

Coverture (couverture)

A woman was presumed to be a minor person so long as she stayed in the household of a male relative (father, brother, uncle)

Upon marriage, a woman's legal rights were subsumed by those of her husband. His legal personality “covered” hers.

***United States v. Dege* (1960)**

**Ends coverture in criminal
conspiracy case**

**Common law did not allow
conspiracy between man and
wife – as coverture meant that
they were same legal person**

U.S. v. Dege (1960)

It would enthrone an unreality into a rule of law to suggest that man and wife are legally incapable of engaging in illicit enterprises, and therefore, forsooth, do not engage in them.

Justice Frankfurter

***Hoyt v. Florida* (1961)**

Court upheld FL law excusing all women from jury duty unless they volunteered

Court found that women are “still regarded as the center of home and family life” and have “special responsibilities”

***Cleveland Board of Education
v. LaFleur (1974)***

**Maternal Leave compulsory when
visible, usually 4-6 months**

**Court found that women were
capable of making decisions
regarding their own fitness to teach
and plan own leave**

Pregnancy Discrimination Act of 1978

Women who are pregnant or affected by related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations

May not refuse to hire pregnant women or require leave so long as can perform duties

Equal Rights Amendment

***Section 1.* Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.**

***Section 2.* The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.**

***Section 3.* This amendment shall take effect two years after the date of ratification.**

Equal Rights Amendment

First introduced in Congress in 1923

Proposed by Congress in 1972

Twenty-two states ratified in first year

Thirteen more states had ratified by 1977

Five states voted to rescind by 1977

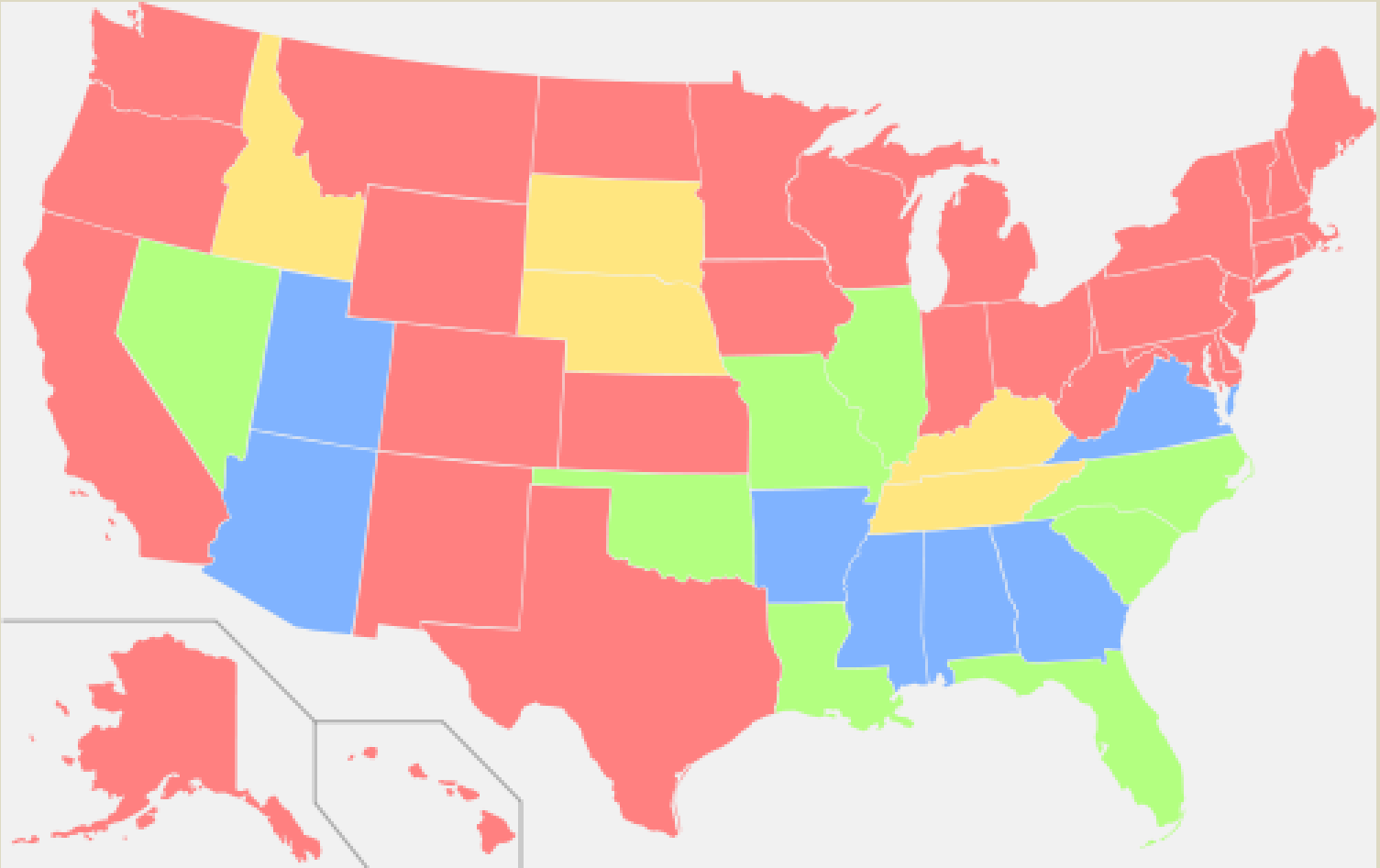
**Original proposal expired in 1979, extended
until 1982**

