

National Organization for Women Foundation

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National Organization for Women Foundation Annual Foundation Summary - 2010

Public Policy

Meeting with UN Special Rapporteur on Violence Against Women

Early in 2010, NOW Foundation participated in a roundtable discussion with the United Nations Special Rapporteur on Violence Against Women, the Hon. Rashida Manjoo, Esq., at a University of Virginia, School of Law, International Human Rights Law Clinic event. The foundation submitted a discussion paper that highlighted a number of aspects of violence against women that we believe needed to be better addressed. Our discussion paper can be found at

[http://www.nowfoundation.org/issues/violence/NOW%20Fdn%20Overview%20Special
Rapporteur.pdf](http://www.nowfoundation.org/issues/violence/NOW%20Fdn%20Overview%20Special%20Rapporteur.pdf)

Roundtable participants explored ways to advance policy and programs that help survivors of domestic and sexual violence. Topics included homelessness and economic security concerns of survivors, violence against Native American women and women in the military, violence against women in detention, gun violence against women and status of Violence Against Women Act programs and funding. Of special note, was the concern over declining funds for these critical programs as a result of the poor economy and few resources at state, local and federal government levels.

The Violence Against Women Act is to be re-authorized in 2011 and many fear that deep cuts will ensue because of House Republican leaders' promises to rollback federal spending to 2008 levels.

NOW Foundation Sends Gun Violence Report to U.N. Human Rights Council

Citing the prevalence of gun violence in the United States and the fact that women are more likely to be victims than men, the NOW Foundation submitted a report last fall for the Ninth Periodic Review of the U.S. by the U.N. Human Rights Council. **The Role of**

Guns in Perpetrating Violence Against Women in the United States, is an expansion of the discussion paper NOW Foundation wrote and submitted to the University of Virginia, School of Law, International Human Rights Law Clinic's Roundtable with the Special Rapporteur in February, 2010.

The later report, prepared by West Virginia NOW leader Dr. Christina Vogt, documents the correlation between violence against women and family members with readily available firearms. The report also suggests numerous initiatives that would reduce access to firearms by violent individuals. The paper can be read at:

<http://www.nowfoundation.org/issues/violence/Dec2010ViolenceReportUN.html>

The Working Group on the Universal Periodic Review issued its Conclusions and Observations in early November, including one comment that urged the United States to address violence against women and gun violence. Unfortunately, the comment came from a country not notable for its respect of human rights, the Islamic Republic of Iran. Many of the other comments in the Conclusions and/or Recommendations, issued in November, 2010, urged the U.S. to ratify the Convention on the Elimination of all Forms of Discrimination Against Women --even urging that the ratification be done with "no reservations."

Additional Conclusions and/or Recommendations urged ratifying additional human rights conventions and addressed the rights of immigrants, the death penalty, the International Criminal Court, among many others. Several recommendations urged the U.S. to establish an independent human rights institute at the federal level or an independent human rights institute to strengthen human rights implementation in all states. The Working Group Draft Report can be read at the link below and a final document is to be issued soon.

http://lib.ohchr.org/HRBodies/UPR/Documents/session9/US/A_HRC_WG.6_9_L.9_USA.pdf

Gender-Based Hate Crimes now In Law

Making it 21st year since NOW and NOW Foundation began working for adoption in the federal hate crimes statutes a provision against gender-based bias crimes, we are continuing efforts to help define what constitutes a gender-based hate crime. In February, 2010, we met with officials from an FBI data collection center to determine what sort of information they required in order to collect from local and state jurisdictions information about gender-based hate crimes. As many of are aware, the Matthew Shepard and James Byrd Jr. Hate Crime Prevention Act (PL 111-84) was signed into law on Oct. 28, 2009. In addition to adding to the federal criminal prohibition statutes the new categories of gender, sexual orientation, gender identity and disability, the law mandates collection of statistical data.

