

# **ERA and Political Backlash**

**Grade Level: 7-12**

## **Related Academic Subjects:**

U.S. History, Civics/Government, Language Arts, Women's Studies

## **Lesson Overview:**

In this lesson, students will examine the Equal Rights Amendment and discuss its meaning. Students will gain an understanding of the amendment process as prescribed by Article V of the U.S. Constitution and the politically conservative backlash that led to the failure in passing the Equal Rights Amendment. In a final activity, students will debate several important claims made by supporters and opponents of the amendment in small debate teams.

## **Lesson Objectives: Students will...**

- Analyze the text of the Equal Rights Amendment
- Trace the amendment process taken to get the ERA passed
- Analyze the reasons for opposition to ERA and the methods used to stop its enactment
- Debate several claims made by supporters and opponents of ERA

## **Estimated Time:**

- Opening Activity: 10-15 minutes
- Video Viewing Activity: One class period
- Main Activity: one to two class periods for debate prep; one class period for each debate.

**\* NOTE TO TEACHER:** In this lesson students research different sources about the Equal Rights Amendment and engage in discussions surrounding its impact. At times, some of the discussions might be controversial as different perspectives are aired. Sensitivity to individuals' opinions and perspectives are important. For ideas and guidance on discussing controversial issues, refer to the handout "Discussing Controversial Issues" in this packet. Teachers are advised to first review the lesson materials, related resources and the video segments to make sure they are appropriate for their students.

## **List of Video Segments used in the Lesson:**

**From the *MAKERS* documentary** (time cues are approximate)

### **Video Segment 1:**

**Intro: 1:29:09 CUE:** “In the midst of this success, feminists began dreaming of the *ultimate* victory: to sweep away nearly all remaining discriminatory laws in one grand gesture -- by passing the Equal Rights Amendment.”

**Exit: 1:31:14 CUE:** “After 30 states ratified the amendment within a year, feminist were certain that victory was inevitable.”

### **Video Segment 2:**

**Intro: 1:31:14 CUE:** But the fight to ratify the ERA was about to run into a changing political climate and one of the most canny and effective opponents feminists had ever faced.

**Exit: 1:41:54 CUE:** Feeling the strength of the size of our movement, and what became a 25 year slide off the pinnacle of our power.

### **Materials Needed:**

- DVD copy of *MAKERS: Women who Made America* (or links from website)
- Computers with Internet access
- Pens, pencils, paper
- Student Handouts:
  - Video viewing graphic organizer: “Equal Rights Amendment – Support and Backlash”
  - Debate procedures: “Debating the Costs and Benefits of the Equal Rights Amendment”
  - Debate Scoring Sheet
  - Discussing Controversial Issues

### **Lesson Procedure:**

#### **Opening Activity**

In this activity, students will analyze the text of the ERA.

1. Tell students that though there are three sections to the Equal Rights Amendment, its heart lies in the first section. The other two sections give Congress the authority to create legislation to enforce the amendment and set a time when the amendment will take effect.

*Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.*

2. Post the text of the amendment on the front board and ask students to form pairs to discuss the following questions:
  - What is the basic purpose of the ERA?
  - What other amendments to the Constitution are like this one?

- Who is the amendment intended to protect?
  - Give an example of a law that might be passed by the United States or the states to abridge someone's equal rights based on their sex?
  - Do you feel the ERA is a good amendment and should be part of the Constitution? Why or Why not.
3. Ask several pairs to present their ideas and discuss with the entire class.

### **Video Viewing Activity**

Tell students in this activity they will view video clips from the *MAKERS* documentary. Video clips are located on the PBS MAKERS "For Educators" webpage (<http://www.pbs.org/makers/educators/>). You can have students view the video individually or in small group either as homework or in class. (NOTE: all cue times on the student handout are approximate.)

1. Distribute the video viewing handout, "Equal Rights Amendment – Support and Backlash" graphic organizer.
2. Have students watch the video clips assigned to the lesson and fill out the graphic organizer (this part can also be completed as homework).
3. Then have students meet in small groups to discuss the discussion questions at the end of each graphic organizer segment. Review the questions with the entire class.

### **Main Activity: Overview**

In this activity students will debate various claims for and against the ERA. Handouts will help guide students through the preparation and debate procedure. Suggested resolutions are listed below. You can choose to use these or develop ones of your own.

