



Press Statement in Response to Media Queries About the Equal Rights Amendment

Media Alert ·
Thursday, February 24, 2022

Washington, DC

In response to recent media reports that generated a large number of queries about the Equal Rights Amendment, we have issued the following statement to the media beginning in late January 2022:

In its January 6, 2020 opinion, the Office of Legal Counsel (OLC) concluded “that Congress had the constitutional authority to impose a deadline on the ratification of the ERA and, because that deadline has expired, the ERA Resolution is no longer pending before the States.” (OLC 2020 Opinion, at p.2.) Accordingly, the 2020 OLC opinion goes on to state that “the ERA’s adoption could not be certified under 1 U.S.C. § 106b.” (OLC 2020 Opinion, at p.37.) OLC’s recently issued January 26, 2022 memorandum on the “Effect of 2020 OLC Opinion on Possible Congressional Action Regarding Ratification of the Equal Rights Amendment” acknowledges and does not modify this conclusion. That new memorandum also states (pp. 2-3) that “as a co-equal branch of government, Congress is entitled to take a different view of these complex and unsettled questions” and that therefore “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 of the pertinent questions.”

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For media inquiries, please contact: National Archives Public and Media Communications at (202) 357-5300 or via email at public.affairs@nara.gov.

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