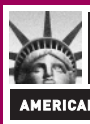


# ACLU WOMEN'S RIGHTS PROJECT

## ANNUAL REPORT 2004



**ACLU**

AMERICAN CIVIL LIBERTIES UNION

FOUNDATION

WOMEN'S  
RIGHTS  
PROJECT



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## ANNUAL REPORT 2004

**Published  
December 2004**

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

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

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

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## A MESSAGE FROM THE DIRECTOR

**I**N 2004, THE WOMEN'S RIGHTS PROJECT WORKED TO advance our four core priorities: employment, with a particular focus on low-wage immigrant women workers and women in non-traditional employment; domestic violence; criminal justice; and welfare/poverty. Cutting across these priorities, we sought to bring an international human rights framework to our advocacy and litigation.

Within our employment program, we actively litigated several cases involving Latina, Chinese and Ethiopian immigrant women working in hotels, retail stores, restaurants and private homes, who were sexually harassed and economically exploited. In addition to litigation, we held several meetings with community leaders to discuss ways to address and stop the exploitation, and had meetings with Manhattan Borough President, C. Virginia Fields, to plan a public hearing about these widespread abuses. We received extensive press coverage of our cases and focused public attention on the problem. We also conducted several know-your-rights sessions at Latino and other community organizations, thereby empowering more women to stand up for themselves. Recently, we launched a new campaign to address the abuses suffered by domestic workers who are brought to this country by UN diplomats with immunity from suit. We were thrilled to have hosted a Skadden Fellow, Jennifer Arnett, from 2002 - 04 to initiate our work on behalf of low-wage immigrant women workers, and then to hire a staff attorney, Claudia Flores, this year to continue to build this program as an integral part of WRP's ongoing work.

In addition to our focus on immigrant workers, in 2004 we also litigated two major cases involving women in non-traditional employment. One is a case on behalf of female and minority custodians in the NYC public schools who were discriminated against in recruitment and hiring. In 1996, the United States Department of Justice had sued New York City over its discriminatory hiring procedures and the parties had settled; however, when the settlement agreement was subsequently challenged by several white male custodians, the Justice Department, under the leadership of Attorney General John Ashcroft, switched its position and refused to fully defend the settlement. Thus, the Women's Rights Project stepped in to represent the women and minority custodians whose interests were abandoned by DOJ. The second is a case on behalf of female police officers in Suffolk County who were denied the opportunity to hold light duty positions during their pregnancies, after the department changed its long-standing policy of allowing any officer with a temporary physical condition that prevented her or him from engaging in full duty activities to hold such positions to only



Lenora Lapidus.

allow officers injured on the job to hold light duty positions. We await court rulings in both cases.

During 2004, we also developed a substantial domestic violence program. We worked with ACLU affiliates and legal services offices across the country to resolve several situations in which landlords threatened to evict survivors of domestic violence. In these cases, we argued that because the victims of domestic violence are disproportionately women, evicting victims of domestic violence constitutes sex discrimination under the federal Fair Housing Act and state laws. We also filed a friend-of-the-court brief in a case in which a battered woman was evicted because of the abuse, focusing on discriminatory sex role stereotyping rather than a policy with a disparate impact. We are currently preparing to file a case on behalf of a woman who was not allowed to co-sign a lease with her husband because she was unemployed when they moved into the apartment complex, and then was locked out of the apartment by the management company after her husband assaulted her on the ground that only he was a tenant on the lease. In addition, we filed a friend-of-the-court brief in a case challenging NYC's removal of children from the custody of battered women, in which the New York Court of Appeals this year ruled that such practice was unlawful and the parties recently settled. Finally, we are coordinating all friend-of-the-court briefs in a Supreme Court case addressing whether the police's failure to enforce a domestic violence order of protection violated a battered woman's right to due process. The Court will hear the case in March 2005.

In addition to litigation, we worked with housing and domestic violence advocates around the country to get local housing authorities to adopt policies in accordance with a new chapter on domestic violence that we persuaded the United States Department of Housing and Urban Development (HUD) to adopt in its public housing occupancy guidebook. Along with the ACLU's Technology and Liberty Program and Aids Project, we also coordinated a call with ACLU affiliates to discuss HUD's new Homeless Management Information System, which requires homeless shelters, including domestic violence shelters, to provide extensive identifying information about their clients. In addition, we supported proposed NYC legislation to protect survivors of domestic violence from employment and housing discrimination. WRP staff spoke at numerous conferences about domestic violence and housing issues, we published two new fact sheets on domestic violence, and authored an article on domestic violence and housing for *Clearinghouse Review*. We are excited to host another Skadden Fellow, Carrie Bettinger Lopez, for the period 2004-06 to further develop our domestic violence program. She will focus on outreach to immigrant communities in NY, particularly Latina and Haitian women and will expand our litigation to focus on employment as well as housing discrimination against victims of domestic violence.

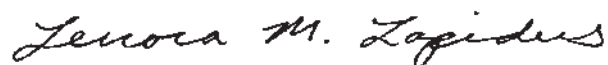


## A MESSAGE FROM THE DIRECTOR

Our criminal justice program has launched an exciting new campaign to address the effects of the “war on drugs” on women and children. Working with the ACLU Drug Law Reform Project, the Brennan Center, and Break the Chains, we wrote a report that profiles women incarcerated for drug offenses, analyzes mandatory minimum laws and sentencing guidelines and the ways in which these result in excessively long sentences for women who played only peripheral roles in drug crimes, and makes recommendations to reform drug laws to ameliorate the harms to women and children. The report will be published in January 2005. We also began planning for a conference that will be held in March 2005 on these issues. In addition, along with the ACLU’s Capital Punishment Project and National Prison Project, we released a report on women on death row.

Our welfare program addressed discriminatory welfare laws and practices. We continued to work with the ACLU of Wisconsin on its race and disability discrimination complaint filed with the United States Department of Health and Human Services and to develop a standardized Freedom of Information Act request to gather similar information about racial and gender disparities in the operation of welfare programs around the country. In addition, we worked with the National Legislative Office on reauthorization of the federal Temporary Assistance to Needy Families.

It was a busy and exciting year for the WRP, as we filed new litigation, advocated for policy change, and engaged in public education to ensure women’s full equality. Our staff continued to grow, expanding to five full time attorneys, a paralegal and support staff. This growth in program and personnel would not have been possible without the generous support we have received and for which we are extremely grateful. We thank our dedicated supporters, our determined clients, our partners in other women’s rights and civil rights organizations, our cooperating law firms, and our colleagues in the ACLU National Office, the National Legislative Office, and the state ACLU affiliates across the country for helping the Women’s Rights Project achieve all that we did in 2004 and prepare to meet the challenges that lie ahead.



**Lenora M. Lapidus**  
*Director*



## EMPLOYMENT

Employment is a crucial area for achieving social and economic justice for women. Although women have made great progress in establishing their equal rights under the law, in practice, gender biases towards women continue to create significant barriers to economic opportunity. Poor women, women of color and immigrant women are the most deeply affected by these obstacles, often working the least desirable and worst paying jobs. Due to the lack of opportunities and the failure to enforce legal protections, women are often compelled to work in sweatshop-like environments where they are: not paid the minimum wage or overtime, sexually harassed, forbidden to take time from work for medically necessary reasons, and fired when they become pregnant. Cutting across economic lines, women also face limited access to acquiring and maintaining positions in many stable, well-paying jobs in traditionally-male fields. The ACLU Women's Rights Project works to address these inequalities and broaden the economic opportunities for all women.

### Immigrant Women Workers

Low income immigrant women are particularly vulnerable to extreme forms of exploitation. Each year, many immigrant women are trafficked into the United States and end up as exploited laborers working in restaurants, factories and private homes. Many are subjected to sexual harassment and other forms of gender discrimination and forced to do demanding work requiring long hours, for little or no wages. However, because of an unfamiliarity with their rights, fear of employer reprisal or limited job opportunities, these women are rarely able to enforce their rights. The Women's Rights Project advocates on behalf of low wage immigrant women workers and enforces their rights under domestic and international law. Through litigation, collaboration with community organizations that serve immigrant workers, and public educational outreach such as know your rights workshops, WRP has taken a dynamic approach to securing the rights of immigrant women workers.

#### *Espinal v. Ramco Stores*

Deyanira Espinal, Angela Berise Fritman Peralta and Maria Araceli Gonzales Flores, Latina women who worked at Ramco National Discount



Deyanira Espinal.

Stores in Upper Manhattan, lived through a nightmare of sexual harassment and wage exploitation. Each of the women worked as a cashier and general assistant at the retail stores owned by Albert Palacci. For nearly two years, they experienced severe sexual harassment, including demands for sex in exchange for raises, physical assault, and retaliation when the demands were rejected. All of the women were forced to work six and at times seven days a week for as little as \$30 - \$40 a day, and one was forced to cook, shop and clean for Palacci in his home. On one occasion, Palacci took Peralta and Espinal to his home, ostensibly to clean his house. He then locked the door, stripped, and demanded sexual favors. When the women refused, Palacci physically attacked them. In retaliation for their rejections, he later reduced their work hours and treated them with increased hostility.



The ACLU Women's Rights Project, along with the law firm Outten & Golden, filed a lawsuit on behalf of these three women in federal court in New York. The lawsuit seeks compensation for unpaid wages; punitive damages against Palacci; and a court order prohibiting Palacci, as the stores' owner, from discriminating or retaliating against employees or job applicants because of their gender or their refusal to submit to his demands.



In a novel approach, the Women's Rights Project invoked a new provision of the New York City Human Rights Law that provides a remedy for victims of gender-motivated violence. This law permits victims of sexual assault or other gender-based crimes to file civil actions and obtain money damages from their assailants. The WRP is currently close to a settlement agreement.

