

Constitutional Convention Delegate Virginia Blend's Testimony before the Bill of Rights Committee, February 2, 1972

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To: Bill of Rights Committee

My proposal reads "Equality of rights under the laws shall not be abridged by the state of Montana on account of sex." I have underlined "under the laws" for this is the crux of the proposal. My proposal is an exact copy of the proposed amendment to the constitution of the U.S., with the words "state of Montana" inserted instead of "by any state". . . .

The general effect on federal and state laws and official practices would not nullify all distinctions on the basis of sex, but would require that the law treat men and women equally. Equal treatment can be accomplished either by extending the law which applies only to one sex [or] to the other sex, or by rendering the law unconstitutional as denying equality or rights to one sex. I am not sure that this premise is fully understood by all women involved in what is referred to as "Women's Lib", nor to men not involved in the practice of law or the dispensing of it. However, it is my opinion that freedom involves responsibility. . . .

Special restrictions on property rights of married women would be invalidated. They could engage in business as freely as men and manage their separate property such as inheritances and earnings. This has not been a problem in Montana, but as late as two years ago a woman, single, divorced or widowed, could not purchase an automobile, home or open a charge account unless she had a male to cosign.

The status of homemaker would not change, but depend upon individual circumstances. It

would give new dignity to these roles, and the status of traditional women's occupations would be enhanced, for these would become positions accepted by women as equals, not as roles imposed on them as inferiors. This is a problem of social mores and tradition.

State protective labor laws would apply not only to women. The weight lifting, working hours, night work, employment in particular occupations would be invalidated. Men would share in any advantages provided.

The Equal Rights Amendment on the subject of employment would restrict only government action, prohibiting discrimination by it as an employer in federal, state, county and city including school boards. Private employment would not be effected. It would require equal pay for equal work only for employees of government.

In the area of education, it would prohibit public institutions from requiring higher standards for admission for women (or for men if such exist). . . .

In the U.S. and Montana we say we are one class of citizens. The Equal Rights proposal I urge you to include in the Bill of Rights grants equality to both sexes which is what we think we now have, but do not. I urge this Committee to give its best consideration to my proposal.

Virginia H. Blend
Delegate, District 13

Source: *Montana Constitutional Convention Records, 1971–1972* [box 2 folder 38]. Montana Historical Society Research Center. Archives. Excerpted in *Not In Precious Metals Alone: A Manuscript History of Montana* (Helena, 1976): 280.