



PROGRESSION TOWARD CONSTITUTIONAL EQUALITY FOR ALL U.S. CITIZENS - WOMEN AND MEN:

14TH, 15TH, 19TH AMENDMENTS, PLUS THE EQUAL RIGHTS AMENDMENT

STEPS	AMENDMENTS (First Section only)	EFFECTS (As Interpreted by the Supreme Court)	
		For Men	For Women
I	<u>1868 Fourteenth</u> <i>All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.</i>  <i>No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*</i>	All men ...are citizens.  Privileges do not include the right of <u>all</u> men citizens to vote.  Men need not have equal protection of the laws with women.	All women ...are citizens.  Privileges do not include the right of <u>any</u> women citizens to vote.  Women need not have equal protection of the laws with men.
LAWS MADE BY MEN, ELECTED BY <u>SOME</u> MEN ( <u>NO</u> WOMEN), MAY TREAT MEN AND WOMEN DIFFERENTLY.			
II	<u>1870 Fifteenth</u> <i>The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.</i>	Guaranteed to <u>all</u> men citizens the right to vote.	Guaranteed to <u>no</u> women citizen the right to vote.
LAWS MADE BY MEN, ELECTED BY <u>ALL</u> MEN ( <u>NO</u> WOMEN), MAY TREAT MEN AND WOMEN DIFFERENTLY.			
III	<u>1920 Nineteenth</u> <i>The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.</i>	No effect.	Guaranteed to <u>all</u> women citizens the right to vote.
LAWS MADE BY MEN AND WOMEN, ELECTED BY <u>ALL</u> MEN AND <u>ALL</u> WOMEN, MAY TREAT MEN AND WOMEN DIFFERENTLY.			
IV	<u>Equal Rights (Proposed Twenty-seventh)</u> <i>Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.</i>	Would guarantee men equality of rights (equal protection) under the law with women.	Would guarantee women equality of rights (equal protection) under the law with men.
LAWS MADE BY MEN AND WOMEN, ELECTED BY ALL MEN AND ALL WOMEN, MAY <u>NOT</u> TREAT MEN AND WOMEN DIFFERENTLY.			

\* Section 2 provides a penalty for a state that denies voting rights to any of its "male citizens" who are of voting age. This provision allowed denial of voting rights to women and, by extension, denial to women of any of the guarantees cited in the first section.

**THE SUPREME COURT HAS REPEATEDLY FAILED TO FIND WOMEN ARE PERSONS (LEGALLY)**

Ratified in 1868, the Fourteenth Amendment to the U.S. Constitution reads: “No state...shall deny to any person within its jurisdiction the equal protection of the law.” This amendment has been used successfully to protect men, minority races, aliens, corporations, and habitual criminals—but rarely women—against denial of rights by U.S. or state law. Some examples:

ISSUE	YEAR	DECISION ABOUT LAW’S CONSTITUTIONALITY -- CASE
<b>Personhood</b>	1874	OK to deny <b>women</b> the right to vote <b>But</b> <i>Minor v. Happersett</i> , 21 Wallace 162.
	1886	Not OK to deny <b>corporations</b> the right to “person” status, <b>And</b> <i>Santa Clara County v. Southern Pacific R.R.</i> , 118 U.S. 384.
	1985	Not OK to charge <b>corporations</b> higher state taxes if based out of state, <i>Metropolitan Life Insurance Co. v. Ward (Alabama)</i> , 470 U.S. 869
<b>Occupation</b>	1872	OK to deny <b>women</b> the right to practice law, <b>But</b> <i>Myra Bradwell v. State</i> , 83 U.S. 187.
	1886	Not OK to deny <b>Orientals</b> the right to operate laundries, <b>And</b> <i>Yick Wo v. Hopkins</i> , 118 U.S. 356.
	1915	Not OK to deny <b>aliens</b> the right to be a cook, <b>But</b> <i>Traux v. Raich</i> , 293 U.S. 33.
	1948	OK to deny <b>women</b> the right to employment as a barmaid unless daughter or wife of bar owner, <i>Goesart v. Cleary</i> , 335 U.S. 464.
<b>Work</b>	1905	Not OK to deny <b>men</b> the right to work as many hours as they wished, <b>But</b> <i>Lockner v. New York</i> , 198 U.S. 45.
	1908	OK to deny <b>women</b> the right to work as many hours as they wished, <b>And</b> <i>Muller v. Oregon</i> , 208 U.S. 412.
	1968	OK to deny <b>women</b> the right to equal labor hours law, <i>Mangelkoch v. California et al.</i> , 393 U.S. 993 (Refused review and allowed lower court decision to stand).
<b>School</b>	1938	Not OK to deny <b>Negroes</b> admission to the state’s only law school, <b>But</b> <i>Gaines v. Canada</i> , 305 U.S. 337.
	1959	OK to deny <b>women</b> admission to the state’s only floricultural school, <i>Heaton v. Bristol</i> , 359 U.S. 230 (Allowed lower court decision to stand).
<b>Trial</b>	1880	Not OK to deny <b>Negro</b> accused the right to have Negroes on jury, <b>But</b> <i>Strauder v. West Virginia</i> , 100 U.S. 303.
	1932	OK to deny <b>woman</b> accused the right to have women on jury, <i>Welosky v. Massachusetts</i> , 284 U.S. 684 <b>And</b> (Refused review, lower court decision allowed to stand).
	1961	OK to deny <b>women</b> the right to equal jury admission, <i>Hoyt v. Florida</i> , 368 U.S. 57.
<b>Equal rights</b>	1971	Not OK to deny <b>women</b> equal right with <b>men</b> to administer estate of deceased relative, <i>Reed v. Reed</i> , 404 U.S. 71. <b>(This decision extended to women a right previously reserved to men.)</b>
<b>Pregnancy</b>	1974	OK to deny <b>women</b> disability coverage for pregnancy as not unlawful sex discrimination. <b>And so</b> <i>Geduldig v. Aiello</i> , 417 U.S. 484.
	1993	OK to deny <b>women</b> seeking abortions class protection as not unlawful sex discrimination, with <i>Geduldig</i> decision as precedent, <i>Bray v. Alexandria Women’s Health Clinic</i> , 506 U.S. 263.
	1980	OK to refuse abortion medical services to women in Peace Corps, military, & prison, and by Indian Health Services & Medicaid, <i>Harris v. McRae</i> , 448 US 297, and <b>OK in proposed 2009 health care reform legislation.</b>
<b>MEN GET PROTECTION FROM SEX DISCRIMINATION WHILE WOMEN DO NOT--SOME EXAMPLES</b>		
<b>Dependent benefits</b>	1972	Not OK to deny <b>husbands</b> of women Air Force officers equal dependency benefits with wives of men officers <i>Frontiero v. Richardson</i> , 411 U.S. 677.
<b>Driving, Insurance</b>	1976	Not OK to deny <b>men</b> ages 18-20 sale of beer while allowing the sale to women ages 18-20. <b>And</b> <i>Craig v. Boren</i> , 429 U.S. 190.
	1984	Not OK under Pa. ERA to charge more for insuring cars driven by <b>men</b> than for cars driven by <b>women</b> . Pa. <b>But it is</b> Sp. Ct., <i>Hartford Co. v. Insurance Commissioner</i> , 482 A. 2d 584.
	1988	OK under Pa. ERA to charge <b>women</b> car owners as a class more per odometer mile for insurance than <b>men</b> owners. <i>Pa. NOW v. Pa. Insurance Dept.</i> , 551 A.2d 1162
<b>Retire-ment benefits</b>	1976	Not OK to deny <b>men</b> state employees backpay (\$400 million) for unequal retirement pay based on sex, <b>But it is</b> <i>Fitzpatrick v. Bitzer</i> , 427 U.S. 445.
	1983	OK to deny <b>women</b> state employees backpay (\$12 thousand) for unequal retirement pay based on sex, (court rejected 14th Amendment claim), <i>Ariz. Gov. Cmte. v. Norris</i> , 463 U.S. 869.
<b>RECENTLY</b>		
<b>Pay Discrimination</b>	1986	Not OK to refuse to <b>Blacks</b> eradication of salary disparities originating from past race discrimination <b>But it is</b> <i>Bazemore et al. v. Friday et al.</i> , 478 U.S. 385
	2007	OK to refuse to <b>women</b> backpay for salary disparities originating from past sex discrimination <i>Ledbetter v. Goodyear Tire &amp; Rubber Co. Inc.</i> , 550 U.S. ___