**TIMELINE OF MAJOR SUPREME COURT DECISIONS ON WOMEN’S RIGHTS**

**1971**

*Reed v. Reed*, 404 U.S. 71 (1971). In this case, the United States Supreme Court rules for the first time ever that a law that discriminates against women is unconstitutional under the Fourteenth Amendment. In reaching this result, the Court relies on a brief written by Professor Ruth Bader Ginsburg, the ACLU Women’s Rights Project’s first director. The Court rules unanimously that a state statute that provides that males must be preferred to females in estate administration denies women equal protection of the law.

*Phillips v. Martin Marietta*, 400 U.S. 542 (1971). The Supreme Court rules that an employer violates Title VII when it refuses to hire women with young children while hiring men who are similarly situated.

**1973**

*Frontiero v. Richardson*, 411 U.S. 677 (1973). In this case, initially filed by the Southern Poverty Law Center, and the first argued before the Supreme Court by Professor Ginsburg, the Court strikes down a federal statute that automatically grants male members of the uniformed forces housing and benefits for their wives, but requires female members to demonstrate the “actual dependency” of their husbands to qualify for the same benefit. Four Justices concluded that laws differentiating by sex are inherently suspect and subject to strict judicial scrutiny, as are those differentiating by race.

*Pittsburgh Press v. Pittsburgh Commission on Human Relations*, 413 U.S. 376 (1973). The Supreme Court holds that employers’ use of sex-segregated “Male Help Wanted” and “Female Help Wanted” columns and newspapers’ publication of these columns is illegal, because sex-segregated columns enable employers to express unlawful gender preferences. On behalf of the Women’s Rights Project, Professor Ginsburg co-authors an amicus brief in the case.

**1974**

*Geduldig v. Aiello*, 417 U.S. 844 (1974). On behalf of the Women’s Rights Project, Professor Ginsburg co-authors an amicus brief that argues that laws discriminating on the basis of pregnancy make gender-based distinctions and should be evaluated under heightened scrutiny. The Court holds that a disability insurance program that denies benefits for disabilities resulting from pregnancy is not unconstitutional, as it does not involve discrimination on the basis of gender, but discrimination between pregnant and nonpregnant persons.

*Kahn v. Shevin*, 416 U.S. 351 (1974). In this Women’s Rights Project case, originally filed by the ACLU of Florida, the Court holds that a Florida statute granting widows, but not widowers, an annual five hundred dollar exemption from property taxes is constitutional because the purpose of the statute is to close the gap between men and women’s economic situations and there is a substantial relationship between this purpose and the exemption.

**1975**

*Weinberger v. Weisenfeld*, 420 U.S. 636 (1975). Professor Ginsburg, on behalf of the Women’s Rights Project, successfully argues that a provision of the Social Security Act providing for gender-based distinctions in the award of social security benefits is unconstitutional. In this case, the Court holds that the government cannot provide child-in-care benefits to widows with minor children and not to widowers, since such a provision discriminates against working women, whose families receive fewer protections as a result of their social security taxes than do men, and against widowers, who need such benefits in order to devote themselves to their children.

*Cleveland Board of Education v. LaFleur*, 414 U.S. 632 (1979). The Supreme Court holds that it is unconstitutional for public employers to require women to take unpaid maternity leaves after the first trimester of pregnancy because of a conclusive presumption that
pregnant women are no longer able to work, since such policies impinge on women's due process rights. On behalf of the Women's Rights Project, Professor Ginsburg co-authors an amicus brief in the case.

**Taylor v. Louisiana**, 419 U.S. 522 (1975). The Supreme Court invalidates a Louisiana statute that allows women to serve as jurors only when they expressly volunteer, which has the practical effect of almost entirely eliminating women from juries, and requires states to call men and women to jury service on an equal basis.

**Stanton v. Stanton**, 411 U.S. 7 (1975). The Supreme Court rules that a law setting the age of majority for women at eighteen and for men at twenty-one, based on the assumption that women need less education and preparation for adulthood than do men, is unconstitutional.

