Why the Equal Rights Amendment Failed:

Disagreements among American Feminists in the 1920s
“While women are unprotected by law against working overtime in the oldest profession on earth, unprotected against bearing an unlimited number of babies, unprotected against endless housework, cooking, washing, scrubbing, sewing, etc., and attention to babies at all hours of the night, the protective laws of woman in industry are rank hypocrisy,” stated Kitty Marion of the American Birth Control League in *Forum* titled “Should Women Have Equal Rights?” Marion was one of many women in the U.S. in the 1920s who had very strong opinions about the newly written Equal Rights Amendment.

In the early twentieth century, women worked tirelessly in relation to the Equal Rights Amendment. In the 1920s, women worked on both sides of this new legislation, which created a division between the women feminists of America. This division involved women who recently had fought together for woman’s suffrage. After the achievement of suffrage, the National Woman’s Party (NWP) created the Equal Rights Amendment (ERA). The NWP encountered opposition, especially from its former ally in the fight for woman’s suffrage, the League of Women Voters (LWV). The ERA failed because feminists disagreed about how best to improve women’s lives. One faction of feminists looked to create equal rights through a constitutional amendment. The other faction of feminists wanted to improve women’s lives slowly through state legislation that protected working women’s rights.

In order to root out the issues that divided these early women feminists, this paper will look at the background of women’s suffrage, the creation of the ERA and its effects, the arguments of both sides of the ERA, and the hearings and their results in Congress about the ERA. Due to the disagreement among women feminists of the 1920s, the ERA failed to pass in Congress.
An ample amount of literature exists on the topic of the Equal Rights Amendment. Already we know that the National Woman’s Party wrote the Equal Rights Amendment in the early 1920s. The NWP took the Amendment to Congress and pushed for its approval, meeting much opposition, especially from another women’s group, the League of Women Voters. Several researchers have looked at the issue of the Equal Rights Amendment and why it failed. This paper will provide an in-depth analysis of the failure of the ERA on its first time around, using the information and theories from the following secondary sources.

Although there is no mention of equal rights for women in this book, Kristi Andersen expands on how women became active participants in the political system in her book *After Suffrage: Women in Partisan and Electoral Politics before the New Deal*. In her book, Andersen looks at women between the time they gain their right to vote up to the time of the New Deal. She dives into politics and how women were participating. Basically, this book is a good way to look broadly at the time of the ERA.²

Susan D. Becker’s *Origins of the Equal Rights Amendment: American Feminism Between the Wars* examines how feminism evolved between the wars, beginning with women’s suffrage. Her book provides good background information on the fight for women’s suffrage and how the two major parties were involved. She argues that any cooperation that existed between the major women’s parties during the suffrage movement disappeared in the 1920s when their ideas differed on how women’s economic opportunity could be improved.³

*Why ERA Failed: Politics, Women’s Rights, and the Amending Process of the Constitution* by Mary Frances Berry looks specifically at the Equal Rights Amendment and takes an in-depth look as to why the ERA failed. Since the book continues with the revival of the movement in the 1970s, only half of the book was applicable to the time period used in this
paper. Her purpose in writing the book is to analyze why the ERA failed in the context of the history of the amending process of the Constitution. Since her argument mainly deals with the 1970s campaign for the ERA, this paper only uses her background information of the ERA movement in the 1920s.4

In Steven M. Buechler’s, *Women’s Movements in the United States: Woman Suffrage, Equal Rights, and Beyond*, he argues that the ERA failed because long-time supporters of protective labor legislation felt that the ERA would erase all of their efforts to secure better options for women in the workforce. His major argument throughout his book is that equal rights is an ideology that has threaded all women’s movements together from past to present.5 Similarly in her essay, “Why Were Most Politically Active Women Opposed to the ERA in the 1920s,” Kathryn Kish Sklar argues that the major opponents of the ERA were those women reformers who felt that the ERA would invalidate all of the work done in the last couple of decades in the push for labor and health legislation that had been passed in favor of helping working and poor women. Her essay focuses on a major person opposed to the ERA, Florence Kelley, the most powerful force behind the passage of child-labor legislation.6

