MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 1, 1977

This committee met on the above date in the Governor's Reception Room at 9:30 a.m. for a public hearing on SJR 9, a resolution to rescind the E.R.A.. The meeting was called to order by Senator Turnage, Chairman.

ROLL CALL:

All members of the committee were present for this hearing.

WITNESSES PRESENT TO TESTIFY:

Senator Etchart - District 2
Senator Harold Dover - District 24
Mrs. Joan Zormeir - Montana Citizens to Rescind E.R.A.
John Bell - Helena attorney
Darwin L. Stull - Montanans to Rescind E.R.A.
Mary Doubek - Helena, Montana Citizens to Rescind E.R.A.
Mrs. Bill Skinner - Lothair
Mr. Ben G. Evans - Helena, Montana
Robin Hatch - Montana E.R.A. Ratification Council
Earl Rosell - opponent, Billings
Fran Elge - Administrative Law Judge, U.S. Dept. of Interior
Mae Nan Ellingson - attorney
Jim Zion - Helena attorney
Penny Egan - American Association of University Women
James W. Murry - Exec. Secy., Montana State AFL-CIO
Joan A. Duncan - Pres. of Big Sky Chap. of American Women in Radio and Television
Carrie Hahn - Associated Students
Natalie Cannon - Montana Common Cause
Charlotte Posey - Mont.-Wyo. Dir. for Communications Workers of America
Michael Pichette - Montana Democratic Party
Maurice Hickey - Montana Education Assn.
Margaret Hollow - Montana Home Economics Assn.
Mary Hempleman - Pres., League of Women Voters of Montana
Gladys Makala - Montana Democratic Women's Club
Helen Peterson - State Tax Appeal Board member, representing Montana Presswomen
Rev. George Harper - St. Paul's United Methodist Church
Jan Gerke - Montana Women's Political Caucus
Lanny Mayer - Retail Clerks Union

CONSIDERATION OF SENATE JOINT RESOLUTION 9:

Senator Etchart, principle author of SJR 9, said that his interest in this legislation comes from serving as a delegate in the 1972 Constitutional Convention. He said that there are only a few changes that need to be made in the existing law and they can be done at the state level and, further, that we do not have to go to the United States Constitution to obtain them. In regard to the right of Montana to rescind their ratification of the E.R.A. amendment,

Charlotte Posey , Montana-Wyoming Director for Communication Workers of America, was the next opponent to testify. She reaffirmed the position she had taken on February 15, 1975, and offered that along with her attached written statement. (See Exhibit 11)

J. Michael Pichette of the Montana Democratic Party read a prepared statement in opposition to SJR 9. (See Exhibit 12)

Mary Hempleman, President, League of Women Voters of Montana, read a statement in opposition to SJR 9 to the committee. (See Exhibit #13.)

Maurice Hickey of the Montana Education Association spoke briefly as an opponent of this bill stating that they wholeheartedly support the E.R.A..

Margaret Hollow, representing the Montana Home Economics Association, asked that the legislature not rescind the E.R.A. ratification and presented a statement from her organization supporting that position. (See Exhibit 14)

The next opponent was Gladys Makala who spoke on behalf of Rita Lindblom, President of the Montana State Democratic Women's Club,who was not able to attend this hearing. She presented a statement from Ms. Lindblom. (See Exhibit 15) She then spoke for herself and said that she would hang her head in shame for Montana if they rescinded their ratification of the E.R.A.. (See Exhibit 16)

Helen Peterson, member of the State Tax Appeal Board, representing the Montana Press Women, read a statement in opposition to SJR 9 . (See Exhibit 17)

Rev. George Harper, St. Paul's United Methodist Church, Helena, was the next opponent. He read a prepared statement. (See Exhibit 18)

Jan Gerke, representing the Montana Women's Political Caucus, read a short statement to the committee opposing SJR 9. (See Exhibit 19)

Lanny Mayer, representing the Retail Clerks Union, made a short statement to the committee opposing this resolution. (See Exhibit 20)

There being no more time allotted for this hearing, Chairman Turnage allowed Senator Etchart to close on SJR 9. Senator Etchart reiterated his stand that Montana's ratification of the E.R.A. should be rescinded and asked that the committee give SJR 9 a Do Pass.

The Chairman apologized for the time schedule which would not allow any more testimony to be heard, but told those present that they were welcome to present written testimony to the committee.

he said that two states have already rescinded their ratification and that there is no doubt that Montana can do this also. He pleaded with the committee to come out with a Do Pass on SJR 9.

Senator Harold Dover, District 24, read a prepared statement to the committee in support of SJR 9. (See Exhibit #1)

Mrs. Joan Zormeir, Chairman of the Montana Citizens to Rescind E.R.A., read a prepared statement (See Exhibit #2) and introduced the other proponents of SJR 9 who wished to testify.

John Bell, a Helena attorney who has researched the question of whether a state may rescind its prior ratification of an amendment to the United States Constitution, told the committee that he has concluded that a state may do so. (See Exhibit #3)

Mr. D. L. Stull begged the committee to ponder carefully what women would really get if the E.R.A. is ratified. He also said that the bill is so loosely drawn that one can read almost anything into it.

Mary Doubek, prior Chairman for 3 years of the Montana Citizens to Rescind E.R.A., told the committee that now Nebraska and Tennessee have rescinded.

Mrs. Bill Skinner, a divorced mother from Lothair, Montana, read a prepared statement and submitted statistics on custody of children and child support. (See Exhibit #4)

Mr. Ben G. Evans spoke shortly to the committee in behalf of SJR 9, stating that he and his family all felt that the E.R.A. ratification should be rescinded.

Since the time had now elapsed for the testimony of the proponents, the Chairman allowed the opponents to present their witnesses.

Robin Hatch, Chairman of the Montana E.R.A. Ratification Council, acted as speaker for the opponents. This is her 4th session addressing this subject and she said that she feels that the E.R.A. laws are working well because, after two years, there have been no bills introduced to amend them. She submitted written testimony from the following:

AFSME
American Federation of Teachers
Montana Nurses Association
Y.W.C.A.
Montana Public Employees Association
St. Thomas Children Home, Great Falls
National Secretaries Association
Unitarian Universalist Fellowship, Great Falls
Montana Education Association

She also submitted her written testimony. (See Exhibit #5)

Earl Rosell of Billings was the first opponent introduced by Robin Hatch. He told the committee that it was too bad that "they had to spend time thinking about sex" and that he supported the E.R.A. amendment and opposed SJR 9.

Judge Fran Elge, U.S. Dept of Interior Administrative Law Judge,spoke in opposition to SJR 9. She compared the ratification of the E.R.A. to the U. S. Constitution to the ratification of the 14th amendment which allowed women to vote. She said one of the great workers for the 14th amendment was Jeanette Rankin, Congresswoman from Montana in 1917 and 1941. Judge Elge represents the Montana Federation of Business and Professional Women's Clubs. She presented the committee with a few pamphlets and a picture symbolizing the work involved in ratifying the E.R.A.. (See Exhibit 6)

Mae Nan Ellingson, attorney and wife, spoke in opposition to SJR 9, stating that women cannot claim any protection under their husband's Social Security until they have been married 20 years and that very few women realize this. She also told the committee that,prior to E.R.A., women did not have any claim to property in the home.

Jim Zion, a Helena attorney representing the Montana E.R.A. Ratification Council, was the next opponent to speak, saying that equality of the sexes before the law is the basic question, and that he thinks it is appropriate for a federal amendment to protect the rights of both sexes. He further stated that the states do retain their rights to legislate and that the federal amendment would not affect state actions. He then urged that the committee vote SJR 9 Do Not Pass. He presented the committee with a folder containing material he had researched. (See Exhibit 7)

The next opponent to speak was Penny Egan who represented the American Association of University Women. She read a prepared statement. (See Exhibit 7A)

Jim Murry, Executive Secretary of the Montana State AFL-CIO, told the committee that the AFL-CIO, both nationally and statewide, has consistently been at the forefront of social and political battles fought in the name of human rights and dignity. He submitted a prepared statement to the committee. (See Exhibit 8)

Joan A. Duncan, President of the Big Sky Chapter of American Women in Radio and Television, testified that the chapter members still maintain a strong pro E.R.A. stance. (See Exhibit 9)

Natalie Cannon for Montana Common Cause, read the attached statement (Exhibit #10) in opposition to SJR 9.

