



March 16, 2021

The Honorable Chuck Schumer
Majority Leader
U.S. Senate
The Capitol
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
The Capitol
Washington, DC 20515

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
The Capitol
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
The Capitol
Washington, DC 20515

Dear Leader Schumer, Leader McConnell, Speaker Pelosi, and Leader McCarthy;

Almost 100 years after it was first proposed, the pleasant-sounding **Equal Rights Amendment** returns to the headlines and [to Congress](#) in [H.J. Res. 28](#) and [H.J. Res. 17](#) with promises of establishing new rights and protections for women. In fact, that is the opposite of what would happen if the ERA, now more accurately known as the **“Everything Related to Abortion Act,”** is allowed to create a foothold in the U.S. Constitution for abortion, something [Roe v. Wade has not achieved](#) as on-going litigation against it illustrates.

This is not speculation as [abortion advocates fundraise](#) and evangelize on behalf of the ERA to enshrine their deadly business into our nation’s foundational document.

In March 2019, [the National Abortion and Reproductive Rights Action League \(NARAL\)](#) said in [an e-mail](#) to supporters: "In order to protect our reproductive freedom today it’s essential we pass the newly re-introduced bill to ratify the ERA. With its ratification, the ERA would reinforce the constitutional right to abortion by clarifying that the sexes have equal rights, which would require judges to strike down anti-abortion laws because they violate both the constitutional right to privacy and sexual equality." This echoes [Betty Friedan’s call](#) for ERA passage in the 1970s

so that abortion could be institutionalized as a “right” rather than understood as the tragedy that it is.

In fact, courts have already ruled that state-based ERAs require taxpayer funding of abortion, which is not supported by a majority of Americans.

ABORTION HAS NO PLACE IN OUR U.S. CONSTITUTION.

The link between those supporting the ERA and an activist abortion agenda troubles us greatly, leading us to oppose the ERA because of how it will be used to promote and expand abortion, the human rights issue of our day. But there are **FOUR ADDITIONAL REASONS** why legislators should vote NO when asked to give the ERA a place in law.

ONE: THE ERA MISSED TWO CONGRESSIONAL DEADLINES.

The current efforts to advance the ERA into the Constitution could be rejected simply on the grounds that supporters did not get enough states to ratify it in time to meet TWO Congressional deadlines, recently affirmed in federal court.

The late Justice Ruth Bader Ginsburg herself addressed this when talking about how the ERA supporters pushed ratification in some states after the deadlines while ignoring those states who changed their minds about ratifying, now numbering five. “There is too much controversy about late comers,” she said. “Plus, a number of states have withdrawn their ratifications. So if you count a latecomer on the plus side, how can you disregard states that said we’ve changed our minds?”

When children losing a game try to change the rules, we teach them that winning is not guaranteed and sometimes you must try again. That is the advice in fact that Justice Ginsburg offered to ERA supporters, saying, “I’d like it to start over.”

Congress must reject this attempt to change and to weaken rules it put in place for a reason. If the rules set for the ERA don’t matter, how can Congress argue that rules it put in place for other legislation does matter? After every defeat, can proponents just re-write the rules to force a win?

TWO: THE ERA THREATENS LEGAL PROTECTIONS FOR WOMEN.

The ERA’s impact on efforts already in place to help women *specifically* is likely to be devastating. Hundreds of laws established for women would no longer be allowed as the ERA states that a person’s sex could not be considered in making a legal preference.

Laws protecting women include the Equal Pay Act of 1963; the Civil Rights Act of 1964; the Equal Employment Opportunity Act of 1972; the Federal Minimum Wage Act of 1974, and the Pregnancy Nondiscrimination Act of 1964. In fact, Justice Ginsburg wrote in *Sex Bias in the U.S. Code* that **the ERA could change 800 federal laws**. The financial impact on women is incalculable, and ERA will do nothing to focus attention on sexual crimes against women, as a focus on women would be discouraged.

Feminist icons like [Eleanor Roosevelt and Dorothy Kenyon](#) (who chaired the ACLU's Committee on Women's Rights) opposed ERA because they believed it would harm laws designed for women. In 1940s and 1950s, the ACLU and other left-of-center organizations dubbed it the "[Unequal Rights Amendment.](#)"

THREE: THE ERA INSERTS CHAOS INTO THE CONSTITUTION.

In the current cultural environment, another problem with the ERA is the definition of “sex,” which wasn’t up for debate 100 years ago.

Cultural activists want to use the ERA to put “sex” into the U.S. Constitution and then define it with the Equality Act, which tells us [that “sex” is a fill-in-the-blank](#) concept open to legal interpretation. And that definition [doesn’t necessarily protect women at all.](#)

Many are already writing about how the “Equality Act” [makes women vulnerable](#) by allowing biological males into places where women don’t feel safe, like [domestic violence shelters, bathrooms](#) and [even prisons](#), or how by removing the idea that women are distinctive, [we end women’s sports](#) by enlarging the pool of competitors [beyond women’s](#) biological reality.

When the Trump Administration said that for federal policy, sex would be defined [“on a biological basis,”](#) the [Washington Post](#), gender educator Molly Woodstock wrote: “This development was terrifying and bizarre. Such a policy would go against everything we have come to understand about gender, and how it is defined by social and cultural factors rather than biological traits.”

Clearly, far from protecting women’s rights in the Constitution, the ERA would open doors to a litigious future in which “sex” definitions are attacked and re-written by judges and activists, eroding protections and opportunity for women.

FOUR: THE 14TH AMENDMENT ALREADY PROTECTS WOMEN IN THE CONSTITUTION.

In the Supreme Court case [Reed v. Reed](#), the justices found that the Fourteenth Amendment, which states, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States . . . nor deny to any person within its jurisdiction the equal protection of the laws," applied to women. While working [for the ACLU](#), Justice Ginsburg argued and won that case, which stands today.

With all of these troubling issues in mind, we the undersigned ask that legislators vote NO on any efforts to resurrect the ERA. Protecting and defending the rights and needs of women is an important part of our public policy, charitable and cultural engagement across the board. Sadly, the ERA will harm women’s interests, which should concern everyone trying to ensure that women are respected and protected in the law.

Sincerely,

Kristan Hawkins

President, Students for Life of America/SFLAction

Penny Nance

CEO & President, Concerned Women for America

Colleen Holcomb

President, Eagle Forum

Rebecca Hagelin

CEO, United in Purpose

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Abby Johnson

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Jessica Anderson

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