A great argument that author William H. Chafe uses in his book, *The Paradox of Change: American Women in the 20th Century*, is that after the suffrage movement women were lost about what to do next. Women split on the issue due to a difference of opinions over what exactly it meant to be a woman and what it meant to be equal. His book provides a different perspective on the split in the woman’s parties that had just won woman’s suffrage. Originally published in 1972, after Congress had finally passed the ERA, Chafe’s book gives an interesting view of earlier woman’s history, delving into the failure of the ERA the first time.7
Because she was the leader of the NWP, studies of Alice Paul are a crucial part of the history of the ERA. Christine Lunardini’s book, *Alice Paul: Equality for Women*, follows the life of Paul from her birth, to her militant beginnings in England, and back to the U.S. to fight for woman’s suffrage as well as equal rights.⁸

Most of the secondary literature uses similar primary sources such as newspaper articles from the *New York Times* and the *Washington Post*. The secondary literature also greatly made use of organizational records, especially those of the National Woman’s Party. The discussion presented in this paper deals with the arguments prevented by the two sides of the division of feminists in the 1920s. The argument is similar to that of Sklar’s argument and modifies her argument about protective legislation as the cause of disagreement about equal rights for women. Chafe also supports the argument affirming, “Women activists could be divided into two groups: suffragists who wished to remove a specific inequality, and feminists who aimed to transform the attitude of the entire society toward women.”⁹ Historians have addressed the failure of the Equal Rights Amendment in the 1920s as a small part of women’s history. But as this paper will argue, the failure to agree about equal rights for women in the 1920s set the stage for many more factions and disagreements among women throughout the history of the ERA. The arguments between the women through newspaper articles, pamphlet wars, public debates, and congressional hearings supports how divisions created a problem for legislation and prevented its passage.

For primary sources, this paper consults the National Woman’s Party papers as well as the League of Women Voters papers. These are especially important to anything being written about the Equal Rights Amendment because these were the two leading women’s parties of the day and they stood on opposite sides of the ERA: the National Woman’s Party pushed in favor of
it and the League of Women Voters pushed against it. It is important to look at each of these
organizational records because they each show a different point of view on the fight about the
Equal Rights Amendment. Each come with their own particular bias and favoritism for their
party and therefore provide information essential to figuring out each party’s arguments and how
those arguments were viewed by the other side.

The National Woman’s Party papers hold congressional records and pamphlets which all
center on the ERA. The NWP copied the 1925 hearing in the House of Representatives directly
into their papers. Pamphlets are remarkable tools because they allow you to view the same words
that women of the 1920s were viewing. They allow for gaining information and specific points
of arguments. The League of Women Voter Papers contains meeting minutes that introduced all
of the reasons why the League was against the ERA. The meeting minutes allow a person to read
into the inner discussions at meetings, allowing candid responses to be copied down onto paper.
The League of Women Voters papers as well as the papers of the National Woman’s Party can
be found in the Library of Congress but are accessible due to their digitization on the ProQuest
History Vault Database. The combination of all of these different types of sources allow the
argument to formulate around different types of resources to create a fuller argument with many
views.

Also, this paper uses a few newspaper articles from the New York Times. Newspaper
articles are necessary because they are primary sources that have recorded history as it is
happened. The articles may be somewhat biased because newspaper reporters tend to be biased
on their political views in their writings. Also, the NWP was probably selective in which
newspaper articles they added into their organizational records. Therefore, searching news
databases brought forth newspaper articles in their entirety as searchable documents. The
combination of these resources helped to build an argument. As woman’s suffrage came to a close, women feminists looked for new focuses and ways to help women, but differed greatly on how to go about helping women.

