

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Ninth Session
March 7, 2017**

The Committee on Legislative Operations and Elections was called to order by Chairwoman Olivia Diaz at 1:32 p.m. on Tuesday, March 7, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Olivia Diaz, Chairwoman
Assemblyman Nelson Araujo, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Skip Daly
Assemblyman John Hambrick
Assemblyman Ira Hansen
Assemblyman Richard McArthur
Assemblywoman Daniele Monroe-Moreno
Assemblyman James Ohrenschall
Assemblyman James Oscarson

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Patricia (Pat) Spearman, Senate District No. 1

STAFF MEMBERS PRESENT:

Carol Stonefield, Committee Policy Analyst
Kevin Powers, Committee Counsel
Julianne King, Committee Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Janette Dean, Private Citizen, Caledonia, Minnesota
Marlene Lockard, representing Nevada Women's Lobby
Sarah Mahler, Program Coordinator, Progressive Democrats of America
Helen Foley, Private Citizen, Las Vegas, Nevada
Wendy Kveck, Private Citizen, Las Vegas, Nevada
Marlene Adrian, Private Citizen, Las Vegas, Nevada
Barbara Aupperle, President, Women's Democratic Club of Clark County, Nevada
Donna West, Private Citizen, Las Vegas, Nevada
Connie Munk, Private Citizen, Las Vegas, Nevada
Judy Klein, Private Citizen, Las Vegas, Nevada
Richard Munk, Private Citizen, Las Vegas, Nevada
Helene de Boissiere-Swanson, Founder, Katrina's Dream
Caroline Punches, President, American Association of University Women Capital
(NV) Branch
Ana Casareto, Private Citizen, Carson City, Nevada
Natha C. Anderson, President, Washoe Education Association; and representing
Nevada State Education Association
Marsha Cardinal, Private Citizen, Reno, Nevada
Elisa Cafferata, Director of Government Relations, Nevada Advocates for Planned
Parenthood Affiliates, Inc.
Mary Liveratti, representing League of Women Voters of Nevada
Alanna Bondy, Intern, American Civil Liberties Union of Nevada
Davene Kaplan, Private Citizen, Reno, Nevada
Megann Johnson, Intern, Progressive Leadership Alliance of Nevada
Amanda Palmer, Second Vice Chair, Carson City Democrats
Donna Clontz, Private Citizen, Reno, Nevada
Donald Gallimore, Sr., Private Citizen, Reno, Nevada
Patricia Mason, Private Citizen, Carson City, Nevada
Bonnie McDaniel, Private Citizen, Las Vegas, Nevada
Sharon Brown, Private Citizen, Las Vegas, Nevada
Janine Hansen, President, Nevada Families for Freedom
Vicky Maltman, Private Citizen, Sun Valley, Nevada
John Wagner, representing Independent American Party
Lynn Chapman, State Vice President, Nevada Families for Freedom
Melissa Clement, President, Nevada Right to Life
Jim DeGraffenreid, Private Citizen, Minden, Nevada
Shawn Meehan, Founder, Guard the Constitution Project, Minden, Nevada
Sally Zamora, Private Citizen, Reno, Nevada
Juanita Cox, representing Citizens in Action, Sparks, Nevada
Joannah Schumacher, Chairman, Gifted Minds with Too Little Time, Reno, Nevada
Virginia Starrett, Private Citizen, Gardnerville, Nevada
William Tarbell, Private Citizen, Sparks, Nevada
Peggy Lear Bowen, Private Citizen, Reno, Nevada

Chairwoman Diaz:

[Roll was taken. Committee rules were explained.] Today our order of business is to hear Senate Joint Resolution 2. I know there are many people here today to speak on Senate Joint Resolution 2. We want to hear from all sides. Before I begin with the bill sponsor's introduction of Senate Joint Resolution 2, I would like to lay the groundwork for how we will handle the number of people who will come before the Committee today and have signed in to speak. I am aware this resolution addresses an important topic for many of you, and I understand the strong feelings on both sides of the issue. It is my intent to maintain an atmosphere of courtesy, professionalism, and equal interest in all individuals who are testifying today.

For that reason, I remind you all that applause or other indications of support are not acceptable. Whether you are for or against, we do not applaud, cheer, or heckle in Committee. I will use the sign-in sheets to monitor the pace of the testimony, and I am intending on allowing as many individuals as possible to testify. In order to get everyone up to testify, we need to be brief and to the point. Please keep your comments to three minutes or less so that we can allow time for everyone to testify. If there is something someone has already said, do not feel the need to repeat it. A "Me too," "Ditto," or "I agree or disagree with everything that has been stated before me," is also wonderful. You might also select a single speaker to represent several of you in the room.

Just so we know the flow of today, I will call the sponsor of the measure, Senator Spearman, first. She will then be permitted to invite her two witnesses to testify. After that, I will take the proponents followed by the opponents until we get through the testimony. It is my intent to wrap up with anyone in the neutral position on the resolution. I will also start by taking testimony in Las Vegas, and then come back to Carson City every time for every category.

I will now open the hearing on Senate Joint Resolution 2. This is a proposal to ratify the Equal Rights Amendment to the *United States Constitution*.

Senate Joint Resolution 2: Ratifies the Equal Rights Amendment to the Constitution of the United States. (BDR R-13)

Senator Patricia (Pat) Spearman, Senate District No. 1:

I represent Senate District No. 1. It is an honor to be here today to introduce Senate Joint Resolution 2, which, in my opinion, is one of the most historic pieces of legislation that the Nevada Legislature has considered in many years. This legislation brings years of remarkable history to the forefront. It recognizes the decades-long plight of women and men who have fought for equal rights, fairness in the workplace, gender equality, and safeguards against sex discrimination. To put it succinctly, this resolution is about equality under the law for all people regardless of their gender. There is no hidden agenda or Trojan horse to allow people to marry the Eiffel Tower or lose Social Security benefits when a spouse dies. It is not about subversive activity to ignore physical differences. It is about equality.

In many respects, given the social and political challenges seen in recent years, the continuing debate to ratify the Equal Rights Amendment (ERA) baffles the mind and perpetuates the myth of patriarchal superiority. It normalizes misogyny and moderates the collective cognitive dissonance related to universal equality. Frankly, I am surprised this resolution has not already been adopted. Now is the time for S.J.R. 2, which calls for Nevada's ratification of the Equal Rights Amendment to the *U.S. Constitution*, to become a reality.

By way of a bit of history, Congress passed the Equal Rights Amendment in 1972 and sent it to the states for ratification. At that time, Congress set a seven-year time limit for ratification in the resolving clause of the amendment. This was later extended to June 1982. Thirty-five of the necessary thirty-eight states ratified the ERA between 1972 and 1977. While some would argue that the time for ratifying the ERA has long passed, I would respectfully disagree and argue just the opposite.

As noted in S.J.R. 2, Congress adopted the Twenty-Seventh Amendment to the *U.S. Constitution* in 1992. The Twenty-Seventh Amendment prohibits any law that increases or decreases the salary of members of Congress from taking effect until the start of the next set of terms of the offices for those representatives. This amendment was proposed in 1789 by our first Congress, but not ratified by three-fourths of the states until May 7, 1992, over 200 years later. The restricting time limit for ratification of the Equal Rights Amendment can be found in the resolving clause, and it is not part of the amendment that was proposed by Congress. Moreover, having passed a time extension for the Equal Rights Amendment on October 20, 1978, Congress demonstrated that a time limit in the resolving clause may be disregarded if it is part of the proposed amendment. If an amendment to the *U.S. Constitution* has been proposed by a two-thirds vote of both houses of Congress and ratified by three-fourths of the state legislatures, Congress determines the validity of the state ratifications occurring after the time limit in the resolving clause but not in the amendment itself.

We continue to see evidence of the need for passage of the ERA every day. Pay equity, or should I say pay inequity, is still a significant concern. Women earn 80 percent of what men earn. African-American women earn 68 percent of what men earn. Latinas earn 60 percent of what their male counterparts earn ([Exhibit C](#)). This year, April 4, 2017, marks equal pay date. This date symbolizes how far into 2017 women must work to earn what men earned during the previous year. This body even considered legislation last session to require paycheck fairness with tangible consequences for companies perpetuating economic discrimination based on gender. When there is a question of sports funding, why is it that sports programs at all levels, from the United States Women's Soccer Team to the girls' softball team at the local high school, continue to struggle to obtain adequate and equal funding when compared to male sports? Moreover, when it comes to crimes against women, women still suffer from victim blaming, shame, stigma, and the engraving of guilt upon the female victim. All of that still occurs today. Clearly, we struggle with equality under the law, and the ratification of the ERA is a step in the right direction.

A 1997 article in the *William & Mary Journal of Women and the Law* ([Exhibit D](#)) concludes that while women enjoy more rights today than they did when the ERA was first introduced in 1923, or when it was passed out of Congress in 1972, hard-won laws against sex discrimination do not rest on an unequivocal constitutional foundation. Laws can be inconsistently enforced or repealed. The article further concludes that the need for a federal equal rights amendment remains as compelling as it was in 1978. In that year, Ruth Bader Ginsburg wrote in the *Harvard Women's Law Journal*:

With the Equal Rights Amendment, we may expect Congress and the state legislatures to undertake in earnest, systematically and pervasively, the law revision so long deferred. And in the event of legislative default, the courts will have an unassailable basis for applying the bedrock principle: All men and all women are created equal.

These words were spoken on the floor of Congress regarding the Equal Rights Amendment:

This is what it comes down to: Artificial distinctions between persons must be wiped out of the law. Legal discrimination between the sexes is, in almost every instance, founded on outmoded views of society and the prescientific beliefs about psychology and physiology. It is time to sweep away these relics of the past and set further generations free of them.

Congresswoman Shirley Chisholm spoke these words in her August 10, 1970, testimony for House Joint Resolution 264. The original bill advocated for full equality of women. In her speech, she proclaimed the need for the ERA with the words:

It provides a legal basis for attack on the most subtle, most pervasive, and most institutionalized form of prejudice that exists. Discrimination against women, solely on the basis of their sex, is so widespread that it seems to many persons normal, natural, and right.

When the Equal Rights Amendment first gained popularity in the late 1960s and 1970s, it was heard as a cry for change, just as the cry for change continues for racial equality, fairness, and justice 152 years after the adoption of the Thirteenth Amendment. This cry has not diminished for the Equal Rights Amendment. I urge you to support this critical resolution, ratifying the ERA to the *U.S. Constitution*. The cry for change today has become a clarion call to act in a responsible manner that ensures equality for all citizens.

In the 1880s, sisters Sarah Moore Grimké and Angelina Grimké Weld used similar language advocating equal rights for women. ". . . whatever it is morally right for a man to do, it is morally right for a woman to do. I recognize no rights but human rights." Fifty years ago, as the equal rights movement gained momentum, President Lyndon B. Johnson said these words, "We have talked long enough in this country about equal rights. It is time now to write the next chapter and to write it in the books of law." In 1995, during her speech at the

United Nations Fourth World Conference on Women held in Beijing, then-First Lady Hillary Rodham Clinton said, "Human rights are women's rights, and women's rights are human rights."

I know there are some citizens, and perhaps even policymakers, who oppose this measure with the belief that the ERA will weaken the family. I challenge them to look at the inequity in pay and the number of women heads of household in this country. If they are concerned about the strength and viability of the family, then I say give your passionate, political voice and unwavering support for pay equity.

Some believe the ERA will put women at risk for the draft. It is important for those opponents to know that conscription, or what is normally called the draft, ended in 1973. Therefore, the historic facts render that argument moot. The military has been an all-volunteer force since January 27, 1973. That is 44 years of the all-volunteer military. There is the argument about children with two parent military members. The service requires them to have a family emergency plan in the event of mobilization. By practice, the military goes to great lengths to ensure both parents are not deployed at the same time. Last session, I sponsored a bill that would give priority placement to Gold Star children, or children who had lost a parent in combat. Even though the bill passed out of Committee, it was put on the Secretary of the Senate's desk without passage. Although I tried several times to get it off the desk, my request failed along party lines. If opponents are truly concerned about the welfare of military children, they might lobby their federal representative to pass bills to increase pay, housing allowance, health care, and benefits. In other words, we cannot just talk about supporting military families; we must be about supporting military families.

Madam Chairwoman and members of the Committee, I am before you today because I believe from the bottom of my heart in the foundations of the ERA and what it stands for, for all people.

Recently, a Senate colleague silenced Senator Elizabeth Warren on the floor of the United States Senate for giving a lengthy speech, including a letter written by Coretta Scott King. Senator Warren fought hard to be heard. One of her Senate colleagues noted, "She was warned. She was given an explanation. Nevertheless, she persisted." When it comes to ratification of the ERA, we all must persist. We have delayed Nevada's ratification of the ERA long enough, and now is the time to show the country and our global neighborhood that we, as Nevadans, lead when it comes to equality for all.

At every decision point in history, the quest for equality has been met with stiff and recalcitrant opposition. Equal justice has never been given. During antebellum times, abolitionists persisted to end the heinous practice of slavery. Negroes in the South persisted to end Jim Crow laws, and African Americans persisted to get the Civil Rights Act of 1964 passed. In addition, Cesar Chavez and migrant workers persisted to improve working conditions. Vietnam veterans persisted to get health care recognition for their service and appreciation for their sacrifice, and HIV/AIDS activists persisted to ensure that human dignity was not diminished for those infected and affected by this terrible disease.

Members of the lesbian, gay, bisexual, transgender, and queer (LGBTQ) community persisted to gain marriage equality, and Hilary Rodham Clinton persisted to put more than 60 million cracks in the political glass ceiling. Persistence, faith, and hope fuel the indomitable spirit of this movement.

