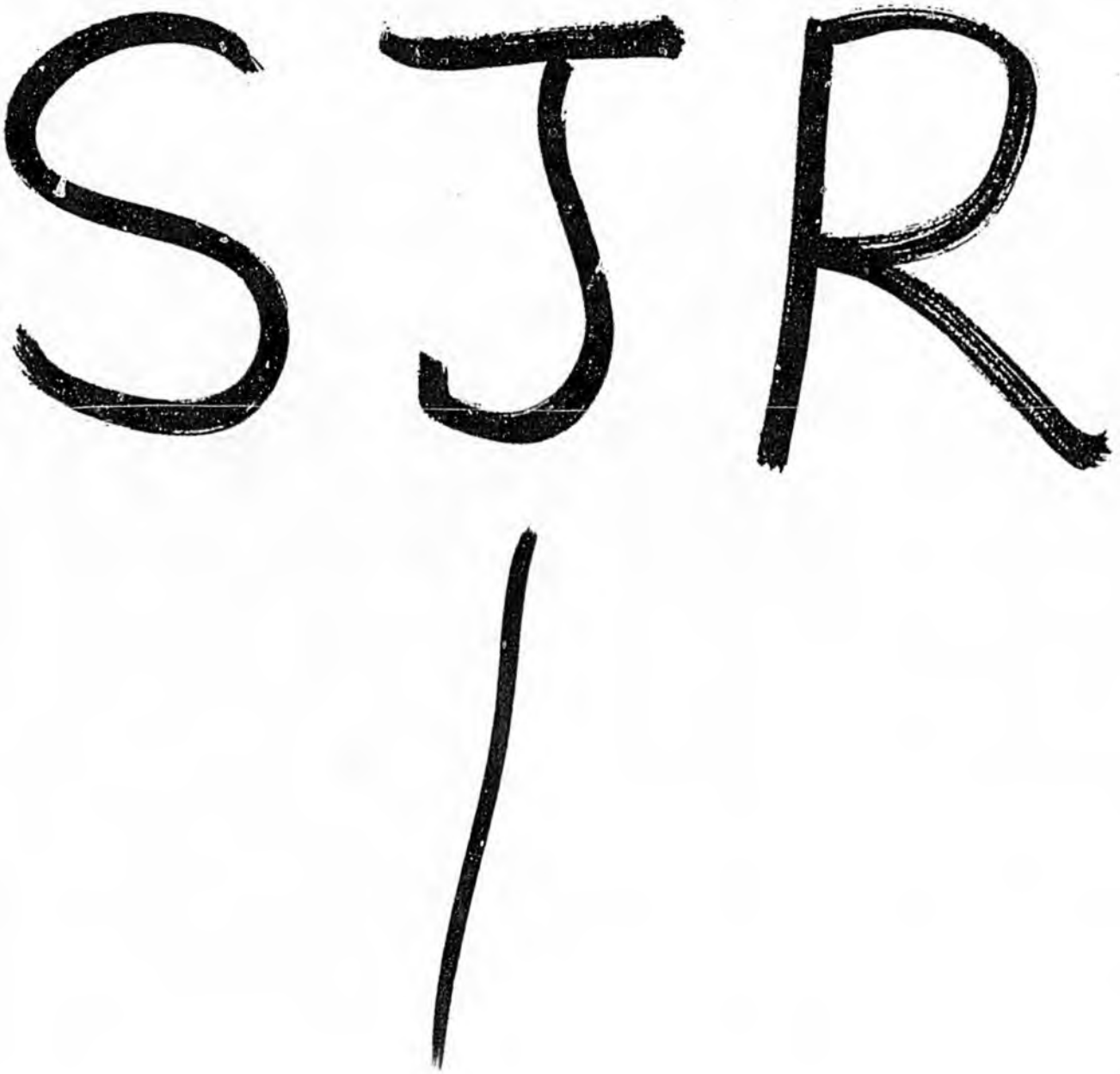

Health, Education and
Social Services Committee

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811
465-4907
465-4908

Alaska State Legislature

Senate

February 2, 1983

Jack Bacher
7219 Madelynne
Anchorage, Alaska 99504

Dear Mr. Bacher:

I appreciate your message concerning the Equal Rights Amendment issue.

I support the joint resolution asking for resubmission to the states of an Equal Rights Amendment to the Federal Constitution, as I supported ERA in the past.

Thank you for communicating your views as you have done.

With best wishes, I am

Sincerely,

Joe P. Josephson

JPJ/rmc

Health, Education and
Social Services Committee

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811
465-4907
465-4908

Alaska State Legislature

Senate

January 31, 1983

Glenn Hackney
1136 Sunset Drive
Fairbanks, Alaska 99701

Dear Glenn:

I appreciate your message concerning the Equal Rights Amendment issue. I support the joint resolution asking for resubmission to the state of an Equal Rights Amendment to the Federal Constitution.

I am enclosing some materials on the subject which I ask you to consider because I believe that these materials place the issue in the right perspective.

I am sorry that we do not agree on this particular question, but I hope and trust that on the vast majority of issues which come before the legislature, your views and mine coincide.

Thanks again for communicating your views as you have done.

With best wishes, I am

Sincerely,

Joe P. Josephson

JPJ/rmc

Encl.

Packet SJR 1

- letters of support
  NEA ALASKA
  League of Women Voters
- Explanation of ERA from AK. Comm. on Status of Women
- Statement by Dorothy Haaland, Chair Anch. NOW
- Speech by Helen Milliken - ERA - Eastern Mich. U
- ERA and Court System
- Legis history of ERA from Congressional Record
- 1979 testimony to Congress by Myra Wolfgang
  in opposition to ERA

info to Halford

history of State protection of gender — what specifically??

V. Fischer?

Speech by Helen W. Milliken on

"THE EQUAL RIGHTS AMENDMENT"

EASTERN MICHIGAN UNIVERSITY

On the twenty-second of March there were two celebrations held in Washington, D.C., on the opposite sides of town and on opposite sides of the issue. While the Stop-ERA forces were claiming victory in the expiration of the original deadline for the Equal Rights Amendment, the voices of 150 national women's groups supporting ERA were represented in a news conference by Ellie Smeal who declared, "We are winning the battle." A 39-month extension of the original 7-year time limit was passed by Congress last fall, with January 30, 1982 the new deadline. What is the battle and who is waging it?

The battle was begun over two hundred years ago as our founding fathers were wrestling with the basic concepts to be embodied in our Constitution. Abigail Adams wrote to her husband, "John, don't forget the ladies." But they did. The right to vote was extended only to white propertied males. It was denied to slaves, Indians, mentally unfit, criminals, and women. The author of the Declaration of Independence, Thomas Jefferson, said, "Were our state a pure democracy, there would still be excluded from our deliberations women, who, to prevent deprivation of morals and ambiguity of issues, should not mix promiscuously in gatherings of men." Jefferson was a lawyer and a good one, and knew his Blackstone well. And Blackstone's "Commentaries" took a dismal view of women. A wife was considered the "chattel" or property, of her husband, with the same legal rights as a goat, a hog, or a piece of land. Marriage for a woman was civil death.

In the early 19th century only one state, Massachusetts, forbade wive-beating. Restrictions included by other states, at least read that a man could beat his wife with a stick no bigger than a judge's thumb. A woman's brain was generally believed to be smaller in capacity and therefore inferior in quality to that of a man. Indeed, many thought the results would be physically harmful if women were to be educated.

All employment for women was centered in the home, preferably in connection with marriage. Weaving, spinning, making lace, soap, shoes and candles were a woman's obligation in addition to caring for her household and family. In the 19th Century the industrial revolution moved production of goods out of the home and into the factory. Men moved from the home-oriented and stable cultured world into an expanding world of educational and business opportunity. Women, on the other hand, found their spheres narrowed, their roles restricted. Fidelity, purity and domesticity characterized a woman's expectations.

By the mid-nineteenth century, a few women were asserting their right to write and speak freely. They focused their energies on the reform movements which were surging through the churches, in missionary work, education societies, movements for anti-slavery, temperance, and eventually women's rights.

The first women's rights meeting in America was held at Seneca Falls, New York, in 1848. A farm woman driving her horse-drawn wagon to the convention wrote of her pride in "being part of a great procession of women moving forward." Among the resolutions passed in the "Declaration of Rights and Sentiments" were demands for: opportunities for women in education, trade, commerce, the professions, and rights in property, free speech, and the guardianship of their children. They also took the daring step and asked for suffrage.

It is difficult for us to conceive of not having the fundamental right to vote. And yet when Elizabeth Cady Stanton first proposed that women should have this right her father was so upset he made a special visit to his daughter's home to see if she had suffered a mental breakdown. Although relieved to find her sane and sound, he told her, "My child, I wish you had waited until I was under the sod before you had done this foolish thing."

The saga of the suffrage movement unfolded for 72 years, marked by many setbacks. Two of the most disappointing being the passage of the 14th Amendment extending the right to vote to all <u>male</u> citizens, and in 1870 the passage of the 15th Amendment

in which black males achieved suffrage.

With the turn of the century, as women sought the right to vote, came escalating marches and picketing - with activities which could and did result in actions ranging from ridicule to being thrown in jail. In the great suffrage parade of 1913 the women marching in their white dresses down Pennsylvania Avenue were forced to disband in front of the National Archives Building by a mob of angry bystanders who spat upon the women and burned them with lighted cigars. The courage and persistence of those early feminists were personified by Susan B. Anthony, whose motto was, "Failure is impossible." She did not live to see the dream fulfilled, passage of the 19th Amendment in 1920.

That milestone in American history culminated decades of labors by a few dedicated feminists. The lateness of its coming did not diminish the rightness of the cause. Eleanor Flexner called the suffrage amendment "a vital step toward winning human dignity, and recognition that they (women) too, were endowed with the faculty of reason, the power of judgment, the capacity for social responsibility."

Women achieved the right to vote, but they did not achieve equal rights for women. In order to insure equality of rights under the law, in 1923 Alice Paul first wrote the Equal Rights Amendment. The National Women's Party, which she helped to found, saw to it that the Amendment was introduced in every Congress for the next 49 years. Finally, in 1972, sponsored by Congresswoman Martha Griffiths of Michigan, the Equal Rights Amendment was overwhelmingly passed by both Houses of Congress. Alice Paul Died in August, 1977 at the age of 92. She had lived to see the amendment ratified by 35 states, needing 3 more to make it official as the 27th Amendment to the Constitution of the United States.

WHAT DOES THE ERA SAY? Section 1: "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. 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.

WHY IS A CONSTITUTIONAL AMENDMENT NECESSARY? Adoption of the ERA is necessary to safeguard - to all persons - the right to pursue their individual talents and capacities free of sex discrimination caused by outmoded sex-role stereotyping in laws and governmental practices. Only by amending our Constitution can we wipe out the sex discrimination that has pervaded our legal system for the past 200 years, and ensure equal justice in the future. Said Representative Martha Griffiths in 1973, "In 196 years of this country's being, any government could make any law it chose against women and the Supreme Court has upheld that law -- Corporations have been "people" for more than 100 years. It is high time that we, too, became human."

WHAT WILL THE ERA DO? It will remove sex as a factor in determining the legal rights of men and women. It will primarily affect government action. It will not interfere with private relationships. For example, the questions of who will wash the dishes, open the door, or bring home the paycheck are outside the jurisdistion of the ERA. The general principle is: if a law restricts rights, it will no longer be valid; if it protects rights, it will be extended to both men and women.

WHY DO WE NEED THE ERA? Even though there are some laws on the books forbidding discrimination against women, there is no clear constitutional protection. The Supreme Court has never decided whether the 14th Amendment prohibits discrimination based on sex. Today, 54 years after ERA was first introduced, women in some states cannot start a business, get a mortgage, control their own property, their own paychecks or the property and money of their children on the same basis as men.

WHAT ARE SOME EXAMPLES OF WHAT THE ERA WILL DO? The ERA would outlaw these practices: - all discrimination in public schools - from de facto segregation of vocational schools to exclusion of women from athletic programs.

Outlaw discrimination in public employment such as that which relegates women to the lowest paid job.

Outlaw denial of Social Security and other government benefits to the families of employed women, when those benefits are paid to the families of employed men.

Outlaw all sex-based legal presumptions with regard to the ownership or control or marital property, - for example, presumption that all household goods are owned by the husband. In Georgia the family home belongs exclusively to the husband, even if the wife is the principal wage earner, supports the husband, and makes payments on the home. In Virginia, a husband's property cannot be seized to pay his wife's debts.

...Finally, maintenance (alimony) and child support laws will not rest on the notion that all men are independent breadwinners - and all women are dependent caretakers of home and children. Dependent men who have fulfilled homemaker and child-rearing roles will be entitled to maintenance and child support if their wives are family breadwinners; dependent women in the same situation would continue to be entitled to maintenance for themselves and support for children in their custody.

Will the ERA wipe out the right of a woman and her children to be supported by her husband? No. The ERA would require that any support be written in a sex-neutral fashion -- that support flow from the spouse able to give it to the spouse who needs it. In most cases, this means support will run from the husband to the wife and children. Thirty-three states now have support laws that do not designate the sex of the spouse on whom the support obligation is placed.

What about co-ed bathrooms? Both the legislative history of the ERA and the constitutional principles of personal privacy are very clear on this point: The ERA will not require sex-integrated bathrooms, nor will it require sex integration in any public facility in which people engage in personal body functions. This separation would be permitted in sleeping facilities such as dormitories, as well as rest rooms, locker rooms, and public showers.

Will women be drafted under the ERA? If a draft is reinstated, women will be subject to it just as men are. Exemptions for child or other dependent-care responsibilities, physical incapacity, and hardship will be available to women as well as to men. Women fully qualified to do so could serve in combat units; they would be subject to physical fitness standards for such service as stringent as those applicable to men. Under the ERA women will have equal opportunity to enlist in the armed forces, and to receive valuable job training, educational benefits, medical benefits, retirement benefits, and all employment preferences accorded veterans. Currently, service opportunities for women who seek them are far more limited then for men.

Will the ERA require private clubs, churches, and other groups to cease any sex-discriminatory policies? No the ERA applies only to actions of the government. It does not apply to private persons, groups, or organizations.

Will the ERA affect the legal status of abortion? No. The Supreme Court reached its decisions in the abortion cases based upon principles now contained in the Constitution. The ERA would neither add to nor detract from those decisions.

Does the ERA deprive states of their sovereign right to legislate in such areas as family law, criminal law, and education? No. The ERA respects the states' rights and encourages states to conform their laws to the equality principle. Thus, the ERA does not become effective until two years after it is adopted, in order to give state legislatures ample time to put their own houses in order.

What about all the dire things that the opponents of ERA say will happen if it passes? The proof is in the pudding. In those 16 states which have passed their own ERA, such as Washington, New Mexico and Pennsylvania, None of the inevitabilities cited by opponents have come to pass. Needy women have not been deprived of support. Men and women have been assured of privacy in the bathroom. Homosexual marriage has not been legalized. Nor have unwilling women been forced to go out and work.

The final argument of ERA opponents is that equality of men and women will be injurious to the family (an echo of the argument used against suffrage). Dr. Joyce Brothers speaks to this issue:

"Many men are against the women's liberation movement today without knowing

anything about it. Men are not going to be emasculated, dominated, or weakened by women's liberation. Actually men have much to gain from having women free to develop their own potentials. For one thing, it will lift some burdens that have been placed on men by emotionally and economically dependent women. This is an unhealthy situation for both sexes and an unrealistic one.

"Women's liberation should eventually improve the quality of marriages in almost every way I can think of -- sexually, emotionally, and economically."

The cresendo of organized opposition to the ERA is personified in Phyllis Schlafly, an Illinois conservative, who wrote in 1972: "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." It appears to be a matter of viewpoint. The 7 million working women who are heads of households would take exception. As would minority and older women. As would the 56% of the labor force who are women, and who earn on the average of 59¢ for every dollar a man makes for the same kind of work. It depends where you are coming from.

The position of the homemaker is at issue in the ERA debate. Anti's claim that married women will be robbed of great privileges and rights. The fact of the matter is the legal position of the American homemaker in most of our states is far from good. Under common law that prevails in most states the unemployed wife is considered the property of her husband. If he leaves no will she would be left penniless. Similarly her so-called right to be supported during the marriage depends more on her husband's generosity than on any legal requirement.

In a recent Nebraska case, McGuire v. McGuire, a husband had close to $200,000 in assets, but refused to equip his house with plumbing, trade in his 1927 car, or give his wife, who had done much of the house and farm work for 30 years, an allowance for clothes or personal needs. Her bid for a court order to get $50 a month spending money was turned down on grounds that the court could not intervene in an ongoing marriage.

Hundreds of archaic state laws that degrade homemakers would be wiped off the books if ERA were passed. One example in Florida law. A woman who is physically abused by her husband could not sue him to recover damages, though if he were the victim he could sue her.

ERA would enforce the principle (now ignored in most states) that the homemaker's role in marriage has economic value that entitles her or him to full partnership under the law.

Opposition to the ERA in the Southern states is based upon deeply rooted social and cultural traditions, as evidenced in the views of Representative Dave Smith of Florida who was quoted as saying : "Women should be kissed and cuddled, hugged and pampered and cherished. They should be put on pedestals, smell sweet and be well scrubbed at all times." In response to this attitude Supreme Court Justice William J. Brennan commented: "There can be no doubt our nation has a long and unfortunate history of sex discrimination. Traditionally, such discrimination was rationalized as an attitude of romantic paternalism which, in practical effect, put women not on a pedestal but in a cage..."

The organized opposition to the ERA has intensified and coalesced in the far right of the political spectrum, much of it originating in the South. Among this group are Daughters of the American Revolution, the John Birch Society, the American Independent Party, the Ku Klux Klan, the Christian Anticommunism Crusade, and Stop ERA. Notable in the church category are the National Council of Catholic Women and the Mormon Church. In the political category, Southern Democratic Senator Sam J. Ervin, who has steadfastly opposed ERA along with civil rights, and the G.O.P. right wing are most prominant.

In opposing the ERA with its principle of legal equality for all, these groups have relied on emotions, prejudice, misinformation, and fear. Senator Ervin's minority views, stated in the Senate Report on the Equal Rights Amendment, are based on an April, 1921 Yale Law Journal. Many of his excerpts, which are widely quoted by the opposition, are totally misleading in that phrases are lifted from context,

or deletions greatly alter the meanings.

Organized support for the ERA comes from an overwhelming number of political, civic and labor organizations, notable among which have been Common Cause, League of Women Voters, American Civil Liberties Union, the National Association of University Women, the Democratic National Committee, the Republican National Committee, the A.F.L. - C.I.O., the National Council of Jewish Women, the United Presbyterian Church, N.A.A.C.P. and the Girl Scouts.

Use of the boycott to further the cause of ERA was begun in 1974, when several women's organizations voted not to hold further meetings in states which would deny women equal rights. The boycott has snowballed to include almost 200 organizations, and has meant the loss of millions in revenue for the unratified states. To those men who criticize the women's movement for this action we would remind them they first led the way with the Boston Tea Party. This famous act was a form of economic sanction and one of the acts which led to the founding of this country.

Thirty-five states have ratified the ERA. Thirty-eight are needed to make it part of the Constitution. Efforts to ratify ERA in 3 additional states have been at a standstill for 2 years, including this year, in Illinois where a legislative ruling requiring a 3/5 majority vote has stalled ratification.

Outside of Illinois, opposition comes almost entirely from southern states and from those where Mormon Church opposition is strong. In some of these states conservative committee tactics in the legislature have prevented ERA from even coming to the floor for a vote.

It was for this reason, lack of full and open debate on the crucial issue, as well as the arbitrary time limit of 7 years established by Congress, that the National Organization for Women initiated the push for an extension beyond the March 1979 deadline.

