

Towards an Equal Rights Amendment

The Nineteenth Amendment to the United States Constitution was finally passed by Congress on June 4, 1919 and ratified by the necessary three-fifths of the states a little over a year later, on August 18, 1920.

This amendment to the Constitution read:

*The right of citizens of the United States to vote shall not be denied or **abridged** by the United States or by any State on account of sex.*

What does this mean and why might it have been so important to American history?

Many women were happy with the Nineteenth Amendment and felt that they were now finished fighting for equality. Other women, however, believed

that winning the right to vote was only the beginning of a new phase in their struggle to achieve the complete legal equality of men and women.

It is important to recognize that suffrage (the right to vote) was not the same as legal equality. Even after

women won the vote, they continued to be treated unequally. For instance, some states did not allow them to serve on juries. In addition, many states legally restricted the rights of married women to own property, enter into business, and make contracts.

One woman who wanted to keep fighting for complete legal equality between men and women was named Alice Paul. She explained that, in her view,

We [women] shall not be safe until the principle of equal rights is written into the framework of our government.

1. What might Alice Paul have meant when she argued that the idea of equal rights for women had to be “written into the framework of our government”?

Glossary

abridge: to diminish or reduce.



IMAGE 7:
Alice Paul

In 1923, Alice Paul wrote and proposed a new amendment to the United States Constitution that is known as the Equal Rights Amendment (ERA). This proposed amendment said:

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. Why is an Amendment to the Constitution of the United States so much more powerful than a law passed by Congress and signed into law by the President?

3. The ERA was first introduced to Congress in 1923. Do you know how long it took this proposed amendment to become a part of our Constitution?

1923?

1933?

1943?

1953?

2003?

Let's find out exactly when the Equal Rights Amendment (ERA) became a part of the United States Constitution.

For many decades, Congress refused to approve the ERA and send it to the states so they could **ratify** it. During the 1960s, when many

groups, like African Americans and Mexican Americans, were fighting for civil rights and economic opportunity, women were encouraged to **assert** that they also deserved equal rights and opportunity.

Finally, in 1972, the Women's Rights Movement, led by activists like Betty Friedan and Gloria Steinem, convinced Congress to approve the ERA and send it to the states for ratification. Eighty-four Senators voted in favor of the ERA while only eight opposed it. The Amendment had wide popular support all across the country and it looked as though the ERA would finally become law in the United States.

In order for a proposed amendment to become a part of the Constitution, thirty-eight out of fifty of the states (three-fifths of them) must ratify, or approve, it. Otherwise, the amendment cannot become law.



IMAGE 8: Betty Friedan, feminist, author of *The Feminine Mystique*, and co-founder of the National Organization for Women (NOW)

Glossary

ratify: to sign; to approve something and express responsibility for it.

assert: to express positively; to affirm.

Analyze the map below and answer the questions that follow.

