

CIVIL RIGHTS NEWS

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

MARCH 2007

In This Issue:

- Civil Rights
- Voting Rights
- Immigration
- LGBT Developments
- Women's Rights
- Civil Liberties
- Resources

CIVIL RIGHTS

FEDERAL NEWS

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

Title VII Federal Lawsuit. The EEOC, responsible for enforcing federal laws prohibiting employment discrimination based on race, color, gender (including sexual harassment and pregnancy), religion, national origin, age, disability and retaliation, filed an employment discrimination class lawsuit against the Walgreens Company alleging widespread racial bias against thousands of African American workers. Walgreens is the nation's largest drugstore chain with fiscal 2006 sales of \$47.4 billion. The company operates 5,584 stores in 47 states and Puerto Rico."

The EEOC charged in the suit that Walgreens assigns managers, management trainees, and pharmacists to low-performing stores and to stores in African American communities because of their race. The EEOC also claims that Walgreens denies these managers and professionals promotional opportunities based on race in violation of federal law.

Walgreens' actions were investigated by the St. Louis and Miami district offices of the EEOC after more than 20 current and former employees from around the country complained to the federal agency. The EEOC filed the litigation under Title VII of the Civil Rights Act of 1964 (Case No. 07-cv-00172-MJR-CJP) in the U.S. District Court for the Southern District of Illinois, after first attempting to reach a voluntary settlement with Walgreens. [See EEOC March 7 press release, under News, at www.eeoc.gov and "EEOC Sues Walgreens, Alleging Nationwide Race Discrimination," March 8 BNA Daily Labor Report, Page A-1, ISSN 1522-5968.]

A group of current and former African American managers filed a private lawsuit making similar allegations in June 2005. That lawsuit is currently pending in the U.S. District Court for the Southern District of Illinois, and the plaintiffs in that case have asked the court to certify it as a class action.

Racial Discrimination Initiative. Early this year, the Equal Employment Opportunity Commission (EEOC) launched the Eradicating Racism and Colorism from Employment (E-RACE) Initiative. Racial discrimination is the most frequent charge received by the EEOC. The new initiative is designed to identify and implement new strategies to strengthen the enforcement of Title VII, educate and alert the public about the racial discrimination in employment, and to utilize and focus the resources of the Commission to stem racial discrimination.

The E-RACE Initiative's objectives are to improve EEOC's efforts to ensure that workplaces are free of race and color discrimination, strengthen partnerships with worker advocates and state and local human rights commissions and increase outreach to address race and color discrimination in the workplace. [See EEOC's website at www.eeoc.gov and click on E-RACE under Initiatives.]

THE U.S. DEPARTMENT OF LABOR (DOL)

The US Department of Labor launched a new program to promote the employment of people with disabilities. The initiative is a joint effort of labor unions, government agencies, and businesses. The initiative, Alliance on Disability Efforts, announced in March will promote the hiring and advancement of workers with disabilities. [Additional information is available at www.dol.gov/odep/alliances/index.htm.]

FEDERAL JUDICIAL NOMINATIONS

In November 2006, the President renominated six previously blocked candidates for the federal appeals court, nominees opposed by civil rights advocates because of their past civil rights records. With the change in leadership in the 2007 Congress, the White House announced in early January that it would accept the withdrawal of some of the most controversial judicial nominees: William Haynes, Terrence Boyle and William Myers. Michael Wallace had previously removed his name from nomination as well. Since January, the President has submitted over 40 names for federal court nominations to the U.S. Senate. [For more information regarding federal judicial nominations, see the Leadership Conference on Civil Rights' Save Our Courts website at www.saveourcourts.org; for the names of new nominees submitted by the President to the Senate, see <http://www.whitehouse.gov/infocus/judicialnominees>.]

CONGRESS

The Employee Free Choice Act (EFCA). The EFCA would establish stronger penalties for violation of employee rights when workers seek to form a union, as well as during first-contract negotiations. It would also provide mediation and arbitration for first-contract disputes. And, it would allow employees to form unions by signing cards authorizing unionization.