**Turner v. Department of Employment Security**, 423 U.S. 44 (1975). In this Women's Rights Project case, the Supreme Court invalidates a state regulation making pregnant women ineligible for unemployment benefits for twelve weeks before birth and six weeks after birth regardless of their capacity to work.

**Craig v. Boren**, 429 U.S. 190 (1976). The Supreme Court adopts a "heightened scrutiny" standard of review to evaluate legal distinctions on the basis of gender, which requires that a gender-based legal distinction bear a substantial relationship to an important governmental interest. This conclusion is based in part on a Women's Rights Project amicus brief written by Professor Ginsburg. The Women's Rights Project works closely with the plaintiffs' attorney in the case.

REGENTS OF THE UNIVERSITY OF CALIFORNIA V. BAKE, 429 U.S. 953 (1976). On behalf of the Women's Rights Project, Professor Ginsburg co-authors an amicus brief to the Court successfully defending affirmative action in public higher education.

**General Electric Co. v. Gilbert**, 429 U.S. 125 (1976). Professor Ginsburg, on behalf of the Women's Rights Project, authors an amicus brief to the Court, arguing that the exclusion of pregnancy-related conditions from a private employer's disability plan violates Title VII. The Court again concludes that pregnancy-based discrimination is not sex discrimination. Congress will override this decision in 1978, through passage of the Pregnancy Discrimination Act.

**Califano v. Goldfarb**, 430 U.S. 199 (1977). In this Women's Rights Project case, argued by Professor Ginsburg, the Supreme Court invalidates gender-based distinctions in the payment of social security survivor benefits, finding these distinctions to be based on archaic assumptions regarding women's dependency.

**Dothard v. Rawlinson**, 433 U.S. 321 (1977). The Supreme Court invalidates Alabama's height and weight requirements for prison guards that have the effect of excluding the vast majority of female candidates, finding that these requirements violate Title VII. However, the Court upholds Alabama's exclusion of women from many jobs as prison guards in all-male maximum security prisons, finding that in such an environment, women could present a security risk. Professor Ginsburg, on behalf of the Women's Rights Project, co-authors an amicus brief in the case.
Coker v. Georgia, 433 U.S. 584 (1977). The Supreme Court holds that Georgia’s statute allowing a sentence of death for a convicted rapist is cruel and unusual punishment in violation of the Eighth Amendment. On behalf of the Women’s Rights Project, Professor Ginsburg coauthors an amicus brief opposing the imposition of the death penalty on a convicted rapist because historically, convicted rapists were sentenced to death as a result of the idea that a woman was a man’s property and because the severity of such a sentence meant that often police would refuse to charge men with rape and juries would refuse to convict men of rape.

Nashville Gas Co. v. Satty, 434 U.S. 136 (1977). The Court finds that an employer’s policy of denying accumulated seniority to employees returning from pregnancy leave violates Title VII in the absence of proof of business necessity of such a practice. The Women’s Rights Project coauthors an amicus brief.

Los Angeles Department of Water and Power v. Manor, 435 U.S. 702 (1978). On behalf of the Women’s Rights Project, Professor Ginsburg co-authors an amicus brief for this case in which the Supreme Court holds that requiring female workers to make larger pension fund contributions than their male counterparts violates Title VII since Title VII prevents employers from basing personnel policies on assumptions about differences between men and women as groups.

Duren v. Missouri, 439 U.S. 357 (1979). On behalf of the Women’s Rights Project, Professor Ginsburg successfully argues to the Supreme Court that a state statute exempting women from jury duty upon their request violates a defendant’s Sixth and Fourteenth Amendment rights to be tried by a jury drawn from a fair cross-section of the community.

Orr v. Orr, 440 U.S. 268 (1979). On behalf of the Women’s Rights Project, Professor Ginsburg authors an amicus brief for this case, in which the Supreme Court invalidates statutes providing that husbands, but not wives, may be required to pay alimony upon divorce and thus casts off the assumption that wives are dependent upon their husbands for financial support but husbands are never dependent on wives.

