

the

# ERA

what it means  
to men  
and women

League of Women Voters  
1730 M Street, N.W., Washington, D.C. 20036

## **What is the ERA?**

ERA, the Equal Rights Amendment, is the proposed 27th Amendment to the U.S. Constitution. It says that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

## **What will the ERA do?**

It will remove sex as a factor in determining the *legal* rights of men and women. It will primarily affect government action. It *will not* interfere in private relationships. For example, the questions of who will wash the dishes, open the door, or bring home the paycheck are outside the jurisdiction of the ERA. The general principle is: IF A LAW RESTRICTS RIGHTS, IT WILL NO LONGER BE VALID; IF IT PROTECTS RIGHTS, IT WILL BE EXTENDED TO BOTH MEN AND WOMEN.

## **How will the ERA become law?**

33 states have ratified the ERA. Ratification by 5 more states before March 1979 will bring the total to 38—the three-fourths required to amend the Constitution. ERA will not become effective immediately, though, when the 38th state ratifies it. States will then have two years to review and revise their laws, regulations and practices—ample time to bring them into compliance.

## **Why do we need the ERA?**

Even though there are some laws on the books forbidding discrimination against women, there is no clear constitutional protection. The Supreme Court has never decided whether the 14th Amendment prohibits discrimination based on sex. Today, 52 years after ERA was first introduced, women in some states are still not recognized as mature, responsible adults. They cannot serve on juries, start a business, get a mortgage, control their own property, their own paychecks or the property and money of their children *on the same basis as men*.

*Men* need the ERA to assure equality of protection for widowers as well as widows and so that

families in which both the husband and wife work receive the *full benefits* of their labors. Fathers need the ERA to assure equal educational and job opportunities for their daughters as well as their sons.

## **What do national leaders say about the ERA?**

**President Gerald R. Ford** urged ratification saying, "In 1970, on the floor of the House, I said that the Equal Rights Amendment was an idea whose time had come. Today I want to reaffirm my personal commitment to that amendment. The time for ratification of the Equal Rights Amendment has come just as surely as did the time for the 19th Amendment." (August 26, 1974)

**U.S. Representative Martha Griffiths**—"In 196 years of this country's being, any government could make any law it chose against women and the Supreme Court has upheld that law. . . . Corporations have been 'people' for more than 100 years. It is high time that we too became human. We cannot rely upon the Courts. I urge the ratification of the Equal Rights Amendment." (February 27, 1973)

**U.S. Senator Strom Thurmond**—"This amendment would not downgrade the roles of women as housewives and mothers. It would confirm women's equality under the law and would uphold a woman's right to choose her place in society. . . . I want my daughter, Nancy Moore, to grow up with a full guarantee of every right and opportunity that our great country provides for all its citizens." (March 14, 1974)

**Ruth C. Clusen, President, LWVUS**—"The League has set a goal of 'Five for Seventy-Five'—ratification by at least five more states this year. Equal rights for women should be a priority issue for *all* citizens. Women contribute so much to our country, and they are entitled to *all* the rights, privileges and responsibilities of citizenship." (September 11, 1974)

**John Gardner, Chairman, Common Cause**—"The Equal Rights Amendment has developed

a genuinely broad base of political support. Women from every walk of life, women from all parts of the political spectrum, women representing the great middle range of American life are saying that the time for full equality has come. And men are saying the same thing." (August 27, 1973)

**First Lady Betty Ford**—"I believe that every woman has a place in this world and I believe that whether you are a housewife, a mother or whether you want to go into business . . . this is your choice, and every woman should have her choice. In that choice I think they should be considered equal, and that's what it's all about." (September 7, 1974)

**Glenn Watts, President, CWA**—"The Equal Rights Amendment remains on CWA's highest priority list, and we are pressing harder than ever to overcome the obstacles that have been placed in its path. Misconceptions and distortions on this subject have changed time after time to clear understanding and support, when adequate information and full discussion are provided. CWA delegates voted overwhelmingly for positive action on equal rights and we shall press on to the best of our ability until ERA becomes an integral part of our nation's Constitution." (September 11, 1974)

## **The ERA will equalize Social Security benefits.**

The ERA *won't* take away a single Social Security benefit women now have. It *will* give benefits equally to men and women. The 1972 Social Security Amendments have already moved in that direction. For instance, men as well as women can now begin to draw benefits at 62.

The ERA will enable a man to draw on his wife's social security just as any wife now draws on her husband's account. For example, today if a woman dies or retires, her widower is not automatically entitled as a dependent to his wife's benefits. Under ERA he would be.



## **The ERA will not interfere with an individual's privacy.**

The ERA will not affect the constitutionally guaranteed right of privacy, which permits the separation of sexes in such places as public toilets and military barracks. Under ERA, neither men nor women would have to share sleeping quarters in institutions such as coeducational schools, prisons, dormitories or mental care facilities.

## **Will women be drafted under the ERA?**

With a volunteer army in effect, it's a dead issue now, anyway. Under ERA, Congress could draft women (incidentally, it already can) but their chances of serving in combat duty are slim. In 1971 only 5% of eligible males were actually inducted into the services. Less than 1% were ever assigned to combat units, and only a fraction of those to the front lines. Women *won't* be "snatched away" from their children to be drafted. Men have always been exempted for a variety of reasons, including family responsibilities—and so will women be.

What the ERA *would* do is end the practice of demanding higher qualifications for women than for men in the armed forces, and so open up the possibility of military job training and veterans' benefits to more women.

## **The ERA will remove discriminatory labor laws.**

Labor laws saying what hours women can work and how many pounds they can lift, originally intended to protect women from being exploited on the job *were* often used to bar working women from getting jobs at better pay. *Such discriminatory rules and regulations still exist on the books in many states. Although Title VII and recent court decisions have invalidated such laws, the ERA is needed to insure that they will not be reinstated.*

## **The ERA will not do away with laws against rape.**

Criminal laws against rape and other sexual offenses will still be valid under the ERA—they are and will remain crimes against persons. In addition, courts will have to stop giving a longer prison sentence to a woman than to a man for the same offense—and vice versa.

## **How will the ERA affect states' rights?**

Section 2 of ERA, which reads, "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article," does not take away states' rights.

Whenever the Constitution is amended, the states have the right to act and enforce the amendment. Almost identical language appears in the 13th, 14th, 15th, 19th, 23rd, 24th and 26th Amendments to the Constitution.

## **What happens to women's rights in marriage and divorce under the ERA?**

ERA will continue a trend toward applying the yardstick, "Who is able to support whom?" Since courts seldom intervene in such private relationships as an ONGOING MARRIAGE, in reality a married woman living with her husband gets only what he chooses to give her. Under ERA, support in SEPARATION cases would be settled, as it is now, on an individual basis.

The case of the woman divorced in late middle years and unequipped by training or experience to earn a living is often cited. In a DIVORCE, the same principles of need and ability to pay will apply to ALIMONY AND CHILD SUPPORT under ERA—just as they do now. (At present, only 38% of fathers are making full child support payments one year after the decree.) Correspondingly, CHILD CUSTODY will be based on which parent can better care for the child.

## **Who supports the ERA?**

National organizations working for the ERA include:

AFL-CIO

American Association of University Women

American Bar Association

American Civil Liberties Union

American Federation of State, County and  
Municipal Employees

American Home Economics Association

American Jewish Congress

American Medical Women's Association

American Newspaper Guild

American Nurses Association

American Women in Radio and Television

B'Nai B'rith Women

Church Women United

Citizens' Advisory Council on the Status of Women

Common Cause

Communications Workers of America

Council for Christian Social Action, United Church of  
Christ

Democratic National Committee

Federally Employed Women

General Federation of Women's Clubs

International Brotherhood of Painters and Allied  
Trades

Intercollegiate Association of Women Students

International Brotherhood of Teamsters

International Union of Electrical Workers

League of Women Voters of the United States

NAACP

National Association of Negro Business and  
Professional Women

National Association of Women Deans,  
Administrators and Counselors

National Council of Churches

National Education Association

National Federation of Business and Professional  
Women's Clubs

National Organization for Women

National Secretaries Association

National Welfare Rights Organization

National Women's Political Caucus

NETWORK

Republican National Committee

UAW

United Methodist Church, Women's Division

United Presbyterian Church

United Steelworkers of America

Women's Equity Action League

Women in Communication

Women United.

YWCA

# What do national leaders say

## about the ERA?

President Gerald R. Ford urged enactment of the Equal Rights Amendment in his State of the Union message on January 15, 1974. He said that the Equal Rights Amendment was an idea whose time had come. "I want to reiterate my personal commitment to that amendment," he said. "The time for ratification of the Equal Rights Amendment has come just as surely as did the time for the 19th Amendment."

U.S. Representative James O. Eastland, Mississippi, said in his opening statement at the Senate hearing on the Equal Rights Amendment on February 26, 1974, that the amendment would not downgrade the role of women as housewives and mothers. It would confirm women's equality under the law and would not affect women's lives in industry, commerce, or any other area. He said that the amendment would not affect the rights of women as mothers and housewives, but it would affect their rights as citizens. He said that the amendment would not affect the rights of women as citizens, but it would affect their rights as mothers and housewives.

U.S. Senator J. Bennett Johnston, Louisiana, said in his opening statement at the Senate hearing on the Equal Rights Amendment on February 26, 1974, that the amendment would not downgrade the role of women as housewives and mothers. It would confirm women's equality under the law and would not affect women's lives in industry, commerce, or any other area. He said that the amendment would not affect the rights of women as mothers and housewives, but it would affect their rights as citizens. He said that the amendment would not affect the rights of women as citizens, but it would affect their rights as mothers and housewives.

U.S. Senator William French Buckley, New York, said in his opening statement at the Senate hearing on the Equal Rights Amendment on February 26, 1974, that the amendment would not downgrade the role of women as housewives and mothers. It would confirm women's equality under the law and would not affect women's lives in industry, commerce, or any other area. He said that the amendment would not affect the rights of women as mothers and housewives, but it would affect their rights as citizens. He said that the amendment would not affect the rights of women as citizens, but it would affect their rights as mothers and housewives.

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This list is incomplete, many organizations are joining each week.

**ERA United  
North Carolina**

Name  Phone

Address  Zip

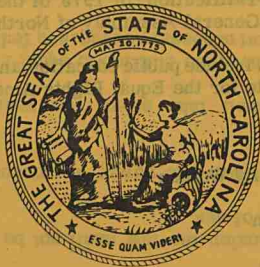
I would like to support ERA United

Enclosed is my contribution

I wish to help and become involved in my local ERA unit

Please mail this to Marlene Kilbey, 2527 Wightwood Ave., Durham, N.C. 27702

EQUAL RIGHTS TO ALL



TO BE NOT TO SEEM



## **WHAT DOES THE EQUAL RIGHTS AMENDMENT SAY?**

**"Section 1.** Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

**"Section 2.** The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

**"Section 3.** This amendment shall take effect two years after the date of ratification."

Note that men as well as women are entitled to equal rights, and that a two-year period is allowed after ratification so that necessary changes in federal and state laws can be made.

Simply stated, the Amendment provides that sex should not be a factor in determining the legal rights of men and women. It thus recognizes the fundamental dignity and individuality of each human being. ERA will affect only governmental action; the private relationships of men and women are unaffected. It will require equal treatment of individuals under the law.

## **WHAT IS ERA UNITED?**

ERA United, Inc. is a non-profit corporation established by a coalition of North Carolina organizations to work for the ratification in 1975 of the Equal Rights Amendment to the United States Constitution by the General Assembly of North Carolina.

The activities of ERA United, Inc. include public education and efforts to encourage additional members of the legislature to vote for the Equal Rights Amendment.

Member organizations include:

American Association of University Women  
American Civil Liberties Union  
Business and Professional Women  
Common Cause  
National Organization for Women  
North Carolina Council of Churches  
North Carolina League of Women Voters  
North Carolina Women's Political Caucus  
United Methodist Women of the Western North Carolina Conference.

This list is incomplete, many organizations are joining each week.

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Name ..... Phone .....

Address ..... Zip .....

I would like to support ERA United .....

Enclosed is my contribution .....

I wish to help and become involved in my local ERA unit .....

Please mail this to Marlyne Kilbey, 2527 Wrightwood Ave., Durham, N.C. 27705

WOMEN  
AND THE LAW:

A Handbook for  
North Carolina

Women in Law  
University of North Carolina  
Chapel Hill

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Women in Law  
University of North Carolina  
Chapel Hill  
1975

Information about obtaining copies of this pamphlet may be obtained by writing to:

Women in Law  
Law School  
University of North Carolina  
Chapel Hill, N.C. 27514

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Anne Edenfield, Trustee

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# Introduction

These days there is a lot of discussion about "women's rights." All over the country women are beginning to realize that they have a legal existence as well as a personal one. Legislatures in each state and the federal government have passed laws which directly and indirectly affect the lives of women. Courts have made decisions which also affect women as a class because they are another kind of law — the common law.

Some laws are specifically intended to protect women as a class of citizens, such as laws which regulate the number of hours per week that women may work. However, these special laws are considered by some people to be discriminatory because their "protection" also limits the rights of women to make their own choice. Some women, for instance, may want to work more than the permitted hours per week because they need the additional money. Most laws, however, are neutral. They exist to define the rights and responsibilities of citizens so that as we go about our business and personal lives we know what is expected of us and what we may expect from others.

Sometimes we believe that we have been unfairly or unjustly treated, that someone has harmed us, or that we have been discriminated against simply because we are women. We suspect that we could improve our lives if we took full advantage of the legal rights that we have — if only we knew what they were.

This booklet was written to help the women of North Carolina know what are their legal rights. We have tried to deal with the life situations common to most women. We hope that the information presented in this booklet will help you to know what your rights and responsibilities are — what laws exist to protect you from discrimination and other harms.

We have also given you information that should at least be a help in knowing how to start to exercise your rights. If there are government agencies set up to hear your complaints, we have directed you to them. Sometimes the first place to begin is with a call to the police. Often we have advised you to consult a lawyer because the process involved is not something you can do on your own.



Perhaps you are hesitant to call a lawyer because you fear that you do not know enough to discuss your situation or fear that the lawyer will think your problems unimportant. Let us reassure you. Lawyers have the obligation to give serious consideration to every complaint. This booklet provides a general introduction to existing North Carolina law which is particularly relevant to women; it should prepare you to speak knowledgeably with an attorney on these matters. But, let us stress that this booklet is a general introduction, not a "do-it-yourself" guide. Professional advice is necessary for the resolution of many of the problems discussed in this publication. If you need an attorney, *see one*.

It is important to find a sympathetic lawyer — someone who will appreciate your special concerns as a woman and who might have a particular interest in, or experience with, your complaint. Perhaps the best way to find such a lawyer is to ask a friend who has been in a similar situation to recommend one to you. Another way to obtain the names of sympathetic lawyers is to contact a local women's group or the women in law group at one of the law schools in this state. After you have tentatively selected a lawyer, we have some suggestions for you to use when you go to her/him:

- Don't be afraid to tell the lawyer the whole story as accurately as possible. Lawyers are pledged to keep *all* information that passes between you *confidential*.
- Ask all the questions you want to. It is *your* business that is under discussion and you have the right to understand what are your rights and to know what the lawyer is planning to do for you.
- The lawyer will probably tell you what the cost of taking legal action will be. If not, be sure to *ask* her/him directly. And if it is too expensive for you, then do not be afraid to say so.
- Most important of all, remember that both you and the lawyer have a right to say no to each other. That lawyer may decide that s/he cannot take your case. You may decide after talking with the lawyer that you don't want to go any further — or that you would like to consult another lawyer. You are not obligated to continue — especially if you believe that it will cost more than it is worth to you.

If you can't afford to go to a lawyer, but believe that you need legal assistance, there may be other possibilities. Check your phone book for the address of the Legal Aid Society in your community.\* Another possible source of legal advice at no cost to you is the North Carolina Civil Liberties Union. Check to see if there is a chapter in your community or write or phone the state office.\* In order to receive assistance from such groups, you will have to qualify for help. The Legal Aid Society helps people who have low incomes. The Civil Liberties Union takes cases which involve civil or constitutional rights such as being discriminated against

\*Legal Aid Societies:

Charlotte  
Durham  
Greensboro  
High Point  
Raleigh  
Winston-Salem

\*North Carolina  
Civil Liberties Union  
P.O. Box 3094  
Greensboro, N.C.  
27402  
(919) 273-1641

on account of your sex. Do not hesitate to contact these agencies to find out if you qualify for their assistance; they are there to serve you.

Our booklet is not intended to solve your problems; there is no way that we can do that. We hope, though, that it will help you to identify your rights as a woman and as a citizen and to begin to exercise them. Good luck.

Anne Edenfield, Chairperson  
Becky Bosley  
Joanne Foil  
Ellen W. Gerber  
Nancy Griffin  
Carolyn McAllaster  
Susan Owens  
Barbara Ruby  
Mary Paige Smith  
Barbara Vestal

Women in Law Booklet Committee

# Employment

## State and Federal Laws

There are three principal federal laws that make it illegal to discriminate against women because of their SEX in matters of employment.\* They are Title VII of the Civil Rights Act of 1966, the Equal Pay Act, and Executive Order 11246 as amended by Executive Order 11375, which requires "affirmative action" in the employment of women and minorities. In addition many states have their own Equal Pay Acts and Fair Employment Practices Acts, but North Carolina has neither.

### \*Violations

It is possible that in any given situation, more than one of these laws will be violated. If so, you may, and probably should, register a complaint with each agency. Follow the procedures set forth next to each law.

You may also receive help from other sources. Contact: Your local chapter of NOW or the North Carolina Civil Liberties Union, P.O. Box 3094, Greensboro, N.C. 27402  
(919) 273-1641

### Title VII

Title VII prohibits an employer from refusing to hire, discharging, or otherwise discriminating against any person as to any condition of employment because of their race, color, religion, SEX, or national origin. This means an *employer* can *not*:

- refuse to hire married women yet hire married men
- administer employment applications that discriminate against women
- have a pension plan which pays widows but not widowers
- have a health insurance policy which is available to men and women of the same work status at different rates, or covers dependents of male employees but not dependents of female employees
- fire a woman because she is pregnant
- print or publish employment notices (including want ads) or recruitment literature which indicates a preference or limitation on the basis of sex.

Title VII also prohibits an employer from adversely segregating or classifying employees because of their race, color, religion, SEX, or national origin. Therefore, an employer may *not*:

- use separate seniority lists for men and women
- stereotype jobs as all male or all female
- restrict the working hours and other working conditions of women but not men
- administer sex discriminatory apprenticeship and training programs (such as excluding women from some programs)
- establish discriminatory promotion opportunities.

*Labor Unions* are also covered by Title VII, and they may *not*:

- exclude or expel women from membership in a union solely because of sex
- maintain all male or all female unions
- refuse to refer women union members for jobs
- cause or attempt to cause employers to discriminate (e.g. negotiate discriminatory collective bargaining contracts)
- refuse to process or arbitrate the legitimate grievances of women union members
- discriminatorily administer apprenticeship or training programs.

*Employment agencies* also are covered by Title VII and may *not*:

- refuse to hire women
- classify or refer individuals for jobs on the basis of sex
- advertise jobs as all male or all female.

Some other areas in which Title VII guidelines make it illegal for employers and unions to make distinctions on the basis of race, color, religion, SEX, or national origin include:

- vacation time and pay
- overtime work and pay
- medical, life and accident insurance coverage
- retirement age privileges.

You are covered by Title VII if you work for or are seeking a job from any of the following employers who have 15 or more employees:

- a private employer
- a labor organization involved in industries affecting interstate commerce
- an employment agency
- a federal or state training and employment service system
- a public or private educational institution (Note, religious educational institutions may give preferential status to persons of a particular religion without violating the law; but they can not discriminate on the basis of SEX, color, race, or national origin.)
- a collective bargaining unit
- state and municipal governments.

You are *not* covered by Title VII if you are seeking a job from or are currently employed by:

- any of the above employers who have less than 15 employees
- a private membership club.

There is a narrowly defined category of jobs for which Title VII does not prohibit preferences on the basis of SEX. For these jobs sex is considered a "*bona fide occupational qualification*" (BFOQ), meaning that a person's sex is reasonably related to the operation of that particular job. Examples include:

- female and male models
- actresses and actors.

The courts have very narrowly interpreted this BFOQ exception (e.g. sex is not a BFOQ for a job as an airline hostess or host), and thus for all practical purposes it is not significant.

An employment application may request sex or marital status if:

- it is not sought in bad faith
- it is applied equally to men and women.

