

“The Time Was Right to Generate Some Heat”:
California’s ERA Ratification and Women’s Policy Activism

Western Association of Political Scientists
San Diego, CA
April 18 - 20, 2019

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Abstract

In California, the 1972 campaign to ratify the Equal Rights Amendment (ERA) to the United States constitution pitted amendment supporters against labor leaders trying to protect women-only protective labor laws. The seven-month struggle campaign in California resulted in a vote for ratification and motivated several years of legislative activity on women’s issues. Most scholarship about ERA ratification in the US in the 1970s examines the reasons the amendment failed; this paper takes a different tack by investigating a state where the ERA was successful. The ERA campaign was a key element in the embrace of women’s issues by the state’s Democratic Party. This paper also provides an in-depth analysis of the relationship between labor feminists and equal rights feminists, two groups that were opposed during the ratification campaign, but were frequent allies on women’s issues before and after 1972.

Introduction

Through the 1970s, women’s groups tried unsuccessfully to achieve the ratification of the Equal Rights Amendment (ERA), which would have instituted an explicit constitutional prohibition on sex discrimination. On March 22, 1972, the US Congress passed the ERA and sent it to the states for ratification, and in 1982 the ERA failed, three states short of the 38 needed to add the amendment to the constitution.¹ After a long battle, California became the twenty-second state to ratify the amendment on November 13, 1972. Not the last by any means, but for California feminists who believed their states should be at the forefront of women’s

¹ The original deadline for ratification was 1979, but was extended to 1982 by Congress in 1978.

issues, the infuriating seven-month campaign led the movement to focus political engagement, which would shape women's policy for years to come.

In many states, including all of those that did not vote for ratification, opposition to the ERA came chiefly from social conservatives. Thanks to individuals like Phyllis Schlafly and groups like Stop-ERA and Happiness of Womanhood, the ERA joined abortion and gay rights as archenemies of the new Religious Right.² Most studies of the ERA ratification campaign frame it as a policy failure, looking at the internal problems of the pro-ERA movement and the rise of the socially conservative opposition.³ California differs from this narrative in two ways. First, ratification was a clear example of a policy success and provides a valuable case study of feminist policy activism. Second, the role of social conservatives in the ERA debate in California was minimal. Instead, opposition came from labor feminists and their unions who wanted to tie the ratification vote to the passage of bills to extend the state's women-only protective labor laws to men. Because the battle was between different groups of feminists it created rifts in the women's movement, but it also created legislative awareness of and interest in a broad range of women's issues. By placing the ERA debate in the context of a longer history (1966-1976) of women's legislative activism on employment issues, this paper is able to provide a discussion of both conflict and collaboration among different women's organizations. By

² Marjorie J. Spruill, *Divided We Stand: The Battle of Women's Rights and Family Values that Polarized America* (New York: Bloomsbury, 2017); Donald T. Critchlow, *Phyllis Schlafly and Grassroots Conservatism: A Woman's Crusade. Politics and Society in Twentieth-century America* (Princeton, N.J.: Princeton University Press, 2005).

³ National studies include: Jane J. Mansbridge, *Why We Lost the ERA* (Chicago, University of Chicago Press, 1986); Joan Hoff, ed., *Rights of Passage: The Past and Future of the ERA* (Bloomington: Indiana University Press, 1986); Gilbert Y. Steiner, *Constitutional Inequality: The Political Fortunes of the Equal Rights Amendment* (Washington, D.C.: Brookings Institution, 1985); Mary Frances Berry, *Why ERA Failed: Politics, Women's Rights, and the Amending Process of the Constitution* (Bloomington: Indiana University Press, 1986); Janet K. Boles, *The Politics of the Equal Rights Amendment: Conflict and the Decision Process* (New York: Longman, 1979); Spruill, *Divided We Stand*. Studies of unsuccessful state ratification campaigns include: Donald G Mathews and Jane Sherron. De Hart, *Sex, Gender, and the Politics of ERA: A State and the Nation* (New York: Oxford University Press, 1990); Martha Bradley-Evans, *Pedestals and Podiums: Utah Women, Religious Authority, and Equal Rights* (Salt Lake City: Signature Books, 2005).

focusing on a specific process that involved feminists with different priorities, this study provides a departure from histories of the women's movement that group activists based on ideology, regardless of location.

This paper also shows the relationship between the ERA ratification campaign and the development of other laws that changed women's status. Although the ERA was never ratified, a *de facto* ERA has been established through the interpretation of the constitution and the passage of state and federal laws. In the area of constitutional law there have been excellent investigations of the legal strategies that gave rise to an interpretation of the Fourteenth Amendment to include a ban on sex discrimination.⁴ Yet to date, little research has been done about state-level politics that led to the elimination of discrimination.⁵ This study helps to fill that gap by providing an analysis of the links between a successful ERA mobilization campaign and other changes in state law.

While there is a growing literature on California politics in the late 20th century, thus far it has had little to say about the politics of women's issues.⁶ As this paper shows, activism and legislation on women's issues played a role in electoral politics in the 1970s. It merits note that most of the lawmakers who determined the fate of the ERA and other women's bills in California, and who are therefore discussed in this paper, are male. In 1972 the state had three

⁴ Riva B. Segal, "Constitutional Culture, Social Movement Conflict and Constitutional Change: The Case of the *de facto* ERA," *California Law Review* 94 (2006) 1323-1420. See also Rosalind Rosenberg, *Jane Crow: The Life of Pauli Murray*, (New York Oxford, 2017).

⁵ Although see Sarah A. Soutle and Susan Olzak. "When Do Movements Matter? The Politics of Contingency and the Equal Rights Amendment." *American Sociological Review* 69, no. 4 (2004): 473-97.

⁶ Jonathan Bell. *California Crucible: The Forging of Modern American Liberalism*. (Philadelphia: University of Pennsylvania Press, 2012); Lisa McGirr, *Suburban Warriors: The Origins of the New American Right. Politics and Society in Twentieth-century America* (Princeton, N.J.: Princeton University Press, 2001); Kurt Schuparra, *Triumph of the Right: The Rise of the California Conservative Movement, 1945-1966* (Armonk, NY: M.E. Sharpe, 1998); John Jacobs. *A Rage for Justice: The Passion and Politics of Phillip Burton* (Berkeley: University of California Press, 1995); Daniel HoSang, *Racial Propositions: Ballot Initiatives and the Making of Postwar California* (Berkeley, Calif.: University of California Press, 2010).

female legislators, all Democrats. Pauline Davis of Plumas County, March Fong of Oakland (later Secretary of State March Fong Eu) and Yvonne Brathwaite of Los Angeles (later Congresswoman Yvonne Brathwaite Burke). Although they all supported the ERA, none carried key bills nor were leaders in the legislature on the ERA. Instead, ambitious and male lawmakers dominated the debate, in most cases because of its potential to bolster their own political fortunes.

Looking Backward: Equal Rights and Protective Labor Laws in California before the ERA

An Equal Rights Amendment was first proposed in 1923, and through much of the twentieth century it was a source of conflict among those concerned with improving women's lives. The ERA was supported by the National Women's Party, and some professional and business women saw it as fundamental to removing barriers to women's advancement. Yet these groups were much less influential – especially in the Democratic Party – than labor leaders and “social feminists” who believed vulnerable women were better served by state women-only labor laws that limited hours, established minimum wages, improved working conditions and ensured workplace safety.⁷ In 1961, when President Kennedy created the President's Commission on the Status of Women, the liberal commitment to protective labor laws was still strong enough that a majority of Commissioners were steadfast in their opposition to the ERA.⁸

⁷ Berry, *Why ERA Failed*; Nancy Woloch, *A Class by Herself: Protective Laws for Women Workers, 1890s to 1990s*, (Princeton NJ: Princeton University Press, 2015); Cynthia Harrison, *On Account of Sex: The Politics of Women's Issues 1945-1968*. (Berkeley: University of California Press, 1988); Nicholas Pedriana, “From Protective to Equal Treatment: Legal Framing Processes and Transformation of the Women's Movement in the 1960s,” *American Journal of Sociology*, 111, no. 6 (May 2006), 1718-1761

⁸ Harrison, *On Account of Sex*, 109-132

In 1964, a ban on sex discrimination in employment was included in Title VII the Civil Rights Act, but it was done so without hearings or debates in what many saw as an attempt to defeat the bill. As a result, the Equal Employment Opportunity Commission (EEOC) – the body tasked with enforcement – initially decided not to rule on cases involving conflicts between state protective labor laws and Title VII, arguing there was no evidence that “Congress intended any such far-reaching results.”⁹ Reaction to the EEOC decision fueled the formation of the National Organization for Women (NOW), and motivated Aileen Hernandez, the only female commissioner, to leave the EEOC and return to San Francisco, where she would play a leading role in the state’s ERA ratification effort.¹⁰ As pressure from women’s organizations and employers mounted and legal challenges to state laws moved through the courts, the EEOC began to reconsider. In 1967 it held hearings on sex discrimination, and in 1968 issued a decision to evaluate state laws on a case by case basis, intervening only in cases where the effect of state protective legislation appeared to be discriminatory rather than protective.¹¹

Conflict over protective labor laws was particularly intense in California, which had the largest body of protective laws of all the states. In 1913, California created a distinct branch of state government – the Industrial Welfare Commission (IWC) – that regulated the conditions of women and minors in designated occupations through a series of wage orders that had the effect of law. The working conditions of 69% of female workers in California were governed by IWC regulations, including minimum wage rates, safety protections, lunch breaks, premium pay for overtime, and weightlifting limits.¹²

⁹ Woloch, *A Class by Herself*, 199.

¹⁰ Harrison, *On Account of Sex*, 192-209.

¹¹ Pedriana, “From Protective to Equal Treatment,” 1745.

¹² Diane Balsler, *Sisterhood & Solidarity: Feminism and Labor in Modern Times* (Boston, MA: South End Press, 1987), 103.

