



NOW New York State Reporter

a publication of National Organization for Women—New York State • WINTER 2007 ISSUE

“Cautious, careful people, always casting about to preserve their reputation and social standing, never can bring about a reform. Those who are really in earnest must be willing to be anything or nothing in the world’s estimation, and publicly and privately, in season and out, avow their sympathy with despised and persecuted ideas and their advocates, and bear the consequences.”

Susan B. Anthony

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The National Organization for Women-NYS Reporter is a bi-annual publication, distributed to approximately 15,000. Our goal is to bring all women into full participation in the mainstream of American society now, exercising all privileges and responsibilities thereof in truly equal partnership with men. NOW’s six priorities, are Reproductive Rights, Lesbian Rights, Ending Racism, Ending Violence Against Women, Equal Rights Amendment (ERA), and Economic Justice.



President’s Message 2007

As 2006 came to an end, feminists had much to celebrate. The national 2006 mid-term elections proved to be a stunning success, with many progressive candidates winning seats in Congress, and with Democrats, most of whom are pro-women, taking over the majority in both the House and the US Senate.

Meanwhile, in New York State, we celebrated our NOW-PAC-endorsed candidates’ resounding victories. Our new Governor, Eliot Spitzer, brings a renewed sense of hope; and our recent triumphs show that, with perseverance, we can make a crucial difference. So it is important that, while we bask in the glory of our success, we remember there is still much work to be done.

Now, as I begin my second term as your NOW New York State President, I would like to welcome my Executive Committee: Executive VP Lori Gardner, Legislative VP Barbara Kirkpatrick, and Secretary Gaby Moreno, all of whom will continue work very hard for all of you. And I personally assure you, the membership of NOW New York State, that we will provide you with the very latest and most comprehensive updates on information regarding women’s rights.

With time and technology moving so quickly, we need to be able to upgrade our own facilities in the blink of any eye. So that is exactly what we do. Indeed, NOW New York State has adopted new technology for a more efficient work environment. And we are working smarter, not harder, receiving daily legislative alerts on key legislation affecting women’s lives.

Whether pending legislation is positive or negative, NOW NYS can easily keep you informed and active. Our information comes directly to us in the form of “day break” reports that we summarize and pass on to you. So if you have not already signed up for our action alerts, please do so on our web site at www.nownys.org. And in addition, please continue to send us your recommendations and information, because you, the NOW membership yourselves, are always a vital element in our legislative arsenal. We are truly very glad to hear from you.

Today, many of the challenges women face are rooted in poverty. As you well know, women and their children are the single biggest population block affected by poverty. In fact, the basic welfare grant in New York has not been raised since 1990, a which time the level was, even then, grossly inadequate.

Then, through atrophy, the standard grant fell to half the federal poverty level. And this erosion negatively impacts hundreds of thousands of New Yorkers, contributing to both widespread hunger and homelessness. Most individuals receiving welfare assistance are working at low-wage or unpaid job assignments. They are usually single mothers, playing by the rules, and raising their children. Those not working are elderly or disabled, and often represent cases where only the child is receiving assistance. Such caretakers are all struggling trying to live on an average of \$9.50 per day for a family of three. That’s \$3 a day per person for travel, clothing, school supplies, and toilet paper, etc.

So NOW New York State has signed on as a supporter of the Income Security for All; Empire State Economic Security Campaign. Although there has been a decline in welfare caseloads in NYS, there has been no decline in poverty. Consequently, New York now provides support for a much smaller percentage of poor families than before welfare reform. These recipients break down into three groups, these being low-income workers and their families, public assistance recipients who have not been able to find or keep a job, and people who are unable to work. For more information on this Economic Security Campaign, please contact our office to see how you can help!

And as before, many of the other issues concerning NOW NYS works are decided upon by the membership. This year, our goal will be to pass comprehensive legislation allowing emergency contraception with NO restrictions, passage a New York State Equal Rights Amendment, and tailored anti-trafficking legislation to further protect victims of kidnapping and forced prostitution. We will also work to fight back punitive No-Fault Divorce legislation, mandatory joint custody of children, and mandatory mediation. Again, we will be continually posting on our web site updated information about all of these issues. So please check in to see how easily you can help.

Finally, another of our goals is to pass “protective parent” legislation that will actively prevent the penalization of a parent who reports abuse by the other parent. Penalization of a conscientious reporter has heretofore been a huge obstacle for battered mothers who are incarcerated for trying to protect their children. This issue deserves special attention, in that thousands of children are sent to live with their abusers by judges who understand neither sexual assault issues nor how domestic violence affects women and children.

In summary, every year, NOW NYS and its 40,000 supporters work to make the lives of women better and safer. Our legislative initiatives will not be successful unless you help! Do you remember last year? Do you remember when, because of your support and determination, victims of rape won rights to their days in court through our success in removing the statute of limitations on such crime? And do you remember the 2006 elections? You did make a difference! People like you made all the difference! So press on, press on, and together we will do that same thing this year and every year hereafter. We ask your support once again for, as you know, women’s lives depend on it. Together, Everyone Achieves More. TEAM!

In Sisterhood,

Marcia A. Pappas
President NOW NYS

ANTI POVERTY CAMPAIGN

While much has been written about the decline in welfare caseloads in New York State, there has been no concurrent decline in poverty. As a result, New York’s cash assistance programs now provide support to a much smaller percentage of poor families than before welfare reform. Yet there are three groups of New Yorkers who continue to rely on the state to provide income security: low-income workers and their families, public assistance recipients who have not been able to find or keep a job and those who are unable to work.

