

A STATE OF DISCONTENT: TEXAS WOMEN AND THE BATTLE FOR  
THE EQUAL RIGHTS AMENDMENT, 1972-1982

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## **PROLOGUE:**

### **PRELUDE TO A POLITICAL BATTLE**

Hermine Tobolowsky sat in her Dallas living room in the early morning of Thursday, July 1, 1982, coping with a sense of defeat after a decade of fighting. Phyllis Schlafly sat at home a thousand miles away enjoying a sense of jubilation, knowing her side had emerged victorious after ten years of political battle. What brought these two seemingly unrelated figures together was a fight over equality. Hours earlier, at midnight on June 30, 1982, the clock for the ratification of the controversial Equal Rights Amendment (ERA) expired. What began in 1972 as a simple question of gender equality grew over ten years to become one of the most hotly contested political debates in history, involving four presidents, hundreds of congressional representatives, and hundreds of thousands of Americans.

Despite the crushing defeat felt by Tobolowsky and her associates as the clock on the ERA ran out, supporters of the ERA in Texas had much to smile about as grassroots efforts by Texas women throughout the 1970s successfully held outside forces at bay and maintained the integrity of the state's ratification of the Equal Rights Amendment, thereby expanding the political influence of Texas women. The 1970s was a tumultuous decade for Texas women in the fight for gender equality. The Texas Equal Legal Rights Amendment (ELRA) overwhelmingly passed a statewide referendum vote in November of 1972 after several decades of political battle, adding to the state constitution that

equality under the law shall not be denied or abridged on the basis of sex.<sup>1</sup> It was largely through the efforts of organizations like the Texas Federations of Business and Professional Women's Clubs and influential members such as Tobolowsky that the ELRA was added to the state constitution after so many years of unsuccessful lobbying efforts. Because of her years of work for gender equality, Tobolowsky earned herself the distinction as the "mother of the Texas Equal Rights Amendment."<sup>2</sup>

Following the success of the ELRA, Tobolowsky turned her efforts, as well as those of the overall organization, to lobbying for the national ERA, a fight which would occupy a decade of their political activity. Initiated in the 1920s by Alice Paul and the National Women's Party, and largely ignored by the national legislature for decades, Congress finally approved the text of the ERA in March of 1972 and sent the proposed amendment to the states for ratification. The amendment would have guaranteed 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."<sup>3</sup> Enforcement of the law was left to the federal government as opposed to the individual states, an issue that would come to be of great controversy in the coming years. After initial approval of the proposed twenty-seventh amendment in Texas, supporters found themselves embroiled in a decade long battle to

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<sup>1</sup> With the exception of *The Phyllis Schlafly Report*, all of the primary source material was obtained from the Texas Federation of Business and Professional Women's Clubs, Inc. papers (hereafter referred to as BPW Papers). The collection is housed in the larger Woman's Collection at the main branch of the Texas Woman's University Library in Denton, Texas. I would like to thank Ann Barton and Dawn Letson for maintaining such a wonderful collection and allowing me access to it. At the time of my visit, the collection was not processed, so no box or folder numbers are included. Any authors or dates of publication, if known, are provided in the footnotes. If no such information is given, it was not provided on the material.

<sup>2</sup> Mark Thompson, "Both Sides Redrawing ERA Battle Lines," *Fort Worth Star-Telegram*, June 30, 1982; Jesús F. de la Teja, Paula Marks, and Ron Tyler, *Texas: Crossroads of North America* (Boston: Houghton Mifflin Company, 2004), 420.

<sup>3</sup> United States Congress, "The Continuing Controversy Over the Women's Equal Rights Amendment: Pro & Con," *Congressional Digest*, June-July, 1977, BPW Papers.

fend off rescission attempts by outside forces. These outside forces, led nationally by Schlafly, warned that the proposed amendment would destroy the American family.

Schlafly's influence in Texas grew throughout the years as anti-feminist and anti-ERA organizations such as the Fort Worth-based Women Who Want to Be Women formed to combat the ERA on a statewide level. ERA supporting women in Texas rallied their forces to defeat Schlafly and company, thus maintaining Texas's ratification of the ERA, only to see the amendment fail at the national level. Using the papers of the Texas Federation of Business and Professional Women's Clubs (BPW), as well as other sources, this thesis will analyze how and why the women of Texas, unlike similar efforts in other states, managed to defeat the anti-ERA movement and help further the political influence of Texas women.

With the exception of the Minute Women of the 1950s, the political role of Texas women in the post-WWII years was largely secondary and limited to behind-the-scenes work and that of support to men. In few instances were women visible political players, even regarding issues that directly affected their lives such as marital and property rights. The Red Scare of the 1950s brought many women in major cities such as Houston and Dallas to the forefront of political life as they joined the Minute Women, a highly visible and influential anti-communist organization noted for its ultra-conservative membership. Following the decline of the Red Scare, however, these same women who had such a public role and been reported on in newspapers found themselves once again relegated to non-notoriety. What is crucial about the Minute Women, however, was that the group established that Texas women *could* have visible and influential roles in Texas politics despite the fleeting nature of their visibility. The Minute Women succeeded in their

efforts against Communism because they tailored their actions to Texas's conservative political nature. By fighting Communism within the pretext of protecting family values and the American institutions of freedom and democracy, the Minute Women's actions were accepted and supported because they did not challenge any existing institutions or the traditional nature of the state.

After a decade of political dormancy, Texas women found in the ERA a cause for which they could take to the streets and fight. The women's movement of the late 1960s provided the catalyst for women throughout the state to once again flex their political muscles, this time permanently as the women's liberation movement successfully pressured Congress into approving the ERA and sending it to the states for ratification to amend the United States Constitution. The text of the ERA, guaranteeing that equality under the law could not be denied on the basis of gender, was the first time such a sweeping amendment would affect so many women nationwide.

The women's liberation movement gave various groups of progressive women an opportunity to lobby for initiatives that directly affected them. Students and other young women who had participated in the student and civil rights movements increasingly focused their attention on their own oppression. These younger women joined with older, middle-class liberal women who had been pushing the federal and state governments to enact legislation to protect and expand the rights of women. In Texas, organizations such as BPW and the National Organization for Women increased both their membership and political clout, forcing the hand of the Texas legislature in 1972 to ratify the national ERA and send the state ELRA to the voters as a statewide referendum on the November ballot.

Texas's reaction to the national ERA was initially very supportive as it became one of the first states to ratify the proposed amendment, and did so within days of receiving the amendment from Congress. After a few years, however, calls from conservative groups to rescind the state's ratification increased as organizations, both in Texas and elsewhere, decried the amendment as harmful to traditional gender roles, the American family, and the sovereignty of individual states as the amendment's text left enforcement of the ERA to the federal government. To these conservative groups, the ERA represented something of a "last straw." Following the tumult of the civil rights era of the 1960s, succeeded almost immediately by the budding women's liberation movement, traditionalists saw in the ERA the final threat to their conservative values of morality and family. They vowed to stop the feminists, whose actions they viewed as an attempt to reassess gender roles within the family. Christening Schlafly as their spokesperson, this nascent New Right movement gained significant support within Texas and helped give rise to the political debate between conservatives and progressives that would occupy the front pages of newspapers statewide for years to come. Whereas the actions of the Minute Women of the 1950s were essentially unchallenged because they did not oppose the traditional mores of the state, traditional Texans often opposed the actions of organizations like BPW and saw their actions as challenging the state's conservative nature.

Women throughout the state, both liberal and conservative, embraced the political spotlight and rallied their supporters to either support or oppose the ERA. While the amendment eventually failed nationally in 1982, its failure is somewhat incidental to the overall ERA story in Texas. Remarkably, in spite of a barrage of protest over several

years from both state and national conservative organizations, progressive Texas women supporters of the ERA successfully fought off the rescission demands and maintained the state's ratification. Despite the amendment's failure nationally, Texas women increased their political clout and salvaged the state's ratification. In this way, not only did women across the state demonstrate their organizational and political strength, they increased the political influence begun by the conservative Minute Women in the 1950s.

Although scholarship on female radical activism in the 1960s and 1970s has been abundant, historians have not focused on the ERA. For example, Ruth Rosen's significant work on the modern feminist movement, *The World Split Open*, mentions the amendment, but focused on other areas. While Rosen successfully fleshed out the major themes of the second wave feminist movement, her book lacks a critical discussion of the ERA and how that movement affected feminism as a whole.<sup>4</sup>

Even books focusing on the "founders" of the movement such as Betty Friedan often failed to analyze the ERA in depth. Daniel Horowitz's *Betty Friedan and the Making of The Feminine Mystique* provides an especially detailed look at Friedan and her rise to prominence within the feminist movement. Susan Oliver's *Betty Friedan: The Personal is Political* similarly details Friedan's life and political involvement on a more basic level. Neither book, however, focuses on the amendment.<sup>5</sup>

Authors like Sara Evans and Mary King also contributed vital commentary on the women's liberation movement, largely from a first-person standpoint. Evans's *Personal Politics* chronicled the origins of the women's rights movement from the days in which

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<sup>4</sup> Ruth Rosen, *The World Split Open: How the Modern Women's Movement Changed America* (New York: Viking, 2000).

<sup>5</sup> Daniel Horowitz, *Betty Friedan and the Making of The Feminine Mystique: The American Left, the Cold War, and Modern Feminism* (Amherst: University of Massachusetts Press, 1998); Susan Oliver, *Betty Friedan: The Personal is Political* (New York: Pearson Longman, 2008).

future women's liberationists began their activist careers in the civil rights movement and later as a part of the New Left. King's *Freedom Song* similarly provided a largely first-person narrative of the author's involvement in the civil rights movement, a movement which largely gave way to the feminist movement years later. Much like the books previously mentioned, the works of Evans and King, while incredibly valuable in tracing the modern women's movement, hardly touch on the ERA movement at all, despite its importance to the larger feminist movement. Evans made passing mention of the battle over the controversial amendment while King mentions it only once.<sup>6</sup>

Leila J. Rupp and Verta Taylor provided what could be argued as the most inclusive ERA study in a larger work on feminism. Their 1987 book, *Survival in the Doldrums*, examines the women's rights movement from 1945 to the 1960s. Despite their stopping point in the 1960s, the book devoted substantial attention to the brewing ERA battle and the opposition that arose. Again, much like in the case of previous works, however, the ERA was not the focus of the book.<sup>7</sup>

Just as there exists a number of fine studies of the modern women's movement, there is also a significant literature on the conservative movement which sprang up in response to American feminism. Bruce J. Schulman provided two particularly influential works on the 1970s and how the decade changed American culture and politics. While *The Seventies* is a somewhat sweeping look at the decade, it established the ERA battle as one of the key political issues that drew conservatives out of the woodwork. In a later edited work, *Rightward Bound*, Schulman included an essay focused on the amendment.

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<sup>6</sup> Sara Evans, *Personal Politics: The Roots of Women's Liberation in the Civil Rights Movement & The New Left* (New York: Vintage Books, 1980); Mary King, *Freedom Song: A Personal Story of the 1960s Civil Rights Movement* (New York: William Morrow and Company, 1987).

<sup>7</sup> Leila J. Rupp and Verta Taylor, *Survival in the Doldrums: The American Women's Rights Movement, 1945 to the 1960s* (New York: Oxford University Press, 1987)

In “Gender and America’s Right Turn,” Marjorie Spruill asserted that the ERA generated a key battle “in a war between feminists and social conservatives, one that sealed the fate of the [ERA] and gave rise to the ‘Pro-Family Movement.’” Spruill’s brief essay thus discussed not only the amendment, but also the conservative backlash that it provoked. In this way, Spruill’s essay is indispensable in the historiography of the conservative movement against the ERA.<sup>8</sup>

Some of the most useful works on this conservative backlash to the feminist movement, however, are biographies of influential anti-feminist figures such as Phyllis Schlafly. Most notably, biographies of Schlafly by Donald T. Critchlow and Carol Felsenthal provide insightful looks into the woman who would become the leader of the New Right in the 1970s. It was in these biographies of Schlafly that the ERA finally began to get the attention it deserved in 1970s political history, partly because so much of Schlafly’s political involvement in that decade was spent fighting the ERA. Both Critchlow and Felsenthal devote considerable attention to the ERA, especially Schlafly’s involvement as the leader of the national anti-ERA movement. While these two works are indispensable, they focus mainly on Schlafly and examine the ERA specifically from her perspective.<sup>9</sup>

Critchlow and other historians have begun to examine the relationship between women and the evolution of modern conservatism. In *The Conservative Ascendancy*, Critchlow also traces the development of the conservative right wing of the Republican

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<sup>8</sup> Bruce J. Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (New York: Da Capo Press, 2002); Bruce J. Schulman and Julian E. Zelizer, eds., *Rightward Bound Making America Conservative in the 1970s* (Cambridge: Harvard University Press, 2008).

<sup>9</sup> Donald T. Critchlow, *Phyllis Schlafly and Grassroots Conservatism. A Woman’s Crusade* (Princeton: Princeton University Press, 2005); Carol Felsenthal, *The Sweetheart of the Silent Majority. The Biography of Phyllis Schlafly* (Garden City: Doubleday & Company, Inc., 1981).

Party as it successfully came out of the basement following the 1964 presidential election and made it to the “promised land” of the Reagan 1980s. Critchlow notes that Schlafly and other leaders of the conservative front against the ERA helped bring the party together.<sup>10</sup>

Similarly, Lisa McGirr’s influential work, *Suburban Warriors*, established Orange County, California, as the birth of modern conservatism from the 1960s to 1980s. These “warriors” of Orange County helped shape the New Right by launching Ronald Reagan to national prominence within the conservative movement, first as governor of California and later as a two-term president. By adapting to changing times and learning from past mistakes (such as the Barry Goldwater presidential debacle of 1964), the New Right movement successfully made its way out of the tumultuous 1960s as a much stronger party; one that was able to compete in politics. While McGirr’s work made only passing mention of the ERA as part of the larger women’s liberation movement, it helped establish the roots of the modern conservative movement and the role women played in that effort.<sup>11</sup>

Along the same lines as McGirr, Catherine E. Rymph provides an exceptional look at the rise of modern conservatism in *Republican Women*. Rymph examines the rise of conservatism, showing how Republican women set out to find a place for themselves within the party in response to the rise of the feminist movement. Through her extensive study of the New Right, she argues that the ERA was an important issue which helped give rise to the movement by allowing conservative women like Schlafly to rise up as

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<sup>10</sup> Donald T. Critchlow, *The Conservative Ascendancy. How the GOP Right Made Political History* (Cambridge: Harvard University Press, 2007).

<sup>11</sup> Lisa McGirr, *Suburban Warriors. The Origins of the New American Right* (Princeton: Princeton University Press, 2001).

leaders of the emerging conservative movement. Unlike McGirr, however, Rymph examines the ERA in more detail, specifically the movement against it and how the proposed amendment helped unite the Republican Party. Rymph's work sets the context in which the ERA helped bring conservatives together in an effort to preserve traditional values, thus facilitating the rise of the New Right.<sup>12</sup>

Scholars Don E. Carleton and Mary C. Brennan also shed important light on the earlier rise of American conservatism in the context of anti-communism in the 1950s and the role of women within that movement. Both historians take a detailed look at an organization of influential conservative women: the Minute Women. Both authors provided detailed accounts of Minute Women activity. Carleton's book, *Red Scare! Right-wing Hysteria, Fifties Fanaticism, and their Legacy in Texas*, focuses on the Minute Women of Texas. Brennan's, *Wives, Mothers, and the Red Menace: Conservative Women and the Crusade Against Communism*, buttresses Carleton's assertions and provides additional insight into the inner-workings of the Minute Women organization. The works of Carleton and Brennan provide a basis of comparison for the political activities of the conservative Minute Women and those of the progressive women who fought for the ERA in Texas in the 1970s and 1980s.<sup>13</sup>

In large part, the rescission movement in Texas occurred because the women who fought for the ERA challenged the existing institution of Texas's male-dominated political scene. George Norris Green's book, *The Establishment in Texas Politics*,

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<sup>12</sup> Catherine E. Rymph, *Republican Women: Feminism and Conservatism from Suffrage Through the Rise of the New Right* (Chapel Hill: University of North Carolina Press, 2006).

<sup>13</sup> Don E. Carleton, *Red Scare! Right-wing Hysteria, Fifties Fanaticism, and their Legacy in Texas* (Austin: Texas Monthly Press, 1985); Mary C. Brennan, *Wives, Mothers, and the Red Menace: Conservative Women and the Crusade Against Communism* (Boulder: University Press of Colorado, 2008).

brilliantly captures the political atmosphere in which the battle for the ERA took place. The primary reason that the Minute Women were able to get away with political activism in the 1950s was that they did so under the guise of protecting femininity and the family. The ERA supporters two decades later directly challenged such institutions and were roundly fought for it.<sup>14</sup>

When the ERA came about in Texas, the state was initially very supportive and passed it through the legislature quickly. When conservative groups within the state, however, began to preach how it challenged existing traditional morality, the state was rife for a conservative backlash. This study attempts to, at least in part, fill in that gap and establish the importance of the ERA in Texas's political history. Texas women have a long history of political activism. Historians such as Judith McArthur, Harold Smith, Elizabeth Hays Turner, Merline Pitre, Jacquelyn Dowd Hall, Nancy Baker Jones, and Ruthe Winegarten have traced the history of activist women dating back to the Progressive Era.<sup>15</sup> Mary Frances Berry similarly contributed a 1986 legal and political study on why the ERA failed.<sup>16</sup> Despite the wealth of scholarship on Texas' political past, however, no historian to date has examined what effect the ERA movement had on Texas politics nor has any author written what could be termed the definitive work on the

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<sup>14</sup> George Norris Green, *The Establishment in Texas Politics: The Primitive Years, 1938-1957* (Norman: University of Oklahoma Press, 1979).

<sup>15</sup> For a more detailed history of Texas' political activism dating back to the Progressive Era, see: Judith N. McArthur, *Creating the New Woman: The Rise of Southern Women's Progressive Culture in Texas, 1893-1918* (Champaign: University of Illinois Press, 1998); Judith N. McArthur and Harold L. Smith, *Minnie Fisher Cunningham: A Suffragist's Life in Politics* (New York: Oxford University Press, 2005); Elizabeth Hayes Turner, *Women, Culture, and Community: Religion and Reform in Galveston, 1880-1920* (New York: Oxford University Press, 1997); Merline Pitre, *In Struggle Against Jim Crow: Lula B. White and the NAACP, 1900-1957* (College Station: Texas A&M University Press, 1999); Jacquelyn Dowd Hall, *Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching* (New York: Columbia University Press, 1993); Nancy Baker Jones and Ruthe Winegarten, *Capitol Women: Texas Female Legislators, 1923-1999* (Austin: University of Texas Press, 2000).

<sup>16</sup> Mary Frances Berry, *Why ERA Failed: Politics, Women's Rights, and the Amending Process of the Constitution* (Bloomington: Indiana University Press, 1986).

ERA on the national level. In a sense, there is a hole in the scholarship from 1972 to 1982 that needs to be filled. This thesis begins to fill in the gaps where the story of Texas politics has not been told by examining how a decade of political turmoil influenced the state's political culture and built on the political activism of the past. Through this initial study, I will lay the ground-work for writing the definitive national ERA study for my doctoral dissertation at the University of Houston.

