

## Was the ERA good for women?

Read the documents provided and respond to the questions. Then consider, the question.

### Document A: Betty Friedan

The problem lay buried, unspoken, for many years in the minds of American women. It was a strange stirring, a sense of dissatisfaction, a yearning that women suffered in the middle of the twentieth century in the United States. Each suburban wife struggled with it alone. As she made the beds, shopped for groceries, matched slipcover material, ate peanut butter sandwiches with her children, chauffeured Cub Scouts and Brownies, lay beside her husband at night -- she was afraid to ask even of herself the silent question -- "Is this all?"

For over fifteen years there was no word of this yearning in the millions of words written about women, for women, in all the columns, books and articles by experts telling women their role was to seek fulfillment as wives and mothers. Over and over women heard in voices of tradition and of Freudian sophistication that they could desire no greater destiny than to glory in their own femininity. Experts told them how to catch a man and keep him, how to breastfeed children and handle their toilet training, how to cope with sibling rivalry and adolescent rebellion; how to buy a dishwasher, bake bread, cook gourmet snails, and build a swimming pool with their own hands; how to dress, look, and act more feminine and make marriage more exciting; how to keep their husbands from dying young and their sons from growing into delinquents.

In the fifteen years after World War II, this mystique of feminine fulfillment became the cherished and self-perpetuating core of contemporary American culture. Millions of women lived their lives in the image of those pretty pictures of the American suburban housewife, kissing their husbands goodbye in front of the picture window, depositing their stationwagonsful of children at school, and smiling as they ran the new electric waxer over the spotless kitchen floor. They baked their own bread, sewed their own and their children's clothes, kept their new washing machines and dryers running all day. They changed the sheets on the beds twice a week instead of once, took the rug-hooking class in adult education, and pitied their poor frustrated mothers, who had dreamed of having a career. Their only dream was to be perfect wives and mothers; their highest ambition to have five children and a beautiful house, their only fight to get and keep their husbands. They had no thought for the unfeminine problems of the world outside the home; they wanted the men to make the major decisions. They gloried in their role as women, and wrote proudly on the census blank: "Occupation: housewife."

*Friedan, Betty. The Feminine Mystique. New York :Norton, 1963.*

### Source

1. Why is Friedan writing this?



**Document B: Equal Rights Amendment**

*The following amendment to the US Constitution was proposed by Woman Suffragist, Alice, Paul in 1923 to extend legal protections to women, not covered by the vote and to end sex discrimination. It passed in Congress in 1973 but was not ratified by all 38 states needed.*

Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

**Inquiry**

*Below are differing documents in favor and against the ERA from women.*

1. As you read, record sentences or ideas that show the ERA is good for women or bad for women in the middle columns.
2. After you finish the two middle columns, look back at the evidence. Which information is most persuasive to you? Mark that #8. Which evidence is least persuasive to you? Mark that #1.

<i>Rank</i>	<b>Evidence ERA is GOOD for women</b>	<b>Evidence ERA is BAD for women</b>	<i>Rank</i>



*Questions for Analysis*

1. Add up the rank on each side. Which side weighed more? Why do you think it worked out that way?

2. In conclusion, was the ERA good for women?



### Document C: ERA Taskforce

...Legal sex discrimination is not yet a thing of the past, and the progress of the past 60 years is not irreversible. Remaining gender inequities result more from individual behavior and social practices than from legal discrimination, but all can be positively influenced by a strong message when the U.S. Constitution declares zero tolerance for any form of sex discrimination.

The reasons why we need the ERA are at one level philosophical and symbolic, and at another level very specific and practical.

The first – and still the only – right that the U.S. Constitution specifically affirms equally for women and men is the right to vote. Equal rights activist Alice Paul first introduced the ERA in 1923 to expand the rights guaranteed by the U.S. Constitution to both genders. She understood the importance of constitutional protections for all citizens when she argued, "We shall not be safe until the principle of equal rights is written into the framework of our government."

Without the ERA, the U.S. Constitution does not explicitly guarantee that the rights it protects are held equally by all citizens without regard to sex. The first – and still the only – right that the U.S. Constitution specifically affirms and applies equally to women and men is the right to vote.

