

Beyond Suffrage: Equal or Special? Tracing the Equal Rights Amendment, a Utah Perspective



Social Studies
Grade Level: All

Overview

Why have women sometimes claimed equality and sometimes argued for gender distinction in politics? Students will analyze primary sources from the 1920s and 1970s to examine arguments women made for and against the Equal Rights Amendment.

Student Goals

- Students will understand what an amendment is
- Students will consider the main reasons people supported and opposed the ERA at different historical moments
- Students will assess visual and written sources for information to investigate the historical arguments for and against the ERA

Common Core State Standards

Grade 4:

CCSS.ELA-LITERACY.RI.4.1

Refer to details and examples in a text when explaining what the text says explicitly and when drawing inferences from the text.

Grades 6-8:

CCSS.ELA-LITERACY.RH.6-8.1

Cite specific textual evidence to support analysis of primary and secondary sources.

Grades 11-12:

CCSS.ELA-LITERACY.RI.11-12.6

Determine an author's point of view or purpose in a text in which the rhetoric is particularly effective, analyzing how style and content contribute to the power, persuasiveness or beauty of the text.

Key Terms/Vocabulary

▪ Amendment ▪ Equal Rights ▪ Ratify ▪ Endorse ▪ Oppose ▪ Protective Labor ▪ Legislation

Key Figures

▪ Shirley Chisholm ▪ Phyllis Schlafly ▪ Sonia Johnson ▪ Beverly Dalley ▪ Gay Littleton

Organizations

Women's City Club, National Woman's Party National Organization for Women, Humanitarians Opposed To Degrading Our Girls (HOTDOG), ERA Coalition, Mormons for ERA, The Church of Jesus Christ of Latter-Day Saints

Timeline of Events

1908: In *Muller v. Oregon*, the Supreme Court upheld the constitutionality of gender-based labor laws, which in this case allowed Oregon to limit women's working hours.

1923: Former suffragists Alice Paul and Crystal Eastman write the Equal Rights Amendment, which is introduced in Congress. Some labor activists, like Rose Schneiderman, Francis Perkins, and Florence Kelly, oppose the law and feel it will endanger labor laws that protect women and children.

1954: The League of Women Voters, formerly opposed to the ERA, endorses it.

1969: Shirley Chisholm, newly elected to the House of Representatives from Brooklyn, gives a speech supporting the ERA.

1972: A version of the ERA was passed by the Senate and sent to states for ratification

1972-1973: Twenty-two states ratified the ERA

1973-1977: Thirteen additional states ratified the ERA and five states had voted to rescind it

1972-1977: The ERA is reintroduced to Congress in 1972. It is ratified in 35 states, including New York.

1973-1982: conservative opposition to the ERA, led by Phyllis Schlafly, grows In 1982 the extended deadline to pass the ERA expires and the amendment falls 3 states short of passage.

February 1975: Utah State Legislature defeated the amendment

June 24-25 1977: The Voice of Womankind Utah's First State-Wide Women's Meeting (the convention was the largest in the nation with more than twice the attendance of any other state meeting)

1981: The National Organizations for Women sent teams of missionaries to Utah to knock on doors of Mormons asking them to support the ERA

1982: ERA fails to get the required amount of states

1990: the Utah Task Force on Gender and Justice issued a comprehensive statutory review and report of on gender bias in the Utah court system

2011: Renewed attempt to pass ERA.

2017: Nevada ratified the amendment, making it more likely for it to become a law

January 25-30, 2019: Senate Joint Resolution 6 (S.J. Res 6) was introduced ("Three-State Strategy" Legislation)

March 27th, 2019: Senate Joint Resolution 15 (S.J. Res 15) (Traditional Legislation)

April 30th, 2019: the potential legislation to remove the deadline (the first hearing on the Equal Rights Amendment on Capitol Hill since 1983)