In July, last summer, 100,000 women marched in Washington as part of that Herculean and successful effort. It was a joyous and festive group, in contrast to Alice Paul's suffragists who were forced to disband.

The extension, for the ERA forces is an important victory. It will allow more time to debate the real issues. There has been a deep lack of understanding on the part of the public and a flood of misrepresentation by the opposition. And it appears that truth and logic are gaining ground, with the latest ABC News, Harris poll (Feb. 19) showing 57% of Americans approve of the ERA.

In the coming weeks there will be renewed charges and counter-charges in the struggle for women's rights. And as we listen, it is important to evaluate them in the context of the social and political history of our nation. The women's movement will neither dissolve nor dissipate. The ERA will not go away. "The changes which have affected women and brought them together represent the workings of long-term, historical forces that are never going to be reversed", according to Elizabeth Janeway. The ERA recognizes those historical forces. The ERA offers women, for the first time, in real measure, those opportunities for "life, liberty, and the pursuite of happiness", envisioned by our founding fathers.

The ERA will not only let women into the Constitution,

The ERA will recognize the dignity and worth of every individual, man or woman. Its enactment would radiate out from this nation to impact the rest of the world.

For the quest for human rights will be seen to include that half of humanity that are women.

* * * * *

January 28, 1983
P.O. Box 3-5000
Juneau, Alaska 99801

My name is JoAnn Thorson. I am a homemaker and a mother of two children, a boy and a girl. My husband is a Chief Petty Officer in the Coast Guard.

I am opposed to Senate Joint Resolution No. 1 for the following:

The recognition of the difference between men and women does not in itself demean individuals. To pass an amendment that would force laws to be passed that do not recognize the differences between men and women are illogical and socially detrimental.

In 1952 the Commission of Life and Work of Women in the "Church of World Council of Churches" made this statement regarding men and women's differences:

> "There is a real danger for women in the equalizing process. Equal conditions of work and living do not guarantee equal conditions for women. Women need different conditions than men to give them equal freedom."

The problems and issues of women in today's society are not going to be resolved in this amendment, but by enforcing and strengthening the already existing laws. Therefore this proposal is a waste of time and money.

Sincerely,

JoAnn Thorson

NATIONAL ORGANIZATION FOR WOMEN
Anchorage Chapter
P.O. Box 1722
Anchorage, Alaska 99510

WHY THE EQUAL RIGHTS AMENDMENT?

By

Dorothy Awes Haaland*

Today I wish to address the Equal Rights Amendment, commonly known as the ERA, and its effects on the family. This amendment was passed by Congress in 1972, and must be ratified by three-fourths, or 38 of the 50 states to become effective. In the first few months after ERA was passed, it was ratified by a majority of the states. Then groups like Stop ERA, headed by Phyllis Schlafly, the John Birch Society, and now Moral Majority, began attacking the amendment and frightening many people. Since this attack began, only one additional state, Indiana, has ratified. Three more states must ratify before the deadline of July 22, 1982. This delay and possible defeat has occurred although polls repeatedly show that a large majority of both women ane men favor the amendment.

Unfortunately much of the debate stirred up has been emotional and unrelated to the subject of sex equality and legal status of women, with opponents charging that it will endanger our form of government, require all women to work outside the home, mandate unisex bathrooms, and force the recognition of homosexual marriage, at the same time destroying heterosexual marriages. These will not be the effects of the Equal Rights Amendment since the courts will interpret it with the benefit of a lengthy legislative history which refutes these arguments. Also, at least 14 states--including Alaska--have their own equal rights provisions, none of which has resulted in any of the harmful effects promised.

The substantive part of the Amendment is very short, reading as follows: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." The majority report of the U.S. Senate Judiciary describes what Congress intended by this amendment:

> The basic principle on which the Amendment rests may be stated shortly: sex should not be a factor in determining

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*An abbreviated version of this article was presented by Dorothy Awes Haaland at the local Anchorage hearings on the White House Conference on Families on March 14, 1980. The author is a long-time local attorney and is the Chairperson of the Legislative Committee of Anchorage N.O.W. She was the first President of Free Voices, was a delegate to the Alaska Constitutional Convention and was a member of the Alaska Territorial Legislature.

The Equal Rights Amendment to the U.S. Constitution

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.

> the legal rights of men or women. The Amendment thus recognizes the fundamental dignity and individuality of each human being. The Amendment will affect only governmental action; the private actions and the private relationships of men and women are unaffected.

The basic principle, therefore, of the ERA is not that men and women are the same but that the law cannot treat them differently solely because of sex.

As to the family, women during marriage have traditionally been treated as second class citizens. Many laws still reflect the view of the common law that the woman is the property of her husband. Some of the most repressive laws, such as those denying the wife the right to own property or to be granted custody of her own children, have been changed, but there are still many laws which deny women equal rights.

In some states the husband has the legal right to manage all marital property, including disposal of it, even though it was earned or purchased by the wife. It should be noted that the woman who wishes to be a full-time homemaker has the least legal and economic protection of all. Many states do not recognize her labor as having any economic value. Tax laws often discriminate against the wife. In most states, when a marriage ends the wife is discriminated against in the distribution of marital property. Even a wife's jewelry may be considered the property of the husband, as was the situation in Pennsylvania until the state adopted its own ERA. Social security laws also discriminate against the homemaker.

Much is made by opponents of a wife's right to support. As a matter of fact, any such duty on the part of the husband is largely unenforceable. During a marriage the courts will almost never interfere. As for child support after divorce, most men are not ordered to pay the full cost of support, and a recent study showed that 62% of men pay less than ordered by the court the first year after the divorce, and after 10 years 79% were making no payment at all. Therefore most divorced mothers must work or turn to welfare. The ERA will at least result in better working conditions with better wages for mothers who must work.

One of the most emotional arguments against the ERA is that women must be drafted and sent to the front lines. In this connection it should be noted, as has been made obvious by recent events, that Congress already has the authority to draft women, the ERA not being necessary for this purpose. The difference is that, if the ERA is enacted, the government may be required to draft women. It will also require that women who are drafted are entitled to the benefits that are given to men, such as equal pay for equal work, equal standards for those who want to enlist as well as equal training and post-war benefits. Further it should be pointed out that this does not mean, as opponents of the ERA would have us believe, that all women will be drafted indiscriminately

and sent to the front lines. As with men, women will be classified according to any physical and mental abilities, family obligations and even their desires in some circumstances. Also it should be borne in mind that it requires 7 or 8 persons behind the lines to meet the needs of one person on the front lines, which means that only a small percentage of either men or women will ever be on the front lines.

It is also argued that so many inequities have already been corrected that we no longer need the ERA. This is not true. The U.S. Civil Rights Commission recently compiled a list of over 800 federal statutes that currently discriminate on the basis of sex. Add to that the thousands of discriminatory state laws and regulations, and the continued need for the ERA becomes obvious. Until there is a Constitutional mandate for legal equality, neither the federal nor state governments, nor the courts will have any overwhelming reason to initiate, implement, or enforce equal rights for women.

In summary, the ERA will not alter the family structure. It will not force women out of the home or downgrade the roles of homemaker and mother. To quote Congresswomen Florence Dwyer:

> Indeed, it would give new dignity to these important roles. By confirming equality under the law, by upholding woman's right to choose her place in society, the Equal Rights Amendment can only enhance the status of traditional women's occupations. For these would become positions accepted by women as equals, not roles imposed on them as inferiors.

Dorothy Awes Haaland

THE FOLLOWING DOCUMENT(S) MAY NOT FILM LEGIBLY BECAUSE OF POOR QUALITY OF THE ORIGINAL.

It is our conviction that:

1. The Amendment is unnecessary. The fifth and fourteenth Amendments guarantees to all persons due process and equal protection of the laws without arbitrary discrimination. Most of the inequalities about which its advocates complain are due to custom and tradition, not to law.

2. The adoption of the amendment would nullify Michigan's labor laws for the protection of women. This legislation is perhaps more necessary than before because of the number and proportion of women in the labor force.

3. Adoption of the amendment would cause great confusion in the wide field of laws relating to property, personal status and marriage.

We ask the Committee's consideration of the position of the Michigan Women's Commission.

STATEMENT OF MRS. MYRA K. WOLFGANG, VICE PRESIDENT, HOTEL AND RESTAURANT EMPLOYEES AND BARTENDERS INTERNATIONAL UNION, AFL-CIO, IN BEHALF OF MICHIGAN WOMEN'S COMMISSION

Mrs. WOLFGANG. My name is Myra Wolfgang. I reside in the city of Detroit. I am the international vice president of the Hotel and Restaurant Employees Union, AFL-CIO, and also the secretary-treasurer of its Detroit local. I bring to this hearing 35 years of experience in representing the interests of service workers, both of women and men, and may I hasten to add, [illegible] of the Michigan Civil Rights Commission. I have been a member of the employer committee on human relations, and as such I was an observer to the commission. Indicated, I am a member of the [illegible] mission on the status of women and was a participant in the [illegible] I am [illegible]

ment is the result of a growing anger amongst women over job discrimination, social and political discrimination, and many outmoded cultural habits of our way of life.

And the anger is justified, for certainly discrimination against women exists. I do not believe, however, that passage of the equal rights amendment will satisfy, or is the solution to the problem. The problem of discrimination against women will not be solved by an equal rights amendment to the Constitution, conversely, the amendment will create a whole new series of problems. It will neither bring about equal pay for equal work, nor guarantee job promotion free from discrimination. It will not compel the partner of a senior law firm to hire a woman lawyer if he has prejudice against a woman lawyer. And may I point out at this time that if that law firm employs less than 25 persons, they are not even covered by the title VII of the Civil Rights Act. And I would suggest that would be a good place to start a fight against law firms that won't hire lady lawyers.

The amendment is excessively sweeping in scope, reaching into the work force, into family and social relationships, and other institutions, in which, incidentally, "equality" cannot always be achieved through "identity." Differences in laws are not necessarily discriminatory, nor should all laws containing different provisions for men and women be abolished, as the equal rights amendment would do.

Opposed, as I am, to the equal rights amendment, I certainly do not mean that I am opposed to equality. The campaign for an equal rights amendment, in many instances, has become a field day for [illegible] and not become as plausible as the "right to work" law campaigns. The "right to work" laws do not guarantee a job [illegible] the equal rights amendment will not guarantee equality.

[illegible]

Mrs. WOLFGANG. I think it is bad and I don't think that the equal rights amendment will correct that. And if you will permit me to continue testifying, I will try to show you what my position is.

Senator BAYH. I would be happy to let you continue but the whole thrust of this intimation that there is some devious means of——

Mrs. WOLFGANG. Well, why don't you wait until I conclude my testimony, and let me assure you I don't think it is devious. I think it is unfortunate that the women who are working washing dishes or working in the laundry can't afford to be here while the rest of us can. And I list myself amongst the fortunate.

Senator BAYH. I will try not to interrupt anymore.

Mrs. WOLFGANG. Thank you.

Some feminist groups have concluded that since only females reproduce—and to be a mother is to be a "slave eternal"—that nothing short of the destruction of the family and the end of internal reproduction will do. Having discovered "artificial insemination" all that is missing now, in order to do away with women, entirely, is discovering an artificial womb.

You will be hearing, I am sure, from many who will contend that there are no real differences between men and women, other than those enforced by culture. Rot. Culture created the differences in the size of the hands, in muscular mass, in respiratory capacity, and so forth and so on. The differences are physical.

And one more. Women on the average—there are exceptions, Senator—are 35 percent to many as men and only have as much physical strength. Therefore, they cannot lift as much [illegible] cannot carry as much weight or have the

The elimination of laws regulating hours women may work permits employers to force them to work excessive overtime, endangering not only their health and safety, but disrupting the entire family relationship.

The women in the work force who are in the greatest need of the protection of maximum hour legislation are in no position to fight for themselves.

Do you want me to wait, Senator? Would you want me to pause?

Senator BAYH. No, ma'am. I didn't want to interrupt. Go right ahead.

Mrs. WOLFGANG. Well, I noticed that you were in a conference.

Senator BAYH. That is quite all right. I will try to do my job and I know you will try to do yours.

Mrs. WOLFGANG. Thank you.

Let me emphasize again that the majority of them are not represented by labor unions (working as they do in organized industries); thousands are not covered by the Fair Labor Standards Act since their employers do not gross $500,000 a year, which is the definition of interstate commerce. And may I point out that as a result of that, that all of these women who are not covered by the Fair Labor Standards Act do not even get premium pay when they are compelled to work overtime. Nor are they covered by title VII of the Equal Employment Opportunities Act, or of the Civil Rights Act. As you well know, that act only applies to employers of 25 persons or more. So we find that the woman worker, particularly the service worker, is not covered by the Fair Labor Standards Act; therefore, will not receive overtime when she works it, is not covered by the Equal Employment Opportunities, or by title VII, and gets neither protections.

Yet, we are told that the decision of the Equal Employment Opportunity Commission stating that State laws are superseded by the Federal law, should remove objection to enactment of the equal rights amendment. The Equal Employment Opportunity Commission in issuing guidelines on the question of labor ordinances [illegible] applying to women only, stated that:

[illegible]

[illegible]

say that the best way to accomplish that would be to exclude professional women, administrators, and executives, but the approach that I am suggesting is that the specific problem—and I am only using hours as an example now—can be more equitably handled by amending, repealing, strengthening State laws where it is rquired, than by having an amendment to the Constitution which would make it impossible to do such things unless they are applied equally to men and women.

In this mad whirl toward equality and sameness one question remains unanswered: Who will take care of the children, the home, cleaning, the laundry, and the cooking? Can we extend this equality into the home? Obviously not, since the proponents of the equal rights amendment are quick to point out the amendment would restrict only governmental action and would not apply to purely private action.

I would like to point out that this was a statement made by my good friend Congresswoman Martha Griffiths. It was inserted in the Congressional Record, and on that subject I agree that the social security laws are discriminatory, and I respectfully suggest that the way to correct that would be by amending the social security laws. And it seems to me that if it cannot be amended as a result of an intelligent discussion even with the powerful voice of Congresswoman Griffiths in the Ways and Means Committee that perhaps there are issues involved in the entire social security picture which make it appear that what was stated here yesterday is an oversimplification of the facts.

Unfortunately, I am a widow. I pay the same amount of social security as do all other persons, male or female. I have no husband to leave it to. But let me assure you I do not feel that my social security taxes are being used to support your widows, as is felt by Congresswoman Griffiths, according to her testimony given yesterday. I feel my social security taxes are being used to support ADC mothers, and I hope that they can get more support. I am much more concerned, Senator, about my tax dollars being sent to Cambodia, than I am whether it supports your widow or not.

Senator Bayh. Well, at the risk of interrupting again, if it were possible for this committee to consider that issue and to pass it out, at least this morning, we would have a unanimous vote to bring the troops back from Cambodia. But unfortunately that is not before us and I think we have to deal with the specific question. I think you said a moment ago, did you not, that you realized the inequities that exist in social security relative to women?

Mrs. Wentworth. Oh, yes. I recognize them, but I think they should be corrected by amending the Social Security Act. I would venture to say—that is my point, Senator, that if it were to be there, even though it is so very, very unfair that there must be some reasoning there—in other words, what we are trying to get to in amending social security through an equal rights amendment is we are trying to get something through the back door that we cannot get through the front door.

I know the pressures upon you have been great, and I am aware of the recent position taken by the Citizens Advisory Council on the Status of Women in support of the equal rights amendment. Since it differs with the report of President Kennedy Commission on the Status of Women, what has occurred to explain this change? You know, as it is said, in order to know the players, you have to have a scorecard. Well, have women changed since 1963? No. Have the fifth and 14th amendments to the Constitution been changed, repealed, or amended since 1963? The only thing that has changed is the personnel of the Citizens Advisory Council. The new Council was appointed last August and consists of business and professional women whose knowledge of proper labor standards for workers is negligible. And if you don't believe me, ask the domestics that work in their homes. Not one labor representative is on that Council.

You have been reminded in strong and ominous tones, and I was here yesterday and heard it, that women represent the majority of the voters. That is true. But there is no more unanimity of opinion among women than there is amongst men. Indeed, a woman on welfare in Harlem, and a unionized laundryworker in California, an elderly socialite from Philadelphia may be of the same sex and they may be wives and mothers, but they have little in common to cause them to be of one opinion.

Whatever happens to the structure of opportunity, women are increasingly motivated to work—and they want to work short hours on schedules that meet their needs as wives and mothers. They want fewer hours a week because emancipation, while it has released them for work, has not released them from home and family responsibilities.

I oppose the equal rights amendment since the equality it may [illegible] well be equality of mistreatment.

I would be very happy to answer any question that you direct.

(The prepared statement follows:)

STATEMENT OF MYRA K. WOLFGANG ON EQUAL RIGHTS AMENDMENT

My name is Myra K. Wolfgang. I reside in the City of Detroit, State of Michigan. I am the Vice President of the Hotel and Restaurant Employees and Bartenders International Union AFL-CIO and Secretary-Treasurer of Local [illegible]. For this I bring to this hearing 34 years of experience in [illegible] the interests of service workers, both organized and [illegible] to [illegible] as well. I am a member of the [illegible] Michigan [illegible] I am also a member of the Michigan Women's Commission (appointed by the Governor's Council for Human Rights of Women).

[illegible] United States, employs more than 5½ million [illegible] These are all good union jobs, and are employed in the [illegible] and retail trade industries. I am [illegible] and unfortunately [illegible] the majority of women are not organized into trade unions. [illegible] are not concerned with the necessity of having philosophical [illegible] a woman should or should not be in the work force, they are in the [illegible] of life, economic necessity and have no choice in the [illegible]

one out of ten women in the work force have had four or more years of college, so I am not speaking of or representing the "bird in the gilded cage". I speak for "Tillie the Toiler".

I am opposed to enactment of the Equal Rights Amendment to our Constitution. I recognize that, the impetus for the passage of the Equal Rights Amendment is the result of a growing anger amongst women over job discrimination, social and political discrimination and many out-moded cultural habits of our way of life.

The anger is justified, for certainly discrimination against women exists. I do not believe, however, that passage of the Equal Rights Amendment will satisfy, or is the solution to, the problem. The problem of discrimination against women will not be solved by an Equal Rights Amendment to the Constitution, conversely, the Amendment will create a whole new series of problems. It will not bring about equal pay for equal work, nor guarantee job promotion free from discrimination. The Equal Rights Amendment is a negative law with no positive or specific provisions to combat discrimination.

The Amendment is excessively sweeping in scope, reaching into the work force, into family and social relationships and other institutions, in which "equality" cannot always be achieved through "identity". Differences in laws are not necessarily discriminatory, nor should all laws containing different provisions for men and women be abolished.

Opposed, as I am, to the Equal Rights Amendment, certainly does not mean that I am opposed to equality. The campaign for an Equal Rights Amendment, has become a field day for sloganeers and has become as jingoistic as did the "Right to Work" law campaign. "Right to Work" laws do not guarantee a job, anymore than the Equal Rights Amendment guarantees equality.

Representing women service workers, gives me a special concern over the threat that a simple Equal Rights Amendment would present to minimum labor standards legislation, since such standards influence working conditions. Many such State laws apply only to women.

Today, the 50 States, the District of Columbia and Puerto Rico, all have minimum labor standards laws applying to women. The principal subjects of regulations are: (1) minimum wage; (2) overtime compensation; (3) hours of work, meal and rest periods; (4) equal pay; (5) industrial homework; (6) employment before and after childbirth; (7) occupational limitations; and (8) other standards, such as seating and weight-lifting [illegible] limitations. It would be desirable for some of these laws to be extended to men, but the practical fact is that an Equal Rights Amendment is likely to destroy the laws altogether rather than bring about coverage for both sexes. Those State laws that are out-moded or discriminatory, should be repealed or amended and should be handled on a "case by case" basis. Let us [illegible] that we agree on what is "discriminatory" before we rush into [illegible] [illegible] legislation.

