



Concerned Women for America of Illinois Opposes HJRCA 3 – Equal Rights Amendment (ERA)

“Equality of rights under law shall not be denied or abridged by the United States or any state **on account of sex**. The Congress shall have the power to enforce by appropriate legislation the provisions of this article. This Amendment shall take effect two years after the date of ratification.” (Text of HJRCA 3 - emphasis added)

- ERA **is not about equal rights for women**. If it were, it would be a duplication of the Fourteenth Amendment.
- ERA would **remove all legal distinctions between sexes**. ERA states, “Equality of rights under law shall not be denied or abridged by the United States or any state **on account of sex**.” ERA does not mention “women”. *“Under the guise of equality, the proposed ‘Equal Rights Amendment’ would in reality wipe out the many legal safeguards which protect women’s position in the family. Because it proposes an idea of women foreign to the Christian concept of women’s co-equal, but individual, dignity with man...we oppose the proposed ‘Equal Rights Amendment.’” National Council of Catholic Women Resolution, 1973.*
- **Time Limit for ratification of ERA ended in 1979**, but Congress granted an extension to 1982. In 1981, a U.S. District Court ruled the extension was unconstitutional and the case went to the U.S. Supreme Court. On October 4, 1982, the Court dismissed it as moot, stating, “The amendment has failed of adoption no matter what the resolution of the legal issues presented here.” Additionally, no states passed ERA during the time extension.
- From 1972 to 1982, the **Illinois General Assembly voted on ERA 13 times**. Each time they **wisely voted it down**.
- Five states rescinded their passage of ERA: Nebraska – 1973, Tennessee – 1974, Idaho – 1977, Kentucky – 1978, South Dakota – 1979.
- ERA would force states to recognize **same-sex marriage**. In 1993, based on Hawaii’s ERA, denying a marriage license to a homosexual couple **“on account of sex”** was found unconstitutional (*Baehr v. Lewin*, 852 P 2d 44, 1993). It took voters five years and millions of dollars to pass another constitutional amendment to undo this. *“I don’t know but one group of people in the United States the ERA would do any good for. That’s homosexuals.” Statement made by Senator Sam Ervin, on February 22, 1977, in Raleigh, North Carolina. Ervin was the leading constitutional lawyer in the U.S. Senate until his retirement.*
- ERA would **force states to pay for Medicaid abortions** and put an end to attempts at passing parental notification and consent laws to protect minor girls. In *Doe v. Maher*, on April 9, 1986, the Connecticut Supreme Court stated, *“Since only women become pregnant, discrimination against pregnancy by not funding abortions...is sex-oriented discrimination...The Court concludes that the regulation that restricts the funding of*

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abortions...violates Connecticut's Equal Rights Amendment." In *New Mexico Right to Choose, NARAL, et al v. Johnson*, the New Mexico Supreme Court ordered the state to pay for Medicaid abortions, saying the state could not differentiate between abortions and medical procedures sought by men.

- ERA is most definitely about abortion. ERA proponents themselves killed ERA legislation in Wisconsin and Minnesota that included abortion neutral clauses.
- Under ERA, women could be pushed into **military combat**. *"Not only would women, including mothers be subject to the draft, but the military would be compelled to place them in combat units alongside of men and in some cases, it could relieve the fathers of the primary responsibility for the support of even infant children, as well as the support of the mothers of such children"...*U.S. House Judiciary Committee Report (No. 92-359, July 14, 1971).
- If ratified to the U.S. Constitution, ERA would become the law of the land and **supersede state laws**.
- All state and local laws, policies and regulations favoring either males or females would be unconstitutional under ERA. Laws including marriage, divorce, family-property law, child custody, adoptions, abortions, alimony, some criminal laws, age limits for marriage and the age of consent, public and private schools, prison regulations, and insurance rates, veterans benefits, boy and girl scouts, tax exemptions for single-sex schools would be challenged if ERA is passed.

There is virtually no limit to the number and kind of lawsuits that ERA will spawn. To use the law to eliminate the innate differences between male and female is as absurd as using the law to eliminate the rising and setting of the sun. It is impossible.

Concerned Women for America is the nation's largest public policy women's organization.

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