The fight for equal rights for women started long before the Equal Rights Amendment ever came into existence. Women began their fight with the issue of woman’s suffrage. The National Woman’s Party formed at the height of the fight for woman’s suffrage in 1917 as a group that had split off from the National American Woman Suffrage Association (NAWSA). The NWP mobilized women voters in states that already had women’s suffrage; the party lead women toward the goal of votes for all women throughout the United States. ¹⁰ By 1920, fifteen different states had already given women the right to vote.¹¹ With the creation and passage of the Nineteenth Amendment in 1920, women gained the ability to participate democratically in government.¹²

Although the Nineteenth Amendment provided women the right to vote, it did not necessarily make women free and equal citizens. If anything, it only brought attention to the significance of equality and what suffrage actually meant. Suffrage showed the possibility of how politics could change: “Women would come into mainstream male politics wholesale—that women would vote, campaign, and run for office—as well as the possibility that political outcomes would be affected.”¹³ An interesting idea that also arose from the gaining of suffrage for women was the idea that “suffrage challenged the assumption of male authority over women.”¹⁴

In the effort to gain the vote for women, activists pushed aside differences that normally caused factions such as class, race, and ideology. The fight for women’s suffrage allowed women to come together for a common cause, muting those differences that would later divide
them on the issue of equal rights. Social reformers and suffragists saw their causes as mutually beneficial, joining forces a decade before the passage of the Nineteenth Amendment. These groups saw that votes for women would enhance the power of social reformers. Meanwhile, the reformers' social agenda strengthened the suffrage cause by providing concrete examples of the good that would flow from women's votes. Although the NWP and LWV existed as allies for the duration of the fight for women's suffrage, their ideas differed on the next step needed to help women. The NWP wanted to create a constitutional amendment that would make women politically and legally equal in the Constitution. Alternatively, the LWV sought to push state legislation to equalize women in the work force and protecting their rights. This difference in opinion created a division between the two major groups that would prevent the passage of the ERA later on.

Following the adoption of the Nineteenth Amendment, the NWP and the LWV both struggled to decide on how next to help women become more equal in society. The National Woman's Party, in searching for their next project, underwent a period of reorganization between 1920 and 1923. After this period, the party emerged with a new objective: to gain legal and political equality for women. Similar to the NWP, "the problem of defining what made women different from or similar to men dominated the discussion of the League of Women Voters (LWV) when it was formed in 1919 as a successor body to NAWSA." Carrie Chapman Catt, the president, reorganized NAWSA into the League of Women Voters after the ratification of the Nineteenth Amendment. The newly formed LWV focused their new attentions on influencing legislation to benefit women. In their meeting minutes, the LWV defined themselves as a non-partisan organization created to help educate the women of the country to enhance their citizenship. The organization looked to pass protective legislation for women in
order to promote equal opportunity in business. They also supported equalization before the law in personal, family, and property rights.\textsuperscript{20} As the struggle for woman's suffrage came to a close, the NWP and the LWV took two separate paths on what to do next for women.

With the creation of the ERA, a dispute brewed between women about gaining equal rights. The fight started after the creation of the Equal Rights Amendment by the National Woman’s Party; if Congress passed the ERA, it would have great effects on women. When writing the ERA, the National Woman’s Party had questions concerning the ERA and what it would mean. In a pamphlet printed by the NWP, they looked at the issues that could be brought up concerning the ERA: whether husbands would have to continue to support their wives, if the bill would void the newly passed Sheppard-Towner Act, whether women would be subject to the draft, if fathers and mothers would be jointly responsible for illegitimate children, if penalties for rape would continue, and if there would be safe-guards to protect wage-earning women.\textsuperscript{21} These issues presented by the NWP brought to attention some of the questions and concerns that could prevent the passage of the ERA. Some additional analysis \textit{will be helpful here.}

In the article “Women Adopt Form for Equal Rights” in the \textit{New York Times}, the author declares that NWP delegates decided unanimously on the legislation presented on July 21, 1923 in Seneca Fall. Seneca Falls was the location of the Seneca Falls Convention of 1848, the first equal rights meeting in the United States. The woman’s party celebrated the seventy-fifth anniversary of the convention in conjunction with their meeting about the newly proposed Equal Rights Amendment. The party agreed upon this legislation despite their predictions of opposition.\textsuperscript{22} The legislation reads, “Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction. Congress shall have the power to enforce this article by appropriate legislation.”\textsuperscript{23}
The Equal Rights Amendment, although it was short, had significant meaning behind it. The amendment would guarantee women and men equal in legal terms. As the writer of the newly proposed ERA and one of the founders of the National Woman’s Party, Alice Paul resolved that the new amendment would give recognition to the fundamentals of law creating justice and democracy to ensure equal rights. She declared that state legislation to ensure equal rights would not be enough. Paul felt a constitutional amendment would create security. "The simplicity of its language was intended to avoid any of the entanglements that equal rights inevitably touched upon." It was the simplicity of the language in the ERA that would later divide women on its ability to void legislation passed in favor of women. The League of Women Voters would find issue with this simplicity in its blanket form fearing its eradication of their hard work.

