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## Louisiana Right to Life Opposes Ratification of the 1972 ERA *The ERA of 1972: Pro-Abortion and Expired*

Louisiana Right to Life strongly opposes any effort by the Louisiana Legislature to pass a resolution supporting or ratifying the Federal Equal Rights Amendment (ERA) that was submitted to the states in 1972 because of its abortion connection and its expired timeline. Louisiana Right to Life reserves the right to score votes of the Legislature as it pertains to the ERA.

### 1. THE ERA IS PRO-ABORTION

For years, pro-abortion groups have used the ERA successfully as a tool to expand abortion-on-demand and strike down common-sense pro-life laws.

On March 13, 2019, NARAL Pro-Choice America sent an email out saying, "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..."



**NARAL**  
PRO-CHOICE AMERICA

**"With its ratification, the ERA would reinforce the constitutional right to abortion..." 3/13/19**

In 1998, every justice on the New Mexico Supreme Court agreed that the state ERA, adopted by NM in 1973, made it unconstitutional for the state Medicaid program to refuse to fund abortions if procedures sought by men (e.g., prostate surgery) are funded. Thus, the ERA forced the citizens of New Mexico to fund abortions through their tax dollars.

If the ERA were to be ratified, every pro-life law on the books in Louisiana and across the nation would be in jeopardy, including restrictions on taxpayer funding of abortion.

### 2. ERA MUST HAVE "ABORTION-NEUTRAL" LANGUAGE

Beginning in 1983, pro-life members of Congress have insisted that a simple "abortion-neutralization" clause must be added to any new ERA before it is sent out to the states. The proposed revision –



which cannot be added to the already-fixed language of the 1972 ERA, but which could be added by Congress to any new ERA proposal – reads as follows:

***Nothing in this Article [the ERA] shall be construed to grant, secure, or deny any right relating to abortion or the funding thereof.***

This proposed revision would not change the current legal status of abortion, nor would it permit the ERA itself to be employed for anti-abortion purposes. Rather, the proposed revision would simply make any new ERA itself neutral regarding abortion policy. However, leading ERA proponents have adamantly refused to accept such an abortion-neutralization revision. That refusal is one major reason why neither house of Congress has voted on any ERA since it was defeated on the U.S. House floor on November 15, 1983.

If a future ERA were to be proposed and included the abortion-neutrality language, Louisiana Right to Life would no longer oppose the ERA.

### **3. THE 1972 ERA IS DEAD**

The original 1972 ERA amendment contained a seven-year deadline for ratification, which expired in 1979 with only 35 of the necessary 38 state legislatures having acted to ratify. Congress then passed a resolution that extended the deadline to 1982. However, no additional states ratified the ERA.

When the “deadline” was appealed to the U.S. Supreme Court, the Acting Solicitor General of the U.S. wrote a memorandum explaining that the ERA was no longer viable, and in 1982, the Supreme Court agreed, dismissing the case as moot.

In 1983 the majority leadership of the U.S. House of Representatives (then Democratic) also recognized that the 1972 ERA was dead by proposing that the same ERA language be sent out to the states again. However, the House voted down this ERA because there was no abortion neutral language in the amendment.

Therefore, any current resolution being proposed to ratify the ERA in Louisiana would be unconstitutional since the Supreme Court has already ruled that the 1972 ERA is no longer viable due to its past expiration date.