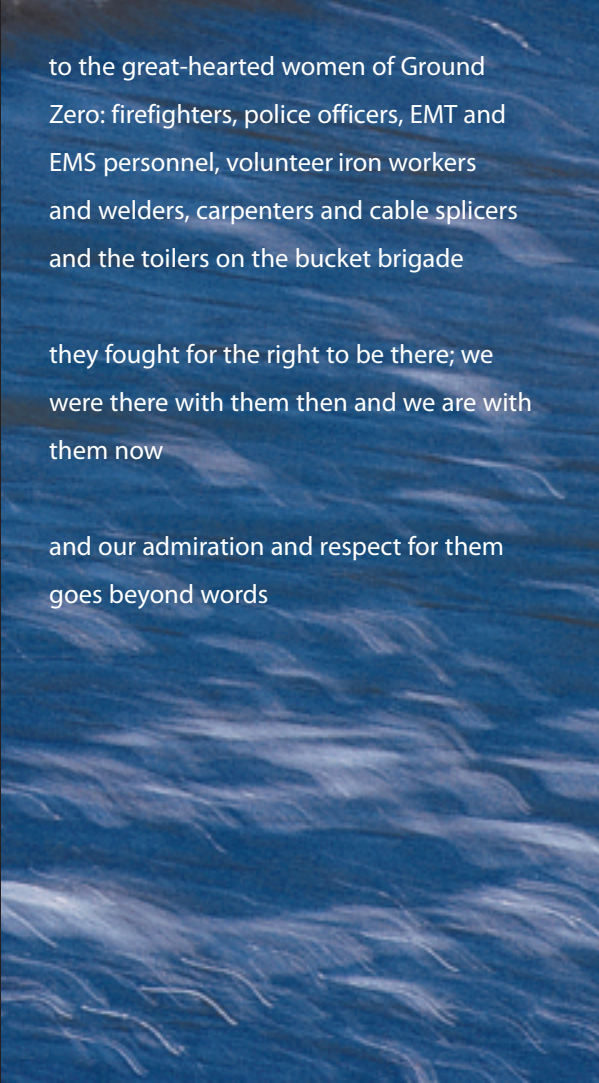


holding
fast

fast
forward



to the great-hearted women of Ground
Zero: firefighters, police officers, EMT and
EMS personnel, volunteer iron workers
and welders, carpenters and cable splicers
and the toilers on the bucket brigade

they fought for the right to be there; we
were there with them then and we are with
them now

and our admiration and respect for them
goes beyond words

Dear Friends,

It's a simple proposition. Women's civil rights and our right to full participation in society are not political issues, and they're not negotiable. In the face of a rising tide of conservative reaction, much of our work this past year has been holding fast to those rights, won — many by NOW Legal Defense — over the past four decades. One of the major threats we are facing is an expanding litigation challenge to our federally guaranteed civil rights, a campaign in which the conservative faction in our society is deeply engaged.

Because the world is an increasingly complex place, we are at the same time facing, and taking on, new challenges. Fast forward. A drastic shortage of child care, of any quality, at a time when almost three quarters of all American women with pre-school children are in the workforce. The specter of tens of thousands of people, mainly women with young children, coming to the legally mandated end of their welfare benefits in a contracting economy.

And of course the almost overwhelming task of rebuilding America, not just the World Trade Center area, but the economic infrastructure that affects all our citizens, and the challenge of putting all of our citizens to work on making that happen. We cannot afford to bar half of America from the tables where the decisions on how and when and why we rebuild are made. And we will not allow half of America to be barred from a fair

share of apprentice training programs in the trades and good jobs in expanding industries, nor from the thousands of contracts that will create a new downtown Manhattan. We are determined that women will be there to help rebuild America. Our country deserves no less.

While we plan how to take on these new challenges, we take heart from the successes of this past year. With the Association of the Bar of the City of New York, we co-sponsored the new annual Ruth Bader Ginsburg Distinguished Lecture on Women and the Law. Dean Kathleen Sullivan of Stanford University School of Law brilliantly delivered the first lecture and an admiring Justice Ginsburg was there. The second Ginsburg Lecture will be delivered on December 13, 2001, by Madeleine Albright.

Our Legal Director, Martha Davis, argued before the U.S. Supreme Court in the case of *Tuan Ahn Nguyen v. Immigration and Naturalization Service*, taking on one of the few federal laws that still discriminates on the basis of sex, in this case penalizing men because of tired stereotypes about the differences between mothers' and fathers' relations with their children. We argued with skill and commitment, but lost by the now too familiar one-vote margin. Nevertheless we are undaunted — legislative approaches are in the works.

