

Our names are Sharon E. Buhr and Dr. James B. Buhr . We live in Valley City, North Dakota.

We are writing today to urge a DO NOT PASS recommendation to SCR 4010.

Our nation was founded in the pursuit of equality and fairness. Today's Americans continue to advocate for equality in our society. A 2015 study showed 94% of Americans believe gender equality should be in the Constitution and 80% thought it was already there. It is not.

To quote Justice Antonin Scalia, "Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't."

Every international constitution written since 1950 affirms gender equality. Only 16% of the world's nations do not include gender equality in their constitution. The United States is in that 16%, in the company of countries like Iran, Sudan, and Somalia.

Equality opponents portray the 5th and 14th Amendments as providing gender equality, when in fact they do not. The courts have interpreted gender discrimination to be covered with a lesser protection (intermediate scrutiny) in comparison to the strict scrutiny provided to race, religion, and country of origin discrimination cases. The difference in judicial scrutiny levels means it is easier to discriminate based on gender than it is on race, religion, or country of origin. It is time to level the playing field.

Legal advances for women in the last 40 years - the right to credit, the right to participate in school sports, the right to education - are based in laws or court decisions, which can be changed or reversed. Equality cannot be left to the political whims of who is sitting in a seat and must be enshrined in our Constitution.

The Equal Rights Amendment would modernize our Constitution and fix a purposeful and historical exclusion. Twenty-four simple words: Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Let's not turn back the clock in North Dakota.

Please give a DO NOT PASS recommendation to SCR 4010.

Thank you for allowing me to testify.

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