

Hearing on the Equal Rights Amendment

Subcommittee on the Constitution, Civil Rights and Civil Liberties

Testimony of Congresswoman Jackie Speier (CA-14)

Thank you Judiciary Committee Chairman Jerry Nadler, Subcommittee Chair Steve Cohen, Vice Chair Jamie Raskin, and Ranking Member Mike Johnson for the opportunity to testify at this historic hearing – the first Congressional hearing of its kind in a generation.

I would also like to thank several advocates here today who have traveled across the country to celebrate this milestone — ERA Coalition Co-Founders and Co-Presidents Carol Jenkins and Jessica Neuwirth, Feminist Majority President Ellie Smeal, National Organization for Women President Toni Van Pelt, Actors and Activists Patricia Arquette and Alyssa Milano, and so many others. We would not be here if not for their steadfast devotion to women’s equality.

As a Congresswoman and a mother, the Equal Rights Amendment is personal for me, and it should be personal for everyone here. Without the ERA, America will never achieve that eternal promise etched atop the marble edifice of the Supreme Court that reads, “equal justice under law.”

I am the sponsor of H.J.Res. 38, a bipartisan joint resolution cosponsored by 185 Members of the House of Representatives. Senator Ben Cardin has introduced a companion resolution.

My resolution removes the deadline from the preamble of the original Constitutional Amendment that passed Congress in 1972, and we’re just one state shy of the 38 states needed for ratification. It recognizes that the deadline in the original Constitutional Amendment was arbitrary, reflecting Congress’ view at a specific time, and that Congress is fully within its rights to adopt a new deadline, as it has in the past, or to remove it altogether. Notably, the original deadline was not part of the text states voted on when they ratified the ERA.

I also want to recognize Congresswoman Carolyn Maloney for her leadership as a sponsor of another resolution to secure passage of the ERA. Congresswoman Maloney’s joint resolution would restart the amendment ratification process. I assure you all that Congresswoman Maloney and I support one another’s bills and we will not stop until we achieve ratification of the ERA one way or another.

For too long, women have been second class citizens in this country. We are paid less for our work, violated with impunity, and denied access to or charged more for our health care, not to mention goods and services. After 96 years, we’re seizing our power and demanding equality.

The absence of the Equal Rights Amendment is a stain on our Constitution and our country. Nations around the world that have looked to the United States to model their own Constitutions have recognized the equality of women and men under the law, yet we fail to do the same.

An Amendment that was supported by Republicans and Democrats under Presidents Nixon, Carter, and Ford has been used to divide our country. It has allowed critics to claim there is no need for the ERA.

To them, I offer the words of the late Supreme Court Justice Antonin Scalia who said, “Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It does not.”

I point to the injustice suffered by Christy Brzonkala, who as a freshman reported that she was raped by two football players. When Virginia Tech let her perpetrators off the hook with a slap on the wrist, she sought justice through a federal civil suit filed under the Violence Against Women Act.

Congress included this civil suit provision because it recognized that local law enforcement and state courts sometimes failed to defend the rights of victims. In a devastating ruling, the Supreme Court invalidated this section of the Violence Against Women Act because Congress lacked the constitutional authority for the law.

Just imagine, if the ERA were enshrined in the Constitution, how many men and women like Christy would have been protected.

The ERA would grant Congress these critical tools to enforce women’s equality and fight discrimination.

Right now, the legal bar is impossibly high for women to pursue justice. The deck is stacked against us, and our rights are treated as an afterthought – or worse, a stomping ground.

We have some protection thanks to a patchwork of laws, but they have loopholes and can easily be repealed or undermined. Our rights shouldn’t depend on the current political agenda or whims of Congress or who is sitting in the White House. These basic and fundamental rights should and must be guaranteed.

In a few short weeks, on May 21, we’ll be celebrating the 100th anniversary of House passage of the 19th Amendment granting women the right to vote. We’ve come so far, yet our rights are still not guaranteed in our own Constitution.

That is why we need the ERA.

We need the ERA so that we can lead the world, not lag behind.

We need the ERA so that we can achieve our full economic and social potential.

We need the ERA now.