

RESCIND ERA: THE FAILED EFFORTS IN KANSAS TO RESCIND RATIFICATION
OF THE EQUAL RIGHTS AMENDMENT, 1973-1980

by

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Abstract

The Equal Rights Amendment (ERA), which would give men and women equal legal rights, was passed in Congress in 1972, much to the pleasure of many women's rights activists and lawmakers. State legislatures raced to be among the first to ratify the ERA. One year later, 30 of the needed 38 states had ratified the proposed amendment. However, at the same time, grassroots conservative movements were mobilizing very quickly, in large numbers, to defeat the ERA. Anti-ERA sentiment grew notably high in the South and Midwest. Before the one-year anniversary of Congress passing the ERA, Oklahoma became the first state to reject the amendment, giving birth to the anti-ERA movement. Later, Nebraska became the first state to rescind its prior ratification.

Sandwiched between these two states was Kansas, a traditionally red state with an unusually progressive history. Resolutions were consistently introduced in the Kansas legislature from 1973-1980. But every anti-ERA legislation brought forth was promptly struck down. This study will conduct a case study into the rescission efforts in Kansas and why they were, ultimately, not victorious. The ERA in Kansas reveals a greater theme about the state's political makeup at the time. As the ERA's popularity fell throughout the country, Kansas remained in favor of the amendment showing the state as a moderate holdout to the rising conservatism. At the same time, it also reiterates a common thread throughout the state's history: a disdain for extremism. While the ERA died out in 1982, it was never rescinded in Kansas.

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Introduction

On a visit to Topeka in 1977, ‘STOP ERA’ founder Phyllis Schlafly said she couldn’t tell how much support there was in Kansas for rescinding the Equal Rights Amendment (ERA).¹ Schlafly was the keynote speaker at the “STOP ERA-Legislators Luncheon,” which was attended by over 500 men and women from around the state, including 90 state legislators. In her speech, she read a letter aloud from Senator Sam Ervin (D-NC) addressed to the legislators in attendance, where he warned them not to “amend away representative government” by favoring the ERA.² Kansas was one of many states to quickly pass the amendment, which would guarantee equal legal rights regardless of gender, as soon as the legislature had the opportunity. The eagerness of lawmakers to demonstrate their commitment to women’s rights and support the ERA made it appear almost guaranteed the Equal Rights Amendment would soon become the 27th amendment to the United States Constitution.

However, just as the ERA gained momentum, conservative grassroots movements began lobbying to thwart the progress. Lawmakers assumed most women wanted the ERA, and often legislatures did not even hold hearings or debates before voting. After the landslide 1972 election showed the “silent majority” rejecting the liberal agenda, it became clear the consensus surrounding the ERA was not what lawmakers initially thought.³ The successes of the first couple of years soon died out, and fewer and fewer states continued to ratify the ERA due to the growth of anti-ERA sentiments.

This phenomenon was not exclusive to the states yet to ratify the Equal Rights Amendment. States that had previously ratified the ERA began proposing legislation to rescind, or revoke, their prior ratification, even though it remained a legal question as to

¹ “Says ERA Pendulum Swinging Other Way,” *Council Grove Republican*, January 14, 1977.

² Mardella Hunt, “STOP ERA - Luncheon Well Attended,” *The Catholic Advance*, January 20, 1977.

³ Nancy Baker, “Too Much to Lose, Too Little to Gain: The Role of Rescission Movements in the Equal Rights Amendment Battle, 1972–1982” (Harvard University, 2003).

whether or not it was constitutional for a state to take back its ratification of an amendment.⁴ Nevertheless, of the 35 states that ratified the Equal Rights Amendment, 34 had efforts in their state legislatures to rescind it, including Kansas. Geographically, Kansas was situated between states with high opposition to the ERA leading on-lookers to wonder whether the state would follow its neighbors' footsteps and rescind the Equal Rights Amendment. Rescission measures were consistently introduced in the Kansas Legislature from 1973-1980, but none were able to pass.

The existing scholarship about the Equal Rights Amendment overwhelmingly fails to examine the rescission movements. Scholars typically look at the issue in black-and-white terms: the states that ratified the amendment and those that never did, therefore glossing over the states that ratified the amendment but then changed their minds. Nancy Baker, in her dissertation "Too Much to Lose, Too Little to Gain: The Role of Rescission Movements in the Equal Rights Amendment Battle, 1972–1982," criticized other works for trying to figure out why the ERA failed by studying the unratified states and neglecting to take into account the states that rescinded.⁵ The most notable books about the ERA, such as political scientist Jane Mansbridge's *Why We Lost the ERA* (1986), only briefly allude to the rescission phenomenon and instead focus on the broader national picture.⁶ Of all books written about the ERA, Mary Frances Berry spends the most time exclusively discussing the rescission movements in her book *Why ERA Failed* (1988).⁷ Berry analyzes the process of amending the U.S. Constitution but still only dedicates four pages to the problem of rescission. Baker

⁴ Rescission is defined as "in which a state legislature rescinds, or takes back, its prior ratification of a constitutional amendment;" Baker, iii. Several states had previously tried to rescind their ratifications of the reconstruction amendments, but Congress ignored the rescissions. In 1939, the Supreme Court ruled that Congress, not the courts, had sole authority over the amending process; Mary Frances Berry, *Why ERA Failed: Politics, Women's Rights, and the Amending Process of the Constitution* (Indiana University Press, 1988), 71–72.

⁵ Baker.

⁶ Jane Mansbridge, *Why We Lost the ERA* (University of Chicago Press, 1986).

⁷ Berry.

argues that studying rescission “complicates” our previous understanding of the ERA and reveals the issue as a referendum on social change. She concludes the early ratification successes were “very misleading about the state of public opinion,” resulting in a diverse group of people challenging the ERA.

While Baker provides the most in-depth study of rescission movements and conducts case studies of three states – Nebraska, New York, and New Jersey – she does not discuss the rescission movements in Kansas. She is not alone, as very little has been written about the efforts to rescind the ERA in Kansas, and it received little to no national coverage. However, the juxtaposition of the region's perceived conservatism and its progressive history makes Kansas an interesting case study. Still, the only scholar to study the ERA in Kansas has been Kristi Lowenthal. Lowenthal wrote her dissertation – “Conservative Thought and the Equal Rights Amendment in Kansas,” – at Kansas State University and published a journal article – “The Equal Rights Amendment and the Persistence of Kansas Conservatism,” – in *Kansas History: A Journal of the Central Plains* about the subject.⁸ In these two pieces, Lowenthal focuses primarily on conservatism in Kansas and concludes that Kansas has always been a “morally conservative state.”⁹ She sought to understand why Kansas had “such a vocal and energized conservative faction opposing the ERA.”¹⁰ While focusing on conservative movements in Kansas, Lowenthal spent less time looking at the other side, which was ultimately victorious. This paper will differ from Lowenthal’s by studying the motives and political understandings of both ERA proponents, ERA opponents, and those in the Kansas Legislature to fully understand why Kansas never rescinded the amendment.

⁸ Kristi Lowenthal, “Conservative Thought and the Equal Rights Amendment in Kansas” (Kansas State University, 2008); Kristi Lowenthal, “The Equal Rights Amendment and the Persistence of Kansas Conservatism,” *Kansas History: A Journal of the Central Plains*, no. 37 (2014): 34–49.

⁹ Lowenthal, “Conservative Thought and the Equal Rights Amendment in Kansas,” 252.

¹⁰ *Ibid.*, 8.

Given the persistent rescission efforts and demonstrations in the Kansas legislature, one would assume that rescinding the Equal Rights Amendment was a pressing issue for the state. However, these measures were all killed before making it out of the committee. This paper will argue that the anti-ERA groups in Kansas positioned themselves as extremists while pro-ERA activists were seen as moderate and strayed away from radicalism, which resulted in Kansans remaining in favor of the ERA due to the state's disdain for extremism. Pro-ERA activists successfully showed lawmakers how the ERA would have relatively little impact on Kansas because of existing laws, so the ERA would only reaffirm the state's commitment to equality and women's rights. The state's pragmatic centrism led Kansas to be a moderate holdout to the rising cultural conservatism that engulfed much of the Midwest and the South during the 1970s and 1980s and is revealed throughout the coinciding fight over the ERA, when Kansans remained in favor of the amendment even as popularity fell throughout the country.

Background of ERA

Shortly after the 19th Amendment granted women the right to vote in the United States, a group of radical national suffrage leaders began to believe that additional laws were needed if women were to reach full equality. The Equal Rights Amendment was first proposed by suffrage leaders, Alice Paul and Crystal Eastman, in 1923 at a National Women's Party convention in Seneca Falls, New York.¹¹ Later that same year, two elected officials from Kansas – Senator Charles Curtis and Representative Daniel R. Anthony – introduced the ERA into Congress for the first time.¹² While the efforts in 1923 to pass the

¹¹ "Visionaries: Alice Paul (1885-1977)," Library of Congress.

¹² The first version of the ERA said, "Men and women shall have equal rights throughout the United States and every place subject to its jurisdiction. Congress shall have power to enforce this article by appropriate legislation." In 1943, the Senate Judiciary Committee changed the wording to what would eventually be passed by Congress in 1972; Congressional Research Service, "The Proposed Equal Rights Amendment," July 1, 1977,

Equal Rights Amendment failed to get through Congress, the ERA was reintroduced in Congress every year thereafter.

As the second wave of feminism swept the country in the late 60s and early 70s, ERA proponents became optimistic that the amendment would finally pass through Congress.¹³ On October 12, 1971, the United States House of Representatives adopted H.J. Res. 208, better known as the Equal Rights Amendment, with a 354-24 vote. Four of Kansas's five U.S. Representatives voted to approve the resolution, with Rep. Garner Shriver (R-KS) abstaining from voting. The joint resolution regarding equal rights for men and women contained very similar wording to what was originally proposed in 1923 and had only slightly evolved; the text read:

ARTICLE —

SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

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

SEC. 3. This amendment shall take effect two years after the date of ratification.¹⁴

On March 22, 1972, the Senate passed the ERA with an 84-8 vote.¹⁵ Kansas's U.S. Senators – Bob Dole and James Pearson – voted in favor of the amendment. In his endorsement of the ERA, Senator Dole wrote:

For many, passage of the women's suffrage amendment was the end of the line. Women had the vote: what else did they need? But Kansans did not share this attitude, and in 1923, two members of the Kansas Congressional delegation, Senator, and later Vice President, Charles Curtis, and Congressman Daniel B. Anthony, a cousin of Susan B. Anthony, introduced the measure that has come down to this day in substantially the same form, the Equal Rights Amendment.