The purpose of this study is not to judge the merits of the ERA campaign or the amendment itself. Rather, its purpose is to explore how Texas women continued and expanded the political influence largely started in the 1950s and brought it to new levels. Since the ERA battle, the state has never looked back and has elected influential women politicians such as former Governor Ann Richards, Senator Kay Bailey Hutchison, as well as countless female mayors, councilwomen, representatives, and political activists on both sides of the aisle. No matter which side of the ERA battle they stood, the battle galvanized women across the state to fight for their beliefs. In the process, many became successful and influential figures in Texas politics. The ERA caused women of all backgrounds and political stances to come out and fight for their cause and demonstrate the true strength of activist women. That was the true influence of the ERA in Texas.

## CHAPTER ONE: SETTING THE SCENE

The ERA in many ways represented the culmination of various political forces coming together. On the legislative back burner for five decades, the ERA was finally brought to the forefront of American politics largely because of growing movements within American culture. During the civil rights era of the 1960s, other marginalized groups, most notably women, began to demand their own equality; the ERA was, in their eyes, the perfect remedy for the many years of political subservience. Decades of pressure from the National Woman's Party, the National Organization for Women, and the National Federation of Business and Professional Women's Clubs, combined with the civil unrest of the 1960s and the shifting political landscape, finally resulted in congressional passage of the ERA. Immediately following Congress's approval, the amendment was sent to the states for ratification; the three-fourths majority dictated by the Constitution of ratifying states was the finish line.

By the time Congress approved the ERA in 1972, the amendment already had a storied and controversial past. Initiated by Alice Paul in 1923, three years after the nineteenth amendment granted women's suffrage, the ERA was introduced in every Congress from 1923 until finally approved and submitted to the states for ratification in 1972. Paul, who in 1913 founded the National Woman's Party (NWP) to promote a militant campaign to move the Suffrage Amendment through Congress, is largely credited with not only organizing the initial movement for a national ERA, but also for

maintaining its momentum through the years. Specifically, the amendment “seeks to eliminate sex as a factor in determining the legal rights of men or women, and would require that governments treat each person, male or female, as a citizen and individual under the law without regard to gender.”<sup>1</sup>

Following their success with the nineteenth amendment’s 1920 ratification, Paul and the NWP resumed the campaign for women’s legal equality in 1923 with the ERA. The NWP, whose membership historian Ruth Rosen describes as “a conservative and relatively well-to-do group of women of means and professional women,” sought formal and legal equality with men and contended that a constitutional amendment was the only way this right could be guaranteed. ERA supporters even back in the 1920s asserted that “with one fell swoop...the ERA could wipe out all state laws that discriminated against women.”<sup>2</sup> Throughout the 1940s and 1950s, the NWP was the central organization of ERA support, often merging its support with that of other pro-ERA organizations in an attempt to push the proposed amendment further in the congressional process. Because of Paul’s significant influence in the organization, NWP members often considered themselves “the real center for the ERA.” With membership in organizations often overlapping, members in ERA organization often tried to coordinate their efforts to maximize effectiveness, most notably with the concurrent efforts of NWP and BPW.<sup>3</sup> The influence of such organizations as the NWP and BPW was the primary reason that the proposed ERA was introduced in each congressional session from 1923 to 1972.

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<sup>1</sup> United States Congress, “The Continuing Controversy Over the Women’s Equal Rights Amendment: Pro & Con,” *Congressional Digest*, June-July, 1977, 162.

<sup>2</sup> Ruth Rosen, *The World Split Open: How the Modern Women’s Movement Changed America* (New York: Viking), 66. Rosen’s book provides an excellent and detailed account of the various aspects of the modern women’s movement. Many of the ideas and chronologies regarding the women’s movement in this work were derived from assertions put forth in Rosen’s work.

<sup>3</sup> Leila J. Rupp and Verta Taylor, *Survival in the Doldrums: The American Women’s Rights Movement, 1945 to the 1960s* (New York: Oxford University Press), 72-73.

Despite occasional work on other women's issues, the NWP's singular mission was the passage and ratification of the ERA even as its membership and reputation shifted over the years. Beginning in 1945, however, the organization saw significant decline in membership as it not only began to lose existing members, but also failed to attract new, younger members. The decline in membership was partly due to a generally hostile attitude toward the organization by the press, which viewed the NWP's earlier suffrage tactics as militant and fanatical. Critics of the organization even went so far as to contend that the NWP's methods jeopardized the future of the suffrage amendment. Moreover, despite Paul's continuous assertion that the NWP was an organization for *all* women and that the women's movement was a classless one, many women viewed the organization as an elitist band of educated, white, upper-class women who could not relate to the problems of "ordinary" people. By 1965, membership in the NWP had dropped to only 1,400, diminishing the political clout the organization enjoyed when its membership approached 60,000 during the suffrage movement. Without any significant political clout, the NWP was in no place to be the front-running organization in the ERA support. Barring their leadership, the BPW largely assumed this role beginning in the 1960s.<sup>4</sup>

Not all activist women supported the ERA during its early years. In particular, union women largely opposed the amendment. They feared that the ERA would undermine existing legislation that protected women in the workplace. Having worked hard to gain protective legislation that regulated the hours and conditions of working women, union leaders expressed concern that the ERA would allow employers to exploit female workers. Such organizations reversed their position in 1970 when they realized

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<sup>4</sup> *Ibid.*, 24-26.

that a constitutional amendment guaranteeing the rights of women would ultimately only benefit the female workforce by ensuring gender equality across the board. The largest of these organizations, the AFL-CIO, boosted ERA proponents' hopes when it "reversed its earlier position and strongly endorsed ratification of the Amendment...in a unanimous voice vote" at its October 22, 1973, convention.<sup>5</sup>

With its relatively simple language, the amendment saw little rhetorical change from its 1923 form to that of 1972 when its text stated 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." Despite several hearings before subcommittees of the Judiciary Committees and three favorable reports to the full Committee, no action on the amendment took place between 1923 and 1938. This trend of congressional inaction continued throughout the next three decades.<sup>6</sup>

The 1940s proved to be more favorable to the amendment. In 1940, the Republican Party platform announced its official endorsement of the amendment, the first time it had received such support from a major political party. By the end of 1943, "the proposed amendment had been reported favorably by House and Senate subcommittees" five times. Of the two congressional chambers, the Senate was somewhat more favorable to the ERA, conducting extensive Judiciary Committee hearings on the amendment in 1945, 1948, and 1956. Moreover, the Senate debated the proposed amendment on the floor several times beginning in 1946 following the hearings from the previous year. The 1946 debate represented the first time the proposed amendment had been debated on

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<sup>5</sup> Rosen, *The World Split Open*, 66; The National Federation of Business and Professional Women's Clubs, Inc. of the United States of America, "AFL-CIO Endorses ERA," *On and Off the Record*, October 1973, BPW Papers.

<sup>6</sup> United States Congress, "The Continuing Controversy Over the Women's Equal Rights Amendment: Pro & Con," *Congressional Digest*, June-July, 1977, 165.

the congressional floor since its 1923 introduction. In the subsequent vote, the amendment failed passage eleven votes shy of the two-thirds majority required.<sup>7</sup>

Following the 1946 vote, the ERA resolution finally passed the Senate in 1950 and 1953. However, both versions that passed contained the “Hayden rider,” which qualified the language in ways the leaders of the women’s rights movement opposed as contradictory to the principle of total legal equality. Attached by Senator Carl Hayden, an Arizona Democrat, this rider to the ERA preserved states’ protective legislation, an idea contrary to the national amendment’s guarantee that gender equality would supersede the laws of individual states. The “Hayden rider” issue was, in the end, moot in both cases. Failure of the House to act killed the proposed amendment.<sup>8</sup>

Despite several favorable reports through the decades by the Judiciary Committee subcommittees and two from the full Committee, the ERA did not reach the House floor until 1969. During that year, in the 91<sup>st</sup> Congress, Rep. Martha Griffiths (D-MI), who had originally introduced the resolution to the House, secured the required number of signatures to move the measure from the Judiciary Committee to the House floor for open debate. Following the debate, the House overwhelmingly approved the ERA by a vote of 350 to 15, the first time in over fifty years that the amendment received significant favorable action by the House.<sup>9</sup>

With the amendment finally passed by the House, and the women’s rights movement in full swing by 1970, the outlook for the ERA looked promising. The possibility that the 91<sup>st</sup> Congress would pass the measure seemed very real. However, when the House-passed resolution reached Senate Majority Leader Mike Mansfield, the

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<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

Senator held the amendment for scheduling on the Senate calendar rather than allowing it to go to committee for consideration. In the subsequent floor debate, proposed changes to the amendment language as well as initiatives to alter or expand the purposes of the ERA resulted in the eventual discontinuation of debate. The amendment eventually died for that session when the 91<sup>st</sup> Congress ended.<sup>10</sup>

Refusing to be deterred by the results of the 91<sup>st</sup> Congress, ERA proponents continued their efforts to secure the amendment's passage when the 92<sup>nd</sup> Congress convened in 1971. On October 12 of that year, after two committees rejected amendments to the ERA that would 1) exempt women from the draft and 2) "preserve the validity of any law which 'reasonably promotes the health and safety of the people,'" the House voted 354 to 24 to adopt H.J. Resolution 208. When the Senate received the proposed amendment, Senator Sam J. Ervin (D-NC) delayed a Senate vote by proposing ten amendments to the resolution, all of which were eventually rejected. On March 22, 1972, the Senate adopted H.J. Resolution 208 by a vote of 84 to 8, thus clearing the way for the amendment to move towards the states for ratification. With the congressional hurdles finally cleared after over five decades, feminists and ERA supporters across the country, and in Texas in particular, thought easy passage of the amendment would follow and the guarantee of Constitutional equality for women finally accomplished.<sup>11</sup>

Although initially championed by Paul and the NWP, by the 1960s the amendment began to gain support from organizations and individuals not traditionally associated with the women's rights movement. While women had for years attempted to remove inequities and gender discrimination on the local, state, and national levels with

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<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

the passing of statutes, “the underlying objective of the women’s rights movement has consistently been to remove the matter of women’s rights from the reach of legislators—who, if they can enact, can also repeal a law—and embody it in the Nation’s most basic legal instrument, the Constitution itself.”<sup>12</sup> Despite passage of many state and national laws that removed many of the obstacles to full equality for women, the ERA was sought so vigorously because it represented the culmination of one of the women’s movements primary goals: a constitutional guarantee of equality for women that could not easily be repealed once enacted.

Once Congress finally approved the amendment and sent it to the states, many legislatures were eager to show their support by ratifying it. Hawaii led the ratification charge, approving the amendment within hours of Congress’s approval. Hawaii was followed by New Hampshire, Delaware, Iowa, Idaho, Kansas, Nebraska, and Texas, all of which ratified the amendment within days of receiving it from Congress. In total, twenty-one other states ratified the amendment in 1972, including some traditionally conservative states like Texas and Tennessee.<sup>13</sup>

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When Texas ratified the ERA (the eighth state to do so) as the proposed twenty-seventh amendment to the U.S. Constitution, a mere eight days after Congress approved the measure, many in the political world were surprised that a state with such a notoriously conservative past would jump on board so quickly with such a progressive piece of legislation. From its pre-Civil War days as the Republic of Texas under President Sam Houston to the Red Scare politics of the 1950s, the state was nationally

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<sup>12</sup> Ibid., 162.

<sup>13</sup> Ibid., 167.

known as a conservative stronghold. Dominated politically by conservative Democrats since before the Civil War, Texas did not elect a Republican governor from 1873, when Edmund Davis was defeated for reelection, until 1979, when William Clements won his first of two non-consecutive terms.<sup>14</sup>

Texas conservatives prevailed over progressive Democrats during the New Deal politics of the 1930s when two of the states progressive congressmen lost their seats in the 1938 elections. The most astonishing of these defeats came when Maury Maverick, an ardent liberal from San Antonio who carried President Franklin Roosevelt's endorsement, lost his primary election.<sup>15</sup> Despite Roosevelt's endorsement, Vice President John Nance Garner openly wanted Maverick defeated in his reelection bid, presumably for his stances on the antilynching and wages and hours measures. In addition to incidents like that of Maverick, historian George Norris Green cites the 1938 Democratic gubernatorial primary election as the point when "conservative, corporate interests took over the state, once and for all, perhaps permanently."<sup>16</sup>

As befitted a stronghold of "conservative, corporate interests," Texas politics was a notoriously male-dominated arena. While Miriam "Ma" Ferguson became the state's first female governor (and second nationally after Wyoming's Nellie T. Ross) in 1924 and then again in 1932, she was the only female governor until Ann Richards won the governor's mansion six decades later in 1990. In the interim period, few if any female politicians rose to the prominence of Ferguson and Richards. Moreover, Ferguson's rise

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<sup>14</sup> George Norris Green, *The Establishment in Texas Politics: The Primitive Years, 1938-1957* (Norman: University of Oklahoma Press), 11-13, 16.

<sup>15</sup> Maverick was, it is important to mention, the only southern congressman who favored a controversial antilynching bill and was also a staunch supporter of the wages and hours measure, another divisive issue of the decade.

<sup>16</sup> Green, *The Establishment in Texas Politics*, 16-17.

to political notoriety largely resulted from the efforts of her husband, impeached former governor James E. Ferguson.<sup>17</sup>

When the legislature impeached James Ferguson in 1917, two years into his term, and convicted him on ten counts of misusing state funds, Miriam Ferguson took it as her personal and political duty to rebuild her husband's reputation. Denied a place on the 1924 ballot, "Pa" insisted "Ma" carry on his legacy. Miriam announced her candidacy and appealed to her husband's former supporters with her campaign slogan of "Two Governors for the price of one." Rather than running on a platform of issues, Miriam largely used her husband's reputation as her political platform and encouraged voters to cast ballots based on their like or dislike of her husband. In many ways, the 1924 election of Texas's first female governor was nothing more than a political circus that took away from the state's accomplishment of breaking through a gender barrier. When Miriam took office and issued pardons for thousands of state prisoners, sometimes averaging a hundred a month, her political credibility declined further. Despite being elected again in 1932, Miriam's two terms as governor were largely associated with her alleged corruption and her undying devotion to rebuilding her husband's reputation.<sup>18</sup>

Miriam Ferguson's dismal performance as governor, combined with the rise of the conservative/corporate "establishment" in the Texas politics, effectively blocked women from expanding their political presence in the state for the next decades. Despite the prominence of the national women's movement throughout the 1960s and 1970s, women in Texas often still found it difficult to break through the state's political glass ceiling. Texas did not see its first female Senator until 1993, when Kay Bailey Hutchison

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<sup>17</sup> Ibid., 13, 28-29, 114.

<sup>18</sup> Ibid.

won a special election to finish Lloyd Bentsen's term.<sup>19</sup> Aside from notable women like Hutchison, Richards, and Ferguson, Texas' political history continues to be austere on the question of prominent female politicians.

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As Texas women struggled with their paternal past, feminists elsewhere made inroads towards a hopeful future. During the 1960s two separate but sometimes overlapping groups of women made monumental progress in their quest for equality for women despite the many challenges faced by those on the front lines of the cause. Professional, political, and middle class homemakers united to mount a reform campaign aimed at solving their problems through the existing governmental structures. A second group of younger activist women emerged from the radical civil rights, student, and antiwar movements of the sixties. Although their agendas and methodologies often conflicted, the middle class professionals and the radical women would eventually come together to work for the ERA.

The older women achieved some success first. At the beginning of the decade, these politically active women increased pressure and successfully lobbied Congress to consider 432 separate pieces of legislation on women's rights. One piece of legislation in particular, the Equal Pay Act of 1963, came to symbolize these early efforts. Supported by organizations such as the Women's Bureau and the United Auto Workers, the bill's original intent was to guarantee equal pay for comparable work done by women. However, when the final bill passed, the language was changed to indicate equal pay for equal work. In other words, women would only receive equal pay if they did work

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<sup>19</sup> To date, Senator Hutchison is the only woman to represent Texas in the United States Senate.

identical to their male counterparts. Since few women actually did “men’s work,” many activists knew that the law would have little impact on the majority of the female workforce. Despite the ambivalence of some women’s activists about its implementation, the Equal Pay Act represents a crucial and symbolic step in the women’s movement of the 1960s.

Political activists also succeeded in persuading John F. Kennedy’s administration to respond to a slew of grievances on women’s issues. Their pressure led to Kennedy’s executive order revising a century old law that prohibited women from holding upper-level federal positions. The Kennedy administration took another monumental step for women’s rights with the establishment of the Presidential Commission on the Status of Women in 1961. Chaired by Eleanor Roosevelt, the commission’s intended purpose was to explore issues facing women in various aspects of American life, including at work and in the home. On the issue of the Equal Rights Amendment, Roosevelt ultimately concluded that such an amendment was unnecessary at that time. This decision surprised amendment supporters given Roosevelt’s progressive stance on women’s issues. Undeterred by this setback, however, supporters forged on, trying to gain support for the amendment. During the Lyndon Johnson administration, the Supreme Court furthered the feminist cause by ruling that states could no longer ban the sale of contraception or exclude women from juries. These rulings struck down existing practices that limited the rights of women based on state laws.<sup>20</sup> Nineteen sixty-three proved to be an historic year for the women’s movement. In addition to the Equal Pay Act, the Presidential Commission on the Status of Women, founded by Kennedy in 1961, published the

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<sup>20</sup> The corresponding cases for these decisions are *Griswold v. State of Connecticut* in 1965 and *White v. Crook* in 1966.

*Presidential Report on American Women* which addressed many issues facing women in America. Additionally, Betty Friedan published her groundbreaking book, *The Feminine Mystique*, which helped to promote a growing national consciousness on gender issues.

If 1963 was an historic year, 1964 proved no less meaningful as the year in which Congress began consideration of the comprehensive civil rights bill. While the Civil Rights Bill is traditionally viewed as significant in the history of minority civil rights, its meaning is no less important when examining the women's movement. The way in which gender was added as a protected category in the Civil Rights Act is nothing if not ironic. Title VII of the bill originally forbade discrimination by private employers on the basis of race, color, religion, or national origin, but made no mention of sex.

Congressman Howard Smith, the southern chairman of the Rules Committee, offered an amendment to Title VII's text to add "sex" as a protected category. Smith, always the shrewd politician, did not have wholly altruistic purposes. Smith ardently opposed desegregation, and thus opposed the civil rights bill. Despite this, Smith was also one of the ERA's most fervent southern supporters. Smith's intent with the Title VII amendment was to give northern representatives a reason to vote against the civil rights bill without appearing racist. Even if the amendment passed and was added to Title VII, Smith would at least be assured that "white women would be the beneficiaries."<sup>21</sup>

The resulting debate over Smith's amendment produced some of history's most unlikely political alliances. Edith Green, who sponsored the Equal Pay Act, voted against Smith's amendment because she worried that the addition of "sex" to the text would allow opponents a reason to vote against the civil rights bill and thus deprive African-Americans a chance to win their civil rights. On the other side of the coin,

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<sup>21</sup> Rosen, *The World Split Open*, 71.

representatives who voted in favor of the amendment included those who wanted to grant civil rights to African-American men but not to white women. It was in this atmosphere of strange bedfellows that Republican Martha Griffiths, who had “long sought to include a provision on sex discrimination in the civil rights bill,” helped forge a peculiar partnership of southern congressmen and feminist supporters. After the dust had settled and the political alliances had their say, Smith’s amendment passed and was added to the proposed civil rights bill.<sup>22</sup>

Once Smith’s amendment was added to Title VII, women activists like Griffiths and Friedan joined forces with organizations such as the NWP and the Business and Professional Women’s Clubs to ensure that the civil rights bill passed. Supporters of the bill warned legislators of the consequences of voting against a bill that guaranteed the rights of women, who represented half of the population. This pressure, accompanied by the endorsement of Johnson’s wife, Lady Bird, and various administration officials, helped guarantee the passage of the Civil Rights Act of 1964, including the Title VII amendment adding women as a protected class. Along with the Equal Pay Act, Title VII of the Civil Rights Amendment represents a crucial turning point in the women’s movement. In both cases, women successfully lobbied lawmakers on both sides of the aisle to secure passage of laws that directly protected the rights of women.

