

Communication Workers of America

CWA National Committee on Civil Rights and Equity Report

77th CWA Convention
July 2019

CWA National Committee on Civil Rights and Equity

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A Call for Criminal Justice Reform: Ending the Exploitation of Prison Labor

The United States of America is now the largest incarcerator of human beings in the history of the world. According to the NAACP, today, the United States makes up about 5% of the world's population and has 25% of the world's prisoners. A staggering 2.3 million people are incarcerated in the US – a 500% increase over the last 40 years. Simultaneously, the number of prisons has increased by 9.7% since 2015 and that number continues to grow.

It is almost impossible to ignore the impact of the rise in incarceration has had on communities of color and the poor. According to the Bureau of Justice Statistics, Black people make up 13% of the US population, yet they represent 40% of the prison population. Black men are also nearly six times as likely to be incarcerated as white men. In addition, the imprisonment rate for African American women is twice that of white women.

Logic would dictate that the rise in mass incarceration should be tied to rise in crime rates. However, this is not the case. According to FBI data, crime, in particular violent crime has been gradually decreasing and is currently at an all-time low. When the logical argument does not hold true we have to ask ourselves, what is the true cause of the rise in mass incarceration.

Unfortunately, there is not one simple answer to this question. Among the causes of the rise in mass incarceration and its disproportionate impact on communities of color and the poor include the so called “War on Drugs” that instituted unreasonably harsh and long sentences for non-violent offenses including drug related offenses, Mandatory Minimum sentencing laws that allow prosecutors and not judges to seek unfair punishments for minor offenses, decline in adequate public defender service that provides free legal defense to those who can't afford it, rise in modern day debtors' prisons that allows for the jailing of poor communities for failure to pay legal debts they can never hope to afford, the broken cash bail system that is still in place in several U.S States, the school to prison pipeline that sends school students to jail for “acting up” instead of rehabilitating them and finally the rise in private prisons and the exploitation of prison labor. The remainder of this report will focus on the rise in private prisons and its impact on mass incarceration.

Private prisons are prisons built and maintained by private corporations to gain profit. While prison privatization is a relatively recent phenomenon, profiting from the exploitation of prisoners is not. Instead of addressing the above mentioned failed policies, the U.S decided to let private corporations build prisons to house the

increasing number of incarcerated citizens. However, the private prison industry backed by large corporations actually became a leading factor to the rise in mass incarceration.

Corrections Corporations of America (CCA) is one of the largest private prison corporations in America. In 2016, CCA made \$1.7 billion dollars in profit. One of the most outrageous tactics CCA and other private prison companies utilize to maximize their profits is something called an occupancy clause. Occupancy clauses require states who contract private prisons to fill at least 80 to 90% of the prisons or risk paying a hefty fine. This requirement to maintain a certain amount of incarcerated citizens at any given time has incentivized states to increase the arrest and prosecution of non-violent offenders including those who commit minor offenses. Once you are in prison, private prisons like CCA use tactics such as handing out excessive infractions that extend prisoners' sentences.

A central part of their strategy to keep prisons full also includes lobbying for laws that target poor communities and immigrants. CCA and its partner corporations successfully lobbied the state of Arizona through the American Legislative Exchange Council (ALEC), a conservative lobbying group, to implement the SB1070 legislation which gave law enforcement the power to stop and question anyone they suspect to be an illegal immigrant. This law directly benefited the pockets of these corporations.

These corporations have even gone as far as bribing individual judges to send juveniles to their prisons. Two judges in Pennsylvania received \$2.6 million for sending thousands of juveniles over several years to do hard time at private prisons for crimes as low as creating a fake online account.

The rise in the use of prison labor by both public and private prisons is another leading factor that incentivizes mass incarceration. Companies like IBM, Macys, Victoria Secrets, Walmart, Target, BP Oil, Dell, Kmart, Microsoft, Boeing, Starbucks and Whole Foods have used prison labor.

According to CIO magazine, since 2002 prisoners have been doing call center work for companies like AT&T, one of the major employers represented by CWA. Nearly 1,100 inmates man tier-one help desks, handle outbound business-to-business calls, and provide directory assistance for Federal Prison Industries.

The criminal justice system as it currently stands allows a state to create laws that target poor communities of color that results in the mass incarceration of those communities and then turns around and make a profit from forcing them with the threat of harsher punishment to work without pay. This form of exploitation of prison labor is without question modern day slavery.

Furthermore, it takes jobs away from union workers and small businesses because prison labor is like a pot of gold for greedy corporations - No strikes. No union

organizing. No health benefits, unemployment insurance, or workers' compensation to pay. No language barriers, as in foreign countries.

The rise in prison privatization and exploitation of prison labor for profit is a direct threat to the working people's agenda. Union activists and working people as a whole have to fight and advocate for an overhaul of our criminal justice system. CWA has long been a supporter of comprehensive criminal justice reform because it recognizes the danger it poses to CWAers and all working people.

CWA, which represents some 40,000 members in law enforcement, including corrections officers in Florida, New Jersey, Oklahoma, Mississippi and other jurisdictions, has been fighting against efforts to enrich private companies at the expense of public dollars and public safety.

CWA's report, "The Truth about Prison Privatization," provides hard evidence to counter the deceptive claims of for-profit prison advocates.

As mentioned earlier, companies like AT&T, one of CWA's major telecom employers, have already begun using prison labor as an alternative to offshoring. We cannot stand idly by while for profit prison corporations and their greedy partners use "tough on crime" rhetoric to unjustly and disproportionately incarcerate black and brown communities and threaten workers' rights by using them as a cheap labor source.

CWA can and must work with community organizations, progressive allies, elected leaders and other unions to fight for comprehensive criminal justice reform. CWA should also make ending the use of prisoners as call center workers by companies like AT&T part of its national effort to stop offshoring of call center jobs. In addition, CWA should make criminal justice reform part of its legislative and political agenda.

