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EDU 6710 C15 – The Enduring Legacy of the American Revolution – Equality  
Heroic Women of Movement in the 60's, 70's 80's:  
Final proposal -- Draft  
May 4, 2010

How important it is for us to recognize and celebrate our heroes and she-roes!  
Maya Angelou

**Seminar Impact:** Women have always been central to the success in the development and changes of the United States. However, their influence and contributions throughout the years were rarely highlighted or even mentioned. The summer seminar for Teaching American History – Equality had several important impacts on my developing my thesis and follow-up ideas for demonstrating the roles of heroic individuals in the development of our country. First, the discussions on discrimination reminded me that in teaching about US women that I must be careful to include not only our white, “founding” mothers but also to integrate the effects of Native American, Latina, African American and other cultures that have become the integral fabric of our country. Everyone has made a difference in our cultural development and must be included on some level. Second, the breadth of the resources, both books and audio visual materials, given to us in class and the access to the Castleton library have provided focus and access to most resources we will need to complete our courses. For example, I will be using the DVD on Equality: A History of the Women's Movement in America as a pivotal, organizing piece to introduce the various sections of the seminar. This resource is a perfect outline for developing themes in our studies. In addition, William Chafe's discussions of discrimination easily translate from African Americans to women and other races. Chafe's book on *A history of our time* contains important primary documents that will serve as cornerstones for seminar discussions. Third, I find students in Vermont often have not been exposed to diverse cultures and people represented in the population of the United States. Nancy Lynch's presentation about social justice and educating white youth about cultural diversity emphasized to me the importance of infusing all aspects of the my course with pivotal, wide-ranging examples of effective women change agents.

**Proposal:** This school year, I will be teaching a twelve-week, senior seminar on Women in US History. In writing the course, I plan to show the development of themes such as independent thought as in pioneer women, service in war, the process of winning voting rights, influential first ladies, patterns of protest, development of service and volunteerism (settlement houses), etc.

In the 20<sup>th</sup> century, women became more visible in their fight to attain equality. One of the most important areas of change has been in the work place. In this unit, we will investigate the changes in laws that affected women's paid work. We will highlight the work of heroes who spearheaded the change to greater equality in work. We'll compare racial and ethnicity as factors in women's roles. We will look specifically at the themes of gender discrimination, sexual harassment and equal pay for equal work as examples of issues women faced and continue to meet. We will look at possible solutions and finally will discuss the efficacy of finally passing the ERA.

## CENTRAL QUESTIONS

- What constitutes heroism?
- What is women's work?

- What legislation affected gender equality and work?
- What were the results of the legislation in light of working women?
- How have women changed the economic face of America?
- How do these changes affect you?
- Discuss the arguments for and against the Equal Rights Amendment.

### **CHALLENGE QUESTIONS.**

- Has the women's movement had a positive or negative effect on American Society? Explain your answer using at least three specific references.
- Explain the "glass ceiling". Is it real? Defend your argument with specific examples.
- What obstacles do women still face in achieving equality in work?
- How did the women's movement affect public opinion about women as feminists?

### **LESSON LENGTH**

- Five class periods, 72 minutes each.
- Each period is conducted in seminar format. Student leader of discussion will be assigned week before.
- Periods begin with a leading question that will be answered in daily journal that will provide context for that day's discussion and will tie in homework from previous night.

### **KEY IDEAS**

- Women have been and continue to grow as a center of influence in American society.
- Women activists have worked to change how our society views and respects women's issues.
- Women are equal to and as effective as men.
- Women's contributions are important and far-reaching in our society.
- Grass roots efforts to create societal changes are as effective as in-the-spotlight work that is more easily recognized.
- Equality in the work place has not been achieved on all levels.

### **INTENDED LEARNING OUTCOMES**

- The student will be able to articulate the characteristics of heroism.
- The student will discuss legislation that affects women's paid work.
- The student will exhibit his/her understanding of the effects of the women's movement on women in the work place.
- Student will understand the commonality of women and work regardless of race and ethnicity.
- Student will discuss the achievements of heroes of equality.
- Student will be able to discuss challenges women still face in relation to work, pay and discrimination.
- Students will comprehend the impact of women in US History on their own lives.

### **NATIONAL HISTORY STANDARDS:**

**Standard 2:** Economic, social and cultural developments in contemporary United States.

**2A: The student understands economic patterns since 1968.**

- Analyze the economic effects of the sharp increase in the labor force participation of women and new immigrants.

**2D: The student understands contemporary American culture.**

- Analyze how social change and renewed ethnic diversity has affected artistic expression and popular culture.

**2E: The student understands how a democratic polity debates social issues and mediates between individual or group rights and the common good.**

- Explore the range of women's organizations, the changing goals of the women's movement, and the issues currently dividing women.

**Standard 4:** The struggle for racial and gender equality and for the extension of civil liberties.

**4B: The student understands the women's movement for civil rights and equal opportunities.**

- Analyze the factors contributing to modern feminism and compare the ideas, agendas, and strategies of feminist and counter-feminist organizations.
- Identify the major social, economic, and political issues affecting women and explain the conflicts these issues engendered.
- Evaluate the conflicting perspectives over the Equal Rights Amendment, Title VII and Roe v. Wade.

## **VERMONT STANDARDS**

### **Reading**

#### Reading Accuracy

- 1.2 Students read grade-appropriate material, with 90%+ accuracy, in a way that makes meaning clear.

#### **Reading Comprehension**

- 1.3 Students read for meaning, demonstrating both initial understanding and personal response to what is read.

## **Writing**

### **Writing Dimensions**

1.5 Students draft, revise, edit, and critique written products so that final drafts are appropriate.

### **Writing Conventions**

1.6 Students' independent writing demonstrates command of appropriate English conventions, including grammar, usage, and mechanics.

## **Reports**

1.8 In written reports, students organize and convey information and ideas accurately and effectively. :

## **Information Technology**

### **Information Literacy**

1.11 Students use computers, telecommunications, and other tools of technology to research, to gather information and ideas and to represent information and ideas accurately and appropriately.

## **Research**

1.11a Students use organizational systems to obtain information from various sources (including libraries and the Internet).

## **Questioning**

### **Types of Questions**

2.1 Students ask a variety of questions. 2.1.ff. Ask critical evaluation questions that judge the quality of evidence from experts, evidence from other disciplines, etc.

## **History**

### **Historical Connections**

6.4 Students identify major historical eras and analyze periods of transition in various times in their local community, in Vermont, in the United States, and in various locations world wide, to interpret the influence of the past on the present.

### **Traditional and Social Histories**

6.5.b. Demonstrate understanding of the relationships among powerful people, important events, and the lives of common people.

## Being A Historian

6.6 Students use historical methodology to make interpretations concerning history, change, and continuity.

6.6.f. Identify and analyze recurring themes in the midst of change.

