

## *Unit II Document Based Question*

### **The Legislative Branch**

**This task is based on the accompanying documents (A-K). Some of these documents have been edited for the purposes of this task. This task is designed to test your ability to work with a variety of documents. As you analyze the documents, take into account both the source of each document and the author's point of view.**

*Directions: Read the documents in Part A and answer the questions after each document. Then read the directions for Part B and write your essay.*

**Directions:** In 1973 the United States Congress passed the Equal Rights Amendment. Its general purpose was to create greater equality between women and men. However, in a surprise to many Americans, the ERA amendment never became part of the Constitution. This DBQ exercise asks you to explain why.

#### **Task:**

- Using a minimum of 7 documents, you are to write an essay explaining why the Equal Rights Amendment was defeated.

## Back Ground: Why Was the Equal Rights Amendment Defeated?

Before the 1960s in many ways it was a world. True, women's suffrage had become part of the Constitution in 1920, and a woman could be seen smoking in public, but women were treated as second-class citizens. In 1923, when the Equal Rights Amendment for women was first introduced to Congress, it quickly failed. In fact, every two years for the next 47 years the ERA was introduced to Congress and each time Congress turned it down.

None of this should have been surprising. Congress is just a mirror of society. In business there was the **glass ceiling**, an invisible but real barrier that prevented women from climbing to the top levels of management. In the professions, medical schools and law schools were heavily male. In school hallways, five-foot ten-inch girls felt they had to slouch. In rural areas and central cities, young working-class women headed from high school into dead-end jobs; in cities and suburbs, middle-class young headed off to college and directly into marriage. For a number of these women, life was fine. But for others, the despair was real. In her ground-breaking book *The Feminine Mystique*, Betty Friedan relates this story:

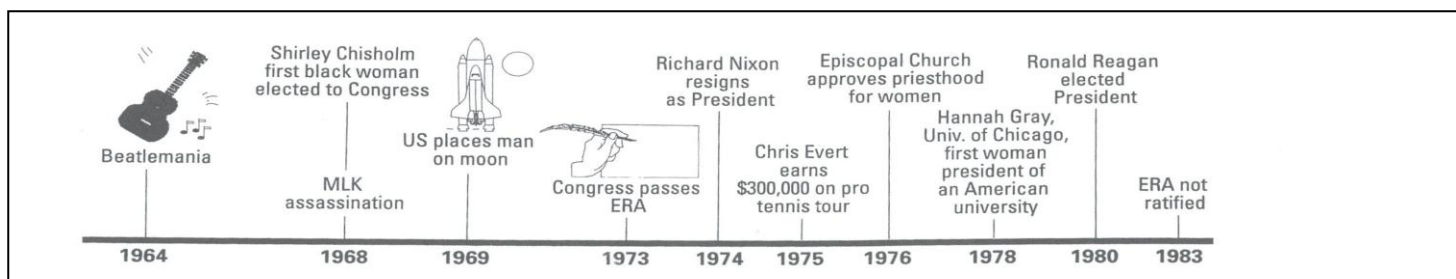
All I wanted was to get married and have four children. I love the kids and Bob and my home. There's no problem you can put a name to. But I'm desperate. I begin to feel I have no personality. I'm a server of food and a putter-on of pants and a bed maker, somebody who can be called on when you something. But who am I?

There were signs of change during and after World War II. Women played a crucial role in effort. The United Nations Charter in the

1940s supported "equal rights for men and women." The Civil Rights Act of 1964 mentioned women, but the clear focus was on rights for African-Americans. In athletics, competitive programs for young women in high schools and colleges were greatly expanded. And in politics, individuals like Shirley Chisholm, a black Congresswoman from New York, began making their mark on the national scene.

Surprisingly, labor unions were an early opponent of the Equal Rights Amendment. It had to do with something called "**protective legislation.**" At the time there were state laws written, in part, to protect women from long hours and dangerous jobs. Might not the ERA cost women these protections? But court decisions under the Civil Rights Act of 1964 simply gave these same protections to men, rather than denying them to women, and this made labor unions feel better. It was clear that women could be protected without being treated unequally.

