

Dear Senators:

More than fifty years ago, the Senate passed the mis-named Equal Rights Amendment (ERA) and sent it to the states for ratification within seven years. But the flawed proposal expired when it failed to receive approval of three-quarters of the states within the prescribed time frame.

Recently, it has come to our attention that Majority Leader Schumer may soon force a cloture vote on H.J. Res. 17, a resolution that purports to retroactively remove the ERA's ratification deadline. Independent Women's Law Center (IWLC) and Independent Women's Voice (IWV) urge you to oppose such efforts.

Any attempt by Congress to “remove” the ratification deadline is unconstitutional.

Congress's legitimate role in the amendment process ended on March 22, 1972, when it submitted the ERA to the states for consideration. On September 28, 2022, the Department of Justice acknowledged as much, stating in court that “[t]he Constitution doesn't contemplate any role for Congress at the back end. Congress proposes the amendment, it goes out into the world, and the states do what they're going to do.” Congress lacks constitutional authority to do anything else.

What's more, Article V requires that constitutional amendments receive approval by two-thirds of Congress and relatively contemporaneous approval by three-quarters of the States. Any attempt by Congress to remove the ratification deadline that was critical to Congress's passage of the ERA in 1972 short-circuits these constitutional requirements and deprives today's voters of their right to fully consider the ramifications of the proposed amendment.

Make no mistake, the ramifications of adopting the ERA in 2022 are serious.

In 2022, there isn't a single right that men and women do not share equally. As such, if the ERA is to be anything more than symbolic, it is likely to be interpreted as going further than current law, requiring government to treat males and females exactly *the same* in all circumstances, irrespective of actual differences.

In practice, the ERA is likely to be used to:

- prohibit female-only spaces, such as women's shelters, prisons, sororities, bathrooms, and sports teams;

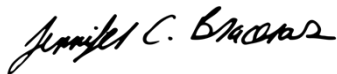
- require the military to send equal numbers of women and men into combat; and
- eliminate countless programs designed to support women and girls—programs such as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), federal grants that attempt to increase the participation of females in STEM, and grants administered pursuant to the Violence Against Women Act.

Those are just some of the downsides.

Since men and women are already equal under American law, the ERA has no upside.

Independent Women’s Law Center and Independent Women’s Voice, therefore, urge you to reject any attempt to revive the ERA without the consent of constitutionally required super-majorities.

Sincerely,



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