

# CIVIL RIGHTS NEWS

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

**SEPTEMBER 2007**

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**CIVIL RIGHTS**

***FEDERAL NEWS***

**U.S. SUPREME COURT**

On June 28, by a narrow 5-4 decision the U.S. Supreme Court struck down the voluntary school integration programs in Seattle, Washington and Louisville, Kentucky. The school districts of Seattle and Louisville voluntarily took race into account when assigning students to kindergarten through twelfth grade in order to maintain diverse and integrated public schools. While Justice Anthony Kennedy joined the majority in ruling that the programs at issue were unconstitutional because they were not "narrowly tailored," he stated clearly his disagreement with the other four justices that the Constitution requires state and local officials to "accept the status quo of racial isolation in schools." He noted that "[a] compelling interest exists in avoiding racial isolation, an interest that a school district, in its discretion and expertise, may choose to pursue." Many have found hope in Justice Kennedy's view that consideration of race is permissible but only if it is one of many factors considered. [For reaction to the Court's decision, see [www.naacpldf.org](http://www.naacpldf.org) and [www.lawyerscomm.org](http://www.lawyerscomm.org); for the Court's opinion in Parents Involved in Community Schools v. Seattle School District No. 1, et al, see 2006 Term Opinions at <http://www.supremecourtus.gov/opinions/opinions.html>.]

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**EEOC Guidance on Potential Discrimination Against Employees with Caregiving Responsibilities.** The U.S. Equal Employment Opportunity Commission (EEOC) adopted new enforcement guidance on how disparate treatment of caregiver employees may violate Title VII of the 1964 Civil Rights Act or the Americans with Disabilities Act (ADA). On April 17, the Commission held a hearing on discrimination based on family responsibilities.

[See EEOC's website for press release and transcript of hearing at [www.eeoc.gov](http://www.eeoc.gov).] At its May 23 meeting, where the guidance was announced, EEOC noted that while the guidance does not create a new protected category of employees with family responsibilities, treating those employees in a disparate manner can constitute unlawful discrimination under existing Title VII prohibitions of race or sex bias or under the ADA. [See "Enforcement Guidance: Unlawful Disparate Treatment of Workers with Caregiving Responsibilities," May 23, 2007, Number 915.002 at <http://www.eeoc.gov/policy/docs/caregiving.html>. Also see story at Daily Labor Report, No. 100, Page AA-1, May 24, 2007.]

**EEOC Issues Amended Age Bias Regulations.** On July 6, EEOC issued revised regulations on age discrimination in the workplace under the Age Discrimination in Employment Act (ADEA), in accordance with a 2004 U.S. Supreme Court decision, *General Dynamics Land System, Inc. v. Cline*. The updated regulations clarify, as the *Cline* Court did, that ADEA does not prohibit employers from favoring an older employee over a younger one when both are protected by the Act. [See Final Rule: Coverage Under the Age Discrimination in Employment Act in the July 6 Federal Register, Volume 71 Number 129, pages 36873 – 36875.]

**EEOC Private Call Center Contract Not Extended.** In response to action by the appropriations committees in Congress to eliminate funding for EEOC's National Contact Center beginning October 1, 2007 (the start of the new federal fiscal year), EEOC announced on August 13 that it had voted to replace the Center pilot program with an in-house answering team. [See August 10 press release on the contact center at [www.eeoc.gov](http://www.eeoc.gov); see also Daily Labor Report, No. 146, Page A-1, August 14, 2007, for background on EEOC's vote on the contact center.]

**Nominations for EEOC Commissioners.** President Bush has nominated Stuart Ishimaru for a second term on the EEOC. In an August 3 letter sent to the Senate, the President nominated him for a five year term, ending July 1, 2012. Commissioner Ishimaru, a long-time civil rights attorney, has been strongly endorsed by the civil rights community. Another nominee, David Palmer, a Justice Department attorney whom the President had nominated for the Commission in January, withdrew his nomination after encountering opposition by some members of Congress and former senior employees of the Civil Rights Division at the U.S. Department of Justice. [See announcement by U.S. Senators urging the President to renominate Ishimaru to the EEOC at [http://kenedy.senate.gov/newsroom/press\\_release.cfm?id=774B8427-E585-449C-9D9A-C15F328640B8](http://kenedy.senate.gov/newsroom/press_release.cfm?id=774B8427-E585-449C-9D9A-C15F328640B8) and see [www.civilrights.org](http://www.civilrights.org) for information on David Palmer.]

## **CONGRESS**

**Judicial Nominations.** The full Senate Judiciary Committee, by a vote of 10-9, approved Leslie Southwick's nomination for the Fifth Circuit Court of Appeals on August 2. The full Senate still needs to consider the nomination but timing is unclear because 60 votes are needed to overcome procedural objections. Civil rights, labor and other organizations, as well as the Congressional Black Caucus, oppose this nomination believing that Southwick's record calls into question his commitment to equal justice and his willingness to protect the rights of minorities, workers, consumers and gays and lesbians. The AFL-CIO sent a letter of opposition to the Committee members. The letter addresses a number of Judge Southwick's opinions that call into question his fairness and ability to impartially evaluate workers' claims during his tenure on the Mississippi Court of Appeals. [For more information regarding the Southwick nomination and record and the AFL-CIO letter, see the Leadership Conference on Civil Rights' Save Our Courts website at [www.saveourcourts.org](http://www.saveourcourts.org).]

NOTE: On October 24, by a vote of 62-35, the Senate voted to proceed to consider the Southwick nomination. By a vote of 59 to 38, the Senate confirmed his nomination to the Fifth Circuit Court of Appeals. [See [www.civilrights.org](http://www.civilrights.org) regarding the confirmation.]

**EEOC Funding.** On July 26, the House passed a fiscal year 2008 spending bill (H.R. 3093) that includes \$333 million in funding for the EEOC, an increase of close to \$4 million over its current fiscal year funding and an increase of \$5 million over the requested budget of the Administration. The House defeated an amendment that would have prohibited the EEOC from suing employers over alleged national origin discrimination under Title VII of the 1964 Civil Rights Act when employers adopt English-only policies. A similar amendment was adopted in June by a Senate Appropriations Subcommittee in its version of this funding bill (S. 1745); the full Appropriations Committee also adopted the bill. S. 1745, not yet considered by the full Senate, would provide EEOC with a budget of \$378 million. [See Daily Labor Report, No. 144, Page A-13, July 27, 2007; and see <http://thomas.loc.gov/> for copy and status of legislation.]