**Defeated in 1975 in Utah by LDS Church
leadership and predecessor of Eagle Forum**

ERA Ratification by State

Red=Ratified, Orange=Ratified/Rescinded

Green=Ratified by 1 house, Blue=Not Ratified



Frontiero v. Richardson (1973)

Female military officers, unlike male officers, had to show they were primary breadwinners to receive certain benefits

Plurality opinion uses strict scrutiny anticipating ERA ratification

Concurrence emphasize irrationality of rule, no need for strict scrutiny

Kahn v. Shevin (1974)

**Florida offered a tax break for widows,
but not widowers**

Challenged on basis of gender inequity

**Court upholds policy because of
greater financial burden on widows
because**

1) they live longer

2) less support from pensions

Stanton v. Stanton (1975)

Utah law required non-custodial parent to pay child support for males to age 21, females to age 18.

Sup. Court found lack of rational basis

Question:

What was purpose of Utah law?

***Schlesinger v. Ballard* (1975)**

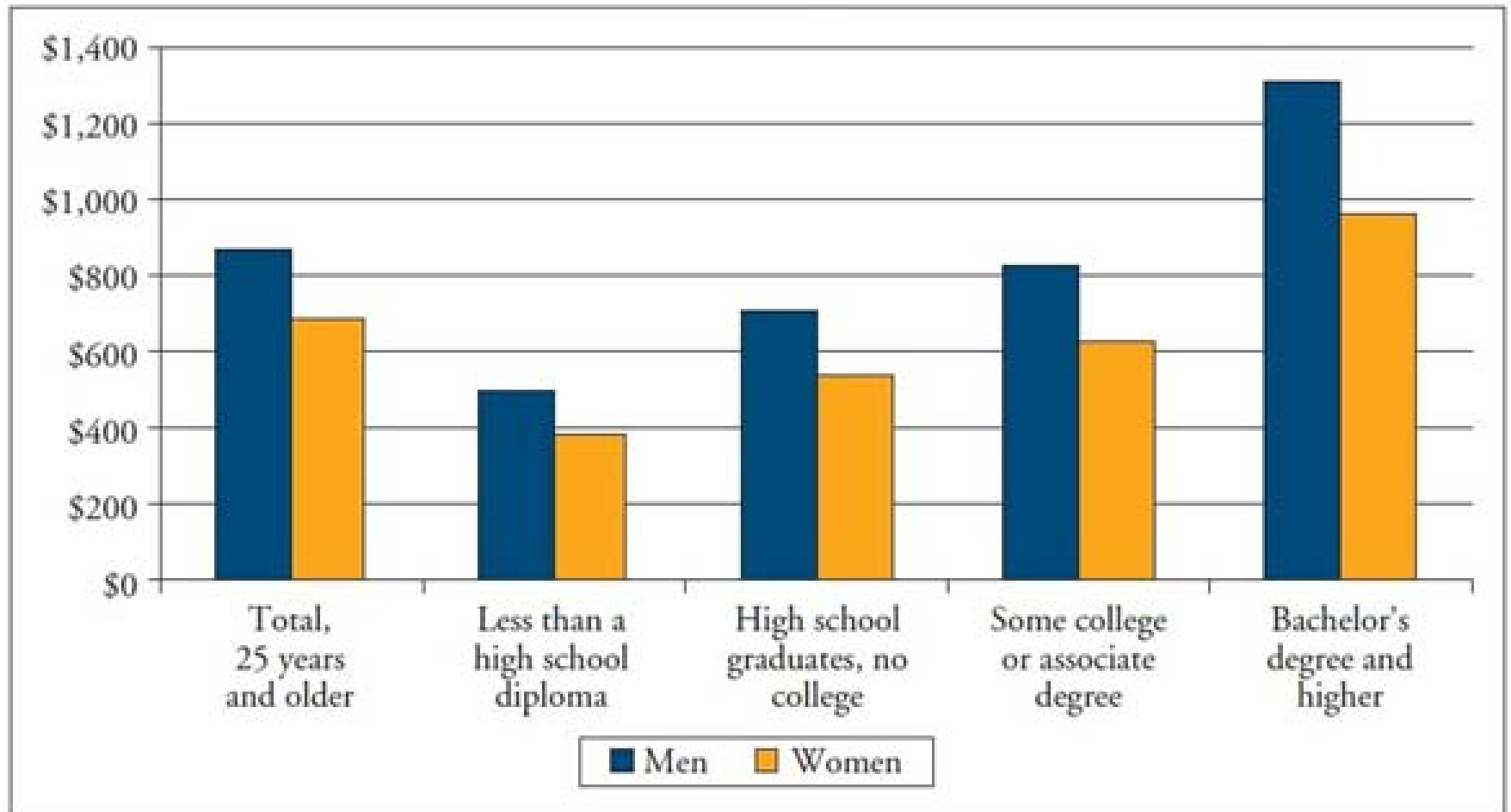
U.S. military policy allowed discharge of male officers after 9 years without promotion, but gave women 13 years at same rank because women were barred from combat positions

