



Unfinished Business

EQUAL RIGHTS AMENDMENT

"Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex."

A Compilation of Information on the Equal Rights Amendment
Reported by the
American Association of University Women (AAUW) of Virginia
For the Virginia General Assembly 2019 Session





American Association of University Women of Virginia

Special thanks to the following AAUW of Virginia members who have assisted in the creation of this report:

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AAUW Advances Gender Equity for Women and Girls through Research, Education, and Advocacy

AAUW of Virginia is an affiliate of the American Association of University Women (AAUW), the nation's leading organization promoting equity and education for women and girls. Since our founding in 1881, AAUW members have examined and taken positions on the fundamental issues of the day — educational, social, economic, and political.

Since AAUW of Virginia was founded in 1925, we have grown to 5,680 members and supporters, with 25 branches and 27 college and university partners around the Commonwealth.

<https://aauw-va.aauw.net/>

<https://www.aauw.org/>

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There are lots of reasons!
And the history of ERA is interesting...
Take a look inside...

What They Said about the ERA...

In her remarks as she introduced the Equal Rights Amendment in Seneca Falls in 1923, **Alice Paul** sounded a call that has great poignancy and significance over nearly 100 years later:

"If we keep on this way they will be celebrating the 150th anniversary of the 1848 Convention without being much further advanced in equal rights than we are. . . If we had not concentrated on the Federal Amendment we should be working today for suffrage. . . We shall not be safe until the principle of equal rights is written into the framework of our government."

She also said, **"I always feel...the movement is a sort of mosaic. Each of us puts in one little stone, and then you get a great mosaic at the end."**

and,

"I never doubted that equal rights was the right direction. Most reforms, most problems are complicated. But to me there is nothing complicated about ordinary equality."



https://en.wikipedia.org/wiki/Alice_Paul

"I believe the equal rights amendment is a necessity of life for all citizens. The cabinet sometimes felt that I shouldn't be so outspoken."

—First Lady, Betty Ford

"If I could choose an amendment to add to the Constitution, it would be the Equal Rights Amendment. I think we have achieved that through legislation, but legislation can be repealed, it can be altered."

"So I would like my granddaughters, when they pick up the Constitution, to see that notion—that women and men are persons of equal stature—I'd like them to see that is a basic principle of our society."

—Justice Ruth Bader Ginsburg

"We are not supposed to be all equal. Let's just forget that. We are supposed to have equal rights under law. If we do that, we have done enough."

—Ben Stein (writer, lawyer, actor, commentator)

"Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't."

—Justice Antonin Scalia

Really... How. Long. Must. We. Wait?

"I desire you would Remember the Ladies, and be more generous and favourable to them than your ancestors. Do not put such unlimited power into the hands of the Husbands. Remember all Men would be tyrants if they could. If perticular care and attention is not paid to the Ladies we are determined to foment a Rebellion, and will not hold ourselves bound by any Laws in which we have no voice, or Representation."

—Abigail Adams, 1776

"Oh, if I could but live another century and see the fruition of all the work for women! There is so much yet to be done."

—Susan B. Anthony (1820-1906)



"To every woman who gave birth, to every taxpayer and citizen of this nation, we have fought for everybody else's equal rights. It's our time to have wage equality once and for all, and equal rights for women in the United States of America." (Excerpt from Oscars acceptance speech, 2015.)

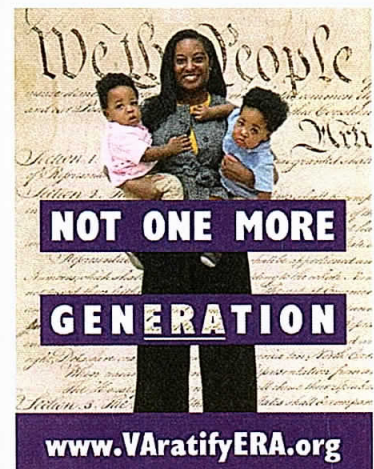
Then backstage, "It is time for women. Equal means equal. It's inexcusable that we go around the world and we talk about equal rights for women in other countries and we don't...have equal rights for women in America. ...People think we have equal rights; we won't until we pass ... the [Equal Rights Amendment] once and for all. "

—Actress, Patricia Arquette,
2015 <http://msmagazine.com/blog/2015/02/23/patricia-arquette-is-right-we-need-an-era/>

The time is NOW, Virginia!

