



Please oppose ERA (SJCA-4): It strengthens abortion rights

Executive Summary (see attached documentation for more information)

The Equal Rights Amendment (ERA) is an amendment to the U.S. Constitution, that would restrict all laws and practices that make any distinction based on gender – even pregnancy and abortion would be affected because under the strict scrutiny of the ERA, men and women can not be treated differently, even when it comes to health care based on biological differences.

The abortion rationales with the ERA are: (1) you can't single women out for different treatment due to a characteristic unique to their gender in a manner that harms them (and in the view of the abortion supporters, restricting access to abortion is harmful). And (2) if you provide health services to men for conditions unique to men (prostatectomies, vasectomies, etc), you must provide health services to women for conditions that are unique to women.

Proof that the ERA would expand abortion rights:

In several states with state ERAs, **the state courts ruled in favor of expanding taxpayer funding for Medicaid abortions.** In each of these states, the courts and/or litigants argued that the state ERA required expanded taxpayer funding for Medicaid abortions to provide equal access to women for healthcare. This expanded coverage went well beyond abortions that save the life of the mother or cases of rape and incest.

Also - **supporters of the ERA (including NOW and the ACLU) agree that the ERA requires expanded abortion rights** as shown by the amicus court briefs they've filed in state court challenges advocating for expanding Medicaid funding for abortion under state ERAs.

The ERA would affect more than funding for abortions. Using this same 'sex discrimination' rationale, legal scholars have reasoned that the ERA would:

- Eliminate all abortion regulations and restrictions including federal and state bans on partial-birth abortions, prohibitions on third-trimester and post-viability abortions, health and safety standards for abortion providers, and state laws requiring parental involvement for minors seeking abortions.
- Provide a new federal constitutional basis for abortion rights.
- End conscience protections for nurses, doctors, and hospitals.
- Threaten tax exemptions of private religious schools that discourage abortion.

Some state courts have chosen to interpret their state ERA more narrowly, and have rejected an ERA abortion rationale, but **the important point to consider is that the ERA has been used in multiple state courts, and very likely would be used on the federal level, to expand abortion rights and overturn abortion restrictions.** Those who value the life of the unborn child won't be willing to take that risk.

Several U.S. Supreme Court Justices have also signaled their willingness to use a federal ERA and the rationale of sex discrimination to strengthen abortion rights in several court opinions that they've written.

Inserting an abortion neutral clause in the ERA is the only way to guarantee the federal ERA won't be used to strengthen abortion rights abortion neutral clause to the ERA. However, every attempt to do so has been refused by the ERA supporters. Their actions speak louder than their words.

The Equal Rights Amendment, as it now stands, will have a negative impact on women and their unborn children by overturning important abortion regulations and restrictions. The vague, broad language of the ERA gives judges a "blank check" to write full abortion rights into the U.S. Constitution. Those who believe we need an ERA should write a better amendment that won't harm women or their unborn children. **Please vote no on the ERA (SJCA-4).**

For more information, please contact Elise Bouc, State Chairman, Illinois Stop-ERA at 847-707-1217 or ebouc7@gmail.com