Years of tenacious effort by our public policy staff and our New York based lawyers resulted in the reauthorization of the Violence Against Women Act, at twice the original funding level — more than three billion dollars — a remarkable achievement. And we launched several new programs: a

blue ribbon corporate task force to work on child care issues; Employment Rights for Survivors of Abuse (ERSA), an innovative and extraordinarily successful program to help deal with the workplace impact of domestic violence; and the Federalism Project, an effort, generously funded by The Open Society Institute and The Ford Foundation, to craft strategic new responses to the growing conservative effort to use the courts, including the Supreme Court, to rewrite the Constitution and strip Congress of its powers to create and protect national civil rights for women and marginalized groups.

It's been quite a juggling act. Holding fast. Fast forward. But we've made it, and we're proud of our record of accomplishment. This next year undoubtedly will be harder. Tighter money. Harsh pressures. Competing demands. Indecisiveness caused by fear and uncertainty. War and recession. Dissent over priorities. But with your support we're going to make it through again; we are going to become stronger and better.

Count on it because so many are counting on us!

Sincerely,

Kathy Rodgers
President

Michele Coleman Mayes
Chair of the Board



Working Through Abuse

The ERSA Program

The workplace can be perilous for victims of domestic violence. It's a place where a woman can be easily tracked down and harassed, and often is. For her batterer, a woman's job and income mean she is no longer under his control.

Employment Rights for Survivors of Abuse (ERSA) aims to help abused women fight for their employment rights. NOW Legal Defense created the project in 1998, realizing that the workplace is a key — but often overlooked — site where legal advocacy can help battered women escape and survive violence. Employers are often unaware of or choose to ignore these women's rights as employees, and thereby deny them the economic support they need to leave and stay out of a violent relationship.

Problems arise because of the physical and psychological consequences of domestic violence and the need for time off to deal with matters ranging from a change of locks to court appearances. The result is too often double victimization.

Unemployment insurance is a basic safeguard for employees. Yet in a recent ERSA case, the New York Department of Labor had denied unemployment benefits to a woman domestic violence victim on account of "misconduct." Her offense? Taking time off to retain

custody of her children, cope with her husband's harassment by means of legal maneuvers and obtain mental health services. Representing her in appeals before an administrative law judge, a NOW Legal Defense staff attorney argued that a recent amendment to the state's labor law made voluntary leave — and by extension absences — for circumstances related to domestic violence a "good cause," justifying the award of unemployment insurance benefits. The judge reversed the Labor Department's determination.

Our ERSA staff work directly with abused women, who often contact us through NOW Legal Defense's Public Education and Outreach Helpline, as well as with their employers and human resource officers. They conduct practical "know your rights" sessions for abused women and their advocates. They train and provide technical assistance to attorneys, service providers and union representatives. And when all else fails, they represent clients in legal proceedings.

ERSA fact sheets are widely distributed and duplicated throughout the country, in print and downloaded from the nowldef.org Web site. Many of these resources are available in Chinese, French, Hindi, Korean, Russian, Spanish, Tagalog and Vietnamese as well as English.

NOW Legal Defense firmly believes that women and employers benefit when women can keep their jobs and escape violence. Win/win is the best result.

Tiffanie Alvera's Story

Tiffanie Alvera's story, an example of evicting the victim, has a bizarre Alice in Wonderland quality. In 1999 she was battered by her husband. The police came; her husband was arrested and ultimately convicted. Home after hospitalization, Ms. Alvera followed the standard advice given domestic violence victims: she obtained a restraining order and cut off all contact with her husband. She even gave the apartment manager a copy of the order.

Two days later Ms. Alvera was served with an eviction notice that read: "You, someone in your control, or your pet, has seriously threatened immediately to inflict personal injury or has inflicted personal injury, upon the landlord or other tenants," boilerplate for her landlord's "zero tolerance" of violence policy. As often happens, it was applied to the innocent party, not the batterer — who clearly was not in her control.

NOW Legal Defense represents Tiffanie Alvera as co-counsel in *U.S. and Alvera v. The C.B.M. Group et al.*, the first legal challenge of "zero tolerance" applied against a victim of domestic violence. This July we brought suit for sex discrimination under the federal Fair Housing Act and Oregon common law — supported by overwhelming evidence that the vast majority of intimate partner victims are female and the batterers male.

The case was filed in federal district court with the U.S. as plaintiff and Ms. Alvera as plaintiff-intervenor. The apart-

Battered wife fights for justice



Geoffery Boehm of NOW Legal Defense and Education Fund tells a Portland news conference that the federal government and the ACLU have filed a federal lawsuit on behalf of Tiffanie Alvera. At right is another lawyer, Ellen Johnson. Pictured above is the newspaper article as it appeared in *The Daily Astorian*.

ments are federally subsidized housing. An investigation by the U.S. Department of Housing and Urban Development found reasonable cause to believe that C.B.M., the management company, had engaged in sex-based discriminatory housing practices in violation of the Fair Housing Act.

