



## TALKING POINTS: THE EQUAL RIGHTS AMENDMENT STRENGTHENS OUR DEMOCRACY

We are witnessing the erosion of our rights — reproductive healthcare, voting rights, freedom of expression — made possible, in part, by one glaring omission: gender equality was not guaranteed in our Constitution. The Equal Rights Amendment changes that, explicitly prohibiting sex discrimination and enshrining gender equality where it has always belonged.

What's happening right now isn't a series of unconnected policy decisions. It's an intentional dismantling of fundamental rights — part of a broader, coordinated strategy by those with a deliberate agenda to decide who belongs, who participates, and who is heard.

This is possible because there's no bedrock protection against sex discrimination. Without the Equal Rights Amendment, each of these fights has to be won separately, over and over again, in courts, in Congress, and in state legislatures that shift with political winds. It's grueling, and that's by design. The ERA changes the rules of the game so we're not always fighting on someone else's terms.

A democracy where over half the population has no constitutional guarantee of equal treatment is a democracy falling short of its own promise *The Equal Rights Amendment isn't a side issue — it's foundational.*

### What the Equal Rights Amendment Can Do -

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

That one sentence would:

- Close the loophole — explicitly prohibit sex-based discrimination at the highest level of U.S. law
- Protect everyone — women, girls, gender-diverse and nonbinary people, LGBTQ+ individuals, men, boys — anyone experiencing sex-based discrimination
- Create a permanent, enforceable foundation for gender equality— ensuring gender equality is not subject to shifting court interpretations or changing political majorities
- Raise the legal standard — provide a stronger constitutional basis for laws protecting gender equality such as reproductive rights, pay equity, workplace discrimination, and gender-based violence
- Prevent future rollback of rights — statutory protections can be repealed; constitutional rights cannot



## What the Equal Rights Amendment Can Do

- Anchor congressional power — give Congress an explicit constitutional mandate to pass and enforce laws protecting sex equality
- Set a national standard — establish one national standard of protection against gender discrimination that no state law, court ruling, or political majority can take away
- Shift the burden — force the government to justify any sex-based distinction under the law, rather than making those harmed prove discrimination every time

### The ERA in practice

The ERA would:

- Give Congress increased power to protect against unequal pay, workplace harassment, pregnancy discrimination, and crimes against women, girls, and LGBTQ+ people.
- 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.
- Provide a new basis for congressional action to protect reproductive health care, pre- and post-natal care, and contraceptives.

**State ERAs set the example: Pennsylvania's highest court ruled that the state's ban on Medicaid coverage for abortion care was unconstitutional under their state's Equal Rights Amendment. The Pennsylvania state ERA has the same language of federal ERA and demonstrates how the federal ERA can protect sex equality in the U.S. Constitution.**

*Whatever issue you care most about — reproductive healthcare, equal pay, gender-based violence, family leave, LGBTQ+ rights — the Equal Rights Amendment is the foundation underneath all of it. It doesn't replace those fights. It makes them stronger.*

### Where We Stand

The Equal Rights Amendment has met all constitutional requirements: Congress approved the ERA by a two-thirds vote in both chambers in 1972  
38 states — three-quarters of the country — have ratified it  
Nearly 80% of the public supports it — and as many believe it is already in the Constitution

What stands between the ERA and recognition is not law. It is public will. Bills to affirm the ERA as the 28th Amendment have passed the House twice and received a bipartisan Senate majority. The votes exist. Public support exists. What the movement needs now is sustained pressure to make the case publicly, repeatedly, and powerfully.



## **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 recission is ultimately a question for Congress.

### **About the ERA Coalition**

The ERA Coalition and ERA Coalition Forward are 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 Equal Rights Amendment 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.