



By HAROLD A. KATZ

## Is the ERA boycott ethical?



I AM a sponsor of the Equal Rights Amendment and have voted "Yes" for it on every occasion. I am, however, persuaded that the boycott is a mistake both philosophically and pragmatically, that it is ill-conceived and self-defeating, and that a recognition of these facts would increase the chances for ratification in Illinois and elsewhere.

This is the first time in American history that an economic boycott has been undertaken against states to try to force them to ratify a proposed constitutional amendment. The framers of the Constitution deliberately made the amendment process tedious and difficult. They felt that amending the Constitution should have a much greater consensus than a simple majority of the states. The achievement of such an extra-ordinary majority requires great dialogue and education of the citizenry. In the case of the ERA, Congress has, in fact, afforded an extra period for full consideration of the amendment by the states.

The ERA is not the only amendment that is and will be before the nation for consideration. Some groups seek to change the First Amendment to accommodate school prayers and parochial schools; others talk about excising the privilege against self-incrimination from the Fifth Amendment, while the Fourteenth Amendment is the target of anti-abortion forces. Still others would embed "right-to-work" provisions into the Bill of Rights. These kinds of decisions ought to be made on the basis of reason and judgment. There is no proper place in such a process for coercion of the members of a legislature by economic sanctions against their state. Amending the Constitution is too important a matter to be determined by boycott.

For the same reason that I would oppose the use by a religious group of a convention boycott of states that have not ratified the "right-to-life" amendment or by business groups of states that do not have a "right-to-work" amendment, I find myself similarly concerned about the boycott of states that have not ratified the ERA. Can we in good conscience ignore the moral obligation to do unto others as we would have them do unto us?

Edmund Burke said that a legislator's duty to his constituents requires that he vote in accordance

with his own conscience. This is even more important



## HAROLD A. KATZ



A Democrat representing the 1st Legislative District, he was reelected to his eighth term in the Illinois House and was a sponsor of the Equal Rights Amendment.





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when he is voting on proposed amendments to the Constitution: The practical effect of a boycott of the states is to seek to subvert that principle.

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In addition to the extraordinary importance of any change in the Constitution  acknowledged by the requirement that three-quarters of the states must ratify  there is also a vital distinction that differentiates this kind of boycott from others. When the blacks in Selma boycotted the buses, the pressure was against the bus company that would not let Mrs. Parks sit in a front seat. When a labor union boycotts the products of an anti-union employer, the boycott is directed against the offending company. The party responsible for the condition about which the complaint is being made is the victim of the boycott. Thus, it is not an indiscriminate infliction of harm, but a selective application of pressure against the responsible party.

However, boycotts of a foreign country or of the products of that country fall into a different category. In such situations there is no way in which the desired end can be achieved by democratic processes. This is not true of a convention boycott of nonratifying states. The people hurt by the ERA boycott of Illinois are the owners and employees of the hotels, restaurants and shops of Chicago, many of whom may be ERA supporters. They are not the ones who failed to ratify the amendment. Yet these workers  in many instances, blacks and latinos  are the real victims of the boycott. The suburban and downstate legislators  generally Republicans  who are the heart of the opposition to ERA in Illinois are not affected by the boycott.

The same situation exists in Florida, another nonratifying state. "The irony is that legislators from southern Florida have been overwhelmingly in favor of ERA," said Hal Cohen of the Miami Convention Bureau. "The legislators in Northern Florida aren't hurt a damn by a convention boycott. It's like getting mad at Russia and putting an embargo on bananas from Nicaragua  you hurt the wrong people." In the same way Rep. Greiman's Chicago constituents are penalized by the boycott even though he has consistently supported the ERA. Chicago legislators as a group support the ERA by a 2-1 majority, yet their city is made the victim of a boycott. To treat Chicago in this way when, like all big cities, it is struggling to survive, seems to me particularly unfortunate.

It is not surprising that a boycott that is so misdirected in its targets and so indiscriminate in its effects has been so unsuccessful. No convention state has ratified the amendment since the boycott began. Illinois is the nation's major convention state. In 1972, the Illinois Senate ratified ERA, but the resolution died in the House. No favorable Senate action has occurred since, and no floor roll call has been sought since 1975. The total vote favoring ratification in the Illinois House fell from 113 votes in 1975 to 101 in 1978, 107 being required to ratify.

If you cannot compel a legislator to vote for a resolution by an economic boycott, you are going to have to use persuasion. In America, the land of salesmanship, we learn that one does not

persuade by alienating.

