

INTRODUCTION

Equal Rights Amendment

Suffragist leader Alice Paul drafted the Equal Rights Amendment (ERA) and introduced it in Congress in 1923. It stated: “Men and women shall have equal rights throughout the United States and in every place subject to its jurisdiction. Congress shall have power to enforce this article by appropriate legislation.”

Ratification of an amendment to the Constitution requires the support of three-fourths of the states or thirty-eight states. It must be approved by at least two-thirds of both houses of Congress, that is, up to 292 members of the House and 67 senators.

Between 1923 and 1970 the ERA was introduced in every session of Congress. In 1946 it was narrowly defeated by the full Senate 38-35. Most of the time, it never reached the floor of either house for a vote.

In March 1972, Congress passed the proposed ERA and sent it to the states for ratification. The amendment came before the Arkansas legislature in 1975. On February 14, 1975, the Arkansas House of Representatives witnessed a historically-significant debate concerning the ERA. Diane Kincaid, a political science professor at the University of Arkansas and former chairperson of the Governor’s Commission on the Status of Women, spoke in favor of the Amendment, while Phyllis Schlafly, founder of the National Committee to Stop ERA, opposed the Amendment. Hundreds of women watched the well-presented arguments from the galleries. However, newspapers reported that the debates swayed few watchers from their original stance.

Similar debates took place across the nation through the 1980s. By the deadline in 1982 the ERA could not be enacted because three states did not ratify. Arkansas never ratified the ERA.

Some of the views expressed against the ERA

In the 1970s ERA opponents believed the Constitution already protected women and that the proposed amendment took away some of these rights and laws that protected them. They were also of the opinion that the Amendment was harmful to wives and mothers, threatened husbands’ support for wives, and undid protective labor laws. They thought that injustices and discrimination against women in society had already been corrected for the most part. They were also concerned that women might have to go into combat, use public unisex bathrooms, and face a variety of other dramatically different situations. More recently, opponents of ERA fear that ERA would compel courts to approve same-sex marriages and abortion and deny Social Security benefits for housewives and widows.

Some of the views expressed in support of the ERA

According to its supporters, the ERA is a national statement of policy and conscience that discrimination based on gender is wrong. It provides first-class citizenship to women. The Fourteenth Amendment of the U.S. Constitution guarantees equal protection of the laws to all U.S. citizens. However, when legal cases involving women who are discriminated against based on gender come up before the courts across the country, the judgments are often contradictory and not uniform. The ERA offers a legal standard by which complaints based on gender discrimination may be judged systematically. It also assures both men and women the right to be free from discrimination based on gender.

Changing every existing law which is gender-discriminatory is time-consuming and expensive. ERA proponents believe that a constitutional amendment is a realistic way to insure equal treatment of men and women before the law. With the introduction of the ERA, existing laws that are truly beneficial for men and women would continue to protect both genders and existing discriminatory laws would become null and void.

In the 1970s ERA supporters responded to their opponents as to what the ERA could do and did not do: the ERA did not prohibit maternity benefits; it nullified state laws that provided greater penalties for women who violated the law than men who did the same; it nullified state laws that restricted property rights of married women and provided new dignity to women who chose homemaking as their career. They also made it clear that daily courtesies involving men and women—such as who opens the door, who pulls out a chair, or who pays for dinner at a restaurant—were not subject to ERA regulation.

ERA in 2007

Some women's groups continue their efforts to seek adoption of a new Equal Rights Amendment. On March 27, 2007, a few members in the United States Congress reintroduced the ERA with a new name, the Women's Equality Amendment. A key line in the new amendment states: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

LESSON

Equal Rights Amendment (ERA) Viewpoints

In March 1972, Congress passed the proposed ERA and sent it to the states for ratification. The amendment came before the Arkansas legislature in 1975. On February 14, 1975, the Arkansas House of Representatives, witnessed a historically-significant debate concerning the ERA. Diane Kincaid (later Diane Blair), a political science professor at the University of Arkansas and former chairperson of the Governor's Commission on the Status of Women, spoke in favor of the Amendment, while Phyllis Schlafly, founder of the National Committee to Stop ERA, opposed the Amendment. Hundreds of women watched the well-presented arguments from the galleries. However, newspapers reported that the debates swayed few watchers from their original stance.

Here we present two documents: one in favor of the ERA, and another against it.

THE ERA: WHAT IT MEANS TO MEN AND WOMEN

from publications by the League of Women Voters of the United States,
and the National Federation of Business and Professional Women's Clubs, Inc.

1. What is 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."
2. What will the 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, such as who should work to support the family, or open the door, or wash the dishes. It will give new dignity to the role of career homemaker and mother as a demanding job utilizing enormous amounts of time and talent, chosen by a woman. No law requires anyone to take a job outside the home, and this would not be changed by ERA.
3. Will passage of ERA eliminate some protections which cover women now? No. The general principle is: if a law restricts rights, it will no longer be valid; if it protects rights, it will be extended to both men and women. Most of the 50 Arkansas statutes which would be affected by ERA need only have the word "women" or "wife" changed to "person" or "spouse."
4. Will passage of ERA require men and women to use the same bathrooms? No. The ERA will not affect the constitutionally guaranteed right of privacy, which permits the separation of sexes in such places as public toilets and military barracks, and in public institutions such as coeducational schools, prisons, dormitories or mental care facilities.
5. Will ERA invade States' Rights? No. Section 2 of the ERA reads: Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." This wording appears in almost identical form in the 13th, 14th, 15th, 19th, 23rd, 24th, and 25th constitutional amendments. What this means is that following ratification, Congress will legislate any changes needed in Federal laws. Revisions of state laws will be controlled by state legislatures. All that is required is that both state and Federal laws be consistent with the principle of equality of rights under the law for men and women.
6. What about women and the military? ERA will permit men and women to volunteer for military service on a equal basis, and to have equal access to the training and benefits provided by the military. Congress has always had the power to draft women, and it almost did in World War II. Congress can provide exemptions from the draft to protect children from having both parents drafted.
7. What will happen to women's rights in marriage and divorce under ERA? 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. In a Divorce, the same principles of need and ability to pay will apply to alimony and child support as they do now. (At present, only 38% of fathers are making full child support payments one year after the decree.) Child custody will be based on which parent can better care for the child.
8. 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 14th Amendment to the Constitution guarantees "equal protection of the laws," but it was not until 1971 that the Supreme Court struck down any law which discriminated against women. The Court still has never held that sex discrimination is prohibited.