Join NOW NYS and the fight against poverty. The basic welfare grant has not been raised since 1990 and it was grossly inadequate in 1990. It has fallen to only half of the federal poverty level. This negatively impacts upon hundreds of thousands of New Yorkers, contributing to hunger and homelessness. Many of those impacted are children. Individuals receiving welfare assistance are working at mostly low-wage or unpaid job assignments. They are playing by the rules and raising their child/ren mostly as single mothers. Those not working are elderly or disabled and cases where only the child is receiving assistance. They are all struggling trying to live on an average of \$9.50 (for a family of 3) that’s \$3 a day per person to pay for travel, clothing, school supplies, toilet paper, etc!

To join the fight, contact NewYorkStateNOW@aol.com or call 518-452-3944. Find out how you can help!

Phone: 518-452-3944 • Fax: 518-452-3861 • Email: info@nownys.org • www.nownys.org

Legislative Agenda

IF LESLEE WERE A FEMINIST...

By: Dorothy Jiji, Chair
NOW NYS Reproductive Task Force

The framework of Roe v. Wade hung in the balance on November 7th, 2006. New York State and other states would have been directly affected by the result of these crucial votes that could determine the fate of abortion in this country.

If an abortion ban had succeeded in South Dakota, women across our nation would have been affected by its outcome. The raging political landscape of such bans is widespread; and currently seventeen states have anti-abortion trigger laws of pre-Roe v. Wade statutes that would be resuscitated automatically if the bans were upheld. New York has had its share of litigation, but when the federal government passed the first ever Federal Abortion Ban in the autumn of 2003, the ACLU responded expeditiously and challenged the ban in the US District Court for the Southern District of New York. The court held the ban unconstitutional, recognizing the threat it poses to the health of a woman.

New York State is not immune from a limited abortion ban; and it would have had an indelible impact on Roe if the landmark bill had been passed by the South Dakota legislature in March and put on the ballot of the US midterm election, making illegal abortions a reality. The bill made neither an exception for a woman's poor health nor an exception for rape or incest. It had a gratuitous prevention exception in the law stating that doctors will not be prosecuted for procedures "intended to prevent the death of a pregnant mother," and that an attempt must be made to try and save the fetus.

By most intelligent measures, the South Dakota ban was excessively extreme. The prohibition of an all out abortion ban in a predominately conservative, anti-abortion state is under scrutiny both by the anti- and the pro-choicers. If the ban were upheld, a court challenge could reach the Supreme Court and be used to challenge Roe v. Wade, the 1973 landmark decision, that would override all state-level bans on the ground of individual freedom.

Opponents of the ban in South Dakota cited the incursion of future costly legal fees by the state associated with the bill's challenge, strictness and inflexibility of the bill and government intrusion into individuals' rights of privacy. South Dakota residents appeared to have many libertarian tendencies, as one article cites. A recent survey taken by the Zogby International poll, commissioned by an anti-choice group in D.C., showed a 3% lead by opponents of the ban, but the lead had slightly narrowed. Twenty percent of those polled are undecided. Polling numbers revealed a preponderance of support for the ban if an exception for rape and incest were asserted in the bill.

Had the ban succeeded, women of South Dakota would have been left with no recourse, particularly in light of the State's emergency contraception "right-of-refusal" for pharmacists. So the only choice remaining for the 800 or so women having abortions performed in South Dakota annually would have been either taking the pregnancy to term or terminating the pregnancy outside the state. If upon consultation with a doctor a referral of another doctor is sought and given to a woman seeking an abortion, the referring physician would be fined \$10,000 for breaking the law. Doctors, prohibited from helping any woman terminate a pregnancy at any stage (unless necessary to save the woman's life), would be labeled felons and would be held accountable for breaching the law by up to five years in prison..

Currently, not a single doctor in South Dakota is willing to perform an abortion. A sum total of four doctors are flown in from Minnesota to work at the only abortion clinic in the entire state of South Dakota. Miriam McCreary, one of the four doctors, worries that "women who don't want to be pregnant will go to extreme measures."

Because bans jeopardize a woman's health and interfere with medical decision-making, organizations such as the NOW, ACLU and the American College of Obstetricians and Gynecologists oppose them. According to the ACLU, abortion bans are "an affront to women's health and rights."

South Dakotan organizations that opposed the ban are transforming the debate by accentuating their message. For example, the Rev. Kathy Timpany of Pastors for Moral Choices believes that "the ban is neither just nor compassionate..." Liam McNerney, a volunteer at the Campaign for Healthy Families opposes abortion but supports a woman's right to choose.

Conversely, anti-choice activist and campaign manager Leslee Unruh, the person responsible for bringing the bill to the South Dakotan legislature, has the audacity to call her approach "feminist" because she purports to believe that legalized abortion exploits women. We all know that if Leslee were a feminist, she would be saying, "Abortion liberates women, rather than exploits them." If Leslee were a feminist, she would be saying, "Abortion is a choice for responsible citizenship." If Leslee were a feminist, she would be saying, "Every woman has a right to terminate a growing fetus in her womb if her future vision is interrupted by an unwanted pregnancy that is likely to oppress her liberties." If Leslee were a feminist, she would be saying, "How dreadful it would be if women will have lost their right to self determination when fetal rights compel women into motherhood and deny women the choice of terminating a pregnancy, forcing by legal means the willful subjugation of women who resist bringing the fetus to term." If Leslee were a feminist, she would have begun developing healthy family values. She would have decided to stop preaching anti-moral messages about anti-morality, anti-compassion, anti-love, anti-tolerance and empathy, anti-women, anti-family, anti-community, and anti-religious, anti-democratic, and anti-feminist propaganda. If Leslee were a feminist, she would have joined the membership of the National Organization for Women to help empower rather than disempower women.



Want to raise money for your chapter?

Yoga Teacher, Grace Welch from Long Island is offering her services to all NOW NYS chapters.

Grace will come to your hometown to give a Yoga class. Contact Grace at www.gracewelch.com



Who is Feminist?

What is a Feminist?

When do we become Feminist?

Where do we find other Feminists?

Why become a Feminist?

