

# National Organization for Women

## Memorandum

**TO: National Organization for Women Board Members**

**FROM: Jan Erickson, Director, Government Relations**

**DATE: November 24, 2021**

### **A Build Back Better Victory for the Democrats – Act Called ‘Monumental’**

Democrats celebrated a much-anticipated victory on November 19<sup>th</sup> in passing (220-213), the massive Build Back Better Act (H.R. 5376), sponsored by Rep. John Yarmuth (D-KY), which makes significant investments in a wide array of domestic programs. Many of the provisions are ones that NOW has long advocated for, such as free childcare, universal pre-kindergarten, paid family and medical leave, more affordable housing, and expanded health care coverage. The \$1.7 trillion cost is a much pared-down total from the early stages when a more expansive package was envisioned. Examples of some of the major investments in the House-passed bill: \$555 billion for climate initiatives, \$109 billion for universal pre-kindergarten, \$150 billion for affordable housing and \$167 billion for Medicare expansion. The Democratic leadership called the legislation as ‘monumental.’

Progressives in the House, under the leadership of **Rep. Pramila Jayapal** (D- WA), played a significant role in keeping the many of the most needed and productive initiatives in the package and making sure that the legislation got to a vote. But the most credit should go to **House Speaker Nancy Pelosi** (D-CA) who adroitly maneuvered this amazing collection of sorely needed programs and major funding through a thicket of concerns and challenges by Republicans. The package will now go to the Senate as a Continuing Resolution (CR) where only 51 votes are needed for passage. However, still not clear is where **Sens. Joe Manchin** (D-WV) and **Kyrsten Sinema** (D-AZ) stand on some elements of the package, even though their opposition to a big price tag led to intensive negotiations cutting in half the size of the amount. Observers say that negotiations will continue several weeks into December in the Senate, with a hoped-for vote by Christmas. Not a single Republican vote is expected be cast for the Build Back Better Act.

It should be said that the Build Back Better Act is a repair for the country – both for the economy and for working families, retirees, students and caregivers – because of a nearly four-decade history of under-investment owing to Republican refusals to spend on such critical needs. It can all be traced back to President Ronald Reagan’s saying that “Government is not the solution to the problem – it is the problem.”

**Speaker Pelosi** commented that the Build Back Better Act is the biggest investment in women, caregivers, and families in history. She said, “It is critical that we celebrate this moment even as we turn to continue the first to get this passed – with no cuts or compromises—in the Senate. Pelosi added, “This bill cuts costs and taxes for millions of middle-class families while making the wealthy and big corporations pay their fair share all while reducing inflation. This is the morally and fiscally responsible, popular legislation we all worked so hard last year to organize and mobilize for.”

**The speaker released a 23-page summary of the Build Back Better Act, which you can read here, [The Build Back Better Act FINAL 11 18 21.pdf](#)**

**Short summary from Congress.gov** - This bill provides funding, establishes programs, and otherwise modifies provisions relating to a broad array of areas, including education, labor, childcare, health care, taxes, immigration, and the environment.

For example, the bill provides funding for

- management of the National Forest System,
- job placement and career services,
- safe drinking water, energy-efficiency, and weatherization projects,
- electric vehicles and zero-emission, heavy-duty vehicles,
- public health infrastructure and supply chain resiliency,
- housing, rental, and homeowner assistance programs,
- cybersecurity programs,
- tribal infrastructure, housing, environmental, and health programs,
- wildfire prevention, drought relief, conservation efforts, and climate change research,
- small business assistance and development,
- transit services and clean energy projects in low-income communities; and
- infrastructure and administration of the Department of Veterans Affairs.

Additionally, the bill establishes programs to provide

- up to six semesters of free community college,
- free childcare for children under the age of six,
- free universal preschool services, and
- health benefits for eligible individuals who reside in states that have not expanded Medicaid.

The bill also includes provisions that

- establish a methane fee for certain petroleum and natural gas facilities,
- expand Medicare to cover dental, hearing, and vision care,
- provide certain aliens with a path to permanent resident status (e.g., those who entered the United States as minors),
- provide up to 12 weeks of paid family and medical leave,
- restructure and increase the tax rates for certain corporations and high-income individuals (e.g., individuals with income over \$400,000), and
- require the Department of Health and Human Services to negotiate maximum prices for certain brand-name drugs under Medicare.