The newly created amendment raised questions like the ones that the NWP asked. The NWP realized the Equal Rights Amendment would change women’s role in the U.S.; the party hoped the amendment would advance equality between men and women. The creation of the ERA allowed women to become more involved in politics as they fought to decide whether or not the ERA was the best idea for women of that time.

After the National Woman’s Party created the Equal Rights Amendment, they then needed to promote it. One of the pamphlets produced by the NWP called out to women, arguing that protective laws did not really protect. Women supporters of protective laws passed laws and legislation to help protect women in the work place by creating minimum-wages, maximum work hours, etc. The pamphlet stated that protective legislation was not only prohibitive and restrictive, but created unconstitutional principles in discordance with the Constitution and the inalienable rights “to life, liberty and the pursuit of happiness, with equal rights to all and special
privileges to none."26 This declaration is an example of some of the provocative statements that began to appear on pamphlets to gain the attention of readers across America. Continuing on with the same theme, the pamphlet goes on to announce what would be brought about if the ERA were to pass:

(1.) Equal Pay for Equal Work;
(2.) Equal Opportunities in Professions, Industries, Schools and Universities;
(3.) Equal Representation in Government and Equal Citizenship Rights;
(4.) Equal Control of Children, Property and Earnings;
(5.) Equal Right to Make Contracts in All States and Equality before the Law.27

The issues presented in this leaflet approached topics and situations that the NWP felt needed to be corrected with their amendment. Under the amendment, it would allow women to make the same wage as a man, it would provide more opportunities in the work force, it would allow for more women in government and politics, and it would give women legal protections.

Another pamphlet produced by the NWP screamed, "Do you know that Married Mothers of Maryland DO NOT have equal guardianship control with fathers over their own children?"28 The leaflet goes on to ask why this unjust condition exists, using a mother’s love of her children to gain support for the ERA. The pamphlet announced that a vote for the ERA would be a vote for equal guardianship. Equal guardianship meant: giving the mother equal right to the services and earnings of a minor child, the ability to sue for damages for loss of a child’s service and earnings when the loss is at the hand of a third party, give parents a joint right to collect those damages, and make the mother a fellow guardian of the child.29 The pamphlet attacked fears of mothers; it showed that a vote for the ERA would be in the best interest of a mother if her child was helping to support the family.
In response to concerns about the ERA voiding social and labor legislation passed in favor of women, an alternate pro-ERA pamphlet asked women to demand that no labor legislation be passed that would violate their constitutional right for contracting labor on the same terms as men. “This constitutional right can not [sic] be set aside on the grounds of public health and morals. Women are capable of taking care of their own health and morals. They have looked after the health and morals of their families for generations,” proclaimed the NWP brochure. The NWP argued that women had always taken care of themselves before pro-women social and labor legislation, and women would be able to do the same in the future as well. In an argument against the minimum wage law for women and children, the NWP identified in their brochure that “minimum-wage legislation which applies to women and children and not to men does not protect women, but gives jobs to men and boys who can undercut the minimum wage.” As the fight waged on over the Equal Rights Amendment, the National Woman’s Party supported their newly created legislation. But not all women supported the stance the NWP took on equal rights. The League of Women Voters and their supporters resisted the arguments put forth by the NWP, creating a division between women feminists. The LWV fought back, creating a pamphlet war between ERA-opposed groups and the NWP. In an ad for a town hall meeting in New York City on March 13, 1922, the advertisement proclaimed, “In the name of Equality! Why does the Woman’s Party strive to deprive—widows of pensions? mothers of prenatal care? women of protection from rape? to endanger—the 9 hours and night work laws and provision of seats for women wage earners?” The town hall meeting advertisement focused on the rights that women would lose with the blanket amendment. To the opposition, a blanket amendment did not have specifications; rather it “blanketed” the entirety of an area of legislation such as equal rights between men and women. Eight different local
women's organizations, including the League of Women Voters of New York City, sponsored the town hall meeting.\textsuperscript{33} The town hall meeting in opposition to the ERA exemplified the brewing arguments between the different feminists, showing a clear division between the women in favor of the ERA and the women against it.