Towards that end, NOW Foundation is preparing a memorandum that offers definitions of what constitutes a gender-based hate crime. We are suggesting the following types of crimes be part of the definition of a gender-based hate crimes under the statute and be recognized in the arrest, prosecution and official crime reporting to the FBI:

Serial murder
Commission of a murder the course of battering
Serial battering
Serial rape
Death threats in the course of raping or battering
Gang rape
Aggravated assault, accompanied by expressions of hatred of women
Malicious harassment demonstrating gender hatred
Mutilation of victims which indicates gender hatred
Gender-specific epithets and acts that perpetuate stereotypes of women's
submissive roles
Attacks against a pregnant woman

In response to a request from FBI officials, we have collected several dozen cases which illustrate these vicious hate-motivated crimes against women and will include those in the memorandum.

This effort has been undertaken in concert with a Working Group on Gender, of the larger Hate Crimes Coalition, and has included organizations that focus on sexual orientation and gender identity, the latter covering hate crimes against trans-gendered persons.

Memorandum to Senate Judiciary Committee for Gen. Kagan Confirmation Hearings

NOW Foundation law intern Elizabeth "Libby" Skarin prepared an extensive memo concerning the legacy of Supreme Court Associate Justice John Paul Stevens which suggests a number of questions that should be asked of Solicitor General Elena Kagan in the confirmation hearings. Gen. Kagan was nominated by President Obama to fill the vacancy created by retiring Justice Stevens. She would be the fourth woman to sit on the highest court; two weeks of hearing are scheduled to begin June 28, with a full Senate vote expected at the end of July.

Questions to be posed relate to Gen. Kagan's judicial philosophy, her views on the role of precedent, whether the Constitution guarantees a right to privacy, whether restrictions on abortion should include a broad exception for a woman's health, what constitutes "undue burden" on a woman seeking an abortion, whether she believes that gender-based classifications require at least a heightened form of scrutiny, how broad does she believe that Congress' legislative powers are under the Commerce Clause of the Constitution, whether the right to privacy applies to intimate, private relations, regardless of the sexual orientation of the acting individuals, whether she believes that the law thus far has adequately addressed concerns of racial equality and many other critically important questions that may come before the Court.

The Memorandum with cover letter was delivered to members of the Senate Judiciary Committee on June 22. The Memorandum can be read on the NOW Foundation website, <http://www.nowfoundation.org/issues/judicial/stevens-kaganbackgrounder.html>

Defending Social Security and Striving for Improvements

NOW Foundation has worked on Social Security and older women's economic security issues for decades. In the late 1990's we helped to produce a report with other member organizations of the National Council of Women's Organizations (NCWO) about how Social Security could be improved to better meet the retirement needs of women. We were instrumental with numerous other progressive organizations and labor unions in halting efforts to privatize Social Security. We thought with the election outcome in 2008 that the threat to Social Security would be history. But the prospect of a presidential commission to address the federal deficit by cutting benefits under entitlement programs, the issue was been raised again in 2010.

We are working with an even larger and highly motivated coalition of liberal and progressive organizations, think tanks and unions to oppose any effort to reduce the federal debt by cutting Social Security, Medicare and Medicaid. NOW Foundation's work centers around public education about the importance of Social Security to older women's economic security.

Major Project Launched - A considerable amount of time and attention has been devoted over the past several months to coalition work, press conferences and rallies as well as Congressional briefings on Social Security. Though this organization has worked on older women's issues for many years and more intensively on Social Security over the past 15 years, the current focus is to assure that no benefit cuts are made that would harm women. As many women's rights activists know by now, President Obama's National Commission on Fiscal Responsibility and Reform developed a set of recommendations on how to reduce the national debt. Of course, Social Security has *absolutely nothing* to do with the national debt, but this heavily conservative commission is using it as an excuse to trim --and potentially end -- Social Security. Some would say to "back-door" privatize the program.

Stealth Attack on Social Security - The appointment of such a commission, including two co-chairs with long histories of opposing Social Security and a majority of conservative members, is a poorly advised move. Co-chairs are Alan K. Simpson, former Wyoming Republican senator, and Erskine Bowles, a wealthy individual and former Clinton administration White House advisor. The commission met in secret most of the time, with only a few public meetings, and planned to issue its recommendations *after* the November elections. In order for the commission's recommendations to be made public and for Congress to consider them for an up or down vote, 14 of the 18 members were supposed to vote in the affirmative. That vote failed, but Simpson and Bowles released their preliminary recommendations and that report contains many features that would seriously undermine retirement benefits across the board. One recommendation would increase the official retirement age from 67 to 69 -- resulting in a substantial benefit cut.