## **Investing in the Nation's Infrastructure Bill Signed into Law**

A much easier win for **President Joe Biden** and the Democrats was the big infrastructure that drew strong bipartisan support. The **Infrastructure and Investment Act** (H.R. 3684), Sponsored by **Rep. Peter DeFazio** (D-OR) passed in the House on July 1 (221-201) and moved on to a more bipartisan vote in the Senate (69-30) on August 10<sup>th</sup>. Additional votes on the legislation reconciling House and Senate provisions followed. President Biden signed the bill into law (P.L. 117-58) on November 15<sup>th</sup>.

Again, our dilapidated infrastructure is due conservative opposition at state and federal levels to invest in roads, bridges and other public structures over many decades to This bill addresses provisions related to federal-aid highway, transit, highway safety, motor carrier, research, hazardous materials, and rail programs of the Department of Transportation (DOT).

Among other provisions, the bill

- extends FY2021 enacted levels through FY2022 for federal-aid highway, transit, and safety programs,
- reauthorizes for FY2023-FY2026 several surface transportation programs, including the federal-aid highway program, transit programs, highway safety, motor carrier safety, and rail programs,
- addresses climate change, including strategies to reduce the climate change impacts of the surface transportation system and a vulnerability assessment to identify opportunities to enhance the resilience of the surface transportation system and ensure the efficient use of federal resources.
- revises Buy America procurement requirements for highways, mass transit, and rail,
- establishes a rebuild rural bridges program to improve the safety and state of good repair of bridges in rural communities
- implements new safety requirements across all transportation modes; and
- directs DOT to establish a pilot program to demonstrate a national motor vehicle per-mile user fee to restore and maintain the long-term solvency of the Highway Trust Fund and achieve and maintain a state of good repair in the surface transportation system.

### **A Dramatic Response to the Texas Ban: Passage of the Women’s Health Protection Act**

Once the Supreme Court let the harmful Texas six-week abortion ban go into effect on September 1<sup>st</sup>, House leadership set in motion plans to bring up the **Women’s Health Protection Act** (WHPA- H.R. 3755, Sponsored by **Rep. Judy Chu** (D-CA), with 215 cosponsors. House passed the measure on September 24 (218-211). Whether the legislation – which could override all abortion bans across the country – will be taken up in the Senate as long as the filibuster remains in place is dubious.

The Women’s Health Protection Act counters many common TRAP laws (Targeted Regulation of Abortion Providers) and prohibits any government from imposing them on abortion providers. The Women’s Health Protection Act prohibits requiring that a medical professional perform specific tests or medical procedures, or that a woman must make in-person visits to receive counseling prior to obtaining an abortion. It also bans limitations on an abortion providers’ ability to prescribe drugs via telemedicine and requirements regarding the physicality of abortion locations, equipment, medical training, staffing, hospital privileges, or status of the doctor, facility, or equipment. The act explicitly allows abortion access when the mother’s health is at risk, whether prior to or after fetal viability. The act also prohibits any restriction on a woman obtaining an abortion based on a woman’s reason or perceived reason that requires her to state her reason before obtaining an abortion.

Interestingly, one of the lawyers arguing on behalf of the Texas six-week ban told the Supreme Court justices that if we didn’t like abortion bans, Congress should pass the Women’s Health Protection Act.

## **DEMOCRACY ON THE LINE—Voting Rights, Re-districting, Campaign Finance**

**Democrats and many liberal and progressive commentators believe that unless these voting rights bills are passed that Democrats will remain out of power for decades. Many claim that democracy, itself, is on the line.**

### **For the People Act of 2021**

The Democrat's top priority measure, **For the People Act of 2021**, H.R. 1 – Passed the House of Representatives on March 3, sponsored by **Rep. John Sarbanes** (D- MD), with a vote of 220-210. It faced a daunting challenge with the Republican minority in full opposition and able to call for a filibuster, requiring 60 votes to overcome. There is an even split between parties in the upper chamber. Republicans understand that they can't win elections unless the vote is suppressed through gerrymandering and controls on access to the ballot box.

This bill addresses voter access, election integrity and security, campaign finance, and ethics for the three branches of government. Specifically, the bill expands voter registration (e.g., automatic and same-day registration) and voting access (e.g., vote-by-mail and early voting). It also limits removing voters from voter rolls. It also requires states to establish independent redistricting commissions to carry out congressional redistricting.

