

Congress of the United States
Washington, DC 20515

February 24, 2020

Mr. David Ferriero
The National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740

Dear Mr. David Ferriero,

Since our country's founding, women have been left out of the Constitution – intentionally. They were second-class citizens deprived of basic rights to vote, enter most jobs, or own property. To this day, women are paid less for their work, violated with impunity, and discriminated against simply for being who they are.

Put simply, they have had enough. Now that Virginia is the critical 38th state needed to ratify the Equal Rights Amendment (ERA), we urge you to honor your duty and expeditiously certify the ERA to the Constitution.

The ERA will finally recognize women's equality in our foundational document, helping us better achieve that eternal promise etched atop the Supreme Court: "Equal Justice Under Law." It will make a meaningful difference for those struggling with unequal pay, pregnancy discrimination, sexual violence, lack of health care access, and much more.

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 has allowed a Supreme Court Justice to have this interpretation.

Indeed, while women have some protections thanks to a patchwork of laws, those laws have loopholes and can easily be repealed or undermined. Our rights shouldn't depend on the current political agenda or whims of Congress or who is sitting in the White House. Women's basic and fundamental rights should and must be bedrock.

The lack of an ERA is a stain on our Constitution and our country. Of 193 UN member states, 165 explicitly guarantee equality or non-discrimination based on sex and/or gender in their Constitutions. Several countries that have looked to the United States to model their own Constitutions have recognized the equality of women and men in their Constitutions, yet we fail to do the same.

To our dismay, the Department of Justice recently issued a nonbinding and erroneous opinion that the current ERA is beyond ratification. Putting aside the Department's legal gymnastics – such as the baseless argument that Congress has the authority to set deadlines but lacks the authority to change deadlines – we remind you that Article V of the Constitution is crystal clear that the sole power to amend the Constitution lies with Congress and the States. There is no allowance for the Executive Branch to butt in and defy the will of the people.

To clear up any legal ambiguity and reassert Congress' power over the constitutional amendment process and support for women's equality, the U.S. House of Representatives held a historic and bipartisan floor vote on eliminating the arbitrary deadline for ratification on February 13, 2020. We urge the Senate to follow suit.

The Archives is currently featuring a fantastic new exhibit titled, "Rightfully Hers: American Women and the Vote." Indeed, this year marks the centennial of the 19th Amendment, recognizing some women's right to vote. We cannot afford to wait another hundred years for women's equality. Women deserve justice and equality with the ERA NOW!

It is rightfully theirs.

Sincerely,


Jackie Speier
Member of Congress


Lois Frankel
Member of Congress


Brenda L. Lawrence
Member of Congress


Veronica Escobar
Member of Congress


Deb Haaland
Member of Congress


Yvette D. Clarke
Member of Congress


Ann Kirkpatrick
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Marcy Kaptur
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Nanette Diaz Barragán
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Susan A. Davis
Member of Congress


Haley M. Stevens
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Ami Bera, M.D.
Member of Congress



