

# Locke OpEd: Equality of rights is a necessary constitutional addition

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By **Sen. Mamie Locke**

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**I** registered to vote in 1972, the first year 18-year-olds could do so. Voting during that presidential election year was not only memorable for me but also historic for all of America. In previous years, the United States would have denied me this powerful right: I was young, I was African American, and I was female.

Even with constitutionally guaranteed rights, many African Americans were disenfranchised. When I was 11, President Lyndon **Johnson** signed the **Voting Rights Act of 1965** (VRA), which prohibited literacy tests used frequently by many Southern states, including my home state of Mississippi, to disenfranchise voters.

Even after the enactment of the VRA, Mississippi maintained separate registration procedures for federal and state elections, a practice that did not end until 1997 when it was struck down by the Supreme Court.

Mississippi's disenfranchisement of African Americans had to stop because the Constitution protected the right to vote and the VRA, authorized by the Constitution, enforced that right. We need the same constitutional protection against gender-based discrimination.

When I entered college in 1972, I learned about the Equal Rights Amendment (ERA), which Congress had recently submitted to the states for ratification. I learned that women were often thought of and treated as second-class citizens. I learned that, despite promises of equality, women really did not enjoy the same rights under the law as their male counterparts. This sounded familiar and I realized that African American women had two strikes against them. I vowed to right this wrong.

Righting this wrong is an effort that continues to this day. During the decades since Congress submitted the ERA to the states, through legislation and court decisions, women have achieved a precarious equality with men. Women and girls have greater access to education than they did when I entered college, and many women hold positions once reserved for men.

Some women say they don't need the ERA because they have never been discriminated against. While this may be true for them, we should never take rights for granted and we should also not assume others' experiences match our own.

Additionally, many Americans do not see gender discrimination hidden in plain sight. Statistics show that women make only 80 percent of men for equal work, have higher loads of education debt, are incarcerated at rates increasing at a much faster pace than men's, are more likely to be sentenced for self-defense in comparison to men, and are more likely to sit in jail, innocent until proven guilty, because of the economic inability to post bail while awaiting trial.

Sadly, women's equality under the law is not specified in our founding document. Some mistakenly believe the 14th Amendment, which prohibits the states from denying "equal protection of the laws," bars gender discrimination. It does not. If it had, we would not have needed the 19th Amendment to enfranchise women. If it had, courts would evaluate gender-based discrimination using the same high standard used for racial or religious discrimination. If it had, the Supreme Court would not have struck down part of the **Violence Against Women Act** on the ground that Congress had exceeded its constitutional authority when it enacted the law.

Our nation was almost a century old before the Constitution gave African American men the right to vote. Another 50-plus years passed before America gave women the right to vote. Fifty-two more

years before adults under 21 could vote even though they could be conscripted. As a nation, we continue to improve our Constitution to match our ideals.

It's time our Constitution prohibits gender discrimination with this simple phrase: Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Voting in support of equality is not a difficult or tricky proposition. It is simply the right thing to do. Without hesitation, Virginia's **General Assembly** should ratify the Equal Rights Amendment in 2019.

**Sen. Locke represents the state Senate District 2, which includes part of York County, Hampton, Newport News, Portsmouth and Suffolk.**

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