INTRODUCING RESOURCES 1-5

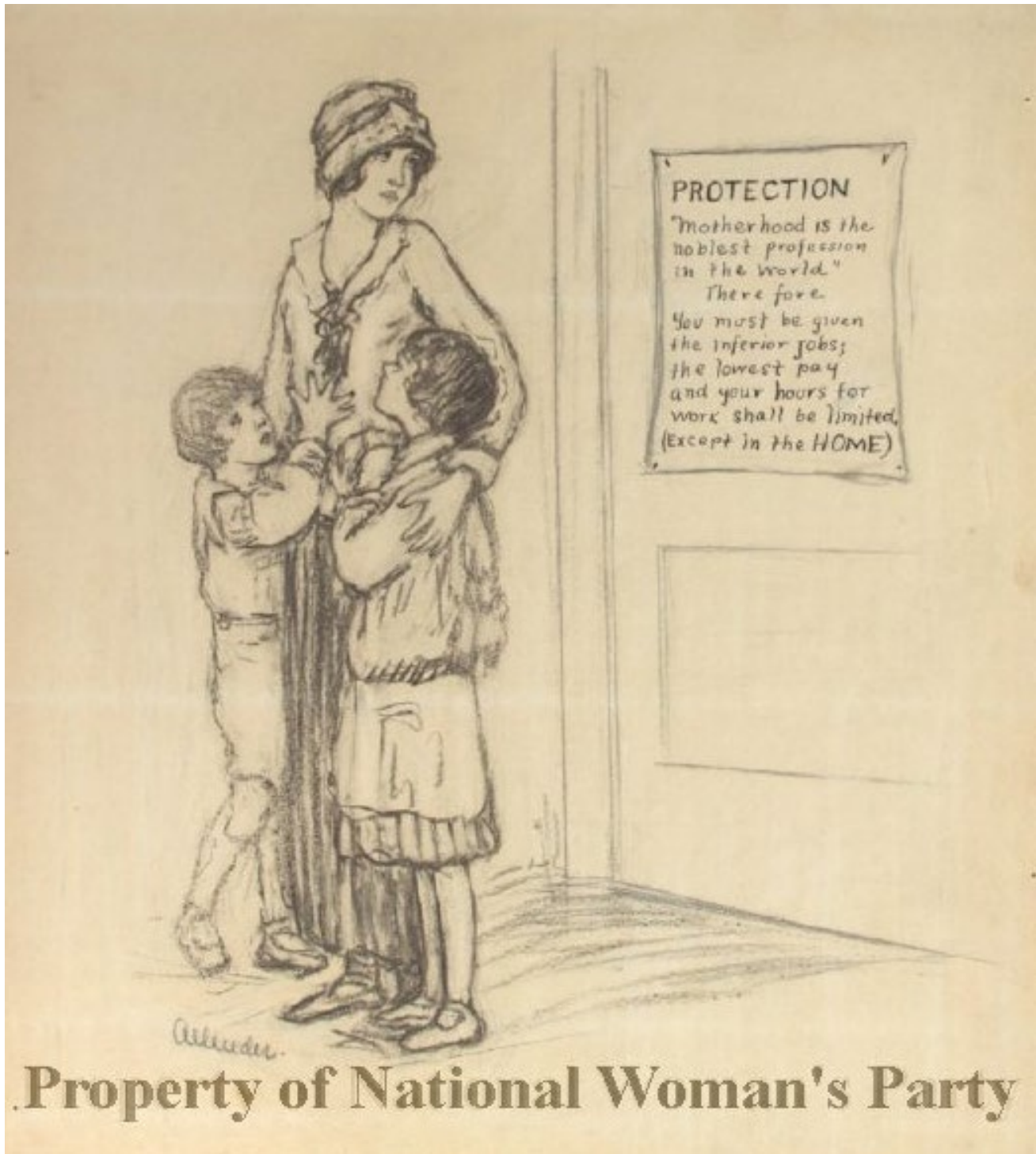
The story of the Equal Rights Amendment started in 1908 with the Supreme Court hearing of *Muller v. Oregon* on a gender-based labor law. The law said that women in Oregon were limited to the number of hours they could work. Later in 1923, the Equal Rights Amendment was created and introduced to Congress by Alice Paul and Crystal Eastman, former suffragists. When the amendment was introduced, there were labor activists and states who opposed it. Over the next fifty years, there were many groups and people who supported it and opposed it. Some of the supporters were Shirley Chisholm, a member of League of Women Voters, and a representative in the House of Representatives who gave a supporting speech in the House of Representatives. The League of Women Voters, which was formerly against it, endorsed it in 1954. There was also support locally in Utah, such as Sonia Johnson from Mormons for ERA and the Utah Federation of Business and Professional Women.

