



Clearinghouse on Women's Issues

10401 Grosvenor Place #917, Rockville, MD 20852 301 493-0002
www.womensclearinghouse.org

SEPTEMBER 2007

INTERNATIONAL FUNDING INVESTMENTS FOR GENDER EQUALITY

Speakers scheduled for the September CWI meeting are **Dr. Virginia Seitz**, Millennium Challenge Corporation (MCC), and **Elaine Zuckerman**, founder and president of Gender Action.

MCC is a U.S. Government corporation that seeks to "reduce poverty through sustainable economic growth." In 2006, it announced that gender analysis would be a factor in its decision process for assistance programs, recognizing that "gender inequality is a significant constraint to sustainable, long-term economic growth and poverty reduction." Virginia Seitz will discuss implementation of this gender policy, and how an analysis of gender differences and inequalities informs the development, design, implementation and monitoring of MCC funded programs.

Elaine Zuckerman worked inside the World Bank and the Inter-American Development Bank for two decades. She recognized that studies consistently demonstrated the need for greater gender equality to reduce poverty and enhance economic growth. Concerned that the international financial institutions were neglecting to promote gender equality in many large investments, she founded Gender Action whose mission is "to promote women's rights and gender equality and ensure women and men equally participate in and benefit from International Financial Institution investments in developing countries."

SPEAKERS: Dr. Virginia Seitz, Millennium Challenge Corporation

Elaine Zuckerman, president, Gender Action

TOPIC: International Funding Investments for Gender Equality

DATE/TIME: Tuesday, September 25, 2007 / 12 noon – 1:30 p.m.

PLACE: American Council on Education, One Dupont Circle, 8th Floor, Kellogg Room
Bring brown bag lunch. Soft drinks available from a machine.

IMPORTANT NOTICE

A photo ID must be shown at the security desk of One Dupont Circle.

Please come a little earlier than usual to go through the sign-in system.

Next Meeting: October 23, 2007

PROGRAM SUMMARY – JUNE 26, 2007 MEETING

State Equal Rights Laws and the Federal Women’s Equality Amendment

CWI’s June meeting focused on state constitutional equal rights guarantees and the federal Women’s Equality Amendment (formerly ERA). Our speakers were **Linda J. Wharton, J.D.** associate professor political science at Richard Stockton College in New Jersey, and **Bethany Sousa, J.D.** a Women’s Research and Education Institute fellow in Rep. Carolyn Maloney’s office. The meeting opened with a discussion of the way in which state constitutions and state antidiscrimination laws can be used to expand protection against sex discrimination, as well as a description of the experience with state Equal Rights Amendments opened the meeting followed by an examination of the way a federal Equal Rights Amendment might expand protection for women.

Linda J. Wharton, J.D. shared some highlights on women’s rights provisions in state constitutions from her article *“State Equal Rights Amendments Revisited: Evaluating their Effectiveness in Advancing Protection against Sex Discrimination”* in the *Rutgers Law Journal*. (http://www.camlaw.rutgers.edu/publications/lawjournal/wharton_36_4.pdf)

To help us understand the value of the state ERAs, she described the scope of protections that currently exist under the federal constitution and showed us why we still need a federal ERA. Professor Wharton became interested in research on the effects of state ERAs after noting that several articles published recently on the effectiveness of state ERAs were by the former general counsel to a pro-life group. These articles questioned state ERAs, claiming they have been ineffective except as symbols and have not helped women. Wharton suspected that this was not an accurate description based on her own and others’ positive experiences in winning sex discrimination cases using state ERAs.

Professor Wharton explained the limits of the current federal protection of women rights. The 19th Amendment granting women the right to vote is the only explicit Constitutional protection against sex discrimination. In the absence of explicit protection beyond the voting context, the 14th Amendment equal protection and due process clauses have been used, but the Supreme Court has interpreted the 14th Amendment as extending protection against sex discrimination in only limited circumstances. The equal protection clause is often applied in instances where racial classifications are involved. Here the Supreme Court uses the strict scrutiny test whereby the government must show that the racial classification serves a compelling governmental purpose and is necessary to achieve that objective.

