Amy Ingersoll-Johnson

District 32

Opposition SCR 4010

Chairman Vedaa and members of the Senate Government & Veteran Affairs Committee. My name is Amy Ingersoll-Johnson and I am an advocate, a community participant, an employee, a mother and a woman. I am providing testimony in opposition to Senate Concurrent Resolution 4010, clarifying that the ERA missed the 1979 deadline and initial extension to become ratified into the US Constitution, thereby nullifying the ratification in the 1975 44th ND Legislative Assembly. I have two courses of thought for why I am opposed to it.

This concurrent resolution may be moot in the eyes of Congress. The deadline imposed in the ERA was not listed in the text of the amendment, rather in the proposing clause. Additionally, precedent has been set that deadlines to not determine absolute validity. The Madison Amendment ratified as the 27th in 1992 after more than 203 years, shows us that Congress has the power to extend original deadlines and maintain legal viability of ratifications to an amendment.

What's more, is there appears to be legal precedent invalidating rescission of other amendment ratifications.

- 14th Amendment - New Jersey and Ohio voted to rescind but were both included in the published list in 1868.
- 15th Amendment – New York retracted but it was listed as one of the ratifying states
- 19th Amendment – Tennessee "non-concurred" but had already been listed in inclusion to the Constitution.

The rule that ratification once made may not be withdrawn has been applied in every case so far. The Supreme Court even upheld its constitutionality with supporting language indicating that once a state ratifies a federal amendment, so ends its ability to further participate in that amendment ratification process. I am no legal expert, but it seems to be that our resolution reaffirming support for the ERA in 2007 and this resolution are both unnecessary. Additional time and resources spent on this concurrent resolution are valuable time and resources wasted.

My second thought is more a profound disappointment that there appears to be waning support for the ERA. Legislators must acknowledge the inherent rights presumed in a man's involvement towards his own economic prosperity as well as the presumed control over his own property (to include his body). He has the right to worship as he chooses and apply his chosen morals to his own wellbeing. Yet these same rights are only outlined in limited scope for women through patchwork legislation across states and court decisions, which can be rolled back and reversed on the whims of changing legislative bodies and at the discretion of newly appointed courts. The 19th Amendment explicitly affirms a woman's right *only* to vote. Simply stating that we already have equal rights does not make it so.

Support of the ERA ensures a more robust tax base enabling our government to be more effective. When women earn dollar for dollar what men earn, the economic outcome helps women, their families and their communities. Women become fully involved in our own economic prosperity. When women have authority in when or whether to start a family, we are less likely to rely on government support and resources. We truly become the executers of our own property.

My morals should be regulated by my beliefs - not legislated by government. My healthcare should be decided between myself and my physician, not between law makers and church leaders. My rights should be protected by the constitution, not afforded by proxy from court rulings or differentiated by state laws. I am not a hidden agenda. I am a citizen of the United States deserving of Equal Rights guaranteed in the constitution. With all due respect to the committee, I would like a guarantee that all my inherent rights are protected; as I suspect some of you might too, if the vote was the only constitutionally protected right you could enjoy.

I am inspired by the education and experience that my representatives apply when crafting good legislation, and the caution and restraint they exercise when legislation might cross the line from personal belief to effective governance. My sincere hope is this is exemplified in a Do Not Pass for Senate Resolution 4010. Thank you.

The 1981 Idaho v. Freeman decision in US District Court of District of Idaho does not support the claim that ERA time extension was invalid and rescission votes are permissible. That decision was appealed to the Supreme Court, which did not hear arguments before the June 30th ratification deadline passed. They also vacated the lower court decision which made it useless as a precedent because it was wiped off the books.

Without the ERA in the Constitution, the statutes and case law that have produced major advances in women's rights since the middle of the last century are vulnerable to being ignored, weakened, or even reversed. Congress can amend or repeal anti-discrimination laws by a simple majority, the Administration can negligently enforce such laws, and the Supreme Court can use the intermediate standard of review to permit certain regressive forms of sex discrimination.

Previous testimony provided outlined the fear surrounding abortion. I am not here to get into a philosophical or religious argument about abortion, although facts do matter. It would be appropriate to note that a zygote, an embryo and a fetus are just that and are not yet considered a human being.