This legislation is important for all workers but its impact would be even greater for minorities and women. Union membership raises workers' pay and narrows the income gap that disadvantages women and minorities. According to the U.S. Department of Labor Statistics, union workers earn 30 percent more than nonunion workers. [See U.S. Department of Labor, Bureau of Labor Statistics, "Union Members in 2007," January 2007.]

Union women earn 31 percent more than nonunion women. African American union members' earnings are 36 percent more than their nonunion counterparts. The advantage for Latino union workers is 46 percent, while it is 8 percent for Asian American workers. [See www.aflcio.org for more information on EFCA and the union difference for women and minorities.]

According to Pride At Work (PAW), the Employee Free Choice Act is especially important for lesbian, gay, bisexual and transgendered (LGBT) workers because union contracts so often provide LGBT workers with protections and benefits that are not mandated by any federal laws or many state laws [see <http://prideatwork.org>].

Raising the Minimum Wage. The U.S. House of Representatives passed the Fair Minimum Wage Act of 2007 on January 10, as part of its first 100 hours agenda. Under that bill the minimum wage would rise from \$5.15 to \$5.85 within 60 days of the bill becoming law; to \$6.55 a year after that and to \$7.25 the following year. While the wage increases in the bill passed by the U.S. Senate mirror that of the House, the Senate bill also includes an \$8.3 billion package of business tax incentives. The House then passed a new minimum wage bill with a smaller (\$1.3 billion) package of tax breaks. A conference committee will have to address the differences in the legislation.

In the meantime, both the House and the Senate included their differing versions of the minimum wage bill in the \$121 billion emergency-spending bill passed in March, that includes conditions on the President's use of troops in Iraq. Since the House and Senate versions of this bill differ in many respects, House and Senate conferees will have to work out the differences. If they do so and the bill they send to the President becomes law, then the minimum wage increase would become law. If the President vetoes this emergency-funding bill, as he has promised to do, then the House and Senate still have the chance to work out their differences on the stand alone minimum wage bills they already have adopted.

About 14.9 million workers will benefit from an increase in the federal minimum wage, with women and people of color particularly benefiting because they disproportionately work in minimum wage jobs: 59 percent of minimum wage workers are women; 40 percent are people of color; 16 percent are African Americans; and 19 percent are Hispanic. [See January 31 Press Release by the Leadership Conference of Civil Rights at www.civilrights.org and a January 27 report by the Joint Center for Political and Economic Studies, "Raising the Minimum Wage: The Impact of the Fair

Minimum Wage Act of 2007 and State Minimum Wage Increases on U.S. Workers, by Race and Ethnicity,” at www.jointcenter.org.]

Federal Hate Crimes Act. On March 20, the Local Law Enforcement Hate Crimes Prevention Act was introduced in the House. This legislation gives the U.S. Department of Justice (DOJ) the power to investigate and prosecute bias motivated violence where the victim has been selected because of the person’s actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability. It also authorizes DOJ to aid state and local jurisdictions and makes grants available to state and local communities to combat violent crimes committed by juveniles, train law enforcement officers or to assist state and local investigations and prosecutions of bias based crimes. [See www.civilrights.org for more information on this legislation.]

STATE NEWS

AFFIRMATIVE ACTION

Michigan. Michigan Governor Jennifer Granholm directed the Michigan Civil Rights Commission to determine the effect of the Michigan Civil Rights Initiative (MCRI), the proposition passed in the recent November election which banned certain affirmative action plans, on certain state agencies, programs and policies. The Commission determined that the MCRI does not eliminate all affirmative action programs, “only those that grant preferential treatment based on race, sex, color, ethnicity and national origin in the operation of public employment, public education, and public contracting.” They also found that the MCI does not mean an end to equal opportunity in Michigan.

The Michigan Civil Rights Commission reviewed 45 state programs and statutes. They determined that only eight of the 45 programs may in be jeopardy. Those eight programs include collective bargaining agreements and minority and women-owned businesses. [See March 2007 Commission report “One Michigan at the Crossroads: An Assessment of the Impact of Proposal 06-02 at www.michigan.gov/mdcr.]