The next witness, Carrie Hahn, representing the Associated Students, read a statement saying that they opposed SJR 9, but did not leave one for the committee.

The attached written statements were received by the committee.

There being no further business at this time, the committee adjourned at 11:00 a.m..

SENATOR JEAN A. TURNAGE, Chairman

ROLL CALL

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977 Date 2/1/77

NAME	PRESENT	ABSENT	EXCUSED
TURNAGE, Jean, Chairman	✓		
ROBERTS, Joe, Vice-Chairman	✓		
MURRAY, William	✓		
OLSON, Stuart	✓		
LENSINK, Everett	✓		
REGAN, Pat	✓		
TOWE, Tom	✓		
WARDEN, Margaret	✓		

(Ex. #1)

TESTIMONY ON SENATE JOINT RESOLUTION 9

Mr. Chairman, members of the committee. I am Senator Harold Dover, District 24.

We are here today to discuss the ~~meat~~ merits of a proposed constitutional amendment which reads in part as follows:

"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....."

There are many ways we could address ourselves to this proposal. The proponents of this bill encourage its passage because we all want to be able to earn the same pay for the same jobs that others are doing. We all want the same opportunities for education. We all want to be able to get the same credit at the bank.

But we already have laws that should provide all these things. If these laws can't get the job done it is questionable if ERA can do any better.

We have been told we shouldn't waste our time trying to rescind the ratification of the Equal Right Amendment to the Constitution. It's beer decided and we should let things go.

I hope we haven't gone so far that it is a waste of time to try and rescind this suggested amendment.

There is a very insidious monster lurking behind the shadows which we have heard little about and ~~if~~ it is doubtful if we can really know the full implications when and ~~if~~ it is turned loose. The real issue of ERA is equality of the sexes or no difference in the rights

of the sexes.

The here and cry today is,"I have my rights", "give me my rights"! What are your rights? Our laws today pretty well define our rights and privileges giving honor and respect to women, ~~s~~ setting criteria for the home, and defining the responsibility of the husband and men. The ERA amendment says there shall be no differences on account of sex. They all are equal there is no difference.

This throws all traditional domestic relationships into Federal Court where I don't think anyone really knows what will happen. Already without the ERA amendment we have seen many long standing men's clubs forced to include women and womens clubs to take in men. It took the intervention of the president for schools to be able to have father and son and mother and daughter banquets. The question was - what right do they have of having their party without including the other sex. All are equal, all should be included.

There will be endless litigation over just what constitutes "equal rights." This amendments will take away a lot of the protection, and legal rights women are able to enjoy today. It takes away the masculinity of men. It denies the special qualities of women because they are determined equal and nothing shall be denied on account of their particular sex. There are no exceptions spelled out.

The American woman has been the most privileged of all the classes of people who ever lived. She has the most rights and regards and the fewest duties, because we live in a country which respects the family as the basic unit of society. It has based its law and customs on the fact of life that women have babies and men don't, and since women must bear the physical consequences of

the sex act, men must be required to bear other consequences and pay in other ways such as provide physical protection, give financial support to his children and the woman who bears the children.

If some women want to reject marriage and motherhood, it is a free country and if that is their choice why don't they go ahead and do it. They can! Stop trying to deprive the wives and mothers who enjoy their right the right to keep enjoying them.

ERA will legalize homosexuals, lesbian marriages and grant them the same rights and privileges given by law to husbands and wives. Furthermore, they can adopt children for their families. Remember, the law is to be undiscriminating concerning sex. The courts will require the "sexist" language to be deleted from state laws and all such words to be replaced with sex neutral language. Laws outlawing wedlock between members of the same sex would be invalid because "equality of rights under the law shall not be denied or abridged... on account of sex."

To some individuals this may be repulsive and degrading, however, this is not the case with many proponents of ERA. They are already saying these people should have these rights. What we consider rights, has a tendency to become a pattern of life. Is this the value system we want in America? If we lower our statues to this level of life it maybe life in America without regard of our sex. What the courts will sanction under this rule baffles the imagination which is what you will live with in your community, your school, your social life, and you T.V. How will you keep it out of your family life?

This amendment calls for a complete breakdown of the responsibilities men have toward their wives and children today because equality entails equal responsiblity, and women will be stripped of the protection of the law to provide for them as mothers and wives. The sexes are equal and as such must forge for themselves no one having the advantage or disadvantage over the other. What mother can't work? The children can be put in daycare centers and she will be provided babysitting money so she can have the right to work.

This is a little look at the monster ERA will turn loose. The real issue with ERA is NOT equal pay, equal employment, equal education, equal benefits. These are on the law books.

There are statutes that pertain to these matters now and if women are not enjoying the full benefit of their federal and state legislation it is due to a defect in enforcement, rather than a want of fair laws and regulations.

The real issue in ERA is equal rights with no distinction toward the sexes. The legal rights that will be stripped away for men and women because of no distinction between the sexes. ERA can nullify every existing federal and state law making any distinction whatever between men and women, and ~~without~~ you b congress and the legislatures of the 50 states of the legislative power to enact any future laws making any distinction between men and women.

American has shown a high regard for women and their special quality and it should be our goal to help them develop their unique God given talents, gifts, and abilities so they can know complete womanhood. Men have their special qualities and masculinity and this needs to be given the opportunity to function properly in our society and together the men and women will compliment and supplement

the strengths and weaknesses of each other. They are not the same.

We must address ourselves to the question,

What rights do you really want to claim?

No distinction between male and female through ratification of ERA or a recognition of the God given differences in men and women with the responsibilities one has toward the other by supporting Senate Joint Resolution 9?

To: Senate Judiciary Committee-Senator Jean Turnage, Chairman.

Testimony of Mrs. Joan Zormeir, Chairman, Montana Citizens to Rescind ERA, and as an individual. Re: Senate Joint Resolution 9. February 1, 1977

It is extremely important for State Legislators to know that the U.S. House Judiciary Committee which voted out ERA did not approve it in its present form. The Committee approved ERA only with the attachment of the Wiggins Modification:

> "This article shall not impair the validity of any law of the United States which exempts a person from compulsory military service or any other law of the United States or of any State which reasonably promotes the health and safety of the people."

It was after the ERA, with the Higgins Modification reached the full House of Representatives, that the Congressmen who had not heard the pro and con testimony, caved in to the women's liberation lobbyists and struck out the Wiggins Modification. Official House Judicary Report No. 92-359 stated in part:

> "...not only would women, including mothers, be subject to the draft but the military would be compelled to place them in combat units alongside of men. The same rigid interpretation could also require that work protective laws reasonably designed to protect the health and safety of women be invalidated; it could prohibit governmental financial assistance to such beneficial activities as summer camp programs in which boys are treated differently than girls; in some cases it could relieve the fathers of the primary responsibility for the support of even infant children, as well as the support of the mothers of such children and cast doubt on the validity of the millions of support decrees presently in existence."

If anything is certain under ERA, it is the uncertainty about the impact it can have on our lives in the future. The leading ERA sponsor inthe U.S. Senate was Senator Birch Bayh. He stated in a television debate that "If there is a draft, it is fair to say that women who meet whatever physical and mental standard we set will be subject to it." A speaker at the Illinois hearing a few years ago said "I consider myself a salesperson for the Selective Service Board--I think women should be drafted." This speaker favored ERA. Even now, women in the Army are treated differently than men (See Read magazine, published by Zerox Corporation, Vo. XXVI/No. 5/Nov. 3, 1976).

How will Social Security be handled under ERA? Presently, women can receive homemaker benefits, even though they have not held a paid job, or have held one for only a short time. Under ERA, this "inequality" would never do. "Equality" could be achieved in one of 3 ways: 1. Elimination of the women's homemaker benefits,

since there are no similar benefits for men who are "homemakers"; 2. requiring the payment of double social security taxes, first on the husbands wages, and second on his homemaker-wife even though she isn't drawing any wages; which would mean paying up to $950 each year in additional Social Security taxes to get the same benefits homemakers receive right now; 3. Congress can vote additional taxes on everyone in order to pay equal "homemaker" Social Security benefits to husbands. Social Security is running out of money at the present time, so any increased benefits would increase taxes.

