

SENATE JUDICIARY COMMITTEE
AND
ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES OF JOINT HEARING

February 3, 1975

A Joint Hearing of the Assembly Judiciary Committee and the Senate Judiciary Committee to hear testimony on A.J.R.1, more commonly known as the Equal Rights Amendment, was called on Monday, February 3, 1975 in the Assembly Chambers of the Nevada State Legislature with Senator Melvin D. Close, Jr., Chairman of the Senate Judiciary Committee, presiding and Assemblyman Robert R. Barengo, Chairman of the Assembly Judiciary Committee, assisting. All members of both Committees were present.

Senator Close thanked everyone present for coming to the Hearing and explained the process by which the Committees would hear the testimony.

The secretary of the Assembly Judiciary Committee reported the testimony in favor of A.J.R.1, and the secretary of the Senate Judiciary Committee reported the testimony against A.J.R.1. Following is the testimony favoring passage of this bill.

First to testify in favor of A.J.R.1 was William Isaeff, Esq. Mr. Isaeff named several groups which have come out in favor of ERA, and cited statistics and court cases which relate to this bill. Attached is the complete statement of Mr. Isaeff.

Next to testify in favor of A.J.R.1 was Kate Butler, State Coordinator of Nevadans for ERA, Inc. This group Ms. Butler represents believes that the only true commitment to equality is the ratification of the Equal Rights Amendment. Attached is the statement of Ms. Butler.

Paul Lamboley, Esq. was the next person to give his testimony in favor of the ERA. Mr. Lamboley is the Chairman of the Democratic Party of the State of Nevada. He stated that at the 1974 State Convention, the Democratic Party set forth a resolution to the effect that they urged the adoption and ratification of the Equal Rights Amendment by the State of Nevada.

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Next, testimony came from Frank J. Fahrenkopf, Jr., Esq. of Reno. Mr. Fahrenkopf is Chairman of the State of Nevada Republican Central Committee. He stated that at their convention in April, 1974 the Committee came out with an affirmative vote in favor of urging passage of the ERA by the 1975 Nevada State Legislature.

Senator Mary Gojack next testified. She was one of the sponsors of this bill, and she spoke about one particular area of discrimination which was credit. Mrs. Gojack stated that we should assert our rights as states so that the federal government will know how we feel and will not hand down laws without honoring our wishes. Attached is the statement of Mrs. Gojack.

Assemblyman Robert E. Heaney testified that his remarks were his own feelings and that he was not representing any particular group. Attached is Mr. Heaney's statement.

Next to testify in regards to A.J.R.1 was Mr. Dennis Myers, Nevada Veterans Caucus, stating that it was hard to understand why this issue raised such opposition.

Margo Piscevich, a Reno attorney, was next to testify. She spoke about the community property laws. She said the husband can mismanage and dissipate the community property without the consent of the wife. Ms. Piscevich's statement is attached.

Phyllis Halsey Atkins, another Reno attorney, testified as to the husband and wife and the support of the children and the family. Under the Equal Rights Amendment, both parties, or neither party, can receive alimony. Presently under Nevada law, a husband cannot be granted alimony. The best interest of the child or children is the controlling factor when custody of the child is decided in a divorce hearing. Attached is Mrs. Atkins' statement.

Karen D. Dennison, attorney at law, spoke next. Ms. Dennison spoke about the "power of the purse" in regards to A.J.R.1. Attached is Ms. Dennison's statement.

Kathleen Worley was the next person to testify in favor of the Equal Rights Amendment. She quoted the Nevada Revised Statutes regarding the difference in the law between men and women. Attached is her statement.

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Next, representing Reno attorney, William Thornton, was Frankie Sue Del Pappa. She read a prepared statement by Mr. Thornton, a copy of which is attached to these Minutes.

Next to testify regarding A.J.R. 1 was Mr. Dean Hoffman. He represented the Nevada Council on Family Relations, which group was originally established in 1938. A resolution was passed last spring at the Western Regional Council to the effect that this group believes passage of the amendment will enhance and strengthen marriage and family life. Passage of this amendment, according to Mr. Hoffman, will allow women to choose their life styles. This group believes that passage of this amendment will reinforce the self-worth of the woman, thereby helping, not hindering, marriage and family life.

Assemblyman Eileen B. Brookman was next to testify before the Committees. She spoke about the women in Israel who are in the armed forces, and her thoughts were that women here in the United States, if necessary, would be happy to defend their country.

University of Nevada Reno Professor Marie Engel, a member of the National Association of Social Workers, testified and directed her comments to the economic status of women today. She said a woman needs a college degree to earn more money than a man with an 8th grade education. She said she would send a documentation of her comments.

Jane Minister, representing Nevada Federation of Women's Clubs, testified regarding the present laws of the country as compared with religion.

The next person to testify favorably towards A.J.R.1 was Father Larry Dunphy. He was speaking in his own name, even though he represents many groups. He is a Catholic priest and his remarks were directed to theological considerations. He stated that a vote for ERA does not give the rights to abortion. He offered a statement to the Committees for consideration, and this is attached to these Minutes.

Next to testify before this Committee was Lorraine Scattina. She said the rights of the individual have been lost, resulting in difficulties of all degrees. Men and women are fearful of change and shut themselves away from reality. These are the people who are against ERA, and their arguments are that they are satisfied with things the way they are and that they do not want change.

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Proceeding to testify on behalf of A.J.R.1 was Mrs. Maya Miller. Mrs. Miller discussed the references in the United States Constitution to the word "man". She stated that the people's votes for ERA will tell whether they are for or against the principal or equality.

Next to testify was Mr. Lance Reginato. Mr. Reginato quoted statistics in regards to the working woman. He spoke about the inferior salaries that women earn in comparison with men.

Next to testify was Iris Bletsch, Legislation Chairman for the Nevada Federation of Business and Professional Women. Her group urged the 1975 Nevada Legislature to ratify the Equalights Amendment. She stated that Nevada should "stand up and be counted" and vote "yes". Attached is Ms. Bletsch's statement.

Cheryl Yee, a high school home economics teacher, told the Committees that her major goal in teaching was to promote the family. She cannot see that the Equal Rights Amendment will destroy this family unit. Whether the woman is a career homemaker or a career woman outside of the home, the deciding factor as to whether the family unit will be destroyed is the people in the home.

Don Pope, Director of the Nevada Indian Legal Services, spoke next in favor of ERA. He stated that through the years, sometimes the Supreme Court has held that women are equal, and sometimes they have held that women are not equal. He said that under the law, husbands do not have to prove wives as dependents, but wives do have to prove husbands as dependents.

Susan Hannah, President of the Soroptimist International of Sparks, testified that some people tell her that the Equal Rights Amendment is not necessary because the United States Constitution provides that all persons be treated equal under the law. Her statement is attached.

Next to speak was Jan Chastain, an insurance agent in the State of Nevada. She spoke about the insurance industry and its discrimination toward the woman. She pointed out that women need their husband's signature to effectuate any policy benefits provided for in the policy. Premiums for a woman on an annual basis are higher than for a man with the same policy.

Kathryn Kelly, Chairman of the Status of Women Committee of the Southwestern Region of the Soroptimist International of the Americas, Inc., was next to testify. She testified about the restrictions places on the working woman. She

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spoke about the employment opportunities which are available at a higher rate of pay for men than for women. Women workers need the same things men workers do. If an employer is required to supply more benefits to a woman than to a man, he'll hire the man. Attached is a statement by Kathryn Kelly.

Senator Close recessed the Joint Hearing at 6:08 p.m. for dinner. He called the Joint Hearing to order again at 7:24 p.m.

First to speak was Assemblyman Robert M. Benkovich. He commented on the poll he ran in his district. Attached is a copy of his statement.

Next to speak was Mrs. Don Busick. She spoke for her husband, urging ratification of the ERA. Attached is his statement.

Joyce Whithouse spoke urging for ratification of this measure.

Hope Roberts spoke as Past National President of the Business and Professional Women's Clubs, Inc. She quoted cases of law, and she urged the Assembly and Senate Judiciary Committees to ratify the ERA. Attached is Mrs. Roberts' statement.

Next to testify was Esther Nicholson, submitting a statement from the Unitarian Fellowship of Northern Nevada in favor of the ratification of the Equal Rights Amendment. This statement is attached.

Lyndi Cooper testified before the Joint Committees next about the WWWW (Women Who Want to be Women). Apparently, this group is against the ERA, and Ms. Cooper does not agree with them. Ms. Cooper urged Nevada to become the 35th state to ratify the ERA.

Mrs. Patsy Redmond, Secretary to the Nevada Federation of Republican Women, testified in favor of the ERA. The Board of Directors of the Nevada Federation of Republican Women supports ratification of the Equal Rights Amendment.

Bishop Wesley Frensdorff, Bishop of the Episcopal Diocese of Nevada, testified in favor of A.J.R.1, stating that he did not think this bill has a negative influence on marriage and the family. He stated that interdependence in dependence must come about from a freedom of the two people involved in marriage. Attached is the statement of Bishop Frensdorff.

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Wendy Wilson testified. She is a student in mechanical engineering, and she stated that there should be no reason why she should be discouraged by law from doing that which she wishes to do. The ERA will give men and women the choice to live their own lives to the latitude and style of their choosing.

Virginia Cain was next to testify before the Joint Committees. She urged support of the ERA as Legislative Chairman of the Reno Business and Professional Women, as well as the Reno Democratic Womens Club. Attached is her statement.

Louise C. Lightner next testified as a concerned citizen of the State of Nevada. She is employed to direct programs for the senior citizens of Nevada. She spoke about living on a fixed income and the receipt of Social Security benefits. Attached is her statement.

Dorothy Marston, a member of the Sparks Business and Professional Women, testified on behalf of herself as a businesswoman and private citizen. She urged passage of the ERA.

Margaret Eddington, a Reno housewife and mother, testified. She quoted some of President Kennedy's remarks when he established the Committee on Women in 1961. She said that both President Johnson and President Nixon established their own committees to study these problems. Both Governor Grant Sawyer and Governor Paul Laxalt appointed committees here in the State of Nevada for this purpose.

Mrs. Kathy Nelson, a housewife and mother, stated that the Mormon Church has made no official statement for or against ratification of the ERA. She urged adoption of the ERA.

Mrs. Mary Frazzini testified regarding strengthening the family structure. She stated that women and men alone are supporting families, and women want to stand equally under the law. She ended her comments stating that men and women should join together and do the best job possible together.

Mrs. Josephine Vargas testified and urged consideration in favor of the legislation. She stated that everyone against the legislation seems to assume that women are mentally incompetent. Attached is her statement.

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David Lowe then testified before the Committees. He is a student at Carson High School. He said that opponents of the ERA fail to see that they are dealing with millions of women's lives. He feels that as a male, he cannot, and is incompetent to, vote to affect so many women's lives. He, therefore, urges ratification of this amendment.

David Dean then testified regarding his feelings on this bill, A.J.R.1. He is in favor of its passage. Equal rights is important to all.

Marsha Doble from Las Vegas spoke to the Committees about credit. She also says she is one of the people who would be affected by a drafting of women. She spoke briefly about women taking up arms and defending their state and country.

Marie Noble from Reno testified briefly about the draft and the benefits the men receive now after having served in the armed forces.

Mrs. Kathy Wall Weise testified as a married woman and a practicing attorney. She spoke about the tax assessment collections and the general process of change in which the status of the woman is being upgraded.

Dr. Rex Gunn spoke as a private citizen and stated that he was amazed at the host of fears present by the mere fact that the ERA was being considered. He said that the amendment has become the vehicle for all those fears.

Rita Hambleton testified. She is a member of the Board of Directors of the Nevada State Education Association and President of Washoe County Teachers' Association. She spoke of the equal pay for equal services in regards to the coaches in the school system and generally about the female educators. She urged passage of this bill.

Susan Lynn, a student home economics teacher for the Home Economics Department at the University of Nevada, was the next speaker. She is interested in preserving the family and assisting women with practical and technical problems presented in the home situation. Her statement is attached.

Fran Feinhandler testified. She stated that she has the right to fight for her country and die for it if she wants to do so. She questioned whether she would be denied her rights to do so.

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Mrs. Carol Horan addressed her remarks to the Committees to the Catholic Church. She stated that the church is not against ERA. She has a list of Catholic groups which support the ERA.

Marion Sieber, League of Women Voters from Reno, spoke about the discrimination in the area of legal rights. The ERA will provide equality under the law. Statement attached.

Suzanne York testified next. She spoke generally about the draft and the marriage situation if the ERA is passed and made further general comments which have previously been presented to the Committees.

Phyllis Hansen, Legislative Representative of the Nevada Nurses Association, reaffirmed the group's stand in favor of ratification of the Equal Rights Amendment.

Martha Jessup, President of American Association of University Women, Nevada State Division, talked about discriminatory thoughts which were present when the AAUW group was first begun. This group has passed a resolution confirming the passage of the ERA. Attached is her statement.

The next person to speak was Isabel Kimble. She is a housewife and briefly described some personal experiences, which helped to put her in favor of passage of the ERA. Attached is her statement.

Catherine P. Smith testified regarding the situation at the University of Nevada. She hopes that with the ratification of the Equal Rights Amendment, some of the complaints she mentioned may be remedied. Attached is her statement.

Next, Ross W. Smith, Chairman of the Metallurgical Engineering Department at the University of Nevada, Reno, testified. He spoke about Social Security benefits, homosexual marriages, rape laws, and other general topics relative to this question. Attached is his statement.

Virginia Shane works in the airline industry. She spoke about personal discrimination which she faced in the past in the job market.