As it became apparent that the NWP would aggressively promote the Equal Rights Amendment in 1923, the goal of the ERA became controversial immediately between women. Women reformers who viewed suffrage as a way to obtain social reforms "which in limited ways would treat women differently," felt the newly proposed amendment would be hurtful to these efforts.\textsuperscript{34} Many women supported woman's suffrage in order to gain voting power and pass legislation in favor of women and children. But when the NWP shifted their focus to gaining equal rights for women, many of the former supporters of woman's suffrage did not support this new argument. Reformers such as Carrie Chapman Catt, Florence Kelly, and Jane Addams, who had once supported suffrage, criticized this new move made by Alice Paul and the NWP.\textsuperscript{35} If the ERA were to pass, all of the legislation these reformers had worked hard to pass in favor of women workers would suddenly be invalid.

In the minutes of the National League of Women Voters, the members focused on why they were against the ERA; their reasons expressed why the fight against equal rights was important, showing the growing division between feminists and their different ideas of how to complete the same job. Their major reasons included: the unclear definition or standard of equal rights, the effect it would have upon protective legislation, the discrimination that would occur against women in their right to work, and the belief there was a better method to achieve the same goals.\textsuperscript{36}

\[\text{It will be useful to devote a chart to each of these points.}\]
In an article in the *New York Times*, by the title of "Open Fund to Fight Woman's Equality," the author talks about the growing amount of money that the opponents to the ERA were raising. The money raised would be used for efforts to respond to the massive canvassing of pamphlets by the NWP across the U.S. Dr. Alice Hamilton, the only woman member of the Harvard Medical School Faculty, declared: "Many women won't even know what this amendment is until it becomes law... I have always fought for woman's personal freedom, but I am absolutely against the proposed measure. We must not apply the abstract theory of equality without thought of the special conditions in industry and in law as they affect woman." Hamilton reiterated some of the main points used by the League of Women Voters in their campaign; they viewed the amendment as too vague and abstract which would leave the amendment open to extreme interpretations. In the end, those who opposed the ERA chose to divide themselves from the NWP. Because of this division between women, the ERA would fail to pass in Congress in the Congressional Hearing of 1925 in the House of Representatives.

Other groups besides the LWV opposed the ERA, such as the National Consumers' League and the Woman's Trade Union League. "This remarkable unanimity among women's groups was partly due to their reluctance to venture into new and more radical solutions to women's inequality. To a considerable degree, however, it was also due to the momentum of social reform within the suffrage movement that supported the enactment of special protective legislation for working and for poor women." Florence Kelley was another source of the major opposition coming from the political left. Kelley was a lifelong socialist and secretary general of the National Consumers' League from its founding in 1899 to her death in 1932 and the most powerful force behind the passage of child-labor legislation. Extremely effective in organizing
middle-class women consumers, Kelley led groups to undertake political action on behalf of what they believed were the best interests of women and children.³⁹ In a debate against Maud Younger of the National Woman’s Party, Kelley declared, “We who oppose both the Federal amendment and the blanket bills do so because we are convinced that, in this day of the history of the world, mere equality is not enough . . . But it [the amendment] does not meet the human needs of women. Women require now, and will always require many measures, more than men need and special to themselves.”⁴⁰ Kelley believed that women needed special protection. She felt that women would always require extra protection by the law to protect their needs in society, more so than males. A blanket bill would destroy this protection because it would equalize men and women and their protection under the law. In response, Younger shared a story of a mother who tried to sue a street railway company due to injuring her child. The judge denied the mother’s lawsuit and stated that only the father could bring the court to case. Unfortunately, the father had left the family behind and moved to Canada. Younger continued, “These discriminations have come down through the centuries, from a period where women occupied a position far inferior of that of today and although the attitude toward women has changed, laws based upon the position of women in by-gone ages are still found on our statute books in nearly every state.” Younger and Kelley held conflicting ideas of how best to help 1920s women, representing the two sides of the argument about the ERA.

