



# NOW Foundation

## Annual Report 2003

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## THE NOW FOUNDATION MISSION

The National Organization for Women Foundation was established in 1986 as a 501(c)(3) education and litigation organization allied with the National Organization for Women, the largest feminist organization in the United States, with its national offices in Washington, DC, and almost five hundred affiliates across the country. The two groups share some staff and office space and have overlapping boards of directors.

The Foundation seeks to enhance the status of women in the United States and around the world through many strategies, including advocacy, litigation and education. The litigation efforts of the Foundation seek to protect reproductive health options, as well as focusing on other areas of concern to women, such as employment issues, pregnancy discrimination, sexual harassment, lesbian and gay rights, civil rights and ending violence against women.

In our education and advocacy efforts, the Foundation works to inform the general public, as well as policy-makers, about the need for fair and equal treatment of women. We do this in many ways, including public speaking, conferences, seminars, training programs and educational materials. NOW Foundation also engages in voter empowerment programs aimed at women, designed to encourage women to register, vote, and stay politically active in their communities.

## WOMEN'S HEALTH PROJECT

### ***Redefining Liberation***

Advertisers, particularly the fashion and tobacco industries, target women and girls by co-opting the feminist message of liberation (“You’ve come a long way, baby”) or by projecting as an ideal unhealthy thinness and unattainable beauty. To raise awareness of this manipulation and take action against the life-threatening results (such as bulimia and anorexia), the Foundation launched the Women’s Health Project's first campaign, "Redefining Liberation."

The Foundation mobilizes women and girls across the country to expose the deadly health risks of unrealistic advertising. Two videos, *Redefining Liberation* and *Hollywood: Smoke and Mirrors*, were created as motivational organizing tools. In these videos, prominent feminist leaders, activists and young women talk candidly about how this harmful advertising affects their lives and the lives of other women. NOW Foundation leaders travel across the country, showing the videos and developing action plans with campus and community groups to combat these dangerous messages.

### ***Love Your Body Day 2003***

The NOW Foundation introduced Love Your Body Day in 1998 as a day to annually promote positive body images for women and girls. Annually, educators and activists use Foundation materials in observance of this day. Each year, a poster contest is held to encourage the participation of young women and artists. The winning poster is used as a key promotional item for Love Your Body Day events held nationwide.

The Foundation received orders for 1,274 Love Your Body Posters and more than 100 orders for *Redefining Liberation* video tapes for house parties and school lectures.

### ***Symposium on Silicone Breast Implants***

The NOW Foundation sponsored a symposium on silicone breast implants May 8, featuring presentations by a group of researchers, clinicians and federal health official in advance of the U.S. Food & Drug Administration’s consideration of whether to allow silicone gel-filled breast implants back onto the general market.

The symposium featured 10 speakers, presenting information from their field of expertise, including:

- S. Lori Brown, Ph.D., M.P.H., Director Research Scientist Officer, Office of Surveillance and Biometrics, U.S. Food and Drug Administration
- Jose Centeno, Ph.D., Senior Research Scientist, Chief, Division of Biophysical Toxicology, Department of Environmental and Toxicological Pathology, Armed Forces Institute of Pathology
- William E. Katzin, M.D., Ph.D., Associate Clinical Professor, Department of Pathology, Case Western Reserve University School of Medicine
- Bercedis Peterson, Ph.D., Assistant Research Professor, Department of Biostatistics and Bioinformatics, Duke University Medical Center

- Susan Wood, Ph.D., Director of Women’s Health, U.S. Food and Drug Administration
- Paul H. Wooley, Ph.D., Professor of Orthopedic Surgery, Immunology and Microbiology and Biomedical Engineering, Wayne State University School of Medicine

The symposium panel identified long-term effects as one of the most important factors for future research. According to the FDA’s own studies, half of silicone implants will fail within 10 years and 75 percent will rupture in 20 years.