Vera Samon, a Certified Public Accountant in Reno and current president of the Women's Political Caucus in Nevada, spoke about her club's function in assisting women in obtaining women's rights. She stated that the National Womens Political Caucus endorses the passage of the Equal Rights Amendment. The endorsement of the National Womens Political Caucus is attached to these Minutes.

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Mr. Joe Braswell spoke in behalf of senior citizens and as a representative of the American Indian. He related some problems the Indians have. One example he gave related to an Indian brother and sister. An Indian man may marry a non-Indian, have a wife and children, and he may collect government benefits allocated to the Indians. An Indian woman may marry a non-Indian, have a husband and children, and she may not collect government benefits allocated to the Indians.

This was the end of all statements at this February 3, 1975 Joint Hearing which were favorable to the Equal Rights Amendment and urged its passage.

The Joint Hearing was adjourned by Senator Close at 9:10 p.m.

Respectfully submitted,



Flora Miller
Secretary to Assembly
Judiciary Committee

SPEAKERS LIST - PRO

CARSON CITY

FEBRUARY 3, 1975

Bill Isaeff
Kate Butler - Nevadans for ERA
Paul Lamboley - Democratic Party
Frank Torenkopf - Republican Party
Mary Gojack - State Senator, Author of Resolution
Bob Heaney - Assemblyman, Author of Resolution
Dennis Myers - Nevada Veteran's Caucus
Margo Piscevich - Attorney
Phyllis Atkins - Attorney
Karen Dennison - Attorney
Kathleen Worley
Bill Thorton - Attorney
Frankie Sue Del Papa
Eileen Brookman - Assemblywoman
Dean Hoffman
Marie Angell - National Assoc. of Social Worker's
Ione Minister - GFWC, Yerington
Lorraine Scatena - AAUW, Yerington
Larry Dunphy - Catholic Priest
Maya Miller
Iris Bletsch - Nevada Federation of Business & Professional Women
Cheryl Yee - Home Economics Association
Don Pope - Director, Nevada Indian Legal Services
Susan Hannah - Soroptimist International, Sparks, Nevada
Jan R. Chastain - Insurance
Kathryn Kelly - Soroptimist International, Southwestern Region
Bob Benkovich - Assemblyman
Don Busick
Esther Nicholson - Unitarian Fellowship
Lyndi Coope
Patsy Redmond
Bishop Frensdorf
Wendy Wilson
Virginia Cain - BPW, Reno
Louise C. Lightner
Dorothy Marston - BPW, Sparks
Margaret Eddington - Reno
Kathy Nelson - Reno
Mary Frazzini - Reno
Joie Vargas
David Dean - Reno
Marsha Doble - Las Vegas
Marie E. Knobel - Reno
Cathy Valenta-Weise - Reno
Elmer R. Rusco - Reno
David Lowe
Virginia Shane
Vera Samon
Ann Howard
Joe Braswell
Robert Armstrong
Dr. Rex Gun
Rita Hambleton

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Susan Lynn
Fran Feinhandler
Sister Carol Hurrah
Marion Sieber - League of Women Voters
Suzanne Yorks
Phyllis Hansen - Nevada Nurse's Assoc.
Martha Jessup - American Assoc of University Women
Catherine Smith
Ross W. Smith

SPEAKERS LIST - CON

CARSON CITY

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Phyllis Schlafly - Main speaker

Sylvia Ford

Jolane Slade

Amy Lewis

Janet Heller

Patty Clark

Maryann Murphy

Shirley Cowan

Ilene Francis

Lillian Mendonca

Margot Dreudahl

Janine Hansen

Judy Roze

Dennis Sorensen

Lynn Whitaker

Rayola McBride

Ruth Hansen

Ray Roze

Dan Hansen

Ralph McMullen

Greta McCully

Mildred Earl

Carole Mortinson

TESTIMONY OF WILLIAM ISAEFF BEFORE A JOINT HEARING

OF

SENATE AND ASSEMBLY JUDICIARY COMMITTEES

CARSON CITY, FEBRUARY 3, 1975

MR. CHAIRMAN, DISTINGUISHED MEMBERS OF THE SENATE AND ASSEMBLY JUDICIARY COMMITTEES AND OTHER MEMBERS OF THE NEVADA LEGISLATURE:

MY NAME IS WILLIAM ISAEFF. I AM AN ATTORNEY AND A MEMBER OF NEVADANS FOR ERA. IT IS BOTH A PLEASURE AND AN HONOR TO ADDRESS YOU TODAY ON BEHALF OF ALL NEVADANS - MEN AND WOMEN ALIKE - WHO STRONGLY SUPPORT RATIFICATION OF THE EQUAL RIGHTS AMENDMENT AS THE TWENTY-SEVENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

CONSTITUTIONAL AMENDMENT IS A SERIOUS BUSINESS. IT IS NEVER RUSHED INTO WITHOUT FULL SCALE NATIONWIDE DEBATE IN THE CONGRESS, THE VARIOUS STATE LEGISLATURES AND THE HOMES AND OTHER MEETING PLACES OF AMERICANS EVERYWHERE. THIS IS TRUE, ALSO, FOR THE EQUAL RIGHTS AMENDMENT, WHICH WAS FIRST INTRODUCED IN CONGRESS IN 1923, AND EVERY SESSION THEREAFTER, UNTIL CONGRESSIONAL APPROVAL CAME IN 1972, BY LOP-SIDED MAJORITIES IN BOTH HOUSES. TO DATE, HUNDREDS OF YOUR FELLOW LEGISLATORS IN 33 STATES HAVE ADDED THEIR VOTES OF APPROVAL TO THIS FUNDAMENTAL DECLARATION OF HUMAN RIGHTS KNOWN AS THE EQUAL RIGHTS AMENDMENT.

NOT CONTENT WITH MERELY ADDING THIS GUARANTEE OF EQUALITY OF RIGHTS UNDER THE LAW TO THE UNITED STATES CONSTITUTION, MANY STATES HAVE ADDED A SEXUAL EQUAL RIGHTS PROVISION TO THEIR OWN STATE CONSTITUTIONS UNTIL THE NUMBER NOW STANDS AT 15 STATE ERA'S

INCLUDING ALASKA, COLORADO, CONNECTICUT, HAWAII, ILLINOIS, MARYLAND, MASSACHUSETTS, MONTANA, NEW MEXICO, PENNSYLVANIA, TEXAS, VIRGINIA AND WASHINGTON. IT IS INTERESTING TO OBSERVE THAT UTAH AND WYOMING HAVE HAD SUCH PROVISIONS IN THEIR STATE CONSTITUTIONS SINCE THE 1890'S. I HASTEN TO NOTE THAT THERE ARE NO REPORTS OF WIDESPREAD DISSOLUTION OF FAMILIES OR ANY OTHER SO-CALLED HORRORS CITED BY Oponents OF THE ERA OCCURRING IN ANY OF THE STATES JUST NAMED.

ON THE CONTRARY, IT IS THE VERY EXPERIENCE OF THESE STATES WITH THEIR OWN ERA WHICH ALLOWS US TO PREDICT WITH CONFIDENCE THE GENERAL SALUTORY EFFECTS THE FEDERAL ERA WILL HAVE ON THE LEGAL RIGHTS OF MEN AND WOMEN THROUGHOUT THIS LAND. AND IT CANNOT BE EMPHASIZED TOO OFTEN THAT WE DEAL HERE TODAY WITH LEGAL RIGHTS AND NOT WITH SOCIAL OR PSYCHOLOGICAL RELATIONSHIPS EXISTING BETWEEN THE SEXES.

THE THRESHOLD QUESTION IN ANY DISCUSSION OF ERA MUST BE WHY DO WE AS NEVADANS AND AS AMERICANS NEED AN EQUAL RIGHTS AMENDMENT. WITHOUT QUESTION, THE SUBORDINATE STATUS OF ONE OF THE SEXES HAS BEEN FIRMLY ENTRENCHED IN OUR LEGAL SYSTEM. AT COMMON LAW, WOMEN WERE CONCEDED FEW RIGHTS AND WERE INSTEAD ENCLOSED IN THE BONDS OF A PROTECTIVE PATERNALISM. CONSTITUTIONS WERE DRAFTED ON THE ASSUMPTION THAT WOMEN DID NOT EXIST AS LEGAL PERSONS. ALTHOUGH WOMEN HAVE BEEN GRANTED ADDITIONAL RIGHTS BY STATUTE IN SUBSEQUENT YEARS, IT HAS REMAINED A SORRY FACT THAT WOMEN NEVER HAVE ENJOYED THE SAME SORT OF CONSTITUTIONAL PROTECTION FOR THEIR RIGHTS AS

PEOPLE AS ARE ENJOYED BY BLACK AMERICANS, OR JEWISH AMERICANS, OR SPANISH SURNAMED AMERICANS, ALL OF WHOM HAVE BEEN DECLARED BY THE COURTS, INCLUDING THE U. S. SUPREME COURT, TO ENJOY MAXIMUM PROTECTION UNDER THE CONSTITUTION, PARTICULARLY THE FOURTEENTH AMENDMENT'S EQUAL PROTECTION CLAUSE.

DISCRIMINATION THROUGH LAW HAS BEEN APPARENT TO AMERICAN WOMEN FOR MANY DECADES. THE DISCRIMINATION HAS OFTEN BEEN DEEP AND PERVASIVE IN TERMS OF ENACTING LEGISLATION BASED ON STEREOTYPES OF WOMEN, AND "A WOMAN'S PLACE". STEREOTYPES OF ANY HUMAN BEING - WHITE, BLACK, MALE, FEMALE, CATHOLIC OR JEW - CONSTITUTE THE WORST POSSIBLE BASIS FOR THE MAKING OF LAWS, SINCE THEY IGNORE - OFTEN INTENTIONALLY - THE VERY REAL DIFFERENCES BETWEEN THE MILLIONS OF PEOPLE WHO COMPRISE THE CLASSES JUST MENTIONED.

KNOWING THAT THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT HAD PROVEN A CORNERSTONE TO THE SECURING OF EQUAL RIGHTS FOR BLACKS AND JEWS, ETC., WOMEN NATURALLY LOOK THERE FOR A LEGAL BASIS TO END DISCRIMINATION BASED ON SEX. BUT ONLY DISAPPOINTMENT LAY ALONG THAT ROUTE. THE SUPREME COURT IN A LONG CHAIN OF CASES CONSISTENTLY REFUSED TO FIND WOMEN TO BE INCLUDED AS A PROTECTED CATEGORY IN THE EQUAL PROTECTION CLAUSE. NOT UNTIL 1971 DID THE COURT RULE FAVORABLY FOR A WOMAN ON A FOURTEENTH AMENDMENT CASE, BUT IN DOING SO THE COURT GRANTED ONLY HALF A LOAF. THE COURT IN REED V. REED, APPLIED THE LESSER OF TWO CONSTITUTIONAL STANDARDS UNDER THE FOURTEENTH AMENDMENT AND THUS REFUSED TO CONSIDER WOMEN'S RIGHTS IN THE SAME WAY IT HAS FOR YEARS VIEWED EFFORTS TO LIMIT THE RIGHTS OF BLACK AMERICANS.

REBUFFED BY THE COURTS, WOMEN HAVE BEEN COMPELLED TO SEEK THEIR OWN AMENDMENT TO THE CONSTITUTION TO ASSURE THAT THEIR RIGHTS WILL BE ACCORDED THE SAME CONSTITUTIONAL RESPECT AS OTHERS NOW ENJOY. IN ADDITION, A CONSTITUTIONAL AMENDMENT, UNLIKE PIECEMEAL LEGISLATIVE REFORM - WHICH SOME OPPONENTS OF ERA SEEM TO PREFER - PROVIDES PERMANENT PROTECTION FOR WOMEN'S RIGHTS, WHEREAS A STATUTE "REFORMED" TODAY CAN JUST AS EASILY BE "DEFORMED" TOMORROW BY THE SINGLE STROKE OF SOME SUBSEQUENT LEGISLATURE. A FEDERAL CONSTITUTIONAL AMENDMENT GOES FAR TOWARD PROVIDING A SINGLE, COHERENT THEORY OF EQUALITY OF THE SEXES UNDER LAW, AND FOR A CONSISTENT NATIONWIDE APPLICATION OF THIS THEORY.

FINALLY, THE ERA INSURES THAT EVERY PERSON - WOMAN OR MAN - WHO FEELS HIMSELF THE VICTIM OF SEX DISCRIMINATION THROUGH STATUTE OR ADMINISTRATIVE REGULATION WOULD HAVE AVAILABLE THE MEANS OF HAVING HIS OR HER DAY IN COURT - A RIGHT CONSIDERED SACRED BY MOST AMERICANS.

THE EQUAL RIGHTS AMENDMENT NOT ONLY PROTECTS EQUAL RIGHTS UNDER LAW BUT IT ALSO REFLECTS THE CONCEPT OF EQUAL RESPONSIBILITY. WOMEN TODAY HAVE IN INCREASING NUMBERS COME TO REALIZE THAT IF THE LAW EXEMPTS THEM FROM THEIR RESPONSIBILITIES THEY CAN NEVER HOPE TO TRULY SECURE THEIR RIGHTS. AND TODAY'S WOMAN DOES NOT SHIRK HER OBLIGATIONS AND RESPONSIBILITIES. FOR EXAMPLE, THE FOLLOWING WOMEN'S ORGANIZATIONS IN NEVADA - COMPOSED OF YOUR CONSTITUENTS - HAVE GONE ON RECORD IN FAVOR OF THE ERA: THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN, LAS VEGAS AND BOULDER CITY CHAPTERS OF BUSINESS AND PROFESSIONAL WOMEN'S CLUB, HENDERSON TOAST MISTRESS'

CLUB, THE LEAGUE OF WOMEN VOTERS, NEVADA NURSES ASSOCIATION, SOROPTIMIST CLUB OF RENO AND THE WASHOE COUNTY DEMOCRATIC WOMEN'S CLUB, TO NAME BUT A FEW.

