

The Equal Rights Amendment and its Advocates in the Women of Wisconsin

Katelyn Rigotti

Faculty Sponsor: Dr. Jodi Vandenberg-Daves, Women, Gender, and Sexuality Studies

ABSTRACT

This paper examines the work and accomplishments of the La Crosse County Women's Political Caucus, which operated as a local branch of the state and national organization. Their purpose was to encourage women to run for state and local office, and to provide support and information on campaigning. They also worked to educate the public on important issues like the Equal Rights Amendment and Affirmative Action. This paper focuses on their efforts to secure the passage of the Equal Rights Amendment for the federal and state constitution. My research is a study of the Equal Rights Amendment, and the way it would have impacted the condition of women. There was a lot of opposition to the Equal Rights Amendment for various reasons. Some people understood what changes the amendment would make, while others were making assumptions. This research dissects the reasons people opposed it and the way proponents failed to correct these misconceptions surrounding the amendment, resulting in the lack of successful ratification.

INTRODUCTION

The Equal Rights Amendment (ERA) was first introduced in 1923. It stated that "equality of rights shall not be denied or abridged by the United States or by any state on account of sex." Alice Paul and her National Women's Party felt that women's suffrage was only the beginning for the women's movement and full equality, and were the first to introduce the amendment. Unfortunately, the momentum of the movement faded with the suffrage victory, and only a fraction of those who supported suffrage were dedicated to a broader and more far-reaching feminist agenda, like the ERA. These feminists were happy to settle down after suffrage was achieved in 1920. Feminists knew that the ERA would not make women entirely equal but the point was to create "a fundamental principle into law and give women the means with which to fight for their independence as citizens."¹ To these liberal feminists, who refused to stop before women were truly equal, it was the most "natural outgrowth" of their ideology and the goals of their organization. The National Women's Party most exemplified these traits and were occupied with creating change through their ideology²

One year after Martha Griffiths first introduced the ERA in 1970, The National Women's Political Caucus was founded in the midst of the second wave of feminism. This period came on the heels of the Civil Rights Movement which saw a major victory

¹ Susan D. Becker, *The Origins of the Equal Rights Amendment: American Feminism Between the Wars* (Westport: Greenwood Press, 1981), 123.

² Steven M. Behler, *Women's Movements in the United States: Women's Suffrage, Equal Rights, and Beyond* (New Brunswick: Rutgers University Press, 1990), 108.

with the Civil Rights Act of 1964. As more and more women joined the workforce, there was more awareness about what the conditions were, and it sparked women to take a stand against discrimination.

The women of Wisconsin exemplified the goals of the 1970s feminist movement by working hard to pass the ERA. Not only did they want the ERA to become an amendment in the federal constitution, but also the state constitution. These women also kept up with other legislation and wrote letters to their state representatives to encourage them to think about the women it would affect. The women of Wisconsin were not simply marching or protesting unjust laws and hoping the ERA would pass, but instead were active participants in a variety of efforts to increase the role of women in politics and influence in laws. This group of women encouraged other women to continue making strides in their own political careers and understood that even achieving a local office could make an important difference for women in the community. The group was important because they showed their community members that what they cared about was not only similar to those on the national scale, but also that their work would impact many people around them.

THE EQUAL RIGHTS AMENDMENT IN 1970

The ERA had been introduced regularly since it was first drafted in 1923 but the second wave of feminism was different from these other attempts at ratification, because it was taking place during a time of inclusion. The Civil Rights Movement played a large role in encouraging women to get organized, but also the wide array of subjects the women wanted to address. The rallying cry, “the personal is political,” was associated with the most radical feminists, but it also spoke to what moderate women were hoping to achieve as well. The goal of the second wave of feminism was to open doors to all women in education, jobs, and more. The ERA was the political part of this goal and was meant to continue the work of the Civil Rights Act before it.

There were many factors leading up to the introduction of the ERA to the Senate Judiciary Committee in 1970. One reason attention was drawn to women’s unequal legal status was President Kennedy’s Commission on the Status of Women. Carried out in 1963, the commission concluded in October that the existing Constitution made men and women unequal and that “judicial clarification is imperative” to clean up any ambiguities. By 1970 the fourteenth amendment, stating that citizens cannot be denied their rights, had not been adequately clarified and there was a call for the ERA to fix this issue.³

The Civil Rights Movement was also a catalyst for the resurgence of feminism that resulted in the introduction of the ERA. The Civil Rights Act of 1964 was engineered in the hopes of ending discrimination of the African American community and other people of color. Title VII of the Act states that employers cannot discriminate based on race, nationality, religion, or color. During the drafting phase there was a discussion about whether to include sex in that list, legislators thought that if they did add it the law would lose credibility because the idea of ending sex discrimination was so laughable. The point is that the Civil Rights Act served to end

