



NOW Foundation

Annual Report 2004

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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 over five hundred affiliates across the country. The two groups share some staff and office space and have overlapping boards of directors.

The Foundation works 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 pregnancy discrimination, employment issues, discrimination against women in the military, sexual harassment and exploitation, lesbian and gay rights, civil rights, sex discrimination in insurance, 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 equal treatment of women and for a constitutional guarantee of equal rights under the law. We do this in many ways, including public speaking, conferences, seminars, training programs and educational materials. NOW Foundation also engages in voter empowerment programs designed to encourage women to register, vote, and stay politically active in their communities.

REPRODUCTIVE FREEDOM

March for Women's Lives

One of the most important projects of 2004 for NOW Foundation was our public education campaign conducted in connection with the March for Women's Lives, in Washington, D.C., on April 25. On that date more than 1.15 million people gathered on the Mall in the nation's capital to demonstrate their concerns about a possible reversal of *Roe v. Wade* and the continuing erosion of access to reproductive health care services. It was the largest mass march ever conducted, according to major news media reports. Some 1,400 women's, civil rights, health and religious organizations joined in organizing contingents for the March.

NOW Foundation was one of the official organizers of the March, and we were joined by many co-sponsors. We also worked to include many women of color organizations, and the Black Women's Health Imperative and the National Latina Institute for Reproductive Health joined us as official organizers.

For months leading up to this historic action, NOW Foundation staff, officers and allied organizations conducted an extensive outreach and public education campaign to alert all as to the impending threats to women's reproductive rights. Local organizing and information events were held in Vermont, Pennsylvania, New York, Maryland, Virginia, Massachusetts, New Jersey and other states; numerous visits were made to college campuses to spread the word about threats

to women's reproductive rights among young feminists and to encourage their participation in the March.

NOW Foundation officers focused on the loss of access to health care because of regressive legislation and policy at federal, state and local levels and urged the public to become more aware of the thin margin of support for *Roe* in the Supreme Court.

NOW Foundation President Kim Gandy was one of a select number of speakers at the massive rally held on the Mall following the March. Also, Nitche Ward, a young activist and organizer for women of color for NOW Foundation, was one of the speakers. Numerous celebrities, members of Congress and organizational leaders shared the platform to underscore their support of *Roe v. Wade*, better access to reproductive health care services and to contraception. Among those speakers were Ashley Judd, Madeleine Albright, Dolores Huerta, Dr. Dorothy Height, Julian Bond, Sen. Hillary Rodham Clinton (D-New York), Camryn Manheim, Cybill Shepherd, and many other prominent individuals.

Birth Control and Abortion

Earlier in the year, NOW Foundation President Kim Gandy spoke at a January 22 press conference with leaders of reproductive rights organizations commemorating the 31st anniversary of the *Roe* decision and stressing the fragility of the margin of support in the Supreme Court. The occasion also marked the introduction of the Freedom of Choice Act of 2004 (S. 2020/H.R. 3719) that would codify the *Roe* decision in U.S. statutes.

Advocates of family planning programs, including NOW Foundation, urged a repeal of the ban on U.S. funds for the United Nations Population Fund (UNFPA) which the Bush administration had adopted several years previously. Studies of the effect of reduced funding for reproductive health services in developing countries show that many poor women no longer have access to care.

Access to Emergency Contraception

On December 16, 2004, NOW Foundation President Kim Gandy testified on the need for over-the-counter emergency contraception before a joint meeting of the U.S. Food and Drug Administration's (FDA) Nonprescription Drugs Advisory Committee and the Advisory Committee for Reproductive Health Drugs. Gandy's testimony received prominent coverage in the New York Times and other major media. Linda Freeman (NOW-NYS) and members from New York and Florida were the only women to give personal experience testimony.

The advisory panels voted overwhelmingly to recommend that the Food and Drug Administration make the "morning after" pill available without prescription. An extensive public education campaign to support over-the-counter access for emergency contraception was carried on throughout the year, with action kits mailed to hundreds of activists and local groups. A decision by the FDA was expected in early 2005.

NOW Foundation also provided support in advocacy efforts for Congressional action to assure Emergency Contraception (EC) availability to rape victims. The legislation did not pass either the

House or Senate in 2004 and thousands of rape victims continue to face a serious risk of unwanted pregnancy as a result.

