



# National Latina Institute for Reproductive Health



---

## ELECTION 2010

---

### REPRODUCTIVE JUSTICE, LATINAS AND THE 112<sup>TH</sup> CONGRESS

---

JANUARY 2011

---

## ABOUT NATIONAL LATINA INSTITUTE FOR REPRODUCTIVE HEALTH

The mission of National Latina Institute for Reproductive Health (NLIRH) is to ensure the fundamental human right to reproductive health and justice for Latinas, their families and their communities through public education, community mobilization and policy advocacy.

## EXECUTIVE SUMMARY

The 2010 election was a mixed result for Latinas and reproductive health, but one strong message came through: Latino/as are a powerful and active voting bloc. Latinas proved themselves a formidable voting constituency determined to cast their ballots despite political campaigns designed to depress Latina turnout.

Despite the high rates of Latino voter turnout, particularly in the Southwest and West, the outcome and make-up of the 112<sup>th</sup> Congress will not be favorable to reproductive justice and immigrant rights issues. The 112<sup>th</sup> Session will be one of the most difficult for advocates for Latinas in decades. Both at the national and state levels, anti-choice, anti-immigrant conservative leaders now largely control Congress and State executive offices.

The new leadership in the House of Representatives have indicated their intent to drastically limit access and affordability of abortions by blocking abortion coverage in insurance plans. They have also taken aim at the historic health care reform law. Rep. Eric Cantor (R-Va.) indicated they want a complete repeal, but would settle for gutting the law by defunding health reform items in the budget while also trying to repealing pieces of the measure one at a time.

Advocates and members seeking re-election in 2012 should take notice, however, that the midterm election was not a referendum on reproductive health and justice issues. Though many new House leaders have promised to take aim at the health care law, with a supportive stronghold elected in California and other allies nationwide, opportunities exist to continue reform focused on those most in need. Many anti-choice candidates were defeated as was an anti-choice ballot initiative in Colorado. In the U.S. Senate, Democrats were able to keep control of the chamber while losing six seats. Further, the Obama Administration has vowed to fund evidence-based sex education, which will improve knowledge about the full range of birth control options for women.

The National Latina Institute for Reproductive Health will continue to work to protect existing coverage and push for public funding so that abortion can remain a safe, affordable option for Latinas. In the aftermath of the election, NLIRH will also focus on saving critical components of the landmark health care law which will cover an estimated 9 million Latinos and increase funding for community health centers – a lifeline to many in our neighborhoods.

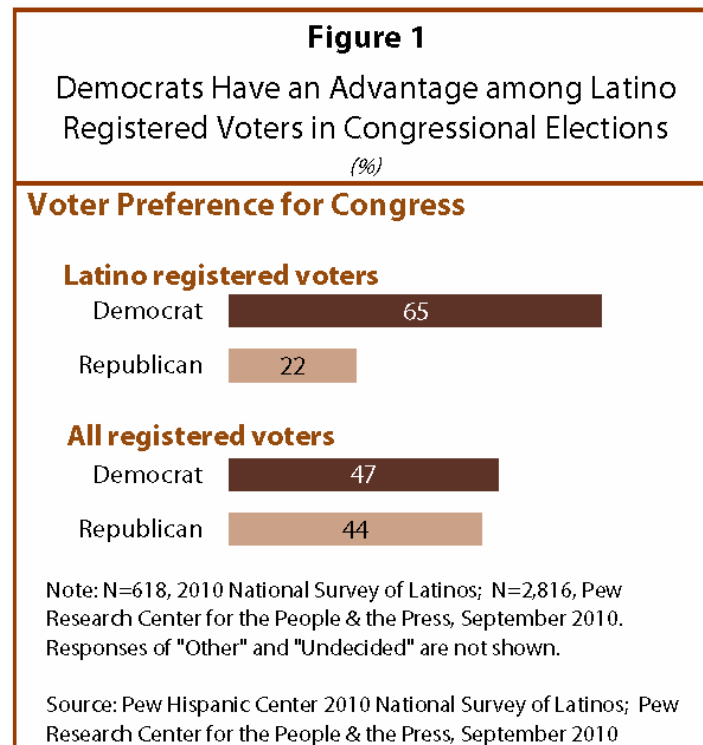
While not exhaustive, NLIRH produced this report to analyze the elections and the incoming 112<sup>th</sup> Congress in regards to its impact on reproductive health rights and issues that exacerbate poverty and xenophobia and increase gender, racial and ethnic discrimination.

