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Advancing Women In Leadership

# Revisiting the ERA Movement in Texas: An Historical Analysis of Leadership among Texas Women

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The defeat of the national Equal Rights Amendment (ERA) in June 1982 ended a period of organized advocacy about women's formal political status. Policy analysts and researchers subsequently identified numerous reasons for the national failure: few state organizations developed for the ratification campaign, lack of preparation for anti-ERA challenges in traditionally-oriented states, fears that the ERA would change women's roles in the home, the unexpected legal benefits the Supreme Court gave women during the 1970s without the ERA, and opponents' effective linkage, however false, of the ERA to legal abortion (Berry, 1988; Boles, 1979,1982,1985,1989; Marilley, 1989).

In order to consider future legislation and women's leadership issues, advocates and policy leaders must be better prepared both organizationally and ideologically to cope with such obstacles. This means educating younger women, such as university students, about the history of the ERA so that an appreciation of the work of a network of women can be engendered and utilized for developing future leaders. Additionally, the use of historical analysis as a routine part of policy practice is important to create a better map of the lessons learned by such movements. Most current undergraduate students were not even born when the ERA failed. Few social justice advocates such as social workers have written in this

area, leaving the subject to historians and political scientists with a lack of emphasis on the importance of such historical analysis for use in education of women for leadership roles. One resource future educators can use to accomplish this educational goal is state level case studies that connect state and national activity together.

This article explores the Equal Rights Amendment (ERA) in Texas and the role of both anti-ERA and pro-ERA supporters in the state. The paper proposes that at the national level anti-feminist groups were able to exert considerable influence in stopping the ERA ratification, but that this differed in Texas where both a state ERA and the national ERA were ratified. This is attributable to the fact that anti-feminist groups were not as active nationally or in the state at the time of the ratification process. In fact, Texas had a strong pro-ERA group of women who were mobilized and had considerable ties to the national level. These factors made a difference in the outcome of the ratification process in the state (Berry, 1988; Boles, 1979, 1982, 1989; Gammage, 1982). Although the national movement was important, success at the state level depended on the work of Texas women. Thus, the Texas ERA movement was reinforced but not dependent on the national movement. Additionally, the presence of a strong group of Texas women working at both the state and national levels gave rise to a pro-ERA momentum not found in some states. These factors created state legislative support, raised the visibility in the state for the amendments, and created leadership among Texas women to effect these changes.

Almost twenty years after the failure to ratify the national ERA, many women are unaware of the importance of the long, arduous work of Texas women to achieve advances for women's personal and professional lives. This article provides new evidence, especially utilizing presidential archive information, for the argument that the work of Texas women, not only made a difference, but also provided momentum in the state for the creation of new leadership for Texas. Implications for future women's movements are also explored.

## Methodology

This study uses a qualitative methodology, historical analysis, to describe and interpret the ERA history at a state level. As Rubin and Babbie (2001) pointed out, qualitative methodologies are helpful in the policy arena when reinterpretation of policy is intended. Also, the methodology of historical analysis of documents lends itself to an in-depth understanding across cases such as at the national and state levels (Miles & Huberman, 1994; Rubin & Babbie, 2001). First, secondary sources in the academic literature were reviewed to gain an existing understanding of the ERA at both the state and national levels. Then, an extensive review of primary sources was conducted; especially those at the Texas state-level (Miller & Greenburg, 1976). Care was taken to obtain multiple sources of information from different points of view using both academic and special libraries such as the Lyndon Baines Johnson Presidential Library. Diverse primary sources were used to examine the state's ERA activity from a new perspective such as national and local newspaper articles, newsletters, correspondence from advocacy groups, White House

correspondence from the Johnson administration, Texas legislative hearings material, and archives of organizations such as women's groups. According to the literature, use of a variety of primary sources such as public records with differing perspectives strengthens the corroboration of the hermeneutic process and serves to build support for new interpretations (Brower, Abolafia, & Carr, 2000; Lincoln & Guba, 1985; Rubin & Babbie, 2001). The use of historical analysis as a practice tool to build case studies and awareness of the importance of using original, primary source data is vital in a field such as social work where policy practice is considered a vital linkage at the undergraduate level to case management.