The struggle over the constitutionality of the MCRI continues. A Detroit federal judge has agreed to hear arguments in September 2007 in a lawsuit that challenges the constitutionality of the Michigan Civil Rights Initiative.

VOTING RIGHTS

FEDERAL NEWS

DOJ CHALLENGE BASED ON VOTING RIGHTS ACT

Citing violation of Section 2 of the Voting Rights Act of 1965, the U.S. Department of Justice (DOJ) filed a lawsuit in December 2006 against the Village of Port Chester, NY seeking a preliminary injunction to stop the village from using its current electoral system in a scheduled vote on March 20, 2007. The DOJ advised the Village of Port Chester to rewrite its election laws

because the laws denied Hispanics a seat in the local governing body. Hispanics make up 46% of the population and 22% of the voting age population. However, no Hispanic holds political office. The Justice Department's claim is that Port Chester's "at large" voting system denies Hispanics representation.

On March 3, following a two week hearing, the Federal judge granted the Justice Department's request for a preliminary injunction to halt the March 20 election. The trial date in this matter is set for April. [See DOJ's press releases and the Bench Decision in *United States of American v. Village of Port Chester* by U.S. District Court, Southern District of New York, Case No. 06 Civ. 15173 (SCR), available at the DOJ website at www.usdoj.gov.]

CONGRESS

DC Voting Rights. Legislation to increase the number of members in the U.S. House of Representatives by two – one for Washington DC and one for Utah – was reintroduced at the beginning of this year's session. The bill (HR 1433) was adopted by two committees – the House Judiciary Committee (by a vote of 21 to 13) and the House Committee on Oversight and Government Reform (by a 24 to 5 vote). The House began debate on the bill but the bill was temporarily pulled after amendments to strike DC's gun safety law were offered. The House may consider the issue again in April. The President has threatened to veto the bill if passed. [See www.norton.house for more information about the legislation, as well as the December 2006 *Civil Rights News*.]

STATE AND LOCAL NEWS

Felony Disenfranchisement

Maryland. The Maryland State Senate and the General Assembly approved a bill (SB 488) that would repeal the three-year waiting period after completion of sentence that individuals currently face before they have the right to vote again. The legislation would also repeal the lifetime ban on voting for people who have committed more than one violent offense, and allow them to vote once they have completed their sentence. [See www.sentencingproject.org and www.aclu.org/votingrights for more information on felony disenfranchisement.]

Virginia. Virginia's legislature appointed a committee to study restoring the voting rights of felons, a key topic in a state where an estimated one in four black men cannot cast ballots because of felony convictions for crimes ranging from violent offenses to writing bad checks. Under current state law, voting rights can only be restored after those who have served sentences petition the governor, who decides whether or not to reinstate the right to vote. Yet, out of 270,000 Virginians banned from voting because of convictions, governors for more than a decade have restored the rights of only 122 people a year. Changing this system would require an amendment to the state's constitution, meaning any change to the system would take at least four years. [See the February 22, 2007 (*Norfolk Virginian-Pilot*), "General Assembly Briefs: New rules set for drug felons."]

IMMIGRATION

FEDERAL NEWS

U.S. DEPARTMENT OF HOMELAND SECURITY

Citizenship Fee Increases. On February 1, the U.S. Citizenship and Immigration Service (USCIS), within the U.S. Department of Homeland Security (DHS), published a notice in the Federal Register of its intent to significantly raise fees for its services. Under its proposal, the cost for permanent residency applications would rise by 178%, from \$325 to \$905. The cost of citizenship applications would increase from \$330 to \$595, an 80% increase. There is a 60-day comment period, ending April 2, 2007, on the proposed fee increase. Advocates and Members of Congress have raised concerns regarding the fee increases. The House Judiciary Subcommittee on Immigration held a hearing on February 14 to examine the proposed fee increases. [See webcast of hearing at <http://judiciary.house.gov/committeestructure.aspx?committee=4>]

Treatment of Immigrant Detainees. A recently released report by the U.S. Department of Homeland Security's Office of Inspector General (OIG) examined the treatment of immigrant detainees at the five facilities used by the U.S. Immigration and Customs Enforcement (ICE) to house immigration detainees. It found instances of violations at all five facilities in California, Florida, New Jersey and Pennsylvania. The report focuses on detention standards regarding health care, environmental health and safety, general conditions of confinement and reporting of abuses. On health care standards, the report found violations at four of the five facilities, including timely initial and responsive medical care. Also identified were environmental health and safety concerns at three of the five facilities reviewed. The OIG made 13 recommendations for addressing the non-compliance issues identified in the report. [See "Treatment of Immigration Detainees Housed at Immigration and Customs Enforcement Facilities," OIG-07-01, December 2006.]