In addition, the Civil Rights Amendment created the Equal Employment Opportunity Commission (EEOC), whose duties included investigating complaints of sexual discrimination. However, women soon realized that the commission, including its director, Herman Edelsberg, did not take sex discrimination seriously. Women activists were shocked when, in 1965, the EEOC ruled that sex-segregated help-wanted ads were

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<sup>22</sup> Ibid.

legal. Undeterred by this or by the fact that Congress had limited the EEOC's powers by only allowing them to investigate individual complaints and seek voluntary settlements from the company if a violation was found, women workers began inundating the EEOC with grievances by 1965. In spite of the volume of complaints, the EEOC remained steadfast in their commitment to only monitor acts of racial discrimination and leave the women to fend for themselves.

As the EEOC, an agency many were counting on to address the issues faced by women in the workplace, proved to be nothing more than simply another chauvinist organization, feminists and their Washington supporters like Martha Griffiths came to increasingly rely on what Friedan referred to as "an underground feminist movement." Dismayed by the government's refusal to influence the EEOC to change its practices and the EEOC's unwillingness to address sex discrimination, fifteen women gathered in Friedan's hotel room during a government conference in Florida to "discuss the possibility of starting a new women's organization." By the time the women left the conference, after much whispering and note passing at a conference farewell lunch, Friedan had scribbled "the National Organization for Women" on a paper napkin. Its purpose, she wrote, was to "take the actions needed to bring women into the mainstream of American society, now." The purpose of the organization would be to fight for "full equality for women, in full equal partnership with men." As the women left the conference to head to their homes, they agreed to meet formally later that fall to create the new organization.<sup>23</sup>

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<sup>23</sup> Ibid., 75.

By founding the National Organization for Women (NOW) in 1966<sup>24</sup>, Friedan and her supporters not only asserted their independence from existing chauvinistic politics, they also publicly recognized that the existing political culture was inadequate to address the problems that women faced in their daily lives. In this way, NOW took the first step in bringing the women's movement out of the purely political sphere and establishing it as a radical movement. Since NOW was not a government organization, it could pressure the government from the outside as a private group. As Friedan drafted NOW's "Statement of Purpose," she was "forced to spell out in my own mind the implications of 'equality for women.'" One particularly daunting question for Friedan was how to put on paper the definition of women's equality in a male-dominated world.<sup>25</sup>

While Friedan's ideas dominated NOW's 1966 Statement of Purpose, the statement illustrated the overall goals of the organization's many founders while still specifically noting Friedan's personal experiences in the feminist movement. From NOW's onset, Friedan showed specific interest in the parallels between the civil rights and women's movements but noted her worries that the emerging Black Power movement might signal the possibility of women embracing separatism. The final version of NOW's Statement of Purpose addressed not only middle-class white women, but also focused on African-American as well as working-class women in an attempt to show that the movement was for all women.<sup>26</sup>

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<sup>24</sup> Although Friedan came up with the idea for NOW earlier, the organization held its official founding conference in Washington, D.C. on October, 29 1966.

<sup>25</sup> Susan Oliver, *Betty Friedan: The Personal is Political* (New York: Pearson Longman), 94-96; Rosen, *The World Split Open*, 75.

<sup>26</sup> Daniel Horowitz, *Betty Friedan and the Making of The Feminine Mystique* (Amherst: University of Massachusetts Press), 226-228.

During NOW's founding years, members found themselves fighting for recognition not only from the government, but also the media. The press gave NOW "only slightly more respect...than the sexier young women's liberation movement that sprang to life in 1967." Friedan grappled with the question of how to be taken seriously and influence policymakers when very few people in America knew what NOW was or what it stood for. This lack of public information partly explains why the organization's membership was initially very small. NOW also suffered from a lack of resources, including not even having its own office space for a span of three years. Friedan gave up her New York City apartment as a base of policy-making for the organization.<sup>27</sup>

Despite their meager resources, NOW soon plunged into action by attacking its first official target: the EEOC. In particular, NOW pressured the EEOC to prohibit segregated "help wanted" advertisements. NOW argued that segregated advertisements guaranteed that "women would not be able to enter the higher-paid and more skilled occupations reserved for men." To dramatize their claim, NOW members picketed in front of the *New York Times* offices in August 1967. Later that year, in December, NOW mobilized women to picket local EEOC offices in a National Day of Demonstration against sex discrimination. Months later, in August 1968, the EEOC banned segregated "help wanted" ads. This movement not only represented the culmination of a struggle over many years, it also illustrated the first major political success of NOW. They followed this victory by successfully pressuring President Johnson to add "sex" to a new Executive Order that revised a 1965 order that banned only racial discrimination. NOW members, who were primarily middle class whites, "targeted the problems of ordinary working women," not solely those of professional women. The protest against

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<sup>27</sup> Rosen, *The World Split Open*, 79-80.

segregated “help wanted” ads most directly benefited working women who sought blue collar jobs formerly only available to men. NOW also pushed for enforcement of Title VII by the EEOC so that minority women in federal poverty programs would get equal attention. In this way, Friedan and her NOW associates sought to create an organization that benefited *all* women.<sup>28</sup>

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While white, middle class women worked within the political system to achieve change, a second group of female activists, mostly younger women affiliated with the more radical movements of the 1960s, challenged sexism from numerous other angles. Following the 1950s, a younger generation of women emerged that began to reject the conservatism of that decade. As these young women entered college and encountered different methods of thinking, they joined political and cultural movements of the 1960s. The African American civil rights movement at first welcomed white women volunteers to organize protest marches, teach “freedom” schools, and lead sit-ins. The brutal realities of racism shocked many of these previously sheltered middle class girls and awakened their radical sensibilities. When they returned to campus, many continued their work while other joined the newly-formed student groups of the New Left. Formed with ties to radical wings of the civil rights movement, the same women who Rosen refers to as “the alienated daughters of the fifties” began to flex their muscles as members of the New Left. However, as the movement grew, the women involved became more and more radical in their words and actions as they experienced ridicule and condescension at the hands of the men involved in the civil rights movement and later the New Left and

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<sup>28</sup> Ibid., 80-81.

antiwar movements. As the years progressed, women involved in the 1960s political movements found themselves humiliated and devalued as participants. The men leading the political and cultural charge refused to understand the growing importance of the women's movement and how it would shape the future of democracy. As the New Left and antiwar movements began their "downward spiral into self-destruction," the women's movement that had been growing more radical with each passing year found its opportunity to form its own independent movement.<sup>29</sup>

The women's movement of the 1960s has its roots in the Deep South when women joined causes such as the Student Nonviolent Coordinating Committee (SNCC) and Students for a Democratic Society (SDS) in an effort to support desegregation of the South through nonviolence. As growing numbers of students and activists joined the civil rights movement following a sit-in in Greensboro, NC, after four black college men had been refused service at the Woolworth's lunch counter, women in the South "absorbed the ideals, values, and strategies that would eventually shape the women's liberation movement." By becoming part of the nonviolent movement to end segregation in the South, women of the region unknowingly shaped the women's movement that would arrive years later. Southern women were involved in SNCC from the organization's inception and their experiences were largely responsible for the emerging women's movement.<sup>30</sup>

As SNCC and SDS increased their involvement in the decade's activities, young white southern women, some of whom were just out of college, found themselves put in the unfamiliar situation of being arrested, jailed, or beaten for taking part in the

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<sup>29</sup> Ibid., 94-95.

<sup>30</sup> Sara Evans, *Personal Politics: The Roots of Women's Liberation in the Civil Rights Movement & the New Left* (New York: Vintage Books), 34-40; Rosen, *The World Split Open*, 96.

movement. Many southern institutions were still not prepared to let go of their racist past and punished anyone who got in the way, no matter the gender of the offending person. Whatever the consequences, women viewed participation in the non-violent resistance as a transforming experience. As the civil rights movement continued, the presence of white students and graduates of the various social classes sparked media interest in the movement and brought national attention to all of the white activists and the South's treatment of civil rights workers.

While many women did not participate on the front lines of activism, their roles as communications liaisons in the SNCC and SDS offices were no less important. By the Freedom Summer of 1964, women like Sandra "Casey" Hayden, wife of SDS founder Tom Hayden, and activist Mary King left their jobs to join the SNCC staff on a full time basis. Despite not working in the field, Casey Hayden and Mary King assumed the responsibilities of maintaining SNCC's viability as an activist organization. By 1964, information gathering and communication became paramount not only to the organization's survival but also for the safety of its members in the field. With the racially charged atmosphere of the South, the only defense for activists in the field against racist brutality was the light of publicity that followed the activists around. The administrative role of liaisons like Hayden and King was crucial in keeping the press informed of the organization's movements so that the participants would always have news coverage to prevent retaliation.<sup>31</sup>

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<sup>31</sup> Evans, *Personal Politics*, 56.

In this charged atmosphere, the Freedom Summer of 1964 served as a transforming experience for women of all races.<sup>32</sup> SNCC's emphasis on community organization and the promotion of self-determination provided much of the ideological and political foundation for the growing feminist movement. Freedom Summer also, however, gave women a preview of the sexual discrimination they would experience as members of the New Left. As SNCC grew away from its localized roots to become a more centralized organization, those members who favored a more localized approach began leaving SNCC and turned to SDS, signaling the end of interracial cooperation as white members were asked to leave and organize poor whites, leaving black members to demand black power and self-determination.<sup>33</sup>

Like SNCC, SDS began as a small community group. Unlike SNCC, however, SDS put less emphasis on direct action and was mostly known for its intellectual discourse and position papers. SDS denounced the materialism of American life and encouraged participatory democracy for all. Through participatory democracy, people would make the decisions that affected their own lives and reject the dehumanizing aspects of American life. Following the mass exodus from SNCC, many white activists found solace in SDS's emphasis on intellectualism as opposed to direct action.<sup>34</sup>

Whereas in SNCC women enjoyed a general sense of freedom from the hierarchy and learned to question why *they* could not occupy the authority positions, in SDS women found themselves subordinates to the leading men. When Casey Hayden and

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<sup>32</sup> "Freedom Summer" refers to the summer of 1964 when Northern volunteers came to the South in large numbers to register mass amounts African-American voters. The period is characterized by increasing racial and sexual tension throughout the South as northerners came into southern territory and challenged existing racial institutions.

<sup>33</sup> Rosen, *The World Split Open*, 109-110.

<sup>34</sup> Todd Gitlin, *The Sixties: Years of Hope, Days of Rage* (Toronto: Bantam Books, 1987), 102-103.

Mary King wrote their infamous, “Sex and Caste: A Kind of Memo,” in 1965, they emphasized for the first time the desire of women within SDS to mobilize women within the movement and focused on the larger problems faced by women such as subordination to men.<sup>35</sup> The memo, along with *The Feminine Mystique*, is widely regarded as one of the cataclysmic documents of the women’s liberation movement. The words of Hayden and King beautifully illustrated the frustrations of women activists across the nation who were tired of sitting on the sidelines while men ran the show. As young women activists were exposed to the memo and began to question how SDS devalued their participation, it challenged the organization’s unity. SDS, which had been a small community of activists, faced increasing expansion in the face of the growing protests against the Vietnam War. When President Johnson ordered the bombing of North Vietnam in 1965, SDS “found itself cast as the leadership responsible for organizing an antiwar movement.”<sup>36</sup>

With SDS’s growing role as the leading dissident organization, the “women’s question” could not have come at a more inopportune moment as the organization faced growing expansion while trying to deal with dissention within its own ranks as women demanded more visibility. As the organization continued to grow and expand as the Vietnam War escalated, so, too, did the alienation experienced by female members. As the New Left and antiwar movements grew, many women throughout the New Left (not simply those in SDS) found their roles increasingly ignored. While men were the stars of the New Left, women were relegated to behind-the-scenes work or the occasional supporting role. This was a departure from their work with SNCC, which encouraged

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<sup>35</sup> Mary King, *Freedom Song: A Personal Story of the 1960s Civil Rights Movement* (New York: William Morrow and Company, 1988), 571-574.

<sup>36</sup> Rosen, *The World Split Open*, 112-113, 115.

women to take more visible roles and more often encouraged their direct participation. Since SDS was founded as a largely intellectual organization, as opposed to one based on action, many men in the organization felt that women simply could not compete, and therefore should not be given positions of leadership. In many ways, power for women in SDS depended on their relationship to men in the organization, which further demoralized women who had left SNCC where their ideas were encouraged.<sup>37</sup>

Throughout the 1960s, as SDS continually grew in both membership and visibility, women within it increasingly found themselves oppressed within their own organization. Despite this feeling, the seeds for the radical women's movement had already been planted and the movement was beginning to bear fruit with such events as Cathy Barrett, Cathy Cade, and Peggy Dobbins initiating a sociology course on women in New Orleans as well as women activists successfully pressuring SDS to provide childcare at the 1966 national convention. While these may seem like small events in the grand scheme of the decade, they are indicative of the growing influence of the women's movement that would explode in the next few years.<sup>38</sup>

By 1968, women began leaving the New Left and other countercultural movements in favor of a separate women's liberation movement. Women's liberation supporters even began their own network of publication, such as *The Voice of Women's Liberation*, out of frustration with the leftist and counterculture presses. By finding their own public, supporters of the women's liberation movement took the final steps to successfully launching an independent radical movement.

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<sup>37</sup> Ibid., 116-117.

<sup>38</sup> Ibid., 122, 126.

SDS veteran Marilyn Salzman Webb and radical feminist Shulamith Firestone witnessed first-hand what is often referred to as “the last straw” of women’s involvement in the New Left. When Webb and Firestone were selected to speak as representatives of different viewpoints of the struggling women’s liberation movement at the National Mobilization Committee’s “counter-inauguration” protest of Richard Nixon’s inauguration, in January 1969, as well as on America’s role in the Vietnam War, both spoke of the oppression of women in society. As Webb delivered her speech denouncing male oppression and defending the movement to radicals like Firestone, she was horrified to see that fights had broken out below her, and that male participants were yelling to “Rape her in a back alley.” Webb was particularly astonished because she had been brought onstage to defend the Left to radicals like Firestone only to be humiliated in front of her. Firestone, who had already given up on the Left in favor of a radical women’s movement independent of male influence, took the stage and condemned men (as well as capitalism). The largely male audience shouted obscenities at her, too.<sup>39</sup>

Following the disaster at the “counter-inauguration,” Webb and Firestone hosted a postmortem with other women at Webb’s apartment. Firestone and the radical feminists had the pleasure of having proven their point to Webb and the SDS moderates on the true nature of New Left men. Still traumatized by the events of that day, Webb, who was married to a veteran SDS activist, felt comfortable speaking against SDS men for the first time in her activist career. Having once thought that the men of the New Left were her brothers, she now concluded that they would never support a women’s movement. When Webb’s phone rang and a woman threatened her against ever speaking in favor of a women’s movement instead of against SDS’s primary targets of imperialism and

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<sup>39</sup> Ibid., 134.

capitalism, Webb was convinced that the women's liberation movement had to break away from SDS and become its own independent movement. Firestone summed up this historic movement by noting: "Worse than our worst suspicions were confirmed and for some of us, in a traumatic way... We're starting our own movement."<sup>40</sup>

With those momentous words, many women realized that a women's liberation movement within a larger political movement was not sufficient; the women's movement needed to operate autonomously. By 1969, however, the New Left had disintegrated into competing factions, thus turning the once-promising movement into unrestricted chaos. Within this environment, few initially realized that women were leaving the male Left. Although women continued to work in the antiwar and black liberation movements, many left to concentrate on the emerging women's liberation movement. Even though they had left the movement, those who began the women's liberation movement did not forget their activist roots. They took what they learned from the antiwar, black liberation, and New Left movements into the women's liberation movement that would take the next decades by storm.<sup>41</sup>

Organizations such as SNCC and SDS were important to the rising feminist movement. The women who participated in SNCC and SDS received an informal crash-course in political activism, one that would serve them well in the 1970s. As neophyte feminists grew from the non-violent resistance of SNCC to the intellectual focus of SDS, they began to radicalize their actions following the rejection they faced as part of the New Left. Having formed their own independent movement, they needed a new cause to which they could direct their political efforts. Their cause now became passage of the

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<sup>40</sup> Ibid., 134-135.

<sup>41</sup> Gitlin, *The Sixties*, 373-376.

proposed twenty-seventh amendment to the United States Constitution: the Equal Rights Amendment.

The ERA was particularly appealing to feminists because it was an amendment that directly affected *them*. Whereas in the New Left women had been fighting against capitalist imperialism or in favor of African-American civil rights, the ERA represented an opportunity in which women could fight exclusively for themselves. For the first time, their interests would be at the forefront of the battle and they could throw their political weight behind something that would directly affect their lives. This was often the greatest appeal of the battle for the ERA.

Many of the women activists who lobbied so hard for civil rights applied the methods and tactics they had learned to the women's movement. Despite the disfranchisement they felt at the hands of their male counterparts within the New Left, these women did not hesitate to join the ERA effort when the amendment came to public knowledge in the 1970s. The difference between the movement for the ERA and the civil rights movement, however, was that women would be calling the shots and would not have to answer to male leadership. It is somewhat ironic that women activists, whose efforts had so long been unappreciated, came to the forefront in the very movement that would have added their marginalized group to those directly protected by the Constitution.

The political atmosphere of the 1960s was crucial to the momentum of the ERA, which would make its first official appearance in 1972. Organizations such as SNCC and SDS were ever-present on college campuses throughout Texas such as the University of

Texas at Austin. The growing women's liberation movement clearly influenced Texas women as well as those in other states.

Within the women's liberation movement, organizations such as the Texas branches of NOW and BPW worked alongside feminist organizers to advance women's liberation causes in Texas. The BPW, which had strong influence in large cities such as Houston and the Dallas-Fort Worth metroplex, would play a crucial role in Texas's ratification of the ERA in 1972. As the feminist movement grew nationally, so, too, did the movement for gender equality in the Lone Star state.

## **CHAPTER TWO: BPW, THE ELRA, AND THE MINUTE WOMEN OF THE 1950s**

By the time Congress passed the ERA, organizations like the Texas Federation of Business and Professional Women (BPW) and NOW were ready to fight for state passage of it. Despite their legal limitations, Texas women were politically active throughout the twentieth century. BPW had led the way in earlier struggles and was similarly working with other feminist organizations to secure passage of a much anticipated Equal Legal Rights Amendment (ELRA) which was set to appear on the November 1972 ballot. The ELRA effectively contained the same rights as the ERA, but was enforced at the state as opposed to federal level. As progressive women fought to increase their rights, they found themselves challenged by conservative women who sought to preserve traditional values in the face of shifting morays. Having already asserted some political muscle as the Minute Women, a conservative, anti-Communist force in the 1950s, progressive Texas women were anxious for their day in the sun. They would learn, however, that conservative forces were mobilizing to strike further down the road.