This report will provide a snapshot of four primary topics:

- 🌟 Latina Voters: Issues that Matter
- 🌟 Outcomes of Key States and Ballot Measures
- 🌟 Spotlight on Colorado – Amendment 62: An Interview with COLOR
- 🌟 Legislative Opportunities in 112<sup>th</sup> Congress

## LATINA VOTERS: VOTER PREFERENCE AND ISSUES THAT MATTER

The results of the 2010 midterm elections made one statement loud and clear: Latinos are active and enthusiastic voters. Approximately 6.5 million Latinos voted in November. Fueled by anti-immigrant sentiment in some political ads, Latino turn-out exceeded even the keenest predictions.<sup>1</sup>



According to the Pew Hispanic Center, two-third of Latino registered voters (65%) said they planned to support a Democratic candidate in their local Congressional race, while 22% said they plan to support the Republican.<sup>2</sup>

<sup>1</sup> CNN Politics Election Center. 2010 National Exit Poll for U.S. House. Available at: <http://www.cnn.com/ELECTION/2010/results/polls/#USH00p1>. Accessed January 19, 2011.

<sup>2</sup> Pew Hispanic Center. Latinos and the 2010 Election: Strong Support for Democrats; Weak Voter Motivation. Available at: <http://pewhispanic.org/files/reports/127.pdf>. Accessed January 19, 2011.

**Vote by Sex and Race**

Total	<b>D</b> Democrat	<b>R</b> Republican	<b>O</b> Other/No Answer		
<b>White Men</b> (38%)	34%	<b>62%</b>	4%		
<b>White Women</b> (40%)	39%	<b>58%</b>	3%		
<b>Black Men</b> (5%)	<b>86%</b>	13%	1%		
<b>Black Women</b> (6%)	<b>92%</b>	6%	2%		
<b>Latino Men</b> (4%)	<b>55%</b>	44%	1%		
<b>Latino Women</b> (4%)	<b>65%</b>	33%	2%		
<b>All Other Races</b> (4%)	<b>55%</b>	42%	3%		

Source: CNN Politics Election Center. 2010 National Exit Poll for U.S. House

It is important to note that turnout was only part of the story. It seemed that Democrats were, overall, not persuasive in their messages on the issues that mattered to their base.<sup>3</sup> In terms of voter preference amongst women, Democrats lost the overall women's vote to Republicans by one point (48 to 49 percent).

**% of Women and Latino vote for Democratic Candidate in  
2006 and 2010 Mid-Term Elections**

	Women	Latino
2006	55	68
2010	48	64

While about 64 percent of Latinos voted Democratic, the Congressional Hispanic Caucus (CHC) lost three House members and gained five new Latino Republicans – the most ever in a single election. Those Latino Republicans will join a GOP Latino cohort at other levels of government that includes Marco Rubio (FL) who was elected to the U.S. Senate, and Susana Martinez, who became the country's first Latina elected governor. She is joined by Lt. Governor John Sanchez in the state of New Mexico. They were the state's first Latino Republicans to run for the top two elected positions.

<sup>3</sup> The Hill. Deflation or Defection in Midterms? Available at: <http://thehill.com/opinion/columnists/mark-mellman/132553-deflation-or-defection-in-midterms>. Accessed January 19, 2011.

## WOMEN'S RIGHTS AND ABORTION

Despite the overall loss in support among women and Latino voters, strong pro-choice candidates fared better than their colleagues who failed to stand up for women's rights. In fact, many anti and mixed-choice Democrats were defeated while strong women's rights advocates kept their seats.

The Obama Administration was recognized as an early supporter of women's rights. With the immediate passage of the Lilly Ledbetter Fair Pay Act, the creation of a White House Council on Women and Girls, the repeal of the Global Gag Rule, the passage of health care reform, and the appointments of key cabinet and Supreme Court positions, the Administration has taken steps in the right direction to keep women's support. However, the Administration failed to prioritize reproductive choices for women, as evident in the outcome of the health care reform debate.

After agreeing to the Nelson amendment in the health care reform bill, which created onerous barriers to accessing abortion care in the newly created insurance exchanges, President Obama issued an Executive Order that hardened this position. The Executive Order also tightened oversight on Community Health Centers, which are the health lifeline for many immigrant communities. In addition, the Administration caved to pressure from anti-choice leaders when it decided to ban abortion coverage (except in cases of rape, incest, or if the life of the mother is at risk) in the High Risk Insurance Pools. The High Risk Insurance Pools are often the only affordable health insurance option for women with chronic illnesses or disease.

While anti-choice and anti-immigrant groups were successful in forcing the Obama Administration to compromise on these issues, it was clear from the 2010 midterms that progressive voters wanted less compromise on key social issues.

For example, Democratic candidates were successful in their races when they took a stand on abortion as a mainstream, pro-women issue.<sup>4</sup>

Planned Parenthood<sup>5</sup> highlighted the following races where the candidates' pro-choice credentials were used successfully:

- 🌟 Colorado Senate race, Michael Bennet won the women's vote by 17 points.
- 🌟 Washington Senate race, Patty Murray won the women's vote by 12 points.
- 🌟 California Senate race, Barbara Boxer won the women's vote by 16 points.
- 🌟 Oregon governor's race, John Kitzhaber won the women's vote by 26 points.
- 🌟 Vermont governor's race, Peter Shumlin won the women's vote by 7 points.

The 2010 elections also gave way to the rise of the Tea Party and the "Mama Grizzly" movement.

