



Justice for Her, *Democracy for All*

JULY 2026



**NATIONAL
WOMEN'S
LAW CENTER**



SUMMARY

Democracy is more than the right to vote; it is the ability of all people, not just the wealthy and powerful, to shape the decisions that affect their lives and communities. History shows that democracy and gender justice rise and fall together. Functional democracies create the legal frameworks and institutions that make gender and racial equality possible, with women—particularly women of color—often leading the movements that drive those advances. By contrast, attacks on the economic security and rights of women, people of color, and LGBTQIA+ communities are a defining feature of authoritarian regimes. In the years ahead, any effort to defend and strengthen American democracy must be paired with efforts to expand gender justice, which is critical to advancing equal rights for all.

INTRODUCTION

Women are central drivers of American democracy.

Women vote and volunteer within their communities at higher rates than men,¹ play a disproportionate role in shaping the civic and educational development of our nation's children,² and have been foundational to nearly every major advancement in equal rights in the United States.³

To be clear, the gains women have achieved are incomplete and inequities remain pronounced—as just one example, severe and persistent wage gaps continue to significantly harm women's economic progress and stability. Black women and Latina women working full time are paid just 65 and 58 cents, respectively, for every dollar a white, non-Hispanic man is paid.⁴

But as women have made progress toward greater equality—at the ballot box, over their reproductive lives, within the workforce, and regarding their independence overall from men—their power within civic life has grown significantly.

Far from ignoring this fact, political actors who seek to assert an authoritarian regime are hostile to women's power and ability to fully participate in our democracy.

The advancement of women, as well as other historically marginalized communities, bolsters our democracy by expanding and redistributing power—and is therefore a direct threat to those who seek to consolidate power at the expense of others. Conversely, efforts toward sustainable democratic reform and building a government that truly works for the people are significantly weakened when the needs of women and families are not centered.

Attacks on gender equity, then, are key to dismantling democratic institutions. And while these attacks take many forms, the most pervasive is the systematic weakening of the very mechanisms—economic opportunity, legal protections, personal safety, and participation in core democratic institutions—that enable women to increasingly exercise power and drive reform.

Indeed, the subjugation of women, Black people, and other historically marginalized groups are ideological underpinnings of authoritarianism—misogyny and white supremacy are used by would-be dictators to consolidate power and diminish both diversity in public life and equality under the law, which are critical to a resilient democracy.

Taken together, it becomes clear that gender justice and democracy are not just interrelated— they are foundational to one another.

THE WEAKENING OF AMERICAN DEMOCRACY, GENERATIONS IN THE MAKING

While far from the only cause, rapidly rising income inequality over the past several decades⁵ (with women disproportionately impacted)⁶ and the consolidation of wealth (overwhelmingly in the hands of white men)⁷ has been key in fueling democratic backsliding. Together, these factors have produced a government that is increasingly unresponsive to the needs of its people.⁸

Demonstrating this, some of the most popular policy proposals in the United States—ones that would advance gender equity and spur women and other historically marginalized communities' economic and legal power—have remained stalled in Congress for decades.

As just a few examples: 83% percent of the population supports paid family leave;⁹ 70% believe that abortion should be legal in all or most cases;¹⁰ 66% believe that the government should ensure that everyone has health care coverage;¹¹ and 75% believe that LGBTQIA+ people should have nondiscrimination protections in housing, employment, and public accommodations.¹²

Yet despite this broad-based support, none of these positions are reflected in federal law.

Reflecting this imbalance, the public widely recognizes that America's systems of governance are broken—84% report that our democracy is in crisis or, at least, facing serious challenges.¹³ Only 17% trust the federal government to do what is right most of the time¹⁴ and two-thirds believe the government is corrupt.¹⁵

Empirical evidence backs up these perceptions, as studies have shown that wealth and political donations—donations overwhelmingly designed to benefit corporations over workers and families¹⁶—have a more significant impact on which laws are passed by Congress than broad public support.¹⁷

Meanwhile, ordinary people are being increasingly shut out of not only the upper rungs of the economy but also the halls of government that were intended to protect their rights and well-being. By failing to deliver on the popular demands of its voters, the government is proving itself—at its core—undemocratic, with women and communities of color burdened with the most severe repercussions.¹⁸



THE ESCALATION AND CURRENT CRISIS

The public frustration described above has been growing for decades and, along with our weakened systems for democratic accountability, set the stage for the current moment of rapidly rising authoritarianism.

“The more unequal income distribution is in a democracy, the more at risk it is of electing a power-aggrandizing and norm-shredding head of government.”

—Professors Rau and Stokes, *Inaugural Year Article for National Academy of Sciences (2025)*¹⁹

Those benefitting from today’s concentrations of political and economic power have deployed a variety of tactics in attempts to further consolidate their gains and dismantle accountability. Nowhere has this been more obvious than in the actions of Donald Trump and his allies.

The administration has targeted politically vulnerable groups through restrictive policies,²⁰ including weakening their right to vote; deploying gendered and racist narratives to discredit female leaders, journalists, and activists;²¹ and targeting those who seek to advance civil rights and accountability.²²

“Quiet. Quiet, piggy.”

—Donald Trump, in response to Bloomberg White House correspondent Catherine Lucey’s question about the Jeffrey Epstein files (2025)²³

These tactics are part of a coordinated campaign based on long-observed strategies undertaken by authoritarian forces. The consolidation of power depends on weakening the rights and influence of those who have historically driven demands for equality—which, both within America and internationally, particularly means women.²⁴

Wealthy elites and corporate entities have overall proven themselves willing to reinforce these regressive efforts by rolling back diversity and inclusion commitments,²⁵ contributing funds to elect officials that undermine reproductive freedom,²⁶ and more. Some of the nation’s most powerful law firms, as well as large corporations including Big Tech, quickly capitulated to the administration when they felt their bottom line might be threatened.²⁷

Further, like authoritarians throughout history, Trump and his allies have seized on patriarchal and anti-democratic ideologies to construct alternative, politically expedient explanations for the problems that many Americans perceive in our society.



