

THE WHITE HOUSE
WASHINGTON

ACTION

March 14, 1972

file
MEMORANDUM FOR: THE PRESIDENT
THROUGH: JOHN EHRLICHMAN
FROM: JOHN DEAN
SUBJECT: The Equal Rights for Women Amendment

It is anticipated that the proposed Equal Rights for Women Amendment to the Constitution, which was passed by the House last year, will be on the Senate floor soon (possibly as early as March 16). Its principal language reads:

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

While chances for Senate passage of this Amendment cannot be predicted with absolute certainty, there does appear to be more support for enactment than in the past. Only a token filibuster is expected, and some Senate observers have expressed the belief that your position with respect to the Amendment could be the deciding factor in its passage or defeat.

As you know, the proposed Amendment is fraught with legal ambiguities and problems; however, it is very popular politically.

Your last public statement supporting such an Amendment was during the 1968 campaign. At that time you reaffirmed the position you had taken in 1951 when co-sponsoring an identical Amendment to the one now pending. Women's groups have strongly urged you to repeat your support for the Amendment and have attempted to portray your silence as a change of position. To date there has been no formal Senate query as to your views on the subject.

While it is felt that you should take no action that would unduly stimulate passage, it would seem desirable that you reaffirm your prior position of support. In this way, if the Amendment does pass, you will be accorded some credit for its enactment. Likewise, if it fails to pass by reason of a crippling amendment or otherwise, such failure will not be attributed to you. In either event, the Amendment supporters will be appeased.

In order to accomplish the foregoing, it is recommended that Clark MacGregor have in hand a letter from you to Hugh Scott reaffirming your support and responding to a pre-arranged inquiry from Scott regarding your position. This letter to Scott would be released at a time when it will have minimal impact as a stimulant to passage, but maximum impact for your position of support -- obviously a delicate bit of timing which we will have to monitor closely. The letter should also serve to keep you out of the debate regarding the various amendments which are expected to be tacked onto the Resolution when it reaches the floor.

RECOMMENDATION

That you sign the attached letter to Senator Scott reaffirming your support for the Equal Rights for Women Amendment (at Tab A), which will then be delivered to him at the proper time by Clark MacGregor.

Dear Hugh:

Thank you for your letter with regard to
~~You have informed me that the Equal Rights Amend-~~
~~ment is soon to be considered by the Senate and you~~
have asked about my stand on it.

As you remember, as a Senator in 1951 I co-sponsored a Resolution incorporating the original Amendment; in July of 1968 I reaffirmed my support for it as a candidate for the Presidency.

Throughout twenty-one years I have not altered my belief that equal rights for women warrant a Constitutional guarantee - and I therefore favor the enactment of ~~H. J. Res. 208~~ *of Constitutional Amendment to achieve this goal.*
continue to
Sincerely,
the

Honorable Hugh Scott
Minority Leader
United States Senate
Washington, D. C.