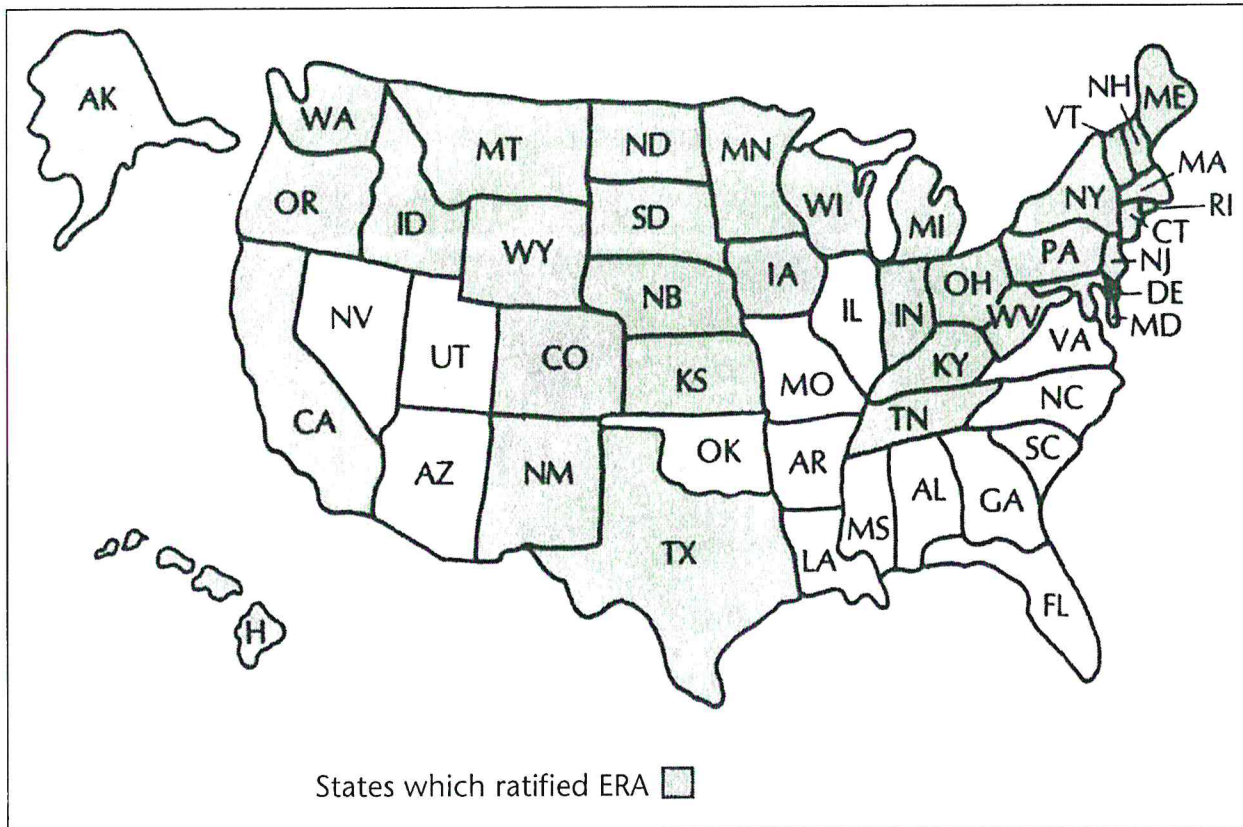


IMAGE 9: "States Which Ratified ERA"

4. According to the map above, how many states ratified the ERA?
5. Do you see any patterns?
6. What does it tell us about the ratification of the ERA?

As you can see from the map in Image 9, when the ten-year time limit for ratification of the ERA imposed by Congress ran out in 1982, not enough states had ratified it.

So, the answer to the question, "When did the Equal rights Amendment become a part of the U.S. Constitution?" is... Never. The ERA has never been ratified (approved) by

enough states (38 of 50) to become a part of the Constitution.

7. Why do you think that many Americans (including many women) opposed the ERA?

Debating ERA

Part of the argument about ERA concerns basic questions about gender. Are women, as human beings, essentially the same as men, in which case there

would be little reason for the law to treat them differently (unequally)? Or are women essentially different from men, in which case there might be good reason

for the law to discriminate between them (for instance, special workplace legislation to protect female workers)?

1. What do you think? And more importantly...Why? How do you justify your beliefs about equal rights for women?



IMAGE 10: Phyllis Schlafly (far left) answers a question during a debate at the University of Illinois. Her opponent, Betty Friedan (far right), looks disgusted.

Many men opposed the ratification of the ERA, but interestingly, the struggle against the ERA was actually led by a woman. Her name was Phyllis Schlafly and she founded an organization called:



IMAGE 11: Logo of Phyllis Schlafly's anti-ERA organization, Stop ERA

Schlafly argued that the Equal Rights Amendment would actually take away legal rights that women already had and would not give them any new rights.

What did she mean by this? Opponents of the ERA, like Schlafly, argued that:

- If men and women were completely equal under the law, women would be forced to fight in military combat during wartime, just as men do.
- The ERA would destroy laws that forced men to support their wives (and ex-wives).
- Men and women would have to share public toilets and locker rooms. After all, ERA opponents argued, aren't separate toilets and locker rooms a kind of legal recognition of the differences between men and women?

For these reasons, and a number of others, opponents claimed that the Equal Rights Amendment was bad for American women and should not be ratified.



IMAGE 12: Phyllis Schlafly with a young (female) friend, posing at the Illinois State Capitol

Although ERA supporters argued that these anti-ERA claims were simply “scare tactics” that had no legal merit, they seem to have been effective. Enough

Americans decided to oppose the ERA to prevent its ratification.

It has never become a part of the U.S. Constitution.

2. Why do you think many Americans might have agreed with arguments that Phyllis Schlafly and others made against the ERA?

