

# CIVIL RIGHTS NEWS

**AFL-CIO DEPARTMENT OF CIVIL, HUMAN AND WOMEN'S RIGHTS**

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**CIVIL RIGHTS**

***FEDERAL NEWS***

**FEDERAL COURTS**

**U.S. Court of Appeals for the Eighth Circuit Upholds Arkansas School Desegregation Case and Maintains State Funding for Desegregation Policies.** The Eighth Circuit Court of Appeals upheld a lower court desegregation decision to require continuation of programs to remedy educational equity issues, including racial disparities in school discipline, student achievement, access to advanced placement and honors curriculum and inequities in school facilities within three Arkansas school districts. Those school districts had sought to end long-standing desegregation programs. The lower court (the U.S. District Court for the Eastern District of Arkansas), however, released the State of Arkansas from its ongoing responsibility to fund over \$70 million per year of inter-district desegregation remedies. The Court of Appeals reinstated the state's obligation to pay those costs. [To read the Eighth Circuit Court's December 28 opinion in *Little Rock School District v. Lorene Joshua* (consolidated cases No. 11-2130 and Nos. 11-2304-05 and 11-2336) go to <http://www.ca8.uscourts.gov/opns/opFrame.html>; see also [www.naacpldf.org](http://www.naacpldf.org) for more information about this case.]

## **FEDERAL AGENCIES**

### **U.S. Department of Justice (DOJ)**

**DOJ Announces \$335 Million Settlement to Resolve Allegations of Lending Discrimination by Countrywide Financial Corporation.** DOJ announced its largest residential fair lending settlement in history in December 2011. The settlement involved claims that Countrywide discriminated against more than 200,000 African American and Latino borrowers by charging them higher fees and interest rates than non-Hispanic white borrowers, in both its retail and wholesale lending. Countrywide also discriminated by steering thousands of such African American and Latino borrowers into subprime mortgages when non-Hispanic whites, with similar credit profiles, received prime loans. The settlement also requires Countrywide, now operating as a subsidiary of Bank of America and not originating new loans, to implement policies and practices to prevent discrimination if it returns to the lending business in the next four years. [See [www.justice.gov/opa/pr/2011/December/11-ag-1694.html](http://www.justice.gov/opa/pr/2011/December/11-ag-1694.html) for DOJ's announcement and link to the complaint and proposed settlement agreement.]

**Federal Government and State Attorneys General Reach Agreement with Five Largest Mortgage Lenders.** In February DOJ, HUD and 49 state attorneys general announced a \$25 billion agreement, the largest federal-state civil settlement ever obtained, with the country's five largest mortgage lenders – Bank of America Corporation, JPMorgan Chase & Co., Wells Fargo & Company, Citigroup Inc. and Ally Financial Inc. (formerly GMAC). The agreement provides immediate financial relief to homeowners by requiring banks to reduce the principal balance on many loans, refinance loans for underwater borrowers and pay billions of dollars to states and consumers. While the mortgage companies have three years to fulfill their obligations, the agreement includes incentives for relief to be provided within the first 12 months and 75 percent of target relief must be completed within the first two years. The settlement also establishes significant new homeowner protections for the future by requiring these companies to implement unprecedented changes in how they service mortgage loans, handle foreclosures, and ensure the accuracy of information provided in federal bankruptcy court. Oklahoma did not sign the agreement so consumers in that state will not benefit from its terms. The agreement does not preclude criminal enforcement actions by state and federal authorities. [See DOJ's announcement and link to the agreement at <http://www.justice.gov/opa/pr/2012/February/12-ag-186.html>.]

### **U.S. Department of Education (DOEd)**

**DOEd Finds Educational Inequalities in Discipline and Teacher Experience.** DOEd released new data on March 6 from a national survey of more than 72,000 schools serving 85 percent of the nation's students. The data, collected as part of the 2009-2010 Civil Rights Data Collection, examines a range of issues including college and career readiness, discipline, school finance and student retention. Among the findings are that African American students, particularly males, are far more likely to be suspended or expelled from school than their peers. While African American students were 18 percent of the students sampled for this survey, they represented 35 percent of students suspended once and 39 percent of those expelled. Teachers in high-minority schools were paid \$2,251 less per year than their colleagues teaching in low-minority schools in the same district. The civil rights data collection was begun in 1968 but discontinued under the Bush Administration in 2006. Civil rights groups successfully appealed to the Obama Administration to reinstate and broaden the data collection. The data collected is separated by race/ethnicity, limited English proficiency status, disability and sex. [See <http://www.ed.gov/news/press-releases/new-data-us-department-education-highlights-educational-inequities-around-teache> to read more about the survey findings and <http://www.aclu.org/racial-justice/doe-releases-new-civil-rights-data-exposing-harsh-discipline-measures-used-schools> for background on the data collection itself.]

**New Guidance Issued on Diversity in Education by DOEd and DOJ.** The DOEd and DOJ released two new guidance documents detailing the flexibility that school districts and colleges and universities have to promote true equality of opportunity under decisions by the U.S. Supreme Court. The guidance make clear that educators may permissibly consider the race of students in carefully constructed plans to promote diversity or, in K—12 education, to reduce racial isolation. [The December 2 guidance by DOJ and DOEd is at <http://www.justice.gov/opa/pr/2011/December/11-ag-1569.html>; the statement by the Leadership Conference on Civil and Human Rights and other civil rights groups is at <http://www.civilrights.org/press/2011/school-diversity-guidance.html>.]

**The Durham, North Carolina school system agreed to take steps to strengthen its anti-discrimination policy.** It also agreed to create new procedures that ensure that thousands of non-English speaking students and their families are not excluded from educational programs. Federal law requires public schools to take steps to guarantee that non-English speaking students have a meaningful opportunity to participate in education programs. DOEd Office for Civil Rights will monitor compliance with the terms of the agreement through June 2013. The Southern Poverty Law Center (SPLC) originated a federal civil rights complaint against the school district on behalf of Latino students. [See SPLC for information about the November 2011 agreement, the original complaint and link to the agreement at <http://www.splcenter.org/get-informed/news/durham-nc-schools-agree-to-protect-latino-students-from-discrimination-ending-splc>.]

**DOEd Finds Inequality in Funding for Low-Income Schools.** Analysis by the DOEd of new data on 2008-2009 school level expenditures documents that schools serving low-income students receive less than their fair share of state and local funds. As a result, students in high-poverty schools have fewer resources available to them than schools attended by their peers in wealthier school districts. [See November 30 announcement and link to report at <http://www.ed.gov/news/press-releases/monthly/201111>.]

### **U.S. Department of Labor (DOL)**

**OFCCP Reaches Landmark Financial Settlement on Hiring Discrimination Claims.** DOL's Office of Federal Contract Compliance Programs (OFCCP) announced on March 22 that it had entered into a conciliation agreement to resolve allegations of hiring discrimination by two federal contractor subsidiaries of FedEx. The agreement is the result of seven years of compliance reviews at numerous FedEx facilities in multiple states and is the largest single financial settlement negotiated by OFCCP since 2004. OFCCP enforces Executive Order 11246 which prohibits discrimination by federal contractors. Under the agreement, the FedEx subsidiaries will pay \$3 million in back wages and interest to 21,635 applicants, who were rejected for entry-level package handler and parcel assistant positions at 22 facilities. The 21,635 applicants represent one of the largest classes of victims of any case in OFCCP history. According to Patricia Shiu, Director of OFCCP, of the 21,635 applicants rejected for employment, 61 percent were female, 52 percent African-American, 14 percent Hispanic, 2 percent Asian and 1 percent Native American. [See <http://www.dol.gov/ofccp/OFCCPNews/LatestNews.htm#news1> for DOL's announcement regarding this agreement and <http://www.nytimes.com/2012/03/22/business/fedex-agrees-to-pay-3-million-to-settle-a-discrimination-case.html> for interview with Patricia Shiu.]