Now more than ever, it is important to educate young women about the danger of losing their rights. NOW New York State Foundation has taken an active and bold step. We are bringing feminism to women around the State. Our New Activist Training Institute was a success last October, and we want to keep the momentum going. It is not enough to fight back. We must move forward. One of the ways that we move forward is to continue to spread the good word about feminism and freedom of expression. It is not enough to know that "we deserve our rights." But we must know **why** we deserve them, **how** to win them and **how** to preserve them. Join us in the fight against patriarchy by bringing our **New Activist Training Seminar** to your area! Call 518-452-3944 or email us at NewYorkStateNOW@aol.com to find out how!

NOW New York State Legislative Agenda for 2007

- Emergency Contraception with NO Restrictions
- Defeat of No Fault Divorce Laws
- Defeat of Mandatory Joint Custody Laws
- Ending Violence Against Women
- Passage of Same Sex Marriage Laws
- Merit Time for Incarcerated who are Victims of Domestic Violence
- Passage of Anti-Trafficking Laws

This is not the time to become complacent. Women's Rights in New York State are not as secure as you might think. So what do many of us do during what we call "good times," when our friends are in control of government? We become complacent and before we know it, our rights are being eroded. Fight back. Join NOW! www.nownys.org

NOW NYS Opposes No-Fault Divorce

by Marcia A. Pappas, President
NOW NYS

New York is currently a fault state. That means that if you want a divorce, and your spouse does not agree, you must have grounds. The two most common grounds are cruel and inhuman treatment and abandonment.

New York State also has one no-fault ground. It is a bi-lateral no-fault ground. If both parties want to divorce they negotiate a separation agreement, which is a contract spelling out all the terms which a court would decide, such as custody, child support, maintenance (formerly called alimony) and property division. Then after living apart for one year, the agreement becomes the ground for the divorce.

The NYS Legislature is now considering proposals for unilateral no-fault divorce. This amounts to "divorce on demand." Either party can go into court, say the marriage has broken down, and get a divorce. No grounds are necessary. Additionally, under all the bills that have been proposed to date in New York State, fault would not be considered in determining alimony, maintenance or property division. Under all the proposed bills the judge wouldn't hear the facts, behavior and circumstances that led to the break-up of the marriage. Will the judge hear these facts in custody disputes? We are not sure.

Currently, separation and divorce are negotiated by couples. This is how approximately 95% of divorce cases in New York are resolved: by the parties themselves, not by the judge, without going to court. This is the best possible process.

The proposed change in the law to no-fault would be for only approximately 5% of parties who cannot or who refuse to reach a settlement. Laws should not be change or passed for only 5% of the population.

No-fault takes away any bargaining leverage the non-monied spouse has. Currently she can say "If you want a divorce I'll agree, but you have to work out a fair agreement." That is not "blackmail"

as has been claimed by some no-fault proponents. Negotiating the terms of the break-up of a partnership is the way partnerships are dissolved in the business world. Women should have the same protection. Another benefit of separation agreements is that couples can agree to terms that the court cannot order. One notable example is child support until graduation from college. The court may order child support only up to the child's 21st birthday. Without a separation agreement with this provision included, children are left to finish college under severe financial hardship, or to drop out.

In fairness, any partner to a marriage should be provided with notice that the other partner wants a divorce and given an opportunity to negotiate the terms for the divorce. With "divorce on demand," not only can the more-monied spouse begin hiding assets (which happens even under our current laws), but this spouse can proceed quickly with legal actions before the other spouse, with limited means, even has the time to find and hire an attorney.

Who is pushing for no-fault? The push was begun by the New York State Bar Association, whose wealthy clients just want out of the marriage without negotiating an agreement. They would rather have the case go to court to decide the issues of custody, child support, maintenance and property division. Should domestic relations law be changed to satisfy only the needs of wealthy clients or to help the legal profession gain more fees? Current law encourages private settlements. In contrast, the Bar Association proposal would flood the court with cases. There is another downside: The Office of Court Administration does a periodic study of gender bias, and they acknowledge that gender bias against women still permeates the court system.

The Women's Bar Association has reversed its long standing opposition to no-fault divorce and is now going along with the NY State Bar. Attorneys in the Women's Bar Association have some clients who want out of the marriage and have no grounds. But the Women's Bar Association

also says that women are doing so well financially they no longer need the protection of fault grounds. However, on December 24, 2006, The New York Times published an article entitled "Scant Progress Closing Gap in Women's Pay." The sub-title was "For College Graduates, the Disparity Worsens." It doesn't seem that most women are doing so well in the workplace.

A small number of attorneys who represent victims of domestic violence want no-fault because their clients are being denied divorces by some judges who tell them that the domestic violence they suffered is not severe enough to be considered cruelty that would warrant a divorce

NOW-NYS has worked on the national and state levels to raise the issue of domestic violence, to reduce its incident rates, and to develop legal strategies under criminal and civil laws to help victims. New York's domestic relations laws should not be changed to disadvantage a majority of women, especially homemakers with children, because a few judges are not following the law. It is the judges who have to be changed or removed. We need thorough judicial education to enlighten judges as to the meaning of domestic violence. Contrary to popular belief, it doesn't necessarily mean a woman will appear in court with black eyes and broken bones.

The National Organization for Women (NOW-NYS) has a long standing position of opposition to unilateral no-fault divorce. Our opposition is based upon the study of the harmful effects of no-fault laws on women and children in other states.

We must look at the socio-economic standing of women in our society. Women clearly continue to be the non or lesser monied spouse, as women continue to give up careers and financial independence for the role of housewife and mother. For this reason alone we must look closely at how divorce affects the lives of women and children and the role that the state should play to ensure that homemakers and children not be left destitute after divorce.

In 1987, 17 years after California enacted the first no-fault law in the country, California's Senate issued a report entitled Report on Family Equity which found, among other things, that no-fault had created "unintended hardships" for women and children.

