

House Panel Passes ERA Extension

3-Year Compromise Now Faces Hurdle In Rules Committee

By Mary Russell

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The House Judiciary Committee yesterday voted to extend for slightly more than three years the time allowed states to ratify the Equal Rights Amendment.

The current deadline is March 22, 1979, and it appears that, without the extension, the ERA will not make it. It is three states short of the 38 necessary to ratify a constitutional amendment.

Though the final vote approving the extension was 19 to 15, the key decision came with a one-vote margin, as the committee voted 17 to 16 to shorten a seven-year extension, approved by a Judiciary subcommittee, to three years, three months and eight days, ending on June 30, 1982.

The shorter time period was a compromise necessary to win approval for the controversial extension in the closely divided full committee.

But the compromise almost fell apart. Just minutes before the vote, Rep. Harold S. Sawyer (R-Mich.), who had been pressured by former first lady Betty Ford to vote for the extension, announced that he had not been told about the compromise and said he was opposed to it.

Since Sawyer was the swing vote, Judiciary Committee Chairman Peter W. Rodino Jr. (D-N.J.) quickly called a 15-minute recess.

Extension supporters Reps. Hamilton Fish Jr. (R-N.Y.) and Millicent H. Fenwick (R-N.J.) grabbed Sawyer and led him off to a back room to lobby him further, while Democrats rechecked their members.

Sawyer remained adamant. "There's nothing like a delicate ego," Fenwick said at the time. "He's terribly angry. He says he's been overlobbied, but nobody thought to call him up and tell him about the compromise."

After the recess, a vote on the compromise was quickly called for, and, while Sawyer voted against it, an opponent of the extension, Rep. James D. Santini (D-Nev.), appeared to take a walk, leaving the room just before the vote and returning after it. Through his absence, the compromise passed, 17 to 16.

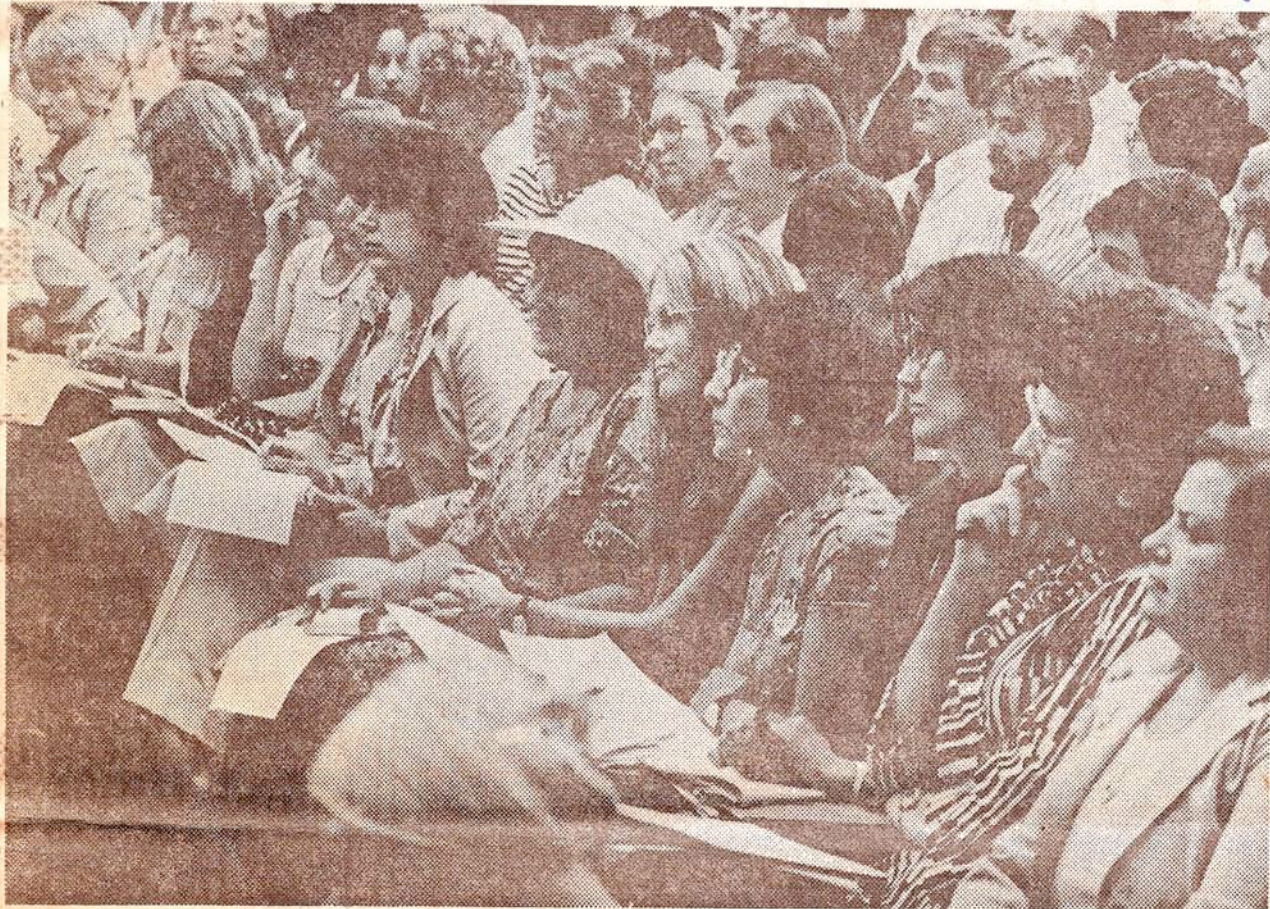
passed, 17 to 10.

