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The Maryland Commission for Women: Advocates for Change

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Furthermore, the law student can be a link to administrative agencies and components of the criminal justice system, e.g., Pre-Trial Release, Legal Aid, the courts, and the Inmate Grievance Commission. At the Baltimore City Jail, students, at an inmate's request, may represent the inmate at a disciplinary hearing.

Some have intimated that the activities amount to nothing more than social work. This is true in the sense that the law student is performing the same type of social function as an attorney who obtains a release for his client from a mental institution or works to save a marriage rather than dissolve it in litigation. The work of the law students in the IIP is all part of the art of "lawyering" — dealing with people, applying your expertise to help solve their problems and meet their needs, and somehow make order out of disorganization.

The students meet with inmates who submit referral sheets requesting that a law student visit them. These sheets are placed in the institutions by the IIP, but in no way is there any form of solicitation to persuade them to respond. If the inmate has a private attorney, he must be contacted to obtain permission to work with his client. The Public Defender's Office does not require this prior consent and has encouraged IIP members to contact the office for assistance.

During the 1975-76 school year, law students handled more than two hundred referrals at the Baltimore City Jail. This number does not include the number of referrals that the law students channeled out to other agencies or referred to other authorities because the problem was beyond the scope of the law student's function and authority. Work is centered around quality, not quantity, and students attempt to respond to each referral completely, which sometimes may take weeks.

The work of the IIP extends beyond the institutions. Currently the group is attempting to obtain Law Enforcement Administration Assistance (LEAA) funds for the purpose of hiring an attorney as an adjunct faculty member. This indi-

vidual would teach a seminar in connection with the clinical work performed by the students and would, as a member of the state bar, accompany students to court under the Maryland rule permitting law students to appear in court if they are members of a recognized program and are sponsored by a member of the bar.

In March 1977, the IIP will sponsor, in conjunction with the University of Baltimore School of Law Continuing Legal Education Program, a day-long seminar on post-conviction assistance and recent civil rights litigation involving prisoners. Students from other law schools in neighboring states, as well as area attorneys, will be invited to participate in the seminar.

Last spring, members of the IIP traveled to the University of Virginia School of Law in Charlottesville, Virginia, to participate in a program involving prisoners' rights. This too was attended by law students from other schools involved in similar clinical programs. In August, two IIP representatives participated in a seven hour long seminar inside the Maryland Penitentiary concerning prisoner information and communication within the institution. The program was planned and conducted by approximately fifty prisoners who invited thirty-five "outsiders" to take part in their workshops.

Former Chief Justice Earl Warren said, in a speech to the World Conference on World Peace through the Rule of Law in 1963, that "justice could be achieved whenever those who were not injured by injustice were as outraged as those who had been." He was paraphrasing a Greek lawyer and poet who lived two thousand, five hundred years ago and who responded in a similar manner when asked how justice could be achieved. In a sense these words describe the underlying aim of the IIP. Its goal is not to be a radical instigator or a bleeding heart over the problems in the criminal justice system today. Its goal is to assist and facilitate the administration of criminal justice within a learning process. The administration of justice affects those on both sides of the walls.

The Maryland Commission for Women: Advocates for Change

by Lindsay Schlottman

Ms. Schlottman, after serving as a legal intern for the Maryland Commission for Women from September 1974 to May 1975, was recently named by Governor Mandel to a four-year term as a Commissioner.



The author wishes to acknowledge reliance on Decade of Progress, A Report to the Governor, a July 1976 publication of the Maryland Commission for Women, for the historical background material. All quotations, unless otherwise specified, are from that publication.

The Maryland Commission for Women is moving ahead in pursuit of a society where all men and women are equal. Economic, legal, educational, and social injustice are the culprits being attacked by the Commission. Some-

where down the road lies the goal of complete equality and justice. Where did it begin?