---

<sup>4</sup> Boxer Plays Abortion Card. Politico. Available at: <http://www.politico.com/news/stories/1010/43633.html>. Accessed January 19, 2011.

<sup>5</sup> Planned Parenthood Action Fund. Why Women Delivered Winning Margins in Races That Democrats Won: The Candidates Ran Pro-Choice Campaigns. Available at: <http://www.plannedparenthoodaction.org/elections-politics/press-releases/why-women-delivered-winning-margins-races-democrats-won-candidates-ran-pro-choice-campaigns-970.htm>. Accessed January 19, 2011.

The Tea Party was an umbrella for conservative voters who wanted to repeal the Patient Protection and Affordable Care Act (PPACA), oppose immigration reform and block LGBT rights. Though they differed from the Christian Right in some respects, Tea Party candidates shared the group's opposition to a woman's right to reproductive freedom.

The Tea Party had been in the scene for less than two years, but had already scored several victories in recent elections. For example, the Tea Party was instrumental in Scott Brown's victory to win Senator Ted Kennedy's long-held Senate seat in Massachusetts. In the 2010 elections, the Tea Party united forces and represented a real threat to incumbents of both Democrat and Republican parties. The Tea Party gained strength from emerging forces led by former Alaskan Governor, Sarah Palin. The "Mama Grizzlies"—symbols that were adopted to represent Palin's movement—were groups of women that rose to support extremist Republican candidates. Sarah Palin encouraged a new tide of mothers and women to support candidates that were anti-choice and backed policies that were harmful to Latinas and all women.

The rise of the 'Mama Grizzly' claim to feminism caused an outcry amongst progressive feminists and reproductive justice advocates. In a Washington Post Opinion editorial, Jessica Valenti labeled Palin a 'fake feminist' and stated:

*"It's not a realization of the importance of women's rights that's inspired the change. It's strategy. Palin's sisterly speechifying is part of a larger conservative move to woo women by appropriating feminist language. Just as consumer culture tries to sell 'Girls Gone Wild'-style sexism as 'empowerment,' conservatives are trying to sell anti-women policies shrouded in pro-women rhetoric."*<sup>6</sup>

Other advocates also noted the lack of racial and ethnic diversity amongst those identifying as 'Mama Grizzlies' and called out their platform as regressive, non-inclusive and simply a tool to mobilize anti-choice women. Valenti continues:

*"Feminism is a social justice movement with values and goals that benefit women. It's a structural analysis of a world that oppresses women, an ideology based on the notion that patriarchy exists and that it needs to end. What Palin is peddling isn't feminism -- it's a manipulated buzzword being used to garner support for a party that time and time again votes against women's rights. Palin isn't trying to further a movement for justice or equality; she's shilling for women's votes -- a 'stampede of pink elephants,' she says -- for the midterm elections."*

## HEALTH CARE

The health law was a mixed-bag for Latinas and left them failing to connect to the accomplishments of health care reform. Undocumented persons were completely shut out from coverage, even when purchasing insurance with their own funds. Also, with the increased fear surrounding discriminatory immigration enforcement efforts, even Latinas who were eligible for health benefits failed to utilize them. This trend was especially evident in Arizona where Latinas have faced unprecedented hostile anti-immigrant discrimination in recent years.

<sup>6</sup> Washington Post. The Fake Feminism of Sarah Palin. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/28/AR2010052802263.html?sid=ST2010062204464>. Accessed January 19, 2011.

*Guadalupe, who was two months pregnant, had not visited a doctor. She needed to see the doctor for prenatal care, but simply could not afford to pay for insurance for the second pregnancy. She was married to a U.S. citizen but because she came across the border illegally she is ineligible to adjust her immigration status or receive health care benefits. She shared with me while contemplating to see the doctor, whether she should go back to her home country to seek medical care or get an abortion or pay her electricity bill, which was already overdue.<sup>7</sup>*

Stories like this can be heard quietly throughout the country, but have been kept under the radar due to the immigration consequences of large media exposure. Examples like these demonstrate the link between two issues that will continue to face the 112<sup>th</sup> Congress – immigration and health care reform.

In addition, PPACA intends to include preventive services at little or no cost to women, there is still no guarantee from the Department of Health and Human Services (HHS) or the Institute of Medicine (IOM) that birth control will be considered a preventive service and offered at no cost like other preventive services. Presently, half of women already delay or avoid preventive care due to its associated costs.<sup>8</sup> Furthermore, under PPACA, states can prohibit abortion coverage in health insurance plans offered in the new insurance exchanges. To this end, states could create further obstacles to accessing abortion care, a basic health service that one out of three women will obtain in their lifetime.<sup>9</sup> This threatens the health of Latinas and all women. In addition, it will create barriers for Latinas, who already have trouble accessing affordable care due to cultural and linguistic differences, as well as restrictions based on age, economic status, religious affiliation and geographic location which are all obstacles that prevent Latinas from seeking reproductive health services and exercising their reproductive freedom.

