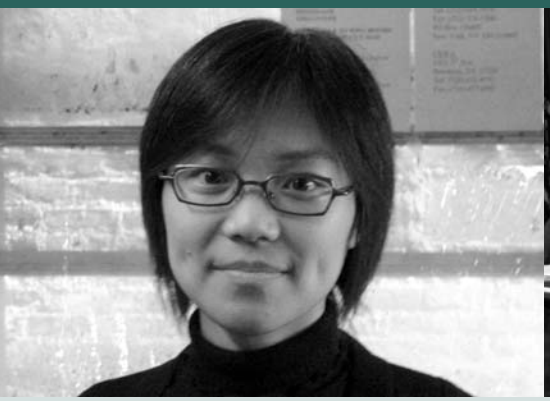

ACLU WOMEN'S RIGHTS PROJECT
ANNUAL REPORT 2003


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AMERICAN CIVIL LIBERTIES UNION
WOMEN'S RIGHTS PROJECT

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THE AMERICAN CIVIL LIBERTIES UNION is the nation's premier guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and freedoms guaranteed by the Constitution and the laws of the United States.

THE ACLU WOMEN'S RIGHTS PROJECT is part of the National ACLU. It was founded in 1972 by Ruth Bader Ginsburg, and since that time has been a leader in the legal battles to ensure women's full equality in American society. The WRP is dedicated to the advancement of the rights and interests of women, with a particular emphasis on issues affecting low-income women and women of color.

The Women's Rights Project has overall responsibility for implementing ACLU policy in the area of gender discrimination. The WRP conducts direct litigation, files friend-of-the-court briefs, provides support for ACLU affiliate litigation, serves as a resource for ACLU legislative work on women's rights, and seeks to advance ACLU policy goals through public education, organizing and participating in coalitions. The WRP has been an active participant in virtually all of the major gender discrimination litigation in the Supreme Court, in Congressional and public education efforts to remedy gender discrimination, and in other endeavors on behalf of women.

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A MESSAGE FROM THE DIRECTOR

Lenora Lapidus

THIS WAS A BUSY AND EXCITING YEAR for the Women's Rights Project. We scored several significant victories and advanced many important causes. Our work focused on improving women's lives by ensuring economic opportunities, freedom from discrimination, protection against violence, and fair treatment in the criminal justice system. In all of these areas, we have been particularly concerned with problems faced by women and girls as a result of the intersectionality of gender, race, and poverty. We have also strived to incorporate new approaches to resolving these problems, including using international human rights principles in domestic litigation and advocacy.

In a case that should be a wake-up call to employers across the country, we obtained a $3.5 million default judgment on behalf of two immigrant women who were exploited and discriminated against by the owners of a Chinese restaurant where they worked. The waitresses were paid no base salary, were required to pay a "kick-back" to the employer from their tips, were given less lucrative tables to wait than were the male waiters from Northern China, and were housed in deplorable conditions in an apartment provided by the employer. Through this case and others we seek to improve working conditions for low-wage immigrant women who labor in restaurants, sweat shops, and other service industries. In addition to representing women workers in court, we have also conducted know-your-rights sessions at community organizations serving Latinas, Asians, and other immigrants, and trained service providers who work with these populations.

We also won a strong ruling from the Equal Employment Opportunity Commission (EEOC) in our challenge to a police department policy that denies light duty to pregnant officers. The EEOC found that limiting light duty to officers injured on the job has a disparate impact on female officers who have historically taken advantage of light duty during the final few months of their pregnancies. The new policy is especially pernicious because although pregnant officers are required to remain on full duty or take paid and unpaid leave, they are not provided with maternity sized bullet proof vests or gun belts necessary for their safety. Thus, the women are caught in an untenable catch-22: they can continue to work and risk their health and safety or they can take leave and lose salary, seniority and longevity. Protecting the rights of women working in police departments and other non-traditional employment is a priority for the WRP as we seek

to increase the number of women entering and remaining in these historically male fields.

In another victory, the Supreme Court of Nebraska ruled that the family cap provision of the state's welfare law, which denies cash assistance benefits to any child born into a family receiving welfare, was not intended to apply to families in which the parent is disabled and thus unable to work. The Court found that the intent of the welfare law was, in part, to reform the welfare system to remove disincentives to employment, promote economic self-sufficiency, and provide families with the support needed to move from public assistance to economic self-sufficiency. None of these purposes would be served, in the Court's view, by applying the family cap to families in which the parent is unable to work or become self-sufficient because of physical, mental or intellectual limitations. As part of our nationwide efforts to challenge family caps and other punitive welfare measures, the WRP had filed a friend-of-the-court brief in support of the plaintiffs. This victory will be useful as we continue our work to ensure fairness in welfare programs and the provision of needed benefits to poor women and their children.

In addition, through a recent settlement, we achieved equal athletic opportunities for girls who play softball on a community league. For the past several years, the community boys' baseball leagues were given exclusive use over two premier fields in the town park, while the girls' softball league was forced to share lower-quality fields lacking amenities with numerous other adult and Little League players. After a lengthy mediation process, the town agreed to dedicate a field to girls' softball and to provide amenities on it comparable to the boys' fields. The case is significant not only for the equal treatment it provides these softball players, but also because although many cases have challenged schools' discriminatory treatment of female athletes, this is one of the first cases seeking to hold a city responsible for providing equal recreational opportunities for male and female athletes. Such litigation represents the next wave of the movement for equity in athletics, as girls demand equal treatment not only from schools, but also from the municipalities that provide youth leagues and playing fields to the community.

Finally, in a precedent-setting settlement, a public housing authority (PHA) in Michigan agreed to end a policy that led to the eviction of domestic violence victims. The PHA had relied on a "one-strike rule" in its lease that permitted it to evict tenants if there was any violence in a tenant's apartment – even if the tenant was the victim of the violence. This case, filed by the ACLU of Michigan with assistance from the WRP, argued that because the vast majority of victims of domestic violence are women, the policy of evicting domestic violence victims constitutes unlawful sex discrimination in violation of the federal fair housing act and the Michigan civil rights law. The case was similar to an Oregon case that the WRP settled in 2001, and marks only the second such suit filed anywhere in the county. Ending housing discrimination against victims of domestic violence is a top priority for the WRP. In addition to litigating these cases and negotiating with landlords and public housing authorities to prevent evictions and other housing discrimination, we have engaged in extensive advocacy with the Department of Housing and Urban Development (HUD), which, as a result, this year issued of a new chapter on domestic violence in its Public Housing Occupancy Guidebook.

These are just a few of the victories we achieved in the past year. As we move forward, we hope to harness the successes we have obtained to expand equal treatment and opportunity for all women, young and old, of every racial and ethnic background, and across socioeconomic status. We thank our determined clients; our colleagues in the ACLU National Office, the National Legislative Office, and the state ACLU affiliates; our partners in other women's rights organizations; and our generous supporters for helping the Women's Rights Project meet the challenges that lie ahead.

Lenora M. Lapidus
Director

EMPLOYMENT

Women have come a long way in establishing their equal rights under the law but many women, especially poor women, women of color, and immigrant women, do not enjoy these rights in practice. Many poor women still work in sweatshop-like conditions where they are: not paid the minimum wage or overtime, given the least-desirable and worst-paying jobs, sexually harassed, not permitted to take time from work for medically-necessary reasons, and fired when it is discovered they are pregnant or after they leave work to give birth. In addition, women across the economic spectrum still face obstacles in acquiring access to and maintaining positions in traditionally-male fields.

Immigrant Women Workers' Project

In response to the need to enforce basic employment and anti-discrimination rights for all working women, the ACLU Women's Rights Project has launched an immigrant women workers' rights project. The project focuses on low-wage immigrant women workers' rights in the New York area, including freedom from sexual harassment, gender discrimination and pregnancy discrimination, and full and fair wages for working women's labor.


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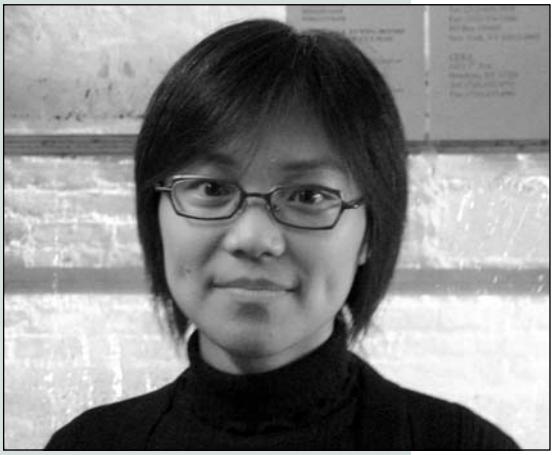
本報記者

Press conference discussing immigrant women workers' case, pictured in the *Duowei Times*.

In addition to pursuing change through litigation, the Women's Rights Project is collaborating with a broad range of community organizations that serve immigrant and poor women. WRP staff members conduct know-your-rights workshops for working women at these organizations, including workers' groups, church associations, out of school youth programs, and homeless service centers. Know-your-rights workshops have been presented to Latinos, Chinese immigrants, and African-Americans in all areas of the city. In addition, a know-your-rights pamphlet covering gender discrimination, pregnancy discrimination, sexual harassment, wage and hour laws, and the Family and Medical Leave Act, was published in English and Spanish. This pamphlet has been distributed to a wide variety of community organizations, social service agencies, government agencies, and ACLU affiliates across the country. In addition,

WRP staff have met with affiliates and community organizations in other states, and adapted the pamphlets to include state-specific laws, in an effort to replicate and expand the work we are doing in New York.



Wei Chen, Chinese Staff and Restaurant Workers Association.

Liu v. King Chef Buffet

Mei Ying Liu and Shu Fang Chen, Fujianese women who worked as waitresses at King Chef Buffet, a Chinese restaurant located in New Jersey, were exploited to an extraordinary degree by their employers and landlords. Ms. Liu and Ms. Chen were not paid any base wage by their employers and were not paid overtime. They were required to perform kitchen preparation and other "side work," for which they received no wages and no tips. Ms. Liu and Ms. Chen also were required to pay $15 to $18 daily to their employer as a "kickback." Because they are Fujianese women, Ms. Liu and Ms. Chen were treated in a discriminatory manner, including being assigned fewer and smaller tip-paying tables than male waiters from northern China. Because they received no base wage, this discriminatory seating policy had a significant negative impact on their incomes. Additionally, the King Chef Buffet workers were housed in an employer-provided apartment in terrible conditions that included overcrowding, a lack of hot water, and cockroaches. When Ms. Liu and Ms. Chen resigned from their positions, they and their families were threatened by their employers.