[illegible]

[illegible]

[illegible]

At an average age of thirteen comes the tremendous change and the *one great* difference between the boy and the girl. From that date on, she is able to bear children. With the development of this child-bearing function, a monthly cycle of changes and variations occur. Many women's capacity to work is affected by these changes during this cycle. It has been known, for instances, that women singers will perform differently during such periods because of effects on their vocal cords. The effects of these changes on the central nervous system are quite obvious. This is not to suggest that women are incapacitated during this cycle, yet 25% of them have symptoms so severe as to cause them to seek medical relief. From puberty onward, woman's general muscle strength is never equal to that of a man.

Women are on the average only 85% as heavy as men and have only about 60% as much physical strength. Therefore, they cannot lift as heavy weights, they cannot direct as much weight or have the same strength for the pushing or pulling of loads. Their grip is not as strong. Women are built on a smaller anatomical scale than men, their standing and sitting height, arm length and size of hands and feet all being smaller.

One can take any cell from a human being and determine whether it came from a male or a *female*. This does not suggest superiority or inferiority among the sexes, it emphasizes the differences. Because of the physical and I emphasize *physical* differences between men and women, the question of protective legislation for women must be reviewed. In addition, the dual role of women in our modern society, makes protective legislation a necessity.

The working mother has no "wife" to care for her or her children. She assumes the role of homemaker and worker and must perform both these roles in a 24-hour period. Even in the two-parent households, there is an unequal division of domestic chores. While much could be done to ease the burden of the working women by men assuming a fair and equal share of domestic chores, they are not prepared to do so. What is more, society as a whole, is reluctant to expect this of men or to build child care centers to ease the burden of woman's dual role.

If the community does not take action, through protective legislation, to enable women to work outside the home, then the expressed desire for equal rights is an empty promise and myth. The Equal Rights Amendment would [illegible] unconstitutional to enact and would repeal legislation [illegible] protection for women. [illegible] ask yourself the question: Should we have to live without any legislation to protect [illegible] workers, because [illegible] legislation for men? I don't [illegible] give legislation for women if we are unable to get such legislation for men. The passage of the Equal Rights Amendment would do this, and it is wrong.

[illegible] to force [illegible] overtime, eliminating [illegible] their [illegible] family, but [illegible] friendship.

[illegible] Equal Employment [illegible] are [illegible] last, [illegible] Equal Rights [illegible] Civil [illegible] 1964

point out that State laws limiting the number of hours women can work, protect the woman who cannot and does not want to work overtime. The decision of the Equal Employment Opportunity Commission gives the woman who wants overtime, the right to insist that her employer offer it to her. The rights of thousands of women who are unable to work excessive overtime, who are not covered by the Equal Employment Opportunities provision of the Civil Rights Act and who consider overtime a punishment not a privilege, must also be protected. The Equal Rights Amendment will make it impossible to do so.

In this mad whirl to "equalize"—male, female—everyone, one question remains unanswered—who will take care of the children, the home, the cleaning, the laundry and the cooking? Can we extend this "equality" into the home? Obviously not, since the proponents of the Equal Rights Amendment are quick to point out that the Amendment would restrict only governmental action and would not apply to purely private action.

I know the pressures upon you have been great and that you are aware of the recent position taken by the Citizens Advisory Council on the Status of Women in support of the Equal Rights Amendment. Since it differs with the report of President Kennedy's Commission on the Status of Women, what has occurred to explain this change? Have women changed since 1963? Of course not. Have the 5th and 14th Amendments to the Constitution been changed, repealed or amended since 1963? Of course not. The only thing that has changed is the personnel of the Citizens Advisory Council. The new Council was appointed last August and consists of business and professional women whose knowledge of proper labor standards for workers is negligible. Ask the domestics that work in their home! Not one labor representative is on that Council. In addition, I am sure my sisters in the Women's Liberation Movement have reminded you in strong and ominous tones that women represent the majority of voters. That but there is no more community of opinion among women than among men. Indeed, a woman on welfare in Harlem, a unionized laundry worker in California, an elderly socialite from Philadelphia may be of the same sex and there may be wives and mothers, but they have little in common to cause them to be of one opinion.

Whatever happens to the structure of opportunity, women are increasingly motivated to work—and they want to work short hours on schedules that meet their needs as wives and mothers. They want fewer hours a week, not more. Automation, while it has relieved them for work, has not relieved them of home and family responsibilities.

I oppose the Equal Rights Amendment since the [illegible] will be equality of [illegible].

Thank you.

Senator Tydings. Well, I [illegible] a member of a minority group in this country——

Mrs. Wiesner. Haven't you glad the majority isn't of one mind?

Senator Tydings. I was just going to say that is the most heartening [illegible] so far. It is proved conclusively by the testimony today that united proof is needed.

[illegible]

[illegible]

[illegible]

MRS. WOLFGANG. The expressions were mine.

Senator BAYH. Excuse me. You were here yesterday and you heard me suggest that I disagreed with some of the ladies who were on the other side of this issue with you. I said then that I didn't feel the passage of this amendment was going to be a panacea such that all of a sudden discrimination was going to disappear, but rather that it was going to take active pursuit of the rights given under this Constitutional amendment to bring about changes in due course. But you stress now the equalities provided under the Fifth and 14th amendments. Can you specify one court case that has reached the Supreme Court today in all these years of history that has been based on the fifth and 14th amendments that has been successful for women's rights?

MRS. WOLFGANG. I believe the trial on the question of serving on an Alabama jury raised the question of the 14th amendment and as a result of that litigation women can now serve on juries in Alabama.

However, Senator, I also heard yesterday——

Senator BAYH. That was——

MRS. WOLFGANG. Just a minute. You asked me a question. Let me answer it.

Senator BAYH. Yes, but you were not accurate; that was not a Supreme Court case. That was a district court case.

MRS. WOLFGANG. I thought you were talking about the validity of the application of the 14th amendment. Because I know there were many instances where the lower courts didn't uphold it, and therefore it was said that the 14th amendment do[illegible] apply. And that was said yesterday and you interrogated them so I [illegible] you [illegible] both areas of the court. However, the expression was mine [illegible] when I spoke of legal equality. What I mean, and [illegible] is that equality will not be achieved by legislation. Perhaps the word "legal" is not used in the correct context there. I do not believe that you can legislate equality no more than you can legislate antidiscrimination. You have antidiscrimination laws on your books, but the [illegible] people [illegible] on the question of [illegible] as is indicated by [illegible] to suburbia all over this country, and there isn't any law you [illegible] put on the books that is going to change that. There isn't any law that is going to alter the fact that people, where they live, even determine the schools their children go to, and yet, you cannot stop that exodus.

Senator BAYH. Granted that you are not going to legislate equality. But according to your testimony, and you are here the [illegible] literally on the [illegible] representing women who clean and wash dishes——

MRS. WOLFGANG. I venture to say the dishwasher in Gary, Ind., doesn't like to work more than 16 hours a day.

Senator BAYH. The efforts we have [illegible] to [illegible] have [illegible]

[illegible]

stated in a constitutional amendment going to be able to create the attitude and aura of movement in this direction more than a piece by piece statute?

Mrs. WOLFGANG. Well, Senator, I am inclined to agree with you an equal rights amendment would do that. If you recall from my testimony I said my opposition to it is based only on the fact of its impact on protective labor legislation because I am aware of the fact that the majority of the women in this country, and incidentally, you know, when they speak of the women's median wage being so much less than the men's, there are factors other than the fact that the majority of them are in the unskilled occupations. Whether we like it or not in Government service in spite of Presidential orders going all the way back to President Kennedy, you have this wide range of the average earnings of the women and men because you know women do not achieve the same tenure. They are in the work force and they are out of it, and they return to it, and that is as it should be if that is the way the individual woman wants it to be.

Senator BAYH. But I think you would be the first to suggest that that is not the only reason why there is this discrepancy between a woman executive working in Government and a man executive.

Mrs. WOLFGANG. Of course not. Amongst the executives it is now assumed that there are laws to protect that. I would suggest that either the laws be enforced or that the women fight more aggressively to see that they get what they are entitled to under law, not to pass an amendment to the Constitution that will take the rights away from that woman who is making less than $3,000 a year, leave her without any legislation that says her employer can make her work 10 and 12 hours a day and then go home to a day of housework. That is where a majority of the working women are.

[illegible]

the UAW. The action was supported by the UAW women in the Rawsonville Ford Motor plant, the Ac Spark Plug plant from Flint, Mich., Chrysler Corp. in Lyons, Mich. This just wasn't service workers. The women who are covered by EEOC equally as concerned with the impact of excessive overtime.

There was a 5-month period when the law was not on our books.

Now, that is a wild situation there. Our legislature passed two pieces of legislation. One repealed the law. The other referred it to an occupational safety standards commission. The attorney general ruled that one that repealed the law was invalid, but during that period there was three months' time when we did not have the hours law on our books. The result was so catastrophic that women actually in this day and age, even though we were told here yesterday that the days of exploitation are over, were working 12 hours a day, 7 days a week. In the Chrysler Motor Co. Chrysler Vernor-North plant in the city of Detroit, they were put on a schedule of 12 hours a day, 7 days a week, and women were compelled to quit their jobs because they could not work these hours and go home afterward and do their housework. And that is why we took them to court and that is why I think we will again.

Senator BAYH. Let me ask you if you think it is a good practice to have men working 12 hours a day, 7 days a week.

Mrs. WOLFGANG. I think it is a very bad practice for a man to have to work 12 hours a day, and I think this legislation should apply to both. The question that I asked in my statement and that may have been at the moment when you were discussing [illegible] was what do we do until legislatures enact the law to relieve both men and women. That is the question that is before us.

Senator BAYH. Let me suggest to you that I am very sensitive to criticism that I would be in favor of or consider legislation that would [illegible] conditions of [illegible] Mrs. WOLFGANG. I am sure you would, Senator. That is why I am applying the way I am.

Senator BAYH. In many instances I think my legislative record has shown I have been on the other side of such issues. I am not convinced yet that [illegible] equal rights amendment [illegible] but it is entirely possible to accomplish that in [illegible] Michigan in which a woman would not [illegible] that [illegible] would be just as unfair to conclude that [illegible] would be applied to men as women, but that it could be applied as it applies to women.

[illegible]

good for women will remain for men, I have to ask the question, and I hope one of the proponents of this bill will answer it in their testimony; they haven't yet—why are they opposed to the Hayden amendment, which would do just that? I can't answer it. Somebody else will have to.

Senator BAYH. I can answer that myself.

Mrs. WOLFGANG. Well, good.

Senator BAYH. I am not sure that I can answer it to your satisfaction.

Mrs. WOLFGANG. No, no. I just want to know what the answer is.

Senator BAYH. Anyone who is familiar with the Hayden amendment, can argue the merits of this amendment: the whole question of whether we should have an amendment to the Constitution, is answered by the amending the Constitution on the one hand saying one thing and then on the other hand saying that we really didn't mean anything we said——

Mrs. WOLFGANG. No, no. I agree with you there.

Senator BAYH. It is just totally ridiculous to suggest we go through this overture. It is just a political ploy, it seems to me, to do it, and I think the Congress has been guilty of this.

Mrs. WOLFGANG. Well, I don't think we ought to attribute motives to anyone else. I don't. I think that the—I hope that proponents of the equal rights amendment will recognize my sincerity and commitment to labor legislation for the unskilled, untrained women workers who are my primary concern. By the same token I wouldn't say that this a ploy.

Senator BAYH. I don't think—all right.

Mrs. WOLFGANG. That it was a ploy. I think that the contribution that was made there at least made a lot of people aware of the fact that the equal rights amendment is a possible threat to protective legislation. We both concede that the courts are going to have to make the determination. And I am not a lawyer, so I won't discuss it.

Senator BAYH. Is it reasonable to assume that passing an equal rights amendment with the Hayden rider would leave us exactly where we are today?

Mrs. WOLFGANG. That is reasonable to assume, and I think as far as the equal rights amendment in this type of legislation, that is where I would like to be. I believe that the laws have to be amended and strengthened on a case-by-case basis. I am not prepared to throw the baby out with the wash.

Mrs. FENWICK. Senator, you made a statement that you thought the protective legislation might be interpreted so that the hours would be the same for men; in other words, they would have a 5-hour week, but I think that is an unrealistic approach because of the trend that has been happening across the country, that the hours have been removed, not extended to cover men, but have been removed so that women who have been on an 8-hour [illegible] protected. And I feel very strongly that this is necessarily to [illegible] I don't think that we can assume that the other [illegible] tion would take place.

Senator BAYH. But neither can we assume that, at least we cannot accurately say that this amendment would prohibit that from happening.

Mrs. WOLFGANG. That is correct. So our statement that this would be decided by the courts is a correct one.

Senator BAYH. Let me ask just one last general question here.

What has been accomplished by your commission, Mrs. Finegan? The reason I ask is not to be critical of your efforts or the commission's efforts, but to try to point out the fact that what is being done now for some reason or another is not doing the job.

Mrs. Wolfgang pointed out a number of areas in which under present "protective" laws, there are large numbers of people that are being discriminated against. Now, it seems this is totally contradictory if we don't want to repeal those laws or we don't want to pass a constitutional amendment because we might affect those laws which provide protection which in essence doesn't exist.

Mrs. FINEGAN. You are talking about passing a law without an amendment, isn't that correct?

Senator BAYH. Yes, ma'am.

Mrs. FINEGAN. And isn't the Hayden rider——

Senator BAYH. You see I asked Mr. Furay this yesterday. He went through a very well documented graphic presentation of the shortcomings, the work conditions, the strains on various parts of the body, all of which are going on today. And yet, he suggests that to pass the amendment, and you suggested to pass it, is going to take away this protection which apparently isn't effective.

Mrs. WOLFGANG. That is why it should be strengthened, those laws. Even EEOC should be strengthened so it has enforcement provision.

Mrs. FINEGAN. You might be interested to know that at a public hearing in Michigan there was one representative from industry and everybody else represented the labor force. I think this indicates the lack of concern on the part of industry if they are permitted to force people, if they can force people to work beyond the normal working week. I think this indicates that they are certainly going to take advantage of this?

But you did ask what our commission had accomplished, and the present commission has been in existence just a year. We have taken a stand on the abortion laws in Michigan. We have published a pamphlet on laws applying to women. We are at the present time engaged in four ongoing programs dealing with household employees, with family planning, with part-time employment opportunities for women, and these are ongoing projects at the present time. Since we have only been in existence a year I would say that our stand on the abortion issue and our fight on the abortion issue has been the most significant contribution of this commission.

Mrs. WOLFGANG. Senator, Mrs. Finegan has been very modest. Our commission didn't just take a stand on the abortion hearing. Mrs. Finegan as our chairman has been one of the leaders of the struggle for abortion reform in Michigan.

Senator BAYH. Well, thank you. I am glad of that for the record.

Mrs. WOLFGANG. However, if I may I make a short statement. There was a point of contention yesterday of one of the

witnesses here on the organized labor movement, and the employment of women officials. Incidentally, you were interrogating a non-elected official of the labor movement, a trade union functionary. As an elected official of one of the five largest unions in the AFL–CIO and its international vice president, I would like to point out that in my way of thinking there are three reasons why there aren't more women leadership positions in the labor movement, and you expressed a concern about it yesterday. As a matter of fact, I thought the labor movement was on trial yesterday. The first one is that the men in the labor movement——

Senator BAYH. Let me suggest I think that is patently fair. There is nobody more sympathetic with the labor movement than I, and I suggest it is reasonable to ask if you have a union comprised of women who run sewing machines why you don't have a preponderances of female leaders at the higher levels as well as at the local level?

Now, I don't see how that puts anybody on trial. That is trying to get some facts on the record.

Mrs. WOLFGANG. I think that is a very reasonable question to ask and I would like to answer you have a preponderance of women in the country, 53 percent of them, and one woman in the U.S. Senate, but I would like to continue that there are three reasons for this, Senator, and I do respect your sincerity. I think you really want to know. In my way of thinking the first one is male chauvinism. I think the men in the labor movement are not different than any other men.

But the second and the more important reason is that the women in the labor movement who are [illegible] are in the work force in the main have to go home to [illegible] household duties that they go through with and [illegible] willing to participate in the union politics to the [illegible] that men do.

And the third explanation I would like to [illegible] better [illegible]

[illegible]

[illegible] (continuing). [illegible] but I hope that the [illegible]

[illegible]

[illegible] union official who would [illegible] to represent in the [illegible] different way. [illegible]

to be a woman. I will always vote for who I consider to be the best candidate. I mean we have a secret ballot but everybody may as well know I will vote for Senator Hart rather than Mrs. Romney even though Lenore Romney is a charming woman and a personal friend of mine. I will vote for the man because I happen to think he is a better candidate for office.

Senator HART. Perhaps that is a good note to thank you for your testimony and ask for the next witness.

Thank you very much, ladies.

Our next witnesses are Miss Gloria Steinem and Miss Caroline Bird, Miss Steinem, a writer and critic of some renown, and Miss Bird, author of "Born Female." What was the other title, "The High Cost of Keeping Women Down"—is that the one?

Miss BIRD. I happen to have it with me.

Senator BAYH. We won't call that commercialism. You go right ahead.

Make sure you get a picture of that book.

Thank you, ladies, for taking your time to be with us. We are looking forward to hearing your testimony.

STATEMENT OF GLORIA STEINEM, WRITER AND CRITIC

Miss STEINEM. My name is Gloria Steinem. I am a writer and editor, and I am currently a member of the policy council of the Democratic committee. And I work regularly with the lowest-paid workers in the country, the migrant workers, men, women, and children both in California and in my own State of New York.

I am here in support of the equal rights amendment. I [illegible] with the understanding I would like to [illegible] the principle of equality [illegible] I believe that is going to [illegible] abortion laws, action [illegible] productive activities [illegible] to be taken [illegible] contrary to [illegible] VII.

court has never declared "sex" as suspect category as it has with race.

1. In 1948, the Supreme Court allowed Michigan to restrict women from being bartenders. "The constitution does not require legislatures to reflect sociological insight or shifting social standards," Goesaert vs. Cleary decision. This means that the state laws that bar women from other occupations such as mining and wrestling would probably be upheld.

2. In 1961, the Supreme Court denied an appeal from a convicted woman who said she was not tried by her peers because Florida allows women on the jury only if they go to the courthouse and request to be put on the list. As justification the court said "a woman is still regarded as the center of home and the family."

3. In 1971, the Supreme Court upheld the validity of sex-segregated public schools. In this Vorsheimer case, a young girl was denied admittance to Central H.S. in Philadelphia because she was a girl; the school offered superior math and science training for superior male students.

4. In 1972, the Supreme Court said states could force women to use husband's names on drivers' licenses.

5. In 1974, the Supreme Court upheld a Florida statute which provided a $500 property tax exemption to all widows but not widowers.

EXAMPLES OF STATE AND FEDERAL LAWS THAT THE ERA WOULD LIKELY MAKE ILLEGAL:

"In cases challenging laws under the Equal Rights Amendment, the courts will be faced with essentially two alternatives: either to invalidate the law or to equalize its application to the two sexes." (Sex Discrimination, 1975).

1. N.Y. State, Virginia and nine other states, allow women to refuse jury duty on the basis of sex. N.Y. City will NOT pay the salary of a female employee on jury duty but it will pay the salary of male employees. Only 32 states have the same jury laws for men and women.

2. In New Mexico, Texas and Utah a "passion shooting" is accepted for husbands but not for wives. That means the man would get no penalty and the woman would be tried for murder.

3. Kentucky allows adultery for husbands but not for wives. That is, it is a crime for a woman to commit adultery, but not for a man.