What about homosexuality? The proponents blithely assure us that under ERA, it would only mean that "if a man can't marry a man, a woman can't marry a woman". Yale Professors Samuel T. Perkins and Arthur J. Silverstein published a scholarly study, "The Legality of HomosexualMarriage", in the Yale Law Journal of January, 1973. It clearly states that ERA will authorize homosexual "marriages" because of ERA's"stringent requirements" and because under ERA "sex is to be an impermissible legal classification." They concluded that "A statute or administrative policy which permits a man to marry a woman, subject to certain regulatory restrictions, but categorically denies him the right to marry another man clearly entails a classification along sexual lines." Now we all know that any classification "on account of sex" would be prohibited under ERA.

What about the rest room issue, which the proponents scoff at as being just an "emotional" ploy to defeat ERA? They say the Constitutional right to privacy would prohibit this. But the fact is that there is no Constitutional right to privacy. In the Griswold v. Connecticut case, U.S. Justice Stewart stated in Supreme Court Reporter, vol. 85, p. 1683, "I can find No....general right of privacy in the bill of rights, or in any other part of the constitution, or in any other case ever decided before this court." Justice Hugo Black stated: "...I like my privacy as well as the next one, but I am nevertheless compelled to admit that government has the right to invade it unless prohibited by some SPECIFIC constitutional provisions." The phrase "right to privacy" has been coined from an article entitled "The Right of Privacy" which appeared in 4 Harvard Law Review 193 in 1890 in disucssing grounds for Tort Relief. It is not guaranteed

Because of all the arguments made for and against ERA in Virginia, the Legislature authorized a study over a period of months by a committee composed of some of the most prominent lawyers in Virginia. Most of them favored ERA when the study began. However, this 97-page Task Force Report of the Joint Privileges and Elections Committee proves that there is nothing whatever ERA will do to benefit women in Virginia, and that there are no Virginia laws which adversely discriminate against women that ERA will remedy. In the area of domestic relations, the Task Force Report concludes that ERA would require amendments to Virginia law which "would impose further obligations on women, rather than accord them further rights." Last week, Virginia <u>again</u> rejected ERA.

States are now free to change labor laws as they see fit, but under ERA they would have to be equalized. This can be done either by removing all protective labor legislation for/women, or giving men all the same protection women have. Either way, either women suffer, or men do. The 180,000member Women of Industry group opposes ERA, and is fearful of the removal of all the protective legislation they need. They wish to retain provisions, for example, that a chair or bench be provided for women to have on their rest break when their job requires long hours of standing.

It is my firm belief that a competent, impartial study of the impact ERA would have upon Montana laws has never been undertaken. I respectfully request that such a study be done before anything like ERA is rammed down our throats. One of the chief proponents of ERA is the NOW organization. By reading their 1973 handbook, one can learn that they promote: 1. Lobbying for the Equal Rights Amendment, 2. Government-funded free child-care centers for all children. 3. Pro-lesbian legislation. 4. Free abortion, sterilization and contraception. 5. Elimination of laws and programs which preference to veterans. 6. Eliminating tax-exemption for churches and challenging church policies. 7. Removing school textbooks which portray the "stereotype" of women in the home. 8. Requiring schools to provide contraceptive and abortion counseling and women's lib programs. 9. Eliminating women's exemption

the expense of "parent leave" for both parents instead of just maternity leave.

Does the National Organization of Women speak for you?

MEMORANDUM

QUESTION PRESENTED: WHETHER A STATE MAY RESCIND ITS PRIOR RATIFICATION OF AN AMENDMENT TO THE UNITED STATES CONSTITUTION?

CONCLUSION: A STATE MAY, BY LEGISLATIVE ACTION, RESCIND ITS PRIOR RATIFICATION OF AN AMENDMENT TO THE UNITED STATES CONSTITUTION ONLY PRIOR TO RATIFICATION BY THE REQUIRED THREE-FOURTHS OF THE STATES.

This memorandum will treat only the question above-presented. It is not intended to represent discussion of the relative merits of the amendment in question.

THE AMENDMENT PROCEDURE

The process for amending the United States Constitution is contained in Article V of the United States Constitution, which states:

> "The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate." (Emphasis supplied to reflect the actual procedure being used in the immediate case.)

The amendment or ratification procedure which is being employed in the immediate case simply stated, is that two-thirds of both houses of congress have passed a proposed amendment which now necessitates the ratification by three-fourths of the state legislatures if that proposed amendment is to become a part of the Constitution for all intents and purposes. It is particularly interesting to note that the total ratification procedure is, by its very nature, reserved to the legislative branch. (See attached hereto, underlined portions of Exhibit A.)

When three-fourths of the states are on record for ratification, the Administrator of General Services Administration proclaims the amendment as part of the Constitution. The critical fact in determining when a proposed amendment becomes a part of the Constitution is not the

proclamation by the Administrator because that is merely a clerical function but rather, "when ratified by the legislatures of three-fourths of the several states." U.S. Const., Art. V. It is important to distinguish between and note that Article V does not mean when the amendment has been ratified by three-fourths of the states. To the contrary, it means when there are three-fourths currently on record as ratifying the proposed amendment. With respect to the first position which in effect suggests that a state is precluded from reconsidering a prior ratification, Charles L. Black, Jr., Luce Professor of Jurisprudence at the Yale Law School, urges:

> "I am strongly of the opinion that any state may validly rescind its ratification of any amendment, prior to the ratification of the requisite three-fourths."
>
> "The opposite opinion seems to me to lead to an absurdity. It would be possible, for example, for thirty-seven states to ratify, but for twenty-six of them, say, to decide (perhaps because of some changed condition) to rescind. If those who think rescission or withdrawal is impossible are right, then, if one more state ratified, the rest would be stuck with the amendment, though an actual majority of the states were on record against it as of the time of its going into effect. All kinds of arithmetic variations of this nightmare would be possible, if rescission or withdrawal is ineffective. Theoretically, as you can easily see, it would be possible for an amendment to go into effect which only one state-- the last to ratify-- wanted, all the others having tried vainly to rescind." (The quote is extracted from a letter which is attached hereto as Exhibit B.)

RECONSIDERATION OF PRIOR ACTION

In Coleman v. Miller, 307 U.S. 433 (1939), the United States Supreme Court decided that a state legislature could reconsider and reverse itself after it had previously acted on ratification of a constitutional amendment. Specifically, the Court decided that the Kansas Legislature could reverse itself in 1937 and ratify the Child Labor Amendment after it had previously rejected this amendment in 1925.

The Supreme Court further held that the validity of a reconsideration of prior action is entirely a political question, which is for Congress, and not for the courts, to decide. After reviewing the history

where the question arose it was decided by Congress, the Court, at page 450, declared:

> "We think that in accordance with this historic precedent the question of the efficacy of ratifications by state legislatures, in the light of previous rejection or attempted withdrawal, should be regarded as a political question pertaining to the political departments, with the ultimate authority in the Congress in the exercise of its control over the promulgation of the adoption of the amendment."

The constitutional basis for this political question doctrine is founded in the separation of powers doctrine. The Court has not since strayed from its position on political questions are articulated in the Coleman case. For example, in Baker v. Carr, 369 U.S. 186 (1962) the Court reiterated the duty of each branch of government to preserve the constitutional rights and powers of that branch and the separation of powers.

Therefore, on the basis of Coleman and subsequent Court treatments of political questions, the validity of reconsiderations of prior actions by state legislatures would be within the discretion of Congress to decide. The decision of Congress would probably not be subject to judicial review. Nor would Congress be bound by the decisions of previous Congresses on the question. However, an analysis of previous treatment of this question by Congress is of interest.

The history of the adoption of the 15th Amendment indicates that the action of Congress with respect to the 14th Amendment was not regarded as an unequivocal decision on the question. Ohio ratified the 15th Amendment after first rejecting it, and New York withdrew its ratification. Although the question was debated in Congress, no mention was made of Congress' action in adopting the 14th Amendment. See, Cong. Globe, 41st Cong., 2d Sess. 1477, 1479. Although a resolution similar to the one which was passed regarding the 14th Amendment was introduced in the Senate, it never reached a vote. The Secretary of State (now assigned to the Administrator of GSA) proclaimed the adoption of the

had ratified it. The proclamation listed both as having ratified, although it noted New York's resolution to withdraw. See Cong. Globe, 41st Cong. 2d Sess. 2290 (1870).