TIME WILL NOT PERMIT AN EXTENDED DISCUSSION OF ALL THE MORE COMMONLY DISCUSSED AREAS OF LAW WHERE THE ERA IS EXPECTED TO HAVE AN IMPACT. HOWEVER, I WOULD LIKE TO DISCUSS A FEW SUCH AREAS WITH YOU NOW AND OTHERS WILL BE COVERED LATER IN THIS HEARING BY OTHER SPEAKERS, I AM SURE.

WE NEVADANS HAVE ALWAYS ENTERTAINED STRONG FEELINGS ABOUT PRESERVING THE RIGHTS OF OURSELVES AND OUR STATE WITHIN THE FEDERAL SYSTEM. SOME OPPONENTS OF ERA, ATTEMPTING TO CAPITALIZE UPON OUR FEELINGS, ARE POINTING TO SECTION 2 OF THE ERA AND DECLARING THAT IT WILL LEAD TO FEDERAL INTERFERENCE IN AREAS TRADITIONALLY THOUGHT TO BE THE PREROGATIVE OF STATE GOVERNMENT.

SECTION 2 READS:

"THE CONGRESS SHALL HAVE THE POWER TO ENFORCE BY APPROPRIATE LEGISLATION THE PROVISIONS OF THIS ARTICLE."

IN OUR FEDERAL LEGAL SYSTEM, THE VARIOUS STATES HAVE ALWAYS ENJOYED THE POWER TO ENFORCE THROUGH THEIR OWN STATE STATUTES AMENDMENTS TO THE CONSTITUTION. AND THERE WILL BE NO CHANGE WITH THE ERA. SECTION 2 MERELY MAKES CLEAR THAT CONGRESS, ACTING WITHIN ITS APPROPRIATE SPHERE, MAY ALSO ENFORCE THE AMENDMENT. IN FACT, SOME PERSONS THINK THIS LANGUAGE SUPERFLUOUS SINCE CONGRESS UNDER THE POWER CONFERRED BY THE COMMERCE CLAUSE ALREADY CAN AND HAS ENACTED SOME LEGISLATION ON THE SUBJECT OF SEX DISCRIMINATION SUCH AS TITLE

7 OF THE CIVIL RIGHTS ACT OF 1964.

IT IS INTERESTING TO NOTE THAT THE SAME LANGUAGE WHICH APPEARS IN SECTION 2 OF THE ERA ALSO APPEARS IN SEVEN EXISTING AMENDMENTS TO THE CONSTITUTION: THE THIRTEENTH, FOURTEENTH, FIFTEENTH, NINETEENTH, TWENTY-THIRD, TWENTY-FOURTH AND TWENTY-SIXTH, AND NOTWITHSTANDING THE FACT THAT SUCH LANGUAGE HAS BEEN IN THE CONSTITUTION FOR MORE THAN ONE HUNDRED YEARS, IT IS OBVIOUS TO ALL THAT THE REPUBLIC STILL STANDS AND FEDERALISM INDEED THRIVES, LARGELY BECAUSE THE COURTS HAVE CONFINED THE EXERCISE OF POWER BY CONGRESS UNDER THESE AMENDMENTS TO THOSE AREAS EXCLUSIVELY IN THE FEDERAL REALM AS OPPOSED TO THOSE AREAS RESERVED TO THE STATES BY THE TENTH AMENDMENT. IN SHORT, THE SO-CALLED STATES RIGHTS ISSUE IS A FALSE ISSUE, PUT FORWARD BY THE UNINFORMED.

THE QUESTION HAS RECENTLY BEEN ASKED IF THE ERA WILL AUTHORIZE SAME SEX MARRIAGES. THE ANSWER IS AN UNEQUIVOCABLE "NO", FOLLOWING THE DECISION IN SINGER V HARA, 522 P.2d 1187 (WASH.7-18-1974) IN WHICH THE WASHINGTON STATE SUPREME COURT HELD THAT THE ERA PROVISION IN THAT STATE'S CONSTITUTION DID NOT IN ANY WAY SANCTION SAME SEX MARRIAGE - SINCE WHAT WAS CONTEMPLATED WAS NOT A MARRIAGE AT ALL. THE NEVADA ATTORNEY GENERAL HAS ALSO TWICE TAKEN THIS POSITION ON THIS QUESTION.

IN THE AREA OF DOMESTIC RELATIONS LAW, THE IMPACT OF THE ERA SHOULD BE TO EQUALIZE BOTH THE RIGHTS AND RESPONSIBILITIES OF MARRIED PERSONS. FOR INSTANCE, ALIMONY, IN AN APPROPRIATE CASE, WOULD BE AVAILABLE TO MALES AS WELL AS FEMALES, AND STATUTORY PRESUMPTIONS BASED ON STEREOTYPES OF THE MALE AND FEMALE ROLES IN A MARITAL SITUATION WOULD BE ELIMINATED, LEAVING COURTS FREE

TO BALANCE THE NEEDS AND ABILITIES OF THE TWO PARTIES BEFORE THEM AND ARRIVE AT A JUST ARRANGEMENT.

THE SAME MAY BE SAID ON THE QUESTION OF CHILD SUPPORT AND CHILD CUSTODY - EACH PARTY HAVING EQUAL RIGHTS AND RESPONSIBILITIES IN THESE AREAS TO BE DISCHARGED AS THE COURT SAID IN CONWAY V. DANA, 318 A.2d 324 (PA. 3-26-1974) ACCORDING TO THEIR CAPACITY AND ABILITY. PLEASE NOTE THAT NOTHING HERE SUGGESTS IN ANY WAY THAT WIVES AND MOTHERS MUST SUDDENLY DESERT THE HOME TO SEEK EMPLOYMENT. IF THEY VOLUNTARILY CHOOSE TO DO SO, THEY MAY WELL FIND THE ROAD MADE SOMEWHAT EASIER BY THE ERA, BUT THE DECISION TO BE HOMEMAKER V. WAGEEARNER IS ONE OVER WHICH THE ERA AND THE STATE COURT DECISIONS APPLYING STATE ERA'S ARE SILENT.

AFTER VERY CAREFUL ANALYSIS OF PRESENT STATUTES, THE LANGUAGE OF THE ERA AND RECENT COURT DECISIONS, IT IS POSSIBLE TO STATE THAT IN GENERAL A COURT IN THE FUTURE EXAMINING A LAW WHICH CONFERS A BENEFIT, PRIVILEGE OR OBLIGATION OF CITIZENSHIP WOULD STRIKE THE WORDS OF SEX IDENTIFICATION, AND EXTEND THE LAW TO BOTH SEXES. OR WHERE A LAW RESTRICTS OR DENIES OPPORTUNITIES TO WOMEN OR MEN, AS THE CASE MAY BE, THE EQUAL RIGHTS AMENDMENT WOULD RENDER SUCH LAW UNCONSTITUTIONAL. EXAMPLES OF JUDICIAL DECISIONS INTERPRETING STATE ERA'S IN JUST THE MANNER SUGGESTED INCLUDE PHELPS V. BING, 316 N.E.2d 775 (11.9-17-74) and SCHREINER V FRUIT, 519 P.2d 462 (Alaska 2-25-1974).

ON THE SUBJECT OF THE WIDOW'S TAX EXEMPTION IN NEVADA, THE ERA WOULD REQUIRE THE LAW TO BE SEX NEUTRAL. IF THE LEGISLATURE

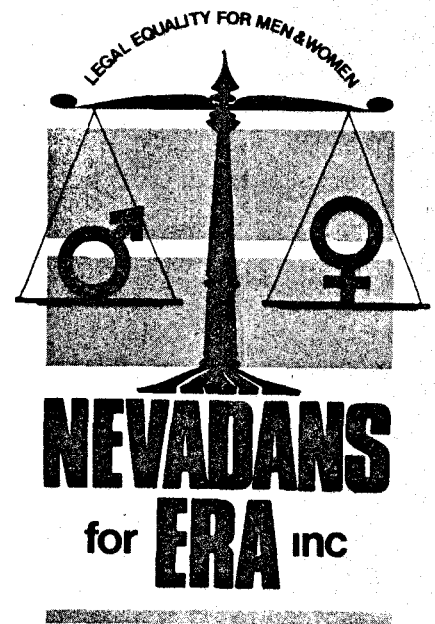
IS CONCERNED ABOUT THE POSSIBLE REVENUE LOSS FROM EXTENDING THE EXEMPTION TO WIDOWERS, YOU ARE ALWAYS FREE TO LIMIT THE EXEMPTION TO THE TRULY NEEDLY WIDOW AND NEEDY WIDOWER, SOMETHING PRESENT LAW DOES NOT EVEN ATTEMPT TO DO.

IN CONCLUDING MY PART OF THE PRESENTATION IN FAVOR OF THE EQUAL RIGHTS AMENDMENT, MAY I SAY THAT AS A MAN, A STATUS I HAPPEN TO ENJOY PURELY AS AN ACCIDENT OF BIRTH, I AM PROUD TO SUPPORT PASSAGE OF THE ERA. I CAN THINK OF NO FINER WAY TO CELEBRATE THE TWO HUNDREDTH BIRTHDAY OF OUR COUNTRY THAN BY ADOPTING AN AMENDMENT SUCH AS THIS WHICH OFFERS REAL AND TANGIBLE PROOF IN "THE HIGHEST LAW OF THE LAND" THAT WOMEN DESERVE EQUAL TREATMENT BEFORE THE LAW.

AS ANN SCOTT WITH THE NATIONAL ORGANIZATION FOR WOMEN SAID THREE YEARS AGO: "IN ITS BEST INTERPRETATION, THE ERA MEANS THAT THE POLICY OF THIS COUNTRY IS NOW TO CONSIDER PEOPLE FIRST AS INDIVIDUAL HUMAN BEINGS, AND SECOND AS MEN AND WOMEN: THAT THE OPPORTUNITIES - AND PENALTIES - THAT ARE PART OF BEING CITIZENS WILL BE PARCELED OUT ACCORDING TO PERSONAL ABILITIES RATHER THAN AS AN ADJUNCT OF THE ACCIDENT OF SEX."

MORE THAN ONE HUNDRED YEARS AGO, OUR STATE - NEVADA - PLAYED A KEY ROLE IN INSURING THE END OF SLAVERY FOREVER THROUGH PASSAGE OF THE THIRTEENTH AMENDMENT. TODAY, THE SPOTLIGHT IS ONCE AGAIN ON NEVADA AND YOU AS ELECTED REPRESENTATIVES OF THE PEOPLE OF THIS STATE ARE BEING CALLED UPON AGAIN TO STRIKE A BLOW FOR LIBERTY AND EQUALITY. DO YOUR DUTY - SWIFTLY RATIFY THE EQUAL RIGHTS AMENDMENT. THANK YOU.

PRESENTATION BEFORE THE
JOINT JUCICIARY COMMITTEE of the
NEVADA LEGISLATURE - 58th SESSION
FEBRUARY 3, 1975
By KATE BUTLER - STATE COORDINATOR



Senator Close, Assemblyman Barengo, Members of the Senate and Assembly Judiciary Committees, Nevada Legislators, I am Kate Butler, Coordinator of Nevadan's for ERA - a coalition of Nevada citizens and organizations united in support of the Equal Rights Amendment. We are a bipartisan, nonprofit, broadly based statewide coalition. We are financed through dues and contributions of our members and other Nevada citizens. The major proportion of our work is based upon volunteer efforts. Some of our member organizations have a long history of support for the Amendment; others have more recently endorsed it. None have done so lightly but in full conformance with by-law directives and often after considerable research and membership debate.

We are joined in support of ERA by many responsible Nevada organizations. Some are represented here today; others have chosen to present testimony at the hearings in Clark County.

**THE EQUAL RIGHTS
AMENDMENT**

SECTION I
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 II
The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

SECTION III
This amendment shall take effect two years after the date of ratification.

The list of Nevada organizational support for ERA

includes:

Democratic Party of Nevada
Republican Party of Nevada
American Association of University Women
American Civil Liberties Union
American Society for Public Administration, Las Vegas Chapter
American Women in Radio and Television
B'nai B'rith Women, Las Vegas
Clark County Classroom Teachers Association
Clark County Ministerial Association
Clark County Welfare Rights Association
Common Cause
Council on Family Relations
Family Counseling Service of Las Vegas
Franciscan Center
Henderson Toastmistress Club
League of Women Voters of Nevada
National Association of Social Workers
National Organization for Women
Nevada Federation of Business and Professional Women's Clubs
Nevada Federation of Women's Clubs
Nevada Girls State
Nevada Nurses Association
Nevada Parent Teachers Association
Nevada Public Library Association
Nevada Veterans Movement
Presbyterian Church of Nevada
Reformation Euthern Church Women
Republican Women's Club of Las Vegas
Retail Clerks Local 1434
Southern Nevada Central Labor Council
Southern Nevada Home Economics Association
Soroptimist
State Federation of Republican Women
State of Nevada Employees Association
Unitarian Fellowship of Reno
Washoe County Democratic Women's Club
Washoe County Teachers Association
Women's Democratic Club of Clark County, Nevada
Women's Political Caucus

We believe in equal legal rights. We believe these rights must be secured by a Constitutional guarantee of equality. We believe that the only true commitment to equality under law for all persons is a yes vote on ERA. We

We are pleased to report that just today North Dakota ratified the Equal Rights Amendment. There are now 34 of the 38 states required. We urge you to put Nevada in the column of equality through passage of the Equal Rights Amendment in this 58th Session of the Nevada Legislature.

