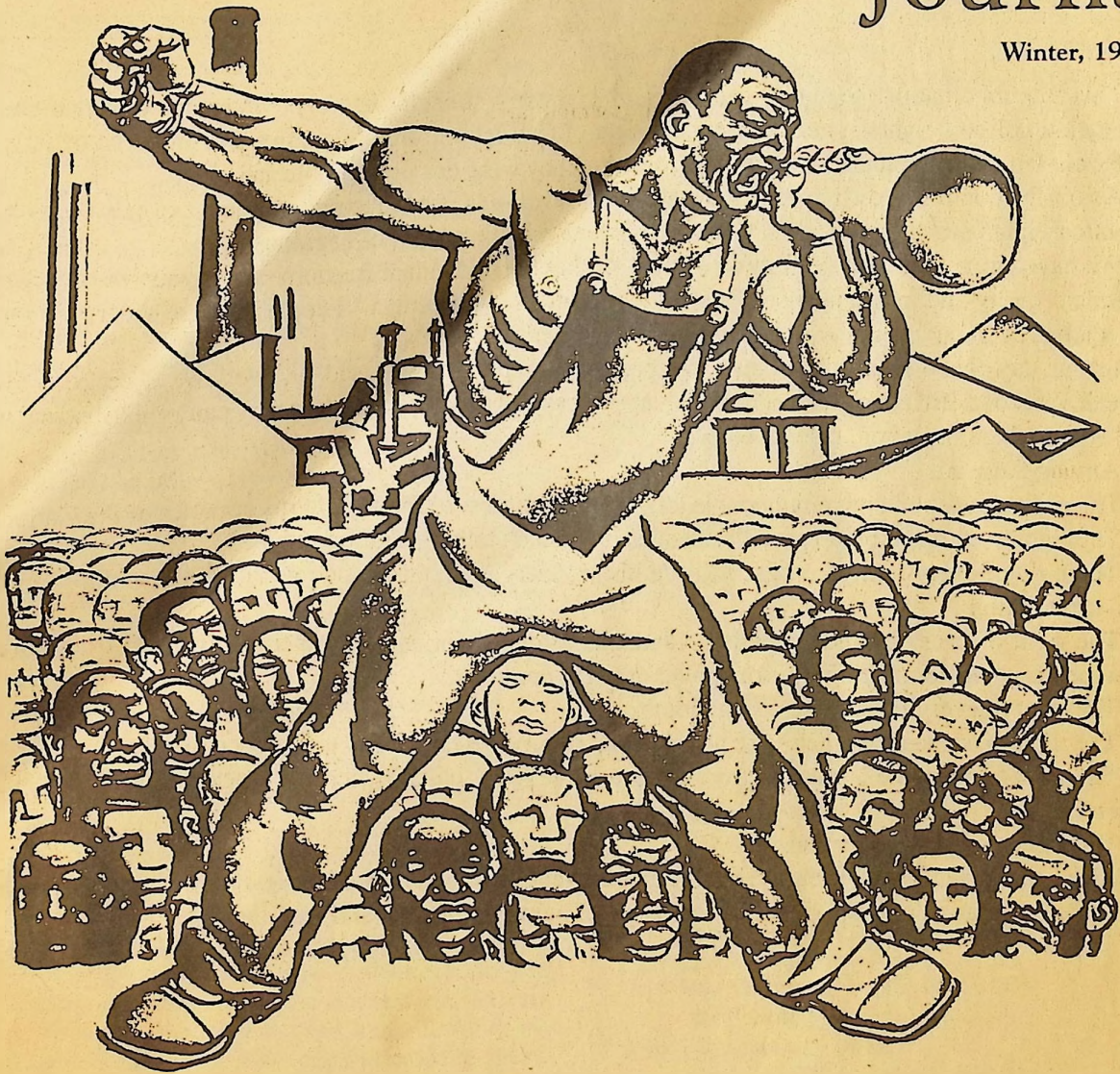


It's Your Right

# Bill of Rights Journal

Winter, 1997



“...life, liberty, <sup>a job</sup> and the  
pursuit of happiness”

## President Franklin Delano Roosevelt

This Republic had its beginning, and grew to its present strength, under the protection of certain inalienable political rights -- among them the right of free speech, free press, free worship, trial by jury, freedom from unreasonable searches and seizures. They were our rights to life and liberty.

