

**BUILDING THE FIGHTBACK—  
THE TWU**



**WORKERS' HUMAN  
RIGHTS ARE RIGHTS**

**CAMPAIGN**

Address to Congress of Canadian Association of Labour Lawyers, May 13, 2011  
Vancouver, BC

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Thank you. It's an honor to be here representing the National Lawyers Guild.

I've been talking a lot more to workers than I have to lawyers lately. So today I'm going to talk to you like workers. I'm going to give it to you straight and mostly save the legal doctrine for another day.

Too often in the past, the mainstream U.S. labor movement has thought about attacks on workers' human rights as something that happens mostly in developing countries. But what unfolded this spring in the U.S., beginning in Wisconsin, was a pre-planned, coordinated, direct attack on the fundamental human right to freedom of association and collective bargaining of workers in the United States.

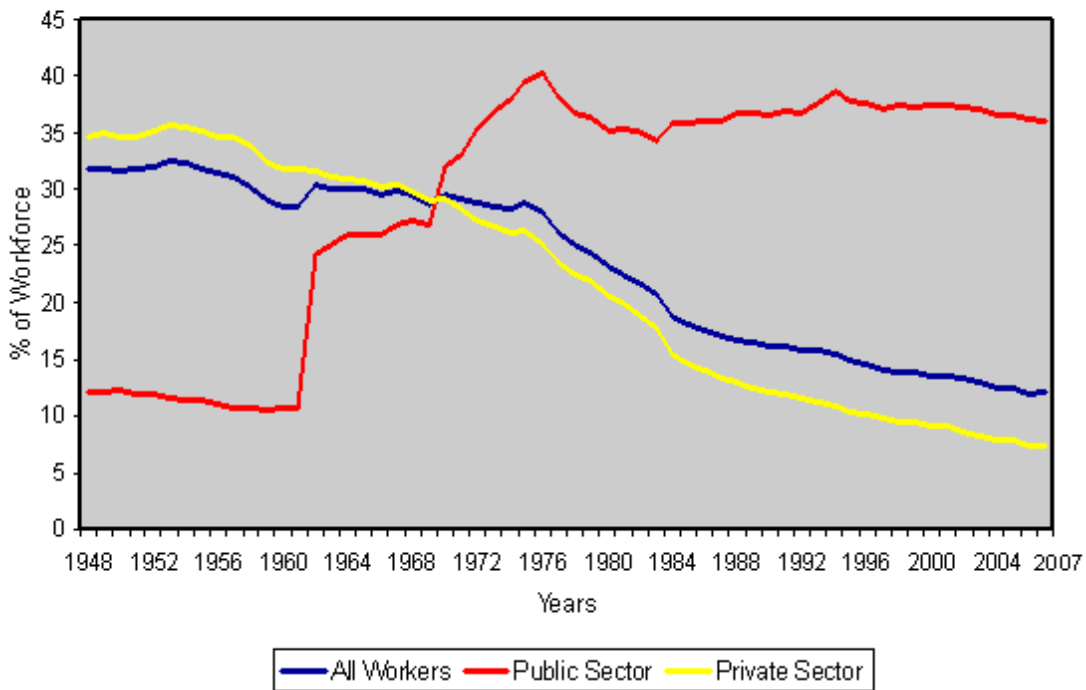
The extreme right, empowered by the Supreme Court's *Citizens United* decision and the resulting billionaire-funded tea party movement, perceived us as terminally weak, and boldly chose Wisconsin, historically the populist heart of progressive trade unionism in the United States, to launch all-out war.



There's a joke floating around the internet that tells the story pretty well:

A CEO, a Tea Partier and a union member go out for a dozen cookies. When the three of them sit down, the CEO immediately snarfs 11 of the cookies. Then he leans over to the Tea Partier and whispers conspiratorially, "Watch out. That guy's after your cookie."