The strict scrutiny test is difficult and the government usually cannot meet the heavy burden of proof. The Supreme Court can also use the rational basis test instead of the strict scrutiny test. Under this test the government only needs to show that a “legitimate governmental purpose” is rationally advanced to allow discrimination. With sex-based classifications the Supreme Court has used an intermediate basis test between the strict scrutiny test and rational basis test. Under the intermediate test, the government must show it has an important (although not compelling) reason for its actions, but the availability of less discriminatory alternatives to the sex discrimination is not necessarily fatal to the government’s case.

She highlighted how vague, malleable and subject to interpretation this test is. Recent quantitative studies have shown that when courts assess discrimination cases using the strict scrutiny analysis, the litigant has a 73 percent probability of success. In contrast, where the intermediate standard is used, the litigant claiming sex discrimination is nearly as likely to win as she is to lose. Thus, the refusal to closely scrutinize sex discrimination is resulting in far less protection for victims of discrimination.

Another limitation of current laws protecting against sex and race discrimination is that the Supreme Court has interpreted the equal protection clause formalistically extending protection only where people are similarly situated to one another. Thus, the equal protection clause only protects women in areas in which they are similarly situated to men. The Supreme Court has allowed differences in treatment where they involve differences between men and women relating to biology or legal status. In *Geduldig v. Aiello*, for example, the Supreme Court held that the exclusion of pregnancy-related disabilities from a state disability insurance program does not violate the Equal Protection Clause.

Wharton also explained that rules or laws that are neutral on their face, but affect one gender or one race more than another, are given lenient treatment by the Court. Sex neutral rules are a prevalent form of gender discrimination. Examples include lenient spousal assault and rape policies and pay systems that compensate female-dominated jobs less than male-dominated jobs of comparable skills/value to the employer. Surprising those attending the meeting, she explained that the Supreme Court has held that sex neutral rules do not violate the Equal Protection Clause unless there is proof that the discrimination was intentional — that is, that government actually desired to discriminate based on

PROGRAM SUMMARY – JUNE 26, 2007 MEETING Continued

State Equal Rights Laws and the Federal Women’s Equality Amendment

sex. “This is a tough, tough standard that is nearly impossible to meet in litigation in the absence of a smoking gun,” she said.

The due process clause of the 14th Amendment also has been used to provide protections for women’s reproductive autonomy via the *Roe v. Wade* and *Planned Parenthood v. Casey* abortion rights decisions, but this protection is being eroded by the current Supreme Court as evidenced by its recent decision in *Gonzalez v. Carhart*.

Wharton then discussed the protections a federal ERA would provide. In addition to providing explicit and much stronger protection against gender discrimination, she described how a federal ERA would trickle down to positively affect public policy. Additionally, the enforcement clause of the federal ERA would give Congress a legal and moral basis on which to take affirmation action to enforce the ERA. In summary, she noted that in many states passage of a state ERA triggered statutory reform of state gender discriminatory laws and in the vast majority of states with an ERA the strict scrutiny standard has been used in challenges under state constitutions and courts have extended protection beyond the formality equality analysis of the Supreme Court to protect, for example, against pregnancy discrimination.

Bethany Sousa, JD, presented some history of the federal ERA and discussed its current status. The first version of the ERA was proposed in 1923 by Alice Paul, and was introduced every year until it passed. In 1943 the ERA was rewritten in its current form, but was not passed by Congress until 1972, with a seven-year ratification deadline. Five years later, ratification was extended until 1982, but three states were still needed for passage. The ERA in the same form has been reintroduced every year since. Passage requires two-thirds of each body of Congress and ratification by 38 states. In the 110th Congress, the ERA, renamed the Women’s Equality Amendment, was introduced by Rep. Maloney and Senator Kennedy.

Sousa discussed the two proposals for passage of the federal ERA. The first approach is to restart the ratification process, which is the process initiated by Rep. Maloney and Sen. Kennedy. An alternate path to ratification, called the three-state strategy, would only require ratification by three of the un-ratified states. This strategy is based on the way the Madison Amendment, which governs congressional pay raises, was ratified after a 203-year ratification period. Although the ERA, unlike the Madison Amendment, had a deadline, some scholars believe that because Congress transferred the time limit from the text of

the amendment to the proposing clause, Congress retains the authority to amend their own previous legislative action regarding the time limit. Thus, ERA can be adopted without restarting the ratification process. Although five states have tried to rescind their ratification since 1972, many believe the rescissions are invalid.

