



HJR 61

House Joint Resolution

Proposed Constitutional Amendment

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Sex equality—Rights and responsibilities

Shall a new article be added to the state constitution to provide that equality of rights and responsibilities under the law shall not be denied or abridged on account of sex, and to authorize the legislature to enforce this provision by the enactment of appropriate legislation?

Vote cast by members of the 1972 Legislature on final passage:

HOUSE:—(99 members) Yeas, 96; Nays, 3; Absent or not voting, 0.

SENATE:—(49 members) Yeas, 36; Nays, 13; Absent or not voting, 0.

Statement for

What is the Basic Principle of the Era?

It is that both sexes be treated equally under the law. The State could not pass or enforce any law which places a legal obligation, or confers a special legal privilege on one sex but not the other.

How Would It Affect Our State Laws?

Laws which render benefits to one sex could in most cases be retained, and extended to everyone. Laws which restrict and deny rights to one sex would be eliminated. Special labor laws originally enacted to protect women, but which now have the effect of handicapping them when they compete in the labor force would be dropped. (Regulations, now reserved only for women, which are determined to be of general human benefit could be extended to everyone.) Present laws which allow discrimination in the extension of credit, the issuance of insurance, and granting of mortgages solely on the basis of sex could be successfully challenged. Educational requirements based on sex would either be eliminated or applied to both sexes.

Does This Mean an End to All Sexually Segregated Facilities?

No. Supreme Court decisions guarantee the right to privacy in situations involving sleeping, disrobing, or performing bodily functions. For example, restrooms, hospital wards and lingerie departments could remain segregated.

What will the Era do to Family Life?

It will have no effect on private life. The amendment is only concerned with what happens "under the law". Custody and child support would no longer be based essentially on sex but on a spouse's ability to provide a proper environment and financial support.

Is This a Women's Rights Amendment?

No, nor does it protect just a minority. It protects the rights of all persons not to have the law discriminate against them solely on the basis of sex.

Committee appointed to compose statement FOR House Joint Resolution No. 61:

PETER D. FRANCIS, State Senator; LOIS NORTH, State Representative; and A. J. PARDINI, State Representative.

Advisory Committee: MRS. R. E. MARCHISIO, President League of Women Voters of Washington; W. J. OLWELL, President Retail Clerks 1001; GLADYS BURNS, President American Association of University Women in Washington State; REV. EVERETT J. JENSEN, General Secretary, Washington State Council of Churches; and BETTY B. FLETCHER, President Seattle-King County Bar Association.

The Law as it now exists:

Both the present federal and state constitutions contain general prohibitions (commonly referred to as "equal protection" clauses) against governmental actions which discriminate among persons or classes of persons without a reasonable basis. It is presently permissible under these provisions, in some instances, to base legal classifications of persons solely upon sex; for example, laws applicable to women only which limit the maximum number of hours per day which may be worked in certain industries have been held by the courts to be constitutional. The only area in which there is now an explicit constitutional prohibition against the legal classification of persons solely on the basis of sex is that of voting, under the 19th Amendment to the United States Constitution (women's suffrage) which was adopted in 1920.

Effect of HJR No. 61 if approved into Law:

This proposed amendment would add to the Washington State Constitution the principle that sex is not a permissible factor to be considered in determining the legal rights or responsibilities of women or of men. The amendment would apply to acts done under authority of law, but not to the private conduct of persons. Thus, state and local government could not treat persons differently because they are of one sex or the other. Individual persons acting in their private capacities would, however, not be prohibited by the amendment from making distinctions and expressing preferences between other persons because of their sex.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of House Joint Resolution No. 61 starts on Page 107.

Statement against

There is widespread agreement on granting equal rights, status and opportunity to women in areas where they do not now exist. Women should have equal employment opportunity, equal pay for equal work, and equal credit consideration. The controversy arises in how these can best be realized without destroying certain preferential treatment rightfully extended to women.

HJR 61 is a constitutional amendment requiring that NO distinction be made between men and women. This is the wrong solution, going far beyond the intent of the sponsors. Needed changes should be made by law, not by a broad over-reaching constitutional amendment.

Passage of HJR 61 would remove all preferential consideration presently extended to women in our society. A vast legal framework of distinction between the sexes has been built up through the years; this must be carefully modified to preserve what is good and proper while eliminating that which is unfair or unwise. HJR 61 would destroy it wholesale and result in legal chaos.

HJR 61 would establish rules in our society which were not intended and which the citizenry simply could not support. Examples are numerous:

(1) Preferential insurance rates for women would be eliminated—auto insurance, health and accident benefits, life insurance;

(2) Women can and should participate in sports; however, it is absolutely ridiculous to have girls compete with boys on the high school wrestling team. Under HJR 61, segregation of men and women in athletic participation would be unconstitutional;

(3) Homosexual and lesbian marriage would be legalized, with further complication regarding adopting children into such a "family". People will live as they choose, but the beauty and sanctity of marriage must be preserved from such needless desecration;

(4) Divorce settlements, governmental aid to mothers of dependent children, dependency allowances to service personnel could no longer offer preferential treatment to women;

(5) At the national level this amendment would allow *no distinction whatever* between the sexes regarding the draft, barracks life, and *including actual combat duty*.

The logical and needed granting of full rights for women must be achieved, but without the chaos and somewhat bizarre results of HJR 61.

constitutes a single integrated plan for the balanced revision of the debt structure of the state government and shall be construed as a single amendment within the meaning of Article XXIII, section one (Amendment 37) of this Constitution.

AND BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House March 25, 1971.
THOMAS A. SWAYZE, JR.,
Speaker of the House.

Passed the Senate May 8, 1971.
JOHN A. CHERBERG,
President of the Senate.

EXPLANATORY COMMENT

All words in double parentheses and lined through are in our State Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the State Constitution as it is now written but will be put in if this amendment is adopted.

COMPLETE TEXT OF

House Joint Resolution

61

Proposed Constitutional Amendment

Ballot Title as issued by the Attorney General:

Sex Equality—Rights and Responsibilities

Shall a new article be added to the state constitution to provide that equality of rights and responsibilities under the law shall not be denied or abridged on account of sex, and to authorize the legislature to enforce this provision by the enactment of appropriate legislation?

BE IT RESOLVED, *By the Senate and House of Representatives of the State of Washington in Legislative Session Assembled:*

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to the Constitution of the state of Washington by adding a new Article, to read as follows:

Article

Section 1. Equality of rights and responsibility under the law shall not be denied or abridged on account of sex.

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

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing Constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House.
THOMAS A. SWAYZE, JR.,
Speaker of the House.

Passed the Senate
JOHN A. CHERBERG,
President of the Senate.