

veteran feminists of america
salutes
feminist lawyers
1963-1975

june 9, 2008

the harvard club of new york city
35 west 44th street • new york, ny 10036

veteran feminists of america

—a brief history

In the 1980s I was in New Orleans recuperating from a decade of heavy feminist activity in New York. It was the Reagan years. The ERA had failed and feminists were often called feminazis. Where once I'd been respected for my efforts, friends and family now found my feminist actions embarrassing. I often attended events where men were being honored for their contributions to society, and wondered why we feminists, who had made dramatic improvements for women and changed America, were practically disdained.

Destiny moved me to Florida in 1988 and there I looked up Roxcy Bolton and met old NOW buddies Mary Jean Tully and Gene Boyer. We talked about holding a reunion of NOW members on NOW's 25th anniversary. Mary Jean, whose unrelenting determined efforts made the NOW Legal Defense and Education Fund a thriving reality, had funded a history-of-NOW project for the Schlesinger Library and needed my help.

So back to my favorite city I went, and soon was on the interviewing track. It was exhilarating to see each other after so many years—even the New Yorkers had been out of touch. The plea from all was to have a reunion. I began to plan, and a committee was formed to get things going.

By now I was living in Phoenix. But I traveled often to New York to meet with the committee and we began to think beyond a reunion to an organization. Like the veterans of bloody wars, I told the women, remembering how my brother met yearly with his World War II buddies. Let's have an organization for camaraderie, but also to honor ourselves. And if we fail to document our history, our movement may be doomed to one paragraph in the history books, as was the Nineteenth Century movement.

"Well," said Barbara Seaman, "we too are veterans, so let's call ourselves Veterans of Feminist Wars." All agreed and for a few years, until warned we could be sued, we were the VFW.

Our first reunion as VFW was held in May 1993 in New York City in honor of Catherine East of Washington DC, the woman Betty Friedan called "midwife of the feminist movement." Over 250 came from around the world to honor the beloved Catherine who, with attorney Mary Eastwood, had been instru-



mental in the founding of NOW. We next honored Flo Kennedy, then Bella Abzug; later in NY it was Gloria Steinem, Kate Millett, and Betty Friedan. At the Sewall-Belmont House in Washington DC, where Alice Paul worked to get women the vote and the ERA, we celebrated Congresswoman Martha Griffiths, who was instrumental in getting the word "sex" included in Title VII.

Muriel Fox, a founder of NOW, joined us in 1996 to organize a celebration of the thirtieth anniversary of that organization, and then became chair of VFA's board. Sheila Tobias, a founder of university Women's Studies programs, had often been our event emcee. Now she took charge of planning a celebration of women's studies, then of writers, and her election as our executive vice president made it possible for VFA to expand and hold events beyond New York and Washington.

We've held over 40 reunions and conferences in Boston, Chicago, Los Angeles, New Orleans, Boca Raton, Baltimore, Connecticut, Tucson and Phoenix. We've honored artists and musicians and over a thousand pioneer feminists. Barbara Love's monumental *Feminists Who Changed America 1963-1975*, published in 2006, has generated great excitement all around the country.

Today we're paying tribute to the lawyers who were so important in the early years, those who handled the early cases brilliantly and lifted women from years of oppression. We pay special tribute to early feminist lawyer and activist, Supreme Court Justice Ruth Bader Ginsburg. We have a fabulous webpage, an archive of news and events and send out an ENEWSletter several times a year, with news that affects women around the world.

In the future we'll salute our athletes, the women's health movement, journalists, and women in business and finance. DVDs of our events will be housed at major Women's History libraries. There is still much to do, and my hope is that VFA will continue to leave its mark in the history books and always be there for pioneers of the Second Wave as long as there is a Second Wave. ■

—Jacqui Ceballos, VFA founder/president

a tribute to justice ruth bader ginsburg, feminist litigator

Almost 25 years before she was sworn in as the 107th Justice (and second woman) on the U.S. Supreme Court, 36-year-old Ruth Bader Ginsburg embarked on a carefully-conceived, decade-long project that would have secured her place in American history even if she had not ascended to the nation's highest tribunal.

The year was 1969, and Ginsburg had just been promoted to full professor at Rutgers Law School where, since 1963, she had been teaching and publishing articles on such subjects as civil procedure, recognition of foreign judgments and legal services for poor people in foreign legal systems. Urged by her women students, instructed by her personal experiences of a woman's second-class status and buoyed by the rising tide of the reborn feminist movement in the United States, Ginsburg, Phi Beta Kappa graduate of Cornell University and tied-for-top graduate in Columbia Law School's class of 1959, turned her formidable energy and intelligence to teaching, writing about and litigating for women's equal status under law.

By early 1971, Ginsburg was teaching one of the first women-and-law courses in the U.S. With her students she had worked on issues ranging from discrimination against pregnant schoolteachers to sex integration of the all-male Rutgers College and equal education benefits for women veterans. But by then she was searching for a suitable case to take to the Supreme Court, which had never recognized the constitutional right of women to be treated as equals to men.

Then on March 3, the Supreme Court granted review to the case *Reed v Reed*. Sally Reed was challenging an Idaho law specifying that when equally qualified persons sought to administer a decedent's estate, the

man must be preferred to the woman. Reed's Idaho lawyer made the oral argument, but it was Ruth Ginsburg's eloquent brief recounting the history of women's legal inequality, and presenting for the first time the argument that sex-based laws should, like race-based laws, be treated as "suspect," that won over a unanimous Court. Although the Court did not go so far as to declare sex classifica-



tions suspect, the Reed opinion displayed its unprecedented willingness to take sex discrimination challenges seriously: The Idaho statute, it said, "provides that different treatment be accorded to the applicants on the basis of their sex; it thus establishes a classification subject to scrutiny under the Equal Protection Clause."

In December 1971, the ACLU Board of Directors budgeted funds for a Women's Rights Project, and Ruth Ginsburg (who would move to Columbia Law School in mid-1972 as its first tenured female faculty member) was selected to head the project. Ginsburg's next major victory was *Frontiero v Richardson* (1973), in which the Court, with only one dissent, decided it was unconstitutional to accord women members of the uniformed services lesser medical and housing benefits for their families than it gave male members. A plurality of the Court, acknowledging the nation's "long and unfortunate history of sex discrimination," went further, agreeing with appellants that "classifications based upon sex, like classifications based on race, alienage, and national origin, are inherently suspect and must therefore be subjected to close judicial scrutiny." Although that position never acquired support of the Court's majority, Ginsburg's 1975 victory in *Weinberger v Wiesenfeld* acknowledged the costs of "one-eyed sex-role pigeonholing" to both sexes and whole families and consolidated the Court's position that sex classifications would attract its active attention, even if not the "close judicial scrutiny" to which it subjected racial

classifications. When the Court finally settled on a durable articulation of the appropriate standard in 1976 (“classifications by gender must serve important governmental objectives and must be substantially related to achievement of those objectives”), it was not Ruth Ginsburg’s case, but her fingerprints were everywhere—she had advised the petitioner’s Oklahoma lawyer on his brief, submitted an amicus brief for the ACLU, written the petitioner’s reply brief, and joined petitioner’s lawyer at counsel table during oral argument.

By 1980, when she left teaching and litigating to take up judging on the federal Court of Appeals in DC, she had litigated nine sex-discrimination cases in the Supreme Court—writing briefs in all of them, presenting oral argument in six, and losing only one. Moreover, she had contributed directly to almost every other major sex-discrimination case brought to the Court in the 1970s, submitting 15 amicus briefs, had coauthored the first law-school casebook on sex discrimination and law, published at least 24 articles, monographs and book chapters on sex-discrimination issues, given innumerable speeches and presentations on gender questions, fought for the Equal Rights Amendment, and provided advice, support and inspiration to her fellow pioneer feminist lawyers, many of whom are being honored at this event.

Aryeh Neier, executive director of the ACLU during Ginsburg’s litigation years, said of her achievement, “To my knowledge the only litigation strategy that anyone ever implemented that was as clearly developed [as Ginsburg’s] was what Thurgood Marshall did at the NAACP Legal Defense Fund.” Her 1970s litigation campaign for women’s equality, he said, “was one of the masterpieces of American cause litigation.” ■

—*Wendy Williams*

9:00-10:00 a.m. Registration and Continental Breakfast

10:00-12:30 p.m. Morning Panels, Open Mike

12:30-3:30 p.m. Awards Luncheon with Special Tribute
to Justice Ruth Bader Ginsburg

3:30-4:45 p.m. Third Panel, Open Mike

4:45-6:30 p.m. Reception and Memoriams



Panel One 10:00 a.m.

CHANGING THE LAW

Moderator **Karen DeCrow***

Cynthia Grant Bowman on education

Betty Weinberg Ellerin on employment law

Brenda Feigen* on constitutional law

Sybil Shainwald on women’s health including reproductive rights

Cynthia Grant Bowman teaches Torts, Family Law and Feminist Jurisprudence at Cornell Law School, was a Professor of Law and of Gender Studies at Northwestern University before coming to Cornell. She has published widely in diverse areas such as women in the legal profession, sexual harassment, and legal remedies for adult survivors of childhood sex abuse.

Betty Weinberg Ellerin, past president of the National Association of Women Judges and chair of its National Task Force on Gender Bias in the Courts, was the first woman appointed to the Appellate Division of the Supreme Court of New York. As the first woman to serve as Deputy Chief Administrative Judge of the State of New York she administered all the trial courts in NYC.

Sybil Shainwald, attorney and expert in women’s health law, has litigated thousands of cases involving drugs and medical devices that have injured women and their offspring, including the Dalkon Shield Intrauterine device; silicon breast implants; Parlodel, a drug to suppress lactation; and Norplant, a contraceptive device. She has written, testified, and lectured widely on subjects such as obstetrical malpractice, IUDs, hormone therapy, and product liability.

Panel Two 11:15 a.m.

CHANGING THE PROFESSION

Moderator **Cynthia Fuchs Epstein** is Distinguished Professor of Sociology at the Graduate Center of CUNY and Adjunct Professor of Law at Columbia Law School. Her *Women in Law* was the first book analyzing gender issues in the legal profession. Many of her works report on studies of glass-ceiling issues and part-time work in law.

Janice Goodman*

Valorie K. Vojdik is a Professor of Law at West Virginia University College of Law and Deputy Director of its Law Clinic. She was lead counsel to Shannon Faulkner in her lawsuit against The Citadel, the public military-style college in South Carolina, which successfully ended its 154-year males-only admission policy.

Kristin Booth Glen, a founder of the Women’s Law Clinic at NYU, wrote cutting-edge decisions in a range of areas including AIDS, sexual harassment, rights of the physically and mentally challenged, the elderly, and on constitutional issues such as free speech. In 1995 she was appointed Dean of the City University of New York School of Law.

Panel Three 3:30 p.m.

