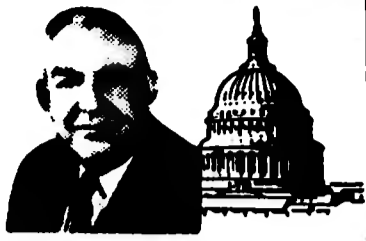


**SENATOR  
SAM ERVIN  
SAYS**



The objective of the House-passed Equal Rights Amendment is a worthy one. It is to abolish unfair discriminations which society makes against women in certain areas of life. No one believes more strongly than I that discriminations of this character ought to be abolished, and that they ought to be abolished by law in every case where they are created by law.

Even so, I am convinced that this House-passed Amendment is a potentially destructive and self-defeating blunderbuss which would invalidate all laws making distinctions between men and women, and would plunge society into constitutional and legal chaos. I say this because the House-passed Amendment is shrouded in obscurity, and no one has sufficient prophetic power to predict with accuracy what interpretation the Supreme Court will place upon it. I share the view of many constitutional scholars that if the Senate should approve the House-passed Amendment and three-fourths of the states should ratify it, this amendment would

be interpreted to nullify every existing federal and state law making any distinction whatever between men and women, and would rob Congress and the legislatures of the 50 states of the legislative power to enact any future laws making any distinctions between men and women, no matter how reasonable these laws may be.

When one examines the realities of the House-passed Amendment, he finds that it would not bring into being any new laws giving us a discrimination-free society, and those who desire such a society would again have to implore Congress and the legislatures of the 50 states to enact laws creating the kind of society they seek insofar as such a society can be established by law. It should be noted that many just grievances are founded upon discriminations not created by law, and the Equal Rights Amendment would have no effect whatsoever upon them.

The issue before the Senate then is not whether society makes unfair discriminations against women, but whether the House-passed Amendment constitutes a sensible approach to their abolition. This raises the question of whether Congress should submit to the states, acting within their respective jurisdictions, to make reasonable distinctions between the rights and responsibilities of men and women in appropriate areas of life.

In my judgement, the 14th Amendment's "equal protection clause" properly interpreted is sufficient to abolish all unfair discriminations against women. Nonetheless, I recognize that many do not share my opinion on this point. For this reason, last week I introduced an alternative amendment to insure equality of women's rights, but one which would not place upon the Supreme Court the obligation to sail upon the most tumultuous constitutional seas without chart or compass in quest of an undefined and unknown port.

In brief, my amendment would state that equality of rights shall not be abridged because of sex. Moreover, it

would (1) specifically exempt women from compulsory military service, and (2) allow the passage of any law "reasonably designed to promote the health, safety, privacy, education, or economic welfare of women, or to enable them to perform their duties as homemakers or mothers."

My amendment has the virtue of recognizing that there are physiological and functional differences between men and women, and in my judgement is more likely to be ratified by the states if it passes the Congress. Legislators, both federal and state, should welcome its approach toward changing the Constitution in a sensible manner.

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