



February 2024 Clearinghouse on Women's Issues Newsletter (CWI)
<https://womensclearinghouse.org>

Meeting Invitation: Rethinking Women's Political Power: Recognizing and Overcoming Challenges to Incumbents, Candidates, Voters and Election Officers

Tuesday, February 27, 2024 Noon-1:00 PM

Zoom Meeting Registration Link

<https://us02web.zoom.us/join/tZcscuusqTMuHNEp2K7Sy4bVHIYHW7T8k7IS>

Please share this invitation and join CWI. Meetings are public and free of charge.

Jan Erickson, Government Relations Director, National Organization for Women, NOW and Co-President CWI and **Connie Cordovilla**, Fairfax County Election Officer and Vice President CWI will moderate this meeting.

Presenters include:



Dr. Kelly Dittmar, Ph.D., Associate Professor of Political Science at Rutgers University–Camden; and Director of Research and a Scholar at the Center for American Women and Politics (CAWP) at the Eagleton Institute of Politics, Rutgers University (<https://cawp.rutgers.edu>). Kelly authored the recently released report "Rethinking Women's Political Power." The Report <https://rethinkingpower.rutgers.edu> examines at the state and local level (1) women's

navigation of the political ecosystem; (2) perceptions about women's political power and progress, (3) an assessment of the support infrastructure for women in politics in the state (including its service of women across party and racial/ethnic lines); (4) views on the strength and influence of political parties in the state; (5) perceptions on where and with whom political power lies in the state; and (6) insights into opportunities for increasing women's political power.



Dr. Maya Kornberg, Ph.D. is a research fellow in the Brennan Center for Justice's Elections and Government Program, where she leads work related to information and disinformation in politics, Congress, civic engagement, and money in politics. Maya is also the author of the recent book "Inside Congressional Committees: Function and Dysfunction in the Legislative Process" (Columbia University Press, 2023.) She will be presenting the new Brennan Center report

entitled "Intimidation of State and Local Officeholders: The Threat to Democracy," which she recently co-authored. The report explores hostility faced by local and state officeholders in the United States. The results show that the majority of state and local officials surveyed face hostility, with women and people of color reporting higher levels of violence than their white male colleagues. Many electeds are worried about their family and staff (with women and people of color expressing more concern.) The impact on democracy is also worrisome. A critical mass of respondents shared that they are reluctant to engage with constituents, take on controversial issues, and run for higher office. The research highlights important trends in a growing problem for American democracy. The report also details a number of recommendations for combatting this trend.

The next CWI meeting is March 26, 2024 at noon on zoom and in person to celebrate the 50th Anniversary of CWI, Ms. Magazine and other feminist organizations.

Resource Sheet For Fighting the Intimidation of Voters and Election Officers:

Brennan Center Reports on Intimidation of Office Holders, Election Workers and Voters

Intimidation of Voters and Election Workers Resource Guide- <https://www.brennancenter.org/our-work/research-reports/voter-intimidation-and-election-worker-intimidation-resource-guide>

Another Barrier to Latino Representation: Intimidation of Election Officials—
<https://www.brennancenter.org/our-work/analysis-opinion/another-barrier-latino-representation-intimidation-election-officials>

Intimidation of State and Local Officeholders <https://www.brennancenter.org/our-work/research-reports/intimidation-state-and-local-officeholders>

American Civil Liberties Union (ACLU), Know Your Rights: Voter Intimidation
https://www.aclu.org/sites/default/files/field_pdf_file/kyr-voterintimidation-v03.pdf

Georgetown Law School, Fact Sheet: Protecting Against Voter Intimidation
<https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2020/10/Voter-Intimidation-Fact-Sheet.pdf>

Advancement Project, What to Do if You Experience Intimidation at the Polls
<https://advancementproject.org/what-to-do-if-you-experience-intimidation-at-the-polls/>

United States Election Assistance Commission, Security Resources for Election Officials
<https://www.eac.gov/election-officials/election-official-security>

Brookings Institution, One Way to Protect Female Election Officials from Harassment
<https://www.brookings.edu/articles/one-way-to-protect-female-election-officials-from-harassment/>

Summary of January 23, 2024 CWI Meeting on “Reforming the Federal Judiciary: Expand the Supreme Court, Limit Terms, Restore Legitimacy”

The video of this excellent meeting is available on the CWI website at [Jan 2024 Meeting: Reforming the Federal Judiciary: Expand the Supreme Court, Limit Terms, Restore Legitimacy](#) with Chris Kang and Rebecca Buckwalter-Poza.