The potential impact of this case is enormous. HUD and the Department of Justice have already affirmed that the Fair Housing Act prohibits sex-based discrimination in housing against victims of domestic violence.

A favorable decision for Tiffanie Alvera would be a victory for the many women who have lost a roof over their heads at a time when they are trying to start a new life.

NOW Legal Defense Educates

A Selection of Workshops, Conferences and Speeches



celebrating 30 Years of Women in/Women and the Law," a conference co-sponsored by the Association of the Bar of the City of New York, November 15, 2000.

"Working Towards Policies that Recognize and Support Mothers," Capitol Hill, May 10, 2001.

"Welfare Reform After Five Years — an Overview," Capitol Hill, May 18, 2001.

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"Challenges Battered Immigrants Face When Seeking Help to End Domestic Violence," sixth Annual Advocacy in Action Conference, NM.

Crime Victims Reparation Commission, Albuquerque, NM, May 3 and 4, 2001.

Employment Rights for Survivors of Abuse (ERSA) Training for Non-Residential Domestic Violence Service Providers, New York, NY, May 10, 2001; and for the Asian Pacific Labor Alliance, May 19, 2001.

"Legal Rights of Battered Immigrant Women," Annual Conference of the Florida Coalition Against Domestic Violence, Jacksonville, FL, May 14, 2001.

"Domestic Violence and Violence Against Women Act (VAWA) Training and Capacity Building for Community Based Mentors," Líderes Campesinas Training, Arvin, CA, June 1-3, 2001.

"Working with Underserved Populations of Battered Immigrants," Violence Against Women Office of the Department of Justice, Washington, DC, June 4 and 5, 2001.

"Brzonkala and Federalism," Columbia Law School, New York, NY, June 7, 2001.

National Judicial Education Program Training Presentations, "Gender Fairness in the Courts: Action in the New Millennium," and "Understanding Sexual Violence: Prosecuting Adult Rape and Sexual Assault Cases," Osaka and Fukuoka Bar Associations and Working Women's Institutes, Japan, June 18-28, 2001.

"The Nexus of Child Abuse and Battering in Immigrant Latino Communities," American Professional Society on the Abuse of Children National Colloquium, Washington, DC, June 20, 2001.

"Violence and Employment," Massachusetts Governor's Commission on Domestic Violence, Boston, MA, June 25, 2001.

"Working With International Victims of Violence — Part I: Immigration Issues" and "Part II: Protection Orders, Access to Domestic Violence Service and Public Benefits," California Coalition Against Sexual Assault National Conference, Boston, MA, June 27 & 28, 2001.

Policy Central



Dauntless and indefatigable, our Washington, D.C.-based public policy staff are at the heart of our efforts to shape legislation and regulations that advance women's equality. This year they orchestrated the reauthorization of the Violence Against Women Act, a huge achievement. VAWA 2000 was signed into law on October 28, authorizing \$3.3 billion to stop violence against women, more than twice the funding of the original Act.

After an almost two-year effort, we had marshaled tremendous bipartisan support for the bill, which passed in the Senate with a 95-0 vote and in the House with a vote of 371-1. We helped draft the Act, including provisions affecting battered immigrant women, and coordinated the lobbying efforts needed to ensure passage.

The new VAWA comes with a new definition of domestic violence, one which recognizes the problem of date rape, and provides more money for sexual assault and rape prevention education, shelter services and the national domestic violence hotline. It also includes funding for transitional housing, services for women with disabilities and sophisticated research efforts.

VAWA is legislation that will save women's lives and we are enormously proud of our role in making it happen!

On another front, our public policy professionals have been putting in double time on the prospective reauthorization of Temporary Assistance for Needy Families (TANF), the welfare law. We remain convinced that the original law

succeeded in doing more to get women off welfare rolls than to keep them off. We're determined that this won't happen again.

For well over a year we have been leading the BOB Coalition, for Building Opportunities Beyond Welfare Reform. We're working with the Coalition on five areas deeply embedded in current welfare reform legislation: child care; employment, education and training; issues affecting immigrants; reproductive health and family privacy; and anti-violence. We have been struggling with these same issues for years on behalf of all women. If we allow the perpetuation of these forms of discrimination for women in poverty, all women will be diminished.

With the current conservative climate in the halls of Congress, this will not be easy, but we're committed to stick with it until we have a law that actually helps women out of poverty.

