

STATEMENT FOR THE RECORD FROM  
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CEO  
YWCA USA

THE COMMITTEE ON THE JUDICIARY  
SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES  
U.S. HOUSE OF REPRESENTATIVES

AT A HEARING ENTITLED  
“Equal Rights Amendment”  
APRIL 29, 2019



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Chairman Cohen and Ranking Member Johnson, and Members of the Committee, thank you for allowing me to submit this statement for the record on the immediate need to ratify the Equal Rights Amendment (ERA).

Founded 160 years ago, YWCA is one of the oldest and largest women’s organizations in the nation. Today, there are more than 200 local YWCA associations in over 1,300 communities across 46 states and the District of Columbia, serving more than 2 million women, girls, and their families by combining programming and advocacy to generate lasting change in the areas of racial justice and civil rights, empowerment and economic advancement for women and girls, and improved health and safety for women and girls.

Removing barriers and expanding opportunities for women’s successful workplace participation is at the heart of YWCA’s mission to empower women. This is why we support fair wages and equal pay; safe, fair, and inclusive workplaces free of discrimination and harassment; and job-protected safe leave, paid sick leave, and paid family leave. It is also why YWCAs around the country provide 260,000 women and girls with economic empowerment programming each year to help them advance economically and become leaders.

In line with this core part of our mission, we appreciate that the ERA would help expand and improve women’s access to economic security by:

- Setting legal standards for sex discrimination claims that would provide better accountability and access to legal remedies for women who experience discrimination in the workforce;
- Closing the legislative loophole of “factors other than sex” that is currently used to perpetuate pay inequity; and
- Helping ensure that women can work safely and continue to earn needed income during pregnancy, including by ensuring that pregnant workers can receive reasonable workplace accommodations.



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Moreover, as the largest network of domestic and sexual violence service providers in the United States, YWCA knows that women and girls of all ages, income levels, racial and ethnic communities, sexual orientations, gender identities, and religious affiliations continue to experience violence in the form of domestic violence, sexual assault, dating violence, stalking, and trafficking. We work for practical solutions to protect survivors, hold perpetrators accountable, and eradicate all forms of gender-based violence. Every year, YWCAs provide more than 535,000 women with safety services, which include domestic violence and sexual assault programs and services such as emergency shelter, crisis hotlines, counseling and court assistance, and other community safety programs.

Too often, law enforcement and the judicial system fail in meeting their fundamental obligation to provide safety and security for survivors of violence. The failure of law enforcement to protect Jessica Gonzalez from abuse by her husband and the death of her three children at the hands of her husband provides a case in point. Ms. Gonzales' three daughters were killed by their father when law enforcement failed to enforce her order of protection against her husband. In subsequent litigation (*Castle Rock v. Gonzales*), the Supreme Court held that there was no constitutional basis for Ms. Gonzales' section 1983 claim against the Castle Rock police department, thereby enabling law enforcement agencies to escape liability even when they have been negligent in protecting women from gender-based violence.

Survivors of sexual assault have faced a similar lack of justice. For instance, in 2000, the Supreme Court struck down the provision of the Violence Against Women Act (VAWA) that permitted a college freshman, Christy Brzonkala, to bring a case against a fellow student who raped her. The Court held that cases such as hers did not fall within the scope for the Commerce Clause (under which VAWA had been passed), and thus there was no constitutional basis for the law or her claim.

The ERA would prevent these and similar miscarriages of justice for victims and survivors of gender-based violence. With the ERA, law enforcement would be held to a higher standard of accountability for blatantly disregarding the rights and safety needs of survivors. The Equal Rights Amendment would help improve the lives of survivors of domestic and sexual violence like Ms. Gonzalez and Ms. Brzonkala by:

- Giving Congress the constitutional basis to pass laws that give women victimized by gender-based violence recourse in the courts; and
- Providing a constitutional basis for claims of gender-based violence.

These are just a few of the numerous ways in which the ERA would empower and improve the lives of women. YWCA USA remains committed to ensuring that the Equal Rights Amendment is quickly ratified so that women across the country can benefit from comprehensive protection against discrimination in schools, employment, during pregnancy, and in many other parts of their lives.

YWCA appreciates the opportunity to share our views with you. If you have any questions, please contact YWCA USA Vice President of Public Policy and Advocacy, Catherine Beane, at [cbeane@ywca.org](mailto:cbeane@ywca.org) or 202-835-2354.

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine Beane", is positioned below the word "Sincerely,".

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