

Honorable Chair and members of the committee, my name is Amy Howard from Bismarck. I am strongly opposed to SCR 4010.

As the honorable Ruth Bader Ginsburg stated the Equal Rights Amendment looks toward a legal system in which each person will be judged on the basis of individual merit and not on the basis of an unalterable trait of birth that bears no necessary relationship to need or ability. The Equal Rights Amendment is necessary because the Constitution has never been interpreted to guarantee the rights of women as a class and the rights of men as a class to be equal.

North Dakota ratified the Equal Rights Amendment on February 3, 1975 which was well before the original deadline of March 22, 1979. It is insulting to the women of North Dakota to attempt to withdraw North Dakota's ratification. Women should be treated equally, and this equality needs to be included in the US Constitution. Only a federal Equal Rights Amendment can provide the highest and broadest level of legal protection against sex discrimination.

Article V of the US Constitution grants no power of rescission to the states, and based on both precedent and statutory language, a state withdrawal of its ratification of a constitutional amendment has never been accepted as valid.

The ERA would make sex a suspect classification protected by the highest level of judicial scrutiny. 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. Ratification of the ERA would also improve the United States' credibility globally with respect to sex discrimination. The majority of the world's countries affirm legal equality of the sexes in their governing documents. The late Supreme Court Justice Antonin Scalia disregarded 40 years of 14th Amendment precedent when he stated that the Constitution does not protect against sex discrimination. This remark has been widely cited as clear evidence of the need for an Equal Rights Amendment, in order to guarantee that all judges, regardless of their judicial or political philosophy, will have to interpret the Constitution to prohibit sex discrimination.

Without an ERA women's equal access to military career ladders and their protection against sex discrimination in their chosen profession are not guaranteed. Sexual harassment and sexual assault by fellow service members continue to be a disproportional threat for women on military duty and at the service academies. The issue of women and the draft is often raised as an argument against the ERA. In fact, the lack of an ERA in the Constitution does not protect women against involuntary military service. Congress already has the power to draft women as well as men, and the Senate debated the possibility of drafting nurses in preparation for a possible invasion of Japan in World War II.

Support for a constitutional guarantee of equal rights on the basis of sex is nearly unanimous. In a 2016 poll for the national ERA Coalition, the research agency db5 found that 94% of Americans support an amendment to the Constitution to guarantee equal rights for men and women. This support reached 99% among 18-to-24-year-olds and African-Americans, Asian-Americans, and Hispanic-Americans. However, 80% of those polled thought the Constitution already guarantees equal rights to males and females. The responses show that people in the United States overwhelmingly, almost unanimously, support a constitutional guarantee of equal rights on the basis of sex.

North Dakota needs to support women, stand up for women, and prove that women should be guaranteed they have protection against sex discrimination by not revoking the ratification of the Equal Rights Amendment that was passed by North Dakota over 46 years ago. There is no reasonable excuse for this state to take steps backwards for the women in North Dakota. I implore you to vote NO on SCR 4010!