

1982 THE EQUAL RIGHTS AMENDMENT

*You get to decide if Florida should ratify the Equal Rights Amendment (ERA).
The ERA would guarantee men and women equal rights. Thirty-five states have already ratified the amendment.
If Florida does too, it would set the stage for it to be added to the U.S. Constitution.*



Women suffrage headquarters: Cleveland, Ohio, 1912
(Library of Congress: www.loc.gov/pictures/resource/cph.3a52979/)

BUT WAIT! Doesn't the U.S. Constitution already grant men and women equal treatment?

In 1982, the Constitution did not clearly grant equal legal treatment for men and women. The 19th Amendment was the only amendment that spoke of any kind of equal treatment between men and women.

Text of the 19th Amendment

(Passed by Congress June 4, 1919, Ratified August 18, 1920)

Section 1: 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.

Section 2: Congress shall have power to enforce this article by appropriate legislation.

1. Read the text of the 19th Amendment. What right did this Amendment guarantee?

Over the next 50 years, women gained more freedoms. But they still experienced inequalities. These included unequal legal rights in a marriage and not receiving equal pay for equal work. Congress and state legislatures passed laws, but progress seemed to come too slowly. Adding an amendment that guaranteed equal rights in the U.S. Constitution seemed like a good idea to many advocates for women's rights. These advocates drafted a new amendment and pushed Congress to approve it.

The full text of the Equal Rights Amendment was short. It read:

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.*

2. Underline similarities in language between the text of the 19th Amendment and the Equal Rights Amendment. Then write down a reason why you think they would use similar language.

A Quick Question & Answer Session:



Question: *How is a constitutional amendment different than a law?*



Answer: *An amendment goes into the nation's founding document, the Constitution. This means the amendment speaks about our society's basic beliefs about right and wrong. Amendments are much harder to create than laws. They are also much harder to take away, once they are **ratified**.*

*Definition: To **ratify** is formally give approval. On the next page, you'll see how amendments are ratified.*

You know how laws are made. Now let's see how an amendment is added to the U.S. Constitution!

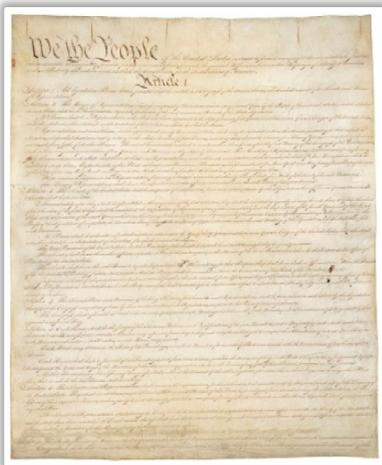
THERE ARE TWO WAYS AN AMENDMENT CAN BE ADDED TO THE U.S. CONSTITUTION:

1. Both chambers of the U.S. Congress can approve the amendment by a two-thirds vote. Then, the amendment is sent to the states. Three-fourths of all the state legislatures also have to pass the amendment.
2. Two-thirds of the state legislatures call for an Amendment Convention. All states would send delegates to this convention. To ratify an amendment, three-fourths of the delegates would have to support it. (This method has never been used.)

*Once one of these options is completed, the amendment is ratified.
That means our U.S. Constitution has a brand new amendment in it!*

1. This process above is described in Article V of the U.S. Constitution. Why do you think the authors of the Constitution made it harder to ratify an amendment than to pass a law?
2. Below is the actual text of Article V of the U.S. Constitution. First underline all of the parts of the text that explain the first option for adding an amendment listed above. Then, double-underline all of the parts of the text that explain the second way an amendment can be added.

