

JOINT PUBLIC HEARING

SENATE AND ASSEMBLY JUDICIARY COMMITTEE

TUESDAY, FEBRUARY 6, 1973

The meeting was called to order at 9:30 a.m. Senator Close in the chair.

- PRESENT: Senator Foley
- Senator Bryan
- Senator Dodge
- Senator Hecht
- Senator Swobe
- Senator Wilson
- Members of the Assembly Judiciary Committee
- Members of the Senate Judiciary Committee

Senator Close stated that the speakers would be alternated, proponent and opponent, and each allowed to speak for five minutes, and the hearing would proceed until the Legislature convenes at 11:00 a.m. and then adjourn until 1:00 p.m.

Hope Roberts, representing the Business and Professional Women's Club, was the first speaker and spoke in favor of the Equal Rights Amendment, which is the 27th Amendment to the Constitution. Mrs. Roberts wants the ratification of the Amendment to assure equal rights under the law so that it will not be denied or abridged by the United States or any state on account of sex. She feels it will establish legal rights for both men and women. Equality under the law does not mean that sexes must be regarded as identical. Individual's rights to privacy are protected under Griswold vs. Connecticut. Simply stated the Amendment provides that sex should not be a factor in determining the legal rights of men and women.

Mrs. Roberts read verbatim Senate Report No. 92-689 which states, in part, all women will not be required to serve in the military, just as all men are not. The fear that women will be conscripted from their children under eighteen is unfounded.

Margie Foote, Assemblywoman, was next speaker. She spoke against ratification. She explained that there are examples of courts throughout the land striking down discriminatory laws, using the 14th Amendment as a guideline. The central difficulty with the with the Equal Rights Amendment is that it assumes that equality constitutes the whole of justice and that sameness of treatment constitutes the whole of equality. (Miss Foote was quoting Senator Buckley). The constitution is interpreted by the Supreme Court. This amendment will leave much to interpretation. She further stated that women control much of the money of the world; women live longer than men. She said it has been the subtle management of women in the home which has been the greatest influence of all that is best and dearest to the American heart and nation. All this has been possible because the husband

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has been the provider and protector making a just balance of individual rights and freedom and harmonizing quality in the home.

Lois Bianchi, was the next speaker. She spoke in favor of ratification and presented a long list of organizations and clubs throughout the country who favored ratification. She was representing herself, her husband and children. She stated that this is an amendment for all Americans, both men and women.

Sharon Hansen, was next speaker and spoke in opposition to the ratification. She said she was a wife and mother of seven children. She was fearful that control would be taken from the local level and left solely in the Federal level if the Amendment were ratified, and the entire country would be at the mercy of nine men, meaning the Supreme Court, if the Amendment were ratified. She felt that if both men and women were inducted into the army, the physical examinations would present a problem under this law, because all men and women might well be examined in the same examining room at the same time.

Louise Lightener, representing AWVS, was the next speaker and spoke in favor of ratification. She felt that women are being discriminated against in fields of education, that scholarships are now being given in a greater degree to men than to women, that if the Amendment were ratified, scholarships would no longer be passed out on the basis of sex, but for qualification.

Dr. John DeTar was the next speaker and spoke in opposition to the ratification, giving as his reason, the fact that sex education is being taught too freely in schools at this point, and would become much worse under this amendment. Dr. DeTar felt that women would be losing some of their protective laws and might be subject to degrading circumstances which could not be rectified.

Gary Silverman spoke next in favor of the ratification. Mr. Silverman was a lawyer from Reno, Nevada. He discussed what might be the effect and what might be the general impact of the ratification. He stated that the Courts have said that women were not citizens and were not even people. This bill would clarify that situation. The status of women should be made clear and the status of all people should be made clear under the law.

Mary Ann Murphy spoke in opposition to the ratification. She is a wife and mother of three daughters, two of which are teenagers. Mrs. Murphy stated that in San Diego at that college, women invaded a men's restroom and demanded that they be allowed to use any room which they chose. She stated that a judge in

in Ohio threw a woman into the "bull pen" with a bunch of men. Her screams were heard by the guards and she was rescued from being assaulted. Another woman was thrown into the drunk tank with a man and they were discovered in a compromising position. The judge was ultimately forced to resign, but Mrs. Murphy was pointing out that this would not have happened except under this amendment. She fears for her teenage children concerning the draft.

Barbara Silberling spoke in favor of the ratification. She pointed out that nine out of ten women would work at some time in their lives. She further stated that with the economy as it is today, both women and men are going to have to work, in the same household, in order to make ends meet. She stated that the working woman of Nevada is a necessary factor to the labor force, both as workers and consumers.

Linda Pinkham was next speaker and spoke in opposition to the amendment. She stated that when she was married, she and her husband had an agreement, he was to be the provider and protector and she was to be the mother, the homemaker and was to stay at home. She felt that the Amendment would take away her right as a mother and force her from her home to go to work. Her home was her greatest fulfillment.