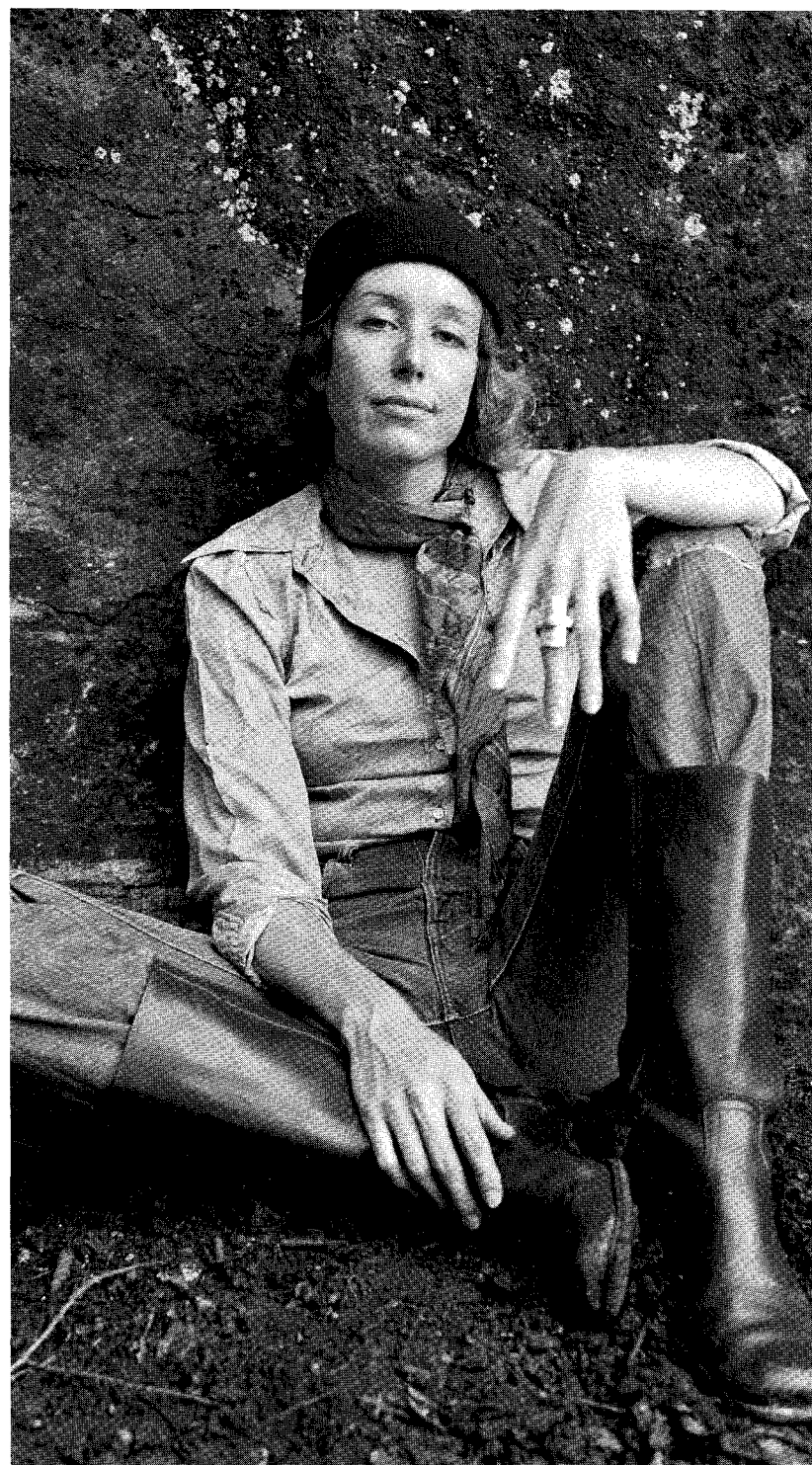
LOOKING BACKWARDS

In the early 1960's, an awareness began to grow of the inequality of women — legally, socially, and economically. On the federal level, President John F. Kennedy established, by Executive Order in December 1961, a President's Commission on the Status of Women. Influenced by this national commission and its report on the status of women, the states began examining the issue.

In Maryland, local efforts to set up a state commission were begun by the Maryland American Association of University Women and the Maryland Federation of Business and Professional Women's Clubs. Jeanette Rosner Wolman, a practicing attorney, spearheaded the movement to have a commission which would:

...develop among the women of Maryland an awareness and understanding of their need to be represented and informed; help them qualify for the roles of homemaker, business or professional woman, and/or volunteer; and unite women in overcoming the obstacle of sex discrimination which prevents full participation of women in government and society. *Decade*, at 10.

The first state commission in Maryland was established in July, 1965, under Governor J. Millard Tawes. Mrs. Wolman was appointed to chair the commission. This Commission, officially titled The Governor's Commission on the Status of Women, had as its duties researching and reviewing women's status and progress and recommending services and legislation necessary to protect the status of women and aid in its improvement. One of the areas of key concern was the legal status of women. The first legal issue tackled by the Commission was "equal pay for equal work". Women in jobs comparable to, or the same as, jobs which men held were frequently paid less than men. A federal equal pay act had been enacted in 1963, but Maryland had no such law on the books. The Commission and other or-



ganizations began lobbying the Maryland General Assembly in support of a state "equal pay for equal work" law in 1966. This endeavor was successful, and in June, 1966, job equality for Maryland women became a reality — at least a legal reality.