On the state level, local human rights committees should take on the responsibility of educating CWAers of the dangers private prisons and exploitation of prison labor poses to our collective power as working people and the need for a comprehensive criminal justice reform. In addition local human rights committees can mobilize to elect District Attorneys, judges, prosecutors and sheriffs who support reforms of the criminal justice system.

CWAers know how to fight and when we fight, we win. These corporations and anti-worker politicians have had their way for far too long. It is time to rise up and fight to end the era of private prisons and the exploitation of prison labor once and for all.

Voting Rights: Promoting Access to the Ballot box

Voting rights are under attack nationwide as more and more states introduce and pass laws that restrict access to voting. In Arizona for example, in the State Senate three bills were introduced that limit access to voting: S.B.1054, S.B.1046 and S.B. 1072. These laws, if passed will prohibit voters on the Permanent Early Voter List from delivering an early ballot to an early voting location or polling place on Election Day. This would limit a voter who has not returned an early ballot to only vote in person on Election Day by provisional ballot at the voter's designated polling location. A provisional ballot is only counted if the election is challenged. These changes would lead to significant burdens for eligible voters trying to exercise their most fundamental constitutional right. Since 2008, similar measures such as voter roll purges, strict voter ID laws, restrictions on absentee voting etc. are constantly being introduced and passed in States and Counties across the country. These measures particularly make it harder for people of color, the elderly, students, and people with disabilities to exercise their right to vote.

However, voting right advocates and activists along with community organizations, faith leaders and progressive unions have come together to fight back against these attacks on voting rights and pass reforms that would bring voter registration into the 21st century and make voting as convenient as possible to all Americans. Such reforms include early voting, online voter registration, and same day voter registration.

Promoting access to the ballot box and fighting back against voter suppression has long been a priority for CWA. We know that those who seek to exploit working people for profit are the same forces pushing for restrictions in voting and we have been at the forefront of fighting against these forces including corporations and anti-worker politicians who have dominated our political system. Legislatively CWA is a supporter of the Voting Rights Advancement Act, the Voting Rights Act and the Voter Empowerment Act. These bills would guarantee the right to cast a ballot, while also modernizing voting systems, and demanding accountability of elections officials. In addition, during the 2018 midterm elections CWA supported pro-worker candidates committed to reforming our democracy. More recently, CWA has been an instrumental part of a coalition that pushed for the passage of H.R 1, For the People Act. This act expands the right to vote, strengthens government ethics laws, and end the dominance of big money in our political system. In addition to national efforts CWA political activists are actively engaging in grassroots campaigns all across the United States to promote access to the ballot. One example of this is the Florida Rights Restoration Campaign also known as FRCC. FRCC is a grassroots, membership organization run by returning citizens (formerly incarcerated persons) who are dedicated to ending the disenfranchisement and discrimination against people with convictions and creating a more comprehensive

and humane reentry system that will enhance successful reentry, reduce recidivism, and increase public safety. Florida has the highest block of disfranchised voters in the country. Over a million previously incarcerated non-violent offenders are barred from voting. Thanks to the thousands of activists including CWAers who joined FRCC, a Referendum was passed in 2018 with more than 60% of the vote to restore the voting rights of the millions of disfranchised voters in Florida. Unfortunately, Republican legislatures in Florida are attempting to prevent formerly incarcerated communities from voting by introducing legislation that requires that all court fees be paid before being allowed to vote.

This fight is far from over. Our collective power as working people is diminished when millions of Americans continue to be denied the right to participate in our democracy. CWA, its members and activists should continue the fight on the national, state and local level to unrig our political system and reform our democracy.

Immigration Reform: Building a Movement for All Workers

The United States has always been a nation of immigrants. Our history is that of people who risked everything to come to this country for a better life for themselves and their families. The United States has fostered a reputation of being “the cultural melting pot”, signifying that the diversity of immigrants has made America a distinct land, where all are welcomed. Our history is consumed of diverse people who risked everything to come to this country for a better life, not only for themselves but their families and descendants yet to come. However, this diversified land, has become a nation divided by the same principles that once governed us and provided opportunities for immigrants to experience economic growth.

Proponents of greater immigration restrictions argue that undocumented immigrants tarnish the public image of legal immigrants, cost taxpayers billions and jeopardize the safety of law enforcement officials and citizens, especially along border communities. Contrary to this misconception, research indicates that immigration is beneficial, both to the countries people migrate to and the countries they come from. One such research found that, with few exceptions, immigration on average has positive economic effects on the native population.¹ Other research also shows that the benefits of immigration are much broader than popularly imagined and the costs are more confined. Immigrants have enriched the economic, intellectual, social, and cultural life in several fundamental aspects.² Further, West (2011) found that immigrants are more likely to be taxpayers, homeowners, and proud citizens. Contrary to the rhetoric that immigrants diminish governmental benefits for working Americans, West (2011) reminds us that, most immigrants, actually make a significant contribution to our social safety net institutions including social security, Medicaid and Medicare even in instances where they are not allowed to participate in these benefits.

Furthermore, a recent comprehensive report concluded that immigration has an overall positive impact on the US economy, suggesting that a predominantly family-based migration system carries net economic benefits; therefore, helping immigrants preserve and rebuild their families may indirectly improve the health and well-being of the entire US population.³ The study concludes that family migration serves as a buffer that aids integration, provides a social and economic safety net for new Americans, helps to incorporate, and build new businesses in the United States.

