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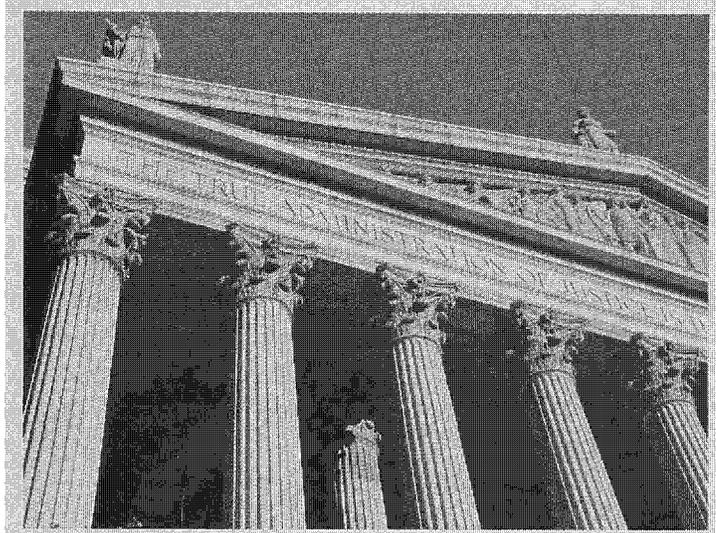
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## Supreme Court Says no Federal Guarantee of Protection

By Shauna Coleman

In a landmark decision, the Supreme Court held in *Town of Castle Rock v. Gonzales*<sup>1</sup> that federal law provides no guarantee of a specific police response to domestic violence complaints, even when a restraining order has been issued against a potential perpetrator. The decision stemmed from allegations by a woman in Colorado that the police failed to make a serious effort to enforce a restraining order against her estranged husband, who then killed their three daughters before being fatally shot by the police.<sup>2</sup> The U.S. Supreme Court ruling protected the city of Castle Rock from a potential \$30 million lawsuit resulting from the police officers' failure to enforce the restraining order.<sup>3</sup>

Jessica Gonzales, the respondent in *Gonzalez* had obtained a domestic abuse restraining order against her husband.<sup>4</sup> Several weeks after Gonzales obtained the order, Gonzales' husband took her three daughters, in violation of the protective order, while they were playing outside their home.<sup>5</sup> Gonzales called the Castle Rock Police Department four times requesting that the restraining order be enforced. She was told to wait for an officer to arrive, but when no one came, she went to the police station and submitted an incident report.<sup>6</sup> Later that night, Gonzales' husband arrived at the police station and opened fire using a semiautomatic handgun he had purchased earlier that evening.<sup>7</sup> Police returned fire and killed him.<sup>8</sup> After the gunfire, the officers inspected the cab of his pickup truck, found the bodies of all three of Gonzales' daughters and discovered that Gonzales' husband had murdered them.<sup>9</sup>



The Supreme Court's ruling in *Gonzales* may have serious consequences for those seeking protection.

Gonzales then brought a civil rights action under 42 U.S.C. § 1983, claiming that Castle Rock had violated the Due Process Clause because its police department had "an official policy or custom of failing to respond properly to complaints of restraining order violations" and "tolerate[d] the non-enforcement of restraining orders by its police officers."<sup>10</sup> Before answering the complaint, Castle Rock filed a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6).<sup>11</sup> The District Court granted the town's

motion, concluding that, whether construed as making a substantive due process or procedural due process claim, respondent's complaint failed to state a claim upon which relief could be granted.<sup>12</sup>

A panel of the Court of Appeals affirmed the rejection of a substantive due process claim, but found that respondent had alleged a cognizable procedural due process claim.<sup>13</sup> On rehearing *en banc*, a divided court

reached the same disposition, concluding that respondent had a "protected property interest in the enforcement of the terms of her restraining order" and that the town had deprived her of due process because "the police never 'heard' nor seriously entertained her request to enforce and protect her interests in the restraining order."<sup>14</sup>

