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GERMAN-AMERICAN TRADE UNION SOLIDARITY IN THE STRUGGLE AGAINST FASCISM:

1933 1945

How the American trade unions helped their persecuted German colleagues

A Report

DGB

GERMAN-AMERICAN TRADE UNION SOLIDARITY IN THE STRUGGLE AGAINST FASCISM:

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How the American trade unions helped their persecuted German colleagues

A Report

with Introductions by
Ernst Breit, President of the DGB
and Lane Kirkland,
President of the AFL-CIO

DGB

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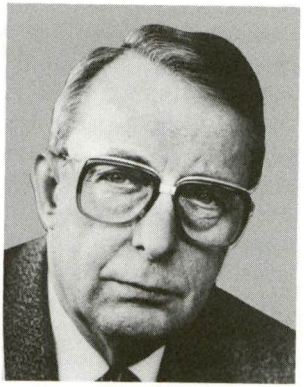
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This brochure was originally printed in German by the DGB. It was prepared for a special meeting of DGB and AFL-CIO leaders in Dusseldorf, in December 1984. At that meeting, AFL-CIO President Lane Kirkland agreed to reproduce the booklet in English.

Foreword



"In The Tradition of Solidarity and Freedom"

This paper by the German Trade Union Federation (Deutscher Gewerkschaftsbund - DGB) documents the assistance and support which the American trade unions provided for their German colleagues between the years 1933 and 1945. We add our memories and our gratitude.

After 1933, the fate of many German trade unionists would have followed quite a different course without the efforts undertaken by their colleagues in the AFL, the ILGWU, and the Jewish Labor Committee in the best tradition of solidarity to preserve and establish freedom and democracy.

Most people who came to the United States during the past 200 years came because they longed for freedom. The willingness to welcome these people into this new country ensured a life of freedom for the German freedom fighters after 1848, for the survivors of the anti-Jewish pogroms in Russia, and for many other political and religious refugees.

When the totalitarian regime of the National Socialist Party took over Germany and men and women were persecuted because of their trade union associations and political beliefs or because of their race, men such as William Green, George Meany, and David Dubinsky stood up and acted. They obtained from the President of the United States 20,000 additional visa permits for those who were persecuted by the Nazis.

The speed and the straightforwardness of this help are truly impressive. And, as a result, men like Alfred Braunthal, Max Brauer, Friedrich Stampfer, Bert Brecht, Heinrich Mann, and Thomas Mann, while in exile, could prove that an enlightened and humane Germany continued to exist after all.

In the United States, people began to learn about the wrongdoings which took place in Germany. And also the American labor movement began to discuss various actions which would weaken the Nazi Government. In 1936, for example, the AFL requested the boycott of the Olympic Games in Berlin. However, in spite of these warnings, the German political propaganda had the upper hand.

When the Nazi regime was destroyed in the war it had started, the politicians of the victorious countries searched for a guarantee that Germany would never again spread injustice, oppression, and war throughout the world. The answer was: Germany should become a pastoralized country. It was the American trade union movement which opposed the realization of such plans just in time.

Even better: The AFL showed its trust in the democratic forces despite

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the general distrust of all German politicians. The AFL was opposed to the wishes of the victorious politicians and military officers to prevent the Germans from participating in the decisions concerning German society, and the AFL insisted on promoting actively the reconstruction of democratic institutions, parties, and trade unions.

Our country is free today partially because our American and British colleagues helped us rebuild our trade unions. Sometimes our views on world politics may be different. But that should not separate us. Because we are united by the knowledge that we can all be assured of our respective democratic and liberal beliefs.



Ernst Breit
President of the German Trade Union Federation

Foreword



German-American Trade Union Solidarity

German-American trade union relationships have an historical continuity which has survived two world wars and the horrors of the Nazi holocaust.

The initiative taken by the DGB to publish this brochure on German-American trade union relationships is most welcome and timely. The younger generations of our respective nations should benefit greatly from the knowledge of this history, which is often forgotten or ignored.

America is a continent whose people were the first displaced persons to make up a nation. The Germans constituted an important part of those original Europeans who emigrated to America, especially after the defeat of the German revolution of 1848. Furthermore, many of these Germans became instrumental in the founding of the early American trade unions, some of which published their journals in the German language.

I cannot describe in too great detail the evolution of this history, but it is important for me to emphasize certain parts of this history which were momentous, and even heroic, in terms of international labor solidarity.

In the 1930's, Hitler rose to power and established the Nazi regime. During this period, American labor extended the hand of solidarity to those fighting in the early underground movement and mobilized all possible assistance to the refugees, especially to those who came to our shores. And in this respect, the one most spectacular gesture was the appeal of President William Green and Secretary-Treasurer George Meany to President Roosevelt, to grant special emergency visas to the trade unionists and social democrats seeking to escape Hitler's totalitarian regime. More than 20,000 such emergency visas were granted by President Roosevelt in 1934 and 1935. Furthermore, the American labor movement launched a boycott against German goods and supported the movement to boycott the 1936 Olympic Games in Berlin.

During World War II, many German trade unionists, such as Hans Jahn, Ludwig Rosenberg, Fritz Heine, and many others in exile, participated in the resistance movements against the Nazi occupiers and co-operated with the Allies in the effort to bring about the downfall of the Nazi regime.

In the post-war years, the American trade unions worked together with the newly-reconstructed German unions to enable them to become, once again, a powerful segment of the international free trade union movement. It was during this period that the American labor

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leaders intervened to oppose the Morgenthau Plan for the pastoralization of Germany and opposed the dismantling of German industries. Nor can any of us forget the early post-war period of the so-called "battle of calories." This was the period when the daily food ration amounted to 1200 calories per person. During this period, the American trade unions mounted a massive campaign to send food parcels to Germany, and especially to those German trade union leaders who had returned from prisons, concentration camps, and exile to work anywhere from 16 to 18 hours a day to rebuild their organizations. This aid, along with American labor's defense of German trade union and economic policies, became essential in assisting the reconstruction of the movement which today plays a vital role, along with the AFL-CIO, in the International Confederation of Free Trade Unions.

Our co-operation within the ICFTU today constitutes a powerful force in the efforts to strengthen the alliance of the free world in pursuit of world peace and security.

I am proud to associate myself and my colleagues with Ernst Breit and his associates in this great effort to write this history and regard the publication of this brochure as the first step in an on-going process. We look forward to future publications which will provide the world with a more detailed account of this outstanding example of labor's solidarity.



Lane Kirkland
President of the American Federation of Labor and Congress of Industrial Organizations

Gabriele Weiden-Sonn

"Thus we are preparing Hitler's downfall"

The American trade union support for the exile of the German labor movement
1933-1945

Flight from Hitler — Flight "Against" Hitler

Anti-Fascist Activities in the United States

Information, Protests, Contributions

"The passport is man's noblest part"
—Brecht

What is to be done with Germany?

SUMMARY

"Thus we are preparing Hitler's downfall"

Bertolt Brecht: "On the Label 'Emigrant'"[1]

I always found the name false which they gave us: Emigrants.
That means those who leave their country. But we
Did not leave, of our own free will
Choosing another land. Nor did we enter
Into a land, to stay there, if possible for ever.
Merely, we fled. We are driven out, banned.
Not a home, but an exile, shall the land be that took us in.
Restlessly we wait thus, as near as we can to the frontier,
Awaiting the day of return, every smallest alteration
Observing beyond the boundary, zealously asking
Every arrival, forgetting nothing and giving up nothing
And also not forgiving anything which happened, forgiving nothing.
Ah, the silence of the Sound does not deceive us! We hear the shrieks
From their camps even here. Yes, we ourselves
Are almost like rumours of crimes, which escaped
Over the frontier. Every one of us
Who with torn shoes walks through the crowd
Bears witness to the shame which now defiles our land.
But none of us
Will stay here. The final word
Is yet unspoken.

[1]Bertolt Brecht: "Plays, Poetry and Prose, Poems 1913-1956,"
Translated by Steven Spender, Methuen London Ltd.

Flight From Hitler - Flight "Against" Hitler

Hitler's rise to power on 30 January 1933 brought an end to democracy in Germany. It brought the beginning of the Third Reich as well as the beginning of a stream of refugees coming from Germany which, until the end of World War II, took the refugees all over the world. "Hitler signifies war" was the warning of the German labor movement during the last few years of the Weimar Republic. When he rose to power, Hitler signified the end of the labor movement in Germany. KPD members (members of the Communist Party of Germany) were the first ones to be persecuted. One month after Hitler became Chancellor, the Communist Party was ruled illegal. May 2, 1933, was the beginning of the end for the already heavily oppressed German trade union movement. National Socialist troops stormed the union buildings, arrested the union leaders, and confiscated the union funds. On 10 May 1933, the Nazis added the reserves of the SPD (Social Democratic Party of Germany) to the plundered trade union funds. One month later, the existence of the SPD was officially prohibited.

In less than six months, Hitler had built a power base which forced the entire German labor movement into illegality. Leading union members and spokesmen of the illegal labor movement decided to flee abroad. This decision saved their lives and the lives of their family members - but they fled with the objective to fight the Hitler regime from outside Germany's borders. This objective turned the flight from Hitler into a "flight against Hitler."[2]

People who left Germany after January 1933 frequently are called "emigrants." This term is not entirely appropriate. Their "emigration" - albeit handled with valid passport and visa - was caused by the establishment of a fascist regime of terror; the "emigrants" could escape this regime of terror only by leaving their country. The motive and the life-threatening character of the National Socialist reign of terror transformed "emigration" into flight and host countries into exiles, even though some exile countries became home for many of the refugees. Jewish refugees, who fled Hitler's racism and its terrible consequences, began to "turn away from Germany" once they had left the country, trying to start all over again. The political refugees, however, lived in exile "with their eyes on Germany."[3] Their eyes remained on Germany and on the supporters of the labor movement who, by staying on, continued to face arrest and brutality.

The neighboring countries of Czechoslovakia, France, Denmark, and Norway were the first stations for exile where links with the resistance and underground movements in Germany could be established. But in March 1939, Hitler's troops marched into Czechoslovakia. Poland, the first victim of the war unleashed by Hitler,

[2]See Heinz Kuhn, "Die deutsche politische Emigration 1933-45," opening speech at the exhibit carrying the same name in Oberhausen on 30 January 1972, Bonn 1972.

[3]Figure of speech used by Otto Wels, SPD Chairman of the Weimar Republic; see Erich Matthias, Publisher, "Mit dem Gesicht nach Deutschland," preamble, Dusseldorf 1968.

was occupied in September 1939, Denmark and Norway in Spring 1940, and France fell in June 1940. Only the southern part of France, governed by the French Marshal Philippe Pétain in Vichy, remained unoccupied until November 1942. Once again, the exiles had to flee from the occupiers, mainly to Great Britain, Sweden, Switzerland, and the United States of America.

But even prior to the beginning of World War II in Europe, refugees had arrived in the United States. German Jews had fled from the terror which culminated in the organized pogrom during the night of 9-10 November 1938, now known as the "Night of Broken Glass" ("Kristallnacht"). After July 1941, the Jews were forced to run for their lives. The "final solution," one of Hitler's goals, became a frightening reality.

Many of the critics among the German intelligentsia, namely scientists, authors, and artists, found refuge in the United States and thus escaped the already existing or impending prohibition to continue their work. To mention some of the names: the philosophers Theodor Adorno, Ernst Bloch, Max Horkheimer, and Herbert Marcuse, the authors Bertolt Brecht, Thomas Mann's family as well as Carl Zuckmayer's family, the physicist Albert Einstein and the psychoanalyst Erich Fromm. Actress Marlene Dietrich and actor Peter Lorre were part of this group as well as the movie directors Fritz Lang and Billy Wilder. These famous men and women contributed to the image of the United States as the exile for professors and writers. But the United States also offered asylum to the German trade unionists and Social Democrats.

Anti-Fascist Activities in the United States

Information, Protests, Contributions

The American trade union movement protested strongly against the Nazi Party's dissolution of the German labor movement and the liquidation of the trade unions. The American trade unions realized what it meant for the workers to live under the National Socialist regime: namely, abolition of the freedom of association, liquidation of civil rights and the employees' rights, forced labor in labor camps, persecution, internment, brutality, even murder. The regime certainly showed all of its brutality in its anti-semitism and the ensuing consequences.

The American trade unions used to support a policy of non-interference in European events. However, the destruction of the German labor movement and the persecution of the Jews made the trade unions change their position. In the spirit of international solidarity, they decided in several trade union conventions to fight the dictatorial regime with all disposable means and to assist the victims of fascist terror.

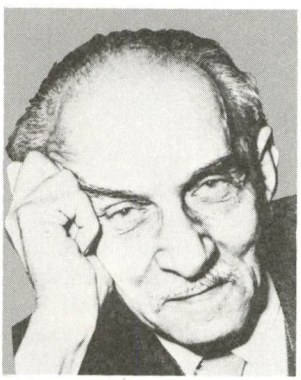
Two leaders of the American trade union movement stood at the forefront of the anti-Hitler campaigns: William Green and David Dubinsky. William Green, a member of the United Mine Workers of America, had been President of the parent trade union organization AFL (American Federation of Labor) since 1924. He stood for a traditional, professionally-oriented trade union policy. A strong opponent of any kind of totalitarian regime, he turned vehemently against all dictatorships, whether they were of right-wing or

left-wing character. David Dubinsky was the President of the ILGWU (International Ladies Garment Workers Union), which was part of the AFL, and also a Vice President of the AFL. Green and Dubinsky worked independently as well as jointly in leading positions in several committees and organizations to combat fascism in Europe. They convinced the trade union members of the legitimacy of their efforts. They both used the prestige of their high offices in the growing trade unions of the New Deal in the 1930's to exert their influence on the United States Government.

The first U.S. organizations which were created in 1934-35 to combat fascism were the Chest for Liberation of Workers of Europe[4] (called CHEST hereinafter), a support fund financed by the AFL trade unionists, and the JLC (Jewish Labor Committee), a working committee of Jewish labor organizations. David Dubinsky was one of the members of the JLC and served also as its treasurer. The President of the JLC, B. Charney Vladeck, was also a member of the Public Relations Committee of the CHEST. Both organizations, closely linked through their membership, supported each other by issuing appeals to participate in their respective events or to launch drives for contributions.[5]

Despite their rather difficult situation as exiled individuals, the representatives of the German Social Democracy and the trade unions who settled in the United States after fleeing Germany or other occupied European countries remained as active as possible in the German labor movement. To fight Hitler, they had to search out those groups and individuals which were politically close to their own ideas. The exiles in the United States as well as the organizations of exiles in Europe turned to the AFL and its associated trade unions and asked for support in their anti-fascist activities.

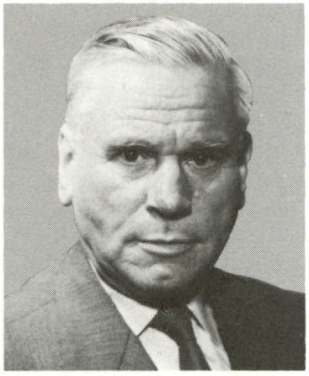
One of the first trade unionists who fled to the United States was Martin Plettl, Chairman of the German Clothing Workers' Federation and President of the International Federation of Clothing Workers. He was among the 28 Germans whose citizenship was revoked by the National Socialist government in 1934 because the government looked upon them as particularly dangerous enemies of the system. The International Clothing Workers Federation in Amsterdam wrote to Martin Plettl that it was indeed a great honor for him to have been excluded from the group of National Socialists. In the United States, Martin Plettl was engaged in the New York-based League of Free Germans (Deutscher Freiheitsbund). Both he and



Friedrich Stampfer, German Labor Delegation, GLD; Editor-in-Chief of "Vowarts."

[4]See Document no. 5 page 24
[5]See Document no. 8 page 27

Dubinsky were among the leaders of their respective garment workers trade unions; consequently, Dubinsky became a faithful friend and supporter of Plettl personally as well as of his efforts against Hitler.[6]



Max Brauer, German Labor Delegation, GLD, and after the war, Mayor of Hamburg.

Well-known representatives of the SPD, whose spokesman after 1940 was Friedrich Stampfer, former Editor-in-Chief of the SPD paper "Vorwärts," turned to William Green and the AFL. With Green's support,[7] the GLD (German Labor Delegation) was founded on 10 March 1939. This was an association of exiled Social Democrats who, from the viewpoint of the SPD during the Weimar Republic, were looked upon as part of the party's right wing. Albert Grzezinski became its President (he had been Prussia's Minister of Interior from 1926 to 1930). Other leading personalities were Max Brauer, former Chief Mayor of Altona, and Rudolf Katz, former Town Councillor of Altona. Important American trade unionists, Green and Dubinsky among many others, became sponsors of this organization. The "Neue Volkszeitung" was at their disposal for GLD publications. This was a paper which, for many years, had been the voice of German-speaking emigrated Socialists. Rudolf Katz was a member of thier editorial board. On the subject of naming the group, Rudolf Katz wrote to the group's Secretary Stampfer: "We are avoiding the name 'Social Democrats' because of the local trade unions which make a conscious effort to remain apolitical. The term 'delegation' should indicate that we consider ourselves to be representatives of the previously organized German labor movement."[8] Although the GLD barely counted ten members, it insisted from the day of its creation on the right to be the sole representative of the organized German labor movement. Well-known officers of the SPD (Paul Hertz, Marie Juchacz, and Toni Sender), who also lived in the United States, kept their distance from the GLD because it remained closed to people who - often erroneously - were suspected to be too close to the Communists. The concerns within the GLD were rather exaggerated on the subject of outside influences. The GLD obtained confirmation in a letter by Fritz Tarnow, the recognized leader of the German Trade Unions Abroad, to William Green, dated 8 May 1939, that the collected GLD funds would be distributed equally between SOPADE (Social-Democratic Party of Germany) and the trade unions.[9]

Both SOPADE and the German Trade Unions Abroad refused to co-

[6]See Document no. 4 page 23
[7]See Document no. 11 page 30

[8]Katz, N.Y., to Stampfer, Paris, letter dated 26 March 1939; see Matthias, p. 391.
[9]Tarnow, Copenhagen, to Green, Washington, letter dated 8 May 1939, see Matthias, p. 395.

operate with the Communists. Thus, recognition by the AFL was assured.

When the end of the war came close and GLD began to think about a future Germany, it proceeded, in accordance with its claim, in the name of the entire labor movement. Although it worked on a broad political basis, it once more decided to have its claim of sole representation legitimized "from above" instead of opening up to other democratic groups. Rudolf Katz wrote to Erich Ollenhauer, one of the SPD officers: "Could you obtain again a letter from Mr. Schevenels for the GLD which shows their recognition of the exiled trade unions and the Social-Democratic party in the United States?... We already have such a letter from Mr. Tarnow. But it would be better to have another one by Mr. Schevenels as the official IFTU (International Federation of Trade Unions) Secretary."[10]

On the intentions of their efforts in exile, Friedrich Stampfer wrote to William Green: "Thus we are preparing Hitler's downfall and train the fighters for a new Germany, the democratic and peaceful one to come." GLD's main contribution was to collect funds for SOPADE's work and the German Trade Unions Abroad. Because of the help they received from the American trade unions, their efforts were quite successful. CHEST alone raised $46,000 in its first year. The JLC had pledged a contribution of $150,000 which was paid in installments. No financial reserves were available because all of the cash and investment funds of the German labor movement had been confiscated by the Nazis in 1933. The contributions were needed to continue the political efforts and also to help the needy refugees who belonged to the now-exiled organizations. A letter from Walter Schevenels to David Dubinsky asking for support shows this very clearly.[11]

One of the main GLD tasks, as well as the task of the exiled representatives of the labor movement who were not associated with the GLD, was to show the American people, in particular the unionized employees, the true character of German fascism. One way to do this was to circulate publications of European origin, such as the Green Reports of SOPADE. Another way was to issue their own publications. For years the American trade unions created a forum for the German exiles' anti-fascist efforts by inviting them as speakers to their conventions and by printing their essays in trade union publications. Green and Dubinsky had meetings organized at the individual trade union level which permitted the German refugees to talk about the situation in Germany and Europe. One example of how strongly the trade unionists were exhorted - and not merely asked - to support the German trade unions with substantial financial contributions is a circular letter by Mr. Dubinsky for a banquet in honor of Martin Plettl.[12] Such meetings provided ample opportunity for the speakers to collect funds on the spot or to obtain pledges from various organizations. In co-operation with the German labor representatives, the American trade unions organized speaking tours across the country so that trade unionists or Social Democrats who arrived from Europe could explain the situation. These first-

[10]Katz, N.Y., to Ollenhauer, London, letter dated 29 May 1943, see Matthias, p.596.

[11]See Document no. 12 page 31

[12]See Document no. 2 page 21

hand situation reports were, of course, particularly suited to strike the chord of solidarity among American trade unionists.

As early as 1933, the 53rd Annual Convention of the AFL ratified two resolutions which, at first, drew attention to the atrocities committed by the National Socialists, and then exhorted all trade unionists to join in the fight against fascist tendencies, wherever they might appear, and to begin an immediate boycott of German goods.[13] The decision to boycott German goods was aimed at weakening the German economy, but it also showed that the American trade union members held the German industry responsible for the rise of the NSDAP (National Socialist Workers Party). Although the boycott had only a small effect on the German economy - U.S. companies failed to participate to any great extent - appeals were repeated over the coming years to join the boycott, which was more a symbolic gesture than a true economic weapon.

After the "Night of Broken Glass" in November 1938, William Green and Matthew Woll, Vice President of the AFL and President of the International Committee of the AFL, and also a committed adversary of the Nazis, spoke very eloquently on the radio. Every free human being should treat Germany as a moral outcast and thus force Hitler to put an end to his dictatorship.

Mass demonstrations were another way to get the public to listen and - as always - to collect money. A first demonstration at Madison Square Garden in New York on 16 February 1934 involved approximately 20,000 participants. In May 1936, approximately 18,000 people came, and on 1 March 1943, after the United States had joined the war, a total of 47,000 people came. The AFL and the anti-fascist labor associations always were among the organizers.

"Trade Unions Under Hitler," "The Persecution of the German Trade Unions," "Hitler in 1935," and "Christianity on the Nazi Cross," were a few of the brochures published by CHEST. The sales price of these brochures was part of the financial contributions. Among the caricatures of fascist dictatorships in Europe, which CHEST collected from newspapers all over the world, was a representation of the 1936 Olympic Games in Berlin. At the 1935 Annual AFL Convention in Atlantic City, the AFL had urged American sport organizations not to participate in the Olympic Games in Berlin.[14] There was concern - justified concern - that Hitler might use the games for his own purpose of propaganda. However, the appeal to boycott the Nazi Games was not successful.

Aside from the general appeals to support the trade unions and Social Democracy, efforts to save lives were also part of the tasks undertaken by America's committed anti-fascists. When the trade unionists Aldolf Rembte and Robert Stahm were sentenced to death and the Communist Max Maddalena sentenced to life in prison, William Green sent a telegram to Adolf Hitler personally. In the name of all workers of the free world, he asked for a suspension of all three verdicts.[15] In vain.

[13]See Document no. 1 page 20

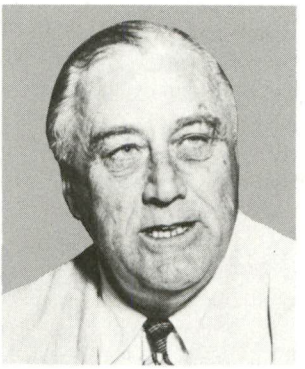
[14]See Document no. 7 page 27

[15]See Document no. 10 page 30

When the leader of the mine workers, Fritz Husemann, died after his arrest in April 1935, the Executive Committee urged the AFL to inform the international labor movement organizations of his death. The Executive Committee labeled Husemann's shooting as murder and thereby rejected the Nazi lie that Husemann was shot while attempting to escape.[16]

The passport is man's noblest part
—Brecht

The refugee problem became increasingly urgent when the war began. Once again, the United States had to face the question whether, in view of this new situation, it should alter its immigration quotas. Hitler's rise to power and the subsequent increasing number of refugees did not lead to any changes in the United States immigration quotas for German citizens. Although President Franklin D. Roosevelt ordered U.S. consulates in 1934 to interpret the immigration regulations generously, the quotas remained as well as the requirement that every prospective immigrant - and that meant also political refugees - had to show an affidavit by a U.S. citizen. As shown in Dubinsky's sworn declaration on Plettl's behalf,[17] each citizen had to declare his personal situation and income, as well as prove that he had paid his taxes regularly and did not have a criminal record. He had to testify on the political integrity of the immigrant and pledge that his livelihood was assured. To obtain such an affidavit was extremely difficult for the refugees who, above all, needed to act quickly. Many refugees never even tried to apply for immigration because of these requirements. When the United States also heard of the November 1938 pogrom, President Roosevelt promised that the more than 10,000 Germans who were in the United States on tourist visas would not be forced to leave the country after their visas expired. Their visiting permits would be extended every six months until further notice.



Franklin D. Roosevelt, U.S. President, 1933-1945.

The German attack on France and the occupation of a large part of the country by the German Wehrmacht in June 1940 resulted in a renewed stream of refugees into the unoccupied Vichy territory. But for many this "free part" of France did not signify true freedom when Hitler ordered the government of Marshal Petain to extradite individually-named German and Austrian refugees to Germany. This measure posed a renewed threat for the leading Social Democrats and trade unionists. In the United States this led to an unprecedented effort to save the people who faced such great danger in France. Numerous committees were created spontaneously. GLD, AFL, and JLC joined the ERC (Emergency Rescue Committee), which had been founded in June 1940. They listed the names of persons who faced

[16]See Document no. 6 page 26
[17]See Document no. 9 page 28

imminent danger. These lists were presented to U.S. Assistant Secretary of State Breckinridge Long with the request to grant visas to the people named. In order to avoid immigration barriers and quotas, William Green suggested in his letter to Assistant Secretary Long that the people on the lists should receive tourist visas.[18] President Roosevelt's order to extend expired European tourist visas without problems was still in force. Consequently, the State Department ordered the respective consulates to grant the visiting permits.

This passive immigration support by the United States was accompanied by active refugee support in the South of France. Trade unionists Frank Bohn and Varies Fry, who had been sent to France by the ERC for this purpose, saved about 1,000 individuals, either with faked papers or by helping them illegally across the border into Portugal. Varies Fry, who had planned on staying one month, did not finish his personal effort until after more than one year, when the Pétain Government asked him to leave. It is said that based on the GLD, AFL, and JLC lists alone, approximately 650 refugees obtained entrance visas into the United States. But nearly 300 people, whose names were listed by the AFL and GLD, as well as nearly 900 people named by Jewish organizations, could not be saved by this extraordinary effort. A statement by Dorothy Thompson, an American journalist and committed Nazi adversary, was very much to the point: "For thousands of people, a piece of paper with a stamp on it is the difference between life and death."

Even David Dubinsky's personal appeal to President Roosevelt in March 1941 could not save the lives of Rudolf Hilferding and Rudolf Breitscheid, two leading Social Democrats who were to be extradited to Germany.[19] They both were arrested by the Vichy police, which worked hand-in-hand with the Nazis. Hilferding died on 12 February 1941 in a Paris prison even before he could be extradited to Germany; Breitscheid died in the Buchenwald concentration camp on 24 August 1944, during an air raid.

After the efforts in France had slowed down and the refugee problem still had not been solved, the American press revived the old issue of so-called "free ports" serving as "temporary havens."

The idea behind the establishment of free ports was that immigration quotas for European refugees would be lifted temporarily and that any individual asking for asylum would be allowed to enter the United States with a visa which would be valid until the end of the war. In October 1943, the AFL Convention dealt with the refugee problem and, in a resolution, supported the establishment of free ports. William Green noted with sorrow in a May 1944 letter to President Roosevelt that the United States obviously was in a position to feed, clothe, and house over 130,000 Nazi prisoners of war, but could not do anything to alleviate the fate of the Nazi's victims.

This public campaign resulted in President Roosevelt's announcement on 9 June 1944 that temporary asylum would be established with the stipula-

[18]See Document no. 13 page 32

[19]See Document no. 14 page 33

tion that the people who had been accepted would be repatriated after the end of the war.

What is to be done with Germany?

Although the collection of contributions for SOPADE and the Trade Unions Abroad as well as the dissemination of information on National Socialism were at the forefront of the GLD efforts, it became increasingly important to think about a Germany after Hitler as the end of the war approached. GLD planned "to represent actively and energetically the interests of the labor movement." The old German Social Democratic principles should remain valid for all plans concerning a future Germany. A rapprochement with "other Social-Democratic groups" was encouraged, but co-operation with the Communists continued to be ruled out.

From 2 - 4 July 1943, the GLD organized in New York a national conference (Landeskonferenz) of German-speaking Social Democrats and trade unionists in the United States, with a daily attendance of 60 to 100 people. A declaration issued by the national conference recognized the efforts against Hitler by the AFL and the JLC and thanked both organizations for their support, in particular for their efforts during the refugee action after the fall of Paris. The resolution of the national conference condemned the actions taken by the Nazi Government and expressed hope for an imminent victory by the allied troops, which would signify an end to the war. The resolution asked for the sentencing of Nazi criminals, the re-establishment of democracy in Germany with the special participation of the working class, and the disarmament and reorganization of heavy industry and large estates. The participants at the national conference offered that the former functionaries of the SPD and the free trade unions help dismantle the National Socialist institutions and re-activate the political willpower of the German workers.

Even before the end of the war, GLD published its view of what should be done with Germany in a publication entitled, "What Is to Be Done With Germany?" with the subtitle, "Prerequisites of Democracy in Germany." Instead of using a certain date, the authors used symbolic language and showed "Easter 1945" as the date of origin. Aside from the items already stated in the national conference resolution (democratization, disarmament, sentencing of Nazi criminals, dissolution of National Socialist organizations and institutions, as well as the teaching of democracy to the German people), the statement contained directives for mandatory reparations, occupation by the victors, items on a possible restructuring of Germany, and membership in international organizations.

Remembering the consequences of the reparation requirements after World War I, the recommendation was made not to require reparations which would jeopardize, from the outset, the German economy, yet to be rebuilt, and thus upset the international balance. The statement anticipated what former President Hoover said in 1947 after a trip to Germany: "We can keep Germany in economic chains but it will keep Europe in rags."

The authors insisted that the safety provisions for workers should remain at the level which existed prior to the Third Reich and that the rights of

the workers should be revived. Workers should not be deported and no forced labor should be required. The purpose of Germany's occupation by American, British, French, and Russian troops was the total demilitarization of Germany through complete disarmament. They warned against dividing Germany into zones, pointing out that such action could give birth to renewed German aggressive nationalism and would be extremely harmful to a healthy democratic development. Representatives of all occupying powers should form a Central Control Commission which would have the authority to co-ordinate the policies of the regional allied commissions. Despite the unavoidable occupation of Germany, the German people should not be deprived of the hope to regain their full sovereignty one day. The authors recommended a time limit for the occupation which should end as soon as a democratic government was established in Germany. Territories which belonged to Germany prior to the Hitler regime should not be taken away without a general referendum. The Atlantic Charter was mentioned in the sense that the right of self-determination was one of the four liberties which President Roosevelt considered indispensable.

The labor movement insisted on playing a leading part in the re-education program. It also considered itself the main pillar of democracy in the re-establishment of the Republic. Associating the future, pacific Germany with worldwide and European organizations should also contribute to the strengthening of democracy in Germany.

The AFL was worried that the imminent end of World War II would not guarantee by itself the establishment of democracies in the liberated European countries. It decided at its 1944 Convention to renounce completely its policy of abstaining from international politics and to become active on an international level. The convention authorized the creation of the Free Trade Union Committee. Matthew Woll became its President, David Dubinsky its Vice President, and William Green its Honorary President. The future AFL President George Meany became Honorary Secretary.



George Meany, AFL Treasurer from 1939; from 1952, President of the AFL; from 1956 to 1979, President of the AFL-CIO.

After the end of World War II, the AFL sent its representatives to Europe to supervise and support the reorganization of a free trade union movement.[20] Henry Rutz of the International Typographical Union was responsible for the German zones. The European Representative was Irving Brown, who currently is the Director of the International Department of the AFL-CIO and who knows the Euro-

[20]In this context, see: Michael Fichter,. "Besatzungen und Gewerkschaften, Zur Entwicklung und Anwendung der U S -Gewerkschaftspolitik in Deutschland, 1944-48," Opladen 1982 and Horst Lademacher, "Gewerkschaften im Ost-West-Konflikt, die Politik der American Federation of Labor nach dem II. Weltkrieg," Melsungen 1982.

pean labor movement very well. Both men played an important part in the reconstruction of the German trade unions. Frequently they had to hold their own against the ideas of the U.S. military government and against Washington's intentions. The AFL was one of the determined opponents of the Morgenthau Plan and of other ideas which would have oppressed Germany; it also opposed any type of dismantling. Against the views of the military authorities, the AFL representatives insisted on putting democratic unions into key positions during the political and economic reconstruction of Germany. Their main mission, as they saw it, was to restrict the influence of international communist organizations, especially of German supporters of Soviet communism.

The AFL trade unions were asked to raise a million dollars to pay for educational materials for Europe and the efforts of the European representatives. Part of the money went to the CARE package program which the AFL started in November 1946.[21] For over six years, approximately 1,000 needy trade union functionaries received a package with food and other necessary items every two months. Most of the recipients of the CARE packages needed this help in order to have the physical strength to rebuild the new trade unions.

Summary

We have to give credit to the German trade unionists and Social Democrats who lived in the United States between 1933 and 1945 for their primary objective to fight National Socialism from outside Germany. The common objective, however, did not, in their opinion, require joint efforts. Even the small number of politically active exiles in the United States did not stop them from dividing themselves through internal fighting. It seems that fights among exiled groups are typical for political exiles. A great deal of energy was wasted in this mutual animosity; the number of documents covering the quarrels of the exiles equals the number of documents covering anti-fascist efforts. The efforts by the representatives of the German labor movement in the United States would have suffered less if, following the example of the exiled representatives in Great Britain, they could have cooperated with all socialist groups.

Considering the size of its country and its economic potency, the United States Government did not assist the refugees from European dictatorships to the possible extent desired by the American trade unions. In view of this, the assistance provided by the American labor movement cannot be praised highly enough. In their efforts to denounce any type of totalitarian system, the AFL and JLC were among the first opponents of National Socialism. The fight against Hitler could be carried on because of their publications on German and European fascism, their intervention with the appropriate government authorities both in the United States and abroad, their help for refugees, their support for organizations of exiles in the United States and, in particular, the financial contributions to individuals, to SOPADE, and to Trade Unions Abroad. Although neither the efforts by the German political refugees nor the actions undertaken by the American trade unions caused Hitler's downfall - we owe that to the military forces - it

[20]See Documents no. 17 and 18, pages 40 and 41

was because of these efforts and actions that, after the liberation from the Third Reich, responsible representatives of the labor movement were available to reconstruct a new democratic society.

Document No. 1

AFL Congress October 1933, Resolutions

Protest Against the Hitler Regime

Resolution No. 96—By Delegates Florence Curtis Hanson and Selma M. Borchardt, American Federation of Teachers.

Whereas, The overthrow of the German Republic by the Hitler regime has resulted in the complete loss of personal liberty in Germany and consequently in the destruction of the trade union movement; and

Whereas, Under the present German government there has been a campaign of revolting sadist orgies, of direct cruelty inflicted on men, women, and even children; and

Whereas, The very peace of the world is again seriously menaced by the military and quasi-military activities of the present German government, be it

Resolved, That the American Federation of Labor expresses its profound sympathy for the splendid German citizens now being so mercilessly persecuted; and be it further

Resolved, That we pledge our moral and economic assistance in the fight against present German terrorism, and call upon the international unions, the state federations and the city central bodies, and liberty-loving citizens everywhere to refrain from purchasing goods produced or manufactured in Germany until this outrageous program of racial and political persecution ceases, and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the Secretary of State, the United States Tariff Commission, and to the members of Foreign Relations Committee of the United States Senate and the Foreign Affairs Committee and the House of Representatives.

Hitlerism

Resolution No. 99—By Delegate R. Suny, Cleaners, Dyers, Spotters and Pressers Union, No. 18233.

Whereas, The advent of fascism in Germany under the dictatorship of Hitler is a dictatorship in the interest of the bankers and employers as against the toiling masses; and

Whereas, This brutal dictatorship has already proven in action its true color by suppressing the trade unions, cutting unemployed relief and insurance, putting the unemployed workers on forced labor without wages, giving them only a starvation meal, suppressing all working-class political, cultural, and even sport movements; by the most bloody barbaric reign of terror directed mainly against workers and the working class; and

Whereas, This bloody, barbaric dictatorship of Hitler in order to maintain its rule is doing the utmost to develop race hatred, anti-semitism and a nationalism which is causing to gather faster the war clouds in Europe, and brings closer the danger of a world war; be it

Resolved, That the American Federation of Labor at its 53rd Annual Convention held in Washington, D.C., goes on record to rally the membership in the American Federation of Labor for the fight against fascism in Germany and elsewhere, and for a fight against any fascist tendencies in the United States of America and for all possible support to the anti-fascist movement and the victims of fascism.

Document No. 2

David Dubinsky, President of the International Ladies Garment Workers Union: To All New York Locals



David Dubinsky, ILGWU President, 1932-1966 AFL Vice President 1934-1936, Vice President of the Jewish Labor Committee

February 6, 1934

Dear Sir and Brother:

You have undoubtedly already received an invitation to participate in a banquet being tendered to Brother Martin Plettl, president of the German Clothing Workers' Federation, by the Trade Union Committee and the Labor Conference to Combat Hitlerism, of which I am the chairman.

We all remember with gratitude the splendid and unsolicited contribution of $5,000 to the General cloak strike in 1929 from the German Clothing Workers' Federation. This fine act of solidarity should now move us to similar action in this hour of their persecution.

On behalf of our International, I call upon your executive board to be well represented at the banquet to Brother Plettl on WEDNESDAY evening, February 21st at the CENTRAL PLAZA, 111 Second Avenue, and to come prepared to demonstrate your sympathy and support of the German workers by a *substantial contribution* to be announced at the dinner.

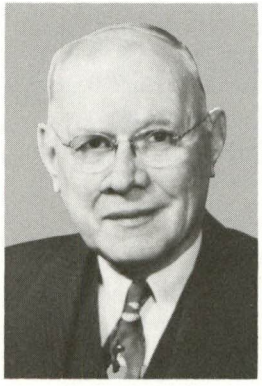
May we all soon see the day of emancipation of German Labor from the terror and exploitation of Nazi-ism.

Fraternally yours,

David Dubinsky
President-General Secretary

Document No. 3

William Green, President, American Federation of Labor and Chairman of the "Chest for Liberation of Workers of Europe" in the Foreword to "Labor Under Hitler," published by the Chest on March 13, 1935



William Green, AFL President, 1924-1952

When it became apparent that the German government was determined to absolutely destroy the trade union movement in that country, the American Federation of Labor in convention assembled in 1933 declared a boycott against German-made goods and German service, such boycott to continue until such time as the German government recognized the right of the working people of Germany to organize in bona fide trade unions of their own choosing and until Germany ceased its policy of persecution of Jewish people, merely because of their religious beliefs. Subsequent events which have transpired in Germany and in Austria have fully justified the position taken by the American Federation of Labor in 1933 and reaffirmed in 1934.

The action taken by the American Federation of Labor was in no way a reflection upon the German people as such, but was rather an effort to assist them to regain their rights as free men and women, which has been wrested from them by sheer force, intimidation and persecution. We recognize the right of German people to govern themselves and to formulate and adopt their own political policies and to do so without interference from any other nation. We are not therefore, fighting any political order set up in Germany. We are insisting, however, that the annihilation of German trade unions must cease and that the persecution of the German working people and of Jewish people, merely because of their racial or religious beliefs, shall be terminated.

The feeling has been aroused in the minds of the working people throughout the world against the treatment accorded the Jewish citizens of Germany and the bona fide trade unionists of all creeds was reflected in the action taken by the British Trades Union Congress, the trade union organizations of Holland, Belgium, Czechoslovakia, Switzerland, Spain, and France, as well as the American Federation of Labor representing the working people of Canada as well as the United States.

The hope of an oppressed people lies in the development of an aroused, keen, sensitive, international conscience. When public opinion of mankind is aroused in opposition to intolerance and injustice, the victims of misrule become encouraged to fight for the enjoyment of their individual

rights, and the recognition of the broad principles of human brotherhood.

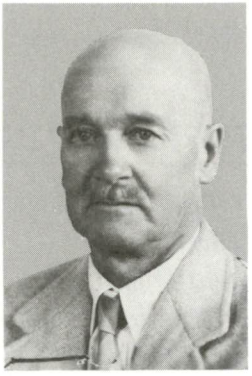
The American Federation of Labor is cooperating with the "Chest for Liberation of Workers of Europe" in its fight to free the working people of Germany from oppression and persecution.

March 13, 1935

William Green, President, American Federation of Labor; Chairman, Chest for Liberations of Workers of Europe

Document No. 4

Martin Plettl, President, International Clothing Workers' Federation, to David Dubinsky, President, International Ladies Garment Workers Union



Martin Plettl, Chairman of the German Labor Delegation, GLD, and President of the German Clothing Workers Union 1920-1933

New York, July 8, 1934

Dear Brother Dubinsky:

The resolution of the recent Chicago convention of the I.L.G.W.U. which provided $50,000 for the anti-Fascist fight, as well as an identical resolution of the Jewish Labor Committee to the extent of $150,000, have been enthusiastically acclaimed by European labor. I took occasion to transmit the news by cable to Paris and Amsterdam.

According to letters of the comrades Schevenels and van der Heeg, secretary general of the International Federation of Trade Unions and secretary of the International Clothing Workers' Federation, respectively, these resolutions are shining examples of the solidarity of American labor. My friends see in them an inspiration to European labor as well as a new appeal to further fight and sacrifice. The Danish and Swedish comrades are already planning to set aside a second daily wage for the support of the victims of Fascism.

The substantial help voted by the American comrades is of utmost value to the Matteotti fund[1] which is used for the Italian, German, and Austrian victims, as well as to the funds needed for the underground activities in Germany and Austria. I wish to express my sincere thanks on behalf of the I.F.T.U. and of my suffering German comrades.

Recent events in Germany and the brutal mass murders perpetrated by the Hitler-Goering regime, bare to the whole world the corruptness and foulness of a system which is rapidly deteriorating. These events, while hav-

[1]Giacomo Matteotti, born 22 May 1881, murdered by Italian fascists on 10 June 1924. Matteotti was a leader in Italy's Socialist movement and a member of the Chamber of Representatives. At the opening session of the new Chamber of Representatives on 30 May 1924, he gave a sensational speech against fascism. His murder ten days later resulted in the withdrawal from Parliament of all anti-fascist parties.

ing a somewhat paralyzing temporary effect on the German masses, have fortified our functionaries and strengthened their determination. Inspired by the solidarity of American labor, they will increase their efforts until the unspeakable system has collapsed.

Let me remind you in this connection of last year's boycott resolution of the A. F. of L. which also had salutary effects on the morale of the German workers. It proved to them that they were not alone in their superhuman struggle.