At this moment in history, the legislation to ratify the ERA is before the Committee for consideration because millions of women, boys, and girls, have persisted. We must honor the sacrifice of our mothers and grandmothers, and we must commit to the preservation of justice and equality for our posterity. *Galatians 6:9* says, Be not weary in well doing. You will reap the harvest if you do not faint. Madam Chairwoman and members of the Committee, we got tired, but we did not faint. We became weary, but we did not faint. Pass this resolution as we persist in the name of all that is good. It has been a long road. It is worth noting that the Women's March in Washington, D.C., crossed all ethnic, social, economic, educational, and gender barriers.

I will end with the words spoken by Fannie Lou Hamer. Ms. Hamer was an African-American voting rights activist, civil rights leader, daughter of a Mississippi sharecropper, and philanthropist. In 1964, someone asked her why she continued to fight for civil rights even in the face of unyielding opposition. I believe her words punctuate the persistence of all those testifying in support of this resolution. She said, "I am sick and tired of being sick and tired."

That concludes my opening remarks, and I will yield to questions or for other people who would like to testify on behalf of this resolution.

Chairwoman Diaz:

We will open it up for questions, and then we will take testimony from those in support of S.J.R. 2. Are there any questions from the Committee?

Assemblyman Ohrenschall:

Senator Spearman and Ms. Dean, it is so good to see you. Thank you for bringing this resolution. I think it is a historic moment, and it is so wonderful that you both have fought so hard on this. I know Ms. Dean travelled from the Midwest just to speak on this.

I am a proud father of two sons. In my family, there are many professional women, like their grandmother and my wife, whom I met at law school. My sons know that women are every bit as smart as men and can work every bit as hard as men can. We have many different storybooks we read to our boys. We have this picture book about airplanes and pilots. There is a picture of two pilots in the cockpit, both wearing their captain hats and headgear. One is a man and one is a woman. We have asked my oldest son, "Which one is the pilot, and which one is the copilot?" Unfortunately, he points to the man and says, "He is the pilot. She is the copilot." Even though we have come a long way from the 1970s and the

fight back then, just seeing my son's attitude, who is growing up in a house with very strong women, shows there is a lot to be done. A lot needs to change. I am so glad you brought this legislation.

My question is, assuming that this does pass in the Legislature, what is the next step for this to be amended into the *U.S. Constitution*?

Senator Spearman:

I believe there is probably someone here who is going to speak at length about that. Once this is passed by this body, Nevada becomes the first state in 30 years to ratify the ERA. I believe what will happen is that we will lead the rest of the states towards ratification. This is not just a historic moment; this is a moment where, in the words of Dr. Martin Luther King, Jr., "Let justice roll down like waters in a mighty stream." This is the time.

Chairwoman Diaz:

Are there any further questions from the Committee?

Assemblywoman Monroe-Moreno:

I do not have a question; I have more of a statement. I am a mother of three absolutely adorable daughters. I have always told them they can be absolutely anything they want to be in this world, no matter the obstacles. My daughters are biracial women. One is a lesbian. They have so many obstacles to go through in life. I have a granddaughter. I am hoping that if we do what we should do here in 2017, she will see that this legislative body put her first and made sure that she does not have to go through some of the obstacles that her grandmother, her mother, and her aunts have gone through. I thank you for bringing this measure. I know that we have a long way to go as a country, but I think this is the time in Nevada's history when we need to do what is right for all of our women, so that when we say we are equal, we are equal. There is no difference between the work that I do, that my children do, or that my granddaughter will do compared to the work of a man. I think this sends a message to not only my daughters and granddaughters, but to everyone's daughters and granddaughters.

Assemblywoman Bilbray-Axelrod:

Thank you from the bottom of my heart for bringing this up. Today I am wearing two rings that belonged to my grandmothers. Both are no longer with us. One was born before suffrage, the other was born a year after. I cannot believe we are here in 2017 discussing this, but I am happy we are, and I am happy to stand with you.

Chairwoman Diaz:

I think it is worth noting that this issue is not Democratic or Republican. It is a civil rights issue. It is time that women receive the equality that they have been fighting so hard for

these last 200 years. It is long overdue for us to acknowledge that we are of equal footing, and we deserve to be recognized as such by the *Nevada Constitution*. I also am very appreciative of your efforts.

Why is something like S.J.R. 2 and its eventual ratification in the *U.S. Constitution* needed for Nevadans?

Senator Spearman:

It is needed for Nevada because we, as Nevadans, are better than inequality. It is needed for Nevada because we are leaders in every other way. This is an opportunity to show leadership once again on the national level and beyond. I believe there are people all around the world who are waiting to see what Nevada will do. It will make a powerful statement about our commitment. It will make a powerful statement about how we embrace diversity. It will make a powerful statement as to how Nevada is ready, willing, and able to go into the twenty-first century and come out of the nineteenth century.

It has also been said that because the deadline has passed, this is just about symbols. I would ask every person here who is married or partnered to look at their left hand. There is a ring there. That, too, is a symbol. In churches, there are usually crosses. That is a symbol. Symbols are not just symbols. They are powerful because they point to what we believe in and what we hold dear. If this is a symbol, we believe in it and hold it dear.

Chairwoman Diaz:

With that, I will open it up to whomever you wish to bring to the table as your primary testifiers.

Janette Dean, Private Citizen, Caledonia, Minnesota:

As one of the lead organizers spearheading the Nevada ratification of the Equal Rights Amendment since 2014, with the Honorable Senator Spearman, I would like to remind the Honorable Committee Chairwoman and Committee members of the truth that two wrongs do not make a right. Setting an unnecessary deadline to add equal rights to the *U.S. Constitution* was the first unforeseen wrong by Congress in 1972, that thought it would be fully ratified quickly ([Exhibit E](#)).

The second intentional wrong is still being done by 15 out of 50 states that have so far refused to ratify the amendment. These tardy states know that there are consistent efforts to lift an unnecessary 1982 deadline in the U.S. Congress, which would make all previous and new ratifications valid. In fact, wise cosponsors of such a resolution this new congressional session include Nevada's U.S. Representatives Dina Titus, Ruben Kihuen, and Jacky Rosen. The remaining 15 non-ratifying states know that just 3 new state ratifications, or even one, would help immensely because only 38 states are needed for final ratification, and 35 states have already done so. Most recently, the Illinois Senate and the Virginia Senate successfully passed resolutions in 2014, ratifying the amendment. They are now working on gaining just a little more support to pass it out of their state houses as well.

Let me state the obvious again: equal rights should ethically have no deadline. Rights are timeless and far too important. Furthermore, several states have ratified constitutional amendments even after they were fully ratified with the three-quarters minimum because they wanted to be proudly shown in the *Congressional Record* as ratifying states. Two examples are twelve states that later ratified the Nineteenth Amendment for women's suffrage. Nine states later ratified the Thirteenth Amendment, abolishing slavery and involuntary servitude.

There truly is nothing that can stop a state from ratifying an amendment at any time to show support for it and its union with the country, except extremists. Their actions to misguide others into fearing the essential inclusion of equality is unfair, as it belongs in every democracy's constitution in addition to the basic principles of liberty and justice.

In addition to the congressional passage of the ERA in 1972, I want to point out three other related actions that Congress took on the world stage which further obligates three more states to ratify the ERA. The first was the adoption by the United States of the historic and fundamental United Nations (UN) Universal Declaration of Human Rights on December 10, 1948, with 48 other countries. Our own longest-serving First Lady, Eleanor Roosevelt, chaired the declarations drafting committee. Article 2 specifically states that everyone is entitled to the Declaration's rights without distinction of any kind, including one's sex, which is essentially what our Equal Rights Amendment says about our own *U.S. Constitution*. Again, that year was 1948.

The second action was after the ERA passed but was still being ratified, when the United States signed in 1977, and subsequently ratified in 1992, the UN's International Covenant on Civil and Political Rights. Article 3 of that human rights instrument says that all state parties will undertake to ensure that equal right of men and women to the enjoyment of all civil and political rights within the covenant. The United States cannot make good on that promise until tardy states like Nevada finally step up and finish ratifying the ERA. The third key action the United States took in relation to equal rights was as recently as September 15, 2015, when we joined 193 other countries in adopting the UN's highly celebrated 17 sustainable development goals. Goal number five is gender equality globally.

Therefore, with Nevada's own support of equal rights codified in *Nevada Revised Statutes* (NRS) 233.010, and with strong United States support of equal rights being important international rights, it is unacceptable that Nevada has not done its part to help fully ratify equal rights at the national level. This Assembly Committee today has the unique privilege and responsibility to help complete history, and her-story, as Nevada becomes the thirty-sixth state to ratify the ERA since the 1970s, when the majority already wisely did.

Equal rights supporters respectfully ask that you vote to pass S.J.R. 2 out of this Committee today and do your utmost to encourage your fellow legislators to pass it in the Assembly in order to show proper respect for all Americans, the fellow 35 states that already ratified the

ERA, and the members of Congress, including several from Nevada, working diligently for the Equal Rights Amendment in Washington, D.C. Thank you on behalf of all the men and women who support equal rights in the United States and worldwide.

Assemblyman Hansen:

First of all, I have four sisters, four daughters, six granddaughters, and two granddaughters on the way. I do not want those of us who are not necessarily in favor of the Equal Rights Amendment to be portrayed as anti-women, as we are being painted. I have two questions. Since 1982, in almost every session of Congress, including Congress that was controlled by the Democrats, the ERA has been introduced and failed. If you are interested in influencing national policies, it is obvious that this does not have the traction that is being claimed. You are indicating that this is supposed to be some sort of genesis. It has been going on for almost 40 years now. Does it have any traction?

Janette Dean:

This is what has happened. Congress wants to see the interest of the tardy states. This is not high on their agenda unless they see some movement. Many are trying to put it on the top of the agenda, but until a tardy state really shows they have the willingness, Congress is wondering if it is worth it to lift the deadline if the tardy states simply do nothing. Both reinforce each other. More women in Congress means more support for congressional bills like House Joint Resolution 53, 115th Congress by Congresswoman Jackie Speier and Senate Joint Resolution 5, 115th Congress by Senator Benjamin Cardin. More women in Congress helps make this a top priority issue. When Nevada or any of our other 14 unratified states makes that movement, and Illinois and Virginia are getting closer and closer every day, the public demand is going to blow the lid off this still-boiling pot of the Equal Rights Amendment. Congress will then know that they need to act immediately because it has become a timely issue again.

Assemblyman Hansen:

You mentioned that only extremists do not support this when this was actually on the ballot in Nevada in 1979. By more than 2 to 1, the citizens of Nevada rejected the Equal Rights Amendment. Are you suggesting that 2 out of every 3 voters are extremists?

Janette Dean:

What I am saying is that extremists spread misinformation that makes others doubt their own need for equality. I would say that it is like fighting the ideas of liberty and justice. You can use anything to say, I do not want someone to use their freedom of speech because they might defame me, so let us just not give them their right entirely. These are the types of arguments that are being spread against equality. It is just ridiculous. Equality is an essential component of any democracy. Of course, there will be disagreements as legal cases are brought, but that is the purpose of our three branches of government. Congress, the United States Supreme Court, and the White House will be going through all these issues as they do on every other right. That is a good thing. We need that discussion in our country. We are not a perfect society. There are issues to be solved, but let us not stop progress—let us encourage progress. This is long overdue already.

Assemblyman Hansen:

I was there throughout those battles in the 1970s, and believe me, this is extremely well vetted throughout Nevada. The idea that only extremists' views were entertained just does not stand up to historical scrutiny.

Assemblyman Ohrenschall:

I think Assemblyman Hansen and I may be the only people here who were here in 1979 during the ERA battles. I was six years old. I remember hearing from my mom about how bad it was. I think it is important to remember that the body politic in Nevada is very different today than it was in 1979. Certainly, there are things in the past, such as our intermediate appellate court, which voters had rejected, and then recently voters approved. There are other issues that voters have since approved that had been disapproved by the voters in 1979. Nevada is a very different state than it was in 1979. Certainly, it was contentious back then, but this is definitely a different body politic than what Assemblyman Hansen and I lived through.

Marlene Lockard, representing Nevada Women's Lobby:

I am representing the Nevada Women's Lobby today, but I am also representing former Assemblywoman, State Senator, and Lieutenant Governor Sue Wagner. She asked that I read and submit her comments made in 1975 and 1977 into the record today. I would like to briefly quote Sue Wagner:

I rise as an American, a Republican, and a woman. My support initially arises as an American citizen. This, my colleagues, is a national issue—a national principle, equality for all human beings. It has been difficult for me to accept the fact that I must stand here over 200 years since the founding of this country and debate an issue so basic, so just, so fair and so American as legal rights for all. But I must and I shall for as long as it is necessary.

I wonder what Elizabeth Cady Stanton would think of this debate today. I would like to share with you some of Stanton's thoughts from a speech before the Judiciary Committee of Congress in 1892 that Ms. Wagner quoted:

To guide our own craft, we must be captain, pilot, engineer; with chart and compass to stand at the wheel; to match the wind and waves and know when to take in the sail, and to read the signs in the firmament over all. It matters not whether the solitary voyager is man or woman.

Finally, I would like to close with a quote by 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."

Sarah Mahler, Program Coordinator, Progressive Democrats of America:

I have been working with Janette for countless years here. She has asked me to read a letter today from Eileen Davis of Women-Matter.

Opposition forces are floating a false claim that Senate Joint Resolution 2 is an abortion bill. This letter responds to that question ([Exhibit F](#)).