Ann Howard, a University Professor, was next speaker and spoke in favor of the Amendment. Her reasons for doing so were that woman should receive equal pay for equal work. She said there were more women than men receiving degrees at the University, but that fewer women were in the teaching profession at the University level. She stated that she was a wife and mother and that because she was also a teacher, did not make her less a wife and mother, and because she was a wife and mother, did not make her less a teacher. She stated that she was proud to belong to the second oldest profession of women and that is teaching. She further stated that it is the oldest honorable profession.

Ruth Hansen spoke in opposition to the amendment which she referred to as the "unisex" amendment. She stated that we do already have equal pay for equal work and all women have to do is go to the Civil Rights Committee and this committee will take up their case without charge. She fears for the protective laws which women now enjoy and will, she feels, lose if this amendment is passed.

Isabel Kimble, spoke, representing herself as a housewife and stated that she was a member of the American Civil Liberties Union. Her contention was that women are not legally considered citizens, nor are they even considered "people" under the 14th Amendment. She spoke in favor of the Equal Rights Amendment.

Jeanine Stevenson, a member of the organization HOW, which is Happiness of Womenhood spoke in opposition to the amendment. She was fearful that if women were called away from their homes in order to work or to serve in the armed forces it would ruin the American home. She feels that it is a woman's right to stay home if she so chooses.

Sister Carol, a member of the National Coalition of American Nuns, spoke in favor of the amendment. She stated there were many fears and misconceptions concerning the bill. She stated that the amendment grants equality of rights under the law and that these rights cannot be abridged on account of sex. She said that it acknowledges the changing values and needs in the American way of life.

Barbara Ward, a mother of five children and soon to be a grandmother, spoke in opposition to the Amendment. She stated she hoped her children would give her many grandchildren. Her fear was that this amendment would curtail motherhood.

Molly Gregory spoke in favor of the amendment. Her contention was that the amendment would not make all women the same as men and that it would not take the woman out of the home unless she chose to go. She said the amendment was long overdue and that it is just and fair and has even been endorsed by Spiro Agnew.

Jacqueline Davidson, member of HOWs League of Housewives, spoke in opposition of the amendment. She stated that women who do not work out of the home represent 55% of the housewives of the nation and thus making them in the majority. It was her fear that women would be forced from the home if this amendment were passed.

- Adjournment -

1:00 P.M.

The meeting was recalled to order by Chairman Close.

All members present.

Charlotte Morris spoke in favor of the bill. She is a faculty member of the University of Nevada, Reno. She had 400 signatures in support of the measure. She stated that the time has come for women to enjoy equality under the law with men in the United States.

Jeanine Sydenham, a student and representing herself, spoke in opposition to the bill. She stated that she was not married, but at such time that she was, she was fearful that he would demand that she go out and earn 50% of the living. It was her desire to be a housewife. Her fear was that the family unit would be destroyed

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Mary Frazzini, former Assemblywoman, spoke in favor of the bill. She presented a letter to the Committees from Helen Delich Bentley. She further presented an article from the Yale Law Review. She stated that in this instance we are not talking about equality, we are talking about equality of rights.

Sylvia Ford, a housewife and mother and member of HOW, indicated that she felt this law would allow homosexuals to marry. This would then allow them to adopt children. Her feeling was that this would be a disagreeable environment in which to bring up children.

Pat Gothberg, a wife and mother of two children, stated that she is a homemaker and supports the Equal Rights Amendment. She feels that women should be drafted just as men are. Her feeling is that women are squelched by so-called protective laws, and that both men and women should enjoy equal rights under the law.

Joyce Young, a housewife and mother of three spoke in opposition to the bill. She informed the Committees that five of the twenty-two states which have adopted the Equal Rights Amendment are now trying to repeal it. Those states are, she states, Iowa, Idaho, Nebraska, New Jersey and Wyoming. It is her feeling that it will be a mistake to pass the measure.

Dorothy Button, chairman of the Nevada Classroom Teachers Association, spoke in favor of the bill. She stated that men are being discriminated against just as women are and that all should have equal rights under the law.

Janice Young spoke against the bill. She wanted to see her country do the thing, and she felt that passing this bill was not the right thing. She felt that womanhood is the most wonderful thing, and even though the Equal Rights Amendment has good points, the bad points are too bad, and the legislators were taking too big a chance in passing the bill.

Elaine Mills, member of the Las Vegas Chapter of the Organization of Women, was the next speaker. She pointed out that among the opponents of the bill were HOW, Women for Constitutional Government, the John Birch Society, and the American Communist Party. She stated that the Equal Rights Amendment is a legal measure, not a social one. No one will be forced to work against their will, but both men and women will have the right to choose. "A choice is all I ask for, only a choice."

