Rights in Debate

Compare the concerns behind two constitutional debates.

USH.C.7.2.F "Examine perspectives on issues related to the debate over the Equal Rights Amendment and the Roe v. Wade decision."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline what supporters hoped each issue would protect, and circle what opponents feared. Number each marked idea 1 for the Equal Rights Amendment or 2 for Roe v. Wade so you can compare the perspectives.

Two Debates, Many Views

1. At a 1970s town meeting, two neighbors could both favor fairness and still disagree about the Equal Rights Amendment (ERA). Congress proposed the ERA in 1972 to prohibit denying equal rights under law because of sex. Supporters argued that an explicit constitutional guarantee would strengthen challenges to unequal treatment at work and in public life. Opponents, including organizer Phyllis Schlafly, warned that it might eliminate legal distinctions they believed protected women, such as exemptions from military conscription. The amendment did not gain enough state ratifications by its deadline.

2. In 1973, the Supreme Court decided Roe v. Wade. The decision held that the Constitution protected a right to choose abortion before fetal viability, when a fetus could survive outside the womb. It also allowed states to regulate abortion later in pregnancy, subject to protections for the pregnant patient's life and health. Supporters saw Roe as protecting bodily autonomy and medical decisions. Opponents saw it as failing to protect fetal life and taking a contested policy choice away from elected lawmakers.

3. The debates sometimes crossed political lines. A person could support the ERA's guarantee of sex equality yet oppose Roe because of beliefs about fetal life. Another might oppose the ERA's possible effects on family law yet support abortion rights. In 2022, the Supreme Court overturned Roe in Dobbs v. Jackson Women's Health Organization, leaving abortion policy largely to elected governments. The ERA has not become part of the Constitution. Comparing these debates means asking what each side hoped to protect and what consequences it feared.

2 ANSWER WITH EVIDENCE

Use the passage

1. What did ERA supporters hope to strengthen, and what did opponents fear losing?

2. How did Roe supporters and opponents differ in what they wanted to protect?

3. Compare one concern raised by ERA opponents with one raised by Roe opponents.

4. How does the passage show that a person's position on the ERA did not determine their position on Roe?

3 YOUR TURN

Your own words

Write a four-sentence town meeting statement. State your position on each issue and give a reason for each, fairly name one concern held by someone who disagrees, and end with a question you would ask that person.

ANSWER KEY

Rights in Debate

HIGH SCHOOL · USH.C.7.2.F

PART 1 · READ AND MARK

Underline what supporters hoped each issue would protect, and circle what opponents feared. Number each marked idea 1 for the Equal Rights Amendment or 2 for Roe v. Wade so you can compare the perspectives. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	What did ERA supporters hope to strengthen, and what did opponents fear losing?	**Supporters hoped to strengthen challenges to unequal treatment. Opponents feared losing legal distinctions they believed protected women, such as exemptions from military conscription.**
2	How did Roe supporters and opponents differ in what they wanted to protect?	**Supporters emphasized bodily autonomy and medical decisions. Opponents emphasized fetal life.**
3	Compare one concern raised by ERA opponents with one raised by Roe opponents.	**ERA opponents feared losing certain legal distinctions for women. Roe opponents feared that the decision failed to protect fetal life or took policy decisions away from lawmakers.**
4	How does the passage show that a person's position on the ERA did not determine their position on Roe?	**A person could support the ERA but oppose Roe, or oppose the ERA but support abortion rights.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

I support the ERA because an explicit guarantee could help people challenge unequal treatment. I also support the protections Roe provided because I think patients should make medical decisions about pregnancy. Someone who disagrees with me about Roe may be concerned about fetal life. How would you address that concern while considering the patient's choices?

Accept historically grounded positions on either issue. In Part 3, look for two reasoned positions, a fair account of a differing concern, and a question addressed to that concern.