6.6.g. Explain why we study human actions in the past.

## PREPARATION FOR TEACHING

- Teacher reserves the Tech Lab for three days every week for the trimester to use Smart Board and have computer access.
- Power Point Presentation; prepare questions on videos, quiz, journal probe for each day, class outlines, homework assignments, syllabus. Select primary sources and You-tube clips.
- Plans readings from text *Through Women's Eyes* Chapters 10 and 11. This text (noted in the bibliography) is the core resource for this seminar. It contains primary sources that are crucial for discussions during the seminar.

## ACTIVITIES (Subject to change)

Each day, students will begin with journal entries in the allotted 5 minutes. They will then have time to reflect and share journal entries for another 5 minutes, if they wish. The questions, quotes and/or probes will be relevant to the particular subject of the day.

### Day One

- Begin power point presentation on Women in US History: Equality in Work: 1960's-present with perceptions of women and work outside the home in the 1950's and before.
- Use probe questions from power point for discussion points: How were women perceived in terms of work. (Slides 1-3)
- Homework: Read in *Through Women's Eyes*: See immediately below:

**Readings for Women and US History:** Women and Work in 20<sup>th</sup> Century

**(All pages are from your text unless otherwise noted.)**

1. Background: 570-582  
Study how you would answer question #3, 583
2. Feminine Mystique  
Critique and passage from book: 595-597
3. Women and Work: 598-602
4. Unions: 602-605
5. Status of Women: 624-626
6. Are working mothers a threat to the home?: 644-647

- 7. Discrimination in the Workplace: 685-689, 701-712
- 8. Sexual Harassment: Hill/Thomas hand out
- 9. Current Situation: 754-758

**Day Two**

- Discussion: What was the relationship between the Civil Rights movement and the emergence of the feminism in the 1960's? (Slides 4-8)
- Continue power point: What were some of the most important issues of the women's rights movement in regard to paid work outside the home? (Affirmative Action, Sexual Harassment, Equal Pay for Equal Work) (Slide 9)
- View You-Tube Archie Bunker segment on Equal Pay—Women's Liberation. Students write and defend answer to question: Is this a realistic portrayal of how the country felt about equal pay for women? Papers handed in at the end of class. (Slide 10)
- Power point: Current status on Equal Pay for Equal Work – Hero Lilly Ledbetter, the Supreme Court and the Lilly Ledbetter Fair Pay Act; Watch two You-tube videos on Lilly Ledbetter. (Slides 12 and 13)
- Discussion: What makes Lilly a HERO? (Slide 14)
- Homework: Hand out copies of Equal Pay Act of 1963, Civil Rights Act of 1964 (Title VII) Students will read to extract pertinent points on equal pay.

**Day Three**

- Define and discuss Affirmative Action
- Show clips from Working Girl; answer questions on slide to hand in at the end of the class: (Slide 16)
 

Chapter 1	0:00-7:08	“...he doesn't want to hear it from a secretary...”
Chapter 4	10:30-18:00	Establishing relationship
Chapter 6	22:08-37:00	
Chapters 10-11	to 52:00	Meeting
Chapter 13		Reverse discrimination
Chapter 14	1:12:50-1:14:57	
Chapter 17	1:28:44-1:33:46	Negotiations
Chapters 18-20		Results
- Hand out list of questions regarding types of discrimination as prelude to watching Baby Boom – the movie that personifies woman triumph over discrimination. Choose to watch the entire film or the following clips: (Slide 17)
 

Chapter 1:	1:00-8:53 min.	Conversation about partnership
Chapter 8:	50:23-50:53 min.	Job loss; “You've changed...”
Chapter 12:	1:19:37-1:24 min.	Home Business
Chapter 15:	1:34:29-1:42:45 min.	Negotiations for company sale

(Students will hand in notes when leaving.)
- Continue power point: Discrimination in the work place (based on pages 685-712 on workplace discrimination – Heroes Ruth Bader Ginsburg and Eleanor Holmes Norton.
- What qualities of heroism do they demonstrate? (Slides 18-19)
- Homework: Research whether there are any current (within 5 years) cases of discrimination? Hand in two typed paragraphs for next class.

**Day Four**

- Continue power point: Sexual Harassment in the workplace (Slides 20-22)

- Show clips of films 9 to 5 and Disclosure to demonstrate working women's issues pre- and post-right-legislation.
- Introduce Hero Anita Hill and her testimony in the confirmation hearings of Clarence Thomas as Supreme Court Justice.
- What was the result of the hearings? How is Anita Hill a Hero?
- Homework: Hand out text of the ERA amendment (proposed) and divide students into two teams – pro and con the amendment.

### Day Five

- Complete power point and discuss final slides (23-26) to elicit opinions of class on the previous and current issues of women, paid work and equality.
- Discuss the ERA: beginnings, issues and current status. Discuss protocol for ERA discussion that will be final test for this unit on Equality in Work.
- Review major points for to be discussed. Each student will have his/her position written to hand in for half the grade; discussion will be second half of the grade.

### Day Six

- Debate of the ERA: Do we need an ERA? Why or why not? How would passage of the ERA make a difference for women?

## ASSESSMENT

- Based on the rubric, participation grades will be based on daily discussions within the group and a student's ability to defend his/her positions/opinions. In addition, each student will have an opportunity to lead a daily discussion. They will be graded for their competencies in leading the topic, holding the focus of the group and facilitating discussions.
- Homework grades will be based on their reading information in the textbooks and primary documents handouts. Follow up discussions and questions answered in class will test understanding of the reading.
- Students will debate whether the passage of the ERA will solve the ongoing issue of women's equal in work for equal pay for their test grade in this unit.

## ANNOTATED BIBLIOGRAPHY

### Primary Sources

Equal Pay Act of 1963  
 Civil Rights Act of 1964, Title VII  
 Equal Rights Amendment  
 Photographs  
 Advertisements

**All of the sources listed below have played a role in my developing this unit of study. They have not all been utilized in this particular part of the course but have been influential in my decision making. Additional sources for handouts have been taken from various internet sources that will be documented in the handouts themselves.**

Bolden, T, ed. (2002) *33 things every girl should know about women's history: From suffragettes to skirt lengths to the E.R.A.* New York: Crown Publishers.

Tonya Bolden discusses an array of women's issues from the beginning of our country to the present. The work is varied and often humorous. It provides excellent examples for daily topics for discussion and research that may easily be integrated into classes about women throughout US History.

Braun Levine, S. and M. Thom. (2007) *Bella Abzug: How one tough broad from the Bronx fought Jim Crow and Joe McCarthy, pissed off Jimmy Carter, battled for the rights of women and workers, rallied against war and for the planet, and shook up politics along the way*. New York: Farrar, Straus and Giroux.

