

The Conservative Turn, 1969–1988

183. Brochure on the Equal Rights Amendment (1970s)

Source: Philadelphia Chapter of the National Organization for Women: Brochure on the Equal Rights Amendment, National Organization for Women, Philadelphia Chapter records [2054], Historical Society of Pennsylvania.

First proposed in the 1920s, the Equal Rights Amendment to the Constitution was resurrected in the 1970s as an outgrowth of the second wave of feminism. Its language was brief: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." But its implications were anything but simple. It quickly won approval by Congress, but as states debated ratification it aroused a growing storm of protest from conservatives who claimed it would undermine women's traditional roles as mothers, wives, and homemakers. The National Organization for Women, founded in the 1960s to promote women's equality, led the campaign for approval, but the amendment failed to gain ratification by the required number of states. In this brochure, the Philadelphia chapter of NOW details the gender inequalities that persisted and outlined what it hoped the ERA would accomplish.

Did You Know . . .

- Under the U.S. Constitution corporations are considered legal persons, but women are not
- Women earn on an average 41% less than men
- A man with an 8th grade education earns as much as a woman with a college degree

- Women and men do not receive the same benefits under Social Security, although they contribute the same percentage of their income
- "Equal pay for Equal Work" is based on Title VII of the Civil Rights Act which can be reversed by Congress
- If a man dies, his widow pays a large tax; if a woman dies her widower pays substantially less
- A husband controls his wife's use of "his" credit cards; a wife cannot establish credit in her name
- Insurance rates are higher for women than for men; loans for house payments, etc. are more difficult for women to obtain than men
- The military has higher entrance requirements for women, but significantly fewer benefits and opportunities
- During probate, a joint bank account is considered to be solely the property of the husband
- Women receive longer jail sentences than men for the same crime
- Unemployment is twice as high for women as for men
- There are over 1,795 laws which discriminate against women

The ERA Will . . .

- Declare women full persons under the law
- Outlaw discrimination on the basis of sex, establishing constitutionally the legal right of "equal pay for equal work"
- Provide equal Social Security benefits for women and men at the same retirement age; widowers will receive the same benefits now only received by widows
- Recognize a housewife's contribution as a financial resource to the home by not taxing her half of the estate when her husband dies
- Give married women the right to establish credit, own businesses, buy and control property, and sign contracts
- Equalize military entrance standards; make military women eligible for equal benefits and opportunities
- Extend alimony and child support responsibilities to members of either sex, depending on need and ability to pay

- Establish equal rights for both parties holding joint husband/wife bank accounts during probate
- Mandate "equal time for equal crime"
- Strike down laws which restrict rights. If a law protects rights, it will be extended to the other sex

185. Richard E. Blakemore on The Sagebrush Rebellion (1979)

Source: State Government News, 22 (November 1979), pp. 3-5.

The rapid growth of the environmentalist movement in the 1970s sparked a conservative reaction, especially in the western states. New environmental regulations led to calls for less government intervention in the economy. These were most strident in the West. What came to be called the Sagebrush Rebellion denounced federal control of large areas of western land as well as new environmental regulations that, the "rebels" claimed, threatened energy production and long-standing grazing rights. They

insisted that decision-making power on such issues should be given to the individual states. In 1979, Richard E. Blakemore, a member of the Nevada state senate, offered this explanation of the outlook of many westerners.

THE "SAGEBRUSH REBELLION" is a catchy but somewhat misleading term used to describe the western states' demands for a greater role in determining the future of the west. Unlike the dictionary definition, in this rebellion there is no armed or unlawful resistance to government. Neither is western land desolate or worthless as the term "sagebrush" connoted. Moreover, if much of the land in the west ever was considered of little worth, the need for energy has changed that.

Statistics show that much of the west is controlled by the federal government. . . . Over 90 percent of all federal land is from the Rockies west. . . . On average, the federal government controls 52.6 percent of the land in the 12 western states. . . . What does this large federal presence mean to westerners and why are westerners protesting?

For many years, the public domain was open to ranching, mining, and outdoor recreation. But a number of federal acts, passed to protect and conserve the environment, have closed great parts of the public domain to traditional uses. Westerners see these restrictions in the use of public lands as a portent of things to come—that eventually most of today's public lands will be locked up in wilderness or other restrictive uses. . . .

The west today is at the confluence of two major movements—that for protection of the environment and that for production of energy. To a great extent, the success of the attempt for U.S. energy independence depends on resources of the west. In addition, the west is looked to for increased agricultural production and for its reserves of minerals necessary to modern industry.

The environmental movement prompted the passage of federal legislation aimed at protecting the environment and maintaining great portions of the country in a natural state. Among the major environmental acts of the past 15 years are the Wilderness Act, the

National Environmental Protection Act, the Federal Land Policy Management Act, the Wild and Scenic Rivers Act, and the National Forest Management Act.