After completion of its term, the

photo by Chris Michael

Commission presented a report to Governor Tawes in which areas of sex discrimination were delineated with over two hundred recommendations for legislative and community solutions. After the submission of this report, the Governor's Commission was officially disbanded until January, 1968. Governor

Spiro T. Agnew had taken office in 1966 and had directed a member of his staff, Dr. Jean Spencer, to set up a new commission. By early 1968, she had established a second Commission with the following goals: (1) the representation of a broad spectrum of age and race; and (2) the focusing on employment, equal opportunity, and human relations. Governor Agnew mandated that the Commission work on three specific areas:

- (1) To review the recommendations of the previous Commission in the areas of education, employment, and community and civic participation, and implement those most pertinent;
- (2) To seek the cooperation of existing state and local organizations in identifying mutual problems and work toward increasing opportunities for women; and
- (3) To plan a statewide conference for women to identify common goals and formulate the Commission's programs. *Decade*, at 13.

This Commission began its work by establishing committees and areas of study. Its emphasis included day care centers, health care, educational television programs on women, the history of women's status, problems of women as single parents, elimination of laws protecting women in the labor force where they neither want nor need protection, as well as consumer protection. Additionally, much energy was expended getting more women involved in the political process. A booklet entitled *Women As Citizens* was published and distributed cooperatively with two other organizations.

Another project was the convening of a statewide conference on November 14, 1969, which drew together Maryland women from all walks of life, including representatives of women's organizations, legislators, homemakers, and other concerned citizens. Workshops covered the economic, social, educational, political and legal status of women. A common goal of all present was "equal opportunity". Social

change, legislative change, education, and communication were seen as the primary means to this end.

This second Commission had been led by Mrs. Katherine Black Massenburg. Upon her resignation, Anne Carey Boucher was appointed chairwoman. Under Ms. Boucher, four priorities were set: creating a newsletter, convening conferences, publishing a *Know Your Rights* booklet, and establishing advisory councils on women's status in each Maryland county. The long standing goal of achieving independent statutory existence also became a focal point of the Commission. Independent existence would mean that the Commission could have a paid staff and gain funding for research. Further, its advocacy of equal rights could become stronger.

One legal project involved communication with the Baltimore City Council, which was considering legislation opposed to discrimination based on racial, religious, and other categories. With the Commission's prodding, the City Council amended its enabling legislation for the Baltimore Community Relations Commission to include prohibitions against sex discrimination.

Other projects at this time included ending sex-segregated advertising for employment and co-sponsoring educational programs on women's roles in society. The Commission also was concerned with women's credit problems, e.g., establishing their own credit, having their credit considered in housing rentals and purchases, and securing mortgages based upon their credit records.

The Commission also became involved in the abortion issue, taking the position that "... it is the right of a woman and her doctor to make the decision whether she shall bear a child." *Decade*, at 17. The Commission was criticized for this stand, and as a result it had difficulty in achieving independent statutory status. Finally, in the 1971 General Assembly session, the Commission did become an independent state agency under the Secretary of the Department of Employment and Social Services. *Md. Ann. Code* art. 49C, § 4 (1972) outlines the powers and duties of the Commission as follows:

The Commission

- (1) Shall stimulate and encourage throughout the State study and review of the status of women in the State and may act as a clearing house for all activities to avoid duplication of effort;
- (2) Shall strengthen home life by directing attention to critical problems confronting women as wives, mothers, homemakers and workers;
- (3) Shall recommend methods of overcoming discrimination against women in public and private employment, and encourage women to become candidates for public office;
- (4) Shall promote more effective methods for enabling women to develop their skills, continue their education, and to be retrained;
- (5) May make surveys and appoint advisory committees in the fields of, but not limited to, education, social services, labor laws and employment policies, law enforcement, health and safety, new and expanded services, legal rights, family relations, human relations, and volunteer services;
- (6) Shall secure appropriate recognition to women's accomplishments and contributions to this State;
- (7) Shall work to develop healthy attitudes within the framework of the Commission's responsibilities.

With the goals defined, twenty-four unpaid Commissioners with a small paid staff went to work. The Commission hired Elaine L. Newman as Executive Director. Eventually, the staff expanded, and today consists of Ms. Newman, Dolores Street (Assistant Director) and Vicki T. Wilson (Secretary).