The equal protection clause of the U.S. Constitution's 14th Amendment was first applied to sex discrimination only in 1971, and it has never been interpreted to grant equal rights on the basis of sex in the uniform and inclusive way that the ERA would...

Without the ERA women regularly – and occasionally men – have to fight long, expensive, and difficult legal battles in an effort to prove that their rights are equal to those of the other sex.

The ERA would improve the United States' standing in the world community with respect to human rights. The governing documents of many other countries affirm legal gender equality, however imperfect the global implementation of that ideal may be.

The Equal Rights Amendment is needed to constitutionally affirm that the bedrock principles of our democracy – "all men are created equal," "liberty and justice for all," "equal justice under law," "government of the people, by the people, and for the people" – apply equally to women and men in the United States of America.

It is necessary to have specific language in the U.S. Constitution affirming the principle of equal rights on the basis of sex because for more than two centuries, women have had to fight long and hard political battles to win rights that men (initially certain white men, and eventually all men) possessed automatically because they were born male.

It was not until as recently as 1971 that the 14th Amendment's equal protection clause was first applied to sex discrimination. Even today, a major distinction between the sexes is present from the moment of birth – the different legal standing of males and females with respect to how their constitutional rights are obtained... The Equal Rights Amendment would remove that differential assumption.

The practical effect of this amendment would be seen most clearly in court deliberations on cases of sex discrimination. For the first time, "sex" would be a suspect classification requiring the same high level of "strict scrutiny" and having to meet the same high level of justification – a "necessary" relation to a "compelling" state interest – that the classification of race currently requires...



Ironically, under current court decisions about sex and race discrimination, a white male claiming race discrimination by a program or action is protected by strict scrutiny, but a black female claiming sex discrimination by the same program or action is protected by only skeptical, not strict, scrutiny.

We need the Equal Rights Amendment to clarify the law for the lower courts, whose decisions still reflect confusion and inconsistency about how to courts deal with sex discrimination claims. If the ERA were in the U.S. Constitution, it would - in many cases - influence the tone of legal reasoning and decisions regarding women's equal rights, producing a cumulative positive effect over time as discrimination cases are brought forth.

The Equal Rights Amendment is needed in order to prevent a rollback of women's rights by conservative or reactionary political votes. The ERA will promote laws and court decisions that fairly take into account women's, as well as men's, experiences.

Some ask: Aren't there already enough legal prohibitions of sex discrimination? Aren't women protected from discrimination by laws such as:

- Equal Pay Act (1963)
- Title VII and Title IX of the Civil Rights Act (1964)
- Pregnancy Discrimination Act (1978)
- Supreme Court decisions based on the 14th Amendment's equal protection clause

While these laws do protect women from gender-based discrimination, court rulings over the years since their passage have created legal precedent regarding how the laws can be interpreted and enforced, often to the detriment of what the laws were originally intended to protect women from. Without the ERA, gender-based discrimination is becoming harder and harder to prove in a court of law...

Congress has the power to make laws that replace existing laws... Therefore, many of the current legal protections against sex discrimination can be removed by the margin of a single vote...

With a specific constitutional guarantee of equal rights through the Equal Rights Amendment, it would be much harder for legislators and courts to reverse our progress in eliminating sex discrimination.

Would anyone really want to turn back the clock on women's advancement? YES. Many people do.

- Examine the members of Congress who have:
- tried to cripple Title IX, which requires equal opportunity in education
  - opposed the Violence Against Women Act, the Fair Pensions Act, and the Paycheck Fairness Act
  - voted to pay for Viagra for servicemen but oppose funding for family planning and contraception
  - for decades blocked U.S. ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Most laws that discriminated explicitly against women have been removed from the books – in many cases, as a result of the political power and expertise developed by women in the course of the ERA ratification campaign.

The current legal and judicial systems, however, still often have an impact on women that works to their disadvantage, because those systems have traditionally used



the male experience as the norm. Therefore, lawmakers and judges must be encouraged to include equitable consideration of female experiences as they deal with issues of Social Security, taxes, wages, pensions, domestic relations, insurance, violence, and more. Without an Equal Rights Amendment providing motivation, the status quo will change much more slowly.