*Sierra v. Broadway Plaza Hotel*

In another case involving labor law violations and discrimination, the Women's Rights Project along with Boies, Schiller & Flexner is representing five Latina women who worked as housekeepers at the Broadway Plaza Hotel in New York City. The women were forced, by the manager David Ramirez, to work shifts that lasted up to 16 hours,

seven days a week with no overtime wages. During these shifts they were not permitted to eat, drink, or even go to the bathroom. Ramirez also forced them to work after-hours, cleaning his home and the home of his mother

Top photo: Merisi Peralta and Deyanira Espinal meet with WRP Attorney Claudia Flores. Bottom photo: Plaintiffs Carmen Calixto and Juana Sierra.

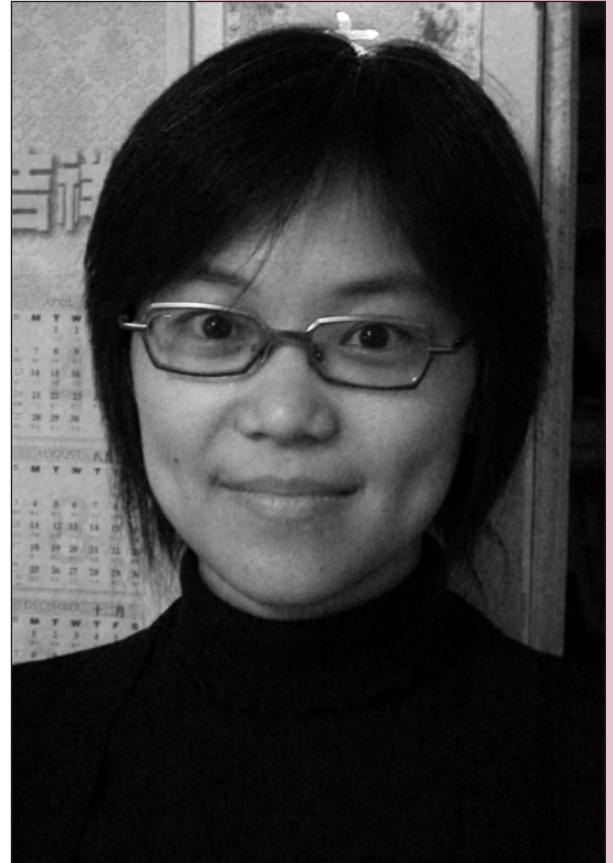
without any pay. The women were also sexually harassed by Ramirez and had to endure his unwanted touches, name calling, and threats of violence and deportation. When one woman declined these advances, she received more work without pay in retaliation. According to Ines Bello, one of the plaintiffs, who was fired after one week of resistance to the manager's forceful sexual advances, "I did not like Mr. Ramirez's sexual attention and did not think fighting off his advances should be part of my job." The lawsuit seeks monetary compensation for lost wages as well as awards for emotional damage for each woman.

### *Lui v. King Chef Buffet*

In 2003, the New Jersey federal district court awarded a \$3.45 million judgment in favor of two Fuchinese women represented by the Women's Rights Project, Lowenstein Sandler and the ACLU of New Jersey, who worked as waitresses at the King Chef Buffet in Wayne, NJ, and were exploited by their employer. The women were paid no wages, were discriminated against, and were housed by the employer in a substandard apartment. However in June 2004, the district court vacated the judgment and dismissed the case for failure to serve the complaint within 120 days, notwithstanding the fact that three defendants had been served, two had filed answers, and the remaining defendants had willfully evaded numerous attempts at service. In response, the Women's Rights Project appealed this decision to the Third Circuit Court of Appeals and oral argument will be heard in March 2005.

### *Fang v. Rainbow Buffet*

The ACLU Women's Rights Project, along with Heller, Ehrman, White & McAuliffe LLP, is representing Li Mei Fang and Liping Wang, two Fujianese women who worked as waitresses at Rainbow Buffet, a Chinese restaurant in Fairview, NJ. The women were paid well below minimum wage for over 12 hours of work each day, six days a week. In addition, they were not paid overtime and had to pay a \$15 - \$30 daily kickback to their employer. The women were housed in an employer-provided apartment with squalid living conditions. Additionally, Ms. Fang and Ms. Wang were subjected to consistent sexual harassment by their co-workers, who touched them inappropriately, made sexual innuendos and on several occasions physically assaulted them. Upon complaining to the restaurant owner, they were mocked or ignored.



Wei Chen, Chinese Staff and Restaurant Workers Association.

WRP is filing claims against the restaurant owners with the Equal Employment Opportunity Commission and will file an action in federal court in New Jersey asserting claims alleging discriminatory treatment based on the clients' gender and ethnicity, and violation of New Jersey public policy in regard to housing conditions.

*Chere v. Taye*

The Women's Rights Project along with the ACLU of New Jersey, Seton Hall Law School, and City University of New York Law School, represent an Ethiopian domestic worker who was trafficked to New Jersey and held in conditions of forced labor by her employers. She was required to work 70 - 85 hours a week but never received any payment for her work. She performed extensive household responsibilities including serving as primary caretaker for the Defendants' toddler, cooking for the family, cleaning and maintaining the home, doing the family's laundry, and cleaning the exterior of the house including the walls and driveway. She was required to sleep on the floor of the bedroom belonging to Defendants' toddler and could only eat leftovers from the family's meals or bread and water. She was verbally and sexually abused, denied access to medical care and coerced into remaining in Defendants' unpaid employ. The Women's Rights Project filed suit against her employers for violations of federal and state labor laws, the 13<sup>th</sup> Amendment to the Constitution and federal statutes prohibiting involuntary servitude, and international law prohibiting forced labor and trafficking under the Alien Tort Statute and state torts.



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

**Women Charting New Territory in Non-Traditional Occupations**

*Brennan v. Ashcroft*

In 2004, the Women's Rights Project continued to defend the efforts taken by the New York City Board of Education to remedy the long-standing discriminatory practices that kept women and people of color locked out of public school custodian positions. In 1996, the Justice Department brought suit against the New York City Board of Education, alleging that the Board had long discriminated against women, African-Americans, Hispanics, and Asians in hiring custodians, by failing to recruit custodians from these groups and by giving civil service tests for the job that discriminated against African-Americans

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

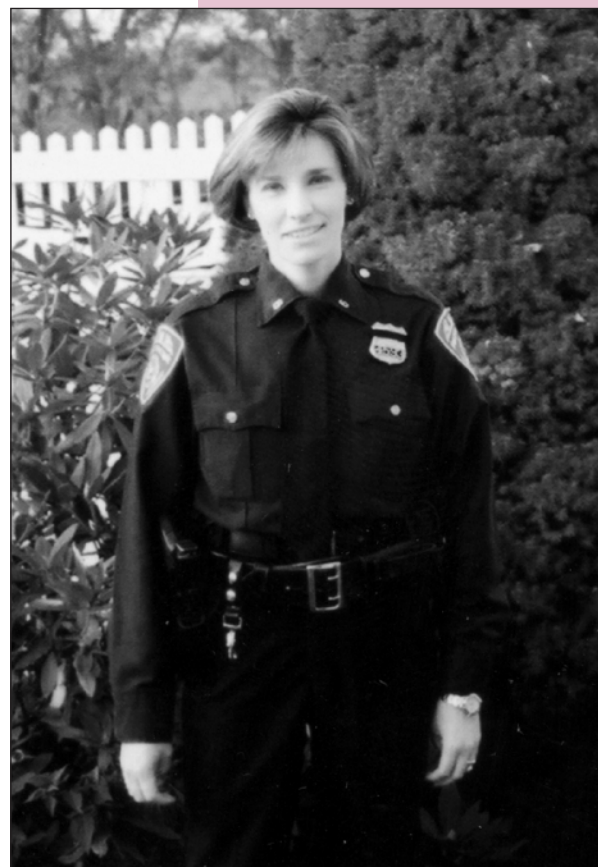
However, when several white male custodians represented by the Center for Individual Rights, a right leaning legal activist organization brought just such a challenge, arguing the settlement agreement constituted reverse discrimination, the Justice Department, under the leadership of John Ashcroft, reneged on its promise to defend the individuals it had previously fought on behalf of. In response, the Women's Rights Project stepped in to protect these gains and took up the fight on behalf of those the Justice Department had abandoned.

On behalf of twenty-two of the trailblazing female and minority custodians abandoned by the Justice Department, the Women's Rights Project along with Hughes, Hubbard and Reed LLP intervened in the litigation to protect the awards of permanent jobs and seniority. Over the past year, WRP engaged in extensive discovery and is now briefing the case for final disposition.

Voluntary settlement agreements like the one entered into in this case are an important and necessary way of creating equal opportunities in the workplace. Defense of this settlement agreement in the face of the Justice Department's abandonment of this principle represents an important part of the Project's efforts to remove barriers to women's full participation in society.

### *Lochren v. Suffolk County Police Department*

In our ongoing effort to eliminate pregnancy discrimination in the workplace, especially in predominately male labor sectors, the Women's Rights Project, along with the New York Civil Liberties Union and the law firm



Sandra Lochren.

Rosen Leff, continued its work in this case challenging the Suffolk County Police Department's policy of excluding pregnant officers from short-term "light-duty" assignments, even though those assignments are available to officers injured on the job or under internal affairs investigation.

In 2004, the Women's Rights Project conducted numerous depositions and obtained voluminous documents through discovery. WRP also filed a motion for class certification arguing that all female officers employed by the Suffolk County Police Department who become pregnant, like our clients, would be forced to exhaust all forms of paid leave, and then take unpaid leave for the duration of their pregnancies. This would result in financial hardship, as well as the loss of seniority and longevity for female officers who become pregnant. The motion for class certification is still pending. In June 2004, WRP filed a brief in support of summary judgment which is also still pending. If the court does not decide the case on summary judgment, WRP may have a jury trial in 2005.

*Melendez v. Town of North Smithfield*



Christine Melendez.

In 2004, the ACLU of Rhode Island, in consultation with the Women's Rights Project, won a victory in the area of women in traditionally male occupations. The federal court in Rhode Island issued a favorable decision in the ACLU's discrimination lawsuit against the Town of North Smithfield and its plans to hire *en masse* 21 white males for a new town fire department. Last August, the court issued a temporary restraining order barring the hiring from taking place. The ACLU's lawsuit was brought on behalf of Christine Melendez, who had been prevented from applying for a firefighter position because of the Town's plans.

