ORGANIZED LABOR AND MOVE TO AMEND

Move to Amend Continues Labor's Own Proud History…

Organized labor has been critical in the struggles for social and economic justice in this country. We should be familiar with this history — not because we want to schmooze or flatter — but to make the case that support of Move To Amend and our "We the People" Amendment is part of that legacy. Below are four basic facts about the historic importance of organized labor.

1. Unions Gave Us The Weekend: In 1870, the average workweek for most Americans was 61 hours — almost double what most Americans work now. Yet in the late nineteenth century and the twentieth century, labor unions engaged in massive strikes in order to demand shorter workweeks so that Americans could be home with their loved ones instead of constantly toiling for their employers with no leisure time. By 1937, these labor actions created enough political momentum to pass the Fair Labor Standards Act, which helped create a federal framework for a shorter workweek that included room for leisure time.

2. Unions Helped End Child Labor: Union organizing and child labor reform were often intertwined in U.S. history, with organization's like the National Consumers' League and the National Child Labor Committee working together in the early 20th century to ban child labor. The very first American Federation of Labor (AFL) national convention passed, "a resolution calling on states to ban children under 14 from all gainful employment" in 1881, and soon after states across the country adopted similar recommendations, leading up to the 1938 Fair Labor Standards Act which regulated child labor on the federal level for the first time.

3. Unions Won Widespread Employer--Based Health Coverage: The rise of unions in the 1930's and 1940's led to the first great expansion of health care for all Americans, as labor unions banded workers together to negotiate for health coverage plans from employers. In 1942, the US set up a National War Labor Board. It had the power to set a cap on all wage increases. But it let employers circumvent the cap by offering "fringe benefits" – notably, health insurance." By 1950, half of all companies with fewer than 250 workers and two--thirds of all companies with more than 250 workers offered health insurance of one kind or another.

4. Unions Spearheaded The Fight For The Family And Medical Leave Act: Labor unions like the AFL--CIO federation led the fight for this 1993 law, which "requires state agencies and private employers with more than 50 employees to provide up to 12 weeks of job--protected unpaid leave annually for workers to care for a newborn, newly adopted child, seriously ill family member or for the worker's own illness."

Move To Amend Is A Growing Movement That Labor Should Be Part Of…

- In 2009 12 people launched Move To Amend.
- Today, we have approximately 400,000 supporters.
- Over 1,000 organizations have endorsed our call to abolish corporate constitutional rights and money as political speech (including many unions).
- Over 600 city councils or county boards have endorsed a constitutional amendment.

We have placed this issue on the ballot in over 300 jurisdictions to allow voters to express their opinion on the issue—***and we have won ever single time!*** (NOTE: This includes very progressive places like San Francisco, Madison and Boston. It also includes very conservative places like Waukesha, WI, which is the home town of Republican Tea Party Governor Scott Walker. They

haven't voted for a Democrat for Congress or President in over 40 years, but passed the Move To Amend language by 76% of the vote. In Montana, the issue passed by over 75% in a ***statewide election.***

<u>Organized Labor is Already Coming on Board with Several Endorsements</u>

- International Longshore and Warehouse Union
- American Federation of Government Employees

Statewide/regional endorsements from:

- Dayton Miami Valley AFL-CIO Regional Labor Council
- Greater Northwest Ohio AFL-CIO
- Minnesota AFL-CIO
- New York State Council of Machinists
- North Carolina AFL-CIO
- South Carolina AFL-CIO
- SEIU Minnesota State Council
- West Virginia State Council of Machinists

Numerous locals:

- Association of Federal, State, County & Municipal Employees (AFSCME) Local 1684
- Central Labor Council of Anchorage
- Central Labor Council of Humboldt & Del Norte Counties (CA)
- International Association of Theatrical Stage Employees, Local 60 (Pensacola, FL)
- North Shore Labor Council
- Saint Paul Regional Labor Federation AFL-CIO
- SEIU Local 503, Oregon Public Employees Union
- United Auto Workers, Local 2865 (CA)
- United Auto Workers, Local 5810 (CA)

<u>Transnational Corporations Frequently Use the Courts and the Doctrine of "Corporate Rights" Against Workers…</u>

<u>Lochner v. New York</u>, 198 U.S. 45, (1905) the U.S. Supreme Court held that a New York state law limiting work hours to 10 hours in a day and 60 hours in a week was an unconstitutional infringement of the corporate and individual liberty of contract as protected by the due process clause of the Fifth Amendment.

<u>Adair v. United States,</u> 208 U.S. 161 (1908) and <u>Coppage v.Kansas,</u> 236 U.S. 1 (1915) the U.S. Supreme Court held that a federal law prohibiting employers from firing employees who joined a union was an unconstitutional infringement of the freedom of contract between employer and employee

<u>Adkins v. Children's Hospital of District of Columbia,</u> 261 U.S. 525 (1923) In Adkins, the U.S. Supreme Court held that federal minimum wage legislation for women and children was an unconstitutional infringement of the corporate and individual liberty of contract as protected by the due process clause of the Fifth Amendment.

<u>Moorehead v. New York ex rel. Tepaldo,</u> 298 U.S. 587 (1936) In Moorehead, the U.S. Supreme Court reaffirmed Adkins and held that a state minimum wage law for women was an unconstitutional infringement of the corporate and individual liberty of contract as protected by the due process clause of the Fifth Amendment.

<u>Harris vs. Quinn</u> (2014) The Supreme Court held that that home health care workers in Illinois cannot be compelled to financially support a union if the employees find the union's advocacy work distasteful—even if the union negotiates their contracts and represents them in grievances. Illinois is one of 26 states that require public--sector workers — such as firefighters, police officers and teachers — to pay partial dues, often known as "agency fees," to the unions that represent them.