### **Equal Employment Opportunity Commission (EEOC)**

**EEOC Received Record Number of Employment Discrimination Complaints in FY 2011.** On January 25, the EEOC issued its final report on its fiscal year (FY) 2011 record: it received a record 99,947 charges of employment discrimination and obtained a record \$455.6 million in relief for private sector, state, and local employees and applicants, through administrative settlements and litigation. For the second year in a row, it resolved more charges than it received, decreasing its pending cases by ten percent, to 78,136. The most numerous charges received (at 37,334 or 37.4 percent of all charges) were for alleged

retaliation under all statutes, followed closely by claims of race discrimination (at 35,395 charges or 35.4 percent). Charges also increased for allegations of disability discrimination at 25,742 and age discrimination at 23,465. [See <http://www.eeoc.gov/eeoc/newsroom/release/1-24-12a.cfm> for a summary of the findings and a link to the data.]

## **STATE AND LOCAL NEWS**

**Colorado.** A state district court in Denver, Colorado, ruled in favor of Colorado parents seeking adequate funding for at-risk and English Language Learner (ELL) students under the state school finance system. The state court held that the state’s public school finance system was not “rationally related” to the state’s mandate to establish and maintain a thorough and uniform system of free public schools. Instead the school finance system was found to be “irrational, arbitrary and severely underfunded.” Under the court’s ruling, the state’s General Assembly has until the end of the 2012 legislative system to adopt a different and more equitable system for financing public schools. [Announcement of and link to the decision in *Lobato v. Colorado*, Case No. 2005CV4794 is at [http://www.maldef.org/news/releases/victory\\_lobato\\_colorado/](http://www.maldef.org/news/releases/victory_lobato_colorado/).]

## **VOTING RIGHTS**

### **FEDERAL NEWS**

#### **FEDERAL DISTRICT COURTS**

**Federal Court strikes down Arizona mandate for proof of citizenship to register for federal elections but upholds state voter ID requirement.** The U.S. Court of Appeals for the Ninth Circuit ruled that Arizona’s voter registration provisions (adopted under Proposition 200 in 2004) requiring proof of U.S. citizenship to register to vote violate the National Voter Registration Act of 1993 (NVRA). In a 9 to 2 April 17 decision, *Gonzalez v. Arizona*, the court held that for federal elections, Arizona must accept, as required under the NVRA, the mail-in federal registration form or a state equivalent form, which includes an affirmation of citizenship by the applicant under penalty of perjury. At the same time, however, the court upheld the state’s requirement that voters show identification at the polls. The state’s required ID includes both photo ID and non-photo ID. The Mexican American Legal Defense and Educational Fund and the Lawyers Committee for Civil Rights Under Law argued the case for individuals involved and on behalf of a number of civil rights groups. [See [http://www.maldef.org/news/releases/az\\_voting\\_rights/](http://www.maldef.org/news/releases/az_voting_rights/) to read the Court’s decision and for background on Arizona’s law; see also [http://www.lawyerscommittee.org/newsroom/press\\_releases?id=0216](http://www.lawyerscommittee.org/newsroom/press_releases?id=0216).]

**Wisconsin Voter ID Law Put on Hold.** On March 6, the Circuit Court in Dane County, Wisconsin issued a temporary injunction against the implementation of the state’s voter ID law until a trial could be held on its legality under the Wisconsin Constitution, which expressly guarantees the right to vote. Circuit Judge David Flanagan called the law, “the single most restrictive voter eligibility law” in the country. The challenge to the voter photo ID law was brought by the Milwaukee Branch of the NAACP and Voces de la Frontera. The state appealed the decision in *Milwaukee Branch of the NAACP v. Walker* (Case No. 11-CV-5492) to the Wisconsin Court of Appeals which, on March 28, sent the appeal to the state Supreme Court for its review and determination because they believed the legal issue was essential to how the state functions and because quick resolution was necessary. On April 16 the state Supreme Court refused to take the case. The trial before the Dane County Circuit Court to decide whether to lift the temporary ban

on the law's implementation or make the ban permanent also began on April 16. [To read the Circuit Court decision, go to <http://www.lawyerscommittee.org/newsroom/clips?id=0474>; to read the Court of Appeals filing, see <http://www.wicourts.gov/ca/cert/DisplayDocument.pdf?content=pdf&seqNo=80190>; see also <http://www.jsonline.com/news/statepolitics/supreme-court-refuses-to-take-up-voter-id-cases-1b51335-147608115.html>.]

**Georgia Settles National Voter Registration Act (NVRA) Lawsuit by Agreeing to Provide Voter Registration to Low-Income Voters.** Under Section 7 of the NVRA, states are required to provide public assistance agency clients with an opportunity to register to vote every time they apply for or renew benefits or submit a change of address, whether done in person, by telephone, by mail or through the internet. According to the lawsuit brought by a coalition of voting rights groups, Georgia had virtually ignored this mandate for years. The settlement agreement includes steps the state must take, including methods for distributing voter registration forms to public agency clients and voter registration training for public assistance employees. [See <http://www.lawyerscommittee.org/newsroom/clips?id=0495> for background on this case and link to the settlement agreement.]

## **FEDERAL AGENCIES**

### **U.S. Department of Justice (DOJ)**

#### **DOJ Uses Section 5 of the VRA to Block South Carolina's and Texas' Photo ID Laws.**

South Carolina and Texas, as jurisdictions covered under Section 5 of the Voting Rights Act, had to submit their proposed voter photo identification laws to DOJ or the U.S. District Court for the District of Columbia for approval before they can be implemented. Under Section 5, the states have the burden of showing that their proposed voter ID laws had neither the purpose nor the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group.

**South Carolina.** DOJ blocked implementation of South Carolina's law requiring voters to present specific state photo identification (ID), a military ID or a passport, finding that it would disproportionately disenfranchise minority voters. [See [http://www.justice.gov/crt/about/vot/sec\\_5/ltr/1\\_122311.php](http://www.justice.gov/crt/about/vot/sec_5/ltr/1_122311.php) to read DOJ's December 23, 2011 letter to South Carolina blocking the photo ID law.]

**Texas.** In March, DOJ also stopped implementation of the Texas photo ID law, requiring a driver's license or photo identification from the state's Department of Public Safety (DPS), a military photo ID, a US citizenship certificate that contains a photograph, a U.S. passport or a license to carry a concealed handgun. DOJ found that 10.8 percent of Hispanics (or about 604,000 to 796,000 Hispanics) versus 4.9 percent of non-Hispanics do not have such IDs. Texas told DOJ that those without these documents could obtain a free election ID certificate from DPS. DOJ found two problems with that proposal: first, individuals need underlying documents (e.g. birth certificates) to obtain the free certificate and also, in 81 of the state's 254 counties there are no DPS offices and many of the offices that do exist are open for limited hours, even assuming a person had a car to reach one of those offices. [See [http://www.justice.gov/crt/about/vot/sec\\_5/ltr/1\\_031212.php](http://www.justice.gov/crt/about/vot/sec_5/ltr/1_031212.php) for DOJ's letter to Texas.]

## ***STATE AND LOCAL NEWS***

**Florida.** The League of Women Voters, Rock the Vote and the Florida Public Interest Research Group (PIRG) Educational Fund filed a lawsuit in federal court in Tallahassee challenging the state's restrictions on community-based voter registration drives. The provisions in the state's 2011 adopted voting law (H.B. 1355) include burdensome administrative requirements, unreasonably tight deadlines for submission of completed forms and heavy penalties for even slight delays or mistakes. As a result of these restrictive

requirements, the League of Women Voters and Rock the Vote, among other groups, closed their Florida voter registration programs. [Background about the state's law and link to court documents are at [http://www.brennancenter.org/content/resource/league\\_of\\_women\\_voters\\_of\\_florida\\_v.\\_browning/](http://www.brennancenter.org/content/resource/league_of_women_voters_of_florida_v._browning/).]

