July 2021

Attorney General Garland
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Merrick Garland,

We write to you as the ERA Coalition, a woman-of-color-led nonprofit, representing millions of people, more than 200 partner and allied organizations, and leaders across the country. Our shared goal is to see the Equal Rights Amendment recognized as part of the U.S. Constitution.

When Virginia became the 38th state to ratify the ERA on January 27, 2020, all constitutional requirements for the ERA to become the 28th Amendment to the U.S. Constitution were satisfied. Yet, the ERA has not been published by the Archivist, who is deferring to a January 6, 2020 opinion issued by the previous Administration’s Office of Legal Counsel.

We urge you to direct your Office of Legal Counsel to withdraw the January 6, 2020 opinion. Among other things, the opinion reaches beyond the issues before the OLC at the time, weighing in on the merits of still-pending congressional action to change and remove the time limit that Congress included in the proposing clause of its 1972 joint resolution. In this respect, the January 2020 OLC opinion conflicts with a prior OLC opinion and intrudes on matters appropriately left to the Legislative Branch.

We believe that in issuing its 2020 opinion on the Equal Rights Amendment, the OLC demonstrated an overreach of power by the Executive Branch in an effort to apparently serve the Administration’s political agenda. The Constitution does not give any power to the Executive Branch during the amending process. The rights of all Americans should not be obstructed because of this misstep. You have the unique opportunity to correct this error and let history be made.

We request that you take immediate action on this important issue, promoting equality and preventing the denial of equal rights on account of sex in our great nation.

Most Respectfully,

Carol Jenkins
President & CEO, ERA Coalition