I have also called the special attention of our comrades to the excellent speeches delivered by Brother Green in Rochester and on numerous other occasions. I am pleased to add that our communications are working in a most satisfactory manner.

These facts encourage me to raise another highly important question. Does it seem possible that the coming annual convention of the A. F. of L. at San Francisco dedicate an hour or so to an appraisal of the European situation? And would it not be a good idea to extend an official invitation to the President of the International Federation of Trade Unions, comrade Citrine, to appear before the convention and address the delegates on European problems? Citrine is an excellent orator, very tactful, and sure of his ground. He knows the mentality of American labor as well as its traditions and peculiarities.

If such a speech of Citrine were answered by an equally forceful speech of President Green, this would constitute, to my mind, one of the most remarkable labor events. Not only the millions of oppressed German, Austrian, and Italian workers, but international labor everywhere would draw inspiration and new courage. Furthermore, the interest of the whole civilized world, already sympathetic to our cause, will be aroused.

Such an event, in any case, will strengthen the fighting spirit of European labor. It will also mean real workers' solidarity, proclaimed instead of the usual Communist phraseology which is contrary to the fight of our movement for liberty and freedom.

Your knowledge of the American labor movement as well as the warm sympathies of Brother Green for German labor, expressed on innumerable occasions, encourage me to request your intervention and good offices in this matter.

Hoping that you will approve my suggestion, I am.

Fraternally and sincerely yours,

Martin Plettl,
President of the International Clothing Workers' Federation

Document No. 5

William Green, President, American Federation of Labor to David Dubinsky, President, International Ladies Garment Workers Union

Washington, D.C., February 28, 1935

Dear Sir and Brother:

The last convention of the American Federation of Labor, held in

San Francisco, California, gave extended consideration to the plight both of workers in Germany and other countries and to the racial and religious persecution of the Jewish people and of others.

This Convention was presented with evidence proving beyond peradventure of doubt that since the advent of Hitler and Naziism the conditions of German workers have become intolerable, wages have been reduced to a mere pittance, hours have been unduly lengthened, prices and taxes enormously increased, and that the last vestiges of the once powerful trade unions and cooperative movement have been wiped out by the most ruthless cruelty ever experienced. This is equally true of Austria and more or less so of Russia and Italy.

In addition to the persecution of trade union workers, officials, and their families, racial and religious persecution has run rampant. Measures against Catholic organizations and the Protestant Church continue in their severity and the Jewish people continue to be hounded and abused in the most inhuman way.

Based upon the foregoing the Convention of the American Federation of Labor unanimously declared itself as favoring a full measure of relief and support to all victims of any and all forms of dictatorship abroad and particularly to all victims of Fascism and Naziism and to those brave heroes of Labor who, in spite of tremendous risks involved, continue to hold the thread of Labor solidarity and Labor organization within their unfortunate land.

To carry out these purposes and attain these objectives, the Convention gave full and unequivocal approval to the "Chest for Liberation of Workers of Europe," organized by affiliated national and international unions and controlled through supervision of the Executive Council of the A. F. of L.

The purpose of this "Chest for Liberation of Workers of Europe" is to arouse the American organized wage earners to the importance of the labor, racial, religious, and political struggle going on abroad, to appeal to the trade unions and trade unionists for whatever financial support and contributions they may be able to make to this cause, and ultimately to unite all American wage earners not only as a voice of protest of that which is going on abroad, but likewise to serve as legions against similar tendencies and practices taking root in our own Country.

Conforming to instructons of the convention of the A. F. of L. as hereinbefore outlined, I address your organization for the purpose of having your organization make such financial contribution as it can to this cause and to send such contribution at your earliest possible opportunity to the officers of the "Chest for the Liberation of Workers of Europe," 2 West 16th Street, New York City.

In addition, I suggest you circularize your local unions for a like purpose. Possibly this appeal might receive wide distribution through publication in your official magazine and thus arouse your members and local unions on this subject.

Inasmuch as we are organizing local "Chest Committees" in support of this movement in every city throughout our land, it is further recommended that you advise all your local unions to associate themselves with these Local

Chest Committees and thus not only be advised constantly of progress made here and abroad, but likewise to be thus informed of what other additional methods and means may be recommended by which the organized wage earners of America may direct their energies, efforts, and activities to help our oppressed fellow-workers abroad.

Please do not lay aside this appeal. It is of utmost importance that it receive your immediate attention. Your assurance of a prompt response and full measure of compliance will not only prove most encouraging, but will do more than anything else to help cheer our fellow-workers abroad and inspire them ever to greater deeds and noble accomplishments and to that end lessen the menace of America's wage earners being confronted with similar dangers.

Fraternally yours,

William Green
President
American Federation of Labor

Document No. 6

From the minutes of the Executive Council of the American Federation of Labor, April 30 to May 7, 1935, in Washington, D.C.

The following resolution was adopted:

Whereas, Our attention has been directed to the sad news that Fritz Husemann, President of the German Miners' Union, was shot dead by the German prison authorities, on April 15, 1935, when he was being taken into a concentration camp,

Whereas, Details of his death are unknown, and probably never will be known, nevertheless the finger of accusation points to the Nazi regime which violently destroyed the labor unions in Germany, robbed them of their properties, persecuted their officers and is endeavoring for all time to silence the voice and the cause of labor.

Whereas, It is unbelievable that there is the slightest foundation of truth in the official version that Fritz Husemann was shot while trying to escape from the concentration camp and especially in view of the asylum offered him outside of Nazi Germany and which he declined because he refused to leave his fellow workers in their distressed conditions, and

Whereas, Like a loyal captain, Fritz Husemann refused to leave the ship while the storm was raging and declined scrupulously to commit any act that might give his captors the least pretext to kill him, and

Whereas, The shooting of Fritz Husemann en route to a concentration camp has all the earmarks of a cold-blooded murder and is but accumulative evidence of the tragic, despicable, and unspeakable deeds and events taking place under Naziism, therefore, be it

Resolved, The Executive Council of the American Federation of Labor expresses its deep sorrow for the un-

timely and brutal death of Fritz Husemann, extends its heartfelt sympathy to his widow and surviving children, calls upon the wage earners and the free labor movements of the world to take up the cause of this Labor Martyr and urges all American workers to protest against the outrage committed and herein noted, be it further

Resolved that copies of these resolutions be sent to the International Labor Office at Geneva, to the International Federation of Trade Unions and to all National and International Unions, State Federations of Labor and Central Labor Unions.

Document No. 7

Resolution of the AFL Congress in October 1935, in Atlantic City

The very existence of Naziism and Fascism, indeed the very existence of dictatorship in any form is a threat to peace and its goal is the subjugation by cruel force of all humanity. It was born in bloodshed, it thrives on force and moves onward on hopes of war and conquest. For the sake of the human race and for its own sake labor must combat it and must strengthen the hands of all of its true opponents. As the proper embodiment of the sentiments expressed herein, we propose:

1. That the boycott declared by the Convention of the A. F. of L. at Washington and reaffirmed at San Francisco against all German goods and services be continued and with greater vigor and efficiency.

2. That all American sport organizations be prevailed upon not to participate in the 1936 Olympic Games in Berlin. Such participation would be used only to confer prestige upon Nazi regime.

3. To give all possible moral and financial support to the Labor Chest for the relief and liberation of workers in Europe so that it might efficiently and adequately meet the needs of labor's Fascist victims.

Document No. 8

The Jewish Labor Committee, New York, to all the unions affiliated with the United Hebrew Trades

January 20th, 1936

Dear Brothers:

Undoubtedly you are aware of the present plight of our Brother Trade Unionists in Europe under the dictatorship of Hitlerism and Fascism. The Trade Union and Labor Movements in Hitler-Germany and Fascist Italy are crushed. Thousands of workers and Labor Leaders who contributed so much to the upbuilding of the Labor Movement in those countries are refugees. Their plight is indescribable.

It is the duty and sacred obligation of every Trade Unionist and worker of the American Trade Union and Labor Movement to help these victims of Fascism.

We appeal to you to give your full support to the "Labor Chest" Committee, which is under the auspices of the

American Federation of Labor. This "Labor Chest" supports the victims of Fascism, the refugees from Fascist countries and gives support to the Labor heroes, who fight in the Underground Movement in the Fascist countries.

We are sending you _____ booklets with "Labor Chest" stamps. Each book contains $1.50 worth of stamps.

Take this matter up at your next Executive meeting. If possible contribute something from your treasury, or elect a special committee to distribute and sell these stamps. If necessary arrange a special meeting devoted to the fight against Fascism and Hitlerism. If you want a speaker for that meeting, will will gladly send one.

It is extremely important, that your Trade Union do everything possible in the form of a substantial contribution for this important movement. Do it without delay! We expect you to sell all the stamps and send us a check covering the amount.

Our help to the oppressed and suppressed worker of Europe, relief to the refugees of the Fascist countries and support of the movement for the liberation of the workers of Europe is a sacred duty. Do your duty without delay!

Labor Chest Committee of the
United Hebrew Trades
M. Feinstone, Chairman

Jewish Labor Committee
B. C. Vladeck, Chairman
J. Baskin, Secretary,
D. Dubinsky, Treasurer
B. Gebiner, Executive Secretary

P.S. In all matters pertaining to the "Labor Chest," please communicate with the Jewish Labor Committee, 175 E. Broadway.

Document No. 9

Affidavit of David Dubinsky, sworn before a notary public, to the Court of New York, 1937

United States of America
State of New York
City of New York
County of New York

David Dubinsky, age 45, being duly sworn, deposes and says:

That he is a resident of the State of New York, residing at No. 245 East 21st Street, in the Borough of Manhattan, City and County of New York.

That he is a citizen of the United States, as evidenced by his naturalization certificate #57324, issued by William F. Schneider, Clerk of the Supreme Court of the State of New York, County of New York, on January 3, 1917.

That dependent upon him for support are his wife Emma and his daughter Jeanette, age 18 years.

That he is the President of the International Ladies' Garment Workers' Union, an old and well-established trade union, having its main office at No. 3 West 18th Street, New York City, and having approximately 225 locals or subordinate bodies in various

cities throughout the United States and Canada, with a membership of approximately 255,000.

That his salary as President of said Union is $10,000 a year.

That he has regularly paid income taxes to the United States Government, and attached hereto is a photostatic copy of a check paid by him to the Collector of Internal Revenue on March 15, 1937, in payment of the current tax on his 1938 income.

That he has a savings account with the National City Bank of New York, Washington Square Branch, account Z9085, which account was opened November 22, 1932, in which there is a balance of $4,771.09. That in addition thereto, he maintains an account with the Manufacturers Trust Company of New York, 130 Fifth Avenue Branch, in which his balance as of August 31, 1937, was $1,898.56. Letters in corroboration are attached hereto.

That he has other investments in credit unions and in stocks and real property, which are valued at upwards $5,000.

That he carries life insurance in eleven different companies, in the amount of $38,700, which at the present date have a cash surrender value of $4,435.38. In addition thereto, he carries two annuity policies, the cash surrender value thereof being $2,106.00. A schedule of said policies and the cash surrender value thereof is contained in the annexed affidavit of Frances D. Raskin.

That he is and always has been a law-abiding citizen and has not at any time been convicted of any crime or misdemeanor. That he does not belong to or is he in any wise connected with any group or organization whose principles are contrary to organized government.

That he is a good friend of Martin Plettl, who is desirous of coming to the United States and whom he is most anxious to see admitted to this country as a permanent legal resident. That the said Martin Plettl was, up until the year 1933, the President of the Clothing Workers Union of Germany, a recognized international trade union, and a member of the governing board of the International Federation of Trade Unions, a body composed of trade unions throughout the world, with which the International Ladies' Garment Workers' Union has for many years been affiliated. That the closest ties of friendship have always existed between the Clothing Workers of Germany and the International Ladies' Garment Workers' Union, of which deponent is the President. That when the Hitler regime came into power in Germany in 1933 it seized possession of all then existing trade unions and many of the officers thereof were immediately imprisoned. That Martin Plettl was forced to flee from Germany as a result of the repressive measures taken against trade unions and their officers and has since been a refugee from Germany.

That your deponent is in a position to receive and properly take care of the applicant Martin Plettl and to assist him in establishing himself in business or in securing employment.

That your deponent does hereby promise, agree, and guarantee that he will at no time allow Martin Plettl to

become a public charge on any community or municipality.

This petition and affidavit is made by the deponent for the purpose of inducing the representatives of the United States Department of State to grant a visa to the said Martin Plettl, knowing full well that the United States representatives will rely upon the representations herein made by him under oath, to the truth.

I, Giemon L. Hamburger, a Notary Public, duly commissioned, do hereby certify that this affidavit was sworn to before me this _____ day of _____, 1937, and that the affiant herein mentioned has exhibited to me the naturalization certificate above mentioned, and that he has satisfactorily established to me his identity.

Document No. 10

Telegram from William Green to Adolf Hitler

June 16, 1937

On behalf of the workers of the United States, I protest against the death sentences of Adolf Rembte and Robert Stahm, and against the life sentence of Max Maddalena.

Workers of all countries feel that the opportunity for a free labor movement in any one country is the concern of all. In addition to affection and fraternal ties that we feel for the free organized labor movement of Germany, we realize that the cause of democracy requires that no nation or group within a nation can safely seek advantage by limiting freedom of others.

We urge that the well-being of Germany requires a labor movement free to function in the interests of German wage-earners and that Germany will gain international good-will by mitigating the sentences of these union representatives.

On behalf of the workers of the United States, and in the name of human freedom, I urge quick and generous revocation of these sentences.

Document No. 11

American Federation of Labor Informational Letter to the Officers of National and International Unions, State Federations of Labor, and Central Labor Unions

Washington, D.C., February 28, 1940

Dears Sirs and Brothers:

Representatives of the German Labor Delegation in the United States met with the Executive Council on February 7th and submitted an appeal for help and assistance. This organization represents the old German Labor Movement which was attacked and wiped out when Dictator Hitler gained control of the German Government. The free, democratic, independent unions in Germany, which were similar to our own American Federation of Labor unions, were destroyed.

The German Labor Delegation in the United States is endeavoring through education and the dissemination of information, to inform labor and the American public of what happened in Germany. They represent that class of labor which was punished and penalized by Dictator Hitler, and the movement which is seeking to restore democracy and democratic government to the German people. They are performing an honorable work and deserve a full measure of support. We have investigated the movement and find that it is a dependable and commendable organization and a movement which we can with perfect propriety support. They rely upon voluntary contributions from friends of democracy and free democratic trade unions in Germany, to carry on their work.

By direction of the Executive Council we are submitting these facts to you, and are appealing for financial contributions to assist and help the German Labor Delegation in the United States. Please make such contribution as the financial condition of your organization will permit. Send it to George Meany, Secretary-Treasurer of the American Federation of Labor, A. F. of L. Building, Washington, D.C. He in turn will transmit it to the properly accredited representative of the German Labor Delegation in the United States.

We trust you will respond generously as possible to this worthy appeal.

Attest: Fraternally yours,

George Meany, Secretary-Treasurer
W. Green, President

Document No. 12

Walter Schevenels, General-Secretary, International Federation of Trade Unions, to David Dubinsky, President, International Ladies Garment Workers Union, New York

Paris, March 5, 1940

My dear Dubinsky,

It is a long time since we heard from each other, and the reason I am writing to you to-day is, as on many previous occasions, to appeal to your international solidarity.

I do not know whether you will remember Dr. Hans Arons of Berlin. You may have seen him in the years before Hitler came into power, or even in the first years after 1933, when you visited Germany. Dr. Arons was the head of the Economic Department in the German National Trade Union Centre (ADGB), and a very close collaborator of Comrade Deipart, the President of the Trade Union Centre.

After the Trade Unions had been destroyed by Hitler, Dr. Arons and his family (he has two children) remained in Germany, although, being of Jewish race and a leading officer of the Trade Union Movement, he had more to fear from the Nazi repression than many other German refugees who left the country. He was twice put into a concentration camp between 1933 and 1936, but this existence finally became unbearable for his wife, and they

decided to leave for an American country.

As you will appreciate, very roundabout and sometimes even clandestine methods have to be used in some cases to get a visa and in any case to get out of Germany and here Dr. Arons' difficult situation was taken advantage of by a crook who, ostensibly in order to obtain a visa, and to make the necessary arrangements for him to obtain a new livelihood, robbed him of all the money he had been able to save in order to start afresh. What Arons acutally obtained was only the visa for Panama and the liner ticket, and, when he finally arrived in Panama (after a short stay in Curaçao, where he had to leave all his furniture as he did not have the money to pay for its further shipment), he was completely stranded. The swindler had disappeared with all his money, and there was no such undertaking in Panama as he has represented where Arons was to have earned his living. I am informed that the only income of this family of four persons is at present the money earned by Mrs. Arons by baking cakes and selling them in the streets.

On hearing of this good comrade's absolutely desparate situation, I at once sent him $100 from our very modest funds. We have also appealed to the British Trades Union Congress to make a special effort for Comrade Arons, but even then more is required if the family is to be saved from starvation. If you still have some relief funds at your disposal, I should be very grateful if you would also send some small amount, but what I would ask even more urgently is whether you or some of your friends could not make use of the close economic and political relations between the United States and Panama—which are much closer than in the case of any other country—in order to help our friend Arons to find some work. He is prepared to take any job whatsoever which would give him a roof over his head and food for his family.

With very cordial thanks in advance for anything you may be able to do, and all good wishes.

Yours sincerely,

W. Schevenels
General Secretary

Comrade Arons' address is:

Dr. Hans Arons
Boquete
Provincia del Chiriqui
Repl. de Panama

Document No. 13

William Green, President, American Federation of Labor, to Breckinridge Long, Assistant Secretary of State

July 3, 1940

Dear Mr. Secretary:

First, permit me to thank you sincerely for the very fine opportunity accorded me and my friends yesterday to present to you the tragic plight of our refugee friends in Europe.

In line with the understanding reached during said conference, one of my friends, Mr. Isaiah Minkoff, will present to you the list of names of those who we earnestly request be ac-

corded governmental visas in order that they might come to the United States as visitors. Such action will, no doubt, result in saving the lives of many, if not all of them.

We have prepared this list with scrupulous care and are prepared to vouch for each one whose name appears on this list.

Thanking you in advance for such favors as you may find it possible to extend us, I am.

Sincerely yours,

William Green
President
American Federation of Labor

Document No. 14

Telegram from David Dubinsky to President Franklin D. Roosevelt

March 17, 1941

Tragic news is daily reaching us from dependable sources in the non-occupied parts of France of systematic extraditions by the Pétain Government to the Italian and Reich authorities of anti-Fascist Italian and anti-Nazi German exiles all of them formerly active leaders of the labor and liberal movements in their homelands. The recent delivery of Rudolf Hilferding and Rudolf Breitscheid, former Social Democratic members of German Republican cabinets, to the Nazis by the Vichy authorities, is followed up now by the reported arrests of several prominent anti-Fascist Italians, notably Bruno Buozzi, former Secretary of the Italian Federation of Labor, of Guido Miglioli, former Catholic representative in the Italian Chamber of Deputies, and Largo Caballero, former Loyalist Premier of Spain and leader of the Spanish Federation of Labor. These men are doomed at the hands of the Fascist executioners. The only thing that can save them now is the direct intervention by the Chief Executive of our country with the Pétain Government. I therefore take the liberty of appealing to you, Mr. President, to urge upon the Vichy rulers not to permit the extradition of these people to the Fascist Government in the confident hope that you will respond to the desperate plight of these fighters for democracy.

David Dubinsky

Document No. 15

William Green, President, AFL, to Franklin D. Roosevelt, President of the United States, Washington, D.C.

Hotel Adelphia
Philadelphia, Pa.
May 8, 1944

Dear Mr. President:

Permit me to call your attention to a resolution adopted by the American Federation of Labor at its last convention which was held during October 1943. As you will no doubt recall, the millions of men and women who compose the rank and file of the American Federation of Labor

membership went on record urging the United States to grant at least temporary asylum to the victims of Hitler's bestial persecution. The term "free port" had not been coined at that time but the sentiment of the membership was and is nonetheless synonymous with the proposal.

I quote the following section from Resolution No. 73 which was adopted at the convention: "To this end, the American Federation of Labor calls upon the United Nations to take immediate steps to rescue the remaining Jews of occupied Europe. We call upon the United Nations, **and our own country,** to provide for them temporary havens in their territories."

I am writing at this time because I have learned that the War Refugee Board which you established recently is interested in what is referred to as the "free port" plan. Please be advised that I fully and unreservedly support this program of rescue for refugees. I urge you to effect the realization of this humanitarian measure, which is really a small undertaking for a nation as great as ours. We are feeding, clothing and housing over 130,000 captured Nazis while at the same time we have made no move in the direction of alleviating the suffering of even a small fraction of that number of the victims of the Nazis.

I understand that tiny Switzerland, despite its neutrality and hazardous geographical position on the map of Europe, has welcomed to its territory a far greater number of men and women driven out by the Nazis than might be expected of her. These refugees live in camps and are permitted much more freedom of movement than the original "free port" suggestion calls for.

I am proud to know that a great many newspapers in our country have published editorials supporting this proposal. It is encouraging to note that the carnage in which mankind at present finds itself engaged on a world-wide scale has not lessened the American's traditional sympathetic and humane attitude toward his fellow men.

I urge you, Mr. President, in my own name and in the name of all the members of the American Federation of Labor to cause the creation of "free ports" in this country for refugee victims of the cruel war—now, before it is too late. Such action on your part, I believe, will clear the way for similar action in other parts of the Allied and neutral world.

Sincerely yours,

William Green
President
American Federation of Labor

Document No. 16

Publication of the German Labor Delegation

What is to be Done in Germany?

Prerequisites of Democracy in Germany

A Declaration of the German Labor Delegation in the U.S.A.
New York, Easter, 1945

The German Labor Delegation in the United States, whose members

were active in the free labor movement of Germany and in the public life of the German democracy during the pre-Hitler era, has discussed the question of the prerequisites of democracy in Germany after the victory of the United Nations. Its views are expressed in the following statement.

The Free German Labor Movement—Mainstay of Democracy

The free German labor movement which consisted of the trade unions, the Social Democratic Party, and the consumers' cooperatives, included in its ranks a considerable part of the population of Germany for many decades before the Nazis came into power. Always and unflinchingly this movement has fought for democracy within Germany and for peace and friendship with the other nations. Until 1933 it waged a bitter fight against Naziism. It carried on this fight to the bitter end with determination and with bloody sacrifices, but was finally defeated. After the victory of the Nazi dictatorship it has gone underground and continued the fight. It will be the mainstay of democracy in Germany again after the end of the Nazi regime.

The Liberation of Germany

The victorious war of the United Nations will liberate the German people from the present tyrannical regime which by its own efforts it has been unable to shake off. The continuation of the war can only bring further useless sacrifices and greater misery to the German people. Their interest would, therefore, be best served by a quick end of the war. It is no less in their own interest that German militarism be totally destroyed, the Nazi system wiped out, the Nazi criminals duly punished, democracy restored in Germany, and that a peaceful Germany become part of a European and worldwide system of peace and cooperation.

Punishment of Nazi Criminals

By wantonly unleashing the war and by the atrocities they have committed in its course, the Nazis have made themselves guilty of the most frightful crime against the whole world. But they are just as guilty of a terrible crime against the German people. They have seized power by deceit and violence, have violated the constitution they had sworn to uphold, have perpetrated innumerable crimes, have unlawfully and in the most brutal manner deprived hundreds of thousands of their own fellow-citizens of life and liberty, have sent millions of Germans to death. They have disgraced the German name all over the world.

The United Nations have resolved that the German war criminals shall be brought to justice by those nations against whom their crimes have been committed. But under no circumstances must this be permitted to mean that the Nazis and their accomplices will be exempt from punishment for the horrible misdeeds they have committed in Germany and against Germans, especially against their political opponents and the Jewish minority in Germany. For these crimes they must be brought to trial by the German people itself. The most practical way to accomplish this pur-

pose is the creation of special tribunals, comparable in composition and procedure to the French courts which have been established for the trials of the French Quislings.[1] The occupation authorities might support the German authorities in carrying out these measures.

Eradication of the Nazi System

The dissolution of all Nazi organizations, the destruction of all Nazi institutions, the removal of all Nazi and militarist influences from the public, economic, educational, and cultural life of Germany, as well as the repeal of all Nazi laws are indispensable for the liberation of Germany and for the restoration of German democracy.

Of equal importance for the democratization of Germany will be the destruction of the economic strongholds which the nationalist and militaristic powers in Germany possess in the heavy industries and in the large landed estates.

With the repeal of the Nazi laws, all those laws which existed in Weimar Germany are in principle to become effective again, in the first place the basic law of German democracy, the Weimar constitution of August 11, 1919. Amendments to the constitution, especially those designed to reduce friction in the government machinery and to prevent the rise of anti-democratic forces, must be left to a constituent National Assembly which should convene as soon as possible.

Disarmament of Germany

The free labor movement of Germany will have no reason to object to the complete disarmament of Germany. Nor will it object to allied control of German industry, as a means of assuring disarmament. But the industrial control must be limited to this purpose, and the impression must be avoided that the disarmament and control measures also aim at excluding inconvenient competition from the world markets. Such an impression might create new nationalist propaganda in Germany.

An effective allied control over the German industry is sufficient to prevent Germany's rearmament. It would be disastrous if all German industries which could possibly be used for military production were to be eliminated. Modern war conditions require the use of almost any industry for military production. Hence their elimination would mean the economic death of German labor. Even the bare existence of the German people, three-fourths of whom prior to the war were employed in non-agricultural pursuits, could not be secured. To avoid these dangers and at the same time to prevent production of war materials in Germany, all specialized war industries, in addition to the allied control over German industry, must as fast as possible be reconverted to the production of life necessities.

Reparations in Kind

The German people cannot escape responsibility for the war

[1]Collaborators.
This term refers to the Norweigian fascist-oriented politician, Vidkun Quisling, born 18 July 1887, who, after Norway's occupation by German troops, collaborated with the National Socialists. Quisling was executed on 4 October 1945 for high treason.

damage they have caused. This damage is so immense, however, that it can only be repaired by planned cooperation of all nations. The reparations which the German people will have to make should be limited by its economic capacity. Nor should the German people be deprived of the hope for peaceable "pursuit of happiness," without which no democratic system can live. It should, therefore, be stipulated from the outset that reparations shall be made for a limited time only.

The principle of reparations in kind is well warranted since transfer of money for reparation purposes is impossible without either entailing financial chaos or expanding German exports to such an extent that foreign competition would suffer. Reparations in kind may include delivery of materials and labor. Apart from restitutions, factories and built-in-machinery and equipment should not be taken away from Germany since this would undermine the basis of existence for the German people. Labor should not be demanded under conditions which would violate the internationally recognized principles of labor protection and of labor's rights.

Protection of Labor Used for Reparations

There is general agreement within the world's free labor movement that the destruction of labor protection and of labor's right in any country destroys or impairs that protection in all other countries. The provisions of the Versailles Treaty concerning international labor protection and labor's rights and the establishment of the International Labor Organization have been generally recognized as milestones of social progress. The world's free labor movement unanimously insists that the road taken at that time should not be abandoned in the case of German reparations, but continued.

The principle of the free labor contract and the workers' rights of representation through trade unions of their own choosing do not preclude the performance of labor in foreign countries for reparation purposes. What is and must remain excluded by these principles, however, are deportations and forced labor, as they have been practiced during the First World War by the Imperial German Government and during the Second World War on a much larger scale by the Hitler Government. During the First World War the free German labor movement waged a continuous and successful fight against deportations of foreign workers by the Imperial Government. It could not possibly take another position now when German workers are concerned.

It is, therefore, imperative that German workers employed in foreign countries for reparation purposes be guaranteed all the basic rights of free labor, especially the right of the free labor contracts. Agreements should also be made which would secure for them the rights acquired by their social security contributions. It will also be necessary to secure for them the suffrage for the legislative bodies in Germany, lest the democratic forces in Germany be considerably weakened.

Occupation of Germany

The planned occupation of Germany by troops of the United States, Great Britain, France, and Soviet

Russia serves the purpose of assuring the complete disarmament of Germany, as well as the total destruction of Naziism and militarism in Germany.

A partitioning of Germany into completely separate zones of occupation, however, would involve great dangers. Germany would be torn apart politically, economically, and culturally; aggressive nationalism would be supplied with new arguments, and the reconstruction of a healthy democracy would meet with great difficulties. The planned establishment of a central control commission of the powers of occupation could diminish these dangers to a certain extent if this body were empowered with unlimited authority to unify the administrative principles and practices of all occupation authorities throughout Germany and if regional interallied control commissions in all parts of Germany were created under the jurisdiction of the central control commission.

While the complete occupation of Germany is held to be indispensable, the German people ought not to be deprived of the hope for restitution of its full sovereignty. It should be informed in clear and unmistakable terms that it is up to the German nation itself to quickly reach this goal. It should, therefore, be stipulated that the occupation of Germany will be terminated when a democratic government has been formed and firmly established which has the will and the power to assure the peaceful democratic development of the German people and to comply with its international obligations. It will be in the interest both of the German people and of the powers of occupation that this goal be achieved as quickly as possible. A democratic government in Germany should, therefore, be formed as soon as possible to give the German people the opportunity to shape its own destiny.

No Territorial Changes Without Consent of the Population Concerned

However justified the complete disarmament, the occupation of Germany, and the reparations are, there can be no justification for cutting off, without consulting the population concerned, territories which belonged to Germany prior to the Hitler era. Territorial dismemberment of this kind, whether designated formally as such or with the purpose of making such territories independent of Germany, are also contradictory both to the letter and to the spirit of the Atlantic Charter which has been recognized by all the United Nations as setting forth the guiding principle of their war aims. Such measures can never gain the inner assent of the liberty-loving and democratically-minded part of the German people.

This statement holds true for territorial changes both at the Eastern and at the Western borders of Germany, whether applied to East Prussia, where Immanuel Kant wrote his treatise on Perpetual Peace, or to territories which are indispensable for the existence of the German industry and of German labor, such as the Ruhr district, the Rhineland, or Silesia.

Territorial changes of this kind always entail the danger of the rise of irredentist movements which raise the cry for revenge. This danger would be

further increased if the population affected by the territorial changes were deprived of the benefit of free option to which it is entitled by international law. Any forced deportation of the inhabitants of territories taken away from Germany, from the hometowns in which they have lived for centuries would constitute a violation of the most fundamental human rights. This might, moreover, further imperil the peace since many of the forcibly exiled might become apostles of revenge and of irredentist movements. Forced migrations of this kind would make considerably more difficult the task of the free labor movement of Germany to educate the German people in the principles of peaceful and democratic life.

Education for Democracy

In the Crimea declaration the main allied powers have assured the German people that after the extirpation of Naziism and militarism there will again be hope for a decent life for them and a place in the comity of nations. Only if this assurance materializes and the economic existence of Germany is secured, will the education of the whole German people in the ideals of democracy and of international cooperation be possible. Only if in this expectation all Germans can work together in a democratic spirit, if they realize that they are making progress in this way, can that change in the world outlook of the German nation occur which will secure democracy in Germany forever. In this process of reeducation the principal role will fall to the free labor movement of Germany.

The political freedoms of the Weimar constitution should, therefore, be reestablished as quickly as possible. This will be made possible the sooner the more energetically the eradication of the Nazi organizations and Nazi influences will be undertaken, and the more freedom of action will be given to the free labor movement of Germany and to the democratic forces in general. As long as it is impossible to hold general elections in Germany, her democratic development should be aided by fostering municipal self-government and by municipal elections at an early date.

International and European Cooperation

Democracy thrives best in an atmosphere of peaceable international cooperation. The free labor movement of Germany has always sponsored such cooperation. It will, therefore, have the greatest interest in the creation and in the success of a world security organization, the basis of which was established at Dumbarton Oaks. The firmer the foundation of such an organization, the more harmoniously it balances and protects the interests of all nations, large and small, the more favorable will be the prospects for the reconstruction of democracy in Germany. The early admission of Germany to the world security organization would contribute to this development.

The nations of Europe live side by side in a restricted space. Whatever occurs in one European country has immediate and strong repercussions in

all other European countries. The democratic reconstruction of a healthy Germany is, therefore, one of the prerequisites for the reconstruction of a healthy Europe. Another prerequisite for the reconstruction of Europe is mutual understanding and peaceable, good-neighborly cooperation of all European nations in the realms of political and economic, social and cultural life. Cooperation of this kind can be achieved not by force, but only by mutual confidence.

A peaceful, democratic Germany which has found a place in the world security organization will, within the scope of this organization, cooperate for the goal of building up an organically united community of the European nations.

The German Labor Delegation in the United States of America:

Max Brauer, Chairman
Dr. Rudolf Katz, Secretary
Dr. Alfred Braunthal
Gustav Ferl
Richard Hansen
Dr. Fritz Karsen
Paul Lynn
Martin Plettl
Gerhart H. Seger
Willy Snell
Friedrich Stampfer
Dr. Friedrich Wilhelm Wagner
Helmut Wickel

Your response is invited.
Your criticism is invited.
Your help for further distribution of this declaration is welcome!
German Labor Delegation in U.S.A.
Room 403 A, 41 Union Square,
New York 3, N.Y.



Alfred Braunthal, ADGB 1929-1933, Head of the Economic Department of the American Hat Workers Union 1936-1950, later on Assistant General Secretary of the ICFTU.

Document No. 17

German Labor Delegation in the U.S.A. to David Dubinsky, President, International Ladies Garment Workers Union

September 1, 1946

Dear Mr. Dubinsky:

The undersigned are deeply concerned about the fate of those German Labor Leaders who, almost by miracle, survived the terrors of Nazi persecution and war, and who are now engaged in the task of rebuilding a free German Labor Movement, as a stronghold for peace and democracy. With shattered nerves, empty stomachs, without decent shelter or adequate clothing, struggling against terrible odds, they fulfill a task of highest importance not only for the workers of their country, but for all mankind.

They deserve our support and they must get it. Without it their physical breakdown is inevitable.

We intend to send personal letters to officials and other well-known members of the American Labor Movement, asking for help. Our aim is to organize a service of friendly relief from man to man and from woman to woman. Everyone who declares his willingness to help will get the address of an active member of the German Labor Movement, to whom he can regularly send his gift parcels. If he prefers cash gifts, we shall send the parcels in his name. We shall take care that only those persons get relief who honestly deserve it.

We thus hope to obtain not only the material help so badly needed by our friends, but also to create ties of thankful friendship between officials and members of the Labor Movements of both countries.

Such is our plan. However, we do not want to go ahead with it without your good advice and consent. Please let us know as soon as possible what you think of it. Winter is approaching and delay would mean further suffering.

Fraternally yours,

Friedrich Stampfer
Acting Chairman

Alfred Braunthal
Acting Secretary

P.S. Kindly send your reply to:
Friedrich Stampfer
1319 University Avenue
New York 52, New York

Document No. 18

David Dubinsky, President, International Ladies Garment Workers Union, to Dr. Friedrich Stampfer, Acting Chairman, German Labor Delegation, New York

September 5, 1946

Dear Friend:

I have your letter of September 1st, in which you set forth a plan to assist trade union leaders in Germany.

In this connection, I wish to advise you that at the recent meeting of the AFL Executive Council in Chicago, the question came up of helping the leaders of the German labor movement and it was decided that monthly packages of food and other necessities be sent. The plan is that a different international union assume responsibility each month for such transmissions which will cost $5,000. Our union has already made its pledge and there are several other unions that have undertaken similar pledges. We will therefore do this thing thru the apparatus of the AFL.

Your idea is a good one. I suggest that you contact other unions to subscribe to your plan and then coordinate it with the plan of the AFL thru the Free Trade Union Committee so that one will supplement the other.

Fraternally yours,

David Dubinsky

Personality Index

BOHN, DR. FRANK
1878-1975
Publicist, active in efforts to save European trade unionists and Social Democrats who were refugees
1939-41 - Member of the ERC (Emergency Rescue Committee)

BRAUER, MAX
1887-1973
1924-1933 - Chief Mayor of Altona
Member of the GLD (German Labor Delegation)
1943-44 - President of the GLD together with Siegfried Aufhauser
1946 - Return to Germany as head of a U.S. trade union commission and General Commissioner of the AFL (American Federation of Labor)

BREITSCHEID, RUDOLF
1874-1944
1904 - Town Councillor of Berlin
from 1912 - Member of the SPD (Social Democratic Party of Germany)
1920-1933 - Member of the Reichstag (German Parliament)
from 1931 - Member of the SPD Executive Committee
1933 - Fled to Switzerland first, later to France
1941 - Extradited to Germany
1944 - Died in Buchenwald concentration camp

BROWN, IRVING
born 1911
from 1945 - European Representative of the AFL
from 1981 - Director of the International Affairs Department, AFL-CIO

DUBINSKY, DAVID
1892-1982
1932-1966 - President of the ILGWU (International Ladies Garment Workers Union)
1934-1936 - Vice President of the AFL
1936 - Co-founder of the American Labor Party

FRY, VARIES
1940-41 - Participated in the efforts to save the refugees in France
Member of the ERC

GREEN, WILLIAM
1873-1952
1912-1924 - Treasurer of the United Mine Workers of America
1924-1952 - President of the AFL
from 1935 - President of the Chest for Liberation of Workers of Europe

GRZEZINSKI, ALBERT
1879-1947
from 1897 - Member of the German Metal Workers Union
from 1898 - Member of the SPD
1925 - Police Commissioner of Berlin
1926-1930 - Prussia's Minister of Interior
1939-1943 - President of the GLD

HERTZ, PAUL
1888-1961
from 1905 - Member of the SPD
1920-1933 - Member of the Reichstag
1939 - Fled to the United States
Leading Representative of the Group "Neu-Beginnen" (New Beginning)
1949 - Return to Germany

HILFERDING, RUDOLF
1877-1941
1922-1933 - Member of the SPD Executive Committee
1923 - Minister of Finance of Germany
after 1933 - Fled to Denmark, Switzerland and France
1941 - Died after having been treated brutally by the French police

HOOVER, HERBERT CLARK
1874-1964
1929-1933 - Thirty-first President of the United States

Personality Index

HUSEMANN, FRITZ
1873-1935
from 1919 - President of the Mine Workers Union and Vice President of the International Mine Workers Union
1924 - Member of the Reichstag
1935 - Murdered by National Socialists

JUCHACZ, MARIE
1879-1956
from 1908 - Member of the SPD
1917-1933 - Member of the SPD Executive Committee
1941 - Fled to the United States
Supports the Group "Neu-Beginnen"
1949 - Return to Germany

KATZ, RUDOLF
1895-1961
1929-1933 - Town Councillor of Altona
1934 - Fled to the United States
from 1934 - Editor of the "Neue Volkszeitung" in New York
1946 - Return to Germany as a member of the AFL trade union commission headed by Max Brauer

LONG, BRECKINRIDGE
1881-1958
1940-1944 - Assistant Secretary of State of the United States
1940-1941 - Responsible for issuing the visas to save the refugees from France (compare with Document No. 13: letter from Green to Long dated 3 July 1940)

MADDALENA, MAX
1895-1943
1913-1918 - Member of the KPD (Communist Party of Germany) Internationally active as Party Secretary
1937 - Sentenced to life in prison
1943 - Died in the Brandenburg prison

MEANY, GEORGE
1894-1980
1934-1939 - President of the New York State Federation of Labor
1940-1952 - Treasurer of the AFL
1952-1956 - President of the AFL
1956-1979 - President of the AFL-CIO

OLLENHAUER, ERICH
1901-1963
from 1933 - Member of the SPD Executive Committee
1933 - Fled to Czechoslovakia
1938 - Fled to France
1940 - Fled to England
1946 - Return to Germany

PETAIN, PHILIPPE
1856-1951
French Marshal
1940-1942 - President of France
from 11 July 1940 simultaneously President of the unoccupied French territory until November 1942

PLETTL, MARTIN
1881-1963
1916-1919 - Town Councillor of Frankfurt/Main
President of the German Clothing Workers Union
President of the International Federation of Clothing Workers
1933 - Fled to the United States
President of the "Deutsche Freiheitsbund" (League of Free Germans)
Member of the GLD

REMBTE, ADOLF
1937 - Sentenced to death (compare with Document No. 10, telegram from Green to Hitler dated 16 June 1937)

ROOSEVELT, FRANKLIN D.
1882-1945
1933-1945 - Thirty-second President of the United States

Personality Index

RUTZ, HENRY
1903-1984
1947-1955 - German representative of the AFL

SENDER, TONI
1888-1964
from 1908 - Member of the SPD
1919-1924 - Town Councillor of Frankfurt/Main
1933 - Fled to Czechoslovakia, then to Belgium
1935 - Fled to the United States
Cooperated with the Group "Neu-Beginnen"
1946-1957 - AFL and ICFTU Representative at the Economic and Social Council of the United Nations in Geneva

SCHEVENELS, WALTER
Secretary General of the Antwerp Metal Workers
1929 - Under-Secretary of IFTU (International Trade Union Federation)
1930-1945 - Secretary General of the IFTU

STAHM, ROBERT
1937 - Sentenced to death (see Document No. 10, telegram from Green to Hitler dated 16 June 1937)

STAMPFER, FRIEDRICH
1874-1957
1920-1933 - Member of the Reichstag
from 1925 - Member of the SPD Executive Committee
1940 - Fled to the United States
Member of the GLD
1948 - Return to Germany

TARNOW, FRITZ
1880-1951
from 1900 - Member of the German Wood Workers Union
from 1928 - Member of the ADGB (General German Trade Union Federation) Directorate
1933 - Fled to the Netherlands, then Denmark and Sweden
1942-1946 - Participated in the National Group of German Trade Unionists in Sweden
1946 - Return to Germany

THOMPSON, DOROTHY
1894-1961
American feminist and publicist

VLADECK, B. CHARNEY
President of the JLC (Jewish Labor Committee)

WOLL, MATTHEW
1880-1956
from 1906 - President of the International Photo-Engravers Union of North American
1919-1956 - Vice President of the AFL
1916-1955 - President of the AFL International Committee
1938-1944 - President of the Labor League for Human Rights
from 1944 - President of the Free Trade Union Committee

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American Federation of Labor and Congress of Industrial Organizations

815 16th Street N.W. Washington, D.C. 20006

Lane Kirkland
President

Thomas R. Donahue
Secretary-Treasurer

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proached in a rationally calculating and planning manner.[28] This individual is also animated by a strong sense of ambition and the goals of this ambition are to be reached by way of competitive achievement.[29] Finally, here is an individual who is open to innovation, as against one bound by the past. Indeed, there is a tendency within this individual to regard anything as better just because it is new. This trait, of course, is highly relevant to the "creative destruction" of capitalism.

There should be little doubt that the social-psychological gestalt just described has indeed been associated, probably importantly so, with the development of modern Western capitalism. Further, it is very plausible that individual autonomy must be seen as an important component within this overall gestalt. The matter becomes much less clear when one asks whether the gestalt in general and the component of individual autonomy in particular should be understood as intrinsically or only extrinsically linked to capitalism. Anyone familiar with modernization theory will likely hypothesize that at least some of the aforementioned features, and perhaps even individual autonomy itself, should be primarily ascribed to modernization, no matter whether the latter occurs within a capitalist or noncapitalist economy.[30] Even if one concedes that Western capitalism had its roots in a premodern Western "individualism," it does not follow from this that capitalism elsewhere must have a similar sociocultural matrix. But, conversely, even if one supposes that there could be a non-"individualistic" capitalism in non-Western society, it does not necessarily follow that Western individual autonomy could survive the demise of capitalism.