Francis, Roberta W. "Why we need the Equal Rights Amendment." Alice Paul Institute. Last modified October 7, 2020.

<https://www.equalrightsamendment.org/why#:~:text=The%20Equal%20Rights%20Amendment%20is%20needed%20in%20order%20to%20prevent,as%20well%20as%20men's%20experiences.>

#### Document D: Phyllis Schlafly

Of all the classes of people who ever lived, the American woman is the most privileged. We have the most rights and rewards, and the fewest duties. Our unique status is the result of a fortunate combination of circumstances.

1) We have the immense good fortune to live in a civilization which respects the family as the basic unit of society. This respect is part and parcel of our laws and our customs. It is based on the fact of life – which no legislation or agitation can erase – that women have babies and men don't.

If you don't like this fundamental difference, you will have to take up your complaint with God because He created us this way. The fact that women, not men, have babies is not the fault of selfish and domineering men, or of the establishment, or of any clique of conspirators who want to oppress women. It's simply the way God made us...

The institution of the family is advantageous for women for many reasons. After all, what do we want out of life? To love and be loved? Mankind has not discovered a better nest for a lifetime of reciprocal love. A sense of achievement? A man may search 30 to 40 years for accomplishment in his profession. A woman can enjoy real achievement when she is young – by having a baby... Children are a woman's best social security – her best guarantee of social benefits such as old age pension, unemployment compensation, workman's compensation, and sick leave. The family gives a woman the physical, financial and emotional security of the home – for all her life.

2) The second reason why American women are a privileged group is that we are the beneficiaries of a tradition of special respect for women which dates from the Christian Age of Chivalry. The honor and respect paid to Mary, the Mother of Christ, resulted in all women, in effect, being put on a pedestal. This respect for women is not just the lip service that politicians pay to "God, Motherhood, and the Flag." It is not – as some youthful agitators seem to think – just a matter of opening doors for women, seeing that they are seated first, carrying their bundles, and helping them in and out of automobiles. Such good manners are merely the superficial evidences of a total attitude toward women which expresses itself in many more tangible ways, such as money. In other civilizations, such as the African and the American Indian, the men strut around wearing feathers and beads and hunting and fishing (great sport for men!), while the women do all the hard, tiresome drudgery including the tilling of the soil (if any is done), the hewing of wood, the making of fires, the carrying of water, as well as the cooking, sewing and caring for babies. This is not the American way because we were lucky enough to inherit the traditions of the Age of Chivalry. In America, a man's first



significant purchase is a diamond for his bride, and the largest financial investment of his life is a home for her to live in. American husbands work hours of overtime to buy a fur piece or other finery to keep their wives in fashion, and to pay premiums on their life insurance policies to provide for her comfort when she is a widow (benefits in which he can never share). In the states which follow the English common law, a wife has a dower right in her husband's real estate which he cannot take away from her during life or by his will. A man cannot dispose of his real estate without his wife's signature... In Illinois, as a result of agitation by "equal rights" fanatics, the real-estate dower laws were repealed as of January 1, 1972. This means that in Illinois a husband can now sell the family home, spend the money on his girlfriend or gamble it away, and his faithful wife of 30 years can no longer stop him.

#### THE REAL LIBERATION OF WOMEN

3) The third reason why American women are so well off is that the great American free enterprise system has produced remarkable inventors who have lifted the backbreaking "women's work" from our shoulders. In other countries and in other eras, it was truly said that "Man may work from sun to sun, but woman's work is never done." Other women have labored every waking hour – preparing food on wood-burning stoves, making flour, baking bread in stone ovens, spinning yarn, making clothes, making soap, doing the laundry by hand, heating irons, making candles for light and fires for warmth, and trying to nurse their babies through illnesses without medical care.

The real liberation of women from the backbreaking drudgery of centuries is the American free enterprise system which stimulated inventive geniuses to pursue their talents – and we all reap the profits. The great heroes of women's liberation are not the straggly-haired women on television talk shows and picket lines, but Thomas Edison who brought the miracle of electricity to our homes to give light and to run all those labor-saving devices – the equivalent, perhaps, of a half-dozen household servants for every middle-class American woman... Thus, household duties have been reduced to only a few hours a day, leaving the American woman with plenty of time to moonlight. She can take a full or part-time paying job, or she can indulge to her heart's content in a tremendous selection of interesting educational or cultural or homemaking activities.

