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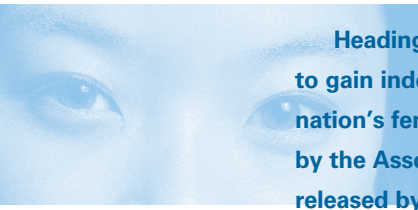
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A NEWSLETTER ABOUT LAW AND DIVERSITY



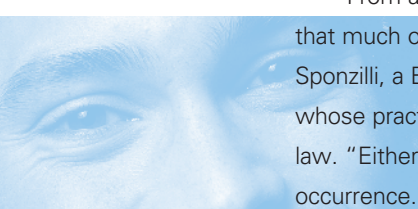
Protecting Campus Sexual Assault Victims with Title IX

by Cheryl Baisden



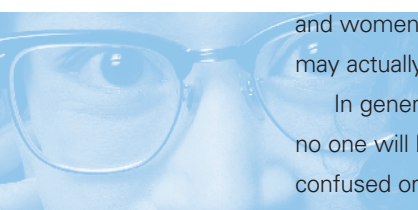
Heading off to college can be a great time to gain independence and maturity, but for the nation's female students a 2015 survey conducted by the Association of American Universities and released by the Department of Justice indicates college campuses can also be dangerous places.

According to the survey, 27 percent of female college seniors (slightly more than one out of every four) reported experiencing some form of unwanted sexual contact—ranging from groping to rape—during their years on campus. Other statistics put the number at one out of every five female students.



"From a statistical viewpoint this is not that much of a difference," says Edward Sponzilli, a Bridgewater-based attorney whose practice includes higher education law. "Either way, it is far too frequent an occurrence."

In fact, according to Bonnie Frost, a Denville attorney who focuses on family and women's legal rights law, the numbers may actually be higher than those reported.



In general, "victims are often afraid no one will believe them or are scared, confused or ashamed," she said. "They may not want to relive or retell the harmful psychological and physical experience of sexual assault. As a result, most victims do not report those incidents and, therefore, statistics can be misleading."

Protections in place

Protections against campus sexual assault first came into play under Title IX of the Education Amendments Act of 1972, which requires that any school receiving federal funding (which includes most public schools and universities) eliminate gender-based discrimination.

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Progress Slow on Transgender Acceptance

by Jodi L. Miller

Today, it is more accepted for someone to acknowledge that the gender he or she was born with is not the gender with which he or she identifies. In other words, the person is transgender.

Just two years ago the number of people who identified as transgender was thought to be around 700,000. However, according to a recent study by the Williams Institute at the UCLA School of Law, a think tank that conducts research on gender identity, that number is closer to 1.4 million. That being said, for 99.5 percent of the population, their gender identity matches the sex on their birth certificate, which makes them **cisgender**.

I just need to use the bathroom

Some in the cisgender community have a hard time grasping the concept of being transgender because their gender identity and anatomy match. So for them, they don't think of gender identity as being separate and apart from anatomy. This lack of understanding has led to what many—transgender and cisgender—feel is unnecessary legislation that regulates what bathroom a transgender person can use.

In March 2016, North Carolina passed a law, known as HB2, which required everyone in government *>continued on page 5*

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Male or Female: Should Everyone Serve?

by Robin Foster

Women are making inroads in military ranks and serving their country with valor. In fact, women comprise 15 percent of active troops and 23 percent of new military officers. The strides made by women for equality in the military have many asking whether females should be required to register with the Selective Service System and called to serve—just like their male counterparts—if a military draft were ever reinstated.

History of U.S. conscription

While our military is currently a voluntary force and the U.S. has not used the military draft since 1973, all male U.S. residents between the ages of 18 and 26 are required by law to register with the Selective Service System within 30 days of their 18th birthday. If Congress so demanded, these men could potentially be called up during a national emergency. Failure to register with Selective Service is a **felony**, punishable by up to five years in prison and a \$250,000 fine.

The Civil War was the first American war where soldiers were drafted, also known as **conscription**. During the Civil War, the Southern draftees made up approximately 20 percent of all Confederate soldiers, while soldiers drafted in the North accounted for less than 10 percent of Union troops.

