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ABSTRACT

The failure of the supporters of the Equal Rights Amendment to understand the rhetoric and world view of its opponents resulted in the defeat of the amendment. The opponents of the ERA had six arguments: women are not discriminated against; women will be drafted; protective labor laws will be eliminated; the ERA will destroy tradition regarding support, alimony, and child custody; legislation already exists to do what the ERA will do; and the ERA will require men and women to use the same restrooms. Opponents characterized proponents as radical militant "libbers" who are aggressive and unrepresentative of American values. Strategies of ERA proponents violated the world view of its opponents and of male legislators, that women should remain in their proper sphere, the home, perform wifely duties, and ultimately be placed on a pedestal. Supporters could have emphasized that protective labor laws should apply to husband as well as wife, that existing legislation is not comprehensive and can be repealed, and that the ERA doesn't suggest there are not differences between the sexes, only that an individual cannot be penalized for a difference. The two conflicting rhetorical worlds had no common ground. (KC)

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Autopsy of the Equal Rights Amendment:
Failure to Meet Opposition Rhetoric

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Autopsy of the Equal Rights Amendment:
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"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." These twenty-four words constitute the text of the Equal Rights Amendment (ERA), a proposed amendment to the Constitution that has triggered an emotional and vehement debate in the United States. First introduced in Congress in 1923, the amendment did not pass both houses of Congress until 1972. It currently is before the states for ratification, and three-fourths or thirty-eight of the states must ratify the ERA by June 30, 1982, if it is to become law; only thirty-five states have done so.

Supporters of the ERA often express amazement at the strength of the opposition and have difficulty understanding why the amendment has not yet been ratified by the required number of states. From their perspective, the amendment seems to be so rational that the opposition logically should not have been able to be as effective as it has. The purpose of this paper is to examine the opposition's discourse in an attempt to explain the success of the opponents.

Arguments of the Opponents

The study of the discourse of a social movement such as the campaign for the ERA generally begins with a review of the arguments that each side presents, since arguments are the typical means by which a group attempts to persuade an audience of the validity of its case. Thus, my attempt to explicate the opposition to the ERA will begin with a review of the opponents' arguments. Although numerous arguments have been offered against the ERA over the years, six major arguments consistently have been used by the opposition: (1) Women are not discriminated against; (2) Women will be drafted under the ERA; (3) Protective labor laws will be eliminated under the ERA; (4) The ERA will destroy tradition regarding support, alimony, and child custody; (5) Legislation already exists to do what the ERA will do; and (6) The ERA will require men and women to share the same restrooms. Each of these will be explained briefly.

A major argument often used against the ERA is that women are not discriminated against and thus there is no need for the ERA. In fact, the opponents argue, women are the recipients of many rights and privileges that men do not have. Mable A. Mize, chair of Females Opposed to Equality, for example, argued in this manner: "Of all the classes of people who ever lived, the American woman is the most privileged. We have the most rights and rewards, and fewest duties compared to the enslaved women of other countries that have so-called, equal rights."1 Not only is the ERA not needed, the opponents argue, but it will take away the rights that women now enjoy. Such an assertion was made by Phyllis Schlafly, leader of the opponents and founder of STOP ERA: "We women belong to a privileged group and this bill will take our special freedom away."2

A second major argument employed against the ERA concerns the drafting of women into military service. Opponents believe that women would be

drafted under the ERA and are horrified at the thought because they see women as incompatible with war and the military. Emanuel Celler, in debate in the House of Representatives, explained this position: "Women represent motherhood and creation. Wars are for destruction. Women, integrated with men in the carnage and slaughter of battle--on land, at sea or in the air--is unthinkable."³ Opponents also deal with this issue by asserting that women should not be drafted because they are not fit for military service. Webber Borchers, a representative in the Illinois state legislature, for example, claimed that women aren't equipped psychologically or physically for combat. To illustrate his point, he told a story:

But this German woman shot our point man with a Luger. Then she takes off running across this field. Well, naturally, some of our men shot her with a machine gun. Of course, they didn't know she was a woman because she was wearing dungarees. If she had been a man, though, she might have got away. I really think she would have. But because of her hips, she couldn't run the way a man could.⁴