**Minnesota.** The state legislature passed a proposed constitutional amendment (Chapter 167, HF2738) to change the state's voting system that will be on the ballot in the November election. The changes, among other things, would require all voters to show a government-issued photo ID in order to vote on Election Day and may call into question same day registration because such individuals would have to have their eligibility verified before they vote; currently, such identity is verified after an election and if someone who is not eligible to vote does vote, she/he can be prosecuted for doing so. The Republican led legislature put the issue on the ballot because Governor Mark Dayton (D) vetoed similar legislation sent to him last year. Even though the Governor could not veto and stop the proposed amendment from being on the ballot in November, he symbolically vetoed it, as he announced his opposition to it. The summary written for the constitutional amendment only addresses the voter photo ID requirement and not the other provisions so questions have been raised about its adequacy in notifying voters of the full content of the proposed constitutional amendment. The same issue arose in Missouri, where a local court sent the issue back to the legislature for a more accurate summary of their proposed constitutional amendment (see below). [See <https://www.revisor.mn.gov/laws/?id=167&year=2012&type=0> to read the proposed constitutional amendment; for the Governor's veto message, see [http://mn.gov/governor/images/ch\\_167\\_hf\\_2738\\_veto\\_letter.pdf](http://mn.gov/governor/images/ch_167_hf_2738_veto_letter.pdf).]

**Missouri.** In 2011, the state legislature passed both a proposed constitutional amendment and separate legislation to enact voter ID requirements. The legislation was vetoed by Democratic Governor Jay Nixon but he could not veto the proposed constitutional amendment (SJR 2) that will be on the ballot in November. When passing the proposed constitutional amendment, legislators included a ballot summary describing its content. On March 27, a Missouri Circuit Court judge struck down the wording of the summary as "unfair and confusing" for voters, leaving voters with insufficient information about its subject matter, which also, among other things, limits the days available for advance (or early) voting. The Court sent the measure back to the legislature, allowing them to clarify the summary language before the election. [To read the Court's decision in *Emmanuel Aziz, et al. vs. Robert Mayer, et al.*, go to <http://www.colecountycourts.org/Rel%2019%20Docs/Voter%20Ballot.pdf>.]

**Pennsylvania.** On March 14, the legislature passed, and Governor Tom Corbett signed into law, legislation (HB 934) requiring a photo ID to vote. Voters will need to show a Pennsylvania driver's license or other government-issued photo ID (e.g., U.S. passport, military ID, county/municipal or federal employee ID). A current photo ID from a state accredited public or private institution of higher learning or a photo ID issued by state nursing home, assisted living home or health care facility will also be accepted if it includes an expiration date. More recently, the state's Secretary of the Commonwealth announced that anyone with a Pennsylvania driver's license or ID that expired since 1990 may request a new photo ID using only their name (and not the underlying documents otherwise required of new applicants) since their information will still be available in their computer database. The new law is not effective until the November election, when the state's 20 electoral votes are at stake but voters will be asked for a photo ID when they vote in April and if they don't have a requisite ID, they will be allowed to vote but also given a flyer outlining what they need to get prior to the November election. [For text of HB 934, go to [http://www.legis.state.pa.us/cfdocs/billinfo/bill\\_history.cfm?year=2011&sind=0&body=H&type=B&bn=934](http://www.legis.state.pa.us/cfdocs/billinfo/bill_history.cfm?year=2011&sind=0&body=H&type=B&bn=934); see also [http://www.votespa.com/portal/server.pt/community/preparing\\_for\\_election\\_day/13517/voter\\_id\\_law/1115447](http://www.votespa.com/portal/server.pt/community/preparing_for_election_day/13517/voter_id_law/1115447), for summary of voter ID allowed that is on the Secretary of State's website and <http://www.prnewswire.com/news-releases/pennsylvania-secretary-of-commonwealth-announces-simplified-process-for-obtaining-voter-id-reminds-voters-photo-id-not-required-for-april-24-primary-147922335.html> regarding the announcement by the Secretary of the Commonwealth.]

**Virginia.** The legislature sent a voter ID bill (SB 1) to Governor Robert McDonnell on March 10 that would require those who vote in person to show one of a list of IDs, including a voter registration card, social security card, valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States, as well as a valid student ID card issued by a four year institution of higher education located in the state. If a person does not have the requisite ID, s/he would be allowed to vote with a provisional ballot and provide the requisite ID to election officials the following day in order for their ballot to count; under current law, if the voter does not have an ID, s/he may sign a sworn statement attesting to their being the registered voter. The Governor did not veto the bill but sent the legislation back to the Senate, with proposals to give voters two additional days to provide the requisite ID, to allow state election officials to validate these provisional ballots by comparing a voter's signature on the ballot with those on file with the state election board and to allow the use of community college ID cards for voting purposes. He also recommended deleting a provision in the bill that would have allowed a voter without the requisite voter ID to vote if s/he was recognized and acknowledged by an election officer. The state legislature accepted only the latter recommendation. [See <http://lis.virginia.gov/cgi-bin/legp604.exe?121+sum+SB1> to read text and legislative history of SB 1, as well as the recommendations for changes made by the Governor.]

## IMMIGRATION

### **FEDERAL NEWS**

#### **U.S. SUPREME COURT**

**Victory for Day Laborers Upheld.** On February 21, the U.S. Supreme Court denied the request of the City of Redondo Beach, California to review a 9 to 2 Ninth Circuit decision striking down as unconstitutional the City's ordinance, aimed at day laborers, which prohibited the solicitation of employment, business, or contributions from city streets and sidewalks. The Ninth Circuit Court's decision will be binding throughout the nine western states within the Court's jurisdiction. [See [http://www.maldef.org/news/releases/redondo\\_beach\\_day\\_laborer/](http://www.maldef.org/news/releases/redondo_beach_day_laborer/) for background on this case which began in 2004; the Ninth Circuit Court's opinion in *Comité de Jornaleros de Redondo Beach v. City of Redondo Beach* is at <http://www.ca9.uscourts.gov/datastore/opinions/2011/09/16/06-55750.pdf>.]

#### **FEDERAL DISTRICT COURTS**

**Court of Appeals Holds Farmers Branch, Texas Housing Ordinance Aimed at Undocumented Immigrants is Unconstitutional.** The Fifth Circuit Court of Appeals found that Farmers Branch's housing ordinance violated the Constitution since its sole purpose "is not to regulate housing but to exclude undocumented [immigrants], specifically Latinos." It further held, as did the lower district court, that Ordinance 2952 is an unconstitutional and invalid regulation of immigration, which is the exclusive responsibility of the federal government. [See <http://www.ca5.uscourts.gov/opinions%5Cpub%5C10/10-10751-CV0.wpd.pdf> to read the Fifth Circuit Court's March 21 decision in *Villas Parkside Partners v. The City of Farmers Branch, Texas*; see also [http://www.maldef.org/news/releases/fifth\\_circuit\\_affirms\\_fb\\_housing\\_ordinance/](http://www.maldef.org/news/releases/fifth_circuit_affirms_fb_housing_ordinance/) for background on the five year history of this case.]

**Federal Appeals Court Blocks Two More Sections of Alabama's Anti-Immigrant Law.** On March 8, the U.S. Court of Appeals for the Eleventh Circuit blocked enforcement of Sections 27 and 30 of that law (HB 56), which restricted business transactions with the state government and made contracts among private individuals unenforceable if there was knowledge one party to the contract was an unlawful immigrant. The ruling in this case came after a coalition of civil rights advocates and the U.S. Department

of Justice argued before the same Court that Alabama's anti-immigrant law should be blocked in its entirety because it conflicts with federal law and systematically violates the rights of U.S. citizens and immigrants, with and without lawful status. [See <http://www.aclu.org/immigrants-rights/federal-appeals-court-blocks-parts-alabamas-discriminatory-anti-immigrant-law> for background and link to the Court's Order.]