In the West itself, it can be plausibly argued that the decline of entrepreneurial "individualism," and its widespread replacement by a managerial-bureaucratic ethos, has created a threat to the survival of a capitalist economy and has made a socialist future more probable.[31] Such an argument suggests the hypothesis that, at least in the West, the linkage between capitalism and individual autonomy is an intrinsic one. On the other hand, the emergence in recent decades of a successful East Asian capitalism puts a serious question mark behind the notion that this linkage holds cross-culturally. As will be discussed in a later chapter, a number of East Asian countries, notably Japan, have developed highly successful capitalist economies on the basis of emphatically non-"individualistic" cultures, though the evidence is as yet inconclusive whether the traditional cultures of these countries are being

changed in an individuating direction by these capitalist successes. And then there are the industrial socialist societies, which are characterized by a strong denial of individual autonomy both in theory and in practice. It may again be argued that their economic weaknesses can at least in part be ascribed to the way in which their polities suppress the individual and thus negate the economic benefits stemming from the creativity of individual enterprise.

Proposition: *Given the social and cultural bases of Western civilization, capitalism is the necessary but not sufficient condition for the continuing reality of individual autonomy.*

The question of what additional conditions may be necessary would lead one into a variety of areas, including the theory of democracy and various reflections about the social-psychological dynamics of major cultural institutions.

Certain components of Western bourgeois culture, notably those of activism, rational innovativeness, and self-discipline, are prerequisites of successful capitalist development anywhere.

This hypothesis does not imply that non-Western societies embarked on capitalist development must become culturally Westernized, but rather that, even if they reject such Westernization, they must find "functional equivalents" in their own cultural traditions that are capable of supplying the aforementioned prerequisites.

But, for the moment, let us return to the West. As Georg Simmel argued many years ago, the development of the capitalist money economy went hand in hand with the liberation of the individual—or, perhaps one could say more accurately, with a whole set of liberations of the individual.[32] In an ingenious reversal of the Marxian view of money as an instrument of "reifying" oppression, Simmel argued that the very abstraction of money (which becomes generalized in a money economy) frees the individual from the bondage of concrete social allegiances. As we have seen before, capitalism allowed individuals to purchase, with "cash on the barrel," not only commodities but status and status symbols that had previously been nonpurchasable accoutrements of noble birth or royal favor. This meant liberation, socially and economically and, eventually, politically as well. Once again the archaic Greek frieze may be taken as a paradigm of non-"individualistic" existence—the individual embedded firmly in the

collective structures. Capitalism liberates the individual by letting him step out of his particular frieze—provided, of course, he acquires the money to do so. Money, with its great power of abstraction, makes it possible to convert all socially relevant phenomena (goods, services, statuses, even identities) into units of specific monetary worth. The individual too can be so converted. The American phrase "What is he worth?" illustrates this monetary conversion very graphically. Often this phrase has been cited as evidence of the "dehumanizing" effects of capitalism. Maybe so, depending on one's ideal of "humanity." But the same phrase illustrates the liberating effect of capitalism. To assess a man's "worth" in terms of the money he possesses ipso facto puts in brackets whatever "worth" he may have by way of congenital and collective ascription: Nobody chooses his parents, but anyone, in principle, can accumulate capital. And just as the capitalist market transcends old boundaries of clan, tribe, and even nation, so the individual in a capitalist society can continuously transcend the boundaries of his biographical starting point. If Simmel is right, individual autonomy developed in Western civilization in a dialectical interaction with the autonomy of market forces. The necessities of the entrepreneur become the rights of the individual, and vice versa.

The critics of capitalist modernity, both from the right and the left, have nevertheless been quite correct in claiming that this liberation from collective solidarities has been costly. The cost is precisely what Marx called "alienation" and Durkheim *"anomie."* It is the emergence of individuals severed from communal moorings, thrown upon themselves, interacting with other equally isolated and mobile individuals. If those costs are not somehow minimized, the emerging constellation is the one earlier labeled as "hyper-individualism"—which, not surprisingly, is perceived as *the* pathology of contemporary Western societies by both non-Western observers and critics of those societies from within (where we find a curious agreement between Marxists and ultra-conservatives). Durkheim, following Henry Maine, believed that a major institutional concomitant of this liberation of the individual was the proliferation of contractual relations between people.[33] A contract specifies what is required in any particular relationship between individuals: A owes B *this*, no more and no less. The contract, in other words, spells out all rights and obligations in a precise and exclusive manner. This stands out in sharp distinction from the imprecise, diffuse networks of rights and obligations that characterize most if not all premodern societies. The capitalist market, of course, could not exist without a mature development of contract law. But there is a carry-over from the market to all other human relations. One may speak, then, of the "contract society" as a hyperbole of market individualism.

It is thus not surprising that hyper-individualism today is expressed in a proliferation of contractual arrangements. All individual claims become codified in entitlements. The rise of the welfare state, of course, has greatly fostered this process. But it can also be observed throughout the private sphere. The notion of the marriage contract, as advocated by feminists, is an example of this, and so is the burgeoning movement of "children's rights." Where there are contracts, there must be lawyers. The astronomical increase in litigation in American society is, at least in part, due to its becoming more and more a "contract society." To a lesser extent, though, the same "juridification" of social life can be observed in other Western societies as well. The presupposition for all this is that older, more imprecise and diffuse rights and obligations decline. Less and less can be assumed to be "understood"; therefore, more and more must be contractually, legalistically spelled out.

Hyper-individualism and the "contract society" can properly be understood as fruits of capitalism. But their relationship to capitalism, as Daniel Bell has pointed out, constitutes a "cultural contradiction."[34] Individual enterprise, on which Western capitalism has depended, requires innovation and mobility, a freedom from collective ties. A system of entitlements, however, reconstitutes a new system of collective ties, all spelled out in contracts, codified in law and relentlessly expanded by all those lawyers. Such a system of entitlements contradicts the freedom of enterprise. Thus it is not surprising, even if it is paradoxical, that the movements of hyper-individualism and entitlement-enhancement tend to be anticapitalist in effect if not in original inspiration.

Take, for example, an American businessman, one whose success could plausibly be traced to old-fashioned individual entrepreneurship. What are his complaints? Of course he complains about the burden of innumerable laws and regulations imposed on his business by various levels of government, forcing him to expend time and energy on bureaucratic activities that are uncongenial to him—and quite possibly

forcing him to hire bureaucratic types (accountants, tax lawyers, and the like) who tell him how to run his business. All of this acts as a brake on his entrepreneurship, as do various institutions of the welfare state (such as those dealing with employee rights of one kind or another). But now, in addition, he will probably complain about additional constraints deriving from seemingly ever-expanding entitlements—affirmative action constraints to safeguard entitlements based on race and gender, protections of consumers (with every one of whom he is now supposed to have complex contractual relations), protections of the environment (or, more precisely, various individuals and groups upon whose environment he is presumed to impinge), and so on. And as his luck would have it, he may come home to be accused by his wife to have violated this or that provision of their marriage contract, his children will clamor for *their* rights (perhaps, who knows, with the support of a "children's rights advocate"), and his mistress may slap him with a "palimony" suit. Such a man may be forgiven if he feels that he has misunderstood the meaning of a "free society."[35]

Now, if one imagined these "contradictions" operating without countervailing forces, one would certainly predict the collapse of capitalism along with the final demise of bourgeois culture. The empirical reality, however, is that there are countervailing forces of considerable strength in Western societies. Individual autonomy depended historically on a subtle balancing act between liberties and responsibilities, between liberation from communal ties and security within communities. This balancing act was not simply an individual feat; rather, it was grounded institutionally. Put differently, individual autonomy depended upon *balancing institutions,* whose function it was to provide the individual with a secure "base" to venture out into the turbulent public world created by capitalist modernity, as well as to mediate between the private world of *Gemeinschaft* and a public world dominated by "cold" contractual relationships. That is why these balancing institutions may also be called "mediating structures."[36]

There is no mystery as to the nature of these institutions. Most important among them were family and religion. Nor has this changed, despite all (highly premature) obituaries for these two institutions. The family in question here, of course, is not just any form of kinship pattern but the *bourgeois* family. This family was decisively legitimated and sustained by religious values, in all Western societies (though in

Peter Berger on "mediating structures" (voluntary associations)

the Protestant societies these values were particularly congenial to capitalist culture). At least in the Anglo-Saxon countries, and especially in America, these two central institutions were further assisted in their balancing and mediating functions by an array of voluntary associations, which allowed the individual to stake out a zone of liberties and at the same time provided a social base from which to sally out into the turbulent world of capitalist enterprise.[37]

What is at issue here is quite simple. The world created by capitalism is indeed a "cold" one. Liberating though it may be, it also involves the individual in countless relations with other people that are based on calculating rationality ("What is this person worth *to me*?"), superficial (the "personalizations" of salesmanship), and inevitably transient (the very dynamics of the market ensures this). Human relations too become subject to the "creative destruction" of capitalism. There is, therefore, an overriding need for a world of "warmth" to balance all this "coldness." Family, church, private friendships, and freely formed associations have provided this balance throughout the development of bourgeous culture; they continue to do so today, despite the tensions and "contradictions" of this culture. Those who overlook these balancing institutions misperceive essential qualities of these societies in question.[38]

Proposition: *Capitalism requires institutions that balance the anonymous aspects of individual autonomy with communal solidarity. Among these institutions are, above all, the family and religion.*

At least in Western societies, this requirement is reciprocal. Threats to the bourgeois family and to the religious values underpinning it are ipso facto threats to capitalism, because such threats undermine the social setting in which individuals geared toward enterprise can emerge. Conversely, the capitalist economy provides the context within which personal liberties can thrive and institutions fostering these liberties, including the bourgeois family and organized religion, can function without pervasive state controls.

In sum, liberation and "alienation" are the reverse sides of the same capitalist coin. The liberation of the individual, which capitalism in the West has fostered, must be "contained" within structures of community if it is not to liquidate itself, be it in the anarchy of hyperindividualism or in a network of ever more constraining entitlements. Capitalism depends on this balance. Progressive anarchy, with each

individual out "on the make" by and for himself, undermines capitalism, because it deprives it of the fabric of trust and value without which it cannot function effectively. On the other hand, the imposition of collective controls on the individual by authoritarian or totalitarian polities, quite apart from other costs, also incurs economic costs and finally makes capitalism impossible, because such polities cannot permit that free enterprise upon which capitalism depends.

6

CAPITALISM AND DEVELOPMENT

CAPITALISM has become a global phenomenon. From the enclaves of capitalist enterprise, superimposed on the centuries-old feudal and subsistence economies of Europe, it first conquered those economies and then thrust out beyond them—through trade, imperial expansion, and cultural penetration—until today it has reached virtually every part of the world not ruled by Communist regimes (and even there its outposts are to be found). Capitalism has been one of the most dynamic forces in human history, transforming one society after another, and today it has become established as an international system determining the economic fate of most of mankind and, at least indirectly, its social, political, and cultural fate, as well. Yet, evidently, contemporary capitalism has different faces in different parts of the world. Its image, everywhere, is that of the horn of plenty that heaped such immense material wealth on the countries in which it originated. This image contrasts sharply with the reality of many other countries that have become part of the international capitalist system. There the dynamism of capitalist economics coexists with perduring and, in some cases, increasing poverty. The capitalist horn of plenty is an image of hope, a promise of wealth and well-being. When the reality fails to catch up with the image, when the promise remains unfulfilled, the dream easily turns into bitterness and hatred. The dialectic of hope and disappointment is the great drama of the so-called Third World (an

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IRVING BROWN

1ST STORY of Level 1 printed in FULL format.

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HEADLINE: Irving Brown, 77, U.S. Specialist On International Labor Movement

BYLINE: By GLENN FOWLER

BODY:

Irving Brown, an international affairs specialist for the American trade-union movement for more than four decades, died of intestinal cancer yesterday at his home in Paris. He was 77 years old.

Since World War II, Mr. Brown had held a number of high posts representing the American Federation of Labor and later the merged A.F.L. and Congress of Industrial Organizations. For the last three years he had been a senior adviser to Lane Kirkland, president of the A.F.L.-C.I.O.

Mr. Brown was at times denounced by right-wing Americans as a Communist sympathizer, while the Communists branded him an agent of the Central Intelligence Agency.

In the 1950's and 1960's, working on both sides of the Atlantic, he spearheaded a drive to prevent Communist takeovers of European trade unions and international labor groups. Last October, in recognition of his long service in the labor movement, he received the Presidential Medal of Freedom.

Son of Teamsters' Leader

''We have lost a giant,'' Mr. Kirkland said yesterday. ''No other individual did more than Irving to protect and advance workers' rights in every nation around the world.''

A native New Yorker, Mr. Brown was the son of a leader in the International Brotherhood of Teamsters. He earned his tuition at New York University by working as a waiter, a shipping clerk, a baggage handler and a copy boy for The New York Times, among other jobs.

After graduating with a degree in economics in 1932, at the depth of the Depression, he became an organizer for the United Automobile Workers at Ford and General Motors plants. By 1940 he had become a national organizer for the A.F.L. and in 1942, shortly after the United States went to war, he was named a labor representative to the War Production Board.

When the war ended Mr. Brown joined the Foreign Economic Administration as a representative of both the A.F.L. and the C.I.O., seeking to put into effect American labor policy in occupied areas of Europe. But he soon quit in a dispute with occupation authorities, who he felt were trying to prevent German trade unionists from becoming an effective national force.

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Represented A.F.L. in Europe

The A.F.L. promptly appointed him to be its European representative and he traveled among the Western countries offering aid to workers' groups.

Because the French labor movement was largely controlled by Communist and other leftist unions, Mr. Brown set up headquarters in Brussels. From there he organized committees of French maritime and dock workers to combat Communist cells that were trying to block delivery of Marshall Plan cargoes. For that and other efforts he was roundly denounced in the Communist press as a henchman of the American State Department.

In the United States, the newspaper columnist Westbrook Pegler and other right-wing spokesmen attacked Mr. Brown for, as Mr. Pegler wrote, having served in the 1930's as a Communist ''stooge'' trying to undermine the American Socialist Party from within.

In a letter that Mr. Pegler printed in his column, Mr. Brown said in reply: ''I fought against Communists long before you ever decided that it was good business to fight them.''

From 1965 until 1973, Mr. Brown was executive director of the African American Labor Center, providing technical aid to free trade unions in Africa. He returned to the A.F.L.-C.I.O.'s European office, now in Paris, in 1973. He was named the organization's director of international affairs in 1982, a post he held until becoming Mr. Kirkland's senior adviser in 1986.

Mr. Brown is survived by his wife, Irene, and a son, Robert.

GRAPHIC: Photo of Irving Brown (Victor Lusinchi, 1982)

TYPE: Obituary

SUBJECT: DEATHS

NAME: BROWN, IRVING

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tion either through tuition tax credits or vouchers. We need a Congress that shares and supports the values of the American people. We hear the cry, "But what values do you mean?" Well, that's easy, just for starters: "Love thy neighbor as thyself."

In this past Lenten season, the Holy Father invited Cardinal Hickey to give the yearly retreat for him and his household, an honor never before accorded to an American priest or bishop. In his meditations, the Cardinal said, "To obey God, the author of our freedom, is to respect our freedom." And he added, "In the logic of the Gospel, harmony with God's will is the true definition of history."

So, this is my message to you, as a secular leader, but also as a man standing in humility before God: to seek what the Cardinal calls true freedom, to reach for what Aquinas called the necessities of salvation. For if you do, if these lessons become part of the instruction you carry with you when you end your studies here, America will be stronger; the world will be better; and there will be no limits to what, in this sweet land of liberty, you can do with your lives.

Let me just, if I can, say a few words on my own about this nation of ours. You know, I received a letter. We're quite unique. I received a letter from a man one day. He pointed out something I had never thought of. He said, "You can go to live in France; you cannot become a Frenchman. You can go to live in Germany or Spain, and you cannot become a German or a Spaniard." And he went on, naming Japan, China, and other countries. But he said, "Anyone from any corner of the world can come to America and become an American." And this country is the only one you can say has that peculiar melding of people together, revealing as no other area ever has that we are all the sons and daughters of God.

You know, I don't say this very often, and sometimes people may call it mysticism. But I have always believed that there was some divine power and plan that placed this great continent between the two great oceans to be found only by people who had that extra love of freedom and that courage within their hearts to uproot themselves from their native land; leave, many times, family and friends; but to come here and to create this nation that we have created for ourselves here. I have to believe that that is true, just as I believe that Lincoln spoke the truth I've learned in these 8 years as never before when he said, "I could not perform the functions of this office for 15 minutes if I did not know that I could call upon one who is stronger and wiser than all others."

Thank you all. God bless you all.

Note: The President spoke at 10:56 a.m. in the gymnasium of Archbishop Carroll High School. He was introduced by His Eminence James Cardinal Hickey, Archbishop of Washington, DC. In his opening remarks, the President referred to Bishop Alvaro Corrada, Auxiliary Bishop of Washington; Father John P. O'Malley, O.S.A., principal of Archbishop Carroll High School; Sister Marcella Scully, D.C., principal of All Saints High School; Secretary of Education Lauro F. Cavazos; and Daniel F. Curtain, secretary of Catholic education for the Archdiocese of Washington, DC.

Remarks at the Presentation Ceremony for the Presidential Medal of Freedom

October 17, 1988

Good afternoon, and thank you all for coming here. You know, maybe it'll sound a little like bragging, but I have to tell you, I really have a great job. [*Laughter*] And one of the reasons this is such a great job is that I get to preside at wonderful occasions like this one. We're all here today to present the Medal of Freedom to eight remarkable Americans. It's the highest civilian honor this nation can bestow, and those who are so honored have spent much of their lives advancing the cause of freedom around the world.

Like those who have come before, today's recipients are artists and statesmen, philosophers and academics, and people of action and profound introspection. Your lives and careers testify to a central truth of humanity: It is better to give than to receive. You've all given—given of your talent and your energy and your resources—because you know that the only way to fight injustice and promote freedom is to speak a re-

sounding No! to the forces of international complacency and a resounding Yes! to those whose souls thirst after the cool waters of liberty.

What your example—and the examples of Mac Baldrige and J. Willard Marriott, who are watching us from a better place—teach all of us is that fighting for what you believe in is not only good, it's fun. It's a pleasant experience to know you've done some good, maybe the most enjoyable experience we all have. You are all possessed of the good cheer and clear consciences of those who know they've done all they can for a cause they believe in. The reward for good deeds does not only come in the hereafter, it comes every day in the knowledge that the world is maybe a little better because of the things you've done in your life. Well, we can't hope to top a feeling like that, but we do aim to add a little pleasure with the awards we give out today. And so, without further ado, I will now read the citations for the eight Medal of Freedom recipients of 1988. And as I start to read, you'll please come to the platform.

This is the citation for Malcolm Baldrige.

Cowboy, business executive, political activist, Cabinet Secretary—Mac Baldrige was all of these and more. To every task and role, he brought the strength of his integrity and the power of his vision. In serving his country, he became an architect of our international economic policy. And yet, though he moved with Presidents, Prime Ministers, and Kings, he was always happiest with the kind of straight-talking cowboys who elected him to the Cowboy Hall of Fame. Malcolm Baldrige had uncommon accomplishments and character. He was a true embodiment of the American spirit.

And here to accept is Mrs. Baldrige.

And the citation for Pearl Bailey Bellson.

Pearl? As a girl, Pearl Bailey began singing in her father's church in Virginia and kept singing all the way to Broadway and into America's heart. Among the preeminent American entertainers of this century, she has dazzled audiences all over the world. She has also served the Nation as a Special Adviser to the United States Mission to the United Nations. And America loves Pearl Bailey, for her songs and for her soul.

The citation for Irving Brown.

As the European representative of the American Federation of Labor in the late 1940's, Irving Brown played a crucial role in breaking the hold of international communism over postwar Western Europe. By doing so, he can truly be called one of the architects of Western democracy. He has shunned publicity, believing the cause of freedom is far more important than the pleasure of fame. But his modesty cannot obscure the size of his accomplishments, and they have earned Irving Brown the gratitude of his country.

And accepting this award will be his son, Robert.

And this citation for Warren E. Burger.

As teacher, lawyer, Assistant Attorney General of the United States, and judge, Warren Burger proved his abiding love of the law. For 17 years, he served in the highest post on the highest court in the land as the 15th Chief Justice of the United States. Chief Justice Burger stepped down from the Supreme Court to lead our country in a bicentennial celebration of the Constitution—one more act of devotion and distinction by Warren Earl Burger to the Republic he loves and serves so well.

The citation for Milton Friedman.

Teacher, scholar, and theorist—Milton Friedman restored common sense to the world of economics. A winner of the Nobel Prize, Milton Friedman's technical mastery of his profession is unchallenged. But more central to his work is its moral component: an idea of human freedom in which man's economic rights are as vital as his civil and human rights. It is for his celebration of the human spirit as well as the brilliance of his mind that I bestow upon Milton Friedman the Presidential Medal of Freedom.

And the citation for Jean Faircloth MacArthur.

Vibrant, charming, brave, and ever loyal—as she always puts it—"to my General," Jean MacArthur has witnessed the great cataclysms of our time, survived war and peace, conquered tragedy, and known triumph. Whether on a PT boat evading enemy ships in the South China Sea or being welcomed home by all Americans in 1951, Jean MacArthur was and is a shining example—a woman of substance and character; a loyal wife and mother; and like her General, a patriot selfless in the service of our country and the cause of freedom.

Citation for J. Willard Marriott.

The son of a humble Utah sheep rancher, J. Willard Marriott turned a small root beer stand in the Nation's Capital into one of America's largest and most successful businesses. Known for his vision, ingenuity, and hard work, J. Willard Marriott will also be remembered as a man of devotion to family, a leader in his church, a respected

voice in the halls of government, and as a man who in his life and career brought honor to America.

And his wife, Alice, is accepting.

A citation for David Packard.

Accomplished businessman and skillful manager, noted philanthropist and public servant of the highest integrity—David Packard has had a legendary life and career. Dedicated to furthering the pursuit of scientific, technological, and human progress, devoted to his country and the cause of keeping her strong in a dangerous world, David Packard has served the American people effectively, generously, and proudly.

These are the eight that we honor, and I'm very proud to have been able to participate in this with these wonderful people.

Note: The President spoke at 1:23 p.m. in the East Room at the White House. Prior to his remarks, the President hosted a luncheon in the Residence for the recipients.

Statement on Signing the Bill Supporting the Restoration of a Free and Independent Cambodia

October 18, 1988

I have today signed H.J. Res. 602, which expresses congressional support for the restoration of a free and independent Cambodia, the withdrawal of Vietnamese troops from that country, and the protection of the Cambodian people from a return to power by the Khmer Rouge. I welcome this clear statement of principles on a subject on which we are all in agreement.

I note that the Resolution is properly cast in admonitory terms and accordingly must be interpreted as a nonbinding expression of the sense of the Congress. I disagree with the wording of certain clauses, which, as written, could complicate our efforts to work with other governments to achieve the objective we all seek: to prevent the Khmer Rouge from ever again being in a position of absolute authority from which to wage its rule of terror over the Cambodian people. I have, however, signed this legislation because it makes clear that the United States will continue to do everything possible to assure that the Vietnamese occupation of Cambodia is brought to an end and that effective guarantees are put into place to prevent the Khmer Rouge from ever again taking control of Cambodia.

Ronald Reagan

The White House,
October 18, 1988.

Note: H.J. Res. 602, approved October 18, was assigned Public Law No. 100–502.

Statement on Signing the Inspector General Act Amendments of 1988

October 18, 1988

I have today signed S. 908, the "Inspector General Act Amendments of 1988." My Administration has had a long-standing and deep commitment to the work of the Inspectors General within the Executive branch. Their efforts to combat fraud, waste, and abuse deserve our sincere thanks and continued support.

I must, however, note that S. 908, like the Inspector General Act of 1978, raises certain constitutional concerns. Unless properly construed, the Act's reporting requirements could impermissibly interfere with the President's control over the deliberative processes of the Executive branch. For example, the disclosure of opposing views with respect to decisions at issue unnecessarily creates divisions within the Executive branch that could chill the frank exchange of views necessary to effective decisionmaking. Such requirements would conflict with the constitutional protection afforded the integrity and confidentiality of the internal deliberations of the Executive branch and the President's authority as head of the Executive branch to "take care that the laws be faithfully executed," U.S. Const., art. II, sec. 3, and to coordinate and supervise his subordinates. I have signed S. 908 with the understanding that it will be implemented consistent with these constitutional principles.

Ronald Reagan

The White House,
October 18, 1988.

Note: S. 908, approved October 18, was assigned Public Law No. 100–504.

Mark:

THE WHITE HOUSE
WASHINGTON

11-7-89

RE: Encyclopedias w/ razor blades:

1) Prof. Wolfgang Leonhard, Yale Univ.

In his Soviet history course he tells of the Great Soviet Encyclopedia sending out razor blades to remove the entry on Beria — who had been liquidated — and enclosing an entry on the Bering Strait to replace it.

2.) Prof. Richard Pipes at Harvard will be able to confirm. His # is 617/495-2556

— Austen

, we have all learned the nature of the atrocities that tyranny has committed not just in the past, but on the past: the names of ancient cities, towns, and streets changed to reflect the latest officially-approved personage -- the encyclopedias that come with razor blades to remove the entries on those whom the state has decided to condemn -- the banned books and periodicals -- the silenced tongues -- the unmarked graves -- the Big Lie.

All these are symbols of the ultimate tyranny, the tyranny of the state over the free expression of mankind. But suddenly there is a dawning awareness that something has changed. Not only has tyranny been thrown on the defensive, but the agents of tyranny realize it themselves.

(more)

FURSE

the free exchange of ideas & information

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freedom spreading
∴ we are looked to around the world
respon

civil rights → human rights

Freedom of Association

A Conference Marking the Fortieth Anniversary of the International Labor Organization Convention 87 Concerning Freedom of Association and Protection of the Right to Organize

Sponsored by

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

November 29, 1988
Washington, D.C.

A publication of the AFL-CIO Department of International Affairs

Sponsored by

The American Federation of Labor and
Congress of Industrial Organizations
(AFL-CIO)

Freedom of Association

Proceedings of a Conference Marking the Fortieth Anniversary of ILO Convention 87 Concerning Freedom of Association and Protection of the Right to Organize and the Presentation of the George Meany Human Rights Award to Stefan Nedzynski

November 29, 1988

United Brotherhood of Carpenters and Joiners of America
Headquarters Building
Washington, D.C.

A Note of Thanks

The AFL-CIO Department of International Affairs would like to thank the United Brotherhood of Carpenters and Joiners of America for hosting the conference in their auditorium. We would also like to thank the staffs of the African-American Labor Center, the Asian-American Free Labor Institute, the American Institute for Free Labor Development and the Free Trade Union Institute for their assistance in making this conference a great success and their help in putting this publication together.

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Introduction

The Conference

In 1948 the International Labor Organization passed Convention 87 Concerning Freedom of Association and Protection of the Right to Organize. This convention, together with other ILO Conventions, defines international labor standards and is the ILO's preeminent statement in behalf of worker freedom. It has also become the single most important international bench mark by which to measure the rights of workers to organize and better their lives.

As a member of the International Confederation of Free Trade Unions, the AFL-CIO, along with other democratic trade unions from around the globe, has worked to make Convention 87 a more powerful instrument for advancing worker rights. In this its fortieth year, Convention 87 is universally accepted by struggling trade unionists in Poland, South Africa, Chile, Nicaragua, the Republic of Korea, Indonesia, Haiti and many other countries as defining what is essential to the labor freedom they seek.

Although Convention 87 has not yet been ratified by the United States, it has, nonetheless become the model for the "internationally recognized worker rights" now incorporated into four U.S. trade laws. For the first time an ILO member State has made "freedom of association" a qualifying test in the consideration of trade rights and privileges.

The purpose of this conference is to celebrate the fortieth year of Convention 87, to discuss its importance in the worldwide struggle for worker rights and explore further steps the U.S. can take to promote the goals of this important document.

The George Meany Human Rights Award

The George Meany Human Rights Award, the AFL-CIO's highest honor, is presented to outstanding individuals who have made distinguished contributions to the cause of democracy and free trade unionism.

Previous award winners have come from virtually every region of the world and include Ernesto Herrera, General Secretary of the Trade Union Congress of The Philippines; Andrei Sakharov, renowned Soviet human rights champion and winner of the Nobel peace prize; the Polish trade union, Solidarnosc; and Kim Dae Jung, a leader of South Korea's democratic opposition.

Text of Convention 87

Convention Concerning Freedom of Association and Protection of the Right to Organise

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948;

Having decided to adopt, in the form of a Convention, certain proposals concerning freedom of association and protection of the right to organise, which is the seventh item on the agenda of the session;

Considering that the Preamble to the Constitution of the International Labour Organisation declares "recognition of the principle of freedom of association" to be a means of improving conditions of labour and of establishing peace;

Considering that the Declaration of Philadelphia reaffirms that "freedom of expression and of association are essential to sustained progress";

Considering that the International Labour Conference, at its Thirtieth Session, unanimously adopted the principles which should form the basis for international regulation;

Considering that the General Assembly of the United Nations, at its Second Session, endorsed these principles and requested the International Labour Organisation to continue every effort in order that it may be possible to adopt one or several international Conventions; adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Freedom of Association and Protection of the Right to Organise Convention, 1948:

PART I. FREEDOM OF ASSOCIATION

Article 1

Each member of the International Labour Organisation for which this Convention is in force undertakes to give effect to the following provisions.

Article 2

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Article 3

1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Article 4

Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

Article 5

Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

Article 6

The provisions of Article 2, 3 and 4 hereof apply to federations and confederations of workers' and employers' organisations.

Article 7

The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 hereof.

Article 8

1. In exercising the rights provided for in this Convention workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.
2. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.

Article 9

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.
2. In accordance with the principle set forth in paragraph 8 of Article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

Article 10

In this Convention the term "organisation" means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

PART II. PROTECTION OF THE RIGHT TO ORGANISE

Article 11

Each Member of the International Labour Organization for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

Reprinted from *International Labour Conventions and Recommendations, 1919-1981,* International Labour Organisation, Geneva, 1982.

Welcome and Opening Remarks

Albert Shanker, *President*
American Federation of Teachers

For nearly twenty-five years, Albert Shanker has been a driving force for innovation and reform in American public education. As president of the 665,000-member American Federation of Teachers (AFT), Mr. Shanker is integrally involved in the formulation of education policy in the United States. Mr. Shanker is a national vice president of the AFL-CIO, serves as the Chairman of the International Affairs Committee of the Executive Council of the AFL-CIO, and is president of the Federation's Department of Professional Employees. He is also president of the International Federation of Free Teachers' Unions (IFFTU), an international trade secretariat (ITS) associated with the International Confederation of Free Trade Unions (ICFTU).

Albert Shanker has been actively involved in organizations dedicated to promoting human and civil rights, including the A. Philip Randolph Institute and the Committee for the Defense of Soviet Political Prisoners.

It is a great privilege to welcome you to this conference on the fortieth anniversary of the adoption of Convention 87 on Freedom of Association by the International Labor Organization.

Perhaps it is a good time to look back over the last forty years, and the changes that have taken place in our views about the prospects for democracy throughout the world, especially here in the United States.

Forty years ago, we ended a great war. Most of us thought that almost everyone had learned the lessons of what the fruits of dictatorship were. We were living during a period of time when colonialism was reaching its end throughout the world. There was a great spirit of optimism, and a feeling that countries that had experienced dictatorship would abandon it at the end of the war. We thought that others would learn their lessons from the war, and that the many colonial nations which had not experienced democracy would, in shaking off the yoke of foreign rule, naturally choose to be democratic themselves.

That spirit and feeling of optimism did not live very long. Throughout most of the seventies, we read article after article and listened to many speeches about the decline of democracy in the world. They reported that many of the countries that had freed themselves from colonialism had then ended up as dictatorships of one type or another themselves.

We began counting the small number of democratic countries in the world. Indeed, there began to develop theories about how certain peoples hadn't had the appropriate culture for democracy. The view was also spread that there are different kinds of democracy—formal and political as against economic. A feeling grew that democracy, at least in the short run, could only be expected in those countries that had sustained a rather long tradition of democratic rule.

There was a great feeling of pessimism.

Now, of course, there has been a great change again. Because in the last few years, there has been a tremendous amount of movement, successful movement, toward democracy. Free labor movements around the world have played a very significant and important role in that movement.

I will leave many examples off the list, but just within the last few years, we have seen movements for democracy in the Philippines, Brazil, Korea, many of the countries of Central America, Argentina, Chile, and many, many others.

I suppose that this might be a time when one could return to some of the optimism of the late 1940s and early 1950s and, once again, revive the notion held then that there is a fundamental drive in peoples throughout the world which resists authoritarianism and totalitarianism and which constantly strives for freedom. Certainly we see that today in many of the East bloc countries.

A part of that feeling of optimism and movement toward the inevitable movement of democracy was the Freedom of Association Convention adopted by the ILO forty years ago. It is a standard that has been used throughout the world since then to evaluate countries as to whether they are indeed truly democratic by permitting the workers of their country to gather together in unions of their own choosing.

For most of the people here, ILO Convention 87 holds a very clear meaning. For us in the American labor movement, it is the basis on which we act throughout the world, through our regional institutes, the Free Trade Union Institute and within the AFL-CIO.

It is the standard which we hold up throughout the world to advance worker rights. And for trade unionists, it constitutes the central affirmation of their rights before the State and before the employer. For workers, it is every bit as important as the U.N. Declaration of Human Rights. This conference is testimony to the importance of ILO Convention 87 on Freedom of Association. The specifics will be addressed more thoroughly by Lane Kirkland and by other speakers, including a number of international guests for whom this convention has very special meaning.

These guests, from Pakistan, South Africa, Poland, Chile, and Nicaragua, have used this convention and Convention 98, which deals with the right to organize and collective bargaining, as standards to help bring about democracy within their own countries.

Now for us in the United States, it is difficult to understand how some international conventions can have so much meaning elsewhere. We don't pay very much attention to international bodies. Yes, we sometimes have our fights and our shooting matches with



Albert Shanker opens the conference and traces the theme of democracy in the world since ILO Convention 87 was adopted 40 years ago.

them and we maintain our disagreements, but the importance that we in the United States place on international bodies and international decisions is rather low. Many Americans therefore, would be very surprised by the time and attention that the AFL-CIO, for instance, devotes to the ILO.

What difference does it make?

That's what somebody—a well-known television commentator asked me this morning on the way here. When I said where I was going, he said: "What difference does it make?"

Well, I had occasion to visit Poland twice within the last seven or eight months. I was there for an independent human rights conference in Krakow, the first such conference to be held in the Eastern bloc. For some reason the authorities gave some of us visas while others did not get them. Lane Kirkland, for example, did not get one and I did. So I went.

As we talked to people in Poland who have struggled through these years we were reminded of just a few years ago and the great blossoming of Solidarity, which holds the trust of Polish society. We forgot (or perhaps just never knew) that before Solidarity rose—even before its founding—there were founding committees for free trade unions.

Those founding committees spent a good deal of time throughout Poland with workers, passing out fliers and circulars, making speeches at plants, and reminding workers that the Polish People's Republic had signed and had ratified Conventions 87 and 98.

Within Poland, and indeed within each of the countries that you'll be hearing about today, and within many that are not here today, these conventions became the heart of a campaign for democracy. They infused credibility and substance to the pursuits of those struggling to build free institutions within their societies.

Without knowing that context, without the discussions with people who at great personal risk carry on these pursuits, we can't answer the question: What difference does it make?

It makes a tremendous difference to workers in these countries because these ILO Conventions are the one thing that they have to hold onto in facing their own oppressive regimes. In their struggle they can say that this is the standard that the world holds to.

Indeed, in most of these cases, they can say this is even the standard that our own government has agreed to live up to and refuses to live up to. This gives them a moral basis to maintain that struggle.

The irony is that the United States has not ratified these conventions, and that the United States is held as a model by those who are struggling in these countries to build democratic societies and, within those societies, free trade unions.

Our failure to ratify gives an argument to the authoritarians and totalitarians whom these free trade unionists are facing within their own countries. As their unions are destroyed, as martial law is declared, and as they are led off to jail, unionists protest these acts of oppression as violations of ILO Conventions. But their own governments —as they move them off to jail—are able to shrug the whole thing off and say, "The United States is not able to speak on these issues. It hasn't ratified these conventions."

That, it seems to me, is the issue before us. Democracy is on the move. What the United States does or does not do will make a very great difference.

Yes, we have promoted democracy in recent years, even though we haven't

ratified these conventions. But everything that we do or don't do makes a difference.

And this action can make a very great difference.

We had been functioning successfully within the ILO for a period of time. We left. Since our return, the ILO, we believe, has functioned differently, partly as a result of our leaving for a period of time. Within the ILO, our ability to be as successful as we should be is severely limited by the fact that we have ratified none of the basic and most important conventions.

The legal part of non-ratification means that we are not able to lodge complaints through the central and most basic process of review. But then there is the moral part.

It is not just from the Jaruzelskis of the world, who are able to say "How dare they raise this when they haven't ratified it?" Very frequently it is our own friends and allies who raise the question of why it is that we have not moved on ratification.

Of course, there have been reasons, all kinds of technical reasons. A ratified convention has the force of a treaty, and so some fear it might possibly have an effect on laws within our country. There's been ample exploration of that possibility. Lane Kirkland testified before a Senate committee and categorically stated that, in his view, ratification would not change anything within the United States. He said that it is not the intention of the AFL-CIO to try to modify domestic labor legislation through the backdoor in ratifying this convention.

I think the bottom line on this is quite clear.

Read the convention. It's in your packets. Take a look at it. See if you, after reading it, can really believe that this is going to result in any alteration of American law.

And ask something else, too: in light of the success that democracy has had in recent years, in light of the prospects that we have in the years before us, shouldn't we, the United States, remove one of the arguments used against us? Isn't it time for us to remove one of the barriers that stands in the way of our being better leaders in this fight than we have been in the past?

The question is especially pressing today, because in the last few years, we as a nation have moved to applying these standards in our trade policies—standards which we refuse to ratify and yet which we now have written into the Generalized System of Preferences, as well as other trade legislation.

I can think of no more important issue for us to spend time on, especially in view of the fact that so many of our fellow Americans will ask and repeat the question: What difference does it make?

* * *

I'm very pleased at this time to introduce to you Lane Kirkland, the President of the AFL-CIO.

I'm sure that among the many things that Lane does, one of the things at the very top of his list is the work that he does in international affairs. Sitting at ILO meetings is not pleasant. I know. I did it once. They are long meetings, a lot of *pro forma* speeches, a lot of things that are difficult to tolerate.

It is not a wonderful trip to some pleasant place. It's a tough chore. Lane spends a lot of his time at ILO meetings and ICFTU meetings, TUAC meetings, and at meetings here in the United States dealing with the various institutes, the National Endowment for Democracy and many international questions.

I am sure that very few in the United

States realize this, but among the top commitments of the American labor movement and among the major commitments of Lane Kirkland is the commitment to the expansion of democracy throughout the world. Because that is what people choose when they are free to choose.

You cannot have democracy without strong, independent institutions—yes, not without a market; yes, not without business—but you certainly cannot have it without free trade unions.

Show me a country without free trade unions and I don't have to look any further with respect to the question of what kind of a country it is and what kind of a society it is.

The man who has championed this cause, not just for the United States, but in terms of the free trade union movement around the world, is with us today. . . Lane Kirkland.

Freedom of Association and American Foreign Policy

Lane Kirkland, *President, AFL-CIO*

Lane Kirkland was elected president of the AFL-CIO on November 19, 1979. He had served for ten years as secretary-treasurer, the Federation's second-highest office.

Mr. Kirkland is a member of the International Organization of Masters, Mates and Pilots; president of the Trade Union Advisory Committee to the Organization for Economic Cooperation and Development; vice president, International Confederation of Free Trade Unions; and a fellow of the American Association for the Advancement of Science. He has served on several presidential commissions and advisory boards including the following:

U.S. Delegation, International Labor Organization Conference, Geneva, since 1958
Blue Ribbon Defense Panel, 1969-1970
Board for International Broadcasting
National Bipartisan Commission on Central America
Commission on Security and Economic Assistance
National Commission on Social Security Reform

He is a member of the Boards of Directors of many non- governmental organizations, including:

American Council on Germany
American Arbitration Association
African-American Labor Center
Asian-American Free Labor Institute
The Rockefeller Foundation
American Institute for Free Labor Development
Council on Foreign Relations, Inc.
Free Trade Union Institute
National Endowment for Democracy

Welcome again to this conference marking the fortieth anniversary of Convention 87, the instrument that is in our view the soul of the International Labor Organization.

This meeting comes at an interesting time, a time of change and re-examination, as we prepare to embark on a new Presidential Administration in Washington.

Among the many questions that arise on the eve of this change is the essential direction of American foreign policy.

Having vigorously supported the cause of the losing Presidential candidate, and not being among the most favored constituencies of either the outgoing or the incoming Administration, I have no reason to believe that the views of the AFL-CIO will be earnestly sought by the White House. Nevertheless, in keeping with our customary generosity of spirit and because it is a free country, I shall offer them anyway. They can look farther and do worse, and they undoubtedly will.

I would argue strongly that there ought to be, in the forefront of a foreign policy worthy of the United States of America, a new and steadfast commitment to the advancement of human rights beginning with the basic rights of working people.

The most effective tool of that policy would be the aggressive advocacy of the principles spelled out in the terms of Convention 87 on freedom of association and the right to organize. Ideally, of course, that ought to begin with our own ratification of that convention, accompanied, if necessary, by such legislation as may be required, though arguably there is none.

But the firm incorporation of its

principles into our international economic and political agenda need not wait for that happy day when the Chamber of Commerce and Abe Katz (of the U.S. Council for International Business) and his clients see the light on the road to Damascus.

That can proceed now, in the likely continuing absence of formal ratification, through even more substantial steps, such as the commitment of added resources to the instruments that are in place, ready to give life to the pieties of diplomatic discourse. Such a modest move as the full payment of dues to the International Labor Organization would be a good start. Substantially greater funding for the National Endowment for Democracy and for the labor programs of the Agency for International Development would strongly enhance the credibility of a New Start in those vital parts of world society where plain people—rather than financial, mercantile, and governmental elites—live, bear the burdens, and, sooner or later, declare themselves and move the course of the world.

There ought to be a strong embrace by the new Administration and the Congress of the tripartite approach to regional solutions embodied in the idea of the Central American Development Organization, which has been languishing dormant, waiting for the breath of life. This would add vital reinforcement and real incentives to the Arias proposals for peace and progress in that deeply troubled area.

Most importantly, a foreign policy dedicated to the goal of making the world safe for human institutions would press wholeheartedly without reservation, for the incorporation of a social clause in the General Agreement on Tariffs and Trade (GATT). The denial of basic worker rights should be clearly defined as the unfair trading practice that it is.