Another argument against the ERA raised by the opponents is that women will be deprived of protective labor laws as a result of the adoption of the amendment. Although equality in this area could be achieved by extending the laws to include men, the opponents do not believe this will happen. They argue that women are weak and need the protection of such laws, as did Naomi McDaniel, president of Women of Industry: "We Women of Industry know better than anyone else that we are simply not physically equal to men, but ERA permits no distinctions."⁵ In addition to arguments that women need these laws because they are weak, opponents argue that they are needed because women must perform child-care and housekeeping duties that men do not have: "Is a man who works 60-72 hours a week confronted with the same home and family responsibility that, say the mother of three children working 60-72 hours a week is? Don't talk theory to me, tell me the practice. Don't tell me the man should help his wife. He doesn't."⁶

Arguments based on the maintenance of tradition form the core of the opponents' concern with the topic of support, alimony, and child custody. They argue that the ERA will destroy the traditions of support of wives by husbands, women as homemakers, and the awarding of custody of children to the mother and the payment of alimony by men to their wives following a divorce. The scenario envisioned by the opponents here is a dramatic one, as Norris Cotton, a senator from New Hampshire illustrated:

But, even worse, it takes away the rights of small, infant children. No one in his senses could look forward to a generation in which small children would be placed in foster homes or in institutions because we have written into the Constitution an amendment that makes it impossible for the mother to receive contributions from the father of her children in order that she can be with them and they may have the benefit of a mother's love and care.⁷

Opponents also argue that there is no need for the ERA because Constitutional amendments and legislation already exist that perform the same function as will the ERA. They cite the Fourteenth Amendment, the Civil Rights Act, the Equal Pay Act, the Equal Credit Act, Title IX of the Education Amendments, and individual states' laws to demonstrate that such legislation already exists. As one opponent explained, "The laws are there, all we have to do is enforce them."⁸

The last major argument raised by the opponents concerns the issue of privacy in public restrooms, often called the "potty problem." They reason that because the ERA requires that there be no distinction based on sex, there can be no distinctions concerning restrooms. Sam Ervin, a former senator from North Carolina, argued in this manner:

It is clear as the noonday sun in a cloudless sky that the only reason that this Nation has separate restrooms for men and women and boys and girls and separate prisons for men and women prisoners is sex. Consequently, being a distinction based on sex, the equal rights amendment would abolish the power of the Federal Government and the power of the 50 States to require separate facilities of this nature for persons of different sexes.⁹

World View of the Opponents

Many researchers in the field of communication and proponents have attempted to understand the progress on the debate on the ERA through strictly an argumentative perspective. They examine the arguments on both sides in an attempt to explain the controversy. This perspective, however, seems unable to explain the vehemence with which the debate is conducted and the emotional response elicited by the amendment, particularly when the arguments seem rather silly and easily can be answered with logical responses. It seems to ignore some factors that are affecting the controversy and that perhaps are more important than the arguments themselves in explaining the outcome of the controversy.

A more valuable way of looking at the discourse or persuasive appeals of the opponents may be through an examination of how their discourse creates a particular reality or world view for them. - The basic assumption I am making here is that individuals construct a social reality through the interchange of public symbols or communication.¹⁰ This created reality often is very different from what might be called actual reality, but for them, the reality they have constructed is what is real.

If, in fact, the ERA opposition creates its own world through its discourse, we should be able to find in the opponents' discourse all of the elements that make up a complete world. We would expect to find some kinds of setting themes in their discourse--something that says where action is taking place or sets the scene. We would expect to find in their discourse character themes, or discourse that describes the heroes and villains in their world. We also probably would find discourse that describes the characteristics of these heroes and villains. Finally, we should be able to pick out actions or plotlines in the discourse that tell what is being done, or the actions in which the characters are seen to be engaging. Discovery of these kinds of themes in the opponents' discourse should give us a good idea of their world view or the particular reality in which they are operating. As a result, we should be able to gain some understanding of what motivates the opponents, since motive is clearly linked to the world view in which individuals participate.