In 1969, during the Vietnam War, draftees accounted for 88 percent of the Army's infantry forces. By 1972, draftees were no longer sent to Vietnam and in January 1973 the draft was **repealed**. Selective Service registration was suspended after 1975; then re-established by President Jimmy Carter in 1980.

This is not the first time the issue of women registering with Selective Service has been addressed. President Franklin Roosevelt urged Congress to amend the Selective Service Act to induct nurses into the armed forces during World War II. In 1945, the House passed the bill, but it later died in the Senate. After

re-establishing the Selective Service System, President Carter sought to require women to register for "noncombat service" but was met with resistance by Congress.

The 1981 case of *Rostker v. Goldberg* challenged the constitutionality of requiring only men to register with Selective Service. The U.S. Supreme Court upheld the practice and in the Court's majority opinion, Chief Justice William Rehnquist wrote, "The existence of the combat restrictions clearly indicates the basis for Congress' decision to exempt women from registration. The purpose of registration was to prepare for a draft of combat troops. Since women are excluded from combat, Congress concluded that they would not be needed in the event of a draft..."

Opening combat roles opens questions

In December 2015, Defense Secretary Ashton Carter announced that the U.S. military would open all combat roles to women at the start of 2016. The decision opened up 220,000 jobs that were previously available only to men, including roles in the infantry, armor, and special ops units like Navy SEALs and Army Rangers. So, with all military positions now open to women who qualify, what is the justification for keeping women out of Selective Service registration?

Lakewood attorney Michael Berman, who served in the Army in Korea, explains that the question of Selective Service falls under the authority of Congress, not the executive or judicial branches of government. Berman, who is a past chair of the New Jersey State Bar Association Military and Veterans' Affairs Section, sees this debate as one of philosophy and law.

"In several countries, the vast majority of citizens must serve in the military or equivalent service, regardless of gender," Berman says. "In the United States, that rationale does not exist. However, if requiring males to sign up with the Selective Service is appropriate, then why would females not also be required?"

Congress weighs in

In June 2016, the Senate approved, by an 85-13 vote, the 2017 National Defense Authorization Act (NDAA). The Senate's version of the NDAA includes a measure requiring 18-year-old women, like men, to register for Selective Service. This measure would take effect on Jan 1, 2018. The House had already passed its own version of the NDAA, without the Selective Service provision for women. The two versions of the NDAA must be reconciled before final passage of the bill.

Senator John McCain, of Arizona, chairman of the Armed Services Committee, supports the measure and told *The New York Times*, "Every single leader in this country, both men and women, members of the military leadership, believe that it's fair since we opened up all aspects of the military to women that they would also be registering for Selective Service."

In testimony before the Senate Armed Services Committee, General Robert Neller, Commandant of the U.S. Marine Corps, said, "It's my personal view that every American who's physically qualified should register for the draft." Congresswoman Jackie Speier, of California, told the House Armed Services Committee, "If we want equality in this country, if we want women to be treated precisely like men are treated and that they should not be discriminated against, then we should support a universal conscription."

Not all members of Congress agree that requiring women to register for Selective Service, and potentially the draft, is a good idea. Senator Ted Cruz, of Texas, a staunch conservative, who has two young daughters, does not support the measure.



Speaking on the Senate floor, Senator Cruz said, "The idea that we should forcibly conscript young girls into combat to my mind makes little sense at all."

In response, Senator McCain said, "I respect the senator from Texas's view. Too bad that view is not shared by our military leadership, the ones who have had the experience in combat with women."

"That's what equality looks like"

An editorial on *NationalReview.com* argued that no civilized society "drafts its mothers and daughters into combat." However, Army helicopter pilot Amber Smith, writing for *The Federalist*, argued that women should share in the responsibility of defending the country. "That's what equality looks like," Smith wrote.

To be clear, Selective Service or the draft does not necessarily mean combat. In *The New York Times*, Senator Deb Fischer, of Nebraska, pointed out that even if women are required to register for Selective Service, this does not mean that

any or all women would be drafted into the infantry. "There are many other ways to serve our country in the event of national emergency," she said.

In December 2016, the Obama Administration came out in support

of women registering for Selective Service. A spokesman for the Administration said, "As old barriers for military service are being removed, the administration supports—as a logical next step—women registering for the Selective Service."

What's next?