Any person (or group) who believes s/he has been discriminated against by an employer, employment agency or union that is covered by Title VII may file a complaint charge\* with the Equal Employment Opportunity Commission (EEOC). Some states have their own agency with whom the complaint must first be filed, but North Carolina has none. EEOC guarantees that your records, should you file a complaint, will be kept confidential.

EEOC will then investigate your complaint, at no cost to you, and if a violation is found, EEOC will try to end the discrimination through conciliation.

If an acceptable agreement can not be reached, EEOC can do one of four things:

- file a civil lawsuit against the employer
- refer the case to the U.S. Attorney General if the employer is a government agency or political subdivision
- refer the case to the Civil Service Commission if the employer is the federal government
- issue a "right to sue" letter which allows you to bring your own lawsuit.

If the EEOC brings suit on your behalf it will cost you nothing. But because of the large backlog of cases, it may be up to two years before you get any relief. For this reason Title VII allows you to institute lawsuits against the employer.\* Although you must hire your own attorney and pay her or his fees, if you are successful in your suit the court may award you court costs and attorney's fees in addition to any actual damages you are awarded.

If you are harassed by an employer\* because:

- you filed a complaint
- helped someone else file a complaint
- participated in an investigation or a hearing of a complaint

#### \*Title VII Complaint Procedure

1. Obtain a charge form from the EEOC at 411 N. Tryon St., Charlotte, N.C. 28202.
2. Complete the form, which basically requires a description of the practice you allege to be discriminatory and return it to the EEOC within 180 days from the date the alleged violation took place.

#### \*Title VII Procedure for Bringing Suit

1. First file your complaint form with the EEOC and give it 180 days to investigate.
2. Request a "right to sue" letter after the 180 days have passed.
3. Within 90 days of receiving this letter contact your own attorney (EEOC will provide you with a list of lawyers who handle Title VII cases) and file your lawsuit.

\*Report any incident of harassment to the EEOC, 411 Tryon St., Charlotte, N.C. 28202.



— opposed an illegal employment practice in any other lawful way,  
you should know that this kind of harassment is just as illegal as the original discrimination.

### Equal Pay Act

The Equal Pay Act of 1963 is an amendment to the Fair Labor Standards Act and covers all employees who are required to be paid the federal minimum wage. Unlike Title VII, which deals with all areas of employment and is not limited to sex discrimination, the Equal Pay Act covers only SEX-based wage discrimination.

This Act basically requires that the same wages must be paid to men and women who perform substantially — but not identically — the same work:

- in the same establishment *and*
- under similar working conditions *and*
- on jobs requiring equal skill, equal effort, and equal responsibility.

It does, however, permit wage differences as long as:

- they are based on a bona fide seniority or merit system *and*
- SEX is not a factor.

The wages which must be equal for men and women include not only actual pay but also things such as:

- pension plans
- insurance benefits (maternity benefits are excluded by this law but are covered by Title VII)
- paid vacations
- retirement benefits
- overtime pay.

This means that an employer may be violating the law if s/he makes a distinction between sexes on these additional benefits even if the actual wages are the same.

Courts have held that it is a violation of the Equal Pay Act to:

- pay a man doing the same job as a woman more money just because a man is considered the head of household
- pay a man doing the same job as a woman more money just because he occasionally has some extra duties (e.g. lifting machinery) that are not a regular constant part of his job
- pay hospital orderlies more than nurses' aides when both do substantially the same work, even though their tasks are not exactly the same.

The crucial aspect of this law is that male and female jobs do not have to be identical — only substantially the same — for equal pay to be required.

If you believe that your employer has violated the Equal Pay Act, you may file a complaint\* with the U.S. Department of Labor, Wage and Hour Division. It can investigate your complaint — without disclosing your

#### \*Equal Pay Act Complaint Procedure

1. Contact the U.S. Department of Labor, Wage and Hour Division, P.O. Box 2220, Greensboro, N.C. 27402/(919) 275-9111, Ext. 494 within 2 years of the violation.

or

2. Retain your own attorney and sue within 2 years of the violation.



name to your employer — and get her/him to voluntarily comply. If necessary, the Wage and Hour Division can bring a lawsuit without any cost to you. The law allows you to recover up to 2 years back wages that you were denied. If you bring suit with your own attorney, you may recover court costs and attorney's fees in addition to the back pay.

Because the backlog of equal pay cases is much less than Title VII cases, it is just as efficient and will cost you nothing if you allow the Department of Labor to handle your case. However, if you think that your equal pay violation is also a violation of Title VII (it often will be), you should file a complaint under both laws.

• **Executive Order  
Complaint Procedure**

If a *federal contractor* is involved, contact:

U.S. Department of Labor, Office of Federal Contract Compliance, 14th and Constitution Ave. N.W., Washington, D.C. 20210.

If a *school, college, university, hospital medical, health or social facility* is involved, contact: Office for Civil Rights, Dept. of HEW, 303 Independence Ave. S.W., Washington, D.C. 20201.

If a *federally funded project* is involved, write to the agency that has granted the funds or Regional Office of HEW, 50 7th St. N.E., Atlanta, Ga. 30323.

• **Title IX  
Complaint Procedure**

1. First contact your school superintendent or Board of Education to request changes.

2. Then, if necessary, write to the Office for Civil Rights, Dept. of HEW, Washington, D.C. 20201.

• This law is enforced by the Wage and Hour Division of the Labor Department, which also enforces the Equal Pay Act.

**Executive Orders**

The Executive Order 11246 as amended by Executive Order 11375\* is a federal law that deals with SEX discrimination by federal contractors and requires:

- companies and public and private institutions that have federal contracts of \$500,000 or more, to have "affirmative action" plans to increase the utilization of women and minorities
- revocation of contracts for failure to conform to the plan. (This potential weapon has been used to the advantage of women — especially on college campuses and with large federal contractors).

**Other Legislation**

Title IX\* of the Education Amendment of 1972 forbids SEX discrimination in programs, services, and opportunities in school systems receiving federal aid. It *applies to*:

- public and private schools of all levels
- vocational schools

But it *exempts*:

- religious schools
- military schools
- schools which are now, or were until recently, open to one sex only.

This law is useful to fight schools that, among other things:

- require only girls to take home economics
- refuse to allow girls to take shop
- fail to provide adequate athletic facilities or teams for girls while so providing for boys.

The Age Discrimination in Employment Act of 1967\* prohibits discrimination against men and women workers between the ages of 40 and 65 on the basis of their age.

**Protective Labor Laws**

Until 1973 when the General Assembly deleted them, North Carolina had several so called "protective" labor laws, passed many years ago purportedly to insure the

health and safety of working women. One law prohibited women in certain occupations from working more than 9 hours a day or 48 hours a week. Another law prevented women from working more than 10 hours a day or 55 hours in any one week as a retail or wholesale clerk. The laws required women to have 30 minutes rest every 6 hours and to be provided with suitable seats for use during these periods. Men were not restricted by any comparable laws.

Now all of these laws have been repealed and any limitations as to hours apply equally to men and women, based on the idea that if any protective laws are necessary men also should have the benefit of them.

## Maternity Leave

In 1974 the United States Supreme Court decided that mandatory maternity leave provisions are unconstitutional.\* Furthermore, the guidelines for Title VII state that pregnancy is to be treated by employers just like any other temporary disability. This means that:

- as a pregnant woman you must be allowed to work as long as you are physically able
- the decision as to your physical ability to continue working must be based on your individual condition—not on a standard rule applied across the board to all pregnant women (this decision is usually best left to the judgment of you and your doctor)
- after you do become physically unable to work, your employer is not required to keep you on the job.

If you are pregnant you are entitled to maternity (as distinguished from childcare) leave:

- for any pregnancy related condition (including abortion);
- only for the time period when you are actually physically unable to work before and after childbirth (the amount of time you get depends on your individual health and job condition and not on a set rule).

Maternity leave does *not* mean:

- time for child rearing (although you may be able to get a leave of absence) since the leave is only for the physical condition of being pregnant
- the time before and after childbirth when you are physically able to work but just want time off.

When you take maternity leave you must be given the same fringe benefits given to other medically disabled employees including:

- disability insurance, if available to others
- sick leave
- opportunity for reinstatement to your original job or to an equivalent one with the equivalent pay,

\*Cleveland Bd. of Education v. LaFleur, 414 U.S. 632 (1974)

seniority, retirement, fringe benefits, and other service credits.

Your employer can *not*:

- legally terminate your employment just because you are pregnant
- refuse to grant a reasonable length of leave time for your temporary disability of pregnancy
- force you to take leave for a longer period than you are actually disabled
- deny you benefits that you have accrued in your employment because you are pregnant
- deny you maternity benefits because you are not married.\*

Maternity leave is an area that is far from being legally settled at this time, and most employers still treat pregnancy and childbirth absences less favorably than other medical conditions. Also many insurance companies either exclude maternity benefits from their policies or charge a much higher premium to include it.

North Carolina has no statutes or case law directly relating to maternity leave, but you should be alert for new laws on this subject which are certain to come in the future.

## Unemployment Benefits

General rules concerning unemployment benefits and eligibility for them may be obtained from your local unemployment office. Basically, to be eligible for these benefits you must:

- have worked on a job that qualifies you for unemployment benefits for a certain length of time prior to becoming unemployed (not included are jobs as domestics, homemakers, and agricultural labor, among others)
- register for work at your local unemployment office
- continue to report to that office in accordance with its regulations
- be available for work
- be actively seeking work during the entire time you are receiving benefits.

If you have been discharged for misconduct connected with your work, or you voluntarily leave without good cause, then you will have to wait from 4 to 12 weeks before becoming eligible for benefits.

Even though you meet all these qualifications, if you are pregnant you may run into problems. Prior to a 1973 change in the law,\* pregnant women in North Carolina were absolutely denied unemployment benefits for the 3 months before and the 3 months after childbirth even if they otherwise met all the requirements. Now they can no longer be presumed ineligible by law for any specific predetermined period of time. If a pregnant woman meets the requirements imposed on everyone else she may receive benefits.

### \*Maternity Leave Discrimination

Contact one:

EEOC

411 N. Tryon St.

Charlotte, N.C. 28202

or

U.S. Dept. of Labor  
Wage and Hour Division

P.O. Box 2220

Greensboro, N.C. 27402

(919) 275-9111,

Ext. 494

or

An attorney of your  
choice or a Legal Aid  
Society.

\*N.C.G.S. § 96-13

If you voluntarily leave your job because you are pregnant, but you are still physically able to work:

- you must wait the 4 to 12 weeks before being eligible for benefits, just like everyone else who voluntarily leaves her/his job.

If you are *pregnant* you may *not* receive benefits if:

- you have taken maternity leave because you are no longer physically able to work (all recipients must be currently able and available for work)
- you are receiving any type of leave pay from your employer (including maternity, sick, or disability).

If you are *pregnant* you *may* receive benefits if:

- your employer has let you go due to a reduction of employees and you just happen to be pregnant
- you are still physically able to work but your employer has let you go just because you are pregnant or has forced you to take maternity leave early (neither of these can be done legally).

You remain eligible for benefits up until the time you become physically unable and unavailable for work, so long as you meet the other requirements.

After *childbirth* you are eligible for benefits:

- as soon as you are again able and available for work and cannot find a job or are denied the right to return to your former job (an employer cannot legally do this).

Under this new law pregnant women are just as eligible for unemployment benefits as anyone else during the time they are physically able to work. You cannot be denied eligibility merely because you are pregnant—it is your individual circumstances that control—nor are you given special benefits due to your pregnancy.\*

\*If you have any problems as a pregnant woman seeking unemployment benefits, you should contact an attorney of your choice or a Legal Aid Society.

# Finances

## Credit

Credit is an area in which there are a great number of SEX discrimination problems.\* There are now two principal laws directly available to women who think they have been discriminated against in obtaining credit—one state law and one federal law. They are N.C.G.S. § 25 B-1 to B-4\* passed in 1974 and the Equal Credit Opportunity Act (ECOA)\* passed in 1974 but not effective until October 28, 1975. In addition to these the Fair Credit Reporting Act (FCRA) may also be indirectly applicable to sex discrimination in credit.

### \*Credit Discrimination

Contact:  
The Office of  
The Attorney General  
Raleigh, N.C.

or

An attorney of your  
choice

\*Remedies under the *N.C. law* include:  
— injunction by the Attorney General of the discriminatory practice;  
— actual damages suffered by the woman  
— reasonable attorney's fees if a successful lawsuit is brought by the woman.

\*Remedies under the *federal ECOA* include:  
— punitive damages of a maximum of \$10,000 for an individual plaintiff, and \$100,000 or 1% of the net worth action  
— actual damages  
— attorney's fees and court costs

*Note*, the ECOA does not become effective until Oct. 28, 1975. Once effective an action under this law must be brought within 1 year of the violation.

The following are examples of common credit practices which have been used to discriminate against women and an explanation of how these practices will be affected by the above laws:

- Single and divorced women are often held to higher standards than men of any marital status when applying for bank-sponsored (Bank Americard or Master Charge) or travel (American Express or Diners Club) credit cards. The North Carolina law and the ECOA require that married and unmarried women be given the same treatment as men in their equivalent economic position would be given. Different standards on the basis of SEX or marital status are prohibited.
- Women of any marital status find it difficult to obtain personal loans, and if you can get them the lenders often require a co-signer (usually a male), whereas a man in the same position would have no trouble getting a loan nor would he be required to have a co-signer. Both laws prohibit a lender from requiring a woman to have a co-signer unless a man in the same economic position would be required to have one. And the lender can not make it more difficult for the woman to obtain the loan.
- Women who are otherwise eligible have been denied mortgages to purchase real estate because of their SEX. This is prohibited by both credit laws as well as the National Housing Act and the Housing and Community Development Act of 1974.
- Single women with established credit who marry are often required to reapply for the same credit and are asked for information about their husbands when the only change is their marital status. Again this is prohibited by both laws since men who marry are not required to reapply, and it is illegal to make distinctions on the basis of SEX.
- Married women have been unable to obtain credit in their own names. Credit cards are routinely issued in the husband's name only. But if you are married *and* you meet the financial requirements you have the right to have all of your credit in your own name, and you should always do this. This means using your own surname if it is different from your husband's or using your first name if you both have the same last name (Ms. or Mrs. Mary Smith instead of Ms. or Mrs. John Smith). It is important that your credit be in your own name, because if you become separated, deserted, divorced, or widowed and all of your credit is in your husband's name, you probably will have to reapply for credit in your own name. Even though you have substantially contributed to the family income all along, there is a good chance you will be denied credit when you reapply since you have not established your own credit record. Some of these problems are avoided if you use your own name on your credit cards while married.



- Generally a credit bureau files all information about a married woman under her husband's name. This makes it virtually impossible for you to retain your own credit identity even if you use your own name. What this means in practice is that if your family has established a good credit record it is identified with only your husband, and upon divorce or death of your husband you are not given credit for it. But if your family has established a bad credit record caused by your husband, upon divorce or his death this bad record does follow you, making it difficult for you to subsequently establish new credit.

The new North Carolina law provides that upon the written request of a married person, the separate credit history of each spouse, if it exists, must be reported to protect each spouse from the poor credit record of the other. (Note, however, that there is no requirement that separate records be kept.)

- Separated and divorced women often must reapply for credit whereas separated and divorced men do not. And credit is often not extended to these women because they are presumed by their marital status to be unreliable. The North Carolina law appears to prevent this type of separate treatment even though it does not specifically mention it. And the ECOA specifically prohibits discrimination based on the marital status as well as sex by allowing inquiry into marital status only for very limited purposes. You can avoid this problem by obtaining credit in your own name while married, making it unnecessary to reapply after a change in marital status.
- Separated and divorced women are discriminated against by lenders who differentiate among the reliability of different types of income. While stocks and bonds, even though risky, are usually an enhancement to a man's credit rating, alimony and child support are not considered to be dependable income. Although there are cases where these are not dependable, it should not be a rule of thumb to always discount them. However, it is uncertain whether the N.C. or federal law prohibits this practice. This issue will have to be resolved through future lawsuits or legislation.
- Women are often required to swear to use birth control as a condition of receiving a loan or a mortgage. This requirement is definitely illegal.
- And finally a woman's income is often partially or totally discounted in determining the amount of credit to be extended. Both laws cast doubt upon this practice. And the Housing and Community Development Act of 1974 specifically prohibits this practice in the area of federally related financing of homes.



### •Denied Credit

The Fair Credit Reporting Act of 1970 gives you the right to:

1. Get the name and address of the agency that furnished the unfavorable report.
2. Get from that credit bureau the contents (with a few exceptions) of your file.
3. Dispute the accuracy of any information in the file and require the agency to reinvestigate it and delete any information it can not verify.
4. Ask the agency to inform anyone to whom it gave this deleted information of its inaccuracy.
5. Place a brief statement of your explanation of this dispute into your file.

This law can be used by you to delete from your files the bad credit history of your husband or ex-husband which has been attributed erroneously to you.

These are only a sampling of credit practices which have been used to discriminate against women. With the passage of these new credit laws many of these practices should begin to disappear, but of course it will take time.

An important thing to remember about these laws is that they do not require that credit standards or financial criteria be established by lenders. So even if you believe that you have experienced discrimination on the basis of your SEX alone, it may be difficult for you to prove since the creditor will always say that you did not meet the financial criteria.\*

## Insurance

Although women routinely apply for insurance, they often encounter problems because of their sex.

If you are denied insurance of any kind you should:

- ask the insurance company for the reason
- request a summary of your credit records at your local credit bureau to ascertain the exact information which disqualified you. This right is guaranteed to you by the Fair Credit Reporting Act (see margin above). If you dispute the validity of any information contained in your credit file, ask the credit bureau to reinvestigate it and insert a brief explanation of your side of the dispute into your file.

If you are quoted a rate for insurance that is based on a claim that women are either more prone to a specific risk or more likely to encounter a specific problem you should:

- demand the source of the evidence upon which the rates are based
- inquire into this source, and
- if you then believe that the rates are discriminatory you should consider complaining.\*

The following are some important things to remember about insurance:

- health insurance which denies maternity benefits to unmarried women only is probably unconstitutional
- health insurance plans which offer maternity coverage for wives of male employees but not for female employees themselves are probably unconstitutional
- health insurance plans which offer coverage for the spouses of male employees but not for the spouses of female employees is probably unconstitutional
- it is advisable for you as a married woman to request that all insurance policies be issued in both your name and your husband's name if they are

\*To register a complaint write:

The Commissioner  
of Insurance  
Raleigh, N.C.

### Insurance Discrimination

Insurance companies are licensed and regulated by the laws of N.C.

Contact:  
The Commissioner  
of Insurance  
Raleigh, N.C.

or

An attorney of your  
choice

different; if your last names are the same, both of your first names should appear on every policy. This is to insure that you can have continuous coverage should your husband die or you get divorced.

## Housing

The Housing and Community Development Act of 1974\* contains two provisions which prohibit SEX discrimination in the financing and rental of housing. This law is very much needed by women, who have traditionally suffered from numerous types of discrimination in the purchasing and rental of housing.

Section 808(a) amends the National Housing Act and deals specifically with the purchase and financing of housing.

If you are a married couple seeking a federally related mortgage (FHA or VA) to purchase a home, this law:

- requires that the lender (e.g. bank) must consider the combined income of both you and your husband in deciding if you qualify for a loan
- prohibits the widespread practice by lenders of discounting your income and relying only on your husband's income. This means the lender can neither totally ignore your income nor give it a reduced value because you are a woman on the theory that a woman's income cannot be considered permanent. This practice in the past has denied many married couples the right to purchase a home even though the wife's income alone was sufficient to support the loan.

Section 808(b) amends the Fair Housing Act and adds SEX as one of the prohibited bases of discrimination in both the sale and rental of public and private housing.

If you are a woman of any marital status seeking to rent or buy a house this section makes it illegal to:

- refuse to show you or make unavailable to you a dwelling because you are a woman;
- refuse to negotiate on the price or any other condition for the sale or rental of a dwelling because you are a woman;
- advertise for the sale or rental of a dwelling in a way that indicates a preference for or a limitation to men.\*

Excluded from the coverage of this section are:

- dwellings of religious organizations;
- private clubs under certain but not all circumstances.

Unlike many states, North Carolina has no state public accomodation laws to supplement these federal laws. But these federal laws are reasonably comprehensive and will be sufficient in most instances of housing discrimination.

### \*Mortgage Violations

Contact:

The Veterans  
Administration  
Loan Guaranty Service  
Vermont Ave. N.W.  
Washington, D.C. 20420

or

Federal Housing  
Administration  
Field Office HUD  
2309 W. Cone Blvd.  
Greensboro, N.C. 27408

### \*Renting or Buying Violations

Contact:

The Office of  
The Attorney General  
Raleigh, N.C.

or

An attorney of your  
choice

# Taxes

The following information is based upon the tax structure as it exists in April of 1975.