**The Employee Free Choice Act (EFCA).** While the House passed EFCA (H.R. 800) by a vote of 241 – 158, the Senate was blocked from continuing to consider the House-passed bill when a vote to continue debate and consideration garnered 51, rather than the needed 60 votes on June 26. Among other things, EFCA would establish stronger penalties for violation of employee rights when workers seek to form a union, as well as during first-contract negotiations. [See [http://thomas.loc.gov](http://thomas.loc.gov/) for information on this bill.]

**Raising the Minimum Wage.** The minimum wage was increased from \$5.15 to \$5.85 on July 24, for the first increase in more than 10 years, under legislation (H. R. 2) adopted by both the House and the Senate early in 2007. This was the first of a three-part increase adopted by Congress, together with \$4.8 billion in tax breaks for business. The next increase to \$6.55 will be on July 24, 2008, followed by an increase to \$7.25 on July 24, 2009. [See [http://thomas.loc.gov](http://thomas.loc.gov/) for information on this legislation.]

## **STATE AND LOCAL NEWS**

### **AFFIRMATIVE ACTION**

**Colorado, Missouri, Arizona and Oklahoma.** In late-April, local proponents in Colorado, together with the national sponsor of anti-affirmative action laws in Michigan and California, Ward Connerly, announced their goal of putting ballot initiatives similar to Michigan's on the November 2008 ballot in all four of these states. In Missouri, the sponsors of the "civil rights" initiative have challenged the Secretary of State over her proposed summary of the initiative by filing two lawsuits. The proposed summary by the Secretary of State notes that the initiative would ban affirmative action, while initiative supporters argue that wording distorts the issue. [For information regarding the proposed four state initiatives, see [http://www.fairchance.org/media\\_watch/index.html](http://www.fairchance.org/media_watch/index.html) and on the map, go to each of the above-named states.]

**San Francisco.** A San Francisco ordinance that gave a ten per cent discount to minority and women businesses and required subcontractors to make good-faith efforts to assure these businesses bid for subcontracts was held to violate California law. The California Court of Appeal upheld a lower court decision that the ordinance violated a provision of Proposition 209, which prohibits the consideration of race or gender by state and local governments in contracts, employment or education. [*Coral Constr. Inc. v. San Francisco*, Cal. Ct. App., No. A107803, April 18, 2007.] Legislation passed in 2004 by the City to permit a ten percent discount to economically disadvantaged businesses and require prime contractors to make a good faith effort to provide those businesses with subcontracts remains in effect. [See Daily Labor Report, No. 76, April 20, 2007.]

## **VOTING RIGHTS**

### **FEDERAL NEWS**

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

**Voter ID Case to be Considered.** The U.S. Supreme Court agreed on September 25, to hear two consolidated cases, *Crawford v. Marion County Election Board* and *Indiana Democratic Party v. Rokita*, both involving Indiana's 2005 voter identification law. This could be a very important decision for the 2008 elections, given the increasing number of states that are requiring the use of voter IDs. **Indiana's** law requires that before voting in person, all voters must show a photo identification issued by either the federal government or the State of Indiana that is not expired, or expired subsequent to the most recent general election. Absentee voters are not covered by this requirement. The Seventh Circuit Court of Appeals upheld the Indiana ID law early this year, noting that since photo identification requirements are a fact of every day life, e.g., for flying and entering buildings such as courtrooms, it is only a small burden to ask voters to get and show a photo ID to vote. Civil rights and other opponents claim these laws suppress the votes of minorities and poor people since they often do not have driver's licenses or other government identification. As is the case in other states, no evidence of voter fraud was presented in the Indiana case, even though that is a major rationale for the voter ID requirements. [For copy of court opinions and pleadings, see <http://moritzlaw.osu.edu/electionlaw/litigation/indy-dems.php>; see also September 24, 2007 "Fear but Few Facts in Debate on Voter I.D.'s," at [www.nytimes.com](http://www.nytimes.com).]

#### **FEDERAL DISTRICT COURT**

**Challenge to Section 5 of the Voting Rights Act (VRA).** On September 18, the U.S. District Court for the District of Columbia heard arguments in the case brought by the Northwest Austin Municipal Utility District Number One. The **Texas Utility District** filed a lawsuit against the U.S. Attorney General, challenging last year's congressional reauthorization of the Section 5 preclearance provision of the Voting Rights Act of 1965, which requires covered jurisdictions to seek approval of any election-related changes prior to implementation. A number of civil rights organizations, including the NAACP Legal Defense and Educational Fund, MALDEF, NAACP, the Lawyers' Committee for Civil Rights Under Law, People for the American Way, ACLU and Texas RioGrande Legal Aid, intervened in the case, on behalf of Texas residents. [For more information and copy of legal documents, see [www.naacpldf.org](http://www.naacpldf.org).]

#### **DEPARTMENT OF JUSTICE (DOJ)**

**Section 2 VRA violations.** On August 21, The U.S. DOJ issued a statement indicating that, after a two-week trial, the U.S. District Court for the Northern District of Ohio ruled that the **City of Euclid, Ohio's** method of electing its city council violated Section 2 of the Voting Rights Act (VRA). Section 2 of the VRA is a nationwide prohibition against voting practices and procedures that discriminate on the basis of race, color or membership in a language minority group. DOJ had challenged the city's mixed at-large/ward method of electing its city council, arguing that it unlawfully diluted the voting strength of African-American voters. According to the case record, while African-Americans comprise nearly 30 per cent of the city's electorate, not a single African-American candidate has ever been elected to the nine-member city council or to any other city office. [For August 21 information about the court decision, *United States v. City of Euclid, Ohio, Et. Al*, see <http://www.usdoj.gov/opa/pr/2007/August/>; for copy of DOJ's original complaint, see <http://www.usdoj.gov/crt/voting/litigation/caselist.htm>.]

**VRA Language Minority Provisions.** On July 16, a consent decree was filed to resolve a lawsuit against **Galveston County, Texas** for violations under the language minority provisions (Section 4(f)(4)) of the VRA and under HAVA. Under the consent decree, Galveston County will assure that the requirement that

all election and voting-related materials made available in English must also be made available in Spanish will be implemented in all federal, state and local elections that they administer. They must also assure that all poll officials and other election personnel present at the polls receive training on the Section 4(f)(4) minority language requirements and the HAVA provisions. [To see the Consent Decree in *United States v. Galveston County, TX*, go to [www.usdoj.gov/crt/voting/sec\\_203/documents/galveston\\_cd.htm](http://www.usdoj.gov/crt/voting/sec_203/documents/galveston_cd.htm).]