Additionally, the bill sets forth provisions related to election security, including sharing intelligence information with state election officials, supporting states in securing their election systems, developing a national strategy to protect U.S. democratic institutions, establishing in the legislative branch the National Commission to Protect United States Democratic Institutions, and other provisions to improve the cybersecurity of election systems.

Further, the bill addresses campaign finance, including by expanding the prohibition on campaign spending by foreign nationals, requiring additional disclosure of campaign-related fundraising and spending, requiring additional disclaimers regarding certain political advertising, and establishing an alternative campaign funding system for certain federal offices.

The bill addresses ethics in all three branches of government, including by requiring a code of conduct for Supreme Court Justices, prohibiting Members of the House from serving on the board of a for-profit entity, and establishing additional conflict-of-interest and ethics provisions for federal employees and the White House.

The bill requires the President, the Vice President, and certain candidates for those offices to disclose 10 years of tax returns.

### **John R. Lewis Voting Rights Advancement Act of 2021 – Protections for Voters**

H.R. 4, the **John R. Lewis Voting Rights Advancement Act** passed the House on August 24<sup>th</sup>, sponsored by **Rep. Terri Sewell** (D-AL), with 223 cosponsors and a vote of 219-212. Again, the legislation is essential

to protecting access to the ballot box, especially in those states that have enacted restrictions in the wake of Donald Trump’s Big Lie that the 2020 election was stolen by the Democrats. Additionally, the mainly southern states which adopted numerous barriers to voting – especially affecting communities Black Americans – after the Supreme Court overturned preclearance requirements for states which engaged in suppressing voters of color (*Shelby County v. Holder*) in 2013. A majority of justices controversially claimed that *Shelby* was no longer needed. This is the case where the late Justice Ruth Bader Ginsburg then commented, “Throwing away preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet.”

This bill establishes new criteria for determining which states and political subdivisions must obtain preclearance before changes to voting practices may take effect. Preclearance is the process of receiving preapproval from the Department of Justice (DOJ) or the U.S. District Court for the District of Columbia before making legal changes that would affect voting rights.

A state and all of its political subdivisions shall be subject to preclearance of voting practice changes for a 10-year period if

- 15 or more voting rights violations occurred in the state during the previous 25 years;
- 10 or more violations occurred during the previous 25 years, at least 1 of which was committed by the state itself; or
- 3 or more violations occurred during the previous 25 years and the state administers the elections.

A political subdivision as a separate unit shall also be subject to preclearance for a 10-year period if three or more voting rights violations occurred there during the previous 25 years.

States and political subdivisions that meet certain thresholds regarding minority groups must preclear covered practices before implementation, such as changes to methods of election and redistricting.

Further, states and political subdivisions must notify the public of changes to voting practices.

Next, the bill authorizes DOJ to require states or political subdivisions to provide certain documents or answers to questions for enforcing voting rights.

The bill also outlines factors courts must consider when hearing challenges to voting practices, such as the extent of any history of official voting discrimination in the state or political subdivision.

### **Freedom to Vote Act – Negotiated Solution to the Republican Opposition?**

Democratic senators, led by **Sen. Amy Klobuchar** (D-MN), went to work to develop a voting rights measure that might draw Republican support. The **Freedom to Vote Act**, S. 2747, was introduced on September 14<sup>th</sup> with 7 cosponsors. Efforts were made to bring the bill to a floor vote. On October 20, **Senate Majority Leader Charles Schumer** (D-NY) made a motion to reconsider the vote by which cloture on the motion to proceed to S. 2747 was not invoked. Schumer, seeing that the Democrats would lose the vote, voted against his own motion so that he could bring up the bill again at some point.

This bill addresses voter registration and voting access, election integrity and security, redistricting, and campaign finance. Specifically, the bill expands voter registration (e.g., automatic and same-day registration) and voting access (e.g., vote-by-mail and early voting). It also limits removing voters from voter rolls.

Next, the bill establishes Election Day as a federal holiday.

The bill declares that the right of a U.S. citizen to vote in any election for federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual is serving a felony sentence.

The bill establishes certain federal criminal offenses related to voting. In particular, the bill establishes a new criminal offense for conduct (or attempted conduct) to corruptly hinder, interfere with, or prevent another person from registering to vote or helping someone register to vote.

Additionally, the bill sets forth provisions related to election security, including by requiring states to conduct post-election audits for federal elections. The bill outlines criteria for congressional redistricting and generally prohibits mid-decade redistricting.