Califano v. Westcott, 443 U.S. 76 (1979). On behalf of the Women’s Rights Project, Professor Ginsburg authors an amicus brief that helps persuade the Supreme Court to invalidate a program for unemployment benefits under the Aid to Families with Dependent Children program. The program provides benefits to families with unemployed fathers, but not to those with unemployed mothers, and the Court rules it is therefore unconstitutional because of its presumption that fathers are primary breadwinners while mothers’ employment is secondary.

Personnel Administrator of Massachusetts v. Feeney, 442 U.S. 256 (1979). In a challenge to legislation that unquestionably burdens women disproportionately to men by providing a lifetime employment preference for state government jobs to veterans, who are overwhelmingly male, the Court concludes that such a preference is not unconstitutional, since it was adopted “in spite of” rather than “because of” its harmful effect on women.

Wengler v. Druggists Mutual Insurance Co., 446 U.S. 142 (1980). The Court strikes down a state law denying widowers worker’s compensation benefits upon the work-related death of their wives unless they prove dependency or incapacity, while granting widows such benefits automatically. Professor Ginsburg, on behalf of the Women’s Rights Project, coauthors an amicus brief in the case.


Kirchberg v. Feenstra, 450 U.S. 455 (1981). This Supreme Court case is the first to invalidate a law that gives a husband the right to control marital property without his wife’s consent. Feenstra’s husband signed a promissory note mortgaging their marital home to his attorney without telling his wife, pursuant to a Louisiana statute that gave husbands the exclusive right to dispose of community property. The Supreme Court overturns the Louisiana law as an abridgement of married women’s constitutional rights under the Equal Protection Clause of the Fourteenth Amendment.
1981 continued

**County of Washington v. Gunther**, 452 U.S. 161 (1981). In this case, in which the Women’s Rights Project submits a key amicus brief, the Court holds that individuals can show illegal gender-based wage discrimination under Title VII even when no member of the opposite sex holds a nearly identical job. This case is important for combating wage discrimination, given continued patterns of gender segregation in employment.

**HIGHLIGHT:** 1981 Sandra Day O’Connor becomes the first woman to serve on the United States Supreme Court

**Rosther v. Goldberg**, 523 U.S. 57 (1981). The Supreme Court holds that mandatory draft registration for men only does not violate the Constitution. In this case, in which the Women’s Rights Project serves as co-counsel for plaintiffs challenging the gender-based requirement, the Court holds that in questions of military service, special deference is accorded to Congress to make such gender-based distinctions.

**Mississippi University for Women v. Hogan**, 458 U.S. 718 (1982). The Supreme Court rules that it is unconstitutional for a state to provide a nursing school for women only, since there is no important governmental interest in perpetuating women’s over-representation in the nursing field.

**Arizona Governing Committee v. Norris**, 463 U.S. 1073 (1983). The Court holds that a state pension plan that allows employees to choose retirement benefits from one of several companies, all of which pay women lower benefits than men, violates Title VII. The Women’s Rights Project authors an amicus brief.

**Newport News Shipbuilding & Dry Dock Co. v. EEOC**, 462 U.S. 669 (1983). In this case the Supreme Court acknowledges that the Pregnancy Discrimination Act establishes that discrimination based on a woman’s pregnancy is, on its face, discrimination because of sex, and thus supercedes Gilbert. The case is brought by male employees who claim that the employer’s health plan, which covered pregnancy-related services for female employees more fully than for spouses of male employees, discriminates on the basis of sex. The Court holds that such differentiation is indeed discrimination forbidden under Title VII.

1984

**Roberts v. United States Jaycees**, 468 U.S. 609 (1984). The Women’s Rights Project co-authors an amicus brief in this case, urging the Supreme Court to affirm the state decision to strike down the Jaycees’ policy of excluding women under state public accommodations law. The Court does so, holding that the Jaycees’ exclusionary practices are not protected by the First Amendment and that Minnesota has a compelling interest in ending sex discrimination.

**Hishon v. King & Spalding**, 467 U.S. 69 (1984). The Supreme Court finds that partnerships, such as the respondent Atlanta law firm, are “employers” subject to Title VII’s prohibition against sex discrimination, and that Title VII requires the law firm to consider women for partnership. The Women’s Rights Project co-authors an amicus brief in this case.

