

NEWS

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

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CIVIL RIGHTS

FEDERAL NEWS

U.S. SUPREME COURT

Court Hears Oral Arguments in College Diversity Case. On October 10, the U.S. Supreme Court revisited the question of whether a university, in trying to achieve a diverse student body, may consider the race of a student as one of many factors in its admissions policy. The Court last ruled on this issue in 2003 (in *Grutter v. Bollinger*, 539 U.S. 306) when then-Justice Sandra Day O'Connor, writing for the majority, ruled that the University of Michigan Law School could do so. University of Texas (UT) Austin included consideration of race in its admissions' policy (that also looks at grades, leadership qualities, work experience, community service, family responsibilities and a number of other factors) from 2005 through 2008. African American enrollment at UT Austin grew by over 21 percent after 2005. A Texas district court and a panel of the U.S. Court of Appeals for the Fifth Circuit upheld the University's admission policy, finding that it was fully consistent with *Grutter*.

In the current case before the Court, *Fisher v. University of Texas at Austin* (Docket No. 11-345) challenging the university's undergraduate admissions policy, the government and the University argued that a diverse student body is indispensable to the university's mission of educating future leaders for the state and the country. The Court received 73 amici (or "friend of the court") briefs supporting diversity in the *Fisher* case, including one submitted jointly by

the AFL-CIO, NEA, SEIU and People for the American Way. [See <http://www.naacpldf.org/case/fisher-v-texas> for background on the case and http://www.americanbar.org/publications/preview_home/11-345.html to see the numerous amicus (friend of the court) briefs submitted to the Court in this case.]

FEDERAL AGENCIES

U.S. Department of Justice (DOJ)

DOJ and Georgia School District Reach Agreement to Ensure All Students in the District can Enroll in School, Regardless of National Origin or Immigration Status. The agreement resolves issues that led DOJ to investigate allegations that the district improperly notified parents that their children would be withdrawn from school for not providing a social security number and that the district failed to make its enrollment procedures accessible to parents with limited proficiency in English. Under the agreement, the district will provide enrollment and registration information – including information that providing social security numbers is voluntary and has no impact on enrollment – to parents, with limited English proficiency, in a language they understand. The settlement agreement reflects guidance that the Georgia Department of Education had provided to all its school districts in September 2012, after DOJ raised concerns about student enrollment practices in the state. [See DOJ’s November 9, 2012 announcement at <http://www.justice.gov/opa/pr/2012/November/12-crt-1342.html>.]

DOJ Reaches More Than \$175 Million Settlement with Wells Fargo to Resolve Fair Lending Claims. This is the Department’s second largest fair lending settlement agreement reached on behalf of homeowners, particularly African American and Latino borrowers who were charged higher fees or rates when they were steered into subprime mortgages, even when similarly qualified non-Hispanic white borrowers with similar creditworthiness were placed in prime loans. [The largest settlement in DOJ’s history was announced in December 2011 against Countrywide Financial Corporation.] DOJ found that Wells Fargo Bank, the largest residential home mortgage originator in the country, engaged in a pattern or practice of discrimination against qualified African American and Hispanic borrowers in its mortgage lending from 2004 through 2009. Under the settlement, announced on July 12, Wells Fargo will provide \$125 million in compensation for wholesale borrowers who were steered into subprime mortgages or who paid higher fees and rates than white borrowers because of their race or national origin. Wells Fargo will also provide \$50 million in direct down payment assistance to borrowers in communities where the department identified large numbers of discrimination victims and which were hit hard by the housing crisis. [Information about and link to the July 2012 settlement documents are at <http://www.justice.gov/opa/pr/2012/July/12-dag-869.html>.]

DOJ Also Settles \$21 million Fair Lending Discrimination Claims with SunTrust Mortgage, Affiliated with Nation’s 11th largest Commercial Bank. The \$21 million settlement resolves claims by DOJ that the company engaged in a pattern or practice of discrimination that increased loan prices for many qualified African American and Hispanic borrowers who obtained loans between 2005 and 2009. More than 20,000 African American and Hispanic borrowers were charged higher fees and interest rates, not based on their credit risk history but on their race or national origin, in violation of the Fair Housing Act and Equal Credit Opportunity Act. [See <http://www.justice.gov/opa/pr/2012/May/12-crt-695.html> for information about and link to the May 31, 2012 settlement agreement.]

Louisiana School District Settles with DOJ on Full Compliance with Longstanding Desegregation Obligations. In a settlement that addresses part of a desegregation case originally filed by the U.S. in 1966, the Lincoln Parish School Board will adopt a pairing plan for its four elementary schools to address significant racial disparities in student demographics at three of those four schools. The plan creates two schools serving grades K-2 and two schools serving grades 3-5, beginning in the 2012-2013 school year, and revises the district’s student transfer policies. [The May 24, 2012 agreement is at <http://www.justice.gov/opa/pr/2012/May/12-crt-676.html>.]

DOJ and US Department of Education (DOEd) Reach Agreement with University of California, San Diego (UCSD) to Resolve Racial Harassment Complaints. DOJ and DOEd investigated complaints, under Title IV and VI of the Civil Rights Act of 1964, about multiple incidents of racial harassment on campus, including public displays of nooses and a Ku Klux Klan-style hood and the hosting of an off-campus party where students were invited to dress as stereotypes of African-Americans. UCSD voluntarily entered into a resolution agreement to take steps, including revising campus policies and procedures, to prevent racial harassment on campus, respond appropriately when such cases occur and to eliminate any hostile environment resulting from harassment. [See <http://www.ed.gov/news/press-releases/departments-justice-and-education-reach-agreement-university-california-san-dieg> for information about this April 13 Settlement Agreement.]

U.S. Department of Education (DOEd)

DOEd Office for Civil Rights (OCR) Records its Progress in Civil Rights Enforcement Activity Over Past Four Years. In November 2012, OCR released a report, “Helping to Ensure Equal Access to Education,” describing how the office transformed its civil rights enforcement approach to better promote and advance educational equity over the past four years. OCR received almost 29,000 complaints and resolved over 28,500 from 2009 to 2012; both represent a record compared to previous four-year periods in the history of the Department. In addition to investigating civil rights complaints, the OCR reported that it launched over 100 proactive, systemic investigations at schools and colleges across the country, with an emphasis on developing remedies that attack root causes of discrimination. [The OCR report is available at <http://www.ed.gov/news/press-releases/us-department-educations-office-civil-rights-releases-four-year-report-civil-rig>.]

DOEd and the Dearborn, Michigan Public Schools Reach Agreement Resolving a Civil Rights Investigation Begun in 2010. DOEd found that parents with limited English proficiency in the heavily Arab American school district – half of the district’s 30 schools have a majority Arabic student population – were not provided with adequate access to information about the education of their children in a language they could understand. Students learning English were also denied access to nonacademic programs and activities. The school district agreed to take steps to remedy the situation, including developing and implementing a comprehensive, written plan to provide language assistance services to parents that ensures they have meaningful access to the district’s programs and activities and providing interpretation and translation services for all non-English languages. [To read more regarding the agreement, see <http://www.ed.gov/news/press-releases/us-education-department-announces-resolution-dearborn-mich-public-schools-civil->.]