Robert J. Dole Senate Papers-Legislative Relations, 1969-1996, Robert and Elizabeth Dole Archive and Special Collections, University of Kansas, Lawrence.

¹³ In 1963, Betty Friedan published *The Feminine Mystique*, kickstarting second-wave feminism; "Feminism: The Second Wave," National Women's History Museum, June 18, 2020.

¹⁴ "Proposed Amendment to the Constitution of the United States," Pub. L. No. H. J. Res. 208 (1972).

¹⁵ Sen. Sam Ervin proposed a series of amendments to H.J. Res 208 that would exempt women from the draft but ultimately the joint resolution was adopted with no changes; Mansbridge, 12.

I believe the time is long past due for this nation to eliminate every last barrier to women's full exercise of their rights as citizens and to their participation in the life of this country to the maximum extent of their considerable abilities and talents.

I am proud to add my name to the list of distinguished Kansans –men and women – and Americans who have carried forth the cause of women's rights in the United States.¹⁶

The next step in the ratification process was to pass the proposed amendment on to the states for ratification.¹⁷ Congress set the deadline for March 22, 1979. State legislatures rushed to ratify the amendment to showcase their support for women. After receiving a phone call from their Senator's office in D.C., Hawaii's legislature unanimously ratified the ERA in a half-hour. Within the first year of Congress passing the resolution, 30 of the needed 38 states had ratified the Equal Rights Amendment.¹⁸

On March 28, 1972, six days after the Senate passed the Equal Rights Amendment, Kansas became the seventh state to ratify the ERA. The measure passed through the Kansas House of Representatives with an 86-37 vote and 34-5 in the Senate.¹⁹ The legislature shifted away from normal proceedings and elected to bypass hearings and debates. This was in part because of the push by Governor Robert Docking to ratify the amendment quickly, thus demonstrating Kansas's commitment to women's rights. Docking said, “with ratification of the Equal Rights Amendment, Kansas takes its place among the states which have demonstrated faith in the American system of equality and justice for all.”²⁰ Kansas had a unique history regarding women's rights. The first referendum on suffrage was held in Kansas in 1867 before giving women the right to vote in 1912, eight years before the 19th

¹⁶ Robert J. Dole, “Dole Supports Equal Rights Amendment To Constitution,” February 24, 1972, Digitized Press Releases, 1961-1996, Robert and Elizabeth Dole Archive and Special Collections, University of Kansas, Lawrence.

¹⁷ To amend the U.S. Constitution, the proposed amendment must first be approved by at least two-thirds of the U.S. House of Representatives and the Senate. And secondly, it needs to be ratified by three-fourths of the state legislature to take effect.

¹⁸ Congressional Research Service, “Ratification History of the Proposed Equal Rights Amendment” (Library of Congress, 1978), Dole Senate Papers, Robert and Elizabeth Dole Archive and Special Collections, University of Kansas, Lawrence.

¹⁹ “Kansas Is 7th State to Ratify Equal Rights Bill.” *The Salina Journal*, March 29, 1972.

²⁰ “Rights Measure Ratified.” *Olathe News*, March 29, 1972.

Amendment. In 1887, Susanna Madora Salter of Argonia, Kansas, became the first elected female mayor in the United States. Kansas also reformed abortion laws before *Roe v Wade*.²¹ This history was one many Kansans were proud of.

Birth of the anti-ERA movement

Not all Americans were thrilled by the rush to ratify the ERA. In February 1972, the nationally prominent conservative activist Phyllis Schlafly published an anti-ERA article in her self-titled newsletter, *The Phyllis Schlafly Report*. In the article, she asked, "What's Wrong with Equal Rights for Women?" Schlafly had supported Barry Goldwater's unsuccessful bid for the presidency in 1964 and even ran for Congress herself in 1970.²² In 1972 she founded the *Eagle Forum*, a conservative interest group, and began a national campaign to 'STOP ERA.'²³ In the February issue of *The Phyllis Schlafly Report*, Schlafly called the proposed amendment a "fraud" and listed out the dangers she believed would arise if the ERA were to become law. The biggest issues Schlafly outlined that alarmed readers were the fear that women would have to register for the draft, child support and alimony would be taken away, and women would lose the right to be a homemaker.²⁴ She pointed to the Soviet Union as an example of a country where men and women had equal rights, appealing to the anti-communist sentiments of the Cold War era. She asserted that the Equal Rights Amendment was inherently un-American. Schlafly questioned, "Why would we lower ourselves to 'equal rights' when we already have the status of special privilege?"²⁵

²¹ Thomas Frank, *What's the Matter with Kansas?* 2004, 90.

²² Schlafly gained national attention after publishing her first book *A Choice Not an Echo* (1964), which hoped to help Goldwater win California in the 1964 Republican primaries; David Farber, *The Rise and Fall of Modern American Conservatism: A Short History* (Princeton University Press, 2010), 132.

²³ 'STOP' stands for "Stop Taking Our Privileges;" Farber, 146.

²⁴ Phyllis Schlafly. "What's Wrong with Equal Rights for Women?" *The Phyllis Schlafly Report*, February 1972.

²⁵ *Ibid.*

Ann Patterson, the wife of former Senate candidate Pat Patterson, read Schlafly's newsletter and was motivated to fight against the ERA in her home state of Oklahoma. Patterson raised her concerns about the amendment with legislators, intending to stall the vote. She argued that the legislature needed to take more time to study the ERA and there was no need to rush ratification without fully understanding the potential consequences.²⁶ As a result, on March 29, 1972, one week after the Senate passed H.J. Res. 208, the Oklahoma House of Representatives became the first to reject the Equal Rights Amendment with a 36-52 vote.²⁷

The ERA, it turned out, faced considerable opposition from people living in the South and Midwest.²⁸ Southern states' resistance to ratification did not come as much of a surprise because previously proposed amendments regarding "progressive" issues – such as suffrage, prohibition, and child labor – had trouble finding support in the South.²⁹ However, opposition in the Midwest was unexpected since there had been initial widespread support for the amendment from Midwesterners after Iowa, Kansas, and Nebraska were among the first states to ratify the amendment.

After much pushback, state legislators wondered if they had made the right decision. Just as the 1973 legislative session began, resolutions in both the Kansas and Nebraska legislatures were introduced to rescind the prior year's ratification. Other states in the region, such as Oklahoma and Missouri, continued to reject the ERA. On January 29, 1973, *The Iola Register*, a local newspaper based out of Iola, Kansas, published an article called "Mid-America takes second look at Equal Rights Amendment." According to the article, Iowa was the only state in Mid-America "content" with the ERA.³⁰ On March 15, 1973, less than a year

²⁶ Baker, 105-106.

²⁷ Baker, 105-106.

²⁸ Berry, 78.

²⁹ *Ibid.*, 64-65.

³⁰ Bob Jones, "Mid-America Takes Second Look at Equal Rights Amendment," *The Iola Register*, January 29, 1973.

after they had ratified the ERA, Nebraska became the first state to successfully rescind its ratification of the Equal Rights Amendment.

Nebraska had rushed to be the second state to ratify the ERA on March 23, 1972. However, because of the urgency by the legislators to be the first state to ratify, the text they voted on was missing sections. The Nebraska Unicameral Legislature had to vote again on March 29, 1972, to include the forgotten sections. Not a single legislator voted against the ERA during either vote. However, they did not hold any hearings or debates that would have allowed their constituents to express their opinions. After anti-ERA sentiment began to spread, Sen. Dick Proud (R-Omaha) introduced a bill to rescind the ratification in January 1973 after the irregular procedures of the 1972 ratification. Nancy Baker argues that Nebraska's rescission was primarily motivated by the desire to restore the public's faith in the legislature. Many legislators supported rescission even if they supported the ERA.³¹ Proud's bill passed with a 31-17 vote and created the template for rescission other states would follow.³²

Kansas ERA opponents

As the anti-ERA sentiment around the country grew, grassroots conservative movements aimed at opposing the ERA began to take shape in Kansas. These groups consisted mainly of evangelical Christians and proudly traditional homemakers. Lowenthal, in her quantitative analysis of archived ERA-related letters, found that most anti-ERA letters in Kansas came from rural areas.³³ The anti-ERA activists in Kansas opposed the amendment for similar reasons to those Schlafly outlined in her newsletters. The top reasons cited in

³¹ Eighteen Nebraska legislators went from supporting the ERA in 1972 to voting to rescind it in 1973. However, twelve of those eighteen legislators voted to again ratify the ERA in 1975 when it was reintroduced; Baker, 159.

³² *Ibid.*, 162.

³³ The highest concentration of anti-ERA letters came from south of Wichita; Lowenthal, 244.

letters for opposing the ERA were women being drafted, incompatibility with Christianity, and the concern for the breakdown of the traditional family dynamic.³⁴

The largest anti-ERA organization in Kansas was called the ‘Pro-Family Forum.’ The term pro-family was used heavily by ERA opponents and became synonymous with opposition to the ERA.³⁵ Most of the women involved with the anti-ERA movement in Kansas were not previously involved in politics and did not have much experience with lobbying. They were instead motivated to take action out of fear that the Equal Rights Amendment would change the traditional family dynamic as they knew it. Claims began to spread that the ERA would take away the “right” for women to stay at home. Rep. Bill Reardon (D-Kansas City) recalled how several people contacted his office because they were scared that they would be forced to take a job if the amendment was to go into effect.³⁶ Some ERA opponents interpreted the concept of equality as women being required to contribute equally to the family income. Mrs. John Darr of Eudora wrote to Rep. Theo Cribbs (D-Wichita) in 1975 about her concerns:

The ERA will make every wife in America legally responsible to provide 50 percent of the financial support of her family. This not only places an untoward burden upon the wife and mother whom some claim they will be liberating but also jeopardizes the entire family structure which is so vital to our survival as a free nation of responsible, dignified individuals. The husband’s dignity and responsibility of being the strength, mainstay and provider and protector of his family must not be undermined. Likewise, the rights and needs of young children to receive constant nurturing and instruction and character development from their own mothers must not be taken away. A woman must not be forced to relinquish her God-given privilege of being a full-time mother to her children.³⁷

As demonstrated by Darr’s letter, proponents of rescission worried about their children growing up in an “equal” world that would destroy women’s traditional roles as wives and

³⁴ Ibid., 224.

