WOMEN'S HISTORY PROJECT
OBJECT IDENTIFIER DATA

Washington State Women's Council

1. Title -- Name given to object (File Title)

   Equal Rights Amendment, House Joint Resolution No. 61

2. Creator – Maker, creator manufacturer, responsible for creation, production of object (Governors' Commission on the Status of Women)

   Washington State Women's Council

3. Subjects – Topic of content using LC Subject Headings or other recognized Thesauri

   Equal rights amendments
   Washington (State). Legislature

4. Full Description – Content of the object with enhanced detail

   Incoming and Outgoing Correspondence

5. Publisher – Entity responsible for making resource available (you)

   Washington State Archives

6. Date Original – creation of modification dates for the original object from which the digital object was created or derived

   n.d.

7. Date Digital – date of creation of digital object

   April 2007

8. Digitization specifications – Use the digitization Specifications element to record technical information about the digitization of the resource: the hardware, software, and processes used to create the digitized object such as scanner model, scan resolution, color profiles, compression schemes, size of master file

   300 DPI Tiff

9. Number of Images

   2

10. Object Identifier

   AR127-1-1-5-25
FACT SHEET ON THE EQUAL RIGHTS AMENDMENT - HJR 61

"Equality of rights and responsibility under the law shall not be denied or abridged on account of sex."

WHAT IS THE BASIC PRINCIPLE OF THE ERA? It is that classification by sex would not be permitted in determining the legal rights of individuals. Laws would have to apply equally to all persons. It would prohibit discrimination against men as well as women.

WHY DO WE NEED AN ERA? The constitution with its amendments is a guideline for all other laws. Therefore an ERA would: 1) Demonstrate a real commitment to eliminating legal discrimination on the basis of sex. 2) Require all state laws to be changed so as to be in harmony with the state constitution - thus avoiding a long, drawn out struggle for piecemeal legislation. 3) Offer a permanency unavailable when depending on court decisions or simple changes in state laws. 4) Provide a very clear guideline for court decisions - the 14th amendment has not proved to be sufficient when dealing with problems of sex discrimination.

HOW WOULD IT AFFECT OUR STATE LAWS? Laws which render benefits to one sex could in most cases be retained and extended to both sexes. Laws which restrict and deny benefits to one sex could be eliminated.

WHAT KINDS OF STATE LAWS AND PRACTICES WOULD BE AFFECTED?

Domicile of a married woman. When a woman marries, her domicile automatically becomes that of her husband. If he lives out of state (or even county etc.) her rights to serve on juries, or run for office, could be jeopardized, as well as possibly having to pay taxes elsewhere.

Right to sue for death or injury of a minor child. At present, only the husband has this right, unless the father is dead, has deserted or the child is illegitimate.

Discrimination by insurance, credit and mortgage institutions on the basis of sex would be open to successful challenge under the ERA.

Custody, child support and alimony would no longer be based essentially on sex, but on each spouse's ability to provide a proper environment or financial support.

Labor laws, originally enacted to protect women (such as hours and weight lifting limitations), but which now are a handicap in seeking employment and higher wages, would be eliminated. Laws which are beneficial could be extended to everyone - such as a ten minute work break every four hours. Why should sex determine how much someone can lift? (Many women lift children heavier than 35 lbs. every day.) Why should sex determine whether someone should have a rest break or not? (Men, given their shorter life expectancies, may need more rest than women.) For the vast majority of workers there would be no change because laws already exist which prohibit differentiating on the basis of sex for anyone with more than eight employees. (State law against discrimination - employment section)

Education. Public school requirements that all boys or girls take specific courses such as cooking or shop would be prohibited. So would refusal to admit girls or boys into certain courses. Colleges or universities would not be permitted to discriminate in their admissions policies. (Would apply to public schools only.)

WOULD THE ERA AFFECT FAMILY LIFE, SOCIAL CUSTOMS, OR ABOLISH MANNERS? No. The amendment applies only to government action "under the law."

WOULD WOMEN BECOME SUBJECT TO THE DRAFT? No. The State ERA only affects state laws and would have no effect on the draft. The Federal ERA, when ratified, will subject women to the draft. There are some positive aspects to this. Women will then be able to take advantage of many tangible benefits such as job training, and experience, and veterans benefits such as preference in employment, G I bills, advantageous insurance and home loan rates and medical care. They would also acquire such intangible benefits as increased respect in the community, increased interest in a political system that affects them more directly, and upward mobility.

AREN'T WOMEN GUARANTEED EQUAL PROTECTION OF THE LAWS BY THE 14TH AMENDMENT TO THE U.S. CONSTITUTION? Historically the courts have denied women the 14th amendment guarantees of equal protection. A long series of cases demanding equality under this amendment has resulted in decisions which denied women the right to vote (before 1920), and the right to work at any lawful occupation of their choice. As recently as 1947, the Supreme Court stated that the only constitutional guarantee which was granted to women was the right to vote in the 19th amendment (Fay v. N.Y.). In March, 1972, the Supreme Court denied a married woman the right to use her maiden name (Forbush v. Wallace).
constitutes a single integrated plan for the balanced revision of the debt structure of the state government and shall be construed as a single amendment within the meaning of Article XXIII, section one (Amendment 37) of this Constitution.

AND BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

THOMAS A. SWAYZE, JR. JOHN A. CHERRIDGE
Speaker of the House President of the Senate.

EXPLANATORY COMMENT
All words in double parentheses and lined through are in our State Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the State Constitution as it is now written but will be put in if this amendment is adopted.

COMPLETE TEXT OF
House Joint Resolution
61

Proposed Constitutional Amendment

Ballot Title as issued by the Attorney General:

Sex Equality—Rights and Responsibilities

Shall a new article be added to the state constitution to provide that equality of rights and responsibilities under the law shall not be denied or abridged on account of sex, and to authorize the legislature to enforce this provision by the enactment of appropriate legislation?

BE IT RESOLVED, By the Senate and House of Representatives of the State of Washington in Legislative Session Assembled:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to the Constitution of the state of Washington by adding a new Article, to read as follows:

Article ....

Section 1. Equality of rights and responsibility under the law shall not be denied or abridged on account of sex.

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

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing Constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House. Passed the Senate
THOMAS A. SWAYZE, JR. JOHN A. CHERRIDGE
Speaker of the House. President of the Senate.

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