WHERE WE ARE AND WHERE WE’RE HEADED

Moderator **Judge Emily Jane Goodman***

Sandra Goldschein on abortion

Catherine J. Douglass on family law and poverty

Rhonda Copelon* on human rights including trafficking

Nancy S. Erickson* on domestic violence and rape

Sondra Goldschein, Adjunct Assistant Professor at Hunter College and on the ACLU Reproductive Rights Project, provides legal analysis and advice for ACLU affiliates and coalition partners facing legislation impacting provision of reproductive health care. In 2006, she worked in South Dakota with the Campaign for Healthy Families to help reject the state’s abortion ban. She speaks frequently about threats to reproductive freedom.

Catherine Douglass is founder and executive director of inMotion, which since 1993 has provided free legal services, primarily in the areas of matrimonial, family and immigration law, and intensive social-work support to indigent and low-income women in New York City. Douglass also cofounded and co-chairs the Lawyers Committee Against Domestic Violence.

** Biography listed with Honorees*

The Luncheon

Welcome

by Sonia Pressman Fuentes

Introduction of Ruth Bader Ginsburg

by Lynn Hecht Schafran

The Honoring Ceremony

officiating: Jacqui Ceballos, VFA president;
Muriel Fox, board chair; Sheila Tobias, events chair

Closing

by Sonia Pressman Fuentes



salute to feminist lawyers

who changed the law and changed the profession: 1963–1975

Why do we begin the Second Wave in 1963?

To be sure, this is the year Betty Friedan publishes *The Feminine Mystique*, the book that becomes a call to arms. But the immediate sequence of events that precipitates the formulation of Second Wave thinking and the founding of feminist organizations begins two years *before* when, upon John F. Kennedy's naming of (another) all-male Cabinet, Eleanor Roosevelt is said to have asked him: "Where are the women on your New Frontier?" In response, JFK calls into being the first-ever President's Commission on the Status of Women, which he asks Roosevelt to chair. The commission is directed to *study* women's status and circumstances, not to *change* them. But, as one of them recalled years later, the commissioners were "radicalized by our findings," as they documented again and again how much women's problems were rooted in their inequality.



© BETTY LANE

Another early landmark was the Federal Equal Pay Act (1963) which, as the result of a delayed appreciation for the contributions of women war-workers



© BETTY LANE

during World War II, predated the Second Wave. But more significant was what historian Nancy Cott calls the "fateful addition of the word 'sex'" to Title VII of the 1964 Civil Rights legislation with its potential to prohibit *employment discrimination*. That really launched the Women's Movement. At first resis-



© BETTY LANE

ted by the EEOC, the government agency charged with enforcing Title VII, the ensuing battles against employers who discriminated on the basis of sex and the need to pressure the EEOC to hear these complaints gave feminist litigators in all of the country plenty to do.

Fast forward to 1975, a watershed for feminist activity. *Ms* magazine has been launched in 1972 and is climbing toward 400,000 subscribers, about the same number of dues-paying members as NOW. Abortion has been decriminalized in a 1973 Supreme Court decision brilliantly argued by Sarah Weddington, and anti-

abortion laws in all 50 states are suddenly unenforceable. The Equal Rights Amendment, long resisted—even by the Women's Bureau in the 1940s because it would undermine women's protective legislation at the workplace—is on its way to what would appear (at the time) to be easy ratification. And barriers to women's equal access to credit, to public accommodations, and to pensions have fallen away, giving greater power and prestige to some but not yet all classes of women—shifting popular perceptions of women in its wake.

Some scholars have explained the initial almost-unstoppable success of the Women's Movement as having to do with the feminist focus on the kind of blunt inequities for which not even conservatives could muster support. Rulings requiring equal access to credit, mortgages, pensions, public accommodations, passed rapidly in state after state and were taken up by federal statute. Once the barriers were down, it was obvious that women would swell the ranks of customers, borrowers, and clients. In fact, once banks got exemption from lawsuits, they fully supported the 1972 Equal Credit legislation because working women would significantly augment their customer/borrower base.

As important, the once-sacrosanct protective laws that kept women from working overtime (for overtime pay) and rising into supervisory ranks in blue-collar industries, were struck down in court case after court case

beginning with feminist attorney Marguerite Rawalt's stunning victory for working women in *Mengelkoch*.

By 1975, however, "equity" issues were giving way to issues having to do with "role change." Equal access to sports and sports scholarships promised to change women's attitudes and behavior *off* the field as well as on: their body image, their attitudes toward other women (their teammates), even more significantly, what they would "settle for" in life. The availability of the Pill coupled with legalized abortion gave young women a level of control over their sexuality their mothers could not have imagined. And greater tolerance of sexuality in all its manifestations opened the reality of "family" to more than one model. Once gender and sexuality were understood to be manifestations of what Kate Millett called "sexual politics," the Movement's aims swelled to include issues of identity and sexuality, women's right to be called to the pulpit and to enter the military officer corps.

From the outset of the Second Wave, there is of course opposition to the Women's Movement. *Esquire* magazine tries a stunt in the early 1970s that swiftly backfires: a two-page spread of photographs of by-then famous feminists over the cut line: "They're cute when they're mad." The male-dominated New York-based intelligentsia, including some women such as Diana Trilling and Midge Decter led loudly by Norman Mailer, have it out in print and in public debate with Kate Millett, Jacqui Ceballos, Karen DeCrow, Germaine Greer and Gloria Steinem. But not until 1975 is there *organized opposition* to the Women's Movement among men (significantly the National Collegiate Athletics Association defending men's right to exclude women), and among conservative women: Phyllis Schlafly's STOP ERA. Later, the so-called Concerned Women of America eventually join with anti-gay and anti-abortion activists to slow down change.

Nineteen seventy-five is not the beginning of the end of the Women's Movement. Rather in my view it signifies the end of the beginning. Second-Wave activists, like their suffragist foremothers, were forced to settle in for the long haul. In their struggle to make sense of how they lost the ERA (in 1982), why the press (and pluralities in the Congress) found it profitable to turn against them during the Reagan era, and how it was possible for younger women *not* to want to carry the torch, they would have to rely even more than before on legal challenges, legal recourse and the courts.

—*Sheila Tobias*



honorees

Barbara Allen Babcock graduated from Yale Law School in 1963 and clerked for Judge Henry Edgerton on the DC Circuit, the first federal judge to hire a woman clerk.

After a few years with Washington lawyer Edward Bennett Williams, Babcock joined the Legal Aid Agency, a pilot project designed to implement the Gideon decision guaranteeing the right to free counsel for the indigent accused. Under her leadership, the agency became the Public Defender Service, a model for the delivery of defense services.

In the early 70s Babcock taught the first courses on Women and the Law at Georgetown and at Yale. She became the first woman on the regular faculty at Stanford in 1972 and taught the first course in sex discrimination there, as well as starting a clinical program with Equal Rights Advocates, a women's law firm in San Francisco. She was coauthor of an early text entitled *Sex Discrimination and the Law: Causes and Remedies* (with Eleanor Holmes Norton, Ann Freedman, and Susan Dellar Ross on the first edition).

On leave from Stanford, Babcock served in the Carter Administration as Assistant Attorney General for the Civil Division. In that capacity, she was in charge of identifying and aiding potential women federal judges. Ruth Bader Ginsburg was one of the candidates she successfully promoted—for a job on the DC Circuit. Babcock is currently the Judge John Crown Professor of Law, emerita, and teaches a seminar on women's legal history at Stanford.

She is writing the biography of the first woman lawyer on the Pacific Coast, Clara Foltz, who was also the founder of the public defender movement. Her award-winning website has many articles about pioneer women lawyers by Babcock and her students (womenslegalhistory.stanford.edu).

Babcock credits the feminist movement with much of her success. Whenever she is asked how she feels about being chosen because she is a woman, she says: "It's far better than *not* getting the job because I'm a woman."

Janet Benshoof is an internationally recognized human rights lawyer who has established landmark legal precedents on women's reproductive and equality rights and gender crimes. She has been named one of the 100 Most Influential Lawyers in America by the *National Law Journal* and is the recipient of numerous awards in recognition of her singular contributions to advancing women's legal rights.

As president of the Global Justice Center, Benshoof is currently developing new legal tools to implement gender equality, focusing on transitional democracies and enforcing criminal accountability during conflict. As

Director of the American Civil Liberties Reproductive Freedom Project for fifteen years (1977 to 1992), she spearheaded national litigation focusing on shaping Supreme Court jurisprudence on gender equality and reproductive choice. In 1992 she founded the first international human rights organization specializing in reproductive choice and equality, now the Center for Reproductive Rights. In its first ten years, under her leadership CRR obtained consultative status to the UN, established legal projects in over 40 countries, and won major class action constitutional cases in the Supreme Court.

Since 2005 Benshoof has conducted three human-rights law trainings in Iraq, including a historic three days on gender rights and international law for Iraqi women leaders and the judges of the Iraqi High Tribunal. This resulted in the first legal decision by a high court in the Middle East according women rights under international law. In the precedential Anfal decision, the Iraqi High Tribunal adopted the gender-crimes standards of the International Criminal Court and held directors of the genocide guilty of rape, crimes against humanity, and torture. Benshoof has published numerous articles, appeared on international television and is a member of the Council on Foreign Relations.

Carin Clauss, University of Wisconsin Law School, retired. *Biography not submitted in time.*

Roxanne Barton Conlin graduated from law school in 1966 and gave her first speech on women's legal rights to a church group in 1968. "I was condemned," she says, but that didn't stop her. In 1969, she became the first part-time attorney general for Iowa, a position from which she had to resign in 1976 because of her "activist advocacy" for women's reproductive freedom.



Conlin attended the first convention of the National Women's Political Caucus in Houston, advising on its bylaws. She was appointed to the first Iowa Commission on the Status of Women and supported Shirley Chisholm for President, chairing the Iowa effort. At the Democratic National Convention in 1972 she used parliamentary procedure to bring the Iowa Democratic Convention to a halt, with eventual passage of a platform including the Equal Rights Amendment and reproductive freedom.

Also that year, Conlin tried the first sex discrimination case in Iowa, Huebner v American Republic Insurance Company. From 1976 to 1977 she was a consultant to the U.S. Department of State on International Women's Year, editing and writing booklets on homemakers' rights for all 50 states and the District of Columbia. She was appointed U.S. Attorney for the Southern

District of Iowa by President Jimmy Carter in 1977, the second woman in history to hold that position. From 1986 to 1988 she chaired the NOW Legal Defense and Education Fund and in 1988 became the first woman officer of the Association of Trial Lawyers of America, where she wrote and secured passage of a resolution requiring women and minorities' participation in programs and on all committees. She also created a minority caucus with representation on the board of governors and added women members to it. In 1992-93, she was elected the first woman president of the association.