In a time where many provisions of the health law are being implemented, Latinas are a segment of the population that may be heavily impacted if certain provisions exclude them from obtaining primary care and reproductive health services they vitally need.

## IMMIGRATION

While President Obama has been vocal about this support for comprehensive immigration reform, his Administration has put resources into enforcement and border security. President Obama exceeded President Bush's enforcement record and presided over more than 800,000 deportations in the past two years.<sup>10</sup> This was not what activists expected when President Obama promised to make immigration a top priority and when, in a 2008 Democratic Convention speech said that, “passions fly on immigration, but I don’t know anyone who benefits when a mother is separated from her infant child.”<sup>11</sup>

<sup>7</sup> Personal Communication. Shared at Glendale Family Health Center - Glendale, AZ

<sup>8</sup> National Latina Institute for Reproductive Health. Public Funding Fact Sheet Series – Summer 2010.

<sup>9</sup> Guttmacher Institute. Abortion in Women’s Lives. Available at <http://www.guttmacher.org/pubs/2006/05/04/AiWL.pdf>. Accessed January 19, 2011

<sup>10</sup> The Washington Post. Defeat of Immigration measure Reveals Failed White House Strategy, Advocates Say. Available at: <http://www.washingtonpost.com/wp-dyn/content/article/2010/12/18/AR2010121801679.html?sid=ST2010121901999>. Accessed January 19, 2011.

<sup>11</sup> The New York Times. Barack Obama’s Acceptance Speech. Available at: <http://www.nytimes.com/2008/08/28/us/politics/28text-obama.html?pagewanted=5>. Accessed January 19, 2011.



*Maria Ledezma knows as much. Just off a bus that deported her from Phoenix to the Mexico border town of Nogales, she was sobbing as she explained the series of events that led her to be separated from her three daughters, ages 4, 7 and 9, all American citizens. “I never imagined being here,” said Ms. Ledezma, 25, who was brought to Phoenix from Mexico as a toddler. “I’ll bet right now that my girls are asking, ‘Where’s Mom?’”<sup>12</sup>*

The passage of S.B. 1070 in Arizona paved the way for anti-immigrant candidates to take a hard-line stance on immigration. It also paved the way for ugly attacks on Latinos as a whole. These attacks hindered anti-immigrant Republican’s goal of winning the Latino vote. For example, in states such as Arizona and California, Latinos rejected anti-immigration campaign ads that portrayed them as gang members and dangerous people in society. The results of Latinos’ reaction could not be more evident in Nevada, California, and Colorado where anti-immigration rhetoric worked on getting Latinos out to vote.

A National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund poll of registered Latino voters in California, Colorado, Florida and Texas found that the debate around the issue of immigration played a significant role in the political decisions of registered Latino voters. Immigration issues increased the likelihood of voting for Latinos polled and influenced their selection of candidate. They also found that immigration emerged as the top policy issue for Latino registered voters in these four states, overtaking economic issues, education and health care.<sup>13</sup>

Latino voters did not stand by and watch their communities become caricatures. Numerous ads and rallies across the nation proved that immigration was significantly important for Latino families and was, without doubt, a motivating factor among Latinos who were most likely to vote.

Many open seats were in 2010 were in districts where Latino voters were high enough to swing the outcome of the elections. About 70 of the 435 districts in the House of Representatives had a Latino population of at least 25%. Similarly, political observers ascertained that the strength of Latino voter turnout determined the outcome in 17 of the toughest races for seats in the House of Representatives.<sup>14</sup>

In the end, candidates and the Obama Administration made too many compromises on key social issues to motivate their base support – despite better-than-expected turnout. In a time when support for Democrats had eroded and incumbents struggled to address multiple social issues, they failed to prioritize women and immigrants. Progressive candidates and incumbents did a poor job of highlighting health care reform and the importance of discussing reproductive health and addressing immigration reform.

Similar laws to the one passed in Arizona targeted a vulnerable immigrant community and disenfranchised women, taking away their rights and the rights of their families, offering no political or economical power, and

---

<sup>12</sup> The New York Times. Birthright Citizenship Looms as Next Immigration Battle. Available at: [http://www.nytimes.com/2011/01/05/us/politics/05babies.html?pagewanted=2&\\_r=1&sq=birthright%20citizenship&st=cse&scp=1](http://www.nytimes.com/2011/01/05/us/politics/05babies.html?pagewanted=2&_r=1&sq=birthright%20citizenship&st=cse&scp=1). Accessed January 19, 2011.

<sup>13</sup> National Association of Latino Elected and Appointed Officials (NALEO). Latinos and the 2010 Midterm Elections: The Critical Role of Latino Voters and Candidates in the General Election. Available at: <http://www.naleo.org/latinovote.html>. Accessed January 19, 2011.