Setting Themes

The world created by the rhetoric of the opponents centers around the home. Thomas G. Abernethy, Representative from Mississippi, provides an example

of this scene in his statement that his wife instructed him to vote against the ERA "because she doesn't want to lose her home."¹¹ Schlafly also contributed to the development of the home as a scene envisioned by the opponents: "The world has not devised . . . a better place to bring up children than the home. No more radical piece of legislation [than the ERA] could have been devised to force women outside of the home."¹²

Women who remain in their proper sphere of the home and perform their wifely duties well are glorified by the opponents and are placed on pedestals. Statements that establish the pedestal as a scene in the world of the opponents include "I'll be darned if I appreciate a bunch of . . . malcontents badgering legislators into trading the lofty pedestal on which men have held me, and which I try to deserve, for mere equality!"¹³

From the home and the pedestal settings, the opponents digress to predict a future world filled with horrors if the ERA is adopted. "Horrible places" encompasses this setting; in contrast to the seclusion and safety of the home and pedestal, it deals with the hardships and dangers to which women will be subjected under the ERA. The most common horrible place cited is the battlefield. Sam Ervin provided an example of this scene. In Senate debate, he described a world in which women "will be slaughtered or maimed by the bayonets, the bombs, the bullets, the grenades, the mines, the napalm, the poison gas, or the shells of the enemy."¹⁴

In another version of this horrible places theme, women are shown in sweatshops and factories, driven to perilous labors on unending assembly lines and deprived of all protections. This scene develops in argumentation about the effect of the ERA on protective labor laws for women. Senator John C. Stennis of Mississippi, for example, set such a scene: "I have visited in countries where I saw gangs of women laborers out there in the street with pick and shovel, repairing the streets, with blacktop, hot, boiling, creosote material, laboring hour upon hour."¹⁵

Finally, opponents envision women in the desegregated public restroom as a result of the ERA. Bette Jean Jarboe, founder of the International Anti-Women's Liberation League, focused on this scene: "Do you know what kind of horrible things the loose wording of that amendment could produce? It could lead to communal bathrooms."¹⁶

For the opponents, then, the sacred ground in their world is the home. As a result of the performance of women in the homemaker role, they are placed on pedestals and do not have to endure the horrors of the world as do men. Profane ground for the opponents, of course, is the man's world outside of the home, including the battlefield and factories in which women work as hard and as long as men. The opponents' reality depends on the home; thus, they employ tactics to oppose the ERA that can be engaged in while remaining in the home, including writing letters and baking pies to serve as symbols for their campaign.

Action Themes

The home and the pedestal are traditional settings for women; similarly, the opponents' discourse creates a world in which actions are taken to preserve

tradition. Opponents see themselves as attempting to maintain established and traditional social customs and institutions against the onslaught of reform. Newspaper columnist Patrick Buchanan, for example, asserted: "Yet, if embraced by 38 states, that innocuous-sounding amendment would trigger a social revolution in this country, sweeping away like so much debris state laws, local traditions, and national customs."¹⁷ ERA opponents specifically detail customs and institutions they are fighting to maintain: the family, marriage, financial support of women by men, chivalry, and religious practices that designate certain restricted roles for women.

As a result of this action theme, opponents are able to expand the world created by their discourse. For them, the battle against the ERA is not simply a battle against one particular amendment to the Constitution, but is instead a crucial battle in the war to save a great nation that is wavering on the verge of destruction. The opponents' action theme contributes to this intensified view of the controversy since it shows the opponents working to defend an old, superior tradition and trying to prevent the disastrous consequences that would result should this tradition be disregarded.

Character Themes

The characters who act in the world created by the opposition are consistent with the opponents' view of the traditional as good and the new or different as potentially evil. Opponents see supporters of the ERA who deviate from the traditional woman's role as "libbers" who support the feminist movement. They often suggest that anyone who supports the ERA is a liber, as Schlafly did when she urged, "Don't you boys give in to those libbers."⁴³

Opponents ascribe a variety of negative characteristics to libbers. Proponents are portrayed as "straggly-haired"¹⁹ people engaged in "bra-burning and other freak antics,"²⁰ "scolding, marching,"²¹ and other such activities. Some opponents accuse advocates of being masculine and homosexual. Others believe that they have personal problems that cause them to agitate for the ERA, although few of the opponents agree on the exact nature of these problems. Joyce Gage, an opponent from Illinois, wondered, "Why must nonfeminists suffer because some loud-mouth females wish they were born male?"²² Other opponents, feeling that housework must be frustrating these women, called them a "bunch of disgruntled eccentrics with a phobia about dishpan hands."²³ Regardless of the nature of the problem ascribed to them, proponents are viewed by opponents as deviates from the traditional feminine woman.

