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HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

121st Legislative Day

June 8, 1982

Speaker Ryan: "The House will be in order, and the Members will be in their seats. The Chaplain for today is Reverend George Zarris from the Fox River Valley Baptist Church of Aurora, Illinois. Reverend Zarris."

Reverend Zarris: "Let us pray. Lord Jesus, we thank You for Your love for us that You showed on the cross of Calvary. We thank You, Lord, for the government that You have given to us that You ordained and, Lord, we pray You'll give our elected officials wisdom. Lord, help them to know Thy perfect will this day. We pray in Jesus' precious name. Amen."

Speaker Ryan: "Thank you, Reverend. Representative Catania will give the pledge today."

Catania - et al: "I pledge allegiance to the Flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

Speaker Ryan: "Roll Call for Attendance. Take the record, Mr. Clerk. With 146 Members answering the roll, a quorum of the House is present. Mr. Doorkeeper, would you clear the floor of all unauthorized people, please? Messages from the Senate?"

Clerk Leone: "A Message from the Senate by Mr. Wright, Secretary, 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to concur in the House in the adoption of their Amendments to a Bill of the following title, to wit; Senate Bill 1669 with Amendments are as follows: House Amendment #1 and House Amendment #3, action taken by the Senate June 3, 1982. Kenneth Wright, Secretary.' A Message from the Senate by Mr. Wright, Secretary, 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has

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concurrred in the House in the adoption of the following Joint Resolution, to wit; House Joint Resolution #90, concurrred in by the Senate June 3, 1982. Kenneth Wright, Secretary.' A Message from the Senate by Mr. Wright, Secretary, 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, the adoption of which I am instructed to ask concurrence of the House of Representatives, to wit; Senate Joint Resolution 99, adopted by the Senate June 3, 1982. Kenneth Wright, Secretary.'"

Speaker Ryan: "Senate Bills, First Reading."

Clerk Leone: "Senate Bill 1401, Telcser, a Bill for an Act to amend Sections of the Capital Development Bond Act. First Reading of the Bill. Senate Bill 1502, Farley, a Bill for an Act to amend Sections of an Act in relationship to the creation, maintenance, and operation and improvement of the Chicago Park District. First Reading of the Bill. Senate Bill 1501, Farley, a Bill for an Act to amend Sections of an Act in relationship to the creation, maintenance, operation and improvement of the Chicago Park District. First Reading of the Bill. Senate Bill 1522, Chapman, a Bill for an Act to amend Sections of the Illinois Public Aid Code. First Reading of the Bill. Senate Bill 1588, Barkhausen, a Bill for an Act to amend Sections of the Snowmobile Registration and Safety Act. First Reading of the Bill. Senate Bill 1606, Brummer, a Bill for an Act to amend Sections of the Unemployment Insurance Act. First Reading of the Bill. Senate Bill 1654, Telcser, a Bill for an Act to amend Sections of the Illinois Public Aid Code. First Reading of the Bill. Senate Bill 1670, Daniels, a Bill for an Act regarding payments of rates or payment of medical assistance to

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public or... aid recipients. First Reading of the Bill."

Speaker Ryan: "The Gentleman from Cook, Representative Wolf, for what purpose do you seek recognition?"

Wolf: "For the purpose of a Motion, Mr. Speaker."

Speaker Ryan: "State the Motion."

Wolf: "Mr. Speaker, I would move that, pursuant to Rule 66A, that we discharge the Committee on Appropriation from further consideration of Senate Bills 1390, 1391 and 1393 and advance these three Bills to the Order of Second Reading, Second Legislative Day. This has been cleared, I believe, with the Minority Spokesman and the Leadership on the other side of the aisle. These are supplemental Bills that must be moved, and we'd like to bring them to the floor and take action. I would so move, Mr. Speaker."

Speaker Ryan: "Is there any discussion? You've heard the Gentleman's Motion to suspend the appropriate rules to have House Bills (sic - Senate Bills) 1390, 1391 and 1393 discharged from the Appropriations Committee. All in favor will signify by saying 'aye', all opposed 'no'. Gentleman asks leave. Are there any objections? Hearing none, leave is granted. Those three Bills are now on the Order of Second Reading, Second Legislative Day. Read the Bills, Mr. Clerk."

Clerk Leone: "Senate Bill 1391, a Bill for an Act to amend certain appropriations Acts herein named. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "Floor Amendment #1, Rea - Winchester, amends House Bill (sic - Senate Bill) 1391 on..."

Speaker Ryan: "Representative Rea, on Amendment #1 to Senate Bill 1391."

Rea: "Thank you... Thank you, Mr. Speaker, Members of the House. House Amendment #1 has to do with the recent tornado that

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was... struck southern Illinois on May the 29th. It did serious effect to Williamson County and to parts of Perry County; and, as a result, this Amendment would increase the supplemental appropriation for the Emergency Services and Disaster Agency by one million, which would provide monies for disaster relief and individual and family grant programs. And, of course, this money is needed in order to, and has been requested by the Director of Emergency Services in order to be able to fulfill the needs and to take care of the problems there, as a result. I might just mention that... that this really had a serious effect over probably close to 100 million dollars worth of damage that's been done. Many businesses, many homes were destroyed, plus major..."

Speaker Ryan: "Just a minute, Representative. Could we have a little order in the chamber, please? I'm going to have to clear the chamber, if we can't have some order here. The Gentleman has an Amendment to House Bill (sic - Senate Bill) 1391 that he's trying to present, and it's very difficult to hear. Now, you... you... Those of you that are on the floor as guests should act like guests and hold down the conversation. Proceed, Representative."

Rea: "This money is... is certainly needed for the areas of Williamson and Perry Counties where the tornado hit on June... on the 29th of May; and, as I was trying to say earlier, that many homes were destroyed. We had ten people that got killed in the tornado. Over a hundred were injured, and the damages to both homes, and to businesses, and to many of the public types of services there were destroyed, and we... we ask for a favorable Roll Call or for a favorable vote on this Amendment."

Speaker Ryan: "Is there any further discussion? Representative Winchester."

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Winchester: "Thank you, very much, Mr. Speaker. As we all know, we did have a very, very serious disaster in Southern Illinois. A tornado, which could be as many as two or three tornadoes ripped through Williamson County and Perry County, did some 87 to 97 million dollars worth of damage. The Governor's been there twice. The President has declared it a national disaster area, but the Department of Emergency Services, because of prior disasters throughout the year, has depleted its Disaster Relief Fund, which is only about 350,000 dollars; And, it's depleted its Individual and Family Grant Program Fund, and this Amendment, if adopted, would provide one million dollars to some 400 very desperate, very needy families; and, it would also provide the necessary money to pay the expenses that's already been incurred by the bringing in of the National Guard, the State Police, Department of Transportation and other agencies of... of government. And this money will replenish that Fund to pay those expenses, and I would ask for a favorable vote."

Speaker Ryan: "Is there any further discussion? The Gentleman from Macon, Representative Dunn."

Dunn, John: "Mr. Speaker, I have a... a point of inquiry about something else, if I may inquire."

Speaker Ryan: "Well, you're not timely right now, until I finish the adoption of this Amendment."

Dunn: "May I be recognized after... after the adoption of the Amendment?"

Speaker Ryan: "The Gentleman asks.. the Gentleman moves for the adoption of the Amendment to Senate Bill 1391. All in favor will signify by saying 'aye', all opposed 'no'. The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk Leone: "No further Amendments."

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Speaker Ryan: "Third Reading. Read Senate Bill 1390, Mr. Clerk."

Clerk Leone: "Senate Bill 1390, a Bill for an Act to amend Sections of an Act making appropriations. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. Senate Bill 1393."

Clerk Leone: "Senate Bill 1393, a Bill for an Act to amend certain appropriation Acts herein named. Second Reading of the Bill. No Committee Amendments."

Speaker Ryan: "Are there any Amendments from the floor?"

Clerk Leone: "None."

Speaker Ryan: "Third Reading. Representative Dunn, for what purpose do you seek recognition?"

Dunn: "Mr. Speaker, for a point of clarification. Upon arriving at the chamber today, I learned that the gallery is sealed off unless those requesting admission to the gallery have a pass, and I'm unclear about what the procedure is or was for obtaining a pass and what the gallery rules are for the rest of the day. And, I'd like clarification, because this is my eighth year here; and, except for swearing in and when the President of the United States arrived, we've... we've not done this. How do... How are gallery passes obtained, and why isn't the gallery full now, I guess, because there are a lot of people who would like to get up there and watch."

Speaker Ryan: "I don't know as I can tell you why it's not full now, Representative. Representative Madigan has tickets that I gave to him to allocate for the Democrat side. Now, he may not have any more. I don't know. I'm not sure that there's any left in my office either. So, Representative Madigan. I'm going to call on your leader, Mr. Dunn, and then I'll get back to you."

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Madigan: "Okay. Mr...."

Speaker Ryan: "Representative Madigan."

Madigan: "Mr. Speaker, I just wish to be on record that, if you have any other... any more tickets, that I could find some use for them."

Speaker Ryan: "I'll see what I can do, Representative. Now, Representative Dunn."

Dunn: "Mr. Speaker, my original point of inquiry was for an explanation about whatever rules and guidelines have been set forth for admission to the gallery today."

Speaker Ryan: "Well, pursuant to the duties of the Speaker and the rules, Representative Dunn, we took charge of the galleries, as the... as the Speaker of the House today, I did, and issued tickets to be disbursed to the anti-ERA's, and the pro-ERA's, and to the Minority Leader of the House, to the President of the Senate, and the Minority Leader of the Senate and to myself. And that's how the tickets were put out."

Dunn: "And how many tickets were allocated to each of those individuals?"

Speaker Ryan: "Well, I can't say that I could tell you, but everybody got a fair... got their fair share. That's all I know. I don't know what the numbers were, but there was... everybody got it. There was an equal amount of tickets distributed."

Dunn: "So, when I step outside and am confronted by people on both sides of this sensitive issue from my district, can I tell them then that... that I am not entitled to know how many seats there are in the gallery, and how many tickets there are, and who got how many and whether any will be available for them."

Speaker Ryan: "Representative, you can tell them... You can tell them whatever you'd like, Representative. This is America,

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and you're free to speak to them in any manner that you wish. Representative Friedrich, do you seek recognition? Representative Friedrich. Representative Telcser. At Representative Telcser's desk."

Friedrich: "Mr. Speaker, I would like to ask for unanimous consent that the five following Bills, the posting rule for Rules Committee be suspended for today's... so they can be heard in today's hearing. 13... Senate Bill 1366, 1377, 1401, 1607 and 1654. I have cleared this with the Leadership on the other side of the aisle. I... I think there's no objection."

Speaker Ryan: "You've heard the Gentleman's Motion. He's asked leave... Representative Madigan."

Madigan: "Mr. Speaker, has the Gentlemen moved to suspend the posting requirements in the Rules Committee?"

Speaker Ryan: "I didn't hear you, Representative."

Madigan: "Is the Gentleman's Motion to suspend the posting requirements in the Rules Committee?"

Speaker Ryan: "Representative Friedrich."

Friedrich: "Yes, Representative Madigan, and we have worked out the thing that you had asked for."

Madigan: "Oh, you... you have?"

Friedrich: "Yes."

Madigan: "Could we communicate privately about that?"

Friedrich: "Certainly."

Madigan: "Okay."

Speaker Ryan: "Representative Friedrich, would you..."

Friedrich: "I... I yield to the Minority Leader. I believe we... he's removed his objection."

Speaker Ryan: "Representative Madigan."

Madigan: "Mr. Speaker, I support the Gentleman's Motion."

Speaker Ryan: "Gentleman moves... asks leave to suspend the appropriate rules for the Bills that he read. Are there

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any objections? Hearing none, leave is granted. Senate Bills, First Reading. Representative Daniels, will you come to the podium, please? Senate Bills, First Reading."

Clerk Leone: "Senate Bill 1366, Hannig, a Bill for an Act to exempt from taxation sale on gas or electricity or transmission messages to any church or religious denomination. First Reading of the Bill. Senate Bill 1377, Greiman, a Bill for an Act to amend certain Acts in relationship to disability and pension coverage for paramedics. First Reading of the Bill. Senate Bill 1607, Brummer, a Bill for an Act to amend Sections of an Act in relationship to state revenue sharing with local governmental entities. First Reading of the Bill."

Speaker Ryan: "The hour of 12:15 having arrived and passed, the House will now resolve itself into a Committee of the Whole for the purpose of hearing House Joint Resolution Constitutional Amendment #1. Representative Daniels will be in the Chair."

Speaker Daniels: "Committee of the Whole is now in order. Members please be in their seats. All of those not entitled to the floor please retire to the gallery. Will the Members please be in their seats? People in the gallery will please take their seats. For the benefit of the Membership, I would like to announce the Order of Business that will be conducted today. Committee of the Whole is meeting on June 8, 1982 for the purpose of hearing HJRCA 1. The Chair will recognize the Sponsor of the Bill, Representative Catania, to present the Bill to the House and then proceed to the Order of Proponents and then, after that, to the Order of Opponents. The proponents will be given the time of one hour, uninterrupted. The opponents will be given the time of one hour, immediately thereafter, uninterrupted. After the conclusion of the testimony, the

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Sponsors of the Bill will be recognized to close, and then we will take questions from all Members of the floor to either the proponents or opponents, as the Members of the House desire. I would remind the Members of the House and the spectators in the gallery that, at all time, the rules of the House, regarding decorum and no demonstrations, will be strictly enforced. I would ask all members of the gallery and Members of the House to recognize the importance of this matter and the hearing today, to cooperate fully with the decorum of this Body.
Representative Friedrich."

Friedrich: "Mr. Speaker, in order to avoid interrupting the proceedings, as you've outlined them, I would remind the Members of the Rules Committee that there's a meeting of the Rules Committee in 114 at 1:30."

Speaker Daniels: "Thank you, Sir. Representative Matijevich."

Matijevich: "I understood the procedure, as I had heard it at the podium there, that the closing would be the proponents would close after the questioning."

Speaker Daniels: "That is what I said, Sir."

Matijevich: "That's not what I heard, but that's fine. Thank you."

Speaker Daniels: "Representative Deuster."

Deuster: "An inquiry of the Chair. Do I understand that all of the witnesses will be remaining so that they may be subjected to questions at the conclusion; and, if not, perhaps we could have individual witnesses who are going to leave, indicate that to us. I... I would assume everyone testifying is going to remain so that they may be questioned."

Speaker Daniels: "Well, Representative Deuster, we cannot control that. We would ask that all witnesses do their best to remain for the purpose of questioning. The Order of

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Business will be the proponents' first for the period of one hour, the opponents right after that for the period of one hour, and then questioning will be opened."

Deuster: "Thank you."

Speaker Daniels: "We would ask of the witnesses that they do their best to remain for purposes of questions and answers by the Members of the House. HJBCA 1. Representative Catania."

Catania: "Thank you, Mr. Chairman and Members of the House. Ladies and gentlemen in the gallery and in the press, we are here today, 200 years late, to talk about guaranteeing, in the United States Constitution, that women will have equal rights with men. It was over 200 years ago that Abigail Adams pleaded with her husband, John, as he rode off to help to draft the Constitution, 'don't forget the ladies'. John forgot; and, for over 200 years, we have been working to get in to the Constitution. That is what this is all about. And, having worked in this House for nine and a half years, I know that every one of you here knows that women can do everything that we are called upon to do, everything that we need to do, and I know that every man here knows that every woman in this House is a very capable Legislator. It is time to let that be said in the United States Constitution. The Equal Rights Amendment, which would become the Twenty-seventh Amendment to the United States Constitution, is very short and very simple. Section 1 says, 'Equality of rights, under the law, shall not be denied or abridged by the United States or any state on account of sex'. Section 2 says, as so many other Amendments already say, including the Fourteenth Amendment, 'The Congress shall have the power to enforce, by appropriate legislation, the provisions of this Article'. Section 3 says, 'This Amendment shall take effect two years

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after the date of ratification'. Here, in Illinois, we have already corrected all of the sex discriminatory language that, in any way, would harm anyone or discriminate against anyone in our statutes, because we've had an equal rights provision in our Illinois Constitution since July 1, 1971. And we have stood on that foundation to write good laws for women in the State of Illinois and good laws for men. As I heard someone point out a few weeks ago, it's been principally men who have brought cases before the Illinois Supreme Court saying, 'You may not discriminate against me on the basis of my sex in the State of Illinois, because we have an equal rights provision in our Illinois Constitution'. And our Illinois Supreme Court said, in *People versus Ellis* in 1974, that that provision in our Illinois Constitution has precisely the same meaning as the proposed Twenty-seventh Amendment to the United States Constitution. It makes sex a suspect classification. So, we've lived with this... that provision here. We have upheld it. We have stood on that foundation to write good laws for the people of the State of Illinois, and this Body voted, in 1975, 113 strong out of 177 Members, to approve this Resolution. We should do it again. The proponents will be speaking for an hour. The opponents will be speaking for an hour, and then there will be time for questions. I hope that you will ask all of the questions that need to be asked so that we will be ready to vote, finally, after over 200 years, to put women into the United States Constitution. Thank you."

Speaker Daniels: "The Chair recognizes the Honorable James R. Thompson, Governor of the State of Illinois."

Governor Thompson: "Thank you, Mr. Speaker and Members of the House and Committee of the Whole. I thank the Members of this House for the privilege of testifying before the

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Committee of the Whole. I have never appeared before the General Assembly of Illinois, except in Joint Session, and I do not anticipate that I will ever do so again. The issue before the House is the ratification of the Equal Rights Amendment to the Constitution of the United States. A Governor in Illinois has no constitutional role in the ratification process, and I came to this Office half way through the national ratification process; and, since January '77, no state has ratified the Amendment. I appear here today as a Governor whose moral and political duty it is to speak on behalf of issues of this urgency. I appear here today as a citizen of the United States, as a husband and as a father who desires to live in a land where the Constitution speaks affirmatively to the simple and just proposition; that rights, which exist under the law, shall not be denied because of sex. And I appear here today as a citizen of the Land of Lincoln, believing that the heritage of that greatest of all Americans and the character of our people, forged in the 164 years since statehood, would make our failure in Illinois to ratify, no matter what any other state or people may do, a sad day in our history. I would like to speak of two preliminary matters. First, in the past several weeks, this Capitol has been home to a number of demonstrations in support of ratification that some have considered to be annoying, or obstructive, counterproductive; or, in the case of fasting, even dangerous. I do not sense that they have swayed sentiment in this chamber or across the rotunda, but that is not the point. Whatever else one may believe, except where they disrupt the legislative business or the right of other people to conduct their business in the seat of Illinois Government, they are protected expressions of constitutional rights; that their form may be felt by some

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to be foolish or annoying, is of little moment. In 164 years, the Capitol of government in Illinois has seen foolish and annoying behavior on more than one occasion, in the Executive and Legislative Branches of government and from the general populous as well, and we have all survived. We live in a democracy; and, in America, democracy has often been rude, boisterous, contentious and forceful. It was meant to be. It was bred into the spirit and character of our people, and many of our ancestors came to these shores because they would not, in the words of Lincoln, 'be either slave or master in their native lands'. I am willing to believe that those who demonstrate here are acting out of conscience; and, for some, as Milton said, 'Now conscience wakes despair that slumbered, wakes the bitter memory of what was, what is and what must be worse', but I am also willing to believe that those who oppose ratification, though I disagree with them, act out of conscience as well. And I cannot condemn those who refuse to cast a legislative vote for ratification, while they feel that their judgement is being coerced by tactics which they find repugnant. They are entitled to conscience as well. Secondly, the rules of ratification. I do not believe it is the business of a Governor to attempt to dictate the rules of the Legislative Branch of Government. As a Governor... As a Governor, I have jealously guarded my powers from intrusion by the Legislative or Judicial Branches. The rules of ratification are for the Body to determine, as our Constitution and the Federal Court have made clear, and the House and Senate are perfectly free to divide on the issue. Much has been made of the existing rule requiring a three-fifths majority for ratification of a Federal Constitutional Amendment, but there are rational arguments on both sides of that issue. If an Amendment

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must obtain a two-thirds vote in Congress and be ratified by three-fourths of the states, within a time certain, who is to say that the General Assembly of Illinois acts irrationally or places minority rule above majority rule by adopting a lesser standard than either of these? Conversely, it can be argued with equal logic that it is safe to ratify by simple majority, that it is appropriate to ratify by simple majority that which has survived earlier tests of extraordinary majorities. Our own Illinois Constitution sets forth ordinary legislative majorities for ordinary actions and extraordinary majorities for extraordinary legislative actions, and our people have ratified that. It is the right of each House, in the absence of a constitutional mandate, to set its own rules. I oppose neither rule, but I do object to being told that one's view of the rules are the equivalent of one's views on the merits of the Amendment. On the merits, I believe that, if the Constitution of this great country does not set forth, plainly, that rights which exist shall not be denied because of sex, it does not do the job for the American people. Refusal to adopt the Equal Rights Amendment does say that more than half the people of our land are second-class citizens. I have heard the lawyers argue. Lawyers can argue anything, but the plain fact is, as pointed out in the Chicago Tribune today, that the equal protection clause of the Fourteenth Amendment, aimed squarely at discrimination because of race, is an inadequate and awkward way to get at sex discrimination. And the plain fact also is, that the Equal Rights Amendment would insure against awkward, or silly, or uncalled for, or even harmful interpretations of the equal protection clause or the Federal Civil Rights Acts that Federal Courts may promulgate if the Equal Rights Amendment is lost. In my

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view, adoption of the Equal Rights Amendment would forestall, rather than encourage, interpretations in actions of government, at odds with the legitimate differences in the treatment of men and women, so long as equality was realized. Finally, I believe the Amendment should be adopted for a very simple reason. It is right. The revered man who once sat in this House, whose name and character is forever a part of every Illinoisan, would have not the slightest bit of trouble with it. He would, in fact, have wondered why we had not done it long ago and moved on. Mr. Speaker, thank you."

Speaker Daniels: "Representative Kane."

Kane: "Could I ask the..."

Speaker Daniels: "For what purpose do you rise?"

Kane: "I would like to ask the Governor one question."

Speaker Daniels: "Sir, I'm sorry. We have stated the elements of the hearing. We will now commence with the proponents, and the first proponent will be Eleanor Smeal. Ms. Smeal. He will be back. Representative Kane, you have... you know the rules. You know what was announced. The Governor will return, if possible. Thank you, Sir. Ms. Smeal. You may begin."

Smeal: "Well, there's a person that has his hand up back there."

Speaker Daniels: "Representative Schraeder, for what purpose do you rise, Sir?"

Schraeder: "I'm sorry I addressed you by Mr. Speaker, Mr. Chairman. Mr. Chairman, on a point of order. Since each proponent..."

Speaker Daniels: "State your point, Sir."

Schraeder: "I presume the Governor's speech will go down as part of the hour for the proponents. Am I correct?"

Speaker Daniels: "It will not, Sir."

Schraeder: "Why, Sir? Isn't he a proponent?"

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Speaker Daniels: "We are going to now proceed with the timing for the proponents. The first witness is Ms. Smeal. Would you please begin, Ma'am. Timer is on. Purpose of 60 minutes for the proponents. The time is beginning now, and the clock of the House will determine the time above my head."