Equal Employment Opportunity Commission (EEOC)

EEOC Commissioner Stuart Ishimaru Resigns. Commissioner Ishimaru resigned from the Commission at the end of April 2012; his term would have expired July 12, 2012. Commissioner Ishimaru, initially appointed by President George W. Bush in 2003, served both as Commissioner and Acting Chair of the Commission during his nine year tenure. [For tribute to Ishimaru by the EEOC see April 11, 2012 statement at <http://www.eeoc.gov/eeoc/newsroom/release/4-11-12.cfm>; see also interview with Ishimaru by the Daily Labor Report at 83 DLR C-1, April 30.] Ishimaru was selected to lead the newly created Office of Minority and Women Inclusion (OMWI) at the Consumer Financial Protection Bureau (CFPB). The new office is charged with promoting diversity at the CFPB and at the financial institutions it regulates. [See April 30 release by CFPB available at <http://www.consumerfinance.gov/newsroom/?date=2012-06-16>.]

EEOC Issues Enforcement Guidance for Employers on Use of Arrest and Conviction Records. EEOC issued guidance on April 25 on how Title VII applies to different situations that an employer may face when considering the arrest or conviction history of a current or prospective employee. The agency made clear that while Title VII does not prohibit employers from requiring applicants or employees to provide arrest or conviction information, it is unlawful to treat job applicants or employees with the same

criminal records differently based on race, color, national origin, religion or sex. The law also prohibits policies or practices that have a disproportionate impact on people of a specific race or national origin unless the employer can demonstrate that the exclusion of individuals under that practice is “job related and consistent with business necessity,” as set forth in Title VII. [Both the Guidance and a Question and Answer document are available at http://www.eeoc.gov/eeoc/newsroom/wysk/arrest_conviction_records.cfm.]

EEOC Issues Final Rule on Disparate Impact and “Reasonable Factors Other than Age” Under the ADEA. EEOC’s final rule clarifies that the Age Discrimination in Employment Act of 1967 (ADEA) prohibits policies and practices that have the effect of harming older individuals more than younger ones, unless an employer can show the policy or practice is based on a reasonable factor other than age. The rule applies to employers with 20 or more employees, state and local government employers, employment agencies and labor organizations. [The Final Rule, published in the Federal Register on March 30, is available at http://www.eeoc.gov/laws/types/age_regulations.cfm.]

EEOC Releases Data Regarding FY 2011 Federal Discrimination Complaints. Federal employees and applicants filed almost 17,000 complaints of employment discrimination in fiscal year (FY) 2011, according to EEOC. Retaliation was the most frequent complaint of alleged discrimination (7,553), followed by age discrimination (5,105), and non-sexual harassment (5,863). The report also found that federal agencies reduced the average number of days to process EEO complaints by 14 days (346.38 days in FY 2011 as compared to 360.28 days for FY 2010). Part II of the Annual Report on the Federal Work Force will focus on work force data, including trends in work force composition, and will be published at a later date. [The August 20, 2012 Report, “Annual Report on the Federal Work Force Part I,” can be found at <http://www.eeoc.gov/eeoc/newsroom/release/8-20-12.cfm>.]

VOTING RIGHTS

Overview. State legislatures across the country unleashed an unprecedented attack on the rights of voters by adopting voter photo identification (ID) laws, limiting early voting, and placing restrictions on voter registration – all attempts to suppress the votes of women, seniors, people of color, and younger voters. Despite these challenges, photo ID laws in states including Ohio, Wisconsin, Texas, and Pennsylvania were stopped from going into effect for the 2012 elections by the U.S. Department of Justice or the federal courts. In addition, Governor Rick Snyder vetoed three bills attempting to limit voting rights in Michigan. Despite these victories, the biggest legal challenge to date will be addressed in February 2013 as Section 5, the pre-clearance provisions of the Voting Rights Act, is challenged in the U.S. Supreme Court. [See the National Conference of State Legislatures <http://www.ncsl.org/legislatures-elections/elections/voter-id.aspx> and Fair Elections Legal Network http://www.fairelectionsnetwork.com/voter_suppression_updates/end-year-voter-suppression-update-2012 for additional information.]

FEDERAL NEWS

U.S. SUPREME COURT

Section 5 of the Voting Rights Act Challenged in *Shelby County v. Holder*. The U.S. Supreme Court will hear oral arguments in *Shelby County v. Holder* (Docket 12-96) on February 27, 2013. This case involves a challenge by Shelby County, Alabama to the heart of the Voting Rights Act (VRA), the Section 5 preclearance provisions, which require states and jurisdictions with a history of voting discrimination to submit all proposed voting related changes for review to either the U.S. Department of Justice or to the U.S. District Court for the District of Columbia. In 2006, the U.S. Congress, after extensive hearings and

review of the progress made under the VRA, found that there was still strong evidence of the continued need for voter protection under the VRA. Shelby County argues that Congress did not have the constitutional authority to reauthorize Section 5 in 2006. In May 2012, the U.S. Court of Appeals for the District of Columbia agreed with a lower court ruling that Congress appropriately extended the protections of the VRA for 25 years and that Congress' judgment deserves judicial deference. In 2009, the U.S. Supreme Court upheld the Constitutionality of Section 5 by a vote of 8 to 1 in *Northwest Austin Municipal Utility District No. 1 v. Holder*. [See <http://www.scotusblog.com/case-files/cases/shelby-county-v-holder/> for link to the Court of Appeals decision and to the range of briefs submitted to the U.S. Supreme Court; for background on this case, see the Lawyers' Committee for Civil Rights Under Law at http://www.lawyerscommittee.org/projects/voting_rights/page?id=0073.]

Texas Redistricting Litigation Pending, Preliminary Maps Used in 2012 Elections. In September 2012, the U.S. Supreme Court chose not to review Texas' redistricting plans, allowing the use of temporary maps, drawn for the state's May primary election by a lower federal court, also to be used for the 2012 November elections. Texas' redistricting plans were drawn up to meet the changed demographics in the state, as indicated by the 2010 U.S. Census. As a state covered under Section 5 of the Voting Rights Act (VRA), the state had to preclear its plans prior to implementation with either DOJ or a 3-judge panel of the U.S. District Court for the District of Columbia; Texas chose review by the Court panel.

In August 2012, the three judge panel of the District Court ruled that the redistricting plans were intentionally discriminatory. Texas gained four new congressional seats, mostly due to an increase in its Latino population. The District Court agreed with DOJ that the plans diminished the ability of voters to elect a candidate of their choice, based on voters' race, color or membership in a language minority group, in violation of Section 5 of the VRA. Even though the temporarily drawn maps included elements of the original discriminatory plans, the U.S. Supreme Court refused to block use of those maps. Additional litigation is pending on redistricting in the state. [For background about, and link to, the Court's decision, see <http://electionlawblog.org/?p=39233>.]