ARTICLE V OF THE U.S. CONSTITUTION:



The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

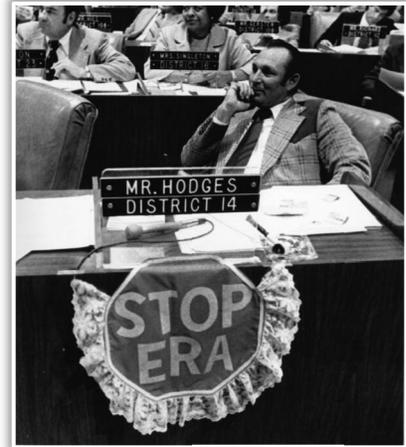
ERA supporters tried using the first way to add an amendment. For years, they lobbied the U.S. House of Representatives and Senate to pass the amendment. In 1971, the House passed it by the required two-thirds majority. The following year the Senate did the same. The ERA was then sent to the state legislatures for ratification. The legislators from every state had to consider the question: ***Should the Equal Rights Amendment be added to the U.S. Constitution?***

By the next year, 30 states legislatures had ratified the amendment! But the ratifications began to slow down. In 1979, Congress extended the deadline three more years. By 1982, still only 35 states had ratified the ERA. Three more states were needed for ratification. Four state legislatures planned to hold special legislative sessions that summer to vote on ratifying it. Florida was one of these four states...

THE ERA DEBATE:



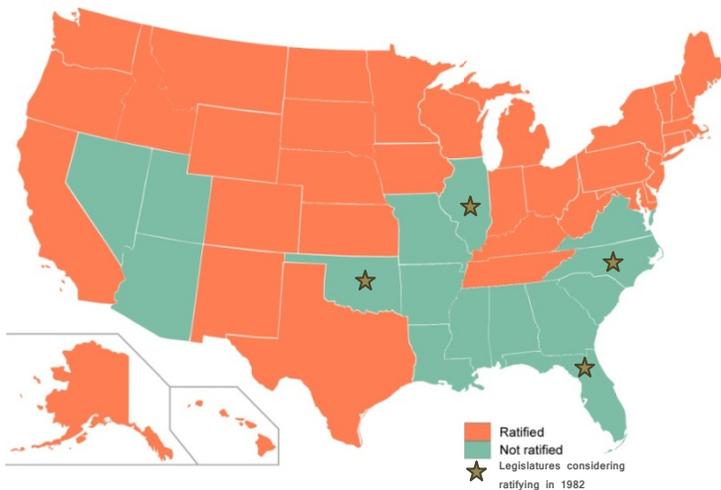
Supporters of the Equal Rights Amendment march down Pennsylvania Avenue Aug. 26, 1977 (Associated Press)



Rep. Gene Hodges and a sign opposing ERA—Tallahassee, FL (State Archives of Florida, *Florida Memory*, www.floridamemory.com/items/show/102813)

Many supporters wondered why the ERA was having trouble getting the last few states to approve it. Five amendments had been quickly ratified in the last 30 years. So, when Congress passed the ERA in 1972, many people believed it would easily be ratified as well. But over the next 10 years, the opposite happened. Critics questioned how it would affect our society. The country became split. As the deadline in 1982 approached, no one knew if it would be ratified or not!

RATIFICATION THE ERA IN 1982:



The four state legislatures that will vote on the ERA in the summer of 1982 are Florida, North Carolina, Oklahoma, and Illinois.

3. Look at the map and try to see if you can notice any patterns of ratifications.

Then, next to each state name below, write if you think their legislature will ratify the ERA or not and why you think that:

Florida:

Oklahoma:

**North
Carolina:**

Illinois:

THE ERA DEBATE:

*Look at some of the arguments in favor and against adding the ERA to the U.S. Constitution.
The purpose of a debate is to offer good reasons for supporting or opposing a particular idea, policy, or law.*

Read through the following debate and make up your own mind!