As a registered nurse who served in a church sponsored community health clinic, I would like to share my thoughts about why it is so important to vote yes to ratify the Equal Rights Amendment. Every generation has had its opposition to the important civil rights legislation known as the ERA. Today's opposition forces are trying to promote the false narrative that a federal Equal Rights Amendment is an abortion bill, and it is not. The fact is *Roe v. Wade*, 410 U.S. 113 (1973) was decided on the constitutional right to privacy, and there is nothing in the statement "Equality of rights under the law shall not be denied or abridged by the United States or by any state on the account of sex" that speaks to pregnancy and uteruses. Furthermore, legislative history and analysis concludes abortion is not a sex equality issue. Professor Thomas Emerson from the *Yale Law Journal* concluded that abortion is a unique issue for women and does not raise any question of equal protection; thus, it is not a sex equality issue. In lawyer-speak, this points out the obvious: Men cannot get pregnant. In fact, if one wants to consider what effect a ratified Equal Rights Amendment would have on abortion rate, I can testify that as an emergency room (ER) clinic and birth educator nurse with decades of experience, a ratified Equal Rights Amendment would reduce abortions. Why? Because as a health professional, I can tell you each time I have told a woman she was pregnant, and if it is not received as happy news, the first response uttered is some variation of "I cannot afford another child," or "I cannot lose my job." Over decades, this narrative has never wavered. I cannot stress enough the correlation I have seen between a woman's economic and job security and her decision whether to continue an unplanned pregnancy. My personal testimony is backed by decades of study data showing that economic and employment fragility is the number one reason given when surveyed. A ratified Equal Rights Amendment would add strict scrutiny level law review to economic equality, equal pay and opportunity, and provide economic and job security to all women, pregnant or not. Please vote yes on S.J.R. 2. Ratify the Equal Rights Amendment in Nevada.

Chairwoman Diaz:

We will take testimony from former Assemblywoman Foley. We will then go to Las Vegas and then come back to Carson City.

Helen Foley, Private Citizen, Las Vegas, Nevada:

I am a former member of the Nevada Assembly and Senate. In fact, I served with Sue Wagner in the Senate when there were only two of us women in that body. I am very

pleased that 40 percent of our Legislature is made up of women, one of the highest percentages in the nation. We have come a long way; however, we are not all the way. I was in the Assembly my freshman year when Floyd Lamb was in the Senate. He introduced the Equal Rights Amendment that year, which was shocking because he was one of the most conservative members of the Senate. When it was time for him to refer it to Committee, he stood and said, "I move that it be given no further consideration." With a voice vote, it was over. That was the last time that we have even discussed the Equal Rights Amendment until Senator Spearman came on the scene.

There have been many times when Democrats have been in control of both houses, but I think women were exhausted. They had fought the good fight many years in a row, and they were tired and disgusted. It passed the Senate sometimes and failed in the Assembly, or passed the Assembly and failed in the Senate. One of the things that I found interesting is when the Equal Rights Amendment passed the U.S. Senate, there were only eight votes in opposition. This was not a partisan issue. It was an issue that Congress, in those days, felt very confident about it being the right thing to do for both sexes. We have come a long way. I look at the bulletin that was written by the Legislative Counsel Bureau (LCB) in 1979 that talked about the Equal Rights Amendment and the arguments for and against it. Of course, one of the big arguments against it was that women would be in the foxholes with men because they would all be drafted. You have heard we have not had the draft in over 40 years.

The other issue that I find really fascinating regarding how we have evolved as a human race and as individuals is the woman's role in the home. The mother was identified as the natural caregiver of children and having more of a right to children than men. That is no longer the case. There are many men who are the caregivers at home. The man is not joining the Elks Club, the Masonic Temple, and all the other things. They are home; they are going to the ballgames; they are interacting with the children as much as, and in many cases, more than the mother. It is a real shared responsibility, but it is no longer based upon sex. You have just heard the discussion about abortions. Because women have far greater access to birth control now than they ever have, there are far fewer abortions now than there were decades ago. Things have changed dramatically, but we have to move past this final step.

My sister is a renowned attorney in Southern California dealing with employment law. She talks about so many situations where a woman, in order to rise in her position, has to be doing an additional job and showing that she has the experience to do the job before she can get the title. Many times, she does the job and does not get additional dollars for it. Her employers are just testing her out to make sure she can do the job. A man, however, does not have to have the experience; he just has to show promise. That is the way it is. We still have a long way to go. Whether it is symbolic or not, passing the Equal Rights Amendment in Nevada shows that we are equal; we demand that you recognize we are equal; and that we be treated fairly and get paid as much as men do.

Janette Dean:

Chairwoman Diaz, as Senator Spearman's testifier, I would like to correct for the record that there was an unsuccessful attempt to pass the Equal Rights Amendment in 2009 by Assemblywoman Kathy McClain. Many of our Assemblywomen here today actually cosponsored that bill, including Assemblywoman Maggie Carlton and Assemblywoman Ellen Spiegel. However, because it did not get out of Committee, it is lesser known. It shows that the continued request and demand for ratification have been ongoing.

Chairwoman Diaz:

Before switching over to testimony in support in Las Vegas, I have a question to ask our legal counsel. Some of the members are asking that you speak to what the amendment will actually do if it were to pass. We have the support behind the ERA nationally for Congress to finally act. What would this amendment do? Some people have a question about whether it is expired. Because this has been a long-term project, there are certain states that have advanced the measure but then rescinded it. Could you talk about what that means as well? Why is it important for Nevada to be one of the states to ratify it?

Kevin Powers, Committee Counsel:

Given the nature of the issue, I want to state that the Legislative Counsel Bureau Legal Division is a nonpartisan legal agency. We do not support or oppose any particular policy, viewpoint, or piece of legislation. We provide the Legislature and its committees and members with objective legal analysis and advice concerning issues of law, such as the interpretation of the federal and state constitutions. Madam Chairwoman, you asked several very difficult and complex questions. I have answers for them. It is going to require some background legal principles for each of them, so I am going to have to beg the Committee's indulgence to give me some time to work through these.

Let us start with the procedural acts and the ratification of a proposed constitutional amendment under Article V of the *U.S. Constitution*. To understand the ratification process, you have to understand what is known as the political question doctrine, which is a doctrine of justiciability in federal courts. There is a common belief that courts have jurisdiction to be the final determiner of all questions of constitutional law; however, that is a misconception. There are certain powers in a constitution that are dedicated to either the Executive or Legislative Branches of government, also known as the political branches, that are not subject to judicial review. What courts have determined is that the framers decided those constitutional questions should be decided fully and finally by the political branches of government. The courts will not exercise jurisdiction over those questions. They are considered political questions that are nonjusticiable.

One of those nonjusticiable, political questions falls under Article V of the *U.S. Constitution*, which gives Congress the power to propose constitutional amendments, submit them to the states for ratification, and ultimately, determine whether a sufficient number of states have ratified the proposed federal constitutional amendment. With regard to prior federal constitutional amendments, for example the Fourteenth Amendment to the *U.S. Constitution*,

there were states that initially ratified those constitutional amendments and sent the ratification to the appropriate federal official, but later those state legislatures sought to withdraw their prior ratifications.

Ultimately, Congress determined that the Fourteenth Amendment was ratified appropriately, and it included those states that had done the prior ratifications and attempted to withdraw. Congress, as a political branch of government, made that determination that a state could not withdraw its ratification. That was a political question that was not subject to judicial review by the court, so the action of Congress was final.

When Congress first proposed the Equal Rights Amendment in 1972, it put a seven-year time limit on ratification by the states. Subsequently, in 1979, they extended that period to 1982. However, between 1979 and 1982, no states actually ratified the Equal Rights Amendment. Therefore, although Congress has put a time limit on the ratification of the Equal Rights Amendment and that time limit has since expired, it ultimately would be up to Congress to determine whether to accept any subsequent ratifications that are done by Nevada or any other state.

Right now, there are 35 states that have ratified the Equal Rights Amendment. There are five states who have purportedly attempted to withdraw that ratification. If three more states sent their ratification to the appropriate federal official, it would then be up to Congress to determine whether a sufficient number of states have ratified the Equal Rights Amendment. It is a political question for Congress to decide. It would not be subject to judicial review, and therefore, the decision of Congress on that matter would be final. Although ratification by Nevada would not have any immediate legal effect, it could be given legal effect if Congress determined that those subsequent ratifications were valid and decided that the Equal Rights Amendment has become a part of the *U.S. Constitution*. That covers the procedural ratification part.

The next issue is the legal effects and consequences of the Equal Rights Amendment if it were to be ratified as part of the *U.S. Constitution*. To understand this, we need to do some historical background with regard to the type of scrutiny that courts apply to constitutional provisions when they are reviewing whether those constitutional provisions trump state and federal laws. With regard to the Equal Rights Amendment, because it is similar to the Equal Protection Clause, most commentators look to the U.S. Supreme Court's treatment of the Equal Protection Clause to see how the Equal Rights Amendment would be interpreted by the U.S. Supreme Court. The Equal Protection Clause provides that no person may be denied equal protection of the laws. The U.S. Supreme Court has developed different levels of scrutiny when it comes to determining whether a statute denies a person equal protection of the laws.

It is typical in legislation to make distinguishing classifications between one item and another item. For example, liquor businesses are regulated differently from businesses that sell candy. That is a legislative classification. That is in the context of economics. When there is economic regulation, the U.S. Supreme Court provides a rational basis standard of review.

Under the rational basis standard of review, a piece of legislation creating classifications will be upheld as long as it is rationally related to a legitimate governmental interest. This is a very deferential standard of review. Under the rational basis test, very few pieces of legislation will be struck down as unconstitutional.

On the other end of the spectrum is strict scrutiny. Strict scrutiny is applied under the Equal Protection Clause when the classification involves fundamental constitutional rights, race, religion, or national origin. If a classification in the statute distinguishes people by race, religion, or national origin, then the U.S. Supreme Court applies strict scrutiny. Under that context, the state has to have a compelling interest for the racial, religious, or national origin classification—a compelling interest to support it, and that compelling interest must be narrowly tailored by the legislation. The legislation will only be upheld if it is supported by compelling interest and is narrowly tailored to carry out that compelling interest.

What the U.S. Supreme Court has also developed between rational basis and strict scrutiny is intermediate, or heightened, scrutiny. The U.S. Supreme Court has applied intermediate, or heightened, scrutiny to gender-based classifications. If a statute distinguishes between classifications based on gender, it is going to be subject to a heightened standard review, and the state or federal legislation has to be justified by an exceedingly strong justification for that type of gender-based classification. It is not as strict as strict scrutiny, but it is much higher and more difficult than a rational basis test. Congress's intent in proposing the Equal Rights Amendment was to make the standard of scrutiny for gender-based classifications strict scrutiny instead of intermediate scrutiny, thereby making those statutes that create classifications based on gender subject to that higher level of review. Under the ERA, a statute that distinguishes between genders would have to be supported by a compelling governmental interest, and the legislation would have to be narrowly tailored to carry out that compelling governmental interest.

Just because a piece of legislation is subject to strict scrutiny does not mean it is unconstitutional; it means the state has to have a more compelling interest to justify that gender-based classification. For example, the state distinguishes between men and women in institutions in which we incarcerate individuals. They have gender-based institutions. It could be argued that there is a compelling state interest for penal institutions to have gender-based classifications by keeping men in one institution and women in another institution. It could also be argued that that is narrowly tailored to achieve that compelling state interest, and therefore, a classification like that could certainly survive strict scrutiny. Ultimately, we believe that the focus of the ERA is on providing a strict scrutiny test for gender-based classifications. Legislation could survive the strict scrutiny test, but legislation that is not supported by a compelling interest would not survive the strict scrutiny test. Like any sort of constitutional provision, it is going to be interpreted on a case-by-case basis. The law surrounding that constitutional provision will be developed over time by those judicial interpretations, but ultimately, when the courts are looking at the purpose of the ERA, they will look at the congressional history, and that history was to provide a higher scrutiny to gender-based classifications.

Assemblyman Hansen:

You mentioned case by case. I asked the LCB do to a brief report on state laws right now that deal with sex discrimination. One of the big arguments that has been addressed is the question of wages. I received a list from your agency that went over virtually anything in Nevada, such as higher education, the Nevada National Guard, the Nevada Equal Rights Commission, employment, and wages. Right now we have state laws that absolutely make it illegal to intentionally pay different amounts to a male and a female who have the same background in an area. I just wanted to double-check. Since you are the legal expert on that, is there any wiggle room right now under Nevada law for me as an employer to pay differently? I have my plumbing company. If I had female plumbers and male plumbers with the same amount of experience, could I legally pay them different wages without facing possible lawsuits under Nevada law?

Kevin Powers:

I can only give a general answer. It would depend on the circumstance of the case, but most sexual discrimination laws with regard to employment and pay generally allow differentials in pay if the type of occupation requires differences in gender. It is not a flat-out prohibition. If there is a legitimate, bona fide reason to differentiate pay based on gender, the employers can do that.

Assemblyman Hansen:

They are the same. Plumbing is probably a poor example because it is disproportionately male. In this very building, if we had attachés who were male and female, and we had a totally different pay scale based exclusively on their sex, is that allowed under Nevada law currently?

Kevin Powers:

That would be prohibited by statute.

Assemblyman Hansen:

I am trying to find some area where anything that is the concern is not currently prohibited under Nevada law. The whole equal rights issue has been addressed for decades now in Nevada statutes. I just wanted to get that on the record.

Assemblyman Elliot T. Anderson:

My question is in regard to the text of the amendment. Does it apply to just government action or does it apply to government and private action?

