



WOMEN'S RIGHTS in NEW JERSEY

The ACLU of New Jersey has been a guardian of women's rights since its founding in 1960. In the 1970s, the New Jersey affiliate engaged in a coordinated national litigation strategy to end sex discrimination on sports teams, in the workplace and at universities and enlisted Rutgers law professor Ruth Bader Ginsburg to serve as a cooperating attorney. Today, though illegal, sex discrimination still pervades society, hitting hardest when its victims lack the financial or educational resources to fully advocate for themselves.



Humane Prison Conditions for Women

One woman struggled to breathe and pleaded with an officer to get her asthma inhaler. She was ignored.

Another woman severely injured her arm. She didn't receive an x-ray for two or three months.

A third was forced to submit to a gynecological exam in a filthy examination room. If she refused, she wouldn't receive any care.

These were just three of the complaints included in a class action lawsuit that the ACLU-NJ and the ACLU Women's Rights Project filed against the New Jersey Department of Corrections in 2007. The lawsuit, *Jones v. Hayman*, charged the corrections department with violating the prisoners' right to equal protection under the New Jersey Constitution.

In 2007, more than 40 women were transferred from Edna Mahan Correctional Facility, a prison for women in Hunterdon County, to a unit within the maximum security New Jersey State Prison for men. They were subjected to far worse conditions than at Edna Mahan and they were treated unfairly compared to the men.

Between 1977 and 2004, the number of women in prison in New Jersey grew by 717 percent.

Medical examinations were conducted in an open area of their housing unit, in the presence of male guards. If they received private exams, they were done so in a tiny, ill-equipped room with male guards watching the entire procedure. Male prisoners, meanwhile, received confidential medical care which all prisoners are entitled to. In addition, women complained of being denied access to medicines and treatment.

Male prisoners were allowed to visit the law library, where they enjoyed full access to materials and received assistance from the Inmate Law Association. The women, according to the complaint, were prohibited from entering the law library and were only given paper, envelopes and pencils once a month.

In 2008, a judge prohibited the transfer of any more women to NJSP while the case proceeded in court. On September 3, 2008, the DOC transferred all women at NJSP back to Edna Mahan. The case was settled in July 2011, after an appellate court ruled on attorneys' fees. New Jersey, like many other states, incarcerates an ever growing proportion of women with grossly inadequate planning.

The ACLU will continue to be vigilant in safeguarding the rights of these women.



A History of Winning in and on “Court”

Abbe Seldin wanted to play on the tennis court, but she wound up in federal court instead.

When Seldin arrived at Teaneck High School in 1972, she discovered there was no women's team, so she decided to try out for a spot on the men's team. Seldin had been serious about the game since turning 11. She was ranked No. 22 among 15- and 16-year-olds by the Eastern Lawn Tennis Association.

The Teaneck High School coach turned the 15-year-old away, citing a rule by the New Jersey Interscholastic Athletic Association that prevented girls from participating with boys in non-contact sports.

Seldin decided to take her case to court, alleging the school violated the equal protection guarantee of the U.S. Constitution.

She was represented by ACLU volunteer attorneys Ruth Bader Ginsburg, who later went on to the U.S. Supreme Court, and Annamay Sheppard.

During the trial, U.S. District Court Judge Leonard I. Garth said he wanted to settle the dispute in a different venue — on the tennis court.

“I would rather resolve this case by refereeing a match between Abbe and the top player from the men's team,” Garth said. “I am perfectly willing to spend a couple of hours on the tennis court to save several days in my own court. I'll do anything to dispose of this case. I'll take her on myself if I have to.” Garth didn't have to. During the trial, the association relaxed its rules to permit girls to participate in some sports.

Seldin earned her place on the team. However, the tennis ace quit the team after one winning season to escape mistreatment from her coach and teammates, who shunned her.

“The amazing thing is that it ended up being a really bad experience for me because the coach showed me no respect,” said Seldin, who went on to play professional tennis.

Seldin's case went to court the same year Title IX was signed into law, prohibiting gender discrimination in education programs, including athletics.

As for Seldin, her battle served her well for future challenges. When she arrived at Syracuse University, the athletic department tapped her to fight for scholarships for female athletes because of her experience at Teaneck.



- *In 2011, the ACLU-NJ lobbied in Trenton against Gov. Chris Christie's decision to cut all state funding for family planning programs, which provided breast and cervical cancer screenings for some women who had no other healthcare options.*
- *In 2010, the ACLU-NJ protected a high school student's rights when a judge demanded to know whether the teenager intended to carry her pregnancy to term during a truancy hearing.*
- *In 2000, the ACLU-NJ represented Planned Parenthood in a case that overturned the state's 1999 law requiring teenagers to secure parental permission to obtain an abortion.*
- *Women who have immigrated to the U.S. are among the most vulnerable to discrimination. In 2006, the ACLU-NJ won back wages for two waitresses who were sexually harassed, threatened and denied their paychecks.*
- *In 2004, the ACLU-NJ represented an Ethiopian woman who was kept enslaved as a domestic servant.*
- *ACLU-NJ advocacy played a key role in Gov. Jon Corzine's 2006 rejection of federal money that would have expanded misleading and inaccurate abstinence-only youth programs.*