Moderator **Jeanette Lim Esbrook**, CWI Vice President for Legal Affairs, opened by noting that the U.S. Supreme Court has a low public approval rating. Our speakers will address possible responses to their ethical lapses. Jeanette is concerned about several of the many very important cases before the Court: one is a constitutional provision that prohibits a person who has engaged in insurrection from holding public office and another is whether there is a broad definition of immunity for officeholders and the third relates to authority of administrative agencies to determine the implementation of the law.

CHRIS KANG - Chris Kang is Co-founder of Demand Justice and former Chief Counsel of the organization. Demand Justice is an advocacy organization which aims to inform and empower citizens to fight for progressive change in our judicial systems. Chris serves on the Board of Advisors for the American Constitution Society and was [invited to testify](#) before the Presidential Commission on the Supreme Court. Chris served in the Obama White House for nearly seven years in key roles. He was Deputy Counsel to the President as well as Special Assistant to the President for Legislative Affairs. Chris oversaw the selection, vetting, and confirmation of more than 220 of the president’s judicial nominees. This set

records for the most people of color, women, and openly gay and lesbian judges appointed by a president. Demand Justice endorsed Supreme Court expansion and called for a freeze on the appointment of corporate lawyers to the federal bench in August 2023. Demand Justice publishes an informative Daily Supreme Court News Briefing which reports on important cases before the Court and related media coverage.



Chris called attention to ‘What’s wrong is not just the Supreme Court’s decisions, but what is motivating them.’ In his view, the conservative supermajority of justices most often rules in favor of corporate and special interests. In recent decades, the Court has been anti-democracy -- striking down voting rights and upholding gerrymandering are two examples. The problem is that the Court is too political as well as too powerful. Not only by revoking a nearly fifty-year old right in protecting women’s reproductive rights but making it hard to do anything about gun violence, climate change, and other important problems. The Court is causing more damage and decreasing protections -- whether it’s medication abortion, LGBTQ rights, or other important protections.

Regarding the upcoming Chevron deference case: When Congress passes a law, federal agencies implement; for forty years courts have turned to agencies because agencies have the technical expertise. But now, all of the pro-democracy, pro-environment, pro-individual rights regulations that federal agencies have adopted -- the conservatives on the Court want to strike them down.

We need to determine how much power we want to give the courts. The traditional ‘Checks and Balances’ are not happening. The courts are grabbing more power for themselves, and they even want to be above any criticism. When it comes down to ethical lapses, the justices are refusing to disclose and refusing to stop doing what many believe are unethical activities. We are seeing more corruption and clear conflicts of interest. Look at Justice Thomas ruling on a case related to the January 6, 2021, insurrection when his wife, Ginni Thomas, was involved. He won’t even disclose the gifts he has received. SCOTUS is the only court that is not subject to an enforceable Code of Ethics.

Conservative activism around the courts began with opposition to *Brown v. Board* (separate is not equal) and *Roe v. Wade*, recognizing women’s right to abortion. This combination of racism and misogyny was combined with corporate interests and funded by conservative billionaires who sought to shape the federal judiciary. Over that same time, Democrats have not been politically engaged around the Court, possibly with the view that they should not stoop as low. The problem is that the other side is ramping up their agenda.

We need to enact several reforms of the Supreme Court in tandem. The first is Supreme Court expansion – which can be achieved by a simple act of Congress. Legislation has been introduced: the Judiciary Act (S. 1616/ H.R. 3422) which would add four justices to the Supreme Court. These additions would offset the Republican ‘theft’ of two seats. First was when President Obama was denied his nominee, Merrick Garland. The second was when President Biden was denied a nominee following the death of Justice Ruth Bader Ginsburg. The Republicans pushed through just before a general election their nominee Amy Coney Barrett, bringing about a super-majority of six very conservative justices. A counter to this super majority would be an addition of four justices to the nine sitting justices, producing more of a balance on the high court.