The DOJ and the **City of Philadelphia** reached a settlement agreement in *United States v. City of Philadelphia, PA*, brought against the City for violation of the rights of Hispanic and other voters, under the minority language provisions (Section 203) of the VRA and under the Help America Vote Act (HAVA) that ensures accessible voting for disabled voters. Under the agreement, Philadelphia agreed to provide for additional Spanish speaking poll officials and to assure that voters who need assistance in voting will receive it. In addition, election workers will receive training and sign commitments to avoid discriminatory or other illegal practices. [For copy of amended complaint filed with the settlement agreement, see <http://www.usdoj.gov/crt/voting/litigation/recent203.htm#philadelphia>.]

On September 20, DOJ and the **City of Walnut, California** reached an agreement to settle a lawsuit brought by DOJ on April 12. The DOJ alleged that the City of Walnut violated the rights of Chinese and Korean-speaking voters under the minority language provisions (Section 203) of the VRA by not translating election materials into Chinese and Korean and by failing to provide other assistance to those voters with limited English skills. Under the proposed settlement agreement – that must still be approved by the court and the City Council – all local election materials and notices that are provided in English will also be provided in other required languages. In addition, federal observers will monitor the next two elections. [For information about the September 20 agreement in *United States v. City of Walnut, CA*, see [http://www.usdoj.gov/opa/pr/2007/September/07\\_crt\\_744.html](http://www.usdoj.gov/opa/pr/2007/September/07_crt_744.html); for a copy of the original complaint, go to <http://www.usdoj.gov/crt/voting/litigation/recent203.htm#walnut>.]

DOJ and **Kane County, Illinois** settled a lawsuit against the County, alleging violations of the rights of Spanish-speaking voters under Section 203 of the VRA. DOJ's complaint charged the County with failing to provide Spanish-language assistance at the polls to the majority of its Spanish-speaking voters in recent elections and preventing those voters from receiving assistance from persons of their choice. Under the settlement agreement, Kane County officials agree to allow voters to use such assistance and to provide all voting materials and assistance in both English and Spanish. DOJ will also monitor future elections. [See <http://www.usdoj.gov/crt/voting/litigation/caselist.htm> for copy of complaint and settlement, both filed at the same time; see also [http://www.usdoj.gov/opa/pr/2007/September/07\\_crt\\_770.html](http://www.usdoj.gov/opa/pr/2007/September/07_crt_770.html) for information on the settlement.]

## **CONGRESS**

**DC Voting Rights.** On September 18, the Senate fell three votes short of the 60 votes needed to proceed to debate on S. 1257, the DC Voting Rights Act. While advocates were disappointed by the vote, some noted that this issue has never before received full consideration by the Congress. The Senate Majority Leader has indicated a possibility that the issue could be reconsidered at a later point during this Congress (2007-2008), if advocates are able to obtain the three additional votes needed to proceed. The House of Representatives passed its version of the bill, H.R. 1905, by a vote of 241-177 on April 19. This legislation would increase the number of members in the U.S. House of Representatives by two – one for Washington DC and one for Utah, the state next in line to gain additional representation in the House, based on 2000 U.S. Census data. [See [www.devote.org](http://www.devote.org) and [www.norton.house](http://www.norton.house) for more information about the issue and the legislation.]

## **STATE AND LOCAL NEWS**

### **Voter IDs**

**Arizona.** In April, the U.S. Court of Appeals for the Ninth Circuit upheld a trial judge's refusal last year to block the state's 2004 voter-approved law pending trial on the issue. The 2004 law requires voters to prove citizenship to register to vote and show identification at polling places. In late August, the federal district court hearing this case rejected claims that Arizona's law constitutes an unconstitutional poll tax. [See <http://moritzlaw.osu.edu/electionlaw/litigation/gonzalez.php> for copy of Opinion and other pleadings.]

**Georgia.** On September 6, a U.S. District Court for the Northern District of Georgia, Rome Division upheld Georgia's 2005 law requiring voters to show a photo ID. The Court ruled that those challenging the law had not proved that it unduly or significantly burdened the right to vote. Supporters of the voter ID law argued that it was needed to prevent voter fraud. While the state was unable to produce any evidence of voter fraud, the judge held that the heavier burden was on the plaintiffs to prove harm from the ID requirement, rather than on the state to demonstrate why the law is needed. [For opinion and earlier pleadings in the case, see <http://moritzlaw.osu.edu/electionlaw/litigation/common-cause.php>; see also [www.lawyerscomm.org](http://www.lawyerscomm.org).]

**Michigan.** The Michigan State Supreme Court issued an opinion on July 18 upholding the state's 2005 law requiring voters to present photo identification at the polls; the Secretary of State's office said the requirement will be effective for the November 6, 2007 election. According to the 5 to 2 decision, the requirement is not a poll tax, as claimed by the law's opponents, because voters have the option of signing an affidavit swearing to their identity. The state law at issue (Public Act 71 of 2005) does allow voters who have no photo identification to sign an affidavit swearing that they have no such ID but the law also states that those votes may be subject to challenge. According to the Secretary of State's office, a total of 600,000 residents of voting age have no photo ID, with an estimated 377,000 of those being voters. [See [http://courtofappeals.mijud.net/documents/OPINIONS/FINAL/SCT/20070718\\_S130589\\_44\\_advisoryopinion1nov06-op.pdf](http://courtofappeals.mijud.net/documents/OPINIONS/FINAL/SCT/20070718_S130589_44_advisoryopinion1nov06-op.pdf) for copy of *In re* REQUEST FOR ADVISORY OPINION REGARDING CONSTITUTIONALITY OF 2005 PA 71, filed July 18.]