³ Rex E. Lee, *A Lawyer Looks at the Equal Rights Amendment* (Provo: Brigham Young University Press, 1980) 34-35.

a lot of discrimination, but the addition of sex was not enough to fix the unequal treatment women continued to face after the enactment of the legislation.⁴

The Civil Rights Act established the Equal Employment Opportunity Commission (EEOC) as a provision in the legislation. Women had realized that protective labor laws, such as those preventing women from night shifts or jobs requiring heavy lifting, were not beneficial to them but instead served to shield them from better jobs. There was a growing recognition among women that discrimination was rampant in the workplace, they felt undervalued and underpaid in the jobs they were able to access. Women feared that the Civil Rights Act and EEOC were not doing enough by 1970 and again renewed feelings that the ERA would fix the inequities women continued to face, especially in the workforce.⁵

On February 17, 1970 Representative Martha Griffiths of Michigan interrupted the Senate Subcommittee on Constitutional Amendments and demanded they consider introducing the Equal Rights Amendment. The amendment was drafted and sent to the Senate floor, where there was a debate about conscripting women and holding non-denominational prayer in public school. This version died when Senator Bayh of Indiana proposed extending the Fourteenth Amendment to include women. Again, Martha Griffiths proposed the ERA in 1971. This time it passed the House after a Wiggins rider was proposed to keep women from being drafted to the military. In the Senate Senator Ervin from North Carolina also tried to use an argument about women's functional and physiological abilities as a reason to deny the ERA. That rider and eight others Ervin proposed were rejected and the amendment passed the Senate in its original form on March 22, 1972. The NWPC and other feminist organizations made it clear that if the ERA was passed with any riders, they would not support it.⁶

Upon passage from Congress, Hawaii quickly ratified the amendment within hours. By 1975 thirty-four states had ratified the ERA. In 1977, the thirty-fifth and final state to ratify the amendment was Indiana. Some states regretted their decision and tried to rescind their ratification, but the Supreme Court ruled that was unlawful. As the eight-year deadline drew nearer, proponents saw they were a long way from full ratification, and in 1978 they asked for an extension for the deadline. Congress agreed and gave them until 1982 to conclude ratification. The ERA failed to procure any other states' support, and the movement failed three states short of ratification.⁷ This is not the end of the story, though, because the ERA sparked a conversation about women's rights in a new way. The advocates for the amendment were very close to success, but the number of states required to pass amendments was just too high for the women's movement to achieve.

NATIONAL WOMEN'S POLITICAL CAUCUS

The National Women's Political Caucus (NWPC) was established in 1971 as a direct response to the unequal treatment of women in the professional sphere. It was formed at a convention spearheaded by Bella Abzug, Gloria Steinem, Betty Friedan, Shirley Chisholm, and

⁴ Donald G. Mathews and Joan Sherron-De Hart, *Sex, Gender, and the Politics of the ERA: A State and the Nation* (New York: Oxford University Press, 1990) 30.

⁵ Mathews and Sherron-De Hart, *Sex, Gender, and the Politics of the ERA*, 30.

⁶ Lee, *A Lawyer Looks at the Equal Rights Amendment*, 36.

⁷ Lee, *A Lawyer Looks at the Equal Rights Amendment*, 37.

Patsy Mink.⁸ The organization was intended to be a collaborative effort among Democratic, Republican, and Independent women to lobby for an increase in attention for women's rights issues.⁹

Their work first focused on training women to serve as delegates for the 1972 Democratic and Republican Presidential Convention. The women were urged to take a strong stance on women's issues. At the convention the women delegates and NWPC lobbied to introduce a Women's Plank to improve the condition of women within both parties. Compared to the Democrats, the Republican women were not as well organized, but still managed to introduce the plank.¹⁰

The Wisconsin Women's Political Caucus (WWPC) worked hard to ensure women were being selected as delegates equal to the men selected. Wisconsin was allotted sixty-two delegates to send to the Democratic Convention, nineteen percent of the delegates selected were women.¹¹ For the Republican Convention Wisconsin could send thirty delegates and seventeen percent of them were women.¹² The importance of women being equally represented at the conventions was important to the NWPC and they continued to push that half of the delegates be women at the 1976 and 1980 conventions. Representation was the best way to call attention and lobby for specific issues affecting women. Even though complete equity was not achieved on either occasion, Jimmy Carter met with the NWPC and promised to appoint women to top positions in his administration if he won in 1977. He did win and appointed four women to his administration. The NWPC did not directly achieve their goals in the way they intended. However, four women being appointed for top positions in the Carter administration served as evidence of what the Caucus was able to do.¹³

In 1972 the Women's Plank was introduced at both the Republican and Democratic conventions with the intention of bringing more attention to women's issues. It called for specific changes they expected to help in this process; including a priority to the ratification of the Equal Rights Amendment, an end to discrimination of women in government supported facilities and institutions, and an extension of the Civil Rights Act to include prohibiting discrimination based on sex. It also called for a concerted effort to eliminate discrimination based on sex in jobs and various laws. The plank emphasized an effort to be made for mothers with benefits or tax breaks. These would help mothers afford child care and provide them with a little extra help with finances. The most controversial idea in the plank was the desire to end restriction of women's reproductive and sexual lives, in other words, the right to get an abortion.