³⁵ Janet Boles, *The Politics of the Equal Rights Amendment: Conflict and the Decision Process*, 1979, ix.

³⁶ *Interview of Bill Reardon by Jim McLean, August 2, 2019, 2019.*

³⁷ Mrs. John Darr, Eudora, to Rep. Theo Cribbs, Topeka, January 20, 1975, Theo Cribbs Papers/Correspondence, Spencer Research Library, University of Kansas, Lawrence.

mothers. This type of rhetoric provoked strong reactions from people who were not usually involved in politics.

By the mid-1970s, more women began to join the anti-ERA cause. Barbara Hanna, the state coordinator of the Pro-Family Forum, said she and other members joined because of their “moral and religious beliefs.” When Hanna first got involved, she started by mailing letters to churches in Kansas because she didn’t know of any other way to bring this to the attention of people who would care.³⁸ Issues that people opposed for religious reasons, such as abortion and same-sex marriage, became closely associated with the ERA and were some of the main reasons people cited for their opposition. Hanna said, “We were opposed to gay marriages, which would have been ‘equality’ through the ERA.”³⁹ In reality, the ERA would not legalize same-sex marriage, but ERA leaders on the national stage publicly endorsing “homosexual rights” made the opponents associate the amendment with legitimizing same-sex marriage.⁴⁰

Abortion was another issue that produced strong emotional responses from conservatives and was also conflated with the ERA. Janet Simon of Wichita wrote to Sen. Pearson about her opposition to the ERA and said, “My personal concerns as a mother, wife and citizen are very much in favor of the Pro-Life way.”⁴¹ The Equal Rights Amendment and abortion were women’s rights issues that gained significant attention around the same time. Just a year after the ERA passed through Congress, the Supreme Court issued the landmark *Roe v Wade* decision protecting abortion, and the two unrelated issues became naturally intertwined. Thus, along with Phyllis Schlafly often relating the two issues in her newsletter,

³⁸ Barbara Hanna of Eudora, Kansas, interview by author, 20 November 2022, email.

³⁹ Ibid.

⁴⁰ The ERA would only require “uniformity” between marriage laws. So, if a state made it legal/illegal for a man to marry a man, it would have to do the same thing for two women, and vice versa; Boles, 35.

⁴¹ Janet Simon, Wichita, to Sen. James B. Pearson, Washington, D.C., 1978, Pearson Papers, Spencer Research Library, University of Kansas, Lawrence.

opponents began to believe that the ERA would cement a women's right to abortion into law.⁴²

Many women who weren't formerly political activists took on leadership roles in the fight against the ERA. Mrs. Debra Barnes Miles of Eudora, a former Miss America, became one of Kansas's most outspoken opponents of the ERA. Miles would appear at committee hearings in support of rescission.⁴³ Other notable anti-ERA leaders and organizations in Kansas included Mrs. Betty Hanicke of Shawnee Mission, the chairman of 'Women Opposed to ERA,' and Mrs. Nancy Herrington, the President of the Wichita Chapter of 'STOP ERA.' However, Schlafly's 'STOP ERA' was not the state's leading anti-ERA group in Kansas, as it was in other states and nationally. Schlafly was proudly Catholic, making her less relatable to many Kansas evangelicals. Therefore, Kansans looked to other similar, anti-ERA leaders with whom they had more of a shared identity. One was Texas's Lottie Beth Hobbs, who led a group called 'Women Who Want to be Women' and worked closely with Phyllis Schlafly on the board of her Eagle Forum. Despite her close affiliation with Schlafly, Hobbs was Protestant, which helped win over a different demographic of people to lobby against the ERA.⁴⁴

The works of Lottie Beth Hobbs inspired Hanna to begin her campaign and enlist the help of Janet Hoover of Perry, Kansas, who became her state co-coordinator.⁴⁵ Hanna's 'Pro-Family Forum' (originally called 'Citizens Against the ERA') became the state's main organizing force. Barbara Hanna of Eudora fit the mold of a typical ERA opponent: an evangelical mother worried about her children's future. Hanna felt that "no one else wanted to do the work, so we did. This was truly a grass-roots movement."⁴⁶ Despite their religious

⁴² Berry, 88

⁴³"Varied Opinions Emerge at Anti-ERA Gathering," *Lawrence Journal-World*, March 5, 1975.

⁴⁴ Lowenthal, 215.

⁴⁵ Barbara Hanna of Eudora, Kansas, interview by author, 20 November 2022, email.

⁴⁶ *Ibid.*

differences, Schlafly and Hobbs distributed the same information in their publications and newsletters, which were often again redistributed in Kansas by Hanna in her monthly newsletter.

In addition to reprinting material from national anti-ERA organizations, Hanna's newsletters gave Kansans instructions on how to demonstrate most effectively. One of the main ways ERA opponents voiced their opinion was through aggressive letter-writing campaigns. In 1975, Rep. George Works (R-Humboldt) wrote, "The Equal Rights Amendment has probably produced more mail this session than any other issue."⁴⁷ Hanna sent a request to her mailing list in the February 1976 issue of the 'Citizens Against ERA' newsletter that said, "It is urgent that thousands of letters and postcards be sent out immediately to the Federal and State Affairs Committee. Otherwise, this bill to rescind, HCR 5045, might never leave the committee."⁴⁸ As a result, Rep. Reardon, the chairman of the House Federal and State Affairs Committee (the committee which voted to consider legislation regarding rescission), received around 150-200 letters a week calling for the rescission of the ERA.⁴⁹ Rep. Jim Slattery (D-Topeka) said the sheer amount of mail produced from the massive letter-writing campaigns succeeded in alarming many legislators.⁵⁰

Along with the letter-writing campaigns, opponents of the ERA would show up in large numbers to present themselves as the majority at various events around the state. Hanicke recalled an instance in 1976 at the Kansas Capitol Building where over 500 women traveled from all over the state to protest the ERA and try to win over lawmakers.⁵¹ When the

⁴⁷ Rep. George Works, "View from the House," *The Iola Register*, March 19, 1975.

⁴⁸ "'Citizens Against ERA' Newsletter," February 1976. Theo Cribbs Papers/Correspondence. Spencer Research Library, University of Kansas, Lawrence.

⁴⁹ ERA opponents even went to Reardon's house to advocate for rescission; Judie Black. "Battle Lines Drawn to Rescind ERA." *The Hays Daily News*. February 15, 1977.

⁵⁰ Rep. Jim Slattery of Topeka, Kansas, interview by author, 7 October 2022, phone call.

⁵¹ Al Polczinski. "Kansas ERA Foes Hope to Reverse Ratification." *The Wichita Eagle*. August 11, 1976.

legislature would hold public hearings on the issue, several hundred people would attempt to pack into the hearing rooms designed only to hold around 100 people.⁵² The large turnouts of anti-ERA activists successfully gained attention and created a sense of urgency surrounding this issue.

The main goal of these demonstrators was to win over lawmakers, which they felt they could best do by being present at the capitol. By using the capitol building in Topeka as the location for anti-ERA protests, lawmakers could see how passionate they were about the issue and how many people cared. Mardella Hunt wrote for *The Catholic Advance*, a newspaper based out of Wichita, “It is important that the legislators see that we are serious enough about rescission to go to Topeka!”⁵³

Barbara Hanna said local and state-wide meetings were an additional way of organizing large numbers of opponents. These events would bring out big-name national and local leaders within the movement, such as Lottie Beth Hobbs, Phyllis Schlafly, and Betty Hanicke.⁵⁴ ERA opponents in Kansas would use the large turnouts by their supporters as a measure of success. Barbara Hanna frequently started her newsletters by reporting numbers from meetings held that month to bring what was considered good news to her supporters. An example of this was in the February 1976 ‘Citizens Against ERA’ Newsletter, which said:

The meeting of the 31st of Jan. was tremendous, to say the least. Workers against the ERA came from Wichita, Hutchinson, El Dorado, Downs, Kansas City, Abilene, Paola, Grandview, Mo., and several other cities, totaling about 30 cities and one hundred and fifty persons for the all-day meetings... Mrs. Donna Wright reported of their very successful meeting in Wichita last month with Phyllis Schlafly and Mrs. Debbie Barnes as speakers. She reported attendance of around 500.⁵⁵

⁵² During a hearing in 1977, extra chairs had to be put out to accommodate for the large turnout and people overflowed into the hallway. As a result, the Fire Marshal had to get involved because the crowd of people created a fire hazard and many people were escorted out; *Interview of Bill Reardon by Jim McLean*.

⁵³ Mardella Hunt. “ERA to Be or Not to Be.” *The Catholic Advance*. January 6, 1977.

⁵⁴ “‘Citizens Against ERA’ Newsletter,” January 1976. Theo Cribbs Papers/Correspondence. Spencer Research Library, University of Kansas, Lawrence.

⁵⁵ “‘Citizens Against ERA’ Newsletter,” February 1976. Theo Cribbs Papers/Correspondence. Spencer Research Library, University of Kansas, Lawrence.

Within the first few paragraphs of the newsletter, Hanna used these numbers to encourage people that this was a fight worth fighting and showed the strength of the anti-ERA forces.

One statewide gathering where ERA opponents coalesced in large numbers was at Kansas Women's Weekend in Wichita in July 1977. During this weekend's meetings, a coalition was selected to attend the National Women's Conference that would take place that November in Houston, Texas. So many anti-ERA activists were present at the meeting that 13 of the 20 delegates selected opposed the amendment.⁵⁶ Therefore, despite ratifying the amendment, Kansas presented itself as an anti-ERA state at the conference. Lowenthal uses this anti-ERA majority as evidence for conservative voices finally being fairly heard after attempts by pro-ERA forces to suppress their opinions and "minimize their impact."⁵⁷

However, these large turnouts alone did not reflect the state's overall opinion. In a state that had already ratified the ERA, people who favored the amendment felt less of a need to demonstrate at a local level. This resulted in opposition forces appearing as the majority at times since they were extremely persistent in their lobbying efforts and not brought down by defeat. Not to mention, proponents of the ERA were more likely to hold jobs of their own and were otherwise occupied and not able to dedicate as much time to protesting.⁵⁸ Mansbridge pointed out how pro-ERA forces were typically only present when there was an actual vote happening while ERA opponents were constantly visible.⁵⁹ In March 1976, as a resolution to rescind was being debated in the House, the *Iola Register* reported that "about 100 women, most of them pro-ERA forces, milled around the brass rail in the rotunda, chatting with legislators and others."⁶⁰ The pro-ERA forces holding a silent vigil presented the House

⁵⁶ "Comments on Delegates to National Conference." *Council Grove Republican*. July 21, 1977.