The Women's Rights Project, along with the ACLU of New Jersey and the New Jersey law firm Lowenstein, Sandler, filed suit in federal district court in New Jersey. When summonses and a copy of the complaint were served on defendants at the restaurant, it was discovered that the restaurant had changed its name to Metropolitan Buffet. The employers now contend that this name change was actually a sale of the business and that the former restaurant, King Chef Buffet, and the supposedly new restaurant, Metropolitan Buffet, have nothing to do with each other. WRP and our cooperating attorneys, however, have uncovered significant evidence pointing to the conclusion that the "sale" of the restaurant was a sham intended to avoid legal liability and that the former employers continue in their same positions at the restaurant.

In addition to concocting a sham sale of the restaurant, the employers never submitted an answer to the complaint with which they had been served.

They instead chose to play a game of hide and seek by evading service of an amended complaint over a five month period. After the employers did not respond to the filing of the complaint, the federal judge assigned to the case entered a default judgment for Ms. Liu and Ms. Chen in the amount of $3.45 million. This judgment finally prompted the employers to make an appearance in the case. They have moved to have the judgment vacated, and the Women's Rights Project has responded with voluminous documentation in support of maintaining the judgment.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本報記者　鄒興睿　紀軍

Article on the ACLU lawsuit against King Chef Buffet in the *Duowei Times.*

Bravo v. The Donna Karan Company

In another case involving labor law violations and discrimination, the Women's Rights Project reached settlement in a lawsuit brought by seven Latina women who worked as hand stitchers at Eastpoint International, Inc., a garment factory located in midtown New York that produced clothing for The Donna Karan Company. The lawsuit was settled for $100,000, inclusive of attorneys' fees. The settlement resolved allegations of wage and hour violations and racially discriminatory treatment at the Eastpoint garment factory where the women worked between 1988 and 1998.

Low-Wage Women Workers in Michigan

The ACLU of Michigan received a grant in 2003 from the Nokomis Foundation to implement a new project that focuses on low-wage women workers' rights, including freedom from sexual harassment and discrimination, and full and fair wages for their labor. The project includes community outreach, community education, establishment of a special hot-line, train the trainers workshops, referral services, and potential litigation. The outreach involves collaboration with a broad range of community organizations including workers rights organizations, Latinos' rights organizations and service agencies.

The target population of the project is women immigrants and migrant workers, primarily on the western side of the state. By collaborating with a variety of organizations, including Migrant Labor Councils, Farmworker Legal Services, and others, the ACLU of Michigan will provide important

information about new developments in immigration law, information about basic rights, and a toll-free hotline that women workers can use to report discrimination claims. These claims may be referred to other organizations, such as legal services, or evaluated for further action by the ACLU.

Goals of the Michigan project include development and distribution of a manual on workers rights, with a special section devoted to women workers, in addition to a specialized brochure for women workers; establishment of a toll-free hotline for workers whose cases will be referred or reviewed for potential intake; provision of greater information to the female immigrant population about their rights throughout the state, and primarily in western Michigan where a majority are concentrated; building new partnerships with existing non-profits who provide services to this population, enabling those entities to take greater advantage of the ACLU's resources and expertise; recruitment of new leadership to the local branch boards and state board of directors of the ACLU as a result of these partnerships; and identification of potential cases involving systemic, institutionalized discrimination for litigation.

Top photo: Kim Tatum, Marianne Manousakis and Maureen Quinn. *Bottom photo:* Maureen Quinn and Sandra Morton.

Women Charting New Territory in Non-Traditional Occupations

United States v. New York City Board of Education

For decades, custodians in public schools in New York City – one of the most diverse cities in the world – were almost all white men. In 2003, the Women's Rights Project defended efforts undertaken to try to remedy the long-standing practices that led to women and people of color being locked out of these stable, high-paying civil service jobs for decades. When white male custodians sought to take away the seniority and permanent jobs of many women and people of color employed as custodians, the Women's Rights Project stepped in to protect these gains. It did so when the Civil Rights Division of the U.S. Department of Justice, which had previously fought for these women and people of color, abandoned those whose rights it had previously championed.

In 1996, the Justice Department sued the New York City Board of Education, alleging that the Board had long discriminated against women, African-Americans, Hispanics, and Asians in hiring custodians, by failing to recruit custodians from these groups and by giving civil service tests for the job that discriminated against African-Americans and Hispanics. Every New York City public school building has a custodian assigned to it, who is responsible for supervising a staff of cleaners, maintaining the upkeep and safety of the building, and ensuring its daily physical operation. In 1993, about the time the Justice Department began its investigation of the Board of Education, only 13 out of 865 custodians were women. 796 of the custodians were white. "When I asked my uncle, who was a custodian, whether he thought I could ever become one," said Margaret McMahon, one of the custodians represented by the Women's Rights Project, "he told me I wouldn't have a snowball's chance in hell."

Top photo: Charmaine DiDonato and Mary Kachadovrian. *Middle photo:* Irene Wolkiewicz, Adele McGreal and Marcia Harrett. *Bottom photo:* Janet Caldero and Dawn Ellis.

After several years of litigation, in 1999, the Justice Department and the Board of Education entered into a settlement agreement. At that time, many of the women, African-Americans, Hispanics, and Asians working as custodians were employed only provisionally, meaning they could be fired at any time and they could not compete for various job benefits. The settlement agreement provided that these individuals would all become permanent civil service employees. The settlement agreement also provided retroactive seniority to many women custodians and custodians of color. These awards were meant to remedy the effects of the Board of Education's past discrimination. The settlement agreement also provided that if any provision of it were challenged, the Justice Department and the Board of Education would defend the agreement.

Several white male custodians represented by a far right legal activist organization called the Center for Individual Rights brought just such a challenge, arguing that the settlement agreement discriminated against them as white men. In the face of this challenge, the Justice Department, now under the leadership of John Ashcroft, reneged on its promise to defend the individuals it had previously fought for, and the Women's Rights Project, along with

the law firm Hughes Hubbard & Reed, took up the fight on behalf of those the Justice Department had abandoned.

On behalf of twenty-two of the trailblazing female and minority custodians abandoned by the Justice Department, the Women's Rights Project intervened in the litigation to protect the awards of permanent jobs and seniority. Voluntary settlement agreements like the one entered into in this case are an important and necessary way of creating equal opportunities in the workplace. Defense of this settlement agreement in the face of the Justice Department's abandonment of this principle represents an important part of the Project's efforts to remove barriers to women's full participation in society.

Lenora Lapidus speaking to the EEOC.

Lochren v. Suffolk County Police Department

In our ongoing effort to eliminate pregnancy discrimination in the workplace, especially in predominately male labor sectors, the Women's Rights Project, in conjunction with the New York Civil Liberties Union and the law firm Rosen Leff, continued its work in *Lochren v. Suffolk County Police Dept.*, a case challenging the Suffolk County Police Department's policy of excluding pregnant officers from short-term "light-duty" assignments, even though those assignments are available to officers injured on the job or under internal affairs investigation.

In June 2003, after Suffolk County's motion to dismiss the case was denied and the case was sent back to the Equal Employment Opportunity Commission (EEOC) for further administrative proceedings, the EEOC found that all six plaintiffs were discriminated against by the department when they experienced the "predictable event of pregnancy." Despite the EEOC's finding, the County was unwilling to settle the case. Accordingly, the case returned to federal court.

In September 2003, the WRP filed a motion for class certification arguing that all female officers employed by the Suffolk County Police Department who become pregnant, like our clients, would be forced to exhaust all sick, vacation, and other paid leave, and then take unpaid leave for the term of their pregnancies, thereby incurring financial hardship and forgoing sen-

iority and longevity. The motion is now pending and the parties are engaged in discovery.

Adams v. Toombs County

In another case of pregnancy discrimination against a police officer, the ACLU of Georgia reached a settlement in a longstanding pregnancy discrimination case in which the Sheriff of Toombs County demoted a female deputy because of her pregnancy after she refused to resign. Her husband, another deputy, was also pressured to urge her to resign, and then was demoted when he refused to do so. The EEOC issued the female deputy a right-to-sue letter based on sex discrimination and retaliation. The ACLU of Georgia then filed a lawsuit on behalf of the couple. In late 2002, the court denied defendants' motion for summary judgment. In 2003, the case was resolved in a confidential settlement.

Melendez v. Town of North Smithfield

Christine Melendez.

The ACLU of Rhode Island, in consultation with the Women's Rights Project, obtained a temporary restraining order in a federal court challenge to the constitutionality of an unprecedented state law that gave the Town of North Smithfield a one-time exemption from the state's major law banning employment discrimination. The suit was filed on behalf of an Hispanic female applicant, Christine Melendez, who is barred from obtaining any position with the newly-created North Smithfield Fire Department because of the law. Instead, the town has voted to hire 21 white males who currently work for the town's private fire and rescue service.

In August 2003, the Town, which has no fire department of its own, took formal action to acquire the private fire and rescue service that has been serving North Smithfield. In doing so, the Town voted to hire *en masse* the service's all white and all male firefighting force. Before taking this action, the Town sought and obtained an exemption from the state's Fair Employment Practices Act (FEPA), the state law prohibiting employment discrimination on the basis of race, gender, and age. The exemption, grant-

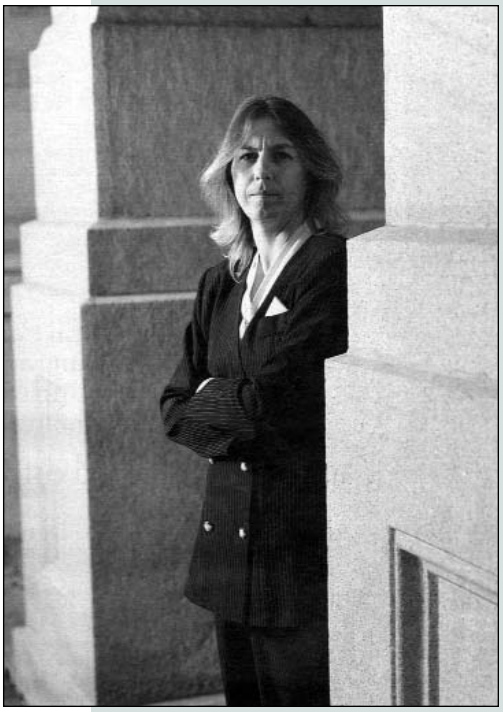
ed by the state legislature, bars any individual from filing an employment discrimination claim under FEPA based on the Town's mass hiring. However, the law did not – and legally could not – exempt the Town from *federal* anti-discrimination statutes. Thus, the ACLU of Rhode Island successfully sought an order from a federal judge preventing the town from acquiring the private rescue service with its all white male workforce. The federal lawsuit argues that the town's action violated federal anti-discrimination laws. The suit further argues that the special exemption from state anti-discrimination law violates Melendez' right to equal protection of the laws. The suit also claims that the Town violated the state constitution by failing to have town residents vote on the measure.