4. In most states it is recognized that prostitution is applied only against females (not customers or male prostitutes). A 1976 Massachusetts state Supreme Court decision reaffirmed this position.

5. New Jersey law gives a judge authority to give longer sentences for women than men. Many other states do the same. Sometimes a woman is sent to a reformatory rather than a prison and stays there longer.

6. In many states, men are not eligible for alimony.

7. Martin case, 1978. Nevada, Louisiana law making the husband manager of property. Mrs. Martin was the only one who worked and supported the family, her husband being a student. She also bought a house for them to live in. Her husband wanted to borrow money by mortgaging the house, and she objected. He made the loan without her consent or signature, and did not repay. The bank sued to foreclose and Mrs. Martin sued to stop foreclosure on grounds that she had bought the property and had not consented to the loan. The Louisiana court held that the husband had full control of all marital property under all circumstances and allowed foreclosure. Affirmed by the Louisiana Supreme Court.

   Mrs. Martin indicated that she would get a divorce and did not want to be married at such sacrifice.

8. SPECIAL ELECTION BY THE SECTION 2 MECHANISM

Senator Robert Griffin testified before the Subcommittee in support of Senate Joint Resolution 160, which would change the traditional method of selecting Vice Presidential nominees. Following the Presidential election, the President-elect would nominate a person for Vice President who would be then subject to confirmation by the new Congress, utilizing the procedures in Section 2 of the 25th Amendment. Thus, under Senate Joint Resolution 160, every Vice Presidential nominee would be subject to the same intensive scrutiny as were Vice President Ford and Vice President Rockefeller.

Several witnesses expressed concern that this proposal would distract the new President and Congress from their other responsibilities and would delay the organization of every new administration and the implementation of its programs. Furthermore, such a plan would leave the Presidency without a successor for an interim period and difficulties could arise if the President were to become disabled during that period.

CONCLUSION

The hearings to review the first implementation of the Twenty-Fifth Amendment revealed widespread satisfaction with the operation of the amendment, and little support for any specific alternative to Section 2. Although a few witnesses expressed views favoring change, there was an absence of agreement as to the type of change, and serious objections were raised to each of the varying proposals. Clearly, the Subcommittee believes the Twenty-Fifth Amendment, which has been applied twice in its short existence, successfully met its first, and perhaps most difficult, tests.

The Subcommittee issued a detailed report on the first implementation of the Twenty-Fifth Amendment (See "A Review of the Implementation of Section 2 of the 25th Amendment", September, 1975, 94th Congress, 1st Session) and published a compilation of testimony taken by the Subcommittee in the course of its examination of the Section 2 mechanism. (See "Examination of the First Implementation of Section Two of the Twenty-Fifth Amendment," February 25, February 26, and March 11, 1975, 94th Congress, 1st Session.)

Equal Rights Amendment

LEGISLATIVE HISTORY

Proposed constitutional amendments providing for equal rights for men and women have been introduced in every Congress since 1923, shortly after the ratification of the 19th Amendment extending the right to vote to women. Resolutions were reported favorably by the Subcommittee in the 88th, 89th and 90th Congresses, as well as a number of earlier Congresses. Resolutions were reported favorably by the Committee on the Judiciary in the 80th, 81st, 82nd, 83rd, 84th, 86th, 87th and 88th Congresses.

In the 81st Congress, and again in the 83rd Congress, resolutions passed the Senate with a floor amendment. This floor amendment or "rider" provided that the language set out above "shall not be construed to impair any rights, benefits or exemptions now or hereafter

conferred by law upon members of the female sex." In both instances, the House of Representatives failed to act. The same floor amendment was added to an equal rights resolution during Senate consideration in the 86th Congress. Upon the motion of the resolution's principal sponsors, it was recommitted to the Judiciary Committee.

On May 5, 6, and 7, 1970, the Subcommittee held hearings on the equal rights amendment. It received testimony from 42 witnesses, five of whom opposed passage, received 75 additional insertions of material, and compiled a hearing record of almost 800 pages. (*The Equal Rights Amendment*, Hearings before the Subcommittee on Constitutional Amendments, 91st Congress, second session.) The Subcommittee met and reported Senate Joint Resolution 61 to the full Committee on August 10, 1970. Soon thereafter the full Committee held a further series of hearings on the amendment, on September 9, 10, 11, and 15, 1970. It listened to 25 witnesses and compiled a 430 page record of hearings. (*Equal Rights 1970*, Hearings before the Committee on the Judiciary, 91st Congress, second session.)

After voting to discharge its Judiciary Committee from further consideration of the bill, the House of Representatives passed the Equal Rights Amendment, House Joint Resolution 264, on August 10, 1970, by a vote of 350 to 15. The House-passed joint resolution was not referred to the Senate Judiciary Committee but placed on the Calendar pursuant to the request of the Senate leadership. House Joint Resolution 264 became the pending Senate business on October 6, 1970. After several days of debate, on October 13, 1970, the Senate adopted by a vote of 36 yeas to 33 nays Senator Ervin's amendment, No. 1049, to ensure the continued validity of laws exempting women from compulsory military service. Amendment 1049 added a second sentence to the first section of the joint resolution as follows: "This article shall not impair, however, the validity of any law of the United States which exempts women from compulsory military service." Amendment 1049 also imposed a seven-year time limit on the ratification process and made the joint resolution effective two years—instead of one year—after ratification.

After accepting the Ervin amendment, the Senate also adopted, 50 yeas to 20 nays, Senator Baker's amendment, No. 1048, which added to the pending joint resolution a second section proposing an additional constitutional amendment which would allow all persons lawfully assembled in public buildings to participate in nondenominational prayer. The second proposed article read as follows:

> Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer.

After further debate the Senate laid aside the joint resolution, as amended, on November 19, 1970, and proceeded to the consideration of other business. No further action was taken in the 91st Congress.

In the 92d Congress, Subcommittee No. 4 of the House Judiciary Committee held hearings on House Joint Resolution 208—which was identical to Senate Joint Resolutions 8 and 9 in the 92d Congress—on March 24, 25, and 31; and April 1, 2, and 5, 1971, hearing testimony from 35 witnesses. (*Equal Rights for Men and Women*, Hearings

Before Subcommittee No. 4 of the House Judiciary Committee, 92d Cong., 1st Sess. 1971). On April 29, 1971 the Subcommittee by a voice vote ordered the measure reported to the House Judiciary Committee. The full Committee amended the joint resolution on June 22, 1971 by a vote of 19 to 16 by adding a section which provided that the Amendment would "not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or any State which reasonably promotes the health and safety of the people." It then, by vote of 38 to 2, ordered the joint resolution reported favorably. The Committee Report, H.R. Rep. 92–259, was filed on July 14, 1971. Separate views were filed by 14 Representatives; Minority views were filed by 3.

On October 12, 1971 the House rejected by vote of 104 to 254 the Committee amendment to House Joint Resolution 208. After further debate, it approved the resolution in its original form by vote of 354 to 23 (117 Cong. Rec. H. 9392 (Daily ed. Oct. 12, 1971)).

In the Senate, the Subcommittee on Constitutional Amendments, after repeatedly failing to get a quorum earlier in the year, met on November 22, 1971, and adopted by vote of 6 to 4 a motion by Senator Ervin, to substitute the following language for sections 1 and 2 of Senate Joint Resolution 8, and Senate Joint Resolution 9, and House Joint Resolution 208:

> SECTION 1. Neither the United States nor any State shall made any legal distinction between the rights and responsibilities of male and female persons unless such distinction is based on physiological or functional differences between them.
>
> SECTION 2. The Congress shall have the power to enforce the provisions of this article by appropriate legislation.

The Subcommittee then voted unanimously to report all three joint resolutions, as amended, to the full Judiciary Committee.

By vote of 15 to 1 of February 29, 1972, the Senate Judiciary Committee ordered Senate Joint Resolution 8, Senate Joint Resolution 9, and House Joint Resolution 208 reported favorably to the floor in their original form.

The full Committee's report on the Amendment, Senate Report 92–689, was submitted on March 14, 1972 together with minority views. Senate debate on the Amendment took place on March 15, 17, 20, 21, and 22, 1972. Final passage of the Amendment, by a vote of 84 to 8, occurred on March 22. *See* 118 Cong. Rec. S4612 (daily ed.) Mar. 22, 1972. Prior to final passage, the Senate took the following action on the Amendment: rejected by 18 yeas to 73 nays Senator Ervin's amendment No. 1065 dealing with military service; rejected by 18 yeas to 71 nays Ervin amendment No. 1066 dealing with service in combat units; rejected by 11 yeas to 75 nays Ervin amendment No. 1067 dealing with protective legislation; rejected by 14 yeas to 77 nays Ervin amendment No. 1068 dealing with exemptions for wives, mothers and widows; rejected by 17 yeas to 72 nays Ervin amendment No. 1069 dealing with child support; rejected by 11 yeas to 79 nays Ervin amendment No. 1070 dealing with privacy; rejected by 17 yeas to 71 nays Ervin amendment No. 1071 dealing with sexual offenses; rejected by 12 yeas to 78 nays Ervin amendment No. 472

dealing with physiological and functional differences; and rejected by 9 yeas to 82 nays Ervin amendment No. 1044 combining elements previously rejected.

Three-fourths (38) of the states must ratify the Equal Rights Amendment before March 22, 1979; it would take effect two years after ratification. The first state, Hawaii, did so within hours of final Congressional approval. To date, the following thirty-four states have ratified the amendment:

February 3, 1975.—North Dakota.
February 7, 1974.—Ohio.
January 21, 1974.—Montana.
January 8, 1974.—Maine.
March 22, 1973.—Washington.
March 15, 1973.—Connecticut.
February 21, 1973.—Vermont.
February 12, 1973.—New Mexico.
February 8, 1973.—Minnesota.
February 8, 1973.—Oregon.
February 2, 1973.—South Dakota
January 24, 1973.—Wyoming.
November 13, 1972.—California.
September 20, 1972.—Pennsylvania.
June 21, 1972.—Massachusetts.
June 15, 1972.—Kentucky.
May 26, 1972.—Maryland.
May 22, 1972.—Michigan.
May 22, 1972.—New York.
April 22, 1972.—West Virginia.
April 21, 1972.—Colorado.
April 20, 1972.—Wisconsin.
April 12, 1972.—New Jersey.
April 14, 1972.—Rhode Island.
April 5, 1972.—Alaska.
April 4, 1972.—Tennessee.
March 30, 1972.—Texas.
March 28, 1972.—Kansas.
March 24, 1972.—Idaho.
March 24, 1972.—Iowa.
March 23, 1972.—Delaware.
March 23, 1972.—Nebraska.
March 23, 1972.—New Hampshire.
March 22, 1972.—Hawaii.

Nebraska and Tennessee have since passed Resolutions of Recission, although there is a serious legal question whether such recissions are valid.

There are sixteen states which have not ratified the Equal Rights Amendment. The status of the Amendment in these states is as follows:

Alabama: No action taken.
Arizona: Both Houses defeated the amendment.
Arkansas: No action taken.
Florida: House approved; Senate rejected.
Georgia: Senate rejected.
Illinois: House passed; defeated in Senate Committee.

Indiana: House approved; defeated in Senate Committee.
Louisiana: Senate approved amended version; (rejecting in terms of ratification); House committee voted not to report.
Mississippi: No action taken.
Missouri: House passed; Senate defeated.
Nevada: House approved; Senate defeated.
North Carolina: House approved on first reading, defeated second reading.
Oklahoma: House defeated (measure cannot be considered again until 1977).
South Carolina: House tabled amendment.
Utah: House defeated.
Virginia: No action in House; Senate committee defeated.

ABORTION

The Subcommittee devoted a major portion of its time during 1975 to consideration of proposed constitutional amendments relating to abortion. Extensive hearings, begun during the second session of the 93rd Congress, were continued during the first session of the 94th Congress. Those hearings substantially revolved around four proposed abortion amendments that had been referred to the Subcommittee at the beginning of the 94th Congress. Senate Joint Resolution 6, which would protect from abortion all "persons" (from the moment of fertilization), Senate Joint Resolutions 10 and 11, which permit the termination of pregnancy only when necessary to save the life of the mother; and Senate Joint Resolution 91, which would reserve to the States the power to regulate circumstances under which pregnancy may be terminated.

LEGISLATIVE HISTORY

Under *Roe v. Wade*, 410 U.S. 113 (1973) and *Doe v. Bolton*, 410 U.S. 1970 (1973), the Supreme Court set forth the constitutional rights and restraints regarding abortion. The Court attempted in those cases to balance the three fundamental interests that it recognized: the constitutionally protected right to privacy; the State's interest in protecting maternal health; and the State's interest in preserving potential human life.

State criminal abortion laws that except from criminality only a life-saving procedure on the mother's behalf, without regard to the stage of her pregnancy and other interests involved was held by *Roe* and *Doe* to violate the Due Process Clause of the Fourteenth Amendment, which protects against state action the right to privacy, including a woman's qualified right to terminate her pregnancy. That qualified right was defined as follows:

> (a) For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant women's attending physician.
>
> (b) For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

TESTIMONY

Senate Joint Resolution 1
Room 504, 3:00 Hearing

Joe Josephson

I am opposed to your resolution to request to again propose an amendment to the United States Constitution guaranteeing equal rights to women.

The term of "sex" in the amendment is too ambiguous. I feel that my rights as a woman are already protected by existing bills (I won't list them because you know those bills from previous study and experience.) If there are areas that need improving, I feel our legal system should interpret our existing laws more appropriately.

More than the above, I am deeply concerned as a mother of three children what your amendment will do for the future of America. I feel the ERA undermines the traditional family. I suggest you get a copy of NOW's updated resolutions and read for yourselves what the feminists say. That small minority of people do not represent the majority of America's women as proven by the ERA's recent defeat even though the deadline was extended! Come on, Senators and Representatives, spend your time improving the life style in our state and country instead of trying to revive a dead horse!

Kathy K. Brown

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P. O. Box 2869
Juneau, Alaska 99803
January 28, 1983

copies sent to: V. Fischer, Kerttula, Sturgulewski, Rodey, Fahrenkamp, and Josephson
Duncan, Miller, Ray
Young, Stephens, Murkowski

January 28, 1983
P.O. Box 2743
Juneau, AK 99803

My name is Elaine Brayton. I am a wife, mother, and grandmother.

I am very much opposed to the Senate Joint Resolution No. 1.

I believe the whole concept of the E.R.A. has been based on a lie. It is not just a battle for women's rights - and I very much object to women being used as a reason for an amendment that will not benefit them in the least, and will do away with many of their rights. We are already covered by the Constitution of the United States, the Civil Rights Act of 1964 and the Equal Opportunity Act of 1972.

I do not feel that our time and money should be spent promoting this amendment. We need to invest our time and money on more constructive acts.

Thank you.

Brayton

Respectively submitted,

Elaine Brayton

Elaine Brayton

Testimony for H.E.S.S. Committee, January 28, 1983
Senate Joint Resolution 1
Judy Lewis 8845 Gail Ave. Juneau, Ak. 99801

I am a housewife and mother of two children. I work part-time at the Valley Baptist pre-school. My name is Judy Lewis.

I have read the proposed Senate Joint Resolution No.1 and am opposed to its passage. My specific concern is with lines 13 through 16 of this resolution which says: "Whereas, effective October 14, 1972, the Constitution of the State of Alaska was amended by a vote of the people to include a provision that no person is to be denied the enjoyment of any civil or political right because of sex.."

The reason I am concerned is because at one time, people, including myself, were sure of the meaning of a civil right and a political right.

No one was to be denied enjoyment of a civil right meant...civil rights: Those rights guaranteed to the individual by the 13th and 14th amendments to the Constitution of the U.S. and by certain other acts of Congress, especially exemption from involuntary servitude and equal treatment of all people with respect to the enjoyment of life, liberty and property and to the protection of the law." (Webster's Dictionary)

Today, <u>civil rights</u> have been reinterpreted to mean you have a right to life, only if you are born. If you are fully formed but unborn, you may not have a right to life.

What about liberty? Liberty has been reinterpreted to mean, you only have liberty to use your time, opportunities, energy, talents, ability and money to succeed so that most of what you have can be given to those who don't use their time, opportunities, energy, talents, ability and money to succeed. Liberty is interpreted as liberty to redistribute the wealth and make everyone equally mediocre.

Property has been reinterpreted to mean that which you save for, work for, purchase, maintain, pay taxes on, but which everyone else from city borough officials with their string of permits, State officials with compliance codes and Federal Officials with Regulatory agencies and enforcement by witholding funds, can tell you what do do with it.

Thus through reinterpretation of the word civil rights, we are already deprived of enjoyment of these civil rights, regardless of what sex we are and in spite of the Constitution of the State of Alaska.

We are also denied our political rights, which Websters defines as "the right to participate in determining the form, choosing the officials, making the laws and carrying on the functions of one's government."

An example is it is ERA amendment. Because, when the nation has already voted an idea down, our representatives keep coming back with the reintroduction of this concept, saying in effect, we didn't know what we were voting for.

Now that I'm educated to the real meaning of the ERA amendment, I am aware of the social change that the NOW organization, the main support behind this amendment, is pushing. The goal is total socialism. I recommend you to read their pamphlet, "Revolution. Tomorrow is Now" a summary of NOW'S existing resolutions and policies (1977), and the even more shocking proposals of 1983.

Kindly inform yourself of the issues behind this proposal and do not pass this resolution, seemingly harmless, but in reality not.

Judy Lewis

Testimony presented to the Senate HESS Committee by Alice Bergdoll on Senate Joint Resolution No. 1 "Relating to the proposal by Congress of an Equal Rights Amendment." Janaury 28, 1983

Do you know that sex discrimination is already constitutional prohibited? The 14th Amendment provides that protection.

> 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.

Why haven't sex-related inequalities been recognized and legislated against before? They have, let me name a few. Employment - The Equal Pay Act of 1963, the Equal Employment Opportunity Act of 1972, the Comprehensive Employment and Training Act of 1972, the Civil Rights Act of 1964, the Small Business Act of 1972. These also affect education, credit eligibility, housing and public accommodation.

Would ratification erase present inequalities? Has anti-segregation laws erased racial inequalities?

Has negative results and difficulities occurred for the "liberated" woman? Biostatistical studies indicate that in their rush to achieve "total equality" with the male, women are closing the gap with men in such areas as alcoholism, auto accidents, suicides and heart disease.

Was the amendment to the Constitution of the State of Alaska on October 14, 1972 even necessary?

Do you realize how much time, money and effort has been wasted towards an issue that appears to be unnecessary and even potentially detrimental to improving the conditions for women?

Why are we wasting everybody's valuable time on this issue?

As a woman interested in preserving the female sex and as a person of the State of Alaska, I request that my concerns be considered. Please reject this resolution.

Mrs. Alice Bergdoll

Mrs. Alice Bergdoll
5896 Lund Street
Juneau, Alaska 99801
586-1355

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January 28, 1983
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Room 504, 3:00 Hearing

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Duncan, Miller, Ray
Young, Stephens, Murkowski

January 28, 1983
Box 645
Douglas, Alaska 99824

In Romans 13:1 (Amp), the Bible says, "Let every person be loyally subject to the governing authorities. For there is no authority except from God--by His permission, His sanction; and those that exist do so by God's appointment." The Bible also says in I Timothy 2:1-2, "I exhort therefore, that, first of all, supplication, prayers, intercessions, and giving of thanks, be made for all men: For kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty."

The citizens of this state who adhere to and follow the teachings of the Bible are commanded by God to obey and pray for the men and women in authority over us. There are many who pray daily for the government of this state and for this nation. That is our sacred obligation to you.

But those who govern our state also have an obligation to it's citizens before God. Proverbs 29:2 states,that, "When the righteous are in authority, the people rejoice; but when the wicked man rules, the people groan and sigh." Proverbs 16:12 says, "It is an abomination to kings to commit wickedness: for the throne is established by righteousness."