Until he lost his re-election bid in 1966, Democratic Governor Edmund “Pat” Brown was a strong supporter of special protections for women workers. He stalled on creating a state Advisory Commission on Women (ACSW) until 1966, and once created, he appointed AFL CIO leader Ruth Miller to the position of Commission Chair. Under her leadership the Commission did not endorse the ERA, and in its first report (1967) called for both an end to discrimination and the retention of “present statutes applicable to women in employment.”¹³ Under Pat Brown’s leadership, the state legislature passed a 1965 bill extending some protections to female farmworkers. Although never enforced, the bill increased the commitment of the labor movement and Latino organizations to protective laws.¹⁴

In 1967, Republican Ronald Reagan took over as Governor. While Reagan gave lip service to equal rights for women, he was no supporter of labor unions or protective legislation. In the legislature, employer associations worked with mostly Republican lawmakers to write a series of bills eliminating single-sex labor laws, bills vehemently opposed by labor unions.¹⁵ Many California feminists in the labor movement believed the only way to protect labor was to extend them to men, but male union leaders were not equally enthusiastic about the idea, preferring to address the working conditions of men through collective bargaining. Nevertheless, in 1967 the Labor Federation began introducing annual bills to extend the minimum wage to

¹³ Advisory Commission on the Status of Women (ACSW), *California Women: Report of the Advisory Commission on the Status of Women* (Sacramento: State of California, 1967), 7. Carol Frances Cini, “Making Women’s Rights Matter: Diverse Activists, California’s Commission on the Status of Women and the Legislative and Social Impact of a Movement, 1962-1976,” (PhD Diss., UCLA, 2007).

¹⁴ Ruth Miller, “Do We Discard Protective Legislation for Women?": Two Labor Union Officials Voice Opposition to the ERA, <http://historymatters.gmu.edu/d/7018/> 8/8 Original source: Senate, Committee on the Judiciary, *Equal Rights 1970: Hearings before the Committee on the Judiciary*, 91st Cong., 2d sess., September 9, 10, 11, and 15, 1970, (Washington: U.S. Government Printing Office, 1970); Cini, “Making Women’s Rights Matter,” 216.

¹⁵ For example, in 1968 alone, they worked for four such bills -- AB 756, AB 1322, AB 1357, and SB 1065 -- all of which failed due to Democratic control of the legislature. Thos. L. Pitts, 1968 Legislative Report, California Labor Federation, AFL-CIO, proceedings and publications, IRLE-CF01. (Institute for Research on Labor and Employment Collections, University of California, Berkeley, 1986.)

men,¹⁶ but until 1970, little effort was spent trying to pass them, and they quietly died in committee. Democrats struggled to find a path that could appease labor unions, women's groups, and business clamoring for clarity. In 1967, Democratic lawmakers split over a bill increasing women's maximum working day from eight hours to ten, with overtime wages to be paid for all hours over eight (AB 1030). Although some supporters of the bill argued it would reduce discrimination against women, the California Advisory Commission on the Status of Women and state chapters of NOW joined labor unions in lobbying against the bill.¹⁷

Faced with state laws out of compliance with Title VII of the Civil Rights Act, and unable to either extend protective labor laws to men or eliminate them, the Assembly Labor Relations Committee held two hearings (November 19, 1969 and February 26, 1970) on "State Protective Laws for Women." In their testimonies, representatives from the California Federation of Labor (AFL-CIO) and women's rights groups like NOW and the Federation of Business and Professional Women's Clubs (BPW) agreed the solution was extending the protective laws to men. The consensus ended, however, when they were questioned about whether – absent their extension to men – protective labor laws should be retained. Labor leaders argued they should, and speakers representing NOW and BPW said they should not.¹⁸

The hearings had a large attendance and were reported on in detail in feminist newsletters and publications. Particularly important was *Skirting the Capitol*, a lively publication written by Marian Ash, the former executive secretary of the ACSW and a passionate advocate of the ERA.

¹⁶ 1967: AB 890 (Relph), 1968: AB 569 (Brown), 1969: AB 580 (Brown), 1970: AB 775 (Brown).

¹⁷ "Women's Working Hour Bill Passes," *Sacramento Bee*, August 4, 1967, A17.

¹⁸ Assembly Labor Relations Committee, 1969-1976, Transcripts of Public Hearings, Protective Labor Laws for Women and Probable Conflict with Title VII of the Civil Rights Act of 1964, 11/10/1969: LP183:74-76, 02/26/1970: LP49:54-55, California State Archives, Office of the Secretary of State, Sacramento, California.

Ash was also a strong proponent of a “ladylike” approach to influencing lawmakers; her newsletter regularly instructed women to be polite, informed, restrained, conservatively dressed and not talking like a revolutionary. At the hearings her advice went unheeded, as many activists could not contain their anger at the blatantly sexist arguments made by employers who opposed extending protections to men. For example, David Mackenroth of the California Conference of Employer Associations argued equality would be based on the “fallacious reasoning that cultural, psychological and mental differences between men and women as groups have no material effect on their work ability and capacity.”¹⁹ The audience responded with groans, boos, and hisses, and a growing sense that protective labor laws were sexist in both intent and impact.²⁰

The hearings were just one of many political events educating California women about employment discrimination in 1970. As President of NOW, Californian Aileen Hernandez led a national Women’s Strike for Equality. The first Women’s Studies program was launched at San Diego State College, and sex discrimination charges were filed against several universities and news organizations (including *Ladies Home Journal*).²¹ Most important for this paper, in 1970, the ERA was making national news. The House Education and Labor Committee held hearings on discrimination, and Representatives Martha Griffiths and Edith Green were able to successfully petition for the release of the ERA from the House Judiciary Committee, where it had been stalled since 1953.²²

In California, the women’s movement was growing rapidly. In June of 1969, there were three NOW chapters in California, a year later there were 32. Over the same time, the

¹⁹ “The Protective Labor Law Hearing,” *Skirting the Capitol* 4, no. 4 (March 11, 1970): 3.

²⁰ “Women Outnumber Men at Assembly Hearing,” *Skirting the Capitol* 3, no. 35 (November 17, 1969): 1.

²¹ Toni Carabillo, Judith Meuli and June Bundy Csida, *The Feminist Chronicles 1953-1993*. (Los Angeles: Women’s Graphics, 1993): 55-57.

²² Steiner, *Constitutional Inequality*, 12-21.

membership in Los Angeles NOW, always the state's biggest chapter, grew from 72 to over 300.²³ More traditional women's groups increased their influence by forming the California Legislative Roundtable. Convened in 1969 by the California Advisory Commission on the Status of Women, the Roundtable included BPW, American Association of University Women (AAUW), a number of women's clubs, and the California Congress of Parents and Teachers.²⁴ For the ACSW, a committee that was temporary, underfunded, and appointed by Reagan, the Roundtable provided a way to indirectly influence women's legislation without attracting negative attention.²⁵

Despite their differences, feminist groups like NOW and the traditional women's groups in the Roundtable worked together in 1970 to successfully work for the passage of AB 22, a bill extending the California Fair Employment Practices Commission (FEPC) to include a ban on sex discrimination. The effort to pass AB 22 built networks that would be useful in lobbying for the ERA in 1972, and it initiated a new generation of feminist activists in the process of passing legislation. Experienced lobbyists like Ruth Church Gupta from the BPW took the lead in testifying at hearings and planning strategy. NOW newsletters followed the bill's progress closely, giving readers precise instructions for attending hearings, phoning their own representatives, writing various committee members, and even writing Governor Reagan to ask him to influence Republican lawmakers.²⁶

²³ Shirley Bernard to the National Board, re" Western Region – growth and development" nd, Papers of NOW officer Shirley Bernard, 1966-1981; Collection MC 491, Box 3 folder 8 Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass

²⁴ "It's Hard to Believe, But it's True," *Skirting the Capitol* 3, no 32. (October 13, 1969) 1.

²⁵ Cini, "Making Women's Rights Matter," 385

²⁶ E.g., "AB 22 Passes Assembly and Moves to Senate," *Berkeley NOW Newsletter* 1, no. 5, (April 15, 1970), 6; "AB 22," *Berkeley NOW Newsletter* 1, no. 6, (May 15, 1970)5 ; "Your Part in NOW Action: AB 22," *Berkeley NOW Newsletter* 1, no. 7, (June 15, 1970); 3-4. "The Latest on AB 22 and its Odyssey through the Straits of the California Legislature," *Berkeley NOW Newsletter* 1, no. 7, (July 23, 1970) 3; "AB 22 Passes Senate, Goes Back to Assembly," *Berkeley NOW Newsletter* 1, no. 8, (August 22, 1970) 6. Box 1, folder 33, Maryjean Suelzle Collection

Women's groups sustained a fragile alliance with organized labor on the issue of protective labor laws, thanks to more experienced lobbyists who understood the importance of union support. The issue seemed settled when language was added to the bill ensuring its provisions could not be used to repeal existing protective labor laws. But employers fought back, and at a hearing before the business-friendly Senate Finance Committee, the labor amendment was replaced with one eliminating all protective labor laws, a move designed to kill the bill and drive a wedge between labor and women's groups.²⁷ This typically obscure action of amending a bill in committee triggered a flurry of responses from women's organizations across the state. Aileen Hernandez, then the national president of NOW, sent an incensed letter to all members of the state Senate, calling the hearings a "spectacle" and "the worst example of manipulation of an issue under the guise of a fair and open inquiry."²⁸

Despite the efforts of business groups, labor and women's organizations successfully pressured the Senate to pass the bill with the original amendment assuring that protective labor laws would not be affected. The passage of AB 22 gave women's rights activists across the state a new and powerful tool to use. As soon as the new law took effect, NOW chapters began meeting with their local newspapers, informing them that they can no longer legally make a distinction between "Help Wanted – Male" and "Help Wanted – Female."²⁹ The process of passing AB 22 also educated a new generation of activists about the realities of politics, and the

of National Organization for Women, Berkeley, Chapter Files, BANC MSS 85/39 c, The Bancroft Library, University of California, Berkeley (hereafter cited as Berkeley NOW papers).

²⁷ They also added an amendment to and allow discriminatory insurance and benefit policies to be retained. *Berkeley NOW Newsletter* 1, no. 8 (June 15, 1970), 3, Box 1, folder 33, Berkeley NOW papers.

²⁸ Letter, Aileen C. Hernandez, National President, National Organization for Women, to Members of the California Senate, June 10, 1970, box 1, folder 29, Berkeley NOW papers.