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The bill addresses campaign finance, including by expanding the prohibition on campaign spending by foreign nationals, requiring additional disclosure of campaign-related fundraising and spending, requiring additional disclaimers regarding certain political advertising, and establishing an alternative campaign funding system for certain federal offices.

### **Good News for Survivors of Sexual Violence in the Military**

After more than eight years of effort, led by **Sen. Kirsten Gillibrand** (D-NY), an expanded bill, the **Military Justice Improvement and Increasing Prevention Act** (S. 1520) with 65 cosponsors has been included in the **National Defense Authorization Act** (NDAA), the big defense spending bill. The Senate is currently considering the NDAA and passage is expected soon. The bill would, for the first time, move cases out of the chain of command to train military prosecutors with relevant experience in such offenses. Sen. Gillibrand joined forces with **Sen. Joni Ernst** (R-IA), a combat veteran and sexual assault survivor.

**Gen. Mark Milley**, chairman of the Joint Chiefs of Staff, recently dropped his opposition to the plan. President Biden, a supporter of Sen. Gillibrand's approach, asked **Secretary of Defense Lloyd Austin**, to conduct a full review and issue recommendations. In April, the panel convened by Austin, issues a report that concluded that decision-making on such cases needed to be taken out of the chain of command. Many GOP lawmakers then dropped their opposition.

Ernst, a combat company commander who led troops in Kuwait and Iraq, worked with Gillibrand to revise the legislation to add a number of preventive measures to combat sexual assault. These include provisions requiring the defense secretary to survey and improve and physical security for military

installations, such as locks and cameras, plus increase training for commanders and other servicemembers on sexual assault.

The legislation would add other crimes – such as murder, manslaughter, child endangerment, child pornography and negligent homicide – under the new system. Misdemeanors and military crimes would remain under the chain of command. A similar approach is included in the **Vanessa Guillen Military Justice Improvement and Increasing Prevention Act**, H.R. 4104, sponsored by **Rep. Jackie Speier**, with 2019 cosponsors. **Guillen** is the army private who was murdered at Ft. Hood, Texas, in April 2020, allegedly by **Spec. Aaron David Robinson** who committed suicide as he was confronted by military police.

In 2019, the Pentagon disclosed that 20,500 service members (women and men) had experienced sexual assault – a total that was 37 percent higher than two years prior.

A press conference was held on November 18<sup>th</sup> near the Capitol where **NOW President Christian F. Nunes** spoke in favor of the Military Justice Improvement and Increasing Prevention Act and an amendment to be offered by Sen. Gillibrand to the NDAA that would establish a formal complaint process. Under the status quo, if you are an active-duty service member, you have no right or recourse for matters of sexual assault or misconduct. **Senate Amendment 3870** would allow survivors and their families to file a claim for relief when:

- (1) a sex-related offense is committed by another member of the armed forces, or an employee of the Department of Defense and
- (2) when the military acts negligently in failing to prevent sex-related offenses.

Amendment 3870 is important because without the ability to file a claim, the service members have no means of obtaining relief.

Also speaking were Sen. Gillibrand, Rep. Speier, **Rep. Veronica Escobar**, **Rep. Joaquin Castro**, **Rep. Markwayne Mullin**, **Sen. Charles Grassley**, **Rep. Anthony Brown**, **Sen. Mazie Hirono**, with video addresses by celebrities **Eva Longoria** and **Gloria Estefan**. Lawyer for the Guillen family, **Natalie Khawam** organized the event and spoke at the conference along with **Mayra Guillen**, sister of Vanessa Guillen.

## **The Protecting Moms Who Served Act Sent to President**

**Rep. Lauren Underwood** (IL-14), a member of the House Committee on Veterans' Affairs, announced that her bipartisan legislation to improve maternal health care for veterans passed the House with bipartisan support. The legislation, which is the first bill in the *Black Maternal Health Momnibus Act (H.R. 959)* to pass through Congress, now heads to the President's desk to be signed into law. *The Protecting Moms Who Served Act* seeks to eliminate maternal mortality, morbidity, and disparities among veterans. It is the eighth piece of Underwood-led legislation to be enacted. The legislation, S. 796, sponsored by **Sen. Tammy Duckworth** (D-IL) with **Sen. Susan Collins** (R-ME), was passed by unanimous consent in the Senate on October 7<sup>th</sup> and sent to the House where it was adopted on November 6<sup>th</sup> by a vote of 414-9.