***Congressional Briefing and FDA Testimony on Silicone Gel Implants***

Following up on the scientific Symposium, in July 2003 the NOW Foundation held a briefing in the House of Representatives to outline findings and disseminate the summary document, “Research Indicates Long-Term Risk to Women’s Health Not Fully Addressed in FDA Clinical Trials: Conclusions from a Symposium on the Safety and Effectiveness of Silicone Gel-Filled Breast Implants.” The congressional briefing was held in conjunction with Reps. Louise Slaughter, D-NY, and Gene Green, D-Texas, both strong advocates of women’s health.

NOW Foundation President Kim Gandy moderated the event, stressing the key points of the findings and introducing a panel of researchers and clinicians, including researchers from the National Institute of Environmental Health Science (NIEHS) at the National Institute of Health.

Dr. Edward Melmed of Medical City Hospital in Dallas displayed samples of silicone gel-filled implants that he has removed from patients—leaking, ruptured and calcified. Others commented on their research into immune system reactions to silicone implants and underscored the need for more research about the health effects to women over time.

In October, NOW Foundation President Kim Gandy testified before the General and Plastic Surgery Device Panel, U.S. Food and Drug Administration, regarding the pre-market application of Inamed Corporation seeking approval for the general sale of silicone gel-filled breast implants. The Foundation also sponsored the testimony of three of the researchers and clinicians who also participated in the May scientific symposium and July Congressional briefing:

- Eugene Melmed, MD, Medical City Hospital, Dallas, Texas
- Paul Wooley, Ph.D., Wayne State University School of Medicine, Detroit, Mich.
- Ernest Lykissa, Ph.D., Expertox Laboratories, Deer Park, Texas

***Education about Phthalates***

Phthalates are toxic chemicals used in products such as nail polish, lotion, hair spray and other cosmetics, and are associated with birth defects and other health problems. The Foundation has joined a coalition working to have phthalates identified on product labels. Harmful effects accrue from the accumulation of phthalates in the body because of the use of multiple products containing them.

## WOMEN WITH DISABILITIES & ALLIES FORUM: LINKING ARMS FOR EQUALITY & JUSTICE FOR ALL

The forum, co-organized by NOW Foundation and the American Association of People with Disabilities (AAPD), convened women's rights and disability rights activists in October, 2003 in Bethesda, Md. The groups collaborated on many common issues, including politics and leadership, economic impact on women, and health and safety issues.

The 3-day forum featured speakers, workshops and panel discussions on topics including: political action, civil rights, health care, community-building, reproductive rights, economic empowerment and violence against women. Speakers included:

- Kim Gandy, NOW Foundation President
- Andrew Imparato, AAPD President & CEO
- Harilyn Rousso, executive director of Disabilities Unlimited Consulting Services and a member of NOW's Disability Rights Committee
- Ann Cody, vice president of B&D Sagemore
- Olga Vives, NOW Foundation Vice President-Education
- Marca Bristo, president and CEO of Access Living
- Kathy Martinez, director of the World Institute on Disability and a member of NOW's Disability Rights committee
- Karen Thompson, president of the Home Care Chapter (Local 99) of Service Employees International Union, Local 503 in Oregon
- Claudia Center, senior staff attorney heading the Disability Rights Program of the Legal Aid Society Employment Law Center
- Jan Erickson, NOW Foundation's Director of Public Policy
- Laurie Young, executive director of the Older Women's League
- Purna Shova Chitrakar, coordinator of the Ban Landmines Campaign, Nepal
- Beverly Frantz, project coordinator for the National Academy for Equal Justice for People with Developmental Disabilities at Temple University in Philadelphia, PA
- Pat Reuss, Senior Policy Analyst for NOW Foundation

The feedback on the conference was consistently positive, and AAPD would like to co-sponsor another conference with NOW Foundation in two to five years.

## GLOBAL WOMEN'S ISSUES

NOW Foundation, which sponsored the World March of Women 2000 in the U.S. is still networking with international organizers of the World March, and they have requested the Board's support for future plans. These plans include developing a Women's Global Charter for Humanity, a vision statement for a better world. Plans are also underway to assemble a global patchwork solidarity quilt, which could then be displayed around the world in conjunction with spreading the word about the Charter and women's visions for a better world.

