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**STATEMENT OF SENATOR EDWARD M. KENNEDY ON THE EMPLOYEE FREE CHOICE
ACT**

(As delivered)

Mr. President, we're all thankful for those comments given by our members about the extraordinary bravery and heroism of our men and women who serve in the armed forces of our country, and all of us are day after day salute to their courage and their dedication to the country and it reminds us of our responsibility of making sure we're going to get the policy right in Iraq. More about that at another time. Mr. President, I think we find ourselves now in the middle of June and it's important, as we move through a legislative agenda -- and more on that next week -- that we pause for a few moments and take stock about where our country is in terms of its -- the economy of this nation and take stock about where our country is with regards to working families in this nation. We get often tied up on particular pieces of legislation, but I think all of us are very mindful that it is the working families of this nation that have made America great.

If America is great -- and it is great -- it's because of the working families in all parts of our nation. And we're mindful of our recent history of those extraordinary men and women that lifted our nation out of the great depression of the 1920's and the 1930's, the extraordinary exploitation of workers that took place even prior to that time and during that period of time and the struggle that workers had in order to have a voice in the decision-making part of this nation in the work workplace as well as in governmental policies that influenced the conditions with which they worked, and it was a long, continuing struggle. And it was a long, continuing struggle with the loss the loss of life and blood that was shed and battles that were fought, physically fought, and out of the end of it came the really trade union movement, which has made such a difference in terms of the life of this country, the fairness of the country, the economic fairness and economic justice of the nation. And it's always impressed me as one who has been the -- a sponsor of the increase in the minimum wage with a number of our colleagues, that even though many of these unions are making a good deal more than the minimum wage, that any time that that issue about working conditions for fellow Americans that are at the short end of the economic ladder, they're always out there. They're always there. They're always not only speaking but in support of their fellow workers in this country.

That was seen in this last year in the seven different states that had initiatives about the increase in the minimum wage where the representatives of the trade union movement were out there going door to door working with other families, shoulder to shoulder, to try to indicate and reflect that this nation wanted to make sure that work paid, that those on the short end of the economic ladder, primarily women, were going to be able to receive a decent wage for a decent hour's work, recognizing that, again, the majority of women that were out there receiving the minimum wage had children, so it was a children's issue, it was a women's issue, a civil rights issue because so many of those they that earn the minimum wage are men and women of color. Most of all, it was it was a fairness issue and Americans understand fairness.

What we have seen, Mr. President, over the more recent years is enormously distressing and disturbing because we have seen that those members of the trade union industry targeted by unscrupulous employers and companies that are bent upon destroying the trade union movement and move us back into a different time and a different circumstance for those workers. We saw it in the fact that it took ten years for us to get an increase in the minimum wage, and the minimum wage was purchasing at the end of those ten years less perhaps than at any time in the history of the minimum wage. and we've seen it reflected in the policies of

this administration when they cut about seven million workers out of overtime and when they refused to include Davis-Bacon provisions with the restoration of the buildings and constructions down in -- at Katrina and a whole series of additional kinds of activities. We see the courts as well strike striking down protections. In the last few weeks protection protections for an increase in minimum wage and overtime pay for home care workers and also a supreme court that is striking down effectively equal pay for women. There's really an assault on working families.

Now, if we look back, Mr. President, at the history of this country, what really reflects, these are general statements and comments, but let's really look at what were the circumstances and what were the conditions that I speak about. If you look at 1947 to 1973, and we're looking here at the economic growth here in the United States of America, this is the Economic Policy Institute, and you look over this chart here, you will see that each segment of the American economy is all growing and virtually at the same rate. This was 1947 to 1973. America was growing together. This is really extraordinary, Mr. president, because we know we just came out of World War II, we had mobilized 15 million of our fellow citizens, and that had an extraordinary impact. We had to retool the whole domestic economy and still, we were able to see the growth in the United States of America move along at a similar kind of growth pattern so that all Americans and those at the low lowest end of the economic ladder moving just a little bit faster, a little bit faster than some of those, particularly, in the top 20%. And then, Mr. President, from 1973 we find that up to the years 2000, a new political philosophy taking place in this country, and this was the policy policies that we're going to see the very dramatic and significant tax cut policies, the economic policies that took place in the 1980's and after, the republicans -- and look at this, Mr. president. Look how our level of growth between 1973 and 2000. Here we have the lowest economic growth growing at the lowest rate and on up to those at the top growing the fastest. In a number of instances, growing three or four times fast faster than those at the lowest.