Ten years later, in 1997, the prestigious Family Law Quarterly put out by the American Bar Association published an article by Peter Nash Swisher, Professor of Law, at the University of Richmond (Virginia) Law School. Professor Swisher studied the effects of no-fault all over the country. In the article he states that "when no-fault divorce was first introduced in most states, a disturbing number of courts failed to provide adequate financial protection to women and children of divorce."

Swisher goes on to say, "Consequently, many children of divorce have suffered long-lasting psychological, as well as economic, damage resulting from divorce. Indeed, a number of commentators have concluded that the no-fault divorce revolution in America has failed." Swisher recommends that, at the very least, even in states with no-fault grounds, fault should be considered in maintenance and property division, as it is in approximately 38 states.

Divorce reform is needed. However, NOW-NYS sees the most urgent need as a strong bill regarding expert and legal fees. The party in control of the finances should be ordered to pay meaningful expert and legal fees to the other party during the divorce proceedings in order to ensure both parties have a level playing field. Let's have both parties equally represented, see how that works and then, and only then, consider unilateral no-fault divorce.

Marcia A. Pappas
President

National Organization for Women-
New York State
1500 Central Avenue, Albany, New York
12205

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National Organization for Women-NYS Foundation, Inc. (501c3) Dedicated to educating women & girls. Invest in their future by funding our New Activist Training Institute (Example of topics: body image, media effectiveness, and volunteerism)

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I want to become a member of NOW. I have enclosed an extra \$40 for membership (sliding scale available \$15-\$39 for those who cannot pay full membership of \$40) Membership fees are not tax deductible. For memberships, check should be made payable to NOW NYS, Inc.

The National Organization for Women-NYS Reporter is a bi-annual publication, distributed to approximately 15,000. Our goal is to bring all women into full participation in the mainstream of American society now, exercising all privileges and responsibilities thereof in truly equal partnership with men. NOW's six priorities, are Reproductive Rights, Lesbian Rights, Ending Racism, Ending Violence Against Women, Equal Rights Amendment (ERA), and Economic Justice.



Tracy Sabbah, Chair of NOW NYS Young Feminist Task Force (left) with Erin Hannah, Field Organizer for National NOW at the Peace March in New York City.

The Fight Has Just Begun

Now is a time that young women should feel secure, having come off of two major victories; Emergency Contraception becoming available over the counter for most of us and unseating the republicans in the House and the Senate. But please, don't let this wave of "progress" fool you, for we have won a battle but are still fighting the war.

A war on what? My everyday experiences help to prove what an uphill battle our generation is fighting. I chose to attend a law school that is specifically geared for public interest law. Without naming names but to give you an understanding of the environment, the motto of the school is the "Law in the Service of Human Needs". I was ecstatic to enter an environment where

our dean is one of the top legal scholars in the field of ending violence against women, my contracts professor is a leading sexual harassment in the workplace attorney, my criminal law professor is well known for his work representing indigent defendants in capital punishment cases, and my constitutional law professor previously lead the fight for affirmative action and other civil rights issues. The resumes of my fellow classmates are astonishing, many of which came to law school as a second career, after working in politics, social work, or grassroots organizing. I came to school hoping to take my experiences with NOW and expand my abilities through the study of law. In spite of all that I've mentioned, it was disappointing to me to realize not everyone was on the same page.

One of my classes studies the fourteenth amendment. For those of you that have not been tortured by the Socratic Method used in laws schools, let me paint the picture. Sixty to one-hundred sixty students are situated into a large lecture hall, usually without any sunlight, listening to a professor with a microphone at the front of the room who calls on students off a list. Needless to say, this is not a warm environment used to spark intellectual debate about difficult social issues.

About a month into school, we finally covered gender and the equal protection clause. The first day of this topic, the teacher assigned a short reading about the sociological affects of gender, such as the understanding of social norms. Before the professor could go any further, one of my male colleagues in the back of the auditorium raised his hand. "Excuse me professor, I just wanted to point out that this piece was written by a...feminist", as if to say lets simply just disregard this viewpoint. Silence fell over the room. I was expecting thirty hands to shoot up, wanting to rebut this derogatory remark. I looked around and saw not a single hand, so I raised mine. Not only did I renounce his comment, but I further defended and explained the points that were made in the article. I left class flabbergasted because I felt like I was on the hot seat. Before I left for the day however, a handful of students came up to me commending me for the points I made in class. I just chalked this experience up to the intimidation of a large class and presumed that if other comments would arise, more students would join into the conversation.

Over the next few weeks, such comments only escalated and expanded into our criminal law class, where we studied rape. Over time, more people began to speak up in the classroom, but as more people spoke up, more sexist comments came emerged. What was more shocking then the comments were the number of women that had the "boys will be boys" attitude.

Unfortunately, this small classroom example comparably represents the overall climate in society. Right now we want to feel comfortable in the new air of progressivism just as I wanted to feel comfortable in a small progressive law school. But we can't be like my classmates and let our defenses down. When we do, it won't just be a comment in class that slips by, but a law restricting our rights. It's not enough to elect a few more "liberal" politicians to office. We have to work to change the perceptions of society so that our generation grows up without pinning a negative connotation to the word "feminism" and understanding that stereotype of what a women "is" and "does", is in itself, sexist. We can never turn the other cheek. When you hear a sexist comment in your class, SPEAK UP. When you are at a bar and someone tells a derogatory joke, SPEAK UP. When a politician does not represent what you believe in, SPEAK UP. If you don't, who will?

Save the Date! Date: October 27th 2007 2007 NOW NYS Convention

This is a one day convention that will be packed with informative sessions and entertainment.