## FAMILY AND MEDICAL LEAVE

NOW Foundation was *amius curiae* with the National Women's Law Center in a U.S. Supreme Court case that challenged the Family and Medical Leave Act (FMLA). A "new federalism" case, the state of Nevada argued that states should not have to comply with the FMLA (*Nevada Department of Human Resources v. Hibbs*). The Supreme Court had already ruled against state employees in cases involving the Americans with Disabilities Act and the Age Discrimination in Employment Act, so we were worried that their ruling would further decrease the rights of state employees. In the final analysis, the Supreme Court agreed that state employees are indeed protected by the FMLA.

## WOMEN AND THE MEDIA

### ***NOW Foundation Broadcast Project***

The NOW Foundation launched a Broadcast Project with several goals, including improving the image of women in the media, improving opportunities in the broadcast field, and addressing the problem of corporate control of the public airwaves, including the new digital broadcast spectrum of channels.

Through its website and publications, the NOW Foundation distributed information about lack of diversity in the media and problems caused by media consolidation.

### ***Equal Employment Opportunity (EEO) Rules in Broadcasting***

In March, NOW Foundation filed an Opposition to the State Broadcasters Associations' requests to further reduce or eliminate the search, recordkeeping and reporting requirement of the new EEO rules promulgated by the Federal Communications Commission (FCC), and the following month staffer Linda Berg traveled to the National Association of Broadcasters convention in Las Vegas to attend workshops on EEO.

During April and May, Berg and Secretary/Treasurer Terry O'Neill held a series of meetings with FCC commissioners to discuss the ownership rules, as well as the EEO rules.

In promoting stronger EEO rules, we have suffered legal setbacks in the wake of the *Lutheran Church* case, but have made some progress as well. When the FCC released the text of its new EEO rules, they incorporated many of our proposed requirements. Although the composition of the DC Circuit Court of Appeal will prevent an ideal EEO rule for some time, our proposals that were adopted by the FCC will provide some positive change for women and minorities seeking employment in the broadcast industry. The new FCC EEO rules require that broadcasters:

1. disseminate information on full-time vacancies,
2. notify organizations of full-time vacancies (by request), and
3. complete a number of specified community outreach activities.

Among new measures, broadcast stations with Web sites are required to post their EEO file, so the public can monitor the station's outreach efforts. The Foundation also

proposed that broadcasters be required to collect information on the referral source of each job applicant, interviewee and hire, although this proposal was not adopted.

We strongly argued that the EEO rules should apply to smaller stations, and indeed the FCC refused to exempt small stations from compliance. We also advocated that broadcasters be required to make on-air announcements of the public's right to be informed of job vacancies. Although FCC does not require on-air announcement, it stated that it expected broadcasters to make reasonable efforts to publicize the notification requirement.

The Foundation's greatest victory was our proposal to extend EEO outreach requirements to part-time positions. This extension would increase diversity in the workforce, since many women and minorities enter workforce through part-time positions. Expanding EEO to part-time positions would survive court scrutiny because it is absolutely race- and gender-neutral. As we made our rounds, speaking to the commissioners, even the most conservative commissioners were interested in our proposal. Since this proposal constitutes an expansion of the rules, the FCC has initiated a new rule-making procedure on the sole question of whether EEO should be extended to part-time employment.

### ***Opposition to Media Consolidation/De-Regulation by the Federal Communications Commission (FCC)***

At a May panel on the proposed de-regulation organized by Commissioners Jonathan Adelstein and Michael J. Copps, the NOW Foundation presented comments opposing the media ownership rules that were due for a vote June 2. NOW Foundation Secretary/Treasurer Terry O'Neill explained, "Women only won the right to vote in 1920. But that right is meaningless without exposure to a broad range of information — information that will let women know when their rights are at risk and allow them to make informed decisions about their future and the future of this country."

