



Legislation Text

File #: 18-0391, Version: 1

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

PURPOSE/BACKGROUND:

This resolution requests that the 2019 General Assembly ratify the Equal Rights Amendment (ERA) to the United States Constitution, as originally proposed by Congress on March 22, 1972. The United States Constitution does not explicitly guarantee equal rights and protection for the sexes. The Equal Rights Amendment 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." This amendment will assist in ensuring that men and women have the same constitutional protections. Other Hampton Roads localities such as Norfolk, Chesapeake and Virginia Beach have passed similar resolutions in support of ratification of the ERA.

Discussion:

See Purpose/Background above.

Impact:

The Equal Rights Amendment was passed by Congress in 1972 and has been ratified by 37 states. Ratification is required by three-fourths of the states, and Virginia could be the 38th state; which would reach the three-fourths threshold. This resolution urges the Virginia General Assembly to ratify the ERA.

Recommendation:

Approve the Resolution.

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

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;

WHEREAS, state laws are not uniform and federal laws are not comprehensive, and these laws can be repealed or reduced;

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;”

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

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 2018;

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

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.

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

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