Smeal: "I rise in support of the Equal Rights Amendment. I'm Eleanor Smeal, and I'm the President of the National Organization for Women. I'm President of the largest organization fighting for the elimination of sex discrimination in our nation, representing over 175,000 members, and I also represent a movement that is determined to succeed in the battle of equality for women. The issue that you're about to vote on is not an academic one. It affects the lives of millions of American women. It has been so difficult, really, to talk about the issue itself in this long struggle. One of the reasons I fight so hard for it is because, as a person who has tried to eliminate sex discrimination case by case, statute by statute, we tend to go one step forward and two steps backwards; and, in the process, women are cheated daily. As you well know, women are cheated in Social Security, pay, jobs. You name it, and you have, in your power, to eliminate at least the injustice under the law. The real issue is the major issue before you. Under the rules and procedures, we have escaped having the majority register in this state. The majority of this state, over two-thirds, is for this Amendment. The majority of both Houses are, yet we have a procedural fight that in your Body alone there has not even been allowed, in this Session that you were elected to represent, a vote on the rule. And that creates a sense of unfairness and injustice that perpetuates a climate in which reason cannot prevail... prevail. The rules vote...You know, people talk about tactics. How do you

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explain to a child, and how do you explain to any person, a process that does not even allow a vote? You are negating democratic processes; because, basically, a person doesn't even know, at the present time, how you stand on the majority rule. You have set up a double standard. No Constitutional Amendment has been voted on by a super majority in this Body, before the Equal Rights Amendment. So, we press on and encourage you to please register a vote for the majority rule. If you will look around on this floor, it's predominantly male, and we are but token members. And I can tell you that you are creating a climate of injustice that will make all women seek to replace you."

Speaker Daniels: "Next witness will be Dina Bachelor."

Bachelor: "My name is Dina Bachelor. I am a mother of four and a grandmother. I am one of the women who is currently fasting here in Springfield for the ratification of the Equal Rights Amendment. I have come here because my grandmother, and my mother and I have spent our adult life seeking equality for women, and it is my hope that my sixteen-year-old child will not have to do the same. This is the 22nd day of our fast. We seven women who are fasting have come to Springfield to make visible women's deprivation and to witness to their deep hunger for justice. We seek to turn your hearts toward fulfilling our Constitution's 200-year-old promise of equal justice under the law. Fasting has been a part of many momentous events in the development of this country, and fasts have been initiated by Thomas Jefferson, Abraham Lincoln, Ghandi, Jesus and our suffragist foremothers. Lincoln called upon this country to fast, for example, for both the emancipation of the slaves and for the healing of this nation after the Civil War. Today is a crisis in our country's history, because it seems unbelievably as if our

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Representatives are about to ignore our commitment as a nation, to justice and democracy and repudiate the American dream of equality. For this reason, we felt the fast was the most formidable call to conscience we knew how to make. This is a life-giving activity. It is not a death wish. We hope the power and spiritual energy will enlighten and ultimately free both the oppressed and the oppressors from the life-draining cycle of injustice, in which we have both been bound. We have heard that some of you have genuine concern for our health. The most obvious and the quickest route to preserving it and the lives of thousands of women across this country, who are starving because of the effects of discrimination, is for you to vote immediately for majority rule and for ratification of the Equal Rights Amendment. Any other response will seem to us and the women of this nation as patronizing and ultimately insincere. In this fast, we are representing, not only ourselves, but millions of women who are deprived because of bitter, painful discrimination. The young mothers who cannot give their children food because they have no jobs, or they work for people who find sexism both comfortable and profitable. Women who have lived long, loving, serving lives only to be left destitute in their old age on meager Social Security and pension benefits. Women's children who yearn for the dream of equality. These... Can I finish the last sentence? These are perilous times for women, and this fast is our act of love."

Speaker Daniels: "Next witness is Kathleen Carpenter."

Carpenter: "Mr. Chairman, good afternoon. I'm Kathleen Carpenter, and I testified previously in Illinois before your Judiciary Committee. I previously served in the capacity of Deputy Assistant Secretary of Defense, Manpower, Reserve Affairs and Logistics and held the rank,

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civilian rank equivalent to that of a Lieutenant General. I testified before the Judiciary Committee in my official capacity as a representative of the Department of Defense and the Secretary of Defense, because key defense policy-makers and general and flag officers felt it was important for Illinois, as it is for other states considering the Equal Rights Amendment, to understand, from the Defense Department's view, what the impact of the Equal Rights Amendment is on the performance of women in the military and the future utilization of women in the military. We have a very few minutes, so I thought perhaps I would first review with you exactly what women are doing in the military today. Thank you. And how that growth has been realized and to what effect. First of all, over the last ten years, women have grown from 42,000 to what will soon approach 250,000, but that's not the whole story. The role of women has also changed dramatically throughout the 60's, 70's and 80's. Today, women are in 95% of the occupational specialties in the military. Almost one-third of the enlisted women in the military are in clerical occupations. Adding medical, dental and intelligence to that, you have one-half of the participation rate of women in the military. I don't think that would be surprising to you, but what is surprising to some people is that over half of the enlisted women in the military today are in non-traditional functions, and soon it will be something approaching 60%. What are these functions that women are currently filling in the military with or without the passage of the Equal Rights Amendment? They are in such fields as aviation, mechanical skills, construction, electronics, transportation, medicine, computer sciences. Women are artillery men. They are missile men. They are now assigned, as a result of a series of legislative

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changes, to be permanent members aboard such ships as submarine tenders, repair and oceanographic ships, and they are also assigned to temporary duty aboard noncombatants. Why have we seen the dramatic increase in the utilization of women? I'd like to say that it's because of a concern of this nation for equal opportunity. As one who served in the Department of Defense, and proudly, and is the recipient of the Defense Department Outstanding Public Service Medal and the Eagle Award, I must, however, admit to you that equal opportunity and equal rights had absolutely nothing to do with the expanded utilization of women in the military. The truth is, it was three simple realities that impact upon the defense of this nation, which was our reason for expanding the utilization of women. One, the declining male manpower pool in the United States from which we draw our forces. Two, the technological revolution in modern-day warfare, which requires much greater educational backgrounds and intelligence levels than has been previously the case. And, three, the cost of women. The cost of recruiting and training them is simply cheaper, not equal opportunity or even the voices of political, civil or equal rights groups. It was put, quite simply, the defense dollar, and we all know the problems we're having currently with the Defense budget. The expanded utilization of women in the military was cost-effective. That was simply and quite simply the driving force. We are women serving today. I think it's a surprise to most people that women, under the statutes today, could and do serve in combat and combat-related roles. There is no restriction on the utilization of women in hand-to-hand combat. The Army today has no such legal restrictions on it. So, the Equal Rights Amendment is not going to, as was expressed in the recent opinion of the

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General Council of the Department of Defense, the Equal Rights Amendment is not going to have any legal impact one way or the other on whether or not the United States Army today has the authority to put women in combat. They have it this very moment. Where are women serving? For those who are so concerned about protecting the rights of women and their security, and I don't mean the national security in a general sense, women are currently assigned to accomplish tasks throughout the battlefield today. The Army has accepted the fact that women will be deployed in combat zones, as an inevitable consequence of their assignment, but we don't currently assign them to units where they would regularly engage in close combat; but, as you well know, the nature of warfare today is one in which you rarely see your own enemy directly. They are already in the artillery. They are in long-range, high-altitude artillery. They are in the missile sites. Army women work in all military specialties, except those concentrated in the units that I mentioned. They are in the battalions, signal battalions at brigade-level headquarters and in certain artillery units. In contrast, the Navy and the Air Force, of course, have certain restrictions. Women can serve on combatant vessels, and they may serve in tankers and other types of aircraft, not directly engaged in the combat mission. I will, obviously later on from the floor, entertain questions with respect to the great stereotypes that have been raised recently with respect to the performance of women and cite, specifically, two reports conducted by the military themselves, with respect to their performance, and I will also, of course, address the issue, should you raise it, of the impact of the Equal Rights Amendment on whether or not women would be required to serve in combat. Thank you."

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Speaker Daniels: "Next witness is Arthur Fleming."

Fleming: "My name is Arthur Fleming. I am serving as President of the National Council on Aging, and I've just completed eight years as Chairman of the U. S. Commission on Civil Rights. The U. S. Commission on Civil Rights, over a period of the last eight years, has addressed itself, on a number of occasions, to the issue of the Equal Rights Amendment. We have issued two basic reports, one of which was based on a study of the experience of 14 states that have incorporated in their Constitutions, Constitutional Amendments comparable to the one that is now being considered by our nation for addition to our Constitution. Throughout our history, government has classified and pigeonholed men and women according to the stereotypes about their roles and capabilities. This intrusion on the part of government has institutionalized discriminatory practices, which have had a devastating effect on women. Government, in the judgement of the Commission over which I presided for a period of eight years, should get out of the business of promoting discrimination based on sex. The only way to achieve this objective is to write in to the Constitution of the United States the principle that equality of rights, under the law, shall not be denied or abridged by the United States or by any state on account of sex. Our Commission, on the basis of our studies, on the basis of our observation as to the way in which Equal Rights Amendments were working in 14 states, reached the conclusion that the Equal Rights Amendment, if made a part of our Constitution, will provided... will provide a needed constitutional guarantee of full citizenship for women and will assure the rights of both women and men to equal treatment under the laws. Ratification of the Amendment is an essential step toward meeting the nation's stated goal

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of equal opportunity for every citizen. I sincerely hope that this state will take this particular step. Thank you."

Speaker Daniels: "Next witness is Robert Gibson."

Gibson: "Mr. Speaker, Members of the Illinois House of Representatives, I appreciate the opportunity to present the views of the Illinois State AF of L-CIO in support of the Equal Rights Amendment to the United States Constitution. That is the official policy of the National AF of L-CIO and the Illinois State AF of L-CIO, who is the legislative advocate for 1,200,000 members of unions affiliated with the AFL-CIO in Illinois. This action, in support of the Equal Rights Amendment to the Federal Constitution, reflects the historic concern of the labor movement for the achievement of equality of all the people in economic, political and social aspects of life in these United States. The voters of Illinois, in 1970, adopted a new Constitution, and Section 18 of that Constitution declares, 'The equal protection of the laws shall be not be denied or abridged on account of sex by the state or its units of local government and school districts'. We supported that Section of the Illinois Constitution, and so did the voters of Illinois. We're not aware of any movement to repeal ERA in Illinois. None of the myths about the impact of ERA, used by its opponents, have been realized here. The homosexual marriages, the unisex bathrooms, these and many more all designed to create a negative image of what genuine equality really means. The opponents of ERA claim that ratification will destroy family life in the United States. The disastrous state of the American economy is what can destroy American family life, and women are the principle victims of unemployment, whether they are workers in the nation's faltering economy

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or work trying to maintain a home. Labor in Illinois believes that a constitutional majority of the Members of the General Assembly should be sufficient to ratify the Equal Rights Amendment. Yes, we have changed our position from the 60% requirement to a simple majority, because the issue is vital and timely. The movement for ERA has brought many women into the political and economic mainstream of American society, and they have more than adequately demonstrated their right to full equality. Labor believes strongly in equal pay for equal work. We reaffirm our support of equality before the law for all people, and that can be achieved only through the ratification of the National Equal Rights Amendment. You've heard again and again the arguments on all sides of this issue. The ERA is a Constitutional Amendment whose time has come. The adoption of the Bill of Rights, the other Amendments to the Constitution of the United States, dealing with the rights and liberties, did not end our work in these vital areas that are the American spirit, nor will the ratification of the ERA end our work. It will mean a new and hopeful beginning for us all. That, to me and to the labor movement that I am privileged to represent, is what you in the General Assembly meant when you adopted, as our state slogan, 'Land of Lincoln', and it is in that spirit that let us proceed to ratify the Equal Rights Amendment and fully emancipate half of the population of the United States. Thank you."

Speaker Daniels: "The next witness is Carol Bellows."

Bellows: "Mr. Speaker, Members of the House, I am representing the American Bar Association, an Association of 277,000 American lawyers, at the request of its President, David Brink. The policy-making American Bar Association House of Delegates has strongly supported ratification of the Equal

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Rights Amendment since 1974. Passage of the Equal Rights Amendment is necessary to secure equal protection under the laws for more than 50% of the adult citizens of this country. The Fourteenth Amendment was not intended to apply to women and has never been construed in a way that would make gender-based legislation suspect, which is the constitutional test necessary for legal equality. The attempted elimination of sex-based discrimination in employment, housing, credit and other fields, by current statutory law, is not the same as the constitutional guarantee of such rights in favor of individuals in our society. The ERA seeks nothing more than to guarantee to every individual in this society that our institutions of government will not unreasonably draw distinctions between such individuals in the eyes of the law because of sex. The State of Illinois is a shining example of why gender-based laws are neither desirable nor necessary to protect legitimate interests; such as, the right of a homemaker to support. The law on our books for at least 60 years, concerning support, maintenance and custody, for example, are not gender-based, but states that support goes to the spouse in need of support, that both parents are responsible for the support of minor children; that both spouses are responsible for family expenses, and that custody is decided according to the best interests of the child. This kind of legislation recognizes true need and rejects gender-based stereotypes. Other states have shown that women and men have benefited from Equal Rights' constitutional provisions. In Maryland and Pennsylvania, courts have abolished the presumption that all household goods, including jewelry, belong to the husband, which is part of an overall trend toward recognizing the non-monetary contributions of the housewife to the family's

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wealth. In New Mexico, a wife now shares control of family assets. One consequence is an improved credit rating for New Mexican women. If state ERA's bring such improvements, why is a Federal Rights Amendment needed? State ERA's will not change the more than 800 Sections of the U. S. Code that U. S. Civil Rights Commission members identify as sex biased. Most important, according to the Commission's report, women are still far from equal under the law. The surest way to establish that principle is to pass the Equal Rights Amendment now. This is an extraordinary opportunity for the Illinois Legislature to work for the greater good of the whole nation. Thank you."

Speaker Daniels: "Cass Sunstein."

Sunstein: "Mr. Chairman and Members of the Committee, I teach law at the University of Chicago Law School, in particular, constitutional law. Before joining the faculty, I worked in President Reagan's Justice Department. So, I have had some exposure to some of the legal issues raised by the Equal Rights Amendment. I should like to make some brief comments on some of the legal issues raised by the Amendment suggesting what impact it will have. This is a matter on which there has been an enormous amount of distortion. Perhaps the principle argument against the Equal Rights Amendment is that it is unnecessary. Practically no one, no one in this room, believes that discrimination against women should be permitted. Instead, opponents contend that such discrimination is already prevented by the Federal Constitution. This argument is misleading and incorrect. It is important to have a sense of perspective on the matter. As everyone knows, and as Governor Thompson just pointed out, the Fourteenth Amendment was intended to protect the newly freed slaves. The Supreme Court has been tentative and halting in using

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that Amendment to protect against discrimination on the basis of sex. Indeed, for about 100 years, the Court held that the Amendment had nothing to do with discrimination on the basis of sex. Very recently, for the most part over the past seven years, the Court has adopted a somewhat more protective standard to women. The new standard is very vague and very flexible. Under the new standard, the outcome of particular cases will depend on the predilections of the individuals Justices, not on a firm constitutional basis. Nothing as new, as tentative, and as open ended as the new standard is guaranteed to last as a safeguard against invidious discrimination. A Federal Judge recently captured the point when he stated, 'A lower court, faced with the Supreme Court's post-1970 cases, has an uncomfortable feeling, somewhat similar to that of a player at a shell game who is not sure that there's a pea'. Constitutional law has, throughout our history, been subject to numerous dramatic shifts. For a mere period of time, minimum wage and maximum hour laws were impermissible. For a long period of time, segregation laws were permissible. It would be unrealistic in the extreme to rely on very recent developments for the conclusion that the Fourteenth Amendment furnishes sufficient safeguards to women. A Constitutional Amendment would be the cleanest and safest method of insuring, not that reasonable distinctions between men and women are outlawed, but that invidious discrimination is prohibited. To rely on temporary recent developments to conclude that a Constitutional Amendment is unnecessary, would be shortsighted, indeed."

Speaker Daniels: "Reverend James Clyde Grogan."

Reverend Grogan: "I come before you this morning to represent the National Federation of Priests' Councils, not to take up a

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collection. We represent, basically, 33,000 priests across the United States and have clearly put our support, and our Priests' Councils behind the Equal Rights Amendment. So, I come from that dimension. I also am privileged, as a priest, to work in this state. I was born and raised in Chicago, but God has blessed me and now I work and serve in East St. Louis. And so, I come today also representing Doris, and Nicole, and Willa Mae, and Jean, and Felicia, and so many of our single parents. Our women need, desperately need, equality. Thank you."

Speaker Daniels: "Sister McManigal."

Sister McManigal: "Mr. Speaker, Members of the Illinois House of Representatives, my name is Sister Bernadette McManigal. I am a member of the Sisters of Charity of the Blessed Virgin Mary. I am also the Chairperson Elect of the Leadership Conference of Women Religious, Region 8, which encompasses the entire State of Illinois. I testify here today on behalf of the Equal Rights Amendment as an individual, but with the support of resolutions passed by the Sisters of Charity and the National Board of the Leadership Conference of Women Religious. I testify here because of my firm belief in the equality and fundamental rights of every human being. I do not speak for all Catholic women, nor for all Catholic Sisters. No one has the authority to do that; but, in my personal witness, I am supported by the statements from the highest documents of my Church. In the Church document, 'Godianespez', issued by the Second Vatican Council, we read, 'Every type of discrimination, whether social or cultural, based on sex, race, color, language or religion is to be overcome and eradicated as contrary to God's intent'. This official teaching has been supported consistently by other public statements. On April 18, 1975, Pope Paul VI stated how

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very much in agreement the Church is with the purposes of the International Women's Year, while noting that one of its aims, though not the only one, was winning equal rights for women. Here in the United States there are many Catholic organizations that have endorsed the ERA; the National Conference of Catholic Charities, the Conference of Major Superiors of Men, the National Assembly of Women Religious, to name only a few. Recently, 23 Catholic Bishops called upon Legislators in unratified states to ratify the Equal Rights Amendment before the June 30th deadline. I cite these persons and organizations to show that there are no religious grounds for objection, and there is a great religious call for the support of the ERA. One problem sometimes raised is that of abortion. The issues of abortion and equal rights are legally separate and distinct. With full moral integrity, it is possible for me to be strongly anti-abortion and equally as strongly pro-ERA. The ERA is clearly meant to prohibit discrimination based on sex. The legislative history of the Amendment makes clear that ERA does not apply to physical characteristics like pregnancy, which are unique to one sex. Judicial decisions have also separated these issues. The statement of the Massachusetts Supreme Court, in its decision in the case of 'Lowe' versus the Secretary of Administration and Finance, would be but one example. Prominent theologians and lawyers, such as the Reverend Theodore 'Hessburg', President of the University of Notre Dame; Margaret Heckler, Member of the U. S. House of Representatives; Bishop Michael McAuliffe and many others support the ERA, while remaining strongly opposed to abortion. You are now faced with a decision. For this, you have been duly elected. Your vote on this issue, however, is not only for yourselves and your constituents; you vote

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for the citizens of the United States. You vote for the Nebraska wife who must pay an inheritance tax on jointly-owned property when her husband dies, though he would not be so obliged. You vote for the North Carolina woman who has no legal right to rental income on property she owns jointly with her husband. You vote for the women of Illinois who bear the burden of proof in cases of sexual discrimination. In the Old Testament we read, 'This is what Yaweh asks of you, that you act justly'. Proceed, therefore, without delay with this work of justice on behalf of women. Thank you."

Speaker Daniels: "Rabbi... Rabbi Blackmore. The Members are reminded that the Rules Committee is now meeting in room 114."

Rabbi Blackmore: "Mr. Speaker, Members of the Committee of the Whole, I'm speaking to you today as a representative of our ancient tradition and faith, as a representative of Reformed Judaism, which embraces 750 congregations and one and a half million members nationwide. Today I'd like to address a religious and moral issue at the heart of the Equal Rights Amendment. I know that many of you who oppose the ERA feel that you are representing the wishes of substantial numbers of citizens in your districts. You have taken the pulse of your communities and found a constituency that fears what the ERA would do to the country that we love. These are times of stress and upheaval. People are afraid of change. I have heard, you have heard this fear expressed. If we open the ancient dike of inequality, the values at the foundation of our civilization will be washed away in a flood of 'secular humanism', whatever that is. If we adopt the Equal Rights Amendment, so it goes, what will happen to the family? What will happen to religion and decency? What will become

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of morality? The Equal Rights Amendment has become the lightning rod of these deep fears about our society, but I maintain that the task of government is not to reflect these fears but to transcend them. Will the ERA, indeed, be the herald of the end, the forerunner of terrible things? How can any law, which reaffirms the Biblical truth that we are made in the image of God, harm the religious fiber of our civilization? How can any amendment that embodies Isaiah's call to seek justice for all, sow immorality in our country? We wish to establish as the law of the land that over half our citizens shall now be equal. How on Earth does that threaten anyone? I urge you to vote for the Equal Rights Amendment. Thank you."

Speaker Daniels: "Terri and Eugene Wedoff."

Terri Wedoff: "Ladies and Gentlemen of the House, my name is Terri Wedoff, and my husband and I are co-leaders of the Ascension Parish Christian Family Movement in Oak Park. The Christian Family Movement, or CFM, was founded in Chicago in 1943 and, today, has Chapters around the world working to develop and support strong Christian values within the family. Over the past ten years for our family, including our three children, this has meant, among other things, work for the ratification of the ERA. We treat our marriage as an equal partnership and look to the example of Jesus, who broke, dramatically, with the custom of His time, by treating women as equals. My daughter, Alice, will celebrate her 1st birthday in July. I urge this Assembly to ratify the Equal Rights Amendment so that we can give Alice the gift of equality as her most... most lasting birthday present. I'd like to let my husband speak for the balance of our time."

Eugene Wedoff: "Ladies and Gentlemen of the House, I am very happy to have been Terri's husband for the last ten years,

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but I'd like to speak to you today as a lawyer. I'm a partner at Jenner and Block, and I'd like to address an issue which has led a number of good and concerned Representatives to oppose the Equal Rights Amendment; that is, the fear that the Equal Rights Amendment will somehow necessarily lead to women serving as front-line soldiers in any future war this country may be involved in. Ladies and Gentlemen, that simply is not the case. The question of who would best serve as front-line combat troops is a military decision, which the Constitution, as interpreted by the courts over the country's history, has always left to the military. I have a number of cases cited in my written comments that will be available to the Members of this House, but I'd like to discuss just one case before you today. That's the case of 'Kormazu' versus United States. Some of you may remember it. It took place in World War II when Congress and the President had determined, under the guidance of the military, that all Japanese-American citizens living in the western United States should be interned in detention camps for the protection of our country. That was racial discrimination. If that racial discrimination was upheld by the United States Supreme Court because of the national emergency that the country was involved in, just as Hugo Black, a lover of equal rights, a protector of racial minorities, wrote that opinion, but that is the degree that the country will go in protecting its right to national security. It will be Generals, the President and Congress that determine who ought to be our front-line military support in any future war. The Equal Rights Amendment simply has nothing to do with that. Thank you."

Speaker Daniels: "Gwen Martin."