THE WOMEN'S HEALTH PROJECT

The Women's Health Project of the NOW Foundation focuses on educating the public about health concerns particular to women, especially the detrimental effects of tobacco, alcohol and fashion advertising on women and girls, and the danger of silicone gel breast implants. NOW Foundation continues to receive requests for two popular videos that were produced in previous years: *Redefining Liberation* and *Redefining Liberation II: Hollywood's Smoke and Mirrors; Women's Health at Risk*, which have been provided to women's rights advocates in all 50 states.

Love Your Body Campaign, 2004

October 20, 2004 marked the seventh annual observance of Love Your Body Day. The project provides the materials for activists, students and educators to address the topic of body image and the impact of advertising and is highlighted by a poster competition. The number of poster contest entrants swelled when the solicitation for submissions was forwarded on to other email address lists: some 3,564 poster suggestions were received by NOW Foundation, almost five times the previous year. Entries were sent from five continents, including the countries of Canada, Peru, Argentina, Germany, Italy, Ireland, Denmark, Sweden, India and Thailand.

Some 4,500 copies of the Grand Prize winning poster design were mailed to campuses and local groups. The Love Your Body Day coordinator, Bonnie Rice, reported that dozens of college events brought attention to Love Your Body themes.

Winning entries were posted on the web site, and the overall winning poster was distributed to the Board and was distributed at the NOW Annual Conference. Wendy Shanker, Jessica Weiner and Dr. Abby Aronowitz, who have authored three books on the issue, presented a Love Your Body conference workshop.

NOW Foundation Executive Vice President Karen Johnson noted to the NOW Foundation board that the Love Your Body web site contains materials on health issues that pertain to all women, regardless of age. Information about women and diabetes, women and incontinence, and the potential dangers of pthalates were added to the Foundation Women's Health Project web site.

Breast Implant Safety

In 2003, NOW Foundation co-sponsored a symposium on silicone breast implants, featuring presentations by researchers, clinicians and federal health officials. Out of that event, a publication, *Conclusions from Symposium on the Safety and Effectiveness of Silicone Gel-Filled Breast Implants*, indicated long-term risks to women's health from silicone breast implants that are not fully addressed in FDA clinical trials. Combining those findings with comments offered by members of the Food and Drug Administration panel reviewing a pre-marketing application from Inamed Corp, a silicone breast implant maker, NOW Foundation staff assisted in preparing a set of recommendations for the agency to guide future research on breast implant safety.

Those recommendations, submitted on April 5, 2004, Docket Number 2004D-0002, entitled "New Draft Guidance Document for Breast Implants," are also posted on the NOW website. The recommendations identified the need for lengthening the duration of clinical trials, providing for a more in-depth evaluation of rupture or implant failure, use of MRI scans to evaluate patients in clinical trials, evaluation of the differences between augmentation and reconstruction patients, intensive follow-up evaluations and especially of women in child-bearing years and of children born to mothers with silicone breast implants. The updated Guidance had not been adopted by the FDA as of December, 2004.

In October, 2003, Kim Gandy testified before an advisory panel to the FDA on the dangerous health risks of silicone breast implants; however, the advisory panel did recommend to the FDA that the implants be reintroduced on the market. In January, 2004, however, the FDA rejected the advisory panel's recommendation and requested additional safety data from the manufacturer, Inamed, in order to further review the company's application. Another company's request for approval will also be considered in the future.

Gandy and Foundation Public Policy Director, Jan Erickson, carry on much of the work on the breast implant project. Over the several years that NOW Foundation has been involved with the issue, many other women's organizations have joined in the effort to advocate for safe implants.

Dialogue on Sexual Health

NOW Foundation Executive Vice President Karen Johnson was invited by former Surgeon General David Satcher to serve on a consensus group on sexual health. The National Consensus Process is "an effort to elevate the nature and tone of the national discussion on significant issues relating to sexuality, sexual health and responsible sexual behavior, and more significantly, to have diverse people and organizations develop agreements on such issues." Johnson serves as one of the pro-choice, anti-discrimination advocates in the group, in stark contrast to representatives from right-wing groups like Concerned Women for America, the Family Research Council, Focus on the Family, and the Traditional Values Coalition. This consensus group is expected to continue meeting for several years.

