

Women's Law Project

Newsletter
Fall 2004

Challenge 2004

No society will ever be truly free or democratic while women are denied full sovereignty over their bodies and their lives, from access to comprehensive reproductive health care to equal treatment in the classroom and in the workplace.

The Women's Law Project is a non-profit legal advocacy organization, committed to fighting discrimination and injustice against women and to advancing the health, economic, and legal status of women and their families, particularly those who are poor and disenfranchised. We believe in the power of collaborative effort, and we believe, most deeply, in the ability of women to take care of themselves and their families when provided with the information and tools necessary to confidently express themselves and freely fulfill their potential.

For thirty years, the Women's Law Project has been a beacon of hope for women who have experienced the effects of social and legal systems geared toward keeping the "status quo" in power and treating women as second-class citizens. We are proud that we have helped redefine women's roles in society, but are reminded daily that our work is far from done.

Our vision is to achieve a transformation in our society that leads to an acceptance of women as full and equal partners and, indeed, leaders. When women realize the core of their power lies in the strength of their vote, and when women feel confident enough in themselves to not only stand up for themselves and their families but also to run for office and become leaders in their own right, the values of our society will shift. Until then, we are committed to serving as the legal champions of women everywhere, but particularly in Pennsylvania, to compel the change necessary to manifest our vision.

DOMESTIC VIOLENCE TASK FORCE ONE MILLION DOLLARS IN NEW FUNDING

In September 2003, Philadelphia Mayor John Street formally appointed a Domestic Violence Task Force to identify gaps in the City's response and develop proposals to improve the comprehensiveness and coordination of city services to domestic violence victims. Co-chaired by WLP Executive Director Carol Tracy and Police Commissioner Sylvester Johnson, the Task Force membership includes the heads of relevant city departments and leaders in the domestic violence community. Much of the first year's work has been developing a comprehensive understanding of the unique services required by domestic violence victims (and perpetrators) and of the systems and agencies that provide them. Building inter-agency communication and trust is essential to the establishment of a system of coordinated community response to domestic violence. As this was taking place, Mayor Street added one million dollars in city funds to address the most pressing needs identified to date: an

improved and expanded domestic violence hot line service and increased capacity in shelter beds. Another major initiative was the implementation of a new protocol on stalking and an unprecedented training program associated with it. The Philadelphia Police Department was chosen to develop a model protocol on stalking, in coordination with the National Center for Victims of Crime, The District Attorney's Office, the Women's Law Project, and the domestic violence service providers. ***Stalking is a crime: it is a course of conduct directed at a specific person that places a reasonable person in fear for her or his safety. It can be lethal: 76% of women killed by their intimate partners were stalked by these partners before they were killed.*** Relevant police officers and detectives are receiving intensive training on the protocol, and for the first time, the Philadelphia Police Department, through the Task Force, provided the same training to advocates and providers, city agencies, and community organizations who work with victims of domestic violence.

MAIN OFFICE
125 South 9th Street
Suite 300
Philadelphia, PA 19107
T: 215.928.9801
F: 215.928.9848
info@womenslawproject.org

WESTERN PA OFFICE
Standard Life Building
345 Fourth Avenue
Suite 904
Pittsburgh, PA 15222
T: 412.227.0301
F: 412.227.0417
sfrietsche@womenslawproject.org

WOMENVote PA

Suffrage: “n. 1. a. The right or privilege of voting; franchise. b. The exercise of such a right. 2. A vote cast in deciding a disputed question or in electing a person to office.”

Suffragist: “n. An advocate of the extension of political voting rights, esp. to women.”

The American Heritage College Dictionary, Third Edition

“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.”
U.S. Constitution, 19th Amendment

Imagine our shock upon discovering that *Pennsylvania ranks as one of the nine worst states for women* with respect to the following:

- women’s employment and earnings,
- women’s political participation,
- women’s economic and social autonomy,
- women’s reproductive rights, and
- women’s health and well-being.

