

PREFACE

When the first edition of *The Rights of Women* was published in 1973, many laws existed that on their face treated women and men differently. These laws, for example, prohibited women from holding certain jobs or working overtime; mandated that if a man and a woman were equally qualified to serve in a position, preference should be given to the man; and barred married women from controlling property jointly owned with their husbands.

Indeed, prior to 1971, the Supreme Court had never struck down as unconstitutional any law that discriminated against women. It was not until the case of *Reed v. Reed*, in 1971, that the Court declared that the Fourteenth Amendment prohibited sex discrimination, just as it prohibited discrimination on the basis of race. In this case, the Court struck down an Ohio law that provided that if a man and a woman were equally qualified to be the administrator of a deceased's estate, the man should be appointed.

Throughout the 1970s, the ACLU Women's Rights Project and other advocates worked strenuously to establish women's equality through court challenges and the enactment of civil rights statutes. They achieved enormous gains, striking down the vast majority of laws that differentiated between women and men, and enshrining in federal and state law prohibitions against discrimination.

Today, few laws explicitly treat men and women differently. Nevertheless, the rights that have been established by court decision and by legislation are still not realized by all women in the United States. For the most marginalized women—poor women, women of color, immigrant women—those rights are still far from a reality. Thus, the fight for women's rights remains critical.

This book addresses the most important women's rights issues today. These rights—and their violations—arise in many contexts: in the work place, in schools, in housing, in public accommodations, in state or federal custody, and in the distribution of government benefits. Reproductive rights continue to be threatened. Women's rights to be free from discrimination and from violence remain at risk. These rights are protected by the U.S.

Constitution, by state constitutions, and by federal and state statutes. In some contexts, the work of the ACLU Women's Rights Project today focuses on enforcing rights that are already established; in others, it is about expanding interpretations of laws so as to provide greater protection.

This book explains how the law can be used to advance women's equality. For the most part, the law now can be used to expand women's opportunities, rather than restricting them as it did in the past. It is essential that women learn and understand how to use the law in this manner. It is our hope that this book will aid in that process.

To help us achieve our goal of gender equality, join the ACLU's Action Network. Go to <http://action.aclu.org>.

To learn more about efforts to protect women's rights, go to <http://www.aclu.org/womensrights>, www.aclu.org/reproductiverights, www.aclu.org/lgbt, and www.aclu.org/prison.