Given the onerous requirements for amendment embodied in the Constitution, a successful ratification campaign requires consensus and persuasion. The boycott alienates potential supporters among the uncommitted, polarizing instead of solidifying. Offended by the tactic yet unaffected by the boycott, the uncommitted legislators whose votes are sought and needed are less open to persuasion.

Labor unions do not expect the target of their boycott to love them. Rather, they wish to force the employer to capitulate to their demands. The victim is the one who can make the decision to surrender to the boycott. In the case of the ERA boycott, the victim and the decisionmakers are not one and the same. Thus, the ERA-forces wage a futile boycott, in which they are ultimately to be left at the mercy of those very legislators whom they have unsuccessfully sought to coerce. At the same time, ammunition with much local appeal has been furnished to the opponents of ERA which they can use effectively to create a negative image both among the uncommitted legislators and the voters in the district when the battle is also being waged.

Legislators are human: How would you react to an effort to cause you to change your vote on a constitutional amendment, not by an appeal to your reason, but by a threat to boycott your state? Would you feel that a group seeking to drive convention business away from your home state was your friend or your enemy?

The boycott not only makes it more difficult to persuade the uncommitted, it also diverts effort, energy and interest from what has to be done to successfully carry the ratification. The college professor in Trenton who thinks that he has accomplished something for ERA in Illinois by not attending a convention in Chicago and spending his money instead in Denver has been sold a bill of goods. If he or she really wants to help ERA in Illinois, a political contribution and letters to friends in Illinois would provide assistance in addition to self-satisfaction.

In contrast to the tactics of the boycott is the action of the Central Conference of American Rabbis. Strongly favoring the ERA, the conference, nevertheless, decided to hold its 1979 convention in Phoenix. Because Arizona has not ratified the ERA, however, the conference attached a proviso that the role of women in contemporary life be a major theme of the convention. "A post-convention survey of the membership has elicited a 20-to-1 approval of the ultimate decision," the conference reported.

The boycott promises what it cannot deliver. It diverts attention from what could be done. It subtly changes the focus of public attention in the nonratified states from equal rights to boycott tactics. The battle to ratify the ERA will not be won by a boycott. It must be won in the precincts and in the hearts and minds of the voters.



*20/December 1978/Illinois Issues*

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By ALAN J. GREIMAN






IN 1862 a group of Irish tenant farmers turned their backs on rent collector Captain Thomas Boycott, and a new word entered the English language. However, it described a very ancient practice, the most ancient and notable  albeit fictional  example occurring in *Lysistrata* when the women of Greece withheld their favors in the cause of peace.

The use of the boycott as a weapon to achieve a political or social end is too well established in western society to debate. Similarly, the use of economic power as a weapon to effect change has been long accepted. Prior to World War II, the American buying public boycotted Japanese goods in order to express its disapproval of Japanese foreign policy. In the last 30 years, the Mideast has been another focal point for international boycott.

Recent years have seen the aggressive boycott of goods manufactured by such firms as the J.P. Stevens Company and the Farah Manufacturing Company because of their extreme labor-baiting policies. Organized labor has also developed boycotts of California grapes and lettuce to induce growers to accept the organization of agricultural workers. When the price of coffee began its upward spiral, Americans attempted to boycott coffee from Brazil, and even the Italian Parmesan cheese merchants have been the subject of a recent boycott.

Critics of the ERA boycott have apparently forgotten that it was a Montgomery, Alabama bus boycott led by Dr. Martin Luther King Jr. that brought black people to the front of the bus, rather than the force of King's oratory or the righteousness of his cause. Only when the Montgomery bus officials began to feel the economic impact of the bus boycott did the imperatives of equality assert themselves.

## Assessing the opposition

By 1975, 34 states of the Union, representing more than 75 per cent of the population of the United States, had ratified the proposed 27th Amendment to the United States Constitution  the Equal Rights Amendment. Many of those who believe that equality of rights

### ALAN J. GREIMAN

A Democrat representing the 15th Legislative District, Greiman was reelected to his third term in the Illinois House of Representatives. He was the co-chief sponsor of the House Resolution to pass the ERA in the 80th General Assembly.