This year also happens to be the 40th anniversary of GATT and there could be no more fitting way to observe the coincidence of both occasions.

Such action has been pressed for years by the International Confederation of Free Trade Unions (ICFTU) trade union representatives at every economic summit. Yet, even a feeble proposal to initiate inquiry into the matter is stalled in the Uruguay Round by the guilty, the mercenary and the indifferent.

There is then all the more reason for this country to pursue vigorously a policy and a review process, enforced by appointees who really believe in it that will realize the full intent of the worker rights provisions of our own trade laws.

The American labor movement has not been willing to accept patiently the verdict of multilateral inaction on this vital matter. Absent progress at the GATT level, we have acted in concert with our friends in the Congress to embody the principles of ILO minimum labor standards in legislation governing the Generalized System of Preferences, the Overseas Private Investment Corporation, and in this year's omnibus trade measure.

We have secured provisions calling for the observance, by nations enjoying the opportunities of these laws, of the right to associate, the right to organize and bargain collectively, protection from forced labor, a minimum age for child labor, and acceptable conditions with respect to minimum wages, hours of work, and occupational safety and health—and not just on paper, but in fact.

These are not measures of moral imperialism seeking to impose our own



Lane Kirkland addresses the conference on "Freedom of Association and American Foreign Policy."

standards or abstract ideals on the rest of the world. They simply say that it is reasonable to expect nations who wish to exploit an American market created and sustained by decent standards of life, and labor to at least demonstrate real progress toward the establishment in their territories of the very basic universal rules that they participated in making through their membership in the ILO.

The labor movement has a major role and responsibility in the review and enforcement processes of these provisions and we take that duty seriously.

We have already urged our government to exclude from the Generalized System of Preferences a number of countries that, according to our best information, have failed to show progress in correcting abuses of worker rights, and we shall just as actively pursue enforcement of the 1988 provisions making persistent denial of worker rights an unreasonable trade practice.

Just one case in point should make it clear what this is all about and why it is so necessary. Take the case of Malaysia. In recent years, more than two dozen American companies have built electronics plants in a part of that country where workers are forbidden by the government to unionize. Last year, Malaysia was the ninth largest exporter

to the United States under the Generalized System of Preferences program.

A few weeks ago, after the United States government agreed to consider the AFL-CIO's petition to lift Malaysia's GSP status, the government there suddenly lifted that ban on unionization.

That move brought howls of indignation from the American electronics industry executives there, who made it clear that if the Malaysian unions came in, they would pack up their factories and leave the country. Within a few days, the government reversed its decision.

We see no reason to grant privileged access to the American market to a nation which sells out the rights of its own people, particularly to American businessmen who have enjoyed in such full measure the liberties and opportunities of American life. Our petition to deny GSP status to Malaysia remains in effect and we shall continue to seek such action by our government. And I suggest that this is the kind of clear message that will cause the world-at-large to pay far more attention to Convention 87 than it has in the last forty years.

I further suggest that if more ICFTU affiliates sought to include such worker rights provisions in the trade laws of their own countries, then resistance to multilateral acceptance of the social clause in GATT agreements would rapidly diminish. The result would be to give the conventions and procedures of the ILO far more real weight and meaning than routine ratifications, the Committee of Experts, and the Committee on Application of Standards can now possibly hope to achieve.

We do not seek to diminish trade between nations, but to enhance and enrich it. After all, what purpose of enterprise can there be more worthy of promotion by democratic societies than the improvement of the lot of those who do the work and create the values to be exchanged? The elevation of standards and the institutions of that purpose broadens markets and enlarges trade as a channel of progress for all rather than the gross enrichment of a few.

Closely linked today to the issues of standards and rights in trade is the ponderous and oppressive burden of third world debt. No aspect of policy is more pressing than the search for a way to end the recycling of capital from banks through the pockets of tyrants and frauds, and by capital flight back to other external banks.

This cycle leaves in its wake no value but mounting debt to be serviced endlessly by the sacrifice of the innocent and the further impoverishment of the poor. We support proposals for the creation of a new international mechanism to acquire this debt at its discounted market value and to negotiate a new deal with the nations now staggering under this load.

A national policy with the elements that I have outlined would enhance and reinforce rather than—as is now too often the case—contradict and impede, the performance of the duty of the free trade union movement to spread the gospel of freedom of association as far as we can make it reach.

Governments are important, of course, but presidents and policies come and presidents and policies go. The responsibility to defend and advance this cause year in and year out is essentially ours and we can acknowledge no limits or boundaries upon it.

Two weeks ago, when Dr. Andrei

Sakharov visited AFL-CIO headquarters to receive the George Meany Human Rights Award—two years late and 11 years after he was prevented from attending our 1977 Convention—he observed with regret the fact that in his country, there are no real trade unions.

But he sounded a note of hope that the changes now underway—symbolized perhaps by his own case—open the possibility that they may yet emerge.

Dr. Sakharov said to us then:

"There are many independent movements that have sprung up. Surely, what is next is that some consolidation efforts will be made in the Soviet Union among the working class. As a matter of fact, some of the steps are already taking place now."

He then went on to say: "I believe that all of the people in the Soviet Union expect that in such a case they can count on the support of the free trade unions in the West."

I trust that this expectation proves to be justified. Certainly, the hope expressed by Dr. Sakharov cannot be well served by disregarding or glossing over the vital distinction between free institutions and instruments of state power. We in the labor movement of this country, like all Americans, have been tempted from time to time over the years by the fatal lure of isolationism, but we have not succumbed—at least not for long.

Today, more than at any other time in history, the world will not let you do that. In this day and age, you cannot be a good trade unionist or perform your duties fully as a representative of working people unless you are, to some degree, an internationalist.

The global marketplace, the rapid mobility of capital, the inscrutable nature of flags over most work places, and the indifference of corporate managements to national values and aspirations that do not translate into profit, are facts of life that trade unions cannot wish away. Clearly, to an ever-increasing degree, the defense of the rights and standards of labor in one country requires that we act in concert with free labor everywhere to defend and advance those rights and standards in all.

While rejecting isolationism, we also reject the unprincipled pursuit of something variously described as "the national interest" or "pragmatism." I'm reminded of the remark of a skeptic who said:

"The trouble with pragmatism is that it doesn't work."

It was, I suggest, arguments of "national interest" or "pragmatism" that sped Chamberlain on his flight to Munich; and that bred the plot to overthrow Mossadegh in Iran for the sake of big oil, and that inspired other exercises and adventures by the best and the brightest that came to no good end at the final reckoning.

We argue rather for a doctrine rooted in a universal and enduring proposition: the service of the aspirations of plain working people for freedom, a better life, and a fair share in the fruits of their labor.

No nation can go very wrong in the pursuit of such a goal, and freedom of association is its leading instrument.

Seven years ago, I sent a message to the First Congress of Solidarnosc, held in the period when hope was still high that Poland would honor its obligation under Convention No. 87. That message said:

"For all who believe in peaceful relations among States, there is no task more urgent than unlinking human rights and freedom from the question of who owns the means of production.

"Freedom of association, of assembly and of expression are the indispensable means by which the people of each nation can decide for themselves which forms of social and economic organization are most appropriate to their needs, their traditions and their aspirations.

"To the extent that this principle is reflected in the conduct of government, doors will open on broader avenues to peace, to normal intercourse among nations, and to a more just allocation of resources."

I continue to believe in the relevance and validity of that argument.

In the words of Albert Camus:

"Since the 19th century, the workers' movements have assumed responsibility for the double honor of freedom and justice without ever dreaming of saying that they were irreconcilable."

We must continue.



(First row, left to right) John J. Barry, President of the International Brotherhood of Electrical Workers (IBEW); Lenore Miller, President of the Retail, Wholesale and Department Store Union (RWDSU); Stuart Appelbaum (RWDSU); and (middle second row) Tadd Linsenmayer, Department of Labor, listening to President Kirkland's address.

Convention 87: Witnesses To The Struggle

Panel Moderator: Tom Kahn,
Director
Department of International Affairs, AFL-CIO

Tom Kahn is Director of the International Affairs Department of the AFL-CIO. Prior to his appointment to this post in August, 1986, he served for 14 years as Assistant to AFL-CIO Presidents George Meany and Lane Kirkland.

Active in the civil rights movement, he assisted A. Philip Randolph and Bayard Rustin in organizing the 1958 and 1959 Youth Marches for Integrated Schools and the 1963 March on Washington for Jobs and Freedom.

From 1964 to 1971, Mr. Kahn was executive director of the League for Industrial Democracy, except for a period in 1968 when he was assigned by the United Auto Workers to work in Hubert Humphrey's Presidential campaign. He serves on the board of the A. Philip Randolph Institute, the International Rescue Committee, and several other human rights organizations.

Good morning. For those of you outside the Beltway, I'm Tom Kahn. I'm Director of International Affairs for the AFL-CIO. And my role at this conference will be primarily to serve as a traffic cop. So although you will see much of me, my interventions will be brief. Most of the people to be introduced throughout this conference require little or no introduction.

I'm going to serve as a moderator for a panel discussion, which we've entitled "Convention 87: Witnesses to the Struggle." And we have with us several leaders of the fight for trade union rights and democracy from various countries of the world. I want them to have as much time as possible to tell you about their struggle and what they're doing, and as much time as possible for you to ask them questions.

Let me introduce all of them at once and then proceed to hear from them in the order in which they are listed in the program. The first of our speakers will be Konrad Bielinski from the Warsaw Region of Solidarnosc, who has been a leader in the opposition movement in Poland since 1972; has been editor of various Solidarity publications; has served some time in jail; and has been released under the national amnesty of September 1986.

Our second speaker will be Alvin Guthrie, Secretary General of CUS of Nicaragua, who was also a leader of his union's struggle against the Somoza dictatorship. The leader of that union was murdered because of those activities. Alvin succeeded him and has been trying to protect his union and its members against the harassment and intimidation of the Sandinista regime and its efforts to force all workers into the state-controlled trade union movement.

Our third speaker will be James Mndaweni, President of NACTU, the National Council of Trade Unions of South Africa. There have been a number of trade union federations formed in South Africa. The AFL-CIO has sought to aid as many of those who seek our help as we can in the belief that probably the most important change that has taken place in South Africa in recent years is the emergence of the black trade union movement there.

Our next speaker will be Osvaldo



Tom Kahn, moderator of the panel, "Convention 87: Witnesses to the Struggle."

Verdugo, who is the President of the Colegio de Profesores of Chile. It is the largest teachers organization in that country and it played a very important role in mobilizing the "no" vote in the recent plebiscite in Chile.

And then our final panelist will be Khurshid Ahmed, the General Secretary of the All Pakistan Federation of Trade Unions, who has been an active trade union leader for 32 years. In 1974 he was elected General Secretary of the All Pakistan Federation of Trade Unions, the largest democratic trade union federation in Pakistan, with 620,000 members.

With that introduction, I will call on them now. I will ask each of the speakers to confine himself to about 10 to 15 minutes so that we have time for questions before we adjourn this meeting.

Konrad Bielinski
Warsaw Region, Solidarnosc

Konrad Bielinski began his career of opposition to Polish government policies in 1972 with a protest against a state-imposed unification of all existing student organizations. In the 1970s, he was a co-signatory of a number of petitions opposing various amendments to the Constitution and objecting to certain governmental policies. In 1977 he became a member of the Workers' Defense Committee (KOR), the first overt opposition group in Poland. He was one of the founders of the first independent publishing house (NOWA) in Eastern Europe which he administered until 1980. In August 1980 he set up the strike printing office in the Gdansk shipyard and edited the "Strike Information Bulletin—SOLIDARITY," a strikers' daily bulletin.

During the fifteen months of legal Solidarity activity, Bielinski was the editor-in-chief of the Warsaw Solidarity newspaper "Independence."

He was jailed on December 13, 1981 and escaped nine months later and joined the Warsaw Solidarity underground movement. He was a member of the Warsaw Solidarity Executive Committee headed by Zbigniew Bujak and a close associate of the Temporary Coordinating Committee (TKK), Solidarity's underground leadership. In May 1986, after four years in the underground, he was arrested together with Zbigniew Bujak and Ewa Kulik and spent three

and a half months in prison. He was released under the national amnesty in September 1986.

I would like to talk about Convention 87, the reception of convention in Poland, and how important this convention regarding free trade unions is for labor in the countries governed by the Communist Party.

The adoption of Convention 87 in 1948 coincided with a massive attack in Poland both on the activities of free trade unions that had survived the occupation period and on those who supported the continued development of these unions. It was also the year when the Polish Socialist Party was closed down. This marked the death of the free trade unions.

It was also the time of Stalinist terror, and the free trade unions were transformed into a communist party-controlled government agency. Some leaders became members of the government and took governmental salaries. Others simply disappeared from the public life.

I think that it is very significant that, at that time the Communist powers set out to destroy not only the free trade union movement and those attempting to organize it, but also the memory and the tradition of free trade unionism in Poland.

So that when, after several years, in 1956 we had a momentary breakdown of the Stalinist system, along with a period of considerably enhanced freedom and revitalization, free trade unionism was still dead. We didn't have any strong social movement at that time which could demand the reactivation of authentic free trade unions in Poland.

Ironically, at the same time the workers of Poland were organizing an uprising, nobody had thought to struggle for the labor laws that would create a framework for free trade unions.

The trade unions under the Communist-controlled government became organizations which were only ceremonial, for occasions like May Day, which ironically, had never lost its association with the workers' movement and the workers' struggles for their rights and freedom.

So that for the ensuing years, about twenty years, we didn't have even the basis for free trade unions in Poland. But even though we didn't have a free trade union, the Polish government ratified Convention 87.

Ratification was not the result of social pressure. It was the result of a political decision that was, as I understand it, coordinated with a majority of the governments of the so-called Soviet bloc.

Poland ratified Convention 87 when no one could imagine that the Polish workers were in a position to actively demand the implementation of its rules.

Although the convention got ratified, its text, for all practical purposes, was not known. It was published only once in a little volume and was practically unknown to my generation, growing up in 1960s and 1970s. We didn't have an opportunity to get acquainted with the tradition of free trade unions or the text of this Convention 87 that the government had ratified.

It was only after 1976—after several uprisings and the big wave of repression which followed those uprisings—that there were conditions in which a limited but very intense movement of Polish intellectuals created a significant interest in society at-large in the principles of Convention 87. These were

the same intellectuals who all along had been giving a lot of assistance to workers and labor.

We started publishing the text. We started delivering its message to groups of workers. And only then for the first time, especially because the government of Poland had ratified Convention 87, did we have a moral argument to demand certain rights for workers.

The year 1980 was a year of uprising in the shipyard in Gdansk. In the shipyard the text of Convention 87 was very well known and very widely publicized, and it provided a basis for negotiation between workers and the government.

Indeed the agreement reached in Gdansk constituted the authentic ratification of Convention 87 in Poland. That real ratification took place because of pressure from labor during the uprising of workers, who made respect for Convention 87 a main demand of their strike.

The 16 months that followed were the only 16 months when Poland respected the rules of Convention 87.

Now I am sure that we will continue to analyze this period because during that time, we realized how many elements required change in the relationship—the political and economic relationship—between the government and society. We realized how many things must still take place before the convention would be truly respected.

Through the activities of Solidarity, which put the principles of Convention 87 into practice, we came to realize that we had not done our job broadly enough because the Communist government had not accepted fundamental change. The government prepared a counterrevolution and then counterattacked 16 months later. Since that time, which is already seven years ago, we have had seven years of experience of free trade unionism in the underground. We have had free trade unions whose members have been punished with jailing—its participants could be jailed at any time. And this type of law and its implementation by the government is still a reality at the present moment.

After these seven years of Solidarity's struggle for survival, I can say that we won. That is very clear. And we are going to stay. Even the Communist powers are aware of our victory.

I can say that because, besides our own domestic activities, which were very important for our survival, the support and solidarity of free trade unions internationally was also of great importance. We never had a doubt, even for a moment, that we had the support of your free trade unions. That was very important to us, and it was also very important to us that the International Labor Organization criticized the lack of respect for Convention 87 in Poland. It sent very important moral support to us in our activities domestically in Poland.

We still struggle. The Communist powers still violate Convention 87. For example, there is a law which says that in each company, in each factory, there can be only one labor organization. This is the Communist power's way of legally forbidding the organization of free trade unions and allowing only the official government trade unions to exist.

We have been petitioning the court for acceptance of the free trade unions, but the court did not accept our case, and told us that even though Convention 87 has been ratified, it has no meaning for the Polish legal system. As I said, the fight for implementation of Convention 87, which means legalization of Solidarity as a free trade

union, is going to continue. But we have already survived the most important battles.

At the present moment Poland is, in some sense, in a very tragic situation. Today, the Polish economic condition only worsens from year to year. Everybody, including the Communist officialdom, knows that the only solution is acceptance of Solidarity, compromise with Solidarity, and joint efforts to solve the economic problems and to end the crisis.

Even so, the Communist government has not been willing to change its ways. During the latest negotiations, the Communist power was not successful in reaching agreement with us, thus again postponing a possible solution.

It is Convention 87 which says that to create free trade unions is one of the most important or maybe essential values of the international free trade union movement. It is this goal that international free trade unions will strive toward in their fight to improve the conditions of all workers.

Alvin Guthrie, *General Secretary Confederacion de Unificacion Sindical (CUS)*

With roots in the Caribbean black culture of Nicaragua's Atlantic coast, Alvin Guthrie became active in the CUS during the struggle against the Somoza dictatorship. After the leader of his union was gunned down by the Somoza National Guard in January of 1979, Guthrie helped organize the boycott of Somoza's shipping facilities and the general strike that contributed to Somoza's downfall. After the 1979 Revolution, Guthrie and his colleagues were confronted with a new, Sandinista dictatorship which attempted to impose a Soviet-style, state-controlled trade union federation on all workers. The Sandinistas tried to eliminate independent unions by means of harassment, arrests, jailings, beatings, the ransacking of headquarters, the rigging of elections and the use of death threats. Guthrie's office has been attacked by Sandinista mobs, and the walls of his house have been painted with death threats.

The CUS has appealed for help to the International Labor Organization (ILO), the AFL-CIO, and the International Confederation of Free Trade Unions (ICFTU) to put pressure on the Sandinista Government to end its harassment of independent trade unions and open dialogue with the democratic opposition for the purpose of ending conflict in Nicaragua.

I wish to congratulate the AFL-CIO and express my appreciation for this conference to commemorate the fortieth anniversary of the adoption by the ILO of Convention 87, designed to guarantee freedom of association for workers everywhere, as well as protecting our right to organize.

It is very important and of the utmost urgency that all countries search for a way to preserve and maintain the liberties outlined in Convention 87. Obviously, the responsibility falls to

those countries that already practice genuine democracy in an effort to satisfy the needs of their people.

One of the most important steps in an effort to achieve total democratization in any country is precisely that of respecting freedom of association and protecting the right to organize.

Our struggle to obtain the right of unlimited association and union activity was one of the determining factors in overthrowing that right-wing dictator, Anastasio Somoza, who for more than 45 years, clung to power—controlling all areas of government while ignoring the fundamental rights of the Nicaraguan people.

Today, we fight against a revolution that promised—and then took from us—all of those liberties and freedoms associated with human and trade union rights. The Sandinista Front, which calls itself a leftist government based on Marxist-Leninist ideology, has little concern for the basic principles of freedom of association and the right to organize.

Its interpretation of our revolution includes the concept of a single party. To its leaders revolution means the right to confiscate private property; revolution means the right to jail any and all who might oppose their revolutionary power.

Revolution means the institution of a single, government-controlled labor confederation. In short, they believe in total control of the people. For these reasons our revolution has come to mean only betrayal, hunger, misery and death to the Nicaraguan people.

Two campesinos associated with our Confederation of Trade Union Unity's cause were martyred on Sunday, October the 2nd, 1988, in the community of Quezalguaque, Department of Leon.

The pro-governmental newspaper *El Nuevo Diario* carried headlines announcing that three residents of Quezalguaque, including Alejandro Peralto Orbina and Fernando de Jesus Torres, close associates, had been murdered in the style of Al Capone by persons carrying Soviet-made machine guns.

Jose Espinoza, Political Secretary of the CUS, and I demanded that the government conduct an investigation in the name of justice for the victims and punishment for those responsible.

As a result, we were accused by the Sandinista government for having committed calumny against them for inferring that soldiers might be responsible. We were called before the Sandinista court where we were condemned as revolutionaries. We were required by Sandinista judges to pay a fine of 37,500 cordobas each. The three assailants who, according to witnesses, were dressed in military uniforms, have not been identified or charged as yet.

On October 10, 1988, in the City of Chichigalpa, a campesino leader by the name of Luis Felipe Murillo was asked to furnish identification to a reserve military officer in that community. After showing his CUS identification card and turning to leave, Murillo was cursed for being a member of the CUS and shot in the back by this same officer, who was also carrying an AK-47 weapon. It is only by the grace of God that Murillo is still alive.

We are constantly accused of being counter-revolutionaries because we try to make use of our constitutional rights and also of Convention 87, which was ratified by Nicaragua in 1967.

Workers who believe in free and democratic trade unionism have come to the conclusion that democratization is the single most important enemy of

the Sandinista Front. Democratization is a key element in the peace plan known as Esquipulas II, which was signed by all five of the Central American Presidents.

When this peace plan was put into effect at the beginning of this year, all of the political parties and labor organizations enjoyed a period of rapid growth. But this only lasted for six months. At that time, the Sandinista government announced publicly that it could not afford to be weak or flexible and that if the country were to continue in the way it was going, the revolution would be lost.

Their campaign against the "excess" of democratization culminated on Sunday, July 10th, when they betrayed the Esquipulas II peace plan in the City of Nandaime.

Leaders of the civic opposition affiliated to the Coordinadora Democratica, a coalition of political parties, private enterprise, and two labor confederations, were sent to jail for participating in peaceful demonstrations which had been authorized by the police.

This deviation from the spirit and intent of the Central American Peace Plan, as carried out by the Sandinista Front, contradicts the public declarations of its desire for peace, promoted so heavily in the outside world by the Sandinista government.

In Nicaragua freedom to organize is limited in several ways. Belonging to any organization which has not been created and managed by the Sandinistas can lead to jail at any given moment. At present, fifty-two CUS activists are confined in Sandinista dungeons. It is particularly important to note that, in contrast, jails do not exist for government supporters. I say this because when our headquarters and offices are attacked, we are often the ones who wind up in jail. This was the case on August 25, 1984, when the CUS headquarters was invaded by what the regime terms a "divine mob," under the control of the government. This mob beat and injured women, workers and campesinos, leaving a total of 28 victims in its wake.

At the beginning of the revolution, we were in agreement with most of the property confiscations made by the government. But, it soon came to our attention that one of the principal objectives of confiscation was to end our right to organize in the work place.

Immediately after taking over any business, the Sandinistas would install a political representative and create a Sandinista Defense Committee to assure there would be no political deviation. All of this goes on while we who practice free and democratic unionism are accused of being betrayers of our country, enemies of the people, and counter-revolutionaries on the side of the Yankee imperialism.

Early in 1988, the San Antonio Sugar Mill, largest in Nicaragua, was confiscated from its private ownership by the Sandinista government. Fifteen days ago in a speech at that sugar mill, Comandante Jaime Wheelock, one of the nine Comandantes representing the government, threatened that any worker who raised his hand to promote a strike at that sugar mill would have his hand cut off.

Agrarian reform has meaning only for those who are affiliated with the Sandinista cause. Sandinista farmers enjoy bank loans and special prices for vegetables and agricultural implements, as well as for seed and fertilizer.

It is important to remember that this government has declared itself to be a government of workers, campesinos,

and farmers.

Those of us within the free trade union movement, as are yourselves, believe that bombs and bullets do not unite peoples. For this reason, CUS made a call to all Nicaraguans asking for an end to the war and looking for a civilized way to resolve our differences through a sincere tripartite dialogue.

Clearly, this must be done in a spirit of good faith with betrayal by none. This dialogue should include the Sandinista party, internal civic opposition groups, and the counter-revolutionary military forces.

Since the time that Nicaragua achieved its independence from the Spanish crown, no government has changed hands through peaceful elections. Our governments end their terms by being expelled from power through the violence of arms. It seems that anyone who achieves power in Nicaragua is unable to release it peacefully.

This is the moment in which we must democratize Nicaragua so that we Nicaraguans can begin a civilized democratic process. The violent acquisition of power always leads to subsequent dictatorship. But it should not be necessary to eliminate or send to their graves any of the parties in a political conflict.

Dialogue is the only reasonable solution because eight years of civil war in Nicaragua have only resulted in continued mutilation—more widows and orphaned children, as well as citizens who flee their country in search of peace and tranquility.

It is necessary that in the year 1989 we Nicaraguans find a way to live among ourselves in peace in order to improve our economy, which is now a total disaster. At the current rate of exchange, the minimum wage is about $5 a month or 25 U.S. cents a day.

Ten days ago, the opposition newspaper, *La Prensa,* headlined the fact that inflation had taken on hurricane force—and this, without taking into account the disastrous effect of Hurricane Joan, which brought us even more hunger, destruction and misery.

In the midst of this situation, characterized by total desperation, the free trade union movement in Nicaragua asked the new administration of President George Bush to suspend the commercial embargo against our country. Those who suffer from this embargo are the Nicaraguan workers and the people in general. Your new Administration must find a way for our two countries to live in peace and future harmony.

The free Nicaraguan labor movement has always said that we support and will support any political ideology that defends and practices those concepts of human rights which will give us freedom, pluralism, and democracy.

Once more, I want to thank you, my brothers in the AFL-CIO, for having conceived this brilliant idea to celebrate the fortieth anniversary of Convention 87.

Nothing is more important to the workers of the world than freedom of association and our right to organize, as these are the things that make possible a free and democratic labor movement in this world.

Thank you, and may God bless each and every one of you.

***James Mndaweni,** President*
National Council of Trade Unions
(NACTU)

James Mndaweni is President of the National Council of Trade Unions (NACTU), one of the two independent anti-apartheid trade union federations in South Africa. NACTU has strong contacts with many AFL-CIO affiliates. Mr. Mndaweni has been a long-time activist and official of the South African Chemical Workers Union. He was an official of NACTU before becoming President.

Mr. Kirkland, President of the AFL-CIO—Brother Lane Kirkland—and brothers and sisters, may I take this opportunity to thank you for inviting NACTU to this conference.

The National Council of Trade Unions is the second largest federation in our country, launched in 1986, having 150,000 signed-up members of the oppressed and exploited African masses.

NACTU is a practical example of the theme of this conference, that is, freedom of association and independent trade unions. Through NACTU's practice of non-affilation to political organizations, we have practically demonstrated this principle in various ways.

NACTU is committed to the national liberation struggle of the oppressed and exploited majority until they achieve their national independence and social emancipation. But NACTU is not advocating party politics. We will respect our members' individual freedom of choice. The right of an individual to have his own political persuasion is highly respected in our federation.

Political independence within our federation has been demonstrated in the following manner:

1. It is only NACTU that has met with all political liberation movements in our country. In August 1987 we met with the Pan African Congress (PAC) of Azania in Dar es Salaam, Tanzania. In May 1988 we met with the African National Congress (ANC) of South Africa in Harare, Zimbabwe. In June 1988 we finally met with the Black Consciousness Movement of Azania (BCMA), again, in Harare. Is this not democratic? Is this not freedom of association?
2. Of course, in NACTU we educate our membership on all political outlooks. We educate our members on the Freedom Charter of the ANC; The Pan-African Manifesto of the PAC; and, most recently, we are distributing the Manifesto of the Black Consciousness Movement of Azania. This allows our members to determine their association. NACTU conducts its education, not by interpretation as we see it, but by inviting experts who belong to one of the organizations to conduct these courses. Is this not being democratic? Surely there is freedom of choice in NACTU.
3. NACTU has not adopted any of the political documents, but we remain supportive of all our liberation movements' documents. NACTU remains convinced that adoption of any one document is

tantamount to political imposition of a particular tendency. The international community is also guilty of this offense. They normally choose leaders for us while claiming to be supportive of our struggle. If you support our struggle, you support all liberation organizations committed to our national liberation struggle. Support for only one particular tendency is tantamount to political imposition and interference in the exploited African majority's struggle. We do not welcome such support which is undemocratic to our people.

4. At NACTU's first annual congress in August 1988 we noted the deteriorating health conditions of our national leaders, and we called upon the racist regime for the unconditional release of Comrade Nelson Mandela, the leader of the ANC, and Uncle Zeph, Comrade Zephania Mothopeng, the president of the PAC. It is interesting to note that NACTU did not choose a leader, but called for the release of the leaders of our people on the basis of their health condition. Is this not further demonstration of democracy and respect for individual political inclination? We do not choose leaders for our members, but we educate them to choose the right leaders for themselves. There is no factory where workers have only one particular school of thought. We don't feed our members with fish, but we teach our members how to catch fish. If you support our struggle, support all the forces that are fighting against the racist regime.

Mr. Chairman, to get to the topic of freedom of association I wish then to state the present situation in our country which is confronting the oppressed and exploited majority today:

We have recently witnessed the indiscriminate shootings of African people in Pretoria, the capital, by a white supremacist group.

In apartheid South Africa today the African majority has no vote, has had no vote, and did not vote for this government. More than 28 million people have no say while 4.5 million whites control our every move through their vote. Is this democracy and justice? Is this freedom of association? This makes a mockery of democracy to say that the South African government is legitimate.

What we see today is the amelioration of apartheid. Botha is trying to divide the African leaders through the "Botha African Safari." This is truly big game hunting. The problems of our country cannot be resolved by Botha with his Safari trips. We believe that the oppressed and exploited masses of our country are the vehicle for change, not other leaders or other countries, and we are the decisive force in the future of South Africa.

Presently there is an intensification of press curbs where renewed censorship has allowed the racist regime of Botha to be the only source of information. This has rendered the independent newspapers totally impotent. We are witnessing the threat of closure of newspapers and magazines which publish news not approved by the Botha regime. Where is freedom of speech? Where is freedom of the press? Would this regime be associated with governments of the West? Then one stands to question what has been done by the Western world to this undemocratic racist regime.

Seventeen organizations were banned on February 24, 1988. Last month, in October, two more organizations were banned. Every organization of the oppressed masses of our country has from time to time been confronted with actions intended to render it ineffective. We are proud of the history of the resisting forces in our country that have always been able to wage the struggle of the oppressed and exploited despite the racist regime's actions. Where is freedom of association? Where is freedom of political expression? Is this accepted as democracy? The elections of October 26 were proclaimed as a milestone by the racist regime. Various groups were made to vote on the same day for racially segregated candidates as counselors. Opposition to October elections were made virtually illegal by the racist regime unless you registered to vote as a candidate. This carried a penalty of ten years in jail or a twenty thousand rand fine (almost 10,000 U.S. dollars). Ten days prior voting was allowed so as to give time to those who wanted to bombard, bully, cajole, and/or force our people into voting.

Blacks in squatter camps were forced to vote or face threat of eviction. Employers in Potchefstroom forced workers into voting or lose their jobs. Electricity was cut for township residents who refused to vote in Bolgolethu township. Police intimidation, from house to house, happened in Vosloorus in the East Rand (outside of Johannesburg) by confusing people and telling them than an "x" would mean non-voting, when in fact it was a vote.

Is this a free election? The struggling masses of our country reject group rights. We want one person/one vote based on a unitary state. The oppressed and exploited African majority will only vote for a non-racial democracy in a united country which will guarantee individual rights. NACTU stands for non-collaboration. We will not participate in government-created structures. We vow not to participate in these structures.

The Labour Legislation Amendment Act of 1988 has taken away what the workers have achieved in the past decade. We now have to be on probation for six months, and a worker is rendered defenseless at this stage because his employer can exploit him as he wishes. Our trade unions will now be sued for damages arising from industrial action. This is intended to close down our trade unions. Solidarity action, which is the basis of trade unionism, has been declared illegal through this amendment. Has the freedom of association been safeguarded by this amendment of the Labour Relations Act? What were the intentions of the employers when they connived with the racist regime? I'm afraid there is no freedom of association in racist South Africa today.

Resettlement of our people is continuing from "white areas." The Association For Rural Advancement (AFRA) reports that in Natal 100,000 people have been forcefully removed from "Black Spots" since 1960, with an estimated 160,000 people still threatened with removal. Examples are:

- The people of Cornfields, an area bought by an American baptist missionary, Reverend William Wilcox, in 1912. He sold it to the African people before the Land Act of 1913, which prevented African people from owning land.
- The racist regime continues to manipulate removals through the neglect of provisions of community development resources such as



An overview of the panel, "Convention 87: Witnesses to the Struggle": (left to right) Konrad Bielinski, Alvin Guthrie, James Mndaweni, Osvaldo Verdugo, and Khurshid Ahmed.

water, roads, schools, clinics. An example of this is in the Oukasie township near Brits where the Black residents are being forced to move to government designated areas.

Where is freedom of movement as well as the right to own land? NACTU believes that the land belongs to the indigenous people and we will continue to fight for the repossession of our motherland, South Africa. The present debate by the racist regime on the Group Areas Act and the Squatters Act Declaration Amendments promotes further violations of freedom of association. Our people are denied the right to decide where to live. And the houses that are being sold are being priced out of the reach of the ordinary man. Where is freedom of movement? How can people of the land be denied the right to live where they would like to live? Our people will continue to resist until these laws are scrapped. This is a clear violation of the universal declaration of human rights.

Reprieve for the Sharpeville six is welcomed but we continue to demand the unconditional release of our comrades. The fate of the four policemen was determined by local white, conservative settler/politicians while the fate of the Sharpeville six was

clearly the result of unprecedented international pressure. NACTU was in the forefront of this campaign to save the Sharpeville six. A question we ask today is: What would have happened without the international pressure and our own internal efforts? The subjectivity of this process is totally unacceptable when it involves the lives of the people. This is why capital punishment in our country must be reviewed as a matter of urgency. We reject the whole system. The Sharpeville six preferred to die rather than serve such long sentences, according to their lawyer. How many innocent people have died at the gallows of the racist regime in an unjust manner? According to The Human Rights Commission 115 people have been executed this year and 49 death row prisoners have been granted reprieves. Lawyers and others demand explanations and justification for the arbitrary selection of condemned prisoners for reprieve. Since 1983, 627 people have been executed out of 994 who were sentenced to death. Where is fairness and justice?

More than 51,000 of the total detainees were held during the three periods of the state of emergency. As you will recall, the second one was declared in 1985, and the current one was declared in June 1986. The Commission further reports that 15,000 children under the age of 18 years have experienced detention since then. In 1977 the racist regime reported 259 detainees were under the age of 18, and the youngest was 10 years old. The proportion of women in detention is 10—15% of the total detainees according to the commission. Since 1981, 75—80% of all detentions ended without any charge in a court of law. Of those charged, only a small number were convicted. Records show that since 1967, escapes from detention total only 30 and that there has been only one recapture. Where is there freedom in a country where you can detain small children without trial? Where is freedom of association where people are denied the right to oppose the unrepresentative racist regime? Joyce Sedibe, our Pretoria coordinator and two other NACTU staff members have been detained.

The Internal Security Act, section 29, gives the right to the racist regime to hold detainees incommunicado for interrogation for an indefinite period. Such detainees don't receive visits from their families and they don't see their lawyers. Where would you expect to find justice in such an unjust regime? Where is freedom of expression and association?

Political activity has now been rendered illegal through the Delmas treason trial. Anything you do to oppose the racist regime is now seen as treasonous according to the Delmas treason trial judgment. Community organizations—and indeed everyone, is now faced with the difficulty of determining what is treasonous. What are political prisoners, such as Nelson Mandela, who is being released in stages, and Uncle Zeph Mothopeng, who has been unconditionally released, supposed to do under such circumstances? We are further concerned about other political prisoners who remain in prison, especially Jeff Masemola of PAC, the longest serving prisoner in our country.

In conclusion, Mr. Chairman, the oppressed and exploited people of our country demand that full mandatory sanctions be applied until the total elimination of the racist regime. Not just sanctions but targeted sanctions should be applied by the American people. I

think I have accurately portrayed the South African situation today. It should be obvious that we do not enjoy the freedoms that American workers enjoy. I appreciate your support. But you are forgetting one very important thing. We will never enjoy the same freedoms unless countries like the United States of America promote their freedoms internationally by the ratification of Convention 87. The International Labor Organization is a respected and accepted body. Your ratifications of conventions will show us all that you expect all people to share the same freedoms.

Osvaldo Verdugo, *President*
Colegio de Profesores

Osvaldo Verdugo was elected President of the Colegio de Profesores, Chile's largest teachers organization, in December 1985, when a democratic coalition slate wrested control of the union from Pinochet-dominated political parties.

Since then, Osvaldo Verdugo and the Colegio de Profesores (Chilean Teachers Union) have played a leading role in the democratic opposition to Pinochet. Verdugo was a leader of the Civil Assembly and was arrested for six weeks for his participation in a national protest strike. Although free on bail, he still faces charges related to the protest.

In early 1988, Verdugo and other Colegio leaders formed the National Teachers Coalition for the No Vote, and joined the Command for the No coalition that organized opposition to Pinochet in the presidential plebiscite on October 5, 1988. The Colegio played a key role in the success of the No vote in the plebiscite, which has made a transition to democracy much more likely.

First of all, I should like to express my gratitude on behalf of the Chilean Teachers Union and CUT, the United Workers Organization, for this invitation to participate in this seminar which commemorates the adoption of Convention 87 by the ILO.

This international meeting recognizes and protects the right of workers to free association and serves as an international guarantor of freedom for our labor organizations, which fight against totalitarian regimes.

In our experience, the active presence in our country of international organizations, which permanently promote the existence of international legislation to defend labor freedoms, has fortified our social leaders in their struggle to reconstruct a social movement identified with freedom and democracy. Today in Chile, two leaders of CUT, Manuel Bustos and Arturo Martinez, respectively president and vice-president of the United Workers Organization, have been condemned to a year and a half of administrative imprisonment. They have been making demands for better wages for all Chilean workers and using strikes to further that purpose. The principles of peace and justice, set forth in all

national/international norms, should draw the attention of democratic opinion worldwide, and bring it to the defense of these social leaders who peacefully strive for freedom for all men.

In Chile, in recent years, we have reiterated our commitment to democracy. We believe that the international community likewise should ratify its commitment and cooperate in the democratic process in every corner of the world.

In fifteen years of authoritarian rule in Chile, a military regime directed by General Pinochet attempted to create an authoritarian social/political order commanded by a few—that is, the technocrats and the military. The rest of society must only obey.

An effort was made to put an end to all autonomous social expression. Political parties were declared to be illegal, and the media—television, newspapers, and radio were taken over and controlled by the military government. Social organizations, unions, and professional schools, were dissolved or taken over.

Our society was silenced. Those who wanted to shatter the silence were repressed, exiled, and tortured. Other violations of human rights were a constant part of the daily life of Chileans.

Within this political framework, the military government established an economic model which limited the granting of government benefits to the underprivileged. We were losing our social integration and we began to see a dual society emerging. Only the wealthy have access to the consumer economy. The poor, who must live with low wages under the arbitrary rule of management, are denied access to social benefits characteristic of a civilized society.

We are convinced that even in an authoritarian state it is not possible to manipulate all aspects of social life. There is always an area that cannot be controlled that is used by persons who have aspirations for freedom and social solidarity.

For us, given this social reality, the initial task was to try to regroup Chilean society—to overcome the balkanization of our society and the atomization by the powers that be. We avoided ideological approaches and instead addressed specific problems that our people faced, in their effort to restore our democracy.

We recognized that Chileans shared common problems, and that the solutions required an organizational structure which would open prospects for appropriate representation before the authorities. Thus, gradually, we overcame the refusal of the government to recognize the right of association.

Since 1982, we have been going through an intensive process of reorganizing our social structure. This process in the labor world is expressed in the CNT, the National Workers Command, in CUT, in the Teacher's Union, democratized in 1986, in the student federation, and in the professors' associations, and in farmers organizations.

This social struggle has the following characteristics. It seeks to restore the autonomy of social organizations vis-a-vis the government's political power, to generate the space necessary to enable the meetings that can recreate civic loyalties between and among the democratic sectors. This is necessary if we are ever to reflect the social aspirations for dignity and participation by workers in our national life and even to create commitment to social

improvement at the service of democracy.

Thus, progressively, with the united support of the democratic world, we have built a pluralistic social world, expressed in various organizations which have acted peacefully to cope with their own problems—improvements of wages and salaries, access to a decent standard of living, labor stability,—and we have demanded the reinstatement of a democratic system.

Within this context, the social struggles reflected in protests and in the policy views of our political parties required internal reorganization and stronger linkage to public opinion. Consequently it became possible to translate the policy of struggle to the national level. This success became another defeat for Pinochet, because he has tried to eliminate political parties. After 15 years we in Chile have come to recognize that political parties are enormous channels for the expression of thinking of the citizenry. They are evidence of public freedom.

The communications media constitute another requisite for public freedom. They have been engaged in a permanent struggle for freedom of expression and pluralism in our informational services. For more than a decade, we have lived under a monolithic structure with regard to information. The only thing we learned was the official version of events—and we were informed only of governmental activities. Today the pressures from citizens in favor of freedom of speech has achieved various successes. We now have radio networks, magazines, and newspapers that inform us about democracy, spread the truth and thereby help us to reestablish democracy. Only television continues to be monopolized by the government. The continued control of television has shown the institutional lie at its worst; as demonstrated by the publicity of the "NO" campaign. Broadcast on television for only 15 minutes for 25 days; the "NO" campaign material helped to overcome 15 years of authoritarian propaganda.

All this mobilization of democratic forces is evidence of a desire to reestablish freedom and justice in our country. We desire a society in which human rights, defended and promoted by the vast majority of people, become a reality. We long for a society which would respect workers, whether they be manual or intellectual workers.

This long path toward freedom reached a culminating point on October 5th. A majority fearlessly and without violence stated "No" to dictatorship and to violation of human dignity, and "No" to injustice.

In this struggle for freedom, we have not stood alone. International public opinion identified with democracy has continuously been demanding respect for freedoms in our country.

This campaign for freedom, carried out with a generous attitude and policy by labor organizations and political parties, has reaffirmed that the dignity and freedom of human beings are values and that any political regime should promote them and support them.

We who have been jailed and repressed unjustly feel a strengthening of our democratic values when we see an international community active in the struggle for human rights. All the gestures and resolutions of international democratic organizations create bonds of unity with us in the social struggle of Chileans for freedom and for democracy.

Thus, the resolutions of the Human Rights Commission of the United

Nations, the International Labor Organization, those of the AFL-CIO, and the actions of international trade union organizations in favor of freedom and democracy will always have a positive effect upon our long task of seeking to reinstall a democratic system in our country.

Consequently, I would reiterate the appeal to the military government of Chile to free the leaders of CUT, a demand shared by all the democratic labor organizations of our country.

We believe that all social, political, labor, managerial, and academic sectors should jointly promote respect for peaceful organization of our citizens as a basis of a free and democratic society.

Likewise, democratic governments should ratify and improve international conventions for the purpose of promoting—without any discrimination of an economic or racial or political type—the defense of the rights of labor throughout the world.

