

# AGENTS FOR CHANGE

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**Agents for Change  
is a publication of the  
Battered Women's Legal  
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(BWLAP).**

**1611 Park Ave. S., Ste. 2  
Minneapolis, MN 55404**

**Phone: 612-343-9842  
Toll-free: 800-313-2666  
Fax: 612-343-0786  
Email: [staff@bwlap.org](mailto:staff@bwlap.org)  
Web: [www.bwlap.org](http://www.bwlap.org)**

**BWLAP staff includes:**

**M. Gloria Fressia,  
Program Manager  
Nicole A. F. Lindemyer,  
Program Manager  
A. Sage Van Voorhis,  
Program Manager**

**Rumna Chowdhury, Staff  
Attorney, works from a satel-  
lite office at the Hennepin  
County Domestic Abuse  
Service Center.**

## **BWLAP's Housing Initiative Receives Grant from the Emma B. Howe Memorial Foundation of the Minneapolis Foundation**

With the support of the Emma B. Howe Memorial Foundation of the Minneapolis Foundation, BWLAP has undertaken a new initiative to focus on the intersection of housing and domestic violence. BWLAP has for years worked on issues of housing law as they affect battered women; this project is both a continuation and an expansion of that work.

BWLAP's Housing Initiative is a two-year, comprehensive project to bridge the gap between those providing housing and housing services, and those providing services to battered women and their children; and to address systemic issues that prevent battered women from securing and maintaining housing that is safe and affordable.

*Housing Initiative*, continued on page 2.

## **McCoy Case Appealed to Supreme Court**

In the last issue of Agents for Change (December 2003), we noted that in the case of *State v. Tyrone S. McCoy*, C4-02-1788 (Minn. App. 09/09/03), available at <http://www.lawlibrary.state.mn.us/archive/ctappub/0309/op021788-0909.htm>, the Minnesota Court of Appeals held that the "clear and convincing" standard is the proper standard for a court to apply in deciding whether prior acts of domestic abuse may be admitted as evidence. In effect, the *McCoy* decision raises the standard for getting evidence of prior acts of abuse admitted, making it harder to show that the charged offense is one in a pattern of violent abuse.

In that article, we noted that the deadline for appeal had already passed. What we omitted was the fact that the State did file an appeal to the Minnesota Supreme Court, and that several battered women's advocacy groups had submitted a brief of *amicus curiae* ("friend of the court"), explaining to the court why the Court of Appeals' decision was erroneous and why the former standard is the proper one to apply in cases of domestic abuse.

The case will now be decided by the Minnesota Supreme Court. The case has not yet been set on the Supreme Court's docket, which is posted for only one month ahead. You may monitor the Supreme Court Docket at [http://www.courts.state.mn.us/sc/calendar/sc\\_calendar.htm](http://www.courts.state.mn.us/sc/calendar/sc_calendar.htm), or call Nicole at 612-343-9844 for an update.

## Upcoming Events at BWLAP

### February 27, 2004:

Workshop on domestic abuse and immigration law, conducted in Spanish, to be held from 10:00 am to noon at the St. Paul Intervention Project, 220 Robert St., St. Paul. FFI, call Gloria at 612-343-9846 or Melissa at 651-379-4200.

### March 6, 2004:

9th annual International Women's Day Celebration, organized by MN Advocates for Human Rights, to be held at the Univ. of MN Law School, Mondale Hall, from 9:00 am to 5:00 pm. BWLAP will be present as a co-sponsor, with a display table at the event.

### March, Date TBA:

BWLAP is partnering with Migrant Health Services to hold a workshop in Crookston in March; the precise date is yet to be determined. The focus of this training will be learning how to fill out and file petitions at the Bureau of Immigration and Naturalization Services. FFI contact Gloria at 612-343-9846.

## *Housing Initiative, continued from page 1*

Presently there is very little data on the housing needs of battered women, as the field of housing and the field of domestic violence have remained separate and distinct, regardless of their essential interrelatedness. Yet data is essential to any broad-based systems change efforts, particularly for policy-related work. It is therefore imperative that we gather and produce data so that we (both BWLAP and advocates in general) may both act according to actual need, and be equipped to support our systemic advocacy efforts with statistics and verifiable fact.