Kevin Powers:

Looking at the text of the amendment, it says that equality of rights under the law shall not be denied or abridged by the United States or by any state. Generally those terms, when included in the *U.S. Constitution*, are interpreted to only apply to state action. Actions by the government could not deny or abridge any rights on account of sex. However, there is one possibility that the state action requirement, as it has been developed, extends to private conduct when the machinery of the state is used to carry out private conduct. The classic

example is a case dealing with racial discrimination. A private homeowners' association had covenants and restrictions in its deeds prohibiting anyone from selling their home to a person who was not of Caucasian background. That was a race-based prohibition in a private contract with covenants, conditions, and restrictions on property ownership. That would be private action. However, when the homeowners went to court to try to enforce that race-based restriction, state action came into play; therefore, there was state action involved. Private action turned into state action by using the judicial machinery, and that then was prohibited by the Fourteenth Amendment. Generally, this would prohibit only state action except in those contexts where private parties try to use state machinery to carry out gender discrimination.

Chairwoman Diaz:

I appreciate the information you provided the Committee. We will go to Las Vegas and start the testimony in favor of S.J.R. 2.

Wendy Kveck, Private Citizen, Las Vegas, Nevada:

I am here today to support the long-overdue ratification of the Equal Rights Amendment by the state of Nevada. I am so grateful for the opportunity to hear today's testimony. I just wanted to share from more of a personal perspective an area that is important to me. As a Las Vegas visual artist and arts educator, I would like to share some recent statistics on gender inequality in the arts found on the National Museum of Women in the Arts website. Women earn half of the master's degrees of fine arts granted in the United States. Only 30 percent of artists represented by commercial galleries are female. Of the 590 major exhibitions by nearly 70 institutions in the United States, from 2007 to 2013, only 27 percent were devoted to women artists. Fifty-one percent of visual artists today are women. On average, they earn 81 cents for every dollar made by male artists (Exhibit G). I am asking for your vote to ratify the ERA in Nevada. Thank you for your consideration.

Marlene Adrian, Private Citizen, Las Vegas, Nevada:

I am speaking for passage of the S.J.R. 2. It is time for women to be considered adults and to be considered equal to men with respect to all the rights and privileges given to men in the United States. If you are not sure what I mean by being considered adults, let us go back to when women's suffrage was happening. Women were the last group given the right to vote. Former slaves were given the right to vote before women. Women helped black men get the right to vote. We are always at the tail end except in Nevada, which was among the first of the states to give women the right to vote.

Later, we were one of the last states to even consider ratification. We were among the few that did not ratify the ERA in the 1970s. What cause would change the value of women between suffrage and the first ERA submission? Instilling fear and stating lies were the major reasons for the prevention of the passage of the ERA by Nevada in the 1970s. We must consider that. Now we are beyond listening to lies and living in fear. We are now coming out to say that is all past. We are not going to believe the things that are still being talked about today with reference to why we should not have the right to not be discriminated against. We must have equality in the *U.S. Constitution* now. We must right the wrongs of

yesterday. Too many women and families have suffered all these years because the ERA had not been ratified. Let us not deny more generations of their rights. It has nothing to do with just work and pay. Think about what is happening day after day when women apply to help or serve on committees, and their voices are discounted. Only the men's voices are listened to. Think about what happens in the streets and the social settings. Look at what is happening, and how women are not being considered equal to men or equal adults who are intelligent individuals. Let us strengthen our country through passage of this bill.

Barbara Aupperle, President, Women's Democratic Club of Clark County, Nevada:

I am here to concur with the speakers who have gone before me, particularly Senator Spearman. I have been a Las Vegas resident for 50 years, and I have been involved in this movement for 45 years. I am 72 years old, and I do not want my daughter to have to go through the same things that my generation and those before me have. Please consider passage of this bill.

Chairwoman Diaz:

Is there anyone else in Las Vegas testifying in favor?

Donna West, Private Citizen, Las Vegas, Nevada:

As a teenager, I marched in favor of the Equal Rights Amendment because, as a teenage girl, I saw that we were treated unequally, and we needed to stand up and raise our voices. As far as I am concerned, nothing has changed. Things are better, but we are still not equal. We are not seen as fully equal. It is time for us to raise our voices, stand together, and make history. Please pass S.J.R. 2.

Connie Munk, Private Citizen, Las Vegas, Nevada:

I am here to ask you to please vote and pass S.J.R. 2. Thank you for your time and your consideration.

Judy Klein, Private Citizen, Las Vegas, Nevada:

I originally came here in 1948. I would like to commend Senator Spearman and the Committee for bringing this forward. Senate Joint Resolution 2 deserves to be passed. I do not want to come back here because I will not be here for another 50 years, and I want this passed now. I want it passed for Sue Wagner, who asked for her letter to be read two years ago, and it was denied. I thank Ms. Lockard for doing that. I come here for Harriet Trudell, Renee Diamond, Myrna Williams, Jan Jenkins, Beverly Carlino-Banta, and for all of us who have been in the trenches for these 50 years. I come here for our granddaughters, daughters, adopted granddaughters, and Miss Sophia. For all of us, I ask that we pass this resolution and stand and be proud. Let us take Nevada to the next level. We are far away from 1972. We have passed all of those precipices. Let us get over it and get this passed. I am very proud of Assemblyman Ohrenschall and his mother Genie, who fought so brilliantly with all of us. I thank and love you all.

Chairwoman Diaz:

Thank you, Ms. Klein. Is there anyone else in Las Vegas wishing to testify in support?

Richard Munk, Private Citizen, Las Vegas, Nevada:

I only have to say, because it seems almost hypocritical, if this was flip-flopped, and it were men looking for equal pay and equal rights under the law, the question would have been handled 20 or 30 years ago. For some unknown reason, because it is women looking for equal rights, we have to discuss it. I am for passing the resolution.

Chairwoman Diaz:

I do not see anyone else in Las Vegas, so we will come back to Carson City and continue taking testimony in support of S.J.R. 2.

Helene de Boissiere-Swanson, Founder, Katrina's Dream:

I am going to be reading my personal letter and something on behalf of another organization that could not be present to the Committee. To give a little context, I grew up in Las Vegas and moved here in 1974. I left in the mid-80s to work for the law firm of Melvin M. Belli. I hear many arguments, and I am not going to get into legal debate because that is not what I am here for today. I am here to give you my personal story and why I am here.

My late mother-in-law was the Reverend Katrina Martha Van Alstyne Welles Swanson. Her family was involved in the purchase of New York City from the Indians and came over as a Dutch charter. She was one of the first women to be ordained an Episcopal priest in the United States and was part of the Philadelphia Eleven. She knew of my colorful and checkered past growing up in Las Vegas as a teen. Anyone who knows what Las Vegas is about knows that women are regularly oppressed and objectified. She asked that I take my legal skills and promote the passage of the ERA. It was her dying wish. She died the night a hurricane bearing her name hit New Orleans.

That same day happened to be Women's Equality Day. We found that to be prophetic because I am a devout, religious Christian affiliated with the Episcopal Church and the Anglican Communion. We founded the organization Katrina's Dream in her memory. We are a religious nonprofit. We have a presence in India. I am meeting with the members of parliament there. I have told them of our work to pass the ERA here in the United States. I work in Africa. Think Tank Thuto is an orphanage university program under Bishop Trevor, whose wife is the official sovereign of the British Commonwealth of Nations. We have a great presence. When you hear Senator Spearman say that the eyes of the world are on Nevada, and it is time to move forward, trust me, the eyes of the world are on Nevada and are looking for you to move this great nation forward.

This is a nonpartisan issue. This is not an issue just about women. This is also an issue about men. This is an issue of sexism in the United States. I am going to read the following letter [page 7, ([Exhibit H](#))] to you.

To the members of the 79th Nevada Legislature:

As the founder of Katrina's Dream, I follow in the steps of my late mother-in-law, the Reverend Katrina Martha Van Alstyne Welles Swanson. She dreamed of an America that

would have welcomed her and all women with equal rights. In conversations with her during her last 16 months, she knew that the country she loved would one day treat women equally. On March 8, 2014, I embarked on a pilgrimage covering the 15 states that have yet to ratify the Equal Rights Amendment. On that pilgrimage, it was my privilege to talk with people across America—from U.S. representatives and senators in their district offices to groups meeting in bars and coffee shops—from California to Washington, D.C.

I can speak for a large number of Americans who are waiting for the ERA to be ratified and become part of our *U.S. Constitution*.

It has been over 150 years since brave Americans gathered in Seneca Falls, New York, to demand an equality denied women then and is shamefully still denied today. Their unfulfilled words are engraved there on a marble wall: "We hold these truths to be self-evident; that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed."

The Equal Rights Amendment passed in 1972 and was sent to the states for ratification. By 1982, all but three of the required states had ratified. Now is the time to move our great nation forward. Now is the time for Nevada to ratify the Equal Rights Amendment.

I write representing the living and dead men and women who dream of a justice that Americans have never known. As oppressed women and men in our land and foreign lands are demanding full human rights, will Nevada deny equality to 51 percent of our citizens? We see children who share the plight of second-rate status of their mothers suffering with them. It is my privilege, respectfully and at the top of my voice, to demand that Nevada grants justice for women by ratifying the Equal Rights Amendment.

In relationship to the time bar, this is something that was given to me by Eileen Davis of Women-Matter. It is an excerpt from the analysis of the Deputy Solicitor General, counsel to the Executive Division ([Exhibit I](#)).

I decline to offer an opinion on whether a house of the General Assembly or a committee thereof, operating according to its own rules and within its own discretion, has improperly refused to take up a piece of legislation: "Such a matter must be left to the judgment of the General Assembly alone." Opining on that question would be especially inappropriate in light of the contradictory approaches taken by the two houses of the General Assembly. Although, as you report, the House of Delegates has for years refused to consider ratification of the ERA, regarding it as "nullity," the Senate has not only considered but repeatedly passed ratifying resolutions. It is not for a member of the executive branch to resolve an inconsistency internal to the legislative branch.

I am aware that in 1994, then-Deputy Attorney General, Walter S. Felton, Jr., advised Delegate Robert G. Marshall that "because the Equal Rights Amendment was not ratified within the original or the extended time limit established by Congress for its ratification, it is no longer before the states for ratification, and any action by the General Assembly to ratify it now would be a nullity."

As a matter of historical fact, however, I observe that the lapse of a prescribed ratification period has not previously kept the General Assembly from considering and even passing a joint resolution ratifying an amendment to the *U.S. Constitution*. In 1977, the Senate and the House of Delegates agreed to Senate Joint Resolution 140, which ratified the Twenty-Fourth Amendment, barring denial of the right to vote for failure to pay a poll tax or other taxes. They did so despite the expiration of the seven-year limitation on consideration stipulated in the proposing resolution to the Amendment (which was also restated in the General Assembly's ratifying resolution). The Amendment had been submitted to the States in 1962 and ratified in 1964, and the ratification period lapsed in 1969.

Caroline Panches, President, American Association of University Women Capital (NV) Branch:

We have a mission as the American Association of University Women (AAUW) to advance equity for women and girls through advocacy, education, philanthropy, and research. There have been some comments and questions today in terms of pay equity and the equal treatment of women. I would encourage the members of the Committee to look at the AAUW.org website and look up the barriers and bias research and our annual pay equity research. It is open to anyone, and I would be happy to send you the links as well.

Why is this amendment needed? I remember in 1972 when I first started fighting for this amendment with a young daughter in tow. Next week, I am going to be watching the baptism of my first great-granddaughter. I would love to see the ERA become ratified before she becomes a year old. One of the major reasons that I would encourage the Committee to consider this is a quote above the entrance to the U.S. Supreme Court that says, "Equal justice under law." While the United States has helped other countries write their constitutions and include an affirmation of legal equality of the sexes, our own *U.S. Constitution* is lacking in that primary right. It is time. I encourage you to pass S.J.R. 2 and forward it to the entire Assembly for an affirmative vote.

Ana Casareto, Private Citizen, Carson City, Nevada:

I come here as a 47-year-old woman, college professor, and Ph.D. candidate at the University of California, Berkeley. I am a recent transplant from California. I am also Christian. I am here to ask you to please pass and ratify the ERA. My husband, who happens to have a bachelor's degree, makes three times more than I do, and I have a bachelor's degree, a master's degree, and am a Ph.D. candidate.

My parents are both physicians. My mother used to be known as the Little Doctor and my father was the Doctor. Socially, there is an incredible inequity in how we are considered relative to men and how we are paid relative to men. I come here also as a new member and treasurer of PFLAG [formerly known as Parents, Families and Friends of Lesbians and Gays] here in Carson City. I am not representing them, but I am here to make sure that we all understand that equal rights means equality for everyone. Just because I become equal does not mean I take someone else's equality away.

Natha C. Anderson, President, Washoe Education Association; and representing Nevada State Education Association:

We represent over 40,000 educators across the state. I feel today that I am standing on the shoulders of giants, whether those giants wore wingtips or high heels, as Lieutenant Governor Sue Wagner said so beautifully. The other thing I want to bring in is the most important people I get a chance to work with in my capacity. They are my students. I know that my fellow educators also get a chance to work with them. When we sit and help our students learn who they are, we do not worry if they are male or female. We tell our girls and our boys that they are equal. How powerful would it be if the most powerful document in our land were to include that?

As I am thinking about some of the different things that have happened in the last 20 years in the classroom, I think back to about ten years ago. I was teaching a short story, "Harrison Bergeron." It is a dystopian short story. In the short story, everyone has a problem, and yet the society is trying to make everyone equal. When we were discussing it, a student asked me, "Who is the person in charge of who gets these problems? Who has the weights?" It happened to be that the "Handicapper General" was a female. How great was it when I had to explain to him that when this short story was written, that was the disability—the fact that she was a female. Now, in our world today, it is not. It was an exciting and empowering moment for us to be able to see that our history is not going to hold us back. Our history allows us to learn.