Term limits would do much to counter corruption. A limit of 18 years would provide some regularity. With that reform, the Court will begin to reflect the nation’s will. The current life term is set by the Constitution. Bipartisan constitutional scholars argue that Congress can pass a law to change the term, but the problem is that the sitting justices would ultimately decide, and they are loath to give up their life terms. But if we first pass legislation adding four justices, that might help ensure the constitutionality of term limits is given fair consideration.

An enforceable code of ethics must be adopted – this is a bare minimum step to show some sort of accountability. Congress must pass the necessary legislation. We must get out of the mindset we can only do one. All three pillars of reform are necessary.

We spend so much time thinking about the Supreme Court, but there also needs to be more attention on the lower federal courts. The lower courts don't get that much attention, but just look at the court in Florida, with a Trump acolyte-judge handling the Trump classified documents case.

Who sits on these courts is a serious question. During my time in the Obama administration, there was an emphasis on demographic diversity. President Biden has recognized that we also need more lawyers with a variety of professional backgrounds, not just former prosecutors and corporate lawyers. More labor lawyers, public defenders, civil rights lawyers, and legal aid lawyers – those who represent the people. We should be talking to our friends, neighbors, and members of Congress about these concerns.

REBECCA BUCKWALTER-POZA - Rebecca Buckwalter-Poza is Senior Fellow and Senior Aron Justice Counsel at the Alliance for Justice. An advocate, attorney, and author, Rebecca is best known for successfully suing the forty-fifth president of the United States under the First Amendment with Columbia University's Knight First Amendment Institute. Rebecca directed the access to justice project 'Making Justice Equal' at the Center for American Progress, covered the Supreme Court and federal judiciary at NPR with Legal Affairs Correspondent Nina Totenberg, and originated the role of Judicial Affairs Editor at *Daily Kos*. She is a co-founder of *Prism*, a publication that elevates stories, ideas, and solutions from the underrepresented leaders, thinkers, and activists whose voices are critical to a reflective democracy. Rebecca received her A.B. from Harvard College and her J.D. from Yale Law School. A student of military law who observed at Guantanamo, Rebecca clerked for the Honorable Margaret Ryan on the U.S. Court of Appeals for the Armed Forces as well as the late Honorable Juan R. Torruella on the U.S. Court of Appeals for the First Circuit.



I must begin on a sad note, that is the deterioration of the federal judiciary and justice in the country. It is now obvious that the Supreme Court is becoming more aware of the legitimacy crisis and ethical failures it has inherited and precipitated. Even Justices Kavanaugh and Coney Barrett have said they support embracing a code of ethics. Currently there is no mechanism for accountability. Within the Court's new ethics code, there is the telling language: "should" instead of shall", for instance. These are provisions that should be binding.

There is no required recusal or reporting of recusals; the details of ethical crises need reporting. These concerns are particularly problematic with Justice Thomas who failed to report numerous large gifts such as vacations on private jets, yachts and failed to report his wife's substantial income. Ginni Thomas is a leader in conservative causes, such as the Tea Party and January 6th insurrection. Justice Roberts' wife is making money from companies that have cases before the court. Justices own stocks that present conflicts of interest. There doesn't seem to be any awareness for reporting or consideration that they should give up the stocks. Which leads to what Chris suggested, congressional intervention or action by the federal judiciary's Administrative Office or the Department of Justice that could address this – they, too, could be players. We have yet to see that.

There is an overburdening of the judiciary and a significant backlog of cases. Just as the Court has challenged all precedents, Congress has blocked expansion of courts to match caseload. There is also the problem of single-judge district courts – which has led to judge-shopping. Conservatives know where they can go to get the result they want. Until the 1990s it was traditional for Congress to expand the number of courts related to population growth. Currently we have problems with single-judge districts which are being abused by right wing activists. A single judgeship most recently noted was that of Judge Kacsmaryk (who is an anti-abortion activist). Expansion of the courts would help tremendously.

