

The Great Influence of “Stop ERA” and Its Tactics on the Un-Ratification of the ERA

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Abstract

The Equal Rights Amendment, which aims to eliminate sex discrimination under the law, has been arousing world people's interest ever since it was first proposed. And since its abortion in 1982, people have been paying attention to its un-ratification. There are many reasons responsible for the un-ratification of the ERA -- the traditional values towards women, the amending process of U.S. Constitution, the conflict from within the women camp and the failure of women's tactics. This paper mainly analyzes the reason from the aspect of the emergence of 'stop ERA' and its effective tactics, which can help readers have a better understanding of the unratification of ERA.

Key words: ERA; Unratification; Reason; Tactics

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INTRODUCTION

Introduced in 1923, the ERA was buried in Congress for nearly 50 years. In the late 1960s, over a century after the first wave of women's right movement, the second wave began to gather force. Women organized to demand their birthright as citizens and persons and the Equal Rights Amendment became the central symbol of the struggle. The Equal Rights Amendment passed both Houses of Congress in 1972, and was sent to the states for ratification. But ten years and three months after

its overwhelming approved by Congress, the proposed amendment died, only three states shy of the requisite thirty-eight states to ratify.

1. PHYLLIS SCHLAFLY AND THE EMERGENCE OF “STOP ERA”

By 1973, several effective anti-ERA groups emerged. The most prominent one is that led by Phyllis Schlafly's Stop ERA, a Republican conservative. Phyllis Schlafly earned star-billing in the mid-1970s for her political acumen in forcing an effective coalition out of the disparate elements of Political Right.

Phyllis Schlafly was born in St. Louis in 1924. After graduating as valedictorian from a Catholic girls' high school, Schlafly finished all her school work in Washington University in the third year. And upon graduation, she went off to the Harvard University and earned a master's degree in political science. Schlafly had a deep love for politics. She ran unsuccessfully for Congress for three times. In 1952, she won the Republican nomination for Congress from Illinois 24th District, but she suffered defeat in the election. She later became a member of President Eisenhower's informal “Kitchen Cabinet” serving as the Secretary of the Treasury. After that she ran as a write-in candidate for Congress in 1960, and her last attempt was in 1970.

Although she had had a political career for about 20 years, it was the ERA campaign of the 1970s that made Schlafly a household name. In fact, when Schlafly first heard about the Equal Rights Amendment, she thought it was a good idea. When she was first asked to debate the ERA with a feminist, she declined, saying that she would rather talk about defense issues. It was not until the organizer of the debate mailed Schlafly information about ERA did she began to take notice of it, but it (the ERA) was already passed the Congress, and had been sent to the

states where it was quickly being passed. She realized that she had to act quickly.

In her 1970 congressional campaign, she had attacked feminism as “destructive of family living”, but she had little to say about ERA until 1972, when an entire issue of *The Phyllis Schlafly Report* assailed the amendment. In late 1972, she established a national movement, Stop ERA (stand for Stop Taking Our Privileges), using the slogan “You can’t fool Mother Nature”. The battle began with an analysis of the ERA that Schlafly wrote in her report in February 1972, entitled “What’s Wrong with the Equal Rights?” The article seized the attention of men and women all around the country, causing many to lobby their state lawmakers to vote against the constitutional amendment when it came upon their legislatures.

The ERA, which as an amendment to the U.S. Constitution needed the approval of 38 state legislatures after garnering far more than two-thirds majority of both houses of Congress, got the consent of 30 states in the first 12 months. They needed just 8 more states to vote yes. But it failed finally. Opponents’ effective attack was the direct reason for ERA’s defeat.

“It was a complete uphill battle”, Schlafly concluded after the defeat the ERA. When Schlafly first fought against ERA, only 23 members in the Houses voted against it, and 9 in the Senate. All the Presidents were for it, including Nixon, Ford, and Carter, all the governors, all the mayors, all the organizations, all the newspapers. Thirty-three women’s magazines went together in a consortium to support it.

Schlafly’s ability to mobilize thousands of women against the ERA was especially frustrating and difficult to understand for partisans of the Women’s movement. Although the vast majority of female legislators supported the ERA and its defeat lay in the hands of male legislators in a few states where the margin were slim, women overwhelmingly constituted the troops of lobbyists against the amendment. So it became a real question whether it was really in the best interests of women.