WOMEN'S EDUCATIONAL EQUALITY

On January 15, NOW Foundation co-sponsored and produced a press conference to release a new report, entitled *A National Analysis of Diversity in Science and Engineering Faculties at Research Universities*, which documents how women are under-represented in the sciences on university faculties and that women still need Title IX. Despite the fact that women are earning significant percentages of doctoral degrees in the "hard" sciences, they are not being hired for tenured or tenure-track faculty positions. The study was undertaken by Dr. Donna J. Nelson, a chemistry professor at the University of Oklahoma

The result of the lack of tenure-track hires is a paucity of women and people of color in high-ranking faculty positions at the nation's top research universities in the fields of math, science, information technology and engineering departments. The survey was the first in-depth look at the national level on the status women and people of color in university faculty positions.

According to the findings, there are far fewer women in these faculties, even in disciplines where women outnumber men as Ph.D. recipients. The percentage of women who are full professors ranges from 3 percent to 15 percent – even though the percentages of Ph.D.s awarded to women is much higher. In the top 50 computer science departments, there are no African American, Hispanic or Native American women in tenured or tenure-track positions.

Later that day, Gandy moderated a standing-room-only Congressional briefing on the report's contents. Dr. Mae C. Jemison, former astronaut and a NOW Foundation Intrepid Award winner, spoke there (and at the earlier press conference) about the continued need for affirmative action in academia. Gandy thanked NOW Foundation's Public Policy Director Jan Erickson for her work to arrange the briefing and press conference.

A final challenge in this area was the announcement in March of the U.S. Department of Education proposed regulations regarding the establishment of single sex schools and classrooms – contrary to the goals of Title IX. NOW Foundation President Gandy decried the effort, stressing that "Any rule providing for the establishment of sex-segregated public schools or classes would expressly discriminate on the basis of sex." Prior to the adoption of the regulations, however, the Department planned to undertake a review of education literature on single sex education.

WOMEN'S CIVIC PARTICIPATION

Voter Registration Activities

NOW Foundation received a \$123,000 grant from America's Families United for our RENEW Project (Registration and Empowerment of New Women Voters). The purpose of the project is to identify, educate, register, and turn out the vote of underparticipating women, particularly unmarried women and women of color. Our grant application focused on a variety of states where women were particularly under-represented in the political process and in political participation, and America's Families United chose which states to fund. The original grant had asked for projects in six states, but there was not enough funding for the entire project.

The first targets of the project are Washington state and Illinois. In Chicago, NOW Foundation formed the Cook County Women Vote project with the goal of increasing voter registration among women of color. The workers on the project wore bright orange tee shirts with voting messages in both English and Spanish and registered voters at head start centers, community colleges, events, hair salons, public buildings, door to door canvases and on street corners. Two project teams went out each day, one speaking English and the other speaking Spanish.

In Seattle, Wash., NOW Foundation formed the Washington Women's Vote Project with the goal of registering young women, working women, women on their own and women of color. The project conducted registration activities at events in Pierce, Skagit, Whatcom (Lummi Nation), Thurston and King Counties. This project also conducted extensive phone banking and door to door canvases, and created 2 separate 30-second and 58-second versions of video and audio Public Service Announcements encouraging women to register to vote.

A second voter registration project coordinated grass roots voter registration efforts and worked to register voters in coalition with a number of other groups, including the Georgia Coalition for Black Women. There NOW Foundation registered more than 3,000 new African American voters in rural Georgia. A similar but smaller effort was undertaken in East Orange, New Jersey.

An Internet-Based Registration Approach – "10 for Change"

In 2004, NOW Foundation assisted in launching a non-partisan voter registration effort aimed at educating and informing women voters all over the country about the importance of voting.

Dubbed "10 for Change," the internet-based voter registration drive was launched at the April 2004 "March for Women's Lives" which brought over a million people to the mall in our nation's capital. Hundreds of volunteers circulated among the crowd wearing caps and aprons and signing up activists for the "10 for Change" effort

We used the gathering of pro-choice, pro-women marchers to enlist "Tensters" who promised to become savvy community organizers working to engage and mobilize the disenchanted and non-voters. Community leaders in every state promoted this web-based, interactive campaign to their friends and colleagues and the registration and mobilization effort was in full swing in May.