We strongly opposed the FCC's June 2 decision on a 3-to-2 vote to re-write the rules governing media ownership. "This is just another gift to huge conglomerates at the expense of local programming and diverse viewpoints," said NOW Foundation President Kim Gandy. "By the time most people realize what has been taken from the public trust, the consolidation will be complete and it will be too late to undo the damage. Congress must act now to protect free speech and freedom of expression. A.J. Liebling famously said, 'freedom of the press is limited to those who own one'—and this level of consolidation jeopardizes that cherished freedom in ways that would have been unimaginable even 20 years ago."

"Women and people of color already own less than five percent of broadcast media outlets," Gandy said. "and our media content is being filtered through five profit-driven corporate giants that care first and foremost about their own revenues and profit. The new FCC rules threaten to shut out women and people of color from top-level participation in the media industry and virtually eliminate local programming. Furthermore, the free marketplace of ideas will suffer as the already small number of independent voices in the media wither under concentrated ownership."

In September, NOW Foundation filed a petition for reconsideration of the Broadcast Ownership Rules.

### ***Watch out, Listen Up!***

The NOW Foundation organized the 2003 Feminist Super Bowl AdWatch after receiving numerous complaints about the prevalence of sexist advertisements on television. Dozens of monitors from across the country volunteered to watch the 2003 Super Bowl to review and grade a total of 75 commercials. The monitors scored the commercials in four categories: sexual exploitation, violence, diversity and social responsibility. Commercials were then ranked by score from one to 75.

The feminist monitors concluded that the advertisements offered no balance or diversity.

- More men than women were employed to act in the commercials, and much of the content of the ads was directed to the male viewer.
- Humor was clearly targeted to young men, exploiting women in order to make jokes.
- A number of ads featured exclusively male casts, while other had only one or two female characters.
- The large majority of movies advertised were violent, male-oriented action flicks.
- The ads did not feature or appeal to a wide age range, starring mostly young, thin and able-bodied actors.
- No ads featured women sports stars, compared with at least six male athletes.
- Male celebrity spokespeople outnumbered females as well, though by a smaller margin.
- Exploitative promotional ads for ABC programs and several of the “message” ads were manipulative and misleading.

On a positive note:

- A significant number of people of color appeared in the commercials this year, and that racial diversity was prominent in several ads.

The Feminist AdWatch concluded that while a significant number of people of color appeared in commercials this year, and that racial diversity was prominent in several ads, women still a way to go before attaining equality in television advertisements. AdWatchers felt strongly that beer commercials were among the most offensive.

“I would not drink a Coors or a Budweiser if it was the last beer on Earth,” one monitor said: “When it comes to these two companies, they seem to be in competition for which can create the most sexist, degrading ad.”

The NOW Foundation encourages television viewers to talk back to advertisers and be a Media Activist: "if your call or write the advertiser and the TV network every time you see an ad that offends you, we can begin to create an environment welcoming and positive for women and girls."

## REPRODUCTIVE FREEDOM

### ***"Stop the Rescue Racket"***

NOW Foundation established the "Stop the Rescue Racket" project to address anti-abortion terrorism and clinic violence, an effort vital to protecting the health of women. Since 1986, we have gathered information about the activities of anti-abortion groups and individuals and successfully lobbied for the creation of a Justice Department task force. That year, the Foundation's landmark case against anti-abortion terrorists, *NOW v. Scheidler*, was filed in Delaware.

### ***NOW v. Scheidler: Supreme Court values private property over women's safety***

On Feb. 26, 2003, in an 8-to-1 decision, the Supreme Court placed higher value on tangible property than on women's liberty. A woman's right to seek medical services from a clinic, and the clinic's right to provide those services (long held to be "property" and therefore protected under the law), is now under greater threat because the Supreme Court decided to protect only property that can be sold or traded.

The ruling overturned decades of case law, making that a banner day for criminal kingpins. The highest court in the nation ruled that you can shut down someone's business as long as you don't take possession of their property.

