

The Women's Movement Where It's Been, Where It's At and the Problems that Remain

by Sonia Pressman Fuentes

"Feminism has fought no wars. It has killed no opponents. It has set up no concentration camps, starved no enemies, practiced no cruelties. Its battles have been for education, for the vote, for better working conditions, for safety in the streets, for child care, for social welfare, for rape crisis centres, women's refuges, reforms in the law. If someone says, 'Oh, I'm not a feminist,' I ask, 'Why? What's your problem?'"

— Dale Spender, *Man Made Language*

At two meetings in June and October of 1966, a total of forty-nine women and men, of whom I was privileged to be one, founded an organization that, along with legislation, revolutionized this country and is well on its way to revolutionizing the rest of the world. The organization was called the National Organization for Women (NOW), and eight of the co-founders remain alive today.

But before telling you more about NOW, I need to review what led up to its founding.

I date the beginning of the legal revolution in women's rights in this country to 1961 when President Kennedy established the President's Commission on the Status of Women (CSW), with Eleanor Roosevelt as chairwoman, to review, and make recommendations for, improving the status of women. In October 1963, the commission issued its report called *American Women*.

On November 1, 1963, three weeks before his assassination, President Kennedy signed an executive order establishing a committee and council to facilitate carrying out the recommendations of the President's Commission.

Nineteen sixty-three was also the year when Congress passed the Equal Pay Act, which became effective in 1964. That law required equal pay for equal or substantially equal work without regard to sex.

In 1964, Congress passed another act, Title VII of the Civil Rights Act of 1964, which took effect on July 2, 1965, and was enforced by the Equal Employment Opportunity Commission (EEOC). Originally, the EEOC had jurisdiction only over Title VII, which prohibited discrimination in employment based on race, color, religion, sex, and national origin by covered employers, labor unions, and employment agencies. Later the EEOC also got jurisdiction over employment discrimination based on age and physical and mental disabilities.

Title VII was much broader than the Equal Pay Act. It prohibited discrimination not only in pay but in all terms and conditions of employment, including advertising for employees, pre-employment inquiries and testing, job qualifications, hiring and firing, promotions, retirement, and insurance and pension benefits.

After I graduated from the University of Miami (Florida) School of Law in 1957, when 3 percent of this country's law school graduates were women, I went to work for the federal government in Washington, DC, because at that time the federal government was hiring women lawyers while private law firms and corporations generally were not.

After working for the Department of Justice and the National Labor Relations Board (NLRB), in October 1965, three months after it had commenced operations, I joined the EEOC as the first woman attorney in its Office of the General Counsel.

There, I found myself in a brand new job at a brand new agency with responsibility for fighting employment discrimination, including that based on gender. At that time, few Americans were aware that there was such a thing as gender discrimination. When I mentioned "women's rights" in my early speeches, the response was laughter. Words like "women's rights" hadn't yet entered the nation's vocabulary. Furthermore, just as violence has been the traditional weapon used against those who advocated for equality for African Americans, ridicule has been the traditional weapon used against those who fought for equal rights for women.

What our country was like in 1965 when I joined the EEOC

Basically, men and women lived in two different worlds. By and large, a woman's place was in the home. Her role was to marry and raise a family. If she was bright, common wisdom had it that she was to conceal that brightness. She was to be attractive—but not too attractive. She was not to have career ambitions, although she could

work for a few years before marriage on jobs considered appropriate for women. These included typist, clerk, secretary, bookkeeper, saleswoman, schoolteacher, telephone operator, social worker, librarian, performer, stewardess, seamstress, housekeeper, and nurse. Other jobs were considered men's jobs. These included engineer, miner, truck driver, pilot, policeman, newspaper reporter, publisher, high school principal, professor, corporate executive, police chief, mayor, governor, senator, general, and President of the United States.

It was expected that a woman would be a virgin when she married. When she had children, she was to raise her boys and girls differently so they would behave in ways appropriate to their genders. If a woman divorced, which reflected poorly on her, she might be awarded alimony and child support—although it was unlikely that she would actually receive the monies for more than a few years. If she failed to marry, she was deemed an “old maid,” relegated to the periphery of life.

Married women could work outside the home only if dire household finances required it. Under no circumstances were they to earn more money than their husbands.

Women were not to be opinionated or assertive. They were expected to show an interest in fashion, books, ballet, cooking, sewing, knitting, and volunteer activities. Political activities were acceptable as long as they were conducted behind the scenes.

Of course, not all women wanted to fit into these stereotypical roles, and there were always exceptions. But most women did what they were told because society exacted a high price from deviants.

Men, on the other hand, were the decision-makers and activists. They were the heads of their households, and their wives and children were expected to defer to their wishes.

Men were expected to: take the initiative in dating, have sexual experiences before marriage, propose marriage, bear the financial burden for the entire family, and have little or nothing to do with running their households or raising their children. It was assumed that they would be insensitive, uncaring, and inarticulate—and interested in activities such as sports, drinking, gambling, extramarital affairs, and making money. Most men did what they were told, too.

This picture of our society was true for most of the population. There were, however, other dynamics at play in minority communities. For example, historically, more African American women than men attended college, and African American women found jobs more easily than African American men, albeit as domestic workers.

