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ANSWERS
to
QUESTIONS
about
EQUAL RIGHTS
AMENDMENT

*"Equality of rights under the law shall not be denied or abridged
by the United States or by any State on account of sex."*



NATIONAL WOMAN'S PARTY
144 Constitution Avenue, N.E.
Washington, D.C. 20002
Founded 1913

HISTORY

The National Woman's Party was founded in 1913 and spearheaded the Woman's Suffrage Movement. After passage of the Suffrage Act in 1920 the National Woman's Party had introduced in Congress in 1923 the first Equal Rights Amendment bill ever proposed for women. For 49 years this Party has been engaged solely in a campaign to raise the status of women and to obtain passage of the Equal Rights Amendment and currently the ratification of the Equal Rights Amendment.

In addition, this Party is restoring the Alva Belmont House, the Headquarters of the National Woman's Party. The Alva Belmont House has been declared a historic site by an Act of Congress.

Contributions toward the restoration of this "Monument to Women" are tax deductible.

Elizabeth L. Chittick
National Chairman

NATIONAL MEMBERSHIP

Associate Junior (under 25)	\$5.00
Active	12.00
Club House	25.00
Supporting	100.00
Maintenance	250.00
Life	1,000.00
National Affiliated Organizations	100.00
Local Affiliated Organizations	25.00

National Memberships are independent of and in addition to State and Local Memberships.

National Memberships support the national campaign to raise the status of women and at present to help in obtaining ratification of the Equal Rights Amendment.

NATIONAL WOMAN'S PARTY

144 Constitution Avenue, N.E.
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1. Why is the Equal Rights Amendment for Women necessary?

A. It is necessary to give a woman a legal status which was not defined by the United States Constitution as it was framed and adopted under the concept of English Common Law which does not regard women as legal persons or entities. The 14th Amendment which guarantees "equal protection of the laws" did not fully give a woman equal status with men even though a Supreme Court decision in 1971 struck down a law discriminating against women, as it did not overrule earlier decisions upholding sex discrimination cases in other laws. Therefore, the burden is on each plaintiff to prove his case. The Equal Rights Amendment would give every man and woman freedom from sex discrimination without the necessity of going to court, case-by-case, which is expensive and time-consuming. Also, faint-hearted women will not attempt to go to court.

2. Why does a woman need a legal status?

A. A legal status is necessary so that a woman will be given equal treatment and consideration in all areas of life as a man. For instance, equal work — equal pay; the right to work overtime; the right to serve on juries; the right to receive the same penalties as males when violating the laws, whereas some state laws now have greater penalties for females than for males; the right to establish a business, become guarantors, enter into contracts and administer estates, etc.

3. What does the Equal Rights Amendment have to do with the social issues of women—such as, abortion, child care, communal living?

A. Absolutely nothing. These social issues must not be confused with the Equal Rights Amendment. The Equal Rights Amendment and social issues seem to be one, but most of the social issues in the limelight today have nothing to do with the Equal Rights Amend-

ment and the legal status of women, as they can be attained without the Equal Rights Amendment. The press has helped to equate the Equal Rights Amendment with the "Lib" Movement and the social issues, but the Equal Rights Amendment is a legal issue basically and only later a social issue in a much smaller degree. Men and women will have the same relationship as they now have and as they decide on an individual basis.

4. Does the Equal Rights Amendment affect the housewife-homemaker?

A. Only as it affects all women, in that, each woman may choose her own way of life — homemaker or wage earner. Housewives need not fear that their security is being taken away from them. The Equal Rights Amendment does not take away the enforceable laws of support. In fact, there are many inadequate support laws now, and these laws should be improved to safeguard the housewife-homemaker.

5. How does the Equal Rights Amendment affect alimony and child-support laws?

A. The Equal Rights Amendment will only change the present laws to include men under the same conditions as women (as they are now in more than one-third of the states).

The Citizens' Advisory Council on the Status of Women reported that rather than depriving women and children of support, the Equal Rights Amendment "could very well result in greater rights," as "women's legal rights to support by their husbands, and to support of their children in cases of divorce or separation are much more limited than is generally known and enforcement is very inadequate."

"The Equal Rights Amendment would not make alimony unconstitutional but would require a fair allocation of it on a case-by-case basis. In the great bulk of cases, women would still receive alimony or support payments." (Senator Birch Bayh of Indiana, in 1971)

In the end, the welfare of the child would be the criterion in awarding custody of the child in a court contested case (as it is now in many states) and mothers would be responsible for child support **only within their means**. A homemaker with no means would have complete protection under this concept.

6. How does the Equal Rights Amendment affect Property Laws?

A. The equal Rights Amendment would invalidate state laws which treat men and women differently in respect to their property rights and, in particular, married women. A married woman will be able to enter into contracts, run her own business, manage her own property, become a guarantor, and a woman would be treated equally as an administrator of an estate. In community property states, no one sex would have arbitrary preference, and the division and management of property would be on the basis of expertise and not on sex.

7. What will happen to the present protective laws for women?

A. Protective laws that discriminate against a woman will be invalidated, as the Equal Rights Amendment will require that the Federal Government and all State and local governments must treat each person, man or woman, as an individual.

The laws which were meant to protect a woman are in this time era discriminating against a woman and especially so since many women today are heads of household and the sole support of children. Many women are physically stronger than some men. As strength and weakness seem to have been the criterion for the protective laws, let each person, man or woman, be protected according to each individual's physical strength. Therefore, the laws would be changed to include men and women and men would also receive any protection the law would give on an individual basis, and not on sex. Protective legislation would be made to

cover hazardous occupations, health, safety and hours of work without regard to sex.