The House version of the NDAA included a measure to study whether Selective

Service is even necessary today in an age when the armed forces receive a healthy influx of volunteer soldiers, seamen, airmen and marines each year. The possibility of a forced draft is remote and many believe the Selective Service System is obsolete.

In an opinion piece for *The Washington Post*, Christopher Preble, a former naval officer and now vice president for defense and foreign policy studies with the Cato Institute, wrote, "The entire draft architecture is anachronistic and unnecessary. We've operated with an all-volunteer force for decades; no one, regardless of gender, expects that they'll be drafted; and the wars that we fight don't depend upon conscription. Future wars aren't likely to, either." Preble also noted, "The push to expand combat roles to women signals that more, rather than fewer, Americans are willing, voluntarily, to do their part to defend this nation. We should take this opportunity to recognize that we can get rid of the draft altogether." ■

Bridging the Gap But Still a Fight for Equal Pay

by Phyllis Raybin Emert

Women have been fighting for pay equality since the 1800s, when female government employees earned approximately \$900 per year, while their male counterparts in the same job earned \$1800.

According to *Time* magazine, in 1870 the House passed a resolution ensuring equal pay for government employees. The Senate, however, weakened the legislation and it was rarely enforced.

The latest Department of Labor figures in 2014 revealed that full-time, year-round working women earned an average of 79 percent of men's earnings. That figure was approximately 60 percent in the 1960s and 1970s. The gap has been narrowed somewhat because women have more education and college degrees today than four decades ago, but disparity still exists.

Workplace protections

There are more women in the labor force today, but they are still working in the lower-paying jobs and are under-represented in the higher-paying jobs. In her 2015 book, *Under the Bus—How Working Women are Being Run Over*, Caroline Fredrickson, president of the American Constitution Society, writes that women are part of the "working poor" who spend 27 or more hours per week in the labor force.

"They are domestic workers, caring for children and the elderly," writes Fredrickson, "they wait tables or act as hostesses in restaurants; they are 'independent contractors,' cutting hair and doing makeup and nails, cleaning offices and homes." Fredrickson, who is also a senior fellow at Demos, a public policy organization that works for equal say in democracy and the economy, notes that women make up 63 percent of minimum-wage and part-time workers.

In the 1930s, Congress passed workplace protection laws as part of the New Deal, but women and people of color were not given equal opportunities or benefits. Fredrickson writes, "Today, the National Labor Relations Act still excludes domestic workers and farm laborers, and the Fair Labor Standards Act does not require overtime [pay] for farmworkers or even the minimum wage or overtime for many domestic workers."

Essentially, there are two laws that regulate equal pay in the United States. The Equal Pay Act of 1963 amended

the Fair Labor Standards Act, and focuses on wage and benefit gaps based on sex. Title VII of the 1964 Civil Rights Act prohibits job discrimination by employers with over 15 employees, based on race, color, religion, sex, and national origin. More recently, the Lily Ledbetter Fair Pay Act of 2009 allows employees to challenge pay discrimination even if they were unaware of the discrimination from years before. According to the Women's Bureau of the Department of Labor, the Ledbetter Act states that there is a new discriminatory action each time an employer writes a paycheck that is based on unequal wages.

Still ineffective

Charles A. Sullivan, a professor and Interim Associate Dean for Faculty & Finance at Seton Hall University Law School in Newark, maintains some of these laws are still ineffective. "The Equal Pay Act is very limited because it prohibits unequal pay for 'equal work,' which is a very narrow concept. Title VII is, in theory, more far-reaching but proving that different compensation for two different individuals is the result of 'intent to discriminate' is hard," Professor Sullivan says. "Often employers can cite 'neutral factors' such as the male bargained harder or that his prior employment was at a higher wage to explain the difference."

That penalizes women, Professor Sullivan contends, since it is women who tend to put their careers on hold to have and raise children.

"Overt discrimination still accounts for 40 percent of the wage gap between men and women," Fredrickson writes in her book and calls the Equal Pay Act "deficient."

"The theory behind the law is that so long as a woman is just like a man, she should be treated the same." But, Fredrickson

points out that women are different because they bear children.

Professor Sullivan believes that "raising the minimum wage would help" to solve the gender gap in pay. However, it is "doubtful that's on the table now at the federal level, but there's obviously still some real chance of it in many states. A more radical solution," he says, "would be to require part-time workers (disproportionately women) to be paid at the same rate as full-time workers."