"Women are pretty upset, and they're voting, and elected officials are paying attention to that," [Scott] Surovell said.

Virginia's Hopes of ERA Ratification Go Down in Flames This Year, Washington Post, February 9, 2018



equalrightsva.org

The ERA in the States

“The Equal Rights Amendment was passed by Congress on March 22, 1972 and sent to the states for ratification. In order to be added to the Constitution, it needed approval by legislatures in three-fourths (38) of the 50 states.

By 1977, the legislatures of 35 states had approved the amendment. In 1978, Congress voted to extend the original March 1979 deadline to June 30, 1982. However, no additional states voted yes before that date, and the ERA fell three states short of ratification.

The 15 states that did not ratify the Equal Rights Amendment before the 1982 deadline were Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, South Carolina, Utah, and **Virginia**.

Since formulation of the ‘three-state strategy’ for ratification in 1994, ERA bills have been introduced in subsequent years in one or more legislative sessions in twelve of the unratified states (Arizona, Arkansas, Florida, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, Utah, and **Virginia**).

Between 1995 and 2016, ERA ratification bills were released from committee in some states and were passed by one but not both houses of the legislature in two of them. In Illinois, the House but not the Senate passed an ERA ratification bill in 2003, while the Senate but not the House did so in 2014.”

WHAT’S GOING ON IN VIRGINIA ???

“In five of the six years between 2011 and 2016, the Virginia Senate passed a resolution ratifying the Equal Rights Amendment, **but the House of Delegates never released a companion bill from committee for a full vote on the House floor.**

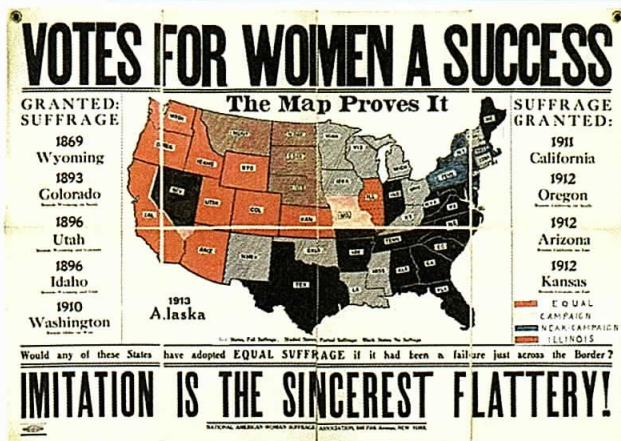
On March 22, 2017, 45 years to the day after Congress passed the ERA, Nevada became the 36th state to ratify it. On May 30, 2018, Illinois became the 37th state. ERA bills have also been introduced in the legislatures of Arizona, Florida, North Carolina, Utah, and Virginia.”

Source: <https://www.equalrightsamendment.org/states.htm>

Map 1 below: <http://www.crusadeforthevote.org/primary-documents-1/>

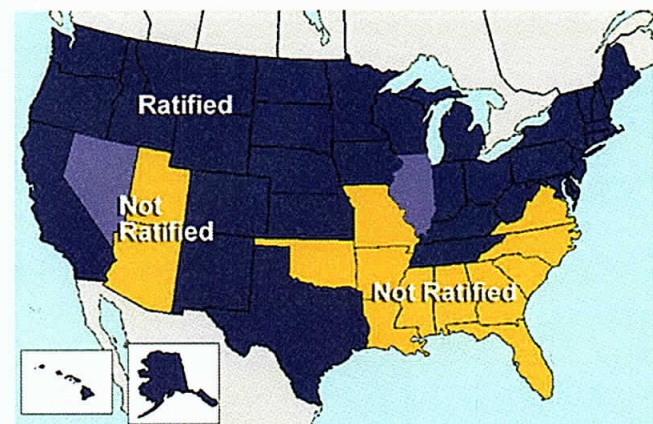
Map 2 below: <https://www.equalrightsamendment.org/states.htm>

Take a look at the similarities in these two maps...



MAP ONE, 1919:

Black areas show states that did not support Women’s Right to Vote.



