Just Say No to the ERA!

Focus/Summary
This lesson will focus on providing students with resources from which they can better understand the anti-ERA movement that grew in the early 1970s led by figures such as Phyllis Shafley.

Vital Theme and Narrative
Value, beliefs, political ideas, and institutions
Conflict and cooperation
Patterns of social and political interaction

History Habits of the Mind
Acquire at one and the same time a comprehension of diverse cultures and of shared humanity.
Recognize the importance of individuals who have made a difference in history, and the significance of personal character for both good and ill.

Necessary Skills and Background knowledge
• Primary source/Narrative analysis
• Contentious history of race and the government action/reaction during the past
• Contextual understanding of the growth of the Women’s Rights movement, its goals, and the rise of the right during the same time period.
• The Roe V. Wade decision and the resulting backlash
• How to construct a written response/argument using evidence.
• Amendment Process
• Existence of and reasoning for protective legislation for women.

Objectives:
SWBAT
• Analyze the arguments advocated by the Anti-ERA movement.
• Assess the success of the Anti-ERA movement.
• Evaluate the response by the Pro-ERA movement
• Construct an informed cogent written argument for the adoption or continued defeat of the ERA

Procedures
Opening the Lesson—Bell Ringer: Four Corners (Previous to the lesson label each corner of the room with one of the following- Strongly Agree, Agree, Disagree, Strongly Disagree) Give students the text of the ERA (on the board, overhead, projector, printed) and ask them to go to the corner of the room which they think best describes their answer the following statement: “The ERA should be ratified as an amendment to the U.S. Constitution.” Ask a representative from each group to discuss their reasoning in choosing that corner. Students are free to move if they hear an argument that sways them. You can then ask students to continuing standing and discuss the following questions or to return to their seats: What issues might come from ratification of the ERA? What protective legislation exist for women? How might they be impacted? Should they exist? What legal separations exist for women and men? Should they exist? What benefits would passage give to women? For men? Why would people be opposed to the ERA?

Developing the Lesson— Students will read and analyze the following pieces:
Do you need an inexpensive flier about ERA to distribute at meetings, shopping centers, businesses, and for enclosures with other mailings? Well, here it is, pictured below – written and printed by Mrs. Shirley Converse, Illinois State Coordinator of STOP ERA, 485 Orchard Lane, Winnetka, Illinois 60093. Illustration shows actual size, but fliers are printed in red. Price: $1.00 per 100 copies; $6.50 per 1,000.

To the right is shown an easy-to-use sticker to affix to all your envelopes. Illustration shows actual size, but sticker is printed in red. A fabulous idea to use on all your letters and other mailings, also developed by Shirley Converse. Price: $3.00 per roll of 1,000 stickers. (Available only in rolls of 1,000.)

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What the Equal Rights Amendment Means

ERA will make every wife in the U. S. legally responsible to provide 50% of the financial support of her family.

ERA will wipe out a woman's present freedom of choice to take a paying job or to be a fulltime wife and mother supported by her husband.

ERA will make women subject to the draft.

ERA will put women on warships and make them subject to combat duty on an equal basis with men regardless of whether we have a draft or not.

ERA will eliminate the preferential Social Security benefits women now enjoy.

ERA will wipe out many protective labor laws which benefit women.

ERA will knock out present laws protecting women from sex crimes such as statutory rape and forced prostitution.

ERA will integrate boys' and girls' physical education classes in high schools and colleges.

ERA will jeopardize present lower life insurance rates for women.

ERA could create havoc in prisons and reform schools by preventing segregation of the sexes.

ERA will nullify thousands of present laws which protect women, and will transform every provision of law concerning women into a constitutional issue that will ultimately have to be resolved by the Supreme Court.

ERA DOES NOT guarantee women better paying jobs, promotions or better working conditions. The Equal Employment Opportunity Act and other laws already guarantee women "equal pay for equal work" and need only to be enforced to ensure women equal opportunity.

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JOIN THE MARCH TO STOP ERA!
Write your State Senators and Representatives and ask them to VOTE NO ON ERA.
For further information, write STOP ERA, Box 618, Alton, Illinois 62002

Schlafly, Phyllis. *The Phyllis Schlafly Report*. Volume 6, Number 6, Section 2, January 1973. (Courtesy of the Schlesinger Library at the Radcliffe Institute for Advanced Study at Harvard University)
Top ten cases that prove the Equal Rights Amendment (ERA) would have been a disaster:

1. *Rostker v. Goldberg*, 453 U.S. 57 (1981), which allowed an all-male draft, thereby reversing the lower court that had invalidated it. By a 6-3 majority, the Court held that Article I, section 8 of the Constitution gave Congress the power to run the military, including differentiating based on gender. ERA would have narrowed that power by imposing a strict constitutional condition: treat men and women alike.

2. *Harris v. McRae*, 448 U.S. 297 (1980), which upheld the Hyde Amendment limiting federal funding of abortion, thereby reversing a lower court that had invalidated it. By a slim 5-4 majority, the Court held that the Hyde Amendment is not predicated on a constitutionally suspect classification. ERA would have established women as a constitutionally suspect classification, and would have required federally funded abortions. See *N.M. Right to Choose/NARAL v. Johnson*, 975 P.2d 841 (1998).