Family Detention Centers. The Department of Homeland Security's use of a former Texas prison to house undocumented immigrant families and children has been challenged in the courts, by members of Congress and in a recently released report. Reportedly, about 400 individuals – including about 200 children – are being housed at the family detention center in Taylor, Texas. This facility was formerly a prison that was operated by the Corrections Corporation of America, which still runs this center. A former nursing home in Leesport, PA is also being used to detain immigrant families.

The American Civil Liberties Union (ACLU) filed a lawsuit on March 6, on behalf of ten immigrant children, ages 3 to 16, challenging their illegal detention in the Texas facility which, according to ACLU, "is a converted medium-security prison that is still functionally and structurally a prison." [See "ACLU Challenges Illegal Detention of Immigrant Children Held in Prison-Like Conditions," ACLU press release on March 6, 2007 at www.aclu.org/immigrants.] According to the ACLU, in 2005 and 2006 Congress directed DHS to keep families together, either by releasing them or using alternatives to detention. Congress also directed that if detention was necessary,

immigrant families should be housed in non-penal, homelike environments. ACLU claims that the Texas facility fails that standard.

On February 22, the Women's Commission for Refugee Women and Children and the Lutheran Immigration and Refugee Services released a report about the family detention centers. While the report noted concerns about both the Texas and Pennsylvania detention centers, it focused primarily on the Taylor, Texas facility, finding that the conditions were inhumane for the children kept there and it should be shut down. [See "LOCKING UP FAMILY VALUES: The Detention of Immigrant Families," February 2007, available at www.lirs.org; see also February 22 article, "Groups seek shutdown of Texas center for immigrant families," at www.bostonherald.com, and "Immigration's net binds children too," www.latimes.com on February 10, 2007.]

THE CENTERS FOR MEDICARE & MEDICAID SERVICES (CMS)

Typically the Medicaid program automatically provides healthcare for babies born to Medicaid eligible mothers during their first year, as long as the mother remains eligible. Under language included in the preamble to summer 2006 regulations, CMS indicated their position that babies born to mothers on emergency Medicaid – who may receive care for labor and delivery – would not receive that care unless the parents could document their children's citizenship. The National Immigration Law Center (NILC), state governments and others raised questions regarding CMS' new policy.

In response to concerns that some new U.S. born babies may not be receiving essential healthcare, CMS recently reversed its new policy and told states that all eligible newborns would qualify for Medicaid care without having to show documentation of citizenship. [See "U.S. to Ease Illegal Immigrants' Children's Access to Medicaid," at www.washingtonpost.com on March 21; see also December 2006 *Civil Rights News*.]

CONGRESS

New Immigration Bills Introduced. On March 22, 2007, a new bill was introduced in the House by Representatives Luis Gutierrez (D-IL) and Jeff Flake (R-AZ). The bill, the Security Through Regularized Immigration and a Vibrant Economy Act of 2007 (STRIVE) will be referred to the House Judiciary Committee, whose Immigration Subcommittee plans to hold hearings on immigration matters before moving forward any legislation.

Also introduced was legislation addressing H-1B and L-1 visa fraud and abuse. The bill by Senators Dick Durbin (D-IL) and Charles Grassley (R-IA) would overhaul the H-1B high-skill visa program and L-1 intra-company transfer visa programs by strengthening worker protection and enforcement authority at DOL.