#### THE FRAUD OF THE EQUAL RIGHTS AMENDMENT

In the last couple of years, a noisy movement has sprung up agitating for "women's rights." Suddenly, everywhere we are afflicted with aggressive females on television talk shows yapping about how mistreated American women are, suggesting that marriage has put us in some kind of "slavery," that housework is menial and degrading, and – perish the thought – that women are discriminated against. New "women's liberation" organizations are popping up, agitating and demonstrating, serving demands on public officials, getting wide press coverage always, and purporting to speak for some 100,000,000 American women. It's time to set the record straight. The claim that American women are downtrodden and unfairly treated is the fraud of the century. The truth is that American women never had it so good. Why should we lower ourselves to "equal rights" when we already have the status of special privilege?... This Amendment will absolutely and positively make women subject to the draft. Why any woman would support such a ridiculous and un-American proposal as this is beyond comprehension. Why any Congressman who had any regard for his wife, sister or daughter would support such a proposition is just as hard to understand. Foxholes are bad enough for men, but they certainly are not the place for women – and



we should reject any proposal which would put them there in the name of “equal rights.” ...

Another bad effect of the Equal Rights Amendment is that it will abolish a woman’s right to child support and alimony, and substitute what the women’s libbers think is a more “equal” policy, that “such decisions should be within the discretion of the Court and should be made on the economic situation and need of the parties in the case.” Under present American laws, the man is always required to support his wife and each child he caused to be brought into the world. Why should women abandon these good laws – by trading them for something so nebulous and uncertain as the “discretion of the Court”? The law now requires a husband to support his wife as best as his financial situation permits, but a wife is not required to support her husband (unless he is about to become a public charge). A husband cannot demand that his wife go to work to help pay for family expenses. He has the duty of financial support under our laws and customs. Why should we abandon these mandatory wife-support and child-support laws so that a wife would have an “equal” obligation to take a job?... Do women really want to give up this special privilege and lower themselves to “equal rights”, so that the mother gets one child and the father gets the other? I think not....

#### WHAT “WOMEN’S LIB” REALLY MEANS

Many women are under the mistaken impression that “women’s lib” means more job employment opportunities for women, equal pay for equal work, appointments of women to high positions, admitting more women to medical schools, and other desirable objectives which all women favor. We all support these purposes, as well as any necessary legislation which would bring them about. But all this is only a sweet syrup which covers the deadly poison masquerading as “women’s lib.” The women’s libbers are radicals who are waging a total assault on the family, on marriage, and on children. Don’t take my word for it – read their own literature and prove to yourself what these characters are trying to do. ...

In intellectual circles, a New York University professor named Warren T. Farrell has provided the rationale for why men should support women’s lib. When his speech to the American Political Science Association Convention is stripped of its egghead verbiage, his argument is that men should eagerly look forward to the day when they can enjoy free sex and not have to pay for it. The husband will no longer be “saddled with the tremendous guilt feelings” when he leaves his wife with nothing after she has given him her best years. If a husband loses his job, he will no longer feel compelled to take any job to support his family. A husband can go “out with the boys” to have a drink without feeling guilty. Alimony will be eliminated.

#### WOMEN’S LIBBERS DO NOT SPEAK FOR US

...If the women’s libbers want to reject marriage and motherhood, it’s a free country and that is their choice. But let’s not permit these women’s libbers to get away with pretending to speak for the rest of us. Let’s not permit this tiny minority to degrade the role that most women prefer. Let’s not let these women’s libbers deprive wives and mothers of the rights we now possess.

*Phyllis Schlafly Report 5, no. 7 (February 1972) . "WOMEN’S LIBERATION AND OTHER MOVEMENTS." America in the Sixties – Right, Left, and Center : A Documentary History. Westport, CT: Praeger, 1998. Last modified January 1, 1972.*

<https://awpc.cattcenter.iastate.edu/2016/02/02/whats-wrong-with-equal-rights-for-women-1972/>