3. Heterosexual-only marriage is currently the law in all fifty states and was the purpose for the federal Defense of Marriage Act (28 U.S.C. § 1738C). But ERA would have prohibited such sex-based limitations on marriage. See *Baehr v. Lewin*, 852 P.2d 44 (1993).

4. *Ohio v. Akron Ctr. for Reproductive Health*, 497 U.S. 502 (1990), which upheld the parental notification requirements for Ohio minors seeking abortions, thereby reversing both the district and appellate courts that had invalidated the law. The 6-3 Court upheld the Ohio statute even though it inevitably treated teenage girls differently from their boyfriends in procuring abortions. ERA would have likely eliminated parental notification laws.

5. Tax exemptions are not allowed for schools that discriminate in a manner prohibited by the Constitution. *Bob Jones University v. United States*, 461 U.S. 574 (1983). ERA would have likely caused many single-sex private schools to lose their tax exemption -- which is what
many ERA supporters want.

6. *United States v. Morrison*, 529 U.S. 598 (2000), which applied the Constitution to block federal intrusion into family law as attempted through the Violence Against Women Act. ERA would have created federal control over all issues affecting women, including family and marriage-related issues, and greatly increased the influence of the national media over these sensitive issues.

7. *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000), which upheld the right of the Boy Scouts to exclude homosexuals and, implicitly, limit its membership to boys. By a slim 5-4 majority, the Court found that there was no compelling state interest to override the First Amendment rights of the Boy Scouts. But ERA would have been on equal footing as the First Amendment, and likely ended the Boy Scouts' sex-based rules of membership.

8. *Personnel Adm'r of Massachusetts v. Feeney*, 442 U.S. 256 (1979), which affirmed the power of states to give preferential treatment to veterans even though they are overwhelmingly male. ERA would have prevented many veterans programs that have a disparate impact on the sexes.

9. *Parham v. Hughes*, 441 U.S. 347 (1979), which upheld the state's ability to disfavor procreation outside of marriage by denying certain rights to the father of an illegitimate child. The Court held that "[i]n cases where men and women are not similarly situated ... and a statutory classification is realistically based upon the differences in their situations, this Court has upheld its validity." ERA would have precluded this.

10. *Miller v. Albright*, 523 U.S. 420 (1998), which upheld Congress' power to limit immigration by children born to foreign mothers and unmarried American fathers. The Court, in a 6-3 split, upheld a federal law making it more difficult for a foreign-born child of an allegedly illegitimate American father to establish citizenship than if the child's mother had been the American. Justice Stevens, one of the more liberal members of the Court, held that the "biological differences between single men and single women provide a relevant basis for differing rules governing their ability to confer citizenship on children born in foreign lands." ERA would not have allowed such sex-based statutory preference, which was bitterly criticized by the dissent.
VOTE NO ERA

Distributed by Females Opposed to Equality (FOE)
4400 Breachwood Drive - Baton Rouge, Louisiana 70806

NOW THIS IS REALLY PROGRESS!
My name is Gloria Steinem. I am a writer and editor, and I am currently a member of the policy council of the Democratic committee. And I work regularly with the lowest-paid workers in the country, the migrant workers, men, women, and children both in California and in my own State of New York.

During 12 years of working for a living, I have experienced much of the legal and social discrimination reserved for women in this country. I have been refused service in public restaurants, ordered out of public gathering places, and turned away from apartment rentals; all for the clearly-stated, sole reason that I am a woman. And all without the legal remedies available to blacks and other minorities. I have been excluded from professional groups, writing assignments on so-called “unfeminine” subjects such as politics, full participation in the Democratic Party, jury duty, and even from such small male privileges as discounts on airline fares. Most important to me, I have been denied a society in which women are encouraged, or even allowed to think of themselves as first-class citizens and responsible human beings.

However, after 2 years of researching the status of American women, I have discovered that in reality, I am very, very lucky. Most women, both wage-earners and housewives, routinely suffer more humiliation and injustice than I do.

As a freelance writer, I don’t work in the male-dominated hierarchy of an office. (Women, like blacks and other visibly different minorities, do better in individual professions such as the arts, sports, or domestic work; anything in
which they don’t have authority over white males.) I am not one of the millions of women who must support a family. Therefore, I haven’t had to go on welfare because there are no day-care centers for my children while I work, and I haven’t had to submit to the humiliating welfare inquiries about my private and sexual life, inquiries from which men are exempt. I haven’t had to brave the sex bias of labor unions and employers, only to see my family subsist on a median salary 40 percent less than the male median salary.

I hope this committee will hear the personal, daily injustices suffered by many women—professionals and day laborers, women housebound by welfare as well as by suburbia. We have all been silent for too long. But we won’t be silent anymore.

The truth is that all our problems stem from the same sex based myths. We may appear before you as white radicals or the middle-aged middle class or black soul sisters, but we are all sisters in fighting against these outdated myths. Like racial myths, they have been reflected in our laws. Let me list a few.