## The Early Women Leaders

The period of women's suffrage in Texas witnessed many gains and set the stage for the ERA movement in Texas (Enstam, 1990; Gammage, 1982; Velez, 1994). The early suffrage activists in Texas waged broad campaigns for changes in the treatment of women. As early as 1868, Texas women began to organize around the suffrage movement, inspiring an impressive list of groups such as the Texas Women's Christian Union, the Texas Equal Rights Association, and the Texas Federation of Women's Clubs (Austin Women's Suffrage Association, 1922; Enstam, 1990). These were replaced as the suffrage campaign wore on with more narrowly defined arguments, more skill and experience in the political arena, and expedient arguments for women's issues replacing lofty philosophical ones. In 1919, Texas ratified the federal suffrage amendment, making Texas the first southern state to approve the suffrage amendment (Velez, 1994).

Once inspired by only a handful of women leaders in the beginning of the suffrage movement, the 1950s witnessed a resurgence of interest among the broader base of women's groups that had formed in the earlier parts of the century. These themes and strategies foreshadowed the ERA fight later to come, giving a historical presence to active women's groups in the state (Gammage, 1982).

## The Texas ERA

Dallas attorney Hermine Tobolowsky, thought to be the mother of the state ERA, proposed the Texas ERA to the Texas Federation of Business and Professional Women's Clubs (B&PW) at a 1957 convention (Dudley, 1975). Tobolowsky was accustomed early in her career to being among only a handful of women in professional circles. She was only one of eleven women in her University of Texas law school class and only one of two to actually graduate. She became active in organizations fighting discriminatory laws including the right of women to sit on juries (Texas State Historical Association, 1997). The B&PW decided to support a state ERA rather than fight endless statute revisions and proposed the amendment to the Texas legislature in 1958. The state ERA was proposed as a broader amendment than the eventual national ERA, covering race and national origin as well. Although the wording is similar in both amendments, both aimed to prohibit gender discrimination (Velez, 1994).

Tobolowsky began her work on the ERA by providing study courses for women. An

additional strategy was to promote the legislative foundation for the passage of the ERA in the state. She believed that state legislators "were hard to convince on the ERA proposal"(Dudley, 1975, p.A 21). Tobolowsky was persuaded of the decision to change strategies to a state ERA amendment after providing testimony on a pending property rights bill in the Legislature and experiencing responses to her prepared comments such as "Women never had it so good... Go home and settle your family arguments"(Gammage, 1982, p.128).

In addition to campaigning with the Legislature, the B&PW worked to educate Texas women between 1959 and 1972 when the ERA was passed in the Texas Legislature. Women supporters toured the state and letters were submitted to local newspapers. A handbook was provided to clarify questions about the state and federal ERAs (Texans for ERA, 1975). Tobolowsky concluded that the state ERA was successful in large part due to this grassroots support, to the lobbying of the Legislature, and due to the fact that "most of the opponents [in the Legislature] had been voted out of office" (Velez 1994, p.26). This sentiment of the effort of Texas women was also reflected in Chattie Slayton, the Legislative Steering Committee Chair of the Texas Federation of Business and Professional Women's Club of Houston. She wrote, "I am doing everything in my power to keep the members of the Business and Professional Women's Clubs advised [regarding the ERA]."(Slayton, 1968, p.1) This view was also noted in a B&PW newsletter stating "[Let your legislators know] there is a grassroots interest in equal rights legislation" (The Texas Business and Professional Women's [B&PW's] Newsletter, 1968, p.4)

Various arguments against the ERA were circulated in the Legislature and the press. According to Velez (1994), the main argument against the ERA was the possible removal of protective legislation for women. In addition, when race was added to the state ERA as a protected group, pro-ERA supporters thought this was done more to defeat the ERA than to strengthen support. Other arguments used against the ERA at this time included the draft for women, the changing role of women in the home as an equal partner, state-sanctioned gay marriages, and the impact of forcing women to support the family. Likewise, the State Bar of Texas lobbied against the amendment, claiming that it would cause havoc in the courts in a community property state by diminishing existing protection of women's rights to their spouses' assets. The fear of loss of special rights and privileges already obtained, such as financial protection afforded by husbands, was another reason given to oppose the ERA in Texas (Velez, 1994).

