW — $1.00).

Q. "WHAT ABOUT THOSE WHO ARE ATTEMPTING TO DISCREDIT THE 'PINK SHEET'?"

A. They fail to take into consideration three very important points:

(1) Their disagreement is with the above-mentioned authorities, not with the persons who quote the authorities.

(2) The "pink sheet" is being used in all states. Since state laws are not uniform, some points do not apply to all states (for instance, name change and alimony — discussed below).

(3) Some, including attorneys, quote what Texas law now requires. This is totally irrelevant, because Section II of the ERA provides that all state laws involving the sexes will become null and void, superseded by Federal legislation and enforcement. **Do you want our state to lose its right to legislate and enforce all laws pertaining to men and women?** Such legislation affects all the total fabric of society.

Q. "DO THE COMMUNISTS OPPOSE THE ERA?"

A. A report being widely circulated states (with absolutely no proof or documentation!) that the Communist Party opposes the ERA. Let the Communists speak for themselves. In The Call, March, 1974, a Marxist-Leninist (Communist) newspaper, the editorial strongly urges ratification of the ERA, stating: "1974 should be the year in which the ERA becomes law . . . SUPPORT THE ERA!" (emphasis theirs).

Q. "BUT WON'T THE ERA JUST INVOLVE LEGAL RIGHTS? IT WON'T AFFECT ANYTHING PERSONAL, WILL IT?"

A. It won't legislate who is to wash dishes or open doors. However, suppose your daughter should some day be drafted. How easy would it be to convince yourself that such was merely legal and not at all personal? The woman who must work to make alimony or child support payments can console herself that the ERA is merely legal, not at all personal.

Q. "WE DON'T HAVE THE DRAFT ANY MORE, SO ISN'T THIS JUST ANOTHER SCARE TACTIC?"

A. The draft has not been repealed, merely deactivated. All 18 year old males still must register. Are we naive enough to think there will never be another military conflict? Rep. F. Edward Hebert, chairman of the House Armed Services Committee, predicts a reinstatement of the draft within three years (San Antonio Light, April 6, 1974).

Women now have the privilege to enlist, with all educational and retirement benefits.

Most people in our nation do not favor drafting women. However, some do. This is very evident by the Senate debate prior to passage of ERA in Washington. Sen. Ervin made two proposals to protect women: No. 1065 would have exempt women from compulsory military training, and No. 1066 would have exempt women from combat. Both proposals were rejected. This refusal to attach these qualifying restrictions to the ERA is proof of the desire and intent of its supporters (Cong. Record, op. cit.).

Q. "DOESN'T CONGRESS NOW HAVE THE POWER TO DRAFT WOMEN?"

A. Yes, but Congress has chosen not to use that power, but rather to exempt women.

Q. "THEN WHAT WOULD BE THE DIFFERENCE UNDER ERA?"

A. Under ERA Congress would lose the right to exempt women from the draft. To exempt because of sex would be discrimination and therefore unconstitutional (Cong. Rec., op. cit., p. S4375). Supporters and opponents alike agree that ERA would necessitate drafting men and women on equal basis, including combat duty (Yale Law Journal, p. 969-977).

Q. "HOW WILL ALIMONY LAWS BE AFFECTED?"

A. Of course, Texas has no alimony laws, but many states do. A case of ERA in action is recorded in the Wall Street Journal: Alice Boortz, age 67, with no income of her own, was receiving $350.00 monthly in alimony. Her husband, with $950.00 monthly retirement income, sued to discontinue alimony payments. He won. The article states: "Courts cite women's liberation as reason for going easy on husbands." Perhaps the judge should have reminded Mrs. Boortz that the ERA does not affect people's personal lives. Such rulings, permissible under State ERA, are likely to be more prevalent if all states are regulated by a Federal ERA.

Q. "IS A WOMAN NOW REQUIRED BY LAW TO TAKE HER HUSBAND'S NAME?"

A. Not in Texas. The states have not been uniform on this. However, under ERA, no state would be permitted to require such. Outstanding sociologists feel that a growth of this practice would add to the identity crisis experienced by many young people.

Q. "DOES THE LAW REQUIRE A MEN TO WORK?"

A. No. The law states that a man is legally liable for the support of his family. If he has a vast inheritance, no doubt he can support his family without working, but the average man has found that support necessarily involves. work.

Q. "THEN HOW COULD A LAW FORCE A WOMAN TO WORK?"

A. Not by coercion but by necessity. Texas law says: "Each spouse has the duty to support his or her minor children. The husband has the duty to support the wife and the wife has the duty to support the husband when he is unable to support himself. A spouse who fails to discharge a duty of support is liable to any person who provides necessaries to those to whom support is due." (Texas Family Code, Sec. 4.02).

This gives an able-bodied wife the legal right to be a full time wife and mother, entitled to her husband's support.

H.B. 784 proposed that the above section be changed to read: "The husband has the duty to support the wife when she is unable to support herself . . . " Under ERA, this change would become necessary.

