

eral welfare, to conclude that a woman should be relieved from the civic duty of jury service unless she herself determines that such service is consistent with her own special responsibilities.”¹⁸¹⁰ Another type of protective legislation for women that was sustained by the Court is that premised on protection of morals, as by forbidding the sale of liquor to women.¹⁸¹¹ In a highly controversial ruling, the Court sustained a state law that forbade the licensing of any female bartender, except for the wives or daughters of male owners. The Court purported to view the law as one for the protection of the health and morals of women generally, with the exception being justified by the consideration that such women would be under the eyes of a protective male.¹⁸¹²

A wide variety of sex discrimination by governmental and private parties, including sex discrimination in employment and even the protective labor legislation previously sustained, is now proscribed by federal law. In addition, federal law requires equal pay for equal work.¹⁸¹³ Some states have followed suit.¹⁸¹⁴ While the proposed Equal Rights Amendment was before the states and ultimately failed to be ratified,¹⁸¹⁵ the Supreme Court undertook a major evaluation of sex classification doctrine, first applying a “heightened” traditional standard of review (with bite) to void a discrimination and then, after coming within a vote of making sex a suspect classification, settling upon an intermediate standard. These standards continue, with some uncertainties of application and some tenden-

¹⁸¹⁰ *Hoyt v. Florida*, 368 U.S. 57, 62 (1961).

¹⁸¹¹ *Cronin v. Adams*, 192 U.S. 108 (1904).

¹⁸¹² *Goesaert v. Cleary*, 335 U.S. 464 (1948).

¹⁸¹³ Thus, title VII of the Civil Rights Act of 1964, 80 Stat. 662, 42 U.S.C. §§ 2000e *et seq.*, bans discrimination against either sex in employment. *See, e.g.*, *Phillips v. Martin-Marietta Corp.*, 400 U.S. 542 (1971); *Dothard v. Rawlinson*, 433 U.S. 321 (1977); *Los Angeles Dep’t of Water & Power v. Manhart*, 435 U.S. 702 (1978); *Arizona Governing Comm. for Tax Deferred Plans v. Norris*, 463 U.S. 1073 (1983) (actuarially based lower monthly retirement benefits for women employees violates Title VII); *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986) (“hostile environment” sex harassment claim is actionable). Reversing rulings that pregnancy discrimination is not reached by the statutory bar on sex discrimination, *General Electric Co. v. Gilbert*, 429 U.S. 125 (1976); *Nashville Gas Co. v. Satty*, 434 U.S. 136 (1977), Congress enacted the Pregnancy Discrimination Act, Pub. L. 95-555 (1978), 92 Stat. 2076, amending 42 U.S.C. § 2000e. The Equal Pay Act, 77 Stat. 56 (1963), amending the Fair Labor Standards Act, 29 U.S.C. § 206(d), generally applies to wages paid for work requiring “equal skill, effort, and responsibility.” *See Corning Glass Works v. Brennan*, 417 U.S. 188 (1974). On the controversial issue of “comparable worth” and the interrelationship of title VII and the Equal Pay Act, *see County of Washington v. Gunther*, 452 U.S. 161 (1981).

¹⁸¹⁴ *See, e.g.*, *Roberts v. United States Jaycees*, 468 U.S. 609 (1984) (state prohibition on gender discrimination in aspects of public accommodation, as applied to membership in a civic organization, is justified by compelling state interest).

¹⁸¹⁵ On the Equal Rights Amendment, *see* discussion of “Ratification,” *supra*.