That woman are biologically inferior to men. In fact, an equally good case can be made for the reverse. Women live longer than men, even when the men are not subject to business pressures. Women survived Nazi concentration camps better, keep cooler heads in emergencies currently studied by disaster-researchers, are protected against heart attacks by their female sex hormones, and are so much more durable at every stage of life that nature must conceive 20 to 50 percent more males in order to keep the balance going.

Man’s hunting activities are forever being pointed to as tribal proof of superiority. But while he was hunting, women built houses, tilled the fields, developed animal husbandry, and perfected language. Men, being all alone in the bush, often developed into a creature as strong as women, fleeter of foot, but not very bright.

However, I don’t want to prove the superiority of one sex to another. That would only be repeating a male mistake. English scientists once definitively proved, after all, that the English were descended from the angels, while the Irish were descended from the apes; it was the rationale for England’s domination of Ireland for more than a century. The point is that science is used to support current myth and economics almost as much as the church was.

What we do know is that the difference between two races or two sexes is much smaller than the differences to be found within each group. Therefore, in spite of the slide show on female inferiorities that I understand was shown
to you yesterday, the law makes much more sense when it treats individuals, not groups bundled together by some condition of birth. . . .

Another myth, that women are already treated equally in this society. I am sure there has been ample testimony to prove that equal pay for equal work, equal chance for advancement, and equal training or encouragement is obscenely scarce in every field, even those—like food and fashion industries—that are supposedly “feminine.”

A deeper result of social and legal injustice, however, is what sociologists refer to as “Internalized Aggression.” Victims of aggression absorb the myth of their own inferiority, and come to believe that their group is in fact second class. Even when they themselves realize they are not second class, they may still think their group is, thus the tendency to be the only Jew in the club, the only black woman on the block, the only woman in the office.

Women suffer this second class treatment from the moment they are born. They are expected to be, rather than achieve, to function biologically rather than learn. A brother, whatever his intellect, is more likely to get the family’s encouragement and education money, while girls are often pressured to conceal ambition and intelligence, to “Uncle Tom.”

I interviewed a New York public school teacher who told me about a black teenager’s desire to be a doctor. With all the barriers in mind, she suggested kindly that he be a veterinarian instead.

The same day, a high school teacher mentioned a girl who wanted to be a doctor. The teacher said, “How about a nurse?”

Teachers, parents, and the Supreme Court may exude a protective, well-meaning rationale, but limiting the individual’s ambition is doing no one a favor. Certainly not this country; it needs all the talent it can get.

Another myth, that American women hold great economic power. Fifty-one percent of all shareholders in this country are women. That is a favorite male-chauvinist statistic. However, the number of shares they hold is so small that the total is only 18 percent of all the shares. Even those holdings are often controlled by men.

Similarly, only 5 percent of all the people in the country who receive $10,000 a year or more, earned or otherwise, are women. And that includes the famous rich widows.

The constantly repeated myth of our economic power seems less testimony to our real power than to the resentment of what little power we do have.

Another myth, that children must have full-time mothers. American mothers spend more time with their homes and children than those of any other
society we know about. In the past, joint families, servants, a prevalent system in which grandparents raised the children, or family field work in the agrarian systems—all these factors contributed more to child care than the labor-saving devices of which we are so proud.

The truth is that most American children seem to be suffering from too much mother, and too little father. Part of the program of Women’s Liberation is a return of fathers to their children. If laws permit women equal work and pay opportunities, men will then be relieved of their role as sole breadwinner. Fewer ulcers, fewer hours of meaningless work, equal responsibility for his own children: these are a few of the reasons that Women’s Liberation is Men’s Liberation too.

As for psychic health of the children, studies show that the quality of time spent by parents is more important than the quantity. The most damaged children were not those whose mothers worked, but those whose mothers preferred to work but stayed home out of the role-playing desire to be a “good mother.”

Another myth, that the women’s movement is not political, won’t last, or is somehow not “serious.”

When black people leave their 19th century roles, they are feared. When women dare to leave theirs, they are ridiculed. We understand this; we accept the burden of ridicule. It won’t keep us quiet anymore.

Similarly, it shouldn’t deceive male observers into thinking that this is somehow a joke. We are 51 percent of the population; we are essentially united on these issues across boundaries of class or race or age; and we may well end by changing this society more than the civil rights movement. That is an apt parallel. We, too, have our right wing and left wing, our separatists, gradualists, and Uncle Toms. But we are changing our own consciousness, and that of the country. Engels noted the relationship of the authoritarian, nuclear family to capitalism: the father as capitalist, the mother as means of production, and the children as labor. He said the family would change as the economic system did, and that seems to have happened, whether we want to admit it or not. Women’s bodies will no longer be owned by the state for the production of workers and soldiers; birth control and abortion are facts of everyday life. The new family is an egalitarian family.