In 1965, not only was most of the country uninterested in gender discrimination, so were most of the EEOC's commissioners and staff. At that time, there were about a hundred permanent employees at the commission's headquarters in Washington, DC, most of whom had come there to fight discrimination against African Americans. They did not want the commission's resources diverted to issues of gender discrimination. After all, the EEOC had been created in response to the movement for civil rights for African Americans. There had been no similar movement immediately before 1965 for women's rights.

Starting in 1848 with a conference in Seneca Falls, NY, there had been a movement for women's rights that culminated with the passage of the 19th amendment to the Constitution in 1920 giving women the right to vote. There were women and women's organizations—in particular, the National Woman's Party—that continued to fight for women's equality after 1920. But such women and groups were small in number, were elite, and they did not amount to a national movement.

After the EEOC opened its doors in 1965, however, the country and the EEOC were in for a shock. In the commission's first fiscal year, about 37 percent of the complaints alleged gender discrimination. These complaints raised a host of new issues that were more difficult than those raised by the complaints of race discrimination.

- Could employers continue to advertise in classified advertising columns headed “Help Wanted--Male” and “Help Wanted--Female?”
- Did employers have to hire women for jobs traditionally considered men's jobs?
- Could airlines continue to ground or fire stewardesses when they reached the age of thirty-two or thirty-five or married?
- Did school boards have to keep teachers on after they became pregnant? (What would children think if they saw pregnant schoolteachers? Wouldn't they realize they'd had sexual intercourse?)
- Did employers have to hire pregnant women or allow employees who became pregnant to continue working?
- Did employers have to provide the same benefits on retirement to men and women even though women as a class outlived men?

- What about state protective laws that prohibited the employment of women in certain occupations, limited the number of hours they could work and the amount of weight they could lift, and required special benefits for women, such as seats, restrooms, and rest and lunch breaks?

Although the EEOC was responsible for issuing decisions and guidelines that set forth what Title VII meant, the commission did not know how to resolve these issues.

The issues that were most fiercely fought involved classified advertising, airline stewardesses, and state protective legislation.

The maintenance of sex-segregated classified advertising columns was of great importance to newspapers and employers. Newspapers derived increased revenue from the double columns, and employers wanted to be able to continue to recruit based on gender.

Airlines waged a strenuous battle to maintain their policies of grounding or terminating stewardesses when they reached the age of thirty-two or thirty-five or married. Most airline passengers were men, and the airlines promoted the image of the young, unmarried stewardess to attract businessmen.

In addition, these policies were financially advantageous for the airlines because they cut down on the expenses of salary increases related to seniority and pension and retirement benefits.

On another controversial issue, the question of whether Title VII superseded state protective legislation, women were divided. Starting in the early 1900s, states had passed laws restricting women's employment and requiring special benefits for them. These

laws were passed for a number of reasons. Some proponents of such legislation had wanted to protect both male and female employees from sweatshop conditions but feared they wouldn't be able to get laws passed for both genders. Others wanted to limit women's competition for jobs with men.

In the area of gender discrimination, the EEOC moved very slowly and conservatively, or not at all. I found myself increasingly frustrated by the unwillingness of most of the officials to come to grips with the issues and to come to grips with them in ways that would expand employment opportunities for women.

I became *the* staff person who stood for aggressive enforcement of the gender discrimination prohibitions of the act, and this caused me no end of grief. At the end of one day, after a particularly frustrating discussion with the executive director, I left the EEOC building with tears streaming down my face. I didn't know how I had gotten into this position—fighting for women's rights. No one had elected me to represent women. I didn't know why I was engaged in this battle against men who had power when I had none.

My boss, the general counsel, took to calling me a “sex maniac” because I raised the question of gender discrimination whenever an issue was being discussed.

Through my work I developed a network of support outside the EEOC. I came in contact at various government agencies with mid-level staffers like me who were concerned with women's rights. Together, we formed an informal network of support and information-sharing. I would pass on to this network information on women's rights cases that were developing at the EEOC. The members of this network would then pass this information on to

Marguerite Rawalt, a distinguished Washington, DC attorney and feminist. She, in turn, would relay this information to her network of feminist attorneys in private practice around the country. These attorneys would then represent the complaining parties in precedent-setting gender discrimination lawsuits.

The National Organization for Women (NOW) is born

In 1966, a writer came to the EEOC. She had become famous through writing a book published in 1963 called *The Feminine Mystique*, which dealt with the frustrations of women who were housewives and mothers and did not work outside the home. Now, she planned to write a second book on all the progress she thought women had achieved since the publication of her book. She came to the Office of the General Counsel at the EEOC to interview my bosses, the general counsel and his deputy. Her name was Betty Friedan.

When she saw me, Betty asked me what was really going on at the EEOC. I was afraid I'd lose my job if I told her the truth, so I told her everything was fine. But when she came a second time, it was on a day when I was feeling particularly frustrated. I invited her into the privacy of my office, and this time I leveled with her. I told her, with tears in my eyes, that what this country needed was an organization to fight for women like the National Association for the Advancement of Colored People (NAACP) fought for its constituents.

Then, in June 1966, at the Third National Conference of Commissions on the Status of Women in Washington, DC, the attendees wanted to pass resolutions demanding the enforcement of Title VII for women and the reappointment of Commissioner Dick

Graham, who was a feminist. They became enraged when they were told that they did not have the authority to pass resolutions. (Since their meeting was being held under the auspices of the Women's Bureau in the US Labor Department, they did not have the authority to pass resolutions involving another federal agency.) As a result, that evening and at a luncheon at the conference the next day, Betty Friedan and a small group of women planned an organization that subsequently became NOW. Its purpose, as written by Betty on a paper napkin, was "to take the actions needed to bring women into the mainstream of American society, now, full equality for women, in fully equal partnership with men."