Martin: "Mr. Chairman, Honorable Members of the House, Ladies and

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Gentlemen, I am Gwen Martin, Administrative Assistant to the Regional Vice-President, Communications Workers of America, AFL-CIO, and also Vice-President of the Illinois State Federation of Labor. Today, I will address the necessity of the Equal Rights Amendment, as seen from an economic perspective. As we all know, the role of women in the U. S. economy has expanded dramatically over the past few decades. Women workers have made substantial contributions to increased levels of production and to the nation's income and purchasing power. The recognition of women in our society as full and equal citizens by the U. S. Constitution is a fundamental right which is long overdue. All citizens need the undergirding of their rights spelled out in the U. S. Constitution, lest those who would exploit them feel free to continue to do so. According to the United States Department of Labor, the publication of 1982, April, of the 110 million persons employed in the United States work force, 43% or forty-seven and a half million were working women. Women work for the same reasons that men do, and that reason is, a compelling economic necessity. Despite the fact that the 1964 Civil Rights Act and the 1963 Equal Pay Act made sex discrimination illegal and require equal work for pay... equal pay for equal work, the wage gap among men and women workers is widening each year. Full-time women workers, on the average receive, 59 cents for every dollar received by male workers. The ratio of wages for black women is only 54 cents and, for Hispanic women, that ratio goes down to 49 cents. This ratio of male to female earnings has not improved significantly in the last forty years. Instead of narrowing, the wage gap is widening. Women are still concentrated in those jobs which had traditionally gone to women. This practice of occupational segregation has

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placed most women in low-paying, dead-end jobs which are devoid of promotional, upward mobility or training opportunities. Fringe benefits, where they exist, such as pensions and life insurance, are based upon those salaries, and; therefore, the wage gap has lifelong implications which will always perpetuate women as an underclass in our society, unless there is a change. And so, in summary, the history of women's employment reflects a widespread exclusion of women from many employment opportunities and a depression in those jobs which have been made available to them. These restrictions and the under allowing of women's work are based on and justified by a complex set of stereotypes and false views about women's appropriate roles in society, roles which have been made legitimate and made into law. And so, it is my fervent hope that the Illinois General Assembly will vote to change the rules and to ratify the Equal Rights Amendment; and, by this action, provide a clear, positive statement of commitment to the principle that equality, under law, is for all people. Thank you."

Speaker Daniels: "Jean Allard."

Allard: "Mr. Chairman, Ladies and Gentlemen, I apologize for my voice. I greatly appreciate the opportunity to be here today. My name is Jean Allard. I live in Chicago. I'm a partner in 'Sonner, Sein, Carlin, Nass and Rosenthal', a large Chicago law firm. My practice is substantially a business practice. Additionally, I currently serve on a number of corporate boards; Commonwealth Edison Company, Marshall Field and Company, LaSalle National Bank, Fairmont Corporation and AM International. I am a member of the Economic Club and the Commercial Club and recently was admitted to the Chicago Club as its first woman member. I have served on the Board of the Chicago School Finance

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Authority since its inception and have been active in a number of Chicago civic activities. I was Vice-President for Business and Finance of the University of Chicago and formerly General Counsel of 'Maremont' Corporation, prior to my association with my law firm. Ladies and Gentlemen, I have come late to addressing the issue before you, the ratification by the State of Illinois of the Equal Rights Amendment, but I believe that the reasons which compel me, not only to support ERA, but also to come here today to ask you to join me in that support, may create a fresh perspective on the decision you, and with you, of the State of Illinois, must make in the next few weeks. I must confess that I find myself surprised that the State of Illinois, through its representations, has not long ago ratified this Amendment and moved on to our state's more pressing business. While I can understand the concerns of those in other states who are entirely unfamiliar with an Equal Rights Amendment; we, here in Illinois have lived with an equal rights provision in our state's equal rights... in our State Constitution since 1971. Thus, with a decade of experience with an ERA in Illinois, there is no need for speculation as to the consequences of constitutionally affirming the equality of women. We, through our own Illinois experience, know better than to be afraid of an ERA. What we should be afraid of is the message we will be conveying to our own business community and the nation, if we in Illinois fail to ratify this Amendment. There is no mistaking that Illinois is facing difficult times. We are fiercely competing with other states to keep our industrial base and to attract new commercial development to locate within our borders. In my various capacities, I regularly talk to the management of major corporations. I know that business requires and

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seeks to locate itself in states which have a progressive, flexible and responsive government, responsive to all of its citizens but, particularly, its working citizens. Illinois must establish on the record that it can offer that kind of political home to America's businesses. If we fail to ratify the ERA, we will be fighting an image of ourselves as isolationists willing to have an Equal Rights Amendment of our own; but, nationally, it's unresponsibly and politically backwards. We cannot attract new clients, new industry turning our back on the social progress of the century. States routed in the past, states whose political agenda and image is negative and prohibitive, rather than innovative and dynamic, will wither by the economic wayside. We cannot afford that image. I don't believe you want it. I know I don't."

Speaker Daniels: "Alice Adler."

Adler: "Mr. Chairman, Ladies and Gentlemen, I am Alice Adler, a Co-Founder of the Center for Midlife Women and Co-Editor of the State of Illinois Resource Booklet for Midlife Women. I, myself, was a homemaker for twenty years. I went to work when the last of our three children was ten years old. For some reason, a lot of people don't know that the ERA will probably do more for homemakers than for any other group of women in so many ways; marital property, pensions, Social Security, to name just a few. Common law does not adequately recognize the homemakers contribution. Under the common law, for example, every piece of property bought with the money a husband earned in paid work is his and his alone. He can, if he's generous, give some of that property to his wife; but, if he does not care to do so, that's completely his business. Although the husband has a formal duty of support; in practice, the courts say this means not much more than bare survival; but, after common

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law states have put ERA's in their Constitutions, their Legislators and their courts have begun to see the housewife differently, not as a dependent, but as a genuine, equal partner in the marriage contributing her labor to the household economy. In this new view, the things a housewife does to maintain and support her family deserve equal credit. Then, for example, property that a couple has bought belongs, not only to the husband because his money bought it, but to both partners because their joint labor made it possible. I would like, particularly, to speak on behalf of older women who enter the work force, after their lives as homemakers, and find double discrimination on the basis of both age and sex. At the moment, almost three-quarters of the nation's elderly poor are women. They are not in this position because they've been lazy or shiftless. They are there because our present system has little way of recognizing, other than with words, what the housewife gives us during her working life. Careful reform of marital property, pensions and Social Security is not easy, but experience with state ERA's shows us that an ERA will not impose on us some rigid, unrealistic system. An ERA will do what it has done, for example, in Pennsylvania and our own State of Illinois, provide adjusted fair principle that breaks from the common law to finally guide us toward recognizing, as a matter of right, the homemakers contribution to a marriage... to a marriage. These lawyers today are not kidding. This Amendment is very, very important to women. You have a chance today to take up the role the U. S. Constitution has given you. Ratify this Amendment the way Constitutional Amendments were suppose to be ratified, by a simple majority in the State Legislature."

Speaker Daniels: "Robert Bergman."

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Bergman: "Mr. Chairman, Members of the House, good afternoon. I am Robert Bergman. I'm a Republican. I own and run a plastic toy manufacturing company in Montgomery, Illinois. We employ about 400 people. Two-thirds of them are women. I wanted to point out the advantages of the Equal Rights Amendment for business. My position is the same as that of the National Business Council for ERA. There are two major reasons for our support. The first is waste. We waste the major portion of our human capital by not employing women in jobs that fully utilize their capacities. Over half of all the women who are employed are working in only 20 of the 441 kinds of jobs listed by the Census Bureau. Although the job of mother and homemaker is the most demanding job I can think of, when women join the paid labor force, they are channeled into jobs that are... do not use all their talents. You and I know that employers often still think twice before hiring a woman for a supervisory position. Some people, in this very Assembly, may still be prejudiced against retaining a woman doctor or a woman lawyer. This happens at all levels of employment. Women are arbitrarily channeled into lower-paying, low-responsibility, low-challenge jobs. The result is a waste of one of our country's most valuable resources - the capabilities of over half our citizens. What would the ERA do? It would begin the process of taking women's talents seriously, by writing into the Constitution a principle that every school child, every employer, every employee would understand and accept as a statement of national policy; that every person can compete for jobs on the basis of ability without prejudice. Voting against ERA means that you are telling this country that the present waste is acceptable and that the country has decided, in these times of economic hardship, that we do not need the enhanced

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productivity that hiring talent, not gender, would give us. Refusing to change our attitudes about the value of women will confirm us in our present colossal waste of potential. The second reason business supports the Equal Rights Amendment is that the present way of dealing with discrimination through federal and state laws leads to confusion. We're dealing with countless ad hoc regulations. The ERA will give us one clear and national standard, will lead to less bureaucracy, because there can be consolidation under a single principle. Business needs the Equal Rights Amendment. I urge you to vote favorably on this Amendment. As a lifelong registered Republican, I urge you to abandon the three-fifths rule to get ERA ratified now."

Speaker Daniels: "Joseph Hannon."

Hannon: "Mr. Chairman, my name is Joseph Hannon, President of the Chicago Convention and Tourism Bureau, managing Director of McCormick Place and Director of the Chicago Promotion Council. I come with the strongest convictions of support for the ratification of the Equal Rights Amendment by the State of Illinois. Women in American today represent 52% of the labor force. Since the initial thrust of the ERA movement, more than 1400 women's organizations have been formed. Each of these organizations represent potential convention business. Women in general, whether working or not, represent potential delegates to trade shows, conventions and corporate meetings, as well as potential pleasure visitors to Chicago and other cities throughout Illinois. All this means increased revenues for the state. The hospitality industry for the Chicago area is approaching two billion dollars annually in expenditures by the almost nine million people who come for pleasure travel, conventions and meetings. State and local taxes

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from this industry runs annually into millions of dollars; however, because of the state's failure to adopt the ERA, the Chicago region, as well as the state itself, has suffered extreme losses in revenue. Since the boycott alone, the Chicago-area convention industry has lost a total of 144 meeting groups. Twenty-three of these groups were actual cancellations. The remaining 120 were precluded from bidding because of the boycott. The loss in convention business is in excess of 75 million dollars. At a time when Chicago and the State of Illinois are struggling to maintain their pre-eminence as a hospitality center, and at a time when unemployment is a plague, and in an industry that employs more than 100,000 people statewide, repudiation of the passage is indeed fiscally ludicrous in a state that depends dearly for its monetary sustenance on conventions, trade shows and visitors. We, in our industry, strongly support the rules change for a simple majority to insure the adoption of the Equal Rights Amendment. We recognize the Amendment, quite simply, as the affirmation of basic rights which should not be denied any individual, male or female. Illinois is a state whose history is comprised of countless individuals who recognized and fought for equality. Our state's failure to adopt this fundamental right would be a serious contradiction of the heritage of values for which we are so proud. It is a matter of simple justice. Please vote and support the Equal Rights Amendment. Thank you."

Speaker Daniels: "Reg Weaver."

Weaver: "I'm Reg Weaver, President of the Illinois Education Association. IEA-NEA supports the Equal Rights Amendment wholeheartedly. We believe that every citizen in Illinois and the United States should have equal opportunity, regardless of their age, their race, their sex, and/or

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their religion. We believe that equality for all is... is one of the foundations and the strengths of our democracy. There are many reasons for ratification of the Equal Rights Amendment, and I want to share just two of the concerns of Illinois teachers. The first concern is with allowing all of our students, regardless of sex, to realize that their full potential needs to be realized within the United States. Within this Amendment... or without this Amendment, sexual discrimination will continue to exist. Secondly, in the social studies and civics classes, IEA members teach their students that the mechanics of the democratic process is necessary. We discussed the advantages of our democracy with representative government and majority rule. We also encourage students to exercise their voting rights and to participate fully in the political process. In short, we teach that the system works, and it should work with the Equal Rights Amendment; because, a majority of citizens of Illinois, majority of the Illinois Legislature, Republicans and Democrats, support it. We will continue to encourage our students to understand the process and be active citizens. The IEA-NEA encourages you to make the democratic process work by supporting the rule change, supporting ERA and doing so as soon as possible, so that we may be about the changing of the inequalities of the past. Thank you very much."

Speaker Daniels: "Nancy Erickson."

Erickson: "I'm Nancy Erickson, Professor of Constitutional and Family Law at the Ohio State University College Law. Mr. Chairperson and other friends, I have been asked to speak on the effects of the Equal Rights Amendment on family law and, especially, on the status of the homemaker. Some opponents of the ERA claim it would destroy the family. If the family were dependent on the maintenance of the

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dominant husband/subservient wife relationship, then the ERA would destroy the family. The family can only be strengthened, however, not harmed by relationships of mutual respect, love and support, which would be encouraged by the ERA. Some opponents of the ERA argue that it would force the homemaker out of the home and into the paid work force. Economic need has already done that. The ERA would not. It would not be honest to gloss over the fact that women will lose some legal, quote, 'rights', unquote, as a result of the ERA. The issue, however, is whether they will gain more than they will lose. Let me list three losses. Number one, as a result of the Maryland ERA, women lost the right to a free oyster license. Number two, widows in Florida would lose the right to a 15 dollar tax benefit. Number three, divorced women in a few states, in which the law still puts the full or primary burden of child support on the father, may be required to contribute to their children's support. However, as was the case under the Pennsylvania ERA, a mother's services may count as her contribution in lieu of money, and she will not be required to contributed monetarily, if she is financially unable to do so. Now the gains. Will women, especially homemakers, gain from the ERA? In states that have state ERA's, the answer is a resounding yes. A Pennsylvania court, holding unconstitutional a presumption that all the marital property belongs to the husband, declared a presumption of equal ownership. The court held that the one-sided presumption failed to acknowledge the, quote, 'equally important and often substantial non-monetary contributions', unquote, made by the homemaker spouse. In Washington State, the Attorney General declared the common law rule that the wife's domicile followed her husband's was inconsistent with the state ERA. The federal ERA would

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similarly invalidate New York's rule that a wife is guilty of abandonment if she fails to go with her husband wherever he decides to move. In my own State of Ohio, several sex discriminatory family laws will be changed by the ERA. For example, girls can marry at 16, boys at 18. This discourages girls from completing their education and equipping themselves for productive adult lives. Arguments that the ERA will harm homemakers distract attention from legal deficiencies that really do harm them, such as lax enforcement of alimony and child support orders. I urge you to vote for the ERA."

Speaker Daniels: "Arthur Rubloff will file a written statement. Representative Robert Barr."

Barr: "No, Mr. Chairman and Ladies and Gentlemen of the House, I've been asked to present the testimony of Mr. Arthur Rubloff, which I am pleased to do. Mr. Rubloff, if he here, would say that he is a Republican and had been a Republican all of his life. It is as a Republican and a supporter of the free enterprise system that he would present this testimony today. Americans, he believes, are too legalistic. Every time something goes wrong, they say, 'There ought to be a law'. This puts too many laws on the books. What's worse, any time anybody feels really strongly about something, they try to amend the Constitution. This is not the way the country should be run. The Constitution should be a strong and simple document."

Speaker Daniels: "Excuse me. Representative Barr."

Barr: "This is why ERA should be in the Constitution."

Speaker Daniels: "Excuse me, Sir. The time has elapsed. We will now hear from the opponents, and perhaps we could have the opponents come up here on the left side of the podium. So, will all those testifying on behalf of the opponents please

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come up front, and the proponents may go to the rear of the gallery where there are some seats set up. The rear of this House chambers. The first witness for the opponents will be Eliza Paschal."

Paschal: "Mr. Chairman and Members of the Committee, please do not attach any significance to the fact that I am wearing green. My wardrobe is not color-coded for politics. I live in Atlanta, Georgia. I am a feminist opposed to the ERA. I was a founding member of Atlanta NOW, serving on the National NOW Board, and was National Secretary for NOW from 1968 to '71. I'm a former President of the Atlanta and Georgia Leagues of Women Voters and was appointed by then Governor, Jimmy Carter, to the Georgia Commission on the Status of Women. I served as the first Executive Director of the City of Atlanta Community Relations Commission, established in response to the civil rights movement of the '60's. Since 1968, I have worked for the United States Equal Employment Opportunity Commission in Atlanta, and it may interest some of you to know that I was a college classmate of Giddy Dyer, who served several terms in your Legislature. Needless to say, Giddy and I do not agree on this issue. The notion that women have fought for this measure for fifty years is fiction, not fact. I never heard of the Equal Rights Amendment until 1967 when I was elected to the National NOW Board, and even then, only casually. The suffragettes in 1920 considered an Equal Rights Amendment and decided against it. Instead they organized the League of Women Voters. In 1930...In 1970 Betty Friedan proposed a Coalition of Women's Organizations to push for ERA ratification to commemorate the 50th anniversary of the Suffrage Amendment. And, not until 1972, did the League of Women Voters take a position in favor of it. As an enthusiastic and loyal NOW member, I

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campaigned for the ERA; but as I read and studied pro-ERA material in order to seek responsibly for the Amendment, it became clear that there was not and there is not any need for further declaration of principles. There is no need for a women's section of the United States Constitution. I come before you, not as a second class citizen, nor as a petitioner for rights which men among you have the authority to grant or withhold, but as a citizen of the United States with the same Constitutional rights as any man. The Constitution is completely sex neutral, and I can only conclude that John Adams heeded the admonition of his wife, Abigail. The Supreme Court in an 1874 decision, 'Midas versus Habasat', explicitly stated that, and I quote, 'Sex has never been one of the elements of citizenship in the United States. In this respect, men have never had an advantage over women. The same laws apply precisely to both.', end quote. We do not need the ERA to authorize Congress to pass laws outlawing sex discrimination. The National Commission on observance of International Women's Year, appointed by President Ford, in its report to the President and the Congress in 1976 said, and I quote, 'Proponents and opponents agree that Congress has adequate authority to enact legislation needed to end legal discrimination', end quote. Congress has exercised that authority within recent years by outlawing sex discrimination in employment, credit, education, public services and other areas. Contrary to present NOW claims that, quote, 'without ERA women earn 59 cents for every dollar paid to men for the same job', end quote, any such discrimination today by an employer of two or more violates Federal law, and anyone knowing of such should report it to the EEOC. If that law were repealed, as you well know, a Constitutional Amendment would not require that private

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employers pay women and men the same. And, I want to make it clear that I am here today on my own time, speaking for myself and certainly not for the Equal Employment Opportunity Commission. However, I know that ERA advocates argue that Title VII of the Civil Rights Act of 1964 does not cover employers of fewer than 15 persons. That is not an ERA issue. The law applies precisely the same to men and women. Men who work in businesses with fewer than 15 are not covered by the law, and women who work in businesses with fewer than 15 are not covered by the law. However, Congress may extend the coverage as it has done several times since it was enacted in 1964. Passing more laws against sex discrimination will not make it any more unlawful, any more than passing more laws against murder makes murder any more than it already is. We do not need the ERA to give State Legislatures authority to prohibit sex discrimination or to make present laws sex neutral. Georgia, and as we've heard today, Illinois and others have exercised that right freely in the past ten years. The only official review of state laws in Georgia in terms of sex discrimination was made in 1978 and revealed one hundred laws that favored women over men and ten that favored men over women. The next year, in one single Legislative Act, the Legislature sex neutralized most of those laws. For example, giving men as well as women the right to alimony and repealing the laws requiring husbands to support their wives. I oppose the ERA because of the false claims made by its proponents. The slogan, 'Nothing protects women like the ERA', is meaningless. Protects them from what? Old age? Poverty? Lonely? Unhappiness? I'm not unsympathetic to the troubles of individual women. But I know from personal experience that no law can comfort men or women from the grief of widowhood or lessen the

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strain of single parenthood or absorb the trauma of divorce, no matter how friendly the parting or how adequate the death benefits might be. I oppose the ERA because there is such confusion over its interpretation that, frankly, I cannot tell what it is I am being asked to say 'yes' to. The only issue on which all agree is it will require that women be drafted if men are drafted. As Congress already has full authority to draft women and men, one without the other, or both, the only thing ERA would add in that area would..would be utter inflexibility which, I think, would be a dangerous move. Uniform state laws is a valid political issue, per se, but it is not an ERA issue. Obviously, the best guarantee of uniform laws throughout the fifty states would be the elimination of state laws, as well as State Governments, for that matter, altogether. Frankly, I'm always glad to see California try new proposals before it bounces back to us. I oppose amending the Constitution simply on the grounds it would make some women feel better. Certainly would not make me and millions of other women feel better. The International Women's Year Commission in 1976 said that the ERA is needed, and I quote, '...to enshrine in the Constitution the moral value judgment that sex discrimination is wrong', end quote. If we are going to add statements of moral value judgments to the Constitution, there are others that come to mind. For example, the moral value judgment that race discrimination is wrong. Nowhere in the United States Constitution do we find the statement that equality of rights under the law shall not be denied or abridged because of race. Ratification of the ERA is a straightforward political fight and the proponents have lost. This does not mean that the battle for equality has lost. ERA is not

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synonymous with women's rights or equal rights. Betty Friedan in her recent book, The Second Stage, writes that the women's movement is dead. But, Betty also writes, the women's movement did not fail in the battle for equality. It is time for us all to acknowledge with pride that we have won the legal victories which we set out to win. We do not need to talk about equality any more. It is time for each of us to get on with making use of our equality of rights and responsibilities. Among Americans of voting age, women outnumber men. If our system of representative government has any integrity, women already possess the means for full participation in government equally with men. The International Women's Year Commission said, quote, "The ERA is needed to fulfill the American dream of of equality", end quote. They were wrong. What is needed to fulfill the individual dream of equality is...What is needed to fulfill the American dream of equality is the individual will to risk equality. And in that challenge all Americans are equal under the law. Thank you for your...the opportunity to address you and for your attention."

Speaker Daniels: "Paulette Anderson. Diane Kross."

Diane Kross: "Mr. Chairman and Illinois Representatives, I am from Chicago, Illinois. I want to thank the Legislators for letting me express my opposition to the Equal Rights Amendment. There are a number of reasons that I oppose it, but today, I would like to talk about the most important one to me; the fact that ERA would compel the drafting of eighteen to twenty-one year old girls and the placing of them in combat duty. It is true that Congress has always had the power to draft women. But at the same time, Congress was also free to exempt them. This they did, admirably, in every war the United States has ever fought.

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However, if the Equal Rights Amendment were the law of our land...land, it would be unconstitutional to exempt young women from the draft. This is very clear. Only the drafting of young persons would be allowed. The same holds true for the placing of persons in combat duty. Right now, any girl who wants to, may volunteer for any branch of the service that she may choose. But what about the girl who does not feel that Army life is for her? This would be a blatant abolishment of her equal rights. The home is the building block of society and to remove girls or mothers for military service would be an audacious attack on the family...would be an audacious attack on the family. Mothers bear and nurture the young children. They provide the soft loving care upon which family life revolves. The mother is the stabilizing element for all the mobility of family members. As a mother goes about her daily work, she serves as a role model for her young girls. Thus, generations continue in this stable and reasoned manner. I will shorten it. This is why, although I strongly support equal rights for women, I'm opposed to this particular Amendment. I would like to ask the Illinois Legislators to uphold the rights of women and protect the family by voting 'no' on ERA. Thank you."

Speaker Daniels: "Sari Keller."

Sari Keller: "Mr. Chairman and Illinois Representatives, I'm a teacher in Chicago. I am nineteen years old. I have come here for two purposes. First, to stress, from a personal point of view, something which should by now be quite obvious; second, to correct a false impression. Point number one, as a young woman among millions of draft age women, I resent those who would, in seeking my benefit, mainly equal rights, glibly deny me what has been my right and the right of women since time immemorial, that is, the

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right to retain my identity as a women and be exempt from military service. We are amazed at the cynicism of those, most of whom are long past draft age, who would be our benefactors without having consulted us as to our real wishes. Who gave them the right to reject, at our expense, a different wording for the Equal Rights Amendment when it was being considered by Congress, which would have allowed for a continuation of our exemption from the military draft? We consider this an insult to our intelligence when they tell us that Congress now has the power to draft women. Don't they realize that we know that, and that we also know that Congress now has the power to exempt women which they won't have if the ERA passes? Second point; as a proud member of the Jewish people and a practicing Orthodox Jew, one who teaches Jewish children in a Jewish school, I wish to dispel the false image created by certain individuals and organizations that American Jews are united in support of the Equal Rights Amendment. This is simply not so. To the overwhelming majority of Orthodox Jews who number in the millions, the idea of completely erasing any and all distinctions between the sexes, no matter how natural and how reasonable these distinctions are, is totally unacceptable; and, to suggest that Equal Rights must be gained at any and all costs, even the drafting of young women into the military service, is a violation of the very core of our moral code, one, which Torah observant Jews cannot and will not accept. Thank you."

