

# US Archivist's Refusal To Publish The Equal Rights Amendment Contradicts Legal Authority And Public Will

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On December 17, 2024, the Archivist of the United States, Dr. Colleen Shogan, and Deputy Archivist, William J. Bosanko, issued a public statement [refusing to publish the Equal Rights Amendment](#) (ERA), following pleas in favor of publication of the ERA from [Congress members](#) and [women's rights activists](#), and over [100 years of collective advocacy](#).

The Archivist's refusal to honor the will of the people by publishing the ERA—a bipartisan measure supported by the [vast majority of people in the United States](#)—is profoundly disheartening. This decision not only undermines the public interest but also prevents the US from complying with its international legal obligations.

Let us set the record straight.

The opinion cited in the [Office of Legal Counsel of the US Department of Justice \(OLC\) memo](#) is of no consequence to the Archivist's ability to publish and certify the ERA.

The Archivist's statement incorrectly states, "The OLC concluded that extending or removing the deadline requires new action by Congress or the courts."

In fact, the 2022 OLC opinion only states, “the 2020 OLC Opinion is not an obstacle either to Congress’s ability to act with respect to ratification of the ERA or to judicial consideration...,” **not that new action is required.**

Therefore **the Archivist can and should legally publish the Equal Rights Amendment** since all the constitutional requirements have been met.

This inaction is particularly concerning given the US’s international legal obligations to eliminate sex discrimination. The [United Nations](#) Special Rapporteur on violence against women, its causes and consequences, released a [communication](#) today urging President Biden to direct the Federal Archivist to publish the ERA “immediately” and outlining that current constitutional provisions and jurisprudence in the US leave any protections against sex discrimination extremely vulnerable.

In addition, the [American Bar Association \(ABA\)](#) affirms that the ERA has met all requirements and, in adopting [Resolution 601](#), recognizes the ERA as the 28th Amendment and calls for its immediate publication.

The battle for equality is far from over. President Biden should secure his legacy by publishing the Equal Rights Amendment. We will continue to advocate for all people in the US to be free from sex discrimination and have equality enshrined in the highest legal document in the country.

## What can you do to put women in the U.S. Constitution?

### Have five minutes?

- [Contact the White House](#)

### Have longer?

- Share our statement with your networks
- Spread the word on social media – be sure to use #ERANow
- [Join our changemakers network](#)