*December 1978/Illinois Issues/19*

should not be denied because of gender searched for something that would reflect both their intellectual commitment and their visceral feelings "to do something." In the mid 70's,

**It would indeed be sad for all Americans if their right to petition could not include using economic means to achieve political and social ends**

supporters of the ERA, armed with professionally reliable opinion polls that showed overwhelming support by the American people, perceived their opposition as highly vocal but limited in both location and numbers. Moreover, ERA supporters recognized that their opponents had achieved some degree of success in developing extraneous and immaterial ❖yet highly emotional❖ issues around ratification.

It was in this context that supporters of ERA determined to impose a convention boycott upon "nonratification" states. The boycott leaders hoped that the use of such economic power would have an impact on leaders who had previously been unconcerned about the ratification. In addition, the boycott would serve as an organizational tool for ERA supporters and a rallying point for those who wanted to demonstrate their commitment to the ERA.

## The boycott's support

To date more than 170 organizations have elected to join the boycott and are making arrangements to have future conferences and conventions only in those states that have ratified the ERA. These groups are professional, religious, action, political and even governmental. They represent a broad spectrum of American thought.

Critics of the boycott have claimed some kind of fanciful carpetbagger conspiracy exists because the pressure exerted on members of the Illinois General Assembly comes from people and groups located outside Illinois. On an issue which will amend the federal Constitution, however, members of the Illinois General Assembly have a different kind of constituency since their decision will have an impact on all Americans. As a matter of fact, the "equality" written into the Illinois Constitution and the Illinois statutes probably comes closer to the ideal of equality than those of most other states. But this does not insure the same equality for all Americans.

Another complaint often voiced by critics is that the ERA convention boycott is in the nature of a secondary boycott, the burden of which falls most often upon "the innocent." However, the primary purpose of the boycott is to develop interest in ratification among the business community of Illinois so that the business community will exert its considerable pressure and influence on the political process. It would be the ultimate naivete to suppose that the business community and the political community are strangers. Even at this writing the Hilton Hotel chain is negotiating with the City of Chicago for an arrangement that would allow the city to acquire a site for a new Hilton Hotel at a very strategic Loop location. More often than not, the relationship between the business community and the political structure has been healthy and has made Illinois, and especially Cook County, a favorable place in which to work and live. To be sure, the burden of the boycott will fall on many working people: cab drivers, restaurant employees, hotel employees, our entertainment industry ❖ and even the "hookers" ❖ are likely to feel the impact of a convention boycott. But perhaps they, too, will add their voices to the chorus of people who want ratification.

Mention must be made of the misguided litigation initiated by the State of Missouri. Missouri has claimed that a convention boycott is in violation of state and federal anti-trust laws. It would indeed be a sorry moment for all Americans if their right to petition their government and their right of redress were curtailed by prohibiting them from using economic means to achieve legitimate political and social ends. Missouri's action would seriously impair basic constitutional rights.

Has the convention boycott worked and should it continue? Both sides play a "numbers" game in the public arena. Proponents develop complex formulas to exaggerate the impact, and opponents



go to great lengths to minimize the effect of the boycott. According to 1973-1976 figures from the Chicago Convention and Tourism Bureau, the average convention attendee generally paid about \$189 to hotels and restaurants for a three-day stay in the city; attendees at trade shows generate about one-and-one half times as much and corporate meeting attendees about half of that sum.

NOW estimates that losses between 1977 and 1986 caused by the cancellation of Chicago conventions and the reluctance of established Chicago customers to return to the city will amount to approximately \$81 million. To determine the real impact of that loss, economists compute an economic turnover factor as well as the amount of tax revenues lost and add these amounts to the actual sums lost. Thus the real impact of the boycott may be more than double the \$81 million estimate for the decade.

## Chicago Democrat leaders

In the spring of 1978, Chicago Mayor Michael A. Bilandic and Cook County President George Dunne played leading roles in efforts to bring about ratification in the Illinois House of Representatives. To be sure, both of these men have long records of supporting equality and come from a party with an historic mission to battle for equal rights. However, one cannot dismiss the fact that action by the political and governmental leadership of Cook County coincided with the convention boycott.

Each group and each person, however, will have to determine for themselves the shape and strength of lobbying efforts in the days to come. Clearly, the extension of the time within which the ERA may be ratified will intensify the effects of the boycott.

The cause of equality in a free society has no deadlines or timetables, and the vision of Americans joining together to bring about social or political change through lawful means is in the best tradition of our constitutional government.