As our Nation has grown in size and stature, however -- as our industrial economy expanded -- these political rights proved inadequate to assure us equality in the pursuit of happiness.

We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. "Necessitous men are not freeman." People who are hungry and out of a job are the stuff out of which dictatorships are made.

In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all -- regardless of station, race, or creed.

Among these are --

The right to a useful and remunerative job in the industries, or shops or farms or mines of the Nation;

The right to earn enough to provide adequate food and clothing and recreation;

The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;

The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;

The right of every family to a decent home;

The right to adequate medical care and the opportunity to achieve and enjoy good health;

The right to adequate protection from the economic fears, old age, sickness, accident, and unemployment;

The right to a good education.

All of these rights spell security. And after this war is won we must be prepared to move forward, in the implementation of these rights, to new goals of human happiness and well-being.

--1944 State of the Union message

# Toward Full Employment

Edith Tiger Interviews David G. Gil

**D**avid G. Gil is Professor of Social Policy and Director of the Center for Social Change at the Heller Graduate School at Brandeis University. He has been an advocate for full and meaningful employment for many years and he spoke about it recently with NECLC Director Edith Tiger.

**Many people feel that a constitutional guarantee of full employment is an impossible dream. But that's what they said about social security.**

It's not an impossible dream, because it has been a reality for most of human existence. But I think a constitutional amendment would merely be a confirmation of what the Constitution already contains. Article Six declares that every foreign treaty of the United States is the supreme law of the land. We have a foreign treaty, the United Nations Charter, which commits all member states to promote full employment.

But we don't have it, because it's profitable not to have it for those who control corporations and the wealth in this country, they have the power to disregard our Constitutional obligations. Also, the Federal Reserve acts contrary to the Constitution when it raises interest rates in order to increase unemployment in order to achieve the fiction of a natural rate of unemployment.

**Isn't it a myth that we need unemployment to boost the economy?**

The truth is that it destroys the economy while it keeps the profit level going. Some economists argue that the economy is improving when people are losing jobs and losing income. They argue that if there is full employment, the cost of production goes up because unemployment reduces the wage levels. If there are millions of people ready to work for any price, everyone's wages will go down. So it is certainly in the interest of the employing classes -- which are the exploiting classes -- to have increased unemployment in order to have a reserved army of labour. There is also the issue of controlling inflation by the Federal Reserve. Inflation to them means reduction in profits. What they really are protecting is not the stability of the currency but the stability of the profit making.

**But wouldn't we have prosperity if everyone was working? They would have money to buy goods.**

Exactly, that's the contradiction. We would spread the wealth. It would reduce the share of wealth that goes to the owning class. William Vickrey, who got the Nobel Prize in economics last year, was an advocate of real full employment. He made it very clear that a natural rate of unemployment is foolish. There is no such thing. There is only a human-designed rate of unemployment. By nature, everything works. Nature is motion. Ev-

ery organism works to stay alive to maintain the profits. You can't have freedom of speech or freedom of association if you don't have food to eat or a roof over your head.

That is what Roosevelt said in his 1944 State of the Union Address when he advocated an amendment to the Constitution, which he called the Economic Bill of Rights. His words were, "We cannot grant civil rights; we cannot implement the Bill of Rights as part of the Constitution unless we complement it with an Economic Bill of Rights." That included not just full employment but also meaningful work.

Full employment, in my view, is the first step towards a sane society. You cannot deal with racism. You cannot deal with sexism, ageism, discrimination against people with disabilities. You cannot deal with any of this effectively until everyone is working for a living wage.

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This was recently reaffirmed by the National Conference of Catholic Bishops when they reaffirmed their statement of ten years ago, that all people have a right to economic initiatives, to productive work (not make-work or exploitative work) to just wages and benefits, to decent working conditions, as well as to join unions and other associations.

**In your writing, you talk about a seven-hour work day.**

I figured out that there are about a hundred million people in the work force, and if they each worked eight hours a day, you'd have eight hundred million work hours a day to produce whatever they produce. Now, if everyone worked seven hours, it would mean you would need 40 million more people in the work force to produce the same output. That can be extrapolated to any level of production at any time. Congress has the power to do re-adjust the work day. We wouldn't need an amendment to implement that.