During the months leading up to the march, NOW's web team worked tirelessly to get the "10 for Change" website in place and ready for individual activists to learn the mechanisms of voter registration and to help familiarize them with the issues that progressive voters have identified as important factors in deciding their votes. The program allowed participants to advance through ten steps and win awards at the various steps.

A colorful brochure was produced and used by registration project participants to expand their own voter registration efforts and to coordinate with other like-minded groups who were also working to register and mobilize voters, including anti-violence, anti-poverty, civil, human and disability rights groups. Helpful tips, flyers, voter registration forms and issue briefs were available to be downloaded and printed for dissemination, especially in venues where people do not have access to computers or the internet.

Setting up the web site for this campaign was a complex project because it was the first time we developed a fully interactive web site. In addition to the functionality and design of the site, we drafted educational material for the site, edited and disseminated regular email updates to campaign participants, and designed a print brochure.

ECONOMIC ISSUES

Economic Justice

NOW Foundation carried out numerous public education activities concerning economic justice and ending poverty. Foundation staff provided information to activists about the minimum wage, as well as discussing the impact of tax and budget cuts on poor and low income families. Also,

the Foundation used the 2003 Census Bureau data to review the extent of poverty in the US. and found that rates of poverty among women and children had increased over the past year. This information was then used to analyze the staggering effect of the increased poverty on women since George W. Bush took office. It highlighted the fact that 300,000 women have lost their jobs since 2001, and that the poverty rate for single mothers rose last year from 9.5 to 10.2.

NOW Foundation also objected to new regulations from the Bush Administration that undermined the overtime pay that is essential for low income families to survive.

NOW Foundation supported a major anti-poverty rally in Washington D.C. on Sept. 4, and Kim Gandy was a featured speaker. This rally reminded the public and members of Congress that in 2004 poverty is still very much with us – despite the so-called successes of welfare "reform."

Another accomplishment of NOW Foundation was assistance in organizing an update for Congressional staff on problems with welfare policy and programs. The briefing was entitled "Turning Poverty Into Possibilities: A New Look At Welfare Reform," which was put on in cooperation with The National Council of Women's Organizations. This presentation reviewed various difficulties and failures reported from various states in their welfare reform program implementation, noting in particular the challenges faced by poor women under the Temporary Assistance to Needy Families (TANF) program.

On a related subject, NOW Foundation staff continued an earlier public education effort opposing "marriage promotion" programs and funding as part of TANF legislation. Opposition to these programs is important because these unproven and intrusive policies crowd out funding for more effective programs that provide education and job skills that allow women to become self-sufficient. Furthermore, many marriage-promotion plans are set up to enforce female dependency on men and exclude single and unmarried women.

The Temporary Assistance to Needy Families (welfare program) re-authorization passed with inadequate provisions for child care, but with billions of dollars for useless marriage initiatives and funding for fathers' rights groups. In June, NOW Foundation staff helped to organize a Senate briefing to make recommendations regarding the TANF program.

Social Security

A threat to the Social Security program became more apparent in 2004. It appeared that legislation to convert this successful social insurance program to a system of private accounts would be taken up soon in Congress. NOW Foundation continued to advocate for the proposed reforms we helped to draft as part of the National Council of Women's Organizations several years ago, while pointing out the flaws in pending proposals. Foundation President Kim Gandy co-chairs the National Council of Women's Organization's Task Force on Women and Social Security.

NOW Foundation President Kim Gandy spoke for women's interests in Social Security at a press conference in December, 2004, sharing the podium with a number of progressive organizations opposed to privatization. Gandy made it clear that privatization would harm women – who earn less because of pay discrimination and years out of the paid workforce caring for families.

Sex Discrimination in Insurance

State legislators and regulators routinely approve the selective use of sex to classify prices and benefits in five types of insurance: automobile, disability income, medical expense, life, and retirement income insurance. Men are falsely represented as disadvantaged relative to women in two of these: auto and life insurance. The higher premiums charged to women for the other three types of insurance are supposed to be balanced by these "disadvantages" for men.