As one of the chief sponsors of this resolution I feel a deep responsibility - primarily as an elected representative of the people.

Persons unacquainted with the history of the ERA Amendment deplore its generality and the absence of investigation concerning its impact. The models of the due process and equal protection clauses should suffice to indicate that the wording of the amendment is a thoroughly responsible way of embodying a fundamental principle in the Constitution. Likewise, opponents of the amendment suggest the pursuit of alternate routes: particularized statutes through the regular legislative process of Congress and in the states, and test case litigation under the Fourteenth Amendment. Only those who have failed to learn the lessons of the past can accept that counsel.

The Frontiero v. Richardson Supreme Court decision, for the first time, said that sex was a "suspect classification". However, it is important to note that in a concurrent opinion in that case, Justices Powell, Burger and Blackmun stated in part, "...in characterizing sex as a suspect classification the Court would be pre-empting a major political decision, the ratification of ERA, which should be decided by the various state legislatures, not by the Court."

All too often, however, state legislatures do not exercise their prerogatives and responsibilities, even when given clear opportunities to do so, then, outside intervention occurs. For those of us who are sincerely interested in maintaining home rule

we must accept the responsibilities of our positions and act in order to prevent outside interference in the affairs of Nevada.

Examples of this outside action in the absence of a state action, would be the Civil Rights Act of 1964, the Federal lawsuit now pending against the State of Nevada, and, most recently, the Federal Credit Law. The Civil Rights Act has resulted in a proliferation of Federal bureaucracies trying to do a job that the states could do better, if they had so desired. The suit against the State of Nevada is a direct result of our failure to do anything about Chapter 609 which has been in violation for 10 years. Every other state, except Nevada, has acted responsibly in this area of labor law. Finally, the Credit Law is an attempt to end discrimination in the important area of credit--a task the states could attend to themselves.

Perhaps we confuse the state's rights or desire to discriminate with the state's right to legislate decently in the areas of human needs. If anyone here means by state's rights bringing back the poll tax, refusing the vote to blacks and women, the right to gerrymander power to narrow, special interests; let them stand up and be counted. Those aren't the kind of "rights" I'm interested in furthering. It is time we moved out of the myth of romantic paternalism and into the realities of the 20th century. It is obvious from the many and sweeping laws enacted by Congress over the past few years having to do with every phase of our legal existence as citizens, if we do not assert our rights as states

Congress will continue to make sweeping laws--which will be tried in federal courts.

Only if we fail to do our job as Legislators in Nevada in regard to jurisdiction over women's rights, domestic relations, property laws, family support and privacy will those rights be transferred to the hands of the federal government.

We want our laws passed by our Legislature, so if necessary they will be tried in our own Courts. Then our Nevada legislative process will not be weakened, our Nevada judicial system will not be undermined, and Nevada's citizens can retain "home rule."

Had this body acted in the public interest two years ago and followed through on a study committee the Senate Judiciary Committee would not be struggling as they are currently with issues of major portent, but unfortunately without benefit of thoughtful attention from the many public-spirited Nevadans who could provide insight and assistance. While no one of us may be to blame individually, we are all to blame collectively if we do not fully utilize the powers and responsibilities of the offices to which the people have, in good faith, entrusted us.

When the U.S. Constitution is amended, states retain the right to enforce the amendment as it effects state laws. After ratification of ERA the states have two years to bring their laws into compliance. Washington proved this is possible. Can Nevada do less?

As a State Senator concerned deeply with states rights and my responsibility to maintain those Nevada rights - I deeply resent outside interference--whether it be from the federal government or other states--that occurs when we fail to fulfill our obligations to Nevada citizens.

Respectfully submitted by -

Mary Gojack, Senator
Washoe County

The Constitutional Need for E.R.A.

In 1848, in Seneca Falls, N. Y. this nation's movement for Womens Rights was begun by several hundred men and women with the Seneca Falls Declaration of Rights and Sentiments.

In 1920, the U. S. Constitution was amended by the addition of the 19th Amendment providing for equal suffrage for men and women.

In 1972, after nearly 50 years from the time it was first introduced, the ERA was passed by the 92nd Congress. (House 354 to 23- ; Senate 84-8).

In these early months of 1975, ratification of ERA awaits affirmative determination by 5 more states before becoming the 27th Amendment to the U.S. Constitution. (By March 1974, 33 States had ratified - total of 3/4 or 38 States needed before March 1979).

Action taken by the Nevada Legislature within these next few months will tell whether the State of Nevada shall take its place among those States which have chosen to ratify the ERA.

Why, we may ask, is there a constitutional need for the ERA? And why, we may ask further , should the 1975 Nevada Legislature support such an amendment?

It is evident that evolution of the ERA--the right to equal treatment under the law without discrimination based upon sex-- has been painfully slow.

127 years have passed since the nation's movement for Women's Rights was begun in Seneca Falls. It is easy to say in retrospect, borrowing from the now famous cigarette ad, "you've come a long way, baby." It is more difficult to say, "we have not gone far enough." And it is most difficult to say to the opponents of ERA that the only way we can insure the journey's successful completion is by passage of the ERA.

The U.S. Senate Committee studying passage of the ERA made the following observation in 1972:

"While there has been some progress toward the goal of equal rights and responsibilities for men and women in recent years, there is overwhelming evidence that persistent patterns of sex discrimination permeate our social, cultural and economic life." (Senate Report 92-689).

More recently, our own Governor while delivering his State of the State message to the 1975 Nevada Legislature, observed:

"The fact is.....that discrimination based on sex does exist in many segments of our society. It is reflected in credit procedures and employment opportunities and in other areas as well."

The plain and simple truth is that the case-by-case attack on discriminatory laws and regulations which has been waged in the legislatures and the courts for more than 50 years has not succeeded in eradicating sex discrimination by federal, state and local governments. There is little reason to believe matters will significantly change unless major action is taken. Only a Constitutional Amendment--with its massive legal, moral and symbolic impact --can provide the impetus for the necessary changes in our laws.

Specifically, in answer to the questions posed concerning the need for a Constitutional ERA, I believe there ~~is~~ to be three essential considerations supporting such need:

1. An absence of adequate Constitutional language or history to guarantee equal treatment of the sexes.
2. Reluctance of the U.S. Supreme Court, lower federal courts, and State Courts to stretch the present wording of the Constitution or formulate a standard to absolutely prohibit sexual discrimination.
3. Inadequacy of Federal, State, or local legislation to effectively safeguard a fundamental individual right to be free from sexual discrimination.

1. The Constitutional Void (Existing Provisions)

The 14th Amendment to the U.S. Constitution provides that no State shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The Federal Government is similarly restricted from interfering with these individual rights under the "due process clause" of the 5th Amendment.

Opponents of ERA will argue, based upon the broad language of 5th and 14th amendments, that adequate constitutional safeguards already exist to protect against sexual discrimination and to guarantee equality of treatment. The fact, however, is that when

the 5th Amendment was adopted in 1791 and when the 14th Amendment was adopted in 1868, women were not considered equal to men. Hence, there has been no constitutional history predicated upon these provisions to support or guide either the State Legislatures or the Courts in the adoption and interpretation of laws precluding discrimination based upon sex.

2. The Supreme Court (Experience to Date)

The U.S. Supreme Court has decided a number of cases involving claims based upon alleged sex discrimination. Except for those cases based expressly upon certain federal legislation such as Title VII of the Civil Rights Act, the plaintiff's cause of action arises out of a claimed denial or violation of a constitutional right, e.g. the right to due process or equal protection.

The standard for determining sex discrimination cases thus far has been the "rational relationship" or "reasonableness test" which provides that a law or regulation will be upheld if it bears a rational or reasonable relationship to a valid governmental objective. Traditionally, great deference is given to the law or regulation involved based upon its presumed validity. Unfortunately, application of such a standard has not always benefitted the plaintiff, man or woman, insofar as meeting the burden of proving discrimination based upon sex.

Alternatively, the standard which the Supreme Court has come close to adopting, but has yet to adopt by a majority of the Court is the "Strict scrutiny test." Frontiero v. Richardson, 411 U.S. 677 (1973). Under such test, classifications based upon sex, like classifications based upon race, alienage, or national origin, are inherently "suspect" and are subjected to strict scrutiny. In order to withstand such scrutiny and overcome the "suspect" classification, the law or regulation being examined must be found to support a "compelling" governmental interest or objective. The burden of proof thus shifts to the governmental entity involved, allowing the plaintiff to more easily prove his or her case of discrimination based upon sex.

In the most recent case, however, Geduldig v. Aiello, 94 S. Ct. 2485 (1974), the Supreme Court relied upon the "reasonableness test" - holding that California's disability insurance program, which excludes any benefits for disability resulting from normal pregnancy, did not violate the equal protection clause. At the same time, three of the dissenting Justices who believed the "strict scrutiny test" should have been applied, expressed fear that the Court was moving backward in its analysis of sex discrimination cases.

The net result of such "judicial juggling" has been to leave the lawyers, litigants, and general public in a somewhat confused and bewildered state -- never quite knowing what the law is. Accordingly, the would be litigant is put to the necessity of going to court on a case-by-case basis to determine his or her respective rights -- a process which is both expensive and time consuming.

3. Legislation (Federal, State or Local)

Numerous attempts have been made at the Federal, State and local levels to enact legislation which would remedy the evils of discrimination based upon sex. While it may be possible to eventually achieve true sexual equality through enactment of such laws, experience has shown traditional attempts at legislation to be much too haphazard and much too time-consuming. Senate Judiciary Comm., Equal Rights for Men and Women, S. Rep. No 92-689, 92d Cong., 2d Sess. 4 (1972).

Given the multiplicity of governmental ^{entities} ~~facilities~~ comprising the various States, counties and cities, actual and proposed passage of laws governing discrimination based upon sex have resulted and will result in less than effective piecemeal legislation. Such legislation is insufficient to adequately safeguard what should be regarded as a fundamental individual right.

Legislative remedies are not adequate substitutes for fundamental constitutional protection against discrimination. Any class of persons which cannot successfully invoke the protection of the constitution against discriminatory treatment is by definition comprised of "second class citizens" who are inferior in the eyes of the law.

Sex discrimination, like race discrimination, can be dealt with effectively only through a broad permanent national commitment -- a Federal Constitutional Amendment. Passage of the ERA will fulfill the need for a single coherent theory of sexual equality before the law, and for a consistent nationwide application of this theory. It will provide a definite national policy by which judges, legislators, and all public officials can act -- a policy which cannot be abrogated by the whim of any branch of government. Most important, the ERA will serve as a great symbol of this State's, and this nation's, commitment to ending sex discrimination against men and women alike.

REMARKS PREPARED BY ASSEMBLYMAN ROBERT E. HEANEY FOR
SUBMISSION TO THE JOINT HEARING ON THE PROPOSED EQUAL
RIGHTS AMENDMENT BEFORE THE NEVADA ASSEMBLY AND SENATE
JUDICIARY COMMITTEES HELD FEBRUARY 3, 1975.

The ERA and Nevada's Community Property Laws
by
Margo Piscevich, Attorney at Law

Mr. Chairman, Ladies and Gentlemen:

My name is Margo Piscevich and I am an attorney practicing in Reno, Nevada.

1- Husband's Exclusive Control.

The present status of the law is that the respective interests of the husband and wife in the community property during the marriage are "present, existing and equal" (NRS 123-225) subject to the exception that the husband has "the entire management and control of the community property with the like absolute power of disposition" as if it were his own estate. (NRS 123.230). The husband can mismanage or otherwise disapeate the property (stocks, bonds, cash) without the wife's consent with the exception of real property (NRS 123.230(2)).

The historical justification for this is the wife is the homemaker and the husband the breadwinner. However, as of 1972 approximately 42.4% of married women were employed, thus the traditional justification for the husband's exclusive management is no longer supported by the facts. (5 Pacific Law Journal 723,724).

The main objective of the ERA is to equalize the rights of the husband and wife in their community property. Each would have an equal right to manage, control and obligate the community assets. The wife would have the same powers as the husband and either would have the power to bind the entire community whereas presently this power exists only with the husband.

2-Wife's Written Inventory.

Under our present laws, women upon marriage must file a written and acknowledged inventory of her separate property with the County Recorder where she resides and where the property is located. (NRS 123-140). This is not required of men. If the wife fails to file, her property is presumed to be community property.

3- Wife's Separate Earnings.

The earnings and accumulations of the wife and the minor children living with her is her separate property provided she is living separate and apart from her husband. It is interesting to note that while they are separated the husband's earnings are community property. (NRS 123.180)

If the husband gives written authority to his wife to use her earnings then it is presumed a gift to her from him and the same is true of the wife gives written authority to her husband. (NRS 123.90)

The wife has management and control of her earnings when it is used for the care and maintenance of the family. (123.230(2)). However, once she deposits her pay check in the joint checking account, or otherwise comingles it, her earnings are subject to her husband's control.

4-Death of a Spouse.

One-half of the community property belongs to each spouse which either can dispose of at will (NRS 123.250). However,

if the wife dies first the husband has the same power to sell, manage and deal with the community property as if she were alive. If the wife leaves her one-half to her husband no probate is required except as to her separate property. However, if the husband dies first, then the entire community estate, both his and her half, must be probated. What this means is that the woman must see an attorney. The ERA would mandate that community property pass from one spouse to another without court intervention and that either would be able to deal or manage the community property during the first 40 days after death.

5-Lawsuits.