When Congress approved the ERA on March 22, 1972, and sent the proposed amendment to the states for ratification, Texas supporters were optimistic that the well-publicized measure would be ratified well within the seven-year-deadline initially

established by Congress. Within three months of sending the measure to the states, nineteen had ratified it, many of them, including Texas, on the first vote; nine months later, at the one year mark, the number of state ratifications had risen to thirty. The straightforward text of the amendment—“Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex”—seemed to leave little room for controversy.<sup>1</sup> Even the legislature in Texas, traditionally a conservative stronghold, ratified the ERA on its first vote a mere eight days after Congress approved the amendment. With such quick approval, Dallas area lawyer Hermine Tobolowsky, an influential member and one-time BPW president, and her pro-ERA associates, thought their work was done and waited for the remaining states to ratify the ERA as easily.

In addition to the ERA, the BPW was in political overdrive with their efforts to secure passage of the proposed ELRA on the upcoming November ballot. By not having to bolster their efforts for the national ERA, they were able to focus on the state amendment, which voters overwhelmingly passed by a margin of four to one. The state amendment, similar to the national ERA, guaranteed that equality under the law would not be denied because of sex.<sup>2</sup> Given the conservative nature of Texas’s recent political past, advocates were pleasantly surprised when the amendment to the state constitution passed with such little opposition. The four-to-one landslide of approval for amendment resulted in part from the years of effort put forth by women like Tobolowsky, who were not content to sit in the background and demanded that women’s issues be confronted and

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<sup>1</sup> United States Congress, “The Continuing Controversy Over the Women’s Equal Rights Amendment: Pro & Con,” *Congressional Digest*, June-July, 1977.

<sup>2</sup> Texas Federation of Business and Professional Women’s Clubs newsletter announcing “Victory Celebration in Honor of Hermine D. Tobolowsky,” November 1972, BPW Papers.

addressed. Despite gaining headway in the 1950s and 60s, it was not until 1972 that “Amendment 7” was passed through the state legislature and added to the November ballot where it was overwhelmingly approved by voters. Tobolowsky and the pro-ELRA supporters viewed the fight for the statewide amendment not as a political maneuver, but rather as “a matter of simple justice.”<sup>3</sup> Despite its relatively easy passage through the voter referendum, the ELRA had a long and arduous past that began decades earlier.

History, it seems, had taught Texas women that any progress made in one legislative session would just be undone by the next. As early as 1913, the Texas legislature sought to expand the property rights of married women only to have the progress invalidated by the subsequent session. In 1957, for example, the Texas legislature repealed Article 4623 of the 1925 Revised Civil Statutes of Texas which stipulated that “the wife shall never be the joint maker of a note or a surety on any bond or obligation of another without the joinder of her husband with her in making such contract” only to have the measure re-enacted by a Special Legislative session in 1962. Just as soon as progressive women in Texas saw some progress in increasing their property rights, the right was taken away just as easily as it was given.<sup>4</sup> Beginning in the 1950s, women lobbyists in Texas pressured local and state politicians to support an amendment to the state constitution guaranteeing equality for all Texans, regardless of sex.<sup>5</sup> Their efforts finally paid off in 1959 when State Senator George Parkhouse introduced S.J.R. No. 5 on February 3. This resolution proposed to amend the state constitution to prohibit discrimination on the basis of sex. Determined to build on this

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<sup>3</sup> Ibid.

<sup>4</sup> Hermine Tobolowsky, “Memorandum on the Equal Rights Amendment,” BPW Papers.

<sup>5</sup> Texas State Attorney General Will Wilson to Constitutional Amendments Committee Chairman Bill Wood, March 9, 1959, BPW Papers.

momentum, lobbyists succeeded in convincing ten other senators to co-sponsor the Parkhouse resolution.<sup>6</sup>

Two weeks after Parkhouse introduced the resolution, the Constitutional Amendments Committee held a public hearing to discuss it. During the public hearing many statements were made within the Senate Chamber in favor of an amendment that would protect women. Advocates exposed the legal double standard Texas women faced at the hands of the law: although Texas law required women to perform many of the same duties as men, including voting, paying taxes, and even being drafted into compulsory service in the military in wartime (as specified by a bill passed by the Texas Legislature in the previous session), the law prohibited them from exercising the same rights and privileges as men. Supporters of the ELRA pointed out that it was “time for the women of Texas to secure some of the obvious privileges of citizenship, such as equal legal rights with the men of the state.”<sup>7</sup>

Others supporters took a different tact. An unidentified supporter in the proceedings noted that there were forty-four laws on the state books restricting employment opportunities for women, some of which classified married women on the same level as “infants, imbeciles and lunatics.” In particular, the law curtailed the rights of married and business women. Married women could not enjoy their full property rights while businesswomen were subjected to state interference and intervention from which men were exempt in such areas as property rights and the ability to start a business.<sup>8</sup>

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<sup>6</sup> BPW Legislation Committee Chairman Edith DeBusk to Will Wilson, March 9, 1959, BPW Papers.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid

When opponents of the amendment raised objections to perceived consequences of passage, the women of BPW were ready to respond. For example, some senators argued that too many laws would have to be changed if the bill were to pass, that there must only be one manager for community property, and that the discriminations within existing laws were for the protection of women. In response to such objections, BPW Legislation Committee Chairman Edith DeBusk noted in a letter to Texas Attorney General Will Wilson that the laws that would have to be revised as a result of the bill did not compare to the thousands of laws that required revision when Texas passed other acts such as the Texas Business Corporation Act. DeBusk also rejected the objection that existing discriminatory laws were there to “protect” women, since, she pointed out, the status quo did not adequately protect women since the law recognizes the property rights of a husband over those of his wife.<sup>9</sup>

The objection that there should be only one manager for community property particularly galled DeBusk. In response to this, DeBusk noted that, while it is appropriate in both the business and personal worlds to have a “manager,” she saw “no logical reason why the marriage enterprise cannot be operated with equal success as a partnership instead of a sole proprietorship.” By challenging men like Wilson to support a measure that would discontinue the trend of vesting men as the sole manager of the marriage, DeBusk advocated a marriage of equality in which women would help run the “business end” of marriage. For each of the six objections raised in the public hearing, DeBusk had a thoughtful answer that advocated passage of the bill on behalf of women throughout the state.<sup>10</sup> Despite the efforts of DeBusk as well as other BPW members and

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<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

lobbyists, S.J.R. No. 5 stalled in the legislative session as a result of too many objections within the legislature and insufficient support for the bill's passage.

Incidents such as the 1962 re-enactment of Article 4623 only further motivated women like Tobolowsky that an Equal Legal Rights Amendment in Texas was not only desired by women, but was a dire necessity for the state to move into the twentieth century. Although Tobolowsky had a long history fighting for women's property rights, her treatment during her testimony before the senate committee pushed her to her ultimate resolve to support an equal rights amendment to the state constitution. The ELRA was the only way to advance the legal position of women and put them on an equal plane with men without the fear that any advances would be taken away. Moreover, Tobolowsky argued, was also quick to point out that the ELRA would not simply benefit women; it would also protect men by guaranteeing that future laws could never infringe on their rights either.<sup>11</sup>

Although supporters introduced the ELRA in every legislative session after 1959, nothing changed until 1972. In many ways, the national support for the federal ERA helped push through the state ELRA as the national amendment seemed to give the state version greater credibility. Tobolowsky traveled the state speaking to women, civic organizations, and political interest groups lobbying support for the ELRA, earning her the distinction as the "mother of the Texas Equal Rights Amendment." Support by such influential women as Oveta Culp Hobby, wife of the former Texas governor, also increased the ELRA's visibility and strength. Hobby had long been a force in Texas politics. A supporter of Eisenhower, she served in his cabinet as the first secretary of

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<sup>11</sup> Jesús F. de la Teja, Paula Marks, and Ron Tyler, *Texas Crossroads of North America* (Boston: Houghton Mifflin Company, 2004), 420; Tobolowsky, "Memorandum on the Equal Rights Amendment."

health, education, and welfare in 1953 and was well-known as the head of the Women's Interest Section of the army during World War 2 as well as the first commander of the Women's Army Corps.<sup>12</sup>

While the ELRA was always on the mind of women like Tobolowsky and her BPW associates, by the 1960s the need for such an amendment to the state constitution became a crusade for equality. Tired of their rights being put on the shelf in favor of other, less important legislation, the BPW and other women's rights organizations began to increase pressure on the legislature to push the ELRA as priority legislation. With the feminist movement gaining strength nationally, women throughout the state were exposed to feminist ideology. NOW established chapters in Texas and the Texas Women's Political Caucus promoted the involvement of women in the political process. These events, combined with new methods of birth control allowing women to put off beginning a family in favor of more education and career options, helped cultivate a new generation of women highly involved in political causes. As these women began to involve themselves in politics, they began to see the fruits of their labor with victories such as Title VII of the Civil Rights Act and Title IX of the 1972 Education Amendments which required universities receiving federal funding to allow women equal participation to men. Nineteen seventy-two also was a banner year for feminists when Sarah Weddington, a young Texas attorney, argued and won the *Roe v. Wade* case in the Supreme Court, striking down many state laws forbidding abortion, giving feminists arguably their greatest victory since the suffrage amendment.<sup>13</sup>

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<sup>12</sup> de la Teja, Marks, and Tyler, *Texas Crossroads of North America*, 420.

<sup>13</sup> Ibid.

Despite growing support for the nascent ELRA, the proposed amendment was not without its share of detractors in Texas. Similar to the protests in the Senate Chamber in 1959, ELRA opponents claimed that the amendment was simply unnecessary. Because the discrimination occurred within statutes, they argued that another statute could simply correct the discriminatory practices, thus nullifying the need for a constitutional amendment. Pro-ELRA supporters contended that discriminatory statutes had existed within Texas law for decades and no prior efforts had successfully repealed them for good. Opponents of the ELRA who claimed that the discrimination could be repealed by statutes had made no efforts in the prior years to correct such discrimination, so ELRA supporters had no reason to trust them simply on their word. Thus, they continued to push for an actual amendment to the state constitution. Just as freedom of speech and religion could have been enacted by simple statute, proponents theorized, these rights, much like a guaranteed equality between men and women, were too valuable to trust to anything less than a constitutional amendment. A simple law on the books could just as easily be repealed, but a constitutional amendment could not be undone so easily.<sup>14</sup>

By the late 1960s, ELRA opponents had progressed slightly beyond their contention that existing discrimination against women was there to “protect” them and instead opted to argue that discrimination in the law was not because of the sex of women, but rather their marital status. Tobolowsky immediately dismissed this argument as without merit since both men and women had a marital status, yet there were no restrictions on the husband, only the wife. In particular, the husband was not restricted in any aspect of the marriage and did not need to obtain his wife’s approval before going into business whereas the wife would need to seek her husband’s legal approval when

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<sup>14</sup> Tobolowsky, “Memorandum on the Equal Rights Amendment.”

starting a business or seeking to use her own property separate from her spouse and was forbidden altogether from entering into a partnership.<sup>15</sup>

Additionally, damages awarded to a wife as a result of personal injury to her immediately became community property and were under the sole control of her husband. Any realty purchased with the wife's earnings became community property under the sole management of the husband and could be seized by creditors to settle the husband's debts. Whereas any property bought with the wife's earnings became community property under the husband's management, courts held that the husband had the right to sell or give away community property, including the wife's half, without her consent. The husband also had the sole right not only to determine and designate the homestead, but also to abandon it without the wife's consent whereas the wife had no such rights within the law. Of particular offense to Tobolowsky and ELRA supporters was the anti-feminist contention that an ELRA would require women to support their husbands since, according to them, the law required husbands to support their wives. In reality no such civil statute existed and the husband was not legally obligated to support his wife just as she was not obligated to support him.

Tobolowsky also dismissed the claim that the ELRA would invalidate rape laws with her assertion that the crime of rape was not dependent on the gender of the offender but of the actual act of forcible sex. She also pointed out that in 1962, a woman was convicted of raping a man in Dallas, thus denying the anti-feminist claim that rape was an exclusively male offense. Tobolowsky used such claims to advance her point that the ELRA would do nothing harmful to the family; it would simply create an equal partnership of the married parties which would only increase harmony within the family

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<sup>15</sup> Ibid.

as both the husband and wife would enjoy the benefit of equality and would take from the husband “the economic stranglehold over the wife.”<sup>16</sup>

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The fact that the ELRA passed in 1972 in such resounding fashion was evidence of the growing political influence of women throughout the state. The lobbying efforts in favor of the ELRA were almost exclusively put together by feminist organizations and their supporters. Despite critics who contended that the ELRA was not necessary or was simply too progressive, proponents of the amendment moved forward and appealed to the sensibilities of all Texans that an amendment to the state constitution was the only way to guarantee equality for *all* Texans, not simply women. The state may have still been twenty years away from its first woman senator, but lobbying efforts by Texas women throughout the state struck a major blow for women’s equality in a traditionally conservative state. While support for the national feminist movement influenced Texas voters that November, without the efforts of the BPW in Texas it is unlikely that the amendment would have passed with such little opposition. ELRA supporters in Texas successfully took the momentum from the national feminist movement and localized it within their state to make an important statement on the guarantee of equality within Texas.

The ability to localize the national feminist movement was partly due to the growing influence of organizations such as BPW. Boasting a national membership of 170,000 women before the feminist movement even gained its most significant momentum, BPW took pride in its ability to organize for women’s political issues and

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<sup>16</sup> “The Texas Business and Professional Woman,” November 1962, BPW Papers; Tobolowsky, “Memorandum on the Equal Rights Amendment.”

“become a welded, unified force.” The key to their success and longevity was communication. With a common mission statement and goal to advance women’s issues, the national chapters stayed in contact largely through BPW’s publications, including their “Texas Woman” newsletter. With longtime members such as Tobolowsky, a member since 1946, BPW was not only adept at recruiting new members, but also at keeping existing members motivated and updated on the various causes for and against which the organization was working. No matter what, however, BPW’s primary focus was on gaining full legal equality for women.<sup>17</sup>

Of course, the ELRA and ERA battles were not the first times that Texas women had utilized their organizational skills to venture into the political arena. Throughout the 1950s, women across the state joined anti-communist organizations such as the Minute Women of America in large numbers at the height of the second red scare. Most prevalent in large cities like Houston and Dallas, the Minute Women’s numbers swelled throughout the decade as Texas women fought Communism on the home front as a direct threat to the well-being of their families. With local chapters and a set infrastructure, membership in the Minute Women was not only accessible but also practical and allowed women to venture into the political arena in an effort to fight what they perceived as Communism at home.<sup>18</sup>

Founded in 1949 by Suzanne Stevenson, Minute Women chapters spread across the nation. According to Stevenson, by 1952 there were chapters in twenty-seven states. The Minute Women’s mission promised “to preserve, protect and promote the Constitution of the United States . . . and the freedom it guarantees to individual

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<sup>17</sup> “The Texas Business and Professional Woman,” November 1962.

<sup>18</sup> Mary C. Brennan, *Wives, Mothers, and the Red Menace. Conservative Women and the Crusade Against Communism* (Boulder: University Press of Colorado, 2008), 37.

citizens.” Specifically, the Minute Women, whose political affiliation was largely conservative and Republican, vowed to protect the nation from Communism as well as all other forms of collectivism, arguing that they were direct threats to the American virtues of democracy and individual liberty. By allowing local chapters to operate autonomously, the Minute Women gave significant power to women to localize their organization and focus on whatever problems faced their individual neighborhoods, thus giving women in Texas autonomy over their own political actions. Moreover, because many of the members were housewives with school-age children, their days were often free to research books and individuals which might be labeled subversive. While the official rules of the organization stipulated that members must act as individuals instead of as a political interest group, “the results of their actions indicated the power of their cooperation and coordination.” The organization disseminated information quickly and efficiently, allowing its members to write letters and petitions armed with accurate and persuasive information, furthering their influence as a force in Texas politics.<sup>19</sup>

The difference between the Minute Women of the 1950s and the BPW members is that the Minute Women were largely a conservative organization whose purpose was to fight Communism at a time when Americans across the country were afraid of the spread of subversive thought, whereas the BPW and its supporters were mostly liberals who were fighting for a variety of women’s causes ranging from property rights to basic equality under the law. Stevenson herself advocated a type of conservative, political feminism that Phyllis Schlafly took hold of and made her own during the ERA battle. This conservative feminism, for lack of a better contradiction, focused on halting

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<sup>19</sup> Ibid., 40.

America's drift towards socialism with a more defined focus on the American family and traditional American values.<sup>20</sup>

Within Texas, the Houston chapter of the Minute Women proved itself the most zealous and influential dating back to its formation in the spring of 1951. At times even eclipsing the actions of the national organization, the Minute Women of Houston had "one of the most active local branches in the United States and provided the central leadership role in the conduct of Houston's Red Scare," becoming the most militant of Houston's anti-communist groups by 1952. Following the success of the Houston group, Minute Women branches formed in larger cities like Dallas and San Antonio, with the Dallas chapter rivaling that of Houston in total membership.<sup>21</sup>

The Texas Minute Women's political activism was not simply limited to fighting Communism in their own neighborhoods, however. Many Minute Women and other anti-communist activists in Texas had visible roles in the 1952 presidential election. Many Minute Women were ardent supporters of Robert Taft and openly repudiated Eisenhower as soft on Communism. Following Eisenhower's nomination as the Republican candidate, influential Minute Women such as Virginia Biggers of the Houston group openly refused to support Eisenhower for president, instead announcing their backing of the Constitutional party, which had nominated General Douglas MacArthur.

The support of Biggers and her Minute Women followers of the Constitutional party created a tense situation with another influential Texan, Oveta Culp Hobby. Hobby, who had served as a leader of the Citizens for Eisenhower organization, began

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<sup>20</sup> Don Carleton, *Red Scare! Right-wing Hysteria, Fifties Fanaticism, and their Legacy in Texas* (Austin: Texas Monthly Press, 1985), 111.

<sup>21</sup> *Ibid.*, 122-125.

working on a proposal that would create a national health insurance plan which, if enacted, would provide federal backing to private companies to offer low-cost insurance. Viewing this as socialized medicine and still resentful of Hobby's role in Taft's defeat for the Republican nomination, the Houston Minute Women, along with the conservative Doctors for Freedom organization, assailed Eisenhower for his failure to clean socialism out of his administration and, in particular, lambasted Hobby and the newly formed Department of Health, Education, and Welfare (HEW). Houston members like Biggers, J.D. Mabry, and Elsie Daniels went so far as to initiate a separate letter writing campaign denouncing Hobby and HEW, urging the organization to be "cleaned up" and referring to it as soft on Communism. Overall, the majority of letters received by the White House in protest of Hobby and HEW came from Houston. Biggers herself believed that Hobby "represented the reverse of everything the Minute Women stood for."<sup>22</sup>

As the threat of Communism subsided in the subsequent decades, the Minute Women lost much of their political clout as the cause for which they had been fighting was not as large of a threat. Conversely, as the feminist movement grew throughout the 1960s and 1970s, organizations like NOW and BPW saw their influence increase exponentially leading up to 1980. The increased involvement by women such as Schlafly in anti-feminist causes to counter the actions of NOW and BPW provided the catalyst for a national debate over family values which culminated in Texas on the issue of the state's ERA ratification.

While the Minute Women represented one of the first major movements in which Texas women played an active and public role, the equal rights fight represented the first largely *liberal* movement in Texas which saw women as the driving force. The

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<sup>22</sup> Ibid., 229-231.

forthcoming conservative backlash against the ERA brought the amendment's Texas supporters, who thought their work was finished with the state's ratification, back into the political arena to defend the state's ratification against rescission attempts. The voters' passage of the ELRA was untouchable; the state's ratification of the ERA, however, brought Texas into a state of discontent for years to come. The fact remains, however, that the liberal movement for the ELRA and ERA continued the trend of the growing political influence of Texas women begun by the conservative Minute Women of the 1950s. Whether fighting against Communism or in favor of progressive reform, both organizations and their hordes of followers contributed to the continued growth of women's political influence throughout the state.