In Texas the legislative leadership, the Speaker of the House and the Lieutenant Governor, supported the state ERA. Governor Preston Smith urged both houses to ratify the amendment in a March 1972 special session (Session, 1972). Members of the Texas Commission on the Status of Women were also requested to contact their legislators to register their support (Boles, 1979).

Boles' (1979) research on pro and anti-ERA activities across the states indicated little organized anti-ERA activity at this time. In Texas this was true during the passage of both the state ERA and the federal ERA ratification (Boles, 1982). For example, there was no floor debate in the Texas Senate for the ratification in 1972

(Texas State Legislature, 1972). Boles (1979) also reported that the Texas House sponsor of the amendment said:

My speech lasted about 30 seconds. I explained what Congress had done, what it was... There was a couple of questions from the floor... I moved off of the mike and sat down and it was a green [i.e., almost all "yes" votes on the electronic voting] board. (p. 156-157)

Additionally, groups that would later be visible opponents of the federal ERA and advocate for rescinding it in Texas did not oppose the amendment's ratification at the time of the special session. Boles' interview with a spokesperson for the John Birch Society revealed the lack of awareness of the opposition at that time. The spokesperson said, "There wasn't any alert made at this stage to do something about it. We just slipped up..." (Boles, 1979, p. 118).

Opposition to the state ERA and federal ERA did not coalesce until after both had passed in Texas (Miller & Greenburg, 1976). An article in the *Austin-American Statesman* (1972) stated that, "Governor Preston Smith will probably not even need to include the matter in his special session call in order for it to get action" (p. 3). A *Houston Post* article prior to the state ERA vote only mentioned a handful of legislators' opposition to the issue of property rights as it related to the ERA, citing no other opposition groups or remaining issues (House, 1971). According to one author, "When the ERA to the U.S. Constitution was passed by Texas it raised as much interest as a sewer bond referendum" (Fighting, 1978, p. 4). Although public groups did not lobby in Texas until after the ERA had passed, the male legislators became the primary barrier in the state. Thus, the pro-ERA supporters spent most of their time lobbying the state legislators.

After the state ERA had passed in March 1972, voters ratified it in November. With the success of the Texas ERA, and the election of several women including Representative Barbara Jordan, the women's movement gained support. A state National Organization of Women organization formed in 1973. Many women's issues were initiated, including state-funded day care for women on welfare and changes in laws pertaining to rape. The issue of women's reproductive rights also generated controversy with the *Roe v. Wade* ruling argued before the U.S. Supreme court in 1973 by Texas Representative and attorney Sarah Weddington (Representative, 1977).

As the Texas pro-ERA movement gained support, the anti-ERA movement also grew. The most visible anti-ERA group in Texas was the Women Who Want to be Women (WWWW) with chapters in seven cities. Their primary goal was to rescind both the state and federal ERA. According to the *Ft. Worth Star Telegram* in September, 1975, the WWWW claimed that the ERA in Texas had passed "by deceit" (Brown, p. 3B). This group proposed to "educate the people so that when the legislature [met] again in January [1975] they [would] be getting letters..." (Brown, 1975, p. 3B). The members began to lobby legislators to rescind the

amendment and took their case to the newspapers. One WWW supporter said:

We believe it is the will of the people [to vote on it again]... When this came up before the Legislature in 1972, I was at home, along with many other women, and we were taking care of our families and husbands and were not aware of the impact of this at the time. The Texas amendment was approved by the legislature without much consideration and ...was worded [on the ballot] in such a way that I think most people were not fully aware of what they were voting on. (Hilliard, 1975, p.3B)

Indeed, it was not until much later on the national scene that the opponents to the national ERA would begin to be more visible. For example, in an *Austin American Statesman* newspaper article in 1975, Tobolowsky stated, "It [a national ERA] is a matter of justice. But in the minority are the ones that are so well-organized they give the impression they are the majority" (Dudley, 1975, p. A21). The WWW succeeded in getting a representative to introduce legislation in the 1975 session to rescind the national ERA, but it did not pass despite the WWW organizing to march on the Texas Legislature.