MAP TWO, 2018:

Yellow areas show states that have not supported the Equal Rights Amendment.

My, how time flies...



1919

Passed by Congress June 4, 1919, the 19th Amendment to the U.S. Constitution was ratified on August 18, 1920. This amendment granted **women the right to vote!**



1923

Susan B. Anthony's nephew first introduced the ERA, written by Alice Paul, in Congress. It was reintroduced every session after, until it passed.



1972

Congress overwhelmingly passes the ERA! Hawaii is the first to ratify.

22 states followed.



1976

The pace of ratification slowed as opposition began to organize – only eight ratifications in 1973, three in 1974, one in 1975, and none in 1976.

1982

Finally after years of massive lobbying, petitioning, count-down rallies, walkathons, fundraisers, and even the radical suffragist tactics of hunger strikes, White House picketing, and civil disobedience, **The Equal Rights Amendment was reintroduced in Congress on July 14, 1982 and has been before every session of Congress since that time. This is like starting all over again!**



1977

By now arguments by ERA opponents such as Phyllis Schlafly, leader of the Eagle Forum/STOP ERA, and other traditionalists, played on the same fears that had generated female opposition to woman suffrage. Anti-ERA organizers claimed that the ERA would deny woman's right to be supported by her husband, privacy rights would be overturned, women would be sent into combat, and abortion rights and homosexual marriages would be upheld.

But, Indiana became the 35th state to ratify.

1996

The Congressional Research Service analyzed and concluded that acceptance of the Madison Amendment, after 203 years, does have implications for the premise that approval of the ERA by **three more states** could allow Congress to declare ratification accomplished. As of 2007, ratification bills testing this three-state strategy have been introduced in one or more legislative sessions in eight states (Arizona, Arkansas, Florida, Illinois, Mississippi, Missouri, Oklahoma, and Virginia), and supporters are seeking to move such bills in all 15 of the unratified states.



2011

U.S. Supreme Court Justice Antonin Scalia says, "Certainly the constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't."

2011-16

Virginia Senate passed a resolution ratifying the Equal Rights Amendment, but the House of Delegates never released a companion bill from committee for a full vote on the House floor.



2019

Could the 100th anniversary of women's right to vote be the date that VIRGINIA becomes the 38th state to ratify the Equal Rights Amendment??



2018

Illinois becomes the 37th state to ratify.



2017

Nevada becomes the 36th state to ratify.

In Virginia, bills were introduced in 2017 & 2018, but never got out of committee.



We were in Richmond in the 1970s and 1980s, standing strong among adversaries...

"The 1971 AAUW convention voted overwhelmingly to endorse the Equal Rights Amendment, declaring it to be a top AAUW priority... By 1974, 33 of the required 38 states had ratified the ERA." Virginia was not one of those states, but passage became the legislative goal of the Virginia Division of AAUW.

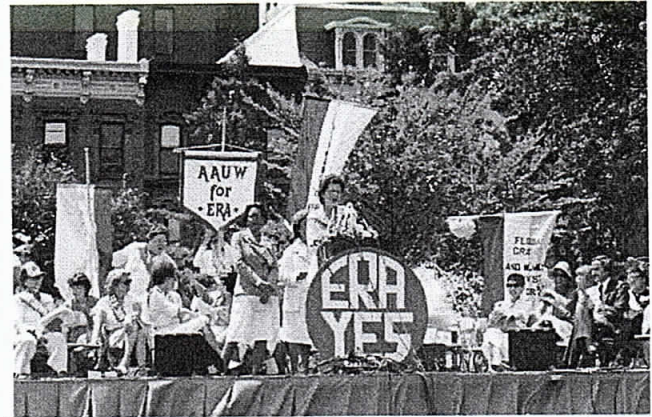
The Virginia Division had long been known to actively support the amendment, and by 1974 was united in a concerted effort for ratification of the ERA. Members "worked diligently for most of the decade for ratification of the amendment by the Virginia General Assembly, always confident that they would be successful."

"The AAUW motif of the time was a lady on a daisy." The motto was, 'Only she who attempts the absurd can achieve the impossible.' "An ERA Report of 1977 read, ERA ratification in Virginia???. Of course, it is possible!!!!!"



