

**Robert M. Carlson**  
President

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January 2, 2019

Senator Richard L. Saslaw  
Senate Minority Leader  
P.O. Box 1856  
Springfield, VA 22151-0856

**RE: ABA Support for Ratification of the Equal Rights Amendment**

Dear Senator Saslaw:

I am writing on behalf of the American Bar Association and its over 400,000 members to urge you to use the power of your office to secure ratification of the Equal Rights Amendment (ERA) during this upcoming 2019 legislative session. We understand that an ERA resolution will be reintroduced with bipartisan support in the Virginia Senate shortly and that a similar resolution already has been pre-filed in the House of Delegates for the upcoming 2019 legislative session.

The ABA has long advocated for gender equality and stands in full support of ratification of the ERA. Our policy-making body has adopted positions of support in 1972, 1974, and in 2016, when it reaffirmed the need for, and its support of, ratification of the ERA.

The ERA is needed to assure that gender equality is recognized as a fundamental, irrevocable right protected by the highest law of the land. Ratification would have three immediate effects:

- First, it would establish that gender equality under the law is a fundamental and irrevocable tenet of our society.
- Second, it would require all judges to apply the highest standard of scrutiny when deciding cases involving sex discrimination. This means judges would use the same standard of review in sex discrimination cases that they now use in deciding cases involving discrimination based on race, religion, and national origin.
- Third, it would protect and reinvigorate enforcement of existing gender equity laws.

We are encouraged that Nevada and Illinois have recently ratified the ERA because it signals a renewed nationwide recognition of the need for the ERA and the public's determination to transform legislators' verbal support for equal rights into votes for ratification. Indeed, a recent [poll](#) released by the Watson Center for Public Policy at Christopher Newport University revealed that there was overwhelming public support for favorable action by the General Assembly this session. We hope that Virginia will have the honorable distinction of becoming the 38th state to ratify the ERA.

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While ratification by Virginia will mark a watershed moment, issues involving the expiration of the deadline for ratification will still need to be resolved by Congress before the ERA will become the 28<sup>th</sup> Amendment to the U.S. Constitution. Legislation to address this issue was introduced in the past Congress and will be reintroduced again during the 116<sup>th</sup> Congress. Even though the ABA has not taken a position on proposed legislative solutions, we remain committed to constitutional equality for women and to ratification and implementation of the ERA.

We commend the Virginia Senate for its prior votes of support for the ERA and anticipate that your efforts this year will finally result in ratification of the ERA by the Commonwealth of Virginia.

Thank you for your consideration of the views of the ABA on this critical matter. Please contact Denise Cardman, deputy director of the Governmental Affairs Office, at [denise.cardman@americanbar.org](mailto:denise.cardman@americanbar.org) if we can be of additional assistance.

Sincerely,

A handwritten signature in black ink, reading "Robert M. Carlson". The signature is written in a cursive, flowing style.

Robert M. Carlson