Melendez, age 26, is certified as an EMT-Cardiac and currently works for a private ambulance service in that capacity. She is also a volunteer with another local ambulance service. Ms. Melendez said: "During the course of overcoming a childhood illness, I developed a great respect and admiration for the people who treated me. Since that time, my goal has been to give back to others what was given to me. I would love to work for the new fire department in North Smithfield. I believe that what the Town Council and the state have done is wrong. I should not be denied the ability to compete equally with white men for the opportunity to serve the public."

Desert Palace, Inc. v. Costa

The WRP joined a friend-of-the-court brief in the Supreme Court case, Desert Palace, Inc. v. Costa, brought on behalf of a female warehouse worker and heavy equipment operator who, because of problems with management and co-workers, was disciplined and ultimately fired. She filed suit asserting a Title VII sex discrimination claim. At issue was whether her "mixed motive" case required direct evidence to show that gender was a motivating factor in the employer's decision. In June 2003, the Supreme Court unanimously held that direct evidence was not required. The Court's reasoning followed the arguments raised in the brief that the ACLU joined. Because many sex discrimination cases are mixed motive cases, the Court's ruling is a major victory for those seeking to eliminate sex discrimination in the workplace.

Ocheltree v. Scollon Productions


Lisa Ocheltree.

Lisa Ocheltree got a job in a formerly all-male costume production shop. Upon her arrival, her co-workers targeted her with crude sexual jokes and references, which worsened when she complained. In addition, conversation among her co-workers constantly expressed hostility toward and sexual objectification of women. When she sued for sexual harassment, she won at trial, but on appeal, the U.S. Court of Appeals for the Fourth Circuit reversed because the behavior and language in the shop was crude before she arrived. Therefore, the court reasoned, the harassment that the plaintiff experienced did not occur *because* of her sex. The Women's Rights Project joined with other women's and civil rights organizations in submitting a friend-of-the-court brief when the full court reheard the case *en banc* in a successful effort to reverse the earlier decision. Our brief argued that sexual harassment of female employees should not be immunized from liability simply because the hostility directed at women in the workplace predates the hire of any female employees. Indeed, such liability is an important way in which antidiscrimination laws break down barriers to women's participation in workplaces that have traditionally been all male. The Fourth Circuit, ruling *en banc*, held that there was sufficient evidence to support a finding of sexual harassment of Ms. Ocheltree. The Defendant has asked the United States Supreme Court to review the decision.

Ensuring Women's Equal Participation in the Workforce by Attacking Gendered Notions of Family Obligations

Nevada Department of Human Resources v. Hibbs

In 2003, the Women's Rights Project joined a friend-of-the-court brief submitted in the Supreme Court case *Nevada Dep't. of Human Resources v. Hibbs,* in which a former employee sued over a provision of the Family Medical Leave Act (FMLA) that

requires employers to grant employees leave without pay for up to 12 weeks to care for a sick relative. At issue was the constitutionality of the FMLA, specifically whether Congress had authority to enact it. In May 2003, the Supreme Court held that state employees are fully covered under the FMLA and are entitled to monetary damages if they are deprived of leave to recuperate from a serious illness or care for a new child or sick family member. This case is a tremendous victory for civil rights and represents a departure from the Court's recent trend of limiting Congress's authority to enact civil rights laws under a theory that the Eleventh Amendment provides states immunity from suit. The brief joined by the ACLU argued that because the FMLA is targeted at gender stereotypes that are both the causes and products of unconstitutional gender discrimination, the law falls squarely within Congress' traditional authority and that Supreme Court case law invalidating state practices that rest on gender stereotypes provides an ample record to support this authority. The Supreme Court held that the FMLA's guarantee of leave to all workers, regardless of their gender, attacked the stereotype formally perpetuated by many state employers that caregiving is a woman's responsibility rather than a man's. Such stereotypes stigmatize female employees, the Court held, and discourage men from taking on family responsibilities.

Knussman v. State of Maryland

The WRP also continued its work in *Knussman v. State of Maryland,* where the only remaining issue is that of attorneys' fees and costs. In 2001, the WRP and the ACLU of Maryland secured a major victory when the U.S. Court of Appeals for the Fourth Circuit ruled that the Maryland State Police was liable for denying family leave to a male state trooper to care for his newborn baby. At that time, the department's parental leave policy applied to "mothers only." The decision by the Fourth Circuit was an important step toward gender equality in the United States. The Fourth Circuit remanded the case, however, to the district court for retrial on the amount of damages to be awarded to Mr. Knussman, and the amount of attorneys' fees to be granted to plaintiff's attorneys. The district court granted nearly all fees and costs requested by plaintiff's attorneys. In August 2003, the Fourth Circuit vacated the district court's award of attorneys' fees. We are now again before the district court seeking fees consistent with the Fourth Circuit's ruling.

Knox-Schillinger v. TWA

In March 2003, the U.S. Court of Appeals for the Third Circuit brought to a close *Knox-Schillinger v. TWA,* a case handled by the Women's Rights Project for nearly twenty years. In its decision, the Third Circuit held that American Airlines, as purchaser of the bankrupt TWA, was not obligated to uphold TWA's voucher program that was the result of a court-ordered settlement agreement to redress pregnancy discrimination in the 1970s and 1980s. The WRP, representing a class of approximately 2000 TWA flight attendants, challenged TWA's policy of requiring all flight attendants to take mandatory unpaid leave immediately upon becoming pregnant. The case was settled in 1995, and as part of the settlement agreement TWA agreed to give members of the class ten travel vouchers for each pregnancy they had during the period when the unlawful mandatory unpaid leave policy was in effect. These travel vouchers could be used by the flight attendants or their family members to travel anywhere in the world at any time during their lives. In 2001, when TWA declared bankruptcy, American Airlines offered to purchase it, but refused to honor the flight attendants' travel vouchers. Before the Bankruptcy Court, District Court, and the Third Circuit, the WRP argued that American Airlines should not be relieved of its obligation to honor the pregnancy discrimination settlement awards. The loss in the Third Circuit was a great disappointment to the flight attendants, most of whom saved the approximately 25 vouchers that they each received to use upon retirement, and thus now have been left with no remedy at all for the discrimination they suffered.

"This photo, taken in 1972, represents two generations of airline employees. It is of me, Lindsay Everson Starr (TWA flight attendant), and my father, Kendall Everson (United Airlines Captain) in the early years of my 30-year career with TWA. Soon after this photo was taken, I was pregnant with the first of our three children. Although TWA company policy required that I take a maternity leave immediately upon suspicion of pregnancy, I worked until I was about 4 months pregnant, and no longer able to fit into the uniform. Needless to say, when my father started flying for UAL in 1953, women were not even allowed to continue to work if married, and certainly not while pregnant or mothers."

– ***Lindsay Starr****, TWA Flight Attendant*

Burton v. Financial Control

The ACLU of Eastern Missouri assisted a woman, Lisa Burton, who was subject to overt pregnancy discrimination at her workplace, a small collection agency with fewer than 15 employees. Upon learning that she was pregnant, the complainant's boss cut her hours, stating that because she was pregnant she could not perform her duties anymore, though she held a desk job, was in the early months of her pregnancy, and felt fine. Her boss also verbally abused her in front of other staff and demeaned her based on her pregnancy status. The woman's complaint to the Equal

Employment Opportunity Commission was denied because federal antidiscrimination law does not apply to such small workplaces. The ACLU of Eastern Missouri assisted the complainant in pursuing her pregnancy discrimination claim under state law, which bars employment discrimination, including pregnancy discrimination, by smaller employers. The claim is currently before the agency that enforces the state antidiscrimination law.

Other Employment Discrimination

Rathbun v. Autozone

This year the ACLU of Rhode Island asked the U.S. Court of Appeals for the First Circuit to overturn a lower court ruling in an important case involving the time period for bringing legal action under the state law prohibiting discrimination on the basis of race, religion, sex, and national origin in employment and other private settings. The appeal is on behalf of Betsey Rathbun, an Autozone employee since 1995, who alleges that she has been subject to rampant sex discrimination at that business. Her lawsuit alleged a long-standing pattern of sex discrimination in the company, where less experienced males have consistently been given higher rates of pay and quicker promotions than she has received. However, most of her claims were thrown out by the judge as being time-barred. Though the state law contains no statute of limitations, the judge decided that a one-year statute of limitations should apply. The ACLU of Rhode Island argues that, at a minimum, a three-year statute of limitations should apply to these claims.

Although the case raises a technical legal issue, the district court's ruling in this case threatens to significantly undermine the purpose of this important civil rights statute. It often takes time for an employee or job applicant to realize that his or her termination, demotion, or unequal pay may have been based on his or her race or sex. It can also take time for discrimination victims to find an attorney to take the case. Because of the case's potentially broad impact, the ACLU also successfully organized the filing of a friend-of-the-court brief by a number of local civil rights groups in support of the appeal.

VIOLENCE AGAINST WOMEN

Too often, when people think about violence against women, they think of it as the woman's problem, not her abuser's. Many observers find it easier to blame the victim for the abuse and its consequences, rather than putting responsibility where it belongs: squarely on the shoulders of her abuser. As a result of this misplaced blame, battered women can face eviction from their homes, loss of their jobs, or removal of their children due to the violence. This year, the Women's Rights Project continued its efforts to protect the rights and safety of battered women by ensuring that they are not further punished as a result of the violence against them.

