

April 2021

## Some of the Many Discriminatory State Statutes

Alliance for Ratification of the Equal Rights Amendment

Follow this and additional works at: <https://digitalcommons.unf.edu/nowjaxmaterials>



Part of the [Social History Commons](#), and the [Women's History Commons](#)

---

### Recommended Citation

Some of the Many Discriminatory State Statutes. No date. National Organization For Women, Jacksonville, Florida, and Jacksonville Women's Movement Collection. University of North Florida, Thomas G. Carpenter Library Special Collections and Archives. UNF Digital Commons, <https://digitalcommons.unf.edu/nowjaxmaterials/65/>

This Archival Material is brought to you for free and open access by the Special Collections at UNF Digital Commons. It has been accepted for inclusion in National Organization for Women, Jacksonville, Florida, and Jacksonville Women's Movement Collection by an authorized administrator of UNF Digital Commons. For more information, please contact [Digital Projects](#).  
© April 2021 All Rights Reserved

SOME OF THE MANY DISCRIMINATORY STATE STATUTES

1. The father, by statute, is the preferred natural guardian of a minor child in six states.
2. In West Virginia, a childless widow cannot claim the Homestead Exemption.
3. In only four states is a married woman's right to acquire her own domicile, independently of her husband, for all purposes, without limitation, recognized. All others have limitations as to reason for separation and most only allow a married woman to establish a domicile with her husband's permission. This place of domicile determines in which state the right to vote may be exercised, where an individual may run for public office, where one may be called for jury service, where one may be eligible for admission to state hospitals and other state institutions.
4. In New Mexico, upon the wife's death the entire community property may rest with the husband, but upon the husband's death the wife's right to the entire property is first subject to the husband's right to dispose of half of it by his will.
5. Until just recently in Texas, a wife's earnings were subject to the control of her husband.
6. Women are ineligible to serve on state juries in three states.
7. In 38 states, women are disqualified for unemployment insurance due to pregnancy regardless of their availability for work. In seven states they are ineligible if they leave for "marital obligations" but in 18 states this applies to both men and women. In 17 states, women do not become eligible for benefits until after they have returned to work again, regardless of whether, after fulfilling "marital obligations" they were willing and able to return to work but simply could not get employment.
8. Divorce is granted on the same grounds for men and women in only 17 states. Divorce is granted to a husband if the wife was pregnant at time of marriage in 14 states, but only Iowa will refuse to award the divorce if the husband had a living illegitimate child at the time of the marriage, which fact was not known to the wife. One state awards divorce to the husband on grounds of unchaste behavior on part of the wife after marriage, but NO such statute applies to men in any state. Virginia will grant a divorce if the wife was a prostitute prior to marriage, but there is no equal provision for men who have been procurers or prostitutes themselves. Tennessee awards a divorce to the husband for wife's refusal to move with him to Tennessee without reasonable cause, and willfully absenting herself from him for two years.
9. In 33 states, the age at which parental consent is no longer required for marriage is lower for women than for men (from two to three years).
10. Seven states require parents to support male children to age 21 but female children only to age 18.

Several states have laws that restrict the hours women may work and the weights they may lift, and laws that require rest periods for women, but none of these "protective" laws apply to men.

In some states, a woman, by statute, must serve a longer prison term for the same crime as that of a man.

There are other areas of sex discrimination on local, state and federal levels: insurance rates that are not based on mortality or health actuarials, social security benefits, etc.

The Equal Rights Amendment would remedy all of these and other discriminatory statutes.