And that is directly a result of economic policies by primarily the executive and congress, with advantaged those individuals at the top of the economic ladder and disadvantaged those at the bottom. And if we look at what has been happening over the last five years, Mr. President, we see that those at the economic ladder at the lowest end are now not only moving not moving up, but falling further behind, and those top 10%, not the top -- 1% 1%, not the top 20%, the top 1% have been moving up dramatically. And so we're having a divided America, a divided America, a divided America. Now, let's see what is the one factor that has had the greatest influence on all of this what factor has been the trademark in all of this, Mr. President. This is an interesting chart, because remember we talked about 1947, how we all grew together. Look at this, Mr. President. We had the increase in productivity, that is, the increase in workers' output, finding more efficiencies, more effectiveness, and we also find a corresponding increase in the wages. American workers were participating in the increased productivity. And with that participation all during this 20-year period, the American economy and Americans were growing together, growing together, not apart.

We ask ourselves, do we want to be a divided nation or do we want to be one nation with one history and one destiny? And then look what happened during the latter period. This is at a period of peak union membership, wages and productivity rise together, America was on the road to prosperity and all Americans were participating and the trade union movement played an important part to ensure fairness at the workplace. Now we find that the unions decline and what happens correspondingly? As the unions decline, the work workers fall further behind. Here, we have the real wages going across the last -- from virtually from the 1970's to 2007, virtually stagnant, and look at the increasing productivity grew at more than 206%, more than wages. And what does that demonstrate? This, Mr. President, demonstrates that we have seen the extraordinary growth in the profits. We find workers' wages that are basically stabilized, corporate profits grew at the 63% and the wages went down here and the individuals went to the top. Top at the same period of time that workers and unions are being attacked and attacked and attacked. In 1947 to the early 1960's, Mr. President, right in here, we had effectively what we call the card check-off, which is the subject of the legislation that we'll be voting on next Tuesday.

Interestingly, the card check-off was in effect all during this period of time, from 1941, 1946, 1956, up to 1961, we had virtually the card check-off. The legislation we'll be voting on next Tuesday has already been in effect and been utilized. We'll hear a lot of statements here on the floor of the United States Senate about a process and a procedure which is irregular, fraught with problems and complexities, but the fact of the matter is we had it in use here in the United States of America all during the period where we had economic stability and economic growth and the nation was growing together. And then as the National Labor Relations Board changed, the Supreme Court and businesses got geared up, they effectively eliminated the card check-off. And we have seen what has been happening in the marketplace and this indication here by the abuses that have skyrocketed. So, Mr. President, when we had the check-off, we had economic growth, we had economic prosperity, and America growing together. That is what we want. That is what next Tuesday morning is about, to restore this period of time when America, with the check-off, was able to ensure economic growth and prosperity for workers across the board.

That is what we're looking for. Now you say, well, what are all these abuses that you talk about? That's an easy word to use, but what are we really talking about? Mr. President, what we're talking about are these kinds of abuses, which are the everyday abuses being used in the workplace. First of all, the workers face too many roadblocks to try and get a union. Over here, workers who lead the union effort are fired. I will give the examples and illustrations of that. Then the employer challenges the election results at the NLRB. So even if they have a successful vote in the union, 30% to 50% of all of those results are challenged in the NLRB and then the employer appeals the ruling more often in court, and then the employer refuses and stalls and refuses to bargain for the contract. If you look and find what's been happening in courts, you'll find more of them have been upholding the national labor relations board when they have found against the workers, and then after one year, the employer -- if they're able to delay -- can seek to stop recognizing the union and the workers start all over again. This is a pattern. This isn't a unique situation. This is what is happening now. This is what is happening. This is what is happening. And this is what happens, Mr. President. We have the employees fired in one quarter of all the private sector in June organizing campaigns. One quarter, they're all fired. One in five workers who openly advocate for a union during an election campaign is fired.

Now, it's fair enough to ask in 2005, 30,000 workers received back pay after the national labor relations board found that employers had violated -- 30,000, Mr. President, in one year alone. 30,000. That means that 30,000 employers at some time during the year fired people in violation of the law, 30,000. That's 30,000 we're talking about that are being treated on that part. Now, Mr. President, the question can come about do workers really want to join? I mean are we talking about something that is a real problem or not? Here's 1984 to 2005. Workers want unions more than ever, but can't join them.