The Supreme Court overruled the 10<sup>th</sup> Circuit Court of Appeals' decision, and held that for purposes of the Due Process Clause, Gonzales did not have a property interest in police enforcement of the restraining order against her husband, even though the police officers had probable cause to believe it had been violated.<sup>15</sup> The Supreme Court reasoned that the Due Process Clause's procedural component does not protect everything that might be described as a government benefit.<sup>16</sup> Rather, the Court maintained,

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to have a property interest in a benefit, a person must have a legitimate claim of entitlement to it.<sup>17</sup> A benefit is not a protected entitlement if officials have discretion to grant or deny it.<sup>18</sup> Justice Scalia resolved that, in this case, state law did not truly mandate that such enforcement was mandatory, and, as such, Gonzales did not have a claim of entitlement.<sup>19</sup>

Further, the Colorado statute did not require officers to arrest the perpetrator, but only to seek a warrant.<sup>20</sup> This, however, would give Gonzales an entitlement to nothing but procedure, which cannot be the basis for a property interest.<sup>21</sup>

Many local governments see this decision as a victory for cities and states. According to Michael T. Jurusik, a local government attorney with Klein, Thorp and Jenkins, Ltd., “the Supreme Court’s decision in *Gonzales*, while unfortunate, ultimately preserves the principle of law enforcement discretion.” He maintains that,

A decision that upheld the Tenth Circuit’s ruling would have put the police in an impractical and virtually impossible situation. Police officers are regularly called upon to make judgment calls, and if *Gonzales* had succeeded, police officers would be second-guessed each and every time they did not enforce an order the way someone wanted.<sup>22</sup>

Similarly, Attorney Thomas S. Rice, of Senter Goldfarb & Rice, LLC, counsel for Castle Rock in *Gonzales* doubts this decision will lead to increased violence. Further, Rice doubts “that [the decision in *Gonzales*] will result in any decrease in persons seeking these types of orders. In fact, the police provide excellent services with respect to these orders and they continue to be sought in great numbers.”<sup>23</sup>

In contrast, the National Network to End Domestic Violence and the American Civil Liberties Union (“ACLU”), both of whom filed *amicus* briefs in this case, were disappointed by the U.S Supreme Court’s decision.<sup>24</sup> The ACLU views the Supreme Court’s

ruling as undermining the protection that victims of domestic violence seek from protection orders.<sup>25</sup> The ACLU strongly believes that police departments must be held accountable for complying with mandatory arrest laws and enforcing orders of protection.<sup>26</sup> Lenora Lapidus, Director of the ACLU Women’s Rights Project, said that “without systems of accountability in place, women and children are subjected to the whims of local police departments and may suffer grievous harm.”<sup>27</sup>

This decision also affects other cases where restraining orders are vital, such as in elder abuse cases. The American Association of Retired Persons (“AARP”) filed a brief<sup>28</sup> in *Gonzales* stressing the need for enforcement of protective orders in elder abuse cases involving instances of physical harm.<sup>29</sup>

AARP stated that the decision not to enforce a protective order can have a profound effect on elder abuse and the life of an older person.<sup>30</sup> Repeated violence, physical harm and possibly death can occur as a result of elder abuse as many older people are unable to take measures to prevent physical abuse.<sup>31</sup>

Despite the fact that this ruling does not strengthen the position of those that need restraining orders, the ACLU believes that the Supreme Court’s decision does not alter or weaken existing state laws regarding mandatory or presumptive arrest, pointing to Justice Scalia’s own words in the majority opinion.<sup>32</sup> Justice Scalia explicitly states that the ruling “does not mean states are powerless to provide victims with personally enforceable remedies ... the people of Colorado are free to craft such a system under state law.”<sup>33</sup> The ACLU hopes that this ruling will push state legislatures to pass laws that will hold police accountable for taking protection orders seriously.<sup>34</sup> The ACLU Women’s Rights Project now strongly urges state legislatures to act immediately to protect women and their families from harm.<sup>35</sup>