8. Will women be drafted?

A. Congress already has the power to draft women, if necessary. The U.S. Constitution gives to the Congress the power "To raise and support armies . . . To provide and maintain a navy." There were no restrictions or limitations on this "great power"; and the Supreme Court has held that it will not even review the manner in which this power is exercised. *Selective Draft Law Cases*, 245 U.S. 360 (1918) *Lichter v U.S.*, 334 U.S. 742 (1948).

Every person is subject to be called for military duty in the public safety. It is for Congress to say when, who, and to what extent and how they shall be selected. *Warren v. U.S.* 177 F. 2d 596 (1949).

The Equal Rights Amendment does not affect this power, but would give women the right to volunteer for service, and would also give her some of the benefits now being received by men, such as, GI educational benefits; job preferences in and out of Government work; free food, housing, insurance, training and leadership experience.

The Equal Rights Amendment would require that men and women be treated alike, with respect to military service. As men now receive exemptions and deferments, so would women. They could exempt parents who are required to stay with children; either or both parents with small children; physical disabilities; conscientious objectors; and the many other reasons for which men now receive exemptions. Men and women would be treated alike on the exemptions and deferments and receive the same benefits, which are many.

President Nixon has said there would be a volunteer army by 1973. As the Equal Rights Amendment does not take effect until two years after its ratification by the states, there is

a possibility that this Volunteer Army would be a reality long before the Equal Rights Amendment becomes effective.

9. Will women be assigned combat duty?

A. Every man is not assigned combat duty, so there is no reason to believe women will be. Most men are assigned to civilian type jobs, and many men are needed to fill these jobs. The University of Kansas Commission on the Status of Women in March 1971 reported: "Studies have shown that almost nine out of ten jobs done by servicemen are civilian jobs." Therefore, many men and women are needed to serve their country in capacities which do not require combat training. Again, if men and women are accepted and drafted into the armed services on an equal basis, they could be assigned to the duties they are most capable of doing and also willing, regardless of sex. As women would receive the same exemptions and deferments that Congress has the power to give to men, it seems improbable that anyone, man or woman, not desiring to serve (as in the case of some men now) would serve in a capacity they didn't wish to.

The Intercollegiate Association of Women Students, a body of young women numbering approximately 250,000, at its March 1971 Convention passed a Resolution that given whatever Selective Service System prevailing they would support the involvement of women equally with men in the responsibilities.

10. How does the Equal Rights Amendment affect admittance of women to public colleges?

A. It will open the doors for women. Admission will have to be based on ability and not on basis of sex. Young women from poor families will be especially benefited, and Graduate Schools and the education profession will offer many more opportunities for women. At present, there is great discrimination in this area.

11. How does the Equal Rights Amendment affect the jury laws?

A. The Equal Rights Amendment would make all women eligible for jury duty on the same basis as a man, and they would be "re-lieved" on the same basis as a man, and not simply because they were a woman.

12. How does the Equal Rights Amendment affect criminal laws and especially rape?

A. Laws which give a longer sentence to a woman than a man will be invalidated.

"The Equal Rights Amendment will not invalidate laws which punish rape, for such laws are designed to protect women in a way that they are uniformly distinct from men." (Senate Report 92-689).

Laws based on a physical characteristic of one sex (whether criminal-prohibiting rape, or civil governing medical payments for child-birth) will continue to be valid.

13. How does the Equal Rights Amendment affect the privacy of women-sleeping quarters and bathroom facilities?

A. Not at all. Senate Report 92-689 so stated under two legal principles—the power of the state to regulate cohabitation and sexual relations of unmarried persons; and the constitutional right of privacy (enunciated by the Supreme Court in 1965).

These principles would permit separate sleeping, bathing and toilet facilities in public institutions such as colleges, prisons and military barracks.

14. How does the Equal Rights Amendment affect States Rights?

A. The Equal Rights Amendment does not change the status of States Right except to make their laws apply equally to men and women.

15. Does the Equal Rights Amendment belong to the "Lib" Movement?

A. No. The so-called "Womens' Liberation Movement" began sometime in the mid-1960's. The Equal Rights Amendment was authored, and sponsored for 49 years by the National Woman's Party. Their sole purpose and dedication over 49 years, and their sole activity, was to help women attain a legal status — to become a person — by an Amendment to the U.S. Constitution, i.e. passage of The Equal Rights Amendment. The press has equated the Equal Rights Amendment to the "Lib Movement".

16. What is the National Woman's Party?

A. The National Woman's Party was founded in 1913 and spearheaded the woman's suffrage movement. After the passage of the Suffrage Act in 1920, these valiant and courageous women, under the leadership of Alice Paul, Founder and Honorary Chairman of this Party, had introduced in Congress in 1923 the first Equal Rights Amendment bill ever proposed for women. For 49 years, this Party has had this Amendment introduced in every Congress, obtaining more and more sponsors each year. Over the years they diligently kept the fires burning for this Amendment, educating other organizations, publishing bulletins and maintaining an instant information bureau where anyone interested in the Equal Rights Amendment could obtain the exact status of its progress and sponsors day or night. The National Woman's Party is still an effective working organization. It sought no publicity over the years, but the Equal Rights Amendment truly belongs to the National Woman's Party.

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