## Income Tax

### Federal

The amount of income tax that you will have to pay will depend primarily on three factors:

- your filing status on the last day of the tax year\*
- the number of exemptions and deductions you will be allowed to claim
- the tax rate for your particular income bracket.

### Personal Exemptions

Each taxpayer is entitled to certain exemptions. Possible exemptions are:

- yourself
- your spouse
- each dependent
- blindness of self
- blindness of spouse
- if you are 65 or older on the last day of the tax year
- if your spouse is 65 or older on the last day of the tax year.

In the case of divorced parents, there is a presumption in favor of the custodial parent that the child is that parent's dependent if the child resides with the parent for most of the year. However, the noncustodial parent may specifically be entitled to the exemption if:

- s/he contributed at least \$600 toward the child's support during the calendar year, *and*
- under the decree of dissolution, or written agreement between the parties, s/he is given the right to take the exemption.

Furthermore, if the noncustodial parent provided \$1,200 or more support for the child or children during the calendar year, the custodial parent must clearly establish that s/he provided more for the support of the child or children. Each parent, if the question of support is contested, must submit itemized statements of what was actually spent. This places a burden upon the custodial parent, normally the woman, to keep accurate records of expenditures. Also, the \$1,200 figure is constant. It does not increase if there are 2, 3, or 4 children. The noncustodial parent then, normally the father, could spend \$300 per year for each of 4 children and still get an exemption of \$750 per child or \$3,000.

\*In most cases, it is advantageous for married couples to file jointly.

Often problems like these can be resolved if there is more than one child. The exemptions can then be split. A woman could find it to her advantage to take an exemption for her youngest child, because it will apply for the longest time and she will be able to deduct child care expenses in order to help her return to work.

## Deductions

Every taxpayer is entitled to certain deductions. A taxpayer has the choice of taking either the standard deduction or itemizing deductions, but not both. If you plan to itemize deductions, you should keep an accurate record of the relevant expenditures.

Standard deduction:

- if your adjusted gross income (generally defined as total income minus certain expenses related to business or the production of income) is less than \$10,000, you must use the tax tables if you choose the standard deduction
- if your adjusted gross income is greater than \$10,000, you must use the tax rate schedules if you choose the standard deduction.\*

\*To compute the amount of your deduction, see the instructions on the tax form.

## Itemized Deductions

Many people find it more advantageous to "itemize" deductions. Deductions for interest, state taxes, and charitable contributions are common. Certain itemized deductions are especially important to women:

- certain expenses incident to divorce
  - you can deduct: legal fees or professional fees for an accountant, charged in regard to tax planning
  - you cannot deduct: legal fees for representation in the divorce
- certain alimony payments (deductible by the person making the payments)
- dependent care\* expenses if:
  - the dependent is under the age of 15, *or*
  - regardless of age, is mentally or physically incapacitated

\*For the purpose of the dependent care deduction, a dependent is one for whom you are allowed a personal exemption.

If you are married, these expenses are deductible only if:

- you file a joint return with your husband, *and*
- both of you are gainfully employed on a substantially full-time basis (unless your husband is mentally or physically incapable of caring for himself; in that case, he can qualify as a dependent for purposes of this deduction).

If you are unmarried, these expenses are deductible only if:

- they are incurred to enable you to be gainfully employed.

Deductible expenses are:

\*If you are like most taxpayers and report your income on a yearly basis, the relevant figures will be \$35,000 and \$44,600 starting in January of 1976.

- household services and expenses for in-home care of the dependent
- child care outside the home if made for a dependent under the age of 15 (limited to \$200 per month for one child; \$300 per month for two children; and \$400 per month for three or more children).

If your income is less than \$18,000 per year:

- the maximum deduction is \$400 per month.

If your income is over \$27,600 per year:\*

- no deduction is available.

If your income is between \$18,000 and \$27,600 per year:

- your deduction is phased out at the rate of one-half the excess of adjusted gross income over \$18,000 per year which is allocable to each month (for example, if your adjusted gross income is \$20,000 per year, your deduction is reduced by \$83.34 each month ( $\frac{1}{2}$  of \$2,000 divided by 12)).

You are allowed deductions for medical expenses for:

- yourself
- your spouse
- your dependents.

Examples of medical expenses are:

- doctor's bills
- insurance premiums
- medicines and drugs
- contraceptives
- abortions
- sterilizations.

These deductions are subject to certain limitations which are explained on your tax forms and are available only if you actually paid the expense during the tax year. If your insurance paid for the expense or you were otherwise reimbursed, you cannot claim it as a deduction.

### Withholding

When you begin a job, your employer will ask you to fill out a W-4 form listing the number of deductions that you wish to claim. You are entitled to a withholding exemption for each personal exemption to which you will be entitled on the last day of the tax year. In addition to the personal exemption, you may be entitled to have more withheld if you meet certain requirements which are explained on the W-4 form.

If you know in advance that you will not be earning enough in any one year to pay taxes, you should notify your employer and fill out a W-4e form for her/his records. As a result, no income tax will be deducted from your salary, and you will not have to file an income tax return. If you do not warn your employer, and s/he deducts income tax from your salary, you



\*If you have any questions or need help filling out tax forms, you can contact any IRS office or call the toll free number: 1-(800) 822-8800.

\*If you have any questions or need help filling out tax forms, you can contact the state tax office in Raleigh at: (919) 829-4682. This is not a toll free number.

\*However, the 1975 General Assembly is considering a bill which would allow a deduction for dependent care expenses.

must file an income tax return in order to get your refund.\*

## Income Tax

### North Carolina

Many of the income tax provisions of the North Carolina code are similar to those of the federal code. However, North Carolina does not allow married individuals to file a joint return nor to be taxed at a different rate than single individuals (since each is taxed on her/his separate income). In addition, the North Carolina tax rate is much lower than the federal rate.\*

#### Personal Exemptions

Under the North Carolina code, personal exemptions vary in amount. The tax form and its instructions will explain the exemptions to which you will be entitled.

#### Deductions

##### Standard Deduction:

The standard deduction is taken in lieu of itemized deductions. In North Carolina, the standard deduction is 10% of adjusted gross income with a maximum deduction of \$500.

Itemized deductions of particular interest to women are:

- certain expenses incident to divorce
- certain alimony payments (deductible by the person making them)
- there is no dependent care deduction in North Carolina.\* However, if you have a severely retarded child (one whose I.Q. is below 40), you are allowed an exemption of \$2,000 per year in addition to the basic \$600 exemption for a dependent. If you have a dependent who is mentally or physically incapable of caring for her/himself and is in an institution, you are allowed an exemption of \$800 in addition to the personal exemption. Of course, to the extent that these expenditures qualify for the medical deduction and exceed the personal exemptions and the \$800, they can be deducted as a medical expense.
- certain medical expenses

The deduction is available for medical expenses paid during the tax year for:

- yourself
- your spouse (one who has not claimed the \$2,000 exemption as a married person)
- your dependents.

The expenses must exceed 5% of your adjusted gross income before the deduction is allowed. The deduction has a maximum limit of \$5,000.

- summer school expenses:

- a maximum deduction of \$250 is allowed to teachers, principals, or superintendents of public schools for expenses incurred while attending summer school in any accredited college or university.

## Gift Tax

### Federal

\*Property settlements, payments made for separate maintenance, alimony payments, and reasonable child support payments are not considered gifts if made pursuant to a written agreement and divorce occurs within two years.

The tax is imposed upon gifts of property.\* As a practical matter, most people who give moderate gifts will never have to pay a gift tax. This is because the tax code gives donors several exemptions which reduce potential tax liability. These exemptions entitle you to give:

- up to \$3,000 per year per person to as many individuals as you wish, *plus*
- up to \$30,000 during your lifetime.

These exemptions are doubled if you are married and you and your spouse decide to give joint gifts (i.e. \$6,000 annual exclusion and \$60,000 lifetime exclusion).

In addition to the lifetime exclusion and the annual per donee exclusion, married individuals can take a marital deduction, provided the gift meets certain requirements, of up to  $\frac{1}{2}$  the amount of a gift to a spouse (computed before the \$3,000 annual exclusion is subtracted).

## Gift Tax

### North Carolina

The gift tax provisions of the North Carolina Code are very similar to the federal code. Although North Carolina also has the \$30,000 lifetime exclusion, it is only available for gifts made to the parents, spouse, children (including adopted and stepchildren), and their descendants. The annual per donee exclusion of \$3,000 and the marital deduction are the same as the federal exclusions.

## Federal Estate Tax

You do not need to be concerned about federal estate tax planning unless your potential estate exceeds \$60,000 in value (or \$120,000 if you are married and plan to leave one-half of your estate to your spouse). Many people whose estates exceed these amounts find it advantageous to sever jointly held property and give unneeded property away as gifts (which may not be taxed or will be taxed at a lower rate). Whether or not such action will be advantageous to you depends upon your particular situation. If you contemplate rearranging



your property holdings for estate tax reasons, you should seek expert advice.

In general, the federal estate tax is imposed upon the transfer of property (any asset in any form) by the decedent in which the decedent had an interest at the time of her/his death. The main difficulty in dealing with an estate tax is ascertaining what property is to be included in the *gross estate* of the decedent. There are two basic classifications of property which must be considered in determining the gross estate. The first is the value of property transferred by the decedent during her/his lifetime and the second is the value of property owned by the decedent at death.

### Value of Property Transferred

To the extent that the transfer was made for an adequate compensation (e.g., not a gift), it will not be included in the estate. The real problem arises when the decedent has given away property within three years of her/his death *or* has retained some interest in or control over the property.\* The value of property transferred during the decedent's lifetime may be included in the estate if:

- it was a gift made within three years of death (unless the estate can establish that the decedent's dominant motive for making the gift was life-oriented (for example, the gift was made on an occasion such as a birthday) rather than death-oriented (for example, the desire to avoid probate). Gifts made more than three years prior to death will not be included in the estate.

- the decedent retained some interest in or control over the property.

Examples of retained interests or powers which may cause the property to be included are:

- the power to designate beneficiaries of a trust
- the power to revoke, amend, alter, or terminate a trust.

- transfers conditioned on the beneficiary's surviving the decedent in which the decedent retained a reversionary interest (any possibility that the property could return to the decedent or to her/his estate)

- transfers in which the decedent retained an interest for a period of time measured by reference to her/his life

- transfers in which the decedent retained an interest for a period of time which did not in fact end before her/his death.

In many cases, it makes no difference that the decedent did not exercise the power or take possession of the interest retained. The value of the property which will be included in the estate depends upon the type of power or interest retained by the decedent. In some cases, the entire value of the property transferred will be included in her/his estate. In other instances, only the portion of the property subject to the retained power will be included.

\*This is a very complicated area of tax law and legal advice will usually be necessary.

## Value of Property Owned at Death

The second category of property which may be included in the decedent's gross estate is the value of property owned by the decedent at death. This property includes tangible (e.g. real and personal) and intangible (e.g. stocks and bonds) property in which the ownership of the decedent is obvious. Less obvious are those property interests such as joint ownership of property and incidents of ownership in life insurance policies on the decedent's life.

The entire value of property held jointly with the right of survivorship (which means that whoever outlives the other will have complete ownership of the property) or in tenancy by the entirety\* may be included in the estate. The amount of property subject to the tax will be that portion which the survivor cannot prove that s/he originally owned or contributed to the acquisition of the property.

The value of a life insurance policy on the decedent's life will be included in the estate if the policy is made payable to or for the benefit of the estate. Even if the policy does not designate the estate as a beneficiary, the policy may be included if the decedent possessed "incidents of ownership." The powers which constitute incidents of ownership are similar to the types of power mentioned above in respect to property transferred during the decedent's life.

## Procedure for Computing the Tax

After the property to be included in the gross estate is determined, if you are the person administering the estate you will:

1. Elect to value the property in the gross estate at the date of death or 6 months later.\* The date chosen must be used to value all of the property (unless it was sold in the interim, in which case the sale price is used).
2. Subtract reasonable funeral expenses, administration costs, claims against the estate (which were legally enforceable at the time of death), and certain casualty losses. The balance will constitute the *adjusted gross estate*.
3. Deduct gifts made to charity (as statutorily defined).
4. Deduct the net value of property passing to the spouse. In order to qualify for this deduction, the property must be included in the gross estate, it must pass to the spouse from the decedent, and it must not be a terminable interest (one which could end before it could be included in the spouse's estate). The deduction is available for the net value of property transferred to the spouse and is limited to  $\frac{1}{2}$  the value of the adjusted gross estate.
5. Subtract the \$60,000 exemption to arrive at the *net taxable estate*.

\*See page 29 for explanation.

\*For the purpose of minimizing taxes.

6. Compute the *tentative tax* by multiplying the net taxable estate by the applicable tax rate.
7. Subtract credits from the tentative tax to arrive at the *tax which will be due*. Common credits are:
  - credit allowed for taxes paid on prior transactions. If an estate tax has been paid by another decedent within two years on property which is included in the present estate, a credit is given for the previously paid tax. This credit is reduced 20% every two years. Therefore, no credit will be allowed for an estate tax paid more than ten years prior to the present inclusion.
  - credit allowed for payment of gift taxes on a gift which has been included in the estate such as a gift in contemplation of death
  - credit allowed for all or part of state death taxes.
8. File the tax return. The return is generally due 9 months from the date of death, but an extension will usually be granted if it is needed. A tax will not have to be paid unless the value of the estate exceeds \$60,000 (or \$120,000 if the decedent was married and left at least half of the estate to her/his spouse). If a farm or closely held business is included in the estate, payment of the tax can be extended over a period of 10 years.

## North Carolina Inheritance Tax

North Carolina has an inheritance tax which taxes the right of a transferee (the person receiving the property) to receive property.\* The tax is based upon the relationship of the transferee to the decedent and the value of the property transferred. In general, the more closely related the beneficiary is to the decedent, the lower the tax rate.

If you are administering the estate, you should:

- deduct the inheritance tax from the shares of the estate before distributing them to the heirs or devisees and legatees
- file the tax return 9 months from the date of your appointment.

### Classification of Beneficiaries

The tax structure establishes three classifications of beneficiaries.\* The tax on *Class A* beneficiaries is imposed upon the value of property passing to each beneficiary which exceeds her/his exemption. The tax on *Class B* and *Class C* beneficiaries is imposed upon the value of property passing to each beneficiary.

### Differences Between the Federal Estate Tax and the N.C. Inheritance Tax

Most of the provisions describing property that will be subject to the state inheritance tax parallel the federal estate tax provisions. Therefore, most of the property that will be included in the gross estate under the federal

\*Gifts to charity, the state, or municipalities are exempt from the inheritance tax.

\*The inheritance tax form describes the beneficiaries to be found in each class and the exemptions (if any) to which they are entitled.

code will also be subject to the state inheritance tax. However, North Carolina differs noticeably on three provisions:

- if a gift is made within three years of death and it exceeds 3% of the estate it may be included in the estate (unless the estate can establish that it was given for life motives); however, unlike the federal code, the North Carolina code does not automatically exclude gifts made three years prior to death.
- Class A beneficiaries, who are named as beneficiaries under an insurance policy on the decedent's life, are entitled to a share of a \$20,000 exemption based upon their percentage of the policy proceeds. Class B and C beneficiaries are entitled to a percentage share of a \$2,000 exemption in those cases where the exemption to Class A beneficiaries does not exceed \$2,000.
- the inheritance tax will only be imposed upon  $\frac{1}{2}$  the value of property held as tenants by the entirety (real property held jointly by a married couple with right of survivorship), regardless of which person paid the purchase price. Furthermore, if the decedent transferred her/his share of the property to the spouse prior to death, no tax will be due at all.

## North Carolina Property Tax

### Intangible Property Tax

Intangible personal property rates are fixed at 10¢ per \$100 or 25¢ per \$100 depending upon the type of intangible property in question. Money on deposit, money on hand, bonds, notes, and shares of stock are examples of intangible personal property. A return need not be filed if the tax owed on intangible personal property is less than \$5, unless the tax is owed for money on deposit. If the money is in a North Carolina bank, the bank will pay the tax directly. If the money is in a bank outside the state, you must file a return unless the average balance per quarter is less than \$300.

### Real and Personal Property

Rates for the real and personal property taxes vary from locality to locality. The county appraisal and assessment controls the value at which real and personal property will be listed for tax purposes. The appraisal is based upon the true value of the property (the fair market value). If you feel that your appraisal is higher than the appraised value of property similarly situated, you can appeal to the County Board of Equalization. If you are not satisfied with the result, you can ask for a new review by the Property Tax Commission\* in Raleigh. If still not satisfied, you can pursue your remedy in the Superior Court; however, the court must accept the Tax Commission's findings as to matters of fact. Therefore,

\*Property Tax  
Commission:  
Rm. 671  
Revenue Building  
or

P.O. Box 25,000  
Raleigh, N.C. 27640  
(919) 829-7711

in most cases your most effective remedy (unless you believe that the law was incorrectly applied) lies with the County Board of Equalization and the Property Tax Commission.

# Property

## General Legal Rights

In the last century when a woman married, her legal identity merged with that of her husband, and she had virtually no property rights of her own. As a United States Supreme Court Justice noted: "Man and woman became one, And he was the One."\* This situation no longer exists in North Carolina. Today neither the husband nor the wife acquires, by virtue of the marriage alone, any ownership rights to any property that the other partner either had before the marriage or acquires in her/his own name thereafter.\* Property that was yours before marriage, or has since become yours, is yours alone. As a wife, your salary is your sole property. Correspondingly, your husband's salary is his sole property, subject to the legal duty of support. Neither of you is responsible for debts made by the other before marriage. As a married woman you can give gifts of real or personal property to your husband or anybody else, and also receive such gifts from your spouse or another person.

### Ability to Contract

As a married woman you can make contracts with your husband or with anybody else, just as if you were unmarried, and these contracts are in theory (and usually in practice) fully enforceable.\* However, a certified officer of the court must conduct a private examination with you to determine that the transfer is not unreasonable or injurious to your welfare, in order for it to be valid,\* if:

- you transfer real estate to your husband
- you join with your husband to transfer jointly owned real estate to a third person.

### Ability to Sue

As a married woman you can sue and be sued in any court without your husband's permission and without his necessarily being a party to the lawsuit.\* Your property can be attached in the course of a lawsuit, too.\* (But your property can not be attached to satisfy

\*United States v. Yazell,  
382 U.S. 341 (1966).

\*N.C.G.S. §52-1.

\*N.C.G.S. §52-2.

\*N.C.G.S. §52-6.

\*N.C.G.S. §52-3;  
N.C.G.S. §52-1.

\*N.C.G.S. §1-304.



\*N.C.G.S. §52-4;  
N.C.G.S. §52-5.

your husband's debts.) In North Carolina, as a married person you may sue your spouse to recover damages sustained by your property or person as if you were unmarried.\*

#### Liability for Purchases of Spouse

Unless otherwise noted, all purchases made by you or your husband in your own name are legally presumed to be the responsibility of the purchaser. But there are several items for which your husband is presumed to be liable even though you purchase them. These include:

- the home or apartment you jointly occupy
- necessary and reasonable services of a doctor or the hospital expenses of either spouse, and of your minor child(ren)
- expenses for "reasonable" apparel for you
- any item which has in fact gone to the necessary support of the family (e.g. food).

However, your husband may rebut this presumption. In order to collect the debt, a creditor must prove:

- that the expenditure was for a necessary item (see above list)
- that your husband did not already provide the item or service, *and*
- that you are either living with your husband or not at fault in the separation.

### Transfer Upon Death

There are four principle ways in which you can pass on property after you die. They are: contract, survivorship, will, and intestate succession.

#### Contract

If one spouse has insured her/his life and names her/his spouse as beneficiary in the insurance policy the insurance proceeds pass to the beneficiary upon the spouse's death by virtue of the contract with the insurance company. This transfer takes place without a will or a probate hearing.

#### Survivorship

Survivorship is a feature of two methods of owning property in North Carolina, "tenancy by the entirety" and "joint tenancy with the right of survivorship."

The conveyance of real estate to two persons as husband and wife is presumed to create a tenancy by the entirety.\* The features of tenancy by the entirety are:

- both of you own the property as a unit
- your husband has an exclusive right to the control, use, possession, rents, profits, and income of the property.\* (However you and your husband may contract to share in these benefits.)

\*N.C.G.S. §39-13.2.

\*This is an area of the law in which the E.R.A. will be of great benefit to all married women.

- property held in tenancy by the entirety can not be reached by creditors to satisfy debts incurred separately by you or your husband as an individual.
- when one of you dies the property passes to the survivor without having to be included in a will or involved in a probate proceeding.