**It seems to me that a constitutional amendment might lose, but we would also gain. Look at the Equal Rights Amendment, which caused debates and prompted editorials across the country. You educate the people that way.**

If it becomes a priority of the progressive forces and the unions, it has a chance. But to me it is an excellent organizing tool. I think it would be easier to organize for the right to productive work than for the rights of women, not because it's less important or more important, but because giving rights to women is dividing the population, especially when you don't have full employment. That would mean giving unemployment to lots of men, so you have fragmented the political and economic interests.

California voted against affirmative action, and I can understand why. Because affirmative action has divided people up, and it's only full employment and legal guarantees for it that can create united political support because it's not against anyone.

I also we should file a suit the next time the Federal reserve raises the interest rates. We should sue the Federal government for not conforming to the supreme law of the land. It might not win, but it would get press, and it would get people's attention.

**Talk about your notion of a parental wage.**

In Sweden, each parent can take off a year to take care of the infant and be paid out of general revenue. I think they get 90 percent of their wages. In Hungary you are paid for three years. In France, you are paid for motherhood. The idea is very simple. We have to ask ourselves: what is work? What is important to society. Baseball is very important, and you are paid for playing it. We talk about family values. If we really have family values then taking care of children would be more important than playing baseball. Taking care of one's child is one of the most productive activities that a human being can engage in, father or mother.

We should also include child raising in the Gross National Product. That is already a United Nations resolution: to count the unremunerated work of women and men in the GNP. It was

also introduced as a bill in Congress. But counting it is only the first step. Then you reward it as important work, and it ought to be paid for out of taxes.β

*What did Jefferson Have in Mind?*

## The Pursuit Of Happiness

By Max Gordon

Can the right to a job be considered a civil liberty, subject to demand for enforcement by our governmental institutions, within our present constitutional framework? As an organization explicitly dedicated to the full exercise of our civil liberties and democratic rights, the National Emergency Civil Liberties Committee considers that particularly in this bicentennial year, when we are examining the roots of our national political system and traditions, it is incumbent upon it to explore this question.

My remarks here, directed at an examination of the issue in terms of the ideology and constitutional outlook of Jefferson and Madison -- who were decisive in initially shaping our democratic institutions -- are merely suggestive and preliminary. There is no effort at thoroughness or legal rigor. I offer them simply to initiate the process of examination and to give our constitutional lawyers something to nibble at.

The American tradition, like all social phenomena, has its sharply conflicting aspects. Various economic "factions" (in Madison's term), or classes, have sought to shape or interpret it according to their material interests. But as the Jeffersonian philosophers had predicted, the concentration of wealth which has characterized our nation's modern history had so dominated our ideology as to submerge thoroughly the radical elements which were substantial in the thinking of these philosophers. In a sense we are now trying to recapture, and give life to, these radical elements in our national tradition.

Let's take as our starting point a known fact of history most frequently cited as basis for the welfare state tradition -- Jefferson's substitution, in the Declaration of Independence, of the right to "life, liberty and pursuit of happiness" for "life, liberty and property." Many have viewed this as a rhetorical flourish, or a personal idiosyncrasy of Jefferson's. The great historian of American thought, Vernon Parrington, wrote in the mid-1920's that Jefferson gave the classical Lockean definition of human rights a "revolutionary" shift by the substitution, and that he did so because of his deep conviction that the nation's political machinery should guarantee the enjoyment of human

*Max Gordon, the late editor of Rights, and the Bill of Rights Journal, delivered these remarks to the NECLC National Council in 1976.*

rights for all and not simply for the holders property.

Parrington was right about Jefferson's motivation, but wrong in characterizing the substitution as a "revolutionary shift." Subsequent historic investigation, particularly in the mid-1930's, indicated that the concept of the purpose of government being the happiness of its citizens was part of the Lockean "natural rights" philosophy and widely accepted among Colonial thinkers. In fact, they went back to Aristotle, who said: "Governments are first founded that we might live, but continued that we might live happily." Locke, Adam Smith, Blackstone, and others associated with the Enlightenment and National Rights theory viewed the pursuit of happiness as basic to their theories of government. Smith, in a 1759 work widely read in the Colonies, wrote that: "All constitutions of government are valued only in proportion that they tend to promote the happiness of those who live under them. This is their sole use and end."

