CONCERNED WOMEN for AMERICA OF SOUTH DAKOTA

SPRING 2019 ISSUE

The "Equal Rights" Amendment is a War on Women

"... there is nothing new under the sun." --Ecclesiastes 1:9

Beverly LaHaye founded Concerned Women for America (CWA) in 1979, prompted by the Equal Rights Amendment (ERA) effort to place this egregious amendment in our U.S. Constitution. Today, nearly forty years after the demise of the ERA, attempts to reopen the ERA were debated in Georgia and Virginia where efforts were made to ratify the Equal Rights Amendment to the U.S. Constitution. CWA in those states worked tirelessly to successfully defeat those measures. Currently, neighboring Minnesota lawmakers are debating the ERA. Pro-abortionists, fearing that *Roe v. Wade* will be overturned, are pulling out all the stops to lock up the ERA in the U.S. Constitution.

Originally, the ERA was introduced in Congress, then sent to the states for ratification in 1972 with a seven-year deadline. When it became clear that ratification would not reach the (three-fourths) 38-state threshold, in an unprecedented move, Congress granted a three-year extension. Even with this extension, ERA proponents failed to deliver. Continuing to hamper their efforts, five states, including South Dakota, rescinded their ratification votes.

The idea of equal rights sounds great, so why is the ERA so wrong for women? It states, "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." If ratified to become the 28th Amendment to our U.S. Constitution, the ERA would restrict all laws and practices that make any distinctions based on sex.

The ERA is not about equal rights; it is about the promotion of a sexless agenda through the suppression of natural differences between men and women. Despite claims of protecting women's interests, the ERA actually hurts women. It would eliminate the exemption of women from the military draft and compulsory front-line combat. It would overturn workplace and family laws that protect women.

The amendment could cement abortion rights into our U.S. Constitution with the rationale that restricting access to abortion is a form of sex discrimination, since pregnancy is unique to women. It would be used to mandate Medicaid funding for elective abortions, and include a federal right to expanded, taxpayer-funded abortion. Furthermore, it could end conscience clauses for nurses, doctors, and hospitals who do not want to participate in performing abortions.

Unlike in the 1970s, the ERA would be used to impose the most radical consequences of the new "gender revolution," which allows men to declare themselves women and vice versa. Warnings from the 1970s that the ERA would threaten privacy and safety protections for women and girls in restrooms, locker rooms, etc., were dismissed as alarmist nonsense. Under the ERA, the privacy, safety, and rights of women would be compromised in "gender neutral" policies. Already we are seeing these threats as special protections based on "gender identity" supersede the safety, privacy, and rights of women.

The ERA would dismantle the gains women have made, including Title IX. Men would have every right to challenge the special programs that women have gained in promoting their opportunities. We see this in our South Dakota High School Activities Association's policy regarding the participation of transgender students in sports. A biological boy, who is generally bigger and stronger than girls, but claims he is a girl, is allowed to compete as a girl, destroying fair competition. (See HB1225 and SB49 on page 4.)

The 14th Amendment to the Constitution and multiple federal and state statutes guarantee women all the rights inherent to American citizens – equal employment, equal pay, education, credit eligibility, housing, public accommodations, etc. – and women are thriving and succeeding as in no other time in history. They have done all this without the assistance of an ERA.

The ERA could erase women's progress. Adding an equality amendment based on "sex" can have a reverse effect on women's progress – the legal gains, programs, and policy reforms aimed specifically at benefiting women could be challenged and taken away, such as: provisions in the Violence Against Women Act; programs such as Women, Infants, and Children (WIC); special protection in marriage, divorce, alimony, and child custody; accommodations for pregnant women in the workforce; spousal social security benefits; female protections on college campuses relating to safety, Title IX, scholarships, and admissions.

Women do not need the Equal Rights Amendment to flourish in America. "Women today are in a golden era. Never before have we had the opportunities and liberty to pursue happiness that we currently enjoy." **--Penny Nance, CEO & President of Concerned Women for America**

Could the Equal Rights Amendment Become Part of our U.S. Constitution?

"Don't interfere with anything in the Constitution. That must be maintained, for it is the only safeguard of our liberties." --Abraham Lincoln, August 27, 1856

This year, we once again defeated the Convention of States (COS). HJR 1005 attempts to *apply* to Congress for an Article V Constitutional Convention (a.k.a. Amendments Convention, Con Con, or Convention of States.) Interestingly, the California-based Convention of States had no victories last year. In all twenty-seven states where COS was tried, they were defeated. State legislatures realize that opening up our U.S. Constitution at an Amendments Convention would put our Constitution at risk.