Q. "WOULDN'T MOST MEN CONTINUE TO SUPPORT THEIR WIVES?"

A. Perhaps. But many men are supporting their children now only because the law requires it. Who can foresee how many men may choose to take advantage of a law that requires them to support a wife only if she is unable to support herself? This is one of the far-reaching and dangerous unknown aspects of the 27th Amendment.

Prof. Paul Freund poses the question: " . . . what will be the reaction of wives to the Equal Rights Amendment when husbands procure judicial decisions in its name relieving them of the duty of support because an equal duty is not imposed on their wives?" (Harvard Civil Rights – Civil Liberties Review, March 1971, p. 240)

Q. "WILL THE ERA INCLUDE THE ESTABLISHMENT OF CHILD CARE CENTERS?"

A. No.

Q. "THEN HOW COULD A MOTHER BE FORCED TO PUT HER CHILD IN A DAY CARE CENTER?"

A. Not by coercion but by necessity. Prof. Paul Freund discusses what could happen under the ERA provision that a husband is liable for the support of his wife only if she is unable to support herself. He says:

"Moreover, the support owned solely to a 'wife who is unable to support herself' might be further eroded by the establishment of child-care centers. Where such centers are created, presumably a wife with small children would no longer be 'unable' to support herself through employment, and so under the constitutional rule of reciprocity would lose the right of support from her husband. Thus child-care centers could, by a reflexive effect on the mother's ability to work outside the home, constitute a threat rather than an opportunity." (Op. Cit., p. 239).

Q. "WON'T THE CONSTITUTIONAL RIGHT OF PRIVACY PREVENT SEXUAL INTEGRATION OF PUBLIC FACILITIES?"

A. In answer to this, consider some very important points:

(1) When ERA was debated in the Senate, Sen. Ervin proposed this added qualification: "This article shall not impair the validity, however, of any laws of the U.S. or any State which secure privacy to men or women, or boys or girls" (Cong. Record, March 22, 1972, p. 4543). If ERA supporters really wanted to retain our right privacy, why did they object strenuously and pressure the Senators into rejecting this proposal?

(2) "The proponents of the ERA mention that the Constitutional right to privacy will protect and keep separate items such as public restrooms; however, this assertion overlooks the basic fact of constitutional law construction: The most recent constitutional amendment takes precedence over all other sections of the Constitution with which it is inconsistent. Thus, if the ERA is to be construed absolutely, as its proponents say, then there can be no exception for elements of publicly imposed sexual segregation on the basis of privacy between men and women" (Ibid, p. S4578).

(3) Does the Griswold vs. Connecticut case confirm the constitutional right of privacy? This case dealt with the right of married couples to use contraceptives. ERA proponent Prof. Thomas I. Emerson, admits concerning the Griswold case: "The position of the right of privacy in the overall constitutional scheme was not explicitly developed by the court." He elaborates that the ERA would not affect private institutions, but " . . . as to facilities provided or subsidized by the government, however, the separate-but-equal doctrine is wholly inconsistent with the principles and objectives of the Equal Rights Amendment" (Yale Law Journal, p. 900-903). In other words, though privacy at home and in private institutions will not be affected, the ERA will require unisex facilities in any institution "provided or subsidized by the government." This is the conclusion of Prof. Emerson – in spite of Griswold vs. Connecticut or any other constitutional principle. What does this include? Public schools, armed forces, government buildings (city, county, state, federal), fire halls, hospitals or private schools or any business "subsidized by the government."

Now who is imagining this issue? Could it be Prof. Emerson? Or perhaps Prof. Kurland and Prof. Freund, who concur in this conclusion? (Cong. Rec., March 22, 1972, p. S4543).

(4) If the Constitutional right of privacy guards public facilities, why is it not now doing so? Women's facilities have been removed from Coastguard ships (St. Paul Dispatch, Sept. 6, 1973). In Arlington, Virginia, a woman fireperson is sleeping in barracks with the firemen (Parade, Sept. 1, 1974). Many other examples could be cited. When these actions were first contemplated, why didn't somebody say: "That can't be done, because it will violate everybody's constitutional right of privacy?"

Q. "WILL THE PRINCIPLE OF SEPARATION OF CHURCH AND STATE PROTECT THE CHURCHES FROM ALL OUTSIDE INTERFERENCE?"

A. Again, remember the principle of constitutional law interpretation: the most recent constitutional amendment takes precedence over prior amendments. Therefore, the 27th Amendment, which forbids any distinction between the sexes, may well take precedence over any prior principle of separation of church and state.

A recent Supreme Court ruling confirms this interpretation. Because of a religious belief, Bob Jones University, Greenville, S.C., has been stripped of tax exempt status, and donors can no longer claim tax deductions. This denies freedom of religion heretofore accepted as a constitutional right.

Q. "CAN THE ERA AFFECT PRIVATE SCHOOLS?"

A. The example cited above shows what has already happened to a school which is totally privately funded. As Prof. Emerson observed, the ERA would require unisex facilities in any institution provided or subsidized by the government. This includes most Christian colleges. If you are a College administrator, think of the full implications if you comply with this. If you refuse to comply, will you not lose your tax exempt status, as Bob Jones University has already done? This would then necessitate paying taxes on all property, and risking decreased contributions since donors could no longer deduct contributions. (This conclusion is shared by public school administrators who are now losing federal funds because of non-compliance with federal guidelines on other matters).