PATRIARCHAL AND ANTI-DEMOCRATIC IDEOLOGIES

Nearly every authoritarian movement is associated with patriarchal and anti-democratic ideologies that idealize—or rather, claim—past greatness and lament the **“feminization”** of their societies. These ideologies are designed to sow division, allowing authoritarians to paint historically marginalized people seeking justice and equality—such as women, LGBTQIA+ people, immigrants, religious minorities, and racial minorities—as enemies, and thereby consolidate power. In the United States, Black women in particular face significant hostility as historic injustices toward both Black people and women converge and result in dramatic levels of discrimination, hyper-sexualization, and violence.²⁸

Further, research has shown that, while white Americans’ anti-democratic views have remained relatively stable over the past decade, those anti-democratic views have become more interconnected with views on race over time.²⁹ Reflecting this, and in parallel with the rapidly growing, overt misogyny that has appeared across right-wing podcasts and social media,³⁰ are several influential patriarchal and

anti-democratic ideologies active in America today, including white Christian nationalism and the pronatalist movement.

White Christian Nationalism (WCN) –

Rooted in the ahistorical belief that the United States was founded as a Christian nation, WCN is an ideology that promotes the view that only white, conservative Christians are the “real” Americans, and therefore only they should hold political power.

Research shows that people with white Christian nationalist beliefs are far more likely to support political violence and suspension of democratic norms, as well as oppose the rights of immigrants, women, religious minorities, and people of color.³¹ Its adherents focus on fundamentally reshaping civic life at every level—with a key strategy being to influence our education systems in order to indoctrinate young people. For example, the movement often promotes Bible study and prayer in public schools while seeking to ban books by women and LGBTQIA+ people, prohibit comprehensive sexual education, and eliminate nondiscrimination protections.

PATRIARCHAL AND ANTI-DEMOCRATIC IDEOLOGIES

(continued)

Pronatalism—Founded in eugenics, racism, and a return to traditional gender roles, pronatalism is an ideology that believes it's the government's responsibility to increase birth rates. It promotes the view that declining birth rates are caused by the independence of women and the loss of traditional values. The modern pronatalist movement includes both elites with a eugenic vision of using technology to engineer a better human race, as well as religious conservatives who value traditional gender roles and believe that women's value lies primarily in child raising and housework. While men are largely considered the leaders of these ideologies, women have not only promoted pronatalism but also financially benefit from it—on social media, for example, some women are making lucrative careers out of lifting up traditional gender roles and celebrating being a “tradwife.”³²

Tonya Mosley: **I'm just curious. What was the breakdown of men versus women at Natal Con?**

Lisa Hagen: **Oh, 95% men, absolutely. And...**

Tonya Mosley: **Ninety-five percent men.**

—Excerpt from an NPR interview on Natal Con, a pronatalism conference held in Washington, D.C.³³

Tellingly, despite their professed concern with declining birth rates and the impact that can have on society, pronatalists do not support programs that support the basic needs of families. They only want certain kinds of babies—specifically, white babies raised by heterosexual, Christian, conservative couples. Further, Trump's pronatalist allies have used rhetoric about white birth rates falling to promote anti-democratic narratives, such as attacking the voting rights of women and people of color.



In a functional democracy, individuals and advocates can turn to the courts to protect their rights—indeed, in the past, this is where some of the most significant gains for women and gender justice overall have been won.³⁵ But while the federal lower courts, in many instances, have shown themselves willing to check Trump’s abuses, the Supreme Court has not only failed to stop Trump’s lawless actions, it has actively stepped in to prevent lower courts from holding the administration accountable to the law.³⁶

Further, the Supreme Court has unsettled decades of precedent without explanation, applied a unitary executive theory—meaning that the president should have absolute, unchecked authority over the entire executive branch—that is at odds with democratic governance, and manufactured strategic delays to allow for irreversible destruction.³⁷ Overall, the Supreme Court has enabled Trump to reshape the structure of our government and democracy.³⁸

The result is not only a government that is unresponsive, but a democracy that is disconnected from the very people whose participation have long sustained it.



THE WAY FORWARD

These dynamics all underscore the critical point: An effective and stable democracy is not neutral with respect to gender—which is why misogyny, scapegoating, and disempowering women and sexual and gender minorities are key strategies of authoritarian movements.

Systems in which women can participate fully and equally are more representative, more accountable, and more resilient in the face of authoritarian threats, helping to ensure those threats are identified early and proactively countered. Correspondingly, when gender equality is undermined, democratic institutions themselves become significantly more vulnerable to capture.

Efforts to restore democracy, then, must be undertaken in concert with efforts to expand gender justice.

Additionally, gender-justice advocates are critical to grounding the importance of democratic reforms. Both the advocates themselves and the work they carry out demonstrate how democracy impacts individuals' everyday lives—including the availability of health care, child care, and other essential services—which is why all people should be invested in helping to build an effective and responsive government.

We cannot pull our democracy back from the brink without emphasizing gender equity as a necessary condition for reform. By centering the needs and experiences of those facing the most severe ramifications of the growing authoritarian movement in the United States, we can advance a broad vision for a government that is responsive, representative, and fair for all people.

Principles for a Strong Democracy

Building and sustaining a thriving democracy is inherently multi-faceted, requiring attention—and continual modifications—to institutions, laws, and the distribution of power.

The following five interrelated principles define the essential features of a truly representative government that works for and meets the needs of the public it serves. These principles also provide a foundation for the reforms needed to achieve this vision.

Committed to the Rule of Law

The law, both its protections and its consequences, must apply equally to everyone, regardless of their race, gender, or other identity, their wealth, or their political power. The separation of powers, as well as checks and balances, must be respected and enforced. People must be able to challenge wrongdoing without retaliation and have their claims heard fairly and efficiently. The courts, and legal representation, must be accessible and affordable for all people—and judges must act independently, ethically, and free from bias.

Guarantees Liberty and Equality

Laws must explicitly guarantee individuals' autonomy, including bodily autonomy, and ability to live free from discrimination. A resilient democracy fosters coalition-building across lines of identity and ideology to strengthen shared commitments to rights, participation, and the safety of all communities. It recognizes that protection against discrimination is a critical element of ensuring full public participation for all.