A conveyance to *two or more* persons jointly can create a joint tenancy. The features of a joint tenancy are:

- each person has an equal right to the possession, control, use, income, rents, and profits of the property
- creditors of each person may reach the property
- if one of you transfers your share of the property to another person, the joint tenancy is abolished
- if the conveyance includes "survivorship language," (e.g. "to A, B, or C with the right of survivorship" or "to A, B, and C as joint tenants with the right of survivorship"), when one of you dies, the property passes to the survivor(s) without having to be included in a will or involved in a probate proceeding. In North Carolina survivorship has been abolished as an automatic incident of joint tenancy.\* (However this does not preclude contracting for the right of survivorship as shown above.)

\*N.C.G.S. §41-2.

\*Although it is legal to make your own will, you probably will want to have it done by a lawyer.

\*N.C.G.S. §31-1.

\*N.C.G.S. §31-33(a).

\*N.C.G.S. §30-1;  
N.C.G.S. §29-30.

#### Statutory Share Claim Procedure

File a motion called an "election" in the Probate Court where the will has been filed, within 6 months after the court has approved the executor/rix or administrator/rix.

## Will

A will is a document in which a person plans for the disposal of her/his property after death. It is important to know the following things when making a will:\*

- you must be at least 18 years of age\*
- you must sign it at the end
- you should have it witnessed by two persons over 18 who declare it to be your will\*
- you must not use witnesses whom you have named as beneficiaries in your will
- you should name an executor/rix in your will; spouses can and often do name each other as executor/rix in their wills, but if you die simultaneously or close in time, there will be confusion. A third person can be named to serve as executor/rix in the event of simultaneous deaths. -

As a general rule, you may transfer your property by will in any way you choose. The major exception to this rule benefits the surviving spouse. By law, the surviving spouse is entitled to:

- an intestate share in the estate of the decedent (see discussion of intestacy, page 31) or
- the use for life of one third of the decedent's real property.\*

This provision is referred to as the "statutory share," and it applies whether or not the surviving spouse is mentioned in the will. If the will made some provision for you as the surviving spouse, you have two choices:



\*N.C.G.S. §30-2;  
N.C.G.S. §30-3.

\*N.C.G.S. §30-1.

\*N.C.G.S. §30-3(b).

\*N.C.G.S. §30-15.

\*N.C.G.S. §29-13.

- accept the provision made in the will *or*
- file an election to take the statutory share.\*

In order to make an election:

- you must file for the "election" or the law will assume that you accepted the provision in the will
- the value of the property you would get under the will, when added to the value of the property (or interests in property) you would get in any manner outside the will because of your spouse's death (e.g., a life insurance policy or property held by entirety), can not exceed your intestate share.\* If you are the second or successive spouse, you are entitled to only one-half of the intestate share *if* the children or grandchildren of a former marriage survive *and* there are no such surviving descendants by your marriage.\*

In the event that settling the estate (which includes paying creditors, collecting from debtors, liquidating or inventorying property) is time-consuming, if you are either a beneficiary under your spouse's will or entitled to the statutory or intestate share, you can get interim support in the Probate Court.\*

### Intestate Succession

If you die without a will, or if the will does not dispose of all your property, the law establishes an order of priority of succession for your relatives to have the estate.\* You should always have a will if you have anything of value that you want to give to a particular person. It is also important to know that if you have no relatives all of your property will go to the state of North Carolina. The following are the established priorities for distributing your property if you die without a will.

If you are a *single, widowed, or divorced* person with *no children*, then your property would be distributed in the following order:

- your parents
- if no living parents, your brothers and sisters would receive equal shares.

If you are a *married* person with *no children*, then your property would be distributed between:

- your spouse, one-half of your real property and the first \$10,000 in value plus one-half of the remainder of your personal property
- your surviving parents, the remainder; if they are dead, your spouse would get all of your property.

If you are a *married* person with *one child* (or a descendant of that one child), then your property would be equally divided between:

- your surviving spouse *and*
- your surviving child.

If you are a *married* person with *two or more children* (or their descendants), then your property would be divided:

\*N.C.G.S. §29-14.

- your spouse, one-third
- your children, the remainder divided equally, one share to each child (or her/his descendant).\*

If you are *divorced* or a *widow/er* with *one or more children* (or descendants of the child/ren), your whole estate would be distributed to:

\*N.C.G.S. §29-15.

- your children, one share to each child (or her/his descendant).\*

# Marriage

## Requirements

All persons over 18 may legally marry in North Carolina. If you are between the ages of 16 and 18, you may marry if a written consent is given by the parent or legal guardian with whom you live. In order to get married, you must:

\*N.C.G.S. §51-2.

- obtain a marriage license issued by the Register of Deeds\*

\*N.C.G.S. §51-9.

- present a health certificate\* which states that you are free of venereal disease and tuberculosis and are mentally competent (the certificates must have been issued within 30 days of the license application)

### Health Certificate

To obtain a certificate: See your personal physician or your County Health Department.

- have a marriage ceremony performed by an ordained minister or magistrate. *Note* that North Carolina does not recognize common law marriages (those which require only that the parties live together for a certain length of time).

## Names

There is perhaps nothing more confusing and inconclusive than the law in North Carolina regarding a married woman's legal name. There is no written law in North Carolina requiring a married woman to use her husband's surname, but because it is a well established social tradition it is often considered to be a legal requirement.\* If you are a woman about to get married you may:

\*Note there are presently several cases in the N.C. courts about a married woman's name and after they are decided this area of the law should be more definite. Until then it is suggested that any married woman who has any questions about her name consult a sympathetic lawyer.

\*However, the federal government recognizes the right of a married

- continue to use your own surname after marriage without going through a statutory name change proceeding. You should however consistently use your own name and never use your husband's surname for any purposes, social or business. And until the law becomes well settled in this area and understood by everyone you are likely to encounter some difficulties.\* Should you have problems you should contact a sympathetic lawyer.
- assume your husband's surname if you so desire. Even though you are not legally required to take

woman to retain her own name. A married couple can file a joint income tax return using two different names, and a married woman may keep her Social Security card in her own name and obtain or renew a passport in her own name.

In N.C. a married woman may obtain a driver's license in her own name if she fills out an affidavit declaring that she has and intends to use her birth-given name exclusively. Also she may register to vote in her own name.

your husband's name you may do so under the long established custom sanctioned by the common law.

Remember, whether you choose to retain your own name or assume your husband's name you should use the same name for all social and business purposes.

If you are a married woman who has assumed your husband's surname for whatever reason, and now wish to resume using your own name, you may:

- use the statutory name change procedure and obtain a court order stating that your legal name is your own surname and no longer that of your husband. Note this procedure (described below) is routinely available to married women in some counties but in others it is harder to obtain. There is presently a lawsuit pending that will hopefully resolve these differences.
- simply resume the use of your own name and use it consistently for all purposes without the intent to defraud anyone. You are likely, however, to encounter many people who will not accept your name change without a court order. And it is possible that the North Carolina courts in the pending lawsuits will decide that you *must* use the statutory procedure.

Again, due to the uncertainty of the law, it is advisable to seek legal advice before choosing either alternative.

#### Statutory Procedure

If you use the statutory procedure\* you must:

- file an application for name change with the Clerk of the Court in the county where you reside stating your reasons and some other facts required by the statute
- file affidavits from two persons who live in the same county as you do attesting to your good character in the community
- post a notice of your pending application at the courthouse for 10 days before you request your decree of name change
- pay a small fee (about \$15) to the Court, and if you have an attorney you must of course pay her/him
- obtain from the Clerk certified copies of the order which legally establishes your name as changed to use as proof for anyone challenging the legality of your name.

If you are a divorced woman who took your ex-husband's name while married you may:

- continue to use his name
- use the statutory procedure (described below) to either resume your own name or adopt the name of a prior deceased husband.\*

If you use this statutory procedure you must:\*

- file an application with the Clerk of Court of the county where you reside, signed in your full "maiden" name

\*N.C.G.S. §101-105.

\*This procedure takes place in the Clerk's office and does not require you to go into "court."

\*N.C.G.S. §50-12.

\*Unlike the statutory procedure used if you are still married, which gives the clerk discretion, in granting the change, under this procedure the Clerk must grant a divorced woman's name change. This procedure is well established and is not being attacked in the courts.

\*There really is very little need to have a lawyer for this procedure.

Information about both of these procedures may be obtained from the Clerk of Court's office at your county courthouse.

- this application should contain your intention to resume your name, the name of your ex-husband, and the county where your divorce was granted
- pay a small fee (about \$5) to the court\*
- obtain certified copies of this court order.

If you are a woman about to be divorced and you want to resume your own name after the divorce you should have the attorney handling your divorce request this name change in your complaint or crossbill for divorce; that way the name change can be incorporated into the divorce decree and save you the necessity of the later statutory court procedure.

It is recognized that the law on the issue of names is now extremely important to many women. But because of pending lawsuits, the law as of the date this booklet goes to press is subject to change. Therefore, it is suggested that legal advice be obtained before following any of the suggested alternatives listed above.

## Legitimations and Paternity Actions

A child born to a married woman is presumed to be legitimate. A child born to an unmarried woman is "illegitimate" and may not be able to inherit property from her/his father if he dies without a will. If the father acknowledges the child, he may institute a voluntary legitimation proceeding, which will entitle the child to all rights and privileges given by the law as if s/he had been born in wedlock.\*

The Superior Court of the County in which either the father or the child resides may declare a child legitimate if:

- he files a verified petition with the Superior Court that he is the child's father *and*
- the mother and the child are parties to the proceeding and their full names appear in the petition *and*
- the Court is satisfied that the petitioner is the father of the child in fact.

The Court will then issue an order declaring the child legitimate.

A child will automatically be legitimated if the mother and father marry at any time after the birth of the child.\*

If a child is legitimated by either a Superior Court proceeding or by subsequent marriage of the parents, the child's birth certificate may be changed to show the father's surname.\* To change the birth certificate, someone must:

- send a certified copy of the parents' marriage certificate *or*
- a certified copy of the court order, to the State Registrar of Vital Statistics in Raleigh.

Paternity may also be established by a civil action in the Superior Court.\* This suit may be commenced by:

\*N.C.G.S. §49-10.

\*N.C.G.S. §49-12.

\*N.C.G.S. §49-13.

\*N.C.G.S. §49-14 to -16.



- the mother of the child
- the father of the child
- the child
- the legal representative of any of the above
- the director of public welfare, if the child or the mother is likely to become a public charge.

This action must be initiated:

- within 3 years after the birth of the child *or*
- if the father made voluntary payments for the support of the child, within 3 years from the date of the last payment.

Note that this action is an open court proceeding in which either party may demand a jury trial and in which the child may be displayed in order to show resemblance to the father.

If the alleged father is found to be the real father "beyond a reasonable doubt," the father will be responsible for support and any medical expenses incurred during pregnancy or associated with the birth of the child.\*

\*N.C.G.S. §49-45b, 15.

## Support

Under the law of North Carolina it is the duty of the husband to support his family, and any property he has shall be applied first to satisfy this obligation. "Support" consists of things essential to the wife's health, comfort, and safety.

So long as the spouses live together the husband has the right to decide how much support is adequate, and as a practical matter courts are reluctant to interfere with his determination except in extreme situations.\* Orders for support, therefore usually arise when the spouses are separated or seeking a divorce.

If a husband abandons or separates from his wife, he is still responsible for her support.\* But his obligation is suspended if his wife commits adultery or abandons or separates from him without justification (such as any of the grounds for divorce, see page 36), but it remains in full force if the partners agree to live apart by mutual consent. The husband is not responsible for the debts his wife incurs for herself and their children while they are separated if he is giving her reasonable support payments during that time.

The father's support obligation includes:

- children born during the marriage
- children whose paternity he has acknowledged in a sworn statement
- children a court has found him to have fathered, after a paternity action.

A mother is also legally obligated to support both her legitimate and illegitimate children. The support duty of both parents exists until the child reaches age 18 or if s/he is physically or mentally handicapped until s/he becomes self-supporting or becomes age 21 and is a patient in a state facility.\*

\*See the section on criminal law for information about criminal penalties for nonsupport, as distinguished from these civil remedies.

\*If you are receiving welfare benefits, your local Department of Social Services will usually help you with legal action against your husband if he is not supporting you and your children.

\*N.C.G.S. §14-322.2.

# Divorce

\*Find an attorney you can trust!

\*It is very important that you have your own attorney. Your husband's attorney or a friend of his may have difficulty being candid with you.

\*This section states only the bare bones of the laws in this area. Specific references have been omitted but they can be found in the N.C. General Statutes Chapter 50.

\*You are not legally required to have a written separation agreement during this year, but you and your spouse may want one in order to formally establish financial duties and liabilities, child custody, and property settlements for the time prior to divorce. An attorney can help you make this decision.

Dissolving a marriage — divorce — is often an emotionally and financially draining experience for a woman. Divorce is a legal action that will require an attorney.\*

Shop for a lawyer with whom you can be completely frank, and expect a similar candidness from the attorney you hire.\* S/he will be able to explain all technical details involved with a divorce as well as help you negotiate a friendly and fair agreement if there are complicated property, custody, or support issues.

If you cannot afford a lawyer, you may be eligible for a divorce through a local legal aid office, or under some circumstances, your spouse may be required to pay your attorney's fees.

## Grounds

Grounds for absolute divorce are these:\*

- if either husband or wife has committed adultery
- if either spouse was, at the time of the marriage, and still is naturally impotent
- if the wife is pregnant at marriage and the husband neither knows it nor is the father of the child
- if either husband or wife has engaged in an unnatural sex act with a person of the same sex or the opposite sex or with an animal
- if the husband or wife commits a criminal act which results in involuntary separation for one year, and either party has resided in North Carolina for 6 months
- if, due to insanity of either spouse, there has been a separation of 3 consecutive years.

To file for divorce on any of these grounds, the spouse bringing action must have been a resident of North Carolina for at least 6 months and the grounds for the divorce must have existed for at least 6 months prior to the filing of the complaint.

In addition to the above fault grounds, North Carolina has a type of "no fault" divorce. It requires only that the spouses have lived separate and apart for one year.\* The party bringing the action must have been a resident of North Carolina for at least 6 months. If the dependent spouse, which the law presumes is the wife, brings the action she is not entitled to receive alimony. But if her husband brings the action she is entitled to receive alimony. Note, abandonment by the spouse bringing the action is the only defense that can be raised in this type divorce.

North Carolina also has a special proceeding called "divorce from bed and board." It is not an absolute divorce in that it does not dissolve the marriage, but it



\*Unlike the typical separation agreement which requires the consent of you and your spouse, this type of separation is ordered by a judge after a hearing and a finding that one of the required grounds exists.

is rather a judicial separation granted on the basis of the misconduct of either spouse.\* The grounds for a divorce from bed and board are if either one of you:

- abandons your family
- maliciously turns the other out of doors
- by cruel and malicious treatment endangers the life of the other
- offers such indignities to the other as to render the life of the other intolerable
- becomes an excessive user of alcohol or drugs so as to render the life of the other intolerable.

## Custody

Custody of minor children and whether or not alimony is to be paid to the wife will also be decided in a divorce proceeding.

Custody of children is awarded to the parent whom the judge decides will best promote the interests and welfare of the child. The statutes do not favor the mother, but it has been the practice of the courts to award custody to her. Both parents are legally responsible for the support of minor children, legitimate and illegitimate. The judge may enter an order requiring the parent who does not have custody of the children to pay a designated amount for their health, education and maintenance.

## Alimony

Alimony is money paid by the supporting spouse to the dependent spouse for her/his support. Either the husband or the wife can receive alimony, but it is usually the wife since North Carolina law presumes the husband to be the supporting spouse unless it is shown that he is incapable of supporting his wife.

There are 3 types of alimony in North Carolina:

- permanent alimony awarded after an absolute divorce
- alimony awarded after a divorce from bed and board
- alimony *pendente lite* which is alimony awarded to the dependent spouse for the time between the filing of a divorce or annulment and the time of the trial, so that s/he will have enough money to subsist on before permanent alimony is awarded. If you are entitled to this type of alimony you can also apply for money to pay reasonable attorney's fees.

Alimony can *not* be granted to a dependent spouse who:

- has committed adultery which forms the grounds for the divorce (attorney's fees may still be available to this spouse)
- brings an action for divorce based on one year's separation (it is available if the supporting spouse brings the action).

- The dependent spouse may be awarded alimony when:
- the supporting spouse has committed adultery
  - there has been an involuntary separation because of a criminal act by the supporting spouse, and the couple has lived apart for one year
  - the supporting spouse has engaged in an unnatural sex act with someone of the same or opposite sex or with an animal
  - the supporting spouse has abandoned the other
  - the supporting spouse has turned the other out of doors
  - the supporting spouse has endangered the life of the other
  - the supporting spouse has rendered the life of the other unbearable
  - the supporting spouse is a spendthrift
  - the supporting spouse is an excessive user of alcohol or drugs
  - the supporting spouse has failed to give subsistence according to her/his means in life so that the life of the dependent spouse is rendered intolerable.

The amount of alimony that the dependent spouse will receive is based on the circumstances of both spouses (i.e. earnings, earning capacity, and accustomed standard of living) and is within the discretion of the judge. Once granted it may be later changed upon petition to the court alleging changed circumstances of either party.

# Health

## Birth Control

The most effective means of birth control for women can be obtained only with a doctor's prescription\* for which:

- there is no requirement that a woman be married or have her husband's consent in order to obtain contraceptives *but*
- unmarried women under 18 need the consent of a parent or guardian for prescriptive contraceptives.\* (Note that there are individual physicians and some local health departments who will prescribe contraceptives for minors without parental consent.)

Non-prescriptive contraceptives, while less effective means of birth control, are generally available to minors and adults in most drug stores.

## Abortion

In 1973 the Supreme Court held\* that for the first three months of a pregnancy, a woman and her doctor are free to decide to terminate, and to actually terminate, a preg-

\*See a gynecologist or local health department.

\*N.C.G.S. §90-21.1.

\**Roe v. Wade*  
410 U.S. 113 (1973)

nancy without regulation by the State. During the second three months, the State may issue regulations reasonably related to the mother's health. At the point in time when the fetus is capable of life outside the womb (approximately the final three months of pregnancy), if a State wishes to, it can prohibit all abortions except in cases where an abortion is needed to preserve the life or health of the mother.

While portions of North Carolina's abortion statute appear to conflict with *Roe*, the statute has not been tested in the courts, and it is thus presumed to be the law in North Carolina. Under North Carolina's law,\* abortions can be performed:

- during the first twenty weeks only by a physician licensed in North Carolina and only in a hospital or clinic certified by the Department of Human Resources as suitable for abortions
- after the first twenty weeks only in cases where continuance of the pregnancy would be a substantial risk to life or a grave impairment of the woman's health (such an abortion must be performed by a physician licensed in the state and in a hospital or clinic certified as suitable for abortions) *but*
- unmarried women under 18 may not receive abortions without parental or a guardian's consent except in emergencies\*
- any doctor or nurse can refuse to perform an abortion due to ethical or religious grounds without becoming criminally or civilly liable, and any hospital or clinic can refuse to provide abortions.

Statistics on abortions are collected annually by the Department of Human Resources from hospitals and clinics; however, the confidentiality of the patient is protected. Medicaid assistance can be used to help pay for abortions.\*

## Sterilization

If you want to be sterilized, you must:\*

- be at least 18 years old, or if younger than 18, legally married, *and*
- make a written request prior to the operation, *and*
- you must receive a full and reasonable medical explanation from the doctor of the meaning and consequences of the operation.

You do not need anyone's consent.

If you are an unmarried minor (person under age 18), you may be legally sterilized if:\*

- you request the operation in writing *and*
- your parent, guardian, or a "next friend" petitions the juvenile court in the county where you reside *and*
- the juvenile court determines that the operation is in your best interest.

The court may then issue an order authorizing the doctor to perform the operation.

\*N.C.G.S. §14-45.1.

See your physician, gynecologist, health department, or abortion clinic.

\*N.C.G.S. §90-21.1.

\*See section on medical assistance for further information.

\*N.C.G.S. §90-271.

\*N.C.G.S. §90-272.

North Carolina also has a procedure for the involuntary sterilization of persons who are mentally ill or incompetent,\* although it is questionable whether this law is constitutional. This law provides that the director of a state institution or the county director of a state social services (if the person to be sterilized is not a patient in a state institution) must petition the District Court for a sterilization if:

- in their opinion, it would be in the best interest of the party or for the public good, *or*
- the sterilization is requested in writing by the guardian or next of kin of the patient, *or*
- when, in her/his opinion, it is likely that the individual, unless sterilized, would have children with a tendency to serious physical, mental, or nervous deficiency, *or*
- because of a physical, mental, or nervous deficiency which is unlikely to materially improve, the person would be unable to care for a child.

