



Elections & Laws for Life

March 15, 2021

Dear Representative,

I write to advise you that Susan B. Anthony List, on behalf of our more than 900,000 members, opposes H.J.Res. 17, *Removing the deadline for the ratification of the equal rights amendment*. We stand absolutely opposed to any attempt to revive the Equal Rights Amendment (ERA), which would enshrine a right to abortion into the United States Constitution. **Votes will be scored, and double-weighted, in each member's profile on the SBA List National Pro-Life Scorecard.** Even the most egregious laws and regulations can be rolled back eventually, but a constitutional amendment would indefinitely block state and federal legislation to protect the unborn.

The Equal Rights Amendment to the U.S. Constitution as proposed in 1972 and as interpreted by a wide range of legal scholars, by several lower courts, and even by certain advocates of the amendment, **would install a sweeping legal mandate for abortion on demand, funded with taxpayer dollars**, into our Constitution.

Despite efforts by the authors of H.J.Res. 17 to remove the long-passed ratification deadline, there is compelling legal evidence that the ERA is no longer available for ratification. The original [Joint Resolution](#) passed in 1972, in the 92nd Congress, states that the text would become an amendment “*when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress.*” Congress then attempted to extend the deadline by three more years, from 1979 to 1982, but no more states ratified the ERA during that period. Additionally, of the 35 states that had ratified the ERA during the timeline approved in 1972, the following five states voted either to *rescind or sunset* their ratification: Idaho, Kentucky, Nebraska, South Dakota, and Tennessee. Advocates for the ERA want to count both the rescinded ratifications and the ratifications that occurred decades after the deadline for ratification passed. Even more astonishing, the authors of H.J.Res. 17 intend to carry out this blatant attempt to change the rules after the fact using a simple majority vote to overturn a deadline set by a two-thirds majority.

In January of 2020, the Justice Department Office of Legal Counsel [published a decisive opinion](#) stating that the 1972 ERA has expired and that new efforts to ratify it are void and will not be accepted as valid. On March 5, 2021, an Obama-appointed federal district judge in the District of Columbia ruled in *Virginia v. Ferriero* that the original 1972 ratification deadline was still valid. Judge Contreras ruled that the recent attempts at ratification by Nevada (2017), Illinois (2018), and Virginia (2020) have no legal effect and cannot be counted towards the required three-fourths states needed to ratify the Constitutional amendment.

Because the amendment was first proposed nearly a half century ago, one year prior to the U.S. Supreme Court decisions inventing a federal constitutional right to abortion, the evidence of the ERA's impact can easily be overlooked. The following points are central:

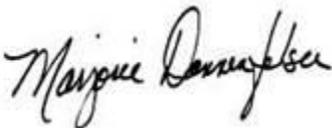
- As drafted, the ERA prohibits the enactment of any law that imposes a rule or condition that applies to one sex and not to the other. Thus, any law limiting abortion or imposing upon it such conditions as a funding limit will be struck down as violating the amendment's plain language. A range of interest groups, including the American Civil Liberties Union, National Organization for Women (NOW), the National Abortion and Reproductive Rights Action League (NARAL), Planned Parenthood and others have argued in court filings and amicus briefs that state-level ERAs with nearly identical wording guarantee a right to abortion with public funding.
- **In 1998, the New Mexico Supreme Court ruled unanimously, at the urging of the groups listed above, that the state constitutional ERA *required* tax funding of abortion.**
- The National Right to Life Committee (NRLC) worked with other pro-life groups to amend the ERA to render it neutral with respect to abortion: "nothing in the article shall be construed to grant, secure, or deny any right relating to abortion or the funding thereof." This abortion-neutral language was opposed and defeated by ERA sponsors in the U.S. Congress.

Absent inclusion of this or similar language that confronts the abortion issue lurking in the ERA, **support for the ERA is not only a rejection of the sanctity of human life for the unborn but is an attempt to enshrine abortion on demand in the Constitution of the United States.**

Since *Roe v. Wade*, abortion has been the cause of death for an estimated 60 million unborn children, of which approximately 30 million were unborn little girls. An amendment to create a constitutional right to abortion on demand would lead to the deaths of untold millions more, paid for by American taxpayers. That is not equality.

We strongly oppose attempts to move the goalposts to allow ratification of the ERA contrary to the terms established when the amendment was passed by Congress under a two-thirds majority. We also vigorously oppose the ERA unless amended. Susan B. Anthony List will consider any votes in support of the ERA when assessing the pro-life record of each member for this Congress. Because of the enormous consequences of enacting a constitutional amendment enshrining a right to abortion, **we will be weighing the vote as if it were two votes.**

Sincerely,



Marjorie Dannenfelser
President
Susan B. Anthony List