Speaker Daniels: "Anne Schlafly."

Anne Schlafly: "Mr...Mr. Chairman and Illinois Representatives, I am Anne Schlafly. I oppose the Equal Rights Amendment because of its effect on the military draft. Since the Supreme Court decided that all women are exempt from military duty under the present laws, I will not be

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required to register when I turn eighteen in November. However, if ERA is ratified, I would have to register, and if this country gets involved in a war, I would be subject to military conscription in combat duty since I have no physical defects. That is the meaning of equality. After having grown up in a competitive, athletic family with four brothers, I can assure you that there is no possible way for me to face a belligerent force and come out alive. I spent my childhood years in constant physical battle with my brothers. I'd hate to say it, but I always lost simply because I do not have the strength necessary to win. They were always able to tie me up. I was never once able to inflict similar punishment on them, although I tried desperately. Now, all my brothers are about a foot taller than I am, and the physical difference between us is much greater than when we were growing up. I don't dare to get into a fight with them, as past experience has shown me that I am no competition. Under ERA, any enemy force would find me an easy victim, so I don't see how I could help our country by serving in a war. ERA cannot change the fundamental law of nature that makes men physically stronger and so; putting women, like myself, in the Army could only be detrimental to the defense of the United States. The ultimate goal of war is to win, so it doesn't make sense to draft women, even healthy ones, since they are physically weaker. Women are endowed with many attributes, but physical prowess is not one of them. Our national defense is too important to trivialize with a social experiment, so don't vote for ERA. Instead, please vote for women by rejecting ERA."

Speaker Daniels: "Patricia Trowbridge."

Patricia Trowbridge: "Mr. Chairman, Illinois Representatives, I'm Patricia Trowbridge from Downer's Grove. There are a

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multitude of reasons why the Illinois Legislators... Legislature should not approve the controversial proposed Equal Rights Amendment. Both sides of the controversy agree on one point however, that women would be subject to the draft and military conscription on the same basis as men. While I have no objections to women volunteering to join the Armed Services, I strongly object to the conscription of women which ERA would mandate. Very few women are capable of competing with men in the rugged physical demands of the military. Actually, almost half the female recruits never complete their initial term of enlistment. Notwithstanding armed forces recruitment posters, military service results in a substantial loss of privacy to both sexes. Many of you Gentlemen have served in the armed forces and understand the situation much better than I can describe. Military service, by the very nature of its mission, tends to defeminize women. Such activities as forest field marches, combat training and close living quarters is abhorrent and contrary to the very nature of the overwhelming majority of all women. This has become more and more apparent as the armed services have accumulated experience with the increased influx of women recruits. Military commanders, sometimes at the risk of jeopardizing their careers, are speaking out more frequently on the problem of women in military service. Gentlemen, regardless of what the 'libber' ERA proponents claim, the most important attribute we women have going for us is our femininity. Adoption of ERA would tend to destroy women's femininity, in this, and a variety of other ways. Gentlemen, I plead with you to vote 'no' on the simple sounding, but insidiously treacherous, Equal Rights Amendment."

Speaker Daniels: "Phyllis Schlafly."

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Phyllis Schlafly: "Mr. Chairman and Illinois Representatives, one of the powerful reasons for opposing the Equal Rights Amendment is the high probability that the Supreme Court will hold that it requires tax funds to be paid for abortions, in other words, that it will make the Hite Amendment unconstitutional. We do not know for sure that the Supreme Court would hold that, but we do know for sure that that is the way the abortionists will argue. We know that, because the American Civil Liberties Union has already argued in a brief in court in Massachusetts, which is a state ERA state, that since abortion is something that happens only to women, it would be sex discriminatory to deny state funds for abortions. The abortionists won their case. However, the Massachusetts High Court did not deign to tell us what it thought about ERA. We can be sure that a similar case would be lodged in the Supreme Court under the Federal ERA, and all they would have to do is to convince one Supreme Court justice, who is already pro-abortion, that ERA makes a difference in the decision they already handed down on the Hite Amendment, which was a five to four decision. Many of us believe that risk should not be taken. Abortion and other areas that you've heard discussed today, you can argue back and forth about what you think or what I think ERA will do; but, there is one effect of the Equal Rights Amendment which is not arguable. It is absolutely, positively certain that the very day ERA went into effect every eighteen year old girl in this country would be compelled to register for the military draft just as eighteen year old men are compelled to register today. And you noticed in more than an hour of testimony of the proponents, not a single one of them addressed that issue. This is the greatest take away of rights in history, and it shows that ERA is a fraud in

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pretending to help women when it is at the expense of these eighteen year old girls. There's no dispute about this issue. I've been debating it for ten years. There is no ERA leader who denies it; there's no lawyer who's been willing to put his name to a denial of that fact. The U. S. Civil Rights Commission that you heard from today admits it. Their high authority, Professor Emerson, admits it, their Ruth Bader Ginsberg, all their leaders admit it. The House Judiciary Committee report that full..reported out ERA said, and I quote, '..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'. So eager are these ERA'ers to put our young women in the military against their will, that they got President Carter to ask for the draft registration of women and men under the present Constitution, and, his representative went over from the Pentagon to testify and Senator Sam Nunn asked the Defense Department lobbyists this question, 'Well, we draft by a lottery. And if the lottery number comes up first of a young mother with a small six month old baby, does she go?'. And the answer from the Pentagon was, if her number comes up first, she goes. And in response to that testimony both Houses of Congress voted overwhelmingly to exempt all women on a sex discriminatory basis from military draft registration. And so eager were these ERA'ers to draft our daughters that they took their case into the Supreme Court, and they pleaded with the Supreme Court to order the draft registration of women right now. The American Civil Liberties Union did that. The National Organization for Women filed a brief with the Supreme Court saying that it makes women second class citizens to exempt them from the draft, and when the Supreme Court upheld the exemption of the all women from the draft, Eleanor Sweal

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called that a tragedy. Ask yourself in your hearts, how could any woman be so selfish as to want something at the price of these young women having to be forced into the Army against their will? How could any man be so unmanly as to say he would send these young women out to do our country's fighting for them? My husband, like many of you, is a veteran of World War II. He loves to tell stories of Audie Murphy, the most decorated American soldier in World War II. You know about him. I looked up his size. The size of Audie Murphy was just the size of my little five foot two daughter; but, he was a man and he had the strength and the risk taking courage and the physical ability of a man. And yes, there is a difference. I have heard people say, 'Oh, don't worry about drafting women. We're in a push button age'. Tell that to the soldiers who are fighting in the Falklands today. I have heard a few parents say, 'It's alright with me. Take my daughter as well as my son'. There are a few parents like the parents of John Hinckley who want to put their children off for society to solve their problems, but most of us are very protective of our daughters, and you have to understand that the Equal Rights Amendment is the Amendment of compulsion. Our young daughters would be forced by the Federal Marshals to register for the draft just like men if ERA ever goes into effect. And we don't want them put into basic training, taught to kill, live in the barracks, live in the men's world that the Army is. That's not the life we want for our daughters in the name of 'equality'. You've seen a lot of demonstrators prancing around in the last few days. It's not clear what they really want or think ERA will give them. But whatever it is, they are asking for it at the price of the rights, the privacy, the morals, the religion of our eighteen year old daughters.

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The ERA'ers are asking certain powers that be, to use their political strength to force Legislators to vote 'yes' when their conscience tells them to vote 'no'. They carried on a boycott of the City of Chicago. How could they go back to their constituents and say, 'Yes, I enabled some good conventions to come to the City of Chicago and the price is that your daughters will be drafted.'? How could they go back to their constituents and say, 'I made a good deal for our district; we got a road for our district.', and the price of it is that your daughters will be drafted? Or, 'Fine, I had to acquiesce in certain political power and we got ten patronage jobs for our district, and the price of it is that our daughters will be drafted'. Or, 'I was in a hard fight for re-election and I wanted the endorsement of the newspaper, and the price that we had to pay is that your daughters will be drafted'. Our daughters are not for sale at any price, and even if ERA would do all the things that the proponents think it will do, which of course we deny, it wouldn't be worth it if these young women have to pay the price, the price. I wouldn't take a million dollars if the price were that my daughter would be drafted. You've heard a lot of emotion on this subject, but you haven't seen anything yet when it comes to the matter of the mothers protecting their daughters from the draft. Nothing could tear this country apart like that. You heard on the news yesterday that ninety-three percent of our eligible young men have voluntarily and peacefully complied with the law and registered. But it wouldn't be the same with the young women, because drafting women is contrary to our religion, our culture, our mores, the wishes of the American people. The notion, the ERA'ers notion that our daughters must be treated like men in the matter of the draft has been decisively rejected in all

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three branches of government, rejected by the Congress, rejected by the President, rejected by the military and rejected by the Supreme Court. Only one power is strong enough to override all of that and compel it, and that is the United States Constitution amended with ERA. Everything else you can speculate about the result. There's no speculation about the draft. A vote for ERA is a vote to make these darling daughters pay the price of whatever it is you think you're going to get. Illinois has rejected the Equal Rights Amendment more than twice as often as every other state in the Union. There's absolutely no reason ever to vote on it again. Ladies and Gentlemen, I urge you to reject the Equal Rights Amendment."

Speaker Daniels: "James Moffett."

James Moffett: "Mr. Speaker, Members of the House, my name is James Moffett, and I'm a minister from the City of Champaign, Illinois, and I've been part of the sleeping giant of people around this nation that have not really understood what's happening with this Equal Rights Amendment. We have heard over and over again, equal pay for equal work. And that's the slogan and the propagandistic words that we of this nation has heard and many millions of people have bought it and swallowed it hook, line and sinker. It has only been two months ago that I have been awakened and realized the full impact and the brunt of what this Amendment will do to our nation. I stand wholeheartedly against the Equal Rights Amendment. I'm... I'm a newcomer to this..to this reality, and I have been traveling around the State of Illinois for the last three weeks, meeting pastors, meeting clergymen that are also part of that sleeping giant that I believe is becoming motivated at this moment to put a stop to this, only

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because the education and... and the facts are coming out as to what this Amendment really stands for. And I want to interject one act of prayer to God, and just say to you Legislators that there's a childish action going on today of fasters saying if...'I'm going to hold my breath until you vote for me'. It's childish. But I want you to know there are many, many concerned Christians, men and women of God, who have spent hours on their knees in the quietness, not seeking the publicity, quietly on their knees praying for each and every one of you. And I stand today as a man calling upon God to direct and guide each one of you as you lead the State of Illinois. And I ask you, and I urge you, and I beseech you as men and women of integrity, to seek the will of Almighty God in this situation. The arguments pro and con are flying fast and furious, and they have been for many years. But I would interject that the most important argument and the most important voice that must be heard is the voice of the Creator, who... who did not create Adam and Steve, two men. He created Adam and Eve, a man and a woman. And I believe that God does have a say--so in the affairs of men if we would but seek Him and... and ask for His will in our lives and also in the lives of our constituency. So I urge you to seek God and to pray and I urge you to vote that. Thank you very much."

Speaker Daniels: "Madalyn Scheid."

Madalyn Scheid: "Mr. Chairman and Illinois House of Representatives, my name is Madalyn Scheid, and I repres...I am the...serve as a Province Director for the entire State of Illinois, representing approximately nine hundred thousand Illinois women on the National Council of Catholic Women. I am here to speak against the Equal Rights Amendment. The Province joins the National Council of Catholic Women with ten members...ten million members

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rejecting it from time to time. Catholic Daughters of America, Knights of Columbus and three hundred American Catholic bishops do not endorse the ERA. It has been a deep concern to us from its very beginning. I will give you the following logical reasons. As true American women, we firmly believe our great country was founded to provide freedom and justice for all its citizens, men and women, unborn or aged, regardless of race, religion or color. We believe our freedom and justice is protected with due process of law. Under the Constitution of the United States with a representative form of government, we have a mannerly method for process of Amendment. Hysteria has no place in this process. In Genesis, Chapter I, verse 27, it says, 'God created man in His own image and likeness in the Divine image He created them, male and female. He created them'. This verse infers a common humanity and spiritual equality. It also tells us that woman is a distinct creation, equal but different. We firmly believe that the great God, who created this magnificent world and everything in it, on it and above it, and especially the intricate human body and mind, knew what He was doing when He created two sexes, male and female. Referring back to Genesis, we firmly believe that man and woman were created equal, but different, each with distinct gifts and responsibilities. We firmly believe the Constitution of the United States spoke to these God given rights in its Preamble, and in using the term, 'all men', to mean all its citizens. We do not assume that women and children were excluded. In Illinois, we are even further protected in equal freedom and justice by the Preamble of the Constitution of the State of Illinois and in particular, the Bill of Rights, Sections 17 and 18. Being created by God in His own image and likeness, and as citizens of the

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United States in the great State of Illinois, we, as intelligent women, know there is a distinction between justice and the Equal Rights Amendment. We know that the proposed Amendment is not a viable solution to the problems of the injustices that some women indicate. Though it is sound as an ideological statement, it has serious defects as a legal statement. Its terms are undefined; thereby, it would give the courts wide latitudes for interrupting...interpreting its meanings. Therefore, as constituents of you, our elected Legislators, we ask you to vote 'no' on ERA and not be swayed by radical or starving women from other states who wish to force their way of thinking on you and the free and intelligent women of Illinois. Thank you."

Speaker Daniels: "Vi Hamilton."

Vi Hamilton: "Thank you, Mr. Chairman and other Members of the House. I'm Violet Hamilton of Normal and also of Illinois Legislative Research Associates. I would like to just make two quick points here this afternoon, the first being that almost exactly ten years to the day, on June 2nd, 1972, I stood in this very spot before the House Judiciary Commission...Committee and was one of the first to raise serious questions and concerns about the ERA. My questions and concerns were not satisfactorily resolved that day, nor to this very day have they been resolved. Whether pertaining to the Social Security, the drafting of women or any other matter, they've not been resolved for one reason. To get to the point, none of you is in a position to guarantee what the Federal Congress and/or the Federal courts will do to implement the ERA if it's ever ratified. The second point regard...regards the three-fifths requirement. Dr. John 'Wintem', of Illinois Wesleyan University in Bloomington, who was a delegate to the 1970

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Constitutional Convention and himself a proponent of ERA, but not willing to sacrifice the principle involved to get it, very kindly prepared for me about a four or five sentence statement which recapped the thinking of the delegates at that time and what went into the decision of the three-fifths requirement, and I'd like to read those few sentences to you. 'The delegates to the Sixth Illinois Constitutional Convention were concerned that the old two-thirds vote rule for proposing or ratifying an Amendment to the State Constitution was too harsh, yet that a simple majority vote could make possible frivolous proposals to amend the document. The resulting decision to require a three-fifths majority for such action was believed to be a reasonable compromise between the two standards. For most delegates the compromise resulted from a desire that Constitutional revision be more difficult than the passage of new statutes because of the more enduring nature of a Constitution. For similar reasons, it was decided to impose the three-fifths requirement for ratification of Amendments to the U. S. Constitution. Indeed, if one reviews the Illinois Constitution, it will be noted that where an extraordinary vote is required, the three-fifths rule obtains'. That was the intent of the Con-Con delegates and it was the intent of the voters of Illinois who ratified that document in December of 1970. Thank you."

Speaker Daniels: "Janine Aggen."

Janine Aggen: "Mr. Chairman and Legislators, my name is Janine Aggen. I am an attorney practicing law in the City of Wheaton, DuPage County, Illinois. I was admitted to practice in 1977 and during the past two years, a substantial portion of my practice has involved equal protection on Constitutional issues. I am a member of the

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American Association of University Women and currently serve on the Board of its Wheaton, Glen Ellyn branch. I have lectured as an Associate Professor of Law at Northern Illinois Law School. I am also a homemaker and mother of two daughters. I am here as an attorney, wife, woman, homemaker and an individual who is firmly opposed to the ERA. Article I, Section 18 of the Illinois Constitution states, 'The equal protection of the law shall not be denied or abridged on account of sex by the state or its units of local government and school districts.' The thrust of this Amendment was intended to and does cover the whole area in which women are subject to discrimination, including the enforcement and administration of the law, as well as the provisions of the law itself. Section 18 became effective in 1971, almost eleven years ago. The critical question today is, what has Section 18 done to insure equal protection for members of both sexes? The first fact to be noted is that Section 18 has clearly abolished the prior presumption of the Constitutionality of legislative classifications based upon sex. As a result, the courts now review in Illinois any sexual classification based on sex with strict judicial scrutiny and require the state to show a compelling state interest in order that a sex based classification survive constitutional challenges. The practical effect of such scrutiny is that sex classifications have been more readily found invalid. It should also be noted that proponents of the ERA claim that one major advantage to be gained from passage of the ERA would be that a similar standard of strict scrutiny would be required for review of sex classifications in Federal court. This is already the practice in Illinois. What type of sex based classifications have successfully been challenged under

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Section 18? In 'People versus Streets', a seventeen year old boy challenged the section of the Juvenile Court Act which provided a seventeen year old female would be tried for criminal offenses as a juvenile, but that a male of the same age would be prosecuted and sentenced as an adult. The court agreed with the petitioner that such discriminatory treatment was, in fact, unconstitutional. Similarly, in 'Ray Phelps', a male challenged Sections 3 and 6 of the Marriage Act which provided that males had to be twenty-one years old to marry without parental consent, but allowed females to marry at age eighteen without parental consent. The Illinois Supreme Court found no compelling state interests sufficient to justify this difference in treatment, and invalidated the higher age requirement for men. In an area where women have traditionally enjoyed preference in child custody, Section 18 has destroyed the presumption that mothers are presumed the best parent for young children. In numerous cases, including a recent 1981 case, 'Marriage of Kennedy', Illinois courts have held as a result of Section 18 there is no rule requiring that a fit mother be given custody to her child of tender years. Not a single case which I have reviewed in my survey interpreting Section 18, has involved a challenge to any law or its application which involved a discrimination in a classification against women. Rather, the totality of cases brought have been initiated by males who have sought to rectify statutes which discriminated against them. In a recent statewide survey, the women of this state overwhelmingly responded by a ratio of sixty-nine percent to eighteen percent, almost a five to one margin, that the states, rather than the Federal Government, should be the primary authority for resolving matters of family and domestic law now exercised by this

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state. The power to end any such equality has, in fact, been granted by Section 18 and utilized by the state courts of Illinois and need not be decided by Federal courts under either state or Federal law. Absolutely no area of Illinois law remains to be equalized by the passage of a Federal Constitutional Amendment. In summary, there is no question in my mind that Illinois has no laws whatever which discriminate against women. As Representative Catania admitted, men and women in Illinois have equality of rights and equal protection of the law. Sex discrimination in Illinois is already illegal and is also illegal under Federal law. Passage of the ERA would not make something that is illegal any more illegal. The ERA could not and would not add a single protection or right that the women of this state do not enjoy today."

Speaker Daniels: "Hyman Crawford. Reverend William Schroder. May we please have your attention? Members of the House, please be in your seats."

Reverend Schroder: "Mr. Speaker, Committee of the Whole, my name is Reverend William Schroder. I'm a pastor, teacher, superintendent of a Christian school, speaker on a weekly television program. I speak today as a minister of the gospel, a husband, a father and a grandfather. I believe that the family, as we now know it, is under attack. The Houston International Women's World alone presented so much anti-family material, including the promotion of homosexuality and lesbianism, that leaves no question as to the stance of ERA towards the family. A quote from that meeting, quote, '..For the sake of those who wish to live in equal partnership, we have to abolish and reform the institution of legal marriage...', end of quote. I'm a committed..committed pro-lifer to see the passage of ERA as a serious challenge to any hope of a human life Amendment.

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I do not believe you cannot separate ERA and abortion, as some of our previous speakers have said. A quote from Betty Friedan says the ERA has become both symbol and substance for the whole, the modern women's movement for equality. I'm convinced if we lose this struggle, we will have little hope in our own lifetime of saving our right to abortion. I oppose ERA as a Constitutional Amendment because I do not believe in drafting women. The trouble with ERA is that there are no exceptions whatsoever. If ERA were in the U. S. Constitution, it would require us to draft young women any time men were drafted. It would require us to draft mothers any time we drafted fathers. It would require us to treat women the same as men in regard to assignment to family...to military combat duty. I believe we should have rational differences of treatment based on the factual differences between men and women. I oppose ERA because it would not allow any differences of treatment between men and women, no matter how reasonable. I believe that God did put a difference between men and women. Somebody has said that God made men and women equal, but different. In our school, a sixteen year old, tenth grade girl wrote this poem. 'I don't care what some women say, I'm going to fight ERA. Cause if this movement goes through, I'll be serving in the Army, too. We won't just be little nurses, and I bet the men won't be carrying purses. So if you feel the way I do, let's fight ERA the way God wants us to'. This girl's a tenth grade girl in high school. I also oppose ERA because it gives total enforcement power to the Federal Government. Section 2 says, 'Congress will have the power to enforce, by appropriate legislation, the provisions of this Article'. I just don't believe that in this day and age we should shift more powers to the Federal Government, especially

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over such areas as marriage, divorce, child custody and adoption. There is no reason to believe that the Federal bureaucrats are more able to cope with these problems than the individual State Legislatures such as yourselves. ERA is a blank check to the Federal courts to tell us what it means after it is ratified. I don't believe the American people want to give new powers to the courts over the sensitive issues involved in the ERA. In ERA the words 'sex' and 'equality of rights' are not defined. There are many different interpretations of what these words mean. If EA (sic, ERA) were ratified, the U. S. Supreme Court would make all the decisions as to what they mean and the American people would have no say-so. I believe it is wrong to change the U. S. Constitution under conditions that we, the American people, would think was changed in a less than honest way. I'm referring to: one, the time extension voted by Congress which added another three years, three months to the original ratification period - By the way, during which time not one state has ratified ERA - ; two, that they or the Congress do this by the two-third majority vote which Article V of the Constitution requires for Constitutional Amendments; and three, the refusal to Congress to vote the Fair Play Amendment allowing states to switch from 'yes' to 'no' as well as from 'no' to 'yes', ones that have rescinded ERA, such as five states have already done. The traditional family is the moral strength of our country. Napoleon said, 'Give me strong mothers and I'll give you a strong France'. The ERA attack on the family would result in a different America, a weaker America, a weaker family. I ask you to vote 'no' on ERA."

Speaker Daniels: "That concludes the testimony of the opponents. I would like to now ask that the opponents remain on the

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left side here for questioning, be available for questions, and the proponents, if they would return and take over...seating over on the right side so that they would be available for questions. Representative Webber Borchers has signed in as an opponent for purposes of position only. He's a former Member. Representative Johnson."

Johnson: "Are... Are we ready to begin our questions of the witnesses?"

Speaker Daniels: "You may, Sir. You may, Sir."

Johnson: "I would like to direct my series, or number of questions to Ms. Smeal, who I think was the first witness to testify."

Speaker Daniels: "Eleanor Smeal? She is here, now. You may step right up, there. Representative Johnson."