Susan Braun Levine and Mary Thom have compiled an oral history of the life of Bella Abzug that uses interviews with family and friends to provide a more intimate perspective of the character that was Bella. Although I found the vignettes distracting, they do provide a thorough picture of Bella Abzug's career from both the point of view of colleagues and critics. Each chapter begins with a time-line of events and where Bella's career fits in American history. This is an excellent resource for biographical research on Bella as well as her era and compatriots.

Chafe, WH (1981). *Civilities and civil rights: Greensboro, North Carolina and the Black struggle for freedom*. New York: Oxford University Press.

The sit ins at the Woolworth counter in Greensboro, North Carolina were instrumental in beginning the Civil Rights movement of the 1960's. Chafe's discussion of the issues of both the black and white communities illustrates comprehensively the depth of sentiment and the particular atmosphere of the time in Greensboro and America as the word and movement spread. Perhaps there are two very important aspects of this work for women's studies: 1) is in discovering the roles of the African American women in this environment and 2) in extrapolating the beginnings of the movement as the model for the soon-to-develop women's movement of not many years later. The comparisons are telling and valuable.

Chafe, WH et al, eds. (2008). *A History of our time: Readings on postwar America*. New York: Oxford University Press.

Chafe's editing of this book of primary documents has an invaluable section on "Struggles over gender and sexual liberation" that provide an insight into the issues of the era. The pieces cover such important subjects as NOW, consciousness, perceptions of beauty, Roe v. Wade, and opposition to equal rights.

Collins, G. (2007). *America's Women: 400 years of dolls, drudges, helpmates and heroines*. New York: Harper Perennial.

A quote from Gail Collin's introduction best describes the intent of this book: "The history of American women is about the fight for freedom, but it's less a war against oppressive men than a struggle to straighten out the perpetually mixed message about women's role that was accepted by almost everybody of both genders...I've tried to spin a story of both what women did and what it felt like to do it." (xiv-xv). The book introduces women through their eras and allows one to choose particular time frames for research rather than reading the whole book, if necessary. However, this book is so well-written and easy to read that it is worth the time to move through it, which you will do at a rapid pace.

Collins, G. (2009). *When everything changed: The amazing journey of American women from 1960 to the present*. New York: Little Brown and Company.

Collins picks up where *America's Women* left off to continue the story of American women in the last fifty years. The style is easy reading but the text is full of data and comprehensive research on the most important time in American Women's history. This, more than the previous volume,

speaks to the time frame of the unit and is an excellent source for facts and opinions on where American women stand today.

DuBois, EC and L Dumenil (2009). *Through women's eyes: An American history with documents*. New York: Bedford/St. Martin's.

This is the **textbook** for the seminar on Women in US History. It is a history of the US approached from women's points of view and covers the entire scope of our history from the beginning. What makes this text so valuable is that it includes copies of primary documents (letters, cartoons, photos and drawing, proclamations and treatises), questions for analyses and charts and graphs for explanations. All of the page references in the lessons are from this text. There is also online access to lesson plans and suggestions for activities. It is a terrific resource.

Flint, A. (2009) *Wrestling with Moses: How Jane Jacobs took on New York's master builder and transformed the American city*. New York: Random House.

Anthony Flint has written a biography of Jane Jacobs, author and anarchist that defines the power women are able to harness to make a difference in their communities, cities, nations. Jacobs is a powerful example who can be used as a jumping off point for students' research on women activists and their influences on society.

Grunwald, L and SJ Adler, eds. (2008) *Women's letters: America from the Revolutionary War to the present*. New York: Dial Press.

The editors approach letters by women as "voices fixed on paper" (1) which give us great insight into the universal. They have compiled a book which documents the growth and development of our country as seen by the women who were living it. These letters, arranged chronologically, are an excellent source for discussion of women's interpretations of events and may be juxtaposed with other primary documentation available in other books referenced in this bibliography. Each letter has an introduction that places it in historical context.

Hofstadter, R and B K Hofstadter (1982). *Great issues in American history, Vol. III: From Reconstruction to the present day, 1864-1981*. New York: Vintage Books.

This is an important source for primary documents on the beginnings of the ERA in the 1970's and includes opposition to the amendment

Hutchinson, KB (2007). *Leading Ladies; American Trailblazers*. New York: Harper-Collins Publishers, Inc.

Kay Bailey Hutchinson's *Leading Ladies* are women of courage, brilliance, creativity and perseverance who have made a positive contribution to the world.(xii) She wrote to inspire through biography for both young and old who look for new ideas beyond the conventional. Such are these women. She highlights the development of women in the military, contribution's of First Ladies, heroes of Women's Suffrage, trailblazers in medicine, public health and science, social justice and peace advocates and authors made contributions of value that cannot be denied. This book is valuable for both the stories and development of women's work but also because it covers the full time periods of American History. The biographies lend themselves to research on categories of women's contributions and to focusing on one individual and her work. Chapters may be a full resource or individual stories may be cornerstones for further research.

Hymowitz, C. and M. Weissman. (1978). *A history of women in America*. New York: Bantam Books.

Hymowitz and Weissman present a history of women that may also be used as a means of gaining an overview of a particular issue (housewife, new feminism, etc.) before delving more deeply into the issue through primary sources and journal articles. This is an excellent starting place for research but should not be considered final, comprehensive work.

Olson, L (2001). *Freedom's daughters: the unsung heroines of the civil rights movement from 1830 to 1970*. New York: Touchstone.

Olson book serves as a basis for comparison among movements and emphasizes the similarities among women as they looked for rights and equality. Race is the issue here but no less is the factor of gender that crosses color lines. In teaching students, we must always keep in mind the many facets of every issue and not look at events in isolation.

Powers, R. (2005). *Mark Twain: a life*. New York: Free Press.

Ron Powers offers a comprehensive look at the life of Mark Twain, one of America's greatest writers. His portrait encompasses the many influences on Twain's life and the many influences Twain himself had on American literature. Perhaps one of the most interesting points in this biography raises the question of whether or not Twain was a racist or more importantly someone who was unsurpassed in portraying the lives of African Americans as they really were. His dialogue was his commentary. Recommended for one doing extensive research on the post Civil War period or the author himself.

Rosenbloom, N. (2010). *Women in American History since 1880: A documentary reader*. West Sussex, UK: Wiley-Blackwell.

This book divides women in US History into 20-year segments so that material for a particular time frame is consolidated. The work is further broken down into four categories in each era: work, citizenship, representations and domestic lives. Each document is introduced by an explanatory note that introduces the reader to concepts represented in the piece. This text was developed for undergraduate studies but is certainly useful as another source of primary documents for high school. The bibliography adds an additional component for successful research.