1986

**Meritor Savings Bank v. Vinson**, 477 U.S. 57 (1986). The Supreme Court holds that sexual harassment that creates a hostile environment is a form of sex discrimination prohibited by Title VII.

1987

**California Federal Savings & Loan Association v. Guerra**, 479 U.S. 272 (1987). In this case, an employer seeks a declaration that a state law requiring employers to provide pregnancy leave and reinstatement is pre-empted by the Pregnancy Discrimination Act’s requirement that pregnancy be treated like other disabilities. The Court holds that the Pregnancy Discrimination Act does not prohibit practices favoring pregnant women, and in any case, employers are free to provide comparable benefits to other disabled employees. The Women’s Rights Project files an amicus brief.

**Wimberly v. Labor & Industrial Relations Commission**, 479 U.S. 511 (1987). The Supreme Court holds that a Missouri statute denying unemployment benefits to claimants who leave work “voluntarily” and “without good cause” attributable to work or to the employer can be applied to workers who leave because of pregnancy and is not preempted by a federal law that provides that no state can deny unemployment benefits to an individual solely on the basis of pregnancy. The ACLU Women’s Rights Project filed an amicus brief.

continued on reverse
**Johnson v. Transportation Agency, Santa Clara, 480 U.S. 616 (1987).** In this Title VII case brought by a male employee who was passed over for promotion in favor of a female employee with a lower test score, the Supreme Court holds that an employer can take sex into account in such situations if it does so pursuant to an affirmative action plan meant to remedy the under-representation of women in traditionally sex-segregated jobs.

**Price-Waterhouse v. Hopkins, 490 U.S. 228 (1989).** In this Title VII case, the Supreme Court holds that when gender discrimination plays a part in an employer's decision about an employee, an employer may still avoid Title VII liability if it proves that other reasons played a large enough role in the decision that it would have made the same decision in the absence of discrimination. The Women's Rights Project co-authors a major amicus brief in the case. The Hopkins holding will be partially amended by Congress in the Civil Rights Act of 1991, which provides that an employee proves a violation of Title VII when she shows that discrimination plays any part in an employment decision, but may only receive damages if the employer fails to show that it would have made the same decision even in the absence of discrimination.

**Yellow Freight System, Inc. v. Donnelly, 494 U.S. 820 (1990).** The Supreme Court holds that state courts, as well as federal courts, can hear Title VII claims. The case involves a woman who sought employment as a dock worker and was repeatedly passed over in favor of male candidates, though the company had assured her that it would hire her as soon as a position became available.

**University of Pennsylvania v. EEOC, 493 U.S. 182 (1990).** This case involves a claim by a Wharton Business School professor who was denied tenure that the reason for the denial was the negative evaluation of a department chairman who had sexually harassed her; the professor denied tenure argues that her qualifications were equal to or better than the five male professors who were granted tenure. The Supreme Court holds that universities have no common law or First Amendment privilege to withhold peer review materials relevant to charges of race or sexual discrimination in tenure decisions.

**United Auto Workers v. Johnson Controls, 499 U.S. 187 (1991).** The Women's Rights Project authors an amicus brief that helps persuade the Supreme Court that Title VII forbids employers from adopting fetal-protection policies preventing fertile women from working in jobs that entail exposure to lead or other toxins that might harm a fetus. The case holds that women must be allowed to make their own decisions about pregnancy and dangerous work, and as long as women can perform their jobs, employers may not exclude them from certain kinds of work based on expressions of concern for children they might conceive.

**Franklin v. Gwinett County Public Schools, 503 U.S. 60 (1992).** The Supreme Court holds that Title IX supports a claim for monetary damages. In this case the high school student seeking damages claims she was sexually harassed and abused by her teacher and coach and that administrators were aware of the harassment and abuse but took no action to stop it and encouraged her not to press charges against the teacher.

**Harris v. Forklift Systems, 510 U.S. 17 (1993).** The Supreme Court holds that a person does not have to prove psychological damage in order to prevail in a sexual harassment suit, but can win based on evidence of conduct that would reasonably be perceived to be hostile and sexually abusive.

