



## **Breaking Barriers: The Fight for Gender Equality, Equal Pay and Civil Rights**

Curriculum Unit 21.03.05, published September 2021  
by Cinde Berkowitz

### **Introduction**

---

"For both men and women, the first step in getting power is to become visible to others, and then to put on an impressive show...As women achieve power, the barriers will fall. As society sees what women can do, as women see what women can do, there will be more women out there doing things, and we will all be better for it." --First woman on the Supreme Court of the United States, Justice Sandra Day O'Connor.

In this curriculum unit, students will learn firsthand about The Equal Rights Amendment (E.R.A.), first passed by Congress in 1972. It was submitted for ratification to the states, but to this day, has still not been ratified. The E.R.A. would have been the 28<sup>th</sup> Amendment to the U.S. Constitution. It won the requisite two-thirds vote from the House of Representatives in October 1971. In March of 1972, the U.S. Senate approved it, and the E.R.A. was sent to the states. Article V of the Constitution allows for Amendments approved by two-thirds of the U.S. House and Senate and ratified by three-fourths of the 50 states.<sup>1</sup>

Due to a backlash against the E.R.A., it failed to achieve ratification by the states' requisite thirty-eight, or three-fourths. In January of 2020, almost 50 years later, Virginia became the 38<sup>th</sup> state to ratify the E.R.A. Due to the ratification deadline and other concerns, this Amendment is still pending to become part of the Constitution. The leaders of the women's movement continue to fight for the E.R.A. and gender equality, but they have never again reached the political influence they had in the early 1970s.<sup>2</sup>

For a document that carries so much political weight and history, the Equal Rights Amendment is surprisingly short. As passed by Congress in 1972, the Amendment states:

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.

Working women in the 1940s and 1950s focused on gaining workplace protections for women and children. They were worried that an E.R.A. would jeopardize laws that made factories safer and limited the number of hours women could work. Many decades would pass before the E.R.A. would gain momentum. By that point, both men and women had won protections in the workplace through the Courts. During the second-wave feminist movement, women who fought for civil rights in the 1960s and 1970s pushed for equality in their jobs, universities, and homes. The women's movement was more determined than ever to stay mobilized in the states when the E.R.A. did not pass federal legislation.<sup>3</sup> In the late 20<sup>th</sup> century, the federal government and all states have passed significant legislation protecting women's legal rights.

The E.R.A. is still pending as of August 2021 and will need a new ratification date to secure the passing of the Amendment. The E.R.A. stands as a century-long dream for many women, suffragettes, feminists, and activists. The E.R.A. would ban discrimination based on sex and guarantee equality for women under the Constitution. Lawmakers and advocacy organizations have put the E.R.A. amendment back on the Nation's agenda to ensure women's full constitutional rights once and for all. The Democratic-controlled House has passed a resolution to rescind the deadline for ratification of the E.R.A. Though it is unlikely now that they will take up the measure as voting rights. Infrastructure bills are taking precedence.

## Content Objectives

---

One of the essential questions of this unit is: Should we pass the E.R.A., or shouldn't we? Have issues of gender-based equality been successful or not in advancing equal protection in the Constitution? In this unit, students will study the History of the E.R.A., the 14<sup>th</sup> Amendment, the Equal Protection Clause, and how this clause relates to the E.R.A. We will also discuss how the Courts have taken up issues and causes of gender inequality and discrimination not written in the Constitution. These inequities, such as same-sex marriage, abortion rights, and women serving in the military, have been fought and have advanced the cause of gender parity for men and women and achieved political change by not "constitutionalizing it." The issues of the E.R.A. propelled by the social movements to enact advances and action in the courts were hard-fought.

This unit will also focus on the triumphs and struggles of social issues and their impact on court decisions. "Movements connect practical questions and informal pathways with symbolism to motivate people to political action such as voting, passing out leaflets, displaying a bumper sticker, joining a public demonstration, and donating money or time to the cause."<sup>4</sup> Cultural issues play a significant role in how courts decide on substantial issues and political changes. The progress in the E.R.A. movement was gradual, and the courts have been active in promoting civil rights and women's rights over the last several decades. The first time the Supreme Court overturned a law in response to a woman's complaint of unfair sex-based discrimination was in 1971 in *Reed v Reed*. In *Reed*, a unanimous decision by the Courts overturned a law that preferred men over women for appointments as administrators of decedents' estates, finding a gender-based classification unconstitutional.

By focusing on issues of gender inequality and affirmative action in the workplace, students will get a firsthand look at gender disparities. "Women still make just 78 cents for every dollar earned by men. Black women earn only 64 cents and Latinas only 54 cents for each dollar earned by white men."<sup>5</sup> The impact women have made in labor history, and the numerous roles women have played to organize, unionize, rally,

document, and inspire workers to fight for justice is immeasurable. From championing better workplace conditions to cutting back the 12-hour day to demanding equal pay across racial lines, women have contributed to the labor movement and made a difference in their progress throughout the generations. However, there is still a long road ahead.<sup>6</sup>

## Classroom Context

---

I teach at Daniel Webster High School, located in West Tulsa, Oklahoma. Built-in 1938 as part of the Work Progress Administration (W.P.A.) program, Webster is on the National Register of Historic Places. Webster is an art deco building on nineteen acres near Historic Route 66. It has proudly served multiple generations of Westside families and continues to welcome students from all over Tulsa. The school population consists of Caucasian, African American, Hispanic, Micronesian, Native American, Asian, and Multiracial students. Webster is a Title 1 school, as many of our students qualify for free or reduced lunch based on their parent's income.<sup>7</sup>

Many of our students (25-30%) are on I.E.P.s (Individualized Education Plans), and some students are English Language Learners (E.S.L.).

Last year was a challenging school year for students and teachers, especially during distance learning due to Covid-19. We did finish the school year in person, but with many students struggling to finish the school year academically. I look forward to a full year in person with the start of the school year 2021/2022, teaching U.S. Government, the U.S. Constitution, and Oklahoma History, focusing on the Tulsa Race Massacre. Students are excited and interested in learning about their Constitutional rights, gaining further knowledge of their responsibilities as citizens, and their civic duty. Focusing on civil rights, social movements, and activism will inspire students to enact change at school and in the community. Students are excited to be back in the classroom to engage with teachers and others in social-emotional learning and academic collaboration.

I teach ninth and tenth-grade U.S. Government and Oklahoma History as part of the Tulsa Beyond Summit Learning platform. I will teach this curriculum unit during the 2021/2022 school year. The Summit learning platform and curriculum presents opportunities that implement project-based learning (P.B.L.) and self-directed learning (S.D.L.). This platform includes significant projects, content-specific rubrics, mentoring, and leadership goals. The Summit curriculum focuses on content and assignments to involve students in their education, advocacy, and civic responsibilities for success during the upcoming school year. Within the Summit Learning Platform, students can move at their own pace while critically learning the subject material and engaging in project-based learning to master specific cognitive goals.

There are many reading, writing, and cognitive skills to master in the Summit platform. Creative, engaging, and meaningful projects will help students to be able to meet Oklahoma standards and gain new insights into historical context. In teaching about the Constitution and the Bill of Rights, my students enjoy learning about their civil rights and legal provisions. Experiences that will expand students' horizons and deepen connections to opportunities are essential to future success. Students will participate in real-life lessons such as writing a letter to their elected representatives, writing a timeline, participating in a Socratic seminar, designing a poster campaign, and debating gender inequality and the E.R.A.