²⁹ "Discrimination in Help-Wanted Classifieds," *The NOW View*, Sacramento Area NOW, (March 1971), 1. National Organization for Women chapter newsletter collection, 1967-2008, Pr-1, Carton 3.. Schlesinger Library on the History of Women in America, Radcliffe Institute for Advanced Study (hereafter cited as Sacramento NOW newsletters).

spectacle of the Senate Finance Committee convinced many that the polite and genteel methods of traditional women's organizations were not sufficient. Even Marian Ash, typically critical of militancy, conceded in *Skirting the Capitol* that, "Dozens of gentle ladies, previously dedicated to the use of ladylike persuasion with a naïve faith in the 'right will prevail' concept, left the hearing...grumbling 'maybe the militants are right after all.'"³⁰

The changing fate of protective labor laws in the AB 22 campaign helped convince some feminists in the labor movement that neither women's groups nor the Labor Federation truly represented their interests, and that a new group was needed. In 1971, veteran labor organizers Jean Maddox (President of Local 29 of Office of Professional Employees International Union, OPEUI) and Anne Draper (Director of Western States for the Amalgamated Clothing Workers) founded Union Women's Alliance to Gain Equality, better known as Union WAGE. The goal of Union WAGE was integrating feminism and trade unionism; extending protective labor relations to men was an absolutely priority for the organization.³¹ Union WAGE pressure moved the California Labor Federation to invest meaningful resources in 1971 bills extending IWC coverage to men (AB 1547, Sieroty, Brathwaite and Fong) and to extend the minimum age to men (AB 566, Brown). Unlike earlier years, when similar bills died without a hearing, Union WAGE orchestrated enough pressure from women's groups and labor unions to convince Democratic lawmakers to hold hearings and bring the bills to a vote. By the end of the 1971 session both bills had passed the Assembly, leading the Union WAGE newsletter to announce, "We Perform Miracle."³² Neither bill passed the Senate that year, but the work of Union WAGE educated many in unions, the legislature, and the women's movement about the reasons to

³⁰ "Senate Finance Committee Mutilates AB 22," *Skirting the Capitol* 4, no. 12, (June 11, 1970) 1-3.

³¹ Balser, *Sisterhood and Solidarity*, 87-111.

³² "Union Wage Notes," *Union WAGE Newsletter* 8, (December 1971), 1; Anne Draper, "Short History of Union WAGE," *Union WAGE Newsletter* 6, (October 1971), 6. Microfilm, Herstory, reel 21.

extend protective labor laws to men. California NOW also collaborated on the bills. Lobbyists met with individual legislators, co-signed letters, held joint press conferences with Union WAGE leaders, and included the votes on the two bills in their ranking of lawmakers in 1971.³³ They were not, however, bills that motivated NOW members in the same way AB 22 had. Despite their alliance, there were tensions between Union WAGE and NOW. Many NOW members found the women-only laws discriminatory, and Union WAGE members felt other women's groups were indifferent to the needs of working class women.

California Ratification Conflict: "Pure ERA" versus "Labor ERA"

California feminists were also watching monitoring the progress of the Equal Rights Amendment in Congress. The desire of labor unions and Democrats to shield state protective labor laws had prevented Congress from seriously considering the ERA between its first introduction in 1923 and 1970. By the 1970s, single-sex protective laws had been weakened by court decisions finding laws to be in violation of the Title VII of the 1964 Civil Rights Act, and many state legislatures had repealed their single-sex laws.³⁴ In addition, public support for the laws – as well as the need for them – was eroding. As occupations became more integrated, some protective labor laws became a source of disadvantage for women, rather than a protection.³⁵ The advent of reliable birth control and the corresponding drop in birth rates also played a role, since a key justification for the laws was ensuring women could meet their roles as mothers. Convinced that ending discrimination was more important to women workers than protection, women's groups

³³ "An Appeal to Assembly Members," *Union WAGE* 1, no. 7 (November 1971) 3, Microfilm, Herstory, reel 21. "Berkeley Now in Sacramento," *Berkeley NOW Newsletter* 2, no. 6 (June 1971), 3. "Sieroty Bill to Extend Protective Legislation Fails by Six Votes in Assembly," *Berkeley NOW Newsletter* 2, no. 8, (August 1971), Folder 34, Carton 1, Berkeley NOW papers.

³⁴ Woloch, *A Class by Herself*, 207-221

³⁵ Ann Corinne Hill, "Protection of Women Workers and the Courts: A Legal Case History," *Feminist Studies* 5, no. 2 (1979): 257-59.

such as the League of Women Voters and AAUW endorsed the ERA in the late 1960s and early 1970s.³⁶ Nor did labor remain unanimous in its opposition. At its convention in 1970 the UAW switched its position and endorsed the ERA.³⁷

In the eyes of many workers and labor leaders, however, state women-only laws were vital to keep employers from overworking women, especially mothers who faced more work when they go home. As Californian Ruth Miller testified, removing limits on the hours women worked “serves as an open sesame into making her labor endless hours during the day and night. She has little time for anything but tasks.”³⁸ In Congress, labor supporters tried unsuccessfully to amend the ERA with language ensuring protective legislation would not be affected.³⁹ As the ERA progressed, Union WAGE developed a local strategy for a “labor ERA” that tied state ratification to the passage of two bills extending California’s labor laws to men. They were able to make progress even before Congress sent the ERA to the states. In July, 1971, Union WAGE convinced the San Francisco County Board of Supervisors to withdraw their previous statement of support for the “pure ERA” and replace it with a support for the “labor ERA.”⁴⁰ Union WAGE also convinced California Federation of Teachers (CFT) to endorse a Labor ERA, which contributed to the American Federation of Teachers (AFT) taking the same position.⁴¹

³⁶ Woloch, *A Class by Herself*, 225.

³⁷ Judith Hole and Ellen Levine, *The Rebirth of Feminism*, (New York: Quadrangle Books, 1971), 106.

³⁸ “Do We Discard Protective Legislation for Women?": Two Labor Union Officials Voice Opposition to the ERA, <http://historymatters.gmu.edu/d/7018/8/8> Original source: Senate, Committee on the Judiciary, *Equal Rights 1970: Hearings before the Committee on the Judiciary*, 91st Cong., 2d sess., September 9, 10, 11, and 15, 1970, (Washington: U.S. Government Printing Office, 1970).

³⁹ Dorothy Sue Cobble, *The Other Women’s Movement: Workplace Justice and Social Rights in Modern America* (Princeton NJ: Princeton University Press, 2004) 191-92; “Do We Discard Protective Legislation for Women?": Two Labor Union Officials Voice Opposition to the ERA, <http://historymatters.gmu.edu/d/7018/8/8> Original source: Senate, Committee on the Judiciary, *Equal Rights 1970: Hearings before the Committee on the Judiciary*, 91st Cong., 2d sess., September 9, 10, 11, and 15, 1970, (Washington: U.S. Government Printing Office, 1970).

⁴⁰ Jerry Burns, “Switch Urged on Women’s Rights,” *San Francisco Chronicle* (July 17, 1971), 5; “A Brief History of Union WAGE,” *Union WAGE* 9 (January-February 1972), 2.

⁴¹ Sara Smith. *Organizing for Social Justice: Rank-and-file Teachers’ Activism and Social Unionism in California, 1948-1978*, (Ph.D. diss, UC Santa Cruz, 2014) 352.

Supporters of a “pure ERA” (a ratification vote independent of extending labor laws to men) were also busy building support while Congress debated. For example, a pro-ERA “Each One Bring One (Man)” rally in Los Angeles in January brought hundreds to the streets, and provided an opportunity to announce statements of supporter from male leaders, including current governor Ronald Reagan, and Democratic former governor Pat Brown⁴² and for the *Los Angeles Times* to announce its endorsement of the amendment.⁴³ One of the most important tools for ERA activists was a new statewide newsletter called *NOW Capitol Alert*, which was launched in 1971 by two Sacramento NOW members, Gerri Sherwood and Shirley Biondi. Until 1974, it kept NOW members across the state apprised of the inner workings of the legislature and provided bi-weekly updates about the ERA ratification.

ERA supporters in the legislature were busy too. A key leader was Senator Mervyn Dymally (D, Watts), the state’s first black state Senator and an outspoken advocate for civil rights for racial minorities. Dymally had been a leader on women’s issues in the legislature for many years, proposing several (mostly unsuccessful) bills that would have banned sex discrimination, required affirmative action in California universities, and provided subsidized child care. In 1971 he authored a successful non-binding resolution supporting the ERA (SJR 26), and would ultimately author the successful bill to ratify the amendment. For Dymally, women’s equality as something he believed in, an issue that was important to his female staffers,

⁴² Men for the Equal Rights Amendment, Press Release, “Men for Equal Rights Amendment demand ratification of the ERA by California legislature,” April 14, 1972. Box 164, Equal Rights Amendment 1972 folder. Yvonne Brathwaite Burke papers Collection no. 0218.1, Regional History Collections, Special Collections, USC Libraries, University of Southern California (cited at Brathwaite Burke papers hereafter)

⁴³ “Equal Rights for Women” (editorial), *Los Angeles Times* (January 17, 1972) D10; Jean Murphy, “Male VIPS under Equal Rights Banner,” *Los Angeles Times* (January 18, 1972) G1.

and a “white issue” that helped him to build a statewide constituency for his successful 1974 campaign for lieutenant governor.⁴⁴

Because there were no women in the state Senate, Dymally’s leadership on women’s issues in that body was largely unchallenged. In the Assembly, however, where there were three pro-ERA women, things were more complicated. In early 1972, Los Angeles Democrat Walter Karabian proposed a state-level ERA, (ACA 35) had 51 co-sponsors.⁴⁵ Karabian told reporters Gloria Steinem asked him to introduce the bill during her California tour a month earlier,⁴⁶ but behind the scenes at least one Assemblywoman was frustrated by Karabian’s leadership on the ERA. Oakland Assemblywoman March Fong had been working with women’s organizations to introduce similar legislation and told a reporter that “members of several women’s groups appeared distressed because the three female members of the Assembly were not asked to sponsor the proposed ERA.” Yet she also acknowledged that while having a woman carry the bill might “have been desirable and symbolic, a male author...might boost the ERA’s chances.”⁴⁷ Union WAGE leaders were also unhappy with the bill, since Karabian denied their request to add language to the proposed State ERA explicitly extending protective laws to men.⁴⁸ Karabian’s stance, which did not change through the entire ratification process, was that it would be the courts’ interpretation of Title VII of the Civil Rights Act of 1964, not the ERA, which

⁴⁴ Mervyn M. Dymally, Oral History Interview, Conducted 1996 and 1997 by Elston L. Carr, UCLA Oral History Program, for the California State Archives State Government Oral History Program, v.2 p. 382

⁴⁵ “51 Lawmakers Agree to Co-sponsor State ERA,” *Capitol Alert*, 2, no. 3 (March 17, 1972), 1. Folder 12 “Capitol Alert Newsletter, box 18, National Organization for Women, San Diego Chapter Records, Special Collections and University Archives, Library and Information Access, San Diego State University (cited hereafter as San Diego NOW papers, SDSU).

