

Congress of the United States

Washington, DC 20515

December 6, 2022

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, D.C. 20510

Dear Majority Leader Schumer and Minority Leader McConnell,

As Members and allies of the Democratic Women's Caucus, we write to request that the Senate affirm the Equal Rights Amendment (ERA) as the 28th Amendment to the Constitution.

The ERA simply states that, "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." The amendment was first introduced in Congress in 1923. Nearly a century later, women are still fighting for equal justice under law.

These include women like Christy Brzonkala, who sued her rapists under the Violence Against Women Act only to have the Supreme Court strike down the private right of action; Tracy Rexroat, whose starting salary at the Arizona Department of Education was \$17,000 lower than her male counterpart's because of her salary history; and Jessica Lenahan, whose estranged husband kidnapped and murdered their three young daughters after the police refused to enforce a restraining order.

The ERA will create stronger legal recourse against sex discrimination, empower Congress to better enforce and enact laws protecting women, and confirm the rightful place of gender equality in the Constitution. It will also ensure that the Supreme Court uses the most demanding standard of review in sex discrimination cases, the way it already does for race-based discrimination.

For the answer to why the ERA is so important, we need look no further than the late Supreme Court Justice Antonin Scalia who said, "Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It does not." The lack of an ERA allowed a Supreme Court Justice to have this interpretation. The lack of an ERA also puts us woefully behind our allies. Of 193 UN member states, 165 explicitly guarantee equality or non-discrimination based on sex and/or gender in their Constitutions, yet we fail to do the same.

The ERA has a long history of bipartisan support. The House passed H.J.Res. 17 to remove the arbitrary time limit for the amendment's ratification in a bipartisan vote. The Senate companion bill, S.J.Res. 1, also enjoys bipartisan support. Bipartisan and bicameral congressional action on the ERA will once again make clear our commitment to constitutional equality.

Nearly three years ago, the ERA was ratified by Virginia – the 38th and final state needed to meet the constitutional requirements for ratification. On January 27, 2022, the second anniversary of Virginia's historic vote and the date the ERA went into effect, President Biden issued a statement in support of the ERA and called on Congress "to act immediately to pass a resolution recognizing ratification of the ERA." We urge you to heed the President's call for action and schedule a vote on the Senate floor for H.J.Res. 17.

Thank you for your consideration. We stand ready to assist your efforts.

Respectfully,


Sylvia R. Garcia
Member of Congress


Judy Chu
Member of Congress


Anna G. Eshoo
Member of Congress


Carolyn B. Maloney
Member of Congress


Nanette Diaz Barragán
Member of Congress


Maxine Waters
Member of Congress


Jan Schakowsky
Member of Congress


Susan Wild
Member of Congress



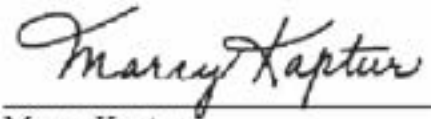
Frederica S. Wilson
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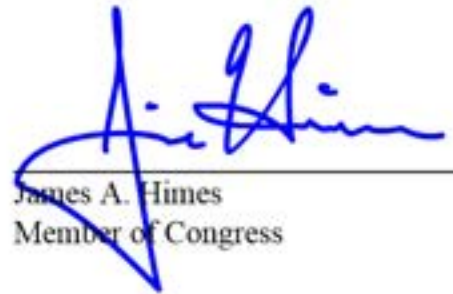
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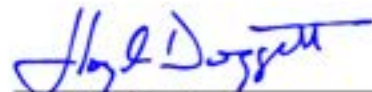
Kim Schrier, M.D.
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Grace F. Napolitano
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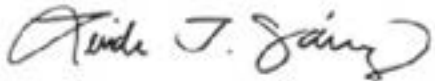
Lloyd Doggett
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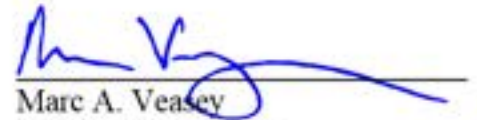
Barbara Lee
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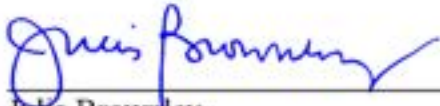
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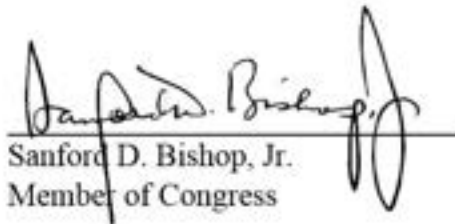
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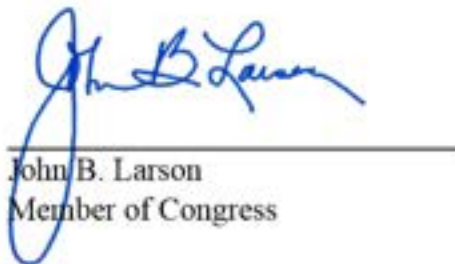
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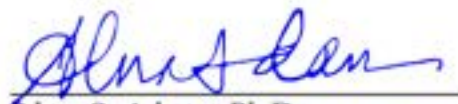
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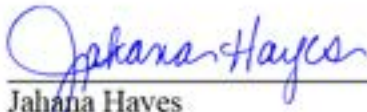
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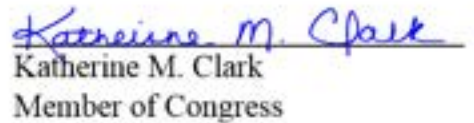
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Jackie Speier
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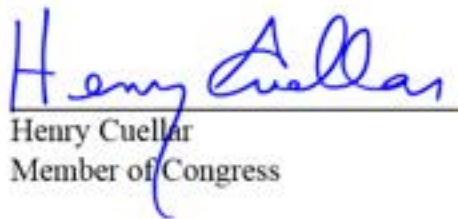
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Ron Kind
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Debbie Dingell
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Rashida Tlaib
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Rick Larsen
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Elissa Slotkin
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Diana DeGette
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Susie Lee
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Jamaal Bowman, Ed.D.
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Kurt Schrader
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Matt Cartwright
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Cori Bush
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David Scott
Member of Congress



Patrick K. Ryan
Member of Congress



Adriano Espaillat
Member of Congress



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Member of Congress



Raúl M. Grijalva
Member of Congress



Mark DeSaulnier
Member of Congress