



NAPAWF ~ TOP NEWS

Remembering 9/11

NAPAWF invites you to take a moment to remember and reflect on the tragic events that shook our nation on September 11th. Here are [stories](#) from our community reflecting on what this event has meant to API women and girls. Thank you to all that shared their stories.

Salon Workers WIN Against Brazilian Blowout!

Brazilian Blowout, the company that makes the Brazilian Blowout hair straightening product, which has been found to contain dangerously high levels of formaldehyde, has received its first [official warning from the Food and Drug Administration \(FDA\)](#). In fact, when the FDA conducted its own sample analysis of the product, it found unacceptably high levels of the liquid form of formaldehyde, ranging from 8.7 percent to 10.4 percent. The Occupational Safety and Health Administration (OSHA) requires an occupational hazard alert at levels higher than 0.1 percent. Yet Brazilian Blowout has outrageously been labeled and advertised as “formaldehyde-free”. Since formaldehyde is a known cancer causing agent, and its own tests came back so conclusively, the FDA has stated the product is adulterated and misbranded and given the company until September 12th to reduce the level of formaldehyde in its products, and change its misleading labels and advertisements or the FDA would file further injunctions against the company. Them’s fightin’ words, FDA – and salon workers everywhere thank you! For nearly a year, the National Healthy Nail and Beauty Salon Alliance has demanded that the FDA issue an immediate recall of the Brazilian Blowout product. However, weak federal regulatory authority has meant that the product has remained on the

market while federal agencies investigate claims and that even with the finding of dangerously high levels of formaldehyde, the FDA can only issue a “voluntary recall”. As in, the government cannot mandate the removal of dangerous products from the market. Think that’s outrageous? We agree! That’s why we need passage of the [Safe Cosmetics Act of 2011](#), which would set safety standards for chemicals in personal care and salon products before they reach the market. Tell your Congressman to [support the Safe Cosmetics Act of 2011](#) and send a big THANK YOU! to Congressmembers Judy Chu and Mike Honda for co-sponsoring this important legislation!

Prosecutorial Discretion: Hot Diggity or Hog Wash?

The month of August was a hot one for DHS! On August 6th, the agency made its ill-received announcement that it was “clarifying” the inability of state leaders to opt-out of the Secure Communities program so that it could continue to steam-roll its implementation plan over the wishes of anyone else. Igniting a flame it couldn’t stamp out, on August 18th, they came back on the phone to announce plans to implement its existing policies regarding prosecutorial discretion and its effort to review nearly 300,000 immigration cases currently in removal proceedings to prioritize and close low-priority cases. Those who fall within the “low priority” category are supposed to include DREAM students, pregnant women and parents of US citizen children, vets, victims of crime, and individuals with ties to the community. However, DHS has long insisted their “priority” for deportations is criminal aliens even though, of the almost 400,000 immigrants deported last year, less than half had criminal records - and that the number of deportations would not drop as a result of increased prioritization. While immigration restrictionists blow their “amnesty!!” gaskets over this announcement, immigrant rights advocates are left wondering whether this is a PR ploy to make up for the seriously blundered August 6th announcement or a genuine effort to provide relief to immigrants who have been caught up in a system gone haywire. In the optimists corner, LGBTQ advocates hope the announcement will provide relief for same-sex bi-national couples and congressional leaders are robust in their praise of this decision. However, in the cynics corner, immigration experts point out prosecutorial discretion has long been a quiver in the toolkit so what is the real policy change? In addition, the label of criminality is far from clear when it comes to immigrants who are deemed “dangers to society” for minor offenses and juvenile convictions. South East Asian refugees are particularly susceptible to this nuance of language, as the trauma of

escaping genocide and war and lack of support in the US caused some youthful infractions that are now used as justification to deport parents, community business leaders, and other reformed and contributing members of the community. Only time will tell, but stories of Border Patrol detainment of a pregnant woman in New Mexico, news that more Cambodian Americans may soon be facing repatriation to Cambodia, and the arrest of an undocumented immigrant rights activist has kept folks vigilant. Activists continue to protest at recent townhall meetings on SComm and push for more humane immigration policies. NAPAWF continues to oppose the criminalization of immigrants and advocate against enforcement-only policies that put women and their families in danger.

Jobs, Jobs, American Jobs!

