

April 2021

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### Recommended Citation

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## JACKSONVILLE ALLIANCE FOR RATIFICATION OF THE EQUAL RIGHTS AMENDMENT

### WHAT DOES THE EQUAL RIGHTS AMENDMENT SAY?

"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.

"Section 3. This amendment shall take effect two years after the date of ratification."

Note that men as well as women are entitled to equal rights, and that a two year period is allowed after ratification so that necessary changes in federal and state laws can be made.<sup>1</sup>

### HOW WILL THE AMENDMENT BECOME PART OF THE CONSTITUTION?

The U. S. Congress, by vote of more than the constitutionally required two-thirds of the members, has recommended to the states that they approve the ERA. If three-fourths of the state legislatures (38) ratify the Amendment within 7 years, it will become the 27th Amendment to the U. S. Constitution.<sup>1</sup>

### WHAT WILL THE ERA DO?

"Essentially, the Amendment will require that the federal government and all state and local governments treat each person, male and female, as an individual. It will not require that any level of government establish quotas for men or for women in any of its activities; rather it simply will prohibit discrimination on the basis of a person's sex. The Amendment will apply only to governmental action; it will not affect private action or the purely social relationships between men and women."<sup>2</sup>

After the effective date of the Amendment, some laws may be challenged in court. If a court finds that a state or federal law conflicts with the ERA, it will either strike down the law, or extend its coverage so that it applies equally to men and women. Restrictive laws such as those which bar adult women from certain lawful occupations will be struck down; but laws which confer a substantial benefit on one sex will probably be expanded so as to include the other sex.<sup>1</sup>

### WHO SUPPORTS THE AMENDMENT?

Presidents Eisenhower, Kennedy, Johnson and Nixon and the platforms of the major political parties, have supported the Amendment.

The U. S. House of Representatives passed the ERA by a vote of 354 to 23, Oct. 12, 1971, and the U. S. Senate approved it 84 to 8, on March 22, 1972. In both cases, opponents tried to add qualifying language to limit the scope of the Amendment and were decisively defeated time and again.

Organizations supporting ratification of the Amendment represent both men and women, and a wide scope of interests and philosophies. They include labor unions, church groups, educational organizations, and others.<sup>1</sup>

### WILL THE ERA DEPRIVE WOMEN OF CHILD SUPPORT AND ALIMONY?

No, it will only require that men be eligible for alimony under the same conditions as women (as they are now in more than one-third of the states); that the welfare of the child be the criterion in awarding custody in contested cases, as it is now in many states; and that mothers be responsible for child support within their means.<sup>1</sup>

The National Commissioners on Uniform State Laws recently adopted a Uniform Marriage and Divorce Act, the terms of which are in accord with the ERA. It provides for alimony for either spouse (called "maintenance"), child support obligations for both spouses in accordance with their means, and custody of children based on the welfare of the child. It should be kept in mind that the great majority of divorce arrangements covering these areas are agreed to by the parties without litigation.<sup>3</sup>

### WILL PUBLIC COLLEGES HAVE TO ADMIT WOMEN ON AN EQUAL BASIS WITH MEN? Yes, this is an area where discrimination against women is prevalent, and such discrimination will be prohibited by the ERA. But it will not affect private schools, it will not require any quotas, or equal numbers of men and women. Admission will have to be based on relevant characteristics-not on sex.

Graduate schools and the education profession will offer more opportunities for women. For instance, while the number of women applicants to medical schools increased more than 300% between 1929 and 1965 (male applications increased only 29%), the percentage of women accepted by medical schools actually declined. (Hearings, U. S. House of Rep., Special Subcom. on Education, 1970.)

The amendment will be of particular benefit to young women from poor families. With discrimination in public education banned, they will have equal opportunities in vocational education, government-sponsored manpower training programs and military service, among other fields.