FEDERAL DISTRICT COURTS

Early Voting in Ohio Restored. The U.S. Court of Appeals for the Sixth Circuit upheld a lower District Court's injunction, which restored early voting in Ohio after Secretary of State Jon Husted attempted to stop in-person early voting for all voters. Ohio law provided two different deadlines for in-person early voting in the 2012 general election: one for military voters and one for non-military voters. The District Court concluded that it was a violation of the Fourteenth Amendment to provide different deadlines for in-person early voting for voters. The Court of Appeals agreed with the lower court's opinion that having two different deadlines would put an undue burden on non-military Ohio voters, many of whom would be unable to vote on Election Day because of work schedules. The Court also found that there was no evidence that local election boards would not be able to cope with the three extra days of in-person voting by non-military voters. [The US Court of Appeals' October 5, 2012 opinion in *Obama for America v. Jon Husted*, is at <http://www.ca6.uscourts.gov/opinions.pdf/12a0356p-06.pdf>; for background on the Ohio case, see <http://moritzlaw.osu.edu/electionlaw/comments/index.php?ID=9653>.]

South Carolina Photo ID Law Effective in 2013. In October 2012, the U.S. District Court for the District of Columbia stopped the South Carolina photo ID law from going into effect for the 2012 elections, in part because of possible confusion about the provision of the law allowing voters to still cast a ballot by telling poll workers about a "[reasonable impediment](#)" that prevented them from obtaining photo identification. The court concluded that this provision would require more time to implement and train poll workers on examples of reasonable impediments. The Court did, however, clear the law for

implementation starting in 2013, holding that it was not discriminatory. The Department of Justice had previously denied preclearance of the law under Section 5 of the Voting Rights Act, arguing that it disproportionately disenfranchised minority voters. The state then sued DOJ, seeking preclearance from the Court. In the process of litigation, the state administratively made changes to the law to allow more flexibility in the implementation of the law, a fact noted by the Court in its opinion. [See http://tpmmuckraker.talkingpointsmemo.com/2012/10/south_carolina_voter_id_ruling.php for background and link to the District Court opinion.]

Third Party Registration Restored in Florida. The U.S. District Court for the Northern District of Florida, Tallahassee Division, issued a permanent injunction halting implementation of the statute restricting third party voter registration by organizations such as the League of Women Voters. The May 31, 2012 ruling in *League of Women Voters v. Kenneth W. Detzner* affirmed an earlier preliminary injunction which blocked the law requiring organizations to submit voter registration applications to boards of elections within forty-eight hours of collecting signed registration applications. [See <http://thefloridavoter.org/files/download/361> for background information and link to the court's decision.]

Texas Voter Registration Limited in 2012. On September 6, 2012, the U.S. Court of Appeals for the Fifth Circuit granted a stay of a lower court's preliminary injunction that would have halted third party registration restrictions for the 2012 elections. On August 2, 2012, the U.S. District Court for the Southern District of Texas, Galveston Division, had provided a preliminary injunction in *Voting for America v. Andrade* stopping enforcement of sections of two laws aimed at further restricting third party voter registration. The Court, finding that Texas already had one of the most restrictive third party voter registration regulations in the country, suspended the sections that prohibited photocopying of voter registration applications and registration of new voters by non-residents of Texas; it also enjoined the requirement to turn in these applications in person. The laws also attempted to limit voter registration activities to residents of the county and to prevent people from being compensated for conducting voter registration but the District Court halted implementation of those provisions as well. The Court of Appeals heard arguments on the future of these laws in December 2012 and a decision has not been issued to date. [See <http://moritzlaw.osu.edu/electionlaw/litigation/VotingForAmericaV.Andrade.php> to link to both the preliminary injunction and the stay by the Court of Appeals and to read background about the case.]

Texas Voter ID Blocked. The U.S. District Court for the District of Columbia ruled in *State of Texas v. Eric Holder* that Texas' Photo ID law (S.B. 14) violated Section 5 of the Voting Rights Act because evidence indicated that it would have a retrogressive effect on racial minorities' ability to exercise their franchise. In its submission to the district court, the Department of Justice argued that Hispanic voters were twice as likely to be disenfranchised by the law. [To read the October 30, 2012 decision see <http://moritzlaw.osu.edu/electionlaw/litigation/documents/OpinionDenyingStatesRequestforaDeclaratoryJudgment.pdf>; see also <http://moritzlaw.osu.edu/electionlaw/litigation/TexasvHolder.php> for DOJ's filing and other background information in the case.]

Provisional Ballot Win for Ohio Voters. The U.S. Court of Appeals for the Sixth Circuit ruled that provisional ballots cast in the wrong precinct due to poll worker error would remain valid and eligible for counting in the 2012 election. Ohio has had problems with provisional ballots for several election cycles making this a critical win for voters who would otherwise have been disenfranchised. [See *SEIU v. Husted* at <http://www.ca6.uscourts.gov/opinions.pdf/12a0359p-06.pdf>.]

Michigan Governor Vetoes Three Voter Bills. Governor Rick Snyder vetoed three bills that would have restricted the rights of voters. SB 754 would have limited third party voter registration and both H.B. 5061 and S.B. 803 required affirmation of US Citizenship before receiving a ballot and a photo ID when picking up an absentee ballot. [See Governor's veto message at http://www.michigan.gov/snyder/0,4668,7-277-57577_57657-281734--,00.html.]

FEDERAL AGENCIES

U.S. Department of Justice (DOJ)

New Hampshire Photo ID Effective in 2013. On September 4, 2012, the U.S. Department of Justice cleared New Hampshire's photo ID law under Section 5 of the Voting Rights Act. Governor John Lynch had vetoed the law but the legislature overrode his veto. The photo ID bill, S.B. 289, will go into effect in 2013 eliminating the use of student IDs, disallowing the use of IDs that have an expiration date of more than five years and limiting the types of valid government IDs that voters can use at the polls. Voters who do not have the requisite photo ID will be allowed to sign an affidavit at their polling location affirming their identities but their photo will be taken by an election official at the same time. [DOJ's letter is at <http://www.scribd.com/doc/105005436/DOJ-New-Hampshire-Voter-ID>; for background information on the state's action, see Fair Elections Legal Network at <http://www.fairelectionsnetwork.com/blog/new-hampshire-legislature-overrides-governor%E2%80%99s-veto>.]

Florida Early Voting Restored. A three judge panel of the U.S. District Court for the District of Columbia ruled in August 16, 2012 that 96 hours of early voting over an eight day period would be reinstated for the five Florida counties protected under Section 5 of the Voting Rights Act. Florida sued the Department of Justice, in *State of Florida v. United States*, after DOJ refused to preclear Governor Rick Scott's attempt to limit early voting in those five counties. [To read the court ruling and other pleadings in the case, see <http://moritzlaw.osu.edu/electionlaw/litigation/FloridavUS.php>.]

Virginia Voter ID Cleared by DOJ. Chapter 839, Virginia's voter ID law was approved by DOJ under Section 5 of the Voting Rights Act on August 12, 2012. The law expands the types of IDs that can be used by voters to include a Virginia university-issued ID card, a utility bill, bank statement, government check, a paycheck that shows the name and address of the voter or a concealed handgun permit. Voters without the accepted forms of ID can sign an affidavit affirming their identity. [For more information on DOJ's approval, see <http://www.scribd.com/doc/103383809/DOJ-Letter-On-Virginia-Voter-ID-Law>.]

