

THE "EQUAL RIGHTS" AMENDMENT

HEARINGS
BEFORE THE
SUBCOMMITTEE ON
CONSTITUTIONAL AMENDMENTS
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-FIRST CONGRESS
SECOND SESSION
ON
S.J. Res. 61
To Amend the Constitution
So As To Provide Equal Rights
For Men and Women

MAY 5, 6, AND 7, 1970



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STATEMENT OF HON. SHIRLEY CHISHOLM, A REPRESENTATIVE
IN CONGRESS FROM THE 12TH DISTRICT OF THE STATE OF
NEW YORK

Mrs. CHISHOLM. Thank you very much.

Mr. Chairman, I had almost decided to forego the opportunity to testify in behalf of Senate Joint Resolution No. 61. There is futility and frustration in testifying for an amendment that has been proposed some 20 times in the last 50 years, and that has passed in the Senate at least twice, only to have my esteemed colleagues on the other side of the Capitol rebut it.

The frustration, the futility is hardly akin to that encountered by Black Americans over the centuries as they watched amendments and civil rights bills swept under the committee's table after time, as they watched the deliberate and often successful efforts to water down those measures that reach the floor, watch the deliberate circumvention of those that became law.

The Panthers, the NAACP, and other Black organizations have the same frustrations that have created the National Organization of Women, the Women's Liberation Movement, and other women's organizations. The feeling of futility that causes the Republic of New Africa to state that they want five States which all Black Americans may voluntarily rule themselves, thus separating from the Nation is no different than that which causes a Grace Atkinson to refuse to appear with a man except as a matter of class confrontation and to say—"a woman saying men are the enemy with a boy-friend sitting next to her is both humiliating and tragic."

Mr. Chairman, colored minority group Americans are not the only second class citizens in this country. The largest single group of second class citizens is the majority of Americans, American women.

Senator BAYH. If the lady would yield just a moment, I appreciate the fact that you made that observation. I was about to interject it.

Our history has been replete, unfortunately it is nothing to be proud of, with occasions in which we have discriminated against minority groups of one kind or another. This is the first example I know of where we have discriminated against the majority, and I think to the extent that the majority will get up on its—well, rise to the occasion, we can get this inequity corrected.

Mrs. CHISHOLM. According to the 1960 census there were 3½ million more females than males. However, when one examines their

representation in the various walks of life we find that they are not adequately represented. More than half of the population of the United States is female, but women occupy only 2 percent of the managerial positions. They have not even reached the level of tokenism yet. No women sit on the AFL-CIO Council or the Supreme Court. There have been only two women who have held Cabinet rank and at present there are none. Only two women now hold ambassadorial rank in the diplomatic corps. In Congress we are down to Senator and 10 Representatives.

The issue before us today, while it seems not to call for the immediate attention that President Nixon's new war on Cambodia calls for, does in fact call for immediate redress of a situation that has hampered this country for 194 years too long. While the Constitution mentioned Black Americans only in the negative term of three-fourths of a man, at least it did refer to them. It does not refer to the inherent rights of women at all.

People have often asked me why I feel that American Blacks and American women have received such treatment. I have always had to respond that I believe it is because American institutions were created by white males and that the freedom, equality, and justice that they mentioned and fought for was intended, albeit consciously, for them and them alone.

This is the reason that I believe that an amendment such as the one presently under consideration has not been passed by the male-dominated Congress in the past. It is also the reason that I feel so terribly futile and frustrated in appearing here today. So may I say that more and more women, because of the futility and frustration, are beginning to realize that Frederick Douglas' words "power concedes nothing without a struggle," are as apropos for women as they are for black Americans today.

May I also remind you, gentlemen, you are the power, and as such you are then the focal point of the struggle. It is not the intention of American women to become a nation of Amazons. We will not longer, however, be denied our rights as human beings equal in all respects to males.

Let me try to refute two of the commonest arguments that are offered against the amendment. One is that women are already protected under the law and do not need legislation. Existing laws are not adequate to secure equal rights for women.

Sufficient proof of this is the concentration of women in lower paying menial unrewarding jobs, and their incredible scarcity in the upper level jobs. It is obvious that discrimination exists. Women do not have the opportunities that men do, and women that do not conform to the system, who try to break with the excepted pattern are stigmatized as odd and unfeminine. The fact is that a woman who aspires to be chairman of a board or Member of the House does so exactly for the same reasons as any man, basically because she thinks she can do the job and she wants to try.

A second argument often heard against the equal rights amendment is that it would eliminate legislation that many States and the Federal Government have enacted giving special protection to women, and that it would throw the marriage and divorce laws into chaos. As for the marriage laws, they are due for sweeping

change, and an excellent beginning would be wiping the existing ones off the books.

Regarding special protection for working women, I cannot understand why it should be needed. Women need no protection that men do not need. What we need are laws to protect working people, to guarantee them fair pay, safe working conditions, protection against sickness and layoffs. Men and women need these things equally. That one sex needs protection more than the other is male supremacism and as ridiculous and unworthy of respect as the white supremacism that society is trying to cure itself of at this time.

Senator BAYH. I agree with everything you said.

We appreciate your taking the time to be with us. I might have one reservation with your remarks, which is that although I really cannot blame you for feeling frustrated relative to the task before us, I hope it will not be a futile effort.

Thank you very much.