Gunnar Myrdal noted 30 years ago the parallel between women and Negroes in this country. Both suffered from such restricting social myths as: smaller brains, passive natures, inability to govern themselves (and certainly not white men), sex objects only, childlike natures, special skills, and the like. When evaluating a general statement about women, it might be valuable to substitute “black people” for “women”—just to test the prejudice at work.
And it might be valuable to do this constitutionally as well. Neither group is going to be content as a cheap labor pool anymore. And neither is going to be content without full constitutional rights.

Finally, I would like to say one thing about this time in which I am testifying.

I had deep misgivings about discussing this topic when National Guardsmen are occupying our campuses, the country is being turned against itself in a terrible polarization, and America is enlarging an already inhuman and unjustifiable war. But it seems to me that much of the trouble in this country has to do with the “masculine mystique”; with the myth that masculinity somehow depends on the subjugation of other people. It is a bipartisan problem; both our past and current Presidents seem to be victims of this myth, and to behave accordingly.

Women are not more moral than men. We are only uncorrupted by power. But we do not want to imitate men, to join this country as it is, and I think our very participation will change it. Perhaps women elected leaders—and there will be many of them—will not be so likely to dominate black people or yellow people or men; anybody who looks different from us.

After all, we won’t have our masculinity to prove.

Source: Congress, Senate, Committee on the Judiciary, The “Equal Rights” Amendment: Hearings before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, 91st Cong., 2d sess., May 5, 6, and 7, 1970

Concluding the Lesson- Whole class debrief where students answer the larger questions presented. Students should use the sources they examined and relevant outside information to construct an essay that addresses the following question: Should the United States adopt the ERA as an amendment to the U.S. Constitution.

Assessing Student Learning- Teachers have flexibility in creating a rubric that best serves their students’ needs. A sample rubric follows:
<table>
<thead>
<tr>
<th>Feature</th>
<th>5 (9-8)</th>
<th>4 (7-6)</th>
<th>3 (5-4)</th>
<th>2 (3-2)</th>
<th>1 (1-0)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argument: Clear, well-developed thesis; addresses complexity of question</td>
<td>Clear introduction and thesis statement that is well developed and clearly focused; that thoroughly addresses all of the main elements of the question and indicates the student’s plan for the essay;</td>
<td>Clear introduction and thesis statement which may not be as focused as category 5; that addresses several of the issues of the question and indicates with some clarity what the writer will attempt to prove;</td>
<td>Broad or tentative thesis statement with little introduction to topic that addresses only some issues of the question in a vague or confused manner;</td>
<td>Confused, unsupported, poorly developed thesis with little introductory support</td>
<td>No introductory paragraph or lacks a valid thesis statement or includes a statement so vague as to not deserve credit—may be confused or reflect lack of understanding of the question;</td>
</tr>
<tr>
<td>Critical Thought: Analysis of documents; relevance of outside information; discussion of conflicting evidence</td>
<td>In-depth document analysis; confrontation and discussion of conflicting sources and information; weighs importance and validity of each source; relevance of outside knowledge to the argument</td>
<td>Analysis of several sources (documentary and outside) with some focus as to the conflicts among sources and recognizes that all evidence is not equally valid</td>
<td>More descriptive than analytic; may not discuss entire question. Fails to recognize any difference in the validity of evidence.</td>
<td>Limited understanding of question; ineffective or inaccurate analysis</td>
<td>Inadequate or inaccurate understanding of question; insignificant use of documents or exhibits little or no understanding of documents</td>
</tr>
<tr>
<td>Evidence: Logical and balanced use of documents and outside information; displays sophisticated knowledge of subject</td>
<td>Uses multiple facts demonstrating extensive mastery of topic/content area to support the main points of the essay, drawn from outside information as well as the documents provided, liberal and balanced use of both sources of information, with only limited minor errors; facts in essay are used to “examine, explore, explain, and illustrate thesis” – proving the thesis, not just telling a story— is key.</td>
<td>Considerable use of documents and outside information to support essay’s main points; less discussion of relationships among sources; some moderate factual errors. Facts used to define author’s position but may support only part of thesis position and/or only partially address thesis position; moderate balance between outside knowledge and documents</td>
<td>May paraphrase documents and exhibit only sketchy outside evidence; uses some general but limited information to support the main positions of the essay with major factual errors or omissions which weakens the evidential connection to the thesis while demonstrating only basic or limited knowledge of topic/content area;</td>
<td>Poor use of documents—often only a brief citation or paraphrase may quote or cite documents in a method which does not indicate understanding of documents; little outside information, which is often inaccurate; evidence only occasionally supports thesis. May contain major errors</td>
<td>Almost no use of documents or evidence; limited use of facts in essay—few specific facts are used to support thesis or positions within paper, and significant errors present demonstrating a lack of knowledge of topic/content area;</td>
</tr>
<tr>
<td>Writing Style: Organization; clarity; mechanical skill</td>
<td>Well structured, well written; proper spelling, grammar, mechanics if handwritten script is quite legible</td>
<td>Clearly written and coherent; some minor errors in writing handwriting mostly legible throughout</td>
<td>Weaker organization; some errors in writing detract form essay’s meaning handwriting is mostly legible with intermittent areas of</td>
<td>Poorly organized; many errors in formal English essay has several areas that are illegible.</td>
<td>Lacks any organization; little attempt made; illegible; blank paper.</td>
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</table>
How ERA Would Change Federal Laws

Proponents of the Equal Rights Amendment often argue, "We need ERA because 800 Federal laws discriminate on account of sex." This report examines those 800 laws and how ERA would change them. It reveals how our nation would be dramatically changed if ERA ever became part of the U.S. Constitution.