*December 1978/Illinois Issues/21*

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By JON DONNAN

# HOW effective is the boycott ?

THE NATIONAL Organization for Women (NOW) is putting political and economic pressure on policymakers in seven major cities where tourism and conventions are an important part of the local and state economies. Chicago is one of the cities the pro-ERA group is urging tourists and conventions to avoid until the Equal Rights Amendment is ratified. The boycott of those 15 states which have not ratified the ERA has rankled the travel industry, aggravated state lawmakers and has been challenged in the courts of at least three of the affected states.

It all started with a small ad placed in a Los Angeles newspaper by two Nevada women who asked Californians not to travel in Nevada until the ERA was ratified. It is now a national movement which is producing enough success and support to make ERA ratification a much more likely possibility than it was before the boycott. Legislative wrangling over ERA ratification and the resulting boycott has caused economic hardship in the seven targeted cities: Chicago, Kansas City, St. Louis, Atlanta, Miami, Las Vegas and New Orleans. But it is difficult to measure because each side has its own arsenal of financial figures.

Most convention managers in these cities discount the effect of the boycott but have had to continually readjust their cost analyses of the boycott's impact, their time management schedules and their public responses to the boycott. A spokeswoman in Atlanta reflects a casual attitude when she says

## **JON DONNAN**

A free-lance writer, Donnan has a master's degree in public affairs reporting from Sangamon State University, Springfield.

*18/December 1978/Illinois Issues*

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"We haven't even bothered to figure out what our losses have been." Others are less cavalier and are reacting aggressively as conventions cancel and tourists travel elsewhere.

In Chicago, for instance, the public reaction of the Convention and Tourism Bureau, Inc., has changed since the beginning of 1977 when they scoffed at the boycott. The estimated loss of travel-related revenues is pegged at \$25 million, according to Wayne Dunham, public relations spokesperson for the tourism bureau. He will up that figure to \$50 million in order to accommodate the spinoff impact on the local economy over the coming five years. However, he concludes that those figures "aren't that big of a deal" because they represent only 1 per cent of the total convention business in Chicago.

NOW calculates the loss to Chicago at \$171 million by 1986, including loss of tax revenues and spinoff impact. And according to NOW boycott coordinator Kim Waldron, over 100 organizations have joined the boycott since the estimate was made in May 1978.

But whether one applies NOW's calculations or those of the tourism bureau, the real thorn appears to be the involvement of the business community in the legislative arena. One Chicago marketing manager says, "I can't control the politics of the state. I can only tell our customers and clients that we are ready to do business. Free enterprise is all we're asking for." NOW leadership wants the business community to take a political stand, an action most members of the travel industry are loath to take. But they are willing to take action in the courts, and this has already occurred in three states.

In New Orleans, the Action Committee for Tourism, a private group of businessmen in the travel industry, has filed suit against NOW. Similar suits have been filed by the states of Nevada and Missouri in search of injunctive relief from the boycott. The man who is fighting the anti-trust battle in Missouri is Roger Bern, the state's assistant attorney general and head of its antitrust division. He is in the forefront of a national legal battle against the boycott and calls the boycott "a vigilante action by a group that has set up rules and will mete out punishment they feel is appropriate for those who don't follow the rules.

In the Missouri trial, which opened October 30 in U.S. District Court in Kansas City, the state argued the boycott violates the Sherman Anti-trust Act. NOW'S defense was based in part on the First Amendment guarantee of freedom of speech and expression. Its

*December 1978/Illinois Issues/19*

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lawyers also contended there is no

By **RICHARD DAY**

combination of groups and no real connection between the various groups engaged in the boycott and that the anti-trust laws were never meant to cover this sort of economic pressure. The trial was still going on as of November 13, and a decision is not expected until January. In Nevada and Louisiana suits are still pending. NOW National Secretary Sandy Roth believes NOW will win but adds it would appeal an adverse decision.

The groups which initially supported the boycott in January 1977 by canceling their conventions tended to be liberal and relatively poor traveling and meeting during the off-season in order to save money. Convention managers believe that description is still accurate and groups that cancel are, therefore, of little consequence. NOW leadership disputes that point.

"More organizations are passing boycott resolutions as time goes on," says Nancy Sheier, executive director of Chicago's NOW. "Many of the biggest unions in the country are boycotting. They are large organizations with large finances and they hold large conventions." The boycott has been supported by organizations such as the Democratic National Committee, the American Federation of State, County and Municipal Employees and the American Jewish Congress.