STATE AND LOCAL NEWS

Iowa Voter Purge On Hold. The Iowa District Court for Polk County issued a temporary injunction ordering the end of an attempted voter purge of non-citizens through emergency procedures by Secretary of State Schultz. The judge concluded that the potential disenfranchisement of eligible voters was important enough to issue the temporary injunction and the merits of the purge would be determined at a later date. [The September 2012 injunction is at <http://www.kcci.com/blob/view/-/16610704/data/1/-/12lbvm8/-/Ruling-on-new-voting-rules.pdf>; for background information, see <http://www.aclu-ia.org/2012/09/14/continuing-our-fight-to-block-iowas-secretary-of-states-voter-suppression-efforts/>.]

Pennsylvania Voter ID Enjoined in 2012. On September 25, 2012, the Commonwealth Court of Pennsylvania issued a preliminary injunction halting implementation of the state photo ID law for the 2012 November election. Judge Simpson found that thousands of voters had not been able to obtain the state issued voter photo ID despite its availability for the 2012 election, in part because of the burdensome process originally set up by the state for voters to obtain the free photo IDs. The Court ruled that, while the state had made some progress in facilitating the process for obtaining these required IDs, it had not issued enough photo IDs to prevent voter disenfranchisement for the 2012 election. The Court ruled, however,

that poll workers were still able to request photo IDs at the polls on Election Day, but voters were not required to have those IDs in order to vote. The case was sent back to the lower court after the State Supreme Court September 18 ruling required the lower court to revisit the case. The Commonwealth Court must review the case to determine if the law will be halted permanently. [See *Viviette Applewhite et al. v. The Commonwealth of Pennsylvania* at http://www.pacourts.us/NR/rdonlyres/CFBF4323-B964-4846-8179-88D689375C10/0/CMWSuppDetAppPrelInjOrder_100212.pdf; for background see the Committee of 70 at http://www.seventy.org/OurViews_Voter_ID_Law_Dead_or_Alive.aspx.]

Minnesota Voter ID Amendment Defeated. Voters rejected the addition of a voter photo identification requirement to their state Constitution in the November 2012 election. The potential to disenfranchise senior citizens and veterans was an important factor in the defeat of Constitutional Amendment 2. [For election results, see <http://electionresults.sos.state.mn.us/ENR/Results/AmendmentResultsStatewide/1>; see also http://www.brennancenter.org/blog/archives/how_minnesotas_voter_id_amendment_was_defeated/ for background information.]

IMMIGRATION

FEDERAL NEWS

U.S. SUPREME COURT

U.S. Supreme Court Blocks Most of Arizona’s Harmful Immigration Law, SB 1070. In a 5 to 3 decision, the Supreme Court rejected the three major portions of Arizona’s law that sought to enforce federal immigration laws. In *Arizona, et al. v. United States*, the Court blocked the state from conducting warrantless arrests based on suspicion of one’s immigration status, from making it a state crime for individuals not to carry immigration papers at all times and from also criminalizing solicitation of work if an individual is unauthorized to work. The Court, however, did allow implementation of the fourth major provision, allowing local law enforcement to continue to check the immigration status of anyone stopped or detained if an officer has “reasonable suspicion” the individual is undocumented. But the Court did note that detaining individuals solely to verify their immigration status would raise constitutional concerns. [The Court’s June 25, 2012 decision is at <http://www.supremecourt.gov/opinions/11pdf/11-182b5e1.pdf>; for background and resources on SB 1070 see <http://www.nilc.org/sb1070usvaz.html>.]

FEDERAL DISTRICT COURTS

Federal Court Again Blocks Most of South Carolina’s Anti-Immigrant Law. In November 2012, the U.S. District Court for the District of South Carolina reaffirmed its December 2011 ruling blocking key sections of the South Carolina anti-immigration law. The 2012 ruling in *United States of America v. State of South Carolina and Nikki R. Haley* and *Lowcountry Immigration Coalition v. Nikki R. Haley* continued the prohibition on provisions of the state’s law (SB 20) that would have made unlawful presence in the country into a state crime and made everyday activities, such as providing a ride or renting an apartment to an undocumented immigrant, into a crime. The District Court did leave room for implementation of a provision requiring immigrants to show their immigration papers to law enforcement but recognized that harm could come from such a practice. It also reaffirmed that it would be unconstitutional for state and local police to detain individuals on the sole basis of their status and left open the door to future challenges involving civil rights abuses under the state’s law. The November 2012 Court Order was issued in light of

the U.S. Supreme Court's decision in *Arizona, et al. v. United States* that allowed a similar Arizona provision to be implemented. [See http://www.maldef.org/news/releases/fed_court_blocks_most_sc_ai_law/ for link to the District Court's 2012 opinion; for background information on South Carolina's law, see <http://www.splcenter.org/get-informed/case-docket/lowcountry-immigration-coalition-et-al-v-nikki-haley-et-al.>]

Federal Court Awards Millions to Georgia Guestworkers Cheated Out of Wages. The U.S. District Court for the Northern District of Georgia found that a Georgia forestry company had cheated 4,000 foreign guestworkers out of wages while they worked for them. The \$11.8 million judgment, issued on October 29, resulted from a 2005 lawsuit brought by the Southern Poverty Law Center (SPLC) on behalf of the seasonal migrant workers who were brought to Georgia from Mexico and Guatemala under the federal H-2B visa program. [See <http://www.splcenter.org/get-informed/news/splc-wins-record-118-million-judgment-for-guestworkers-in-suit-against-forestry-co> for link to court order and background about this case.]

Florida's College Tuition Policy Blocked as Discriminatory. The U.S. District Court for the Southern District of Florida ruled that the state's policy of forcing dependent U.S. citizen students to pay out-of-state tuition if they were unable to prove their parents' federal immigration status violated the Equal Protection Clause of the U.S. Constitution. The Court ordered state officials to provide written notice of the change in policy to all dependent U.S. citizen students within 20 days of his October 25, 2012 Order. The lawsuit challenging the original administrative policy was brought by the Southern Policy Law Center in October 2011. [See <http://www.splcenter.org/get-informed/news/splc-lawsuit-ends-florida-s-unconstitutional-college-tuition-policy> to read the Court's Order and for background information on this case.]

FEDERAL AGENCIES

U.S. Department of Homeland Security (DHS)

Obama Administration Creates Policy of Deferred Action for Young Immigrants. In June 2012, DHS formally announced the Obama Administration's Deferred Action for Childhood Arrivals (DACA) policy, and, in August 2012, the application process for seeking deferral was made public. Under DACA, certain young people brought to the U.S. as young children, who do not present a risk to national security or public safety and meet several key criteria, will be allowed to stay in the country for a period of two years, subject to renewal, and be eligible for work authorization. From August 15 to December 13, 2012, 367,903 individuals applied for DACA and 102,965 were approved. [DHS' announcement of the policy and other, related documents by the Department are available at <http://www.dhs.gov/eligibility-deferred-action>; for background information and resources on DACA, see the National Immigration Law Center at <http://www.nilc.org/dreamdeferred.html>; see also <http://apalc.org/blog?page=4> for fact sheets on DACA in four Asian languages – Chinese, Korean, Tagalog and Thai and <http://www.lambdalegal.org/publications/immigration-protection-for-undocumented-immigrant-youth> for information helpful to LGBT immigrant young people.]