The source of the "800 laws" argument is a 230-page book entitled Sex Bias in the U.S. Code: A Report of the U.S. Commission on Civil Rights published in April 1977. The U.S. Commission on Civil Rights is a Federal agency established by Congress to investigate and study discrimination and make reports to Congress.

Sex Bias in the U.S. Code was actually written by Ruth Bader Ginsburg and Brenda Feigen-Fasteau (who were paid with tax funds under Contract No. CR3AK010). Ginsburg is one of the two most widely quoted pro-ERA lawyers. Her name appears as one of the feminist lawyers in most of the gender cases that have reached the Supreme Court in the last decade. At the time Sex Bias was written, she was a professor of law at Columbia Law School and used the assistance of 15 Columbia Law School students. In 1980, President Jimmy Carter appointed Ginsburg to the second highest court in our country, the U.S. Court of Appeals for the District of Columbia. Feigen-Fasteau was a director of the Women's Rights Project for the American Civil Liberties Union, and has appeared in TV network and other debates on ERA with Phyllis Schlafly.

Thus, Sex Bias in the U.S. Code is a good index to what ERA would do. It was written by the two top ERA activist female lawyers, it was published by the U.S. Commission on Civil Rights, and it was funded by the Federal Government during the Carter Administration.

Sex Bias in the U.S. Code was written and published in order to identify all the Federal laws that discriminate against women, and to recommend the specific changes demanded by the women's lib movement in order to eliminate "sex bias" and to conform to "the equality principle" of ERA. Sex Bias in the U.S. Code makes it clear that, if ERA were ever added to the Constitution, ERA would accomplish all these changes in one stroke. Sex Bias in the U.S. Code also makes it clear that ERA activists are trying to accomplish the same results by changing Federal statutes. The ERAers are constantly pressuring the President and Congress to eliminate all the laws that discriminate on account of sex.

Sex Bias in the U.S. Code is, therefore, a handbook to prove what the ERA will do and what the ERAers want. The book proves that the legal consequences of ERA and the social and political goals of the ERAers are radical, irrational, and unacceptable to Americans. Sex Bias convicts the ERAers out of their own mouths. In the view of the authors, all the proposed changes listed in Sex Bias are needed in order to achieve "the equality principle" of ERA.

An old adage warns, "Would that mine enemy had written a book." Well, the top ERA lawyers wrote one, and they've provided a powerful weapon against ERA. Here is a summary of the changes demanded by the book Sex Bias in the U.S. Code. All quotations below are directly from the book and are identified by page numbers.

ERA Changes in Employment

The box below shows what changes ERA will bring in employment.

That's right. NOTHING! Sex Bias in the U.S. Code proves that ERA will do absolutely nothing in employment! Sex Bias in the U.S. Code explodes all the phony arguments made by the ERAers about the job discrimination and "99c."

Sex Bias tries to claim that two Federal laws discriminate on sex in employment — and both claims are completely false. Sex Bias falsely claims that there is a "sex-age differential in 41 U.S.C. #35 setting a minimum age of 16 for boys and 18 for girls employed by public contractors." [p. 217] The fact is that the age was equalized for boys and girls in 1968. Sex Bias falsely claims that women are prohibited from working in coal mines. [p. 217] The fact is that more than 3,000 women are coal miners today.

ERA Changes in the Military

1. Women must be drafted when men are drafted.

"Supporters of the equal rights principle firmly reject draft or combat exemption for women, as Congress did when it refused to qualify the Equal Rights Amendment by incorporating any military service exemption. The equal rights principle implies that women must be subject to the draft if men are, that military assignments must be made on the basis of individual capacity rather than sex." (p. 218)

"Equal rights and responsibilities for men and women implies that women must be subject to draft registration if men are. Congressional debate on the Equal Rights Amendment points clearly to an understanding of this effect on the Amendment." (p. 202)
2. Women must be assigned to military combat duty.
   "Until the combat exclusion for women is eliminated, women who choose to pursue a career in the military will continue to be held back by restrictions unrelated to their individual abilities. Implementation of the equal rights principle requires a unitary system of appointment, assignment, promotion, discharge, and retirement, a system that cannot be founded on a combat exclusion for women." [p. 26]

3. Affirmative action must be applied to equalize the number of men and women in the armed services.
   "The need for affirmative action and for transition measures is particularly strong in the uniformed services."
   \[p. 218\] (p. 218)

4. We must recruit an equal number of women into the military academies.
   "Because entrance to the academies enables a person to obtain the education necessary for officer status and advancement opportunities, the equal rights principle mandates equal access to the academies."
   \[p. 27\] (p. 27)

