

United States Senate

WASHINGTON, DC 20510

March 8, 2012

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

DEADLINE FOR ORIGINAL CO-SPONSORSHIP: MARCH 22

Dear Colleague:

As we celebrate International Women's Day today, I write to encourage you to join as an original co-sponsor of legislation I will introduce 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 the ERA when the deadline expired in 1982.

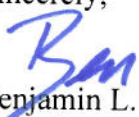
Congress should give the states another chance. My resolution would remove the deadline set by Congress for ratification of the ERA. In 1992, the 27th Amendment to the Constitution prohibiting immediate Congressional pay raises was ratified after 203 years. Article V of the Constitution contains no time 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.

March is Women's History Month. On March 22nd, I will introduce this legislation, which coincides with the 40th anniversary of passage by the Senate of the joint resolution to extend the ERA ratification timeline. In the House, Congresswoman Tammy Baldwin has introduced similar legislation, H.J. Res. 47, which has been endorsed by numerous groups including United 4 Equality, the National Council of Women's Organizations, the National Organization for Women, and the American Association of University Women.

To join as an original co-sponsor of this legislation or if you have any questions, please contact Andy Remo of my staff at 4-4524 or andy_remo@cardin.senate.gov.

Sincerely,


Benjamin L. Cardin
United States Senator