The petition must contain:

- the written consent or objection of the next of kin or guardian, *and*
- the consent or objection of the person to be sterilized if the person is competent to give or withhold consent. (if the person is not capable, a certificate that the procedure has been explained to the person must be included.)

The petition must be presented to the patient or her/his guardian 20 days prior to a hearing. The patient has the right to a lawyer, and to appeal the decision of the District Court to the Superior Court.

## Social Welfare Laws

### Social Security and Medicare

Basically, Social Security is a government administered insurance program into which employees pay during their working years and from which they collect benefits when they either become disabled or retire. Because the amounts you receive are based on the amounts you contribute, you should make sure each time you have a job that your employer has your correct Social Security number and is accurately reporting your wages and withholding to the Social Security Administration. If you are self-employed you also must contribute to the program.\*

If you are a working woman you may receive benefits if:

- you worked the necessary number of quarters *and*
- you are now retired (at least age 62; your benefits will be higher if you wait until age 65 to retire) *or*

\*For additional information and a statement of your contributions you can write to:  
Social Security Administration  
P.O. Box 57  
Baltimore, Md. 21203

Also local Social Security offices will supply information and answer any questions you have.

## Social Security Claims

If you believe that you may qualify for any of these benefits you should contact your Social Security office and file a claim; the benefits will not automatically be sent to you.

- you are now disabled. Disability is a medical question and may require an examination by at least one doctor. Once you begin getting disability benefits they will continue until you reach retirement age and can begin getting retirement benefits. Many women who are receiving disability benefits choose to retire at age 62 instead of 65 because their retirement benefits are higher than their disability benefits.
- if you die with dependents (spouse/children), they become eligible for certain benefits on your behalf.

If you are a married woman who has never been employed you are eligible for benefits based on your husband's work record if:

- he gets retirement payments and you are 62 or over
- he gets disability payments and you are 62 or over
- he gets retirement or disability payments, regardless of your age if you are caring for a child under 18 (under 22 if a full-time student) or disabled.

When your husband dies you may receive:

- a lump sum payment if you were living with him at the time of his death *or*
- monthly benefits based on his work record.

To receive these monthly benefits you must be:

- at least 60 to receive anything, but if you wait till 65 you will get 100% of the benefits your husband would have received had he lived *or*
- at least 50 if you are disabled *or*
- any age if you are caring for a child who is under 18 (22 if a full-time student) or disabled. This child or children may also receive monthly benefits.

If both you and your husband worked and he is now dead, when you retire you may collect *either* his or your own benefits, whichever is greater, but not both.

If you are collecting benefits on behalf of your deceased husband and then you remarry:

- if you are under 60 your checks may stop unless you marry another beneficiary
- if you are over 60 your checks may continue but the amount may change.

If you were married for at least 20 years and are now divorced:

- if you are 62 or over you can receive benefits on behalf of your ex-husband when he begins to collect his retirement or becomes disabled
- if your ex-husband is dead you can get benefits if you are at least 60 (50 if disabled) and not remarried *or*
- you have young children who are entitled to benefits, regardless of your age.

Contributions made to Social Security also provide the money for Medicare. You do not have to be poor to receive Medicare. You are eligible for *Medicare* if:



#### \*Medicare Information

For information on Medicare and just exactly what services both Parts cover contact your local Social Security office.

- you are a retired worker or the dependent of a retired worker who is receiving Social Security benefits or railroad-retirement benefits
- you are disabled and have been receiving disability benefits for 2 consecutive years.

Medicare has two parts:\*

- Part A, Hospital Insurance, which everybody gets automatically
- Part B, Medical and Doctors Insurance, which is optional, and you get only if you sign up and pay a small additional premium for it. If you are receiving Social Security, arrangements can be made to deduct this premium from your monthly check. You can sign up for Part B during a general enrollment period which takes place each year from January 1 to March 31. The premiums are lowest if you sign up at age 65.

### Aid to Families with Dependent Children (AFDC)

AFDC is a money payment for needy, dependent children who have been deprived of parental care and support because of:

- death
- physical incapacity
- mental incapacity
- continued absence from home of one or both parents (natural or adoptive).

If you are a relative providing parental care and guidance, including a home, for a needy child, or you are a licensed foster care parent, you may apply for AFDC.\* A worker will explain your rights, responsibilities, eligibility requirements, and methods of determining how much money your family may receive if eligible.

The key factor in determining if your family is eligible for aid is need. Examples of income which must be used in determining eligibility for payment include:

- wages
- contributions from family or friends
- supplemental security income (SSI)
- any income which is received regularly

Need will be determined by the County Department of Social Services.

Basically, the eligibility requirements for receiving AFDC are these:

- the child must be a citizen of the United States
- the child must be making her/his home in North Carolina other than on a temporary basis
- the child must be without adequate means of support
- the child must be under 18 years of age or between 18 and 21 years and attending school
- each adult family member applying for or receiving assistance under this program must be registered in

#### \*AFDC Application

Apply for AFDC at the County Department of Social Services in the county where the child lives.



accordance with the work registration requirements, except those who are:

- ill or incapacitated
- age 65 or older
- required in the home to provide care for another member of the family who is ill
- responsible for the care of a child under 6; however, as the parent or guardian you have the right to volunteer for the work and training program and a right to child care services to enable participation in this program.

Note that there is a bill pending in the North Carolina General Assembly to allow ADC payments when the father is living at home and is able to work but is unemployed.

## Food Stamps

Participants in the food stamp program pay a certain sum of money based on their family size and its monthly income in return for food stamps worth more than the amount paid for them. These stamps can be spent like money at participating food stores.\*

You automatically qualify for food stamps if:

- you are receiving Aid to Dependent Children (ADC) *or*
- you are receiving Supplemental Security Income (SSI) because you are blind, aged, or disabled.

If you do not fall into either of these categories you may still qualify for food stamps if:

- because of low income, temporary layoff or strike, illness or hospitalization, high medical expenses, or child care expenses, or any of a number of other reasons, your monthly income and resources measured against your expenses meet the dollar requirements established by law *and*
- you are employed or actively seeking work unless:
  - you are under 18 or over 65
  - you are caring for dependent children under 18 or for a disabled adult
  - you are a student enrolled at least half time.

## Medical Assistance

The Medicaid Program\* is one established by the federal government to provide health care and services for those people who can not afford them. It is not the same as Medicare, which is part of the Social Security program and for both rich and poor. Medicaid is for the poor only. It is not charity, it is a right to which you are entitled by law. It is paid for by taxes which everybody, including the poor, pay.

You are automatically entitled to Medicaid if you are receiving:

- ADC payments (both the parent and children are eligible)
- SSI because you are blind, aged, or disabled.

### \*Food Stamp Information

Contact:  
Local food stamp office

*or*

Department of Social Services

### \*Medicaid Information

Contact:  
County Department of Social Services

*or*

Health Department

### EPSDT Program Information

Contact:

Your local health department

or

Department of Social Services

If no EPSDT program has been set up in your area you have the right to demand one be established.

\*There may also be a Welfare Rights Organization (WRO) in your area that will help you.

If you are in neither of these categories you may still be eligible if:

- you are "medically needy," which means that your income and resources are not enough, as established by the law, to pay for your medical care.

Some of the things which Medicaid will pay for include:

- hospital bills (except for mental illness and tuberculosis)
- abortions
- outpatient services such as laboratory and x-ray
- doctor's bills (with certain limits imposed)
- nursing home care
- family planning services.

In addition to Medicaid there is a special program to provide health care for children under 21 whose families can not afford regular health care. It is known as the EPSDT or Early and Periodic Screening, Diagnosis and Treatment program. This program provides for transportation and child-care to assure that the children will get the regular screening and treatment for:

- dental care
- eye care
- hearing aids
- all the other services available under the regular Medicaid program.

## Rights Under the Welfare Laws

The federal Civil Rights Act of 1964 prohibits welfare offices from discriminating against anyone on the basis of race, color, religion, SEX, or national origin. If you believe that you have been discriminated against in relation to any public assistance program (ADC, food stamps, Medicaid, etc.) you should immediately:

- file a written complaint with your local Department of Social Services
- request a fair hearing if benefits have been denied or cut off or your case was not acted upon within a reasonable time (the Department of Social Services must tell you your rights and help in your appeal if you desire one)
- contact an attorney or legal aid society as quickly as possible, if you are still dissatisfied (it may even be wise to do this before your fair hearing).\*

## Criminal Laws

The North Carolina criminal law applies uniformly to men and women, with few exceptions. There are, of course, crimes which deal only with women - rape for example, can only be committed by a man upon a woman, and crimes of abortion had to center around

the pregnant woman. A woman may be convicted of rape, but only where she aids and abets a male in the rape of another woman. Areas of the criminal law which especially concern women include laws on rape, and personal relationship crimes (such as bigamy, adultery, fornication, prostitution, and homosexuality). Abortion, no longer a criminal offense, is covered in this booklet in a special section, page 38. We have also covered criminal non-support by the husband at the end of this section.

## Rape

The legal definition of rape, in North Carolina, is sexual intercourse with a woman by force and against her will or with a female child younger than 12 whether with or without her consent.\* There are three kinds of rape charges:

- *First degree rape*\* — sexual intercourse by a male older than 16 years with a "virtuous" female child under 12 years of age or sexual intercourse forced by the use of a deadly weapon or the infliction of serious bodily injury. First degree rape is punishable by a mandatory death sentence
- *Second degree rape*\* — any other offense of sexual intercourse without the consent of the woman, not included in first degree rape. This crime is punishable by a term of years in prison, up to life imprisonment
- *Assault with intent to commit rape*\* — a separate crime punishable by not less than one nor more than 15 years.

The rape victim is faced immediately with personal, social, and legal choices.

### Hesitation About Reporting the Rape

Many women who have been raped are afraid of a hostile reaction from the police when they report the offense or a casually disinterested reaction from the emergency room personnel, if they are taken to a hospital for treatment. The crime of rape is vastly underreported, and despite possible unpleasant aspects of questioning and trial, a report to the police is the only way in which a rapist might be stopped from future assaults. You may also report the rape to the police without pressing charges and without using your name, if you wish. This is helpful to law enforcement officers in at least identifying areas where rapes occur, patterns of the rapist, and maybe the rapist himself, though no legal action can be taken against him unless charges are pressed. This is, of course, a personal choice each woman must make.

### Preservation of Evidence

Women often unwittingly destroy the best evidence against the rapist by washing themselves or tending their wounds immediately after an attack. Do not

\*N.C.G.S. §14-21.

\*N.C.G.S. §14-21(a).

\*N.C.G.S. §14-21(b).

\*N.C.G.S. §14-22.

For help you can contact any of these Rape Crisis Centers:

Asheville Rape Crisis Center—YWCA  
185 South French  
Broad Ave.

Asheville, N.C. 28801  
Phone: 704-252-8102

YWCA Rape Crisis Project—YWCA  
481 East Trade St.  
Charlotte, N.C.  
Phone: 704-333-7553

Woman's Consultant Service—Crisis Line  
Rt. 1, Box 399 AA  
Wilmington, N.C. 28410  
Phone: 919-763-3695

Light House  
Crisis Center  
210 West Cronly St.  
Laurinburg, N.C. 28352  
Phone: 919-276-LOVE

Chapel Hill-Carrboro  
Rape Crisis Center  
P.O. Box 871  
Chapel Hill, N.C. 27514  
Phone: 919-967-RAPE

Real Crisis  
Intervention, Inc.  
1117 Evans St.  
Greenville, N.C. 27834  
Phone: 919-758-4357

Durham Rape Crisis  
Center—Woman's Center  
P.O. Box 6082  
College St.  
Durham, N.C.  
Phone: 919-688-4353

Raleigh Rape Crisis  
Center—Hope Line  
P.O. Box 5223  
Raleigh, N.C. 27607  
Phone: 919-782-3060

R.A.P.E. Center—Rape,  
Action, Prevention,  
Education  
P.O. Box 5255  
Greensboro, N.C. 27402  
Phone: 919-273-7273

\*251 NC 177,  
111 SE 2d 1 (1959)

\*N.C.G.S. §14-184.

\*9 NC App. 433,  
176 SE 2d 253 (1970)

\*N.C.G.S. §14-183.

\*134 NC 743,  
47 SE 450 (1904)

change clothes or destroy any evidence you have, such as stains, hairs and the like on clothing. Even if you are unsure whether to prosecute, you will not have this option if the evidence is destroyed. Convictions are extremely difficult to get without the proper evidence.

### Reporting the Rape

If you decide to report the rape and if you have a sympathetic doctor, call her/him first, and then the police. As a practical matter, an immediate complaint is much more likely to be taken seriously by the police and prosecutor. You should go to the hospital to receive treatment, and also to have the evidence of the crime collected.

### The Trial

You should be prepared for a trial where the accused rapist's lawyer will do his/her best to show that you consented to the attack. Also, in a rape prosecution, the "general character" of your chastity can be attacked, both as bearing on the likelihood of consent and as an attack on the credibility of your testimony. Evidence of specific acts of unchastity with persons other than the defendant is properly excluded at trial, however.\*

## Crimes of Personal Relations

### Adultery and Fornication

Adultery (sexual intercourse by a married person with any person other than his or her spouse) and fornication (sexual intercourse between two unmarried persons) are still criminal offenses in North Carolina.\* They are misdemeanors punishable by a fine of not more than \$500 or no more than six months in prison, or both. One case has held that there is no offense in either case when a single act of intercourse has occurred; rather it must be habitual intercourse in the manner of husband and wife.\*

### Bigamy

Bigamy (marriage to a person by someone already married to someone else) is a felony, punishable by a sentence of 4 months to 10 years.\* It is not bigamy to remarry if one's spouse has been gone for 7 years or more. However, it is no defense that the defendant believed the first spouse to be dead, if the spouse has been gone for less than 7 years.\*

### Prostitution

Prostitution (to offer or receive the body for sexual intercourse for a fee *or* to offer or receive the body for indiscriminate sexual intercourse *without* a fee) is unlawful in North Carolina for male or female. The pro-

stitute's client may also be prosecuted, though this is rare.

### Crimes Against Nature

Those sexual activities between consenting adults which involve what North Carolina calls "crimes against nature" are felonies.\* The cases have defined this to include anal and/or oral sexual penetration between adults and acts with animals.\* (Such acts committed against children are also unlawful.) Proof of penetration *of or by* the sexual organ is essential to conviction.\* This crime also includes homosexual activities, though we know of no case involving homosexual activities between women.\*

### Criminal Non-Support and Abandonment

In addition to the private civil law remedies for non-support (see the section on Support, page 35), persons may be prosecuted under the criminal law.\*

#### Nonsupport of Children

A mother or a father who wilfully neglects or refuses to provide adequate support for her/his children, whether or not the children have been abandoned, is guilty of a misdemeanor. The punishment for the first conviction is a fine up to \$500.00 and/or imprisonment up to 6 months, and for the second and subsequent convictions a fine and/or imprisonment up to 2 years.\* This duty of support of both parents extends to both natural and adopted children until they reach age 18, or if mentally or physically handicapped, until the child becomes self-supporting or reaches age 21 and is a patient in a state facility.

#### Abandonment of Children

A mother or father who intentionally abandons her/his children, without just cause, for 6 months and who tries in that time to hide from the children in order to escape her/his legal duty to support them is guilty of a felony. The punishment is left to the discretion of the court.\*

In addition a mother is guilty of a misdemeanor if she wilfully abandons her legitimate or illegitimate children younger than 16.\* There is no minimum time limit under this law, and it applies only to the mother.

#### Nonsupport of Wife

It is a misdemeanor for a husband, either while living with his wife or after having abandoned her, to fail without just cause to provide her with adequate support. The penalties are the same as for nonsupport of children.\*

Instead of a fine or prison term the court has the authority to order that a man pay support to his wife and/or children if he has been convicted of nonsupport.

\*N.C.G.S. §14-177.

\*264 NC 746, 142  
142 SE 2d 722 (1971)

\*3 NC App. 459,  
165 SE 2d 31 (1969)

\*166 NC 247,  
80 SE 970 (1914)

\*If you are receiving welfare benefits, your local Department of Social Services will usually help you with legal action against your husband for nonsupport. Otherwise you can seek a warrant for nonsupport from the criminal magistrate at your county courthouse.

\*N.C.G.S. §14-322  
and §14-325.

\*N.C.G.S. §14-322.1.

\*N.C.G.S. §14-326;

\*N.C.G.S. §14-322  
and §14-325.



# Equal Rights Amendment

- SEC. 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.
- SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provision of this article.
- SEC. 3. This amendment shall take effect 2 years after the date of ratification.

This is the text of the ERA—Equal Rights Amendment—to the United States Constitution. The ERA was first introduced in Congress in 1923 by the National Women's Party. After being reintroduced numerous times, it was finally passed in 1972.

The Constitution requires that three-quarters of the state legislatures (38 out of 50) must ratify it within 7 years (by 1979) before it can become law. And even after ratification it will not become effective for 2 years, in order to allow the states to rewrite their laws to comply with it. As this booklet goes to press, 34 states have ratified it. The North Carolina General Assembly defeated the ERA in 1973 and 1975.

\*If the ERA becomes law various laws discussed in this booklet will be subject to change.

For a list of N.C. laws which face possible revision write to:  
The Consumer  
Protection Agency  
Office of  
Attorney General  
Raleigh, N.C.

The ERA will:

- furnish a more definitive standard than the 14th Amendment does for deciding what constitutes sex-based discrimination
- prohibit, with possible rare exceptions, laws and official action which establish or support distinctions solely on the basis of sex (either male or female)
- affect only "state action," which means action in which the federal, state, or local government is implicated.

The ERA probably will:

- extend, instead of denying, to both sexes the benefit of those laws which now protect only one sex.

The ERA will *not*:

- affect action by private individuals and companies that do not have sufficient government connections
- affect purely personal and social relationships.

Even now without the ERA, if you think you are being discriminated against because you are a woman, you may be able to challenge a law under the 14th Amendment.\*

\*Contact a sympathetic lawyer.

UNIVERSITY OF NORTH CAROLINA WOMEN IN LAW

School of Law  
University of North Carolina  
Chapel Hill, North Carolina 27514

October 22, 1975

Dear Organization Officer:

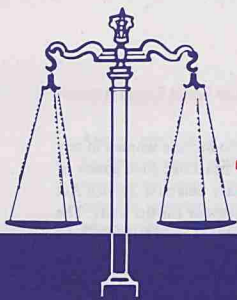
Enclosed for you use is a copy of our new booklet, Women and the Law: A Handbook for North Carolina. The booklet is designed to educate women about the law in those areas which are particularly relevant to us. It is our hope that this handbook will help women recognize which situations are covered by the law and alert them to the extent of their legal rights in those situations.

We would appreciate it if you would tell the members of your organization about this publication. They may order copies of the booklet by writing us at the above address. We request a donation of \$1.00 per booklet to cover the cost of printing and mailing. Checks should be made out to Women in Law. If individuals are unable to afford this amount, special arrangements may be made.

If you have any comments regarding the booklet--other topics you would like to see included in the next edition, the names of other organizations or offices in your community which you feel would be interested in obtaining a copy, or general reactions--we would be pleased to hear from you. Thank you for your assistance.

Sincerely,

Women in Law Booklet Committee



# How and Why to Ratify THE EQUAL RIGHTS AMENDMENT

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

## Why the Equal Rights Amendment?

The Equal Rights Amendment, or ERA, would amend the United States Constitution to insure that men and women have the same rights and responsibilities under the law.

*The Amendment would be a major step toward assuring first class citizenship for women, toward their assumption of fuller responsibilities, and toward bringing women into the mainstream of American life. A century ago Susan B. Anthony remarked: "Men their rights and nothing more. Women their rights and nothing less" . . . Passage of this Amendment would eliminate impediments to women's rights and enable women to share with men the responsibilities of family, community, and Nation.*

—Virginia R. Allan, former Chairman of the President's Task Force on Women's Rights and Responsibilities

## How Will ERA Become Law?

Three-fourths of the state legislatures (38 states) must ratify ERA within seven years of March 1972 before it becomes the 27th Amendment to the Constitution. Following that, states have two years in which to review and revise their laws, regulations, and practices to bring them into compliance with the Amendment.

## What is ERA?

Simply stated, the Amendment provides that sex should not be a factor in determining the legal rights of men and women. It thus recognizes the fundamental dignity and individuality of each human being. ERA will affect only governmental action; the private relationships of men and women are unaffected. The Amendment does not require any state or the federal government to establish quotas. It does require equal treatment of individuals.