**United States v. Virginia, 518 U.S. 515 (1996).** Justice Ginsburg delivers the opinion of the court, ruling that the all-male Virginia Military Institute's (VMI) discriminatory admissions policy violates women's equal protection rights and ordering the school to admit women or forfeit its government funding. The Women's Rights Project participates in this case as amicus and as advisor.
MLB v. S.L.J., 519 U.S. 102 (1996). The Supreme Court holds that a state may not deny a parent the right to appeal termination of parental rights because poverty prevents her paying for the record; the state must supply the record itself.

Oncale v. Sundowner Offshore Services, 523 U.S. 75 (1998). The Supreme Court unanimously holds that Title VII prohibits same-sex sexual harassment. The case involves a male offshore oil rig worker who was subjected to sex-related humiliating actions by male co-workers and physically assaulted in a sexual manner by two male co-workers and a supervisor. The Women's Rights Project co-authors an amicus brief in the case.

Faragher v. City of Boca Raton, 524 U.S. 775 (1998). The Supreme Court holds that when a harassing supervisor with authority over an employee takes a “tangible employment action” against the employee, the employer is strictly liable for the supervisor’s action under Title VII. The Women’s Rights Project co-authors an amicus brief in the case.

Burlington Industries v. Ellerth, 524 U.S. 742 (1998). In this sexual harassment case, a companion to Faragher, the Court again holds that an employer is automatically subject to vicarious liability for an actionable hostile environment created by a supervisor when tangible employment action is taken. If no such “tangible employment action” has taken place, the employer may claim that it exercised reasonable care to prevent and correct promptly any sexually harassing behavior and that the plaintiff employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer.

Gelser v. Lago Vista Independent School District, 524 U.S. 274 (1998). The Supreme Court makes clear the circumstances under which schools are liable for damages when a teacher sexually harasses a student. The Court holds that under Title IX, a school is liable for damages when a school official with knowledge of the teacher’s harassment and authority to take corrective action acts with “deliberate indifference” to the teacher’s conduct.

Saenz v. Roe, 526 U.S. 489 (1999). The Supreme Court holds in this ACLU case that California’s one-year residency requirement for individuals seeking full welfare benefits under the Aid to Families with Dependent Children (AFDC) program is an unconstitutional violation of individuals’ right to travel, as protected by the Fourteenth Amendment. The case provides important protection for women’s economic rights, as the vast majority of adult recipients of AFDC are single mothers.

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999). The Supreme Court rules that school districts may be liable under Title IX for student-to-student harassment if they are aware of the problem and act with “deliberate indifference” rather than try to resolve it. The Women’s Rights Project participates as amicus.


Kolstad v. American Dental Association, 527 U.S. 566 (1999). In this sex discrimination case, the Supreme Court holds that a court may grant punitive damages to a woman alleging sex discrimination in violation of Title VII even if she does not show that the employer's conduct was “egregious” or “outrageous.” Because it is the employer's state of mind that is relevant, she must only show that the employer acted with malicious or with reckless indifference to the unlawfulness of his action. The Court also holds that an employer will not be vicariously liable for the discriminatory decisions of its managerial agents in cases where the decisions are contrary to the employer's good faith efforts to comply with Title VII. The Women's Rights Project joins in an amicus brief.

United States v. Morrison, 529 U.S. 598 (2000). In this case brought under the civil rights remedies provision of the Violence Against Women Act (VAWA), which permits victims of gender-motivated violence to sue their attackers under federal law, the Supreme Court holds that: [1] the Commerce Clause does not provide Congress with authority to enact the civil rights remedies provision of VAWA, and [2] the enforcement clause of the Fourteenth Amendment does not provide Congress with the authority to enact the civil rights remedies.