Today, there is no question that our immigration system is broken, but there seems to be differing views about that. Those who seek to fuel the anti-immigrant sentiment in this country constantly claim that there is a flood of criminals entering our country creating an urgent crisis at the border. Most famously, in his announcement for the 2016 presidential campaign, President Trump labeled Mexican immigrants as rapists and drug dealers. However, this kind of anti-immigrant rhetoric completely neglects the

positive contribution immigrants make to this country. Furthermore, it poisons the public perception about immigrants as criminals while the reality is that most immigrants are good hardworking people who move to this country often at great personal risk for the same reasons that any of us move; family, security, better opportunities etc. The rise of anti-immigrant sentiment in our country and other parts of the world poses a grave danger to our labor movement and all working people. Our movement is weak when anti-worker forces succeed at dividing working people. Pitting “foreigners against domestic workers” by injecting the conversation with false narratives about immigrants fits right into their agenda of exploiting working people for profit. Inhumane policies such as family separations, the travel ban and building a wall stand in direct contradiction to our values as a nation of immigrants. We cannot stand by while greedy corporations, lobbyists and anti-worker politicians erode our values and leave us to fight amongst ourselves while they fill their pockets. We have to constantly fight against hate filled rhetoric and stand in solidarity with our immigrant brothers and sisters.

That is why CWA has joined with other unions, faith and community leaders, civil rights activists, immigrant rights organizations and others, to call for a comprehensive immigration reform to fix our broken immigration system. Such reform should include a roadmap to citizenship for undocumented immigrants, an end to programs that encourage the exploitation of immigrant workers and protection for immigrants covered under the DACA and TPS programs. CWA has long recognized that the immigrant community is an important part of the movement that we are building for economic and social justice. Internally, our runaway inequality and political boot camp trainings educate our members that the only way to reverse the race to the bottom for workers’ wages and standards for working people of all races, religions and immigration status is to stand together and demand an end to policies that put corporate profits over people. In addition CWA is launching a new human rights activist training that will equip members with the knowledge and skills to organize across our differences and build power for working people.

Externally, our union works to integrate contract language that protects all workers from fear of retaliation for exercising their rights as workers regardless of their immigration status. We have also publicly taken a stand against the recent increased attacks on the immigrant community. More recently, CWA activists participated in direct actions in various states including California, Arizona and Texas to demand an end to the inhumane mistreatment of immigrant families at our borders, the immediate reunification of families, and a fair immigration system that protects all working people.

If we are to build a strong labor movement, we must continue to build on our union’s long and proud history of fighting for immigrants’ rights and a fair immigration system.

CWA should continue to educate members about the adverse effects the current broken immigration system has on all working people and on the need for real reform that ensures all workers are protected against exploitation and have full and equal protection under the law.

CWA activists and leaders at every level should join forces with other unions, faith groups, civil rights and community organizations, and others to make our demands for a fair immigration system heard.

CWA, working through our legislative-political teams and local human rights committees, will make sure that state, local and federal legislators and elected officials know that we demand a path to citizenship for the millions of undocumented immigrants, many of whom were brought to the U.S. at a young age.

Enacting meaningful immigration reform is critical to our long-term goal of building independent working class power. Working people can only be made stronger if all of us fight to make this happen and fulfil our obligation to our shared values of dignity, fairness, opportunity, voice and justice.

Fighting for Equal Pay: Ending Gender Based Pay Discrimination Once and for All

Gender continues to become a major factor in determining the rate of pay for women in this country. Far too frequently, women in the same occupation as men make significantly less than men. According to the AAUW, the gender wage gap overall is currently at 80%. This means that women will earn 80 cents for every dollar their men counterparts earn. This wage gap varies state by state. In Michigan women earn 78% of men's wages where as in Louisiana women earn 0.69 cents per dollar while California has the lowest gap of 89%. The wage gap also has an added layer of disparity when race is taken into account. According to the AAUW, as of 2017, Hispanic women earned 53%, Black women earned 61%, White women earned 77%, Asian women earned 85%, American Indian or Alaska Native women earned 58% and Native Hawaiian or Other Pacific Islander women earned 62% of what white men earned within the 2017 job market. These numbers are deplorable considering the fact that women have been fighting for equal pay since the 1800's.

CWA has been fighting for equal pay and ending pay discrimination since our founding. We have fought to ensure equality among all working people by using our union power to negotiate fair contracts for our members regardless of their gender or race. When faced with challenges, we have used every tool at our disposal to ensure equal pay for equal work.

The CWA STRONG initiative has renewed our energy in fighting for pay equity through collective bargaining, mobilizing and organizing. But we have a long way to go to address gender based pay discrimination and the sexist views that drive it. CWA understands the importance of educating its membership about the adversarial impact of the gender wage gap on all working people but we are up against a corporate culture that seeks to maintain the status quo. CWA's Runaway Inequality trainings help educate our membership and the community about what is happening in our country as it relates to our economy and pay equality. CWA is also updating its stewards training to help stewards become better equipped to organize their members and fight back against management and corporations' rationalization of pay inequality. CWA has also supported legislation on the national level such as the Paycheck Fairness Act that would put gender-based discrimination on equal footing with other forms of discrimination like race, disability, or age and prevent employers from retaliating against workers for discussing their pay, freeing workers – including women – to reveal, debate, and discuss wage discrepancies between employees. In addition, CWA continues to support elected representatives who are committed to advancing our working families' agenda through our Political Action Fund.

It is evident that pay equity has taken a backseat to so many other issues impacting working people but we cannot build a strong labor movement while women are still being discriminated against by outdated workplace policies that determine their pay. We must collectively take action. The first step is admitting that the wage gap is real and it exists across gender, race, age, education and industry – disproportionately impacting women in low wage jobs. As members and union activists, it is our duty to increase awareness and fight against false narratives about the wage gap. We need to demand change! We cannot allow this to continue. According to the Institute for Women's Policy Research at the current rate of change, the wage gap will not be ratified until 2059 for Caucasian women, 2119 for African American women and 2224 for Hispanic women. This is too long for women to continue to be devalued. We must take a stand now!