We'll get into all the mental masturbation regarding the deficit and federal budget later, but right now groups that work with folks on the ground are increasingly trying to call attention to the very real poverty that Americans are struggling with. Nearly one in four US households with children is struggling to afford enough food for their families in 2010. Nationally in 2010, the food hardship rate for households without children was 14.9%, and it was 23.4% for families with children. In addition, every state (except for one) reported food hardship rates higher than 10 percent in 2009-2010 and five states reported rates of 20 percent or higher. With nearly 14 million Americans out of work, and other households a few paychecks away from devastation, its no wonder that Obama's [American Jobs Act](#) has been so enthusiastically received. The plan will cut the payroll tax to benefit 75 million women, prevent 280,000 teacher layoffs and keep cops and firefighters on the job; create a new "project rebuild" to create jobs rehabilitating homes and communities; launch an innovative reform of the unemployment insurance program that would extend unemployment insurance for 2.6 million women while seeking work-based reforms to prevent layoffs; and provide a tax credit to employers that hire long-term unemployed workers. President Obama intends to pay for his new \$450 billion jobs plan with a mixture of tax increases, spending cuts and trims to Medicare and Medicaid, with specifics to come later as part of a proposal to stabilize the country's long-term debt. Women led organizations, including NAPAWF, are applauding the president's plan as a viable solution to get women back to work.

NAPAWF ~ ON THE HILL

Why Immigration Enforcement Sucks

This month, the American Immigration Lawyers Association released a report that analyzes the reasons people get detained by immigration. In most cases the offense (or lack thereof) was so trivial as to betray the real motive for the stop—namely to question someone about their immigration status. We know that the detention uptick means that federal courts and prisons are being overwhelmed but what is even more startling is how many people are being sent to federal prison because of non-violent immigration offenses. Their only crime might be entering the country without permission, which is a civil offense akin to receiving a parking ticket. Yet, Congress continues to push for increased enforcement. Earlier this year, Chairman of the Judiciary Committee Lamar Smith (R-TX) introduced H.R. 1932 titled, "[Keep Our Communities Safe Act of 2011](#)," an act which would allow the Department of Homeland Security (DHS) to keep individuals in detention without a bond hearing before an immigration judge while they wait for a final resolution of their case. It would also authorize indefinite detention of those who have been ordered removed but cannot be deported. And finally, DHS recently cleared themselves of any wrong-doing in a case that occurred last April in which six ICE agents stalked immigrant parents taking their children to school, trapping them inside the school for nearly an hour, and ultimately arresting two of the parents in "warrantless stops" outside the school.

Super Committee - All Lined Up and Ready to Go

The "super committee", or deficit panel of 6 Democrats and 6 Republicans that have been given 3 months to recommend \$1.5 trillion in deficit reductions over the next 10 years, has been selected and held their first meeting. The committee members include Senator Jon Kyl (R-AZ), Rep. Xavier Becerra (D-CA), Rep. Chris Van Hollen (D-MD), Senator John Kerry (D-MA), Rep. Dave Camp (R), Rep. Fred Upton (R-MI), Senator Max Baucus (D-MO), Senator Rob Portman (R-OH), Senator Pat Toomey (R-PA), Rep. Jim Clyburn (D-SC), Rep. Jeb Hensarling (R-TX), and Senator Patty Murray (D-WA). Mark Prater, considered a GOP tax expert has been tapped to lead the committee. All together, the committee is comprised of

seasoned veterans, some with long histories of bucking the party line and working across the aisle, with at least eight members who voted for the debt-ceiling deal that prevented the country from falling into an even greater financial crisis. In addition, while some members who understand exactly what's at stake for public benefits programs, including Medicaid, others only have a general idea shaped by political interests and will have to get caught up to speed quickly. The committee held their first meeting on September 8th amid bi-partisan fanfare, still the bets are out as to whether they will be able to come up with a deal.

Meanwhile, polls indicate that Americans want a deal that includes new taxes on the wealthy and cuts in domestic spending. Of course, lobbyists working on behalf of pharmaceuticals, hospitals, and health insurers are lining up to do battle in a "holy war" against the defense industry lobbyists to shape the outcome of the committee recommendations, with health care experts hoping that the committee will fail. They believe that finding spending cuts over 10 years will be less draconian than any deficit-reduction deal. In addition, advocates for seniors and low-income households are pushing Democrats on the committee to avoid cuts to Medicaid, Medicare and other safety-net programs. Unfortunately for advocates, the House Ways and Means Committee Democratic staff are circulating a list of possible cuts to the Medicare program totaling more than \$500 billion to prepare Democrats for what may be coming. NAPAWF continues to oppose any budget deals that undercut the economic survival of low and moderate income households for the benefit of the nation's elite. Tell the Super Committee to [protect Medicaid!](#) Here is a [fact sheet](#) for the bill's impact on APIs for those interested.

Another Budget Battle on the Horizon!

Meanwhile, as the super committee set to work, apparently Congress has a looming September 30th deadline to finish up legislative action on spending bills or face another risk of government shut-down! Do they do this for fun?! In any case, the White House is signaling that it wants real cuts in spending rather than political posturing; the WH Budget Chief ordered federal agencies to cut their budgets by 5%.