Location: Holiday Inn,
3845 Veterans Memorial Highway, (Long Island) Ronkonoma, NY
1-631-585-9500
Overnight Rooms: \$99.00
Time: 9 am - 5 pm

2007 NOW New York State Legislator of the Year Award

Nominations are now being accepted. Do you know a NYS Legislator that has worked tirelessly to advance the rights of women? We need to hear about her/him! This award will be presented at the NOW NYS Convention. Nominations will be accepted until September 1st. Mail nominations to NOW NYS, 1500 Central Avenue, Albany, NY 12205

2007 NOW New York State Woman to Woman Award

Do you know a NOW member who has dedicated her time and energy to fighting for women's rights. This award is reserved for an activist who has worked to achieve equality on behalf of all women. To be awarded at the NOW NYS Convention. Nominations will be accepted until September 1st. Mail nominations to NOW NYS, 1500 Central Avenue, Albany, NY 12205

Exhibit at the Convention

- Rates include skirted table & lunch
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Advertise in our 8-1/2 x 11 Convention Journal

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- Quarter Page \$175
- Eighth Page \$100
- Supporters

20 % off with the purchase of an exhibitors table and ad.



Talia Carner will be one of the many speakers to address activists at the 2007 NOW New York State Convention.

"The Israeli-born Talia Carner was the publisher of Savvy Woman magazine and a marketing consultant to Fortune 500 companies. A former adjunct professor at Long Island University and a lecturer for the Small Business Administration, she was a member of United States Information Agency missions to Russia and a participant at the 1995 International Women's Conference in Beijing. Ms. Carner's first novel, PUPPET CHILD, was listed in The Top 10 Favorite First Novels 2002 (BookBrowse.com) and, reaping over forty rave reviews, launched a nationwide legislation. Her award-winning personal essays and short stories have appeared in anthologies and literary magazines.

Carner's second novel, CHINA DOLL, has just been released and hailed as "Spicy, worldly, and meticulously researched," and "An exciting substitute for Dan Brown for beach reading without the guilt of not dragging War and Peace."

Talia Carner and her husband Ron, have four grown children. The couple lives in Bridgehampton, Long Island and in Manhattan, New York." More information can be found at the author's website, www.taliacarner.com.

NOW-NYC TAKES ON THE MOTION PICTURE ASSOCIATION OF AMERICA

Earlier this month, in the wake of devastating exposes and complaints, the Motion Picture Association of America (MPAA) announced plans to revamp the ratings system that it uses to assign ratings to films. The improvements will give filmmakers greater leeway when appealing ratings and force raters to retire once their children reach maturity. And now that the MPAA is trying to clean up its act, this is the perfect opportunity for NOW to prod the organization into warning movie audiences about scenes of sexual violence in films.

Last year, the Women and Girls in Media Committee of NOW-NYC discovered that the MPAA frequently failed to warn movie audiences about rape scenes in the movies. The committee launched a research project to determine just how widespread this problem is and it was shocked by the results. After analyzing 100 films for content, the committee found that nearly a third of the films in the sample depicted rapes or attempted rapes.

The committee still has a great deal of work to do for the research project; there are more than seven hundred other films that need to be analyzed for content and the committee also needs volunteers that are willing to write letters to the organization.

Would you like a copy of the report? Please contact Ebony Edwards-Ellis at e_d_Ellis2004@yahoo.com for more details.

"Failure Is Impossible"

ENTER OUR RAFFLE AND WIN! Strong women-positive woodcut print that reflects the strength and determination of Susan B. Anthony.

Artist Jacque Harper creates her images by interweaving the human figure with elements of the landscape. I then transfer this image to the woodcut board, carving with small woodcut carving tools, dental tools and wire brushes to create the images and textures that I desire. The board is then inked and printed on Arches paper in an edition of 150 or less. See Jacque's artwork <http://www.newmoonstudio.com/index.html>

Fill out the form below and send it along with your donation to NOW NYS, 1500 Central Avenue, Albany, NY 12205. Your name will be added to our raffle drawing for this beautiful woodcut print. The value of this print is \$500.00. Raffle Drawing will be April 1st, 2007. All proceeds of this raffle will be dedicated to NOW New York State



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Submit form and donation to NOW NYS, 1500 Central Ave., Albany, NY 12205 or make your donation on line at www.nownys.org click on the "Donate" link and send us a note that your donation is for the raffle of this woodcut print.



Victoria Kobilca
Freelance Graphic Designer

35 Katelyn Place
East Greenbush, NY 12061

Phone: 518.588.5578 • Fax: 314.584.5578
victoriadesigns@earthlink.net

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Feminists for Free Expression (FFE) is a group of diverse feminists working to preserve the individual's right to see, hear and produce materials of her choice without the intervention of the state "for her own good."

FFE believes freedom of expression is especially important for women's rights. While messages reflecting sexism pervade our culture in many forms, sexual and nonsexual, suppression of such material will neither reduce harm to women nor further women's goals.

Censorship traditionally has been used to silence women and stifle feminist social change. It never has reduced violence; it has led to the imprisonment of birth control advocate Margaret Sanger and the suppression of such works as *The New Our Bodies, Ourselves*, the lesbian classic *The Well of Loneliness*, and the feminist plays of Holly Hughes.

There is no feminist code about which words and images are dangerous or sexist. Genuine feminism encourages individuals to choose for themselves. A free and vigorous marketplace of ideas is the best guarantee of democratic self-government and a feminist future.

Feminists for Free Expression, a not-for-profit organization, was founded in January 1992 in response to the many efforts to solve society's problems by book, movie or music banning. FFE believes such efforts divert attention from the substantive causes of social ills and offer a cosmetic, dangerous "quick fix."

FFE provides a leading voice opposing state and national legislation that threatens free speech; defends the right to free expression in court cases, including those before the Supreme Court; supports the rights of artists whose works have been suppressed or censored and provides expert speakers to universities, law schools and the media throughout the country. FFE is a founding member of the Rushdie Defense Committee USA.