Imagine the disbelief we felt to learn that Pennsylvania women are not registering or voting at the same rates as men in the state. In fact, according to the Institute for Women’s Policy Research and the U.S. Census, **women are more likely than men to register to vote in every state EXCEPT Pennsylvania.** Indeed, Pennsylvania is one of only four states where women are, on average over the past eight years, **voting at lower rates than men** despite the fact that they comprise a greater percentage of the state’s population.

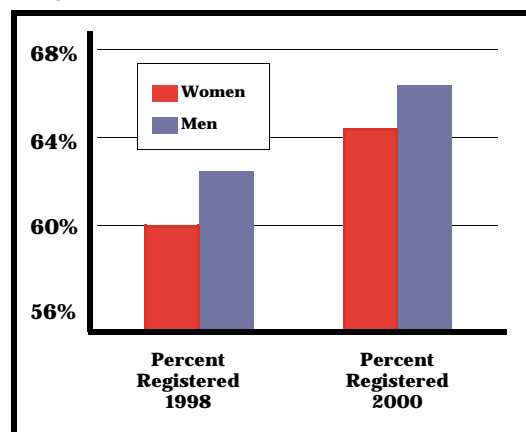
Imagining what our foremothers who fought to secure the right of women to vote in the United States 84 years ago would think if they knew the reality of women’s voting patterns in Pennsylvania today, **the Women’s Law Project took action.** WomenVote PA sprang into action in November 2003, building a coalition of women’s groups across Pennsylvania with the goal of improving the status of women in Pennsylvania by aggressively registering new women voters, increasing the voting participation rate by women, and creating a progressive women’s public policy agenda.



WomenVote PA / Phone Bank Volunteers

We’ve organized phone banks, direct mail campaigns, and speaking engagements, advising and informing women in all walks of life about the voting pattern of women in Pennsylvania and its impact on public policy. We’ve created a Flex Election Day Campaign, calling on employers to have “family friendly” election day work hours to accommodate parents who frequently have very busy mornings getting children to day care or school and similarly busy after-work responsibilities.

WomenVote PA has energized and catalyzed thousands of women throughout Pennsylvania. In less than a year, WomenVote PA has grown to over 60 member organizations, and our combined efforts have registered over 25,000 new voters. WomenVote PA has been selected by **Women’s Voices/Women Vote**, a national organization, as the Pennsylvania partner in mobilizing the vote of young women. WomenVote PA has attracted the attention of ABC national news and the British Broadcasting Company (BBC).



We are proud to be part of this movement of modern-day suffragists who see the connection between the status of women in Pennsylvania, the priorities that are set by policymakers *at all levels of government*, and the harm society suffers when women are silenced, excluded, and marginalized.

REPRODUCTIVE RIGHTS

Every day in Pennsylvania, women struggle against laws and policies aimed at forcing them into child-bearing. For many women, safe, confidential abortion care and access to prescription contraceptives are hopelessly out of reach. The Women's Law Project works to lift restrictions on reproductive health care, to protect doctors and clinics from anti-choice violence, and to create a culture in which women's choices are respected.

The Women's Law Project provides direct representation for young women needing judicial approval to have an abortion when they cannot get their parent's consent. With the cooperation of a receptive Allegheny County Family Court, WLP attorneys introduced streamlined judicial bypass forms and procedures for Pittsburgh-area teens and eliminated the lengthy delays in scheduling court hearings that used to push many of these young women into later stages of pregnancy. Instead of delays averaging two weeks or more, teens can now obtain a hearing on a judicial bypass petition on any weekday in Allegheny County. In two other counties, our efforts prevented courts from denying young women bypasses to which they were entitled.

No one should have to fight her way through a wall of angry, screaming protesters to see her doctor. But at several clinics in Pennsylvania, frequent protests threaten to close off women's access to health care. The Women's Law Project represents reproductive health care providers at court hearings and before local officials and law enforcement authorities to protect women and their medical providers from the violence and coercion that lie at the fringe of the anti-abortion movement.



Pennsylvanians for Choice

This year, Pennsylvanians for Choice, the state-wide coalition of dozens of pro-choice groups convened by the Women's Law Project, continued to advocate for equitable contraceptive coverage and sent thousands of participants to the largest pro-choice demonstration in the nation's history: the March for Women's Lives in Washington, DC on April 25, 2004. The coalition also rallied support for besieged women's clinics and developed a plan for administrative advocacy to eliminate certain targeted restrictions on abortion providers.