With the views expressed in *The Feminine Mystique* fresh on their minds and with labor's opposition now removed, the House of Representatives met in June 1971 to consider the Equal Rights Amendment for the 20th time. The House debated for only one hour and then passed the ERA by a vote of 350 to 15. The next year the US Senate, despite the strong opposition of Senator Sam Ervin, a North Carolina Democrat, passed the ERA by a vote of 84 to 8. All that was needed now was ratification by the states.



Supporters believed that the time was right for ratification. Martin Luther King and the civil rights movement of the 1960s had raised the consciousness of many Americans about equal opportunity for all people. The National Organization for Women (NOW) had formed in 1967 and made ratifying the ERA top priority. Both the Democratic and Republican parties supported ERA. So did President Nixon. So, too, would Presidents Ford and Carter in the ratification years ahead.

Supporters argued that there were inequalities that needed to be fixed and now was the time. Perhaps the biggest issue was unequal pay. In 1972, the **median income** of working women was about 58% of the median income for men. Put another way, for every \$100 a man earned, the typical woman earned only \$58. This \$42 gap had remained nearly constant since wage comparison records had first been made in the early 1950s. It made a lot of women, and some men, upset. The hope was that the ERA might help close the income gap.

Another concern was unequal hiring practices. In education, these numbers tell an interesting story:

<b>Elementary School Teachers</b>	1940 89% women
	1974 84% women
<b>Secondary School Teachers</b>	1940 58% women
	1974 47% women
<b>Elementary School Principals</b>	1940 55% women
	1974 20% women
<b>Secondary School Principals</b>	1940 3% women
	1974 1% women
<b>School Superintendents</b>	1974 1% women

Clearly, the higher the position in the school hierarchy, the lower the percentage of women holding those jobs. And, between 1940 and 1974, women appeared to have lost even more ground.

Inequality was also present in the area of property rights. Eight states in 1972 still gave husbands control over all property bought by the **couple** during their marriage. In the next ten years, most of these states changed their laws to give joint control over property, but in 1972 this issue made a lot of women angry.

More than ever before, the chances for ERA looked good, especially since 51% of all Americans in 1972 were female, and women could vote. Wouldn't it be risky for state legislators in the state ratification process not jump on the ERA bandwagon? Wouldn't it hurt their chances for reelection?

When the nation awoke on the morning of March 23, 1972, and read the headlines that the Senate had joined the House in passing the Equal Rights Amendment, it seemed to most Americans like a "done deal." After all, since World War II, five other amendments had passed Congress and each had then been ratified by if states.\* One US history textbook publisher, eager to be first, quickly added the 27th Amendment to the Constitution in the back of his latest book.

But most Americans and the textbook publisher were wrong. Despite the seven-year ratification period allowed by the Constitution and despite a three-year extension granted by Congress, the Equal Rights Amendment was never approved by the required three-fourths c the states. This DBQ exercise asks you to *explain: Why was the Equal Rights Amendment, defeated?*

\*This was remarkable since there had been only eleven other amendments passed since 1791. The five amendments ratified after World War II are:

22nd Amendment: two-term limitation for Presidents (1951)

23rd Amendment: presidential vote to Washington residents (1961)

24th Amendment: prohibition of poll tax (1964)

25th Amendment: regulation of presidential succession (1967)

26th Amendment: Voting rights for citizens 18 and over (1971)

## Document A

**Source:** United States Constitution (proposed but not ratified).

### **Proposed 27th Amendment (ERA)**

**Section 1.** *Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.*

**Section 2.** *The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.*

**Section 3.** *This amendment shall take effect two years after the date of ratification.*

1. Explain what the Proposed Amendment wanted to accomplish

## Document B

**Source:** Composite of Gallup polls created by Jane Mansbridge, *Why We Lost the ERA*, 1986.  
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### ERA Gallup Poll (in percent)