STATE AND LOCAL NEWS

California Governor Vetoes Bill to Provide Protections for Domestic Workers. On September 30, 2012 Governor Jerry Brown vetoed AB 889, legislation to extend basic labor rights to domestic workers – to nannies, cooks, child care providers, and other caregivers. The bill, which addressed issues such as overtime pay, meal and rest breaks and sleeping conditions for live-in workers, was modeled on legislation passed in New York in 2010 after a campaign by domestic workers there shed light on abuses rampant in their unregulated industry. [For text and bill history of AB 889, see <http://www.legislature.ca.gov/cgi-bin/port-postquery>; for background on this campaign, see <http://www.domesticworkers.org/news/2012/governor-vetoes-domestic-worker-bill-but-we-are-in-it-for-the-long-haul> and <http://www.domesticworkers.org/news/2012/governor-vetoes-domestic-worker-bill-but-we-are-in-it-for-the-long-haul.>]

Lesbian, Gay, Bisexual And Transgender (LGBT)

FEDERAL NEWS

U.S. SUPREME COURT

The Supreme Court Will Hear Arguments in Two Marriage Equality Cases. On December 7, 2012 the U.S. Supreme Court announced it will hear arguments in 2013 in two cases relating to marriage equality. The first case, *United States v. Windsor*, concerns Edith Windsor, a surviving lesbian spouse seeking to be treated like all other spouses for purposes of federal tax purposes. The federal Defense of Marriage Act (DOMA), however, does not recognize married same-sex couples for purposes of 1,138 federal benefits and programs and as a result, she had to pay over \$350,000 in federal estate taxes that would not have had to be paid by a straight widow after inheriting property from her deceased spouse. Various federal courts have now ruled the key provision of DOMA unconstitutional. The Court will hear arguments on DOMA on March 27. The second case, *Hollingsworth v. Perry*, involves Proposition 8, the 2008 California ballot measure that defined marriage as between one man and one woman; the Court will consider this case on March 26. Two federal courts have held that Proposition 8 violates the Equal Protection Clause of the U.S. Constitution. These two rulings will be on hold until the Supreme Court issues its decision. [For information about the DOMA case, see <http://www.aclu.org/lgbt-rights/windsor-v-united-states-thea-edie-doma>; for background information on the Proposition 8 case, go to <http://www.eqca.org/site/pp.asp?c=kuLRJ9MRKrH&b=5609559>.]

CONGRESS

History Made in Election of LGBT Candidates. In November 2012, U.S. Representative Tammy Baldwin (D-WI) became the first openly gay person elected to the U.S. Senate, while at least six openly gay members were elected to the U.S. House of Representatives, including Marc Pocan who will take Baldwin's seat in the House and Mark Takano who will become the first openly gay person of color to win election (from California). [See <http://www.gaypolitics.com/2012/11/07/victory-fund-celebrates-huge-night-for-gay-candidates/> for more information about these and other elections of lesbian, gay, bisexual and transgender candidates.]

FEDERAL AGENCIES

U.S. Department of Health and Human Services (DHHS)

DHHS Says Affordable Care Act Provisions Prohibiting Sex Discrimination in Health Insurance Apply to Transgender People. In response to an inquiry from the National Center for Lesbian Rights and other organizations, DHHS' Office of Civil Rights agreed that sex-based discrimination under Section 1557 of the Affordable Care Act includes discrimination on the basis of gender identity and sex stereotypes and that OCR would accept such complaints for investigation. It also noted that Section 1557 prohibits sexual harassment and discrimination regardless of the actual or perceived sexual orientation or gender identity of the person involved. OCR noted that it would issue future guidance on Section 1557. [To read the July 2012 letter, go to <http://www.kaiserhealthnews.org/features/insuring-your-health/2012/transgender-lgbt-health-care-michelle-andrews-090412.aspx>.]

STATE AND LOCAL NEWS

2012 Elections Overview. Seven state legislatures gained their first or only openly LGBT state lawmakers this year – Florida, New Mexico, Pennsylvania, North Dakota, South Dakota, Texas and West Virginia. [For more information about these elections, go to <http://www.gaypolitics.com/2012/11/07/victory-fund-celebrates-huge-night-for-gay-candidates/>.]

Maine. Voters in Maine voted to legalize same-sex marriage in November 2012, reversing a 2009 vote when same-sex marriage was defeated at the ballot. Question 1 was adopted in 2012 by a vote of 51.5 percent to 46.2 percent; its effective date is December 29, 2012. Before the November election, no state had approved gay marriage through a popular vote, rather than through a legislative act or court decision. [For vote tabulation, see <http://www.maine.gov/sos/cec/elec/prior12-13.htm#nov>; for background on the state campaign go to <http://www.whymarriagemattersmaine.com/>.]

Maryland. About 52.4 percent of voters said yes to Question 6, the November 2012 ballot initiative upholding HB 438, the Civil Marriage Protection Act of 2012, signed into law by Governor Martin O'Malley on March 1, 2012. The effective date of the law is January 1, 2013. [To see the vote tabulation for Question 6, go to http://www.elections.state.md.us/elections/2012/results/general/gen_qresults_2012_4_00_1.html; the text and history of Question 6 is at http://www.elections.state.md.us/elections/2012/ballot_questions.html.]

Minnesota. Minnesota voters turned back Constitutional Amendment (CA) 1 on the November 2012 ballot, with less than a majority (47.44 percent) voting to amend the state constitution to define marriage as solely between a man and a woman. [The vote on Constitutional Amendment 1 is at <http://electionresults.sos.state.mn.us/ENR/Results/AmendmentResultsStatewide/1>.]

North Carolina. In a May 8, 2012 state primary election, North Carolina voters adopted a constitutional amendment (Amendment 1) to define marriage as between one man and one woman by a vote of 61 percent to 39 percent. State law already prohibited marriage between same-sex couples but legislators opposed to such marriages wanted to underscore their opposition by placing the ban in the state constitution. [See <http://results.enr.clarityelections.com/NC/36596/85942/en/summary.html> for the election results; for background and information on the impact of Amendment 1, see <http://www.acluofnc.org/?q=limited-impact-amendment-one>.]

Rhode Island. Governor Lincoln Chafee signed an Executive Order in May 2012 directing state agencies to recognize the marriages in other states of Rhode Island same-sex couples. The Executive Order will ensure that same-sex married couples are treated the same as married different-sex couples regarding all state programs and policies. Rhode Island is a state that allows for civil unions of same-sex partners. [See <http://www.glad.org/current/item/ri-gov-issues-order-for-state-agencies-to-recognize-marriages/> for background about and link to the Executive Order.]

