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## Why We Need an ERA; The Gender Gap Runs Deep in American Law; [FINAL Edition]

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### Abstract (Document Summary)

Some say action isn't needed because the equal protection clause of the 14th Amendment already guarantees rights for women. It would be great if that were so. But courts have failed to hold sex discrimination to the same level of scrutiny under the 14th Amendment as is applied, for example, to race discrimination, meaning that many discriminatory practices -- barring women from certain military jobs, establishing boys-only public classrooms and schools, and open discrimination against women in insurance programs, to name a few -- are still legal.

The history of Title IX, the law guaranteeing equal educational opportunities for girls and women, is an instructive example. Passed in 1972, it opened colleges, law schools, medical schools and athletic opportunities to women at institutions receiving federal funds. Opponents fought its implementation from the beginning, and in 1984 they succeeded in gutting the law. The Supreme Court's decision in *Grove City v. Bell* declared that only individual programs receiving federal funds were subject to the law, not institutions as a whole. Women's groups had to mount a four-year fight to pass legislation overturning *Grove City* and restoring the original intent of Title IX. With a patchwork of state and federal laws that provide only statutory guarantees and many loopholes, the job is never done. The Bush administration has also weakened Title IX through a backdoor provision in the No Child Left Behind Act that permits the creation of sex-segregated public schools for little or no reason.

### Full Text (791 words)

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Some members of Congress are looking to do something long overdue: pass the Equal Rights Amendment. Recently renamed the Women's Equality Amendment and introduced by its chief sponsors, Rep. Carolyn Maloney (D-N.Y.) and Sen. Edward Kennedy (D-Mass.), the amendment would grant equal constitutional rights to women -- something we have yet to achieve. This simple concept had the blessing of both political parties until the Republicans struck it from their platform in 1980, with the Democrats following suit in 2004.

Why is the amendment needed? Twenty-three countries -- including Sri Lanka and Moldova -- have smaller gender gaps in education, politics and health than the United States, according to the World Economic Forum. We are 68th in the world in women's participation in national legislatures. On average, a woman working full time and year-round still makes only 77 cents to a man's dollar. Women hold 98 percent of the low-paying "women's" jobs and fewer than 15 percent of the board seats at major corporations. Because their private pensions -- if they have them at all -- are lower and because Social Security puts working women at a disadvantage and grants no