**Federal District Court Puts Hold on Provision in Arizona's SB 1070 That Criminalizes the Solicitation of Day Labor.** On February 29, the District Court for the District of Arizona held that the sections of SB 1070 relating to day laborers likely violated their First Amendment free speech right to solicit work on public streets. This decision, in *Friendly House, et. al. vs. Michael B. Whiting, et al.*, comes on the heels of the U.S. Supreme Court's decision to decline to review the Ninth Circuit Court's decision striking down an ordinance with a similar intent. On April 25 the U.S. Supreme Court heard arguments on challenges to SB 1070, the country's first omnibus anti-immigrant law. [The Court's decision is at <http://media.phoenixnewtimes.com/7674755.0.pdf>; for background on the day laborer's provisions, see [http://www.maldef.org/news/releases/victory\\_az\\_sb1070/](http://www.maldef.org/news/releases/victory_az_sb1070/).]

**Major Sections of South Carolina's Anti-Immigrant Law Put on Hold by Federal District Court.** South Carolina's SB 20 requires police to seek specific documents showing citizenship or immigration status from individuals during traffic stops if they have "reasonable suspicion" that an individual lacks legal immigration status. It also criminalizes everyday interactions with undocumented immigrants, such as providing car rides or renting living space, and criminalizes under state law the failure to carry federal registration cards, a requirement for immigrants under federal immigration law. The U.S. District Court for the District of South Carolina, Charleston Division, issued an order temporarily blocking the major parts of this anti-immigrant law because they are likely to be found unconstitutional. [For background information and a copy of the Court's December 22, 2011 Order in the combined cases of *United States of America v. State of South Carolina and Lowcountry Immigration Coalition, et al., v. Nikki R. Haley*, see <https://nilc.org/sb20.html>.]

## **FEDERAL AGENCIES**

### **U.S. Department of Labor (DOL)**

**Final Rule on H-2B Guest Worker Program Issued.** On February 21, DOL's Employment and Training Administration and Wage and Hour Division issued a Final Rule on the H-2B Guest Worker Program, which relates to the admission of workers for temporary non-agricultural labor or services. The final rule was issued in light of numerous reports that H-2-B workers have been subjected to abusive labor practices. [For background information and a link to the Final Rule, see <http://www.nilc.org/deptoflabor.html>.]

### **U.S. Department of Justice (DOJ)**

**DOJ Finds Arizona County Sheriff's Office Engaged in Misconduct.** After a three year investigation, DOJ concluded that Maricopa County, Arizona, Sheriff Joe Arpaio's office had engaged in a pattern or practice of misconduct that violates the Constitution and federal law. DOJ issued a December report that included among its findings of misconduct: racial profiling of Latinos; discriminatory policing practices, such as unlawful stops, detentions and arrests of Latinos; unlawful retaliation against individuals exercising their First Amendment rights to criticize the policies or practices of the Sheriff's office; and discriminatory jail practices against Latino inmates with English limited proficiency by punishing them and denying them critical services. According to DOJ, its findings show that there is "a chronic culture of disregard for basic legal and constitutional obligations." DOJ said it would seek a court enforceable agreement with the Sheriff's office and work with that office to develop and implement a comprehensive reform plan, with judicial oversight, to address these violations. [DOJ's announcement and link to the report are at <http://www.justice.gov/opa/pr/2011/December/11-crt-1645.html>.]

## **U.S. Department of Homeland Security (DHS)**

**DHS Terminates Agreements with AZ County Sheriff's Office.** On the same day that DOJ released its report finding that the Maricopa County Sheriff's Office (MCSO) engaged in discriminatory policing, DHS announced it was immediately terminating its jail model agreement with MCSO under Section 287(g) and restricting access of MCSO to the Secure Communities Program. Both of these programs are overseen by the U.S. Immigration and Customs Enforcement (ICE) within DHS, which enters into agreements with state and local law enforcement agencies to identify and report those who they arrest for state and local crimes who are also in the country unlawfully. [See "Statement by Secretary Napolitano on DOJ's Finding of Discriminatory Policing in Maricopa County," December 15, at <http://www.dhs.gov/ynews/releases/20111215-napolitano-statement-doj-maricopa-county.shtm>.]

<p><b>Lesbian, Gay, Bisexual And Transgender (LGBT)</b></p>
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## ***FEDERAL NEWS***

### **FEDERAL DISTRICT COURTS**

**Federal Court Rules Federal Defense of Marriage Act (DOMA) Unconstitutional.** The U.S. District Court for the Northern District of California ruled on February 22 that there is a "heightened" level of scrutiny required in deciding whether Section 3 of DOMA, the provision that limits the definition of marriage for purposes of receiving federal benefits, violates the Equal Protection Clause of the U.S. Constitution. Under that review, the law can only be upheld if it is "substantially related to an important governmental objective." The court found that Congress failed to justify treating gays and lesbians differently under this heightened level of review but it also found that DOMA failed even under the lower "rational justification" standard. DOMA was passed by Congress and signed into law in 1996. [For background and a link to the Order in *Golinski v. Office of Personnel Management*, C10-00257, see <http://www.lambdalegal.org/in-court/cases/golinski-v-us-office-personnel-management>. Section 2 of DOMA, not challenged here, allows states to refuse to recognize same-sex marriages officially licensed by other states. ]

**California Ban on Same-Sex Marriage Found Unconstitutional.** A panel of the Ninth Circuit Court of Appeals upheld a 2010 lower federal court decision that Proposition 8, the 2008 ballot measure that limited marriage to one man and one woman, violated the Equal Protection Clause of the U.S. Constitution. On February 7, the court held that the only purpose or effect of Proposition 8 was "to lessen the status and human dignity of gays and lesbians in California and to officially reclassify their relationships and families as inferior to those of opposite-sex couples." The decision could be appealed to the U.S. Supreme Court. [For background and to read the Court's decision in *Perry v. Brown* (formerly *Perry v. Schwarzenegger*), see <http://www.eqca.org/site/pp.asp?c=kuLRJ9MRKrH&b=5716101>.]

### **FEDERAL AGENCIES**

#### **Equal Employment Opportunity Commission (EEOC)**

**EEOC Landmark Ruling Holds Workforce Discrimination Against Transgender Employees is Covered Under Title VII.** The EEOC, the federal agency in charge of enforcing federal laws against workplace discrimination, recently clarified that complaints of discrimination based on gender identity, change of sex, and/or transgender status are covered under Title VII of the Civil Rights Act of 1964. EEOC based its ruling on the fact that federal courts have held that job discrimination against transgender employees on the basis of gender identity qualifies as sex discrimination under current law. EEOC's

ruling means that transgender employees across the country who experience workplace discrimination can file a complaint at any of EEOC's 53 offices. The decision is binding on all federal agencies, as well as private and public employers. EEOC's ruling is contained in its analysis of how a discrimination complaint should be processed by a federal agency in a case brought on behalf of a transgender woman, who allegedly was denied a job with a federal agency subsequent to her advising them that she was transitioning from male to female. EEOC's unanimous decision was announced April 23. [See <http://transgenderlawcenter.org/cms/blogs/552-24> for background about and link to the EEOC decision.]

### **U.S. Department of Housing and Urban Development (HUD)**

**HUD Announces New Regulations to Assure Equal Access to HUD's Housing Programs.** In January, HUD Secretary Shaun Donovan announced, at the annual conference of the National Gay and Lesbian Task Force, new "Equal Access to Housing in HUD Programs," regulations intended to ensure that all of HUD's core housing programs are open to all eligible individuals, regardless of sexual orientation or gender identity. Coverage extends to owners and operators of HUD-assisted housing or housing financed by HUD and to Federal Housing Administration (FHA) mortgage insurance and financing programs. [See announcement and link to the regulations at [http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2012/HUDNo.12-014.](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2012/HUDNo.12-014.)]