"But unfortunately members' efforts were in vain... Virginia branches gave unanimous support... [and] the pro-ERA delegates formed a House ERA caucus to make an effort to get the ERA to the House floor for a vote. The pro-ERA presentation at the hearing was logical and factual. **However ... the House Privileges & Elections Committee voted the following day to kill the ERA resolution.** In a demonstration following the vote, two ERA supporters were arrested. The result of the demonstration and arrests was

that no further action was taken by the House ERA Caucus, although there was an effort by ERA supporters to persuade the Caucus steering committee



to go for a rules change..." For years, committees have blocked ratification, preventing the Amendment from reaching the floor where the full legislature could vote. The expenditure of time and energy for ERA ratification in Virginia was intensive if not successful. One member summarized this philosophically by saying, "**Our hard work has not been in vain but has been the foundation for our future.**"

Information and quotes from
The History of the American Association of University Women of Virginia 1925-2010 compiled by Neola Waller.

<https://aauw-va.aauw.net/files/2012/11/AAUWofVirginia1925.pdf>





AAUW of Virginia was also in Richmond to witness news-making on February 9, 2018.

WASHINGTON — Lawmakers in Virginia have brought to an end this year's push for the ratification of a federal Equal Rights Amendment.

Congress passed the amendment in 1972 but it had to gain the support of 38 states to become a part of the U.S. Constitution. So far, only 36 states are officially behind it.

On Friday, both a failed Senate committee show of hands and a House committee's refusal to take action on the issue ended the bills, which some believed would finally make it through with the help of the momentum of the #MeToo movement in the U.S.

Supporters, many of them women dressed in suffragette costumes, packed a Senate Rules Committee meeting in Richmond on Friday urging lawmakers to take action. The crowd sang "We Shall Overcome," at times interrupting discussion on other bills, to advocate for the amendment and push lawmakers to move it forward.

"I urge you to reconsider [your] positions, please, for the women of this commonwealth, for women sitting on this committee, for the 96 percent of Americans who favor passing the ERA," said Virginia resident Julia Tanner to Rules Committee members.

Before the show of hands, [a] ranking member of the committee,...cited a National Archives

and Records Administration official who he said advised the committee that since a deadline to gather the support of 38 states passed in 1982, it's now considered a "failed amendment." [Eds. note: Subsequently, James B. Pritchett, Director, Public and Media Communications at the NARA, said that "the Archivist...has not taken such a stance and has never issued an opinion on this matter." 20 Feb. 2018] Some supporters yelled **"Shame on you,"** as the show of hands vote failed to move the measure forward.

Nearby..., ERA supporters next tried to urge lawmakers on the House Privileges and Elections committee to take action. In the end, ... that committee chose not to include the bills dealing with the ERA.

By Mike Murillo, WTOP, February 10, 2018 3:59 pm



THE VOTES WERE THERE!



HOUSE

- ◆ Assigned to the Privileges & Elections Committee
- ◆ 51 of 100 Delegates signed on as patrons
- ◆ Others were committed to support it in a floor vote

SENATE

- ◆ Assigned to the Senate Rules Committee
- ◆ 20 of 40 Senators signed on as patrons
- ◆ Others would have supported it in a floor vote

