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"If the Son sets you free, you will be free indeed." John 8:36

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"Equality of rights under the law shall not

Anne Eggebroten

One morning we woke up and realized something was missing.

Funny that we never noticed it before—during all those years of pledging allegiance in school, during that eighth-grade course on the Constitution or that senior-year course in government.

Suddenly we discovered that we were missing from the Constitution of the United States of America.

For me the day of discovery came about six years ago. Perhaps for you it was long before that—or perhaps last week. Alice Paul discovered it in 1913 or earlier. In fact, by July 19, 1848, enough American women had become "enlightened in regard to the laws under which they live" that they held a convention in a Wesleyan Methodist Church in Seneca Falls, New York, listed various injustices, and concluded: "In view of the unjust leges which belong to them as citizens of the United States."¹

admission to all the rights and privileges which belong to them as citizens of the United States."¹

As a first step, they rewrote the Declaration of Independence to include women: "We hold these truths to be self-evident: that all men and women are created equal . . ." In order to implement their Declaration, they stated, "We shall employ agents, circulate tracts, petition the State and National legislatures, and endeavor to enlist the pulpit and press in our behalf."

Today, one hundred and thirty years later, we are still petitioning and endeavoring. We are petitioning the legislatures of three more states to ratify the Equal Rights Amendment to the Constitution. Thirty-five states have ratified the ERA, but the Constitution requires thirty-eight before an amendment becomes law. If some ten or fifteen men in state legislatures changed their votes, women would be included in the Constitution. Since the original deadline for ratification was March 22, 1979, we are petitioning Congress to allow

more time—preferably enough time to elect some new state legislators. The extension recently approved by Congress is the beginning of more hard work to finish the ratification process.

HISTORY

The first of all the petitions for inclusion of women in the Constitution came in 1776 when Abigail Adams wrote to her husband, John: "In the new Code of Laws which I suppose it will be necessary for you to make I desire you would Remember the Ladies . . ." But in the smoke-filled rooms, arguing heatedly over the provisions of the new government, John and the other men forgot. Nowhere did they write "men and women." In some areas women were understood to be included; in voting and other simple exercises of freedom, they were understood to be excluded.

The Constitution as originally written established the rights of white men only. It took a Civil War to get black men added, and heaven only knows what it will take to get women added. When the 14th Amendment was written to establish full citizenship rights for blacks, the word "male" was used, thus for the first time adding specific discrimination by sex to the Constitution. Women who had worked for black civil rights were shocked. To the 15th Amendment, which said that the right to vote could not be denied on the basis of race, they tried to add the words "or sex." But men refused, and the women's movement settled on the right to vote as its first priority.

During the next fifty years, getting the vote became virtually the only goal. Nearly everyone believed that once the vote was gained, women's complete equality was assured. In 1920 when the 19th Amendment was passed, most work for women's rights ceased. But the National Woman's Party, led by Alice Paul, remembered

the other inequalities listed at Seneca Falls and moved on from suffrage to the next step. In 1923 they wrote the first Equal Rights Amendment, and it was introduced in Congress by two Republicans from Kansas. It was introduced into every session of Congress from then until 1972, when Congress finally approved it: "*Equality of rights under the law shall not be denied or abridged by the United States of by any State on account of sex.*"

The amendment was sent to the states for ratification, with the seven-year time limit that had been added to the last few amendments more or less automatically stamped on it. Within one year, 22 states had ratified: by the end of 1974, 11 more followed. We were only five states away from having our civil rights guaranteed by the Constitution, when the plot thickened.

OPPOSITION, FAIR AND FOUL

Throughout the fifty-year battle to get the ERA this far, supporters have encountered three kinds of opposition. There are those who are content with women's current status and have real fear of change. There are those who genuinely believe that other means of obtaining equality for women would be better—state ERA's, piecemeal legislation, or Supreme Court decisions. And there are those who are so alienated from the American dream that a Constitutional amendment seems irrelevant to their lives; economic change is what really matters, and all else is a farce.

The response of ERA supporters to each of these groups is the same: slow, patient education. We share history and explain the actual legal status of women, helping our sisters to recall events in their own lives in which they were refused credit or needed a husband's signature to

not be denied or abridged by the United States

manage their own property. We point out that legislative and court decisions are here today, but easily changed tomorrow. Only a Constitutional amendment is permanent, affecting past and future laws. To those who are painfully alienated from the system, we confess that the ERA will be only a drop in the bucket. But we pledge to work on the problems that directly thwart so many lives: women's high unemployment and low wages, and the lack of enforcement of child support orders.² We add that the ERA will act as a powerful chemical, penetrating all the water in the bucket and helping to create a rich soil in which other changes can grow.