ERA Changes in the Family
1. The traditional family concept of husband as breadwinner and wife as homemaker must be eliminated.
   "Congress and the President should direct their attention to the concept that pervades the Code: that the adult world is (and should be) divided into two classes — independent men, whose primary responsibility is to win bread for a family and dependent women, whose primary responsibility is to care for children and household. This concept must be eliminated from the code if it is to reflect the equality principle."
   \[p. 206\] (p. 206)

2. The Federal Government must provide comprehensive government child-care.
   "The increasingly common two-earner family pattern should impel development of a comprehensive program of government-supported child care."
   \[p. 214\] (p. 214)

3. The right to determine the family residence must be taken away from the husband.
   "Title 43 provisions on homestead rights of married couples are premised on the assumption that a husband is authorized to determine the family’s residence. This ‘husband’s prerogative’ is obsolete."
   \[p. 214\] (p. 214)

4. Homestead law must give twice as much benefit to a married couple who live separate and apart from each other as to a husband and wife who live together.
   "Married couples who choose to live together would be able to enter upon only one tract at a time."
   \[p. 175\] (p. 175)

5. No-fault divorce must be adopted nationally.
   "Consideration should be given to revision of 38 U.S.C. #101 (3) to reflect the trend toward no-fault divorce." [p. 159]
   "Retention of a fault concept in provisions referring to separation ... is questionable in light of the trend away from fault determinations in the dissolution of marriages." [pp. 214-215]

6. The government must provide “paternity” leave for childrearing as well as maternity leave.
   "A provision of Title 20 (#904) authorizes ‘maternity’ leave. To the extent that leave is authorized for childrearing as distinguished from childbearing, fathers as well as mothers should be eligible." [p. 213]
   "In government schools overseas, leave may be taken by a teacher for ... ‘maternity’ purposes. ... Both male and female teachers may wish to take ‘parental’ leave to care for their infant children, and there is no justification for limiting such leave to female teachers." [pp. 106-107]

7. The role of motherhood must be restricted to the very few months in which a woman is pregnant and nursing her baby. Mothers are not entitled to any special benefits or protections for motherhood responsibilities beyond that.
   "The references are to ‘maternal’ health or welfare and ‘mothers.’ Those terms would be appropriately descriptive only if the programs involved were confined to care for pregnant women and lactating mothers." [p. 212]

8. The law must not assume that a woman takes her husband’s name upon remarriage.
   "38 U.S.C. #3020 prohibits delivery of benefit checks to ‘widows’ [of veterans] whom the postal employee believes to have remarried, ‘unless the mail is addressed to such widow in the name she has acquired by her remarriage.’ As written, the provision implies that women automatically acquire a new name upon remarriage, an implication inconsistent with current law and the equality principle." [p. 156]

ERA Changes in Moral Standards
1. The age of consent for sexual acts must be reduced to 12 years old.
   "Eliminate the phrase ‘carnal knowledge of any female, not his wife who has not attained the age of 16 years’ and substitute a Federal, sex-neutral definition of the offense ...: A person is guilty of an offense if he engages in a sexual act with another person, not his spouse, and ... the other person is, in fact, less than 12 years old." [p. 102]

2. Bigamists must have special privileges that other felons don’t have.
   "This section restricts certain rights, including the right to vote or hold office, of bigamists, persons ‘cohabiting with more than one woman,’ and women cohabiting with a bigamist. Apart from the male/female differentials, the provision is of questionable constitutionality since it appears to encroach impermissibly upon private relationships." [pp. 195-196]

3. Prostitution must be legalized; it is not sufficient to change the law to sex-neutral language.
   "Prostitution proscriptions are subject to several constitutional
and policy objections. Prostitution, as a consensual act between adults, is arguably within the zone of privacy protected by recent constitutional decisions.” (p. 97)

“Retaining prostitution business as a crime in a criminal code is open to debate. Reliable studies indicate that prostitution is not a major factor in the spread of venereal disease, and that prostitution plays a small and declining role in organized crime operations.” (p. 99)

“Current provisions dealing with statutory rape, rape, and prostitution are discriminatory on their face. ... There is a growing national movement recommending unqualified decriminalization [of prostitution and the prostitution business] as sound policy, implementing equal rights and individual privacy principles.” (pp. 215-216)

4. The Mann Act must be repealed; women should not be protected from “bad” men.

“The Mann Act ... prohibits the transportation of women and girls for prostitution, debauchery, or any other immoral purpose. This language, which is not confined to illegal acts but encompasses ‘immoral’ conduct as well, appears too broad and vague to the point where fair notice of the activity proscribed is hardly supplied. ... The act poses the invasion of privacy issue in an acute form. The Mann Act also is offensive because of the image of women it perpetuates. ... It was meant to protect from ‘the villainous interstate and international traffic in women and girls,’ ‘those women and girls who, if given a fair chance, would, in all human probability, have been good wives and mothers and useful citizens. ... As the courts consistently proclaimed, the act was meant to protect weak women from bad men.” (pp. 98-9)

5. Rape laws must be rewritten in sex-neutral language.

“A sex-neutral definition of rape ... should be added to Title 18 or Title 10 and referred to throughout for the definition of the offense.” (p. 103)

