

Equal Rights Amendment Is Approved by Congress

By EILEEN SHANAHAN
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WASHINGTON, March 22—The Senate passed the Equal Rights Amendment today, thus completing Congressional action on the amendment, which would prohibit discrimination

based on sex by any law or action of any government—Federal, state or local.

The 49-year struggle of feminists to get the amendment through Congress ended at 4:38 P.M. when the 84-to-8 vote was announced.

Thirty-two minutes later, Hawaii became the first state to ratify the amendment when the state Senate and House of Representatives registered its approval at 12:10 P.M. Hawaiian standard time (5:10 P.M. Eastern standard time).

The Senate galleries, which were filled with women of all ages and more than a few men, mostly young, applauded, cheered and let out a few cowboy yells despite having been warned in advance by Senator William V. Roth Jr., Republican of Delaware, who was presiding, that such demonstrations were not permitted.

The next and final step before the amendment can go into effect is ratification by 37 more states, the three-quarters required by the Constitution.

The signature of the President is not required.

Confidence that ratification would be achieved swiftly was expressed by a number of supporters of the amendment.

Senator Birch Bayh, Democrat of Indiana, who led the Senate fight for the amendment, said he thought it would be ratified "with dispatch."

Present on the Senate floor when the amendment passed was Representative Martha W. Griffiths, Democrat of Michigan, who is generally given the

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largest single share of credit for enacting the amendment. Two years ago, she succeeded in a rarely tried parliamentary maneuver to bring the amendment to the House floor without the approval of the Judiciary Committee, which had refused for decades even to hold hearings on the measure.

Also watching from the Senate floor when the amendment passed—a privilege that House members have—were Representatives Margaret M. Heckler, Republican of Massachusetts, and Bella S. Abzug, Democrat of Manhattan.

Mrs. Griffiths sat at the back-row desk usually occupied by Senator Edmund S. Muskie, Democrat of Maine, keeping her personal count of the roll-call.

Mr. Muskie returned from his campaigning in time for the roll-call, as did Senator Hubert H. Humphrey, Democrat of Minnesota. Both had missed what were generally considered to be key votes yesterday on changes in the amendment.

But two other Democratic Presidential candidates, although present yesterday, were absent today—Senators George McGovern of South Dakota and Henry M. Jackson of Washington.

Today's Senate debate centered, as it has from the outset, on what the consequences of the amendment would be.

Its principal opponent, Senator Sam J. Ervin Jr., Democrat of North Carolina, predicted many dire results. A series of seven amendments he offered were designed to thwart those results.

The Senate voted down all of Mr. Ervin's proposed changes. The largest number of votes that he mustered for any proposed change was 17.

The eight who voted against the Equal Rights Amendment included, in addition to Senator Ervin, only one other Democrat, John C. Stennis of Mississippi. The other opponents were Wallace F. Bennett of Utah, Norris Cotton of New Hampshire, Paul J. Fannin of Arizona, Barry Goldwater of Arizona and Clifford P. Hansen of Wyoming, all Republicans, and James L. Buckley of New York, Conservative-Republican.

How long it might take for the amendment to be ratified was unclear. Senator Bayh indicated he thought it would be two years. The amendment itself permits seven years to elapse before it dies, if unratified.

Common Cause, the organization headed by John W. Gardner that calls itself a public-interest lobby, announced that it would get to work immediately in the 26 states where legislatures are in session now. Where legislatures are not in session, it will start organizing for ratification, Common Cause said.

It is agreed by all that considerable litigation would probably be required before all the effects of the amendment were known. The following, however, are some of the laws and practices that the amendment expected to invalidate:

¶Laws imposing greater restrictions on a woman's right, than on a man's, to buy or sell property or to conduct a business.

¶Laws setting different ages at which men and women attain legal majority or have the right to marry or become eligible for tax-supported retirement plans.

¶Differing admissions standards for boys and girls in tax-supported educational institutions and different facilities and curriculums—such as physical education programs and shop facilities — in public schools.

¶Laws establishing different

jail sentences, by sex, for identical offenses.

¶Laws automatically giving preference to the mother in child-custody cases.

¶Laws granting alimony to women without reference to need and imposing the burden of child-support on the father, regardless of the relative economic situations of the two parents.

¶Regulations denying unemployment compensation payments to pregnant women who are still able and willing to work and laws that treat pregnancy differently from any other temporary physical disability.

¶Military rules setting high-

er entry standards for women volunteers than for men.

There is also general agreement that the amendment would require women to be drafted, if men were. The key vote in the Senate yesterday was over this issue, and Senator Ervin's amendment to prohibit the drafting of women was defeated, 73 to 18.

The main clause of the amendment is as follows:

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

The amendment is to take effect two years after ratification.