According to the opponents, supporters of the ERA are different from the majority of women in yet another way: They are executive and professional women who are insensitive to the needs of housewives or factory workers. Emanuel Cellar developed this theme: "Some feminists casually say--We do not want protection, we want liberation. Will you tell that to the female factory worker and to the female farmworker and get their reply?"²⁴

Finally, ERA opponents portray supporters as proponents of un-American ideals. This theme generally begins with the idea that ERA supporters are against marriage, motherhood, and children--elements held by opponents to be essential ingredients of the American way of life. Schlafly, for example, asserted that advocates are "antichildren, antimen and antifamily."²⁵ She elaborated on the connection between the ERA and un-American ideals: "Women's

'libbers are promoting free sex instead of the 'slavery of marriage.' . . . They are promoting abortions instead of families."26

A variation of the image of ERA advocates as un-American is the association of the ERA with Communism. Despite the fact that the Communist Party of the United States opposes the ERA, many opponents claim that the amendment is Communist-inspired. Literature circulated in the ERA campaign in California contained such a reference, stating that Communists "are drawing in support from thousands of misguided women and even men who do not know that this is all part of the Communist plan."27 Opponents believe that if the ERA supporters advocate the adoption of such un-American reforms as legalized abortion, lesbianism, the drafting of women, childless marriages, and Communism, the ERA also must be un-American.

In contrast to their views of the proponents, the opponents characterize themselves as "real" women--wives and mothers, feminine women who stay at home and love their husbands and rear their children. Carol Joyce, an opponent from Illinois, expressed this theme: "What's happened to the concept of 'woman,' which meant strength, courage and love? The woman was the center of the family, the heart of the home. It takes all the energy and creativity one can muster to be teacher, mother, wife, mistress, and lover."28

The world of the ERA opponents includes the idea that they are dependent and require protection. According to the opponents, because women have been homemakers throughout the years, they are helpless and incapable of functioning outside of the home, as they claim they would be forced to do under the ERA. Schlafly contributed to the development of this theme when she stated that elderly women, in particular, "made their career a lifetime in the home. They don't have their education and won't be able to take care of themselves."29 Intertwined with the opponents' view of themselves as homemakers who have had little experience in the outside world, then, is the view of themselves as incapable of autonomy and independence outside of the home. The possible negative effects of the incorporation of this self-denigrating theme in the opponents' world is mitigated by the strength of their descriptions of the proponents as abnormal and almost evil--feminist, deviant, and un-American.

As wives and mothers who prefer to remain in the home, the opponents see themselves representing the majority of women. Schlafly claims that opponents represent "about 95 percent of Illinois voters,"30 and Happiness of Womanhood claims to represent 97 percent of American women--"all those not represented by Women's Lib."31 The opponents become, as a New Orleans Times-Picayune editorial pointed out, a "Silent Majority."32

Opponents have the advantage over the supporters in that all of their character themes unite around the common persona of the ERA supporter as a deviate of some type. Proponents are radical, militant libbers (rather than feminine women); professional and executive women (rather than wives and mothers); masculine, aggressive women with personal problems (rather than feminine women who are content with their roles); and represent un-American values such as Communism and a hatred of children (rather than freedom and a love of children). Although men also are ERA supporters, opponents can dismiss their support for the amendment by further continuing the characterization: They, too, are deviates because they do not prefer feminine, protected females as their mothers, girl friends, wives, or daughters. This singular characterization

of ERA supporters not only can unify opponents, but also can effectively discourage legislators and members of the public audience from joining the supporters. For when ERA proponents and those who join them are labeled weird or abnormal, the focus of the conflict shifts so that the supporters must defend themselves as legitimate persons rather than concentrate on issues directly relevant to the battle over the ERA.