**% of Workforce in Unions 1948-2007**

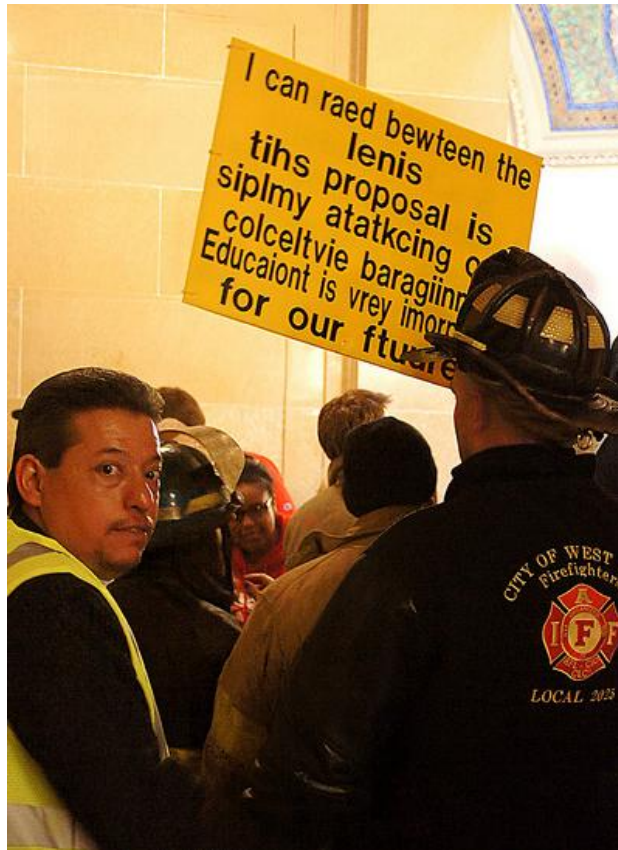


(Source: Harvard University Labor and Worklife Program)

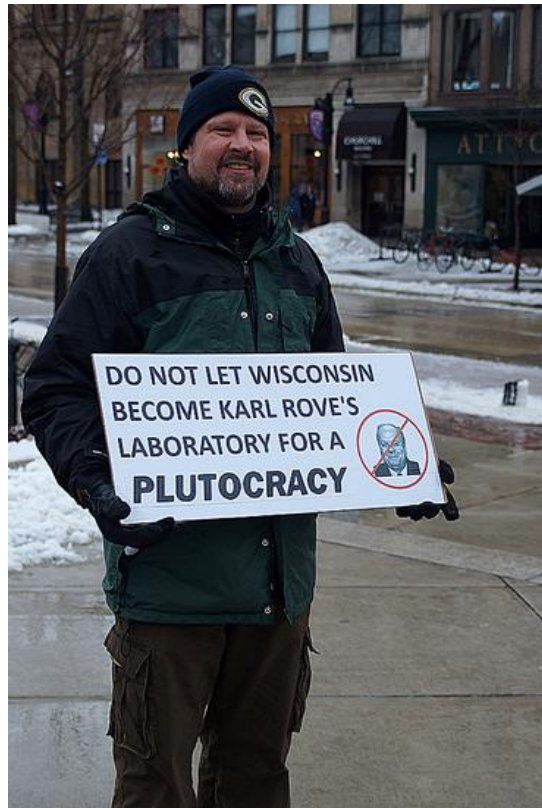
The extreme right and their billionaire allies knew that private sector union density had declined dramatically to under 12%, a level not seen since the 1920s. They knew that we lacked the clout to pass private sector labor law reform, even with a Democratic President and Congress. The one remaining major institutional obstacle to the oligarchy they covet, to complete control of our economic and political system, was state and local public sector unions, which still enjoy density of about 36%. There is a lot more analysis and statistics add charts in the paper on your CD, but the bottom line is, after taking control of a large majority of state houses and Governors' mansions in November, the right knew their moment had come. They struck like a rattlesnake.