Neither can a married woman sue or be sued alone unless the suit concerns her separate property, her claim to the homestead property, is an action by her against her husband, or has obtained her husband's written consent, or has been deserted by her husband. (NRS 12.020) If the wife is injured by the negligence of another she may sue alone or jointly with her husband. If she sues alone, the entire award is her separate property; if she sues jointly with her husband, any award from her pain and suffering is her separate property but all monies awarded for medical and out of pocket expenses are the separate property of her husband. The statute is silent as to recoveries for an injured husband, but under the community property concept all monies awarded him, whether for pain and suffering or out of pocket expenses are his separate property

These are a few of the glaring inequities in our present system and I will try and answer any questions or otherwise offer assistance to this committee.

Ladies and Gentlemen
Mr. Chairman:

Phyllis Halsey Atkins, Attorney, private practice in Reno for 8 years. Married, one child 5 years old. I have handled about 200 divorce cases in this time.

There have been fears voiced by opponents that if the ERA is ratified, women and children will lose their right to have their husbands and fathers support the family, and that women will be forced to take jobs whether they wish to or not to provide one-half the support.

Since Nevada is a community property state, and since husband and wife have equal present and existing interests in the community earnings of the other, irrespective of the source of income, both parties are already contributing 50% to the family income by legal definition. (NRS 123. 225)

There is no specific statute directing the husband to support the wife and no procedure whatsoever in the law whereby either can enforce support rights against the other while they live together.

Other than for the support of the children, for which both parents are civilly and criminally liable, the only support statutes that might affect an ongoing marriage where the parties live together is the one requiring the wife to support the husband from her separate property if he is unable to work, has no separate property, and they have no community property. This could be enforced even if he has abandoned her. (NRS 123.230(2)) Yet, the husband does not have to support his wife if she unjustifiably abandons him. (NRS 123.110) A husband can be criminally liable for deserting his wife and not supporting her only if she is destitute. (NRS 201.020)

Under the ERA, both parties or neither party could receive alimony. The same type of circumstances which would dictate that a

wife receives alimony would allow the husband to receive alimony. Presently, a husband cannot be granted alimony under Nevada law.

In some 200 divorce cases, I have handled, not more than a dozen wives received alimony. In every case but one, it was negotiated because of children and the tax deduction. Less than 10% of my clients have even asked me about alimony and fully one-fourth insist they do not want even child support, just out.

The present statutes on child custody and support will not change under ERA. The courts are empowered to decide on a case by case basis which parent should have custody, who should pay support and educate the children. The best interests of the child is the controlling principle recognized by Nevada Courts.

However, if the wife were ordered to pay support and she is remarried, she could not comply, because her new husband, having control of their community, would not have to allow her to pay even from her own earnings.

In a study made of 163 cases where child support was ordered, it was found that at the end of the first year, 42% of the fathers were not complying at all. By the end of the 10th year, 79% were not complying at all. (23 Hasting Law Review)

The support rights people are afraid of losing, often are only paper rights anyway.

I am sure you understand the three minute severely limits my remarks on the subject of family law. I have prepared a paper which I would like to give you ^{later} and, ~~therefore~~, I am willing to consult with any of you or answer any questions as to the effects the ERA might have upon this area of law.

Text of testimony of Karen D. Dennison, Esq. before
the Joint Session of Senate and Assembly Judiciary
Committees on February 3, 1975:

In 1971, the California Supreme Court in the case of Sailer Inn vs. Kirby stated:

"The pedestal upon which women have been placed has, all
too often, upon closer inspection, been revealed as a
cage."

The invidious discrimination against women which has been perpetuated behind the guise of protectionism is no where more evident than in our community property laws which virtually deny a married woman any control over the community property which is not real estate. Frankly, I fail to see how our community property laws in any way protect a married woman.

The "power of the purse" which is given to the husband as the managing partner of the marriage totally precludes a married woman who does not have a sizeable separate estate from obtaining credit without her husband's consent, excludes her from the decision-making as to what debts they shall incur - although her earnings are liable for those debts - and, perhaps the most shocking of all, denies her the right to be given notice of a lawsuit which could affect what is theoretically, "her half" of the community property, notice that would otherwise be required as the most fundamental element of our concept of due process of law.

1. A married woman in Nevada then, cannot readily obtain credit without her husband's consent.

Since the wife has no legal power to spend the community earnings, including her own earnings to the extent she spends them for the support of herself and her children, she therefore has no legal power to charge the community earnings with a debt. Unless she has a sufficient separate estate, a lender has no assurance that the debt will be repaid. Obviously, no lender is going to extend credit to one who does not have the ability to repay the debt. [1.]

2. Further, a married woman is totally excluded from the decision-making as to what debts she and her husband will incur during marriage.

If her husband is a poor manager of the community funds, or simply squanders the community earnings, (and again, I emphasize he may squander her earnings as well, through his power to incur debts) her only recourse is:

(a) To obtain his written consent that her own earnings (if she has any) will be her separate property and subject to her control (if he will give such consent), or,

(b) To apply for sole trader status - if it is economically feasible for her to start her own business with \$500 of her capital, coming either directly or indirectly from her husband (which presumably includes all the community property since it is under his control) and with no borrowing power against the community property, or,

(c) To get a divorce. I make this last comment somewhat sarcastically only to point out that the deeply-engrained policy in our law of preserving the marriage and family unit is being thwarted, not promoted, by our community property laws.

3. Finally, a married woman, because she lacks substantial control over the community property need not be served with notice of a lawsuit which could affect the entire community property which is not real estate, not just her "husband's half". [2.]

In conclusion, I urge your ratification of the Equal Rights Amendment as part of the constitutional framework within which our community property laws, as well as other laws which classify on the basis of sex, may be tested. The question is often posed - cannot we correct this inequality between the sexes through state and federal legislation? To take this naive approach that our rights will always be protected through legislation is to say that we have no need for the Bill of Rights nor the other constitutional amendments which protect our individual freedoms. Our country is based upon the concept that we need a constitutional framework under which our laws may be tested through the judicial process.

It is all too evident from the most recent U.S. Supreme Court cases involving sex discrimination that the equal protection clause affords us no such test to eliminate discrimination on the basis of sex.

Accordingly, I ask for your affirmative vote on the Equal Rights Amendment.


Karen D. Dennison, Esq.

[1.] Harrah vs. Specialty Shops, Inc. 67 Nev. 493 (1950)

[2.] Randono vs. Turk 86 Nev. 123 (1970)

UNR COLLEGE of ARTS and SCIENCE

Breakdown of Faculty by sex, per 1973-74 General Catalog¹

Dept.	Professor	Assoc. Prof.	Asst. Prof.	Instr. ³	Other	Total	% female	Total FTE	% female	Ph.D. Standard ²	Ph.D. req. ⁵
Anthropology	0/2	0/2	1/4	0	0	1/8	12%			21.44%	
Art	0/5	0/1	0/3	0	0/1	0/8	0%			18.15%	no
Biochemistry	0/1	0/2	1/4	0	0	1/4	14% ⁶⁾			17.46%	
Biology	0/6	0/3	0/6	0	0	0/15	0%			20.27%	
Chemistry	0/5	0/3	0/4	0	0	0/12	0%			6.82%	
English	0/3	1/7	1/7	0	0/1	1/18	11%			23.71%	
Foreign Languages	0/3	0/3	1/3	0/2	0/3	0/14	21%			28.52%	
History	0/5	0/4	0/2	0	0/3	0/14	0%			11.71%	
Journalism	0/1	0/2	0/1	0	0/2	0/6	0%			12.08%	no
Criminal Justice	0	0	0/1	0/2	0	0/3	0%				no
Math	0/4	0/5	0/1	0	0/4	0/14	14%			6.50%	
Military Science	0/1	0/1	0/6	0/6	0	0/11	0%				
Music	0/5	0/1	0	0	1/4	1/10	10%	8.64	6%	13.51% ³ -44%	no
Philosophy	0/2	0	0/2	0	0	0/4	0%			11.05%	
Physical Ed.	0/2	1/5	0/2	0	1/6	0/15	13%			27.38%	no
Physics	0/8	0/5	0/1	0	0/3	0/17	0			2.47%	
Political Science	1/4	0/4	0/3	0	0	1/11	9%			8.20%	
Psychology	0/5	0/8	0/2	0	1/1	1/16	6%			20.20%	
Social Services & Corrections	0	1/2	1/3	0/1	1/2	0/8	37%				no
Sociology	0/1	1/4	0/2	0	0	1/7	14%			17.07%	
Speech & Drama	0/1	0/2	0	0/1	0/4	0/8	0%			15.87%	no
Totals	1/62	4/66	5/55	0/9	8/34	18/225	8%			11.63%	

Total with academic rank $\frac{10}{189} = \underline{c. 5\%}$ Of 21 departments, 10 have no women faculty

1. Includes adjunct appointments
2. "Proportion of Doctorates earned by women, by area and field, 1960-69" from WEAL. Data from U.S. Dept of HEW. Escorted Degrees Conferred: Bachelor's and Higher Degrees.
3. If MA accepted as terminal degree, 44%. In other departments where M.A. is terminal, this percentage is probably far too low.
4. The catalog does not indicate which positions are less than full time. In Music, there are 8.64 FTE positions: women occupy $\frac{5}{8.14}$, or 6%

NB The catalog lists c. 105 women, as follows: Nursing, 23; Home Economics, 13; County Extension Agents, 13; College of Education, 9; Librarians, 10. the rest are scattered.
 the following colleges list no women: Mines, Engineering, Agriculture.
 5. Yes if all faculty with academic rank in a department has doctorate.
 6. woman since terminated

Feb. 3, 1975

Statement to the Judiciary Committee of the Nevada State Senate (in favor of ERA)

I would like to acknowledge that there are persons, including women, who are sincere in their opposition to the proposed Equal Rights Amendment. But please note that ~~there~~ most of the arguments against the amendment are contrived misrepresentations of the facts. These seem designed primarily to create fear of ERA rather than to inform.

STOP ERA says Social Security benefits for women would be eliminated by ERA. This is not correct, as you have already heard earlier in the day.

STOP ERA says that ERA requires every wife to contribute 50% of a family's financial support. This is the opposite of support obligations spelled out in the report on ERA by the Judiciary Committee of the United States Senate. By STOP's guidelines, secretaries would have to marry secretaries; news reporters, news reporters. Absurd, and not at all what ERA would do.

Rape laws would be eliminated by ERA, according to the opposition. If the Nevada Legislature wishes to repeal rape laws, it may do so, but ERA has nothing to do with the presence or absence of laws on sexual assault and battery.

Homosexual marriages permitted by ERA? Only the Legislature may legalize these if it chooses. Under ERA, such marriages would have to be permitted for female partners and male partners both -- if they were permitted at all.

STOP ERA has used one Colorado court case to predict that the husband's duty to pay child support would end with the adoption of ERA. Actually, in that case the court upheld the husband's duty to provide support. Nevada statutes already make both parents responsible for child support anyway.

Are ERA proponents federally financed, as STOP claims? No way. Money spent on ERA in this state has been raised by Nevada citizens by such means as payment of dues, contributions, mountain climbs, bracelet sales, and the like.

Does ERA eliminate a woman's choice to be a mother supported by her husband, as STOP says? No. ERA deals with laws, not private relationships. Married couples will continue to determine the role of each partner in the marriage. Laws do not make good husbands or good wives or good marriages -- and that includes widely ignored laws about child support. ERA won't affect that. But the best of husbands will be happier with ERA's legal protection of wives and children. We do not seek or need the present crazy quilt of laws that give us more rights than our wives have in many areas, and fewer in others. Wives need the legal protection ERA would give in situations such as the death or disability of the husband, so that they would have the legal tools to sustain the integrity of their families.

Ross W. Smith

Ross W. Smith
1730 O'Farrell
Reno, Nevada 89503

NATIONAL WOMENS POLITICAL CAUCUS

EQUAL RIGHTS AMENDMENT RESOLUTION

WHEREAS, a 50-year struggle to obtain Constitutional affirmation and protection of the equal rights of women and men is close to victory, and

WHEREAS, ratification of the Equal Rights Amendment is vital in order to assure first-class citizenship to all persons, and

WHEREAS, the 27th Amendment to the U.S. constitution has been approved by Congress and has been ratified by 26 of the required 38 states,

THEREFORE, BE IT RESOLVED that completion of the ratification process be a top priority of the NWPC and its state and local caucuses, and

BE IT RESOLVED that the NWPC calls on all women and men of goodwill, political, religious and other leaders, including the President of the U.S., to use their prestige and influence to help achieve final adoption of the Equal Rights Amendment, and

BE IT FURTHER RESOLVED, that members of the NWPC will not support for reelection any members of state legislatures who vote against ERA.

E.R.A Hearings

Joint Judiciary Committee

February 3, 1975

Marriage Laws: Testimony of Kathleen Worley

Mr. Chairman, Ladies and Gentlemen,

I am here to discuss the inequalities in the treatment of the two sexes in present Nevada marriage laws which would be rectified by passage of the ERA. I will give three basic examples which show rather clearly that the bases for distinction between the sexes are blatantly illogical.

#1. Under Nevada law (NRS 122.020) males of the age of 18 and females of the age of 16 may be married. Before the woman reaches 16, however, she must gain parental consent from her father (unless the mother has legal custody or the father is incapacitated, dead, or long gone). One important thing here is the fact that not only are the ages for marriage unequal but also that the age difference is based partly on the idea that women mature earlier than men and are therefore ready for marriage at an earlier age.

