

INTRODUCED: December 17, 2018

A RESOLUTION No. 2018-R105

To express the Council's support of ratification by the General Assembly of Virginia of the Equal Rights Amendment to the United States Constitution.

Patrons – Mr. Addison, Mr. Jones, Mr. Agelasto, Vice President Newbille,
President Hilbert, Ms. Gray and Ms. Larson

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: JAN 28 2019 AT 6 P.M.

WHEREAS, the United States Constitution does not explicitly guarantee equal rights and equal protection for the sexes; and

WHEREAS, the Fourteenth Amendment to the United States Constitution and state constitutional statements of equality generally do not provide the strict scrutiny for sex-based classifications that is provided for classifications based on race, religion, and national origin; and

WHEREAS, state laws are not uniform, and federal laws are not comprehensive, and these laws can be repealed or reduced; and

WHEREAS, the people of the United States continue to experience the negative effects of lack of political parity between men and women, workplace discrimination, health care

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

inequities, disparate rates of poverty, rape, and domestic violence assaults; and

WHEREAS, the Equal Rights Amendment, H. J. Res. 208, § 1, 92d Cong., 2d Sess. (1972) (enacted), 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;” and

WHEREAS, the Equal Rights Amendment would help ensure women and men have the same constitutional protections; and

WHEREAS, the Equal Rights Amendment was passed by Congress in 1972, and has been ratified by 37 states, the most recent being Nevada in 2017 and Illinois in 2018; and

WHEREAS, the time limit for the Equal Rights Amendment appears only in the preamble; and

WHEREAS, for 47 years, the Constitution of Virginia has sought to protect Virginians from discrimination by the Commonwealth of Virginia on the basis of sex; and

WHEREAS, the City of Richmond enforces principles of fair treatment of its employment applicants and employees without discrimination on the basis of sex, and prohibits sexual harassment in the workplace;

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

That the Council supports the ratification of the Equal Rights Amendment.

BE IT FURTHER RESOLVED:

That the Council hereby urges the General Assembly of Virginia, during its 2019 session, to ratify the Equal Rights Amendment.



Richmond City Council

The Voice of the People

Richmond, Virginia

Lou Brown Ali
Council Chief of Staff

Office of the Council Chief of Staff

Council Ordinance/Resolution Request

TO Allen L. Jackson, Richmond City Attorney

THROUGH Lou Brown-Ali, Council Chief of Staff *LB*

FROM Joyce L. Davis, Council Policy Analyst
Office of the Council Chief of Staff *JLD*

COPY Andreas Addison, 1st District Council member
Haskell Brown, Deputy City Attorney
Meghan Brown, Deputy Council Chief of Staff
Nicole Williams, 1st District Liaison

RECEIVED
NOV 30 2018
OFFICE OF CITY ATTORNEY

DATE November 29, 2018

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TITLE: RESOLUTION TO EXPRESS COUNCIL'S SUPPORT OF THE PASSAGE OF THE EQUAL RIGHTS AMENDMENT (ERA) IN THE COMMONWEALTH OF VIRGINIA

This is a request for the drafting of an Ordinance Resolution

REQUESTING COUNCILMEMBER/PATRON

SUGGESTED STANDING COMMITTEE

Council Member Andreas Addison

Governmental Operations

ORDINANCE/RESOLUTION SUMMARY

Resolution to express the support of City Council to urge the General Assembly to take the necessary steps to put this matter before the citizens of the Commonwealth for passage of the Equal Rights Amendment (ERA) in the Commonwealth of Virginia.

BACKGROUND

This Resolution is to support ratification by Virginia of the Equal Rights Amendment to the United States Constitution. The United States Constitution does not provide for protection against discrimination based on sex. The only right women have explicitly stated in the Constitution is the right to vote. The Equal Rights Amendment is required in order to provide gender-based equality in our courts and laws because the Supreme Court has repeatedly held that the 14th Amendment does not apply specifically to issues of gender. The proposed Equal Rights Amendment (ERA) would address this, as it states: Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

The first version of this amendment was introduced in Congress in 1923, and every year after, until it finally passed in 1972. It was ratified by 35 states, just 3 short of the required two-thirds of states, before the 1982 deadline passed and the effort failed.

Two different types of ERA legislation were introduced in the 115th session of Congress (2017). The first is traditional legislation to ratify the ERA by the Constitution's Article V ratification process. The second is the three-state strategy legislation to remove the time limit on the ERA's ratification process and declare it complete when three-fourths (38) states ratify, thereby retaining the existing 35 state ratifications as viable.

According to the three-state strategy, three more states could ratify the amendment, which would become binding when Congress extends the ratification deadline again (it had originally been extended by 3 years). Nevada became the 36th state to ratify and later Illinois became the 37th state. The remaining 13 states that have not ratified the amendment include Virginia, Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina and Utah.

In Virginia, the cities of Virginia Beach, Norfolk, Chesapeake, Charlottesville and Dumfries; along with the counties of Albemarle and Prince William have passed a Resolution in support of the Equal Rights Amendment in the Commonwealth of Virginia.

A sample Resolution is as follows:

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; 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 that is provided for classifications based on race, religion, and national origin; and

WHEREAS, state laws are not uniform and Federal laws are not comprehensive, and these laws can be repealed or reduced; and

WHEREAS, the people of the United States continue to experience the negative effects of lack of political parity between men and women, workplace discrimination, health care inequities, disparate rates of poverty, rape, and domestic violence assaults;

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;" and

WHEREAS, the Amendment would help ensure women and men have the same constitutional protections; and

WHEREAS, the ERA was passed by Congress in 1972, and has been ratified by 37 states, the most recent being Nevada in 2017 and Illinois in 18; and

WHEREAS, the time limit for the ERA appears only in the preamble; and

WHEREAS, Congress presently is considering a bill that removes the time limit for ratification of the ERA; and

WHEREAS, for 47 years, the Virginia State Constitution has sought to protect Virginians from discrimination by the Commonwealth on the basis of sex; and

WHEREAS, the city of Richmond enforces principles of fair treatment of its employment applicants and employees without discrimination on the basis of sex, and prohibits sexual harassment in the workplace.

NOW, THEREFORE, BE IT RESOLVED that Richmond City Council supports the ratification of the Equal Rights Amendment; and

BE IT FURTHER RESOLVED, that Richmond City Council urges the General Assembly of the Commonwealth of Virginia, during the 2019 legislative session, to ratify the ERA to the U.S. Constitution, as proposed by Congress on March 22, 1972.

FISCAL IMPACT STATEMENT

Fiscal Impact	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Budget Amendment Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Estimated Cost or Revenue Impact	\$	

Attachment/s Yes No

Richmond City Council Ordinance/Resolution Request Form/updated 12.22.08/sr