“Current provisions dealing with statutory rape, rape, and prostitution are discriminatory on their face.” (p. 215)

6. Prisons and reformatories must be sex-integrated.

“If the grand design of such institutions is to prepare inmates for return to the community as persons equipped to benefit from and contribute to civil society, then perpetuation of single-sex institutions should be rejected. ... 18 U.S.C. #4082, ordering the Attorney General to commit convicted offenders to ‘available suitable, and appropriate’ institutions, is not sex discriminatory on its face. It should not be applied, as it now is, to permit consideration of a person’s gender as a factor making a particular institution appropriate or suitable for that person.” (p. 101)

“Change the name and eliminate the single sex character of the National Training School for Boys. ... Change the name and eliminate the single sex character of the Federal Reformatory for Women as part of the larger reorganization of the Federal correctional system necessitated by the equal rights principle.” (p. 103)

7. In the merchant marine, provisions for passenger accommodations must be sex-neutralized, and women may not have more bathrooms than men.

“46 U.S.C. #152 establishes different regulations for male and female occupancy of double berths, confines male passengers without wives to the ‘forepart’ of the vessel, and segregates unmarried females in a separate and closed compartment. 46 U.S.C. #153 requires provision of a bathroom for every 100 male passengers for their exclusive use and one for every 50 female passengers for the exclusive use of females and young children.” (p. 190)

“46 U.S.C. #152 might be changed to allow double occupancy by two ‘consenting adults.’ ... Requirements for separate bathroom facilities stipulated in Section 153 should be retained but equalized so that the ratio of persons to facility is not sex-determined.” (p. 192)

ERA Changes in Education

1. Single-sex schools and colleges, and single-sex school and college activities must be sex-integrated.

“The equal rights principle looks toward a world in which men and women function as full and equal partners, with artificial barriers removed and opportunity unaffected by a person’s gender. Preparation for such a world requires elimination of sex separation in all public institutions where education and training occur.” (p. 101)

2. All-boys’ and all-girls’ organizations must be sex-integrated because separate-but-equal organizations perpetuate stereotyped sex roles.

“Societies established by Congress to aid and educate young people on their way to adulthood should be geared toward a world in which equal opportunity for men and women is a fundamental principle. In some cases, separate clubs under one umbrella unit might be a suitable solution, at least for a transition period. In other cases, the educational purpose would be served best by immediately extending membership to both sexes in a single organization.” (pp. 219-220)

3. Fraternities and sororities must be sex-integrated.

“Replace college fraternity and sorority chapters with ‘social societies.’ ” (p. 169)

4. The Boy Scouts, the Girl Scouts, and other congressionally-chartered youth organizations, must change their names and their purposes and become sex-integrated.

“Six organizations, which restrict membership to one sex, furnish educational, financial, social and other assistance to their young members. These include the Boy Scouts (36 U.S.C. §§21-29), the Girl Scouts (36 U.S.C. §§31-34, 36, 39), Future Farmers of America ..., Boys’ Clubs of America ..., Big Brothers of America ..., and the Naval Sea Cadets Corp. ... The Boy Scouts and Girl Scouts, while ostensibly providing ‘separate but equal’ benefits to both sexes, perpetuate stereotyped sex roles to the extent that they carry out congressionally-mandated purposes. 36 U.S.C. §23 defines the purpose of the Boy Scouts as the promotion of ‘...the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues. ... The purpose of the Girl Scouts, on the other hand, is ‘...to promote the qualities of truth, loyalty, helpfulness, friendliness, courtesy, purity, kindness, obedience, cheerfulness, thriftiness, and kindred virtues among girls, as a preparation for their responsibilities in the home and for service to the community.’” (36 U.S.C. #33)” (pp. 145-146)

“Organizations that bestow material benefits on their members should consider a name change to reflect extension of membership to both sexes ... [and] should be revised to con-
form to these changes. Congress should refuse to create such sex-segregated organizations in the future. ... Review of the purposes and activities of all these clubs should be undertaken to determine whether they perpetuate sex-role stereotypes.”  

(pp. 147-148)

5. The 4-H Boys and Girls Clubs must be sex-integrated into 4-H Youth Clubs.

“Change in the proper name `4-H Boys and Girls Clubs’ should reflect consolidation of the clubs to eliminate sex segregation, e.g., ‘4-H Youth Clubs.’”  

(pp. 138)

6. Men and women should be required to salute the flag in the same way.

“Differences [between men and women] in the authorized method of saluting the flag should be eliminated in 39 U.S.C. #177.”  

(pp. 148)

ERA Changes in Social Security

The Social Security section in Sex Bias in the U.S. Code is hopelessly out of date. It has been obsoleted by Supreme Court decisions and statutory changes by Congress. There is no sex discrimination in Social Security today. The working woman receives the same benefit as the working man. The dependent-husband receives the same benefit as the dependent-wife. ERA should have no effect on Social Security.