#2. However, once this woman who was more mature, ready for marriage earlier than her husband does get married, whether it be at age 16 or 46, she suddenly becomes incapable of functioning on her own. This intelligent little person, by reason of becoming a wife, is suddenly unable to conduct a business under her own name without going through a court hearing to explain what in the world could possibly have induced her to attempt such a venture. Under the sole trader's act (NRS 124.010 and 124.020) a woman interested in engaging in business by herself must declare under oath that she is doing this for the sole purpose of supporting herself and her children and that not more than \$500 of her husband's money has been used for the establishment of the business. This is true even if she was engaged in a like business before marriage. How many women have worked to put husbands through school and or used inheritances etc. in setting up husbands' businesses without their husbands ever having to disclose their source of funds?

#3. Not only do inequalities in law strike at the man and woman, but they affect children as well. A sterling example has to do with the eligibility for benefits under the statutes governing the Nevada Industrial Commission (NRS616.510). For a husband to be eligible to collect benefits payable upon injury or death of his wife, he must be totally unable to earn a living and therefore be presumed to be totally dependent on her. A wife is just assumed to be totally dependent on her husband. This discriminates against all persons involved. A wife should know that the money paid to NIC by her employer will go toward the support of her children if she dies or is disabled on the job. Her husband and children will be affected just as much if she dies as if her husband does. He will need money for babysitters and/or housekeepers in order to keep on working. The children are equally entitled to benefits earned by both mother and father. If what an employer pays in for a married female employee goes for nothing, why should he bother to pay it?

We are all entitled to be treated as individuals, not discriminated against - none of us - by illogical and inconsistent stereotypes as to what a man or woman, husband or wife, should be or do in a family relationship.

I am William Thornton. I am an attorney who has been in private practice for 14 years.

In at least 90% of the divorce cases I have handled, the support paid by the father is inadequate to cover even half of the support needed by the children. In most of those cases, if the wife is not already working, she is forced to do so or is forced to go on welfare. In a majority of those cases the couples simply can't afford to divorce because they can't afford to support two households. The ERA cannot change those facts.

Those opposed to the ERA have claimed that a Colorado case, People v. Elliott, 525 P.2d 457, decided in August, 1974, states that under the ERA all wives will be forced to work to provide 50% of the support for their families. The case was not decided under Colorado's ERA and does not stand for that proposition.

Colorado's Equal Rights Amendment became effective January 11, 1973. Mr. Elliott was charged with a felony for not having supported his minor children for about 3-1/2 years under the 1893 Colorado non-support statute which applied only to men. He claimed that the statute was unconstitutional under Colorado's ERA because it didn't also apply to women.

The Colorado Supreme Court summarily rejected the argument because the amendment was not retroactive. By the time the case was argued, Colorado had changed the statute to apply to women; but it wasn't retroactive either.

The court decided that the statute was not unconstitutional under the equal protection clause of the Fourteenth Amendment either.

Mr. Elliott also claimed that the application of the statute was an arbitrary and unreasonable classification and

violated the equal protection clause of the Fourteenth Amendment, which the court also rejected saying the passage was a policy determination by reason of the respective cultural, social and economic differences between the parents, the father was better able to provide support than the mother, whose primary duties were the care and maintenance of the children and home. To ensure that the father carried out his duty, criminal penalties were imposed to protect the child's well-being and prevent his becoming a public charge.

The court found that the "gender-based" classification was not an arbitrary classification because "the proposition that men generally are more economically favored. . . is not an obsolete concept". . . because "whether from overt discrimination or from socialization process of a male-dominated culture, the job market is inhospitable to the woman seeking any but the lowest paid jobs." (quoting U. S. Supreme Court Kahn v. Shevin, 40 L.ED.2d 189, 94 S.Ct. 1734)

It should be noted that in Nevada, the criminal non-support statute has applied to both parents for many years. (NRS 201.020) It has not forced wives to go to work because implicit in the statute is the ability of either parent to provide such support. Only desire to do so and economic circumstances have forced wives into the job market.

Honorable Senators and Assemblymen:

At this particular hearing, I am speaking in my own name and am not officially speaking in the name of any of the groups I normally represent here. However, since I am a Catholic priest and since some distorted views of the Church's thinking on this matter have been introjected, I have decided to speak primarily from a theological orientation. First of all, neither the Catholic Church in the United States nor the Catholic Diocese of Nevada has taken an official position in this matter. Particular organizations within the Church presently stand on both sides. Some hesitancy to speak for the matter has undoubtedly been generated by the erroneous stance of some to make the ERA equivalent with an unlimited right to abortion. The desire to grant women a guarantee of equal civil rights in the constitution does not mean that they are to be given a license for irresponsible conduct; a vote for ERA is in no way a vote for abortion.

A number of attempts have been made to use the Bible against the ERA. The Bible grew out of cultures which generally held women in an inferior social, economic, and political position; the language, examples, stories and even laws of the Bible cannot help but reflect that cultural prejudice. However, the best scriptural scholars of today, insist that it is not the intent of the Bible to teach or approve those cultural mores. In fact, it should be quite clear that the Christian era is to put those prejudices aside as St. Paul writes: "There does not exist among you . . . male nor female. You are all one in Christ Jesus. (Gal. 3/28)

More positively, however, the Judeo-Christian tradition from which much of our Constitution and legal tradition springs proclaims dignity, worth and rights of each individual person without distinction as to sex. Our traditions see that human worth and dignity is realized in practice, most fully when each person is allowed the fullness of responsible and love-guided use of freedom. The highest value that any society can give to its citizens a freedom rooted in responsibility, and in respect and loving concern for individuals. Indeed, society may and must protect the individuals within it who are too weak or immature to obtain their own rights, but this duty to protect the weak must never be imposed indiscriminately on a whole class of persons. The mature female is an equal partner with the male in building the future of this nation and world; the female does indeed have her God-endowed differences and characteristics; but to be different is not thereby to be either superior or inferior; equality is not sameness. Woman can be that equal but different partner with man in building the future of this nation and of this globe only if the discriminatory and needless legal roadblocks against her are removed by responsible governments.

Although we are able to expound upon the equal dignity of all persons, whether male or female, as viewed in the Judeo-Christian tradition, we know from the bitter experience of this country that such values are never realized in the concrete without the

helping force of civil and constitutional law.

Therefore, it is appropriate ^{that as} ~~in accord with~~ the three Jesuit scholars ~~who~~ wrote in the document "The Quest for Justice": "Moreover, the Church as a 'voice of conscience' for our culture, should vigorously espouse the full equality of women in civil society," ~~that~~ I as a Catholic priest urge that Nevada Legislature vote the passage of the 27th Admendment to the United States Constitution.

(5)

Testimony pro E.R.A. submitted to the Joint Judiciary Committee Feb. 3, 1975
by Iris Bletsch, Legislation Chairwoman, B.P.W., 1641 Foothill Dr., Boulder City,
Nevada 89005.

Mr Chairman, Members, I am Iris Bletsch, Legislation Chairman of the Nevada Federation of Business and Professional Women, and I ask you in this capacity to vote for ratification of the Equal Rights Amendment in Nevada.

The B.P.W. is an organization that has worked since 1919 to elevate the standard of women in business and professions (all working women). We are not a liberal, radical, newly formed organization. We are made up mostly of conservative women who over the years have found it necessary to fight discrimination on every hand. Some have been successful regardless of unfair laws and unequal practices. Women who have attained this status have a duty to other women, to make those places safe for all women who might choose to reach out. To make sure they have the equal legal "tools" to carry out whatever life they wish to pursue as individuals.

The struggle has been long, in 1923 B.P.W. was part of the group that got the Equal Rights Amendment introduced in the Congress of the United States. And, every session thereafter, for 40 years... 40 years... before the first legislation toward the goal of equality on any basis was passed, the Equal Pay Act of 1963, followed by Title VII of the Civil Rights Act (with the word SEX added by a Southern Congressman who thought it might kill the whole bill.)

Finally, after 48 years of study, on Oct. 12, 1971 the U.S. House of Representatives passed the E.R.A. 354 to 23, and March 22, 1972 the Senate followed with a vote 84 to 8, with affirmative votes from Nevada! Ratification of the States followed until far left organizations and newly founded groups such as Stop E.R.A., formed solely for defeat of the amendment popped up to cloud the issue with myths, emotionalism and scare tactics... all which really have no bearing on "equal legal rights". And, sadly enough, Nevada a pioneer

STATE, with a fine heritage of humanism and spirit went down in a wave of theatrics in 1973 with crocodile tears and satin pillows. Few were the stalwert women who came West, worked and fought beside their men, that had much time for tears and satin pillows!

The Equal Rights Amendment is supported by our able Governor Mike O'Callahan. He cited in his State of State message the impressive figures of working women in our state, with 14,000 women heads of households. "It is only fair," he said, "that women who through experience have shown they are willing to share the obligations and responsibilities should be entitled to a full share of the rewards."

The Equal Rights Amendment will be ratified by the necessary 38 states, probably by April 1975, and surely by March 1979. The Gallup Poll shows 79% U.S. citizens in favor of E.R.A.

B.P.W. has worked for more than 50 years for equal legal rights, we are patient, persistent and PREPARED, to work as long as it takes, on all levels,

I ask you, ladies and gentlemen, to join the long list in our state as well as country, of outstanding people and organizations who support the Equal Rights Amendment...E.R.A. is the American Way....Stand up and be counted, Nevada, Vote Yes!

#

GOOD AFTERNOON LADIES AND GENTLEMEN: I AM SUSAN HANNAH. I AM PRESIDENT OF THE SOROPTIMIST INTERNATIONAL OF SPARKS, NEVADA AND A RESIDENT OF SPARKS. I WAS BORN IN ELY AND RAISED IN PIOCHE AND CONSIDER MYSELF A NEVADAN TO THE BONE.

I AM SPEAKING TODAY IN FAVOR OF RATIFICATION OF THE EQUAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION.

FIRST LET ME DEFINE WHAT I CONSIDER TO BE A RIGHT. A RIGHT IS AN ACT WHICH AN INDIVIDUAL CAN PERFORM AND WHICH IS PROVIDED PROTECTION BY THE GOVERNMENT. HISTORICALLY AND CORRECTLY, THE VEHICLE FOR PROVIDING SUCH PROTECTION IN OUR SYSTEM IS THE UNITED STATES CONSTITUTION. IN SIMPLE TERMS, THE CONSTITUTION IS THE PROPER DOCUMENT TO PROVIDE GUARANTEES OF RIGHTS. IT PRESENTLY, AS YOU KNOW CERTAINLY BETTER THAN I, PROVIDES US WITH GUARANTEES OF SEVERAL RIGHTS. EXAMPLES OF SUCH ARE THE FREEDOM OF SPEECH, FREEDOM OF ASSEMBLY, FREEDOM OF RELIGION, THE RIGHT TO HAVE AND BEAR ARMS. OUR PRESENT U.S. CONSTITUTION GUARANTEES OWNERS OF PROPERTY THE RIGHT TO KEEP THAT PROPERTY AND NOT HAVE IT TAKEN AWAY BY GOVERNMENT, WITHOUT DUE PROCESS OF LAW.

SOME OF YOU LEGISLATORS HAVE TOLD ME THAT THE EQUAL RIGHTS AMENDMENT IS UNNECESSARY BECAUSE THE 14th AMMENDMENT FORBIDS STATES TO "DENY TO ANY PERSON WITHIN ITS JURISDICTION EQUAL PROTECTION OF THE LAWS". HOWEVER, THIS AMENDMENT DOES NOT PROVIDE EQUAL PROTECTION FOR CLASSIFICATIONS OF PEOPLE OR THINGS. FOR EXAMPLE, SOME STATES MAY IMPOSE SOME TAXES UPON LOCALLY OWNED STORES AND DIFFERENT TAXES UPON CHAIN STORES. THESE LAWS HAVE BEEN UPHELD IN THE COURTS. OR, CONSIDER THE FEDERAL INCOME TAX LAWS WHICH CERTAINLY CLASSIFY BY AMOUNT OF INCOME. AGAIN, THE COURTS HAVE CONSIDERED THESE LAWS CONSTITUTIONAL. OUR OWN STATE CERTAINLY CLASSIFIES ITS CITIZENS BY AGE AND BY SEX AND LEGISLATES ACCORDINGLY. WE HAVE AN ENTIRE CHAPTER, CHAPTER 609. COVERING "WOMEN AND MINORS". THEREFORE, I STATE THAT THE 14th AMENDMENT DOES NOT FORBID LAWS WHICH ARE DISCRIMINATORY BY CATEGORY.

LET'S CONSIDER ONE EXAMPLE ONLY OF OUR STATE LEGISLATION CONCERNING THE FEMALE SEX. (MY EXAMPLE IS CONTAINED IN CHAPTER 123 OF THE NEVADA REVISED STATUTES.) SECTION 123.190 OF NEVADA REVISED STATUTES STATES THAT MY EARNINGS BELONG TO MY HUSBAND AND ONLY IF HE GIVES ME WRITTEN AUTHORITY CAN I SPEND MY OWN WAGES. ALSO IN CHAPTER 123 IT EXPLAINS THAT I MUST FILE AN INVENTORY OF MY SEPARATE PROPERTY BEFORE MARRIAGE WITH THE COUNTY RECORDER IN ORDER FOR IT TO BE CONSIDERED MY SEPARATE PROPERTY AFTER MARRIAGE. WHERE IS SUCH "LEGAL PROTECTION" FOR MY HUSBAND?

AS I MOVE FROM STATE TO STATE, I DO NOT FEEL THAT I SHOULD HAVE TO GAIN LEGAL TRAINING IN THE LAWS OF THAT PARTICULAR STATE IN ORDER TO KNOW WHAT HOURS I CAN WORK, WHAT WAGES I EARN MAY BELONG TO ME, OR WHAT I AM ALLOWED TO DO OR NOT DO SIMPLY BECAUSE I WAS CREATED A FEMALE RATHER THAN A MALE.