The debates over both the national and state ERAs are crucial to the study of the continued emergence of a political frontier in Texas which saw women as the primary forces on the front lines. Tobolowsky herself emerged as a local and statewide hero among feminists and BPW members for her sixteen years of tireless work in favor of the ELRA, continuing that trend over the next decade as the fight for the national ERA grew. In addition, the importance of the state ELRA cannot be overlooked when examining the national ERA as it helped prepare the pro-ERA forces in Texas for the battle that lay ahead on the national level. The letter writing and pamphlet campaigns initiated by BPW to encourage voters as well as politicians to support the ELRA were the same as those used in support of the national ERA from 1972-82. While the state amendment passed with relatively little opposition when compared to its larger, national cousin, the fact that both political battles were pushed forward by women on behalf of other women is monumental in itself and helped usher in a new era of political influence for women

across the state. Both the state and national amendments were specifically directed to protect the rights of women, a milestone not previously seen in constitutional history.

Following the 1972 ratification of the ERA and the subsequent November passage of the state ELRA, Tobolowsky and the ELRA supporters enjoyed their success and reveled in the knowledge that their efforts had secured the passage of a monumental piece of legislation on behalf of Texas women and taken a larger step towards ratifying a national constitutional amendment. Little did Tobolowsky and her associates know that outside forces had already mobilized which would not only question the motives and nature of the ERA itself, but would also challenge the Texas legislature's decision to ratify the ERA and move for its rescission. As the ERA supporters reveled in their 1972 successes, they were unaware of the political battle that was brewing, a battle that would occupy a prominent place in Texas politics for the next decade.

## **CHAPTER THREE: SCHLAFLY AND THE TEXAS RESCISSION MOVEMENT**

Texas's 1972 ratification of the proposed twenty-seventh amendment proved to be only the beginning of the ERA discussion. As progressive women across the state hailed the amendment as a savior of women's rights and the guarantor of equality, conservatives decried it as the destroyer of traditional gender roles and family values. The debate between these two passionate groups escalated throughout the 1970s with organizations like the BPW and NOW taking the lead in favor of the ERA. As they increased their efforts to convince additional states to ratify the ERA, conservative women's groups similarly intensified their campaigns, encouraging state legislatures either not to ratify the amendment or to rescind prior approval. The ensuing decade-long debate which followed the state's ratification pitted Texans against each other and even brought influential national organizations into the fold as both sides battled for the hearts and minds of the state's citizens.

On the same day in March of 1972 that Congress sent the ERA to the states for ratification, Phyllis Schlafly and a handful of followers established the Stop-ERA organization, a group whose sole purpose was to lead the nationwide effort to defeat the ERA. As the organization gained power within the anti-ERA movement, it seemed to

take on a life of its own. Schlafly subsequently transformed it into The Eagle Forum, in 1975, as a pro-family organization also committed to combating the ERA and its supposedly negative effects on the American family. Schlafly and her Eagle Forum followers took much of the credit for the ERA's final defeat in 1982 as the leading organization against the amendment.<sup>1</sup>

In many ways, Schlafly was the premier grassroots organizer of her generation. Although she had been active in conservative causes throughout the 1950s, her crucial work in securing Barry Goldwater's nomination as the Republican candidate for president in 1964 earned her a national reputation. Many posit that her 1964 book, *A Choice Not an Echo*, guaranteed Goldwater's nomination as the Republican candidate against Lyndon Johnson. In the 1960s and 70s, Schlafly solidified her position as the "mother" of late twentieth-century conservatism. She utilized the lessons learned in the uphill battle for Goldwater to mount another grassroots campaign, this time sending her troops to fight against the ERA from coast to coast. In 1977, at the height of Schlafly's battle against the Equal Rights Amendment, she published *The Power of the Positive Woman*, her most direct attack on the women's liberation movement. Schlafly attacked the movement for "neuterizing" society and blurring traditional gender roles. She attributed the decline of the American family to the demand of the feminist movement for gender equality in every facet of society.<sup>2</sup>

Following Goldwater's failed 1964 presidential bid, Schlafly largely disappeared from public politics until the early 1970s. Up until that time, Schlafly was only "dimly aware" of the ERA and even asserted that it might be "mildly helpful." However, in

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<sup>1</sup> *The Phyllis Schlafly Report*, September 1986.

<sup>2</sup> Phyllis Schlafly, *The Power of the Positive Woman* (New Rochelle: Arlington House Publishers, 1977), 25-34.

1972 a friend convinced Schlafly to look into the matter in greater detail. It was at that point that Schlafly decided that the ERA was not innocent, as she originally believed, but was dangerous. After this epiphany, Schlafly formed the Stop-ERA organization that would help halt the movement. It was Schlafly's innate social conservatism that led her to her oppose the ERA and caused her to take the reigns of the anti-ERA movement.<sup>3</sup>

The battle over the ERA was one Schlafly seemed destined to fight. A staunch anti-feminist and supporter of traditional family rights, once she saw the "harm" in the ERA, there would be no stopping her. Through her Eagle Forum organization, Schlafly published her monthly, *Phyllis Schlafly Report*, which addressed current political events. Schlafly frequently found herself in opposition to "feminist lawyers" such as Ruth Bader Ginsberg who viewed the ERA as the driving force for gender equality. Throughout the ERA fight, substantial space in each edition of the *Report* was dedicated to presenting Schlafly's views on how the ERA would destroy traditional values by forcing women to register for the draft, be assigned combat duty in the military, and lead to the national adoption of no-fault divorces and the reduction of the age of sexual consent to 12 years old. Schlafly trumpeted her opinion of the negative effects of the ERA and was frequently called on to speak at rallies against the amendment. In the decade that followed the inception of Stop-ERA in 1972, Schlafly emerged as the most prominent national figure in the fight against the proposed twenty-seventh amendment. As the fight

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<sup>3</sup> Catherine E. Rymph, *Republican Women: Feminism and Conservatism From Suffrage Through the Rise of the New Right* (Chapel Hill: The University of North Carolina Press, 2006), 214; Carol Felsenthal, *The Sweetheart of the Silent Majority: The Biography of Phyllis Schlafly* (New York: Doubleday & Company, Inc., 1981), 232-257; Donald T. Critchlow, *Phyllis Schlafly and Grassroots Conservatism: A Woman's Crusade* (Princeton: Princeton University Press, 2005), 212-242.

grew on the national scale, so did the space dedicated to the ERA in each edition of the *Report*.<sup>4</sup>

In addition to speaking out against the ERA in her monthly newsletter, Schlafly took her opinions to a national audience as well. At the 1980 Republican Convention, Schlafly made it her personal duty to prevent presidential nominee Ronald Reagan, who publicly announced his opposition to the ERA, from being “embarrassed by the feminists on this issue.” Concerned that pro-ERA forces within the party would make a mockery out of the nominee’s views, Schlafly and her supporters, already convinced that the media was on the feminists’ side, successfully lobbied to have the ERA permanently removed from the party’s official platform and reaffirmed the party’s “support of a constitutional amendment to restore protection of the right to life for unborn children.”<sup>5</sup>

Pro-ERA supporters in Texas were well aware that the debates raging within the state over the amendment were not limited to Texas’ borders; rather, they were indicative of the continued national debate over the controversial amendment. Schlafly’s emergence as the anti-ERA spokeswoman was the result of her ability to appeal to her conservative base. Once she pointed out what she perceived as the harm in the ERA, members of the Right jumped on board with her and followed her wherever she went. As Schlafly gained more influence and supporters, ERA proponents in Texas grew increasingly nervous that the anti-ERA forces had found their voice.

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<sup>4</sup> *The Phyllis Schlafly Report*, November 1981. This edition of the *Report* dedicates its entire four pages to assailing of various ERA “misconceptions” and illustrates how the ERA would negatively change the family, education, morals, the military, employment, social security, and language. The *Report* takes aim at claims made in *Sex Bias in the U.S. Code*, published by Ruth Bader Ginsberg (at the time a judge in U.S. Court of Appeals) and Brenda Feigen-Fasteau (Director of the ACLU Women’s Rights Project).

<sup>5</sup> *The Phyllis Schlafly Report*, July 2008.

Although Schlafly was conspicuously in the forefront of the anti-ERA movement, she was by no means the only soldier on the front line. Moreover, despite her national prominence as an anti-feminist, as an outsider from the Midwest, Schlafly's influence in Texas was limited. To fight the ERA in Texas, Schlafly needed more than her notoriety; she needed the support and activism of the conservative organizations within the state. Luckily for Schlafly and the anti-ERA backers, conservative individuals and organizations across the state were beginning to give the ERA a second look and question the amendment's motives and effects.

The Texas legislature's rapid approval of the ERA fueled speculation in subsequent years that they had not taken the matter into sufficient consideration before ratifying the amendment. By 1974, the debate between those who favored keeping ERA ratification in Texas and those who moved to rescind the legislature's approval reached a fevered pitch. As Schlafly and the anti-ERA supporters began to smell blood in the water in Texas, they increased their efforts through pamphlets and propaganda to encourage Texans to demand rescission.

The Fort Worth based anti-feminist organization, Women Who Want to be Women (WWWW), in many ways led the rescission movement in Texas. With the support of larger national groups like Stop-ERA and smaller, localized groups and publications, the conservative WWWW members, often referred to as "the pink ladies" for their pink attire, distributed a variety of pamphlets and propaganda, especially at the height of the rescission movement in 1974-75. WWWW charged that the ERA was not a measure that promoted equality; instead, they contended that it was a "Loss of Rights Amendment" which "strikes at the very foundation of family life." The most notorious

of their anti-ERA pamphlets was the “pink sheet,” printed and distributed out of WWW’s Fort Worth office. One of the most popular and recognizable anti-ERA documents, WWW insisted in the pink sheet that the ERA would force women to work and take away their right to be homemakers if they chose. Additionally, the organization claimed that the ERA would legalize homosexual marriage and adoption, thus causing the downfall of the traditional American family, force women to register for the draft and cause men to share barracks with women.<sup>6</sup> WWW was one of the most influential and active organizations on a state and nationwide basis on behalf of defeating the ERA. Their grassroots use of phone trees, pamphlets, and letter-writing was highly effective and supplemented the national tactics being implemented by Schlafly and her Stop-ERA organization.

WWW was especially effective in infiltrating one influential set of organizations: PTAs. With a large number of the organization’s members working as stay-at-home wives and mothers, they often had easy access to local PTA meetings and frequently distributed anti-ERA material at the meetings. Specifically, WWW contended at the meetings that the ERA would force boys and girls to share the same restrooms and locker rooms. Despite the efforts of feminist organizations to dispel these myths, WWW eventually prevailed. In November of 1974 the organization successfully lobbied the Texas Parent Teacher Association to vote in favor of passing a resolution asking for the ERA’s repeal. The 659 to 571 vote passed the resolution which claimed that, in addition to sharing restrooms and locker rooms, the amendment would force “children and youth to...be together in physical athletic programs which can be damaging to our girls physically and cause mental stress to our children and youth.”

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<sup>6</sup> Women Who Want to Be Women, “Ladies! Have you Heard?,” BPW Papers.

Moreover, the resolution alleged that the amendment would “force schools to hire homosexuals as teachers, athletic directors and counselors which would have a direct affect” on the children. It is doubtful that without WWW’s presence and influence at meetings that the state board would have been compelled to pass such a drastic measure.<sup>7</sup>

Despite their almost immediate influence as an anti-ERA force, however, the organization was often criticized for its lobbying tactics and frequently rubbed citizens and legislators the wrong way. State Representative Bill Clark of Tyler went on record as opposing the ERA, mainly because of the amendment’s second clause which would take enforcement out of the hands of the states and hand it over to the federal government. Nevertheless, he criticized the WWW because “they lobby wrong” with their practice of grabbing legislators and preaching religious and anti-ERA diatribes as opposed to using more traditional, subtle methods. Clark asserted that the organization did “more harm than good” and only deterred legislators from supporting them or even listening to them.<sup>8</sup> Notwithstanding this criticism, WWW was generally effective in getting people to listen. The organization often lashed out at feminist organizations for their support of women’s liberation.

WWW frequently took issue with organizations such as NOW and BPW for forcing the women’s liberation movement on women who did not want it. The organization insisted that American women enjoyed more “privileges, luxuries, and freedom” than any other women in history and questioned the motives of the “tiny minority of dissatisfied, highly vocal, militant women” who were determined to liberate all American women. They went so far as to compare the American liberation movement

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<sup>7</sup> “Texas PTA Opposes Rights Amendment,” *Fort Worth Star-Telegram*, November 15, 1974.

<sup>8</sup> Jeanie Shanahan, “Representative Opposes ERA,” *The Tyler Courier-Times*, October 20, 1977.

to the events that occurred when Castro “liberated” Cuba and brought Communism to the nation. With this, WWW painted a picture of women’s liberationists who preached that a woman should be allowed to choose her own path in life while “forcing” liberation on women who did not want to be liberated, thus taking away the very choices for which they claimed to fight.<sup>9</sup>

A recurrent theme in the rescission literature of anti-feminist organizations was simply that the ERA was unnecessary because there were already ample laws on the books that protected women. In his editorial in *Nation’s Business*, conservative journalist James J. Kilpatrick noted that, despite the fact that many women still suffered workplace discrimination, it was an issue of law *enforcement* rather than a lack of sufficient laws protecting working women. Kilpatrick asserted that enforcement of existing laws was the answer to gender discrimination, not another law that would largely not be enforced. Moreover, through court decisions, the Supreme Court was “writing [the] ERA into the Constitution anyhow” with decisions such as *Reed v. Reed* in 1971 in which the court nullified an Idaho law which gave men preference over females in estates and other decisions which prohibited school boards from discriminating against pregnant teachers. Kilpatrick’s view was consistent with other anti-ERA authorities who claimed that existing laws were sufficient to protect women from discrimination and that a constitutional amendment was simply redundant.<sup>10</sup>

A second consistent theme in a large portion of the anti-ERA propaganda was the espousal of conservative and Christian family values in the face of the feminist uprising occurring across the nation. Many conservative organizations viewed the women’s

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<sup>9</sup> Women Who Want to Be Women, “Ladies! Have you Heard?”

<sup>10</sup> James J. Kilpatrick, “The Case Against ERA,” *Nation’s Business* (January 1975): 9-10.

liberation movement as nothing more than dissatisfied, militant women bent on destroying the American family. The ERA, in their view, was the culminating event of such a movement: an amendment that, in one swift movement, would destroy the American family by breaking down gender roles and questioning Christianity by creating an “anti-Biblical” society with no differentiation between men and women. An editorial in the July 1974 issue of *Firm Foundation*, a conservative Austin-based journal, succinctly espoused the conservative Right’s fear of the ERA, noting that “nothing in all history has degraded womanhood more than this unholy, ungodly attempt to de-sex society.” The journal chided women’s liberationists, whom they characterized as “a small minority of noisy, almost sexless women,” for using “the universal urge for better treatment of women as a cloak for revolutionary activity” and advocating the denial of Christian values to Americans who support them in favor of feminist propaganda, which promoted “free and easy abortion.” The foundation’s concerns were echoed by organizations such as WWW, which took similar issue with the ERA and its supporters.<sup>11</sup>

Despite the conservative anti-ERA forces’ insistence that the amendment was contrary to Christian beliefs, not everyone within the religious right was against the ERA. Throughout the 1970s and early 1980s, members of organizations such as Mormons for ERA and Catholics Act for ERA began to speak up in support of an amendment which would guarantee women’s equality. Despite their churches’ positions against the ERA, many religious women favored the amendment and came to rely on BPW and NOW for financial and moral support. The Catholics Act for ERA, for example, cited a Bible passage which noted that “there does not exist among you Jew or Greek, slave or free,

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<sup>11</sup> Editorial, “This Women’s Lib Thing,” *Firm Foundation* (July 30, 1974), 2.

male or female. All are one in Christ Jesus” in their favor of the ERA. Moreover, despite the Mormon church’s official stance against the ERA, Mormons for ERA similarly looked to BPW for guidance and support and believed “that strengthening the mother’s position in the home and in society will strengthen the entire family.” Throughout the ERA battle, Mormons for ERA sought to connect with other Mormon organizations to combat the church’s stance against the amendment.<sup>12</sup>

Of particular interest to the anti-feminists was their contention that the ERA would directly challenge one of America’s most sacred institutions: the church. On this issue, Stop-ERA and WWWW named NOW as the culprit for their demand that women “be ordained in religious bodies where that right is still denied.” Under the ERA, they asserted, denying women the right to be ordained would be illegal and further lambasted NOW for their goal of abolishing the tax-exempt status of all churches. Moreover, ERA ratification would force all Christian colleges that receive any federal funding to abolish sexually segregated dormitories, showers, and restrooms, further blurring the line between gender roles and transforming the “male-female society into a unisex society.”<sup>13</sup>

The threat of a unisex society was a frequent political ploy utilized by anti-feminist organizations to appeal to men. While the pink sheet was clearly geared towards conservative women by appealing to a woman’s attachment to femininity and family, WWWW also specifically directed propaganda towards men by illustrating the ERA’s negative effects on masculinity and charged that the feminist movement was restructuring the masculine role. According to the anti-ERA literature, this “role reversal” was already

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<sup>12</sup> Maureen Fielder and Sherry Cummings, Catholics Act for ERA Staff Members to Wilma Comfort, Texas Federation of Business and Professional Women member, June 3, 1981, BPW Papers; Sonia Johnson, Chair of Mormons for ERA to Hermine Tobolowsky, May 8, 1979, BPW Papers.

<sup>13</sup> Women Who Want to Be Women, “Ladies! Have you Heard?,” Women Who Want to Be Women, “Equal Rights in Action-The Effect on Men,” BPW Papers.

underway as a result of the growing feminist movement; the ERA was the greatest illustration of that movement.

Specifically, anti-ERA organizations charged that the proposed amendment would only further the emasculation of men at the hands of feminist women. Citing a statement by Dr. Benjamin Spock, WWWW asserted that “when women become aggressive and dominating, they often produce submissive sons,” which goes against the biological plan as a result of the child not understanding the masculine and feminine parental roles. Moreover, the anti-feminist literature cited a 1970 article in the *Seattle Times* which linked “male impotence to female freedom.” Through female domination, the article asserted, the male role was interrupted and “may result in murder, suicide, delinquency, homosexuality, sterility and cancer.” The women’s liberation movement was also to blame for increased alcoholism, crime, and suicide among women as the movement “has upset many women as to their own identity,” leading them to drink excessively. This information, combined with the information from a 1973 *Houston Post* article asserting that women’s liberation led to an increase in women’s suicides led WWWW to believe that the women’s movement, and in particular the ERA, would only further this disastrous trend.<sup>14</sup>

Further exploring how the ERA would destroy the American family, anti-feminists contended that it would erode men’s right to privacy outside the home by granting women membership into men-only private clubs and men’s organizations, even those with equivalent female auxiliaries. Moreover, the ERA, if passed, would guarantee homosexuals the right to marry and adopt since it would be “discrimination based on sex”

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<sup>14</sup> Women Who Want to Be Women, “Equal Rights in Action-The Effect on Men;” Women Who Want to Be Women, “How About That????,” BPW Papers.

to deny a gay couple the right to adopt a child. These consequences, WWW argued, would result in the final undoing of traditional male-female roles as well as the American family as a whole. In their view, organizations like NOW and BPW were the culprits and specifically noted Betty Friedan's remarks that the American family must be restructured "in terms of those obsolete male and feminine roles."<sup>15</sup>

The anti-feminist organizations that preached the evils of the ERA also contained a clear call to action to fight such initiatives and encouraged any person, regardless of gender, to speak up against the ERA. Anti-ERA citizens were told to write, call, or visit their legislators, encourage them to support rescission in Texas to halt the amendment's erosion of traditional masculine-feminine roles, and let them know that "NOW does not speak for...most women." WWW encouraged women to "inform as many people as possible" by distributing the pink sheet and talking to anyone who would listen about the perils of the ERA. In their view, anti-feminists had for too long been the "Silent Majority" and needed to stand up and have their voices heard. For them, the ERA was the perfect catalyst to emerge from the shadows of the more vocal feminists.<sup>16</sup>

The calls to action, similar to the rescission literature itself, frequently harkened back to Christian values and principles. In an anonymous pamphlet noting the "Things You Can Do" to stop ERA, presumably put forth by WWW or another anti-feminist organization, the first step to stopping the ERA movement is to "pray for the Lord's help" and "work to build strong Christian homes where God's plan for the family is recognized, taught, and exemplified." By putting Christian faith in the forefront of the call to action, the organization or individual who formulated the pamphlet built on the common anti-

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<sup>15</sup> Women Who Want to Be Women, "Equal Rights in Action-The Effect on Men."