One risk that has reared its ugly head this year is the Equal Rights Amendment (ERA), an amendment that could cement abortion rights into our U.S. Constitution. An ERA could set the stage for what we are seeing today: the acceptance of infanticide in New York, a sitting governor, Ralph Northam (D-Virginia), endorsing infanticide, and forty-four members of the U.S. Senate approving the killing of newborn babies by voting against the passage of the Born Alive Abortion Survivors Protection Act.

The ERA was initiated by Congress in 1979 and sent to the states for ratification by 38 states to make it our 28th Amendment to the U.S. Constitution. After seven years, 35 states had ratified it. (See *The "Equal Rights" Amendment is a War on Women*, p.1.) Today's proponents of the Convention of States believe the "safeguard" of a COS is that 38 states would never ratify a bad amendment. However, in 1979 we were only three states away from making this dangerous amendment constitutional.

How easy would it be to slip the ERA into the debate at an Amendments Convention today? Think how our nation's morals have degenerated since 1979 when infanticide was unheard of, the differences in the sexes were accepted, women in military combat were unprecedented, and bathroom privacy was the norm.

Never before have the repeal of the Second Amendment and further restrictions on gun rights been popular. The Electoral College could be replaced by a National Popular Vote (NPV), which would have given us Hillary Clinton as our president. I recall out-of-state lobbyists coming to Pierre several years ago to promote the NPV.

Know that CWA of South Dakota will continue to oppose the Convention of States and work to rescind any applications for an Article V Amendments Convention. Our U.S. Constitution is a "miracle document" as stated by George Washington. It is not up for grabs. For more information on this topic, check out our brochure, *The Constitution is Not the Problem*. Tell your state legislators to protect our Constitution by opposing the Convention of States.

Linda Schauer, State Director

You Did it! - Protect Life Rule Released

"Let us not become weary in doing good, for at the proper time we will reap a harvest if we do not give up." --Galatians 6:9

The U.S. Department of Health and Human Services (HHS) issued a final rule governing the Title X family planning program. You may recall last summer CWA asked our members to participate in the comment period to the HHS regarding the Trump Administration's proposed Protect Life Rule. Successful enactment of the Protect Life Rule resulted after hundreds of thousands of comments from CWA members like you and other Americans who object to their tax dollars funding the abortion industry.

The Title X program, created in the 1970s to help low-income individuals access family planning services, specifically states that abortion is not family planning and no funds can go toward abortion operations. But that hasn't stopped the abortion industry from grabbing these funds to prop up their abortion businesses, then claiming these funds are not used for abortion. However, "fungibility" of taxpayer dollars means overhead, salaries, etc. are paid with these funds. Now the Protect Life Rule, along with prohibiting abortion referrals, requires physical and financial separation between abortion operations and family planning operations. Abortion facilities must be in buildings separate from other services, as well as have separate staff and bookkeeping.

We all know that for years our tax dollars have freely flowed to the abortion giant, Planned Parenthood Federation of America, assuring that almost 380,000 unborn babies die annually. About 6 in 10 Americans oppose taxpayer dollars being used to commit abortions, and that includes people who identify as pro-choice. Americans want out of the abortion business, and the Protect Life Rule is an important step to detangle the abortion industry from government funding.

Because Title X grant recipients are no longer forced to refer for abortion, entities like federally qualified, community-based health clinics can now apply for these Title X funds. These clinics provide comprehensive health care, including reproductive health care, screenings, and education. They do not consider abortion a method of family planning. This new rule directs taxpayer funds to providers who are willing to comply with grant requirements and stay out of the abortion business.

CWA of South Dakota in ACTION! Legislative Session 2019

"But you, stand here by me, and I will tell you all the commandments, the statutes and the ordinances, that you shall teach them, so that they may do them in the land that I am giving them to possess."
--Deuteronomy 5:31

The pro-family/pro-life cause was the focus of our efforts as Linda and I represented you at our state capitol. Our 2019 South Dakota legislative session started January 10 and ended on Veto Day, March 29. All bills, actions, and legislators can be accessed at sdlegislature.gov.

Sanctity of Life

Five bills regarding abortion and one concerning end-of-life issues all passed with nearly unanimous votes.

SB 72 and **SB 85** were updates to abortion reporting required by South Dakota law.