OFFICE.....

COMMITTEE The Status of Women

SOUTHWESTERN REGION

SOROPTIMIST INTERNATIONAL OF THE AMERICAS, INC.

INTRA-ORGANIZATION CORRESPONDENCE

TO: Senate and Assembly Judiciary Committee

DATE: February 3, 1975

ADDRESS Nevada Legislature, Carson City 89701

COPIES TO: All Members of the
58th Session (1975-77)

FROM: Kathryn Kelly, Chairman of the Status of Women
ADDRESS Committee

SUBJECT: FAVORABLE RATIFICATION OF THE EQUAL LEGAL RIGHTS AMENDMENT

Mr. Chairmen, Members of the Senate and Assembly Judiciary Committee:

I am Kathryn Kelly, resident of Reno, Nevada; Chairman of the Status of Women Committee of the Soroptimist International of the Americas, Inc., Southwestern Region. This Region comprises the states of Hawaii, California, and Nevada. Hawaii and California have ratified the Equal Rights Amendment and now we look to the Nevada Legislature to also ratify the Equal Legal Rights Amendment.

Since I own a private Employment Agency and Temporary Employment Service in Reno, My remarks will be addressed to Employment and "Protective" Laws.

Many states have so-called "protective" Legislation which applies only to women, restricting the number of hours they work, setting limitations on the pounds they can lift, restricting night work, providing for special seating arrangements, prohibiting their employment in certain occupations, etc. While these laws were originally enacted to prevent women from being exploited,

*Thank you
for your efforts
on behalf of the ratification
of the Equal Legal Rights
Amendment.
Kathryn Kelly*

they now serve to restrict employment opportunities by keeping women out of jobs which offer higher pay or advancement. Women do not need protection against oppressive conditions which have ceased to exist. Rather, they need the same things men workers need: broad coverage by federal wage and hour legislation, adequate guarantees against occupational hazards, etc.

Consequently, state "protective" laws for women impose additional considerations for the employer who hires them. If all other factors are equal, and if an employer has to supply additional benefits to a woman worker, he will be more hesitant to hire her, and give her options open to men. Given current employment practice and health standards, such laws create an expense to the employer and offer no benefit to women that is not just as desirable for men.

Many of these state "protective" laws are being struck down because they are incompatible with Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment where sex is not a "bona fide occupational qualification". The Equal Employment Opportunity Commission has found that "such laws and regulations do not take into account the capacities, preferences and abilities of individual females and tend to discriminate rather than protect."

Women today work for the same reasons as men -- namely, to support themselves and other dependents. And increasingly, women are testing the validity of state "protective" laws. Olga Madar, Vice President of the United Auto Workers, has pointed out that it is not the professional or business women, but the "real" working women in the factories, with or without the support of their unions, who are bringing suits charging the state protective laws with discrimination based on sex.

The Equal Rights Amendment would have one of two possible effects on such laws. Where there are restrictions on women only, such as limits on the number of hours they can work, the laws would most likely be nullified. Where special benefits apply only to women, the law would either be held invalid or be extended to men and women equally. Examples of laws which may be expanded include those providing for rest periods of health and safety protections. Men are now sometimes denied the very real benefits these laws offer.

STATEMENT OF ASSEMBLYMAN BOB BENKOVICH

February 3, 1975

I would like to make just two points for the record.

First, in American society, there is no place for the partialing out of rights.

The issue here is who we will legally define as a citizen.

If we really want a democracy, there is no decision to be made on the Equal Rights Amendment.

So, the questions really is, do we REALLY, REALLY want a democracy.

My second point is this: It has already been mentioned that a recent Gallup Poll showed 79% of Americans supporting the Equal Rights Amendment.

Well, I conducted a survey in my Assembly District, which runs from Reno north to the Oregon border, and 77% of the votes backed E.R.A.

Now, I'm not talking about lobby-generated mail or a newspaper questionnaire--I'm talking about a scientific survey using many of the principals I've learned in my graduate education.

I am convinced, as a legislator and as a social scientist, that 77% of the votes in North Washoe County want the Equal Rights Amendment passed.

Thank you.

February 3, 1975

I am Don M. Busick, a husband and father, and a five year resident of Nevada. I support the Equal Rights Amendment and urge that the Nevada Legislature ratify it.

I am employed as a pilot for Pan American World Airways, serve as a lay minister and a member of the Vocational Relations Committee of the Nevada Presbytery, the governing body of the Presbyterian Church in Nevada, which has gone on record supporting ERA and has ordered its Clerk to write the legislature urging its support of ERA.

This morning I address you as a father and husband who wants equal protection under the law for women. The amendment reads: Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

It is brief and to the point. It is time to change sex-role based discrimination that keeps women from achieving social and legal supports. Less well informed legislators believe that removing laws discriminating against women would also remove laws designed to protect women. Yet "protective" legislation does not protect women, but does help keep working women from higher-paying jobs. This is a critical issue for the large number of children who are dependent on a mother's income, either because of illness of the father, or death, or divorce.

I know that anxiety about social change is natural and inevitable. Yet, I also know that when patently false rationalizations are used to support opposition to needed social change, that anxieties about such change often lie behind the opposition.

As legislators, you can lead or react. Nevada in the past has not been a leader of social change. Unfortunately the image of this fine state has been clouded by emotionalism, confusion, and false rationalizations.

The Equal Rights Amendment will become the law of the land. It is up to you whether Nevada will lead in the development of this much needed social change on behalf of women's rights, or be dragged into it as one of the last bastions of sex discrimination.


Don M. Busick

THE
NATIONAL
FEDERATION
OF

BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC.

of the United States of America



PAST NATIONAL PRESIDENT
MRS. HOPE ROBERTS

5026 LAKERIDGE TERRACE EAST
RENO, NEVADA 89502

*Dear Pres. Hope you will soon be fit as a fiddle. Thanks
for your support. Love Helen - Hope*

February 3, 1975

Mr. Chairman, Members of the Senate and Assembly Judiciary
Committees, and Members of the 58th Session (1975-77):

I am Hope Roberts, resident of Reno, Nevada, since 1948;
married, the mother of one son, blessed with three grandsons,
a business-woman, who has invested in the Social Security
Program since its inception (which fact does not apply to
my husband who lacks 36 years investment to present time); and
who chose to begin a sixth career in 1973, following 24
years of self-employment in a business which catered
exclusively to divorce clientele (both men and women -
the majority being men, who had to resolve the same
problems related to the dissolution of the marriage
contract as the women).

Since appearing during the 57th Session, ~~copy of that
statement is appended to this presentation~~, Legislators
have asked "Why do we need a Constitutional Amendment?
Aren't women covered by the Constitution now?"

Mrs. Hope Roberts
5026 Lakeridge Terrace East
Reno, Nevada 89502

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It's true there is no wording in the Constitution which says that women are not covered. But it has been said that the Constitution means what the Supreme Court says it means. The Supreme Court has never held that discrimination based on sex, unlike discrimination based on race, is inherently "suspect". In fact, the Supreme Court has upheld many laws which plainly discriminate against women.

In Minor v. Happersett (1874), the Court held that the 14th Amendment's equal protection clause did not give women citizens the right to vote. It took a Constitutional Amendment 46 years later to do that.

Applying a standard of "reasonableness" to laws which discriminated on the basis of sex, the Supreme Court in Goesart v. Cleary (1948) upheld a Michigan law prohibiting all females (other than the wives and daughters of male licensees) from being licensed as bartenders.

It was not until 1971, in Reed v. Reed, that the Court for the first time struck down a law which discriminated against women. But in doing so, the Court did not overrule earlier cases and did not hold that sex discrimination is "suspect" under the 14th Amendment.

Mrs. Hope Roberts
5026 Lakeridge Terrace East
Reno, Nevada 89502

Page 3

In 1973 (Frontiero v. Richardson), the Supreme Court nullified provisions in Federal law which discriminated against women members of the Armed Forces. While an eight-to-one majority of the Court agreed that the statute deprived women of due process, only four of the Justices went further and held that classifications based on sex were "inherently suspect". Three others believed that it was inappropriate to decide the issue at that time in part because the Equal Legal Rights Amendment had been submitted to the states for ratification. Thus, there was not the Court majority needed to establish a fundamentally new constitutional rule.

Where does this leave women? It leaves them bearing the burden of proof in each case to prove that governmental action perpetuating sex discrimination is unreasonable. And that is a heavy burden to carry.

The Equal Legal Rights Amendment will make it clear that the burden is not on each woman plaintiff to show that sex discrimination is illegal. It will, instead, assure all men and women the right to be free from discrimination based on sex.

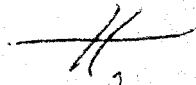
Hope Roberts

FELLOWSHIP

RESOLUTION

FEB. 2, 1975

WHEREAS, EQUALITY UNDER LAW IS FUNDAMENTAL TO THE AMERICAN POLITICAL AND LEGAL SYSTEM, AND
WHEREAS, AMERICAN WOMEN ARE PRESENTLY RELEGATED TO INFERIOR LEGAL STATUS IN THE CONSTITUTION OF THE UNITED STATES, AND
WHEREAS, THE PROPOSED EQUAL RIGHTS AMENDMENT IS NOW BEFORE THE NEVADA LEGISLATURE,
BE IT THEREFORE RESOLVED, THAT THE UNDERSIGNED MEMBERS OF THE UNITARIAN FELLOWSHIP OF NO. NEVADA DO HEREBY ANNOUNCE THEIR APPROVAL OF THE ERA AND DO FURTHER URGE ITS RATIFICATION BY THE SENATE AND ASSEMBLY



Francis M. Magnette
 Alice Sobel
 R. E. Diamond
 H. A. Carne
 Betty Hulse
 Ethel Carne
 Jan R. Chastain
 David C. Kimble
 Ann Peterson

James W. Hulse
 William E. Duff
 Beth Carole
 Sunny Langner
 Barbara Dasher
 Jean C. Diamond
 Bruce M. Stone
 Grace S. Galt
 Mary A. Davis
 Robert L. Hedley

Nancy Leslie
 Bill Muntz
 Richard Truhler
 Gerald Kimble
 Beth Loeffel
 Earl Nicholson
 Arthur Nicholson

the Episcopal Church in Nevada



The Rt. Reverend
Wesley Frensdorff
Bishop of Nevada

Senator Close, Assemblyman Barengo, Members of the Judiciary Committees.
I am Wesley Frensdorff, Bishop of the Episcopal Diocese of Nevada.

The Equal Rights Amendment, in my mind, will be a positive force in bringing greater equity and justice to our society.

Passage for this amendment can be urged on many grounds, but I would like to comment on its effect on Marriage and Family Life. Opponents often give the impression that equality between the sexes has a negative effect on marriage, parenthood and family life. I do not believe that such is the case.

For some years now we have been in the midst of many forces of cultural change.. some of these have related to the role and status of men and women. Confusion and pain, understandably, are part of such change. It is my conviction that the positive aspects of these changes must be maximized, and passage of this amendment would help to do so.

Marriage, in the Christian view, is the mutual and total commitment of a man and a woman to one another for mutual love, support and personal growth. Such a relationship can most fruitfully develop if it is a real love partnership between two mature and free persons. The ultimate in human relationships is inter-dependence - not either dependence or independence.

Far be it from me to deny the mysterious differences between male and female. But, in the past these differences have been too tightly drawn and stereotyped - men and women have been put in very small pigeon holes. The potential of the marriage relationship lies in the infinite variety of person which make up both the male and female of the species. Rather than affirming these differences between sexes as part of human mystery, the Western culture has forced them into rigid patterns - often with destructive effects. Whatever the value of these rigid roles may have been in the past to either sex, or to society as a whole, the time has come to loosen these bonds and seek fresher ways for the human potential (both male and female) to be realized.

Thus it is my conclusion that we need to press for the greatest amount of equity between men and women to strengthen the marriage bond. We also need less rigidity with regard to roles of parents within the family dynamics. Rather than having a negative effect on children and families as a whole, it would more likely have a beneficial effect as both parents can express their love for their children in ways that are less controlled by stereotypes and more by individual gifts and abilities.

If the basic convictions of our American society are valid, that all human beings - though infinite in their variety - are equal in the sight of God and of one another, then the Equal Rights Amendment is merely a long-overdue affirmation of that principle.

* * * * *

Post Office Box 6357 • 2390 West Seventh Street • Reno, Nevada 89503 • Telephone (702) 747-4949

Statement to Judiciary Committee of Nevada Legislature - February 3, 1975

RE: ERA

*Senator Close - Assemblyman Barenge and other members
of the legislature*

I am Virginia Cain of Reno, a working homemaker. I have been married 30 years to the same man, am a mother of three and a grandmother. I am professionally trained and employed. I have personally experienced discrimination in hiring practices in Nevada. I believe in the sanctity of the home and preservation of the family unit. I am convinced that passage of the ERA will reinforce this.

As Legislative Chairman of Reno Business and Professional Women, I have been directed by the membership to urge the ratification of the Equal Rights Amendment. The National BPW has worked since 1919 for equal rights under the law, regardless of sex. They have raised and appropriated \$250,000 to be used to educate the public and to effectively lobby for the passage of the ERA. Women are not legally persons under the constitution and we will not be until the ERA is ratified. We understand the need for this protection for all women because many of us are housewives, as well as successful business and professional women who handle money, and property, and in addition raise families.