Kicking the issue into high gear

Many believe there is systemic sexism in women's

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Progress Slow on Transgender Acceptance [continued from page 1](#)

buildings use the bathroom of the sex that matches their birth certificate. State officials called the measure a “common sense privacy policy” and contended that it was needed as a “public safety measure” to protect cisgender women against being assaulted in bathrooms. Supporters of HB2 proposed a scenario where a cisgender man could pose as a transgender female in order to use the women’s bathroom, despite not being able to point to one incident where that occurred.

In New Jersey, where transgender people have been allowed to use the public bathrooms in accordance with their gender identity since the New Jersey Law Against Discrimination was amended in 2007, there have been no reported incidents of any transgender person causing a problem in a bathroom.

In fact, 2015 statistics from the National Center for Transgender Equality (NCTE) point to the opposite being true. In the largest survey of transgender Americans, NCTE found that 12 percent of transgender people were verbally harassed in restrooms, with one percent physically attacked and sexually assaulted. In addition, opponents of HB2 contend that the law is not needed to stop a cisgender man from entering a women’s bathroom and committing sexual assault, as that is already a crime.

DOJ says unconstitutional

In a letter, the U.S. Justice Department, under the administration of President Barack Obama, told then Governor Pat McCrory that HB2 violated Title IX and also Title VII of the U.S. Civil Rights Act. Both laws protect a person against discrimination based on sex. According to Trenton attorney Robyn B. Gigl, in recent years the definition of sex as used in Title IX and Title VII has been expanded to include a person’s gender identity.

The Justice Department’s findings put \$861 million of federal funding for public schools on the line, as well as federal funding for the University of North Carolina, which received \$1.4 billion for the 2014-2015 school year.

These so called “bathroom bills” seem to focus on transgender females (who were born male but identify as female) using the women’s room and are less concerned with transgender males (who were born female but identify as male) who would be required to use the women’s room under the law.

“My guess is that lawmakers did not consider trans men at all,” Rev. Jakob Hero, a transgender man and senior pastor of the

Metropolitan Community Church of Tampa, told *The Daily Beast*. “Perhaps they have no idea that trans men exist and that often we have beards and muscles and many other indicators that we are, in fact, men.”

An editorial in *The New York Times* pointed out the irony. “Transgender men go largely unmentioned in the bathroom bill debates....James Parker Sheffield, a transgender man with a beard,

exposed the foolishness of the law in a tweet to the governor [of North Carolina]. ‘It’s now the law for me to share a restroom with your wife,’ he wrote, attaching a photo of himself.”

Putting the constitutionality of these bills aside, Gigl, who serves on the board of Garden State Equality and is a past chair of the New Jersey State Bar Association’s LGBT Rights Section, questions how the law would be enforced.

“Other than checking birth certificates at the bathroom door, there is no way to police it,” Gigl says. “The reality is you can have gender confirming surgery and in certain states you still cannot change the gender

marker on your birth certificate. So even a strip search wouldn’t be enough to enforce a law that restricts bathrooms based on markers on birth certificates.”

Gigl says there is a push with bathroom bills proposed in other states to include a provision that a citizen could sue if they suffered “emotional distress” as a result of using a public bathroom with a trans person. “This is designed to prevent stores like Target from allowing trans people to use the bathroom in accordance with their gender identity and to force places of public accommodations to ‘police’ the bathrooms,” she says.

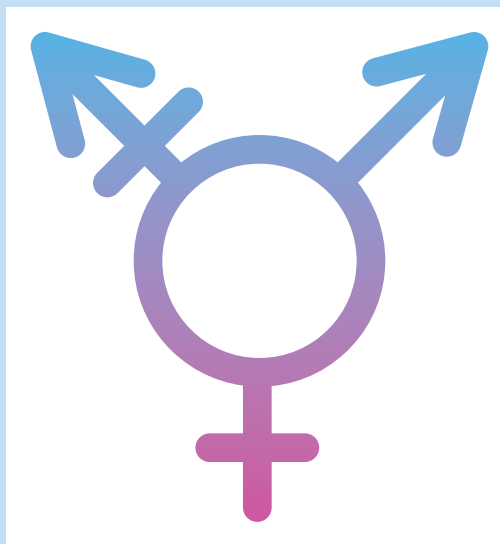
Show me the money

In addition to federal money, North Carolina has suffered economic losses upwards of \$630 million because of HB2’s passage. For instance, the National Collegiate Athletic Association (NCAA) pulled its championship tournaments for all sports (basketball, soccer, golf and lacrosse) from the state.