CWA should study the impact of the gender wage gap and other harmful workplace policies that force women to make impossible choices between work, family and personal wellness within the industries it represents. Such a study would allow CWA to effectively organize and mobilize members against employer push back. In addition, CWA should continue to support national and state legislation that addresses all factors contributing to the wage gap outside of pay discrimination including the Pink Tax, which refers to the increased tax burden women have as primary caregivers.

Finally, we must fight for equality and end pay discrimination once and for all by educating ourselves on what is really happening in this country. We must clearly understand the past to learn; what went wrong, how pay inequality came about and what we must we do to fix it. We must continue to build an independent working class political power and invest in candidates that will champion our best interests and will impose legislation that supports our agenda even if it means we ourselves must become candidates and take office.

It's time to build a movement to advance our agenda and breakdown the walls that are in place for the one percent. We must put our power and money together and make it work for us. We must "be about it not just talk and complain about it". It's time for a revolution.

Rise of Hate Crimes against LGBTQIA - Attack on Transgender Communities

Since the election of the current administration, we have seen a drastic uprising of attacks on our transgender community especially against our military transgender service members. In just 2 years' time since the election we have seen this administration attempt to reinstate a ban on transgender people from joining and openly serving in our military. Furthermore, this administration has proposed rescinding federal funding for K-12 that protects transgender rights, eliminating protections of transgender workers and endorsed every anti-transgender court case. This administration's stance on LGBTQ rights and its rhetoric against transgender communities has resulted in an increase in attacks against our transgender community with fatal violence disproportionately affecting transgender women of color. Every month we hear of the sad number of murders across our nation from our transgender family. Many of the hate crimes are not known as police misgender the victims. Over 16 states have attempted to push so called "Bathroom Bills", which has led to a surge in fear and hatred against transgender communities.

Quietly this administration has already put in place a policy to decrease transgender service members by directing those who work in MEPS (Military Entrance Processing Station) to blacklist any transgender recruits. While these locations have been aptly called "Freedom's Front Door" it is anything but that, as they turn away those wishing to serve on the basis of their identity.

Anti-Transgender and Anti-LGBT Actions

The following policy changes by the current administration have led to further abuses against this community.

March 13, 2019: The Department of Defense laid out its plans for implementing its ban on transgender troops, giving an official implementation date of April 12.

January 23, 2019: The Department of Health & Human Services' Office of Civil Rights granted an exemption to adoption and foster care agencies in South Carolina, allowing religiously-affiliated services to discriminate against current and aspiring LGBTQ caregivers.

November 23, 2018: The U.S. Office of Personnel Management (OPM) erased critical guidance that helped federal agency managers understand how to support transgender federal workers and respect their rights, replacing clear and specific guidance reflecting applicable law and regulations with vaguely worded guidance hostile to transgender workers. While this guidance change did not change the rights of transgender federal

workers under applicable law, regulations, Executive Orders, and case law, it is likely to cause confusion and promote discrimination within the nation's largest employer.

August 10, 2018: The Department of Labor released a new directive for Office of Federal Contract Compliance Programs (OFCCP) staff encouraging them to grant broad religious exemptions to federal contractors with religious-based objections to complying with nondiscrimination laws. It also deleted material from an OFCCP FAQ on LGBT nondiscrimination protections that previously clarified the limited scope of allowable religious exemptions.

June 11, 2018: Attorney General Jeff Sessions ruled that the federal government would no longer recognize gang violence or domestic violence as grounds for asylum, adopting a legal interpretation that could lead to rejecting most LGBTQ asylum-seekers.

May 11, 2018: The Bureau of Prisons in the Department of Justice adopted an illegal policy of almost entirely housing transgender people in federal prison facilities that match their sex assigned at birth, rolling back existing protections.

March 23, 2018: The Trump Administration announced an implementation plan for its discriminatory ban on transgender military service members.

February 18, 2018: The Department of Education announced it will summarily dismiss complaints from transgender students involving exclusion from school facilities and other claims based solely on gender identity discrimination.

January 26, 2018: The Department of Health and Human Services proposed a rule that encourages medical providers to use religious grounds to deny treatment to transgender people, people who need reproductive care.

January 18, 2018: The Department of Health and Human Services' Office of Civil Rights opened a "Conscience and Religious Freedom Division" that will promote discrimination by health care providers who can cite religious or moral reasons for denying care.

December 14, 2017: Staff at the Centers for Disease Control and Prevention were instructed not to use the words "transgender," "vulnerable," "entitlement," "diversity," "fetus," "evidence-based," and "science-based" in official documents.

October 6, 2017: The Justice Department released a sweeping "license to discriminate" allowing federal agencies, government contractors, government grantees, and even private businesses to engage in illegal discrimination, as long as they can cite religious reasons for doing so.

October 5, 2017: The Justice Department released a memo instructing Department of Justice attorneys to take the legal position that federal law does not protect transgender workers from discrimination.

September 7, 2017: The Justice Department filed a legal brief on behalf of the United States in the U.S. Supreme Court, arguing for a constitutional right for businesses to discriminate on the basis of sexual orientation and gender identity.

August 25, 2017: President Trump released a memo directing Defense Department to move forward with developing a plan to discharge transgender military service members and to maintain a ban on recruitment.

July 26, 2017: President Trump announced, via Twitter, that "the United States Government will not accept or allow Transgender individuals to serve in any capacity in the U.S. Military."

July 26, 2017: The Justice Department filed a legal brief on behalf of the United States in the U.S. Court of Appeals for the Second Circuit, arguing that the 1964 Civil Rights Act does not prohibit discrimination based on sexual orientation or, implicitly, gender identity.

June 14, 2017: The Department of Education withdrew its finding that an Ohio school district discriminated against a transgender girl. The Department gave no explanation for withdrawing the finding, which a federal judge upheld.

