

WINTER 2005 • VOL.4, NO. 2

respect

A NEWSLETTER ABOUT LAW AND DIVERSITY

Women's Quest for Equality—Yesterday and Today

by Barbara Sheehan

In 1987, the U.S. Congress, with bipartisan support, expanded the celebration of women's history from a week in March to the entire month, giving birth to National Women's History Month. A petition from the National Women's History Project, an educational, nonprofit organization that celebrates the diverse and historic accomplishments of women, prompted this declaration.

For young women today who see role models like Condoleezza Rice serving as the newly appointed Secretary of State to President Bush, and New York Senator Hilary Rodham Clinton being touted as a possible 2008 presidential candidate, it's hard to imagine a time in America when women could not vote, or own property, or go to work at a job of their choosing. But, it wasn't that long ago.

This March, as we celebrate National Women's History Month, we look back at some of the great women leaders of our past, like Susan B. Anthony, a key proponent in earning women the right to vote, and Alice Paul, another **suffragist** who was born in Mount Laurel.

In the face of considerable opposition, these activists organized, picketed, marched—even chained themselves to the White House fence—to obtain the liberties that American Women so freely enjoy today.

While much has been gained, women's rights proponents agree that more is yet to be done, such as securing equal pay for equal work, and obtaining an Equal Rights

Amendment to the U.S. Constitution. Only with continued diligence, these activists say, can women protect the freedoms they worked so hard to obtain and advance the women's rights movement forward for generations to come.

The vote—a 'towering milestone'

While the women's rights effort has achieved numerous victories over the years, the vote remains a "towering milestone," says Lucienne Beard, program director at the Alice Paul Institute in Mount Laurel.

More than 100 years in the making, the women's **suffrage** movement began as far back as the early 1800s, when women began [>continued on page 2](#)

Afghan Women Find Their Voice

by Barbara Sheehan

As we celebrate National Women's History Month, the battle for women's equality marches on across the globe. Perhaps nowhere is this struggle more deeply felt than in Afghanistan, where women who had long been oppressed and abused under Taliban rule are now finding their voice.

As the nation works to rebuild itself following the fall of the Taliban, Afghan residents are taking the first steps toward democracy by electing leaders and implementing a new constitution. At the same time, Afghan women in particular are seizing this opportunity to establish lasting laws and policies that will afford them some of the rights and privileges women in other countries have enjoyed for decades.

Bill of Rights proposed

In what was arguably one of the most visible and dramatic efforts to date, some 45 ethnically [>continued on page 5](#)

This publication was made possible through funding from the IOLTA Fund of the Bar of New Jersey.

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receiving more education, getting more involved in politics, and questioning why they weren't allowed to vote.

America saw "one of the first public appeals for woman suffrage" in 1848, when two women, Lucretia Mott and Elizabeth Cady Stanton, held a women's rights convention in Seneca Falls, New York. There, male and female participants signed a Declaration of Sentiments, which called for the end of discrimination against women not only with regard to voting, but in all aspects of society.

National suffrage groups form

In 1869, Congress passed the 15th Amendment to the U.S. Constitution, which guaranteed all men of different race and color the right to vote but did not secure voting rights specifically for women. That same year suffragists formed two national organizations—the National Woman Suffrage Association and the American Woman Suffrage Association.

Stanton, who had headed the Seneca Falls Convention, and Susan B. Anthony led the National Woman Suffrage Association. In 1872, Anthony gained widespread attention after she was arrested and fined for leading a group of women to vote illegally in a presidential election in Rochester, New York.

The American Woman Suffrage Association was headed by Lucy Stone and her husband, Henry Blackwell, and took a more conservative approach, seeking to obtain women's voting rights on a state-by-state basis. In 1890, the two organizations merged to become the National American Woman Suffrage Association.