Domestic violence laws in Montana and Tennessee are considered good examples of how states can create legal mechanisms that protect victims and ensure that police departments are accountable for enforcing the law. The Montana Supreme Court has

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**(Kelo, continued from page 18)**<sup>5</sup> *Id.* at 2659.<sup>6</sup> *Id.*<sup>7</sup> *Id.*<sup>8</sup> *Id.*<sup>9</sup> *Id.*<sup>10</sup> *Id.*<sup>11</sup> *Id.* at 2659-60.<sup>12</sup> *Id.* at 2660.<sup>13</sup> *Id.*<sup>14</sup> *Id.*<sup>15</sup> *Id.*<sup>16</sup> *Id.*<sup>17</sup> *Id.*<sup>18</sup> *Id.*<sup>19</sup> *Id.*<sup>20</sup> Conn. Gen. Stat. §8-186 *et seq.* (2005).<sup>21</sup> 268 Conn. at 18-28, 843 A.2d at 515-21.<sup>22</sup> 467 U.S. 229 (1984).<sup>23</sup> 348 U.S. 26 (1954).<sup>24</sup> 268 Conn. at 40, 843 A.2d at 527.<sup>25</sup> See *Fallbrook Irrigation Dist. v. Bradley*, 164 U.S. 112, 158-64 (1896); *Strickley v. Highland Boy Gold Min. Co.*, 200 U.S. 527, 531 (1906).<sup>26</sup> *Kelo*, 125 S. Ct. at 2673. (O'Connor, J., dissenting.)<sup>27</sup> *Id.* at 2673. (O'Connor, J., dissenting.)<sup>28</sup> *Id.*; *Berman*, 348 U.S. at 34.<sup>29</sup> *Kelo*, 125 S. Ct. at 2673. (O'Connor, J., dissenting.)<sup>30</sup> *Id.* at 2674. (O'Connor, J., dissenting.)<sup>31</sup> *Id.* at 2675. (O'Connor, J., dissenting.)<sup>32</sup> *Id.* at 2669-70. (Kennedy, J., concurring.)<sup>33</sup> *Id.* at 2677. (Thomas, J., dissenting.)<sup>34</sup> *Id.* at 2676. (O'Connor, J., dissenting.)<sup>35</sup> *Id.* at 2671. (O'Connor, J., dissenting.)<sup>36</sup> *Id.* at 2668.<sup>37</sup> *Id.* at 2677. (O'Connor, J., dissenting.)<sup>38</sup> 471 Mich. 455, 684 N.W.2d 765 (2004).<sup>39</sup> See also D. Berliner, *Public Power Private Gain: A Five Year, State by State Report Examining the abuse of Eminent Domain*, Institute for Justice (Apr. 2003), [http://www.castlecoalition.org/pdf/report/ed\\_report.pdf](http://www.castlecoalition.org/pdf/report/ed_report.pdf).<sup>40</sup> *Kelo*, 125 S. Ct. at 2677-78. (Thomas, J., dissenting.)<sup>41</sup> 768 N.E.2d 1, 199 Ill.2d 225, 263 Ill. Dec. 241 (Apr. 4, 2002) (hereinafter "SWIDA").<sup>42</sup> 70 ILCS 520/1 *et seq.* (Stat. 1998).<sup>43</sup> 70 ILCS 520/2(g) (Stat. 1998); *SWIDA*, 199 Ill.2d at 227.<sup>44</sup> *SWIDA*, 199 Ill.2d at 227.<sup>45</sup> *Id.* at 228.<sup>46</sup> *Id.*<sup>47</sup> *Id.* at 229.<sup>48</sup> *Id.***(Kelo, continued on page 34)****(Bankruptcy, continued from page 21)**

copies of all payment advices or other evidence of payment received within the 60 days prior to the filing date of the petition;<sup>28</sup> (iii) a statement of the amount of monthly net income, showing how the amount is calculated and (iv) a statement disclosing any reasonably anticipated increases in income or expenditures over the 12-month period following the filing of the petition.<sup>29</sup> The penalty for not filing these items is dismissal, unless an extension is requested and granted within 45 days.<sup>30</sup> Also, the following additional items are required to be filed with the court: a certificate from the nonprofit budget and credit counseling agency that provided the debtor with the services required under Section 109(h) prior to the filing of the case and a copy of any debt repayment plan developed through the agency.<sup>31</sup>