Women were passionate about the issue and presented their arguments in articles that they wrote. In an article in the New York Times, “Working Women’s Case Against ‘Equal Rights’: Proposed Amendment Means Sacrificing Ethical, Social and Economic Protection for Questionable Privilege of Legal Equality, They Say,” Edith M. Smith, the legislative secretary for the Women’s Trade Union League of America argued against the ERA. Smith reasoned that
the Equal Rights Amendment was unclear about the meaning of equal rights and therefore would destroy protective legislation. Opposition to the ERA disliked how unclear the amendment’s words defined the meaning of equal rights. They feared that it would wipe out any protective legislation passed in favor of women in the previous few years. “The opposition to the proposed amendment is based upon legal opinions to the effect that the terms of the measure, undefined as they are and must be in a constitutional provision, would throw into the courts and probably invalidate laws giving rights to women which women need, irrespective of whether those same rights obtain for men or not.” Smith represented the anti-ERA side of the division between woman feminists, fearful of how the amendment would void protective legislation.

The arguments during the congressional hearing showcased the divisions among feminists. The first hearing for the Equal Rights Amendment occurred on Wednesday, February 4, 1925 in the House of Representatives. The NWP was the only group to show up to the hearing debate in favor of the ERA. The hearing began with a statement from Maud Younger, a member of the National Woman’s Party:

Mr. Chairman and members of the Committee on the Judiciary, in coming before you today, [sic] in this first hearing ever held in behalf of the equal rights amendment before congress, we recall that it was 60 years ago that Congress was first asked to act on this measure, when the fourteenth amendment was under consideration. Then the Equal Rights Society, led by Susan B. Anthony and others, memorialized Congress requesting that they remove all discrimination in regard to sex as well as race. As you know, the discrimination in regard to race were removed, but it rests with the men of this day and generation to do justice to the women of this country. For three-quarters of a century women have been trying though State action to remove these discriminations . . . Therefore, in order to remove those that exist to-day and to prevent new ones from being made in future, the national Woman’s Party has drawn up the amendment which reads, “Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction.”

Younger began the hearing by bringing attention to the iconic role this hearing would play in history, being the first of its kind. Younger talked about Susan B. Anthony, calling
attention to the length of time that women have been fighting about this issue. In just a small
going paragraph, she brought attention to the fact that even though Congress had solved the
problem of race, Congress had been unable to solve the problem of gender discrimination.
Younger states that for over seventy-five years, women have been trying to remove
discriminations by invoking federal action. In order to prevent new inequalities from arising in
legislation, an amendment must be made in order to prevent it.

After the statement made by Younger, Mabel Vernon, the executive secretary of the
National Woman’s Party, took her turn at the podium. She began her speech by talking about the
women’s movement and how it has changed the United States and how there was still so much
more to be done to create equality for men and women alike. She recognized Congress’s help in
securing woman’s suffrage, just five years previously. Vernon encouraged Congress to take the
next step in securing equal rights for all. Providing evidence, Vernon stated that since 1921,
using women lawyers, the National Woman’s Party created a legal research department to dig
through the Congressional Library as well as the Supreme Court library. They gathered all of the
research found on laws that affected women in all of the states in the country.44 “We wanted to
see how those laws concerning [sic] women were being interpreted by the court by the courts of
our country,” declared Vernon.45 Vernon explained laws are always changing and therefore the
research would never end.46

Moving on to her next point, Vernon stated that the NWP looked for expediency in the
passage of the ERA because they had other plans on their agenda. Vernon pushed the fact by
relating the length of time it took to receive suffrage.47 She concluded her argument by stating,
“I do not know what your attitude is toward the equality of women under the laws of this
country, but I do believe that every one of you must recognize that the advance of women is
inevitable. Vernon made it clear in her argument that women would continue to fight for their rights, no matter how often Congress would continue to deny them. To support her point, she included the example of when women asked to receive an education. The response stated that if women received an education, then homes would be ruined, children neglected, and women no longer good wives and mothers. Vernon went on to talk about more objections made against women in professions and newly gained suffrage. She claimed people have overcome these notions to move on to creating a society that treated women as equals.