## The Unit

---

### Women in Politics

As President Joe Biden presented his first address to Congress on the ninety-ninth day of his Presidency, Vice President Kamala Harris and Speaker Nancy Pelosi sat on the stage. It is remarkable that women have finally broken down several of the barriers and glass ceilings in politics and government. It has been a lengthy, challenging fight for gender equality which was a two hundred and forty-five-year journey.

Numerous inequities are still encountered by women in our democratic society; the Covid-19 pandemic is amplifying these inequalities. Domestic violence, sexual harassment, abortion, reproductive rights, pay inequities, education and workplace discrimination, affirmative action, incarceration, childcare, and poverty are now several daily injustices women face. When women have a political voice, many support government policies that promote education, force businesses to provide safe work environments, pay fair wages and maintain clean and safe cities.

Biden acknowledged that women, especially women of color, have not had a fair shot in the United States on his campaign trail. Noting centuries of sexist and racist laws and legislation, he promised to address this imbalance of power and opportunity by improving women's political, economic, and social inclusion. Biden established the Gender Policy Council (G.P.C)<sup>8</sup> on March 8, 2021, to examine numerous issues that apply to gender concerns.<sup>9</sup> Section I, Policy, states, "Advancing gender equity and equality is a matter of human rights, justice, and fairness. It is also a strategic imperative that reduces poverty and promotes economic growth, increases access to education, improves health outcomes, advances political stability, and fosters Democracy."<sup>10</sup> The full involvement of every person, including women and girls across all facets of society, is essential to the economic well-being, health, and security of our Nation. Mobilizing people in politics and legislative fights in our government reminds us that change happens slowly and is a step-by-step process.

Biden's Policy goes on to state, "It is, therefore, the Policy of my Administration to establish and pursue a comprehensive approach to ensure that the Federal Government is working to advance equal rights and opportunities, regardless of gender or gender identity. This Policy will expand domestic and foreign policy, including promoting workplace diversity, fairness, and inclusion across the Federal workforce and military."<sup>11</sup> These issues are immense and include women, especially women of color, in power and the workforce. Biden's nominees include the first Native American woman (Deb Haaland) to hold a cabinet position and the first openly transgender woman (Rachel Levine) to be confirmed to federal office. The Child Tax Credit and free childcare are part of Biden's infrastructure plan to help provide economic value to women that take care of their children at home and provides the ability for women to pursue careers more immediately.

After 46 white males have presided over the White House, is the country ready to elect a female president? Margaret Chase Smith, Shirley Chisholm, Patricia Schroeder, Elizabeth Dole, Carol Moseley Braun, and Hillary Clinton have one thing in common. They made unsuccessful bids for the Presidency of the United States. Countries like Ireland, Great Britain, and Germany have already elected female leaders, and the United States has yet to have a women President.<sup>12</sup> Women have moved into other leadership roles within the U.S. government, including Secretaries of State Madeleine Albright and Condoleezza Rice, Speaker of the House Nancy Pelosi, and currently Vice-President Kamala Harris.

Written by National Woman's Party President Alice Paul in 1923, the proposed Equal Rights Amendment

became one of the most contested pieces of legislation in the twentieth century. It was contentious when Paul first introduced it only three years after the Nineteenth Amendment granted women the right to vote in 1920, unleashing almost a hundred years of national debate. Almost immediately in 1923, a split developed between the more militant feminists whose goal was full equality under the Constitution and the social reformers and organized labor who feared leaders would use the Amendment to strike down laws they had secured to protect women in the workplace.<sup>13</sup> Opposition to the E.R.A. began to dissipate somewhat in the 1930s. Roosevelt's New Deal "enacted social welfare laws that regulated wages and hours and instituted fair labor standards for both male and female workers, rendering protective laws less necessary."<sup>14</sup> In the 1950s, when the Senate passed the E.R.A., support widened among Republicans, Democrat Eleanor Roosevelt and other prominent women. Many women dropped their opposition to the E.R.A. to support the United Nations Charter, which affirmed "equal rights of men and women."

There has been a long road to gender equality for women, but they have won a great deal even from the E.R.A. ratification effort. The E.R.A. battle was just one front in a much larger war, which never meant legal equality and did not stand alone as feminism's goal and legacy. "Working-class women asserted a vision of a society free of economic exploitation, one in which working people battle collectively for a fair share of political and economic power and in which a robust and active government provides the means for all to live in economic security and human dignity. That vision is as important today as it ever was."<sup>15</sup>

Congress passed the E.R.A. amendment to the Constitution in 1972. "Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex." It was sent to the states for ratification. The E.R.A. did not ratify, but the Amendment's proposal and defeat played a crucial role in enabling and shaping the modern law of sex discrimination. Citizens regularly seek constitutional change through lawmaking, legislation, failed amendments, campaigns for elective office, and protest movements. Other states proposed or passed rescission bills, despite legal precedent that states do not have the power to retract ratification.

Women did not concur as to whether the E.R.A. should pass. It seemed like a reasonable measure, but people like Phyllis Schlafly, with an energetic countermobilization, insisted that it would hurt women by taking away their unique status as housewives. Ratification stalled on December 19, 1972. Phyllis Schlafly published "What is Wrong with 'Equal Rights for Women,'" launching the campaign opposing ratification of the Equal Rights Amendment. Schlafly argued, "that the E.R.A. will force women into the military, jeopardize benefits under Social Security, and weaken existing legal protections under divorce and marriage laws." Schlafly played a large part in bringing the movement toward ratification of the Amendment to a halt.<sup>16</sup>

"I never doubted that equal rights were the right direction. Most reforms, most problems are complicated. But to me, there is nothing complicated about ordinary equality."- Alice Paul.

### **Is passing the Equal Rights Amendment necessary?**

The women who opposed the E.R.A., like Schlafly, believe that the E.R.A. is unnecessary. The Equal Protection Clause of the 14th Amendment covered multiple forms of discrimination based on sex. Those in opposition see no reason why the E.R.A. should pass. There are still obvious gaps in existing laws, especially when it comes to domestic violence, sexual harassment, pay equity, and LGBTQ issues.<sup>17</sup> Some regard the Amendment as an essential protection against the unpredictability of future administrations. "The statutes and case laws that have produced major advances in women's rights since the middle of the last century are vulnerable to being ignored, weakened, or even reversed."<sup>18</sup>

"Congress can amend or repeal anti-discrimination laws by a simple majority, the Executive Branch can negligently enforce such laws, and courts, including the Supreme Court, can interpret the intermediate standard of review to permit certain forms of sex discrimination."<sup>19</sup> Reva Siegel, in her landmark essay on Constitutional culture and conflict, pointed out that the Supreme Court gave women some of what they wanted in legislation even though the E.R.A. did not get ratified. Others consider it a symbolic battle. Supreme Court Justice Ruth Bader Ginsburg, a supporter of the E.R.A., said in February 2020, "Every Constitution in the world written since the year 1950 ... has the equivalent of an Equal Rights Amendment, and we do not."<sup>20</sup>

## **14<sup>th</sup> Amendment of the U.S. Constitution**

The word "equal" became part of the Constitution in the 14<sup>th</sup> Amendment. The Equal Protection Clause is part of the first section of the Fourteenth Amendment to the United States Constitution. The clause, which took effect in 1868, provides "nor shall any State ... deny to any person within its jurisdiction the equal protection of the laws."<sup>21</sup>

For the first century of the Fourteenth Amendment's life, no court interpreted the Constitution to prohibit state action favoring men over women. The women's rights movement in the 1960s and 1970s (the second wave of feminism) revived and insisted on changing social and legal rights and responsibilities. The fact of women's involvement in the civil rights movement, the anti-war movement, and their changing role in the economy created a social context in which many women became active supporters of enhanced legislation for themselves.<sup>22</sup> The plan they pursued had already been well established in the long history of women's rights activism.