HB 1193, Rep. Hansen (R-Dist. 25) and Sen. Schoenbeck (R-Dist. 5), is an abortion anti-coercion bill that exerts a penalty when someone causes an abortion against a pregnant mother's will. Homicide/murder/manslaughter, aggravated assault or kidnapping against the pregnant mother – or any other person within the pregnant mother's presence – with the intent to cause the pregnant mother to undergo an abortion against her will and results in the death of the unborn baby, becomes a Class B felony.

HB 1177 and **HB 1190**, Rep. Frye-Mueller (R-Dist. 30) and Sen. Nelson (R-Dist. 19), are abortion informed consent ultrasound bills. HB 1177 states that the abortionist must offer the pregnant mother the opportunity to view a sonogram and hear the heartbeat of her unborn child and offer to "describe the images on the sonogram if the pregnant mother consents." HB 1190 updates reporting requirements that the abortionist must provide to the Department of Health annually.

HB 1055, Rep. Deutsch (R-Dist. 4) and Sen. Steinhauer (R-Dist. 9), known as "Simon's Law," was named for Simon Crosier, a baby born with Trisomy 18/Edward's Syndrome in a Kansas hospital in 2010. Simon's parents only discovered after his death that the reason they noticed Simon was given little care (and only "comfort feeds," insufficient food for growth/development) was that his doctor had placed a "do not resuscitate" order, or DNR, on Simon's chart without notifying them or requesting permission. Subsequently, Kansas passed the first "Simon's Law" in 2017 to protect parental rights of severely ill/disabled children who need care. Simon's mother, Sheryl Crosier, testified by phone for HB 1055. Dr. Don Oliver of Rapid City testified in person. Read Simon's story at Prolifehealthcare.org.

Education

HB 1040, Rep. Peterson, S. (R-Dist.13) and Sen. Kolbeck (R-Dist.13), the "Opportunity Scholarship" bill, brings equity for homeschoolers seeking to attend South Dakota colleges utilizing this state-funded scholarship. Homeschool students formerly were the only group required to have an ACT score of 28 to qualify, which is 4 points higher than public/private school students. HB 1040 equalizes the requirements outlined in state statute so that public, private, and homeschool students would all need a minimum ACT score of 24 and complete the required courses. Gov. Kristi Noem signed HB 1040 into law on February 13.

SB 96, Sen. Schoenbeck (R-Dist. 5) and Rep. Hansen (R-Dist. 25), an update of "Partners in Education Scholarship Program" (PIE), was a bill that sought to increase the efficiency of this parent-student choice plan. Since 2016, PIE provides tax credits to insurance companies who donate to provide private school scholarships to students who meet certain income/grade requirements. South Dakota became the 17th state to offer a tax credit scholarship program.

HB 1175, Rep. Healy (D-Dist. 14) and Sen. Nesiba (D-Dist. 15), was to establish an "Early Learning Advisory Council," which would pave the way for universal preschool in South Dakota. We opposed this bill that would continue enticing both parents out of the home and into the workforce. SB 1175 was defeated. School districts are gradually adding preschools to the public schools, but we wonder if taxpayers realize their dollars are funding these.

Article V - Constitution

HJR 1005, Rep. Steele (R-Dist. 12) and Sen. Curd (R-Dist. 12), was to"apply for a convention of states under Article V of the U.S. Constitution to impose fiscal restraints... limit the power and jurisdiction of the federal government…" HJR 1005 failed in committee, was "smoked out," but failed on a vote to calendar for further action in the House by a margin of 28-39. We opposed HJR 1005 because it is an effort to open up the Constitution for possible revision or a rewrite. Our U.S. Constitution already provides for fiscal restraint and limited power and jurisdiction. We simply need to obey it. For more information read our brochure, *The Constitution is Not the Problem*.

HJR 1002 and its companion **SJR 4**, Rep. Johnson, D. (R-Dist. 33) and Sen. Greenfield, B. (R-Dist. 2), were to rescind 2015's HJR 1001, an "application for an Article

V Constitutional Convention." Although these good resolutions failed, SJR 4 passed committee and nearly had success in the Senate with a 16-17 vote. We continue to hone our talking points, visit with legislators, and prepare for future citizen outreach on the issue of Article V.