⁵⁷ Conservative women claimed that pro-ERA organizers made attempts to keep anti-ERA voices from being heard. This included tricking ERA opponents to go home before votes, not telling them about conferences until the last minute, turning off their microphones when speaking, and denying them from spaces due to "suspicious" fire codes; Lowenthal, 2.

⁵⁸ Berry, 68.

⁵⁹ Mansbridge, 159.

⁶⁰ "Equal Rights Amendment Creates Flurry in Topeka," *The Iola Register*, March 16, 1976.

Federal and State Affairs Committee with “a portfolio of position papers and written testimony from 33 organizations.”⁶¹ This is an example of ERA proponents showing up in large numbers when needed, which resulted in the 1976 resolution to rescind being quickly killed. But fewer proponents attended in instances like Kansas Women’s Weekend, where there would be no direct effect on legislation regarding the ERA in Kansas.

Kansas ERA Proponents

Most pro-ERA groups were women’s groups dedicated to other issues, not just the ERA. Since Kansas had already ratified the ERA, these groups had other women’s issues to focus on as opposed to the anti-ERA groups solely focused on rescinding the ERA. The majority of the pro-ERA letters came from Kansas’s larger cities and those with colleges, such as Wichita, Lawrence, Topeka, Manhattan, Emporia, and the Kansas City area.⁶² Many of these women’s organizations felt that attempts by the anti-ERA forces repeatedly trying to rescind the ERA, despite constant failure, were a waste of legislators’ time and money. Judy Teusink of the Kansas Women’s Political Caucus asked, “How many more times will they have to hear ‘no’ before the Legislature is allowed to move on to more pressing business?”⁶³ Additionally, members of the Kansas division of the American Association of University Women wrote to their representative and said, “We deplore the fact that you, our legislators, who have so much significant legislation pending that you must hold Saturday or evening sessions and committee meetings, must give attention once more, perhaps, to consideration of the Equal Rights Amendment.”⁶⁴ These people felt that the pressures of anti-ERA activists were taking away from issues that would have more of an impact on Kansas.

⁶¹ Ibid.

⁶² Lowenthal, 243-244.

⁶³ “Committee Hears Pros, Cons of Rescinding ERA,” *The Wichita Eagle*, February 9, 1978.

⁶⁴ American Association of University Women, Kansas State Division, to Rep. Theo Cribbs, Topeka, March 10, 1975, Theo Cribbs Papers/Correspondence, Spencer Research Library, University of Kansas, Lawrence.

Pro-ERA activists also felt that anti-ERA activists' reasons for rescinding the Equal Rights Amendment were based on whipped-up fears that had little or no basis in reality. In 1975, 155 residents of Dodge City signed a letter to Rep. Theo Cribbs (D-Wichita) that said, "We, the undersigned, feel that if you vote to pass HRC 2017, you will be bending to the pressures of a small, vocal, misinformed group of people, and abandoning your responsibility as a law-maker and a state leader."⁶⁵ The Dodge Citians were "distressed" by the efforts of anti-ERA activists. So, they wanted to make it clear that those people were not representative of public opinion. To counteract ERA opponents, they used this letter to show that many people supported the Equal Rights Amendment and did not want to rescind it. Moreover, this political pressure tactic was simple and much less time-consuming than that of many anti-ERA groups; the only thing people had to do was sign their name to this letter.

Pro-ERA activists competed with anti-ERA activists by relying on easy means of demonstration. As mentioned, ERA supporters were typically busy people, passionate about other issues as well. They did not have as much time to dedicate to an amendment already ratified in their state, so creating a relatively un-demanding method of asserting their opinion was crucial to their success. One of the most significant ways they did this was through mass-produced postcards. While most letters from opponents of the ERA were handwritten, their competitors used pre-written postcards, which only required supporters to sign their names and address. This saved time for people but still communicated to lawmakers the opinions of their constituents were feeling.

Lawmakers' response

In response to organized pressure from anti-ERA groups, a total of 36 legislators sponsored a rescission-related resolution between 1973-1980. Of those 36 legislators, 24 were

⁶⁵ Residents of Dodge City, to Rep. Theo Cribbs, Topeka, March 5, 1975, Theo Cribbs Papers/Correspondence, Spencer Research Library, University of Kansas, Lawrence.

Republicans, and 22 were from rural areas that contained towns of less than 10,000 people.

All but one of the lawmakers were male. The lone exception was Rep. Glee Jones (R-Hamlin), one of two female legislators in 1972 when Kansas ratified the ERA.⁶⁶

Rep. Jones opposed the amendment and favored rescission because she felt the ERA was unnecessary. In 1977, the year she co-sponsored a resolution to rescind, Jones claimed she had yet to find “one concrete, specific, real example of a woman being discriminated against in Kansas.”⁶⁷ Jones also believed that if a woman were to be discriminated against in Kansas, she would be protected by laws already in place; therefore, the ERA was unnecessary. However, many legislators who believed the ERA was unnecessary in Kansas due to pre-existing laws thought it was not worth the effort to rescind it if the amendment would not affect anything but would aid other states.

Other legislators wanted to rescind the ERA for various reasons, such as believing that the amendment would worsen the status of women. For example, Rep. Lee Hamm (D-Pratt) – who sponsored resolutions to rescind in 1975, 1977, and 1978 – claimed that it was a “takeaway of rights that women now possess.”⁶⁸ Hamm’s reasoning for opposing the ERA was similar to that of Schlafly and many ERA opponents in Kansas: advocating for rescission because of ideological opposition to the amendment itself. While rhetoric like Hamm’s resonated with many ERA opponents, it had less luck convincing other legislators.

Sen. John Vermillion (R-Independence) also introduced resolutions to rescind the ERA. He believed the legislature voted in 1972 without adequate hearings, and the Senate needed to review that decision. He framed his reasoning to make it appear as if his main issue with the ratification was the unusual procedures leading up to the vote rather than the ERA

⁶⁶ The other female legislator was Rep. Josephine Younkin (D-Junction City). Both Jones and Younkin voted against ratifying the ERA in 1972; “Kansas Is 7th State to Ratify Equal Rights Bill.” *The Salina Journal*. March 29, 1972.

⁶⁷ Black.

⁶⁸ “ERA Assailed as ‘Fraud.’” *The Wichita Eagle*. March 17, 1976.

itself.⁶⁹ This approach to rescission hoped to appeal to a broader demographic of people, regardless of their stance on the ERA, who recognized the problem with voting on legislation before having a proper discussion. In a time of much distrust in government, these irregular procedures and the rush to ratify concerned many people. This was similar to what legislators in Nebraska relied on to successfully rescind their ratification of the ERA in 1973. But while it was successful in Nebraska, Vermillion did not find the support he needed in Kansas.

As demonstrated, both Republican and Democratic legislators supported rescission-related resolutions, but mostly all held conservative beliefs. While most of these legislators who sponsored the resolutions to rescind were Republicans, there was a noticeable amount (12) of Democrats who were sponsors. This reveals how, at the time, an ideological overlap still existed between the two parties. For example, compared to many of his Republican counterparts, Democrat Rep. Hamm's argument was the most conservative and cited upholding traditional values for his opposition. However, both Republican and Democratic lawmakers also opposed the rescission efforts.

In face of legislators pushing for rescission, Rep. Ruth Wilkin (D-Topeka), one of the few female legislators at the time, became the go-to person to advocate for the ERA. She opposed rescission because she continued to support the amendment and believed it would lead to more equality. In 1975 she said that "rescission of the ratification of Kansas would be moving backward in the area of equality under the law for all people, an area in which Kansas has had such a proud history up to this point."⁷⁰ Similarly, other lawmakers believed that the state's strong commitment to women's rights had already resulted in laws that improved women's status and that the ERA would not have much of an effect on Kansas due to pre-

⁶⁹ "State Senator Chides Officials for ERA Ruling." *The Wichita Eagle*. February 3, 1978.

⁷⁰ "ERA Assailed as 'Fraud.'"

existing laws. In 1975, State Senator and Governor-Elect Robert F. Bennett (R-Prairie Village) responded to a constituent who wrote with their concerns about the ERA. He said:

In reviewing the Equal Rights Amendment and the laws which we have in the State as well as the various interpretations we have received on the wording of this amendment, it would appear that much of the voiced objections stem more from fear than from fact. Actually in Kansas, a detailed study was made of the number of laws that need to be changed if the Amendment is ratified by the required number of states. You'd be interested to know that few if any laws in our State require such a change. As a matter of fact the only laws recommended for change have been in those areas of "blue laws" which have never been enforced.⁷¹

Bennett argued that if the ERA would not change life as they knew it, as ERA opponents feared, why go through the effort of rescinding the ratification? He then argued that the amendment, which might not have a profound impact on Kansas, would help women facing discrimination in other states that didn't have the same equal protection laws.

Not thinking the ERA was dangerous was another reason lawmakers opposed rescission. Rep. Jim Slattery (D-Topeka) said, "To be perfectly frank, I opposed the resolution to rescind our ratification. I have not yet seen any evidence which convinces me the ERA is in any way dangerous."⁷² Even conservative U.S. Senator Bob Dole wrote to an anti-ERA constituent and said, "I feel that you may have some misunderstanding of this proposal...I do not believe that passage of the E.R.A will result in increased immorality."⁷³ Rep. W.S. Southern (R-Ellinwood) told his constituents that if they opposed the ERA, their only option was to wait it out, and no additional action could be taken in the Kansas Legislature. In a Legislative Report in the *Great Bend Tribune*, Southern said, "The only

⁷¹ Governor-Elect Robert Bennett, Prairie Village, to Miss Ismay Harmon, Fort Scott, January 7, 1975, Robert F. Bennett gubernatorial papers / General (green) files, Spencer Research Library, University of Kansas, Lawrence.

⁷² Rep. James C. Slattery, Topeka, to Constituent, March 17, 1975, Theo Cribbs Papers/Correspondence, Spencer Research Library, University of Kansas, Lawrence.