Rhonda Copelon is a founding professor at CUNY Law School and director of CUNY's widely-acclaimed International Women's Human Rights Law Clinic (IWHR). From 1971 to '83, as a staff attorney at the Center for Constitutional Rights she was part of a groundbreaking team of civil rights and feminist lawyers.

Copelon's reproductive-rights work includes argument in the Supreme Court that restored African-American teacher-aides fired for bearing out-of-wedlock children; defeat of the first "fetal rights" case; protection of poor women from abusive sterilization; and a long fight to preserve Medicaid funding for abortion culminating in her Supreme Court argument against the federal (Henry) Hyde Amendment (1977). Other early feminist work targeted NY's marital rape exception, Operation Rescue, WABC's sexism, women's jury exemptions, the death penalty for rape, and criminal sodomy laws. She co-taught one of the first Women and the Law seminars and spoke at pro-choice and women's rights rallies, meetings, and on the campuses.

After a landmark case opening federal courts to international human rights cases, Copelon cofounded the IWHR clinic in 1992, and in 1997 the Women's Caucus for Gender Justice in the International Criminal Court. Supporting activists in the U.S. and globally, IWHR has trained students and contributed to recognition of women's human rights, including rape and gender crimes as torture, war crimes, genocide and crimes against humanity; domestic violence as torture; and reproductive and sexual rights as human rights.

Copelon was a member of CARASA, the National Jury Project, the NARAL Board, Feminist and Gay/Lesbian roundtables, Human Rights Watch, and Women's Rights Advisory Board. She remains a member of the National Lawyers Guild, and on boards of the Center for Constitutional Rights.

Nancy L. Davis's involvement in the movement for social change began in the mid-60s when she organized voter-registration drives in the South. The experience propelled her into law school, and in 1969 she entered the University of California, Berkeley—Boalt Hall. The percentage of women in her class was the first to reach double digits, and that was instrumental in establishing the Boalt Hall Women's Association, of which Davis was the first chair.



BHWA's early accomplishments included successfully advocating for the first gender-based discrimination-and-the-law course. As a law student and a recent graduate, she had the great fortune of working for Herma Hill Kay and Barbara Allen Babcock, two of the

leading scholars in the emerging arena of gender-based discrimination.

In the mid 70s Davis, Wendy Webster Williams, Mary C. Dunlap, and Joan Messing Graff established Equal Rights Advocates, a law firm dedicated to championing women's equality under the law and providing law students with a training program in the issues of sex-based discrimination. Over the years and under her leadership, ERA evolved into a formidable public interest legal organization with a multifaceted approach focusing on discriminatory practices that place a particularly harsh burden on women of color and low-income women. Among its cases were successful challenges to unsafe working conditions, employment policies that deprived pregnant women of retirement benefits, and the exclusion of women of childbearing age from lucrative industrial jobs that allegedly posed a danger to fetuses.

Davis and her ERA colleagues worked to advance the debate on issues where sound public policy had yet to be developed, such as work and family, violence against women, immigrant women's rights, and the rights of lesbians. In addition, they were instrumental in forming new groups including the Bay Area Coalition for Civil Rights, the Immigrant Women's Task Force, the Coalition for Equality in the Trades, and the Lesbian Rights Project, now the National Center for Lesbian Rights..

Karen DeCrow, a writer and attorney specializing in constitutional law, gender and age discrimination and civil liberties, helped found NOW, and convened the first NOW chapter in Syracuse, NY, where she served as president in 1967.

She was a member of NOW's national board from 1968 to 1974 and from 1974 to 1977 NOW's national president. Under her leadership, NOW persuaded NASA to recruit women; challenged and changed the Public Accommodations law to include "sex" as one of the protected categories; persuaded the EEOC to investigate sex discrimination complaints in addition to race; and pressured the three national networks to include women and minorities in front of and behind the camera.

During her tenure as NOW president, DeCrow influenced traditional women's magazines to show a more balanced view of women and their



lives, including attention to gender role stereotypes; fought to integrate the Jaycees and similar organizations; pressured the all-male Ivy League schools to admit women; worked with the armed services to integrate women into their classes; integrated the Little League using legal actions.

Campaigning for passage of the ERA, she traveled around the country, debating Phyllis Shlafly more than 50 times. After NY legalized abortion in 1972, the year before *Roe v Wade*, she spent much of her time escorting women from all over the world who had come to NYC for abortions. In 1988 DeCrow cofounded World Woman Watch with Robert Seidenberg, M.D., to urge world leaders not to use religion or culture to mask sex discrimination. Having also cofounded the Central NY Chapter of the Women's Bar Association of the State of New York, she served as its president from 1989 to 1990. Among her notable books are *The Young Woman's Guide to Liberation* and *Sexist Justice* (1974).

Mary Eastwood was a young attorney in 1960 when she started working in the Justice Department's Office of Legal Counsel; she remained there almost 20 years, until 1979.

After President Kennedy's Commission on the Status of Women was established in 1961, Eastwood served on loan from the Justice Department as technical secretary for the Committee on Civil and Political Rights. There she met several other women who were to be key in bringing about the Second Wave: Pauli Murray, Catherine East and Marguerite Rawalt.

Eastwood and Murray subsequently coauthored "Jane Crow and the Law," published in the *George Washington Law Review* in December 1965. It set forth for the first time a feminist interpretation of women's rights under the Constitution and the new equal employment opportunity provisions of the Civil Rights Act of 1964.

By the winter of 1965 Betty Friedan was meeting often with Eastwood and Catherine East to discuss what was happening in the government regarding women. They repeatedly urged Friedan to start an organization in the private sector that could put pressure on government agencies to properly enforce the nondiscrimination laws. This resulted in the founding of NOW in June 1966; Eastwood arranged for the organizing conference that October in DC.

During the late 60s and early 70s, she also served as legal staff for the Interdepartmental Committee and Citizens Advisory Council on the Status of Women, drafting position papers on the Equal Rights Amendment, family planning and equal employment opportunity.

In the late 1960s, Alice Paul, the National Woman's Party's long-time president, recommended Eastwood as a member of the National Council of the NWP, where she served as president from 1989 to 1991 and on the board and as an officer for many years. During the 1970s, she was also EEO officer for the department's offices, divisions and boards. She worked with Caruthers Berger, Sylvia Ellison and Rawalt on the early sex discrimination cases under Title VII of the Civil Rights Act. Because of her employment at the Justice Department, she did this work voluntarily and anonymously. With Ellison, Berger and Ti-Grace Atkinson, Eastwood founded Human Rights for Women in 1968, the first tax-exempt organization devoted solely to women's rights.

In 1980 she was designated Acting Special Counsel of the Merit Systems Protection Board by President Carter. In 1985 she became president of Equal Opportunity Consultants, a Maryland corporation that investigated discrimination complaints for federal agencies.

Working with all factions of the feminist movement from radical to conservative, Eastwood was a peacemaker when conflicts arose. She extended her kindness to all and her couch in DC put up countless visiting feminists. She and East were early members and strong supporters of VFA; VFA's bylaws were drafted by Eastwood and she has been a board member since 1992. Since retiring in 1988, she's lived on her farm in southwest Wisconsin.

Nancy S. Erickson, a feminist legal educator, became a member of New York City NOW in 1969 and its treasurer in 1970. In 1973 she graduated from Brooklyn Law School, where she was cofounder of the first women law-students association. In 1971 she wrote an article for the *Brooklyn Law Review* on *Phillips v Martin Marietta*, which in December 1970 had been the first Supreme Court case concerning sex discrimination brought under Title VII of the Civil Rights Act. Erickson was a volunteer attorney at the Women's Law Center from 1973 to 1975, where she wrote fact sheets on legal issues such as women's names, family law and credit, and *A Woman's Guide to Marriage and Divorce in New York* (1974).

As a law firm associate in 1973-74, Erickson provided free legal assistance to New York Women Against Rape and other nonprofit women's organizations. As a NYC law professor from 1975 to 1980, she cofounded Metropolitan Women Law Teachers Association; chaired (1976-1977) the Association of American Law School's section on Women in Legal Education; cofounded the Society for the Study of Women in Legal History, and was one of the first to teach Women and the Law at New York Law School and at

Cornell Law School (1975-1980). She was a volunteer attorney during the 1970s for ACLU, writing briefs in sex discrimination cases, including *Ludtke v Kuhn*, in which women reporters sued to be able to interview male athletes after baseball games.

Erickson holds an LL.M. from Yale Law School and a Master's degree in forensic psychology from John Jay College of Criminal Justice. Her thesis on how the most commonly used personality test often misdiagnoses battered women was published in an ABA journal. She has written books and articles on family law, including domestic violence, child support, custody, marital property, attorneys for children, custody evaluations, and adoption.

Brenda Feigen cofounded with Justice Ruth Bader Ginsburg the Women's Rights Project of the ACLU in 1972. There she litigated sex discrimination cases that involved violations of state and federal law, as well as landmark constitutional cases. She brought a successful federal class-action lawsuit against the Harvard Club of New York City in 1973 because it refused women the right to become full members.



Throughout the 1970s, she contributed research and briefs to some of the landmark cases of that era. *Frontiero v Richardson*, which she and Bader Ginsburg helped bring to the Supreme Court in 1973, was key among them, with language used to this day to ensure that classifications based on gender are subject to heightened scrutiny. Forced sterilization of poor black women was also high on Feigen's agenda, and she filed cases on behalf of clients in North Carolina and Georgia.

Feigen's interest in eliminating gender discrimination began with a 1970 case she brought on behalf of a father against the New York City Board of Education which had routinely denied parental leaves of absence to all fathers yet granted them to all mothers. But most of all, she was passionately dedicated to ratification of the Equal Rights Amendment. The first article she authored for the *Harvard Women's Law Journal* addressed the issues raised

after 37 states had ratified the ERA only to be met by pressure by the Far Right to rescind their prior ratifications. Elected National Vice President of NOW in 1970, Feigen appeared on national television and in many news stories on the subject of



© BETTYE LANE

the ERA and more generally, widespread discrimination against women in all walks of life.

Today, she practices law in Los Angeles but she continues to write. Her article about same-sex marriage appeared in 2004 in the *Harvard Women's Law Journal*, four years after her memoir, *Not One of the Boys: Living Life as a Feminist*, was published by Knopf.

In 1993 and 2003, Feigen was a featured speaker at Harvard Law School's Celebrations 40 and 50, commemorating the first class of women graduates in 1953.

Sonia Pressman Fuentes graduated summa cum laude and first in her class from the University of Miami (FL) School of Law in 1957, at a time when women constituted 11 out of the 139 in her class and 3 percent of the country's law school graduates. In 1965, she joined the Equal Employment Opportunity Commission as the first woman lawyer in its Office of the General Counsel. Set up by Congress to implement the employment provisions of the newly enacted Civil Rights Act of 1964, the commission had attracted mainly staffers focused on race discrimination. The employment provisions were the only part of the bill that included "sex" as a category of discrimination, and Fuentes served as the EEOC staffer who always raised the issue of sex discrimination whenever any issue or case was discussed.