Significantly, BAPCPA now requires the provision and/or completion of tax returns during both Chapter 7 and Chapter 13 proceedings. In either a Chapter 7 or Chapter 13 case, a tax return or transcript for the most recent tax year must be provided to the trustee, and to any creditor who requests it, by seven days before the date first set for the meeting of creditors required under Section 341(a).<sup>32</sup> The new code provides that court shall dismiss the case if this is not done.<sup>33</sup> Further, a party in interest or the court can request copies of tax returns or amendments that come due or are completed while a case is proceeding,<sup>34</sup> and also specifically allows for a taxing authority to request an order converting or dismissing the case if tax returns that come due are not filed.<sup>35</sup>

The tax burdens upon a Chapter 13 debtor are significantly expanded. Chapter 13 debtors will need to file with all appropriate tax authorities any unfiled tax returns due for taxable periods over the four-year period ending on the date the petition is filed by the day before the first date of the Section 341(a) meeting of creditors.<sup>36</sup> While the trustee can hold the meeting period open for a reasonable period up to 120 days to allow the debtor to get the returns required filed,<sup>37</sup> it seems that the pressure will be on the Chapter 13 debtor to get this done, as a new Section 1325(a)(9) also specifies that all returns required

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under this section must be filed in order for a Chapter 13 plan to be approved by the court. Further pressure also could be found from a party in interest or the U.S. Trustee, who could ask the court to dismiss or convert a case to Chapter 7 if any of the specified returns are not filed.<sup>38</sup> Chapter 13 debtors will also be subjected to increased ongoing scrutiny and will need to file annual statements of the income and expenditures.<sup>39</sup>

As should be apparent, the costs of filing bankruptcy will increase, if from nothing else, based on the sheer increase in paperwork that will now be required under BAPCPA. Financially stressed or low-income persons who have endured divorce, illness or natural disaster-or any other situation in which they may not have kept complete records still will be subject to these requirements. It will be no small challenge to assist persons with bad or missing records to gain relief under the new law, which is no longer discretionary and not easily waived. It will be incumbent upon attorneys who intend to continue to represent consumers in bankruptcy to familiarize themselves with the changes and explore technology and new creative ways of assisting and motivating potential clients.

While the costs of filing for both types of bankruptcy have increased, the costs under Chapter 13 have been most significantly impacted. It will be more difficult and costly for individuals filing under Chapter 13 to properly get the case filed, get a plan confirmed or be relieved of certain debts. This is a curious and unfortunate result, particularly if the goal of Congress was to encourage more persons to try Chapter 13,<sup>40</sup> which is a voluntary repayment plan through the court.

Some of the major changes in the Chapter 13 scheme include: changes to the mandatory length of plan, depending upon the amount of "disposable income" a person has available as defined by the new code;<sup>41</sup> greater amounts required to be paid for secured collateral desired to be retained<sup>42</sup> and the reduced scope of debts which can be discharged in a Chapter 13 case.<sup>43</sup> In a Chapter 13 case, persons above the applicable median income will now also arguably be required to propose a five-year plan.<sup>44</sup> This will be a problem for persons who have recently lost a job or a source of income, yet find themselves en-

snared in a higher median income category that may disqualify them from the means test. The terms "current monthly income" and "disposable income" do not any longer have the commonly understood meaning. Rather, current monthly income now means the total sum of the past six months income from all sources, divided by six.<sup>45</sup> On the other hand, if that person elects to file Chapter 13, the person will still be looking at long term plan.