There is a significant amount of activity supporting the three-state strategy, including active campaigns and pending legislation. Sousa noted that this state activity demonstrates that the ERA is not an antiquated idea, and does have traction in the 21st century.

She pointed out the inequalities that currently exist which demonstrate the continued need for the federal ERA, such as the ongoing wage gap, the under representation of women in government, and the high poverty rate of older women. She described the lack of adequate legal protection against sex discrimination and the potential benefits of an ERA. The ERA would not only be symbolic, but would provide a new legal tool for battling sex discrimination which would deter potential offenders.

In September, a congressional hearing is planned to discuss the ERA. Sousa mentioned that unlike previous years, the introduction of the ERA has generated more press. She recommended that for the ERA to succeed we need to address the organized opposition, especially the sound bites that do not explain the complicated issues surrounding the ERA. We also need to help all women realize how paper thin their rights are in the United States.

During the question and answer session members asked about the effect the ERA would have on *Roe v. Wade*. Professor Wharton noted that an ERA would likely require government to justify laws that interfere with women’s reproductive autonomy under the tough strict scrutiny standard used in *Roe*, but that the issue would be subject to court interpretation. On the question of the application of an ERA to single sex schools, Wharton noted the ERA would require close scrutiny of such institutions if they were public schools or universities.

In conclusion, with the promise of congressional hearings on what is now called the Women’s Equality Amendment we need to convince others of the value of adding the following sentence to the U.S. Constitution. “Equality of Rights under the law shall not be denied or abridged by the United States or any state on account of sex.” For more information please go to websites <http://www.4era.org>. or <http://www.equalrightsamendment.org>

PRESIDENT'S MESSAGE

Welcome to all our members, those who attend the meetings and those who obtain information solely from our newsletters. CWI urges members to bring friends and colleagues to our meetings to see who we are — as members know, meetings are free and open to the public; no reservation is necessary. Each month the Clearinghouse brings you access to knowledgeable speakers and the opportunity to learn more about current women's issues through our speaker presentations and group discussion.

I am proud to be your new president and will attempt to follow in the footsteps of our founding mothers, especially Joy Simonson who served as an exemplary role model. I look forward to working with our energetic group of board members, as we plan to offer another year of exciting programs. That CWI still exists after more than 30 years is a tribute to all who have served as officers and board members and to members acknowledging the continuing importance of being informed and sharing information on women's issues.

Barbara J. Ratner

GOOD NEWS, BAD NEWS ON WOMEN VOTING

Aug. 26 marked the 87th anniversary of the 19th Amendment that gave women the right to vote. According to *Women's e-News*, there is plenty to celebrate, but Women's Voices Women Vote reports that "there are 49.5 million single, separated, divorced or widowed women in the United States, (of which) 18 million are unregistered and 5 million are registered but don't vote."

Reasons to celebrate: "In the 2006 midterm election 2 million more young women voted than in the previous comparable cycle, according to the Center for Information and Research on Civic Learning and engagement at the University of Maryland School of Public Policy, which credits the rise in part to the Feminist Majority Foundations 'Get Out Her vote' effort aimed at college women."

The article further states that "Female voters were responsible for key Democratic victories in the House and Senate. However those figures do not reflect the fact that many women's votes are missing from the count. In the last presidential election, 8 million registered but did not vote. ... Unmarried women are the fastest growing major demographic group and represent the largest potential group of new voters, according to 'The State of Unmarried America,' an annual report released in June by Washington-based Women's Voices, Women Vote."

Other reasons mentioned that keep women from voting include: lack of baby-sitters, the need to re-register if they change their names, and the large numbers of frail women living in assisted living facilities or in hospitals. In addition, many older immigrant women may find it hard to vote independent of their spouse's or relatives political views; women living in domestic violence shelters or other temporary residences may not vote because of fear of an abuser finding their address on public voter rolls. (*Women's e-News*)

For more information on women and voting, contact Women's Voices Women Vote at <http://www/wwwv.org> or The White House Project: <http://www/thewhitehouseproject.org>.

