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# ERA Project Releases New Policy Paper Demonstrating Race-Based Gap in Who Benefits from Sex Discrimination Laws

**Date:** February 27, 2023

**Subject:** Columbia Law School's ERA Project Releases New Policy Paper Demonstrating Race-Based Gap in Who Benefits From Sex Discrimination Laws

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**New York, New York** – Today, Columbia Law School's [Equal Rights Amendment \(ERA\) Project](#) released a new policy paper showing that despite sweeping federal, state, and local laws that prohibit discrimination on the basis of sex in virtually all significant aspects of the U.S. economy and society, white women have been the primary beneficiaries of sex equality laws, leaving women of color significantly behind.

The policy paper, *The Sex Equality Gap: How the 20<sup>th</sup> Century Sex Equality Paradigm Continues to Leave Women of Color Behind*, examines the effectiveness of sex equality laws in access to healthcare, equal pay, homeownership, education, and food security, breaking the data down by race and sex. It demonstrates how the existing sex equality paradigm does not adequately account for the ways in which sex and race discrimination intersect with one another.

“The success of sex equality laws should be measured not only by how they benefit women overall, but specifically how they benefit the most disenfranchised women, including women of color,” said Ting Ting Cheng, Director of the ERA Project.

“Failing to account for the intersectional dynamics of both sex and race discrimination, by using the gains experienced by the most privileged women in society as a model for all women, has the effect of disguising how the benefits of existing equality measures have been distributed in ways that further marginalize women of color, thus erasing and normalizing the sex equality gap,” observed Candace Bond-Therault, the Center for Gender and Sexuality Law's Director of Racial Justice Policy and Strategy, and co-author of the paper.

“We conclude that final ratification of the Equal Rights Amendment can remedy the sex equality gap that has permeated the 20<sup>th</sup> Century Sex Equality Paradigm,” said Professor Katherine Franke, faculty director of the ERA Project. “By modernizing constitutional sex equality in ways

that would benefit and center the people who have been left behind by current equality measures, the ERA would pull the U.S. Constitution into the 21<sup>st</sup> century,” continued Franke.

On Tuesday, February 28<sup>th</sup>, the Senate Judiciary Committee will be holding a hearing on a resolution that would declare the ERA fully ratified as the 28<sup>th</sup> Amendment. ***The Sex Equality Gap: How the 20<sup>th</sup> Century Sex Equality Paradigm Continues to Leave Women of Color Behind*** provides compelling evidence for the need to amend the U.S. Constitution, so that it explicitly protects the rights of all people, regardless of their sex or race.

**Download The Sex Equality Gap here.**

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*The [ERA Project](#), a law and policy think tank, develops rigorous academic research, policy papers, expert guidance, and strategic leadership on the Equal Rights Amendment (ERA) to the U.S. Constitution, and on the broader project of advancing gender-based justice.*

*The [Center for Gender and Sexuality Law](#) at Columbia Law School develops research projects and initiatives focused on issues of gender, sexuality, reproductive rights, bodily autonomy, and gender identity and expression in law, policy, and professional practice. The Center’s mission is to formulate new approaches to complex issues facing gender and sexual justice movements.*