

The need for the Equal Rights Amendment



The significance of the ERA is much more than symbolic. The ERA is a basic bread and butter issue.

What is at stake is constitutional equality for women in this century.

What is at stake is economic independence for women—whether women will continue to earn only half of what men earn and whether women will be forever relegated to the dependence which low wages and low status impose.

The ERA directly relates to poverty and the working poor.

Discrimination on the Basis of Sex Continues to Plague Our Country

The ERA is necessary in order to establish a national policy and to set a standard for the elimination of discrimination based on sex.

Federal regulations in the area of employment, education, credit, and Social Security, for example, have not eliminated the need for a comprehensive, inclusive statement as part of our Constitution.

Even legislation which prohibits sex discrimination contains major loopholes. Title VII of the Civil Rights Act of 1964 (as amended) is often cited as one of the reasons why the ERA is not needed.

- Title VII prohibits sex discrimination in employment but has exemptions such as the U.S. Congress, small businesses, and the armed services.
- The courts have begun to narrowly interpret Title VII. The effect has been that employers have been allowed to maintain certain discriminatory seniority systems and to maintain pay schedules which do not reflect equal pay for work of equivalent value.

Equal Pay and Equal Opportunity Do Not Exist

The most graphic example is in the area of employment where women continue to be denied equal pay and equal opportunity on the basis of sex alone. On August 7, 1978, the United States Civil Rights Commission published a report which showed that:

- Since 1960, women have been unable to make any significant strides toward economic and social equality with males.
- Women still earn only half as much as white males, and women with college degrees earn less than men with high school educations.
- There is "virtually no financial ladder" for women, since there has been little or no improvement in the earnings of full-time working women between the ages of 20 and 44.

In fact, the wage gap between women and men is

widening and women earn less today (as compared to men) than they did over twenty years ago.

Court Decisions Are Not the Answer—They Have Added to the Problem

The treatment of sex under the Equal Protection Clause is according to the whim of the court:

- The court has held that sex discrimination is not a "suspect classification" under the Equal Protection Clause of the 14th Amendment.
- The most recent pronouncement regarding the judicial standard of review for sex discrimination was made by Justice Powell in delivering the opinion of the Court in the *Bakke* case, "The court has never viewed such classification as inherently suspect or as comparable to racial or ethnic classifications for the purpose of equal-protection analysis."
- In 1977, in a split decision, without opinion, the Court let stand a "separate but equal" ruling. By endorsing the opinion of the Third Circuit Federal Court of Appeals which upheld the constitutionality of certain Philadelphia public schools that are sex segregated in *Vorchheimer v. School District of Philadelphia* (532 F.2d 880, 3d Cir. 1976), the Supreme Court reverted to the days of *Plessy v. Ferguson* (163 U.S. 537) handed down in 1896.

Public Support for ERA Remains Strong

Public support for ratification of the Equal Rights Amendment remains strong.

- The most recent Gallup Poll shows that Americans approve of the ERA by 58-31 percent, a nearly two-to-one margin.
- A recent Harris Poll shows a 55-34 percent support for ERA.
- Polls conducted in unratified states show that citizens of those states support ERA, even though their state legislatures have not approved ratification.

The Burden Must Be Shifted

Recent studies have shown that there are over 800 sections of the U.S. Code that discriminate on the basis of sex.

- It is an unconscionable burden to expect those who are victims of discrimination to challenge every law and to monitor every existing or proposed piece of legislation that discriminates.
- Even if state ERA's are properly enforced, there will be no protection for women from sex discrimination at the Federal level.
- One law at a time is the slow road to EQUALITY!

Students and the ERA

The ERA is of special significance to students. It will effect students in the education system as well as improve conditions for graduating women in the work force. Students can make the difference in the fight to ratify the Equal Rights Amendment. It is our future.

Discrimination Based on Sex in Education:

Women are still being discriminated against at all levels of the educational system:

- Despite Title IX, equal facilities and funds for women's sports programs still do not exist. In college sports, the budget for women's activities is only 10-15% of men's.
- Only about 1% of all the Presidents of public four-year colleges and public and private universities are women.
- Since 1972, the numbers of top women business administrators in higher education has remained at 5%. Women hold only 18% of all deanships.
- 1977 data shows that women in university administration are paid four-fifths as much as men with the same job titles at the same type of institution.

What Do Women Graduates Have to Look Forward to?

The average working woman does not hold an equal place with men in the American economy. Sex stereotyping still restricts or discourages women from entering many higher paying traditionally male occupations. By 1990, more than 70% of all women aged 16-54 will be in the paid labor force. However, discrimination in hiring, promotions, and pay scales continues to be major obstacle to equality for women in the workplace.

- According to the College Placement Council, Inc., women graduating with a bachelor's degree in 1977 received only 19% of the job offers tendered by private industry and the federal, state, and local governments (except for teaching positions) and nonprofit organizations. That left men with 81% of the offers from which to pick.
- A woman college graduate can expect to earn as much as a man with only 8 years of elementary education.
- Women college graduates received a median income of \$10,861 in 1975. Their male counterparts earned \$17,891, according to the U.S. Bureau of Labor Statistics.
- In 1977, the \$14,626 earned by men was 70% more than the \$8,618 earned by women.

The wage gap has actually widened in the last 20 years:

- In 1955, women earned 64¢ for every \$1 earned by men.
- In 1977, women earned 59¢ for every \$1 earned by men.

This means that in 1977, women had to work almost 9 days in order to gross the same earnings that men grossed in 5 days.

Students need the ERA. If you want to see these statistics change and reflect an environment of equality, make your contribution by becoming part of the NOW ERA Campus Campaign.

- STUDENTS HAVE A STAKE IN THE ERA.
- STUDENTS HAVE THE POWER TO MAKE CHANGE.
- STUDENTS HAVE THE VISION TO SEE THAT CHANGE MUST COME.

