

later, Dorothy Kenyon, a groundbreaking women's rights activist and ACLU board member, advocated for full ratification of the ERA, and it was finally approved by Congress in 1972, although still not ratified by all 50 states.

Despite great gains in the courts, more than 40 years later, women and LGBTQ individuals still face rampant discrimination across all aspects of public life. Economic discrimination, from earning only 80 cents on the dollar to sidelining for pregnancy, is experienced most acutely by women of color. The ERA would provide constitutional protection against these and other forms of discrimination, and the ACLU continues to fight for its ratification to bring to bear Eastman's vision of equality for all regardless of sex, identity, race, ability, or socioeconomic status.

Here we highlight other women who have set a path toward progress during the ACLU's first century.



PAULI MURRAY

Intersectional Vision

AMONG THOSE inspired by Crystal Eastman's passion for equal rights was Anna Pauline "Pauli" Murray, whose own work heavily shaped the foundations of early social justice movements.

Murray argued that discrimination based on gender was as unconstitutional as discrimination based on race. According to protégé Congresswoman Eleanor Holmes Norton, who served as assistant legal director of the ACLU in the late 1960s, Murray's understanding of the intersections of racial, gender, and economic justice was ahead of her time, saying, "She lived on the edge of history, seeming to pull it along with her."

As one of the first arrested for bus boycotts in 1940 that cemented direct action as a tactic for

the civil rights movement, Murray set a precedent for sit-in demonstrations long before the movement prioritized these kinds of protests. In her senior thesis at Howard University Law School, Murray argued against the "separate but equal" doctrine, which justified systems of segregation as being constitutional. Years later, in 1954, Spottswood Robinson, Thurgood Marshall, and others would use her thesis as a guide for arguing *Brown v. Board of Education*, which established that racial segregation in schools was unconstitutional.

In 1965, Alabama excluded women from jury service, while also keeping blacks off jury rolls. Murray convinced the ACLU to challenge both forms of jury exclusion, and helped

to write the sex discrimination portion of a brief in *White v. Crook*, a class action lawsuit on behalf of black residents of Lowndes County, Alabama.

"Pauli Murray brought to the ACLU an imaginative and critical perspective on intersectionality—referring, for example, to the unique problems African-American women confronted as 'Jane Crow,'" says Herman, adding that Murray was "building on Eastman's original vision of the ACLU as an intersectional organization that could holistically confront a web of incursions on liberty and equality."

Murray's work in racial and gender equality blazed a path for overcoming the rift between the civil rights and women's movements and uniting the two.

**“WE SHOULD
NEVER DOUBT
THAT A
SMALL GROUP
OF COMMITTED
PEOPLE
CAN CHANGE THE
WORLD.”**

RUTH BADER GINSBURG



Iconic Justice

IN 1971, in *Reed v. Reed*, Ruth Bader Ginsburg successfully argued that the Constitution prohibited discrimination on the basis of gender as well as race. Ultimately, the case struck down a statute in Idaho that automatically appointed a man as administrator of a deceased person's estate. The decision extended the Constitution's Equal Protection guarantee to women for the first time.

“Ruth Bader Ginsburg is an icon, obviously,” says Herman. “There's been no one like her.”

When Ginsburg filed *Reed v. Reed*, she credited Dorothy Kenyon and Pauli Murray as co-authors on the brief she submitted to the court to reflect “the intellectual debt which contemporary feminist legal argument owed [them].” The following year, Ginsburg co-founded the Women's Rights Project at the ACLU.

While others before her targeted rules that perpetuated injustice for women, Ginsburg rejected any differential treatment based on gender as inherently harmful to men and women. In 1975, in the case of *Weinberger v. Wiesenfeld*, she argued against a provision in the Social Security Act that denied widowed fathers the same benefits given to widowed mothers. Making the case that the provision discriminated against working women, whose Social Security taxes then lacked essential family benefits and denied men the same opportunity as women to care for their children, Ginsburg expanded the court's understanding of the far-reaching consequences of gender-based discrimination.

“Margaret Mead once said we should never doubt that a small group of committed people can change the world,” says Herman. “One woman can make a tremendous difference. Ruth Bader Ginsburg certainly has.”

Well into the 1970s, Ginsburg's work as general counsel for the ACLU made landmark strides; she argued more than 300 gender discrimination cases for the organization—six before the Supreme Court. Her legacy persists in the work of the Women's Rights Project and the leadership of the late Lenora Lapidus, who expanded the organization's work to include advocating for women in the criminal justice system and fighting gender-based violence.