Whether you adhere to the teachings of the Bible or not--you have an obligation to perform that which is right and just for <u>all</u> of the people you represent.

The Equal Rights Amendment is in direct conflict with the laws of God as spelled out in the Bible. In passing this law, you would pose enormous problems and conflicts with the religious beliefs of your most law abiding and respectable citizens. All over this state, people would be forced to break this law in order to obey their God. The Equal Rights Amendment has so many loopholes that it would hang literally thousands of innocent people.

Under the Equal Rights Amendment, my three daughters would be subject to the draft. To disregard their sex would mean that they could not have separate bathroom or living facilities

Believers are called to be separate and holy. They are called to follow Jesus Christ in word, deed, and example. They are not only to flee fornication and immoral situations, but to avoid the very appearance of evil(I Thess 5:22). To have my daughters living with men would certainly be evil and would pose innumerable problems for them as women.

The Equal Rights Amendment would absolve husbands from the financial responsibility of their wives. The Bible teaches that a man is responsible for the entire care and protection of his household.

The Equal Rights Amendment would guarantee rights to lesbians and homosexuals and force Bible believing citizens to hire them, even to teach their children. The Bible says in Romans 1:26-32, among others, that such practices are condemned by God.

Whether you believe the Bible or not, you have an obligation to hear and realize what a terrible burden this law would place on many. Thousands would be forced to obey God rather than men and like Daniel, they would be fed to the lions for their religious convictions.

This law does not protect women. On the contrary, it opens the door for all kinds of sexual abuse of women

Please vote "no" on Senate Joint Resolution #1 and protect those citizens whose only "crime" is that they wish to be allowed to serve and worship God according to the teachings of the Bible.

Thank you.

Respectfully,

Barbara B. Tyndall

Barbara B. Tyndall

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...d amendments made by subsection ... become effective on the date of the ...ment of this Joint Resolution.

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I ... like to announce for the infor... ...on of the Senate and the public ... the oversight hearings regarding ...erica's role in the world coal export ...ket previously scheduled before ... Subcommittee on Energy and Min... ... Resources for Friday, September ... and Thursday, September 23, at ...0 a.m. have been postponed and will ... rescheduled at a later date.

For further information regarding ...ese hearings, you may wish to con... ...t Mr. Roger Sindelar of the sub... ...committee staff at 224-4236.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. WEICKER. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation of the Committee on Commerce, Science and Transportation, be authorized to meet during the session of the Senate on Thursday, September 16, at 9:30 a.m., to hold an oversight hearing on coal slurry pipelines.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. WEICKER. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, September 16, at 9:30 a.m., to hold an oversight hearing on the statute of limitations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WEICKER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, September 16, at 9:30 a.m., to hold a hearing on tuition tax credits.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HEALTH

Mr. WEICKER. Mr. President, I ask unanimous consent that the Subcommittee on Health, of the Committee on Finance, be authorized to meet during the session of the Senate on Thursday, September 16, at 9:30 a.m., to hold a hearing to consider hospital reimbursement systems used by private third-party payers.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENT

WOMEN'S RIGHTS PARK

• Mr. MOYNIHAN. Mr. President, on July 17, 1982, 3 days after I joined with 50 of my Senate colleagues in reintroducing the equal rights amendment, the Women's Rights National Historical Park in Seneca Falls, N.Y., was dedicated. Seneca Falls was the site of the 1848 Women's Rights Convention that marked the beginning of the women's movement in this country. It was also in Seneca Falls that in 1923 Alice Paul wrote the equal rights amendment. To commemorate the long struggle for women's suffrage and equal rights, to honor the early leaders in the women's movement and to recognize the significant role that Seneca Falls played in this movement, Senator Javits and I introduced legislation (S. 2263) to create the Women's Rights Park. On December 28, 1980, that legislation became law as part of Public Law 96-607.

Mr. President, I wish to commend to my colleagues the powerful and instructive remarks made by Mr. Alan Alda at the dedication ceremony for the Women's Rights Park. Not only does Mr Alda remind us of the accomplishments of the remarkable women who organized and participated in the 1848 convention but he makes us keenly aware of the yet unfinished struggle in this Nation to bar discrimination on the basis of sex. A struggle, I should add, in which Mr. Alda is a tireless and vigorous participant.

As Mr. Alda points out so appropriately in his remarks in Seneca Falls, now is the time to reaffirm our unswerving commitment to securing equal rights for every American. To quote Mr. Alda, as he draws on Lincoln:

It is rather for us to be here dedicated to the great task remaining before us—that from these honored women we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these women shall not have lived and died in vain, that this Nation under God shall have a new birth of freedom and that government of the people, by the people, for the people shall *not* perish from the earth.

I also take this opportunity to acknowledge Mr. Alda's personal generosity in supporting the development of the park itself. The Women's Rights Park consists of five sites that were associated with the 1848 convention, among them the Elizabeth Cady Stanton House. The purchase of this house was accomplished with the help of a generous gift from Mr. Alda. We thank him.

Mr. President, I ask that Mr. Alda's remarks be printed in full in the RECORD.

The remarks follow:

ALAN ALDA'S REMARKS AT SENECA FALLS—JULY 17, 1982

It is exactly 134 years since Elizabeth Cady Stanton walked in the streets of Seneca Falls with these words sounding in her head: "We hold these truths to be self evident—that all men and women are created equal."

When she presented that Declaration of Sentiments at the Women's Rights Convention on July 20, 1843, she drew not only on the historic words of Thomas Jefferson, but on the cry for freedom that had animated the American Revolution—"No taxation without representation." She asked for something that was, at the time, almost unheard of—the right for women to vote.

The courage of that act is almost unimaginable today. We take it for granted that women should have the right to vote.

But taking freedom for granted is dangerous. And we have met here today to dedicate the Women's Rights National Park in Seneca Falls in the hope that this country will never forget Elizabeth Cady Stanton, Amelia Bloomer, Lucretia Mott, and the other 300 women and men who gathered in the Wesleyan Chapel.

It is appropriate that this park be dedicated with a convening of historians from all over the country. As the artist Judy Chicago has said: "Women have been written right out of history."

The ghosts of powerful and resourceful women haunt the margins of our history books. They swarm in the blank space between the lines of every account of every event we have ever known.

The day is past when the history of women can be written in invisible ink.

The day is past when strong women will act weak and decorative and disappear in a puff of vanishing cream.

The day is past because without those women, we cannot survive.

The women who articulated and lived the feminist idea will give us the energy we need to have the democracy we are sworn to possess.

These modest buildings of Seneca Falls that we dedicate today are as much a part of the soul of our democracy as those revered halls in which white, propertied men granted themselves freedom, liberty and democracy. In these buildings, women called for both the abolition of slavery and equal rights for women. We must never let them fade from our memory.

Because Seneca Falls will keep alive the spirit of these women who went before us, this place will be a source of energy for all of America. It will be a power station and a beacon.

Without the memory of the people who have gone before us, we are constantly forced to start from scratch each time we try to move forward. Over and over we are forced to reinvent the wheel.

America's forefathers had the heroes of antiquity to look back to. Not only Jefferson and Adams, but all the educated people of their time had Greek and Roman philosophers, statesmen and generals to draw strength from.

How many educated people today know much of anything at all about Stanton, Anthony, Wollstonecraft, Fuller, Stone, Mott, Chapman Catt, Victoria Woodhull, Amelia Bloomer, or Sojourner Truth?

We need these women's guidance, their wisdom, their example—we need the power of their lives. By writing strong women out

of history, we've left ourselves only with an image of women as inoffensive sweetness.

We are trying to run a car on a tank filled half with fuel and half with sugar.

We need to remember Christine de Pizan whose writings in the year 1405 condemned the stereotyping of women.

And Mary Wollencraft who said in 1792: "If the abstract rights of man will bear discussion and explanation, those of women . . . will not shrink from the same test."

And Abigail Adams who said in 1776 to her husband John: "Whilst you are proclaiming peace and good will to men, emancipating all nations, you insist upon retaining an absolute power over wives."

And Margaret Fuller who in 1845 said: "Inward and outward, freedom for woman as much as for man shall be acknowledged as a right, not yielded as a concession . . . Man cannot, by right, lay even well meant restrictions on woman."

And Lucy Stone, who said in 1881: "The widening of woman's sphere is to improve her lot. Let us do it, and if the world scoff, let it scoff—if it sneer, let it sneer . . . We want rights."

And Susan B. Anthony, who said in 1868: "Men, their rights and nothing more; women, their rights and nothing less."

I hope that this national park at Seneca Falls will be a place where American families can come and stand in the same rooms where courageous and visionary women declared the right for all women to exist as free and equal citizens. And I hope, too, that Seneca Falls will become a center of learning; a place where the knowledge of our past will be deepened and extended to include the half of our nation who have lived so long in silence.

With their strong voices in our ears, America will finally declare one day 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."

With their wisdom in our hearts, this country will understand that an Amendment to our Constitution guaranteeing equality of rights is not a symbolic gesture—not a pat on the back or a valentine to women—but an urgently needed legal instrument.

With the tenacity of our mothers in us, we will not stop until we have the democracy we were promised.

We have been trying for an Equal Rights Amendment for only sixty years. From the day Elizabeth Cady Stanton first asked for the right to vote, feminists struggled 74 years before they achieved it.

They never stopped and neither should we.

We haven't lost.

We just haven't won yet.

I believe we will have the Equal Rights Amendment when we have enough feminists in the legislatures of our states to ratify it. We must elect those women and men who will vote for equality. Especially those women.

Some people have said that in the effort to ratify, so much has changed for the better that we can rejoice over our progress. I wonder.

The number of women in our state legislatures is an index of our progress. It is a clear measure of the political power of women.

Ten years ago, there were a total of 344 women in all our state legislatures. Today, there are 908 women. Almost triple.

But these women are still only 11.7 percent of the total number of state legislators in our country. We not only have reason to be disappointed, but we have every reason to relish our anger—to nurture it—to gild our banners with it.

We cannot settle for half a measure of freedom.

Too many women have devoted their lives to equality. Too many women have died without seeing it come to pass.

As we consecrate this ground to their memory, let us be guided by Elizabeth Cady Stanton.

Let us use the ringing words of the past to fulfill the promise of the future:

As she drew on Jefferson, let us draw on Lincoln.

"Six score and fourteen years ago, our mothers brought forth on this continent a new Nation—conceived in liberty and dedicated to the proposition that all men and women are created equal.

"Now we are engaged in a great struggle, testing whether that nation or any nation so conceived and so dedicated can long endure. We are met in a town that gave birth to that struggle. We have come to dedicate a portion of this town as a shrine to those who here devoted their lives that this nation might live. It is altogether fitting and proper that we should do this.

"But, in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave women, living and dead, who struggled here have consecrated it far above our poor power to add or detract.

"The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they, who fought here, have thus far so nobly advanced.

"It is rather for us to be here dedicated to the great task remaining before us—that from these honored women we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these women shall not have lived and died in vain, that this nation under God shall have a new birth of freedom and that government of the people, by the people, for the people shall not perish from the earth."

PROGRESSIVE TAX

Mr. BUMPERS. Mr. President, on the op-ed page of the September 9 Arkansas Gazette, there appeared a persuasive piece by Kermit C. Moss, a certified public accountant from Pine Bluff, Ark., titled "Progressive Tax Is Best Even If It's Complicated." Mr. Moss was the head of the department of business administration at the University of Arkansas at Monticello for 25 years. He makes some cogent points in support of a progressive rather than a flat tax that are worthy of very serious consideration. I commend this piece to my fellow Senators, and I ask that it be printed in the RECORD.

The Article follows:

(From the Arkansas Gazette, Sept. 9, 1982)

PROGRESSIVE TAX IS BEST EVEN IF IT'S COMPLICATED

(By Kermit C. Moss)

As a response to the current flurry of interest in a flat-rate income tax, let me make the following comments and observations:

The fairest tax by far is a tax based on ability to pay. Let those who get the most economic benefit from the system provide the most in revenues for its maintenance and upkeep. Many students of taxation—scholars in the field—have arrived at this conclusion. Besides, the idea appeals to just plain, common, ordinary horse sense, which apparently is becoming less and less ordinary these days.

The progressive income tax that we now have is based on this concept and directed toward ability to pay. Many of the deductions now available are likewise based on ability to pay. Examples are medical expenses and casualty losses, such as a residential fire.

If a taxpayer has heavy medical expenses during a tax year, or his house burns, and his insurance does not fully cover the expense or loss, he is less able to pay taxes that year than he otherwise would have been; or less able than a taxpayer in identical circumstances but without the medical expenses or fire loss.

The ability-to-pay idea is and has been under continual assault by those with the greatest ability to pay. They also have ability to make heavy contributions to political campaigns, and thus to influence the course of tax legislation. Over the years, by influencing such legislation, they have, through exclusions, deductions, and credits made considerable progress in lessening the impact of the progressive income tax with respect to ability to pay.

The problem has not been with the idea itself, nor with the effect of its application, but with its implementation. This is often the case. The administration of a law or policy breaks down, then the law or policy is blamed, rather than the administration of it.

But we should not abandon a sound plan of taxation simply because it is difficult to administer fairly and wisely!

Don't underestimate the potential effect of a drastic change in the tax system! Many investment decisions have already been made based on the assumption that the current method of income taxation would continue. The whole American price and value structure has this tax element built into it. An example is a long-term installment sale. All this structure would be undercut by a change to a flat-rate tax and who knows what the result would be!

One of the reasons that the current system seems (and is) complicated results from the continual changes. The tax laws bounce around every year like a rubber ball. The biggest tax cut in history is immediately followed by the biggest increase in history! Leave the tax laws alone for a few years and the people will have a chance to learn what they are.

Some hold that free, unfettered and uncontrolled capitalism tends to choke itself to death from the top. That wealth tends to beget wealth, and that the more one has the easier it is to make money. Thus the wealth tends to gravitate to the top, and pretty soon there is no purchasing power left among the people. If consumers don't buy, then producers don't produce, and the whole system comes to a halt.

The progressive income tax tends to prevent this by taxing away some of the money at the top and recirculating it by putting purchasing power in the hands of those at the bottom of the economic scale. This money is used to buy goods and services, which provide jobs, and a whole new cycle of economic activity is initiated, with the wealth again moving toward the top, where it will ultimately be taxed, and the cycle started again.

Our economic system is a sophisticated, fast-moving machine of many parts. No man, regardless of his intellectual, academic or financial attainments, can understand all or understand it all. Millions of transactions are flying in all directions every day.

I would compare it to a fast moving automobile racing down the road at 95 miles an hour. If it heads toward the ditch, the skilled driver does not give the wheel a

Claudia McGregor

AN ERA AMENDMENT WILL NOT:

1. Give women equal pay for equal work, better paying jobs, promotions, fringe benefits, or better working conditions. It can add nothing to what has already been done by the

   EQUAL EMPLOYMENT OPPORTUNITY ACT of 1972

2. Insure our Civil Rights. This has already been taken care of, including sex discrimination by

   THE CIVIL RIGHTS COMMISSION ACT of 1972

3. Insure our Educational Opportunities, as this has been included in the

   HIGHER EDUCATION ACT of 1972

4. Will not guarantee rights in housing and mortgage lending. This has been done by the

   HOUSING AND COMMUNITY DEVELOPEMENT ACT of 1974

5. Insure us against discrimination based on sex or marital status in any aspect of credit transactions. This is already done through

   THE DEPOSITORY INSTITUTIONS ACT of 1974 including

   THE EQUAL CREDIT OPPORTUNITY ACT

IN THE 94thCONGRESS ALONE, 22 LAWS WERE ENACTED WHICH UPGRADED WOMEN'S RIGHTS, INCLUDING THE TAX REDUCTION ACT OF 1975, which increased the possible deduction for child care, and THE TAX REFORM ACT OF 1976, which allowed a tax credit for child care expenses.

AN ERA LAW WILL:

1. Make women subject to the draft on an equal basis with men.
2. Eliminate all Boys and Girls schools and colleges.
3. Compel states to set up public funded day care centers for ALL children regardless of need.
4. Compel Law enforcement Agencies to dispense with test of physical ability.
5. Eliminate lower life and Auto Insurance rates for young women, probably forcing them to pay the higher rate charged young men.
6. Deprive women in industry of legal protection against heavy, strenuous work.
7. Eliminate college Faternaties and Sororities.
8. Force women to quit jobs they are not physically able to compete against men on, thus giving up rights to Employment Security.
9. And you may take the list on, and on, and on, and on.....

WHY DO WE NEED THIS AMBIGUOUS LAW....WE ALREADY DUMPED IT ONCE. ..

WEREN'T YOU LISTENING???????????

Testimony for H.E.S.S. Committee, January 28, 1983
Senate Joint Resolution 1
Judy Lewis 8845 Gail Ave. Juneau, Ak. 99801

I am a housewife and mother of two children. I work part-time at the Valley Baptist pre-school. My name is Judy Lewis.

I have read the proposed Senate Joint Resolution No.1 and am opposed to its passage. My special concern is with lines 13 through 16 of this resolution which says: "Whereas, effective October 14, 1972, the Constitution of the State of Alaska was amended by a vote of the people to include a provision that no person is to be denied the enjoyment of any civil or political right because of sex.."

The reason I am concerned is because at one time, people, including myself, were sure of the meaning of a civil right and a political right.

No one was to be denied enjoyment of a civil right meant...civil rights: Those rights guaranteed to the individual by the 13th and 14th amendments to the Constitution of the U.S. and by certain other acts of Congress, especially exemption from involuntary servitude and equal treatment of all people with respect to the enjoyment of life, liberty and property and to theprotection of the law." (Webster's Dictionary)

Today, civil rights have been reinterpreted to mean you have a right to life, only if you are born. If you are fully formed but unborn, you may not have a right to life.

What about liberty? Liberty has been reinterpreted to mean, you only have liberty to use your time, opportunities, energy, talents, ability and money to succeed so that most of what you have can be given to those who don't use their time, opportunities, energy, talents, ability and money to succeed. Liberty is interpreted as liberty to redistribute the wealth and make everyone equally mediocre.

Property has been reinterpreted to mean that which you save for, work for, purchase, maintain, pay taxes on, but which everyone else from city borough officials with their string of permits, State officials with compliance codes and Federal Officials with Regulatory agencies and enforcement by witholding funds, can tell you what do do with it.

Thus through reinterpretation of the word civil rights, we are already deprived of enjoyment of these civil rights, regardless of what sex we are and in spite of the Constitution of the State of Alaska.

We are also denied our political rights, which Websters defines as "the right to participate in determining the form, choosing the officials, making the laws and carrying on the functions of one's government."

An example is the ERA amendment. Because, when the nation has already voted an idea down, our representatives keep coming back with the reintroduction of this concept, saying in effect, we didn't know what we were voting for.

Now that I'm educated to the real meaning of the ERA amendment, I am aware of the social change that the NOW organization, the main support behind this amendment, is pushing. The goal is total socialism. I recommend you to read their pamphlet, "Revolution. Tomorrow is Now" a summary of NOW'S existing resolutions and policies (1977), and the even more shocking proposals of 1983.

Kindly inform yourself of the issues behind this proposed and do not pass this resolution, seemingly harmless, but in reality not.

Judy Lewis

January 28, 1983
P.O. Box 2743
Juneau, AK 99803

My name is Elaine Brayton. I am a wife, mother, and grandmother.

I am very much opposed to the Senate Joint Resolution No. 1.

I believe the whole concept of the E.R.A. has been based on a lie. It is not just a battle for women's rights - and I very much object to women being used as a reason for an amendment that will not benefit them in the least, and will do away with many of their rights. We are already covered by the Constitution of the United States, the Civil Rights Act of 1964 and the Equal Opportunity Act of 1972.