The Reno Democratic Womens Club has also directed me to urge your support of the Governor's request to pass the ERA. We women are entitled to this protection. Don't let down the women of Nevada; your wives, sisters, daughters, and granddaughters. Protect them under the law. Ratify the ERA.

*Virginia Cain
3710 Cloverway
Reno, Nevada 89502
Tel - 825-9177 ff*

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TO: All Legislators of Nevada

FROM: Louise C. Lightner

Honorable members of the Judiciary Committee I am Louise C. Lightner, a concerned citizen of Nevada who speaks in favor of the Equal Rights Amendment.

As a person employed to direct programs for the senior citizens of Nevada, I am concerned with inequities which create problem situations for these elderly people. May I add, that the senior citizens comprise a larger percentage of our population each year.

Women who have had fewer educational opportunities, and as a result more limited job experiences do not have adequate benefits to support themselves in their retirement years. The option of drawing on their own social security benefits or on those of their husbands does not really provide them much option. On the other hand, widowers do not even have the option to draw on their wives benefits. Living on fixed income is problematical at best but in these days of inflation it is particularly difficult.

Many of the senior citizens will not live to benefit from the advantages which the Equal Rights Amendment could provide in the future. Just as many people who fought so hard for women's right to vote never lived to exercise that privilege.

But, if women, through the benefits that the Equal Rights Amendment would provide, could avail themselves of equal educational opportunities, equal employment opportunities and equal pay, they could move through life sharing responsibilities with their husbands. Perhaps, by this sharing, men could be spared the early heart attacks which leave a high percentage of widows among our senior population.

I have spoken to many of our senior women who express interest in the passage of the Equal Rights Amendment in order that younger women will be able to have broader options than they themselves have had.

Therefore, I request that you give favorable consideration to the passage of the Equal Rights Amendment so that all of our citizens in the senior years may have a dignified life in an environment of her own choosing.

Josephine B. Vargas
1500 Broadway, Suite
Reno, Nevada 89502
825-8051

Mr. Chairman and members of the joint committee:

My name is Josephine Vargas. I have been a voting resident of Reno since 1951.

You know that ERA is favored by the President, the Governor, the American Association of University Women, the AFL-CIO, the Western Council on Family Relations, the Business and Professional Women's Club, and innumerable other distinguished people and important groups. The Western Council on Family Relations is on record as confident that ratification will "enhance, strengthen, and stabilize home and family life in America."

With one exception the serious objections to ERA have been met and refuted in detail in the yellow leaflet "Questions about the Equal Rights Amendment" put out by the National Woman's Party. I urge you to consult it for factual data and am leaving a copy of it with the Chairman.

I said that with one exception the material objections to ERA were refuted in the leaflet. That exception is an objection based on the supposed inferiority of women.

Every institution or person against ERA makes a tacit assumption that women are second-class people, weaker than men mentally or ethically or deficient in some other vital quality. Now, if women really are mentally incompetent as a class, we no more need full citizenship than do the lilies of the field; but you and I know that is baloney. Science has been unable to discover that either sex has a significant edge over the other. As a class, women are just as smart as men--and just as prone to err; as farseeing, idealistic, pig-headed, benevolent and mean as men. We are, in fact, equal. That being so, there is no sense or

more

Josephine A. Brown
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justice in constitutionally banning other forms of discrimination while continuing to allow sex discrimination. It would be a shocking thing to everyone in this room if I had to stand up here and plead for equality for Blacks; it's just as shocking to have to plead for it on behalf of women. It may or may not go without saying that half the Black people are still denied equality--that half who were born female. The 27th amendment is long long overdue. I urge you to ratify it.

-thank you for your time.

*Senator Closs
Assemblyman Baerger*

Members of the Judiciary Committees:

A home economist, by training, must be vitally interested in every aspect of home and family life. She is a perennial student and practitioner. And most of all she believes in and helps families cope with constant technical and social change.

Satenig St. Marie, immediate past president of the American Home Economics Association says, "a healthy family builds a sense of family solidarity through shared experiences and activities.... Home becomes a significant experience to create an environment in which people live both as individuals and members of a family...that can influence each individual to grow and develop to his self-actualization can he be a force in improving society and the world around him." ERA can help women and men achieve this self-actualization.

In a new documented study of marriage in the U. S., Redbook Magazine (Feb. '75) flatly states marriage is flourishing again. Among 384 couples and 239 leading marriage authorities, commitment is the primary word used to describe the turn-around from living together. Couples are more mature, marrying as two honest and equal individuals within a partnership. This new trend is attributed to the Women's Movement because women are marrying from choice not necessity. She has options. A Roper Poll indicates women want children--only one in one hundred does not. The family will remain a basic unit of American society.

We find through study of ERA and living of family life that ERA does not interfere with personal marital and family relationships. ERA does not force a woman to leave motherhood and home to work. ERA does not threaten family life, but boosts the name "Homemaker" to legal economic status.

Student Member Section--American Home Economics Association, University of Nevada Reno. Unanimous support by secret ballot.

Susan Lynn, legislative action

SCHOOL OF HOME ECONOMICS
University of Nevada - Reno

Student Member Section
American Home Economics Association
1/30/75

EQUAL RIGHTS AMENDMENT

The amendment reads as follows:

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.
2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.
3. This amendment shall take effect two years after the date of ratification.

Resolution about the Equal Rights Amendment:

Whereas, Women and men should have equal opportunities to reach their full potential in every way, and

Whereas, Discrimination on the basis of sex and marital status exists in the legal system, in education, business, industry and government; and

Whereas, ERA does not threaten home life, but provides for the affirmative commitment to equality in the home, or in work, or both; therefore, be it

Resolved, That the Student Member Section, American Home Economics Association, University of Nevada-Reno, supports both governmental and private efforts to eliminate discrimination on the basis of sex and marital status in the legal system, education, business, industry and government; and be it further

Resolved, That the Student Member Section, American Home Economics Association, University of Nevada-Reno believes in it's profession, in the family, and in the equality of women and men and supports the ratification of the Equal Rights Amendment in Nevada.

IN FAVOR OF THE RESOLUTION
AGAINST THE RESOLUTION

I am Marion Sieber, representing the League of Women Voters, Reno-Sparks.

The League of Women Voters, after extensive study of all aspects, strongly supports the Equal Rights Amendment.

Overwhelming evidence, thoroughly documented by Congressional hearings, shows that sex discrimination under the law exists, particularly in the areas of legal rights, education, employment and financial options. Discrimination in the area of legal rights is disturbing because it restricts basic rights and responsibilities of our democratic system. However, — sex discrimination in education, employment and credit is even more disturbing, because it affects the majority of women and their families in this country, and because these detrimental effects last for a lifetime.

The ERA as worded, says very simply 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." In other words, it will provide equality under the law through a Constitutional guarantee of equal rights and equal treatment for both sexes. -- This is a first. There is no place in the United States Constitution or in any major court decision, that clearly states the general principle that discrimination on the basis of sex is illegal.

A Constitutional Amendment is the best means of bringing about changes in the framework of our legal system. Since the ERA does not grant the Federal Government exclusive enforcement powers, states retain their authority to implement the ERA's provisions. States would have the opportunity to affect their own changes for a period of two years after ratification of ERA.

No amendment or statute could immediately solve the whole problem of discrimination based on sex. The bulk of the prejudice and unfairness against women does not stem from the command of specific statutes. It is much more subtle. It comes from the socially ingrained ideas about the so-called 'proper role of women', which are keeping them from developing their full potential. But the passage of this amendment will go a long way toward providing the kind of dignity and legal status to which every American is entitled.

The arguments have been repeated and debated, but the basic issue remains the same-- legal equality with the choices, rights and responsibilities of full citizenship for men and women.



AMERICAN ASSOCIATION OF UNIVERSITY WOMEN
NEVADA STATE DIVISION

February 3, 1975

I am Martha Jessup, President of the Nevada State Division of the American Association of University Women, speaking in behalf of the 850 members statewide and the 195,000 members nationally.

AAUW was founded in 1881 by a group of university graduates who had overcome great discrimination to obtain their degrees and then met continuing discrimination. The accepted view of women and education was that it ruined their health, their brains were not equal to it, and it destroyed the grace and charm inherent in young women. AAUW was formed to research the truth or fallacy of these views and to work actively to abolish the laws and practices which upheld these views of women as a group.

The AAUW legislative program is drawn from proposals of the membership and is adopted at each national convention. The overall emphasis is the human dignity of each individual. Our organization studies and supports legislation in the areas of education, community, foreign policy, and individual rights.

AAUW worked for the passage of the 19th Amendment, which provided women the right to vote. AAUW opposed the view of the suffrage opponents who stated that giving women additional responsibilities to that of wife and mother, in this instance the responsibility to vote, would be destructive to the American family. It took 50 years of activity for women to achieve the right to vote and required an Amendment to the U.S. Constitution.

In 1971 at the National AAUW Convention, the resolution was passed by the approximately 2,000 delegates in attendance that priority be placed on passage of the ERA without crippling amendments. AAUW members recognized that rights and responsibilities go hand-in-hand. We do not want to be partial citizens, we each want our own first-class citizenship. Any attempt to dilute legal equality by writing in protections for women as a group fails to recognize that each woman is an individual. Just as the United States Congress had to approve the Civil Rights Act to prohibit discrimination based on race, color, religion, national origin or sex in employment, so it has proven necessary to add the ERA to make it unconstitutional to categorize based on sex in all other matters.

February 3, 1975

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It is hard to understand why it is taking so long to recognize women's rights as individuals. The American Association of University Women urges each of you to ratify the Equal Rights Amendment, a commitment to the human dignity of each person, man or woman.

My name is Isabel Kimble. I am a housewife.

We were asked today to be unemotional and to limit our remarks to legal questions. My personal history with the laws of California and Nevada is as follows:

Shortly after I got out of the service at the end of World War II I married. The marriage lasted three years and one ~~son~~ son was the issue of that marriage.

When I got my divorce I waived alimony. 94% of women in California waive alimony and figures in other states are comparable.

For child support I was supposed to receive \$10 per week. In a two year period I collected about \$200 and in the remaining 14 years I collected nothing. A study by the American Bar Association in 1965 indicates that my experience is typical.

The Equal Rights Amendment hopefully will equalize the load carried by divorced women. Even if it doesn't and women continue to carry the main burden then that represents no change, not a change for the worse.

I am a native of California and my son was born and raised in California. He had never left the State and as a native of California he was entitled to attend the University of California as a native. He was charged \$2400 in out-of-state fees because ~~that is the way the law is in Nevada~~ I married a Nevada man. The legal reason for this gross miscarriage of justice is that as a ~~native of California~~ married woman I lost my right of domicile.

I also lost my credit of fifteen years standing. The legal reason for this is that both in California and Nevada a married woman has no managerial rights of the family money. ~~That is the way the law is in Nevada~~

~~That is the way the law is in Nevada~~

Also, for this same reason I may not start a business without my husbands consent. I am also excluded from the retirement plan which Congress passed last year. Housewives are now virtually the only group within our society who may not legally start a tax-exempt retirement plan. Old widowed housewives form ^{one} the hard cores of ~~of~~ extreme poverty in our country.

We need the Equal Rights Amendment so that responsible women may function as adults whether they are married or single. I have personally found that the laws are much more punishing of married women than of single women. ~~So much so that I have seriously considered divorcing my present husband and continuing to live with him out of wedlock in order to regain at least the citizenship rights which I had as a single woman. I hope younger women will be faced with better choices than I have been.~~

We need the ERA to strengthen the family

Feb. 3, 1975

Statement to the Senate Judiciary Committee of the Nevada Legislature in favor of adoption of the Equal Rights Amendment

An out-of-state spokeswoman against ERA, Phyllis Schlafly, said recently that discrimination on the basis of sex has been abolished in academic institutions. That statement is certainly not true for the University of Nevada, Reno, as the following figures will show. These figures are drawn from the 1973-74 UNR Catalog, because the University has failed as far as I can tell to publish the reports required by the Civil Rights Act concerning distribution of academic and professional appointments by sex. *

There are NO women with academic rank in the Colleges of Mines, Engineering, or Agriculture (according to the 73-74 catalog.)

In the College of Arts and Science, there are 182 persons with the rank of Professor, Associate Professor or Assistant Professor. Ten (10) are women: 5½%

Ten of the twenty-one departments in Arts and Science list no women in any kind of professional appointment. (Art, Biology, Chemistry, History, Journalism, Criminal Justice, Military Science, Philosophy, Physics, Speech and Drama.)

In the field of biology, for example, slightly over 20% of the Ph.D. degrees granted nationally in general biology through the 1960's went to women. Yet in our department of 15 members, there is no woman at all.

The master's degree is considered sufficient preparation for teaching in the Department of Music. Nationally, about 48% of the master's degrees in music go to women. Yet none of the seven full-time members is female. Women occupy only the part time, marginal, and low paid positions.

In Arts and Science, there is one female full professor out of 62 overall; four female associate professors out of 65 overall (6%); five assistant professors out of 55 overall (9%). No wonder women professionals seeking jobs are unemployed at a rate 2 or 3 times higher than men! (source, On Campus with Women May 1973, p. 4, from Association of American Colleges, Washington D.C.)

The present laws to remedy such discrimination all involve federal bureaucratic intervention. The bureaucracies involved all have backlogs of thousands of complaints, and years of delay may await the complainant and the university in any given case. It is hoped that ERA will simplify this present tangle of federal red tape, to the relief of everyone involved.

* I have more figures than those given here. The University itself should be able to provide more complete and up to date information.

Mrs. Ross W. Smith
(Catherine P. Smith)
1730 O'Farrell St.
Reno, Nevada 89503

Catherine P. Smith