Fighting for Fair Housing for Battered Women

Reports from around the country indicate that domestic violence victims are too often refused rental opportunities or evicted from their apartments because of the violence they experience, sometimes under misguided policies that punish all members of a household when criminal activity occurs within the household, sometimes because landlords reason that the best way to prevent disruptions on their property is to keep domestic violence victims from living there. If women know that they may be evicted if their landlord learns about the violence in their home, they will be less likely to make the violence public by seeking help from the police or the courts. It is often extraordinarily challenging for a woman experiencing domestic violence to break away from a dangerous relationship, and it is even more difficult if she fears that taking appropriate measures to make herself safe could cause her to be evicted, leaving her homeless. Conversely, if the violence does become public and battered women do lose housing opportunities, the possibility of homelessness further threatens their safety. For low-income women, housing discrimination on the basis of domestic violence increases this danger, because of the limited availability of public or subsidized housing.

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Avoiding Evictions

The Women's Rights Project is working to protect domestic violence victims from housing discrimination and to assist battered women in their efforts to obtain or maintain safe places to live. In 2003, the Women's Rights Project worked with attorneys in other states to resolve threats to battered women's housing before they were evicted. In Wisconsin, the state ACLU affiliate got word in December 2002 that a woman who was a victim of domestic violence was going to be evicted on New Year's Eve because some of the violence had occurred on the property. Working with the Wisconsin affiliate and the woman's Legal Aid attorneys, the Women's Rights Project helped persuade the management company to reverse itself and let the woman stay in her home.

In Connecticut, a woman was threatened with eviction after her abusive ex-boyfriend came looking for her at the public housing building where she lived and ended up shooting a neighbor when he found out she was not at home. The public housing authority instituted eviction proceedings against the woman on the basis of the incident. The Women's Rights Project worked with the woman's attorneys in successfully convincing the housing authority not to evict the woman and her family.


Aaronica Warren.

Warren v. Ypsilanti Housing Commission

Modeled after a case the WRP had settled in 2001, the ACLU of Michigan filed suit on behalf of a woman who had been threatened with eviction because she was a victim of domestic violence. Aaronica Warren is a single mother and VISTA worker who lived in public housing run by the Ypsilanti Housing Commission (YHC). One evening, after Ms. Warren put her son to bed, there was a knock at the door. As she opened the door, a former boyfriend forced his way into the apartment and immediately started an argument and became abusive. He threw Ms. Warren into the entertainment center, picked her up off the ground, dragged her outside and threw her face first into the pavement, causing injury to her face. After he fled, Ms. Warren called the police.

When the YHC learned about the incident, it did not take action to protect Ms. Warren by banning the man from the premises. Rather, it went to court in an unsuccessful attempt to evict Ms. Warren and her son from her apartment. The YHC relied on a "one-strike rule" in its lease agree-

ment that permitted it to evict tenants if there was any violence in a tenant's apartment.

The ACLU filed a case in federal court on behalf of Ms. Warren arguing that, not only was it grossly unfair to evict tenants who have been victims of domestic violence, it violated the Fair Housing Act. Because women are almost always the victims of domestic violence, the YHC's one-strike rule had a disproportionate impact on women in violation of the sex discrimination prohibitions in the Fair Housing Act.

After a year of litigation, in November 2003, the YHC agreed to settle the case by agreeing to no longer enforce the one-strike rule against domestic violence victims and by paying Ms. Warren damages for attempting to evict her. The ACLU hopes the settlement - which is the first of its kind in the state and the second in the country - will set a precedent and deter other landlords from evicting victims of domestic violence.

Legislative Efforts

In response to advocacy by the Women's Rights Project and other groups seeking to protect battered women from housing discrimination, Congress directed the United States Department of Housing and Urban Development (HUD) to "develop plans to protect victims of domestic violence from being discriminated against in receiving or maintaining public housing" in the conference report accompanying the bill that appropriated funds to HUD for 2002. In partnership with other women's rights organizations, fair housing groups, and domestic violence advocacy groups, in 2003 the Women's Rights Project worked with HUD to formulate strategies to prevent victims of domestic violence from being discriminated against in public housing. As a member of the coalition, the Women's Rights Project urged HUD to issue a policy statement to public housing authorities to clarify that it is impermissible to terminate the tenancies of domestic violence victims as a result of the actions of their abusers; to instruct public housing authorities to adopt transfer policies that are responsive to the needs of domestic violence victims who must leave their current housing immediately; and to prohibit public housing authorities from denying individuals admission to housing or imposing discriminatory requirements upon them because in the past they have been victims of domestic violence. In response to

Congress and growing concern about the number of domestic violence evictions, HUD published extensive guidance for public housing authorities on the subject of domestic violence, which adopted many of the recommendations presented by the domestic violence and housing coalition. This guidance has the potential to make a real difference in protecting the housing of poor victims of domestic violence. In coalition with other advocacy organizations, the Women's Rights Project worked with HUD this year to plan training sessions for public housing authorities to ensure greater understanding of the problems facing battered women and public housing authorities' obligations to address these problems.

In addition, at the urging of the ACLU and other groups, a bill was introduced in Congress in 2002 and 2003 to exempt victims of domestic violence from the "one strike and you're out" law, which authorizes public housing authorities to evict all members of a household if any member is involved in a violent or drug-related crime.

Further, in 2003, the Women's Rights Project updated its publication for women describing the protections provided by the Fair Housing Act, including the protections against discrimination on the basis of domestic violence that disproportionately affect women. This publication and other publications on battered women's housing rights will assist the Women's Rights Project in its outreach and educational efforts during the coming year.

State law also can provide important protection to battered women facing housing discrimination. 2003 was the first full year in which Rhode Island's groundbreaking new law forbidding housing discrimination against victims of domestic violence was in effect. The Rhode Island ACLU drafted this important piece of civil rights legislation, in consultation with the Women's Rights Project. The Rhode Island ACLU also obtained sponsors for the bill, and in cooperation with the Rhode Island Coalition Against Domestic Violence, was the leader in the successful push for the bill's passage. The law is the first of its kind in the nation, broadly prohibiting landlords from discriminating against individuals who are or have been victims of domestic violence, or who have sought or obtained restraining orders. Early reports indicate that the law has had a positive effect in protecting battered women's housing.

In 2003, the Women's Rights Project, in cooperation with the New York Civil Liberties Union, also urged the New York City Council to adopt a law

making clear that city landlords cannot discriminate on the basis of domestic violence and must allow domestic violence victims to break their lease when they flee a residence for their own safety. The proposed bill would also expand on New York City's recently enacted law prohibiting employment discrimination against victims of domestic violence, by requiring employers to make the reasonable accommodations necessary to permit domestic violence victims to do their jobs, such as giving them time off to seek a restraining order or medical attention. Passage of this bill would make New York City a model in the protections it offers domestic violence victims and in its recognition that fair treatment is necessary to victims' safety and independence.

Educating Activists

In November 2003, Women's Rights Project staff spoke at Amnesty International's Northeast Regional Conference on the subject of housing discrimination against domestic violence victims. The conference discussed housing and domestic violence in both international and domestic contexts, bringing a human rights framework to bear on the issue. These linkages and partnerships between human rights organizations and women's rights organizations hold great promise for future activism efforts.

Partnering with Rutgers Law School

The Women's Rights Project has created a partnership with the Women's Rights Clinic at Rutgers Law School that will allow students to undertake outreach and research on the barriers to safe housing confronted by battered women. The outreach and research performed by the clinic's law students will serve as a model and basis for future efforts.

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In the fall of 2003, Women's Rights Project staff and clinic students, along with staff from the Connecticut Civil Liberties Union, met with domestic violence advocates and service providers in Bridgeport, Connecticut, to discuss problems their clients face obtaining and retaining affordable housing. As a result of that meeting, clinic students researched and prepared legal memoranda on Section 8, PHA transfer policies, and organizational standing, and drafted a letter to the

Bridgeport Housing Authority urging it to adopt a preference for victims of domestic violence in providing housing.

Defending Battered Mothers

Nicholson v. Williams

New York City's child protective services agency has long operated under a policy of removing children from the custody of battered mothers under a theory that these mothers "engaged in" domestic violence and thus endangered and neglected their children. Women who lose custody of their children on the basis of such charges often do not regain custody for weeks or months, during which time their children will often be traumatized and sometimes endangered as a result of entering the foster care system. Women have lost custody of their children even when they severed all contact with their batterers and even when the violent incident that led to the removal of children was the first such incident in the relationship. Such a policy blames women for the actions of their batterers. It also, paradoxically, can reinforce the authority of the batterer, because a common threat batterers make to control victims is that if the victim tells anyone about the violence, she will be blamed and will lose her children. Finally, and perhaps most importantly, the fear of losing their children should the violence become public serves as an incredibly powerful incentive for battered mothers to hide and deny the violence, rather than seeking help.

New York City mothers who lost custody of their children under this policy sued New York City in federal court in a case called *Nicholson v. Williams*. The trial court held that the policy violated mothers' and children's constitutional rights. The Women's Rights Project along with the Gibbons Fellowship of the New Jersey law firm Gibbons, Del Deo, Dolan, Griffinger and Vecchione, submitted a friend-of-the-court brief supporting these plaintiffs in the face of the city's appeal of the lower court's decision. In the brief, the Women's Rights Project argued that the policy should be understood as a form of gender discrimination prohibited by the

Fear of losing their children should the violence become public serves as an incredibly powerful incentive for battered mothers to hide and deny the violence, rather than seeking help.

United States Constitution. The federal appeals court decided in September 2003 that the child protective services agency had a practice of removing children from battered mothers and that this practice could violate the constitutional rights of mothers and children, but that it needed more guidance from the state courts as to the meaning of certain state laws governing child removal before it came to a final decision. Therefore, it asked the highest court in New York to explain whether state law permitted removal of a child based on witnessing domestic violence in various instances, before reaching the constitutional questions. A decision from the New York Court of Appeals is expected in 2004.

POVERTY AND WELFARE

Poverty is a persistent cause and effect of women's inequality. Women are poorer than men in the United States, and throughout the world, because they take up the lion's share of unpaid, expensive caregiving work and because gender segregation in the workplace often locks them into low-paid work with few opportunities for advancement. In turn, their disproportionate poverty leaves women less able to effect positive changes in their lives. The Women's Rights Project's work on behalf of poor women and women receiving welfare seeks to advance core ACLU values, such as privacy, equality, and due process of law, in order to advance their full citizenship rights and break the cycle of poverty.