Washington. Referendum 74, upholding the marriage equality bill (SB 6239) Governor Christine Gregoire signed into law on February 13, 2012 was approved by voters in the November 2012 election by a vote of 53.7 percent to 46.3 percent; its effective date was December 9, 2012. [See <http://vote.wa.gov/results/current/Referendum-Measure-No-74-Concerns-marriage-for-same-sex-couples.html> for official vote on Referendum 74; SB 6239 and its history can be found at <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=6239>.]

WOMEN'S RIGHTS

FEDERAL NEWS

CONGRESS

VAWA Passed in Senate. The Senate reauthorized the Violence Against Women Act of 1994 (VAWA) which provides funding to address issues of violence against women. The Senate bill (S. 1925) added protections under VAWA for LGBT people, immigrants and Native communities. It did so by: funding grants to raise awareness on college campuses; barring discrimination of grant funding because of gender identity or expression; adding 5,000 visas for undocumented women who assist in prosecution of serious offenses; and adding funding for outreach and services to underserved populations, including grants to Indian tribal governments. The House of Representatives did not pass the legislation before the end of the 2011-2012 congressional term, meaning that the legislation has to be newly introduced in 2013. This session is the first time since 1994 that VAWA was not reauthorized. [For text and history of S. 1925, go to <http://thomas.loc.gov/cgi-bin/query/D?c112:1:/temp/~c112xLPh7J::>; see also Legal Momentum for background on VAWA at <http://www.legalmomentum.org/our-work/vaw/violence-against-women-act.html>.]

Women Have Unprecedented Representation in the New Congress. The 2012 elections were a watershed for women in the U.S. Senate and U.S. House of Representatives. Twenty women, the most ever, will serve in the U.S. Senate, including Mazie Hirono (D-HI), the first Asian-American woman elected to the U.S. Senate. Also, Senator Mikulski of Maryland was chosen as the first woman to chair the powerful Appropriations Committee following the passing of Senator Daniel Inouye. An unprecedented 78 women will serve in the U.S. House of Representatives. [See http://www.cawp.rutgers.edu/press_room/news/documents/PressRelease_11-07-12.pdf and Senator Mikulski's website for additional information <http://www.mikulski.senate.gov/media/pressrelease/12-20-2012-1.cfm>.]

WHITE HOUSE

Launch of the Equal Futures Partnership. The United States joined with twelve other countries to form the Equal Futures Partnership. The goal of the new initiative, a Declaration on Women's Participation, is for women to participate fully in public life and to lead and benefit from inclusive economic growth. According to the terms of the partnership, announced in September 2012, the founding members are committed to legal, regulatory and policy reforms to advance this goal. [See the White House advisory for additional information at <http://www.whitehouse.gov/the-press-office/2012/09/24/fact-sheet-equal-futures-partnership-expand-women-s-political-and-econom>.]

FEDERAL AGENCIES

The Department of Education

Title IX Complaints Resolved. The U.S. Department of Education's Office of Civil Rights settled four Title IX complaints alleging that certain school districts failed to accommodate the athletic interests and abilities of female students. Title IX ensures that women have equal access to education and athletics. These are four of twelve complaints filed with the Department by the National Women's Law Center. The four districts include the Wake County Public School System in Raleigh, N.C., the Houston Independent School District, in Houston, Texas, the Columbus City Schools in Columbus, Ohio, and the Deer Valley Unified School District in Phoenix, Arizona. The resolutions will allow the districts to ensure that female students have opportunities to participate in athletic programs in high schools and each school district will conduct assessments to determine any gaps in meeting the needs and interests of female students. [See the Department of Education for additional information <http://www.ed.gov/news/press-releases/us-education-department-reaches-agreements-four-school-districts-increase-athlet>.]

RESOURCES

KEY CIVIL, HUMAN AND WOMEN'S RIGHTS REPORTS

Civil Rights

- The gaps between the income of the richest households and low and middle-income households are wide and growing in most states, according to the Center on Budget and Policy Priorities (CBPP) and the Economic Policy Institute (EPI). The long-standing trend of growing income inequality continued between the late 1990s and the mid-2000s. Incomes fell by close to six percent among the bottom fifth of households, on average, while rising by 8.6 percent among the top fifth during the period. Incomes grew even faster – 14 percent – for the top five percent of households. [The November 15, 2012 report, “Pulling Apart: A State-by-State Analysis of Income Trends,” is at <http://www.cbpp.org/cms/index.cfm?fa=view&id=3861>.]
- Compared to 2007, more children today live in families with an unemployed parent, in families that turn to food stamps (now called Supplemental Food Nutrition Program, or SNAP benefits) to help pay their grocery bills, and/or families below the poverty threshold. According to a December 2012 report by the Urban Institute, more than 16 million children were poor in 2011, representing a child poverty rate of 22.5 percent, and the report authors predict that child poverty will remain at the same level in 2012. The poverty rate varies widely by state, with rates reaching 30 percent or higher in Mississippi, New Mexico and the District of Columbia. [The report, “The Recession’s Ongoing Impact on Children, 2012: Indicators of Children’s Economic Well-Being,” is at <http://www.urban.org/UploadedPDF/412713-The-Recessions-Ongoing-Impact-on-Children-2012.pdf>.]
- In November 2012, the U.S. Census Bureau released three briefs highlighting economic conditions using statistics from the American Community Survey. [All three briefs are available at http://www.census.gov/newsroom/releases/archives/american_community_survey_acs/cb12-224.html.]
 - In 2011, 17.9 percent of people 18 years and older lived in someone else’s household, up from 16 percent prior to the start of the economic recession in 2007. See “Poverty and Shared Households by State: 2011.”
 - “Food Stamp/Supplemental Nutrition Assistance Program Receipt in the Past 12 Months for Households by State: 2010 and 2011” shows an increase in households receiving such benefits for the previous 12 months, from 11.9 million (or 11.9 percent) households in 2010 to 14.9 million (or 13 percent) households in 2011.
 - In 2011, 3.3 million (or 2.9 percent) households reported receiving some form of public assistance benefits at some point in the previous 12 months, according to “Public Assistance Receipt in the Past 12 Months for Households: 2010 and 2011.”
- The U.S. Census Bureau also released the 2006-2010 American Community Survey Equal Employment Opportunity tabulation which provides a profile of the diversity of America’s workforce. The data in this November 2012 release allows for examination of the intersection of race, ethnicity and sex across detailed occupations in multiple geographies. The Hispanic labor force grew by 53 percent (from 14.7 million to 22.5 million), the largest increase for any major race and ethnic group since the release of the 2000 Equal Employment Opportunity Tabulation. [The Equal Employment Opportunity Tabulation provides a wealth of demographic information on the labor force for the country, states, metro areas, and counties and is available at http://www.census.gov/newsroom/releases/archives/employment_occupations/cb12-225.html.]
- The most recent statistics released by the Federal Bureau of Investigation (FBI) show that there were 6,222 criminal incidents involving 7,254 hate crimes reported in 2011. These incidents involved bias based on a particular race, religion, sexual orientation, ethnicity/national origin, or physical or mental disability. Of the over 6,200 single-bias incidents: 46.9 percent were motivated by racial bias, almost 21 percent were motivated by sexual orientation bias, 19.8 percent by bias against a religion and 11.6 percent by ethnicity/national origin

bias. [“Hate Crime Statistics, 2011,” is available at <http://www.fbi.gov/about-us/cjis/ucr/hate-crime/2011/resources/fbi-releases-2011-hate-crime-statistics>.]

