

## WOMEN'S ORGANIZATIONS' USE OF THE COURTS

by Karen O'Connor

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In the United States, many individuals and organized groups have chosen the litigation process as a means of obtaining access to higher education, greater economic advantage and a larger role in the political and bureaucratic processes of American society generally. In this brief volume, Karen O'Connor has provided us with a valuable survey of the use of the courts by various women's organizations since the latter half of the previous century.

After a discussion in the initial chapters of the methodology of civil rights litigation and certain factors which shape the litigation process, the author gives effect to these factors in a closer examination of three women's groups and their differing approaches as to the results intended from the judicial process. These factors which are explained in some detail include the financial resources of the group, the availability of legal staff and volunteers and the degree of focus as to issues.

According to O'Connor, the use of litigation by the National Woman Suffrage Association and its founders Susan B. Anthony and Elizabeth Cady Stanton was intended to publicize the cause of women's suffrage, to give their movement legitimacy and respectability, and to present Congress with a clear judicial response on women's voting rights. There was little hope of a favourable response in the courts, a fact amply demonstrated by Judge Hunt in *United States v. Anthony* (1872)<sup>1</sup> who prepared his decision prior to the trial. The lack of judicial success by the N.W.S.A. and their contemporaries in the A.W.S.A. is examined in the light of the factors given and the publicity oriented approach to litigation.

Two further approaches to litigation, that of direct legal assistance to the party-litigant and of *amicus curiae* strategy are discussed in the subsequent chapters in an examination of the work of the National Consumers' League (N.C.L.) and the more recent efforts of the National Organization for Women (N.O.W.) and the Women's Rights Project of the American Civil Liberties Union (W.R.P.) The *amicus curiae* strategy involves the submission of written briefs to the courts by organizations and individuals holding a "friendly interest" in the outcome, rather than the direct involvement in the litigation itself on behalf of the actual litigants.

This volume is chiefly a survey of the use of the American judicial system by women's rights organizations and therefore provides a more general overview of the topic within the confines of the author's selected relevant factors. Certainly, Dr. O'Connor has prepared a readable if brief volume on the topic of women's groups in the U.S. courts. It serves as a good starting point on important American feminist legal issues, and provides the sources where one can satisfy further curiosity. Her forthcoming work on the economic and political status of women will no doubt generate further interest.

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1. 24 F. Cas. 829 (N.D.N.Y.) (1873).