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February 4, 2021

Members of the North Dakota, Senate Government and Veterans Affairs Public Hearing

Re: Republican Support for the Equal Rights Amendment and in opposition to SCR 4010

Members of the Senate Government and Veterans Affairs Committee,

Thank you for giving me an opportunity to share my position in opposition to SCR 4010. By way of background, I am a retired State representative from Illinois. I was proud to be the Republican Chief Co-Sponsor of the ERA in 2018 during our successful effort to become the 37th state to ratify the ERA. I think it is important to note two things about me:

1) I am a lifelong Republican and 2) I am Pro-Life.

For too long, the ERA has been viewed as a partisan issue; we need to realize that it is not and never has been. From the beginning, Equal Rights for Women and passing the Equal Rights Amendment was a plank in both parties platform. And today it remains so. Polling shows overwhelming support by both parties. I can proudly say that in my own effort in Illinois, a quarter of my Republican caucus joined our Democratic colleagues to pass the ERA.

This is because we recognized that the ERA reflects at least three core Republican principles.

1) We believe in individual rights and responsibilities. The ERA is fundamentally about leaving people alone and allowing them to govern their own lives and make the most of what they can do.

2) The ERA is about limited government. It is about keeping government out of the business of discrimination. It does not create additional rights or protections. It only protects all people from governmental discrimination.

3) The ERA supports a fundamental free market basic principle. It improves our workforce, by forcing men and women to compete on the same level playing field; more competition by men and women results in stronger, faster and more adaptable businesses and employees.

Of course, I would be doing you a disservice if I did not address the “800 pound gorilla” in the room: Abortion.

Contrary to the position of many opponents (and some supporters) of the ERA, abortion has nothing to do with the ERA, and never did. If it did, I would not support it and I would not be writing you this letter. Simply put, in 50 years of state level ERA’s, not a single state court has held that the ERA mandates elective abortions, or full term abortions, or any of the other horror stories that have been thrown out there. NOT ONE. The only impact on abortions based on an ERA is the one exception that most Republicans already acknowledge; that a Doctor recommended medically necessary abortion (to protect the health/life of the mother) must be covered by insurance. That’s it.

Simply put, the narrative about abortion is false.

Lastly, I would like to address the “process” arguments that suggest that the time has expired for ratification of the ERA. This is simply untrue. A plain reading of the United States Constitution provides two elements for amending the Constitution; 1) supermajority passage in the US House and Senate (done) and 2) ratification by 38 states (also done). You will not find any provision for a time limit on ratification in the Constitution. As strict constructionists, I would assume that most Republicans would oppose efforts to insert requirements into the Constitution that aren’t actually written there.

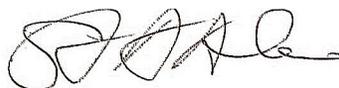
Moreover the Supreme Court has made clear that even a 200 year old proposed amendment can still be ratified. Lastly, the Supreme Court has also recognized that the US Congress has its own power to remove the deadline (which the House of Representatives did last year) and that will be accomplished this year in the House and the Senate. Arguments to the contrary simply choose to ignore the clear precedent on this issue.

The fight for the ERA is not over and no one can put a time limit on equality.

North Dakota is currently on the right side of history on the ERA. I urge you to remain there.

Again, I thank you for the opportunity to explain why Republicans should support the ERA. I wish you well in your efforts and I would welcome any opportunity to assist. Please feel free to forward this letter as you deem fit.

Best Regards,

A handwritten signature in black ink, appearing to read 'S. Andersson', written in a cursive style.

Representative Steven A. Andersson - Illinois (Retired)