⁷³ Sen. Robert J. Dole, Washington, D.C., to Mrs. L. T. Thomas, Downs, November 8, 1974. Robert J. Dole Senate Papers-Constituent Relations, 1969-1996, Robert and Elizabeth Dole Archive and Special Collections, University of Kansas, Lawrence.

thing Kansans can do is to wait the seven years and if 38 states fail to ratify, then this will not be a constitutional amendment.”⁷⁴

To grasp how their constituents felt about rescission, legislators surveyed them in a number of ways. Rep. Robin Leach (D-Linwood) conducted a poll of his constituents in 1977 and found that 44 people favored rescission, nine opposed it, and four people were undecided.⁷⁵ Leach, who had previously supported the ERA, said he would vote to rescind it if the issue reached the Kansas House after promising to follow how his constituents felt about issues. As mentioned before, voters from more rural areas in Kansas, such as Linwood, were more likely to oppose the ERA. Leach is an example of a legislator who, despite his personal opinion, followed the beliefs of his constituents that voiced their opinions. However, many legislators did not seriously consider voters’ opinions if they felt they were misinformed. Rep. Theo Cribbs wrote, “Most of the people that I have talked with pertaining to ERA have been misinformed on the intent that we, the Legislators, had when we passed this bill. I don’t see any reason for change now.”⁷⁶ Even if their voters voiced concern, they did not always find their constituents’ reasons convincing.

Kansas' efforts to rescind

During each legislative session, in 1973 and from 1975 through 1980, there were concurrent resolutions regarding rescinding Kansas’s 1972 ratification of the Equal Rights Amendment.⁷⁷ Within the first two months of 1973, the Kansas House of Representatives

⁷⁴ Rep. W.S. “Bill” Southern. “Legislative Report: To the Voters of the 113th.” *Great Bend Tribune*. March 4, 1975.

⁷⁵ Roger Rowlett, “Leach Says He Opposes Equal Rights Amendment,” *The Leavenworth Times*, February 13, 1977.

⁷⁶ Rep. Theo Cribbs, Topeka, to Constituents, 1975, Theo Cribbs Papers/Correspondence, Spencer Research Library, University of Kansas, Lawrence.

⁷⁷ Concurrent resolutions are used to ratify amendments to the U.S. Constitution as well as propose amendments to the Kansas Constitution. They require adoption by both the House and the Senate but do not need the approval of the Governor. Upon introduction, concurrent resolutions are referred to the appropriate committees, which vote to consider the resolution before passing it onto the first chamber for a roll call vote; “Introducing the Kansas Legislature.” Kansas Legislature, 1975.

introduced two resolutions discussing rescission. The first concurrent resolution (HCR 2016) was introduced by Rep. Harley Huggins (D-Kansas City) and aimed to rescind the prior ratification. As a result of the first moves to rescind, Kansas Attorney General Vern Miller issued an opinion that said it “appeared ratification could not be rescinded.” This led to the second resolution, HCR 2013, which asked for a legislative study on rescinding the Equal Rights Amendment. Both HCR 2013 and HCR 2016 were killed on February 14, 1973, by the House Federal and State Affairs Committee, with the resolution to rescind being struck down unanimously.⁷⁸

The following year, the efforts to rescind the ERA were taken less seriously due to the defeat of the 1973 resolutions. However, in 1975, ahead of the 1976 election, ERA opponents intensified their lobbying efforts, hoping to appeal to the 72-53 Republican majority in the Kansas House of Representatives.⁷⁹ Rep. Arden Dierdoff (R-Smith Center) introduced HCR 2009 to rescind the state’s ratification in January. HCR 2009 was quickly killed in the committee less than a month later.⁸⁰ However, Kansas Attorney General Curt Schneider issued a new opinion in March that said a state may rescind ratification, but it is up to Congress whether or not to accept it.⁸¹ This opinion inspired 11 Representatives to immediately introduce a new concurrent resolution (HCR 2017) that would place the issue of rescission on the ballot for Kansans to vote on in the upcoming 1976 election with hopes that some legislators’ votes would change after learning that the state legally had the authority to rescind.⁸² Despite these hopes, the resolution for a referendum was killed by the committee on March 14, 1975.⁸³

⁷⁸ HCR 2013 was killed on a 12-5 vote; “Legislative Panel Kills 3 Controversial Bills.” *The Hutchinson News*, February 15, 1973.

⁷⁹ Kansas. *Senate and House Journals*, 1975.

⁸⁰ Arden Dierdoff. Kansas Legislature, House, HCR 2009, Introduced in House January 24, 1975.

⁸¹ “Schneider Rules on ERA Passage.” *The Iola Register*. March 4, 1975.

⁸² Harper, Beniga, Burgess, Dierdoff, Ehrlich, Hamm, Lindahl, et al. Kansas Legislature, House, HCR 2017, Introduced in House March 3, 1975.

⁸³ Works.

As the November state-wide election in 1976 loomed, the resolution introduced by Rep. Hamm to rescind was easily struck down during the legislative session.⁸⁴ Afterward, ERA opponents shifted their focus to planning increased lobbying for the 1977 legislative session because both the 1978 election and the 1979 deadline for ratification set by U.S. Congress were fast approaching. That February, despite the Democratic majority in the house, 17 legislators introduced HCR 5016 to rescind ratification of the ERA.⁸⁵ HCR 5016 was unique compared to the previous resolutions because the Kansas House of Delegates debated it on the floor. It was still struck down by the House Federal and State Affairs Committee, but a motion to reconsider was brought forth on the House Floor by Rep. James Ungerer (R-Marysville). The vote to reconsider showed 56 members in favor of the resolution while 66 were against.⁸⁶ Three days after HCR 5016 failed, another piece of legislation was introduced in the House to have a referendum on rescission. One of the sponsors, Rep. Jack L. Rodrock (D-Wichita), said that this resolution, HCR 5023, was introduced because of the “growing support to rescind the ERA.”⁸⁷ HCR 5023, which aimed to hold an election on rescission, died in the committee on May 11, 1978, after being present on the House floor for over a year.⁸⁸

As HCR 5023 was still being debated in the Kansas House of Representatives, the first pro-rescission moves in the Kansas Senate were introduced by Sen. John Vermillion in early 1978. SCR 1640, proposed by Vermillion, would rescind the state’s ratification if the required three-fourths of states did not ratify the ERA by the March 22, 1979 deadline set by

⁸⁴ Lee Hamm, *Rescinding Ratification of the Equal Rights Amendment*, Kansas Legislature, House, HCR 5045, Introduced in House January 23, 1976.

⁸⁵ Hamm, Adams, Burgess, Farrar, Francisco, Suffrey, Harper, Hodges, Jones, Laird, Mills, Moore, Rodrock, Roniger, Shriver, Ungerer, Webb. *Rescission of ratification of ERA*, Kansas Legislature, House, HCR 5016, Introduced in House February 3, 1977.

⁸⁶ “Anti-ERA Move Fails in House.” *Lawrence Journal-World*. February 25, 1977.

⁸⁷ Rep. Jack L. Rodrock. “Marijuana Bill Amended.” *Garden City Telegram*. February 28, 1977.

⁸⁸ Harper, Adams, Beezley, Burgess, Campbell, Dierdoff, Farrar, Foster, Francisco, Gordon, Hamm, Hinshaw, Hodges, Ivy, Jones, Laird, Lorentz, Moore, Rodrock, Roniger, Rosenau, Sand, Shriver, Talley, Thiessen, Ungerer, Kansas Legislature, House, *Election on rescission of ratification of the equal rights amendment*, HCR 5023, Introduced in House February 28, 1977.

Congress.⁸⁹ As discussed, some legislators suggested that ERA opponents in Kansas had no choice but to wait the amendment out and hope it isn't ratified. But many people, including Sen. Vermillion, did not want their home state to be recorded in history as a pro-ERA state, even if the amendment itself never went into effect. This resolution would place Kansas in the category of states that rejected the ERA. On May 11, 1978, the Senate Federal and State Affairs Committee voted 7-3 not to send the measure to the full Senate for consideration. Vermillion responded, "We lost the battle, but we will win the war."⁹⁰

As the 1979 deadline for ratifying the Equal Rights Amendment crept up, Congress voted in October 1978 to extend the date for ratifying the Equal Rights Amendment by three years, setting the new deadline to June 30, 1982. The extension narrowly passed with a 54-44 vote, despite a proposed amendment to the bill by Senator Jake Garn (R-Utah), called the "Fair Play Rescission Amendment," which would recognize rescissions by state legislatures.⁹¹ Garn tried to appeal to a broader audience by arguing that a senator could support the ERA but vote for the amendment "out of concern for sound constitutional principles."⁹² This logic appealed to Kansas Senators Dole and Pearson, who supported the ERA but wanted to recognize rescission. Sen. James Pearson (R-Kansas) wrote in 1978, "I support extending the time period for ratification of the amendment. However, I believe states should have the authority to rescind ratification."⁹³ When it became apparent Sen. Garn did not have enough votes for the amendment, Pearson still voted to extend the deadline and refused to support a filibuster. But Bob Dole felt differently. In a speech following the vote, Senator Dole said:

Since that measure did not include a provision expressly allowing states to rescind their prior ratification of the amendment, it had the effect of changing the rules without allowing state legislators to change their minds. In my view, that is

⁸⁹ "Committee Hears Pros, Cons of Rescinding ERA."

⁹⁰ "Committee Rejects Move to to Rescind ERA Ratification."

⁹¹ Mrs. Bette Lane, Emporia, to Sen. James Pearson, Washington, D.C., August 31, 1978, James Pearson's senatorial papers, Spencer Research Library, University of Kansas, Lawrence.

⁹² Robert G. Kaiser, "ERA Proponents Win Key Victory With Senate Vote," *Washington Post*, October 5, 1978.

⁹³ Sen. James Pearson, Washington, D.C., to Nettie White, Caldwell, September 12, 1978, James Pearson's senatorial papers, Spencer Research Library, University of Kansas, Lawrence.

fundamentally unfair. I would have supported a change that would have expressly permitted rescissions. When that did not pass, I had to vote against the extension itself.⁹⁴

In years prior, Dole hinted that he believed a state should be able to rescind its ratification of an amendment, despite his personal support for the ERA. In 1975, Barbara Hanna wrote to Dole with “evidence” of how rescission was legitimate. Dole wrote back and said, “Should this question come before the Congress, you may be assured that I will give it my fullest consideration – keeping your views and the views of many other Kansas women in mind as I do.”⁹⁵ He responded to other inquiries about the legality of rescission in a similar fashion. This differed from when constituents would write solely about their opposition to the ERA, where he didn’t mention giving consideration to their opinions.