There has been a long-term investment by the political right in state courts which has paid off by offering the conservatives the opportunity to place the judges they want. This has facilitated an array of conservative causes, such as advancing anti-abortion rights legislation. Their goal has been to reshape the judiciary state by state and attack judges that don't rule in the way they want. One example last year is when Janet Protasiewicz, supported by Democrats, defeated the Republican antiabortion rights candidate, and was elected to the State Supreme Court in Wisconsin. Her

candidacy was met with serious threats. Anita Earls, an African American woman who is associate justice of the North Carolina Supreme Court, was attacked through the mechanism for judicial ethics when she offered a comment about diversity. The state launched an investigation of the associate justice after she made that comment. The political right goes after judges with whom they do not agree.

The problem of so many cases originating in state courts intensified during the Covid shutdown. Ninety-five percent of cases go through state courts, rather than federal – so that is a concern. Another structural problem is that conservatives have been changing types of judges to get the result they want. In addition, they have been pushing litigators toward arbitration. This is part of the long-term investment by the political right. We've seen since *Dobbs* an outcry by abortion rights supporters. More than forty pieces of legislation have been introduced to protect abortion rights in twenty-three states. In response, conservatives are expanding courts in states with Republican governors – which is an enormous threat.

We need effective ethics codes at all levels. Thomas allows friends to buy his mother's house, planning eventually to turn it into a museum celebrating his career. Plus, they paid his grandnephew's school tuition. Thomas also suggested to his wealthy friends that he needed monetary gifts because he wasn't earning enough as a Supreme Court justice.

Some of the media coverage of these problems suggests that there is a both-sides element – that is just not accurate. It's just not the same. Justice Kagan worried about getting free bagels; Justice Thomas is jaunting around the world in private jets and yachts, letting wealthy friends purchase his mother's home. Additionally, Justice Thomas accepted a bible worth five figures and used the Court itself for a reception for one of the organizations in which he has become a leader.

Q & A:

The last time that Congress addressed the courts was in 1990 with the Judicial Improvements Act. This added 13 temporary judgeships in addition to the 94 district courts, 13 circuit courts, 179 appellate judgeships, and 673 district court judgeships. That's not nearly enough.

Many cases are now being re-routed into federal courts. Yet the federal judiciary has not grown. Legislation has been introduced to increase courts based on filings and population and in support of a term limits bill. One option is to require judges to take senior status, creating additional judicial positions.

The backlog facing federal courts is over 600,000 cases. All of this puts justice further out of reach for average Americans. Since 1990, the population has grown by more than 40 percent. It's a problem only Congress can fix and is well overdue. Rep. Hank Johnson is behind the effort, recalculating the number of courts and establishing term limits.

President Trump added 234 lifetime judges to federal courts via Article III judgeships. President Biden is at 168 judgeships; Trump was at 187 at this point in his administration. But President Biden's nominees include two-thirds people of color or women, and that's a very big deal, but we're still falling behind. Trump's nominees were extremely political.

Sen. Sheldon Whitehouse's book, [The Scheme](#), which describes the right Wing's effort to capture the courts was mentioned. Chris Kang says Sen. Whitehouse is right. It's all about special interests and about capturing courts for a small minority to impose their views on the rest of us.

Chris noted that anti-DEI and anti-affirmative action attacks are all about special interests to capture the court. The economic cases just don't get as much attention as the social issues. The issues corporate interests focus on, generally, are whether corporations should be held accountable for defective products, for discrimination, and be allowed to continue merging and have more power.

These are the 80/20 issues – 80 percent of public supports limiting corporate power. The same 80 percent support abortion rights, gun control and doing something about climate change. The American public wants more control of

corporate interests. But these economic cases just don't get enough attention. The Roberts Court is the most corporate court in generations.

If the Judiciary Act were adopted tomorrow, people suggest that conservatives would re-capture the Court by adding more seats later. But I don't see it that way. If we don't make the effort to counteract conservative capture now, we will have conservative, anti-government, anti-democracy courts for another thirty to forty years and beyond. This will have such a negative effect on our democracy.