In 1973, a program called Firing Line with William Buckley aired a televised ERA debate between Ann Scott (in favor of the ERA) and Phyllis Schlafly (against it). In the ERA Debate below, the text in quotes comes from the Firing Line debate. The rest is paraphrased from the Firing Line debate or is a summary of general arguments at the time.

| QUESTION 1: Will the ERA help end discrimination in the workplace? | |
|--|---|
| <div style="text-align: center;"> <p>Ann Scott <i>Vice President for Legislation of the National Organization for Women (NOW)</i></p> <p><small>Image from http://library.buffalo.edu/archives/womens_work/bios/scott.htm</small></p>  </div> <p><i>Dr. Ann Scott:</i> Today, women make less money than men for the same job. That means if a man makes \$10 for completing a job, a woman might only be paid \$6 or \$7 for doing the exact same job. Women also are less likely to be chosen for jobs with higher pay or responsibilities. At this time, 84% of elementary school teachers are women. But only 20% of elementary school principals and only 1% of <u>school superintendents</u> are women. The ERA would make discrimination like this illegal across the boards.</p> | <div style="text-align: center;"> <p>Phyllis Schlafly <i>National Chairman of STOP Equal Rights Amendment</i></p> <p><small>Image by Michael Mauney / Time & Life Pictures / Getty http://www.time.com/time/nation/article/0,8599,1889757,00.html#ixzz2K8QTPmQ</small></p>  </div> <p><i>Phyllis Schlafly:</i> I agree that these are problems. But the ERA is not the solution. Congress has already passed a law that guarantees equal rights in employment situations. The “ERA will do nothing for women in the field of employment which is not already done by the Equal Employment Opportunity Act of 1972.” Since it is already a law, we don't need to pass the ERA. We just need to enforce this law better.</p> |

Definition: A school superintendent is the person who is in charge of all schools in a school district.

1. Which person do you think makes a better argument? Please explain why in your own words.

| QUESTION 2: How will the ERA affect marriage? | |
|--|---|
| <div style="text-align: center;"> <p>Ann Scott <i>Vice President for Legislation of the National Organization for Women (NOW)</i></p>  </div> <p><i>Dr. Ann Scott:</i> In 1982, many women still "do not have the right to be granted anything by their husband" by some state laws. These laws give men control of any property bought by the married couple. The ERA will make sure men and women are treated equally under the law when married.</p> | <div style="text-align: center;"> <p>Phyllis Schlafly <i>National Chairman of STOP Equal Rights Amendment</i></p>  </div> <p><i>Phyllis Schlafly:</i> Today married women have many rights special to women that they do not want to give up. For example, a wife “has the legal right to be supported by her husband. This is regardless of her own separate means. He can't make her go to work if she doesn't want to. She has the legal right and these are the laws which will be invalidated by the Equal Rights Amendment.”</p> |

2. Which person do you think makes a better argument? Please explain why in your own words.

QUESTION 3: How will the ERA affect the military?

| | |
|--|--|
| <p>Phyllis Schlafly <i>National Chairman of STOP Equal Rights Amendment</i></p>  | <p>Ann Scott <i>Vice President for Legislation of the National Organization for Women (NOW)</i></p>  |
| <p>Phyllis Schlafly: If men and women have to register for the draft on an equal basis, no exemptions could be made for women. You could not “have a system whereby the women would get all the nice, easy desk jobs and the men get all the fighting jobs. You would have to be equal across the board—in combat, on warships, and all up and down the line.” I don’t want to live in a country where women are forced to serve in the military or allowed to fight combat, do you?</p> | <p>Dr. Ann Scott: “But if women are to be citizens and citizens are to be subject to the draft, then women should take the responsibilities as well as the rights of citizenship.” This means that women should be drafted just like men. People would be placed in duties based on their abilities. Why shouldn’t a woman be able to fight in combat if she is willing and able? Unfortunately, our military denies capable women at this time. But the ERA will change that.</p> |

*Definition: The **draft** is a system in the United States for selecting citizens to become soldiers during wartime. Registering for the draft was required for men, but not required or even allowed for women.*

3. Which person do you think makes a better argument? Please explain why in your own words.

QUESTION 4: Could we just pass laws against discrimination? Why is the amendment necessary?