May 2, 2017: The Department of Health and Human Services (HHS) announced a plan to roll back regulations interpreting the Affordable Care Act's nondiscrimination provisions to protect transgender people.

April 14, 2017: The Justice Department abandoned its historic lawsuit challenging North Carolina's anti-transgender law. It did so after North Carolina replaced HB2 with a different anti-transgender law known as "HB 2.0."

April 4, 2017: The Departments of Justice and Labor cancelled quarterly conference calls with LGBT organizations. On these calls, which had happened for years, government attorneys shared information on employment laws and cases.

March 31, 2017: The Justice Department announced it would review (and likely seek to scale back) numerous civil rights settlement agreements with police departments. These settlements were put in place in police departments that were determined to be engaging in discriminatory and abusive policing, including racial and other profiling. Many of these agreements include critical protections for LGBT people.

March 2017: The Department of Housing and Urban Development (HUD) removed links to four key resource documents from its website, which informed emergency shelters on best practices for serving transgender people facing homelessness and complying with HUD regulations.

March 28, 2017: The Census Bureau retracted a proposal to collect demographic information on LGBTQ people in the 2020 Census.

March 24, 2017: The Justice Department cancelled a long-planned National Institute of Corrections broadcast on “Transgender Persons in Custody: The Legal Landscape.”

March 13, 2017: The Department of Health and Human Services (HHS) announced that its national survey of older adults, and the services they need, would no longer collect information on LGBTQ participants. HHS initially falsely claimed in its Federal Register announcement that it was making “no changes” to the survey.

March 13, 2017: The State Department announced the official U.S. delegation to the UN’s 61st annual Commission on the Status of Women conference would include two outspoken anti-LGBT organizations, including a representative of the Center for Family and Human Rights (C-FAM): an organization designated as a hate group by the Southern Poverty Law Center.

March 10, 2017: The Department of Housing and Urban Development (HUD) announced it would withdraw two important agency-proposed policies designed to protect LGBTQ people experiencing homelessness. The first policy proposal would have required HUD-funded emergency shelters to put up a poster or “notice” to residents of their right to be free from anti-LGBTQ discrimination under HUD regulations.

The second policy proposal would launch a survey to evaluate the impact of the LGBTQ Youth Homelessness Prevention Initiative, implemented by HUD and other agencies over the last three years. This multi-year project should be evaluated, and with this withdrawal, we may never learn what worked best in the project to help homeless LGBTQ youth.

March 8, 2017: Department of Health and Human Services (HHS) removed demographic questions about LGBTQ people that Centers for Independent Living must fill out each year in their Annual Program Performance Report. This report helps HHS evaluate programs that serve people with disabilities.

March 2, 2017: The Department of Justice abandoned its request for a preliminary injunction against North Carolina’s anti-transgender House Bill 2, which prevented North

Carolina from enforcing HB 2. This was an early sign that the Administration was giving up defending transgender people. Later, on April 14, it withdrew the lawsuit completely.

March 1, 2017: The Department of Justice took the highly unusual step of declining to appeal a nationwide preliminary court order temporarily halting enforcement of the Affordable Care Act's nondiscrimination protections for transgender people. The injunction prevents HHS from taking any action to enforce transgender people's rights from health care discrimination.

February 22, 2017: The Departments of Justice and Education withdrew landmark 2016 guidance explaining how schools must protect transgender students under the federal Title IX law.

This is the injustice we are called to fight. Attacks and discrimination against LGBTQ communities and in particular transgender communities is not new, it has been a core part of the strategy to divide and oppress working people for decades. Our union, CWA has been fighting this systemic injustice against LGBTQ communities at every turn. We passed Resolution 75A-15-8, entitled *Equal Access to Jobs, Housing, and Public Accommodations for Lesbian, Gay, Bi-Sexual, and Transgender (LGBTQ) People*. In this Resolution, CWA recognizes acts of discrimination and marginalization committed against LGBTQ communities and particularly transgender women of color under the guise of protecting religious freedom as a threat to all working people and reaffirms its commitment to actively fight against obstacles to full equality in the workplace and beyond.

It is this commitment to full equality that led CWA to negotiate a groundbreaking AT&T wireless agreement that extends gender identity protections to tens of thousands of workers. In this precedent-setting agreement, covering 21,000 AT&T wireless workers, CWAers won the widest-reaching protections for transgender employees of any telecom industry contract.

In addition to ensuring our contracts reflect our union values of inclusion, CWA works closely with the national Pride at Work constituency group and its local chapters to strengthen LGBTQ protections in the workplace and the community.

CWAers stood in solidarity with the LGBTQ community in calling out the Pulse Nightclub Shooting in Orlando as an act of terror directed at LGBTQ Americans.

More recently, CWA President Chris Shelton attributed similar acts of terror towards communities of color, religious minorities and LGBTQ Americans to this Administration's divisive rhetoric. Following the horrific acts in Jeffersontown, Ky. and Pittsburgh, Pa. President Shelton called on CWAers to "re-dedicate themselves to the fight for justice

by putting our union values into action and building stronger connections within our communities.”

CWA District 6 VP and Chair of the Human Rights Committee, Claude Cummings Jr. called the ban on transgender Americans from serving in the military an “insult to our nation and the thousands who are and want to honorably participate in military service.” He added, “Union members know that solidarity means fighting for all working people. We know that the Trump administration’s actions are an assault on all working people. We will fight against the Trump administration’s efforts to denigrate and marginalize Americans based on sexual orientation, and fight for equal protection under the law for all.”

CWA has a long and proud history of fighting for the dignity, equality, and safety of all working people. When faced with divisive tactics from those who seek to squash workers’ rights, we have always chosen to stand together and fight as one. However, this choice is becoming harder and harder as attacks against the most vulnerable amongst us have increased. The unprecedented level of attacks against our transgender communities by this Administration is just a new addition to the long line of threats against working people. We won’t stand for it. It is more important than ever for us to fight back.