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Senator Joseph Biden speaks at a press conference for the reauthorization of VAWA. Pictured are NOW Legal Defense staff members Leslye Orloff, Senior Staff Attorney and Director of the Immigrant Women Program (second from left), Jackie Payne, Policy Attorney (fifth from left), and Pat Reuss, Vice President and Director of Government Relations (right, behind Senator Biden).

Reaching Out

Every month NOW Legal Defense and Education Fund's Public Education and Outreach Department receives hundreds of requests for legal advice and assistance from individual women and their attorneys across the country and around the world. We also field calls for help from legal services organizations, domestic violence service providers, guidance counselors, state and federal legislators and their staff members, community groups, and media of all types.

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While we are not a legal services organization in the traditional sense, Public Education and Outreach allows us to provide a unique service to people in legal need. A call to PEO can lead to a referral, one of our legal resource kits, basic information or advocacy efforts to help women secure legal and non-legal remedies for their problems. Over the past year the department has also played a pivotal role in the implementation of our ERSAs (Employment Rights for Survivors of Abuse) Program, serving as the point of entry into what has become one of our most heavily used services.

NOW Legal Defense's Public Education and Outreach Helpline is open for business Monday through Friday from 9:30 AM until 1 PM (EST). The Helpline can be reached at (212) 925-6635 or by email at PEO@nowldef.org. Helpline services are free, and available to all who need them.

The story of Marisol X is a good illustration of what PEO can do. This last spring our Helpline received an influx of calls from Latinas in the Bronx who had been threatened with sanctions by New York City's welfare program, Begin Employment Gain Independence Now (BEGIN). A Spanish-speaking member of the PEO staff took the calls and discovered that the women all had special needs children for whom they were unable to find appropriate child care. And since they couldn't leave their children alone, they were unable to fulfill their welfare-to-work requirements. Marisol X, one of the women with whom we worked, has four children, two of whom are chronic asthmatics needing special attention and frequent visits to hospital emergency rooms. She tried diligently but unsuccessfully to find appropriate child care and reported her efforts to her caseworker who responded by telling her she would be sanctioned. After our intervention with the Bronx welfare officials, Marisol and the other women were granted exemptions from their welfare work requirements, allowing them to provide their children with the care they need.

Making Our Mark

Educating for Social Change



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NOW Legal Defense and Education Fund is proud of the breadth and the quality of its publications program. Always solid, often scholarly, sometimes provocative, our publications extend our reach and magnify our message.

Tammy Auer's Story

New York City takes the peculiar position that participants in welfare-to-work programs are not employees, and therefore not entitled to Title

VII federal protections against employment discrimination. Our client, Tammy Auer, found this out the hard way.

As part of New York City's Work Experience Program, Tammy Auer was assigned to clerical work for the Department of Sanitation in Staten Island. For over a year and a half she endured virtually daily sexual harassment from her supervisor, the Assistant Borough Superintendent. He asked her to go on vacation with him. He asked her to move in with him. He told her they could make a "beautiful baby" together. He called her into his office and demanded that she turn around in circles so he could see what she was wearing. He touched her against her wishes. It never stopped.

Ms. Auer attempted to get redress through the city's official complaint channels. The result? She was transferred to another work site but the harassment continued as the Assistant Borough Superintendent had authority over that

site as well. She eventually quit and in November 1998 filed a discrimination charge with the Equal Employment Opportunity Commission. After investigation, the EEOC found that New York City had violated Title VII. And in May 2001 the United States sued New York City for that violation.

Tammy Auer is one of four Plaintiff-Intervenors in *United States v. City of New York*; we represent her as co-counsel with a local Staten Island attorney. As a matter of law as well as of policy we feel that we are on strong ground. And as a matter of precedent we feel that it's vital to establish that welfare clients like Tammy Auer have the same civil rights as the people working next to them doing the same job.

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Children and Poverty

Coming Together to Make a Difference

Sometimes the magnitude of a problem dictates highly strategic action. Responding to exactly that kind of reality, NOW Legal

Defense established a collaborative partnership with two highly respected national organizations, The Welfare Law Center in New York and The Child Care Law Center in San Francisco. Each of the three organizations brings distinctive experience, knowledge and perspective to bear on the issue of child care for children in low income families. Working in California, Illinois, New York and Texas, we aim to increase local advocates' knowledge of the issues and improve the quality and delivery of child care services for poor families.

Our initial efforts have focused on identifying the issues peculiar to each state and creating a project work plan.

We have already started developing state-specific materials for California and Texas. We are holding meetings in each of our target states to work with local child care providers, advocates, parent groups and other interested parties to develop advocacy agendas and legislative targets. The first was held in California in July of this year. It worked. Among other positive outcomes the California conferees began a state child care advocacy network which has the promise of exponentially increasing their reach and effectiveness.