<sup>16</sup> Women Who Want to Be Women, "Ladies! Have you Heard?," Women Who Want to Be Women, "Equal Rights in Action-The Effect on Men."

ERA theme that the proposed amendment was against God's work and encouraged the reader to work to maintain God's law over man's law.<sup>17</sup>

In total, this particular call to action pamphlet outlined twelve specific things the reader could do to help stop the ERA, most notably writing state legislators, newspaper editors, and the heads of women's, men's and civic groups (the back page even provided guidelines on proper addressing and letter-writing techniques, with tips of effective arguments); distributing the WWW "Ladies! Have you Heard?" and "Equal Rights in Action" leaflets; and circulating petitions with "educational" ERA material. Also included in the pamphlet was a call to action to teenagers encouraging them to write to legislators to tell them that the ERA negatively affects their future. The leaflet suggested "having coke parties, using the time for letter writing" or writing essays in school on why they were opposed to the ERA and women's liberation in general.<sup>18</sup>

All of the anti-ERA groups utilized traditional, conservative grassroots lobbying efforts. Like the Texas Minute Women in the 1950s the anti-ERA women depended on tactics such as letter writing, petitions, pamphlet distribution, and clipping newspaper and magazine articles to keep pace with the issues. The conservative women who opposed the ERA, much like the progressives who supported it, realized that while the ERA would officially be decided in the state legislatures, the court of public opinion would play a decisive role in the final outcome as well. The anti-ERA literature treated the issue almost as a race to see who could write the most letters to change the legislators' minds. What the anti-feminists might not have realized was that the pro-ERA forces employed

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<sup>17</sup> Unknown Author, "Things You Can Do," BPW Papers. This pamphlet was presumably put forth by Women Who Want to Be Women and cites distribution of WWW materials as key actions to helping stop the ERA advancement. No author or publisher is noted, but the material is consistent with that of WWW.

<sup>18</sup> Ibid.

the same tactics in their efforts to push the ERA through passage. Thus, the battle over the ERA was not simply a war of words and philosophy, it was one that would be decided by which side used the tactics more effectively.

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Although anti-ERA groups increased their opposition to the amendment and demanded rescission in Texas, for the first few years of the debate they did not have an official “voice” in the legislature. In 1975, however, State Representative Bill Hilliard gave the anti-ERA advocates a voice in the Texas House of Representatives. When Hilliard introduced his resolution to rescind the state’s 1972 ratification of the ERA, he became one of the most polarizing figures in Texas politics almost overnight. Anti-ERA proponents hailed Hilliard as a hero for American values while pro-ERA supporters assailed him in newspapers and pamphlets as a sexist who was trying to deny equality for women. Hilliard repudiated the remarks that he was a sexist and even invited “women liberationists” to try to question his political background.<sup>19</sup>

When two influential lobbying groups of the Texas Women’s Political Caucus named Hilliard and seventeen other Texas lawmakers enemies of the ERA and targeted them for removal from office, many women’s rights organizations such as the BPW followed and focused attention on the lawmakers’ past political views and actions. Hilliard contended that there were already ample laws on the books that protected the rights of women and that “the ones who should be kicking (about equality) are the white males” who would have their rights infringed on by the new legislation. Many women who had been fighting for the ERA since its inception saw the only course of action to

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<sup>19</sup> “Hilliard Asks Defeat by Women, If Able,” *Fort Worth Star-Telegram*, August 10, 1975.

combat Hilliard and his anti-ERA followers was to expand grassroots efforts to encourage voters as well as legislators across the state to voice their opinions on how the ERA would protect Texas women and why it was an important addition to the Constitution.<sup>20</sup> In this case, the pro-ERA supporters won the battle as Hilliard's resolution to repeal the state's ratification of the amendment failed to gain enough support to pass.

After Hilliard's 1975 rescission attempt failed to secure the needed votes in both chambers to repeal the ERA ratification, ERA opponents continued to push for repeal in 1977 and again in 1979. During the 1979 legislative session, State Senator Walter Mengden and Representative Clay Smothers again introduced legislation to rescind the state's ratification of the ERA. Similar to the result in 1975, Mengden and Smothers failed to gain enough votes to formally repeal the amendment's ratification in Texas. The continued rescission attempts in Texas, however, allowed Schlafly and the anti-ERA forces to gain a larger support base within the state and continue propaganda and letter-writing campaigns to appeal to the conservative factions to support rescission of the ERA on behalf of family values.<sup>21</sup>

The battle that raged in Texas and pitted progressive women against conservative women was indicative of a fight that was simultaneously occurring nationally. Texas was only one of several states that faced rescission attempts throughout ten years of ERA consideration. The rescission attempts themselves illustrate the struggle occurring in

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<sup>20</sup> Kathi Miller, "Hilliard ERA Stand Brings Female Blitz," *Fort Worth Star-Telegram*, January 30, 1975; Patrick Martinets, "Anti-ERA Sponsor Eyed," *Fort Worth Star-Telegram*, February 7, 1975; Editorial, *Fort Worth Star-Telegram*, February 27, 1975; "Hilliard Asks Defeat by Women, If Able," *Fort Worth Star-Telegram*, August 10, 1975.

<sup>21</sup> "Resolutions Ask Rescission of Texas' ERA Ratification," *Fort Worth Star-Telegram* January 18, 1979; Women Who Want to Be Women, "Ladies! Have You Heard?"

Texas and elsewhere between traditionalism and progressivism. The ERA was arguably the cataclysmic expression of such a struggle as conservatives, still wary from the “liberalism” of the 1960s, sought the calmer waters of traditionalism and helped to engineer the election of Ronald Reagan in 1980.

Following the civil unrest of the 1960s and the emerging women’s liberation movement that was its product, many conservative women longed for a return to normalcy within their daily lives. The ERA with its espousal of women’s equality and liberation was the biggest challenge that faced such a return. Many conservative women fought for the ERA with such force because it represented the last straw in the fight to keep traditional family values. With organizations like NOW and BPW leading the fight, many women longed for the days when it would not be questioned that the husband must support his family and that his wife could be a homemaker if she chose. With the ERA as the most direct challenge to this thought process, it invariably had to be stopped.<sup>22</sup>

Moreover, with the emerging women’s movement and subsequent ERA fight, the conservative right found its cause for “reorientation.” Whereas in the 1950s the conservative movement focused most directly on anti-communism, by the 1960s and 1970s it had a new cause, one that Lisa McGirr refers to as “assertive liberalism,” which included women’s liberation, a movement from which the ERA was a direct descendant. In the ten years that it took for the ERA to finally “die,” the conservative right found its unofficial platform and gained momentum through the years, eventually leading to Reagan’s election to the presidency.<sup>23</sup>

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<sup>22</sup> Bruce J. Schulman and Julian E. Zelizer, eds., *Rightward Bound* (Cambridge: Harvard University Press, 2008), 22, 77-79.

<sup>23</sup> Lisa McGirr, *Suburban Warriors. The Origins of the New American Right* (Princeton: Princeton University Press, 2001), 232-233, 240-241.

This new conservative right, however, needed a spokesperson. They found it in the person of Phyllis Schlafly. While Hermine Tobolowsky was the “mother of the ERA” in Texas, Schlafly was the “mother of the anti-ERA” in Texas and everywhere else. Despite being from Illinois, Schlafly’s face was frequently shown on news programs throughout the state, and she regularly appeared in Texas newspapers spouting her belief that the amendment’s language was too broad and “presented potentially dangerous implications.” While Schlafly’s Stop-ERA never had the membership numbers of BPW or NOW, she wielded considerable influence among the conservative right partly due to her ability to take the spotlight whenever she needed it.<sup>24</sup>

On the surface, Schlafly seemed to be the antithesis of conservatism. As a strong-willed and educated attorney, published author, and would-be politician, Schlafly was, by 1970s standards, the model of the liberated women. Throughout the 1970s, however, Schlafly earned herself the nickname as the “Sweetheart of the Silent Majority” for her efforts against the ERA, which she viewed as “a big grab for vast new federal power.” It is also interesting to note that, by 1977, Schlafly’s home state of Illinois was the only state outside of the South and the heavily Mormon-populated mountain regions that failed to ratify the ERA.<sup>25</sup>

Clearly, Texas was not the only state battling for its own ideology. Rather, what happened in Texas was indicative of what was occurring within the nation as a whole. The ERA was an issue that brought everyone into the fold and forced people to pick sides. Whichever side one was on was irrelevant as each had its own set of allies and

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<sup>24</sup> Donald T. Critchlow, *The Conservative Ascendancy. How the GOP Right Made Political History* (Cambridge: Harvard University Press, 2007), 127-128.

<sup>25</sup> Bruce J. Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (Cambridge, MA: Da Capo Press, 2001), 169-170.

enemies. The important part for all Texans, however, much like in the Texas Minute Women's crusade against Communism, was that everyone had to pick a side.

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Bill Hilliard's formal proposal of an ERA rescission in 1975 gave new life and purpose to both sides of the ERA battle. Whereas supporters of the ERA in Texas thought the issue was decided back in 1972, they now found themselves forced to fight off attempts to rescind their beloved amendment. Hilliard was convinced that the Texas House of Representatives would rescind the amendment, but was unsure of the outcome in the Texas Senate.<sup>26</sup> His speculation proved to be accurate as the Texas legislature never rescinded the state's ratification. However, with the possibility of a rescission in a major battleground state like Texas, ERA supporters and opponents alike increased their efforts. To make matters worse for ERA supporters in Texas, legislatures in Nebraska and Tennessee voted to rescind their ratification of the amendment in 1973 and 1974, respectively, due in part to pressure from national conservative organizations who gained a large enough foothold in those states. Idaho joined them by rescinding the ERA in 1977, followed by Kentucky in 1978 and South Dakota in 1979. Numerous other states including Texas, Indiana, and Iowa saw resolutions to rescind ERA ratification in 1977 with no avail. An additional eight states including Connecticut, Kansas, and Montana defeated ERA rescission attempts during the 1977 legislative session.<sup>27</sup>

The anti-ERA and subsequent rescission movement in Texas ultimately represented the conservative backlash to a very progressive amendment. As social conservatives within the Republican Party touted traditional values and helped form the

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<sup>26</sup> Patrick Martinets, "Anti-ERA Sponsor Eyed," *Fort Worth Star-Telegram*, February 7, 1975.

<sup>27</sup> ERAmerica Newsletter, November 1977, BPW Papers; *The Phyllis Schlafly Report*, September 1986.

crux of the New Right, the ERA, along with the *Roe v. Wade* decision in 1973, became a rallying cry for anti-feminists like Schlafly. For these anti-feminists, “*Roe* and the ERA were fundamentally linked because they were both endorsed by feminists and seemed...to threaten their notions of family stability.” As support for these rallying cries grew nationally, the support encouraged, and sometime succeeded, in effective rescission movements within states that had already ratified the ERA.<sup>28</sup>

While the rescission movement in Texas ultimately failed on multiple occasions, the attempts alone were enough to keep the ERA in the forefront of newspapers across the state and cause pro-ERA organizations like BPW and NOW to continue their efforts. Despite the ERA supporters’ ability to stave off the rescission attempts in Texas up to that point, they knew by 1978 that time was running short. Regardless of whether or not Texas maintained its ERA ratification, ERA supporters were still short of the needed thirty-eight states, and the clock to the original seven-year deadline originally set by Congress was rapidly winding down. Whether Texas maintained its ratification or not was a moot point if the required three-quarters majority of states was not met. Time was running short for the ERA, and its Texas supporters were all too aware that they were not even close to declaring victory. In October of 1978, however, they received the miracle they needed to continue their fight.

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<sup>28</sup> Rymph, *Republican Women*, 213-214.

## CHAPTER FOUR: CONFLICT AND CULTURE WAR

As the initial seven-year-limit to ratify the ERA grew closer, ERA supporters were still short of the needed thirty-eight states. When, on October 6, 1978, Congress granted a three-year and three-month extension to give the remaining states sufficient time to consider the amendment, ERA supporters in Texas increased their efforts both to stave off further rescission attempts in the state as well as to influence lawmakers in states that had yet to ratify the amendment. Organizations like BPW and NOW were optimistic that the time extension was exactly what ERA supporters needed to give them the extra motivation to push the amendment through the remaining state legislatures. With the new ERA expiration deadline set for June 30, 1982, supporters rallied their troops like never before to show support for ERA passage. These same supporters now had to balance growing rescission demands with the need to hold onto their constituency of supporters and to encourage anti-ERA forces to switch sides and support the amendment. It would prove to be a difficult balancing act.

One year before Congress's approval of the ERA extension, 3000 women clad in white marched to the White House on August 26, 1977 (Women's Equality Day) to show their support of the ERA to President Jimmy Carter. Representing various civil rights, professional and religious organizations, the women symbolically re-enacted the 1913 Alice Paul March in which 8000 women marched from Congress to the White House to show their support for women's suffrage. Sponsored by BPW, the NWP, the League of

Women Voters, and NOW, the march encouraged all women to show their support for the ERA and featured marchers carrying banners spelling out the amendment's text. Intent on showing their support to the sitting president, a rally after the march featured speakers such as Bella Abzug and National BPW President-elect Geraldine Eidson encouraging Carter to show his support for the ERA.<sup>1</sup>

Just as pro-ERA supporters increased their efforts and came up with new ways to appeal to state and national legislators, anti-ERA proponents similarly continued to play hardball with propaganda and letter-writing campaigns in Texas and across the nation. These campaigns, specifically aimed at preserving traditional values, encouraged those who supported Christian values to demand rescission by the legislature because of the ERA's negative effects on the family. Many of the claims originally put forth by Schlafly back in 1972 concerning the detrimental effects of the amendment on family life and moral values re-emerged in the anti-ERA propaganda distributed across the state, making their way from the anti-feminist leaders' front porch to the movement's anti-ERA literature.<sup>2</sup>

As WWW and Stop-ERA ramped up their efforts across the state, increasing circulation of pamphlets like the pink sheet, BPW and ERAmerica similarly increased their efforts to combat what they perceived as misstatements in the anti-ERA propaganda in an effort to maintain ratification within Texas, which was still a contentious issue at that point, while also encouraging other states to ratify. The Texas chapter of BPW joined with organizations such as the National Organization for Women (NOW), ERAmerica, and the League of Women Voters to combat the anti-ERA propaganda. In

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<sup>1</sup> "National Business Woman," October 1977, BPW Papers.

<sup>2</sup> Women Who Want to Be Women, "Ladies! Have you Heard?"

response to WWW's pink sheet, ERA proponents published numerous pamphlets and information sheets of their own, directly refuting the statements made by WWW. One BPW pamphlet in particular aimed to discredit one specific aspect of anti-ERA propaganda: national defense. In their pamphlet entitled, "Who will defend America?," BPW acknowledged that the ERA could mean military service for women, but was quick to point out that the ERA would not require anything more of women than it requires of men. Specifically, all women "would NOT be drafted any more than all men have ever been drafted." In years past, the pamphlet argued, "only a small number of men subject to the draft were ever called to serve." Moreover, since nine out of ten service jobs were non-combat positions, it was unlikely than any women that actually were drafted would see action on the front-lines since only one out ten men ever did. The pamphlet concluded by encouraging women who were worried about the ERA's effect on the military by reminding them that any woman who serves "will share in the opportunity to defend their country. America deserves the best from all its citizens."<sup>3</sup> General Mildred Bailey, the military's top ranking woman, echoed Tobolowsky's statements about the unlikelihood that women would see combat. She assured the public that the odds women would be sent into combat were "next to zero" and would only occur in "a question of national survival."<sup>4</sup>

Tobolowsky and BPW similarly took a direct approach in combating the WWW pink sheet, one of the most recognizable anti-ERA pamphlets with their pamphlet, "Answers to the Mis-Statements in 'Ladies! Have you Heard?.'" Disputing the allegations that the ERA would weaken the foundation of American family life,

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<sup>3</sup> The National Federation of Business and Professional Women's Clubs, Inc., "Who will defend America?," BPW Papers.

<sup>4</sup> "No Women Foreseen in Combat," *Austin American Statesman*, February 26, 1975.

Tobolowsky, the main author, insisted that the ERA would strengthen (as opposed to destroying them as the anti-ERA literature alleged) family values “by establishing a real partnership in law as well as in fact in the marriage relationship and strengthening the bonds between men and women.” She also attacked the assertions by WWW and Stop-ERA that ERA would force women to enter the workplace. Arguing that there exists nothing on the state or local level that compels anyone to work, she exposed the illogic and hysteria of their statement. Obviously, forcing women to work would be an inequality in itself as there is no provision that men must work.<sup>5</sup> By taking a direct approach in refuting the allegations of WWW and other anti-ERA organizations, Tobolowsky contributed to the success of organizations around the state that attempted to fend off outside forces from organizations such as WWW and Stop-ERA who supported rescission in Texas.

As the battle over rescission heated up in the mid-1970s, the women of BPW made WWW the most frequent target of their invective. Charged that anti-feminist organizations like WWW only used “smear campaigns” to advance their cause, the pro-ERA women castigated them for misinforming the public. As the leading organizations on their respective sides of the ERA battle in Texas, the Fort Worth-based organizations frequently attacked each other. The BPW thought the ERA question was settled back in 1972, but WWW brought it back to the forefront in Texas and forced BPW members (most notably Tobolowsky) to retaliate with assertions that since Texas citizens had already answered the question of equality on the state level in the four-to-one

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<sup>5</sup> Hermine Tobolowsky, “Answers to the Mis-Statements in “Ladies! Have you Heard?,” BPW Papers.

vote approving the ELRA in 1972, WWW did not represent the silent majority, but rather the “squawking minority.”<sup>6</sup>

Most important, Tobolowsky and the ERA supporters charged their ERA opponents with making blatantly false and misleading statements. Some were designed to exploit women’s fears that they might be drafted or that they would not be protected by rape laws. In another example, the Committee to Restore Women’s Rights distributed a list naming University of Texas law professor Scot Powe and former Harvard Law School Dean Roscoe Pound as “Constitutional Authorities Opposed to E.R.A.” Powe, in a letter to State Representative Sarah Weddington, noted that Pound could not possibly have opposed the ERA since Pound “was dead long before the ERA was ever conceived.” Additionally, Powe noted that he was surprised to have been added to the list, emphasizing that he was “unalterably opposed to the rescission by any state, especially Texas, of its ratification of the ERA.” When Weddington passed the letter onto BPW, they often used it to illustrate how anti-ERA organizations lied to advance their cause.<sup>7</sup>

Tobolowsky similarly picked up on this trend and issued her own literature, either on behalf of BPW or as a private citizen. In her various pamphlets, she urged Texans to not be fooled by ERA opponents who were “still busy trying to create enough confusion” about the ERA to not only persuade the Texas legislature to rescind the state’s ERA ratification, but also to amend the state constitution to delete the existing ELRA that passed a voter referendum in 1972. Tobolowsky chided ERA opponents for using “scare tactics” such as insinuating that the ERA would invalidate rape laws and statutes

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<sup>6</sup> “The Texas Business and Professional Woman,” November 1974, BPW Papers.