NOW Foundation's Insurance Project currently focuses on auto insurance as a major validation of legalized sex discrimination and its demonstrably erroneous statistical basis in invidious stereotypes of women. To put an end to this harm it is necessary to confront myths, errors, and inconsistencies given support by some members of two scholarly communities: Risk and Insurance, and Law and Economics. Consequently, using NOW Foundation research on driver sex and accidents, Project Director Patrick Butler presented research papers on automobile insurance at three annual academic conferences in 2004: Western Risk and Insurance Association, ("Are Low-Income Drivers High Risk?"), American Risk & Insurance Association ("An Alternative To The High-Risk-Driver Theory"), and Southern Risk & Insurance Association ("Are Drivers of Uninsured Vehicles 'More Dangerous'?") These and related papers are available at the NOW-affiliated website www.centspermilenow.org as well as on websites such as the Casualty Actuarial Society and the U.S. Department of Transportation.

VIOLENCE AGAINST WOMEN

Expanding the Concern

NOW Foundation celebrated the 10th anniversary of the Violence Against Women Act (VAWA), by reviewing its inception, passage and numerous accomplishment. In 1994, VAWA brought the pervasive problems of sexual and domestic violence out of hiding into the midst of a national dialogue. The Foundation's work, along with the efforts of many allied organizations, helped make opposing domestic and sexual violence a national priority. Over the years, the billions of federal dollars allocated for VAWA led to a broadened range of services and counseling available to women who become victims of abuse. In 2004, NOW Foundation highlighted policy questions around the Violence Against Women Act, including the need for maintaining allocated funding for programs and services. VAWA is currently set to expire at the end of September 2005.

In 2004, NOW Foundation made a special effort to assure that voter registration activities were conducted at domestic violence shelters and rape crisis centers.

In the wake of the Scott Peterson trial which received exhaustive publicity, NOW Foundation staff undertook an effort to call attention to similar cases where pregnant women are injured or killed by their partners. We looked at the incidences of violence against pregnant women. *The Washington Post* conducted a year-long study survey of all 50 states and the District of Columbia to discover and expose the extent of murder and violence directed at pregnant women and new mothers in the U.S. Though the figures are undoubtedly understated, some 37 states together

reported that at least 1,367 such women had been murdered over a one-year period. Murder is the leading cause of death for pregnant women, with a high rate of the deaths involving firearms.

NOW Foundation staff analyzed and wrote about the violence against women in Darfur, Sudan, calling for an end to the genocide and rape. The story discussed the larger implications of war.: *“Conflicts affect women not just because of enemy violence, but also because of increased violence in the community itself. Under duress and feelings of helplessness, men may lash out violently against those around them, increasing domestic violence and marital rape.”*

NOW Foundation brought to public attention the importance of rape shield laws in light of the Kobe Bryant trial ongoing in Eagle, Colorado and of sexual assault cases at the U.S. Air Force Academy in Colorado Springs. Events surround the cases led to undermining of the state's rape shield law and the victim's privacy after the 19-year accuser in the Bryant case was denied protection and forced to answer questions about her sexual history. A larger erosion of rape shield laws across the country will strongly deter victims from pressing their legitimate claims. Air Force Academy officials were forced to reform procedures to better encourage and protect victims of sexual assault – although additional improvements in policy and procedures are still needed.

The NOW Foundation worked with the Boulder NOW chapter and Colorado activists to protest the “athletic sex scandal” that unfolded at the state's university. The NOW Foundation and Colorado State NOW called for the dismissal of a coach and athletic director and called for the independent panel to investigate the allegations.

In *Nicholson v. Williams*, NOW Foundation joined in an *amicus* brief to change the child welfare services agency policy in New York City, which was to remove children from mothers who have been victims of domestic violence on the grounds that they are permitting their children to be at risk. In an *amicus* brief in *James Edward Imes v. the City of Asheville* (NC), we joined the effort to protect women who are fired because they have been threatened with domestic violence in their workplaces.

RACIAL AND ETHNIC DIVERSITY

Since July 2004, NOW Foundation's involvement in diversity issues and with communities of color have multiplied. On July 10, Zenaida Mendez, Director of Racial Diversity Programs, participated at the Sister Song (women of color organizations reproductive justice coalition) meeting in Chicago. Sister Song is one of the few women of color organizations that are working to create a reproductive justice movement worldwide for women of color.