Following Texas passing the amendments, several initiatives gained momentum. On April 14, 1975 the Texas legislature held hearings on rescinding the ratification of the ERA. These hearings were attended by 2,500 women called Pink Ladies for the pink sheets they carried advocating their anti-ERA slogans. Political scientists Brady and Tedin (1978) surveyed the women and said they were well-educated, middle, and upper class women who held conservative beliefs. However, the effort to rescind failed and was not attempted again.

Houston, Texas was the location for the 1977 National Women's Conference attended by 30,000 women from across the country. Three First Ladies, Rosalynn Carter, Betty Ford, and Lady Bird Johnson, endorsed the ERA at the conference, giving visibility to a variety of women's issues and to the state's pro-ERA environment (Women, 1977).

During the years between 1972, when the amendments were ratified in Texas, and 1982, the year the national ERA failed to be ratified by a majority of the states, little other anti-ERA organized activity was visible in the state. Thus, Texas remained in support of the amendments and pro-ERA women continued to gain strength and leadership.

## Texas Women and the National Scene

Many of the same Texas women active in proposing the Texas ERA were equally active at the national level, especially during the years of the Johnson administration. For example, according to the Texas State Historical Association (1997) Tobolowsky was also the legal counsel for the B&PW's national office. During

the sixties, a series of letters from Texas women to then President Lyndon Baines Johnson depicted the organization and strategies that Texas women used regarding the issue of equality for women. In a lengthy 1964 letter to the President advocating for women's rights in general, and stating the case for the ERA in Texas, Modell Scruggs, President-Elect of the Business and Professional Women of Texas, wrote:

Mr. President, in the last two sessions of the Texas Legislature this proposal has been blocked by a small but powerful minority joined by at least two of the state's leading elected officials, who had by voice and pen endorsed its passage during their campaign for public office--both of them ardent members of the Democratic Party, and who are up for reelection this year and have Republican opponents.... It is argued that there is no need for a Constitutional Amendment for the discriminations are solely statutory in nature and can be changed by act of the legislature, which as you know the Texas legislature has consistently refused to any appreciable degree... Mr. President, I ask only that you advise yourself of this situation..., and briefly advise me of your personal position in this matter for I sincerely feel that we have the right to be advised of your exact position in such a matter... I do request that your position in this matter be made clear to the women of the state of Texas at your earliest convenience, and your silence can only be assumed to voice lack of interest or unexpected opposition as regards this portion of 'civil rights'.  
(p.1)

The reply to Scruggs from President Johnson was drafted by still Assistant Secretary of Labor Esther Peterson, who remained as one of the primary spokespersons for women's issues under the new LBJ administration. In his 1964 letter President Johnson replied, "The question of the best method of achieving this goal [Texas's ERA] in a particular state must, of course, be determined at the state level and is not an appropriate matter for official Federal Government comment" (p. 1). The President did agree that "greater recognition of the rights of women deserves full consideration" (p. 1) but cited the President's Commission on the Status of Women and that group's recommendations concerning leaving these issues to the states (Johnson, 1964). Clearly, Peterson had set the agenda for the President's response.

Texas women were also active in proposing amendments to the Civil Rights Act being considered for passage at the national level. A group of eleven women, nine Texans, sent telegrams in 1964 to President Johnson regarding changing the

wording of the Civil Rights Act to include rights of women specifically. The telegram from Tobolowsky (1964) read "... We urge that you now use your influence to see that civil rights bill is amended to include women's rights...." Tobolowsky and Scruggs (1965) again wrote to President Johnson advocating for the passage at the national level of a proposed ERA. They wrote, "We Texas women would like to have the first Texas President of the United States of America initiate action on the first legislation which will free American women of legal inequalities" (p.1).

Texas women continued to press for a variety of women's equality issues at the federal level and in particular wanted a formal response from the Johnson White House about the administration's official position on the ERA in 1967. However, the Johnson administration had still not clarified its stance on the ERA. In an internal White House memo dated September 29, 1967, Don Furtado, Special Counsel to the President, said to Harry McPherson, Assistant to the President:

Seven years ago, before the Title VII and several executive orders and Presidential memos designed to counter sex discrimination, the then Vice President [Johnson] said: '...regarding the equal rights for men and women amendment. As I am sure you know, I have consistently supported this resolution, and I intend to continue with this support.'