**New Funds Available to Promote Fair Housing Laws.** HUD also announced \$7.5 million in grants to state and local government agencies to promote fair housing laws, including HUD's new equal access rule for LGBT individuals and their families in federally-supported housing. [The February announcement, with links to individual grant descriptions, is available at [http://portal.hud.gov/hudportal/HUD?src=/press/press\\_releases\\_media\\_advisories/2012/HUDNo.12-024.](http://portal.hud.gov/hudportal/HUD?src=/press/press_releases_media_advisories/2012/HUDNo.12-024.)]

### **U.S. Department of Health and Human Services (HHS)**

**New Healthcare On-Line Tool Released by HHS.** In February, HHS released a Health Plan Finder on-line tool that allows LGBT families to compare health plans based on whether they cover same-sex partners and their families. This is a tool similar to one released in November for small businesses, allowing them to shop for healthcare plans for their employees. [For background on and a link to the HHS on-line tool, go to [http://thetaskforceblog.org/2012/02/07/finding-domestic-partner-health-insurance-coverage-just-got-easier/.](http://thetaskforceblog.org/2012/02/07/finding-domestic-partner-health-insurance-coverage-just-got-easier/)]

## ***STATE AND LOCAL NEWS***

**Marriage Equality.** There has been a lot of activity concerning marriage equality proposals to provide same-sex couples with the same benefits and obligations of marriage under state law as opposite sex couples. In addition to the state legislative decisions below (Maryland, New Hampshire, New Jersey and Washington), voters in Maine and North Carolina will consider ballot initiatives in the 2012 elections.

**Maine.** Proponents of marriage equality have collected sufficient signatures to place the issue of marriage equality on the November ballot. The state legislature passed a same-sex marriage law in 2009 but that was later repealed by voters. [The official February 23 statement validating sufficient signatures by the Secretary of State is at <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=6239>; background on the state campaign is at [http://www.whymarriagemattersmaine.com/.](http://www.whymarriagemattersmaine.com/)]

**Maryland.** On March 1, Governor Martin O'Malley signed into law HB 438, the Civil Marriage Protection Act of 2012. HB 438 would recognize same-sex marriages as of January 1, 2013, although opponents have raised the possibility of collecting signatures to place the issue on the ballot in the November 2012 election. On February 23, the state Senate, by a vote of 25 to 22, adopted HB 438, while

the House of Delegates had passed it on February 17, on a vote of 72 to 67. [The Governor's signing statement is at <http://www.governor.maryland.gov/blog/?p=4554>; the text and history of H.B. 438 is at <http://mlis.state.md.us/2012rs/billfile/HB0438.htm>.]

**New Hampshire.** On March 21, the New Hampshire House voted against repealing the state's two-year old marriage equality law. The Republicans control 300 of the 400 chamber seats yet the final vote against repeal (on House Bill 437) was 211 to 116, with 119 Republicans voting with 92 Democrats to oppose repeal. Democratic Governor John Lynch had promised to veto any repeal legislation that was passed. [Text and status of HB 437 is at [http://www.gencourt.state.nh.us/bill\\_status/results.aspx](http://www.gencourt.state.nh.us/bill_status/results.aspx); for background, see <http://www.nytimes.com/2012/03/22/us/politics/new-hampshire-refuses-to-repeal-gay-marriage-right.html>.]

**New Jersey.** On February 17, Governor Christopher Christie vetoed S1, the Marriage Equality and Religious Exemption Act. The state Assembly, by a vote of 42 to 33, passed the Act on February 16, after the Senate adopted it on February 13 by a bipartisan vote of 24 to 16. The Act exempted clergy of any religion from having to officiate at a marriage of same-sex couples in violation of their First Amendment rights. [The text and history of S1 can be found at <http://www.njleg.state.nj.us/bills/BillView.asp>; the Governor's veto message is at <http://www.state.nj.us/governor/news/news/552012/approved/20120217c.html>.]

**North Carolina.** State law already prohibits marriage between same-sex couples but legislators opposed to such marriages passed legislation (SB 514) to place a proposed amendment to the state constitution on the May 8, 2012 primary ballot to underscore that ban. Amendment 1 would define marriage as between one man and one woman. Passage of Amendment 1 would ban all civil unions and domestic partnerships in the state, according to the NC ACLU. [For text of SB 514, see <http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2011&BillID=S514>; for background information on Amendment 1, see <http://www.acluofnc.org/?q=vote-against-amendment-1>.]

**Washington.** Governor Christine Gregoire signed marriage equality legislation into law on February 13. The bill had passed the state House on February 8 by a vote of 55 to 43 and the Senate on a 28 to 21 vote on February 1. The bill, SB 6239, will take effect on June 7 unless opponents of the new law gather the necessary signatures by June 6 to put the issue on the ballot, something they have pledged to do; they have already raised about \$1 million for that campaign. If sufficient signatures are collected, the law would not go into effect until election results are finalized in November. [The bill and its history can be found at <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=6239>; the Governor's signing statement is at <http://pamshouseblend.firedoglake.com/2012/02/13/gov-gregoire-signing-washington-marriage-equality-bill-today-but-when-will-it-become-law/>.]

## **WOMEN'S RIGHTS**

### **FEDERAL NEWS**

#### **U.S. SUPREME COURT**

**Court Says State Workers Can't Sue States Under FMLA.** In a March 5 to 4 decision, the U.S. Supreme Court held that state workers, who are denied unpaid sick leave, as required under the federal Family and Medical Leave Act (FMLA), cannot sue the states. The majority ruled that lawsuits by state employees allowed under the law would violate the constitutional rule that, as sovereigns, states are immune from being sued for damages. The Court's decision means that state and local employees denied unpaid leave for their own or a family medical need have no meaningful remedy. As Justice Ginsberg noted in her dissent, the FMLA was designed to promote equal employment opportunities for women and

correct a long pattern of unconstitutional employment discrimination against pregnant women and new mothers. [See *Coleman v. Court of Appeals of Maryland*, No. 10-1016, at <http://www.supremecourt.gov/opinions/11pdf/10-1016.pdf>.]

## **FEDERAL DISTRICT COURTS**

**Court of Appeals Upholds Title IX Protections for High School Female Athletes.** On January 31, the U.S. Court of Appeals for the Seventh Circuit ruled that the female high school basketball players (the plaintiffs) could proceed to a trial on their claims that the Indiana school district violated Title IX by forcing them to play their games primarily on a non-primetime schedule (Monday through Thursday nights), while the male high school basketball team played primarily on Friday and Saturday nights. The lower district court had ruled in favor of the school district and dismissed the case without any hearing (granting summary judgment). In its decision, the Court of Appeals unanimously upheld Title IX's strong protections that require schools to treat female athletes fairly. The case was sent back to the lower court for further proceedings consistent with this decision. [The decision in *Parker v. Franklin County Community School Corporation, et al.*, No. 10-3595, is at <http://chronicle.com/items/biz/pdf/scheduling.pdf>; for background, see <http://www.nwlc.org/our-issues/education-%2526-title-ix/athletics>.]

## **WHITE HOUSE**

**President's Budget on Issues Related to Women.** The White House Fact Sheet on "An Economy Built to Last and Security for Women and Girls," highlights some of his budget requests, including level funding of \$412.5 million in grants and assistance by DOJ's Office on Violence Against Women and an increase for the Equal Employment Opportunity Commission of \$14 million over the current year's enacted level, to allow EEOC to add staff to reduce the agency's backlog of private-sector discrimination charges. The EEOC efforts, according to the Administration, will add to the work of the National Equal Pay Task Force, an interagency group, to identify and rectify challenges to gender pay disparities. The Budget also includes a \$5 million State Paid Leave Fund for DOL to provide technical assistance and support to states that want to establish paid-leave programs. [This fact sheet and others on the budget impact for African American and Latino families are at [http://www.whitehouse.gov/omb/budget\\_factsheets\\_key/](http://www.whitehouse.gov/omb/budget_factsheets_key/).]