Challenging Child Exclusion Laws

Sojourner v. New Jersey Department of Human Services

In 2003, the Women's Rights Project's challenge to New Jersey's child exclusion welfare policy met a disappointing end, when the New Jersey Supreme Court rejected our claims that the policy violated poor women's state constitutional rights. Since the passage of the federal welfare reform law in 1996, federal law permits states to choose to deny welfare benefits to children born into a family receiving welfare. In an attempt to force poor women to have fewer children, many states, including New Jersey, adopted such policies. The Women's Rights Project, in cooperation with the ACLU of New Jersey, the NOW Legal Defense and Education Fund, and the New Jersey law firm Gibbons, Del Deo, Dolan, Griffinger &

Vecchione, represented a class of women who have been injured by New Jersey's child exclusion policy.

The Women's Rights Project argued that the policy violated the New Jersey Constitution's guarantees of privacy and equal protection. By denying benefits to any child born to a family receiving welfare, the child exclusion policy attempted to coerce poor women's reproductive choices. Indeed, research has shown that in New Jersey, since the adoption of the policy, more women on welfare have obtained abortions than otherwise would have been expected. Not only do child exclusion policies discriminate against children on the basis of the circumstances of their birth and infringe women's reproductive rights, research also showed that New Jersey's child exclusion policies do not make it more likely that welfare recipients will obtain paid employment or otherwise move toward self-sufficiency. Nevertheless, in August 2003, the New Jersey Supreme Court found that the child exclusion did not unconstitutionally burden women's right to reproductive choice or children's equal protection rights.

photo by Ted Kirk, courtesy of The Appleseed Foundation.

Andrea and Simeon Evans, plaintiffs in *Mason v. Nebraska*.

Mason v. Nebraska

The Women's Rights Project, in cooperation with the Nebraska ACLU, submitted a friend-of-the-court brief in a case claiming that application of the Nebraska child exclusion to families in which the parent was disabled and unable to work violated Nebraska's welfare laws. In the trial court, the plaintiffs successfully argued that because the child exclusion had been adopted as a means of promoting work, the Nebraska Legislature had not meant the law to be applied to families headed by disabled parents, because these parents were, by definition, unable to work. In the face of the state's appeal, the Women's Rights Project argued to the Nebraska Supreme Court that an additional reason for adopting the plaintiffs' interpretation of the welfare statute was to avoid the difficult constitutional questions that would otherwise arise under Nebraska's recently adopted Equal Protection Clause. Nebraska's Equal Protection Clause, the Women's Rights Project argued, provides more vigorous protection for individuals' rights than does the federal Equal Protection Clause. The child exclusion, which discriminates between similarly situated children solely on the basis of their parentage, violates the Nebraska Constitution, the Project argued in its brief. In December 2003, the Nebraska Supreme Court issued its decision in Mason v. Nebraska, affirming the lower court ruling and holding that the "family

cap" was not intended to apply to families in which the parent was disabled and thus unable to work.

Florida's "Scarlet Letter" Statute

In 2003, the Women's Rights Project successfully protected the privacy of Florida women seeking to place their children for adoption. In 2002, Florida enacted an unprecedented law requiring a mother who wished to place her child with a private adoption agency and did not know how to contact the child's father to take out newspaper ads for four weeks in every city in which the child may have been conceived. These ads had to include the mother's name and physical description, the child's name and age, the names and physical descriptions of every boy or man with whom the mother had sexual relations during the year preceding the child's birth, the cities in which conception may have occurred, and the dates on which conception may have occurred. The statute made no exception for women who became pregnant through rape or incest or for minors. It constituted an outrageous invasion of women's privacy (and of the privacy of those men whose sexual histories are published in newspapers without their consent). The prospect of public humiliation posed by the law's requirements threatened to force women to seek abortions when they might otherwise have chosen to carry their children to term.

Four mothers seeking to place their children for adoption sought a declaratory judgment in Florida's courts that the statute was an unconstitutional invasion of their privacy. Despite the fact that the State of Florida did not appear to defend the statute, the trial judge upheld the statute in large part, finding that it only unconstitutionally violated the privacy of victims of forcible rape. All other women, including minors and victims of incest and statutory rape, continued to be subject to its requirements. The Women's Rights Project worked with the ACLU of Florida and the Reproductive Freedom Project to overturn this ruling, consulting with attorneys for the mothers and filing a friend-of-the-court brief arguing that the statute violated women's right to privacy under the Florida and the United States Constitutions. In April 2003, the Florida Court of Appeals agreed with the Women's Rights Project that the scarlet letter statute was an unconstitutional violation of the privacy rights of women seeking to place their children for adoption, writing that the violation of privacy rights imposed by the statute was "so patent" that further analysis was not required.

Gender Steering in Job Training

To move off of welfare and out of poverty, women must have the opportunities to train and compete for good jobs with high wages. Often, this means seeking employment in industries that have typically employed men. For this reason, when welfare programs pressure women into seeking traditionally "feminine" jobs they shortchange women, reduce women's chances to work their way out of poverty, and violate the law. In response to a complaint from a male participant in an employment training program that he was not being permitted to train for or apply for certain fine manufacturing jobs because these were "women's jobs," the Women's Rights Project, in cooperation with the ACLU of Northern California and the Employment Law Center of the Legal Aid Society in San Francisco, has begun to investigate gender steering in job training components of welfare programs in Northern California by seeking information regarding the outcome of job training and placement for male and female participants.

Discrimination on the Basis of Race and Disability

Because women (and their children) make up the vast majority of welfare recipients, the Women's Rights Project seeks to combat all forms of discrimination in the administration of welfare programs. In February 2002, the Wisconsin affiliate of the ACLU filed a complaint with the Office of Civil Rights (OCR) of the U.S. Department of Health and Human Services alleging numerous failures of the W-2 state welfare program to comply with the Americans with Disabilities Act and the Rehabilitation Act in screening for and accommodating participant and applicant disabilities. The complaint also described racial disparities in the granting of W-2 extensions and the application of sanctions and asked for a general investigation of race discrimination in the program. In 2003, productive negotiations with state welfare officials based on this complaint focused on ways of addressing these problems. Throughout this process, the Women's Rights Project has monitored proceedings and assisted the Wisconsin affiliate with research related to the project. The Wisconsin investigation and complaint has the potential to serve as a model for investigations of potential discrimination in other state welfare programs, and the Women's Rights Project worked to develop a method for exporting this model in 2003.

Sanchez v. County of San Diego

The ACLU of San Diego and Imperial Counties, working in conjunction with the Western Center on Law and Poverty, the San Diego Volunteer Lawyer Program, and the law firm of Milberg Weiss Bershad Hynes & Lerach LLP, have been pursuing a federal class action lawsuit on behalf of welfare applicants and recipients. Under San Diego County's Project 100%, all persons applying or reapplying for welfare benefits in San Diego County must submit to an unannounced search of their homes and/or an interrogation by a welfare fraud investigator as a precondition to their receipt of aid. Asserting that there is no poverty exception to the Fourth Amendment, the ACLU of San Diego and Imperial Counties alleged that the constitutional rights of the aid applicants and recipients, none of whom was suspected of any wrongdoing, were violated by the fraud investigators. These investigators entered the applicants' and recipients' homes and inspected the contents of cabinets, refrigerators, dresser drawers, and closets; intruded into sleeping quarters; and interrogated friends and family members. The program applies only to those individuals whose applications raise no suspicion of fraud and contain no factual inconsistency. Applicants actually suspected of fraud are investigated through a separate process within the District Attorney's office.

In response to the complaint, filed in 2000, San Diego County filed a motion to dismiss on grounds that none of the plaintiffs faced a realistic threat of being searched again and therefore were not properly before the court – despite the fact that a number of the plaintiffs had already been searched more than once. The motion was denied in February 2001. Plaintiffs then filed a motion for certification of the proposed class, and the motion was granted in December 2001. In July 2002, defendants and plaintiffs both submitted motions for summary judgment and, in an order dated March 7, 2003, the judge ruled in favor of San Diego County on almost all of Plaintiffs' claims. An appeal is pending.

LaShawn Warren, Legislative Counsel, ACLU National Legislative Office.

Federal Legislative Efforts

In 2003, debate continued over reauthorization of the Temporary Assistance for Needy Families (TANF) program. The ACLU urged Congress to protect all welfare recipients against discrimination, to insure

that recipients' due process rights are protected, and to provide meaningful opportunities for welfare recipients to move out of poverty by training for high-paying jobs. The U.S. House of Representatives passed a draconian measure earlier this year to reauthorize TANF. The bill not only fails to address the deficiencies of the current system crucial to meeting the needs of welfare recipients, but it exacerbates existing problems in TANF by increasing work requirements and penalties, and by limiting education, training, counseling, and treatment. Unfortunately, the bill voted out of the Senate Finance Committee closely mirrors the House bill. Unable to reach an agreement before Congress recessed for the year, both the House and Senate voted to extend the Temporary Assistance for Needy Families block grant program for 6 months. The bill is expected to be taken up again in 2004.

The ACLU has urged Congress that reauthorizing legislation should improve the TANF program to make a significant difference in the lives of low-income families as they work toward self-sufficiency. Because poverty reduction is a goal of TANF, it is imperative not only that the substance of the legislation reflect this purpose, but also that the approach to welfare be grounded in a realistic understanding of the barriers and challenges many communities face. We will continue to advocate for changes that will improve the TANF program to ensure that it is administered in a fair and equitably manner.

CRIMINAL JUSTICE AND LAW ENFORCEMENT

Women in Prison

The Women's Rights Project works to improve the conditions of confinement for women in prison, with particular attention to the intersection of gender and race, and gender and poverty. Equally as intensely, we advocate for alternatives to and diversions from incarceration that successfully address the underlying causes of involvement in the criminal justice system and that attempt to end cycles of incarceration. Among the issues that we are pursuing are gender disparities in access to and adequacy of services and treatment; sexual abuse and assault of women by male corrections officers; incarcerated women's ability to maintain relationships with their children and their particular susceptibility to termination of parental rights;

and women's greater exposure to arrest and conviction of crimes, particularly drug-related offenses, that result from relationships with men who are the primary or actual offender, and where the women may have been abused or otherwise compelled to assist in the crime.

