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Reject or Rescind the Equal Rights Amendment

What follows is an abridged version of an article that originally appeared in the March 13, 1974 issue of The Review of The News, a precursor to The New American. When reading it, please keep in mind when it was written — 1974. Many decades before maintaining separate bathroom and locker-room facilities for men and women became controversial, Dan Smoot warned that making any such distinctions between the sexes would be obliterated — under the innocuous-sounding Equal Rights Amendment. That the cultural subversion Smoot warned against has advanced as far as it has — without the ERA — is a testament to his ability to detect the destructive designs behind the revolutionary agenda of which adoption of the ERA is a crucial part.



The idealizing of women — honoring them, especially mothers, as if on a pedestal — has always been an obvious fact of American life. It may appear to be mere ritualism in the daily routine of individual women. Yet, it is basic, not only in our romantic concept of what life ought to be like, but in our living. It has profoundly influenced our moral codes, our laws, our customs, all of our institutions, and even our taste; and it has given women a special status which they do not enjoy elsewhere.

Nonetheless, politicians have long been under intermittent pressure to adopt an Equal Rights Amendment to the Constitution, to protect women by outlawing sexual discrimination. For decades Congress resisted, or ignored, the pressure. Then, on March 22, 1972, both houses of Congress, by large majorities, passed and submitted to the states for ratification a proposed Equal Rights Amendment (E.R.A.). Within two hours, Hawaii had ratified it. New Hampshire and Nebraska ratified the next day. Within two months, ten other states had ratified: Iowa, Idaho, Delaware, Kansas, Texas, Maryland, Tennessee, Alaska, Rhode Island, and New Jersey — in that order.

The E.R.A. Resolution provides that, to become valid, it must be ratified by three-fourths of all State Legislatures within seven years — that is, by March 22, 1979. Here is the text of the Amendment:

“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.”

It looks innocent enough. But the innocent facade is easily pierced by one question: If women, as a group, are actually abused because of any law existing anywhere in the United States, why not change the law, instead of amending the Constitution to give the federal government jurisdiction in family affairs and in the relationships between men and women? A few women with personal problems — who do not like being women, and want to be treated like men — may enjoy life more if the Equal Rights Amendment is adopted; but women as a group will lose a great deal and gain nothing; and our whole



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culture will degenerate. Consider:

The laws of every state identify a family unit by giving a husband's name to the wife and all children born of the union, and they place upon the husband primary responsibility for supporting the family. A man who refuses to allocate a reasonable portion of his income for the support of his wife and minor children is subject to civil action and criminal prosecution. State laws do not give the mother the same financial obligation, but do recognize that her responsibility for rearing minor children is superior to that of the father. In divorce cases, the mother is legally presumed to be the proper custodian of minor children, and is given custody in ninety percent of all cases. Unusual circumstances exist when a father is given custody. Similarly, alimony laws favor the wife. After a wife has spent her youth bearing and rearing her husband's children — getting no training or experience in making her own living outside the home — the husband cannot discard her without giving her financial support. State laws do not place upon women the same financial responsibility for a discarded husband. All states but two (the Dakotas) give a wife an unbarrable share in her husband's estate — making it impossible for him to leave his widow penniless; but all of them do not give a husband an equivalent claim on his wife's estate.

Clearly, these laws, while establishing the man as legal head and breadwinner of his family, recognize the woman as the key figure in the family unit, and seek to protect her in that role. The E.R.A. would abolish the traditional family unit — would even create complicated legal questions about the names of children. Practically all family law in the United States would be nullified, because most of it necessarily discriminates between the sexes. For the same reason, the E.R.A. would eliminate all laws (and most private-industry practices) which recognize the special status of women or give them special privilege and protection, such as: the Social Security Act which prescribes an earlier retirement age for women than for men, and takes cognizance of a woman's role as mother and custodian of minor children; laws which provide penalties against a man for beating a woman; laws against rape, against forcing women into prostitution, against seduction of young girls by adult males; laws and practices in industry which provide maternity leave for working women, and protect them against employment in unsuitable jobs or conditions.

Proponents of the Equal Rights Amendment admit that all such laws and practices would conflict with the force and intent of the Amendment. They claim, however, the courts could easily eliminate the conflict by "interpretive extensions" which would require equal treatment of males and females. But the courts have no valid authority to rewrite laws. Legally, the courts can only adjudicate the law as it exists; they cannot change it to make it comply with new constitutional requirements.