I also think that by passing this today, 46 years after it started, we are teaching our students the power of perseverance. Senator Spearman was knocked down last time, and she came right back up. How many others have done that? Like former Lieutenant Governor Wagner and Senator Foley, how many others have continued the fight and refused to stop? One of the most important lessons we can ever teach our students is that you might fall, but you never give up. I ask that you support S.J.R. 2.

Marsha Cardinal, Private Citizen, Reno, Nevada:

I am in support of the resolution. I am here to tell you a couple of things. The ERA is not about abortion. It is not about forcing women to join the draft, like Senator Spearman said. One in seven jobs in the military is support, so it actually enables women to have a career. It is not forcing them to fight in the front lines. The last thing I want to say is that my self-employed mother never got credit in the Social Security system for working right alongside my father, except for one year when she made a stink. She got the credit for the

wages that they both earned together, but that was just one year. The next year, it went right back down. By the time she was ready to get Social Security, it really presented a financial hardship for her. Pass the resolution; join the future.

Elisa Cafferata, Director of Government Relations, Nevada Advocates for Planned Parenthood Affiliates, Inc.:

I would remark that when this bill was in the Legislature before, my mother was here. We support this bill because equal access to pay, promotions, and benefits certainly is a key determinant of health. We believe this will improve the health of all Nevadans, so we urge your support.

Mary Liveratti, representing League of Women Voters of Nevada:

The League of Women Voters is a nonpartisan political organization that encourages the informed and active participation in government. We work to increase the understanding of major public policy issues, and we try to influence public policy through education and advocacy. The League of Women Voters supports equal rights for all, regardless of sex. The League has supported the ERA for decades. We feel it is time that we pass the ERA, and we urge your support.

Alanna Bondy, Intern, American Civil Liberties Union of Nevada:

The American Civil Liberties Union (ACLU) of Nevada supports S.J.R. 2, which would make Nevada the thirty-sixth state to ratify the ERA. The 2016 election resulted in the election of a president who has left many Nevadans concerned for the future of women's rights in America. Shortly after President Trump's inauguration, Nevadans, along with people across the globe, participated in the Women's March to advocate for the protection of women's rights under the new administration.

Statements made by President Trump have indicated that women's rights are not a priority under the Trump Administration and, in fact, the current rights that American women possess may be at risk. President Trump has indicated his desire to overturn *Roe v. Wade* and has made numerous derogatory comments about women that should alarm all Nevadans.

Aside from the Nineteenth Amendment, which gives women the right to vote, there is no specific prohibition against sex discrimination in the *U.S. Constitution*. While the Fourteenth Amendment has been used to argue for gender equality, it is important to remember that sex is not a subset class in American jurisprudence, and laws that discriminate on the basis of sex have never received strict scrutiny review.

In fact, the late Justice Scalia did not believe that the Fourteenth Amendment protected against sex discrimination at all. With President Trump responsible for the nomination of Justice Scalia's replacement on the U.S. Supreme Court, we can anticipate a similarly conservative justice who may not be inclined to protect women's rights beyond what is explicitly written in the *U.S. Constitution*.

Women have faced a long history of discrimination in the United States and continue to struggle for equality. Women were the last minority group to receive the right to vote, and despite significant strides towards equality, women still face violence, discrimination, and institutional barriers to equal participation in society today.

Now, more than ever, we need to take steps to protect women's rights and to ensure that the rights that our predecessors fought for are not eroded. The Nevada Legislature needs to send a strong message to the federal government that it is committed to equality for all of its citizens, and we will not let sexist attitudes pervade our state.

Davene Kaplan, Private Citizen, Reno, Nevada:

I have a story about discrimination in the workforce. I graduated with a master's degree from the University of Nevada, Reno (UNR) in agriculture. I was there from 1974, and I got my master's degree in 1982. There were only a handful of women with my major at that time. Every professor I had was a man. When I applied for a job after I received my master's degree at UNR, I was turned down for a job that I was clearly qualified for. It was a horticultural position at UNR, a center for higher learning. My interview was really interesting. When I walked in, there were five men there to interview me. The only question they asked me was, "Can you pick up a hose?" It was a horticulture position. You have to water plants. The question I was asked was if I was strong enough to pick up a hose. Three minutes later, I felt like I was given the bum's rush and was out the door.

I thought about it and thought about it, and a couple of weeks went by. I was not given a letter. They did not say I was rejected. I had to call to find out that I did not get the job. I knew the person that they had given the job to. It was a person who was less qualified than me, had an associate's degree in the same major as mine and did not have as many years of experience as I had. They never had any intention of giving me that job. I told my parents, and my dad said that I should tell somebody and that it was not right.

At the time, UNR had an affirmative action office. I thought, I am never going to get this job, so I might as well call them and tell them I think that was a lousy way to interview a woman. As it turned out, there were four other women who had applied for the same job I applied for. Unbeknownst to me, each one of those women was treated the same way and had filed suit against the university for discrimination.

Out of default, they gave me the job. I lasted 13 years there under a pretty oppressive, male-dominated system. I was passed up for upgrades. It was humiliating. However, I had no ERA to help me out. I did have affirmative action at the time, which was fantastic. Some people here think that they already are equal. I am here to say, from personal experience, that women are not treated equally, and discrimination is alive and well in Nevada. Please, for your grandchildren, daughters, sisters, and aunts, pass this resolution. It is extremely personal and extremely important.

Megann Johnson, Intern, Progressive Leadership Alliance of Nevada:

I am here today to read a letter written by Eileen Davis of Women-Matter, who cannot be with us today. It is in regard to the myth of losing widow benefits ([Exhibit J](#)).

The lies, the recycled lies, that women will lose "widow" benefits. Fact is, Government Agencies changed the words from "wife" and "husband" to surviving "spouse" in 1975, so either spouse now qualifies for benefits from contributions paid from a spouse's wage. This change came from a challenge case that then ACLU lawyer, Ruth Bader Ginsburg, brought by a man left with an infant when his wife died in childbirth [*Weinberger v. Wiesenfeld* 420 U.S. 636 (1975)]. Opposition speakers quoted Ruth Bader Ginsburg out of context in hearing testimony on Monday. Ginsburg's full statement was children and spouses of all deceased parents who have paid into Social Security should get benefits if they were earned regardless of gender, yet her husband was denied because it was "a widow's benefit only" never mind the woman had worked and paid into Social Security as a professional. The case was landmark, and gave mothers the same peace of mind and dignity as men to know that their taxes paid into a system would actually help their own children if something happened to them.

It is staggering that it took a court case to do something so fundamentally right and was so vehemently fought against at the time. The minority dissent argument was that the benefit was meant to allow the surviving parent to stay home, and "that men should not stay home." It is even more staggering that those speaking in opposition yesterday so willfully lied, misquoted, and exploited this landmark case.

My own family was affected by this landmark decision. When my husband's mother (who had worked) died suddenly, his father received no survivor benefits for his four children because it was for "death of the father only," despite [the government] having taken Social Security tax out of her salary. (She was a bookkeeper and he was a World War II veteran who worked in a paint factory.) The children did not qualify. In 1976, my husband's much younger sister, at age 16, received Social Security benefits for the last two years of her being a minor as a result of this landmark case decision in 1975. The three other kids were adults by then. It was difficult for his father, who was a wonderful man and never thought to sue, to raise four children without this earned benefit and to be denied something so fundamentally earned by his wife, yet denied on her death. To see it lied about and purposefully exploited in this hearing on [S.J.R. 2](#), well I can't tell you how infuriating it was.

Thank you for your consideration of this long overdue conveyance of full equality regardless of gender via the ratified Equal Rights Amendment almost 100 years since it was put forth as a companion bill to the Nineteenth Amendment by Alice Paul. I implore you to finally and

unequivocally convey constitutional equality to all Americans. Ratify the Equal Rights Amendment. Please take your side on the right side of history, and remember, only the *U.S. Constitution* conveys constitutional rights. Anything less is, simply, less.

Amanda Palmer, Second Vice Chair, Carson City Democrats:

I am here on behalf of Lieutenant Danette Funk, who wanted ERA ratification in the state of Virginia. I am a Democratic woman reading this letter ([Exhibit K](#)), and I would like to read it on behalf of her because I feel it is particularly relevant across the nation and Nevada.

I come here today as a Princeton ROTC scholarship graduate who served in the U.S. Army Field Artillery back in the 1980s. I am a conservative, Republican woman speaking for the many women who have and are still, every day, risking their lives fighting for our *Constitution*, a constitution that does not give them equal status. The guns they are trained to use have more protection than they do in our *U.S. Constitution*. I believe America is the greatest country on earth for many reasons, but it has this critical, unfinished piece of business called the Equal Rights Amendment. Virginia can and should wake up the country and inform them that we are, once again, on the right road to equality for the 171 million Americans who still wait to be enshrined in this great *Constitution*.

Donna Clontz, Private Citizen, Reno, Nevada:

I am dressed this way because I am a member of the Nevada Women's History Project. Dressing in the costumes of the day brings history to life for many people. What I am wearing is something like what the women wore back in the 1920s when women got the right to vote in our *U.S. Constitution*. Nevada was a leader back then. Women got the right to vote in Nevada in 1914, over 100 years ago. As it was expressed earlier, Nevada has been a leader in civil and equal rights for its citizens over the years. We believe that Nevadans have independent spirits and a right to live their lives in a way that pleases them, as long as it does not impact their neighbors.

I urge you today to continue to be proud of that long history of supporting equality in the *Nevada Constitution* and in our state laws. We are privileged that we have a lot more protections than many other states do in our country today. I am asking you to vote yes to ratify the Equal Rights Amendment to add the protection that we are privileged to have in Nevada to the *U.S. Constitution* for the rest of the country. I am asking that you make Nevada the thirty-sixth state that adds to the list of those who would put this before Congress to ratify on behalf of all Americans.

Donald Gallimore, Sr., Private Citizen, Reno, Nevada:

I am speaking more or less on behalf of myself on this particular issue because this has been one of my major issues since I was a kid. I have marched with Gloria Allred, Gloria Steinem, and Bella Abzug back when I was a teenager for this very issue. I continue to do that. I have spoken at the 2009 Session, last session, and this session. This is probably

one of the most critical bills I see that still needs ratification. The African-American community was freed with the Emancipation Proclamation. It is ridiculous that it is codified for me to walk down the street, see women, and say that they are not as equal as I am. I appreciate Mr. Powers's delineation of what the states have done and can do. They cannot reject what they have already put in, so it is very crucial for the last three states, Nevada being one of them, to ratify this so the U.S. Supreme Court can make their determination and codify the ERA. Thank you very much, and I affirm my deepest desire for this to be passed.

Patricia Mason, Private Citizen, Carson City, Nevada:

All through my life, I have been unfortunate enough to experience discrimination because my mother was a woman; I am a woman; and my niece is a woman. It just needs to stop. I really appreciate the fact that you are having this conversation right now, especially with the way the country is and what is happening in the current conversations about women. There is so much fear. I feel like an immigrant again because women are about to possibly lose so many of their rights.

Chairwoman Diaz:

Is there anyone else wishing to testify in support? [There was no one.] We are going to go back to Las Vegas to hear from individuals wishing to testify in opposition to S.J.R. 2.

Bonnie McDaniel, Private Citizen, Las Vegas, Nevada:

I am a 57-year resident of Las Vegas. I have lived in my one and only house for 54 years, which I bought. I urge you to vote no on S.J.R. 2 today if, for nothing else, but for the way it is written. There are many flaws in the language of this bill. At this time there are no states that will ratify this bill, as it died in 1982, 35 years ago ([Exhibit L](#)). Our constitution is designated to ensure that government actions reflect the will of all the people, not just a few. Advocates of the three-states-left strategy know it is impossible to revive the ERA. It is dead. I have been called old, white, straight, and privileged in the Senate committee hearing for this. I admit to the first three. Yes, I am old. Yes, I am white. Yes, I am straight. I am far from privileged since I live on just my Social Security each month, which is less than \$900 a month.

If the ERA is adopted, it will virtually reduce the states of this nation to meaningless zeros on the nation's map. Senator Sam Ervin said that your purpose for being in office will be null and void. You will not be needed in Carson City anymore. The ERA will transfer all laws governing marriage, divorce, family property law, adoptions, abortions, alimony, some criminal laws, public and private schools, prison regulations, and insurance rates from the state legislatures to the federal government. It will put same-sex marriage and abortion into the *U.S. Constitution* and require taxpayer-funded abortions, including partial-birth abortions. It will apply the draft registration law to 18- to 26-year-old women, and they will be serving in combat just like the men. Yes, the draft has been dead for 40 years, but the draft can be brought back at any time. Due to the situations our country is getting itself into, that could happen in a day.

Right now, all 18-year-old men have to register, even though the draft is dead. It is an all-volunteer military, but it does not have to stay that way. The young woman who spoke about this earlier spoke about a 1975 lawsuit for Social Security. The changes I will tell you about cannot be Googled since the ERA has not been ratified. You need to see what will happen. It will completely change the distribution of Social Security payments. Right now a retired woman receives her Social Security that she worked and paid into, and she can receive up to 50 percent of her husband's Social Security if he has not yet retired. Upon his retirement, he receives all of his, and she receives all of hers. If this bill passes, that will change. She will no longer get any of her husband's Social Security, and upon his death, she will no longer get the larger of the two amounts. She will receive only her amount each month, reducing her income to its lowest level. Her expenses will not have changed, but her income will drastically change.

