

**ATTORNEYS GENERAL OF NEW YORK, CALIFORNIA, COLORADO,  
CONNECTICUT, DELAWARE, DISTRICT OF COLUMBIA, HAWAII, IOWA, MAINE,  
MARYLAND, MASSACHUSETTS, MINNESOTA, NEW HAMPSHIRE, NEW JERSEY,  
NEW MEXICO, NORTH CAROLINA, OREGON, RHODE ISLAND, VERMONT, AND  
WASHINGTON**

February 11, 2020

**VIA FACSIMILE & REGULAR MAIL**

The Honorable Mitch McConnell  
Majority Leader  
United States Senate  
Washington, D.C. 20515

The Honorable Charles E. Schumer  
Minority Leader  
United States Senate  
Washington, D.C. 20515

The Honorable Nancy Pelosi  
Speaker of the House  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Steny Hoyer  
Majority Leader  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Kevin McCarthy  
Minority Leader  
United States House of Representatives  
Washington, D.C. 20515

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Pelosi, Majority Leader Hoyer, and Minority Leader McCarthy,

As the Attorneys General of our respective States and District, we write to urge Congress to bring to the floor H.J. Res. 79 and S.J. Res. 6. These bipartisan measures would remove any ratification deadline that may apply to the Equal Rights Amendment (ERA) and thus remove any doubt as to its constitutional viability.

Neither the Constitution nor the language of the ERA proposed to the states contain a time limit for state ratification. Article V of the Constitution simply states that an amendment “shall be valid . . . when ratified by the legislatures of three-fourths of the several states.” Rather than including any date in the ERA’s text, Congress relegated a seven-year deadline to the joint resolution that proposed the ERA and later extended that deadline. When this external time limit expired, the ERA was three states short of full ratification. No court has found that such an external limit is at all binding, but some have argued that it is.

Congress is in a unique position to resolve any controversy quickly and definitively. If Congress has the power to establish a ratification deadline, it follows that Congress also has the authority to eliminate any such deadline. Although we do not believe that a time limit in a joint

resolution can invalidate a ratified amendment, both H.J. Res. 79 and S.J. Res. 6, if passed, effectively clarify that the ERA has no deadline.

The need for clarification is particularly pressing now, given the expanding support for the ERA. Three more states have ratified the ERA, satisfying the three-fourths requirement set forth in Article V. Legislatures in all but one of the as-yet-unratified states have introduced bills to ratify the amendment. This progress reflects the overwhelming majority of Americans that favor the principle of constitutional equality among the sexes.

Out of respect for the constitutional role and expressed preference of the vast majority of the States—and consistent with the plain language of Article V—we urge you to take H.J. Res. 79 and S.J. Res. 6 to the floor to vote without further delay.

Sincerely,



LETITIA JAMES  
Attorney General of New York



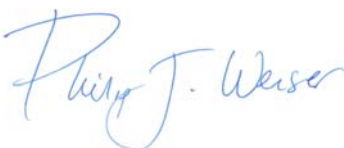
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