<sup>7</sup> Committee to Restore Women’s Rights, “Constitutional Authorities Opposed to E.R.A.,” BPW Papers; Scot Powe to Sarah Weddington, February 13, 1975, BPW Papers.

prohibiting homosexual marriage and ignoring “the Court decisions which have already been handed down which prove their claims to be false.” Undoubtedly, the anti-ERA literature’s success in gaining a foothold in both popular opinion and the Texas legislature must have been one of the most frustrating situations for Tobolowsky. She published her “Legislative Workshop” memorandum, which outlined her opposition to the anti-ERA scare tactics, the year following Bill Hilliard’s resolution in the Texas House to rescind the state’s ERA ratification. By the time the memo came out in June of 1976 emphasizing that “two hundred years is much, much too long to wait for justice and equality,” the rescission issue was still very much at hand and the legislature was still debating Hilliard’s resolution.<sup>8</sup>

By dissecting the individual propaganda published by anti-ERA organizations, supporters attempted to re-educate Texans on the benefits of the ERA and how it would strengthen family values by guaranteeing equality while not drastically changing anyone’s individual way of life. By publishing “fact sheets” which directly refuted the allegations of WWW and other organizations, ERA proponents met the battle for the ERA head on and bolstered support for maintaining ratification throughout the state.

As more anti-ERA propaganda surfaced through the years, ERA proponents similarly had to increase their efforts with fact sheets and propaganda of their own. One such fact sheet published by Tobolowsky, writing for the Austin-based Texans for ERA, directly addressed the anti-ERA rallying cry that the amendment would create a unisex society of co-ed restrooms, dormitories, and barracks. To combat this, the pamphlet cited the *Griswold v. Connecticut* Supreme Court decision which guaranteed the right to privacy, noting from the decision that “the right of privacy is a fundamental personal

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<sup>8</sup> Hermine Tobolowsky, “Legislative Workshop” memorandum, June 26, 1976, BPW Papers.

right emanating from the totality of the constitutional scheme under which we live.” Put simply, the ERA would not require unisex restrooms and the like because to do so would deny the right to individual privacy. Moreover, the pamphlet denied that the ERA would give Congress the right to draft women because Congress already had that right but chose not to exercise it. In a final appeal, the pamphlet pointed out that, according to the 1974 report of the Citizens Advisory Council on the Status of Women, organizations, including the Ku Klux Klan, the John Birch Society, and the Communist Party, U.S.A., were among those opposed to the ERA. Several pro-ERA pamphlets specifically listed these organizations as opposing the ERA.<sup>9</sup>

While many were surprised that the Communist Party, U.S.A. (CPUSA), would oppose the ERA because of its guarantee of equality, several pro-ERA pamphlets complain that the organization opposed the ERA. ERA supporters cited an April 1973 statement in which the party stated that it opposed the ERA because military service and positions of high leadership for American women would be unacceptable “because it would be military service for wars of oppression and conquest.” While the statement advocated military service for Vietnamese women, it specifically called out American women who would only use their service to promote imperialism. Further, the American ERA, in the CPUSA’s opinion, did not go far enough to promote the rights of working women. The party would accept the ERA only if it included a women’s bill of rights. Given the aftermath of the 1960s civil rights movement and the anti-Communist movement of the 1950s, Tobolowsky attempted to gain support for the ERA by illustrating that some of the organizations which were against like the Ku Klux Klan and

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<sup>9</sup> Hermine Tobolowsky, *Texas for ERA*, Untitled Pamphlet, BPW Papers.

the John Birch Society (whom she also suspected of financing WWW) also condoned racism. She also emphasized that the CPUSA denied personal freedom.<sup>10</sup>

In response to the growing support for rescission, ERA supporters around the state formed new organizations of their own. Texans for ERA (chaired by Tobolowsky) along with the Coalition to Reaffirm the ERA in Texas (started and chaired by League of Women Voters in Texas President Mrs. Darvin M. Winick) both emerged in the mid-1970s to combat the national and state-wide campaigns against the ERA. In 1975, when the rescission issue was still looming large over the Texas legislature, Tobolowsky and a handful of officials from various organizations met in Austin and agreed that forming an organization like Texans for ERA which could share information from the various pro-ERA groups would benefit their cause. Winick had a similar mindset when she began the Coalition to Reaffirm the ERA in Texas in 1974 in response to the growing rescission movement within the state. Both organizations encouraged the use of grassroots methods such as phone trees, educational mailings, and speakers bureaus as the best ways to combat the anti-ERA propaganda.<sup>11</sup>

One of the first issues the new Texans for ERA organization tackled was a proposal by Representative George L. Preston of Paris to put the question of ERA rescission on the citizens as a “non-binding’ referendum for the election ballot in April.” Caught up in the confusion of the issue, Preston introduced the resolution “to place the question of rescission of ERA on the ballot” to let the citizens decide. Appalled by this prospect, the newly formed Texans for ERA notified all members as well as those of supporting organizations that such an effort must be opposed on the grounds that there

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<sup>10</sup> Ibid.; Hermine Tobolowsky to Lucille Shriver, October 29, 1974, BPW Papers.

<sup>11</sup> “The Texas Business and Professional Woman,” January 1975, BPW Papers; Mrs. Darvin M. Winick to Organization Presidents, November 1, 1974, BPW Papers.

existed no precedent by court or legislature that allowed a state to rescind prior approval of a constitution amendment. Moreover, since the legislation handled ratification in the first place, a vote would be a waste of time and money since “the results of the election would not be binding on the Legislature.” Because the constitution dictated that the legislature, not the people, was responsible for amending the state constitution, a statewide vote to rescind ratification would have no standing whatsoever. The Texas BPW branch echoed their sentiments and sent out a call to all members “to contact your legislatures immediately and let them know your opposition” to the initiative. The efforts of Texans for ERA paid off as Preston’s proposal to introduce ERA rescission on the April ballot never got off the ground.<sup>12</sup>

ERAmerica supplemented the efforts of Tobolowsky, BPW, and Texans for ERA by distributing pamphlets indicating organizations that refused to hold conventions in unratified states. Supporters intended the list, which included organizations ranging from the American Jewish Committee to the American Civil Liberties Union, to demonstrate the financial losses a state would incur by losing the business of organizations that refused to hold conventions in the state. Printed in March of 1978, at the height of the nationwide ERA debate, ERAmerica mailed the list to a variety of organizations and lawmakers in an attempt to influence them to push the ERA through the state legislatures. By demonstrating the possible financial losses to a state that did not ratify the ERA, the amendment’s supporters hoped to appeal to state legislatures by illustrating how denial of

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<sup>12</sup> Texans for ERA memorandum on “Strategy to be used for resolution on Referendum-ERA,” BPW Papers; Texas BPW Legislation Committee to “Co-Worker,” February 12, 1975, BPW Papers.

equality would hit their pocketbooks as opposed to tugging at their heartstrings.<sup>13</sup> The national BPW utilized a similar boycott three years earlier when it announced its refusal to hold conventions in unratified states and called for an outright boycott by its 170,000 members of tourism in those states.<sup>14</sup>

Although based in Washington, D.C., ERAmerica's literature frequently made it into mainstream Texas political circles, partly through distribution of locally based organizations like Texans for ERA and BPW. Such organizations especially used ERAmerica's literature to supplement their own during the rescission battle in the last half of the 1970s. When ERA opponents "promised to secure rescission in fifteen states in 1979" to force the legislature's hand in recognizing a state's right to rescind amendment ratification, ERAmerica kicked their campaign into high gear, distributing rescission fact sheets in Texas, which it viewed as one of the battleground rescission states. Their rescission facts included statements from Justice Department officials who noted that "rescissions may be made valid only through an amendment to Article V of the Constitution," something which would likely never happen as it was included in the original constitution. The sheet also noted that, in its 200 year history, "Congress has consistently taken the position that ratification of a constitutional amendment is final and that rescissions are invalid." Such materials brilliantly supplemented those of Texas-based organizations in combating myths and misstatements propagated by anti-ERA organizations that a state had the right to rescind its ratification of an amendment. ERAmerica took much of the credit when rescission attempts failed during legislative

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<sup>13</sup> ERAmerica Pamphlet, March 29, 1978 noting "Organizations That Will Not Hold Conventions in Unratified States, BPW Papers;" National Federation of Business and Professional Women letter dated October 12, 1978, BPW Papers.

<sup>14</sup> "BPW To Punish Anti-ERA States Via Parley Boycott," *Las Vegas Sun*, July 25, 1975.

sessions in the late 1970s in Wyoming, Indiana, New Hampshire, Rhode Island, and North Dakota. The organization also touted its efforts to lobby the Texas legislature against rescinding its approval.<sup>15</sup>

A significant reason that these rescission attempts failed in Texas from 1974 onward was that Tobolowsky and the ERA supporters utilized grassroots campaign tactics such as phone trees, letter-writing, and pamphlet distribution to remind people across the state why Texas had ratified the ERA in 1972. Despite the barrage of propaganda appealing to the conservative Texas population, BPW and its associate organizations reminded Texans of the benefits brought by guaranteed equality through a constitutional amendment. In this way, the grassroots efforts employed by Tobolowsky and her ERA supporters effectively held off the national forces of Schlafly and the anti-ERA organizations. Ironically, these were the same tactics also used by anti-ERA organizations to bring the question of rescission to the table in the first place. The fact that both sides used the same traditionally feminine grassroots efforts further illustrates that the movement was geared by women to specifically appeal to other women.

In addition to fighting off rescission efforts, ERA supporters faced opposition to the extension of the time limit for ratification of the national amendment. Opponents argued that the extension was unconstitutional and contradictory to the original amendment. ERA supporters countered that the deadline was not part of the original amendment, and that the Constitution provided no specifics on the timeline for approving amendments.<sup>16</sup> They rejected complaints from anti-feminist organizations that the

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<sup>15</sup> Sheila Greenwald to Ratified State Contacts, December 1, 1978, BPW Papers; ERAmerica, "Rescission Fact Sheet," BPW Papers; Sharon Percy Rockefeller and Helen Milliken to ERAmerica Contributors, undated letter, BPW Papers.

<sup>16</sup> Women in Communications, Inc. pamphlet, October 1980, BPW Papers.

extension would change the rules in the middle of the game. ERA supporters argued that Congress had always been allowed to change its rules when circumstances demanded it and that an arbitrary deadline did not have the power to override Article V of the Constitution which outlined how the Constitution may be altered or changed and made no mention of deadlines.<sup>17</sup>

Moreover, ERA proponents noted in one pamphlet that “Congress has never recognized a rescission as being valid, even in instances where the final adoption of the proposed amendment was dependent upon the rescission issue.” To illustrate this, the pamphlet offered the example of the fight over the fourteenth and fifteenth amendments. During the ratification process for the fourteenth amendment, two of the twenty-nine states that ratified later attempted to rescind their ratification (twenty-eight states were needed to ratify the amendment). Congress ignored these rescission attempts and declared the amendment a part of the constitution, listing the two states with the others that ratified. New York similarly attempted to rescind its ratification of the fifteenth amendment only to have its rescission ignored by Congress and find itself counted as one of the states that approved the amendment.<sup>18</sup>

When NOW organized National Lobby Day on July 10, 1978, encouraging citizens to lobby their legislators to support the ERA and approve the time extension, their literature highlighted how the ERA would support women of every profession. The literature pointed out that teachers “represent only 2% of total secondary school

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<sup>17</sup> National Organization for Women, “National Lobby Day,” BPW Papers; National Organization for Women Action Center, “Summary of Law Respecting the Constitutionality of Congressional Legislation Authorizing States to Rescind Ratifications of a Proposed Constitutional Amendment,” BPW Papers.

<sup>18</sup> National Organization for Women Action Center, “Summary of Law Respecting the Constitutionality of Congressional Legislation Authorizing States to Rescind Ratifications of a Proposed Constitutional Amendment.”

principals, although they comprise 63% of the public school teachers,” and that women college professors earn an average of \$3000 less per year than their male colleagues. NOW, as well as other pro-ERA organizations, viewed the summer of 1978 as a crucial time for the ERA as the extension was the only chance the amendment had to ever see the light of day.<sup>19</sup>

To this end, the anti-ERA organizations, once again led by Schlafly, protested that the time extension was nothing more than an unfortunate event that “enabled the ERA advocates to exert enormous political and financial pressure on four states in 1982 while ‘counting’ the twenty-three states that passed the ERA in 1972...and pretending that five rescissions did not exist.”<sup>20</sup> For Schlafly and her supporters, any ratification of the ERA would undoubtedly be under fire, forcing either Congress or the Supreme Court directly to address the question of whether a state had the right to rescind prior ratification of a constitutional amendment.

Since the state legislatures officially decided ERA ratification or rescission, both state and national politicians experienced an increase in pressure from their constituencies in the years subsequent to 1972. While national and state politicians took a prominent role in the ERA from its inception, once the question of rescission entered the political arena, organizations on both sides increased correspondence to local and national legislators to pressure them to support their respective side.

When Martha Griffiths, the amendment’s original champion at the national level in the 1972 Congress, left the body in 1974 (Griffiths was not a candidate for re-election to the next Congress) ERA supporters found a void where Griffith’s support once was.

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<sup>19</sup> National Organization for Women, “National Lobby Day.”

<sup>20</sup> *The Phyllis Schlafly Report*, September 1987.

Despite this, ERA proponents in Texas forged on in their quest for state and national support for the amendment. Since it was crucial for ERA proponents to have representatives in both the state and national legislatures who shared their interest in the amendment's success, following Griffiths' departure they increasingly reached out to legislators on both levels seeking their assistance.

On the statewide level, they found new leadership in State Representative Sarah Weddington. Already a celebrity among feminists for her victory in the *Roe v. Wade* Supreme Court decision, Weddington was elected as a State Representative mere months before the Supreme Court handed down its *Roe* decision. Her success in that case only enhanced her popularity. At twenty-six years old, Weddington, herself a member of the BPW club in Austin, became the youngest woman in the legislature when she was sworn into the 63<sup>rd</sup> legislature in January of 1973. Although she served only four years in the Texas House from 1973-1977, she served as an influential figure within the body and an ardent supporter of the ERA.<sup>21</sup>

Weddington seemed to take personal pride in being one of the leaders of the ERA in the Texas legislature. In October of 1974, when the rescission debate was beginning to heat up, Weddington took the initiative to send out an information packet and letter to her fellow legislators "to provide information on the true facts involved in the ratification of the ERA." Recognizing the potential impact of WWW and Stop-ERA propaganda, Weddington elected to cut the organizations off at the pass and try to influence her colleagues in the Texas House and Senate.<sup>22</sup>

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<sup>21</sup> "The Texas Business and Professional Woman," January 1975, BPW Papers.

<sup>22</sup> Sarah Weddington to "Fellow Legislator," October 10, 1974, BPW Papers.

Weddington enlisted the help of BPW members throughout the state. In light of the growing rescission movement in 1974, Weddington similarly wrote to BPW President Chloe Monroe to warn her of the growing movement to support rescission in the Texas legislature. Seeing it as a threat, Weddington encouraged Monroe to “inform your membership of the sudden interest in the ERA and suggest any action that you think appropriate.” Weddington recommended wide distribution of Tobolowsky’s “Answers to the Mis-statements in ‘Ladies! Have you Heard?’” a pamphlet which the legislator referred to as “one of the best pieces I have seen on the subject.” Taking her cue from Weddington’s alarm over the growing rescission movement, Monroe sought the guidance of Texas Lieutenant Governor and ERA supporter, William P. Hobby, who assuaged her fears a bit by noting that he did not see “noticeable support” for a rescission movement in Texas. He promised to do everything he could not only to “make certain Texas’ ratification of the Equal Rights Amendment stands,” but also to encourage other state legislatures to similarly ratify the amendment. Despite Hobby’s reassuring words to Monroe, his outlook proved erroneous as the rescission movement he wrote off was gaining more support within the legislature by the week.<sup>23</sup>

Operating without Hobby’s rose-colored glasses, Weddington included several letters and pamphlets in her correspondence to Monroe that BPW members could distribute on the benefits of the ERA. Among the materials was an explanation of “myths concerning the ERA to the U.S. Constitution,” which addressed issues such as the draft and spousal support that Weddington had herself compiled. The ERA “fact sheet” called attention to the failure of other rescission attempts, and included an article in the Fort

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<sup>23</sup> Sarah Weddington to BPW Editor and President Chloe Monroe, October 17, 1974, BPW Papers; William P. Hobby to Chloe Monroe, October 22, 1974, BPW Papers.

Worth *Star-Telegram* which noted that the ERA ratification was possibly untouchable. The recurrent theme in Weddington's materials was that the ERA was necessary to protect women's rights. Since women share many responsibilities with men, they also needed "the rights, privileges, and protections...associated with those responsibilities."

State Senator Betty Andujar offered moderate reassurance to BPW member and former president Maude Arnold that she also opposed any rescission attempts, and that she would continue to support the ERA, provided that women "can retain their rights to privacy and not be subject to the draft except...because of national necessity." While Andujar put such conditions on her support, with the rescission movement in full swing by 1974, ERA proponents took any support in the legislature they could get. Arnold had reason to be skeptical of Andujar's support, however. One month before her letter to Arnold, Andujar informed the Fort Worth *Star Telegram* that the legislature would "take another look at it" because of the growing rescission movement and the actions of organizations like WWW who continued to gain larger and larger footholds within the legislature. Andujar had previously written to WWW, informing them that she supported taking another look at the ERA and thought that such a reexamination was necessary in the wake of the growing rescission movement. Andujar was hesitant to even address the issue of rescission, however, until the legislature established if the approval could be repealed in the first place. Andujar's actions directly countered those of State Representative Chris Miller, who reported to the *Star-Telegram* that she opposed any and all moves to rescind the states ERA ratification since "the voters in Texas made it plain how they felt when they passed the Texas [ELRA] by a four-to-one vote."<sup>24</sup>

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<sup>24</sup> Sarah Weddington, "Equal Rights Amendment to the U.S. Constitution," BPW Papers; Sarah Weddington, "Myths Concerning the ERA to the U.S. Constitution," BPW Papers; Sarah Weddington,

If ERA supporters thought they would obtain allies in the national Congress as easily as they had with Weddington in the state body, they were in for a rude awakening. When BPW leader Wilma Comfort sought the support of U.S. House Majority Leader Jim Wright, a Texan who voted in favor of the ERA when it passed in 1971, two months before Congress approved the extension, she must have been less than pleased with his response. Wright indicated that he supported the ERA's intent to guarantee equal opportunity and equal pay for equal work, that he and favored a reasonable time extension for the amendment, but he emphasized that any extension of time for the amendment "should not be a one-sided one" which only allowed additional states to ratify the amendment while forbidding others to rescind prior approval. Wright reminded Comfort that "if we believe in equal rights, then we must believe in equal rights for those whose views differ" and emphasized that the votes of both sides of the issue must be counted. It was not difficult to read between the lines of Wright's message: he supported a time extension for the ERA, but only if it would allow states to rescind prior approval just as it would allow states to ratify. This letter could not have come as much comfort to BPW members who anxiously awaited the possible ERA extension.<sup>25</sup>

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Like many political battles before it, the debate over the ERA played out largely in the media as both sides sought to claim public opinion for their side. As the debate over the positive and negative effects of the ERA increased, so too did the media coverage chronicling both sides of the issue. BPW Executive Secretary Wilma Comfort

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"The Equal Rights Amendment: What are the Facts?," BPW Papers; Katie Brown, "ERA in Texas May Be Untouchable," *Fort Worth Star-Telegram*, September 4, 1974; Betty Andujar to Maude Arnold, October 7, 1974, BPW Papers.