Overall, the argument from the pro-ERA side, which only consisted of the NWP, focused on the historical landmark the case would be if passed. As Vernon pointed out, even if Congress did not pass the legislation that day, the advancement of women was inevitable. Society was moving into a direction towards equality which needed to be backed by proper legislation to equalize women legally.

The first speaker against the ERA was Katherine Ludington, the treasurer of the National League of Women Voters. Her opening statement:

Mr. Chairman and gentlemen of the committee, on behalf of the National League of Women Voters and representing the views of the Women’s Joint Congressional Committee, I want to open what I have to say by stating that we are not here in opposition to removing existing legal disabilities and injustices, under the law of our women. The League of Women Voters has been in the past five years, working actively to remove, law by law, State by State such difficulties. We are here in opposition to the blanket method; whether by Federal or State amendment, or by any type of general blanket, legislation.

Ludington pointed out that the LWV did not oppose equal rights but preferred legislation at the state level rather than at the federal level. Ludington also pointed out the LWV’s main reason for opposition: the amendment was too vague with a wide range of interpretation and therefore it
would be hard to establish a standard of what equality would mean to men and women under this new law.  

For the National Women’s Trade Union League, Ethel M. Smith, the national secretary of the group spoke. She presented a resolution at the Congressional hearing that clearly stated, “We oppose this amendment because, as a federation of working women and their allies, we are deeply concerned for the preservation and improvement of industrial standards such as the 8-hour day for women provided by some State laws, and the 48-hour work week, or the 9-hour or 10-hour day that other States provide.” Her statement brought up the issue that the constitutional amendment would invalidate all legislation Congress and States passed in order to protect women in the work force. Also, legal inequalities should not be addressed on the national level; states should eradicate these inequalities themselves.  

Florence Kelley spoke for the National Consumers’ League. She stated that the National Consumers’ League’s main objection to the proposed amendment were the potential ramifications due to the vagueness of the amendment. She believed that “if it should be adopted, [it would] create confusion and make it very difficult to get State legislation while the adjudication on the constitutionality of this statute would be pending.” Kelley believed that if the amendment passed, the ratification process would prevent further state legislation from passing that would protect women and children.

In the end, the groups against the ERA greatly outnumbered the NWP as the only party to support the ERA. Those groups against argued the vagueness of the amendment. They feared that the amendment would be interpreted broadly and all protective legislation would be invalidated. They believed that protective and specific legislation was the needed step to lead to equal rights for women rather than a blanket amendment. This decision and argument in
Congress proved the division growing wider between the NWP and other woman’s groups that searched to find ways to better the lives of women.

To conclude, women were unsatisfied with the results of what was and was not achieved through Congress and their new political power. Congress’s decision brought the division back to the surface. While the LWV and allies cheered and continued to push protective legislation for women, the NWP renewed their hope and continued their battle for the ERA. After their achievement of woman’s suffrage, the National Woman’s Party and the League of Woman Voters split on their opinions of how best to serve women next. The NWP chose to push the Equal Rights Amendment while the LWV chose to fight against the ERA in order to protect their protective legislation. Looking back at these early women feminists, the division between the two groups grew due to many factors: their background during the woman’s suffrage movement, the creation of the ERA and its affects, the arguments from both sides of the ERA, and the hearings and their results in Congress about the ERA. In the end, the ERA failed to be passed due to the separation between the two major women’s groups of the time, disagreeing about how best to improve women’s lives.

Ultimately, the ERA failed to pass in Congress in the 1920s and the NWP continually reintroduced it to Congress over the years. The 1940s and 1950s saw increased arguments about a woman’s place in society even though many women worked outside of the home. But in the 1960s, a revival of the women’s rights movement occurred. The movement focused on changing social and legal rights and responsibilities. Finally, Congress passed the ERA in 1972. Congress sent the amendment to the states to ratify it, placing a deadline on ratification. Although women were no longer divided about protective legislation, factions formed with women once again on opposite sides of the ERA. Because of this division, not enough states ratified the amendment
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