

EMANCIPATION PROCLAMATION II

PUBLISHING THE EQUAL RIGHTS AMENDMENT WILL CEMENT PRESIDENT BIDEN'S PLACE IN HISTORY AT A LEVEL OF A MODERN-DAY LINCOLN

Legal Rationale

- The ERA out-laws discrimination based on sex, giving equal legal protection to more than half our population
- The ERA has met all requirements of Article V in the Constitution.
- Article V does not provide any action for Congress, the President or the Archivist after the requisite 38 states have ratified. That happened as of January 27, 2020.
- Article V does not provide for states to rescind their ratifications. (See Prohibition)
- The time limit is in the proposing resolution, not the text of the amendment. States voted on the text, not the timeline, so it is moot.
- The House has passed two resolutions affirming the ERA as the 28th Amendment and a bipartisan majority of the Senate has agreed.
- On August 6, 2024, the American Bar Association proclaimed that the ERA should be implemented immediately.
- Top legal scholars, including Lawrence Tribe and Russ Feingold, have stated that the ERA is indubitably the 28th Amendment to the US Constitution.
- Lawsuits against the Archivist have been rejected on standing or because of the extreme standards required for a mandamus action and not on the constitutionality of the amendment.
- Due to the Judiciary's narrow interpretation, the 14th Amendment has not been interpreted to include "sex" as a strict scrutiny class like race or nationality. The 14th Amendment was not interpreted to give women the right to vote or to otherwise fully participate in American society as equal citizens. If it had, women would have been able to vote based on 14A, not 19A.
- Laws protecting women are built on sand and are only effective and long-lasting if they are built on a concrete, constitutional foundation like the ERA.

Political Rationale

- President Biden has no downside to publishing.
- The Supreme Court has ruled that presidents are immune from liability for actions taken in their capacity as president. He is free to act on his conviction that all citizens deserve equal protection under the law.
- More importantly, by not publishing this amendment, Biden is flouting his duty to support the Constitution.
- Publishing before the Trump inauguration is imperative. Trump will not publish and according to Project 2025, plans to dismantle women's legal gains are clear.
- Lawsuits will be filed, no matter who publishes. Almost every constitutional amendment has been challenged and the ERA will be no exception.
- Women cannot wait out the next crisis — whether it's the war in the Middle East, the economy, the next pandemic or a cruel denial of reproductive healthcare.
- American women have been waiting since the dawn of the Republic. We cannot wait any longer.

**BETWEEN NOW AND JANUARY 19
PICK A DAY AND
PUBLISH THE ERA**