In 2003, the town, which had no fire department of its own, took formal action to acquire the private fire and rescue service that had been serving North Smithfield. In doing so, the town voted to hire *en masse* the service's all white and all male firefighting force. Before taking this action, the General Assembly took the unprecedented step of granting the town an exemption from the state's Fair Employment Practices Act (FEPA), the state law prohibiting employment discrimination on the basis of race, gender and age. The exemption barred any individual from filing an employment discrimination claim under FEPA for the town's mass hiring. However, the law did not – and legally could not – exempt the town from *federal* anti-discrimination statutes.



Despite a favorable ruling, the court avoided the numerous constitutional and discrimination claims raised by the ACLU on Melendez' behalf. Instead, the court held that the takeover plans violated the town charter, which authorizes creation of a municipal fire department only through an open, competitive process and after the town Personnel Board has set hiring standards. The town decided not to appeal the ruling.

## Redress for Sexual Harassment in the Workplace



### *Pennsylvania State Police v. Suders*

The Women's Rights Project joined a friend-of-the-court brief in this Supreme Court Case, brought on behalf of Nancy Drew Suders, a female police officer who was forced to resign due to severe sexual harassment. WRP argued that Suder's forced resignation due to severe sexual harassment is deserving of monetary damages, just as it would be if she were wrongfully discharged. Suder did not choose to leave her job; rather, she was forced to resign because of a combination of workplace conditions that gave her no other choice. The question in this case was whether sexual harassment so severe that it forces an employee to resign should be treated as equivalent to an outright dismissal. The lower court found that the answer to that question was yes. In appealing the lower court decision, the Pennsylvania State Police claimed that they are not liable for damages because Suders was "unreasonable" in not taking advantage of the remedies available to her. In June 2004, the U.S. Supreme Court held for the first time that employers are indeed liable for employment discrimination under Title VII based on the theory of constructive discharge. The Court's ruling is a major victory for women who are forced out of jobs due to an employer's negligence in remedying sexually hostile work environments.

## Other Employment Discrimination

### *Rathbun v. Autozone*

In a victory for the ACLU of Rhode Island, the U.S. Court of Appeals for the First Circuit overturned a lower court ruling concerning the time period for bringing legal action under the Rhode Island Civil Rights Act (RICRA), a major state law prohibiting discrimination on the basis of race, sex and other protected categories in employment and other settings. The appeal was on behalf of Betsey Rathbun, an Autozone employee since 1995, who alleged a pattern of sex discriminatory employment decisions at that business.

The three-judge panel unanimously rejected a lower court ruling that a one-year statute of limitations applied for bringing suit under RICRA. The statute was silent on the question, and ACLU volunteer attorney Lynette Labinger successfully argued that the state's three-year default statute of limitations for personal injury actions should apply.

## VIOLENCE AGAINST WOMEN



### Domestic Violence and Homelessness

When battered women flee from abuse they are often forced to leave their homes, with nowhere else to turn. Other times landlords turn victims of domestic violence out of their homes because of the violence against them. For years, advocates have known that domestic violence is a primary cause of homelessness for women and families. Recent studies confirm the connection between domestic violence and homelessness and suggest ways to end the cycle of violence against women and life on the streets.

#### Homelessness Facts

- In 2003, 36 percent of U.S. cities surveyed reported that domestic violence was a primary cause of homelessness. These cities included Denver, Nashville, New Orleans, Phoenix, Norfolk, Portland, Salt Lake City, and Seattle.<sup>1</sup>
- In Minnesota, 1 in every 3 homeless women had been driven out of her home by domestic violence in 2003.<sup>2</sup>
- In Missouri, 27 percent of individuals in homeless shelters were survivors of domestic violence in 2001, making domestic violence a primary cause of homelessness in the state.<sup>3</sup>
- San Diego's Regional Task Force on the Homeless found that in San Diego almost 50 percent of homeless women are domestic violence victims. In fact, the study concluded that this number may actually be much higher, due to women's reluctance to report domestic violence because of shame or fear of reprisal.<sup>4</sup>
- In 2003 in Chicago, 56 percent of women in homeless shelters reported they had been victims of domestic violence and 22 percent stated that domestic violence was the immediate cause of their homelessness.<sup>5</sup>
- A 2003 survey of 100 homeless mothers undertaken in ten locations around the country found that one quarter had been physically abused in the past year and almost all had experienced or witnessed domestic violence over their lifetimes.<sup>6</sup>
- In New York City, almost half of all homeless parents had been abused and one quarter of all homeless parents were homeless as a direct result of domestic violence in 2002.<sup>7</sup>
- A 2000 survey of parents living in homeless shelters with their children in Kentucky, Tennessee, and the Carolinas found that two-thirds of homeless parents had experienced domestic violence.<sup>8</sup>

There are many misconceptions about violence against women. Some people think of violence against women as the woman's problem, not her abuser's. Instead of holding the abuser accountable, some people blame the woman who has experienced violence for the abuse and its consequences. Other people think of violence against women as a private problem within a household rather than a criminal activity that must be addressed through public policy. These attitudes magnify the effects of domestic violence through actions that punish the victim and fail to end the cycle of violence against women. Battered women can face eviction from their homes, loss of their jobs, or removal of their children due to the violence. The Women's Rights Project works to remove the barriers that make it difficult for women to leave dangerous relationships and protect the rights and safety of battered women.

### Safe Homes for Battered Women

Women's access to safe and stable housing is crucial to combating domestic violence. However, there are many misguided policies that restrict a battered woman's access to housing. A lack of alternative housing often leads women to stay in or return to violent relationships or face life on the streets. Indeed, domestic violence is a primary cause of homelessness for women and families.

In many situations, landlords attempt to evict all members of a household when a violent incident occurs, failing to take into account whether an individual was a victim of violence or the perpetrator. If women know that they may be evicted if their landlord learns about the violence in their home, they will be less likely to make the violence public by seeking help from the police or the courts. Conversely, if the violence does become public and battered women do lose housing opportunities, the possibility of homelessness further threatens their safety. For low-income women, housing discrimination on the basis of domestic violence

increases this danger, because of the limited availability of public or subsidized housing.

Evicting the victims of domestic violence has a disparate impact on women and thus is a form of sex discrimination, which violates state and federal fair housing laws. The Women's Rights Project is working to protect the rights of battered women by fighting these discriminatory eviction policies across the country.

### *Bouley v. Young-Sabourin*

In 2004, the ACLU Women's Rights Project filed a friend-of-the-court brief in federal district court in Vermont challenging a landlord's attempted eviction of a woman from her home immediately after the woman had been abused in her apartment by her husband. The woman, Quinn Bouley, called the police after her husband assaulted her and he was then arrested. Thereafter she sought a restraining order, and he was absent from the apartment from that point on. The landlord, Jacqueline Young-Sabourin, attempted to discuss the violence with the tenant and encouraged her to seek help in religion. Ms. Bouley rejected this suggestion, and was angered by her landlord's inquiries about her religious practices. After the discussion became heated, the landlord issued a notice to quit, which refers to the violence that had been happening in the apartment as the reason for the eviction. WRP is arguing that this eviction policy is a form of illegal gender discrimination; specifically, that the landlord unlawfully punished Ms. Bouley for her refusal to conform to the landlord's gender-stereotyped notions of how a victim of domestic violence should behave.

If women know that they may be evicted if their landlord learns about the violence in their home, they will be less likely to make the violence public by seeking help from the police or the courts.

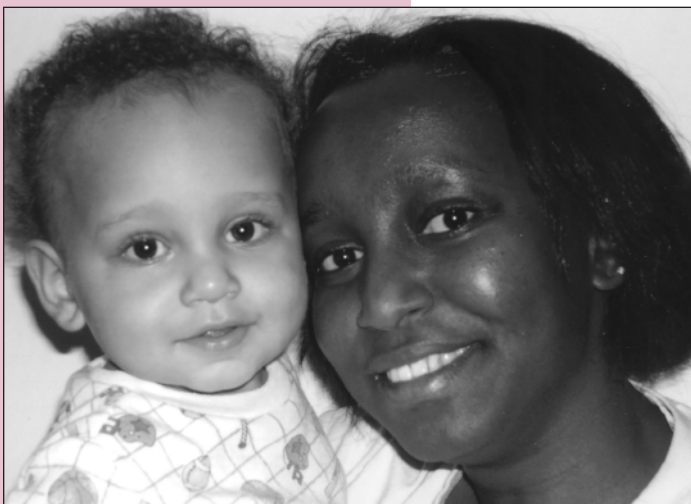
### *Palazzolo v. Apartment Management Company*

The Women's Rights Project in cooperation with the Detroit Legal Aid and Defenders Association and the Michigan ACLU, represented Patti Palazzolo, a Michigan woman who was being threatened with eviction from federally subsidized housing because her husband assaulted her in the apartment after she filed for a divorce. He was arrested and charged with assault. In addition, she subsequently obtained a personal protection order barring him from returning to the apartment or from making further contact with her. Despite the fact that she was a victim in the assault and that she had taken all available steps to keep her estranged husband away from her, the apartment

management company tried to justify evicting Ms. Palazzolo on the ground that she or her guest had participated in criminal activity in violation of her lease. Ms. Palazzolo is physically disabled and unable to work. Thus, she was especially dependent on the housing subsidy, which she would likely have lost if she were evicted for a violation of her lease.

The Women's Rights Project argued that the action against Ms. Palazzolo based on her status as a victim of domestic violence constituted unlawful sex discrimination in violation of state and federal fair housing laws. On the day WRP prepared to file the lawsuit in federal court, the housing management company agreed to hold off on the eviction for 60 days to give Ms. Palazzolo time to obtain HUD financing and move to another home.

*Laura K.*



Laura K.