Schiff, K G (2005). *Lighting the way: nine women who changed modern America*. New York: Hyperion.

Karenna Schiff's work is valuable for the biographies of women activists who are not as well known but surely powerful influences in the women's movement. The value of the book lies in its focus on the "ordinary" and that all those who strive to make a difference are courageous in their efforts. Recognition is not the key to success. The book provides another selection of biographies from which students may begin research on groups or individuals of courage and perseverance.

Schlessinger Media (2007). *Equality: A history of the women's movement in America*. Wynnewood, PA: Schlessinger Media.

This DVD is an excellent overview of women's work for equality as it begins with the influence of Abigail Adams and proceeds through the political process and foment of the 20<sup>th</sup> century. I will use this DVD as a cornerstone for my entire course on Women in US history as it breaks down the time periods into manageable segments to use as a platform for study.

Slack, C. (2004). *Hetty: The genius and madness of America's first female tycoon*. New York: HarperCollins Publishers, Inc.

*Hetty* chronicles the life of an industrious, determined, and, often, maligned woman who lived a simple life and amassed one of the great fortunes in American life. Her contemporaries were all men – Carnegie, Gould, Morgan and Rockefeller. No woman crossed the barrier of Wall Street and the idea that women were not suited to financial enterprises. Hetty ignored the socially acceptable mores and became her own woman with great success. She was called a miser and many stories were told about her character. This book reveals her successful life as it was lived. Since Hetty died in 1916, a book about her life is not relevant to a study of the late 20<sup>th</sup> century unless she is looked at as a model and forerunner of the successful business women of today. Her life, in comparison to expectations in today's business world, could set examples and be used as development of trends. Hetty's life story is that of a trailblazer for women of today.

Weller, S. (2008). *Girls like us: Carole King, Joni Mitchell, and Carly Simon – and the journey of a generation*. New York: Washington Square Press.

This book is such fun, especially for those of us who lived through this era. Sometimes I thought there was way too much personal information but, more than anything else, it definitely records the flavor of the time. Carole, Joni and Carly are from divergent backgrounds, religions, areas of the country and all flowered during a time of transition from the conservatism of the 1950's to the "no-holds-barred" decades of the 60's and 70's. These women chronicled, in their music, the changes in perceptions of women and women's perceptions of and beliefs in themselves. It is a delightful way to look at the coming of age of a generation.

Willenz, JA. (1983). *Women Veterans: America's Forgotten Heroines*. New York: Continuum Publishing Company.

Although this source is dated, it does give a comprehensive outline of women's roles in the military from the Revolution onward. There are vignettes from various women that give personal perspective. The discussion of the development of WAC, etc. services shows how the acceptance of women in the military increased during the 20<sup>th</sup> century. The downside of this work is that it does not cover the most recent developments in women's participation in the armed services. However, the book provides the springboard from which students may investigate current sources and compare and contrast the developments of women's roles. This source is valuable as a source but not as the final word as its publication date precludes current history.

## **ACCOMMODATIONS:**

Certain accommodations for this class are possible. All students will be given a syllabus and outline for various units of study. The outlines will assist to focus any students who might have difficulty with note taking. I will also provide hard copies of power point presentations and an outline, again, of pertinent topics from DVD's. Any student who has an IEP or 504 will be able to work with me after school to reinforce any learning deficiencies. Computers are available for students who have difficulty organizing their thoughts and writing in longhand for tests. Also, students who have comprehension or problems writing out answers to tests, may be tested orally and separately from others in the class.

## ADDENDUM 1

### Project Outline: American Women in US History

The paper/project uses a minimum of <u>six</u> sources, including at least one book, one journal article and one Internet source: Comments:	25
The required materials are submitted in/with the paper/project if appropriate:  Cover sheet (paper) Outline Bibliography and Works Cited Comments:	20
The text shows the importance of the woman or group or theme/topic in history and her/their contribution: Comments:	40
Other requirements are satisfied:  - <u>15 total pages</u> for paper or <u>Presentation</u> in appropriate format - Outline of presentation as handout for class. (The outline may be a copy of the slides or an outline of major points.) - Appropriate use of written English; bibliography and citations are in MLA format  Comments:	15
Total	100

## ADDENDUM 2

### Socratic Seminar: Participation Rubric

<p>Participation is Outstanding Assessment: 4</p>	<ul style="list-style-type: none"> <li>∅ Participant offers enough solid analysis, without prompting, to move the conversation forward</li> <li>∅ Participant, through his/her comments, demonstrates a deep knowledge of the text and the question</li> <li>∅ Participant has come to the seminar prepared, with notes and a marked/annotated text</li> <li>∅ Participant, through his/her comments, shows that he/she is actively listening to other participants</li> <li>∅ She/he offers clarification and/or follow-up that extends the conversation</li> <li>∅ Participant's remarks often refer to specific parts of the text</li> </ul>
<p>Participation is very good Assessment: 3</p>	<ul style="list-style-type: none"> <li>∅ Participant offers solid analysis without prompting</li> <li>∅ Through his/her comments, participant demonstrates a good knowledge of the text and the question</li> <li>∅ Participant has come to the seminar prepared with notes and/or a marked/annotated text</li> <li>∅ Participant shows that he/she is actively listening to others. She/he offers clarification and/or follow-up</li> </ul>
<p>Participation is satisfactory Assessment: 2</p>	<ul style="list-style-type: none"> <li>∅ Participant offers some analysis, but needs prompting from the seminar leader and/or others</li> <li>∅ Through his/her comments, participant demonstrates a general knowledge of the text and the question</li> <li>∅ Participant is less prepared, with few notes and no marked/annotated text</li> <li>∅ Participant is actively listening to others, but does not offer clarification and/or follow-up to others' comments</li> <li>∅ Participant relies more upon his/her opinion, and less on the text to drive his/her comments</li> </ul>
<p>Participation is not satisfactory Assessment: 1</p>	<ul style="list-style-type: none"> <li>∅ Participant offers little commentary</li> <li>∅ Participant comes to the seminar ill-prepared with little understanding of the text and question</li> <li>∅ Participant does not listen to others, offers no commentary to further the discussion</li> </ul>

Lack of participation

Assessment: 0

Reconfigured rubric based on [Adams@studyguide.org](mailto:Adams@studyguide.org): Modified 03/15/2010

## ADDENDUM 3

### Readings for Women and US History

(All pages are from your text (Through Women's Eyes) unless otherwise noted.)

#### Women and Work in 20<sup>th</sup> Century

Background:	570-582
Study how you would answer question #3,	583
Feminine Mystique	
Critique and passage from book:	595-597
Women and Work:	598-602
Unions:	602-605
Status of Women:	624-626
Are working mothers a threat to the home?:	644-647
Discrimination in the Workplace:	685-689, 701-712
Sexual Harassment:	Hill/Thomas hand out
Current Situation:	754-758

## ADDENDUM 4

### Women's Rights Legislation and Timeline

The following information is taken from [www.infoplease.com](http://www.infoplease.com) regarding women and court cases. The cases in large print that are underlined were considered to be LANDMARK Supreme Court cases involving women's rights.