Thus, Schlafly began the battle to stop ERA. The ERA, which simply stated 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,” had been reinterpreted by the New Right as a mandate to destroy the American family. Among the things the ERA stood accused of (if it passed) were the following: that married women would lose their “right” to support by their husbands; that working parents would lose their authority over their children who would be sent to government-sponsored child-care centers; that women would lose their automatic “right” to their children; that homosexual relationships would be legalized (through marriage); that the ERA would give women a “constitutional” right to abortion; that rape laws would be invalidated; and that public bathroom and prisons would be sexually integrated (Schlafly, 1977,

p.66-138). Schlafly and his Stop ERA persuasively agree that women already enjoyed every constitutional right that men had and portrayed the deceptively simple ERA as a dangerous transfer of legal authority from the states to a distant federal government that would strip women of their legal protections. With her well-reasoned arguments and tireless advocacy, she recruited thousands of women to her cause. They would stop the ERA evolving into the powerful pro-family movement. Like many members of the Christian Right, Schlafly was appealed at how quickly the ERA was passed by the Congress. She realized that the battle for passage would be in the states. Although anti-ratificationists utilized sophisticated direct mail techniques and were led by a very experienced professional, Phyllis Schlafly, they managed to remain identified as grassroots housewives and homemakers unmotivated by any broad political purposes.

When the first twenty-two states ratified quickly, no debate had taken place or was considered necessary. But as soon as Schlafly and her supporters took the offensive, ERA backers, unprepared for the onslaught, found themselves having to explain not only to legislators, but to women, why they were trying to undermine women.

Schlafly seemed to know better than the ERA proponents where to focus her effort. The ERA proponents needed 38 states to ratify, while she needed only 13 non-ratifying states to win. For resistance to an amendment to be successful, it helps if the resistance is concentrated in a relatively small number of states, so long as the number exceeds on quarter of the states in the union. If the minority opposing an amendment were spread every over all the states, it could not produce a majority against ratification in any one of them. Opposition to the ERA had, to some extent, this advantage of geographical concentration. It centered in the fundamentalist South, including southern Illinois, and in the Mormon Church actively fought the ERA. Opposition was strongest in the poorest states, in those with a conservative, populist tradition, and in those that have traditionally hesitated to adopt any kind of innovation. These were the states in which opposition forces had the greatest advantage in persuading conservative legislators that ratifying the ERA did not amount simply to endorsing the principle of equality, but would actually change the way women and men acted toward one another in the United States.

The rhetoric of the anti-ERA movement reveals that these forces believed that the amendment threatened the “traditional family”, this threat permeates the ideology and rhetoric of the New Right and other contemporary conservatives. The appeal of the traditional family was one of the most effective recruiting tools of the anti-ERA, allowing it to build a mass base of followers whose goal of defending home and family was reminiscent of the temperance movement a century earlier.

2. TRADITIONAL FAMILY PATTERN AND ROE V. WADE

The source of women's opposition to the ERA lay primarily in their religious beliefs and in their perceptions of its threat to their own lives. Affirming a literal interpretation of *the Bible*, women believed that sexual equality violated the God-given authority of men over women, husbands over wives. In contrast to feminists who viewed traditional sex roles as social constructions, anti-ERA women believed that God had endowed men and women with different characteristics appropriate to their different functions in life. The ERA, they insisted, would subvert that division of labor and power and absolute men from the responsibility of economic support. Further undermining the traditional family, according to opponents, was the ERA's potential for legalizing homosexual marriages.

In seeking to sustain the traditional family, most anti-ERA activists were defending their own life patterns. Among the general public, marital status did not sharply differentiate supporters from opponents, but a large majority of those active in opposing the ERA were full time housewives. They also tended to be white, middle-aged, and middle-class and their views on other issues coincided with those of the New Right. Opponents were overwhelmingly religious, the majority belonging to fundamentalist churches.