By the end of the day, everyone at the conference who wanted to join had tossed \$5 into a war chest and NOW had twenty-eight founders.

Another twenty-one founders (of whom I was one), which included men as well as women, were added that October at an organizing conference in Washington, DC.

Most of us did not know each other. One of the realities of those days was that there was no national network whereby women and men interested in women's rights could come to know each other and work together. What we had in common was a frustration with the status of women and a determination to do something about it. The concept of women's rights was an idea whose time had come.

After its founding, NOW embarked upon an ambitious program of activities to get the EEOC to enforce Title VII for women. It filed lawsuits, petitioned the EEOC for public hearings, picketed the EEOC and the White House, and generally mobilized public opinion.

I became involved in an underground activity. I took to meeting privately at night in Washington at the home of Mary Eastwood, a NOW founder, with her and two other government lawyers devoted to women's rights, Phineas Indritz and Caruthers Berger. At those meetings, I discussed the inaction of the commission with regard to gender that I had witnessed that day or week, and then we drafted letters from NOW to the commission demanding that action be taken in those areas. To my amazement, no one at the commission ever questioned how NOW had become privy to the commission's deliberations.

When the EEOC's statistics for its first fiscal year came out, those within and without the commission were in for a shock. About 37 percent of the complaints alleged gender discrimination!

Because of that and pressure by NOW, the EEOC began to take seriously its mandate to eliminate sex discrimination in employment. It conducted hearings and began to issue interpretations and decisions implementing women's rights.

It prohibited sex-segregated advertising columns, and, with narrow exceptions, required that all jobs, including jobs as flight cabin attendants, had to be open to men and women alike.

It ruled that:

- A woman could not be refused employment because of the preferences of her employer, co-workers, clients, or customers, or because she was pregnant or had children;
- a woman who needed time off in connection with pregnancy, childbirth, or after childbirth was entitled to the same time off

and pay that her employer provided for employees generally who requested time off for (1) illness (if the pregnant employee was temporarily disabled during her pregnancy) or (2) other reasons;

- women and men doing substantially equal work were entitled to equality in pay and other benefits, including pension and retirement benefits. They also had the right to be free of sexual harassment on the job; and
- state laws that restricted women's employment were superseded by Title VII. State laws that required benefits for women could be harmonized with Title VII by providing the same benefits to men.

Men also used the remedies provided by Title VII, although to a much lesser extent. They complained when they were excluded from traditionally female jobs, such as nursing, or were prohibited from having beards, mustaches, or long hair on the job.

The EEOC for the first time in this country began the collection of statistics from employers on their employment of women in various categories of employment.

NOW was the first organization formed to fight for women's rights in the mid-'60s, but it was followed by many others. Traditional women's organizations, which had initially refused to join the struggle, did so later, and new organizations were formed. Unions, most of which were initially hostile to women's rights, became involved in the struggle. Later, unions were, in fact, in the forefront of the pay equity struggle, the fight to secure equal pay for women for work of comparable worth or value to that of men.

Various levels of government also became more active: executive orders were issued by Presidents, federal and state laws and municipal ordinances were passed, and court decisions issued.

New government agencies were created to fight discrimination, such as the Office of Federal Contract Compliance Programs (OFCCP) in the Department of Labor (DOL). The OFCCP implemented executive orders that required contractors and subcontractors of the federal government to take affirmative action to hire and promote women or risk the loss of millions of dollars in government contracts.

Discrimination based on gender or marital status in the sale and rental of housing and in the granting of credit was prohibited.

Title IX of the Education Amendments of 1972 prohibited educational institutions, from preschools through colleges and universities, that received federal funds, from discriminating on the basis of gender against students and all employees, including administrative personnel and faculty members. Most people think Title IX applies only to sports, where it requires equality in expenditures for male and female students. But athletics is only one of the areas addressed by the law. Others include access to higher education, employment, and sexual harassment.

Legislation in 1972 gave the EEOC the power to enforce its orders in the courts. The Pregnancy Discrimination Act of 1978 codified the EEOC's guidelines on pregnancy and childbirth, including leave in connection with pregnancy and childbirth, which I had drafted for the commission in 1972. In 1991, for the first time, women were given the right to secure monetary damages for sexual harassment and other intentional gender discrimination.

On February 5, 1993, about two weeks after taking office, President Clinton signed the Family and Medical Leave Act, requiring employers to provide their employees with up to twelve weeks of unpaid, job-protected leave each year in connection with:

- the birth or adoption of a child;
- the serious illness of a child, spouse, or parent; or
- the inability of an employee to work because of a serious health condition.

Due to all this activity, the American public became aware that there was a new national priority: equal rights for women.

The revolution in women's rights

Our society has undergone massive change.

- Women are now found in large numbers in professional schools and in the professions, and, to a much lesser extent, in executive suites and legislatures.
- Women now work at a host of technical and blue-collar jobs previously closed to them.
- In 1976, women were admitted to West Point and our other military academies, a development that was unthinkable before the women's movement.
- As of the beginning of 2014, more than 200,000 women were in the active-duty military, and they constituted 14.6 percent of the active-duty force.
- About seven hundred colleges and universities in the US have women's studies programs.

