PHYLLIS SCHLAFLY EAGLES

STOP ERA again!

Ed Martin, President | Helen Marie Taylor, Chairman | John Schlafly, Treasurer

Statement by Andrew Schlafly Against Missouri HCR 12 and SCR 7, the Equal Rights Amendment

Andrew Schlafly urges states to reject the proposed Equal Rights Amendment (ERA) legislation. This proposed amendment (and related state legislation) which expired more than 36 years ago under the fixed time limit, would cause far more harm than good if ratified.

For starters, ERA is "fake legislation" that would not be taken seriously by any appellate court because the deadline expired decades ago. Passing ERA would have no more effect than enacting the amendment for Prohibition, or any other expired (or repealed) amendments. There are numerous proposed amendments throughout history which failed to obtain ratification within their specified time limits. Can they be passed, too? Only as fake legislation that would make a mockery of the process.

As to its substance, ERA would invalidate all laws, regulations, and government policies that favor women in any way, or treat males and females separately. No distinctions in the law based on gender would survive if ERA were ratified.

Women's shelters, for example, would need to close or become fully coed under ERA, if the shelter receives any money from government as most of them do. Expensive coed prisons would become mandatory, and no laws or policies could allow women to be furloughed or placed on probation sooner than men. The costs of managing prisons would increase enormously for the citizens of our states. "The only remedy that will eliminate the unconstitutional segregation of prisons is a gender-neutral system of inmate assignment." NOTE: Women's Prisons: An Equal Protection Evaluation, 94 Yale L.J. 1182, 1204 (April 1985).

ERA would prohibit virtually all preferential treatment or affirmative action for women by government. Boys could not even be excluded from high school girls' field hockey or softball teams. High school locker rooms would probably become coed, which would drive girls out of sports. "[A]n equal rights amendment condemn[s] discrimination on grounds of sex – whether male or female," held the Massachusetts Supreme Judicial Court in striking down a rule that prohibited boys from participating in girls' field hockey or softball. Attorney General v. Mass. Interscholastic Athletic Ass'n, 378 Mass. 342, 351, 393 N.E.2d 284, 289 (1979).

No all-girls classrooms or activities would be allowed in any public school if ERA passes. In Massachusetts boys compete in girls' sports, enabling boys to break girls' records and deny all-girls' teams championships. In one highly publicized case, a girl field hockey goalie suffered a concussion (and severe headaches for the next six months, and loss of the championship) due to an aggressive boy competing in the girls' sport. 1

ERA would unfortunately transfer most power over family law from the states to the federal government. Do we want Congress passing laws about alimony, child custody, and visitation rights? No, we do not. Churches that have any differences in roles for men and women would be bankrupted by litigation under ERA. Taxpayer-funded abortion would become mandatory. Other states have court-ordered taxpayer-funded abortion based on their ERA-like law. See, e.g., N.M. Right to Choose/Naral, Abortion & Reprod. Health Servs., Planned Parenthood of the Rio Grande v. Johnson, 1999-NMSC-005, ¶¶ 25-54, 126 N.M. 788, 797-804, 975 P.2d 841, 850-57; Doe v. Maher, 40 Conn. Supp. 394, 449, 515 A.2d 134, 162 (1986) ("The court concludes that the regulation that restricts the funding for medically necessary abortions except when the woman's life is endangered violates … Connecticut's equal rights amendment.").

Religious freedom would be greatly harmed by ERA. The rule established by the U.S. Supreme Court in Bob Jones Univ. v. United States, which denied a tax exemption to a religious college, would apply to deny tax exemptions to churches, such as the Catholic Church, which have all-male seminaries, single-sex schools, and/or a ban on marrying same-sex couples. "[T]he Government has a fundamental, overriding interest in eradicating … discrimination … [and t]hat governmental interest substantially outweighs whatever burden denial of tax benefits places on petitioners' exercise of their religious beliefs." Bob Jones Univ. v. United States, 461 U.S. 574, 604 (1983).

Many churches would lose their religious freedom under ERA, including the loss of government funding of programs and tax exemptions. "Denial of tax benefits will inevitably have a substantial impact on the operation of private religious schools, but will not prevent those schools from observing their religious tenets." Bob Jones Univ., 461 U.S. at 603-04.

In sum, ERA would have a terribly negative effect on women nationwide, and on many of our institutions such as churches and schools.

Please vote "NO" on ERA. Thank you for considering this statement.

Respectfully submitted,
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1 http://www.espn.com/high-school/girl/story/_/id/8055704/massachusetts-era-allows-boys- compete-girls-sports-such-field-hockey-swimming-volleyball-gymnastics