Reeves v. Sanderson Plumbing Products, Inc., 530 U.S. 133 (2000). The Court holds that a jury may in some circumstances find gender discrimination in violation of Title VII based on evidence that the reasons an employer gives for an employment decision are untrue, even in the absence of any direct evidence of discrimination. The Women's Rights Project participates as amicus.
Ferguson v. City of Charleston, 532 U.S. 67 (2001). In this case involving a South Carolina hospital that tests pregnant women for substance abuse and reports positive results to the police, the Court holds that pregnant women cannot be subject to warrantless, suspicionless searches simply because they are pregnant. The Women’s Rights Project co-authors an amicus brief in this case.

Pollard v. E.I. DuPont Nemours Co., 532 U.S. 843 (2001). The Women’s Rights Project joins an amicus brief in this case in which the Supreme Court holds that "front pay"—a form of prospective relief awarded by courts in employment discrimination cases under Title VII—is not a form of "compensatory damages" subject to dollar caps. The plaintiff, Sharon Pollard, one of only a few women working in the historically male manufacturing plant of E.I. DuPont de Nemours and Company in Tennessee, sued after she was subjected to sexual harassment for several years by co-workers and supervisors who repeatedly taunted her for doing "men's work" and for holding a supervisory position over certain men.

Nguyen v. INS, 533 U.S. 53 (2001). The Women’s Rights Project co-counsels this case challenging one of the few remaining statutes explicitly discriminating on the basis of gender. The law at issue automatically deems out-of-wedlock children born overseas to be United States citizens when their mothers are citizens, but requires affirmative steps acknowledging legitimacy before the child is 18 to establish the child's citizenship if only the father is a citizen. Voting 5-4 the Court holds the law to be constitutional, over a strong dissent by Justice O'Connor.

Nevada Department of Human Resources v. Hibbs, 538 U.S. 721 (2003). The Supreme Court holds that it is constitutional for a state to be sued in federal court for money damages when that state has violated the Family Medical Leave Act (FMLA). The FMLA provides 12 weeks unpaid leave to employees to care for a new baby or seriously ill family member. The Supreme Court holds that the act's guarantee of leave to all workers, regardless of their gender, attacked the stereotype formally perpetuated by many state employers that care giving was a woman's responsibility rather than a man's. Such stereotypes stigmatized female employees, the Court holds, and discouraged men from taking on family responsibilities. The Court thus concludes that the FMLAs guarantee of leave protected against such discriminatory stereotypes. The Women's Rights Project joins in an amicus brief.

Desert Palace, Inc. v. Costa, 539 U.S. 90 (2003). The Supreme Court, by unanimous opinion, holds that direct evidence of sex discrimination is not required for a plaintiff to present a case to a jury as a “mixed motive” case. In response to an earlier Supreme Court opinion touching the issue, Price Waterhouse v. Hopkins, Congress passed the Civil Rights Act of 1991 which made clear that in order to prove sex discrimination, a plaintiff employee need only show that sex was a "motivating factor" for the contested employment practice, even where other, permissible, factors might also have been present. The Court holds that, the statutory language does not require a heightened showing through direct evidence. The Women’s Rights Project joins an amicus brief in this case.

Pennsylvania State Police v. Suders, 542 U.S. 129 (2004). Justice Ginsburg authors the opinion in this case in which the Supreme Court holds that when a plaintiff has been forced to quit her job by an official act of her employer, an employer may not defend against a Title VII hostile environment sexual harassment claim by showing that it took reasonable care to prevent and correct any sexually harassing behavior, and that the employee unreasonably failed to take advantage of opportunities to correct, prevent, or otherwise avoid harm. [In cases where a plaintiff cannot show evidence of some such "tangible employment action" e.g., termination, demotion, undesirable reassignment—related to the harassment, an employer may defend against a hostile environment sexual harassment claim by making such a showing.] The Women’s Rights Project joins an amicus brief in the case.