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2525 Times Square Station New York, NY 10108-2525

Phone: (718) 651-1232 Fax: (718) 651-1232

Email: freedom@well.com

<http://www.ffeusa.org>

Battered Mothers/Child Custody Conference Fourth Annual Conference A National Crisis Co-Sponsored by NOW New York State

By Liz Pinto

"The silence is just deafening from the victim community," stated Wendy Murphy in her presentation on Saturday afternoon at the fourth annual conference for battered women, abused children, and child custody. In the past, this statement has been very true. Inhibited by fear or embarrassment, battered women and their advocates have often been silenced. However, from 6 pm on Friday, January 12, through 6 pm on Sunday, January 14, at the Clarion Hotel in Albany, these social norms were defied. Bolstered by a supportive atmosphere and the establishment of a "Truth Commission," a variety of actors involved in this subject area were compelled to give their own testimonials, recommendations, and perspectives. Many participants contributed, a variety of topics were addressed, and many important conclusions were reached.

Numerous women and men were present during the weekend conference for a variety of reasons. In an informal poll during her presentation, Patricia Duff found that some participants came to change the direction of their own custody cases, some others were present to find mutual support, and most were there to find out how they could potentially change a legal system wrought with gender bias and corruption. The core of the conference population was a "Truth Commission" consisting of experts who spent the weekend listening, debating, and forming recommendations for the improvement of the present state of battery and child custody in America. Headed by Richard Ducote, members of the commission included Nancy Erickson, Barry Goldstein, Joy Silberg, Joan Zorza, Robin Yeaman, Michael Leshner, Eileen King, Amy Neustein, Patti Jo Newell, Gwen Wright, and Connie Valentine. Additional experts were present to give their opinions on a variety of topics from taking "A Rational Approach" to abuse and alienation, to "What to do about the court system", to changing the legal system through legislation. Most powerful and informative, however, were the personal testimonies of sixteen courageous mothers who stood for their respective fifteen minutes to each tell their own heart-wrenching accounts of battery, abuse, and child custody battles. From tales of lost children and incompetent judges, to abusive fathers and unjust custody determinations, these women's testimonies again and again reinforced the concept that "the law is designed to benefit the social hierarchies of white men," as Wendy Murphy stated.

The topics addressed were as varied as the women and men who presented them. Based upon the testimonials of battered mothers, attorneys, judges, and experts, the truth commission compiled a list of major issues which presently face these women and their advocates. The awarding of child custody to abusive fathers and the use of incompetent, misogynistic, and untrained court agents, law guardians, prosecutors, attorneys, judges, and child protective service workers in the cases of these battered women were among the most important concerns. Others included ignorance of domestic violence, substance abuse, and criminal abuse by fathers; the misdiagnoses of mothers with unfounded disorders; custody decisions which are not in the best interests of children; and the use of such spurious and unsubstantiated mental conditions such as so-called Parental Alienation Syndrome. Connie Valentine of the Truth Commission also noted the setup of the judicial system to put mothers at a disadvantage, as well as the lack of proper training for all players involved.

Based upon the speeches of specialists, the testimonials of battered mothers, and thorough discussions of concerns raised, the Truth Commission came to several conclusions about what changes remain to be made in order to aid battered mothers and their children. The commission maintained that the use of up-to-date research and expert advice would be advantageous, that parties should not be punished for good faith protection of the children, that more should be done to level the economic playing field of the justice system, that more should be done to reprimand irresponsible and injudicious judges, that the first focus of cases should be the safety of the parents and children involved, and that arguments of such unsubstantiated theories as so-called Parental Alienation or of Parental Alienation Syndrome should be inadmissible in the courts. Barry Goldstein emphasized the need for more coverage and research about children being sent to live with abusive parents. "The court's secret today is that thousands of children are being sent to live with abusers while safe, protective mothers remain silent," he said. Goldstein also noted that there ought to be consequences for men using abuser tactics, and that the appeals procedure should be improved. Other members of the truth commission suggested that the process by which judges are appointed should be examined more closely, that there should be shorter terms for judges and competency exams for specific areas of law, and that there should be much stronger gate-keeping for the appointment of judges. The interests of the children were also specifically addressed by the suggestion of in-camera interviews for all kids to reduce trauma and to help cases, the proposal of fairer and freer supervised visitations, the treatment of children as involved participants rather than as chattel, and the giving of precedence to allegations of domestic violence and abuse. All of these conclusions and propositions were made on Sunday morning, and they were followed by numerous expert testimonials in the afternoon which suggested ways in which to change the system accordingly through the courts and through legislation.

The conference ended on a bittersweet note. Many issues were raised, yet it was recognized that there are still so many problems remaining and there is still so much work to be done. However, the conference also indicated that there is great support and numerous resources and opportunities for change in the legal system to benefit battered women and their children. As one mother noted, "I think the most important thing about this weekend is that there is hope that we can fight against bullies and prevail." Encouragement and assistance exist, and it is through forums like the Battered Mothers/Custody Conference that the raw materials of support, knowledge, and emotion may be combined and molded to form needed solutions and changes.

Author: Liz Pinto is an Intern for NOW New York State and is currently a student at Harvard College in Cambridge, Massachusetts

Thanks to the many individuals and organizations that supported our 2006 State Convention and New Activist Training Institute.

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Able Mable Thomas, Keynote Speaker
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And a special thank you to all for the workshop presenters who took time out of their busy lives to make our convention a success!

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Go to www.now.org
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WONDERFUL NEW FEMINIST ENCYCLOPEDIA

Review by Marilyn Fitterman – National NOW NE Regional Director
Feminists Who Changed America 1963-75: Edited by Barbara Love
University of Illinois Press, Urbana and Chicago: 2006

This past November 2006, a remarkable new book hit the shelves of many bookstores, especially feminist bookstores. Dozens of women worked for more than seven years to get this book published. And it was the editor, (our own Barbara Love of *Sappho Was a Right On Woman* fame) along with NOW Co-founder Muriel Fox, who conceived this expansive idea. Now this "Pioneer Feminists Project" has collected more than 2100 biographies of feminist women who were active from 1963-75. These biographies provide a precious resource for the future.