#### **BROAD ATTACK ON THE PUBLIC SECTOR, STARTING WITH TEACHERS.**

The attacks on teachers and public education are really the centerpiece, but they were only the opening salvo for a broader attack on ordinary working people everywhere. These attempts to



strip fundamental human rights from public employees are “ground zero” for democracy, not just in the U.S., but wherever they occur. Getting rid of collective bargaining and permanently weakening unions would leave all working people, not just union workers, completely defenseless and at the mercy of the rich. At their heart, the battles in Wisconsin and Ohio and across the U.S. and around the world--as we’ll hear in a few minutes--are not just about solidarity with union workers. In an increasingly globally integrated environment, they are a struggle for the future of humanity. They are about all of our human rights. We are at a defining moment in history where we are being shown once again that people everywhere cannot be free if people anywhere are not free.



In reality, the far right and so-called neoliberals have formed a global alliance. They are using a cyclical global economic crisis caused by reckless speculation by billionaires as a smokescreen for the real agenda: to permanently strip workers everywhere of their human right to freedom of association and collective bargaining. Why? As WI Gov Walker admitted in his phone call with a blogger he thought was billionaire Tea Party supporter David Koch, he and other far-right conservatives see Wisconsin as the first step in a long-term power grab, a shift that will take us further away from democracy and closer to plutocracy. They believe that you and I are only entitled to the education, to the culture, to the mobility, to the housing, to the food, to the culture, to the very air and water that we can pay for. They believe the state's only role is to subsidize the rich getting richer.

Unions are by far the strongest institutional obstacle to this agenda. Without the organizational and financial support of unions, the Democratic Party in the United States is much weaker. With unions out of the way, corporate interests believe they will have nearly unobstructed use of government as their personal plaything.

We are at the beginning of a new Civil War between those who believe in every man for himself and those who believe we all have responsibilities to each other and to the community.

## ATTACKS IN NEARLY EVERY STATE



The Wisconsin stealth attack (the new Governor had never mentioned attacking collective bargaining in his campaign) was just the first shot in what became a nationwide assault. Anti-union legislation was introduced in over twenty states. Governors of still more states, including states controlled by Democrats, sought and in some cases gained major concessions from their public employee unions. Politicians all over the U.S. are trying to prohibit or scale back collective bargaining rights, political spending, dues collection, pensions and health care for public employees and their unions, ostensibly in order to balance budgets without raising taxes on the corporations and wealthy speculators who got us into this mess in the first place. Ironically, the more the politicians succeed in this attack on the public sector, the weaker the economy will become. Reducing the ability of public workers to spend will further reduce demand, as will eliminating the vital services they provide, further slowing the economy.



There isn't time to get into the details of the bills in various states. They fall into several broad categories, ranging from outright bans or restrictions on collective bargaining, as in Wisconsin, Ohio, Oklahoma, Arizona and even Massachusetts, to Worker Gag bills to Paycheck Deception bills to classic Right to Work laws to back door attacks on democracy and freedom of association that strip authority from municipalities to negotiate agreements with their workers.

But if you're interested in drilling that deep, talk to me after and I'd be happy to send you a state by state analysis of the attacks and the fightback.

#### THE FIGHTBACK:



This time, *workers and their allies all over the country, not just the union activists, are fighting back* in a big way, from Wisconsin to Indiana to Ohio to Tennessee.



The right could not have chosen a better target to trigger a nationwide fightback movement than Wisconsin. The State Capitol is in Madison, where the large state university has a proud history of radicalism, and the state itself has a long tradition of progressive populism, tracing back to the farmer-worker coalitions of the progressive era in the early 20<sup>th</sup> century.

It wasn't labor that started the fightback in the streets.



It was students from the University and area high schools who first occupied the State Capitol building, the People's House, when it appeared Gov. Walker's assault on workers' human rights was on a fast track to passage. This should never be forgotten.



Unions joined the students in force about the time the Wisconsin Assembly Democrats, in a remarkable display of unity and discipline that should be a model for progressive legislators everywhere, fled the state to deny the quorum Republicans needed under the WI Constitution to pass their so-called "budget repair bill." Activists maintained a continual presence at the State



Capitol and every week their numbers swelled, from 20,000 to 40 to 60 to well over 100,000 on March 12, the day after the bill was signed by the Governor.



The most important lesson for the US labor movement was the passage of the bill did not end the fight. It only intensified the opposition.