At the time the 15th Amendment was under consideration, a bill was introduced which would have declared any attempt at revocation of a state's ratification null and void. The bill passed the House, but died in the Senate after being reported unfavorable by the Judiciary Committee Cong. Globe, 41st Cong.,2d Sess. 5356 (1970); Cong. Globe, 41st Cong., 3d Sess. 1381 (1871). A similar joint resolution had earlier died in the Senate. Id. at 3971.

Attached hereto as Exhibit C is a copy of a letter depicting the status of a senate bill to permit reconsideration of prior legislative action.

OTHER CONSIDERATIONS

It is no doubt correct that the matter is a political question which is reserved for Congressional deliberation. However, because the Court in Dillon v. Glass, 256 U.S. 368 (1921) noted that it is a policy of Article V that ratification should "reflect the will of the people in all sections at relatively the same period", Congress in deciding whether an amendment has been adopted should take into account public sentiment as indicated by the considerations and reconsiderations of the state legislatures.

A final note is that there may in the long run be a question of whether the people in the various states were afforded their rights to be heard and to be a real part of the amendment process. And, whether the amendment process proceeded as intended by the Constitutional framers It is possible that the Courts may become involved with these questions.

Also attached hereto are Exhibits D and E.

John Ball
Helena

Exhibit A

FRANK I. HASWELL
ASSOCIATE JUSTICE

State of Montana
Supreme Court
HELENA

October 16, 1974

Mrs. C. L. Zormeir
316 W. Montana Street
Lewistown, Montana 59457

Dear Mrs. Zormeir:

Your inquiry of October 13th with reference to the Equal Rights Amendment reached me today.

In the past couple of weeks I have been interviewed some 25 or 30 times in various parts of Montana concerning a variety of subjects. I do not recall precisely what I said over the Lewistown radio station in connection with the Equal Rights Amendment or just how the subject came up.

I was probably explaining the recent decision of the Montana Supreme Court on the Equal Rights Amendment. Although I did not sit on that case or participate in any way in the decision I probably was explaining the basis for the decision in layman's language.

The substance of the decision was that insofar as amendments to the United States Constitution are concerned, such as the Equal Rights Amendment, Federal law and not state law is controlling; that under Federal law the power to approve or reject proposed constitutional amendments rests with the state legislatures of the various states and not directly with the people; and accordingly that any effort to rescind the prior approval of the Montana Legislature would have to be by legislative action and not by a direct vote of the people.

For your further information I am sending you a copy of the decision of the Montana Supreme Court on the Equal Rights Amendment.

Very truly yours,

Frank I. Haswell

Frank I. Haswell
Justice

FIH:cm

Exhibit B

YALE LAW SCHOOL
NEW HAVEN, CONNECTICUT 06520

September 13, 1974

Mrs. George Bowlin
1029 Burr St.
St. Paul, Minnesota 55101

Dear Mrs. Bowlin:

I have your letter of 7 September.

Though, on balance, I favor the adoption of the Equal Rights Amendment, I am strongly of the opinion that any State may validly rescind its ratification of any amendment, prior to the ratification of the requisite three-fourths.

The opposite opinion seems to me to lead to an absurdity. It would be possible, for example, for thirty-seven States to ratify, but for twenty-six of them, say, to decide (perhaps because of some changed condition) to rescind. If those who think rescission or withdrawal is impossible are right, then, if one more state ratified, the rest would be stuck with the Amendment, though an actual majority of the States were on record against it as of the time of its going into effect. All kinds of arithmetic variations of this nightmare would be possible, if rescission or withdrawal is ineffective. Theoretically, as you can easily see, it would be possible for an amendment to go into effect which only one State--the last to ratify--wanted, all the others having tried vainly to rescind. It would be easy, if the anti-rescission people are right, to get an amendment not wanted by one half the States.

These people want to make a sort of one-way lobster-trap out of a serious constitutional process, or a silly game of tag.

The Fourteenth Amendment "precedent" is special, very narrow, and in any case not binding.

You may use this letter in any way you like.

Sincerely,

Charles L. Black, Jr.
Luce Professor of Jurisprudence

CLB/cv

Exhibit C

United States Senate

COMMITTEE ON
GOVERNMENT OPERATIONS
WASHINGTON, D.C. 20510

February 7, 1974

FEB 7 1974

Mrs. Phyllis Schlafly
P. O. Box 619
Alton, Illinois 62002

Dear Mrs. Schlafly:

Thank you very much for your recent letter. I am well aware of your efforts against ratification of the Equal Rights Amendment in the states and I am very grateful for your support in this important matter.

In response to your request, I am sending you a copy of S. 1272, my Constitutional Convention bill, which contains a provision to allow states to rescind prior ratification of a constitutional amendment before it has been ratified by the required number of states. I am also sending you a copy of my remarks when introducing the bill in the Senate. As you probably know, the bill has already passed the Senate in July and is now pending before the House Judiciary Committee. A copy of the Senate report is enclosed for your information.

As to the effect this bill would have on the ERA, should the bill become law before the ERA is ratified, it would be a matter for the courts to decide whether or not it would be applicable to the ERA.

You asked my opinion as to the legality of rescinding. To my mind there is no question that states have the right to rescind a prior ratification of a constitutional amendment until the time it has been ratified by the required number of states.

Please keep up the good work!

With kindest regards.

Sincerely yours,

Sam J. Ervin, Jr.

Sam J. Ervin, Jr.

SJE:jgh
Enclosures

Exhibit D

PHILIP B. KURLAND
600 WEST HARPER TOWER
THE UNIVERSITY OF CHICAGO
CHICAGO, ILLINOIS 60637
(312) 753-2444

8 February 1974

Dear Mrs. Daniel:

You are right in saying that there is no judicial authority on the question whether ratification of an amendment by a state legislature might be rescinded. It is my opinion, however, that it can be rescinded. The notion of requiring the plurality of state legislatures is to assure that so fundamental a change as a constitutional amendment represents a clear consensus of the American people. When a legislature, the people's representatives, no longer supports the proposed amendment, obviously that part of the consensus in support of the change is no longer present.

While I offer this opinion with certainty as to its propriety, I can make no assurances that this result will be accepted by the courts or even that the courts will undertake to resolve the question.

Sincerely yours,

Philip B. Kurland

Mrs. Rad H. Daniel
30 Pinehurst
Memphis, Tennessee 38117

PBK/s

Exhibit E
page 1

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
BOISE 83720

WAYNE L. KIDWELL
ATTORNEY GENERAL

January 27, 1975

Representative C.L. "Butch" Otter
Representative Ralph J. Gines
House of Representatives
State of Idaho
Building Mail

Gentlemen:

You have inquired whether the Idaho Legislature has legal authority to repeal or rescind its 1972 ratification of the proposed Equal Rights Amendment to the United States Constitution. As you are aware, on Official Opinion of this office was issued on January 24, 1973 (No. 73-116), in which it was determined that the Idaho Legislature is without jurisdiction to retract its prior ratification of said amendment. We believe that the former opinion went further in interpreting the law than legal authority would permit.

The Idaho Legislature has the power to rescind its prior ratification of the E.R.A., although the right to rescind will ultimately be judged by the United States Congress in the exercise of its control over the promulgation of the adoption of the amendment. If the Congress does not recognize a possible rescission by the Idaho Legislature, this office if requested, will challenge such congressional action in the courts, although the judiciary may decline to review the question on the basis that it is essentially political

Exhibit E
page 2

We have furnished this letter for your operating legal guidelines. Should you have further questions please contact either myself or Mr. Barchas.

Very truly yours,

WAYNE L. KIDWELL
Attorney General

Analysis by:
Rudy Barchas
Deputy Attorney General

WLK:lm

by Mrs. Bill Skinner, Lathair

The Effects of an ERA Upon the Divorced Woman (674)

Even without the ERA, the divorced woman does not have the extensive rights which our laws accord to a wife. But the divorced woman does enjoy certain important rights which she will lose if the amendment is ratified.