Issues we have already targeted include licensed exempt care in Texas and Illinois, and New York's child care subsidy program.

The work of the Child Care Collaborative has been made possible by four generous funders: The David and Lucile Packard Foundation, The John D. and Catherine T. MacArthur Foundation, The Annie E. Casey Foundation, and the A.L. Mailman Family Foundation. We are extraordinarily grateful to them for making this innovative three year project possible.

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From left to right: Deena Loonin of the Children's Defense Fund, NOW Legal Defense Senior Staff Attorney Sherry Leiwant and Eve Hershcopf of the Child Care Law Center speaking at the Collaborative's California Childcare Conference.

Child Care

The Issue of the Future

And the future is today. Over 60% of women with children under the age of six work outside of the home and need child care. But there is very little available. And what little high quality child care there is comes at a dauntingly high price. For many families child care costs are second only to rent or mortgage payments in their monthly budgets. This is, simply, no longer tolerable.

We are committed to push for universally available and affordable child care, for every American family that wants

or needs it. This problem crosses class lines and we believe its solution needs to cross class lines, too.

One of our first steps in what we foresee will be a long term campaign has been formation of a highpowered Corporate Task Force on Child Care. Its members, all senior women corporate executives, have come together out of the business community's serious bottom line need for a competitive work force, which by definition requires more stable high quality child care. The goal of the task force is to expand corporate involvement with child care and influence policy makers to support serious child care initiatives.

NOW Legal Defense thanks the pioneer participants in the Corporate Task Force on Child Care: Bear Stearns, Bristol-Myers Squibb, Colgate-Palmolive, JPMorganChase and Merrill Lynch.

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Planning for the Corporate Task Force on Child Care are Ina Drew, Managing Director of JPMorganChase and member of the of NOW Legal Defense board, and Nicole Brown, NOW Legal Defense Policy Attorney.



Ruth Bader Ginsburg, speaking on the occasion of the first Justice Ruth Bader Ginsburg Distinguished Lecture on Women and the Law, co-sponsored by NOW Legal Defense and The Association of the Bar of the City of New York in November, 2000.

“Who will take responsibility for raising the next generation? Women will only have true equality when men share with them the responsibility of bringing up the next generation.” Justice

National Judicial Education Program

Twenty Years of Promoting Equality

The most venerable of NOW Legal Defense's initiatives, The National Judicial Education Program to Promote Equality for Women and Men in the

Courts celebrated its twentieth year with youthful zest and two well-deserved birthday presents. The Violence Against Women Office of the Department of Justice awarded NJEP \$1,000,000 to continue its ground breaking work on the Understanding Sexual Violence curricula for judges and new versions for prosecutors as well. In addition, The Atlantic Philanthropies made a \$250,000 grant to update NJEP's 1989 publication *Promoting Gender Fairness Through Judicial Education: A Guide to the Issues and Resources*.

The live version of the sexual violence curriculum for judges was presented with highly favorable reviews in Iowa, Mississippi and Michigan. But the big news in this area was completion of the final self-study video version of *Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Cases*: a video binder holding three tapes, with total running time of four hours, and a self-study guide as well as an instructor's binder and manual. This impressive product allows judges to gain the benefits of the curriculum at any time that's convenient for them, not just once a year during formal judicial training sessions. And the demand for it is such that even after several reprints it's almost impossible to keep it on our shelves!

The NJEP team completed the in-person prosecutors' curriculum, in collaboration with APRI, the American Prosecutors Research Institute. After two full-fledged pilot

presentations and editing to reflect the pilot evaluations, we were set for wide distribution of hard copy of the final curriculum as well as publication on the national Violence Against Women Office Web site. The next step? A prosecutors' video library of the curriculum in several print chapters with companion one-hour videos.

NJEP finally published the 250 page *Gender Fairness in the Courts: Action in the New Millennium*, a strategies manual that reflects the collective wisdom and experiences of the participants in the Maximizing our Gains Conference, held in January 1999, a group of ten of the most effective, geographically diverse Gender Bias Task Force Implementation and Standing Committees. Their agenda: to recognize successes, and to acknowledge and plan to overcome barriers. The purpose of the manual is to help all Gender Bias Task Forces and their allies as they continue the long, hard struggle to end gender bias in the courts.

In January NJEP started the revision of *Promoting Gender Fairness*, a 200-page guide to nearly sixty substantive and procedural areas of the law in which gender bias has been a factor. Project Attorney Liz Vrato is spearheading this effort with help from a group of students from the University of Pennsylvania Law School Public Service Program.



In his introduction to the NJEP training video *Understanding Sexual Violence*, Judge Michael Keasler of the Texas Court of Criminal Appeals states that, “This curriculum is not about convictions or acquittal, about judges becoming advocates for rape victims, or about judges becoming prosecutors. It is about the fact that rape myths impugn the integrity of the trial process.”

