

Interview with Dawn Clark Netsch
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Interviewer: Mark DePue

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DePue: —the key player in this is Phyllis Schlafly and her *STOP ERA* movement. They said that if you pass the ERA, women would lose their special status under the law. I’ll read these. Let’s just go down the list and get your reaction to each one of these.

Netsch: Yeah, right, good. We wanted to be treated like other people. (laughs)

DePue: Okay. Women would be drafted.

Netsch: Well, I think my argument to that always was there shouldn’t be a draft to begin with, and if there were for public service, why not. Women serving in combat: I would have to tell you at the time, and it’s sort of amusing in retrospect, my explanation would have been, Look, people are going into combat who are trained and prepared and tough enough or whatever whatever to be in combat, the military’s going to decide that. The military’s probably not going to send women into combat, and it is not inevitable that women go into combat if we pass the Equal Rights Amendment; that’s really for those who run the wars (laughs) to decide. Now, what of course is so almost funny about it now is that women are in combat all over the world.

DePue: But still, at least in the United States military, women are not in combat units described as infantry, armor, field artillery, some of those, but that’s based on the Army and the Marine Corps’s rules on that.

Netsch: Yeah, they will decide who is best able to serve, and the kinds of units that have that very special problem, if you will, because they really have to deal with sort of upfront fighting.

DePue: So what would have been your position—inevitably if you get the Equal Rights Amendment, I think—maybe I shouldn’t be editorializing like

this—but it wouldn't surprise me if a woman or a group of women took a class action suit saying, We have been prohibited from being in the infantry and this is a violation of the Equal Rights Amendment. What would have been your position on that case, then?

Netsch: Let them file the lawsuit and see how (laughs) it turns out. I'm not sure that they would have won at that time. Today, they very well might win. But, you know, the fact that there's an Equal Rights Amendment and that there can't be discrimination against, doesn't mean that there can't be judgments made about the fact that there are literally differences between (laughs) men and women. I can't think of a good illustration at the moment, but if a law or an administrative agency rule were attempted to be enacted which somehow seemed to put men in the position of not being literally child-bearing but something close to that, you're going to tell me that you can't have a law that recognizes that men don't have babies? So some of those differences can be acknowledged. It's just that the whole idea of the law protecting women was something that many of us at that time said, Uh-uh, it's not protecting, it's denying them the opportunity to do a lot of things they **really can do**.

DePue: Another concern that was raised is, that would change the structure for alimony payments that have traditionally up to that point always favored women because of their status in the economy where they didn't typically make nearly as much as men, so.

Netsch: Well, to some extent that's happened even without it, I believe. I'm not in that area of law at all, but my understanding is that in a lot of states, whether they're community property states or otherwise, that the courts often recognize that in some instances the woman is the primary breadwinner and may have to help support the dissolution of the marriage. So.

DePue: An equally touchy issue when you get down to the reality of things: child custody preferences, because then, certainly, women were generally favored in child custody issues by the courts.

Netsch: And I think probably still are to some extent in a lot of states. What should always be the rule, it seems to me, is what's best for the child; there may be instances in which custody by the father is better for the child, and my guess is that that is why that does sometimes happen these days. What, of course, is much more common now is joint custody, which can get to be a little contentious, I understand, but... (laughs)

DePue: So again, in the world of 1974, you did not see that as a valid concern that they were raising?

Netsch: No.

DePue: Okay. I'm just going to read you a quote by Representative Joseph Fennessey: "Women should be in a special group, a higher level. It would be demeaning for women not to be." And that's kind of a summation of everything we've been talking about up here.

Netsch: Yeah. I understand, believe it or not, that there were a lot of men, including men in the legislature, who really genuinely believed that. One that I always remember, Jim Donnewald, who was a Democratic senator from downstate, and I remembered sometimes describing Jim as believing down to the tips of his toes that the Equal Rights Amendment really would have somehow demeaned women and been contrary to their best interest. You know, if somebody had that deep an ingrained feeling along that line, I usually didn't try to—I mean, we might argue over a couple of individual issues—but I didn't really try to change that fundamental thing, because you weren't going to be successful. I would make the argument in response, "Thank you for putting us on a pedestal, but we'd much rather be out there where we can earn our own way" and a few things of that sort.