The effects of Title VII have spilled over to every area of our society. Laws have changed women's rights with regard to abortion, divorce, alimony, child custody, child support, rape, jury service, appointments as administrators and executors of estates, sentencing for crimes, and admission to places of public accommodation, such as clubs, restaurants, and bars. Our spoken language has changed, and much work has been done on the development of gender-neutral written language in laws, textbooks, religious texts, and publications of all sorts.

In 1984, Geraldine Ferraro made history by being the first woman on a national party ticket for vice president, and, in 1993, Janet Reno became the first woman attorney general in US history.

In January 2007, women again made history when Nancy Pelosi became the 60th Speaker of the House of Representatives and the first woman in that position. I had the privilege of working for her in 1988.

Women are now being included in some clinical research studies, and we are learning that women and men react differently to different medications, that there are gender differences in the vulnerability to disease, and that even where diseases strike both sexes, they often follow different courses. For example, two-thirds of those with Alzheimer's disease are women. But the study of Alzheimer's has been dominated by men. Because of that in 2008 a group of female scientists formed the Alliance of Women's Alzheimer's Researchers (AWARE) to foster more gender-specific research.

Women appear to have finally broken through what Minority Leader Pelosi calls the "marble ceiling" in Congress. Women in

both the House and Senate have moved up to positions of power in the leadership and as the heads of key committees and subcommittees.

The November 2014 election brought a record number of female lawmakers to Washington. With twenty in the Senate, amounting to 20 percent, and eighty-four in the House, amounting to 19 percent, women for the first time in history, hold more than one hundred seats in Congress (out of five hundred thirty-five). But the Republican takeover of the Senate has also cost women powerful committee chairships. This is largely because Congress is a culture where power is tied tightly to seniority, and committee chairships do not go to junior members.

The legal rights women attained in this country since the mid-sixties and similar movements worldwide have completely changed the face of this country and are well on their way to changing the face of the world. The late Eli Ginsburg, former chairman of the National Commission for Manpower Policy (NCMP), said that the increase in the number and proportion of women who work was the single most outstanding phenomenon of the twentieth century.

I was reminded of what a revolution we've had in women's and men's roles when in February 2015 I saw a CBS news segment reporting the results of a Pew Research Center study of last year. The Pew study found that stay-at-home dads accounted for more than 16 percent of at-home caretakers. That's about two million stay-at-home dads. With more than 20 percent of wives now out-earning their husbands, the trend toward nontraditional roles for husbands and wives is growing.

The problems that remain

Every once in a while, someone says to me, “How come you’re still working on women’s rights? Hasn’t that been taken care of?” Many people think that women in this country have achieved all their goals—but that is very far from the truth.

There are many issues that remain for us to deal with and they are often interrelated. I’ll just enumerate and briefly discuss twenty of them, but this list is by no means exhaustive.

1. Poverty, hunger, and homelessness

Poverty is a women’s issue. In 2013:

- nearly six in ten poor adults were women,
- more than two-thirds of poor older adults (sixty-five and older) were women, and
- nearly six in ten poor children lived in families headed by women.

Poverty rates are especially high for single mothers, women of color, and elderly women living alone.

Fourteen and a half percent of US households struggle to put enough food on the table. More than 48 million Americans—including 15.9 million children—live in these households.

More than one in five children is at risk of hunger. Among African Americans and Hispanics, nearly one in three children is at risk of hunger.

One of the fastest growing segments of the homeless population is families with children. Families now make up 40 percent of the homeless population, and one out of every four homeless people is a child.

2. The continuing gender wage and salary gap

Based on statistics released by the US Department of Commerce in February 2015, the median earnings of women who were full-time wage and salary workers in 2013 were 78 percent that of men. While occupational choice accounts for some of this gap, studies show women earn less than men even in the same occupations. If the pace of change in the annual earnings ratio continues at the same rate as it has since 1960, it will take another forty-three years, until 2058, for men and women to reach parity.

Congress has so far failed to pass two bills aimed at closing the wage and salary gap: the Fair Pay Act and the Paycheck Fairness Act.

In September 2014, the Institute for Women's Policy Research (IWPR) graded each state on women's employment and earnings. The study revealed that the status of working women was strongest in the Northeast, with Massachusetts having the highest score. (The District of Columbia scored even higher.) West Virginia ranked dead last and, along with Alabama, received an F.

3. Violence against women

In September 2014, the Centers for Disease Control and Prevention (CDC) released the results of a 2011 survey that showed

that an estimated 19.3 percent of women had been raped at one point in their lives—almost one out of five women.

A majority of sex crimes, whether rape, sexual assault, or non-consensual sexual contact, were committed by someone the women knew—whether an intimate partner or an acquaintance.

Sexual Assault on Campus

Sexual assault is rampant on campuses, and colleges and universities have failed to respond adequately. It is estimated that one in five undergraduate women will have experienced sexual assault by the time she graduates. Fewer than 5 percent of rape victims report the assaults to law enforcement.

On January 22, 2014, President Obama issued a presidential memorandum to establish the White House Task Force to Protect Students from Sexual Assault. In April 2014, that task force released guidelines on how sexual violence and harassment complaints are to be treated by institutions of higher education. In May 2014, the White House released the names of fifty-five colleges and universities that were under investigation by the Department of Education for their handling of such complaints. By this past January 13, that list had grown to ninety-five, including many high-profile institutions such as Harvard, Princeton, Columbia University, the University of Chicago, and the University of California, Berkeley.