STATE AND LOCAL NEWS

According to the National Conference of State Legislatures, 570 immigration-related pieces of legislation were introduced in the states during 2006; 84 bills in 32 states actually became law. Most locally passed anti-immigrant ordinances have been stopped by the courts following

challenges by advocacy groups. In 2007, state and local governments continue to propose legislation on immigration. [See www.ncsl.org]

Some examples of recent developments are provided below.

Virginia – The House of Delegates adopted various anti-immigrant proposals, including a proposal to strip charities and other organizations of state and local funding if any of the money is used to provide services to immigrants who are in the country illegally. [See “Va. House Approves Bill On Illegal Immigration” at www.washingtonpost.com on January 31, 2007.] According to the ACLU in Virginia, Senate Committees have turned back this and other House of Delegates’ passed bills. [See www.acluva.org]

Valley Park, MO – A St. Louis County Circuit judge ruled that the city’s ordinances targeting undocumented immigrants clash with state law and are therefore unenforceable. Since the original ordinances were adopted, however, the city adopted new ones to replace the challenged ones, so their enforceability is still in question. ACLU and the Mexican American Legal Defense Fund (MALDEF), who challenged the original ordinances, have now challenged the latest ordinance as well. [See March 13, 2007 story, “Valley Park loses in court on immigration ordinance,” at www.stltoday.com and www.maldef.org regarding the decision and the new challenge.]

Hazleton, PA – The U.S. District Court for the Middle District of Pennsylvania ruled that the plaintiffs in the case against Hazleton’s ordinance that would penalize landlords who rent to undocumented individuals or employers that hire such individuals do not have to disclose their immigration status. Hazleton’s ordinance was used as a model by a number of other cities that have proposed or adopted laws, most of which also have been challenged in the courts. The nine-day trial on the Hazleton case ended on March 22; final legal briefs from all parties are due to the court on May 5. The challenged ordinance was revised three times, including the night prior to the last day of trial, a fact noted by the court. [For information regarding this case, *Pedro Lozano et al v. City of Hazleton*, see www.prldef.org. See also “IIRA trial ends: Nation awaits decision on Hazleton immigration law,” in the Hazleton, PA *Standard-Speaker* at www.standardspeaker.com on March 23, 2007.]

LGBT DEVELOPMENTS

STATE NEWS

The **Arkansas** Senate approved a bill (SB 959) to reinstate a ban on gay foster parents that was struck down by the state Supreme Court last year. It would also ban gays from adopting children and prohibit unmarried couples living together from fostering or adopting children. [See story by KTHV Little Rock on March 14 at www.todaysthv.com.] On March 27, however, the Arkansas House Judiciary Committee rejected SB 959. [See www.aclu.org/lgbt.]

Iowa adopted legislation that prohibits bullying, harassment, threats or intimidation in the schools. The bill, SF 61 – the School Anti-Bullying and Anti-Harassment Act – seeks to protect students by

providing specific policy on the issue. It would impact students based on a number of traits or characteristics including sexual orientation and gender identity. The Governor signed the bill into law on March 5. [See Statement by the Governor at www.governor.iowa.gov and <http://www.legis.state.ia.us/Legislation.html> for bill language.]

On March 27, the Iowa Senate, by a vote of 32 to 17, also adopted legislation (SF 427) to provide statutory protection against discrimination based on gender identity or sexual orientation. [See <http://www.legis.state.ia.us/Legislation.html> for copy of legislation - look under bill number - and status of bill - look under subject matter-civil rights.]

A **Michigan** appeals court ruling early this year bans public universities and state and local governments from providing health insurance to partners of gay employees. The ruling has raised concern because it was based on the view that providing such benefits to same-sex couples could be interpreted as violating the state's anti-gay marriage law.

This is the first such ruling and raises concerns for some advocates about whether similar rulings prohibiting domestic partner benefits could follow in the 17 other states that ban gay marriage and also prohibit the recognition of civil unions or same-sex partnerships. [See February 8, 2007 AP story, "Mich. Ruling alarms gay rights advocates," at www.boston.com.]

New Jersey became the ninth state to adopt statutory nondiscrimination protections based on gender identity and expression. The change was adopted by overwhelming votes in both the Assembly (69 to 5 vote) and the Senate (31 to 5 vote). [For more information, see www.nglrf.org.]

