

# WHAT CHANGES

## SHARE FAQS



### “What will the 28th Amendment (Equal Rights) really do?”

## IT'S ABOUT EQUALITY

**THE EQUAL RIGHTS AMENDMENT WILL:**

- Close the current equality gap in the Constitution.
- Provide a framework for the Supreme Court to interpret "equality of rights under the law" related to government actions.
- Anchor equality laws in the U.S. Constitution to prevent rollback of hard-won and popular legislation.

**THE EQUAL RIGHTS AMENDMENT WILL NOT:**

- Automatically create new laws. It simply ensures existing and new rights are not denied or abridged based on sex.

- It would make equal rights for men and women a core constitutional value in our nation.
- Because the 28th Amendment directly impacts government action, the first cases would focus on gender discrimination by the government and would include protections for LGBTQ+ individuals. These cases could include challenging:
  - Employment situations like hiring, firing, advancement, pay equality, medical accommodation, etc. in federal, state, and local government (issue overview, [Pew Research Center](#))
  - How our military handles sexual harassment and assaults (issue overview, [Military Times](#))
  - Length and availability of paternity leave as compared to maternity leave (issue overview, [WhatToExpect.com](#))
  - Inherent discrimination of major backlogs of untested rape kits as well as uninvestigated rapes (issue overview, [The Atlantic](#))
  - Significantly higher rates at which women are sent to jail for self-defense (issue overview, [The New Yorker](#))
  - Discriminatory medical and safety research protocols (issue overview, [National Women's Law Center](#))
  - Law enforcement not sufficiently trained for addressing gender violence and minimizing / ignoring gender-based crimes (example, [Washington Post](#))
  - Gender discrimination experienced by citizens during incarceration (issue overview, [ABA Journal](#))
  - Discriminatory implementation of laws regarding sex trafficking (issue overview, [Equality Now](#))
  - Discriminatory implementation of nuisance laws and evictions (issue overview, [ACLU](#) and [The Atlantic](#))
  - Lack of kits, training, and forensic nurses for sexual assault intake at hospitals (example, [ABC News](#))

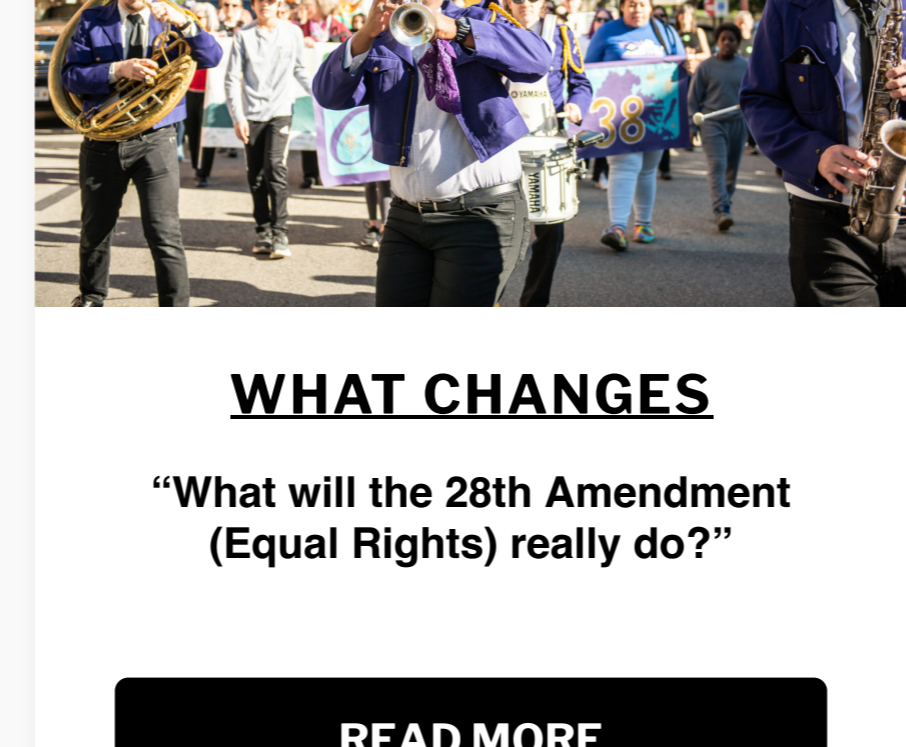
**The Equal Rights Amendment prohibits federal and state governments from discriminating on the basis of sex. By anchoring laws and acts in our U.S. Constitution we strengthen protections against discrimination and help prevent rollback and discriminatory implementation of laws.**

**This constitutional basis for equality does not change or create any new laws automatically. Laws will continue to be written by legislators and enforced and challenged in courts on a case by case basis.**

**No constitutional right is absolute. Courts and legislatures will continue to weigh competing rights, just as they have always done.**

- Congress' legislative capacity to support gender equality in America will be enhanced.
  - Section Two of the 28th Amendment (Equal Rights) says: "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article," explicitly providing Congress the ability to enact protective legislation for gender equality.
  - This section mirrors similar wording in other constitutional amendments (13th, 14th, 15th, 19th, 23rd, 24th, and 26th).
  - The Constitution limits the powers of what laws Congress can pass. Because we do not explicitly guarantee gender equality in our Constitution (yet) many federal laws needed to protect gender equality do not have a constitutional basis.
  - Examples:
    - There was a private remedy (financial compensation for a victim) component of the Violence Against Women Act that was struck down by the courts. With the 28th Amendment Congress could add back this private remedy knowing the courts would uphold it as constitutional.
    - The 28th Amendment could serve as a basis for enhanced federal legislation against sex trafficking.
    - The 28th Amendment could serve as a basis for a national law prohibiting female genital mutilation.
- After the 28th Amendment is enforceable, gender discrimination cases should achieve a success rate similar to race, religion, and country of origin discrimination cases.
  - The current standard for race, religion, or country of origin discrimination cases is "strict scrutiny" which provides a 73% likelihood of winning ([Source: Tennessee.edu](#)).
  - Currently, gender discrimination cases receive "heightened" or "intermediate scrutiny" and because of this the likelihood of winning a case are only 47% ([Source: Tennessee.edu](#)).

