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EQUAL RIGHTS REDUX

'Equal rights' for women: wrong then, wrong now

Just like last time, when Americans see the cynicism of a revived Equal Rights Amendment, they'll reject it.

By Phyllis Schlafly

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NEARLY 25 years after the defeat of the Equal Rights Amendment, feminists and their political supporters, who now control Congress, are back at it. Last month, the constitutional measure, now dubbed the Women's Equality Amendment, was reintroduced in the Senate and House, and its prospects, according to one advocate, "are better now than they have been in a very, very long time."

But ERA Retro is doomed.

The amendment, which was born around the time that women were given the right to vote, was first introduced in Congress in 1923. For nearly 50 years, all subsequent Congresses had the good judgment to leave it buried in committee.

In 1971, the women's liberation movement burst on the scene and became the darling of the media. Its leaders demanded a gender-neutral society in which men and women would be treated exactly the same, no matter how reasonable it might be to respect differences between them. The amendment, which states that "equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex," was the chosen vehicle to achieve this goal.

A radical feminist organization called the National Organization for Women stormed the halls of Congress and forced a vote on the Equal Rights Amendment. Only 24 members in the House, and eight in the Senate, voted against it. On March 22, 1972, Congress sent the amendment to the states, which had seven years to ratify it.

The Equal Rights Amendment had a righteous name and incredible momentum. Who would oppose equal rights for women and men? Support was bipartisan, with Sen. Edward M. Kennedy (D-Mass.) and then-Alabama Gov. George Wallace among its endorsers. Three presidents — Richard Nixon, Gerald Ford and Jimmy Carter — signed on. Within the first year, 30 of the 38 states needed for ratification passed it, many without holding a hearing on the legislation. The Equal Rights Amendment was actively supported by most of the pushy women's organizations, a consortium of 33 women's magazines, numerous Hollywood celebrities and virtually all the media.

The opposition was totally outmanned. We had no Rush Limbaughs, no Fox News, no "no-spin zone" to challenge the need for the amendment. We had no Internet, no e-mail, no fax machines to help rally an opposition.

But the Equal Rights Amendment was rejected. We kicked off our Stop ERA campaign, launched in February 1972, with an article I wrote: "What's Wrong with Equal Rights for Women?" Over the next 10 years, nearly 100 issues of my Phyllis Schlafly Report were devoted to exposing the bad effects of the amendment.

While claiming to benefit women, the ERA would actually have taken away some of women's rights. We based our arguments on the writings of pro-ERA law professors, among them current Supreme Court Justice Ruth Bader Ginsburg. The amendment would require women to be drafted into military combat any time men were conscripted, abolish the presumption that the husband should support his wife and take away Social Security benefits for wives and widows. It would also give federal courts and the federal government enormous new powers to reinterpret every law that makes a distinction based on gender, such as those related to marriage, divorce and alimony.

Throughout the 1970s, we presented legislators with our arguments. I testified at 41 state hearings. Meanwhile, the pro-amendment crowd could not show how the ERA would confer any benefit on women, not even in employment, because employment laws were already gender-neutral.

In 1977, ERA advocates realized that they were approaching the seven-year time limit three states short of the 38 needed for ratification, so they persuaded Congress to give them \$5 million to stage a conference, called International Women's Year, in Houston. The conference featured virtually every known feminist leader and received massive media coverage. But it backfired. When conference delegates voted for taxpayer funding of abortions and the entire gay rights agenda, Americans discovered the ERA's hidden agenda.

A couple of months later, a reporter asked the governor of Missouri if he was for the ERA. "Do you mean the old ERA or the new ERA?" he replied. "I was for equal pay for equal work, but after those women went down to Houston and got tangled up with the abortionists and the lesbians, I can tell you ERA will never pass in the Show-Me State."

With the expiration clock ticking — March 22, 1979 — and ratification uncertain, feminists appealed to Carter and Congress for a time extension and won. The ratification deadline was extended to June 30, 1982.

The American people were so turned off by the extension that no additional state ever passed the ERA. In *Idaho vs. Freeman*, a federal court ruled that the time extension was unconstitutional and that states could constitutionally withdraw their previous support. Five did.

The Supreme Court subsequently ruled that the lawsuit was "moot" because the ERA had not been ratified by either the original deadline or the extension.

ERA supporters repeatedly tried to revive the amendment, reintroducing it in Congress in 1983. But the House rejected it. They then tried to persuade individual states to pass the ERA as state constitutional amendments. They got nowhere.

The current plan to revive the amendment is so outrageously dishonest — for instance, backers say both previous time limits can be ignored, that prior court rulings are irrelevant and that the previous state ratifications are still valid — that it's a wonder anybody could argue it with a straight face. No matter its new name, the same text that has been voted down, again and again, will again be rejected by the American people.

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STOP Equal Rights Amendment

February 2008

National Chairman:

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Dear Illinois Friend,

The old Equal Rights Amendment (ERA) has reared its ugly head in Illinois again. The House Judiciary I — Civil Law Committee approved it 8 to 6 on February 21 by the dishonest tactic of removing two No votes and replacing them with two Yes votes. **ERA could come to a vote in the full House any day. We need your immediate action to phone State Representatives and ask them to vote NO.** The Illinois General Assembly debated and defeated ERA every year for ten years, 1972-1982. In all that time the ERAers were never able to show that ERA would give any benefit to women. ERA is a fraud. Illinois has said NO to ERA. The United States has said NO to ERA. Let ERA rest in peace.

- **ERA would require taxpayer funding of abortions.** Several states have ruled that ERA requires taxpayer funding of Medicaid abortions. For example, New Mexico's state supreme court ruled that its State ERA requires taxpayer funding of abortions because, since only women undergo abortions, the denial of taxpayer funding is "sex discrimination." (N.M. Right to Choose/ NARAL v. Johnson, Nov. 25, 1998) We must NOT give courts this power!
- **ERA would allow the courts to legalize same-sex marriages.** Courts in four states have ruled that ERA's ban on "sex" discrimination requires marriage licenses to be given to same-sex couples. In Maryland and Washington, those decisions were overturned by a one-vote margin in higher courts, but ERA gives the power to the judges to rule either way. We must NOT give supremacist judges this power!
- **ERA would deprive wives and widows of their "dependent wife" benefits in Social Security.** Ruth Bader Ginsburg explained this effect of ERA in her book "Sex Bias in the U.S. Code," and she reasserted this in her opinion in the Supreme Court Partial Birth Abortion case in 2007. She says the "equality principle" of ERA requires us to get rid of "archaic" notions such as the "dependency" of a homemaker on her husband's financial support. Beware! A vote for ERA is a vote to take away Social Security checks received by most mothers and grandmothers.
- **ERA would require young women to register for military service (even though we don't have a draft), and if they fail to register, they would immediately lose their federal college grants and loans, and they would never be able to get a federal job.**

We need your urgent help to defeat ERA. Please phone Illinois State Representatives today and urge them to vote **NO on ERA**. Call the Capitol at **217-782-2000** and the operator will tell you who is your own Representative. For more information, you can contact Illinois Stop ERA Chairman Elise Bouc, 847-465-8903 or ebouc@juno.com

Faithfully,