It's important to restore balance, rein in corporate power, bring about a stronger democracy and less gerrymandering. A lot of folks think that expanding the court is so controversial. However, a majority of the public supports expansion; 70 percent of Democrats are supportive. We need to start speaking out now that we have this support, Chris urged.

The House and Senate judiciary committees have the jurisdiction to reform the court. We are seeing a little bit of interest in Congress now, but mainly focused on ethics problems. The Senate has authorized subpoenas to question major right-wing funders Harlan Crow and Leonard Leo about their gifts and financial support to sitting Supreme Court justices.

Judicial reform legislation has not had enough support in both Houses, and they haven't taken the time to focus on it. On the House side, there are 60 members who support the Judiciary Act, but only three in the Senate. That is where the activism is needed.

Rebecca noted this in response to a question about the case backlog. In the first year of Covid, it was nearly 400,000; the second year, it was 600,000. The Judicial Conference made an adjustment so that it doesn't look so bad with a watered-down proposal from the Judicial Conference. They proposed two new appellate judgeships and at least 66 new district judgeships, plus making temporary judges permanent. But this is not nearly enough.

BLACK HISTORY MONTH HALL OF FAME TRIBUTE BY THE KINDERMAN

This was sent by Loretto Gubernatis, CWI Vice President for Media Outreach.

Please celebrate Black History Month and enjoy the video at https://youtu.be/1PQhPws_Xu0

Invitation to Major Feminist Conference in DC area March 23-25

The Feminist Majority Foundation's National Young Feminist Leadership Conference is returning to DC after 4 years! The 2024 NYFLC brings together student activists to build collective power and share strategies of resistance, grow knowledge about critical domestic and global feminist issues, learn hands-on grassroots organizing tactics, and mobilize for political gain. NYFLC is a chance to recognize that we are a part of something big, a community of activists working for justice all around the country. It's the perfect place to learn about current political issues, hear from inspirational leaders, and meet fellow feminist students! Find more information and register at <https://feministcampus.org/conference/> Please encourage high school and college feminists to attend but all feminists are welcome!



The National Young Feminist Leadership Conference (NYFLC) brings together hundreds of student activists from across the country to build collective power and share strategies of mobilization, grow knowledge about critical domestic and global feminist issues, and learn grassroots organizing tactics. On Monday, March 25th, students will take their knowledge, power, and voices to Capitol Hill for a Congressional Advocacy Day! Join us as we discuss issues including:

<p>Reproductive health, rights, and justice</p> <p>Abortion clinic defense</p> <p>LGBTQIA+ rights</p>	<p>Voter mobilization</p> <p>Organizing methods and tactics</p> <p>Equal Rights Amendment</p>	<p>Global feminism</p> <p>Stopping gender apartheid</p> <p>Racial Justice</p>
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Early Bird Registration is now open!

Scan the QR Code or go to bit.ly/NYFLC2024 to register!



Go to feministcampus.org/conference for more details and email Madelyn Amos at mamos@feminist.org with any questions.

Arts and Culture Opportunities

ART MUSEUMS

The National Museum of Women in the Arts reopened on Oct 21 with exhibition *The Sky's The Limit* (to Feb. 25, 2024)

Smithsonian American Art Museum presents *Composing Color: Paintings by Alma Thomas* (to June 2, 2024)

The Hirshhorn Museum and Sculpture Garden will present an exhibit by Simon Leigh (to March 3, 2024)

The Baltimore Museum of Art exhibit *Work: Women Printmakers of the WPA*, (to June 30, 2024).

THEATER

Tempestuous Elements (February 16 - March 17, 2024) at Arena Stage

is the story of Anna Julia Cooper. Born in slavery, the visionary Black feminist and educator in the late 19th/early 20th centuries, was only the fourth African American woman to earn a doctoral degree. The 11th in Arena Stage's Power Play cycle, *Tempestuous Elements* shines a light on Cooper's tumultuous tenure as Principal of Washington, D.C.'s historic M Street School where she fought to keep Black education alive, despite the racism, gossip and sexism that threatened to consign her efforts to obscurity.

CWI's newsletter is endowed in loving memory of our previous longtime editor, Roslyn Kaiser

Newsletter edited by Sue Klein

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<https://womensclearinghouse.org/membership/>