⁴⁶ Jerry Gillam, “New Equal Rights Proposed,” *Los Angeles Times* (February 16, 1972) F2.

⁴⁷ “State Equal Rights Amendment Introduced,” *Capitol Alert* 2, no 2. (February 21, 1972), 1.

⁴⁸ Anne Draper to Walter Karabian, April 7, 1972. Box 2, folder 19, State Legislation Correspondence, 1972, Anne Draper papers, MS 611A, California Historical Society, San Francisco, California (cited hereafter as Anne Draper papers).

would determine the fate of the laws.⁴⁹ Like Dymally, Karabian had statewide ambitions. In 1974 he emphasized his leadership on the ERA in his bid for the Democratic nomination for Secretary of State. Leadership on women's issues was not enough, however, to defeat an actual woman. Assemblywoman March Fong (later March Fong Eu) won the Democratic nomination and the general election in 1974, becoming the state's first female Secretary of State.

Once it became clear that Congress would pass the ERA, Karabian dropped his campaign for a State ERA and released a bill to ratify the federal amendment Assembly Joint Resolution (AJR) 17. In the Senate, Mervyn Dymally proposed a similar bill, Senate Joint Resolution (SJR) 22. Congress finally approved the ERA on March 22, 1972, sending it to states for ratification. The Hawaii state legislature voted for ratification the same day, and within a week five more states had ratified (New Hampshire, Delaware, Kansas, Nebraska and Texas). Given the earlier non-binding resolution, the support for a state ERA, and two ready-to-go bills by powerful legislators, it seemed the Golden State would be among the first to ratify. Both houses of the legislature had narrow Democratic majorities, and although the signature of the governor was not required, Republican Ronald Reagan seemed to be supportive. Assembly Speaker Bob Moretti (D, Van Nuys) issued a press release predicting a quick and easy ratification, and the headline announcing the vote in *Capitol Alert* read, "Congress Passes Equal Rights Amendment -- Ratification by California expected in April."⁵⁰

These high hopes were smashed two weeks later, when Dymally's ratification bill (SJR 22) was voted down in the Senate Rules Committee without a hearing. The unexpected deciding vote had been cast by the chair of the committee and Senate President Pro Tempore, San Diego

⁴⁹ Assemblyman Walter Karabian, press release, February 29, 1972, folder 29, "ERA – State – 1972." Box 9, San Diego NOW papers, SDSU.

⁵⁰ *Capitol Alert* 2, no. 4 (March 31, 1972).

Senator James Mills. Mills was a liberal Democrat who had been a co-sponsor of the bill for a state ERA, which erroneously led supporters to assume he would be in favor of ERA ratification. Instead, they were shocked when, seemingly overnight, he became the leading opponent of what he called a “Mickey Mouse” bill.⁵¹ NOW leader Aileen Hernandez told the press she was “appalled” by the decision. “This is the most populous state in the nation, and theoretically the most advanced.”⁵²

Networks of women’s organizations created during the battle for AB 22, as well as a number of other groups, jumped into action. A “massive mobilization” was pledged by a coalition including NOW, Women’s Equity Action League, California Welfare Rights Organization, Common Cause, local chapters of the American Civil Liberties Union (ACLU), traditional women’s groups of the California Legislative Roundtable, and several groups of women lawyers.⁵³ While the Senate version of the bill sat in committee, the Assembly version (AJR 17) was given a high-profile hearing by the Assembly Judiciary Committee. Scheduled at night to improve access, the hearing was attended by estimated 500 women. Representatives from the NOW, BPW, Common Cause, and the ACLU spoke on behalf of the amendment, each addressing a different controversy about the effects of the amendment such as military service and protective labor laws. Equally passionate were speakers from organized labor arguing that lawmakers should tie the ratification bill to two measures to extend protective labor laws to men. AB 256, carried by LA Democrat Charles Warren, would extend California’s \$1.65 dollar/hour minimum wage to men, and AB 1710, carried by San Francisco Democrat Willie Brown, would

⁵¹ “Cold Reception to the ERA in California,” *Skirting the Capitol* 6, no. 1 (April 10, 1972), 1.

⁵² Nancy Skelton “Women’s Leader Scores Solons for Vetoing Measure on Rights,” *Sacramento Bee*, (April 7, 1972), A4.

⁵³ “Women’s Group Plans Drive for Rights Bills,” *Sacramento Bee* (April 14, 1972). A5; Earl C. Behrens, “Women Act to Get Their Amendment,” *San Francisco Chronicle*, (April 14, 1972), 8.

include men under the authority IWC, potentially extending other protections such as breaks and overtime pay to them.⁵⁴

NOW's *Capitol Alert* portrayed the anti-ERA presentations as threatening ("AFL-CIO leader John Henning...made it absolutely clear that organized labor intends to do everything in its power to prevent ratification) and vitriolic ("a Union WAGE witness...was devoted to a vicious denunciation of the women's rights movement.")⁵⁵ The *Union WAGE Newsletter*, in turn, told readers that the "confusing and contradictory" testimonies of the "naïve attorneys" testifying for the ERA "revealed an abysmal ignorance of the powerlessness of most women workers employed under non-union conditions."⁵⁶

Despite the arguments for a "labor ERA," the Committee approved the "Pure ERA" and sent it to the full Assembly, where it was the subject of another passionate debate three days later. In what Los Angeles NOW leader Charlene Suneson viewed as an effort to weaken ERA support among feminist peace activists, Assemblyman Willie Brown (D, San Francisco) warned that the ERA would subject women to the draft, but it had no visible impact on the women in the audience.⁵⁷ At one point an amendment to tie ratification to the two labor bills was proposed, and although it was supported by many Democrats, including March Fong and Yvonne Brathwaite, it was rejected 41 to 27. Many Democrats supported labor protection for men, but were unwilling to tie the ERA to bills certain to be vetoed by Republican governor Ronald Reagan. Moderate Republican legislators were especially opposed to linking their ratification vote to expanded

⁵⁴ Geraldine L. Sherwood, "Labor Opposition Stalls Equal Rights Amendment in the Senate," *California Journal* April 1972, p. 112.

⁵⁵ "Assembly Committee Oks ERA Ratification – Sends Resolution to Floor for Vote," *Capitol Alert* 2, no. 5 (April 18, 1972), 1.

⁵⁶ ⁵⁶ "Fight Goes on for Protective Legislation," *Union WAGE Newsletter* 11, (May-June 1972), 4.

⁵⁷ Charlene Suneson, personal communication, September 10, 2018.

labor legislation; Senator Bob Monagen (R, Tracey) called it “pure, unadulterated, blatant blackmail.”⁵⁸ Once the amendment was rejected, AJR 17 was voted on and passed 56 to 11, with “Aye” votes from Fong and Brathwaite. Those voting “Nay” included both liberals who wanted a labor ERA and social conservatives opposed to any ERA.⁵⁹

The high profile Assembly vote amplified the attention the Senate Rules Committee, which promptly voted down the Dymally’s Senate resolution (SJR 20) a second time, and scheduled a hearing on May 24th for the Karabian’s Assembly bill (AJR 17). Both labor and ERA groups encouraged their member to flood the five committee members with mail, and speakers on either side made their case to the lawmakers. One of the speakers at the hearing was United Farm Worker leader Peter Velasco described the desperate conditions of women in the fields, and the long struggle to extend protections to farmworker women, protections that were now at risk.⁶⁰

Following the hearing, the Senate Rules Committee voted (for the third time) against sending an ERA bill to the full Senate, effectively ending hopes for ratification in 1972. Mervyn Dymally was furious. He called labor’s argument against the ERA “totally irrelevant” and said they reminded him of the arguments Southerners “used to make against equal rights for blacks.”⁶¹ Although Mills told reporters he was opposed because it would “send my two small daughters off to war,”⁶² some felt his motive was protect his Democratic members from having

⁵⁸ Peter Weisser, “Assembly Votes for Rights for Women,” *San Francisco Chronicle* April 21, 1972), 1, 14.

⁵⁹ “Equal Rights Ratification Stalled in Senate,” *Capitol Alert* 2, no. 7, (April 30, 1972), 1-2.

⁶⁰ “Fight Goes on for Protective Legislation,” 1.

⁶¹ William Endicott, “Senate Unit Blocks Women’s Rights Issue,” *Los Angeles Times*, April 27, 1972, A3.

⁶² “Equal Rights Advocates Square Off For a Fight,” *Sacramento Bee* (April 12, 1972), A21.

to take a vote before the election that could alienate either labor or women's groups.⁶³ Like Dymally and Karabian, Mills also had political ambitions; he hoped to run for Governor in 1974.

The stances of Senator Mervyn Dymally and labor leader Peter Velasco highlight the complex racial politics of the ERA in California. In general, blacks were more supportive of the ERA than whites,⁶⁴ but less likely to see it as a priority. Like Dymally, many blacks were committed to legal equality, and painfully aware that discrimination often was justified as protection. Black women were much less likely than white women to work in industries covered by protective labor laws,⁶⁵ and some black women, including Aileen Hernandez, felt that "Black liberation and women's liberation are the same struggle."⁶⁶ Nevertheless, many black women felt that feminist groups were, at best, ignorant of black women's concerns, and at worst, openly racist.⁶⁷ Among Latinos, support was even lower. Most politically engaged Latinos followed the leadership of farmworker organizers like Velasco in supporting a "labor ERA." And while some Chicanas supported the ERA, the newly established Comisión Femenil Mexicana (Mexican Women's Commission) was focused primarily on providing services to the Latino community, and was critical of NOW, who they felt did not represent their interests.⁶⁸ In addition, blacks and Chicanos had other priorities in California in 1972. The NAACP was focused on stopping Proposition 21, a measure to ban school districts from explicitly using race to assign students to schools, the Black Panthers were vying to elect Bobby Seale and Elaine Brown to the Oakland

⁶³ Margaret I. Miller and Helene Linker, "Equal Rights Campaigns in California and Utah," *Society* 11, no. 4, (May-June 1974), 40.