**Question:** Have you heard or read about the Equal Rights Amendment to the Constitution which would give women equal rights and responsibilities? (If yes:) Do you favor or oppose this amendment?\*

	1975	1976	1977	1978	1979	1980	1981**
<b>Favor</b>	60	60	61	60	55	58	63
<b>Oppose</b>	28	26	29	29	27	31	33
<b>Unsure or No Opinion</b>	12	14	10	11	18	11	4

\* Sample size varied between 1000 and 2900.

\*\* In 1981 the question was changed slightly.

2. Analyze the Gallup poll and note any trends.
3. What affect could the changing of the question[1981] play in the response of the answers.

## Document C

**Source: United States Constitution. Article V.**

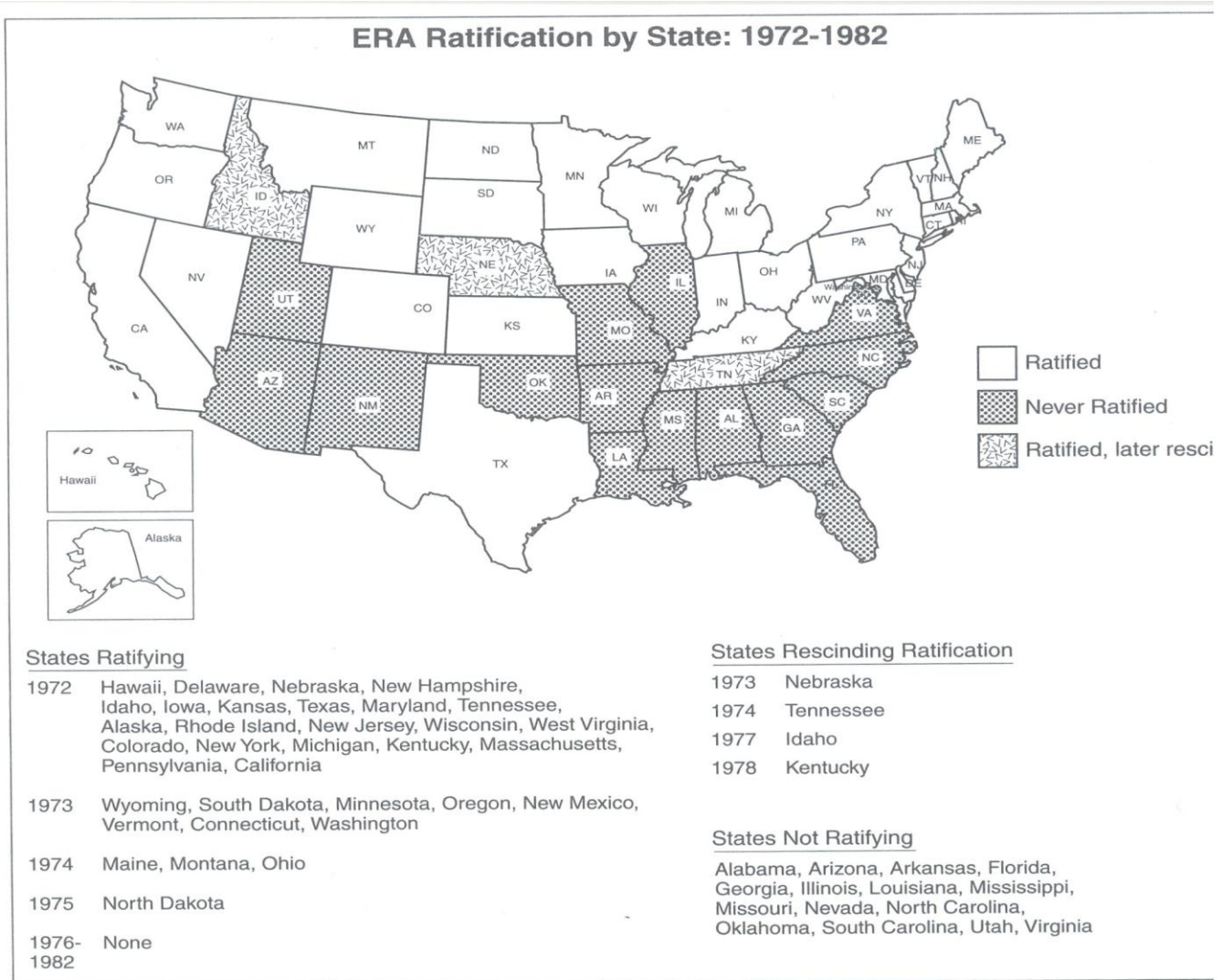
*The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid as Part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by the Conventions in three-fourths thereof...*