- With more than 15 million workers in the sector, retail wields enormous influence on Americans’ standard of living and the nation’s economic outlook, according to a November 2012 report released by Demos. “Retail’s Hidden Potential: How Raising Wages Would Benefit Workers, the Industry and the Overall Economy,” concludes that large retail firms are in the position to improve the lives of millions of American workers and their families, and to boost the national economy, all while improving their own outlook for growth. [The report is at <http://www.demos.org/publication/retails-hidden-potential-how-raising-wages-would-benefit-workers-industry-and-overall-ec>.]
- “Hispanic Broadband Access: Making the Most of the Mobile, Connected Future,” reveals that while Hispanics trail other U.S. populations in overall internet access, they are using mobile devices at a higher rate than white Americans. Hispanics and African Americans lead mobile broadband use (by 53 percent and 58 percent, respectively), with both communities far ahead of whites. In 2010, 76 percent of Hispanics reported using cell phones, with three out of four accessing mobile services other than telephone calls. They are increasingly turning to mobile devices as their primary means of accessing the Internet. The report found that the Hispanic community disproportionately relies on wireless to access job searches, education, health care and government resources. [The July 2012 report, released by The Hispanic Institute, is available at <http://www.thehispanicinstitute.net/node/1820>.]
- “Nightmare on Main Street: Older Americans and the Mortgage Market Crisis,” a Research Report by the AARP Public Policy Institute, is the first study to measure the progression of the mortgage crisis and its effect on people age 50 and older. The report notes that despite the perception that older Americans are more housing secure than younger people, millions of older Americans are carrying more mortgage debt than ever before; in fact, the increase in the rate of serious delinquency of older Americans has outpaced that of younger homeowners from 2007 to 2011. African American and Hispanic borrowers over 50 had foreclosure rates of 3.5 and 3.9 percent, respectively, in 2011, as compared to 1.9 percent for white borrowers. [The July 2012 report is at <http://www.aarp.org/money/credit-loans-debt/info-07-2012/nightmare-on-main-street-AARP-ppi-cons-prot.html>.]
- A 2012 report by the Asian Pacific American Legal Center (APALC), “A Community of Contrasts: Asian Americans, Native Hawaiians, and Pacific Islanders in the Midwest,” is the third in a series that attempts to promote a more sophisticated understanding of the Asian American and Native Hawaiian and Pacific Islander (NHPI) communities and their needs. [The report is at http://www.apalc.org/media-center/publications?field_strategy_reference_nid=All.]

Voting Rights

- The Brennan Center for Justice prepared a guide to all of the changes in voter registration laws around the country to assist community partners in their voter registration drives and to provide a comprehensive look at voter registration restrictions in the United States. [The August 2012 guide, “State Restrictions on Voter Registration Drives,” is available at http://brennan.3cdn.net/17c2fc295ef1249450_26m6bt3yf.pdf.]
- Professors from Dartmouth College and the University of Florida conducted a study of early voting patterns in Florida during the November 2012 election. Preliminary findings show that the heaviest turnout was on the final Saturday of early voting and that racial and ethnic minorities, as well as individuals registered as Democrats and individuals registered as “No Party Affiliation,” were disproportionately more likely than whites and Republicans, to cast ballots on both the first Sunday and the final Saturday of early voting. The votes on the Sunday before Election Day in Miami-Dade and Palm Beach Counties – locations that suffered from exceedingly long lines – were disproportionately cast by black voters. [The November 2012 report, “Early Voting in Florida, 2012,” is available at <http://www.dartmouth.edu/~herron/HerronSmithFloridaEarly2012.pdf>.]

- There are two voting rights reports from the 2012 Election Cycle from the Center for American Progress (CAP) featured below:
 - In a December 2012 brief, “Strengthening Our Democracy by Expanding Voting Rights,” CAP outlines changes that could help expand voting rights. The suggested changes include making registering to vote more accessible, allowing for online voter registration and Election Day registration, and requiring public schools to help register voters. Other policy recommendations include expanding early voting, permitting citizens to vote at any polling location, allowing no-excuse absentee voting, outlawing voter caging, restoring voting rights to ex-felons and enacting constitutional language affirming an equal right to vote. [The issue brief is available at <http://www.americanprogress.org/issues/civil-liberties/report/2012/12/18/48396/strengthening-our-democracy-by-expanding-voting-rights/>.]
 - CAP examined the impact of voter suppression and reproductive justice laws on women of color. The October 2012 report demonstrates that women of color are disproportionately affected by challenges on the right to vote and on healthcare. [The report, “A Dual Disenfranchisement: How Voter Suppression Denies Reproductive Justice to Women of Color,” is available at <http://www.americanprogress.org/issues/women/report/2012/10/24/42365/a-dual-disenfranchisement-2/>.]
- The Caltech/MIT Voting Technology Project released a report on the improvements in voting technology and election administration since the 2000 elections. They recommend further improvements in five areas: voting technology, polling places and poll workers, voter registration, absentee and early voting, and the infrastructure and science of elections. [The October 2012 report, “Voting: What Has Changed, What Hasn't, & What Needs Improvement” is available at <http://vote.caltech.edu/content/voting-what-has-changed-what-hasnt-what-needs-improvement>.]
- The Advancement Project released a September 2012 report showing how twenty-three states have laws that negatively impact the voter registration and participation of Latino voters. [The report, “Segregating American Citizenship: Latino Voter Disenfranchisement in 2012,” is at <http://www.advancementproject.org/resources/entry/segregating-american-citizenship-latino-voter-disenfranchisement-in-2012>.]
- Common Cause and Demos analyzed the laws of ten states to see what provisions exist to protect voters against intimidation inside and outside of the polls. Caging and Election Day challenges are among the activities examined that should be limited. The report shows that all states bar voter intimidation, but some states can provide further protections to ensure that voters can exercise their civic duty at the ballot box. [The September 2012 report, “Bullies at the Ballot Box: Protecting the Freedom to Vote Against Wrongful Challenges and Intimidation,” is available at <http://www.commoncause.org/site/pp.asp?c=dkLNK1MQIwG&b=8295945>.]
- The National Asian American Survey released a report emphasizing that the Asian American and Pacific Islander community is a core group of swing voters in elections with increasing influence. The issue priorities of the AAPI communities are similar to those of the rest of the country with the economy, health care, and education being top priorities. [The September 2012 survey, “Public Opinion of a Growing Electorate: Asian Americans and Pacific Islanders in 2012,” is available at <http://naasurvey.com/>.]