NAPAWF ~ IN THE ADMINISTRATION

The Feds on Health Care

A short list of fun health care facts for you: (1) The Health and Human Services (HHS) department announced \$28 million in grants to help establish new community health centers (CHC). CHCs exist primarily in rural and urban areas to serve populations without easy access to health care, such as immigrant and minority communities. These centers will help an estimated 286,000 (low-income, immigrant, limited-English proficient) people gain access to health care. (2) Beginning September 1, health insurance companies seeking to increase their health insurance rates by double digits, must now submit their request to state or federal reviewers for a reasonability assessment. Three cheers for the ACA! (3) As if you couldn't read the writing on the wall when HHS accepted last month's recommendation to include contraception as fully covered preventive care for women, anti-choice activists are starting to raise a ruckus over the proposed rule. NAPAWF continues to support this important victory for women's reproductive health care and oppose any exemptions to the rule!

17th Anniversary of the Passage of VAWA

September 13th marks the 17th anniversary of the passage of the Violence Against Women Act which was originally authored by then-Senator Joe Biden. To celebrate this momentous victory for women's civil rights, NAPAWF's Executive Director, Miriam Yeung, was invited to a celebration hosted at Vice President's residence. What a lucky duck!

NAPAWF ~ IN THE STATES

Status of States Anti-Women Agenda

In a new, disturbing analysis of state trends, state lawmakers passed more

than 50 measures in the first half of 2011 to restrict abortion, and undermine preventive care and family planning. For example, lawmakers in Kansas and Virginia passed extreme new licensing regulations that target abortion providers, requiring them to make medically unnecessary renovations to their facilities within an unreasonably short timeframe, or risk being forced to cease operations. Legislators in North Dakota have effectively banned medication abortions by restricting the sale of common FDA-approved drugs that induce first-trimester abortions.

As an (intended?) and foreseeable result, unplanned pregnancy rates are on the rise in the US. Nearly half of all pregnancies in 2006 were unplanned and unintended, with rates highest among the poorest and least educated women. Yet the rate of abortion fell from 47 percent of unwanted pregnancies in 2001, to 43 percent in 2006. This largely reflects the growing disparity between women who have access to comprehensive reproductive health care, and those that don't. Higher-income women, white women, college graduates and married women have relatively low unintended pregnancy rates as low as one-third the national rate, suggesting that women who have better access to reproductive health services, have achieved their educational goals or are in relationships that support a desired pregnancy are more likely than other women to achieve planned pregnancies and avoid those they do not want. NAPAWF continues to push for a reproductive justice movement that rolls back this disparity and improves access to comprehensive reproductive health care for all women.

State Immigration Round-up

A recent analysis of immigrant-related proposals on the state level shows that more immigration-related bills (1,592) were introduced in the first half of 2011 than in the same time period in 2010, indicating that the state are grappling with an issue that Congress seems unable to deal with. While we have seen the passage of extreme anti-immigrant legislation in six states, 16 states defeated the legislation and lawsuits in 5 of the 6 states have prevented the worst provisions from being implemented. Also, 13 states now have in-state tuition or other pro-immigrant legislation on the books.

Meanwhile, Alabama law enforcement officers are still waiting to be trained on how to implement the “harshest anti-immigrant law in the country” and California DREAMers are eagerly anticipating passage of the other half of the California DREAM Act, which allows undocumented students to apply for state-sponsored financial aid in order to achieve their academic goals.

It made it through the State Assembly and Senate and is expected to be signed by Governor Brown.

States Focus on Health Exchanges

In the states, its politics first, second, and third when it comes to the health exchanges, the online marketplace system where people can compare health insurance policies and buy one that best fit their needs. So far, 11 states have accepted federal money to set up their own state-run insurance exchange and begun to move forward on designing the new market exchange forum. Yet, where would we be if partisan politics didn't come in to make everything more fun? So, legislators in Minnesota are considering a lawsuit to prevent their governor from using federal grant money to help plan a state health exchange system. Not to be outdone, the brainiac governor of Kansas has decided to return the \$31 million Early Innovator Grant it was awarded in February to build technology infrastructure for the exchanges that other states could use as a model, much to the disappointment of state leaders who had been working on the project.

However, there are still some sane state leaders. Some states are considering whether to set up a state-run Basic Health Program to cover populations that earn too much to qualify for Medicaid, but would struggle to pay exchange premiums. This system could possibly be used to cover adults earning over 133% of the federal poverty level and legal immigrants who cannot qualify for Medicaid due to their status. In addition, a recent survey found that even while facing budget crunches, 31 states increased the percentage of kids covered under the Children's Health Insurance Program.