⁶⁴ Mansbridge, *Why We Lost the ERA*, Appendix.

⁶⁵ Woloch *A Class by Herself* 194.

⁶⁶ Joan McKinley, "Liberation: It's the Same Struggle," *Oakland Tribune*, April 7, 1972, p. 31.

⁶⁷ Betty Liddick, *Black Lib: sisters Going their Own Way*, *Los Angeles Times* July 8, 1973, 11; Kimberly Springer, *Living for the Revolution: Black Feminist Organizations, 1968-1980*. (Durham [N.C.]: Duke University Press, 2005).

⁶⁸ Roth, *Separate Roads to Feminism*, 166-175; Marisela Rodríguez Chávez, "Despierten Hermanas y Hermanos!: Women, the Chicano Movement and Chicana Feminism in California," (PhD Diss., Stanford University, 2004). 96-99

City council, and the United Farm Workers was busy trying to defeat Proposition 22, a grower-backed initiative to limit farmworker organizing.⁶⁹

Governor Ronald Reagan also stayed out of the fight. In a manner that was classic Reagan, he endorsed the concept of equality while appearing to support the concerns of both labor unions and social conservatives. After the Assembly vote he told the press: “I don’t think anyone is in disagreement with the concept. If there are inequalities in the treatment of women, certainly those should be erased. On the other hand, I think there is some privileges that accrue to women that all of us would like to see retained. Special privileges for pregnancy and so forth.”⁷⁰ A month later he told a reporter, “Believe me – if you are trying to pin me down on equal rights for women, I happen to be one who thinks you are already superior so I’d hate to see you come down to our level. Now, if it wasn’t for you, really, we’d all still be carrying clubs.”⁷¹

Although labor feminist seemed to be diametrically opposed to women’s groups like NOW, BPW, and the ACSW, in reality the positions were more complex. The official position of most pro ERA groups in the state, including NOW, was that protections should be extended to men, but independent of ERA ratification.⁷² This position was particularly strong in San Jose and Sacramento, where NOW chapters were involved in lobbying.⁷³ Bay Area NOW groups were the most likely to embrace a “Labor ERA” position.⁷⁴ In NOW chapters in San Diego, Orange County, and especially Los Angeles the sentiment tended to be strongly in favor of a ‘pure’ ERA

⁶⁹ Lauren Araiza, “‘In Common Struggle against a Common Oppression’: The United Farm Workers and the Black Panther Party, 1968-1973.” *The Journal of African American History* 94, no. 2 (Spring, 2009): 208-10.

⁷⁰ Excerpt of interview or press conference, April 20, 1972. Series: Subject file, Ronald Reagan statements. Box, RS 135, folder, “RR statements on Women.” Ronald Reagan Governor's Papers, Ronald Reagan Library.

⁷¹ Excerpt of interview or press conference, May 11, 1972, p. 23, folder, “RR statements on Women,” box, RS 135, Series: Subject file, Ronald Reagan statements. Ronald Reagan Governor's Papers, Ronald Reagan Library.

⁷² Patsy Sims, “Stumping for ERA against Labor’s Objections,” *San Francisco Chronicle*, April 18, 1972.

⁷³ Geri Sherwood to Anne Draper, March 21, 1972, folder 19, box 2, Anne Draper papers.

⁷⁴ “Troika Confronts Mills,” *Berkeley NOW Newsletter*, September 1972, 3(9): 2, Folder 35, Carton 1, Berkeley NOW papers.

and critical of labor unions. The California Advisory Commission on the Status of Women (ACSW) argued that protective legislation was needed for all workers and should be extended to men, but it was not an issue they focused on. According to Commission chair Carolyn Heine, “The commission just frankly didn't have enough political clout in those days to take on the entire Republican establishment, which believes there should be no regulations on business at all, on the one hand, and the entire labor movement on the other hand.”⁷⁵

Nor were all female trade unionists in agreement with the anti-ERA positions of the AFL-CIO and Union WAGE. UAW activists worked hard for ERA ratification in California. Some AFL-CIO locals in female-dominated professions broke with the Labor Federation and lobbied for the ERA, including American Federation of Government Employees Local 3226 and Social Services Union Local 535. In addition, a number of large organizations of service workers, including the California Nurses Association and the All City Employees Association of Los Angeles, lobbied for the ERA in California.⁷⁶

The issue was further complicated by a rapidly changing legal landscape. A 1971 decision by the California Supreme Court in *Sail'er Inn v Kirby* found a ban on female bartenders to be unconstitutional and declared sex a suspect category under the equal protection clause of the United States and California Constitutions.⁷⁷ In early April, 1972, the EEOC issued new guidelines that exclusionary laws that “prohibit or limit the employment of females” (such as weight limits, hour limits and bans on night work) to be in conflict with Title VII, and

⁷⁵ Carolyn Cooper Heine, oral history, “Building a Basis for Change: California's Commission on the Status of Women. Conducted by Sarah Sharp, 1984, p. 26-7. Regional Oral History Project, Bancroft Library, http://digitalassets.lib.berkeley.edu/roho/ucb/text/citizen_advocacy_organizations.pdf

⁷⁶ California Coalition for the Equal Rights Amendment, list of member organizations, folder, 9, box 9, San Diego NOW papers, California Women's Museum, San Diego.

⁷⁷ Woloch, *A Class By Herself*, 215-16; Miller and Linker, “Equal Rights Campaigns in California and Utah,” 42.

declared that “beneficial” protective laws (requiring minimum wage and overtime pay) needed to be extended to men. Extension of other beneficial laws, such as rest periods and safety rules, could be limited if employers proved “business necessity.”⁷⁸ The California Legislative Counsel informed lawmakers that recent court decisions held that California’s protective labor laws run contrary to Title VII of the CRA and are, therefore supplanted by Title VII.⁷⁹

For many grassroots supporters of the ERA in California, however, the question about protective labor laws was unimportant; what mattered was that California not become the state where the momentum for a federal constitutional amendment stalled. For untold numbers of California women, many of whom had never given a passing thought to politics, lobbying the California state legislature for the ERA became a top priority. The first task of the ERA lobby was defeating a bill proposed by James Mills (SB 1483) to put a statewide proposition on the November ballot seeking voter’s opinion on the ERA. Women’s groups saw it as an opportunity for labor money to move public opinion against the poorer women’s movement, and aggressively lobbied legislators to kill the bill, threatening to campaign against any Senator who voted for it.⁸⁰ The bill died without a hearing.

Pro-ERA groups next pressured Senators sign a letter to forcibly discharge the ratification bill from the Senate Rules Committee. It was a strategy that Congresswoman Martha Griffiths (D Michigan) had used in 1971 to force the federal ERA bill out of the House Judiciary Committee.⁸¹ Assemblyman Walter Karabian authored the letter, and pro-ERA lobbyists

⁷⁸ Woloch, *A Class By Herself*, 212

⁷⁹ Decisions were: *Rosenfeld v Southern Pacific Company* and *Local 246 Utility Workers of America V. Southern California Edison*. Yvonne Brathwaite Burke, “Statement to the Judiciary Committee regarding the Equal Rights Amendment,” April 17, 1972, folder “ERA 1972,” box 164, Brathwaite Burke papers

⁸⁰ “Women’s Groups Warn Senators on Rights Issues,” *Sacramento Bee* (May 15, 1972); “Ratification of the ERA,” *San Diego County NOW News* (May 1972), 2, folder, 1, box “Newsletters,” San Diego NOW papers, California Women’s Museum, San Diego.

⁸¹ Berry, *Why ERA Failed*, 63

pressured other Senators to sign on. The effort was intense enough to merit a half-page article in the *Los Angeles Times*. “Lobbyists numbering “from six to fifteen on any given day” it said, patrolled to corridors of the Capitol, “hiding in doorways, camping out in offices, hanging around outside men’s rooms, popping up at luncheons, springing through closing elevator doors, infiltrating committee hearings and pestering senators relentlessly...They take insults, snubbings, apathy, ridicule, and condescension as a matter of course....And although they get paid nothing and work almost full-time, they never give up.”⁸² Karabian aide Ida Casillas and Dymally aide Mari Goldman were central figures in the lobbying effort, training activists to talk to their legislators, devising strategy, maintaining a statewide list of supporters, and counting votes.⁸³ Both were well-known feminists; Casillas was well enough known in the Los Angeles women’s movement that letters to her were addressed “Sister Ida,”⁸⁴ and Goldman had been working with him for several years on women’s legislation and was active in Sacramento NWPC.⁸⁵

Supporters also held rallies and lobby days to bring ERA supporters from around the state to meet with their Senators. A June ERA rally hosted by NOW made the front page of the *Sacramento Bee*.⁸⁶ Other groups tried to move the bill through public opinion and media coverage. A group called Citizens for Equal Rights Amendment sent packets of information about the ERA to newspapers across state, with a letter asking them to please “use the attached editorial materials for a special piece” about the state’s failure to ratify the ERA on the 4th of

⁸² Bella Stumbo, “Fighters for Equal Rights Amendment,” *Los Angeles Times*, (July 26, 1972).

⁸³ Mary Samis, Charlene Suneson, and Geri Sherwood. “NOW’s Role in Achieving ERA Ratification in California,” January, 1973, p. 16. National Organization for Women Records, 1959-2002. MC 496, folder 169.29 “California Legislative Reports”. Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

⁸⁴ Letter, Z. Bartha to Sister Ida (Casillas), March 13, 1972. folder “Legislative Files, Legislation 1972, Sponsored Resolutions, AJR 17, Equal Rights Amendment, 1972,; box 5, Walter J. Karabian Papers, Henry Madden Library, California State University, Fresno, Central Valley Political Archives.

⁸⁵ “Politics –National Women’s Political Caucus,” *Sacramento NOW Newsletter*, August 1972, Vol 1:8. Schlesinger library NOW Chapter Newsletters, PR-1, Carton 3,

⁸⁶ James Durfur, “Solons are Urged to Back Equal Rights,” *Sacramento Bee* (July 28, 1972), A1.