What official attitude do we now have toward this amendment? (p. 1)

Texas women also participated in the National Organization for Women advocacy of women's issues and in particular the ERA passage. A 1967 letter from the NOW Board requesting a meeting with the President to discuss, among other topics, the ERA drew a negative response (National Organization for Women [NOW], 1967). An internal memo between White House staff revealed the nature of the Johnson staff's opinions about the NOW group. The memo read, "Is it all right to regret this request?" The responding memo said, "It is all right to regret this request. These women are 'inconsolable'-- nothing you can say will satisfy them" (McPherson, 1967). It appears that the pressure on White House staff to respond to repeated requests primarily from Texas women had influenced the staff's view of the women's groups. A review of Johnson's 1967 administration correspondence (found at the LBJ Presidential Library) from women in support of the ERA at both the national and state levels revealed that much of the correspondence came from Texas women, an indication of the strength of their organization and level of activity at the national level.

## The National ERA

In 1972, almost fifty years after its initial introduction into Congress, a proposed ERA amendment to the U.S. Constitution was finally sent for ratification to the states from Congress. The ERA, providing that equality of rights should not be denied due to gender, received support in the houses of Congress, passing by a vote of 354 to 23 in the House and 84 to 8 in the Senate. The ERA enjoyed, at that time, considerable support from numerous national women's groups, social and



cultural groups and associations, as well as bipartisan support from both the Democrat and Republican Party platforms. Some supporters included the American Federation of Labor-Congress of Industrial Organizations, American Association of University Women, General Federation of Women's Clubs, League of Women Voters, National Organization of Women, Common Cause, U.S. Civil Rights Commission, and the American Bar Association, just to name a few.

In Texas, the national ERA had broad support. ERA Coalitions were present in over twenty cities and the national amendment was endorsed by Texas politicians such as Senators Lloyd Bentsen and John Tower, Congresswoman Barbara Jordan, and Lt. Governor Bill Hobby. Statewide organizations in favor of the national amendment included such entities as the American Civil Liberties Union, League of Women Voters, Texas AFL-CIO, and Texas Business and Professional Women's Club.

A review of the U.S. Senate hearings in 1970 leading up to the 1972 passage revealed few organized opposition groups. The National Council of Jewish Women and the National Council of Catholic Women were the only groups issuing statements of opposition. The former argued that there already existed sufficient safeguards and asked, "...should we jeopardize a whole body of law dealing with complex personal and family relationships, military service, and age of consent" (Stimpson, 1972, p. 261). The National Council of Catholic Women stated, "We strongly reiterate our opposition to the proposed 'ERA' to the U.S. Constitution as a threat to the nature of woman which individuates her from man in God's plan for His creation" (Stimpson, 1972, p. 261). In view of the political and public support in favor of the ERA, many expected that the ERA would be ratified by the required 38 states before the original deadline of March 22, 1979 and certainly by the later extension of June, 1982.

There were several phases in the states' ratification of the national ERA. The early stage was from 1972, when the ERA left Congress, until the late seventies, when the majority of states ratified the ERA, including Texas. In 1972 alone, the ERA was ratified in twenty-two states, eight ratified in 1973, three in 1974, and one each in 1975 and 1977 for a total of thirty-five states that ratified the amendment (Boles, 1985).

However, the ERA was defeated in June 1982 when the number of states needed to ratify failed to materialize. This failure ended a chapter of organized conflict about women's political status. Analysts have identified several important political and social reasons for failure, including the growth of fear that the ERA would change women's roles in the home, the opponents' effective linkage of ERA to sexual permissiveness and legal abortion, loss of existing financial obligations for men to support their families, loss of consensus in Congress, and poor organization by pro-ERA groups at the state level. However, the presence of Phyllis Schlafly's organized opposition is perhaps one of the key reasons for the defeat of the ERA at the national level (Berry, 1988; Boles, 1979; Marshall, 1991; Marilley, 1989).