ERA Changes in Language

1. The overwhelming majority of the 800 Federal laws that allegedly “discriminate” on account of sex merely involve the use of so-called “sexist” words which the ERAers are trying to censor out of the English language. About 750 out of the 800 changes in Federal laws demanded by the ERAers are ridiculous semantic changes. Here is a partial list of the specific words which Sex Bias in the U.S. Code wants censored out of the Federal laws. “The following is a list of specific recommended word changes:”  

Words To Be Removed

<table>
<thead>
<tr>
<th>Words To Be Removed</th>
<th>Words To Be Substituted</th>
</tr>
</thead>
<tbody>
<tr>
<td>manmade</td>
<td>artificial</td>
</tr>
<tr>
<td>man, woman</td>
<td>person</td>
</tr>
<tr>
<td>mankind</td>
<td>human</td>
</tr>
<tr>
<td>manpower</td>
<td>human resources</td>
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<tr>
<td>husband, wife</td>
<td>spouse</td>
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<td>mother, father</td>
<td>parent</td>
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<td>sister, brother</td>
<td>sibling</td>
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<td>entryman</td>
<td>enterer</td>
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<tr>
<td>serviceman</td>
<td>servicemember</td>
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<tr>
<td>midshipman</td>
<td>midshipperson</td>
</tr>
<tr>
<td>longshoremen</td>
<td>stevedores</td>
</tr>
<tr>
<td>chairman</td>
<td>chairperson, the chair</td>
</tr>
<tr>
<td>postmaster</td>
<td>postoffice director</td>
</tr>
<tr>
<td>plainclothesman</td>
<td>plainsclothesperson</td>
</tr>
<tr>
<td>watchman</td>
<td>watchperson</td>
</tr>
<tr>
<td>lineman</td>
<td>line installer, line maintainer</td>
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<tr>
<td>newsboy</td>
<td>newscarrier</td>
</tr>
<tr>
<td>businessman</td>
<td>businessperson</td>
</tr>
<tr>
<td>salesman</td>
<td>salesperson</td>
</tr>
<tr>
<td>duties of seamanship</td>
<td>nautical or seafaring duties</td>
</tr>
<tr>
<td>“to man” (a vessel)</td>
<td>to staff</td>
</tr>
<tr>
<td>she, her (reference to ship)</td>
<td>he, its</td>
</tr>
<tr>
<td>he or she</td>
<td>her/him</td>
</tr>
<tr>
<td>her or him</td>
<td>hers/his</td>
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</tbody>
</table>

2. In another piece of nonsense, Sex Bias demands that Congress create a female anti-litter symbol to match “Johnny Horizon.”

“A further unwarranted male reference ... regulates use of the ‘Johnny Horizon’ anti-litter symbol. ... This sex stereotype of the outdoorsperson and protector of the environment should be supplemented with a female figure promoting the same values. The two figures should be depicted as persons of equal strength of character, displaying equal familiarity and concern with the terrain of our country.”  

(p. 100)

3. On the other hand, Sex Bias shows its hypocrisy by demanding that the “Women’s Bureau” in the U.S. Department of Labor be continued. Although the authors admit that this is “inappropriate,” (it is obviously sex discriminatory), they simply demand it anyway.

“The Women’s Bureau is ... a necessary and proper office for service during a transition period until the equal rights principle is realized.”  

(pp. 221)

What Sex Bias Proves

A fundamental error in Sex Bias is its statement that “The Constitution, which provides the framework for the American legal system, was drafted using the generic term ‘man.’” The authors apparently didn’t bother to read the U.S. Constitution. If they had, they would have found that the word “man” does not appear in it (except in a no-longer-operative section of the 14th Amendment, which is not in effect now and was not in effect when the Constitution was “drafted”). The U.S. Constitution is the most beautiful sex-neutral document. It exclusively uses sex-neutral words such as person, citizen, resident, inhabitant, President, Vice-President, Senator, Representative, elector, Ambassador, and minister, so that women enjoy every constitutional right that men enjoy — and always have.

Out of the “800 laws” that allegedly discriminate on account of sex, a half dozen changes might be worth making. Sex Bias’ most constructive proposal is to extend Secret Service protection to the widower of a future female President just like the protection now given to the widows of our male Presidents. (p. 99) But for that, we hardly need a constitutional amendment or a radical revision of Federal laws!

Sex Bias in the U.S. Code is devastating to the ERA cause. It proves that the “equality principle” of the Equal Rights Amendment will bring about more extremist results than anyone has yet imagined. Sex Bias proves that ERA is extremist in its anti-family objectives and extremist in its trivial nonsense. Sex Bias proves that ERA is extremist in its assault on our moral standards and extremist in its attack on the combat-effectiveness of our armed services.

Above all, Sex Bias proves how the leading lawyers of the ERA movement intend to use the “equality principle” of ERA to bring about vast changes in our legal, political, social, and educational structures — and that they are working hard with our tax dollars to do it either by constitutional mandate or by legislative changes or by judicial activism.

Finally, Sex Bias in the U.S. Code proves conclusively that (a) there are NO laws that discriminate against women, and that (b) all claims that ERA will help women in regard to jobs or employment are false and fraudulent.

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