

Two sections of Title 18 refer to sex-segregated institutions: 18 U.S.C. §4082 (the National Training School for Boys); 18 U.S.C. §4321 (Board of Advisers of the Federal Reformatory for Women). Sex-segregated adult or juvenile institutions are obviously separate and in a variety of ways, unequal. Differences in training programs, distance from cities and relatives, work-release programs, educational opportunities, security, and other conditions redound to the benefit of men in some instances and women in others. See *The Sexual Segregation of American Prisons*, 82 *Yale L.J.* 1229 (1973). If the grand design of such institutions is to prepare inmates for return to the community as persons equipped to benefit from and contribute to civil society, then perpetuation of single-sex institutions should be rejected.

The equal rights principle looks toward a world in which men and women function as full and equal partners, with artificial barriers removed and opportunity unaffected by a person's gender. Preparation for such a world requires elimination of sex separation in all public institutions where education and training occur. While the personal privacy principle permits maintenance of separate sleeping and bathing facilities, no other facilities, e.g., work, school, cafeteria, should be maintained for one sex only. ^{*} Cf. *New York Times*, June 20, 1974, p. 44 (reporting on successful experience at state (Massachusetts) and federal (Texas) sex integrated correctional institutions).

18 U.S.C. §4082, ordering the Attorney General to commit convicted offenders to "available, suitable, and appropriate" institutions, is not sex discriminatory on its face. It should not be applied, as it now is, to permit consideration of a person's gender as a factor making

*

Prisoners could be assigned to institutions based on individual characteristics, e.g., the nature of the offense committed, disciplinary record, danger of escape and other security considerations. But gender should not be a relevant factor in determining institutional assignments.