Over the past fifty-five years, patient and steady efforts have brought us to the point where 58% of Americans favor the ERA, 31% oppose it, and 11% have no opinion, as of the latest Gallup poll.³ All recent presidents and their wives support the ERA. The list of organizations supporting the ERA includes the Republican and Democratic Parties, the AFL-CIO, the Girl Scouts, nurses and teachers associations (ANA and NEA), Church Women United, Evangelical Women's Caucus, the National Assembly of Women Religious (nuns), and many denominations from American Baptists to the Church of the Brethren.

But in 1975, enter the far right to the ERA arena. Enter organized, massive opposition using scare tactics and lies and funded by the John Birch Society, the Ku Klux Klan, and others. These forces entered the debate late, not because of sudden convictions but because of what they could gain: "Nothing has done more to fuel the resurgence of right-wing activism than the equal rights amendment," wrote a *New York Times* reporter last May.⁴

Somehow the right-wing gets away with sending two opposite messages at once. First, "The ERA will have no effect and isn't needed, because recent laws have done it all." And

second, "The ERA will have drastic, immediate effects." In fact, it will take much work and many years before equality under the law takes effect for women—even with the ERA.

NEED FOR ERA

The most important thing the ERA will do is to establish the principle of full citizenship for women. The symbolic and psychological benefits will be huge. Just as the right to vote expanded women's right to think and to be heard, so "equality of rights under the law" will go a long way toward reducing the injustice based on sex that is woven into the fabric of our social order. All states and the federal government will have to review and revise their laws to eliminate discrimination on the basis of sex.

Specific benefits in seven areas are listed by a 1976 booklet of the League of Women Voters:

Employment. Many women who need work face unemployment; their unemployment rate has averaged 30% higher than that of men over the last twenty-five years. For those 41 million women who are employed, their earnings average only about half of men's earnings.⁵ Obviously we are a long way from equal pay or equal opportunity in work. Three federal laws have been enacted since 1963 against sex discrimination in employment, but they are not doing the job. The average employee or boss has never heard of Executive Order 11246. The League concludes, "The Equal Rights Amendment will not markedly expand the protections afforded by these piecemeal federal laws, but it will provide needed national impetus for the recognition of women as individuals in the marketplace. It will provide a permanent, accessible, and well-known legal alternative . . ."⁶

Education. Women are graduating from high schools and colleges in num-

bers nearly equal to men, so the main problem lies in specialized training, either for skilled trades, for business, or for the professions. Women are "still grossly underrepresented . . . in training programs in the high-paying trades, including those funded by the federal government," reports the League.⁷ In graduate schools, women's numbers decrease until only 13% of doctorates go to women. In vocational training, women appear in equal numbers but are channeled directly toward the lower-paying "female" jobs. A new federal law (Title IX of the Education Amendments of 1972) is supposed to prohibit sex discrimination in education, but it is enforced by the Department of Health, Education, and Welfare, whose chief weapon is the right to cut off federal money. As of 1976, HEW had never cut off any funds, and there is a huge backlog of complaints. If the ERA passes, it will be enforced through legislatures and the courts. Educational discrimination could be in for a challenge—including the hiring practices that keep 81% of college and university faculty members male.

Family Law. A major benefit of the ERA is that it would constitutionally establish the principle that "the homemaker's role in marriage has economic value that entitles one to full partnership under the law."⁸ This point is written into ERA's legislative history, which forms the basis for ERA implementation. Right now the husband and wife are not considered equal partners in the marriage; the husband is the head of the household, and the wife doesn't exist for many legal purposes. For example, her legal residence is that of her husband; if they are newly married and he is legally a resident of another state, she can be charged out-of-state tuition at her state university.⁹ Laws vary from state to state, but in most states the wage-earning spouse has the sole right to manage and control property. With a responsible husband, a home-

or by any State on account of sex."

making wife may not notice her lack of ownership—until he dies, and in 43 states the checking account and everything else is tied up in her husband's estate. The League concludes, "The experience in states with state ERA's . . . suggests that ratification of the ERA could lead to increased financial security for the divorced or widowed woman, by encouraging a trend toward reform of the state marital property laws."¹⁰

Credit. Did you know that most wives can't buy a carpet on credit without their husband's signature?¹¹ Even if they contribute to the family income, the carpet dealer may refuse to extend credit. And single women have more difficulty than single men in obtaining credit, especially for mortgage loans. A new law, the Equal Credit Opportunity Act of 1975, is making some headway, despite the opposition of banks and businesses. The ERA helped create the political climate for this act; if the ERA fails, credit laws will be the first to go. If the ERA is ratified, the positive climate for women's credit will become permanent.