Today, 52 years after the 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 on the same basis as men.

Men need the ERA to assure equality of protection for widowers as well as widows, and so that families in which both the husband and wife work receive full benefits of their labors. Fathers need the ERA to assure equal educational and job opportunities for their daughters as well as their sons.

ERA!

Women's ERA! Who wants it?
Not I.
I have no desire to be liberated!

It's much simpler to depend upon a man for strength and protection!
I like to look up into a man's face and feel that he is smarter and more important than I am and that I can dump all my troubles off on him and go off happily and play bridge.

If we had ERA, I guess we'd have to assume men's responsibilities too. Then, if we got into a war I might have to go in the trenches or jungles -- and I hate mud and I'm scared to death of guns.

If I had a flat tire on a busy highway, I'd be expected to fix it myself -- and I don't know how.

If I got dissatisfied with my husband and wanted to divorce him, I'd have to pay him alimony and support the children if they went with him.

If I were an Ms. in a big corporation with position and salary equal with the top officials, it probably would give those around me an inferiority complex and after work, I'd see a dowdy, tousle-haired little clerk in blue jeans eating hamburgers happily at a lunch counter with a man---while I dined in my expensive apartment alone.

As a Woman's Libber, I could invite a man to have dinner and a show with me, I suppose, but then wouldn't I be expected to pay for the dinner, the tip and the show and return him home afterward?

I don't need to be too smart now. It's much more fun to see the look of pure joy that comes over a man's face when he comes home after work and finds me putting the finishing touches on a big, three-layered chocolate cake and grabs me around the waist yelling, "Honey, you're wonderful!"

I have no desire to be a lawyer, minister, naval cadet or to gain admission to the Kiwanis Club or any other Men's clubs or professions. There are enough Women's clubs where we can get our culture, show off our clothes and antiques to each other -- and laugh good-naturedly together over how easily we can twist those important, influential men around our little finger when we want a new car or the bathroom done over in tones of pink and silver.

No ERA for me! I can't forget that equal rights bring equal responsibilities!

---Leta DeWitt Smith.

Please note:

The lesson plan is suggestive of a beginning point for teachers. Teachers are advised to modify to meet their specific classroom needs.

LESSON PLAN

Lesson: Equal Rights Amendment (ERA) Viewpoints

Recommended grade levels: 9-10

Time required: 2-3 class periods of 50 minutes duration

Curriculum fit: American history

American History Curriculum Frameworks: CUS.19.AH.6

Objectives:

Students will be able to:

- demonstrate comprehension of the attitudes toward women that has prevailed since early-twentieth century in Arkansas in the form of role-playing.

Procedure:

Phase 1: Group Activity: Preparing for role-playing

- 1) Instruct and assist students to read the lesson, *Equal Rights Amendment (ERA) Viewpoints*.
- 2) Divide the class into three groups—Group A, Group B, and Group C.
- 3) Ask Group A to imagine that they are advocating equal rights to women on the basis of the Equal Rights Amendment (ERA) to a jury. Ask Group B to imagine that they are placing a viewpoint opposite to that of Group A to the jury.
- 4) Instruct Group A to study the lesson carefully. Ask them to discuss and jot down why they advocate equal rights to women. Assist them in their discussion.
- 5) Instruct Group B to study the lesson carefully. Ask them to discuss and jot down why they do not advocate equal rights to women. Assist them in their discussion.
- 6) Instruct Group C about their roles, duties, and responsibilities as jurors.
- 7) Instruct Group A and Group B to choose their spokesperson, and Group C to choose a presiding juror.

Phase 2: The Debate

- 1) Ask the spokesperson from Group A to present their views before the jury.
- 2) Ask the spokesperson from Group B to present their views before the jury.
- 3) Give the groups time for preparing and presenting two rounds of rebuttal.

Phase 3: The Verdict

- 1) Ask the jury to discuss aloud the debates and to draw a conclusion.
- 2) Instruct Groups A and B to observe the jury's decision-making process, without intervening.
- 3) Invite the presiding juror to pronounce the jury's decision.

Phase 4: Feedback

- 1) Ask Groups A and B to provide feedback to the jury.
- 2) Provide feedback to the class about their performance.

Equal Rights Amendment (ERA) Viewpoints

GLOSSARY OF TERMS

Abridged	to cut down; reduce; lessen
Amendment	a revision
Compel	cause; force
Conscience	a guide to what actions are right or wrong
Jurisdiction	the areas or territories where laws apply
Legislation	making of laws; the process of writing and passing laws
Maternity benefits	leave and other allowances available to employed pregnant women
Null and void	invalid; having no value or importance under law
Ratification	agree; approve
Suffragist	a person who supports the right to vote to a particular group, for example, to women

Equal Rights Amendment (ERA) Viewpoints

ADDITIONAL RESOURCES

Allured, Janet L. "Arkansas Baptists and Methodists and the Equal Rights Amendment."
Arkansas Historical Quarterly 43 (Spring 1984): 55-66.