I do not feel that our time and money should be spent promoting this amendment. We need to invest our time and money on more constructive acts.

Thank you.

Respectively submitted,

Elaine Brayton

Elaine Brayton

TESTIMONY

Senate Joint Resolution 1
Room 504, 3:00 Hearing

Joe Josephson

I am opposed to your resolution to request to again propose an amendment to the United States Constitution guaranteeing equal rights to women.

The term of "sex" in the amendment is too ambiguous. I feel that my rights as a woman are already protected by existing bills (I won't list them because you know those bills from previous study and experience.) If there are areas that need improving, I feel our legal system should interpret our existing laws more appropriately.

More than the above, I am deeply concerned as a mother of three children what your amendment will do for the future of America. I feel the ERA undermines the traditional family. I suggest you get a copy of NOW's updated resolutions and read for yourselves what the feminists say. That small minority of people do not represent the majority of America's women as proven by the ERA's recent defeat even though the deadline was extended! Come on, Senators and Representatives, spend your time improving the life style in our state and country instead of trying to revive a dead horse!

Kathy K. Brown

Kathy K. Brown
P. O. Box 2869
Juneau, Alaska 99803
January 28, 1983

copies sent to: V. Fischer, Kerttula, Sturgulewski, Rodey, Fahrenkamp, and Josephson
Duncan, Miller, Ray
Young, Stephens, Murkowski

Testimony presented to the Senate HESS Committee by Alice Bergdoll on Senate Joint Resolution No. 1 "Relating to the proposal by Congress of an Equal Rights Amendment." Janaury 28, 1983

Do you know that sex discrimination is already constitutional prohibited? The 14th Amendment provides that protection.

> 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.

Why haven't sex-related inequalities been recognized and legislated against before? They have, let me name a few. Employment - The Equal Pay Act of 1963, the Equal Employment Opportunity Act of 1972, the Comprehensive Employment and Training Act of 1972, the Civil Rights Act of 1964, the Small Business Act of 1972. These also affect education, credit eligibility, housing and public accommodation.

Would ratification erase present inequalities? Has anti-segregation laws erased racial irequalities?

Has negative results and difficulities occurred for the "liberated" woman? Biostatistical studies indicate that in their rush to achieve "total equality" with the male, women are closing the gap with men in such areas as alcoholism, auto accidents, suicides and heart disease.

Was the amendment to the Constitution of the State of Alaska on October 14, 1972 even necessary?

Do you realize how much time, money and effort has been wasted towards an issue that appears to be unnecessary and even potentially detrimental to improving the conditions for women?

Why are we wasting everybody's valuable time on this issue?

As a woman interested in preserving the female sex and as a person of the State of Alaska, I request that my concerns be considered. Please reject this resolution.

Mrs Alice Bergdoll

Mrs. Alice Bergdoll
5896 Lund Street
Juneau, Alaska 99801
586-1355

January 28, 1983
6590 Glacier Hwy. # 173
Juneau, Alaska 99801

My name is Ann Mattson. I am an Occupational Therapist, a wife, and a mother.

I am opposed to Senate Resolution No. 1.

Truely it has been a sad commentary on our society that women who have been forced to be breadwinners have not been given equal pay for equal work. That, as I see it, is the fundemental problem - not whether women are treated exactly the same as men. Women are not the same as men. God made them different, both physically and emotionally. Why is it women and men constantly complain that they do not understand each other? They do not understand because they are different and were made to compliment each other, both in their physical and emotional makeup.

There are adequate laws currently on the books which protect women's job rights. Here is a partial listing of existing laws on a federal level which prohibits descrimination on grounds of sex in virtually all areas of american life; in education, employment, credit eligebility,housing and public accomadations:

Equal Pay Act of 1963
Civil Rights Act of 1964
Equal Opportunity Act 1972
Comprehensive Employment and Training Act of 1972
Small Business Act 1972
Health and Manpower Training Act of 1974
Housing and Community Development Act of 1974
Federal Employees Compensation Act of 1974

Senator Sam Ervin stated in 1972,

"If women are not enjoying the full benefit of this Federal Amd State legislation and these executive orders of the Federal government, it is due to a defect in enforcement rather that a want of fair laws and regulations. Since the ERA is not self-enforcing, this defect in enforcement will survive the passage of the amendment and women will still have to bring suits to enforce their rights in employment sphere with no more remedies than they presently enjoy."

I find the revival of this amendment both redundent and unnecessary, a waste of time and money. Your effoits as legislators could best be served doing things beneficial to the state of Alaska. There are many important issues that need our work and attention that have not been addressed in the past 10 years because our time and your time have been spent on a dead issue.

Respectfully submitted,
Ann Mattson
Ann Mattson

January 28, 1983
8486 Thunder Mountain Road
Juneau, Alaska 99801

My name is Grace Brayton. I am the wife of a local pastor and the mother of two children.

I am here today in opposition to Senate Joint Resolution No. 1 and in defence of women, particularly those of us who have chosen to be homemakers. Not every woman (in fact very few) has the dim and bitter opinion of womanhood that is being perpetrated by the feminists of this country. Many of us rejoice over the fact that we are women and that God has created us unique and distinct from men. In Genesis 1 the Bible says that God was pleased with his handiwork when he created the woman. So God himself shares our pleasure in this. In Proverbs 31:10-31 the Lord describes the virtuous woman. He says her "price is far above rubies." It goes on to say that she is industrious, competent, strong, and wise.

To say that we cannot differentiate between the sexes is foolishness. God has given responsibilities to husbands(to lead, provide and protect)and others to wives (to follow, minister and guide the house). Ephesians 5 instructs believers on the order for the home. We have found this to be invaluable towards the peace, harmony and happiness of our families. Yet under the Equal Rights Amendment it could be illegal for us to make these distinctions between the sexes in our homes and churches.

Even the marriage ceremony that is given in our church could be illegal and forbidden under the Equal Rights Amendment. As wives we promise to love honor and obey our husbands. We follow and support our husbands, we do not compete with them. Our husbands are charged with the greater responsibility in that they are to love, protect and deny themselves for their wives. Both parties promise to do this to their utmost out of obedience to God.

The Equal Rights Amendment is in direct conflict with the teachings and beliefs of our church and the Bible. I urge you vote no on Senate Joint Resolution No. 1.

Thank you.

Respectively Submitted,

Grace Brayton

Grace Brayton

Re: Senate Joint Resolution No. 1

I am opposed to our state legislature wasting their time and ours dragging up a dead issue. The Equal Rights Amendment was given two chances and the people of our country had their voice. I, as a 20 year resident, am offended when I read 'the people of the State of Alaska' (line 25) wish to have Congress waste more time and money on this issue. I don't!

God made men and women different. One is no better than the other, but they are different! Many recent studies have proven this in babies, children, teens and adults. Males have areas they excel in and females areas they excel in. An employer should have the right to decide who he wants to hire.

Our states has good laws that guarantee equal pay for equal work. This is a states issue, not a federal one. We don't like California or Florida telling us how to live, lets leave them alone, too.

Barbara A. Coate

Barbara A Coate

10965 Glacier Hwy.

Juneau, Alaska 99801

January 28, 1983
P.O. Box 3-5000
Juneau, Alaska 99801

My name is JoAnn Thorson. I am a homemaker and a mother of two children, a boy and a girl. My husband is a Chief Petty Officer in the Coast Guard.

I am opposed to Senate Joint Resolution No. 1 for the following:

The recognition of the difference between men and women does not in itself demean individuals. To pass an amendment that would force laws to be passed that do not recognize the differences between men and women are illogical and socially detrimental.

In 1952 the Commission of Life and Work of Women in the "Church of World Council of Churches" made this statement regarding men and women's differences:

> "There is a real danger for women in the equalizing process. Equal conditions of work and living do not guarantee equal conditions for women. Women need different conditions than men to give them equal freedom."

The problems and issues of women in today's society are not going to be resolved in this amendment, but by enforcing and strengthening the already existing laws. Therefore this proposal is a waste of time and money.

Sincerely,

JoAnn Thorson

1-28-83
H.E.S.S.
Senate Jt. Resolution 1
Testimony
Mim Robinson

My name is Mim Robinson and I am a housewife, and work part-time in a nursery as a volunteer.

I am opposed to this resolution. The language of ERA is too simplistic to be acceptable. It is so vague, for example, it doesn't even mention the word "women," nor does it mention discrimination. Since it doesn't mention women, how can it put women into the constitution as its supporters claim. How can this amendment guarantee more rights to women than are already granted to all "men," a generic term already interpreted by the courts to mean men and women in the 13th & 14th amendments to our U.S. Constitution?

Not only does this amendment not even mention the word women, nor discrimination, it doesn't grant or specify any right, nor does it define sex.

Therefore, according to the Yale Law Journal and the Analysis of ERA by the Congressional Research Service, 1973, the very simplistic

language of the ERA opens the doors to many interpretations. Because of this problem, our courtrooms will be clogged with many more costly and time-consuming court cases until the details of its meaning have been ultimately interpreted by the courts. We would again be opening our private lives to rule by judicial supremacy. Is this the real goal of its supporters? To again circumvent the legislature in it law-making function and give it to the courts? Why else the simplistic language?

This ERA proposal did not speak to the definitive needs of a pluralistic society as our U.S. Constitution does, and so was voted down.

I request the legislature not give away it legislative function to the courts and let this proposal die from lack of support.

Mim Robinson

Testimony
Re: SENATE JOINT RESOLUTION NO. 1
Referred: Health, Education, Social Services,
Judiciary
January 28, 1983

By V. Fischer, Kerttula,
Sturgulewski, Rodey,
Fahrenkamp and Josephson

My name is Sue Miller. I am a housewife.

I came today to express my anger at my representatives, for their continued participation in a flagrant attempt to circumvent the will of the people. That will very recently expressed itself at the Federal level with a "no" vote, even though Congress did everything it could to assure its passage. In a precedent setting action, it extended the deadline from March, 1979 to June 30, 1982. The original Amendment was introduced in 1972. Ten years to discuss, rediscuss and fight over this issue us enough.

You might say that, "Well, it only lost by a few states, so it should be given another chance." Do you accord that same privilege to every piece of legistlation? Remember that 5 states voted to rescind their vote for ERA; Idaho, Tennessee, Kentucky, South Dakota and Nebraska, but they were refused this option. Also take into account the number of states willing to mount a similiar objective to rescind, but didn't due to the decision regarding these five states.

Have you considered that the media has been <u>strangely</u> silent regarding <u>when</u> the passage of resolutions and bills were to come about? Why has ourlocal media, both audio and written, neglected to advertise this hearing for the Senate Joint Resolution 1, which purports to speak for the "people" of this state? Whenever a bill has been introduced to protect minors, to stop funding for abortions, to prevent sexual preference from being called a "divil right" and other controversial questions which so-called "conservatives" support, there is a great deal of media attention, and time given for the so-called "liberals" to mount an offensive. This ERA support given by this resolution is also controversial. Why the silence? By the way, I had to learn about this hearing, accidentally, from a friend in Anchorage!

I'd like to speak to some of the <u>opinions</u>, expressed as fact in this resolution:

Lines 17-19 state: "Whereas the state constitutional provision guaranteeing the rights of women has been a valuable tool in Alaska and has enhanced the ability of all citizens, not just women, to achieve their full potential:

Who says it has been a valuable tool? In what way? How has it enhanced the ability of all citizens? As an example, have you explained to the people that Section 2 of this amendment would permit Congress to take <u>from</u> the states the power to pass laws dealing with family, divorce, marriage, child support, etc? So, it would be a valuable tool to intervene in family affairs at a federal level.

Lines 20-22 state that "Whereas negative results predicted by opponents of the state provision guaranteeing the rights of women have not materialized and the constitutional amendment has not presented any difficulties of any sort:"

To me, to live in a State which states it is a woman's right to have an

Re: SENATE JOINT RESOLUTION NO.1 - Testimony
Sue Miller

abortion and a woman's right to have taxpayers pay for it, is a definite negative result. Sara Weddington, the attorney who argued and won the 1973 Supreme Court abortion case states that one who supports ERA must also support abortion as they are intertwined.

To say that the constitutional amendment has not presented difficulties of any sort is a prevarication: in many areas dear to the heart of constitutionalists such as : housing, defense, vocations, medicine, education, religion, this constitutional amendment has produced controversy and many personal difficulties which affect the private lives of individuals. One blatant example is our weakened military training as evidenced by the newest research due to requirements in discipline, training, being reduced to accommodate womens' demands for equal treatment in the military.

Lines 23-24 state that the "people of a state are free and equal only when all citizens enjoy the same rights; is simply untrue. No one is free when they are absolved from responsibility, when they are forced to be regulated against their deepest convictions, when their private property rights guaranteed by the United States Constitution are circumvented by an amendment such as this. The only free and equal people are those who agree to dictate their beliefs on a whole other group of people, even though common sense and experience dictate otherwise.

Lines 25-27 state that the people of Alaska wish to have the Congress again propse an equal rights amendment to the states. I disagree with this statement, unless it can be proven to me that the "people" were actually informed regarding all of the ramifications of this amendment and that both sides of this issue have been adequately presented. Although I have personally kept a file on every article regarding ERA from newspapers in Alaska, I have neve seen a knowledgeable report giving equal importance or weight to both sides of this question.

Whereas this resolution and hearing have not been adqquately advertised,.

Whereas both sides of this controversial question have not been aired in Alaska

Whereas this resolution purports to speak for the people of Alaska, but in fact, completely ignores that whole group which vehemently opposes it

Whereas this resultion is riddled with opinion masquerading as fact

I request that this resolution be dropped from consideration, and that our representatives abide by the will of the people recently expressed by a "no" vote to this issue.

Respectfully submitted;

Sue Miller

LADIES!
HAVE YOU HEARD?

DO YOU KNOW WHO IS PLANNING *YOUR* FUTURE FOR YOU? ARE YOU SURE THEY ARE PLANNING WHAT *YOU REALLY WANT?* IF NOT, IT'S TIME TO WAKE UP AND SPEAK UP! THE HOUR IS LATE!

ARE YOU SURE YOU WANT TO BE "LIBERATED"?

God created you and gave you a beautiful and exalted place to fill. No women in history have ever enjoyed such privileges, luxuries, and freedom as American women. Yet, a tiny minority of dissatisfied, highly vocal, militant women are determined to "liberate" you – whether you want it or not!

What is "liberation?" Ask women in Cuba. Castro "liberated" Cuba! Remember?

WHAT IS THE EQUAL RIGHTS AMENDMENT?

The Equal Rights Amendment (ERA) is the proposed amendment to our U.S. Constitution, which, if ratified, would give LEGAL SANCTION and FEDERAL ENFORCEMENT to many of the goals of the Women's Liberation Movement.

ERA (27th Constitutional Amendment) requires approval of 38 states. 35 states have ratified, but five states have rescinded (revoked approval). Rescinding efforts are underway in many other states.

Section 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.

Section II. The Congress shall have the power to enforce by appropriate legislation the provisions of this article.

Section III. This amendment shall take effect two years after date of ratification.

Simple, isn't it? Deceptively simple. Sounds good and fair, doesn't it? BUT HAVE YOU LOOKED AT THE HOOK INSIDE THE BAIT?

Sen. Sam Ervin called the ERA the most destructive measure in Senate history. Why? Because it strikes at the foundation of our entire social structure. Can you possibly avoid being affected by it? NOT A CHANCE! It is actually an Extra Responsibility Amendment – a loss of rights for women – which will harm our entire society.

WHO IS QUALIFIED TO ANALYZE THE ERA?

If you had a brain tumor, to whom would you go for help? To an architect, artist, or carpenter? Or to a brain surgeon, expert in his field? To analyze effects of a Constitutional Amendment, to whom should we go? To Alan Alda, Betty Ford, Ann Landers, Betty Friedan, Rosalyn Carter, Gloria Steinem, or the editor of Redbook? Though prominent, are they authorities in constitutional law? Hardly! Yet these "authorities" are quoted often in pro-ERA literature. And remember: not every doctor is a specialist in brain surgery. Neither is every lawyer a specialist in constitutional law.

Then to whom should we go? Obviously to specialists in constitutional law. Conclusions herein presented are drawn from such experts:

(1) *The Yale Law Journal*, Vol. 80, No. 5, April, 1971, by pro-ERA Prof. Thomas I. Emerson, et al – a publication endorsed and highly praised by ERA sponsors Sen. Birch Bayh and Rep. Martha Griffiths.

(2) *Harvard Civil Rights - Civil Liberties Review*, Vol. 6, No. 2, March, 1971, an analysis by Prof. Paul A. Freund, whose 25 years of ERA study causes him to oppose it.

(3) *The Library of Congress Congressional Research Bulletin* No. HQ 1428, U.S.D. – Senate debate on ERA, with testimony of Prof. James J. White, Michigan Law School; Prof. Phil Kurland, Chicago Law School, et al, including Sen. Sam Ervin, one of our nation's most prominent and respected constitutional authorities (admitted in a CBS-TV program featuring his retirement).

One strong objection to ERA is its uncertainty, and Prof. Freund predicts that is will "open up a Pandora's box of legal complications." However, some very predictable effects are agreed upon by outstanding authorities.

DO YOU WANT MORE FEDERAL CONTROL OVER YOUR LIFE?

Most people don't. Yet Section II (above) of ERA is one of the biggest grabs for Federal power ever attempted. A rip-off of state's rights. More loss of freedom. Section II gives Federal jurisdiction over marriage, divorce, child custody, inheritance and property laws, and *all other laws involving men and women – the total fabric of society!* A blank check to be filled in by Federal Courts!

State Legislator, do you want to lose jurisdiction in all these areas? If not, work to defeat ERA. As you know, unwise or harmful state laws can be changed, but if a law is "locked in" by constitutional mandate, states are powerless to change it.

Seven Constitutional Amendments have wording similar to Section II. In each case, states HAVE LOST THEIR RIGHTS. For instance, the 26th Amendment (18 year old vote). Could a state decide on a different age? Of course not! Section II STRIPPED STATES OF THE RIGHT. The U.S. Constitution supersedes state law.

Of course, Federal control over voting regulations is insignificant when compared to the all-inclusive scope of the ERA. After 100 years, the Supreme Court is still finding meanings in the 14th Amendment never imagined by its drafters – such as forced busing and abortion.

ERA WILL MAKE WOMEN SUBJECT TO THE DRAFT

A fact admitted by all. "Women will serve in all kinds of units, and they will be eligible for combat duty" (*YLJ*, pg. 978). "Not only would women, including mothers, be subject to the draft, but the military would be compelled to place them in combat units alongside men" *(U.S. House Judiciary Report*, No. 92 359)

Congress now has power to draft women – but has always wisely chosen to exempt them. However, ERA will STRIP CONGRESS OF POWER TO EXEMPT WOMEN. The Constitution would then prohibit any distinction based on sex. During World War II, fathers up to 35 were drafted. Under ERA, it would have been unconstitutional to exempt mothers up to 35.

The present voluntary system furnishes no comfort. A Constitutional Amendment spans decades or centuries. Do you think there will never be another war? Speaking to the American Legionaires, presidential candidate Jimmy Carter said he would not hesitate to re-instate the draft, if needed *(Ft. Worth Star Telegram*, 8-25-76). Rep. F. Edward Hebert, former chairman of the House Armed Services Committee, predicted re-instatement of the draft *(S. A. Light*, 4-6-74). Women can now enlist, if they wish, with all educational and retirement benefits.

Ladies, do YOU want "equality" before the draft board? the "right" to be a POW? If not, defeat the ERA.

Men, do you want your wives, sisters, and daughters drafted into the military? Living in barracks with men? Going into combat with them? If not, defeat the ERA.

WILL ERA PROVIDE BETTER PAY FOR WOMEN?

