

Southeast District AAUW of Virginia  
Annual Meeting, 27 October 2018

Pay Equity

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The Equal Rights  
Amendment

# PAY EQUITY 2017 STATS

## (U.S. Census Bureau)

National median earnings for men: \$52,146

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- National median earnings for women: \$41,977
  - Gender pay ratio = 80.50%
  - White male earnings rose slightly; women's earnings decreased
- Black women were paid 61%
- Hispanic women were paid 53%
- American Indian or Alaska Native women were paid 58%
- Asian women were paid 85%
- Native Hawaiian or Other Pacific Islander women were paid 62%
- White, non-Hispanic women were paid 77%

**Please note:** new edition *The Simple Truth About the Gender Pay Gap*, Fall 2018

# Recent Pay Equity Legislation in Virginia

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- In the 2018 session: 5 Equal Pay bills – none were passed
- In the 2019 session to date: none have been submitted
- 2019 bill SB 1017 would increase the minimum wage to \$8.00/hour, effective July 1, 2019

# Virginia Start Smart Consortium

- What Is Start Smart?
  - Major AAUW initiative, along with companion Work Smart, to close the gender pay gap. Supported by Gov. Northam and Sen. Mark Warner.
  - 2 Hour interactive seminar on determining market salary; articulating professional value; learning negotiating strategies, approaches and skills.
  - Offered through Colleges and Universities generally as part of Career Services.
- Advantage?
  - Increase income by \$500 billion annually; decrease poverty for 2.5 million children; decrease poverty in retirement.

# Progress to Date

- Potential audience among 3 NOVA target institutions is:

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  - 5,000 women graduates per year;
  - To be at capacity, need to train 2,500/year
  - NOVA has insufficient “bandwidth” to offer Start Smart across its campuses. Alexandria Branch may work with Alexandria Campus Women’s Center.
  - Meeting set with Marymount President and VP for Student Affairs for week of October 28<sup>th</sup> to review curriculum.
  - Meeting set with GMU Women’s Committee on Nov. 9<sup>th</sup> to provide Start Smart Demo.
  - Strong interest indicated so far.

**One State to 38**

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**Virginia !**

# ERA HISTORY

“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.”

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- 1923 The ERA was written by Alice Paul, woman suffrage leader and lawyer, and introduced into Congress.
- 1923-1971 The ERA was introduced into every session of Congress but never passed.
- 1972-1977 The ERA was passed on 22 March 1972 with a seven-year deadline for ratification. By 1977, it had received 35 of the necessary 38 state ratifications.
- 1978 Congress passed a bill extending the deadline to 20 June 1982.
- 1978-1982 Organized political, social and religious opposition prevented more state ratifications before the deadline.
- 2017 Nevada ratified the ERA.
- 2018 Illinois ratified the ERA.

# 40 Years of Experience with Equal Rights of the 35 Ratified States

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- Experience with the ratified states has in virtually all cases validated the interpretation of the amendment's effects held by ERA advocates.
- The vast majority of claims by ERA opponents about purported undesirable effects of the amendment have proved to be slanted, incomplete, overstated, or false.
- The American Bar Association says that the ERA will invigorate reinforcement of existing laws.



## Some Myths that Derailed the ERA

- Widows would lose Social Security. Not true: S. S. has been gender inclusive for surviving spouses since 1975.
- Women would be forced into the military. Not true: Congress has the authority to, but never has enforced the draft.
- Public facilities would become unisex. Not true: reasonable distinctions are based on sensible concerns for hygiene, safety, and modesty. Regulation of venues depends on ties to government funding, not the ERA.
- Tax payers will have to pay more for civil court cases. Not true: these will decline in number due to *stricter scrutiny* based on sex.

# The ERA in Virginia

## Past and Present

- **BILLS INTRODUCED AND DENOUNCED**

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  - 2011-2016 The Virginia Senate passed a resolution ratifying the ERA; the House of Delegates never released a companion bill from committee for a full vote on the House floor.
  - 2017-2018 Bills were introduced but never got out of Committee.

# WHAT Happened in the 2018 Virginia General Assembly?

## We Had the Votes

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### House

- Assigned to the P & E Committee
- 51 of 100 Delegates signed on as patrons
- Others would have supported it in a floor

### Senate

- Assigned to the Senate Rules Committee
- 20 of 40 Senators signed on as patrons
- Others would have supported it in a floor vote

# February 9, 2018

## House

- Assigned to the Privileges and Elections Committee
- Committee Chair, Mark Cole refused to put it on the agenda
- Delegate Sam Rasoul (Roanoke) formally asked to have it put on the agenda and was rebuffed

## Senate

- Assigned to the Senate Rules Committee
- On the agenda for February 9
- Committee Chair, Ryan McDougle said that “an official at the National Archives and Records Administration, advised him that the ERA is a ‘failed amendment’ and therefore improper for the General Assembly to vote on it.”
- The Archivist of the United States, however, later stated by letter that he had not taken this stance.
- Crowd insisted on a vote by the committee and forced a show of hands vote

# Virginia Attorney General's Opinion

**Virginia Attorney  
General**

**Mark Herring**

**Asked by  
Honorable  
Richard H. Black,  
Member, Senate  
of Virginia**

**Opinion 18-006**

**May 11, 2018**

“The General Assembly may still pass a resolution ratifying the **Equal Rights Amendment (ERA)** to the United States Constitution despite the lapse of the ERA’s ratification period. Congress has substantial power over the process for amending the Constitution and may choose to further extend the ERA’s ratification deadline and recognize as valid a State’s intervening ratification for purposes of determining whether the ERA has been approved by the requisite number of States.”

