

Robert M. Carlson
President

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February 15, 2019

Senate President Karen Fann
Arizona State Senate
1700 West Washington Street, S205C
Phoenix, AZ 85007

Senator Minority Leader David Bradley
Arizona State Senate
1700 West Washington Street, S213B
Phoenix, AZ 85007

RE: ABA Support for Ratification of the Equal Rights Amendment

Dear President Fann and Democratic Leader Bradley:

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) by the Arizona State Legislature this legislative session. We understand that SCR 1006 and SCR 1009, identical concurrent resolutions to ratify the ERA, have been introduced with bipartisan support in the Arizona Senate and that an identical concurrent resolution has been filed in the House.

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 and 1974, and most recently 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.

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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. We hope that Arizona will have the honorable distinction of becoming the 38th state to ratify the ERA.

While ratification by Arizona 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 28th Amendment to the U.S. Constitution. Federal legislation to address this issue has already been reintroduced in both chambers this 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 introduction of bipartisan bills in the Arizona Senate and hope that members of the Senate will soon have an opportunity to vote for ratification of the ERA.

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,

A handwritten signature in black ink that reads "Robert M. Carlson". The signature is written in a cursive, slightly slanted style.

Robert M. Carlson

Cc: Senator Eddie Farnsworth
Chair, Committee on the Judiciary
Arizona State Senate