December 18, 2019

Senator Harvey S. Peeler Jr.
President of the Senate
South Carolina General Assembly
213 Gressette Building
Columbia, SC 29201

Representative James H. Lucas
Speaker of the House
South Carolina General Assembly
506 Blatt Building
Columbia, SC 29201

RE: ABA Support for Ratification of the Equal Rights Amendment

Dear Senator Peeler and Representative Lucas:

On behalf of the American Bar Association (ABA), which is the largest voluntary association of lawyers and legal professionals in the world, I am writing to urge you to use the power of your office to secure ratification of the Equal Rights Amendment during South Carolina's upcoming legislative session. We understand that H.J. Resolution 3391, which has strong bipartisan support, now stands in the House Judiciary Committee, and S. 90, a companion joint resolution that also has bipartisan support, was recently pre-filed in the Senate and referred to the Senate Judiciary Committee.

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 and 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.

In the wake of ratification by Nevada and Illinois last year, we are encouraged by the strength of the effort underway in South Carolina and other states to make ratification a priority issue during the upcoming legislative session. This renewed momentum is a signal that enshrining the principle of gender equality in our Constitution is long overdue.

We hope that you will do all you can to secure prompt ratification of the ERA by the South Carolina General Assembly in 2020.

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 if we can be of additional assistance.

Sincerely,

Judy Perry Martinez
President, American Bar Association

cc:
Senator Tom Davis
South Carolina General Assembly
604 Gressette Building
Columbia, SC 29201

Representative Gilda Cobb-Hunter
South Carolina General Assembly
309-C Blatt Building
Columbia, SC 29201

Representative Peter McCoy
Chairman, House Judiciary Committee
South Carolina General Assembly
512 Blatt Building
Columbia, SC 29201