Several leading colonial spokesmen enunciated this thesis at various times. George Mason included it in the Virginia Bill of Rights, adopted in a month before the Declaration of Independence. Government, the Virginia document said, should be instituted for the common benefit, protection and security of the people, and that government is best which is capable of producing the greatest degree of happiness and safety.

(Several of these "champions of liberty" were slave owners. Jefferson and Madison made some attempts to eliminate or limit slavery, but gave the effort up as hopeless. All expressions concerning the aims of government and the rights of man applied, for them, only to free white men; the history of civil liberties has involved expanding the liberty they preached to all people).

Jefferson himself often enunciated the principle. Historian Charles M. Wiltse has put Jefferson's position well in *The Jeffersonian Tradition in American Democracy*:

"The happiness principle is undoubtedly the most significant feature of Jefferson's theory of rights, for it raises government above the mere negative function of securing the individual against the encroachments of others. By recognizing a right to the pursuit of happiness, the state is committed to aid its citizens in the constructive task of obtaining their desires, whatever they may be. It should also be noted that this principle is universal...The state is to secure, not merely the greatest happiness of the greatest number, but as far as possible the greatest happiness of all its citizens whatever their condition..."

Wiltse's analysis is obviously highly germane to our discussion. Tom Paine, who developed the radical aspects of the natural rights tradition perhaps most consistently, also wrote in his *Rights of Man* that whatever the form or constitution of government, "it ought to have no other object than the general happiness." If, instead, it operates to "increase wretchedness in any parts of the society, it is on a wrong system and reformation is necessary." Paine went on to say that in the nations of Europe (as contrasted with the United States), much of mankind lives in poverty. He then developed his elaborate scheme for govern-

ment action to eliminate all poverty, that of the aged, the blind, the lame, etc. including provision for permanent employment for all the "casual poor" of the major cities. This, he said, would be achieved not through charity but as a right, the result not of bounty but of justice. The scheme would be financed by progressive taxation and by partial disarmament following an international agreement to eliminate war.

Thus, Jefferson's substitution of the right to happiness in place of the right to property as the basic purpose of government represented a profound tendency in the underlying, philosophy of those who shaped our government. A major justification for advocacy of rebellion against the Crown was precisely the arguments that the British government was not concerned with promoting the happiness of the Colonists, but was seeking to prevent it by its economic measures.

In fact, as Jefferson made plain, the right of property was not in his outlook a "natural right" but simply one which flowed from the natural right to pursue happiness. Since at that time the primary way to make a living was cultivating one's own land, possession of property was important for livelihood. As governor of Virginia, Jefferson proposed unsuccessfully to give every landless freeman 50 acres of uncultivated land owned by the state. In a statement directly related to the current issue, he later declared:

"Whenever there is in any country uncultivated lands and unemployed poor, it is clear that the laws of property have been so far extended as to violate natural right. The earth is given as common stock for man to labor and live on. If, for the encouragement of industry we allow it to be appropriated, we must take care that other employment be furnished to those excluded from the appropriation. If we do not, the fundamental right to labor the earth returns to the unemployed." (emphasis added).

This, as far as the American ideological tradition is concerned, its principal founder and early spokesman clearly provided a framework for the thesis that in our present industrial civilization, where land is not available, the government has the obligation to provide jobs for all.

What about the law, or constitution? Protection of the rights of property has generally been considered a fundamental aspect of its operation, with the Fifth Amendment proviso barring deprivation of "life, liberty or property without due process of law" as the instrument. But how did the Jeffersonians view the matter? In the Lockean concept the starting point of private property rights was man's labor. "Every man has property in his person," Locke declared. "When he mixes his labor with land, "this property becomes the unquestionable property of the laborer..." to dispose of as he will. Like property, Locke explained, a man can sell his "labor" for wages. The produce then becomes the property of the buyer. The wage laborer Locke held, had no other property but his labor (or, more accurately, his power to labor).