The first phase of our project is thus aimed toward assessing the broad and varying range of needs of battered women, their advocates, and housing service providers, so that we may craft responsive and responsible solutions to the systemic problems battered women and their children face.

Our data collection will begin with a needs assessment. We will soon be conducting a statewide comprehensive survey of battered women's advocates and shelter providers, as well as those providing housing and/or housing services, to ascertain the scope and range of housing needs and the corresponding need for training and resources. Please look for this survey soon and respond to it.

Other efforts of the housing initiative will include policy-making or -changing efforts; production and dissemination of Technical Assistance Packets addressing significant housing issues; conducting trainings statewide to enable battered women's service providers to effectively advocate on housing issues, to equip legal services providers with the skills necessary to effectively represent battered women on housing issues, and to raise awareness among housing providers as to their legal responsibilities regarding housing and domestic violence.

We invite your input concerning our Housing Initiative. Please contact Nicole Lindemyer at [nicole@bwap.org](mailto:nicole@bwap.org) or 612-343-9844. We also extend our heartfelt gratitude to the Emma B. Howe Memorial Foundation and the Minneapolis Foundation for their generous support.

## **BWLAP IS HIRING!**

BWLAP currently has an opening for a new attorney/program manager. We are a feminist, egalitarian workplace that is team-managed. Each manager has equal power and responsibility, and all contribute to the administrative and managerial tasks necessary to run a small but busy non-profit office. Due to our team-managed approach, we desire candidates with experience in office administration, financial management and budget analysis, accounting, grant writing and reporting, technical/computer skills, and acute attention to detail.

Because we are a unique agency, we require a uniquely talented staff. Maintaining a culturally competent workplace is absolutely fundamental to our mission and work; therefore, we give great weight to being/having been socially or economically underprivileged, or of a minority culture, or multicultural. Because of our work with many Native American and reservation communities, we are particularly interested in candidates with knowledge of tribal law and customs. Proficiency in languages other than English is highly valued.

To view the full job description, please visit our website at [www.bwap.org](http://www.bwap.org).

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## IMMIGRATION CORNER

On January 7, President Bush announced his latest immigration proposal: to allow undocumented immigrants a new “guest worker” status. With this proposal, it appears that President Bush has recognized that the immigration system in the U.S. is not working, and that the U.S. needs a system that serves the American economy and reflects the American Dream. However, this broad vision is not reflected in the proposal itself.

The immigration reform proposed last January 7<sup>th</sup> is very limited. Its main components are as follows:

- Undocumented immigrants in the U.S. and those who are willing to enter the U.S. would be eligible for a temporary nonimmigrant visa if sponsored by American employers.
- To hire employees living outside the U.S., employers need to prove that they are unable to fill the position with domestic workers.
- The new guest workers visa would last for three years. Although renewable, it is not clear for how long. It is clear, however, that the extension is not indefinite.
- Spouses and children of this new kind of guest workers would be able to live in the U.S. but they would not be authorized to work unless they could find a sponsoring employer for themselves.
- Employers will be required to report all guest workers they hire, in order to bring the government the needed data to monitor and deport those immigrants who have lost their employment.
- Temporary workers would be given the opportunity to put their earnings into specific tax accounts that could be transferred into their home countries.

Because of its limitations, this proposal does not fulfill the needs of immigrants, and does not fulfill the needs of immigrant battered women.

Although this reform would give the chance for undocumented immigrants who enter into this plan to have proper documentation, to travel to their countries, and to get some benefit back from their tax payments, this project fails in giving immigrants what they need most: stability.

Immigrants working in the U.S. need security, but most of all they need to be able to make plans and prospects for their future and the future of their families. They come with their families and start a new life here. It would be very difficult, if not impossible, for most immigrants to come to the U.S. with their families, work four or five years here, and then go back to their countries to start all over again.

Not giving a path to citizenship, Bush’s proposed reform cannot be accepted by the immigrant population. They understand clearly that this new visa, after its temporary effective period, could leave them in a worse situation they were before entering into the program—not to mention what would happen if the guest worker were fired.