⁸ Rita J. Simon and Gloria Danziger, *Women's Movements in America: Their Successes, Disappointments, and Aspirations* (New York: Praeger Publishers, 1991) 22.

⁹ Simon and Danziger, *Women's Movements in America*, 22.

¹⁰ Box 1, Folders 8 and 9, WWPC to Madison, Wisconsin 1976 and 1977, Wisconsin Women's Political Caucus Records 1971-1974, Wisconsin Historical Society, Madison, Wisconsin.

¹¹ Box 1, Folders 8 and 11, Wisconsin Women's Political Caucus Records 1971-1974.

¹² Box 2, Folder 2, Wisconsin Women's Political Caucus Records 1971-1974.

¹³ Simon and Danziger, *Women's Movements in America*, 23.

To pass this section of the plank would have been a huge step forward on the path to equality, but the topic was too controversial and failed to pass at the Democratic Convention.¹⁴

The NWPC also had members directly involved in the Democratic Convention as nominees. Congresswoman Shirley Chisholm and Frances “Sissy” Farenthold ran for President and Vice President respectively. Farenthold narrowly lost to Thomas Eagleton. Chisholm also lost, but by a much larger margin. Chisholm had piqued national interest with her run for presidency, but she had first gained attention because she was the first African-American woman to be elected to Congress. Her presidential campaign lacked funds, a good management team, and was unable to draw large crowds in African-American neighborhoods. Despite this, Chisholm was known as a “maverick and troublemaker,” which helped her to “effectively challenge the equities in the political system.”¹⁵ The participation of Congresswomen Farenthold and Chisholm helped to legitimize the women’s movement.¹⁶

Along with working on conventions, the NWPC was involved in a variety of other aspects of the government. The NWPC sent questionnaires to candidates about women’s issues. They monitored the amount of sex diversity in candidate’s offices. The group was also instrumental in starting other women’s organizations, including the Coalition for Women’s Appointments (CWA). The CWA focused on getting appointive positions for women, by drawing up lists of qualified women. It was active during Nixon and Ford administrations but most effective in Carter’s administration.¹⁷

NWPC members advocated for abortion rights in collaboration with other women’s organizations, and attempted to ensure special protection for women who cannot work while pregnant.¹⁸ The NWPC wanted an equitable system beginning with politics extending to all working women where both sexes could operate on the same playing field. By working on abortion and pregnancy reforms the NWPC was taking the social movements ideas and applying them to the political sphere to attack the issue in a way that went beyond protesting.

The NWPC was operating in a way that was distinct from other women’s organizations at the time. Their efforts were inclusive of electoral work that had a political emphasis in the social movement. Political behavior that was consistent in the group include members who, “vote, give money to campaigns, serve as volunteers to political parties and candidates, and some have also run for political office.” They were more than political participants but were activists too. They made efforts of “creating political opportunities and organizational structures through which they and others may act.” This means that the NWPC members wanted to pave the way for women to enter and participate in politics easier than previous generations.¹⁹

¹⁴ Box 1, Folder 11 and Box 2, Folder 2, Wisconsin Women’s Political Caucus Records 1971-1974; Judith A. Center, “1972 Democratic Convention Reforms and Party Democracy,” *Political Science Quarterly* 89, no. 2 (June 1974), 341.

¹⁵ Reba and Vivian Jenkins Nelson, “Shirley Chisholm: Woman of Complexity, Conscience, and Compassion,” in *Women Leaders in Contemporary US Politics*, eds Frank P. Le Veness and Jane P. Sweeney (Boulder: Lynne Rienner Publishers, 1987), 9-19.

¹⁶ Simon and Danziger, *Women’s Movements in America*, 23.

¹⁷ Simon and Danziger, *Women’s Movements in America*, 23.

¹⁸ Simon and Danziger, *Women’s Movements in America*, 62, 65, 115.

¹⁹ Marshall, “Organizing Across the Divide,” 712-722.

