

“Are We There Yet?”

Rev. Carol McKinley

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First reading: From a book written in 1845, *Women in the Nineteenth Century*, by Margaret Fuller, a classic work of American feminist thought.

We would have every arbitrary barrier thrown down. We would have every path laid open to woman as freely as to man.... Then and then only will mankind be ripe for this, when inward and outward freedom for woman as much as for man shall be acknowledged as a right, not yielded as a concession.

Second reading: From the work of the philosopher and activist Angela Davis, author of *Women, Culture and Politics* and *The Meaning of Freedom*.

It is easy to feel discouraged and simply let go. There is no shame in that. We are, after all, engaged in a struggle that seems, if we look at it using a mainstream political framework and through a mass media prism, unwinnable. On the other hand, if we take a step back, look at things from a broader angle, reflecting on what is happening all over the world and the history of struggle, the history of solidarity movements, it becomes clear, sometimes even obvious, that seemingly indestructible forces can be, thanks to people's willpower, sacrifices, and actions, easily broken.

Sermon/Homily: Are We There Yet?

“Are we there yet?” I don’t think there is a parent who has not heard that plaintive question from a child in the back seat of the family car during a trip. Distance is not the problem; it’s that the promised destination, which seemed so close when they left the house, now seems unimaginatively distant. The child sees only the countless hours stretching before them.

But it’s not just a question from a restless child seat-belted in the back seat. “Are we there yet?” might be the question many feminists of all genders ask when looking at the very sloooow process that it has taken for women to receive full equality, to have the fullness of their humanity recognized within this country’s dominant male culture.

Yes, things have certainly changed since Margaret Fuller, a leading light among New England Unitarian intellectuals, including Ralph Waldo Emerson, Henry David Thoreau and Theodore Parker, wrote those words in *Women in the 19th Century* that we heard in the earlier reading. But change definitely has been slow. Seventy-five years passed

from the time Fuller wrote Women in the 19th Century to ratification of the 19th Amendment to the US Constitution which allowed most women the right to vote. And yes, it took even longer for Native American women to have that right.

After ratification of the women's suffrage amendment it took even longer – another 50 years, at least -- for a married woman to have a credit card in her own name, rather than that of her husband. Today, women head corporations, sit on governing boards, their demands for pay equity increasingly recognized. Women now serve in the military, even serve as clergy in once all-male mainstream faith traditions.

But there is one significant place where women's equality has not been recognized since Margaret Fuller's day: the US Constitution.

When the U.S. Constitution was adopted in 1787, the rights it affirmed were guaranteed equally only for certain white males. It took a devastating civil war, ongoing political struggles, constitutional amendments, laws, and court decisions to expand those rights beyond those certain white males to others. Yet the Constitution has never been interpreted to guarantee the rights of women as a class to be equal to men as a class.

As we well know, those founders who created the Constitution were far from perfect. Fortunately, they recognized this in themselves, and included provisions in the Constitution for the document to be updated regularly to reflect a growing and ever-changing society. That built-in adaptability is why, writes Jesse Wegman in a recent NY Times editorial, “40% of the Constitution we live under in 2022 consists of amendments. That is to say, the American People – those living today and those yet to come – are the authors of the Constitution no less than the founders are.””

But, you ask, haven't federal and state laws enacted over the decades ensured that women's equality is already a reality? Why is the Equal Rights Amendment needed? Isn't the proposed amendment a relic of the past? What would the ERA accomplish in these more enlightened times?

Advocates for the ERA argue that laws can be overturned, or not enforced. We are witnessing that possibility as the Supreme Court weighs the fate of Roe v Wade, the court case that decades ago affirmed women's right of access to abortion services, As Wegman said in his editorial, “Laws can be overturned, or not be enforced. Only a constitutional amendment is forever.”

Even then, as illustrated by the 14th or 15th Amendments, which stated that civil and voting rights would not be infringed on account of color or race, we know it can take decades for those guarantees to be reflected in our culture, work that continues today.

Ninety-nine years ago – 1923 – two leaders of the women's suffrage movement, Alice Paul and Crystal Eastmen, celebrated ratification of the 19th amendment giving women the right to vote. But they knew it but did not confer other rights. Paul and Eastmen sought to correct that omission. They saw an equal rights amendment as the next logical step, enshrining the principle of gender equality in the Constitution. They believed that obstacles that relegated women to second-class status in this country could be overcome by establishing the guarantee that constitutional rights may not be denied on account of sex – rights already existing in the Constitution for race, religion and national origin.

They proposed the original equal rights act, modeling its language on that of the 19th Amendment. It reads: 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 next two sections give Congress the power to enforce the article's provisions and establish its effective date.

Another 50 years passed after Paul and Eastmen proposed the ERA before it was approved by Congress; in 1971 it was sent to the states for ratification. Here in Washington state an active campaign for ratification began. I and many of my friends were enthusiastic volunteers for the campaign, doorbelling Olympia neighborhoods where, I recall, I met with a very favorable response.

But here, and nationwide, the ERA did not appeal to all voters; negative reactions quickly surfaced. As the 1970s women's liberation movement and the campaign for equal rights gained steam, with some women formed an active and effective opposition.