HJR 1004, Rep. Johnson, D. (R-Dist. 33) and Sen. Greenfield, B. (R-Dist. 2), was to rescind some Constitutional Convention (ConCon) applications still in statute, some of which were century-old. HJR 1004 passed 62-2 in the House and passed in the Senate 33-0. We are pleased to report we now have only 2015's HJR 1001 "application for Article V ConCon" still in statute awaiting rescission when the time is right!

Gambling

South Dakota is ranked first in the nation with the number of casinos per 100,000 residents. South Dakota is ranked the second most gambling-addicted state, with Nevada being the first.

State Director Linda Schauer and Legislative Liaison Cindy Flakoll meet with fellow pro-family lobbyists at the state capitol.

SJR 2, Sen. Ewing (R-Dist. 31) and Rep. Johns (R-Dist. 31), would have placed "sports betting in the City of Deadwood" on the 2020 ballot for approval by the people. (If voters allowed Deadwood to offer sports betting, the state's tribal casinos would also be permitted.) SJR 2 passed the Senate, FAILED in the House State Affairs Committee, and was then sent to the 41st day (killed). Rep. Johns (R-Dist. 31) succeeded in a "smoke out" of the bill, but in the House, SJR2 failed to receive a majority vote (36) to calendar the bill for further debate and action, with a vote of 33-32.

SJR 5, Sen. Cronin (R-Dist. 23) and Rep. Hunhoff (R-Dist. 18), would have placed on the 2020 ballot for South Dakota voters to decide the issue of allowing roulette, keno, craps, limited card games, and slot machines in the city of Yankton. SJR 5 died in the Senate 13-22. This is the second year such a measure came to our legislature.

These gambling ideas will likely be brought as ballot initiatives in the future. Just as Gov. Noem has repeatedly stated during her campaign and press releases, we, too, must say "NO" to the expansion of gambling.

HB 1252 and **HB 1253**, Rep. Mills (R-Dist. 4) and Sen. Otten (R-Dist. 6), were good bills to phase out video lottery by gradually increasing the state's proceeds, as attempted in 2018. Both were defeated in committees. Rep. Mills, a businessman, attempted with an analysis to answer the question, "How will the state replace the funds?" He detailed where current funds originate and where they are spent, showing that little is gained once social costs are paid. Rep. Mills continued educating by placing similar bill language into **HR 1006**, "Recognizing the deleterious effects of gambling and video lottery." HR 1006 passed the House 38-27. We look forward to attempts to address video lottery next year.

Gender Identity

SB 49, Sen. Bolin (R-Dist. 16) and Rep. Brunner (R-Dist. 29), was "to declare void the transgender procedure adopted by the South Dakota High School Activities Association" and to establish the birth certificate as the identifier of a student's sexual identity for participation in high school athletics. Though a valiant attempt to ensure that students who claim they are "transgender" do not perform on opposite-sex teams that are currently sex segregated, SB 49 failed in committee.

Similarly, Rep. Qualm's (R-Dist. 21) **HB 1225** was to establish the birth certificate ("boy" or "girl") as the ONLY "determinant in identifying a student's sexual identity for...participation in high school athletics." HB 1225 failed in the House, 34-34. We testified, "When biological boys are allowed to compete as girls, no matter how high-achieving and hardworking a girl is in her specific sport, a girl is placed at a clear disadvantage. This is cheating. Are we going to condone cheating in our schools? How tragic it is that high-achieving girls are losing out on college sports scholarships by this injustice."

Success was forthcoming in the defeat of **HB 1243**, Rep. Sullivan (D-Dist. 13) and Sen. Foster (D-Dist. 27), an act to add "sexual orientation, or gender identity" to current hate crime law. Our statutes do not contain those terms, and we want our law left as it is. If you would like to learn more about South Dakota laws which "apply to everyone" regarding discrimination, go to the South Dakota Department of Labor & Regulation, Division of Human Rights.

Not on our CWA of South Dakota e-mail alert List? E-mail/call me at legisliaison@southdakota.cwfa.org or 605-380-2766.

Cindy Flakoll, Legislative Liaison

CWA Membership State & National: A donation of $25 or more has TWO benefits: membership in CWA of South Dakota *and* membership in CWA national. All donations given to CWA of South Dakota remain in South Dakota for state projects. Write your check out to "Concerned Women for America," put "CWA of SD" on the memo line, and send in the envelope provided. Or, give *online*. Your renewed annual membership/additional donation is greatly appreciated. All donations sent to CWA national in response to their mailings are utilized in Washington, D.C. All contributions are tax-deductible.