In another case, the Women's Rights Project is representing a victim of domestic violence who lost her home. When the client and her husband moved into the apartment complex, the management would not allow her to sign the lease because she was not employed. A few months later, she was assaulted by her husband and sought police assistance. He was arrested and the court issued a "no contact" order, barring her husband from the family home for at least two weeks. However the apartment complex refused to abide by the order. One day, while she was at an appointment with her newborn son, the apartment complex changed the locks on the apartment at her husband's request, without any notice to her, leaving her and her infant home-

less. The apartment complex explained that she had no legal rights to the apartment because she was not on the lease and that she would have to deal with her husband because she was his tenant and not theirs. Furthermore, they told her that if she tried to gain access to the apartment she would be arrested. As a result of these actions, our client lost the majority of her belongings and was forced to seek shelter with friends of her husband's family.

The ACLU believes that the apartment complex's actions constitute housing discrimination on the basis of sex. The practices of not allowing stay-at-home wives to sign leases as co-tenants, refusing to adhere to court orders barring batterers from the home, and evicting victims of domestic violence all have a disproportionate effect on women. This disparate impact on women violates sex discrimination prohibited by the Fair Housing Act as well as state laws that housing complexes must obey.

## Reaching Out to Public Housing Authorities

In 2003, in response to advocacy undertaken by the Women’s Rights Project in coalition with other women’s rights, domestic violence, and fair housing organizations, the United States Department of Housing and Urban Development (HUD) published extensive guidance for public housing authorities on the subject of domestic violence in the HUD-produced Public Housing Occupancy Guidebook, which is an important source of guidance for public housing authorities across the county. In 2004, using this guidance from HUD as a springboard and working with local domestic violence organizations, civil rights advocates, legal services offices, and fair housing advocates, the Women’s Rights Project began outreach to several local public housing authorities to encourage them to implement progressive policies to help women who have experienced domestic violence gain access to housing benefits and retain those benefits. These efforts in cities including Lansing, Michigan, Milwaukee, Wisconsin, and New York City, have led to promising meetings and collaborations with local housing authority policymakers. We hope that these efforts will result in local housing authorities adopting better practices in their efforts to address domestic violence. To help other organizations undertake similar outreach to their local housing authorities, WRP staff coauthored an article on this topic, which will be published in *Clearinghouse Review* in 2005.

## Housing Vouchers and Domestic Violence

Following up on our successful advocacy with HUD that resulted in inclusion of the domestic violence chapter in the Public Housing Occupancy Guidebook, in 2004 WRP turned its attention to the housing voucher program and the obstacles confronted by domestic violence survivors in their interactions with the program. The housing voucher program is the largest federal housing program in the country. Qualifying low-income individuals receive a voucher for a portion of their housing costs and must find that housing in the private market. The local public housing authority pays the private landlord the difference between the amount the individual can afford and the cost of the housing, as long as the cost of the housing is not significantly higher than the fair market rent for the area, as calculated by HUD. Women who have experienced violence may be unable to receive a voucher, because of negative factors in their rental history, credit history, or criminal history resulting from domestic



**WOMEN'S RIGHTS PROJECT**

### Housing Discrimination And Domestic Violence

**What is sex discrimination in housing?**

Sex discrimination occurs when a property owner treats a buyer or renter differently because of her sex. Even if the property owner did not intend for a policy to treat women differently, policies that have a discriminatory effect on women also violate the law. Both intentions and effects are taken into consideration when determining whether a property owner's actions are discriminatory and illegal.

**What sort of housing discrimination do women who have experienced domestic violence face?**

Sometimes, landlords believe that they can ensure safety on their property by prohibiting domestic violence survivors from living on their premises. In order to accomplish this, landlords sometimes evict victims of domestic violence or deny applications from women who have experienced domestic violence in the past. These landlords often explain their actions by pointing to "zero tolerance" policies, which require the eviction of everyone occupying an apartment if criminal activity occurs there. Such policies fail to take into account whether an individual was a victim of violence or the perpetrator.

**How is eviction of domestic violence victims a form of sex discrimination?**

Since most domestic violence victims are women, policies and practices that discriminate against victims of domestic violence harm women at a higher rate than men. This results in a "disparate impact" on women compared with men. A disparate impact is a discriminatory effect. Disparate impact means that even if a landlord does not intend to discriminate against women, the landlord's actions are still harmful to women as a group, while they do not have the same harmful effect on men as a group.

**What do state and federal laws say?**

The Fair Housing Act is a federal law that prohibits sellers and renters of homes from discriminating against buyers or tenants on the basis of sex. Courts have not yet addressed whether the Fair Housing Act protects women from "zero-tolerance" policies and other policies that discriminate against women who have experienced domestic violence. Due to their disparate impact, however, it is probable that such policies would constitute an illegal form of sex discrimination, unless a landlord could prove that there was a very good reason for the policy.

In addition, many states have recently enacted legislation in an attempt to offer greater protection for victims of domestic violence. Rhode Island and Washington, for example, enacted laws that prohibit landlords from evicting or otherwise discriminating against tenants who have experienced domestic violence. In these states, a tenant experiencing domestic violence may also break her lease if she needs to do so to protect herself, as long as she has either reported the incident to the police or sought a protection order. These comprehensive state laws offer strong protections and support for domestic violence victims and survivors. Other states have taken steps in the right direction, but they have stopped short of offering domestic violence victims full protection from housing discrimination. Oregon, for example, allows a victim of domestic violence to terminate a lease to protect her safety, but does not prohibit evictions of abused women.

violence. They may lose their vouchers if a private landlord tries to evict them because of violence in the apartment. They may also lose their vouchers if they must flee their apartment and break their lease to maintain their safety. The Women's Rights Project, in cooperation with other organizations, has sought a meeting with HUD to discuss these issues and will continue to work to urge HUD to help public housing authorities respond to the needs of domestic violence victims in the voucher program.

### Strengthening the Laws

In 2004, the Women's Rights Project in coordination with the ACLU National Legislative Office participated in efforts to draft a new section on housing for the third Violence Against Women Act (VAWA III), expected to be introduced in early 2005. VAWA III will include provisions to protect survivors of domestic violence living in public housing or holding a housing voucher from discrimination. The proposed law is also likely to make it easier for victims of domestic violence receiving these federal housing benefits to flee their housing for safety reasons without losing their housing assistance. The proposed law also will likely include a broad prohibition on discriminating against victims of violence in the rental of housing, as well as various grant programs to provide housing assistance to domestic violence victims. The ACLU will push for passage of these provisions in 2005.

The Women's Rights Project has also participated in meetings between domestic violence advocates and landlord representatives in Wisconsin. The participants in these meetings hope to craft a legislative agenda to protect battered women that will gain the support of both sides, and are exploring the possibility of advocating state laws permitting victims of domestic violence to break their leases to protect their safety in some circumstances and protecting individuals' rights to call the police for assistance without retaliation from their landlord. In addition, the participants are considering collaborations to train landlords about the dynamics of domestic violence and possible responses to problems of violence in their properties.

Finally, WRP is working with the NYCLU and other advocates to support a New York City law that would protect survivors of domestic violence from housing discrimination.

## Protecting the Safety of Women and Children



### *Castle Rock, Colorado v. Gonzales*

Is local law enforcement subject to a lawsuit if it fails to enforce court orders that protect a battered woman from her abuser? The Women's Rights Project is arguing that a local government is indeed liable because an individual has a constitutional right to due process, which is violated if a local government arbitrarily fails to enforce protection orders. This is the central issue in the tragic case *Castle Rock, Colorado v. Gonzales*, which is scheduled to be heard by the Supreme Court in March 2005. The Women's Rights Project is collaborating with the lead counsel for the plaintiff, Jessica Gonzales, and is coordinating the friend-of-the-court briefs for the case.

In 1999, a court granted Jessica Gonzales a protective order barring her estranged husband Simon Gonzales from all contact with her and her three daughters, ages seven, nine, and ten. The court order also required the police to enforce its terms by arresting Mr. Gonzales if he violated the order. Mr. Gonzales violated that order and kidnapped the three girls from their yard one month later. Ms. Gonzales reported her daughters missing to the local police and was later able to contact Mr. Gonzales and find out his location. Despite Ms. Gonzales' numerous calls and visits to the local police station that night informing them that her husband was with the children at a local amusement park, the police refused to take action to apprehend Mr. Gonzales and return the children. Later that night, Mr. Gonzales came to the police station and opened fire with a handgun purchased earlier that day. The police shot and killed Mr. Gonzales. Upon searching his truck, they discovered the bodies of his three daughters whom he had murdered.

This case illustrates the necessity for local governments to ensure police enforce orders protecting battered women. The Women's Rights Project asserts that such orders are meaningless if a woman cannot count on police protection. Without systems of accountability in place, women and children are subjected to the whims of local governments and may suffer grievous harm from their abusers.

### *Nicholson v. Williams*

In 2004, the New York Court of Appeals ruled that child services cannot remove children from the custody of battered mothers because the children had witnessed violence. Shortly after this ruling, the plaintiffs and the city reached a settlement that provided that children would no longer be

removed from their mothers on the basis that the mothers had experienced domestic violence. In 2002, the Women's Rights Project along with the Gibbons Fellowship of Gibbons, Del Deo, Dolan, Griffinger and Vecchione, submitted a friend-of-the-court brief arguing that the policy of removing children under the theory that battered mothers "engaged in" domestic violence and thus endangered and neglected their children was a form of gender discrimination and violated the mothers' and children's constitutional rights. The court's decision is a victory for women who were formerly blamed for the actions of their batterers and who feared losing their children in retaliation for seeking help and making the violence public.

### Maintaining the Confidentiality of Domestic Violence Shelters

The Women's Rights Project in cooperation with the ACLU's Technology and Liberty Program and AIDS Project is investigating a new federal program that threatens the safety of battered women. The Homeless Management Information System (HMIS) is a new HUD initiative that requires all HUD funded programs that work with homeless people to collect and report data on their clients. The program is of particular concern to WRP because this population includes many victims of domestic violence who have left their homes and seek shelter from their abusers. The proposed regulations for HMIS allowed domestic violence shelters to provide only group data about their clientele. The final regulations, however, withdrew this exemption, requiring domestic violence shelters to release the names and personal information of the women they serve. The information collected by HMIS heightens the risk that an abuser will be able to locate a woman who has left a violent relationship by gaining access to the data collected.