In February 2015, *New York* magazine ran an article about the criticisms leveled by University of Pennsylvania and Harvard law professors and by prominent liberal feminists. They argued that the procedures dealing with campus sexual assaults put in place at

various educational institutions do not provide due process to male college students.

You'll want to see a documentary film on sexual assaults on campus called *The Hunting Ground*. It began playing at movie theaters in March 2015 and will continue playing throughout the country throughout this year.

Sexual Assault in the Military

The Department of Defense estimated that there were nineteen thousand sexual assaults against women and men in the military during fiscal year 2014.

Speaking of the military, in February 2015, the Service Women's Action Network (SWAN) and other organizations filed suit against the Department of Defense (DOD) seeking access to the records with regard to admissions and recruitment policies of the three military academies. The suit alleges that the policies of the three academies have resulted in student populations in which women are significantly underrepresented and in campus environments conducive to sexual harassment and assault. SWAN states that women's underrepresentation in the academies contributes to the dearth of women officers in the armed forces. Overall, women comprise less than 17 percent of all officers in the military services.

Domestic Violence

Domestic violence is another area of concern:

- One in every four women will experience domestic violence in her lifetime.
- Eighty-five percent of domestic violence victims are women, and most cases are never reported to the police.
- Almost one-third of female homicide victims that are reported to the police are killed by an intimate partner.

Domestic violence offenders, especially first-time offenders, often walk away with little more than court-ordered counseling. However, due to the pattern of arrests of National Football League (NFL) players in recent years, the media has focused attention on domestic violence, at least among these football players.

In February 2015, there was an important op-ed in the *New York Times* about domestic violence. The writers pointed out the following:

- Boys who grow up in homes with abuse and domestic violence are nearly four times more likely to perpetrate domestic violence than those who grow up in homes without such abuse and violence;
- statistics in Washington State suggest that a felony domestic violence conviction is the single greatest predictor of future violent crime among men;
- in thirty-five states, those convicted of misdemeanor domestic violence crimes and those subject to restraining orders can buy and carry guns; and
- the most effective way to reduce violence against women is the mobilization of strong, independent feminist movements. Such movements help to shape public and government agendas and create the political will to address violence against women.

4. Women’s reproductive rights and continuing efforts to whittle down *Roe v. Wade*

Abortion is a common experience. At current rates, about one in three American women will have had an abortion by the time she reaches the age of forty-five.

An editorial in the *New York Times* in January 2015 stated:

The start of 2015 finds no letup in the attacks on a woman’s constitutionally protected right to make her own childbearing decisions. Republican lawmakers and organizations devoted to dismantling reproductive freedom have succeeded in shrinking the already inadequate number of abortion providers, making it exceedingly difficult, if not impossible, for women—especially young and poor women—to obtain safe and legal abortion services in large swaths of Texas and other parts of the country.

States passed more than seventy restrictive laws in 2014, on top of hundreds more passed in 2013 and 2012. As of 2011, the most recent year for which data is available, 89 percent of US counties had no abortion clinic and 38 percent of American women lived in those counties and had to travel outside their counties to get an abortion.

We may, however, be entering “the dawn of the post-clinic abortion,” as an article in the August 28, 2014, *New York Times Magazine* stated. There are two drugs, mifepristone (also known as mifiprex and as RU-486 in trials) and misoprostol (also known as cytotec), that a woman can take in combination in her own home

and have an abortion. The cost ranges from less than \$5 in India to about \$120 in Europe. In the US, there are legal obstacles to promoting the use of these drugs for women in their home. Overhauling these laws is something on which pro-abortion groups need to focus.

In June 2014, the US Supreme Court in the *Hobby Lobby* case even restricted women's rights to contraception. In that case, the court allowed owners of closely held, for-profit corporations (which most companies are) to impose their religious beliefs on workers by refusing to provide contraceptive coverage for employees with no co-pay, as required by the Affordable Care Act.

On August 22, 2014, the Obama Administration proposed new regulations for the Affordable Care Act to rectify the problems caused by the *Hobby Lobby* decision and a related case involving Wheaton College.

The administration proposed a rule, which went into effect immediately, providing that a religious college or other nonprofit group with a religious objection to contraception could notify the Department of Health and Human Services (HHS) of its objection. HHS and DOL would then coordinate contraceptive coverage with insurers to ensure continuing contraceptive coverage at no cost to the employer or its employees.

The administration also proposed similar accommodations for closely held for-profit businesses that oppose contraceptive coverage for religious reasons. That proposed rule was open to public comment for sixty days, after which the government was to decide whether to make the rule final. To date, the Obama

Administration has not yet made the rule final although almost a year has passed since the comment period ended.

5. Employer accommodations for pregnancy-related work limitations

In July 2014, the EEOC issued new guidelines finding that pregnancy-related conditions would now be considered disabilities covered by the Americans with Disabilities Act. That meant that employers would have to make reasonable accommodations for pregnant women just as they do for employees with disabilities. However, on March 25, 2015, the Supreme Court issued its ruling in *Young v. United Parcel Service*, a case involving a pregnant truck driver who was denied light duty work and terminated. The Court's decision differed from the EEOC's guidelines. The Court found that the case should not have been dismissed on summary judgment; rather, Peggy Young should have had the opportunity to prove that UPS by refusing her an accommodation made available to other employees discriminated on the basis of pregnancy. The Court remanded the case.