Teachers can make an enormous contribution to the struggle for freedom. Education was the object of severe administrative and political control in our country. An effort was made to convert education into an instrument for dissemination of totalitarian ideology. But an important number of our teachers engaged in various plans and activities to neutralize the totalitarian pressure. They have tried to create a democratic spirit in the classroom and in the relationships of teachers to students within the teaching profession.

Those are the initiatives that we undertook to recreate democratic practice. We have had multiple experiences that show the concrete opportunities that, paradoxically, are present even in a totalitarian context.

Our struggle to constitute the Association of Teachers under responsible leadership has allowed teachers to perform their proper roles and has made the organization a symbol of democracy. Our work to increase the participation of teachers in public life has been another success in the social struggle for liberty.

As a summary, I would leave you with the following:

Various historic experiences, and now the Chilean experience, have revealed that totalitarian regimes and their attempts to create closed political arenas are bound to fail.

In this political context, there is a great strengthening of the wish of humankind for solidarity. Democratic convictions have been strengthened despite the persecution of governments. We can see once again that the primary aim in history is the effort to think freely without any kind of coercion.

Like other labor organizations of Chile, the organization of teachers relies on the belief in democracy as an effective means of restoring the dignity of our profession and the freedom for all Chileans.

We know the responsibilities and the difficulties that arise in the transition to democracy, but the Chilean people, as expressed through political parties, labor and other social organizations, want to install peacefully and with consensus the democratic institutions that will allow the full development of all the Chilean people.

Khurshid Ahmed, *General Secretary All Pakistan Federation of Trade Unions (APFTU)*

Khurshid Ahmed is a law graduate of Punjab University and has been an active trade union leader for 32 years. He was elected in 1972 as General Secretary of WAPDA Hydro Electric Central Labor Union with 152,000 members. In 1974, he was elected General Secretary of the 620,000-member All Pakistan Federation of Trade Unions (APFTU), the largest democratic trade union federation in Pakistan. He has been elected to the Governing Body of the ILO for 4 terms and he has been a worker delegate to the ILO for approximately 17 years.

First, I must thank the AFL-CIO for inviting me to this historic conference. It is also my duty to convey fraternal greetings to the working men and women of the great nation of the United States from my own country, Pakistan, and also from my continent, Asia.

I need not go into detail on the right of freedom of association and Convention 87, which was passed 40 years ago. We believe in the trade union movement. Freedom of association is the lifeblood of our struggle. It is not an end in itself. It enables us, on a self-help basis and in a voluntary way, to achieve better economic and social lives and to achieve human and labor dignity. As you have seen in many parts of the world, the struggle to achieve those very objectives is still going on, despite many difficulties.

This is the great country where, in 1944, the ILO Philadelphia declaration was issued. The declaration reaffirmed that poverty anywhere is a danger to prosperity everywhere, that labor is not a commodity, and that freedom of association and expression are essential to sustain progress.

The principles on poverty and freedom enunciated in 1944 and in 1919 when the ILO was founded, are still valid in this present world. Even after the last 40 years, during which most of the Asian, Latin American and African countries got independence, we still find a Third World confronted with many great problems. We have almost 700 million people undernourished in this world and about 900 million people who exist at the level of extreme poverty. We have 500 million people who are under-employed, as well as a massive army of children working as child laborers.

We in the trade unions believe that dedication to democratic processes, both in independent trade unions and in political parties, offers a better solution than a dictatorial regime run by ruling elites.

Therefore, the trade union movement in our part of the world always promotes these very important principles and makes sacrifices for that very cause. We all have a duty to strengthen the cause for increasing respect for freedom of association and to achieve a better life as outlined in other ILO conventions, such as Convention 98, on the right to collectively bargain; Convention 151, on the rights of public employees in their labor relations; Convention 141, on the rights of rural workers; and Conventions

105 and 111, pertaining to forced labor and discrimination.

These are very important conventions, and we believe that ratifying and implementing them not only involves people in a democratic process of national development, but also solves development problems in a better manner.

In that respect, I think it might be a matter of interest for a person like me, belonging to the Third World, to say that there is need not only to promote this principle within a nation but also need to promote this principle between nations.

When I say between the nations, it means that democratic nations must come together to remove the suffering still prevalent in the Third World countries. And, like Brother Kirkland, I fully support the need to have international cooperation on the problem of debt, on human rights, and on improving the lot of working men and women in both the developing and developed worlds. We share these convictions.

In my own country, Pakistan, we have almost three million Afghan refugees resulting from the occupation of Afghanistan by Soviet forces. We have been looking after them on a humanitarian basis. We thank all freedom-supporting nations, including the United States, for the withdrawal of Soviet forces.

During this period, even as we appreciated some of the burdens imposed upon our nation, we in the trade union movement also strove hard to rehabilitate democratic institutions. During martial law in 1977 and 1985 there was a ban on political parties. But what prevented the military regime from suspending the activities of trade unions as democratic institutions—other than the strength of the working class and our pressure—was the fact that our country and many others had ratified Conventions 87 and 98.

We reminded our government that if you suspend these union activities, you will be violating those very principles which our nation is committed to implement. By our struggle and by our pressure, we managed to maintain the autonomy and the strength of our trade union.

Even as far back as 1980 the government tried to bring forward a draft labor policy to curb our existing rights, but we in the workers group unitedly fought against that, and we reminded the government that we are not going to accept any curb which derogates any of the fundamental rights laid down in the ILO Conventions 87 and 98.

This protest resulted in the continuing functioning of the trade union movement in our country. At the same time, the role of the trade union was not only to maintain its own existence but also to create pressure for the early revival of democratic institutions in the country.

I think we can say with pride that one of the reasons for the revival of democracy in my own country, despite all the difficulties I have experienced, even in my own neighborhood, was the role of the trade union movement and the principle of freedom of association as outlined in Convention 87.

We have now had elections in our own country—just this month—and we hope the new political parties which have gained a majority will be invited, both at the national and provincial levels, to form a government. Those elections have been held very fairly and peacefully and have been welcomed not only by the trade unions but also by

friends of Pakistan all over the world. We thank them for the support which has been rendered for this revival of the democratic political process.

We hope that Ms. Bhutto, who is likely to be the Prime Minister of Pakistan in a few days, will take care to avoid the pitfalls of the previous years and to strengthen the nation's democratic institutions. We hope she will take care to recognize the importance we attach to the principles outlined in the Freedom of Association Convention. We sincerely hope that all freedom-loving people, all people who believe in democracy, at this crucial period of our history of our nation will extend all support for strengthening those very principles.

I have had the opportunity to serve as workers' representative both in the ILO conference and in the ILO Governing Body. By virtue of the long experience of seventeen years, I must say your country, your workers, your trade union movement, the AFL-CIO, have played a very important role, along with the other ICFTU affiliates.

I must also appreciate the role Brother Edward Hickey of the AFL-CIO has played in the conference committee every year, and he has put in twenty-five years. I know that there also have been many others who deserve recognition for their service.

We in the Workers Group know that respect for Freedom of Association Convention 87 has put a lot of pressure upon those governments that have used dictatorial methods in trying to curb independent trade unions.

The pioneer role played by the Workers Group in the Freedom of Association Committee, in the Governing Body in the ILO Conference, and in the Application of Conventions Committee, played a very dominant role in compelling those governments to review their policies in relation to regressive labor legislation that denied the right of freedom of association and denied people the right to play an active part in national development.

Not only does this convention pertain to the workers' trade union rights, but it also relates to the employers' right of freedom of association. I know of many cases where the employers have been prevented by the government from exercising this right. It was the ILO which came to the rescue, even with the strong support of the Workers Group. We all said that the employers' associations should be allowed to function.

I am submitting this analysis by virtue of my long experience. I think that this is a time that all those countries who have not ratified Convention 87—we have the list of 98 so far—should implement it in letter and spirit. It should not just remain on statute books.

Therefore, the supervisory machinery, which is attacked by some countries, must be strengthened. The ILO is an institution which asks the government to bring the law in conformity with this ratified convention.

At the same time, we also believe that those countries which believe in democracy, which believe in independence and participation of the people, they must also ratify the convention.

We join the appeal made from this rostrum that all those countries in the West, and even in the Third World, that have not ratified this convention, must come forward to demonstrate their solidarity with the principles of democracy and free institution.

We in the trade union movement in Asia, and particularly in Pakistan, wish you all success in this pursuit.

Moderator: Tom Kahn

I want to thank all members of the panel for their presentations, which it seems to me illustrate the point that Al Shanker began this session with, when he said that very often, those of us in the United States do not understand the full, concrete importance of Convention 87 to people around the world who are struggling for trade union rights and a greater measure of democracy.

We have heard now from speakers from five different countries and several continents. They come from different kinds of societies but have engaged in a common struggle for the expansion of worker rights. They have told us what Convention 87 has meant to them.

Al Shanker said something else this morning which our last speaker also touched upon. And I'm glad that he did.

He suggested that you all re-read Convention 87. It's been a while, I suspect, since some of you have. You will be reminded that it calls for freedom of association not only for workers, but also for employers.

The Presentation of the George Meany Human Rights Award to Stefan Nedzynski

Moderator: Tom Kahn

I am going to introduce only those who are scheduled to speak, and those introductions will be very brief, since most of them don't need any introduction.

There are in this world, as you know, three international labor confederations. One is a Christian confederation. One is a totalitarian confederation. And the other is a confederation representing most of the free trade union movement of the world. And that confederation, the International Confederation of Free Trade Unions, has a membership, I am told, of 87 million and growing fast. And the spokesman, the leader of that organization, its General Secretary, who speaks for the cause of free trade unionism in international forums around the world, is our next speaker, John Vanderveken.

John Vanderveken, *General Secretary International Confederation of Free Trade Unions (ICFTU)*

During his long career in the ICFTU, John Vanderveken has successfully carried out difficult missions in nearly all parts of the world. He has articulated and defended the international free trade union movement's viewpoint at important international forums such as the United Nations in New York and the International Labor Organization in Geneva. He has represented the ICFTU at countless congresses and trade union conferences throughout the world.

In Melbourne, Australia in 1988, the ICFTU Congress unanimously re-elected John Vanderveken as ICFTU General Secretary.

The United States is an apt setting and the AFL-CIO a fitting host for this conference celebrating the 40th anniversary of the Freedom of Association Convention of the ILO because—and don't make any mistake about it—this commemoration today is actually to celebrate one of the fruits of our victory in the Second World War.

It was your country's strength and commitment to freedom that helped bring about that victory. And it was your vision that contributed so much to the attempt to build a brave new world from that victory.

ILO Convention 87, which the Americans played such a vital role in formulating, is part of that brave new world. Indeed, to the international free trade union movement, it could be said

to be its very foundation, both in its structure and in its setting.

In its structure, the Convention epitomizes the trade union view of freedom. It begins with the individual, with his or her right to establish or join a trade union of their own choosing. But it recognizes that though the freedom of the individual is the aim of any free society, that freedom can only be achieved for working people by collective strength.

Experience teaches us, regrettably, that exploitation cannot be overcome by sweet reason. The Devil does not only have the best tunes, he also has the most power. And Convention 87 gives people the right to gain that power for themselves by banding together. It gives them the power, in the words of Theodore Roosevelt, to "speak softly, but carry a big stick."

The setting of the Convention—in the tripartite body of the ILO—is also crucial. Here, again, I must pay tribute to our hosts, the AFL-CIO. It was at



John Vanderveken discussing Convention 87 and U.S. ratification as President Lane Kirkland listens.

their insistence that the convention fell within the competence of the ILO rather than that of the United Nations.

Convention 87 is much more than a declaration of principle. It is a bridge from principle to practice. It recognizes that, as the British theologian, Dean Inge, the former Dean of St. Paul's, once put it, "It is no use the sheep passing resolutions in favor of vegetarianism if the wolf remains of a different view." Ratification of Convention 87 amounts to more than a recognition that trade union freedom is a consummation devoutly to be wished. It places countries within a network of legal obligations and makes them subject to a legal mechanism that can bring transgressors to book.

It is also worth noting that the Convention underpins the tripartite structure of the ILO. The moral authority of trade unions is one of the pillars of that structure, and that authority rests on their independence and their accountability. They can only assert that independence and maintain that accountability if governments and employers are obliged to leave them free to run their own affairs.

One can see, therefore, that Convention 87 and the guarantee it brings to trade union freedom is woven into the very fabric of the ILO. And trade union freedom is itself part of the very fabric of the world social order.

It is fitting that Leon Jouhaux, the then President of our affiliate Force Ouvriere and a one-time vice president of the ICFTU, who made such a contribution to the work of the ILO and to the adoption of Convention 87, was honored with the Nobel Peace Prize in 1951. And as you all know, that honor was repeated in 1983, when Lech Walesa was awarded the prize. Nothing is so destructive of the prospects for lasting peace in the world as the existence of tensions within and between countries—tensions which owe a great deal to poverty and economic and social injustice. In fighting against that injustice, trade unions have a vital role to play in the struggle for world peace.

Given the importance of the Convention it must be clear how vital it is for the United States, with its long tradition as the powerhouse of democracy, to become at last a party to it. I know that the AFL-CIO has campaigned long and hard for this. It was a key point in recent discussions in Washington between the leaders of the international free trade union movement and President Reagan and Secretary of State Shultz.

Under the present Administration, not always bad, in February 1988 Congress ratified Convention 144, which means that USA will have a tripartite body to review periodically the question of further ratification of ILO instruments.

But, with the greatest respect, this still leaves much to be desired. The objection that the country's federal structure makes ratification difficult is not a valid one. The examples of Canada and Australia show that federalism can be a hindrance but not an obstacle.

There's another objection that on first sight appears to have some force—namely, that the USA allows trade union freedom in practice; it observes the spirit of the law without being a signatory to the letter. There are many governments who are punctilious in their devotion to the letter of the law, but have crushed the spirit. It could be argued that the United States attitude is surely the more preferable.

I can only answer that yes, it is. But the question evades the real issue. The

arguments that demand American ratification of the Convention are precisely those that made the Convention so fundamental to the concept of workers rights.

First, there is a matter of obligation. It is admirable for governments and employers to observe trade union rights because they choose to do so. But the trade union movement has always taken as a guiding principle the biblical exhortation: "Put not your trust in princes" (even democratically-elected princes.).

And to put it in the words of Woody Allen. . .

"The lion shall lie down with the lamb but the lamb won't get much sleep."

Circumstances can change and minds can change with them. A free choice is one thing, but the legal obligation is quite something else. After all, you never know when hunger will get the better of even the most sweet-tempered of lions.

There is also the point that if the United States is already observing the spirit of ILO Convention 87, then it has nothing to lose from ratifying it anyway. But it has a good deal to gain. And, friends, so does the cause of trade union freedom.

Tyrants from all parts of the political spectrum love to don the cloak of democracy, no matter how ill-fitting it may be or how little it may suit them. They are eager to seize on every lapse in the standards of free societies to justify their own actions, and to distract attention from their own behavior. Democracies must be like Caesar's wife, "above suspicion."

And this is especially true of the United States. As long as the world's leading democracy chooses to remain outside the network of legal obligations exemplified by Convention 87, then that network is diminished. All of the trade unionists here today who have fought and who are still fighting against oppression in Poland, South Africa, Chile, in all the dark corners of the world, will, I am sure, bear witness to the importance of the ILO's legal mechanisms and to the concern that oppressive governments have of being pilloried within the ILO for their behavior.

They will also, I am sure, bear witness to the vital contribution that the AFL-CIO makes to the battle for trade union freedom, and to that of the American government itself.

ILO Convention 87 is as relevant to that battle today as it ever was. It remains the cornerstone of a humane, but also economically efficient society.

It is, therefore, friends, surely time that the United States took the final step and ratified the Convention. It would, I am sure you will agree, be the best way to commemorate the anniversary.

Moderator: Tom Kahn

Thank you, John. This morning, President Kirkland gave a speech which he described as a kind of an outline of a new foreign policy for the American government. And he expressed some misgivings that this unsolicited advice would be welcomed either by the new Administration or the present Administration.

Happily, those misgivings were not well-founded and, in fact, the Secretary of State has sent to us an extraordinary representative to pick up an original copy of President Kirkland's speech—and his outline for a new foreign policy, an extraordinary representative indeed.

He has served as Ambassador to the Philippines. He was Deputy Assistant Secretary of State for East Asian and Pacific Affairs. He's been Deputy Assistant Secretary of Defense. And since May of 1984, he has been the Under Secretary of State for Political Affairs.

Michael Armacost
Under Secretary of State for Political Affairs

Michael H. Armacost was sworn in as the Under Secretary of State for Political Affairs on May 18, 1984. He is a career member of the Senior Foreign Service, Class of Career Minister.

Mr. Armacost served as Ambassador to the Philippines from February 1982 to May 1984. From 1980-82 he was Deputy Assistant Secretary of State for East Asian and Pacific Affairs. In 1978-80 he served as Deputy Assistant Secretary of Defense, and in 1977-78 he was Senior Staff Member for East Asia at the National Security Council. Mr. Armacost has been a lecturer at Georgetown University and at Johns Hopkins University. His academic career includes publications and commentaries on national security and foreign affairs. He is a member of the Council on Foreign Relations.

I first wanted to bring greetings from George Shultz, whose support for the free trade union movement, and his association with many in this room—goes back over four decades.

I wanted to come to pay tribute to Lane Kirkland and his associates, and especially note the importance of this event, which commemorates the ILO's adoption of Convention 87 on the Freedom of Association. I think all those present have made an extraordinary contribution to American public life and we want to pay tribute to it.

I would just make two points while I'm here.

First, freedom of association in its broadest sense, which means freedom of religion, freedom of the market, the right to form and join political parties, the right to join free trade unions—this is what the U.S. political tradition is all about. Freedom of association and human rights are operationally

inseparable. That is true at home, it is true abroad.

Second, it is the foreign policy of the United States to promote freedom of association not only here but around the world. Beginning with the Marshall Plan in Western Europe, the U.S. government has supported programs overseas that are aimed at developing healthy, democratic trade unions and constructive patterns of labor relations.

We do this because we think it is in the U.S. national interest. In doing so, in essence, the United States government has accepted the doctrine of the American labor movement, that no society is free unless it respects the principle of freedom of association.

We agree with the AFL-CIO that if our objective was to promote freedom and democracy, then the U.S. government had the obligation to support the historic commitment of American labor to help free trade unions everywhere survive and to flourish.



Michael Armacost addressing the award luncheon.

We try and translate this commitment to principle into operation through our daily work. We maintain overseas a labor attache corps whose tasks include encouraging the growth of free trade unions and free collective bargaining systems.

We promote an array of trade union development assistance in exchange programs through AID, through USIA, through the National Endowment for Democracy, through the Department of Labor. Virtually all of these are funded through and managed by the AFL-CIO's free labor institutes.

In the State Department, we publish an annual volume of Country Reports on Human Rights. This is becoming an indispensable reference guide to the state of worker rights around the globe. And among the key sources we use in developing the report are the annual surveys of the ICFTU and the proceedings of the ILO's supervisory machinery.

We have established elaborate procedures to determine whether our trading partners are taking steps to improve the state of labor rights. Legislation passed over the last four years makes this a condition for their continuing to receive U.S. trade and aid concessions. Heading the list of rights enumerated by the U.S. Congress is freedom of association. We've been taking the lead in urging the GATT, with the assistance of the ILO, to undertake a multilateral study of the linkages between worker rights and foreign trade.

Finally, I know that Lane won't let me sit down without saying just a word about our policy concerning ratification of ILO Conventions, so just a word.

In 1985, George Shultz played the

lead role within the Administration in urging a reversal of our traditional approach to this question. The conventional wisdom up to that time, since the 1950s, the time of the Bricker Amendment, had been that it was impossible under our federal system to ratify anything other than maritime conventions of the ILO.

The result was that for 30-odd years the U.S. ratified no ILO Conventions. We rested on our laurels. We took comfort from our perception that U.S. labor law and practice exceeded most ILO standards. But the Soviets sought to exploit our non-ratification record to undermine the whole supervisory process.

George Shultz argued before the Hatch Committee three years ago that it was not only our legal and moral responsibility to determine the "ratifiability" of all ILO Conventions, but it was also in the U.S. foreign policy interest.

That's our policy today, and I hope it's one legacy of the Reagan Administration. Since the Hatch hearings, we have, with the advice and consent of the Senate, ratified two ILO Conventions. We're in an advanced stage towards ratifying a third.

Even more significantly, important progress has been made in our review of two major human rights standards, Convention 105 on the Abolition of Forced Labor, and Convention 111 on Employment Discrimination.

We also have a panel of experts which will look at Convention 87 and freedom of association. I don't know what the outcome will be, but we will be guided by the principles agreed to by the government, by the employers, and by workers. We won't ratify conventions which are not in conformity with U.S. labor law and practice. We will not use the treaty-making power to legislate changes in U.S. labor law.

Whether Convention 87 technically meets the test, that's for the panel of experts to decide. But, certainly I think this Administration has adjusted in an historic way our attitude toward the ratification of these Conventions. I think that's a very good step.

In the meantime, while we wait for the panel's results, we certainly can best commemorate freedom of association by continuing to move ahead at home and abroad to advance the basic principles upon which it stands.

I appreciate the chance to be with you, and I'm glad to see a few State Department people here to reflect our commitment to your movement. And I'm pleased to have a chance to speak today.

Moderator: Tom Kahn

As Convention 87 is, after all, an instrument created by the International Labor Organization, and we are celebrating not only Convention 87 but the work of the ILO, it's appropriate that we hear from a spokesman for the ILO, and especially appropriate that we hear from the highest-ranking American in the ILO Secretariat.

He is a Deputy Director-General of the ILO, David Taylor, who served in a number of positions in government, academia and private enterprise.

He's served as Executive Assistant to the Secretary of Labor and Assistant Director for Executive Development in Labor Relations in the Office of Management and Budget, among other things.

***David Taylor,** Deputy Director-General International Labor Organization*

As Deputy Director-General, David Taylor is the highest ranking American in the ILO. Mr. Taylor has served in a number of positions in government, academia and private enterprise. He served as Executive Assistant to the Secretary of Labor from 1969 to 1970, as Assistant Director for Executive Development and Labor Relations in the Office of Management and Budget from 1970 to 1974, and as General Manager and Partner of Hay Associates in Boston, MA, a human resource and consulting organization.

The Director-General of the ILO, Francis Blanchard, regrets very much that he wasn't able to be with us today. He would very much like to have been here, but he had to be at the opening session of the African Regional Conference of the ILO in Harare, Zimbabwe, today.

In the interest of time, I'd like to address four issues in a quick way.

First, let me say something about the substance of the Convention 87 in its relation to other ILO standards.

Second, I feel I should outline the procedures which have been adopted to try to assure compliance with Convention 87 and associated instruments.

Third, I want to say a word about the practical application of Convention 87 and, finally, offer some thoughts on its effectiveness.

Let me start with the substance of Convention 87 and its relation to other ILO standards.

It's not a lengthy document, as you have been told this morning. Its eleven operative provisions occupy only slightly more than a page. Yet, those eleven articles are an indispensable part of that body of labor standards which collectively constitute the International Labor Code.

Failure to properly respect the fundamental rights and freedoms embodied in Convention 87 will

certainly undermine the effectiveness of the rest of the Code. This is because many of the Code's provisions are predicated upon, or depend for their usefulness upon, the existence of free and independent organizations of workers and employers.

Now, as to the actual content of the Convention, I can skip some because it is in your packet and you have been instructed to read it by several speakers this morning, including Mr. Shanker.

Convention 87 is undoubtedly the clearest and most far-reaching recognition of the right to organize to be found in the International Labor Code. But it is not by any means the only such recognition, nor is it the first.

This latter distinction belongs to the 1919 Constitution of the ILO, which identifies recognition of the principle of freedom of association as a major factor in achieving social justice. The Declaration of Philadelphia of 1944 also accords a high priority to freedom of association as an essential precondition of sustained social progress.

By far the most important adjunct to Convention 87 is Convention 98 of 1949. This concerns the application of the principles of the right to organize and bargain collectively.

Briefly, Convention 98 addresses three major issues. First, it protects individual workers against acts of anti-union discrimination. Second, it protects organizations against interference by other organizations. And, third, it directs that, where necessary, measures should be taken to encourage and promote voluntary negotiation between employers or employer organizations and worker organizations with a view to the regulation of terms and conditions of employment by means of collective agreement.

Taken together, Conventions 87 and 98 constitute a comprehensive code for the protection of the right to organize and to bargain collectively. They are in a very real sense the cornerstone of the entire system of international labor regulation.

I now turn to the supervisory machinery which has been established in order to secure compliance with these standards. There are four procedures which need to be considered in this context.

First is scrutiny by the Committee of Experts on the Application of Conventions and Recommendations. This body was established in 1927. It meets annually, and its principal task is to examine periodic reports of governments on the manner in which laws and practice in their country give effect to ratified conventions.

This procedure applies to all ILO Conventions, although it is has special significance for the protection of fundamental human rights and freedoms. In the case of Conventions 87 and 98, governments are required to supply information on implementation every two years. The Committee then prepares a detailed, written report which is eventually considered by the Conference Committee on the Application of Standards. Periodically, the Committee also examines the position in relation to unratified conventions.

The second procedure is the fact-finding and Conciliation Commission on Freedom of Association, which was established in 1950, with responsibility for examining specific complaints of violations of the principles of freedom of association. The Commission is rarely used in practice. Instead, the vast majority of alleged breaches of Conventions 87 and 98 are dealt with by the Governing Body Committee on

Freedom of Association. However, the Commission procedure can be useful in relation to countries which are members of the United Nations, but not members of the ILO. For example, there is a possibility that a complaint against the Government of South Africa will be referred to the Commission early next year.

The Committee on Freedom of Association to which I referred a moment ago is a tripartite body consisting of three worker, three employer and three government members. It was established in 1951 and meets three times a year to examine formal complaints of infringements of the principle of freedom of association, irrespective of whether or not the country concerned has ratified Conventions 87 and 98.

The fourth review procedure involves the establishment of a Commission of Inquiry. Under Article 26 of the ILO Constitution, in many respects this constitutes the system's ultimate deterrent. As such, its usefulness is largely dependent upon the deterrent effect of the possibility of use rather than upon actual use in practice.



David Taylor discusses the substance of Convention 87 and its practical application.

Where the ultimate weapon is deployed, however, it is in exceptional and controversial circumstances, as in 1983, when a Commission of Inquiry was set up to examine the trade union situation in Poland.

At its meeting earlier this month, the Committee on Freedom of Association indicated to the Government of Nicaragua that it would recommend that the Governing Body establish a Commission of Inquiry into freedom of association in that country unless the government would, by next February, supply information demonstrating a change of attitude in relation to certain issues which had been before the committee for some time.

Before leaving the supervisory procedures, I must mention the increasing importance of direct contact missions as an adjunct to the work of the Committee on Freedom of Association and the Committee of Experts. These missions consist of a visit by a representative of the Director General to the country concerned to examine the relevant issues firsthand and then to report back to the committee.

In recent years, such contact missions have played a critical role in dealing with complex and sensitive issues in countries such as Poland, Turkey, Colombia, and Nicaragua. By their very nature, these contact missions are expensive in terms of both human and material resources. At a time of severe budgetary restraint, the use which can

be made of an otherwise invaluable supervisory technique is limited.

I now turn to the practical application of Convention 87 and the other freedom of association instruments. Convention 87 has been ratified by almost a hundred of the ILO's 150-member States. Convention 98, meanwhile, has attracted 114 ratifications.

These figures make these two conventions among the most ratified of all ILO instruments. I need not tell you what the situation is with respect to the United States insofar as these two conventions are concerned or, for that matter, any of the other ILO instruments concerning freedom of association. At its meeting earlier this month, the Committee on Freedom of Association had 74 cases of alleged infringements of the principles of freedom of association. Since its establishment in 1951, the Committee has dealt with almost 1,500 cases. Of these, more than one-third have been lodged with the office in the last seven years.

Current levels of complaints clearly suggest widespread violation of the principles of freedom of association. They also suggest that the incidence of such violations is increasing, although it may be that at least part of the recent rise in complaints can be attributed to a heightened awareness of the availability of the complaint procedures and to an increased willingness to use them.

I'd now like to turn to my final issue, the effectiveness of Convention 87 as a means of protecting the right to organize.

Given the apparent increasing level of violations of the principles of Freedom of Association, it might be suggested that Conventions 87 and 98 and their associated supervisory mechanisms have been largely ineffectual. You won't be surprised to learn that we believe that this is far from being the case.

In the first place, countries frequently need to and do amend their laws and practice to enable them to ratify these conventions. In addition, the more countries that ratify the conventions, the greater the pressure upon others to conform to the international norm.

Second, there is abundant evidence that governments are prepared to go to considerable lengths to bring their law and practice into conformity with ratified Conventions, especially as interpreted and explained by the Committee of Experts.

Third, it is clear that over the years the work of the Committee on Freedom of Association has produced positive results, both in relation to industrial law and practice and also in terms of securing release of imprisoned trade unionists, preventing executions, and enabling exiles to return home.

In many instances, even totalitarian regimes with very poor human rights records have proved remarkably responsive to the pressure of international public opinion, as represented by the supervisory agencies of the ILO. Even where the government has appeared to be quite unresponsive to ILO pressure in the short-term, previous ILO actions proved to be most useful after a radical change of regime, as is evidenced by the experience in countries such as Greece, Spain, Portugal, and Argentina.

Despite these undoubted achievements, a great deal clearly needs to be done. Freedom of association is under threat in all parts of the globe. For 40 years, Convention 87, together with Convention 98 and their associated supervisory procedures, have played a vital role in helping to protect and promote the basic right to organize and

bargain collectively.

If we are given the resources to develop further and maintain the existing supervisory techniques and the vigilance and support of organizations such as the AFL-CIO and the ICFTU, there is every reason to suppose that Conventions 87 and 98 will continue to render invaluable service to the international community for a very long time to come.

Thank you very much.

Moderator: Tom Kahn

And now we come to a special part of our program. Each year, the AFL-CIO bestows its George Meany Human Rights Award on an individual or organization that has made an outstanding contribution to the advancement of human rights, workers rights and democracy.

The 1988 George Meany Human Rights Award will now be presented by President Lane Kirkland.

Lane Kirkland, President, AFL-CIO

On behalf of the AFL-CIO and the workers it represents, I welcome the opportunity to pay tribute to a dear friend, a trusted colleague and a distinguished trade unionist, Brother Stefan Nedzynski.

I can think of no more appropriate occasion for honoring Stefan than a conference commemorating the 40th anniversary of ILO Convention 87 on Freedom of Association, and I can think of no more appropriate honor for him than the George Meany Human Rights Award.

The bestowal of this award puts him in impressive company. It includes Solidarnosc and its chairman, Lech Walesa; the Philippine labor leader, Ernesto Herrera; the French trade union Force Ouvriere; the International Rescue Committee; and the Korean democratic leader, Kim Dae Jung.

Just two weeks ago, I had the singular, though delayed, honor of presenting the 1986 George Meany Human Rights Award to Dr. Andrei Sakharov at a ceremony in the AFL-CIO's Executive Council chamber.

As you can see, the George Meany Human Rights Award has been given to distinguished individuals and to institutions in the forefront of the struggle for democracy, free trade unionism and human rights, East and West.

Today, we are honoring a remarkable man whose lifetime of commitment embodies all of these concerns and spans all these categories. In the international trade union movement,

Stefan Nedzynski's name commands abiding respect.

His lifetime of devotion to freedom of association, the bedrock of all liberties, has led to a tempestuous, turbulent and exceedingly rich life.

He evaded arrest by the Gestapo, spent nearly two years in prisons and forced labor camps of the Soviet NKVD, and fought with the Polish army against the Axis in the Middle East and in Italy.

He has worked in a British post office, risen through the ranks of the British postal union, and later the international trade union movement, and served as Assistant General Secretary of the International Confederation of Free Trade Unions.

Above all, he has made his most lasting mark as leader of the 4.2 million strong Postal, Telegraph and Telephone International, which Stefan has headed with vision and dedication since 1965.

In honoring Stefan Nedzynski, we are honoring a lifetime of work in behalf of the principles of freedom of association, social justice, workers rights, human rights and trade union solidarity.

We are honoring steadfast devotion to building free unions in Latin America, Africa, Asia and Eastern Europe.

We are honoring as well the



Stefan Nedzynski receives the George Meany Human Rights Award from President Lane Kirkland.

international trade secretariats, democratic trade union organizations that are playing a crucial role in building international trade union cooperation in an increasingly interdependent world.

Ladies and gentlemen, brothers and sisters, it gives me great pleasure to present the 1988 George Meany Human Rights Award to a distinguished son of Poland, an outstanding son of labor and a steadfast worker for freedom. It gives me great pleasure to honor someone who is truly one of our own, Brother Stefan Nedzynski.

Stefan Nedzynski, *General Secretary Postal, Telegraph and Telephone International (PTTI)*

Stefan Nedzynski, General Secretary of the Postal, Telegraph and Telephone International (PTTI), has devoted 38 years to the cause of free trade unionism, and a number more to resisting totalitarian repression. In 1939, when he was only 20 years old, the German Army occupied his native town of Poznan. Hoping to join the Polish Army by escaping first to Hungary and ultimately to France, he was arrested by the Soviets occupying the eastern part of Poland and sent for 14 months to prison and 7 months to a "corrective labor camp" in northern Russia. In 1943 he was evacuated and found his way to the Polish Army under British Command, serving first in the Middle East and eventually in Italy.

Stefan Nedzynski is the longest-serving General Secretary of an International Trade Secretariat (ITS), beginning in that post in 1965 after four years as Assistant General Secretary of the International Confederation of Free Trade Unions (ICFTU). In addition to working with postal, telegraph and telephone employees, the ICFTU cooperates with other international secretariats for teachers, metal workers, construction workers, public employees and many others. Under Stefan Nedzynski's leadership the PTTI expanded its activities in all regions of the world with particular emphasis on trade union and worker rights. PTTI also doubled its membership to the current figure of 4.2 million during Mr. Nedzynski's tenure. The ILO's passage in 1978 of Convention 151 on Labour Relations in the Public Service, is due in large measure to his extensive efforts.

Today Stefan Nedzynski also acts as representative for the ITS organizations on the ICFTU's Executive Board and serves as General Chairman of the ITS General Conference, a post he has been re-elected to annually since 1977.

I would like first, and foremost, to express my gratitude to the President and Executive Council of the AFL-CIO for bestowing on me a great honor, the 1988 George Meany Human Rights Award.

I wish also to thank you for inviting my wife and me to this function. We both appreciate deeply your kindness

and your friendship. And I immediately permit myself to say that I have been proud of the friendships on the part of many American labor leaders, particularly the late George Meany, which I have had the privilege to enjoy over many years. And I am so happy to see so many of my friends present here to share with me this happy moment.

When I first heard of the decision of the AFL-CIO Executive Council, I received the news with disbelief, which turned into merely surprise, which quickly became a question: Why me?

Soon, I found an answer which enabled me to accept the honor without an outrage to my modesty, which is in any case one of my less obvious qualities.

I'm convinced that by making me the winner of the 1988 award, you wanted to give public recognition to the work of the PTTI and more generally of the international trade secretariats.

The PTTI, I have no hesitation to say, has from its foundation been dedicated to the struggle for freedom and democracy, for human rights and particularly for trade union rights. For instance, the PTTI has played an important role in the endeavors to obtain ratification of ILO Convention 87, not only in the countries of the Third World, but also in countries such as Japan.

Beyond that, we have actively contributed to the fight for freedom in countries such as Spain, Greece, Chile, Poland and South Africa. We have denounced any and all dictatorships of whatever color, and defended victims of violations of trade union rights, be they our friends or adversaries. Other international trade secretariats, alongside the ICFTU, have of course made their contribution in this struggle.

But the specific position of the ITS in our international free trade union movement is that they reach to individual unions and through them individual factories and other work places, and, hence, individual workers.

I have always been a strong supporter of the ICFTU in its central role in our free trade union movement, and have emphasized, at the same time, the specific role of the international trade secretariats. By their very nature, they are close to the concerns of individual workers. They are in a position to know when they suffer from violations of their rights, when they face humiliations, deprivations, physical pain, and psychological anguish, because they strive to uphold the dignity of labor and because they want workers to have the right to an independent union of their own choosing.

The essence of the international trade secretariats is to give these workers comfort and support, to do everything to protect them and, by trade union training and other assistance, to give them the tools to do their trade union work.

I very much hope that the public recognition for the work of the ITS's, which I see as the real meaning of your decision to give me the Human Rights Award, will provide some encouragement to all the unions in the AFL-CIO and in other international labor centers to affiliate, to support, and to be active in their respective international trade secretariats.

At the same time, I must admit that I cannot but feel some personal gratification for having been chosen to represent the achievements of the PTTI and of the international trade secretariats generally. You will, therefore, forgive me, I hope, if I make a few personal remarks.

When I think of human rights, I think



Stefan Nedzynski gives public recognition to the work of PTTI and other International Trade Secretariats during his acceptance speech.

of all those who have made sacrifices for freedom and democracy, for worker rights. I think of victims of political persecution, victims of organized terror. I think of the pain, despair, anguish, and death of so many people—people just like you and me.

I cannot forget the young boy shot dead during a demonstration for bread and freedom in my hometown of Poznan in 1956. I see the face of the Chilean trade union leader, and a good friend, Tucapel Jimenez, whose body with the head cut off was found only days after a speech he made against the dictatorship.

I also recall the bewildered victim of Stalin's terror, who, in the labor camp, tried to convince me and anybody else who would listen that his long sentence must have been a mistake: he was a tractor driver, a "tractorist," not a "Trotskyist."

I had no heart to tell him he was in the labor camp probably because of the arithmetics of terror, which called for the arrest of a certain number of people in his locality. A ruined life, like so many others. This is what violation of human rights meant in this case.

When I think like that, the struggle for human rights becomes an intensely personal matter, a challenge to me as a person.

And it is the same with democracy. Some of us are fortunate enough to live

in democratic countries, to take freedom for granted, to know that laws are passed to protect us and are not instruments to make us feel helpless and subject to any whim of the rulers. Because we are so fortunate, we have a moral duty to support those others who are not so fortunate, but who want to gain freedom and democracy for themselves.

We have, in my lifetime, witnessed great advances to freedom and democracy in Latin America, Asia, Africa, and in such European countries as Spain, Greece and Portugal. There are also further gains for freedom in sight.

Since those glorious months when Solidarnosc existed openly as a free trade union in a Communist-ruled country and awakened the hopes of many millions in the Soviet bloc, there can be no doubt that sooner or later, with or without help from the democratic countries, the nations of Central and Eastern Europe will join the ranks of sovereign, free countries.

As an individual, I cannot help but feel that I could only do painfully little to assure the victory of freedom, democracy, and human dignity. Still, we have made great advances—together, we—the many of us who have been committed to and engaged in the struggle for democracy and human rights.

And, yet, there is still such a long and difficult road ahead. We cannot relent. This is not yet the time to rest.

The beautiful words of an American poet come to my mind. I quote from a poem by Robert Frost:

The woods are lovely, dark and deep,
But I have promises to keep and miles
to go before I sleep.
And miles to go before I sleep.

Ratification Debate: Issues and Obstacles A Historical Perspective

Daniel Patrick Moynihan
U.S. Senator from the State of New York

Daniel Patrick Moynihan is the senior United States Senator from New York. He was first elected in 1976, re-elected in 1982 with the largest majority in a mid-term race in the history of the U.S. Senate, and re-elected by an overwhelming majority in November 1988.

Senator Moynihan is Chairman of the Subcommittee on Social Security and Family Policy of the Committee on Finance, and of the Subcommittee on Water Resources, Transportation and Infrastructure of the Committee on Environment and Public Works. He is a member of the Committee on Foreign Relations, the Committee on Rules and Administration, and the Joint Committee on Taxation. Senator Moynihan is a member of the Senate Arms Control Observer Group.

Senator Moynihan was previously a member of the cabinets or sub-cabinets of Presidents Kennedy, Johnson, Nixon, and Ford. He was Ambassador to India (1973-75) and to the United Nations (1975-76).

He has received the Meritorious Service Award of the U.S. Department of Labor (1965); the Arthur S. Flemming Award as "an architect of the Nation's program to eradicate poverty" (1965); the International League for Human Rights Award (1975), and the John LaFarge Award for Interracial Justice (1980). In 1983 he was the first recipient of the Hubert H. Humphrey Award by the American Political Science Association in recognition of "notable public service by a political scientist."

I'd like to congratulate Stefan Nedzynski for an award which is named for George Meany. If he knew how much George Meany means to us, he would know how much that award means as well.

I'm going to talk briefly with some emphasis on the ILO as we have known it, know it, and as we might know it.

And I'm going to be a little autobiographical, which is to say it is my personal history to have written my dissertation on the matter and the mode by which the United States came to join the ILO in 1934. It was the only organization of the League of Nations that we were certainly never going to join, and it was the only one that we did join. And it is the only organization in the League that continues in existence into the present UN system. It was a subject of interest and there needed to be explanations. I was interested in the labor movement, and so, doing the study brought together a number of things.

And I know a great deal about the subject. I know more about this subject than any other person alive. Because it was manifest at the time of my oral examinations that the professors assigned to examine me hadn't read past page 15 . . . in a 1,500 page document. They were just glad to get me out of their way.

And my poor wife was pregnant at the time I was producing this thing, and I kept giving her chapters and saying, "Now here is Chapter 37, you'll love it."

And she kept going to sleep, sound asleep. No. . .I mean, it had some effect on her. She couldn't get through three pages and, plump.

And so this has been an important

thing to me. Thirty-five years later, whenever the issue arises, as for example, "Why haven't you shoveled the walk?" the reply is: "Why didn't you read my dissertation?"

And it is just a life-long inheritance.

There are some interesting things that I think some of us as Americans and some of those from the ILO would want to take note of. That next year will be the 70th anniversary of the first International Labor Conference, and also of the first meeting of the League system, which took place right here in Washington, on October 29.

The Treaty of Versailles called for the International Labor Conference to meet here in Washington. It was assumed by that time we would be members of the League and would make arrangements for it.

Harold Butler [of Great Britain] and Albert Thomas [of France] arrived here in October and found the President paralyzed, unreachable in the White House, and the Senate absolutely locked into what would be true of a deadly embrace over the League and what to do.

To their great amazement and deliverance, a young Assistant Secretary of the Navy named Franklin D. Roosevelt cleaned out four of the temporary buildings on the Mall that had been put up there for use by the Armed Services during World War I, and the International Labor Conference went forward, which began a commitment and involvement of Roosevelt with the ILO and led to his determination to join the ILO when he returned to Washington 12 years later as President. And, indeed, he intended that to be a first step toward joining the League itself, but by the time that became possible, Europe was clearly headed for War and the League was prostrate, and it never happened.

But it is an event in our political history and it might be worth some notice. I have to tell you that the temporary buildings are no longer there. As Assistant to the President for Urban Affairs, I got them torn down.

