What is wrong with the ERA?

Phyllis Schlafly asked, answered that question before a group of contractors’ wives, then got a 5-1 vote of support for her campaign against the amendment.

By Phyllis Schlafly
President, Stop ERA

In January of this year, the President of the United States, in his State of the Union Message, called for the registration for the military draft of young men and young women. In that one call, a number of people suddenly realized what equality really means. They suddenly realized the fine position that women have enjoyed in our country throughout all of our previous years.

It is obvious that in all of the nine wars the United States has fought, not one woman has ever been drafted. Not one woman has ever been sent into military combat. We are so fortunate that we have a Constitution which allows for rational differences of treatment between men and women.

The President proposed that now we enter a new era and treat men and women the same. He called for the registration, equally, of men and women. This was about the most unpopular thing he could have done. When, in a few weeks later, it was voted on by the Subcommittee of the House Armed Services Committee, the idea was defeated 8-1, with the only one voting for it being the representative from Guam. The rest of the representatives had heard from the people at home.

I do not believe that the American people are willing for our daughters to be treated exactly like our sons. Nobody wants to fight a war. Nobody wants to be drafted. But the
American people have been willing for the men in their families to go out and defend our country. We don’t want our daughters to be treated the same way.

The system that has proven to be valid in past years is a system where we have at times had to draft men, but the service of the women has been voluntary. And for those women who choose military service, the recruiting office is open. They are welcome. They can rush right out and sign up. But it is obvious that only a small percentage of women choose that career. It is about one tenth of one percent of the career-aged women who have chosen the military.

You and I know a lot of women who served in the military during WWII or in previous wars. They were treated differently than the men. They were in the WACs or the WAVES; that no longer exists in the military today. The military today, under the pressure from the Women’s Liberation Movement, has been treating women just like men . . . that is their official policy. The Secretary of the Army went on national television and said he believes that women can do anything men can do. If you read the newspapers, you will find they seem very proud that they are making women go through the same basic training, making them go through the same marches, making them carry the same loads, making them sleep in the same barracks and making them wear the same uniforms.

Most of America’s mothers and fathers do not want our daughters in that type of military environment . . . where there is no privacy whatsoever, where they are treated like men, where they go through basic training and are taught to kill. That’s the purpose of the army! The army is not there to give young men and women free trips around the world, vocational opportunities or social mobility. That’s not the purpose of the armed forces.

The purpose of the armed forces to to defend our country in battle. Soldiers have to be taught to kill, and we don’t want our daughters to be taught to kill. Women are for the participation in the creation of human life, not the killing of human life. Nor do we want them put into an environment where immoral sex is tolerated, rewarded and financed by the government. The rape rate in the military today is considerably higher than it is in civilian life. In addition to that, we have found that the figures show that among women in the armed forces, 15% of them at any one time are pregnant. And, another six percent of them have had their babies and brought them back to the army post.

So, in many areas of the armed forces, you’ll find an army that looks like a maternity ward or a child care center. Again, that’s not the purpose of the armed forces . . . most of these babies are illegitimate and financed by the taxpayers . . . And it is, because of pressure from Women’s Liberation, forbidden to the Army to discharge a pregnant service-person. They have to be issued a maternity uniform, and it’s pretended it is no different than any other disability, when you and I know that it is.
What the Equal Rights Amendment would do is very clear. We wouldn’t even be able to debate this issue if we had, and when when we have, another draft registration. Women would have to be registered and drafted, just like men. But that wouldn’t be the end of it. Don’t be deceived by those who would say we would only draft them for non-combat jobs. In the first place, the ERA being in the Constitution would apply to everything . . . every law . . . every regulation. The Equal Rights Amendment in the Constitution would immediately make unconstitutional the exiting laws that make women exempt from military combat. Furthermore, it is the official policy of the present administration to try to get Congress to repeal those laws. They had hearings last November on an administration proposal to repeal the laws that exempt women from military combat.

I went down there to testify against that, and I saw all the people from the Pentagon and the Army and the Navy and the Air Force say “We want to put women into combat, and we want them treated just like men.” Now, if there is anyplace in the world where we are entitled to have differences of treatment, for women, it’s in the military.

The ERA would forbid us the option to treat women differently. We would have to treat young women like young men. We would have to treat wives as husbands. We would have to treat mothers as fathers. Anytime fathers are sent into combat, mothers would have to be sent into combat. The whole thing is predicated on the assumption there isn’t any difference between men and women. You and I know that is a false premise.

When the ERA was going through the House and Senate, Congressmen and Senators proposed clauses which said “Except this does not mean we will have to draft women . . .” “except this does not mean we will send women into combat . . .” Those clauses were defeated on roll call votes in both houses, because the
ERAers said “We want them drafted and we want them put into military combat.” Just like men. 

The legislative record is perfectly clear, and you cannot find anybody in the United States in any responsible position who can deny the validity of what I have said to you about the draft and military combat . . . if the ERA is in the Constitution, it will be a mandate that we must treat women the same. 