U.S. retirement benefits under Social Security are quite modest in comparison to other industrialized nations and with an \$6.6 billion in unfunded pension obligations looming, we should be increasing --not decreasing -- benefits.

Resource Materials Available - In conjunction with two other broad coalitions, we are working to spread the word that NO benefit cuts should be made to Social Security. One of those coalitions, **Social Security Matters** which has been organized by OWL (incidentally, an organization originally spun-off from NOW!), has prepared a set of materials and a DVD as part of an extensive public education effort and is available to anyone to download and view at www.socialsecuritymatters.org The coalition has also authored an important White Paper, **Raising the Retirement Age Is Dangerous**; read this at

http://www.socialsecuritymatters.org/Resources_files/WhitePaperRetirementAge.pdf

Raising Retirement Age is Wrong - Social Security Matters organized a briefing in the U.S. House of Representatives in early August to provide information to House staff members, NGOs and the public to discuss the many problems with raising the retirement age to 70. Among the listed concerns are several prominent facts 1) jobs for older workers are becoming increasingly scarce; 2) physically-demanding jobs are not easy for older workers to maintain; 3) jobs in difficult working conditions (retail, nursing, repetitive manufacturing tasks, etc.) are also not easy for workers to continue doing until age 70; and, 4) employment discrimination against older workers is still a serious problem, with age discrimination claims increasing in recent years. Additionally, it was stressed that raising the retirement age to 70 amounts to a substantial cut in benefits. Another rumor that is circulating indicates that the commission will recommend slightly increasing benefits for lifetime low-income earners (they already receive a progressively higher benefit to compensate) and a cut for everyone else!

O'Neill Speaks Out - NOW Foundation President Terry O'Neill moderated the House briefing and informational materials were widely distributed to House members' offices. On July 29, O'Neill spoke at a press conference launch of another coalition, Strengthen Social Security, where she stressed that many older women depend exclusively on their Social Security income because a substantial number of women do not have pensions and have not had sufficient income during their paid working years to save and invest. Additionally, she said that the Fiscal Commission really should direct its attention to the real causes of the deficit: two unfunded wars, tax cuts for the wealthy and an economy 'run off the cliff' by Wall Street.

Wall Street Has A Role - Another public event was held on Sept. 21 where O'Neill spoke about concerns that the fiscal commission is a stealth effort to eventually privatize Social Security that would benefit large financial institutions. Target of this event was fiscal commission co-chair Erskine Bowles who negotiated a deal with then House Speaker Newt Gingrich (R-Ga.) during the Clinton years (only to have the deal fall through when the Monica Lewinsky scandal erupted). Bowles is a board member with investment giant Morgan Stanley, recipient of \$10 billion in TARP funds. The role of banking and investment houses that led to our economic crisis and in backing the attack on Social Security was highlighted.

Anniversary Press Conferences - Mid-August saw a number of press conferences and town hall meetings organized around the 75th anniversary of the creation of Social Security and the 45th anniversary of Medicare. NOW activists in Arizona (Olga Vives, former NOW V-P and Cindy Guerra, former NOW national board member) and New York (Linda Stephens in Rochester, NY) and Florida (former NOW national president

Patricia Ireland) organized press conferences with invited members of Congress to talk about how important Social Security is for women.

Stephens reported that NOW folks held a joint press conference/birthday party with a local Single Payer Insurance advocates to celebrate the anniversaries of Social Security and Medicare in front of the federal building in downtown Rochester and talked about the threats to both programs. With about 35 people present, organizers served a birthday cake and handed out leaflets and attracted both television and newspaper coverage.

In Florida, Ireland reported, "We sent out 3 news releases leading up to the event, which generated advance radio coverage. We invited representatives from SEIU, the local AFL-CIO and the United Teachers of Dade. Dade NOW and Spanish-Speaking NOW chapter activists met with both the legislative director and deputy chief of staff of the teachers union. We showed the video, distributed materials and made plans for our campaign, including outreach to other organizations, public education, lobbying and media. We have met since then to follow up and are moving forward with implementation of the plans."