Overton v. Bazzetta

In 2003, the Women's Rights Project and the National Prison Project participated in an important prisoners' rights case before the Supreme Court. The ACLU submitted a friend-of-the-court brief in *Overton v. Bazzetta,* to challenge regulations the state of Michigan adopted in 1995 in response to a growth in the prison population and an increase in visitation. The new rules prohibit visits by children and former inmates who are not members of the inmate's immediate family, prohibit visits by children if the inmate's parental rights have been terminated, require that children be accompanied by a parent or guardian when visiting, and allow for the complete suspension of visitation, with the exception of attorneys and clergy members, for a minimum of two years if the inmate is caught twice with illegal drugs. Several prisoners, mostly single mothers of young children, filed suit after the new rules went into effect, arguing that the regulations violated their constitutional rights. The U.S. Court of Appeals for the Sixth Circuit agreed, and held that the visitation rules were unnecessary for the orderly running of prisons. The State sought review in the Supreme Court and in June 2003, the Supreme Court held that the Michigan Department of Corrections' regulations did not violate prisoners' due process, First Amendment, or Eighth Amendment rights. The Court's decision represents a major blow to prisoners as well as their families and friends.

Cox v. Homan

The ACLU of Michigan reached a settlement in *Cox v. Homan,* a class action lawsuit against the Livingston County Jail for the sexual harassment of female prisoners. The lawsuit asked the court to order the Sheriff to take corrective action to prevent further discrimination, eliminate the conditions that permit male guards to observe female inmates showering or using toilet facilities, eliminate searches and pat-downs of women by male guards, and eliminate the hostile environment towards women in the jail. The suit also challenged the jail's unequal treatment of male and female prisoners

with respect to "work release" programs, which enables inmates charged with lesser offenses to continue with their employment and serve their jail time at nights or on the weekend. Jail authorities have made this available to men, but not to women. The case will settle for approximately $800,000 and will include injunctive relief to remedy jail conditions.

Hallet v. Payne

In *Hallet v. Payne,* the ACLU of Washington, in conjunction with Columbia Legal Services, the Northwest Women's Law Center, and the National Prison Project, brought a class action lawsuit on behalf of all women incarcerated at the Washington Corrections Center for Women (WCCW). The lawsuit was filed in 1993, and challenged the quality of medical, mental health, and dental care services at WCCW. At issue now is whether a consent decree that was entered into in 1995 and was to remain in effect for four years can be extended because plaintiffs argue that defendants have not substantially complied with its terms. In 2003, the trial court denied both the motion to extend and a motion for contempt. On appeal, the Court of Appeals for the Ninth Circuit sent the case back to the district court for fact finding on the medical care issue. A hearing is scheduled for May 2004.

Vandalia Prison Investigation

The ACLU of Eastern Missouri, in cooperation with the U.S. Department of Justice, is investigating the mistreatment of female prisoners at the Vandalia Prison for Women in Missouri. The investigation concentrates on medical care, particularly the more than five cases of inmate deaths due to medical neglect, botched medical care, failure to provide care, unsanitary conditions, and inadequate gynecological care, including lack of adequate informed consent for hysterectomies. In Spring 2003, the ACLU of Eastern Missouri observed an increase in the number and gravity of complaints from the women's prison, and in May was contacted by the Justice Department. The ACLU's investigation began in June, and has included numerous interviews with inmates, former inmates, family members, social service providers, and others. The ACLU currently has over 50 active case files from women at the prison. The DOJ and ACLU investigations will result in a report with recommendations. In anticipation of the report, several advocacy organizations have pushed for the introduction of legislation in the upcoming Missouri legislative session to provide for a medical ombudsman for Missouri prisons.

Rights of Sexual Assault Victims in Prison

The ACLU of Idaho engaged in successful advocacy efforts on behalf of female inmates who face sexual assault from prison guards. In Idaho, it is a felony for prison guards to have sexual relations with inmates. In a blame-the-victim move, some policymakers had proposed that inmates also face felony charges for engaging in sexual relations with their jailers.

In a blame-the-victim move, some policymakers had proposed that inmates also face felony charges for engaging in sexual relations with their jailers.

The ACLU of Idaho, acting as part of a coalition, successfully dissuaded proponents from seriously considering such legislation. The Idaho affiliate also succeeded in persuading prison officials to permit female inmates to receive information about sexual assault, and to be able to call an outside source if they are sexually assaulted in prison. Previously, assault victims were not provided information and felt that they could only report such instances to prison guards, even if their assailant had been a guard. Female inmates may now call either the ACLU of Idaho or the Idaho Coalition Against Sexual and Domestic Violence for assistance.

Public Education and Coalition Building

The WRP is also a member of the Coalition for Women Prisoners, established by the Correctional Association of New York. In particular, we play an active role on the Conditions of Confinement Committee, which focuses on custodial sexual misconduct of women prisoners. In collaboration with the Legal Aid Society, Amnesty International, and other organizations, we bring pressure to bear on state and prison officials to improve prison safety conditions, reporting mechanisms for sexual abuse, and prosecution of viable claims by women prisoners.

Women on Death Row

The WRP has also continued its work on behalf of women on death row. Along with the ACLU Capital Punishment Project and National Prison Project, the WRP continued to draft and finalize a report that we hope to publish in early 2004. The report will address the conditions of confinement of women sentenced to death and the systemic inequalities they

experience before getting to death row. The report will be based on questionnaires completed by many of the women themselves and information that we received pursuant to open records act requests from all of the states that have women on death row. In Spring 2003, Ms. Magazine featured the ACLU's forthcoming report in a special review of women on death row.

Juvenile Justice

The Women's Rights Project also works to improve the conditions of confinement for girls in juvenile detention and advocates for alternatives to incarceration. This year, along with the National Legal Department, ACLU affiliates, and other partners, the WRP began compiling comprehensive data on inequities in several state juvenile justice systems. The goals of these investigations are to identify the unique and unmet needs of girls, particularly girls of color, and to formulate concrete recommendations for improvement. We have issued open records act requests to obtain relevant documents and are currently in the process of analyzing those documents. In New York, for instance, we discovered that until recently, girls were being placed into juvenile detention facilities without any prior assessment of their educational, medical, or rehabilitative needs, while boys were sent to a centralized reception center prior to their placement and provided with a comprehensive pre-placement evaluation. With the information that we obtain, we will develop and implement strategies to ensure that state agencies take steps to remedy gender discrimination and improve conditions of confinement.

In Ohio, the WRP is conducting an investigation with an eye toward litigation that would address several gender-related juvenile justice issues. In May and September 2003, the WRP met with a coalition of lawyers and activists in Ohio to discuss potential litigation and advocacy efforts, which would include girls' equal access to less restrictive community corrections facilities, and the adequacy of the services and treatment that they receive once they are in state detention.

Criminalizing Pregnant Women's Behavior

State v. Harris

In collaboration with the Reproductive Freedom Project and the ACLU of Kentucky, the WRP participated as a friend-of-the-court in a case involving a Kentucky woman who gave birth to an infant who allegedly showed signs of drug withdrawal upon birth. Misti Harris was charged with felony child abuse based on the charge that she had taken the drug Oxycontin while pregnant. The WRP had litigated and won a case in the Kentucky Supreme Court in 1993 called *Kentucky v. Welch*, which clearly established that Kentucky's child abuse statutes did not apply to a woman's actions during her pregnancy. As the Kentucky Supreme Court explained, permitting such prosecutions opens the door to prosecuting pregnant women for using legal substances such as tobacco or alcohol, or for engaging in activities like skiing, or breaking the speed limit, under the theory that they endanger their fetuses by doing so. The trial court dismissed the charges against Ms. Harris, as the Women's Rights Project urged, but the Commonwealth appealed. The appeals court will hear oral argument in the case in early 2004.

Permitting such prosecutions opens the door to prosecuting pregnant women for using legal substances like alcohol, or for engaging in activities like skiing or breaking the speed limit.

Kitsap County Drug Court

The ACLU of Washington corresponded with the Kitsap County Drug Court program, after receiving reports that the program was delaying dismissal of criminal charges for pregnant participants until they delivered a "healthy baby," even though the women had satisfied all requirements for graduation and dismissal of the charges. The letter expressed concern that if such a practice were occurring, it would constitute sex discrimination in violation of Washington's Equal Rights Amendment. The Court has not responded despite several follow-up letters.

Improper Searches

Liner v. City of Kearney

In 2003, the ACLU of Nebraska settled its lawsuit against four police officers and the City of Kearney, Nebraska challenging the police search of 16-year-old Holly Rae Liner. Due to her presence at her stepfather's apartment when the police arrived, Ms. Liner was subjected to both a strip search and body cavity search. Ms. Liner was menstruating at the time and wearing a sanitary napkin. She was ordered to remove her pajama bottoms and underwear, and then to "squat and cough" while an officer watched, and further required to remove her tampon and feminine napkin in the officer's presence. The officer completed the humiliation by providing Ms. Liner with another tampon, but then watched while Ms. Liner inserted it. After permitting Ms. Liner to dress, the police ordered her out of the house at night without allowing her to call her mother or another adult and without allowing her to gather her belongings or wear weather-appropriate clothing and shoes. The settlement requires the adoption of a new policy for future searches and includes monetary relief for Ms. Liner.

EDUCATION

Protecting Title IX

In response to complaints by male athletes that Title IX had resulted in discrimination against men in school athletic programs around the country, in 2002 the Bush Administration announced that it was forming a special commission to investigate Title IX's rules for nondiscrimination in athletics and to recommend possible reforms of the law. It created this commission despite Title IX's historic success in opening athletic opportunities to girls and young women since its passage thirty years ago, and despite the great popularity of the law with a generation of girls and parents who had seen its results. It did so despite the fact that, according to the Women's Sports Foundation, male

Male athletes currently enjoy 1.1 million more high school athletic participation opportunities than female athletes, 57,000 more college opportunities (out of a total of 400,000) and $133 million more in athletic scholarship assistance.

athletes currently enjoy 1.1 million more high school athletic participation opportunities than female athletes, 57,000 more college opportunities (out of a total of 400,000) and $133 million more in athletic scholarship assistance. After a series of public hearings stacked with critics of Title IX, the commission issued a report recommending that the rules governing athletics programs' compliance with the law's nondiscrimination provisions be weakened in the name of "greater flexibility" for schools. The views of dissenting commissioners were excluded from the commission's final report, and the Department of Education rejected the minority report prepared by these commissioners.