10 Reasons Why We Need the ERA

- **It is the will of the people.** In an October 2015 poll, 94% of those polled said they would support an amendment that guarantees equal rights for both men and women. 90% of these were men, 96% were women, and 97% were Democrats, 90% Republicans, and 92% Independents. (DB5 poll by enso, for ERA Coalition/Fund for Women's Equality, <https://www.equalrightsamendment.org/states.htm> ERAPollingPressRelease.pdf)
- **"We know the public interest is there... Virginia has a state-level ERA, but it has never ratified the federal ERA, which means we're at odds with our own values."** (Eileen Davis, founder of Women Matter, Washington Post, February 9, 2018.)
- **"Every constitution written since the end of World War II includes a provision that men and women are citizens of equal stature. Ours does not."** Justice Ruth Bader Ginsburg (courtesy of Collection of the Supreme Court of the U. S.)
- **Only the Constitution guarantees rights.** Currently the only right specifically guaranteed to women is within the 19th Amendment guaranteeing the right to vote.
- **The Constitution is a contract with the people.** If you are not named, you are not part of the contract, and therefore have no legal claim.
- **"The Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't. Nobody ever thought that that's what it meant."** Justice Antonin Scalia. Prof. Calvin Massey. Interview. "The Originalist." California Lawyer. Jan. 2011, p. 33.
- **The current patchwork of laws is not a permanent guarantee of rights for women.** Laws can be amended, repealed, inconsistently enforced, or ignored. A good example is the 1964 Equal Pay Act.
- **A nation which represses half of its population, even subtly, does so at the expense of the other half.** ERA means equal treatment of men and women by America's institutions: government, banking, insurance, education, health and medicine, commerce, sports, religion, the military, and the law.
- **Sex discrimination is a fact of life, and runs both ways.** What happens to one of the sexes impacts the other. Why not work together for equal treatment by ratifying the ERA?
- **The ERA provides relief to women and men who have to pay to petition courts over and over again for rights to which the other sex is already entitled.** No one should have to go to court repeatedly to claim what should be their birth right. Taxpayers and the courts are relieved of the burden of large numbers of court cases and repeated costs.



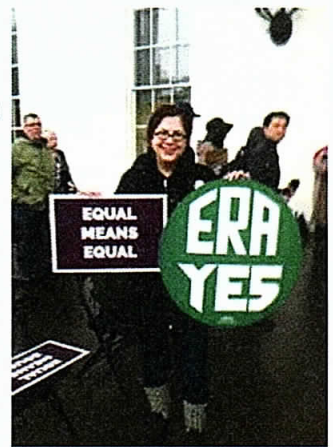
**"Men, their rights, and nothing more;
women, their rights, and nothing less."**

Susan B. Anthony



Wait a minute! No, that is a misconception!

- Widows will not lose Social Security. It has been gender inclusive for surviving spouses since 1975.
- The ERA will not force women into the military draft. Congress has always had the authority to draft women. The Pentagon has already made the recommendation (Oct. 2017) that women be included in the draft. Congress has never exercised its authority.
- Often the 14th Amendment is referred to in a case against the ERA. This amendment, which addresses citizenship rights and equal protection of the law, was proposed in response to issues related to former slaves following the American Civil War. The 14th Amendment does not reliably guarantee equal treatment for both sexes (for example, in cases of sex discrimination).
- Despite concerns on the part of some opposed to the ERA, it is not a hoax, conspiracy, evil plot or entitlement. It simply guarantees legal rights for both sexes, except where the government has a compelling interest in making a distinction.
- ERA does not affect reasonable distinctions related to sex based on sensible concerns for hygiene, safety or modesty in schools, prisons, hospitals or private clubs. What and how different venues will be regulated will depend on ties to government funding, not the ratification of the ERA.
- Ratifying the ERA requires
NO FUNDING.



<http://equalrightsamendment.org>

And, anyway...



- Virginia would be a shining star for our country if we led on this bipartisan issue. Studies show that it would be good for the general welfare of citizens in that a positive sociological effect is noticed wherever sexual equality is the standard.

<https://www.equalitytrust.org.uk/about-inequality/impacts>

<http://sciencenordic.com/gender-equality-gives-men-better-lives>

Photo:https://www.flickr.com/photos/now_photos/3743788260/in/gallery-79473070@N06-

What is going to happen in the 2019 Virginia General Assembly???

Will it once again imprison the ERA behind closed committee doors and deny full citizenship to the women of Virginia? Or will it proudly lead the Equal Rights Amendment to the floor for acclamation and an affirmative vote? Will the torch of liberty in the Old Dominion that gave us the Declaration of Independence and the Bill of Rights be extinguished? Or will it be burnished anew, and its flame proclaim to the nation and the world that Virginia remains a leader in the fight for justice for all?

Will Virginia make its citizens proud? Will history be made?

What about the TIME issue?

Has time run out??



IS THIS A COMPLICATION?

Congress said that the ERA had to be ratified by 1982.

1. Attorney General Mark Herring released an opinion letter stating that he sees no reason why Congress cannot change or remove the deadline and count states that ratify in the meantime.
2. There is nothing in the Constitution which says an amendment has to have a ratification deadline. So, are ratification deadlines even valid? This has not been considered yet by the courts.
3. Precedence: The 27th Amendment proposed in 1789, was ratified in 1992, 202+ years later.
4. If the 1982 date is an extension of the original deadline, could it be extended once more?

