



THE ERA IS THE LAW OF THE LAND - TALKING POINTS

On January 17, 2025, President Biden declared the Equal Rights Amendment the law of the land on January 17th. He is first President to recognize the ERA as such. Gender equality has been enshrined in our nation's foundational document with the ERA. Despite misinformation and attempts to discredit its validity, we must remain steadfast: the ERA is law. The People have spoken and we have the support of the legal community. Although no further action is needed Congressional action could be enormously helpful should it get to the Supreme Court.

Key Points:

1. The ERA is the 28th Amendment to the US Constitution. Publishing the amendment is a formality, not something needed to make it valid. President Biden's action confirmed what we already knew—the amendment fully met all constitutional requirements with Virginia's ratification on January 27, 2020.
2. Time limits are arbitrary. Time limits are not mention as part of the amending process in the Constitution. The 27th Amendment, ratified over 200 years later, shows that amendments can take time to become part of the Constitution.
3. The fight is now about Awareness and Education. We must ensure that people know the ERA is the law of the land, protecting people from gender-based discrimination in all aspects of life, from reproductive healthcare to workplace equality.

Countering Misinformation:

Claim: The ERA missed its deadline.

- Time limits are not part of the Constitution's Article V amendment process.
- The language of the ERA ratified by the states did not contain a deadline.
- The 27th Amendment, dealing with congressional pay raises, was ratified 203 years after it was first proposed, proving that amendments can take time to become part of the Constitution.

Claim: Five states rescinded their ratification.

- Reality: The Constitution does not allow a state to take back its ratification.
- Article V grants states the power to ratify an amendment, but does not grant them the power to rescind.
- Historically, when states attempted to rescind ratification of the 14th Amendment, their ratifications were still counted, and the amendment was upheld.



COUNTERING MISINFORMATION:

Claim: The DOJ and the Archivist refused to recognize the ERA.

- Reality: President Biden, as head of the Executive Branch, has the authority to recognize the ERA.
- The Archivist's role is ministerial, they are not a gatekeeper of what goes in the Constitution.
- History shows: President John Adams oversaw the adoption of the 11th Amendment without the Archivist's involvement.
- Legal battles are normal for constitutional amendments. The courts will ultimately affirm ERA's legitimacy.

What's at Stake

- A nationwide abortion ban is taking shape, along with efforts to outlaw contraception altogether.
- Voting rights are also under attack, with new laws designed to block millions of women from casting their ballots—an outright assault on democracy.
- Science, education, and the military aren't spared. Research is being censored, gender recognition erased, and Sexual Assault Prevention and Response programs dismantled. Transgender athletes face bans, and gender-affirming care is being outlawed.

These attacks go against the 28th Amendment and ignore the overwhelming majority of people in the U.S. who support the Equal Rights Amendment. To stop this rollback of rights, we must **elect leaders who will defend equality**—and vote out those who won't.

What the ERA can do

- Among other protections, the ERA would protect against gender-based violence and discrimination in legislation and the enforcement of laws; combat discrimination in government employment, including in education, law enforcement, and the military.
- Give Congress increased power to protect against unequal pay, workplace harassment, pregnancy discrimination, and crimes against women, girls, and LGBTQ+ people; and
- Provide a new basis for congressional action to protect reproductive health care, pre- and post-natal care, and contraceptives.



Congress can affirm the validity of the ERA, having been ratified by three fourths of the state

In proposing the ERA to the states in 1972, Congress included a time limit for ratification. This time limit appears only in the preamble to the ERA, not in its text. By placing it there, Congress reserved for itself the power to change or extend the time limit. Congress has the power today to recognize the ERA as valid and enforceable, notwithstanding the time limit imposed in 1972.

The efforts by some states to rescind their ratifications make no difference. Under Article V, the only question is whether a state has “ratified.” Ratification is something that happens at a moment in time; it either happened, or it did not. History tells us that once a state ratifies, it can’t take it back. The 14th Amendment became part of the Constitution even though two States had attempted to rescind prior ratifications—and those States were included on the list of States that ratified. The effectiveness of a purported rescission is ultimately a question for Congress.

About the ERA Coalition

We are the ERA Coalition and Fund for Women’s Equality (ERA Coalition Forward); a movement of movements. We convene a diverse coalition of more than 300 partner organizations across the country, representing 80 million people.

From gender, racial, economic and reproductive justice to labor and LGBTQ+ rights, we unite interconnected, intergenerational, and intersectional organizations under one banner: to advance equality. We’re coming together to use the ERA to build a foundation for equal treatment under the law. This is what unites us all.

The Coalition works to mobilize people toward an inclusive forum with this one powerful goal. We share strategies and resources at the local, state, and federal levels, build support within Congress, provide legislative expertise, educate the American public about the urgent need for constitutional equality, and more.