Senate Briefing Held - NOW and NOW Foundation organized a repeat briefing on the retirement age problem, this time for the Senate on Sept. 9. Terry O'Neill moderated the presentations, consisting of nearly the same line-up of researchers from OWL, Economic Policy Institute, Center on Economic Policy and Research and the National Committee to Preserve Social Security and Medicare (NCPSSM). Dr. Heidi Hartmann, President of the Institute of Women's Policy Research (IWPR), and co-chair with NOW of the Older Women's Economic Security Task Force, National Council of Women's Organizations, presented at this briefing. NCPSSM discussed polling data which show that the vast majority of the public does not believe that Social Security has anything to do with the deficit and that the retirement age should *not* be raised. Most expect that they will depend upon Social Security income to supplement their retirement years' income.

Disability Rights Committee Submission Accepted

A professional paper prepared by the NOW Disability Rights Advisory Committee/ NOW Foundation in late 2010 was accepted for the 2011 Barbara Waxman Fiduccia Papers on Women with Disabilities. The subject of the NOW DR committee document was "Reproductive Health Justice for Women with Disabilities." Contents included a Reproductive Health and Rights Disparities Overview, Health and the International Framework; Inequalities in Access to Sexual Health Education & Prevention; Forced Sterilization and Reproductive Justice; and, a Women' with Disabilities' Health Resource Bibliography and Toolkit. A link to the paper will be posted on the NOW Foundation website when it is available on the Barbara Waxman Fiduccia Papers' website.

NOW Foundation Objects to Inclusion of Phony Disorder in DSM-V

NOW Foundation submitted a letter in April to the American Psychiatric Association's Childhood and Adolescent Disorders Working Group presenting our views about a proposal to include as a recognized psychiatric disorder called by its proponents, the Parental Alienation Disorder (PAD), to the Diagnostics and Statistics Manual-V (DSM-V). We believe that the so-called disorder is primarily a courtroom tool used to

disadvantage mothers in child custody challenges. Several respected legal and judicial professional associations have advised against the admissibility in court of the so-called disorder. Our letter to the APA working group is summarized as follows;

It is the mission of our organization to advocate for the rights of women, and for many years we have witnessed the abuse of women in family courts accused of this "disorder." Its central premise is that accusations of physical or sexual abuse of children that arise during divorce or custody disputes are always (or nearly always) false -- yet empirical evidence is utterly lacking for such a claim.

We must ask whether an apparent and alarming increase in the numbers of minor children killed by fathers in situations involving child custody challenges, visitation or child support is linked to the accusation of parental alienation, resulting in the abusive parent being granted custody or increased visitation. The alienation accusation has frequently been used by abusive parents to gain custody; and many more children may be placed at serious risk if the proposed subject disorder is given professional recognition in the DSM-V. We therefore object to any formal consideration of the proposed subject disorder and firmly oppose its inclusion in the DSM-V.

The fact that two prestigious legal and judicial professional organizations have stated in their publications that the proposed subject disorder should be inadmissible in court should be sufficient indication that incorporation of the alleged disorder in the DSM would be without justification.

Acceptance of this supposed disorder into the DSM has been promoted by so-called fathers' rights groups, many of which are well-funded and politically active, but do not have the best interests of the child as their primary objective in custody determinations. Nor do they respect the critical importance of valid, peer-reviewed scientific research findings in identifying what is a psychological or psychiatric "disorder." Rather their goal is to raise the credibility of what is in reality often a false accusation that becomes a weapon against a protective parent in child custody disputes.

We believe that if the proposed subject disorder is added to the DSM-V it will be given an undeserved credibility as it is used unfairly against protective parents -- usually mothers -- in the courts. Frequently, the accusation of alienation figures into child custody cases when there is documentation that a parent -- usually a father -- has been sexually and/or physically abusive, sometimes of the children as well as the mother. In many cases, the accusation of alienation has been deployed as a tool of intimidation. Over the past two decades, the National Organization for Women and many of our chapters have received hundreds of calls from women who have been subjected to what can be termed a "scorched earth" strategy of courtroom tactics to wear them down financially and emotionally and who have been accused of the false alienation "disorder." There is a pattern here which strongly indicates that a network of activists, lawyers and even some court personnel have instructed one another on how to deploy this accusation as a tactic to disadvantage protective mothers seeking custody.