### **Debate Preparation**

1. Divide the class into two large groups (affirmative and negative).
2. Distribute the student handout, "Debating the Costs and Benefits of the Equal Rights Amendment" to all students.
3. Review the activity background, directions and the pros and cons of the Equal Rights Amendment with students.
4. Develop small debate teams by having students pair off (a team of three is allowed for odd numbered classes).
5. Assign or have the student teams choose their resolution from the list below. Make sure that both teams (affirmative and negative) have the same resolution.

### **Resolutions**

Be it resolved:

- The Equal Rights Amendment protects the rights of both men and women.

- The Equal Rights Amendment would jeopardize single-sex programs in schools.
  - The Equal Rights Amendment would provide a clear standard for determining sex discrimination cases.
  - The Equal Rights Amendment would take away powers from the states
  - The Equal Rights Amendment would defend against rollbacks in the laws protecting women's rights.
  - The Equal Rights Amendment doesn't grant any more rights than women have now.
  - The Equal Rights Amendment would help improve the world's opinion of United States on human rights.
  - The Equal Rights Amendment would provide government sanction of gay marriages and abortions.
6. Provide preparation time for students to prepare their arguments. Share the debate scoring sheet with each team of debaters.
  7. Follow the suggested debate format below to conduct the debates.
  8. Before each debate begins, distribute the Debate Scoring Sheet to the student audience.
  9. After each debate, collect scoring sheets and total scores, and then announce a winner. If you desire not to make the debate complete, only share comments from student scoring sheets with debates.

### **Debate Format**

- Round 1:
  - 5 minute presentation (Affirmative team member #1)
  - 5 minute presentation (Negative team member #1)

Teams meet in 3-minute work period to develop rebuttal statements

- 4 minute rebuttal (Affirmative team member #1)
- 4 minute rebuttal (Negative team member #1)

Teams meet in 3-minute work period to develop response presentation

- Round 2:
  - 2 minute response (Affirmative team member #2)
  - 2 minute response (Negative team member #2)

Teams meet in 1-minute work period to develop closing summary

- 2 minute summary (Affirmative team member #2)

- 2 minute summary (Negative team member #2)

5 minute completion of debate scoring sheet and announcing winner

10. At the end of the debates, have students discuss which resolutions they felt were the most important, relevant, and well substantiated. Ask students whether they feel the Equal Rights Amendment would pass today? Why or why not?

## Assessment

- Active participation during discussions and activities.
- Quality of notes and completion of student of the graphic organizers.
- Evaluate students' debate performance using the suggested scoring sheet.

**About the Author:** Greg Timmons has been a social studies teacher for over 30 years. He has written lessons for several PBS productions including *The NewsHour*, *FRONTLINE*, and various Ken Burns's productions including *The War*, *The National Parks: America's Best Idea*, *Baseball*, *Prohibition* and *The Dust Bowl*." He resides in Montana and Washington state.

## Resources

- MAKERS: Women Who Made America website <http://www.makers.com>
- PBS MAKERS: Women Who Made America website <http://www.pbs.org/makers>
- ERA website <http://www.equalrightsamendment.org/>
- Eagle Forum <http://www.eagleforum.org/era/>
- NOW(National Organization of Women) <http://www.now.org>

## Standards

(McREL <http://www.mcrel.org/compendium/browse.asp>)

### U.S. History

- **Standard 29:** Understands the struggle for racial and gender equality and for the extension of civil liberties

Level IV (Grades 9-12)

2. Understands conflicting perspectives on different issues addressed by the women's rights movement (e.g., the Equal Rights Amendment, Title VII, and Roe v. Wade)

### Civics

- **Standard 3:** Understands the sources, purposes, and functions of law, and the importance of the rule of law for the protection of individual rights and the common good

Level IV (Grades 9-12)

2. Knows alternative ideas about the purposes and functions of law (e.g., regulating relationships among people and between people and their government; providing order, predictability, security, and established procedures for the management of conflict; regulating social and economic relationships in civil society)

- **Standard 9:** Understands the importance of Americans sharing and supporting certain values, beliefs, and principles of American constitutional democracy

Level IV (Grades 9-12)

2. Understands the interdependence among certain values and principles (e.g., individual liberty and diversity)

3. Understands the significance of fundamental values and principles for the individual and society

- **Standard 11:** Understands the role of diversity in American life and the importance of shared values, political beliefs, and civic beliefs in an increasingly diverse American society

Level III (Grades 6-8)

3. Knows major conflicts in American society that have arisen from diversity

Level IV (Grades 9-12)