<sup>14</sup> Center for American Progress. Too Many to Ignore: The Latino Vote in 2010 and Beyond. Available at: [http://www.americanprogressaction.org/issues/2010/10/too\\_many\\_to\\_ignore.html](http://www.americanprogressaction.org/issues/2010/10/too_many_to_ignore.html). Accessed January 19, 2011.



leaving them with little or no access to health care. Today, an estimated 38% of all Latinas and 56% of low-income Latinas of reproductive age are uninsured.<sup>15</sup>

---

<sup>15</sup> National Latina Institute for Reproductive Health. National Latina Institute for Reproductive Health Blueprint for Action. Available at: <http://latinainstitute.org/sites/default/files/publications/NLIRH%20Policy-Rec1%20Access%20to%20Health%20Care-Oct07-FINAL.pdf>. Accessed January 19, 2011.

## OUTCOME OF KEY STATES AND BALLOT MEASURES

One of the most discouraging election results for the Latino community is the shake-up in the Congressional Hispanic Caucus (CHC). NLIRH's partnership with CHC members has been instrumental in raising the voice of Latinas in health care reform, immigration and abortion access. Two important voices were defeated in this election by conservative opponents: CHC Whip, John Salazar (CO-03) and past CHC chair Ciro Rodriguez (TX-23). Solomon Ortiz (TX-27) also lost his bid. Their replacements are Scott Tipton, Francisco Canseco, and Blake Farenthold, all of who maintain anti-immigrant platforms. However, Democrats and the CHC are not at a complete loss. CHC members will likely shift gears to a more pragmatic approach to issues that are considered too liberal or too big to move forward in the Senate. For example, issues that are going to be on the battle line for CHC members in the 112<sup>th</sup> Congress are immigration reform and the DREAM Act, which are also of utmost important to the Latino community. The key to CHC members and the Democratic caucus will be to coalesce around leadership that can sternly move forward a progressive agenda.

### Victories

- ☀ **California, Colorado, Nevada, Arizona:** Latino/as are credited with tipping the scales in favor of the key races that preserve hard-fought gains for reproductive health and justice, including U.S. Senators Barbara Boxer in California and Michael Bennett in Colorado, Senate Majority Leader Harry Reid in Nevada, and Congressman Raul Grijalva (AZ-7). Despite Reid's lukewarm support for reproductive health issues, his role as Senate leader has opened many opportunities to advance a positive reproductive health agenda and he has been an advocate for advancing positive policy solutions on immigration.
- ☀ **Colorado Ballot Initiative:** The only statewide ballot initiative on access to reproductive health was defeated in Colorado. Voters, including Latinos, rejected the "Personhood Amendment" which would have limited or banned abortion access and would ban the most common forms of birth control, including the pill.

### Losses

- ☀ **Colorado:** CHC Whip John Salazar – (CO-3) lost to Scott Tipton (R). This is a huge loss for Latinas because Tipton is anti-choice and was endorsed by the extreme anti-choice group Concerned Women for America PAC. He also wants to repeal the health care law and opposes legalization for undocumented immigrants.
- ☀ **New Mexico:** Susana Martinez will become the first Latina Governor of New Mexico, and like most Tea Party-backed candidates, she is anti-choice and anti-gay marriage. She would further penalize immigrants with her plans to revoke a law that allows undocumented immigrants to obtain drivers licenses.
- ☀ **Florida:** Tea Party-backed Marco Rubio was elected to the U.S. Senate. The more moderate candidates (Independent Charlie Crist and Democrat Kendrick Meek) seemed to split the vote and leave the victory to conservative Rubio, who has called Roe v Wade "a catastrophe" and promotes restrictive views on immigration, such as the draconian Arizona immigration bill.
- ☀ **Texas:** Former CHC Chair and reproductive health supporter Rep. Ciro Rodriguez (TX-23) was forced to step down from a Congressional seat that many considered his stronghold - a district that stretches from El Paso to San Antonio. Unfortunately, Congressman-elect Francisco Canseco (R) is likely to derail efforts that might support women's issues. Canseco supports anti-immigrant

policies and has the backing of all major anti-choice organizations. Also, a long-time Congressional leader, Solomon Ortiz, was defeated by Tea Party and anti-choice candidate, Blake Farenthold (R).

- ✪ **Wisconsin:** The Latina community lost one of its strongest supporters when Ron Johnson (R) defeated Senator Russell Feingold (D) in the U.S. Senate race. Johnson, a plastics manufacturer, has promised to repeal health care reform stating that it is an “assault” on “freedom.” Johnson is also an anti-choice candidate that was endorsed by Wisconsin’s Right to Life group. Johnson also favors immigration tactics that harm Latinas and their families. For example, he supports stronger enforcement measures, REAL ID, and the Patriot Act and opposes a path to legalization for undocumented immigrants.

### **Mixed**

- ✪ **Nevada:** Former federal judge Brian Sandoval (R) will become Nevada’s first Latino Governor. His election is a mixed-bag for Latinas. He opposes driver’s licenses for undocumented immigrants and supports verification requirements and enhanced security on the border. Sandoval opposes the new health care reform law. Latinas can look to Sandoval for mixed support of their reproductive rights.