In that role, she identified the many cutting-edge sex discrimination issues, some of which were not posed by prohibitions in employment based on race, color, or religion. These involved questions about bona fide occupational qualification, state protective laws, sex-segregated classified advertising columns, leave and pay in connection with pregnancy and childbirth, pre-employment inquiries, and retirement and pension benefits.

She drafted some of the EEOC's early digests of Legal Interpretations, its lead decision in the airline stewardess cases, as well as the guidelines on pregnancy, later codified in the Pregnancy Discrimination Act of 1978. To alert her sister feminists to cases coming before the EEOC, Fuentes consulted with other feminists throughout government: Catherine East, Mary Eastwood, and Phineas Indritz. The group then passed on the information to trailblazing feminist attorney Marguerite Rawalt, who put together a cadre of attorneys to represent plaintiffs in those cases.

Based on information Fuentes was providing from the inside, NOW (whose founding Fuentes suggested to Betty Friedan) played an important role in pressuring the EEOC from the outside. Fuentes was one of NOW's first 54 founders and participated in drafting its Statement of Purpose and skeletal bylaws at the October 1966 founders meeting in Washington DC.

Later, she carried her legal skills and feminist commitment into two major corporations, GTE in Stamford, CT, and TRW in Cleveland, OH.

Emily Jane Goodman entered the New York legal scene at the perfect moment for feminist activism: 1968. By the next year she had already risked being thrown out of New York State's highest court for arguing a case while wearing a pantsuit despite being told that it "could not be done." Her solo law practice included criminal defense (e.g., representing the Grove Press "I Am Furious Yellow Nine," including Robin Morgan and Ti-Grace Atkinson, arrested for a sit-in for pro-union and anti-porn organizing).

As a divorce lawyer, she took the rare position of representing women only. She was the founder of the New York Women's Law Center, where scores of women were taught how to represent themselves in divorce, and learned that they did not have to use their husbands' names. At the WLC, she edited and helped publish and distribute *A Woman's Guide to Marriage and Divorce in New York*, by Nancy Erickson.

On behalf of amici in the 1970 challenge to New York's abortion laws commenced by Nancy Stearns, Rhonda Copelan, Flo Kennedy, Diane Schulder and Carol Lefcourt, she compared involuntary motherhood to involuntary servitude, i.e., slavery, a violation of the Thirteenth Amendment. Goodman represented women in employment discrimination including maternity leave, and was an advisor to the National Council of Negro Women on housing discrimination. In her literary law practice, she successfully sued the publisher of *Women and Madness* on behalf of author Phyllis Chesler for distortions in the book. She worked for the rights of prostitutes with Margo St. James, founder of COYOTE (Call off Your Old Tired Ethics).



© BETTYE LANE

In addition to advocating for battered women, she has served on numerous boards fighting violence against women and wrote on the subject for the *New York Times* (1973). Goodman was the coauthor of *Women, Money and Power*. She continues to teach, write and speak on women's issues. Since the 1980s she has been a trial judge on the New York State Supreme Court in Manhattan.

Janice Goodman led the way with Susan Deller Ross in cofounding the first Women and the Law Committee at NYU Law School in 1968. The next year they led the successful fight to open to women the prestigious Root-Tilden Scholarship, which provides a unique



© BETTYE LANE

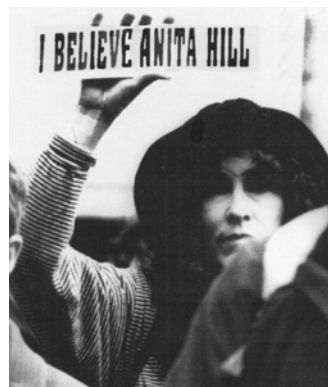
financial, educational and networking opportunity for students who intend to pursue careers in public service. In 1970 they founded the National Women and the Law Conference, which brought together a new generation of feminists in the nation's law schools; and with Marion Davidson also introduced the Women and the Law course offered for credit at NYU. In 1972, Goodman and her partners formed Bellamy, Blank, Goodman, Kelly, Ross & Stanley, the nation's first feminist law firm.

Goodman was the lead or cocounsel in a number of class actions, including *NOW v WABC* (1972), an action to deny WABC its broadcasting license because

of discriminatory programming images and failure to hire women in professional or union positions; *Walker v Columbia University*, an Equal Pay Act case brought on behalf of the maids (all female) paid less than janitors (all male); the network's *Women's Committee v NBC* (1974-1978) and *Wire Service Guild v Associated Press* (1985), both Title VII actions brought on behalf of women denied jobs and promotional opportunities, each being settled with substantial affirmative action programs plus compensation for lost wages, as was *Scotti v NYC Police Department*, brought on behalf of women 911 operators who were paid less than their all-white male counterparts in the Fire Department.

While employed by the Center for Constitutional Rights, Goodman worked on a number of pre-*Roe v Wade* cases challenging restrictive abortion laws or regulations in New York and New Jersey. She was appointed by NY Governor Mario Cuomo to his task force on sexual harassment and has taught courses on women and the law and employment discrimination. In 1991 she co-chaired the NY conference *Women Tell the Truth* featuring Anita Hill.

Marcia D. Greenberger, cited by the *New York Times* as "guiding the battles of the women's rights movement," is the founder and copresident of the National Women's Law Center. The creation of the Center in 1972



© BETTYE LANE



established her as the first full-time women's rights legal advocate in Washington DC.

A recognized expert on sex discrimination and the law, Greenberger has participated in the development of key legislative initiatives and litigation protecting women's rights, particularly in the areas of education, employment, family economic security, health and reproductive rights. For example, she was a leader in the passage of the Pregnancy Discrimination Act of 1978; the Civil Rights Restoration Act of 1987, which restored Title IX to full coverage, including athletics; the Civil Rights Act of 1991, providing key protections, including against sexual harassment on the job; and the Equity in Athletics Disclosure Act of 1994. Greenberger has also been counsel in landmark litigation. Her first case, which dealt with the G.E. policy to exclude pregnancy from disability coverage, not only resulted in the Pregnancy Discrimination Act but also the EEOC's 2000 decision that employers must cover prescription contraceptives in their drug benefit plans. Early cases include *WEAL v Richardson*, brought in 1974, requiring Title IX enforcement; the first broad-based Title IX athletics case in 1978; protections against involuntary sterilization of poor women in 1974; nationwide goals for women in construction in 1976; and more recently Title IX Supreme Court wins in 1999 protecting students against harassment and in 2005 protecting employees against retaliation.

Greenberger has been recognized by *Working Woman Magazine* as one of the 25 heros whose activities over 25 years have helped women in the workplace, and by *Washingtonian Magazine* as one of DC's most powerful women and one of its top lawyers. The University of Pennsylvania Law School recognized her achievement with its *Alumni Award of Merit*. In 1996 she received the *Woman Lawyer of the Year Award* by the DC Women's Bar Association, an award from the National Family Planning and Reproductive Health Association, and many others.

Herma Hill Kay began teaching law at UC Berkeley in 1960. After several years of teaching Family Law, it was clear to her that the field was ripe for change. It was steeped in sex-segregated roles within the family and seemingly devoted to the endless perpetuation of a rigid sex-based division between private family life and public community life. As a result, Kay became deeply involved in three reform projects: abortion law, divorce law, and the status of women. Two of those projects began in



California and initially gave rise to a therapeutic abortion law and a no-fault divorce law. In the course of her work, she testified in favor of California's abortion law, one of three such provisions enacted in different states in 1967. By 1973, the Supreme Court had preempted the pro-choice statutory reforms by its decision in *Roe v Wade*.

In 1966, Kay became a member of Governor Edmund Brown's Commission on the Family, which drafted and helped lobby through the nation's first pure no-fault divorce law, enacted in 1969 and later coreporter for the Uniform Marriage and Divorce Act, which proposed a similar no-fault law for all states.

The third project had its beginning in two federal laws, the Equal Pay Act of 1963 and the prohibition against sex discrimination in employment contained in Title VII of the Civil Rights Act of 1964. In 1974, Kay joined Kenneth Davidson and Ruth Bader Ginsburg in writing the first law-school casebook on sex-based discrimination that traced these and other developments. She remembers this period in particular as a heady time.

Today, all of these projects are under attack. A new conservative Supreme Court majority is chipping away at the woman's right to choose established in *Roe*; no-fault divorce is criticized as having significantly weakened the American family; and a women's ability to compete on equal terms in the marketplace is still not secure. Work must continue.

Jean Ledwith King has founded, cofounded, initiated, broken ground, and won numerous victories for women and girls in nearly forty years of feminist legal and political activism.

In 1970 she cofounded Focus on Equal Employment for Women to oppose the appointment of anti-feminist Supreme Court justices; that same year she cofounded the Women's Caucus of the Michigan Democratic Party. Possibly the first of its kind, the caucus challenged the gender balance of Michigan's delegation to the 1972 Democratic National Convention. Multiple challenges later, eleven women with half votes were added to the Michigan delegation and eleven men's votes were halved. In 1976 "half men/half women" became the rule for every state's delegations to national conventions.

Finding a footnote in an executive order prohibiting sex discrimination by recipients of federal contracts, King and Focus filed a complaint with the Department of Labor (later HEW) against the University of Michigan which had \$65 million in federal contracts. Focus challenged UM employment practices for women at all levels and discrimination specifically against women students. The complaint, filed in May 1970, was settled in December and by January, 100 UM faculty women had their salaries doubled (they were still low). In July 1971, King was one of 100-plus founding members of the National Women's Political Caucus which met in DC.

Only a few months prior to *Roe v Wade* in 1973, King co-chaired a statewide referendum campaign to permit abortion up to 20 weeks. Later, in response to Right to Life actions, King joined with other Michigan women to found the Religious Coalition for Abortion Reform. In 1974 she drafted her first of many subsequent complaints under Title IX (passed only two years earlier) alleging sex discrimination against girls and women in the content

of Houghton Mifflin textbooks. Textbooks were eventually excluded from Title IX jurisdiction, but the Kalamazoo complaint preceded that exclusion and the publisher almost immediately began to revise its textbooks.

Since then, King has handled dozens of Title IX cases on behalf of participants in 29 sports. In 1974, 1976, and 1982 she served on the steering committee of the annual National Women and the Law Conference; in 1977 she chaired the Michigan delegation to the women's conference in Houston. King has been inducted into the Michigan



© BETTYE LANE

Women's Hall of Fame, has been named a Champion of Justice by the State Bar of Michigan, and there is an annual award in her honor from the Women Lawyers of Michigan.