In the 1960s, with heightened concerns about the Vietnam War draft calls, colleges and universities started accepting more women in law schools and other occupations. The Supreme Court from 1953-1969 under Earl Warren was the most liberal in American history. The Warren Court is atypical of most of the Supreme Courts in our history. Currently, the Court upholds the status quo and is usually much more conservative. Courts do not protect individual rights. The progressives liked the Warren court, as did the civil rights groups and women's rights advocates for advancing their causes and racial equality.

In the 1970s, a mobilized feminist movement persuaded Congress to send an Equal Rights Amendment to the states for ratification. "With energetic countermobilization, the E.R.A. was defeated. The Court began to interpret the Fourteenth Amendment in ways that were responsive to the proponents of the Amendment, so much so that scholars have begun to refer to the resulting body of equal protection case law as a de facto E.R.A."<sup>23</sup> Many scholars believe that the Equal Rights Amendment defeat shaped the equal protection doctrine prohibiting sex discrimination.

In Reva Siegel's groundbreaking case study and lecture, "Constitutional Culture, Social Movement Conflict, and Constitutional Change: The Case of the de facto E.R.A.," she discusses how social movements change the ways Americans understand the Constitution. As Siegel points out, there are many avenues for a constitutional culture that lie outside of the courts. Siegel offers examples of her theory in action in the campaign for the E.R.A. and the Nineteenth Amendment. She discusses portraits of Pauli Murray, Tom Emerson, Betty Friedan, Sylvia Law, Phyllis Schlafly, and the young Ruth Bader Ginsburg and how these people helped shape the Constitution.<sup>24</sup> Siegel discusses how democratic participation requires speech instead of violence and that the norms and practices of constitutional speech strengthen both self-government and the Constitution. Early reformers like Elizabeth Cady Stanton "positioned themselves simultaneously as

interpreters of legal texts, religious texts, and life experience; they interpreted old sources to persuade."<sup>25</sup>

The Supreme Court victories better-served women than they would have by the passage of the sweeping E.R.A. The E.R.A. proscribed denying or abridging equal rights under the law by state or the federal government "on account of sex."<sup>26</sup> Professor, Ian Shapiro discussed in the Yale National Institute seminar, *Democracy, and Inequality*, the complicated history for women and changes in legislation. Shapiro discussed how it is less challenging to have gender-based decisions in the Courts because the E.R.A. did not pass. By not passing the E.R.A., it kept gender out of being "constitutionalized." If the E.R.A. had passed, gender would be suspect for strict scrutiny classifications under the Fourteenth Amendment equal protection jurisprudence, while now it is only subject to intermediate scrutiny. For example, with the passage of the Fifteenth Amendment, African Americans still had to fight for voting rights and against racially-based discrimination. The Fourteenth and Fifteenth Amendments only apply to federal laws and do not apply to State laws.

### **Fights in the Courts**

There are profound shifts in gender relations over the past 100 years. "Cultural changes, technological, geopolitical, and economic differences each played a part in the change, including the development and distribution of the birth control pill, two world wars, and global economic integration."<sup>27</sup> These changes pulled more women into the labor force, gave women both greater economic independence and gave women more reasons to seek a political and legal voice. All these trends contributed to constitutional change and the social movements pressing for them.

In *Craig v. Boren* (1976), the U.S. Supreme Court established a new standard of judicial review, intermediate scrutiny, for laws with gender-based classifications. David Boren, the defendant, was governor of Oklahoma when Craig filed the case. Craig sued Boren in a federal district court, alleging that the law violated the Equal Protection Clause.<sup>28</sup> Sex discrimination cases for gender classifications used intermediate scrutiny."

Intermediate scrutiny determines whether the law's gender classification is substantially related to an important governmental objective."<sup>29</sup>

In *Bakke v. U of California* (1978), the United States Supreme Court had a landmark decision. It upheld affirmative action, allowing race to be one of several factors in college admission policy. Proponents thought affirmative actions were essential, while opponents believed the decision violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. Most affirmative action cases continued without change at the time. However, in 1996, Californians by initiative banned the state's use of race as a factor in admission policies.

Ruth Bader Ginsburg worked to advance equal rights for women and men long before the Supreme Court. Ginsburg famously co-founded the Women's Rights Project at the American Civil Liberties Union (ACLU) as a lawyer and brought and argued the cases that led the High Court to affirm protections against gender discrimination.<sup>30</sup>

Ginsburg was one of nine women at Harvard Law School in 1956 and struggled to find a job once she graduated. As a professor at Rutgers Law School in 1963, Ginsburg made less than her male colleagues. She won five landmark cases on gender equality in the U.S. Supreme Court based on the protections of the Equal Protection Clause of the 14th Amendment. In 1976, in another case in which Ginsburg had filed a brief, the Justices set a standard still used today in sex discrimination cases. In *Craig v. Boren* (1976), the Court struck down an Oklahoma statute that said women as young as 18 could buy 3.2 percent beer while men had

to be at least 21.

Ginsburg was as responsible as any one person for legal advances that women made under the Equal Protection Clause of the Constitution; as a result, doors of opportunity have benefited not only the women themselves but their families. Ginsburg had a lasting influence on women as a confident, hard-working female leader, and she energized young women with her rise as a pop culture icon, the infamous R.B.G. Ginsburg said in her book, *My Own Words*. "Feminism is the notion that we should each be free to develop our talents and not be held back by man-made barriers."

Ginsburg co-founded the Women's Rights Project, which emphasized equal rights for women in many cases and policy proposals. In 1972, The Nixon administration passed Title IX legislation. Title IX of the Education Amendment Act guaranteed women equal access to athletic resources regardless of gender. It prohibited sex discrimination in all education programs and activities that received federal funds. The money universities spent on athletics would have to be allocated equally to women's and men's programs from then on.<sup>31</sup>

She was indispensable in the legal wall that protects *Roe v. Wade* which guaranteed women the right to choose their reproductive freedom in 1973. Ginsburg paved the way for the Equal Credit Opportunity Act, which passed in 1974 and allowed women to apply for credit cards, bank accounts, and mortgages without a male co-signer. *Frontiero v. Richardson* was the first case Ginsburg argued before the Supreme court in 1972. The case centered on a female Air Force lieutenant who had been denied the same housing and medical benefits as her male colleagues. Ginsburg argued that the Air Force's statute for housing allowances treated women as inferior, and the Supreme Court ruled in her favor 8 to 1.<sup>32</sup>

Ginsburg pushed to protect pregnant women in the workplace. It was standard fifty years ago for women to be fired from their jobs when they were pregnant. Ginsburg argued that women should serve on juries, as in the case in 1979, *Duren v. Missouri*. At that time, jury duty was optional for women in several states because it viewed the responsibility as a burden for women whose role was at the "center of home and family life."

Before Ginsburg, State-funded schools did not have to admit women. In 1996, in the *United States v. Virginia* case, Ginsburg wrote that it is unconstitutional for schools funded by taxpayers to bar women. "There is no reason that the admissions of women capable of all activities required of (Virginia Military Institute) cadets would destroy the institute rather than enhance its capacity to serve the perfect union," said Ginsburg.

