

My name is Posie Cowan and I live in Brooksville. I co-founded Equal Right Maine seven years ago when a group of us realized that most Americans mistakenly believed that the Equal Rights Amendment had been ratified and was part of the US Constitution. The fact that it had not means Women are not protected from sex discrimination in our Constitution or in our Maine Constitution.

I have testified before this committee several times during previous sessions in support of a Maine Equal Rights Amendment. I urged your members to vote for it so it can go out to a referendum allowing Maine voters to decide. I urge you today to let the voters decide.

Our group's mission is to educate and advocate for women to have the same constitutional legal protections and rights that men do. Since it will be years, maybe decades and possibly a century before an ERA will become part of the US Constitution, it is critical that Maine pass one now to protect Maine women from discrimination based on sex.

26 other states have passed one and other states like NY and Minnesota are currently working on passing one.

Today I am addressing the need for a Maine Equal Rights Amendment to include discrimination based on sex. That is my area of expertise. Other speakers will explain why it is necessary to have an expanded list included in the state amendment. All Mainers should be legally protected from any form of discrimination and that right should be embedded in the Maine Constitution because laws have been inadequate.

I have a personal interest in this effort. Exactly one hundred years ago in 1923 my great grandmother started working with Alice Paul to get an Equal Rights Amendment passed. The two of them along with many other women had just spent years campaigning for women's right to vote. The suffrage campaign started in 1848 and it took over 70 years and many generations of women to make it happen.

Alice Paul and my great grandmother both knew and wrote often that women would not be treated equally until there was a constitutional amendment guaranteeing equality. Getting the right to vote was not enough. They were correct.

My heart felt wish is that my daughter, granddaughters and great granddaughters will not have to testify at another hearing on this subject. I hope that they will be living in a country where equality for all is enshrined in the Maine and hopefully the US Constitution.

One of our most sacred democratic principles is Justice for all.

One way to assure that will happen is to enshrine legal protections against discrimination in our Maine Constitution for all Mainers, not just for men.

Thank you

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These are some of the arguments against the need to have a state ERA.

“There are already laws addressing sex discrimination”.

Our answer:

It is clear that passing laws to prevent sex discrimination in wages, violence against women and sexual harassment have not been effective. Just look at the gender pay gap, the high number of sexual harassment and assault cases on and off campuses, pregnancy discrimination cases, domestic violence cases. Women need to have an explicit legal constitutional guarantee of equal protection because Congress can repeal existing laws by a simple majority and Judicial attitudes can shift.

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“The 14<sup>th</sup> amendment is sufficient for sex discrimination cases. We don’t need an ERA.”

Our answer:

There is irony in this argument. Using the protection clause of the 14<sup>th</sup> amendment for sex discrimination cases only started in 1971. At that time the Supreme Court justices created a separate standard for women to prove sex discrimination which was different from those asserting race discrimination. It was called intermediate scrutiny which meant that women had to prove the business was intentionally discriminating based on sex as opposed to defendants (the businesses) in race discrimination cases had to prove they did not intend to discriminate. That standard was called strict scrutiny. Obviou,sly sex discrimination cases are much harder to prove.

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