The National ACLU is collecting information for state ACLU affiliates to clarify the program requirements so they can work with service providers to minimize invasions of confidentiality and privacy. The ACLU is also coordinating with national domestic violence organizations in fashioning a response to protect the safety of domestic violence survivors.

### Public Education

Women's Rights Project staff participated in numerous public education initiatives and conferences to raise awareness of domestic violence related issues. WRP Director Lenora Lapidus spoke at a 2004 forum on Women and Housing sponsored by a community housing board in Manhattan and at the 2004 National Housing Justice Network Conference in DC. Staff Attorney Emily Martin attended the Michigan Poverty Law Program Roadshow in Lansing and presented to an audience of legal services attorneys about fair housing for battered women, and also spoke at the Family Violence and Sexual Assault Institute's conference in San Diego. WRP also



published two fact-sheets on housing discrimination and domestic violence and homelessness and domestic violence. These fact-sheets are also available to the general public on the ACLU website.

## CRIMINAL JUSTICE AND LAW ENFORCEMENT

### Women In Prison

Women remain the fastest growing segment of the incarcerated population in the United States. More than one million women are currently in criminal justice custody and over 65 percent of them are mothers of children under 18. Because women are overwhelmingly their children's primary caretakers, the growing rate of incarceration for women has a drastic effect on families across the country.

In 2004, the Women's Rights Project continued its efforts on behalf of women under criminal justice custody and girls in juvenile detention. WRP worked to improve conditions of confinement and economic, housing, educational, and other opportunities available upon their release. We also examined the laws and sentencing schemes that expose women to higher rates of arrest and conviction for crimes, particularly drug-related offenses. Such laws do not take into account the ways in which women are often involved in drug-related offenses and as a result many women serve harsh sentences for being in relationships with men who are the primary or actual offender or assisting in the crime because they were abused or otherwise coerced.

*Almost 50 years ago, Billie Holiday, the acclaimed and innovative jazz artist, collapsed in her apartment and was rushed to Metropolitan Hospital in New York where she was diagnosed with cardiac failure and a serious liver problem, both the result of her long history of drug and alcohol abuse. As she lay fighting for her life, police raided her hospital room and arrested her – on her deathbed – for possession of heroin. She died under police custody, another sad victim of the relentless “war on drugs.” In 1959, as today, drug addiction was treated as a crime, and addicts were constantly subject to police harassment, arrest, and incarceration. Since then, punitive attitudes have intensified and led to even harsher government responses to drug use and abuse. While there has been increasing debate over these harsh responses, little attention has been focused on the impact of drug laws and policies on women and families.*

– Excerpt from the introduction of *Women, Families and the Drug War*

### Women, Families and the Drug War

In 2004, the Women's Rights Project and ACLU Drug Law Reform Project, along with the Brennan Center and Break the Chains, launched a campaign

to address the effects of the “war on drugs” on women and their families. In early 2005, we will publish a report describing the ways in which harsh drug laws, mandatory minimum sentences and the sentencing guidelines, and women’s responsibility as primary caretakers of young children intersect to result in unfair, excessive sentences in relation to women’s roles in drug offenses and the collateral consequences on them and their children who are often placed in foster care. The report also examines women’s patterns of drug involvement to better understand how to prevent and treat women’s drug use. In March 2005, we will host a conference that will bring together policy makers, prison officials, community organizations, activists, academics, media, and formerly incarcerated women to discuss these issues and coordinate a broad advocacy campaign. By highlighting the ways in which punitive drug laws and drug policies unfairly harm women and destroy families, the Women’s Rights Project and Drug Law Reform Project are framing the “war on drugs” as a war on families. We hope that this work will result in changes to current laws and policies and new responses to drug use and involvement.

# The Forgotten Population:

**A Look at Death Row in the United States Through the Experiences of Women**



## Women on Death Row

In December 2004, the Women’s Rights Project in collaboration with the ACLU’s Capital Punishment Project and National Prison Project, the American Friends Service Committee, and the National Clearinghouse for the Defense of Battered Women released a report examining the experiences of women on death row in the United States. The report is based on questionnaires completed by many of the women themselves and information we received from open records act requests to all of the states that have women on death row. We

focused our attention on women because they are a forgotten population among death penalty researchers, policy makers, and the press. Since 1973, 148 women have been sentenced to death in the United States and ten women have been executed since 1976. Our report concluded that although women share many of the same problems faced by men who have been sentenced to death, including inadequate defense counsel, official misconduct, racism in the criminal justice system, and a high likelihood of being poor and suffering from alcoholism and drug addiction, there are significant differences in the

pathways to women's criminal involvement and their conditions of confinement that merit study. For instance, the majority of women on death row were victims of childhood abuse, partner abuse, or both. During the trial and sentencing phases of a case, information about the abuse was often not disclosed to the jury so that it could not consider whether and how the abuse played a role in the crime. Because the majority of women on death row were convicted of killing a family member or a person they knew, information about the abuse could have helped determine whether the women acted in self-defense or were coerced into criminal activity. Women living on death row also experience more extreme isolation and unhealthy living conditions than their male counterparts. Because of their small numbers, women on death row frequently live in solitary confinement and have almost no interaction with other prisoners. Ultimately, we concluded that the arbitrary nature and high number of serious errors in the imposition of the death penalty is cause to halt all executions immediately. In the mean time, lawyers who represent women in capital cases should be educated about abuse and domestic violence so they can adequately represent their clients and efforts should be made to improve the conditions of confinement for women on death row so that they do not face such severe isolation.

#### *Lanoue v. City of Woonsocket*

The ACLU of Rhode Island settled a federal lawsuit against the Woonsocket Police Department on behalf of a woman who was strip-searched and left naked in a holding cell for over five hours after being arrested for "driving under the influence." Under the settlement, the defendants agreed to pay \$65,000 to plaintiff Joann Lanoue in exchange for a dismissal of the case. Although the agreement specifies that it does not constitute any acknowledgement of wrongdoing by Woonsocket police officials, it will help prevent other people arrested in Woonsocket for minor offenses from being subjected to inappropriate and demeaning procedures in the future.

#### *Everson v. State of Michigan Dept. of Corrections*

In 2004, the U.S. Court of Appeals for the Sixth Circuit ruled in favor of the State of Michigan Dept. of Corrections (MDOC) and their policy to assign only female corrections officers to the areas where women prisoners dress, shower, and use the toilet. This policy had been instituted as part of a settlement for a class action lawsuit on behalf of female inmates that exposed a persistent and well-documented problem in women's prisons of male guards raping and sexually harassing women prisoners and then retaliating against anyone who complained about such treatment. The ACLU of Michigan in consultation with the Women's Rights Project submitted a friend-of-the-court brief on behalf of the MDOC after they were sued by

guards who alleged the Department was discriminating on the basis of gender. The ACLU's brief argued that while gender-specific assignments should be legal in only rare circumstances, those circumstances existed in this case for several reasons. First, there was no blanket ban on employing men in women's facilities. Second, the policy would not cause any male officer to lose pay, promotion opportunities, or seniority. Third, there was no adequate gender-neutral alternative available to protect inmates' safety and privacy. Lastly, given the women inmates' history of abuse by men prior to incarceration, supervision by women guards while dressing, showering or using the bathroom was necessary for their rehabilitation.

## **Criminalizing Women's Behavior**

### *State v. Harris*

In 2004, the Kentucky Court of Appeals ruled that child abuse statutes do not apply to a pregnant woman's acts of self-abuse. In 2003, the Women's Rights Project in collaboration with the ACLU Reproductive Freedom Project and the ACLU of Kentucky submitted a friend-of-the-court brief on behalf of a Kentucky woman who gave birth to an infant who allegedly showed signs of drug withdrawal upon birth. Misti Harris was charged with first-degree criminal child abuse based on the allegation that she had intentionally abused her fetus by intravenously using the prescription painkiller Oxycontin during her pregnancy. The trial court dismissed the charges against Harris, but the Commonwealth appealed. WRP had litigated and won a case in the Kentucky Supreme Court in 1993 called *Kentucky v. Welch*, which clearly established that Kentucky's child abuse statutes do not apply to a woman's actions during her pregnancy. As the Kentucky Supreme Court explained, allowing a pregnant woman to be prosecuted for child abuse for acts that might cause harm to her fetus could subject women to criminal abuse charges for such behavior as skiing or driving over the speed limit. The appeals court agreed with the position taken by WRP and affirmed the trial court's dismissal of Harris's indictment.

### **Deborah Hobbs and North Carolina's Cohabitation Statute**

The ACLU of North Carolina plans to represent Deborah Hobbs, a former Pender County Sheriff's dispatcher who in 2004 was fired from her job because the Pender County Sheriff learned that she was living with her boyfriend. North Carolina criminalizes some consensual adult sexual conduct between unmarried couples of the opposite sex by prohibiting "cohabitation." N.C. Gen. Stat. § 14-184 states: "If any man and woman, not being married to each other, shall lewdly and lasciviously associate, bed and cohabit together, they shall be guilty of a Class 2 misdemeanor . . ."

The recent United States Supreme Court decision in *Lawrence v. Texas*, which struck down a Texas statute criminalizing homosexual sodomy as a violation of liberty interests under the Due Process Clause of the Fourteenth Amendment, makes clear that this North Carolina statute too is unconstitutional. The ACLU of North Carolina, along with their co-counsel, will challenge the constitutionality of the statute.