INTERNET RESEARCH ACTIVITY

1. Examine Phyllis Schlafly's anti-ERA website (<http://www.eagleforum.org/era/index.html>) and summarize its reasons for why the ERA would be bad for women.
2. Now examine the pro-ERA website, *4 ERA* (<http://www.4era.org/myths.htm>). Explain why, according to this group, the arguments made against the ERA had no legal merit.
3. Which of these websites seems more convincing to you? Explain why, and also explain why the less-convincing website failed to convert you to its position.
4. Does either of these sites seem **biased** to you? In other words, does the website try to convince you of its position by using information that seems taken out of context or reasoning that is not logically sound? If so, give an example.

Glossary

bias: to influence in an unfair way.

Images 13 and 14, below, are photos of anti-ERA demonstrations. Look at them and answer the questions on the following page.

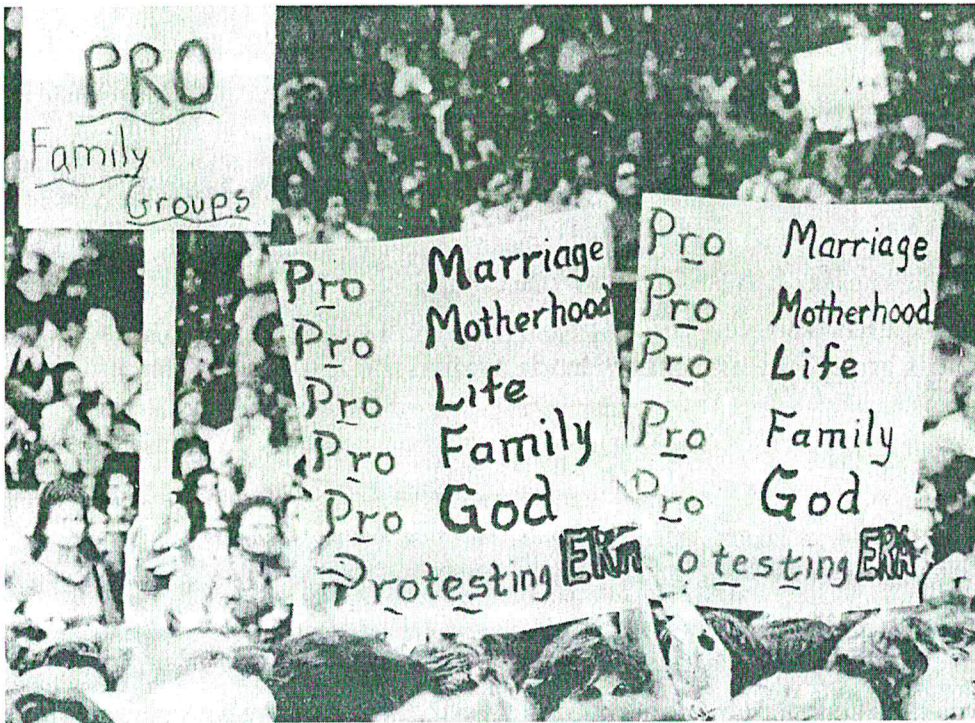


IMAGE 13: November 1977 anti-feminist demonstration at the National Women's Conference, Houston



IMAGE 14: Demonstrators opposed to the ERA in front of the White House, February 1977

1. Analyze the images and identify the messages, or theses, of the signs in each photo. Choose at least two signs.

2. Whose argument about equal rights do you think was more convincing? Do you agree more with Betty Friedan and those Americans who supported the Equal Rights Amendment? Or is your view more in line with Phyllis Schlafly and the protesters on the previous page, who opposed the ERA? Give reasons supporting your answer.

ASSESSMENT

In order to demonstrate your understanding of the issues and perspectives surrounding the Equal Rights Amendment, you (on your own or in a small work group) will design two signs or billboards. One must express support for the ERA and the other must express opposition to the ERA. Each of the signs or billboards should indicate why this is the correct perspective, or point of view, about the Equal Rights Amendment.

The signs should incorporate both text and images in order to make strong arguments both for and against the Equal Rights Amendment—regardless of how you or your fellow group members feel about the Amendment. The idea is to demonstrate that you understand the arguments on both sides of the debate.

After creating your sign or billboard, you (along with your partners if you are working in a group) will

make a short oral presentation about one of your signs or billboards. You must be prepared to speak in favor of either billboard. When it is your turn to present, your teacher will flip a coin. If the coin lands on “heads,” you will make a presentation, using your sign or billboard, in favor of the ERA. If the coin lands on “tails,” your presentation will be against the ERA.

Good luck!

