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ERA ratification vote brings on some bittersweet memories from 1970s

On May 30, Illinois ratified the Equal Rights Amendment to the U.S. Constitution.

When I heard the news, my mind went back to the first ERA fight in Illinois in the 1970s, a fight in which I took part.

I also thought of four women who did not live to see ratification: Goudyloch "Giddy" Dyer, Eugenia Chapman, Esther Saperstein and Peg Blaser. Giddy and Genie were the members of the Illinois House who sponsored ERA from its introduction in the spring of 1972; Esther, the only woman in the Illinois Senate in 1972, was its Senate sponsor; and Peg was a driving force behind ratification from 1972 on.

Tears came to my eyes when I realized that almost nobody remembers these four women, as well as others, who fought for ERA in the 1970s.

Congress sent ERA, the proposed 27th Amendment to the U.S. Constitution, to the states in March 1972. Saperstein quickly shepherded it through the Senate, but it failed in the House due to a political snag.

At that time, the Democratic Party in Illinois was headed by Chicago Mayor Richard J. Daley. It was assumed that he would chair the Illinois Democratic delegation to the 1972 Democratic Convention that summer.

However, U.S. Sen. Adlai E. Stevenson III said in an interview that he was considering challenging Daley for the chairmanship, apparently on the basis that he outranked the mayor. Some Democrats who were part of the delegation announced they would support Stevenson. One of them was Genie Chapman. By the time Stevenson withdrew his candidacy, the political damage was done. Daley blocked Genie's pet project, which was ERA.

The House Democrats who were part of the Daley faction withdrew their support. They

were joined by some Downstate House Republicans who saw themselves as champions of traditional women's roles. From then on ERA became a political football.

ERA should have been an easy sell in Illinois because we already had it in our state constitution. Article I, Section 18, which became effective a few months earlier, was the creation of the sixth Illinois Constitutional Convention. Two women delegates, Odas Nicholson and Betty Howard, sponsored it. As I recall, it received overwhelming support in the convention, although only after some jokes in debate that would be considered tasteless today.

In the summer of 1971, W. Robert Blair was House speaker and I was a staff assistant. At my request, he assigned me the task of going through the Illinois statutes to find laws that unnecessarily differentiated by gender. I found dozens, perhaps hundreds, of such laws. To my surprise, more laws discriminated against males than against females.

I drafted the legislation to remove these distinctions, almost all of which passed. Meanwhile, the Illinois courts immediately decided that Article I, Section 18 triggered

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strict scrutiny of all "state action" statutes and rules in Illinois and struck down almost every one challenged in the courts.

The federal ERA was almost identical to the Illinois ERA. The legislators knew all of this. They knew ERA applied only to state action, that it triggered strict scrutiny, and that it applied equally to men and women. Some told



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me they were surprised by how many Illinois laws discriminated against men for no good reason.

Nonetheless, the opponents and even the press referred to the federal ERA as a "women's rights amendment." Legislators on both sides of the aisle made fun of the three women sponsors (Giddy, Genie and Esther) in a manner that I hope would not be tolerated today.

One referred to proponents of ERA as "braless, brainless broads." Others suggested that

has never accorded sex and gender classifications more than heightened scrutiny status.

In the 1970s, the two chief bases for objection to ERA were same-sex marriage and women serving in the military. Opponents on and off the floor conjured up horror stories of homosexual marriage and of women serving in combat. When ERA failed, opponents told me they were glad because there would never be a federal right to same-sex marriage and women would never be admitted to military academies or serve in combat.

They were wrong. Even without the federal ERA, there is now a federal right to same sex marriage. Even without ERA, the military academies began accepting women in 1976, and there are now women serving in every capacity in the armed forces.

But in the 1970s those were the principal official grounds for objection. Downstate Republicans who opposed ERA claimed they were supporting "family values" in all its forms. From what I saw, Daley used ERA as a carrot and stick: He would allow his faction to support ERA, and then when it almost passed, some would "drop off" their votes so that it would not pass. This kept the issue dangling before Democratic women legislators supporting ERA.

If ERA finally becomes the 28th Amendment, staff assistants in Congress will have to do what I once did: Go through the statutes to find unnecessary distinctions based on gender. And the adoption of ERA will establish that gender equality is more than just a slogan or goal; it is officially a constitutional right.

Giddy, Genie, Esther and Peg: Wherever you are, please lift a glass of champagne. You led us when we marched together, shoulder to shoulder and friend to friend. I salute you, I thank you, I love you and I cherish your memory.