Young women expect equality.

Older women demand equality as unfinished business.

There is a groundswell among the PEOPLE

for the Equal Rights Amendment!

ITS TIME HAS COME!



WHAT CAN YOU DO?

- ◆ Send a message to the Virginia General Assembly. Contact your District delegates and senators and urge them to vote "Yes" for ratification of the Equal Rights Amendment. If you are unsure about how to contact them, go to this link and enter your zip code:

<https://whosmy.viriniageneralassembly.gov/>

- ◆ Arm yourself with information. Here are 3 great videos to view:

<https://www.youtube.com/watch?v=Y4yHijhForU> (Chicago Bar Association Panel)

<https://www.youtube.com/watch?v=h-y4nzjxgwA> (Ruth Bader Ginsburg)

<https://ideas.ted.com/why-the-us-needs-to-pass-the-equal-rights-amendment-finally/>

- ◆ Visit these websites to learn more:

<https://varatifyera.org/>

<https://equalmeansequal.org/states/virginia/>

<https://www.equalrightsamendment.org/states.htm>
equalrightsva.org

- ◆ Write letters-to-the-editors. Learn how:

<https://varatifyera.org/toolkit/write-a-letter-to-the-editor/>

- ◆ Wear an ERA button (<https://www.cafepress.com/+era+buttons>) on your lapel or purse, and have some of the talking points from this booklet on the tip of your tongue.



Statement by Dr. Elizabeth Hendrix, Branch Public Policy Chair of the Alexandria Branch of the American Association of University Women (AAUW), Representing AAUW of Virginia, at the November 17, 2018, Public Hearing of the Alexandria City Council Concerning the Proposed City Legislative Package for the 2019 Virginia General Assembly Session.

Good morning, Mayor Silberberg, Vice Mayor Wilson, and the other members of the City Council. Thanks for allowing me to speak. I am Dr. Elizabeth Hendrix, Public Policy Chair for the Alexandria Branch of the American Association of University Women (AAUW), and I am here representing the 25 branches and 5,680 members and supporters of AAUW of Virginia.

AAUW is the nation's leading organization promoting equity and education for women and girls. Since our founding in 1881, AAUW members have taken positions on the fundamental issues of the day — educational, social, economic, and political.

We applaud the City Council for ensuring that the proposed city legislative package reflects support for equal rights for women, and specifically includes support for ratification of the Equal Rights Amendment (ERA) to the U.S. Constitution. AAUW is committed to passage and ratification of the ERA.

The majority of Americans mistakenly believe that under the U.S. Constitution women and men have equal rights.¹ Women's equality has been advanced through legislation and court decisions, which can be changed or revoked. The only way to ensure that all men and women are truly equal under the law is by ratifying the ERA.

The ERA was first introduced in Congress in 1923 and was reintroduced every year until its passage in 1972. However, because it is a constitutional amendment, it also needs ratification by three-fourths of the states,² which has not happened. Ratification currently stands at 37 states—one short of the 38 needed.

Between 2011 and 2016, ERA ratification legislation passed in the Virginia Senate five times, but the House did not take similar action.³ During the 2018 session, there were enough lawmakers signed on in each house as patrons to ensure passage of ERA legislation—if only it had made it out of committee. Let's not let that happen again. For the 2019 Session, Delegate Jennifer Carroll Foy has introduced House Joint Resolution 579 to ratify ERA.

Thanks to the City Council for joining with AAUW and other organizations and citizens throughout the Commonwealth in letting our lawmakers in Richmond know that Virginia can make history by becoming the 38th, and last state needed, to ratify the ERA. AAUW of Virginia also asks that the City Council join other localities and pass a resolution in support of ERA ratification by the Virginia General Assembly.

¹ ERA Coalition. (2016). *Why We Need an Equal Rights Amendment*.
<http://www.eracoalition.org/files/whyweneedtheERA.pdf>

² ERA Task Force of the National Council of Women's Organizations (2013). "The ERA in the States."

³ <http://www.equalrightsamendment.org/era-ratification-map>