

## Resolution in support of Ratification by Virginia of the Equal Rights Amendment to the United States Constitution

**WHEREAS**, the United States Constitution does not explicitly guarantee equal rights and equal protection for the sexes;<sup>1</sup> and

**WHEREAS**, the 14th Amendment to the United States Constitution and state constitutional statements of equality generally do not provide the strict scrutiny for sex-based classifications as is now required for matters of race, religion, and national origin;<sup>2</sup> and

**WHEREAS**, state laws are not uniform and federal laws are not comprehensive, and these laws can be repealed or reduced;<sup>3</sup> and

**WHEREAS**, the people of the United States continue to experience the negative effects of lack of political parity between men and women,<sup>4</sup> workplace discrimination,<sup>5</sup> health care inequities,<sup>6</sup> disparate rates of poverty,<sup>7</sup> rape and domestic violence assaults;<sup>8</sup>

**WHEREAS**, the Equal Rights Amendment (ERA) provides that “Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex,” in order to establish that women and men have equal rights under the United States Constitution;<sup>9</sup> and

**WHEREAS**, the Amendment would help ensure women and men have the same constitutional protections;<sup>10</sup> and

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<sup>1</sup> California Lawyer, *The Originalist*, “Justice Antonin Scalia,” <https://ww2.callawyer.com/clstory.cfm?pubdt=NaN&eid=913358&evid=1> (“Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't.”).

<sup>2</sup> <https://www.leg.state.nv.us/Session/79th2017/Reports/history.cfm?ID=319>, referencing March 7, 2017 Minutes, pp. 16-17, 37; <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1271&context=wmiowl>

<sup>3</sup> See, e.g., [https://en.wikipedia.org/wiki/Category:United\\_States\\_repealed\\_legislation](https://en.wikipedia.org/wiki/Category:United_States_repealed_legislation)

<sup>4</sup> Center for American Women And Politics, *Facts, Women in U.S. Congress 2017*, <http://www.cawp.rutgers.edu/women-us-congress-2017>; Status of Women in the States, <https://statusofwomendata.org/explore-the-data/political-participation/political-participation-full-section/>

<sup>5</sup> U.S. EEOC, *Women In the American Workforce, EEOC's Efforts To Address Sex-Based Discrimination in Employment*, [https://www.eeoc.gov/eeoc/statistics/reports/american\\_experiences/women.cfm](https://www.eeoc.gov/eeoc/statistics/reports/american_experiences/women.cfm); U.S. Census Bureau, *Income and Poverty in the U.S.: 2016*, at 10, <https://www.census.gov/content/dam/Census/library/publications/2017/demo/P60-259.pdf>

<sup>6</sup> Harvard Health Pub., <https://www.health.harvard.edu/heart-health/gender-matters-heart-disease-risk-in-women>; J. Amer. Heart Ass., *Implicit Gender Bias and the Use of Cardiovascular Tests Among Cardiologists*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5779009/>; J. Women's Health, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2825679/>

<sup>7</sup> U.S. Census Bureau, *Income & Poverty in the U.S.: 2016*, Rep. No.: P60-259, p. 6 table 1 (Sept. 12, 2017).

<sup>8</sup> U.S. Centers for Disease Control & Prevention, *Violence Prevention*, NISVS Infographic, <https://www.cdc.gov/violenceprevention/nisvs/infographic.html>

<sup>9</sup> <https://www.gpo.gov/fdsys/pkg/STATUTE-86/pdf/STATUTE-86-Pg1523.pdf>

<sup>10</sup> <https://www.cardin.senate.gov/newsroom/press/release/cardin-measure-would-immediately-revive-consideration-of-the-equal-rights-amendment-era/>

**WHEREAS**, the ERA was passed by Congress in 1972, and has been ratified by 36 states,<sup>11</sup> the most recent being Nevada in 2017;<sup>12</sup> and

**WHEREAS**, the deadline for the ERA appears only in the preamble;<sup>13</sup> and

**WHEREAS**, Congress presently is considering a bill that removes the time limit for ratification of the ERA;<sup>14</sup> and

**WHEREAS**, for 47 years, the Virginia State Constitution has protected Virginians from discrimination by the Commonwealth on the basis of sex;<sup>15</sup> and

**WHEREAS**, the County of Arlington supports equal rights for the citizens of Arlington;<sup>16</sup> and

**WHEREAS**, the County of Arlington supports the advancement of human rights;<sup>17</sup>

**NOW, THEREFORE, BE IT RESOLVED** that the Arlington County Civic Federation supports the ratification of the Equal Rights Amendment; and

**BE IT FURTHER RESOLVED**, that the Arlington County Civic Federation urges the County Board of Arlington, Virginia to place ratification of the ERA to the U.S. Constitution, as proposed by Congress on March 22, 1972, on its list of legislative priorities for the 2019 legislative session; and

**BE IT FURTHER RESOLVED**, that the Arlington County Civic Federation urges the General Assembly of the Commonwealth of Virginia to ratify the ERA to the U.S. Constitution during the 2019 legislative session.

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<sup>11</sup> <https://equalmeanequal.org/ratified/>

<sup>12</sup> *Id.*

<sup>13</sup> Preambles of laws, or “whereas clauses,” have no “operative effect.”

<http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1271&context=wmjowl>; Hawaii v. Office of Hawaiian Affairs, 556 U.S. 163, 175 (2009), [https://scholar.google.com/scholar\\_case?case=8910590074858139443&hl=en&as\\_sdt=6&as\\_vis=1&oi=scholar](https://scholar.google.com/scholar_case?case=8910590074858139443&hl=en&as_sdt=6&as_vis=1&oi=scholar) (quoting D.C. v. Heller, 554 U.S. 570 at 578 n.3 (2008)).

<sup>14</sup> <https://govtrackinsider.com/nevada-just-became-the-first-state-since-1978-to-ratify-the-equal-rights-amendment-270e1b10c60e>

<sup>15</sup> <https://law.lis.virginia.gov/constitution/article1/section11/>

<sup>16</sup> <http://www.civfed.org/ban2009prog.pdf>; <https://countyboard.arlingtonva.us/board-actions/proclamations/98th-anniversary-arlington-county-civic-federation-proclamation/> (“the Arlington County Civic Federation supports equal rights for all Virginians and has been vital in making Arlington a diverse and inclusive world-class community”); <https://countyboard.arlingtonva.us/99th-anniversary-arlington-county-civic-federation/>; <https://countyboard.arlingtonva.us/100th-anniversary-arlington-county-civic-federation/>; <https://lis.virginia.gov/cgi-bin/legp604.exe?161+ful+SJ186ER+pdf>; Arlington County Code, Chapter 31, Human Rights, <http://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/22/2014/01/County-Code-31-Human-Rights.pdf>

<sup>17</sup> Arlington County Code, Chapter 31, Human Rights, <http://arlingtonva.s3.amazonaws.com/wp-content/uploads/sites/22/2014/01/County-Code-31-Human-Rights.pdf>