Stan Jones, the Commissioner of Labor for the State of Nevada, spoke next. He said that he represents the rank and file of female workers; he is the advocate of tens of thousands of Nevada women who work. He is concerned with the results if the Equal Rights Amendment is passed without providing for adequate and meaningful standards of employment for all employees of the State of Nevada. He informed the committee that the Department of

Justice of the United States had asked if the Nevada State Labor Commission would sign a consent stipulation that the laws safeguarding the health and welfare of female employees are discriminatory. "We responded that we would not. They are valid and enforceable."

If the Equal Rights Amendment is passed in Nevada, protective legislation may no longer be valid legislation and the Attorney General of Nevada and the Justice Department of the United States may not ask for a consent agreement. They will decide that our protective laws are unenforceable and not valid. He claimed that to pass the Equal Rights Amendment without passing companion legislation that would present health and welfare protective measures applicable to all employees would be to turn back the pages of history to the sweat shops and the 14 hour work day.

Kathie German, a Home Economic graduate student was the next speaker. Her reasons for supporting the Equal Rights Amendment were four-fold. 1) The Equal Rights Amendment is a vital step in correcting the inadequacies of the present judicial system. 2) It will afford men and women greater opportunities to pursue a career which is best related to their personalities and individual needs. 3) It can produce a healthy attitude toward acceptance of viable alternatives of the nuclear family. 4) The proponents and opponents of the Equal Rights Amendment should not be working against each other. All have something to gain from the passage of this amendment. This "something" is the freedom of choice.

Vera Stoddard, better known to all except her close friends and immediate family as Mrs. Allen Curtis Stoddard, was neither for or against the Equal Rights Amendment. She stated that she was against the government legislating any more of her life, her family's life, or her future family's life than was necessary. "Man is superior to woman as man, and woman is superior to man as woman. The two together are far superior to either one separately." She said that all present sounded like a bunch of minorities and she hoped that none of the senators' wives were threatening to cut off their water.

Sharon Swanberg, housewife and member of NOW said that ratification of the Equal Rights Amendment is a fundamental necessity -- that women are to have and enjoy to the fullest, the right to be equal citizens of this country. Having been in the professional world for seven years prior to her marriage, she was aghast at the legal rights she had to surrender upon her signing of a marriage certificate. "I am not asking for privileges, just asking for recognition for what is rightfully mine."

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Tamara Bailey said the main reason she had come was to get out of school. But since she had come, she wanted to voice her opinion since it will determine her future. She was mostly concerned with the draft, feeling that people making the laws are too old to be drafted, and therefore should not be responsible for determining or jeopardizing her future.

Lucille Petty said that she hoped that some of the people who have spoken today may, in the next 20 years, see as many changes as we have seen in the last 50 years.

Diane Jackson was against the amendment mainly because of the draft. "Women are women and men are men. Men should fight for their country and women shouldn't have to." Men would not be able to take over the running of a house and family if the wife were drafted first and the man forced to stay home.

Annette Bremner, a homemaker and administrator of a counseling program at the University of Nevada. She felt that women are not given equal opportunities in education and careers. The American Counsel on Education reports that women are given smaller grants and scholarships even though they receive better grades. This is the most damaging injustice women suffer.

Richard Benner also spoke against the Equal Rights Amendment and especially that women should not be drafted. "If a woman were fighting beside me, I wouldn't be looking ahead toward the enemy, but behind to see if she were coming." He did not feel that he was qualified to be a mother in the event that his wife was drafted and he was forced to stay at home in charge of the family. He felt that the Equal Rights Amendment will be taking more away from women than it will be giving her.

Kate Butler, representative of the League of Women Voters of Nevada, stated that the League is made up primarily of housewives and they are in full support of the bill and urge the Legislature to pass it.

Dennis Black was at the hearing with a group of students. He also had doubts about women being drafted. He was ready to fight for a wife at home, not with her in the same platoon. He felt that the majority of women were against the Equal Rights Amendment and were being either ignored or forgotten.

Jeanette Marchant, President of Reno Business and Professional Women's Club, agreed with the arguments presented by Hope Roberts. She wanted to go on record in favor of the passage of this amendment.

Yvonne Marjond, housewife and part-time working mother said that she was afraid that the Equal Rights Amendment relieves a husband of any obligation to support his wife and children. The Equal Rights Amendment will take away her right to stay at home, her right to be supported by her husband, and the right to take care of her children. She wants the same privileges for her daughter as she has now.

Pat Lewis, housewife and mother was the next speaker. She quoted from a report by Birch Bayh. "Without the impetus of the Equal Rights Amendment, the theoretical possibility for each state and Congress to revise their laws that discriminate against women was far too haphazard and slow to be acceptable." Concerning the unfounded fears that husbands would suddenly abandon their families, Bayh stated that "domestic relation laws would have to be based on individual situation and needs, not on sexual stereotypes". The real question is: should women be full citizens or not and should men receive the same preferential treatment and considerations that women have received?