Sylvia Law has been a leading legal scholar of health law, women's rights, and constitutional law. An expert on Medicaid, when *Roe v Wade* was decided in 1973 she realized Medicaid coverage for abortion could be a major area of conflict. Believing that federal law clearly mandated coverage, she helped file the first federal case challenging a Pennsylvania rule requiring doctors seeking Medicaid reimbursement to provide certification that the abortion was a medical necessity. She and others continued litigating Medicaid abortion in every state and fought the issue in Congress and state legislatures until 1980.

In 1976 with Harriet Pilpel, Law helped persuade the ACLU to create a Reproductive Freedom Project. She served on its advisory committee until 1992 when, with Janet Benshoof, she helped create the Center for Reproductive Rights. She continues to serve on that organization's board.

Law served on the board of NOW LDEF from 1977 to 1981 and has continued to work with NOW on its projects relating to poor women. In 1980 she served with Nan Hunter as counsel to the feminist anticensorship task

force and from 1985 to 1989 was chair of Non-Traditional Employment for Women. She has done political and legal work on the debate about pornography, written articles about the intersection of sexism and heterosexism, and about feminist perspectives on commercial sex.

Judith L. Lichtman began her legal career as a civil rights attorney for the Office of the General Counsel of the U.S. Department of Health, Education and Welfare. In 1971, a group of women lawyers from all fields of practice, interested in working on women's legal rights, with thousands of members formed the Women's Legal Defense Fund, which eventually became the National Partnership for Women and Families.

In 1974 Lichtman became the first partnership staff member. Early work of the organization included the Pregnancy Discrimination Act of 1978, an amendment to Article VII of the Civil Rights Act of 1964. Throughout the years, access to health care and civil rights have been major issues under Lichtman's leadership. She paved the way within the DC lobbying community for women to be powerbrokers equal to men. For this she was recognized by *Washingtonian* and *Ladies' Home Journal* magazines. She has also worked effectively to have women appointed to important positions and policymaking boards. A founder of Emily's List, founded in 1985 to support pro-choice candidates, Lichtman has served on boards and received awards and recognition concerning numerous human rights issues.

Barbara Boxer said of Emily's List "I would not be in the U.S. Senate today if it were not for Emily's List...and I would not have ten Democratic women colleagues, either."

Judith Lonnquist, a plaintiff's employment and labor attorney since 1966, served as legal counsel and employment-committee chair of Chicago NOW (1968-69), as a member of NOW's national board from 1969 to 1974, and from 1971 to 1974 as national NOW legal vice president and board member of LDEF.

As NOW legal VP, she established and maintained a national registry of lawyers willing to volunteer on NOW-generated causes. For the first time NOW had a nationally coordinated legal program to assist women at the local level in pursuing discrimination lawsuits. Lonnquist developed an amicus program for NOW to file briefs on legal cases of significance to women. She also brought litigation on NOW's behalf challenging inadequate EEOC class



© BETTYE LANE

settlements, such as the steel industry settlement. In addition, she lobbied on NOW's behalf for the Fair Credit Act, amendments to the Equal Pay Act and Title VII and Title IX.

From 1974 to 1978 Lonquist was copresident of Seattle NOW, in 1977 serving as chair of the WA state delegation to the Houston conference and co-chair of the national Pro Plan caucus. In 1978, she became cofounder of the Northwest Women's Law Center.

Priscilla Ruth MacDougall was propelled into action in 1972 when the Supreme Court ruled in *Forbush v Wallace* that married women must use their husbands' surnames on their driver's licenses, stating inaccurately that the common law required a woman's "legal" name to be that of her husband's. MacDougall then filed a case to "establish" her name in circuit court, and in May 1972 she took the decree directly to the press. *Forbush*, she discovered, had been based on the false legal premise that a woman's name automatically changed because of marriage.



Her first article, "The Right of Married Women To Their Own Surnames," published in the 1973/74 *Women's Rights Law Reporter*, brought naming rights to the fore of the women's legal movement. She participated in legislation around the country, one of the most important being *Kruzel v Prudell*, in 1975 the turning-point case affirming the right of a married woman to choose her own name. In *Whitlow v Hodges* (1976) she, Ruth Bader Ginsburg and Robert A Sedler challenged a driving regulation in Kentucky, but the case was declined by the Supreme Court. Before the Missouri Court of Appeals in 1975, in *Natale* she established the right of a married woman to use a surname invented by herself.

After a decade of litigating women's and children's naming cases, in 1981 MacDougall appeared before the Alabama Supreme Court in *State v Taylor*, and won the right of a married woman to vote in her own name. Her last article, "The Right of Women To Name Their Children" (July 1985, *Journal of Law and Inequality*) remains the blueprint for litigating women's and children's naming-rights cases.

Kathleen Peratis was the second director of the ACLU Women's Rights Project. Having graduated from law school in 1970, she immediately began volunteering as a speaker at her local NOW chapter regarding the implementation of the sex discrimination provisions of Title VII.

In 1973, she was invited to a Ford Foundation-sponsored conference. There she met women active in the field, among them Ruth Bader Ginsburg, then the founding director of the Women's Rights Project of the American

Civil Liberties Union. A month or two later Bader Ginsburg reached out to Peratis at her Los Angeles law firm and asked if she would be interested in applying for the ACLU post—Ginsburg was about to become a full-time law professor at Columbia Law School. Peratis was hired, moved to New York, and for the next five years had what she calls “a front-row seat” at the creation of court cases leading to Ginsburg’s goal: to see women’s rights protected under the Constitution.

Peratis left the ACLU in 1979 to join a new law partnership which focused on civil rights and civil liberties. She is now a partner in a 28-lawyer firm that limits its practice to the representation of individuals with employment-related claims. Hers has been a particular focus on claims of discrimination, sexual abuse and hostile environment. She has been president of the New York Civil Liberties Union, is an emerita member of the board of directors of Human Rights Watch and the founding chair of its Women’s Rights division. She is also a regular columnist for *The Jewish Daily Forward*, a newspaper of interest to the Jewish world. In her column, “Only Human,” she writes about women’s rights and human rights.



Jane M. Picker argued *La Fleur v Cleveland Board of Education* before the Supreme Court in 1973, the case that challenged mandatory maternity leave for teachers and set a precedent for later pregnancy issues. She was a founder in 1972 and served for many years as president of the Women’s Law Fund, a critical organization in the days of precedent-setting cases involving discrimination in housing, employment, education and government benefits.

She has represented plaintiffs in major employment law cases throughout the United States on behalf of female police, firefighters, teachers and union workers, represented girls seeking the right to participate in academic and sports programs that had been closed to them or to which they had been denied equal access, and litigated issues concerning the protection of American women from discrimination by American employers overseas. (The records of the Women’s Law Fund, which was dissolved in 2007, are now on deposit at the Western Reserve Historical Museum in Cleveland, OH.)

Beginning in 1972, Picker joined the faculty of the Cleveland-Marshall College of Law of Cleveland State University where she founded and directed its Fair Employment Practices Clinic. She served on the Advisory Committee of the ACLU’s Women’s Rights Project (1979-1995) and on its Litigation Committee (1986-1995).

In addition to practicing law in a major U.S. law firm, she has practiced law internationally, in Thailand, worked for the RAND Corporation and also for the Communications Satellite Corporation. She is a life member of the NAACP and served on its Cleveland Executive Committee (1991-1993). She became Professor Emerita of Cleveland State University in 2002. A cofounder of the Russia U.S. Legal Education Foundation (RUSLEF), she now serves as its vice president and secretary.

Isabelle Katz Pinzler succeeded Ruth Bader Ginsburg as Director of the ACLU Women's Rights Project where, until 1994, she led the litigation of groundbreaking cases in women's rights. Early in Pinzler's tenure there, Ginsburg continued to serve as general counsel, advising the staff on litigation strategy and supervising the writing of Supreme Court briefs. Bader Ginsburg is remembered as a valued leader, a thorough editor and above all, a beloved and respected teacher.

After graduating from Boston University School of Law in 1970, Pinzler worked in neighborhood legal services offices, first in Boston and later in Cleveland representing poor—mostly women—clients in welfare hearings and threatened evictions. From 1973 to 1978, she was staff attorney and then deputy director of the National Employment Law Project, a legal services support center. While there, she brought, among others, a key equal-pay case against major office-building owners and cleaning contractors in New York City for paying women less than men doing equal work, and another case challenging sex discrimination in CETA (the federal jobs program).

After leaving the ACLU, Pinzler served as deputy assistant attorney general of the Civil Rights Division of the Department of Justice, the largest civil rights enforcement agency in the country. For about a year, she was acting head of that division, where she ensured that the proportion of sex discrimination cases, especially in employment, was significantly increased.

Later, she was director of the Project on Federalism of the NOW Legal Defense and Education Fund (now Legal Momentum) and a visiting professor of Law at New York Law School where she taught sex discrimination, employment law and family law. She is currently special counsel at the National Coalition Against Censorship.

Louise Raggio graduated from Southern Methodist University Law School in 1952. The only woman in her law school class, she became the first woman criminal assistant district attorney in Dallas County, the first woman in its 100-year history elected a director of the State Bar of Texas, and the first woman trustee and chair of the board of the Texas Bar Foundation.

Fed up with having to get consent from her husband to transact her own business, in 1965 she obtained permission from the State Bar of Texas to

do a massive revision of Texas laws—the most discriminatory laws concerning married women in the U.S. Her revisions gave married women the same rights and responsibilities as married men. After she successfully lobbied these laws through the conservative legislature in 1966, and Governor John Connally signed the bills into law effective January 1, 1968, truly a new day had dawned in Texas.

Raggio did not stop there. She had already successfully campaigned for Texas women to serve on juries, and later chaired a task force creating a new Family Code for Texas (believed to be the first in the USA), which she lobbied through succeeding sessions of the Texas legislature. It was later signed by succeeding governors, including Ann Richards. Because the new statutes worked so well, Texas adopted the ERA by constitutional amendment in 1975.

In 1995 Raggio received the Margaret Bent Award from the American Bar Association; she chaired the Family Law section of the State Bar and American Bar, organized the Dallas Women's Lawyers Association and continues to be in active practice of the law until almost 90.

Unable to travel, her VFA medal will be received by her good friend and sister Dallas feminist, Virginia Whitehill.

Sylvia Roberts, the first woman to practice law in her parish of Lafayette, LA, joined NOW in 1966 and was immediately assigned to represent Lorena Weeks in her case against Southern Bell.

Under Title VII of the Civil Rights Act, race and sex discrimination were illegal. Weeks had sued Southern Bell for refusing her a higher-paying job as a switchman because "Women don't have the strength to lift heavy objects." The case had been lost by another lawyer in Weeks's home state of Georgia, but under appeal by Roberts, the United States Court of Appeals for the Fifth Circuit reversed that decision in 1969. Thereafter, employers could not refuse to consider a woman for any kind of job unless "all or substantially all women" could be proved to be unable to do it.