Conservative women had a direct interest in defeat of the ERA which they believed would abrogate the duty of men to support their families and, thus the right if women to be housewives. That threat was especially compelling in an era of a soaring divorce rate and the spread of no -- fault divorce laws. Anti-feminists turned a deaf ear to feminists' arguments that multitudes of divorced women, even in the absence of an Equal Rights Amendment, were already forced to support themselves and their children with little or no help from their former husbands. The middle-aged full-time housewives who constituted the bulk of ERA opposition had entered conventional marriages where, in exchange for raising children and caring for home and husbands, they expected economic support. Phyllis Schlafly emphasized the unfairness if changing the rules in the middle of the game. She also stressed the undesirable qualities of available alternatives to full-time wife and motherhood. "If you complain about servitude to a husband, servitude to boss will be more intolerable." She also warned, pointing out that most jobs were "just as repetitious, tiresome, and boring" as was housework.

The absence of supportive consensus for ERA reflected fundamental opposition to changing the traditional roles men and women play. As Phyllis Schlafly put, "ERA was the men's liberation amendment." It would give men more freedom to abandon responsibilities without giving women any valuable rights in return. It should also be stressed that with enactment of the Equal Rights Amendment,

benefits such as minimum wage or guarantees of seating facilities and lunch periods which cover women workers would automatically be extended to men.

To anti-ERA women, the amendment threatened "a way of life they had entered in good faith." Moreover, in 1973, the Supreme Court ruled in *Roe v. Wade* that women should be able to decide, in consultation with their physician, on whether to terminate their pregnancy during the first and second trimesters, and that no state could constrain that freedom. Although the ERA had no obvious direct bearing on whether "abortion is murder," the two issues nonetheless became politically linked. Furthermore, both were sponsored by what was called the "women's liberation" movement at that time. Traditionalists saw the "women's libbers" both as rejecting the notion that motherhood was a truly important task and as endorsing sexual hedonism instead of moral restraint.

Indeed, the ultimate example of feminist selfishness and individualism within this perspective was the issue of abortion, since pro-choice position elevated the biological mother's right to abort the fetus to a constitutional right. As one anti-feminist declared, "*Roe v. Wade* gave mothers the right to rid themselves of the unwanted children" and thereby to destroy the very foundation of the family exalting the Self as all-important. Unable to overturn the *Roe* decision directly, Schlafly and many conservatives sought to turn the ERA into a referendum on that decision.

3. THE TACTICS OF "STOP ERA"

The anti-feminist coalition used the politics of cultural fundamentalism to identify the ERA with godless attacks on the sacredness of the family. Feminist would confuse the roles of women and men and make the selfish individual triumphant. By insisting that feminist wanted to make men and women the same, the anti-feminist coalition succeeded in raising the specter that homosexuality would become rife in the nation, that women would join men as combat soldiers, and that even the most private activities, such as going to the toilet, would be shared in common. Taking advantage of deep seated racial fears as well -- especially the idea of black boys and white girls using the same toilet facilities and coming into sexual contact, some anti-feminists talked about the goal of ERA as "degradation" America. When the issue of abortion added to the equation, the potency of the anti-feminist arguments became overwhelming. The ERA would not only blend the sexes and destroy the authority of the family but also reinforce the drive toward killing fetus, giving sole authority over human life to selfish individuals. It was hard to imagine a more powerful combination of fears and emotions.

As a practical matter, then it is hard to see how passing an ERA would have helped American women improve their pay or promotion opportunities in the short run.

The ERA, if passed, according to the proponents, would have been to provide a constitutional basis for requiring governments to pay men and women equally if they were engaged in occupations of “comparable worth”. Rather than simply emulating the private sector in setting wages for “men’s occupations” higher than wages for “women’s occupations,” governments under the ERA, in this view, would have to establish some independent criteria for setting wages, based on skill, effort, responsibility and working conditions.

Neither feminist lawyer nor feminist economist believed the ERA would have a significant impact on laws governing employment. Publications that discussed the issue carefully were almost unanimously in their conclusion that the impact would be negligible. The short-term benefits of the ERA for working women were almost symbolic, and the long-term benefits were both hypothetical and uncertain.

The Equal Rights Amendment was presented to the American public as something that would benefit women, “put women in the U.S. Constitution,” and lift women out of their “second-class citizenship.” However, in thousands of debates, the ERA advocates were unable to show any way that ERA would benefit women or end any discrimination against them. ERA’s biggest defect was that it had nothing to offer American women. While the opponents of the ERA, on the other hand, were able to show many harms that ERA would cause.