Not at all. Proponents incessantly sing the tune: "We want equal pay for equal work." This is already guaranteed under the Civil Rights Act, the Equal Employment Opportunities Act, the Equal Pay Act, and other Federal directives – admitted even by ERA sponsor Rep. Martha Griffiths. So the "equal pay for equal work" argument is deceptive – merely a smokescreen to hide the real intent of ERA.

If women suffer discrimination, it is a matter of enforcement, not a lack of laws *(Cong. Research*, pg. S4573). ERA CAN DO NOTHING MORE in this area.

Teachers are already protected under the Education Act of 1972. ERA can DO NOTHING MORE.

HOW WILL ERA HARM WORKING WOMEN?

ERA will wipe out all protective laws for women – laws regulating weight lifting restrictions, rest periods, excess working hours, and maternity leaves. This is already happening.

(Over)

Under State ERA in Pennsylvania, Judge Wilkinson denied unemployment compensation to four women who refused to try out for a job that required lifting 40 to 150 pounds (4-15-75).

HOW WILL ERA AFFECT WIVES?

In all 50 states men have been legally responsible to support their wives, giving women legal protection to be fulltime homemakers. According to Prof. Freund, under ERA a husband will be required to support his wife *only if she is unable to support herself (Harvard Review,* pg. 239) Wives will have equal legal responsibilities for family support. This change has already been made in Colorado and Pennsylvania, under State ERA.

Wives will lose their right to credit based on husbands' earnings. Since a husband would no longer be legally liable for his wife's debts, what business would give credit to an unemployed housewife?

ERA will eliminate a wife's right to draw Social Security based on her husband's earnings. For a wife to receive benefits, the husband would have to pay Social Security taxes on the assumed value of her work. (Even columnist Sylvia Porter says this will be ushered in with ERA and estimates at least $960.00 per year extra to be paid by husbands).

ERA will eliminate present lower life and auto accident insurance rates for women, for it will be illegal to make any rate distinction based on sex. It is ludicrous to think insurance companies will lower the rates for men.

As Prof. Freund explains, necessity will force many mothers to place their children in child care centers, as they assume the extra legal responsibilities thrust upon them *(Harvard Review,* pg. 239). The Ohio Task Force Report (pro-ERA) concurs, and requests more child care centers to meet this need.

WHAT ABOUT OTHER SOCIAL OR MORAL EFFECTS?

ERA will change sex crime laws. "Seduction laws, statutory rape laws, laws prohibiting obscene language in the presence of a woman, prostitution and 'manifest danger laws' . . . The Equal Rights Amendment would not permit such laws, which base their classification . . . on social stereotypes" *(YLJ,* pg. 954, 964).

ERA will permit homosexuals to "marry" and adopt children, according to leading law counsels *(Yale Law Journal,* Jan., 1973; *Cong. Research,* pg. S4372). Legalization of lesbianism is one goal of the National Organization for Women, as outlined in their platform *Revolution: Tomorrow is NOW* (pg. 20, 21) — one reason the full force of the Women's Liberation Movement and Gay Liberation Movement is behind efforts to ratify ERA.

ERA will finalize abortion on demand. Zealous pro-life advocates should understand that if ERA is ratified, all their efforts will likely be useless. This is the conclusion of constitutional authorities Prof. Charles Rice (Notre Dame Law School); Prof. Joseph Witherspoon (U. T. Law School); Sen. Sam Ervin, and others.

Pro-ERA, pro-abortionists agree with this interpretation. When asked about the relationship of ERA to abortion and future Supreme Court decisions, Betty Friedan replied: "As for reliance on future Supreme Courts — that's the reason we need ERA" (Town Meeting of the Air, 5-14-75).

ERA WILL ABOLISH PRIVATE FACILITIES IN GOVERNMENT-RELATED ESTABLISHMENTS

All who have dared mention this have been ridiculed and branded as emotional extremists using "scare tactics." However, such charges indict the constitutional experts.

Some ERA supporters still try to deceive you into believing that the case of Griswold vs. Connecticut insures your right of privacy. Not so. This case deals only with privacy at home. According to pro-ERA Prof. Emerson, the "separate but equal doctrine" (struck down by the Supreme Court concerning the races) would not be permissible for the sexes, under ERA, in any facility *"provided or subsidized by the government" (YLJ* pg. 900-903). Public schools; college dormitories; hospital rooms; fire, police, and military establishments; government buildings (city, county, state, federal); and all businesses *"subsidized by the government"* (think how many this includes!) — could not have "separate but equal" facilities for men and women, boys and girls.

This conclusion is shared by Prof. Phil Kurland, Sen. Sam Ervin, et al *(Cong. Research,* pg. S4543). Are these professionals stooping to "scare tactics"?

Some people have quit laughing — such as men (and their wives) who have already lost their privacy: on Coastguard ships *(St. Paul Dispatch,* 9-6-73); men's prison in Missouri *(Kansas City Star,* 8-13-76); firemen in Arlington, Va. *(Parade,* 9-1-74); firefighters in Belmont, Ca. *(L.A. Times,* 7-24-75) – to name a few.

What happened to the "constitutional right of privacy" which ERA supporters so vehemently claimed would prevent such as this? Of course, these examples are just a foretaste of things to come. The full impact will not be evident until years after final passage of ERA (see Section III).

HOW WILL ERA AFFECT THE CHURCHES?

Under ERA, churches which refuse to ordain women equally with men will lose tax-exempt status — in spite of the principle of separation of church and state. One basic principle of constitutional interpretation is: the most recent amendment takes precedence over prior amendments *(Cong. Research,* pg. S4578). Therefore, ERA, which forbids sex distinction, would take precedence over any prior principle of church and state.

Church-related colleges, too, will lose tax-exempt status if they refuse to sexually integrate facilities. Title IX, Education Amendment Act of 1972, is furnishing schools and colleges a taste of things to come.

IF YOU DON'T LIKE THE SAMPLE, WHY BUY THE PRODUCT?

When President Ford learned of the HEW ruling forbidding father-son, mother-daughter school activities, he was shocked and amazed. He telephoned the Dept. of H.E.W. and halted the order until further review. Yet President Ford endorses ERA. How inconsistent! Title IX, basis for this ridiculous ruling, is simply a mini-ERA for schools. Being statutory law, it can be altered. However, under a constitutional mandate forbidding any distinction between the sexes (ERA) EVEN THE PRESIDENT WOULD BE POWERLESS TO CHANGE IT BY A TELEPHONE CALL. Such nonsense would be locked into the Constitution.

Even Rep. Edith Green, author and sponsor of Title IX, admits it has been used for ridiculous rulings never intended by Congress *(Reader's Digest,* May, 1976, pg. 130) — proving that CONGRESSIONAL INTENT is ABSOLUTELY NO SAFEGUARD. Teachers and school administrators, chafing under the burden of Title IX, should battle to defeat ERA before such nonsense becomes locked into the U.S. Constitution.

If you don't like the sample, why buy the product?

WHO IS PUSHING FOR ERA?

Many different groups — pushing for different reasons.

Those who espouse principles of the Women's Liberation Movement such as NOW (National Organization for Women) which took credit for getting ERA through Congress *(N.Y. Times,* 8-21-72). They know it will accomplish some of their major goals. The Socialist Workers Party marched in the pro-ERA rally in Springfield, Illinois, May 16, 1976.

Also pushing for ERA are many business and professional women's groups who do not endorse these radical goals — women simply seeking better opportunities. To these we say: ERA can bring you NO ADVANTAGE not already available under existing laws, which many of you helped to pass. ERA, however, WILL ACCOMPLISH RADICAL GOALS with which you do not agree. There's no way to separate the two.

IF YOU DON'T AGREE WITH THE GOALS OF THE RADICAL MOVEMENT, DON'T HELP THEM CARRY THE BALL ACROSS THE GOAL LINE!

ALL GOOD THINGS can be attained WITHOUT ERA. DESTRUCTIVE RESULTS are inevitable WITH ERA. So, ladies, you have everything to lose and nothing to gain.

THERE IS A BETTER WAY! DEFEAT THE ERA!

WHAT IS THE PRESENT STATUS OF ERA?

In 1972 Congress sent the amendment to the states, allotting 7 years for rejection or approval by the necessary 38 states. Ratification effort failed, and Congress granted a constitutionally questionable extention of time — to June, 1982.

The ERA contains only three sentences:

CAN A STATE RESCIND (REVOKE) ITS RATIFICATION?

Yes - according to numerous authorities. *The Library of Congress Research Service Bulletin,* 3-15-73, supports the position that a state can revoke its approval any time prior to final ratification.

Pro-ERA Prof. Charles Black, Yale Law School: "Clearly a state can change its mind either way before the amendment is officially declared to be ratified" *(Cong. Rec.* 5-8-73, pg. S8522).

One of the strongest arguments is furnished by actions of ERA supporters. If rescission is not valid, WHY DID THEY MAKE SUCH STRONG EFFORTS TO RE-RATIFY in Nebraska, which has RESCINDED?

IT'S TIME TO SPEAK UP! WHAT CAN YOU DO?

1. Find out where your state stands on ERA.
2. Find out who your State Legislators are (call local Democratic or Republican headquarters). Write. Ask them to oppose ERA. If possible, visit them personally.
3. Work to inform as many people as possible (copies of this leaflet: 50 for $4.00; 100 for $7.00).

PRO FAMILY FORUM

P. O. Box 14701 Fort Worth, Texas 76117

NATIONAL ORGANIZATION for WOMEN

Juneau Chapter

536 Park St., Apt. C
Juneau, AK 99801
586-9739

January 28, 1983

Testimony to the Senate Committee on Health and Social Services:

My name is Lillian Ruedrich, and I'm the President of the local chapter of the National Organization for Women, Juneau NOW. Following the example of our national office, Juneau NOW and the statewide chapter of NOW will make the ratification of the ERA our number one priority.

There are some very good reasons for this. We need the Equal Rights Amendment to establish a national policy that sex discrimiation will not be tolerated. Currently, by constitutional amendment, women have one right, the right to vote. Laws to prevent sex discrimination are not doing the job. The U.S. Civil Rights Commission recently compiled a list of over 800 federal statutes that discriminate on the basis of sex. Until there is a Constitutional mandate for legal equality, neither the federal government nor the courts will have any overwhelming reason to initiate, implement, or enforce equal rights for women.

Unfortunately, much of the public debate on the ERA is irrelevant to the actual issue of sex equality and the legal status of women. The amendment will affect only governmental action; the private actions and the private relationships of men and women are unaffected. It will provide for equal rights and responsibilities for both men and women. Laws will then be based on individual circumstances and needs rather than on sexual stereotypes, with consideration of the biological differences between men and women in accordance with the public interest.

The most important way that the ERA will work for us all is in eliminating laws which are discriminatory and restrictive, and expanding those which provide a meaningful protection to include both men and women.

Lillian Ruedrich

My name is Ardith Eakins. I have been an Alaskar resident for 18 year

I want to thank those who have given me the opportunity to stand before this committee and give my views and opinion concerning the Equal Rights Amendment.

In your Senate Joint Resolution No. 1 of which I have a copy here, it states and I quote " whereas the people of the State of Alaskawish to have the Congress again propose an Equal Rights Amendment to the States for their consideration.

I want to be on record as one Alaskan who is not in favor of the ERA and want to spend a few minutes telling you why.

and Senate Joint Resolution #1

As a woman, a wife, a mother of seven children and happy to be such, I am in favor of equal rights for women - of equal pay for equal work. for equal credit, equal education, equal housing,

There was a poll conducted called the Harris Poll which showed that 71% of the women believed that the Equal Rights Amendment would give them equal pay for equal work. It seems to be a well kept secret that women have all of the laws necessary now to give them equalityin these areas.. Nothing new will be added to these body of laws with the passage of the ERA. The ERA is not an equal pay - it is an equal responsibility amendement. Women aren't told about this. There has been no national campaign to advise women that these laws exist. There are now federal and state agencies in place waiting to help and support woman to achieve these rights. If women don't know this, they need to know it.

It is also true that there have been injustices to women before the law and society in general. And there are additional rights to which women are entitled. I would prefer to see specific injustices resolved individually under appropriate specific laws The ERA is not the proper means for achieving those rights because:

1. It's vague simple language deals with almost every aspect of American life without considering the consequences which could result because of its vagueness.

2. It would strike at the family, the basic institution of society. It could encourage legal conflict and incite legal action on every point of conflict betweenmen and women.

It does not recognize that men and women have differences biologically, emotionally and in other ways. For example present laws protecting the rights of pregnant women in the working force could be challenged if ERA becomes law.

4. The simplistic approach, vague approach of ERA could nullify many accumulated benefits to women in present statutes such as those protecting mothers and children from fathers who do not accept their legal responsibilities to their families.

Military conscription of women may be interpreted to be a mandate of the act. Women may find themselves locked into a system which makes no allowance for the physical, biological or emotional differences in the sexes.

I oppose the ERA method of bringing me equal rights. Equal rights are not necessarily women's rights. If indiscriminately applied, equality may abolish women's rights.

Thank you.

Ardith Eakins

February 3, 1983

REPORT OF THE SENATE COMMITTEE ON HEALTH, EDUCATION AND SOCIAL SERVICES RE SJR 1.

Mr. President:

The Committee on Health, Education and Social Services has had under consideration SJR 1, by Senator Vic Fischer and other senators. The majority of the Committee recommends that SJR 1 do pass.

Recently, the Committee has received hundreds of messages and has heard public testimony, pro and con, for approximately two and one-half hours.

While testimony before the Committee was divided, messages of support were delivered on behalf of numerous organizations with large Alaska memberships, including NEA-Alaska, the American Association of University Women (Alaska Chapter), the League of Women Voters, and Alaska components of the National Organization of Women (NOW).

ERA is not a new issue in Alaska, despite the recent rush of public input. This legislature was one of our nation's first to ratify the originally submitted ERA. And, in 1972, Alaska voters approved our "little ERA" -- the alaska constitutional amendment which prohibits discrimination on the basis of sex.

As noted in SJR 1, the daily lives of Alaskans show no evidence of ills or evils, attributable to the people's approval of the State constitutional ban on sex-based discrimination, which ERA opponents foresee for the nation if ERA becomes part of the national Constitution.

Some opponents of SJR 1 say that further consideration of the issue would be "a waste of time and money."

Your Committee respectfully disagrees with that view. Any assumption that legislative inaction on ERA would quell further consideration of this vital issue is false. This issue is not going away; it should not go away. In the Congress, over 200 representatives have co-sponsored a House joint resolution providing for the resubmittal of a national ERA to the state legislatures for ratification. Across the country, ERA proponents are redoubling their efforts. They see a changed legislative landscape -- a landscape which finds new faces in state legislatures following the defeat or retirement of many key legislators who opposed ERA in the past.

Opponents argue that the goal of equal rights for women, however laudatory, can be attained through other means, e.g., through a piece-by-piece modification of state and federal laws and regulations which discriminate, or permit discrimination, against women. Your Committee finds that such attempts, piece-by-piece, to ameliorate the problem of sex-based discrimination are bound to be unsatisfactory.

In the words of a leading treatise on ERA:

> Over the years, some proponents of women's rights have thought that discrimination could be ended most effectively if legislatures prepared men and women gradually for equality by a series of step-by-step reforms. . . However such suggestions unrealistically assume a delicacy and precision in the legislative process which has no relationship to actual legislative capability. More importantly, the process is unlikely to be completed within the lifetime of any woman now alive. Such a method requires multiple actions by fifty legislatures and the federal congress, by the courts and executive agencies in each one of these jurisdictions, and by similar government authorities in numerous political subdivisions as well. This government machinery would have to be mobilized to repeal or modify the statutes and practices in scores of different areas where unequal treatment now prevails. To be comprehensive such efforts would require a tremendously expensive, sophisticated, and sustained political organization, both nationally and within every state and locality. Campaigns to change the laws one by one could drag on for many years, and perhaps in some areas never be finished. "The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women", by Barbara A. Brown, Thomas I. Emerson, Gail Falk, and Ann E. Freedman, 80 Yale Law Journal 871, 833 (1972).

The authors of the quoted treatise went on to point out the "need for a single coherent theory of women's equality before the law, and for a consistent nationwide application of this theory", and found that "(t)his is scarcely possible through legislative change alone." Ibid.

We Americans have inherited from our nation's founders the federal constitutional amending process. It provides for the

incorporation, into our national Charter, of changes in the basic governing assumptions of our country. The use of this process to record and symbolize such changes, and to help make those changes tangible in the lives of our people, is well understood insofar as the right of every American to be free from discrimination on the basis of race, color, religion or national origin is concerned. The use of the same process in the case of sex-based discrimination thus fits comfortably into our American constitutional tradition.

In our judgment, some opponents of ERA and SJR 1 grossly overstate their case and adopt an alarmist tone not supported by reason or experience.

For example, they have asserted that ERA will deprive people of privacy in the performance of personal bodily functions.

However, under the federal and state constitutions, an independent right of privacy has been recognized. At the federal level, the right of privacy was recognized by the Supreme Court of the United States in Griswold v. Connecticut and other decisions. The federal right of privacy is derived from a combination of various more specific rights in the First, Third, Fourth, Fifth and Ninth Amendments. In Alaska, the right of privacy rests upon an explicit State constitutional amendment approved directly by vote of the people.

The independent privacy right permits the separation of sexes in public rest rooms, in the sleeping quarters of prisons or other public institutions, and in other situations which involve disrobing, sleeping or the performance of personal bodily functions. Police practices by which a search involving the removal of clothing could only be performed by a police officer of the same sex would remain permissible.

ERA opponents have also made exaggerated claims that ERA will cause husbands to stop supporting their wives, or compel women who choose to be homemakers to change their lifestyles, or eliminate any right to alimony in divorce decrees, or the right to child support.

Again, neither reason nor history supports these claims. For example, nothing in ERA would prohibit an award of alimony to a spouse of either sex who has been out of the labor force for a long time in order to make a non-compensated contribution to the well-being of the family unit. Nothing in ERA would prohibit a court from ordering child support to the spouse having custody of a dependent child.

ERA speaks only to discrimination under state or federal law; it does not speak, or purport to regulate, voluntary practices of individuals in their familial relationships. Indeed, in the realm of marriage and the family, the greatest

influences upon actual behavior are the social customs, economic realities, religious traditions and practices, and individual preferences and economic status of the people involved. ERA would not regulate such voluntary behavior of individuals in their private lives. The Alaska experience since 1972 proves this.

In summary, both the research and the history of the State amendment since 1972 make manifest that opponents have exaggerated alarmingly the claims of ERA's effect in areas traditionally protected through the constitutional concept of privacy or with regard to personal lifestyle choices of free Americans.

If one compares the history of ERA with the long struggle for women's suffrage, or the longer struggle -- still in progress -- against race-based discrimination, the ERA movement is relatively young. Resubmission by the Congress of ERA, for consideration by state legislatures, would be appropriate. This issue is not fading away; if anything, momentum for the amendment appears to be growing. Legislatures in the '80s should have an opportunity to consider this vital issue, without being restricted by a few adverse decisions in certain states in the past. As a leader in the efforts to bring sex-based discrimination to an end, Alaska can cite its own experience and memorialize the Congress to give state legislatures a new opportunity to ratify ERA.

Respectfully submitted,

Joe P. Josephson, Chairman

Victor Fischer, Vice-Chairman

MINORITY REPORT OF THE SENATE COMMITTEE ON HEALTH, EDUCATON AND SOCIAL SERVICES RE SJR 1

Dear Mr. President:

The undersigned Senators who are members of the Senate Committee on Health, Education and Social Services have carefully considered the implications of SJR 1 to the state of Alaska and its citizens and submit this minority report recommending that SJR 1 does not pass.