As evident in this report there is much work to be done to ensure LGBTQ equality. Externally, CWA should continue to work with other unions, progressive allies and elected officials on the local, state and national level to protect LGBTQ Americans. Internally, we can take steps such as passing a Resolution to provide gender neutral bathrooms in all CWA local, District and National offices.

In order to stem the growing tide of violence against this group we must strive individually and as a group, locally and nationally to recognize these basic human rights to whom all are entitled. Already on the forefront on advocacy, we as a Union can increase our efforts in fighting against injustices committed against the LGBTQ communities, in particular transgender Americans and service members.

Education Deficiencies for Children in Special Education Settings

For children who are classified with disabilities, successfully navigating the educational path is not always an easy or positive experience. The classification alone creates a challenge for students, but add to that delays in implementing regulations, removal of civil rights protections, and even use of violence, then the process becomes even more challenging.

The Individuals with Disabilities Education Act (IDEA) is a law that provides access to quality free public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children.

The IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children, and youth with disabilities.

Infants and toddlers, birth through age 2, with disabilities and their families receive early intervention services under IDEA Part C. Children and youth ages 3 through 21 receive special education and related services under IDEA Part B.⁴

According to former U.S. Secretary of Education John B. King, Jr., “Children with disabilities are often disproportionately and unfairly suspended and expelled from school and educated in classrooms separate from their peers. Children of color with disabilities are overrepresented within the special education population, and the contrast in how frequently they are disciplined is even starker.”⁵

Given the overwhelming data to support conclusions such as this, previous administrations took action to ensure the provisions of IDEA legislation were implemented nationally, in an effort to overcome inconsistent implementation at the state level and to counteract the negative impact of disproportionate representation and segregation of children in special education settings. Unfortunately, the Trump administration has delayed the continued implementation of the legislation, claiming the need to reexamine the approach of the Equity in IDEA regulations.⁶ The delay in implementation does nothing but ensure that the students in special education settings will continue to lag behind their counterparts and lose out on the benefits of traditional educational settings.

In a further display of inequity in special education settings, in late 2018 a Kentucky school district settled a lawsuit in which two elementary school students of color who were classified with disabilities were handcuffed by law enforcement officers working in the school. During the investigation it was discovered that several other elementary students had been handcuffed.⁷ This is in direct violation of the requirement that students be afforded appropriate, minimally invasive settings conducive to learning.

Federal law states that disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities. Access to a public education increases the probability of self-sufficiency and increased earning potential. According to data from the Bureau of Labor Statistics (BLS), median weekly earnings for those with less than a high school degree are \$493. That works out to \$25,636 per year, assuming a year of constant earning. The unemployment rate for Americans with less than a high school diploma is 8%, the highest of any of the educational categories.

CWA Public Sector represents social workers who are at the forefront of dealing with children with disabilities and their families. They teach them how to advocate, navigate and link to agencies to ensure their children are in the appropriate educational setting. Their work is integral in promoting access to quality education. Through the service they provide, they promote the dignity and justice of all working people. As members, they reflect our union values of inclusion through their work. In addition they build solidarity by working with other union members such as teachers to fulfill the needs of children with disabilities. These CWAers work tirelessly to ensure the rights of children with disabilities to quality education are protected but they can only do so much.

CWAers know that discrimination of all forms hurts working people. We need to increase awareness about this issue and join with other unions, community organizations and advocacy groups to fight against discrimination on the basis of disability. In the spirit of Human Rights, the Civil Rights and Equity Committee calls on all members of CWA to advocate for the rights of children with special education needs, at all levels, including equity in curricula. Furthermore, CWA members and activists should advocate for safe, appropriate and minimally invasive settings for students with special education needs.

Crisis Intervention Team: Partnership between Law Enforcement, Advocacy and Mental Health

Law Enforcement officers across the country have been faced with the issue of an increased number of contacts between individuals experiencing a mental health crisis. According to an article in Police Chief Magazine, “many states are cutting funding for mental health issues which has resulted in law enforcement departments having to figure out a solution to assist those suffering from a mental health crisis.”

The solution for the agency I work for and many departments across the county has been the implementation of Crisis Intervention Teams (CIT) training. The purpose of the training is to train officers to properly de-escalate crisis situations, connect subjects in crisis with the help they need, provide some relief to the family of the subject in crisis, and reduce police department calls for service. Once an officer has earned a CIT certification, the officer will be prepared to ascertain if he or she are dealing with an individual experiencing a mental health crisis versus an individual committing a crime. This in turn will help better protect the rights of those suffering from a crisis and keep them out of the criminal justice system.

The de-escalation piece is important because this can prevent a use of force by an officer on an individual with mental health issues. The officers have training on how to speak with someone going through a mental health crisis, which in turn could result in no physical contact with the individual. Once the officer gets the individual to calm down, the officer can interact with the individual to assess whether they may need to be placed on a legal hold to get a mental evaluation by a licensed psychologist or psychiatrist at a hospital.

Training units, community, and mental health partners throughout the Las Vegas Valley, have developed a 40 hour CIT course. Those same community and mental health partners assure we understand the crisis an individual may experience and provide the most updated information to our officers. The following are the elements and topics of the training program:

- Verbal De-Escalation
- Autism Response
- Mental Illness and the Homeless
- Citizen Perspective of the issue
- Communication Scenario
- Co-Occurring DSM 5

- Developmental Disorders
- PTSD
- Excited Delirium
- Visit Seven Hills Behavioral Hospital to interact with staff and patients
- Suicide Prevention
- Participate in practical scenarios
- Written test

Many law enforcement agencies around the country already have in place similar trainings or are developing this type of training for their agency. Additionally, if an agency does not currently have one in place they can partner with an agency that does have CIT training to get their officers certified. Some larger agencies have a CIT unit of officers specifically designated to respond to individuals that meet the criteria for an individual going through a mental health crisis. As we know mental health affects every community and work place, which is why it's so important to support law enforcement's Critical Intervention Teams.

