

CITE 50 WAYS LAWS HOLD WOMEN TO BE INFERIOR

Survey of National Woman's Party Indicates They Are Discriminated Against in Business, Home and Property Rights—Remedial Legislation Proposed

FIFTY ways in which women are discriminated against—in business, in the home, in industry, in the process of government, divorce, earnings, inheritance, property rights, &c.—have been listed as the result of a survey of the legislation of all States in the Union. It was conducted by the National Woman's Party. Sixteen lawyers were engaged in the research. Officials of the Woman's Party assert that now, for the first time since the suffrage amendment was adopted, there has been brought together in a single docket a complete catalogue of the various discriminations made against women in America.

New York is charged with a number of these discriminations. The laws of the State, based on the old English common law, still reflect that law in classifying women as inferior beings in many respects, it is declared.

"There is discrimination against the woman in practically every profession in New York," stated Mrs. Clarence M. Smith, Chairman of the New York State Executive Committee of the National Woman's Party. "Not only does she suffer in regard to her earning capacity, but she finds that the avenue of advancement frequently is closed to her merely on account of her sex. Only the other day a professional woman declared that, judging by the period of years she had spent in her present employment and the responsibility of the tasks assigned her, she should be by rights in a high executive position. All the executives in her particular line however were men—if she had been a man, she said, there would be no doubt that she would be now at the top.

Inequalities Pointed Out.

"There is dawning among women a greater interest in the discriminations being practiced against them in widely varying fields. This is evidenced by the number of inquiries which we have received since our nation-wide list was compiled. More and more women are entering business and the professions and they want to know the facts of the discriminations against them. 'Protection' is the keynote of the laws which set a woman down as inferior. It 'protects' her in a host of cases by depriving her of her full property rights, lucrative employment and the standing to which she is entitled."

Women in New York, it is pointed out, are restricted by law from engaging in certain occupations after 10 o'clock at night. They cannot be elevator operators, street railway and factory employees, workers in drug stores, candy shops and other mercantile establishments or engage in a large number of other occupations.

"Take, for instance, the waitress in a New York lunchroom," continued Mrs. Smith. "She is permitted to work hard all day through the rush hours, when the labor is heaviest and the tips smallest. After 10 o'clock, when the work is far lighter and the tips are larger, she is not allowed to continue at her job. The law forbids it. The 'moral hazard' is said to be too great for a woman's continuance in the proscribed occupations after nightfall. She cannot be an elevator operator; the 'moral hazard' would confront her after ten when she ran a man up to his apartment. Nothing is said about the 'moral hazard' of a male elevator operator running a woman passenger up to her apartment. There is no law to prevent a woman scrubbing floors all night long or dancing in a Broadway cabaret. That is rather odd, isn't it?"

Not Always Chargeable to Men.

Working women with whom she has talked object to losing their night jobs, according to Mrs. Smith. In England, Holland and the Scandinavian countries, she declared, the women of this class are strongly in favor of industrial equality. "If the eight-hour day is to be introduced," she said, "it should be introduced for both men and women. The platform of our party on the subject asks that every occupation open to men shall be open to women and restrictions upon the hours, conditions and remuneration of labor shall apply alike to both sexes." Georgia, Oregon and Mississippi have enacted laws fixing the hours of labor for both men and women without regard to sex.

When this type of legislation is passed for women only, women are handicapped in competing with men, it is asserted, because the hours of labor which a woman is able to offer her employer are fewer than the hours a man can offer. Danger to the whole economic position of women exists, it is further declared, in the principle that there are occupations from which women may be barred by law. It is pointed out that when serious unemployment comes with the resultant increase in competition for employment, women will find themselves at a tremendous disadvantage.

"The discrimination against women in certain lines of business is not attributable entirely to men," said Mrs. Smith. "Women themselves play their part in making it difficult for members of their own sex to advance in some branches. It is practically impossible for a woman to become an executive in a bank because, when a woman customer wants a consultation on finance, she wants it with a man."

Most Law Schools Bar Women.

Many women lawyers in this city, Mrs. Smith added, have encountered difficulty in obtaining positions with law offices. Columbia Law School does not admit women, although many of its other departments encourage them on their rolls. Women are permitted to teach in only a few law schools in America.

"A study of the records furnished by a large number of women lawyers shows that in law, as in business, the world regards women as assistants, not as equals, and sex prejudice is still to be overcome," declares a recent report of the Woman's Party. "In the Federal service to date only two women have been appointed Assistant Attorney General of the United States, while less than six have served as Assistant United States Attorneys. In the States even the position of Assistant Attorney General is seldom given to a woman. A few women hold local judgeships, but none has been appointed as a Federal Judge or Judge in the Supreme Court in any State nor in the United States Supreme Court."

Women doctors also, it is stated, find themselves handicapped by their sex in the practice of their profession. Some of

the most important medical schools in the country do not admit them. In most city hospitals, it is declared, it is impossible for a woman medical school graduate to secure appointment as an interne. Only forty out of 482 general hospitals tabulated in a recent survey were found to admit women internes. Thirteen out of twenty-six State hospitals for the insane were open to women internes. Fifteen out of 102 other special hospitals admitted women. Staff appointments were discovered to be even more difficult to obtain.