While the Budget increases investments for manufacturing, it has been noted that it also eliminates or cuts some programs that could ensure these opportunities are available for women; it eliminates the Women in Apprenticeship and Nontraditional Opportunities program within DOL's Women's Bureau and reduces the Bureau's overall funding. [See National Women's Law Center, "President's Budget Supports Key Investments and Fairer Taxes," February 13 at <http://www.nwlc.org/news-room/press-releases>.]

**Fair Pay for Homecare Workers.** The President and Labor Secretary Hilda Solis announced a proposed rule to provide minimum wage and overtime protections for nearly two million workers, the majority of whom are women, who provide in-home care services for those who are sick or elderly. These workers are currently exempt from the Fair Labor Standards Act (FLSA). [See the December 15 White House announcement at <http://www.whitehouse.gov/the-press-office/2011/12/15/we-can-t-wait-president-obama-will-announce-administrative-action-provid>.; Background on the proposed rule and link to the Federal Register with the proposed language, for which the comment period was extended to March 12, are at <http://www.dol.gov/whd/flsa/companionNPRM.htm>.]

**U.S. National Action Plan on Women, Peace, and Security.** In December, the President released the *U.S. National Action Plan on Women, Peace, and Security* and also signed an Executive Order directing the Plan be implemented. The White House describes it as "a roadmap for how the United States will accelerate and institutionalize efforts across the government to advance women's participation in preventing conflict and keeping peace." Agencies committed to this roadmap include the Departments of State, Defense, Justice, Treasury and Homeland Security, as well as the U.S. Mission to the United

Nations, the U.S. Agency for International Development (USAID), the Centers for Disease Control and Prevention and the Office of the U.S. Trade Representative. [More information about the Plan and Executive Order is at <http://www.whitehouse.gov/the-press-office/2011/12/19/fact-sheet-united-states-national-action-plan-women-peace-and-security>.]

## **FEDERAL AGENCIES**

### **U.S. Department of Labor (DOL)**

**FMLA Proposed Regulations for Military Families and Flight Crew Employees.** On January 30, DOL issued a notice of proposed rulemaking to implement new statutory provisions to the Family and Medical Leave Act that expand military family leave provisions, by extending entitlement of military caregiver leave to family members of veterans for up to 5 years after leaving the military. The proposed rule would also incorporate a special eligibility provision for flight crew employees, by adding a special hours of service eligibility requirement for them and specific provisions for calculating the amount of FMLA leave used that better take into account the unique hours worked by crew members. [DOL's notice and link to the proposed changes are at <http://www.dol.gov/opa/media/press/whd/WHD20120177.htm>.]

### **U.S. Department of Defense (DOD)**

**DOD Opens up More Positions to Women.** On February 9, the DOD announced changes in its assignment policies that will result in 14,325 additional positions being opened to women. Eliminating the restriction that women could not serve in occupational specialties that were "co-located with direct combat units," will open up over 13,000 Army positions to women. The other policy change, which opens up almost 1200 positions, grants exemptions to the prohibition of women being assigned to certain positions with units whose principal mission was to engage in combat. [See "Department Opens More Military Positions to Women," at <http://www.defense.gov/releases/release.aspx?releaseid=15051>.]

## **RESOURCES**

### **KEY CIVIL, HUMAN AND WOMEN'S RIGHTS REPORTS**

#### **Civil Rights**

- The Center for American Progress (CAP), in a newly released report, finds that despite an improving economic outlook, the benefits of the economic growth have not been equitably shared by communities of color. Among CAP's findings are that African Americans and Latinos persistently suffer from high unemployment rates, earn less than others and have found themselves increasingly in the ranks of minimum wage earners. In addition, communities of color have substantially less health insurance coverage than whites and the wealth gap between communities of color and whites widened sharply due to housing market weaknesses. [The April 12 report is available at [http://www.americanprogress.org/issues/2012/04/communities\\_of\\_color.html](http://www.americanprogress.org/issues/2012/04/communities_of_color.html).]
- In "Trabajadoras: Challenges and Conditions of Latina Workers in the United States," the Labor Council for Latin American Advancement (LCLAA) seeks to raise awareness of the reality facing many hardworking Latinas and the role that their gender, ethnicity and immigration status play in influencing their social and economic standing in society. This report provides an overview of Latinas in the workforce, labor issues impacting Latinas, and Latina immigrants. The report is part of a larger Trabajadoras campaign, combining research, policy, advocacy and mobilization around challenges Latinas face. [To read the report and learn more about the campaign, go to <http://www.lclaa.org/index.php/campaigns/trabajadoras>.]
- According to a January 17 report by the University of California, Berkeley's Center for Labor Research and Education, throughout 2011 unemployment for Black workers remained at 15 to 16 percent, while unemployment for the rest of the workforce dropped below 9 percent. When Black men and Black women are looked at separately, the report found that Black female unemployment rates rose, while Black male

unemployment rates fell. For white workers, unemployment rates fell for both women and men. The Report is based on data from the Bureau of Labor Statistics' Current Population Survey. [See "Annual Report: Black Employment and Unemployment in 2011," by Steven Pitts, at <http://laborcenter.berkeley.edu/>.]

- A paper by the American Constitution Society (ACS) for Law and Policy details how African Americans and Latinos in cities across the country have been disproportionately impacted by the peddling of high-cost subprime, predatory loans in communities of color. The ACS Issue Brief, "The Promise of the Fair Housing Act and the Role of Fair Housing Organizations," suggests ways in which the federal government can make progress towards ending inequality in housing, such as providing more support to the non-profit and government groups whose job it is to investigate complaints of discrimination. [The ACS Issue Brief is available at <http://www.nationalfairhousing.org/>.]
- Demos prepared an extensive report, "The STATE OF YOUNG AMERICA: THE DATABOOK," that provides a comprehensive portrait of "the Millennial generation." It is organized into five different areas: jobs and the economy, college access and attainment, health care, cost of living, and raising a family. It also contains an initial blueprint for policy change. Among its findings: median earnings for young African Americans are 75 percent of the earnings of whites, while for young Latinos that figure is 68 percent; young women earn less than men at every level of education; African American students are more likely to take out student loans, and to graduate with higher debt levels; the labor force participation of mothers rose 25 percent since 1980, while just 11 percent of all workers had access to paid family leave benefits. [To access the Databook and supplemental materials, go to <http://www.demos.org/publication/state-young-america-databook>.]
- "The Movement to End Wage Theft," looks at organizations working to end this practice using innovative tactics. The report was commissioned by the Discount Foundation and includes a number of local, state and federal strategies used by organizations funded by the Foundation to address this ongoing challenge. [The October report by Nik Theodore, Department of Urban Planning and Policy, University of Illinois is at Chicago is at [http://www.discountfoundation.org/report/movement\\_end\\_wage\\_theft](http://www.discountfoundation.org/report/movement_end_wage_theft).]

### **Voting Rights**

- A number of reports have been issued over the past few months looking at various elements of the state voter ID laws that have proliferated around the country:
  - A new report, co-authored by Demos, Common Cause, the Fair Elections Legal Network and the Lawyers' Committee for Civil Rights Under Law, details the best strategies being used by community groups to help ensure voters will be able to vote even in states with restrictive voting laws. The April 18 released report, *Got ID? Helping Americans Get Voter Identification* includes guidance on the best tactics for fighting back against attempts to disenfranchise voters, particularly voters of color, older voters and young voters. [See <http://www.lawyerscommittee.org/newsroom/clips?id=0493> to read the report.]
  - The Center for American Progress (CAP) reports on the more than 30 states that have considered voter suppression legislation and concludes that the five worst states for voting rights are Florida, Texas, Tennessee, Wisconsin and Kansas. The April report, "Voter Suppression 101: How Conservatives Are Conspiring to Disenfranchise Millions of Americans," also looks at the influence that the American Legislative Exchange Council (ALEC) and corporations have had working together to draft model legislation, such as voter ID. The report is at [http://www.americanprogress.org/pressroom/releases/2012/04/voter\\_id\\_press\\_release.html](http://www.americanprogress.org/pressroom/releases/2012/04/voter_id_press_release.html).]
  - Project Vote looks at the range of election legislation considered in the 46 state legislatures which convened in 2012, as well as in Congress. "Election Legislation 2012: Threats and Opportunities Assessment," examines proposals and laws on voter identification and restrictive voter registration proposals (including proof of citizenship and restrictions on voter registration drives). [The February Research Memo is at <http://www.projectvote.org/images/publications/Threats%20and%20Opportunities/Threats-and-Opportunities-Memo-February-2012.pdf>.]