3. Knows examples of conflicts stemming from diversity, and understands how some conflicts have been managed and why some of them have not yet been successfully resolved

- **Standard 14:** Understands issues concerning the disparities between ideals and reality in American political and social life

Level IV (Grades 9-12)

1. Understands the importance of established ideals in political life and why Americans should insist that current practices constantly be compared with these ideals

2. Knows discrepancies between American ideals and the realities of American social and political life (e.g., the ideal of equal opportunity and the reality of unfair discrimination)

3. Knows historical and contemporary efforts to reduce discrepancies between ideals and reality in American public life (e.g., union movements, government programs such as Head Start, civil rights legislation and enforcement)

## **Common Core Standards for English Language Arts**

<http://www.corestandards.org/the-standards>

### **Strand: Reading for Informational Text**

**RI.9-10.7** Analyze various accounts of a subject told in different mediums (e.g., a personal life story in both print and multimedia), determining which details are emphasized in each account.

**RI.11-12.7:** Integrate and evaluate multiple sources of information presented in different media or formats (e.g., visually, quantitatively) as well as in words in order to address a question or solve a problem.

**Strand: History/Social Studies**

**RH.9-10.1** Cite specific textual evidence to support analysis of primary and secondary sources, attending to such features as the date and origin of the information.

**RH.9-10.2** Determine the central ideas or information of a primary or secondary source; provide an accurate summary of how key events or ideas develop over the course of the text.

**RH.9-10.8** Assess the extent to which the reasoning and evidence in a text support the author's claims.

**RH.9-10.9** Compare and contrast treatments of the same topic in several primary and secondary sources.

**RH.11-12.1** Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

**RH.11-12.2** Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

**RH.11-12.8** Evaluate an author's premises, claims, and evidence by corroborating or challenging them with other information.

**RH.11-12.9** Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among source

**Stand: Speaking and Listening**

**SL.9-10.1:** Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 9-10 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

**SL.9.10.2:** Integrate multiple sources of information presented in diverse media or formats (e.g., visually, quantitatively, orally) evaluating the credibility and accuracy of each source.

**SL. 9-10.4:** Present information, findings, and supporting evidence clearly, concisely, and logically such that listeners can follow the line of reasoning and the organization, development, substance, and style are appropriate to purpose, audience, and task.

**SL.11-12.1:** Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11-12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

**SL.11-12.2:** Integrate multiple sources of information presented in diverse media or formats (e.g., visually, quantitatively, orally) evaluating the credibility and accuracy of each source.

**SL:11-12.4:** Present information, findings, and supporting evidence clearly, concisely, and logically such that listeners can follow the line of reasoning and the organization, development, substance, and style are appropriate to purpose, audience, and task.



## Video Viewing Activity

### “The Equal Rights Amendment – Support and Backlash”

#### Episode 2: Changing the World

**Directions:** As you review the video segments, take notes on the graphic organizer either independently or in small group. When the graphic organizer is completed, review the discussion questions. (**NOTE:** all cue times are approximate.)

#### Video Segment 1:

**Intro: 1:29:09 CUE:** “In the midst of this success, feminists began dreaming of the *ultimate* victory: to sweep away nearly all remaining discriminatory laws in one grand gesture -- by passing the Equal Rights Amendment.”

**Exit: 1:31:14 CUE:** “After 30 states ratified the amendment within a year, feminist were certain that victory was inevitable.”

#### The Equal Rights 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.*

1. For feminists, what was the purpose of the Equal Rights Amendment?

---

---

2. Why did they feel such an amendment was necessary?

---

---

3. Why did some supporters of the ERA feel its passage was long overdue?

---

---

4. Summarize in your own words the text of Article V of the U.S. Constitution identifying the steps and different conditions for amending the Constitution.

*The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.*

---



---



---



---



---



---

5. Chart the course of the ERA's passage following the narration in the video clip. Align the various stages of its passage to the steps for amendment as prescribed in Article V of the United States Constitution.

<b>Article V clauses</b>	<b>Date occurred</b>	<b>Description of actions and events</b>
The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution...		
...when ratified by the Legislatures of three fourths of the several States...		

**Discussion Questions:**

Review Section 1 of the 14<sup>th</sup> Amendment to the U.S. Constitution. Discuss how the Equal Rights Amendment is similar to the 14<sup>th</sup> Amendment. How does it differ?

Do you feel the 14<sup>th</sup> Amendment goes far enough in protecting women’s rights or is something like the ERA needed? Explain your answer.