THE NWPC IN WISCONSIN

The Wisconsin Women's Political Caucus worked to achieve many goals for the benefit of women in Wisconsin. The chapter was established in 1972 after a number of women were motivated following a speech by Bella Abzug. They made a formal request to create a chapter to the National Women's Political Caucus and with it they included the information that there would be two African-American women and one Latina joining as members. The NWPC took Affirmative Action seriously and surveyed the amount of diversity in the state and local chapters. All the chapters were overwhelmingly made up of white women. There would be continued discussion about encouraging more women of color to join, but the Wisconsin chapters remained as a white majority organization.²⁰

Upon establishing the chapter, the women created a State Policy council responsible for creating bylaws and keeping local chapters on the right track.²¹ The group did not endorse women as candidates but supported them in other ways. In the La Crosse chapter the women would offer babysitting services, help with canvassing, and offer informational seminars for women who wanted to run, but did not know where to start. It was important to the organization that the candidates it supported be advocates for issues that the organization also advocated for. The state issues they supported included abortion rights, flexible working hours, maternity and child care, and enforcement of Title IX, while on the federal level they supported action for the ratification of the Equal Rights Amendment. Each chapter kept track of positions in their local government and how to achieve those offices. They also knew how many women had already held those positions and what their salary and level of authority was. The Caucus took their goal to get more women in office very seriously, they knew the kind of woman they wanted to support, the structure of various offices, and the way to get them there.²²

Another goal that all the chapters put their time, money, and energy into was the Equal Rights Amendment. As mentioned before, support for the ERA was necessary for candidates the WWPC and its local chapters helped, to educate the candidates and the public about what the ERA would do. The La Crosse chapter (LCWPC) had a folder full of information about the ERA they would have used to explain the ERA to the people they were calling. It included possible responses to controversial topics surrounding the amendment including the draft, effect of the ERA on families, and what it would mean for homemakers.²³

The LCWPC women felt that allowing women to participate for the draft and military service would be a positive component of the ERA. Women's movements had traditionally been pacifist in nature and preached peaceful resolutions to international conflicts; there were many organizations protesting the Vietnam War at this time. The reason the LCWPC was for the draft was the benefits associated with military service but also allowing women to be treated the same as men because they were able to do what any man could during military service. The draft would allow women equal access to army jobs, while still being able to file for exemption like men do. They would also receive in-service training that could be useful when they were done

²⁰ Box 1, Folders 2 and 3, Wisconsin Women's Political Caucus Records 1971-1974.

²¹ Box 1, Folder 6, Wisconsin Women's Political Caucus Records 1971-1974.

²² Folders 1 and 3, Sharon Ryan and Sally Avercamp to City of La Crosse, 1981, La Crosse County Women's Political Caucus 1971-1982, Area Research Center, University of Wisconsin- La Crosse. La Crosse, Wisconsin.

²³ Folder 5, La Crosse County Women's Political Caucus 1971-1982.

with active duty. Women would have access to leadership opportunities, benefits after being discharged from service, GI insurance, and ability to get treatment in VA hospitals. The benefits of joining and being drafted to military service are the exact same that men enjoy. Of course, if someone did not want to fight there would have been other options available for them. Many people worried about what the draft would mean for women with young children, but Wisconsin ERA advocates argued that, like men, they would be able to opt out for service if this were the case.

The general public was concerned about the family unit weakening if the ERA passed by forcing women out of the home to get a job. But the ability to care for a family was not a job that the LCWPC women felt should be based on sex. They also thought that the best trained spouse would be the one to work outside the home to support the family, which due to lack of equality in education and wages for women was the man's role. The ERA would not require homemakers to leave the home. However, to keep their families above the poverty line almost two thirds of women were already working outside the home. The ERA was vastly misunderstood as to what it would accomplish, but the women all over Wisconsin were attempting to correct the image by sharing what would happen if it were ratified.²⁴

Back in Madison the WWPC was working to pass the Wisconsin ERA (WERA) legislation, introduced in 1971 by Assembly member Midge Miller. The WERA was different from the federal amendment because it was specific to the laws of the state constitution. The newly elected steering committee in the same year vowed to promote and work to ensure passage of the state and federal versions of the ERA. When the WERA was introduced to the state legislature the WWPC began working on a brochure with information about the legislation to be circulated. Miller expressed her hope that the measure would inspire a wide cosponsor base. In February of 1972 the WWPC had teamed up with Church Women United for a luncheon that was planned for legislators and Martha Griffiths made an appearance to speak on behalf of the ERA. The WWPC also provided information about their group at the luncheon. The luncheon was a success that ended up raising about \$160 and served 166 people.²⁵

Other efforts to spread information about the Amendment included displays at libraries all around the state. The governor issued a proclamation stating that the week of February 14-20 be Equal Rights Info Week and he attended one of the libraries the information displays. The WWPC also agreed that the displays be created in packages to be sent to other areas of Wisconsin to those who requested it. Leading up to the passage of the ERA a member of the steering committee made two appearances for the YWCA in Beloit. In between these events telegrams and telephone calls were made by members to spread the word about the ERA.²⁶

All this hard work paid off when the federal ERA passed the Wisconsin legislature on March 28, 1972. Wisconsin became the fourteenth state to ratify the amendment. The next move for the legislature was to prepare the legislation that would be affected if the ratification process was completed for the whole nation. The amendment would go into effect two years after full ratification. In the WWPC there was a movement to add a person to the existing ERA

²⁴ Folder 5, La Crosse County Women's Political Caucus 1971-1982.