Expands Participation and Representation

All people must be able to engage in public life, as this is paramount to ensuring elected officials reflect the needs of their communities. Every person must be able to organize, advocate, and run for office without facing violence, harassment, or unnecessary barriers. Laws must foster and encourage voting, not restrict it or gerrymander away the power of voters, and civic education must begin in early childhood and continue through adulthood.

Broadly Distributes Power and Opportunity

Economic stability underpins democratic participation and must be available to all. Extreme concentrations of wealth and influence distort democratic systems by restricting participation and making government less responsive to voters and more responsive to wealthy interests. Strong social institutions such as public schools, universities, health systems, labor unions, and nonprofits are critical to the well-being of communities.

Delivers Bold Change

Government must continually evolve and be responsive to the needs of its people. Neither its laws nor its institutions should be static. When necessary, a functioning democracy must be willing—and able, through its rules and structures—to pursue meaningful policy changes in health care, education, workplace protections, and more, as well as to enact structural change that expands participation and protects those who seek to exercise their rights.

THE PILLARS OF A DEMOCRATIC AGENDA

Political violence, the undermining of voting rights, attacks on the rule of law and civil society, and the politicization of the courts are often discussed as key crises that must be reformed to restore American democracy and realize the vision of governance described above.

Less discussed, however, is the role gender plays in shaping these challenges—and in finding solutions to them.

Efforts to restrict voting rights disproportionately burden women—particularly women of color³⁹—who remain central to electoral participation and civic mobilization. The rise of political violence, especially when gendered or racialized, serves to deter women from public leadership and silence those who challenge entrenched power. At the same time, attacks on the rule of law and on organizations that advocate for equal rights, transparency, and reform undermine the institutional pathways through which women have historically secured rights and accountability.

And the increasing politicization and capture of the federal judiciary threatens one of the most critical arenas in which gender equality has been advanced and defended. It also threatens the promise of future reform that would strengthen democracy.

Using this lens, the need for reform is explored in greater depth below.

Ensure Everyone Has a Voice: Restoring and Advancing Voting Rights

The most fundamental aspect of any democracy is not simply the right to vote, but the ability to exercise that right freely. Throughout American history, however, access to the ballot has never been evenly distributed, and women—particularly women of color who have been at the heart of so many major social movements—have faced persistent barriers to not only casting votes but also to electing individuals who truly reflect their interests.⁴⁰

In addition to various U.S. Supreme Court decisions over the past decades that struck down and weakened key provisions of the Voting Rights Act,⁴¹ more than 100 laws that restrict voting have been passed at the state level.⁴²

These policies, such as unnecessary voter identification requirements, reductions in early voting and polling locations, and discriminatory redistricting maps, fall hardest on those with the least flexibility and fewest resources—a group that is disproportionately made up of women, and specifically, women of color.

And now, underscoring the fragility of women's suffrage, calls are growing to overturn the Nineteenth Amendment and establish "household voting" policies in which a husband and/or father casts a single vote, purportedly representing the views of his entire family.⁴³

ATTACKS ON VOTING RIGHTS ARE ONLY INCREASING

Attacks on voting rights continue to be carried out within legislatures and the courts. The Supreme Court recently issued a decision in *Louisiana v. Callais* that eviscerated a key provision of the Voting Rights Act, allowing state lawmakers to draw discriminatory voting districts to diminish the political power of Black communities as well as other racial and ethnic minority communities.⁴⁴ And states eagerly took the opportunity to do so—Tennessee and Louisiana quickly moved to eliminate the only Black-majority seats in their states while Alabama successfully petitioned the Supreme Court to allow it to revive a discriminatory map. Many other states are poised to inflict further damage in future election cycles.⁴⁵

Further, the Safeguard American Voter Eligibility (SAVE) Act—pending in Congress and championed by Donald Trump—would set new requirements for registering to vote that would be extremely difficult, if not impossible, for millions of Americans to fulfill.

Due to the type of documentation voters would be forced to provide, the SAVE Act would especially impact the approximately 69 million married women in the United States who have changed their surname.⁴⁶

By restricting access to the ballot, lawmakers are better able to evade accountability and enact policies that diverge sharply from public preferences, including making cuts to social programs, eroding civil rights, and placing sweeping restrictions on reproductive freedom.⁴⁷

A meaningful reform agenda must therefore ensure that participation is fully accessible in practice. This includes strengthening federal voting protections, removing unnecessary barriers to registration and ballot access, reforming campaign finance laws, and eliminating discriminatory vote dilution. Importantly, proposals must be structured to reflect the realities of people's lives, including caregiving and work demands that particularly impact women. Voting hours, the availability of voting leave, mail-in ballot policies, and more should be structured to allow maximum participation among eligible voters. Without these changes, the promise of democratic participation will remain uneven—and the voices most central to advancing equality will continue to be marginalized.

Ensure Participation Without Fear: Ending Political Violence and Harassment

Even outside the right and ability to vote, a healthy democracy means that individuals who have historically faced discrimination and marginalization are able to participate at every level of government without fear. But when political leadership and participation carry the risk of violence—ranging from physical threats and intimidation tactics to retaliation and harassment—engagement significantly diminishes.

Women leaders have always faced increased threats of violence as compared to men. This is especially true for women of color and LGBTQIA+ women, as well as nonbinary people, as they are often targets for sexualized harassment and coordinated campaigns waged by far-right forces to undermine their credibility.⁴⁸ The more violence and implicit and explicit threats of violence are normalized in the political process, the greater the threat.



TRUMP'S TARGETING OF BLACK WOMEN LEADERS

Trump has expressed especially targeted aggression toward Black women leaders as he threatens and attempts to silence those he perceives as his political enemies. Not only do these actions represent a weaponization of the law, they also demonstrate the administration's particular desire to intimidate women of color in office and in other positions of leadership and power. In doing so, not only is Trump making clear attempts to try to silence Black women, but also to pander and deliver "wins" to his base of supporters that frequently demonstrate their hostility toward Black women and their power.

For example, Trump prevailed upon the Department of Justice to bring unfounded criminal charges against New York Attorney General Letitia James after she successfully sued him for business fraud. Similarly, the Trump administration criminally charged Representative LaMonica McIver after she stood up for immigrants, sought to remove Dr. Lisa Cook from the board of the Federal Reserve based on unfounded claims of fraud, and investigated Representative Ilhan Omar based on long-refuted allegations of immigration fraud.

