

SENATE AND ASSEMBLY JUDICIARY COMMITTEE

MINUTES OF JOINT HEARING

FEBRUARY 2, 1977

The hearing was called to order at 3:00 p.m. Senator Close was in the chair.

PRESENT: Senator Close
 Senator Bryan
 Senator Ashworth
 Senator Dodge
 Senator Foote
 Senator Gojack
 Senator Sheerin
 Assemblyman Barengo
 Assemblyman Hayes
 Assemblyman Banner
 Assemblyman Coulter
 Assemblyman Polish
 Assemblyman Price
 Assemblyman Ross
 Assemblyman Sena
 Assemblyman Wagner

ABSENT: None

SJR 5 Ratifies proposed constitutional amendment relative to equal rights for men and women.

Senator Close stated that the main speaker for each side would have 10 minutes. All other speakers would be limited to 3 minutes. Starting with the for side and alternating for the against side. Each speaker would be given a thirty second warning and when the stop card was held up they were to terminate their speeches immediately.

Testimony was presented by Thomas Emerson, Yale University who was the main speaker to testify in favor of the amendment.

He stated he would not have come from such a long distance, except that he felt this matter affects all the people in the United States. What Nevada does on this subject, at this time, will have a lasting effect. He stated he had studied this question for a number of years and would gladly offer any assistance he can. He feels the text of the amendment is very simple, equality under the law shall not be denied or abridged by the United States or by any state on account of sex. The basic principles of the ERA are equally simple, it is; that there be no different treatment from our laws based on gender. Men and women may be treated differently based on traits of character, upon ability, upon training,

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upon capacity to do things, upon matters of this sort. But, they cannot classify a whole group of one sex entitled to certain rights, and another sex entitled to other rights. Anything that a person does must be based on the ability of that person. The ERA deals only with legal rights, it is equality under the law that is involved. It has nothing to do with social or personal relations. The concept is based on a moral or ethical principal that we all would share. One qualification he wished to point out, where the rule of equality does not apply. It does not say that there are no differences between men and women, what it does imply, or how it will be interpreted; where there is a unique physical characteristic, either man or woman, in that situation the equal rights amendment does not forbid legislation dealing with that particular problem. Legislation, say for maternity benefits, which applies only to women, or for rape which applies only to men would be permissible. It is not a unisex amendment as the opponents are fearful of. The rights of privacy is not overridden by the Equal Rights Amendment. All the scare stories about co-ed bathrooms, etc., are just that. The right of privacy protects the individual in that kind of situation. It is clear that the equal protection clause under the 14th amendment is not being interpreted with any clarity, there must be a statement in the constitutional framework of general principal. It will never be cleared up inch by inch, or piece by piece. There must be a national commitment put into the constitution. The basis for most of the objections is without fact and foundation. A basic principal is what is needed and he hopes the Committee will consider and recommend its adoption.

Janine Hansen was the main speaker against the amendment and presented the following testimony.

ERA gives us many promises, but where are the guarantees? We are a bit skeptical about the unfounded promises of the proponents of ERA. We are told we don't need to worry about how the courts will interpret the first section of ERA, because they will look at congressional intent as the basis for their decisions. We consider what happened in Congress when this matter was before them. Senator Sam Ervin, over the course of two days of debate, introduced nine amendments and these were precisely the guarantees we considered to be so vital. They guaranteed that women would be exempt from the draft, that protective labor legislation would be maintained, exemptions and protections of wives and mothers and widows would continue, that fathers would remain

responsible for family support, that criminal laws for sex offenses would remain, the rights of privacy would be protected. These amendments were rejected and because of this they will take precedence over the opinions of individual congressmen and even committee reports. We find congress has given us no guarantees. At this point let's focus on the second section, "Congress shall have power to enforce by appropriate legislation the provisions of this article". Until 1971 this section contained the additional words Congress "and the states". In that year the "states" were taken out of ERA. The pro-ERA forces argue that we need ERA so all the states will be uniform, so that no so called discrimination can take place. Senator Ervin stated that if this amendment is adopted it will come close to abolishing the states of the union as viable government bodies. She thinks this could very well take away most of the Legislative power in the states and transfer it to Congress. It could very well transfer jurisdiction over marriage, divorce, child custody, sports, schools, inheritance, prison regulations, protective labor laws, insurance rates, and public accomodations out of the hands of the States elected officials and into the hands of the Federal politicians, bureaucrats and judges. It must be what the people want, the way that they wish to run their state government. We are all individuals and must have our rights, but not be Federal mandate. Our state recognizes and protects the rights of individuals, with only one voice in congress we would not be hear. We want guarantees, not promises.