During this time, there were also people nationally and locally against the ERA, such as the national group Eagle Forum, led by Phyllis Schlafly. She argued for the right of women not to take a job, to keep her baby, and to be supported by her husband. The Eagle Forum also published the Phyllis Schlafly Report and the call-in radio show called the Eagle Forum Live. In Utah, the two main groups opposed to the ERA were the Humanitarians Opposed to Degrading Our Girls (HOTDOG) and the LDS Church.

In 1972, a version of the ERA was passed by the Senate for states ratification and over the next year was ratified by twenty-two states. Over the next four years, thirteen more ratified it, and five states rescinded it. During this time in 1977, The Voice of Womankind Utah's First State-Wide Women's Meeting was held and was the largest convention in the nation. Later in 1982, the extended deadline to pass the ERA expired short of three states ratifying it.

In more recent years, the ERA has been brought back up; in 2011, the attempt to pass the ERA was renewed. In 2017 Nevada ratified the amendment bringing the ERA one step closer to being passed. In 2019 the U.S. Senate and the House of Representatives introduced joint resolutions relating to the ERA and potential legislation to remove the deadline.

Resource 1



"Protective Labor Legislation for Women: How it Works" by Nina Allender. Appeared on the cover of Equal Rights on December 15, 1923. Courtesy of the National Women's Party at the Belmont-Paul Women's Equality National Monument, Washington, D.C

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This is a cartoon by New York-based illustrator Nina Allender, a cartoonist for the National Women's Party's *The Suffragist*. She opposed protective labor legislation for women, labeling it discriminatory and demanding that male and female workers alike have the same workplace protections. ERA advocates argued that protective labor legislation gave employers excuses to eliminate women in their workforces and hire only men. Most members of the National Women's Party were middle and upper-class white women who advocated for the equality in the public sphere because protective labor legislation did not directly apply to them.

The text reads:

PROTECTION: "Motherhood is the noblest profession in the world." Therefore you must be given the inferior jobs; the lowest pay and your hours for work shall be limited. (Except in the HOME)

Document-Based Questions

- In your own words – What is the message of the poster she is looking at? What is it saying about rights for women? Why does the poster say "protection" at the top?
- Describe the woman's expression in the picture. What might she be thinking as she reads this poster?
- What does the author of this cartoon seem to think about the Equal Rights Amendment? How do you think they would feel about the first source that opposed the ERA created by the Women's City Club?

Resource 2 & 3



[Shirley Chisholm](#), future member of the U.S. House of Representatives (D-NY), announcing her candidacy.

Shirley Chisholm Speech excerpt, 1970

This is what it comes down to: artificial distinctions between persons must be wiped out of the law. Legal discrimination between the sexes is, in almost every instance, founded on outmoded views of society and the pre-scientific beliefs about psychology and physiology. It is time to sweep away these relics of the past and set further generations free of them.

— [Shirley Chisholm, “For the Equal Rights Amendment.”](#) August 10, 1970. Speech delivered before the House of Representatives, Washington, D.C.

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Activist Phyllis Schlafly wearing a "Stop ERA" badge, demonstrating with other women against the Equal Rights Amendment in front of the White House, Washington, D.C., February 4, 1977. Photograph courtesy of the Library of Congress.