Immigration

- The Detention Watch Network released reports on 10 individual immigration detention centers, all of which detail accounts of physical and psychological abuse, including sexual abuse, inadequate medical care, and prolonged sanitary confinement. The November 2012 reports also reveal problems noncitizens have accessing legal assistance, problems which are exacerbated by the remote locations of many of these detention centers. [The executive summary and individual reports are available at <http://detentionwatchnetwork.org/>.]
- In November 2012, the National Immigration Law Center (NILC) released a document to help young immigrants applying for the Administration’s Deferred Action for Childhood Arrivals (DACA) program that

allows certain young people brought to the U.S. as young children to seek authorization to stay in the U.S. for two years and to be eligible for work authorization. [NILC's "Frequently Asked Questions: DACA and Your Workplace Rights," is at <http://www.nilc.org/dacaworkplacerrights.html>.]

- NILC has prepared a Toolkit on "Improving Access to Postsecondary Education for Immigrant Students: Resources on State Campaigns for Tuition Equity, Scholarships and Financial Aid." [The October 2012 comprehensive online resource is at <http://www.nilc.org/pubs.html>.]
- A groundbreaking look into the often invisible world of domestic workers, "Home Economics: The Invisible and Unregulated World of Domestic Work," was released in November 2012 by the National Domestic Workers Alliance and the Center for Urban Economic Development at the University of Illinois at Chicago. The report, which includes interviews with over 2,000 workers across the country, found that on average, domestic workers earn little more than the minimum wage and few earn benefits such as Social Security, health insurance or paid sick leave. Domestic workers are excluded from federal and most states' minimum wage laws and other legal protections. [The report is available at <http://www.domesticworkers.org/>.]
- According to Human Rights Watch (HRW), hundreds of thousands of women and girls work in the United States in fields, packing houses and other agricultural workplaces where they face significant risk of sexual violence and sexual harassment. HRW interviewed 160 farmworkers, growers law enforcement officials, attorneys, service providers and other agricultural workplace experts in eight states – all confirmed these were major concerns. In "Cultivating Fear: The Vulnerability of Immigrant Farmworkers in the US to Sexual Violence and Sexual Harassment," HRW documents the experiences of immigrant farmworker women and girls who have had to address these problems and sets forth detailed recommendations for improving their working conditions and access to services and legal remedies. [The May 2012 Report is at <http://www.hrw.org/reports/2012/05/16/cultivating-fear-0>.]

LGBT

- In December 2012 the Campaign for American Progress (CAP) released an issue brief highlighting how identity documents that play an integral role in our everyday lives can present obstacles for transgender people. Many transgender people have struggled to access basic documents proving their identity. "ID Accurately Reflecting One's Gender Identity is a Human Right," was released in recognition of International Human Rights Day that marked the 64th Anniversary of the U.N. Declaration of Human Rights. [CAP's Issue Brief is available at <http://www.americanprogress.org/wp-content/uploads/2012/12/TransgenderID-4.pdf>.]
- Lambda Legal released a "Transgender Rights Toolkit: A Legal Guide for Trans People and Their Advocates," that addresses the range of unique marriage, inheritance and custody issues facing transgender people. [The Toolkit is at http://www.lambdalegal.org/publications/trt_transgender_marriage-laws.]
- A new report by the Gay, Lesbian & Straight Education Network (GLSEN) finds that rural LGBT students felt less safe, are more likely to be victimized and to have fewer supportive resources available than LGBT students in suburban and urban areas. The December 2012 report, "Strengths and Silences: The Experiences of Lesbian, Gay, Bisexual and Transgender Students in Rural and Small Town Schools," is the first in-depth look at the experiences of small town and rural LGBT students. [The report is at <http://www.glsen.org/cgi-bin/iowa/all/news/record/2916.html>.]

Women's Rights

- The National Advisory Committee on Violence Against Women released its final report in June 2012 providing recommendations for preventing violence against women. The report emphasizes the importance of reducing child and youth exposure to violence against women and seeks to provide more support to researchers who study these issues. [The June 2012 report is available at <http://www.ovw.usdoj.gov/docs/nac-rpt.pdf>.]
- The United Nations released a report declaring family planning as a human right for the first time. The report examines access to family planning around the globe. [The November 2012 report, "By Choice, Not by Chance: Family Planning, Human Rights, and Development," is available at http://www.unfpa.org/webdav/site/global/shared/swp/2012/EN_SWP2012_Report.pdf.]

- The American Association of University Women published a report showing that a gender pay gap exists for women one year after graduation from college. While college major, number of hours worked and sector of employment help to explain the differences, there are unexplained wage differences which may be attributed to discrimination or ability to negotiate salaries. The October 2012 report recommends updating existing laws such as the Equal Pay Act and requiring more transparent reporting of salaries. [The report, “Graduating to a Pay Gap: The Earnings of Women and Men One Year after College Graduation,” is available at http://www.aauw.org/GraduatetoaPayGap/upload/GradtoPayGap_AAUW_embargoed.pdf.]
- The International Labor Organization released a report showing five areas where women are at a disadvantage in the labor market including unemployment, employment, labor force participation, vulnerability, and sectoral and occupational segregation. [The December 2012 report, “Global Employment Trends for Women 2012,” is available at http://www.ilo.org/global/research/global-reports/global-employment-trends/WCMS_195447/lang--en/index.htm.]
- In a July 2012 Issue Brief, the Center for American Progress examines four areas that can be improved for women of color in the United States as their influence and numbers grow: the workplace wage gap, health, educational attainment, and political leadership [See “The State of Women of Color in the United States: Although They’ve Made Incredible Strides, Many Barriers Remain for This Growing Population,” at http://www.americanprogress.org/wp-content/uploads/issues/2012/07/pdf/women_of_color_brief.pdf.]
- The Institute for Women’s Policy Research and the Berger-Marks Foundation partnered to produce a handbook on the importance of mentoring women leaders. The handbook includes descriptions of different types of mentoring, outlines strategies for addressing potential roadblocks in the mentoring process, and presents lessons learned from effective programs. [The April 2012 handbook, “The Next Generation: A Handbook for Mentoring Future Union Leaders,” is available at <http://www.bergermarks.org/resources/index.php#mentor>.]
- The Labor Project for Working Families has released a series of fact sheets for bargaining for work family benefits such as child care, family leave, and federal work family laws. [The May 2012 fact sheets are available at, <http://www.working-families.org/network/bargaining.html>.]
- The Department of Labor released a guide to help workers understand the Family and Medical Leave Act. The FMLA currently provides eligible employees of covered employers twelve work weeks of unpaid, job-protected leave in a 12-month period for a serious medical condition or for care of an immediate family member. [The June 2012 Guide, “Need Time? The Employee’s Guide to the Family Medical Leave Act,” is available at, <http://www.dol.gov/whd/fmla/employeeguide.pdf>.]
- The Department of Justice released a 40th anniversary report outlining the success of Title IX in providing access to women in education and athletics. The record number of women graduating from high schools, colleges and participating in athletics shows that the law has been highly effective in protecting and empowering women. [The June 2012 report, “Equal Access to Education: Forty Years of Title IX,” is available at <http://www.justice.gov/crt/about/edu/documents/titleixreport.pdf>.]