| | |
|--|---|
| <p>Phyllis Schlafly <i>National Chairman of STOP Equal Rights Amendment</i></p>  | <p>Ann Scott <i>Vice President for Legislation of the National Organization for Women (NOW)</i></p>  |
| <p>Phyllis Schlafly: We have been changing our laws that allow for discrimination between women and men. The 1972 Equal Opportunity Act is an example of that. Most Americans agree with that. But many Americans do not agree with many of the changes that this Equal Rights Amendment would bring to our society. Let’s reject this amendment. We can stop discrimination by making more good laws as they are needed.</p> | <p>Dr. Ann Scott: “But if we waited to change the laws, law by law, we would wait something like 200 years before we would have complete equality under the law.” The amendment is simple and morally right: <i>Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.</i> Stop legal discrimination between men and women. Add this amendment to the U.S. Constitution!</p> |

4. Which person do you think makes a better argument? Please explain why in your own words.

THE NATION WAS DIVIDED AND SO WAS FLORIDA.



Pro and Con demonstrators try to outshout each other in the legislative halls - Tallahassee, Florida. January 18, 1982
Photograph by Donn Dughi (State Archives of Florida, *Florida Memory*, www.floridamemory.com/items/show/102822)

The Florida Legislature has tried to pass the Equal Rights Amendment three times since 1972. The Florida House of Representatives approved it all three times. But each time, the Florida Senate rejected it. The last time the House passed it, the vote was much closer than the first time. With the 1982 deadline here, no one can guess how either chamber will vote. This will be Florida's last chance to ratify the amendment. Only three more states are needed for ratification. If Florida votes for it, many believe that at least two more states will follow in their footsteps before the deadline.

People for and against the ERA have showed up to the Capitol in Tallahassee to protest and let their senators and representatives know what they thought about the issue. Many protests for and against the ERA have taken place around or on the grounds of the Historic Capitol. Though the supporters seemed to have more protestors, both protests have attracted the attention of the public and the media. Most importantly, these protests at the Capitol have been a way for citizens communicate their beliefs on the issue to their elected leaders.

1. Why do you think the state and the country are both so divided about this issue?

2. Why do you think so many people came up to Tallahassee to protest?

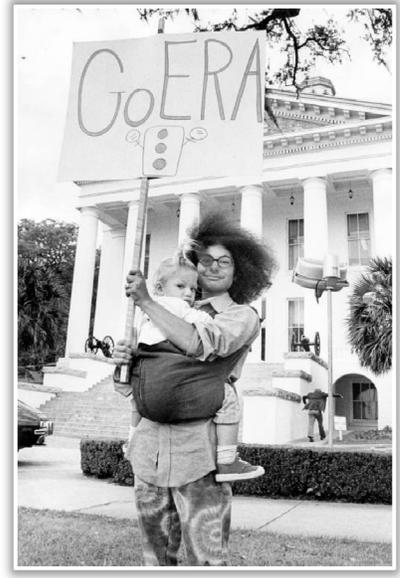
ERA PROTESTS:



Pro-ERA march to the Capitol (1982)
(State Archives of Florida, *Florida Memory*,
www.floridamemory.com/items/show/2703)



Pro-ERA demonstration on
Historic Capitol Steps (1982)
(State Archives of Florida, *Florida Memory*,
www.floridamemory.com/items/show/2707)



Protestor in front of the
(Historic) Capitol (1973)
(State Archives of Florida, *Florida Memory*,
<http://www.floridamemory.com/items/show/2706>)



Three Anti-ERA protestors in the
Legislative halls (1975)
(State Archives of Florida, *Florida Memory*,
www.floridamemory.com/items/show/2717)



Anti-ERA women line the wall of
Senate committee room (1979)
(State Archives of Florida, *Florida Memory*,
www.floridamemory.com/items/show/102820)



Pro-ERA protests (1982)
(State Archives of Florida, *Florida Memory*,
www.floridamemory.com/items/show/2714)

1. **Join the protestors! Design your own sign below, stating if you're in favor or against the ERA. Please be as clever or creative as you can with your sign!**

Name: _____ Date: _____ Period: _____



Many others who felt strongly about the ERA could not make the trip to Tallahassee. Instead, they called and wrote letters to their representatives expressing their views. These are examples of actual letters that were sent to representatives in Florida. Some of them outline arguments similar to those we just discussed.

