



November 12, 2019

Dear Representative,

In light of this week's House Judiciary markup on H.J.Res. 79, *Removing the deadline for the ratification of the equal rights amendment*, I am writing on behalf of over 800,000 members of the Susan B. Anthony List to state our strong opposition to the Equal Rights Amendment (ERA) in its current form, and therefore against any attempt to revive it. We urge pro-life members of the Judiciary Committee to participate in the markup and vote for any amendments that would neutralize the abortion extremism that would be enshrined by the ERA, and to vote against the resolution unless its pro-life concerns are fully addressed. Member attendance and votes will be reflected in each member's profile on the SBA List National Pro-Life Scorecard.

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

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, 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.
- Efforts by pro-life groups, beginning with the National Right to Life Committee (NRLC), to render the ERA neutral with respect to abortion by amending it to assure its inapplicability to abortion have been opposed and rejected by ERA sponsors in the U.S. Congress. Speaking for the consensus views of pro-life organizations nationwide, NRLC

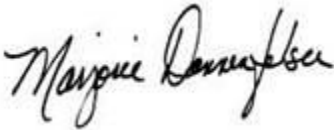
proposed simple language that would have excluded impact on abortion law via the ERA to the effect that “nothing in the article shall be construed to grant, secure, or deny any right relating to abortion or the funding thereof.”

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 an attempt to insert permanent legal protection for abortion on demand in the founding document of the United States.

Despite efforts in H.J.Res. 79 to move the deadline for ratification originally included in 1972, there is compelling legal evidence that the ERA is no longer available for ratification. The original Joint Resolution passed in the 92<sup>nd</sup> 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.” That deadline passed 36 years ago. Additionally, of the 35 states that had ratified the ERA during the agreed upon timeline, of the three-fourths or 38 states needed for final ratification, five states have since rescinded their ratification.

In light of these considerations, we oppose attempts to move the goalposts and revive the eligibility of the ERA to be ratified. We also vigorously oppose the ERA in its current form. Susan B. Anthony List will consider any ERA votes in committee or in the House when assessing the pro-life record of each member for this Congress.

Sincerely,

A handwritten signature in black ink that reads "Marjorie Dannenfelser". The signature is written in a cursive, flowing style.

Marjorie Dannenfelser  
President  
Susan B. Anthony List