These dangers are only growing as a direct consequence of Donald Trump and his allies' blatantly misogynistic and racist rhetoric. Women across the political spectrum have experienced a dangerous uptick in threats and violence—including the circulation of sexualized images and videos of women leaders, aided by rapidly growing and poorly regulated AI technology.⁴⁹

The consequences of attempts such as these to silence diverse voices are cascading. When harassment and threats keep women from being visible leaders or even prevent them from voting, policy debates become narrower and less responsive to the needs of all people. And when girls do not see many women in power, the danger that they will internalize the idea that they do not "belong" in political life grows—impacting whether our democracy can be truly representative in the long term.

Addressing political violence must therefore be understood as a core democratic priority, with the ways in which women and others are targeted significantly informing protections for all. Perpetrators must be held accountable and the role of digital platforms in amplifying harassment and threats must be addressed. Just as importantly, it requires a broad and sustained commitment by all powerful actors—elected officials, donors, the heads of major technology platforms, and more—to ensure that participation in public life is safe, accessible, and sustainable for all.

Ensure Equal Access to Justice: Ending the Weaponization of the Law

Not only must people be able to vote and engage within the political process freely and without fear, but they also must be able to rely on the law being a tool for justice.

A foundational principle of democracy is the rule of law, which means that all members of society are equally subject to the same legal standards—and that those laws are enforced consistently and without political interference. This is a core pathway for accountability as well as the advancement of individuals' rights.

Women, and people in other historically marginalized communities, have heavily relied on this promise to move society forward.⁵⁰ The principle that all are equal under and subject to the same legal standards has been a critical foundation for efforts to undo gender and racial hierarchies. When the law is selectively and unfairly enforced, however, that critical pathway for progress closes.

In his very first days in office, Trump placed officials dedicated to his personal interests into key agencies such as the Department of Justice, which is meant to neutrally enforce the law;⁵¹ fired watchdogs intended to hold the government accountable;⁵² and set forth an aggressive agenda to target and prosecute lawyers, advocates, donors, leaders, and organizations focused on good government and the rights of individuals such as women, immigrants, and trans people.⁵³

In a further attempt to chill diverse ideas and dissent—as well as to create a scapegoat for the grievances of many of those on the ideological right—Trump has attacked diversity, equity, and inclusion (DEI) policies and gender diversity.⁵⁴ In doing so, he lifts up the false myth that America was better off when traditional gender roles and racial hierarchies were enforced and white men dominated civil and political discourse.

These efforts also strongly relate to Trump's longstanding legal and rhetorical attacks on immigrants.⁵⁵

Trump's targets have centered on the institutions that are foundational to a functional democracy—including public schools, universities, law firms, civil society organizations, election workers, journalists, and the media—in order to spread fear, undermine systems that promote norms and enforce accountability, weaken political opposition, and quell dissent.

As just one example that again demonstrates its awareness of the threat gender equity poses to authoritarianism, the administration has pushed universities to eliminate gender studies programs and, when those closures occur, celebrated these "successes."⁵⁶

A DISTORTION OF ANTI-DISCRIMINATION PROTECTIONS

As part of the Trump administration's sustained campaign against diversity and attempts to roll back progress, they have encouraged men—particularly the white men who continue to hold overwhelming sway over wealth and political power in the United States—to see themselves as victims.

“Are you a white male who’s experienced discrimination at work based on your race or sex? You may have a claim to recover money under federal civil rights laws. Contact the EEOC as soon as possible.”

—Andrea Lucas, Trump-appointed Equal Employment Opportunity Commission (EEOC) chair⁵⁷

Indeed, these tactics and wild claims have grown into a cornerstone of Trump's second presidency.

At Trump's direction, the Department of Justice has launched politically motivated investigations into Trump's political opponents,⁵⁸ and the administration has attempted to intimidate and even criminalize organizations and funders engaging in advocacy protected by the First Amendment by labeling them as “domestic terrorist organizations” that promote “extremism on migration, race, and gender” and pursue a “radical gender ideology” that is opposed to “traditional American views on family, religion, and morality.”⁵⁹

The administration dramatically escalated these tactics when the Department of Justice indicted the Southern Poverty Law Center—an organization dedicated to ending hate and bigotry and one that challenged the administration's policies—based on false and politically motivated claims of donor fraud in April 2026.⁶⁰

Hand-in-hand with these intimidation efforts, Trump's attempts to eliminate the ability of ordinary people to even secure legal representation to challenge unlawful government acts have also been sweeping.

For example, his executive orders targeting major law firms, despite repeatedly being rejected by the courts, achieved what they were intended to do—they dramatically chilled the willingness of some of the most powerful law firms and lawyers in the country to provide pro bono assistance to vulnerable people and key civil rights initiatives.⁶¹ Further, given that some major firms agreed to provide legal assistance for causes the administration supports in attempts to “settle” with Trump, the EOs also created a new pool of pro bono resources to enforce his agenda.⁶²

Major law firms historically played a leading role in supporting fights for the advancement of women and people of color and, now, under-resourced public interest lawyers and small practitioners dedicated to such work must attempt to make up the gap.⁶³

This dangerous state of affairs makes it more difficult and expensive to support stigmatized communities, sets up civil rights and good government organizations for further surveillance and persecution, and stalls reform by discouraging funders and policy leaders from engaging in bold advocacy as well as criticism of the government.

A democratic reform agenda must do more than roll back and otherwise end the harmful policies announced by this administration—it must put safeguards in place to ensure such abuses can never be carried out again. Wide-ranging reforms to the operations of key enforcement agencies will need to be established, civil rights protections will need to be strengthened to prevent targeting gender and racial equity efforts, professional accountability for lawyers complicit in Trump’s attacks must be meaningfully carried out, and new protections will need to be enacted to safeguard the role of civil society and public-interest advocacy. All individuals must feel equal under the law and be able to vindicate violations of their civil rights, whether committed by private or public actors, without fear.

Ensure Rights & Reforms Will Be Upheld: Restoring Judicial Independence & Fairness

Any meaningful democracy reform is overwhelmingly likely to be challenged in court—meaning that the success of implementing any reform relies on a judiciary dedicated to the rule of law and the Constitution over political interests.