They argue that ERA would take away legal rights that women possessed-not confer any rights on women; ERA would take away women’s traditional exemption from military conscription and also from military combat duty. ERA would take away the traditional benefits in the law for wives, widows, and mothers, ERA would make unconstitutional the laws, which then existed in every state, that impose on a husband the obligation to support his wife. ERA would take away important rights and powers of the states and confer these on other branches of government which are farther removed from the people.

The ERA would give enormous new power to the Federal Government that now belongs to the states. ERA would give Congress the power to legislate on all these area of law which includes traditional differences of treatment on account of sex: marriage, property laws, divorce and alimony, child custody, adoption, abortion, homosexual laws, sex crimes, private and public schools in our Federal System.

ERA’s impact on education would take away rights from women students, upset many customs and practices, and bring government intrusion into private schools.

ERA would put abortion rights into the U.S. Constitution, and make abortion funding a new constitutional right.

ERA would put “gay rights” into the U.S. Constitution, because the word in the amendment is “sex”, not women.

Eminent authorities have stated that ERA would legalize the granting of marriage licenses to homosexuals and generally implement the “gay rights” and lesbian agenda.

Besides all the above harms, however, it became even more difficult for proponents when the debate shifted from the broadly supported principle of equal rights to the amendment’s ambiguous and controversial substantive effects. For example, both sides incorrectly assumed that passage of the ERA would put military women in combat situations, a substantive effect that opponents used much more effectively than proponents. The formal nature, ambiguous consequences, and symbolic dimensions of the ERA thereby facilitated opposition.

4. THE EQUALITY IN THE MILITARY

The force opposing the ERA succeeded precisely because they were able to frame the amendment not as a narrow, technical, legal issue but as a broad substantive question of national priorities. The use of the community conflict model by opponents allowed peripheral issues to be used effectively to recruit followers, exaggerate fears, and escalate debate. While some proponents saw the danger of this development, many were more than willing to join the escalation of rhetoric about the amendment. The problem was that this escalation was much more beneficial to opponents than to proponents. As Mansbridge argues, it was opposition and subsequent controversy (rather than lack of support) that doomed the ERA, because controversy leads to greater caution on the part of legislators, prevents the necessary supermajority required for ratification, and persuades decision-makers to maintain the status quo rather than initiate change. Even more fatefully, Mansbridge argues that the ERA was doomed once it became evident that women themselves were sharply divided over the amendment.

Opponents of the ERA argue that its passage would have far-reaching implications, obliterating traditional distinction between the sexes. Women, ERA opponents claim, would be required to register for the Selective Service System (the draft) just as men currently do, and would have to serve in combat just as men must. Opponents go on to assert that the ERA would also remove laws that specially protect women, such as labor laws in heavy industry. Other critics have argued that the courts could rule that the ERA would mandate the recognition of same-sex marriage. Critics also maintain that the ERA would require the integration of single-sex schools, sports teams or even restrooms.

As the struggle for the ERA progressed, most supporters of the Amendment also claimed that it require Congress to send qualified women draftees into combat along with qualified men. In fact, the ERA speakers had lost their audience on the issue of women in combat. Pro-ERA speakers insisted that: “Women are smaller, they’ll

fit well in tanks.” Topinka, every inch the old politician, shook her head in disbelief at what she called the “marketing” of the ERA: “That one never ceases to amaze me. I’ve never seen a more incredible political botching of an issue than ERA.”

Both opponents and proponents knew that the fate of the ERA now depended on persuading mostly southern state legislatures that they should ratify an amendment that was very likely to overturn an existing judicially sustained exemption of women from combat and the draft. That was an argument with limited appeal, especially in the South.

First, the idea that the ERA would require not just drafting qualified women but sending them into combat had become a powerful substantive objection to the Amendment. Second, the organization’s campaigning for the ERA had come to insist more and more strongly that the Amendment would do exactly this. Feminists could have chosen an interpretation of the ERA that would have allayed concern on this issue. Instead, they chose an interpretation unpalatable to mainstream voters and legislators. Public opinion was solidly against sending women draftees into combat in the years between 1972 and 1982. Less than a quarter of the adult population favored sending women draftees into combat in 1980, although a majority might have favored allowing women to volunteer for combat jobs. Recognizing this, Senator Ervin repeatedly said that the ERA would send women into combat. Where they will be slaughtered or maimed by bayonets, the bombs, the bullets, the grenades, the mines, the napalm, the poison gas or the shells of the enemy (Mansbridge, 1986, p.22-40).

