

Let's Stop ERA

by Phyllis Schlafly

Betty Friedan: *I'd like to burn you at the stake, as for as that's concerned.*
Phyllis Schlafly: *I'm glad you said that, because that just shows that the intemperate, agitating proponents of ERA are so intolerant of the views of other people that they want to burn us at the stake.*
Betty Friedan: *I consider you a traitor to your sex. I consider you an Aunt Tom.*
Phyllis Schlafly: *You know, there is an old saying about the advice that the old lawyer gave to the young lawyer. If you are weak on the law, argue the facts; if you are weak on the facts, argue the law; and if you are weak on both the law and the facts, abuse your opponents. So you notice that the ERA proponents have almost given up arguing for affirmative or constructive consequences that the Amendment would have. They have resorted to abusing the opponents, and to hurling epithets at them, or making false and phony charges about their being part of a conspiracy, or having finances from mysterious sources.*

The above colloquy took place on May 1, 1973 when I debated the Equal Rights Amendment with Betty Friedan (women's liberation leader and founder of NOW), on the radio station at Bloomington, Illinois, just prior to our joint appearance before 2,000 students at Illinois State University. It is a good example of the tactics of the ERA proponents and why they "turned off" the State Legislators who voted on ratification of ERA.

ERA and Employment

Many people have naively supported the Equal Rights Amendment because they felt that it would guarantee equal pay for equal work, and improve the status of women in regard to employment. When I debated Congresswoman Martha Griffiths on the Lou Gordon television show, I said that ERA will do absolutely nothing for women in the field of employment. Mrs. Griffiths replied, "I never said it would."

I have testified at 12 state legislative hearings, and in not a single one has a pro-ERA lawyer stated that ERA will do anything whatsoever for women in the field of employment. They know that, in the first place, ERA applied only to Federal and state laws, and not to private employment at all; and secondly, the Equal Employment Opportunity Act of 1972 already guarantees women everything in the field of employment which can be done by legislation.

This law is very specific in regard to hiring, pay and promotions. If any woman thinks she has been discriminated against, she can file her claim with the government, and the government will pay all the costs. When AT&T was recently forced to pay $38 million by the Equal Employment Opportunity Commission, this proved that the legislative machinery is fully adequate; the only thing remaining is enforcement.

At the various state legislative hearings around the country, ERA proponents have failed to make a case that a constitutional amendment is needed or would provide any constructive benefits to women. They are still crying around about obsolete discriminations against women which have not existed in the memory of most of us alive today. They are still weeping about women not having the right to vote, women not being able to serve on juries, women not being able to attend college or become lawyers, and other discriminations which disappeared decades ago.

At the ERA hearing in Virginia, the star witness was a 93-year-old woman who said she was an original suffragette and had been campaigning for women's rights since 1909. She concluded her testimony by saying that the proponents of the Equal Rights Amendment have the mentality of 50 years ago, and they are fighting a battle that is long since won. She received a standing ovation.

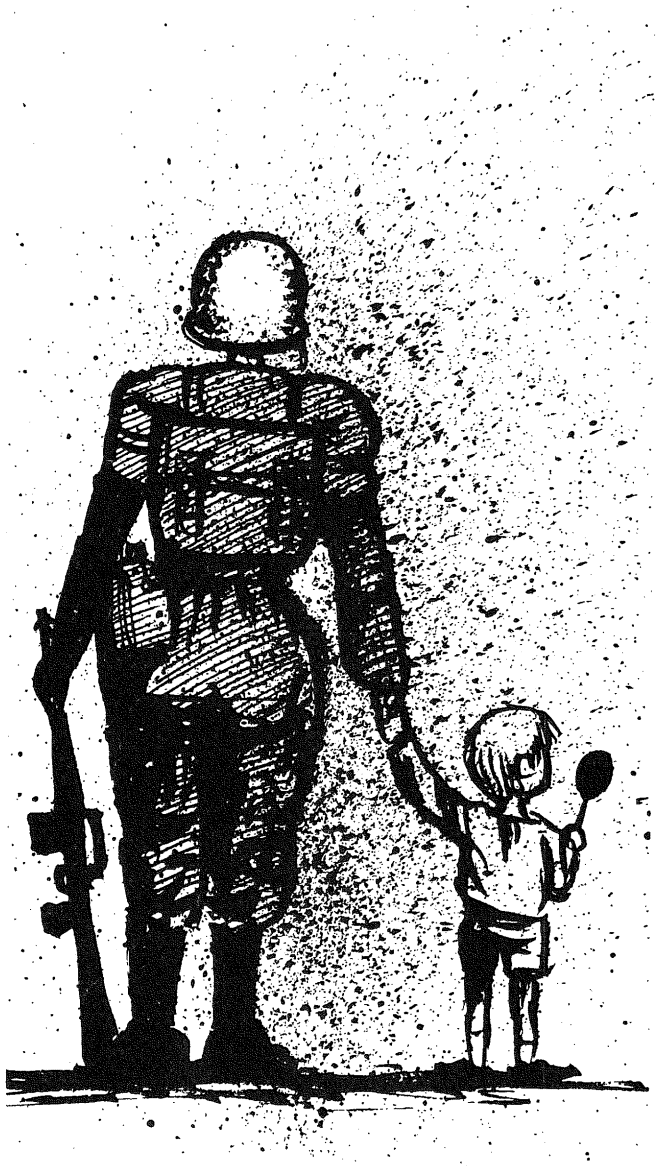
Drafting Women?

