



American Bar Association Calls for Publication of the Equal Rights Amendment!

Shattering Glass Applauds ABA For Calling for the Immediate Publication and Implementation of the Equal Rights Amendment as the 28th Amendment to the US Constitution

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Washington, DC – Today, the American Bar Association (“ABA”) [passed a Resolution](#) acknowledging the Equal Rights Amendment (“ERA”) is the 28th Amendment to the Constitution and calling for its immediate publication and implementation.

In the [Report](#) accompanying the Resolution, the ABA emphasized the urgent need for the ERA. Currently, the Equal Protection Clause of the 14th Amendment, which was first applied to sex-based discrimination in the 1970s as a result of judicial interpretation, provides the greatest legal protection for women. The ABA believes that is in jeopardy, noting:

*Originalists on the Supreme Court and elsewhere argue that because the framers did not intend for the 14th Amendment to cover sex, it should not be so interpreted now. The late Supreme Court Justice Antonin Scalia famously stated: ‘Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn’t. Nobody ever thought that that’s what [the 14th Amendment] meant.’ **To the extent that the Supreme Court’s recent decisions in Dobbs and elsewhere evince a Supreme Court majority’s embrace of originalism, longstanding interpretations of the 14th Amendment are in grave peril.***

Since 2021, Shattering Glass has been leading the efforts to ensure President Biden instructs the US Archivist (“Archivist”) to publish the ERA as the 28th Amendment to the Constitution.

On December 5, 2023, Shattering Glass gathered 84 diverse organizations and medical associations in a [letter urging President Biden](#) to publish the ERA as the 28th Amendment to guarantee equality for all, stop the ever-increasing attacks on the rights of women, girls and LGBTQIA+ people, protect access to reproductive and gender-affirming healthcare, and preserve our democracy and credibility on the world stage. Signatories include gender and racial justice organizations, democracy and voting focused organizations, medical and professional associations, faith leaders and more from across the country.

Since that time, the situation has become more dire. Most significantly, the United States Supreme Court has made clear it [intends to strip women, girls and LGBTQIA+ people of 14th Amendment Equal Protection](#).

“We are incredibly grateful for the actions taken by the ABA today – both the Resolution, recognizing the ERA as the 28th Amendment and calling for its immediate publication, and its Report, emphasizing the urgency given the anticipated loss of 14th Amendment Equal Protection based on sex,” said Nicole Vorrasi Bates, Executive Director of Shattering Glass. “And we look forward to working with the ABA to get the ERA over the finish line.”

“We are at a critical juncture in the fight for gender equality as well as for our democracy. And we need the Equal Rights Amendment to meet the moment. Women, girls, and the LGBTQIA+ community simply cannot afford to wait any longer,” Vorrasi Bates added. “The issues, including many of the horrors of Project 2025, currently are pending in the courts and will not be impacted by the outcome of the 2024 elections. If we don’t act now, it likely will take generations to recover. We need President Biden to instruct the Archivist to publish the ERA as the 28th Amendment immediately.”

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[Shattering Glass](#) is a national, nonpartisan, 501(c) (3) organization, headquartered in Washington DC, which addresses the systemic economic, societal, and political barriers impeding equality for women and girls. Through advocacy, education, and outreach, Shattering Glass fights for gender equity and gender equality to ensure our daughters, granddaughters, and their children can achieve their dreams, know their worth, and live in a world free of discrimination and bias. Its mission is to create a world where gender equality is the norm, and "Shattering Glass" refers to breakthrough innovations, not women and girls successfully fighting to break down barriers.