July and again on Women's Equality Day.⁸⁷ The California Coalition for the ERA, which now boasted 75 mainstream business, legal and community groups across the state, wrote letters to their own Senators explaining that the ERA was not a fringe issue, but a concern for all Californians.⁸⁸

By July, eleven Senators had signed Karabian's letter to discharge the ERA from committee. Lou Cusanovich (R, Sherman Oaks) announced he would sign and credited the lobbying. "I bow to the ladies. This is an example of the effectiveness with which the people can work with their elected officials."⁸⁹ But many Senators who supported the ERA still refused to sign, defending the committee system and advising the women to be patient. For example, Alfred Song (D, Monterey Park) explained to unhappy constituents that since several more states were needed for ratification, the issue was not urgent enough for him to go against a committee decision.⁹⁰ ERA supporters did not believe that passage would be easier the next year. Kathy Green, legislative coordinator for the Sacramento chapter of NOW, warned members, "The AFL-CIO may recruit a few more legislators next year after this election and we may not be as lucky in getting it out of committee and off the Assembly floor without an amendment attached."⁹¹ In August, the effort to get Senators to sign Karabian's letter was thwarted by a motion to discharge it from committee from a supporter of Mills. It was done in a manner that guaranteed its failure and gave Senators a chance to confirm their loyalty to Senate tradition, the

⁸⁷ William Banowsky and Versia Metcalfe "Dear Media Friend" letter, June 23, 1972, folder 9, box 9, Box 9, San Diego National Organization for Women papers, California Women's Museum, San Diego; Samis, Suneson, and Sherwood, "NOW's Role in Achieving ERA Ratification in California," p. 13.

⁸⁸ Letter, Anita Miller, Martin Shickman, and Carol Waters, to California Senators, May 19, 1972, folder, 9, box 9, San Diego NOW papers, California Women's Museum, San Diego.

⁸⁹ State Senator Lou Cusanovich, Press release, June 27, 1972, folder 29, box 9, San Diego NOW papers, SDSU.

⁹⁰ "Statement of Senator Alfred H. Song," June 30, 1972, folder 29, box 9, San Diego NOW papers, SDSU.

⁹¹ Kathy Green, "Legislation," *Sacramento NOW Newsletter*, May 1972, Vol 1:4, 4. Schlesinger library NOW Chapter Newsletters, PR-1, Carton 3,

committee system, and President Pro Tempore Mills.⁹² Once the strategy of forcing the bill out of committee was foreclosed, National NOW leaders declared California to be in a “state of emergency” with respect to ERA ratification.⁹³

Out of options in Sacramento, some activists, especially Southern California NOW members, turned to other –less traditional -- forms of activism. Some of the most creative grassroots activism was directed at James Mills, the San Diego Senate leader who had become the focus of so much feminist ire that an article in the *Los Angeles Times* called him the “Archenemy” of the Women’s Liberation Movement.⁹⁴ The San Diego chapter of NOW “picketed his district office, deluging his office with calls, telegrams, letters, and vocal opposition, and confronted him in the media.”⁹⁵ Calling themselves the Concerned Citizens for the Equal Rights Amendment, three San Diegans began a campaign to recall Senator Mills. Although officially independent of NOW, one of the women was a NOW member, and NOW newsletters across the state gleefully reported on the effort.⁹⁶

NOW also put pressure on Mills as he tried to rally support for a statewide ballot measure (Proposition 20) aimed at coastal protection. When he flew to Fresno to speak about the proposition, members of Fresno NOW met him at the airport and presented him with a “Barefoot and Pregnant” award and chanted ERA slogans throughout the press conference.⁹⁷ And when he embarked on 1,000-mile bike trip along California's coast to attract support for a ballot

⁹² *NOW Legislative Report*, July 8, 1972 folder 79, box 2, San Diego NOW papers, SDSU.

⁹³ Samis, Suneson, and Sherwood, “NOW’s Role in Achieving ERA Ratification in California,” p. 23.

⁹⁴ Jean Douglas Murphy, “ERA Panel Buys Homes of Feminists,” *LA Times*, August 28, 1972, F1.

⁹⁵ Samis, Suneson, and Sherwood, “NOW’s Role in Achieving ERA Ratification in California,”

⁹⁶ Donald H. Harrison, “Mills to Continue to Fight Against ‘Lib’ Amendment,” *San Diego Union* nd. folder 79, box 2, San Diego NOW papers, SDSU; Samis, Suneson, and Sherwood, “NOW’s Role in Achieving ERA Ratification in California.”

⁹⁷ “NOW Offers ‘Barefoot and Pregnant’ Award to Sen. Mills,” *Sacramento Bee* August 30, 1972, G2.

proposition for coastal conservation, NOW members across the state disrupted events, carrying signs announcing, “This Senator cares about rocks and trees but somehow not about women.”⁹⁸

Elsewhere in Southern California, NOW chapters coordinated direct action, protests and demonstrations. In some chapters, “raiding teams” recruited from consciousness raising groups were assigned to state senators and urged to “use all creativity in inventing their harassment. The “ratification raiders” conducted spur of the moment, mosquito-type actions including picket lines in front of senators' offices, protests at Democratic coalition meetings, and confrontations at “meet the candidates nights.”⁹⁹

In Los Angeles, NOW members protested the annual California Labor Federation convention in August.¹⁰⁰ They picketed the front of the convention center, handing participants flyers featuring a political cartoon showing the State AFL-CIO movement as a thug dominating Senator Mills, and claiming that the group was lying when it claimed that the Federation, rather than the women’s movement, was fighting to protect women. “No one from the AFL-CIO showed up at any hearings at the state legislature to testify for a bill to extend the minimum wage and other benefits to men, but the National Organization for Women was there each time.”¹⁰¹ Inside the convention, union women, including former ACSW chair Ruth Miller, made the case for a successful resolution confirming their commitment to a Labor ERA.¹⁰²

⁹⁸ Aileen Hernandez, Speech for NOW National Conference, October 5-7, Los Angeles CA, Draft 10/1/79. Box, 26, Folder 7, National Organization for Women: 20th Century Organizational files, 1912-1980s, MSS 077, Southern California Library for Social Studies and Research, Los Angeles California.

⁹⁹ Samis, Suneson, and Sherwood, “NOW’s Role in Achieving ERA Ratification in California.”

¹⁰⁰ Los Angeles NOW Pickets AFL-CIO State Convention,” *Los Angeles Chapter NOW News* v 4, n 8, August 1972, NOW chapter newsletters, Los Angeles NOW, PR-1, Carton 2, Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

¹⁰¹ “Someone’s Lying about the Equal Rights Amendment,” folder, “ERA,” box 1, Ruth Miller papers.

¹⁰² Proceedings, Ninth Convention, Los Angeles, August 21-24, 1972. California Labor Federation AFL-CIO, proceedings and publications, IRLE-CF01. Institute for Research on Labor and Employment Collections, University of California, Berkeley.

At the end of August, 1972, James Mills suddenly changed his mind and announced that he would convene a “blue ribbon panel” of San Diego attorneys to advise him on the ERA.¹⁰³ The panel include three female attorneys, two of whom were founding members of the San Diego Lawyers Club, a pro-ERA group dedicated to “improving the status of women in the legal profession and community.”¹⁰⁴ The San Diego Lawyers Club credits Lynn Schenk, a powerful local feminist who would become the city’s first female member of Congress in 1992, with convincing the Senator to form the committee when the two had an “impromptu meeting...at a political dinner.”¹⁰⁵ The panel was announced just before the statewide celebration of “Women’s Suffrage Day” on August 28, which women’s groups celebrated with rallies and marches in support of the ERA. Discussions of Mills’ “blue ribbon panel” were featured in many events and their press coverage. Toni Carabillo, national vice president of NOW, was pleased with the panel, telling reporters “I am confident that the panel will find for the ERA.” Others were critical. Los Angeles NOW President Virginia Carter called the panel “nonsense” and told the paper, “Death, taxes and Mr. Mills’ bigotry are the cornerstones of our lives.”¹⁰⁶

In an unexpected move, Senator Mills announced on September 8, 1972 that he would let the bill out of committee when the Senate reconvened in November. Mills told the Sacramento Bee he changed his mind after NOW members flew Professor Leo Kanowitz, author of *Women and the Law* to Sacramento, to explain to Mills that “decisions by the California courts had already gone much further than the ERA in altering protective laws.”¹⁰⁷ ERA supporters could not help but notice that when the same argument was made in April by the State Legislative

¹⁰³ Press Release, Office of Senator James Mills, August 23, 1972, folder 79, box 2, San Diego NOW papers, SDSU.

¹⁰⁴ George W. Brewster, Jr. “A Bygone ERA,” *Lawyers Club of San Diego at 40*, (San Diego; Lawyers Club of San Diego History and Archive Committee, 2012), 53

¹⁰⁵ Brewster, “A Bygone ERA,” 53

¹⁰⁶ Jean Douglas Murphy, “ERA Panel Buys Homes of Feminists,” *Los Angeles Times*, August 28, 1972, F1.

¹⁰⁷ “Mills’ OK Clears Way for Rights Amendment,” *Sacramento Bee*, September 8, 1972. A1.

Counsel, it had no impact on the Senator. Whatever his reasoning, by announcing his decision after the legislature went on recess but before the election, he had managed to protect vulnerable Democratic Senators from having to defend their vote on the campaign trail, and it freed him to campaign for his (successful) coastal protection proposition without angry hecklers.

Mills' decision created an emergency for Union WAGE. By September, the bill extending minimum wage to men (AB 256, Warren) had passed both houses and been signed by Governor Reagan. The bill including men in the IWC (AB 1710, Brown) was still working its way through Assembly committees, but everyone assumed Governor Reagan would veto it. Legislative Chairwoman Anne Draper sent urgent letters to Senators pleading with them not to vote on the ERA until AB 1710 passed the Legislature with the two-thirds majority needed to override a veto, San Francisco Senator (and Democratic Floor Leader) George Moscone agreed to use all his power to secure passage of AB 1710, Senator Dymally wrote a harsh reply indignant at the "intimidating letter, and Senator Mills did not reply at all. Union WAGE also urged unions and women's organizations in the San Francisco Bay Area to do the same and invited them to an October 19 strategy meeting.¹⁰⁸ Their efforts were not enough to get the votes the needed. Shortly after the ERA ratification AB 1710 was passed by both houses, but vetoed by Reagan.