Ginsburg's work surrounding women's financial independence laid a base for further issues of equality and freedom. In 2007, she famously dissented from the Supreme Court's decision on the pay discrimination case, *Ledbetter v. Goodyear Tire & Rubber Co.* When five justices ruled against Lily Ledbetter in her pay discrimination case, Justice Ginsburg's call to action inspired the public and Congress to change the law and strengthen equal pay protections. She was also a pivotal vote to help expand the concept of gender discrimination, as in the 2015 case *Obergefell v. Hodges*, which allowed the right to same-sex marriages in all fifty states.

Ginsburg shared how the #MeToo movement, like the gay rights movement and the feminist movement of the 1970s, is an example of how quickly social change can be produced by political activism from the ground up. In her view, legal change follows social and political change, not the other way around.

The women's movement today is more dispersed and does not have a prominent leader, the intersectionality of the campaign is more complicated now. Intersectionality in social activities acknowledges that everyone has their own unique experiences of discrimination and oppression. We must consider anything that can



marginalize people, including gender, race, class, sexual orientation, and physical ability.

After Ruth Bader Ginsburg's death in the fall of 2020 and right before the Presidential election, Mitch McConnell and the leaders of the Republican party swore in the conservative Supreme Court judge, Amy Coney Barrett. In many ways, Barrett has a much more conservative belief system than Ginsburg. *Roe v. Wade* and the continued fight over abortion rights are major wedge issues. In the Seminole book, *The Hollow Hope*, author Gerald Rosenberg examines Supreme Court cases and how *Roe v. Wade* and *Brown v. the Board of Education* are overrated as agents of social change. In Oklahoma, the battle lines over *Roe v. Wade* are being contested now in State legislation.

In *Brown v. Board of Education*, "as a symbol, in and of itself, provides no evidence that the Court can produce significant social reform. It may prevent change."<sup>33</sup> Rosenberg argues that many events happen in the world that does not influence later events. "*Brown* had effects, but it did not automatically further the cause of civil rights." By focusing on the actions of the Court, many people assume that its decisions play an important role in change. "This assumes the importance of the Court, rather than determining if in celebrating *Brown v. Board of Education*, Americans may believe that discrimination has subsided relieving them of the difficult task of confronting its deep-seated and ongoing, systematic nature."<sup>34</sup>

The celebration of *Brown v. Board of Education* serves an ideological function of assuring Americans that they have lived up to their constitutional principles without requiring them to do so. It encourages us to look to legal solutions for political and cultural problems. *Brown v. Board of Education* serves a deeply conservative function of diverting resources away from substantive political battles, where success is possible, to symbolic legal ones, where it is not.<sup>35</sup>

In Rosenberg's controversial book, *The Hollow Hope*, he reveals that Congress, the White House, and a determined civil rights movement did far more than *Brown* to advance desegregation. At the same time, Rosenberg argues that pro-choice activists invested too much in *Roe v. Wade* at the expense of political mobilization. In these cases, and the ongoing fight for same-sex marriage rights, Rosenberg clarifies considerable evidence to overturn the common assumption that even unsuccessful litigation can advance a cause by raising its profile.<sup>36</sup>

## Gender Wage Gap

---

"Women will have achieved true equality when men share with them the responsibility of bringing up the next generation."- Ruth Bader Ginsburg.

The COVID-19 pandemic has amplified long-standing inequities in American society, disturbing implications for gender equality in the labor market. The wage gap is a statistical indicator used as an index of women's earnings relative to men. Discrimination against women in the workplace and the gender wage gap inequities have been prevalent issues for decades. Significant concerns to consider are women's bias in the workplace, including childbearing, motherhood, childcare, family life, divorce, social norms, and expectations. Affordable childcare is crucial for working mothers and especially single mothers to remain in the workforce.

Women are now delaying motherhood due to careers, costs, and some women are not having children at all.

Women are nearly three times as likely as men to be unemployed because of childcare demands.<sup>37</sup> When women take time off for childbearing, mothers were nearly twice as likely as fathers to say taking time off hurt their job or career. According to a Pew poll of women who took leave from work in the two years following the birth or adoption of their child, 25% of women said this had a negative impact at work, compared with 13% of men.<sup>38</sup>

In the book *Women, Work, and Politics*, by Iverson and Rosenbluth, they discussed the enormous challenges women face to build strong coalitions and enact changes. The best-paying jobs are still very gender-segregated. There is also a cultural bias against women in politics, women have come a long way, but they have not arrived yet. Despite progress, inequality within the household, gender norms, and expectations continue to cause tensions for men and women in the labor market, exemplified by the gender wage gap. The gender wage gap typically refers to pay disparities between men and women doing the same work.<sup>39</sup> Congress did not take significant action to address the gender wage gap until the Equal Pay Act in 1963, although the slogan "Equal Pay for Equal Work" dates to the 1860s. Large numbers of women were taking jobs during World War II, as many men were going off to join the war effort.

Until the early 1960s, newspapers published separate job listings for men and women. Newspapers listed jobs with the higher-level positions almost exclusively under "Help Wanted, Male." In the 1950s and 1960s, women earned approximately 60 cents of every dollar for their male counterparts in the same job. This inequity led to the passage of The Equal Pay Act of 1963. It was passed nearly 60 years ago and signed into law by President John F. Kennedy. When the Equal Pay Act was signed, the wage gap inched closer between men and women at a rate of about half a penny a year. This Act made it illegal to discriminate by sex in setting wages for the same jobs. Title VII of the 1964 Civil Rights Act, the Nation's principal law on anti-discrimination in employment, "prohibits discrimination by employers, private and public, based on race, color, religion, sex, or national origin." The Pregnancy Discrimination Act of 1978 forbade workplace discrimination based on the possibility of pregnancy with the same benefits received by workers with temporarily disabling conditions.

Title VII reflected the social changes of the post-World War II era, where the number of women entering the workforce changed how men and women interacted. The Equal Pay Act was gradually expanded between the 1960s and the 1970s, as two landmark cases strengthened and defined the inequities. *Schultz v. Wheaton Glass Co* (1970) and *Corning Glass Works v. Brennan* (1974). In *Schultz v. Wheaton Glass Co.*, the Third Circuit Court ruled that those jobs need to be substantially equal but not identical. This case ruled that employers cannot change the job titles of women workers to pay them less than men. In *Corning Glass Works v. Brennan*, The U.S. Supreme Court ruled that an employer cannot justify paying women lower wages because that is what they traditionally received under the "going market rate."

The blatant discrimination apparent in these court cases seems outdated today, as does the practice of sex-segregated job listings. The wage gap has narrowed, but the wage gap is still significant. Since the 1970s, inequality has gone up, and many families are still at the poverty level. Even in 2021, in most cases, women are not paid equally. For example, women under 25 who work full-time earned 93.8% of men's salaries compared to those 55 to 64, who earned 75.2% of what men made.<sup>40</sup> Women in low-paid jobs struggle to make ends meet, even if they can work full-time hours. Even when working full-time, women in low-paid jobs face a high risk of falling below or near the poverty line, and those odds are most significant for women of color. Women in low-paid jobs who work part-time because they cannot find full-time work or need to manage other obligations face an even higher risk of poverty and economic insecurity.<sup>41</sup>

Many women of color, even as the civil rights and women's movement opened new career opportunities, were

employed in low-wage service sector jobs. To win crucial state protections such as inclusion in the minimum wage, Social Security, and unemployment insurance that helped many white male industrial workers win economic security and upward mobility in the postwar decades, people used publicity, protest, and lobbying. Still, these strategies did not allow women to flourish in the same way. Women had to fight to be included even after the Supreme court rulings. Women are the primary caregivers. As work opportunities changed since the 1960s and 1970s, new generations of caregivers, increasingly immigrants, continued to emphasize the value of their labor and their right to fair compensation and working conditions.

