SECURING RIGHTS, SHAPING THE FUTURE

THE EQUAL RIGHTS AMENDMENT

CAPSULE THREE | **SECTION 1** | **JULY 7TH - JULY 19TH 2026**

OVERVIEW

Our first policy focus for our third capsule, *Securing Rights, Shaping the Future*, focuses on the Equal Rights Amendment (ERA). NOW's advocacy for the ERA has stretched on for decades, along with advocating for pay equity and workplace equality. Since its founding, NOW has been committed to protecting the foundations of democracy and ensuring constitutional equity by finally enshrining the ERA into law.

FOUNDATIONS

The ERA is an amendment to the Constitution that would provide an affirmative contitutional right against sex discrimination for both women and men. It would guarantee that all rights affirmed by the U.S. Constitution are held equally by all, without regard to their sex.

Support for the ERA has been foundational in our history as an organization. In 1967, one year after NOW was founded, we adopted a resolution of support for the Equal Rights Amendment (ERA) at the second NOW conference, and it has remained one of our core issues ever since. The intensive efforts of NOW members' lobbying, marching, and support for the ERA helped immensely in pushing for passage and ratification of the Amendment.

ACHIEVEMENTS

The first version of an ERA was written by Alice Paul and Crystal Eastman and introduced in Congress in December 1923. Congress eventually passed a revised ERA in 1972 and sent it to the states for ratification. Unfortunately, a deadline of seven years for ratification by two-thirds of the states (38), to end on March 22, 1979, was included in the preamble of the Resolution proposing the ERA.

However, as that deadline approached with only 35 states having ratified the ERA, NOW and allies successfully pressed Congress for an extension to June 30, 1982. NOW deployed thousands of activists in the unratified states during those three years, but we were not successful against a well-funded, right-wing campaign that spread false information, pressuring state legislators to oppose the ERA.

Once the 1982 deadline passed with only 35 ratified states, NOW activists were not deterred. Over the years, NOW members met with legislators in several unratified states and urged reconsideration. An effort to revitalize ERA ratification by a 'three-state strategy' began to have traction in the 2000s.

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"Fast-forward to 2017: Both houses of the Nevada state legislature approved an ERA ratification measure. In 2018, Illinois NOW activists successfully lobbied their state lawmakers to ratify the ERA. NOW and allies forged ahead with a strategic plan in 2019 to elect ERA supporters to the Virginia General Assembly. Delegates passed legislation on January 15, 2020, making Virginia the 38th and final state needed to ratify the ERA.

LEGISLATION

NOW actively monitors and supports federal legislation aimed at officially ratifying the ERA in the Constitution:

H.J.Res.80/S.J.Res.38 - Establishing the ratification of the Equal Rights Amendment.

TODAY

On August 6, 2024, the American Bar Association passed a resolution declaring the ERA ratified as the 28th Amendment to the U.S. Constitution and urging its full implementation by the legal community and all federal, state, local, territorial, and tribal governments.

The ERA has now met the requirement in Article V that an amendment is "valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states."

Publication of the Equal Rights Amendment in the Constitution as the 28th Amendment is being delayed by political and legal proceedings that are still unresolved.

Why do we need the ERA?

Women were deliberately left out of the U.S. Constitution as they were not recognized as full citizens in 1787. Even today, centuries after it was enacted, the Constitution does not fully prohibit discrimination on the basis of sex. Sex is not held to the same strict standard as race and religion in the eyes of the law, making it harder for women in court to prove complaints of bias or unequal treatment.

The ERA would guard against any rollbacks of women's rights by legislation or court cases that are often politically motivated. In recent years, many of the equality gains made by the women's rights movement have been weakened. It would also promote laws and court decisions that fairly take into account women's as well as men's experiences and would help prove sex-based discrimination in court.

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

– Section I of the Equal Rights Amendment