“NCAA championships and events must promote an inclusive atmosphere for all college athletes, coaches, administrators and fans. Current North Carolina state laws make it challenging to guarantee that host communities can help deliver on that commitment,” the organization said in a statement.

Several entertainers, including Bruce Springsteen, Pearl Jam, Demi Lovato, Nick Jonas and Ani

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Protecting Campus Sexual Assault Victims *continued from page 1*

"In particular, colleges and universities are to prohibit sexual misconduct, to encourage its reporting and to investigate all reports within 60 days," says Sponzilli. "They are to offer assistance to victims and protect their rights,...and provide a fair adjudicatory process for the victim and the accused."

The Obama Administration added additional teeth to Title IX as it relates to campus sexual assault by having the U.S. Education Department's Office of Civil Rights (OCR) issue a "Dear Colleague" letter to colleges and universities in 2011. The letter reemphasized the fact that higher education institutions were required to address assault allegations, but it also officially lowered the standards required to convict someone accused of sexual assault by classifying the matters as civil rather than criminal complaints.

In a criminal matter, the accused can only be found guilty if those ruling on the case are swayed by the evidence **beyond a reasonable doubt**. The standards for conviction in a civil matter, on the other hand, only require a **preponderance of evidence** (which is anything over 50 percent). Prosecuting civil cases also involve limited rights regarding things like presentation of evidence and how witnesses and investigations are handled.

The 2013 Campus Sexual Violence Elimination Act (SAVE) further strengthened the nation's stance, requiring schools to offer "primary prevention and awareness programs" to reduce the risk of sexual assault by teaching students to recognize signs of abusive behavior. The law also established basic standards for how investigations and judicial proceedings should be handled and requires schools report sexual violence complaints in their annual crime reports.

SAVE "highlights dating violence, domestic violence and stalking....crimes that we know are happening on our college and university campuses [and] requires colleges to actually have specific policies, protocols, and responses," Allison Kiss, executive director of the Clery Center for Security on Campus, told *The Atlantic*.

The law also includes a bystander intervention clause, which requires that anyone who witnesses campus sexual assault take some form of action. "Bystander intervention is so natural for this population because when sexual assaults happen on campus they're typically student on student. And they're happening when administrators aren't around," said Kiss.

Providing support

Since 2014, Senators Kirsten Gillibrand and Claire McCaskill have been seeking passage of the Campus Accountability and Safety Act (CASA), designed to provide direct support to victims and increase accountability in schools. The proposed legislation, which has **bipartisan** support but has yet to be voted on in Washington,

would require colleges to provide a confidential advisor to help victims through the process of filing and prosecuting a sexual assault accusation, both on campus and off. The legislation would also ensure minimum training standards for handling sexual assault cases, require anonymous surveys of every college student on the topic with results published by the Department of Education, establish uniform penalties for those found guilty of assault, and establish stiff penalties for schools that fail to follow the law.

"[It] would...give colleges and universities an incentive to take campus sexual assault seriously," Senator Gillibrand said in an April 2016 statement. "Most colleges are stuck in defensive mode, and won't even admit they have a problem because they're afraid their application numbers will drop, or because they just don't take these assaults seriously. We need to pass this bipartisan bill and finally start holding our schools accountable for how they deal with this crime."

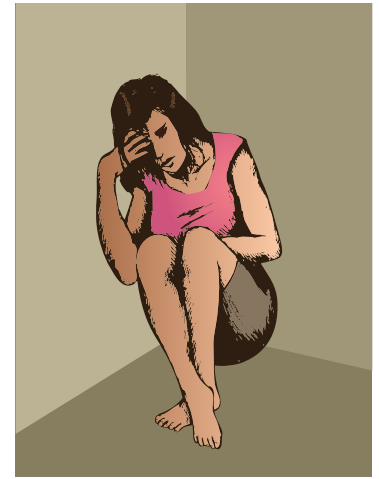
Seeking balance

While critics contend the legislation is flawed because it provides no assistance to the accused, Senator McCaskill believes those concerns carry little weight.