Social Security. "There are some gaping holes in the protection afforded women under Social Security," writes the League, because it was "never

really designed to respond to the needs or take into account the financial contributions of women."¹² Social Security provided less protection for the survivors of female wage earners, until a 1975 Supreme Court decision. Some current inequities are caused by not recognizing the contribution to the family of the wage-earning wife; others are caused by lack of coverage for the homemaker. The ERA would require a review of all Social Security law.

Insurance. "The insurance industry has practiced pervasive discrimination against women in coverage, availability, underwriting practices, and rating."¹³ While the ERA would not affect insurance companies directly, women could take cases to court if discrimination by sex were unconstitutional.

Military. Higher test score standards and lower quotas now limit the number of women in the Armed Services. Young women seeking the training, education, and career opportunities of the services will have an equal chance with young men if the ERA passes.

In summary, the ERA would provide a permanent remedy that would begin to take effect in all these areas. Without the ERA, we are dependent

on the changing moods and politics of the country and of each state. Recent gains can be eroded and will, if the courts and legislatures get a message against equal rights for women through the defeat of the ERA.

You may be saying to yourself, "The ERA sounds OK. I guess I can live with it." But the question is: how long will we be living without it? An extension of 3½ years by no means guarantees ratification. On June 30, 1982, we may find ourselves beginning from scratch.

Now is the time to get letters and postcards in the mail to congressional representatives, senators, and state representatives. Be sure to include in each letter a description of yourself, a statement of support for the ERA, and a specific request for action. Your letters are not only a political force but a witness for Christ. Most legislators believe rumors about the Bible being against women's equality, because they receive mail from church people who fear the ERA. By making our presence felt as *Christian* feminists, we can break stereotypes as well as convince legislators to ratify the amendment.

How are we different from other ERA supporters? We experience the delay of justice, yet we continue to trust God's sovereignty. We see a Congress that is 90% male, a Senate 99% male, and state legislatures 80-90% male deciding on women's rights—and we pray for those who oppress us. We keep our eyes fixed on Jesus, who came "to set at liberty those who are oppressed. . . ." ¹⁴ With the saints, we laugh and live the paradoxes: spiritually free yet legally subject, legally free yet the ERA passes, yet only by dying born into the final freedom. □

Anne Eggebroten lives in Concord, California, and studies medieval English literature in between working for the ERA and Evangelical Women's Caucus. She regrets being born 600 years too late to become an anchoress.

Notes

1. Documents from the Seneca Falls Convention can be found in *Rebirth of Feminism* by Judith Hole and Ellen Levine (New York: Quadrangle, 1971), pp. 429-33. A brief summary of the early history can also be found here, pp. 1-14.

2. For a full list, see the 25 resolutions passed by the National Women's Conference a year ago in Houston. One place you can find them is in the March, 1978, issue of *Ms. Magazine*, p. 19ff.

3. George Gallup, "Poll Finds U.S. Public Supports ERA," *San Francisco Chronicle*, July 18, 1978, p. 9.

4. John Herbers, "Campaign for Women's Equality Mired in Emotional Controversy," *New York Times*, May 28, 1978, p. 1ff.

5. Statistics from *In Pursuit of Equal Rights: Women in the Seventies*, ed. Mary E. Brooks (Washington, D.C.: League of Women Voters,

1976), p.6. This booklet can be ordered from the LWV, 1730 M St., Wash., D.C. 20036, for \$1.60.

6. *In Pursuit*, p. 8.

7. *In Pursuit*, p. 8.

8. ". . . To Form a More Perfect Union . . .": *Justice for American Women*. Report of the National Commission on the Observance of International Women's Year, 1976, p. 375. Reprinted by KNOW, Inc. (P.O. Box 86031, Pittsburgh, Pa. 15221) as pamphlet no. 307. *The ERA—Origin and Interpretation*.

9. *Impact ERA: Limitations and Possibilities*. Report of the California Commission on the Status of Women (Millbrae, Ca.: Les Femmes Publishing, 1976), p. 186.

10. *In Pursuit*, p.11

11. *In Pursuit*, p.12.

12. *In Pursuit*, p.13.

13. *Impact ERA*, pp.127 and 135.

14. Luke 4:18.