Until the end, Senator Mills remained a thorn in the side of the ERA movement. Instead of reporting Walter Karabian's Assembly bill (AJR 17) out of committee – which had already been approved by the Assembly – Mervyn Dymally's (SJR 20) was passed and sent to the Senate floor.¹⁰⁹ Karabian railed at Mills for "passing out the resolution that has the longest distance to go, and, thereby has the greatest opportunity of encountering some kind of pitfall," but agreed to

¹⁰⁸ "Save Protective Labor Laws," *Union WAGE* 14 (November-December 1972), 1, 8.

¹⁰⁹ John Philip Sousa, "State OK's Equal Rights for Women," *San Diego Union*, nd, folder 79, box 2, San Diego NOW papers, SDSU.

support Dymally's bill, claiming that the principle was more important than his pride of authorship.¹¹⁰ The Senate passed the bill and sent it on to the Assembly, where pro-ERA groups were hastily lobbying, lest supporters had changed their minds.¹¹¹ Assembly leadership was sympathetic, or at least unwilling to become the new target of the pro-ERA movement. Assembly speaker Robert Moretti worked with supporters to suspend rules for quick vote, and on November 13, 1972, California became the 22nd state to ratify the Equal Rights Amendment.

Pro-ERA groups were ecstatic. San Diego NOW told newsletter readers that the ratification "brought to an end one of the most intensive lobbying efforts ever seen in California, and proved beyond any doubt that the women's movement had come of age in California."¹¹² And the article in the Los Angeles County NOW newsletter concluded with "Whoopie!!!!!!!!!!!!!! We did it – we finally beat the AFL-CIO."¹¹³

While previous debate had focused on the opposition of liberal, pro-labor lawmakers, in the final ratification debate, two Republican lawmakers presented the conservative argument against the ERA that would ultimately defeat the ERA nationwide. Charles Conrad (R-Sherman Oaks) spoke of the link between the ERA and abortion, and Assemblyman John Collier (R-South Pasadena), a previous recipient of LA NOW's "Barefoot and Pregnant" award, spoke of the ties between feminism and communism.¹¹⁴ An anti-feminist woman's group – the Happiness of Womanhood – also made an appearance at the final ratification, presenting gift-wrapped boxes to

¹¹⁰ Statement by Walter Karabian to the Capitol Press Corps, November 9, 1972, p. 2. Walter J. Karabian Papers, Henry Madden Library, California State University, Fresno, Central Valley Political Archives. Box 55, Folder, folder "Legislative Files, Legislation 1972, sponsored resolutions, AJR 17, Equal Rights Amendment, 1972,"

¹¹¹ *NOW Legislative Report*, November 10, 1973, folder 10, box 14, San Diego NOW papers, SDSU.

¹¹² Margaret Stanley, "California Ratifies the ERA!!!" *San Diego County NOW News* 3, no. 11 (November 20, 1972) 1, folder, 1, box "Newsletters," San Diego NOW papers, California Women's Museum, San Diego.

¹¹³ "California becomes 22nd state to ratify ERA Nov. 13," *Los Angeles Chapter NOW News* v 4, n 11, November 1972, NOW chapter newsletters, Los Angeles NOW, PR-1, Carton 2, Schlesinger Library, Radcliffe Institute, Harvard University, Cambridge, Mass.

¹¹⁴ *NOW legislative report*, November 17, 1972. Box 2, folder 79, San Diego NOW papers. SDSU.

lawmakers voting yes. The boxes contained live mice, and the attached notes asked, “Do you want to be man or mouse?”¹¹⁵ Although this type of conservative opposition ultimately succeeded in stopping the ERA, in the California ratification battle it was little more than a humorous footnote.

After the ERA – a New Era of Women’s Bills

Although not tied to ERA ratification, California eventually did become the first state to extend protective labor laws to men, but it took several years. When the legislature reconvened in 1973, women’s groups and trade unions collaborated to once again pass a bill extending protective labor laws to men (AB 478 Brown), and this time Ronald Reagan signed it. The bill had almost no effect, since Reagan also appointed new pro-business board members to the IWC who issued a new set of regulations that compromised the protections for all workers. AFL-CIO was granted an injunction against the new wage orders for a year. But meaningful protections would not be in place until 1976, once Democratic Governor Jerry Brown was able to appoint two pro-labor Commissioners.¹¹⁶

The greatest impact of the ERA ratification battle, however, was on the passage of a wide range of bills aimed at improving women’s status. During the 1973 legislative session, over 151 “women’s bills” were introduced, 34 of which were signed into law, and thirteen were vetoed.¹¹⁷

Aided by the election of Democratic Governor Jerry Brown and his appointment of a much more

¹¹⁵ Jerry Gillam, “State Ratifies Women’s Rights Amendment,” *Los Angeles Times*, (November 14, 1972), A3; John Berthelsen, “Capitol Mice,” *Sacramento Bee*, (November 10, 1972).

¹¹⁶ “Overloaded Commission,” *Sacramento Bee*, (January 5, 1975) 61; “New Rules on Wages, Overtime Irk Businesses,” *Los Angeles Times* (July 25, 1976), F1.

¹¹⁷ California Commission on the Status of Women, Budget change proposal, October 15, 1973, folder, “Commission on the Status of Women 1/3,” Box GO 101, Governor’s Office Files, Legal Affairs Unit, Ronald Reagan Governor’s Papers, Ronald Reagan Library

activist Commission on the Status of Women,¹¹⁸ women's bills were even more plentiful in the 1975-76 session, with over 300 proposed and 72 signed.¹¹⁹ By way of comparison, the 1971 legislative session saw fewer than 20 bills introduced and only three signed into law.¹²⁰ Thanks to newsletters like *Skirting the Capitol* and *NOW Capitol Alert*, as well as lobby days, political trainings, and letter writing campaigns, a generation of California feminists not only knew about the state legislature, they had experience influencing it. In response, lawmakers of all political stripes were suddenly interested in attaching their name to a "women's bill." Ironically, the legislature responsible for this 'bumper crop' of women's bills included only two women: Pauline Davis and March Fong. Yvonne Brathwaite had succeeded in her campaign to become the first African American female member of Congress from California, a campaign aided by the mobilization of feminist women.

Women's bills also benefitted from ongoing changes in the Democratic Party shifting power away from labor unions and in favor of liberals emphasizing identity issues – like civil rights and women's liberation.¹²¹ Although Democrat George McGovern lost his presidential bid, his success in the primary and his strong California campaign altered the precarious balance between liberals and labor in the state Democratic coalition. This was especially true in Southern California, where progressive Democratic (CDC) clubs raised money and campaigned enthusiastically for candidates whose ideology they supported.¹²² Despite the landslide victory

¹¹⁸ In 1971, the temporary Advisory Commission on the Status of Women became the permanent Commission on the Status of Women.

¹¹⁹ *California Women: A Bulletin from the California Commission on the Status of Women* (November-December 1976), 1. CCSW papers.

¹²⁰ "Changing Times," *Joint Committee in Legal Equality Newsletter* 3, no. 6, (June 1975) p. 1. Folder 30, Box 2, Joint Committee on Legal Equality papers, LP 221, California State Archives, Sacramento California (cited as JCLE papers hereafter).

¹²¹ Jonathan Bell, "'To Strive for Economic and Social Justice': Welfare, Sexuality, and Liberal Politics in San Francisco in the 1960s." *Journal of Policy History* 22, no. 2 (2010): 193-225.

¹²² Jonathan Bell, *California Crucible: The Forging of Modern American Liberalism*. (Philadelphia: University of Pennsylvania Press, 2012) 255-58.

for the reelection of President Richard Nixon, Democrats increased their majority in the California Assembly. Fifteen new Democrats – many very liberal – joined the Assembly, eight of them replacing Republicans. Among them were two men from Los Angeles who became champions of women’s issues: Howard Berman and Julian Dixon. The state Senate, on the other hand, was an even tie with 20 Republicans and 20 Democrats.¹²³ With Republican Reagan still in the Governor’s mansion, both sides had difficulty passing bills on partisan issues. Women’s issues, on the other hand, were not yet considered partisan in California. Many of the staunchest supporters of the ERA had been moderate Republicans, and they continued to be reliable votes for “women’s bills.”

What exactly was meant by “women’s bills” and the reasons for their support varied widely. Some extended the anti-discrimination approach of the ERA into specific areas of law, such as successful bills extending the Unruh Civil Rights Act to include a ban on sex discrimination in public accommodations (SB 1380 Petris) and establishing penalties for discrimination by businesses licensed by the state (AB 1774 Dixon).¹²⁴ Thanks to the networks built in the ERA battle, women’s groups were able to push the passage of bills overhauling the state’s community property laws, greatly increasing the economic rights of married women.¹²⁵ The bills’ passage benefited in particular from the contributions and mobilization of the Women’s Lawyers Association of Los Angeles and The Queen’s Bench (Bar Association of San

¹²³ Kenneth Reich, “Views Divided on Analysis of Voting in State,” *Los Angeles Times*, Nov 13, 1972, A3.

¹²⁴ “Focus is on Women’s Legislation,” *Joint Committee in Legal Equality Newsletter*, (April 1974), 2; “Legislative News,” *Commission on the Status of Women Newsletter*, February 1974, p. 4, Box 10, Series 10, Commission on the Status of Women Records, California State Archives, Office of the Secretary of State, Sacramento, California.

¹²⁵ AB 312 (Waxman) prohibited the denial of credit to women based on marital status, SB 570 (Dymally) gave widows the same rights of widowers in probate, and SB 569 (Dymally) extended to wives the equal authority over community. Herma Hill Kay. "An Appraisal of California's No--Fault Divorce Law." *California Law Review* 75, no. 1 (1987), 303.