Another change involved in Chapter 13 will be greater amounts to be paid for secured collateral desired to be retained. Formerly, a Chapter 13 debtor could take a debt, such as that for a car loan, and propose to pay through the plan a differing amount due, typically less, than that due under the car contract. This right has been restricted. Under new confirmation requirements, it is now required that, unless otherwise agreed, the plan allow the lienholder to retain the lien to the vehicle until the amount due under the contract is paid or the case is completed,<sup>46</sup> provide special payments of "adequate protection" to the lienholder<sup>47</sup> and propose to pay at least "replacement value," an amount costlier than the actual "fair market value" of an item, plus interest.<sup>48</sup> A new paragraph after section 1325(a)(9) further restricts "cramdown" of claims for vehicles purchased within the 910-day period prior to the filing of the case or purchase money goods purchased within one year.<sup>49</sup>

Finally, the value of the discharge in Chapter 13 cases has been scaled back and been made less effective.<sup>50</sup> For certain debtors, this may reduce the incentive for completing or filing a Chapter 13 case. Previously, the one of the great incentives for completing a Chapter 13 was found in the broader discharge of debts granted under Section 1328(a), compared to the more limited discharge of debts under Chapter 7, Chapter 11, Chapter 12 or in a hardship situation in Chapter 13. The categories of debts now discharged under the amended Section 1328(a) has been significantly expanded to exclude many other debts from discharge, making a Chapter 13 discharge much more similar to the discharge received in Chapter 7. Persons who may have debts excepted from discharge will want to investigate the new Section 1328(a) carefully prior to filing their cases.

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### Costly Changes, But New Opportunity

While the changes are costly, the silver lining in BAPCPA is that the changes will likely cause attorneys to take a good hard look at their practices. It was difficult before, but with the passage of BAPCPA it has become nearly impossible to navigate all the complex new provisions of the bankruptcy code without an attorney. Post-BAPCPA, attorneys have become more important than ever and must become willing to rise to the challenges.

<sup>1</sup> Jeana Kim Reinbold worked as a private attorney specializing in bankruptcy cases with the law firm of Joseph Wrobel, Ltd. in Chicago, Illinois before relocating to Boston, Massachusetts. She will work as a law clerk for a judge with the U.S. Bankruptcy Court for the District of Massachusetts in Boston from 2006-2007.

<sup>2</sup> A discussion of the legislative history behind bankruptcy reform can be found in Susan Jensen, *A Legislative History of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005*, 79 AM. BANKR. L. J. 485 (2005).

<sup>3</sup> Pub. L. No. 109-8, 119 Stat. 23 (to be codified in 11 U.S.C. (2005)). Citations to the Act will be to 11 U.S.C. § (2005).

<sup>4</sup> Elizabeth Warren, Testimony Before United States Senate Committee on the Judiciary, Bankruptcy Reform (Feb. 10, 2005), [http://judiciary.senate.gov/testimony.cfm?id=1381&wit\\_id=3996](http://judiciary.senate.gov/testimony.cfm?id=1381&wit_id=3996).

<sup>5</sup> *Id.*

<sup>6</sup> See, e.g., Melissa B. Jacoby, *Ripple or Revolution? The Indeterminacy of Statutory Bankruptcy Reform*, 79 AM. BANKR. L. J. 169, 175 n. 41 (2005) (citing examples of criticism of bill by academics and bankruptcy professionals).

<sup>7</sup> See, e.g., Hon. A. Thomas Small & Hon. Eugene R. Wedoff, *A Proposal for More Effective Bankruptcy Reform*, [www.abiworld.org/pdfs/LegisProposal256.pdf](http://www.abiworld.org/pdfs/LegisProposal256.pdf) (recommending that the proposed legislation maintain incentives for debtors to choose repayment of debts through Chapter 13).

<sup>8</sup> Letter from Professors of Bankruptcy and Commercial Law regarding BAPCPA (S.256) to Senators Specter and Leahy (Feb. 17, 2005), <http://bankruptcymedia.com/bkfinder/article%20folder/LawProfessorLetterfinal.pdf>.