Johnson: "Could I... Let me... Let me just preface my... my question by requesting that you do something. Each side's had a chance to testify on this issue. If you could, just for purposes of time, if you could restrict your response to what I ask you, rather than using my question as the basis for repeating the testimony you've already had, I'd appreciate it. I'd say that to anybody that we'd question. I'm sure that the various Members of the House would appreciate that. You made a particular point, Ms. Smeal, of... in your comments about the extraordinary vote requirement contained, or at least, in the rules of the House, and you think that we ought to change it. Are you familiar, Ms. Smeal, with Article XIII, Section 3, which is the oath of office, which each one of us is required to take, and are you familiar also with Article XIV, Section 4, which states, and I quote, 'The affirmative vote of three-fifths of the Members elected to each House of the General Assembly shall be required to ratify a proposed Amendment to the Constitution of the United States. Are...

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Are you familiar with those provisions?"

Eleanor Smeal: "I am."

Johnson: "Okay. Do you believe that, in face of the two or three to one majority of the voters in Illinois who, in 1970, approved the Constitution containing both of those provisions, that we, as elected Members, ought to say that the two or three to one majorities that were voted on we... should have no regard paid them, and we should simply change because of one Amendment that's before us now - a provision that's contained in the Illinois Constitution?"

Eleanor Smeal: "I'm also very familiar with the United States Constitution, and, of course, you have all, as American citizens, sworn to uphold it; and under the United States Constitution, no state can require a simple majority in its Constitution, and under 'Giddy v. Dy...', under the 'Dyer' decision, the courts ruled that it is the responsibility of the Legislature to determine the rules under which you adopt a Constitutional Amendment."

Johnson: "Well, one, the 'Dyer'..."

Eleanor Smeal: "And the reality is, this is your responsibility, and so, we ask you to exercise it."

Johnson: "The 'Dyer v. Blair' decision that, I am assuming, you are referring to, specifically indicated that each House of the General Assembly was free to set its own rules. Is that right?"

Eleanor Smeal: "That's right, and it's your responsibility to do that."

Johnson: "Well, what I'm suggesting is that when... I'm not suggesting that we're bound by Article XIV, Section 4. I am suggesting that when the vast majority of the people in Illinois voted to approve a Constitution that contained that provision, that... that... that has some degree of relevance in couching how we vote, in terms of the vote

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requirement. Wouldn't you say that's accurate?"

Kleanor Smeal: "Not if they didn't have a chance to vote on that particular session by... section by itself, and not if they were not informed that it was in violation of the United States Constitution. The reality is..."

Johnson: "Well, they voted it..."

Kleanor Smeal: "...Is that it is, and if all states did what Illinois was doing, it would be impossible to amend this Constitution; and clearly, I think you and everyone else here would have to admit that many of the Amendments have been necessary to carry on this great Democracy."

Johnson: "Well, there's a whole series of provisions that affect, in the Illinois Constitution, that... that... that deal, or could deal, with the question of ratification of a Constitutional Amendment; calling the Special Session, the quorum requirements, the Journal and transcript, the public meeting sections, and so forth, and I guess my point is that you've answered. You don't believe we ought to comply or follow Article XIV, Section 4. Another question. You've indicated that this is the only Constitutional Amendment, or the only time that Article XIV, Section 4, has been in... that three-fifths... three-fifths margin has been invoked to deal with the question of Constitutional Amendments. There's been a whole series of Constitutional Amendments in the last twelve years. Illinois Cons... Amendments to the Constitution of the United... or Illinois, out of that same article in that same section, and the same three-fifths margin was required in each one. Can you tell me any situation, ever, in the twelve years since the 1970 Illinois Constitution was ratified, where we've simply said that it took a simple majority?"

Kleanor Smeal: "What I was referring to is the Federal

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Constitution..."

Johnson: "Well, even Federal Constitutional Amendments..."

Wleanor Smeal: "And I'm referring..."

Johnson: "Can you tell me any time that we've changed the rules in the middle of the game?"

Wleanor Smeal: "Can you tell me any..."

Johnson: "Can you tell me any Federal Constitutional Amendment where we simply required a majority vote?"

Wleanor Smeal: "Can you tell me any Federal Constitutional Amendment during this period, except ERA, that you have been dealing with, and can you also tell me how the eighteen year old vote was ratified in here? It was under a majority rule."

Johnson: "It wasn't pursuant to the 1970 Constitution."

Wleanor Smeal: "It the last Constitutional Amendment that you voted on..."

Johnson: "There was no Federal Constitutional Amendment..."

Wleanor Smeal: "...Was under majority rule, and the fact is that it is your responsibility to determine the rules, and we hope that you vote on the rules, and give the electors... the electorate a chance to decide... see where you stand."

Johnson: "Let me... Let me ask a couple more questions. You indicated, in your direct remarks, that... that it's your opinion that the... that the U. S. Constitution doesn't include women, and that by ratifying ERA, one of the things we're going to do is to bring women into the Constitution. Are you suggesting, by your... by your comments, that the First Amendment provisions on free speech and religion, freedom of assembly, and so forth; the Second Amendment, the right to bear arms; the Fourth Amendment, the rights against unreasonable searches and seizures; our due process provisions; and the Fifth Amendment, the right to jury trial; under the Seventh Amendment, speedy trial

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provisions; and right to counsel, under the Sixth Amendment - are you suggesting that there's been decisions or some sort of legal reasoning process that we don't know about, where women aren't included under the guise and protection of those Amendments to the Bill of Rights?"

Ms. Smeal: "What we're stating when we say that women are not equally covered, is, in fact, the truth..."

Mr. Johnson: "You didn't say that. You said we should bring them into the Constitution..."

Ms. Smeal: "I didn't... I didn't..."

Mr. Johnson: "And, I'm telling you... I'm asking you whether you're suggesting that those Amendments to the United States Constitution have been interpreted to... to not apply to women? Yes or no?"

Ms. Smeal: "I assume you would like me to answer my questions in my own words."

Mr. Johnson: "No. I'd like you to answer my questions..."

Ms. Smeal: "Yes."

Mr. Johnson: "In... In a yes or no. Have those things been applied to women, or haven't they?"

Ms. Smeal: "Well... I will answer the question in an appropriate fashion; and really, between the hum and the way you're badgering me, it is difficult to get an answer across. I did not..."

Speaker Daniels: "Excuse me. Will the Members please be in the seats? Will all those not entitled to the floor, please retire to the gallery? Members please be in their seats."

Mr. Johnson: "You... You made some comments with respect to majority rule, Ms. Smeal, and the fact that you believe that majority rule should... should dominate legislative determinations, and so forth. I... I want to posture that to you in this sense. Do you believe that if a legislative majority of the various states desires to rescind their

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ratification of ERA, that your same statements with respect to majority rule, ought to be applicable?"

Eleanor Smeal: "On the rescision question, as you know, it's before the United States Supreme Court, as is extension. We believe that if the past practices that were operative for all other Amendments are upheld, that rescision will not count. The way you reverse your stand on an Amendment is to use the repealing method."

Johnson: "I'm just asking you. What... What do you feel about a majority for rescision? Yes or no."

Eleanor Smeal: "I just answered. The question of rescision, I believe, is unconstitutional in itself."

Johnson: "So, what you're saying is, you don't believe that, even if a majority of..."

Eleanor Smeal: "I think if you want to repeal a Constitutional Amendment, you use the repealing process, which is also quite... specified in the United States Constitution."

Johnson: "Okay. Two more questions, then we'll... we'll get on. You... You indicated that... that you... you looked around the room and said, and you're right; that a majority of the Members of this House are... are male. You also indicated that there are females, and that what they are is quote, unquote 'token' Members. Can you explain to us what we mean, when you're referring to Representative Catania, and Currie, and other very good Members of this House, as token Members?"

Eleanor Smeal: "I think they would agree with me. American women are greatly underrepresented in our United States legislative bodies, not only here in Illinois, but every state, and certainly in Congress."

Johnson: "But, does that make them token Members?"

Eleanor Smeal: "There are such small... I think..."

Johnson: "Does it make them token Members, just because they're a

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min... minority?"

Eleanor Smeal: "I think that the... the phrase means that we are in such an overwhelming minority, that, in fact, we are... we are minimized... minimized in our very presence, and I believe that it is almost outrageous that you, a male-dominated Body, vote on our rights, and I think it should be specified."

Speaker Daniels: "I would like to remind... Excuse me, Representative Johnson, excuse me. I would like to remind the Members of the gallery that the decorum of the House forbids demonstrations."

Johnson: "One last... One last question. You are, you say, the... the President or Chairperson of the National Organization for Women, is that right?"

Eleanor Smeal: "I'm the President."

Johnson: "And, your organization, as I understand it, has... has voted, in fairly substantial number, to boycott holding of various functions in non-ratified states. Is that right?"

Eleanor Smeal: "That's right."

Johnson: "Illinois, and Chicago in particular, are... are one subject of that boycott, is that right?"

Eleanor Smeal: "That's right."

Johnson: "Let me ask you, am I correct in assuming - and you tell me if I'm not - correct in concluding, that you have now, your organization and you personally, I guess, have now removed your objection to holding the 1984 Democratic National Convention in Florida, which is a non-ratified state?"

Eleanor Smeal: "I never knew that they were anticipating for it... for it."

Johnson: "Pardon me?"

Eleanor Smeal: "That's news to me. I never heard that before."

Johnson: "Have... Have you made any statement with regard to

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that, at all? You, or anybody representing your organization?"

Eleanor Smeal: "No. What we have done is lifted the boycott on the City of Miami Beach."

Johnson: "Oh, I see. So... So... That... Miami Beach, the last time I looked at the... looked at the world atlas, was still a city in... in the State of Florida. Am I correct?"

Eleanor Smeal: "It is a very small area."

Johnson: "Thank you."

Speaker Daniels: "Excuse me... Excuse me. Representative Chapman."

Chapman: "Mr. Chairman, I'd like to suggest that you remind the Members of this Body that the purpose of the question period is to have an opportunity to learn more from the witnesses about the subject matter and the comments they have made. The purpose of the question period is not to harass the witnesses."

Speaker Daniels: "Further questions of this witness? Representative Stuffle."

Stuffle: "Yes, of Eleanor Smeal. I, as a Member of this Body, voted for the three-fifths majority, as well as ERA, and I've heard you in responding, and I think, well, to Representative Johnson's questions. Again cite court cases and again refer to the U. S. Constitution with regard to the three-fifths versus majority rule issue, and in so doing, you've brought some things that have been brought up before by many constitutional people and otherwise; and, my question to you is, I didn't hear exactly what you responded to Representative Johnson with regard to the application of the U. S. Constitution on the three-fifths issue. So, my question to you is simply this; Would you reiterate, for this Body, and I'm aware of the 'Blair' case, the finding in that case, the finding in any specific

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decision that said that the majority rule should be in vogue; and, specifically could you cite for me, any provision of the United States Constitution that relates itself to our supposedly being under a majority rule provision, or that we ought to be."

Eleanor Smeal: "Essentially, the amending process of the United States Constitution is specified in that article. What it states, and states very clearly, is that it takes a two-thirds vote of both bodies of the Congress, and a three-fourths vote of the states. This is an extraordinary requirement of itself. It does not allow the states, in their constitutional bodies, or in their Constitution, to put upon it, more strict... stricter requirements than the Constitution itself. In other words, the United States Constitution is binding, in the amending process. But in the 'Dyer' case, what the court said, although your Constitution - the Illinois Constitution - is not buying, that a legislative body itself can determine the rules upon which it votes on for an Amendment. And, essentially, what it's saying is, if, by a majority vote, you determine that you want a super-majority, they are not going to look into your minds and determine if this is a way that you're... you're blocking an Amendment. They're not going to try to figure out what you're doing by requiring a super-majority, but it's the legislative body that must determine the rule, and in this particular Session, this Body elected has never voted on the three-fifths requirement. And, what we're saying is that you are neglecting your constitutional, not only rights, but your obligations."

Stuffle: "So, there's no specific language that says that we have to have a simple majority."

Eleanor Smeal: "No."

Stuffle: "You're simply saying that that's your interpretation of

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those court cases that the Federal Constitution..."

Eleanor Smeal: "That's right."

Stuffle: "Has sway, and that for that reason, and those court cases, that we should put aside the state one, and that we are at our will to decide whatever majority it should take."

Eleanor Smeal: "It is the right of this Body to decide what majority you want."

Stuffle: "Thank you."

Speaker Daniels: "Thank you very much. The next witness available for questioning is the Honorable James R. Thompson, Governor of the State of Illinois. Governor Thompson, the Chair recognizes Representative Kane."

Kane: "Mr. Governor, I appreciate your coming back."

Governor Thompson: "Yes, Sir."

Kane: "Twice, in your remarks to this Body, you said and I quote, 'It is for the Body to determine the rules.', and later, you said, 'It is the right of each House to determine its own rules.' We have a Speaker in this House who, for the last year and a half, has been his avowed intent not to let this House vote on its own rules for this Session of the General Assembly. You have selected that person as your Lieutenant Governor candidate; and, I guess, what I am wondering is..."

Speaker Daniels: "Excuse me. Representative Conti, for what purpose do you rise?"

Conti: "Point of order. These witnesses were called back to answer questions on the ERA, and not the procedures of the House, the rules that we're operating on. Every year that every term that I've been down here, the adoption of the rules were adopted the last week of the Session. I don't see anything to do with the ERA and the questioning along this line."

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Speaker Daniels: "The point is well taken. Representative Kane, please limit your remarks to the testimony, as best as possible."

Kane: "Yes, I believe the question relates to the testimony, since the Governor twice said that it was the right of each House to determine its own rules, and for the Body to determine its own rules. I guess my question is, Mr. Governor, is, if you would exercise whatever influence you have on the Speaker, who is a member of your Party, and your personally selected Lieutenant Governor; to allow this House to determine its own rules, which you have said, is our right, is our constitutional right, it is our elected right, and we think that it is something that you might have some influence on our Speaker, because we do not."

Governor Thompson: "Representative Kane, first, I am unaware, and if there has been such an instance, I stand corrected of any challenge to the rules from the floor of this Body, which I assume would be the appropriate way. Well, it's your Body, and your rules, and you are the Members, and you elect the Speaker. I am unaware of any challenge from the floor of this Body to the rule during the course of the last year and a half. That's as to your first premise. As to your second premise, I did not select the Republican candidate for Lieutenant Governor. I arduously and vigorously supported the Speaker as a candidate for the Lieutenant Governorship on the Republican ticket, but it was the Republican primary voters who selected him in a free, open, and Democratic election, knowing his position on ERA, and knowing his position on the rules; and, if there is to be a change in the rule of the House regarding Constitutional Amendments, either State or Federal, I think that change should originate with the Body on the third floor of this building, rather than with the Governor on

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the second floor of this building."

Kane: "Yes, Mr. Governor, all we would like is a vote, and that's all that we're asking of the Speaker, and so far, he has used every device at his hand to deprive us of that vote; and, we would ask you, as the Governor, to help us in getting our rights."

Speaker Daniels: "Further questions of this witness? Representative Currie?"

Currie: "Thank you, Mr. Chairman, and Members of the House. Mr. Governor, I appreciate your support for the Equal Rights Amendment. I wonder if you would care to reflect, for the Body, on the fact that as Republican leader of the state; leader of the people who serve in this House on the other side of the aisle from me, there has been a consistent and steady decline in support for equal rights while you have been Governor. In 1975, on a record Roll Call vote, 54% of the Republican Members of the House supported the Equal Rights Amendment. In 1978, the last year of a record Roll Call vote, the proportion had fallen thirteen percentage points, to 41%. In 1982, mid-May, when last we took a hard count; we, of course have not yet had a record Roll Call vote, Republican support for the Equal Rights Amendment had dropped further, to 34%; a net decline of twenty percentage points, since 1975."

Governor Thompson: "I am pleased to tell you, Madame Representative, that my Republican Representative from my district, for whom I vote, in the City of Chicago, as a voter, has consistently supported the Equal Rights Amendment, and supports the Equal Rights Amendment today. I have no vote, as a voter, in any other election district in the State of Illinois, and I must presume that Republicans who have either not expressed an opinion on the Equal Rights Amendment, or cast a first vote, or who have

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gone back on a previous affirmative vote, are doing so in response to what they perceive to be the wishes of the people who were directly able to cast a vote for them. In some instances, over the past ten years, for example, there have been election contests in this state in which the issue was not only ERA versus no ERA, and that has been true on the Democratic side as well as the Republican side, I will add; but in which officers of ERA organizations have directly entered election contests against those who would not commit themselves to ERA, and those who would not commit themselves to ERA, have won. I, nonetheless, as a Governor, as a Party leader, and as a citizen, have tried, and will continue to try, until the expiration of the final hour, for consideration of the Equal Rights Amendment to change those votes. And, I would further suggest to you that if all of those who are concerned with the passage of the Equal Rights Amendment, the Democratic Party in this House, in the Senate, in this state, labor, the City of Chicago, the Cook County Democratic Organization, and others, would be working on 107 votes. I daresay, there are, within this Body, 107 votes for the Equal Rights Amendment."

Carrie: "I'm sure that your own Representative was responsive to your letter writing, or whatever kind of campaign you worked with him. I'm hopeful that you'll be writing letters to Republican Legislators in other districts as well, and although I certainly support your point, that it behooves political leaders everywhere, not just the political leader of the Republican Party in the State of Illinois, but other political leaders as well, to work as hard as they might for the Equal Rights Amendment; I think I should point out, just as a matter of record, that during the period I just described, in 1975, 71% of the Democratic

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Members of the Illinois House voted for ratification of the Equal Rights Amendment; again, in contrast to 54% on the other side of the aisle. In '78, the Democratic proportion had increased to 73%, and on the basis of our hard... hard count in mid-... mid-May, Democratic support had reached 78%. That's still a comparison with 34% on the other side of the aisle. On another point, Mr. Governor..."

Governor Thompson: "Madame Repre... If I might just comment on that. I will acknowledge for the Committee of the Whole with gratitude, the increasing support of the Democratic Party for the Equal Rights Amendment, and may you reach 100%."

Currie: "Thank you very much, Mr. Governor. On another point, you... you made the point that as, of course, you have no constitutional role..."

Speaker Daniels: "Excuse me, Representative Currie, excuse me. Representative Deuster, for what purpose do you arise, Sir?"

Deuster: "I just rise to make a point of order."

Speaker Daniels: "State your point, Sir."

Deuster: "And, I want to do it respectfully, for the Member of this Body who's asking questions, as well as for the Governor, who's endeavoring to answer. There are many women in this nation who are for and against this measure, and consider it to be a constitutional question, not a partisan question, and I think, that as the chair has announced earlier, the purpose we are here to consider the Equal Rights Amendment, and not to talk about politics; and I think that all Members should restrain themselves from mentioning the Republican Party, the Democratic Party, or partisan politics, and get on to the merits of what this Amendment might mean or not mean. And, I hope the Lady's subsequent questions will relate to the merits, rather than

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partisan politics."

Speaker Daniels: "To the Amendment, Representative Currie."

Carrie: "Since I wasn't sure whether the Governor was here was a... as a proponent or an opponent, since he didn't, in fact, register as either, and since he is the Republican Governor of the state, I thought it legitimate to ask him to reflect for us upon his leadership role. My second question has to do about the rules change. You pointed out that you have no constitutional role, no constitutional requirement, to be involved in any way in the process by which this Legislature votes on ratifications of Federal Constitutional Amendments. You told us, however, that you think the Equal Rights Amendment is itself a matter of such importance, and you feel so strongly about it that you wanted to share with us, your strong support for ratification in the State of Illinois. You addressed the rules issue similarly. You have no role in establishing our rules, no constitutional requirement to involve yourself in the process or the decisions we make about how we, in the House of Representatives, shall be governed. Nevertheless, Mr. Governor, I would suggest to you that, just as you felt strongly about the need to ratify the Equal Rights Amendment in Illinois, you have a responsibility to look to the question of rules, separately if you like, from the issue of the merits of the Equal Rights Amendment; although I would remind you that proponents of the Equal Rights Amendment are unified in their support for majority rule on this issue. You recognized, in your testimony, the complexity of the rules issue. You, yourself, are a constitutional lawyer. You are able to deal with that kind of complexity, and I'm distressed to discover that, in wishy-washy fashion, you are unable to tell us which side of the question you think

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has the better argument on the question, 'What kind of majority, a majority or some super-majority, should be appropriate for us, when regarding Federal Constitutional Amendments.'

Governor Thompson: "Well, I think, Madame Representative, that all I could do is repeat what I said in my prepared remarks. I think that, on the merits of a rule change, there are good arguments on both sides."

Carrie: "But, could you tell us your own..."

Governor Thompson: "Were I sitting in a blue chair, I would come down on one side or the other."

Carrie: "Well, I would just... I would just suggest that it's not like you to be so uninvolved in the legislative process, and if you have come to a conclusion of your own, then it's hard for me to imagine that a person of your academic background and your stature has not, it would be wonderful, were you to share it with us."

Governor Thompson: "Well, I worry about situations, for example; I worry about what the people of this state think when they see proposed rules changes come and go with rapidity. Change the rules to a majority... Change... Change the rules to a majority just for Federal Constitutional Amendments, but not State Constitutional Amendments..."

Carrie: "Oh... Oh, but there's..."

Governor Thompson: "Change the rules just for this Session, and then change them back again. I get nervous about that, because there are Constitutional Amendments out there, or which could be out there, for either the Federal or the State Constitution, for whom short-term political games could be played that I'm not sure would be in the best interest of the State of Illinois, and I could think of a few that you might agree with me on."

Carrie: "Well, Mr. Governor, let me just say that you know as

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well as I do, the very great difference between the ratification process for State and for Federal Constitutional Amendments, and I am surprised, almost appalled, that you would... you would talk to this chamber as if the two procedures should be, or in fact are in any way similar; and when it comes to the very point you made in your testimony, that it is inappropriate for you to decide the issue of the rules change..."

Speaker Daniels: "Excuse me, Representative Currie... Representative Currie, to the Amendment, questions of the witness."

Currie: "Yes, I am..I am..."

Speaker Daniels: "You may.."

Currie: "I am responding to his response on the..."

Speaker Daniels: "You may have time for debate when the Amendment is debated..."

Currie: "...on just had...Mr. Chairman..."

Speaker Daniels: "To the..."

Currie: "...Mr. Chairman..."

Speaker Daniels: "...To the witness, questions."

Currie: "Indeed. Thank you very much. His very testimony on the issue of the rules change was to say that he should...he will not make a decision about rules based on the..."

Speaker Daniels: "...Questions of the witness, Representative Currie."

Currie: "...Merits of an Amendment that's out there."

Speaker Daniels: "Representative Currie."

Currie: "He is now telling us..."

Speaker Daniels: "Representative Currie, questions of the witness."

Currie: "Well, I would just like to point out to him the inconsistency..."

Speaker Daniels: "...Representative Currie, you may debate the

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subject when the Bill is heard, when the Amendment is heard. No further questions? Representative Vinson."

Vinson: "Thank you, Mr. Chairman. Governor, as you know, we've both had to live down the fact that we were once associated in an employer-employee relationship."

Governor Thompson: "Indeed."

Vinson: "The.."

Governor Thompson: "Me more than you, Sam."

Vinson: "You made a comment in your remarks earlier that is the first time I've heard of anybody saying anything that deals with my objection to the Amendment. And I wonder if you might expand on that. I have been concerned that what the Amendment really does is provide a platform for judicial activism. That's been my primary concern and objection to the Amendment. And in your comments regarding the Fourteenth Amendment you said something about that, that, for the first time, a lit a light in my mind. And I wonder if you might expand on that, Sir."