The genesis of the sagebrush rebellion can be found in the conflict between the desires to protect and preserve the environment and the demands for food, minerals, and energy from the west.... Constraints on the uses of public lands and obstacles to disposal of public lands into nonfederal ownership have increased over the past 15 years....

Overregulation is bad anywhere. Imagine how much worse it is for states in which the federal government is also the landlord over most of the land in the state. Excessive regulation and heavy-handed bureaucracy are magnified where land is federally controlled.

While the particular issues on which the sagebrush rebellion are based are more common in the west, the principles behind the movement are national in scope. It is a question of the extent to which the destiny of the country is controlled by federal agencies and bureaucrats. States, local governments, and the people should make more of these determinations and the federal government less.

Because of the federal omnipresence in the west, westerners have reached the crisis first. But reversing the trend towards centralization that threatens the economy, our lands, and our freedoms is of concern to all Americans....

188. Phyllis Schlafly, "The Fraud of the Equal Rights Amendment" (1972)

Source: Phyllis Schlafly, "The Fraud of the Equal Rights Amendment," The Phyllis Schlafly Report, vol. 5, February 1972. Reprinted with permission of Phyllis Schlafly.

One of the first major conservative victories of the 1970s was the defeat of the Equal Rights Amendment (ERA), a proposed change in the Constitution that would have affirmed that "equality of rights under the law" could not be abridged because of sex. This seemingly uncontroversial measure passed Congress in 1972 with little opposition. It soon aroused unexpected protest from those who claimed it would discredit the role of wife and homemaker.

To its supporters, the amendment offered a guarantee of women's right to participate fully in public life. Its foes insisted that women should remain within the divinely appointed roles of wife and mother. They claimed it would subject women to the military draft and let men "off the hook" by denying their responsibility to provide for their wives and children. Phyllis Schlafly, a veteran of anticommunist politics of the 1950s, led the campaign against the ERA. Polls consistently showed that a majority of Americans, male and female, favored the measure. But thanks to the mobilization of conservative women, the amendment failed to achieve ratification by the required thirty-eight states.

IN THE LAST couple of years, a noisy movement has sprung up agitating for "women's rights." Suddenly, everywhere we are afflicted with aggressive females on television talk shows yapping about how mistreated American women are, suggesting that marriage has put us in some kind of "slavery," that housework is menial and degrading, and—perish the thought—that women are discriminated against. New "women's liberation" organizations are popping up, agitating and demonstrating, serving demands on public officials, getting wide

press coverage always, and purporting to speak for some 100,000,000 American women.

It's time to set the record straight. The claim that American women are downtrodden and unfairly treated is the fraud of the century. The truth is that American women never had it so good. Why should we lower ourselves to "equal rights" when we already have the status of special privilege?

The proposed Equal Rights 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." So what's wrong with that? Well, here are a few examples of what's wrong with it.

This Amendment will absolutely and positively make women subject to the draft. Why any woman would support such a ridiculous and un-American proposal as this is beyond comprehension. Why any Congressman who had any regard for his wife, sister, or daughter would support such a proposition is just as hard to understand. Foxholes are bad enough for men, but they certainly are *not* the place for women—and we should reject any proposal which would put them there in the name of "equal rights." ...

Another bad effect of the Equal Rights Amendment is that it will abolish a woman's right to child support and alimony, and substitute what the women's libbers think is a more "equal" policy, that "such decisions should be within the discretion of the Court and should be made on the economic situation and need of the parties in the case."

Under present American laws, the man is *always* required to support his wife and each child he caused to be brought into the world. Why should women abandon these good laws—by trading them for something so nebulous and uncertain as the "discretion of the Court"?

The law now requires a husband to support his wife as best as his financial situation permits, but a wife is not required to support her husband (unless he is about to become a public charge). A husband cannot demand that his wife go to work to help pay for family

expenses. He has the duty of financial support under our laws and customs. Why should we abandon these mandatory wife-support and child-support laws so that a wife would have an "equal" obligation to take a job?

By law and custom in America, in case of divorce, the mother always is given custody of her children unless there is overwhelming evidence of mistreatment, neglect or bad character. This is our special privilege because of the high rank that is placed on motherhood in our society. Do women really want to give up this special privilege and lower themselves to "equal rights," so that the mother gets one child and the father gets the other? I think not. . . .

WHAT "WOMEN'S LIB" REALLY MEANS

Many women are under the mistaken impression that "women's lib" means more job employment opportunities for women, equal pay for equal work, appointments of women to high positions, admitting more women to medical schools, and other desirable objectives which all women favor. We all support these purposes, as well as any necessary legislation which would bring them about.

But all this is only a sweet syrup which covers the deadly poison masquerading as "women's lib." The women's libbers are radicals who are waging a total assault on the family, on marriage, and on children.