Historian Mary Frances Berry argued that the debate over the extension and rescission “helped to erode consensus” because if the ERA had the needed support, neither of these issues would have come up.⁹⁶ Many Kansans believed the amendment had ample time to be ratified already. “Seven years is sufficient time for anyone to prove a point,” said Theron Stanfield of Olathe. The extension was even opposed by reputable publications and groups, as pointed out by Mrs. T. E. Howard of Garden City, who said, “I am opposed to the ERA extension along with the New York Times, the Washington Post, the American Bar Association, former U.S. Senator Sam Ervin and many many others.”⁹⁷

The votes by Kansas’s senators showed a moderate stance. Many liberals supported the deadline extension and wanted to explicitly block states from rescinding ratification. A. L.

⁹⁴ “Senator Dole’s Position on the Equal Rights Amendment in a Speech Draft,” 1978, Robert J. Dole Senate Papers-Legislative Relations, 1969-1996, Robert and Elizabeth Dole Archive and Special Collections, University of Kansas, Lawrence.

⁹⁵ Sen. Robert J. Dole, Washington, D.C., to Mrs. Barbara Hanna, Eudora, February 5, 1975, Robert J. Dole Senate Papers-Constituent Relations, 1969-1996, Robert and Elizabeth Dole Archive and Special Collections, University of Kansas, Lawrence.

⁹⁶ Berry, 70.

⁹⁷ Mrs. T. E. Howard to Sen. James Pearson, Washington, D.C., September 4, 1978, James Pearson’s senatorial papers, Spencer Research Library, University of Kansas, Lawrence.

Burton of Wichita shows this belief in a letter to Senator Pearson that said, “I am requesting your support for the Equal Rights Amendment with attention in the following areas: Extend time at least 7 years beyond March 1979 for ratification by other states; Keeping the wording of the bill as it stands without any amendments; Allow no states to rescind ratification.”⁹⁸

Alternatively, conservatives who opposed the ERA, favored the legitimization of rescission because it would push the ERA further away from ratification. Pearson and Dole found the middle ground between the two stances: believing that states should have additional to ratify the ERA but also wanting to allow a state to take back its ratification if they chose.

Back in Kansas, Sen. John Vermillion introduced SCR 1607 in January 1979, which aimed to nullify Kansas’s ratification at the original 1979 deadline set by Congress. Proponents of SCR 1607 claimed this resolution was less about opposition to the ERA but rather opposition to the extension of the deadline.⁹⁹ Kansas Attorney General Robert Stephan issued an opinion clarifying that when the Kansas Legislature passed the ERA in 1972, it “did not carry a condition that ratification would only be effective until March 22, 1979.”¹⁰⁰ As a result, the committee easily struck down the resolution before it died out on May 21, 1980.

In 1979, *The Manhattan Mercury*, a newspaper based in Manhattan, Kansas, published an article that stated, “Attempts to get a rescission resolution through the Kansas Legislature have never gotten very far.”¹⁰¹ After Illinois rejected the amendment for the 15th time, it became apparent that the Equal Rights Amendment would not become law, and no more resolutions to rescind were introduced in Kansas. During the fight over the ERA, Illinois, the home state of Phyllis Schlafly, had come to be seen as a “make-or-break” state. If the ERA was still not able to be ratified by the Illinois Legislature after eight years, it was

⁹⁸ A.L. Burton, Wichita, to Sen. James Pearson, Washington, D.C., September 13, 1978, James Pearson’s senatorial papers, Spencer Research Library, University of Kansas, Lawrence.

⁹⁹ “Shot to Rescind Kansas ERA Ratification Miss Mark.” *Garden City Telegram*. April 4, 1979.

¹⁰⁰ “Ratification Must Stand.” *The Manhattan Mercury*. February 16, 1979.

¹⁰¹ *Ibid.*

even less likely to be passed by the remaining unratified states, which were located primarily in the South and West.¹⁰² While ERA activists continued to keep fighting in the coming years, there was noticeably less momentum behind them. In 1981, Oklahoma Governor George Nigh said about the ERA, “If it ain’t dead, it sure is sick.”¹⁰³ In total, nine concurrent resolutions were introduced in the span of eight years. Not a single one of these resolutions made it out of their respective committees. While the ERA was never rescinded in Kansas, it died out in 1982, three states short of the required amount.¹⁰⁴

Analysis

A poll conducted by Common Cause of Kansas in 1976 showed that 65% of Kansans favored the Equal Rights Amendment.¹⁰⁵ Meanwhile, a nationwide Gallup poll revealed that only 56% of the American public favored the ERA.¹⁰⁶ Of the more than 2,000 letters available in state archives, 57% were for the ERA.¹⁰⁷ Kansans stuck by the ERA even as its popularity fell throughout the country, as demonstrated by these statistics. In 1978, Jane Werholtz of Lawrence wrote to Senator Pearson expressing her support for extending the ERA deadline. She said:

For several years I have been actively involved with the people of Kansas on the question of the ERA. Kansas women and men, Democrat and Republican, young and old, by every reported survey, favor passage of the ERA. This bill will allow ERA to be further debated by state legislatures not as progressive as that of Kansas. A favorable vote on this issue Tuesday will be a truly representative vote of Kansans.¹⁰⁸

Werholtz believed that voting in favor of the ERA would represent the attitudes of Kansans.

¹⁰² Jack Germond and Jules Witcover, “Can ERA Survive Illinois,” *The Salina Journal*, July 1, 1980.

¹⁰³ Andy O’Connell, “Despite Court, ERA Chances Slim,” *The Iola Register*, January 26, 1982.

¹⁰⁴ The ERA was ratified by 35 states in total, not including the five states – Nebraska, Tennessee, Idaho, Kentucky, and South Dakota – that rescinded their ratification.

¹⁰⁵ Black.

¹⁰⁶ Mark R. Daniels, Robert Darcy, and Joseph W. Westphal, “The ERA Won. At Least in the Opinion Polls,” *PS* 15, no. 4 (1982): 578–84.

¹⁰⁷ Lowenthal, 243.

¹⁰⁸ Jane B. Werholtz, Lawrence, to Sen. James Person, Washington, D.C., September 29, 1978, James Pearson’s senatorial papers, Spencer Research Library, University of Kansas, Lawrence.

Mansbridge claimed that nationwide, “the STOP ERA forces were much better organized and did a better job lobbying,” which is what ultimately led to the ERA’s demise.¹⁰⁹ However, in Kansas, pro-ERA forces managed to counteract the persistent efforts of their opponents. Barbara Hanna said, “One legislator told me that the women’s organizations, which supported the ERA, would still be around in ten years, but our group wouldn’t be. He was right. Although I vote, and I’m sure others in the group vote and support their conservative views, I am not politically active otherwise.”¹¹⁰ The women’s organizations in Kansas were very passionate about the issues they advocated for and had previous experience in the political arena. On the other hand, Hanna was brand new to demonstrating and actively learning the ropes while fighting against the ERA. In addition, since most of the leading anti-ERA groups in Kansas were local, they did not have a national chapter to report to for material and guidance. Instead, these groups had to rely on information distributed by separate and unaffiliated anti-ERA organizations. Additionally, Baker shows how in states with successful rescission movements, such as Nebraska, a diverse group of people, outside of the stereotypical anti-ERA activist, came together to challenge the amendment.¹¹¹ But in Kansas, opponents of the ERA almost exclusively fit the stereotypes as most opponents were, in fact, Christian fundamentalist women.

Many Kansans did not relate to the prominent ERA leaders on the national stage, such as Gloria Steinem. These activists advocated for issues such as same-sex marriage, which were seen as very radical ideas by some people at the time. Mary Frances Berry said that the leadership style of national ERA supporters, such as “lesbians, radicals, and the like,” was often blamed for the amendment’s defeat.¹¹² Mrs. Mildred Johnson of Topeka described

¹⁰⁹ Mansbridge, 159.

¹¹⁰ Hanna, e-mail message to author.

¹¹¹ Baker, 11.

¹¹² Berry, 82.

members of the national women's liberation movement as a "very noisy, vocal" minority that made up only 3% of the American public, according to the Associated Press.¹¹³

To move away from this rhetoric, pro-ERA forces in Kansas strived to focus only on the realistic results of the proposed amendment and emphasized how little it would change in the state. They never mentioned issues such as abortion or same-sex marriage. Therefore, the anti-ERA groups, with their persistent and vocal efforts, were seen as the more radical group of the two and, as a result, turned Kansans away. In 1974, Mrs. R.R. Whipple of Overland Park wrote to Sen. Dole about her concerns over some anti-ERA pamphlets she had received. She said, "I have received some radical literature put out by an organization, 'women who want to be women' citing many drastic things that will happen to women if the Equal Rights Amendment is ratified."¹¹⁴ The material distributed by this anti-ERA group was described as *radical* and *drastic* by this woman, who was alarmed enough to write to Dole to learn what the ERA would really mean. This shows how the average Kansan was affected by the intense efforts of these anti-ERA forces. A member of the League of Women Voters recalled the 1976 silent vigil at the state capitol where the anti-ERA groups "just got in our right in our faces. And, of course, the League was standing there not saying a word because we were a silent protest, but it was really alarming."¹¹⁵ Compared to their challengers, the minimalistic efforts by pro-ERA groups made the anti-ERA groups appear as extremists.

When asked what made Kansas different from its surrounding states, Rep. Jim Slattery said that "Kansas just had a much historic stronger commitment to equal rights for women."¹¹⁶ Many Kansans' pride in their state's history led them to support social issues, such

¹¹³ Mildred Johnson, Shawnee Mission, to Gov. Robert B. Docking, Topeka, February 21, 1973, Docking Papers, Spencer Research Library, University of Kansas, Lawrence.

¹¹⁴ Mrs. R.R. Whipple, Overland Park, to Sen. Robert J. Dole, Washington, D.C., August 23, 1974, Robert J. Dole Senate Papers-Constituent Relations, 1969-1996, Robert and Elizabeth Dole Archive and Special Collections, University of Kansas, Lawrence.