## Who Supports ERA?

ERA has received the endorsement of Presidents of the United States, including Presidents Eisenhower, Kennedy, Johnson, and Nixon, and has been repeatedly supported on the national party platforms of the major political parties. The House of Representatives approved the Amendment by a vote of 354 to 23 on October 12, 1971. The Senate passed the Amendment on March 22, 1972, by a vote of 84 to eight. In both houses, efforts to amend ERA were defeated by substantial margins.

In addition, an impressive list of women's groups, labor unions, and religious and professional organizations have recorded their support of ERA. Both the Citizens' Advisory Council on the Status of Women, created by President Kennedy, and the President's Task Force on Women's Rights and Responsibilities, created by President Nixon, have recommended in strongest terms approval of the Amendment.

## Is the Equal Rights Amendment Really Needed?

There has been some progress toward equal legal rights for men and women in recent years. However, the fact that persistent patterns of sex discrimination continue to permeate our social, cultural, and economic life has been thoroughly documented in the many Congressional committee hearings held during the past years, and extensively over the last three years.

*On the whole, sex discrimination is still much more the rule than the exception. Much of this discrimination is directly attributable to governmental action both in maintaining archaic discriminatory laws and in perpetuating discriminatory practices in employment, education, and other areas. The social and economic cost to our society, as well as the individual psychological impact of sex discrimination, are immeasurable. That a majority of our population should be subjected to the indignities and limitations of second class citizenship is a fundamental affront to personal human liberty.*

—Report No. 92-689, Senate Judiciary Committee

## Don't Women Have Equal Rights Under the Constitution Now?

The only right women gained under the Suffrage Amendment was the right to vote—their civil rights were unaffected. Although the Fourteenth Amendment, which was made part of the Constitution in 1868, guarantees "equal protection of the laws", not until 1971 did the Supreme Court strike down a law which discriminated against women. The Court invalidated an Idaho law which arbitrarily favored men over women as administrators of estates (*Reed v. Reed*), but it did not overrule earlier decisions upholding sex discrimination cases in other laws, and it did not hold that sex discrimination is "suspect" under the Fourteenth Amendment.

The Court left the burden on every woman plaintiff to prove that governmental action perpetuating sex discrimina-



tion is "unreasonable". As the Association of the Bar of the City of New York pointed out in its report, "the 1971 Reed case indicated no substantial change in judicial attitude."

Under ERA, the burden will not be on each woman plaintiff to show that sex discrimination is "unreasonable". Instead, all men and women will be assured the right to be free from discrimination based on sex.

#### **Why Not Change Specific Laws Instead?**

There are many uncertainties and practical difficulties connected with attempting to change every law which discriminates on the basis of sex. It is time-consuming and expensive; and specific legislation can deal only with specific problems. A constitutional amendment is the only realistic way to insure equal treatment of the sexes before the law.

It would be possible for Congress and each State to revise their laws and eliminate those which discriminate on the basis of sex. But without the impetus of the Equal Rights Amendment, that process would be far too haphazard and much too slow to be acceptable, especially in light of the fact that the Equal Rights Amendment was first introduced 49 years ago.

*... we cannot overlook the immense, symbolic importance of the Equal Rights Amendment. The women of our country must have tangible evidence of our commitment to guarantee equal treatment under the law. An amendment to the Constitution has great moral and persuasive value. Every citizen recognizes the importance of a constitutional amendment, for the Constitution declares the most basic policies of our Nation as well as the supreme law of the land.*

—Senator Birch Bayh (D-Indiana)

#### **How Will the Amendment Affect Existing Laws?**

Essentially, the Amendment requires the federal government and all state and local governments to treat each person, man and woman, as an individual. State legislatures have the primary responsibility for revising those laws which are in conflict with the Amendment. The effective date of ERA has been delayed for two years after ratification to give states time to do this.

In cases where the states have failed to act, these issues can easily be resolved, with the guidance of well-established precedents, by the courts. The legislative history of the Amendment indicates that Congress expects any law which is truly beneficial to be extended to protect both sexes, while laws which are truly restrictive and discriminatory would become null and void. In a great many instances, the problem can be solved simply by changing the laws to read "persons" instead of "male" or "female".

*Where a statute is defective because of underinclusion there exist two remedial alternatives: a court may either declare it a nullity and order that its benefits not extend to the class that the legislature intended to benefit, or it may extend the coverage of the statute to include those who are aggrieved by exclusion.*

—Mr. Justice Harlan, concurring in *Welsh v. United States*

#### **Would Women Be Drafted Under the Equal Rights Amendment?**

Congress now possesses the power to include women in any military conscription. ERA would not limit that power of Congress. However, under the Military Selective Service Act of 1967, only male citizens must register for the draft. The Amendment would require that this law, or any subsequent law concerning military and/or alternative national service, be extended to women equally.

Women would be allowed to volunteer for military service on the same basis as men: those who are physically and otherwise qualified under neutral standards could not be prohibited from joining solely because of their sex. With respect to the draft—if there is one at all—both men and women who meet the physical and other requirements and who are not exempt or deferred would be subject to conscription.

*Of course, the ERA will not require that all women serve in the military any more than all men are now required to serve. Those women who are physically or mentally unqualified, or who are conscientious objectors, or who are exempt because of their responsibilities (e.g., certain public officials; or those with dependents) will not have to serve, just as men who are unqualified or exempt do not serve today. Thus the fear that mothers will be conscripted from their children into military services if the Equal Rights Amendment is ratified is totally and completely unfounded. Congress will retain ample power to create legitimate sex-neutral exemptions from compulsory service. For example, Congress might well decide to exempt all parents of children under 18 from the draft.*

—Report No. 92-689, Senate Judiciary Committee

Under ERA, women would also be entitled, as men now are, to reap the benefits which flow from military service. These include, for example, educational benefits of the GI bill; medical care in the service and through veterans' hospitals; job preferences in government and out; and the training, maturity, and leadership provided by service in the military itself.

#### **Does This Mean Women Would Be Assigned to Combat Duty?**

Once in the service, women, like men, would be assigned to various duties by their commanders, depending on their qualifications and the service's needs. Only those persons — men or women — who can meet the very high physical demands which combat duty imposes would be eligible for such assignments. Today, less than 1 percent of those men eligible for the draft are assigned to combat units. Studies have shown that almost nine out of 10 jobs done in the service are non combat jobs.

There are now, of course, a considerable number of women serving with distinction in the military services, and many of them are serving in combat zones and receiving combat pay. Then, too, as Senator Marlow Cook (R-Kentucky) has pointed out, "Combat today may be a lady sitting at a computer at a missile site in North Dakota."

### What About State "Protective" Labor Laws?

Almost every state has some kind of so-called "protective" legislation which applies only to women. It may restrict the number of hours they work, set limits on the pounds they can lift, restrict night work, provide for special seating arrangements, or prohibit their employment in certain occupations. While these laws were originally enacted to prevent women from being exploited, they now serve to restrict employment opportunities by keeping women out of some jobs which offer higher pay or advancement. To the extent these laws provide meaningful protections, men are today arbitrarily denied benefits they need and deserve. Many of these state "protective" laws are being struck down because of their incompatibility with Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment where sex is not a "bona fide occupational qualification".

*The Commission believes that such state laws and regulations, although originally promulgated for the purpose of protecting females, have ceased to be relevant to our technology or to the expanding role of the female worker in our economy. The Commission has found that such laws and regulations do not take into account the capacities, preferences and abilities of individual females and tend to discriminate rather than protect.*

—Equal Employment Opportunity Commission Guidelines,  
August 19, 1969

Women today work for the same reasons as men—namely, to support themselves, their families, and other dependents. And increasingly, working women are testing the validity of state "protective" laws.

*The truth, more abundantly clear with each passing week, is that "real" working women in the factories of the land, with or without the support of their unions, have been making a charge at the discriminatory practices authorized or not prevented by the state protective laws, and have been challenging the validity of these laws with considerable success. Not professional nor business women but women who work for wages have brought most of the suits, or had the most suits filed in their behalf, charging the state protective laws with discrimination based on sex.*

—Olga Madar, Vice President, United Auto Workers

### How Would ERA Apply to Schools?

*Discrimination against women, in contrast to that against minorities, is still overt and socially acceptable within the academic community.*

—A Ford Foundation Report On Higher Education

Under the Equal Rights Amendment, state supported schools at all levels would have to make certain that

admissions and the distribution of scholarship funds were on the basis of ability or other relevant characteristics, not on the basis of sex. In like manner, employment and promotion in public schools and colleges would have to be free of sex discrimination. The Amendment would not require the setting of quotas for men and women, nor would it require that schools accurately reflect the sex distribution of the population. State schools and colleges currently limited to one sex would have to allow both sexes to attend.

### What Would ERA do to Relationships Between Men and Women?

ERA applies only to government action and legal rights, not to social customs. The question of who pays the dinner check, opens the door, or pulls out a chair has nothing to do with equal legal rights. Social customs and personal relationships between men and women would be decided by the individuals involved.

*It is important to note that the only kind of sex discrimination which [ERA] would forbid is that which exists in law. Interpersonal relationships and customs of chivalry will, of course, remain as they always have been, a matter of individual choice. The passage of this Amendment will neither make a man a gentleman nor will it require him to stop being one.*

—Senator Marlow Cook (R-Kentucky)

### Does the Right to Privacy Conflict With ERA?

"Equality under the law" does not mean that the sexes must be regarded as identical, and it does not prohibit states from requiring that there be a reasonable separation of the sexes under some circumstances. States would continue to have the power to require segregation of the sexes for regulatory purposes with respect to such facilities as sleeping quarters at coeducational colleges, prison dormitories, and military barracks.

In addition, the right to privacy under the Constitution would also permit a separation of the sexes with respect to such places as public toilets and sleeping quarters of public institutions.

*. . . the right to be free of sex discrimination would have to harmonize with other constitutional rights, such as the right to privacy recognized by the Supreme Court in Griswold v. Connecticut. Therefore, the Equal Rights Amendment most certainly would not abolish the practice of providing separate restrooms for boys and girls in public schools. The right to privacy would justify some segregation by sex in the military, as well as in prisons and other public institutions.*

—Representative Martha Griffiths (D-Michigan)



### What About Family Relationships?

ERA would apply only to governmental action. It would not affect private action or the purely social relationships between men and women. Domestic relations and community property laws, however, would have to be based on individual circumstances and needs, and not on sexual stereotypes.

Alimony laws would continue in effect under ERA. Continued support of one spouse by the other after divorce or separation, if based on actual economic dependency or relative ability to provide family support, would be permitted.

*... the Equal Rights Amendment would not deprive women of any enforceable rights of support and it would not weaken the father's obligation to support the family.*

—Citizens' Advisory Council  
on the Status of Women

*The Amendment would bar a state from imposing a greater liability on one spouse than on the other merely because of sex. It is clear that the Amendment would not require both a husband and wife to contribute identical amounts of money to a marriage. The support obligation of each spouse would be defined in functional terms based, for example, on each spouse's earning power, current resources and nonmonetary contributions to the family welfare . . . where one spouse is the primary wage earner and the other runs the home, the wage earner would have a duty to support the spouse who stays at home in compensation for the performance of her or his duties.*

—Association of the Bar  
of the City of New York

### Would Maternity Legislation be Affected?

Legislation allowing maternity benefits would not be prohibited by the Amendment because it is based on a function unique to one sex. "Equality" does not mean "sameness".

*So long as the characteristic is found in all women and no men, or in all men and no women, the law does not violate the basic principle of the Equal Rights Amendment; for it raises no problem of ignoring individual characteristics in favor of a prevailing group characteristic or average.*

—Professor Thomas I. Emerson,  
Yale Law School

### What About Women Who Choose Homemaking as a Career?

ERA would not take women out of the home. It definitely would not require both the husband and wife to become wage earners. Rather than downgrading the roles of mother and housewife, the Amendment would give new dignity to these important roles.

*By confirming woman's equality under the law, by upholding woman's right to choose her place in society, the Equal Rights Amendment can only enhance the status of traditional women's occupations. For these would become positions accepted by women as equals, not roles imposed on them as inferiors.*

—Representative Florence P. Dwyer (R-New Jersey)

### How Would ERA Affect Criminal Laws?

State laws which provide greater penalties for female law violators than for male violators committing the same crime would be nullified by ERA. But the Amendment will not invalidate laws which punish rape.

*Rape laws . . . are perfectly constitutional, for both the group which is protected; namely, women, and the group which can be punished; namely, men, have unique physical characteristics which are directly related to the crime, to the act for which an individual is punished.*

—Senator Birch Bayh (D-Indiana)

### How Would Property Rights Be Affected?

State laws which place special restrictions on the property rights of married women would be nullified. A married woman would be permitted to manage or own separate property in the same manner as her husband. She would also be able to enter into contracts or run her own business as freely as a member of the male sex.

### Would Jury Laws Be Affected?

The Equal Rights Amendment would make women eligible for jury service on the same basis as men. Any state laws "relieving" only women from jury duty simply because they are women, or requiring them to register for jury duty only if they are interested in serving, would be invalid.



# ERA UNITED

"Equality of rights under the law shall not be abridged on account of sex."

Dear Friend and Co-Worker for ERA:

As you know we have an ERA United Coalition in North Carolina which is actively seeking for the ratification of the Equal Rights Amendment by the 200th Anniversary of the Mecklenburg Declaration on May 20, 1975. The ERA United Coalition is made up of members of the League of Women Voters, Common Cause, National Organization of Women, N.C. Women's Political Caucus, N.C. Civil Liberties Union, The American Association of University Women, The Western N.C. Conference of United Methodist Women and the North Carolina Business and Professional Women's Clubs, Inc.

We need supporters for this United effort in each of our congressional districts, therefore we are having a workshop in Salisbury North Carolina at the Holiday Inn on I-85 and Klumac Rd. Exit, on Sunday, October 27, 1974, Lunch at 1:00 P.M., meeting to start at 2:00 - 5:00 P.M. Lunch will be \$3.50 plus tax and tip. Registration Fee is \$1.00.

Your registration form is enclosed. Please fill in, return to Joetta Feezor, District Coordinator for District 8.

The districts which are involved in this workshop are District 5,8,9,10 and 11. You may want to use the registration for several persons.

Please encourage attendance at this workshop when our Board of Directors and Leaders of ERA United will help us to see how we can give of our time, money, and effort for this important cause. WE HAVE WAITED LONG ENOUGH FOR THE PASSAGE OF THE EQUAL RIGHTS AMENDMENT! FIVE STATES ARE NEEDED TO RATIFY! REMEMBER, THIS RATIFICATION IS FOR ALL PERSONS!

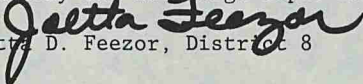
At the workshop we will have public relations kits and other information that will assist you in setting up your district coalitions.

We are looking for you!

DON'T FORGET \_ SEND IN YOUR REGISTRATION

Call 636-0121 or 636-9628 - if I can assist you.

Sincerely and with High Hopes for ERA ratification,

  
Joetta D. Feezor, District 8

WHAT? ERA UNITED WORKSHOP, OCTOBER 27, 1974,  
WHERE? Holiday Inn, I-85 and Klumac Rd. Exit, Salisbury, N.C.  
WHEN? October 27, 1974 - Lunch at 1:00, Meeting 2:00 to 5:00

The following persons will attend the above workshop.

| Name | Address | Organization | Lunch     |
|------|---------|--------------|-----------|
|      |         |              | Yes or no |
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Return to Joetta D. Feezor  
1817 Third St. Apt. 2  
Salisbury, NC. 28144

Tele: Bus. 636-0121 - Home 636-9628



# ERA UNITED

"Equality of rights under the law shall not be abridged on account of sex."

1436 Kershaw Drive  
Raleigh, N. C. 27609  
October 28, 1974

Dear President:

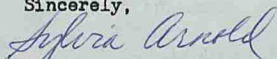
The men and women who support the Equal Rights Amendment believe that an informed public is the best way to achieve the ratification of the amendment in the 1975 North Carolina General Assembly. We feel that passage of the ERA is essential to insure women full legal protection under the U. S. Constitution. ERA United is composed of many organizations such as the AFL-CIO, Common Cause, the American Association of University Women, the League of Women Voters, Business and Professional Women, National Organization for Women, and United Methodist Women, who are working towards this goal.

To this end, we have formed a Speakers Bureau with well informed, professional men and women from throughout the State to speak to groups such as yours. We welcome a chance to provide a speaker, for groups of 50 or more people, to give an interesting and informative background on the ERA. For smaller groups we would suggest speakers recruited from a local ERA Speakers Bureau. These speakers will volunteer their time, but will accept any contributions for travel expenses incurred.

If you would like to schedule a speaker, please contact Donna Palmer, A-23 McKimmon Village, Raleigh, N. C. (Day 919-737-2878, Night 834-8614)

Please call us soon so we can provide a speaker to answer your questions on the ERA and inform you of its effects and many benefits.

Sincerely,



Speakers Bureau Chairperson,  
ERA United

To: Organizations and individuals interested in Ratification of the  
Equal Rights Amendment to the United States Constitution

From: Nancy Drum, Coordinator, ERA United  
1219 Forsyth St., Winston-Salem, N.C. 27101 (919) 725-3691

Re: Strategy Workshop ( agenda enclosed )

ERA United, the state coalition of organizations committed to ratification of the Equal Rights Amendment, has planned a workshop for generating ideas and determining strategy for a successful campaign in North Carolina. We have an excellent chance to ratify the Amendment in this next legislative session, but to do this we need your organization's and individual members' commitment in time, money and energy.

Please come join us for this important workshop. We need your ideas and your help for success in 1975 ! If you cannot come, send a representative, and if your organization has voted to join ERA United, designate a representative who can be elected to the Board of Directors. If you have any questions about ERA United, feel free to call or write me at the above address.



STRATEGY WORKSHOP

For

ERA United Board Members, Task Force Chairs

and other interested individuals

September 15, 1974

Faculty Club of N.C. State University

- 10:00 Welcome and opening remarks by Nancy Drum, Coordinator for ERA United and Gladys Tillett, President of the Board of Directors
- 10:15 Coalition Campaign Structure  
Mary Brooks, Staff, League of Women Voters of the United States
- 11:15 Notes from successful ERA ratification campaigns  
Pat Ryan, Chairperson, Maine Coalition for the ERA  
Mary Miller, Chairperson, The Ohio Coalition for the ERA
- 12:15 Lunch ( will be provided )
- 1:15 Specific Strategy for North Carolina  
Howard Twiggs, Former Representative from Wake County  
Frances Tomlin, Candidate from the 33rd Representative District  
Patricia Hunt, Candidate from the 17th Representative District
- 2:15 General Discussion
- 3:30- ERA United Board Meeting
- 4:30

Directions to the Faculty Club: Take the Hillsbrough Exit from the Beltway ( 64-1 ), going west on US 1 . The Club is located about a 1/4 of a mile from the exit before the Fairgrounds.

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Return this portion by Sept. 10th to Nancy Drum, ERA United

1219 Forsyth St.

Winston-Salem, N.C. 27101

Name:

Address:

I will be able to attend the workshop \_\_\_\_\_ and will be present for lunch \_\_\_\_\_

I will not be able to attend, but would like to be kept informed of  
ERA United activities

I would like overnight accommodations Sat. \_\_\_\_\_ Sun. \_\_\_\_\_  
I would like help with travel expenses \_\_\_\_\_ estimated amount \_\_\_\_\_

TO: Organizations and individuals interested in ratification of the Equal Rights Amendment to the US Constitution

FROM: NANCY BROCK, CHAIR NCWPC ERA COMMITTEE  
708 PARTRIDGE STREET, MT. AIRY, N. C. 27030, PHONE (919) 789-5243

SUBJECT: ERA COALITION CONVENTION  
APRIL 21, 1974 10 A.M. - 4 P.M.  
PRESBYTERIAN HOUSE, 500 FOREST AVE., UNC-GREENSBORO

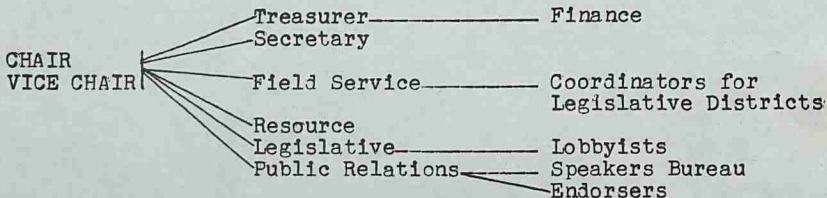
In November we will elect the General Assembly that will again consider the Equal Rights Amendment. In order to form a more powerful grassroots coalition we must pool our energies, resources and voices and make plans for our campaign. Please join us in reconvening the ERA Coalition. Let's start a bandwagon that cannot be stopped.