Jackson v. Birmingham Board of Education, 544 U.S. 167 (2005). In a 5-4 opinion authored by Justice O'Connor, the Supreme Court holds that Title IX allows an individual to bring a retaliation claim in court when he or she is disciplined for complaining about sex discrimination. Such retaliation, the Court holds, is a form of intentional sex discrimination forbidden by the statute. The case is brought by Rodrick Jackson, a teacher and girls' basketball coach in an Alabama public high school, who complained about sex discrimination in the school's athletic program and was later removed from his coaching position. Justice Thomas writes the dissent, arguing that retaliation should not be considered sex discrimination and thus a claim of retaliation cannot be brought under Title IX. The Women’s Rights Project authors an amicus brief in the case.
**2006**

*Town of Castle Rock v. Gonzales*, 545 U.S. 748 (2005). The Women's Rights Project coordinates the amicus effort and authors an amicus brief in this case in support of Jessica Gonzales, whose children were murdered when police took no action to enforce her domestic violence restraining order after her estranged husband kidnapped her children in violation of the order. Although state law required police to make an arrest or seek a warrant for arrest in such circumstances, the Supreme Court rules against Gonzales, holding that she did not have a property interest in police enforcement of her restraining order for Fourteenth Amendment purposes. Justice Stevens, joined in dissent by Justice Ginsburg, argued that Colorado's domestic violence mandatory arrest law creates a property interest in enforcement that is protected under the Constitution and of which the police were not permitted to deprive her without due process.

*Davis v. Washington and Hammond v. Indiana*, 126 S.Ct. 2266 (2006) These cases involve domestic violence prosecutions, in which the women alleged to be the victims of domestic violence did not testify, and prosecutors relied on out-of-court statements by the women. The defendants argued that this violated their constitutional right to cross-examine witnesses. The Women's Rights Project's friend-of-the-court brief urges that the statements be treated as "testimonial," and so excluded, while noting that communities should take steps to make it easier for victims of domestic violence to testify. In a decision delivered by Justice Scalia, the Court held that a statement is "nontestimonial" when its primary purpose is to gain emergency assistance, and is thus admissible. Thus, a 911 call was appropriately introduced, but a statement to police officers was not. Justice Thomas filed a separate opinion concurring in the judgment in part and dissenting in part.

*Burlington Northern & Santa Fe Railway Co. v. White*, 126 S.Ct. 2405 (2006) White was suspended without pay for more than a month and reassigned to a less desirable position after she complained of sex discrimination in the workplace. The Supreme Court held that this is unlawful retaliation under Title VII, because although White ultimately received back pay from her employer, she and her family "had to live for 37 days without income," not knowing "whether or when" she could return to work. Any employee forced to choose "between her job (and paycheck) and filing a discrimination complaint might well choose the former." Justice Breyer writes, concluding that an indefinite suspension without pay is retaliation that would reasonably deter any employee from making a discrimination complaint, and is thus illegal. The Women's Rights Project joined a friend-of-the-court brief in the case, in support of White.

*Ledbetter v. Goodyear Tire & Rubber, Inc.*, 127 S.Ct. 2162 (2007) The Court rejected the claim that a discriminatory salary decision has continuing effect and can therefore be challenged within 180 days of any paycheck that perpetuates the initial act of discrimination. Writing for the majority, Justice Alito instead held that a disparate treatment claim under Title VII requires proof of discriminatory intent, which exists when the discriminatory pay scale is first established but not when it is reinforced by subsequent pay decisions resting on neutral criteria—e.g., an annual percentage raise. Thus, the 180-day statute of limitations under Title VII begins to run from the initial discriminatory act, even though pay discrimination is often hard to uncover if salaries are not published or discussed. Justice Ginsburg's dissent criticized the majority for adopting "a cramped interpretation of Title VII, incompatible with the statute's broad remedial purpose." The Women's Rights Project supported the employee's Title VII claim in a friend-of-the-court brief filed with many other civil rights groups.

*Long Island Care at Home, Ltd. v. Coke*, 127 S.Ct. 2339 (2007) The Court unanimously upheld a regulation issued by the Department of Labor that excludes "domestic service employees" from the minimum wage and overtime provisions of the Fair Labor Standards Act, regardless of whether they are employed directly by the person receiving care or by an outside agency. The Second Circuit had ruled that the statutory exception was only meant to apply in the former situation. In reversing that ruling, Justice Breyer's opinion for the Court rested heavily on the principle of administrative deference. The Women's Rights Project submitted a friend-of-the-court brief, along with numerous other civil rights groups, supporting the Second Circuit's view of the law.