The American Psychological Association has reported that its 1979 convention, which attracts 15,000 to 20,000 professionals, will be held in New York instead of Atlanta. The American Nurses Association (ANA) was to host the International Congress of Nursing in 1981 in Kansas City, Mo., and planned for some 15,000 professionals to attend. However, the ANA Board of Directors voted to hold its meetings in states that had ratified the ERA and moved

# Survey shows ERA support slipping

RECENT statewide polls conducted by Richard Day Research of Urbana indicate that voter reaction to the Equal Rights Amendment (ERA) is still generally supportive, although the degree of support has declined somewhat since 1976. In response to the question, "Do you support or oppose the Equal Rights Amendment for women?" Illinoisans responded as follows:

## Support\* for the Equal Rights Amendment in Illinois, 1976-1978

Region	Date	Size sample	ERA support	ERA oppose
Statewide	8/78	811	62%	38%
Statewide	1/78	819	64%	36%
Statewide	8/76	413	70%	30%

*\* Question: Do you support or oppose the Equal Rights Amendment for women?*

Despite some apparent erosion in the margin of support, voters remain generally favorable toward passage of the ERA, and the 2 per cent difference between the January and August polls in 1978 could be due to a sampling error.

From another perspective, however, and despite a great deal of public debate, it appears that most voters do not have strong feelings on the issue. When asked to indicate their degree of support or opposition, a majority tended to cluster near the middle. Some 22.5 per cent opposed and 40.2 per cent supported, while only 15 per cent strongly opposed and 21.8 per cent strongly supported the ERA.

While tending to be favorable toward the ERA, Republicans were generally less supportive than were Democrats and independents. Twenty per cent of the Republicans polled were "strongly opposed," and 28 per cent were "opposed," leaving only 52 percent on the supportive side.

The poll also revealed that support for the ERA generally declines with age. For example, 31 per cent of those between 26 and 35 "strongly support" the amendment while only 15 per cent of those 56 and over were in that category. Consistent with earlier polls on the issue, men are slightly more supportive (65 per cent) than are women (60 per cent).



its convention to Los Angeles. In order to avoid anti-trust action in court, the ANA directors specified that they were acting independently of NOW.

Local business leaders and NOW supporters disagree not only about the overall economic impact of the boycott, but also about its specific effects on groups and individuals. Representatives of the tourism industry contend that the boycott is a two-edged sword, advancing the cause of women nationally, perhaps, but at the same time harming the many women employed by hotels, restaurants and other facilities which depend heavily on convention and tourist trade. Dunham, for example, says that the boycott is "an unfair tactic. It's not penalizing the people who are holding up the legislation. The majority of people who work in that industry are women, and it's the women who are being laid off. They're the ones who are taking the fall, and I don't think they [NOW strategists] have realized that yet."

But NOW leaders believe their efforts ♦ based on an accurate reading of the national economy ♦ are a bold, though painful step toward encouraging ratification of the ERA. According to Chicago NOW'S Nancy Sheier, "the boycott is one example of our maturity. We obviously think it is unfortunate that people lose money through this action, but the responsibility lies with the Illinois legislators. They are the ones inflicting this burden on the workers. The fact is that the people who make big money out of tourism are not women."

The court battle continues to escalate. Taking the offensive NOW has filed \$20 million countersuits against Nevada and the Louisiana tourism group and plans to file a similar suit against Missouri. Roth says NOW is charging lack of good faith and conspiracy between the attorneys general in the two states and the group in Louisiana to violate its civil rights.

*22/December 1978/Illinois Issues*

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The boycott appears to have had positive results for NOW organizers in Illinois. Sheier contends that before the boycott there were 16 Chicago Democrats voting against the ERA, but only seven are against it now. "When the Crosstown Expressway or off-track betting comes along, there is unanimous support from Chicago Democrats. We would hope they will exert the same kind of leadership in support of the ERA," she said.

The long-range ramifications of the boycott may be more serious than currently thought, especially since tourism is on the upswing in the United States and the world. A recent report from the United Nations indicates that tourism is "perhaps the only economic sector in the world that showed continued growth in the course of the current recession." According to that report, the problem of future travel is not stimulation and consumption but "organizing supply and demand."

Because the travel business is one that is booked way into the future, the impact of the boycott may very well carry beyond the final determination of the ERA. According to one administrator in Chicago, "it takes years and years to mend the fences after something like this." Clearly, NOW is willing to gamble with the future. As Sheier says, "We have no intention of letting the boycott or the ERA fade away." Now that the deadline for ratification has been extended, "the boycott is going to have an effect for years to come. We have no intention of letting it die."

*December 1978/Illinois Issues/9*

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