WOMEN'S RIGHTS

FEDERAL AND NATIONAL NEWS

U.S. DEPARTMENT OF LABOR (DOL)

FMLA. According to the National Women's Law Center (NWLC), since the Family and Medical Leave Act (FMLA) was adopted 14 years ago, 80 million workers - 58% of them women - have taken advantage of the law's provision for leave. Under the FMLA, individuals may take 12 weeks of leave for childbirth or adoption or to deal with their own or a family member's serious health condition. The NWLC, the Coalition of Labor Union Women, and the National Partnership for Women and Families were among the many advocates of the FMLA that submitted comments to the DOL, which on December 1, 2006 announced it was seeking comments on a wide-ranging information request regarding the FMLA. [See www.nwlc.org, www.cluw.org and www.nationalpartnership.org for their comments.]

CONGRESS

Paid Sick Leave. In March, legislation was introduced in both the Senate (S. 910) and the House (HR 1542) that would guarantee seven paid sick days a year to workers employed by companies with at least 15 employees. Under the legislation, the Healthy Families Act, workers could take the leave for their own medical condition, doctor appointments, or preventative or diagnostic

treatment. They could also use it to care for a family member with comparable needs. The bill would provide part-time employees working between 20 and 30 hours a week or between 1,000 and 1,500 hours a year with prorated leave and would allow employers to request certification from employees who request three or more consecutive days off.

According to the National Partnership for Women and Children, nearly half the country's workers in the private sector – and 79% of low-income workers – do not have a single paid sick day to use for themselves or to care for a family member. The National Partnership has put together a toolkit that includes fact sheets, research and other materials to inform the discussion on this issue. [See “Paid Sick Days for All: An Advocate’s Toolkit,” at www.nationalpartnership.org.]

In the industries that employ the most women – retail trade and accommodations/food service – 55 percent and 78 percent of workers, respectively, are without paid sick days. Even though women are still the primary caregivers, 40% of working women lack both sick and vacation leave. [See February 2007 Fact Sheet, “Women and Paid Sick Leave: Crucial for Family Well-Being,” by the Institute for Women’s Policy Research at www.iwpr.org.]

U.S. AND GLOBAL POLICIES FOR WORKING FAMILIES

U.S. policies to ensure decent working conditions for families still lag dramatically behind those of all high-income countries and many middle-and low-income countries, according to a study released by McGill University’s Institute for Health and Social Policy (IHSP). The report, “The Work, Family and Equity Index: How Does the United States Measure Up?” is available at www.mcgill.ca/ihsp. Using updated and expanded data from an earlier 2004 study, this 2007 report found that:

- Out of 173 countries studied, 168 guarantee paid maternal leave, with 98 of these countries offering 14 or more weeks of paid leave. The U.S. provides no paid leave for mothers. Lesotho, Liberia, Swaziland and Papua New Guinea are the only other countries studied that do not guarantee leave with income to mothers.
- Sixty-five countries grant fathers either paid paternity leave or paid parental leave, with 31 of these countries offering 14 or more weeks of paid leave. The U.S. guarantees fathers neither paid paternity nor paid parental leave.
- At least 145 countries provide paid sick days for short- or long-term illnesses, with 127 providing a week or more annually. The U.S. provides unpaid leave only for serious illnesses through the Family & Medical Leave Act, which does not cover all workers, and has no federal law providing for paid sick days.
- One hundred and thirty-seven countries require employers to provide paid annual leave. The U.S. does not.

CIVIL LIBERTIES

FEDERAL NEWS

NATIONAL ID REQUIREMENT

On March 1, the U.S. Department of Homeland Security (DHS) issued draft regulations on implementation of the Real ID Act, legislation that calls for the creation of a uniform, national driver's license and database. Comments on these regulations are due in 60 days.

The 2005 Real ID law (Public Law 109-13) stipulates that state driver's licenses (DL) and state identify cards (ID card) will not be accepted for federal purposes – such as boarding an aircraft or entering a federal facility – unless the DL or ID card meet all of the conditions of the law and implementing regulations.