The matter of the draft really reveals the hypocrisy of the ERA proponents. The Equal Rights Amendment will positively make women subject to the draft, and on an

equal basis with men. This means running the same obstacle courses, carrying the same 40-50 pound packs, serving in combat and on warships, and all the other dangerous and unpleasant duties. ERA would not permit a system whereby the women would have all the easy desk jobs, with the men assigned to the unpleasant and fighting jobs. ERA would mandate equality across the board.

Most of the ERA proponents are, of course, safely past draft age, a fact which should be kept in mind when they talk so glibly about welcoming the drafting of women. Of the draft-age women who are whooping it up for ERA, most of them—when questioned personally about the draft—hesitate, and then reserve to themselves the right to be a conscientious objector or evade military service in some way.

The ERA proponents say that Congress already has the power to draft women. This is true—but Congress has used this power to exempt women, and that is the way we like it. The overwhelming majority of American men and women do *not* want women drafted, and they don't realize that making women subject to the draft is a precedent-shattering sleeper in ERA.



Anyone who really favors the drafting of women—and there are some—should work for it in the honest, above-board way, that is, by proposing an amendment to the Selective Service Act. Then the issue could be debated and our citizens would know the consequences. The ERA proponents are trying to put over this massive change in our social mores without the majority even realizing what is happening.

ERA proponents also argue that the draft has ended and we will have a volunteer military. It is a very naive person who looks into the future and says, "We are going to have no more wars and no more draft." We are very fortunate that ERA was not ratified 10 years ago, else there would have been thousands of additional tragedies in Vietnam.

The proponents talk about the "benefits" women will receive under the draft. Well, we must also include the "benefits" of being shipped thousands of miles away to fight a jungle war in Southeast Asia, and the "benefits" of being a prisoner of war, and the "benefits" of being missing in action. These are not the kind of "benefits" women want.

The Sledgehammer Approach

The Equal Rights Amendment is like trying to kill a fly with a sledgehammer. You probably won't kill the fly, but you surely will break up some furniture. For example, the laws of every one of our 50 states now make it the obligation of the husband to support his wife and family. This is based on the obvious fact that it is the women who have the babies and, therefore, it should be the men who provide the financial support.

The Equal Rights Amendment will invalidate these state laws in every one of the 50 states because no longer can we have any legislation which imposes an obligation on one sex which it does not impose equally on the other. Removing these state laws will take away from the wife her legal right to be a fulltime wife and mother, supported by her husband.

The result is confirmed by the pro-ERA lawyers who testify at the hearings. They admit that they do want to remove the full obligation of the husband and make the obligation for financial support of the family fall *equally* on the husband *and* the wife. Such a legalistic equality would impose a realistic double burden on the wife, because she is still the one who will have the babies.

Labor Legislation

A third area of concern is the matter of protective labor legislation. Women who work in industry are protected by many laws, provisions in union contracts, and company policies which guarantee their right to be treated like a woman. The Equal Rights Amendment will wipe these all out, and the proponents say this is what they want.

A woman can compete equally with a man in intellectual, professional, and academic occupations because women are just as smart as men. However, a woman cannot compete equally with a man in manual labor or in physical work because she is *not* as strong. Anyone who doubts this truism should look at the Olympic Games. If the men and women competed with each other in the Olympics, the women would simply not win any

gold, silver or bronze medals.

The fourth area is Social Security. When a working woman retires, she now receives a higher financial payment than a man who has worked the same number of years at the same salary. All preferential treatment for women would be wiped out by the Equal Rights Amendment.

