

# **Equal Rights Amendment FAQ Sheet**



## **It's 2018, do Americans really need the Equal Rights Amendment?**

- Except for guaranteeing women the right to vote, the Constitution does not protect against discrimination on account of sex. When the Equal Rights Amendment is included in the Constitution, courts will apply to sex-based discrimination the same high standard used to evaluate discrimination on the basis of race, national origin, and religion.
- Justice Scalia has observed the Constitution does not prohibit discrimination on the basis of sex (source: [tinyurl.com/FOXScalia](http://tinyurl.com/FOXScalia)).
- Amendments provide greater security against discrimination on account of sex than laws, like the Lilly Ledbetter Equal Pay Act, which can be easily repealed by a simple majority vote.

## **Hasn't the ratification deadline already passed?**

- The deadline is not included in the amendment submitted to the states for ratification.
- There is no precedent for a fully ratified amendment being excluded from the Constitution.
- The deadline may be reasonably challenged in court because Article V of the Constitution does not expressly authorize Congress to impose deadlines.

## **Nevada (2017) and Illinois (2018) ratified and if they can do it, so can Virginia.**

- A Congressional Research Service report issued after Nevada's ratification in 2017 (source: [tinyurl.com/VAratifyERAratificationissues](http://tinyurl.com/VAratifyERAratificationissues)) outlined two legislative branch options to add the Equal Rights Amendment to the Constitution: Congress can pass bills to remove/extend the deadline -OR- Congress can accept ratification by the 38th state.
- The 27th Amendment (Madison Amendment: congressional raises) took over 200 years to become fully ratified / added to the U.S. Constitution, setting a precedent for a lengthy ratification.

## **I heard this was a liberal plot...**

- 2015 polling shows that 94% of Americans believe that the Constitution should guarantee equal rights for both men and women and 80% mistakenly believe it is already there. Although Democrat support (97%) was higher than Independent (92%) and Republican (90%) support, all citizens are in strong consensus on the issue (source: [tinyurl.com/VAratifyERA2015Poll](http://tinyurl.com/VAratifyERA2015Poll)).
- Given the current, divisive political rhetoric Virginia's legislators should find and elevate consensus driven discussions and issues. The Equal Rights Amendment fits this description and was originally a Republican endeavor in the 1970s.

## **If the ERA is added to the U.S. Constitution will women be included in a draft?**

- Congress has always had the authority to draft women into service and nearly used this authority to draft women as nurses in the final days of WWII.
- The Pentagon has recently recommended women be included in Selective Services Registration, currently only required of men, ages 18-25 (source: [tinyurl.com/WomenSelSvc](http://tinyurl.com/WomenSelSvc)).
- Women are a valuable part of the modern military and have proven their worth as soldiers. It is inconceivable that America would exclude valuable patriots, including women.

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