The VA legislature should enact laws reflecting the will of the citizens and not seek to divine the intention of Congress or the Supreme Court.

# 2019 ERA Legislation

## HJ Resolutions 577, 578, 579

- Focus: HJ Resolution 579

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### Virginia Senate

- Lead sponsor: Glen Sturtevant
- Lead co-sponsors: Rosalyn Dance  
Scott Surovell

### Virginia House of Delegates

- Lead sponsor: Jennifer Carroll Foy
- Lead co-sponsors: Luke Torian  
Hala Ayala

# Strategic Plan

- Influence the Paths to the Senate and to the House
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- Senate

Goal: Majority Leader Tommy Norment (R #3) must be persuaded to place the bill in Jill Vogel's *P & E Committee*  
NOT Ryan McDougle's (R #4) *Rules Committee*

- House

Goal: House Speaker Kirk Cox must be persuaded to place the bill in Speaker Cox's *Rules Committee* NOT Mark Cole's *Privileges & Elections Committee*

## Convincing Talking Points

- Only the U.S. Constitution guarantees rights. Currently, the only right guaranteed to women is the right to vote (19<sup>th</sup> Amendment). The bottom line is that the ERA does not confer special rights, it simply prohibits discrimination.

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- Every constitution written since the end of World War II includes a provision that men and women are citizens of equal stature, including that of Afghanistan.
- The Constitution is a contract with the people. If you are not named, you are not part of the contract. This includes the women who are a valuable 20% part of the modern military.
- Without the ERA, SCOTUS can – and has – refused to support cases of gender discrimination. “Sex” is not scrutinized as *strictly* as discrimination on the basis of race, religion, or nation of origin. Women and men fight long, expensive, and difficult political and legal battles for equal rights under the law.



## More Salient Points

- It costs nothing to ratify the Equal Rights Amendment. Not to ratify it is incalculable.
- Sex discrimination runs both ways. What happens to one of the sexes impacts the other. Why not work together for equal treatment of men and women by American institutions?
- Ratification of the ERA is the will of the people. In a 2015 poll, 94% of those polled said they would support an amendment that guarantees equal rights for both men and women. 80% believe that is already does!
- A Constitutional guarantee of equality is needed to protect women against current threats to the advances achieved over the past half century.

# What Happens Next If We Make Virginia # 38 ?

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- Three possible paths:
  - It would go directly to the National Archivist—who could accept it or refer it to the Judiciary Branch or the Legislative Branch.
  - The Judiciary Branch: Article V of the ERA does not provide for an amendment deadline and a fully ratified amendment has never been kept out of the Constitution.
  - The Legislative Branch: Because the deadline is not in the Amendment's operative language, Congress can remove or extend the deadline, as it did in 1978 when it extended the initial deadline to 1982.

# How Do We Make Virginia #38 ?

## With Strategic Planning and Savvy Timing

**Work under the “umbrella” of the Virginia Ratify ERA Campaign  
(Among the Groups Involved: AAUW, NowVA, ACLU, LWV, WEC,  
WoMenMatter)**

- Educate the public about the value of supporting ratification
- Educate our legislators about the value of supporting ratification
- Emphasize that this is a non-partisan issue—it is a civil rights issue
  - Focus on getting more diverse organizations’ support
    - Focus on getting more men’s support
    - Focus on getting more Republican support
  - Call on support from inside and outside the state

# Involvement

- Contact your State Senator and State Delegate and confirm that they will vote to ratify when the ERA gets to the floor or to their committee

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  - Find your representatives at <http://whosmy.virginiageneralassembly.gov/>
  - Distribute **widely** -- Send electronically or make hard copies -- AAUW's "*Unfinished Business*" Compilation of information on the Equal Rights Amendment
  - Stage a screening of *Equal Means Equal* or *Legalize Equality*
    - Or, host a showing in a home or library
  - Stage a post card writing event, or host one in your home

# Additional Involvement

- JOIN AAUW'S 2-MINUTE ACTIVIST
- BUILD AWARENESS IN PUBLIC PLACES
  - *WEAR PINS, DISPLAY YARD SIGNS*
- SPREAD THE WORD ON SOCIAL MEDIA
- WRITE A LETTER TO THE EDITOR
- PASS A LOCAL RESOLUTION
- MEET WITH YOUR REPRESENTATIVES
- HOLD AN ERA BUSINESS FORUM
- STAGE SCENES FROM THE MUSICAL "19"

# VIP Dates

- AAUW February 6, 2019 Reception for VA Women  
*note new date* ↓ Legislators  
February 7, 2019 AAUW Lobby Day in Richmond

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  - LWV December 5, 2018 Legislative Round Table in  
Richmond (9:00 a.m. John Marshall Hotel)
  - WEC December 8, 2018 Women's Equality Summit in Richmond
  - VAratifyERA November 9, 2018 William & Mary  
ERA Legislative Symposium. Begin 10 day  
ERA Tour Bus circuit throughout Virginia (VT, VMI, JMU...)  
November 9, 2018 Begin "Welcome to the Effort" meetings  
locally for interested citizens  
January 9, 2019 Party for Parity for opening of the General  
Assembly (400 attendees anticipated)
- NOTE:** November 17, 2018 Roanoke Sen Mark Warner's Conference for  
Women. Start Smart workshops in a.m. and p.m.

What Can AAUW Branches of the SE District Do to Make Virginia #38 and “Be a Part of History” ?

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GROUP DISCUSSION

Events/Activities?

Collaborations?