Hayden Modification

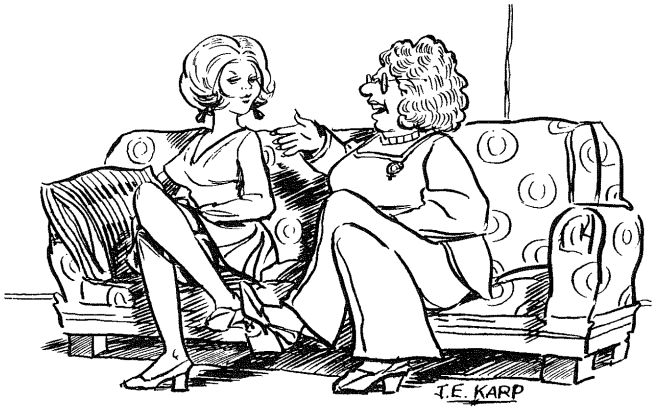
During most of the time that the Equal Rights Amendment was in Congress, and during the time when many prominent people became committed to the Equal Rights Amendment, it had attached to it another clause called the Hayden Modification which read, "The provisions of this Article shall not be construed to impair any rights, benefits or exemptions conferred by law upon persons of the female sex."

This clause was struck out under agitation from the women's liberationists. It shows very clearly that the effect of the Equal Rights Amendment would be precisely to deprive wives of the *right* to be supported by their husband, of the *benefits* that working women have under protective labor legislation and Social Security, and of the *exemption* that draft-age girls have from the military.

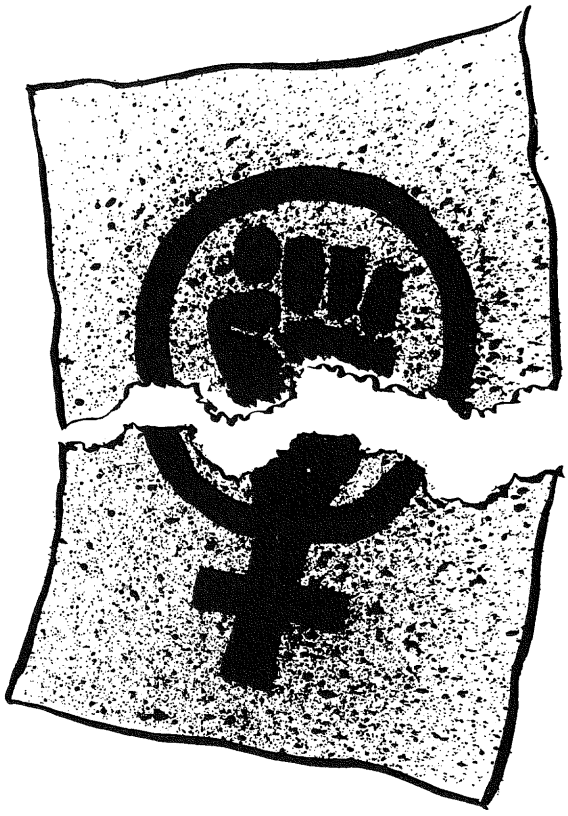
There is another section of ERA called Section 2 which shifts to Congress the power to implement the Equal Rights Amendment by appropriate legislation. This is a grab for power at the federal level, pure and simple. It will remove from the state legislatures, the bodies closest to the will of the people, the authority to legislate in the entire field of women's rights, including criminal law, property rights or anything pertaining to domestic relations. All this will be transferred out of the hands of the state legislatures and into the hands of Congress, the executive branch, and the federal courts.

Proponents' Tactics

Unable to answer the arguments about the rights women now possess which they will lose if ERA is ratified, the ERA proponents have shifted their tactics. Time and time again, instead of trying to make an affirmative case for ERA, the proponents resort to abusing their opponents. One of their favorite tactics is to accuse the opponents of being financed by a giant conspiracy made up of the Communist Party, the Ku Klux Klan, the AFL-CIO, the John Birch Society, and the Catholic and Mormon Churches. The ridiculousness of this charge is self-evident. One wag suggested that anyone who could get



"You know, Melinda, even with all the equal rights legislation, I still feel unequal."



all those groups together ought to be nominated for the Nobel Peace Prize!

Another tactic is to argue that, since ERA passed Congress by very large majorities, it must deserve our support. In essence, this argument is, Big Brother in Washington, D.C. knows best.