## Protecting the Custody Rights of Mothers

### *In re Young*

In 2004, the ACLU of North Carolina filed a friend-of-the-court brief on behalf of Monica Young before the North Carolina Court of Appeals. Young is the mother of a 13-year-old son. On July 11, 2003, the Halifax County Department of Social Services filed a report alleging that Young had interfered with its attempts to investigate reports of abuse. Subsequently, a state district court judge signed an order requiring Young to “allow social workers to enter her home and observe the child’s sleeping area” and to bring her son to a clinic for an evaluation. Young did not comply, and on July 18, 2003, filed a notice of appeal *pro se*. Because Young is indigent, the judge appointed the Appellate Defender to represent her on appeal. Young’s appellate defender made it clear that Young’s mental capacity was severely diminished. The question before the North Carolina Court of Appeals is whether the failure to appoint Young a guardian *ad litem* violated her right to due process under the Fourteenth Amendment. The appointment of a guardian *ad litem*, as required by North Carolina state law, is a vital procedural safeguard put into place to protect the interests of those parents who are incapable of protecting themselves. The ACLU’s friend-of-the-court brief argues that such a procedure is necessary to satisfy the demands of the Due Process clauses of both the North Carolina and the United States constitutions where a parent’s desire for and right to the companionship, care, custody, and management of his or her children is at stake.

## POVERTY AND WELFARE

Women in the United States and throughout the world are more likely than men to be poor. Women shoulder much of the responsibility of caring for children and other dependants. Such care is expensive and the time it demands makes many women less able to fully support their families through paid work. As a result, women who are the primary caretakers of their families have a higher likelihood of being poor. Women make up the vast majority of welfare recipients and so advocacy to improve welfare policy and administration is part of a broader goal to address women’s poverty. Women are also more likely to be poor because of gender

segregation in employment that locks them into low-paying work with few opportunities for advancement. Poverty is one of the core focuses of the Women's Rights Project because it is a persistent cause and effect of women's inequality in our society. Poverty intersects with many of the areas we work in and by addressing issues such as domestic violence, employment, and criminal justice, we focus on problems that disproportionately affect poor women. This work also seeks to advance core ACLU values, such as privacy, equality, and due process of law, so that women can enjoy their full citizenship rights and break the cycle of poverty.

### **Racial Disparities in Welfare Administration**

In collaboration with the Women's Rights Project, the ACLU of Wisconsin has been investigating the W-2 welfare program, administered by the Wisconsin Department of Workforce Development. This program has policies and practices that have led to race and disability discrimination against W-2 participants who are predominantly women. These include the failure to properly assess and accommodate disabilities, and the racially disparate imposition of punitive measures such as monetary sanctions for alleged violations of program requirements. The ACLU of Wisconsin filed an administrative complaint with the United States Department of Health & Human Services' Office of Civil Rights. They have also been negotiating with the state for improvements in its welfare system and for policy changes to ameliorate those problems.

### **Legislative Advocacy**

In 2004, WRP continued to monitor proposed reforms to the Temporary Assistance to Needy Families program (TANF). The reforms sought by the Bush Administration would among other problems, create tougher work requirements for women receiving welfare assistance. After extensive advocacy, the Senate proposed reforms that would significantly increase child care funding and improve child support. The House and Senate voted to extend the current program through March 2005 leaving all of these possible changes to the program off the table until next year.

The Women's Rights Project is also examining the link between housing mobility and gender. The ability for women to obtain Section 8 housing vouchers is important because it helps them to move from lower to higher income areas. Staff Attorney Emily Martin moderated a panel on this topic that included discussions of domestic violence and housing issues, public health and poverty issues, and policy issues at the Third National Housing Mobility Conference sponsored by the Poverty and Race Research Action Council in Washington, DC.

## EDUCATION

### Protecting Title IX

In the spring of 2004, the Department of Education proposed modifications to Title IX regulations, which prohibit gender discrimination in federally funded educational programs, to expand single sex education in the nation's public schools. The Women's Rights Project submitted comments opposing the proposed modifications because they would permit vastly expanded sex segregation in schools without providing proper safeguards by allowing and encouraging harmful sex stereotyping. Additionally, they pave the way for a separate and unequal education system for girls "under the guise of enhanced flexibility." Through litigation and advocacy, the Women's Rights Project and ACLU affiliates continue to defend Title IX and its importance in ensuring equality in education for girls and women. Additionally, greater access to athletics is linked to important educational opportunities for women. For example, women athletes of color received approximately \$82 million in college scholarships in 1999, compared to less than \$100,000 in 1971. In 2003, Title IX's significance in athletics was affirmed when the Department of Education concluded after a yearlong review prompted by the Bush Administration, that the law's policies regarding athletics should not be weakened or reformed. The decision also implied that discrimination against women in athletics still exists and that Title IX remains a necessary protection. Currently, male athletes enjoy 1.1 million more high school athletic participation opportunities than female athletes, 57,000 more college opportunities and \$133,000 million more in athletic scholarship assistance.

*"If retaliation against whistle-blowers is not banned, then anti-discrimination laws that protect women and others are severely weakened. It sends a very negative message to young people, particularly young women, when they see their teachers being punished for speaking out against gender bias and discriminatory conduct."*

- WRP Director Lenora Lapidus in an ACLU press release

### *Jackson v. Birmingham Board of Education*



The ACLU submitted a friend-of-the-court brief in a Supreme Court case on behalf of a girls' basketball coach who was fired for complaining about the unequal treatment of his team. In 2001, Roderick Jackson lost his coaching position after he repeatedly asked school officials if his team could have the same facilities as the boys' team:

a regulation sized gym with basketball rims that were not bent. In response, Jackson sued the Birmingham Board of Education over losing his position, stating that he had been fired because he spoke up about discrimination. A district court judge ruled that Jackson was not protected against retaliation under Title IX. The U.S. Court of Appeals for the Eleventh Circuit upheld that decision. In its brief to the Supreme Court, the ACLU argued that both Congress and the Supreme Court have repeatedly recognized that effective civil rights enforcement demands protection for those who report civil rights violations. The brief stated that the previous rulings in Jackson's case were unprecedented and urged the Court to reverse the decision of the Eleventh Circuit.

*Litman v. George Mason University*

In February 2004, the U.S. Court of Appeals for the Fourth Circuit issued a ruling for Annette Litman in a Title IX retaliation suit against George Mason University. The lawsuit alleged that Ms. Litman was expelled from George Mason University after complaining to the school about a professor who sexually harassed her. In 2001, a federal trial court in

Virginia threw out her claim that the University had unlawfully retaliated against her for making a sexual harassment claim, finding that while the law prevented the school from retaliating against students complaining of sexual harassment, it did not provide students with any right to enforce this rule in court. The Women's Rights Project joined a friend-of-the-court brief prepared by the National Women's Law Center arguing for the right to bring retaliation claims under Title IX, as a necessary part of the right to be free from discrimination. The Fourth Circuit upheld its prior decision in *Peters v. Jenney* that there is a private right of action for retaliation under Title VI, which compels the conclusion that Title IX "likewise provides a private right of action for retaliation."

*Cecilia G. v. Antelope Valley Union High School District*

The ACLU of Southern California filed a class action on behalf of pregnant and parenting high school students who were being coerced into leaving their local comprehensive public schools with their array of academic and extracurricular activities to enroll instead in an alternative educational program that was little more than a study hall. The suit alleges violation of the Equal Protection Clause, Title IX, and the California School Age Families



One of the students represented by the ACLU.



Education Program (Cal-SAFE). Both state and federal laws require school districts to allow pregnant and parenting students to attend comprehensive schools while receiving support services, such as child care and parenting skills. The ACLU demanded that the young mothers not be required to go to the alternative program and the case is currently nearing a settlement agreement.

## PUBLIC ACCOMMODATIONS

### Athletic Equality Efforts

While many cases have been brought challenging schools' discriminatory treatment of female athletes or their lack of support for girls' athletics in comparison to boys' under Title IX, only recently have cases been brought to hold a city to its responsibility to provide equal recreational opportunities for male and female athletes. These cases allege violations of state public accommodations laws as well as state and federal constitutions. The public accommodations laws argument is that town parks and recreational programs are public accommodations that must provide equal opportunities to girls and boys. One of the first lawsuits of this kind was won by the Women's Rights Project last year, on behalf of a girls' softball team in Oregon. Such litigation represents the next wave of the movement for equity in athletics, as girls demand equal treatment not only from schools, but also from the municipalities that provide youth leagues and playing fields to the community. In 2004, WRP and ACLU affiliates continued to file similar lawsuits and advocate on behalf of female athletes.

#### *Quinn v. Tabernacle*

The Women's Rights Project in cooperation with the ACLU of New Jersey, settled a matter, pre-litigation, involving unequal playing fields for girls' softball as compared to boys' baseball in Tabernacle, New Jersey. The baseball fields had bleachers, a snack stand, a playground, and lights for night games, while the softball field had no similar amenities. In response, town resident Patrick Quinn complained to the ACLU about gender discrimination at Tabernacle's athletic fields. Following demand letters, phone calls, and meetings with the town solicitor and the coach for girls' softball in Tabernacle, we reached agreement with the town to convert a field at the town's premier park from a baseball diamond to a softball field and to upgrade another field area as a girls' softball complex.



Top photo: Candace Workman.  
Bottom photo: Workman (left) is a reigning national champion wrestler.

### *Workman v. Spanish Fork*

The ACLU of Utah won a victory on behalf of Candace Workman, a fourteen-year-old female wrestler. Candace, a reigning national champion, was barred from entering a wrestling tournament in Spanish Fork, Utah after tournament officials received complaints that some boys were dropping out of the tournament because they were scheduled to wrestle her. The officials placed Candace in its new girls' division, however there were not enough entrants to comprise a real tournament because only three other girls in the state wrestle at the junior high level. Candace's family turned to the ACLU's Utah affiliate, which had received prior complaints of girls who were barred from wrestling in other tournaments. The ACLU wrote a letter to the city demanding that it allow Candace to wrestle in the tournament. Because the tournament was a private invitational, arguably Title IX did not apply. Thus, the letter argued that it is illegal for a private wrestling club that practices in or uses state municipal buildings, or municipal funds regulated by the state to discriminate. It also pointed out that undue concern over protecting the physical safety of female wrestlers was not warranted because there are few differences between young boys and girls in strength, size, or physical ability and the use of weight classes means that girls will wrestle against boys their own size. As a result of the work of the ACLU of Utah and the perseverance of Candace, the town rescinded its discriminatory policy, paving the way for Candace and other female wrestlers to compete in future tournaments.