Litigation

The Women's Law Project served as counsel to dozens of physicians and several medical associations that submitted *amicus* or "friend of the court" briefs in three abortion procedure ban cases: *Carhart v. Ashcroft* and *NAF v. Ashcroft*, the Nebraska and New York federal court challenges to the so-called "Partial-Birth Abortion" ban, and *Richmond Women's Medical Center v. Hicks*, challenging a similar Virginia abortion procedure ban in the Fourth Circuit Court of Appeals.

The federal abortion procedure ban marks the very first time that Congress has criminalized abortion procedures. With the judges in both the *Carhart* and *NAF* cases holding the federal abortion ban unconstitutional, this law—which makes no exception for cases in which the banned procedure is the safest choice for women's health—will not take effect.

Finally, in the matter of *Planned Parenthood of Alaska v. Alaska*, the Women's Law Project submitted an *amicus* brief to the Alaska Supreme Court on behalf of national and local groups in support of the plaintiff's challenge to the judicial bypass process implemented by the Alaskan legislature.

WHEN WOMEN VOTE
CHANGE HAPPENS

TITLE IX

LITIGATION

Jane Doe v. Penn State University:

Last year, the Women's Law Project settled a sexual harassment lawsuit it had filed against Penn State University (PSU) on behalf of a female student who was sexually assaulted and, after reporting the assault, was harassed to the point that she was forced to withdraw from the school. The settlement provided the student with individual relief and established a neutral panel to review PSU's policies and procedures relating to sexual assault and harassment. The panel released its report in the spring of 2004 and we are pursuing efforts to gain implementation of the panel recommendations by PSU. These recommendations seek to provide remedies that will allow students facing sexual assault and harassment to safely complete their education, a goal that Jane Doe was unable to achieve for herself but hopes will be possible for others as a result of her efforts.

WE'RE ON THE WEB!

A copy of the panel's report can be viewed at: www.womenslawproject.org

Enforcement of Kemether v. Pennsylvania Interscholastic Athletic Association and Del Val Athletic Association:

WLP has returned to federal court to enforce the gains made in *Kemether v. PIAA and Del Val* 96-CV-6986 (E.D. PA. filed Oct. 1996). Originally filed on behalf of Noreen Kemether, a basketball official who was denied access to boys' varsity games in blatantly discriminatory terms, the litigation was aimed at establishing equal opportunity for women on the basketball court. As part of the resolution of that case, we negotiated a pre-trial settlement with Del Val in July 1998, which committed Del Val to assigning at least five boys' and five girls' varsity games to the plaintiff annually for seven years and instituting a gender neutral system of evaluating officials and assigning games. When a female official recently contacted us and described the refusal of Del Val's assignor to assign her to boys' varsity games, we concluded that Del Val's conduct violated the consent decree entered into in 1998. We have asked the court to enforce Del Val's agreement to evaluate and assign officials without regard to gender so that all female referees can benefit from the result of the original litigation. These efforts are ongoing.

Drinker, Biddle & Reath LLP co-counseled both Title IX cases with the WLP.

Do you have an experience to share — positive or negative — about the treatment of girls and women in school athletics?

We want to hear about it!

WLP set out to determine the extent to which Pennsylvania's secondary and higher education institutions comply with Title IX's mandate of gender equity in athletics. By collecting information from secondary schools through a survey instrument and analyzing publicly reported information about colleges and universities, we expect to be able to paint for the first time a picture of where Pennsylvania stands with respect to meeting the interests and needs of female athletes in Pennsylvania.

We mailed a comprehensive survey to over 1700 Pennsylvania middle, junior, and senior high schools in Pennsylvania and obtained the partnership of the Pennsylvania Commission on Women. Having realized a response rate of approximately 20%, we are presently compiling the data and responses from the returned surveys and will soon begin our analysis. After drawing preliminary conclusions, we expect to convene a statewide panel of experts from a variety of disciplines that will review our data and findings, draw conclusions about the state of gender equity in athletics in Pennsylvania, and, if appropriate, make recommendations for improvement.