As Barbara Love says in her introduction: "...this reference work focuses on individual feminists and their contributions to the women's movement. Generally, books about our movement have concentrated on organizations and events, their successes and failures. The change-making people behind the events have not usually been discussed." *Feminists who Changed America 1963-75* finally gives recognition to those of us who were in the trenches early on, and who should be noted in our herstory.

If you are a second-wave pioneer feminist who is not included in this book, you can still be part of the project by putting your information on file at the Sophia Smith Collection for herstorians to consult. And you can be part of other related events in the future. Just Google "Pioneer Feminists Project" to secure a questionnaire. The Project will continue collecting biographies as long as they are being submitted; and the website will be updated with the new information.

Every feminist should own this book; and/or every library should stock it. I myself donated a copy to our local East Hampton, NY library; and I hope many other women will follow suit. I urge everyone to request a copy at her local bookstore or order online at Amazon.com.

The Herstory of Women's Reproductive Rights.

By Joni Baird

March 22, 2007 will mark the 35th anniversary of *Baird v. Eisenstadt* the landmark U.S. Supreme Court ruling that gave every individual in this nation the right to use birth control. It supplanted the 1965 decision that declared birth control legal for the "married entity" only.

Baird also became the foundation for the abortion decisions in 1973 and was quoted six times in them. It became an umbrella privacy case that impacted a myriad of other decisions and was quoted five times in the 2003 gay rights U.S. Supreme Court victory *Lawrence v. Texas*. His case was also the foundation for his two other U.S. Supreme Court victories *Baird v. Bellotti I* (1976) and *Baird v. Bellotti II* (1979), which enabled minors to obtain abortions without parental veto. The high court stated, "The Bill of Rights is not for adults only."

Bill Baird was a featured speaker at the 2006 NY State NOW 40th anniversary convention on October 21. Feminist author and songwriter Sandy Rapp, who recorded the "Ballad of Billy Baird" for her new CD, sang this inspiring song at the convention. He was keynote speaker for the Florida State NOW convention on January 6, 2007 began his crusade in 1963. While doing clinical research at a New York City hospital for a pharmaceutical company, he witnessed the tragic death of an African American unmarried mother of nine children. She stumbled into the corridor covered with blood from the waist down, an 8-inch wire coat hanger protruded from her uterus.

In those days women like her were denied by law not only access to abortion but to birth control as well. Baird vowed from that day forward to fight the barbaric laws that denied women access to reproductive healthcare. He began challenging anti-birth control/abortion statutes, first in his home state of New York. He was arrested and jailed in 1965 for violating anti-birth control law 1142. His "crime" was publicly exhibiting birth control and abortion devices to poor women in his 25-foot "Plan Van" – a mobile clinic that he used to teach reproductive healthcare. The subsequent media attention and court challenge resulted in the law being changed. Ultimately, he was arrested and jailed eight times in five states for merely lecturing about abortion and birth

control. This led United States Supreme Court Justice William Douglas to later state that "While the teachings of Bill Baird and Galileo are of a different order, the suppression of either is equally repugnant."

Baird's most famous legal battle resulted from a speech he gave to 2,500 Boston University students on April 6, 1967. Nearly 800 of them had sent him a petition pleading with him to challenge Massachusetts's "Crimes Against Chastity, Morality, Decency and Good Order" anti-birth control/abortion statute. At first Bill Baird declined citing the fact that each violation of the law carried with it a five-year prison term. However he thought of the woman who died and decided that if he could bring a test case before the highest court in the land millions would be free to control their reproductive destinies; this despite the reality that ninety-eight percent of all cases are rejected by the Court.

In his Boston University speech he discussed the right of a woman to control her body and that she had an ultimate right to privacy. He was promptly arrested and jailed for giving away free one condom and one package of contraceptive foam to an unmarried female and for exhibiting birth control and abortion devices.

On October 17, 1967, he was declared a "menace to this nation" by Boston Superior Court Judge Donald MacCauley and was ultimately sentenced to three months in Boston's Charles Street Jail where hardened criminals were housed. The facility was ultimately closed for "cruel and inhumane" treatment of its prisoners.

The U.S. Supreme Court rejected his case and it looked like all was lost until finally they did hear it deciding 8-1 in Bill Baird's favor. Justice Brennan wrote in the decision (to purposely build a bridge for the next case to be heard *Roe v. Wade*) "If the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child."

It is unfortunate that at the time Baird was fighting to overturn such archaic

and ultimately abusive laws; he met with opposition not only from those opposed to birth control and abortion but from his "allies" as well. Others tried to invalidate his struggle. A well known individual who fought for women's equality suggested "...Mr. Baird's mission was an effort to get women to sleep with him, and called him 'one of the more male-supremacist men around.'" Other notable individuals claimed that Bill was a CIA Agent and that his work was "irrelevant."

However none of this has been able to tarnish the historical importance of *Baird v. Eisenstadt* and its impact on millions of people. In his 2004 Roger Williams University Law Review article "New Historical Insights on the Curious Case of *Baird v. Eisenstadt*" constitutional scholar and *Roe v. Wade* attorney Roy Lucas discussed the continuing impact of Baird's case. Not only had it been mentioned over 52 times in subsequent U.S. Supreme Court cases at the time of article's publication but Lucas wrote that, "According to Shepard's citatory, each and ever one of the eleven U.S. Court of Appeals Circuits, as well as the Federal Circuit has cited *Eisenstadt v. Baird* as authority."