Madison's theory of property was largely the same as Locke's. In the constitutional convention debates, he explicitly

declared that property, as he defined it, meant not only material possessions but life, liberty and a man's faculties-or ability to work-and that the end of government was to protect property in this broad sense. He agreed that it was the government's business to provide a milieu of confidence, justice and security in which every citizen can garner the rewards of his industry, economy and abilities. In an essay entitled "Property and Liberty," he declared that man has a property "in the safety and liberty of his person," and "an equal property in the free use of his faculties..." Government is instituted, he declared, "to protect property of every sort... This being the end of government, that alone is a just government which impartially secures to every man whatever is his own...That is not a just government, nor is property secure under it, where arbitrary restrictions, exemptions and monopolies deny to part of its citizens that free use of their faculties...which not only constitute their property in the general sense of the word, but are the means of acquiring property strictly so call..." (emphasis in original). A government which prides itself on maintaining the inviolability of property, but which does violate property "in the labor that acquires the laborer's daily subsistence...is not a pattern for the United States."

Thus, the man who was the constitution's chief draftsman, has told us that the protection of property as he construed it meant the protection by government of man's right to labor. In legal terms, this would appear to provide some "legislative history" with respect to the constitution. If it appears remote in terms of our experience with the law as practiced, it is doubtless because of the enormous ideological dominance of those with concentrations of material property.

For the unemployed, their "property in labor" is permanently destroyed each working day that they do not work. They cannot reclaim it. There are only a finite number of workdays in a worker's life and those he loses through being unemployed can be said to be taken from him "without due process of law."

One final aspect of the Jeffersonian tradition. In a letter to Adams, Jefferson described his philosophy in terms common to him. Unlike crowded and aristocratic Europe, every American can have land to labor for himself or, if he prefers, another vocation which will yield a comfortable subsistence and will provide for "a cessation from labor in old age." Hence, all Americans are interested in supporting "law and order," and can safely exercise "wholesome control over their public affairs..." Jefferson was pointing here to a direct association between the democratic system he had helped to shape and economic security for the whole people. Late in life Madison, who began to see the development of the factory system, put the same thing in negative terms. In the clash of interests between those with and those without property, he had earlier declared in *The Federalist Papers*, "justice ought to hold the balance between them." The guarantee of freedom, he had declared then, rested upon the ability of government to dispense this justice. Now, he warned, the rich can oppress the poor in various ways, and

property can "oppress liberty."

Involved, then, in the issue of job rights, is the maintenance of our democratic liberties, not only in the sense that minorities and blacks suffer gross discrimination when there is joblessness, but in the sense that the oppression which derives from unemployment subverts democratic justice, as Jefferson and Madison saw it.

### Lawsuit for Jobs

Thus, there may well be a legal basis associating constitutional property rights with the concept of a job as a civil liberty. An attempt to use the legal machinery to win job rights was made some five years ago, not on the basis of this constitutional proviso but under the terms of the 1946 Employment Act. District 65 of the Distributive Workers Union filed a suit to compel then President Nixon to honor his responsibilities under the law. Nixon had projected 4.5 percent unemployment rate in his economic message to Congress -- mandated by the 1946 law -- and the Judge ruled that this was within the permissible limits of the law. Since the jobless rate was then 4.5 percent, he dismissed the suit. Thus, a significantly higher jobless rate would presumably, provide a basis for judicial action. The 1946 Act is too weak a reed upon which to lean: the Hawkins-Humphrey Bill is an effort to improve upon it as an effective instrument for compelling action to wipe out unemployment. But, as I have tried to indicate, there may be a constitutional basis for demanding job guarantees for all -- revolutionary as this concept is.

Of course there are grounds for skepticism that full employment is possible under capitalism, which requires a "reserve army of the unemployed." Irrespective of this, law -- the definition of a civil right -- can become a powerful instrument for battling against the scourge of joblessness.