SENATOR REID COULD BRING UP BILL BY WEEK OF SEPTEMBER 17

Senate Majority Leader Harry Reid (D-NEV) announced, on Sept. 6, 2007, that he intends to bring the DC House Voting Rights Act (S. 1257) to the Senate Floor the week of Sept. 17. The bill would give DC residents their first ever voting member of Congress. The following is a statement from DC Vote Executive Director Ilir Zherka:

"This is great news. We have worked for this vote over the past four years. While there have been bumps along the way, we have picked up support from both Republicans and Democrats. We believe we have the votes to pass this bill in the Senate. We call on Sen. Mitch McConnell to reject any efforts to filibuster this bill, which will expand democracy to the tax-paying residents of our nation's capital. A filibuster of this bill would be unconscionable. No senator has filibustered a voting rights bill since the days of segregation.

The bill will provide the House of Representatives two additional voting members – one from predominately Democratic District of Columbia, the other from Republican leaning Utah. Citizens across the nation are urged to contact their senators asking for the bill to be passed. Direct emails can be sent from you to your Senator via DC Vote website **www.dcvote.org**. DC residents who have no voice in Congress are urging friends and relatives in other states to contact their senators."

WWW.WOMENSCLEARINGHOUSE.ORG

Check us out. Some small details have been updated. A huge thanks to Amy Rothberg who kindly made the changes even though she is getting ready to move. We will make more changes after she gets settled. Any suggestions? Please send them Barbara at cwi@womensclearinghouse.org.

DO YOU KNOW YOUR CHOLESTEROL NUMBER?

According to a nationwide survey conducted by the Society for Women's Health Research, "Adult women are more than twice as likely to know how much they weighed in high school as they are to know their cholesterol number, and only about half of women have had a cholesterol test in the past year ...Of the women who had a recent cholesterol test, only 57 percent could actually recall their cholesterol number ...Data from the survey suggests a major disconnect between women understanding the risks associated with high cholesterol and actually taking action to monitor and control it."

BILLIE JEAN KING, CHAMPION OF WOMEN

Women's e-News says that "Tributes and honors for female athletes are cropping up around the nation ... a new planned center named for Billie Jean King provides the first-ever hall of fame just for female athletes." The Billie Jean King International Women's Sports Center, expected to open in April 2008, will be housed at the National Sports Museum in New York.

"King came to prominence as a women's tennis champion but earned her legacy as a champion for female athletes. She pioneered for comparable pay and equal opportunities for female athletes in the 1970s and founded the Women's Sports Foundation in New York in 1974 to advance the lives of girls and women, not just tennis players, through sports and physical activity ...

"The center will have 3,000 square feet of exhibit space, a comprehensive women's sports library of more than 2,000 volumes, a women's sports film and video collection, and athlete and event memorabilia representing more than 40 sports ... portions of the exhibit will travel nationally and be displayed in other museums around the country."

CHILD SUPPORT (from *Women's e-News*)

"A U.S. State Department program that denies passports to parents who owe child support payments has collected more than \$22.5 million so far this year, the Associated Press reported Aug. 14. The government collected about \$24 billion overall last year on behalf of 14 million custodial parents; of those parents, 83 percent are women. In 2003, mothers received \$23.3 billion of the \$33.7 billion in support that was overdue.

"A spokesperson for Washington State's collection program said that for us, it's been amazing to see how people who owe back child support seem to be able to come up with good chunks of money when it involves needing their passport.

"The Virginia Department of Social Services has subpoenaed information from cell phone companies to locate parents who owe support ... The department has collected \$608 million in overdue payments, an increase of \$21 million over the last year. At any given time, the state is searching for 250,000 parents ... A cell phone database search last month yielded 52,000 addresses. Ten other states now have similar programs."