Santini denied afterward that he purposely missed the vote. He said he would have voted for the compromise, though in the end he voted against the extension. He said he left his proxy with another member, who did not vote it. Santini said he left to go to the floor, where the coal slurry pipeline bill was being debated, but there were no votes on that bill yesterday.

After the vote on the compromise, other moves to defeat or modify the extension were easily beaten back. A move by Rep. Thomas F. Railsback (R-Ill.) to allow states that have ratified the amendment to rescind that ratification during the extension period was defeated, 21 to 13.

Four states—Idaho, Nebraska, Ken-

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By James K. W. Atherton—The Washington Post

ERA supporters in the audience include Bella Abzug, with hat, next to writer Gloria Steinem and Midge Constanza

House Panel Approves ERA Extension

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tucky and Tennessee—have voted to rescind ratification, but whether rescission is legal has never been tested in the courts.

A move by Rep. M. Caldwell Butler (R-Va.) to return the extension to the subcommittee for consideration of whether a two-thirds vote is needed to pass it, as is needed to pass a constitutional amendment, lost 19 to 15.

An earlier attempt by Rep. Harold L. Volkmer (D-Mo.) to vote down the resolution in favor of one requiring a two-thirds vote for passage failed, 23 to 8.

The extension resolution now goes to the House Rules Committee, where it could run into more difficulty. If it is approved by the Rules Committee, it will go to the floor, where it is expected to pass.

The biggest obstacle remaining, however, will be the Senate, where opponents are threatening a filibuster.

Leading supporters of ERA—former representative Bella Abzug, writer Gloria Steinem, White House assistant Margaret (Midge) Costanza and Na-

tional Organization for Women President Eleanor Smeal, along with several congresswomen not on the committee, sat in the front row during yesterday's proceedings. Some opponents were present, but supporters of ERA erupted in loud applause and shouts as the extension passed.

The Equal Rights Amendment would prohibit discrimination on the basis of sex, as the 14th Amendment prohibits discrimination on the basis of race, color or creed. Congress passed the ERA on March 22, 1972, with a provision allowing states seven years from that date to ratify it. Thirty states ratified it in the first year. But opposition developed, and no state has ratified it in the past 18 months.

Rep. Don Edwards (D-Calif.) one of the chief supporters of the resolution, argued that the ERA is necessary. "The law with respect to sex discrimination is in a state of utter chaos. We have not only the power, but the obligation not to cut off debate" on the ERA, he said.

Butler argued that a constitutional amendment with broad support would have passed by now. "It's never taken more than four years to change the

Constitution. The effect of this is to leave the impression you are manipulating the process to achieve your purpose. It's bad for the country."

Railsback said it is "fundamentally unfair" not to allow states to rescind ratification. "This amounts to expedient rules-changing. Congress is deciding to amend the Constitution by whatever means necessary at whatever price."

But Rep. Elizabeth Holtzman (D-N.Y.) said a decision as recent as the Allan Bakke case proves the need for ERA. "Justice Powell clearly said sex discrimination was not covered by the 14th Amendment."

Rep. Robert McClory (R-Ill.) said he favored the ERA but that the extension is "strategically wrong. The best strategy is to start over. If you change the rules and still lose, how can Congress pass another ERA amendment?"

Rep. Barbara Jordan (D-Tex.) said, "Who am I to say we should short-circuit the time to seek personhood in society." The issue is "contemporaneous as long as there is a substantive denial of rights for a significant portion of the community."