ATHLETIC EQUITY PROJECT

The Women's Law Project sponsored
***Title IX and Gender Equity in Education:
The Unfinished Agenda***
at the University of Pittsburgh

The conference, co-sponsored by the University of Pittsburgh School of Law, the Pitt Women's Studies Program, the YWCA of Greater Pittsburgh, the National Council of Jewish Women (Pittsburgh section), and the Education Law Center, featured panels on sexual harassment in education, single-sex education, and athletics. The purpose of the gathering was to examine gender equity in western Pennsylvania schools and discuss the strategies and tactics needed to win equality for young women and girls. Donna Lopiano, Director of the Women's Sports Foundation, gave the keynote address. We were especially gratified by the turn-out among young women and coaching staff. One young

high school student who attended the second day of the conference remarked that it had opened her eyes to the realization that she could be part of a larger effort to fight injustice in the world. The conference received media coverage that helped to acquaint the greater-Pittsburgh community with the Women's Law Project and publicize our services. An article profiling Donna Lopiano ran in the Pittsburgh *Post-Gazette* the day before the conference, and there was lengthy and in-depth post-conference coverage of Title IX in the Pitt *Chronicle*. Most gratifying, *On Q*, a live public television talk show, devoted one entire program to western Pennsylvania women in sports.

PITTSBURGH TITLE IX CONFERENCE A SUCCESS!

ADVOCACY

BEING HEARD IN HARRISBURG

with our efforts to improve the lives of women with substance use disorders, the Pennsylvania House in late December concurred in Senate amendments to House Bill 44, restoring TANF cash assistance and food stamps to impoverished people who had been permanently banned from receiving these benefits because of a felony drug conviction in their past. The people who were hurt by the lifetime ban on welfare benefits were not drug kingpins, of course, but poor women with children. Typically, the women affected by this ban were first time offenders whose felony convictions arose out of their own addiction to drugs. According to a study of this population undertaken in 1998, their addiction co-occurred with histories of sexual abuse or battering, often in their childhood or early teenage years. With Community Legal Services, Interim House, and My Sister's Place, the Women's Law Project met many of these women over the past three years of lobbying on HB 44, and persuaded a number of them to courageously travel with us to Harrisburg to tell the stories of their lives to our lawmakers. Their powerful testimony convinced legislators to restore benefits to support recovery from addiction and reunification of families.

In a success that melds our TANF work



Governor Rendell signs HB 44

**Powerful
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SEEKING NEW PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE

The WLP has identified a serious problem faced by victims of domestic violence who want to change their identity in order to conceal themselves and their families from batterers who continue to abuse them following separation. Unfortunately, in Pennsylvania, obtaining a court-ordered name change requires notice by publication in two newspapers of general circulation, and, when a child is involved, delivery of the petition to any non-petitioning parent.

These requirements, as they presently exist, effectively disclose the whereabouts of a victim and her children to a batterer, place her at risk of further violence, and undermine her efforts to protect her family and establish a new home free of violence. Notice to the offending partner and parent is also likely to provoke dangerous and unwanted contact and retaliation.

The risks posed by notice requirements in name change cases involving domestic violence are increased dramatically by the fact that almost all publications are now posted on the internet. It is therefore now far easier for an abuser to “keep tabs” on the location of his former partner through the many search engines available on the internet and detect any attempts by her to change her name or location.

A number of states have adopted legislation providing waiver of notice requirements and allowing sealing of files, including New York, Virginia, California, New Mexico, Montana, and Colorado. We are working with state legislators to accomplish the same here.

WLP TESTIFIES IN OPPOSITION TO LEGISLATION MANDATING A PRESUMPTION OF JOINT CUSTODY

On August 24, 2004, WLP testified before the Family Law Subcommittee of the Pennsylvania House Judiciary Committee in opposition to House Bill 2041. If adopted, this bill would replace the Pennsylvania custody statute’s “best interest of the child” standard with a presumption of joint custody in all custody proceedings. It appears that the impetus for this bill comes from a growing national movement by groups promoting the interests of fathers rather than the interests of children. WLP was only one of three organizations testifying against the bill, while nine individuals from organizations such as the National Congress for Fathers and Children and Fathers’ and Children’s Equality testified that a presumption was necessary to protect the rights of fathers.