Governor Thompson: "Representative Vinson, what I meant to say was that, as was ably pointed out in a column of opinion on the editorial pages of this morning's Chicago Tribune, there has been a body of thought that... that runs something like this. So long as we have the equal protection clause of the United States Constitution, we don't need the Equal Rights Amendment. My view is that the Equal Rights Amendment simply says that where rights exist or come into existence, they shall not be denied because of sex. That's a fairly limiting principle of... of constitutional scope. The equal protection clause, on the other hand, is much broader, and though it has a legislative history which deals almost exclusively, if not exclusively, with cases of racial discrimination, as we all know, judicially activist Judges or Justices are free to

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ignore that history of both the equal protection clause and/or the due process clause and my fear is that if the opponents of the Equal Rights Amendment are right on any of the points, any of the horrible examples that they always raise about what would happen if ERA passed, those 'horribles', if they are such, are much more likely to occur as the result of decisions by United States District Court Judges, United States Court of Appeal Judges, unreviewed by the Supreme Court of the United States because they don't review most of those cases even if they don't agree with them. There would be a crazy-quilt pattern of enforcement of either the equal protection or the due process clause across the land. We might have untoward results that did not truly take into account the legitimate differences between men and women where equality of treatment can be achieved by separate treatment, and there are such. Not to mention the plethora of Federal Civil Rights Laws, which are already in existence and on the books, which equally activist Judges could employ once it became clear that the Equal Rights Amendment was not to become part of our Constitution. And then, I think, we would find that not only did we lack basic justice for half the population or more in our Constitution, but that the opponents of the Equal Rights Amendments would, in the end, get more than they bargained for."

Vinson: "Thank you, Sir. You're the first person that's raised a persuasive point on this issue for me."

Speaker Daniels: "Further questions of the Governor? Representative Pullen."

Pullen: "Mr. Governor, as you probably know, I have been somewhat distressed by your ardent, in my opinion, overdoing it, support of the Equal Rights Amendment, and in view of your strong support of it, I wonder whether you happened to be

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here at the time that the lady from the National Organization for Women was responding to Representative Johnson's questions?"

Governor Thompson: "I regret I was not, Representative."

Pullen: "Well, then I need to tell you that she commented in her testimony and in response to his questions that the Lady Members of this House are tokens, and specifically that the Sponsor of this Resolution and a Lady who asked you questions a few moments ago are token Members, and she thought that we'd all agree with that, even. And, I would like to ask you, since you are such a strong supporter of this Amendment, Sir, whether you believe that I'm a token here."

Governor Thompson: "By no means."

Pullen: "Thank you."

Speaker Daniels: "Further questions? Representative Barnes."

Barnes: "Mr. Speaker, my question is addressed to the Governor. I happen to know, Governor, that you are a proponent of ERA because I am one of the Legislators that you had invited down to the second floor and have tried to encourage me to change my vote. Now, at this time, I would like to reciprocate because it seems like the proponents do not appreciate you. So, now I would like to invite you, Mr. Governor, please come over to our side with the opponents because we would treat you with a little more respect."

Speaker Daniels: "Further questions? Excuse me."

Governor Thompson: "Madame Representative, I adverted to the word 'conscience' three times in my remarks earlier today, and I regret to say that, as enjoyable as I find your company, not only generally, but on many specific occasions, I cannot join you in that request."

Speaker Daniels: "Further questions of this witness? Representative Bowman."

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Bowman: "Thank you, Mr. Chairman. Governor, I have before me an article from the Chicago Sun-Times dated Thursday, February 15, 1979 on the occasion of the last time the Senate voted on a rules change. And in there, it quotes you as saying that you promised to lobby three GOP Senators, particularly three freshmen, to support the rules revision, and it seems that you have... have had two different positions on this subject and I wanted to know what it was that changed your mind."

Governor Thompson: "My view that it is inappropriate for a Governor to intrude in the issue of the rules of the Body."

Bowman: "Was that your view in 1979?"

Governor Thompson: "It is my view now."

Bowman: "My question, however, was what changed your mind between 1979 and 1982."

Governor Thompson: "Mature consideration that it was not appropriate for a Governor to intrude in the rules of the Body."

Bowman: "I see. Do you think...I don't believe you actually responded to Representative Kane's question. Is it your opinion that we should have a vote on the question here on the floor of the House on the question of the rules changes?"

Governor Thompson: "It's my opinion that that's a question for the Body. It's between them and their Speaker."

Bowman: "Okay. Let me ask one last question. Were you invited here today by anybody?"

Governor Thompson: "Yes, I was."

Bowman: "By whom?"

Governor Thompson: "Well, it was a mutual decision. The Speaker invited me and I was on my way to ask him."

Bowman: "Okay. Welcome to the House of Representatives.."

Governor Thompson: "Thank you.."

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Bowman: "In closing let me just say, you said that you might have a different view if you were sitting in a blue chair. I'd like to offer you mine for the time being, and perhaps you might change your mind."

Governor Thompson: "There seems to be some sentiment on both sides of the aisle for that, Representative Bowman."

Speaker Daniels: "Further questions of this witness? Representative Robbins."

Robbins: "Governor, from where I come from I've always called you 'Jim'. Would it be permissible today?"

Governor Thompson: "Surely."

Robbins: "Hi, Jim."

Governor Thompson: "Hi, Clyde."

Robbins: "Now, you are Governor of this state. Is that correct?"

Governor Thompson: "Yes, Sir."

Robbins: "In Cook County, what percent of the population resides?"

Governor Thompson: "Four million, five million, something like that?"

Robbins: "What...but of the percentage of the population of Cook County about what percentage reside in Cook County of the state?"

Governor Thompson: "Less than half."

Robbins: "Less than half, okay. How many Representatives do they have that live in Cook County?"

Governor Thompson: "I don't know. More than half, is that the right answer? More than half."

Robbins: "More than half. Oh, well then, basically we have been talking about the rules and you want your Representative...You live in Cook County. Is that correct?"

Governor Thompson: "Yes, Sir."

Robbins: "Okay. You want your Representative to vote for the

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ERA."

Governor Thompson: "Yes, Sir."

Robbins: "Now, you know that I live down in the sticks, a long way from Cook County."

Governor Thompson: "Yes, Sir."

Robbins: "And I'm..I'm proud of those sticks. And I want to represent them. And I feel like... that you can understand the possibility when 70% of those people down there in those sticks don't want equal rights, don't want the Amendment. They don't want...They don't want to see the change made so that less than half of the people that have over half of the votes can pass any Constitutional Amendment they want. Would you judge that to be correct?"

Governor Thompson: "I can understand your desires. Yes, Sir."

Robbins: "Then, you think that as an individual, you are supporting Equal Rights. Is that correct?"

Governor Thompson: "Yes, Sir."

Robbins: "As Governor you are supporting Equal Rights. Is that correct?"

Governor Thompson: "Yes, Sir."

Robbins: "As the Leader of the Republican Party you are supporting Equal Rights. Is that correct?"

Governor Thompson: "As a Leader of the Republican Party, yes, Sir."

Robbins: "Then, if..is it alright if some of us people don't support Equal Rights?"

Governor Thompson: "Is it a matter of conscience with you, Sir?"

Robbins: "Definitely."

Governor Thompson: "Then it's alright."

Robbins: "Okay. Thank you."

Speaker Daniels: "Further questions of this witness? Representative Griffin."

Griffin: "Governor, first of all, I must commend you for your

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firm stand on the important principles all of us here know, in constitutional law - separation of powers. I'd like to ask you, though, a question that you dealt with, both in my visits with you in the office, and here on the floor today; and, in response to Representative Vinson, to get some clarification on a very important point to me. You mentioned that currently, under the equal protection and due process possibilities of the Fourteenth Amendment, there are opportunities for rather extreme 'horribles', as you said, in the application of the law."

Governor Thompson: "Well, Sir, I should... Let me interject to say that the word 'horribles' is not my description of what is proposed might happen under the Equal Rights Amendment. I'm taking the case most often stated by the most ardent opponents, and using their words - just so we understand."

Griffin: "Okay. Thank you. How would ERA, if enacted, be able to provide equality with all the good things that you advocate that it will provide; at the same time, avoid the 'horribles'?"

Governor Thompson: "Because, as I understand the Equal Rights Amendment, it is simply a statement of a principle that, if rights exist, or come into existence, they may not be denied or abridged because of sex; and while obviously under the Equal Rights Amendment, sex would be a suspect classification. It seems to me, that by the very language of the Equal Rights Amendment, there is a concession that in some instances, it's all right to treat men and women differently or separately, so... so long as you do not abridge a right. I fear that if the Equal Rights Amendment loses, attempts will be made through litigation to achieve results under the equal protection clause, or the due process clause, or the federal civil rights statutes, that would not proceed on the basis of the recognition of a

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right, but would attempt to create a unisex classification, regardless of what the issue was, or the difference between men and women might happen to be in a particular area; and, a particularly ambitious Judge could reach a result that most people would think would be wrong, and yet, not be overruled."

Griffin: "Governor, one question following that. With the... the breadth of the Amendment, as everybody admits, with the openness of it, which many people applaud, the question arises - if there could be a... a kind of absolutist interpretation of the Amendment to do the opposite of what you're suggesting, and that is, to not regard those legitimate distinctions between genders and sexes that are important to consider in terms of the mores of society, and some people's views of the important differences of... between men and women. How do you respond to the... to the argument that there could be an absolutist... absolutist interpretation by the courts, of the Amendment, with the breadth it allows."

Speaker Daniels: "Excuse me, Governor, one second."

Governor Thompson: "Yes."

Speaker Daniels: "Would the Members please be in their seats? Unless we can maintain the proper decorum, we'll have to clear the floor of those not entitled to the floor. Governor Thompson."

Governor Thompson: "Representative Griffin, respectfully, I disagree with your premise that the Equal Rights Amendment is an open-ended Amendment. I think it is quite a confined and limited Amendment. It confines itself to those rights which are in existence, or which would come into existence. It is far more narrow, far more precise, far more capable of achieving the results that, I think, all citizens, whether they be male or female, would want to achieve for

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all citizens, whether they be male or female, than could possibly be achieved under the equal protection clause, which is quite broad, quite open, or the due process clause, which is rarely discussed, but which is capable of being activated by one judicial finger on the trigger; and I think, Sir, that if you have genuine fears, as I believe you do, about the open-endedness of ERA, since we have discussed this issue for over seven hours in my office, that you would find comfort and protection in the Equal Rights Amendment, and be awfully leery of frustrated Judges who support ERA, but who, if ERA is defeated, will seek the route of the other two constitutional provisions in the federal civil rights laws, to what end, we do not now know."

Griffin: "Thank you, Governor."

Speaker Daniels: "Representative Hallstrom."

Hallstrom: "Thank you, Mr. Speaker. Governor Thompson, I just want to make a couple of quick statements, and then, a point of order. First of all, I think you know how much I appreciate your stand on the Equal Rights Amendment."

Governor Thompson: "Thank you."

Hallstrom: "I also appreciate the fact that, given all the problems that the State of Illinois has at the moment, that you, as the Governor of this state, is spending this much time with this Body, answering questions about the Equal Rights Amendment."

Governor Thompson: "Thank you."

Hallstrom: "I would hope that, given the fact that we have so many competent witnesses on both sides who have come here from long distances, that we would allow the Governor to go back to the problems of the State of Illinois, and perhaps, give the people... other people, a chance to answer some of the questions that we have on both sides. Thank you."

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Governor Thompson: "Thank you."

Speaker Daniels: "Further questions of this witness?
Representative Friedrich."

Friedrich: "Governor, you've been exec... the Chief Executive Officer of this state, now, for five years. Do you know of any instance where any woman in this state has been deprived of her rights, in Illinois, because of a lack of a Federal Amendment to the Constitution?"

Governor Thompson: "I don't offhand, but I'm willing to assume that there has been cases like that."

Friedrich: "Why were they not dealt with, because we have an ERA plank in our Illinois Constitution, then?"

Governor Thompson: "Because, the ERA plank in our Constitution is not in the same language as the ERA plank that is proposed."

Friedrich: "Well, I... I was a member of the... a delegate to the Constitutional Convention, and I was of the opinion that the plank we put in the Illinois Constitution provided for equal rights, regardless of race, creed, or color, or gender. Isn't that your under..."

Governor Thompson: "Well, Sir, I think the more fundamental question, if I may say it, is... is whether or not we, as federal citizens, and you, as Legislators performing a federal constitutional duty, will extend to your fellow citizens beyond Illinois' borders, those protections that we enjoy as state citizens, that you assume we do. I think that is fundamentally more important; and, I don't mean to beg your question, but that is fundamentally more important than whether individuals within the State of Illinois in the last ten years, have been deprived of individual rights."

Friedrich: "Well, answering my original question, you don't know of any instance, in Illinois, where a woman has been

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deprived of her rights because she is a woman?"

Governor Thompson: "I cannot cite you one offhand, but I am sure there are many in this chamber who could."

Speaker Daniels: "Further questions of this witness? Representative Deuster."

Deuster: "Governor, I suppose I present this question to you from your perspective and experience as a former United States Attorney, but on June 2, 1982, just two weeks ago, United States District Court Judge 'Prentiss Marshall' entered an order requiring that the City of Chicago Police Department, in its latest hiring, hire 30... 31% females. Now, I presume that the Judge... Federal Judge Marshall's order was entered pursuant to the authority he now has under the Fourteenth Amendment, guaranteeing equal protection for every person, which includes women. Is that your understanding, that that's his authority?"

Governor Thompson: "My recollection, Sir, is that the order was entered both under the Fourteenth Amendment and under the federal civil rights laws; but, I believe, premised in the Fourteenth Amendment."

Deuster: "Is the Equal Rights Amendment needed, in your opinion, to give the Federal Government stronger authority in an area such as this, where the City of Chicago, or any other city, discriminates in its police hiring on the basis of sex?"

Governor Thompson: "I think it would be helpful. It would confine... It would confine the Fourteenth Amendment to its more proper historical role, which is racial discrimination."

Deuster: "Is it your opinion that this would strengthen the position of the Federal Government in this area, or make no difference?"

Governor Thompson: "I think it would strengthen the

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constitutional rights of women."

Deuster: "Thank you."

Speaker Daniels: "Further questions of this witness?
Representative Zwick."

Zwick: "Thank you, Governor Thompson. I just wish that you would kind of expand on something that you mentioned earlier in your testimony. There is a classification called 'suspect classification' in the courtroom, in which, when a right has been challenged - say that sex discrimination has been charged, for example, and you would go into the courtroom and; it's my impression at this point, that most minorities, under the First and Fourteenth Amendments, receive this 'suspect classification', which would give them strict scrutiny, which women do not receive, at this point; because they are not in the Federal Constitution. I would like to know if that is true, and if that is true, how that would affect us at the federal and the state level, and if women did receive the Equal Rights Amendment, and strict scrutiny, could sex discrimina... or, discrimination based on sex, still be condoned by the law if... as long as strict scrutiny were used?"

Governor Thompson: "My understanding, Representative Zwick, is that adoption of the Equal Rights Amendment would make it clear, discrimination on the basis of sex was discrimination that was in what we call the 'suspect' category, which has to do with the burden of proof that those seeking to treat men differently from women, or vice versa, would have to overcome before governmental action of one kind or another could be sustained, but that no absolute right of sameness of treatment would be accorded by the Equal Rights Amendment, since there are, to my knowledge, no absolute rights in the Constitution, including speech, for example; and, that if it could

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reasonably be shown, it was a rational difference between treating men one way and treating women another way because of the difference between men and women, that that could be done, even with the adoption of the Equal Rights Amendment."

Zwick: "Is... Is there any other way for these kinds of challenges to receive strict scrutiny in the courts, other than the Equal Rights Amendment?"

Governor Thompson: "There would be, if the Supreme Court, or if Courts of Appeals, or United States District Courts, frustrated by the failure of the country to adopt the Equal Rights Amendment, decided to read the Equal Rights Amendment into the equal protection clause or the due process clause."

Zwick: "Okay. But, that has not happened, and ERA would force that to happen, am I correct?"

Governor Thompson: "So... Well, it has not happened. I don't know whether it would force it to happen or not. It would depend on the Judge, at first - just blind luck."

Zwick: "Okay. Thank you."

Governor Thompson: "Thank you."

Speaker Daniels: "Thank you, Governor Thompson. We... Members of the House of Representatives, appreciate your sharing your time with us, and your willingness to share answers to your questions. Further questions of any of the witnesses? Representative Satterthwaite."

Satterthwaite: "Mr. Speaker, (sic - Chairman) I would like to call Kathleen Carpenter back, please."

Speaker Daniels: "Kathleen Carpenter. Representative Braun. Your... Your light is on with thirty others. Now, I've asked several times as to those people. I think the Governor was most convenient to the Members of the House to ask questions of, and I don't know if you were asking him a

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question, or the thirty other lights that are on here, as well. So, if you... if you are unable to ask a question, I apologize, but the Governor's gone now. We're going on with Kathleen Carpenter. Representative Satterthwaite. Representative Satterthwaite."

Satterthwaite: "Mr. Speaker and Members of the House, or Mr. Chairman and Members of the House, I would like Kathleen Carpenter, after she has had the experience of hearing the stress that the opponents to the Equal Rights Amendment have placed upon the question of the draft, to respond to us from her perspective, having served in the Department of Defense; and answer, if she will, what she feels the impact of the Equal Rights Amendment on women will be, in regard to the draft."

Kathleen Carpenter: "Yes, Ma'am. I'd be pleased to answer that. First of all, I should say that I'm a partner in a law firm in Washington, at this time; and, of course, as is evident to you, I am a supporter of the Equal Rights Amendment. And, because I am both of those, I think that it's the argument it's been made previously, that lawyers can take divergent positions on the same issue. So, perhaps you would, rather than hearing my own opinion, you would prefer to hear directly from the opinion of the General Council of the Department of Defense, with respect to the impact of the Equal Rights Amendment on women in the military, and I quote from that opinion, and I will also quote, rather than paraphrase, as you allegedly heard today, from the Senate and the Congress of the United States. The General Council of the Department of Defense reviewed the legislative history surrounding the Equal Rights Amendment, and in that opinion, noted that the Congress proposed ERA because it perceived the protection afforded women by the equal protection clause of the Constitution to be totally

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inadequate. First of all, as the opponents state, and the General Council agreed, and the Senate report concurred, 'It seems likely that the Equal Rights Amendment will require Congress to treat men and women equally with respect to the draft.' Now, that may sound like a surprising statement coming from me, but what the opponents didn't tell you was that the Senate report went on to say, 'This means that if there is a draft at all, both men and women who meet the physical and other requirements, and who are not exempt or deferred by law, will be subject to conscription.', and then it went on to say, and they did not say, 'Of course, the Equal Rights Amendment will not require that all women serve in the military any more than all men are required to serve. Those women who are physically or mentally unqualified or who are conscientious objectors, or exempt because of their responsibilities...', and I'll go on to that, '...just as men who are unqualified or exempt will not be required to serve'. And, the Senate report said specifically - I am not paraphrasing; I am quoting - 'Thus, the fear that mothers will be conscripted from their children into the military service, if the Equal Rights Amendment is ratified, is totally and completely unfounded. Congress will retain ample power to create legitimate sex neutral exemptions from compulsory service. For example, Congress might well exempt certain parents with small children.' With respect to the impact of the Equal Rights Amendment on the assignment of women to combat, another issue that has been of major concern to you, I quote from the Senate report, and from the General Council's report of the Department of Defense, 'It seems clear that the Equal Rights Amendment will require that women be allowed to volunteer for military service on the same basis as men; that is, women who are physically and

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otherwise qualified, under neutral standards, could not be prohibited from joining the service solely on the basis of their sex. This result is highly desirable, for today, women are often arbitrarily barred from military service and from the benefits of the G. I. Bill, medical care in the service, and throughout Veterans' hospitals. Job preference in government and out, and the training, maturity and leadership provided by service in the military itself.' And then, the Committee cautioned, 'The government would not require that women serve where they are not fitted, just as men are not required to serve where they are not fitted.' And, the House Committee, which was also, quote, paraphrased; what it actually said was, 'Women in the military could be assigned to serve wherever their skills and talents were applicable and needed in the total discretion of the command, as men are today.' The General Council of the Department of Defense concluded, 'While ERA may be construed to require some women to be allowed to request combat or other types of duties, the Senate report issued concluding words on the subject, intended that combat service by women may not be required, even if individual women are physically and mentally qualified to serve.' Thus it is, with or without the passage..."

Speaker Daniels: "Proceed."

Kathleen Carpenter: "Thus it is, with or without the passage of the Equal Rights Amendment, the Department of Defense has already finalized plans to expand the utilization of women in the military; not because the Equal Rights Amendment may pass, but because the needs of the Department of Defense and the experience that we have had with the utili... utilization of women, and the wise use of Defense resources, require it."

Satterthwaite: "And so, you are indicating, by your testimony,

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that with or without the Equal Rights Amendment, women could be subject to the draft, but that there is already a plan that would provide for certain exemptions for women, just as there have always been certain exemptions for men, in the time of draft."

Kathleen Carpenter: "Exactly. You will recall, in past history, that a series of exemptions have been set up recognizing the needs of the society as a whole. For example, we have always had exemptions for certain individuals in defense industries, law enforcement, for children in families where they have already lost a child in that conflict; and so, in keeping with the traditions of our registration and draft, and as the Congress, and particularly, both the Senate and the House recognize, they continue and would continue after the passage of the Equal Rights Amendment, to recognize the needs with respect to women in the home, who have child bearing and child caring responsibilities."

Satterthwaite: "And, it is also your testimony then, that if the ERA should pass, and if women should be drafted, that there is already a plan available that would provide for combat or other specialized kinds of service provisions that might make exemptions for certain categories of people, or that they might in fact, be permitted, on a voluntary basis to serve in those capacities if they so choose and were capable."

Kathleen Carpenter: "Women... Women would be permitted only to serve in those capacities which, in the interest of the proper performance of the defense mission, they could serve; but, let's remember something. It takes, literally, and I am not -- I hate to say this, because I'm a great Defense Budget proponent, one who happens to think that we need a budget at about the point that it's at right now, unfortunately, even though it creates great expense to

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other social programs - please remember that to support an individual infantryman in the field, that you must have manyfold that number in various support and administrative positions. Let me explain how the registration for the draft and the draft pool was structured under the last Amendment, and how it would have been structured if the Congress had voted for registration of males and females. We had absolutely no intention, in the Defense Department, of drafting people we didn't need; and so, we set up two pools. One pool, which was males, and the other, which was females, and which, under the opinion of the Congress and the Department of Defense, was legitimate, and we would only have drafted women as the needs required it for the specific positions that were already open to women in the military. It's important to understand, for example, that 87% of the clerical positions in the military services today are filled by men. Why... It seems to me, it's anti-family to draft a male with small children to fulfill a clerical position, who is untrained, before you would draft a female who is a trained secretary, who has no children. And if, as in fact the Department of Defense concludes itself, there is no requirement as a result of the Equal Rights Amendment, to assign any individual woman to any particular function, but only to those functions within the judgment of the command itself, they could properly perform. Great deference has always been given to military judgments with respect to the military mission; and, the reason the Defense Department went in and tried to get the restrictions on the utilization of women in the military under the title ten, repealed, was because they wanted much greater military human resources flexibility in how they would assign people. It was that restriction which was hurting them with respect to the proper

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assignment of the best and brightest people, be they male or female."

Satterthwaite: "Thank you very much."

Speaker Daniels: "Representative Hudson."

Hudson: "Thank you very much, Mr. Speaker (sic, Chairman). Ms. Adler, I have tried to listen with all the attentiveness that I could muster, to your testimony relevant to the draft; and it seems to me that what comes out of it all, through a considerable amount of obfuscation, I might add - it seems to me that what you're really saying is that, yes, if the Equal Rights Amendment is passed, women will be subject to the draft. Point one, would you agree with that?"