**Mississippi.** On July 17, 2007, the U.S. District Court for the Northern District of Mississippi Greenville Division denied a motion by the Democratic Party Executive Committee to reconsider its June 8 ruling requiring voter identification in primary elections. In that decision, the Court not only granted the request of the Democratic Party Executive Committee to stop nonparty members from voting in their primary but also required the use of an identification system during primary elections so that the Democratic Party could verify who participated in its primary. Since the state does not currently require party registration, the June 8 decision also required re-registration for all voters for that purpose. In response to the June 8 ruling, the State Election Board, consisting of the Governor, the Secretary of State and the State Attorney General (the latter abstained from voting because he represents the state legislature in the lawsuit at issue) voted to support a requirement that all state voters show some form of identification at the polls. The Resolution adopted by the Election Board indicated the requirement could be implemented before next year's March primary elections. [See Court opinion in Civil Action No. 4:06CV29-P-B at <http://www.msnd.uscourts.gov/opinionsinterest.htm>; see also the June 28 release from the Governor on the State Election Board action at <http://www.governorbarbour.com/>.]

**Texas.** A bill (HB 218) requiring proof of identification, including a photo id, for voting, passed the House on April 24. Senate members concerned about the impact that such a requirement would have on suppressing voter turnout by African-American and Hispanic voters stopped the bill from moving forward

in the Senate; on May 15, HB 218 failed to get the two-thirds vote needed to be considered by the full Senate. [See <http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=80R&Bill=HB218> for history and text of the bill.]

### **State Registration Law Challenged**

**Florida.** The Brennan Center for Justice at NYU School of Law and the Advancement Project, among others, filed a lawsuit on September 17, challenging Florida's statewide election law that denies voter registration to any state citizen if the state cannot match or otherwise validate the individual's driver's license or Social Security number provided on the registration form. According to the Brennan Center, there are common database errors that make matching of either of these documents unreliable and could particularly impact Latinos in the state who use maternal and paternal surnames that if entered differently in these databases could jeopardize their right to vote. In August 2006, the courts blocked a similar Washington law; since that ruling several other states have eliminated this practice. [For more information about the lawsuit and this practice, see [www.advancementproject.org](http://www.advancementproject.org).]

## **IMMIGRATION**

### **FEDERAL NEWS**

#### **FEDERAL COURT DECISIONS**

**Federal Civil Rights Law Applies Regardless of Immigration Status.** A recent U.S. District Court opinion in Minneapolis, Minnesota held that the immigration status of a restaurant cook does not prevent the Equal Employment Opportunity Commission (EEOC) from bringing her claim of sexual harassment to trial, even though it may limit her remedies. To rule otherwise, said the court, would be contrary to the policy goals of Title VII and encourage employers to hire undocumented workers who could not enforce their civil rights. [See August 22 release by EEOC at [www.eeoc.gov/press/8-22-06.html](http://www.eeoc.gov/press/8-22-06.html) and Daily Labor Report, No. 108, Page A-1, June 6, 2007, regarding *EEOC v. The Restaurant Company*, D. Minn., No. 05-1656.]

**Federal Court Halts Implementation of Social Security No-Match Rule.** On August 31, the U.S. District Court for the Northern District of California issued an order temporarily blocking the implementation of a new federal rule. The new rule could lead to many U.S. citizens and legally authorized workers being erroneously terminated from their jobs, according to the AFL-CIO, the ACLU and the National Immigration Law Center, who are among those that challenged the rule. The Social Security Administration (SSA) was to send out "no match" letters to employers around the country between September 4 and November 9. Under the new rule issued by the U.S. Department of Homeland Security (DHS) on August 15, 2007, an employer who receives an SSA "no-match" letter would have to take action to resolve the discrepancy within 90 days of receipt of the letter. Taking no action would subject the employer to prosecution for having "constructive knowledge" that an employee was not authorized to work in the U.S., even though there are many legitimate reasons for such discrepancies, including clerical errors, name changes due to marriage and divorce and the use of multiple surnames common in many parts of the world. [For information about the court decisions and the SSA "no-match" letters, go to [www.nilc.org](http://www.nilc.org).]

**NOTE:** On October 10, a federal judge in the U.S. District Court for the Northern District of California issued a preliminary order preventing any implementation of this rule until the court makes a final ruling after trial. [See [www.nilc.org](http://www.nilc.org) for copy of the order.]

**Settlement Reached on Detention Conditions for Immigrant Children and Families.** The American Civil Liberties Union (ACLU) announced a settlement agreement with the U.S. Immigration and Customs Enforcement (ICE) that has led to greatly improved conditions at the T. Don Hutto detention center in Taylor, Texas. In addition, the 26 immigrant children on whose behalf the consolidated lawsuits against DHS and ICE were filed have been released from Hutto. The ACLU notes that while they believe the former medium security prison is an inappropriate setting for children, there have been positive changes in areas like education, recreation, medical care and privacy. In addition, children no longer are required to wear prison uniforms and are allowed more time outdoors. [See [www.aclu.org/immigrants](http://www.aclu.org/immigrants).]

## **STATE AND LOCAL NEWS**

### **COURT CASES**

**Arizona Employer Sanctions Law Challenged.** The American Civil Liberties Union (ACLU), the Mexican American Legal Defense and Educational Fund (MALDEF), and the National Immigration Law Center (NILC) filed a lawsuit on September 4 challenging Arizona's new law that threatens employers with permanent loss of business licenses if they violate the law. Under the "Legal Arizona Workers Act," employers would be required to use the federal Basic Pilot database program to verify the employment of an employee, even though the use of that program was intended by Congress to be voluntary. The lawsuit alleges that the law conflicts with Congress' intent and imposes sanctions beyond what the federal government intends. [See [www.nilc.org](http://www.nilc.org) for press release and complaint filed in the case.]

**Hazleton, PA Ordinance Violates Federal Law.** On July 26, the U.S. District Court for the Middle District of Pennsylvania ruled, in *Pedro Lozano et al v. City of Hazleton*, that Hazleton's local ordinance to regulate the renting to and employment of undocumented immigrants is preempted by federal law and violates due process. The Court rejected the city's claim that some of the immigrants bringing the case had no standing to sue and that they should not be allowed to do so anonymously because they are undocumented. The court responded that the U.S. Supreme Court has consistently ruled that the 14<sup>th</sup> Amendment applies to all persons in the United States, even to those who enter the country unlawfully. [For information about this case see [www.aclu.org/immigrants/index.html](http://www.aclu.org/immigrants/index.html).]