This bill will change the perks that women with a woman-owned minority business now have. The Department of Transportation (NDOT) can get rid of that division in their department, as they will no longer be allowed to encourage women to open or maintain businesses in Nevada. Women-owned businesses will no longer be given the loans for disadvantaged people, women, or minorities that they have enjoyed for many years. I know that many of you have small businesses, and some have large businesses, such as Senator Farley. There would be no more special considerations or tax incentives because you are a woman.

Insurance rates for women will increase because they now will be faced with tests that usually only men have thanks to the Affordable Care Act (ACA). Women now need to have a prostate exam, even though they do not have a prostate. It is written in the ACA. Google it; it is there.

To pass this bill the way it is written right now would be to degrade all women. It would not change the way you are treated; only you can change that. As far as equal pay, people make the choice to work where they want to work. If they fail to negotiate their wages, that is their fault and not anyone else's. Once again, only because of the way this resolution is written, I urge you to vote no on S.J.R. 2. It is dead in Congress, and we do not want it to be a disgrace to Nevada if we are the only state to pass it. A woman is only as equal as she makes herself to be. It is not something that is automatic or given. Just because you say it is so does not make it so, and this bill will not do it either. I agree with Assemblyman Hansen, and I urge you to vote no until this bill is cleaned up and written properly.

Sharon Brown, Private Citizen, Las Vegas, Nevada:

I am speaking for myself. I am not with any group, but I am a proud woman. I have never felt as if I was discriminated against either because of my knowledge or my un-knowledge about things. I have always felt that I was equally represented. I would like to say that 47 women have served or are serving right now as governors in the United States. I am sure they feel equal. I agree mostly with Assemblyman Hansen. I have never talked like this before, but I know that the Thirteenth, Fourteenth, and Fifteenth Amendments were all passed with 100 percent Republican votes and only 8 to 12 Democrat votes. These were

votes for black citizens of the United States. They were equal voting rights and black women's rights. I am against this. I think it is unnecessary at this time for this type of bill to be passed.

Chairwoman Diaz:

Is there anyone else in Las Vegas wishing to testify in opposition to S.J.R. 2? Seeing no one, we will switch it to Carson City.

Janine Hansen, President, Nevada Families for Freedom:

I have been blessed to feel that being a woman has always been a great advantage to me. I am the national constitutional issues chairman for the National Eagle Forum. I was here in 1973, 1975, and 1977 when this body defeated the Equal Rights Amendment. I was also the state chairman in 1978 when the people voted overwhelmingly by 68 percent to defeat the Equal Rights Amendment. Most of the objectives of the ERA movement have been accomplished. I would mention that I have two daughters and fourteen grandchildren, seven of whom are girls.

Of the 35 states that originally passed the ERA, 5 of those have rescinded. Of the 35 states, 24 of those states, in their original ratifications before 1979, declared and recognized the 1979 deadline in their ratifications. In 2009, when it was brought by Assemblywoman McClain, it was not even brought before this body. She pulled the bill before it was even presented, and I believe that was because the LCB said it could not be ratified because of the deadline. That happened again in 2015 when there was no vote taken after the hearing. I guess they have changed their point of view. I brought some information for you. One of them is this article on the U.S. Supreme Court that shows the U.S. Supreme Court recognized the ERA was dead at that time (page 1, [Exhibit M](#)). There is some other information regarding *Coleman v. Miller* 307 U.S. 433 (1939) ([Exhibit N](#)). That case is cited in S.J.R. 2, and essentially dealt with amendments which had no deadline attached to them. In *Dillon v. Gloss* 256 U.S. 368 (1921), there were deadlines attached. The U.S. Supreme Court said that Congress could set those deadlines.

One other issue that is important is an issue under Article V of the *U.S. Constitution*. That is that there is a second way to have ratification, and it is on the application of the legislatures of two-thirds of the several states. Starting in 1972, 32 states ratified a balanced budget amendment. Sixteen of those states later rescinded that ratification. If Congress was recognizing those ratifications, we would already have a constitutional convention for a balanced budget. Congress must have recognized those rescindments as the five states previously rescinded.

I would like to bring one thing to your attention. Of the 15 states that have never ratified, 5 states have bills in them. Only Nevada is moving forward. Illinois has no bill. Utah's bill is dead. North Carolina's bill is going nowhere. Missouri's bill is stuck in committee, not having a hearing. Virginia's bill is tabled, and Florida's bill is also going nowhere. There is no national movement in the states to ratify the Equal Rights Amendment because it is

simply not happening in any of those 15 states where it is possible. This is singular to Nevada. It is not a national movement, just as it is not a national movement in Congress.

The most important issue to me has been mentioned. Section 2 of the ERA would make the states legislative zeros because all of these laws would be transferred to Congress and the federal government. Section 2 gives those powers to Congress. I think that is an extremely important issue for legislators.

Vicky Maltman, Private Citizen, Sun Valley, Nevada:

I want to say before I begin reading my testimony that the only people who have discriminated against me have been women.

My mother was born in 1907. She was the youngest of seven children. Her father was killed in the Pennsylvania coal mines when she was nine years old. She had to beg and borrow money from a business owner and went to college and became a teacher even though, at that time, it was not considered a woman's job. She started teaching in a one-room school in 1927 and continued to teach for 50 years. I guess I learned my rebel ways from her and became a police officer in 1974. I was the first fully sworn female officer in the city of Soledad, California. I worked from 12 midnight to 8 a.m. as the only officer on duty. I was paid the same and treated the same as the male officers.

The ERA would take away important rights and powers of grassroots control of the states. Section 2 of the ERA would give Congress the power to legislate on all areas of law, which include traditional differences of treatment on account of sex, such as marriage, property laws, divorce, alimony, child custody, adoptions, abortion, sex crimes, private and public schools, prison regulations, and insurance.

The ERA would result in the massive redistribution of powers to our federal system. The ERA would take away legal rights that women possess, and not confer any new rights to women. The ERA would take away women's traditional exemption from military conscription and combat duty. Do you want your daughter, granddaughter, niece, or female relative in a foxhole? Believe me, it can come back and happen. The ERA would make unconstitutional the laws that impose on a husband the obligation to support his wife. The ERA has been rejected since 1972 because it is a sloppy, confusing proposal.

There is no mention of women in the amendment, and attempts to clarify its meaning have been futile. It is fraught with opportunities for special interest groups who are denying their hidden agendas and hoping for its acceptance. The fact that there are legal opinions, court rulings, and debate over the ERA is evidence enough that there is a problem with the wording and interpretation. An amendment should be clear about its intent, and the ERA fails to do this. The fact that women today have successfully championed their rights in society and in the courts since 1789 is a testimony of the sufficiency of the current *U.S. Constitution* to guarantee those rights.

Attempts to approve the ERA clutters the *U.S. Constitution* with redundancy and confusion, takes local and state control away from people, threatens religious and private institutions, and opens the door for antifamily activists. The *U.S. Constitution* lays the framework from which the laws of our federal union are derived. Changes to it should be resisted at every point, while demanding that it pass every stringent test devised until it is fully clear beyond all reasonable doubt that law and justice cannot exist without it. The ERA does not pass the simplest test to justify its acceptance. It would eliminate the Special Supplemental Nutrition Assistance Program for Women, Infants, and Children, the Violence Against Women Act, the acknowledged and accepted sex bias in family and custody law, and it would abolish a woman's right to child support and alimony. I will not even touch Social Security.

My biggest objection to the Equal Rights Amendment is that we would find ourselves with more federal regulations on our personal and domestic lives. Do women really want to give up this special privilege and lower themselves to equal rights, so that the mother gets one child and the father gets the other? Some women have pointed out that truly equal rights would mean an end to gender-specific policies that work to women's advantage. I hope you will put people before politics. These women do not speak for me, and I am sure they do not speak for many females who want a home, to raise children, and to enjoy life with their spouse without governmental influence.

Assemblyman Elliot T. Anderson:

I have a quick clarification for the record. I am not going to get into the habit of doing this today because I know many people are passionate. I need to correct the record as to former Assemblywoman Kathy McClain and the ERA in 2009. I interned for her in 2009. The reason that bill did not move forward was because of all the attention on the budget that year. It was a cataclysmic budget year, and that is why Ms. McClain decided to pull the ERA. I just wanted to correct it because I worked in that office, and I feel obligated to.

John Wagner, representing Independent American Party:

I have no relation to Sue Wagner. Concerning the military, the draft could come back at any time. The Israelis found out that having women in combat positions was very harmful in many ways. If an Israeli woman was captured, she was brutally tortured and raped within hearing distance of the Israeli men in the foxholes to try to get the men to rescue her, which is what most men would want to do. They were told not to because it would give away their positions, and they would be machine-gunned before they got out of their foxholes. The next morning, they would get out of their foxholes, assault the troops, and find the woman there dead and mutilated. I definitely do not want that for my granddaughters and great-granddaughters. That would be a horrible scenario.

As far as rescinding, I seem to remember when Assemblyman Hambrick was Speaker of the Assembly, they would open up the rolls, and the members had the ability to change their vote while the rolls were open. I also seem to remember that he used to ask if there was anyone wishing to change their vote. I may be wrong, but I do not think so. If the members can do that, why are the states prohibited from doing that as long as they rescind it before the final ratification? They did not receive the 38 votes, and I see no reason why the five states

that rescinded their votes should not be that way. We also have a situation where treaties can be negotiated or repudiated by our government. There is a record that you can change your mind and your vote. I will leave it at that.

Lynn Chapman, State Vice President, Nevada Families for Freedom:

I would like to start off by saying that there are already laws for equal pay for equal work—which is the key. Phyllis Schlafly said back in 2014, "The real economic story of the past 30 years is that women's pay has effectively risen to virtual parity, but men's pay has stagnated, and thousands of well-paid, blue-collar jobs have been shipped to low-wage countries."

There is a very interesting article by Steve Tobak from *MoneyWatch* ([Exhibit O](#)). He was interviewing Marty Nemko, who is an acclaimed career expert and best-selling author. He was speaking about the complete myth of the gender pay gap. He was saying that men are far more likely to choose careers that are more dangerous than women. That is why they are paid more. They usually are fishermen, loggers, aircraft pilots, farmers, ranchers, roofers, iron and steel workers, refuse and recyclable material collectors, industrial machinery installation and repairers, truck drivers, construction laborers, which are all male-dominated jobs. Men are far more likely to work in higher-paying fields by choice.

He goes on to say:

According to the White House report, "In 2009, only 7 percent of female professionals were employed in the relatively high paying computer and engineering fields, compared with 38 percent of male professionals." Professional women, on the other hand, are far more prevalent "in the relatively low-paying education and health care occupations." Men are far more likely to take work in uncomfortable, isolated, and undesirable locations Men are more likely to take jobs that require work on weekends and evenings Even within the same career category, men are more likely to pursue high-stress and higher-paid areas of specialization . . . such as surgery, while women are more likely to pursue relatively lower-paid areas of specialization like pediatrician or dentist.

Women who have never had a child earn more than unmarried men. That is from the United States Census Bureau. Women business owners make less than half of what male business owners make. Because they have no boss, this is independent of discrimination. According to the Rochester Institute of Technology, the reason for the disparity is that money is the primary motivator for 76 percent of men versus 29 percent of women.

There is a link that you can go to for an analysis of reasons for the disparity in wages between men and women that was prepared under contract for the United States Department of Labor in 2009. It says:

This study leads to the unambiguous conclusion that the differences in the compensation of men and women are the result of a multitude of factors, and that the raw wage gap should not be used as a basis to justify corrective action. Indeed, there may be nothing to correct. The differences in raw wages may be almost entirely the result of the individual choices being made by both male and female workers.

Chairwoman Diaz:

I just wanted to clarify that the members who have stepped out of the Committee have another committee that overlaps with this one. They had to go do business in that other committee. If they are able to rejoin us, you will see them trickle back in.

Melissa Clement, President, Nevada Right to Life:

I am here today in opposition to S.J.R. 2, the Equal Rights Amendment. The ERA is a '70s-era solution looking for a twenty-first century problem. Perhaps it was needed when I was six years old in 1972, but certainly, now it is not. What is the purpose of this exercise in time travel? Is it to tear down the walls that keep women from certain industries? No such walls exist. Is it to advance women who have been kept out of leadership? One look at the makeup of this Legislature, which is 40 percent women, argues quite differently. Is it rather a vehicle to provide for unfettered, unregulated abortion through all nine months of pregnancy for any reason at taxpayers' expense? This is our concern and why we offered an amendment in the other house. It was not surprising that it was not taken up because in every state, as well as on the federal level, when an abortion-neutralizing amendment is offered, it is always turned down.

The language of the proposed 1972 ERA and the language the Committee is considering today is virtually identical to language used by the major pro-abortion groups, such as the NARAL Pro-Choice America. That tells me that maybe they think abortion is part of this. Maybe they think abortion is part of the ERA so much so that they brought a case in New Mexico utilizing the state ERA to argue that abortion could not be regulated. They did it successfully.

Our concern is that if this was to be ratified in Nevada and two other states followed, this would cause a similar thing to happen. What would happen in Nevada is that we would lose some pretty important protections. For example, in Nevada, it is required that a doctor perform an abortion. How would that possibly stand if male and female are exactly equal? A prostate exam or surgery is going to be considered the same as an abortion. That is our concern. I have yet to hear how that is challenged. It is still there. If liberalizing abortion is the purpose of S.J.R. 2, then pass abortion legislation under the full view of voters. If, however, free-for-all abortion is not the goal, let us fix it. Why are we using 1972 language now? If there are problems, let us use 2017 solutions for it.