"I don't think we are anywhere near a tipping point where the people accused of this are somehow being treated unfairly," she told *The Washington Post*.

Still, while reported incidents of false accusations are low, they do occur, noted Frost, who cited the example of a Duke Lacrosse case where a female student from a different school, who was hired to dance at a party, accused several male lacrosse team members of sexual assault and the prosecutor's public comments resulted in strong support for the victim. Nearly a year later it was determined that the female student had lied. By then, however, the damage had been done to the male students' reputations.

"Balancing the apprehension felt by victims of sexual assault, the hesitancy to file a complaint and the need for society to protect the rights of victims often conflicts with the rights of criminal defendants and society's need to assure that the victim and the accused receive even handed treatment by the legal authorities," says Frost. "The pendulum should not swing too far in favor of



Protecting Campus Sexual Assault Victims *continued from page 6*

victims against the rights of the accused, who are presumed innocent....In [the Duke] case, the rights of the accused were sacrificed at the altar of public opinion by the original overzealous prosecutor. The Duke Lacrosse case brings home the difficulty the authorities have in making sure that each party's rights are protected when a sexual assault is alleged. To be sure, false allegations can get a lot of press. However, false allegations are really not the problem and should not detract in any way from the fact that a vast majority of the reports of sexual assault are true, and the victims who have the courage to come forward should be commended, supported and validated."

Sofie Karasek, director of education at End Rape on Campus, told *USA Today*, "The number of false rape accusations is between two percent and eight percent—on par with the rate of false accusations for other crimes."

Where things stand

According to tracking developed by the Chronicle of Higher Education, as of January 2017, there were 306 open federal investigations involving sexual assault allegations and potential

violations of Title IX on more than 250 college and university campuses.

With the Trump Administration now in place, the future of Title IX, as well as the passage of CASA, are uncertain. The new president's pick for secretary of education, Betsy DeVos, has been criticized for donating \$10,000 to a group that strongly opposes the existing campus sexual assault policies. Additionally, the Republican Party's platform, released at their convention in July 2016, called the present policies a "distortion of Title IX to micromanage the way colleges and universities deal with allegations of abuse [that] contravenes our country's legal traditions and must be halted."

College presidents from across the country met in Washington in January 2017 to express their concerns to the new administration.

"My hope is that whatever Congress or the administration does in terms of peeling back federal regulations, that the universities in this country do not step away from this issue," Diane Harrison, president of California State University, Northridge, told *Inside Higher Ed*. "There are rumors that they're going to lessen what we have to do. So we are potentially going to need to be far more assertive and far more vocal." ■

Progress Slow on Transgender Acceptance *continued from page 5*

DiFranco refused to play at the state's Greensboro Coliseum in protest of the law.

"Some things are more important than a rock show, and this fight against prejudice and bigotry—which is happening as I write—is one of them," Springsteen wrote in a statement before canceling his April 10th show.

In December 2016, North Carolina lawmakers gathered in a special session to repeal HB2. After nine hours of deliberating, they could not reach an agreement on the law's repeal. At press time, HB2 still stands.

Despite the backlash against North Carolina several other states are proposing similar bills. According to the National Conference on State Legislators, as of January 2017, eight states had introduced some type of "bathroom bill."

What the future holds

Gigl says there is concern in the transgender community over how the Trump Administration will handle transgender issues.

"I think it is safe to say that at some point the new Administration will dismiss the Department of Justice's lawsuit against North Carolina challenging HB2," she says. She is also concerned about the impact of *G.G. v. Gloucester School Board*, a Virginia case that involves a transgender boy who wants to be able to use the boys room at his high school. In October 2016, the U.S. Supreme Court agreed to hear the case.

"Generally G.G. will have a bigger impact outside New Jersey," Gigl says, "however, there is a 'doomsday' scenario where it could seriously impact the state."

If the Supreme Court **reverses** the U.S. Court of Appeals for the Fourth Circuit,

which ruled that transgender students should be able to use the bathroom that matches their gender identity, Gigl says the reasoning behind the ruling will be critical.