**Farmer's Branch, Texas Ordinance Also Blocked.** On June 19, the U.S. District Court for the Northern District of Texas, Dallas Division, blocked enforcement of a city council passed and voter-endorsed ordinance preventing apartment rentals to most undocumented immigrants in this community outside of Dallas. Under the ordinance, with some exceptions, landlords would have to verify that renters are U.S. citizens or legal immigrants before leasing to them or face fines of up to \$500 per day for violations. The court issued a preliminary injunction holding off enforcement while the legal challenge continues. The ACLU and MALDEF challenged the ordinance in December 2006. [For copy of the Court's opinion and order, see [http://www.aclutx.org/files/FB\\_doc109.pdf](http://www.aclutx.org/files/FB_doc109.pdf); for background information about the case, see <http://www.aclu.org/immigrants/discrim/30186prs20070619.html>.]

**Riverside, New Jersey Withdraws Law Similar to Hazleton's.** The Riverside, New Jersey law would have penalized landlords who rented to undocumented immigrants and employers who hired them. On September 17, the Riverside Township Committee voted 3 to 1 to repeal the law noting that it would be too expensive to defend the law; the ACLU and others had already challenged the law in court. A similar law in Hazleton, PA was found to be unconstitutional and, to date, the courts have not allowed these laws to go forward. [For link to the complaint filed in this case, see <http://www.aclu.org/immigrants/31856prs20070917.html>; for background on the Riverside law, go to <http://www.aclu.org/immigrants/discrim/27854res20070105.html>.]

## **STATE AND LOCAL DEVELOPMENTS**

According to an August report by the National Conference of State Legislatures (NCSL), just over 1400 immigration-related pieces of legislation were introduced in the states during the 2007 state legislative sessions. As of early July, 170 bills in 41 states actually became law. [For more information and a copy of the report, go to [www.ncsl.org](http://www.ncsl.org) and see immigration policy under Issue Areas.]

Below are a few examples of state and local developments:

**Arizona.** Governor Janet Napolitano vetoed legislation (H.B. 2589) on May 1 that was aimed at day laborers, stating that the bill was “vague, overbroad and discriminatory.” The legislation would have created the crime of first-criminal trespass to prohibit such workers from standing or remaining unlawfully in specific places to solicit employment for money. On May 8, the Governor also vetoed a bill (S.B. 1236) that would have prohibited the state and its subdivisions from accepting a consular identification card issued by a foreign government as a valid identification; these cards are issued to either legal residents or undocumented immigrants living in the United States. The Governor noted that this would make it difficult for law enforcement officers to confirm the identities of foreign nationals and encourage the use of forged documents. [For copy of legislation, *see* <http://www.azleg.gov/Bills.asp>; for the veto messages, *see* <http://azgovernor.gov/media/PressReleases.asp>.]

**Oklahoma.** In May, Governor Brad Henry signed into law the “Oklahoma Taxpayer and Citizen Protection Act of 2007” (House Bill 1804). The bill includes provisions to: make sure only U.S. citizens and legal immigrants get taxpayer-supported benefits; restrict access by undocumented workers to driver’s licenses and ID cards; allow state and local law enforcement to enforce federal immigration laws; and provide severe penalties for employers who hire undocumented immigrants. [For a copy of the new law, *see* the enrolled version of H.B. 1804 at <http://www.lsb.state.ok.us/>.]

**New York State.** On September 21, Governor Eliot Spitzer announced that driver’s licenses would be issued without regard to immigration status. This policy overturns the rules in effect under the prior governor. Under the new policy, a current foreign passport will be accepted as proof of identification. NOTE: On October 27, the Governor announced an agreement with the U.S. Department of Homeland Security to create a more secure and comprehensive licensing system for New Yorkers, in effect, implanting modified REAL ID regulations that will be forthcoming and apply nationally later this year. As part of this agreement, the state will now issue three separate licenses, all for different purposes. One would be a state license for driving and identification purposes only. It will say “not for U.S. government purposes.” It is expected that undocumented immigrants would be the ones most likely to use it. [For information about this new policy, *see* the Governor’s website at <http://www.state.ny.us/governor/>.]

**New Haven, CT.** On June 4, the New Haven Board of Alderman adopted, by a vote of 25 to 1, a plan to accept private funds to support Mayor John DeStefano’s Municipal Identification Program. The program will provide all residents of New Haven, including undocumented immigrants, with identification cards that will allow all residents to open bank accounts and use other services that otherwise require driver’s licenses or state-issued IDs. The cards will also have a debit feature that can be used for the City’s parking meters and for some downtown merchants. [For more information about the program, *see* the Mayor’s web site at [www.cityofnewhaven.com](http://www.cityofnewhaven.com).]

## **Lesbian, Gay, Bisexual and Transgender (LGBT) DEVELOPMENTS**

### **FEDERAL NEWS**

#### **CONGRESS**

**Hate Crimes Legislation.** On September 27, the Senate voted to attach the Local Law Enforcement Enhancement Hate Crimes Prevention Act of 2007 (also known as the Matthew Shephard Act) as an amendment to the U.S. Department of Defense authorization bill (H.R. 1585). The House adopted this proposed Act as a stand-alone bill (H.R. 1592) on May 3, by a bipartisan vote of 237-180; the Senate's stand-alone bill (S. 1105) has not yet been acted on. The Senate adopted amendment would extend federal hate crimes protection to individuals attacked because of actual or perceived sexual orientation, gender, gender identity or disability. Under current law, such crimes are protected if committed against individuals because of their race, color, religion or national origin. The different versions of the DOD authorization bill need to be reconciled by the House and Senate. [For more information and the list of endorsers of the legislation, see [www.civilrights.org](http://www.civilrights.org).]

### **STATE NEWS**

#### **COURT DEVELOPMENTS**

**California.** Thirty *amicus* (or friend of the court) briefs were submitted to the California Supreme Court on September 26, supporting same-sex couples who are seeking the rights and responsibilities of marriage. The briefs were submitted by: over 90 civil rights organizations – including MALDEF, the National Black Justice Coalition, the California NAACP, the NAACP Legal Defense and Education Fund, the Southern Poverty Law Center, and 60 Asian Pacific Islander groups – local bar associations, city governments and leading legal scholars. In addition, over 400 local, regional and national religious organizations and clergy submitted an interfaith brief. The case involves the State's appeal of the March 2005 decision by a San Francisco Superior Court judge which held the state's statutory ban on marriage by same-sex couples violates the California Constitution; that decision was reversed by the California Court of Appeals on October 5, 2006. Responses to the *amicus* briefs are due in October, after which the Supreme Court will set a date for oral arguments. [For information about the case and the *amicus* briefs, see [www.nclr.org](http://www.nclr.org).]