In her book, *Justice, Gender, and the Family*, Susan Moller Okin discussed how individuals and society-at-large must become much more aware of the trade-offs women made when their partners do not step up. One of her more radical proposals in this regard is that when one member of a married couple does not work outside the home, the working spouse's income should be split in half and paid equally to each partner. Even when women work outside of the house, they do four times as much childcare and two times as much housework as their husbands. Raising a family allows women less time to take on ambitious public roles, whether in politics or other fields.<sup>42</sup>

The Family and Medical Leave Act 1993 and the Lily Ledbetter Fair Pay Restoration Act 2009 (signed into law by President Obama) provided more benefits to women. This Act allowed victims of pay discrimination to file a complaint with the government against their employer within 180 days of their last paycheck and to ensure that pay practices are non-discriminatory. The Lily Ledbetter Act, named after a former employee of Goodyear, alleged she got paid 15%-40% less than her male counterparts, which was true.

Women still spend 50 percent more time than men participating in activities to care for children in the home. Caring for family members, including aging parents, is disproportionately carried by women. After giving birth, women's pay lags similarly educated and experienced men and women without children. There is no corresponding "fatherhood penalty" for men. There are many explanations regarding the disparity of the vast wage gap for women's pay for decades now. Women from older generations that work in jobs are still subject to the attitudes and conditions of the past. In contrast, younger women coming of age in the 1990s reflect women's social and legal advances.

## **Women in Sports**

"One cannot simply outperform inequality."- Megan Rapinoe, a professional U.S. Soccer player.

Pay discrimination in sports is currently at the forefront of soccer. "In the 2019 Women's World Cup finals, when the final whistle blew, and the U.S. team stormed the field in celebration, thousands of fans chanted, "Equal pay! Equal Pay!" The U.S. Women's National Team, co-captained by Megan Rapinoe, has been a symbol of gender equality since they filed a lawsuit in March 2019 against the U.S. Soccer Federation alleging pay discrimination.

The women's soccer team members earn significantly less than their male counterparts even though their team has been more successful and profitable. (The women's team has won four World Cup tournaments; the men's team has never won.) Rapinoe says that the U.S. is due for a "paradigm shift" in understanding women's value and potential in pay equity. "Men are so often paid and compensated on the potential that they show, not necessarily what they have done," Rapinoe says. "And women are so often paid on what they have done which normally I would say. We outperform what our contract was."<sup>43</sup>

## Teaching Strategies

---

I will teach this unit in 9<sup>th</sup> and 10<sup>th</sup> grade U.S. Government class in the first semester. This unit takes approximately three weeks. At the same time, students learn the basics of the U.S. Government and will partake in a Know Your Rights project in the Summit Learning Program, which entails learning and discussing Supreme Court cases, and the U.S. Constitution.

## Create E.R.A. Timeline

---

Historical Overview- Is the E.R.A. still pertinent today, or is there enough gender equality that the Amendment is no longer needed? Skills include critical thinking, inquiry, media literacy, and point of view. Students will research the barriers to equal rights for women now, a century after ratifying the 19<sup>th</sup> Amendment, study the 14<sup>th</sup> Amendment, the uphill battle, and the progress made. Students discuss the pros and cons of approving the E.R.A. Students will analyze primary documents and articles to discuss the controversy over the E.R.A.

Students will make a timeline of political, cultural, and social events from the 1920s and then in each decade to the present, will detail at least four critical entries per decade regarding the E.R.A. and social movements (including world events, feminist events, major players of the campaign, sports, music, and pop culture history). This timeline will help students visually see the progression of the E.R.A. events in chronological order. Students will draw and chart a timeline of specific dates to make historical connections.

## Evaluate Visual and Written Documents and Speeches

---

Students will read articles and listen to speeches to write five pros and cons from each source. Students will write a letter or persuasive essay explaining their position on why they do or do not support the E.R.A. They will use primary documents to enhance their inquiry and writing skills.

Students will read and evaluate two speeches, one by Gloria Steinem and one by Phyllis Schlafly. They will then use the evaluating arguments and counterclaim rubrics in the Summit Learning Platform. Students will assign a score to each speech and justify the score using evidence from each address.

## Socratic Seminar

---

Students will read and analyze Supreme court cases regarding their constitutional rights and explain their outcomes. Students will learn about crucial court cases that undermined arguments for protective labor legislation for women. Students will explain the difference between civil liberties and civil rights and the

significance of the 14th Amendment. Students will complete a chart about the 14th Amendment and relevant Supreme Court cases.

Students will participate in a Socratic Seminar to discuss and debate Supreme court cases.

## Gallery Walk

---

Students will discuss occupations, wages, education requirements for various jobs and opportunities from historical data and current job requirements. Students will share the information and data collected and conclude big questions from their researched evidence. Students will identify similarities and differences between jobs and career wages and discuss how views towards gender equality have changed since the 1970s?

## Classroom Activities

---

### Week One

Objective: Identify the key events in the history of the E.R.A. movement concerning the cultural phenomena and social activities of the time.

Procedure: Students will read various articles covering the History of the E.R.A. and identify the critical moments from 1920 to 2020. Students will get an overview from CSPAN video clips. Students will then begin creating a visual timeline of these events. In addition, students will research the key cultural events and defining moments of each decade to add to the timeline. Finally, students will add to the timeline the critical social movements of each decade. The final product will be a timeline with three strands running through each decade.

Students will include:

1<sup>st</sup> wave- suffrage movement -19<sup>th</sup> Amendment, Alice Paul, Elizabeth Cady Stanton, Ida B. Wells.

2<sup>nd</sup> wave- 1960s and 1970s, Gloria Steinman, Betty Friedan, Shirley Chisholm, Bella Abzug, Phyllis Schlafly, Ruth Bader Ginsburg.

3<sup>rd</sup> and fourth waves- 1990s to the present- #MeToo Movement, Women's March.

Materials:

From CSPAN

<https://www.c-span.org/classroom/document/?8987>

### Video Clip 1: The Origins of the Equal Rights Amendment (4:14)

Who initially proposed the Equal Rights Amendment? When was this?

Describe the initial criticism of the Equal Rights Amendment from women in the labor force.

Explain the difference between protective legislation and federal blanket legislation for women.

### Video Clip 2: Background of the Equal Rights Amendment in the 1970s (3:24)

Summarize what the Equal Rights Amendment said.

What factors led to the growing support of the Equal Rights Amendment in the 1970s?

How did changes in labor laws and laws addressing equality affect women's opinions of the E.R.A.?

Students will read at least two articles covering historical events of the E.R.A. Students will research various websites identifying social movements and cultural phenomena from the 1920s-2020.

List of articles:

“The Equal Rights Amendment Explained”

<https://www.brennancenter.org/our-work/research-reports/equal-rights-amendment-explained>.

“Women Aren't in the Constitution. What Would Change If They Were?”

<https://www.vice.com/en/article/wjw3pm/what-is-the-equal-rights-amendment-era-and-what-would-it-do>.