Immigrants need a genuine and comprehensive reform of the immigration system. This proposal, instead of giving them relief and stability, would increase bureaucracy and make immigrants’ lives even more difficult.

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## PROPOSED NEW RULE FOR GUARDIANS AD LITEM

A committee overseen by the Minnesota Supreme Court has issued Proposed Revisions to Rules of Guardian Ad Litem Procedure. The Proposed Rules make several positive changes, such as prohibiting GALs from having any ex parte contact with the court (but for regarding procedural matters) and clarifying the role of GALs by stating what they can and cannot do. They also, however, propose some changes that we believe are not positive. For instance, the Proposed Rules omit the existing provisions on selection and application, qualification, and training requirements, instead vesting the power to establish such factors solely in the Office of the State Court Administrator. BWLAP and the MCBW each submitted a Comment to the Proposed Rules raising these concerns, and recommending inclusion of training and curricula focusing on the interests of battered women and their children, including suggestion of a committee to work with the State Court Administrator on establishing these factors and having experts in domestic violence serve on that committee. For more info, call Nicole at 612-343-9844.

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## IDENTIFYING RISK FACTORS FOR FEMICIDE

The results of a recent study on femicide by intimate partners may help advocates identify certain risk factors indicating a higher likelihood that a batterer will attempt to kill his victim and/or her children. The December/January 2004 issue of *Domestic Violence Report* includes a fascinating article\* reporting the results of a national study on identifying risk factors for intimate partner femicide in violent relationships. It states that “[t]he majority (67%-80%) of intimate partner homicides involve physical abuse of the female by the male before the murder, no matter which partner is killed.... Therefore, one of the major ways to prevent and decrease intimate partner homicide is to identify and intervene with battered women at risk.”

Many of the study’s findings ring true to our experience working with battered women. The findings include the following:

“In comparing femicide perpetrators with other abusive men, we found that unemployment and not looking for work was the most important demographic risk factor for acts of intimate partner femicide.... Unemployment increased risk four-fold relative to the employed abusers.”

“[B]oth abuser’s access to a firearm and abuser’s use of illicit drugs were strongly associated with intimate partner femicide. However, the perpetrator’s use of alcohol was not associated with a higher risk.”

“Having a child living in the home who was not the abusive partner’s biological child more than doubled the risk of femicide.”

“Having been separated from an abusive partner after living together was associated with a higher risk of femicide, as was having ever left or having asked the partner to leave.”

“When the worst incident of abuse was triggered by the victim leaving the abuser for another partner or by the abuser’s jealousy, there was a nearly five-fold increase in femicide risk.”

“A highly controlling abusive partner with a history of relationship separation and access to guns remained the strongest risk factors of intimate partner femicide.”

“When variables related to previous physical abuse were included, a previous arrest of the abuser for domestic violence was associated with a decreased risk of intimate partner femicide.”

The study’s findings highlight the role advocates, judges, law enforcement personnel, and others can play in identifying women who are at high risk of being killed by their abusers.

“When women are identified as abused, it is important to assess perpetrators’ access to guns and warn women of the risks. This is especially true in the case of women who have been threatened with a gun or another weapon and in conditions of estrangement. Under federal law, individuals who have been convicted of domestic violence or who are subject to a restraining order are barred from owning firearms. Judges issuing orders of protection in cases of intimate partner violence should consider the heightened risk of lethal violence associated with abusers’ access to firearms.

“Further, if a woman confides that she is planning to leave the abuser, it is critical to warn her not to tell him face to face that she is leaving and to provide guidance regarding how to safely leave a relationship. Extremely controlling abusers are particularly dangerous under conditions of estrangement. A question such as ‘Does your partner try to control all of your daily activities?’ (from the Danger Assessment) can quickly assess a partner’s extreme need for control.”

Assessing whether the perpetrator is employed, whether stepchildren are present in the home, and whether the perpetrator has threatened to kill the victim can also identify heightened risks of femicide that battered women should be advised of. Under such conditions of elevated risk of death, it is imperative to be assertive with battered women about their risk of femicide and their need for a safe place to stay.