**Note: Ratification in 49 of the state legislatures requires a simple majority vote by the legislators. Illinois is the only exception, requiring a 60% majority.**

**4. Evaluate and expound how the amendment process is an example of Federalism.**

## Document D

Source: Adapted from Janet K. Boles, *The Politics of the Equal Rights Amendment, 1979*.



5. Propose reasons as to why the northern part of the United States ratified the ERA amendment and southern states.

## Document E

**Source:** Reprinted by permission of American Press, Inc., from excerpt by Thomas J. Reese in *America Magazine*, July 31, 1982. All rights reserved.

Getting a constitutional amendment passed is very difficult...and requires not majority but a consensus in support of the amendment.... Some will obviously agree, but I think that some pro-E.R.A. tactics were so obnoxious to large portions the population that they made it impossible for the E.R.A. to get the support it needed. Bra-burning, breast-baring demonstrators, using language truckers would avoid in public, got a lot of press attention but lost votes.... The only thing E.R.A. supporters have to fear is fear itself - other people's fears. But if they do not not deal with these fears, then the E.R.A. will go down to defeat again.

6. Explain why the E.R.A. supporter's tactics were eliciting fear into the American population.



## Document F

Source: AP/Wide World Photos, Newsweek, June 14, 1982.

### ERA Supporters Demonstrate by Chaining Themselves Together



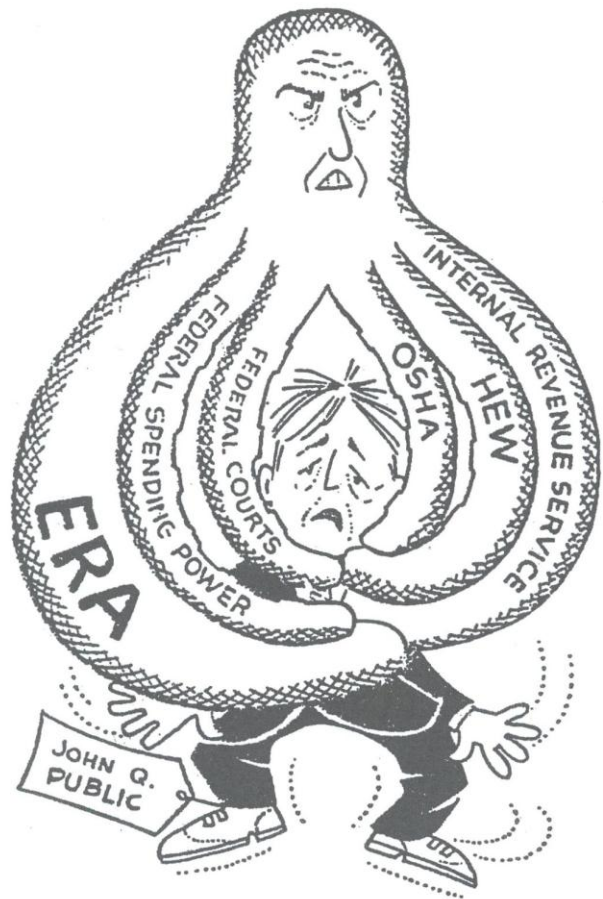
State Capitol Steps, Springfield, Illinois-

7. Analyze the people and objects in the picture above and how they relate to one another.
8. Evaluate the symbolism in the picture above.

