



June 26, 2007

The Honorable George Miller
Chairman, House Education and Labor Committee
U.S. House of Representatives
Washington, DC 20510

The Honorable Howard McKeon
Ranking Member, House Education and Labor Committee
U.S. House of Representatives
Washington, DC 20510

Re: Support H.R. 2831, The Ledbetter Fair Pay Act of 2007

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Dear Chairman Miller and Ranking Member McKeon:

On behalf of the American Civil Liberties Union (ACLU), and its hundreds of thousands of members, activists, and fifty-three affiliates nationwide, we write to applaud Chairman Miller for his introduction of H.R. 2831, the “Ledbetter Fair Pay Act of 2007” and urge this Committee to support the bill.

On May 29, the Supreme Court ruled in *Ledbetter v. Goodyear* that workers cannot sue for the later effects of past wage discrimination. According to the 5-4 decision, the majority held that the plaintiff had no claim because she had not timely filed her complaint within 180 days of the initial discrimination. Simply put, the majority ruled that the window for filing a complaint was within 180 days of the first discriminatory decision. This is true regardless of when the employee discovers the discrimination, and despite the fact that each subsequent paycheck carries forward intentionally discriminatory decisions about her compensation made years before by her employer.

The Supreme Court's decision to sharply limit workers' opportunities to address wage discrimination does not address the realities of the workplace and is at odds with the robust application of our civil rights laws. As Supreme Court Justice Ruth Bader Ginsburg discussed in her dissent, the realities of a place of employment work against detecting pay discrimination when it first occurs – it may take years to discover, many times by accident. The majority of workers may never know the salaries of their coworkers. It is far more likely that workers would not know they are being paid less than their colleagues for many months, if not years, after such discrimination has begun. Indeed, many employers instruct employees not to share financial information at all. Critically, this legislation will ensure employers do not profit from years of discrimination simply because their employees were unaware of it.

H.R. 2831, which addresses wage disparity based on race, color, religion, sex, national origin, age, and disability clarifies that such discrimination is not a one-time occurrence that starts and ends with the first paycheck, but that each paycheck represents a continuing violation by the employer. This new language lengthens the time workers have to bring their challenge before the courts. It reaffirms the fundamental principle that our civil rights protections are intended to have a broad remedial purpose – to make persons whole for injuries suffered because of unlawful employment discrimination.

American workers should know that they are protected from wage discrimination and are able to challenge such discrimination no matter how long it takes them to discover it. We strongly urge this Committee to vote in support this legislation.

If you have any questions please contact Deborah J. Vagins at (202) 715-0816.

Sincerely,



Caroline Fredrickson
Director



Deborah J. Vagins
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Vania Leveille
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cc: Members of the House Education and Labor Committee