NOW Foundation Racial Diversity Project conducted public education and outreach leading up to our Women of Color Summit, set for early April, 2005. Efforts were made to draw speakers for that event from a broad variety of women of color organizations. Fall of 2004 was filled by numerous meetings with many organizations to line up speakers and attendees. Hopefully, the outreach and conference will serve as a powerful coalition building opportunity and lead to building stronger unity in a national movement

In addition, the Project was successful in implementing an outreach plan for the participation of more women of color for the April 25 March for Women's Lives. Many groups of women of color who do not traditionally participate were drawn into this massive event; groups such as Latina, African American, Asian Pacific Island and Native American women. To achieve this inclusivity, Project staff worked with offices and activists in New York State, New York City, Philadelphia, Boston, Washington, D.C., San Francisco, Oakland, Santa Barbara, Los Angeles, and in various other states.

In order to move toward our major goal to strengthen the infrastructure of NOW Foundation and to expand and provide programs that will bring together all women regardless of race, class, sexual orientation and income status, the Racial Diversity Project Coordinator has developed a model presentation entitled, Best Diversity Practices. The Project completed successful trainings in Illinois, Washington state, Rhode Island and New Mexico.

GLOBAL WOMEN'S ISSUES

NOW Foundation Executive Vice President Karen Johnson provided to the Foundation board materials from the World March of Women, outlining their plans for 2004 and 2005. In 2005, the March organizers will be traveling around the world with a Charter for Humanity to promote it and to gather quilt squares from at least 50 countries for a World Solidarity Quilt. On October 17, 2005 actions will be held around the world to draw attention to the Charter and the quilt. The web site <http://www.marchemondiale.org/en/> will provide updated information.

Advisory board member and former NOW President Eleanor Smeal reported to the Foundation board that Senator Barbara Boxer (D-CA) has introduced the "Afghan Women Security and Freedom Act 2004" (S. 2032). This act calls for direct funding for the Ministry of Women's Affairs, the Afghan Independent Human Rights Commission, and Afghan women's organizations, and calls for the expansion of international peacekeeping forces to intervene to stop human rights and women's rights violations. On January 4, a new Afghan constitution was adopted that contains equal rights for women and guarantees a certain number of seats in both houses of the legislature for women. However, the constitution does state that "in Afghanistan, no law can be contrary to the beliefs and provisions of the sacred religion of Islam" – a provision likely to cause future problems for women.

While the interim constitution of Iraq also provides equal rights for women and guarantees a percentage of representation in the bicameral legislature, the US-backed Iraqi Governing Council has placed family law under the jurisdiction of Islamic (sharia) law. This would be a major setback for women, who had more rights under Hussein. Women in Iraq are demonstrating in the streets against the family law provision. Smeal noted that the immediate issue facing women in both Afghanistan and Iraq is security because the streets are not safe.

LESBIAN RIGHTS

With the able coordination of Lisa Weiner-Mahfuz, the Lesbian Rights Project began in mid-year a renewed and intensified effort of outreach and public education. NOW Foundation Education

Vice President Olga Vives provided leadership for an extensive program designed to build public support and awareness of lesbian rights and to further promote equal marriage.

In July, the Constitutional amendment to ban same-sex marriage was defeated in the Senate, 48-50, with 67 votes needed to bring the amendment to the floor. But the measure was not taken up in the House; instead, the House moved forward with a bill to prevent judges from ruling to recognize gay marriages from other states. An extensive public education campaign was undertaken by NOW Foundation staff to emphasize that marriage rights for lesbian and gay men is a matter of human rights and Constitutional equality.

Another objective was to rebuild and strengthen relationships within the LGBT community and thereby build our ability to improve public education and outreach on LGBT issues. These activities further solidified partnerships with many national organizations working in the field

We have also been able to make more visible our commitment to a broad range of LGBT issues from marriage equality and transgender inclusion to lesbian, bi and transgender women's health issues. We have done this by being a presence in a wide range of coalitions as well as through developing basic resources and informational materials.