The courts play a central role in determining the stability of American democracy. At their best, the courts protect the rule of law and safeguard equal rights for all. For women in particular, the courts were a key avenue to securing reproductive autonomy and protections against discrimination.⁶⁴

But the effectiveness of courts to act in this manner depends on their independence. And today, we no longer have a truly independent judiciary.

A long-term and well-funded campaign launched by far-right forces over five decades ago to shape the composition and ideology of the Supreme Court has achieved overwhelming successes.⁶⁵ Our Supreme Court—now stacked with three Trump appointees as well as other so-called conservative justices newly freed to engage in radical lawmaking from the bench—has been distorted from a shield for our rights to a cudgel against them.

In case after case in recent years, the Supreme Court has abolished rights and overturned legal doctrines that have stood for decades—including the right to abortion,⁶⁶ the right to be free from religious coercion in school,⁶⁷ the right to vote without disproportionate burdens based on race,⁶⁸ the ability to foster diverse and nondiscriminatory educational environments,⁶⁹ the right to be free from racial profiling in law enforcement,⁷⁰ and many others.

Perhaps most appalling was the Supreme Court's ruling in favor of Trump that infused the executive branch with alarming new powers and refused to hold the president accountable for criminal actions while in office.⁷¹ Further, deviating sharply from their treatment of executive actions by Presidents Biden and Obama, the Court has used its shadow docket to greenlight some of Trump's most extreme policies—infusing the executive with new authorities with little to no legal justification or coherent standards.⁷² Trump has made it clear he expects the Court to act subservient to him in all matters, even taking the unprecedented step of attending oral arguments in the birthright citizenship case before the Court—a clear message to the justices that he is watching them.⁷³

Under the second Trump administration, the situation has grown even more dire as the Supreme Court has refused to check Trump's worst excesses and enabled his lawlessness.⁷⁴ While many dozens of lower courts have striven to hold the Trump administration accountable to the law, they are under assault by Trump and his supporters,⁷⁵ and the Supreme Court has failed to meaningfully defend them. The simple fact is that our democracy cannot withstand the Court's abdication of its role to check the other branches of government and uphold the Constitution.

A serious democratic reform agenda therefore cannot be separated from efforts to restore the integrity and independence of the judiciary, particularly the Supreme Court. Changes to the structure and administration of the courts are long overdue and so is the creation of mechanisms to ensure accountability. Without a judiciary that functions as a genuine safeguard against abuses, all reforms to restore American democracy and equal rights for all will be imperiled.

CONCLUSION

American democracy has always been advanced by those who challenge power. Women have been at the center of that challenge, expanding rights, strengthening institutions, and pushing the country toward a more inclusive and equitable future.

The current moment of democratic backsliding reflects, in large part, a backlash to that progress.

The work to address these abuses will require confronting the structural forces that have weakened democratic accountability, including the concentration of wealth and power, and addressing the ways in which those forces have disproportionately constrained the participation of women and people in other historically marginalized communities.

The path forward is not simply to restore what has been lost, but to build a democracy that better serves all people and is more resilient than the one that preceded it.

RECOMMENDED CITATION

Alison Gill and Maggie Jo Buchanan, *Justice for Her, Democracy for All*, National Women's Law Center, August 26, 2026.

FOOTNOTES

1. League of Women Voters, *Report: Women Voters by the Numbers (2024)*, last updated March 24, 2026, <https://www.lwv.org/blog/report-women-voters-numbers-2024>; Isaac Bledsoe and Ben Smith, "Men and Volunteering: Gender Gaps and Trends," American Institute for Boys and Men, November 19, 2025, <https://aibm.org/research/men-and-volunteering-gender-gaps-and-trends/>.
2. Katherine Schaeffer, "Key Facts About Public School Teachers in the U.S.," Pew Research Center, September 24, 2024, <https://www.pewresearch.org/short-reads/2024/09/24/key-facts-about-public-school-teachers-in-the-u-s/>.
3. See generally League of Women Voters, "Women in the Civil Rights Movement," last updated February 27, 2025, <https://www.lwv.org/blog/women-civil-rights-movement>; Smithsonian American Women's History Museum, "LGBTQ+ Women Who Made History," June 3, 2021, <https://womenshistory.si.edu/blog/lgbtq-women-who-made-history>.
4. National Women's Law Center, *A Window Into the Wage Gap*, January 2026, <https://nwlc.org/wp-content/uploads/2025/02/2026-Window-into-the-Wage-Gap-Factsheet.pdf>.
5. Urban Institute, "Nine Charts about Wealth Inequality in America," April 25, 2024, <https://apps.urban.org/features/wealth-inequality-charts/>.
6. National Women's Law Center, "Gender and Racial Wealth Gaps and Why They Matter," March 21, 2025, <https://nwlc.org/resource/gender-and-racial-wealth-gaps-and-why-they-matter/>.
7. Chase Peterson-Withorn, "The 2025 Forbes 400 List of Wealthiest Americans," *Forbes*, updated September 10, 2025, <https://www.forbes.com/sites/chasewithorn/2025/09/09/the-2025-forbes-400-list-of-wealthiest-americans-facts-and-figures/>.
8. Eli G. Rau and Susan Stokes, "Income Inequality and the Erosion of Democracy in the Twenty-First Century," *Proceedings of the National Academy of Sciences of the United States of America* 122, no. 1 (2025), <https://doi.org/10.1073/pnas.2422543121>.
9. Jack Malde, "The Human Capital Case for Paid Family Leave," Bipartisan Policy Center, March 20, 2025, <https://bipartisanpolicy.org/article/the-human-capital-case-for-paid-family-leave/>.
10. AP-NORC Center for Public Affairs Research, "Support for Legal Abortion Increased Since Roe v. Wade Was Overturned," July 9, 2024, <https://apnorc.org/projects/support-for-legal-abortion-increased-since-roe-v-wade-was-overturned/>.
11. Andrew Daniller, "Most Americans Say Government Has a Responsibility to Ensure Health Care Coverage," Pew Research Center, December 10, 2025, <https://www.pewresearch.org/short-reads/2025/12/10/most-americans-say-government-has-a-responsibility-to-ensure-health-care-coverage/>.
12. Public Religion Research Institute, "LGBTQ Rights Across All 50 States: Key Insights from PRRI's 2024 American Values Atlas," March 4, 2025, <https://prri.org/research/lgbtq-rights-across-all-50-states-key-insights-2024-prri-american-values-atlas/>.
13. Andrew Lentini, "New Research Finds Americans Deeply Concerned About U.S. Democracy," Johns Hopkins University, November 23, 2025, <https://hub.jhu.edu/2025/11/23/agora-survey-democracy-concerns/>.
14. Pew Research Center, "Public Trust in Government: 1958–2025," December 4, 2025, <https://www.pewresearch.org/politics/2025/12/04/public-trust-in-government-1958-2025/>.
15. Partnership for Public Service, "The State of Public Trust in Government 2025," August 12, 2025, <https://ourpublicservice.org/publications/the-state-of-public-trust-in-government-2025/>.
16. See generally Brennan Center for Justice, "Influence of Big Money," <https://www.brennancenter.org/topics/money-politics/influence-big-money>; Daniel I. Weiner, Brennan Center for Justice, "Citizens United Explained," updated January 29, 2025, <https://www.brennancenter.org/our-work/research-reports/citizens-united-explained>; Idrian Mollaneda, "The Aftermath of California's Proposition 22," *California Law Review*, May 2021, <https://www.californialawreview.org/online/the-aftermath-of-californias-proposition-22>; *First National Bank of Boston v. Bellotti*, 435 U.S. 765 (1978).
17. See, e.g., Martin Gilens and Benjamin I. Page, "Gilens and Page: Average Citizens Have Little Impact on Public Policy," Physicians for a National Health Program, April 19, 2014, <https://pnhp.org/news/gilens-and-page-average-citizens-have-little-impact-on-public-policy/>.
18. Common Cause Illinois, "Part One: Underrepresentation in Congress: What Are the Consequences?," July 28, 2021, <https://www.commoncause.org/illinois/articles/part-one-underrepresentation-in-congress-what-are-the-consequences/>.