1. The first important right now enjoyed by a divorced woman is the right to have the court compel her ex-husband to support her minor children. Either by statue or by common law, or by case law, the father has always had the moral and legal obligation to support his minor children, regardless of whether the marriage has broken up or whether they live with him or not. Child support is enforceable by the courts.

> The ERA, if ratified, would invalidate any law or court order WHICH IMPOSES THE obligation of child support on the father because he is the father. Providing for family and ~~progenity~~ has always been the honor, authority, and priviledge of the man.

2. The second important right of divorced women is alimony, when ordered by court. Alimony is certainly not a right of all divorced; it depends on the circumstances. The majority of states give alimony to wives only. Such preferential benefit to women could never be tolerated under ERA.

3. Of all classes of women, ERA is apt to hurt the Senior woman the most. Consider the cases of a wife in her 50's whose husband decides he wants to divorce her and marry a younger woman. This has become easier and more frequent, especially with not fault divorces in many states.

> The ERA, if ratified, will wipe out the state laws requiring a husband to support his wife. The cast off wife will have to hunt for a job to support herself. No matter that she has made being a wife and mother her full time career for 20 to 30 years and that she, in her 50's is unprepared to enter the competitive job market. Descrimination against age deals her a double blow.

So, the most tragic effect of ERA can fall upon the woman who has been a good wife for 20 to 30 years and who can now be turned out to pastur with impuntiy. This is what equality means.

I respectfully ask your support to defeat ERA.

Custody of Children

In a divorce case in Washington, D. C., on February 24, 1973, Superior Court Judge George W. Draper awarded awarded the husband custody of his three children and ordered the the children's mother to pay child support. He based his ruling on a little noticed change in the District of Columbia code (three years before) which mandates equality, plus what he called "the improved economic position of women generally in our society." In this case, both parents had government jobs earning about $17,000 per year.

So now the divorced woman has her job, but she has lost her three children, ages 9,7,and 5. Any way the courts slice it, "equality" means a reduction of rights which women formerly possessed.

Child Support

Pennsylvania has a state ERA. On March 26, 1974, the Pennsylvania Supreme Court handed down a decision in the case of Conway v. Dana which invalidated anypresumption that the father, just because he is a man, has the liability for the support of his minor children. The Supreme Court listed all the previous Pennsylvania cases holding that "The primary duty of support for a minor child rests with the father." Then, the court stated that these cases "may no longer be followed" because "such a presumption is clearly a vestige of the past and incompatible with the present recognition of equality of the sexes." From now on, the court said, the support of children will be "the equal responsibility of both father and mother." Thus, "equality of the sexes" emphatically means that the mother must share equally in the liability to proveid the financial support of her children. They call this "equall rights" -- but for the divorced woman, ERA is truly "Extra Responsibilities Amendment."

If ERA is ratified as part of the U.S. Constitution, will its effect on the obligation of fathers to support their children be retroactive? No one knows the answer to that queation for sure. But we do know that the U.S. House Judiciary Committee, in its majority report No. 92-359, stated: In some cases it would relieve the father of the primary responsibility for the support of even infant children, as well as the support of the mothers of such children and cast doubt on the validity o f the millions of support decreds presently in existence."

Alimony

What will happen generally to alimony under ERA is what already has happened in Georgia, where on January 24, 1974 a court declared that all alimony payments are unconstitutional in Georgia. In the case of *Murphy v. Murphy*, the court held that alimony is unconstitutional because it discriminates against husbands.

Georgia does not have a state ERA -- the court merely got carried away with the new equality craze and held that alimony violates the Due Process and Equal Protection Clauses of the 5th and 14th Amendments. In a hundred years of prior litigation, no court had ever previously found that alimony was forbidden by the 5th and 14th Amendments.

That Georgia judge may be reversed on appeal; but his decision stands as a significant case of how judges often go far beyond what the law intends. This is the same kind of extrapolation of the law which the U.S. Supreme Court has been doing for the last 20 years. If the courts ever have ERA as a springboard, they may go as far afield as they have already gone with the busing and prayer decisions. Even without the Equal Rights Amendment, the courts are already ordering women admitted to men's saloons and girls admitted to Little League baseball.

The ERA proponents have been solemnly assuring us that, when confronted with a law which confers a benefit on women, the courts will extend that benefit to men rather than invalidating the benefit for women. The Georgia case proves again that this prediction is completely untrue. The Georgia court did *not* extend alimony to men -- it simply wiped it out for women.

The respected legal publication, *United States Law Week*, commented on this decision by saying: "Women's quest for equality proves to be a boon to 'liberated' husbands."

Support of Husband?

But *not* getting her children, and *not* getting child support, and *not* getting alimony is not the end of the harm which ERA will do to the divorced woman. The effect may be worse still when a mean husband goes to court to win his full equal rights under ERA. How this can happen is illustrated by a current case now in litigation in the St. Louis, Missouri Circuit Court: *Oakley v. Oakley*. Missouri does not have a state ERA, but its new no-fault divorce law [illegible] age-old requirement that the husband is always responsible to provide support for his ex-wife.

William Oakley is a male student in a freshman class at the St. Louis Municipal School of Nursing. He is suing his ex-wife for $100 a month support money for his remaining three years in nursing school, plus two years of studying the specialty he hopes to pursue, anesthesiology. He is also seeking custody of their two-year-old daughter, and an additional $100 per month in child support. Oakley's ex-wife earns about $375 per month as a clerk-typist.

It is anybody's guess who will win this case. The drafters of the new Missouri state law are expecting more and more men to start taking advantage of their new equal rights. The Oakley case is merely the first

[illegible] Women

In 1973, the Virginia Legislature appointed a Task Force to study the effect which the Equal Rights Amendment would have on Virginia Law. The 97-page report was published on January 15, 1974. This report shows the adverse effect ERA would have on senior women. Present Virginia law requires children 17 or over to support their father if he is in need and is incapacitated, but requires them to support their mother if she is in need, no matter what her age or capabilities. The Virginia Task Force Report clearly states that this statute "accords unequal rights" and "hence it would not [illegible] the Equal Rights Amendment."

Thus, if ERA is ratified, the aged and faithful mother, who has made her family her lifetime career, would have no legal right to be supported, but would be faced with having to take any job she could get if her husband and children did not voluntarily choose to support her.

WOMEN OF INDUSTRY, INC.

God, Home and Country

A Non-Profit Organization

Founder:
Naomi McDaniel
225 Slayton Street
New Carlisle, Ohio

February 15, 1974

Dear Legislator:

May I point out to you what is behind the much-heralded reversal and recent endorsement of the Equal Rights Amendment by the National AFL-CIO Convention. This resolution was introduced by the Newspaper Guild, seconded by the Teachers Union -- and passed with no debate.

Women who work at desks or blackboards, where the heaviest loads they lift may be a pile of papers or a few books, are not representative of factory production workers who need protection of present laws, such as those limiting loads women must lift. The uninformed but noisy minority of ERA proponents - smooth-talking college women who have never even seen a factory production line -- parrot the claim that some women can lift up to 75 lbs., and should have the "opportunity" to work alongside men.

In their eagerness to, perhaps, get their boss' job as office manager, they are most generous in giving away those precious distinctions so badly needed by their harder-working sisters on the assembly line. While they point out that mothers easily lift 50 lb. children, they do not realize or do not care that this is not like consistently lifting 50 lbs. on an assembly line all day long. We Women in Industry know better than anyone else that we are simply not physically equal to men, but ERA permits no distinction.

Due to the incessant agitation of a few women "libbers", some States like Ohio have already rescinded much protective legislation for women, yet other States still have not -- nor should they. But if the National ERA is ratified, every bit of protection for women workers will be abolished everywhere.

Colorado previously passed a State ERA, and on June 8, 1973, the Colorado court held in Colorado vs. Elliott that under Colorado's ERA, fathers no longer need support their families. So in addition to swelling tax-supported welfare, a National ERA would force more women into factory production jobs with no statutory workload limitations whatsoever.

For these reasons, and others too numerous to mention here, Women in Industry strongly opposes ERA.