- In a report that examines voting changes around the country and provides historical context for voter restrictive laws, the NAACP and NAACP LDF found a “direct connection between the trend of increasing, unprecedented turnout among voters of color and the proliferation of restrictive measures across the country designed to thwart electoral strength among people of color – particularly those who are poor, young or elderly.” In their report, *Defending Democracy: Confronting Modern Barriers to Voting Rights in America*, the NAACP and NAACP LDF identify measures ranging from new and enhanced voter ID requirements to provisions that inhibit critical voter registration drives or limit voting time periods. [The December 5, 2011 report is available at <http://naacpldf.org/publication/defending-democracy/>.]
- A new Voter ID App was launched on April 5 by the Cost of Freedom Project. The App is intended to help voters find out whether they need to show government-issued photo ID in order to vote. Information on photo ID requirements is provided for all 50 states and the District of Columbia. The App was developed by the Cost of Freedom Project, which will partner with the Black Youth Vote, a signature program of the National Coalition on Black Civic Participation. [To find out more about the Voter ID App, go to [http://ncbcp.org/news/releases/cost\\_of\\_freedom\\_voter\\_id\\_app\\_launched/](http://ncbcp.org/news/releases/cost_of_freedom_voter_id_app_launched/).]

### **Immigration**

- Two recent reports look at the range of anti-immigrant legislation introduced in the states since Arizona passed its omnibus bill, SB 1070. “The Wrong Approach: State Anti-Immigration Legislation in 2011,” by the National Council of La Raza, reports on the myriad of bills introduced and why they are harmful. [The February report is at [http://www.nclr.org/index.php/publications/the\\_wrong\\_approach\\_state\\_anti-immigration\\_legislation\\_in\\_2011-1/](http://www.nclr.org/index.php/publications/the_wrong_approach_state_anti-immigration_legislation_in_2011-1/).] The second report is by the National Immigration Law Center (NILC). “State Immigration-Related Legislation: Last Year’s Key Battles Set the Stage for 2012,” examines key areas that in 2012 will continue to be in the forefront of state battles. [NILC’s January report is at <http://www.nilc.org/pubs.html>.]
- Three reports resulting from visits with Latino families impacted by Alabama’s omnibus anti-immigrant law are featured below:
  - The Southern Poverty Law Center’s report, “Alabama’s Shame: HB 56 and the War on Immigrants,” features stories by Latinos across the state discussing the impact HB 56 has had on their lives. They describe being cheated out of wages, being denied medical treatment and facing growing hostility. [The February 20 report is available at <http://www.splcenter.org/alabamas-shame-hb56-and-the-war-on-immigrants/>.]
  - Human Rights Watch’s report, “No Way to Live: Alabama’s Immigration Law,” provides first-hand accounts of the impact that the Alabama anti-immigrant law has had on unauthorized immigrants and their families, as well as on the larger communities in which they live. The report also documents the harm suffered by Alabama’s children and by U.S. citizens and permanent residents. [The December report is at <http://www.hrw.org/news/2011/12/13/usalabama-no-way-live-under-immigrant-law/>.]
  - An AFL-CIO sponsored delegation of prominent African American labor leaders traveled to Alabama in November to see first-hand the devastating impact that the Alabama law has had on immigrant workers and their families. The delegation met with teachers and students, workers and their families, and small business owners to hear and capture their stories. [See <http://www.aflcio.org/Issues/Immigration> to read the report, “Crisis in Alabama: Investigating the Devastating Effects of HB 56.”]
- The Women’s Refugee Commission issued a report in April examining the status of non-deportable immigrants in detention centers in rural Alabama. As the report notes, immigration violations are civil, not criminal, infractions yet these non-criminal detainees – many of whom have final orders for removal but cannot or will not be removed often because there are no diplomatic relations with their home country or because the individual is stateless – live alongside criminal inmates at the Etowah Detention Center in Alabama. [See “Politicized Neglect: A Report from Etowah County Detention Center,” at <http://www.womensrefugeecommission.org/>.]

- When immigrant mothers and fathers are detained or deported, their children may end up in foster care. “Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System,” explores the extent to which children in foster care are prevented from reuniting with their detained or deported parents and how the child welfare system fails to adequately work to reunify these families. According to the Applied Research Center (ARC), author of the November 2011 report, there are at least 5,100 children living in foster care who are prevented from reuniting with their detained or deported parents. The report includes recommendations on steps that need to be taken to address this problem. [See <http://arc.org/shatteredfamilies> to read the report.]
- The Migration Policy Institute (MPI) released three new reports in April, looking at the immigration flow of Black Immigrants from Africa and the Caribbean, their Demographics and Well-Being, based on a number of indicators. The reports show the diversity of these immigrants and find that 813,000 children under the age of 10 have parents who are Black immigrants from the Caribbean or Africa, accounting for nearly 12 percent of all young Black children in the United States. [All three reports can be found at <http://www.migrationpolicy.org/>.]
- Another report by the Migration Policy Institute, “Up for Grabs: The Gains and Prospects of First-and Second-Generation Young Adults,” finds that youth and young adults from immigrant families represent one in four people in the U.S. between the ages of 16 and 26. This report profiles first-and second-generation young adults in this age group finding that “they differ widely in their language, age of arrival, citizenship status, gender, and race and ethnicity – all factors that have a profound effect on their educational and workforce outcomes.” [This November 2011 report is at <http://www.migrationpolicy.org/pubs/youngadults-upforgrabs.pdf>.]
- “Gaming the System 2012: Guest Worker Visa Programs and Professional and Technical Workers in the U.S.,” looks at the array of skilled worker visas available to employers, which are ripe for abuse by unscrupulous employers. The report by the Department for Professional Employees (DPE), AFL-CIO, notes that guest workers can find themselves in working conditions akin to indentured servitude, bound to one employer for the duration of the visa, which can be up to six years. They also find that U.S. citizens and permanent residents have few protections against employers who game the system. DPE concludes that comprehensive reform, and not piecemeal changes, is imperative to protect workers and rein in employers. [DPE’s report is available at <http://dpeaflcio.org/programs-publications/issue-fact-sheets/>.]

## **LGBT**

- In a new policy brief, the Center for American Progress (CAP) reminds us that communities of color throughout the U.S. still face economic challenges and fewer opportunities than their white counterparts. These issues, they found, are exacerbated for gay and transgender people of color, who bear the brunt of the disparities faced by both the gay community and communities of color. They previously reported that the combined exposure to antigay and/or antitransgender policies, along with institutionalized racial discrimination, derails black gay and transgender Americans’ financial stability, creates barriers to accessing quality health care, and erodes safeguards for gay and transgender families. The same is true for other gay and transgender communities of color. As a result, gay and transgender people of color face high rates of unemployment or underemployment, overall lower rates of pay, higher rates of poverty and a greater likelihood of being uninsured. [To read the April 13 brief, go to [http://www.americanprogress.org/issues/2012/04/lgbt\\_comm\\_of\\_color.html](http://www.americanprogress.org/issues/2012/04/lgbt_comm_of_color.html).]
- On March 26, the Human Rights Campaign (HRC) obtained copies of the anti-gay marriage organization, National Organization for Marriage’s (NOM), confidential strategy documents outlining their goal to divide African Americans and Latinos from LGBT Americans. Among the key findings that emerge from the court-ordered disclosure are that NOM’s goal is to “drive a wedge between gays and blacks,” and “to make support for marriage a key badge of Latino identity.” [To read about the confidential strategy documents, see <http://www.hrc.org/blog/c/nom-exposed/P10>.]
- In its most recent Corporate Equality Index (CEI), the Human Rights Campaign (HRC) rated 850 businesses, including the entire Fortune 500, on their LGBT workplace policies. In this annual report HRC has chronicled the changes that have taken place on behalf of lesbian, gay, bisexual and transgender (LGBT) equality in the workplace since its first report in 2002. With no federal workplace protections for LGBT workers, only 13

businesses received top scores in 2002, the first year the CEI was released. This year, with more stringent criteria in place – including equal health coverage for transgender individuals – 190 corporations received a 100 percent score. [See “Corporate Equality Index 2012,” at <http://www.hrc.org/resources/entry/corporate-equality-index-2011>.]