#### *Muller v. Oregon (1908)*

In a unanimous decision, the Supreme Court upheld an Oregon state law limiting women to working no more than ten hours a day. Three years earlier, in *Lochner v. New York*, the Court had ruled that a state could not restrict the working hours of men, on the grounds that doing so would infringe on their right as workers to make their own working arrangements with employers. In this case, it held that this right was outweighed by the state's interest in protecting women.

The case featured what is now known as the "Brandeis brief," written to support Oregon's case by future justice [Louis Brandeis](#). It contained 2 pages discussing legal issues, and 110 pages of data providing evidence that long working hours had negative effects on the "health, safety, morals, and general welfare of women." This was the first time such data had been used in a Supreme Court case to demonstrate a reasonable basis for a state law.

1921

[Margaret Sanger](#) founds the American Birth Control League, which evolves into the [Planned Parenthood](#) Federation of America in 1942.

#### *Adkins v. Children's Hospital (1923)*

In a 5-3 decision, the Court struck down a federal law establishing a [minimum wage](#) for women in Washington, D.C. While the Court continued to hold that states could regulate the amount of time worked by women, they held that this was different from regulating the wages they could make. In the latter regard, they were held to have the right to make any arrangements they pleased, just like men.

This case pitted opposing groups of [women's rights activists](#) against one another, with one side fighting for women to receive increased protection, and the other wanting women to be on an equal footing with men.

1935

[Mary McLeod Bethune](#) organizes the National Council of Negro Women, a coalition of black women's groups that lobbies against job discrimination, racism, and sexism.

1936

The federal law prohibiting the dissemination of contraceptive information through the mail is modified and [birth control](#) information is no longer classified as obscene. Throughout the 1940s and 50s, birth control advocates are engaged in numerous legal suits.

#### *West Coast Hotel Co. v. Parrish (1937)*

In a 5-4 decision, the Court overturned *Adkins v. Children's Hospital*, upholding a Washington state law which established minimum wages for women and minors.

1955

The Daughters of Bilitis (DOB), the first lesbian organization in the United States, is founded. Although DOB originated as a social group, it later developed into a political organization to win basic acceptance for lesbians in the United States.

1960

The [Food and Drug Administration](#) approves birth control pills.

1961

President [John Kennedy](#) establishes the President's Commission on the Status of Women and appoints [Eleanor Roosevelt](#) as chairwoman. The report issued by the Commission in 1963 documents substantial discrimination against women in the workplace and makes specific recommendations for improvement, including fair hiring practices, paid maternity leave, and affordable child care.

1963

[Betty Friedan](#) publishes her highly influential book *The Feminine Mystique*, which describes the dissatisfaction felt by middle-class American housewives with the narrow role imposed on them by society. The book becomes a best-seller and galvanizes the modern women's rights movement.

June 10

Congress passes the [Equal Pay Act](#), making it illegal for employers to pay a woman less than what a man would receive for the same job.

1964

Title VII of the [Civil Rights Act](#) bars discrimination in employment on the basis of race and sex. At the same time it establishes the [Equal Employment Opportunity Commission](#) (EEOC) to investigate complaints and impose penalties.

### *Griswold v. Connecticut (1965)*

In a 7-2 ruling, the Supreme Court struck down a Connecticut state law banning the use of contraceptives. [This landmark ruling](#) established a [right to privacy](#) within a marriage, even though this was not explicitly guaranteed in the Constitution. In his majority opinion, Justice [William O. Douglas](#) stated that the existing amendments established a "zone of privacy" protecting citizens against government intrusion, and that this covered "the right to marital privacy." This, the Court contended, included the right of married couples to obtain and use [birth control](#). (This ruling did not address the question of contraception outside of marriage.)

1966

The National Organization for Women (NOW) is founded by a group of feminists including [Betty Friedan](#). The largest women's rights group in the U.S., NOW seeks to end sexual discrimination, especially in the workplace, by means of legislative lobbying, litigation, and public demonstrations.

1967

Executive Order 11375 expands President [Lyndon Johnson's affirmative action](#) policy of 1965 to cover discrimination based on gender. As a result, federal agencies and contractors must take active measures to ensure that women as well as minorities enjoy the same educational and employment opportunities as white males.

1968

The [EEOC](#) rules that sex-segregated help wanted ads in newspapers are illegal. This ruling is upheld in 1973 by the Supreme Court, opening the way for women to apply for higher-paying jobs hitherto open only to men.

1969

California becomes the first state to adopt a "no fault" divorce law, which allows couples to divorce by mutual consent. By 1985 every state has adopted a similar law. Laws are also passed regarding the equal division of common property.

1970

In *Schultz v. Wheaton Glass Co.*, a U.S. Court of Appeals rules that jobs held by men and women need to be "substantially equal" but not "identical" to fall under the protection of the [Equal Pay Act](#). An employer cannot, for example, change the job titles of women workers in order to pay them less than men.

1971

*Ms. Magazine* is first published as a sample insert in *New York* magazine; 300,000 copies are sold out in 8 days. The first regular issue is published in July 1972. The magazine becomes the major forum for feminist voices, and cofounder and editor [Gloria Steinem](#) is launched as an icon of the modern feminist movement.

### *Phillips v. Martin Marietta Corp. (1971)*

In a *per curiam* decision, the Court ruled that employers could not refuse to hire women with pre-school children while hiring men with such children.

### *Reed v. Reed (1971)*

In a 7-0 decision, the Court struck down an Illinois law giving preference to a male seeking to administrate an estate over an equally entitled female. This case concerned a set of separated parents whose adopted son had died without a will. Both sought to administrate the deceased's estate; following the law, a lower court had placed the father in charge. The Supreme Court ruled that men and women could be treated differently only when there was some reasonable and relevant cause for doing so; while the Illinois law simplified judicial proceedings, arbitrarily giving preference to men over women was "to make the very kind of arbitrary legislative choice forbidden by the Equal Protection Clause of the [Fourteenth Amendment](#)."

### *Eisenstadt v. Baird (1972)*

In a 6-1 ruling, the Court struck down a Massachusetts law banning the distribution of contraceptives to unmarried persons. The right to privacy established in *Griswold v. Connecticut* was now established as extending to *individuals*, married or single, rather than existing only between partners in a marriage.

1972 Mar. 22

The Equal Rights Amendment (ERA) is passed by [Congress](#) and sent to the states for ratification. Originally drafted by Alice Paul in 1923, the amendment reads: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." The amendment died in 1982 when it failed to achieve ratification by a minimum of 38 states.