"Do they do it on an administrative law ground (i.e., failure to follow rule making procedures) or do they find that gender identity is not included in 'because of sex' as used in Title IX?" she says.

"Depending on how they rule, under a Trump administration you could see the Department of Education and the DOJ make a 180 degree turn from the current position and take the position that they will cut off federal funds under Title IX to any state or school district that allows students to use the bathrooms in accordance with their gender identity," Gigl says. "In other words, flip the DOJ's position on North Carolina's HB2 on its head." ■

Bridging the Gap But Still a Fight for Equal Pay *continued from page 4*

sports. Only female tennis players now earn what male players do, after years of fighting for wage equality.

In March 2016, five members of the U.S. Women's Soccer team filed a federal complaint against the US Soccer Federation. The case was submitted to the Equal Employment Opportunity Commission (EEOC).

Despite being more successful than the men's team—winning three World Cup championships and four Olympic championships—the women are paid only about 40 percent of what the men earn. The women's team won the World Cup in 2015 and was ranked number one by FIFA, soccer's governing body, in 2016. According to the complaint, the women's team earned \$2 million for winning the World Cup, while the 11th place men's team made \$9 million and didn't advance beyond the round of 16. All women (on all teams) in the World Cup earned a total of \$15 million, which is less than three percent of the \$538 million earned by all men in the World Cup.

According to *The New York Times* article, "A men's player...receives five thousand dollars for a loss in a friendly match but as much as \$17,625 for a win against a top opponent. A women's player receives \$1,350 for a similar match, but only if the US wins; women's players receive no bonuses for losses or ties."

Why the disparity? The US Soccer Federation believes that the problem is the difference between the collective bargaining agreements that men and women in the sport negotiated separately. The women's team wanted a salary-based compensation so they would have a guaranteed income. The men's contract focused on bonuses and wins.

The EEOC will ultimately decide whether the wage gap in soccer is discrimination or if men and women are just paid differently. The women's contract was set to expire December 31, 2016. At press time, no agreement had been reached.

Going Hollywood

According to a *Wall Street Journal* article, 439 occupations have gender pay gaps. Even Hollywood does not play fair when it comes to salary. In 2015, when Sony Pictures was hacked, it was revealed that Jennifer Lawrence and Amy Adams were paid substantially less than their male costars for the film *American Hustle*, prompting Lawrence to write an essay urging women not to be afraid to stand up and negotiate for themselves.

Lawrence is the highest paid actress, making \$52 million in 2015, compared to the highest paid actor, Robert Downey Jr., who made \$80 million.

In May 2016, another actress, Robin Wright, made headlines when she demanded the same salary as costar Kevin Spacey for her work on the Netflix series *House of Cards*. Still another actress, Patricia Arquette, used her Oscar acceptance speech last year to speak out about equal pay for women.

Some argue that privileged actresses and sports figures are not the best advocates for the average female working for lower wages. Julie Kashen, policy director at Make It Work, an advocacy group for equal pay, told *The Huffington Post* that what these famous women do is make equal pay "part of the mainstream conversation in a really powerful way."

In an interview with *Cosmo* magazine, Adam Moore, a director for the Screen Actors Guild, contended, "The most visible workplace on the planet is where our members go to work. It's not just about these A-list celebrities that didn't feel they got as many millions of dollars as they want. This goes to a larger issue of equality for everyone in this country."

According to *The Huffington Post*, after Arquette's impassioned Oscar speech, nine states passed equal pay laws, including California's Fair Pay Act, which prohibits employers from paying women less than men for "similar work," not just the same work. In addition, the law puts the burden on the employer to "justify the differences in compensation between male and female workers." ■



Glossary

beyond a reasonable doubt — must believe to a moral certainty in the guilt of the accused. This is the highest standard required in a criminal case. **bipartisan** — supported by two political parties. **cisgender** — term for people whose gender identity matches the sex they were assigned at birth. **conscript** — historically, the practice of drafting men into military service. **preponderance of evidence** — in civil cases, this term refers to evidence usually punished by imprisonment of more than one year. **repeal** — revoke. A law that is repealed has been withdrawn or cancelled and is no longer a law. **reverse** — to void or change a decision by a lower court. **transgender** — term for people whose sense of personal identity and gender does not correspond with their birth sex.