**Iowa.** The Iowa District Court for Polk County ruled on August 30 that the state's law allowing marriage only to a man and a woman violated the state's constitutional rights of due process and equal protection. The Court ordered local officials to provide marriage licenses for the six gay couples involved in the lawsuit. County officials announced their intent to appeal the decision. The Iowa Supreme Court will ultimately decide the case. [For more information about *Varnum v. Brien*, see [www.lambdalegal.org](http://www.lambdalegal.org).]

**Maryland.** On September 18, Maryland's Court of Appeals, the state's highest court, upheld the state's ban on same-sex marriage. The Court reversed a lower court decision in the case of *Deane and Polyak v. Conaway*, and ruled, by a vote of 4 to 3, that the prohibition does not violate the state constitution. [See <http://www.aclu.org/lgbt/relationships/31860prs20070918.html> for information regarding this case.]

## **STATE AND LOCAL DEVELOPMENTS**

**Colorado.** Colorado adopted legislation (SB 25) to ban employment discrimination on the basis of both sexual orientation and gender identity. It also approved a bill (HB 1330) to extend second-parent adoption rights to unmarried couples, thereby allowing, among other factors, for both parents to include a child in a will or under their health care policies. [For copy of these bills, *see* <http://www.leg.state.co.us/>.]

**Iowa.** On May 25, Governor Chet Culver signed into law legislation (SF 427) banning discrimination in employment, public accommodation, credit, housing or education based on an individual's sexual orientation or gender identity. [See <http://www.legis.state.ia.us/asp/Cool-ICE/BillHistory.htm> for copy of bill.]

**Kentucky.** On June 1, State Attorney General Gregory Stumbo issued a formal opinion stating that providing health insurance to state university employees' domestic partners violates the Kentucky Constitution because those relationships would then be analogous to marriage, which is contrary to the anti-gay marriage constitutional amendment adopted in 2004. The opinion noted that if the "domestic partner" benefits were extended to include anyone living in an employee's household, the benefits would be constitutional. The basis for this opinion is similar to that in a ruling by a Michigan appeals court earlier this year (*see* March 2007 *Civil Rights News*) that banned Michigan public universities and state and local governments from providing health insurance to partners of gay employees. [Link to Kentucky Attorney General's opinion at <http://ag.ky.gov/news/domesticpartnersopinion.htm>.]

**Ohio.** On May 17, Governor Ted Strickland signed Executive Order (E.O.) 2007-10S, reinstating a ban on discrimination against current or prospective state employees based on sexual orientation or gender identity. This E.O. is similar to that which existed in the state for 15 years, before the previous governor rescinded it. [The E.O. is available at <http://governor.ohio.gov/News/May2007/tabid/267/Default.aspx>.]

**New Hampshire.** Under a new law, enacted in April, the legislature created civil unions for same gender couples; the state joins Vermont, Connecticut and New Jersey in providing broad same gender family recognition under the rubric of civil unions. The legislation creating this status (HB 437) also provides that these couples shall have the same rights, responsibilities and obligations as married couples. [See [www.thetaskforce.org](http://www.thetaskforce.org) for state map on this issue; the NH legislation is available at <http://gencourt.state.nh.us/ie/>.]

**New Jersey.** On July 30, United Parcel Service (UPS) extended spousal health benefits to union-represented workers in New Jersey who are in civil unions. While UPS offers these "domestic benefits" nationwide to nonunion UPS employees and managers, UPS argued that the existing collective bargaining agreement with the International Brotherhood of Teamsters did not include domestic partner benefits. Governor Corzine sent a letter to UPS, however, noting that under the state's civil union law, partners were intended to be treated the same as spouses. [See <http://www.lambdalegal.org/ups-victory-feature.html>.]

**Oregon.** Governor Ted Kulongoski signed into law two bills addressing LGBT individuals. The first bill (SB 2) bans discrimination in employment, housing and public accommodation based on sexual orientation and gender identity. The second measure (HB 2007) creates domestic partnerships, effective January 1, 2008, to provide same-sex couples with many of the rights and responsibilities previously granted only to married couples. [For copy of the bills *see* <http://www.leg.state.or.us/>.]

**Vermont.** In May, Governor Jim Douglas signed into law a bill (S. 51) to expand the state's existing nondiscrimination law, which protects discrimination on the basis of sexual orientation, to include gender identity as well. The law applies to discrimination in the workplace, public accommodations, housing, insurance, and credit services. [See <http://www.leg.state.vt.us/> for legislation.]

**Washington.** Governor Chris Gregoire signed into law a domestic partnership bill adopted by the state legislature. The legislation (SB 5336) creates a state registry of domestic partners and extends to these couples some of the property and family rights that were otherwise limited to married couples. Heterosexual couples will also have their relationships recognized as domestic partnerships if at least one person in the couple is 62 years or older. [See <http://www1.leg.wa.gov/legislature/> for copy of bill.]

## **WOMEN'S RIGHTS**

### **FEDERAL NEWS**

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

In a 5 to 4 decision in *Ledbetter v. Goodyear Tire & Rubber Co.*, the U.S. Supreme Court held that Lilly Ledbetter's claim of wage discrimination was not timely because no act of discrimination occurred within 180 days of her filing her EEOC claim, as required under Title VII of the Civil Rights Act of 1964. For decades, the EEOC and the courts applied a rule in wage discrimination cases that recognized the law was violated each time an employer made a payment tainted by a discriminatory compensation decision or practice. The Court rejected that argument stating that the later effects of past discrimination do not restart the clock for filing EEOC claims. Justice Ruth Ginsburg wrote in the dissenting opinion: "this court does not comprehend, or is indifferent to, the insidious way in which women can be victims of pay discrimination." [See <http://www.supremecourtus.gov/> for a copy of the court's opinion.]

#### **U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA**

On July 17, the U.S. District Court for the District of Columbia granted preliminary approval of a \$46 million class action settlement in a Title VII case brought by female financial advisers at Morgan Stanley. The eight female financial advisers who initiated the lawsuit claimed discrimination in the distribution of accounts and other business opportunities. The five-year settlement agreement will apply to about 2,700 women and also will result in programmatic changes at Morgan Stanley, including the appointment of an independent Diversity Monitor. [For information about the settlement agreement, including a copy of the settlement agreement, see <http://www.sexdiscriminationagainstmorganstanley.com/about/>.]