As NOW's first Southern Regional Director, Roberts traveled the South organizing NOW chapters, at the same time representing women in employment discrimination cases. She later was named president of the LDEF. Active in the American Bar Association, Roberts achieved the first resolutions under federal and state law condemning discrimination against women and in 1980



© BETTYE LANE

with Marilyn Hall Patel (now U.S. District Judge), started the first Judicial Education Project to present material to judges on sex discrimination as part of their training. This spread across many areas of the country and raised the consciousness of judges as never before.

In 1973 she represented Dr. Sharon Johnson against the University of Pittsburgh Medical School, and got the first injunction preventing Dr. Johnson from being fired when she was denied tenure for reasons having nothing to do with her qualifications. Roberts represented the plaintiff in *Michelli v Michelli*, the first case to define the phrase "history of family violence" under the Post Separation Family Violence Relief Act. Proving more than six incidents, Roberts was able to deny Mr. Michelli joint custody and he was required to attend counseling. At the successful conclusion of that case, she and the plaintiff formed VOICES, a nonprofit organization whose efforts are aimed at preventing abuse through educational programs with young people.

Susan Deller Ross is a Georgetown University Professor of Law and director of its International Women's Human Rights Clinic. Throughout her career, Ross has contributed to many women's rights victories. In 1971, the Supreme Court issued its first Title VII women's rights decision, *Phillips v Martin Marietta Corp.*, granting women with preschool-age children the same right to work as men with preschool-age children; Ross coauthored the ACLU amicus brief. At the EEOC, she helped convince the commission to adopt new pregnancy discrimination guidelines in 1972. They protected pregnant women from being fired while they were able to work, and gave them equal medical and sick-leave benefits when they were hospitalized or recuperating from childbirth. After the Supreme Court rejected that approach, she became co-chair of the Coalition to End Discrimination Against Pregnant Workers, which quickly won passage of the Pregnancy Discrimination Act of 1978 to reinstate the EEOC guideline approach. Later she helped insure that the Family and Medical Leave Act covered both men and women, rather than the woman-only approach first suggested.

Her ACLU litigation projects helped establish women's rights to equal pension benefits with men, both at the federal trial level (*Peters v Wayne State University* in 1979) and Supreme Court (*Los Angeles Department of Water & Power v Manhart* in 1978). Litigation projects at the Justice Department's Civil Rights Division gave women prisoners the right to equal vocational training programs with men and insured that thousands of women in Rhode Island received more than \$2,000,000 to compensate them for the denial of full PDA benefits.

Ross has been at the forefront of feminist legal writing. She coauthored one of its first casebooks, *Sex Discrimination and the Law: Causes and Remedies*, in 1975, as well as *Sex Discrimination and the Law: History, Practice, and Theory*, in

1996. Her new book, *Women's Human Rights: The International and Comparative Law Casebook* was published by the University of Pennsylvania Press in May.

Lynn Hecht Schafran left her first career working in art museums in 1971 to become a lawyer working for women's rights. In summer 1972 she was a Public Interest Fellow at the Center for Constitutional Rights where she had the good fortune to work with two other VFA honorees, Rhonda Copelon and Jan Goodman. Their cases dealt with abortion rights and sex discrimination against the maids at Columbia University, where Schafran was at law school. That fall her good fortune increased when Ruth Bader Ginsburg came to teach at Columbia Law School, the first woman tenured professor there.

As a student in Professor Ginsburg's Women and the Law course Schafran had the opportunity to research sections of briefs for what became landmark Supreme Court decisions at last interpreting the Constitution's equal protection clause to protect women. In Bader Ginsburg's Clinical Research seminar on Sex-Based Discrimination and the Law and at the ACLU Women's Rights Project, which Ginsburg founded, Schafran worked with her on cases about issues ranging from a Wisconsin schoolteacher's right to keep her birth name to the use of sex segregation as a screen for race discrimination in a Louisiana secondary-school system.

Bader Ginsburg also made Schafran aware of the impact on women of exclusion from important business-oriented "private" clubs and organizations such as the Jaycees and Rotary. Schafran's work in these early years led to her involvement in legislation and litigation to end this exclusion and to her becoming Vice Chair of the New York City Commission on the Status of Women, Chair of the Committee on Sex and Law of the Association of the Bar of the City of New York, and from 1981 through the present, Director of the National Judicial Education Program to Promote Equality for Women and Men in the Courts at Legal Momentum (formerly NOW Legal Defense and Education Fund), the country's oldest legal advocacy organization for women and girls. She has received numerous awards for her work to eliminate gender bias in the courts.

Phyllis Nichamoff Segal was a law student in the early 70s when she first became involved in the National Women's Political Caucus. She analyzed the status of women in political parties, documenting the way they were relegated to limited roles. With the help of Martha Griffiths, this research was published in the *Congressional Record* and helped shape activities of the NWPC. Segal continued to lead efforts to involve women in political parties.

At the 1972 Democratic National Convention, she was involved with the women's caucus and represented women in challenges to delegations from which they were excluded. As a member of the Mikulski Commission (1972-1976), Segal was active in educating women about the delegation-



© BETTY LANE

selection process. She was responsible for parliamentary rules at the 1977 International Women's Forum, where she worked closely with Bella Abzug.

In 1977, after a few years practicing law in the private sector, she became the founding legal director of the NOW Legal Defense and Education Fund. There, for the next five years she worked to build the fund's first legal department, litigating groundbreaking women's rights issues: defining sexual harassment as a legal wrong; setting standards for proving employment discrimination and enforcing Title VII, Title IX, ERA extension and

state ERAs. She was also instrumental in founding LDEF's National Judicial Awareness Program, which trained judges in the ways gender bias undermines fairness in decision-making and court interactions.

In 1982 Segal became a Fellow at the Bunting Institute of Radcliffe College, where she continued to research the subtle discrimination against women through laws and policies that are neutral on their face but in reality adversely affect women. In 1988 she served as an elected trustee of the NOW LDEF, and in 1999 became president of the board. Her feminist activities continue as a trustee of the Planned Parenthood of Massachusetts; in 2006, trustee of the Women's Education and Industrial Union, and chair of the Brady campaign to Prevent Gun Violence, which includes the Million Mom March.

Faith Seidenberg made legal contributions to numerous cases affecting the wellbeing of women, including *Seidenberg v McSorley's Old Ale House* in 1971, the first case in the U.S. to successfully attack gender-biased discrimination in places of public accommodation. *Phillips v Martin Marietta*, also in 1971, dealt with the right of a mother of preschool-age children to be employed under the same terms as a father; and in 1980, *U.S. v Newak*, a case that stands for the proposition that for the first time in U.S. history a member of the Armed Forces cannot be provided with a lawyer who is also representing witnesses against her.

Other of her successes include *Kotcher v Rosa and Sullivan* (1992), a Title VII case that delineated sexual harassment in the workplace; *Cook v Colgate* (1992), which held for the first time that a club team should be moved up to varsity status on the basis of gender discrimination (Title XI); and *Schuck v Cornell University* (1993), which reinstated varsity gymnastics and fencing for women students.

Seidenberg, who was active in the Civil Rights Movement in the South in the 1960s and served as legal counsel for CORE (1963-1966), has published

numerous articles relating to women and the law. These include "The Myth of the 'Evil' Female as Embodied in the Law," published in *Environmental Law Journal*, Northwestern School of Law in 1971; and "Family, Property and Domicile Law in the State of New York," published in *Women's Role in Contemporary Society*, the report on the NYC Commission on Human Rights (1972). She served as VP of NOW from 1970 to 1971, belonged to the advisory board of the *Women's Rights Law Reporter*, and was a member of the board of the Women's Action Alliance and the National Women's Rights Project.

Nancy Stanley focused primarily on women's rights issues during the first part of her legal career. While in law school, she persuaded the faculty to approve one of the first law-school courses in the nation on women's legal rights. After graduating, she became Bella Abzug's first legislative assistant for women's rights and women's legal issues. In the early 70s she was a staff attorney at the EEOC, where she briefed and helped argue the precedent-setting pregnancy rights case that ultimately went to the Supreme Court as *Geduldig v Aiello*. During these years she crafted the legal strategy that led to women's-rights challenges to license-renewal of affiliates of the WNBC and WABC networks. She also became a partner in one of the first feminist law firms in the nation, Bellamy, Blank, Goodman, Kelly, Ross & Stanley, where she represented groups of women who brought class-action lawsuits alleging employment discrimination against NBC and other media outlets.

From 1989 to 2007 Stanley was chief mediator for the federal courts in the DC Circuit, where she mediated and/or coached volunteer mediators in hundreds of civil cases before either the U.S. District Court or the U.S. Court of Appeals. Before assuming this position, she was a litigator for many years in private practice and a number of government agencies, including the Federal Communications Division and the Environment Division of the U.S. Department of Justice. She taught and lectured extensively on mediation and dispute-resolution issues. Stanley retired from the federal court system in 2007 and works today as an independent mediator.

Nancy Stearns graduated from law school in 1967, and in 1969 became a staff lawyer at the Center for Constitutional Rights. Before law school she had worked for the Student Nonviolent Coordinating Committee in Atlanta; her Civil Rights Movement experience guided her legal career.

In the fall of 1969, working with the NYC Women's Health Collective, Stearns met with women throughout the city to discuss the medical, legal and political impacts of New York's law barring abortion. Those meetings resulted in the first challenge to abortion laws from the perspective of women rather than doctors. With a team of women lawyers, Stearns represented hundreds of women challenging New York's restrictive abortion laws. They argued that



without the right to abortion and the ability to control their reproductive lives, women would never be full and equal members of the society; that New York's law violated women's rights to liberty, privacy and equal protection; constituted an establishment of religion, and was cruel and unusual punishment. While

the case was pending, New York's legislature by a single vote legalized abortion up to the twenty-sixth week of pregnancy. After abortion became legal Stearns defended the new law against attacks by the anti-abortion movement seeking to block the performance of the procedure in NYC hospitals.

From 1970 to 1972, Stearns took the New York litigation model to New Jersey, Connecticut, Rhode Island, Massachusetts and several other states, where hundreds of women plaintiffs successfully challenged their state laws.

With abortion legalized in New York, there were reports of poor women being pressured into agreeing to sterilization to obtain an abortion. Stearns joined a community task force to develop guidelines for the New York City Health and Hospital Corporation to prevent sterilization abuse; the guidelines became the model for similar New York State and federal guidelines.

Nadine Taub, Rutgers University School of Law, retired. *Biography not submitted in time.*

Sarah Weddington is widely celebrated as the attorney who successfully argued *Roe v Wade*. A pioneering female student of law, woman lawyer and state legislator active in a feminist consciousness-raising group, in 1969 she helped establish and do legal work for the Women's Liberation Birth Control Information Center, an abortion referral group. Eventually the group decided to challenge the Texas abortion law, one of the most stringent in the nation. They felt strongly that the presenting attorney should be a woman, and Weddington was chosen. Having never done trial work or even handled a contested case, she was very reluctant to accept the role. Finally, she decided to file the case and donate her time, and *Roe v Wade* was launched. Victory came on January 22, 1973, when a Supreme Court majority opinion affirmed the points in Weddington's argument.