²⁵ Box 2, Folder 5, Wisconsin Women's Political Caucus Records 1971-1974.

²⁶ Box 2, Folder 5, Wisconsin Women's Political Caucus Records 1971-1974.

task force that would keep up with all legislative news. Next the group focused on the WERA that would be up for a referendum vote on April 3rd.²⁷

The referendum was scheduled for April 3, 1973. At the February meeting the women discussed their strategy for its passage. They decided to throw a party on April 6th at the Wisconsin Historical Society. The women also made the decision to invite both men and women; this is an interesting conversation to consider them having because it shows that while they were living in a world where women were obviously excluded it would have been contemplative for them to consider doing the same to men. If the referendum passed this would be a victory for women, but the ERA would have positively affected men as well. Along with the inclusiveness of the legislation, the women may have decided that they wanted to celebrate this achievement alongside men, instead of excluding them. This party was organized in collaboration with Wisconsin League of Women's Voters, National Organization of Women, Church Women United, Business and Professional Women's Foundation, and some other women's organizations. The coalition of feminist organizations around a single cause, in this case to support the WERA, was typical of the movement. The WWPC also worked to organize a statewide effort through the local branches. Each branch and the other women's organizations had a meeting and agreed to support the WERA effort with their finances and members. There was also information specific to the WERA prepared and spread for volunteers to discuss with the public.²⁸

Unfortunately, the referendum failed to pass. In the wake of this failure some state senators called for the rescission of the federal ERA ratification vote. Other states were thinking about rescission as well, but the Supreme Court ruled that this was not possible. The WWPC planned to send letters to the nine Wisconsin senators intending to vote for rescission. There was also a breakdown of what went wrong at the local level. In La Crosse the referendum failed by over 500 votes. The state leaders did not get information to the members and volunteers well enough, in combination with a lack of general support. The abortion issue caused the most controversy and served as a deterrent for votes, and the press was not supportive of the referendum effort. The WWPC chapter in Milwaukee blamed the poor results on a lack of money despite the support of the press. Wausau had a better formed anti-women's liberation movement in the form of the Federation of Republican Women's Clubs that activists said was to blame for the failure. Despite the failure of the referendum the party to follow the vote was a success with 120 people in attendance.²⁹

THE OPPOSITION AND FAILURE OF THE EQUAL RIGHTS AMENDMENT

Phyllis Schlafly and her Eagle forum embodied the ERA counter-movement. Counter movements are often slower to form because they are largely volunteer based and grassroots in origin. This was true of Schlafly's Eagle Forum. The group was originally known as STOP ERA, but as it expanded it was known as the Eagle Forum. Schlafly formed the group in 1972, following the passage of the ERA in Congress and ratification of thirty states. Her goal was to target the remaining states to prolong the battle for ratification.³⁰ Schlafly characterized the Pro-

²⁷ Box 2, Folder 5, Wisconsin Women's Political Caucus Records 1971-1974.

²⁸ Box 2, Folder 5, Wisconsin Women's Political Caucus Records 1971-1974.

²⁹ Box 2, Folder 5, Wisconsin Women's Political Caucus Records 1971-1974.

³⁰ Buehler, *Women's Movements in the United States*, 189.

ERA women as discontent and spoiled with the benefits they already had, her group was in favor of women remaining in the role they traditionally held.³¹

The change in the political attitude to a conservative bend was influenced by the ERA and the growing power of the Supreme Court. The “New Right” shifted from the anti-communism and national defense rhetoric that was prevalent in the 1950s and 60s as they became slowly aware of women’s issues; this is in contrast to feminists who were more likely to be liberal. The growing feminist movement caused a link between fundamentalist churches and the New Right. Homemakers also flocked to the New Right’s struggle against feminism because they were scared about what the ERA would do to their status. The New Right was largely responding to the ERA negatively because it disagreed with its inclusiveness of homosexuality and abortions. As a result of the New Right taking the charge against the ERA the amendment was seen as a partisan struggle between liberal feminists and conservatives.³²

The Mormon Church, in particular, took a definitive stand against the ERA. The church is highly organized through a hierarchical system that allowed them to mobilize their members. Similar to the Puritans who worked against the ERA, the Mormon women joined the counter-movement to prove their devotion to the church’s teachings that women are meant to stay at home to rear children while men work outside of the home. These women used their fight against the ERA to show that they embraced their submissive role in contrast to the opportunity the ERA provided to free women from this compulsory status. The majority necessity of the ERA meant that organizations like the Mormon Church could target specific legislatures to defeat the amendment. The church knew that they could influence the results of the ERA and combined with the perceived change in status it would create for their female members chose to act against the amendment in a way that would help secure its fate.³³