Lucas also disclosed that "Shepard's further reveals that *Baird* has been cited by the highest courts of all 50 States, the District of Columbia, and Puerto Rico,

with the last being Mississippi in the year 2000" and that it impacted on countries such as "England, Ireland and Canada."

"Add to that" he wrote, "the three columns of law journal articles Shepard's has on *Baird* and one must acknowledge that the decision is among the most influential in the United States during the entire century by any manner or means of measurement."

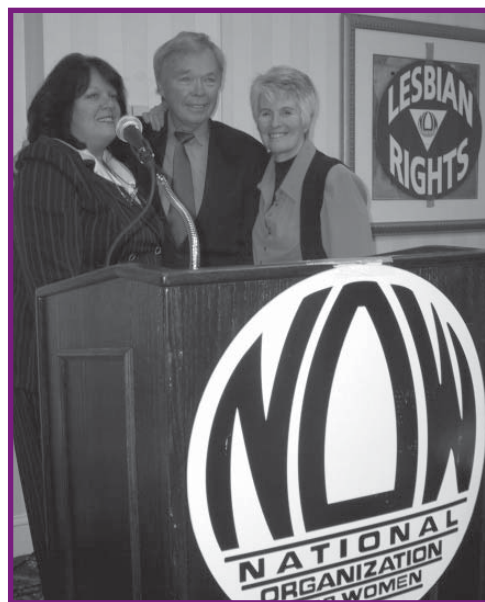
It is important that we recognize how fragile such rights are considering the enormous opposition to both birth control and abortion. We must never take for granted the sacrifice that those such as Bill Baird have made on behalf of our freedom and protect those freedoms vigilantly.

You can help by helping Bill Baird and the members of his organization the Pro Choice League get their important, historic message of reproductive freedom heard. Invite him to speak in your area at a university, college or before other groups. He received several standing ovations at the 2007 Florida NOW state convention and had a similar reception at the 2006 NOW New York State 40th anniversary convention.

Bill Baird is happy that many such as New York State NOW President, Marcia Pappas are committed to men and women working together for equality between the sexes. He said that "She recognizes the importance of women and men joining together in a common cause for freedom."

In a letter to Bill Baird on October 28, 2006, she wrote, "It is important that the public and NOW activists understand the real story behind how their rights to birth control and abortion were won." She added, "Your courage, dedication and vision prompted many people to come to me after your presentation to tell me how your life's efforts provided a beacon of hope and inspiration for them."

(Joni Baird is the co-director of the Pro Choice League out of Huntington, New York and Three Rivers, Massachusetts. She is currently finishing Bill Baird's biography. She can be emailed at Bbaird322@aol.com or through ProChoiceLeague.org.)



Bill Baird, pictured here with Marcia Pappas, President of NOW NYS and Sandy Rapp, Singer, Song Writer and Author. Bill was a featured speaker at the 2006 NOW NYS Convention.



Newly elected Congresswoman Kirsten Gillibrand and NOW NYS Reproductive Rights Task Force Chair, Dorothy Jiji.



Mid Suffolk NOW Chapter with officers and Kay Millet (ctr)

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Albany Area NOW (0020)

PO Box 13773
Albany, NY 12212
Phone: 518-472-9120
info@albanyareanow.org
www.AlbanyAreaNOW.org

Bronx NOW (0060)

416 East 176 Streets, 2nd S-D
Bronx, NY 10457
718-901-5100
RosaPoL6@aol.com

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PO Box 350-746
Brooklyn, NY 11235
Phone: 718-951-7441
bklynqnsnow@yahoo.com
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Buffalo-Niagara NOW (0080)

2697 Main Street
Buffalo, NY 14217
Phone: 716-8976-3209
kerhardt@BBuffalo.edu

Central New York NOW (0100)

PO Box 1234
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East End NOW (0137)

PO Box 562
Wainscott, NY 11975
Phone :631-329-0593
EastEndNOW@aol.com

Greater Corning/Elmira NOW (0160)

37 West 4th Street
Corning, NY 14830
corning/elmiraNOW@yahoo.com

Greater Rochester NOW (0489)

PO Box 93196
Rochester, NY 14692
E-mail: info@rochesternow.org
Web: www.rochesternow.org

Greater Syracuse NOW (0200)

201 Ambergate Road
DeWitt, NY 13214
Phone: 315-682-5810
Email: amycobe@aol.com

Greene County NOW (0170)

PO Box 468
Palenville, NY 12463
cathryn@gallae.com

Mid-Hudson NOW (0450)

16 Cleveland
Poughkeepsie, NY 12601
845-298-9577
jmshagan@yahoo.com

Mid-Suffolk NOW (0560)

PO Box 330
Stonybrook, NY 11790
Phone: 631-234-4747
MidsuffolkNOW@yahoo.com

Nassau NOW (0350)

161 Levittown Pkwy
Hicksville, NY 11801
Phone: 516-932-8804
officemanager@nassanow.org

New York City NOW (0360)

150 West 28th Street # 304
New York, NY 10001
Phone: 212-627-9895
contact@nownyc.org
Web: www.nownyc.org

NYU NOW (0720)

Catherine Zack, President
Chz204@nyu.edu

Orange County NOW (0300)

204 lake Pocatello Road
Middletown, NY 10940-7467
ocnowny@aol.com

Rockland County NOW (0490)

PO Box 275
New City, NY 10956
Phone: 845-639-3996
www.planet-rockland.org/now
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Saratoga NOW (0500)

PO Box 122
Saratoga Springs, NY 12866
Phone: 518-587-3436
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South Suffolk NOW (0530)

PO Box 463M
Bayshore, NY 11706
sosuffnow@hotmail.com
www.southsuffolkNOW.com

Tompkins County NOW (0215)

PO Box 125
Etna, NY 13062
lcgardner@usadatanet.net

Ulster County NOW (0700)

PO Box 4182
Kingston, NY 12402
845-688-2169
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