\*Nancy Glass, PhD, MPN, RN, Jennifer Manganello, PhD, MPH, & Jacquelyn C. Campbell, PhD, RN, FAAN, “Risk for Intimate Partner Femicide in Violent Relationships,” *Domestic Violence Report*, Dec./Jan. 2004, Vol. 9 No. 2, pp. 17-32.

## LESSONS FROM CAMP WELLSTONE: NON-PROFITS & POLITICAL ACTIVITY

A member of our staff recently attended the three-day Camp Wellstone, a project of Wellstone Action! The purpose of Camp Wellstone is to train citizens in effective political action. There are three tracks at each camp: Citizen Activism, Candidates, and Working on a Campaign. The BWLAP staff person was in the Citizen Activism track.

Our staff reported that one of the most helpful presentations at Camp Wellstone was that on “Grassroots Organizing & Elections.” In this presentation, participants learned about the different legal limitations on non-profits, depending on their 501(c)(3) or (c)(4) status. The following is a summary of the regulations regarding political activity based on an organization’s tax status.

### **501(c)(3)**

C3 organizations are generally those that provide services, conduct research, or educate the community in some way. Most agencies serving battered women are C3 organizations.

What C3 Organizations CAN do:

- CAN educate candidates and constituents
- CAN print voting records
- CAN do voter registration, as long as registration is general
- CAN host/arrange candidate debates or forums
- CAN do issue-based elections (e.g. referendum)
- CAN do Get Out The Vote (GOTV) as long as non-partisan and non-issue based

What C3 Organizations CANNOT do:

- CANNOT express support for any particular candidate in an election.
- CANNOT print “scorecards” for candidates (because a scorecard implicitly takes a position on whether that candidate’s vote was good)
- CANNOT do voter registration based on an individual’s party affiliation or how you think an individual will vote
- CANNOT use certain vocabulary (“magic words”). This rule is based on a court case that set out a clear line test. According to that case, if you use these words in reference to a candidate, you are doing election activity:  
           “Vote For”    “Vote Against”    “Support”    “Oppose”    “Elect”    “Defeat”
- However, you *can* use these words in reference to particular issues.

If your C3 organization violates these rules, you may lose your C3 status, and risk the existence of your entire organization.

### **501(c)(4)**

C4 organizations are those whose primary mission is advocacy and affecting policy.

What C4 Organizations CAN do:

- CAN do everything that a C3 agency can do
- CAN do scorecards
- CAN use the “magic words” listed above, but with their members only – NOT to the general public
- CAN do targeted GOTV activities with their members only – NOT to the general public

Keep in mind, even though most of us work for agencies covered by these regulations, we still have the individual power to make political change beyond those allowed within our agencies. It’s okay to express your support for a particular candidate or party, as long as you make it clear that it is your personal opinion, and not representative of your agency.

There are also some tricky legal ways to affiliate a C3 organization with a C4 organization, or to affiliate a C4 with a PAC (PACs are explicitly elections-based organizations). For more information on all of the regulations regarding non-profit status and political activities, see the website for the Alliance for Justice, at [www.AFJ.org](http://www.AFJ.org).

## Punto de Vista Latino

La propuesta de reforma migratoria presentada el 7 de enero pasado por el Presidente Bush ha despertado reacciones encontradas en la comunidad latina.

El proyecto se limita a autorizar el otorgamiento de permisos de trabajo temporarios de tres años prorrogables a inmigrantes que estén en los Estados Unidos o que quieran entrar a este país, con la condición de que obtengan una oferta de trabajo en un campo laboral donde la demanda laboral supere la oferta de mano de obra estadounidense.

La gran limitación de la reforma es que la ley no otorga a sus beneficiarios la posibilidad de obtener algún día la residencia legal permanente. Es decir, vencidos los tres años de permiso para trabajar en los Estados Unidos y su posible prórroga, el inmigrante deberá volver a su país de origen, o al menos salir de los Estados Unidos, sin haber generado ningún derecho a permanecer legalmente en este país.

Los críticos de este proyecto señalan que esta ley tiene por fin beneficiar a los grandes empleadores que podrán obtener mano de obra más barata y, en última instancia, inevitablemente producirá la consecuencia de reducir los salarios de los trabajadores en general.