### WILL THE ERA AFFECT PROPERTY AND OTHER BUSINESS LAWS?

Yes, if the laws treat women differently from men. Married women could engage in business as freely as men and manage their separate property such as inheritances and earnings.<sup>2</sup>

**WILL HOMEMAKERS BE DAMAGED BY THE AMENDMENT?**

No, Congresswoman Dwyer of N. J. said on Aug. 10, 1970, in debate in the House of Rep. on the ERA: "It would not take women out of the home. It would not downgrade the roles of mother and housewife. Indeed, it would give new dignity to these important roles. By confirming women's equality under the law, by upholding women's right to choose her place in society, the ERA can only enhance the status of traditional women's occupations. For these would become positions accepted by women as equals, not roles imposed on them as inferiors."

**HOW WILL THE ERA AFFECT PROTECTIVE LAWS?**

State labor laws that apply only to women are already on the way to extinction as a result of enactment of laws that prohibit sex discrimination in employment. (U.S. Dept. of Labor Women's Bureau, Nov. 4, 1971.)

"So-called protective legislation that said that women could not work at a certain job--for instance, she could never be on the desk of a hotel at night--ignored the fact that right beside the male clerk there was a charwoman working, and that down in the entertainment rooms there was a woman singing or playing the piano." (Rep. Martha Griffiths of Mich., in 1971 House debate.)

Where state laws actually provide "meaningful protection (they) would be expanded to include both men and women."<sup>2</sup> Examples are minimum wage laws & laws requiring rest periods. If women workers need a protective law, then the men who work alongside them need it too. The law should treat them equally.<sup>1</sup>

**HOW WILL THE AMENDMENT AFFECT CRIMINAL LAWS?**

"The Amendment will not invalidate laws which punish rape, for such laws are designed to protect women in a way that they are uniformly distinct from men."<sup>2</sup> But laws which give a longer sentence to a woman than a man who commits the same offense (and vice versa if such exist) will be invalid.<sup>1</sup>

**HOW WILL THE ERA AFFECT SOCIAL SECURITY AND PENSION PLANS?**

The Amendment would extend to widowers of covered women workers the benefits now provided only to widows of covered men workers. For example, widowers with minor children would receive a benefit based on their deceased wife's employment under the same circumstances a widow with minor children would receive. Any preference in treatment given to one sex or to survivors of one sex would be extended to the other sex. The ERA would have no bearing on private pension and retirement plans.<sup>3</sup>

**WILL WOMEN SERVE IN THE MILITARY?**

Yes, women would be subject to military service and jury service under the same conditions as men. Women with children in their personal care could be excused from either obligation just as men could be under the same circumstances. Being subject to military service would not necessarily mean they would have to serve in all assignments any more than all men serve in all assignments. Women volunteers would have to be admitted under the same standards as men; they now have to meet higher standards.<sup>2</sup>

Women will become eligible, on an equal basis with men, for the educational benefits, the medical services and the veterans' preferences which accompany military service. If there is still a military draft when the Amendment takes effect, women will be drafted. Under the principle that equality of rights is not attainable without equality of responsibility, women's groups working for the ERA opposed efforts in Congress to exempt women from the draft.<sup>1</sup>

Note that Congress retains the power to create exemptions from selective service requirements: "Congress, if it enacts a future selective service law... can provide exemptions which will apply equally to men and women. They can exempt parents. They can exempt parents who are required to stay with their children. They can exempt either or both parents if they have small children. I can think of many exemptions which might be made part of a possible future selective service law. But if this ERA is approved, exemptions... based solely on sex would be invalid, and in my opinion, would be quite undesirable." (Rep. Robert McClory, Ill., 1971 House debate.)

**WILL MEN & WOMEN HAVE TO SHARE SLEEPING QUARTERS AND BATHROOMS?**

No, under two legal principles: the power of the state to regulate cohabitation and sexual relations of unmarried persons; and the constitutional right of privacy (enunciated by the Supreme Court in 1965). These principles would permit separate sleeping and bathing facilities in public institutions such as colleges, prisons, and military barracks.<sup>2</sup>

**WHAT CAN YOU DO TO PROMOTE RATIFICATION BY YOUR STATE?**

Write and visit your State Representatives and State Senators.

<sup>1</sup> Common Cause, Washington, C. C., ERA pamphlet

<sup>2</sup> Senate Report 92-689

<sup>3</sup> Citizens' Advisory Council on Status of Women, U. S. Dept. of Labor, Washington, D. C., "ERA - What It Will and Won't Do"