Women are permitted to serve on juries in Alabama, Arkansas, California, Delaware, Indiana, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Nevada, New Jersey, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Washington and Wisconsin, the organization's survey shows. In New York, however, they are barred.

Home Services Belong to Husband.

The services of a wife in the home belong to her husband in New York State, the survey points out. The courts have held that the Married Women's act does not deprive the husband of his common law right to "avail himself of a profit or benefit from her services." Unless a contract exists between man and wife specifying otherwise, all payments for board, lodging, care or nursing in the home of persons outside the family belongs to the husband. If a wife works in her husband's business she cannot make him pay for her services unless he is willing, inasmuch as these services are regarded by law as being already his. Whatever he pays her is legally a "gift." When a married man is engaged in his wife's business, however, he has a legal claim to payment for his services.

"The wife's services in the home have a definite money value to her husband," declared Mrs. Smith. "Only a short time ago a case came to our attention in which the husband for a time was deprived of his wife's help in the house. He hired outside aid to perform the duties which his wife ordinarily would have attended to and it cost him \$170 a month. As he happened to be only making \$150 a month he was relieved to get his wife back again. The economic position of the woman in the home ought to be thoroughly thrashed out and the support which she gives by her services ought to meet with real recognition."

A case is cited in connection with the services of a wife in which the woman cared for an aged and ill boarder for eight years. At the boarder's death the courts held that the woman's husband was the party entitled to collect the compensation for his wife's work as "the inference of law and of fact, in the absence of some arrangement, would be that she was working for her husband in the discharge of her marital duties."

Other Discriminations.

Under the laws of New York a married woman cannot choose her legal residence. It is the husband's right to determine where it shall be, provided that his decision is not unreasonable. This law, it is shown in the survey, gave rise to a court decision which held valid the divorce granted to a Kentuckian who married a New York woman and took her South with him. Later, on account of his treatment of her, she returned home and began suit for separation. In the meantime he had entered suit for divorce on the ground of desertion without her knowledge, and obtained a decree on the basis of her being a "citizen of Kentucky."

The Woman's Party in this State is active in an endeavor to alter the law dealing with offenses of a moral character. It is pointed out that in cases of raids upon questionable resorts the women concerned are arrested and frequently receive sentences whereas the men go free, being regarded as having committed no offense under the present interpretation of the law. The removal of this discrimination between men and women in such situations is being strongly urged.

In the case of an illegitimate child, the research continues, the burden of responsibility is placed upon the mother, who alone has its custody and control. Such a child can inherit only from her. Arizona has on its statute books a law which provides that every child is the legitimate child of its natural parents and is their heir. The same law operates in Norway.

The services and earnings of minor children in New York are owned exclusively by the father if he so desires, according to the law. The father alone receives damages in case of the injury or death of a child. A husband also receives the compensation for injury to his wife in damage cases if she has been engaged in working in his business or home. A wife, however, cannot lawfully claim damages for injury to her husband in a similar situation.

Legislation Is Asked.

The present law of "dower and curtesy" is seen as another example of discrimination against New York women. In the case of a wife dying without a will and leaving a child, the husband inherits the use for life of all her real estate. When a man dies, however, without a will, the wife inherits the use for life of only one-third of his real estate.

"These discriminations against the women of New York State we are out to alter," declared Mrs. Smith. "The day of the outworn tradition that woman is an inferior being is over. We have had introduced in the Senate a score or more of bills framed to do away with the discrimination in these laws and place the woman on an equal footing with the man in business, in the home and in the conduct of affairs in general. New York is not the worst State in regard to discrimination against women, but it is not the most favorable toward them either. The vote is the only thing in which women are now equal to men the country over. The logical way in which to obtain equal rights for women throughout America is by a Federal amendment and a bill to that end has been introduced in Congress."

The bills introduced in the New York Senate deal with appointment of administrators, public office, married woman's control of her property and earnings, guardianship, inheritance of real property, right of action by or against a

married woman for torts, property powers of married women and dower and curtesy, illegitimate children, prostitution, domicile, right to support. There is also a bill providing equal pay with men for the women teachers of the State, and three bills having to do with abandonment.

The national officers of the Woman's

Party, with headquarters on Capitol Hill, Washington, D. C., are: Mrs. Oliver H. P. Belmont, New York, President; Alice Paul, New Jersey, Vice President; Elsie Hill, Connecticut, Chairman, National Council; Gail Laughlin, California, First Vice Chairman; Mrs. Agnes Morey, Massachusetts, Second Vice Chairman; Anita Pollitzer, South Carolina, Secretary; Edith Alinge, New York, Treasurer; Mrs. John Rogers, New York, Advisory Council Chairman; Maud Younger, California, Legislative Chairman.

The New York State Executive Committee is composed of Mrs. Clarence M. Smith, New York City, Chairman; Mrs. Lieber E. Whittic, Syracuse, Vice Chairman; Mrs. Edward B. Gould, Seneca Falls, Vice Chairman; Mrs. Charles B. de Algeis, Utica, Vice Chairman; Mr. Frederick Kendall, Buffalo, Vice Chairman; Miss Adelaide Stedman, New York City, Secretary; Mrs. Lloyd Williams, New York City, Treasurer; Mrs. Edward Thomas, New York City, Legislative Secretary; Miss Rebecca Hourwich, New York City, Organization Chairman; Miss Doris Stevens, New York City, Political Chairman.