If you are the head of an organization or the legislative chair please come or send a representative. If you are an individual who wants to work for ERA we need you.

We must make some decisions about our coalition regarding:

Structure  
Ground rules  
Campaign plan: What statewide events? When?  
Choice of Board of Directors to head task forces  
Shall the Board elect a chair and vice chair?

I recommend the following structure for our coalition.



Under this plan most statewide organizations would be represented by a task force director at the state level. Each district might have a local coalition organized along similar lines. A strong Finance Task Force is essential with representation from each participating organization. If each task force does its job we will make maximum use of our resources.

The League of Women Voters of the US has an excellent ERA Action kit I highly recommend. (LWVUS, 1730 M Street NW, Washington DC 20036. Pub # 508. It's a bargain at \$2) It will be helpful for you to bring it to the convention. If we can agree on the structure and ground rules suggested therein we will save time.

- Please BRING:
- 1) any ERA materials your organization has developed
  - 2) ERA fundraisers to show and sell
  - 3) nominations to the task forces
  - 4) lists of people and organizations that may want to join us, let's broaden the base.



# North Carolina Council of Women's Organizations

October 3, 1974

Dear Affiliate President:

At the September 28 Executive Board Meeting of the North Carolina Council of Women's Organizations, a discussion was held on the invitation from the ERA Coalition for the NCCWO to support the radification of the Twenty-seventh Amendment popularly known as the Equal Rights Amendment. In line with the principle of the Council (By-Laws, Article I) "Joint participation shall be necessary to develop intelligent statewide planning and action on programs and goals looking toward fuller participation of women in the duties and responsibilities of citizenship", the motion was made and carried by the Executive Board to poll the affiliates for their position in having the NCCWO make a statement regarding the ERA. The major legislation affecting the rights of all citizens in this decade. We invite you to reply to this motion by filling in the attached form and returning it to me in the enclosed envelope by November 1.

If a majority of affiliates either support or oppose ERA we will make a statement as a Council reflecting your wishes. The names of no affiliates will be used in such a statement.

Sincerely,

Eloise S. Cofer  
President

The \_\_\_\_\_  
(name of affiliate)

has studied the pros and cons of the Twenty-seventh Amendment. We believe the N.C.C.W.O. should endorse \_\_\_\_\_; not endorse \_\_\_\_\_ the radification of the Twenty-seventh Amendment (ERA).

Name \_\_\_\_\_ President

Address \_\_\_\_\_

\_\_\_\_\_

*Jan 14 1975  
Voted to call  
this to the  
attention of our  
membership to  
study same*



JANUARY 1975

# ERA UNITED

NEWSLETTER  
CALL TO ACTION  
FOR  
"FIRST IN FREEDOM" IN '75

The ERA United office opened in December and is located in room 211 Oddfellows Building, 19 W. Hargett, Raleigh, 27601 (919-833-3641). The office is staffed fulltime by Coordinator Nancy Drum, by Wanda Canada, Administrative Assistant, Volunteer Administrative Assistant Sylvia Arnold and PR Consultant Linda Grimsley. The 1975 Session of the General Assembly officially opened January 15. The Equal Rights Amendment was introduced into the N.C. House of Representatives by Rep. Herbert Hyde (D-Buncombe). A second identical bill was introduced by Rep. Mickey Michaux of Durham. It is expected that both bills will be consolidated in committee. Another identical bill will be introduced into the Senate shortly.

## ACTION PRIORITIES

As part of the ratification campaign, the following priorities have been outlined for immediate action. A list of congressional district coordinators is enclosed with whom you should remain in contact and inform of your activities.

## LETTER WRITING

As a result of a concerted letter-writing campaign of anti-ERA people, many legislators report that their mail is running heavily against the ERA. We are now asking you to write the legislators in your home district. Letters should be extremely polite, very low-key and pleasant. If you know that a legislator supports ERA thank him or her for their support. A list of legislators and their counties accompanies this newsletter. All letters should be addressed to the North Carolina General Assembly, Raleigh, North Carolina 27611.

We suggest that you also contact ERA supporters, friends and family and ask them to write letters. Every meeting should include letter-writing parties. Parties for letter-writing should be organized, but keep letters personal and individualized, even providing different stationery. Do not wait for further instructions. Act now!

## LEGISLATIVE LOBBYING

In an effort to correct some of the difficulties apparent from the 1973 session, this year's lobbying effort will be low-key, stressing home lobbying. We are asking you to contact only your own legislators while they are at home on weekends.

Identify the most effective people in your community to lobby with your legislators, e.g. supporters who have worked or contributed to our campaigns. Please immediately inform your congressional district coordinator and the ERA office about who will be lobbying with specific legislators, if you have not already done so. Also, supply both district coordinators and ERA office with the name, phone number and address of local supporters.

Howard Twiggs, Raleigh attorney and former legislator, is handling our lobbying in the General Assembly and coordinating efforts of organizational lobbyists. Any questions concerning lobbying efforts should be directed to our legislative coordinator, Julia Miller (919-851-5396) or to this office (919-833-3641).

### PUBLIC RELATIONS CAMPAIGN

Press kits have been sent to newspapers and radio and TV stations throughout the state. At the local level, we need to utilize all methods to reach as many persons as possible. Feature articles, letters to the editor, press releases of local events, releases on local speeches -- all of these will contribute to the PR effort.

Person-to-person techniques are equally important. Talk to people wherever you go. Be aware of your image and know your facts. Use Speakers Bureaus and informal coffees, also. Be prepared to take the initiative positively and with grace whenever the opposition occurs. To clarify issues raised by anti-ERA groups, arrange equal time follow-up feature stories on ERA supporters. Information on what has happened in ratified states will be available soon from this office.

In all interviews, TV, radio, press conferences, we want to tie the ERA ratification with our historic theme, the suffragette movement, the Bicentennial, Edenton Tea Party, The N.C. State Seal, which we have adopted as our logo and its motto as our own, "Esse Quam Videri" (to be rather than to seem) and to new theme on the N.C. 1975 license plates, "First in Freedom."

Men for Equality Now (MEN) has organized and joined ERA United, to make a total of 15 constituent organizations. For further information about MEN, write or call John Meuser, 628 Camrose Drive, Charlotte 28215 (704-568-0258).

### RESOURCES

A research paper has been prepared on the need for ERA and on the specific effects of ERA Amendment on North Carolina statutes. Copies will be available upon request from the ERA office. This



document will be an invaluable lobbying tool. Other literature available from the office:

ERA: a bread and butter issue  
The Church, Religion, and the Equal Rights Amendment  
What the Equal Rights Amendment Means: National Association  
of Women Lawyers  
Equality  
Who will defend America  
Bringing Home Equality  
Women in the 70's: black women and the Equal Rights Amendment  
Equality of Rights...Shall not be abridged...on account of Sex  
The ERA: what it means to men and women  
Organizational endorsements flyer

Congressional District Chairpersons:

District 1

Tennala Gross (919) 752-2679  
109 N. Harding St.  
Greenville, NC 27834

District 2

Anne Chipley (919) 442-7005  
619 Sycamore  
Rocky Mount, NC 27801

District 3

Elaine Martin (919) 346-4489 (res.)  
512 Jarman St. (919) 451-5620 (bus.)  
Jacksonville, NC 28542

District 4

Maria Bliss (919) 625-5423  
834 Shamrock Rd.  
Asheboro, NC 27203

District 5

Jo Ann Wilson (919) 768-3119  
241 Flyntshire Rd.  
Winston-Salem, NC 27104

District 6

Margaret Keese (919) 274-3948  
511 Mendenhall  
Greensboro, NC 27401

District 7

Beth Geimer (919) 485-3863  
501 Cape Fear Ave  
Fayetteville, NC 28305

District 8

Joetta Feezor (704) 636-9628  
1817 3rd St., Apt. 1  
Salisbury, NC 28144

District 9

Lana Davidson (704) 872-6456  
1225 Elizabeth Ave.  
Statesville 28677

District 10

Pamela Whitener (704) 322-4510  
615 2nd Ave. SE  
Hickory, NC 28601

District 11

Laine Calloway (704) 254-4288  
19 North Liberty St.  
Asheville, NC 28801

(Please circulate this newsletter to your organizations, chapter members, and anyone who may be interested in helping with ERA efforts. Undoubtedly our mailing list does not include all the people we would like to reach, so we are counting on you to spread the word through newsletters of your own organizations, by telephone, and by word of mouth. Thanks very much!)

FUND-RAISING

Finance Chairman Nancy Klein put forth an urgent plea for funds. Because of inadequate fund-raising in many sections of the state, some cities will have to have their quotas raised. We are now encouraging individual fund-raising efforts on an ad hoc basis. Volunteers desiring to do something for ERA should be directed to letter-writing and fund-raising activities. We need any individuals willing to raise funds independently to begin immediately. Do not wait for further direction. If your geographical area has met its quota, please consider doubling or tripling that amount. All funds which have been collected should be turned in to Nancy Klein immediately. Remember our Dollars for ERA campaign. Please pass a hat at each meeting you attend. Other fund-raising ideas are bake sales, dinners, receptions, coffees, junk sales, book sales, baby-sitting services, direct solicitation of employees, professors, college students, and male and female supporters.

PLEASE COMPLETE THIS BLANK AND SEND IT TO THE FOLLOWING ADDRESS:

Nancy Klein  
1134 Linganore Place  
Charlotte, N.C. 28203

Or telephone her at:  
(704) 372-5633 (H)  
(704) 374-5324 (O)

If you possibly can do so, please send Nancy Klein a personal contribution.

FUND-RAISING

The following people from my area are interested in participating in fund-raising activities: (name, address, phone number)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

The following people might contribute if solicited by ERA United:

1. \_\_\_\_\_
2. \_\_\_\_\_

- I am willing to solicit funds from my friends and will begin doing so immediately.
- I will ask friends to begin soliciting money from others.
- I would like to make the following donation: \_\_\_\_\_  
(Make checks payable to ERA United)
- I cannot donate at this time, but please contact me later.

ERA United  
19 W. Hargett St., Rm. 211  
Raleigh, N. C. 27601



MRS ELMER LAGG  
BOX 1454  
SALISBURY NC 28144



# URGENT

ANTI-ERA MAIL IS RUNNING VERY HEAVILY AGAINST RATIFICATION BECAUSE OUR SUPPORTERS ARE NOT WRITING LETTERS. THIS IS HAVING A DETRIMENTAL EFFECT ON THE LEGISLATORS!

WE URGE YOU TO ORGANIZE FRIENDS AND SUPPORTERS TO WRITE LETTERS TO THE MEMBERS OF THE CONSTITUTIONAL AMENDMENTS COMMITTEE AND YOUR LEGISLATORS IMMEDIATELY.

OUR LETTER WRITING CAMPAIGN IS CRUCIAL TO THE PASSAGE OF THIS BILL. PLEASE KEEP LETTERS PLEASANT AND POSITIVE. ADDRESS MAIL TO LEGISLATORS AT: N.C. LEGISLATIVE BUILDING, RALEIGH 27611.



ERA United  
19 W. Hargett St., Rm. 211  
Raleigh, N. C. 27601



MRS ELMER LAGG  
BOX 1454  
SALISBURY NC 28144

UNITED  
ERA  
VERY IMPORTANT

# ERA UNITED

PLEASE WRITE IMMEDIATELY TO THE FOLLOWING MEMBERS OF THE  
N.C. HOUSE OF REPRESENTATIVES: \*\*\*\*\*

## CONSTITUTIONAL AMENDMENTS COMMITTEE

Rep. A. Hartwell Campbell, Chairman (7th district)  
Rep. J.P. Huskins, Vice-chairman (35th district)  
Rep. Sam D. Bundy (8th district)  
Rep. Bobby W. Rogers (13th district)  
Rep. Ruth Cook (15th district)  
Rep. Wade Smith (15th district)  
Rep. H.M. Michaux, Jr. (16th district)  
Rep. Heeter Ray (20th district)  
Rep. W.S. Harris, Jr. (22nd district)  
Rep. Thomas O. Gilmore (23rd district)  
Rep. Fred Hutchins, Jr. (29th district)  
Rep. Judson D. DeRamus, Jr. (29th district)  
Rep. Carl J. Stewart (38th district)  
Rep. Robert A. Jones (40th district)  
Rep. Mary C. Nesbitt (43rd district)  
Rep. C. Kitchin Josey (6th district) Speaker pro tempore  
Rep. John Ed Davenport (7th district)

## CORRECTIONS

On page 3 of your newsletter under Congressional District Chairpersons, the Chairperson for District 11 is no longer Laine Calloway, who has moved out of that district. The new chairpersons are:

### District 11

BOB and VERONICA ARYDORF-FISHER phone: (704) 255-8523  
76 Fenner Road, Asheville, N.C., 28806

### \*\*\*\* Names of Legislators

For those of you who recieved the legislative list compiled by ERA UNITED, please note the following corrections in spelling of names of legislators. Several hundred copies of this list went out. However, most of you on our list are receiving a new list compiled by the legislature itself, which should be enclosed in this newsletter.

NAME CORRECTIONS: Sen. D. Livingstone Stallings; Sen. Glenn R. Jernigan; Sen. Kenneth C. Royall; Sen. Bobby L. Barker; Sen. I.C. Crawford; Rep. William Creech; Rep. A. Hartwell Campbell; Rep. C. Kitchin Josey; Rep. H. Horton Rountree; \*substitute Rep. Ralph Prestwood for Harold A. Baker.

ERA United  
19 W. Hargett St., Rm. 211  
Raleigh, N. C. 27601



Mrs Carl Kearns  
Rt 3, Box 50  
Denton, NC  
27239

UNITED  
ERA



# ERA UNITED

----- NEWS FLASH -----

APRIL 7, 1975

THE FOLLOWING MEMBERS OF THE HOUSE OF REPRESENTATIVES  
DESPERATELY NEED TO KNOW THAT THERE ARE THOUSANDS OF NORTH CAROLINIANS  
SUPPORTING ERA. EMERGENCY LETTERS, TELEGRAMS AND TELEPHONE CALLS  
ARE NEEDED FROM EVERYONE ACROSS THE STATE BEFORE APRIL 15. WRITE  
C/O STATE LEGISLATIVE BUILDING, RALEIGH 27611.

|                      |                      |
|----------------------|----------------------|
| Chris S. Barker, Jr. | William H. McMillan  |
| Joseph L. Bright     | David R. Parnell     |
| Gilbert R. Davis     | Aaron W. Plyler      |
| Thomas W. Ellis, Jr. | J. T. Pugh, Jr.      |
| Jeff H. Enloe, Jr.   | J. Guy Revelle, Sr.  |
| John R. Gamble, Jr.  | S. Thomas Rhodes     |
| Jack M. Gardner      | A. Neal Smith        |
| Vernon G. James      | Robert C. Soles, Jr. |
| Jimmy L. Love        | Barney P. Woodard    |
| Ronald E. Mason      | Richard Wright       |

THE ERA BILL IS TENTATIVELY SCHEDULED FOR DEBATE IN THE  
HOUSE ON TUESDAY, APRIL 15. PLEASE FOLLOW NEWS MEDIA CLOSELY FOR  
POSSIBLE CHANGES IN DATE AND FOR NEW DEVELOPMENTS.

WE URGE YOU TO BE IN RALEIGH ON THIS DATE TO ATTEND THE  
SESSION AND LEND YOUR SUPPORT TO ERA. THE OPPOSITION WILL BRING IN  
BUS LOADS. OUR DRESS AND DECORUM AT THE PRO-ERA PUBLIC HEARINGS  
WAS PERFECT. IT IS IMPORTANT THAT WE KEEP THIS IMAGE.

THANK YOU -- THANK YOU -- FOR YOUR ENORMOUS CONTRIBUTIONS  
OF MONEY, TIME, SWEAT AND BLOOD!!! THE POSITIVE EFFECTS OF YOUR  
HARD WORK ARE SHOWING IN THE COUNT. KEEP UP THE FIGHT! ERA IS  
WORTH IT! SEE YOU IN RALEIGH.



# WARNING

MAIL IS RUNNING HEAVILY AGAINST ERA. LEGISLATORS NEED YOUR  
LETTERS IMMEDIATELY. EVEN STRONG PROponents ARE HARD-PRESSED  
TO VOTE "YES" IF THEIR MAIL IS OVERWHELMINGLY ANTI. CONCENTRATE  
LETTERS ON MEMBERS OF THE HOUSE CONSTITUTIONAL AMENDMENTS  
COMMITTEE, YOUR OWN LEGISLATORS, AND LEGISLATORS KNOWN PERSONALLY.

WRITE, TELEPHONE, TELEGRAPH TODAY!! URGE BUSINESS,  
POLITICAL AND RELIGIOUS LEADERS TO DO THE SAME. WE NEED 5,000  
LETTERS FROM YOUR COUNTY.

ADDRESS MAIL TO REPRESENTATIVES, N. C. LEGISLATIVE BUILDING,  
RALEIGH, N. C. 27611.

ERA United

19 W. Hargett St., Rm. 211

Raleigh, N. C. 27601



Mrs. Carl Kearns  
Rt. 3, Box 50  
Denton, N. C. 27239

N. C. HOUSE OF REPRESENTATIVES  
CONSTITUTIONAL AMENDMENTS COMMITTEE

Chairman: A. Hartwell Campbell  
Vice Chairman: J. P. Huskins  
Vice Chairman: Robert A. Jones

|                        |                      |
|------------------------|----------------------|
| Sam D. Bundy           | C. Kitchin Josey     |
| Ruth E. Cook           | H. M. Michaux, Jr.   |
| John E. Davenport      | Mary C. Nesbitt      |
| Judson D. DeRamus, Jr. | Hector Ray           |
| Thomas O. Gilmore      | Bobby W. Rogers      |
| W. S. Harris           | Wade Smith           |
| Fred S. Hutchins, Jr.  | Carl J. Stewart, Jr. |

ERA UNITED NEEDS YOUR HELP WITH FUND RAISING! Please contact the following sources for contributions: Business Women, Women in Education, Male and Female Faculty Members, Fellow Clubmembers, Friends, Relatives, and All Supporters-Who-Would-Rather-Donate-Money-Than-Time, etc., etc.

BUTTONS, BUTTONS: "Equal Rights for All" and State Seal buttons are available on consignment. Please help spread the word and pay the bills by selling ERA buttons. Price is 25 cents each. Available from Nancy Klein 1134 Linganore Place, Charlotte 28203.

KEEP UP THE GOOD WORK!      THE BATTLE ISN'T OVER YET!!

---

---

ENCLOSED IS MY CHECK PAYABLE TO ERA UNITED FOR:

\_\_\_\_\_ \$5.00

\_\_\_\_\_ \$10.00

\_\_\_\_\_ Other

(Contributions are not tax-deductible)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Zip

IMPORTANT -- DON'T WAIT

PLEASE WRITE LETTERS IMMEDIATELY TO, THE SENATE OPPOSING HOUSE BILL 788  
PROVIDING FOR A STATEWIDE REFERENDUM ON ERA. YOUR ASSISTANCE IS BADLY NEEDED ON THIS  
BILL. DETAILS ON PAGES THREE AND FOUR.

---

YOUR CONTRIBUTIONS NOW CAN MAKE THE DIFFERENCE IN 1977!!

Enclosed is my check payable to ERA UNITED for:

\_\_\_\_\_ \$5.00      \_\_\_\_\_ \$10.00      \_\_\_\_\_ \$20.00      \_\_\_\_\_ Other

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE \_\_\_\_\_

(Send all contributions to ERA UNITED, 1219 Forsyth St., Winston-Salem, NC 27101)



UNTIL FURTHER NOTICE, SEND MAIL C/O:

Nancy Drum, ERA Coordinator  
1219 Forsyth Street  
Winston-Salem, N.C. 27101

May 22, 1975

WHAT HAPPENED?

On April 16, 1975, the Equal Rights Amendment failed its third and final reading before the N.C. House of Representatives by a vote of 62-57. In a short-lived victory the day before, ERA had passed its second reading 60-58. Three critical vote switches resulted in the defeat. Changing their "AYE" votes to "NO" were Rep. P.C. COLLINS (Allegheny), Rep. MYRTLE WISEMAN (Avery), and Rep. RONALD EARL MASON (Carteret). An additional "NO" vote was cast by Rep. Stanford White (Dare), who had been absent the day before.

A BREAKDOWN OF ALL THE VOTES IS FOUND ON PAGE 2. REMEMBER THESE NAMES AND KEEP THIS LIST FOR THE NEXT ELECTIONS!!