I wrote this thing about how we came to join. And then, years later, in 1975, I was Permanent Representative to the United Nations. (I lasted eight months, incidentally, as Permanent Representative.) It fell to me to draft a letter informing the ILO Director-General in Geneva that we intended to withdraw from the ILO. This letter was signed by the Secretary of State, but I did the drafting, and did so at the behest of the AFL-CIO, as well as the Chamber of Commerce, which had become immensely troubled by the drift of events at Geneva towards that sort of tripartite arrangement where you had democratic nations, the Soviet bloc, and the Third World always siding with the Soviet bloc and making an anti-democratic majority in any great deliberation.

We made the point, for example, in the letter that:

"The International Labor Conference for some years now has shown an appallingly selective concern in the applications of the ILO's basic conventions on freedom of association and forced labor.

"It pursues the violation of human rights in some member States. It grants immunity from such citations in others. It seriously undermines the credibility of the ILO's support for freedom of association, which is central to its tripartite structure, and strengthens the proposition that these human rights are not universally applicable, but rather are subject to different interpretations for States with different political purposes."

We are here of course to talk primarily about freedom of association and ILO Convention 87.

What, in effect, had happened was that there was a selective definition of what was free and what was not free, what was acceptable, what was not acceptable, and the redefinition of "universality" in these matters to a sort of situational ethics, if I could use the term from Catholic theology, that said it was all right in some places and not all right in other places and times, and it was particularly never all right in the State of Israel.

We sent the letter, saying: Now, listen, you know, it doesn't have to be for good but pay attention. We're serious.

In an odd sequence the ILO question again fell to me, and this was in November of 1977. President Carter decided that there had been no change. The two-year notification period had passed and on the Senate floor I carried the resolution saying we would leave. I said that we were leaving. I said, "We do so with," and I quote, "solemnity, with care, and with the greatest reluctance."

But I said we were leaving. And zip—we would hope to be back, but we were gone.

At some level, that concentrated minds. I'll get to the point of what concentrated the minds. The concentrating of minds was that we weren't paying 25 percent of the budget which pays for those ILO lunches. . . among other things.

There are 2,900 people on that payroll. And by God, did that bureaucracy get over to Washington fast! I've never met so many people from the ILO. I've been back and forth from Geneva for 40 years. Never met nearly as many as in the four months after we announced we were withdrawing 25 percent of their stipends.

But we also made an intellectual point, an ethical, organizational, legal point. And we were heard.

In 1978, the Conference for the first time defeated an Arab resolution against Israel, which is clear violation of long-established precedents and rules.

In 1979, they adopted a secret ballot. And so, in 1980, again on President Carter's initiative, it fell to me to move on the floor a motion to re-affiliate.

In the process, we got something. I have never really understood it exactly. The Tripartite Advisory Panel on International Labor Standards, TAPILS. TAPILS, right?

This process did invigorate a lot of thinking about the ILO, got us thinking about the ILO, and about international labor standards. This came at a happy time for us, when, simply, we were beginning to have trade difficulties in the world. And when you have trade difficulties, it's always easy to assume that it's the exploited labor and so forth in other parts of the world, as in other parts of the country, as in other parts of the State, that are the source of difficulties.

And pretty soon, out of nowhere, we find that we have decided that one of our problems in Geneva was not having ever adopted any of the substantive international labor conventions. We had adopted some procedural ones, and a few having to do with maritime matters, which have always been considered Congressional matters.

It had been a third of a century since we had adopted even an ILO procedural matter, and we were beginning to face charges from regimes such as that in Nicaragua at the ILO that said: Who are you to talk? You haven't ratified a Convention since 1948 or 1945.

I mean, what do you say to the

Sandinistas? Their facts are right.

It occurred to us that obviously we ought to get back into this business. And, again, in the odd way of these things, I was by now a member of the Committee on Foreign Relations and it fell to me to hold the hearings on these Conventions, report them to the floor, write the report, and call them up.

I want to say to you that in the United States Senate there was very good feeling about this organization and this subject. We had already begun to write provisions concerning labor standards into trade legislation. In the trade bill that President Reagan just signed, we have a provision saying that violations of internationally-recognized labor standards is an unfair trade practice under Section 301 and enables individual firms or associations in this country to take actions against them.

And the ILO was where these internationally-recognized labor standards were coming from—from labor treaties?

I took this bill to the floor and without a word of objection, we unanimously adopted those conventions, akin to treaties. We didn't unanimously adopt the INF Treaty. I mean, we don't make departures of that kind normally without a lot of debate, a lot of anxiety. There was none here. There was a genuinely good feeling toward the organization and towards its purposes.

Now to the second half of what I have to say, which is that there is an opportunity now to look to the subject of organizational renewal in the ILO.

Any organization 70 years old is bound to be creaky. When Albert Thomas, who was the Minister of Munitions in World War I, a Socialist, [as the ILO's first Director-General], got going he built the first building. The ILO was the first off the mark. It got the first organization, first conference here, took over the first building. It's on the lake front and some of the older members will know it. The GATT's there now.

He wanted to have offices in working class neighborhoods around the world. Little by little, bureaucracy put an end to that. The old building began to look a little seedy, so nothing would do, we had to put up a really classy concrete affair, with a better view of the lake, and a better restaurant—a much better restaurant.

And, you know, little by little, there are 2,900 employees. What do they do?

It seems to me that there's a chance to say: Ought we be a tighter organization? And: Are there not ways around the suffocating traditions of the French bureaucracy which have settled in in Geneva? I mean that.

You have a terrible problem, which is that the world is divided. The ILO is not a little organization of friendly sort of socialist trade unions that got this much from their governments for supporting the War in 1919, and there are only 20 of them and everybody else comes along. The ones that come along and join now don't know what this is all about and don't care.

For the longest while, as much as I've ever done mathematically was to demonstrate an inverse relationship between real labor standards and the number of labor conventions the country has signed.

For the longest time, we in the United States had the fewest number of signatures and the highest labor standards, and Bolivia had the lowest labor standards and the highest number of conventions. That sort of arrangement.

In those circumstances, the tendency is to retreat to a formalism and a



Senator Moynihan presents his views on the International Labor Organization and Convention 87.

neutralism which only the Inspector de Finance can give you. And it won't be neutral to their circumstances in life, but it will be neutral to everything else. Nobody will mind. But you do.

But it also means nobody will notice. And no one will care.

You descend into an annual vacation. Everybody gets to go to Geneva and three-hour lunches and, you know, that's nice. Everybody needs that once in a while and I'm in favor of those things.

But it's not what Samuel Gompers had in mind when he drew up the Charter. Not what the people who fought for these things had in mind. And above all not what the people had in mind who, in 1948, adopted Convention 87 on Freedom of Association.

It's time, I think, to be clear that the labor treaties having to do directly with labor standards are irrelevant to any modern circumstances. They probably always were. It was not good economics, the thought that the French got ahead of the Germans by not making women work nine hours a day in bakeries or something. And that's not the way it worked. And, anyway, the French didn't get ahead of the Germans.

But as you move away from the spectrum of technical work rules toward the questions of human rights and social organizations, you are in an area where there are differences. Those differences do matter. I would say that the effort to move the International Labor Organization in that direction is hugely productive.

It may be that some of the research done at the ILO matters. I am not aware of it. In 40 years in public life, I've never read anything of the ILO that made any difference to me of any kind. Now I might say you wouldn't get through—I was going to say a month, but let's be more realistic. You wouldn't get through a quarter without reading something of the OECD. You need to know it. But the ILO doesn't tell you anything you need to know; because if you needed to know it, it might cause somebody else to be troubled. And the OECD has the convenience of a tightly-knit organization and they can be very blunt about each other because they live

in the same political spectrum. The ILO can't.

It seems to me that what you do in circumstances such as those at the ILO is that you raise your standards and you fight. You don't have to win. You do not have to win. The thing to remember about the ILO Charter, as the United Nations Charter, is that those are our words. If the Soviets sign them, so much the worse for the Soviets. And if the Polish government is committed to them, so much the worse for the Polish government.

Those are the doctrines of democratic Western ideals. To give up on organizations because they now have memberships that don't share those ideals and ideas is to miss the strategic opportunity altogether.

I would leave you with this thought:

The ILO truly needs a period of restructuring and of organizational renewal. It won't be done around bureaucratic issues. It won't be done around work product. It will be done around the fact that here is an organization, the oldest organization of its kind in existence in the world and in the history of the world, where you can discuss issues such as free association in a context where the advantage goes to those who are in favor.

That is a challenge to the energies of the Western trade unions and their allies around the world, such as there are—and there are some; and to the western nations and our allies around the world, there are some. And most particularly, I think, because we have been the most lax in this regard, there is a challenge to the United States. This organization wouldn't exist without us. It wouldn't have continued its existence past World War II without us.

It's time to show the fight in us. I think the issue of Convention 87 is a very powerful ground on which to fight. I congratulate you for raising the subject. And I shall be around for the next six years. If you can get it through the Executive Branch—with some modifications we'll talk about another time—I would dare to think it possible to get it through the United States Senate. I think that would make a little history in the history of international labor matters.

The Issues Today: A Panel Discussion

Panel Moderator: Eugene Lawson
Deputy Under Secretary of Labor for International Affairs

Mr. Lawson is the Deputy Under Secretary of Labor for International Affairs. From 1984-1988, he was an Executive Director in the Washington office of Russell Reynolds Associates, Inc. From 1982-1984, he was Deputy Assistant Secretary for East Asia and the Pacific, and from 1981-1982, Deputy Assistant Secretary for East-West Trade at the Department of Commerce. In 1977-1980, he was at the School of Foreign Service at Georgetown University as the Director of the Master of Science in Foreign Service Program, Director of Program for China Studies and Professional Lecturer on Chinese Foreign Policy.

Mr. Lawson was appointed by the President as the U.S. Representative to the Governing Body of the International Labor Office. The President also accorded the personal rank of Ambassador to Dr. Lawson in his capacity as Chairman of the United States Delegation to the 1988 International Labor Conference in Geneva, Switzerland.

It's my pleasure to be the moderator of such a distinguished panel, and we're all here to celebrate the fortieth anniversary of Convention 87. We have reflected on the dramatic impact of this key ILO standard throughout the world. We've heard testimony to the power behind those very simply-stated principles.

Lane Kirkland and other people who have spoken to you today have suggested the potential impact of U.S. ratification of Convention 87. Clearly, ratification by a country where workers and employers fully enjoy freedom of association would be a dramatic gesture of support to workers around the world struggling to achieve that freedom within their own countries.

And without question, it would go a long way toward enhancing our own credibility and leadership in the ILO.

But, ratification is not an obligation that we take lightly. The purpose of this panel is to talk about the prospects—the prospects—of ratifying Convention 87 and to describe some of the important legal questions which have to be resolved before we can proceed with any political decision on ratification.

Last January, Convention 87 was formally placed on the agenda of the Tripartite Advisory Panel on International Labor Standards. As Senator Moynihan says, "TAPILS."

This is a subcommittee of the President's Committee, and it's chaired by the Solicitor of the Labor Department. It's here that the legal experts from government, labor and business thrash out any and all the potential inconsistencies between U.S. law and practice in the provisions of the ILO Conventions.

Until TAPILS completes its legal analysis of a Convention, the President's Committee will not make a political decision one way or the other about ratification.

Ed Hickey and Ed Potter are two crucial members of TAPILS. Ed Hickey has not only been the representative of the AFL-CIO on TAPILS since it was created in 1980, he has also served as the U.S. worker representative in the

important ILO Conference Committee on the Application of Standards for close to three decades.

My understanding from some of my staff people is that the Committee has done some of its finest work when Ed Hickey was acting as the spokesman for the Workers Group.

Ed Potter is newer to TAPILS and to the Conference Committee but has quickly established himself as a key player in both. Ed is a partner in the law firm of McGuiness and Williams and represents the U.S. Council for International Business on ILO matters.

Wearing his hat as a member of the Labor Policy Association, Ed wrote the book which has become the focus of some of the current review of this Convention.

Muffie Houstoun, Director of the Labor Department's Office of International Organizations, is my own strong right arm at the ILO. While she is not one of the legal experts on TAPILS, she is intimately involved with the often arduous process of ratification.

Muffie played a major, behind the scenes role in keeping ratification of Conventions 144 and 147 on track and moving. No mean feat.

I know she spent literally hundreds of hours on the telephone making sure that after we had the tripartite agreement to ratify these Conventions, they actually did get approved by the Senate, ratified by the President and deposited in Geneva.

Before our experts take over, let me say there is one thing which is not an issue here. And that is the willingness of all sides—worker, employer and government—to explore the issues in an open, honest and thorough fashion.

Perhaps the greatest step that we have taken has been the creation of the President's Committee on the ILO and its tripartite panel on international labor standards. Because instead of talking past each other from rigid positions, we are now talking to each other. Instead of dealing in myths, we are getting the facts on the table.

That kind of tripartite cooperation allowed the tremendous progress in the ratification of ILO Conventions which Senator Moynihan just mentioned.

Now let us hear from the real experts. I will call first Muffie Houstoun, then Ed Potter, and then Ed Hickey.



Eugene Lawson introduces members of the panel, who will discuss the issues in the convention ratification debate.

Marion Houstoun, *Director*
Office of International Organizations,
Bureau of International Labor Affairs,
U.S. Department of Labor

Ms. Houstoun has served as the Director of the Office of International Organizations of the Bureau of International Labor Affairs since April 1987. In that capacity, she directs Department of Labor programs in the International Labor Organization (ILO), the Organization for Economic Cooperation and Development (OECD), and other international and regional organizations. She chairs the ILO Consultative Group, a subgroup of the tripartite President's Committee on the ILO, and serves as the U.S. Government's Substitute Representative to the ILO Governing Body.

Prior to her position with the Office of International Organizations, she served for eight years as the Department of Labor Immigration staff specialist and expert on the international migrant worker rights issue.

As part of our celebration of the fortieth anniversary of the ILO's adoption of its cornerstone Convention on Freedom of Association, this panel has been asked to discuss current U.S. ratification issues. What I would like to spend the next 10 to 15 minutes doing is to sketch for you the institutional and procedural framework in which these issues can be considered today.

Let me begin at the beginning with a description of what it is we may or may not be ratifying. What is an ILO Convention and what kinds of actions or obligations do they entail for the U.S. as a member of the ILO?

ILO Conventions are legal instruments designed to create international obligations for the States that ratify them. As such, they are to be contrasted with ILO Recommendations, which are legal instruments that provide only guidelines for government action. For obvious reasons, the potentially binding ILO Conventions are usually broad statements of principles to permit ratification and implementation by a very diverse range of member States. By contrast, the non-binding ILO Recommendations offer far more detailed and often very specific guidelines. As of June 1988, after the end of the last ILO Conference, there are 168 ILO Conventions and 175 Recommendations.

Some dozen conventions and a handful of recommendations are human rights standards dealing with the three broad areas of freedom of association, forced labor and employment discrimination.

Other conventions and recommendations deal with employment, social policy, labor administration, labor relations, conditions of work, social security, employment of particular groups of disadvantaged workers—women, youth, older workers, migrant workers, indigenous workers, or workers in particular occupational sectors. For example, seafarers and nursing personnel.

Not all 168 conventions are active instruments. Many have been revised, some more than once, to reflect changes in technology or in attitudes. For

example, the 1988 Conference this year began a partial revision of Convention 107 on indigenous and tribal populations. And next year's Conference will begin revising ILO standards on night work, which currently applies only to women. Revision often renders older conventions obsolete, in which case they are no longer open to ratification.

As you all know, ILO Conventions and Recommendations are drafted and adopted by the International Labor Conference, the legislative body of the organization. As such, they are unusual international instruments. They are not the usual products of the usual diplomatic negotiations between nations. Instead, they are the institutional products of a tripartite international organization in which representatives of workers and employers participate each year in the drafting and adopting of standards on an equal footing with representatives of governments.

This difference between ILO Conventions and other international agreements is a key reason why the ILO will not permit governments to change or limit the substantive effect of an ILO Convention as a condition of their ratification. That is, ILO Conventions are not subject to reservations by ratifying member States.

In order to increase their effectiveness, ILO Conventions are also unusual in the sense that membership in the ILO carries with it ancillary obligations regarding them. Though member States are free to vote for and against adoption of an ILO Convention and are under no obligation to ratify Conventions that have been adopted by the Conference, they are not free to ignore them after they have left Geneva.

First, Article 19 of the ILO Constitution requires member States to submit all Conventions and Recommendations adopted by the ILO to their competent authorities within 12 to 18 months after their adoption by the Conference.

Thus, in the U.S., we in the Executive Branch, more specifically my office, our Solicitor's Office, and the Department of State's Bureau of International Organizations and Treaty Office, are responsible for transmitting to the Congress all such ILO Conventions and Recommendations for its consideration.

Moreover, if the subject of these ILO instruments does not fall exclusively within the jurisdiction of the federal government—as it often does not—we also transmit these instruments to the States for their consideration. Moreover, in undertaking this ILO Constitutional obligation, we also consult with our social partners, as the ILO principle of tripartitism requires. Today, this consultation occurs in the context of TAPILS, which I will discuss a bit later.

Second, Article 22 of the ILO Constitution requires member States to provide detailed reports every two or four years on the effect given ILO Conventions they have ratified. Article 19 also requires members to submit reports periodically on the effect given to, or proposals regarding implementation of, or obstacles to, ratification of unratified conventions and recommendations. In the U.S., our few Article 22 reports and an annual Article 19 report—in 1988, this was on employment discrimination, which is one of the key conventions—were prepared by my office and our Solicitor's Office with the assistance of any other relevant government agency.

In addition, through the TAPILS process, these reports on the effect we have given ratified and unratified Conventions are also submitted to the

AFL-CIO and to the U.S. Council for comment.

Thirdly, these Article 19 and 22 reports do not fall into the black hole of an international organization's bureaucracy. On the contrary, they are subject to scrutiny by the ILO supervisory machinery. Of course, the government's compliance with the Conventions it has ratified is subjected to much closer as well as much more frequent scrutiny by the ILO's Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations than its compliance with conventions or recommendations it has not ratified. Moreover, members who have been found in noncompliance with conventions they have ratified can be asked to address these findings.

Nevertheless, notwithstanding the important differences between ILO supervision of members' compliance with ratified and unratified conventions, each year in its general survey of a particular convention or set of conventions on a particular topic—which topic or convention is selected by the ILO's Governing Body—the ILO's Committee of Experts and the Conference Committee review the compliance of all member States with that ILO standard regardless of the question of ratification.

Finally, although member States are of course not legally bound by ILO Conventions they have not ratified, as signatories to the ILO Constitution, all members are subject to complaints to the ILO's Governing Body Committee on Freedom of Association regarding alleged infringements of Freedom of Association, regardless of whether or not they have ratified Convention 87.

In sum, the ratification of ILO Conventions by member States is the ultimate objective of the ILO. Membership in the organization itself creates a wide range of obligations regarding ILO standards and these obligations both support and go beyond their ratification of any particular standard.

Nineteen eighty-eight is not only an important year because it marks the fortieth anniversary of the ILO's adoption of Convention 87. It is also an important year in the history of U.S. participation in the ILO.

This is so because when President Reagan ratified our two ILO Conventions on May 12th with the nearly unanimous advice and consent of the Senate, we ended 35 years of U.S. inaction on ratification of ILO standards. When ratified by the U.S., ILO Conventions—for example, Convention 144 and 147 and the seven other almost entirely maritime conventions we have ratified—become a U.S. treaty obligation, a legally-binding international agreement.

In the U.S., treaties are ratified by the President but only with the advice and consent of at least two-thirds of the U.S. Senate. Under the supremacy clause of the Constitution, a treaty ratified by the U.S. becomes part of the supreme law of the land, and that sounds like a federal statute. However, treaties are of two kinds: those which are self-executing and those that are not.

As the very name implies, self-executing treaties are those that do not require implementing legislation. They automatically become effective as domestic law immediately upon the treaty's entry into force, which in the case of ILO Conventions occurs a year after the instrument of ratification has been deposited in the ILO.

Other treaties do not become effective as domestic law until implementing

legislation is enacted, and then, technically, it is the implementing legislation, not the treaty, unless it is incorporated into that legislation, that is the law of the land.

Under U.S. law, when a treaty is deemed self-executing, it overrides any conflicting provision of a law of an individual state. Generally speaking, if a self-executing treaty is in irreconcilable conflict with the federal law, the one later in time prevails. However, courts generally try to harmonize domestic and international obligations whenever possible.

It is not always clear whether a treaty is self-executing or requires implementing legislation, nor do we, or indeed the ILO, have precise rules for making that determination. It is a matter of interpretation, sometimes by the courts, in the event of litigation. However, it is important to remember that the question of whether a treaty is self-executing or not is relevant only to its effect as domestic law. It does not affect the binding international obligation even if there is no implementing legislation.

The 35-year lapse between U.S. ratification of ILO Convention 74 on certification of able seamen in 1953 and our ratification of 144 and 147 in 1988 owes much to domestic concerns about the relationships between treaties and federal and state laws and the differences between treaties that are self-executing and those that are not.

In 1949, President Truman's transmittal to the Senate of the Genocide Convention and Convention 87 for its advice and consent generated concerns that the Executive's treaty-making power could be used to circumvent the normal legislative procedures of the federal government, which of course require a majority in both houses of the Congress. There was also concern that it could undermine federal/state relations.

These concerns about U.S. ratification of human and labor rights treaties culminated in the Bricker Amendment to the supremacy clause of the Constitution, an amendment that was designed, inter alia, to make international agreements effective in domestic law only through passage of enabling legislation.

The profoundly chilling effect of this amendment, which lost by only a single vote, on U.S. ratification efforts lasted until 1986, when the Senate consented with reservations to U.S. ratification of the Genocide Convention in February and the President submitted ILO Conventions 144 and 147 for Senate advice and consent. And this year the President ratified the two ILO Conventions, and Congress enacted legislation implementing the Genocide Convention.

Why the change from non-ratification to ratification and where are we today?

Our 1988 ratification of two ILO Conventions was itself the culmination of eight years of work. And, oddly enough, I think our ability to work through our concerns about the domestic impact of U.S. ratification of human and labor rights treaties was in part one of the happy but surely unanticipated effects of our withdrawal from the ILO in the late 1970s.

After our 1975 letter of intent to withdraw from the ILO, President Ford created a tripartite, Cabinet-level committee to develop a unified tripartite position on this issue. When the U.S. rejoined the ILO in February 1980, this committee became a permanent federal advisory committee, the President's Committee on the ILO, which very much like the CLC before it, is chaired



Marion Houston presents her views as Edward Potter and Edward Hickey listen.

by the Secretary of Labor and includes the Secretaries of State and Commerce, the National Security Advisor, and the Presidents of the AFL-CIO and of the U.S. Council for International Business.

Because, as I have already discussed, the U.S. has by virtue of its membership in the ILO an obligation to consider whether any ILO Conventions are appropriate for ratification, a tripartite advisory panel on international labor standards, TAPILS, was established as a sub-group of that committee. Its mandate was a tripartite legal examination of U.S. law and practice with a view to determining the legal possibility of ratifying selected ILO Conventions.

This group, chaired by the Solicitor of Labor, held its first meeting in October 1980, a watershed meeting signalling the beginning of unprecedented, full-scale, inter-agency and tripartite legal analyses of the question of U.S. ratification of ILO Conventions on a case-by-case basis. After preliminary discussion of several Conventions, TAPILS focused attention on two recent Conventions, 144 and 147. In January 1983, TAPILS concluded there were no legal obstacles to U.S. ratification of these two Conventions.

The political decision whether to recommend ratification to the President rested, however, with the President's Committee. Though Convention 144 is only a procedural Convention requiring tripartite consultation on ILO matters, the implementation of one of its provisions was of particular concern to the U.S. business community.

Under Article 5(1)(c), a ratifying member State would be required to reexamine, ". . .at appropriate intervals unratified Conventions and Recommendations to which effect has not been given to consider what measures might be taken to promote their implementation and ratification as appropriate."

Thus, while TAPILS had found the U.S. already in compliance with Convention 144, ratification of its Convention could be construed to raise the same sort of concerns about the legal impact on domestic labor laws that had led to the Bricker Amendment. That is, as stated during the October 1987 Senate Foreign Relations Committee hearings on these Conventions: "Ratification of Convention 144 could create a presumption that it would be possible to alter federal and state legislation by treaty rather than through the normal legislative process."

During the October 1985 meeting of the President's Committee, an agreement was reached to deal with these concerns. That agreement established that neither the President's Committee nor its constituent members intend to use ratification of ILO Conventions to change U.S. labor law.

This agreement comprises three principles that establish the ground rules for future consideration of U.S. ratification of ILO Conventions. The first is each ILO Convention will be examined on its merits, on a tripartite basis. The second, if there are any differences between the Convention and federal law and practice, these will be dealt with in the normal legislative process. And, finally, there is no intention to change state law and practice by federal action through ratification of ILO Conventions, and the examination will include possible conflicts between federal and state law that would be caused by such ratification.

As a result of this agreement as to the ground rules for future ratification of ILO Conventions, the President's

Committee recommended ratification of both Conventions 144 and 147 to the President. And the rest, as they say, is history.

After TAPILS concluded its legal review of 144 and 147, it adopted a two-track approach of reviewing simultaneously certain selected human rights and technical Conventions. TAPILS began with a legal examination of Convention 105, a human rights Convention on forced labor, and Convention 160, a technical Convention on labor statistics. In addition, TAPILS has added to its agenda Convention 111, on employment discrimination, one on minimum age, another on labor administration, and, of course, Convention 87.

In April of this year, TAPILS unanimously agreed, in accordance with the three ground rules, that there are no legal obstacles to its ratification of Convention 160. This Convention calls upon ratifying governments to collect, compile and publish basic labor statistics in one of nine subjects. In its legal analysis which drew upon the expertise of our Bureau of Labor Statistics, which had actively participated in the drafting of this Convention, TAPILS determined that current U.S. national labor statistical practices meet or surpass the requirements of Convention 160 in all nine subject areas.

On July 15, the President's Committee unanimously agreed to recommend to the President ratification of this technical convention. Since then, I'm happy to report that Convention 160 has been on a fast track. The Department of Labor has prepared the Executive Branch letter which includes a law and practice statement. This letter has been approved by all government agencies which have an interest in the subject, as well as by the AFL-CIO and the U.S. Council, and it has been transmitted to the Secretary of State. Last month, the State Department completed its work on the Convention and we now await Presidential action on this issue.

This means that thanks to the work of a great many people, including and especially and above all the members of TAPILS, at this point in time, we are moving toward Senate consideration of U.S. ratification of another ILO Convention.

Thank you.

***Edward Potter**, Business Attorney*

Edward E. Potter is a partner in the law firm of McGuiness & Williams in Washington, D.C. specializing in labor and equal employment opportunity law and international labor law. Mr. Potter represents both foreign and domestic corporations in international labor matters.

Since 1981, he has been the U.S. business community's representative on the Department of Labor's Tripartite Advisory Panel on International Labor Standards which examines, on behalf of the President's Committee on the ILO, the effect of ratification of ILO conventions on domestic law. Since 1982, he has served as legal counsel to the U.S. employer delegation at the annual International Labor Conference. For the past three years he

has served as the U.S. employer representative on the Committee on the Application of Conventions and Recommendations, which supervises compliance with ratified ILO Conventions.

In 1984, the Labor Policy Association published his study entitled Freedom of Association, the Right to Organize and Collective Bargaining: The Impact on U.S. Law and Practice of Ratification of ILO Conventions No. 87 and 98, *a critique reflecting the business view on the consequences of ratification of ILO conventions on U.S. labor law. On behalf of the business community, he has provided testimony before the U.S. Senate concerning the question of whether ILO Conventions can be ratified without detrimental effect on U.S. labor law and on the ratification of ILO Conventions 144 and 147.*

I would like to discuss four issues that relate to the question of ratification of ILO Conventions generally and then specifically deal with questions relating to Convention 87.

The first issue is why ILO Conventions may differ from U.S. law.

Second, why has the United States ratified so few ILO Conventions?

Third, I will discuss some of the possible differences between U.S. law and Convention 87. And then, lastly, how we go about resolving some of these differences?

The conventions that have been promulgated by the ILO touch on the whole body of labor law in the United States. And this is certainly especially true of the so-called basic human rights conventions, such as Convention 87. Not surprisingly, the ILO basic human rights conventions impact on such fundamental labor law statutes as the National Labor Relations Act and Title VII of the 1964 Civil Rights Act.

As a threshold matter, you should not be surprised if I tell you that in detail many ILO Conventions are different from U.S. law. Whenever you have 150 countries on a tripartite basis negotiating the terms of international labor standards, it should not be surprising that their terms may vary in detail from the complex legal framework that we have here in the United States.

I think it also should be pointed out that many countries vote for ILO Conventions with no intention of ever ratifying them. Other countries ratify these Conventions never intending to implement them.

Unfortunately and certainly with respect to Convention 87, we can lay at the feet of the supervisory structure of the ILO one of the principal reasons why the United States can't ratify a treaty such as Convention 87.

If we were to look simply at the words of Convention 87, those words alone might not create a problem. But, unfortunately, the Committee of Experts, which is a distinguished group of 20 eminent legal scholars, plays a large role in interpreting ILO Conventions and especially with respect to the human rights conventions and, in particular, Convention 87.

Some of these interpretations involve matters that are not specifically addressed in the convention and some interpretations are not stable and evolve over time. For example, no ILO Convention, including Convention 87, provides specifically for a right to strike. And, yet, the Committee of Experts has broadly applied a right to strike under Convention 87. This is in spite of the fact that the legislative history to

Convention 87 is clear that it ". . . relates only to the freedom of association, not the right to strike."

Because the Committee has commented so extensively in this area, it makes it more complicated for the United States to ratify Convention 87 because of our detailed legislation and judicial precedent in the area.

Finally, and perhaps more significantly, in the early 1980s, after 35 years of interpretation, the Committee of Experts redefined the scope of the right to strike under Convention 87.

To the extent that the requirements of ILO Conventions are not stable and evolve over time through the interpretations of the ILO supervisory bodies, it makes it more difficult to ratify ILO Conventions if ratifying countries cannot be certain of their legal obligations.

Certainly, the United States complies with the underlying principles of ILO Conventions, and this is especially true with respect to the human rights conventions such as Convention 87. However, because the Committee of Experts has ostensibly interpreted human rights conventions, this creates problems for U.S. compliance with Convention 87 because labor relations is litigated in much greater detail here than in other countries.

Why has the United States ratified so few ILO Conventions?

To answer this question, several considerations come into play. First, as Muffie Houstoun mentioned, we have the historical residue of the proposed Bricker Amendment to the U.S. Constitution in the 1950s, which would have permitted treaties to make domestic law only through legislation passed by both the House of Representatives and the Senate.

Under the U.S. Constitution, ratification of a self-executing ILO Convention will automatically incorporate the treaty into domestic law, superceding prior inconsistent federal and state statutes as well as creating an international obligation. To the extent that U.S. law varies from a Convention's requirements, ratification of such Conventions could modify substantive requirements of our domestic labor law.

To avoid this possibility and in the aftermath of the Bricker Amendment that failed by one vote, it has been the consistent policy of the U.S. government since the 1950s to not ratify treaties that would amend existing law without enacting implementing legislation first.

In addition, since the United States joined the ILO in 1934, the U.S. business community has maintained that domestic labor law should not be made through the treaty route. In this regard, absent resolution of any of the legal differences between Convention 87 and U.S. law, many in the business community view ratification of Convention 87 as tantamount to labor law reform.

Second, the United States has a well-developed system of labor law that has been heavily litigated. Consequently, there are numerous legal issues that may result in conflicts with ILO standards. In contrast to many countries that ratify ILO Conventions, the United States is a nation of laws which would take seriously its obligation to implement ratified Conventions. Moreover, in our litigious society, plaintiffs can be expected to exercise any new rights found under ILO Conventions.

Third, one of the principal reasons why the United States has not ratified subsequent ILO Conventions other than those dealing with Maritime Standards has been attributable to our federal system of government, and to our

Constitutional system. Many ILO Conventions require legislative action by the states as well as the federal government.

In contrast to other countries that are federal states, the United States does not have in place any effective mechanism by which agreement could be reached by the 50 states to comply with the requirements of the conventions or to resolve conflicts between conventions and state laws. Unlike some other ILO Conventions, this may present an insurmountable problem with respect to Convention 87 because of the wide diversity of collective bargaining rights provided for state and local employees in the United States that may vary in many cases from the convention.

Finally, it was not until the United States reentered the ILO in 1980 that the United States, on a tripartite basis, began seriously to consider ratification of ILO Conventions. This led, as Muffie Houstoun and others have mentioned, to the formation of TAPILS, a tripartite lawyers group working under the auspices of the President's Committee on the ILO. The purpose of TAPILS has been to screen conventions to see what conventions might be ratified without amending U.S. law.

Before the creation of TAPILS there was no mechanism for doing this in the United States short of blindly ratifying conventions and letting the lawyers sort it out in court. The TAPILS process today is a good faith effort to resolve hypothetical, legal questions that, in the past, would have stood in the way of ratifying ILO Conventions.

The differences between U.S. labor law and the requirements of ILO Conventions can be substantial. In 1983, as a result of Senator Hatch's call for hearings on the question of ratification of Convention 87, the U.S. Council for International Business asked me to do an in-depth legal analysis comparing U.S. law with Convention 87's requirements that many of you may be familiar with.

It is a task that I would wish on no one. And with all due respect to the work the TAPILS had been doing up to that time, as well as to prior legal analyses of the business community and that of the Department of Labor, this was the first time that an examination of any ILO Convention actually treated the legislative history and the interpretations of the Committee of Experts in any detail.

Now I expect that many of you may be inclined to discredit the study because it was done by a management attorney. But, frankly, because of the level of scrutiny that I knew it would have, I approached the study in a neutral fashion, as I do in the over 20 cases a year that I conduct as a grievance arbitrator in the private and public sectors. I suspect after today that that arbitration practice may come to a screeching halt.

But, for example, the business community has always objected to the ratification of Convention 87 because business alleged that the Convention would eliminate the right to work provisions of Section 14(b) of the National Labor Relations Act. My legal analysis concluded that Section 14(b) would be unaffected by ratification of Convention 87.

One of the fundamental issues underlying Convention 87 is the source of union rights. As Senator Moynihan recognized in the hearings and ratification of Convention 144, the ILO is a European institution. Convention 87 is premised on the European guild system under which employer rights are derivative from the labor organization;

whereas, under U.S. law, many employer rights take precedence over union rights.

Now it should be pointed out that ratification of Convention 87 is not simply a question of modifying U.S. law in a way that is favorable to unions. For example, while Convention 87 may provide full collective bargaining rights for supervisors, agricultural workers, and public sector employees who are presently exempted from the protections of the National Labor Relations Act, Convention 87 may also undermine the rights of the exclusive bargaining representative provided for under Section 9 of the National Labor Relations Act by permitting grieving employees to select minority or rival unions to represent them.

Similarly, while ratification of Convention 87 may revoke substantial portions of the Landrum-Griffin Act, it may also remove limitations on the disaffiliation of local unions from internationals and prevent unions from prohibiting union membership if an individual is a member of the Communist Party or a member of a fascist, totalitarian or other subversive organization.

We do not have time here today to take a course in treaty law, but there are two possible ways to limit or qualify the domestic effect of ratification of ILO Conventions if they contain different requirements from U.S. law. One is to make a non-self-executing declaration and the other is to have a reservation to the ratification instrument. Neither is satisfactory with respect to ratification of ILO Conventions.

Now, Ed Hickey disagrees with me on this. But there is no assurance that a court of law will give credence to a non-self-executing declaration. Furthermore, ratification of ILO Conventions on a non-self-executing basis does not meet the international obligation incurred by ratification if there are differences in the convention's requirements in U.S. law.

On the question of reservations, both Ed and I recognize that, unfortunately, the ILO will not accept reservations to ratify treaties because it would dilute the uniform application of ILO standards worldwide. In the TAPILS screening process, we're taking steps, however, to address the issue of differences of ILO Conventions and U.S. law, although I'll admit that it's a slow and cumbersome process. That is, we're now using the questions that we send to the ILO to clarify the scope of a convention as a method to resolve rather than cause differences in U.S. law and practice in ILO Conventions.

Instead of asking the question in an open-ended way, we are asking them in a positive way to resolve differences. To the extent that this approach does not resolve all questions, TAPILS will, to the extent it can, craft understandings to the convention that resolve differences.

Unlike a reservation, an understanding has no substantive effect on the international obligation but, instead, clarifies the convention's application on domestic law and procedure. The use of understandings, however, is of limited benefit where there are outright and substantial differences.

Although you should appreciate that there is substantial philosophical opposition to ratification in the business community, the recent ratification of Convention 144 has created a new environment for ratification of ILO Conventions generally after thirty-five years of inaction by the United States. As Muffie mentioned, Convention 160 on statistics will soon be subject to hearings by the Senate Foreign Relations

Committee prior to advice and consent to ratification.

On the TAPILS agenda are three human rights conventions—Convention 105 on forced labor, Convention 111 on equal treatment, Convention 87, and two technical conventions concerning child labor and labor administration.

Ratification of Convention 144 has been particularly significant because of this requirement for periodic review of unratified conventions to see what steps can be taken to implement and ratify such conventions. The implementation of Convention 144 and the TAPILS process is governed by a Senate declaration that adopts the ground rules for the legal review of ILO Conventions that had been agreed to by the President's Committee on the ILO in October of 1985.

These ground rules essentially say that there will be tripartite legal examination of ILO Conventions to see if there are any legal differences between a convention and federal and state law, and if any are identified, these differences will be addressed in the normal legislative process at the federal and state levels.

The declaration is clarified by two colloquies in the Senate debate on Convention 144 as to meaning, stating that the differences between an ILO Convention and U.S. law will have to be resolved by enactment of implementing legislation by both the Senate and the House of Representatives before the Convention is ratified by the President and deposited with the ILO. This is in accord with the past practice of the United States with respect to ratification of ILO Conventions.

In the 1950s, the Senate gave its advice and consent to three ILO maritime conventions, which as yet have not been deposited with the ILO because implementing legislation has yet to be passed by both Houses of Congress.

In closing, final action by TAPILS on Convention 87, in my opinion, is a long ways away. The formal TAPILS legal examination of Convention 87 is now only beginning in earnest.

However, the TAPILS legal examination of the ILO's forced labor and equal treatment conventions is further down the road. And I would expect that if there is ratification of an ILO human rights convention in the near-term, it would be one of these, if the legal issues can be worked out.

Thank you.

***Edward Hickey,** Labor Attorney*

Edward Hickey is a member of the law firm of Mulholland & Hickey in Washington, D.C. specializing in labor law.

Edward Hickey is the AFL-CIO's representative on the Department of Labor's Tripartite Advisory Panel on International Labor Standards (TAPILS) which examines, on behalf of the President's Committee on the ILO, the effects on domestic law of ratification of ILO conventions. Mr. Hickey is also a vice chairman of the important ILO Workers' Group of the Committee on the Application of Conventions and Recommendations. He is an Advisor Member of the United States Delegation to the International Labor

Organization Conference at Geneva, Switzerland and has served as the AFL-CIO's key representative on the Applications Committee since 1962. Mr. Hickey is labor's foremost expert on the issue of ILO convention ratification.

Mr. Moderator, ladies and gentlemen, I'm very happy to be here today and make my small contribution to so auspicious a fortieth anniversary observation of Convention 87, on Freedom of Association and the Right to Organize.

At the outset of my remarks on this topic under discussion, I would like to make my position clear.

It will come as no surprise. It is one of total commitment to ratification. It always has been and it always will be. Not simply through a blind faith and adherence to workers' human rights, but because I firmly believe it to be a moral obligation of the United States as a member of ILO to ratify this convention of the highest magnitude in the ILO repository, and because I believe Convention 87 to be of critical, overriding importance to our credibility and leadership effectiveness at the ILO.

Central among many reasons is the fact that a nation which prides and proclaims itself as a champion of human rights throughout the world should no longer lag in its ratification of the most preeminent of all ILO Conventions.

Call it what you will. The soul, (as President Lane Kirkland called it this morning), the centerpiece, the crown jewel, the keystone, whatever, there can be no dispute that it is the wellspring from which all other trade union rights flow, and without which they are suffocated.

Now, that's the driving force, which to many of you might appear sufficient to overcome any obstacles which lie in the path of ratification. It's been argued to that extent by many eminent people, including Secretary George Shultz.

But, unfortunately, this is not the case. You've already been made aware of the opposition of the business community to ratification of Convention 87 through my colleague on TAPILS, Ed Potter.

Some of you may have also read his monograph where his views are set forth at length on the asserted conflict between the requirements of the Convention and existing domestic law.

Let me say at the inception of this point in the discussion that I have an abiding respect for Ed Potter, which has persisted throughout the years we have worked together. Not only as titular members of the Conference Committee (CACR) at the ILO, not only as members of TAPILS, but also and in particular as two of the three members of its working party, the other member being a representative of the Solicitor of the Labor Department, currently, John Depenbrock.

This working party is where the day to day, week to week, month to month pit work of TAPILS is done, on the basis of which status reports on the results of our reviews, analyses and distillation—a winnowing process of the provisions of the conventions and conflicts, if any, with existing law and practice—are presented at quarterly meetings of the full body of TAPILS.

Throughout these sessions of the working party there has been no chill factor between me and Ed Potter. Our relations have been harmonious, cooperative, friendly and effective. But we can't disassociate ourselves from those whom we represent even if we wanted to, which we don't.

Most important of all, however, is the fact that the common objective of TAPILS, as I understood my colleague, Ed, to say a few moments ago, is to attempt to resolve potential conflicts with domestic law (and he gave us some examples), not to create them.

We were successful in helping to shepherd Convention 144 on tripartite consultation to the President's Committee with a favorable recommendation, and it was ratified later in 1988 by the United States Senate with only three dissenting votes. Also, at the same time, Convention 147, a maritime convention, was unanimously ratified. You have also heard that Convention 160 on Labor Statistics has been recommended for ratification and is well on its way.

Most importantly, Convention 105 on Forced labor and Convention 111 on Discrimination in employment are being reviewed at the present time. A great deal of time has been spent on these two basic human rights conventions, which is commensurate with the importance of the United States finally ratifying a central labor rights convention.

A great deal of our time has been spent with the ILO, both in conjunction with the June conference and in between times by correspondence. And we have been immensely aided so that these two conventions have progressed to the point whereas, as I think Ed Potter can agree, we can look forward with optimism to making a recommendation on them to the President's Committee in the not too distant future.

That gives you some idea of how TAPILS works. I think I've added something to what has been said previously with regard to the working party.

And if you would indulge me, I would like to pause for just one moment to accord and tender a well-earned tribute to a gentleman sitting out there in the audience. His name is Tadd Linsenmayer. And the reason I'm doing it—I've always wanted to do this at some public gathering—is because he deserves it. But those of us on the inside know that the man who conceived the idea of TAPILS, which was later established by the President's Committee is Tadd Linsenmayer.

He was for years our innovator, our guru, if you want to put it that way. In any event, I finally succeeded in giving him the credit that he deserves on something that many people regard as the difference between complete lack of movement by the United States and the fact that finally we are in gear—as Ed Potter said—with a working mechanism.

Thank you for that digression. I should have said I know both Ed and Muffie join me in what I've had to say, and I'm really saying it on behalf of them too.