With that reversal, the Foundation went back to the trial court and to the Court of Appeals for a decision regarding the nationwide injunction that has protected clinics from violence for so long. The case is still pending in the 7th Circuit Court of Appeal.

NOW Foundation remains dedicated to the protection of women's legal right to abortion and birth control, and we are determined to ensure enforcement of the Freedom of Access to Clinic Entrances Act (FACE). But FACE has too many limitations and doesn't have an effective reach to stop organizers of the violence. We will use all resources at our disposal to see to it that religious and political extremists do not resume their reign of terror at women's clinics.

### ***Emergency Contraception & FDA***

In December, 2003, NOW Foundation President Kim Gandy testified in support of approval of over-the-counter availability of Plan B emergency contraception at a U.S. Food & Drug Administration (FDA) hearing, which was a Joint Meeting of the Nonprescription Drugs Advisory Committee and Advisory Committee on Reproductive Health Drugs. Despite overwhelming evidence, and the lopsided recommendation of both advisory committees, the FDA rejected over-the-counter availability of Plan B. NOW Foundation will continue to pursue availability of emergency contraception for women.

### ***NOW Foundation Launches Planning for Massive March on Washington***

In June, 2003, four of the nation's leading women's rights groups announced they would join forces to organize an historic march on Washington for reproductive freedom. Organized by the NOW Foundation/NOW Inc., Feminist Majority Foundation, NARAL

Pro-Choice America and Planned Parenthood Federation of America, the march would be held in April 2004.

"*Roe v. Wade* hangs by a thread," said NOW Foundation President Kim Gandy, "and rumored anti-abortion replacements on the Supreme Court could serve for the next 40 years. In other words, the reversal of *Roe* would last for generations, and the entire reproductive life of my 10-year-old daughter hinges on what we do in the coming year. NOW will be mobilizing women and men across this country to March on Washington for our mothers, for our daughters, and for ourselves - there will never be a more important time to stand up for women's lives."

During the late summer and fall of 2003, NOW Foundation officers and staff traveled extensively up and down the East coast, speaking on the threats to reproductive rights and organizing women to come to Washington to stand up for those rights. "The March for Women's Lives" will address the assaults on women's rights and lives, both nationally and globally, that restrict women's access to reproductive health services and limit women's ability to have a child or to end a pregnancy.

The March for Women's Lives quickly became one of the fastest growing sites on MeetUp.com, and by the end of 2003 there were over 570 organizations signed on to co-sponsor the March for Women's Lives. The groups represented a wide range of women's, civil rights, labor, lesbian and gay, disability, people of color, campus and religious groups, as well as health clinics and services providers. Unprecedented numbers of people from all walks of life are expected to mobilize in Washington, D.C. to have their voices heard.

## THE FEMINIZATION OF POVERTY

Public Policy and Welfare Rights Project staff provided education and community outreach on the issue of welfare rights, the challenges faced by women and children living in poverty, especially survivors of domestic violence, and the need for universal health care and quality, affordable child care to lift women out of poverty.

### ***Welfare: Ending Poverty as we know it***

NOW Foundation has been active in its efforts to bring attention to the plight of women on welfare, and the increase in women's and children's poverty since the welfare "reform" bill was signed by Bill Clinton in 1998. In 2003, we actively opposed efforts to reduce the amount of education available to welfare recipients, as well as the proposed increase in work hours (without even a corresponding increase in already-short child care dollars). We also opposed the marriage promotion campaign, which depleted badly needed funds from direct assistance and endangered women escaping domestic violence.

### ***Health Care: Future of Medicare at Risk***

In December, 2003, NOW Foundation President Kim Gandy called the passage of erroneously titled Medicare Prescription Drug, Improvement and Modernization Act of 2003 (HR 1), a cruel trick on older women. "Older women utilize more prescription medications and, on average, have less retirement income, they will face a new hardship when this legislation takes effect in 2006," Gandy said.

