

Opposition arguments from Virginia legislators against ratifying the Equal Rights Amendment and the corresponding facts:

"I don't want my granddaughter to be drafted!"

- Requiring both men and women to register for the draft is not dependent on passage of the Equal Rights Amendment. Already, in October 2017, the Pentagon recommended that women should register with the selective service.
- Regardless of ratification of the Equal Rights Amendment, a reinstated draft likely will include everyone, not just men. Conscripting only men into our military force, currently comprised of both male and female volunteers, would be unreasonable and antithetical to defense needs and morale.

"This opens the door for abortion rights."

- *Roe v. Wade* was decided on the Right to Privacy, not on a non-existent federal Equal Rights Amendment. Subsequent abortion decisions, including those concerning Medicaid funding, turned on privacy and/or liberty interests of women.
- Twenty-four states, including Virginia, have adopted Equal Rights Amendments in state constitutions without voiding, limiting, or expanding abortion statutes.

"The ratification deadline has passed."

- Nevada ratified the Equal Rights Amendment on March 21, 2017, exercising a state's right to ratify under Article V of the Constitution.
- The United States Constitution does not give Congress authority to limit States' power to ratify amendments, which would include setting a deadline.
- The Virginia legislature should enact laws reflecting the will of the citizens and not seek to divine the intention or direction of U.S. Congress (who could change the deadline again) or the Supreme Court.

"We don't need it anymore."

- Every day we read another testimonial of inequities experienced by women. Without gender equality in the Constitution the Supreme Court may continue to strike legislation protecting women.

"We will all be using the same bathrooms!"

- Existing privacy rights will continue to protect appropriate separation of facilities for performing intimate bodily functions.
- Anyone considering this argument should be mindful of the severe economic harm North Carolina suffered over its bathroom legislation, which caused at least one relocating company to choose Richmond instead of Charlotte.

"Women contractors will lose enhanced status for contract bids."

- The enhanced status program for female contractors will continue unabated with a ratified federal Equal Rights Amendment, just like those same programs are allowed to give enhanced status to minority-owned businesses even though racial equality is protected under the Fourteenth Amendment.
- Virginia's equal rights amendment has had no effect on this issue.

"Widows will lose Social Security!"

- Social security has been gender inclusive for surviving spouses since a legal challenge in 1975. This is an anachronistic concern from the early 1970s.

Economic, public relations, legal, and political considerations for ratifying the Equal Rights Amendment:

Economics

- Virginia competes for college students, corporate headquarter relocations, top industry talent, etc. and an unmistakable indicator of Virginia's support for gender equality will be attractive to citizens, business, and industry.
- Virginia has already demonstrably benefited economically from North Carolina's divisive politics. Ratifying the Equal Rights Amendment could further this advantage.

The Law

- The courts currently treat gender discrimination more leniently ("intermediate scrutiny") than discrimination on the basis of race, national origin, or alienage ("strict scrutiny").
- Adoption of the Equal Rights Amendment will give Congress greater Constitutional authority to enact legislation to protect women. Without this, legislation protecting women could be invalidated as happened in 2000, when the Supreme Court struck down the civil remedy provision of the Violence Against Women Act.

Politics

- Ratification of the Equal Rights Amendment is good politics for Virginia, especially now when national attention is focused on women's issues and technology companies are looking to locate in welcoming sites in the Southeast.
- The November 2017 House races reflect Virginia women's surging interest in politics and reflects an increased focus on gender equality and parity of representation.
- The bills ratifying the Equal Rights Amendment are already garnering bipartisan support. Expanding this cooperation to encompass a majority of legislators from both parties will give the General Assembly national accolades not only for its leadership on a longstanding civil rights issue but also for its bipartisanship during these contentious times.
- The number of patrons and bills shows an uptick in interest by constituents and politicians compared to prior years:
 - SJ 4 - Senator Surovell + 18 Senators and 44 Delegates as of Jan 17, 2018
 - HJ 2 - Delegate Kory + 14 Delegates and 2 Senators as of Jan 17, 2018
 - HJ 4 - Delegate Lopez + 1 Delegate as of Jan 17, 2018
 - HJ 129 - Delegate Robinson + 3 Delegates as of Jan 17, 2018
- The Senate and House committees, where these bills are pending, are comprised mainly of men. With a room full of women constituents requesting gender equality in the Constitution, these majorities of men declining (again) to hear testimony and/or to send the Equal Rights Amendment to the floor for a vote will glaringly place the Commonwealth in a bad light before the whole nation.

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

- Justice Scalia, 2010, UC Hastings College of Law