I have described the background of TAPILS as a way of focusing on the program topic that is assigned to this panel, "Issues Today." When I got to thinking about it, is best explained and understood in terms of, where we are and why, because of where we were and why. In other words, history is prologue.

I also give you this as background because of a point I want to make with respect to Ed Potter's monograph that I just held up, which was prepared and published at a time when the business community was adamantly opposed to ratification of any non-maritime convention.

This was made clear beyond any question at the December 16, 1983 meeting of the President's Committee,

chaired by Secretary of Labor Donovan, on the question of ratification of Convention 144 on tripartite consultation.

There is a difference between the way Ed approaches this topic—as though there was a constant position in the business community and the way I approach it. There has been a change in the context of consideration between now and what happened in 1983.

In any event, after this formidable position was taken at the 1983 meeting of the President's Committee, the same intransigent position of opposing any and all non-maritime conventions was repeated with even more intensity by the President of the U.S. Council for International Business at the so-called Hatch Committee hearing on September 11, 1985 before the Senate Committee on Labor and Human Resources.

Ed Potter's booklet was relied upon heavily throughout the Employer's testimony as supporting evidence that ratification of the cornerstone Conventions 87 and 98 would create irreconcilable conflicts with existing domestic law.

All of this was being leveled at that time despite the fact that, in 1983, TAPILS had unanimously concluded there were no conflicts in existing law and practice to ratification of Convention 144, an issue of immediate concern at that time.

And so, in September of 1985, the impasse, if you will, on any ratification of non-maritime conventions looked formidable and insurmountable. Accordingly, it seems to me that Ed Potter's conclusions on Convention 87, at least as set forth in this booklet—although I liked a lot better what I heard him say today—must be considered in the context in which they occurred: They defended the employer's extreme position. The book is more like a client's brief, in which a lawyer as able as Ed roams at will through all kinds of postures that create straw men and then knocks them down.

Now some may be skeptical that conclusions reached in that atmosphere are objective. For my part, I had the uncomfortable—and that's the word for it—feeling that scare tactics were being employed because of the atmosphere and the opposition at that time, and that a radical departure was occurring in the goals of TAPILS to resolve and not create obstacles to ratification.

My instinctive reaction ran something like this: I know Ed Potter. I have great respect for Ed Potter. Ed Potter is my friend. Mr. Monograph, you're no Ed Potter.

Unfortunately, this impasse that I told you about had persisted for several years. Fortunately, a dramatic breakthrough occurred at the October 1985 meeting of the President's Committee.

Here we were in the midst of an all out fight between the employers and labor with respect to ratification of something other than a maritime convention. At that point, something had to be done to resolve this impasse. And that is what really occurred with this procedural agreement. It was at the initiative of President Lane Kirkland, if you please, I know because I was there. So was Ed.

A procedural agreement was unanimously adopted pursuant to which, as you've already learned, Conventions 144 and 147 were recommended for ratification.

I don't take any exception to the way in which Ed has outlined the contents, the substantive contents of this procedural agreement, I would like to emphasize one hell of a lot more than

he did the fact that this really broke the logjam.

This created an entirely different climate. This permitted us to work together. This didn't put TAPILS out of business, which would have happened if this stalemate and impasse had continued. But it didn't.

In any event, it was a historic occasion. We moved from inactivity to some activity, as you've already seen. We did a lot of work. We got a lot done after that happened.

Now you've already been informed by my earlier remarks about the very real progress made by TAPILS since this meeting. And I'm not going to repeat it because my colleagues have faithfully recorded it for you.

This is good. But what does it foreshadow, if anything, with respect to Convention 87?

I can tell you this at least: Convention 87 is on the active agenda of TAPILS for consideration. I know because I made a motion to that effect about a year ago.

I talked about it with Ed before and he said, "Go to it." And my colleagues unanimously agreed.

To what extent the business community view has tapered to the degree that meaningful progress can be made on Convention 87 is a good question. Certainly, in TAPILS, we work in a kinder and gentler atmosphere. . .where experience has already been shown to be productive. Although uncompromising opposition to non-maritime Conventions has mellowed as a result of the historic procedural agreement in October 1985 by the President's Committee, Ed's monograph, written to support and spark that confrontational opposition, remains unaltered except for what he had to say today, which was a good deal more mellow, I thought.

Now, is his thesis a casualty of the cessation of the struggle, which has abated, and no longer in existence? Or is it still an enduring testament of the faith of the business community?

Probably neither. I heard some things this morning that might be nuances to you, but they sounded a lot better than when you read this book.

This is not the time or the place for a point by point, lawyer's discussion of Ed Potter's thesis that ratification of Convention 87 would repeal, supersede, or modify existing domestic law or would result in multiple and insurmountable conflicts.

In the first place, we couldn't possibly do it in two hours, or two days, or two weeks. It's going to take longer than that. It's going to be one whale of a job. But we'll do it, in August.

I can say, however, and demonstrate to you in summary form with some degree of confidence that whether all—or possibly any—of these claims are justified is questionable. Those of you who have aligned yourselves on the side of the fence of ratification may be encouraged by that. I'll give it to you for what it's worth.

In August of 1949, when President Truman submitted Convention 87 to the Senate for advice and consent to ratification, he did so with the coordinated support and opinion of the Executive Branch of the government that ratification would not require the obligation to enact new legislation or revise existing law, because the U.S. was in full compliance with the requirements of the convention.

Now it might surprise you to hear that after hearing what my esteemed colleague, Ed Potter, had to say. But that's what happened. It's historically recorded.

Only the Chamber of Commerce at

that time, then the representative of the employers, opposed ratification on grounds—and this is interesting—similar to those advanced in Potter's thesis.

As you may know, the ratification effort was confronted with legislation in the Senate, the proposed Bricker Amendment, which narrowly failed to pass but continued to have a chilling effect on international treaties, as a result of which no hearing on Convention 87 was held by the Senate.

But the message asking for advice and consent of the Senate on ratification has not been withdrawn by the State Department, unlike other treaties that have been sent down there and have been withdrawn. It is still there.

Notwithstanding this hiatus that developed in response to the Bricker Amendment, efforts persisted within the Labor Department to periodically revive ratification consideration of Convention 87, particularly in the 1960s and 1970s.

More specifically with respect to the tenets of the Potter monograph, in March of 1976, Solicitor Kilberg of the Labor Department prepared an internal memorandum of law on Convention 87 which focused on the issues raised by the Chamber of Commerce and concluded that its concerns over possible conflicts with the Labor Management Relations Act, or the Labor Management Reporting and Disclosure Act were invalid.

This memorandum was included as a part of the Labor Department's briefing paper and executive summary of October 1980, which was made a part of the record at the Hatch Committee hearing, to which I previously referred.

In substance, the thrust of this legal memorandum is to allay concern over conflicts with domestic law and regulation of internal union affairs on two fundamental grounds.

First, with respect to the Labor Management Relations Act, the convention is concerned only with the fundamental principles of freedom of association guaranteed—by the 1st, 5th and 14th Amendments to our U.S. Constitution—and, as its legislative history demonstrates, does not encompass other aspects of industrial and labor relations, such as collective bargaining and the right to strike, which the drafters of the Convention believed should be the subject of a separate and specific instrument.

Bear in mind, this is not me talking, although I subscribe to it. This is Solicitor Kilberg continuing a position consistently maintained by the Labor Department and Solicitor's Office of the Labor Department, if you check into the documents, ever since the transmission of the request for ratification by President Truman with the coordinated view and support of the Executive Branch of the government in 1949.

The government also took the position in a legal memorandum that not only were these matters subject to being incorporated in another convention, but they added their conclusion that: exclusion from resort to government machinery established by statute is not equivalent to a denial of constitutional rights.

With respect to the Landrum-Griffin Act: although it is evident that internal affairs of labor organizations are, in fact, regulated, here again, they took the position that domestic law does not impair the fundamental principles of the convention, but is intended to preserve and protect those rights from improper practices and abuse. In other words, they didn't consider that an invasion or violation of the convention.

The executive summary [of the legal memorandum] concludes with a very

important addition, important in my mind anyway. It states that, although it is the Department's conclusion that Convention 87 can be ratified without entailing any implementing legislation or modification of existing law, nevertheless, it is cognizant that "some parties" (obviously a reference to the employers in the Chamber of Commerce) fear that ratification would nullify domestic legislation through creative judicial construction.

In response, it notes two possible approaches which would preclude such a result. First, the convention could be ratified with a declaration that it is non-self-executing. Now I've already indicated that this is of the utmost importance. It has been discussed by Ed. Second, ratification could also be made subject to the understanding that the obligations are acceded to only to the extent consistent with the authority under the commerce power in the United States Constitution to take care of the states' rights problem, if any.

Now I offer these views of the Labor Department not because I think they constitute a final and conclusive answer, for our purposes, to the arguments expressed in the Potter's monograph, but rather to show that there are respectable—highly respectable—views in the government sector of our tripartite system (which the workers share) to the contrary.

The question remains: Where do we go from here?

Clearly, confrontation is not the answer. Nobody wants that. It would introduce an element of discord blessedly missing from all our TAPILS deliberations. And as a practical matter, unless we march in unison, we may not march at all.

I think I am enough of a realist to believe that effective progress toward Senate ratification of Convention 87 does not invite division in the ranks. And I am also optimistic that ratification of Convention 87 can be achieved if certain tactics are carefully pursued and developed.

Obviously, the wide gulf which apparently now separates the employer's position from the opposing views and approach set forth in the 1980 Labor Department Executive Summary must be bridged. I believe this can be accomplished first through a series of carefully crafted understandings limiting the construction of Convention 87 to the fundamental and narrow interpretations set forth in the Solicitor's Memorandum. If this can be accomplished and then cleared, of course, with the ILO—as we have succeeded in doing with a large number of understandings on other conventions —then it seems to me the major reason for the objections of the employers would be eliminated namely interference with existing labor law.

To the extent that some possible conflicts remain and are not resolved by this series of understandings, a further strategy could be employed of having a declaration added by the Senate to the effect that ratification was not on a non-self-executing basis.

Ed and I seem to have a difference as to when that implementing legislation has to be done. He says it has always been envisioned that it would be done before, but not after, ratification. I don't see a basis for that at the present time, but I'm not going to argue with it now.

It isn't in the Procedural Memorandum to that effect. And it certainly isn't in the construction of treaty laws that I have examined.

But, anyway, as I already indicated to you, in the Labor Department's Executive Summary, ratification subject

to a Declaration, that was non-self-executing, was deemed by them to be a conclusive means of satisfying those who were concerned about nullifying labor law.

I think this position is clearly well-taken because such a Declaration means that domestic law, as the employers want, remains in effect until Congress enacts implementing legislation. That's true. They've got to eventually come to it. But, that can be postponed until at least 12 months following the deposit, as Muffie said, with the Director General of the Instrument of Ratification, and very probably longer.

I don't see where the employers are hurting in the least. Those implementing needs could very well be better known and take shape after ratification and not before.

Now, here is another important thing, and I want to emphasize this: so far, I have sensed no indication whatsoever from the Federation that its interest in fostering ratification of Convention 87 is for the purpose of modifying domestic labor law, which is what employers are worried about.

Moreover, the view of some learned scholars of ILO Conventions (and I know of at least two), which I share, is that: on its face, the language of Articles 1 and 11 of Convention 87 clearly show it to be non-self-executing and would be so viewed by the ILO.

Additionally, as I want to point out, the President's Committee's procedural agreement clearly disavows any intention to supercede existing labor law through self-executing treaties by subjecting the differences to the normal legislative process. I don't think we have any argument over that.

Another claim I hear from the employers is that even if we shielded domestic law by the declaration that ratification was non-self-executing, the U.S. would still be subject—you heard it today—to the supervision of the ILO because of its international obligations. My short answer to this is that: we already are subject to supervision despite non-ratification and have been since 1951. You heard David Taylor tell you at lunch. Since 1951, by virtue of the establishment by the ILO Governing Body of the Freedom of Association Committee, a nine-member tripartite group regularly entertains complaints against the United States for violation of Convention 87, including among others the PATCO case and the Congressional employees cases.

This is so.

David Taylor didn't tell you this, but the reason this is so is because the obligation to comply with the requirements of this Convention on Freedom of Association, stem from the ILO Constitution itself under which all member States are bound, including the United States.

Another fact worth noting in this connection is that the U.S. thus far has not been found to be in violation of Convention 87 in the cases in which they have participated, despite the worst fears of the employers of its conflicts with their domestic law.

Let me conclude my contribution by reiterating and stressing a point I've tried to make earlier. It should be evident that the key to ratification of Convention 87 is recognition by the business community as a whole—not just their informed representative at the ILO, where there's no problem, based on the record of what they've done and what they've said—that it is in their own best interests to do so.

I don't think we can afford to appeal on any other grounds but their own interests. But I think it is in their own

interest. Not only do the foreign policy and political objectives of their country require it—which, in and of itself, in certain quarters would be enough to subordinate parochial concerns of a possible impact on domestic labor laws—but also emerging trade and commerce which developing countries are now projecting (if I read the trade press at all right) invites it.

It is not only that freedom of association, and the right to organize, offer a beacon of hope to the so-called Third World countries, but also a particular economic value, it would appear, to international business.

I firmly believe that recognition that ratification is in the best interests of not only the workers and government but the employers as well, exists in TAPILS as a whole today. But I also believe that efforts to instill that conviction in the business community as a whole have to be vigorously pursued if the United States is to take its place with all its allies and all that have ratified this, and all other highly industrialized nations as ratifiers of the Convention.

When it happens—and it will finally, somehow, some day—I hope I'm around because it will be a very special day.

Concluding Observations

***Ann McLaughlin,** Secretary of Labor*

Ann McLaughlin was selected to be the 19th Secretary of Labor by President Reagan on November 3, 1987 and was sworn into office on December 17, 1987. Mrs. McLaughlin is the second woman to serve as Secretary of Labor. Frances Perkins (1933-1945) of New York was the first.

As a member of the Cabinet, Mrs. McLaughlin is President Reagan's chief advisor on labor issues and directs the U.S. Department of Labor, a federal agency with more than 18,000 employees and a budget of more than $24 billion.

Mrs. McLaughlin brings to her Cabinet position wide experience as an executive, manager and policymaker in public and private organizations.

At the outset I would like to compliment Lane Kirkland because this morning, he said that the U.S. should support three organizations: the National Endowment for Democracy, the ILO, of course, and the Agency for International Development. And I'm here to say: three cheers. I agree.

I'm delighted to be here because I have an admittedly new but warm spot in my heart, of course for the AFL-CIO, but also for the ILO and the work that's gone on years before I became involved in some of the conventions that are so much on your mind today and particularly the one you are commemorating today through this conference. I compliment you too on the work that many of you have done to recognize universally, although not all have been universally implemented, all of the international labor standards.

The importance of freedom of association, I think, was indirectly recognized by President Reagan just last month. As many of you know—and I was proud that, as the expression goes in Washington, it happened on my watch—the President awarded Irving Brown the Presidential Medal of Freedom in tribute to his life-long service.

He has spent his life serving the free trade union movement worldwide, so that was, I think, quite a well-deserved award.

The delegates who developed the freedom of association convention back in 1948 may not have realized that it would become such a powerful and important standard and certainly a bright beacon of great hope for workers throughout the world.

In fact, I was fascinated to learn that the renowned French trade unionist, Jouhaux, speaking on behalf of the workers of that 1948 Conference, expressed reservations about adopting a standard which they felt would not go far enough in protecting trade union rights. He regretted that the convention contained defects which would prevent it from becoming a truly dynamic force, and yet a dynamic force is exactly what Convention 87 is.

Convention 87 has been formally ratified, as you well know, by what, some ninety-eight out of 150 ILO members, rich and poor, East and West, North and South. Not all of them live up to it. In fact, only a small minority of countries enjoy the full freedom of association and the right to organize. But all of the countries have had to

acknowledge the powerful force of principles that are contained in this key standard.

Poland is a good example. The 1980 Gdansk Agreement recognizing Solidarity was a dramatic reaffirmation of those principles of freedom of association. In fact, everything that has happened in Poland since then has demonstrated that those principles cannot be suppressed—they cannot be suppressed by the police, by water cannon, by jailing or by any other forms of repression that have been employed to try to break the spirit of Solidarity.

Now, I got a personal lesson in the powerful impact of those principles when I made my first visit to Geneva last June for the ILO meetings. I met with a labor minister from an important country. I won't mention, for purposes of discussion here, which one. But he had just come from the Conference Committee on Standards, and the committee had strongly criticized his government for violating the freedom of association standards. What was interesting to me in the discussions there was that the minister did not deny the principles of freedom of association, but rather heatedly attempted to bend the facts to fit those principles.

That was the most direct evidence I had seen of an intense pressure that clearly was being felt by the most repressive regimes to portray themselves in a favorable light on freedom of association issues.

As you know, the United States is not one of those 98 countries that have ratified Convention 87. And I'll come back to that in a minute. But, Congress has acknowledged the international importance of Convention 87 (and I didn't hear Senator Moynihan, although I heard he was excellent, and I presume he spoke to you quite openly and candidly. . . as is his way . . . he's a good Irishman.) by identifying freedom of association as one of the several fundamental worker rights in recent trade and investment legislation. Most of you are aware that the Reagan Administration did not support that legislation as drafted, not because we disagree, obviously, that freedom of association and other internationally recognized labor standards are important, but rather because we wonder whether trade and investment sanctions alone are the best approach.

I said in Geneva last June that worker rights go hand in hand with stable economic growth. We need to consider freedom of association and other worker rights in this broader development context. That means considering technical assistance as an important part of any U.S. government approach when we promote worker rights internationally.

Next month—the fat lady hasn't sung yet—Gene Lawson is going to co-sponsor a special symposium to explore a positive development approach to worker rights. I hope that will be helpful.

Now let's go back to U.S. ratification for a minute, and this is from a strictly political, not legal, point of view.

I believe that ratification of Convention 87 would send the strongest possible signal about our, the United States' commitment to the ILO, to human and worker rights and to democracy and freedom. And I doubt that anything would enhance our credibility and leadership in the ILO more than that would.

Now, given that, we must continue to review the possibility actively of ratifying this key standard. Just this year, you know, we managed to break a 35-year moratorium on U.S. ratification

of ILO Conventions.

Again, a lot of people in this room did a lot of years' work, but it happened on my watch and I was delighted, although it took eight long years of hard work. But I was the one that was able to deliver it to Director General Blanchard during the Conference this summer—the instruments of ratification for Conventions 144 and 147.

What is important right now is to make sure that the process that we seem to have working, that we've set in motion for reviewing conventions, including Convention 87, continues in a bipartisan, tripartite fashion.

A matter of historical note or record I could share with you is that the U.S. government, particularly the Department of Labor, has supported ratification of Convention 87 in the past. And President Truman submitted it to the Senate in 1949 for advice and consent, but no action was taken, for reasons that were not directly related to the convention itself. On several occasions, the Department of Labor attempted to revive interest in ratification and as recently as 1980, our Solicitor at Labor prepared a briefing paper which concluded that there are no serious conflicts between U.S. law and the provisions of Convention 87.

Since then, there have been suggestions that there may be discrepancies between U.S. law and Convention practice in Convention 87. The most significant source of these questions is Ed Potter's book.

The complex legal issues that have been raised by Ed and others don't call into the question the existence of freedom of association in the United States. If we just look around us here, we have it. The very fact that we are here bears witness to the vitality of our clear commitment to freedom of association, but these legal issues are important questions.

And in keeping with the tripartite agreement of principles on ratification that allowed Convention 144 to go ahead, we are committed to an in-depth legal examination of these questions by the Tripartite Advisory Panel on International Labor Standards.

And if TAPILS concludes that there are not legal obstacles to ratification or that the potential problems can be resolved through some kind of understanding, or if need be, through implementing legislation, then it would be up to the President's Committee on the ILO to take a formal position on ratification.

The tripartite political decision, then, could probably be made during the



Ann McLaughlin offers her reflections on freedom of association.

Bush Administration, which, in the time frame of what you all know it takes, sounds pretty good to me. And I would hope that that kind of a track can be a fast one.

So let me be the continual optimist that I am and conclude by saying that I feel we are here today—you and the work you've put in—commemorating not so much an achievement of the past but a hope for the very near future.

I think that, with your efforts and those who are not here today, working together, we can usher in a future where all the world's workers enjoy the benefits of freedom of association.

Ray Marshall, *Former Secretary of Labor*

Ray Marshall is the Audre and Bernard Rapoport Centennial Professor of Economics and Public Affairs at the University of Texas at Austin.

Professor Marshall served as Secretary of Labor from January 1977 to January 1981. He also served as President Carter's chief advisor on labor matters and was responsible for carrying out the Department of Labor's mission "to foster, promote and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment." In carrying out these duties, he administered laws and programs in such areas as employment and training, labor statistics, labor-management relations, and other matters affecting the nation's expanding work force.

I approach all of this, of course, from a perspective different from a legal perspective. It's mainly from that of an economist, labor economist, one concerned about labor standards and workers—and not just those in the United States. The interdependence of workers means that we have to be concerned now about workers all over the country and all over the world.

I think it's very useful in concluding this program to think about the basic rationale for labor standards to start with and then ask ourselves what difference the internationalization of the economy has made for that. And that, therefore, is the main context within which we need to consider freedom of association and other labor standards.

I will remind you of the two main reasons for labor standards historically:

One was an equity reason: that is, to prevent the marginalized or the weak in society from being exploited by market forces. The basic idea was to take labor out of competition in order to preserve human resources, so as to preserve women and children first and then to preserve all workers and their conditions—in order to make it possible for workers to support themselves and their families. That I think is still a very important basic principle.

The second argument, not as well understood, was an efficiency rationale, and that was, that it strengthens management's efficiency to have labor standards.

The reason it does this is that if employers can shift the cost of change

to workers, in the form of unemployment or violation of basic labor standards, then they have less motive to manage.

That principle is recognized even by many American companies, like IBM. One of the reasons for their so-called full employment strategy is that it strengthens management. It causes people to pay a lot more attention to managing in order to become more efficient rather than reducing labor standards.

In an internationalized world, we must think about labor standards in an international context. The same two reasons are still at work: that is, the efficiency reason as well as the equity reason to have international labor standards.

Now I think that there are several basic propositions that we ought to be able to get unanimous consent about.

One is that we have become internationalized and we're not likely to turn back. We're not going to stop the world and get off. And we have a lot to gain from an open and expanding world economy.

But it is very clear also that you are not likely to have an open and expanding world economy without rules. You are no more likely to have a world economy without rules than a domestic economy without law. And, therefore, what we need to do is to have rules to cover international transactions of all kinds—in international affairs.

Only a very small part of international transactions are now covered by any rules. The system that we put in place immediately after World War II is in considerable disarray, partly because of the expansion of the international economy. Therefore, there's a great need to revamp.

Only 17 percent of international transactions are covered by any rules. We know from our international financial system, it is in considerable disarray because there's no international entity to bring discipline to the international financial markets.

A good bit of what financial institutions did to cause the Third World debt problem, which is a hindrance on to world growth, would have been illegal if done in the United States. But there was no institution covering the international arena to say that those activities were illegal, or even to give the financial institutions information about what was happening so that they could see that they were making bad loans and that governments were becoming overcommitted, that they were violating basic banking principles. They were, for example, making consumer loans without collateral, which a socialist institution like the World Bank would never have done.

The thing that we need to recognize, therefore, is the need to have rules in order to bring some order out of the chaos that threatens our international system.

We used to argue, when I took economics to start with many years ago, that international things were what we call second-order conditions. That is, you could deal with a domestic economy and then, after you got through with that, you could say, by the way, we've got the international thing. Let's spend a page or two on that.

It is very clear that the international economy has become a first-order condition, and that therefore, the whole system could be jeopardized by the insecurity and instability of that system.

International rules have to meet the same standards as any other rules. And



Ray Marshall discusses the need for fair and transparent rules in the context of the international economy.

let me remind you what those are.

The first is that a rule ought to be transparent, which means you ought to be able to figure out what it is if you're going to live with it.

The second one is that it ought to be fair. Ordinarily, that means negotiated, in my book. It means based on consensus. But I think there's room for unilateral rules that lead to negotiated rules.

I think it's entirely appropriate for the United States to have adopted unilateral rules as a part of its trade legislation—not because that's better than multilateral rules through the GATT, but because it greatly enhances our ability to get to the rules in the GATT, because we've got something to bargain with.

The United States has not been a good bargainer in international affairs. We've frequently taken unilateral action, like giving people our chips and saying, "Now let's play. Let's bargain about that." We need to bargain before we take this kind of unilateral action.

The last requirement for good international rules or any other rules is they ought to be enforceable. It doesn't do you a lot of good to have rules that you can't enforce. One of the problems with ILO rules is that they are enforced mainly by moral condemnation.

I am all for that. I think, in the long run, moral forces are very strong. But, my observation about them is that they work mainly with moral people. Therefore, if you're dealing with immoral people, you've got to have more than simply moral condemnation.

It's like Dr. Johnson said: "There's nothing like a threat of a hanging to concentrate your thoughts wondrously."

And, therefore, if you have enforcement powers backing up your moral condemnation, I think you're in a much stronger position.

That is one of the reasons that I believe so strongly in trade-linked labor standards. The main enforcement power that we've got to enforce labor standards is our international trade rules. We ought to see to it that labor standards are included in the current GATT talks—the so-called Uruguay Round. We're having some difficulty doing that, but it seems to me to be terribly important to do it.

Why are we having difficulty? Well, I'm really kind of surprised that we are having so much difficulty because what people will frequently say is that: "I'm with you until you get to labor standards. I admit that we got to have rules for commerce and for intellectual property rights and endangered species and all those things. But not labor rules."

And my response always is: "That tells me a lot more about your priorities than it does about your logic, because there is at least as much need for international labor standards to protect workers as commercial rights, intellectual property rights and, certainly, endangered species."

We ought to proceed to get that done. Most of the arguments that are used against trade-linked labor standards cannot really stand up under much scrutiny.

One is that we would surrender our sovereignty. Well, a sovereign can take action that is in the national interest, and that is what sovereignty is all about: that you can freely negotiate. And it is in our interest to try to see to it that we have international rules, because we have more to gain from an open and expanding trading system than almost anybody else. We cannot assume, as we frequently appear to do, that we are above the international law, that we will make our own rules—that we will join your organization, for example, but if it suits our purposes, we will ignore the rules.

That is not the way a good world citizen operates, and we ought not to operate that way in international affairs. If we believe in the rules, we ought to see that they are fair and then we ought to observe them and see that they get enforced.

One argument that somebody used against putting trade-linked labor standards in the Omnibus Trade Bill was that the United States might be prosecuted if we had those kind of standards. And I said, "Good. If we're guilty, we ought to be prosecuted if we violate international rules." I'm not worried about that.

Second, it's argued that we'll be imposing our standards on other countries. As you know, those of you who are involved in international labor matters in the ILO, we are not imposing our standards on other countries. These are international standards. And I don't believe that we ought to impose our standards on other people.

But, by the same token, I don't believe that other countries ought to be able to impose their standards on us either. If you don't have trade-linked labor standards, that's what's happening, because there's a Gresham's law of labor standards: The bad standards tend to drive out the good ones. If somebody gets an unfair advantage because of a bad standard, then it's very hard for people to have a legitimate standard.

It's also argued that this is disguised protectionism, that all we're really trying to do is protect American industry that is incompetent. That certainly might be what is in the minds of a lot of people, but it certainly ought not to be in any of our minds.

What we really ought to be doing is to see to it that workers in the Third World, or wherever, participate in the development that takes place in those countries. That is in our interest. Whereas, at the end of the 1970s, we sold about 40 percent of our exports to the Third World countries, now that has diminished to little more than a third, because of the inability of those countries to develop, partly because of the Third World debt.

While the kind of Keynesian expansion economics might be dead within a country, it's alive and well in the international arena, and it is very much in our interest for Mexico to develop, for other countries of this hemisphere to develop. That will stimulate the American economy.

In fact, I have worked it out arithmetically. It's impossible for us to

restore prosperity in the developed countries by simply trading with each other.

The only way we are likely to be able to have an expanding world economy is for the Third World to take part in it. And the only way that is likely to happen is if the workers in those countries have the ability to get the income to buy products from developed countries. That is not the case.

We are not trying to have protectionism, we are trying to see to it that we promote the whole international economy.

Third, another argument is: It is unreasonable to expect less-developed countries to observe these standards. That's not a very strong argument either because some of these standards are absolute and unrelated to stages of economic development.

I think freedom of association is in that category. And, therefore, it is hard for me to see why you couldn't have freedom of association regardless of your stage of development.

Other standards are different. You wouldn't expect wages to be equalized, and nobody's talking about that. But we are talking about a wage standard, and it's legitimate, I think, for developing countries to have low wages because they're developing.

It is not legitimate for them to suppress wages in order to gain a competitive advantage in the international arena. Those are very different things and, therefore, we have to make that distinction.

Another argument is that these rules will be difficult to enforce, especially in Poland, Russia, and East European countries. My view is they have signed on. They have agreed to the rules. We ought to enforce them.

Gorbachev has discovered the need for a decentralized system; we ought to help him with that. We ought to see to it that democracy and worker participation proceeds before he starts participating more in the international trading system. If we wait until after he gets heavily involved in it, it will be much more difficult to do. And I don't believe it would be any more difficult to enforce a labor standard relative to the Eastern European countries than any other standards that we have to enforce with respect to those countries.

The final objection is one that I get a lot, particularly overseas. I was in Madrid in June talking to the International Metal Workers Federation on this subject, and one delegate rose up and said that: "America has very limited standing to make such recommendations on trade-linked labor standards because you have adopted so few of the international labor standards."

Now my response to that was: "I'm embarrassed that we haven't adopted more standards. I believe that we should. I see no reason why we shouldn't adopt standards like Convention 87 on Freedom of Association, but what is really important for international trade standards is that we observe them.

"We've got a Constitution which gives people freedom of association and therefore our laws protect these standards. So, if you think that we are in violation of the standards, then file a complaint."

Let me conclude by saying that I believe that it would be in the interest of the United States, labor, management, people everywhere and worldwide, for us to have trade-linked labor standards, especially freedom of association. But there are others, affecting occupational safety and health, freedom from forced

labor, and freedom from discrimination that would also be in the interest of people everywhere.

Therefore, I commend the people who arranged this Conference for moving us a step forward on this.

Moderator: Tom Kahn

There are three things that occurred to me, three notions that have run through all of the discussion we've had today about freedom of association, through all of the legal arguments and the political arguments, philosophical, ideological, economic, trade-related and what-have-you.

And the three basic ideas that I'm left with are these:

First, as the document itself, Convention 87, says, freedom of association is not just good for unions, it's also good for employers. But I would add to that it's also good for political parties. It's also good for churches. It's also good for social organizations of all kinds—mutual help societies, rotary clubs—the whole range of institutions that we think of as making up the real fabric, as opposed to the paper fabric, of a democracy. That's thought number one that we need to bear in mind. True, it's the bedrock principle of trade unionism, but everybody else needs it, too. And if workers' rights to organize and to associate and to create their own institutions are abridged, the rights of others will likewise not long survive. And everyone ought to bear that in mind.

And the second idea that flows from that is: If, indeed, people do have the right to organize and freely associate—again, not just in unions, but in employer associations and in a whole range of institutions—they are armed by virtue of control of their own institutions. They're armed against the state. They're armed against employers. They're armed against any elements of society that might want to or be tempted to take away any of the other rights that they have—freedom of assembly, freedom of speech, freedom of worship—you name it. And the people who are most secure in their democratic rights are the people who are organized and have their own institutions and thereby have the power to remove governments or to discipline other forces who try to take their rights away from them. So, again, it's not just for workers and unions or even employers. It's human rights in general, all of the human rights that are, in the final analysis, dependent upon the ability of people to defend those rights and to protect them from the assaults of those who want to take them away, whoever they may be.

And the third point takes me back to the opening remarks of President Kirkland, who chose to speak about foreign policy and to urge upon the incoming Administration certain principles of foreign policy. They're not terribly different from the principles that he has urged upon previous Administrations—Democratic and Republican: When there raged so long in this country—or at least if not so long, so heatedly—a debate about what

human rights standards we ought to apply in our relations with other countries and whether we were following a double standard, tending either to favor repressive regimes of the right or favoring repressive regimes of the left, we've always maintained that there is a single human rights standard by which all regimes—all societies, all countries—can be judged, be they left or right, as they describe themselves. That is the standard of freedom of association.

Now, to the extent a society grants its people the right to associate freely and to have their own institutions, we ought to be friendly to that society—to that country—regardless of whether the government calls itself left wing or right wing.

And to the extent that a country denies its people the right to associate freely and determine their own destiny, we should distance ourselves from that government in our foreign policy generally.

So we have discussed many things today, but they don't just pertain to the interests of workers and employers or the legal obstacles in favor of the ratification of Conventions.

They don't apply only to considerations of the future of the ILO and its budget and its activities.

They apply as well to our whole democratic concept, our whole foreign policy and how a democratic society ought to conduct its relations with other people.

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FOCUS

Civil rights—age 25

By Arlee C. Green

The unflinching desire for dignity for all Americans that bonded the nation's labor and civil rights movements bore fruit in passage of the 1964 Civil Rights Act which will mark its 25th anniversary on July 2.

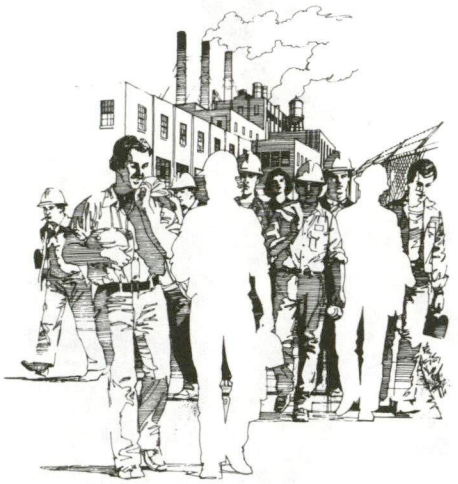
That historic legislation guaranteed the rights of equal access to employment, education, public facilities, housing and public accommodations. The gains made over the past quarter century have been significant even though they had to be defended at every turn during the Reagan Administration, and continue to be challenged by Reagan court appointees.

The labor movement's longstanding commitment to equal rights for all Americans was aptly stated by the AFL-CIO merger Convention in December 1955: "The AFL and the CIO have always believed in the principle and practice of equal rights for all, regardless of race, color, creed or national origin . . . The AFL-CIO is similarly pledged and dedicated to promote and defend the civil rights of all Americans."



Series of this commemorative poster

"The labor and civil rights movements have parallel histories, each capable of direct action regardless of what was considered legal at that time."



Absence of a job diminishes other rights, so labor insisted 1964 law cover jobsite

by Richard G. Womack
AFL-CIO Civil Rights Director

By opening the doors to voting rights, access to public accommodations and facilities, equal protection under the law and equal employment opportunities, the 1964 Civil Rights Act is a landmark equal to any in American history.

But the rights provided by the law aren't equal and in 1964 the AFL-CIO said why:

"Equal education has meaning only for those Negro children whose parents can afford to keep them in school. Equal access to housing has meaning only for those who can afford to buy. Equality in places of accommodation is relevant only for those with money to spend. So it seems to us in the AFL-CIO that the vital issue, the chief among equals, is jobs." This belief forced the inclusion of Title VII, banning discrimination in the workplace.

The 1964 act carried the promise that basic inequities would be righted, suffering and exploitation would be eradicated and violence in relations between groups would be abated. It was a crowning achievement for both the union and civil rights movements.

Those movements have parallel histories, each capable of direct action regardless of what was considered "legal" at that time. Each movement was born of social and economic plight. Each had visionary blacks and whites working to achieve social, economic and civil rights advances for oppressed citizens.

The 1964 act was the best expression of the determination of both the union and civil rights movements—a determination that grew from the knowledge there is no half-way house on the way to freedom; there is no tokenism that will satisfy people who seek the dignity that only full freedom can give.

Thus the fight for the enactment of the Civil Rights Act in general and its Title VII in particular was a crusade by the labor movement in the interest of human dignity, not for blacks alone but for everyone.

Workers form unions to build a society dedicated to social and economic justice. By definition, unions are open to all comers because a mass movement has strength only when inclusive—all people; all colors; all creeds; all political parties; all citizens, without regard to national ancestry.

Before the Civil Rights Act, the two organizations worked toward one end, dignity in the workplace and the abolition of racial discrimination from every aspect of American life. The habit of struggling for those two inseparable goals gives union members a special understanding of the needs of black Americans and a special empathy for their quest to achieve them.

The dream of an America in which all citizens enjoy full citizenship rights can be achieved only if the Civil Rights Act is energetically enforced. That enforcement has been difficult.

While protest movements must continue to use demonstrations to expose injustices, simultaneous efforts are needed to create the good will and interpersonal relations essential to a society that lives together in tranquility.

Trade unionists have to understand the intent as well as the spirit of the Civil Rights Act, moving beyond the letter of the law, beyond the minimum.

Right-minded people agree that voluntary affirmative action is an indispensable ingredient in enforcement of civil rights laws. When the law was still new in the 1960s, the labor and civil rights movements shifted the focus from eradicating intentional discrimination to requiring affirmative action—essential as a response to passive discrimination.

Today economic democracy must remain part of the agenda if the labor and civil rights movements are to meet the challenges of the 1990s. Real celebration of the 25th anniversary of the July 2, 1964, enactment of the Civil Rights Act requires recognition of the realities of post-Reagan America and a willingness to continue the quest.

Court decisions erect barriers to overcoming discrimination

Recent cases alter direction and progress of previous 10 years

Since 1978, the Supreme Court has addressed affirmative action programs ten times. Some programs examined by the court in these decisions were court-ordered, and some were voluntary. Most were challenged either on Fourteenth Amentment (equal protection) grounds or under Title VII of the 1964 Civil Rights Act.

In *Weber v. Kaiser Aluminum/United Steelworkers,* a Title VII case, the court upheld the legality of an affirmative action provision in a collective bargaining agreement designed to eliminate racial imbalances through a craft training program.

Weber was followed by three additional decisions supporting affirmative action programs.

In *Local 28 of Sheet Metal Workers v. EEOC,* the Supreme Court affirmed a court-ordered remedy that mandated a percent non-white union membership, based on the percentage of non-whites in the relevant labor pool.

In *U.S. v. Paradise,* the Court upheld a race conscious promotion remedy for prior discrimination imposed as a temporary measure to increase the number of qualified black candidates.

And in *Johnson v. Santa Clara County,* the Court for the first time addressed the legality under Title VII of an affirmative action plan for women and approved the preference regarding hiring and promotion to create a more balanced workforce.



The Reagan Administration was dedicated to eliminating affirmative action. The recent Supreme Court decisions show that the Reagan appointees are using their judicial office to carry out Reagan's program.

City of Richmond, Va. v. J.A. Croson Co. sharply limited the ability of a state or local government to establish affirmative action programs without first providing proof of past discrimination.

In *Martin v. Wilkes,* the Court ruled that employees who were not part of a consent decree settling race discrimination charges (in this case against the city of Birmingham, Ala.) may challenge promotion made under those decrees as a violation of their rights under Title VII.

In other words, white employees who did not intervene in the original suit can at a later date challenge employment decisions under a consent decree. In dissent Justice John Paul Stevens argued that this decision "would subject large employers who seek to comply with the law by remedying past discrimination to a never-ending stream of litigation and potential liability."

These two decisions erect high barriers in the paths of state and local governments and employers and unions who seek to institute affirmative action programs to overcome the effects of a history of discrimination against minorities and women.

Rights renewed, reinforced in Congress

1982 Voting Rights Act Extension

Despite strong opposition from an unsympathetic Reagan Administration, an effective coalition was able in 1982 to achieve the passage of a much needed 25-year extension of the original 1965 Voting Rights Act. So strong was the national coalition which developed that a substantially improved act was ultimately passed with a key provision making clear that the effects rather than the intent of a voting change are sufficient for a successful challenge. This effectively overturned the *Mobile v. Bolden* Supreme Court decision of 1980 which had held that the "intent" standard of proof was applicable to Voting Rights Act cases.

The Martin Luther King Holiday

The goal pursued for 14 years by the AFL-CIO and its affiliates was realized with the passage of the Martin Luther King Jr., federal holiday bill and the January 1986 establishment of the birthday of Dr. King as a national holiday.

Veto Of Civil Rights Restoration Act

The enactment of the Civil Rights Restoration Act was both a reaffirmation of basic civil rights and a repudiation of the Reagan Administration approach to civil rights enforcement.

Fair Housing Amendments Act of 1988

The passage of the Fair Housing Amendments Act of 1988 was one of the most significant improvements in civil rights law over 20 years. Civil rights advocates were finally able to establish an effective enforcement mechanism for the Fair Housing Act and to extend coverage to the disabled and to families with children.

Three 'first-ever' offices show progress, provide model for young blacks

Twenty five years after enactment of the Civil Rights Act of 1964 doors continue to open: Jesse Jackson made a serious run for President in 1988, Ronald Brown heads the Democratic National Committee and Democrats in Virginia, the capital of the Confederacy, nominated a black, Lt. Gov. L. Douglas Wilder, for governor—all useful signs to young blacks that they too can aim high.

While a tiny percentage of U.S. elected offices, these symbolic "firsts" are not to be taken lightly. They represent further coming of age for America and have made many blacks feel that they are part of the fabric of American society as never before. But the risk remains that the "firsts" will be symbolic.

commitment to civil rights and its support of Supreme Court decisions outlawing segregation in transportation, public schools, and places of public accommodation.

In 1962, the AFL-CIO established a special task force to aid local central bodies in setting up civil rights committees involving every segment of the community.

When President John F. Kennedy introduced his civil rights proposals in 1963 and took administrative action to end racial discrimination in hiring on federal construction projects, AFL-CIO President George Meany welcomed the actions.

Following a meeting of some 300 labor leaders with Kennedy in July 1963, Meany appointed a five-member committee to "wipe out discrimination wherever it exists—on the job, in the schools, in the voting booth, in housing developments, stores, theaters or recreation areas."

Meany pressed to have a fair employment practices bill incorporated into Kennedy's civil rights package. Testifying before a House Judiciary subcommittee in July 1963, Meany called equal employment opportunity the "vital issue" needed to give real meaning to other rights. "The plain fact," he said, "is that Negro workers as a whole, North and South, do not enjoy anything approaching equal employment opportunity."

He insisted that sanctions and penalties be imposed against employers or labor organizations that discriminate.

Meany proposed that the attorney general be empowered to initiate court action on school desegregation without waiting for a complaint to be filed. Such suits are beyond the financial means of most private individuals, Meany emphasized.

The historic 1963 March on Washington turned up the heat on civil rights issues. A. Philip Randolph, an AFL-CIO vice president and the director of the march, told the 200,000 marchers of the need for bipartisan congressional support for the civil rights legislation and said he hoped a fair employment law and injunctive powers for the Justice Dept. would be added.

UAW President Walter Reuther said the task ahead was to "take the tools" to be provided by civil rights legislation and use them on the "day-to-day job of fighting discrimination."

