The ERA, ABORTION & SAME-SEX MARRIAGE

The 14th Amendment to the U.S. Constitution guarantees equal protection for everyone. Women have used this amendment successfully in discrimination cases and will continue to do so. For 30 years "equal pay" has been law. This means paying the same wages for people who do the same work. However, differing wage earnings are based upon different factors such as: job experience, risk/danger involved, seniority, level of training, and other factors - not because of discrimination.

Even though liberal feminist groups continue to use the "equal pay" argument, the ERA would not have any effect on wages in private businesses.

If passed and approved by Congress, the ERA will supersede state laws and be the basis for challenging any law favoring one sex over another. The ERA is not about equality for women, but it ***IS*** about abortion and same-sex marriage.

ABORTION

ERA would force Illinois and the other 49 states to pay for abortions. The ACLU argument that denying abortion is sex discrimination developed when Ruth Bader Ginsburg was one of their lawyers. Is there any doubt that U.S. Supreme Court Justice Ruth Bader Ginsburg would vote for this same interpretation?

Harris v. McRae, 448 U.S. 297 (1980), upheld the limiting of federal funding of abortion (Hyde Amendment). ERA would require the federal and state governments to fund Medicaid abortions. Otherwise, under ERA, to not provide funding would be discrimination based on gender distinction. Our continued attempts in Illinois to ban Medicaid-funded abortions, for example, would be prohibited by the ERA. According to Eagle Forum, this is borne out by the impact of state ERAs in Connecticut and New Mexico.

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 for abortions ... Violates Connecticut's Equal Rights Amendment."

In New Mexico Right to Choose, NARAL, et al v. Johnson, on November 25, 1998, the New Mexico Supreme Court, in a 5-0 vote, said the state could not differentiate between abortions and medically necessary procedures sought by men. The Court ordered the state to pay for elective abortions under Medicaid.

On December 7, 2000, a state court in Texas used the Texas version of ERA to rule likewise: "[We hold that the State's implicit adoption of the Hyde Amendment violates the Texas Equal Rights Amendment" (The Low-Income Women of Texas v. Bost, Texas 3rd Court of Appeals, 36 S.W.3rd 689, 2000). The Texas Supreme Court reversed by this on December 31, 2002 because the so-called Texas ERA, thankfully, does not have the same strict language as the federal ERA.

ERA is most definitely about abortion. Wisconsin and Minnesota are two states where the legislature attempted to pass an ERA containing an abortion-neutral clause, but the ERA proponents themselves killed those bills.

PARENTAL NOTIFICATION OF A MINOR GIRL'S ABORTION

Ohio v. Akron Center for Reproductive Health, 497 U.S. 502 (1990), upheld parental notification for Ohio minor girls seeking abortions. ERA would eliminate parental notification laws since under ERA those laws would be discriminatory as they apply to females only. ERA says: No distinction on account of sex. The ERA would, in effect, stop our efforts to pass meaningful parental notification or consent laws in Illinois.

SAME-SEX MARRIAGE

The court ruled that same-sex marriages would have to be allowed under ERA. In Baehr v. Lewin (852 P 2d 44, 1993), denying marriage licenses to homosexual couple was discrimination "on account of sex" and unconstitutional under Hawaii's ERA. The Court stated that allowing only heterosexual marriages was unconstitutional.

In order to undo this colossal mistake, Hawaii voters had to pass a new constitutional amendment stating that "the legislature shall have the power to reserve marriage to opposite-sex couples." This was not an easy task and cost millions.

"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.

P.O. Box 88848 | Carol Stream, Illinois 60188
708-781-9328 | ContactUs@illinoisfamily.org | www.illinoisfamily.org