

**Testimony of Virginia State Senator Jennifer L. McClellan
October 21, 2021**

Madam Chair and members of the House Oversight Committee, thank you for having me here today to talk about the Equal Rights Amendment.

I am Virginia State Senator Jennifer McClellan.

I am here as a daughter, granddaughter, and great-granddaughter of educators, domestic workers, community leaders, and civil rights activists who struggled for equality in the segregated South.

I am here as a mother who does not want to leave the fight for equality to my children, Jackson and Samantha.

I am here as a legislator who led Virginia to become the 38th state to ratify the Equal Rights Amendment last year.

The history of my family – and my Commonwealth– is one of facing inequities and working to create a better and fairer world for the next generation.

120 years ago, my great-grandfather (born on a plantation 4 years after Emancipation) had to pass a literacy test and find three white men to vouch for him to register to vote. My great-grandmother couldn't vote. My grandfather and father had to pay poll taxes to vote.

My mother comes from generations of domestic workers who served vital roles in our society and were often treated unfairly and paid very little. And while my father could vote at age 22, my mother could not vote until well into her 30s - after the Voting Rights Act of 1965 passed.

I carried those legacies with me into the Virginia House of Delegates in 2006 – at a time when there were only 16 women serving in that chamber. I definitely felt that imbalance when I became the first Delegate to have a baby while in office – and was asked if I would retire as a result, while a male colleague who became a father that same year was not.

For my family, my Commonwealth, and this country, it has been a long march toward equality.

And it is a march that has included women of color from the beginning, even when we have often been the last to benefit from our work.

Black women, including the founders of my sorority Delta Sigma Theta, Incorporated in their first public act in 1913, marched for the right to vote in this very city - even when told to march in the back. Black women marched for civil rights in 1963 from here to the Lincoln Memorial - even when not given a speaking role.

Women of color also have led the way for ratification of the ERA.

Indeed, Virginia's ratification was led by multigenerational Black women: Senator Mamie Locke and myself in the Senate, and former Delegate Jennifer Carroll Foy in the House.

Nevada's ratification was led by Senator Pat Spearman.

Other women of color pushing their states to ratify the ERA include Arkansas Senator Joyce Elliott, Florida Senator Audrey Gibson, North Carolina Representative Carla Cunningham, South Carolina Representative Gilda Cobb Hunter, and Utah Representative Karen Kwan, just to name a few.

I was proud to lead Virginia to become the 38th state to ratify the ERA last year - with bipartisan support.

Given our history, it is poetic justice that Virginia put the ERA over the top.

In 1619, the men of Jamestown understood that for Virginia to be a permanent settlement, they needed women. So they actively recruited women "to make wives to the inhabitants." In May 1620, the first 90 women arrived in response to that call. And their rights were surrendered to their husbands.

They could not vote.

They could not hold public office.

They could not control their own property.

African women – and men - who arrived in 1619 were considered property and had even fewer—if any—rights.

In 1776, Abigail Adams wrote to her husband as he went to the Continental Congress, imploring him and his fellow delegates to “remember the ladies and be more generous and favorable to them than your ancestors.”

They didn't.

Over the past 245 years, we have made progress. Slowly.

But true equality under the law for women - and especially women of color - has been elusive.

With the ratifications of the Equal Rights Amendment by Nevada, Illinois, and Virginia, the states have done their part. It is now time for the National Archivist to do his - certify the ratifications of Nevada, Illinois, and Virginia, and publish the amendment. To the extent Congressional action is needed, you should take it immediately.

It is time for the U.S. Constitution join the over 100 constitutions across the world in having gender equality provisions, including every Constitution adopted since World War II.

It is time for me to be able to tell my children, Jackson and Samantha, that the U.S. Constitution guarantees them both equality under the law.

Thank you for the opportunity to speak today.