As far as the NECLC's stake is concerned, the issue involved is whether or not the right to a job can be considered a civil liberty. From the point of view of society, the corollary to this is the labor required by society today to help resolve so many of our massive social problems. Government responsibility should be not only to provide jobs *per se*, but to provide meaningful, socially necessary jobs, at decent income and under decent conditions, which will help to secure "happier" lives for everybody.B

### American Dream?

## No, American Nightmare

By Charles J. Whalen

The American Dream is in crisis. The 25-year "Golden Age" that followed World War II has been replaced by an equally long period of economic insecurity for most U.S. workers. In the 1950's and 1960's, middle-class Americans saw

themselves as part of an Affluent society, but that image has since given way to what is perhaps best described as the Anxious society of the 1990s. The expectation that young workers would be better off than their parents has been reversed. The assumption that all would rise together has been subverted by economic strategies which increase the standard of living of some to spectacular heights while that of the majority sinks.

By conventional measures, the U.S. economy is strong, but Americans have good reason to feel ill at ease. In today's economy, most working families can't distinguish recession from recovery. Beneath the misleading surface prosperity lie numerous alarming trends.

**Downsizing** -- In the 1990's hundreds of thousands of workers have lost their jobs in corporate downsizing. Since 1979, more than 43 million jobs have disappeared -- and though the total number of jobs has grown, the new jobs pay less, on average, than the old. Employment at the nation's largest 100 companies has fallen 22 percent. The Associated Press provided an all too vivid snapshot of our times when it reported last year on the experience of Bill Means, an engineer at a computer-software firm in Ohio. Means was terminated and escorted off company property on "Take Our Daughters to Work Day" while his 8-year-old daughter looked on in disbelief.

**More time between jobs; lower-paid jobs** -- Job search in the 1990s takes longer than in the past. The median duration of a search has increased from 2.5 weeks in the mid-1960s to 1.5 months in the mid-1980s and to 2.5 months today. In addition, workers losing jobs recently have suffered an average wage drop of more than 20 percent when they regain full-time work. About a quarter of the workers losing jobs during 1991 and 1992 had either stopped looking or not yet found jobs as late as 1994.

**Declining wages** -- The real purchasing power of wages for the average American worker has been falling since 1973. Average hourly earnings are now lower than they were in 1965; weekly earnings are lower than they were in 1959. Median family income has fallen more than five percent in real terms since 1989, and is back to 1978 levels despite more two-earner families; the middle class has shriveled.

**Longer hours** -- For many still working, the hours are longer and the stress of work has increased, as employers try to achieve the same or higher output with fewer workers both work time and income are poorly distributed.

**More contingent work** -- Part-time and temporary work is on the rise. Between 1970 and 1990, total U.S. employment grew by about half, but the number of persons working part-time yet wanting a full-time job more than doubled; and the number of temporary workers more than tripled. A temporary-employment agency, Manpower Incorporated, is now the nation's second-largest employer. These jobs frequently have few

or no fringe benefits, such as health insurance, pensions or paid vacations, all necessary to stable family life.

**Multiple job-holding** -- In 1985, 5.7 million Americans held two or more jobs; today the number is over 7.7 million. No other industrial nation approaches the US in multiple job holders. As one worker responded to a boast by President Clinton, "Don't tell me about the millions of new jobs created -- I've got three of them and I'm not at all impressed."

In contrast to the present, the early post-World War II period was an era in which there was much truth to the expression "a rising tide lifts all boats." Since most jobs provided steady employment and rising wages, policymakers interested in the well-being of the middle class needed only to focus on three overall measures of economic performance: national output, employment and inflation. The American Dream seemed secure for most people as long as the Gross National Product was growing and unemployment and inflation low.

But much more is required in a global economy of fierce international competition, footloose corporations and swift technological change. Today no single statistics of overall national performance can adequately reflect economic reality. No one policy initiative can restore faith in the American Dream. The United States is capable of establishing an institutional framework that provides those who work hard with economic opportunity, a rising standard of living, and the prospect of an even better life for their children. Moving society toward this objective, however, requires a new look at a broad policy landscape. Among the issues that must receive fresh attention are corporate strategies and economic policy.

Public policies are needed to encourage firms to compete on the basis of innovation, product quality, and the development of new markets -- rather than by downsizing, outsourcing moving operations overseas, and reducing worker wages and benefits. We must devise incentives for employee participation in business decisions and for compensation systems that share a firm's prosperity with workers. In addition, pensions should be portable and extended to a greater proportion of the workforce; basic health services should be available to all; and government, business and educational institutions must collaborate to ensure worker access to effective training programs and other labor-market adjustment mechanisms. We must find ways of making corporate management more accountable to the communities and workers that depend on their firms. International regulation of corporate conduct should supplement national systems of corporate regulation.