If you disagree with House Bill 2041, please convey your thoughts to The PA House Judiciary Committee.

WLP testified that it supports joint custody only when voluntarily undertaken by the parties. This position is consistent with studies finding that joint custody has detrimental effects on children when there is elevated conflict between the parents. A presumption of joint custody would also compromise the safety of battered women and burden and confuse the multitude of litigants who lack legal representation in custody matters. As currently written, Pennsylvania’s custody statute recognizes the importance of contact by the child with both parents and correctly provides for an award of shared custody *based on finding that parties are able to cooperate*. **You can read the full testimony on our website.**

VICTORY: Anti-Gay “Pre-emptive Strike” Lawsuit Thrown Out

EGOLF VS. SENECA: On October 19, 2004, the Bucks County Court of Common Pleas dismissed a lawsuit brought by twelve Pennsylvania state representatives and a plastics manufacturing firm against a gay couple who would like to get married. Along with the Center for Lesbian and Gay Civil Rights, the Pennsylvania ACLU, and Schnader Harrison Segal and Lewis, LLP, the Women’s Law Project defended the gay couple from this bizarre “pre-emptive strike” lawsuit, which sought to declare Pennsylvania’s discriminatory marriage laws constitutional. This gay couple was singled out for no other reason than that they spoke out publicly against the state’s marriage laws after they tried unsuccessfully to get a marriage license in Doylestown, Pennsylvania. Clearly a backlash response to the nationwide debate on whether gay

and lesbian couples have the right to marry, this litigation failed because the legislators’ claim was not ripe and because they did not have standing to sue the gay couple. The question of the constitutionality of Pennsylvania’s Marriage Laws is left for another day.

TELEPHONE COUNSELING AND CONSUMER EDUCATION SERVICE (TCS)

As we have for nearly the entire 30 years of our existence, WLP continues to provide unparalleled volunteer-supported telephone counseling to women in need of legal information and referral in southeastern Pennsylvania. Responding to over 5,000 inquiries a year, we are a unique resource to the thousands of individuals who are forced by circumstances to tackle issues of family law (and a host of other legal matters) without an attorney. This year was a monumental year for the TCS, as we launched a brand-new, customized database that has revolutionized our counselors’ ability to track issues and access resources on behalf of our callers. In addition to providing information, referrals, and support to our callers, the TCS gives us a unique window on the world and informs our advocacy efforts on behalf of the women we serve.

STAFF

Carol E. Tracy—Executive Director
Terry L. Fromson—Managing Attorney
David S. Cohen—Staff Attorney
Michelle DeMooy—Administrative Assistant
Barbara B. DiTullio—Program Manager/ WomenVote PA
Susan Frietsche*—Senior Staff Attorney
Dabney Miller—Associate Director
Debi Morrison—Office Manager
Kara O’Byron*—Administrative Assistant
Stacey Young*—Staff Attorney/ Equal Justice Works Fellow
Lisa JG Weikel—Development Director/Staff Attorney
**Located in our Western Pennsylvania Office*

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In honor of our 30 years of service to women, the **Independence Foundation** is challenging us to reach out to a wider audience of contributors to our mission by awarding the WLP a challenge grant. This challenge is a huge opportunity for us to grow our donor-base of women and men throughout Pennsylvania and beyond who value women's equality. Please join us in celebrating our 30 years of service by making a contribution to the WLP and empower us to continue for another 30 years!

**“30 for 30
CHALLENGE GRANT”**
Every single NEW or INCREASED dollar of support we earn will be matched, dollar for dollar, by the **Independence Foundation**, up to \$30,000, which means with your help we will earn “new” dollars totaling \$60,000!

Women's Law Project

125 South 9th Street, Suite 300
Philadelphia, PA 19107



DONORS / FUNDERS

The Women's Law Project is grateful for the support we receive from our funders, donors, and partners who have enabled us to continue our work to advance women's rights, including:

1957 Charity Trust	Independence Foundation	Philadelphia Bar Foundation
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