## Phyllis Schlafly's Opposition

In February 1972, Phyllis Schlafly burst onto the national scene. Schlafly, a Republican conservative, former Vice-President of the National Federation of Republican Women, and founder of the anti-ERA groups Eagles Flying and Stop ERA, began to advocate against the then certain ERA passage in Congress. In February, 1972 she issued her, now famous, report "What's Wrong with 'Equal Rights' for Women?" This report stated, "Of all of the people who ever lived, the American woman is the most privileged. We have the most rights and rewards, and the fewest duties" (Schlafly, 1972, p. 1). She portrayed pro-ERA supporters as "a noisy movement... afflicted with aggressive females on television talk shows yapping about how mistreated American women are" (Schlafly, 1972, p. 2). With a forceful argument, she defended the anti-ERA position as being for motherhood, the family, and marriage (Schlafly, 1972). This issue was followed by a May, 1972 report to her constituents calling the ERA a "fraud"(p. 1) which was "rammed"(p. 1) through Congress by intimidation. She then called for people to oppose the ERA or in states that had already ratified the amendment, such as Texas, to ask for it to be rescinded. Later that year she launched the STOP ERA group to take on what she called a nearly impossible task. In 1975, she founded the Eagle Forum, billed as a pro-life organization that took on the goal of fighting the ERA (Schlafly, 1986).

The contemporary anti-ERA women, under the leadership of Phyllis Schlafly, mobilized in response to the success of the women's movement in gaining state ERA ratification. However, the anti-ERA movement was characterized by strong national leadership and not by grassroots organizations. According to sociologist Susan Marshall, "Phyllis Schlafly was Stop ERA"(Marshall, 1991, p. 358). Schlafly's success in large part was due to her organizational skills and her ability to build a broad network of coalition between the Stop ERA group and other conservative groups such as the Catholic Church, the John Birch Society, and the Mormon Church. Schlafly's ability to speak eloquently and her charisma engendered an intense personal loyalty.

### Implications for Future Women's Advocacy and Leadership

There are many lessons to be learned that are still relevant for contemporary women's leadership development. The history of the ERA points out the need for strong state and national ties. While national level ties may be important for impacting such national issues, the use of local ties for grass roots support may be an equally important strategy. The presence of Texas women who worked the ERA issue at both the state and national levels was important to achieve the state's success.

Also, efforts to both create and maintain intergenerational women's networks are critical if future female leaders are to be developed. Lessons learned are only important if lessons are not lost. This means finding the mechanisms to carry forward these experiences that have an empowering effect on younger generations. One of the most effective methods is the use of historical analysis around policy issues and the use of these case studies at the university level for educating a new generation of leaders.

In addition, the nature of women's leadership needs to be explored further in terms of what has worked in the past in such policy changes. Creating large circles of participation, forging connections both inside and outside of government for broad scale changes, committing to the importance of change within policy delivery and regulatory systems, are all important factors found in this study of women's leadership. But perhaps most importantly, women must use other forerunners of change as role models for their ability to see themselves as change agents.

## Conclusion

The significant advances that were made in Texas during the early suffragist movement, as well as in the contemporary ERA movement, depended to a large extent on the efforts of Texas women. Although reinforced by national movements, Texas pro-ERA women were highly visible and organized at the right time. This stronger organizational capacity in the state enabled the pro-ERA supporters to effectively handle the legislative initiatives regarding the amendment. They were able to move quicker, to mobilize better, and enhance the public's awareness regarding the amendment. In addition, the national ties forged by Texas women such as those of Hermine Tobolowsky and Modell Scruggs reinforced the independent culture of Texas women and continue today. These women and others in Texas forged the necessary alliances to endure victory for the state and national amendments.

Anti-ERA supporters with leadership from Phyllis Schlafly were responsible for the ultimate failure of the national ERA ratification. However, in Texas this mobilization of anti-ERA forces came too late and did not have a highly visible presence in the legislature until after the state ERA and the federal ratification had passed.

Such lessons of both success and failure for women's issues need to be taught routinely in undergraduate courses as future young women learn the lessons of leadership that were hard fought. This is especially true of preparation for a vision of leadership that includes change and advocacy.

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