In fact, most older women, regardless of income, would lose under this regressive bill that forces radical changes in the successful and popular senior health insurance program that guarantees health care for every retiree. The Republican plan would partially privatize Medicare, enticing beneficiaries to join private, supposedly competitive, managed care plans and use "premium supports" (vouchers, really) to help them pay for prescription medication. And a large proportion of seniors who fall into a so-called "doughnut hole" will get no help with prescription drugs even though they continue paying monthly premiums. It is estimated that about half of seniors will have no assistance for their costs of medication for at least part of the year.

### **RACIAL & ETHNIC DIVERSITY**

The focus of this program is to educate community activists and the society at large on the concerns of women of color as they affect all issues addressed by the women's movement.

#### ***Affirmative Action***

The Foundation works to support affirmative action through public speaking, providing educational materials and participating in amicus briefs and other coalition efforts .

In June, 2003, NOW Foundation president Kim Gandy addressed Affirmative Action as part of a plenary panel at the Rainbow/PUSH annual conference, and in October she spoke at the University of Michigan in connection with that University's high-profile Supreme Court cases on affirmative action (*Gratz v. Bollinger* and *Grutter v. Bollinger*) which were heard by the U.S. Supreme Court on April 1. NOW Foundation was *amicus* in both of the cases and co-sponsored a rally at the court, along with Rainbow/PUSH and the NAACP, in support of affirmative action; Gandy spoke at the rally.

#### ***Women of Color and Allies***

As an ongoing part of our work in the area of racial and ethnic diversity, we network with many other organizations that address the issue of racism. Our public education and networking outreach includes an emphasis on how racism is interrelated with issues of sexism, homophobia, poverty and violence.

We are now preparing for a 2005 Women of Color and Allies Summit, which will address issues that are of key concern to many constituencies, with the goal of a combined agenda that will be pursued by many organizations working in concert.

NOW Foundation participated in the Voices of Civil Rights project sponsored by the Leadership Conference on Civil Rights and the LCCR Education Fund.

## **LESBIAN & GAY RIGHTS**

NOW Foundation is an educational resource for activists throughout the country on issues of homophobia, hate crimes, equal marriage rights, and lesbian family issues. Foundation staff participate in coalitions working on the health concerns of lesbians, domestic violence in lesbian relationships, extension of marriage rights and efforts to end hate crimes and employment discrimination against lesbians. In advocating for the prosecution of hate crimes based on sexual orientation, we educate the public about the homophobic and misogynistic Promise Keepers, a right-wing religious group.

### ***Hate Crimes***

NOW Foundation continues its efforts to inform the public about Hate Crimes based on gender, disability and sexual orientation, and the need to protect victims from these crimes by including these definitions in the federal law. NOW Foundation president Kim Gandy spoke at the University of Montana shortly after a local hate crime incident, and urged students to work to educate each other on the issues and teach tolerance for one another.

### ***Federal ANTI-Marriage Amendment: An Obstacle on the Path to Equality***

NOW Foundation opposed the effort to amend the U.S. Constitution to prohibit equal marriage rights. "The Constitution should be amended to extend rights to everyone and guarantee equal treatment, and should not be marred by institutionalizing discrimination," said NOW Foundation President Kim Gandy.

"Civil marriage is a legal right, not an ideological playground. It's not about what you believe or don't believe--this is about what is fair and just. Heterosexual couples don't have a monopoly on love, and shouldn't have a monopoly on marriage. My marriage won't be threatened or undermined by making civil marriage rights available to same-sex couples, and neither will anyone else's," said Gandy.

Heterosexual married couples are afforded more than a thousand legal protections and benefits in state and federal law which are inaccessible to committed same-sex couples. Benefits of civil marriage include access to health care and medical decision making for a partner and children, parenting rights, Social Security, taxation, inheritance and other government benefits, as well as the simple ability to pool resources to buy or transfer property without adverse tax treatment.

## EDUCATIONAL EQUITY

NOW Foundation submitted comments and joined many women's organizations in objecting strenuously to Education Department efforts to weaken Title IX, the 1972 law that affords girls and women equal opportunity in education and athletics. Fortunately, Gerald Reynolds, Assistant Secretary for Civil Rights, U.S. Department of Education determined, after an extensive fact-finding process, that the Office of Civil Rights (OCR) would not make changes to Title IX.