In 1972 Weddington was elected to the Texas House of Representatives from Austin. As a legislator she was interested in the passage of bills involving a state Equal Rights Amendment, maternity rights for teachers, rape law reform and equal credit. Well known as a high-ranking official in the Jimmy Carter Administration, she served as assistant to the President and adviser on women's issues. She also served as general counsel of the Department of Agriculture, and later as director of the Texas Office of State-Federal Relations.

In 2005 Weddington became an adjunct professor at the University of Texas. She serves in a number of volunteers positions, including that of board member for the Foundation for Women's Resources, creator of The Women's Museum: An Institute for the Future, and is the author of *A Question of Choice* (1992).

Wendy Webster Williams discovered feminism in law school when Herma Hill Kay, one of the first tenured women law professors in the United States, called together the women students of Boalt Hall (the University of California School of Law at Berkeley) in the Spring of 1969. Kay's subject was sex discrimination in academia and its implications for women in law, and the time was right for the message. The students formed the Boalt Hall Women's Association and began working for equality of women in law school and the profession.

Upon graduation in 1970, Williams clerked for Justice Raymond Peters of the California Supreme Court; she was there when in the spring of 1971 Peters issued the first decision declaring sex a suspect classification under the Fourteenth Amendment, just in time for Ruth Bader Ginsburg to make use of in her Supreme Court brief in the pathbreaking *Reed v Reed* case.

Following the clerkship, Williams was a Reginald Heber Smith Fellow in poverty law, assigned to San Mateo Legal Aid Society. Sister Boalt Hall graduates Nancy Davis and Mary Dunlap then joined with Williams to found Equal Rights Advocates, a women's-rights law firm in San Francisco still going strong today. The three Equal Rights Advocates (later joined by Joan Graff) brought gender cases under Title VII, taught women-and-law classes at several law schools, and lectured and wrote on women's rights and sex equality. By 1975, the ERA organization was one of four or five groups doing women's legal work around the United States, collaborating on amicus briefs, speaking at the by-then annual Women and Law Conferences, and meeting to share information and plan the way forward. Williams left ERA in the summer of 1976 to teach at Georgetown University Law Center, where she has remained to this day.



remembered with great pride and gratitude

Bella Abzug (1920-1998): Passionate and outspoken about women's equality, "Battling Bella" served in Congress from 1971 to 1977, where she and Martha Griffiths introduced more than 20 bills related to women. Abzug was a cofounder of the National Women's Political Caucus and the Congressional Caucus on Women's Issues. She introduced the first gay rights bill in Congress and was presiding officer of the National Commission on the Observance of International Women's Year, which organized the National Women's Congress in Houston in 1977. She participated in the Women's Conferences in Mexico City (1975), Copenhagen (1980), Nairobi (1985) and Beijing (1995). In 1994 Abzug was inducted into the National Women's Hall of Fame in Seneca Falls, and in 1996 was a *Ms* magazine Woman of the Year honoree.

Caruthers Gholson Berger (1917-1984): Active in the National Woman's Party before 1960, Berger aided NWP in securing passage of the sex discrimination amendment of Title VII in 1964. A founder and board member of Human Rights for Women, Berger wrote numerous papers on sex discrimination in employment and women's constitutional rights.

Shirley Bysiewicz (1930-1990): A founder of Connecticut Women's Education and Legal Fund in 1973 and coauthor of legislation establishing that state's Permanent Commission on the Status of Women, Bysiewicz was the first tenured woman law professor at the University of Connecticut Law School and an indefatigable advocate for a woman's right "to be all she can be."

Sylvia Ellison (1911-1976): Heralded as the lead attorney on the Colgate-Palmolive case, Ellison had worked with Caruthers Berger and Mary Eastwood on Title VII and other women's rights cases under the auspices of Human Rights for Women. Colgate-Palmolive was one of several cases brought by feminist lawyers that put teeth in Title VII. Thelma Bowe sued the company for creating seniority systems that segregated "light" and "heavy" jobs as a way of disguising gender classifications and making it harder for women to advance into higher positions. The case was won by Bowe in 1969 on appeal. Its effect was to render other companies' so-called "protective legislation" suspect under Title VII.

Thomas I. Emerson (1907-1991): One of his generation's preeminent constitutional theorists, he argued the case of *Griswold v Connecticut* in the Supreme Court in 1965. Besides winning the right for Connecticut women to

obtain contraceptives (which until then had been a crime in that state), the Griswold case established the right of privacy for the first time, making possible the outcome of *Roe v Wade*. Later, in the 1970s, Emerson coauthored with Barbara Brown, Gail Falk, and Ann Freedman a key article on the prospective legal effects of the ERA, and gave relevant testimony before Congress.

Phineas Indritz (1916-1997): He helped Martha Griffiths research and write major pro-feminist speeches, worked behind the scenes with Catherine East, Mary Eastwood, Marguerite Rawalt and Betty Friedan to motivate the founding of NOW. Through NOW's legal committee, he and Rawalt obtained the overthrow of Pennsylvania's Muncy Act, which had mandated longer sentences for women prisoners than for men, wrote briefs for school desegregation cases, and authored the Pregnancy Disability Act of 1978.



Leo Kanowitz (1926-2007): In 1969 at the dawn of the modern feminist movement, Kanowitz wrote *Women and the Law: The Unfinished Revolution*, a pioneering law book about sex discrimination. It was the first extensive study of women's legal status in the civil rights era and became a reference work for feminist scholars and activists. Kanowitz's book, the first of several he wrote on the subject, was cited in congressional testimony by supporters of the never-ratified ERA and has been widely quoted in court rulings. One was a 1985 California Supreme Court decision by now-deceased Chief Justice Rose Bird that outlawed "ladies' night" price discounts.

Florynce (Flo) Kennedy (1916-2000): Kennedy's outrageous comments and attire gained her a reputation for being flamboyant and effective. In 1968 she sued the Catholic Church for interference with abortion. A founding member of the NWP, in 1972 she participated in Shirley Chisholm's campaign for the presidential nomination. She helped organize many highly visible actions, including the Miss America Pageant demonstration; a pee-in at Harvard to protest the lack of women's toilet facilities; and against the gender-segregated help-wanted ads in the *New York Times*. Her numerous awards include the Ms Foundation Lifetime Courageous Activist Award (1997).

Anna Pauline (Pauli) Murray (1910-1985): A founder of the Congress of Racial Equality in 1942, Murray was denied admission to Harvard Law

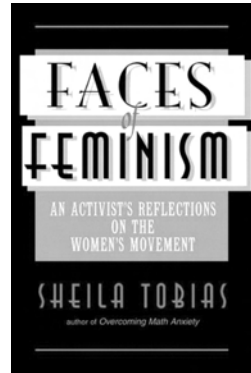
School not on racial grounds, but because she was a woman. A seasoned labor and civil rights activist, by the time she graduated from Howard University Law School she was an unabashed feminist as well, coining the concept “Jane Crow,” piggybacking the fledgling women’s movement onto the demand for civil rights. She was the first woman as well as the first African-American to earn a Doctorate of Juridical Science from Yale Law School. Recognizing the need for a NAACP-like organization for women, she was a founding member of NOW in 1966. In 1971 she received the Eleanor Roosevelt Award from the Professional Women’s Caucus.

Marguerite Rawalt (1895-1989): A U.S. government lawyer, in 1961 Rawalt was appointed to the President’s Commission on the Status of Women and was the lone vote on that commission in support of the ERA. A charter member of NOW, she served as the first chair of NOW’s legal committee and represented women in Title VII test cases. She was an original incorporator of NOW’s Legal Defense and Education Fund.



FACES OF FEMINISM: AN ACTIVIST’S REFLECTIONS ON THE WOMEN’S MOVEMENT

*“This is the book about feminism I’ve been waiting for,” said Betty Rollin about Sheila Tobias’s **Faces of Feminism: An Activist’s Reflections on the Women’s Movement**, “a book that... is just a plain wonderful read.” Gloria Steinem weighed in with “Faces of Feminism underlines the continued importance of replacing the patriarchal either/or with a feminist agenda” and Wendy Kaminer in the N.Y. Times Book Review praised the book as “An especially welcome resource for young women trying to make sense of the women’s movement.” Published in 1997 by Westview Press but just as relevant and eye-opening today, it is available on Amazon.com, BarnesandNoble.com, [Al Libris](http://AlLibris.com), etc.*



**Veteran Feminists of America Salutes Feminist Lawyers
Advisory Board**

Karen Coolman Amlong
Jacqui Ceballos
Karen DeCrow
Mary Eastwood
Cynthia Epstein
Nancy Erickson
Brenda Feigen
Muriel Fox
Sonia Pressman Fuentes

Emily Jane Goodman
Janice Goodman
Jean Ledwith King
Joan Michel
Helen Pearl
Lynn Hecht Schafran
Phyllis Segal
Sheila Tobias

ON THE ISSUES
THE PROGRESSIVE WOMAN'S MAGAZINE

Feminist Thinkers. Writers, Artists, Activists!

On The Issues Magazine

is returning Online at this critical time
to raise voices of courage and conviction.

Join our provocative conversation.

Shape the future.

Sign up for free for the latest articles and art.

www.ontheissuesmagazine.com

Merle Hoffman, Publisher/Editor-in-Chief
merle@ontheissuesmagazine.com

partisan of judicial restraint into wavemaker: the transformation of justice ginsburg

—by ellen goodman, the boston globe, june 29, 2007

NOW, in the season of her discontent, it is well to remember that Ruth Bader Ginsburg was always called a moderate. The word dangled from her wrist like an ID bracelet. In fact, when she was nominated to be the second woman on the Supreme Court, there were feminists who added another adjective to that word: too moderate.

I always thought that was a bad rap. Ginsburg went to law school when textbooks still read: *"Land, like woman, was meant to be possessed."* Her dean asked the nine women in her class of 500 why they were taking a man's seat. She was accepted for a clerkship only after the judge found an understudy in case she couldn't hack it. It's not surprising that Ginsburg often refers to herself as a "way-paver."

At the same time, the legal strategy that she devised in the 1970s to upend the idea that men and women live in different legal spheres was a careful, incremental bit of roadwork. Her plaintiffs in a series of successful sex discrimination suits were often men—such as a widowed father ineligible for Social Security—chosen to appeal to male judges.

After her confirmation by a margin of 97-3, Ginsburg was still called "a partisan of judicial restraint." Not for her were the outbursts of friend and fellow opera buff Antonin Scalia. She sought to lower the acrimony. The flashiest decision she wrote was for the seven justices who struck down the all-male Virginia Military Institute.

