

# A misguided ERA-substitute

By JEFFERY M. LEVING & GLENN SACKS

THE RECENT reincarnation of the Equal Rights Amendment was a good idea - until its backers decided to change the name.

The ERA has been reintroduced into both the House and the Senate, and has over 200 co-sponsors. Rep. Jerrold Nadler (D-N.Y.), chairman of the judiciary subcommittee on the Constitution, civil rights and civil liberties, says the bill is going to be high on the agenda.

Unfortunately, the sponsors have changed the ERA's name to the "Women's Equality Amendment." There's a major problem with that because when considering injustices based on sex today, men and fathers are the victims of many.

If we're going to have a national discussion on gender inequities - and it seems that we are - the problems faced by men need to be part of it.

The most unequal and unfair treatment meted out to either sex is the mistreatment of men and fathers by family courts and the domestic-violence system. After a divorce or separation, dads are often pushed to the margins of their children's lives, even though in most cases they've never been found culpable of any wrongdoing, and did not seek to dissolve their marriages. Family courts often deprive men of shared custody and generally allow them only a few days a month with their children.

While the government has created a vast \$5 billion-a-year bureaucracy dedicated to enforcing child-support orders, there's almost no government effort to enforce fathers' visitation rights.

When fathers are prevented from seeing their children in violation of court orders, as studies show is common, they must hire a lawyer and go to court. Even then, it takes repeated, expensive litigation to enforce the orders.

Women's advocates once did good work bringing the problem of domestic violence to public attention. But today's policies are so extreme that they are victimizing many innocent men.

Over the past decade and a half, there has been an explosion in domestic-violence restraining orders, as new laws and services have made them easier to get. According to the Justice Department, two million restraining orders are issued each year, most of them based on allegations of domestic violence.

When an order is issued, the man is booted out of his home and can be jailed if he tries to contact his children, even though he's never had the opportunity to defend himself. The

subsequent hearings to determine whether the orders will be made permanent are often conducted in an assembly-line fashion with little due process.

These orders often don't even involve an allegation of violence. Often, the "abuse" needed to get a restraining order can be "spoken" or "written," and thus almost impossible to refute in court.

During the 1990s, many states and law-enforcement agencies adopted mandatory/presumptive arrest policies that virtually require officers to make arrests when responding to domestic-violence calls. And many district attorneys have "no-drop" prosecution policies, leading to large numbers of arrests and prosecutions in cases where it is very questionable whether the men actually committed any abuse.

Also, the "primary aggressor doctrine" passed by some states and employed by many law-enforcement agencies encourages officers to arrest men and only men in domestic disputes.

The Violence Against Women Act of 1994 has provided the domestic-violence establishment with over \$5 billion in funding. Yet male victims of domestic violence are excluded from most services, even though decades of research confirm that men comprise a significant minority of domestic violence victims.

The intent of the ERA in the 1970s was to eliminate sex discrimination, and at that time, discrimination was a significant problem for women. Now the bias (in practice, if not in the law) cut both ways.

The Equal Rights Amendment, because it seeks to end any bias based on sex, is appropriate. The "Women's Equality Amendment," which ignores many of the worst gender injustices is not. \*

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