



July 27, 2023

Dear Representative:

While women have made significant gains towards equality throughout history, the Constitution has yet to specifically guarantee that men and women have equal rights under the law. The Equal Rights Amendment (ERA) would, once and for all, guarantee constitutional equality between men and women. It is time Congress took action to ensure a path towards ratification of the ERA and to establish equal rights under the law that cannot be denied or abridged on the basis of sex. **We urge you to sign the discharge petition to ensure a vote on House Joint Resolution 25ⁱ to advance the Equal Rights Amendment.**

The ERA would clarify that sex discrimination—in, for example, employment, health care, insurance, Social Security, education, and many other aspects of daily life—is a violation of our constitutional rights. By guaranteeing constitutional equality, ratification of the Equal Rights Amendment will give women new avenues of legal recourse when they face sex discrimination.

The ERA was first introduced in Congress in 1923 and was re-introduced every year until its passage in 1972. The proposed constitutional amendment required, and achieved, approval by two-thirds of the U.S. House of Representatives and U.S. Senate. After passing out of Congress, the ERA needed to be ratified by three-fourths of all states in order to be included as an amendment to the Constitution. Congress placed a seven-year deadline on the ratification process. By 1977, 35 of the necessary 38 states approved the ERA. As the deadline neared, Congress extended it until 1982. But at that time, the ERA fell three states short for ratification.

However, in the years after the 1982 deadline, several states have revisited the ERA and taken action to include women in the Constitution. In 2017, Nevada became the 36th state to ratify the ERA, followed by Illinois a year later. In early 2020, Virginia became the 38th and final state needed to meet the three-fourths ratification requirement. Legal scholars have suggested that with the requisite number of states having approved the ERA, there is precedent for accepting it and including it in the Constitution.ⁱⁱ Legal scholars have also stated that it is well within Congress's power to extend or remove a ratification deadline.

Women in the United States have waited long enough for the ERA and Congress has the power to help realize this goal. We must take action to ensure constitutional equality for all. Once again, we urge you to take action to ensure a vote on the Equal Rights Amendment by signing the discharge petition for H.J. Res. 25.

Votes associated with this legislation may be scored in the AAUW Action Fund *Congressional Voting Record* for the 118th Congress. Please do not hesitate to contact me at 202-728-3300 if you have any questions.

Sincerely,

Meghan Kissell
Senior Director, Policy & Member Advocacy

ⁱ A joint resolution removing the deadline for the ratification of the equal rights amendment, H.J.Res.25, 118th Cong. (2023).

ⁱⁱ Allison L. Held, Sheryl L. Herndon, and Danielle M. Stager. "The Equal Rights Amendment: Why the Era Remains Legally Viable and Properly Before the States" 3, no. 1 (1997). <https://scholarship.law.wm.edu/wmjowl/vol3/iss1/5/>.