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LWVUS Advocacy Presents:

The Equal Rights Amendment: Where Are We Now?

Speakers



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Agenda

- ERA Text and Significance
- ERA Ratification
- The Time Limit Question
- The League and the ERA
 - Position and History
 - Advocacy
- Impact
- What Can You Do?
- Q&A



Housekeeping

- All trainings will be recorded to keep accurate notes to share with attendees and others after the call.
- If you are not speaking, please mute yourself to minimize sound issues.
- Make sure you identify yourself (name, League, State & pronouns) when asking questions
- Staff will be monitoring the chat box. If you have any questions or thoughts throughout the call, please feel free to drop them in the chat box.

Community Norms



Bring your full self and limit distractions



What is learned here, leaves here



No one knows everything, together we know a lot



Don't yuck my yum



Oops, ouch, and educate



Assume best intentions

ERA Text and Significance

"Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." Section 1

What Would the ERA Do?

- Elevate judicial scrutiny
- Protect against the rollback of rights
- Pave the way for legislative progress

ERA Ratification

Amendment written by Alice Paul and introduced in Congress in 1923.

Constitutional Amendment [Process](#)

- 2/3 of both houses of Congress approve
 - 1972: Congress passed the ERA
- 3/4 of state legislatures ratify (38 of 50)
 - 2020: Virginia became the 38th state to ratify the ERA

Pop Quiz

How Many Constitutional Amendments Are There?

The Time Limit Question

- 1972: Ratification time limit set for 1979 in the proposing clause
- 1978: Ratification time limit extended to 1982
- 1982: Ratification three states short
- 2018: Ratification one state short
 - National Archives and Records Administration (NARA) [contacted](#) DOJ's Office of Legal Counsel (OLC)

January 2020

- OLC's [opinion](#)
- NARA's [statement](#)
- Final state [ratification](#) (VA)

January 2022

- Congressmembers' [letter](#) to OLC to withdraw 2020 opinion
- OLC's [statement](#) on 2020 opinion pointing to Congress
- President Biden's [statement](#) calling on Congress





The League and the ERA

League Position and History

LWVUS [supports](#)...

- Equal rights for all under state and federal law regardless of sex, race, color, gender, religion, national origin, age, sexual orientation, or disability;
- Ratification and publication of the ERA; and
- Efforts to bring laws into compliance with the goals of the ERA.

LWVUS coordinates with the [ERA Coalition](#).

Past Advocacy: Executive Branch

Department of Justice's (DOJ's) Office of Legal Counsel (OLC)

- [Attorney General to direct OLC to withdraw 2020 memo](#)

National Archives and Records Administration (NARA)

- [President to instruct Archivist to publish ERA](#)

Advocacy: Congress

A joint resolution to affirm that the ERA is a valid part of the Constitution and address the question of a ratification time limit.

117th Congress (2021-2022):

- House passed twice
- Senate didn't bring to floor

118th Congress (2023-2024):

- Judiciary Committee hearing
- Senate blocked with filibuster
- House didn't bring to floor

LWVUS Actions

- [Action Alert](#) (87,000 letters)
- [Testimony](#)
- [Senate](#) and [House](#) letters
- LWV [letter](#) to Congress and Administration

Advocacy: Administration

Ask: President Biden instruct the National Archivist to certify and publish the ERA.

- [Action Alert](#) (52,000 letters)
- State and local letters to the editor
- 143 nonprofit White House [letter](#)
- [Biden Publish the ERA alliance](#) virtual and in-person events
 - More than [200,000 petition signatures](#) to White House

Impact: Administration

Statement from President Joe Biden on the Equal Rights Amendment



BRIEFING ROOM

STATEMENTS AND RELEASES

I have supported the Equal Rights Amendment for more than 50 years, and I have long been clear that no one should be discriminated against based on their sex. We, as a nation, must affirm and protect women's full equality once and for all.

On January 27, 2020, the Commonwealth of Virginia became the 38th state to ratify the Equal Rights Amendment. The American Bar Association (ABA) has recognized that the Equal Rights Amendment has cleared all necessary hurdles to be formally added to the Constitution as the 28th Amendment. I agree with the ABA and with leading legal constitutional scholars that the Equal Rights Amendment has become part of our Constitution.

It is long past time to recognize the will of the American people. In keeping with my oath and duty to Constitution and country, I affirm what I believe and what three-fourths of the states have ratified: the 28th Amendment is the law of the land, guaranteeing all Americans equal rights and protections under the law regardless of their sex.

What Can You Do?

Public Education...

Talking Points

- The ERA is the 28th Amendment to the US Constitution
- The ERA constitutionally protects the equality of rights under the law regardless of sex
- The ERA has met all ratification requirements and is a valid part of the Constitution, though it has not been published
- President Biden released a White House statement affirming that the ERA is the law of the land
- Women continue to face discrimination based on sex
 - Clear in the ongoing fights against unequal pay, workplace harassment, pregnancy discrimination, domestic violence, etc.
- Nearly 80% of Americans favor adding the ERA to the Constitution ([Pew Research Center](#))

What Can You Do? Cont.

Resources

- LMS [ERA Toolkit](#)
- LWVUS [petition](#)
- Local and state [LTE template](#)
- Presentation [slides](#)
- Blog post: Forthcoming

Questions