New generation of leaders emerge

While the struggle for suffrage waged on, some of its earliest proponents, like Stanton and Anthony, did not live to realize their dreams. During the early 1900s, a new generation of leaders began to emerge, engaging middle-class women, working-class women, young people and radicals alike in the battle for the vote. Some of these leaders undertook widespread lobbying efforts, while others, like Alice Paul, organized

active protests, like marches and picketing.

In 1920, the efforts of these activists and their predecessors finally paid off. It was then that the 19th Amendment to the U.S. Constitution was ratified, providing that "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."

Women's suffrage spreads

Similar suffrage movements were also taking place in western countries, such as New Zealand, which was the first nation to grant women full voting rights in 1893; Sweden, which granted full women's suffrage in 1921, and Britain, which gave women voting rights in 1928.

Other countries, such as China, France, India, Italy and Japan, did not grant women suffrage until the mid 1900s. By 1990, women were allowed to vote in almost all democratic nations.

Women lead voting population

If leaders like Anthony and Stanton were alive today, they would surely celebrate the large number of women who now visit the polls for political elections.

According to a report by the Rutgers' Center for American Women and Politics (CAWP), titled *The Gender Gap and the 2004 Women's Vote, Setting the Record Straight*, women vote in higher numbers than men and have done so in every national election since 1964. The report noted that in 2000, 7.8 million more women than men voted. In 2004, according to a CNN exit poll, women comprised 54 percent of the voters in the presidential election, compared to 46 percent male voters.

Other victories

While suffrage remains a vital milestone in the women's rights movement, it is one of many accomplishments women celebrate in America this March.

Here in New Jersey, for example, Bergen County attorney Madeline Marzano-Lesnevich notes that a state statute added to the books in the early 1970s played a significant role in the women's rights movement by, in effect,

granting women more economic rights when a marriage is ended.

In contrast with years prior, this statute, she notes, requires the courts to consider a variety of factors, such as the care and education of children, and the extent to which a spouse has deferred achieving career goals, in distributing property and awarding support.

The statute gave women economic rights within a marriage that they did not have previously, notes Marzano-Lesnevich. Knowing this, she says, empowered women and provided them with more freedom to leave an unhappy or abusive marriage.

With more women joining the workforce, in 1963 Congress passed the Equal Pay Act, which promised equitable wages for the same work, regardless of the race, color, religion, national origin or sex of the worker, according to a timeline sponsored by the National Women's History Project. Also, in 1964 according to the NWHHP timeline, Title VII of the Civil Rights Act was passed, prohibiting employment discrimination on the basis of race, color, religion, national origin or sex of the worker. (See sidebar for more milestones.)

More to do

While it may seem tempting to sit back and enjoy the successes already achieved, women's rights proponents like Beard of the Alice Paul Institute contend there is still more to be done.

As an example, Beard points to the issue of equal pay, and notes that in spite of legislation like the Equal Pay Act, women are still not earning the same money as men. According to the U.S. Department of Labor, women, on average, who work full-time earn only about 75 cents for every dollar that a man earns and the gap is even larger for women of color.

Also, Beard and others continue to advocate for an Equal Rights Amendment (ERA) to the U.S. Constitution, an idea that

Paul first introduced in 1923 and continued, without success, to actively lobby for until her death in 1977. While a number of state

constitutions, including the New Jersey Constitution, contain provisions prohibiting discrimination based on gender, no such amendment exists at the federal level, Beard says.

Currently, the ERA Amendment has been ratified in 35 states, which is three states short for it to become an official amendment to the U.S. Constitution. In 1982, Congress voted to eliminate the deadline for state ratification of the amendment. Essentially, this means that if and when any three of the 15 states that have not ratified the ERA Amendment were to do so, it could become the 28th amendment to the U.S. Constitution. The 15 states in which the ERA Amendment has not been ratified are Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, South Carolina, Utah and Virginia.

Not only would a federal ERA help to secure the status that women have worked so hard to achieve, ERA proponents argue, but it would also offer legal precedent in courts of law where discrimination cases are being considered.