One Washington woman, Mrs. Robert Young, became a leading critic. She saw the ERA as anti-family and pro-communist, and organized a group called Happiness of Womanhood (HOW); she also formed the League of Housewives modeled after the League of Women Voters.

For some opponents, the ERA became a religious issue. At one debate, Young stated: "Women's libber's aren't Christians. We believe the wife and the mother is on a pedestal. Why should she descend to equality?" Local church leaders entered the fray as well; the campaign inspired some conservative ministers to warn, "A vote for the ERA is a vote against God." Others argued that the ERA would cause an overwhelming "decline in morals and cause an increase in alcoholism, divorce, desertion and sexual deviation" if women were to go to work instead of staying with their children.

Broader issues of women's liberation were targeted as well; one Happiness of Womanhood spokeswoman said, "We don't want our young girls taught that there's no joy in being a wife and mother."

Other arguments against the ERA, some designed to scare voters, sound familiar to us today as rhetoric used to oppose other liberation movements. Opponents claimed the amendment would legalize same-sex marriage and eliminate gendered restrooms. They stressed that elimination of gender specific laws would harm women, claiming that mothers would lose custody of their children and protective labor legislation.

The fear that the ERA would make women eligible for the draft incited the most voter opposition. The spectre of daughters going off to war angered many women who feared female draftees would be sharing restrooms and living quarters with men.

For ERA supporters, the draft was a tricky issue. Many liberal supporters called for the abolition of the draft itself and linked their efforts to the very vocal antiwar movement of the day. One ERA supporter said, "it would seem more prudent [to] spend more time and energy working to abolish the draft altogether than working to deprive one half of humanity of its equal rights." Other ERA advocates lobbied for equality within the military itself and for a woman's right to enlist and fight if she wished. Despite fears of female draftees and all-gender restrooms, the resolution approving the ERA in Washington state passed.

In response to conservative religious voices, the Unitarian Universalist Association's 1977 General Assembly adopted a resolution calling upon its members to work for ERA ratification through advocacy in state legislatures and by "minimizing economic participation in non-ratified states."

The UUA's resolution emphasized that the United States is increasingly out of step by not guaranteeing gender equality in its Constitution, something that at least 168 countries and 26 states – including Washington – had done.

Despite the efforts of supporters, ERA ratification energy lagged in the early 1980s. Since the required 38 states had not ratified the ERA, the general feeling in the country, even among supporters, was that the ERA had died.

But to paraphrase Mark Twain, "Reports of its death have been greatly exaggerated."

A contributing factor to its resuscitation is the increase in racial and gender diversity in state legislatures. Renewed efforts to ratify the Equal Rights Amendment began brewing, led by a new generation of predominantly Black women, women of color, and LGBTQ+ people who are among state legislators who believe a constitutional amendment is still needed to address inequities in areas like compensation, child care access, pregnancy protections, and domestic and sexual violence. Yes, gender protections have been expanded by court rulings, but many believe there are still gaps. As Jesse Wegman said in that NY Times editorial, "Only a constitutional amendment is

forever,”

Four years ago, Nevada state Sen. Pat Spearman, a Black queer woman, helped lead a successful effort to ratify the ERA in her state, the first statehouse to do so in 40 years. That effort became the catalyst for campaigns to ratify in Illinois then in Virginia, where a multigenerational group of lawmakers that included Black, Afro-Latina, and a transgender woman led to that state’s successful ratification of the ERA in January 2020.

“The fact that Virginia was the 38th state and that it was led by Black women is poetic justice,” said one of the legislators. “And the fact that we did it on the 100th anniversary of the 19th Amendment is poetic justice.”

And yet, there are still hurdles in the ERA’s path. The ratification deadlines that Congress set after it approved the amendment have lapsed, and five states have acted to rescind their prior approval. These raise important questions, and now it is up to Congress, the courts, and the American people to resolve them.

This month, March, is Women’s History Month; next Tuesday, March 8, is International Women’s Day. Even as these dates are commemorated in this country and the world, I hope we will not confine our recognition of women’s achievements to this month, or think that the work for equality has been completed. Let us every day, every year, honor the courage, struggles and commitment of generations of women and all people who believe in the possibility of a gender-equal world free of bias, stereotypes and discrimination. Let us, every day, every year, recognize that women’s struggles are part of the broader struggle for full freedom and equality by our LGBTQ+ kinfolk, all people of color, all ethnicities, all religious traditions. The struggle of all people to become what they hope to be.

Are we there yet? Not yet; the success of ERA ratification will require more work of jurisprudential experts to determine the relevance of the last states’ ratifications. It will require the commitment of not just the Alice Pauls or Crystal Eastmans or Shirley Chisholms, but of everyone. Angela Davis reminds us, “It is essential to resist the depiction of history as the work of heroic individuals.” Yes, it is the work of all of us to make real the promise of those words inscribed over the entrance to US Supreme Court, “Equal Justice Under the Law.”

May our Unitarian Universalist faith continue to nurture our hope, providing sustenance for our spirits as we join all those working for a transformed world where difference is valued and celebrated, a world where the inherent worth and dignity of everyone become truly interwoven in the web of life, a world where love prevails.