



Elections & Laws for Life

December 13, 2018

Dear Members of the Virginia General Assembly:

It has come to our attention that members of the Virginia General Assembly intend to introduce in the next session of the legislature a resolution of ratification for the Equal Rights Amendment (ERA) to the U.S. Constitution as first proposed in 1972. We are writing to notify you of our implacable opposition to ratification of the ERA in its current form. We urge you to defer consideration of, and vote against, the ERA for one simple reason: as written and as interpreted to date by a wide range of legal scholars and even by certain advocates of the amendment, the ERA will install a legal mandate for abortion on request, funded with taxpayer dollars, into our nation's fundamental law.

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, citizens of the Commonwealth of Virginia rightly perceive a vote to ratify this amendment not only as 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.

In light of these considerations, no vote should occur in the General Assembly on the ERA. In its present form and posture, it represents an assault on the process of constitutional revision and an attack on the value of every human life. We urge you to vote no on proceeding to consider or adopt the Equal Rights Amendment.

Sincerely,

Marjorie Dannenfelser
President
Susan B. Anthony List