



## Oppose Unrestricted Abortion – Oppose S.J. Res. 1 re ERA

Dear Senator:

May 5, 2021

Pro-Family Women strongly urges you to oppose S.J. Res. 1, legislation which erroneously tries to retroactively remove the deadline established for the ratification of the 1972 Equal Rights Amendment (ERA). This is just the latest unconstitutional effort to revive the long-dead Equal Rights Amendment sent to the states in 1972. Moreover, although the Equal Rights Amendment purports to provide for the equality of women, it is actually harmful to both women and unborn children because it will be used to overturn restrictions on abortion. Any restrictions on abortion could fall victim to the ERA, thereby harming the health of women and taking the lives of children in the womb.

**Unconstitutionality of S.J. Res. 1:** Proponents assert that the current Congress has the power to remove the deadline for ratification of the ERA that was established by Congress decades ago. But a ratification deadline established by Congress over 40 years ago and which has expired, cannot now be retroactively removed. As DOJ's Office of Legal Counsel explained in its 2020 ERA Opinion, "*Congress may not revive a proposed amendment after the deadline has expired. . .*"

**Tool to Effectuate Abortion-on-Demand.** It is acknowledged by both the pro-abortion and pro-life sides that the Equal Rights Amendment could be used to overturn restrictions on access to abortion. State ERAs have already been used to this effect. The New Mexico Supreme Court has ruled that its state ERA requires state funding of abortion. A similar effort to use the Pennsylvania Constitution's ERA to require state funding of abortion is underway. If the Equal Rights Amendment were ever to be made part of the U.S. Constitution, it could be used to petition courts to strike down the Hyde Amendment, partial-birth abortion bans, conscience protection provisions, and other restrictions on access to abortion.

Pro-Family Women urges you to vote against S.J. Res. 1 (and H.J. Res. 17), on procedural votes and on passage, because it is unconstitutional and its intent is to help enact the Equal Rights Amendment, which could be used to overturn all restrictions on abortion in America. Any legislation that could be used to expand access to abortion is not pro-woman.

Sincerely,

Susan T. Muskett, J.D., President  
Pro-Family Women