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Testimony of Dr. Laura R. Woliver, President of the League of Women Voters of the Columbia Area, on behalf of the League of Women Voters of South Carolina.

To the South Carolina Senate special subcommittee of the Judiciary Committee.

Regarding the proposed ratification of the Equal Rights Amendment (ERA).

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Thank you for holding this special hearing on an issue vital to the futures of the girls and women of South Carolina and, indeed, the nation. The League of Women Voters has worked for decades to ratify the ERA. Generations of activists and legal scholars have advocated in favor of the addition of the ERA to state constitutions and ultimately to the United States constitution.

The League of Women Voters is a century old, nonpartisan organization devoted to “Making Democracy Work.” The women’s suffrage movement struggled for more than 75 years to add women’s right to vote to the United States constitution. Leaders of the suffrage movement formed the League a few months before the official ratification of the 19th Amendment in order to carry forward completely the promise of full citizenship for women. Building from the right to vote, the ERA was proposed in 1923 to fill gaps and barriers in women’s political equality embedded in residual aspects of coverture, separate spheres, policy templates built from male norms of citizenship, and much more. Th ERA was put forward by veterans of the suffrage campaign to complete the work of women’s equality.

Today I speak on behalf of the League of Women Voters of South Carolina. South Carolina, as the Senators on this sub committee know, has many gendered inequalities and disparities which need to be systematically addressed. Within these gender issues the intersections of race, social class and sexualities are entwined.

The ERA is aimed at the absences in the 14th Amendment to the U.S. Constitution, echoed and elaborated by many judicial decisions and public policies. While the 19th Amendment was a victory for women’s right to vote, it did not address the privileges and immunities, due process, and equal protection guarantees of the 14th Amendment which were not intended for women.

The League and allies understand that the ERA is necessary to assure equal rights with regards to gender. As the late Justice Antonin Scalia explained, “Certainly the Constitution does not require discrimination on the basis of sex. The only question is whether it prohibits it. It doesn’t.”

U.S. Supreme Court decisions have recently applied a “heightened scrutiny” to sex based policies and laws. Much of the work has been spearheaded by Justice Ruth Bader Ginsburg. However, in an era of strict constructionist visions of the Constitution, Justice Scalia’s point illuminates how fragile women’s

rights are without an ERA. The ERA would address Justice Scalia's clear summation that currently our Constitution does not prohibit gender discrimination.

Thank you for your time and attention.