

CONCERNED
WOMEN *for* **AMERICA**
LEGISLATIVE ACTION COMMITTEE

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

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. 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-specific 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 trends to neutralize the unique differences of males and females in policy and law and redefine "sex" as "gender identity" could be supported by the ERA and negate female status.
- III. **Women are already equal under U.S. law**
Women's "equality of rights under the law" is already recognized in our Constitution. The 14th Amendment 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. **Women will continue to use established law to make progress**
Women deserve fairness and equality under the law. Through established law including 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.

Congress should oppose pointless legislation to remove the deadline and focus instead on upholding women's rights, dignity, and opportunity. Five states made ratification contingent on passage. The U.S. Supreme Court rendered moot a challenge to extend the deadline. Recently, three states filed a lawsuit against the National Archives requesting return of their ratification documents. The Dept. of Justice has declared ERA ratification dead. Justice Ruth Bader Ginsburg says the ERA process must start over.