ANNUAL IRENE TINKER LECTURE TO HIGHLIGHT ARAB ADOLESCENT GIRLS

The annual Irene Tinker Lecture sponsored by the International Center for Research will be held Monday, October 22, 2007. Soukeina Bouraoui, executive director of the Center of Arab Women for Training and Research (CAWTAR), will be the guest speaker. Coming to Washington, D.C., from CAWTAR's headquarters in Tunisia, Bouraoui will discuss, "The Arab Future: Values and Perspectives of Arab Adolescent Girls."

CAWTAR was founded in 1993 as a direct response to a "long-felt need in the Arab region for a specialized center to promote the participation of Arab women in the development process," according to its Web site.

Bouraoui has been executive director of CAWTAR since 1999. She has a background in both nonprofits and academia, and founded the National Research, Documentation and Information Women Center in 1991. She also taught law at the University of Tunis. She serves on the board of directors for several organizations, including the Tunisian Association of the Criminal Law, the International Association of Economic Law and the International Comparative Environment Law Association.

The lecture will be held at the American University campus in Washington, DC. For more information see website <http://www.icrw.org>.

IN MEMORIAM

SHE IS MISSED

She is missed. Joy Simonson, CWI president 1998-2004, died of complications of pneumonia on June 24. A wonderful obituary that did justice to Joy's many accomplishments was published in the *Washington Post* June 26 and a memorial service was held July 22.

Some of the tributes from various friends printed in the memorial service program include:

... to describe Joy would take an entire thesaurus ... she was feisty, brilliant, generous, funny, compassionate, and modest about her astounding achievements ... a brilliant strategist ... an impeccable dresser ... generous beyond belief in so many indescribable ways to those of us who learned from her example and her advice ... she was a teacher of others ... a fantastic organizer ... she had a way of bringing people together ... she was always supportive.



Joy Rosenheim Simonson 1919-2007

The *Washington Post* described her as "a longtime activist in local and women's issues." The article described her "abrupt dismissal" as executive director position on the National Advisory Council on Women's Educational Programs by the Reagan Administration. "Women's groups immediately protested and Rep. Barney Frank, (D-Mass) denounced the 'purge' in a speech on the House floor ... he then hired her as a staff member of the House Government Operations subcommittee on employment and housing, where she worked on the condition that she could have Fridays off for her weekly tennis game." She also liked to ice skate and held another staff job with Rep. Tom Lantos.

CWI member Bernice (Bunny) Sandler, who was chair of the National Advisory Council on Women's Educational Programs, said Joy was the oldest staff member in Congress at that time, and "as she prepared for hearings, she always included questions on women's involvement in programs, which served to raise consciousness about women's issues."

Among her other accomplishments, she was: past president of the Washington chapter of the League of Women Voters; vice president of the D.C. Home Rule Committee; the first woman appointed to serve as chair of the District's Alcohol and Beverage Control Board.

She initiated and organized the DC Commission for Women, helped set up and served three terms as president of what is now the National Association of Commissions for Women; was a member of the national commission on the International Women's Year and was a delegate from Washington to the 1977 National Women's Conference in Houston; served two terms on the national board of OWL (Older Women's League); and in 1992, was elected to the D.C. Women's Hall of Fame.

The *Washington Post* obituary quoted Diana Zuckerman, president of the National Research Center for Women & Families, which gave Joy its Foremothers Award in 2005. "She knew how to set a goal and achieve it ... she would not take no for an answer ... she was one of the women who have broken down every barrier there is for women of my generation."

Yes, Joy will be truly missed. *By Roslyn Kaiser*

JOY SIMONSON LEFT US A "HALF-FULL, HALF-EMPTY GLASS"

Joy Simonson used to say that Title IX was like a half-full, half empty glass. That phrase is a good way to highlight some of her contributions and her desire for us all to continue to fill the glass, especially since she left us one day after Title IX's 35th birthday.

Joy contributed to advancing many aspects of women's rights through her leadership and support of a wide variety of women's organizations and causes. I will focus on her extensive leadership related to gender equity in education, and as my favorite boss and wonderful mentor and friend.