## SPOTLIGHT ON COLORADO: DEFEATED AMENDMENT 62

### ***AN INTERVIEW WITH THE COLORADO ORGANIZATION FOR LATINA OPPORTUNITY AND REPRODUCTIVE RIGHTS (COLOR)***

The so-called "Personhood Amendment," which would have banned abortions statewide was voted down by a large margin – 72 to 28.<sup>16</sup> This is a huge victory for reproductive rights for Latinas. For the second consecutive election cycle, abortion rights foes in Colorado pushed an amendment to the state Constitution that would give rights "to every human being from the beginning of the biological development of that human being." If passed, the amendment would have banned abortions statewide –even in cases of race or incest. The amendment would have also banned certain common forms of birth control.

The Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR) was a leader in the fight against this ballot measure among Colorado Latinas, and have successfully fought off similar ballot measures in past election cycles. COLOR – an organization dedicated to a vision of Latinas and their families having the knowledge, freedom, and power to access a full range of opportunities for the health of their body, mind, and spirit – has been successfully organizing across movements in Colorado around issues of reproductive justice. We wanted, therefore, to ask Lorena García, Executive Director at COLOR, about their strategy. Lorena transitioned to the staff of COLOR after two years of service on the Board of Directors, and from serving as the Colorado Director for 9 to5: National Association of Working Women, where she successfully positioned 9 to5 Colorado as one of the lead civic engagement and field groups in Colorado. She has a background in organizing for social justice in the areas of education, LGBTIQ rights, and workers' rights, as well as curriculum development and youth leadership development. Lorena was also a 2008 Progressive Leadership and Advocacy Network Fellow with the National Women's Law Center. She serves on the National Advisory Council for the National Latina Institute for Reproductive Rights, as Co-Chair for the Healthy Colorado Youth Alliance, serves on the steering committee for the Colorado Civic Engagement Round Table and serves as president of the Women's Lobby of Colorado.

#### **NLIRH: Tell me about COLOR's organizing strategy around the personhood amendment.**

**Lorena Garcia (LG):** Our strategy is based on truth and based on one-on-one conversations with individuals; it's a controversial issue, so if you are able to have personal conversations with voters, that is extremely effective. Messaging needs to be very constituent-focused – we can't have one single message, we have to be specific depending on who we are talking to.

We also focus a lot on younger constituencies that are probably not old enough to vote. Part of our strategy is building a life-long base for reproductive justice, and if we show young people our commitment to their lives early on, then we can build on that. But it doesn't stop there; younger folks for the most part will have guardians that can vote, and youth are able to talk to their guardians or family members about voting on issues that affect their lives.

#### **NLIRH: If the Personhood ballot initiative had passed, how would it have affected women in**

---

<sup>16</sup> RH Reality Check. Election 2010: Amendment 62 Defeated. People Still Have to Be Born in Colorado. Available at: <http://www.rhrealitycheck.org/blog/2010/11/03/election-2010-amendment-defeated-people-still-have-born-colorado>. Accessed January 19, 2011.

**Colorado generally? How would it have affected Latina and immigrant women specifically?**

LG: It would have really limited access to our reproductive rights; abortion would be outlawed, but also even contraception would be banned, and even some medical procedures that could impact a pregnancy. Practitioners would be criminalized. As far as immigrant women, accessing reproductive health is already a struggle for immigrants. If this amendment passed, it would have impacted our ability to make healthy choices and healthy decisions for our families.

**NLIRH: How were you able to engage young people in the electoral process and in the fight against the personhood initiative more specifically?**

LG: Because the constituency that we target is young people, (12-34), we focus on high schools and we focus on campuses. We understand that this age range in Colorado have their own networks, so being able to organize within our contacts – through sex ed classes, *cafecitos*, etc – if we are able to reach one person, we are able to reach many more through them. Working with Choice USA as a partner in this process was great because we were able to get to a lot more people in that way, and people in high school and college campuses were very excited to take this activism to their campuses. So with every person that we contact at these campuses, we know that we are reaching much wider networks; individuals are taking activism by way of education campaigns and rallies to their campuses and spreading the word about the importance of this issue.

**NLIRH: I know COLOR has a good history of doing cross-movement work successfully. Tell me about working cross-movement on an issue like the Personhood ballot initiative.**

LG: The wonderful position that we are in with COLOR and our mission about being about reproductive justice versus solely reproductive health is that it allows us to be able to show the bridge between issues that are usually in silos, like reproductive health issues and economic justice issues and worker's rights issues. So we can persuade and educate other movements that their issue is a reproductive justice issue. In this way, we were able to engage the Colorado civic engagement round table – which convenes progressive nonprofits in Colorado – on this and other reproductive health issues. Getting buy-in from a larger progressive-movement table on controversial issues like the personhood initiative and ultimately abortion access shows the work that we are doing regarding what reproductive justice is and how others benefit as constituents.

Because we are a reproductive justice organization, within our mission we also talk about opportunity in a broader sense – we are able to take on other issues like workers' rights issues, and in fact workers' rights are a reproductive justice issue. If people don't have a living wage, how can they safely raise a family? Economic justice issues are important, environmental justice issues are important – neighborhoods ridden with toxins are bad for reproductive health, for example. Working with a reproductive justice framework has allowed us to be stronger teammates with the rest of the progressive community.