1. Read all the letters and mark whether the letter is in favor or against the ERA.

| LETTER 1: <input type="checkbox"/> In favor <input type="checkbox"/> Against |
|--|
| Jacksonville Coalition for the ERA P.O. Box 11072 Jacksonville, Florida 32211 February 6, 1974 Dear Senator Smathers: Opposition to the Equal Rights Amendment (ERA) is a blow to all Americans who believe that an individual's rights and responsibilities should not be dependent upon sex or marital status. Why is it that men and women are not equally treated in awarding of child custody? Why is it that men and women are not considered equally in promotions? Please help change these inequities. Vote for, speak for, encourage support of the Equal Rights Amendment. Sincerely, Luann Bennett |

| LETTER 2: <input type="checkbox"/> In favor <input type="checkbox"/> Against |
|---|
| 1044 Martin Drive Rockledge, Florida March 25, 1974 Dear Senator Smathers, I am not much of a letter writer, as you can see, but as a concerned citizen, and voter, feel pressed to voice my opposition to the Equal Rights Amendment. Most active of all on behalf of this very insidious bill are the communists (who never let up.) We hope the many letters you will be receiving will urge you to take a second look. For God and County Mr. & Mrs. Joseph Fuscaldo |

2. What are the two reasons Luann Bennett gives for her stance on the ERA?

3. Who do Mr. and Mrs. Joseph Fuscaldo say are most active in supporting this bill? What evidence have you seen that supports their claim?

Name: _____ Date: _____ Period: _____



LETTER 3:

In favor

Against

Citizens Against Women's Draft
P.O. Box 12934
Interbay Station
Tampa, Florida 33611

March 22, 1974

Dear Legislator:

[Excerpt]... There are many detrimental effects of the Equal Rights Amendment, but, ... we are mainly concerned with the fact that, should the ERA pass, ... young girls nineteen years old must be drafted into the military service and into combat units on exactly the same basis as young men. ... There has been a strong effort to minimize this effect of the ERA, but the cold, hard, realistic facts are that we will have military conflicts in the future, the so-called volunteer Army will not support the manpower for such conflicts, the young girls of Florida would be drafted into the military service and into combat units, they would be taught to kill and be killed, would be wounded and taken prisoner These are facts not scare tactics, emotional arguments or un-truths.

Please consider your position on this amendment very carefully and prayerfully. Thanking you, we are
Sincerely yours,

Louis W. Putney and Jeanie T. Putney
Co-Chairmen

LETTER 4:

In favor

Against

May 18, 1976

Gov. Reubin Askew
Tallahassee, Fla. 32304
& Members of the West Florida Delegation-

Dear Members of our State Government:

I'm writing to urge each and every one of you to support the Equal Rights Amendment!

It doesn't matter whether, I am male or female, black or white, rich or poor, old or young, Democrat or Republican, etc., disabled or able, intelligent or ignorant; I believe everyone was born with equal rights and are entitled to them as citizens of this great nation of ours.

I feel if any of you vote against this bill, you would be voting against your own rights, as well as against the rights of all of your Constitutents [sic].

Sincerely,
Helen Y. Spera

c.c. Sen. Childers, Sen. Tom Tobiassen, Rep. Melvin, Rep. Fortune, Rep. Peoder [?], Rep. Hagler, Rep. Robinson, Rep. Tolton

4. What organization are Louis and Jeanie Putney from? What issue are they writing about regarding the amendment?

5. Who has Helen Spera sent this letter to? Why do you think she sent it to so many people?