Ruben Gallego
Member of Congress



Denny Heck
Member of Congress



Matt Cartwright
Member of Congress



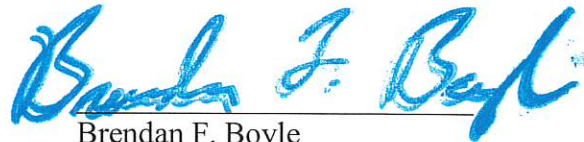
John Lewis
Member of Congress



Derek Kilmer
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Lizzie Fletcher
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Brendan F. Boyle
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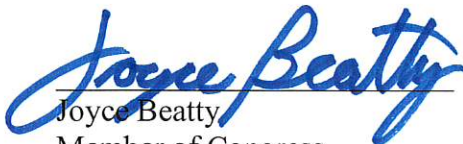
Eliot L. Engel
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Adam Smith
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Charlie Crist
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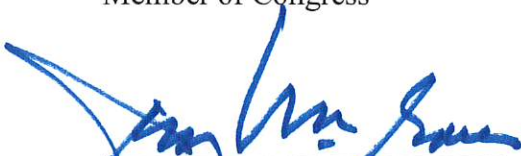
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Danny K. Davis
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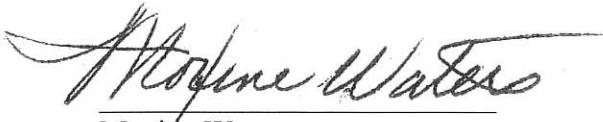
Diana DeGette
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Madeleine Dean
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Xochitl Torres Small
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Maxine Waters
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Kathleen Rice
Member of Congress



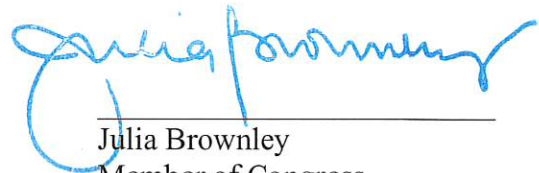
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Kathy Castor
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Susie Lee
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Julia Brownley
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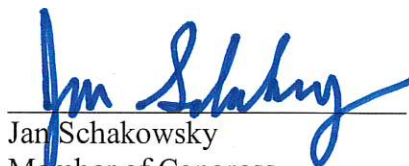
Dina Titus
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Nita M. Lowey
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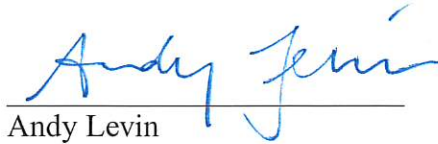
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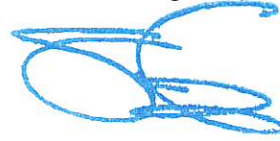
John Garamendi
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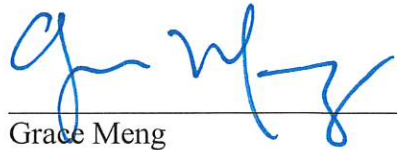
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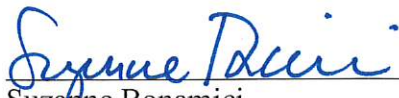
Lisa Blunt Rochester
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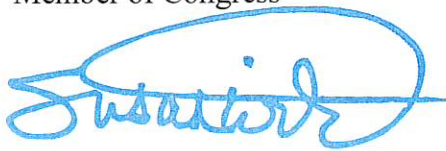
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Alexandria Ocasio-Cortez
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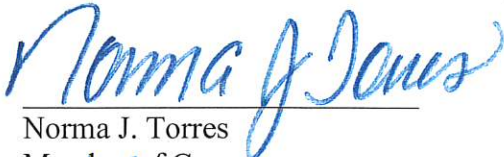
Cheri Bustos
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Barbara Lee
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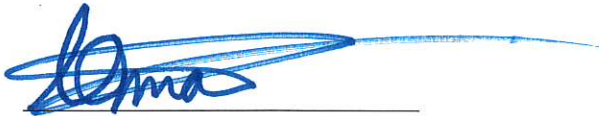
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Norma J. Torres
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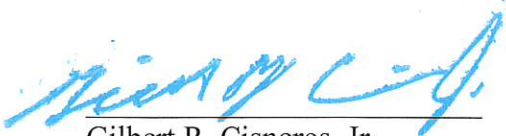
Ilhan Omar
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Nydia Velázquez
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Lauren Underwood
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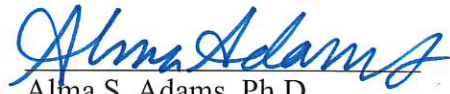
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Katherine Clark
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Alma S. Adams, Ph.D.
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Tulsi Gabbard
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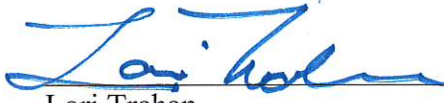
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