In the litigation area, below, note that in February, NOW Foundation joined in an *amicus* brief in Massachusetts in support of same sex marriage). After the Massachusetts Supreme Judicial Court ruled that denying the right of marriage to same-sex couples is a violation of civil rights and instructed the legislature to comply, the state senate asked the Court to clarify whether a civil unions bill would suffice. Our brief argued that it would not.

CONSTITUTIONAL EQUALITY

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. NOW Foundation continued efforts in 2004 to stimulate a dialogue about the lack of a constitutional guarantee of equality.

Women were not included in the protections guaranteed to citizens by 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 legal 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.

Women need a constitutional equality amendment to effectively counter efforts to weaken and limit civil rights and to deny 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.

LITIGATION

In February, NOW Foundation joined in an *amicus* brief in Massachusetts in support of same sex marriage. After the Massachusetts Supreme Judicial Court ruled that denying the right of marriage to same-sex couples is a violation of civil rights and instructed the legislature to comply, the state senate asked the Court to clarify if a civil unions bill would suffice. Our brief argued that it would not, and supports fully equal marriage rights.

The Foundation also signed on to two *amicus* briefs filed by Legal Momentum. In *Nicholson v. Williams*, we are trying to change the child welfare services agency policy in New York City, which was to remove children from mothers who have been victims of domestic violence on the grounds that they are permitting their children to be at risk. In the other case, *James Edward Imes v. the City of Asheville* (NC), we are seeking to protect women who are fired because they have been threatened with domestic violence in their workplaces.

PUBLIC POLICY EDUCATION AND ADVOCACY

As part of its core mission, NOW Foundation kept abreast of the many public policy issues of importance to women and provided information to local groups (through speeches, presentations, workshops and conferences) and on our website. We also presented oral and written summaries at the quarterly foundation board meetings. Reports were presented by NOW Foundation President Kim Gandy, Education Vice President Olga Vives and NOW Foundation Public Policy Director Jan Erickson.

Some of the issues on which NOW Foundation has actively engaged:

Legislation to force class action lawsuits into federal courts (which would limit the ability of many plaintiffs to be heard) easily passed a conservative-led Congress. NOW Foundation and other women's rights leaders voiced concern that moving all class actions to federal court would make it difficult for victims of sex discrimination and sexual harassment to get a fair hearing.

The House of Representatives passed a “bankruptcy reform” bill – legislation that would harm women seeking collection of back child support payments, and NOW Foundation endeavored to inform the public on the harm that would ensue from this change.

NOW Foundation researched and provided information about the Unborn Victims of Violence Act (H.R. 1997/S. 1019), which would seriously erode women's reproductive rights by elevating the status of the fetus, and establishing “fetal personhood” under federal law. At the same time,

it would not do anything to protect pregnant women from violence. The legislation, which passed the House, would have made it a crime to injure or kill a fetus in certain limited federally-related cases.

NOW Foundation co-signed a letter to Congress regarding a proposed decrease in the number of local offices of the Equal Employment Opportunity Commission. Such a move would likely force a buildup of backlogged cases and necessitate a reduction in the complaints that would be accepted for review.

NOW Foundation staff attended a Senate briefing, sponsored by Sen. Barbara Mikulski (D-Maryland), on Afghan women and contributed information on the continuing need for post-war reconstruction and assistance, especially for women and girls. In addition, Foundation efforts were made later in the year to inform the public on the importance of the Iraqi Women and Children Assistance and Protection Act, authored by Sen. Mikulski.

2004 NOW CONFERENCE

Continuing Education on Key Issues

NOW Foundation utilized the NOW Annual Conference, which is open to the general public, to further its public education and outreach activities. In 2004, the conference was held in Las Vegas, Nevada and many informative workshops were conducted, including ones which addressed women and AIDS and the promise of microbicides, ways women can promote affordable housing, next steps in preventing violence against women, exposing the disproportionate impact of drug policies on women and youth, the current welfare system and how it affects women's opportunities, countering attacks on reproductive rights and understanding emergency contraception. Special efforts were made to draw local women to the conference.

2004 INTREPID AWARDS GALA

Honoring Those Who Set the Pace

First launched in 2003, the annual Intrepid Awards Gala on September 9th was a resounding success. Several Board members spoke about the inspirational honorees: NOW Foundation is a co-sponsor of the event which is designed to call more public attention to outstanding women who are also strong feminists. Director of Major Gifts and Planned Giving, Liz Gilchrist, under the direction of Foundation officers, is most responsible for organizing this impressive event.