Homemakers took a similar stand against the ERA for a variety of reasons, but they were most concerned with the affect it would have on their status. Leading up to the 1970s the prestige associated with being a homemaker, or a woman caring for children and other domestic duties, was fading as more women entered the workforce. In the past women tended to organize their labor force participation around their role as mothers, at least when they were economically able to do so. These jobs were easy to convert to part-time, interruptible, did not demand long hours or geographic mobility, and had connections to talks of motherhood. “Full-time homemaking lost status primarily because high status women abandoned it.” Instead of remaining in the home women who could afford college found better jobs while less educated women were more likely to remain in the home.

Even if feminists did not oppose homemaking, the housewives still would have interpreted their actions as attacking their way life because of the loss of status. Due to their lack of paid wages, homemakers took their perceived status seriously. Politically the homemakers were concerned about the effects of the ERA on divorce and alimony laws.³⁴ Working class

³¹ Joan De Hart Mathews and Donald Mathews, “The Cultural Politics of the ERA’s Defeat,” in *Rights of Passage: The Past and Future of the ERA*, ed. Joan Hoff-Wilson (Bloomington: Indiana University Press, 1986), 64.

³² Mansbridge, *Why We Lost the ERA*, 4-6.

³³ Neil J. Young, “‘The ERA is a Moral Issue:’ The Mormon Church, LDS Women, and the Defeat of the Equal Rights Amendment,” *American Quarterly* 59, no. 3 (Sep, 2007), 625 and 629.

³⁴ Mansbridge, *Why We Lost the ERA*, 105.

women, inside or outside the home, opposing the ERA did not think of the ERA as a benefit to them, but instead for the middle class due to the language proponents were using. But not all working-class women opposed the ERA; many labor union women were coming around on the issue of protective labor legislation and seeing how the ERA would benefit them as working women. Meanwhile, upper class women were worried the ERA would force them out of the home.³⁵ There was also an ideological difference between homemakers and feminists; homemakers tend to be conservative while the bulk of the feminist movement was liberal. This divide caused the groups to view interracial and homosexual relationships differently, along with their disagreements about abortion.³⁶

An additional explanation for anti-feminist activity is justified by the way these women were socializing. The socialization hypothesis, described by sociologist Susan Marshall, “posits that antifeminist orientations result from participation in social networks that promote conservative social attitudes.” These networks could be religious, educational, or political in nature. According to this hypothesis antifeminist inclinations were not a result of social position but instead a result of the “traditional cultural norms” they engaged in.³⁷

As the movement to ratify progressed divisions among the proponents became more pronounced. Political scientist Jane Mansbridge explained that social movements tend to split into sects if it does not win quickly, if it does not succeed right away it becomes a mass of institutions. “All committed activists sense that their political commitment sets them apart from the great majority of citizens.” Despite this belief the second wave of feminism and the ERA effort fell into this pattern, like the Civil Rights Movement before it. The likelihood of succeeding with ratification required a super-majority, which demanded homogenous efforts among the activists. Despite this there was division in labor between radical and moderate organizations. Similar to the suffrage effort there was a disagreement about the amount of equality they wanted, and how to accomplish it. The disagreements between the proponents split up the movement and made it more difficult to mobilize large amounts of women, while the anti-feminist groups were combining their forces more effectively.

WHAT THE EQUAL RIGHTS AMENDMENT WOULD HAVE DONE

It is hard to know how the status of women would have changed with the passage of the ERA, because its effects were never tested. It would have subjected every law to a higher level of scrutiny on the question of gender equity. This would have helped to enshrine these laws into the protection of the Constitution. The amendment was about creating a fundamental concrete statement that women would not stand discrimination anymore. The abstract nature of the ERA as a step towards ending discrimination was overwhelming once it went out to the states for ratification.³⁸

One of the proponent’s main points to support the ERA was the effect it would have on the pay gap. The ERA would have made protective legislation unconstitutional, but scholars

³⁵ De Hart Mathews and Mathews, “The Cultural Politics,” 56-57.

³⁶ Mansbridge, *Why We Lost the ERA*, 109.

³⁷ Susan Marshall, “Who Speaks for American Women?: The Future of Antifeminism,” *The Annals of the American Academy of Political and Social Science* 515, (May 1991), 54.