*The Protecting Moms Who Served Act* would codify and strengthen the Department of Veterans Affairs maternity care coordination programs to ensure veterans receive the high-quality

maternal health care and support they have earned. Additionally, the bill would commission the first-ever comprehensive study of the scope of America’s maternal health crisis among veterans, with a particular focus on racial and ethnic disparities in maternal health outcomes.

The remaining 11 bills in the **Black Maternal Health Momnibus Act of 2021**, H.R. 959, sponsored by Rep. Underwood and cosponsored by 164 members awaits action.

### **Legislation Languishing in the Senate – Will These Bills Ever Get A Vote?**

**Paycheck Fairness Act**, H.R. 7, Passed House on April 15, vote, 217-210

**Pregnant Workers Fairness Act**, H.R. 1065, Passed House on May 14, vote, 315-101

**The Equality Act**, H.R. 5 – Passed House on February 25, vote, 224-206

And then there is, **Equal Access to Abortion Coverage in Health Insurance Act of 2021 or the EACH Act of 2021**, H.R. 2234, Sponsored by **Rep. Sheila Jackson Lee (D-TX)**, with 176 cosponsors. This bill requires federal health care programs to provide coverage for abortion services and requires federal facilities to provide access to those services. The bill also permits qualified health plans to use funds attributable to premium tax credits and reduced cost sharing assistance to pay for abortion services. Essentially, it repeals the **Hyde Amendment** which prohibited using federal dollars to pay for abortions under Medicaid. The legislation did not go forward separately, but was included in the Health, Human Services and Labor appropriations measure and expected to sail through the Senate. However, Sen. Joe Manchin objected to the Hyde repeal and it was dropped from the bill.

### **ERA Testimony Submitted for First Full Hearing on ERA in 40 Years**

#### **TESTIMONY**

**Presented by Christian F. Nunes, President**

**National Organization for Women**

**For a Hearing in the U.S. House of Representatives**

**Committee on Oversight and Reform**

**The Equal Rights Amendment: Achieving Constitutional Equality for All**

**Oct. 21, 2021**

Thank you, Madame Chair, for convening this first full hearing in 40 years regarding the Equal Rights

Amendment. My name is Christian F. Nunes and I am president of the National Organization for Women (NOW) which was instrumental in pressing Congress to pass Equal Rights Amendment legislation on May 22, 1972, thereby launching the ratification process. At the time the ERA had been pending for a half century having been first introduced in 1923 by famed suffragist Alice Paul.

At the time, the Equal Rights Amendment enjoyed wide popularity – as it does today. During that period, NOW and allies such as ERAmerica, a coalition of almost 80 organizations, held rallies, picketed, went on hunger strikes and staged acts of civil disobedience. Many political leaders, including prominent Republicans, spoke in favor of the ERA. Because of a seven-year deadline in the convening clause of the ERA resolution, 35 states responded in rapid succession to ratify the amendment. As that 1979 deadline neared, NOW led a successful effort in Congress to extend it by three years, ending on June 30, 1982. On July 9, 1978 NOW and allied organizations representing 80 organizations conducted a national march in Washington, D.C. with more than 100,000 attendees. Thousands of marchers met with their members of Congress to press for the extension. Many more national marches on behalf of women's equality have taken place since then.

To continue the effort for three more states' ratification, NOW sponsored marches in states that had not passed the ERA including Florida, Illinois, North Carolina and Oklahoma. NOW dispatched activists to organize in the unratified states and to push back against efforts in certain states to rescind their previous vote to ratify. Fortunately, NOW activists were successful in stopping rescission efforts in 13 states, five states (Nebraska, Tennessee, Idaho, Kentucky and South Dakota) allege rescission of their prior ratification vote. Over the years, NOW activists have continued efforts to work in various unratified states in the hope that three more states would ratify.

We briefly retell this history to underline the fact that NOW and our allies will never give up until we see the ERA become part of the U.S. Constitution. The full history, of course, over the nearly 100 years it has taken us to reach this pivotal stage is much fuller and points to the dedication and vision of feminist activists to see that all women and men are treated equally under the law. That is the vision of nearly all nations around the world who already protect equal treatment for women and men in their constitutions and laws. It is the supposed beacon of democracy, the United States of America, that has thus far refused to do so.