In October 1963, the Civil Rights Commission recommended a fair employment law long urged by the AFL-CIO as the keystone to civil rights progress. A month later, the House Judiciary Committee reported out a comprehensive measure on a 23-11 vote. A stronger bill approved by a Judiciary subcommittee and endorsed by a number of civil rights groups, was voted down earlier 19-15.

The 1963 AFL-CIO Convention declared that "we must set our own house in order, removing the last vestiges of racial discrimination from within the ranks of the AFL-CIO," and secondly, that "we must cooperate with our neighbors in the general community to assure every American the full rights of citizenship."

President Lyndon B. Johnson carried the torch of freedom for civil rights after Kennedy's November assassination. He told Congress no eulogy could "more eloquently honor President Kennedy's memory than the earliest possible passage of the civil rights bill."

But House Rules Committee Chairman Rep. Howard Smith (D-Va.) delayed action on the civil rights package, finally holding hearings in January 1964. He agreed to allow the full House to take up the bill under an "open rule" allowing amendments. The House passed the comprehensive measure 290-130 in early February 1964.

A block of southern senators began a filibuster to delay action on the measure. The Senate in late March voted to bring the bill to the floor for action. The filibuster continued as various weakening amendments were eventually voted down.

The AFL-CIO sharply criticized the "serious inaccuracies" in a speech by Sen. Lister Hill (D-Ala.) about the possible effects of the proposed law on unions.

AFL-CIO Legislative Director Andrew J. Biemiller countered Hill's contention that the bill would "undermine...the seniority system," deprive unions of "representation rights" under basic labor laws and otherwise be "a blow to labor freedom."

In mid-May 1964, the AFL-CIO News printed a summary by Sen. William M. McCulloch (R-Ore.), one of the architects of bill, who wanted to answer "false and misleading charges" being directed at the measure. He gave a section-by-section breakdown of what the bill would and would not do.

In May 1964, the AFL-CIO Executive Council urged the Senate to invoke cloture to cut off debate that had dragged on for three months. "Stop talking, start voting," the council said.

After beating back a bid to scuttle the key fair employment section of the bill, the filibuster was finally broken on June 10 after 75 days on a 71-29 vote. In those days before Senate Rule 22, it took a full two-thirds to invoke cloture, not the 60 votes required today.

The 119 amendments to the bill were considered under the limited debate rule before the roll was called for the last time at 7:40 p.m. on June 19. The debate was over and the bill passed, 73-27.

Meany then called for a broad-based drive to "translate the bill's promises into reality." In a message to the NAACP Convention, Meany said, "All of us must enlist for the duration. I pledge to you that the AFL-CIO will never abandon this fight."

Following President Johnson's signing of the law on July 2, Meany said in a letter to affiliates, "We in the AFL-CIO have a special obligation to implement the law we supported and the principles it represents," urging they bring about the fullest possible involvement of employers "who cannot remain aloof."

At a September conference of 300 delegates from international unions and state and local labor bodies, Meany said the AFL-CIO would ask every union to make available a staff member to aid local central bodies in developing a civil rights program in their community and to assign a national officer to be responsible for developing a fair employment practice program.

Division, Room 208, 815 16th St., N.W., Washington, D.C. 20006. Single poster free.

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Oct. 26/89

TO: KRISTEN GEAR

AFL-CIO (Mark Lange)

I THINK BARBARA HAD A HUNCH THAT I'D BE ADDRESSING THIS ORGANIZATION TODAY. WHEN SHE CAME INTO THE BATHROOM SHE CAUGHT ME IN THE SHOWER SINGING "LOOK FOR THE UNION LABEL."

THERE WAS A NOTE ON MY DESK THIS MORNING THAT SAID "WE HOPE YOUR SPEECH TO THE AFL-CIO EMPHASISES THAT THERE'S NO PLACE IN THIS COUNTRY FOR SLAVE LABOR," SIGNED, JOHN SUNUNU'S STAFF.

I'M AFRAID I ALMOST CAUSED BOB DOLE TO GO INTO SHOCK WHEN I WAS ASSEMBLING MY CABINET. ELIZABETH CALLED HIM ONE DAY AND SAID "GUESS WHAT, I'M GOING INTO LABOR."

LECH WALESA WAS TELLING ME HE'S ALWAYS WANTED TO VISIT THE SEAT OF POWER IN THIS COUNTRY. UNFORTUNATELY, HE DIDN'T HAVE ENOUGH TIME TO STAY IN NEW YORK AND SEE HOW THE MAYOR'S RACE COMES OUT.

I FEEL SOMETHING IN COMMON WITH LECH WALESA, WHO'S ONLY NOW RECEIVING THE GEORGE MEANY HUMAN RIGHTS AWARD HE WAS SUPPOSED TO ACCEPT IN 1981, BUT COULDN'T. THERE WAS A PRIZE I WAS PURSUING IN 1980, BUT IT WAS POSTPONED, AND I DIDN'T GET TO ACHIEVE IT UNTIL 1988.

WASHINGTON WAYS

Nancy Reagan's Diplomatic Silence

By Donnie Radcliffe
Washington Post Staff Writer

They've been friends for more years than probably either of them cares to count, but that didn't keep **Nancy Reagan** and **Mike Wallace** from a little sparring on CBS News's "60 Minutes" Sunday night when he interviewed her about her forthcoming memoirs, "My Turn."

Mrs. Reagan left it to Wallace to draw the conclusions about why then-Vice President **George Bush** declined to tell **President Reagan** that something had to be done about **Donald Regan,** Reagan's chief of staff at the time. Describing how Bush had asked to see her in the White House during the Iran-contra scandal to tell her he thought Regan should go, Mrs. Reagan told Wallace that she urged Bush to tell that to her husband.

"And he said, 'Well, no, that's not my role.' And I thought it was," she told Wallace, paraphrasing her book.

"And you felt that George Bush lacked political courage in failing to tell your husband," Wallace remarked.

"Well, whatever, for whatever reason," she replied.

"What do you mean whatever? That was . . . that's what you felt," Wallace probed.

"You're putting words in my mouth, Mike Wallace," Mrs. Reagan said.

"You can take them out right now," Wallace countered. Laughing, Mrs. Reagan said, "He didn't do it. So . . ."

Yesterday, Wallace said, "She knows what she wants to say. She wasn't about to go any further. We knew, because we talked to various people who worked with her, how she felt about that, but to her credit she was honest enough not to say anything further."

Astrologer **Joan Quigley,** whom CBS News says former First Lady Nancy Reagan paid $3,000 a month for her advice, yesterday claimed credit for the momentous meeting of **President Reagan** and Soviet leader **Mikhail Gorbachev.** "I definitely affected the relationship between the superpowers by my reading of Gorbachev's horoscope," Quigley said in an interview by **Mike Wallace** aired last night on the "CBS Evening News." "The minute I read it I knew I had to change the [president's] 'Evil Empire' attitude before they had their first summit.

"I talked to Nancy for two or three hours, convincing her that Gorbachev was the kind of man that was not only tough but intelligent, open to new ideas and that he had vision like Ronald Reagan did. These two had a fantastic chemistry between them."

Marilyn isn't the only Quayle with a new hairstyle, though her husband's has probably grown out before anybody could photograph it. Asked about his rounder nape line at the Bushes' state dinner for Mexico's President **Carlos Salinas de Gortari** a couple of weeks ago, **Dan Quayle** said he hadn't changed his style, only his stylist. **Vagelis** in the Senate hair salon usually cuts his hair, but when he was busy that day the stylist's sister, **Liria,** subbed with the scissors.

Elsewhere on the beauty front, **Peter Edelman** in this week's Legal Times is calling President Bush "the Revlon president."

Explains Rep. **Pat Schroeder** (D-Colo.), who first dubbed President Reagan "the Teflon president" six years ago to describe his "seemingly impervious nature," Bush proposes "only cosmetic solutions."

"Edelman scored a bull's-eye," says Schroeder. "Not a week goes by that President Bush does not make some high-sounding or grandiose pronouncement—the education summit, the war on drugs and the Mars launch, to name just three. There is never any plan nor any funding, just the announcement. The Bush presidency is all dressed up and nowhere to go."

A couple of years ago it was "one of the unfortunate houses" that couldn't get Blue Bell ice cream. But then a couple of Texans moved into the White House, so Blue Bell delivered and told. And that's when the trouble started.

Since July the Bushes have been receiving—gratis—monthly Federal Express shipments at $79.95 each of four Blue Bell half gallons—always homemade vanilla, sometimes with caramel pecan fudge, sometimes natural vanilla bean, sometimes Dutch almond. Then Blue Bell decided to boast a little by putting advertisements in football programs at the University of Texas and at Texas A&M. Over a picture of the White House a headline proclaimed it "The only house in Washington that can get Blue Bell Ice Cream." Which was true, according to **Jennifer Eckermann,** Blue Bell's advertising manager.

"We don't do a whole lot of print advertising. This was just a regional football program, and for us, it was just a gesture on our part," Eckermann said. "We were having fun because it was a logical step in our advertisement of a couple of years ago when we said that people outside Texas couldn't get Blue Bell Ice Cream."

According to Eckermann, the Bushes liked the ice cream but not the advertising, since it gave readers the impression that Bush pro-

had a White House endorsement. When Chief Usher **Gary Walters** asked Blue Bell's officials to refrain from running the ads again, the Dallas Morning News picked up the story and a bell that merely tinkled started to clang.

"It's like any other product used at the White House," the paper's **Kevin Merida** quoted Walters as saying. "It puts the president and the presidency in the position of endorsing the product. Any of the vendors we use, we ask them not to put that in their advertising."

Eckermann said yesterday that Blue Bell won't run any more of the ads.

But it will continue to send its ice cream to the Bushes because, as the ad says: "It's the little creamery's way of saying, 'Congratulations, Mr. President.' "

"We were surprised by the hoopla," said Eckermann, who couldn't quite hide her pleasure. "A lot more people saw the story than ever saw the ad."

President **Lane Kirkland**—not President **George Bush,** as had been rumored—will introduce **Lech Walesa,** leader of Poland's Solidarity movement, when he addresses the AFL-CIO at its 18th biennial convention here next month and receives the union's George Meany Human Rights Award. The award was announced by the union in 1981, but then Walesa was unable to leave Poland—if he ever wanted to return. He was given an open-ended invitation to pick it up when he could.

Now, with the political climate considerably warmer in Poland, Walesa is coming at the invitation of both the AFL-CIO and the 3,000-organization-strong Polish-American Conference. And his trip is beginning to sound like a state visit. He's in hot demand on Capitol Hill, at the White House and in three other major American cities—New York, Philadelphia and Chicago. Here he will address Congress and meet with President Bush before flying home Nov. 20.

And just in case anybody got the wrong idea, a spokesman for **Nancy Reagan** says she wasn't alone in thinking President Reagan's official White House portrait didn't quite have it. "A number of people, including the artist [Aaron Shikler], thought the painting could be improved," explained **Mark Weinberg,** referring to last week's Ways report that Shikler destroyed his first painting of Reagan and painted a second version because Mrs. Reagan was so unhappy with it.

"As for scooping the White House in her [illegible], she's not going to," added Weinberg, squelching the rumor that her [illegible]

AFL-CIO - rejoining the Federation (Back to the fold)
Daughter back in elected Moscow seat
Svoboda
~ 2 wks ago article
"Love & Politics"

Year of the Blue-Collar Guy

BY STEVE OLSON

While the learned are attaching appropriate labels to the 1980s and speculating on what the 1990s will bring, I would like to steal 1989 for my own much maligned group and declare it "the year of the blue-collar guy (BCG)." BCGs have been portrayed as beer-drinking, big-bellied, bigoted rednecks who dress badly. Wearing a suit to a cement-finishing job wouldn't be too bright. Watching my tie go around a motor shaft followed by my neck is not the last thing I want to see in this world. But, more to the point, our necks are too big and our arms and shoulders are too awesome to fit suits well without expensive tailoring. Suits are made for white-collar guys.

But we need big bellies as ballast to stay on the bar stool while we're drinking beer. And our necks are red from the sun and we are somewhat bigoted. But aren't we all? At least our bigotry is open and honest and worn out front like a tattoo. White-collar people are bigoted, too. But it's disguised as the pat on the back that holds you back: "You're not good enough so you need affirmative action." BCGs aren't smart enough to be that cynical. I never met a BCG who didn't respect an honest day's work and a job well done—no matter who did it.



Forget those lawyers with big unearned incomes who do women's work

True enough, BCGs aren't perfect. But, I believe this: we are America's last true romantic heroes. When some 21st-century Louis L'Amour writes about this era he won't eulogize the greedy Wall Street insider. He won't commend the narrow-shouldered, wide-hipped lawyers with six-digit unearned incomes doing the same work women can do. His wide-shouldered heroes will be plucked from the ranks of the blue-collar guy. They are the last vestige of the manly world where strength, skill and hard work are still valued.

To some extent our negative ratings are our own fault. While we were building the world we live in, white-collar types were sitting on their ever-widening butts redefining the values we live by. One symbol of America's opulent wealth is the number of people who can sit and ponder and comment and write without producing a usable product or skill. Hey, get a real job—make something—then talk. These talkers are the guys we drove from the playgrounds into the libraries when we were young and now for 20 years or more we have endured the revenge of the nerds.

BCGs fidgeted our way out of the classroom and into jobs where, it seemed, the only limit to our income was the limit of our physical strength and energy. A co-worker described a BCG as "a guy who is always doing things that end in the letter 'n'—you know—huntin', fishin', workin' ..." My wise friend is talking energy! I have seen men on the job hand-nail 20 square of shingles (that's 6,480 nails) or more a day, day after day, for weeks. At the same time, they were remodeling their houses, raising children and coaching Little League. I've seen crews frame entire houses in a day—day after day. I've seen guys finish concrete until 11 p.m., go out on a date, then get up at 6 a.m. and do it all over again the next day.

These are amazing feats of strength. There should be stadiums full of screaming fans for these guys. I saw a 40-year-old man neatly fold a 350-pound piece of rubber roofing, put it on his shoulder and, alone, carry it up a ladder and deposit it on a roof. Nobody acknowledged it because the event was too common. One day at noon this same fellow wrestled a 22-year-old college summer worker. In the prime of his life, the college kid was a 6-foot-3, 190-pound body-builder and he was out of his league. He was on his back to stay in 90 seconds flat.

Great skilled work force: Mondays are tough on any job. But in our world this pain is eased by stories of weekend adventure. While white-collar types are debating the value of reading over watching TV, BCGs are doing stuff. I have honest to God heard these things on Monday mornings about BCG weekends: "I tore out a wall and added a room," "I built a garage," "I went walleye fishing Saturday and pheasant hunting Sunday," "I played touch football both days" (in January), "I went skydiving," "I went to the sports show and wrestled the bear." Pack a good novel into these weekends.

My purpose is not so much to put down white-collar people as to stress the importance of blue-collar people to this country. Lawyers, politicians and bureaucrats are necessary parts of the process, but this great skilled work force is so taken for granted it is rarely seen as the luxury it truly is. Our plumbing works, our phones work and repairs are made as quickly as humanly possible. I don't think this is true in all parts of the world. But this blue-collar resource is becoming endangered. Being a tradesman is viewed with such disdain these days that most young people I know treat the trades like a temporary summer job. I've seen young guys take minimum-wage jobs just so they can wear suits. It is as if any job without a dress code is a dead-end job. This is partly our own fault. We even tell our own sons, "Don't be like me, get a job people respect." Blue-collar guys ought to brag more, even swagger a little. We should drive our families past the latest job site and say, "That house was a piece of junk, and now it's the best one on the block. I did that." Nobody will respect us if we don't respect ourselves.

Our work is hard, hot, wet, cold and always dirty. It is also often very satisfying. Entailing the use of both brain and body there is a product—a physical result of which to be proud. We have fallen from your roofs, died under heavy equipment and been entombed in your dams. We have done honest, dangerous work. Our skills and energy and strength have transformed lines on paper into physical reality. We are this century's Renaissance men. America could do worse than to honor us. We still do things the old-fashioned way, and we have earned the honor.

Olson, a construction worker, lives in Madison, Wis.

THE WHITE HOUSE
WASHINGTON

Bobbie Lange Dooley

MEMORANDUM 10/27/89

TO: DAVID DEMAREST/SIG ROGICH

FROM: JOSEPH W. HAGIN

SUBJECT: APPROVED PRESIDENTIAL ACTIVITY

EVENT: Address AFL-CIO Annual Convention

DATE: November 15, 1989 - Wednesday

TIME: 3:30 pm

DURATION: 30 minutes

LOCATION: Washington Convention Center

ATTIRE: Business Suit

REMARKS REQUIRED: Yes

MEDIA COVERAGE: Open

FIRST LADY PARTICIPATION: No

ADDITIONAL INFORMATION:

CONTACT: _____, _____

TELEPHONE: OFFICE _____ HOME _____

NOTE: PROJECT OFFICER, SEE ATTACHED CHECKLIST

Ed Rogers	Marlin Fitzwater	David Bates
James Cicconi	David Demarest	David Valdez
Fred McClure	Jean Lamb	USSS - PPD
Susan Porter Rose	Sig Rogich	Gary Walters
Patty Presock	John Keller	WHCA Audio/Visual
Chriss Winston	Tim McBride	WHCA Operations
Laurie Firestone	J. Bonnie Newman	C. Boyden Gray
William Kristol	Paul Bateman	Bruce Zanca John Herrick
Jackie Kennedy		

BOB PLEASURE

the Yo[illegible]elected delegates to be present
elected; being at Kodak
came out of Yorks -- Kept tools handy
cf. Mary Boots

tight, sharp, short sentences...

Statue of Liberty / Statue of Labor (sp.?) - architect

Gompers, Meany, Kirkland

Tom Kahn
Pres. Coal. A.F.S.

an independent (not trade) labor union body formed in:
Hungary, Poland, E. Germany, U.S.S.R.

AFL ought to have dir. contact with these unions.

Pres in E. Eur. visitate Kirkland's refusal to deal with Communist unions
(non-indep.)
indep & free labor unions.
(of govt.)

(cf. New Breeze)

Lanes Bargain Valley "scattered pieces" --
Solidarity

AFL-CIO:
UAW
mine workers
locomotive engineers - one of the oldest, & never affiliated, now in.
W. Coast longshoremen

see Lanes

REAP??

Have @ 1980 Convention:
voice all sinners
* proper place for sinners is in church

Pithy, powerful stories.
recog. struggles in Amer.
African labor leaders came to Meany (AFL)
Now, E. Eur.?
L. Am.?
[Union in Nicaragua]

among courses, material for
labor mvt. & democ.?

Pat Fasel / African Center
Bill — Amer. Inst. for Free Labor Dev. (L. Am.)

Assassination of AFL-CIO staff in El Salvador

AFL abroad --
⇒ these people are on cutting edge
of free trade unionism & econ. dev.

creation of indust'r. soc. & a middle class

cf. de Soto

~~Labor guy - inst'l if a miracle chapter title p 50 &~~
~~⇒ that people could afford~~

— anyone who believe in pluralism has to believe in free unionism.

a worker's voice - see Medoff

many consolidated Am. Lab. movt.
↳ label in 1980
(coming on 10th)

10th anniv of Kirkland becoming Pres. ↳

Anniv - 25 yrs. since Civ. Rights passed
(⇒ AFL instrumental in passage)

commitment of labor movt. to education
⇒ key to social progress

20 yrs. ago yesterday
at Leadership Educ. Center

Fought for:
integr. Fed. services
& of Army

coming to
100 yrs. birth of A. Philip Randolph
Pres. Sleeping Car Porters - Afro-American Labor
org. the first Black trade union.

Date of the Labor of 1963 march & 1964 Civ. Rights Act.
(w/ Bayard Rustin)

Sept 63 Life cover

Labor & civ rights movements - Bound together
2 movts, one goal:
dignity of human being

Fulbright Hays Act
Educational exchanges for Labor Leaders

Schlossberg

along w/ crediting AFL-CIO
give ILO a line → Fairchild of AFL labor
work for free lab. movt.

Free Labor Institute funded by A.I.D. (Brodie graf)
Nat. Am. " " " Doherty

@ Gate - [redacted]
S.I.L. ☆ Bill Hacker → Tony Freeman → (Hall taker)
("Harri")
Nat. Am. → Wagner → # 647-3662

Asian Free Labor Institute - Chuck Grey (good guy) 737-3000
exp. Philippines

Israel - might be headed for trouble
"Haifai" party in trouble w/ Peled

(keep @ CCCPS. Yes, Koch's from equating Israel w/ fascism

Eugenia Kaufman (Head of all Institutes) Dir. F. F. Dr. Labor. funded by U.S. Govt.
223-5352
Tom Kahn

Emily Pharr [redacted] 778-6382 R522-3589

Am. Asst. for Free Labor Development
("Ay-field")

I know the rhetoric
you & I will disagree, but we have dances
← THIS is what happens when you don't have free labor struggles

CONTRA AMERICA
{the struggle}
walk thru around the globe / Breeze blowing

beware: praise labor around world, kick us in butt @ home

free to org, free to speak its mind -- (yes we disagree)
dynamic
democracy
↳ defend to death your right to say it.

CHINA - troubled by it - vigilant
Schlossberg, Sythe

EASTERN EUR.
{the hope}
Poland, Hungary

~~Shelby McCaffrey @ IFAS~~ 523-6043 Chief of AFL-CIO offices everywhere else

~~Jim Taylor~~ [redacted] ~~left jokes, stories, nuggets~~

11/2

Dan Fried's successor--

Chris Hill @ State:

Keep trying to democracy.

Solidarnosc as a union.

giving workers a voice
voting to leaders
participation in pol. process

Trade unionism as catalyst to democracy

respect for views of the minority

seek as success - personally, globally

Poland as success story - role of trade unionism ((keep positive))

model rest of world

" " " look to you

Chile
Salvador
Nicaragua
Czech (labor's role smaller)

the rise of Solidarnosc in Poland gave birth to democracy.

Jack Heberley

Latin Am.

political repression, corruption

Martyrs --

Tucapel Jimenez — ~1983 decapitated

a vast
Sandinistas result of Somoza -- betrayal of the revolution

How many elections done in democratic fashion?
— AFL contrib. to a fascistic movement

I said (Iraq.) we didn't have to wreak justice
from tyrants – have only to summon it from within ourselves...

... AND EVERY WORKER?
(or, soften & avoid worker rights...)

AFL-CIO

5 @ 20

S16

ART w/ sense of patriotism, freedom.

2 Packs?

Blue Collar Guys piece

— Respect for the worker / w/ issues using Tech as symbol recognition

— Foreign Policy.

Eastern Eur – what's happening

Totalitarianism is anti worker

Freedom is pro worker, opportunity, respect for the individual dignity of work :: respect the rights of all workers

What labor movement has done for Am. worker.

E. Germany just est. labor union

first non-government union

NOT

Kirkland, Donahue, Exec. Council Assembled Delegates

Bob Pearson

Message to Ortega

as we move toward freedom -- Call for enlightened leadership – in wake of Poland

Labor Organizing in America, New York -- They send reps. to countries

organizers as desperados

area control enviro -- making world safer

work safety standards

BILL BROCK (in Japan)

STEVE SCHLOSSBERG [653-7652]

what's IRO going on @ –

↳ we know you're leftish – within realm of hors, what would POTUS say

LECH / DEMOC / FREEDOM / WALESA'S ROLE

@ Heritage -- Tony Blair, Jean Eric, Ed. Studies (C.A.")

Because they are organizations uniting millions of workers, unions are the first target of attacks by dictators. In Lenin's USSR and in Hitler's Germany, independent unions were among the first organizations to be crushed, their leaders among the first to be arrested and murdered. Like General Jaruzelski of Poland, General Pinochet of Chile, and P.W. Botha of South Africa, today all tyrants know that free unions by their nature resist efforts to curtail civil liberties and to concentrate all power in the hands of the state or of narrow oligarchies. They know free unions mean pluralism and democracy.

Because freedom of association is the guiding principle of our foreign policy, the AFL-CIO rejects all political systems that deny freedom—be they right-wing or left-wing dictatorships, fascist or communist. Workers and trade unionists who are beaten, tortured, and jailed by rightist tyrants or leftist totalitarians fail to recognize any distinction.

FOCUS

Civil rights—age 25

By Arlee C. Green

The unflinching desire for dignity for all Americans that bonded the nation's labor and civil rights movements bore fruit in passage of the 1964 Civil Rights Act which will mark its 25th anniversary on July 2.

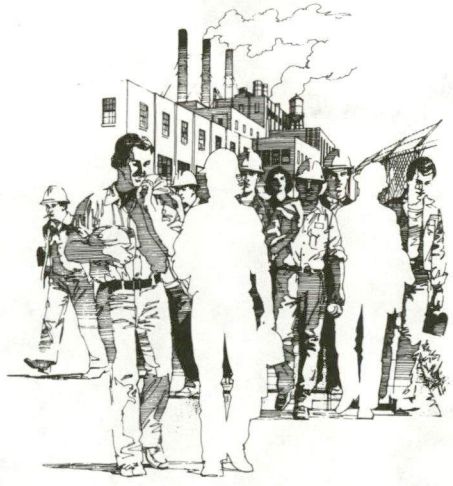
That historic legislation guaranteed the rights of equal access to employment, education, public facilities, housing and public accommodations. The gains made over the past quarter century have been significant even though they had to be defended at every turn during the Reagan Administration, and continue to be challenged by Reagan court appointees.

The labor movement's longstanding commitment to equal rights for all Americans was aptly stated by the AFL-CIO merger Convention in December 1955: "The AFL and the CIO have always believed in the principle and practice of equal rights for all, regardless of race, color, creed or national origin... The AFL-CIO is similarly pledged and dedicated to promote and defend the civil rights of all Americans."



Copies of this commemorative poster

"The labor and civil rights movements have parallel histories, each capable of direct action regardless of what was considered legal at that time."



Absence of a job diminishes other rights, so labor insisted 1964 law cover jobsite

by Richard G. Womack
AFL-CIO Civil Rights Director

By opening the doors to voting rights, access to public accommodations and facilities, equal protection under the law and equal employment opportunities, the 1964 Civil Rights Act is a landmark equal to any in American history.

But the rights provided by the law aren't equal and in 1964 the AFL-CIO said why:

"Equal education has meaning only for those Negro children whose parents can afford to keep them in school. Equal access to housing has meaning only for those who can afford to buy. Equality in places of accommodation is relevant only for those with money to spend. So it seems to us in the AFL-CIO that the vital issue, the chief among equals, is jobs." This belief forced the inclusion of Title VII, banning discrimination in the workplace.

The 1964 act carried the promise that basic inequities would be righted, suffering and exploitation would be eradicated and violence in relations between groups would be abated. It was a crowning achievement for both the union and civil rights movements.

Those movements have parallel histories, each capable of direct action regardless of what was considered "legal" at that time. Each movement was born of social and economic plight. Each had visionary blacks and whites working to achieve social, economic and civil rights advances for oppressed citizens.

The 1964 act was the best expression of the determination of both the union and civil rights movements—a determination that grew from the knowledge there is no half-way house on the way to freedom; there is no tokenism that will satisfy people who seek the dignity that only full freedom can give.

Thus the fight for the enactment of the Civil Rights Act in general and its Title VII in particular was a crusade by the labor movement in the interest of human dignity, not for blacks alone but for everyone.

Workers form unions to build a society dedicated to social and economic justice. By definition, unions are open to all comers because a mass movement has strength only when inclusive—all people; all colors; all creeds; all political parties; all citizens, without regard to national ancestry.

Before the Civil Rights Act, the two organizations worked toward one end, dignity in the workplace and the abolition of racial discrimination from every aspect of American life. The habit of struggling for those two inseparable goals gives union members a special understanding of the needs of black Americans and a special empathy for their quest to achieve them.

The dream of an America in which all citizens enjoy full citizenship rights can be achieved only if the Civil Rights Act is energetically enforced. That enforcement has been difficult.

While protest movements must continue to use demonstrations to expose injustices, simultaneous efforts are needed to create the good will and interpersonal relations essential to a society that lives together in tranquility.

Trade unionists have to understand the intent as well as the spirit of the Civil Rights Act, moving beyond the letter of the law, beyond the minimum.

Right-minded people agree that voluntary affirmative action is an indispensable ingredient in enforcement of civil rights laws. When the law was still new in the 1960s, the labor and civil rights movements shifted the focus from eradicating intentional discrimination to requiring affirmative action—essential as a response to passive discrimination.

Today economic democracy must remain part of the agenda if the labor and civil rights movements are to meet the challenges of the 1990s. Real celebration of the 25th anniversary of the July 2, 1964, enactment of the Civil Rights Act requires recognition of the realities of post-Reagan America and a willingness to continue the quest.

Court decisions erect barriers to overcoming discrimination

Recent cases alter direction and progress of previous 10 years

Since 1978, the Supreme Court has addressed affirmative action programs ten times. Some programs examined by the court in these decisions were court-ordered, and some were voluntary. Most were challenged either on Fourteenth Amentment (equal protection) grounds or under Title VII of the 1964 Civil Rights Act.

In *Weber v. Kaiser Aluminum/United Steelworkers,* a Title VII case, the court upheld the legality of an affirmative action provision in a collective bargaining agreement designed to eliminate racial imbalances through a craft training program.

Weber was followed by three additional decisions supporting affirmative action programs.

In *Local 28 of Sheet Metal Workers v. EEOC,* the Supreme Court affirmed a court-ordered remedy that mandated a percent non-white union membership, based on the percentage of non-whites in the relevant labor pool.

In *U.S. v. Paradise,* the Court upheld a race conscious promotion remedy for prior discrimination imposed as a temporary measure to increase the number of qualified black candidates.

And in *Johnson v. Santa Clara County,* the Court for the first time addressed the legality under Title VII of an affirmative action plan for women and approved the preference regarding hiring and promotion to create a more balanced workforce.



The Reagan Administration was dedicated to eliminating affirmative action. The recent Supreme Court decisions show that the Reagan appointees are using their judicial office to carry out Reagan's program.

City of Richmond, Va. v. J.A. Croson Co. sharply limited the ability of a state or local government to establish affirmative action programs without first providing proof of past discrimination.

In *Martin v. Wilkes,* the Court ruled that employees who were not part of a consent decree settling race discrimination charges (in this case against the city of Birmingham, Ala.) may challenge promotion made under those decrees as a violation of their rights under Title VII.

In other words, white employees who did not intervene in the original suit can at a later date challenge employment decisions under a consent decree. In dissent Justice John Paul Stevens argued that this decision "would subject large employers who seek to comply with the law by remedying past discrimination to a never-ending stream of litigation and potential liability."

These two decisions erect high barriers in the paths of state and local governments and employers and unions who seek to institute affirmative action programs to overcome the effects of a history of discrimination against minorities and women.

Rights renewed, reinforced in Congress

1982 Voting Rights Act Extension

Despite strong opposition from an unsympathetic Reagan Administration, an effective coalition was able in 1982 to achieve the passage of a much needed 25-year extension of the original 1965 Voting Rights Act. So strong was the national coalition which developed that a substantially improved act was ultimately passed with a key provision making clear that the effects rather than the intent of a voting change are sufficient for a successful challenge. This effectively overturned the *Mobile v. Bolden* Supreme Court decision of 1980 which had held that the "intent" standard of proof was applicable to Voting Rights Act cases.

The Martin Luther King Holiday

The goal pursued for 14 years by the AFL-CIO and its affiliates was realized with the passage of the Martin Luther King Jr., federal holiday bill and the January 1986 establishment of the birthday of Dr. King as a national holiday.

Veto Of Civil Rights Restoration Act

The enactment of the Civil Rights Restoration Act was both a reaffirmation of basic civil rights and a repudiation of the Reagan Administration approach to civil rights enforcement.

Fair Housing Amendments Act of 1988

The passage of the Fair Housing Amendments Act of 1988 was one of the most significant improvements in civil rights law over 20 years. Civil rights advocates were finally able to establish an effective enforcement mechanism for the Fair Housing Act and to extend coverage to the disabled and to families with children.

Three 'first-ever' offices show progress, provide model for young blacks

Twenty five years after enactment of the Civil Rights Act of 1964 doors continue to open: Jesse Jackson made a serious run for President in 1988, Ronald Brown heads the Democratic National Committee and Democrats in Virginia, the capital of the Confederacy, nominated a black, Lt. Gov. L. Douglas Wilder, for governor—all useful signs to young blacks that they too can aim high.

While a tiny percentage of U.S. elected offices, these symbolic "firsts" are not to be taken lightly. They represent further coming of age for America and have made many blacks feel that they are part of the fabric of American society as never before. But the risk remains that the "firsts" will be symbolic.

commitment to civil rights and its support of Supreme Court decisions outlawing segregation in transportation, public schools, and places of public accommodation.

In 1962, the AFL-CIO established a special task force to aid local central bodies in setting up civil rights committees involving every segment of the community.

When President John F. Kennedy introduced his civil rights proposals in 1963 and took administrative action to end racial discrimination in hiring on federal construction projects, AFL-CIO President George Meany welcomed the actions.

Following a meeting of some 300 labor leaders with Kennedy in July 1963, Meany appointed a five-member committee to "wipe out discrimination wherever it exists—on the job, in the schools, in the voting booth, in housing developments, stores, theaters or recreation areas."

Meany pressed to have a fair employment practices bill incorporated into Kennedy's civil rights package. Testifying before a House Judiciary subcommittee in July 1963, Meany called equal employment opportunity the "vital issue" needed to give real meaning to other rights. "The plain fact," he said, "is that Negro workers as a whole, North and South, do not enjoy anything approaching equal employment opportunity."

He insisted that sanctions and penalties be imposed against employers or labor organizations that discriminate.

Meany proposed that the attorney general be empowered to initiate court action on school desegregation without waiting for a complaint to be filed. Such suits are beyond the financial means of most private individuals, Meany emphasized.

The historic 1963 March on Washington turned up the heat on civil rights issues. A. Philip Randolph, an AFL-CIO vice president and the director of the march, told the 200,000 marchers of the need for bipartisan congressional support for the civil rights legislation and said he hoped a fair employment law and injunctive powers for the Justice Dept. would be added.

UAW President Walter Reuther said the task ahead was to "take the tools" to be provided by civil rights legislation and use them on the "day-to-day job of fighting discrimination."

In October 1963, the Civil Rights Commission recommended a fair employment law long urged by the AFL-CIO as the keystone to civil rights progress. A month later, the House Judiciary Committee reported out a comprehensive measure on a 23-11 vote. A stronger bill approved by a Judiciary subcommittee and endorsed by a number of civil rights groups, was voted down earlier 19-15.

The 1963 AFL-CIO Convention declared that "we must set our own house in order, removing the last vestiges of racial discrimination from within the ranks of the AFL-CIO," and secondly, that "we must cooperate with our neighbors in the general community to assure every American the full rights of citizenship."

President Lyndon B. Johnson carried the torch of freedom for civil rights after Kennedy's November assassination. He told Congress no eulogy could "more eloquently honor President Kennedy's memory than the earliest possible passage of the civil rights bill."

But House Rules Committee Chairman Rep. Howard Smith (D-Va.) delayed action on the civil rights package, finally holding hearings in January 1964. He agreed to allow the full House to take up the bill under an "open rule" allowing amendments. The House passed the comprehensive measure 290-130 in early February 1964.

A block of southern senators began a filibuster to delay action on the measure. The Senate in late March voted to bring the bill to the floor for action. The filibuster continued as various weakening amendments were eventually voted down.

The AFL-CIO sharply criticized the "serious inaccuracies" in a speech by Sen. Lister Hill (D-Ala.) about the possible effects of the proposed law on unions.

AFL-CIO Legislative Director Andrew J. Biemiller countered Hill's contention that the bill would "undermine...the seniority system," deprive unions of "representation rights" under basic labor laws and otherwise be "a blow to labor freedom."

In mid-May 1964, the AFL-CIO News printed a summary by Sen. William M. McCulloch (R-Ore.), one of the architects of bill, who wanted to answer "false and misleading charges" being directed at the measure. He gave a section-by-section breakdown of what the bill would and would not do.

In May 1964, the AFL-CIO Executive Council urged the Senate to invoke cloture to cut off debate that had dragged on for three months. "Stop talking, start voting," the council said.

After beating back a bid to scuttle the key fair employment section of the bill, the filibuster was finally broken on June 10 after 75 days on a 71-29 vote. In those days before Senate Rule 22, it took a full two-thirds to invoke cloture, not the 60 votes required today.

The 119 amendments to the bill were considered under the limited debate rule before the roll was called for the last time at 7:40 p.m. on June 19. The debate was over and the bill passed, 73-27.

Meany then called for a broad-based drive to "translate the bill's promises into reality." In a message to the NAACP Convention, Meany said, "All of us must enlist for the duration. I pledge to you that the AFL-CIO will never abandon this fight."

Following President Johnson's signing of the law on July 2, Meany said in a letter to affiliates, "We in the AFL-CIO have a special obligation to implement the law we supported and the principles it represents," urging they bring about the fullest possible involvement of employers "who cannot remain aloof."

At a September conference of 300 delegates from international unions and state and local labor bodies, Meany said the AFL-CIO would ask every union to make available a staff member to aid local central bodies in developing a civil rights program in their community and to assign a national officer to be responsible for developing a fair employment practice program.

Division, Room 208, 815 16th St., N.W., Washington, D.C. 20006. Single poster free.

The following excerpt is from an address given on June 3, 1975, at the seventy-fifth anniversary dinner of the ILGWU by the president of the American Federation of Labor–Congress of Industrial Organizations.

MORE THAN A UNION
by George Meany

This union has been fortunate in the leadership that has been developed over the years in a tough industry, a leadership that never lost sight of the real big picture of the trade union movement. They always held to the great visions of what the labor movement was all about, and the dramatic changes it could make in the lives of millions of ordinary people. Louis Stulberg, like David Dubinsky before him, has embodied that kind of leadership, not only in the ILGWU but in the American labor movement as a whole.

Looking back over the years that it has been my privilege to observe the ILGWU in action, I realize that this institution is much more than a trade union. Oh, yes, it was vitally concerned with wages and work conditions for its membership, which were reflected in progressively better and better collective-bargaining agreements over the years.

The word "International" in the official title of your union has, for me, special significance. It indicates that the union embraces membership in Canada as well as the United States. But much more, it indicates the global philosophy of the ILGWU over the years, which philosophy could be best described, as it was described by the Philadelphia charter of the International Labor Organization, adopted in 1944, which stated very simply, "All human beings, irrespective of race, creed, or sex have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity."

May I cite to you two outstanding examples of the global philosophy, where the ILGWU leadership demonstrated its concern for the plight of people in faraway places whose freedom was threatened by the forces of tyranny and despotism: In this city in April 1933, a gathering of liberal and labor representatives set up two instrumentalities to combat the forces that were crushing freedom in Nazi Germany. One of these organizations was the Non-Sectarian Anti-Nazi League, set up to promote a worldwide boycott of Nazi products. The other, the German Labor Chest, was to provide relief for German trade union officials who had gone into exile with the rise of Adolf Hitler.

One of the prime movers of these actions, who was present at that meeting, was the then president of the ILGWU, my good friend David Dubinsky. What was highly significant about this was that Dubinsky and those associated with him recognized the threat to human freedom that was inherent in the event taking place 6,000 miles away in Germany at a time, within 90 days after Hitler assumed power, when a lot of people were looking upon Hitler as some kind of political freak that would go away. Dubinsky, Bill Green, Matt Woll and a few more realized then the threat to our way of life and to our concept of freedom and dignity that was inherent in what was happening in Nazi Germany early in 1933.

And then, who can forget 1948, when a crucial election was held in Italy which could have resulted in Italy's going behind the Iron Curtain as a Soviet satellite? Well, I don't know about the CIA interfering in foreign elections, but I can confess that the AFL and Dubinsky and Luigi Antonini "interfered" in a foreign election in 1948, and I'm quite proud of the fact that they did. The courageous leadership of Dubinsky and Antonini played a major role in preventing at that time a complete takeover of Italy by the Communists.

I said at the beginning of my remarks that this union was built and made great by practical people with big ideas and, perhaps more important, high ideals about democracy, freedom and justice which were, in many cases, brought to this country by people who had to struggle for those ideas in the Old World. They came here looking, not just for bread, but also for justice.

Maybe that is why this union has been truly international in its outlook. Whether it was a fight against Fascism or a fight against Communism, the ILGWU was always in the forefront. This union never sat back and said "that's none of our business." If freedom was at stake, especially trade union freedom, anywhere in the world, it was the business of this union, and it is the business today of the entire trade union movement.

The great adventure which 11 workers in a small room embarked upon 75 years ago tonight is not yet over. Your legacy to all workers is a concept and a model of social unionism in the very best sense of the word. That for us is not a thing of the past, but that really is the wave of the future.

Cutting Edge

sacrifices. If only the world knew about (martyrs)
We remember how tough organizing here was...

As we move toward freedom... (message to Ortega)
condemn tyrants. call for enlightened leadership, groundswell of fragile
Poland

Free trade unions → Pluralism & democracy
in Pluralism & democracy → world peace.
perhaps our best hope for a lasting

CONCL

Economy, obviously. But more important

THE AFL-CIO'S FOREIGN POLICY

confirms this view. In the last seventy years no war has been fought or major conflict waged between two democracies. By contrast there have been countless wars between dictatorships, or between dictatorships and democratic governments. This is no accident. It reflects the respect for due process and the rule of law, which is typical of democratic states.

It was Immanuel Kant, the great German philosopher, who demonstrated that only equal rights for every nation, great or small, can provide an adequate foundation for a peaceful world order. Such a distribution of sovereignty is probably the only way nations can coexist harmoniously. The viability of world order depends mainly on the ability of states to agree about basic principles. There is, fortunately, one universal ideology that corresponds to human nature and that can accommodate humanity's heterogeneity. This is the ideology of human rights.

Hexamer

Mr. Shiromas is a professor at Hillsdale College in Hillsdale, Michigan.

W.S.J., "Grievances Around the World"

your outlook has been consistent, steadfast, and unyielding -- resting firmly on the belief that workers must have the right to organize for a measure of control over the conditions of their work.

The Results

This is a broad panoply of work. Justice to its accomplishments, to its variety and intensity—the trade union leaders released from jail, the struggles against exploitation of children, the campaigns against such evils as apartheid long before they became popular, the achievements in material terms and in terms of human rights and dignity of trade unionists in other lands as a result of our solidarity with them—cannot be done in a booklet.

But, to summarize briefly, despite widespread government restrictions on organizing and collective bargaining, and in spite of exploitation by aggressive employers through low wages, unions are developing throughout Africa, Asia, and Latin America. Democratic unions and forces there and elsewhere deserve continuing AFL-CIO assistance in

By sticking to principle – rejecting dogma + schism
↳ freedom of association
↳ Unions are started to help.
powerful movement for change



Assisting Embattled Unions: *Black South African labor is leading the fight for democratic change. Many unionists have given their lives in the struggle.*

↗ taken for granted here.

Freedom of association tends to get a lot less attention than such rights as freedom of the press or freedom of speech. Yet no right is more basic to democracy and the guarantee of fundamental human rights. Without the ability to associate freely and create our own organizations, working men and women have no means to defend the other fundamental rights of freedom of the press, freedom of assembly, and freedom of religion. Similarly, the erosion of any of these rights gravely threatens freedom of association—the bedrock of free trade unionism.