Thus, the Court found that the law does not require an employer to provide the same work accommodations to an employee with pregnancy-related work limitations as to employees with similar, but non-pregnancy related, work limitations. But courts must evaluate the extent to which an employer's policy treats pregnant workers less favorably than non-pregnant workers with similar inabilities to work and determine whether there are any legitimate reasons for such differences.

The EEOC has not yet issued revised guidelines on pregnancy that take account of the *UPS* decision.

6. Inadequate maternal health care

US women are more likely to die during childbirth than women in any other developed country. Furthermore, the US is the only developed nation with a rising maternal mortality rate. Sadly, the high maternal mortality rate and its growth have failed to catch the public's attention.

With regard to maternity, we need to promote breast feeding, the greater use of midwives, cut back on inducing labor, and stop performing unnecessary cesareans.

In January 2015, the Population Institute issued *The State of Reproductive Health and Rights: A 50-State Report Card*, which was an overview of the status of reproductive health and rights in the fifty states and the District of Columbia. The country as a whole received a grade of C due to the following four reasons:

1. The US teen pregnancy rate is far higher than in other comparable countries.
2. America's rate of unintended pregnancies remains high; almost half of all pregnancies in the US are unintended.
3. Many of the gains that have been made in reproductive health could be reversed if social conservatives prevail in Congress and the state legislatures.
4. Family planning clinics are being forced to close due to funding cuts and burdensome laws and regulations.

7. The absence of laws mandating paid parental and sick leave

The US is the only industrialized nation in the world that doesn't mandate paid maternity leave. It is also the only country among twenty-two rich nations that doesn't have a national requirement for paid sick pay.

In a May 2015 publication entitled *Workers' Access to Paid Sick Days in the States*, IWPR and the National Partnership for Women & Families (NPWF) reported that millions of workers in the US cannot take time away from work to recover or seek preventive care when they are sick. Estimates of the number of workers lacking paid sick days range from 43 to 48 million.

In January 2015, President Obama directed federal agencies to give their employees up to six weeks of paid leave after the birth or adoption of a child or to care for an ailing relative, a benefit he wants to extend to all American workers. Six weeks of such paid leave is actually very little compared with other industrialized countries. Britain, for example, gives up to fifty-two weeks.

The President will also call on Congress to pass a bill that would allow workers across the US to earn up to seven paid sick days a year. Currently, only three states and more than a dozen cities have similar laws or ordinances.

8. The lack of affordable and competent child care

In most US families, all of the adults work. Fewer than one in three children today has a full-time stay-at-home parent. In 1975, only a generation ago, more than half of all children had a stay-at-home parent, usually the mother.

The annual cost of child care for an infant in a child care center is higher than a year's tuition at the average four-year public college in most states.

More than two-thirds of Americans agree that the government or business should be doing more to help fund child care for working parents.

In January 2015, President Obama unveiled plans to greatly increase federal assistance to working Americans for child care. He called for an \$8 billion expansion of a federal program that provides child care subsidies to low- and middle-income families with children ages three and under. He also promoted his plan to nearly triple, to \$3,000 per child, the maximum child care credits. And he said he would push to put more federal money into early childhood programs, focusing on low-income families. Republican leaders in Congress have already said they will not support these efforts.

9. Women in prison

In federal correctional facilities, 70 percent of guards are male, and correctional officials have subjected female inmates to rape, other sexual assaults, sexual extortion, and groping during body searches.

In addition, women in prison have been denied essential medical resources and treatment, especially during times of pregnancy and chronic or degenerative diseases.

A particularly egregious practice is the shackling of pregnant inmates during and after labor. A number of states have enacted anti-

shackling laws but in many correctional systems doctors, guards, and prison officials are not told about these laws or are not trained to comply.

There has been a huge increase—646 percent—in the incarceration of women from 1980 to 2010. Mandatory sentencing has increased the number of women behind bars.

Seventy-five to eighty-five percent of women in prison have prior histories of physical abuse (including sexual abuse), mental abuse, or both. Then they enter prison and are abused again.

There are about 205,000 women doing time, mostly for nonviolent crimes. Seventy percent are mothers.

One point three million children in this country have mothers in prison.

Women are more likely to be in prison for drug and property offenses, while men are more likely to be there for violent offenses.

In February 2015 I learned an astounding statistic from the organization Ultra Violet. There are twenty-nine states where abused women can be jailed for “failing to protect” themselves and their children from domestic abuse. As of February 9, 2015, there were at least twenty-eight women around the country who were serving sentences of ten years or more under such “failing to protect” laws. In such cases, the abuser may walk free after a short prison sentence while the abused woman remains in prison.

10. Human trafficking

The United States is a source, transit, and destination country for men, women, and children who are subjected to forced labor, debt bondage, involuntary servitude, and sex trafficking. Between 14,500 and 17,500 people are trafficked into the US annually.

In January 2015, PBS presented a series of three documentaries based on a 2014 book written by *New York Times* op-ed columnist Nicholas Kristof and his wife, journalist Sheryl Wudunn. The book and the series were called *A Path Appears* and deal with the problems of women globally. One of the films in the series dealt with children and young women who are Americans and are trafficked into prostitution by family members or others.