Even though Alaska was among the first states to ratify the first Equal Rights Amendment, we believe that events since that time demand that this body re-examine carefully the implications of that amendment to Alaska, the legislature and Alaskan citizens. We submit that the law has changed substantially since the article cited by the majority report was published in 1972, the same year that the amendment was passed out of the Congress and ratified by Alaska.

As correctly noted in the majority report, Alaska in 1972 amended its state constitution to specifically prohibit discrimination on the basis of sex. Therefore, clearly Alaskans do not need the additional protection of the Equal Rights Amendment in the federal constitution. And while as the majority report states, no particular problems have developed from this addition to our state constitution, it cannot be analogized to the federal constitution as will become evident in the following discussion.

The Equal Rights Amendment is unnecessary. Since 1971, the United States Supreme Court has routinely applied the protections of the 5th and the 14th Amendments to women and to gender based discrimination to invalidate many state and federal actions.[1] For example, the United States Supreme Court recently invalidated a Louisiana law that gave a husband exclusive control over the disposition of property owned by both spouses during the marriage

[1] Reed v. Reed, 404 U.S. 71 (1971). Frontiero v. Richardson, 411 U.S. 677 (1973). Board of Education v La Fleur, 414 U.S. 632 (1974). Stanton v. Stanton, 421 U.S. 7 (1975). Taylor v. Louisiana, 419 U.S. 522 (1975). Weinberger v. Wiesenfeld, 420 U.S. 636 (1975). Turner v. Department of Employment Security, 423 U.S. 44 (1975). Craig v. Boren, 429 U.S. 190 (1976). Califano v. Goldfarb, 430 U.S. 199 (1977). National Gas Co. v. Satty, 434 U.S. 136 (1977). Caban v. Mohammed, 441 U.S. 380 (1979). Davis v. Passman, 442 U.S. 228 (1979). Orr v. Orr, 440 U.S 268 (1979). Califano v. Westcott, 433 U.S. 76 (1979). Wengler v. Druggists Mutual Insurance Co., 100 S.Ct. 1540 (1980). Michael M. v. Superior Court of Sonoma County, 101 S.Ct. 1200 (1981). Kirchberg v. Feenstra, 101 S.Ct. 1195 (1981). There are several other lower court decisions which are not listed.

on the basis that it violated the Equal Protection Clause of the 14th Amendment.[2] It held that gender-based discrimination is unconstitutional absent a showing that the classification furthers an important governmental interest. To more fully understand this standard, the Court's ruling in Michael M. v. Superior Court of Sonoma County,[3] is important. This case involved an appeal by a young man who had been convicted of statuatory rape. He argued that the statute unlawfully discriminated against him on the basis of gender since men alone were liable. The Court said that where gender classifications realistically reflected the fact that the sexes were not similarly situated, such laws do not violate the Constitution.

In addition to the direct Constitutional protections, the courts have also applied the protections of the Title VII of the Civil Rights Act of 1964 to prevent sex discrimination.[4] Title VII states that it is unlawful to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, sex, or national origin. Congress was able to apply its provisions to state actions by relying on its authority guaranteed by the 14th Amendment. There are other important laws which currently guarantee women's rights.

Title IX of the Civil Rights Act of 1964 which applies to all public education requires it to be free from discrimination based upon sex. The Equal Employment Opportunity Act of 1972 likewise prohibits sex discrimination and applies to all employers of at least 15 employees who are engaged in businesses affecting interstate commerce. States are prohibited from denying equal educational opportunities on the basis of sex by the Equal Educational Opportunities Act of 1974. The Equal Pay Act of 1963 applies to all federal and state employers, as well as to employers engaged in interstate commerce. The Equal Credit Opportunity Act of 1974 applies to all creditors and prevents discriminatory credit practices. For these federal laws to be enforceable against states and employers engaged in interstate commerce, the Congress must have Constitutional authority to enact them. In all of these cases, the courts have uniformly upheld Congress' authority.

This becomes important to our position, because even if the Equal Rights Amendment was to be ratified, the laws implementing it would still need to be enacted by Congress. It is difficult to imagine what other areas important to the majority of Alaskans would become law as a result of the Equal Rights Amendment.

2 Kirchberg v. Feenstra, 101 S.Ct. 1195 (1981).
3 101 S.Ct. 1200 (1981).
4 Fitzpatrick v. Bitzer, 427 U.S. 445 (1976). Dothard v. Rawlinson, 433 U.S. 321 (1977). City of Los Angeles Dept. of Water and Power v. Manhart, 435 U.S. 702 (1978).

For the past ten years, there has been tremendous conflict over what the Equal Rights Amendment will accomplish. As evident in the Senate and House hearings and in a Harvard Civil Rights - Civil Liberties Law Review, Constitutional scholars cannot agree on the standard of review that would apply to sex discrimination cases under the Equal Rights Amendment. Some proponents of the amendment assert that it would not invalidate laws concerning homosexual relations, intersexual occupancy of sleeping facilities in public institutions, or women in combat, while others disagree.[5] Opponents to the amendment are equally convinced that it will.

In our opinion, these arguments miss the point. The fact that recognized authorities of the Constitution and the United States Supreme Court can entertain such diametrically opposing views of the same language demonstrates that it is impossible to give a confident interpretation until the amendment's ratification and subsequent judicial interpretations. Such judicial pronouncements may take literally hundreds of years.[6]

One important consequence that cannot be ignored is that the judiciary makes mistakes. If mistakes are made at the level of the Congress or the state legislatures, they can be rectified by the appropriate body. Where, however, mistakes are made in a judicial interpretation of a Constitutional provision the effects are drastic. Such mistakes can only be corrected by the death, the retirement, or change of mind of the Supreme Court justices, or by constitutional amendment. It is highly unlikely that any of these might occur.

Two remaining areas concern us and are the strongest

[5] The authors of the article relied upon by the majority report states:

"The Equal Rights Amendment will have a substantial and pervasive impact upon military practices and institutions. As now formulated, the Amendment permits no exceptions for the military. Neither the right to privacy nor any unique physical characteristic justifies different treatment for the sexes with respect to voluntary or involuntary service, and pregnancy justifies only slightly different conditions of service for women. . . . Women will serve in all kinds of [military] units, and they will be elgible for combat duty."

Brown, Emerson, Falk, & Freedman, The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women, 80 Yale L.J. 871, 969, 978 (1972). Note, The Legality of Homosexual Marriage, 82 Yale L.J. 573 (1973).

[6] The 14th Amendment was designed to correct the injustices of an earlier United States Supreme Court decision holding that a black man was not entitled to constitutional protections even if he had been born a free man. Nothing really was accomplished until the civil rights movement of the 1960's. Decisions regarding racial discrimination are still being decided.

arguments against supporting SJR 1 and the Equal Rights Amendment; shifting legislative power to the federal judiciary and shifting states' rights to the federal government.

Passage of the Equal Rights Amendment would further erode the checks and balances originally built into the United States Constitution. Our founders established 3 branches of government and created a system of checks and balances to prevent the executive, the legislature or the judiciary from becoming too powerful. In recent years, the judiciary has usurped the authority of the legislature.[7] By definition, a constitutional amendment which limits what government can do places limitations on the legislature, because normally it is the legislature that has policy making authority. But constitutional amendments can only be interpreted by the judiciary. We believe that our constituency would find us more responsive to them than a small group of lawyers who are appointed to lifetime positions.

More importantly to us as Alaskans is that not only would the governmental power shift from the legislature to the judiciary, but it would also shift from the state to the federal government. This would be accomplished by section 2 of the amendment. The basic premise of the Constitution is to ensure that the people have as direct a say in the government as possible. It is our view that this can be best accomplished by leaving the most authority possible within the state legislature.

As elected state senators, we are particularly concerned over the amendment's encroachment on our legislative authority and on the shifting of governmental power from the states to the federal government and judiciary. While politically it is hard to oppose the Equal Rights Amendment, we do not believe that we can betray the trust that our constituency placed in us to be mindful of federal intrusions upon our authority. We believe that the protections sought by the majority of people are already included in the federal constitution, as evidenced by the recent United States Supreme Court decisions discussed briefly above and in the numerous laws already enacted by the Congress and applicable to the states. We further believe that any additional protection that our constituency identifies as necessary can be best addressed at the state level.

[7] Even the Alaska Supreme Court has decided issues that many believe belong to the legislature by deciding, for example, that Alaskans have the right to marijuana for personal use. If citizens are unhappy with that decision, there is literally nothing they can do, because the court has decided that this activity is protected by the Alaska Constitution. Whereas, if the decision had been made by the legislature, the citizens could speak on the issue. In a sense, this means that rather than Alaskans being governed by themselves, they are governed by an elite few.

In summary, we ask that the Senate carefully weigh the true import of SJR 1 and not pass it.

Respectfully submitted,

_____

Paul Fischer

_____

_____

Jan 28 1983

To whom it may concern:

I would like to voice my vote against the Equal Rights Amendment now before the Legislature. I feel it is not necessary to protect my rights as a woman, because the right to equal pay, etc. is already protected by the Civil Rights laws.

I do not wish to be considered exactly as a man. There are definete God-given differences. I'm against women being drafted and feel this amendament would allow many other issues to be raised that would be detrimental to women.

I do not wish any further Federal legislation to interpret my rights or responsibilities. I am sure that if this issue passes it will cause much more stress on "normal" families. Because I believe the Bible teaches homosexual relationships are not normal, I do not wish these relationships to be considered "marriages" under the law with the rights of adopting children etc. I do believe their rights are equal as far as right to pursue their lives, otherwise. (the American choice to choose - right or wrong)

the summation of all these comments ~~merely~~ are mentioned to support the strong opinion I have that this would stir up a whole lot of controversial items and would do more harm than good to the whole of society.

Thank you -

Judith L. Weir
P.O. Box 56
Douglas, Alaska 99824
Ph-364-3224

NEA - ALASKA

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Deputy Executive Secretary
Fairbanks Office

TO: Senator Joe Josephson, Chair
Senate HESS Committee and
Members of Senate HESS Committee

RE: SJR 1 "Relating to the proposal by Congress of an Equal Rights Amendment."

DATE: January 25, 1983

MEMORANDUM OF SUPPORT

NEA and NEA-Alaska have a long history of actively supporting the Equal Rights Amendment and will continue our efforts to ensure that equality, regardless of sex, becomes a part of the basic law of our land. Since the Constitution is the basic law of the land only a constitutional amendment can assure that quality.

Our support for the ERA is based in the belief held by our members in the basic worth of all people. However, both men and women have found and continue to find themselves the victims of discriminatory laws and practices that deny their worth, their contributions and their aspirations. The ERA will provide a major impetus in the effort to end these discriminatory practices and laws throughout the nation.

We urge you to support the passage of the ERA so that equality of opportunity can become a reality for all our citizens.

Thank you for your consideration.

Respectfully submitted:

RC Manners

Robert Manners
Executive Secretary

RM:jc

SENATE HES COMMITTEE OBSERVER/WITNESS SIGN-UP SHEET

DATE: 1/28/83 SPONSOR: V. Fischer

SUBJECT(S): SJR #1

NAME	REPRESENTING	ADDRESS	PHONE	Observer	Witness		
Barbara A. Coate	Self	10965 Glacier Hwy Juneau, Alaska	789 9230		X	N	
Grace A. Brayton	self	8486 Thunder Mt. Rd. Juneau Alaska 99801	789-0311		X	N	
Ken L. Mattson	"	6590 Glacier Hwy #173 Juneau 99801	9-0885		X	N	
JoAnn Thorson	Self	Box 3-5000 Juneau, AK 99801	9-0382		X	N	
Ann P. Mattson	self	6590 Glacier Hwy #173 Juneau 99801	789-0885		X	N	
Laura Harper	Self	928 Calhoun #5 Juneau 99801	586-1783	X			
Richard Shutt	Self	8495 Thunder Mtn. Rd. Juneau, AK. 99801	789-9648	X			
Rozann Christensen	Self	3492 Meander Way Juneau, Alaska 99801	789-3430				
Arlene Smith	Self	9175 Glacierwood Dr Juneau, Alaska	789-2747	X			
Judith Eakins Bakewell	self	3202 Malaspina Dr Juneau, Ak. 99801	789 2495		X	N	
Claudia McKinnegal	Self	9866 Loop Road JUNEAU AK	789-9988		✓	N	
Lillian Ruedrich	Juneau Now	536 Park St. Apt. C Juneau AK	586-9739		X	X	
Mary Ellen Cuthbertson	self	↑ Same	"	X		X	
Linda Koloski	AAUW	921 D Street Juneau, AK 99801	586-2307		X	X	
Linda H. Wassmuth	Self	3499 Meander Way Juneau	789-2651	X		—	
Bernadine Cunningham	Self	3487 Meander Way	789-7803		X	N	
Ruth Cunningham	Self	3487 Meander Way Juneau	789-7803		X	N	

SENATE HE&W COMMITTEE OBSERVER/WITNESS SIGN-UP SHEET

DATE: 1/28/83 SPONSOR: V Fischer

SUBJECT(S): SJR #1.

NAME	REPRESENTING	ADDRESS	PHONE	Observer	Witness		
PAUL GRANT	SELF	181 Behrends JAD	586-2701		X		

DATE: 1/28/83 SPONSOR: V. Fischer

SUBJECT(S): E.R.A. (CS STRI)

NAME	REPRESENTING	ADDRESS	PHONE		Observer	Witness		
Barbara Tyndall	myself	Box 645, Douglas 99824	789-7339			✓		
Judy Lewis	Mim Robinson	8895 Gail Ave, Juneau, AK 99801	789-9936			✓		
Sue Miller	myself	P.O. Box 32 Douglas	789-0479			✓		
FRANZ SCHNEIDER	"	128 BEHRENDS AVE	586-1488			✓		
Bruce Wells	"	Box 672 Douglas	789-0757			✓		

SENATE [illegible] COMMITTEE OBSERVER/WITNESS SIGN-UP SHEET

DATE: 1/28/83 SPONSOR: V. Fischer

SUBJECT(S): STR #1

NAME	REPRESENTING	ADDRESS	PHONE	Observer	Witness		
Sharon Macklin	Self	315 Fifth St.	586-9518				
Edna Johns	family	8208 Birch Lane	789-9249				
Eleanor Liddell	self	6590 Glacier Hwy #41	789-0923	X			
Jane Penn	Sen. Tom Kelly	208 Behrends	3822	X			
Darcy Bembicke	self	13090 Cross St	789-9729	X			
ALISON CROPPER	SELF	4350 RIVERCOURT WAY	789-2838	X			
Dave Peterson	family - self	9350 Rivercourt Way	789-2838				
Shelley Burns	MEW Inc.	211 4th St #304	586-3585		X		
Carolyn Glover	Eagle Forum	9101 Blanton Creek	344-0528		X		
Howell-Kuhl	General	326-4th St	586-2676		X		
JANE ANGVIK	Self	1538 Oear St	277-6903		X		
Jewel Bostrom	self	Box 111 Mekoryuk AK	99630 2464412		X		
William Rudd	self	Box 1211 Juneau	586-3330		X		
Lynn McKinnon	self	502 W. 10th	586-4077		X		

COMMITTEE REPORT

SENATE

2/10/83

FURTHER: JUDICIARY

Feb 1983

Date:

Mr. President:

The Committee on HESS has had SJR NO. 1

Relating to the proposal by Congress of an Equal Rights Amendment

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

[ ] do pass [ ] do not pass

[ ] do pass with attached amendments(s)

[ ] replace with CS for _____ [ ] same title [ ] new title

and recommends _____

[ ] AND attaches a "Letter of Intent" [ ] New Fiscal Note

[ ] reports it back without recommendation

[ ] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

_____

_____

_____

_____

_____

_____

_____

_____

MEMBERS HAVING
OTHER RECOMMENDATIONS:

_____

_____

_____

_____

_____

_____

_____

CHAIRMAN

S 60 (Rev. 12/78)

WHAT ARE SOME OF THE COMMON MISUNDERSTANDINGS ABOUT THE ERA?

1. Will the ERA change the family structure? No, the ERA will not change the family structure nor will it take away from state legislatures the right to legislate in areas which they now have power, such as marriage and family law. The ERA denies Congress and all state legislatures the power to legislate discriminatorily based on sex.

2. Will the ERA deny a dependent wife the right to support from her husband? No. ERA will not affect private, voluntary arrangements within families. Nor will the ERA give state or federal governments the right to decide who in the family will work outside of the home.

3. Will the ERA abolish the right to privacy? No. The right to privacy is constitutionally guaranteed by the First, Third, Fourth and Ninth Amendments to the Constitution. The right to privacy permits the state to segregate sexes in such public facilities as public toilets and sleeping quarters, because of an overriding and compelling public interest.

4. Will the ERA legalize homosexual marriages? No, the ERA does not apply to homosexual marriages. If a state legislature legalized homosexual marriages for men, then under the ERA, it would also have to legalize such marriages for women.

5. Will the ERA require that women be drafted and perform combat roles in the military? Women may be required to register for military service with the ratification of the ERA however, Congress has the power to draft women now. Assignment of women to combat will be determined by military policymakers, Congress, and the courts, legal authorities believe. With or without the ERA, some women may soon be able to get combat assignments on request.

6. Will the ERA give the U. S. Congress or the U. S. Supreme Court extended powers to interfere in family life? No. The ERA does not extend these powers. It merely denies Congress and all other legislatures the power to legislate discriminatorily based on sex. It grants Congress the power to implement the provisions of the Amendment by legislation, and nothing more. The wording of the enforcement clause in ERA was taken from Section 5 of the 14th Amendment and is almost identical to the language found in at least five other amendments.

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This information sheet was prepared from research materials by the Alaska Commission on the Status of Women, MacKay Building, 338 Denali Street, Suite 850, Anchorage, Alaska, 99501

EQUAL RIGHTS AMENDMENT

WHAT IS THE ERA?

The Equal Rights Amendment is a proposed amendment to the U. S. Constitution. It was approved by U. S. Congress in 1972. It will become an amendment to the Constitution when 38 states have voted to accept, or ratify, it. The amendment states:

"Section 1: Equality of rights under the law shall not be denied or abridged by the United States or 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."

DOESN'T THE CONSTITUTION ALREADY GUARANTEE EQUAL RIGHTS? No woman bringing a sex discrimination suit under the equal protection clause of the 14th Amendment ever won a case before the Supreme Court until 1971. The 1971 decision, however, did not overrule earlier decisions upholding sex discrimination. Present court decisions and laws, such as Title IX and the Equal Pay Act, are inadequate to ensure the equal rights of men and women. For example, many laws prohibiting sex bias and discrimination are limited to federally funded programs.

WHAT WILL THE ERA DO? The ERA will provide for equal rights and responsibilities for both men and women. Laws will be based on individual circumstances and needs rather than on sexual stereotypes. Real biological differences between men and women will continue to be considered. However, laws which are discriminatory and restrictive will be stricken entirely, while laws which provide a meaningful protection will be expanded to include both men and women.

THE ERA WILL:

. Enshrine in the Constitution the general principle that sex discrimination is wrong;

. Insure that the federal government and all states review and revise their laws and official practices to eliminate discrimination based on sex;

. Insure equal opportunity, privileges, and benefits in all aspects of government employment, including admission to military service;

. Prohibit different punishments for men and women for committing the same crimes;

. Insure equality of opportunity in public schools, state colleges and universities, and employment training programs of Federal, State, or local governments;

. Provide the legal basis for recognition of the principle (ignored in most family law) that the homemaker's role in marriage has economic value and that marriage is a full partnership;

. Strengthen families by giving value to each spouse's contribution to and support of the family;

. Insure that families of women workers receive the same benefits as families of men workers under the social security law, government pension plans, and worker's compensation laws;

. Give the same rights to a woman as to a man in marital law;

. Ensure that married women can engage in business freely and dispose of separate or community property on the same basis as married men.