19. Rau and Stokes, "Income Inequality."

20. See generally Robin Maril, "Power at the Fault Lines: A Queer and Transgender Model for Democratic Defense," *SSRN Electronic Journal*, January 2023, <https://doi.org/10.2139/ssrn.4540725>; Vera Institute of Justice, "Weaponizing the System: One Year of Trump's Attacks on Due Process," January 20, 2026, <https://www.vera.org/explainers/weaponizing-the-system-one-year-of-trumps-attacks-on-due-process>; Lindsey Dawson and Jennifer Kates, "Overview of President Trump's Executive Actions Impacting LGBTQ+ Health," KFF, May 20, 2026, <https://www.kff.org/lgbtq/overview-of-president-trumps-executive-actions-impacting-lgbtq-health/>.

21. Melissa Hellman, "Donald Trump in His Own Words—The Year in Racism and Misogyny," *The Guardian*, December 29, 2025, <https://www.theguardian.com/us-news/2025/dec/29/donald-trump-racism-dei-misogyny-2025-review>.

22. Erik Wemple, "Trump's Media-Bashing Is Coming Back to Bite Him in Court," *The New York Times*, April 2, 2026, <https://www.nytimes.com/2026/04/02/business/media/trump-media-courts.html>.

23. Melissa Hellman, "Donald Trump in His Own Words."

24. Erica Chenoweth and Zoe Marks, "Revenge of the Patriarchs: Why Autocrats Fear Women," *Foreign Affairs*, February 9, 2022, <https://www.foreignaffairs.com/articles/china/2022-02-08/women-rights-revenge-patriarchs>.

25. Jessica Guynn, "These Are the Companies That Rolled Back DEI Amid Trump Backlash," *USA Today*, December 9, 2025, <https://www.usatoday.com/story/money/2025/12/09/trump-dei-rollback-list-backlash/87457060007/>.

26. Meghan Faulkner and Diamond Brown, "These Corporations Publicly Supported Abortion Access, Then Donated to Anti-Abortion Lawmakers in Florida," Citizens for Responsibility and Ethics in Washington (CREW), May 2, 2024, <https://www.citizensforethics.org/reports-investigations/crew-investigations/these-corporations-publicly-supported-abortion-access-then-donated-to-anti-abortion-lawmakers-in-florida>.

27. John Relman, "Big Law Firms Who Surrendered to Trump's Demands Ended Up Losing," *Bloomberg Law*, April 8, 2026, <https://news.bloomberglaw.com/legal-exchange-insights-and-commentary/big-law-firms-who-surrendered-to-trumps-demands-ended-up-losing>; Charlie Warzel, "YouTube Bends the Knee," *The Atlantic*, October 1, 2025, <https://www.theatlantic.com/technology/2025/10/youtube-trump-settlement/684431/>.

28. Moya Bailey, *Misogynoir Transformed: Black Women's Digital Resistance* (NYU Press, 2021).

29. Joshua Ferrer and Christopher Palmisano, "Beyond the Trump Presidency: The Racial Underpinnings of White Americans' Anti-Democratic Beliefs," *The Journal of Race, Ethnicity, and Politics* 10, no. 1 (2025): 60–85, <https://doi.org/10.1017/rep.2025.1>.

30. Conor Lennon, "Online 'Manosphere' Is Moving Misogyny to the Mainstream," *UN News*, March 7, 2025, <https://news.un.org/en/story/2025/03/1160876>.

31. Public Religion Research Institute, "A Christian Nation? Understanding the Threat of Christian Nationalism to American Democracy and Culture," February 8, 2023, <https://prri.org/research/a-christian-nation-understanding-the-threat-of-christian-nationalism-to-american-democracy-and-culture/>.

32. Hannah Gabelnick, "What TikTok's Tradwives Aren't Telling You," *National Women's Law Center*, August 14, 2025, <https://nwlc.org/what-tiktoks-tradwives-arent-telling-you/>.