Testifying for ERA were the following, in order:

Kate Butler
Pat Gathberg
Senator Eldon Tipton
John B. Frank, Phoenix, Arizona
Jerry Mack, Chairman of the Tax Commission
Elizabeth Chittick
Kathy Nelson
Phyllis Atkins, Lawyer
Arthur Johnson, Manager of Social Security Office, Reno
Dean Hoffman, Nevada Council on Family Relations
George Haws
Joe Newlin, NSEA
Bill Thornton, Attorney
John and Barbara Moore
Nancy Gomes
Jack Clark, Nevada Personnel and Guidance Assoc.
Penny Fujii

Jim Richardson
Eve Penrose
Mary Laitieres
Mylan Roloff
Barbara Bennett
Cecelia Abrahms
Mary Busick
Joe Braswell
Virginia Crain
Daisy Talvite
Thorne Butler
Ann Hibbs
Dennis Meyers
Betty Koefod
Ellen Kinsbagger
Laura Kelley
Yvonne Saddler
Shirley Backman
Wendy Wilson
Louise Lightner
Lyndi Cooper-Schroeder
Anne Kingman Gomes
Jill Derby
Anne Howard
D. Webber
Susan Lynn
Mary Porter
Madylene Dolchanczyk
Jerry Nims
Rabbi Abraham Feinberg
John Chappel, M.D.
Nadine De Witt
Dr. Tom Roberts

The main points brought out by this group were as follows:

They feel the government is not responsive or responsible or accountable for the things they are doing. This is a priority issue and would open up a part of the system which is now closed to approximately 50% of the population. They feel the 14th amendment is no longer adequate. This amendment has no other purpose then to guarantee equal rights. What this amendment does is to make Federal Government and all government officials take their feet off of women's necks. The progress of women from chattel conditions to now has brought a new era of freedom, but this may obscure the great distance they have yet to go to have equality. All Democrats should support this amendment, it is part of the Democratic platform. Under the law a wife must have her husband's signature to get credit, while he does not need her signature. There is still discrim-

ination as far as lawyers, doctors, or any professional field that men have usually dominated. What the proponents want is simply to be a part of the constitution and equal under the law. She could still develop the way she wants whether it be as homemaker or in the business world. She would have equality on the job, under social security, in schools and therefore would be a happier person. Their main thrust is that this amendment would give them a choice and direction of their lives and merely strengthen the laws of equality.

Testifying against ERA, in the following order were:

Mildred Earle
Sylvia Ford
Eileen Francis
Betty Reynolds
Lenore Clifton
Linda Elder, Chairman, Washoe County Stop ERA
Pat Glenn
Jessie Hershey
Many Anne Murphy
Kathy Hutchison, Music Director, Washoe County
Linda Pinkham
Carol Mandell
Janet Heller
Wanetta Henderson
Bruce Henderson
Katherine Fasnaugh
Elinor Curtis
Donna Parker
Norma Taylor
Laurie Austin
Dan Hansen
Karen Peaden
Barbara Foote
Ruth Hansen
Byron Young
Elinor Archer, Teacher
Sara Hamby
Christopher Hansen
Carol Mortinsen
Helen Palmer
Barbara Jones
Oliver Hansen
Lana Scharmann
Judy Presnell
Jeanette Buenning
Carol Johnson
Louise Parker
Marie Foots
Loretta McPauley

Cecily Rodriguez
Jean Stevens
Dorothy Connell
Alice Mae Quinten
Jeannette Christean
Jerry Elder
Bob Scott
Ila Millich
Linda Panter
Hazel Johns
Homer Hardy
Bernice Savage
Mary Young
Cindy Judkins
Nona Ferell
Farrel Ross
Julien Ash

The main points brought out by this group were:

They feel that the basis of strength in this country is the family, and feel that this amendment might undermine this by forcing all women to work. Nevada already gives us laws to protect women, they don't need ERA. It could affect Social Security by either forcing a homemaker to pay into it, or do away with it entirely, as if the woman does not pay into it neither would a man. If a woman was to be granted social security on her own merit there would have to be additional funding as they are running out of money now. It would also therefore take away the option that a woman now has of working or not. Now if a woman dosen't want to be married she can get a divorce, if there are children involved she is protected by womens rights for the father to help with the support of the child, if she needs credit and proves she can afford it she can get it, if she wants to go to work she is protected under the Equal Opportunity Act of 1972. We already have the Equal Pay Act of 1963, the Civil Rights Act and the Education Amendment of 1972, as well as the Employee Oportunity Act of 1972. We have these protections, no Federal interference is needed. They feel if this amendment is passed it will lead the country one step closer to socialism. Also brought out was the fact that the draft would have to be equal or there could be no draft at all. Women would be forced to fight in combat, as there could be not distinction between who would have to take up arms. As it is now a woman may enlist if she wants to, and for this she already receives equal pay for equal jobs. They feel the constitution was written to keep the power in the states but with this amendment it would give power to a centralized government with both hands. Their main thrust is

that the laws now governing equality are sufficient, that anything further would only confuse the issue, and possibly take away the rights of freedom we already have.

At 10:22 Mr. Ross stated that being as the time was late and there were to be more hearings in Las Vegas on Saturday, he felt it was well to terminate the proceedings at this time.

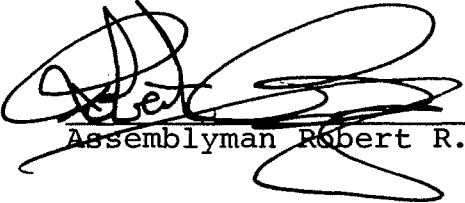
Senator Close moved they adjourn.
Assemblyman Barengo seconded the motion.
The motion carried unanimously.

Respectfully submitted,

Linda D. Chandler
Linda D. Chandler, Secretary

APPROVED:

Senator Melvin D. Close, Jr., Chairman



Assemblyman Robert R. Barengo, Chairman