Thanks to NOW grassroots activists and allies continuing the work in a handful of unratified states in recent years, three more states have ratified the Equal Rights Amendment. We welcomed Nevada in 2017, Illinois in 2018 and Virginia in 2020, as bringing the final three states ratifications the 38<sup>th</sup> and final state. NOW believes that the Equal Rights Amendment has met all the requirements of Article V of the Constitution; that is, attaining 38 states' ratification. We urge that the final three states' ratification documents be found sufficient, that they be certified and that the Archivist of the United States then publish that the Equal Rights Amendment has become the 29<sup>th</sup> Amendment to the U.S. Constitution – as Article V and 1 U.S.C. 106b directs.

With regard to the deadline on ratification, though Article V is silent on the question of deadlines, ongoing litigation is challenging the validity of the 1972 deadline as it appeared in the convening clause or preface of the ERA resolution. Most of the 28 constitutional amendments were ratified without having a deadline imposed. The question can be settled by Congress passing legislation to remove that deadline and declare the Equal Rights Amendment. Legislation to remove the time limit has been twice adopted by the U.S. House of Representatives in the 116<sup>th</sup> and 117<sup>th</sup> Congresses and is currently pending

in the U.S. Senate. NOW and allies have pledged to keep working to see the deadline removal legislation adopted.

Additionally, it is important to note that Article V of the U.S. Constitution regarding the amendment process does not provide for rescission. The process spelled out in 1 U.S. C. 106b indicates that once a state has ratified and their ratification documents are found legally sufficient by the Archivist of the United States the state's ratification action is complete. Archivist David S. Ferriero, responding to questions posed by Rep. Carolyn Maloney in October 2012, wrote "that a later rescission of a state's ratification is not accepted as valid."

Further, a letter from four esteemed constitutional law scholars sent prior to this hearing to President Joseph R. Biden and Vice President Kamala Harris by Committee chair, Rep. Carolyn Maloney, concludes that the opinion issued by the Office of Legal Counsel, Department of Justice, on January 6, 2020 was erroneous. The OLC memo "inserted the executive branch into a process the Constitution leaves to Congress and the states and included a flawed legal analysis that misapplied precedent and wrongly concluded that the ERA had not met the requirements for certification and could not be revived." The OLC memo halted any further action by the Archivist relating to the Equal Rights Amendment.

The letter notes that "it has been common practice for the OLC to review legal opinions issued by a prior administration and withdraw those opinions that are regarded as legally unsound and/or do not reflect the view of the current President with respect to the important questions of Law."

In their letter to Committee Chair Maloney, The ERA Project, Columbia Law School, reviews the findings of the constitutional law scholars and concludes that the OLC memo should be withdrawn, leaving the question to Congress as the branch charged under Article V with authority and responsibility for the ratification of Constitutional amendments to resolve the ERA's time limit issues.

The stage has been set. The final steps to incorporating the Equal Rights Amendment in the U.S. Constitution have been clarified we urge that the Administration and the Senate move forward. Chair Maloney has directed the Archivist to immediately carry out his ministerial duties in certifying and publishing the final ratified state(s). We anxiously await those actions.

Much has been written and said about the value of the Equal Rights Amendment, both as a tool for litigation to defend our equal rights and as a foundational principle about the status of women and men in this democracy. Well into the 21<sup>st</sup> century, women are not men's legal or, by most standards, men's social equals. This dangerous imbalance of power underlies widespread violence and harassment against women, failure of law enforcement to protect survivors of violence, exploitation of women's labor, neglect of women's health needs, a denial of bodily autonomy, minimal support for families and a persistent opposition to keep women from attaining powerful positions.

A key co-founder of the National Organization for Women in the mid 1960's, the Rev. Dr Pauli Murray, known as the bridge from the civil rights movement to the modern feminist movement, observed that a fundamental guarantee of rights in the Constitution would not only uplift women in all spheres of life but correct an imbalance of power in American Society. According to Yale Law Prof. Julie Suk writing in the Virginia Law Journal (date), Murray had a 21<sup>st</sup> century vision of the ERA that was expressed in her testimony in favor of the ERA in the congressional hearings of the 1970s. **The question for empowerment, more so than doctrinal legal change, is driving ERA's twenty-first century's**

**resurgence. Women seek empowerment not only to help themselves but also to help save democracy from dangerous abuses of power that threaten its legitimacy. (Emphasis added.)**

These words could not be more appropriate for the current situation in the United States.