Concerns have been raised by the states, Members of Congress and civil rights and civil liberties' advocates, both about the costs to the states of implementing this law and the civil rights and civil liberties implications of a national ID card and database. The law requires every state to verify each document used to establish an individual's identify (e.g., birth certificate, passport) and to determine the citizenship or immigration status of each applicant for a DL or ID card. The new computerized database will be shared with other states and the federal government.

The law requires states to begin implementation of the Act in March 2008 and to have reissued DL or ID cards to everyone by May 11, 2013. In March 2007, in response to complaints by the states and by Members of Congress, DHS extended the deadline by which states must begin implementation of the Act, to December 31, 2009.

Bipartisan legislation has been introduced in the Senate (S 717) to address the serious privacy and civil liberties concerns that have been raised about the Real ID Act. A similar bill has been introduced in the House (HR 1117). [For more information on the civil liberties concern about this Act, see www.aclu.org.]

STATE NEWS

In January 2007, Maine's legislature became the first state to adopt a joint resolution stating that the state would refuse to implement the Real ID Act. The Idaho Legislature took a similar step and by early March, at least one chamber in eight additional states had adopted proposals to reject implementation of the Real ID law and similar legislation had been introduced in another 13 states. Cost of implementation is one major concern for the states, particularly since the federal government assumes that the states will pay for most of those costs. The National Conference of State Legislatures (NCSL), the National Governor's Association and the American Association of Motor Vehicle Administrators issued a report finding that the cost to the states of implementing the Real ID Act would be more than \$11 million over five years. [For more information regarding state-by-state activity and state's concerns on the matter, see www.ncsl.org.]

RESOURCES

KEY CIVIL, HUMAN AND WOMEN'S RIGHTS REPORTS

Civil Rights

- The United States Equal Employment Opportunity Commission (EEOC) released 2006 statistics on discrimination charges filed. The most frequently filed claims with the EEOC were allegations of race discrimination, racial harassment, or retaliation arising from opposition to race discrimination. In Fiscal Year 2006 (October 1, 2005 to September 30, 2006), 27,238 charges alleged race-based discrimination, accounting for 36% of the charges filed that year. The report shows the greatest increase in discrimination charges filed against private sector employers since 2002. The release is available at www.eeoc.gov/stats/enforcement.html.
- On February 27, the EEOC announced the publication of a question and answer fact sheet on how the Americans with Disabilities Act applies to job applicants and employees in the growing health care industry. The new publication is available at www.eeoc.gov/facts/health_care_workers.html.
- The Citizens' Commission on Civil Rights and the Center for American Progress released a report on March 21 that examines the civil rights record of the Bush Administration. The report, "The Erosion of Rights: Declining Civil Rights Enforcement Under the Bush Administration" is available at www.americanprogress.org.
- A February report by the National Council of La Raza (NCLR) found that unfair and abusive credit card policies and practices trap Latinos in a cycle of debt. The report, "Latino Credit Card Use: Debt Trap or Ticket to Prosperity," examines credit card industry practices and shows that Latinos need greater access to affordable credit. The February 15 report is available at www.nclr.org.

Voting Rights

- States that imposed identification requirements – requiring signature, non-photo identification (ID) and photo ID by voters – could have reduced turnout at the polls in the 2004 presidential election by about 3 percent, as compared to the requirement that voters simply state their names. Requiring non-photo IDs could have reduced Hispanic voting by about 10 percent and for African Americans and Asian Americans by about 6 percent; the difference was only about 2 percent for white voters. The study, "Best Practices to Improve Voter Identification Requirements," prepared by scholars at Rutgers and Ohio State Universities for the U.S. Election Assistance Commission (EAC), supports concerns among voting-rights advocates that blacks and Hispanics could be disproportionately affected by ID requirements. One of the report authors testified about the study before the EAC on February 8, 2007. [For study, see <http://moritzlaw.osu.edu/blogs/tokaji/voter%20id%20and%20turnout%20study.pdf>; for testimony before the EAC, go to <http://www.eac.gov/docs/Public%20Meeting,%202-08-07,%20Testimony%20O'Neill%20and%20Vercellotti.pdf>.]