A second proposed class action settlement involving Morgan Stanley involves claims of systemic discrimination against African American, Latino and female brokers. The agreement, announced on August 2, settles a case where plaintiffs alleged that Morgan Stanley delegates all authority to distribute accounts, referral, partnership opportunities and other business opportunities to the mostly all white male branch managers. About 1200 women would be covered by the five-year agreement that also includes a range of programmatic relief. A hearing to certify the class in this case is scheduled for February 6, 2008. [For information about this case, see Daily Labor Report, No. 150, Page A-8, August 6, 2007.]

#### **U.S. DEPARTMENT OF LABOR (DOL)**

**Family and Medical Leave Act (FMLA).** On June 27, the DOL released a report analyzing the over 15,000 public comments they received on the FMLA. As noted in our March 2007 *Civil Rights News*, DOL had invited public comments on a range of issues related to the FMLA in December 2006. This over 160-page report reflects only the opinions received in these comments; it does not include research or other evidence of how this important law is working. In the Forward to the Report, DOL states "[t]here are no proposals for regulatory changes being put forward by the Department with this Report." FMLA

advocates continue to be concerned, however, that DOL will use comments included in this report to propose regulatory changes. [For comments about the report, see “Nation’s Top Family Leave Expert Warns Against Rolling Back FMLA Protections,” [www.nationalpartnership.org](http://www.nationalpartnership.org) under Newsroom/Press Releases, June 26, 2006; the press release and report are available at <http://www.dol.gov/opa/media/press/esa/ESA20070909.htm>.]

## **CONGRESS**

**Pay Discrimination.** On July 31, the House of Representatives adopted legislation directly responding to the U.S. Supreme Court’s decision in *Ledbetter v. Goodyear Tire & Rubber Company*. That decision overruled longstanding legal understanding and court decisions interpreting time restrictions in Title VII of the Civil Rights Act of 1964 for proving pay discrimination in the workplace. The Lilly Ledbetter Fair Pay Act of 2007 (H.R. 2831) states clearly that the 180-day statute of limitations applies every time a discriminatory paycheck is provided. In the Senate, S. 1843, the Fair Pay Restoration Act, was introduced on July 20 and is pending action. [For copies of the House and Senate bills, go to <http://thomas.loc.gov/>; see also the July 31 release by the LCCR at [www.civilrights.org](http://www.civilrights.org).]

**FMLA for Families of Wounded Soldiers.** Both the House and Senate adopted legislation to expand the Family and Medical Leave Act and provide up to six months of leave without pay for spouses and family members of wounded veterans. The recommendation for this legislation came from the Commission on Care for America’s Returning Wounded Warriors. The leave language was included in legislation (H.R. 976) to reauthorize the State Children’s Health Insurance Program (SCHIP) and was passed by the House on September 25 and by the Senate on September 27. There are also four related bills that have been introduced solely on this issue – H.R. 3391 and 3556 and S.B. 1894 and 1898. [Text and background of legislation is available through <http://thomas.loc.gov>.]

**NOTE:** the President vetoed HR 976 on October 3.

## **STATE NEWS**

**Washington.** On May 25, Governor Chris Gregoire signed into law a bill (S.B. 5659) to provide paid leave for the birth or adoption of a child. Washington follows California in offering a paid family leave program. Under the new law adopted by the legislature on April 13, parents would receive up to \$250 per week for five weeks. The bill, effective October 1, 2009, exempts businesses with fewer than 25 employees and sets forth eligibility criteria for full and part-time employees. The state paid leave would be taken concurrently with leave allowed under the federal FMLA. A task force created under the bill will develop a financing plan for the benefits and report its recommendations to the legislature by January 1, 2008. [For copy of the bill, see <http://apps.leg.wa.gov/billinfo/summary.aspx?bill=5659&year=2007>.]

**Oregon.** The legislature adopted a bill (H.B. 2485) on June 1, amending its pre-existing Oregon Family Leave Act, to allow employees to take any paid sick leave available to them for family leave purposes; currently, employers have discretion in allowing use of sick leave for this purpose. Under the new law, signed into law by the Governor in August and effective January 1, 2008, employers would be required to allow workers to use accrued sick leave. Also becoming law is a bill (S. B. 946), providing unpaid leave for victims of domestic violence and sexual assault and legislation (H.B. 2635) requiring employers to allow employees to take family leave to care for grandparents or grandchildren. A bill (H. B. 2575), similar to that signed into law in Washington state (see above), to provide for a system of paid family leave for the birth or adoption of a child was passed by the House on June 25 but was then defeated in the Senate on June 27. [For information regarding these bills, go to <http://www.leg.state.or.us/> and search by Measure Number.]

## RESOURCES

### KEY CIVIL, HUMAN AND WOMEN'S RIGHTS RESOURCES

#### **Civil Rights**

- EEOC released its report on discrimination complaints filed by the federal workforce during fiscal year 2006, covering the period of October 2005 through September 2006. According to the report, federal employees and applicants filed 16,723 complaints alleging employment discrimination based on a range of protected status during this period. In the previous fiscal year just over 18,000 complaints were filed and in prior years there were nearly 20,000 complaints. The report also looked at the time it takes for federal agencies to process these complaints. [The "Annual Report on the Federal Workforce: Fiscal Year 2006," is available at [www.eeoc.gov](http://www.eeoc.gov).]
- The National Urban League released its annual report on the State of Black America; it provides a statistical measurement of the disparities or equality gaps that exist between African Americans and whites across five different categories: economics, education, health, civic engagement and social justice. This year's report focuses on black males, "who are disproportionately worse off than white men, on many levels." [The report, "The State of Black America 2007: Portrait of the Black Male," is available at [www.nul.org](http://www.nul.org).]
- The Leadership Conference on Civil Rights Education Fund (LCCREF) released a report examining the history of the Civil Rights Division of the U.S. Department of Justice, which was established as part of the Civil Rights Act of 1957. The report proposes recommendations to restore the Division's effectiveness and return it to its original mission. [The September 2007 report, "Long Road to Justice: The Civil Rights Division at 50," is available at [www.reclaimcivilrights.org](http://www.reclaimcivilrights.org).]
- The National Employment Lawyers Association (NELA), composed of lawyers who represent individual workers in employment discrimination and other work-related matters, released a report on April 27, based on an on-line survey to its membership. The survey responses identified problems faced by workers and their attorneys with EEOC's intake, charge filing and investigation procedures. [The report, "Workers' Rights In Jeopardy: EEOC's Enforcement of Equal Employment Opportunity Laws Impeded by Inadequate Funding," is available at [www.nela.org](http://www.nela.org).]
- An August 15 report from the Center for American Progress found continued unchecked discrimination in the credit industry. According to the Center, access to, and the cost of, credit should not be determined by one's race, ethnicity, or even income but only on one's creditworthiness. [A copy of the report, "Access Denied," is available at [http://www.americanprogress.org/pressroom/releases/2007/08/access\\_denied.html](http://www.americanprogress.org/pressroom/releases/2007/08/access_denied.html).]
- In a report released on August 20, the ACLU found continuing incidents of racial injustice and human rights abuses two years after Hurricane Katrina devastated the Gulf Coast. [The report, *Broken Promises: Two Years After Katrina*, is available at <http://www.aclu.org/prison/conditions/katrina/katrina.html>.]