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Breaking New Legal Ground for Immigrant Women

For too many women, the choice between risking their lives and staying with an abuser or going hungry and even homeless, is a daily, and impossible, struggle. For immigrant women living with domestic violence this is often compounded by separation from family and friends, ethnic discrimination and language and cultural barriers.

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A recent study reported the painful reality that more than two-thirds of battered immigrant women trapped in abusive relationships identified lack of money as the biggest obstacle to leaving an abuser. Victims grapple with the knowledge that by leaving their abuser they may expose themselves and their children to economic hardship, isolation, and in some cases deportation.

The second year of the Immigrant Women Program intensified our determination to tackle this problem. Our most notable success was reauthorization of the Violence Against Women Act in October 2000, including strong protections for immigrant victims of domestic violence and other crimes. The IWP team was responsible for significantly expanding the legal rights of women and children, helping more women file for legal immigration status without their abusers' cooperation as well as helping them access public benefits.

Since reauthorization, we've made a major push to train advocates and service providers about the new provisions. We are working with the INS on how best to implement the new VAWA U-Visa to protect immigrant crime victims. We also coordinated an effort to draft memoranda discouraging INS and border patrol officials from issuing subpoenas and conducting raids or other enforcement actions at domestic violence shelters — actions which threaten the security and federal confidentiality protections of battered women.

We scored another major victory for undocumented women who need emergency shelter and transitional housing. Today, no federally funded shelter or housing program may turn away a woman fleeing abuse, regardless of her immigration status. We are also working with the offices of Senator Hillary Clinton (D-NY), and Representative Sander Levin (D-MI) on the Women Immigrant Safe Harbor Act (WISH Act), which would eliminate the current five-year bar on access to public benefits for qualified battered immigrants who need those services to help them escape abuse.

It was an extraordinarily busy year, and a fruitful one.

Immigrant Women Program's staff attorneys Cecilia Olvarria and Leslye Orloff (second and third from left) after a training session with the women of Líderes Campesinas.



Programs like our Farmworker Women's Domestic Violence Advocacy Project help us get our work to some of the women who need it most. Working with Organización en California de Líderes Campesinas, the only statewide farmworker women's organization in the nation, we helped develop a power base for battered farmworker and battered immigrant women. Through grassroots outreach, we expand the recruiting and leadership training successes of Líderes Campesinas, with an emphasis on advanced political advocacy training — a crucial component of effective anti-violence activism.

Following the training provided by NOW Legal Defense, Líderes Campesinas staff and members are working to collect all the documents needed for Fulana and her children to apply for VAWA protections.

Fulana's Story

Fulana was only thirteen when Sutano, who was seventeen, seduced her, kidnapped her and raped her. Pressured by her parents in her hometown of Cuernavaca, Mexico, Fulana was forced to marry Sutano, who regularly mistreated and battered her and their eight children.

The family immigrated to the United States ten years ago. Sutano became a legal permanent resident, but refused to legalize his family. The oldest of Fulana's sons, who died at the age of 16, would beg his father to help the family legally immigrate. Sutano always refused, preferring instead to control his family by limiting their freedom and threatening them with deportation.

The terror that Sutano inflicted on his family was brutal. At one point neighbors called the police after hearing screams and cries coming from the home. Sutano was arrested and received a restraining order. But this provided little protection for Fulana and her children, as Sutano moved only doors away. In September, he violated the order of protection, broke into Fulana's house and began beating her. She called the Sheriff's department, but the officers didn't respond. Fulana then called a Líderes Campesinas member, who, acting on her behalf, called the officers and demanded that they help Fulana. Sutano fled the scene and still has not been found. Fulana and her children continue to live in fear of the day he returns.

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Reproductive Rights

NOW Legal Defense's commitment to women's reproductive rights has been a lynchpin of our program for decades. While we carved out strong and widely respected leadership in the niche area of clinic access, our concern has always been more widely based. The stakes are clearly getting higher.

In 2000 NOW Legal Defense played a critical role in three Supreme Court cases which successfully:

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stopped a Charleston, South Carolina hospital from doing warrantless drug tests on indigent pregnant women and turning the results over to police without the patient's consent (*Ferguson v. City of Charleston*),

upheld the right of a state to create buffer zones around reproductive health clinics and patients entering the clinic, to protect them from the dangers and harassment of anti-choice protesters (*Hill v. State of Colorado*), and

by a one vote margin struck down Nebraska's overreaching partial birth abortion statute which in fact would have made illegal abortions clearly protected by *Roe v. Wade* and *Planned Parenthood v. Casey* (*Stenberg v. Carhart*).

