

**POSITION:** Favorable SJ0001 “Affirming the Federal Equal Rights Amendment”  
**TO:** Senate Judicial Proceedings Committee  
**DATE:** February 20, 2024  
**FROM:** Judy A. Carbone, Swanton, Garrett County, MD  
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AAUW-Garrett Branch, President

My name is Judy Carbone, and I am providing this testimony today as a member of the American Association of University Women (AAUW) of Maryland, for which I am the Chair of the Equal Rights Amendment Task Force. I am also the President of the Garrett County Branch of AAUW.

As you may know, AAUW is the nation’s largest and oldest women’s equity organization, having been empowering women since 1881. Our mission is to advance gender equity for women and girls through research, education, and advocacy. Our work is based on the values of being nonpartisan, fact-based, principled, inclusive, and intersectional.

I ask that the committee deliver a favorable vote on SJ0001, Affirming the Federal Equal Rights Amendment. To guarantee equality, individual rights, and social justice for a diverse and inclusive society, AAUW advocates the passage and ratification of the Equal Rights Amendment.

The majority of Americans mistakenly believe that women and men have equal rights under the Constitution. The 14th Amendment of the Constitution explicitly states that men are guaranteed equality under law but is poignantly silent about women. The advancement of women’s equality continues incrementally through patchwork legislation and court decisions, but women’s equality under law remains illusory as these laws can be changed or even revoked at the whim of legislators and judges. The Equal Rights Amendment (ERA) would provide, once and for all, the constitutional guarantee that all men and women are truly equal under the law and that these rights cannot easily be abridged.

Make no mistake, we need the Equal Rights Amendment to include women in the U.S. Constitution. The progress our country has made on gender equality through the courts and patchwork legislation can be reversed. We have seen that clearly during the past few years. Sex discrimination does not have the same legal protection as other constitutional classes, such as race, religion, or nationality. This constitutional double standard means that hard-won legislative and court victories against sex discrimination are not permanent—and can be rolled back or difficult to enforce. The lack of constitutional equality reaches every aspect of women’s

lives. The ERA would clarify, once and for all, that sex discrimination in employment and wages, reproductive rights, insurance, Social Security, education, and more is a violation of constitutional rights. Importantly, the ERA would also provide new opportunities to seek legal recourse when an individual faces sex discrimination and would place the burden of proof on those who discriminate instead of those fighting for equality.

The legislators of Maryland understand the critical importance of this amendment. In 1961, they passed a joint resolution calling on the U.S. Congress to approve the ERA in both chambers as required in Article V, neither of which had done so even though it had been introduced in both chambers every year since 1923. Just two months after the ERA was finally approved in both chamber of Congress in 1972, Maryland became the 18<sup>th</sup> state to ratify the amendment. That same year in November, a ballot initiative was presented to the citizens of Maryland to add a state-level equal rights amendment to the Maryland Constitution, which they did by an overwhelming majority of supportive votes.

Maryland has done its job in ratifying the Federal Equal Rights Amendment. The States have done their job in ratifying the amendment when, in 2020, Virginia became the 38<sup>th</sup> state needed to meet the 3/4 ratification requirement of Article V. Congress now needs to do its job to see that the arbitrary deadline adopted in 1972 and extended in 1979 is removed, a deadline which has no mention in Article V and was not in the amendment language that the states ratified.

With a favorable vote on SJ0001 in this Committee, a favorable vote on HJ1 in the House Committee, and then a favorable vote in both chambers, we, the people of Maryland, can send a strong message to Congress that it is time to give full gender equality rights to all people of Maryland and all citizens of the United States.

It is time to certify the Equal Rights Amendment and officially recognize what many of us already know...having met Article V requirements, the ERA Is the 28<sup>th</sup> Amendment.

Thank you for your favorable vote on SJ0001.