Keeping it going

In an effort to keep the women's rights momentum going, the Alice Paul Institute, which is housed in the restored home of Alice Paul, reaches out to women and girls throughout New Jersey to teach them leadership skills and connect them with role models both past and present, Beard says.

One of the messages the Institute hopes to send to young people, Beard says, is that "one person can make a difference." This is a sentiment that was shared by Alice Paul, who is quoted by NWHHP and other sources as saying: "I always feel the movement is a sort of mosaic. Each of us puts in one little stone, and then you get a great mosaic at the end." ■

Historical Source: World Book Online, a service of World Book, Inc.

Women's Right Movement—

Highlights of key dates and legal decisions impacting the women's rights movement can be found online through the National Women's History Project (NWHHP). Below is a sampling of the items on NWHHP's list. Some dates represent setbacks; others show progress. To view the complete list, visit www.legacy98.org/timeline.html.

- 1701** The first jury of both men and women hear cases in Albany, New York.
- 1777** All states pass laws that take away women's right to vote.
- 1839** Mississippi is the first state to grant women the right to hold property in their own name, with their husband's permission.
- 1848** At Seneca Falls, New York, 300 women and men sign the Declaration of Sentiments, a plea for the end of discrimination against women in all spheres of society.
- 1869** The first woman suffrage law in the U.S. is passed in the territory of Wyoming.



-A Look Back

- 1870** The first grand jury of both men and women hear cases in Cheyenne, Wyoming. The chief justice stops a motion to prohibit the integration of the jury, stating: "It seems to be eminently proper for women to sit upon grand juries, which will give them the best possible opportunities to aid in suppressing the dens of infamy which curse this country."
- 1873** *Bradwell v. Illinois*: The U.S. Supreme Court rules that a state has the right to exclude a married woman (Myra Colby Bradwell) from practicing law.
- 1875** *Minor v. Happersett*: The U.S. Supreme Court declares that despite the privileges and immunities clause, a state can prohibit a woman from voting. The court declares women as "persons," but holds that they constitute a "special category of nonvoting citizens."
- 1879** Through special Congressional legislation, Belva Lockwood becomes the first woman admitted to try a case before the U.S. Supreme Court.
- 1920** The 19th Amendment to the U.S. Constitution is ratified. It declares: "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."
- 1923** National Woman's Party proposes constitutional amendment (ERA Amendment): "Men and women shall have equal rights throughout the United States and in every place subject to its jurisdiction. Congress shall have power to enforce this article by appropriate legislation."
- 1937** The U.S. Supreme Court upholds Washington state's minimum wage laws for women.
- 1938** The Fair Labor Standards Act establishes minimum wage without regard to sex.
- 1947** The U.S. Supreme Court says (*Fay v. New York*) women are equally qualified with men to serve on juries but are granted an exemption and may serve or not as they choose.
- 1963** The Equal Pay Act is passed by Congress, promising equitable wages for the same work regardless of the race, color, religion, national origin, or sex of the worker.
- 1964** Title VII of the Civil Rights Act passes including a prohibition against employment discrimination on the basis of race, color, religion, national origin or sex.
- 1965** *Weeks v. Southern Bell* marks a major triumph in the fight against restrictive labor laws and company regulations on the hours and conditions of women's work, opening many previously male-only jobs to women.
- 1971** The U.S. Supreme Court outlaws the practice of private employers refusing to hire women with pre-school children (*Phillips v. Martin Marietta Corporation*).
- 1971** The U.S. Supreme Court holds unconstitutional an Idaho state law establishing automatic preference for males as administrators of wills (*Reed v. Reed*). This is the first time the court strikes down a law treating men and women differently.
- 1974** *Cleveland Board of Education v. LaFleur* determines it is illegal to force pregnant women to take maternity leave on the assumption they are incapable of working in their physical condition.
- 1975** *Taylor v. Louisiana* denies states the right to exclude women from juries.
- 1978** The Pregnancy Discrimination Act bans employment discrimination against pregnant women.
- 1981** U.S. Supreme Court overturns state laws designating a husband "head and master" with unilateral control of property owned jointly with his wife. (*Kirchberg v. Feenstra*)
- 1993** The Family Medical Leave Act goes into effect, allowing eligible employees 12 weeks of unpaid leave from work during a 12-month period for certain family and medical reasons.
- 1996** *United States v. Virginia* affirms that the male-only admissions policy of the state-supported Virginia Military Institute violates the Fourteenth Amendment.
- 1997** Elaborating on Title IX, the U.S. Supreme Court rules that college athletics programs must actively involve roughly equal numbers of men and women to qualify for federal support. ■