NOW, that’s just one reason we oppose the ERA. ERA says that equality of rights under the law cannot be denied or abridged by the United States or by any state on account of sex. That means, first of all, that every law, every regulation must treat men and women the same . . . you can’t have any difference. Now, look at all the state laws that say a husband must support his wife. That’s a sex-discriminatory law. A husband is a man. A wife is a woman. What’s the matter with those laws; we think they are good laws. Those laws are basic to the institution of a family. Those are the laws that give a wife her right to be a full-time homemaker. It gives to children the right to have a mother in the home. Why would anybody want to wipe out those laws? 

Who would want to make them sex-neutral? You can’t wipe out the fact that women have babies and men don’t have babies. Those laws are society’s answers to the factual differences between men and women. The ERA would make every one of those laws unconstitutional, and it would make it impossible to ever again impose the primary responsibility for the support of a family on the husband. The wife would have to share in that equally, which I submit is hardly fair when the woman is the only one to bear the burden of having the baby! 

The ERA would have many other applications. Look at the educational system, a good example of what I believe to be the nonsense of the ERA. We have a law in our country called the Education Amendment of 1972, popularly known as Title IX. This is the law that says you cannot discriminate on the basis of sex in any schools that get federal money at any level from kindergarten to graduate school. Now, that sounds good, doesn’t it? Wouldn’t we all be for that? 

The sponsors of that law just wanted for women to have the op-
portunity to go into any career or to seek any kind of education they want. But, when that bill got out on to the floor of the Senate, suddenly Senator (John) Tower said “But my wife went to an all-woman college. What about single-sex colleges?”

And, then the Senate realized that if they passed the law, without any qualifying language, it would wipe out anybody’s right to attend an all-male or all-female college. So, Congress put in the exemption to allow those schools to exist . . . the law also put into effect exemptions for seminaries, military academies and dormitory living facilities, so students don’t have to live in coed dorms if they don’t want to.

Now, once a law passes through the Congress, it goes out to a bureau for implementation. In this case, it went to HEW, and they studied it for two years and came out with their preliminary regulations which said, among other things, of course we will have to require fraternities and sororities to go coed, because they discriminate on the basis of sex . . . when the fraternities and sororities heard about this, they called up their congressmen and said “What’s going on?” And Congress said “We didn’t mean that kind of nonsense when we passed that law,” and Congress passed an amendment exempting sororities, fraternities, Girl Scouts, Boy Scouts, YMCA, YWCA and Campfire Girls . . .

Every year, HEW tries to go around stamping out sex discrimination, and every year Congress has to go back and pass some kind of amendment that says “We didn’t mean that.” One year it was the American Legion’s Girls State and Boys State programs. Another year it was the father-son, mother-daughter functions at schools. HEW said they were sex discriminatory.

The organization of which I am the President, Equal Forum, announced an essay contest on the ERA to be conducted in Illinois’ public schools. Would you believe that HEW issued a four-page ruling saying that we were violating the law because we offered an equal prize for boys and girls. They said it is sex discrimination to have a prize for a boy and an equal prize for a girl, you have to have the essays in the same group . . . the essays have to be sex-integrated or it is a violation of Title IX. We had to change the rules and office just one set of prizes in order for the schools to cooperate in our essay contest.

Your imagination is not vivid enough to think up all the nonsense the bureaucrats will devise under this very vague, and yet rigid, mandate against sex discrimination.

Then you have Section 2 of the ERA, which says Congress shall have the power to enforce this amendment through passing of appropriate legislation. This is the section of ERA
that gives total power of enforcement to the federal government. This would transfer from the states the last remaining part of our lives that the federal bureaucrats haven’t gotten their meddling fingers into.

It would transfer to the federal government all those areas of law that have traditionally meant a difference in treatment based on sex. Many of these laws have traditionally been handled on a state level, and it includes laws on marriage, divorce, child custody, adoption, prison regulations, homosexuality laws, protective label regulation, insurance regulations . . . these are all areas that under the ERA would move to the federal government the final decision-making power.

As Senator Sam Ervin says, “ERA would transfer about 70% of the laws now at the state level to the federal government.” Why would anybody want to do that? We live in a society where we have a distribution of power between the federal and state governments. We want some things paneled at the federal level, and some things paneled at the state level, and we have differences among some of the states . . . you don’t pay the same state taxes in all the states, you have certain laws local to particular areas. If you don’t like a law, you can change it, and that’s the great aspect of our federal system . . . but no matter what problems you may have at your state levels, I can guarantee you they will be worse when they are handled at the federal level. And that is what the ERA would do . . .

I believe that the biggest push for ERA is coming from the persons on the federal payroll, who view ERA as a great new push for federal power . . .

You see, when we found the problems with the Education Amendment of 1972, the people could go back to their congressmen and say “We don’t like that effect. Pass an amendment . . . take mother/daughter/father/son/school events out.” And they could do it in a matter of a few months.

If you don’t like the effects of the ERA, there is absolutely nothing you can do to change it, except by going through the whole agonizing process of passing another Constitutional amendment.

Editor’s Note: Phyllis Schlafly is the President of the Stop ERA movement. In an address before the AWCI convention, she won unqualified support for her campaign against the amendment. Wives of contractors attending the session were polled in a secret ballot, and in keeping with several outbursts of applause during Schlafly’s presentation, voted against ERA 171-15. The ladies also said (with only 4 votes in disagreement) that the ERA proposal should not have been granted a time extension by the Congress. This article is excerpted from her speech and from question and answer sessions involving a blue-ribbon panel of AWCI wives.