



**Statement for Virginia Kase Solomón, Chief Executive Officer
League of Women Voters of the United States
US Senate Committee on the Judiciary
Hearing on The Equal Rights Amendment: How Congress Can Recognize
Ratification and Enshrine Equality in Our Constitution
February 28, 2023**

Chairman Durbin, Ranking Member Graham, and Members of the Senate Committee on the Judiciary, thank you for holding this critical hearing to discuss how Congress can recognize the ratification of the next equality amendment and enshrine equality on the basis of sex in the Constitution. My name is Virginia Kase Solomón, and I am the Chief Executive Officer at the League of Women Voters of the United States, (“The League”). The League is a century-seasoned federated organization with more than 500,000 members and supporters across the country who carry out our mission to empower voters and defend democracy. For decades, the League has fought for the final passage and ratification of the Equal Rights Amendment (ERA).

The League of Women Voters of the United States appreciates the opportunity to share with the Senate Judiciary Committee our strong support on this topic, and we hope this hearing will result in achieving consensus on the path forward to affirm the validity of the Equal Rights Amendment as a part of the US Constitution.

The League has fought for ratification of the ERA since it passed through Congress in the 1970s. We believe in the power of women to create a more perfect democracy, and we know that inequality hurts everyone. We seek to secure equal opportunities for all and support equal rights for all under the law, regardless of sex, race, color, gender, religion, national origin, age, sexual orientation, or disability. Today, the League supports the final publication of the fully ratified ERA.

More than 100 years after the ratification of the 19th Amendment constitutionally protected women’s right to vote, the Constitution still does not protect equality on the basis of sex. Despite the 14th Amendment’s Equal Protection Clause, sex discrimination claims are not subject to the same strict scrutiny standard as other classifications, such as race. We see the ramifications of this judicial scrutiny in the ongoing battles against systemic sex discrimination including unequal pay, workplace harassment, pregnancy discrimination, domestic violence, and more. We must address the root cause of inequality by amending our Constitution.



The ERA will constitutionally protect the equality of rights under the law regardless of sex. It is brief and composed of three sections. Section one is twenty-four words and reads, “[e]quality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.” Section two gives Congress enforcement power, and section three dictates that the amendment take effect two years after its ratification.

The ERA has met all ratification requirements as outlined by Article V of the Constitution. More than 50 years ago it was passed through Congress with well over the required two-thirds majority vote and was sent to the states. In 2020, Virginia became the 38th and final state needed to meet the three-fourths state ratification threshold. As Article V outlines, an amendment is a valid part of the Constitution when it is ratified by three-fourths of the states. The effective waiting period has come to an end and the amendment is enforceable. It is past time that the will and ratification rights of the states are respected by ensuring that the ERA is formally recognized as the 28th Amendment.

When Congress passed the ERA in 1972, it included in the amendment preamble a seven-year time limit for states to ratify the amendment. In 1978, Congress exercised its authority to extend the time limit by three years, which passed before all 38 states ratified the amendment. Now, Congress can take action to address any doubt about the validity of the ERA.

Congress is the only branch of government that is given a role in the amendment process outlined by Article V. In 1921, the Supreme Court ruled in *Dillon v. Gloss* that an amendment must be ratified within a “reasonable” and “sufficiently contemporaneous” time after its proposal. Following that decision, in *Coleman v. Miller* (1939), the Court decided that the question of whether an amendment had been adopted within a “reasonable time” was a question for Congress. In 1992, after the Archivist published the 27th Amendment, and more than 200 years after its introduction, Congress resoundingly endorsed the amendment’s passage, effectively establishing a precedent for what is a reasonable time for final ratification of a constitutional amendment. As the Equal Rights Amendment is 100 years old this year, the states’ speedier ratification of the ERA is a clear signal that it is judicious that Congress declare that the ERA’s ratification is within a reasonable and sufficiently contemporaneous time.

Bipartisan legislation, S.J. Res. 4, affirms that the ERA is a valid part of the US Constitution and addresses the question of a ratification time limit. The League is



grateful for the leadership of Senators Cardin and Murkowski over the last several Congresses to move this issue forward. The US House of Representatives has affirmed a similar resolution in the previous Congress and introduced matching legislation. It is time for the Senate to act and affirm that equality is the law of the land.

The fight for the Equal Rights Amendment is 100 years old in 2023, and support for it across the country is stronger than ever. Nearly 75% of Americans support the ERA, according to polling from Associated Press-NORC Center for Public Affairs Research¹. If you believe in equality for all regardless of sex, the League urges you to support S.J. Res. 4 and critically affirm the enshrinement of sex equity in the Constitution once and for all.

The League will continue to fight to ensure that every person is guaranteed equality of rights under the law regardless of sex, because the strength of our democracy depends on it. Thank you again for the opportunity to submit testimony on this vitally important legislation. I look forward to finding ways that the League of Women Voters can continue working with you on this important issue moving forward.

¹ <https://apnews.com/article/nyc-wire-nc-state-wire-us-news-ap-top-news-politics-42b93fd7386089110543f4e1827ded67>