The defeat was a major blow to all ERA supporters, not only in North Carolina, but nationwide. North Carolina would have been the 35th state to ratify, with thirty-eight states needed for final ratification. Defeat was caused primarily by delay suffered in the Constitutional Amendments Committee under the leadership of Rep. A. HARTWELL CAMPBELL (Wilson).

The bill was first assigned to committee early in February. At the first committee meeting on February 15th, Rep. Campbell announced that the consideration of ERA would not become a "three-ring-circus" as it had last time. Unfortunately, it became a charade. We were allotted only one hour for a public hearing, notified one week in advance, and told that if the hearing went overtime, it would have to be continued the next day. In order to accommodate the people who traveled to Raleigh to represent organizations supporting ERA, we stayed within our hour. This did not even allow time for the sixty-three people in the parade of proponents to introduce themselves.

The opponents hearings, however, were readily extended for the benefit of those individuals traveling all the way to Raleigh. Sam Ervin was invited to speak to the Committee by the Chairman as a constitutional expert, and any attempt to counter the Senator's statements on ERA would have damaged our cause.

By the time the Amendment was voted out of Committee with a favorable report on April 9th, we had suffered a major setback with the loss of at least twenty-three legislators who had pledged to vote "YES" at the beginning of the legislative session. The loss of their votes was also due to the overwhelming strength of the opposition placing enormous pressure on the legislators. One woman who courageously voted "YES" had her life threatened, another was threatened with a recall petition. The tactics used by the opposition were highly emotional, bordering on the unethical, and will not be forgotten.

Our campaign was conducted with integrity, and we are greatly indebted to the efforts and leadership of Rep. HERBERT HYDE (Buncombe) and HOWARD TWIGGS (our lobbyist), and many other legislators. Their support was a source of pride and strength to us all.



ERA VOTE TALLY

LEGISLATORS WHO SAID "YES" DURING CAMPAIGN AND VOTED "NO"

|                     |                      |                      |
|---------------------|----------------------|----------------------|
| 1. Cass Ballenger   | 9. John Hunt         | 17. Dwight Quinn     |
| 2. Henson Barnes    | 10. Thomas Hunter    | 18. J. Guy Revelle   |
| 3. R. D. Beard      | 11. W. H. Lachot     | 19. S. Thomas Rhodes |
| 4. Laurence Cobb    | 12. Vernon James     | 20. B. D. Schwartz   |
| *5. P. C. Collins   | *13. Ronald Mason    | 21. R. C. Soles      |
| 6. George Cullipher | 14. William McMillan | 22. William Watkins  |
| 7. T. W. Ellis      | 15. Glenn Morris     | *+23. Myrtle Wiseman |
| 8. Foyle Hightower  | 16. Aaron Plyler     | +24. Richard Wright  |

NO FIRM RESPONSE DURING CAMPAIGN AND VOTED "NO"

|                    |                   |                    |
|--------------------|-------------------|--------------------|
| 1. T. J. Baker     | 8. Peter Hairston | 14. J. T. Pugh     |
| 2. Howard Chapin   | 9. George Holmes  | +15. Hugh Sandlin  |
| 3. James Edwards   | 10. John Jordan   | 16. A. Neal Smith  |
| 4. Robert Falls    | 11. Larry Leonard | 17. John Varner    |
| 5. J. M. Gardner   | 12. Robie Nash    | 18. Allen Ward     |
| 6. J. Worth Gentry | 13. David Parnell | 19. Barney Woodard |
| 7. Carson Gregory  |                   |                    |

NO FIRM RESPONSE DURING CAMPAIGN AND VOTED "YES"

|                 |                  |                  |
|-----------------|------------------|------------------|
| 1. Chris Barker | 2. Gilbert Davis | 3. Thomas Sawyer |
|-----------------|------------------|------------------|

COMMITTED "YES" -- VOTED "YES"

|                      |                      |                       |
|----------------------|----------------------|-----------------------|
| 1. Al Adams          | 19. Thomas Gilmore   | 37. George Miller     |
| 2. T. Clyde Auman    | 20. Pat Griffin      | 38. Mary Nesbitt      |
| 3. Marilyn Bissell   | 21. W. S. Harris     | 39. Henry Oxendine    |
| 4. David Blackwell   | 22. Leo Heer         | 40. C. W. Phillips    |
| 5. George Breece     | 23. Edward Holmes    | 41. Liston Ramsey     |
| 6. Lane Brown        | 24. H. Parks Helms   | 42. Hector Ray        |
| 7. Nancy Chase       | 25. Charles Holt     | 43. Frances Setzer    |
| 8. Ruth Cook         | 26. Patricia Hunt    | 44. W. M. Short       |
| 9. William Creech    | 27. Wilda Hurst      | 45. Ned R. Smith      |
| 10. Claude DeBruhl   | 28. Herbert Hyde     | 46. Wade Smith        |
| 11. Judson DeRamus   | 29. Roberts Jernigan | 47. Roy Spoon         |
| 12. David Diamont    | 30. J. E. Johnson    | 48. John Stevens      |
| 13. Jeff Enloe       | 31. J. J. Johnson    | 49. Carl Stewart      |
| 14. Richard Erwin    | 32. Craig Lawing     | 50. Lura Tally        |
| 15. Robert Farmer    | 33. James Long       | 51. Margaret Tennille |
| 16. Jo Graham Foster | 34. Carolyn Mathis   | 52. A. W. Thomas      |
| 17. Henry Frye       | 35. Ernest Messer    | 53. Ben Tison         |
| 18. John Gamble      | 36. H. M. Michaux    | 54. Charles Webb      |

CAMPAIGNED "NO" -- VOTED "NO"

|                         |                   |                        |
|-------------------------|-------------------|------------------------|
| 1. Allen Barbee         | 8. Fred Dorsey    | 14. Daniel Lilley      |
| 2. E. Graham Bell       | 9. Larry Eagles   | 15. Jimmy Love         |
| 3. Joe L. Bright        | 10. J. P. Huskins | 16. Ralph Prestwood    |
| 4. David Bumgardner     | 11. Fred Hutchins | 17. Bobby Rogers       |
| 5. Sam Bundy            | 12. Robert Jones  | 18. H. Horton Rountree |
| 6. A. Hartwell Campbell | 13. Kitchin Josey | 19. W. Stanford White  |
| 7. John Davenport       |                   |                        |

\* Switched from "YES" to "NO" on third reading.

+ Sponsor of House Bill 15 or House Bill 16.

No one who campaigned "NO" voted "YES".

THANK YOU ----- THANK YOU

Your uncounted hours of work, the harassment you may have had to endure, the impositions on your family life, etc., HAVE NOT BEEN IN VAIN. We are part of an historical movement working for individual dignity and human rights, and our efforts have already made an indelible imprint on the attitudes of our state and nation. The fight for civil rights is always a long and difficult one. Thank you all for joining in this most worthwhile cause.

WHAT NEXT??

1. ERA UNITED WILL REMAIN IN EXISTENCE ---- OUR WORK IS NOT FINISHED!!
2. By September, 1975, every county in North Carolina should have a viable and active coalition or steering committee of ERA supporters carrying on an educational campaign.
3. A comprehensive workshop will be held September 13, 1975 (time and place to be announced later), to set priorities and goals for the 1976 elections.
4. A list of available materials will be at the workshop. Please send any copies of resource materials you have found helpful (i.e., speeches, research data, television texts or tapes, etc.) to BETTY WISER, 404 Dixie Trail, Raleigh 27607.
5. Continue writing personal thanks and letters-to-the-editor for legislators who voted "YES."
6. Work hard for women and men candidates for the General Assembly in 1976 who are totally committed to ERA.
7. PLEASE RETURN ALL "GUERRILLA IN THE KITCHEN" BOOKS TO NANCY KLEIN, 1134 Langanore Place, Charlotte 28203.

DEFEAT HOUSE BILL 788

The Board of Directors of ERA UNITED strongly opposes House Bill 788 which calls for a statewide referendum on ERA. The proposed referendum is an abdication of the responsibility placed on the state legislature by the United States Constitution. It would inject unfortunate emotionalism into the 1976 election campaigns, and however the people voted, the result would in no way bind the legislature in the 1977 session. It is a pointless and dangerous attempt to PASS THE BUCK and should be opposed by all responsible North Carolina citizens.

The referendum bill will probably pass in the House, and we hope to kill it in the Senate Judiciary II Committee. PLEASE WRITE THE MEMBERS OF THIS COMMITTEE IMMEDIATELY, along with your own Senators.

SUPPORT THE FAIR EMPLOYMENT BILL

Identical bills have been introduced in both the House (HB 1085) and the Senate (SB 813) to eliminate discrimination in employment on account of race, religious creed, color, national origin, age or sex. The bills are in the House Rules Committee and the Senate Judiciary II Committee. PLEASE WRITE IMMEDIATELY REGARDING THESE TWO BILLS AND URGE SWIFT ACTION BY THE LEGISLATURE.

SENATE JUDICIARY II COMMITTEE

|                                     |                      |
|-------------------------------------|----------------------|
| Luther J. Britt, <u>Chairman</u>    | McNeill Smith        |
| Cecil J. Hill, <u>Vice-Chairman</u> | Thomas E. Strickland |
| I. C. Crawford                      | Charles E. Vickery   |
| E. Lawrence Davis                   | Willis P. Whichard   |
| J. Russell Kirby                    | John W. Winters      |
| Mary H. Odom                        | William G. Smith     |
| Katherine H. Sebo                   |                      |

HOUSE RULES COMMITTEE

|                                    |                   |
|------------------------------------|-------------------|
| John Stevens, <u>Chairman</u>      | J. P. Huskins     |
| Allen Barbee, <u>Vice Chairman</u> | Fred Hutchins     |
| Ronald Mason, <u>Vice Chairman</u> | Herbert Hyde      |
| Al Adams                           | Vernon James      |
| T. J. Baker                        | Robert Jones      |
| Chris Barker                       | Kitchin Josey     |
| Marilyn Bissell                    | Craig Lawing      |
| George Breece                      | Glenn Morris      |
| P. C. Collins                      | David Parnell     |
| Gilbert Davis                      | Liston Ramsey     |
| Judson DeRamus                     | Thomas Sawyer     |
| Larry Eagles                       | Margaret Tennille |
| Robert Falls                       | Allen Ward        |
| John Gamble                        | William Watkins   |
| J. M. Gardner                      |                   |

WRITE ALL LEGISLATORS c/o STATE LEGISLATIVE BUILDING, RALEIGH 27611.



ERA UNITED LEADERSHIP

BOARD OF DIRECTORS

1. GLADYS A. TILLET - President, ERA United, 2200 Sherwood Ave., Charlotte, N.C. 28207 (704/332-1931)
2. NANCY DRUM - National Organization of Women, 1219 Forsyth St., Winston-Salem, N.C. 27101 (919/725-4426)
3. RUTH EASTERLING - Women's Political Caucus, 811 Bromley Road, Charlotte, N.C. 28207 (704/375-5934)
4. BETTY WISER - League of Women Voters, 404 Dixie Trail, Raleigh, N.C. 27607 (919/834-2114)
5. GERRY HANCOCK - Common Cause, P.O. Box 586, Durham, N.C. 27702 (919/383-6249 Hm.) (919/682-5691 Off.)
6. CAROLYN WILLIAMS - Business and Professional Women, 251 Scenic Drive, N.E. 28025 (704/782-2243 Hm.) (704/377-8128 Off.)
7. JEMIMA DE MARCUS - United Methodist Women, 510 S. Main St., China Grove, N.C. 28023 (704/857-7508)
8. MARY CATHERINE HOLCOMB - American Association of University Women, 509 Carriage Lane, Cary, N.C. 27511 (919/467-9970)
9. DONNA SMITH - North Carolina Civil Liberties Union, Route 7, Box 938 A-1, Greensboro, N.C. 27407 (919/454-4139)
10. ANN CALVIN ROGERS - North Carolina Council of Churches, Community Church, P.O. Box 2, Chapel Hill, N.C. 27514 (919/967-6103 Hm.) (919/942-2050 Off.)
11. PAT WINGLER - AFL-CIO, 4110 Summerglen Rd., Greensboro, N.C. 27410 (919/292-1108)
12. TIBBIE ROBERTS - United Methodist Women, 4113 Sound Dr., Morehead City, N.C. 28557 (919/726-6384)
13. BETTY SPEIR - N.C. Democratic Women, P.O. Box 158, Bethel, N.C. 27812, (919/825-8751 Off.) (919/825-5461 Hm.)
14. GERALDINE GOURLEY - American Friends Service Committee, Markum Dr., Chapel Hill, N.C. 27514 (919/942-6926 Hm.) (919/966-2017 Off.)
15. ANNE HUMPHRIES - N.C. Young Democrats, 1403 Adams St., Goldsboro, N.C. 27530 (919/734-2344)
16. JOHN MEUSER - MEN, 628 Camrose Dr., Charlotte, N.C. 28215 (704/568-0258)

(continued)

17. DIANE FOGLEMAN - Federally Employed Women, 4424 S. Alston Ave., Durham, N.C. 27707 (919/544-3443 Hm.) (919/549-8411 Off.)
18. DORIS DAVENPORT - N.C. Secretaries Association, Goodmark, Inc., 3025 Barrett Dr., Raleigh, N.C. 27609 (919/782-4720 Off.) (919/828-8085 Hm.)
19. NANCY BLACKSTOCK - Communications Workers of America, 715 Kenwood Dr., Burlington, N.C. 27215 (919/227-6619 Hm.) (919/584-1741 Off.)
20. SHARON PRATT - Student Nurse Association of N.C., School of Nursing - UNC, Chapel Hill, N.C. 27514 (919/967-1411)
21. CAROL GLEIT - State Nurses Association, 2413-F Landmark Drive, Raleigh, N.C. 27607 (919/787-9540)

ERA UNITED OFFICERS

PRESIDENT: Gladys A. Tillett  
2200 Sherwood Avenue, Charlotte, N.C. 28207  
(704/332-1931)

VICE PRESIDENT  
FOR ADMINISTRATION: Nancy Drum  
1219 Forsyth St., Winston-Salem, N.C. 27101  
(919/725-4426)

ASST. VICE PRESIDENT  
FOR ADMINISTRATION: Maria Bliss  
834 Shamrock Road, Asheboro, N.C. 27203  
(919/625-5423) (919/625-2224)

VICE PRESIDENT  
FOR FIELD SERVICES: Marlyene Kilbey  
P.O. Box 3838, Durham, N.C. 27710  
(919/684-3032 Off.) (919/489-2154 Hm.)

VICE PRESIDENT  
FOR FINANCE: Nancy Klein  
1134 Linganore Place, Charlotte, N.C. 28203  
(704/372-5633 Hm.) (919/374-5324 Off.)

VICE PRESIDENT  
FOR LEGISLATION: Sylvia Arnold  
1436 Kershaw Dr., Raleigh, N.C. 27609  
(919/787-3423)

VICE PRESIDENT  
FOR PUBLIC RELATIONS: Gail Bradley  
2507 Sevier St., Durham, N.C. 27705  
(919/489-9879)

VICE PRESIDENT  
FOR RESOURCES: Janet Blair  
2501 Roswell Ave., Apt. 201, Charlotte, N.C. 28209  
(704/372-5787 Hm.) (704/377-8491 Off.)

TREASURER: Laura K. Williams  
322 West Seventh Ave., Lexington, N.C. 27292  
(704/246-6227 Hm.) (704/956-2126 Off.)

(continued)



SECRETARY: Wilma Davidson  
7605 Lawyers Road, Charlotte, N.C. 28212  
(704/535-3966)

ASST. SECRETARY: Jolayne Service  
407 Gardner St., Raleigh, N.C. 27607  
(919/828-5914 Hm.) (919/737-2541 Off.)

HEADQUARTERS Wanda Canada  
COORDINATOR 209 Merwin Road, Raleigh, N.C. 27606  
(919/833-6071)

1975  
ERA CONGRESSIONAL DISTRICT CHAIRPERSONS

- District 1: TENNALA GROSS  
109 N. Harding St., Greenville, NC 27834 (919/752-2679 Hm.)  
(919/758-6461 Off.)
- District 2: ANNE CHIPLEY  
619 Sycamore, Rocky Mount, NC 27801 (919/442-7005)
- District 3: ELAINE MARTIN  
512 Jarman St., Jacksonville, NC 28542 (919/346-4489 Hm.)  
(919/451-5620 Off.)
- District 4: MARIA BLISS  
834 Shamrock Road, Asheboro, NC 27203 (919/625-5423)  
(919/625-2224)
- District 5: JOANN WILSON  
241 Flyntshire Road, Winston-Salem, NC 27104 (919/768-3119)
- District 6: MARGARET KEESEE  
511 Mendenhall, Greensboro, NC 27401 (919/274-3948)
- District 7: BETH GEIMER  
501 Cape Fear Ave., Fayetteville, NC 28305 (919/485-2121 Off.)  
(919/485-3863 Hm.)
- District 8: JOETTA FEEZOR  
1817 Third St., Apt. 1, Salisbury, NC 28144 (704/636-9628)
- District 9: LANA DAVIDSON  
1225 Elizabeth Avenue, Statesville, NC 28677 (704/872-6456)
- District 10: PAMELA WHITENER  
615 Second Avenue, SE, Hickory, NC 28601 (704/322-4510)
- District 11: BOB AND VERONICA ARZDORF-FISHER  
76 Fenner Road, Asheville, NC 28804 (704/255-8523)

North Carolina Council of Women's Organizations Presents

OPPORTUNITIES FOR DEVELOPMENT -- YOU'RE IN THE LIMELIGHT

Summer Leadership Workshop

June 23-25, 1975

Meredith College, Raleigh, North Carolina

For additional information, contact:

Mrs. Betty Wisler  
404 Dixie Trail  
Raleigh, NC 27607  
(919) 834-2114

Mrs. Sally Sherry  
908 Indian Trail  
Raleigh, NC 27609  
(919) 876-2165

(OPEN TO ALL PERSONS)

# ERA UNITED



UNTIL FURTHER NOTICE, SEND MAIL C/O:

Nancy Drum, Coordinator  
1219 Forsyth Street  
Winston-Salem, N.C. 27101

FIRST CLASS MAIL

Mrs. Carl Kearns  
Rt. 3, Box 50  
Denton, N. C. 27239

# North Carolinians United for ERA

Dear Friend,

With the ERA ratification deadline of March, 1979, drawing closer, the situation has become critical. North Carolina plays a key role in the national ratification effort, so we must be adequately prepared for the 1977 legislative session.

North Carolinians United for ERA (NCUERA), formerly known as ERA United, has developed a comprehensive campaign plan. Many organizations and individuals have been involved, acting on faith that the money to finance the campaign will come from ERA supporters across the state.

Although faith has brought us through the planning stage, we can't implement our plan until we have evidence of financial backing. A minimum of \$50,000 is needed to carry out the campaign, and we face a deadline of August 1 for raising the \$15,000 it will take to get started.

Our appeal is urgent. You can help by taking the time - right now - to write a check and get it in the mail. A regular NCUERA membership is \$10, or you can become a sponsor for \$50 or more. It is going to take that kind of commitment if we are to act in North Carolina before it is too late.

Please make your check payable to NCUERA - ERA United and send it to Mrs. Bonnie Medinger, Finance Committee, 6009 Caledonia St., Raleigh, N.C. 27609. Your show of support will be greatly appreciated.

Sincerely yours,

*Kathy B. Stark*

Kathy B. Stark  
Campaign Manager

NCUERA gratefully acknowledges the N.C. Women's Political Caucus for sending out this communication and N.C. Wives and Mothers for ERA, Raleigh Chapter, for financing this fundraising project.

(NOTE: This letter is going out to all persons on our mailing list, including a small number who were contacted last week. If you have already responded to that letter, we thank you.)

American Association of  
University Women,  
N.C. Division  
American Friends Service  
Committee  
AFL-CIO of North Carolina  
Common Cause of North  
Carolina  
Communications Workers of  
America  
Federally Employed Women,  
Tar Heel Chapter  
League of Women Voters  
of N.C.  
N.C. Men for Equality Now  
National Organization for  
Women/North Carolina  
North Carolina Civil Liberties  
Union  
North Carolina Council of  
Churches  
North Carolina Democratic  
Women  
North Carolina Federation of  
Business and Professional  
Women's Clubs, Inc.  
North Carolina State Nurses  
Association  
North Carolina Wives and  
Mothers for ERA  
North Carolina Women's  
Political Caucus  
Student Nurse Association of  
N.C.  
United Methodist Women,  
Eastern N.C. Conference  
United Methodist Women,  
Western N.C. Conference  
Women in Communications,  
Inc.  
Women's Equity Action  
League, N.C. Division  
Women's International  
League for Peace and  
Freedom, Chapel Hill-  
Durham Branch  
Young Democratic Clubs  
of N.C.