

Why We Need The Equal Rights Amendment

At one time or another we've all heard about the EQUAL RIGHTS AMENDMENT (ERA). Not many people however, really know what it says or what it could mean in our day-to-day lives. Anti-ERA forces spread rumors about co-ed restrooms, forced child care, an end to women's sports competition and, last but not least, an end to protective laws for women workers.

In the following article, the Organizer will attempt to clear up some of the confusion about the ERA, at the same time explaining why we support it along with the extension of protective laws to all workers -- men, women, organized and unorganized.



Women demonstrate for the right to vote in early 1900's. The ERA is part of the continued struggle for democratic rights.

The ERA was first proposed to Congress in 1923. For the past 53 years, it's been shuffled back and forth between committees until today, when only four more states are needed to ratify it as a constitutional amendment (Illinois, Georgia, North and South Carolina.)

WHAT DOES IT SAY?

The Equal Rights Amendment states 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.

WHAT CAN IT DO?

If adopted, the ERA will call into question all previous laws and practices which treat women in a way that is different -- and consequently unequal -- to men. Let's look at some concrete examples of how present laws are discriminatory towards women. There are six major areas which will be affected by the ERA: Criminal Law, Jury Selection, Public Education, Selective Service, Family Law and Protective Laws.

CRIMINAL LAW

In most instances there are separate and stiffer penalties for women offenders. For example, in Pennsylvania up until 1968 women were sentenced under the Muncy Act to up to 10 years for robbery, while men were sentenced to from 1 to 4 years. This sentencing pattern is based on the theory that it "required longer to rehabilitate female criminals than males." The criminal code varies from state, and laws like the Muncy Act are still operating in many areas of the country.

JURY SELECTION

Along these same lines, in many states women must express interest in serving for jury duty. In other words, they must register, while all male citizens are subject to this duty automatically. At first glance, some people might think they could live without the hassles of this particular right, but let's look at the other side of it.

Female defendants have a right to be tried by a jury of their peers -- this right is severely restricted by the jury registration law. Concretely, many women are unaware of this responsibility and many others would never get around to it. So, on the one hand, female offenders are given less chance to a fair trial which includes women's perspectives and on the other hand, they have more of a chance to get a stiff sentence! Passage of the ERA would nullify these registration laws and equalize penalties for men and women.

PUBLIC EDUCATION

ERA ratification would potentially mean an end to discrimination in admissions, hiring, salaries, and scholarships. It would make it illegal for high schools to restrict

technical training to boys. Sports programs would either have to be broadened to include girls or else separate but equal programs would have to be set up.

Schools would no longer be able to impose the old double standard of expelling pregnant or married girls, depriving them of a high school education, while allowing unwed fathers or married boys to finish their education. We're not advocating massive teenage marriage or pregnancy here, but since it is a fact of life, why intensify the problems these young people have to face by forcing them to leave school? This "casting out" is reminiscent of even harder times for women when pregnancy literally meant confinement!

On the college level, admissions procedures would have to be adjusted. For example: The University of N. Carolina has stated that: "admissions of women at the freshman level will be restricted to those who are especially well qualified." Similarly, the University of Va. turned down 21,000 female applicants and rejected not one male applicant. ERA would not mean a lowering of scholastic requirements; it would only mean an equalization of them so that all students were given a fair chance for both acceptance and scholarships.

SELECTIVE SERVICE

Passage of the ERA would mean that women would be required to register in the event of a draft. However, women serving in combat really isn't the unheard of atrocity that anti-ERA forces would have us believe.

In fact, Congress has always had the power to induct women and during WW II a bill to draft nurses passed in the House. History is filled with examples of women doing their part during periods of just wars and not only by rolling bandages. Women played a major role in the anti-fascist resistance movements in Europe; American women kept heavy industry alive and functioning during World War II; the Vietnamese women defended and rebuilt their land.

Basically, women are willing and able to do whatever is necessary in the course of a just struggle.

On the other hand, if a war were being aggressively waged against a people's struggle for liberation as occurred in Vietnam and a draft were instituted, women could mobilize along with men against service in what they considered to be an unjust and imperialist war. Even without the threat of active duty, thousands of women did actively demonstrate their disapproval of our government's actions in Viet Nam.