Joy served as executive director of the National Advisory Council on Women's Educational Programs when she welcomed me to work on the first edition of the 1985 *Handbook for Achieving Sex Equity through Education*. In 1982 she was fired (see previous Simonson article). Her successor was a key follower of Phyllis Schlafly, a mouthpiece of the anti-women's rights movement. Under Joy's leadership, the Council issued some of the first reports on women's studies and sexual harassment.

The chapter on "The Role of Government in Advancing Gender Equity in Education" in the new 2007 *Handbook for Achieving Sex Equity through Education* describes her important roles in persuading the U.S. Office/ Department of Education and Congress to pay systematic attention to sex equity in education, not to use sexist language in federal communications, and to include policies to advance sex equity in many government programs. You can read Joy's own words in "The Rise and Decline of the Advisory Council on Women's Educational Equity" (<http://www2.edc.org/WomensEquity/resource/title9/article.htm>).

On a personal level, I will miss Joy greatly and will keep her advice and role modeling in mind. Although I had many bosses in my 34-year career in government, Joy was my favorite. She was always supportive and creative in finding ways for us both to work on our mutual gender equity goals and to give others who joined us full credit for their contributions. Joy also introduced me to her favorite hair stylist, Chang, and during one snowstorm Joy came to my nearby home and taught me that you could make eggs more interesting by adding some curry. She struggled with computers, but with great determination and help from family and friends made them work for her so she could participate fully in many progressive causes, and she even arranged for the creation of the web page for the Clearinghouse on Women's Issues, <http://www.womensclearinghouse.org>.

Last meetings are always especially memorable. With great effort, Joy came to our May 22, 2007 Clearinghouse on Women's Issues meeting.

With love and gratitude, I will cherish my memories of Joy and the wonderful times I had being with her and learning from her. I hope we all will have as many productive years as she did -- to continue to help fill the glass to attain full gender equality. *By Sue Klein*

(*Washington Post* June 26) Joy R. Simonson (age 88) died on Sunday, June 24, 2007 after a brief illness. Beloved mother of Ken (Jan Solomon) of Washington, DC, Don (Marcia Skolnick) of Darnestown, MD and Karen Simonson (Barton Phelps) of Los Angeles, CA; loving grandmother of Sara and Lily Skolnick-Simonson, Charlotte Phelps, Matthew and Alix Simonson. Married 53 years to Richard Simonson until his death in 1998. Sister of Richard Reade of Caruthersville, MO. The family welcomes donations in Joy's memory to Bryn Mawr College, 101 N. Merion Ave., Bryn Mawr, PA 19010 (www.brynmawr.edu), or OWL (Older Women's League), 3300 N. Fairfax Dr., #218, Arlington, VA 22201 (www.owl-national.org).

COMING EVENTS

- September** **CWI Membership renewal notices mailed. Don't forget to renew!**
- Sept. 20** **LWVDC Fall Luncheon**, DC Council Chair Vincent Gray to be keynote speaker. See calendar section on website, <http://www.lwvdc.org> for reservation form, or call 202 222-0710.
- Sept. 25** **CWI Meeting**, 12 noon - 1:30pm. Topic: **International Funding Investments for Gender Equality**
- Oct. 22** **ICRW Irene Tinker Lecture**, American University. See page 5.
- Oct. 24** **LWVDC Panel Discussion on Immigration**. See calendar section on website <http://www.lwvdc.org> for more information, or call 202 222-0710.
- Nov. 7** **NWLC 35th Annual Awards Dinner**. See <http://www.nwlc.org> for more information.

CWI Board of Directors, July 2007 – June 2008: OFFICERS: President, Barbara J. Ratner; Vice President Program, Sue Klein; Membership Co-chairs, Jean Landweber and D. Anne Martin; Treasurer, Linda Fihelly; Secretary, Harriett M. Stonehill. BOARD OF DIRECTORS: Alvin Golub, Harriett Harper, Roslyn Kaiser, Jessica Lazar, Ruth G. Nadel, Ellen S. Overton, ex officio. CWI Newsletter Layout/Production: Sheila A. Willet.

CWI

CLEARINGHOUSE ON WOMEN'S ISSUES
10401 Grosvenor Place, #917
Rockville, MD 20852

FIRST CLASS MAIL