Alice Paul and Mary Van Kleeck, "Is Blanket Amendment Best Method in Equal Rights Campaign?" *Congressional Digest* (March 1924), pp. 198, 204.

After the introduction of the ERA in Congress in 1923, a passionate debate took place among feminists. The arguments centered on questions about the amendment's impact on labor and social welfare legislation for women. Little or no middle ground seemed to exist. Alice Paul spoke for the National Woman's Party and the Amendment, while Mary Van Kleeck, a labor reformer and researcher on women's working conditions, spoke for the interests of "women in industry." Each insisted that she was promoting the interests of women.

Is Blanket Amendment Best Method in Equal Rights Campaign?

Pro

Alice Paul, Ph.D., LL. B.

Vice President, National Woman's Party
General Counsel, Nat'l Woman's Research Foundation
Former Chairman, National Woman's Party

THE Woman's Party is striving to remove every artificial handicap placed upon women by law and by custom. In order to remove those handicaps which the law can touch, it is endeavoring to secure the adoption of the Equal Rights Amendment to the United States Constitution.

There are a number of reasons for working for a national Equal Rights Amendment instead of endeavoring to establish Equal Rights by state action alone, as has been the course pursued during the past seventy-five years:

(1) *A National Amendment is More Inclusive Than State Legislation.*

The amendment would at one stroke compel both federal and state governments to observe the principle of Equal Rights, for the Federal Constitution is the "supreme law of the land." The amendment would override all existing legislation which

Con

Mary Van Kleeck

Director, Industrial Studies, Russell Sage Foundation, New York

WE WHO oppose the suggested amendment are heartily in accord with what we believe to be the purpose of its advocates, namely, to free women for largest service in the life of the nation, by sweeping away those man-made restrictions, which are based wholly on out-worn traditions and prejudiced views of the status and capacity of women. We oppose the amendment because we do not believe that it will accomplish that purpose.

We hold that many important steps toward the goal of removing all sex-prejudice are beyond the reach of law and would be unaffected by this amendment, such as the opening of colleges and universities to women; the enlargement of professional and vocational opportunities; and the abandonment of the social customs which restrict women's activities.

We believe that if this amendment were passed many

denies women Equal Rights with men and would render invalid every future attempt on the part of any legislators or administrators to interfere with these rights.

(2) *A National Amendment Is More Permanent Than State Legislation.*

The national amendment would establish the principle of Equal Rights permanently in our country, in so far as anything can be established permanently by law. Equal Rights measures passed by state legislatures, on the other hand, are subject to reversal by later legislatures.

(3) *The Campaign For A National Amendment Obviates The Costly And Difficult State Referendums Which Frequently Occur In Securing State Legislation.*

Equal Rights measures passed by the legislatures must be submitted to a state referendum, when the existing discriminations are written in the state constitution and can only be removed by amending the constitution. Furthermore, referendums are frequently forced by an initiative petition upon bills which have passed the state legislatures. No referendum is necessary, on the other hand, in the case of a national amendment. Everyone who worked in the suffrage campaign is familiar with the great cost and difficulty of state referendums and the value of a national amendment in obviating this expensive and laborious method of achieving a reform.

(4) *The Campaign For A National Amendment Unites The Resources Of Women, Which Are Divided in Campaigns For State Legislation.*

separate statutes in state and in nation would be required to put its intent into effect. These statutes, we are convinced by experience, can be enacted without any constitutional amendment. A long list of those actually passed since women have had the vote has been compiled by the National League of Women Voters. The time taken to enact and ratify the amendment would only postpone the passage of these laws which we must have anyway.

A vague provision in the Constitution always necessitates interpretation by the courts. If this vague provision for equal rights for men and women were to be included in the Constitution, the time-consuming efforts of judges to define its meaning for each new statute may be expected to nullify for the next century the effect of present and future laws designed to open up larger opportunities to women. Some of our laws which do not apply alike to men and therefore appear to perpetuate legal discriminations against women--such as mothers' pensions and certain provisions for the support of children--do so only superficially. Actually these laws are intended to protect the home or to safeguard children. They do not contemplate an artificial segregation of women as a group apart from their social relationships. In sweeping away laws like these on the superficial ground that they perpetuate sex disabilities, we should be deliberately depriving the legislature of the power to protect children and to preserve the right of mothers to be safeguarded in the family group. The wheat and the tares are so close together in all social legislation that we would better let them grow until a skilled gardener

In the campaign for a national amendment the strength of the Equal Rights forces is concentrated upon Congress and is therefore more effective than when divided among forty-eight state campaigns.

(5) *A National Amendment Is a More Dignified Way To Establish Equal Rights Than Is State Legislation.*

The principle of Equal Rights for men and women is so important that it should be written into the frame-work of our National Government as one of the principles upon which our government is founded. The matter is far too important to our nation's welfare and honor to leave it to the states for favorable or unfavorable action, or for complete neglect, as they see fit.

can root out the tares one by one; otherwise we may lose our wheat.

The amendment would jeopardize laws like these for women in industry because they do not also apply to men. The proposal to include men in them will indefinitely postpone their extension[.] Yet in the opinion of women in industry these laws which insure tolerable conditions of work should come first in any genuine bill of equal rights for women. Women in industry ask for the substance of freedom. They are unwilling to trust a hoe to those who do not know the difference between wheat and tares.

We hold that the amendment is unnecessary because the right of suffrage has already given women the power to secure legislation and accomplish all that the amendment is supposed to make possible. No constitutional barrier to the enactment of these laws has been interposed, which would be removed by this amendment. We hold that besides being unnecessary it is dangerous because its vagueness jeopardizes what we have and indefinitely retards what we have still to gain.