To read the entire letter go to

<http://www.nowfoundation.org/issues/family/PADLetrFinal4-13-10.pdf> Later in the year we learned that the DSM-V working groups have postponed completion of the revision and updating of the Diagnostics and Statistic Manual until 2013.

2010 Annual Conference

The Foundation's work over the first six months of 2010 was dominated by preparations for the National NOW Conference. The foundation co-sponsors the annual conference with the National Organization for Women.

Twenty-two workshops were organized for the event and featured numerous presentations addressing the conference theme of Loving Our Bodies, Changing the World. Over 70 workshop presenters covered subjects such as "After Health Reform: Addressing Women's Access and Organizing for a Single-Payer Solution", "Politics 2010: Tea Parties, Racism and Anti-Abortion Rights "Feminists" and "America, the Beautiful: Are We Obsessed with Beauty?"

A sterling list of plenary speakers were featured, including Susan Douglas, author of "Enlightened Sexism: The Seductive Message That Feminism's Work is Done," and Dr. LeRoy Carhart, the courageous doctor who has stood up to violent anti-abortion rights activists to continue providing second and third trimester abortions. Dr. Carhart has challenged in court both state and federal bans on this medically-safe and often life-saving procedure.

Other distinguished speakers included Kim Bottomly, president of Wellesley College; Amb. Carol Moseley Braun, former U.S. Senator and ambassador to New Zealand and Samoa; Sonia Chang-Diaz, Massachusetts State Senator; Irasema Garza, President of Legal Momentum; Amy Goodman, author and host of Democracy Now!; Lois Herr, Congressional Candidate Pennsylvania District 16; Silvia Henriquez, executive director of the National Latina Institute for Reproductive Health and Woman of Action honoree; Kierra Johnson, executive director of Choice USA; Dr. Paula A. Johnson, executive director of the Connors Center for Women's Health at Brigham and Women's Hospital; Kilolo Kijakazi, program office at the Economic Opportunity and Assets Program at the Ford Foundation; Adrienne Kimmell, foundation and political director for the Barbara Lee Family Foundation and Political Office; Stephanie Poggi, executive director of the National Network of Abortion Funds Priti Roa, executive director of the Massachusetts Women's Political Caucus; Loretta Ross, co-founder and national coordinator of the Sistersong Women of Color Reproductive Health Collective Woman of Vision Honoree; and, U.S. Rep. Niki Tsongas, representing Massachusetts Fifth District.

Massachusetts Governor Deval Patrick and Boston Mayor Tom Menino addressed the conference as well.

This year NOW Foundation bestowed its first annual Victoria J. Mastrobuono Women's Health Award to the most deserving recipients: the founders of The Boston Women's Health Book Collective - a group of forward-thinking feminists who published in 1973

the ground-breaking "Our Bodies, Ourselves." This book radically transformed the way that women thought about their bodies and their health and forced a change in the relationship between women and their health care providers. Translated into many languages and updated through succeeding decades, 'Our Bodies, Ourselves' became one of the most important tools of women's self-empowerment. The Mastrobuono award is made possible through a generous gift to NOW Foundation.

Annual 2011 Conference Preparations Underway

In late 2010, NOW Foundation began to focus more intently on planning for our annual conference, June 24-26, in Tampa, FL. The foundation coordinates preparations for workshops at the conference and has proposed that a somewhat different approach be pursued for a number of the workshops. A theme that relates to imagining, describing and inspiring feminist activists about a better world we would all like to see has been proposed. Approximately 10 to 12 workshops will be devoted that theme with discussions around such topics as expanding the Family and Medical Leave Act, paid leave, universal availability of affordable child care/pre-school/kindergarten, comparable worth/equal pay, more funding for programs to prevent violence against women and aiding survivors, stiffer gun control laws, lower costs of postsecondary education, universal affordable health care, constitutional equality amendment, accessible and stigma-free abortion care, etc. Conference organizers plan to conduct extensive outreach to enhance activist involvement in the planning and workshop presentations. Solicitation of workshop proposals from the general NOW membership and public will be made as well.

