

United States History
Pat McLarty
Kathleen High School
The Equal Rights Amendment

Directions: The following question requires you to construct a coherent essay that integrates your interpretation of Documents A – H and your knowledge of the period referred to in the question. You should also assess the reliability of the documents as historical sources where relevant to your answer.

Despite having been introduced to Congress over 100 times since 1923, the Equal Rights Amendment (ERA) has never made it into the United States Constitution.

*W h a t i s t h e h i s t o r y b e h i n d
t h e E q u a l R i g h t s
A m e n d m e n t , w h y i s t h e
p r o p o s e d a m e n d m e n t s o
c o n t r o v e r s i a l , a n d w h y , t o
t h i s d a y , h a s t h i s
a m e n d m e n t n e v e r b e e n
r a t i f i e d b y t h e U . S .
C o n g r e s s ?*

Examine social, political, and economic influences as you support your answer.

Document A

Proposed 27th Amendment (ERA)

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 the date of ratification.

Smithsonian Source. Retrieved June 23, 2009, from Proposed 27th Amendment (ERA) Web site:
<http://www.smithsoniansource.org/display/primarysource/viewdetails.aspx?TopicId=&PrimarySourceId=1029>

Document B



Phyllis Schlafly, "Stop ERA," December 6, 1978.

Document D

Percent Favoring the ERA in 1982	
Age	
Over 65	63%
46 -55	59%
18 - 25	81%
Education	
Less than High School	71%
High School	73%
College	73%
Graduate School	71%
Family Yearly Income	
Less than \$10,000	74%
\$10,000 - \$20,000	73%
\$20,000 - \$35,000	74%
More than \$35,000	70%
Gender	
Male	70%
Female	74%
Race	
Black	78%
White	72%
Religion	
Protestant Fundamentalist	61%
Other Protestant	72%
Catholic	77%
Jewish	81%
No Religion	88%

Source: National Opinion Research Center General Society Survey

Document E

Like the 19th Amendment before it, the ERA barreled out of Congress, getting 22 of the necessary 38 state ratifications in the first year. But the pace slowed as opposition began to organize – only eight ratifications in 1973, three in 1974, one in 1975, and none in 1976.

Arguments by ERA opponents such as Phyllis Schlafly, right-wing leader of the Eagle Forum/STOP ERA, played on the same fears that had generated female opposition to woman suffrage. Anti-ERA organizers claimed that the ERA would deny woman's right to be supported by her husband, privacy rights would be overturned, women would be sent into combat, and abortion rights and homosexual marriages would be upheld. Opponents surfaced from other traditional sectors as well. States'-rights advocates said the ERA was a federal power grab, and business interests such as the insurance industry opposed a measure they believed would cost them money. Opposition to the ERA was also organized by fundamentalist religious groups.

Pro-ERA advocacy was led by the National Organization for Women (NOW) and ERAmerica, a coalition of nearly 80 other mainstream organizations. However, in 1977, Indiana became the 35th and so far the last state to ratify the ERA. That year also marked the death of Alice Paul, who, like Elizabeth Cady Stanton and Susan B. Anthony before her, never saw the Constitution amended to include the equality of rights she had worked for all her life.

Hopes for victory continued to dim as other states postponed consideration or defeated ratification bills. Illinois changed its rules to require a three-fifths majority to ratify an amendment, thereby ensuring that their repeated simple majority votes in favor of the ERA did not count. Other states proposed or passed rescission bills, despite legal precedent that states do not have the power to retract a ratification.

Francis, R. W. (unknown). The history behind the equal rights amendment. *ERA task force, National Council of Women's Organizations* , Retrieved June 23, 2009, from <http://www.equalrightsamendment>.

Document F

"I think we've made a lot of people think about this and say, 'Yes, this is the right thing to do,' " said Arkansas state Rep. Lindsley Smith (D), who sponsored the ERA and has vowed to bring it up again when the legislature reconvenes in 2009. "The question I get most frequently is 'Lindsley, I thought this already was in the Constitution.' "

Jay Barth, a professor of politics at Hendrix College in Conway, Ark., said the recent debate shows both the advances the women's movement has made in the South and its limitations.

"Gender equity has definitely become a no-brainer aspect of Democratic Party ideology, even in Southern states. Thirty years ago, that was not the case," Barth said. But he added that when it came to ratifying the amendment this year, "it certainly wasn't a priority for Democratic Party officials."