**NLIRH: In what ways were you able to leverage COLOR's grassroots power into policy organizing and change?**

LG: Because we are so rooted in the community and are very grassroots – we are of and for young Latinas – we are very trustworthy. People trust us and do not see us as “experts”. Our base of supporters and constituents are so incredibly dedicated, so incredibly loyal to COLOR. They consider COLOR to be their organization, not just an organization – they feel ownership over the work. So whenever we ask for a mobilization, they are there.

**NLIRH: What sorts of things do you do to promote this ownership?**

LG: The really welcoming environment that we exude...Wherever we go, we make sure that there are a lot of COLOR folks with us - we are going to take all of us, and people feel that connection, feel that they are a part of a movement and want to join us. With our strategic planning and the things that we want to do, the campaigns that we are running, they are not internal. We bring in youth participants, parent participants, members. COLOR does so much and such amazing work, that there is no way that we could do it without having the buy-in and having the community really feel ownership over that.



## LEGISLATIVE OPPORTUNITIES AND CHALLENGES IN 112<sup>TH</sup> CONGRESS AND 2012 ELECTION CYCLE

Looking into the future, it is important to the posterity of Latinas, their families, and all women to be proactive about supporting pro-women, pro-immigrant legislation. The following next steps provide a broad framework to guide federal policy makers to uphold of full range of reproductive health services and freedom of choice for all Latinas.

### Immigration

While the defeat of DREAM and the increase of military on the border make women immigrants' rights activists wince, we know that the worst is yet to come. The new House leadership pledged not only to block any new incarnations of DREAM or other pro-immigrant measures, but also intend to chip away at existing immigrant rights.

Rep. Lamar Smith (R-TX), as the incoming chairman of the House Judiciary Committee, will have the power to bring a measure to block automatic citizenship for children born in the U.S. to undocumented immigrants – a right granted under the 14<sup>th</sup> Amendment. Smith has lead the anti-immigrant charge in Texas and vowed to push for more strict enforcement measures during his term. This is especially distressing because since 2008, enforcement on the border and beyond has been at an all-time high.<sup>17</sup> Next chairman of the House subcommittee on immigration and outspoken anti-immigrant member, Rep. Steve King (R-IA), will likely complement Smith's tactics.

Some dismiss their efforts because to change the 14<sup>th</sup> Amendment would require a constitutional amendment, which demands approval from three quarters of the state legislators. However, even with the 14<sup>th</sup> Amendment intact, insidious possibilities remain. A coalition called the State Legislators for Legal Immigration (SLLI) has unveiled draft legislation and a “state compact” that they are encouraging states to adopt. They are also hoping to somehow get the federal government to adopt these changes by circumventing entirely the constitutional amendment process. These efforts are not legal and, assuming some states are successful at adopting these measures, they will undoubtedly be challenged in court.<sup>18</sup>

Some analysts warn that lawmakers put themselves at risk by pursuing an anti-immigrant agenda when recent Census data confirms growth in Latino populations in several key states. Many of the states that will gain congressional seats tend to vote Republican; ironically, their growth was fueled by Latino populations who tend to vote Democratic.<sup>19</sup>

---

<sup>17</sup> US Immigration and Customs Enforcement. Available at: <http://www.ice.gov/news/releases/1010/101008washingtondc.htm>. Accessed January 19, 2011.

<sup>18</sup> National Public Broadcasting. Obama, Hispanic Allies Plan Strategy Versus GOP. Available at: <http://www.npr.org/blogs/itsallpolitics/2010/12/22/132262817/obama-hispanic-allies-plan-strategy-versus-gop>. Accessed January 19, 2011.

<sup>19</sup> United States Census 2010. 2010 Census Data. Available at: <http://2010.census.gov/2010census/data/>. Accessed January 19, 2011.

2010 Census Data on Population change by State<sup>20</sup>

There may be an opportunity for compromise on immigration issues. Senator Reid and other members, who are in a political debt with the Latino community for keeping them in office, should continue to push for immigration reform. The DREAM Act has been around for ten years and has been read, discussed and analyzed in every way possible. Since it was introduced in 2001, the DREAM Act passed the Senate Judiciary Committee four times, and in 2006 passed the Senate, but died when the House failed to take up reform. Most recently, in December 2010, DREAM passed in the House but it failed in the Senate by 5 votes.

It is also clear that all members of Congress have a strong mandate from their constituents to pursue comprehensive immigration reform that will create real solutions for immigrants, mixed families, businesses and communities. Voters are not interested in political waging, but rather have demanded real solutions. Therefore, anti-immigrant legislators should have a strong incentive to participate in a process that fixes systems, rather than focusing all of their time on discriminatory policies that tear apart immigrant families and communities and hinder the business community that relies on immigrant workers. Progressive organizations should use this to Latinos' advantage by working with elected officials to create meaningful change, and exposing those who fail to do so.