Phyllis Schlafly used the fear of drafted women as a reason to defeat it. This argument played well, especially in southern states, where militarism and masculinity are closely tied together. Schlafly wrote, “Just as humanism is based on atheism and notion that men are at the center of the universe, feminism puts women at the center of the universe. They [feminists] chose the world “liberation” because they mean liberation from home, husband, family, and children (Klatch, 1987, p.130).

Four years after the draft ended, Phyllis Schlafly still thought it useful in making her case against the ERA to include an extended warning about equality in the military. Turing the “no more war, no more draft” psychology into an attack on “the naiveté if the ERA proponents who blithely assume that we have now achieved a utopia in which we will have no more wars and no more conscription,” Schlafly claimed instead that “logic, history, and common sense teach us otherwise.” Not only is there war and conscription in the future, but “ERA will require mothers to be drafted on exactly the same basis” as fathers, and “no matter how many there are, it is no step forward to require that half of our casualties be women.”

There is no gainsaying the problem the draft issue posed for the ERA. Schlafly is surely correct in asserting that there has been no national demand for women to be sent into battle equally with men, although support for the equal conscription of women, growing when she wrote in 1977, grew further by 1979-1980.

Opponents in the state legislatures returned to the subject again and again, particularly when the ERA was first introduced during the Vietnam War. In the 1978 Illinois hearings on the ERA, when proponents lined up prestigious business and union leaders, lawyers, priests, ministers, rabbis, and nuns to testify for the ERA, the opponents simply sent in a host of teenage girls, one from each district in the state, to tell the legislators that they did not want to be drafted and sent into combat.

Opponents of the ERA frame it as a choice -- either drafting women and sending them into combat, or exempting women from draft and protecting them from combat. As equal rights supporters had predicted, a gender-free selective service that did not depend on ratification of the ERA seemed to be unfolding. Therefore, ratification of the ERA would affect no change. Phyllis Schlafly could feel once again that her enemies had indeed been delivered into her hands. Here was today reality in decision-making about military equality, and the public policy response did not provide even for registration of women, let alone equality in military assignments. Schlafly had insisted that equality in the military would be a radical change contrary to customs and mores, and to the wishes of the majority of citizens.

Phyllis Schlafly, kept her eyes on the ERA, the immediate target. She said in the report, “we thank God the Equal Rights Amendment is not in the Constitution, or else the Supreme Court would have been compelled to hold that women must be drafted any time men are drafted.”

CONCLUSION

Therefore, because the amendment actually disregards the decisive differences between men and women in nature and society, and completely discounts our experience, its effect would be to produce not equality but grievous inequality.

The struggle reveals how impossible it is, even in the most favorable circumstances, to dispense with “ideology” in favor of practical political reasoning when the actors in the drama give their energies volunteers always have mix motives, but most are trying to do good and promote justice. As a result, most would rather lose fighting for a cause they believe in than win fighting for a cause they feel is morally compromised.

Called into question at the time ERA was before the states for ratification was a whole panoply of cultural shocks and changes related to equality. Changes in race

relation and sexual mores, all were called into question. Governmental actions required to implement equality-school desegregation, busing, affirmative action-all became controversial and threatening to some people. Equality may have seemed simple proponents, but to others, it meant sexual permissiveness, the pill, abortion, living in communes, draft, unisex men who refused to be men, and women who refused to be women. It meant women who did not believe they could or should compete with men having to do so just because some unusual women could or wanted to. It also represented fear that men feel freer to abandon family responsibilities and nothing would be gained in exchange.

The campaign against the ERA succeeded because it shifted debate away from equal rights and focused it on the possibility that the ERA might bring substantive changes in women's roles and behavior. In this era, the American public, though changing in its outlook, still objected to any major changes in traditional roles of men and women (Mansbridge, 1986, p.20). To the degree that the opposition could convince people that the ERA would bring about such changes, it eroded support for the ERA.

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