On Nov. 14, 2014, the *2014 Global Report on Trafficking in Persons* was issued by the UN Office on Drugs and Crime.

Among the findings were:

- one in three human trafficking victims is a child;
- most victims are female: girls and women account for 70 percent of all trafficking victims;
- traffickers operate with wide impunity; and
- the buying and selling of humans is growing despite laws passed in an increasing number of countries to toughen penalties.

While sexual exploitation remains the predominant reason for trafficking, victims are also increasingly being used for forced labor.

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11. Girls and women with disabilities

Girls and women with disabilities frequently face significant barriers in access to education, training, health care, housing, and employment. More than 50 percent of women older than sixty-five are living with a disability.

Both in the US and worldwide, girls and women with disabilities are three to four times as likely to experience violence as their sisters who do not have disabilities and to experience the abuse over a longer period of time. In addition, their caregiver may be the abuser.

12. Inadequate access to health care

Even several years after the Affordable Care Act takes full effect, thirty million people will still be without health insurance in the US—and half will be women. Inadequate access to health care is a primary reason the US has such a high maternal mortality rate.

13. The inadequate representation of women in science, technology, engineering, and math (STEM) jobs and among STEM degree holders

STEM jobs are those in science (including computer science), technology, engineering, and math. STEM workers earn considerably more than their non-STEM counterparts.

Although women fill close to half of all jobs in the US, they hold less than 25 percent of STEM jobs. They also hold a disproportionately low share of STEM undergraduate degrees, particularly in engineering. Women's low representation in STEM jobs and in STEM undergraduate degrees has been the case throughout the past decade.

14. The inadequate representation of women in political life

In its May 2015 publication, *The Status of Women in the States: 2015*, IWPR found that (1) women lack equal representation in elected office in almost every state, and (2) if current trends continue, women will not hold an equal share of seats with men in the US Congress until 2117.

In January 2015, the Pew Research Center examined women and leadership worldwide. They found that:

- The US ranked an unimpressive 33rd when it came to women in the national legislature among forty-nine "high-income" countries (those with per-capita incomes above \$12,615). Among a larger group of 137 countries, the US ranked just 83rd.

- The US ranked 25th out of 141 countries for which data was available with regard to women's share of Cabinet-level or ministerial positions.
- Women have served as heads of state (or heads of government, in nations where that's a separate office) at some point over the past half-century in 63 of the 142 countries studied by the World Economic Forum. As we know, no woman in the US has ever held the presidency.

15. Discrimination in academia

At a 1970 congressional hearing, Ann Sutherland Harris, assistant professor of art history in the Graduate Faculties at Columbia University, testified "[T]he rule where women are concerned is simply this: The higher, the fewer. The higher in terms of level of education, the higher in terms of faculty rank, the higher in terms of recognized responsibility, the higher in terms of salary, prestige and status, the fewer are the women." It remains true today.

16. Underrepresentation in the justice system

The image of justice as a blindfolded woman balancing scales is ingrained in our culture, but women throughout the justice system—as judges, prosecutors, and police officers—remain under-represented.

Over the past three decades, an increasing number of women have joined the legal profession. Since 1992, women's representation in law school classes has approached 50 percent, but they are still not fairly represented in judgeships and other positions in law enforcement.

17. Inadequate representation among those who run our top corporations and serve on corporate boards

Catalyst reported that as of June 2014, 5.3 percent of the CEO or top leadership positions at Fortune 500 companies were held by women, and as of March 2014, 16.9 percent of the board seats at Fortune 500 companies were held by women.

18. Inadequate representation and unequal pay for actors, writers, directors, and producers in the entertainment industry

The Center for the Study of Women in Television and Film at San Diego State University is the most widely cited and trusted source of information on the representation of women in film and television. The center found that women comprised 17 percent of all directors, writers, producers, executive producers, editors, and cinematographers on the top 250 domestic grossing films of 2014—the same percent as when the study began back in 1998!

19. Surrogacy, also known as third-party reproduction

We've all read articles in the newspapers about surrogacy but few of us really know what it entails or realize what complicated ethical, medical, legal, financial, and emotional issues surrogacy raises for women, their significant others, and the children born through such procedures in the US and around the world.

There are two main types of surrogacy, traditional and gestational. In traditional surrogacy, the woman is inseminated naturally or by artificial insemination for the purpose of conceiving for an intended recipient. In this procedure, the surrogate is genetically related to the child.

In gestational surrogacy, a woman is implanted with the fertilized egg (or embryo), created by in vitro fertilization (IVF) of the egg and sperm of others. This type of surrogate is not genetically related to the child, and the procedure involves the use of eggs sold or donated by another woman. Gestational surrogacy is the more common approach in the US.

If the surrogate receives compensation beyond reimbursement for medical and other reasonable expenses, the arrangement is considered commercial surrogacy; otherwise, it is referred to as compassionate or altruistic.

In an article called "The Cost of Life" in the May 25, 2014, issue of the Sarasota (FL) *Herald-Tribune*, reporter Justine Griffin, an egg donor herself, described the fertility industry as “the Wild West of American medicine.” It is unregulated by federal law and the laws in the states and the District of Columbia go every which way: under New York law, gestational contracts are void and unenforceable; in Illinois, gestational surrogacy is permitted by statute; the District of Columbia bans surrogacy contracts; and in California, a statute permits gestational surrogacy. Because it is legal in many states and the prohibitions against it are not enforced in some others, the US has become second worldwide—with India being first—in the supply of surrogates.