diverse Afghan women made news and made history in September 2003, when they came together in the historic Afghan city of Kandahar to create and propose the Afghan Women's Bill of Rights.

The causes they outlined in their hand-written Bill of Rights reflect the struggles that Afghan women have faced for years and the determination of many to impart real change. Topping this historic document, for example, was a plea for mandatory education for Afghan women through secondary school, and opportunities for all women for higher education.

According to a report titled, The Status of Women in Afghanistan, published by the Human Rights Watch (HRW), an independent, non-governmental U.S. based organization, the literacy rate in Afghanistan is 14 percent for women and 43 percent for men. Approximately 34 percent of four million Afghan children enrolled in school are girls, the report noted, and of girls attending primary school only nine percent continue to secondary school.

Second on the Bill of Rights was a provision to offer up-to-date health services for women with special attention to reproductive rights. Another right outlined in the document included protection and security for women, including the prevention and criminalization of sexual harassment, sexual abuse of women and children, domestic violence and "bad blood-price," which is the custom of offering unmarried, female members of one family to another family as compensation for a crime committed against that family.

Among the 16 other rights requested in the Bill of Rights were freedom of speech, freedom to vote and run for election to office, rights to marry and divorce according to Islam, equal pay for equal work, and setting the minimum age to marry for females at 18. According to the October 2004 HRW report, approximately 57 percent of Afghan girls are married before the age of 16.

The Bill of Rights concluded with a list of five "demands affecting the lives of women." Among them were disarmament and national security, a strong central government, and a commitment to ending government corruption.

Mixed victory achieved

In spite of the efforts of the Afghan women in Kandahar, the Women's Bill of Rights failed to make it into the final draft of the Afghan Constitution, which was ratified in January 2004. In an article from The Washington File, an online publication of the United States Department of State, Masuda Sultan theorized that drafters of the Afghan Constitution did not want controversy about

the Bill of Rights to hold up passage of the constitution altogether. Sultan is program director for the New York-based advocacy group, Women for Afghan Women.

Still, perhaps as a result of public sentiment surrounding the Bill of Rights, drafters reportedly included in the [ratified](#) Afghan Constitution an equal rights clause, as well as a number of other pro-human rights and pro-democratic provisions. In an article for CNN.com, Zalmay Khalilzad, American ambassador to Afghanistan, hailed the new Afghan document as "one of the most enlightened constitutions in the Islamic world."

Written by columnist Madhavi Sunder, a professor of law at the University of California-Davis who specializes in women's international human rights, the CNN.com article recognized some of the significant women's rights victories achieved with the new constitution. For example, she reports that the constitution "obligates the state to promote women's education" and sets aside one-quarter of the seats in Parliament for women. If this is realized, Sunder noted, that would make the Afghan Parliament more gender-balanced than the U.S. Congress, which is comprised of less than 15 percent women.

That said, Sunder contends that the enforceability of the constitution remains to be seen and is largely in the hands of Afghanistan's Supreme Court, which will shape the future of the country with the decisions it makes. Of particular concern, Sunder states in her column, is a clause in the new Afghan Constitution that bars any law "contrary to the beliefs and practices of the sacred religion of Islam." In the eyes of Sunder and other women's rights advocates, a number of these practices are inherently discriminatory, and she questions if the kinds of changes sought will occur.