### HOW TO FRAME THE FIGHT



The issue that arose for us working on the national and international level was how to frame this fight. It was clear to me from the beginning that this fight was about human rights, both in a juridical sense and a practical sense. In a juridical sense in that almost all of the anti-union formulations pursued in the various states have been held by the Committee on Freedom of Association of the ILO to violate the fundamental human right to Freedom of Association protected by the ILO Constitution, and by core Conventions 87 and 98, and incorporated as two of the 8 core conventions declared by the ILO to be fundamental to the rights of human beings at work. In a practical sense because workers really did feel that their fundamental human rights were under attack.

Our campaign motto, “workers’ rights are human rights,” started with a sign I scribbled at the Madison protest on March 12.



When we formed our “War Room,” the nucleus of our Transport Workers Union national fightback, we proposed the idea to our President, Jim Little, and he loved it. More importantly, so do the workers.



At every rally, workers from other unions and community allies ask for our signs. We can’t keep enough buttons on hand. We are well on our way to going through the first 20,000 already.

In a way, this is a vindication. I and others have long argued that we should reclaim international human rights discourse as a domestic organizing frame—as a way to reimagine the labor movement, to establish a common language within nations and across borders in an increasingly globalized world; as a way to win new allies who had grown up with visions of unions as ossified bureaucracies whose leaders are more concerned about her own pensions than building a global human rights movement.



Part of the problem in the U.S. was that “human rights” discourse had traditionally been framed in terms of individual civil and political rights struggles of dissidents in repressive regimes in developing countries. Human rights had not been framed as the right to struggle collectively with your co-workers for a dignified working life, as the collective and individual right of every member of the community to education, to housing, to food, to education, to the essentials of a decent life, and of the obligation of the individual to the community. This was partly the fault of the traditional human rights organizations, who had shied away from this framing, in part because of the rejection by the US government during the Cold War of the validity of Economic, Social and Cultural rights, instead adopting a negative rights conception which defined human rights in terms of limits on the state vis a vis the individual.



Yet Eleanor Roosevelt was one of the framers of the Universal Declaration of Human rights, which embraces this broader and more integrated communal and collective conception of human rights. And it is that legacy that the US labor movement seems now to be belatedly reclaiming.

#### OUR CAMPAIGN

So everywhere we go in our national “workers’ rights are human rights” campaign, we wear our buttons, we carry our signs, and we spread the message that workers rights really are human rights. We are mobilizing our local leadership and rank and file like never before.



We have reassigned staff, unleashed activists and our reallocating resources to this fight. We are putting out a weekly e-news blast for our members and allies around the country reporting on the fight.



We have a Motor Coach that we have converted into a mobile command center that has been on the road since March, traveling from hot spot to hot spot.



I was so pleased that the AFL-CIO chose April 4 as the date for our first national day of action for the post-Wisconsin movement. I'm sure nearly all of you are aware that April 4 is the anniversary of the assassination of Dr. Martin Luther King, Jr. in 1968. He was shot in Memphis

while supporting a recognition strike by public sector sanitation workers, a struggle that was illegal under Tennessee law at the time.



Those workers carried signs that read, “I am a Man.” Dr. King was advised by many of his closest advisors not to go to Memphis because they didn’t see this labor struggle as a civil rights struggle. But Dr. King knew that labor rights and civil rights were Human Rights and that they were in fact the same struggle.



TWU members were key players in the mobilization of over a million workers, students and community members this April 4 that produced at least 1,200 activities around the US and in places as far away as Paris and Afghanistan on April 4<sup>th</sup>. It was a message to the right and a sign of things to come. It felt as if a real movement had begun.



I was even prouder on May 1, when for the first time since at least the McCarthy era of the 1950s, the broad U.S. labor movement mobilized nationwide, joining together in a historic alliance with immigrants on the traditional workers' holiday worldwide, a day of protest born 125 years ago in Chicago in the fight for the 8 hour day and to end child labor exploitation, but which had been ignored in the country of its birth. Hundreds of thousands of U.S.-born and immigrant workers took to the streets this May Day, demanding respect for the human rights for those who toil while others pocket the profits.