Kathleen Carpenter: "Sir, are you addressing me? If you are, my name is Ms. Carpenter..."

Hudson: "I'm sorry."

Kathleen Carpenter: "... So, perhaps you weren't as attentive as you thought."

Hudson: "I'm sorry, you're... You're equally appealing. The question is..."

Kathleen Carpenter: "Sir, excuse me..."

Hudson: "The question remains. If the Equal Rights Amendment is passed, in your opinion, will that or will it not, subject women to the draft?"

Kathleen Carpenter: "Sir, I told you not only my opinion, but the opinion of the General Council of the Department of Defense. The answer to that question, and I repeat it so that you will hear it this time, is that, yes, women would be subjected to the draft; and secondly, that would not require that any individual women be assigned to any function for which they were not individually capable of performing; and thirdly, that the Senate, and by the way, I would prefer that you not refer to the Senate of the United

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States and the House in terms that suggest that they were, somehow, devious. That was not my statement. It was the statement of the House of Representatives and the Senate of the United States, and I wish you'd give it more respect."

Hudson: "Well, thank you. I am not quite through. What I'm trying to get at here, is; it seems to me, from your testimony, what you're saying is, after the women are drafted, which they will be, according to your testimony, if the Equal Rights Amendment is passed; they will be subject to the same call that the men are. That is to say, where exceptions are made for the men, similar exceptions would be made for the women. Is that a reasonable statement?"

Kathleen Carpenter: "I stated that the exceptions that would be made would be those which were passed by our Congress, yes."

Hudson: "Yes. In other words, the women and the men would be treated, in this respect, the same. Is that a fair statement?"

Kathleen Carpenter: "They would be treated with respect... They would be treated the same in these terms. One; that if an individual woman were capable of performing an individual function, and if the military made the decision to utilize that individual woman as it makes decisions today with respect to individual men, that woman would be assigned; but it would require, first and foremost, that the individual woman would have to have the capabilities to perform the function; and secondly, that the military made the decision to assign her to that function. Let me say this, Sir, about your specific concern. The Department of the Army, today, has the power to assign women to the infantry function, which I'm sure is what you have in mind, with or without the passage of the Equal Rights Amendment,

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and in fact, women today are already assigned to the artillery and to missiles. So, I'm not exactly sure what your concern would ultimately be. They have that authority today..."

Hudson: "My concern..."

Kathleen Carpenter: "... And, they have not exercised the decision to do... to assign women to infantry functions, and they would continue to have the authority not to assign women to infantry functions."

Hudson: "I have to assume, as an answer to my question, that your answer is yes, the women and the men would be treated essentially the same in this respect. I think that is correct."

Kathleen Carpenter: "Sir, you..."

Hudson: "I think what I'm trying to get at, here, is, one of the arguments against the Equal Rights Amendment has been that if the Amendment is passed, it will tend to cast the women into a doctrinal... doctrinaire mold of sameness with the men, and I think, here is a case in point, where, through your own testimony, we are finding that yes, this indeed would be the case. Now as what..."

Kathleen Carpenter: "Sir, I'm... I'm..."

Hudson: "As to what the Department of Defense would do with all of this, I think that the testimony this afternoon has indicated that thousands, if not millions, of women across this country don't want to necessarily be drafted in the first place, so..."

Kathleen Carpenter: "Sir, I think you would understand, and I... and I think I should make this point to you, that there are thousands of men and women who do not wish to be drafted at this moment in time. So, whether you speak to whether there are women who do not wish to be drafted, there are men, and, in fact, this nation has expressed the view, and

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there has been enormous controversy about whether or not a draft at this time is appropriate. Let me say something that bears specifically on the draft and the utilization of women, and which our Congress itself has said, through the Military Personnel Subcommittee. If we had not expanded the utilization of women in the military and had such successful performance, we would already have had to abandon the all-volunteer force, and go to a draft. So, the reason that we are able to continue the all-volunteer force is because of the outstanding performance of women in the military. So said our Congress, Sir."

Hudson: "One... One more question, and then I will cease. In 1980, Congress decided not to draft women. I happen to believe they re... they decided not to draft women because they sensed the feel, the pulse of the people, and particularly the women in this country, and they decided not to draft women. Now, if the Equal Rights Amendment is concerned, I have to conclude from your testimony, that this right of Congress to decide one way or another, or let's say, not to draft women, will re... re... be removed from Congress, and Congress will have no choice in that matter. Now this, I have to deduct from the testimony that you have given us here today."

Kathleen Carpenter: "Sir..."

Hudson: "And, this is precisely, it seems to me, what many, many women object to."

Kathleen Carpenter: "Sir, the reason that Congress decided, this is quoting once again from the Military Personnel Subcommittee and the floor of the Senate, the reason that Congress decided not to draft women was because the needs... or register women, was because the most immediate need that we would have in the event of mobilization was for combatants, for the strict, what you would call, the

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infantry type, close line of fight with the enemy position. They never considered really, the appropriateness of drafting women as a whole, in the event of full mobilization. It was solely because we needed to have a backfill on the combatant roles. So, it never reached the issue that you think it did."

Hudson: "Thank you very much, and my apologies again for confusing you with someone else."

Speaker Daniels: "Further questions of this witness? Representative Bradley."

Bradley: "Thank you, Mr. Chairman. I just have one question. You know, we keep talking about women being drafted. My question is... to you, is this; in a situation, if the ERA would become a reality, and, we assume, at that time, men and women would be in... in service together - if there was a situation that we would be in combat, or we did get into a war, or even if we weren't, and a... there weren't as many... there were not... say, you had a company of 200 people. If there were not 100 men and 100 women in that company, and there were 175 men and only 25 women, would... would you assume, then, that the men's rights are being violated?"

Kathleen Carpenter: "Let me, first of all, address the question. You're using an assumption. Let me first step back and tell you that, because we felt it was very important in peace time, to find out what the effect of the introduction of women into various sized units would be, in the field exercises in Germany, which this nation conducts every year, we send batallions and divisions over to Germany for what is about twelve weeks of which, depending on the particular exercise, two to six weeks are actually under field conditions. One of those... One of those exercises was called 'Reforager', and the other, 'Max-Whack'. We

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actually introduced 35% women into..."

Bradley: "I think you're going into... you're not answering my question. You're not addressing... The question is that, I... I fully respect the situation where we had the WAC's and the WAVE's. I'm not being contradictory about that. I think that was fine. They had... They played an important role. I'm asking the question, say, that if you had a company of infantry, and you were a... if I was a member of that company, and there was only 25 women, 175 men, in that company, and we were operating, at that time, the Equal Rights Amendment was a part of our Constitution, I would have the right, as a man, to say my rights are being violated. There is not as many women here as there are men. Is that correct?"

Kathleen Carpenter: "No, Sir. That would not be correct."

Bradley: "Why not? Why not?"

Kathleen Carpenter: "Because, under the Equal Rights Amendment, as was stated by the Senate and the House, the military has the right to make the decision based on the needs of the military mission, and if for..."

Bradley: "Well..."

Kathleen Carpenter: "Let me finish my point, please, Sir. And if, only 25 women out of, say, a group of 200 screened, could actually perform successfully equal to the men, the military mission, in terms of strength and stamina, that only 25 would actually be selected, and under the Equal Rights Amendment, that would not be discriminatory or in violation of a Constitutional Amendment. The military..."

Bradley: "We would probably have to go to court to find out, but I can just imagine that there would those kind of decisions, there would be somebody in that situation that would say, 'My rights are being violated, because, under the Equal Rights Amendment, things are not equal. There

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are not as many men here, or not as many women. I think it could happen either way. I think that's more important than whether they're going to be drafted or not, because I'm satisfied that they do serve a wonderful purpose in certain positions, but to leave it carte blanche that they are going to serve, and I think they would have to if this Amendment becomes a part of our Constitution, and the rights of the men would be violated, under the situation I gave, and you haven't really clarified that, and maybe we can't answer it, but..."

Kathleen Carpenter: "Well, I think you... no, I..."

Bradley: "I think it's a... it's a real valid question, that I'm concerned about."

Kathleen Carpenter: "I think what you're concerned about is the fact that women are gradually, in a very laborious process, gaining increased benefits from the society. However, they do not assume, under the current status of our law and Constitution, equal responsibility, because they are prohibited from doing so. You're absolutely correct, that male members of our society have a legitimate concern about the fact that they're bearing a disproportionate responsibility for the defense of this nation, which may not be tied to the performance of women in the military."

Bradley: "Well, I happen to think that's the way it should be, but I'm saying that's one of my fears, if this becomes part of our Constitution; that those people - there would be men who would take advantage of that Amendment to our Federal Constitution and say, 'My rights are being violated and I want a discharge from the service.'"

Kathleen Carpenter: "They would not..."

Speaker Daniels: "Further questions of this witness? Are there any further questions of this witness? Representative Griffin."

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Griffin: "I'd just like to ask the witness, if I might - obviously, you can establish objective, biological criteria for classification for combat, for men and women. Is that correct? I mean, if you... you could decide, for men and women, which are the biological characteristics that suit them as combat soldiers."

Kathleen Carpenter: "The Department of Defense and the individual military services have actually gone about the business of starting to, and in fact in most of the occupational specialities, have established the actual physical requirements, stamina requirements, and endurance requirements for various functions in the military. Yes, that can be done, and it must be done, not just because of the requirements with respect to women, but because, to their utter surprise, they found out that, in far larger percentage than we ever anticipated, that men were not meeting the stamina, endurance, and so forth, requirements. So, whether we do it with respect, to establish those standards because of the introduction of women or not, we must do it so that we know what our total military capability will be."

Speaker Daniels: "Excuse me. Excuse me, Representative Griffin."

Griffin: "Well what about the... One more question."

Speaker Daniels: "I must remind the Members of the House that we're still in the Committee of the Whole. I would ask all Members to cooperate with your fellow Member who's inquiring of the witness. Please be in your seats. Those not entitled to the floor, please retire to the gallery."

Griffin: "Wishing to avoid the usual trap of talking about stereotypes between men and women, I would like to ask you, in terms of psychological characteristics, do you test for those, as classifying people for combat, as well?"

Kathleen Carpenter: "The Department of Defense - you know, the

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issue of... of male bonding was always a major concern, especially those of you who may have served in, let's say Korea, World War II; and we were very concerned about that, because it was an issue that we were just simply, at the time, somewhat uncertain of, and so we went about the business of trying to determine whether or not there was such a phenomenon, and if so, how it operated. The Department of Defense found out, for example, that if they introduced women several weeks into the training program, rather than at the time they actually first arrived on the installation, that you had a momentary problem, because they simply hadn't been trained in the system together. If, on the alternative, you brought men and women in together, trained them together from day one, that same type of team spirit, esprit de corps, occurred between men and women; but it was a legitimate concern, and one in which we did a great deal of analysis."

Bradley: "Well, two... just two quick questions, now, in response to that; one is, if there were a draft of women, would those psychological, as well as biological characteristics, be taken into account as to their placement in combat positions, do you believe?"

Kathleen Carpenter: "All the characteristics that an individual has, that are relevant to the performance of the defense mission, would be taken into account, Sir."

Bradley: "Okay. Now, one last question. We hear reports of people coming out of the armed services who become criminals in society, because, in some instances, they've learned to shoot, they've learned to kill, they have developed a kind of killer instinct, which is bred into soldiers in the military. Have you so far, or do you project, any impact on women in the military, from the kind of life they lead, from the kind of necessity of

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psychological readiness in combat, that would... they would carry, then, with them into their life, either in the military or in civilian society?"

Kathleen Carpenter: "First of all, Sir, I think that you have to look behind those reports, and that's not a fair characterization of the people coming out of the military. But, setting that aside, some of the interesting things that we have found out about the difference in male-female upbringing and characteristics, to our utter surprise, have had a positive effect, not only with respect to the performance of women, but on men. Let me explain. You have always heard of... You know, you've heard all the reports on lost time in the military during... due to anti-social behavior, drug abuse, alcoholism, and all the things that have been subjects from time to time, of various reports. The interesting thing has been that, yes, some of the difference in upbringing with women has had an effect, and this is what the effect has been: First of all, women, as compared to men, experience substantially less lost time, and we believe that that is the case because of the difference in upbringing. Women in the military do not get involved in the amount of lost time due... due to absence without leave, drug abuse, and all the other anti-social behavior, even taking into account the comparative lost time that you hear so much about with respect to women and their female problems. The reality of it is, for example, that the lost time for men - let's take the Navy. The lost time is 140% higher for men than it is for women. So, yes, the psychological upbringing, and the difference in our training up until this point in our society, does have an effect. It's a positive one. The second aspect in which it has an effect, and this was also somewhat of a surprise to us, given, you know, the normal

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stereotypes that people grow up with; women tend to be much better students and much more oriented toward education, and so, we were finding that... we were finding that women in the military, because they were studying harder, were what we call 'striking' - in other words, studying, taking a test, and on the job training, and so forth. They were far more studious, and thus, they were being promoted at a more rapid rate than males, the effect of which was, given the normal competition in another respect, between men and women, the men weren't going to be outdone by the women, so they started doing better. So, yes, the psychological differences in the upbringing have an effect, but fortunately, they have been positive ones."

Bradley: "Thank you."

Speaker Daniels: "Further questions of this witness?
Representative Kociolko."

Kociolko: "Thank you. Although the United States has a... an all volunteer military force, is it not true that several of our major allies in the NATO Alliance have conscripted armed forces?"

Kathleen Carpenter: "Yes, Sir, and I... I... this is a personal opinion, and not an opinion that I ever expressed officially as part of the Department of Defense, but it's my view, that, at some point in time, given the ever-rising technological nature of warfare, and the... in the... basically, the needs we have for increasingly more highly educated and intelligent force, that, ultimately, we, as a nation, will probably have to go to a draft."

Kociolko: "Thank you. Now, is... getting back to the point I'd like to make, isn't it true that many of those nations in the Western Alliance, which currently have conscripted armed forces, have a long tradition of democratic government, and have an excellent record in defense of

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basic human liberties? I'm thinking now, for example, of the Republic of France, which has a conscripted armed force."

Kathleen Carpenter: "Yes, Sir, and in fact, let me speak specifically to a fairly recent experience I had with the government of France and the issue of civil and equal rights. I attended the NATO conference in The Hague, of women in the military."

Kociolko: "Ma'am, excuse me, but you have already answered my question. I... I just asked you for an answer. I realize you have a background in the Federal Government, and it's customary to answer at great length, but in the interest of time, I'd like to keep my questions fairly simple. Now you've said yes, they do have a devotion to human liberties and democratic government. My next question is; do any of this nation's major allies which have a conscripted armed force, draft women on the same basis as men?"

Kathleen Carpenter: "The Netherlands is now considering that, and what I..."

Kociolko: "They're considering it."

Kathleen Carpenter: "Sir, would you like me to answer your question?"

Kociolko: "Yes, I wish you would."

Kathleen Carpenter: "Thank you. I started to say to you earlier, that a conference was convened by the NATO forces which I attended, as did 'flak' and general officers from the United States, and representatives in 'flak' and general officers from our NATO allies, to ask the United States to share with it the experience it had on the utilization of women in the military, so that they could effectively put into place the necessary plans, so that if it became appropriate to the defense mission in their countries, as they were contemplated, they would be able to positively

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introduce women into the military, and yes, they currently do conscript, and yes, in some nations there is conscription of women."

Kociolko: "Do any nations in the Western Alliance currently conscript women on the same basis as men? It's a simple question."

Kathleen Carpenter: "Would you like to answer it, or shall I?"

Kociolko: "I'm waiting."

Kathleen Carpenter: "Israel currently conscripts women."

Kociolko: "That is not a member of the NATO Alliance, Ma'am."

Kathleen Carpenter: "The Netherlands currently..."

Kociolko: "I'm confining this to the NATO Alliance."

Kathleen Carpenter: "The Netherlands currently conscripts women, and in fact, is far further along in the utilization of women in the... in their naval forces than we are."

Kociolko: "A moment ago, you said that Netherlands is currently considering it, and now you say that..."

Kathleen Carpenter: "They are considering..."

Kociolko: "If I may finish, Ma'am, you said that Netherlands is considering it, and now you say that they are conscripting. They must have considered it awfully rapidly to have it change in the minute and a half that we have been discussing the issue."

Kathleen Carpenter: "I said they are considering further expanding the utilization of women."

Kociolko: "But, as an apparent..."

Kathleen Carpenter: "They are already conscripting, Sir."

Kociolko: "I realize fully what you're trying to do, because it's a painful point from your perspective, but the point..."

Kathleen Carpenter: "No, Sir. It's not painful."

Kociolko: "...Then is, am I correct..."

Kathleen Carpenter: "It's not painful. What is painful is being given a moment to respond to your question."

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Kociolko: "Okay. Now if I might sum up; yes, many of the nations in the Western Alliance do conscript for their armed forces. Yes, indeed, they do have records of democratic government in defense of human liberties, and no, there is no nation in the Western Alliance which conscripts women on the same basis as men, on the same basis as men. Is that correct?"

Kathleen Carpenter: "When has it ever been that we, in the United States, have ever apologized for being the leaders in doing that which is right and responsible?"

Speaker Daniels: "Representative Kociolko."

Kociolko: "I have never apologized, and I am not proposing that we do apologize. But, I would like to get a direct answer to my question at long last. Is it correct that no Western nation currently subjects women to the military draft on the same basis as men? Could I, please, have a yes or no answer to that?"

Kathleen Carpenter: "Sir, the Netherlands currently conscripts women on the same basis with one exception borne out of the fact that they have had difficulty getting the necessary uniforming and housing in place. And so, to first accommodate those issues, they have staged the conscription, and it is on that basis."

Kociolko: "Okay. The answer is no, at least my understanding of the answer is no. So, therefore, the conclusion I draw is that if the Equal Rights Amendment is enacted and made a part of the United States Constitution, we would be the only nation in the NATO Alliance that would subject women to the military draft on the same basis as men."

Kathleen Carpenter: "The draft, that's correct..."

Kociolko: "Thank you."

Kathleen Carpenter: "...With respect to..."

Kociolko: "Thank you."

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Chairman Daniels: "Further questions of this witness? Thank you very much for your time. Representative Deuster."

Deuster: "Mr. Speaker, I would like to ask several questions of Mrs. Phyllis Schlafly, please."

Chairman Daniels: "Proceed, Sir."

Deuster: "Yes, I have a number of questions that I'd like to ask Mrs. Schlafly. One, we have had something of a confusing or conflicting testimony presented to us on the precise question of whether women who are drafted into the military service as a result of ERA, if we had a draft, would be or would not be assigned to combat on the same basis, or subject to the same sex neutral qualifications as men, and that's the first question on that point. The second question is, are you aware of any countries that are presently, or have ever, sent their women into military combat on a sex neutral basis?"

Phyllis Schlafly: "Well, in answer to the first question, in Kathleen Carpenter's original statement she talked very glowingly about how the armed forces are utilizing women today. She told how women are in 95% of the various jobs in the military, how more than half of the women are in non-traditional jobs, how they're in artillery and submarine tankers, on ships, how they are assigned to combat zones, combat related jobs, and even in hand-to-hand combat and combat in vessels; and she must have used the word 'utilization' some twenty or twenty-five times. She talked glowingly about how women are utilized in the armed forces, and what... that the... what the military can do, and utilize them any way they want to. But, there's one thing they can't do. Even if she's true in everything she said, they cannot draft them; and we don't want our daughters drafted so they can be utilized, utilized, utilized in combat related roles, utilized in... in combat

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zones, and all that sort of thing. And, so, I think the more she talked, the more determined we are that we are never going to let our daughters be utilized by people like that. Now, in answer to your question about... about any country using women in combat, as we all know Israel tried that briefly, in the war of 1948, and they abandoned it very quickly and never did it again. Women are treated very differently in Israel. The Soviet Union tried it in World War II. They do not do it today. The Soviet Army is 99 1/2% male. And so, both the countries of modern times that have tried utilizing women just like men have given it up."

Deuster: "My next question... Earlier, I mentioned a decision by Federal Judge 'Prentiss Marshall' requiring the City of Chicago, in hiring its new police officers, to hire exactly 31% females. Do you believe that the Equal Rights Amendment would have any effect on that subject, and do you personally believe that we should have police hiring quotas, or... any more than we have military hiring quotas?"

Phyllis Schlafly: "Well, no. I... I don't believe in that kind of quotas, but I think the experience of the police departments and the fire departments is a very good example of what will happen in the military. There may be some people who think that the women wouldn't be taken because they're smaller and weaker, but we know that when the women in... who applied to be in the police could not pass the sex neutral tests, they ran back into court and got some Federal Judge to order the hiring of the women, even though they could not pass the test. Now, we're told that all women would not be drafted. That, of course, is true. Ms. Carpenter will not be drafted. Ms. Bellows will not be drafted. The sister... nun who was here today will not be

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drafted. They will not be drafted. It'll be the eighteen year olds, the eighteen year olds who are drafted; and, we were told that there would be some physical exemptions, but there are no physical exemptions for these young ladies. They're all in perfect health. They would have no exemption. And, again we come back to the fact that the draft is compulsion, and ERA is the only thing that does it."

Deuster: "I have two more simple questions, I think. Our Illinois Constitution has not been mentioned too much, but we have two Sections; Section 17, that prohibits any discrimination on the grounds of race, color, creed, national ancestry, and sex; and it provides that the General Assembly may establish reasonable exemptions to that. Pursuant to that State Constitution provision, Section 17, we passed in 1980 a law that says that it's okay to discriminate on the grounds of sex when you're renting rooms in a housing accommodation. For example, a widow lady might have a room in her house, or a boarding house, and want to rent to females only. What effect would the Equal Rights Amendment have on that state law and that state constitutional provision, in your opinion?"

Phyllis Schlafly: "The Federal Constitution would supersede. The Federal Constitution has no exceptions in it. Some Senators and Congressmen tried to put various exceptions for, oh, physiological differences, military differences, and so forth, and all the exceptions were defeated. So, I think that if there are exceptions today in various laws, ERA would wipe them out, as pertaining to differences between men and women."

Deuster: "My last question is this: A number of witnesses have mentioned, as they have over the last several years, that women are being shortchanged because they don't earn as

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much money as men - and normally, the figure fifty-nine cents for a dollar is the number given - and that the Equal Rights Amendment would help overcome that form of discrimination. Does the Equal Rights Amendment apply to private employment, or just to the State and the National Government, or what is the scope of ERA with respect to equal pay for equal work?"

Phyllis Schlafly: "The Equal Rights Amendment applies only to federal and state action. It does not apply to private employment at all. If the employment laws were discriminatory, ERA would change them; but the employment laws are sex neutral. They already prohibit discrimination on account of sex, so whatever the problem is in private employment, the Equal Rights Amendment would not have any effect on it, and it is a tremendous fraud to imply that ERA will give women a raise, a promotion. It will have nothing to do with private employment."

Deuster: "Thank you very much."

Chairman Daniels: "Representative Kane."

Kane: "Mrs. Schlafly, I have a nineteen year old daughter who feels that she's not sure that she wants to serve her country at all, if she can't serve as a first class citizen. How would you respond to that?"

Phyllis Schlafly: "I would suggest that she go sign up, join the military. They're looking for her. But why would she want to take away rights from other girls of that age? I... We admire and respect the women who want to serve. Volunteers are volunteering all the time. It so happens that almost half of the women who volunteer don't complete their term of enlistment when they find out how bad it is, but if she wants to serve, that's fine. But why compel and force other girls who don't want to serve?"