Other signs of change

Since the passage of the Afghan Constitution, and in spite of considerable opposition by many, the emerging voices of women continue to be heard. For example, last fall, Massouda Jalal, a 41-year-old mother of three, became the first Afghan woman to run for president. Though she lost the election to male incumbent Hamid Karzai, her participation itself marks a milestone.

"Three years back I could not even dream of being a presidential candidate," Jalal told CNN.

In that same election, approximately 41 percent of the reported 10.5 million registered voters were women, according to an HRW report titled, Women and Elections in Afghanistan. This show of participation is especially significant when one considers that some women reportedly could not

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Bring a Little Drama to Your Class to Promote Tolerance and Drug Awareness

Teachers looking for an innovative way to promote tolerance might consider having the George Street Playhouse's Touring Theatre perform one of its tolerance-based stage productions at their school. In addition, a new play dealing with drug awareness has been added to the GSP repertoire

The plays are as diverse as their subject matter and cater to different age groups. A description of each play follows.

The Last Bridge (grades 5-12) recounts the true story of Barbara Ledermann, a young woman in war-time Amsterdam, who is faced with the horrible decision of whether to go with her family and face certain death in a Nazi concentration camp or live underground.

New Kid (grades 1-6) is the story of an immigrant family from a fictitious place called "Homeland." When the family arrives in America, they discover a new culture and unexpected prejudice against "Homelanders." The Homelanders speak English while the Americans speak gibberish, demonstrating the complexities of cross-cultural communication and the implications of prejudice.

Peacemaker (grades K-4) is the story of the Blue People and the Red People who have lived on either side of a

"Wall" for many years. Interaction between the people is forbidden, and both communities live in fear, suspicion and mistrust. When Simp, a Red person, sees a Blue person for the first time, the automatic response is panic; once the pair interact, however, they learn they have a lot to offer one another, and an unexpected friendship begins.

In Between (grades 6-9) explores issues of self-esteem, social pressure and the correlation between peer disrespect and school violence. The story focuses on a new student, Cue, who finds herself choosing between friendships with the popular Tad and the forgotten Barrett. The play examines the fragile identities and fickle emotions that make decision-making difficult for young people.

Wasted (Grades 6-8) A cautionary tale of a young woman who looks back at her wasted life, her wasted relationships, and her wasted state of being, due to drugs. Through flashbacks, we follow ambitious, smart, young Ashley as she enters into a devastating relationship with drugs and with Ty, the boy who introduces her to them.

For a brochure and/or booking information call the George Street Playhouse at 732-846-2895 ext. 115. George Street is currently accepting bookings for the 2004-2005 school year. ■

Glossary

bipartisan — supported by two political parties.
suffragist — an supporter of suffrage, especially for women.
suffrage — the right or privilege of voting.
ratify — to approve or make valid.

Afghan Women [continued from page 5](#)<

leave their homes to register publicly, according to The New York Times, but rather had to be visited discreetly by female registration teams, and then only with permission of the men in the village.

In its report, HRW also noted, "women and girls bear some of the worst effects of Afghanistan's insecurity. Conditions are generally better than under the Taliban, but women and girls continue to face severe governmental and social discrimination."

Strength in fellowship

In comparing the struggle of Afghan women with the historic women's rights movement here in America, Annandale attorney Vanessa Kelly observed that the climate of cruelty to women in Afghanistan and the

tolerance of physical abuse toward women distinguish their crusade. She also noted that American women were not faced with as much of a religious overlay to their struggle. There may have been some elements of that here, but it was not as strong, Kelly says

Kelly, an attorney with her own firm in Hunterdon County who is involved with women's issues through the New Jersey State Bar Association, says that one important lesson Afghan women can learn from America is that "there's real strength in bonding together with fellow women" and she urges Afghan women to "take heart in fellowship."

Only time will tell what other changes for women will come in Afghanistan, but their cause is just, Kelly says, and women in western countries support their efforts. ■