³⁸ Mansbridge, *Why We Lost the ERA*, 22-23.

argue that it would have had little effect on the wage gap. Since there were movements for re-evaluating the skill levels of male-typed and female-typed jobs, it is possible there could have been a reinterpretation of pay equity in the law, using the tool of an Equal Rights Amendment. In the meantime the Equal Pay Act (1963) was attempting to make real change to the wage gap in a way that the ERA may not have. The change associated with the ERA would have been the way legislators and judges viewed women's rights laws and cases.³⁹

The ERA's biggest impact on women in the labor force would have been the public show of support for their position in the public sphere. Legislators would have interpreted its passage as a public opinion in favor of sex equality moving forward in drafting laws. The ERA would have set a precedence that women's equality was important to Americans. Similarly the Supreme Court and other courts would have viewed ERA's passage as a reason to take discrimination cases more seriously. They would have interpreted laws like the Equal Pay Act with more scrutiny and evaluated the direct effect their actions would have on women. This would have caused a long term improved status of working women. Instead of a short term cure-all the ERA would have resulted in the long-term possibility of creating gender neutral legislation.⁴⁰

The women of Wisconsin worked to increase women's participation in politics, so they could take part in conversations with legislators and judges, but until parity is truly achieved women will have to settle for the ERA as their hoped-for source of equality. The WWPC's work was meaningful because it also set the precedent that women will not take a backseat to their own futures or the laws that affect them but will instead continue to work to control their own lives with legislation that they can influence as professional women.

CONCLUSION

Despite the failure to ratify the ERA, there were positive outcomes from the process. The open dialogue about women in the home, workplace, and general public as a result of the ERA was worth the effort for ratification despite its failure to become an official amendment. It also proved the organizational abilities of women to mobilize themselves effectively. As exemplified in Wisconsin where the NWPC had not only a state branch but also local branches that all operated for similar goals to make a difference for women in politics on a variety of levels. The passage of the ERA through Congress did cause some changes in the legislation and judiciary. State legislators were encouraged to adopt gender neutral language rewrites of laws. And similarly, the Supreme Court used the Fourteenth Amendment⁴¹ to include barring varieties of discrimination against women. Most importantly the effort to pass the ERA by the women's movement served as a wake-up call for legislators and the general public of what women were capable of.⁴²

There is currently a resurgence of feminist activism, it can be seen in conversations about sexual harassment and reproductive rights. The 2017 Women's March drew attention to human rights, and in the fall women (and men) broke their silence about their experiences with sexual

³⁹ Mansbridge, *Why We Lost the ERA*, 36-38.

⁴⁰ Mansbridge, *Why We Lost the ERA*, 42.

⁴¹ Addresses citizenship rights and equal protection under the law.

⁴² Mansbridge, *Why We Lost the ERA*, 188-190.

harassment. These “Silence Breakers,” were *Time* magazine's people of the year (2017) and were celebrated for their bravery to name their abusers in Hollywood and Washington D.C. Despite all this progress many Americans (80%) still do not understand that women do not possess equal rights through the Constitution.⁴³ Similar to the 1970s, abortion is still a controversial issue today, but there is a growing number of states making abortion harder and harder to access. Recently the Texas state legislation shut down abortion clinics all over the state and a case against this went to the Supreme Court where the justices ruled that this was unjust in 2016. This will encourage other states to avoid creating such legislation.⁴⁴

Efforts to reintroduce the ERA again have been slow going, but there could be a greater public outcry for it soon. Feminism is on the rise, and if the ERA is presented as a nonpartisan issue there is no reason it should not pass. The ratification of the ERA in Nevada (2017) also shows that the women’s movement has not given up on the ERA yet. Thirty-five years after the Congressional deadline has passed the Nevada legislation says that Congress had no authority to create a deadline in the first place.⁴⁵ And on May 30, 2018 Illinois ratified the ERA, this means that the ERA only requires one more state to become an amendment in the Constitution.⁴⁶

Legislation for and against women’s rights just proves how important it is to have one amendment saying that women deserve equality. The ERA could cement women’s position and force legislators to revisit laws they otherwise would not. They would have to re-evaluate all laws that are harmful or discriminatory towards women, so is it laziness or carelessness that has caused them to avoid such a basic chore for so long? Why must an amendment passed by most of the states make Congress see that the laws they support are only beneficial to half of the population? The ERA would not fix everything immediately, but it would force legislators and judges to view the decisions they make regarding women with more scrutiny.

ACKNOWLEDGEMENTS

I would like to thank the UW-L Undergraduate Research Grants Program for funding this project. Thank you to Dr. Vandenberg-Daves and the Women, Gender, and Sexuality Studies Department for their help and support throughout this whole process. Thank you to the Women’s Studies Consortium for allowing me to present my work and awarding me the Undergraduate Research Award. Thanks also the UW Systems Symposium and UW-L Celebration of Research and Creativity Conference for allowing me to present my work.