As mentioned previously, as officers it is important that we ascertain whether an individual may need to be evaluated by a mental health professional. With that said, we still have parameters that we must follow before determining whether a person going through a mental crisis needs to be seen by a mental health professional. Nevada Revised Statute 433A. 115 defines a "mentally ill person as a person whose capacity to exercise self-control, judgment and discretion in the conduct of his/her affairs and social relations or to care for personal needs is diminished as a result of mental illness to the extent that (s)he presents a clear and present danger of harm to self or others, but does not include any person in whom that capacity is diminished by epilepsy, mental retardation, dementia, delirium, brief periods of intoxication caused by alcohol or drugs or dependence upon or addiction to alcohol or drugs unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person." An officer can determine if the individual meets the aforementioned criteria and have them involuntarily committed for a mental health evaluation. Once again the goal is to keep those who need help with their mental health crisis out of the criminal justice system and afford them the help they need to get better.

CWA has supported the rights of individuals with physical and mental disabilities as protected under the American with Disabilities Act. In law enforcement our goal is to uphold the laws of our land and support the communities we serve.

In its advocacy for the civil rights and protections of all members of our communities, CWA should increase its involvement with local Crisis Intervention Teams through developing a strong lobbying effort to educate policy makers and help secure adequate funding for program development for law enforcement and local community partners. By doing so we can train more officers and keep the public informed of our efforts to help those experiencing a mental health crisis.

What Does a Demographically Changing Workforce Mean For the Future of Our Union?

The struggle for economic and social freedoms has long been at the center of many battles and conflicts during the course of our nation's history. Our nation's growth as a leader on the world stage has been dependent on our ability to adapt rapidly to various social, political, and technological changes. The role of organized labor has been instrumental in helping to alleviate the inequities in laws, policies, and societal norms. The ability of the labor movement to bring working class people together despite differences of race, religion, ethnicity, and gender has been key in helping to bring about a more just and equitable nation. Organized labor has itself had to demonstrate within its ranks the values of tolerance and inclusiveness. The process has been long and arduous, but one that continues to this present day with labor facing the same question as the nation. That is the question of how do we deal with the ever changing demographics of our country, and what role will labor play in helping shape the course of its future.

An article from the Economic Policy Institute in 2016 cites data which suggests that by the year 2032 the majority of working class people in America will be people of color. The recent wave of international migration of non-whites along with increased birth rates among people of color have helped to move the needle towards the so-called minority-majority becoming a reality within the next 20-30 years. Also with the current population aging, the older demographic will remain majority white, while the younger population will soon be majority people of color.

Economic inequality is a central issue for working class people and solving it requires overcoming racial and ethnic disparities. As our nation becomes more diverse we need the combined efforts of all working people who seek to raise their living standards. As the saying goes, "a rising tide lifts all boats." The labor movement has played a crucial role in the broader fight for social and economic justice. We have spearheaded efforts to secure equal pay for equal work, affordable and adequate healthcare, safe work environments, the lifting of voter restrictions, and immigration reform just to name a few. However, we've seen roll backs of many of the advances we have made in some of these areas.

Unions continue to champion causes which help tip the scales in the favor of working class people across all demographics. However, the labor movement has been faced with hard challenges in the past 30 years including declining union density, rise in wealth inequality and a political system dominated by corporations. In spite of these challenges the labor movement today is characterized by a renewed energy in organizing. With less manufacturing and industrial jobs, many labor unions have had to

adjust to the “new economy”. They’ve gained footing in new industries such as digital journalism, screenwriters, professional and technical employees just to name a few. Union led popular education campaigns help workers across all demographics realize that organizing and joining a union gives them the opportunity to use their collective voices to advocate for themselves and others.

The Communications Workers of America has long been at the forefront of many of the issues facing working people in this country and throughout the world. As with many labor organizations, CWA realized that there were segments of its members that were under represented in the leadership of the union from the shop floor up to the podiums at Convention. To address this issue our union created in 1972 the Office of Ethnic Affairs. Its purpose was to involve more minorities in union activity and create a pathway to leadership. In 1973 two committees were formed in order to address the lack of diversity within the union, a Blacks and other Minorities Structure Committee and a Female Structure Committee. In 1974 the National Executive Board authorized the creation of the National Equity Committee based on recommendations born out of those committee reports. The Minority Leadership Institute was created in 1983 to continue to address the lack of representation in leadership. So at numerous points throughout the history of our union, there has been efforts made to address the needs of changing demographics in our workforce. The very existence of the Civil Rights & Equity Committee and Women’s Committee is a testament to the commitment of CWA to addressing and correcting inequities within our ranks.

CWA has provided committee members with resources and training to help in their growth, and by extension, the growth of the union in continuing the fight for equity and respect for working class people. For decades we’ve been addressing the desire for our members to have a greater voice in the way they are represented and to have the leadership be a true reflection of the membership at large.

CWA was founded over 80 years ago. It is still going strong and is in an excellent position to continue in its role as a preeminent organization to address the needs of our members now and in the future. We are proactively getting involved in the issues that impact our members and working people as a whole including the fight for \$15, immigration reform, criminal justice reform, climate change, and getting big money out of politics. We have partnered with other unions, community organizations, religious and charitable groups, and various political organizations to help push the working families’ agenda. We have fought to elect those who champion workers’ rights even when it’s not politically expedient to do so.

We have to continue to build those bridges with like-minded people so that we can secure a better future for ourselves and generations yet to come. Our membership will

continue to grow and change, the industries we serve will as well, but with our continued political and social activism, the progressive vision of our leadership, and the energy of our rank and file membership we will be poised to embrace the future and adapt to whatever changes that will certainly come.