## Document G

**Source:** From Stop ERA brochure, Alton, Illinois. Undated, but after February, 1977. Reprinted by permission of Phyllis Schlafly, Eagle Forum.

# Don't Let ERA\* Give the Feds More Power



\*Equal Rights Amendment

9. Hypothesize why the Federal government would gain power if the Equal Rights Amendment passed.

## 10. Document H

**Source:** National Opinion Research Center General Social Survey, adapted from Jane J. Mansbridge, *Why We Lost the ERA*, 1986.

<b>Percent Favoring the ERA in 1982</b>	
<b>Age</b>	
Over 65	63%
46 - 55	59%
18 - 25	81%
<b>Education</b>	
Less than High School	71%
High School	73%
College	73%
Graduate School	71%
<b>Family Yearly Income</b>	
Less than \$10,000	74%
\$10,000 - \$20,000	73%
\$20,000 - \$35,000	74%
More than \$35,000	70%
<b>Gender</b>	
Male	70%
Female	74%
<b>Race</b>	
Black	78%
White	72%
<b>Region</b>	
South	65%
Midwest	72%
East and West Coasts	79%
<b>Religion</b>	
Protestant Fundamentalist	61%
Other Protestant	72%
Catholic	77%
Jewish	81%
No Religion	88%

10. If you viewed this opinion poll what conclusion would you infer about the fate of the equal Rights Amendment? Provide evidence for your conclusion.

## Document I

**Source:** *Ms. Magazine*, March 1976

**Ann Giordano, 43 year old community worker, New York State**

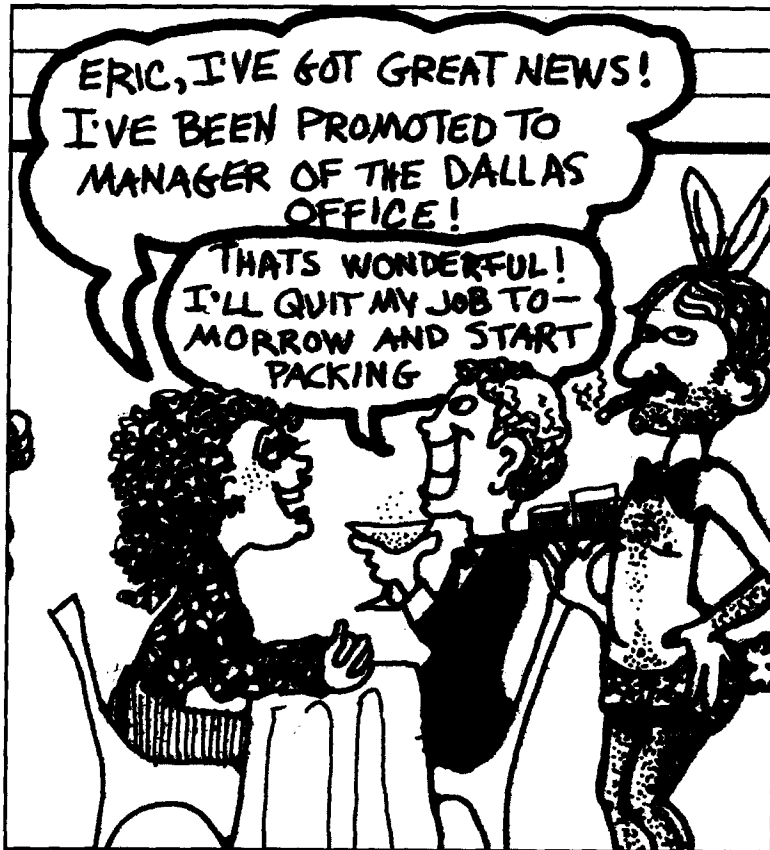
What's important to the average woman is home, husband, and church, but the woman's movement has disrespect for family relationships.... After the vote, I heard some women at a meeting I went to talking about what kind of stupid ass would vote against her own rights, but I noticed that all of them were divorced or not married. They're not living like I'm living and they're not doing what I'm doing.