The Women's Rights Project, a member of the National Coalition for Women and Girls in Education, worked with other women's rights organizations against the commission's proposals, urging the Department of Education to recognize the need for and effectiveness of Title IX as an instrument for ensuring girls' and women's athletic opportunities and to reject the commission's recommendations. Through coalition letters to the commission, action alerts, press releases, and comments, the ACLU along with other organizations were able to get the administration to retreat from its original efforts to weaken the Title IX regulations.

In July 2003, the WRP and women and girls throughout the country won a great victory when the Department of Education announced that, despite the commission's recommendations, it would not revisit and weaken the rules that have served over the past thirty years to level the playing field dramatically for female athletes. Title IX was thus effectively protected from efforts to overturn it in the name of fairness to the male athletes who are still over-represented in high school and college athletics programs across the country.

Atkinson v. Lafayette College

In 2003, the Women's Rights Project argued for individuals' rights to be free from retaliation for complaining of illegal sex discrimination under Title IX. Eve Atkinson was the Director of Athletics at Lafayette College in Pennsylvania. She alleges that when she raised concerns about the college's compliance with Title IX, she was threatened by her supervisor, stripped of many of her duties, and eventually terminated. She sued under Title IX, arguing that she had been illegally retaliated against for complaining about the gender-biased athletic funding at the

college. The court threw out her claim, however, finding that while the law prevented the school from retaliating against her for complaining of a violation of Title IX, it did not provide her with any right to enforce this rule in court. Under the court's ruling, an individual's right to be free from retaliation when protesting against a school's gender discrimination is essentially meaningless.

The Women's Rights Project joined in a friend-of-the-court brief prepared by the National Women's Law Center appealing this decision to the U.S. Court of Appeals for the Third Circuit. The brief argues that the right to be free from gender discrimination necessarily includes the right to be protected from retaliation for complaining of gender discrimination, and because the law is clear that an individual can sue in court to enforce the first right, she must also be allowed to sue in court to enforce the second. The brief also argues that Congress clearly intended that individuals be permitted to bring such retaliation suits. The case is currently before the Third Circuit.

Litman v. George Mason University

In 2003, the Women's Rights Project awaited a court ruling regarding the future of Annette Litman's Title IX retaliation suit against George Mason University. Ms. Litman alleges she was a student at George Mason University when she was sexually harassed by one of her professors. She complained to the University, but reports that after she complained, other professors in the department were unwilling to work with her. After she wrote an angry email to some of these professors, they brought charges of sexual harassment against her. As a result, she was ultimately expelled. In 2001, a federal trial court in Virginia threw out her claim that the University had unlawfully retaliated against her for making a sexual harassment complaint, finding that while the law prevented the school from retaliating against students complaining of sexual harassment, it did not provide students with any right to enforce this rule in court. In this case, too, the Women's Rights Project joined in a friend-of-the-court brief prepared by the National Women's Law Center appealing this decision to the U.S. Court of Appeals for the Fourth Circuit and arguing for the right to bring retaliation claims under Title IX, as a necessary part of the right to be free from discrimination. While the Fourth Circuit has yet to rule in this case, in 2003 the court in a separate case ruled that plaintiffs could bring retaliation claims under Title VI, a law banning certain kinds of race discrimination similar in

many ways to Title IX. This is a positive development and suggests that the Fourth Circuit is likely to find plaintiffs may bring retaliation claims under Title IX as well, as have the other appeals courts that have ruled on the issue.

Affiliate Efforts


A women's rugby team.

Title IX Public Education

In Summer 2003, the ACLU of Eastern Missouri kicked off its new Title IX Project, "Don't Drop the Ball on Title IX," which provides interactive workshops for students, teachers and administrators about their rights to be free from sex discrimination in athletics under Title IX. Originally conceived by ACLU of Eastern Missouri student interns (who are also women varsity athletes at Washington University) out of concern for Title IX's future under the current administration, the project turned into a public education project after the summer's decision saving Title IX. The affiliate has surveyed area schools to ascertain local compliance with Title IX, has spoken at area athletic director meetings and conferences, and has conducted "Don't Drop the Ball" workshops for students at several area high schools. In addition, the ACLU of Eastern Missouri has developed several short informational pamphlets about Title IX directed at students, at parents, and at administrators, as well as a longer legal booklet, modeled after a booklet produced by the ACLU of Ohio, explaining administrators' legal obligations in greater detail. The affiliate is planning a large area-wide informational event in February 2004 that will feature a woman Olympic athlete.

Protecting Victims of Sexual Harassment

In 2003, the Rhode Island General Assembly approved an ACLU of Rhode Island-sponsored bill that gives victims of sexual harassment and other forms of discrimination – as students at colleges and universities and in employment– the right to learn the outcome of the institution or employer's investigation of such complaints. The bill was prompted by a complaint the affiliate received from a college student who was the victim of a professor's sexual harassment, but was unable to learn what, if any, discipline had been imposed on her harasser as the result of her complaint.

PUBLIC ACCOMMODATIONS

Public accommodation laws around the country require that organizations, services, and commercial establishments be open to men and women on the same basis. These laws allow girls and women to challenge the "no girls allowed" sign on the clubhouse door. In 2003, the Women's Rights Project continued its work to enforce public accommodation laws and to ensure that women and men, girls and boys, have truly equal opportunities to participate in the public sphere.

Bellum v. Grants Pass

In 2003, the Women's Rights Project achieved a great success in its challenge to discriminatory treatment of a community girls' softball team by an Oregon town. The city of Grants Pass, Oregon, provided state-of-the-art playing fields for local boys' baseball leagues to play on. The boys' leagues had unlimited use of these exclusive fields. Meanwhile, year after year, the girls' softball league was forced to compete with numerous other community leagues to play a few hours a week on crowded, poorly maintained diamonds with few amenities to attract spectators or community support. Because the girls' league, unlike the boys' leagues, had no home field, it was unable to raise money through concession stands or outfield advertisements, and thus was unable to travel to high-profile tournaments that attract college scouts and scholarship dollars. Because the fields on which the girls played were poorly maintained, they regularly faced the risk of injury and spent time they otherwise could have devoted to practicing or playing to attempting to restore the fields to a usable condition. Without the batting cages, bullpens, and regulation-sized fields provided to the boys' leagues, the girls' league had fewer opportunities for its players to develop their skills.

The Women's Rights Project, co-counseling with the ACLU of Southern California, the ACLU of Oregon, and the Oregon law firm Schultz, Salisbury, Cauble & Dole, represented these girls in a lawsuit seeking to force the City to provide the same quality fields and amenities for girls that it did for boys, arguing that the City has discriminated on the basis of gender in violation of the United States Constitution, the Oregon Constitution, and the Oregon public accommodations law. "I think the City of Grants Pass has been irresponsible in letting the differences in

the support given to girls' softball as compared to boys' baseball get to this point," said Karyne Sander, a softball player and plaintiff in the suit. "We are showing the city that it is time to change."

photo courtesy of Christian Science Monitor

The Blaze, Grants Pass's girls' softball league.

While many cases have been brought challenging schools' discriminatory treatment of female athletes or their lack of support for girls' athletics in comparison to boys', this was one of the first cases seeking to hold a city to its responsibility to provide equal recreational opportunities for male and female athletes. Such litigation represents the next wave of the movement for equity in athletics, as girls demand equal treatment not only from schools, but also from the municipalities that provide youth leagues and playing fields to the community. Equal treatment from the cities and towns that provide recreational opportunities is especially important in the sport of softball, where the highest level of competitive play and the majority of college recruitment does not occur in school leagues, but in community leagues, which typically play on municipal fields.

In 2003, the City agreed to provide a home field for girls' softball at the City's premiere sports park. It also agreed that the girls' league could host at least two softball tournaments annually, allowing the league to raise money and to increase the likelihood that its players will be seen by college recruiters. Under the terms of the settlement, the City will also improve the girls' playing field, and install new fencing, additional seating, a batting cage with storage, bullpens and other facilities available on the boys' diamonds. These improvements will make it possible for the girls to raise funds for equipment and trips by selling advertising on field fences and through concession stand sales. In addition, as a result of the increased attention to girls' softball and gender equity in the community following the lawsuit, the city high school voluntarily decided to create a high-quality girls' softball field when previously it had provided only boys' baseball fields to its students. The efforts of the Women's Rights Project and its co-counsel ensured that equal athletic opportunities would be provided to girls' softball players, after too many years in which girls' softball was relegated to the sidelines.

Camacho v. City of La Puente

In October 2003, the ACLU of Southern California filed a federal suit on behalf of girls' softball players against the city of La Puente, CA alleging discrimination in the allocation of city athletic fields and resources on the basis of gender. The city provides two city-owned and maintained baseball fields in the city sports park to boys' little league, while the girls are forced to play on run-down softball fields that are neither owned nor maintained by the city.

Other Athletics Equity Efforts

In 2003, the Women's Rights Project, in cooperation with the ACLU of New Jersey, began investigation of another case of inequitable treatment of girls' softball and boys' baseball in Tabernacle, New Jersey. The ACLU has negotiated with the township and with the local athletics association in an attempt to institute more equitable policies for girls' use of municipal fields short of litigation. These efforts continue.

Orendorff v. Elks Lodge

Social and civic clubs, where citizens forge valuable relationships that help them become leaders in their professions and their communities, are one of the last bastions of open discrimination on the basis of gender. State public accommodations laws, which forbid discrimination on the basis of gender in organizations that are not small and exclusive enough to be truly private, have opened valuable opportunities for women to participate fully in their communities with the same supports and advantages as men. Even in the face of these laws, discrimination continues, however, and this year the Women's Rights Project worked to ensure that public accommodations were open to women as well as men.

Despite the fact that in 1995 the national Elks organization had amended its constitution to allow women to join the Elks, the Rome Elks Lodge had never admitted a woman.

In 2003, the Women's Rights Project achieved an important victory in its fight to open the doors of the Elks Lodge to women. The Women's Rights Project, in cooperation with the New York Civil Liberties Union, and New York attorney Karen DeCrow, represents Bonnie Orendorff in her chal-

lenge to the historically all-male admissions policy of the local Elks Lodge in Rome, New York. Since 1982, Bonnie Orendorff worked as an assistant cook and waitress at the Lodge. It was while working at the Lodge that she met her husband, Roger, a long-time member. Over the years, as she worked and socialized at the Lodge, she observed the charitable activities it undertook and the valuable business and professional contacts that the members of the Lodge made, and she wanted to participate in these activities and benefit from these networks too.