The fact is that the story is now leaking out as to why some of the senators and congressmem voted for the Equal Rights Amendment a year ago. One prominent senator frankly admitted to his constituents that he voted for it only "to get those militant women off my back." Another well-known senator said he voted for it because of "sheer terror."

A third prominent senator said he knew it was a piece of bad legislation, but voted for it anyway. Congress' passage of ERA was a classic case of buckpassing to the state legislatures.

Having failed to demonstrate any legal rights which women will gain through ERA, the proponents have fallen back on the argument that it is "symbolic" and needed for "psychological" objectives. But the United States Constitution should not be turned into an instrument to provide a psychological cure for personal problems.

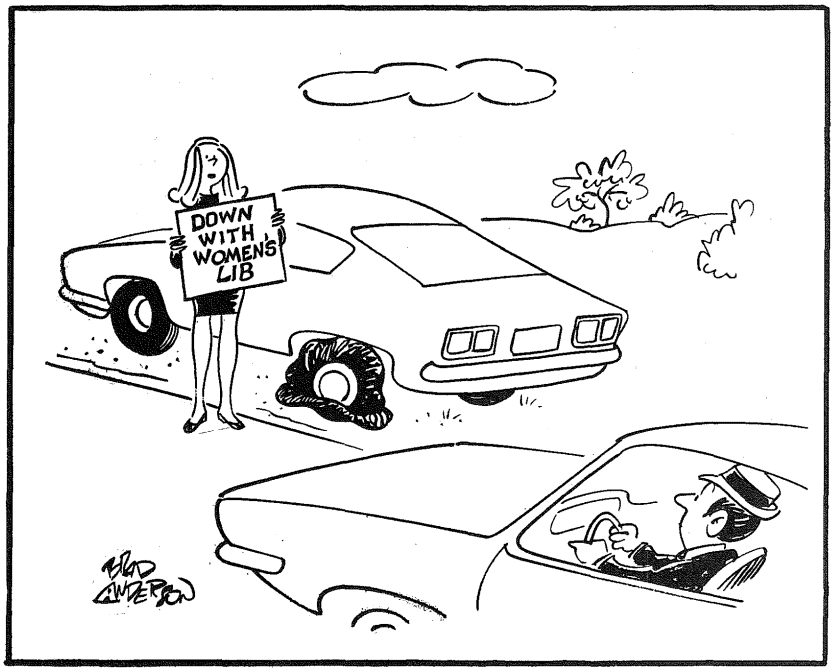
The first dozen states that ratified the ERA did so without hearings or debate. They just called it up and passed it because they thought women wanted it. Now, the legislators are having second thoughts. One-third of the states that ratified ERA in 1972 are considering motions to rescind. On March 15, 1973, the Nebraska Legislature rescinded its earlier ratification of the Equal Rights Amendment. When Alabama on June 12, 1973 voted 26 to 6 to reject ERA, it became the 20th state to reject the Equal Rights Amendment.

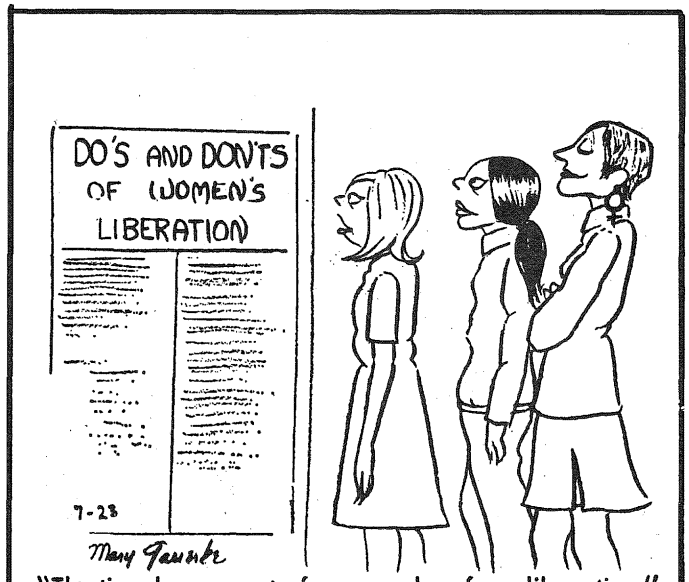
The ERA proponents have promised to continue the fight for six more years, but we hope the state legislators will not be stampeded into accepting an amendment which, like Prohibition, they will surely regret. ☆

GRIN AND BEAR IT—By Lichty



". . . Briefly, my wife turned into a 'Ms.' . . . and then I met a 'Miss'!"





"The time has come to free ourselves from liberation."