June 23

Title IX of the Education Amendments bans sex discrimination in schools. It states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance." As a result of Title IX, the enrollment of women in athletics programs and professional schools increases dramatically.

### **Pittsburgh Press Co. v. Pittsburgh Commission on Human Relations (1973)**

Voting 5-4, the Court upheld a Pittsburgh ordinance making it illegal to indicate a gender requirement in most job postings. The *Pittsburgh Press* newspaper had "help wanted" listings in three columns: "Jobs—Male Interest," "Jobs—Female Interest," and "Male-Female." A lower court held that this violated Pittsburgh law, and the newspaper appealed on First Amendment grounds, claiming that this law violated the [freedom of the press](#). The Supreme Court ruled that as the ads were commercial speech, and especially as the discrimination itself was illegal, free speech rules did not apply to them or to their classification by the newspaper.

### **Roe v. Wade (1973)**

In a 7-2 decision, the Court [struck down](#) a Texas law restricting [abortion](#). It ruled that a state's interest in protecting both the health of a pregnant woman and potential human life needed to be balanced against a woman's right to privacy, which was now extended to cover a "qualified right to terminate her pregnancy." The Court established a shifting balance over the course of the pregnancy: in the first [trimester](#), the medical judgment of the woman's physician could not be restricted by the state; in the stage between that trimester and the viability of the [fetus](#), the state might "regulate the abortion procedure in ways that are reasonably related to maternal health"; after viability—taken as being the start of the third trimester—the state's interest in potential human life allowed it to "regulate, and even proscribe, abortion except where necessary, in appropriate medical judgment, for the preservation of the life or health of the mother."

### **Doe v. Bolton (1973)**

The 7-2 majority that established *Roe v. Wade* overturned Georgia's abortion law on the same day. Among the law's restrictions were the requirements that the abortion take place in an accredited hospital, that patient obtain the approval of three physicians *and* the hospital's abortion committee, and that the patient be a resident of Georgia. These restrictions were found to infringe upon the rights of the patient and those of her primary physician.

### **1974**

The Equal Credit Opportunity Act prohibits discrimination in consumer credit practices on the basis of sex, race, marital status, religion, national origin, age, or receipt of public assistance.

In *Corning Glass Works v. Brennan*, the U.S. Supreme Court rules that employers cannot justify paying women lower wages because that is what they traditionally received under the "going market rate." A wage differential occurring "simply because men would not work at the low rates paid women" is unacceptable.

### **1976**

The first marital rape law is enacted in [Nebraska](#), making it illegal for a husband to rape his wife.

### **1978**

The Pregnancy Discrimination Act bans employment discrimination against pregnant women. Under the Act, a woman cannot be fired or denied a job or a promotion because she is or may become pregnant, nor can she be forced to take a pregnancy leave if she is willing and able to work.

### **Harris v. McRae (1980)**

In a 5-4 ruling, the Court upheld a law barring the use of [Medicaid](#) funds for abortions, except in specific cases. The Hyde Amendment allowed the funding of abortions in cases when the mother's life was in danger, and in cases of rape or incest. The Court held that a

woman's right to terminate a pregnancy did not entitle her to receive government funding for that choice

**1984**

**EMILY's List (Early Money Is Like Yeast) is established as a financial network for pro-choice Democratic women running for national political office. The organization makes a significant impact on the increasing numbers of women elected to Congress.**

**1986**

***Meritor Savings Bank v. Vinson*, the Supreme Court finds that sexual harassment is a form of illegal job discrimination.**

***Webster v. Reproductive Health Services (1989)***

Voting 5-4, the Court upheld several restrictions placed on abortion in Missouri. It found that the state could prohibit the use of state employees or facilities for abortions not necessary to save the mother's life; prohibit the use of public funds, employees, or facilities to encourage or counsel a woman have an abortion for non-life-saving purposes; and require physicians to perform a test to see whether a fetus is viable, if they have reason to believe that the mother is at least 20 weeks pregnant. The first two were found to be essentially the same as the restrictions on public funding upheld in *Harris v. McRae*, while the viability test was found not to be in violation of *Roe*.

***International Union, UAW v. Johnson Controls, Inc. (1991)***

In a unanimous 9-0 ruling, the Court held that a battery manufacturer could not bar fertile women from jobs involving exposure to lead, despite the potential for fetuses being harmed by [lead poisoning](#). It found that this was a case of sex discrimination, as no similar policy was in place for fertile men, despite the potential for dangerous effects on the male reproductive system. Furthermore, child-bearing concerns were irrelevant to employees' abilities to carry out the functions of their jobs, which would be the only legitimate reason for discrimination.

***Planned Parenthood v. Casey (1992)***

In a 5-4 decision, the Court upheld several Pennsylvania abortion restrictions, while striking down the requirement for notifying husbands. It held that it was legal to require doctors to provide women with information on the potential risks associate with abortions at least 24 hours before the procedure was performed, and to require a minor seeking an abortion to obtain either the consent of one of her parents or a judicial bypass. Under the Pennsylvania law, these requirements did not apply in cases of a "medical emergency." The plurality opinion, written by [Sandra Day O'Connor](#), rejected the rigid trimester distinctions of *Roe* in which a state's interest in potential life could not be the basis for regulation until the third trimester. Instead, it held that regulations on abortion could not impose an "undue burden," which, in this case, applied only to spousal notification.

**1994**

**The Violence Against Women Act tightens federal penalties for sex offenders, funds services for victims of rape and domestic violence, and provides for special training of police officers.**

***United States v. Virginia (1996)***

The court ruled 7-1 to strike down the [Virginia Military Institute's](#) (VMI) male-only admissions policy. All VMI students are military cadets; it was the last male-only public institution in the United States. The United States sued VMI, arguing that their admissions policy violated the Equal Protection Clause of the 14th Amendment to the Constitution. The District Court ruled in VMI's favor, but the Fourth Circuit ruled that VMI was in violation of

the Constitution. In response, VMI offered to create a female-only parallel program based at Mary Baldwin College, a nearby private liberal arts school for women. But in her majority opinion for the Supreme Court, Justice [Ruth Bader Ginsburg](#) stated that the proposed all-female program could not offer the same prestige, alumni connections, faculty, or military training as VMI—therefore the proposed program was unconstitutional and VMI had to begin admitting women.

**1999**

The Supreme Court rules in *Kolstad v. American Dental Association* that a woman can sue for punitive damages for sex discrimination if the anti-discrimination law was violated with malice or indifference to the law, even if that conduct was not especially severe.

**2003**

In *Nevada Department of Human Resources v. Hibbs*, the Supreme Court rules that states can be sued in federal court for violations of the Family Leave Medical Act.