⁴³ Jessica Neuwirth and Molly Tormey, “The Time is Now for the Equal Rights Amendment,” *Forbes* (March 2018): <https://www.forbes.com/sites/break-the-future/2018/03/07/the-time-is-now-for-the-equal-rights-amendment/2/#36eedf536943> (accessed May 30, 2018).

⁴⁴ Ariane de Vogue, Tal Kopan and Dan Berman, “Supreme Court Strikes Down Texas Abortion Access Law,” *CNN Politics* (June 2016): <https://www.cnn.com/2016/06/27/politics/supreme-court-abortion-texas/index.html> (accessed May 30, 2018).

⁴⁵ David Montero, “Thirty-Five Years Past a Deadline Set by Congress, Nevada Ratifies the Equal Rights Amendment,” *Los Angeles Times* (March 2017): <http://www.latimes.com/nation/la-na-nevada-era-2017-story.html> (accessed May 30, 2018).

⁴⁶ Tina Sfondeles, “Dawn of an ERA? State House Passes Equal Rights Amendment-95 Years Later,” *Chicago Sun Times* (May 2018): <https://chicago.suntimes.com/working/dawn-of-an-era-state-house-passes-equal-rights-amendment-half-a-century-later/> (accessed May 30, 2018).

REFERENCES

Primary Sources:

- Ryan, Sharon and Avercamp, Sally to City of La Crosse. 1981. La Crosse County Women's Political Caucus 1971-1982. Area Research Center, University of Wisconsin- La Crosse. La Crosse, Wisconsin.
- WWPC to Madison, Wisconsin 1976 and 1977. Wisconsin Women's Political Caucus Records 1971-1974. Wisconsin Historical Society. Madison, Wisconsin.

Secondary Sources:

- Becker, Susan D.. *The Origins of the Equal Rights Amendment: American Feminism Between the Wars*. Westport: Greenwood Press, 1981.
- Center, Judith A.. "1972 Democratic Convention Reforms and Party Democracy." *Political Science Quarterly* 89, no. 2 (June 1974): 325-350. <http://www.jstor.org/stable/2149263>.
- De Hart Mathews, Joan and Mathews, Donald. "The Cultural Politics of the ERA's Defeat." *Rights of Passage: The Past and Future of the ERA*. Edited by Joan Hoff-Wilson. Bloomington: Indiana University Press, 1986.
- Vogue, Ariane de, Kopan, Tal, and Berman, Dan. "Supreme Court Strikes Down Texas Abortion Access Law." *CNN Politics*, (June 2016): <https://www.cnn.com/2016/06/27/politics/supreme-court-abortion-texas/index.html> (accessed May 30, 2018).
- Jenkins Nelson, Reba and Vivian. "Shirley Chisholm: Woman of Complexity, Conscience, and Compassion." *Women Leaders in Contemporary US Politics*. Edited by Frank P. Le Veness and Jane P. Sweeney. Boulder: Lynne Rienner Publishers, 1987.
- Lee, Rex E.. *A Lawyer Looks at the Equal Rights Amendment*. Provo: Brigham Young University Press, 1980.
- Marshall, Susan. "Who Speaks for American Women?: The Future of Antifeminism." *The Annals of the American Academy of Political and Social Science* 515, (May 1991): 50-62. <http://www.jstor.org/stable/1046927>.
- Mathews, Donald G., and Sherron-De Hart, Joan. *Sex, Gender, and the Politics of the ERA: A State and the Nation*. New York: Oxford University Press, 1990.
- Montero, David. "Thirty-Five Years Past a Deadline Set by Congress, Nevada Ratifies the Equal Rights Amendment." *Los Angeles Times*, (March 2017): <http://www.latimes.com/nation/la-na-nevada-era-2017-story.html> (accessed May 30, 2018).
- Neuwirth, Jessica and Tormey, Molly. "The Time is Now for the Equal Rights Amendment." *Forbes*, (March 2018): <https://www.forbes.com/sites/break-the-future/2018/03/07/the-time-is-now-for-the-equal-rights-amendment/2/#36eedf536943> (accessed May 30, 2018).
- Sfondeles, Tina "Dawn of an ERA? State House Passes Equal Rights Amendment-95 Years Later." *Chicago Sun Times*, (May 2018): <https://chicago.suntimes.com/working/dawn-of-an-era-state-house-passes-equal-rights-amendment-half-a-century-later/> (accessed May 30, 2018).
- Simon, Rita J., and Danziger, Gloria. *Women's Movements in America: Their Successes, Disappointments, and Aspirations*. New York: Praeger Publishers, 1991.
- Young, Neil J.. "'The ERA is a Moral Issue:' The Mormon Church, LDS Women, and the Defeat of the Equal Rights Amendment." *American Quarterly* 59, no. 3 (Sep, 2007): 623-644. <http://www.jstor.org/stable/40068443>.