Another effect of ERA would be the necessity of providing equal athletic opportunities for men and women. This could mean the end of many collegiate programs, since most schools are simply not financially able to fund both equally.

Q. "DOESN'T TEXAS LAW FORBID THE 'MARRIAGE' OF HOMOSEXUALS?"

A. Yes. But if the 27th Amendment is ratified, this Texas law will be nullified and superseded. To deny marriage license to any person because of sex will then be unconstitutional (Yale Law Journal, January, 1973). See also testimony of Prof. Paul Freund and Prof. James White (Cong. Rec. March, 21, 1972, p. S4372). Do you want to help legalize one of the sins which prompted God to destroy Sodom?

Q. "SINCE HOMOSEXUALS ARE LIVING TOGETHER ANYWAY WHAT'S THE DIFFERENCE?"

A. If such relationships are legalized, will it not then be unconstitutional to deny adoption of children solely on the basis of the sex of the applicants? Do you want to be responsible for helping to so place innocent children? Also, "same-sex couples" will then enjoy all tax benefits of legal marriage.

Q. "IS IT TRUE THAT WOMEN HAVE NEVER BEEN RECOGNIZED AS PERSONS UNDER THE CONSTITUTION?"

A. How ridiculous! How could this be true, when many court cases have been decided in favor of women? For instance: Reed vs. Reed, Sprogis vs. United Airlines, Commonwealth vs. Daniel, Phillips vs. Martin-Marietta Corp., (for these and many other cases, see Congressional Record, March 22, 1972, p. S4574).

Q. "IF THE ERA IS RESCINDED IN TEXAS, WILL WOMEN'S JOB OPPORTUNITIES BE JEOPARDIZED?"

A. Not at all. Laws already provide everything necessary for employed women: The Civil Rights Act of 1964, Equal Opportunity Act of 1972, and many others.

> "If women are not enjoying the full benefit of this Federal and State legislation and these executive orders of the Federal government, it is due to a defect in enforcement rather than a want of fair laws and regulations. Since the ERA is not self-enforcing, this defect in enforcement will survive the passage of the amendment and women will still have to bring suits to enforce their rights in the employment sphere with no more remedies than they presently enjoy" (Sen. Sam Ervin, Cong. Rec., March 22, 1972, p. S4573).

Q. "WILL THE ERA BRING RAISES OR INCREASED JOB OPPORTUNITIES FOR WOMEN?"

A. No. Read again the above quotation.

Q. "WHO OPPOSES THE ERA?"

A. In addition to the constitutional lawyers already mentioned, plus many other lawyers, most American women oppose ERA, when they understand its implications. Last year the National Enquirer presented articles for and against ERA and then polled readers for their views. The result? 86% voted AGAINST ERA, and 14% voted FOR.

Many very large organizations oppose ERA, and the list in Texas and other states is growing rapidly! A partial listing:

Texas PTA (663,000 members)
Committee to Restore Women's Rights (Texas)
Concerned Citizens of Texas
Women Activated to Rescind (Texas)
Defeat ERA (Texas)
Texas Farm Bureau
San Antonio Archdiocesan Council of Catholic Women (500,000 members in 32 counties)
Dallas Women's Chamber of Commerce
League of Housewives
Daughters of American Revolution (200,000 members)
National Council of Catholic Women (11 million members)
Illinois Federation of Women's Clubs (56,000 members)
Illinois PTA (400,000 members)
Virginia Federation of Women's Clubs
Women for Constitutional Government
National Stop ERA
Florida Farm Bureau
Missouri Farm Bureau
Oklahoma Farm Bureau
National Federation of Young Republicans
Young Americans for Freedom
National Association of Orthodox Rabbis
League of Large Families
Women in Industry, Inc.
AWARE
Federation of Rep. Women's Clubs in 25 states

Q. "CAN THE ERA BE RESCINDED (REPEALED) IN TEXAS?"

A. The Library of Congress Research Service bulletin, March 15, 1973, supports the position that a state may rescind its endorsement any time prior to final ratification by three-fourths of the states.

Prof. Charles Black, Jr., Yale Law School, a proponent of ERA states: "Clearly a state can change its mind either way before the amendment is officially declared to be ratified" (Cong. Rec. May 8, 1973, p. S8522).

" . . . I have a great deal of respect for Prof. Black and if he said that the State can withdraw its approval of the amendment, then I assume the State can" (David Kendall, Texas Attorney General Executive Assistant).

Q. "WHAT MUST VOTERS OF TEXAS DO TO REPEAL ERA IN TEXAS?"

A. Let your State Senator and State Representative know of your opposition to ERA. The decision is theirs, but they represent YOU. If you don't know who your representatives are, call your local Democratic or Republican Headquarters. IT MUST BE DONE NOW! Write, wire, or call! But let them know that you want them to VOTE TO RESCIND THE ERA in Texas!

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