#### **Immigration**

- On May 22, the Leadership Conference on Civil Rights released a set of principles for worker protections that should be included in any temporary worker program. LCCR notes the recommendations do not constitute endorsement for any such program; in fact, they address "fixes" for current programs. But if new programs are considered, LCCR recommends fundamental worker protections that should be part of any temporary worker program. [Principles are available at <http://www.civilrights.org/issues/immigration/> ]

## **LGBT Issues**

- According to a recent report by the Human Rights Campaign (HRC), 53 percent of Fortune 500 companies provide benefits to same-sex partners, while nearly 90 percent of these companies include workplace protections against discrimination based on employees' sexual orientation. Since January 2006, the number of Fortune 500 companies that include gender identity in their non-discrimination policies has risen 60 percent, from 78 to 125; by comparison only eight companies had such policies in 2003. [A copy of the July 24 report, "State of the Workplace for Gay, Lesbian, Bisexual and Transgender Americans 2006-2007," is available at [www.hrc.org](http://www.hrc.org) under press room archive.]
- On September 17, the ACLU released a report, "Working in the Shadows: Ending Employment Discrimination for LGBT Americans," providing evidence of the continued need for the federal Employment Non-Discrimination Act (ENDA). According to the report, it is now possible to fire or refuse to hire someone for being lesbian, gay and bisexual in 30 states, while transgender workers can be denied or refused jobs in 38 states. The report includes stories from many employees who have been victims of discrimination in the workplace. [The report is available at [www.aclu.org](http://www.aclu.org) under Lesbian and Gay Rights.]
- The National Gay and Lesbian Task Force (NGLTF), on May 10, released the results of the largest-ever national survey of Asian and Pacific Islander (API) LGBT Americans. Seventy-five percent of respondents reported experiencing discrimination and/or harassment based on their sexual orientation, while 85 percent reported such discrimination/harassment based on their race or ethnicity. NGLTF worked with the API LGBT community to disseminate the on-line survey – in English, Chinese, Korean and Vietnamese – as broadly as possible. [The report, "Living in the Margins: A National Survey of Lesbian, Gay, Bisexual and Transgender Asian and Pacific Islander Americans," is available at [http://www.thetaskforce.org/reports\\_and\\_research/api\\_study](http://www.thetaskforce.org/reports_and_research/api_study).]

## **Women's Rights**

- The Congressional Research Service (CRS) sent a report to members of Congress reviewing leave benefits provided by employers in the U.S. The July 27 report notes that, unlike other countries where the national government has developed social policies to provide time off for employees with family obligations, the only federally required leave policy for U.S. employers is for unpaid family leave. CRS found that leave policies, primarily for vacation and holidays, voluntarily provided by employers are unevenly distributed among employees, with higher paid and more educated employees more likely to receive such leave. [The CRS report, "Leave Benefits in the United States," is available at [http://openers.cdt.org/rpts/RL34088\\_20070727.pdf](http://openers.cdt.org/rpts/RL34088_20070727.pdf).]
- A new report, "FAMILY VALUES at WORK: It's About TIME!" documents the consequences for workers, families, businesses and the nation of the lack of family-friendly work rules. The report sets out a policy agenda to address this void; it includes a minimum number of paid sick days and a family leave insurance fund to provide income during longer-term leaves for a new baby or serious health conditions. New poll findings, released at the same time as the report, show that nearly nine in ten poll respondents favor paid sick days and do so on a bipartisan basis. [For a copy of the September 26 report, published by the MultiState Working Families Consortium in conjunction with the AFL-CIO and 10 other national groups, and the poll findings, *see* [www.9to5.org/familyvaluesatwork](http://www.9to5.org/familyvaluesatwork).]
- New research released in April by the American Association of University Women (AAUW) shows that working women one year out of college already earn less than their male colleagues, even when they work in the same field. The gap in pay widens further, so that after 10 years in the work force, women earn only 69 percent of what men earn. AAUW cited the report's findings in testifying in support of the Paycheck Fairness Act (H.R. 1338, S. 766) in Congress. [Federal legislation is available at <http://thomas.loc.gov/>; AAUW's report, "Behind the Pay Gap," can be found at <http://www.aauw.org/research/all.cfm>.]

- August data from the U.S. Census Bureau shows the 2006 median pay for full-time, year-round women workers at \$32,515 and for men at \$42,261, leaving the wage gap virtually where it was in 2005: women earning 77 percent of men's salaries. For women of color, the gap is even greater: African-American women earned \$30,352 or 72 percent of the salaries earned by men, Latina women earned \$25,198 or just 59.6 percent of men's salaries, while Asian-American women saw gains to \$39,313 or 93 per cent of men's salaries. [See [www.pay-equity.org](http://www.pay-equity.org).]
- The Center for Women's Business Research released its 2007 Fact Card on women owned businesses on August 28. According to the fact card: majority women-owned firms (defined as 51 percent or more women-owned) employ nearly 13 million people; between 1997 and 2006, majority-owned firms grew at twice the rate of all firms; and there are over 2.4 million firms owned 50 percent or more by women of color in the U.S., employing 1.6 million people. ["Key Facts about Women-Owned Businesses – 2007 Update," is available at <http://www.nfwbo.org/>.]
- In September, Legal Momentum released a paper examining the gender poverty gap, using U.S. Census Bureau data on poverty in 2006. According to Legal Momentum's report, in 2006 the overall poverty rate was 12.3 percent, with adult women 41% more likely to be poor than adult men. [The report is available at <http://www.legalmomentum.org/legalmomentum/>.]