(My husband is) a first generation Italian from Naples, if you know what that means.... The Italian doesn't ordinarily do housework - it's a blow against his manhood.

11. Explain the quote by Ann Giordana "They're not living like I am living, and they're not doing what I'm doing."

## Document J

Source: *Senior Scholastic*, November 21, 1974.



12. The cartoon above illustrates the changes in society if the Equal Rights Amendment passed. Is this an accurate reflection?

## Document K

**Source:** Society (magazine), May-June, 1974.

### **Phyllis Schlafly, Leader of the Stop ERA Movement**

Women's libbers are trying to make wives and mothers unhappy with their career, make them feel that they are "second-class citizens" and "object slaves." Women's libbers are promoting free sex instead of the "slavery of marriage." They promoting Federal "day-care centers" for babies instead of homes. They are promoting abortions instead of families.... Let's not permit this tiny minority to degrade the role that most women prefer. Let's not let these women's libbers deprive wives and mothers of the rights we now have.

13. Analyze the opposing views set forth in the statement above.

## Document L

**Source:** Reprinted by permission of Phyllis Schlafly, Eagle Forum. From Stop ERA brochure, Alton, Illinois, circa 1977.



**"Do You Take This Person...?"**

14. What was a fear of the the proposed Equal Rights Amendment in the cartoon above. Was this an accurate fear in reference to today's society

## Document M

Source: *Senior Scholastic*, November 21, 1974.




15. Scan the picture above and state the fears that the expanding role of women place in the minds of the male population.



## Document O

**Source:** Letter from Phyllis Schlafly to Anti-ERA followers, 1978.

Reprinted by permission of Phyllis Schlafly, Eagle Forum, from Stop ERA brochure, Alton, Illinois.



# STOP Equal Rights Amendment

6 December 1978

*National Chairman:*  
Phyllis Schlafly  
Box 618  
Alton, Illinois 62002

Dear Stop ERA Friend:

I know that the LAST thing you want to do this month is to trek back to Springfield for a Stop ERA Rally! I feel the same way! But the pro-ERAers are making their final 1978 push for ERA next week. They have been appealing on Chicago television for their people to go to Springfield every day next week in the hope that they can ram ERA through our State Legislature. So, much as I hate to ask you, please meet me --

Wednesday, December 13, 11:00 A.M.  
Rotunda, State Capitol, Springfield

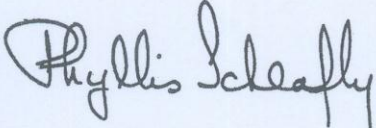
I'll be there -- and I hope you will be, too. In the face of all the pressure the ERAers are exerting this month, we need to remind all our Senators and Representatives that we are counting on them --

- 1) to vote NO on ERA, and
- 2) to resist all efforts to eliminate the 3/5th majority that the Illinois Constitution requires for constitutional amendments.

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Please bring a small package of Christmas cookies to each of your four Legislators -- your Senator and your three Representatives -- a little homemade sweetness to say thanks for defeating ERA. If you make good cookies and can bring some extras, that would be much appreciated. Extras can be used for Legislators whose constituents are unable to go to Springfield.

The pro-ERAers have been maintaining a Vigil for weeks in the State Capitol. And guess what? They are paid \$3 an hour to stand in the Rotunda with their pro-ERA signs. Sorry, nobody who comes to our Stop ERA Rallies will be paid anything. I suggest that you bring your own sandwich to ward off hunger pains.

Faithfully, 

16. Explain how one citizen can attempt to effect the votes in the legislative branch.