

# Equal Rights For Harpies



By James Kilpatrick

WASHINGTON — The House of Representatives voted itself a three-week recess; but the vote came four days too late. In a monumental display of irresponsibility, far beyond the calls of lunacy, the House had already voted 346-15 to approve a "women's rights" amendment to the Constitution.

Gadzooks! Zounds! Horsefeathers! What in the world came over the House?

If you follow the course of constitutional amendments on the Hill, you might suppose this action reflected months of painstaking hearings, testimony by professors of law, studies by constitutional experts. None of this. There had not been a single hour of study in committee.

From the lopsided nature of the vote, you might suppose the amendment had overwhelming public support. Bosh! This constitutional time bomb is the contrivance of a gang of professional harpies, descendants in zealotry of the late Carry Nation. Her bag was Prohibition; theirs is "women's rights." They are as persistent as Secaucus mosquitoes; and they are the biggest bores in town. The 346 who voted for this resolution, give or take a handful, had but one purpose in mind—to get these furies off their backs.

CASE — Now, mind you, there is an excellent case to be made for "equal rights for women" in certain well-defined areas of law and public policy. It is patently unfair for women to be paid less than men for performing the same work. This is more than unfair: It is unlawful, under the Civil Rights Act of 1964. The Department of Justice recently filed a major case to establish the point. Meanwhile, the Equal Employment Opportunities Commission has won scores of voluntary agreements in industry to halt discrimination against women workers.

The equal protection clause of the existing Fourteenth Amendment also is being widely invoked these days, notably in suits to compel the admission of women on an equal basis with men at state-supported institutions of higher learning. Step by careful step, courts and legislatures are in fact adjusting to the changing status of women in America today.

All well and good. But the reckless

action of the House is the very antithesis of this careful, reasoned approach to social and legal change. The proposed amendment says this: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

NO NOTION — Does anyone have even a foggy notion of what this amendment, as a matter of law, would accomplish? No, sir. The House record is as empty as a ping pong ball. The Senate Judiciary Committee held three days of hearings this past May, but these were mostly my dear lady, how delighted we are to have you here. The hearings have not even been printed.

The most rudimentary study would have required of the House that it look into all the laws of all the states, along with the federal government, especially affecting women. It is a fair assumption that hundreds of such laws exist, affecting marriage, divorce, wills and estates, inheritance, abortion, military service, hazardous occupations. If this amendment were ratified in its present form, as Professor Paul Freund has said, it would "transform every provision of a law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court."

Look. This is serious. The Constitution, just as Gladstone said in his famous phrase, is in truth the most wonderful political work ever struck off at a given time by the brain and purpose of man. It ought never to be amended lightly or frivolously, or to soothe some passionate sopranos. An amendment specifically affecting, in some unknown fashion, more than half the population of the nation merits far more than an hour's apoplectic argument on an August afternoon.

Perhaps the Senate will bury this proposal, but the resolution has 83 sponsors over there and the prospect seems unlikely. In the end, it may be up to the sovereign states, God bless them, to demonstrate the same courage and common sense shown by the 15 stout-hearted men who had the guts to stand up and vote no.