Phyllis Schlafly essay excerpt, 1972

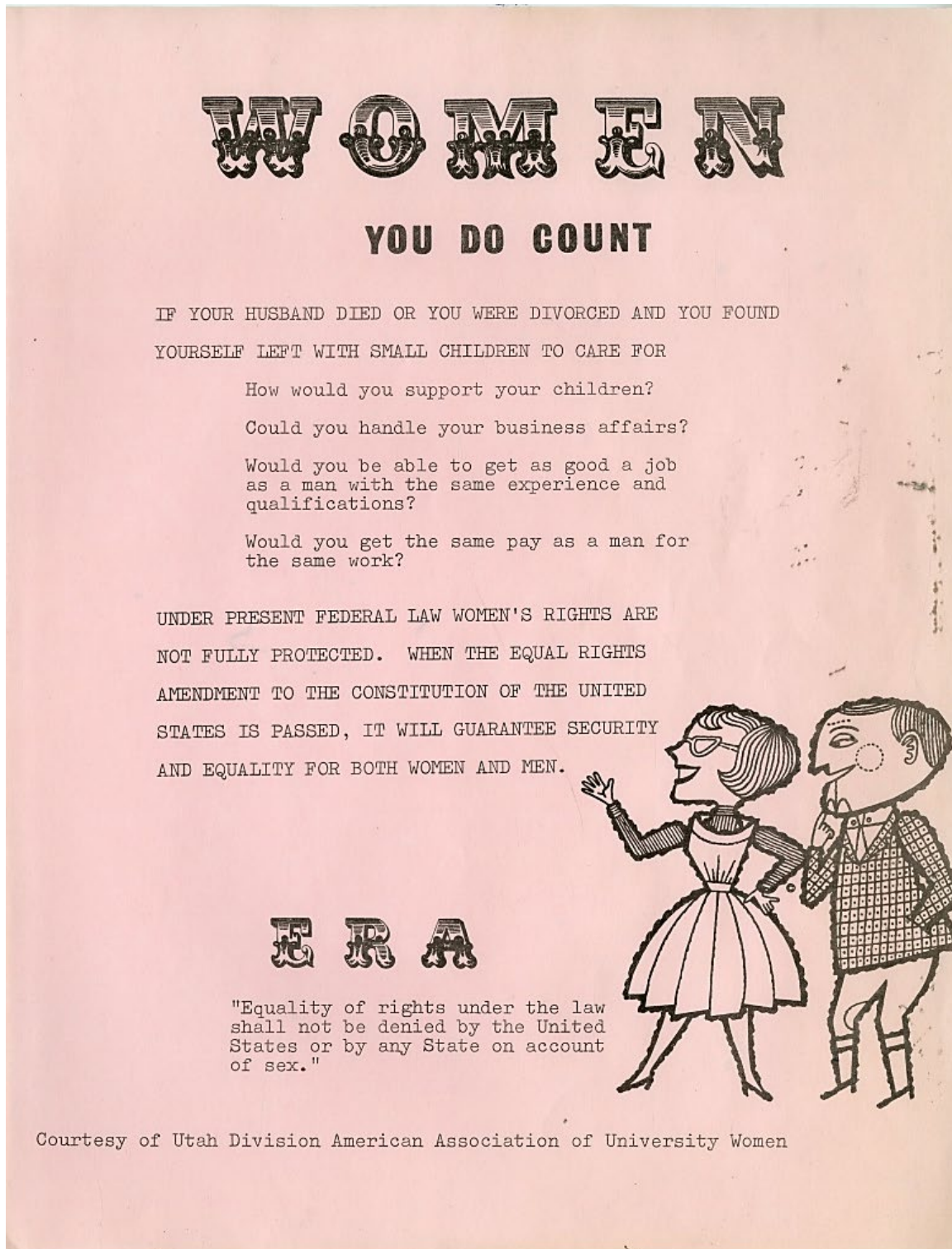
Passage of the Equal Rights Amendment would open up a Pandora's Box of trouble for women. It would deprive the American woman of many of the fundamental privileges we now enjoy, and especially the greatest rights of all: 1) NOT to take a job, 2) to keep her baby, and 3) to be supported by her husband.

— [Phyllis Schlafly, "What's Wrong With 'Equal Rights' for Women?"](#) The Phyllis Schlafly Report, February 1972.

Document-Based Questions

- Why does Shirley Chisholm think the ERA will benefit women? Why does Phyllis Schlafly think it will have negative consequences?
- What do each of these women think is the law's job when it comes to supporting women? (or, What role do each of these women think the law should play when it comes to supporting women?)