Yours very truly,

(Mrs.) Naomi McDaniel
National President

The above is the text of a letter sent by Women of Industry to the Legislators in many States.

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Pennsylvania Child Support Case: *Conway v. Dana*

The sole issue presented by this appeal is whether the lower court abused its discretion in denying appellant's petition for reduction of an order of support awarded for the benefit of his two minor children.

Appellant, Warren B. Dana, filed a petition for reduction of a support order requiring him to pay $250 per month for support of his two daughters as well as an additional $50 per month toward orthodontist fees. The court below denied the petition and a timely appeal was taken to the Pennsylvania Superior Court. This appeal was discontinued and a second hearing was held below upon the petition for reduction. The court again refused to grant the petition and an appeal was taken to the Superior Court which affirmed the action of the court below in a per curiam opinion. Conway v. Dana, 221 Pa. Superior Ct. 827, -- A.2d -- (1972). We granted allocatur.

The appellant has predicated his request for a reduction upon the following material change of circumstances: A marked decrease in his income from approximately $14,400 per year to $10,600 per year, reducing his take-home pay to $625 per month. In addition, since the entry of the support order, the appellee, his former wife, has secured employment and receives a net salary of $700 per month.

A father has the responsibility to support his children (Hecht v. Hecht, 189 Pa. Superior Ct. 276, 150 A.2d 139 (1959)) to the best of his ability: Commonwealth v. Cleary, 85 Pa. Superior Ct. 592 (1929). His capacity to support is determined by the extent of his property, his income, his earning ability and the station in life of the parties: See Commonwealth ex rel. O'Hey v. McCurdy, 199 Pa. Superior Ct. 115, 184 A.2d 291 (1962); Commonwealth ex rel. Weisberg v. Weisberg, 193 Pa. Superior Ct. 204, 164 A.2d 54 (1960); Hecht v. Hecht, supra; Commonwealth ex rel. Thompson v. Thompson, 171 Pa. Superior Ct. 49, 90 A.2d 360 (1952); Commonwealth ex rel. Goldenberg v. Goldenberg, 159 Pa. Superior Ct. 140, 47 A.2d 532 (1946); Commonwealth ex rel. Firestone v. Firestone, 158 Pa. Superior Ct. 579, 45 A.2d 923 (1946); and Commonwealth ex rel. Bowie v. Bowie, 89 Pa. Superior Ct. 288, -- Atl. -- (1926).

We recognize the obligation of the father to make personal sacrifices to furnish the children with the basic needs, however, the order should not be unfair or confiscatory. The purpose of a support order is the welfare of the children and not the punishment of the father: Commonwealth ex rel. Shumelman v. Shumelman, 209 Pa. Superior Ct. 87, 89, 223 A.2d 897, --(1966). See also Commonwealth ex rel. Arena v. Arena, 205 Pa. Superior Ct. 76, 207 A.2d 925 (1965); Commonwealth v. Camp, 201 Pa. Superior Ct. 484, 193 A.2d 685 (1963).

A review of the record impressed upon us that the burden of support became more onerous as a result of the reduction in the income of appellant. However, we do not find that this particular change of circumstances standing alone, created a situation so oppressive and unfair that a denial of the requested relief would warrant a finding of an abuse of discretion.

Appellant suggests that under our present law due regard is not given to the personal estate of the mother. He argues that the Equal Rights Amendment to the Pennsylvania Constitution mandates that we discard any presumption with respect to liability for support predicated solely upon the sex of one parent. It has been held that the *primary* duty of support for a minor child rests with the father (Commonwealth ex rel. Bortz v. Norris, 184 Pa. Superior Ct. 594, 135 A.2d 771 (1957); Commonwealth ex rel. Kreiner v. Scheidt, 183 Pa. Superior Ct. 277, 131 A.2d 147 (1957); Commonwealth ex rel. Silverman v. Silverman, 180 Pa. Superior Ct. 94, 117 A.2d 801 (1955)), and also that the income or financial resources of the mother are to be treated only as an attending circumstance. Commonwealth ex rel. Yeats v. Yeats, 168 Pa. Superior Ct. 550, 79 A.2d 793 (1951); Commonwealth ex rel. Barnes v. Barnes, 151 Pa. Superior Ct. 202, 30 A.2d 437 (1943); Commonwealth ex rel. Firestone v. Firestone, supra.

We hold that insofar as these decisions suggest a presumption that the father, solely because of his sex and without regard to the actual circumstances of the parties, must accept the principal burden of financial support of minor children, they may no longer be followed. Such a presumption is clearly a vestige of the past and incompatible with the present recognition of equality of the sexes. The law must not be reluctant to remain abreast with the developments of society and should unhesitatingly disregard former doctrines that embody concepts that have since been discredited.

In the matter of child support, we have always expressed as the primary purpose the best interest and welfare of the child. This purpose is not fostered by indulging in a fiction that the father is necessarily the best provider and that the mother is incapable, because of her sex, of offering a contribution to the fulfillment of this aspect of the parental obligation. The United States Supreme Court in rejecting an Illinois statute that presumed unmarried fathers to be unsuitable and neglectful parents observed:

"Procedure by presumption is always cheaper and easier than individualized determination. But when, as here, the procedure forecloses the determinative issues of competence and care, when it explicitly disdains present realities in deference to past formalities, it needlessly risks running roughshod over the important interests of both parent and child. It therefore cannot stand": Stanley v. Illinois, 405 U.S. 645, 656-57 (1972).

We can best provide for the support of minors by avoiding artificial division of the panoply of parental responsibilities and looking to the capacity of the parties involved. Support, as every other duty encompassed in the role of parenthood, is the equal responsibility of both mother and father. Both must be required to discharge the obligation in accordance with their capacity and ability. Thus, when we consider the order to be assessed against the father, we must not only consider his property, income and earning capacity but also what, if any, contribution the mother is in a position to provide.

While we were impressed from the record with the careful and considerate treatment the parties received in the hearing court, we realize that the court was then proceeding under the former decisions of this jurisdiction. There is serious question what, if any, effect the fact of the mother's income had upon the decision. Combining the decrease in the father's income along with the additional income resulting from the mother's recently acquired employment provides a sufficient change in circumstances to warrant a modification of the original order.

The order of the court below is vacated and the matter is remanded for further proceedings consistent herewith.

(Exhibit #5)

MONTANA ERA RATIFICATION COUNCIL

P. O. Box 297
Helena, MT 59601

February 1, 1977

Montana Organizations Supporting ERA

- [illegible] Division
- [illegible] Television,
- [illegible] Rights
- [illegible] America
- [illegible] Concerns
- [illegible] Club
- [illegible] Voters
- [illegible] Association
- [illegible] Women
- [illegible] Women's Club
- [illegible] Association,
- [illegible] Association,
- [illegible] Association

Mr. Chairman, members of the Senate judiciary committee:

My name is Robin Hatch. I am chairman of the Montana ERA Ratification Council - a coalition of thousands of dedicated individuals and over 40 citizens' groups who actively support ratification of the ERA.

To say the least, I am puzzled by those Montanans who fear ratification of the federal ERA. The equal rights provisions of our own state constitution have brought many benefits to the citizens of Montana. The passage of our state ERA 4 years ago did not result in legal chaos. Rather, it resulted in the orderly and efficient review of all our state laws. A legislative committee was formed and they met for 8 months, holding public hearings, throughly reseraching our laws to identify sexual discrimination, and carefully writing comprehensive bills in such areas as marriage and divorce, residence and domicile, parentage and criminal justice. These bills were so well-prepared that few people could criticize them. They were introduced into the 1975 Montana legislature and were passed overwhelmingly by both the House and the Senate.

Passage of the equal rights bills into law

did not result in the break-up of our families, or in the decay of our society. Rather it has strengthened our families and renewed our belief in one of the basic principles of our democracy - that all citizens are equal under the law.

Just one example of the excellent quality of these new laws was SB4 which dealt with the mutual obligation of both parents to provide family support. With its passage, Montana became the first state in the nation to legally recognize the economic role of the housewife who contributes to the family support through the work which she performs in the home.

Our state ERA laws are working well. After two years of being in effect, not one amendment has been introduced to change them.