<sup>9</sup> American Bar Association Fact Sheet, *Senate Considers Imposing Harsh New Liability Standards Against Bankruptcy Attorneys* (Dec. 2004), [http://www.abanet.org/poladv/priorities/brattyliabilityfactsheet\\_december2004\\_.pdf](http://www.abanet.org/poladv/priorities/brattyliabilityfactsheet_december2004_.pdf).

<sup>10</sup> John Rao, National Consumer Law Center, Inc., *What's Wrong with S.256, Let Us Count the Ways ...*, <http://www.consumerlaw.org/initiatives/bankruptcy/content/KeyProblemswithS256.pdf>.

<sup>11</sup> Todd J. Zywicki, *Testimony Before United States Senate Committee on the Judiciary, Bankruptcy reform*, (Feb. 10, 2005), [http://judiciary.senate.gov/testimony.cfm?id=1381&wit\\_id=3997](http://judiciary.senate.gov/testimony.cfm?id=1381&wit_id=3997).

<sup>12</sup> See Jacoby, *supra* note 6 at 171-75.

<sup>13</sup> See Zywicki, *supra* note 11.

<sup>14</sup> See, e.g., Elizabeth Warren, *The Phantom \$400*, 13 J. BANKR. L. & PRAC. 77 (2004).

<sup>15</sup> *Id.* at 82; see also Mary Rouleau & Travis Plunkett, *The Truth About Bankruptcy*, (Jan. 2003), available at <http://www.nacba.org>.

<sup>16</sup> Historically, the economic data has indicated that the ratio of bankruptcy filings to the number of amount lent has remained consistent. *But compare* Todd J. Zywicki, *An Economic Analysis of the Consumer Bankruptcy Crisis*, 99 NW. U. L. REV. 1463 (2005) (arguing that an aggregate set of economic variables over time do not match the observed increase in bankruptcy).

<sup>17</sup> CNN televised report, *Assault on the Middle Class*, (Oct. 31, 2005) (discussing possible effect of bankruptcy reform on small businesses).

<sup>18</sup> Jacoby, *supra* note 6, at 171-73.

<sup>19</sup> 11 U.S.C. § 707(b)(4) (2005).

<sup>20</sup> Persons owing outstanding "domestic support obligations," a new term defined in the Code, will find that they are increasingly out of luck, as such claims under the new Code have earned enhanced claim treatment and priority status, and are largely excepted from discharge and collection. See, e.g., 11 U.S.C. § 101(14A) (expanded definition of domestic support obligation); 507(a)(1) (elevated priority of domestic support obligations); 1325(a)(8) (required payment of all domestic support obligations since start of case in chapter 13 case, in order for the case to be able to be confirmed); 523(a)(5) and 1328(a) (discharge exceptions); 362(b)(2) (automatic stay exceptions). Categories of tax debt excepted from discharge have also been expanded. See, e.g., 11 U.S.C. § 523(a)(1).

<sup>21</sup> 11 U.S.C. § 342(c).

<sup>22</sup> 11 U.S.C. § 1325(a)(9).

<sup>23</sup> 11 U.S.C. § 522(p)(1).

<sup>24</sup> 11 U.S.C. § 109(h)(1).

<sup>25</sup> 11 U.S.C. § 111. A list of preliminarily approved credit counselors can be found on the U.S. Trustee's website at [http://www.usdoj.gov/ust/bapcpa/ccde/cc\\_approved.htm](http://www.usdoj.gov/ust/bapcpa/ccde/cc_approved.htm).

<sup>26</sup> 11 U.S.C. § 109(h)(3).

<sup>27</sup> See, e.g., *In Re Gee*, No. 05-71886 (Bankr. W.D. Mo. Oct. 26, 2005) (case dismissed for debtor's failure to obtain credit counseling prepetition or qualify for exception).