Resource 4



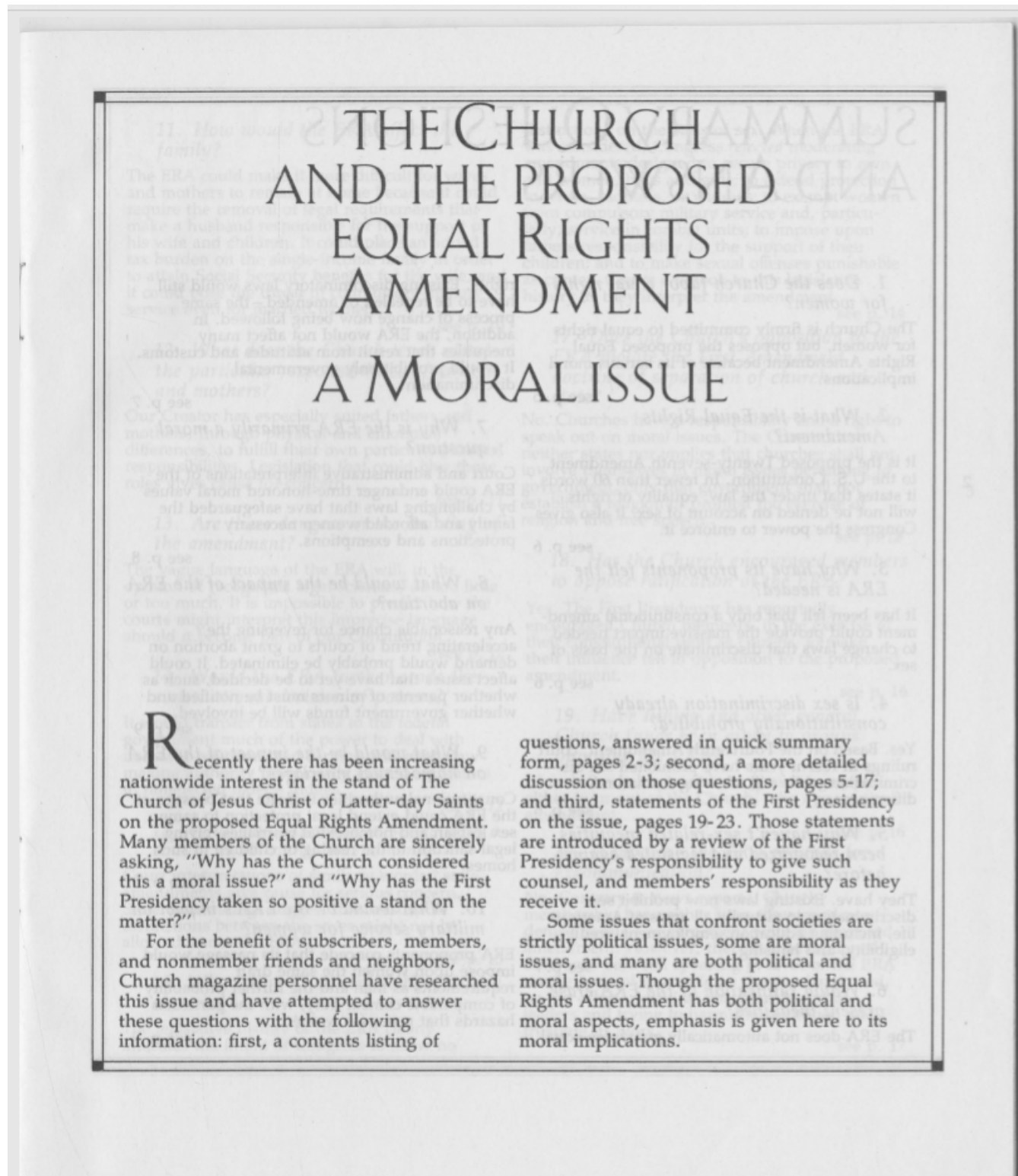
Women You Do Count Flyer from the Utah Division of American Association of University Women distributed with _____ discussing the EAR Coalitions position on the ERA.



Document Based Questions

- What is this flyer asking its readers to do?
- What does it argue will happen if the ERA passes?
- What fears or concerns about the ERA is it hoping to dispel (eliminate)?
- How does this flyer respond to some of the arguments in Phyllis Schlafly's speech, or support some of Shirley Chisholm's arguments for the ERA?

Resource 5



Frequently asked questions from a larger LDS Church pamphlet distributed with the monthly *Ensign* discussing the Church's position on the ERA.