The world of the opponents, however, includes one major inconsistency in the development of its characterizations. Schlafly, the leader of the opponents, is not herself a true representative of the woman that ERA opponents claim women are and should be. Although she dresses and acts like the opponents' "lady," is married, and has six children, her activities are not limited to those of a homemaker. She worked her way through college as a gunner and ballistics technician at an ammunition plant and graduated from Radcliffe with a master's degree in political science. She co-authored four books, ran unsuccessfully for Congress three times, started her own newspaper, and founded a conservative women's group called The Eagles Are Flying. She admits the inconsistency between her actual activities and her image and explains: "It's obvious that I'm fully liberated. And that irritates some people. . . . If a woman can work and still make her husband think he's the greatest . . . and be able to keep the kids happy, then it's OK. It's fine. But I believe the most fulfilling role for a woman is that of wife and mother."³³

Although some proponents do not find this explanation of the inconsistency totally satisfactory, opponents can incorporate Schlafly's image and activities into their characterization of themselves by viewing her as a martyr. She is sacrificing herself and the fulfillment she could receive from the traditional female role to fight to preserve this type of womanhood for other women: "We are busy with our homes and families, but she has taken her time and efforts and given us a voice."³⁴

The opponents' major scenario or world view, then, is one in which individuals seek to defend tradition in order to maintain the life style they now enjoy. The women remain in the home, dependent on men for support; thus, they deserve positions on pedestals. In this world, the act is the defense of tradition, the scene is the home and the pedestal, and the characters are dependent, real women. The primary motivating force appears to come from the nature of the characters involved. The women participating are seen as dependent, helpless, weak, and centered in the home. Thus, they must act to ensure that they be allowed to remain in the home, leading lives that are consistent with the traditional feminine nature.

Conclusions

This examination of the world view or reality created by the opponents demonstrates how ineffective argumentation is if there is no common ground between the worlds created by the proponents and opponents.³⁵ Traditional modes of argumentation are not likely to be effective in dissuading participants from their worlds once they have been established to be in total conflict with each other.

The winner of a debate or a campaign such as that for the ERA will be whichever side in the debate uses arguments and themes that most closely coin-

cide with the world views or reality of the legislators who must vote on the issue. In this particular debate, the opponents, rather than the proponents, seem to have been the most successful in meeting the vision of the legislators. The proponents, on the other hand, employed arguments, strategies, and a general style that tended to violate the world view of the traditional male legislators.

A major strategy of the proponents, for example, was the march or rally, often held in state capitals. Because the opponents believed that women should be in the home caring for their children and husbands, seeing women march in the streets was not likely to have any impact on their views because it so dramatically conflicted with their notion of reality. In the area of dress and appearance, spokespersons for the proponents sometimes made a similar error. While lobbying for the ERA, proponents often could be seen wearing pants. Again, this violated the world view of the opponents, who believe that women should be feminine. Proponents probably would have had greater success had they lobbied wearing ruffles, Mary Jane shoes, and make-up--to conform to the opponents' image of what a woman is. Neither should proponents have lobbied wearing business suits, since this type of dress enabled the opponents to categorize them as executives and abnormal women.

Just as the image portrayed by the proponents often violated the world view of the opponents, so, too, in many cases did the arguments that the proponents offered. Let's look again at the six major arguments against the ERA discussed at the beginning of the essay to determine how the proponents could have answered those arguments in ways that fit into the opponents' reality or world view.

The opponents' argument that women are not discriminated against should not have been met, as it often was, with a discussion of how women face discrimination in the working world. Such an argument is not likely to be effective with people who don't believe women are or should be working outside of the home. A better means of countering that argument would be to show how homemakers are discriminated against--in areas such as Social Security coverage and credit.

Proponents often countered the argument that women will be drafted under the ERA with the assertion that women are strong and thus can serve in the military as well as men. Such an assertion contradicts the opponents' world view in which women are seen as weak and dependent. A better approach would have been to emphasize Americanism, stressing that under our American system of justice and freedom, everyone who enjoys the benefits of our system has certain responsibilities. Military service might be such a responsibility. This argument should be combined, of course, with an emphasis on the fact that only those who are physically able (certainly not most women!) have combat roles in the military, and that much of the work done in the military--swabbing floors, cooking, typing, and punching a teletype, for example--corresponds amazingly well to what always has been considered to be "women's work."