“The Equal Rights Amendment is one state from ratification. Now what?”

<https://www.washingtonpost.com/news/monkey-cage/wp/2018/06/20/the-equal-rights-amendment-is-one-state-from-ratification-now-what/>.

“The Long Road to Equality: What Women Won from the E.R.A. Ratification Effort”

<https://guides.loc.gov/american-women-essays/era-ratification-effort>.

## **Week Two**

Objective: Read and evaluate the effectiveness of arguments in two speeches.

Procedure: Students will read two speeches, one by Gloria Steinem and one by Phyllis Schlafly. They will then use the evaluating arguments and counterclaim rubrics in the Summit Learning Platform. Students will assign a score to each speech and justify the score using evidence from the lecture.

Materials:

Gloria Steinem- May 6, 1970- Her speech for the E.R.A. testifying to Congress.

Phyllis Schlafly- 1977- Counter speech to the International Women’s Conference.

Gloria Steinem's testimony (1970) supported the passage of the E.R.A. Steinem fought hard to advance the cause of women's rights through the Court system and with political activism. Students will learn about the E.R.A. by pairing this document with Phyllis Schlafly's speech in the pro-E.R.A. speech. Students will listen to Phyllis Schlafly's address (1977) against the E.R.A. from the opposing Stop E.R.A. movement, learn about the unexpected backlash, and compare the speeches. Schlafly held conservative social and political views, opposed feminism, gay rights, and abortion, and successfully campaigned against the ratification of the E.R.A. to the U.S. Constitution.

### **Week Three**

Objective: Students will identify the main arguments in Supreme Court cases, describe the Supreme Court's decision and analysis, and discuss the Court decision's impact in a Socratic seminar.

Materials:

Supreme Court cases specifically, (oyez.org)

*Bakke v. U of California* (1978).

*Craig v. Boren* (1976).

*Schultz v. Wheaton Glass Co.* (1970).

*Corning Glass Works v. Brennan* (1974).

*Ledbetter v. Goodyear Tire & Rubber Co* (2007).

*Duren v. Missouri* (1979).

Procedure: Students will research Supreme Court cases and present their findings on why they were not passed or denied. Students will study historical background, pros, and cons, narrowing down their arguments. Students will research, analyze, and discuss Supreme court cases, defining points of view. Students will present their findings in a Socratic seminar.

### **Week Four**

Objective: Students will be able to identify trends in salary and education by gender in various occupations.

Materials: Occupational Outlook Handbook.

Pew research polls and facts.

"Gender pay gap in the U.S. held steady in 2020."

<https://www.pewresearch.org/fact-tank/2021/05/25/gender-pay-gap-facts/>.

"In 25 Years, the Pay Gap Has Shrunk by Just 8 Cents"

<https://www.nytimes.com/2021/03/24/us/equal-pay-day-explainer.html>.

"When Hard Work is Not Enough: Women in Low-Paid Jobs"

[https://nwlc.org/wp-content/uploads/2020/04/Women-in-Low-Paid-Jobs-report\\_ES\\_pp01.pdf](https://nwlc.org/wp-content/uploads/2020/04/Women-in-Low-Paid-Jobs-report_ES_pp01.pdf).

Procedure: In a gallery walk, students will identify and discuss stereotypically gender-specific jobs. Students will look these jobs up in the Occupational Outlook Handbook and determine wages and educational requirements. Students will report trends that they identify, salaries over the decades, and questions they have compiled from this data. Students will read the articles, examine data, gather their information in a graphic organizer, share their findings and draw conclusions from the evidence research.

Gallery walks discussing salaries, occupations, and jobs. Consider the salary of a male actor and a female actor. Discuss the salaries of professors, athletes, teachers, managers, and C.E.O.s

Scenarios include -A female employee is not hired for a job as a man gets it. How does this feel? Should women be making the same amount of money as men? Why should they be paid the same? Or why not? Historically women have been underpaid. What is the average pay for a teacher, nurse, doctor? The first lady of the United States does not get paid. Should a woman get paid for the work that she does?

## Supreme Court cases:

---

*Bakke v. U of California*, (1978) for race.

*Bakke v. U of California* was a landmark decision by the Supreme Court of the United States. It upheld affirmative action, allowing race to be one of several factors in college admission policy.

*Craig v. Boren*, (1976) for gender issues.

In *Craig v. Boren*, the Court threw out a law that treated men and women differently in setting a drinking age. The case set out the new standard of judicial review in cases involving sex discrimination and intermediate scrutiny.

Two landmark court cases served to strengthen and further define the Equal Pay Act:

*Schultz v. Wheaton Glass Co.* (1970), U.S. Court of Appeals for the Third Circuit

Ruled those jobs need to be "substantially equal" but not "identical" to fall under the protection of the Equal Pay Act. An employer cannot, for example, change the job titles of women workers to pay them less than men.

*Corning Glass Works v. Brennan* (1974), U.S. Supreme Court

Ruled that employers cannot justify paying women lower wages because they traditionally received the "going market rate." A wage differential occurring "simply because men would not work at the low rates paid women" was unacceptable.



## Bibliography

---

Berry, Mary F. *Why E.R.A. Failed: Politics, Women's Rights, and the Amending Process of the Constitution*. Bloomington: Indiana University Press, 1986. This book analyzes why the E.R.A. failed in the context of history.

Dahl, Robert A., and Ian Shapiro. *On Democracy*. 2015. This highly thought-provoking book lays the foundations for Democracy and the future challenges for democratic systems.

Deaton, Angus. *The Great Escape, Health, Wealth and the Origins of Inequality*, Princeton: Princeton University Press, 2015. Informative and valuable in looking at how we measure progress and measure inequality.

Equal Rights Amendment." Equal Rights Amendment. Accessed July 31, 2021.  
<https://www.equalrightsamendment.org/resources>.

"Gender Pay Gap in U.S. Held Steady in 2020." Pew Research Center. Last modified May 25, 2021.  
<https://www.pewresearch.org/fact-tank/2021/05/25/gender-pay-gap-facts/>.

Ginsburg, Ruth B., and Wendy W. Williams. *My Own Words*. New York: Simon & Schuster, 2016. This book is the backbone for this curriculum unit. It is comprehensive and insightful, and it also gives unprecedented insight into the inner workings of the Supreme Court.

Ginsburg, Ruth. "Pass the Equal Rights Amendment." *American Bar Association Journal*, 2005.

Graetz, Michael J., and Ian Shapiro. *The Wolf at the Door: The Menace of Economic Insecurity and How to Fight It*. Cambridge: Harvard University Press, 2020. Chapter 2.

"In 25 Years, the Pay Gap Has Shrunk by Just 8 Cents." *The New York Times - Breaking News, U.S. News, World News, and Videos*. Last modified March 25, 2021.  
<https://www.nytimes.com/2021/03/24/us/equal-pay-day-explainer.html>.

Iversen, Torben, Frances M. Rosenbluth, and Professor F. Rosenbluth. *Women, Work, and Politics: The Political Economy of Gender Inequality*. New Haven: Yale University Press, 2010.

This book is an essential primer on gender, the rise of the postindustrial economy, and the sacrifices women have made to raise families.

Levinson, Rosalie Berger. "Gender-Bases Affirmative Action and Reverse Gender Bias: Beyond Gratz, Parents Involved, and Ricci." *Valparaiso University School of Law*, 2010. - *Harvard Journal of Law and Gender* Vol. 34 (2011) pages 8-10.