SUMMARY QUESTIONS AND ANSWERS

1. Does the Church favor equal rights for women?
The Church is firmly committed to equal rights for women, but opposes the proposed Equal Rights Amendment because of its serious moral implications.
see p. 5

2. What is the Equal Rights Amendment?
It is the proposed Twenty-seventh Amendment to the U.S. Constitution. In fewer than 60 words it states that under the law, equality of rights will not be denied on account of sex. It also gives Congress the power to enforce it.
see p. 6

3. Why have its proponents felt the ERA is needed?
It has been felt that only a constitutional amendment could provide the massive impact needed to change laws that discriminate on the basis of sex.
see p. 6

4. Is sex discrimination already constitutionally prohibited?
Yes. Based on the Fourteenth Amendment, court rulings in recent years have prohibited sex discrimination while still allowing for natural differences.
see p. 6

5. Why haven't sex-related inequities been recognized and legislated against before?
They have. Existing laws now prohibit sex discrimination in virtually all areas of American life, including education, employment, credit eligibility, and housing.
see p. 7

6. Would ratification of the ERA erase present inequities?
The ERA does not automatically guarantee equal

rights. Existing discriminatory laws would still have to be repealed or amended—the same process of change now being followed. In addition, the ERA would not affect many inequities that result from attitudes and customs. It would prohibit only governmental discrimination.
see p. 7

7. Why is the ERA primarily a moral question?
Court and administrative interpretations of the ERA could endanger time-honored moral values by challenging laws that have safeguarded the family and afforded women necessary protections and exemptions.
see p. 8

8. What would be the impact of the ERA on abortion?
Any reasonable chance for reversing the accelerating trend of courts to grant abortion on demand would probably be eliminated. It could affect issues that have yet to be decided, such as whether parents of minors must be notified and whether government funds will be involved.
see p. 9

9. What would be the impact of the ERA on homosexual marriages?
Constitutional authorities indicate that passage of the ERA could extend legal protection to same-sex lesbian and homosexual marriages, giving legal sanction to the rearing of children in such homes.
see p. 9

10. What would be the ERA's impact on military service for women?
ERA proponents concede that its passage would impose upon women the same draft requirements as men and the further probability of comparable combat duty, with the particular hazards that poses for women.
see p. 9

Frequently asked questions from a larger LDS Church pamphlet distributed with the monthly *Ensign* discussing the Church's position on the ERA.

<p>11. How would the ERA affect the family?</p> <p>The ERA could make it more difficult for wives and mothers to remain at home because it could require the removal of legal requirements that make a husband responsible for the support of his wife and children. It could place an added tax burden on the single-income family in order to attain Social Security benefits for the wife, and it could pose the threat of compulsory military service even for married women.</p> <p style="text-align: right;">see p. 10</p>	<p>distinctions on the basis of sex. When the ERA was considered, Congress <i>rejected</i> moderating amendments designed to secure privacy to men and women, boys and girls; to extend protection to wives, mothers, or widows; to exempt women from compulsory military service and, particularly, service in combat units; to impose upon fathers responsibility for the support of their children; and to make sexual offenses punishable as crimes. Courts will look to this legislative history as they interpret the amendment.</p> <p style="text-align: right;">see p. 14</p>
<p>12. What does the Church teach about the particular responsibilities of fathers and mothers?</p> <p>Our Creator has especially suited fathers and mothers, through physical and emotional differences, to fulfill their own particular parental responsibilities. Legislation that could blur those roles gives cause for concern.</p> <p style="text-align: right;">see p. 11</p>	<p>17. Does the Church's opposition to the ERA violate the First Amendment doctrine of separation of church and state?</p> <p>No. Churches have a responsibility and a right to speak out on moral issues. The Constitution neither states nor implies that churches shall not involve themselves in moral issues pertaining to government, only that government shall not establish a religion or prohibit the exercise of religion and free speech.</p> <p style="text-align: right;">see p. 15</p>
<p>13. Are there dangers in the wording of the amendment?</p> <p>The vague language of the ERA will, in the opinion of recognized legal scholars, do too little or too much. It is impossible to predict how the courts might interpret this imprecise language should it become part of our Constitution.</p> <p style="text-align: right;">see p. 12</p>	<p>18. Has the Church encouraged members to oppose ratification of the ERA?</p> <p>Yes. The First Presidency has repeatedly encouraged Church members, in the exercise of their constitutional right as citizens, to make their influence felt in opposition to the proposed amendment.</p> <p style="text-align: right;">see p. 16</p>
<p>14. Would the ERA further erode the constitutional division of powers?</p> <p>It would transfer from states to the federal government much of the power to deal with domestic relations, and further shift much law-making authority from locally elected legislators to nonelected federal judges.</p> <p style="text-align: right;">see p. 12</p>	<p>19. Have tithing and other general Church funds been given to groups opposing the ERA?</p> <p>Church funds have not been given to groups, either in or out of the Church, who oppose the amendment.</p> <p style="text-align: right;">see p. 16</p>
<p>15. What has happened in states with a similar equal rights amendment?</p> <p>Court interpretations of similarly worded state amendments give cause for serious concern. State court rulings suggest that reasonable distinctions between the sexes might not be allowed under the ERA.</p> <p style="text-align: right;">see p. 13</p>	<p>20. Is favoring the ERA grounds for excommunication?</p> <p>No. Contrary to news reports, Church membership has neither been threatened nor denied because of agreement with the proposed amendment. However, there is a fundamental difference between speaking in favor of the ERA on the basis of its merits on the one hand, and, on the other, ridiculing the Church and its leaders and trying to harm the institution and frustrate its work.</p> <p style="text-align: right;">see p. 17</p>
<p>16. Why is the ERA's legislative history alarming?</p> <p>The legislative history of the ERA clearly indicates the intent of Congress to allow no</p>	