The federal ERA will do for our entire country what our state ERA has already done, so well, for Montana. It would require the careful review of all laws by Congress and by each state in order to identify and amend those statutes which discriminate on the basis of sex. If a law restricts rights, it will no longer be valid. If it protects rights, it will probably be extended to men.

My daughter was a small baby when our state ERA was passed. By the time she was two, nearly 200 Montana statutes had been struck down or amended because they discriminated on the basis of sex. Who knows how long it would have taken for her to receive such equal protection under our state laws, if it had not been for our state ERA. Who can guess how long it will still take for her to receive equal protection under our federal laws - or in other states if she should ever move unless the federal ERA is ratified.

I strongly urge you to oppose this effort to rescind

NEA. Thank you.

[illegible]

[illegible]

Dear Senator [illegible]

We Sisters in St. Thomas More parish wish to support ERA and we firmly oppose its being rescinded.

Thank you for having voted right in the past , also!

Gratefully,

Sister Jane Sullivan

Sister Marcia Lindal

Sister Mary Kay [illegible]

Sister Angela [illegible]

Sister [illegible]

Montana Nurse's Association

1716 NINTH AVENUE · HELENA, MONTANA 59601
(406) 442-6710

January 28, 1977

To: Chairman and members of the Senate Judiciary Committee

Elaine Rung, Secretary

From: Zella Jacobson, Montana Nurses' Association President and Sharon Dieziger, MNA, Legislative Committee Chairperson

RE: Senate Joint Resolution No. 9

It is inconceivable and distressing to think there are those still seeking to rescind the carefully weighed action of the 1974 Legislature regarding the Equal Rights Ammendment to the United States Constitution.

The Montana Nurse's Association wishes to take this opportunity to reaffirm our continued support for Equal Rights.

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

It would be redundant to rehash the merits and wisdom of this legislation. Montana can be proud of the action they have taken. Let us not go backward.

We would ask your support in killing Senate Joint Resolution No. 9. Let's continue a forward movement for equality.

Thank you for your consideration of our views.

Sincerely,

Zella Jacobson
MNA President

Sharon Dieziger
Legislative Committee
Chairperson

ZJ:SD:b

Montana Education Association

John C. Board, President
1500 17th Street South
Great Falls, Montana 59405

January 26, 1977

The Honorable
Senator Jean A. Turnage, Chairperson
Montana Senate Judiciary Committee
Montana State Capitol
Helena, Montana 59601

Dear Senator Turnage:

Please be advised that the Montana Education Association is opposed to rescinding the Equal Rights Amendment.

Most sincerely yours,

John C. Board

John C. Board
President

Unitarian Universalist

FELLOWSHIP of Great Falls, Montana

January 31, 1977

Senate Judiciary Committee
State Capitol
Helena, Montana 59601

Dear Sirs:

This is to advise you that the Unitarian-Universalist Fellowship of Great Falls still supports ERA and strongly opposes any effort to recind it. We hope you will also continue to support ERA.

Sincerely,

Tempie L. Renders
3100 5th Avenue N.
Great Falls, MT 59401

Secretary
Unitarian-Universalist Fellowship

February 1, 1977

MEMBERS OF THE JUDICIARY COMMITTEE, MONTANA SENATE:

At its 1973 International Convention, the National Secretaries Association (International) voted in favor of the adoption of a Convention Resolution in support of the Equal Rights Amendment. The main language of the Resolution affirming equality of rights under the law was stated as follows:

"WHEREAS, ratification of the Equal Rights Amendment is a nonpartisan effort. . . and would be to the advantage to the secretary in the issues of employment, taxation, credit, retirement, education, and many other areas in which sex discrimination is currently practiced;

THEREFORE, BE IT RESOLVED, that the National Secretaries Association (International) in convention assembled this 21st day of July, 1973, Denver, Colorado, go on record in support of ratification of the Equal Rights Amendment. NSA members through their Divisions and Chapters are urged to actively support ratification through established channels of communications in seeking affirmative action of their state legislators and by exchanging information with other organizations in the interest of achieving said ratification."

As an active member of the National Secretaries Association (International), I urge you to defeat Senate Joint Resolution No. 9 which would rescind Montana's current ratification of the Equal Rights Amendment.

Carol Kirkland

CAROL KIRKLAND, Member
National Secretaries Association
Helena, Montana

MONTANA
PUBLIC
EMPLOYEES
ASSOCIATION

1426 Cedar Street • P.O. Box 5600
Helena, Montana 59601 Telephone (406) 442 4600

January 31,1977

TO: The Senate Judiciary Committee
FROM: Thomas E. Schneider, Executive Director

The Montana Public Employees Association has been on record since 1973 in support of the passage of the ERA Admendment and wishes to continue that support at this time by asking that your committee give Senate Joint Resolution No. 9 a DO NOT PASS recommendation.

Because of the many people who will attend the hearing and present testimony and the limit amount of time for both sides we are submitting this in lieu of making a presentation at the hearing.

The facts have been hashed out many times in the past and it seems redundant to again go over the entire issue. I would only ask that you consider two words in your deliberations.

EQUAL *" person or thing that is equal " " be the same as "*
RIGHT *" a just claim; something that is due to a person "*

If we truly believe that men and women are equal and that all people have the same rights in this country then how can we oppose the ERA? If we believe that Montana has given these equal rights within it's own Constitution then how can we deny the women in other states the same right that our's have?

Thank you very much for the opportunity to present testimony and please feel free to ask any questions.

MPEA

PARTICIPATING AGENCY OF THE COMMUNITY CHEST

YWCA

YOUNG WOMEN'S CHRISTIAN ASSOCIATION
220 SECOND ST. N.
GREAT FALLS, MONTANA 59401

Jan. 28, 1977

Att: Jean Turnage
Senate Judicial Committee
Helena, Montana

THE YWCA OF GREAT FALLS, MONT., AS A MEMBER OF THE WORLD'S LARGEST WOMEN'S ORGANIZATION IN THE U. S., WOULD LIKE TO GO ON RECORD IN FAVOR OF THE RATIFICATION OF THE E. R. A. THIS HAS BEEN STUDIED AND DISCUSSED BY OUR BOARD OF 24 MEMBERS AND THEY HAVE VOTED TO SUPPORT THE ERA MOVEMENT ON BEHALF OF OUR MEMBERSHIP.

Signed, Laurene Engler, Pres.

YWCA delegation endorses ERA

Tribune/metro

By MARY COLLINS
Tribune Staff Writer

The National YWCA Convention delegation today voted unanimously to give its full support to efforts in Indiana to secure ratification of the Equal Rights Amendment (ERA).

An emotional response was given by the delegation as it endorsed a proposal vowing national YWCA support to Indiana and other states in securing ratification for the controversial amendment. Only four more states need to ratify the ERA to make it acceptable federally. The National YWCA has vowed support to the state YWCAs in efforts to bring about that ratification.

Norma Jean Ganaway, delegate representing the YWCA of St. Joseph County in South Bend, was the proposer of the resolution presented to the convention today, which stated, in part, "Whereas Indiana has not ratified the Constitutional Amendment despite the vigorous efforts of Indiana YWCAs in coalition with other groups; therefore, be it resolved that we the YWCA of the U.S.A. in Convention assembled support YWCAs in Indiana as they continue to work toward ratification of this Amendment in the Indiana General Assembly in 1977; and be if further resolved that the YWCA work cooperatively with other organizations in support of the ratification in the remaining states including disseminating a fact sheet to answer many of the questions about the ERA."

In her presentation of the resolution, Ms. Ganaway told the Convention, "We are embarrassed because we have not passed the ERA amendment in our legislature. We would like your support."

Following a loud standing ovation in response to that statement, she announced, "I have been more often discriminated against because I am a woman than because I am black."

After another round of cheers, the convocation started an enthusiastic rally for the ERA. Signs emerged from everywhere in the convocation room of the Athletic and Convocation Center, and a march brought non-delegate visitors out of the bleachers and onto the main floor, which at all other times was strictly designated

sobs, hugs and smiles that were so wide, many women rubbed sore faces. The age range was from early teens to the late 80s, and the enthusiasm was spread evenly among members of all age groups.

A white-haired woman danced to the rhythmic celebration next to a young girl who found room to hug her friend, and middle-aged delegates screamed that their daughters and granddaughters deserved equality.