Jim DeGraffenreid, Private Citizen, Minden, Nevada:

Some of you might know that I am the Vice Chairman of the Nevada Republican Party. I want to make it clear that I am testifying today on my own behalf. Neither the

Nevada Grand Old Party (GOP) platform nor the national platform has anything to say about the ratification of the ERA because it is a dead issue. The primary reason I am here testifying today is out of respect for the *U.S. Constitution* and for the process outlined in Article V. We are considering this 34 years too late. The proponents of this ratification speak of sending a message with a symbolic vote, but I think the *U.S. Constitution* demands much more respect than that.

We can all agree that people should have equal rights regardless of sex. Current laws generally provide those rights. I will not repeat the testimony that has already been said on that subject. We have definitely learned in the decades since the ERA was proposed that it has a number of unintended consequences, and that it may hurt the very people it was designed to help. If there is a need for additional protections that are not already in the law, then the proper course of action is for the U.S. Congress to propose an amendment, which they are aware of and have tried to do in every session since 1982 when the time expired. They have not been able to get support for that. If it is to pass, we need that to come from the U.S. Congress. They are charged with starting the process in Article V. If they can put forth language that makes sense in 2017, then that can go to the states for ratification. In the meantime, for the Nevada Legislature to act on this ratification in defiance of the deadline set by Congress is not appropriate. I urge your no vote.

Shawn Meehan, Founder, Guard the Constitution Project, Minden, Nevada:

Three years ago, I founded the Guard the Constitution Project. Since then, the entirety of my focus and efforts has been on learning and defending Article V of the *U.S. Constitution*. I educate and counsel state legislators across the country on this topic. Under the *Hawke v. Smith*, 253 U.S. 221 (1920) U.S. Supreme Court decision, you Assembly members are actually exercising a federal function right now. You are not performing as state legislators.

Before I go on, I need to correct the record. One of the previous testimonies said that the Twenty-fourth Amendment was ratified in excess of the seven-year deadline. I verified that Congress proposed that on September 24, 1962 to the states. It was ratified less than two years later on January 23, 1964. That is an invalid precedent to the violation of the seven years. The ERA resolution is expired and null, and it is not properly before you. I am surprised that the Legislative Counsel Bureau's Digest does not include an important reference to the *Freeman v. Idaho* 529 F.Supp 1107 (1981) case that was decided by the U.S. Supreme Court in 1982. It was dismissed and found moot. The reason they found it moot was extremely clear. They said in the dismissal and mootness that the five rescissions by those states stood. They said that because the three-year extension by Congress was in violation of Article V, it did not get a two-thirds vote. That extension never happened. Because of a memo from the General Services Administration, who at the time administered ratifications to the *U.S. Constitution*, said that the timing had expired, the U.S. Supreme Court reaffirmed that and sent it back to the federal court in Idaho to be dismissed. This issue does not exist. It is over. It has also been emphasized by the fact that since then, Congress, under Democrat and Republican majorities, has offered brand new ERA bills and brand new bills to extend the time limit, and none of them have gone

anywhere out of committee. The ripeness is over. I also think some people do not realize what they are asking for here. Some very popular programs that are legitimately helping women right now could potentially, through litigation, go away.

The final point is that I am upset by the repugnant way this entire exercise has been portrayed. Numerous media have quoted legislators in this building as saying that this is void, moot, and purely symbolic.

Chairwoman Diaz:

Keep the comments to the contents of the bill and do not associate them to any member of the body. I feel like that is crossing the respect line. We need to make sure that our comments are on S.J.R. 2 and not alluding to any member.

Shawn Meehan:

I will simply tie it up by saying that this is the symbology of this exercise as I see it. While on active duty, I carried home deceased soldiers on my plane who died for our country to defend the *U.S. Constitution* and the history of our country. Nearly 1.4 million people have died. They actually bled. The symbology here is that some people feel giddy about using the *U.S. Constitution* as a political bulletin board to pass something that is going to go in the shredder when it goes back to Washington, D.C. Better options exist, and I would be happy to help point those out.

Chairwoman Diaz:

I need our legal counsel to clarify our record. Nowhere in S.J.R.2 did I read that it is a free-for-all for abortion. Is abortion a part of the ERA? I am not making the connection by reading the contents of S.J.R. 2. Also, what is the LCB's view on the 2009 joint resolution that Ms. Hansen talked about?

Kevin Powers:

I am going to take those in reverse order. The joint resolution that was proposed in 2009 was A.J.R. 3 of the 75th Session. It was identical to S.J.R. 2, which is before the Committee today. The LCB's opinion at that time, as it is today, has not changed. The opinion is simply that the U.S. Congress has the exclusive power to determine whether to accept a state's ratification after a deadline imposed by Congress. It is ultimately for Congress to decide. If this body ratifies the ERA in S.J.R. 2, that would be transmitted to the appropriate federal official. Ultimately, if enough states did that ratification as well, it would be determined exclusively, finally, and without question by the judiciary and Congress. That has always been our opinion. The case referenced by the previous speaker was a moot case. A moot case has no precedential value. Ultimately, the U.S. Supreme Court has repeatedly said that the decision is to be made by Congress. That is all this office has ever stated, and that is what the U.S. Supreme Court has clearly held. It is up to Congress to determine whether ratification is valid if it is filed after the deadline established by Congress.

I will turn to the issue regarding the ERA and abortion rights. First and foremost, a woman's right to abortion is currently protected by the Fourteenth Amendment to the *U.S. Constitution*

under the Due Process Clause, which is known as substantive due process. A woman has a fundamental right to bodily integrity and has a right to make the determination whether to continue a pregnancy. That is a right currently protected by the *U.S. Constitution*. This proposal, the Equal Rights Amendment, would not affect that right in any way, shape, or form. What this proposal does, as I mentioned before, is impose strict scrutiny on laws that distinguish on account of sex. Abortion laws do not create classifications between men and women because abortions are only performed on women. There is no legislative classification distinguishing between men and women. Abortions inherently can only be performed on women.

Secondly, even assuming that this would apply, what that would mean is that a strict scrutiny standard would be applied to abortion laws, and it would have to be justified by a compelling state interest. Because abortion is already protected as a fundamental right in the Fourteenth Amendment, there is a compelling state interest to authorize abortions at the state level. This proposed constitutional amendment is not directed specifically at abortion, and its impact on abortion would be marginal because abortion is already protected by the Fourteenth Amendment to the *U.S. Constitution* under substantive due process.

Chairwoman Diaz:

Whoever is ready may state their name for the record and proceed.

Sally Zamora, Private Citizen, Reno, Nevada:

I agree with all the extremist ideas that those who want to stop the ERA are talking about. I want to add a little bit on to the federal power that will be granted and the state power that will be taken away. I want to address a little bit more on the draft. I had not planned on talking about the effects on the church, but since the holy scriptures and religion have been brought up so many times, I would like to say a little bit about that.

As far as the grab for more power by the federal courts and what women want to accomplish, it is very apparent that when the ERA first came out, Section 2 said Congress and the several states shall have power within their respective jurisdictions to enforce this article by appropriate legislation. The women liberals and proponents of more power in Congress wanted that taken out, so they had it replaced by the current wording: "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." In *Katzenbach v. Morgan* 384 U.S. 641 (1966), the U.S. Supreme Court ruled that if a constitutional amendment contains a clause giving Congress the power to enforce by appropriate legislation, then Congress can preempt the field, and the state loses jurisdiction to legislate on that subject. That is the subject of men and women, families, churches, and anything that would affect men and women.

In regards to the draft, they can get the draft at any time they want, especially in this day and age with all the things that are going on. That probably will happen before too long. Regarding training girls at our military academies, they have lowered the physical requirements. The women come out thinking they are every bit as strong as their male counterparts, but in reality, they are not. The Pentagon has declared that women have

only 55 percent muscle strength and 67 percent of the endurance men have. There is much more on how they have lowered the standards.

I want to say something about the effect on churches. I want to know if the churches will lose their exemption status because women are not ordained as ministers. Will church congregations across the country be imprisoned because homosexuals intimidate and force them to worship God alongside themselves? Will they be forced to choose God's law or the government's law?

Juanita Cox, representing Citizens in Action, Sparks, Nevada:

We oppose S.J.R. 2 primarily to protect our Social Security survival benefits. Many seniors do not have much of a fixed income. They are surviving only on these benefits. This so-called equal rights resolution could take that income away, therefore creating more people who will need government support and housing, which is a direct problem to the poor. As you might know, housing is not plentiful in northern Nevada. This sudden depletion of needed funds to survive will be devastating, particularly in northern Nevada. In the 1970s, I fought for equal financial help. We got that, so I think America has come a long way.

Joannah Schumacher, Chairman, Gifted Minds with Too Little Time, Reno, Nevada:

I represent a large, bipartisan group of men and women who are very much in opposition to S.J.R. 2. I agree with a lot of the information that has come before you today. I would like to speak a bit about if this bill just said, "Nevada believes that men and women should be treated equally before the law," I think you would have no problem. I think everyone would be on board with that. Unfortunately, you have a convoluted piece of legislation that will be asking Nevada to tell the federal government that we want to hand over more of our jurisdiction to them. The problem that we are currently seeing right now is more rights and privileges have been handed over to our federal government.

Now certain people are upset by the new power in town, but they were not upset about it when their person was in charge. We have to remember that is always something that is going to happen. There is going to be a changeover, and there will be someone in power who people may not agree with. It is important that we keep the power that was reserved for our states in the states, because this is where we have the most control. If we continue to hand over more and more power, and whether you believe that this is legitimate legislation or not, you are acquiescing a bit of your power by doing that. The state needs to retain the powers that were given to it by the *U.S. Constitution*.

Virginia Starrett, Private Citizen, Gardnerville, Nevada:

I am a college English professor. I have a master's degree. I have taught at California State University, Fullerton, and I have also taught at Western Nevada College. I was a student during part of the time that the ERA was being proposed, and then I graduated and became a professor during part of the time that the ERA was still being discussed and fought over in

the states. I find this revival of the ERA to be not only ludicrous but embarrassing for our state. Maybe the proposers were not in the milieu at the time like I was. I was a feminist. When I first heard about the ERA, I was extremely enthusiastic about it, as were many of my colleagues at Santa Ana College. At the time, I was teaching courses there also.

Before 1982 arrived, most of the people I knew in the feminist movement had decided the ERA was wrongheaded, and that it actually opened the door for more harm to women than it helped them. I think that is still true. You have heard a lot of people say things today about certain laws that could be affected by the passage of this kind of an amendment. They are not talking out of the craziness of their heads. You need to really look into it. Even at the time, there were numerous instances of lawsuits brought because of the ERA, primed and ready to challenge many laws that had been created based on the social status and biology of women that were not based on bigotry or bias and actually gave women the kinds of empowerment they needed to succeed. Those laws would disappear underneath the passage of the ERA. You should be very careful what you ask for. This is like an Obamacare-type bill. You will not really know what you are going to get until you have actually passed it. Then, everything is going to come out of the woodwork, and you will discover that a lot of harm is going to be done to women as a result of the wording of this bill.

Because I am an English professor, language means a lot to me. In the legal counsel's remarks about legality and the ERA, the words sex and gender are interchanged. You cannot do that. Sex is not the same as gender. Sex listed in the ERA talks about biology. It talks about the kind of equipment that you come with when you are born. Gender is an exploding category. Currently, on some college applications, there are 27 different possibilities for gender listed. To think that the ERA with the word "sex" in it is going to address a modern problem having to do with discrimination between the sexes is really juvenile. We have a big war going on right now in defining who is a man and who is a woman. It is not the time to pass a law that is dependent upon the sexual identification of who is a man and who is a woman.

I have some text here. Most of the ideas that were embedded in the ERA at the time that women were fighting so fiercely to get have been addressed in law. That is what happened after the ERA fizzled. You might wonder why no states passed the ERA in that three-year period that was extended. That is because the United States woke up to the harm embedded in the ERA. Even the feminists lost steam because they did not want to go after passing that law and having to be accountable for what happened. It did not go out with a bang; it went out with a whimper. If the Legislature passes it now, our state will be in the embarrassing situation of having done something really out of pure ignorance.

William Tarbell, Private Citizen, Sparks, Nevada:

I am here to speak on my own behalf about some questions and concerns. First, I have a brief question. It sounded like the legal counsel was saying that the U.S. Congress would have the power to reopen the window for ratification. I do not know if that is actually the case. I simply raise the question.

Secondly, there is no language in the *U.S. Constitution* that distinguishes between men and women. It simply says at the beginning, "We the people" Throughout the document, "We the people" is the category, therefore all policy in law derived from the *U.S. Constitution* would automatically have to apply to all the people of the United States.

Now it is time for a quick personal statement. There are two women in my family heritage who have had a powerful influence on my life. One of them is Ida Tarbell, who was very active in the late 1800s and the early 1900s writing about Standard Oil Company and bringing Mr. Rockefeller to his knees. She became an advisor to presidents. She was a woman of great power and authority, and I have looked to her all my life as an example. Another woman who was active in the early part of the 1900s was my Aunt Carrie Tarbell, who was a Protestant missionary in China for 7 years and taught at Gordon College in Massachusetts for 30 years. She was my personal and spiritual mentor for the first 35 years of my life. Both of these ladies had a problem with the women's movement of those days. They decided that there was too much contained within it that they found objectionable and against their own faith and practice.