Francisco).¹²⁶ Not all equal rights bills became law, however. Two Dymally bills that would have eliminated discrimination in high school and university athletic funding (SB 1227 and 1228) were vetoed by Governor Reagan, and when Walter Karabian proposed a resolution calling for a comprehensive study of discrimination against women in the legislature followed by an affirmative action plan to correct inequities (ACR 115), the bill was killed without a hearing. According to Marian Ash in *Skirting the Capitol*, “A number of legislators seem to be taking [the proposed resolution] as a personal affront and are extremely angry and emotional over it.”¹²⁷

Although the battle for the ERA prioritized equality over special treatment, some of the “women’s bills” passed in its wake had less to do with discrimination than with new types of protections for women. In particular, the momentum from the ERA ratification helped pass a package of controversial bills that completely overhauled the treatment of rape in California courtrooms. The changes lay outside what even a federal ERA could have accomplished, but they were important to many feminists who were politicized by the effort to pass the ERA, they became important to their representatives.¹²⁸ As California Commission on the Status of Women (CSW) chair Anita Miller explained, after the ERA ratification vote, “The tide of the times was with us. It clearly, clearly was a time, politically, to generate the heat.”¹²⁹

Other bills resulted from a joint legislative committee tasked with bringing all California law into conformance with the ERA, regardless of its ratification nationally. The Joint Committee on Legal Equality (JCLE) was proposed and chaired by Senator Mervyn Dymally,

¹²⁶ Ruth Miller, (Queen’s Bench) to Senator Mervyn Dymally,” May 1, 1973. Dymally papers, CSULA, folder SB 569, box 20.

¹²⁷ “ACR 115 – An Increasingly Sore Subject,” *Skirting the Capitol*, October 15, 1973, 7(13): 3-4.

¹²⁸ Bruce Keppel, “Top Goal of Women’s Groups: Protecting Rape Victim’s Rights,” *California Journal* (July 1974) 222-224.

¹²⁹ Miller, “The Tide of the Times Was with Us: Women’s Issues and the California Commission on the Status of Women, 1972-1974,” Conducted by Sarah Sharp, 1984, p. 10-11. Regional Oral History Project, Bancroft Library. 36.

and became a vehicle for a group of liberal Los Angeles Democrats to make their mark on women's issues. Walter Karabian was on the committee, and the vice-chair was a newly elected Democratic Assemblyman from Hollywood Hills, Howard Berman. The informal consultant to the committee was Assemblyman Berman's wife, Harriet Katz Berman, legislative analyst for Southern California ACLU and author of a widely distributed 1973 pamphlet, "Women's Place under California Law."¹³⁰

Charged with revising the state code for ERA compliance, the JCLE actually did very little of this work. It was first given to the State Bar, who created a standing Committee on Equal Rights and appointed attorneys from across the state to work on it.¹³¹ After receiving a grant from the Ford Foundation in 1974, the California Commission on the Status of Women took over, collaborating with the California State Bar Committee on Equal Rights and the feminist legal team at Equal Rights Associates in San Francisco to provide a thorough overview of all California statutes. The scope included laws that "explicitly treat one sex different from the other sex," as well as laws that "although neutral by their terms, have a discriminatory impact," or that are "clearly premised on stereotypical, sex-related assumptions."¹³² While many states created some kind of ERA conformance vehicle, California was one of the few that extended the conformance effort beyond revising laws that are sex biased "on their face," to include "scrutinizing laws that, while sex neutral on their face, have

¹³⁰ Harriet Katz Berman, "Women under California Law," ACLU, 1973, folder 29, box 10, San Diego NOW papers, SDSU

¹³¹ "Progress Report on Codes Revision," *Joint Committee in Legal Equality Newsletter* 2, no. 3 (March 1974).

¹³² The California Commission on the Status of Women's Equal Rights Amendment Project, *ERA Conformance: An Analysis of California State Codes*, 1975, v. The Equal Rights Project also published *A Commentary on the Effect of the Equal rights Amendment on State Laws and Institutions* (1975), *Impact ERA: Limitations and Possibilities* (Les Femmes Publishing, 1976), and *The Equal Rights Amendment: a Bibliographic Study* (Greenwood Press, 1976), as well as facilitating the formation of a national task force to work toward conformance in 50 states, a public information clearing house, and a nationally circulated magazine *The Equal Rights Monitor*.

differential impact on one sex.”¹³³ CCSW materials, together with the legislature’s own analysis, resulted in a series of bills revising state codes to remove all unequal treatment of the sexes.

While others worked on bringing existing code into compliance, JCLE chair Mervyn Dymally and other committee members held a series of hearings to identify areas for new law to address disadvantages faced by women. Rather than trying to legislate on behalf of women in general, the committee held a series of hearings that focused on the problems of specific groups of women, including older women, college educated women, homemakers, minority women, “re-entry women” returning to work after years as full-time homemakers, and women employed by the state government. Although the laws they proposed were gender neutral in their language, their intention was gendered. For example, after a hearing on “The Re-Entering Woman: From Housewife to Career,” the committee proposed bills to change financial aid rules limiting support to older and part-time students.¹³⁴

Given the argument made by labor unions and Union WAGE feminists that the ERA would hurt working women, the hearings and legislation of the JCLE on behalf of women employed in clerical positions by the State of California are particularly noteworthy. The JCLE held two hearings on state workers¹³⁵ where Committee members heard from women experiencing discrimination in the state government employment, including many secretaries, clerks, and other women in “pink-collar” occupations. As one secretary from the Clerical and Allied State Employees Association explained, not only were clerical workers paid less than

¹³³ Barbara Berish Brown, Ann E. Freedman, Harriet N. Katz, Alice M. Prize. *Women's Rights and the Law: The Impact of the ERA on State Laws*. (New York: Praeger, 1977), 38-43.

¹³⁴ “Focus on Legislation,” *Joint Committee on Legal Equality Newsletter* 2, no. 5 (June 1974), 2.

¹³⁵ Employment Opportunities for Women in State Government, September 24, 1974; State Testing Procedures and their Impacts on Women and Minority Workers, March 12, 1976. JCLE papers.

grounds keepers, their jobs were classified in a way that made them ineligible for other administrative jobs, even when they were responsible for training the men who held them.¹³⁶ The hearings led to a number of bills, many of them signed into law, which significantly improved employment conditions for state workers in clerical and other female dominated jobs. By 1978, virtually all branches of the state government had “upward mobility” programs to create pathways for workers in low-paying jobs to advance, and the civil service rules regarding employment testing and promotion had been overhauled. For labor unions representing female-dominated occupations, the bills were a crucial step in creating a path to improve the conditions of women in female dominated jobs, and the upward mobility bills in particular were a move toward comparable worth, which by the late 1970s was the primary goal of many labor feminists in the state.¹³⁷ While the ERA was not responsible for these changes, the California ratification campaign created political momentum that contributed these and other changes benefitting women workers.

Conclusions

In California, the campaign to ratify the ERA is an example of a policy success, with lasting implications for the women’s movement, the law, and party politics. Whatever the ERA might have accomplished nationally had it passed, the ratification campaign in California was extremely effective not only in securing ratification, but also in creating the conditions for a wide range of “women’s bills” to pass. While it may be the case that some male lawmakers truly embraced the issue of women’s rights, in many cases the new enthusiasm for women’s

¹³⁶ Testimony by Helen Gaines and Charma Pipersky, Transcript of Hearing of the Joint Committee on Legal Equality, “Employment Opportunities for Women in State Government,” Sacramento CA, September 24, 1974. Folder 12, box 1, JCLE papers.

¹³⁷ Linda Blum, *Between Feminism and Labor: The Significance of the Comparable Worth Movement*. (Berkeley: UC Press, 1991).

legislation was a direct result of the mobilization of female voters. For some, women's issues provided a way to define themselves and expand their constituency. In the words of Anita Miller, chair of the California Commission on the Status of Women, many lawmakers had "no enthusiasm" for women's issues, but were aware of "very, very strong political necessity-type arguments. I am convinced that nobody would be dealing with [women's issues] at all were it not politically smart to do, or politically stupid not to do."¹³⁸

Discussed in isolation, the long and at times bitter battle between "pure ERA" and "labor ERA" feminists provides an example of divisions among feminists.¹³⁹ The longer view taken in this paper, however, reveals the conflict to be but one interval in a series of changing alliances among feminists seeking to influence the state on behalf of women. Before and after the state ERA vote, feminist organizations, including NOW, BPW and Union WAGE were the leading voices to extend protective labor laws to men (much more prominent than the AFL-CIO). Throughout the 1970s they also collaborated on abortion activism and a host of other bills targeting working women. In addition, much of the legislative progress that resulted from the ERA conformance vehicle – the Joint Committee on Legal Equality – achieved the goals of labor feminists, such as sponsoring bills to improve the earnings and future opportunities of clerical workers. In addition, lobbying for the ERA built bridges between political insiders and radical protesters, bridges that would help in bringing legislation on issues like rape to the legislature. Former NOW President Aileen Hernandez later recalled, "We devised a strategy which encouraged everybody to do what she did then. The white-gloved ladies used their tactics to

¹³⁸ Miller, "The Tide of the Times Was with Us," 30.

¹³⁹ E.g. Balser, *Sisterhood and Solidarity*, 103-108, Cobble *The Other Women's Movement*, 193-195.

pressure in their way. The no-so-white-gloved ladies used their tactics to pressure in their way.”¹⁴⁰

While labor feminists were not able to tie ratification to the passage of bills extending protective labor laws to men, the high-profile battle did empower women within the labor movement. Prior to 1972, the AFL-CIO dedicated few resources to extending single-sex labor protections to men. At the 1972 California Labor Federation convention – which was picketed by Los Angeles NOW -- labor feminists on the convention floor convince the organization to sponsor a women’s conference, arguing it would demonstrate labor’s commitment to women and advance the union movement. The resolution finally passed, despite “the indifference and insensitivity of most of the state leadership to the problems of women workers.”¹⁴¹ At the resulting 1973 conference the groundwork was laid for the 1974 launch of the Coalition of Labor Union Women (CLUW), a group that challenged sexism in unions, sought to organize more women, and supported the ERA and other anti-discrimination laws, as well as benefits like paid maternity leave, child care and affirmative action.¹⁴² In California CLUW, new groups like the Coalition for Women in State Service, and unions for female dominated professions were able to take advantage of the momentum created by the ERA ratification to pass an array of bills using gender-neutral language to improve the conditions of women workers, often in collaboration with NOW and other women’s groups.

¹⁴⁰ Aileen Hernandez, Speech for NOW National Conference, October 5-7, Los Angeles CA, Draft 10/1/79. Box, 26, Folder 7, National Organization for Women: 20th Century Organizational files, 1912-1980s, MSS 077, Southern California Library for Social Studies and Research, Los Angeles California.

¹⁴¹ Lisa Withington and Gretchen Mackler, “Women Win Floor Fight,” *Union WAGE Newsletter* 13, (September-October 1972), 1.

¹⁴² Balser, *Sisterhood and Solidarity*, 158-62.