**Video Segment 2:**

**Intro: 1:31:14 CUE:** “But the fight to ratify the ERA was about to run into a changing political climate and one of the most canny and effective opponents feminists had ever faced.”

**Exit: 1:41:54 CUE:** “Feeling the strength of the size of our movement, and what became a 25 year slide off the pinnacle of our power.”

6. Summarize the early events of Phyllis Schlafly life.

---

---

---

---

7. Having failed to be elected to Congress, how did Phyllis Schlafly find ways to participate in the political process?

---

---

8. List the reasons Phyllis Schlafly and religious conservative women were against feminism and the ERA.

---

---

---

9. Summarize the tactics Phyllis Schlafly used to stop ERA.

---

---

---

---

10. Why did some women consider Phyllis Schlafly to be a hypocrite?

---

---

11. In anticipation of the closing deadline for passage of the ERA, feminists held the National Women's Conference in Houston, Texas, in 1977. Not to be outdone, Phyllis Schlafly and her conservative movement held another convention in the same city at the same time. Listen to the comments made at these two conventions and summarize their messages.

<b>Pro-ERA</b>	<b>Anti-ERA</b>

12. Summarize how the defeat of ERA affected the momentum of the women's movement and shift the political momentum of the country toward conservative values.

---

---

---

---

**Discussion Questions:**

List and discuss the criticisms Phyllis Schlafly and others had of the ERA. What points do they make in which you agree or disagree?

To support her cause, Phyllis Schlafly brought in women from the ranks of religious conservatives. Why might members of this group agree with Schlafly's rejection of the ERA?

Why do you think Phyllis Schlafly's message about the ERA was so effective?

# Debate Preparation Handout

**Background:** Debates provide important opportunities to strengthen your skills in leadership, interpersonal leadership, team building, group problems solving and oral presentations. In this activity, you will work in a pairs to prepare arguments on one of the resolutions surrounding the ERA and debate the points.

## Directions:

1. After the class has been divided into two large groups (affirmative and negative), review both sides' claims about the ERA (page 2). Your teacher will review with you a list of resolutions that have been developed from these claims. Each affirmative and negative team will be assigned one of these resolutions.
2. Once the resolutions have been assigned, work with your debate team and follow the debate preparation procedures below to prepare for your debate.

## Debate Preparation

Understand the facts:

- Trace the history of the ERA. What conditions led to its proposal as an amendment?
- What does the text of the ERA say?
- What are the general positions of the proponents and opponents?

Research the focus of the Resolution:

- Review the resolution and determine its main claim.
- List information what you already know about the resolution.
- Develop statements or questions on what you don't know about the resolution.
- Conduct research using the resources listed at the end of this handout.

Develop notes for the debate

- Formulate a position statement (either agree or disagree) on the resolution
- List and explain three points that support your position.
- Identify three arguments your opponents may make and develop counter arguments to that position. (anticipating what your opponents will say will better help prepare you for the debate.)
- Develop a closing (summary) statement supporting your position.

## Debate Format

- Round 1:
  - 5 minute presentation (Affirmative team member #1)
  - 5 minute presentation (Negative team member #1)

Teams meet in 3-minute work period to develop rebuttal statements

- 4 minute rebuttal (Affirmative team member #1)
- 4 minute rebuttal(Negative team member #1)

Teams meet in 3-minute work period to develop response presentation

- Round 2:
  - 2 minute response (Affirmative team member #2)
  - 2 minute response (Negative team member #2)

Teams meet in 1-minute work period to develop closing summary

- 2 minute summary (Affirmative team member #2)
- 2 minute summary (Negative team member #2)

5 minute completion of debate scoring sheet and announcing winner

## **Main Claims for and against the Equal Rights Amendment**

### **PRO**

- The ERA would ensure that rights for all people will not be denied or abridged by the United States on any state on account of sex.
- The Constitution does not explicitly guarantee equal protection for gender as it does race and religion. The only right specifically affirmed as equal for men and women is the right to vote.
- The Equal Protection clause of the 14<sup>th</sup> Amendment does state “all persons” born in the U.S. have equal protection, but this has applied to sex discrimination only once and had never been interpreted to grant equal rights on the basis of sex they way the ERA would.
- The ERA would provide a clear judicial standard for deciding sex discrimination cases.
- The ERA would provide a strong defense against the rollback of significant advances in women’s rights.
- The ERA would improve the United States’ human rights standing in the world community, by affirming legal gender equality, something many industrialized countries have already done.