### *Camacho v. City of La Puente*

The ACLU of Southern California won a victory in its fourth case challenging a city's discriminatory allocation of resources for girls' softball leagues. The City of La Puente provides the local boys' Little Leagues with two well-maintained and well-lit fields (including stadium lights, electronic scoreboard, fencing, snack bar, and field maintenance) for their exclusive use. The girls' softball league and teams played on two substandard fields behind a local elementary school. The fields have uneven playing surfaces and lack lights, scoreboards, paved parking, and other amenities. The City does not help operate or maintain these fields, and it only provided the girls with very limited and shared use of the only city-owned softball field. A settlement was reached in the case that provides, among other things, that the girls' softball recreational league will be given exclusive use of the sole city-owned softball field, and the city will build an additional softball field when the girls' league hits 200 members. In addition, the girls' league will be guaranteed equal access to city facilities and resources.

### Legislative Efforts

The ACLU's California Legislative Office sponsored legislation to prohibit gender discrimination in youth athletics programs and facilities by applying Title IX standards to activities run by cities and counties. In 1995, a local study found that only 25 percent of low-income girls in Oakland and San Francisco participated in after-school sports programs because of disparities in access to facilities and programs for girls. The bill will help thousands of predominantly low-income girls to participate in recreational opportunities by requiring parks and recreational facilities to provide them with the same "quality and scope" of boys' athletic programs. The bill was signed into law by Governor Schwarzenegger, making California the first state to require this level of equality for boys and girls athletics.

### Equal Participation in Social and Civic Clubs

In 2004, the Women's Rights Project continued its work to enforce public accommodations laws against clubs that discriminate. These laws forbid discrimination on the basis of gender in organizations that are not small and exclusive enough to be truly private and require that services and commercial establishments be open to men and women on the same basis. Ensuring women's access to places like social and civic clubs is crucial, as these sites are where many people forge valuable relationships that help them become leaders in their professions and communities. By challenging the "no girls allowed" mentality, women gain greater opportunities to participate fully in the public sphere with the same supports and advantages as men.

#### *Orendorff v. Elks Lodge*

The Women's Rights Project, in cooperation with the New York Civil Liberties Union and New York attorney Karen DeCrow, achieved an important victory for Bonnie Orendorff in her challenge to the historically all male admissions policy of the local Elks Lodge in Rome, New York. Since 1982, Bonnie Orendorff worked as an assistant cook and waitress at the Lodge. It was while working at the Lodge that she met her husband, Roger, a long-time member. Over the years, as she worked and socialized at the Lodge, she observed the charitable activities it undertook and the valuable business and professional contacts that the members of the Lodge made, and she wanted to participate in these activities and benefit from these networks too. Despite the fact that in 1995 the national Elks organization had amended its constitution to allow women to join the Elks, and despite the fact that since then local lodges all over the country



Top photo: Roger and Bonnie Orendorff.

Bottom photo: Bonnie Orendorff and friends in front of the Rome, NY Elks Lodge.

had not only admitted women, but had elected them to leadership positions, the Rome Elks Lodge had never admitted a woman. Nevertheless, Orendorff and two other women applied for membership. They were rejected, though no male applicant had been rejected for at least twenty years. They applied again, and were rejected again.

The Women's Rights Project brought suit on Orendorff's behalf, seeking an order requiring the Lodge to comply with the Elks rules forbidding discrimination on the basis of gender. In 2003, the court rejected arguments by the Elks Lodge that Orendorff should not be permitted to bring her claim and ruled that the case should go forward. Shortly after this ruling, the Elks Lodge reversed its long-standing discriminatory policies and began to admit women. In addition, women are now serving leadership positions in the Elks Lodge. We are continuing to negotiate a settlement agreement with the Elks Lodge to ensure that no future discrimination against Orendorff or other women takes place.

*Corcoran v. German Society Frohsinn*

The Women's Rights Project in collaboration with the Connecticut Civil Liberties Union continued its challenge to the German Society Frohsinn in Mystic, Connecticut, on behalf of Sam Corcoran, a woman who was denied membership. Corcoran, a regular visitor to the bar operated by the German Society decided she would like to become a member of the society. Corcoran had met and hired contractors as a result of her time at the club, and was eager to further explore the networking possibilities gained by membership that would be helpful to her as a small business owner. The club had approximately 200 members, all of them men, and rarely or never rejected membership applications from men. While at one time membership in the club had been limited to individuals of German heritage, that requirement had long been done away with to boost membership. In short, with a large and open membership, the club is not the sort of organization traditionally recognized as private and exempted from the nondiscrimination requirements of the public accommodations laws. Nevertheless, club members refused to give Corcoran an application, explaining that it was because she was a woman. The case is going to trial shortly.

*Willis v. The Town of Marshall, North Carolina*

After a decade of dancing at a Town of Marshall leased building, Ms. Willis, a 56 year-old woman, was warned in September 2000, by a member of the Marshall Depot Committee to “cool it,” apparently referring either to her style of dance or dress. A couple of months later, the Depot Committee, without any hearing, informed Willis that it had banned her from the Depot due to inappropriate behavior. The ban is being enforced indefinitely. In September 2002, the ACLU of North Carolina filed suit in federal district court in the Western District of North Carolina alleging, among other things, that the Town of Marshall’s banishment of Willis from the Marshall Depot violates her free speech rights as well as her right to equal protection under the law. In June 2004, a federal magistrate judge issued a recommended decision holding that the ACLU of North Carolina’s motion for a preliminary injunction be granted. Subsequently, a federal judge did not accept the recommended decision and denied the motion for a preliminary injunction. The judge granted summary judgment to the Town of Marshall. The ACLU appealed and oral argument before the U.S. Court of Appeals for the Fourth Circuit is scheduled for 2005.

## INTERNATIONAL HUMAN RIGHTS

International human rights law has become an important tool for the ACLU to hold the United States government and other actors accountable under universally recognized human rights principles. The ACLU has hired three full-time advocates to apply human rights strategies to work on national security issues, immigrants’ rights, women’s rights, and criminal justice. These advocates will work with WRP in our trafficking cases and our domestic worker diplomatic immunity campaign. They are also assisting us in our efforts to get New York City to adopt an ordinance implementing the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of all forms of Racial Discrimination (CERD).

### Diplomatic Immunity Campaign

The Women’s Rights Project in collaboration with Andolan, a South Asian immigrant workers’ organization, and Global Rights has launched a Diplomatic Immunity Campaign to focus on international human rights issues by engaging in advocacy on behalf of domestic workers employed by diplomats. Unlike other employers, diplomats are generally immune from ordinary civil, criminal and administrative processes of the receiving state unless their immunity is waived by the sending country. As a result, certain high-level diplomats are sheltered from the legal repercussions of

exploiting their employees such as domestic workers. Domestic workers exploited by diplomats endure a range of civil and human rights violations from the failure to pay minimum wage and/or overtime, to physical, sexual or psychological abuse, denial of medical care, and in some cases forced labor and trafficking. We are advocating for the creation of supervisory mechanisms to avoid the exploitation of domestic workers and a system of redress to address cases of exploitation that occur. To this end, WRP, Andolan, and Global Rights have mapped out an advocacy strategy that will take place on an international and domestic level. WRP is also advocating on behalf of an individual domestic worker, Swarna Vishranthamma, who was exploited and abused by her employer, the First Secretary of the Kuwaiti Mission to the United Nations. Through a combination of domestic and international advocacy, the Women Rights Project is working to secure the rights of all immigrant women workers.



Members of Andolan and other advocates of domestic workers' rights protest the diplomatic immunity outside of the U.N.

***Matter of R.A.***

The Women's Rights Project in conjunction with the ACLU Immigrants' Rights Project signed onto a friend-of-the-court brief in support of Rodi Adali Alvarado Pena's request that Attorney General Ashcroft affirm the decision of an immigration judge granting her application for political asylum. Alvarado, a Guatemalan citizen, suffered years of severe domestic violence and the government of Guatemala failed to respond to her repeated efforts to obtain protection from the abuse. Alvarado fled to the United States to escape this danger. The immigration judge granted her asylum claim finding that Alvarado has been persecuted in the past and that she has a well-founded fear of persecution based on her political opinion and her membership in a particular social group. The friend-of-the-court brief relied on domestic and international asylum

and human rights law. Ultimately, Attorney General Ashcroft vacated the decision of the lower court and denied asylum to Alvarado.

## New York City Human Rights Initiative

Locally, WRP in collaboration with Amnesty International, Urban Justice Center, Legal Momentum, and Women of Color Policy Network, is a co-convenor of the New York City Human Rights Initiative. The initiative seeks to pass New York City legislation based on the principles of CEDAW and CERD. This ordinance is unique because it has a particular focus on the intersectionality of gender and race. We helped draft the legislation and educate community groups, city council members, and others about its importance. The bill was introduced into the New York City Council on December 7, 2004 and we will continue to advocate for its passage.

## NEW STAFF

**Claudia Flores** joined the staff of the Women’s Rights Project as a Staff Attorney/Skadden Fellow in September 2004. Claudia is focusing on employment problems faced by low-wage immigrant women workers and women who have been trafficked into the United States. She is addressing labor law violations, sexual harassment, violations of human rights and other abuses faced by women who work in private homes, restaurants, hotels, retail stores, garment factories and other marginal jobs. In addition to litigating cases on behalf of these women, Claudia will be conducting know-your-rights training sessions at immigrant community centers and collaborating with community organizations and anti-trafficking groups on other advocacy efforts. Her work builds upon the excellent foundation laid by Jennifer Arnett, who was a Staff Attorney/Skadden Fellow with WRP from 2002-04.