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example, Central American labor laws permit the use of a quota system which allows employers to avoid paying overtime wages to their employees.

Further, opponents believe that CAFTA may place more women at risk for becoming prostitutes or victims of human trafficking. Traffickers prey on young, impoverished women, luring them with the promise of better jobs or situations across borders where they are stripped of their personal identification and forced into sexual and domestic service.<sup>27</sup> For many women, the only alternative to sweatshop work is in the sex industry.

Proponents of CAFTA argue that American industry in Central America will improve working conditions for women by implementing more ethical U.S. labor practices. Gutierrez contends that it is not the lack of labor laws that is problematic in CAFTA nations, but the ill-enforcement of those laws.<sup>28</sup> He argues that CAFTA will provide strong economic growth, giving Central American and Dominican Republic governments greater capacity to enforce their labor laws.<sup>29</sup>

However, STITCH, an organization dedicated to labor rights for women, points out that CAFTA does not even require observance of basic international labor standards. Instead, CAFTA gives each country the task of enforcing its own labor laws to which U.S. businesses operating in Central America or the Dominican Republic will adhere.<sup>30</sup> For instance, the Generalized System of Preferences and Caribbean Basin Trade Partnership Act allows the United States to rescind trade benefits from any country that fails to meet its minimal labor requirements.<sup>31</sup> However, under a free trade agreement, the United States would not be able to create fair-labor incentives by threatening to rescind benefits or enacting trade embargos. Moreover, the European Union has widely announced its intention to only accept banana imports from those Central American countries that agree to implement standards lowering daily quotas, increasing weekly wages, and supplying workers with equipment to protect themselves against pesticides. Opponents fear that CAFTA will reduce trade between the European Union and Central America and, thus, effectively hinder any attempt to improve labor standards in the banana

industry.

Moreover, Chapter 10 of CAFTA allows foreign corporations to sue the Central American and Dominican Republic governments over regulations the corporations themselves deem as limiting their right to make a profit. An article by Cindy Charlebois urging readers to “Stop CAFTA now,” explains that a similar provision in NAFTA allowed corporations to successfully file claims attacking policies protecting public health and the environment.<sup>32</sup> Nonetheless, proponents argue that CAFTA will strengthen worker rights because they will have more bargaining power.<sup>33</sup>

Even the supposed beneficiaries of the treaty have shown opposition to CAFTA. Specifically, many are concerned that their current livelihoods are in danger. For example, Paola, a Costa Rican woman, struggled to make her living by running a small photocopy store out of her home with the aid of a single photocopy machine.<sup>34</sup> “I am poor now, but I get by,” she said.<sup>35</sup> “Under [CAFTA], I don’t know what I am going to do. I will probably have to close my store. Then what? I’ll probably have to work in an American factory just so I can buy water.”<sup>36</sup>

The ultimate impact of CAFTA remains uncertain. Bush and many leading figures in U.S. business believe CAFTA will bring with it the new infrastructure and technology that Central America “so desperately needs.”<sup>37</sup> According to the treaty’s opponents, however, this industrial growth may come at cost of Central American women’s economic freedom.

<sup>1</sup> USINFO, Bush Signs Trade Accord with Central America, Dominican Republic, (Aug. 2, 2005), <http://usinfo.state.gov/wh/Archive/2005/Aug/02-35199.html>; USINFO, U.S. Prepared To Implement Central America Free-Trade Agreement, (Dec. 19, 2005), <http://usinfo.state.gov/wh/Archive/2005/Dec/19-339861.html>.

<sup>2</sup> Washington Office on Latin America, U.S.-Central America Free Trade Agreement, <http://www.wola.org/economic/cafta.htm> (last visited Nov. 10, 2005).

<sup>3</sup> Global Exchange, *At Long Last, Bush Sends CAFTA to Congress* (June 24, 2005), <http://www.globalexchange.org/campaigns/cafta/3180.html>; The White House, News and Policies: President Discusses Second Term Accomplish

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