

CONCERNED  
WOMEN *for* AMERICA

**Don't ERase Women  
With an Equal Rights Amendment**

*“... legal classifications and distinctions based upon sex are not only discriminatory in themselves, but also lend governmental support to entrenched customs which ignore women as persons ...” Pauli Murray, co-founder of the National Organization of Women*

**The ERA proposes that “Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex” and that “Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.”**

***The idea of equal rights sounds great, so why is the ERA so wrong for women?***

**I. The ERA could erase women's progress**

Adding an equality amendment based on “sex” can have a reverse effect on women's progress—the legal gains, programs, and policy reforms aimed specifically at benefiting women could be challenged and taken away such as: provisions in the Violence Against Women Act; programs such as Women, Infants, and Children (WIC); special protections in marriage, divorce, alimony and child custody; accommodations for pregnant women in the workforce; spousal social security benefits; female protections on college campuses relating to safety, Title IX, scholarships and admissions.

**II. The ERA could erase legal distinctions based on sex and leave women unprotected**

Adding an equality amendment based on “sex” allows federal courts and legislatures new powers to reinterpret every law making a distinction based on gender.

- Any limits on abortion or denying taxpayer-funds for abortion could be seen as a form of sex discrimination and a violation of this amendment.
- Women-only safe spaces like sex-segregated bathrooms, locker rooms, or domestic violence shelters could be seen as a form of sex discrimination and violation of this amendment.
- Women could be forced into military service, instead of this being a woman's choice.
- Current legislative trends to neutralize the unique differences of males and females in policy and law (and redefine “sex” as “gender identity”) could be supported by this amendment.

**III. We don't need the ERA: Women are already equal under U.S. law**

Women's “equality of rights under the law” is already recognized in our Constitution. Amendment 14 states “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor ... deprive any person of life, liberty, or property, without due process of law; nor ... the equal protection of the laws.

**IV. We don't need the ERA: Women will continue to use established law to make progress** Through established law such as Amendment 14, Title IX, Equal Opportunity Act of 1963, Equal Employment Opportunity Commission, Pregnancy Discrimination Act, and Equal Pay Act, women have made huge strides against institutional discrimination against women in education, employment, sports, politics, and many other aspects of society. Where other inequalities may exist, women will continue to use established law.