33. Tonya Mosley, "What's Behind the 'Pronatalist' Movement to Boost the Birth Rate?," *Fresh Air*, NPR, April 30, 2025 <https://www.npr.org/2025/04/30/nx-s1-5382208/whats-behind-the-pronatalist-movement-to-boost-the-birth-rate>.

34. Vivian Yee, "The Women Who Believe That Women Should Lose the Right to Vote," *The New York Times*, April 2, 2026, <https://www.nytimes.com/2026/04/02/us/household-vote-women.html>.

35. See, e.g., *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Reed v. Reed*, 404 U.S. 71 (1971); *Frontiero v. Richardson*, 411 U.S. 677 (1973); *Craig v. Boren*, 429 U.S. 190 (1976); *United States v. Virginia*, 518 U.S. 515 (1996); *Lawrence v. Texas*, 539 U.S. 558 (2003); *Obergefell v. Hodges*, 576 U.S. 644 (2015); *Roe v. Wade*, 410 U.S. 113 (1973), overruled by *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022); *Bostock v. Clayton County*, 590 U.S. 644 (2020), but see *U.S. v. Skrmetti*, 605 U.S. __ (2025) (collectively illustrating the central role of the judiciary in shaping the constitutional and statutory rights of women and LGBTQIA+ people, with recent rollbacks illustrated by *Dobbs* and *Skrmetti*).

36. Protect Democracy, "The Trump Administration's Conflict with the Courts, Explained," October 2, 2025, <https://protectdemocracy.org/work/the-trump-administrations-conflict-with-the-courts-explained/>; Ben Raderstorf and Joanna Suriani, "The Thing That Worries Us About the Supreme Court," *If You Can Keep It*, July 6, 2025, <https://www.ifyoucankeepit.org/p/the-thing-that-worries-us-about-the>.

37. Ashleigh Maciolek and Alicia Bannon, "Supreme Court Abuse of the Shadow Docket Under Trump," *Brennan Justice for Justice*, March 3, 2026, <https://www.brennancenter.org/our-work/analysis-opinion/supreme-court-abuse-shadow-docket-under-trump>; Michael Waldman, "The Extreme Legal Theory Behind Trump's First Month in Office," *Brennan Center for Justice*, February 19, 2025, <https://www.brennancenter.org/our-work/analysis-opinion/extreme-legal-theory-behind-trumps-first-month-office>.

38. Alicia Bannon, "Supreme Court Must Explain Why It Keeps Ruling in Trump's Favor," Brennan Center for Justice, August 14, 2025, <https://www.brennancenter.org/our-work/analysis-opinion/supreme-court-must-explain-why-it-keeps-ruling-trumps-favor>.
39. Alison Gill, "How the SAVE Act Could Disenfranchise Millions of Married Women and Trans Voters," National Women's Law Center, last updated February 2, 2026, <https://nwlc.org/how-the-save-act-could-disenfranchise-millions-of-married-women-and-trans-voters/>.
40. California Commission on the Status of Women and Girls, "Women of Color and the Fight for Women's Suffrage," <https://women.ca.gov/women-of-color-and-the-fight-for-womens-suffrage/>.
41. *Shelby County v. Holder*, 570 U.S. 529 (2013); *Brnovich v. Democratic National Committee*, 594 U.S. 647 (2021), https://www.supremecourt.gov/opinions/20pdf/19-1257_g204.pdf.
42. National Women's Law Center, "The Voting Rights Act's Legacy is Under Threat," August 21, 2025, <https://nwlc.org/resource/the-voting-rights-acts-legacy-is-under-threat/>.
43. Yee, "The Women Who Believe That Women Should Lose the Right to Vote."
44. National Women's Law Center, "SCOTUS Ruling in *Louisiana v. Callais* Attacks Voting Power of Black Women," April 29, 2026, <https://nwlc.org/press-release/scotus-ruling-in-louisiana-v-callais-attacks-voting-power-of-black-women/>.
45. Jack Brook, "Louisiana Passes New Congressional Map to Eliminate Majority-Black District, Give GOP Another Seat," Associated Press, May 29, 2026, <https://www.pbs.org/newshour/politics/louisiana-passes-new-congressional-map-to-eliminate-majority-black-district-give-gop-another-seat>; Sam Levine, "US Southern States Rush to Redraw Electoral Maps to Dilute Black Voting Power," *The Guardian*, May 14, 2026, <https://www.theguardian.com/us-news/2026/may/14/southern-states-redistricting-electoral-maps-black-voting-power>.
46. Melissa Martinez, "House Passes Elections Overhaul Bill That Could Make It Harder for Married Women to Vote," *The 19th*, February 11, 2026, <https://19thnews.org/2026/02/house-passes-save-america-act-married-women-vote/>.
47. Annie Daley, "When Public Will Meets Political Won't: How Democratic Innovations Can Bridge the Chasm," *National Civil Review* 114, no. 3 (2025), <https://www.nationalcivicleague.org/ncr-article/when-public-will-meets-political-wont-how-democratic-innovations-can-bridge-the-chasm>.
48. Nehali Watwe, "The Rise in Political Violence Against Women Is No Coincidence—These Threats Are Meant to Remove Power from Women," National Women's Law Center, October 30, 2025, <https://nwlc.org/the-rise-in-political-violence-against-women-is-no-coincidence-these-threats-are-meant-to-remove-power-from-women/>.
49. New America, "The Targeting of Female Public Officials," <https://www.newamerica.org/insights/a-weapon-against-women-in-politics/the-targeting-of-female-public-officials/>.
50. See generally the Civil Rights Act of 1964; Amber Saddler, "Women and the Courts," *Alliance for Justice*, March 8, 2021, <https://afi.org/article/women-and-the-courts/>.
51. House Committee on the Judiciary, "Trump's Unprecedented Purge at the Department of Justice Threatens Public Safety, National Security, and the Rule of Law," https://democrats-judiciary.house.gov/sites/evo-subsites/democrats-judiciary.house.gov/files/migrated/UploadedFiles/2025.01.29_Fact_Sheet_on_DOJ_Changes.pdf.
52. Douglas S. Pasternak, "Undoing Accountability: An Update on Trump's Attacks on Inspectors General," Public Citizen, March 11, 2026, <https://www.citizen.org/article/undoing-accountability/>.
53. Erica Bryant, "Trump's War on Nonprofits Will Make Us All Less Safe," Vera Institute of Justice, June 10, 2025, <https://www.vera.org/news/trumps-war-on-nonprofits-will-make-us-all-less-safe>; Open Society Foundations, "Statement on Politically Motivated Attacks on Open Society," September 25, 2025, <https://www.opensocietyfoundations.org/newsroom/statement-on-politically-motivated-attacks-on-open-society>; National Women's Law Center, "NWLC Blasts Trump Administration's Escalation of Attacks on Trans Community," December 18, 2025, <https://nwlc.org/press-release/nwlc-blasts-trump-administrations-escalation-of-attacks-on-trans-community/>.
54. *Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*, Executive Order 14168 (2025), <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>; Rachael Fugardi, "Male Supremacists Entrench Their Ideas in the Trump Administration, Policy," Southern Poverty Law Center, May 1, 2025, <https://www.splcenter.org/resources/hatewatch/male-supremacist-ideas-trump-administration-policy/>.
55. Tom Jawetz, "The Trump Administration's Assault on Immigrants Degrades the Rule of Law," Center for American Progress, May 28, 2026, <https://www.americanprogress.org/article/the-trump-administrations-assault-on-immigrants-degrades-the-rule-of-law/>.