### **CON**

- The ERA would put “gay rights’ into the Constitution. The amendment’s phrase “on account of sex” could be interpreted to mean sexual orientation.
- The ERA would put abortion rights into the US Constitution requiring states to pay for abortions.
- The ERA would jeopardize single-sex programs and schools because it would make unconstitutional exceptions in Title IX allowing for single sex schools and colleges.
- The ERA would take away important rights and powers of the states because federal constitutional law trumps state law
- The ERA would not grant any new rights and take away rights that women have now, including their traditional exemption from the military draft, nullify laws that obligate a husband to support his wife, and deny other perks that women receive now.
- The ERA would take away the right of a wife or widow to receive social security or veterans’ benefits on her husband’s earnings.

## Research Resources

- ERA website <http://www.equalrightsamendment.org/>
- Eagle Forum <http://www.eagleforum.org/era/>
- NOW <http://www.now.org>
- General Federation of Women's Clubs  
[http://www.gfwc.org/gfwc/Equal\\_Rights\\_Amendment.asp?SnID=1889401838](http://www.gfwc.org/gfwc/Equal_Rights_Amendment.asp?SnID=1889401838)
- ERA University <http://erauniversity.com/>
- Six reasons to oppose the ERA <http://www.arragopwing.com/eraposition.html>
- American Enterprise Institute “Equal Rights Time Warp”  
<http://www.aei.org/article/society-and-culture/equal-rights-time-warp/> and “Does the Constitution Protect against Sex Discrimination?” <http://www.aei.org/article/politics-and-public-opinion/judicial/constitutional/does-the-constitution-protect-against-sex-discrimination/>
- FactCheck.org <http://www.factcheck.org>
- Politifact <http://www.politifact.com/>

## Debate Scoring Sheet

(for audience and instructor)

Debate Resolution: \_\_\_\_\_

Team Members Names: \_\_\_\_\_

Affirmative Team			Negative Team		
Criteria	Rating 1-10	Comments	Criteria	Rating 1-10	Comments
Opening Statement clear, well organized, relevant.			Opening Statement clear, well organized, relevant.		
First argument clearly stated, relevant, well informed			First argument clearly stated, relevant, well informed		
Rebuttal clear, relevant, well informed, effective			Rebuttal clear, relevant, well informed, effective		
Second Argument clearly stated, relevant, well informed			Second Argument clearly stated, relevant, well informed		
Closing Statement as stated clearly, was relevant, effectively summarized the team's position.			Closing Statement as stated clearly, was relevant, effectively summarized the team's position.		
Use of facts and statistics well supported with relevant facts/stats and/or examples			Use of facts and statistics well supported with relevant facts/stats and/or examples		
Presentation Style team used gestures, eye contact, tone of voice and a level of enthusiasm in a way that kept the attention of the audience.			Presentation Style team used gestures, eye contact, tone of voice and a level of enthusiasm in a way that kept the attention of the audience.		
<b>Total Points</b>			<b>Total Points</b>		

## **Discussing Controversial Issues**

This lesson examines aspects in which students will likely disagree or may not have yet formed solid opinions. This calls for a learning environment that is open, tolerant, and comfortable for all students.

Angela Harwood and Carole Haun, Atlanta educators contributing to the ERIC Clearinghouse for Social Studies/Social Science Education, offer these considerations when discussing controversial issues in the classroom:

**Establish a safe environment:** One of the most important elements of successful discussions is the creation of an intellectually safe environment of students participation. To model appropriate discussion behaviors, listen to and respect student contributions, tolerate widely divergent views and encourage their expression. Let students know that they shouldn't interrupt each other's comments and that they can disagree without being disagreeable.

**Maintain focus and direction:** It's easy for a stimulating discussion to wander off topic. To provide necessary structure, develop an agenda that includes time for discussion, organizing student contributions and specific activities or assignments that grow out of that discussion.

**Ensure a balance:** Students should be exposed to the full range of perspectives on an issue. If important viewpoints on a specific issue aren't expressed, carefully question students about them or ask them to present those perspectives themselves.

**Encourage equal participation:** To achieve a balanced discussion, you may need to draw out reticent students and limit the contributions of more outspoken students.

**Limit your personal view points:** Like anybody else, you have a personal opinion about many issues. Be careful, however, that expressing them doesn't adversely affect students' ability to freely examine those issues. If you take a stand on a controversial issue, make it clear that yours is only one opinion and that you welcome students to challenge it.