**2005**

In *Jackson v. Birmingham Board of Education*, the Supreme Court rules that Title IX, which prohibits discrimination based on sex, also inherently prohibits disciplining someone for complaining about sex-based discrimination. It further holds that this is the case even when the person complaining is not among those being discriminated against.

**2006**

The Supreme Court upholds the ban on the "partial-birth" abortion procedure. The ruling, 5–4, which upholds the Partial-Birth Abortion Ban Act, a federal law passed in 2003, is the first to ban a specific type of abortion procedure. Writing in the majority opinion, Justice Anthony Kennedy said, "The act expresses respect for the dignity of human life." Justice Ruth Bader Ginsburg, who dissents, called the decision "alarming" and said it is "so at odds with our jurisprudence" that it "should not have staying power."

**2009**

President Obama signed the Lily Ledbetter Fair Pay Restoration Act, which allows victims of pay discrimination to file a complaint with the government against their employer within 180 days of their last paycheck. Previously, victims (most often women) were only allowed 180 days from the date of the first unfair paycheck. This Act is named after a former employee of Goodyear who alleged that she was paid 15–40% less than her male counterparts, which was later found to be accurate.

## ADDENDEM 5

### EQUAL RIGHTS AMENDMENT

#### Overview

#### The ERA: A Brief Introduction

- ★ **Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.**
- ★ **Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.**
- ★ **Section 3. This amendment shall take effect two years after the date of ratification.**



These simple words comprise the entire text of the Equal Rights Amendment (ERA), affirming the equal application of the U.S. Constitution to both females and males.

The ERA was written in 1923 by Alice Paul, suffragist leader and founder of the National Woman's Party. She and the NWP considered the ERA to be the next necessary step after the 19th Amendment (affirming women's right to vote) in guaranteeing "equal justice under law" to all citizens.

The ERA was introduced into every session of Congress between 1923 and 1972, when it was passed and sent to the states for ratification. The seven-year time limit in the ERA's proposing clause was extended by Congress to June 30, 1982, but at the deadline, the ERA had been ratified by **35 states**, leaving it **three states** short of the 38 required for ratification. It has been reintroduced into every Congress since that time.

In the 110th Congress (2007 - 2008), the Equal Rights Amendment has been introduced as S.J. Res. 10 (Sen. Edward Kennedy, MA, lead sponsor) and H.J. Res. 40 (Rep. Carolyn Maloney, NY, lead sponsor). These bills impose no deadline on the ratification process in their proposing clauses. The ERA Task Force of the [National Council of Women's Organizations](#) supports these bills and urges groups and individuals to advocate for more **co-sponsors** and passage.

<http://www.equalrightsamendment.org/overview>

Who Needs An Equal Rights Amendment? You Do!

After more than 200 years of living under the [United States Constitution](#) and despite all of the progress we have made, women continue to suffer discrimination in employment, insurance, health care, education, the criminal justice system, social security and pensions, and just about any other area you can name.

Laws to prevent sex discrimination are simply not enough. The bleak reality is that because hard-won laws against sex discrimination do not rest on a strong constitutional foundation, they are essentially ephemeral. These federal laws and regulations contain many loopholes;

are inconsistently interpreted, or worse — ignored; and may be weakened by amendment or repealed outright.

Also, women seeking enforcement of these laws must not only convince the courts that discrimination has occurred, but that it matters. A constitutional guarantee of equality would absolutely shift the burden away from those fighting discrimination and place it where it belongs, on those who would discriminate. They would have to justify why discrimination should be allowed rather than women having to explain why we deserve equality.

### Discrimination Exists

Women need only examine our own life experiences to know that discrimination on the basis of sex is abundant in our society. A few blatant examples that would be redressed by explicit inclusion of women in the U.S. Constitution are listed:

**Employment.** Women are underpaid and undervalued in the workforce. In 1994, women still were paid only 74¢ for every dollar paid to men (1). Jobs traditionally held by women remain clustered at the lower end of the pay scale, while traditional men's jobs, even those having similar education requirements and time and effort on the job, are paid more. Thus, secretaries are routinely paid less than truck drivers even if both jobs are of equal importance to a company.

More startling is that even for traditional women's work, women are discriminated against — in 1995 the median income for registered nurses for women was \$35,360 and for men \$ 36,868 (2). A 1994-95 survey found that male elementary school teachers had a mean base salary of \$33,800 as compared to \$32,292 for women (3) and women computer operators made almost \$7000 less annually than their male counterparts (4). There is even a large salary differential (20%) for retail store cashiers of which more than 85% are women (see fig. 1) (5).

Issues of pay equity for comparable worth are not addressed by any federal laws. A CEA could remedy these and many other concerns of women in the workforce, including the "glass ceiling" and sexual harassment.

**Figure 1. Median Annual Salaries**

Registered Nurse	-Men-	\$36,868
	-Women-	\$35,360
Elementary School Teacher	-Men-	\$33,800
	-Women	\$32,292
Computer Operator	-Men-	\$26,000
	-Women-	\$19,084
Retail Cashier	-Men-	\$13,728
	-Women-	\$11,440

**Reproductive Rights.** Stereotyping of pregnant women and mothers, interference with a woman's right to control her own body and other forms of discrimination intrude on women's reproductive freedom.

Court cases like *California Savings and Loan v. Guerra* (6) have led to a debate as to whether pregnancy should be accorded special treatment under law since equal treatment has been insufficient protection for pregnant workers' rights. By including a specific statement (Section 3) in the proposed CEA, we make clear that women do not seek preferential, special or protected treatment because of pregnancy. What women do want is recognition that pregnancy is part of the natural human experience and should not be used to put women at a disadvantage.

Despite the provision of Title VII, the [Pregnancy Discrimination Act](#) and the Family and Medical Leave Act, pregnant women still face discrimination in the work place. Women on maternity leave, like employees who take sick leave, are not necessarily guarantee job protection and reinstatement when they return to work. Their jobs can be eliminated and the burden of proof requires evidence that the employer **intended** to discriminate (7).

Since 1973, when the Supreme Court handed down the historic *Roe v. Wade* decision which legalized abortion, a woman's right to terminate a pregnancy has been under continuous attack. These attacks come in the state legislatures, the U.S. Congress, the courts and at women's health clinics. The latest assault by the Congress has been on the late term abortion technique known as dilatation and extraction (D&X). This rarely utilized procedure is employed only when the life or health of the mother is at risk or the fetus is severely deformed. This bill, passed by both houses of Congress, would have outlawed the abortion method, with inadequate protection for life and health of the woman (8). The bill was stalled by a presidential veto.

Mandatory pregnancy has become the reality for many young and poor women and, as of 1995, for federal workers and women in the military serving abroad where safe, private facilities are not available (9). The real issue for women is the right to bodily integrity, and without this basic right women can have no true freedom.

