

The ERA: A simple concept

There is a great deal of mythology surrounding the Equal Rights Amendment. Much of it is outmoded or misguided. Much of it assumes a complexity that does not exist in today's reality. But the ERA is really very simple: it puts men and women on equal footing under the law. That is it. As both Justice Scalia and Justice Ginsberg have stated, in the US, women now have less Constitutional protection than men in every area except voting rights. And while it started as a way to modernize the way the US views women under the law, the language of the amendment does not specify women. It covers males and females based on their sex.

The ERA would:

It would mean that government bodies and public officials at all levels would treat men and women equally under the law.

It would prevent Congress and state legislatures from taking away existing equal rights under statutes for either gender. This would include federal and state benefits and rights regardless of whether the recipient is male or female, since the language in all these statutes is already gender neutral.

It would ensure that the Supreme Court treats discrimination against either males or females because of their sex as seriously as race discrimination under the 14th Amendment and for all other rights delineated in the Constitution.

It would provide a true model for developing countries in their treatment of women and girls, eliminating U.S. hypocrisy in not practicing what we preach about putting equality into their Constitutions.

It would allow the U.S. to sign the United Nations Convention to Eliminate Discrimination Against Women (CEDAW). The other countries not allowed to sign: Iran, Somalia and The Sudan!

It would send a signal to the business community that in the US, we value men and women the same way in our culture and our economy. It is an economic, not just a social issue.

It would protect both men and women from discrimination because of gender. Men are sometimes targeted when they chose a female-dominated profession such as teaching or nursing. (Men sometimes get a raw deal in custody, domestic abuse or spousal support battles, or even some kinds of health care.)

The ERA would not:

It would not bring about dire changes in social structure or roles. That has not happened in the states that have had equality for decades, including Arizona.

It would not give special rights to women or take away any existing rights of men or women based on our unique characteristics.

It would not force women to work outside the home, but it could give families more options toward economic security.

It would not force businesses to pay men and women equally regardless of other factors.

It would not create a widespread Affirmative Action requirement for women in jobs or education.

It would not resurrect the draft or mean that women would automatically be drafted.

It would not automatically legalize gay marriage or abortion in places where they are already illegal or restricted.

It would not force houses of worship to expand the role of women. The First Amendment would still protect them.

It would not eradicate discrimination (no law can do that) but it can help educate people about gender discrimination.

"Equal" means "equal" in the plain language of the dictionary and of constitutional original interpretation. Not "almost equal", or "sometimes equal" or "nearly equal". That is why we need the ERA. It really is that simple.