¹¹⁵ *First Ladies, the ERA and Beyond*, Presidential Lecture Series, 2023, <https://www.youtube.com/watch?v=0oMPAcNN1ww>.

¹¹⁶ Slattery, interview by author.

as the ERA, in order to uphold this tradition of progressivism and equality. Even dating back to the state's founding, when New Englanders flocked to the territory to establish a "free state," Kansas had a proud record of equality.¹¹⁷ "It would be hard to find a state with more progressive measures than Kansas," a social scientist claimed in 1912.¹¹⁸ Kansans were often quick to mention the state's rich history of supporting equal rights when explaining why they supported the amendment. Upon the Senate passing the ERA, Mrs. Gordon B. Hurlbut of Tonganoxie wrote, "Kansas has a particularly brilliant record in the field of human rights. Especially in the area of women's rights, we lead the United States. Again we have the opportunity to be the vanguard by ratification of the Amendment passed last Wednesday by the Congress of the United States."¹¹⁹ Since the ERA would not heavily impact Kansas laws, support for the amendment was largely symbolic of reaffirming the state's strong support of equality.

Aftermath

The Equal Rights Amendment was reintroduced in Congress in 1982. Kansas Senator Nancy Kassebaum, the first woman elected to a full term in the Senate without being preceded by her husband, was one of the co-sponsors of the measure.¹²⁰ Kassebaum was the daughter of former Kansas Governor Alf Landon and could be described as a liberal to moderate Republican.¹²¹ Senator Dole, who wasn't a sponsor of the measure, still expressed his support for the reintroduction of the ERA.¹²² Even in the years following the expiration of

¹¹⁷ Craig Miner, *Kansas: The History of the Sunflower State, 1854-2000*, Illustrated edition (University Press of Kansas, 2002), 70.

¹¹⁸ Robert Smith Bader, "The Progressive Era," chapter 2 in *Hayseeds, Moralizers, and Methodists: The Twentieth-Century Image of Kansas* (Lawrence, University of Kansas Press, 1988), 11-41.

¹¹⁹ Mrs. Gordon B. Hurlbut, Tonganoxie, to Sen. Robert Dole, Washington, D.C., March 25, 1972, Robert J. Dole Senate Papers-Constituent Relations, 1969-1996, Robert and Elizabeth Dole Archive and Special Collections, University of Kansas, Lawrence.

¹²⁰ "ERA Backers Join Force in Topeka," *Council Grove Republican*, July 15, 1982.

¹²¹ Frank, 91.

¹²² "ERA Backers Join Force in Topeka."

the ERA and the GOP dropping the ERA from its party platform, Kansas's Senators continued to support this issue, unlike many of their fellow party members.

Thomas Frank, in his book *What's the Matter with Kansas* (2004), pointed out how, well into the 80s, the political makeup of Kansas could be best described as traditional pragmatic centrism, with a state legislature "dominated" by moderate Republicans.¹²³ According to Thomas, there were maybe ten far-right legislators in the late 80s, which represented a very small minority. This was very different from the Reagan-Republicans that ran Washington at the time. In the following decade, however, Kansas experienced its own rise of conservatism. Prior to 1991, Kansas was known as the "abortion capital of the country" and had no restrictions on the procedure. But, in the summer of 1991, protesters flocked to Wichita in an effort to stop the "baby-killing industry." Judy Thomas and Katie Bernard described the events for the *Iola Register*:

In the blistering heat, throngs of abortion foes from across the country blocked the clinic gates by day and packed revival-style rallies in a downtown hotel at night, many of them fresh from being arrested.

And as "rescue" leaders stirred up the faithful with fiery speeches and spirited songs, area activists were hard at work at the back of the room. Amid tables teeming with anti-abortion pamphlets and bumper stickers, they were recruiting the locals to run for office. Especially for GOP precinct committee positions, the basic units of grassroots politics that few besides the dedicated insiders typically cared about.¹²⁴

As a result of the 46-day "summer of mercy," conservatives increasingly began to run for local office and beat moderate Republican opponents during the primaries, shifting the state to the right.¹²⁵ With this new makeup, the state legislature passed more and more legislation to restrict abortion starting in the mid-90s. The first conservative abortion-related legislation

¹²³ Frank, 91.

¹²⁴ Judy Thomas and Katie Bernard, "'Summer of Mercy' Changed Abortion Rights in Kansas Forever," *The Iola Register*, August 1, 2022, sec. News.

¹²⁵ *Ibid.*

came in 1997 when the Kansas Legislature passed the “Woman’s Right to Know Act,” which required that women receive a packet of information prior to an abortion procedure.¹²⁶

The issue of abortion led individuals down a path of extremism in Kansas. An infamous example of this was George Tiller, a late-term abortion provider in Wichita, who was shot five times in 1993 before being fatally assassinated in 2009.¹²⁷ The face of Kansas’s shift to the right was Sam Brownback, who was U.S. Senator from 1996-2011 and Governor from 2011-2018. Brownback was noticeably more conservative than anyone who had come before and advocated for right-wing policies on behalf of Kansans.¹²⁸ However, in 2016, after a string of unpopular tax cuts, Brownback had an approval rating of 25% and was even met with court mandates to boost spending on the struggling schools.¹²⁹ Upon his resignation, WIBW 13 News in Topeka reported, “Kansas became an example even for conservatives of how not to do trickle-down economics.”¹³⁰ Kansans then elected a moderate “middle-of-the-road” Democrat, Laura Kelly, to the governorship in 2018. The fall of Sam Brownback showed Kansas’s disdain towards extremism; once experiencing the devastating effects of the staunchly partisan policies, they opted for a moderate candidate instead.

Despite falling popularity, the crowning accomplishment to conclude Brownback’s tenure as governor came in 2018 when Kansas became the first state to pass a bill banning dismemberment abortions. In the span of Brownback’s time representing Kansas, the state had gone from having no restrictions on abortion to passing one of the strictest laws in the

¹²⁶ Ibid.

¹²⁷ Tim Hrenchir, “What to Know about George Tiller, a Kansas Abortion Provider Assassinated by Anti-Abortion Extremist,” *The Topeka Capital-Journal*, May 3, 2022.

¹²⁸ Gerald F. Seib, “Kansas Finds a Path Beyond Partisanship,” *Wall Street Journal*, September 15, 2022.

¹²⁹ Tim Carpenter, “New Poll Ranks Gov. Sam Brownback as Nation’s Least Popular Governor,” *The Topeka Capital-Journal*, September 20, 2016.

¹³⁰ Nick Viviani; Richard Lardner, “Senate Confirms Brownback’s Nomination; Pence Casts Tie-Breaking Vote,” *WIBW*, January 24, 2018.

country on the procedure.¹³¹ However, the following year, the Kansas Supreme Court declared the bill unconstitutional after ruling the state constitution protects abortion rights.

Republican lawmakers immediately started drafting legislation that would amend the state constitution not to protect the right to an abortion. In January of 2021, the House passed HCR 5003, which would add a new section stating “that there is no constitutional right to abortion, and reserving to the people the ability to regulate abortion through the elected members of the legislature of the state of Kansas.”¹³² The resolution passed both the House and the Senate without any Democratic support, unlike previous abortion restrictions that passed with at least some bipartisan support.¹³³ The resolution placed the question on the August 2022 primary ballot, drawing criticism from many abortion rights supporters because statewide primaries typically see lower rates of participation and a higher Republican turnout.¹³⁴

The stakes of this referendum were heightened in June 2022 when the U.S. Supreme Court ruled in *Dobbs v. Jackson Women’s Health Organization* that the Constitution does not include the right to an abortion, overruling *Roe v. Wade* (1973) and *Planned Parenthood v. Casey* (1992). Now that the issue was up to the states, Kansas would be the first to place the issue on the ballot for voters to decide on. On August 2, 2022, a stunning 59% of Kansans voted against restricting abortion rights. Following the election, Sarah Smarsh wrote for the *New York Times*, “Kansas remains a beacon of liberty within the region,” and drew parallels to other times in the state’s history where Kansas has advocated for equality.¹³⁵

¹³¹ Thomas and Bernard, “‘Summer of Mercy’ Changed Abortion Rights in Kansas Forever.”

¹³² House Concurrent Resolution No. 5003, Pub. L. No. 5003 (2021).

¹³³ John Hanna, “Kansas Lawmakers Put Anti-Abortion Measure on 2022 Ballot,” AP NEWS, April 29, 2021.

¹³⁴ Republicans are 3.5 times more likely to cast a ballot in a statewide primary election than Democrats; John Hanna, “Vote’s Timing Is Key Issue with Kansas Anti-Abortion Measure,” AP NEWS, April 20, 2021.

¹³⁵ Sarah Smarsh, “Opinion | Why the Defense of Abortion in Kansas Is So Powerful,” *The New York Times*, August 3, 2022, sec. Opinion.

Outsiders were surprised to see this result from a state that overwhelmingly voted for Trump in 2020. But a closer look shows Kansas’s political makeup to be anything but binary. The state hasn’t voted for a Democrat for president since Lyndon B. Johnson in 1964 and hasn’t elected a Democrat to the Senate since 1939. However, the state frequently elects Democrats to the governorship. Typically thought of as a red state, Kansas has had six Democratic governors in the last 50 years. Of those six governors, three have been women. Ashley All, the communications director for Kansans for Constitutional Freedom, said that the political landscape in Kansas is much more nuanced and complicated than party lines. She said voters did not look at women’s issues, such as abortion, as a partisan issue.¹³⁶ But as Journalist and author Jerry Seib wrote in the *Wall Street Journal* in September 2022, “Women often have been at the forefront as Kansans defied stereotypes.”¹³⁷

When asked how his 2004 book compared to the results of the election, Thomas Frank said, “Abortion rights are widely popular now just as they were in 2004. For the right, succeeding with the culture-war appeal always requires tiptoeing very carefully around public opinion, which the new Supreme Court majority did not do.”¹³⁸ Kansans did not have a major change in attitude but rather were faced with a clearly drastic choice. Seib argued that the results of the August referendum were less about embracing liberalism but instead avoiding the extremes.¹³⁹ Voting ‘no’ to the amendment did not bring Kansas back to the days of zero restrictions on abortion – there are still quite a bit of restrictions on the procedure – but instead stopped Kansas from being a state with some of the strictest abortion laws.¹⁴⁰

¹³⁶Tessa Stuart, Her Team Helped Beat Back Kansas’ Abortion Ban. Here’s What She Wants Other States to Know.” *Rolling Stone*, August 5, 2022.

