

LD 1412

I am Barbara Cray from Westport Island. I am an attorney here in Maine, and like to think of myself as a student of Constitutional law.

In January of last year I testified before this committee in favor of an Equal Rights Amendment in Maine prohibiting denial of equal rights on account of sex, giving women a constitutional right to equality. I am back today to urge this Committee to vote "ought to pass" for this new Equal Rights Amendment which goes beyond discrimination on account of sex, and adds the statuses already recognized by the Maine Human Rights Act.

So why should this Equal Rights Amendment be part of the Maine Constitution, and why now? Simply because it can be done and it is the right thing to do.

State constitutions combined with the federal Constitution make up the indivisible whole of the American constitutional tradition. State constitutions are not just technical governing documents, but provide protections and positive rights to its citizens, both in the absence of, or consistent with, federal constitutional protections. Although Maine has a robust Human Rights Act and Civil Rights Act, neither are as broad in prohibiting denial of equal rights as the proposed constitutional amendment. And statutes can be changed or negated by legislatures and executive action. Whereas a constitutional amendment embeds these fundamental rights into Maine's governing document. And it sends a message to the people it protects that Maine has your back.

And so why now?

In my prior testimony, one of the reasons I urged passage of the ERA, which to my surprise appeared in the Press Herald the following morning, was the rise of far right, neo-facist and militant male organizations who are self-proclaimed "western chauvanists" who want to deny rights to women. Well, since those remarks, wholesale denial of rights for women has expanded beyond the creed of smaller militant groups to members of the United States Supreme Court, and far right republican governors, federal legislators and state legislatures. The rights of women are under attack. LGBTQ rights are under attack, especially by unfairly targeting trans people. And racial and religious inequities are legislated.

I was shocked to my core when I attended the United States Senate Judiciary Committee hearing on the original Equal Rights Amendment in February and heard Lindsay Graham, Ted Cruz and others assert that the times in which we live have changed, and that the ERA would not get a 2/3 vote now. So as a result they

are not in favor of enacting the ERA into the U.S. Constitution. So things have changed such that a constitutional right against discrimination against women, which was passed by the Congress and ratified by the requisite number of states, could not pass now? That is shocking. Just think of someone in power professing this.

We are in a time when knowledge and science are bringing us into a renaissance for recognizing human rights. In our evolution from actual fight or flight for survival, with the strongest holding power, then the richest, from serfdom to conquest, colonialization, slavery, eliminating indigenous populations, we are finally recognizing our common humanity, basic human rights, the universal right to equality, and that these rights must not be abridged. For example, it is only in the last one hundred years that forced child labor was ended.

And science has also brought about this renaissance. We no longer believe a bolt of lightning is caused by a god striking us down, but from the positive and negative charges build up and the insulating capacity of the air breaks down causing a rapid discharge of electricity.

And we must recognize evolution.

And science tells us that:

Our sex organs are determined by a sperm

Our gender is brought to us by our brain chemistry

Our race is a product of our ancestry

None of us could control who our parents were, and under what circumstances we were born, and in what locality, state or country we were born

So we must all have a right to equality. But right now, rather than rights expanding, many rights are being taken away.

We are better than this. Maine is an amazing state with amazing people. Let them decide whether they want the amendment.

I have some song lyrics spinning in my head from "Nothing More"
We are how we treat each other, and nothing more

And

Heroes don't look like they used to, they look like you do

I urge you to be a hero to all those who will benefit from a constitutional right to equality in Maine.