Those recognized were: Eve Ensler, playwright creator of the wildly successful "Vagina Monologues" and tireless campaigner on issues of violence; Dr. Bernice Johnson Reagon, singer, performer and civil rights activist best known for her *a capella* group, Sweet Honey in the Rock; Dolores Huerta, labor leader who helped to gain worker protections for immigrants and migrant laborers, and Lateefah Simon, an energetic and articulate 27 year who has developed an effective peer-mentoring program for young women and girls on the street, in the juvenile justice system and otherwise caught up in a cycle of poverty and hopelessness.

NOW FOUNDATION NATIONAL BOARD, 2004

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Olga Vives, Education Vice President
Terry O'Neill, Secretary-Treasurer

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September 2002 - August 2004

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Bonnie Grabenhofer, Great Lakes Region
Peggy Hall, South Central Region
Connie Hannah, Mid-Atlantic Regional Director
Loretta Kane, Mid-Atlantic Region
Latifa Lyles, Mid-Atlantic Region
Michele Coleman Mayes, Chair, NOW Legal Defense & Education Fund
Kris Moody, Northeast Regional Director
Carol Moseley Braun, Co-chair, NOW Advisory Board (beginning January 2004)
Janice Rocco, Southwest Region
Vanessa Salinas, Northwest Region
Megan Seely, Southwest Regional Director
Nina Selvaggio, Northeast Region
Galen Sherwin, Northeast Region
Eleanor Smeal, Co-chair, NOW National Advisory Board, The Feminist Majority
Bertha Smith, Southeast Region
Melanie Stafford, South Central Regional Director
Joanne Sterner, Southeast Region
David Stewart, Prairie State Region
Harriet Trudell, Southwest Region
Roberta Waddle, Southeast Regional Director
Gilda M. Yazzie, South Central Region
Cathy Zeman, Prairie States Region

September 2004 – August 2006

Toby Abrams, Mid-South Region
Kathleen S. Ahrens, Prairie States Regional Director
Kathy Austin, Mid-South Regional Director
Gina Austin-Fresh, South Central Region

Susan Bramlet-Lavin, Great Lakes Region
Janet Canterbury, Co-Chair, NOW Advisory Committee
Michelle Colon, Mid-South Region
Diane Dodge, Great Lakes Region
Melody Drnach, Northeast Regional Director
Judie Fortier, Northwest Region
Karen Godshall, Great Lakes Regional Director
Tobi Hale, South Central Regional Director
Sandi Johnson, Northwest Region
Austin S. Lin, Northeast Region
Latifa Lyles, Mid-Atlantic Regional Director
Michele Coleman Mayes, Chair, Legal Momentum
Gail Garcia McWilliams, Great Lakes Region
Kathy Miller, Mid-Atlantic Region
Kathryn Mitchell, Southwest Region
Carol Moseley Braun, Co-Chair, NOW Advisory Committee
Maria Plasencia, Southwest Region
Janice Rocco, Southwest Regional Director
Vanessa Salinas, Northwest Regional Director
Nina Selvaggio, Northeast Region
Eleanor Smeal, Co-Chair, NOW Advisory Committee
Bertha Smith, Southeast Region
Joanne Sterner, Southeast Regional Director
Erin Sullivan, Prairie States Region
Melinda Towne, Northeast Region
Duchy Trachtenberg, Mid-Atlantic Region
Harriet Trudell, Southwest Region
Elizabeth Volz, Mid-Atlantic Region
Ellen Willis, Southeast Region
Gilda M. Yazzie, South Central Region

Dates, Times and Places of NOW Foundation Board Meetings in 2004:

February 1, 2004 in Washington, DC
March 21, 2004 in Washington, DC
July 15, 2004 in Las Vegas, NV
September 11-12, 2004 in Washington, DC

Chief Administrative Personnel, 2004:

Kim Gandy, President
Karen Johnson, Executive Vice President
Liz Gilchrist, Director of Major Gifts & Planned Giving
Jean Knaack, Senior Financial Manager