**Insurance, Pensions, and Social Security.** Sex discrimination contributes significantly to the economic plight of older women. Nearly 75% of the nation's 4 million elderly poor are women (10). Older women have just over half the income of older men, and women of color have significantly less income than older white women (see table below) (11). The disproportionate poverty of older women is created by a lifetime of low wages intensified by sex discrimination in pensions, retirement insurance, and social security.

**Table: 1992 Median Income for Those 65 and Older**

White men	\$14,548
White women	\$8,579
Black women	\$6,220
Hispanic women	\$5,968

**Insurance.** State insurance regulators routinely approve the use of selective classifications by sex for premiums and payouts in five types of insurance: automobile, disability income, medical expense, life and retirement income insurance (pensions and annuities) (see bulleted list below).

Women are frequently required to pay higher insurance premiums than men for the same benefits, or to pay the same as men for less protection or benefits, thereby reducing their take home pay (12). The excuse for this discrimination is that insurance company tables show that more women than men live longer than average or have higher health costs. The Supreme Court found in *City of Los Angeles Department of Water and Power v. Manhart* (13) that the use of sex divided tables violated Title VII's prohibition against sex discrimination in employment. But this ruling applied only to employer-paid insurance policies and not to those purchased by individuals with private insurance companies. In addition, the ruling was weakened by the decision of a New York federal court which exempted certain employer plans from Title VII coverage (14).

If we won equality in insurance prices, coverages, and benefits women would gain over \$2.5 billion annually (12) (see the following bulleted list).

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#### **What Women Would Gain from Insurance Equality with Men**

- \$150 million per year in increased ANNUITIES paid to retired women, equaling what men get with the same policies.
- \$140 million per year in increased LIFE INSURANCE savings paid out to older women, equaling what men get with the same policies.
- 19 million women charged tens to hundreds of dollars less per year for MEDICAL EXPENSE insurance, with pregnancy covered as fully as any other expense.
- 7.4 million women charged tens to hundreds of dollars less per year for DISABILITY INCOME insurance, with disability due to pregnancy covered as fully as disability due to other causes.

- \$2 billion per year in reduced charges for AUTO insurance. The current pricing scheme is strongly biased against women because it ignores the 2:1 ratio of men's to women's average mileage, and consequent 2:1 ratio of accident involvement. Four of five cars pay unisex "adult" premiums. *Ending sex-divided pricing for young drivers without ending the extreme price bias against below- average mileage drivers simply means continued gross overcharging of women as a class, relative to men.* Proportioning premiums to odometer miles actually driven by the insured car — cents/mile for each car in a risk class (territory, car type, etc.) — would reduce women's premiums an average of 30%. Cars driven more than average mileage by either women or men would also pay in proportion to the insurance protection they actually used — true unisex pricing.

**Pensions.** Women are only half as likely as men to receive a pension, and those who do receive only half as much. Just 22% of women 65 and older reported having received pension income in 1992 based on previous employment, and those that did, received an average of \$5,432 per year. In contrast, nearly half (49%) of men age 65 and older reported having received pension income in 1992 based on previous employment, with an average of \$10,031 per year [\(15\)](#).

**Social Security discriminates against women.** The policies on which the system was founded in 1940 are reflective of the stereotypical role that women played during those years. Only 14% of women were in the workforce and most women spent their lives as married homemakers. Today, 58.9% of women are in the workforce and the divorce rate has risen. Despite these radical societal changes, the Social Security system holds to the same sex-biased assumptions. Married men receive 100% of their benefits for a lifetime, and since homemakers' contributions to marriage partnerships are not valued fully, wives are considered dependents and as such, receive lower payments. Widows receive only 72% of their deceased husband's benefits, and divorced women receive only half [\(16\)](#).

Since Social Security is the sole income source for many older women, the retrogressive policies are often devastating to women. As of 1990, 33% of unmarried women 65 and older depended on Social Security for at least 90 percent of their income; more than one-sixth had no other income [\(17\)](#). Women of color in this group were at least twice as likely as white women to rely on social security for 100% of their incomes.

**Lesbian and Gay Rights.** Currently lesbians and gay men are discriminated against in areas as basic as employment, parenting, marriage and housing rights. Numerous court decisions demonstrate the need to establish a constitutional guarantee of rights regardless of sexual orientation.

Many cases illustrate the pervasive discrimination against lesbians and gay men. One of the most plainly egregious and unfair is the case of a lesbian mother in Pensacola, Florida. Mary Ward lost custody of her daughter to John Ward, her ex-husband and a convicted murderer. In awarding custody to John Ward, Judge Joseph Tarbuck said, "This child should be given the opportunity and the option to live in a non-lesbian world." The judge made the custody award to John Ward despite his conviction in a brutal murder.

In 1974, John Ward shot and killed his first wife in the parking lot of a Pensacola restaurant. Witnesses said he had been talking with his wife when he shot her six times. He then reloaded the gun and shot the woman six more times. John Ward pleaded guilty to second-degree murder and served his sentence in a Florida prison.

Fully aware of the father's past, the judge said John Ward would provide "decent living accommodations" for his daughter. The judge also stated that the child needed a "stricter environment, more discipline." Currently, there is no federal protection against discrimination based on sexual orientation. Clearly, passage of the CEA would give lesbians and gay men the constitutional standing necessary to challenge unjust laws.

**Education.** While Title IX has been effectively used to reduce discrimination based on sex in educational programs and activities receiving financial assistance, women and girls are still daily disadvantaged in educational programs. These disadvantages run a wide spectrum

from a girls' high school track team (Gulliver Academy, Miami, Florida) being disqualified because of the shorts they wore, to the state supported [Virginia Military Institute](#) (VMI) and South Carolina's Citadel refusing to admit women.

The shorts the high school students wore were the same type used by Olympic runners and not against the state athletic rules. Nevertheless the men of the Florida High School Athletic Association found them too revealing. This decision is blatant sex discrimination — not one male team in history, beginning with the ancient Greeks who ran naked to modern day boys' competitive swimwear, has been similarly disqualified.

VMI has as its stated purpose to develop "citizen soldiers" who would serve the state. VMI graduates are not required to enter the military and only 18 percent choose it as a career (18). Instead the majority of graduates of VMI, and those at the Citadel, fill the halls of power in government and industry of their respective states. The very real harm to women denied access to these prestigious institutions is the deprivation of a life-long influential network. Or as Liza Mundy put it, "Affection, connection, humor, sexism: That to me, is VMI. And when you get down to it, what women are being denied is membership in a powerful, publicly funded men's club. Virginia Women's Institute for Leadership may be a terrific program, but it isn't the club. It is, with all due respect to the women who go there, a ladies' auxiliary, camouflaged in faddish clothing." (18).

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