

29-4 | Conservative Response to Equal Rights Amendment

PHYLLIS SCHLAFLY, *Statement Opposing the ERA (1977)*

The proposed Equal Rights Amendment to the Constitution became a lightning rod issue during the 1970s. Feminists rallied behind the amendment claiming that its provisions barring discrimination on the basis of sex were the culmination of nearly two centuries of efforts to advance the cause of women's rights. Opponents, including the national chairman of "Stop ERA," Phyllis Schlafly, mobilized conservatives to prevent ratification. The amendment failed to win ratification before the June 1982 deadline imposed by Congress.

The Equal Rights Amendment pretends to be an advance for women, but actually it will do nothing at all for women. It will not give women equal pay for equal work or any new employment advantages, rights or benefits. There is no way it can extend the rights already guaranteed by the Equal Employment Opportunity Act of 1972. Under this act and the commission it created women have already won multi-million-dollar back-pay settlements against the largest companies in our land.

The Education Amendments of 1972 have already given women full equal rights in education at every level, from kindergarten through graduate schools. The Equal Credit Opportunity Act of 1974 has already given women equal rights and ended all discrimination in credit. There is no law that discriminates against women.

What ERA will do is to require us to "neuterize" all Federal and state laws, removing the "sexist" words such as male, female, man, woman, husband and wife, and replacing them with the sex-neutral words such as person and spouse. Every change this requires will deprive women of a right, benefit or exemption that they now enjoy.

At the federal level the most obvious result would be on the draft and military combat. ERA will take away a young girl's exemption from the draft in all

Phyllis Schlafly, "Excerpt from Statement on the ERA," *Congressional Digest* 56 (June 1977): 189, 191.

future wars and force her to register for the draft just like men. The Selective Service Act would have to read "all persons" instead of "all male citizens."

Likewise, ERA will require the military to assign women to all jobs in the armed services, including combat duty. Present federal laws that exempt women from combat duty will become unconstitutional under ERA because the U.S. Constitution is "the supreme law of the land."

Last month's newspapers featured headlines such as "Draft is Inevitable, Arms Chairman Says" and "Pentagon Urges Standby Draft." You have to be kidding to call it an advance for women to make our girls subject to military induction and combat duty in all our country's future wars!

When the laws pertaining to family support are neutered, this will void the husband's obligation to support his wife, to provide her with a home, and to support their minor children. Those present obligations are not sex equal, and they could not survive under ERA.

When I debated the leading pro-ERA legal authority, Professor Thomas I. Emerson, he stated that ERA will change the family support law so that the financial obligation will be "reciprocal" or "mutual," and husband and wife will be obliged to support each other only if he or she is incapacitated. That would be a tremendous ripoff of the legal rights of homemakers.

The neutering of our laws under ERA would have a great effect on the legal definition of marriage. Most people do not think a union of a person and a person is the same thing as a union of a man and a woman. No wonder Senator Sam J. Ervin, Jr., stated on Feb. 22, 1977: "I don't know but one group of people in the United States the ERA would do any good for. That's homosexuals."

Since it is the law of our land that "separate but equal is not equal" and the elimination of discrimination requires full integration, every aspect of our school system would have to be fully coed, whether our citizens want it or not. Private schools and colleges that admit only girls or only boys would be constitutionally required to go fully coed; otherwise they would be in violation of the constitutional mandate against sex discrimination.

In other words, ERA will deprive you of your freedom of choice to attend an all-girls' or all-boys' school or college. All sports, including contact sports, would have to be coed for practice and competition. If you thought the department of Health, Education and Welfare was behaving foolishly and arrogantly when it tried to outlaw mother-daughter and father-son events, that's nothing to the mischief it will do under ERA!

Probably the greatest danger in ERA is Section Two, the provision that Congress will have the power of enforcement. This means that the executive branch will administer ERA and the federal courts will adjudicate it. Section Two will transfer into the hands of the federal government the last remaining aspects of our life that the feds haven't yet got their meddling fingers into, including marriage, divorce, child custody, prison regulations, protective labor legislation, and insurance rates.

Why anyone would want to give the federal politicians, bureaucrats, and judges more power, when they can't solve the problems they have now, is difficult

to understand. Yet, ERA will, in the words of former Sen. Sam J. Ervin, Jr., "virtually reduce the states of the union to meaningless zeroes on the nation's map."

While we all want equality of treatment in many aspects of life, such as freedom of speech, press, and religion, trial by jury, and due process, in other aspects, equal treatment of all our citizens would be a grievous injustice. Do you think it would be just to make everyone pay the same income tax regardless of his or her income?

Reasonable people do want differences of treatment between men and women based on their obvious factual differences, namely that women have babies (and men do not) and that women do not have the same physical strength as men. These differences vitally affect the draft, combat duty, family support, factory work, and manual labor. If ERA is permitted to deprive us of options to make the reasonable differences that reasonable men and women want, it will be the most grievous injustice ever perpetrated.

The ERA would be dead today if it were not for the unconstitutional White House pressure and illegal expenditure of Federal funds used to try to force the state legislators to ratify ERA. Article V of the U.S. Constitution gives the ratification power exclusively to state legislatures, and it is shocking the way Big Brother in the Executive Branch of the Federal Government is telling state legislators how to vote.

Nevertheless, the momentum is all going against ERA, and nine states have already defeated it this year.

READING AND DISCUSSION QUESTIONS

1. What arguments does Schlafly use to mobilize opposition to the proposed Equal Rights Amendment? What does she mean when she says the ERA will "neuterize" laws? What impact does she predict for women?
2. What does opposition to the ERA suggest about the political context of the 1970s civil rights movement?