

138. Elsie Hill and Florence Kelley Debate the Equal Rights Amendment (1922)

Source: *The Nation*, April 12, 1922, p. 421.

With the ratification of the constitutional amendment barring states from discriminating in voting qualifications because of sex, the women's movement faced a crossroads. The National Woman's Party, whose militant protests during World War I had helped secure passage of the Nineteenth Amendment, now called for a new Equal Rights Amendment (ERA) prohibiting all legal distinctions between the sexes. Only in this way, its leaders insisted, could women gain full access to the economic, educational, and other opportunities of American society. But many veterans of the movement to protect women workers feared that the ERA would wipe away their hard-won gains as well as deny women alimony and child support in the event of divorce. The result was a bitter split among feminists, illustrated in a debate in the pages of the liberal magazine, *The Nation*, in 1922. Elsie Hill, the daughter of a Connecticut congressman who had been arrested for picketing at the White House during Woodrow Wilson's presidency, represented the Woman's Party. Florence Kelley, the head of the National Consumers' League and an architect of legislation limiting the hours of work for women, offered the traditional view that women needed special protection by the government. The ERA failed, and the debate would be repeated in the 1970s when it once again entered national politics.

HILL: THE REMOVAL of all forms of the subjection of women is the purpose to which the National Woman's Party is dedicated. Its present campaign to remove the discriminations against women in the laws of the United States is but the beginning of its determined effort to secure the freedom of women, an integral part of the struggle for human liberty for which women are first of all responsible. Its interest lies in the final release of women from the class of a dependent, subservient being to which early civilization committed her.

The laws of the various states at present hold her in that class. They deny her a control of her children equal to the father's; they deny her, if married, the right to her own earnings; they punish her for offenses for which men go unpunished. . . . These laws are not the creation of this age, but the fact that they are still tolerated on our statute books and that in some states their removal is vigorously resisted shows the hold of old traditions upon us. Since the passage of the Suffrage Amendment the incongruity of these laws, dating back many centuries, has become more than ever marked. . . .

An amendment to the Federal Constitution . . . if adopted, would remove them at one stroke.

KELLEY: Sex is a biological fact. The political rights of citizens are not properly dependent upon sex, but social and domestic relations and industrial activities are. All modern-minded people desire that women should have full political equality and like opportunity in business and the professions. . . . The inescapable facts are, however, that men do not bear children, are freed from the burdens of maternity, and are not susceptible, in the same measure as women, to poisons now increasingly characteristic of certain industries, and to the universal poison of fatigue. These are differences so far-reaching, so fundamental, that it is grotesque to ignore them. Women cannot be made men by act of the legislature or by amendment of the Federal Constitution. . . . The inherent differences are permanent. Women will always need many laws different from those needed by men.

The effort to enact the blanket bill in defiance of all biological differences recklessly imperils the special laws for women as such, for wives, for mothers, and for wage-earners. . . . Is the National Woman's Party for or against protective measures for wage-earning women? Will it publicly state whether it is for or against the eight-hour day and minimum-wage commissions for women? Yes or no?