Digital Citizenship: A Call to Duty to Protect Its Rights

Digital Citizen is a term used for any person possessing the knowledge and skills to use information technologies to actively engage in society. Examples of this engagement include the use of blogs and webpages, social networks, e-commerce, and online journalism. Under this concept, a person becomes a digital citizen simply by creating an email or social media account. With the rapid growth of this particular population, as with any large group the opportunity to exploit and abuse is exponentially ushered in. While the lion's share of regulations is constantly trying to establish digital law to restrict illegal downloads, identity theft, and cyberbullying, less focus has been on digital privacy rights pertaining to an individual's personal information.

Decades ago, personal information was stored in physical file cabinets. Data security meant securing the location that housed these file cabinets. Today, the data containing our personal information is housed in digital clouds. Not only are we unaware of the location of our data, we're not even sure who we're providing our information to or how they're collecting it. In 1986, Congress passed the Electronic Communication Privacy Act (ECPA). This legislation was necessary to extend the previous restrictions on government wire taps of phone calls to communication of computer data. Since then, passage of the USA Patriot Act and FISA Amendments Act have added further regulations and restrictions of what the government can and cannot access with respect to private electronic communications. So, while much attention has been given to keeping an eye on the government, we need to make sure we're not asleep at the wheel of watching the private-sector.

Our personal data is constantly being packaged and sold – almost always without our knowledge or intentional consent! For example, in the fine print of the contract of DNA testing company, Ancestry.com, clients voluntarily grant the company “a perpetual, royalty free, worldwide transferable license to use” their data. So not only are our test results “perpetually” in the cloud, they are sold “worldwide” without us ever knowing to whom! That means our DNA may yield crucial results decades later to any member of our family tree. Our data is sold to drug companies for research. Insurance companies may deny individuals life insurance or long-term care because of the presence of a gene that carries the risk of a life-threatening illness or condition. While it is illegal for companies to use genetic results against us for healthcare or employment, what safe guards do we have that these laws are being obeyed? Additionally, what about the security of our data? Last summer it was revealed that My Heritage DNA stored 92 million accounts on a personal server. Recent data breaches of Equifax, Yahoo, and Facebook are just a few examples of how vulnerable the PDFs of digital citizens are in today's world. Imagine that server being hacked and the personal data of those accounts falling into [other] malicious hands.

Our personal data is constantly being packaged and sold. But how is it collected? If we look at Google, a product used by millions every day, we get a glimpse of the magnitude of the problem. The more Google products we use, the more data Google can gather about us. Through Gmail (email/calendar), Android (cell phone), YouTube, Google Drive, Google

Maps, and Google Search — Google daily gathers tons of information about us. This information includes our purchasing patterns, what we search for, where we live, where we've been, and much, much more. Last March, Dylan Curran, an IT consultant, tweeted that he downloaded everything Facebook had on him into a 600-megabyte file. He downloaded the same type of data from Google and got a 5.5 gigabyte file – practically nine times larger than the Facebook file! Even though we know that our information is out there, 69% of us still use social media daily. The risk of data breaches have long-lasting, devastating financial and other negative impacts on working families. Especially because the companies that gather our data are constantly strategizing to avoid taking responsibility for their reckless actions. One avenue we can combat this is through our union, CWA.

CWA has been a fierce advocate of consumer protection that protects workers. Greedy corporations backed by the current administration are constantly rolling back consumer protections including defunding the Consumer Protection Bureau. CWA is the leading member of Take on Wall Street coalition that is fighting against these roll backs. CWA has also lead several efforts to hold executives accountable and expand safety measures for consumers.

In December, 2017, CWA led a class action lawsuit filed against hundreds of employers and employment agencies for illegally targeting their employment ads on Facebook to exclude older workers. This type of targeting was possible by the gathering of personal information. Facebook used filters based on personal information gathered to target specific age groups and purposely prevent older workers from seeing the ads or pursuing job opportunities. Last month, a settlement was reached with Facebook. However, the case against the employers who used Facebook to discriminate by prohibiting older job seekers from seeing the ads is still ongoing before the Equal Employment Opportunities Commission (EEOC). Those firms include T-Mobile, Amazon, and Cox Communications.

This case clearly demonstrates the need for both better regulation and continued watchdogging. Congress needs to pass comprehensive data protection laws to protect individual's personal information. Individuals should be able to have more of a say in the collection and retention of their personal information. But what good is passing the law if employers aren't going to follow them. This case is an example of why we must remain vigilant in fighting for the enforcement of these laws. Let's ensure that employers and insurance companies are not violating current laws by illegally making decisions on consumers' data.

CWA should once again renew its commitment to lead the fight in holding employers, data corporations, Wall Street banks and executives accountable while expanding protections for working people.

¹ Sampson, R. J. (2008). Rethinking crime and immigration. *Contexts*, 7(1), 28-33.

² West, D. M. (2011). The costs and benefits of immigration. *Political Science Quarterly*, 126(3), 427-443.

³ Gubernskaya, Z., & Dreby, J. (2017). US immigration policy and the case for family unity. *Journal on Migration and Human Security*, 5(2), 417-430.

⁴ The Individuals with Disabilities Education Act <https://sites.ed.gov/idea/about-idea/>

⁵ FACT SHEET: Equity in IDEA <https://www.ed.gov/news/press-releases/fact-sheet-equity-idea>

⁶ For Students of Color with Disabilities, Equity Delayed Is Equity Denied <https://www.aclu.org/blog/disability-rights/disability-rights-and-education/students-color-disabilities-equity-delayed>

⁷ Children Cruelly Handcuffed Win Big Settlement Against the Police in Kentucky <https://www.aclu.org/blog/disability-rights/disability-rights-and-education/children-cruelly-handcuffed-win-big>