

United States Senate

WASHINGTON, DC 20510

April 26, 2013

SUPPORT EQUAL RIGHTS FOR WOMEN AND RATIFICATION OF THE EQUAL RIGHTS AMENDMENT (ERA)

DEADLINE FOR ORIGINAL CO-SPONSORSHIP: MAY 9

Dear Colleague:

As we prepare to celebrate Mother's Day, we write to encourage you to become an original co-sponsor of a bipartisan joint resolution to remove the deadline for the states' ratification of the Equal Rights Amendment (ERA). When Congress passed the ERA in 1972, it provided that the measure had to be ratified by three-fourths of the states (38 states) within 7 years. This deadline was later extended to 10 years by a **joint resolution** enacted by Congress, but ultimately only 35 out of 38 states had ratified by the **revised 1982 deadline**.

Congress has the authority to give the states another chance, and should do so. Our resolution would remove the deadline set by Congress for ratification of the ERA. In 1992, the 27th Amendment to the Constitution prohibiting immediate Congressional pay raises was ratified after 203 years. Article V of the Constitution contains no time limits for ratification of constitutional amendments, and the ERA time limit was contained in a joint resolution, not the actual text of the amendment.

The Fourteenth Amendment of the Constitution requires "equal protection of the laws," and the Supreme Court has so far held that most sex or gender classifications are subject to only "intermediate scrutiny" when analyzing laws that may have a discriminatory impact. In 2011, Supreme Court Justice Antonin Scalia gave an interview in which he stated that "certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't." Ratification of the ERA by state legislatures would provide the courts with clearer guidance in holding gender or sex classifications to the "strict scrutiny" standard.

This joint resolution was introduced in the last Congress as S.J. Res. 39. The legislation has been endorsed by numerous civil rights groups. Please find attached a recently updated CRS report on this subject. To join as an original co-sponsor of this legislation or if you have any questions, please contact Margot Hecht in Senator Cardin's office at 202-224-4524 or margot_hecht@cardin.senate.gov, or Gretchan Blum in Senator Kirk's office at 202-224-2854 or gretchan_blum@kirk.senate.gov.

Sincerely,



Benjamin L. Cardin
United States Senator



Mark S. Kirk
United States Senator