The percentage of nonunion work workers that want a union is up 23%. The percentage of workers in a union is down 6.5%, so you'd think with those kinds of indicators that we would be able to have a clear pathway where people would have an opportunity to join, but that is not the case. And what we have seen, Mr. President, what we have seen, Mr. President, is that across the countryside on the wide range of different kinds of issues, this is what's happening, Mr. President, across the countryside with the average family in this country, we find that gas is up 79%, we find that medical is up 38%, we find tuitions are up 43%, we find the housing is up 40%, and wages effectively are stagnant or held at up 4%. Mr. President, the numbers of people that wanted to join the unions showed that more than the work force, more than 60 million workers would join a union if they could, but they cannot. Now, we've given you some of the flow lines and the statistics, Mr. President, but these charts here show what happens to some real people. "I was fired. They forced us to attend meet meetings, they threatened that if our campaign was successful, our paychecks would suffer. Managers would follow me around the workplace at all times. They would not permit other work workers to talk to me. They isolated me from my co-workers. Within days after the union election was certified by the National Labor Relations Board, I was fired."

This gentleman here had worked in that plant and had found all kinds of safety concerns,

raised these safety concerns to the employers and was told to keep quiet, even though he believed that those kind of safety matters were really endangering the lives of the people that he was working with. And when he found that the employers were unwilling to try and address some of these safety conditions, he said I've got to try and form a union, and then he had these following circumstances, that within days after the union election was certified, he was fired. So this is happening out there. these are examples of the 30,000, Mr. President.

Ana Calles who was a laundry worker in California, the union was the only way to have better pay, insurance, equality and not discrimination. When we tried to organize, management told us we would lose our jobs. The workers are scared. NLRD has not been able to help machine. We've had to wait three years to get a decision. Delay, delay, delay. Since the appeal of the NLRB's ruling the company committed intense violations of workers' rights so an spa and her co-work co-workers are suffering. It's quite clear why individuals want to be able to join for those workers. These are the Department of Labor statistics that show that work workers are going to be able to have an income, modest income up to one-third more than those that are not, Mr. President. If you look at particular sectors of our economy, this is an interesting chart, Mr. President. Union jobs mean higher wages for women and for people of color.

Again, we're talking about equity in this country; we're talking about fairness in this country. This is what unions do in terms of equity and in terms of fairness. If you look at women, the difference that it makes in terms of helping to assist them, 31% if you're talking nonunion American women latinos. This is the federal poverty line Mr. President, this black line that goes across here. now, look at what is the figures are, national figures for these particular industries, the cashier, child care, cook, and the housekeeper. And if they are nonunion, they're below the poverty line. If you're a cashier and you're a member of a union, you're just above it, a little less than \$25,000. We're talking about people that have a sense of dignity and pride and desire to do a good day's work, and these are men and women of pride. And we're what we're talking about is \$20,000, \$25,000 a year, Mr. President. Child care. The difference at a union wage, it is just about at the poverty -- federal poverty level. If you're a cook, it's just again a little above the poverty level. And a housekeeper, just above. This is the commitment to try and make sure that work pays and that we're not going to have our fellow Americans living in poverty.

We're talking about people that want to work, can work, will work, and that chart is about as clear an indication of the difference if they have an opportunity to join. Mr. President, I'll mention just a couple of companies that have recognized the card check process. There are some employers that have been remarkably enlightened and have recognized it and say, we're going to let the workers in our company, if they choose to have a check-off, we'll recognize it.

That used to be the way the law went and a number of companies, such as Cingular wireless, has supported that concept and the management didn't pressure us or try to interfere, we didn't attack the company, they didn't attack us, we were focused on improving our jobs and making Cingular a better place to work. This is the executive president on human service, Rick Bradley said ""we believe employs should have a choice, making that choice available to them and observe the results. Employees who are engage ed in the business and who have a passion for customers." The purpose of this, Mr. President, is to show when America has been at its best and its strongest, we have grown and we all grow together. When but we find out America is divided and the principal reason for this kind of division is demonstrated with these charts is so often because employers have assaulted and attacked the workers and their representatives over this history. We want to try and bring America back together again, make it stronger from an economic point of view. Final chart, which shows in Ireland the strongest economy in Europe, the highest union member membership and the strongest annual growth. Partnership and fairness and decency go hand in hand, and I hope the senate will recognize that on the Tuesday next when we vote.

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