***Es evidente que esta propuesta no contempla las necesidades y expectativas de la comunidad de inmigrantes hispanos. No otorga permiso de trabajo a los familiares de la persona que obtenga este tipo de visa y fundamentalmente no otorga estabilidad a la familia en cuanto no es un camino hacia la residencia legal permanente. Por otra parte, de acuerdo al proyecto los empleadores estarán obligados a reportar a las autoridades a sus empleados que estén bajo este tipo de visa, de modo que, si pierden el trabajo, Inmigración pueda perseguirlos y deportarlos.***

Aquellos que están a favor de esta iniciativa destacan por su parte que la misma permitiría que millones de personas abandonaran su condición de indocumentados, tuvieran la tranquilidad de que no serán deportados, pudieran obtener su pasaporte y visitar a sus familias en sus países de origen cuantas veces quisieran y sobretodo, comenzarían a recuperar algún beneficio del pago de impuestos.

A pesar de estos beneficios, como señalamos antes, la comunidad latina en general no se siente satisfecha con este proyecto. Sus expectativas son más altas. Los números oficiales muestran que la situación socio económica de los hispanos ha empeorado sustancialmente en los últimos años. Para la mayoría de los hispanos, sólo una amnistía lisa y llana podría darle a nuestra comunidad la posibilidad de remontar la pendiente por la que ha caído con la actual administración. Bush ha declarado que no está dispuesto a propulsar una amnistía. El tiempo para las elecciones presidenciales se sigue acortando y las posibilidades de reelección no se ven claras. La última palabra todavía no está dicha.

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### MARCH FOR WOMEN'S LIVES

On Sunday, April 25, 2004, thousands of women will march on the Mall in Washington, D.C. to demonstrate our support for reproductive freedom. Join us! For more information, see [www.marchforwomen.org](http://www.marchforwomen.org). There are meet-ups all over the country for people to meet locally and organize, including arranging travel plans.

In 1994, George W. Bush vowed, "I will do everything in my power to restrict abortion." He is now stacking the courts with anti-choice judges who are far right on issues affecting the rights of women and minorities. Bush is likely to appoint two or more justices to the US Supreme Court, where legal abortion hangs by a razor-thin 5-4 margin. Even one such appointment could result in the reversal of *Roe v. Wade*. For more information on why and how women's rights to control their bodies and lives are at this very moment in jeopardy, see [www.feminist.org/rrights/index.asp](http://www.feminist.org/rrights/index.asp).

Women and men everywhere who support and defend women's right to self-determination must mobilize now, before it's too late. The only thing a coat hanger should be used for is hanging clothes. We can't go back. Go to the March!

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Battered Women's Legal Advocacy Project, Inc.  
1611 Park Avenue South, Suite 2  
Minneapolis, MN 55404

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BWLAP is a Minnesota-based, statewide, non-profit organization that provides legal information, consultation, training, litigation and legal resource support, and policy development assistance to battered women and to criminal justice, legal, and social service systems.

Questions or Comments? E-mail us: [staff@bwlap.org](mailto:staff@bwlap.org)

## **BOARD NEWS**

### **February 20, 2004**

Board of Trustees Meeting  
10:30-12:30  
Free brunch provided!

### **Seeking new Board Members**

BWLAP is looking for new members for our Board of Trustees. The time commitment is not huge—there are two-hour meetings every other month. We look for diversity and commitment to battered women's issues. People with fiscal, legal, or DV experience are encouraged to apply! Please call or send a letter of interest to the address above.

## **BWLAP extends its heartfelt gratitude to our funders:**

The Elmer & Eleanor Andersen Foundation  
The Butler Family Foundation  
The James R. Thorpe Foundation  
The Legal Trust Account Board  
The Minneapolis Foundation  
The Minnesota Center for Crime Victim Services  
The Minnesota Department of Health  
The Minnesota State Bar Foundation  
The Phillips Family Foundation  
The Public Welfare Foundation  
The U.S. Department of Justice  
The Women's Foundation of Minnesota

It is only with the help of our funders that we may help others. *Thank you!*

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