And we've been in state court too. Representing over thirty thousand mothers and children, NOW Legal Defense is co-counsel in a class action in New Jersey state court, challenging the state's Child Exclusion Law, denying welfare benefits to children born to mothers receiving welfare. Our challenge, *Sojourner A. v. New Jersey Department of Human Services*, is based on the New Jersey constitution's equal protection and right to privacy clauses. NOW Legal Defense firmly believes that reproductive choice works both ways — choice to bear a child as well as choice not to bear a child. The case is ongoing.

One final example. For more than ten years Randall Terry, head of the now defunct Operation Rescue, and other anti-abortion extremists have been using every legal tactic they can to avoid paying hundreds of thousands of dollars in judgments against them for their illegal protest activities. Most recently they've moved to bankruptcy court to get out of their legal obligations. But we're determined not to let them succeed in their evasive actions.

The Federalism Phenomenon

There's a movement afoot to rewrite the Constitution of the United States. The justices of the Supreme Court, in case after case, are telling us that the Congress, our elected federal representatives, does not have the power to enact national solutions for national problems. Congress' powers to legislate are being gutted, and our civil rights seriously threatened.

We were thrust directly into the center of this imbroglio at the end of last year when the Supreme Court ruled the Civil Rights remedy of the Violence Against Women Act unconstitutional. We had written the remedy, and argued the dispositive case on it, *U.S. v Morrison*, before the Court. Disregarding a mountain of evidence considered by Congress over four years, the Court declared that violence against women was a local, not a national issue, and that Congress had overstepped its bounds.

The civil rights of women, the disabled, workers over forty and members of racial and ethnic minorities — all are becoming victims of this extremely dangerous trend, a twenty-first century reversion to the philosophy of states' rights. The Supreme Court has, in short, appropriated to itself a legislative function never envisioned by the framers of the Constitution and at the same time severely restricted Congress' ability to legislate.

The Board of Directors of NOW Legal Defense and Education Fund, increasingly concerned about the implications of this movement, determined to mount a sophisticated program of legal and public education strategies to combat it. We approached The Open Society



"By a single vote margin, the Supreme Court is slowly eviscerating the ability of Congress to pass needed national legislation on a range of subjects. They have already invalidated an unprecedented number of legislative enactments including several concerning civil rights, labor laws, gun control and the environment. The Supreme Court's neo-federalism represents nothing less than radical reactionary restructuring of the American system of government."

**Isabelle Katz Pinzler
Special Counsel and Director, Federalism Project**

Institute and The Ford Foundation which shared our concerns and stepped up to the plate with funding for the first eighteen months of the program. And we hired Isabelle Katz Pinzler, formerly head of the women's project of the ACLU and acting Assistant Attorney General for Civil Rights during the Clinton administration, to run it.

We have been consulting regularly with law professors, colleague organizations and other legal experts. We co-sponsored a public Conversation on Federalism at Albany Law School. We have become involved in several key Supreme Court cases, including *Alexander v. Sandoval* and *Solid Waste Agency v. United States Army Corps of Engineers*. And we have mounted an active public education campaign with our President, Kathy Rodgers; our Legal Director, Martha Davis; and Isabelle Katz Pinzler mobilizing audiences across the country to the very real threat of the New Federalism.

Its proponents are not going to give up easily. Nor is NOW Legal Defense.

NOW Legal Defense Meets the Media

CNN, 1/3

Martha Davis taped an interview with CNN reporter Charles Bierbauer regarding *Nguyen v. INS*.

C-Span, 1/16

Aired news conference featuring Kathy Rodgers regarding opposition to the nomination of John Ashcroft for Attorney General.

CNN, FNC, NPR, 1/16

Aired clip of news conference featuring Kathy Rodgers regarding opposition to the nomination of John Ashcroft for Attorney General.

KPFA-FM (Berkeley)

Interviewed Kathy Rodgers about Ashcroft nomination.

San Francisco Public Radio

Kathy Rodgers appeared on a one-hour radio program discussing federal and judicial appointments.

WBAL-TV (Baltimore), 5/11

Television interview with Leslye Orloff for a story on the successes and dangers of marriages arranged by international matchmaking organizations.

America Radio, 5/24

Tim Casey was interviewed by Peter Werbe on NOW Legal Defense's opposition to the nomination of Wade Horn.

MSNBC, 6/7

Tim Casey debated Heather Cirimo of Family Research Center about the nomination of Wade Horn.

NPR, 6/11

Martha Davis was interviewed as part of a news report on *Nguyen v. INS* for All Things Considered.

NPR, 6/12

Martha Davis was interviewed as part of a news report on *Nguyen v. INS* for Morning Edition.