56. U.S. Department of Education, "Victories for Higher Education: Ending Gender Extremism and Cutting Underused Programs," press release, April 9, 2026, <https://www.ed.gov/about/news/press-release/victories-higher-education-ending-gender-extremism-and-cutting-underused-programs>.
57. Andrea Hsu, "How Trump's EEOC Is Attacking DEI and Emphasizing White People," *All Things Considered*, NPR, March 31, 2026, <https://www.npr.org/transcripts/nx-s1-5763966/>.
58. Peter Stone, "How Trump Is Weaponizing the DOJ to 'Bully, Prosecute, Punish, and Silence' His Foes," *The Guardian*, November 4, 2025, <https://www.theguardian.com/us-news/2025/nov/04/trump-department-of-justice-weaponization-enemies>.
59. Presidential Memoranda, "Countering Domestic Terrorism and Organized Political Violence, National Security Presidential Memorandum-7," (2025), <https://www.whitehouse.gov/presidential-actions/2025/09/countering-domestic-terrorism-and-organized-political-violence/>; Department of Justice Memorandum, "Memorandum for All Federal Prosecutors, Law Enforcement Agencies, Department of Justice Grant-Making Components, Implementing National Security Presidential Memorandum-7: Countering Domestic Terrorism and Organized Political Violence," Office of the Attorney General, (2025), https://charityandsecurity.org/wp-content/uploads/2025/12/Bondi_Memo_On_Countering_Domestic_Terrorism_And_Organized_Political_Violence-1.pdf.
60. National Women's Law Center, "NWLC Denounces DOJ Indictment of Southern Poverty Law Center," April 22, 2026, <https://nwlc.org/press-release/nwlc-denounces-doj-indictment-of-southern-poverty-law-center/>.
61. Molly Redden, "Trump's War on Big Law Means It's Harder to Challenge the Administration," *ProPublica*, August 6, 2025, <https://www.propublica.org/article/trump-law-firms-accountability-environment-police-lgbtq>.
62. Katelyn Polantz, "Trump's Crackdown on Law Firms is Chilling the Future of Pro Bono Legal Work," *CNN*, May 7, 2025, <https://www.cnn.com/2025/05/07/politics/trump-law-firm-crackdown-pro-bono-work>.
63. Elizabeth Williamson, "Big Law Firms Bowed to Trump. A Corps of 'Little Guys' Jumped In to Fight Him," *The New York Times*, July 21, 2025, <https://www.nytimes.com/2025/07/21/us/politics/trump-big-law-firms-fight.html>.
64. See note 35.
65. Emma Green, "How The Federalist Society Won," *The New Yorker*, July 24, 2022, <https://www.newyorker.com/news/annals-of-education/how-the-federalist-society-won>.
66. *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf.
67. *Mahmoud v. Taylor*, 606 U.S. 522 (2025), https://www.supremecourt.gov/opinions/24pdf/24-297_4f14.pdf.
68. *Brnovich v. Democratic National Committee*, 594 U.S. 647 (2021), https://www.supremecourt.gov/opinions/20pdf/19-1257_g204.pdf.
69. Nina Totenberg, "Supreme Court Guts Affirmative Action, Effectively Ending Race-Conscious Admissions," *NPR*, June 29, 2023, <https://www.npr.org/2023/06/29/1181138066/affirmative-action-supreme-court-decision>.
70. ACLU Wisconsin, "Racial Profiling Rampant After Supreme Court Ruling," April 2, 2026, <https://www.aclu-wi.org/news/racial-profiling-rampant-after-supreme-court-ruling/>.
71. *Trump v. United States*, 603 U.S. 593 (2024), https://www.supremecourt.gov/opinions/23pdf/23-939_e2pg.pdf.
72. Carolyn Shapiro, "Whose Irreparable Harm?," *SCOTUSblog*, July 10, 2025, [tps://www.scotusblog.com/2025/07/whose-irreparable-harm/](https://www.scotusblog.com/2025/07/whose-irreparable-harm/); Mattathias Schwartz and Zach Montague, "Federal Judges, Warning of 'Judicial Crisis,' Fault Supreme Court's Emergency Orders," *The New York Times*, Oct. 11, 2026, <https://www.nytimes.com/2025/10/11/us/politics/judicial-crisis-supreme-court-trump.html>.
73. Rachel Treisman, "Trump Attends Supreme Court Arguments Over His Executive Order, a Presidential First," *NPR*, April 1, 2026, <https://www.npr.org/2026/04/01/g-s1-116019/trump-supreme-court-oral-arguments-birthright-citizenship>.
74. Bannon, "Supreme Court Must Explain Why It Keeps Ruling in Trump's Favor."
75. Stephen Vladeck, "The Trump Administration's Dangerous War Against District Judges," *American Bar Association, Human Rights Magazine*, March 4, 2026, <https://www.americanbar.org/groups/crsj/resources/human-rights/2026-march/trump-administrations-dangerous-war-against-district-judges/>.