And our members are becoming more aware that we are part of a global struggle.



We made sure we told our members in our weekly Workers' Rights are Human Rights newsletter, for example, that half a million people turned out in the UK to stand up against cuts to education, transportation, health care and other vital public services; that workers and their allies are standing up all over the world, from Egypt to Mexico to South Africa to Spain to Wisconsin to Ohio. There is a growing recognition that we cannot win this fight alone. Finally, we are making inroads, and more and more people in the mainstream of the U.S. labor movement understand that now is the time to make that old slogan, "Workers of the World Unite" a reality.

In a sign of the growing recognition of the importance of international solidarity, for May Day TWU President Jim Little me to join a Tribunal of leading scholars and human rights activists from around the world in Mexico City that my friend and colleague Hugo Leal-Neri will be

discussing in a moment, investigating violations of workers' human rights by the Mexican government.

## WHERE TO NOW?



The question before us now is, how do we in the U.S. keep the momentum going and build a national movement, connected to the broader global labor movement, that has the power to reclaim workers' human rights from the Koch brothers and the tea party plutocrats?

In the TWU we are focusing on key battleground states where we have density and where the attacks are the most vicious.



Ohio is a good example. There, the new right wing Governor Kasich signed a bill on April 1, SB 5, they would restrict the bargaining rights of roughly 350,000 public employees, including several thousand transit workers represented by the TWU. They would no longer be able to negotiate health care benefits or most working conditions. The final decision about issues workers theoretically could still negotiate about would be made by management, not a neutral arbitrator. Public workers would be barred from striking. Workers would be required to take pay

cuts and contribute more for pensions and health care. The state, local governments and school districts would be able to nullify union contracts if a fiscal emergency is declared, The law would eliminate the current seniority based wage schedule, and would call for a merit-based salary system.

However, thanks to a quirk in Ohio law, defenders of democracy have an opportunity to prevent the bill from becoming law.



We have until July 1 to gather the roughly 231,000 valid signatures we need to put a repeal referendum on the ballot. We need 500,000 signatures to make sure we meet that threshold. If we are successful, the repeal referendum will appear on the Nov. 2011 ballot, and the law will not take effect if Ohioans reject it at the polls.

Our members have embraced this battle with enthusiasm. We have organized “train the trainers” sessions across the state to help marshal the army of canvassers who are needed to help Kill the Bill, and have already collected thousands of signatures.



The AFL-CIO has just decided to build a national campaign over the summer months to hold accountable the legislators at the state and federal level who voted to privatize Medicare (our health care for the elderly), who voted to strip us of our collective bargaining rights, who unleashed the assault on the people who teach our children, who get us to where we need to go, who put out fires and protect us from crime.





As part of our contribution to this campaign, we are planning to train an members to be community educators who will help their friends and neighbors understand what is at stake, to help them become intellectually well-armed to go to Town Hall meetings and churches and community forums and publicly Speak Truth to the Powers who are attacking their human rights.



In the TWU and several other national affiliates, we see the need to go further, to build some—if not independence at least accountability—from the Democratic Party, which has treated the labor movement as its personal ATM, withdrawing hundreds of millions of our members’ hard-earned dollars and millions of hours of their precious free time, but too often giving back little in return. Unlike the relationship between the Tea Party and Republicans, the Democrats do not fear us. They should.

This is a tall order for a labor movement that in too many respects has tied its survival to a party that, despite our investment, is funded largely by Wall Street and transnational corporations, and too often behaves accordingly.

#### OUTCOME UNCERTAIN

Whether we have the will and can build strength to win this war remains to be seen. Our neighbors to the north can help a lot, by your inspiring example, and by refusing to be too polite to call us on our shortcomings.

Indeed, we in the US labor movement are crawling out of a very deep hole that we have contributed to digging. And some of our leaders, out of force of habit, seem to think we should just keep on digging. But more and more of our members recognize that the very survival of democracy and human rights, not just for ourselves but for our children and grandchildren, is at

stake in this battle, and that to win this war, we must evolve or dissolve. Please do not hesitate to remind us of this reality.

Thank you.