CNNfn, 6/13

Martha Davis debated Robert Holtzman of Kramer, Levin about front-pay judgments for Market Call.

SBS Radio (Australia), 7/12

Geoff Boehm was interviewed about *U.S. and Alvera v. The C.B.M. Group, Inc.* regarding the Portland, OR "zero-tolerance" domestic violence policy.

WBAI-FM (NYC), 7/13

Geoff Boehm was interviewed about *U.S. and Alvera v. The C.B.M. Group, Inc.* for the national program Democracy Now.

Court TV, 7/19

Martha Davis was interviewed on *Nguyen v. INS*.

ABC TV, 8/7

Martha Davis was interviewed about new video camera technology that invades women's privacy for Good Morning America.

NPR, 8/19

Jackie Payne was interviewed about welfare reform and marriage for Morning Edition.

Lifetime Television, 10/18

Kathy Rodgers was taped for a special show on advocacy for women's issues to be broadcast in November.

On Message



The Communications Department of NOW Legal Defense has a considerable portfolio of responsibilities. They do all the obvious things, with style — placing op-eds and letters to the editor, pitching stories to the media, producing a newsletter, publishing major reports, maintaining our website and arranging television appearances for President Kathy Rodgers and other members of our senior staff. But they do much more.

A case in point is our Supreme Court Press Briefing, held annually at the National Press Club in Washington, D.C. at the beginning of each term of the Court. For many years our briefing has been an indispensable source of information and analysis on upcoming cases affecting women, and a must-attend for members of the Supreme Court press corps. It draws attention to our cases and helps assure that they will be reported to the public at large with a clear understanding of what's at stake for women.

The fall 2000 briefing concentrated on the *Nguyen* case, about which you can read more on page 13 of this report, as well as *Ferguson*, a challenge to mandatory drug testing of pregnant women; *Velasquez*, a challenge to restrictions on Legal Aid lawyers; *Solid Waste*, a federalism case; and *Garrett*, a disability rights case with strong states' rights implications.

With the Supreme Court Press Briefing our skilled communications professionals make a substantive contribution to our work, as they did with the Ruth Bader Ginsburg Distinguished Lectureship on Women and the Law, new this year, and an exciting partnership between The Association of the Bar of the City of New York and NOW Legal Defense and Education Fund. The inaugural lecture by Kathleen Sullivan, Dean of Stanford University Law School, was preceded by an intimate interview of Justice Ginsburg by ABCNEWS Correspondent Lynn Sherr. The live audience was riveted, and the tape of the interview has had a number of TV showings.

The Supreme Court Press Briefing and the Ginsburg Lecture are not standard operating procedure for a not-for-profit's communications department. But then we don't have a standard communications department.



Staff attorney Tim Casey appears in a live interview on MSNBC on the nomination of Wade Horn.

Special Effects!



2000 BUDDY honoree Hilda Solis, father Raul Solis, and event co-chair Karen Caplan, President of Frieda's Inc.



Aiming High honoree and keynote speaker Heidi Miller, Vice Chair of Marsh, Inc.

March brought a new event, Aiming High: A Celebration of the Power of Women, at which we honored 25 of the most powerful women in American business at New York's Plaza Hotel. The Aiming High lunch was enormous fun and an unqualified success, with a luminous roster of honorees and a revenue of almost half a million dollars. Needless to say, Aiming High will be an annual occurrence!

Financial Information

	Year Ended June 30, 2001	Year Ended June 30, 2000
Income		
Major Gifts	626,035	1,186,223
Corporations and Foundations	1,287,041	1,402,665
Government Grants	1,451,022	623,970
Direct Mail Income	554,133	616,534
Bequests	459,427	2,402,427
Special Events	1,362,208	905,335
Other Income	737,083	698,374
	6,476,949	7,835,528
Expenses		
Violence Against Women	502,156	718,007
Public Information and Education	410,373	125,354
Economic Justice	597,206	798,677
Child Care	204,810	401,494
Gender Fairness in the Courts	821,829	605,952
Women, Policy and Media	648,317	308,913
Immigrant Women Program	397,655	221,269
Reproductive Rights	163,342	256,676
Program Planning and Organizational Development	286,691	234,561
Communications	420,675	303,017
Management and General	536,131	421,851
Fundraising	1,222,009	1,203,412
	6,211,194	5,599,183
Net Revenue	265,755	2,236,345
Fund Balance July 1	5,877,098	3,640,753
Fund Balance June 30	6,142,853	5,877,098

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We invite you to join them. For information on how to become a member of the Equal Rights Legacy Society, please call Sheila Holderness, at (212) 925-6635.

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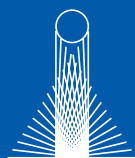
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