The NOW Foundation and women's rights allies in the education community believe the victory can be credited to an extensive campaign which effectively drove home the message "Leave Title IX alone." More than 106 national organizations sent expressions of support to the administration; tens of thousands of individual messages went to Department of Education opposing any change that would weaken the law.

The Department of Education's clarification, which is effective immediately, discourages schools from cutting sports teams to comply with Title IX, a controversial issue that arose in Jan. 2002 when the Wrestlers Association and four other athletic groups filed a lawsuit claiming that Title IX led to the elimination of 355 men's college athletic teams over the previous decade. In June, a judge held that the groups failed to prove that Title IX had done any damage and threw their case out.

## VIOLENCE AGAINST WOMEN

The NOW Foundation is committed to public education and policy advocacy directed toward eliminating violence against women, working with the National Coalition Against Domestic Violence and other organizations to emphasize the importance of full-funding for efforts to address violence against women.

NOW Foundation advocated defeat of the CLEAR Act, which would have put battered immigrant women in additional peril. That Act would have required state and local police agencies to take on the role of immigration agents, enforcing complex federal immigration laws.

Advocates for immigrant survivors of domestic violence, sexual assault, trafficking and other crimes committed against immigrant victims in the U.S. also came out in opposition to the bill. More than 100 organizations, including the National Coalition Against Domestic Violence, informed Congress that the CLEAR Act would endanger already vulnerable immigrant populations, particularly immigrant victims of domestic violence, rape and sexual assault, and their children.

As one of the organizations originally responsible for passage of the Violence Against Women Act (VAWA), we continue to advocate for full funding and authorizations for VAWA programs, and for additional legislation that would strengthen protections for battered women and survivors of sexual assault.

## CONSTITUTIONAL EQUITY

### *New Opportunity Welcomed to Gain Constitutional Equality for Women*

In March, 2003, The NOW Foundation welcomed an historic opportunity to renew a national dialogue on the need for a constitutional equality amendment. We commend the dedication of Representatives Carolyn Maloney, D-NY, Jim Leach, R-Iowa, John Dingell, D-Mich., Louise Slaughter, D-NY, and Sen. Edward Kennedy, D-Mass., and the nearly 200 co-sponsors of this legislation.

Women were not included in the Constitution at the founding of our country. Throughout the entire history of the United States, women have been purposely disadvantaged by the lack of a Constitutional guarantee of equality. We are all aware of decades of documented discriminatory patterns in employment, education, insurance, health care, Social Security and pensions, military service, the justice system and numerous other areas. Despite the fact that the 14th Amendment to the Constitution is frequently cited as a source of protection for women, that amendment was never intended as a prohibition against sex discrimination and does not provide equal protection for women. Painful experience within our judicial system— particularly over the last three decades— provides ample evidence that only a clear constitutional declaration will achieve the goal of equal protection for women and men.

Not only must an equality amendment provide protection against sex discrimination in the economic realm, but it must also be more robust. It must prohibit discrimination based on pregnancy or sexual orientation, and must protect the millions of women whose reproductive rights are being increasingly narrowed and denied. A new equal rights amendment must guarantee a woman's right to privacy and bodily integrity.

Women need a constitutional equality amendment to effectively counter efforts to weaken and limit civil rights and to diminish women's rights. We must stimulate debate among our elected representatives, women's rights advocates and the public-at-large on the meaning of equal protection for the sexes under the law. Passage of a strong constitutional equality amendment will assure that this most important advance in human rights is undertaken.

## NOW FOUNDATION NATIONAL BOARD, 2003

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**Karen Johnson**, Executive Vice President  
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**Dates, Times and Places of NOW Foundation Board Meetings in 2003:**

January 5, 2003 in Washington, DC

March 21, 2003 in Washington, DC

July 10, 2003 in Arlington, VA

October 18, 2003 in Bethesda, MD