

# DISPEL THE MYTHS SURROUNDING THE EQUAL RIGHTS AMENDMENT

The Equal Rights Amendment (ERA) says:

**Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.**

The ERA will give courts a clear and strong legal standard for defining sex discrimination for both women and men, where decisions still deal inconsistently with such claims. Statutory solutions to sex discrimination have failed in such areas as sexual harassment, domestic violence, and equal pay.

**# 1: The deadline for the ERA has passed.**

**Fact:** Congress can change deadlines, and has done so for the ERA once before.

**# 2: The ERA will put abortions in the U.S. Constitution.**

**Fact:** Abortion is already a constitutional right under Roe v. Wade. That case was determined on 14th Amendment privacy grounds – not equality rights.

**# 3: The ERA will mean we all have to use the same bathroom.**

**Fact:** The Constitution already provides for the right to privacy.

**# 4: The ERA will mean that women will have to serve in the military.**

**Fact:** A Federal judge has recently (February, 2019) determined that a “male-only” draft is unconstitutional.

**Fact:** Women have served in the military since the Revolutionary War in 1775. These days, women fight in combat and hold top-level positions in all branches of the military. BUT, without an ERA, women’s equal access to military career ladders and their protection against sex discrimination are not guaranteed, as many examples attest.

**# 5: Equal pay for equal work will lead to catastrophic job losses and businesses will leave the state.**

**Fact:** In 2016, 57 companies committed to the White House Equal Pay Pledge. Some of the companies were: Amazon, American Airlines, IBM, Microsoft, Niki, Target and Visa. None have reported catastrophic job losses to date.

**# 6: Women don’t need the ERA because they already have rights under the Protection of the 14th Amendment.**

**Fact:** The 14th Amendment did not allow women the right to vote, and is subject to differing interpretations by the courts. For example, the late Supreme Court Justice Antonin Scalia stated: “Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. **It doesn’t.**”

**The issue is one of human rights. Historically, the Constitution was not written to include women. As Supreme Court Justice Ginsburg said, “I would like to be able to take out my pocket Constitution and say (to my granddaughters) that the equal citizenship stature of men and women is a fundamental tenet of our society, like free speech.”**



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