Despite the fact that in 1995 the national Elks organization had amended its constitution to allow women to join the Elks, and despite the fact that since then local lodges all over the country had not only admitted women, but had elected them to leadership positions, the Rome Elks Lodge had never admitted a woman. Nevertheless, Ms. Orendorff and two other women applied for membership. They were rejected, though no male applicant had been rejected for at least twenty years. They applied again, and were rejected again.

The Women's Rights Project brought suit on Ms. Orendorff's behalf, seeking an order requiring the Lodge to comply with the Elks' rules forbidding discrimination on the basis of gender. The suit also argues that a provision in state law allowing benevolent orders to discriminate while forbidding such discrimination by similar clubs impermissibly encourages and protects discrimination against women. In 2003, the court rejected arguments by the Elks Lodge that Ms. Orendorff should not be permitted to bring her claim and ruled that the case should go forward. Shortly after this ruling, the Elks Lodge reversed its longstanding discriminatory policies and began to admit women, though it still refused to admit Bonnie Orendorff, perhaps in retaliation for her actions in bringing suit. The court's order permitting Ms. Orendorff's suit to go forward is currently on appeal.

Christensen v. Perryville Elks Lodge

In 2003 the ACLU of Eastern Missouri advocated on behalf of Renee Christensen, who was denied membership in the Perryville, Missouri, Elks Lodge based on its policy of admitting only men. Despite the national Elks Lodge policy permitting women members, the Perryville chapter retains its policy barring females, except in the capacity of "Lady Elk," a designation for wives of Elk members, which does not confer the benefits of membership or provide voting eligibility. The Eastern Missouri ACLU argued that

the nature of the Perryville Elks Lodge put it within the scope of Missouri's public accommodations law, which bars discrimination based on gender, because the Lodge serves non-member patrons, opens its facilities to the public for recreation, has a lounge that serves refreshments and is open to the public, and is listed in the local chamber of commerce. It has horseshoe pits available to the public, RV hook-ups and holds bingo each week. As a result of the affiliate's advocacy and Christensen's complaints, the Lodge admitted two women, though did not admit Christensen. Efforts continue to convince the Lodge to admit her as well.

Corcoran v. German Society Frohsinn

A regular visitor to the bar operated by the German Society Frohsinn in Mystic, Connecticut, Sam Corcoran decided she would like to become a member of the society. Ms. Corcoran, who runs a bed and breakfast, had met and hired contractors as a result of her time at the club, and was eager to further explore the networking possibilities that membership would provide. The club had approximately 200 members, all of them men, and rarely or never rejected membership applications from men. While at one time membership in the club had been limited to individuals of German heritage, that requirement had long been done away with to boost membership. In short, with a large and open membership, the club is not the sort of organization traditionally recognized as private and exempted from the nondiscrimination requirements of the public accommodations laws. Nevertheless, club members refused to give Ms. Corcoran an application, explaining that it was because she was a woman.

In consultation with the Women's Rights Project, the Connecticut Civil Liberties Union initiated a challenge to the German Society's discrimination. In 2003, the Women's Rights Project working with the Connecticut Civil Liberties Union as co-counsel in the case, sought relief in court. This year, an excellent decision from the New London Superior Court rejected each of Defendants' claims for summary judgment, clearing the way for a trial on the merits of the claim that the local club's exclusion of women as members violates the state public accommodations law.

Willis v. Town of Marshall, North Carolina

Ms. Willis, a 56 year-old grandmother, had been dancing for more than a decade at the Marshall Depot, a train depot that is leased by the Town of

Marshall, North Carolina and at which social events are held. In September 2000, Ms. Willis was warned to "cool it" by a member of the Marshall Depot Committee, apparently referring either to her style of dance or dress. A couple of months later, the Depot Committee, apparently threatened by a display of sexuality by a woman and grandmother in a public setting, informed Ms. Willis, without any hearing, that it had banned her from the Depot due to inappropriate behavior. The ban is being enforced indefinitely.

In September 2002, the ACLU of North Carolina filed suit in federal district court alleging, among other things, that the Town of Marshall's banishment of Ms. Willis from the Marshall Depot violates her free speech rights as well as her right to equal protection under the law. In June 2003, a federal magistrate judge issued a recommended decision that the ACLU's motion for a preliminary injunction be granted. The judge on the case did not accept the magistrate's recommended decision, however, and denied the motion for a preliminary injunction. In December 2003, the judge granted the town's motion for summary judgment and the affiliate appealed to the U.S. Court of Appeals for the Fourth Circuit.

The Depot Committee, apparently threatened by a display of sexuality by a woman and grandmother in a public setting, informed Ms. Willis, without any hearing, that it had banned her from the depot.

Celebration of Women

The ACLU of Rhode Island challenged a program by the Providence Tourism Council created in conjunction with an annual "Celebration of Women" that it promoted. The Council advertised and distributed discount cards that could be used at participating retailers, mostly restaurants. The card provided that "the woman" bearing the card was entitled to a special discount at those locations. After receiving a complaint about the program, the ACLU advised the Council that the program appeared to violate state laws barring sex discrimination in places of public accommodation. The ACLU noted that "taking the celebratory nature of the event at face value, a restaurant that decided to celebrate Black Heritage Month by giving African-American customers a discount, or that celebrated Easter by giving Christians a special deal on their meals, surely would not be seen as proper. Unless one is to denigrate the goal of gender equality – and we assume the goal of this event is just the opposite – a special restaurant dis-

count based on sex should not be treated any differently." After receiving the ACLU's letter, the Council agreed to discontinue the program.

Logo of the ACLU Human Rights Conference.

INTERNATIONAL HUMAN RIGHTS

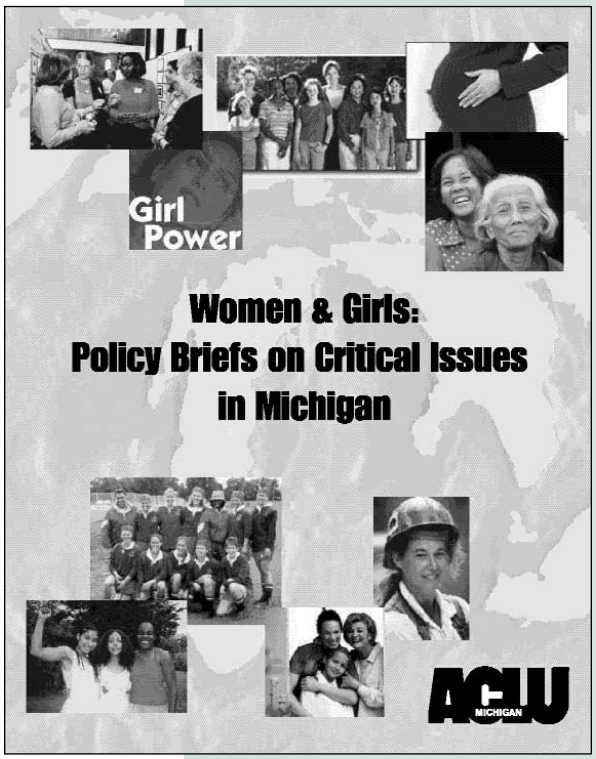
In recent years, civil rights and civil liberties lawyers in the United States have begun to think strategically about how to use international human rights laws in domestic litigation and other advocacy efforts. In October 2003, the Women's Rights Project participated in the ACLU Human Rights at Home Conference, which brought together lawyers and advocates to focus on domestic implementation of international human rights law, and to "forge a new era of social justice." WRP staff presented on a panel entitled, "Using International Law to Advance Public Policy."

In addition, the WRP worked with the Center for Economic and Social Rights, the International Women's Human Rights Law Clinic, and the Center for Constitutional Rights in preparing a friend-of-the-court brief that was submitted to the New Jersey Supreme Court in support of our challenge to New Jersey's child exclusion welfare law. The brief raised international human rights arguments. Although in August 2003, the Court ultimately ruled against us, the friend-of-the-court brief served the important goals of informing the court of international human rights claims and presenting the Court with an opportunity to rely explicitly on international law as additional authority for invalidating the child exclusion provision.

Locally, in collaboration with Amnesty International, Urban Justice Center, NOW-LDEF, and Women of Color Policy Network, the WRP is a co-convener of the New York City Human Rights Initiative. The Initiative seeks to pass New York City legislation based on the principles of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of all forms of Racial Discrimination (CERD). This ordinance is unique because it is based on both the gender and race conventions, and has a particular focus

on the intersectionality of gender and race. As part of our efforts, in July 2003, the WRP co-chaired a "think tank" with academics and various experts in international human rights who reviewed our draft, and held a reception for representatives of women's NGOs from several countries who were attending the United Nations CEDAW Committee sessions as part of the Global to Local program. In November, the WRP co-chaired a similar think tank with leaders of local community based organizations.

With hopes of launching similar efforts around the country, the WRP spoke about New York City's Initiative at a conference organized by the ACLU of Michigan in March 2003. The conference, entitled Women and Girls, the Law and Political Activism, was held at the University of Michigan and brought together women's rights lawyers, academics, and activists to identify the most important issues facing women and girls, explore those issues in a public forum, and develop action steps. In addition to discussing innovative uses of international human rights, the conference also explored other issues including welfare reform, reproductive health, women in prison, Title IX, and lesbian/bisexual/transgendered rights. The ACLU of Michigan published a policy brief capturing the key issues addressed at the conference.



Cover of the report by the ACLU of Michigan, "Women and Girls: Policy Briefs on Critical Issues in Michigan."

The WRP is also an active member of Columbia University's Bringing Human Rights Home Network, and in 2003 made a presentation to the group of Network lawyers on the status of the New York City Human Rights Initiative. WRP staff have also participated in several meetings of the International Women's Policy Roundtable, hosted by the Open Society Institute.

Lastly, working with our Washington National Legislative Office, the WRP has urged the United States Senate to ratify the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). U.S. ratification is vital to building an international coalition that is committed to exerting pressure on countries around the world to enforce basic civil rights and human dignity for all women.

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