### ADDITIONAL FAQS



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| <p><b><u>WHY NEEDED</u></b></p> <p>"Is there really a gender equality issue in America?"</p> <p><a href="#">READ MORE</a></p>          | <p><b><u>WHAT CHANGES</u></b></p> <p>"What will the 28th Amendment (Equal Rights) really do?"</p> <p><a href="#">READ MORE</a></p>                   | <p><b><u>ABOUT US</u></b></p> <p>"Who is VoteEqualityUS and what's your plan?"</p> <p><a href="#">READ MORE</a></p>                        |
| <p><b><u>ABA RESOLUTION</u></b></p> <p>"What does the legal profession think?"</p> <p><a href="#">READ MORE</a></p>                    | <p><b><u>ABORTION</u></b></p> <p>"Doesn't this open the door for abortion rights?"</p> <p><a href="#">READ MORE</a></p>                              | <p><b><u>BATHROOMS</u></b></p> <p>"Will we all have to use the same bathrooms?"</p> <p><a href="#">READ MORE</a></p>                       |
| <p><b><u>BIPARTISAN</u></b></p> <p>"Do most Americans support Equal Rights in our Constitution?"</p> <p><a href="#">READ MORE</a></p>  | <p><b><u>BUSINESS CASE</u></b></p> <p>"How does gender equality impact businesses?"</p> <p><a href="#">READ MORE</a></p>                             | <p><b><u>CONTRACTS</u></b></p> <p>"Won't women contractors lose enhanced status for contract bids?"</p> <p><a href="#">READ MORE</a></p>   |
| <p><b><u>CONVENTION</u></b></p> <p>"Can't we just do this during the constitutional convention?"</p> <p><a href="#">READ MORE</a></p>  | <p><b><u>DEADLINE</u></b></p> <p>"Didn't the ratification deadline already pass?"</p> <p><a href="#">READ MORE</a></p>                               | <p><b><u>DISCRIMINATION</u></b></p> <p>"What government gender discrimination is happening now?"</p> <p><a href="#">READ MORE</a></p>      |
| <p><b><u>DRAFT</u></b></p> <p>"Does constitutional equality mean women will be drafted?"</p> <p><a href="#">READ MORE</a></p>          | <p><b><u>EQUAL PAY</u></b></p> <p>"Will this help women get paid more equally?"</p> <p><a href="#">READ MORE</a></p>                                 | <p><b><u>FAMILY LAW</u></b></p> <p>"How will the Equal Rights Amendment impact family law?"</p> <p><a href="#">READ MORE</a></p>           |
| <p><b><u>FEAR OF UNKNOWN</u></b></p> <p>"How can we do this when we don't know what will happen?"</p> <p><a href="#">READ MORE</a></p> | <p><b><u>GENDER VIOLENCE</u></b></p> <p>"How can constitutional gender equality help with gender violence?"</p> <p><a href="#">READ MORE</a></p>     | <p><b><u>GINSBURG</u></b></p> <p>"Didn't RBG say something about starting over?"</p> <p><a href="#">READ MORE</a></p>                      |
| <p><b><u>HISTORY</u></b></p> <p>"What is the history of the 28th Amendment (Equal Rights)?"</p> <p><a href="#">READ MORE</a></p>       | <p><b><u>ILLINOIS V FERRIERO</u></b></p> <p>"Isn't there a court case about the 28th Amendment (Equal Rights)?"</p> <p><a href="#">READ MORE</a></p> | <p><b><u>INSURANCE</u></b></p> <p>"What about insurance? Someone said my rates will go up."</p> <p><a href="#">READ MORE</a></p>           |
| <p><b><u>INTERNATIONAL</u></b></p> <p>"How do we compare to other countries?"</p> <p><a href="#">READ MORE</a></p>                     | <p><b><u>INTERSECTIONALITY</u></b></p> <p>"Is the 28th Amendment (Equal Rights) for all of us?"</p> <p><a href="#">READ MORE</a></p>                 | <p><b><u>MILITARY</u></b></p> <p>"How will the Equal Rights Amendment impact our military?"</p> <p><a href="#">READ MORE</a></p>           |
| <p><b><u>PREGNANCY</u></b></p> <p>"Will this help with pregnancy discrimination?"</p> <p><a href="#">READ MORE</a></p>                 | <p><b><u>RESCISSIONS</u></b></p> <p>"Didn't a few states rescind their ratifications?"</p> <p><a href="#">READ MORE</a></p>                          | <p><b><u>SOCIAL SECURITY</u></b></p> <p>"Will my widow lose her social security benefits when I die?"</p> <p><a href="#">READ MORE</a></p> |
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| <p><b><u>TOPLESS</u></b></p> <p>"Will women now be walking around topless?"</p> <p><a href="#">READ MORE</a></p>                       | <p><b><u>TRANSGENDER</u></b></p> <p>"Will this provide protections for transgender individuals?"</p> <p><a href="#">READ MORE</a></p>                | <p><b><u>WHO SUPPORTS</u></b></p> <p>"Who supports recognizing the 28th Amendment (Equal Rights)?"</p> <p><a href="#">READ MORE</a></p>    |

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