Before joining WRP, Claudia clerked for Judge Harry Pregerson on the Ninth Circuit. She graduated from New York University School of Law in 2002, where she was a Root-Tilden-Kern-Sinsheimer Service Scholar. During law school, Claudia was a student in the Immigrant Rights Clinic where she represented a domestic worker who had been trafficked to New York and held in forced labor. During her summers, she worked at the International Criminal Tribunal for Rwanda, in Arusha, Tanzania and the Constitutional Litigation Unit of the Legal Resources Center in Johannesburg, South Africa. After her clerkship Claudia received a Skadden Fellowship and developed an Immigrant Domestic Workers Project at the International Women’s Human Rights Law Clinic at CUNY Law School, where she represented domestic workers who were victims of human trafficking and involuntary servitude.



Claudia Flores.



Women’s Rights Project Staff Members.



Caroline Bettinger-López.

Before law school, Claudia worked as a staff investigator at the California Appellate Project, a non-profit organization that represented indigent persons in death penalty appeals. She received her undergraduate degree with honors in philosophy from the University of Chicago.

**Caroline (“Carrie”) Bettinger-López** joined the staff of the Women’s Rights Project as a Staff Attorney/Skadden Fellow in November 2004. Her project addresses housing and employment discrimination against low-income and immigrant domestic violence victims in New York City through community outreach, legal education, litigation, and legislative advocacy. Carrie’s outreach includes collaboration with a broad range of local and national organizations that serve domestic violence victims, immigrants, low-income families, the homeless, and the unemployed. She will soon begin conducting know-your-rights workshops for battered women at several New York City-based grass roots organizations and providing legal trainings to lawmakers, courts, housing authorities, landlords, and employers. Carrie will prepare a pamphlet on housing and employment discrimination against domestic violence victims that can be distributed to victims and their advocates. The goal of these community outreach and education efforts is to correct myths about domestic violence and create greater public understanding of the rights of battered women and the obligations of their landlords and employers. Through litigation in city, state, and federal forums, Carrie will challenge housing and employment policies that unfairly discriminate against and create barriers for victims of domestic violence. Finally, Carrie will advocate for increased legal protections for domestic violence victims through legislative advocacy at the city, state, and federal levels. For example, she is actively involved in a campaign to persuade the New York City Council to enact an ordinance prohibiting landlords and homeowners from discriminating against domestic violence victims.

Before joining WRP, Carrie clerked for Judge Sterling Johnson, Jr. in the Eastern District of New York. In 2003, Carrie graduated from Columbia Law School, where she was a member of the Columbia Human Rights Law Review, the Columbia Law Women’s Association and the Latin American Law Students Association, and served on the Board of Directors of the Society for Immigrant and Refugee Rights. As a law student, she interned at WRP; the Urban Justice Center’s Mental Health Project; Goldstein, Demchak, and Baller, a civil rights and employment law firm in Oakland; and the Movement of Haitian-Dominican Women, a grass roots organization working to address gender and racial inequities in the Dominican Republic through law, education, and public policy. Carrie was actively involved in the Columbia Human Rights Clinic’s case before the Inter-American Commission and Court of Human Rights on behalf on Haitians and Dominicans of Haitian descent who had been



expelled from the Dominican Republic without due process of law. Before law school, Carrie served as an AmeriCorps Child Victim Advocate in Miami, counseling victims of domestic and dating violence; worked with adolescent girls living in projects run by the Hialeah Public Housing Authority; served as a guardian ad litem for abused and neglected children in the CASA program; and taught English, Spanish, and a women's rights seminar to disadvantaged secondary school students in Haiti. She has also studied and worked with the Cuban-Jewish population, the subject of a book she published in 2000 entitled *Cuban-Jewish Journeys: Searching for Identity, Home, and History in Miami*.

**Shanti Hubbard** joined the staff of the Women's Rights Project as a paralegal in September 2004 after graduating from Harvard University. Shanti graduated Magna Cum Laude and received a BA in sociology with a focus on youth culture in socio-political movements. She completed her honors thesis on the interplay of identity formation and culture in the emerging hip hop movement in Salvador, Brazil. She lived in Brazil for four months and conducted independent ethnographic research, working with local youth activists and artists. Shanti paid particular attention to the way in which hip hop culture can be used as a vehicle to transmit empowering notions of race and gender to participants and aid them in advancing social justice causes in their communities.

During her college summers, Shanti worked in Washington D.C. as an intern for Congressman Jesse Jackson Jr., at Columbia as a research assistant, and at the Chicago Field Museum of Natural History where she helped organize a national conference on hip hop and social change. Shanti also has a background in student and community organizing around issues of race and gender. While at Harvard she helped found the Political Action Committee of the Association of Black Harvard Women to raise awareness of the intersectionality of race and gender and to ensure the issues facing poor black women take a prominent role on Harvard's campus. She also worked in Boston with local activists, academics, and students to use hip hop to engage the greater youth community in political issues. When Shanti was a high school student in Evanston, IL, she co-founded QUEST, a program that addressed minority student underachievement through peer mentoring and educating students and parents on how to negotiate the higher education system. She also worked with school administrators to address the role of school policies and practices in minority underachievement. Shanti speaks Portuguese and also co-directs and dances in a local hip hop troupe in New York.



Shanti Hubbard.

## **PUBLIC EDUCATION: PUBLICATIONS, PUBLIC SPEAKING ENGAGEMENTS & MEDIA COVERAGE**

During 2004, WRP staff engaged in numerous activities to spread our work and ideas to the public. Below are some of the highlights.

### **Publications**

WRP along with the ACLU's Capital Punishment Project and National Prison Project released the report *The Forgotten Population: A Look at Death Row in the United States Through the Experiences of Women*.

WRP published two fact sheets on housing and domestic violence issues: *Housing Discrimination and Domestic Violence* and *Domestic Violence and Homelessness*.

WRP Staff Attorney/Skadden Fellow Jennifer Arnett wrote an article on the employment rights of domestic workers, for publication in English and Spanish in the newsletter of the Dominican Women's Development Center, based in Washington Heights. The article covers wage and hour laws, employment agency laws in New York State and New York City, workers' compensation, and unemployment insurance, among other areas of concern.

WRP Staff Attorney Emily Martin contributed a chapter to the book *Waking from the Dream: Pursuing Civil Rights in a Conservative Era*, a project of the National Conference on the Rollback of Civil Rights. She wrote about the rights of battered women and the challenges posed to these rights by recent Supreme Court decisions restricting federal Congressional power.

WRP Staff Attorney Emily Martin coauthored an article on better housing practices for domestic violence victims for the *Clearinghouse Review*, which will be published in 2005.

### **Public Speaking Engagements**

In January, Staff Attorney/Skadden Fellow Jennifer Arnett gave a know-your-rights training to current and former participants of the Business Training Program of the Mercy Center. The Mercy Center, located in the Mott Haven section of the Bronx, focuses on self-improvement for predominantly Hispanic and African-American women and families of the South

Bronx. Our training focused on wage & hour laws, discrimination, and the Family Medical Leave Act.

In February, WRP Staff Attorney Namita Luthra gave a talk to the New York County Lawyers' Association's Women's Rights Committee, which discussed the history of the ACLU Women's Rights Project and our current docket.

WRP Staff Attorney Emily Martin gave the keynote speech at the Third Annual Feminists of Penn Law Dinner, at the University of Pennsylvania Law School in March.

In March, WRP Staff Attorney/Skadden Fellow Jennifer Arnett spoke at a conference in Washington D.C. entitled, "*Building an Asian Pacific American Women's Movement: A National Economic Justice Gathering hosted by the National Asian Pacific American Women's Foundation,*" on a panel addressing low-wage immigrant women workers.

WRP Director Lenora Lapidus spoke at a Forum on Women and Housing Discrimination, sponsored by the City of New York, Manhattan Community Board 8's Housing Committee, on housing discrimination against victims of domestic violence in March.

WRP staff participated in a gathering at the United Nations, Honoring Women's Contributions to Peace Building on the Occasion of the 48<sup>th</sup> Session of the Commission on the Status of Women in March.

In September, WRP Staff Attorney Emily Martin spoke about housing discrimination against domestic violence survivors at the 9<sup>th</sup> International Conference on Family Violence.

WRP Staff Attorney Emily Martin gave a talk on housing issues facing domestic violence survivors at the 2004 Michigan Poverty Law Program Roadshow in September.

In September, WRP Staff Attorney/Skadden Fellow Claudia Flores spoke at a forum on human trafficking, discussing legal remedies for victims of trafficking under international human rights laws and the Trafficking Victims Protection Act, at the Association of the Bar of the City of New York.



Attendees at the Third National Conference on Housing Mobility.

In October, WRP Director Lenora Lapidus spoke at the Housing Justice Network Conference in Washington D.C.

In November, WRP Staff Attorney/Skadden Fellow Claudia Flores gave a training on the issues of international law and diplomatic immunity to members of Andolan, a South Asian immigrant worker association.

In December, WRP Staff Attorney Emily Martin moderated a workshop on how to design and advocate for an agenda that promotes the well-being of poor women and their families at the Third National Conference on Housing Mobility hosted by the Poverty & Race Research Action Council (PRRAC) at the Urban Institute in Washington, DC.

### Media Coverage

“Manhattan Store Owner Accused of Underpaying and Sexually Harassing Workers,” *The New York Times*, May 13, 2004

“Hotel Workers File Suit,” *Newsday Inc.*, May 28, 2004

“Hotel Maids Sue Ex-Boss,” *New York Daily News*, May 28, 2004

“Inmigrantes Demandan a Hotel por Abuso,” *HolaHoy.com*, May 28, 2004

“California Takes Lead in Sports Equity,” *Women’s eNews*, September 13, 2004

“Supreme Court Considers Title IX Case,” *The New York Times*, November 30, 2004

“Court Accepts Case About Police Negligence Liability,” *USA Today*, November 1, 2004

“Justices to Mull Rights of Those Seeking Police Protection,” *The New York Times*, November 2, 2004

“TSA Modifies Airport Pat-Downs,” *The Washington Post*, December 10, 2004

“Texas Governor Stays Execution of Newton,” *The Houston Chronicle & Women’s eNews*, December 12, 2004

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The Women’s Rights Project could not accomplish all that it has without the generous support, assistance and guidance of our distinguished Advisory Committee, our law firm cooperating attorneys, and our foundation and corporate donors.

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