Other than the United States, only a few countries—among them India, Ukraine, and Mexico—allow paid surrogacy. Until February 2015, the US and Thailand were the two most common surrogacy destinations. Thailand, in fact, was known as the “womb of Asia.” But Thailand was shamed by two cases that put it in the spotlight. In the first, Australian parents who had contracted with a Thai

surrogate took one twin but left the other who had Down's syndrome with his Thai mother. The second case involved the shocking revelation that a Japanese man had fathered sixteen or more babies with different Thai surrogate mothers. As a result, in February 2015, Thailand banned commercial surrogacy. However, law enforcement in Thailand is famously lax, and it is possible surrogacy will continue there but go underground, as is the case in China.

The growth of the surrogacy industry has been explosive. The battle as to whether it should be banned or regulated, and, if regulated, how, is currently raging in this country and the world.

20. The failure to ratify the Equal Rights Amendment (ERA) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

America as yet has failed to codify women's equal rights in the US Constitution by ratifying the ERA and has also not ratified CEDAW, which was adopted by the UN in 1979 and is often referred to as the "Bill of Rights" for women. The US is one of only seven countries in the world that have not ratified CEDAW; the others are Iran, Sudan, South Sudan, Somalia, Palau, and the Tonga.

Women internationally

In the rest of the world, women face many of the same problems as in the US, and, particularly in the developing world, they face additional problems, such as:

- High rates of preventable maternal, newborn, child, and adolescent mortality;

- so-called “honor” killings;
- female genital mutilation;
- forced and child marriages, and the abduction and rape of girls and women into marriage;
- the abduction and forcible recruitment of women and girls into renegade guerrilla forces;
- poisonings, acid attacks, and shootings of school girls; and
- rape used as an instrument of war or a tactic of social control, ethnic domination, and demographic change.

Difret, with Angelina Jolie as an executive producer, premiered at the Sundance Film Festival in January 2015, and won the Audience Award. It was based on the abduction and rape of a 14-year-old schoolgirl who shot her captor after the rape in the mid-1990s. This type of abduction, called *telefa*, is a 2,000-year-old tradition in Ethiopia. The young girl was charged with murder and defended by a young woman lawyer associated with the Ethiopian Women Lawyers Association. The actual trial resulted in a change of the Ethiopian Constitutional Commission, which guarantees economic, social, and political rights, including for women.

We’ve all read about the shooting of Malala Yousafzai, the Pakistani schoolgirl, who won a Nobel Peace Prize last year for her activism on behalf of education. In February 2015, the *New York Times* reported on a UN report that had just been issued finding that attacks against girls attending school or seeking access to education appear to be increasing around the world. Attacks on schools have occurred in at least seventy countries from 2009 to 2014, and many are directed at girls, parents, and teachers advocating for gender equality in education. There were an estimated 3,600 such attacks in 2012 alone.

In February 2015, Human Rights Watch reported that in the fall of 2014 in Darfur in Western Sudan, Sudanese soldiers raped more than two hundred women and girls. The youngest survivor of this brutality was seven years old.

The United Nations Children's Fund (UNICEF) estimates that there are 125 million women worldwide who have undergone female genital mutilation in the twenty-nine countries where it is most prevalent—mostly in Africa and the Middle East—and one in five of them lives in Egypt.

In February 2015, the *New York Times* had an article about the increasing number of women in America who have been genitally mutilated due to the increasing number of African immigrants to the US. About half a million women in the US have experienced female genital mutilation or are likely to be subjected to it by their families. Some American doctors and nurses are not prepared to deal with the physical and emotional complications associated with female genital mutilation and, in some cases, may unintentionally traumatize the women they are trying to help.

In February 2015, the *New York Times* had an article about the sad state of affairs for women in China, the world's most populous nation, with a population exceeding 1.35 billion people. In the early decades of Communist rule, women made great strides but the recent economic boon that has created opportunities for women has also fostered a resurgence of long-repressed traditional values. Women make up 44.7 percent of China's work force but hold just 25.1 percent of positions of responsibility. At the very top, their share falls still further. The All-China Women's Federation, which is charged with representing Chinese women, in reality focuses on maintaining party control and traditional values. Chinese society

stresses that women should marry young and focus on the family after a child is born. China's constitution and labor law ban gender discrimination but the laws are vague and nearly unenforceable; Chinese law doesn't even define gender discrimination.

Conclusion

So, while women have come a long way in the last fifty years—they still have a very long way to go.

In thinking about the progress we've achieved and the problems that still remain, I can't say it any better than an elderly African American slave preacher quoted by Dr. Martin Luther King Jr. when he referred to changes in race relations in a 1959 speech:

Lord, we ain't what we want to be;
we ain't what we ought to be;
we ain't what we gonna be;
But, thank God, we ain't what we was.

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This article was based on a speech given by the writer in commemoration of Women's History Month at the Longboat Key Education Center on Longboat Key, Florida on March 3, 2015.

Sonia Pressman Fuentes was born in Berlin, Germany. Since they were Jewish, she fled Germany with her immediate family to escape the Holocaust. In the US, she became a co-founder of the National Organization for Women (NOW) and the first woman attorney in the Office of the General Counsel at the Equal Employment

Opportunity Commission (EEOC). Currently, she is a feminist activist, writer, and public speaker living in Sarasota, FL.