Opponents warn that enacting the amendment could produce unintended consequences. Arkansas state Rep. Dan Greenberg (R) said he opposes the measure because courts in two states have ruled that equal-rights amendments in state constitutions justify state funding for abortion.

"The more general language you have in a constitutional amendment, the more unpredictable the policy impact will be," Greenberg said.

Caroline Fredrickson, who directs the Washington office of the American Civil Liberties Union, said that "it's hard to predict" how courts would interpret the amendment. But she said it is more likely the ERA would allow women to sue for higher pay and other benefits.

"It has really hampered women's ability to get fair treatment in the workplace and other aspects of their lives," she said.

It remains unclear whether the amendment -- which has 194 House co-sponsors and 10 Senate co-sponsors and no longer includes a deadline for ratification -- can get a two-thirds vote in Congress. Nadler, who chairs the Judiciary subcommittee on the Constitution, civil rights, and civil liberties, said the bill will receive its first hearing in more than two decades and "is going to be one of the items at the top of the agenda."

Eilperin, J New Drive Afoot to Pass Equal Rights Amendment. (March 28, 2007). *Washington Post*, p. A01.

Document G

An Opinion Research Corporation poll commissioned in 2001 by the ERA Campaign Network of Princeton, NJ shows that nearly all U.S. adults – 96% – believe that male and female citizens should have equal rights. The vast majority – 88% – also believe that the U.S. Constitution should make it clear that these rights are supposed to be equal. However, nearly three-quarters of the respondents – 72% – mistakenly assume that the Constitution already includes such a guarantee.

By presenting these three questions without specifically mentioning the Equal Rights Amendment, the survey filtered out the negative effect of misrepresentations of the ERA by its opponents.

It is clear that the citizens of the United States overwhelmingly support a constitutional guarantee of equal rights on the basis of sex, and ratification of the Equal Rights Amendment will achieve that goal.

Francis, R. W. (unknown). The history behind the equal rights amendment. *ERA task force, National Council of Women's Organizations* , Retrieved June 23, 2009, from <http://www.equalrightsamendment>

Document H

1. An Equal Rights Amendment would send women into combat.
2. An Equal Rights Amendment would deny women the financial support of their husbands.
3. An Equal Rights Amendment serves to uphold abortion rights.
4. An Equal Rights Amendment would lead to the legalization of homosexual marriages.
5. An Equal Rights Amendment would cost insurance companies money.
6. An Equal Rights Amendment goes against religion.

Equal Rights Amendment Debate. *Arguments from groups opposed to the passage of the Equal Rights Amendment*, Retrieved June 23, 2009 from dorman-data-digest.wikispaces.com/file/view/ERA+Argument.doc

Document H



"WELL, GIRLS, AT LEAST THE ONLY WAY WE CAN GO IS UP."

Smithsonian Source. Retrieved June 23, 2009, from Primary Source Web site:
<http://www.smithsoniansource.org/display/primarysource/results.aspx?>

U.S. History Rubric Check Sheet

Scoring Rubric Prepared By Jim Tomlin

- **Thesis**
 - Well developed and clearly focused (8-9)
 - Clear and adequate (5-7)
 - Confused, limited, or missing (2-4)
 - No thesis, provides an inappropriate response (0-1)
- **Document Usage**
 - Sophisticated use of a substantial number of documents (8-9)
 - Several documents used, may be more descriptive than analytical (5-7)
 - Few documents used, significant errors in document interpretation (2-4)
 - No document used, obvious misunderstanding of documents (0-1)
- **Critical Thought**
 - Strong interpretation and analysis (8-9)
 - Limited or superficial analysis, mostly descriptive (5-7)
 - Limited or no understanding of the question (2-4)
 - Shows a complete lack of understanding (0-1)
- **Evidence**
 - Abundant, appropriate, dealing with all aspects of question (8-9)
 - Uses some factual information (5-7)
 - Superficial or missing supporting information (2-4)
 - Little or no evidence (0-1)
- **Writing Style**
 - Well organized and well written (8-9)
 - Acceptable organization and writing (5-7)
 - Weak organization and/or poorly written (2-4)
 - May be incomprehensible (0-1)
- **Error Level**
 - No errors or errors are insignificant (8-9)
 - May contain minor errors (5-7)
 - May contain major errors (2-4)
 - Has substantial factual errors (0-1)