- An [April report found that strict voter ID laws may also disenfranchise up to 25,000 transgender voters](#). The report by the Williams Institute at UCLA School, “The Potential Impact of Voter Identification Laws on Transgender Voters,” explains that transgender people who have transitioned to live in a gender different from that assigned to them at birth face unique obstacles to obtaining documents that correctly reflect their gender. In November, 88,000 such transgender people will be eligible to vote in the nine states that have adopted photo ID laws and the study found that at least 25,000 of them living in strict voter ID states do not have updated driver’s licenses that reflect their gender. In the U.S. as many as 40 percent of transgender people reported not having an updated driver’s license and 74 percent reported not having an updated passport; many such individuals are low-income, minority, youth, students and people with disabilities. Requirements for updating state-issued IDs vary widely by state and can be challenging and costly. Federal requirements also vary by agency, according to the report. [See <http://www.projectvote.org/blog/2012/04/strict-voter-id-laws-may-disenfranchise-25000-transgender-voters-study-finds/#more-2405> for background and link to the April 2012 study.]
- In November 2011, the [United Nations High Commissioner for Human Rights](#) submitted to the United Nations Human Rights Council a report they had requested documenting laws and practices and acts of violence against individuals based on their sexual orientation or gender identity. The report also looked at how international human rights law could be used to end violence and related human rights violations based on sexual orientation and gender identity. [The report, “Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity,” can be found at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-41\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-41_en.pdf).]
- [Data on electoral victories](#), collected independently by the Gay and Lesbian Victory Fund and Keen News Service, indicate that in November 2011, 47 of 63 openly LGBT candidates on the ballot won their elections, including eight of nine mayoral candidates. Four of five openly gay candidates won in North Carolina; the first openly LGBT city councilmember was elected in Missoula, Montana; and the Houston and Indianapolis City Councils elected an openly LGBT member. The country’s first openly gay African American Republican mayor was also elected in Chatham, New Jersey. More recently, the third openly gay or lesbian African American was elected to the Georgia House of Representatives in a special election (which also has a fourth LGBT member). [For complete results, see <http://www.victoryfund.org/home> and November 9, 2011, “Winning day for openly LGBT candidates,” Keen News Service, at <http://www.keennewservice.com/2011/11/09/winning-day-for-openly-lgbt-candidates/>.]

## **Women’s Rights**

- There have been a number of recent [reports on gender pay differences](#), including:
  - The [White House](#) released the “Equal Pay Task Force Accomplishments Report: Fighting for Fair Pay in the Workforce,” providing a detailed progress report on the work of the Task Force towards the goal of closing the gender pay gap. The report includes information from each of the agencies involved in the interagency Task Force. [The April report is at [http://www.whitehouse.gov/sites/default/files/equal\\_pay\\_task\\_force.pdf](http://www.whitehouse.gov/sites/default/files/equal_pay_task_force.pdf).]
  - The [American Association of University Women](#) (AAUW) released a new study that includes state-by-state equal pay rankings. “The Simple Truth about the Gender Pay Gap,” charts the wage gap in the 50 states and the District of Columbia. AAUW found the wage gap is narrowest in Washington DC – where women on average earn 91 cents for every dollar earned by their male counterparts – while the state with the worst earnings ratio is Wyoming – where women make 64 percent of men’s earnings. The national average puts women at 77 percent of men’s earnings. [The 2012 Edition of this report is at <http://www.aauw.org/media/pressreleases/EqualPayRankings2012.cfm>.]

- The Institute for Women’s Policy Research (IWPR) released a Fact Sheet on “The Gender Wage Gap by Occupation.” Among the findings is that women’s median earnings are lower than men’s in nearly all occupations, whether they are in occupations predominantly done by women or by men or those with a more even mix of men and women. [The Fact Sheet is at <http://www.iwpr.org/>.]
- A report by the U.S. Government Accountability Office, “Gender Pay Differences: Progress Made, but Women Remain Overrepresented among Low-Wage Workers,” found that women with a high school degree or less tended to work in industries and occupations, such as health care and social assistance, that had lower wages than those in which men worked. But even when less-educated men and women worked in the same broad industry or occupation category, these women’s average hourly wage was lower than men’s. [The October 2011 report (GAO-12-10) is at <http://www.gao.gov/new.items/d1210.pdf>.]
- At a White House Forum on Women and the Economy, the White House Council on Women and Girls released a report detailing some of the policies and programs supporting women and girls. The report, “Keeping America’s Women Moving Forward,” acknowledges the continued pay gap and how a woman with a college degree doing the same job as a man will earn hundreds of thousands of dollars less over the course of her career. [The April 6 report is at [http://www.whitehouse.gov/sites/default/files/email-files/womens\\_report\\_final\\_for\\_print.pdf](http://www.whitehouse.gov/sites/default/files/email-files/womens_report_final_for_print.pdf).]
- The US Department of Labor (DOL) released an on-line publication designed to help women find and keep higher paying jobs in the clean energy arena. The resource guide provides information about a range of in-demand and emerging jobs, as well as job training opportunities and career development tools in the clean energy sector. [“The February 6 Guide, “Why Green is Your Color: A Woman’s Guide to a Sustainable Career,” is available at <http://www.dol.gov/opa/media/press/wb/WB20120201.htm>.]
- The National Women’s Law Center (NWLC) has released two Fact Sheets related to Title IX and Athletics. In “Debunking the Myths About Title IX and Athletics,” it raises and responds to various questions about how Title IX impacts school athletic programs and what is and is not required. “The Battle for Gender Equity in Athletics in Elementary and Secondary Schools,” examines the importance of equal sports opportunity for girls in elementary and secondary school athletic programs and complaints of discrimination in opportunities for girls’ athletic programs that have arisen in some states. [The January 30 Fact Sheets are available at <http://www.nwlc.org/our-issues/education-%2526-title-ix/athletics>.]
- A January report done for the National Partnership for Women and Families found that providing paid family leave for workers leads to positive economic outcomes for families, businesses and the public. Women who use paid leave are far more likely to be working nine to 12 months after a child’s birth and report increased wages from pre-to-post-birth. The report, done by the Center for Women and Work at Rutgers, the State University of New Jersey, also found that women who take paid leave are about 40 percent less likely to receive public assistance and to use food stamps in the year following the child’s birth, when compared to those who do not take any leave. The Center also looked at the experience in five states – California, Hawaii, New Jersey, New York and Rhode Island – which have created disability programs that allow women to recover some lost wages during and immediately after pregnancy. [See “Pay Matters: The Positive Economic Impacts of Paid Family Leave for Families, Business and the Public,” at [http://www.nationalpartnership.org/site/News2?page=NewsArticle&id=29356&security=2141&news\\_iv\\_ctrl=1741](http://www.nationalpartnership.org/site/News2?page=NewsArticle&id=29356&security=2141&news_iv_ctrl=1741).]
- In a November 22 report on family economic security, Wider Opportunities for Women (WOW) found that 45 percent of Americans are unable to cover their basic expenses. WOW’s report, “Living Below the Line: Economic Insecurity and America’s Families,” tells the story of the relationship between economic security and gender, race/ethnicity, family structure and education.” [See <http://www.wowonline.org/livingbelowtheline.asp> to read the report.]