For example, Margaret Sanger embraced eugenics, which was considered a science at the time, which led her to the ridiculous place where she said that people of color were nothing more than weeds and should be removed from our landscape. They could not abide all of the features of the women's movement, even though they were successful and active in public ways. I simply want to say that throughout the history of my own 45-year long career, I have honored the memory of those powerful ladies. As Senator Spearman suggested, I have been extremely persistent in defending the dignity of women and all other minorities in our country. I have a record second-to-none in that field. I only question the ERA on this basis. If it is meant to be a shield or cover for some extension of federal power over the states, if its effect is to somehow diminish conscientious beliefs that are deeply held on the part of the people of this state, then I would suggest and urge you to consider that nothing is gained and everything is lost, especially if deeply held conscientious beliefs are sacrificed on the altar of expediency.

Chairwoman Diaz:

I do not see anyone else coming up to testify in opposition. I know that we lose video feed to Las Vegas at 4:30 p.m., so I am going to ask if there is anyone wishing to testify in the neutral position in Las Vegas? [There was no one.] Is there anyone in Carson City wishing to testify in the neutral position? [There was no one.] I will invite Senator Spearman to come up and give some closing remarks.

Senator Spearman:

Thank you for allowing for this very robust conversation about equality. I just took a couple of notes, and I will try to address them. I continually heard that women would be forced into combat. I think that argument is a little late because in Iraq and Afghanistan, more than 280,000 women have been deployed. As of 2012, 139 women have been killed in combat. I did not have the fortune to be selected to go to the United States Military Academy (West Point) because it was not open to women when I went to college. I have some friends

who went to West Point, and I know that, if anything, the standards were probably more stringent for women. I will use my own experience as a military police officer. When I was in basic training, I had to do three or four pushups before they would count one. As a woman, I had to do twice as much. As an African-American woman, I had to do twice as much, plus 50 percent. I understand when people say the standards are different. However, they were different, not for me, but against me. I had men in the military ask me how I was promoted to a major. They did not use "woman," they used "gal." In regard to arguments against combat and the draft, all the Military Occupational Specialties (MOS) are now open to women.

With respect to the Social Security argument, when we were in the Senate, Brenda Erdoes, who is with the Legal Division, LCB, said definitively, that is not true. The language in the Social Security index lists "spouse," not "husband" or "wife."

When people say the ERA is not needed because everyone is equal, I respectfully disagree. If the *U.S. Constitution*, in its original form, guaranteed equality under the law, we would not have had to fight for the right to vote. Even long before that, my ancestors would not have had to fight for freedom. My mother was born free. My grandmother was born free. My great-grandmothers on both sides were Native American. My great-grandfathers were slaves. I can talk about the need for equality. I get it. I also get the passion that is behind the opposition. I understand that. I think it was Mark Twain who said that no one likes change except a baby in a wet diaper.

Change is hard to accept. It was very difficult in the 1960s, when women, men, boys, and girls who were black, white, Christian, Jewish, and Greek Orthodox were marching hand in hand with Dr. Martin Luther King, Jr., for civil rights. If you check the historic record, you will find that many of the same arguments have been passed down the line every time we talk about equality. Take the group's name out, and you can see that the same arguments are given each time.

One of the young ladies who I had the good fortune of training in ministry is now a pastor in Texas. She was a chaplain during the first part of the Iraq War. She was stationed in Landstuhl, Germany. It was her responsibility to work with families of service people who were coming back and were ill. She was also the spiritual counselor to Jessica Lynch and Shoshana Johnson. Perhaps many have forgotten their names, but on March 23, 2003, they were both captured. Jessica Lynch was the first woman to be captured in the war and Shoshana Johnson was the first African-American woman captured. With regard to whether the draft comes back, I think that is irrelevant because all MOS are opened to women. I graduated with a woman who was branched to field artillery and served in that capacity until she met her untimely death when she was killed by a drunk driver. She served honorably in that capacity.

People talked about the differences in physicality, and they are absolutely right. There are some men who are of short stature. They do not have the same physical strength as women who are taller. When it comes to the necessity for strength in war, wars are now

asymmetrical. I think the Marine on the Committee would say the same. With technology, strength is really moot. The same arguments have been held and heard. I respectfully acknowledged people's right to do that. I respect their right to be in opposition. Let me be clear. This is about equality, period. At every step of my life, I have had to fight for equality. I know what it is like to be a black woman and to be chased by the Ku Klux Klan both in Alabama and in Petersburg, Virginia. I know what it is like for rocks to be hurled at me because I will not let people call me the n-word. I know what it is like to be expelled from school because I will not allow the principal to talk to me in that type of language. When people talk about equality, I get it. The Civil Rights Act of 1964 had to be passed, even though the Thirteenth, Fourteenth, and Fifteenth Amendments were there.

I think that in years to come, our posterity will look back at this time and ask the question, Where were you when the next level of civil rights was engaged for women? Where did you stand? I will be able to answer unequivocally, I am standing, not just on the right side of history, but I am standing in this place because I know what it is like to be discriminated against, and I believe that everyone God created has a right to freedom and equality, especially under the law.

Chairwoman Diaz:

Before you take off, I just wanted to make sure we got it on the record that a colleague reached out to you in terms of amending cosponsors on to your bill. I just want to make sure that you are in agreement.

Senator Spearman:

Absolutely. This is a moment in history that will not come again.

[Chairwoman Diaz designated that [\(Exhibit P\)](#), [\(Exhibit Q\)](#), [\(Exhibit R\)](#), [\(Exhibit S\)](#), [\(Exhibit T\)](#), [\(Exhibit U\)](#), [\(Exhibit V\)](#), [\(Exhibit W\)](#), [\(Exhibit X\)](#), [\(Exhibit Y\)](#), and [\(Exhibit Z\)](#) will be made part of the record.]

Chairwoman Diaz:

I will now close the hearing on S.J.R. 2. I will open it up to public comment.

Peggy Lear Bowen, Private Citizen, Reno, Nevada:

I have held many positions in the realm of women. I was on the last Reno commission of the status of women. I want to use my time to bring the Committee something they have not had. I did not realize what it was until I read it again. I think you are aware of the Emancipation Proclamation, but what you might not be aware of is the law that came from the speech that created the Emancipation Proclamation consideration. Why would I bring this to you? I am tired of being treated as property. I am tired of reading on marriage licenses that women are chattel, and you have a contract.

I have a contract with the *U.S. Constitution*. In the *U.S. Constitution*, I should not be treated as property. You have mentioned the Thirteenth and Fourteenth Amendments that existed in the 1800s. All the time they referred to "person." In the Fourteenth Amendment, it said:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of those laws.

The Fourteenth Amendment was ratified July 9, 1868, and yet, we are dealing with the Emancipation Proclamation that says:

"And by virtue of the power, and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States, and parts of States, are, and henceforth shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons."

We are not chattel. We are not property to be passed by dowry and other means from one man's house to another's. We are not required to take their name. We are people. We need the ERA as part of our law of the land and part of the *U.S. Constitution*.

Abigail Adams said to her husband that if he does not treat women better than his ancestors did, and if women are not part of the *U.S. Constitution*, then they should not have to follow it. I am a direct descendent of John Quincy Adams, and I wanted her words to be heard regarding the treatment of women, who were originally included in the Declaration of Independence and in the *U.S. Constitution*. They were marked out in order to get the states to vote for us to become a nation, be independent from King George, and to have a federal constitution, which is merely 27 concepts so King George and his dictatorial avenues could no longer function. There are 27 answers in the *U.S. Constitution* as to King George not being in control, and that we are of, for, and by the people. We need law so we can establish punishment for those who continue to take away our rights based on our anatomy and not on our citizenship.

Chairwoman Diaz:

Is there anyone here or in Las Vegas wishing to provide some public comment unrelated to S.J.R. 2? [There was no one.]

I am going to take a moment of personal privilege before we close out today's work to say that I think this is an issue that has been reenergized based on what just happened in the last election cycle. I know that there are many of my close relatives and friends, especially the female ones, who were devastated by the glass ceiling not being shattered. They conveyed to me that they did not feel it was an even playing field. I want to make sure that women out there know that they are seen, and they are heard. Women do matter. Case in point is that there has been a lot of movement and synergy around women's rights and issues. I hope that they continue to stay the course. Some people will say, This too shall pass. I think we need

to stay the course, remain active, and continue pushing forth what we believe in. Do not give up the fight. Remain here. We have been in this almost 50 years, but someday, somehow, we will get there. With that, this meeting is adjourned [at 4:38 p.m.].

RESPECTFULLY SUBMITTED:

Julianne King
Committee Secretary

APPROVED BY:

Assemblywoman Olivia Diaz, Chairwoman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a document including data on differences in pay by gender from the American Community Survey, U.S. Census Bureau, submitted by Senator Patricia (Pat) Spearman, Senate District No. 1.

[Exhibit D](#) is a copy of an article from the *William & Mary Journal of Women and the Law*, Volume 3, Issue 1, 1997, titled "The Equal Rights Amendment: Why the Era Remains Legally Viable and Properly Before the States" by Allison L. Held, Sheryl L. Herndon, and Danielle M. Stager. This copy was submitted by Eileen Davis of Women-Matter and presented by Senator Patricia (Pat) Spearman, Senate District No. 1.

[Exhibit E](#) is written testimony presented by Janette Dean, Private Citizen, Caledonia, Minnesota, in support of [Senate Joint Resolution 2](#).

[Exhibit F](#) is written testimony authored by Eileen Davis of Women-Matter, Richmond, Virginia, presented by Sarah Mahler, Program Coordinator, Progressive Democrats of America, in support of [Senate Joint Resolution 2](#).

[Exhibit G](#) is written testimony presented by Wendy Kveck, Private Citizen, Las Vegas, Nevada, in support of [Senate Joint Resolution 2](#).

[Exhibit H](#) is a document titled "Legislative Advocacy Packet in Support of the Ratification of the Equal Rights Amendment," dated February 6, 2017, prepared by Nevadans for Equal Rights, presented by Helene de Boissiere-Swanson, Founder, Katrina's Dream, in support of [Senate Joint Resolution 2](#).

[Exhibit I](#) is an excerpt from an analysis from the Deputy Solicitor General, presented by Helene de Boissiere-Swanson, Founder, Katrina's Dream, in support of [Senate Joint Resolution 2](#).

[Exhibit J](#) is written testimony authored by Eileen Davis of Women-Matter, presented by Megann Johnson, Intern, Progressive Leadership Alliance of Nevada, in support of [Senate Joint Resolution 2](#).

[Exhibit K](#) is written testimony authored by Lieutenant Danette Funk, presented by Amanda Palmer, Second Vice Chair, Carson City Democrats, in support of [Senate Joint Resolution 2](#).

[Exhibit L](#) is written testimony presented by Bonnie McDaniel, Private Citizen, Las Vegas, Nevada, in opposition to [Senate Joint Resolution 2](#).

[Exhibit M](#) is a document containing a partial screenshot of a newspaper article titled, "Supreme Court Declares ERA Issues Legally Dead," from the *St. Louis Post-Dispatch* dated Monday, October 4, 1982, submitted by Janine Hansen, President, Nevada Families for Freedom.

[Exhibit N](#) is a document titled "Legal Opinion: Joel F. Hansen, Esq.," presented by Janine Hansen, President, Nevada Families for Freedom.

[Exhibit O](#) is a copy of an article from *MoneyWatch* titled "The Gender Pay Gap is a Complete Myth" by Steve Tobak, dated March 8, 2011, available at <http://www.cbsnews.com/news/the-gender-pay-gap-is-a-complete-myth>. This copy was submitted by Janine Hansen, President, Nevada Families for Freedom, and presented by Lynn Chapman, State Vice President, Nevada Families for Freedom.

[Exhibit P](#) is a document titled "The Equal Rights Amendment," submitted by Janette Dean, Private Citizen, Caledonia, Minnesota, in support of [Senate Joint Resolution 2](#).

[Exhibit Q](#) is a document titled "The Equal Rights Amendment: Unfinished Business for the Constitution," dated February 15, 2017, written and submitted by Janette Dean, Private Citizen, Caledonia, Minnesota, in support of [Senate Joint Resolution 2](#).

[Exhibit R](#) is a document titled "ERA Action: Quick FAQ," submitted by Janette Dean, Private Citizen, Caledonia, Minnesota, in support of [Senate Joint Resolution 2](#).

[Exhibit S](#) is a photograph of two girls holding a sign in support of the ERA, submitted by Eileen Davis of Women-Matter, Richmond, Virginia.

[Exhibit T](#) is a photograph of two children holding signs in support of the ERA, submitted by Eileen Davis of Women-Matter, Richmond, Virginia.

[Exhibit U](#) is a copy of an article from the *University of Chicago Law Review*, Volume 66, Issue 2, 1999, titled "Why Time Limits on the Ratification of Constitutional Amendments Violate Article V" by Mason Kalfus. This copy was submitted by Eileen Davis of Women-Matter, Richmond, Virginia.

[Exhibit V](#) is a letter dated March 6, 2017, in support of [Senate Joint Resolution 2](#) to Chairwoman Diaz and members of the Assembly Committee on Legislative Operations and Elections, authored and submitted by Tammy Simkins, Co-Director, ERA Action, Chillicothe, Ohio.

[Exhibit W](#) is written testimony submitted by Gail Collins-Ranadive, Private Citizen, Las Vegas, Nevada, in support of [Senate Joint Resolution 2](#).

[Exhibit X](#) is a letter dated March 7, 2017, in support of Senate Joint Resolution 2 to Chair Nicole J. Cannizzaro, Chair, Senate Committee on Legislative Operations and Elections, authored and submitted by Leanne DiLorenzo, President and Founder, VoteERA.org, Portland, Oregon.

[Exhibit Y](#) are emails from the public, in opposition to Senate Joint Resolution 2, submitted to the Assembly Committee on Legislative Operations and Elections.

[Exhibit Z](#) are postcards from 58 individuals, in support of Senate Joint Resolution 2, submitted to the 79th Nevada Legislature.