Mansbridge, Jane J. *Why We Lost the E.R.A.* Chicago: University of Chicago Press, 1986. Mansbridge offers practical and challenging concepts on ideology, political reasoning, and the women's movement.

"Mother and Daughter Do the Same Job. Why Does One Make \$9 More an Hour?" *The New York Times - Breaking News, U.S. News, World News, and Videos*. Last modified May 11, 2021.  
<https://www.nytimes.com/2021/05/10/opinion/home-health-wages.html?>

Okin, Susan M. *Justice, Gender, and the Family*. 1989. Okin looks at the relationship between gender and

justice. She also discusses gender roles and how we are taught to behave in society.

Pollvogt, Susannah W. *Unconstitutional Animus- Section 1, Fordham Law Review*.

"Research Guides: American Women: Topical Essays: The Long Road to Equality: What Women Won from the E.R.A. Ratification Effort." Research Guides at Library of Congress. Last modified March 22, 2019.  
<https://guides.loc.gov/american-women-essays/era-ratification-effort>.

Rosenberg, Gerald N. *The Hollow Hope: Can Courts Bring About Social Change? Second Edition*. Chicago: University of Chicago Press, 2008. Second edition.

Siegel, Reva. "Constitutional Culture, Social Movement Conflict, and Constitutional Change: The Case of the *de facto* E.R.A." 2005-2006 Brennan Center Symposium Lecture.

"The Equal Rights Amendment: The Most Popular Never-ratified Amendment." The National Archives, December 2003.

## Student Resources

---

"Chronology of the Equal Rights Amendment, 1923-1996." National Organization for Women. Accessed July 31, 2021. <https://now.org/resource/chronology-of-the-equal-rights-amendment-1923-1996/>.

Equal Rights Amendment." Equal Rights Amendment. Accessed July 31, 2021.  
<https://www.equalrightsamendment.org/resources>.

"Gender Pay Gap in U.S. Held Steady in 2020." Pew Research Center. Last modified May 25, 2021.  
<https://www.pewresearch.org/fact-tank/2021/05/25/gender-pay-gap-facts/>.

Ginsburg, Ruth B., and Wendy W. Williams. *My Own Words*. New York: Simon & Schuster, 2016.

"In 25 Years, the Pay Gap Has Shrunk by Just 8 Cents." The New York Times - Breaking News, U.S. News, World News, and Videos. Last modified March 25, 2021.

<https://www.nytimes.com/2021/03/24/us/equal-pay-day-explainer.html>.

"Mother and Daughter Do the Same Job. Why Does One Make \$9 More an Hour?" The New York Times - Breaking News, U.S. News, World News, and Videos. Last modified May 11, 2021.

<https://www.nytimes.com/2021/05/10/opinion/home-health-wages.html?>

"Research Guides: American Women: Topical Essays: The Long Road to Equality: What Women Won from the E.R.A. Ratification Effort." Research Guides at Library of Congress. Last modified March 22, 2019.  
<https://guides.loc.gov/american-women-essays/era-ratification-effort>.

Ross, Michael E. *She Takes a Stand: 16 Fearless Activists Who Have Changed the World*. Chicago: Chicago Review Press, 2015.

"Women in Politics: A Timeline." Share America. Last modified March 1, 2021.

<https://share.america.gov/women-in-politics-timeline/>.

"*The Equal Rights Amendment: The Most Popular Never-ratified Amendment.*" The National Archives, December 2003.

### **Speeches:**

Gloria Steinem- May 6, 1970- Her speech for the E.R.A. testifying to Congress.

Gloria Steinem at Women's March on Washington - Full Speech- January 23, 2017.

Phyllis Schlafly- 1977- Counter speech to the International Women's Conference.

Ruth Bader Ginsburg and the value of diversity- Full speech, 2009.

Shirley Chisholm - "For the Equal Rights Amendment"- August 10, 1970, Washington, DC.

### **Movies:**

Amend: The Fight for America 2021 Netflix (6- part series) hosted by Will Smith

Will Smith hosts this look at the evolving, often lethal, fight for equal rights in America through the U.S. Constitution's 14<sup>th</sup> Amendment lens.

Equal means Equal- 2016 documentary Kamala Lopez

This groundbreaking exploration of gender inequality in the U.S.A. features top women's rights activists and leaders. The film is a brutal expose of a broken system and reignites the dialogue on full equality for all Americans.

Mrs. America 2020 Hulu 9-part series

Mrs. America is an American historical drama television miniseries produced by F.X.

We Rise A Film from the Center for Women's History- [www.nyhistory.org/we-rise](http://www.nyhistory.org/we-rise).

Narrated by Meryl Streep and featuring the song "We Are Here," written and composed by Alicia Keys, "We Rise" places women at the center of political thought and action that reshaped the country in the early 20<sup>th</sup> century.

## **Appendix on Implementing District Standards:**

---

### **Standards in Unit 3 (Tulsa Public Schools)- U.S. Government**

**USG 3.7-** Evaluate the importance of the rule of law on the purposes and functions of government; explain how the rule of law protects individual liberties, including due process and equality under the law.

**USG 3.9-** Analyze the rights and liberties guaranteed to all citizens in the Bill of Rights and the protection at the state level through the doctrine of incorporation using the 14<sup>th</sup> Amendment.

**USG 3.11-** Analyze historical and contemporary examples of landmark Supreme Court cases with specific individual due process rights under the Constitution. Organizations also formed, such as the National Organization for Women (NOW) in 1964, whose first president was Betty Friedan.

**1.A.9-12.2** Evaluate the impact of perspectives, civic virtues, democratic principles, constitutional rights, and human rights on addressing issues and problems in society.

**B.** Students will demonstrate an understanding of the essential institutions of their society and the principles that these institutions intended to reflect.

**1.B.9-12.2** Analyze the role of informed and responsible citizens in their political systems and provide examples of changes in civic participation over time.

**C.** Students will demonstrate an understanding of the processes and rules by which people make decisions, govern themselves, and address public problems.

**1.C.9-12.2** Engage in a range of deliberative and democratic processes to develop strategies to address authentic, real-world problems in the community and out of school contexts

**4. Read Critically and Interpret Informational Sources** Students will engage in the critical, active reading of grade-level-appropriate primary and secondary sources related to essential social studies concepts, including systematic analysis and interpretation of informational sources.

**A.** Students will comprehend, evaluate, and synthesize textual sources to acquire and refine knowledge in social studies.

**4.A.9-12.2** Analyze information from visual, aural, digital, and interactive texts (e.g., maps, charts, images, political cartoons, videos) to conclude and defend arguments.

**B.** Students will apply critical reading and thinking skills to interpret, evaluate, and respond to various complex texts from historical, ethnic, and global perspectives.

**4.B.9-12.3** Actively listen, evaluate, and analyze a speaker's message, asking questions while engaged in collaborative discussions and debates about social studies topics and texts.

**5.Engage in Evidence-Based Writing** Students will apply practical communication skills by demonstrating various evidence-based written products designed for multiple purposes and tasks to demonstrate their understanding of social studies concepts, ideas, and content.

**A.** Students will summarize and paraphrase, integrate evidence, and cite sources to create written products, research projects, and presentations for multiple purposes related to social studies content.

**5.A.9-12.4** Write independently over extended periods, varying modes of expression to suit the audience, purpose, and task; synthesize information across multiple sources and articulate new perspectives. **B.** Students will engage in authentic inquiry to acquire, refine, and share knowledge through written presentations related to social studies.