Kane: "Wouldn't a draft do that for boys, too? I mean, hasn't

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that been the history of the draft?"

Phyllis Schlafly: "Sure. That's right. But, ERA's not going to save boys from the draft."

Kane: "No, but isn't the draft something that really is used because there are many of... people who don't want to serve? War is horrible."

Phyllis Schlafly: "War is horrible; No question about it. If you think ERA is going to save us from war, I just can't imagine how anybody could think that."

Kane: "No, I don't think that's the question. Going back to some other kinds of things; you've mentioned, over the period of time, that the Equal Rights Amendment will have a number of possibly bad effects, list of horrors that have been brought out, because the Equal Rights Amendment somehow is absolute. There are no limits within the language of the Amendment. I would draw your attention to the First Amendment in the Bill of Rights and ask you, in the language that's there, it says, 'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech. Congress shall make no law respecting or abridging the freedom of speech.' Is that not an absolute constitutional right, the freedom of speech?"

Phyllis Schlafly: "Well, it's written like an absolute, but it is very clear from the history of the First Amendment that the founding fathers who wrote that certainly did not intend it to protect such speech as blasphemy, profanity, libel, slander and obscenity. And that is clear from the history of our Constitution. However, it is likewise crystal clear, from the legislative history of ERA, that the people who passed that absolutist language specifically meant it to draft women, put women in combat and do all these other things, because there are Roll Call votes on every one of

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those languages."

Kane: "Isn't that the case though? Is it the language, itself, that we're talking about (that) gives absolute right to freedom of speech, the language itself?"

Phyllis Schlafly: "The language, itself, and we know how the courts have interpreted it. And we know how ... the founding fathers meant."

Kane: "And the courts could...And the courts, since the absolute language has been put in there, the courts and Legislatures and people of some sensitivity have said that the absolute guarantee for freedom of speech does not apply to crying 'fire' in a crowded theater. I'm sure that that was not debated in the Constitutional Amendment...in the Constitutional Convention."

Phyllis Schlafly: "No, but I can assure...I can assure you there was no recorded Roll Call vote in the Constitutional Amendment that...that defeated these exceptions in it, as we have on the Equal Rights Amendment."

Kane: "But the question is, really, is that someone who wanted to oppose the passage of the First Amendment could say, 'How could we have that kind of language giving somebody absolute right to freedom of speech?' Because then we might have slander. Then we could have people crying 'fire' in a crowded theater, just the same way as people today are saying we cannot have the absolute guarantee of equality on...on the basis of sex; because, then we would have unisex bathrooms and then we would have no privacy and so forth and so on, and homosexual marriages and blah, blah, blah - all of those list of horrors that the anti's have come out with. I mean, I think that the question is that the right is absolute. The right of freedom of speech is absolute in the Constitution. The right of equality is absolute. But, the courts, the Legislature in Congress is

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going to make the kinds of distinctions which the Governor suggested are going to be made, because they do not abridge the right of equality. I would think that that is the kind of thing that you should be sensitive to, and that we all should be sensitive to. The right is absolute."

Phyllis Schlafly: "Well, I don't want to take the chance that the Supreme Court might do one way or the other on the draft. We want all women exempted from the draft, and we are not willing to make our daughters pawns in the game of playing the game of Russian roulette as to what the Supreme Court might decide."

Kane: "Well, this is basically just creating the kinds of ghosts that conjure up in the minds of people the insecurities, perhaps, when one should be looking at the equality that we all need, and the right that people should have to be treated equally; because, when we don't treat people equally, if we put them on pedestals, as some have said, then, in fact, they are treated as second class citizens."

Phyllis Schlafly: "Well, you...you may treat your daughter however you want, but my daughter is special, and she is not going to be offered up on the altar of some equality, in order to make people think they're giving something to women when, actually, they're taking it away."

Chairman Daniels: "Further questions of this witness? Representative Hudson."

Hudson: "Mrs. Schlafly, in your opinion, do the so-called constitutional authorities or experts agree among themselves as to what exactly this 24 word proposed Amendment means?"

Phyllis Schlafly: "On the issue of the draft, there is unanimous, 100 percent agreement that ERA would compel the drafting of women when we...men are drafted, and that the draft law would be equal. On the other issues, you can find

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differences of opinion. You can quote authorities one way or the other on such issues as abortion, homosexuality, various other issues, the rights of a wife, whatever. You can find, pick your...put up your money and pick your authority. But, on the issue of the draft, it's 100 percent unanimous agreement of every constitutional authority."

Hudson: "Apart from that one agreement, then, when they talk about...when it refers to 'equality of rights', we do not necessarily know what rights are being referred to; nor, do we know how, 'on account of sex', how 'sex' might be interpreted. Is that a fair statement on my part?"

Phyllis Schlafly: "'Sex' is not defined in the Amendment. 'Equality of rights' is not defined in the Amendment. I think one of the major defects of the Equal Rights Amendment is that it gives the Supreme Court a blank check to write its own definition."

Hudson: "Right. So then, Section 2 would call upon Congress...would give Congress and the Federal Courts the responsibility of enforcing with appropriate legislation, whatever that might mean, these somewhat obscure or undefined provisions. Is that a fair statement?"

Phyllis Schlafly: "Yes, and the other seven Amendments to the Constitution that have that same enforcement language show clearly that 'appropriate' means anything they do."

Hudson: "So, we're being asked, really, to vote 'yes'. But in voting 'yes', we don't know what we're voting 'yes' to, really."

Phyllis Schlafly: "That's right. That is absolutely right."

Hudson: "Thank you."

Chairman Daniels: "Further questions of this witness? Representative Friedrich."

Friedrich: "Mrs. Schlafly, I'm kind of a believer in state

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sovereignty. We've had an Equal Rights plank in our Illinois Constitution for a number of years now. Do you know of any case in Illinois where an Il...an Illinois woman has been discriminated against, where she didn't have a course of action under our State Constitution?"

Phyllis Schlafly: "No, Sir, I don't know of any such case, and one of our witnesses, a young Chicago lawyer, has researched the whole area of the Illinois Constitution and found that no woman has brought a case under it."

Friedrich: "But, we do have the machinery in place and a...a Department of Human Rights, and we have the Constitution of Illinois to protect all Illinois women from discrimination in Illinois."

Phyllis Schlafly: "That is correct, and I serve on the Illinois Commission on the Status of Women. And, several years ago - it's all dominated by the ERA'ers - and several years ago, they disbanded their Legislative Action Committee because they said that Illinois has no laws that discriminate against women. So, there was nothing more for the Legislative Action Committee to do."

Chairman Daniels: "Further questions? Representative Fawell."

Fawell: "Thank you, Mr. Chairman. Mrs. Schlafly, you and I go back a long ways together. You were the head of the Federation of Republican Women when I was President of one of the local clubs, if you remember, about 25 years ago; therefore, you and I are approximately the same age. I know we have children approximately the same age. My children are in their 20's as, I'm sure, yours are. I also know that both you and I have both boys and girls, or young men and women, as they are now. I assume when you make the statement that you do not want your daughter drafted, as I don't, you also, in effect, are saying you do not want your son drafted. Is that true?"

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Phyllis Schlafly: "Yes, that's right."

Fawell: "Okay. I'm sure all of us who are parents, are mothers, care no more for our daughters than we do our sons."

Phyllis Schlafly: "Right."

Fawell: "In World War II, which I'm sure you remember, as I do, Canada and England did draft women. Do you remember that?"

Phyllis Schlafly: "Yes. They didn't treat them like men, though."

Fawell: "Now, our common law is based on English common law. Is that true?"

Phyllis Schlafly: "Right."

Fawell: "So, for...in other words, if England and Canada managed during our war to draft women, and England survived and the women, after the war, went back and became the wives and mothers, as we did, don't you think that our women possibly could do the same thing, if there were such a war?"

Phyllis Schlafly: "What women could do and what we're going to do to them are two different things. England was in a death struggle for her very existence in World War II and probably had a manpower shortage. The United States has no manpower shortage. We have 16 million draft age men and no conceivable reason to draft women. And I do believe that the men of this country are going to be willing to defend their wives and sweethearts and sisters and daughters, and not...not going to be willing to send their sisters out to do their fighting for them."

Fawell: "If you and I, during World War II, had been asked by our country, as was suggested towards the end of the war, to serve our country, to be drafted, because we, too, at that time, were facing a tremendous shortage of young men because the war had taken so many of them, would you truly, as a young woman, object? Would you have objected to serving your country in that capacity? I know you well. I

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know what you have done in the past. I respect you. I know you have fought in other ways for your country. Would you have truly objected to fighting for your country?"

Phyllis Schlafly: "If there...If there had been a real need for women then, I'll give you the answer you want, yes. But, there's a tremendous difference. In World War II, we had the WAC's and the WAVE's, and women were treated like ladies. And I have many women friends who served in the WAC's and WAVE's very well. We have no WAC's and WAVE's today. We have a sex integrated military with people like Kathleen Carpenter bragging about how they're utilized in artillery, in combat, in tanks, in submarine warfare and all those other things that she mentioned. And that is a very different thing."

Fawell: "But, do you feel your sons would treat your daughter any differently than our husbands and our sweethearts treated us in World War II? Do you feel that there is actually that much difference in the young men of today, our sons, than of their fathers?"

Phyllis Schlafly: "I guess I don't answer the question. We hope that our sons...our sons will defend their sisters."

Fawell: "Of course. Therefore, why do you think that if the women were drafted that these men would treat these women any differently? Surely, my sons would be just as protective and ju...and look out for their sister just as much as if I had been drafted and my brother was serving on the front line. I cannot understand..."

Phyllis Schlafly: "Well, look, we don't want to send our soldiers down with the additional...They're having a hard enough time with the enemy, much less protecting their female soldier standing beside them. I mean, after all, fighting's a full-time job. You don't need to be pr...protecting the woman standing next to you besides."

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Fawell: "But, if that time came, would you object? If the time came when our country needed our young women or needed us at the age we are now, even though we, perhaps, couldn't be that much help, would you object to serving your country?"

Phyllis Schlafly: "Yes, I object, and I think that if the crisis arose and the enemy were in our homes, all the women like Scarlet O'Hara could come down the steps with the gun in her skirt and do what had to be done; but, that is not the situation of the United States. What we are talking about is taking young people out of their homes and sending them off to fight in some foreign war. And we are not willing...and there is no need. And it would do nothing but reduce the combat-effectiveness of our armed forces, and the tragic thing is, that put in such a situation, our...like my five-foot-two daughter over here, with all this brave talk about equality, she would not have an equal opportunity to survive."

Fawell: "Do you realize, when the women were drafted in World War II over in Canada and England, they were required to be ambulance drivers. They were required to ferry the planes across from Canada to England to protect, not only Canada and England, to protect us. These were drafted women. They had the abilities. I think my daughter has the same ability. I'm sure your daughter does, too. I cannot understand this argument."

Phyllis Schlafly: "Again, they all served in separate units. They served in separate units. We had WACS and WAVES, and none of this nonsense about a sex integrated military where they go out and camp out all together."

Fawell: "Well, I would hope that our Defense Department, and it is our dep...Defense Department, under the Republican regime, would have more sense than to try and put young men and young women together in the same battalion. My other,

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and my last, point is..."

Phyllis Schlafly: "Oh, they're serving together right now. In the flyer we passed around, those are pictures taken from Fort Leonard Wood, where they have approximately 160 men and 40 women in the same group."

Fawell: "But not in the same barracks."

Phyllis Schlafly: "I would hope, unless we're going... You talk...You talk..."

Fawell: "...have the men, all of a sudden, rush out and join up."

Chairman Daniels: "Excuse me. Excuse me. Representative Fawell, could you bring...please bring your line of questioning to a close?"

Fawell: "My...My last question, please. I know you have done a lot of research with the...with political science, and I was wondering if it ever occurred to you that, over the last few Presidents that we have had - and you and I have worked for the same candidates - but do you realize that Truman, who started the Korean War, had a girl? Eisenhower, who stopped the Korean War, had a son. Johnson and Nixon both had girls and were deeply involved in the Viet Nam War. Ford, who had both, stopped it. It just seems to me, maybe, if the women were drafted, perhaps some of this...these...these wars, these little skirmishes that cause the heartbreak in a lot of homes because of the death of their sons, would be stopped; because, maybe, just maybe, the girls might be in the same situation, and we wouldn't have half as many people jumping up and down and saying, 'Let's go send the boys to the fields'."

Phyllis Schlafly: "Well, wait a minute. England has just...England has a female Head of State, and they have gotten in one of the silliest wars that anybody ever fought."

Fawell: "And they're not sending their girls to the battlefield."

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Phyllis Schlafly: "They're not sending their girls, no."

Fawell: "And maybe if they did..."

Phyllis Schlafly: "They want to win, that's why."

Fawell: "Maybe if they did, there wouldn't be the war."

Chairman Daniels: "Further questions of this witness?
Representative Macdonald."

Macdonald: "Yes, Mrs. Schlafly, I will call you Phyllis, because we've known each other for a long time as you...here I am, over here. We've known each other for a long time, so I'll call you Phyllis. It...You mentioned the fact that you were on the Status of Women Commission. Correct?"

Phyllis Schlafly: "Yes."

Macdonald: "Right. I presume that you have read the most recent report of the Commission. You...I was interested in the dialogue with Representative Friedrich on the economic status and...and the lack of need for the Equal Rights Amendment for the gaps and the inequity and the inequality of women. And, on page 64 of that report, it certainly does give some very dramatic figures, and those figures were not taken or designed by the Status of Women Commission; but, they were taken from the Bureau of Labor Statistics, United States Department of Labor, the Census Bureau and the Department of Commerce. And, without going through all of the categories, I would like to point out that the median annual earning of white males is 17,427 dollars; whereas, white females are 12,658 dollars, and a...the male percent of white male earnings is 100 percent, and the white females' is 59. I heard on the radio yesterday that you said they had not produced one, single woman who could produce that figure of 59 percent. This, of course, is a median. I don't know the exact woman, but these are figures; and the only statistics that we have to go by are the statistics that are given to us by these

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supposed sources of our government that can justify those figures. I also would like to bring into the conversation the fact that, at our own universities, and this is with the exact tenure, with the exact education, with the exact background, we have women at 31.79 percent with salaries of 10,000 dollars and men that...those are the women who make 10,000 dollars with exactly the same education; whereas, men making 10,000 dollars are only 7.41 percent of the faculty. I think that, indeed, I would like to know how you can explain this disparity, even in our state universities and in our governmental areas without saying that there, indeed, is some economic difference in the workplace."

Phyllis Schlafly: "I have examined those figures, and they tell you something about the difference in wages or income between men and women; but, they tell you nothing about the difference in the work they do. The biggest reason for those differences is the fact that the majority of women in this country have not been in the work force all their lives. For example, when you compare income of female and male lawyers, my very low law income drags that way down; because, not having been in the work force most of my life, I'm, naturally, not making all this high income that other male lawyers are making who've been building up their practice for 20 or 30 years. Those figures tell you nothing about the number of hours per week people work. Anybody who works 35 hours per week or more is included in the statistic. Now, many people work 40, 48 and I know a lot of people who work 60 hours a week, and they are all in that average. Now, by and large, on the average, the average woman has been on her present job only half as long as the average man. The average woman works ten percent fewer hours per week than the average man. So, there are

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good reasons for those differences. I believe in equal pay for equal work, but I do not believe in equal pay for unequal work. Now...Furthermore, besides that, it has nothing to do with ERA. Even if it were all true, it has nothing to do with ERA, because ERA does not affect private industry, and the employment laws are already sex neutral. And, finally, even if it did, we're not going to let these darling girls pay the price that...of somebody else wanting something in money."

Macdonald: "Well, Mrs. Schlafly, Phyllis, in the education, this was exactly...these are exact figures with the same amount of tenure, of service...this...So, these are figures that can be equated and that are actual. So, I think that there are some specifics we can relate to. Now, I also would like to take this opportunity to talk to you a...a bit to correct a...a misstatement that was made, certainly not by you; but, while I'm on my feet, I won't take the time of the Body or of you any further, to correct a statement made by Mrs. Hamilton who talked about delegate women at the Constitutional Convention. I, also, was a delegate to the Constitutional Convention, and, I will say to you that she was incorrect. The Illinois Constitution has never required for Federal Constitutional Amendments, a two-thirds majority. That was for Amendments to the Illinois Constitution. There was no mention made in the old Constitution about what majority it had to take to pass a Federal Constitutional Amendment. So, that was in error. I'm might al..."

Phyllis Schlafly: "I...I understood her...I understood her to read it exactly as you said."

Macdonald: "I understood her to say that we had put in a three-fifths Amendment for Federal Constitutional Amendments, as a compromise to the two-thirds. That was

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the way I understood her. If I misunderstood her, I...I apologize. I would also like to say, just as a matter of passing, that if all states had required a three-fifths or a...more than simple majority, do you realize that we would not have been able to pass our current Federal Constitution that all of us hold in such great reverence?"

Phyllis Schlafly: "Well, I think we have... I think the states have the right to set their rules. You know, there are a couple of states that have a two-thirds rule, and ours is not as high as that."

Macdonald: "There are five other states with more than a simple majority. Thank you very much."

Chairman Daniels: "Further questions of this witness? Representative Griffin."

Griffin: "Just have a few questions, Mrs. Schlafly. First, there's been talk about ghosts today that people have in their mind in the event that ERA gets passed. The term 'horribles' has been used in regards to some of the ghosts that might materialize. You said that the only one horrible, from your point of view, that's definite that both sides agree on, is the draft. I wonder, in terms of some of the other impacts that you are concerned about with ERA, your reasons for thinking that they might come to pass. The question was asked earlier about the First Amendment. The indication was there was no history before the First Amendment that gave us any indication of how it would eventually be qualified. Ho...Why do you think ERA will be a problem? Beyond the draft, what are the...what are the kinds of evidence that suggest that there are going to be some horribles materialize."

Phyllis Schlafly: "Well, as I pointed out, you can find lawyers who will say that ERA would require funding for abortion. I think that is a very serious risk. You can find lawyers

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who will say that ERA will authorize homosexual marriages. Most lawyers will say that ERA will absolutely prohibit all girls' or all boys' schools or colleges because they discriminate; and, because they're entitled to those discriminatory provisions because of language in Title IX, which would be not in harmony with the language of ERA. There are a lot of states where wives have very particular rights, which are superior to those of husbands, and they would lose those. So, I think they're...There are all kinds of areas, but I would rank on top of all those, the power in the hands of the Federal Courts to do whatever they want."

Griffin: "Now, on that question, then, you're saying that there is some automatic, almost mandated, kind of outcomes we can expect once ERA is passed, even beyond the draft. What about the courts? We're all concerned about any decisions the courts make as to how they're going to go. But, beyond the fact some people are looking at the possibilities, are there some probabilities that you see that might influence how the courts decide? In other words, are we doing more than speculating? Are we saying that, in effect, we can expect from the court certain kind of rulings?"

Phyllis Schlafly: "Well, I...I personally believe that they would get abortion funding out of ERA. And, my reason for thinking that, is that the pra...because of certain language in federal statutes which say that anything to do with pregnancy is within the definition of sex discrimination, and because we know that the majority of the Supreme Court is already pro-abortion. And, the decision upholding the Hite Amendment under the Fourteenth Amendment was only a five to four decision. So, I feel that it is very likely that that would be the result."

Griffin: "Do you think the...the leaders in the ERA movement, the

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attorneys, will be working to...to bring about these things with the courts? In other words, do you see..."

Phyllis Schlafly: "Oh, no question about it. They...They will litigate and litigate and mount a massive campaign."

Griffin: "Okay, that leads to the next question, which is litigation. Some of the proponents of ERA have maintained that, if women are to get remedies for what they see as limited problems they have today, they have to go on a case by case basis, either through the existing state channels, the various departments, or federal channels or to the courts. Those who seem to argue for ERA say that ERA will streamline the process. In other words, the laborious task of litigation after litigation that they foresee having to go through in the future, will be shortened, immensely, if ERA passes and this whole process will be abbreviated greatly."

Phyllis Schlafly: "Well, what is it they are trying to do on a case by case basis? You know, we heard all this testimony and, did you hear any real benefit, any real advantage? What is the goal? Now, obviously, you have some problems in enforcement; and, if you've got a problem in enforcement, then yes, you do have to go through the procedure, because we don't believe people are guilty 'til they prove themselves innocent. But, I don't know of any laws today that discriminate against women that ERA will remedy. I know of laws that benefit women, and women will lose those benefits under ERA. So, I don't...this case by case, what is it they're trying to do?"

Griffin: "Would you say that the ERA's passage would, also, mean litigation case by case in the same way it's happening now? I mean, would it also be equally laborious?"

Phyllis Schlafly: "The litigation, if ERA passes, would be to get the Federal Courts to do imaginative new things, like

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ordering tax funds for abortion or...or mandating whatever they want to mandate. And...But, as far as remedying anything that's discriminatory against women today, where's the problem? Did you hear them come forth and say, 'Here, Illinois has a law that discriminates?'?. You didn't...They...They didn't give you any laws like that."

Griffin: "So, would you say, then, as far as you're concerned, there aren't any areas that women need to work harder at to get justice or rights than they now have?"

Phyllis Schlafly: "Well, we don't live in a perfect world, and there's certain areas I'm working on. All I would say is that ERA doesn't do anything good at all. Now, I'm not going to say there are no problems. Obviously, there are problems, and I'm working on them and other people can work on problems. All I would say is that ERA doesn't solve any of them."

Griffin: "One last question. It's been said that if the 'Irvin... the 'Irvin and the Wiggins' Amendments had been incorporated in the ERA, that you and a lot of other people might have been able to support it ten years ago or more. Is that true?"

Phyllis Schlafly: "Well, I sure wouldn't have spent ten years of my life fighting it, because those Amendments and the defeat of those Amendments on a Roll Call vote clearly show what ERA would do. One of them said, 'except we won't u...use it to draft women'. One said, 'except we won't use it to put women in combat'. Another one said, 'except we won't use it to take away the rights of wives, mothers and widows'. Another one, 'except that it won't take away the rights of working women'. Another one, 'except we won't use it to take away the right to privacy of men or women, boys and girls'. And another one, 'except that it won't invalidate laws that are based on physiological

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differences'. Sure, if they'd left all that in, it would have been okay. But, they demanded that they all be taken out. And you can read the Congressional Record. The Roll Call votes are there."

Griffin: "Thank you very much."

Chairman Daniels: "Further questions of this witness? Representative Darrow."

Darrow: "Thank you, Mr. Speaker (sic - Chairman). Mrs. Schlafly, you're a very well versed attorney, and I've read quite a bit of the material you've sent me over the years. I have some respect for your ability in legal matters. When I asked you for your opinion, I have received good riddance to ERA. And, in that, they say that keyboards and other equipment shaped to fit smaller hands and fingers of the female would be discriminatory and would have to be abolished. If ERA were ratified, is there any validity to that statement?"

Phyllis Schlafly: "Well, you not...I have put out a great deal of literature against ERA, but you are not reading from mine."

Darrow: "No. No. This is not yours. I want that perfectly clear."

Phyllis Schlafly: "Okay, because I have my name on everything that I do."

Darrow: "No."

Phyllis Schlafly: "Well, there's kind of...there are all ki...there's all kinds of nonsense, under this. Under the California State Equal Rights Law, they don't have an Amendment, but law. A man who was denied admission to a restaurant because he didn't have on a coat...a suit and collected a large amount of damages because he said that was sex discrimination. I'm sure there will be all kinds of litigation like that. It would, I'm sure, be trivialized by many people."