Sup. Ct. upholds policy as properly mitigating women's lack of access to combat positions

Gender Pay Gap by Education, 2009

Earnings by Educational Attainment

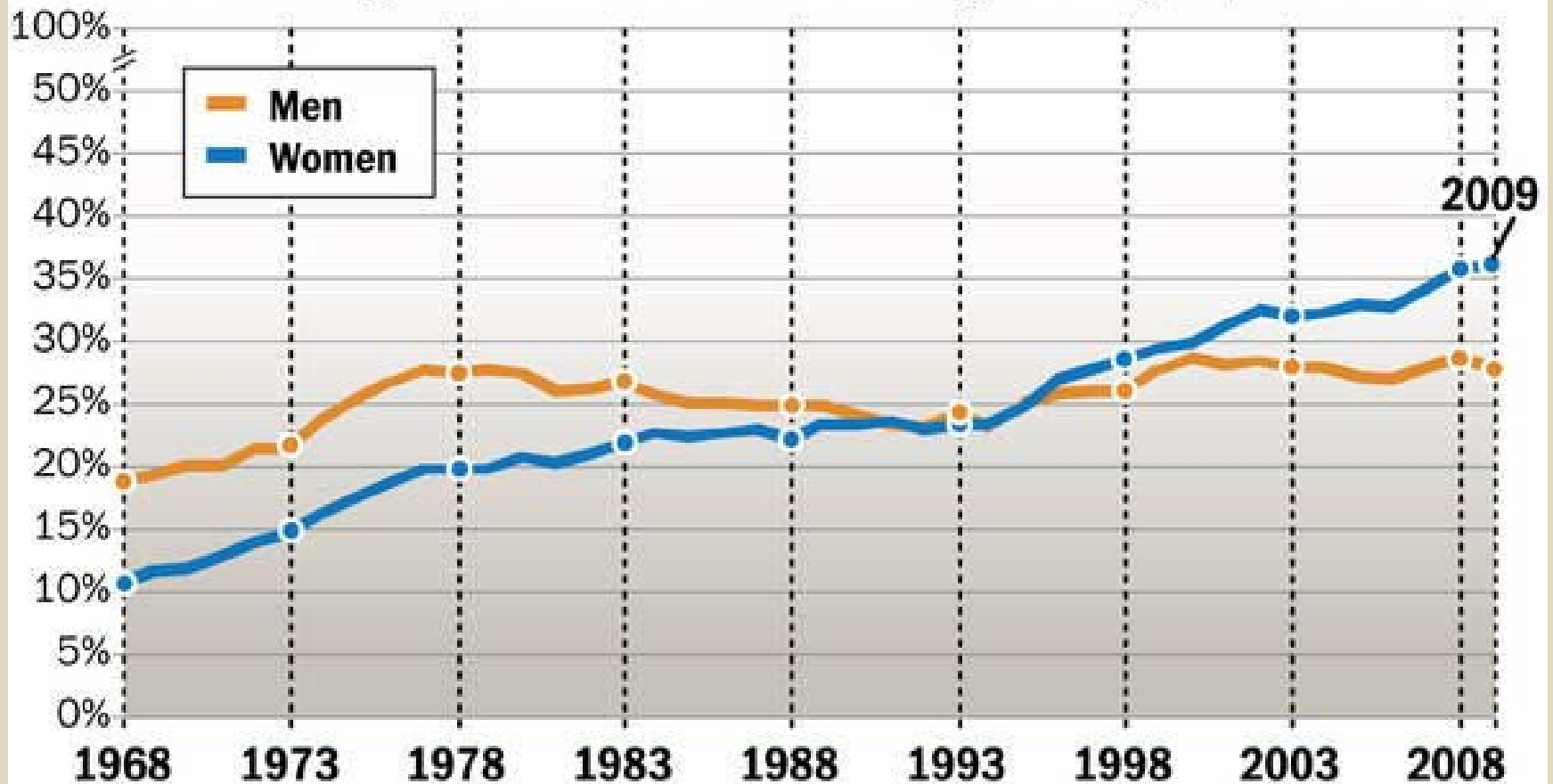
(Median Weekly Earnings of Full-Time Workers Age 25 and Older, Annual Averages, 2009)



College Degrees by Gender

Bachelor's degree

Percent of adults age 25-34 with a bachelor's degree or higher, 1968-2009



SOURCE: National Center for Education Statistics

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