**5.B.9-12.3** Construct visual and multimedia presentations using various media forms to enhance understanding of findings and reasoning for diverse audiences.

## Endnotes:

---

- <sup>1</sup> Article V of the Constitution New momentum for Equal Rights Amendment | The Hill.  
<https://thehill.com/regulation/court-battles/426126-new-momentum-for-womens-equal-rights-amendment>.
- <sup>2</sup> Brooke speaks with “Mrs. America creator Dahvi Waller”  
<https://www.wnycstudios.org/podcasts/otm/episodes/brooke-speaks-mrs-america-creator-dahvi-waller>.
- <sup>3</sup> The history of the Equal Rights Amendment <https://www.eracoalition.org/the-amendment> The Equal Rights Amendment.
- <sup>4</sup> Siegel, Reva. "Constitutional Culture, Social Movement Conflict, and Constitutional Change: The Case of the *de facto* E.R.A." 2005-2006 Brennan Center Symposium Lecture. p. 1327.
- <sup>5</sup> “Women’s Rights, American Civil Liberties Union,” <https://www.aclu.org/issues/womens-rights>.
- <sup>6</sup> “Women in Labor History,” <https://www.zinnedproject.org/materials/women-in-labor-history>.
- <sup>7</sup> “The Right to Vote,” [http://teachers.yale.edu/curriculum/viewer/initiative\\_19.03.02\\_u](http://teachers.yale.edu/curriculum/viewer/initiative_19.03.02_u).
- <sup>8</sup> “United States: Executive Order on Establishment of Gender Policy Council,” March 2021.
- <sup>9</sup> Equalitynow.org.
- <sup>10</sup> “United States: Executive Order on Establishment of the White House Gender Policy Council.” MENA Report, Albawaba (London) Ltd., Mar. 2021.
- <sup>11</sup> Ibid.
- <sup>12</sup> “Can a Women be Elected President,”  
<https://gantnews.com/2007/09/22/can-a-woman-be-elected-president/>.
- <sup>13</sup> "The Long Road to Equality: What Women Won from the E.R.A. Ratification Effort,"  
<https://guides.loc.gov/american-women-essays/era-ratification-effort>.
- <sup>14</sup> Mansbridge, Jane J. *Why We Lost the E.R.A.*, 15.
- <sup>15</sup> “Mrs. America Roundtable: Historians Respond,”  
<https://womenatthecenter.nyhistory.org/mrs-america-roundtable-historians-respond/>.
- <sup>16</sup> “Peace, Love, Art, Activism,”

<https://woodstockwhisperer.info/2016/12/15/december-15-peace-love-art-activism/>.

<sup>17</sup> "Five Laws Ruth Bader Ginsburg Championed to Support Gender Equality,"  
<https://www.globalcitizen.org/en/content/gender-equality-laws-quotes-ruth-bader-ginsburg/>.

<sup>18</sup> "The Equal Rights Amendment Could Still Pass Today," <https://www.equalrightsamendment.org/faq/>.

<sup>19</sup> Siegel, Reva. "Constitutional Culture, Social Movement Conflict, and Constitutional Change: The Case of the de facto E.R.A.," 1333.

<sup>20</sup> "Justice Ruth Bader Ginsburg Discussed Roe v. Wade, her Legal Career, and Women on the Supreme Court," <https://www.law.nyu.edu/news/Ruth-Bader-Ginsburg-Kenji-Yoshino-Center-for-Diversity-Inclusion-and-Belonging>.

<sup>21</sup> 14<sup>th</sup> Amendment to the Constitution, Equal Protection Clause.

<sup>22</sup> Berry, Mary F. Why E.R.A. Failed: Politics, Women's Rights, and the Amending Process of the Constitution, p.68.

<sup>23</sup> Siegel, Reva. "Constitutional Culture, Social Movement Conflict, and Constitutional Change: The Case of the de facto E.R.A.," 1334.

<sup>24</sup> Ibid.,1339.

<sup>25</sup> <https://www.womenshistory.org/education-resources/biographies/elizabeth-cady-stanton>.

<sup>26</sup> Graetz and Shapiro, *The Wolf at the Door*, Chapter 2.

<sup>27</sup> Ginsburg, Ruth B., and Wendy W. Williams, 143.

<sup>28</sup> "If You Are Over the Age of 47, Women Couldn't Have a Bank Account Without Aa Man-RBG Changed That," <https://www.etinside.com/if-you-are-over-the-age-of-47-women-couldnt-have-a-bank-account-without-a-man-rbg-changed-that/>.

<sup>29</sup> Craig v. Boren: "The Case Remembered for Giving Us Intermediate Scrutiny," <https://www.thoughtco.com/craig-v-boren-3529460>.

<sup>30</sup> "The Supreme Court: Women in News," <https://www.nytimes.com/1993/06/15/us/supreme-court-woman-rejected-clerk-chosen-justice-ruth-joan-bader-ginsburg.html>.

<sup>31</sup> Ibid.

<sup>32</sup> "The ACLU, Ruth Bader Ginsburg, And Me," <https://www.aclu.org/issues/womens-rights/aclu-ruth-bader-ginsburg-and-me>.

<sup>33</sup> "R.B.G. Film Director Reflects on Ruth Bader Ginsburg's Lifelong Fight for Gender Equity," [https://www.democracynow.org/2020/9/21/rbg\\_julie\\_cohen](https://www.democracynow.org/2020/9/21/rbg_julie_cohen).

<sup>34</sup> “Ideological Preferences and Hollow Hopes,” <https://press.uchicago.edu/books/rosenberg/index.html>.

<sup>35</sup> Rosenberg, Gerald N. *The Hollow Hope: Can Courts Bring About Social Change? Second Edition*. Chicago: University of Chicago Press, 2008, 127.

<sup>36</sup> *Ibid.*, 127-129.

<sup>37</sup> *Ibid.*, 177-181.

<sup>38</sup> “How Covid-19 Shecession is Revealing Opportunities for Women and Employers,” <https://gnapartners.com/resources>.

<sup>39</sup> “Gender pay gap in U.S. Held Steady in 2020” <https://www.pewresearch.org/fasct-tank/2021/05/25/gender-pay-gap-facts/>.

<sup>40</sup> “When Hard Work is Not Enough,” [http://nwlc.org/wp-content/uploads/2020/04/Women-in-Low-Paid-Jobs-report\\_ES\\_pp01.pdf](http://nwlc.org/wp-content/uploads/2020/04/Women-in-Low-Paid-Jobs-report_ES_pp01.pdf).

<sup>41</sup> “The Wage Gap: A History of Pay Inequity and the Equal Pay Act” <https://www.infoplease.com/us/society-culture/gender-sexuality/equal-pay-act>.

<sup>42</sup> Okin, Susan M. *Justice, Gender, and the Family*. 1989.

<sup>43</sup> “Soccer Star Megan Rapinoe On Equal Pay, and What the U.S. Flag Means to Her,” <https://www.npr.org/2020/11/09/933018609/soccer-star-megan-rapinoe-on-equal-pay-and-what-the-u-s-flag-means-to-her>.

---

<https://teachers.yale.edu>

©2023 by the Yale-New Haven Teachers Institute, Yale University, All Rights Reserved. Yale National Initiative®, Yale-New Haven Teachers Institute®, On Common Ground®, and League of Teachers Institutes® are registered trademarks of Yale University.

For terms of use visit [https://teachers.yale.edu/terms\\_of\\_use](https://teachers.yale.edu/terms_of_use)