But this year we are witnessing—what shall we call it?—the radicalization of Ruth Bader Ginsburg? The transformation of the 74-year-old justice who is watching a court undo her life's work? When I Grow Old, I Shall Wear Purple?

This is the first year since Sandra Day O'Connor's retirement. As Ginsburg said of O'Connor, "We divide on a lot of important questions, but we have had the experience of growing up women and we have certain sensitivities that our male colleagues lack." Now the "only woman" is clear about how this feels: "The word I would use to describe my position on the bench is lonely."

If O'Connor's exit makes a difference personally, it makes more of a difference judicially. So, twice this term, when the 5-4 majority of the Roberts court dropped its opinions like cluster bombs on the road she paved, Ginsburg took the unusual stance of reading her powerful dissents, slowly, unequivocally, and aloud in the courtroom.

The first time was when the partial-birth abortion ban was upheld. In his opinion, Justice Anthony Kennedy claimed to be protecting women from their own regrets. Abortion was harmful to a woman, he implied, because it violated her true nature as a mother.

But Ginsburg retorted, "This way of protecting women recalls ancient notions about women's place in society and under the Constitution—ideas that have long since been discredited." Indeed, she had helped discredit them.

The second time was after the outrageous decision on pay discrimination. The court ruled against Lilly Ledbetter, the one woman among 16 Goodyear supervisors who was paid far less throughout her career. Tough luck, the court said; discrimination suits had to be filed within 180 days after the pay was set.

This time, Ginsburg not only dissented but called upon Congress to change the law and thereby overrule the court. The lone woman on this bench explained in a resonant sentence: "An employee like Ledbetter, trying to succeed in a male-dominated workplace, in a job filled only by men before she was hired, understandably, may be anxious to avoid making waves."

Avoid making waves? "This has been Justice Ginsburg's MO," muses Goodwin Liu, a former clerk and now a law professor at UC Berkeley. "She has tried to be collegial, respectful on the court. She's not a screamer. So it's unusual to be reading opinions that say, enough is enough."

Many women of a certain age are watching with dismay as hard-won progress is rolled back. Ginsburg once predicted that women would achieve full legal equality by 1978. Maybe it's the times that provoke new strategies. Enough is enough.

I once called O'Connor the justice of the peace. She tried to reduce conflict even when it meant denying conflict. What now of Ginsburg, the justice of the moderate? "She's still a voice of moderation," says Yale Law School's Judith Resnik. "It's the court that has become radical."

So as this court session ends, Ruth Bader Ginsburg raised the decibel level and the alarm. At 74, she may find her most powerful role in dissent. The way-paver is fast becoming a wave-maker. ■

©2007, *The Washington Post Writers Group. Reprinted with Permission.*

in 1969 as it were ...

supreme court turns a blind eye to injustice to women

—by vera glaser, women's news service, march 13, 1969

WASHINGTON—Shocking and unfair as it may seem, the Supreme Court has never accorded women the protection of the 14th amendment.

Although women eat and sleep with men, they stand under the Constitution today about where Negroes were three decades ago, according to the President's Commission on the Status of Women. "What we need," says Rep. Martha Griffiths, D-Mich., "is for a Justice to look at a case involving a woman just once and say this is a human being, that the equal protection clause applies."

She urges working women to organize and finance legal prosecution of sex discrimination cases, taking them to the Supreme Court, as did the National Association for the Advancement of Colored People in pursuing landmark racial decisions.

SALARY GAP

In 1963 Congress passed the equal pay for equal work law. Yet the median annual salary for men (\$7,200) is about twice that for women (\$4,200) and the gap is widening. The average woman college graduate can expect to earn less than a man with a grade school education.

In 1964 the civil rights law prohibited discrimination based on sex (as well as on race, religion and nationality). It set up the Equal Employment Opportunity Commission to handle complaints. Although thousands of sex complaints poured in, EEOC's lack of enforcement powers placed the real follow-through in the lap of the Justice Department. So far it has refused to bring a class sex-bias suit, although many have been initiated on behalf of Negroes. A 1967 law permits women in the military to rise to the rank of admiral and general. The male hierarchy has yet to name one.

\$7,200 in 3/69 = \$41,468 in 8/07

\$4,200 in 3/69 = \$24,190 in 8/07

OLDER WOMEN

A 1968 law bans bias because of age, but women in their forties and fifties still get the brush. The Nixon Administration itself violated the law's intent by announcing, through Assistant HEW Secretary Patricia Hitt, that high-ranking federal jobs would be filled by women between 25 and 35. Apparently realizing it had flubbed, a story was put out the following day expanding the age limit to 50, although this, too, violates the law.

By executive orders President John Kennedy created the Commission on the Status of Women and President Johnson banned sex bias in federal hiring and promotions and in firms doing business with the government. [But] the government itself appears to be ignoring the orders. "Widespread negative attitudes of men" were blamed in a 1967 study for the fact that only two per cent of federal women employees occupy the higher positions, although the bureaucracy is one-third female. Whether the government will cancel a contract because of sex bias remains to be seen. Racial bias by federal contractors was countenanced long after it was outlawed by executive order and only recently have offenders been slapped on the wrist.

ALL-BOY SCHOOL

In the area of equal access to education, an important case is now before the New York Supreme Court. Alice de Rivera's mathematical brilliance placed her in the 99th percentile in a citywide competition, but the nearest coed high school with a top-caliber math department is three-hour round trip by subway from her home. Viewing the journey as dangerous for a 13-year-old, her parents are trying to enter Alice at Stuyvesant High, an all-boy school with comparable math instruction which is more conveniently located.

Ironically, the head of the New York City Board of Education defending the exclusion of girls from Stuyvesant is John Doar, former Assistant Attorney General in charge of the Justice Department's civil rights division. Doar personally enforced the legal right, secured under the 14th amendment, of Negro James Meredith to enter the University of Mississippi.

Major roadblocks to legal equality for women are state laws, originally passed as "protective," but now serving to bar women from jobs and advancement. Some limit the number of hours women can work, cutting them off from management training and supervisory positions. Others set a limit on the weight (usually 35 pounds) a woman may lift on the job. World War II proved



© BETTYE LANE

women could hold their own in such physically taxing jobs as operating lift trucks in longshore industries and working on factory production lines. Physical limitations, feminists say, should depend on the individual's capabilities rather than sex.

Women still do not have equal property rights in many states, nor the right to custody of their children.

UNEQUAL PUNISHMENT

Last year, a Connecticut woman convicted of disorderly conduct and resisting arrest was sentenced to three years imprisonment. Had she been a man, her sentence would not have exceeded one year. When a legal aid association took the case, the federal district court ruled the statute under which she was sentenced was invalid. Sixteen other women were released at the time, all having served more than the maximum for a man.

Similar discriminatory sentences against women have been handed down in the courts of Pennsylvania and Maine. Although the Connecticut and Pennsylvania laws were struck down by lower courts, they have not been declared unconstitutional by the Supreme Court and such states. A single Supreme Court decision could nullify state laws perpetuating the inequities, but over the years it has been impossible to achieve.

RESTAURANT JOBS

In 1924 the High Court upheld a New York law prohibiting employment of women in restaurants in some cities after 10 p.m. under the guise of "protecting" them. It excepted cigarette and flower girls, ladies' rest room attendants, hotel elevator operators, and charwomen—obviously less lucrative jobs or those which men did not want. In 1958 and 1960 the High Court upheld exclusion of women from Texas A and M, a state college.

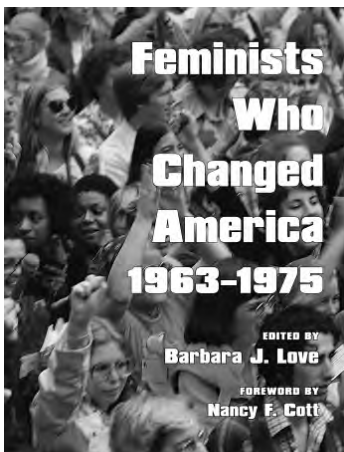
Another possible way to nullify state laws is the equal rights amendment, which women's groups have tried for years to push through Congress. It would amend the U.S. Constitution to read, "equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." The amendment was endorsed by Presidents John Kennedy, Lyndon Johnson, and Richard Nixon but has had tough sledding. It has been reintroduced in the 91st Congress. Should it pass, ratification by the states could take years. Those with discriminatory sex laws may resist.

HIGH COURT

Some legal experts prefer the alternative of carrying suits against the discrimination up to the Supreme Court, a course requiring time and money. There are enough working women to finance it if they mobilize.

A decision like *Brown vs. Board of Education*, by which the Supreme Court in 1954 banned school segregation in the states, would give women a solid legal foundation on which to fight sex bias. A case which may become such a landmark is *Weeks vs. Southern Bell*, in which the Circuit Court of Appeals in New Orleans recently ruled in favor of a woman applying for the job of switchman for which she had seniority. She had been turned down because of a state weight-lifting regulation. The lower court held that was justified, but in the recent decision the Appeals Court ruled the employer has the burden of proving all or practically all women could not perform the duties of the job. If *Southern Bell* takes the case to the Supreme Court, the decision will have national repercussions.

Attorney Marguerite Rawalt, former head of the National Association of Women Lawyers, has been active in many such cases. Miss Rawalt helped found a fund to recruit other women lawyers to fight court battles for women's rights. ■



576 pp. 8 1/2" x 11" 45 photos. 978-0-252-03189-2
Cloth, \$80.00

Feminists Who Changed America, 1963–1975

EDITED BY BARBARA J. LOVE

Foreword by Nancy F. Cott

"This who's-who of the women's movement in the '60s and '70s honors the lesser-known foot soldiers—there are 2,200 bios—as well as the stars (Friedan, Abzug et al.) of feminist activism."—*Ms. Magazine*

"No home, library, or school is complete without this guide to the women who looked at the world as if everybody mattered, and so began a revolution."
—Gloria Steinem

"Extensive effort was aimed at including as many individuals as possible, with recruiting and information-gathering efforts taking place at conferences, online, by means of research, and by word of mouth. The scope of coverage is admirable. This work will serve as an excellent resource for researchers of second-wave feminist biography. Highly recommended."—*Choice*

"What a thrill to read a book that draws you in and helps you relive your own history! . . . This is a significant reference tool and historical record of an exciting time that many older readers of *Affilia* have lived through and younger readers need to learn about."
—*Affilia: Journal of Women and Social Work*

Barbara J. Love's *Feminists Who Changed America, 1963–1975* is the first comprehensive directory to document many of the founders and leaders (including both well-known and grassroots organizers) of the second wave women's movement. The biographical entries on these pioneering feminists represent their many factions, all parts of the country, all races and ethnic groups, and all political ideologies. Nancy F. Cott's foreword discusses the movement in relation to the earlier first wave and presents a brief overview of the second wave in the context of other contemporaneous social movements.



UNIVERSITY OF ILLINOIS PRESS

800-621-2736 • www.press.uillinois.edu