## Health Care

Congress should ensure that the provisions of the new health care law are sufficiently funded and properly implemented, particularly with respect to provisions that affect low-income communities. We urge Congress

<sup>20</sup> United States Census 2010. 2010 Census Data. Available at: <http://2010.census.gov/2010census/data/>. Accessed January 19, 2011.

to oppose any legislation proposals designed to repeal the ACA in whole or in part. In the aftermath of the election, NLIRH will also focus on saving critical components of the landmark health care law which will cover an estimated 9 million Latinos and increase funding for community health centers – a lifeline to many in our neighborhoods.

In addition, birth control should be fully covered in preventive health services free of out-of-pocket costs. Contraception is defined as prevention under the Women's Health Amendment. This will require all plans to cover birth control as part of the Women's Health Amendment, a part of health reform passed in March. Currently, birth control is not listed as a preventive service.

### **Protect Women and Reproductive Health**

More emphasis needs to be placed on women's reproductive health. Legislators need to address the critical and urgent need of women related to preventive care, particularly those on abortion. The issue of reproductive health, contrary to the opposition of many conservative candidates, is paramount to women's health.

The 112<sup>th</sup> Congress will pose opportunities and challenges to ensure that women's reproductive health is protected under the new health law. Some recently elected officials will play a tremendous role in implementing the new health law. In particular, governors will play a critical role in reshaping the conversation about reproductive health and health law to implement at the state level. For example, the federal statute for health care reform leaves a lot up to state government (such as creating state-level insurance exchanges), therefore state level officials will be key players in the 112<sup>th</sup> Congress and beyond. Many governors who opposed health care reform could introduce legislation to impede important parts of the health law.<sup>21</sup>

---

<sup>21</sup> A Café Mom Blog, The Stir. 8 Ways the Election Will Change Women's Health & Reproductive Rights. Available at: [http://thestir.cafemom.com/healthy\\_living/112067/8\\_ways\\_the\\_election\\_will](http://thestir.cafemom.com/healthy_living/112067/8_ways_the_election_will). Accessed January 19, 2011.

## CONCLUSION

Latinos have confirmed their status in this country as a formidable political force. Latinos showed the country that their vote matters, and that they are a community that is critical, analytical, and observant in evaluating policies and issues. This election cycle presented a unique opportunity for the Latino electorate to hold parties accountable for responsiveness or inaction to issues important to their community.<sup>22</sup> Legislators must know that Latinos are not up for grabs. Latinos do not want candidates who just learn how to speak Spanish, but rather those who learn how to speak to their needs. Latinas need leaders that will address their unique and complex array of reproductive health issues, which are exacerbated by poverty, gender, racial and ethnic discrimination and xenophobia. By way of history, Latinas have encountered three major obstacles to their reproductive health and freedom:

- ☀ Lack of access to quality reproductive health and prevention services contributing to major health disparities and poorer health outcomes;
- ☀ Punitive and discriminatory state and national reproductive health policies that have disproportionately impacted their health, especially for low-income and undocumented women of color;
- ☀ Political disenfranchisement within the broader reproductive rights movement and from Latino leaders.

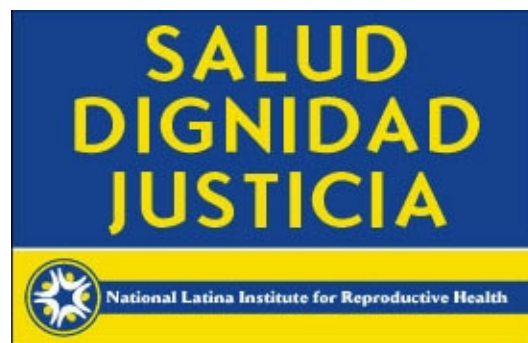
The right to access reproductive health services is a fundamental human right that should be guaranteed to all members of our community, and is necessary for our individual and collective well-being, autonomy and self-determination. The efforts to advance reproductive rights of Latinas are firmly present in the discourse of women's health. Latinas, as a growing demographic and power base, will not remain silent in advocating for their rights to *salud, dignidad y justicia!*

## ACKNOWLEDGMENT

We acknowledge the collaborative efforts of NLIRH staff who contributed to the writing of this report and for our fierce colleagues at COLOR for offering their story and strategy on defeating the Personhood Amendment. Thank you for sharing your knowledge and expertise on Latina reproductive health, and for making this report as comprehensive and accurate as possible.

---

<sup>22</sup> Latino Decisions. Latino Influence is Holding Parties Accountable. Available at: <http://latinodecisions.wordpress.com/2010/10/21/latino-influence-is-holding-parties-accountable/>. Accessed January 19, 2011.



New York City  
50 Broad Street, Suite 1937  
New York, NY 10004  
Phone: 212-422-2553 | Fax: 212-422-2556

Washington, DC  
1901 L Street, NW, Suite 300  
Washington, DC 20036  
Phone: 202-621-1435 | Fax: 202-393-8584