¹³⁷ Seib.

¹³⁸ Thomas Frank, interview by author, 4 December 2022, email.

¹³⁹ Seib.

¹⁴⁰ The state asserts that life begins at fertilization and laws prohibit abortion past twenty-two weeks, dilation and evacuation, and dilation and extraction procedures. Patients are required to undergo a twenty-four-hour waiting period and counseling before abortion. In the case of a minor, parents, legal guardians, or a judge must consent to the abortion. Among other restrictions. See also “Kansas,” Center for Reproductive Rights, <https://reproductiverights.org/maps/state/kansas/>.

Ultimately, the Kansas Legislature took a similar path and decided not to cave to extremist pressure groups and reverse their 1972 ratification of the Equal Rights Amendment. The majority of Kansans continued to support the Equal Rights Amendment in the face of the many efforts to rescind the ratification of the ERA and their attitudes were accurately reflected when the Kansas Legislature consistently struck down resolutions to rescind the ratification of the ERA. Legislators recognized that although the ERA opponents were visible and portrayed themselves as the majority, they were actually just a “vocal minority.” Not going as far as to rescind the ERA but still recognizing anti-ERA sentiments reaffirms Kansas’s reputation at the time as a moderate Republican state and not quite yet a conservative stronghold. The ERA in Kansas reveals an aspect of a state united between parties in support of a social issue such as the ERA, as it reaffirmed the state’s reputation of upholding equality but would not have a significant impact on the state. Kansas was once described as “the land of averageness” by Thomas Frank.¹⁴¹ Nevertheless, this claim, which is often interpreted negatively, has proven, over the years, to prevent its inhabitants from drifting too far to either side of the spectrum.

¹⁴¹ Frank, 34.

Bibliography

PRIMARY SOURCES

ARCHIVAL COLLECTIONS

Digitized Press Releases, 1961-1996. Robert and Elizabeth Dole Archive and Special Collections, Robert J. Dole Institute of Politics, University of Kansas, Lawrence.

James Pearson's senatorial papers, RH MS 266, Kenneth Spencer Research Library, University of Kansas, Lawrence.

Robert Blackwell Docking papers, Kansas Collection, RH MS 167, Kenneth Spencer Research Library, University of Kansas, Lawrence.

Robert F. Bennett gubernatorial papers, RH MS 276, Kenneth Spencer Research Library, University of Kansas, Lawrence.

Robert J. Dole Senate Papers-Constituent Relations, 1969-1996. Robert and Elizabeth Dole Archive and Special Collections, Robert J. Dole Institute of Politics, University of Kansas, Lawrence.

Robert J. Dole Senate Papers-Legislative Relations, 1969-1996. Robert and Elizabeth Dole Archive and Special Collections, Robert J. Dole Institute of Politics, University of Kansas, Lawrence.

Theo Cribbs papers, Kansas Collection, RH MS 648, Kenneth Spencer Research Library, University of Kansas, Lawrence.

NEWSPAPERS

Catholic Advance. Wichita, Kansas.

Council Grove Republican. Council Grove, Kansas.

Garden City Telegram. Garden City, Kansas.

Great Bend Tribune. Great Bend, Kansas.

The Hays Daily News. Hays, Kansas.

The Hutchinson News. Hutchinson, Kansas.

The Iola Register. Iola, Kansas.

Lawrence Journal-World. Lawrence, Kansas.

The Leavenworth Times. Leavenworth, Kansas.

The Manhattan Mercury. Manhattan, Kansas.

The New York Times. New York, New York.

The Salina Journal. Salina, Kansas.

The Topeka Capital-Journal. Topeka, Kansas.

The Washington Post. Washington, D.C.

The Wichita Eagle. Wichita, Kansas.

NEWSLETTERS

Hanna, Barbara. '*Citizens Against ERA*' Newsletter.

Schlafly, Phyllis. *The Phyllis Schlafly Report*.

ORAL HISTORIES

Hanna, Barbara. Interview by author. 20 November 2022, email.

Frank, Thomas. Interview by author. 4 December 2022, email.

Reardon, William. Interview by Jim McLean. 2 August 2019. Kansas Oral History

Project, <https://ksoralhistory.org/interview/interview-of-bill-reardon-by-jim-mclean-august-2-2019/>.

Slattery, James C. Interview by author. 7 October 2022, telephone.

GOVERNMENT DOCUMENTS

“Introducing the Kansas Legislature.” Kansas Legislature, 1975.

Kansas. *Senate and House Journals*, 1975.

Kansas Legislature. House. *Election on rescission of ratification of the equal rights amendment*. HCR 5023. Session of 1976-1977. Introduced in House February 28, 1977.

———. HCR 2009. Session of 1974-1975. Introduced in House January 24, 1975.

———. HCR 2013. Session of 1972-1973. Introduced in House February 1973.

———. HCR 2016. Session of 1972-1973. Introduced in House January 1973.

———. HCR 2017. Session of 1974-1975. Introduced in House March 3, 1975.

———. *No State Constitutional Right to Abortion and Legislative Power to Regulate Abortion Amendment*. HCR 5003. Session of 2020-2021. Introduced in House February 4, 2021. http://kslegislature.org/li_2022/b2021_22/measures/hcr5003/

———. *Rescinding Ratification of the Equal Rights Amendment*. HCR 5045. Session of 1975-1976. Introduced in House January 23, 1976.

———. *Rescission of ratification of ERA*. HCR 5016. Session of 1976-1977. Introduced in House February 3, 1977.

Kansas Legislature. Senate. *Rescinding equal rights amendment ratification; opposing extension period*. SCR 1609. Session of 1978-1979. Introduced in Senate January 8, 1979.

———. *Rescission of ratification of equal rights amendment*. SCR 1640. Session of 1977-1978. Introduced in Senate January 9, 1978.

Proposed Amendment to the Constitution of the United States, H. J. Res. 208 (1972).

<https://www.govinfo.gov/content/pkg/STATUTE-86/pdf/STATUTE-86-Pg1523.pdf>.

SECONDARY SOURCES

BOOKS

- Bader, Robert Smith. *Hayseeds, Moralizers, and Methodists: The Twentieth-Century Image of Kansas*. Lawrence, Kan, 1988.
- Berry, Mary Frances. *Why ERA Failed: Politics, Women's Rights, and the Amending Process of the Constitution*. Indiana University Press, 1988.
- Boles, Janet. *The Politics of the Equal Rights Amendment: Conflict and the Decision Process*, 1979.
- Farber, David. *The Rise and Fall of Modern American Conservatism: A Short History*. Princeton University Press, 2010.
- Frank, Thomas. *What's the Matter with Kansas?* 2004.
- Mansbridge, Jane. *Why We Lost the ERA*. University of Chicago Press, 1986.
- Miner, Craig. *Kansas: The History of the Sunflower State, 1854-2000*. University Press of Kansas, 2002.

PERIODICALS AND DISSERTATIONS

- Baker, Nancy. "Too Much to Lose, Too Little to Gain: The Role of Rescission Movements in the Equal Rights Amendment Battle, 1972–1982." Harvard University, 2003.
- Daniels, Mark R., Robert Darcy, and Joseph W. Westphal. "The ERA Won. At Least in the Opinion Polls." *PS* 15, no. 4 (1982): 578–84. <https://doi.org/10.2307/419066>.
- Lowenthal, Kristi. "Conservative Thought and the Equal Rights Amendment in Kansas." Kansas State University, 2008.
- . "The Equal Rights Amendment and the Persistence of Kansas Conservatism." *Kansas History: A Journal of the Central Plains*, no. 37 (2014): 34–49.

ARTICLES

Hanna, John. "Kansas Lawmakers Put Anti-Abortion Measure on 2022 Ballot." AP

NEWS, April 29, 2021. <https://apnews.com/article/business-legislature-constitutions-kansas-topeka-2b65563a5637dda6d6707822154dece5>.

———. "Vote's Timing Is Key Issue with Kansas Anti-Abortion Measure." AP NEWS,

April 20, 2021. <https://apnews.com/article/legislature-constitutions-kansas-general-elections-elections-56b272878ee505c44931b2a1840636b7>.

Hrenchir, Tim. "What to Know about George Tiller, a Kansas Abortion Provider

Assassinated by Anti-Abortion Extremist." *The Topeka Capital-Journal*, May 3, 2022. <https://www.cjonline.com/story/news/2022/05/03/kansas-abortion-george-tiller-death-supreme-court-roe-v-wade/9631947002/>.

Lardner, Nick, and Richard Viviani. "Senate Confirms Brownback's Nomination; Pence Casts Tie-Breaking Vote." *WIBW*, January 24, 2018.

<https://www.wibw.com/content/news/Senate-votes-to-proceed-on-Gov-Brownbacks-nomination-470948423.html>.

Seib, Gerald F. "Kansas Finds a Path Beyond Partisanship." *Wall Street Journal*,

September 15, 2022, sec. Life. <https://www.wsj.com/articles/kansas-finds-a-path-beyond-partisanship-1166325369>.

Stuart, Tessa. "Her Team Helped Beat Back Kansas' Abortion Ban. Here's What She Wants Other States to Know." *Rolling Stone*, August 5, 2022.

<https://www.rollingstone.com/politics/politics-news/kansas-abortion-vote-prochoice-lessons-1393192/>.

Thomas, Judy, and Katie Bernard. "'Summer of Mercy' Changed Abortion Rights in

Kansas Forever." *The Iola Register*, August 1, 2022, sec. News.

<https://www.iolaregister.com/news/state-news/summer-of-mercy-changed-abortion-rights-in-kansas-forever>.

OTHER MATERIALS

Center for Reproductive Rights. "Kansas." Accessed April 10, 2023.

<https://reproductiverights.org/maps/state/kansas/>.

"First Ladies, the ERA and Beyond." Presented at the Presidential Lecture Series, Robert J. Dole Institute of Politics, March 23, 2023.

<https://www.youtube.com/watch?v=0oMPAcNN1ww>.

Library of Congress. "Visionaries: Alice Paul (1885-1977)." Accessed November 3,

2022. <https://www.loc.gov/collections/women-of-protest/articles-and-essays/selected-leaders-of-the-national-womans-party/visionaries/>.

National Women's History Museum. "Feminism: The Second Wave," June 18, 2020.

<https://www.womenshistory.org/exhibits/feminism-second-wave>.