Immigration

- The Ku Klux Klan has had "a surprising and troubling resurgence" during the past year due to the exploitation of hot button issues such as immigration, gay marriage and urban crime," concluded the Anti-Defamation League (ADL) in a new report this year. According to the ADL, the immigration

debate around the country has helped to fuel the increase in Klan activity. The ADL found that Klan groups have become more active in parts of the country that had not seen much activity in recent years, including the Great Plains States such as Iowa and Nebraska, as well as Mid-Atlantic states such as Maryland, Pennsylvania and New Jersey. [See full report, “Ku Klux Klan Rebounds,” at www.adl.org.]

- According to the Southern Poverty Law Center, under the current H-2 guestworker program, workers are “systematically exploited and abused.” Guestworkers, SPLC found, do not have the ability to change jobs if they are mistreated. Instead, they are tied to the employers who brought them to the United States and if the guestworkers complain about abuses, they face deportation, blacklisting or other retaliation. [See “Close to Slavery: Guestworker Programs in the United States,” released March 12, 2007; available at www.splcenter.org.]
- The Drum Major Institute for Public Policy released its 2007 edition of “Principles for an Immigration Policy to Strengthen and Expand the American Middle Class.” The report is available at www.drummajorinstitute.org.]
- The Asian American Justice Center’s recently released comprehensive report, “Adult Literacy Education in Immigrant Communities: Identifying Policy and Program Priorities for Helping Newcomers Learn English,” is available at www.aajc.org. [See also a previously released report by the National Association of Latino Elected & Appointed Officials (NALEO), “The ESL Logjam: Waiting Times for Adult ESL Classes and the Impact on English Learners,” available at www.naleo.org.]
- The Immigration Policy Center, a division of the American Immigration Law Foundation, has issued a Special Report on “The Myth of Immigrant Criminality and the Paradox of Assimilation: Incarceration Rates among Native and Foreign-Born Men,” Spring 2007; report is available at www.aifl.org.

LGBT Developments

- Between 20 and 40 percent of homeless youth identify as lesbian, gay, bisexual and/or transgender (LGBT), according to a report issued jointly by the National Gay and Lesbian Task Force Policy Institute and the National Coalition for the Homeless. According to the U.S. Department of Health and Human Services, each year between 570,000 and 1.6 million youth run away or are homeless. This means that between 320,000 and 640,000 of these youth are LGBT noted the January 30, 2007 press release about the report. The report, “Lesbian, Gay, Bisexual and Transgender Youth: An Epidemic of Homelessness,” is available at www.thetaskforce.org.
- “Policy Issues Affecting Lesbian, Gay, Bisexual and Transgender Families,” (released 2/13/07) is a new book by Sean Cahill and Sarah Tobias. See www.thetaskforce.org for more information about this book.
- Since individuals have no legal protection against employment discrimination on the basis of their being gay, lesbian or bisexual in 33 states or because they are Transgendered in 42 states, employer policies that prohibit such discrimination are key for GLBT employees. The Human Rights Campaign (HRC) issued its annual list of the top companies that have made a commitment to end discrimination on the basis of sexual orientation and gender identity in the workplace. For the list of the 2007 “Best Places to Work for GLBT Equality,” see www.hrc.org.
- HRC also released its annual report on “Equality from State to State: GLBT Americans and State Legislation.” According to HRC, in 2006: 34 favorable bills were adopted, including 15 in the area of

relationship recognition. Washington State became the 17th state to pass an anti-discrimination law. Five unfavorable bills, unrelated to marriage, became law. The report is available at www.hrc.org.

Women's Rights

- A new report finds unionization holds promise for increasing public investment in childcare and improving working conditions for providers. The report analyzes and provides detailed information on the campaigns to organize childcare providers in eleven states. Child care providers who care for children in the providers' homes are overwhelmingly women and have low earnings and few benefits, making them good candidates for union organizing campaigns, notes the National Women's Law Center (NWLC). [See "Getting Organized: Unionizing Home-Based Child Care Providers," released on March 6 by the NWLC; available at www.nwlc.org under NWLC News.]