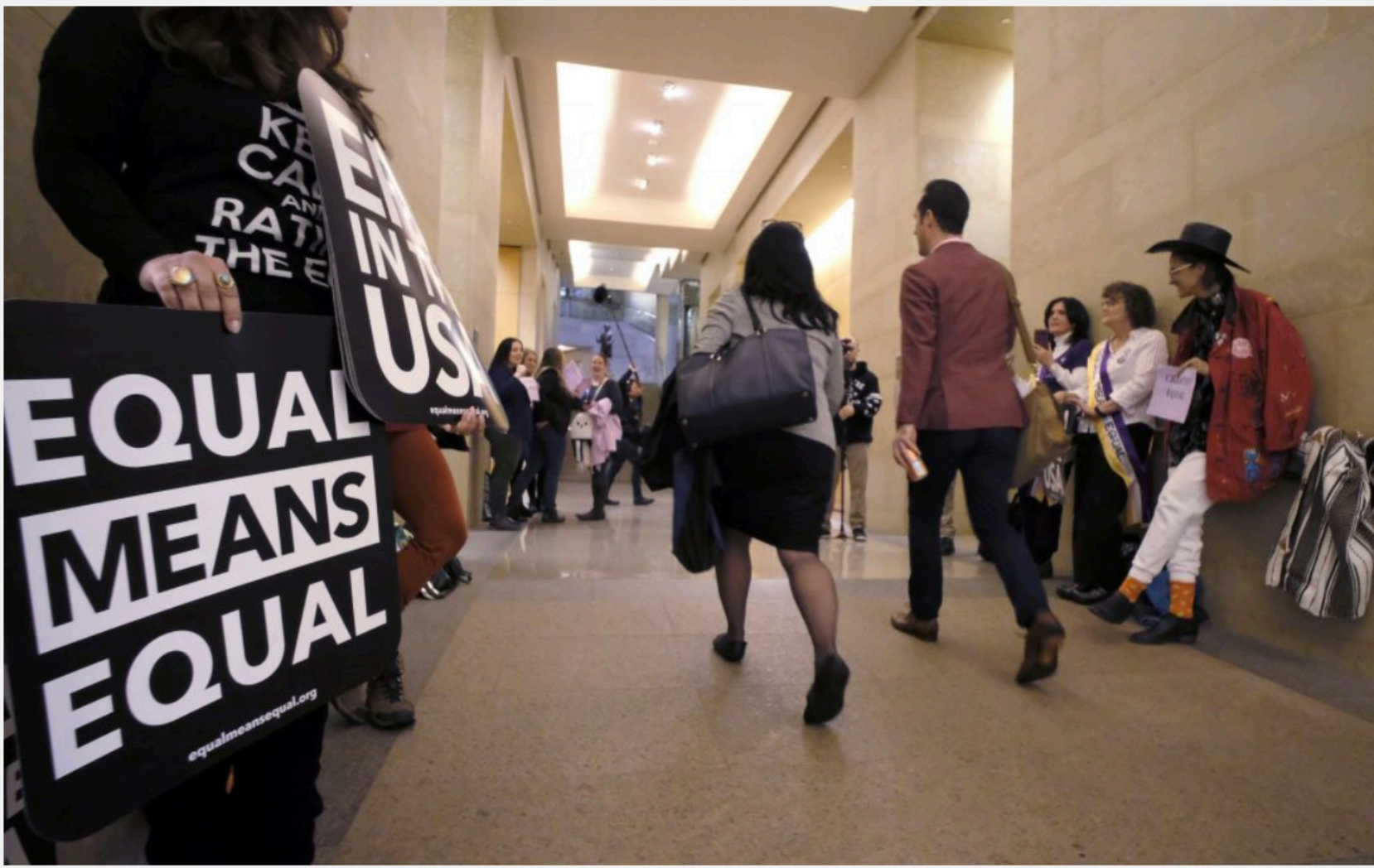


Arizona can do right thing, become 39th state to ratify ERA

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Equal Rights Amendment supporters yell encouragement to two legislators as they walk down a hallway inside the state Capitol in Richmond, Va., Tuesday, Jan. 14, 2020. The Virginia Legislature approved the ERA ratification. (Bob Brown/Richmond Times-Dispatch via AP)

On January 15, 2020, at 11:38 a.m. Mountain Standard Time, the Virginia Senate ratified the Equal Rights Amendment by a vote of 28-12. A few minutes earlier, the Virginia House had ratified the ERA by a vote of 59-41. Thus Virginia goes down in history as the 38th state to ratify the ERA, meeting the constitutional requirement of three-fourths of the states to make the ERA the 28th Amendment to the Constitution. The day of passage was deliberately chosen as January 11 is the birthday of Alice Paul who wrote the first ERA in 1923. The fact that it took 97 years to get the amendment passed, and that it passed in the same year as the 100th celebration of women’s right to vote in the 19th Amendment, speaks to the small but powerful minority who oppose equality when 91% of the American people support the ERA.

The amendment goes into effect two years after ratification to allow the U.S. and states to change any laws that violate it. Will there be lawsuits? Sure, but there are lawsuits every day against the First Amendment, the Second Amendment, the Fourth, and the Eighth and they are still standing. There were lawsuits against the 13th, 14th, 15th, and 18th amendments and they are still standing (but for the 18th that was reversed by the 21st).

The Madison amendment (#27) prohibiting sitting legislators from raising their own salaries while in office that passed after 200 years obliterates arguments about a timeline. Good ideas don’t die; they eventually triumph. Women have fought for equality from the beginning of time, and we aren’t about to stop now.

The prime sponsor in the House, Delegate Jennifer Carroll Foy, said that the vote, for everyone’s mother and sister and daughter, will tell what side of history each person wants to be on. She outlined the negative history of Virginia that closed schools for four years rather than integrate; that prohibited the marriage of African-Americans and whites until the Supreme Court said no in *Loving v. VA*; that required a lawsuit against Virginia Military Institute to require them to admit women.

Those opposed to the ERA in Virginia, all Republicans, said that women have achieved high positions without the ERA so it was not necessary. Women have achieved much in spite of the lack of equality. But as Foy said, because women have succeeded in spite of barriers is no reason to maintain the barriers. She rejected the idea that because a few have privilege and reach high positions, equality for all should be denied.

Virginia was also lauded as historically for freedom. One delegate mentioned that many of the original Constitution signers and Bill of Rights supporters were Virginians showing the deep roots of equality in Virginia and pointing out that Virginia was rightfully returning to its roots as a state that supported equality.

Arizona began as a very progressive state as well. Women could vote and the state had the initiative process to ensure that citizens’ voices were heard and the recall process to ensure that renegade politicians could be held to account. At its inception, Arizona under Governor Hunt supported miners, workers, and women.

But in the mid-1960s, Arizona started trending away from that early promise and reverted to principles of insularity, scarcity, and fear above principles of inclusion, prosperity, and tolerance. The leaders of Arizona’s Legislature today have decided to be on the wrong side of history. Arizona legislators need to reclaim our roots and recognize that the ERA is a good idea whose time has long come. Women are not going anywhere. We will never give up. All fifty states need to ratify. Arizona has forfeited its opportunity to go down in history for a positive principle, but it can still do the right thing and ratify the ERA this session to become #39.

Dianne Post is an international human rights attorney with 37 years of experience, and serves on the board of State NOW and ERA Task Force Arizona.