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WOMEN *for* AMERICA

LEGISLATIVE ACTION COMMITTEE

How the Battle for the ERA Became Every Right to Abortion

By all accounts, the Equal Rights Amendment (ERA) should be dead. The 1979 ratification deadline passed 40-years ago three states short of ratification. Concerned Women for America was on the front lines with opponents who stopped this constitutional amendment to prohibit sex distinctions in law that ultimately would “ERAs” women. But that has not stopped modern attempts to resurrect it.

Three states passed the ERA in recent years to argue that passage by three-fourths of states (38) has now been reached. Virginia claimed its place as the 38th state this year. The U.S. Department of Justice issued a legal opinion in January that the ERA has expired by every legal measure. This bars any action by the National Archives to certify new states because the ratification has expired.

Nevertheless, proponents in Congress are seeking to pass legislation to remove the deadline believing they have the authority to airdrop the ERA into the Constitution. Their motivation is clear: the ERA would become a new constitutional right guaranteeing abortion on demand. For abortion advocates, the ERA is now about achieving Every Right to Abortion.

State-level ERAs have been used to require taxpayer-funded abortion

- In 1998, the New Mexico Supreme Court ruled unanimously that the state ERA required the state to fund abortions since procedures sought by men, like prostate surgery, are funded. A lawsuit in Connecticut used similar arguments and achieved the same objective: full taxpayer-funded abortion.
- In 2019 Planned Parenthood and Women’s Law Center filed a lawsuit in Pennsylvania arguing that Pennsylvania’s ERA means abortion must be included in medical coverage for women because men aren’t denied coverage for anything.

Abortion groups are actively campaigning to pass the ERA

- Proponents of the ERA today say ratification would enable courts to rule that any restrictions on abortion would “perpetuate gender inequality.” NARAL Pro-Choice America claims: “With its ratification, the ERA would reinforce the constitutional right to abortion...”
- In a 2019 letter to the House Judiciary Committee, the ACLU stated: “The Equal Rights Amendment could provide an addition [sic] layer of protection against restrictions on abortion, contraception, and other forms of reproductive healthcare.”
- The pro-ERA website, EqualRightsAmendment.org, [explicitly states](#) that ratifying the ERA into the U.S. Constitution would “provide a strong legal defense against a rollback of women’s rights (including but not limited to: *Roe v. Wade...*).”

Attempts to resurrect the ERA must be defeated

- ERA proponents see a new opportunity in a modern age to resurrect the ERA. Their efforts must be stopped. Any legislation seeking to amend the Constitution with an ERA must be defeated. Any legislator on the side of protecting life must oppose the ERA.