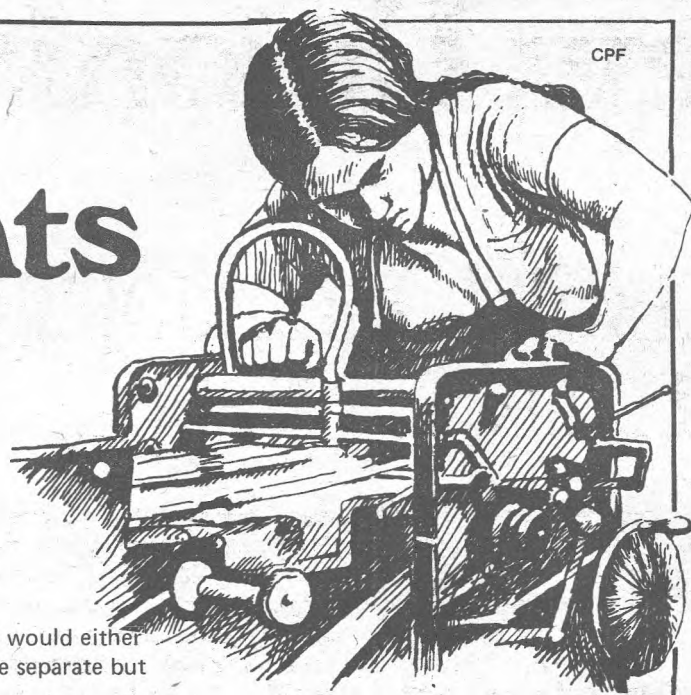


Cambodian women fighters on the alert.

FAMILY LAW

This area of the law will be closely reevaluated under the ERA. Since the present code is based on old English Common Law which regards women as chattels (property), we can see clearly why change is in order. Some of the immediate changes would be:

All property and earnings would be seen as joint possessions of the two marriage partners.



This would mean that in the event of a breakup, alimony would be paid by the most able partner (the same goes for child support). Pennsylvania is the only state that has dropped the alimony requirement; however, 97% of all divorced women do not receive alimony due to lack of enforcement of the laws. Much the same goes for child support.

This situation, coupled with the lack of low cost quality child care, forces large numbers of women with families onto the welfare rolls. Concretely, since women earn about 56 cents for every \$1.00 that men earn, men would still bear the brunt of alimony payments until wages for men and women are more balanced.

Child custody is judged on the basis of what is best for the child and that rule will remain.

Women would not be forced to work and or place their children in public child care facilities.

Passage of the ERA would be a real boost for those forces fighting to establish their need and right to low cost quality child care, but it would in no way force the issue on unwilling parents.

Men as well as women could collect social security or pension benefits in the event of their spouse's death.

Given the total inadequacy of most pension plans, the widowed party could probably use the money, in the case of retirees. In the case of a family where the woman is survived by a husband and children, if that family was dependent on two salaries to get by, then the benefits which are their due would certainly be put to good use.

Single women will be able to establish credit, get loans, own property, etc., without depending on their fathers, brothers, uncles or whoever to co-sign.

"PROTECTIVE LAWS"

This is probably the most controversial area of the law in relation to the ERA. Advocates of the ERA claim that passage will simply mean extension of all protective laws to men as well as women, while opponents claim the exact opposite. Let's look at some of the protective laws and their future under the ERA.

Protective laws are largely state laws which cover things like rest or break periods, lifting maximums, minimum wage, number of hours worked, maternity leave, etc.

For women in unions, many of the positive "protective laws" have been negotiated into their contract, and these benefits would have to be extended to men as well.

Some examples would be pregnancy leave for fathers too, so they could help with other children at home or just take care of the new infant if their wife were unable to do so. Lifting laws could be extended. For example, the law which is presently in effect in Georgia removed the specific weight limit and now relieves anyone from "lifting weights that cause strain or undue fatigue."

For unorganized women who depend on these protective laws for the little defense they have, ratification of the ERA could mean a loss of those benefits, slight as they are.

It is on this basis that most anti-ERA forces on the left and in the labor movement rest their case.

They claim that the bosses will turn an ERA victory into a defeat for the working class -- that it will become a banner for extended exploitation rather than protection or equality. To gauge the merit of this argument, we need to look at how real the protective laws are for the majority of unorganized workers, many of whom are members of oppressed nationalities.

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MILITANT UNIONISM NEEDED

Unorganized women workers face two problems in relation to the so-called protective laws:

First, how to deal with protective laws that work against you -- such as Nevada's maximum lifting law of 10 pounds for women -- you can be denied employment on this basis.

Second, how to get the positive protective laws enforced consistently without getting fired! The situation at worst is total violation of the laws and at best (if you can call it that) racism and favoritism in enforcement.

In any case, the second part of the problem, the question of equal and consistent enforcement, is the most important. With or without the ERA, unorganized women workers have nowhere to turn in the face of racism and exploitation but to each other and to their fellow male workers. Only through unionization and real organized mass pressure can protective laws mean anything.

In conclusion, we need the laws for all workers, but we need the bodies to back them up or we all end up losers. Under capitalism real equality for women is impossible, but does this mean that real gains can't be made? Sure, the bosses will try to turn the ERA to their advantage, just like they try to turn every real reform into its opposite, but does this mean we abandon the fight for reforms?

Sure, the big politicians are only supporting equal rights in order to win votes. So should that mean we oppose ratification and accept second class status for women? NO -- we're first class citizens, working class citizens and we need to use every opportunity available to better our conditions at work, at home, in society at large.

With regard to the Equal Rights Amendment, that means: *ORGANIZE and make passage of the ERA a victory for all workers: men, women, Black and white!*