Ralph McMullen spoke against the Equal Rights Amendment. He said that the AFL-CIO is opposed to the amendment. The labor laws in Nevada which protect women could be struck down. The best way to reform discriminatory laws is at the state level, not through federal legislation.

Dorothy Marston, Western District Director for Business and Professional Women in this area. She stated that unexpected situations may arise and a woman may be forced to leave the home to work, even though now she may not want or need to. This is a legal matter, not a social one.

Ella Jack opposed the amendment. She felt it was not specific enough. It could mean anything and everything.

Jean Stoess was the next speaker. She is a wife, has three children, and is a free-lance writer and graduate student and teaching assistant; and the only woman on the Gaming Policy Commission of the State of Nevada. She is looking forward to sharing the rights and responsibilities inherent in passage of this measure.

Dan Hansen feels that the Equal Rights Amendment is being ram-rodged by a highly organized force and that the effects will have a revolutionary impact. It will destroy the family unit which will lead to the downfall of the country.

Joyce Withouse, representing the Clark County Teachers Association, urged the passage of the Equal Rights Amendment. She read a resolution which the NEA had passed at their convention this summer which stated that to equalize opportunity for all people would not jeopardize the rights of anyone.



Harry Day, Vice-president of the Young Republicans of Reno contrasted the Equal Rights Amendment with past historical occurrences. He stated that it was a classic example of selectivism, - that being the desire to separate rights and responsibilities.

Hermine Franke, housewife, mother and social worker wants only equal pay for equal work. The majority of women who work do so for economic reasons, and most of those women are from the lower economic groups with little or no education and therefore have low-paying jobs. Women are seeking new roles. They have outgrown the traditional roles.

Jeff Menneccucci thinks there are several problems with the Equal Rights Amendment: 1) equality necessitates identity of rights, 2) statistics are incapable of proving discrimination in hiring practices, 3) the right of privacy may not be considered constitutional with respect to sex, 4) the labor market is discriminatory, but the Equal Rights Amendment will not remedy it because private businesses will not be subject to the provisions of the ERA. The benefits are illusory.

Minnie Alderman, from Ely, second president of the Nevada Federation of Business and Professional Women, wants to go on record in favor of the Equal Rights Amendment. Each person should be free to live and function in this society according to her or his individuality. We cannot be wrong to legally guarantee freedom of choice to all citizens of this country.

Josephine Vargas stated that there are two types of protective legislation: beneficial, which will generally extend equally to men, and privilege, which will be eliminated. Some women are content to be second class citizens, but they have no right to hold back the rest of us. We must be prepared to take risks on an equal basis and with an equal sense of commitment.

Elaine Brown feels that many women would love to join the work force when their children are grown, but not for the minimal salaries which are offered.

Charlotte Arley, upon the loss of her husband, felt that it was a great comfort to him to know that she would be able to take care of herself. The real need for wives and daughters is to prepare them for a future without you.

Katy Kelly, member of the Business and Professional Women's Club produced documentation which stated that ratification cannot be rescinded or reconsidered.

Fred Gale wants his daughter to have the right to decide whether she wants to drive a tank or not. Equality is a basic, human, American right, and each person should be treated as an individual.

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Dennis Myers of the Washoe County Young Democrats said that the Young Democrats had passed a resolution urging the passage of the Equal Rights Amendment and the campus Young Democrats had concurred. He felt that men will be able to follow their real interests and express their emotions in ways that are not now recognized as the role men should be playing.

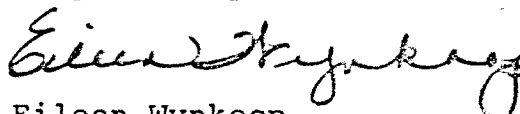
Ione Minister, a representative of the General Federation of Women's Clubs read a statement written by their president, Mrs. Hawkins, which sums up what has been said here today. After 29 years of working for equal rights and getting so close to the goal, suddenly there appears a very vocal group that opposes it.

Jean Ford, Assemblywoman, wnet on record in great support for ratification. It recognizes the fundamental dignity and individuality of each person.

Norma Foss asked the committee to stop protecting her from fair wages, from equal opportunities, and from dignity for the rest of my life and for my children.

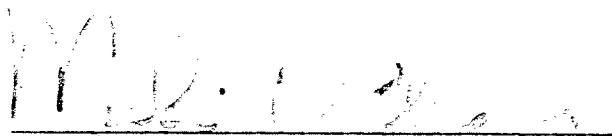
The meeting was adjourned at 3:48 p.m.

Respectfully submitted,



Eileen Wynkoop  
Secretary

APPROVED:



Melvin D. Close, Jr.  
Chairman