

Letter to the Editor Template – ERA

In 1972, Congress passed the Equal Rights Amendment and most states promptly approved it. But over the years, it fell three states short of the two-thirds necessary for ratification. Last March, Nevada ratified the ERA leaving only two states to go. Thanks to the April 11th Illinois Senate vote to ratify, Illinois is on the verge of being one of those final two states this May.

The operative language of the ERA is only 24 words: "*Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.*" It is a simple declaration that discrimination on the basis of gender is not allowed.

Why is this necessary? The ERA would include equal rights in the US Constitution. Legislative changes are a patchwork at best, potentially revocable by legislative whim or nullified by the courts. The lack of an Equal Rights Amendment allowed Justice Scalia, in 2010, to declare that the Constitution does not prohibit discrimination on the basis of sex. For that, he stated, "you have legislatures." Today you cannot seek redress based on the Constitution; instead you can pass a law, and then pass another law, and then pass another law, and then litigate them all.

This simple Amendment has the power to bring change. The Illinois state constitution *already* guarantees in Illinois that "equal protection of the laws shall not be denied or abridged on account of sex by the State....; the Illinois House should take the simple step of ratifying the federal constitutional amendment that would include equal protection of the laws regardless of sex in the US Constitution and apply that to all the states and to the US government.