The courts would have to act illegally to make existing laws "constitutional" under the E.R.A., or the federal Congress and all fifty State Legislatures would have to rewrite the vast body of existing domestic law. In either case, legal chaos would ensue. One of the last remnants of the right of the people to govern themselves in their own states would be gone. Most of the jurisdiction of state courts (even over matters involving alimony and property settlements between men and women) would be transferred to federal courts. The constitutional concept of States Rights would be even more an empty mockery than it already is.

How E.R.A. Will Victimize Women

How would women benefit? Obviously, women will lose if laws are changed to eliminate their special privileges. Women Liberationists, for example, resent all laws and customs which recognize the man as



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head of the house. When the E.R.A. abolishes those laws and customs, women will have gained legal recognition as the absolute equals of men. Husband and wife will then have equal responsibility for providing and maintaining a home. A husband can contribute from his income enough to fund one-half of a reasonable family budget, and force his wife to contribute the other half.

Suppose she claims that she cannot go to work to earn her half of necessary family income, because she is making her contribution in the indispensable role of mother, caring for minor children. If such division of family responsibility is allowed at all under the E.R.A., the husband will have as much right to the role of “house person” as the wife will have. This sticky problem might be resolved by a federal court order requiring them to put their children in a day-care center so that they can both work and share equally the roles of “house person” and breadwinner.

Do E.R.A. proponents expect and want this sort of thing to happen? They do. Leaders of the drive for E.R.A. are also leaders in the drive to have the federal government assume responsibility for the care and training of all children, at birth, and to discharge that responsibility through a national network of tax-financed, federally controlled day-care centers for minor children.

Planned Degradation of Women

Degradation of women and the disintegration of our civilization are the real objectives of E.R.A. proponents, many of whom are Communists. Under E.R.A., for instance, women will be subject to the military draft equally with men. Even if we permanently abolish the draft, the military services will be required to induct, train, and use men and women on an equal basis — in combat and otherwise. The E.R.A. proponents admit that, in combat zones, women and men would have to share latrines and sleeping quarters (if any) without any pretense of separation of sexes. They claim, however, that the privacy of women could be protected in all other situations. That claim is false. In many “Civil Rights” decisions involving racial matters, the courts have declared the “separate but equal” doctrine illegal. It is illegal to provide separate schools, or toilets, or other facilities for different racial groups, even though the facilities are equal. The races must be mixed in the *same* facilities. The Equal Rights Amendment will outlaw sexual separation in the same way. It will not be legal to have separate but equal toilet facilities for boys and girls in public schools (or in private schools that receive any kind of public assistance); boys and girls will be forced to use the same facilities. Similarly, girls and women will be forced to share dormitory facilities with boys and men (where such facilities are provided), in schools, colleges, the military services, reformatories, prisons.

The Internal Revenue Service (backed by federal courts) says that even private schools which have tax exemption as educational institutions must racially integrate all their facilities. Under E.R.A., they will be required to effect sexual integration. And President Nixon, an enthusiast for E.R.A., promises that its provisions will be enforced “in business and institutions which receive Federal contracts or assistance.”

How One Can Victimize All

Some proponents scornfully dismiss this “toilet argument” against E.R.A. They admit that the courts must give an “absolute” interpretation to the E.R.A., and acknowledge that an “absolute” interpretation will require sexual mixing to the full extent that racial mixing is now required; but, they say, “as a practical matter,” no problems will arise, because women will not legally claim a constitutional right to share toilets with strange men. Let us not be naïve. One Betty Friedan, claiming she is demeaned and



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denied her constitutional rights when kept out of men's restrooms, will be enough to force "sexual integration" on all women in the nation. One man, claiming a constitutional right to share facilities with women, could accomplish the same end. And, of course, some E.R.A. proponents openly approve of enforced "sexual integration." Examine the following passage from a syndicated column by Marianne Means, a "Liberal" enthusiast for the E.R.A.:

"If the Equal Rights Amendment is ratified, prison integration [*of sexes*], within reasonable constitutional limitations, should be required.... The *Yale Law Journal* notes tactfully that there may be some major problems in integrating the prison system. 'In view of the small number of female inmates, male competition for the attentions of a few women might be a source of tension, if not violence,' the article states. Even so, it seems to be the only way to end the current widespread discrimination."

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