The opposition argument that protective labor laws would be eliminated under the ERA often was met with the argument that women are as strong as men and thus do not need special protection on the job. Again, this contradicts the opponents' view of women as weak. A better argument for the proponents to make would have been one centered around what is best for the family: Although women prefer to stay in the home, caring for their children, economic conditions

sometimes require that they work, too. How much better for the couple and their children if protective labor laws applied to both spouses, bringing them home to their children earlier and insuring that they weren't totally exhausted when they arrived.

Proponents sometimes responded to arguments concerning support, alimony, and child custody with the assertion that women do not need alimony and are willing to pay it to men because they can work, are independent, and self-sufficient. Such a statement, of course, violates the tenet of the opponents' reality that says women are homemakers and thus are weak and dependent; thus, it is likely to have little effect. A better approach might have been to emphasize the proponents' concern for what is best for the children. The ERA, this argument might say, insures that the child gets the best possible treatment in the case of a divorce since support, alimony, and child custody decisions would be made according to who best is able to care for the child. Usually, of course, this would be the mother, but in some cases, the child might very well receive better care under the custody of the father.

The opponents' argument that legislation already exists to do what the ERA would do generally is met adequately by the proponents. Simply pointing out the numerous cases in which other amendments cited were not applied by the courts to eliminate sex discrimination, that these laws are piecemeal and not comprehensive, and that they can be repealed by Congress at any time should be adequate responses.

Finally, we come to the opponents' argument that the ERA would require men and women to share the same restrooms. One response to this by proponents has been that equality in this area is all right, and no harm is done by having men and women share restrooms. When one remembers that the integrated public restroom is one of the "horrible places" setting themes for the opponents, the ineffectiveness of this reply becomes evident immediately. Proponents would have done better to emphasize that the ERA does not say that there are no differences between the sexes--only that an individual cannot be penalized for being of one sex or another. This means, then, that equality in this area is achieved simply by insuring that where there is a restroom for one sex in a building, there also must be one for members of the other sex in that building.

The creation of two conflicting rhetorical worlds by the proponents and opponents of the ERA leaves little or no common ground on which argumentation can occur or through which an understanding of the opposing viewpoint can be reached. Each side's rhetoric is not only a threat to the other's way of making sense of the world, but also is a reason to defend strongly their particular world. Once the two sides in a controversy have developed worlds that are in total conflict--with different notions of the settings, characters, and acts in these worlds--the traditional modes of argumentation and persuasion are not likely to be effective in dissuading participants from their worlds. Only strategies and arguments that take into account and fulfill the expectations created by the world view of the opposing side will have an impact on that opposition.

Notes

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3 U. S., Congress, House, 92d Cong., 1st sess., Congressional Record, 117 (12 October 1971), 35785.

4 Mike Royko, "Borchers Hip to Girl Power," Chicago Daily News, 26 March 1973, p. 3.

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6 U. S., Congress, Senate, Committee on the Judiciary, Equal Rights 1970, Hearings on S.J. Res. 61 and S.J. Res. 231, 91st Cong., 2d sess., 1970, p. 33.

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15 Congressional Record, 21 March 1972, p. 9318.

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- 17 Patrick Buchanan, "ERA Could Force Social Revolution," Chicago Tribune, 6 April 1975, sec. 2, p. 6.
- 18 Sneed.
- 19 Phyllis Schlafly, "What's Wrong With 'Equal Rights' for Women?" The Phyllis Schlafly Report, Alton, Illinois, February 1972, p. 2.
- 20 Equal Rights 1970, p. 29.
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- 24 U. S. Congress, House, 91st Cong., 2d sess., Congressional Record, 116 (10 August 1970), 28001.
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- 26 Margaret I. Miller and Helene Linker, "State Politics and Public Interests," Society, 11 (May/June 1974), 49.
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- 28 Carol Joyce, "Voice of the People: 'Full-Time' Woman," Chicago Tribune, 20 May 1975, sec. 2, p. 2.
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- 34 Mary Hollis, "Letters: Schlafly Pro and Con," Chicago Tribune, 24 June 1973, sec. 9, p. 7.
- 35 For a similar analysis of the proponents' world, see Sonja K. Foss, "Equal Rights Amendment Controversy: Two Worlds in Conflict," Quarterly Journal of Speech, 65 (October 1979), 275-88.