The convention leaders expressed appreciation for the rally, which was loud but well-ordered. The delegates, who had been expected to give such responses to several of the issues dealt with at the convention, notably the reaffirmation of the One Imperative and of the status of the YWCA as an Autonomous Women's Movement, were raising their voices in unison for the first time.

No arguments on parliamentary procedure distracted their concentration from the issue at hand, and not one delegate voted against the resolution.

Following the rally, Ms. Ganaway discussed the resolution and its implications outside the convention hall. She said a concentrated effort never before put forth by the YWCA would now be started in Indiana, in cooperation with other groups fighting for ratification of the amendment.

She said information would be disseminated to educate residents of Indiana who have long misunderstood many elements of its implications, and that legislators running for state General Assembly offices in November would be contacted and questioned about their stand on the issue.

port to Indiana and other states in securing ratification for the controversial amendment. Only four more states need to ratify the ERA to make it acceptable federally. The National YWCA has vowed support to the state YWCAs in efforts to bring about that ratification.

[illegible]ma Jean Ganaway, delegate representing the YWCA of St. Joseph County in South Bend, was the proponent of the resolution presented to the convention today, which stated, in part, "whereas Indiana has not ratified the Constitutional Amendment despite the vigorous efforts of Indiana YWCAs in coalition with other groups; therefore, be it resolved that we the YWCA of the U.S.A. in Convention assembled support YWCAs in Indiana as they continue to work toward ratification of this Amendment in the Indiana General Assembly in 1977; and be if further resolved that the YWCA work cooperatively with other organizations in support of the ratification in the remaining states; including disseminating a fact sheet to answer many of the questions about the ERA."

In her presentation of the resolution, Ms. Ganaway told the Convention, "We are embarrassed because we have not passed the ERA amendment in our legislature. We would like your support."

Following a loud standing ovation in response to that statement, she announced, "I have been more often discriminated against because I am a woman than because I am black."

After another round of cheers the convention started an enthusiastic rally for the ERA. Signs emerged from everywhere in the convocation room of the Athletic and Convocation Center, and a march brought non-delegate visitors out of the bleachers and onto the main floor, which at all other times was strictly designated for voting delegates only.

Others in the bleachers did not attempt to join the cheering crowd on the main floor, but displayed a large sign: "The peanut gallery says: All the Way with ERA."

The voice of Helen Reddy resounded loudly throughout the room on a taped version of her 1974 hit, "I Am Woman." The crowd of delegates watched and clapped to the song, singing loudly with it, and a member of the committee that developed the approved resolution led the group rhythmically in the cheer: "Who are we? YWCA. What do we want? ERA. How many more (states)? Only four."

The enthusiasm and emotion that swept the group was shown through sobs, hugs and smiles that were so wide, many women rubbed sore faces. The age range was from early teens to the late 80s, and the enthusiasm was spread evenly among members of all age groups.

A white-haired woman danced to the rhythmic celebration next to a young girl who found room to hug her friend, and middle-aged delegates screamed that their daughters and granddaughters deserved equality.

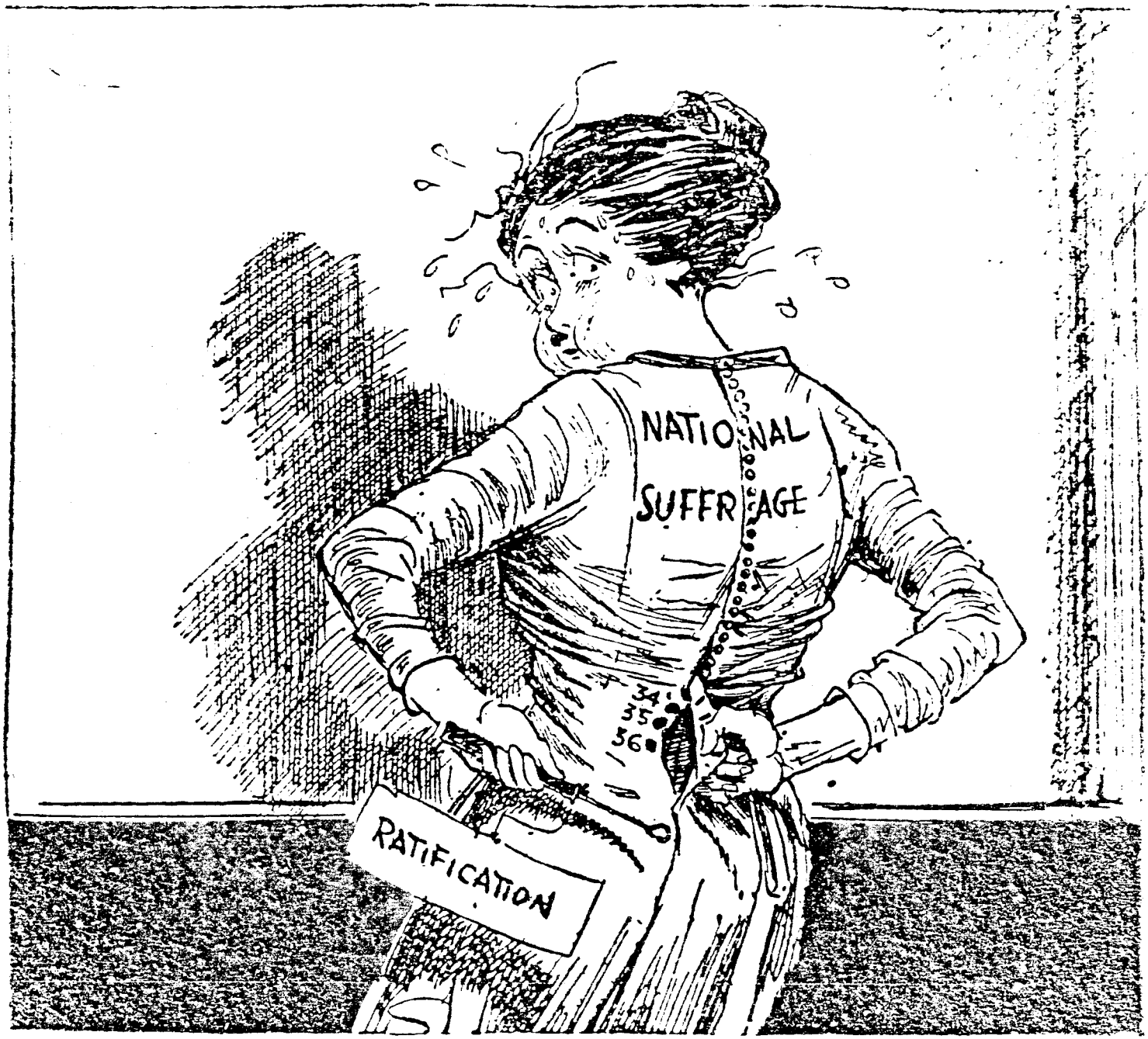
The convention leaders expressed appreciation for the rally, which was loud but well-ordered. The delegates, who had been expected to give such responses to several of the issues dealt with at the convention, notably the reaffirmation of the One Imperative and of the status of the YWCA as an Autonomous Women's Movement, were raising their voices in unison for the first time.

No arguments on parliamentary procedure distracted their concentration from the issue at hand, and not one delegate voted against the resolution.

Following the rally, Ms. Ganaway discussed the resolution and its implications outside the convention hall. She said a concentrated effort never before put forth by the YWCA would now be started in Indiana, in cooperation with other groups fighting for ratification of the amendment.

She said information would be disseminated to educate residents of Indiana who have long misunderstood many elements of its implications, and that legislators running for state General Assembly offices in November would be contacted and questioned about their stand on the issue.

SUPPORT EQUALITY — Delegates and non-voting vistors at the 27th National Convention of the YWCA of the USA march in the meeting hall at Notre Dame's Athletic and Convocation Center to rally their support for the ratification of the Equal Rights Amendment. Four more states are needed to ratify the amendment, and the convention voted unanimously support Indiana and other states to help secu cation in state legislatures. Marchers clap Reddy's "I Am Woman" hit song, and chan to the ERA through the YWCA.



THE LAST FEW BUTTONS ARE ALWAYS THE HARDEST
From the *Star* (St. Louis)