Women's Health Project

NOW Foundation Love Your Body Campaign

Each year we select the best posters that call into question the commodification of women's bodies and the relentless emphasis in all media of an unrealistic standard of female beauty. At the same time, the foundation encourages schools and local groups to plan events that emphasize natural ideals of beauty and healthful living. To view the 2010 poster winners, go to

<http://loveyourbody.nowfoundation.org/posters/contest-2010/index.html>

Litigation Report

NOW Foundation Signs on to Amicus Brief in *Doe v. Vermillion Parish*

On June 4, NOW Foundation signed on to an amicus brief filed by the National Women's Law Center (NWLC) in the case of *Doe v. Vermillion Parish*. The brief is urging the United States Court of Appeals for the Fifth Circuit to overturn a lower court ruling regarding single-sex education in a public school in Louisiana. The case, brought by the ACLU, is a challenge to a public school's use of single-sex education based on discriminatory gender stereotyping. The NWLC's brief to which NOW Foundation joined argues correctly that the lower court applied the incorrect standard of review when it

found no constitutional violation based on the school district's lack of intent to cause harm. The lower court erred in its analysis, which should properly include an application of heightened scrutiny with an underlying "exceedingly persuasive" justification for the school board's sex-segregation; in this Equal Protection Clause analysis, intent is entirely irrelevant. NOW Foundation agrees with NWLC's view that single-sex education is based upon impermissible gender stereotypes, and has adverse effects on the quality of education in primary and secondary schools. It is expected that the Fifth Circuit Court of Appeals will overrule the lower court's decision.

NOW Foundation Signs on to Amicus Brief Defending Health Care Reform Act

NOW Foundation signed on to a brief filed by the Center for American Progress which argues that the individual mandate in the health reform law is necessary to ensure individuals with pre-existing conditions will be protected and not discriminated against. The Center for American Progress filed this brief in a Virginia case challenging the health care law, *VA v. HHS*. The brief highlights the failures of several state programs that did not have an individual mandate, and explains the devastating impact of pre-existing condition restrictions on women, particularly in regards to insurance coverage of costs related to childbirth and domestic violence. Plaintiffs in this case are attempting to argue that Virginia's insurance-related law preempts the federal individual mandate; the brief asserts that under the Supremacy Clause of the United States Constitution, no such preemption would take place. The brief asks the court to dismiss the plaintiff's motion and uphold the individual insurance mandate.

NOW Foundation signs on to Brief in ACLU Case Against AZ Immigration Bill

NOW signed onto a brief filed by Legal Momentum in connection with recent ACLU litigation; the ACLU suit seeks to invalidate Arizona's immigration bill, SB 1070. The brief highlights the impact of the Arizona law on immigrant women and immigrant victims of violence against women. The brief explained how the Arizona law disproportionately impacts immigrant women by undermining their legal rights as victims of crime, such as domestic violence, sexual assault, child abuse, and human trafficking. The ACLU's case, *Friendly House et al. v. Halliday et al.*, argues that the Arizona law unlawfully interferes with federal power and authority in violation of the United States Constitution; that the law invites racial profiling in violation of the Constitution's equal protection guarantee and the guarantee against unreasonable searches and seizures; and that the law infringes on the free speech rights of day laborers in Arizona.

Flores-Villar v. United States - Citizenship and Differential Treatment Case

This fall, the Supreme Court will be hearing *Flores-Villar v. United States*, a case that challenges a federal law that imposes different requirements for the acquisition of citizenship for a child born outside the United States to unmarried parents when only one parent is a U.S. citizen, depending on whether the citizen parent is the mother or the father. NOW Foundation signed onto an *amicus* brief, prepared by the National Women's Law Center, in support of the petitioner that will argue that the law violates the Equal Protection Clause of the Constitution.

The brief argues that the challenged provision is unconstitutional, because it assumes and perpetuates gender stereotypes about the roles that unmarried mothers and unmarried fathers play in their children's lives—stereotypes that harm mothers, fathers, and children. The government's argument that the differential treatment of U.S. citizen mothers and fathers is substantially related to ensuring that children are not stateless ignores the fact that in the multiple countries where citizenship flows from the father, and not the mother, the residency requirements will in fact render the children of some unmarried fathers stateless, by making it impossible for the father to pass on his citizenship."