

Madam Chair, distinguished members of the committee, thank you for holding this hearing and for inviting me to share some thoughts with you today.

While I will speak briefly about the importance of the ERA, this hearing is not a debate on that Amendment. That debate is over. We won. The states have directed Congress to amend the Constitution, and it is now the duty of Congress and the Administration to get out of the way and remove the arbitrary, unnecessary, and shameful deadline that was cynically imposed nearly a half century ago as a poison pill.

Since the earliest days of our nation, women have been fighting for inclusion in our founding document. Abigail Adams admonished her husband to “remember the ladies” in the Constitution. From the Seneca Falls suffragists to Alice Paul, from Shirley Chisholm and Gloria Steinem to the inspiring generation of young women, queer activists, and allies of the new millennium, we have pleaded for centuries a simple and powerful thing: equality under the law. The weight of that history rests on your shoulders.

This isn’t just a national issue. It’s personal. I want my daughter Bella to grow up knowing she has the same rights as every man in this country. And I want my son Milo—and every boy in America—to know that too. They deserve a government that cannot treat them differently because of their gender.

If there is one word which defines the American identity, it’s freedom. We call our President the leader of the “free world.” When we present ourselves to other nations, advocating across the globe for democracy and human rights, it is freedom which drives that discussion. There are even members of this very committee who belong to something called the “freedom caucus.” But how can we be a free people when our governing document does not prohibit discrimination against more than half of our population?

The answer, of course, is that we cannot. The lack of Constitutional protections for anyone who is not a cisgender man is a blemish on the very idea of Americanism. As long as the Constitution allows gender-based discrimination, the United States can never achieve the greatness to which it aspires.

Eighty-five percent of U.N. member states have constitutions which explicitly guarantee equality for women and girls. Not only can we not be truly free at home, we lose credibility around the world when we do not have a constitutional guarantee of equality. Madam Chair, if you lived in Latvia or Iceland, you would be assured of having the same rights as the men on this committee. Here, you are not.

Today, a white man on this committee will probably ask me which rights American women don’t have that American men do. Allow me to preempt that question—there are many current gender-driven injustices in this country. But the Constitution is not simply about the present. The Constitution is about what we bring far into the future. It exists to protect us from the what ifs. The ERA will outlive every one of us. It is a permanent protection of our most basic rights. Your obligation to the people of our nation—not just today, but in the centuries to come—requires you to take action.

The Framers failed us when they did not include women in the Constitution. Congress failed us when it added the deadline for ratification of the ERA. You, the members of this committee, have the opportunity and the obligation to fix the constitution and stop it from failing us. Will you take it? Will you answer the call of history and the promise of the future, or will you continue to allow the enemies of equality to continue to prevent America from being a truly free nation? These are your only options.

Thank you for your time and I'm happy to take your questions.