<sup>25</sup> Jim Wright to P.F. Comfort, August 10, 1978, BPW Papers.

learned the hard way how use of the media can mean personal attacks on individual citizens. When Comfort wrote a letter published in the October 1, 1974, edition of the Fort Worth *Star-Telegram* on the benefits of the ERA, she received a backlash of letters from angry readers who disagreed with her views. One letter from a Fort Worth citizen claimed that while the ERA was good on paper, it would only work in the hands of a “proper Government” which would effectively enforce it, something the letter claimed did not exist in America. The letter writer agreed with Comfort that the ERA *should* not affect the relationship between men and women but also contended that Comfort was “deceived” if she believed that the ERA would not affect relations between the two genders.<sup>26</sup> Other letters were not so diplomatic. An angry Fort Worth woman wrote to Comfort in response to her letter and lambasted Comfort for being an “uninformed person.” The letter posited that the ERA “would wipe out all of these privileges peculiar to our sex,” as well as take away the tax-exempt status of churches. It specifically blamed Comfort, as well as organizations like NOW, for trying to take away unique rights for women under the guise of equality. The letter closed by characterizing Comfort’s letter as “dumb and stupid,” scolding Comfort for her “naked ignorance.”<sup>27</sup>

Throughout the debate, newspapers across the state were replete with opinion letters and editorials on the ERA. Whereas most of the letters from 1972 to 1973 favored the ERA, by 1974 the letters and editorials called more frequently for rescission or reexamination of the amendment. One particular letter in favor of rescission noted that “no newspaper articles have been published that tell American women of the many laws that have been put on the books for their protection.” Such sentiments were frequently

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<sup>26</sup> Allan W. Blackburn to Wilma Comfort, undated letter, BPW Papers.

<sup>27</sup> Mrs. L. Smith to Wilma Comfort, October 1, 1974, BPW Papers.

echoed by editorials asserting that “the ERA is something America doesn’t need.”<sup>28</sup> The newspapers, however, did their best to keep the opinions balanced, continuing to print editorials and letters which showed approval of the ERA and reprimanded its opponents for using scare tactics centered around the “illusions of evils” like “unisex toilets...and impairment of family traditions.”<sup>29</sup>

In September of 1974, at the height of the rescission movement in Texas, the Fort Worth *Star-Telegram* ran a three-part series illustrating both sides of the ERA battle. The first day focused on the anti-ERA proponents in Texas, and the second day highlighted the pro-ERA movement. The series demonstrated that, despite passage in Texas, the ERA was still a hotly contested issue and one that was not yet settled in the eyes of Texans.<sup>30</sup>

In 1974, there was a vast increase in media coverage of the various facets of the ERA. This swelling of coverage continued until the ERA expiration in 1982, and spiked in response to important development such as Hilliard’s 1975 proposal to rescind Texas’s ERA ratification. One newspaper went so far as to call the ERA battle a “culture war,” noting that “the battle for constitutional sanction of women’s rights has ground down to political trench warfare” between the feuding sides.<sup>31</sup> A cartoon in the November 21, 1974, edition of the *Star-Telegram* brilliantly captured the ERA battle. The cartoonist depicted the situation as a ship called the “ERA” floating towards a dock with two eager groups waiting to greet it. One group held a champagne bottle and a banner that said

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<sup>28</sup> Mrs. E.P. Williams, “Many laws already protect women,” *Fort Worth Star-Telegram*, February 13, 1975; Jerry Flemmons, “The Real Story on Women’s Rights,” *Fort Worth Star-Telegram*, February 19, 1975.

<sup>29</sup> “Keep ERA approval,” *The Dallas Times Herald*, April 17, 1975.

<sup>30</sup> Katie Brown, “Equal Rights Law Not What it Appears,” *Fort Worth Star-Telegram*, September 2, 1974; Katie Brown, “ERA Backers Charge Foe’s Arguments as Misleading,” *Fort Worth Star-Telegram*, September 3, 1974.

<sup>31</sup> Susan Fogg, “Women’s rights issue culture war now,” *Fort Worth Star-Telegram*, October 20, 1974.

“NOW!,” ready to christen the incoming ship while the other held an axe and a banner that said “NEVER!,” waiting to tear the ship apart. This simple drawing captured in a small space the growing sentiments on both sides of the ERA question.

Various media outlets seemed especially fascinated by the fact that this was a political battle in which women were the major political players in a movement directly affecting other women. Not simply on one side of the battle, women represented the primary grassroots organizers both for and against the amendment. The June 1973 issue of *Redbook* noted that “there’s a fierce battle going on between those who want women to have equal rights under the law and those who don’t. Surprisingly, however, the battle is not between women and men, but between women and women.”<sup>32</sup>

The *Star-Telegram* series in 1974, for example, was written by a woman and featured interviews and opinions of primarily women. The anti-ERA proponents featured were Dallas area women who were also members of WWW, a group whose main argument against the ERA was that it was detrimental to American family values. Similarly, the pro-ERA section of the series focused on women such as BPW members Tobolowsky and Maude Arnold. These stories seldom if ever mentioned men and their grassroots efforts in favor or against the amendment. The fact that many of the news stories across the state were written by female reporters further illustrates that the main players in the ERA battle were primarily women. That women were so crucial to the successes and failures of both sides of the debate demonstrates that a new era of Texas politics was being ushered in which saw women in the foreground of a major political movement.

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<sup>32</sup> Claire Safran, “What You Should Know About the Equal Rights Amendment,” *Redbook*, June 1973.

While some viewed the ERA extension as the needed impetus to gain the final three states' approval, it proved fruitless. In January of 1977, Indiana became the thirty-fifth and final state to ratify the ERA, three short of the needed three-fourths majority. Similar to Texas, Indiana battled rescission attempts up until time ran out on the ERA in 1982. On June 6 of that year, 11,000 of the amendment's supporters marched in Oklahoma City for the "Last March for ERA" in hopes of persuading the final remaining states to ratify the amendment before the clock expired.<sup>33</sup> Their efforts as well as those of petitioners and lobbyists in Texas did not end with the desired result. The deadline passed on June 30, 1982.

The ERA would be re-introduced in legislative sessions for years to come, but to no avail. The proposed twenty-seventh amendment to the United States Constitution would not become a reality. ERA supporters in Texas, however, had a bright side to which they could look. Despite ERA's failure on the national level, the efforts of women in Texas held off outside forces and maintained the state's ratification.<sup>34</sup> Efforts in five other states were not so fortunate. Moreover, the fight in Texas helped to increase the political influence of Texas women, showing them the power they could wield to sway voters and lawmakers alike. Not since the Minute Women of the 1950s had women exercised so much clout and visibility in Texas politics. The women of the 1970s not only took on the power of the 1950s activist women, they expanded it and included women on both sides of the political spectrum. In this view, ERA supporters lost the battle, but still won the war. On the other side, ERA opponents were content knowing

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<sup>33</sup> Anne Marie Biondo, "Is there life after the ERA?," *Fort Worth Star-Telegram*, June 30, 1982.

<sup>34</sup> *The Phyllis Schlafly Report*, September 1986; "Congress Now Faces Son of ERA," *Fort Worth Star-Telegram*, January 4, 1983; "Congress Revives ERA as its Priority Legislation," *Fort Worth Star-Telegram*, January 4, 1983; Ellen Goodman, "ERA is Getting Second Chance," *Fort Worth Star-Telegram*, June 14, 1983.

that they had won the battle at hand. Upon the ERA expiration, a jubilant Schlafly noted to a reporter “I’m feeling great! The ERA is dead and will not pass in this century.”<sup>35</sup>

She was right.

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<sup>35</sup> Mark Thompson, “Both sides redrawing ERA battle lines,” *Fort Worth Star-Telegram*, June 30, 1982.

## **EPILOGUE: THE ERA's LEGACY IN TEXAS**

Schlafly's jubilant utterances about the ERA expiration were nothing if not fortuitous. She correctly predicted that the ERA would not be passed in the twentieth century. Hopeful legislators and lobbyists continued to push for an ERA revival throughout the 1980s, but to no avail. It is possible that, given the turbulence of the previous ten years, they were unwilling to embark on such a journey again. Moreover, with Reagan in the White House and the ERA officially off the GOP party platform as a result of Schlafly's efforts, a revival would have been unlikely. Even ten years into the new century, the ERA is not even a topic of discussion; most of the younger generation of students born in the 1980s has never even heard of it and no legislator speaks of reviving the failed amendment. While the ERA is frequently mentioned in books on 1970s' and 1980s' political culture, no scholar has written the definitive work on the ERA yet. It is hard to believe something that had such an impact on politics for ten years could be so easily forgotten by history.

Schlafly continues to be an important leader within the conservative movement decades after her crucial ERA involvement. Well into her eighties, she frequently tours the nation, speaking out against issues such as abortion and homosexual marriage. In many ways, her leadership role in the ERA defeat gained her more credibility and visibility than anyone could have imagined. Through that struggle, she once again proved her worth as a conservative leader. Still a resident of Illinois, she continues her

leadership of the Eagle Forum and publishes her *Phyllis Schlafly Report*. Schlafly's leadership of the conservative movement is somewhat ironic. As a successful career woman and would-be politician, she seemed on paper to be the ideal feminist. It was her conservative politics which forced her into the political spotlight as she felt it was her duty to fight for traditional values.

Tobolowsky, the leading force against Schlafly in Texas, never saw her dream of a constitutional amendment guaranteeing gender equality become a reality. While she remained active in Texas politics until her death in 1995, advocating for women's issues and serving as legal consultant to a variety of organizations, she was most famous for her role as the "Mother of the Texas Equal Rights Amendment" and for her position in the forefront of the Texas ERA movement. Throughout her decades of political activism, her actions told the story that she only had one ultimate goal: full and equal legal equality for women.

Sarah Weddington, the state representative who supported the ERA in the Texas legislature following her success in *Roe v. Wade* left that body in 1977. She did not know it at the time, but her time in the legislature would help bring the political influence of Texas women full circle many years later. While in the House, her administrative assistant was a woman in her early forties just getting her political career off the ground. This budding political star was Ann Richards, a woman who would make a national name for herself as the silver-tongued governor of Texas from 1991 to 1995. Following her stint in the legislature, Weddington continued her career as a successful attorney, taking a position as a professor at the University of Texas, where she continues to shape young legal minds.

The ERA's failure three states short of ratification may have saved the Supreme Court or Congress from once and for all directly addressing the question of whether a state has the right to rescind ratification of an amendment. Governmental leaders largely ignored the issue when states attempted to rescind their approval of the fourteenth and fifteenth amendment; Congress simply just looked the other way and refused to recognize the rescissions. With five states eventually rethinking and revoking their ERA ratification (Nebraska, Tennessee, Idaho, Kentucky, and South Dakota), it is not only possible but likely that if the ERA had squeaked by and gained the approval of the final three states that Congress or the Supreme Court would have had to settle the question for good.

NOW attempted to force the question in the 1970s. In 1979, the State of Idaho sued for legal recognition of its right to rescind, and a district court judge ruled that the state had the right to rescind prior approval of an amendment. NOW intervened on the other side, taking the case to the U.S. Court of Appeals. Ultimately, the case made its way to the Supreme Court. By that time, however, the clock on the ERA had expired. The Court decided in *National Organization for Women, Inc., et al. v Idaho* that the point was moot, since the required number of states had not ratified anyway. In so ruling, the nine justices effectively killed the ERA.

In much of the pro-ERA literature, the amendment's supporters noted that they would like to have gained the approval of enough states to cover any that might have rescinded; just in case the question was brought to the table they would have sufficient ammunition to dodge the question entirely. If five states rescinded their ratification but the ERA passed six states over the required three-fourths majority, they proposed, the

question of rescission was moot. The fact that they were so worried illustrates that they might not have been quite as certain in their argument that a state does not have the power to revoke prior approval of an amendment as their literature would have readers believe.

On the other side, Schlafly and her anti-ERA followers made it known from the moment Nebraska announced that its legislature had revoked the state's ERA approval that they expected Congress to recognize a state's right to rescind. Schlafly contended that such a right was well within the legal authority of each state. Their argument had some validity. Article V of the Constitution, which ERA supporters used to show that a state cannot rescind its approval, does not mention a state's ability or inability to rescind a state legislature's approval of an amendment. The point is simply not addressed at all. This being true, had the final three states approved the ERA, Schlafly and the anti-ERA forces were willing and able to take the question of rescission to Congress or even the courts. The Supreme Court was able to dodge the question once when NOW brought it to them. Given the uprising from the Right over the ERA, however, it is unlikely that they would have been able to evade it so easily if the final three states had ratified.

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The death of the ERA also largely symbolized the end of the modern women's liberation movement. Begun in the 1960s as a product of the New Left movement, women who had cut their political teeth in organizations like SNCC and SDS joined older, middle and professional women to create a movement that put them in the political forefront. This was particularly true in Texas, which saw an increase in the influence of organizations like NOW and BPW. Activists throughout the state as well as the nation

mobilized and utilized grassroots efforts for a common cause. The ERA, in many ways, represented the culmination of their activities. Whereas female participants were largely marginalized in the New Left movements, in the women's liberation movement not only were they the planners, they were the ones who received all the credit and publicity.

What better way to demonstrate the power of the women's movement than by leading the charge in favor of a constitutional amendment that would specifically write women's rights into the most important document in American history? Just as the civil rights movement resulted in constitutional guarantees for minorities, women's liberationists wanted the same thing for themselves.

The movement, however, sparked an undesired backlash from the conservative Right. Exhausted from the political upheaval of the 1960s, by the mid-1970s many traditionalists were simply tired of reading about protests in the newspaper and longed for a return to simplicity and order. Having watched the civil unrest of the civil rights movement, the women's liberation movement was just one more trial for the conservatives to endure. When the ERA came about, many had had enough and vowed to fight back. With Schlafly in the forefront of the movement, they had their leader. In many ways, the ERA simply represented the last straw for conservatives. Those who viewed the ERA as a threat to traditional family values fought with all their power against the female activists they insultingly labeled women's libbers. The resulting fight effectively provided an important component of the New Right, which a few years later elected Ronald Reagan as the representative of their view of America. Just as the ERA was the culminating expression of the women's liberation movement, Reagan's election

and subsequent leadership in returning America to traditionalism was the greatest accomplishment of the New Right.

Interestingly, the failure of the ERA provides an opportunity to understand the political culture of the time which its success might have obscured. The ERA is and always will be important not just because the passions which drove it kept it as front page news for ten years, but because it is forever part of American culture. The fight over the ERA is fascinating because it engendered such passion from Americans across the political spectrum and redefined the modern debate between the liberal demand for progressivism and the conservative demand for morality and traditional values. Ordinary Americans who did not necessarily understand the more abstract political issues of the day could use the ERA as a concrete example of what they feared was happening to their country. Schlafly and Tobolowsky were simply the manifestations of their respective sides. The defeat of the ERA was only the beginning of a discussion over gender roles and political rights which continues today (substitute abortion or gay marriage for ERA and the discussion is almost exactly the same).

The ERA is even more important in the history of Texas's political culture. Just as progressive women in the state reached some level of comfort after watching the state legislature ratify the ERA in March of 1972 and then witnessed the voters approve the ELRA by such a wide margin, they almost immediately found themselves on the defensive. After decades in the political shadows, it had to be incredibly fulfilling to watch two monumental pieces of legislation pass through the state in the span of less than a year. The campaign for the ELRA clearly benefited organizations like the BPW and NOW in Texas because it helped them prepare for the fight ahead in defending the ERA.

Their efforts largely paid off in that they were able to maintain Texas' ratification in the face of ten years of political upheaval from the Right.

While the ERA battle was monumental and important on numerous levels, its importance in Texas can be captured by the fact that it was a major political movement *for* women orchestrated *by* women. The same "feminine" grassroots efforts such as phone trees, PTA meetings, and community organization were utilized on both sides to support their competing causes. No matter which side someone like Tobolowsky or Schlafly represented, she orchestrated her message to appeal to women and compel them to act. In this way, the ERA represented a new era a political influence for Texas women which built and expanded upon the efforts of previous female activist groups like the Minute Women. The only difference between the ERA activists and the Minute Women of the 1950s was that whereas the Minute Women fought only for conservatism in the face of the Communist threat, the ERA activists represented both sides of the political aisle. The Minute Women fought Communism because of its perceived detrimental effects on the family and the American values of democracy and liberty.

In many ways, the activist of the 1970s simply built on and expanded the tactics utilized by the Minute Women in order to increase their own political clout. The fact that both sides were so adept at manipulating and using the media only further illustrates how far women had come by the 1970s from the days of the Minute Women. Both conservative and liberal women constantly sought to use the media for their own benefit since they knew that was the most effective way to reach the most people in the shortest amount of time. From letters to the editor to front page stories throughout the movement,

the media circus surrounding the movement as both sides sought to discredit the other kept readers and viewers informed and interested.

The 1974 newspaper headline which referred to the ERA as a “culture war” was as accurate as a headline can be. The war was not, however, fought between men and women as many predicted when the ERA was brought to the table in 1972; instead, it was fought between conservative and liberal women. The conservative emphasis on traditionalism may have had an unexpected effect, however. Whereas the liberal women were open about their desire to expand the political rights of women, the conservatives, while attaining their objective of defeating the ERA, inadvertently helped the liberals accomplish their goal. Simply by being in the limelight and fighting for a political cause, women like Schlafly provided younger generations of women an acceptable role model for political activism. Schlafly’s actions, as well as those of all the women who supported and rallied around her, proved to the daughters and nieces of the world that women not only could be visible in the political arena, it was their obligation to fight for causes that would preserve family values. Notwithstanding their stance of women in traditional roles as wives and mothers, they expanded the notion of women in politics simply by being a part of the movement. Despite the guise of traditionalism, these conservative women helped the liberal cause by showing the next generation of women how to get out of the home and get involved in politics. No matter what the causes these future activists of the 1990s would get involved with, they took the examples of their mothers who fought against the ERA. While that was most likely not the desired effect, these conservative daughters made their positions known in the political movements of the 1980s and 1990s.

Women played the leading roles in all the movements surrounding the ERA controversy. The efforts of women on both sides of the debate, such as Tobolowsky and Schlafly, helped sustain the debate for over a decade. While Schlafly's side emerged victorious with the eventual defeat of the amendment three states shy of the needed thirty-eight, Tobolowsky and her associates could take comfort in the fact that not only had they fought the good fight until the end, but also that their grassroots efforts maintained the integrity of Texas' ratification in the face of a barrage of propaganda and rescission demands. In this way, Tobolowsky and her pro-ERA companions increased the political influence of Texas women and helped the state stave off the invading outsiders intent on questioning the state's political integrity.

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