Meanwhile, due to the fact that the Affordable Care Act gives authority to the Health and Human Services (HHS) to create a federal exchange system for states, but no funding to do so, it is expected that state leaders will be given a second chance to develop their own. HHS has recently issued proposed rules to help states set up simple, streamlined, an affordable path for consumers to use the Exchanges to purchase health insurance. In the weeks ahead, HHS officials plan to hold forums in Atlanta, Chicago, Denver, New York, Portland (OR), and Sacramento to hear from the public.

NAPAWF ~ IN THE COURTS

Reproductive Rights in the Court Spotlight

FINALLY! Attorneys for the reproductive rights movement have gone on the attack. The ACLU filed a lawsuit against a Kansas law that prohibits insurance companies from including coverage for abortion in their comprehensive health plans. Since 2010, 13 states have enacted laws that prohibit some or all insurance plans from covering abortion. In addition, Kansas officials have agreed to comply with a federal judge's order to immediately fund Planned Parenthood clinics while the state appeals a decision that blocked enforcement of a new state law that stripped Planned Parenthood from receiving any federal funds for non-abortion services. A federal judge also blocked a similar law in North Carolina. In Texas, a federal judge blocked key parts of a law requiring women to view sonograms of the fetus and listen the heartbeat before receiving an abortion. The judge found that the law violates the First Amendment rights of doctors and patients. Laws in Arizona and North Dakota that restrict women's access to abortion and family planning services have been blocked by the judiciary and in Idaho, a woman has filed the first lawsuit in the nation to challenge the constitutionality of the so-called "fetal pain" abortion ban. Idaho is one of six states to have enacted such a ban in the past two years.

Finally, on a slightly related note, the Inter-American Commission on Human Rights has found the US government in violation of international human rights treaties for failing to protect the family of a domestic violence survivor. The case stems from a tragic 1999 incident when Jessica Lenahan (then Gonzales)'s ex-husband abducted the couple's three daughters in violation of a domestic violence restraining order. Despite her immediately alerting the police and pleas to take action, the police made no effort to locate the children. Finally, the next morning the ex-husband parked in front of the police station and initiated a gun battle with police, resulting in his death. The police later found the bodies of Gonzales' daughters in the truck, although no investigation took place to determine whether the girls had died at the hand of their father or during the police shoot-out. Gonzales sued the police department and the case went to the US Supreme Court where, in 2005, the Court ruled that she did not have a constitutional right to protection and that the police's failure to enforce her protection order was not unconstitutional.

Health Care Act in the Court Crosshairs

It appears that the 'individual mandate' requirement within the Affordable Care Act is headed to the US Supreme Court. On August 12th, the 11th Circuit Court of Appeals delivered a 2-1 ruling that found the requirement that nearly all Americans buy insurance is unconstitutional but allowed that the other provisions of the law to remain in place. The ruling upheld the January decision by the US District court judge in Florida and addressed a challenge brought by 26 states. However, the 4th Circuit Court of Appeals rejected a lawsuit brought by the state of Virginia, considered one of the highest profile health law challenges, and dismissed a challenge by Liberty University. The two-pronged win found that Virginia had no right to challenge the 'individual mandate' requirement and is the 2nd appellate court to affirm the law. Meanwhile, the Missouri health reform lawsuit is headed for oral arguments in the 8th Circuit Court of Appeals in October. All the judicial jockeying has made it nearly certain that the US Supreme Court will decide the law's constitutionality in the 2012 term given the opposing decisions in the federal courts. Arguments will likely be heard in March or April with a decision in July 2012.

Immigrants Still Have Rights

A federal court but a temporary hold on the Alabama anti-immigrant law, until September 29th, in order to give the court time to hear three consolidated lawsuits opposing the law. The lawsuits were brought by a coalition of civil rights groups, the US Justice Department, and the bishops of the Episcopal, Catholic, and Methodist churches in Alabama.

Meanwhile, the immigration restrictionists behind the godfather of misguided, state-initiated, anti-immigrant legislation, Arizona law SB-1070, have filed a petition with the US Supreme Court to hear their case. Even though the law has been rejected by every court that's heard the arguments, and its legal rationale is weak, internally contradictory, and factually inaccurate, these boneheads just keep on going. It's likely that the Justices won't decide whether to hear the case until sometime in October with court arguments and decision-making to come later.

Board of Immigration Appeals Guts Protections

This month, the Board of Immigration Appeals ruled that immigrants arrested without a warrant are not entitled to certain Miranda-like warnings

prior to questioning by immigration officers. In a precedent decision, the Board held that noncitizens need not be informed of their right to counsel or warned that their statements can be used against them until after they have been placed in formal deportation proceedings.

Goodwin Liu Gets His Day in Court!

On August 31st, the three-member panel of the California Commission on Judicial Appointments unanimously confirmed Professor Goodwin Liu to the California Supreme Court as an Associate Justice. He is the first API state high court appointment in the state. Congratulations Justice Liu!