Frequently asked questions from a larger LDS Church pamphlet distributed with the monthly *Ensign* discussing the Church's position on the ERA.



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In this pamphlet, a prominent Utah religious organizations urged women and men voters to oppose the ERA in Utah State. Activists at the forefront of this fight argued that the ERA would eliminate their hard-won improvements in women's conditions.

Document-Based Questions

- What do the organizers think about the Equal Rights Amendment?
 - What effect do they think the Equal Rights Amendment will have on families and women in specific?
 - What are some of the words this pamphlet uses to express a point of view about this issue?
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Activity: Contemporary Connections

Since 2011, there has been a renewed attempt to pass the ERA. Supreme Court Justice Ruth Bader Ginsburg has said it is the amendment she would most like to see added to the Constitution. In March 2017, Nevada ratified the amendment, raising the possibility that it could become law. As of now, the amendment states:

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*

Imagine that you work for a member of Congress--you have been asked to brief them on this issue before they vote on it.

- What information would be important for them to know?
- What possible impacts could passage of the ERA have?
- How do you think they should vote?



Sources

Chisholm, Shirley. "For the Equal Rights Amendment." August 10, 1970. Speech delivered before the House of Representatives, Washington, D.C. Voices of Democracy

Website: <http://voicesofdemocracy.umd.edu/chisholm-for-the-equal-rights-amendment-speech-text/>

Schlaflly, Phyllis. "What's Wrong With 'Equal Rights' for Women?" The Phyllis Schlafly Report, February 1972. Eagle Forum Website: <http://eagleforum.org/publications/psr/feb1972.html>

The Church of Jesus Christ of Latter-Day Saints. "The Church and the Proposed Equal Rights Amendment: A Moral Issue," Ensign, March 1980, pgs. 1-4.

Website: <https://www.lds.org/ensign/1980/03/the-church-and-the-proposed-equal-rights-amendment-a-moral-issue/the-latter-day-saint-perspective?lang=eng>.

Additional Reading

"The Equal Rights Amendment: Unfinished Business for the Constitution." <http://www.equalrightsamendment.org/congress.htm>

Contemporary Connections

Deseret News (2020) In our opinion: Why Utah should not pass the current version of the Equal Rights Amendment <https://www.deseret.com/opinion/2019/12/2/20992355/equal-rights-amendment-era-womens-rights>

Salt Lake Tribune, (2020) Advocates will try to push Utah to ratify Equal Rights Amendment again next year. <https://www.sltrib.com/news/2020/03/05/advocates-will-try-push/>

Field Trips

This content is inspired by the exhibition Beyond Suffrage: A Century of Northern Utah Women Making History. If possible, consider bringing your students on a field trip by Sept 2020! Find out more.