A major project of this new statutory commission was to get the Equal Rights Amendment passed in Maryland. In 1972, after the Maryland General Assembly ratified this amendment, the Commission and other local organizations convinced Maryland voters to approve the Equal Rights Amendment. Once E.R.A. was part of Maryland law,

the Commission requested the Maryland Attorney General's Office to study the Maryland Annotated Code to determine which laws, if any, might be affected by the Equal Rights Amendment. This study continues today.

The Commission recognized that the law was the most effective means of attacking sex discrimination. Commissioners began testifying at legislative hearings, particularly in the area of employment discrimination. One group of employees seen as victimized by employment discrimination was household workers. The Commission decided that these workers should at least be entitled to the minimum wage, and by 1974 both Maryland and the federal government agreed. After Maryland enacted its wage law, the Commission published *The Picture Is Changing* (which is now available in Spanish, as well as in English) to educate both household workers and heads of households. With the Commission's work and support, household workers also became eligible for workmen's compensation benefits under a 1975 state law.

Another booklet, *Know Your Rights*, was published in 1973. This booklet discussed consumer laws, employment rights, labor laws, marriage and divorce, Medicare, property rights of women, social security, unemployment insurance, and workmen's compensation.

The list of accomplishments of the Commission is indeed long. Many conferences have been set up, educational courses have been offered, legal equality has been secured — all with the aid of the Commission.

THE PRESENT AND BEYOND.

Today the Commission is headed by Shoshana S. Cardin, who became chairwoman after Ms. Boucher's resignation in 1974. Under Ms. Cardin, the variety of projects continues to thrive. In late 1974, a new project began in conjunction with the University of Baltimore School of Law, in which student interns analyze and present reports on bills before the General Assembly that will directly or potentially affect women. Other

internships have also been set up with several local colleges.

Under the present structure, each of the twenty-four Commissioners either heads a task force or works on a committee which focuses on a particular issue of importance to women. Present issues being dealt with include credit, continuing education, employment, legislation, rape, Title IX (sex discrimination in education), and history. Public conferences as well as production and distribution of handbooks continue.

In the past year, the Commission's name was changed to the Maryland Commission for Women. This name change was decided upon because a new direction is perceived for the present Commission: "Now, we're becoming more actively concerned with and ready to work for women in Maryland." *Decade*, at 4. The future, then, is activism.

Diplomatic Immunity from Local Jurisdiction

by Eugene M. Zoglio

Diplomatic immunity may be broadly defined as the freedom from local jurisdiction accorded under international law by the receiving state to duly accredited diplomatic officers, their families, and servants. Associated with such immunity is the inviolability which applies to the premises of embassies and legations and the residences of duly accredited diplomatic officers. Diplomatic immunity is a universally recognized principal of international law, which civilized nations have accepted as binding them in their intercourse with one another.

International law in relation to diplomatic immunity is the result of usages and customs which have developed during the ages. The law of diplomatic immunity, like all international law, has

been acquiesced in by states for the purpose of attaining certain desired ends. There are several theories devised during successive periods of political thought for the purpose of achieving a settlement of cases in accordance with the then existing and desired institutions. Many of the precepts which we have inherited from the past are descended from theories and doctrines which no longer conform to factual conditions today. These archaic precepts, still repeated in treatises and judicial opinions, are responsible for the conflicting views as to the law which should govern a current situation. (Montell Ogdon, *Basis of Diplomatic Immunity*, 8-9.)

II

While numerous juristic theories have been advanced to justify the extension of diplomatic privileges and immunities, writers have consistently turned to one of three traditional theories to explain this practice.

The first is the theory of personal representation. Under this theory the diplomatic agent is the personification of his ruler or of a sovereign state whose independence must be respected. This theory dates back to the Greek city-states and gained widespread acceptance during the Renaissance when diplomacy was dynastically oriented. Sovereigns of this period were extremely sensitive to the affronts or insults accorded their diplomatic representatives. The envoys were considered the representative character of their sovereign, entitled to the same honors to which the sovereign would be entitled if he were personally present. In England and the United States in the eighteenth and nineteenth centuries the Chief Justice in both countries in rulings relative to the inviolability of the diplomatic representative made statements, to wit, "The diplomat is to be left at liberty to devote himself body and soul to the business of his embassy. He does not owe even a temporary allegiance to the sovereign to whom he is accredited, and he has at least as great a privilege from suit as the sovereign he represents" and "The person of a public minister is sacred and in-