**Macropolicy** -- Since 1946, federal law has required that the U.S. government use all practicable means to promote maximum employment, production and purchasing power. But today's fiscal and monetary policies are guided only by a desire to reduce budget deficits and inflation. The Federal Reserve should declare victory in its inflation battle and help accelerate economic growth with lower real interest rates. Congress and the White House, meanwhile, must not lock themselves into a

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fiscal straightjacket with a **balanced** budget amendment. This would prohibit policies necessary to fight recession, like more government spending or lower taxes. International negotiations toward a global "New Deal" would support these moves and recognize the necessity for the major economies to expand simultaneously.

**Setting a floor** -- In the absence of the labor standards with strong enforcement, competition generates a socially destructive, "race to the bottom" -- one that can erode the standard of living of nearly all workers. In recent years, America's workplace standards have been weakened by an assault on labor unions, a decline in the real value of the minimum wage and competition with low-wage nations. Shared prosperity requires policies that shore up the standards -- including an increased minimum wage at home and trade agreements that seek the upward harmonization of standards across the nations. There is also a need for expanded community-service employment and other arrangements that allow the public sector to serve as employer of last resort. Long-term joblessness demoralizes the individual and wastes valuable human resources, undermines worker bargaining power, and adds incalculable social costs. At the same time, it deprives society of an opportunity to address its social needs more adequately.

**Public Investment** -- No nation can prosper without making investments in its future. Public investments -- in education, science and technology and in infrastructure, for example -- are vital not merely for their own sake but also as complements to private investment. But federal non-military investments, when measured as a share of budget or as a fraction of national output, have been declining since the mid-1960s. The signs of neglect are all around us -- decaying cities, inadequate public transportation, and an underfunded national park system. Unfortunately, the U.S. government accounting system cannot distinguish investment from consumption. This system treats much needed infrastructure and biotechnology research no differently than a White House dinner party. America needs both a federal capital budget and a new commitment to public investment. Such expenditures can be funded by *real* tax reform, which would correct the current burden on the middle class and poor and ensure that corporations and the rich pay their fair share.

Revitalizing the American Dream will not be easy. The policy changes we need are many -- and require a Congress and White House dedicated to addressing the problems faced by the nation's working families. But elements of a policy agenda are now coming together. And many who seek public office are now beginning to recognize that the current economic situation is unstable. Anxiety cannot be the defining characteristic of any society for very long.

Middle-class insecurity is real and pervasive. The American Dream is indeed in crisis. Only sensible public action can put the United States on a new course.B

*Guns to Butter*

## Coverting to Peace

By Seymour Melman

**T**he end of the Cold War gives the United States an unprecedented opportunity to build a new foundation for international security and to redirect billions of defense dollars to neglected domestic needs. This "peace dividend" could contribute to the goal of "jobs for all" in a vigorous peacetime economy.

The powerful military-industrial complex spawned by nearly a half century of Cold War has convinced Congress to maintain military forces with "the ability, in concert with regional allies, to win two nearly simultaneous major regional conflicts." Thus, despite a budgetary deficit that is used to justify cuts in domestic spending, our government holds onto levels of military spending comparable to average Cold War years in excess of "the combined spending of the world's next 10 largest military establishments"

President Clinton, moving away from his original commitment to craft a defense budget scaled to the reduced military threat, has proposed instead to increase weapons procurement by almost 50 percent over 1996 levels by the year 2001. Because millions of jobs, the economic health of whole communities, and entire sectors of our economy have come to depend on military spending, the power of the military-industrial complex persists on the post-Cold War era.

It is not too late to "do the right thing." First, we need to understand how the Cold War and massive military spending have undermined our civilian economy. Second, we must recognize how economic conversion can revitalize our productive capacity. Only then will we get behind the drive for economic conversion that can give us disarmament, good jobs, and a higher standard of living.

The Cold War has bled our civilian economy by preempting capital resources, taking the lion's share of top scientific talent as well as federal research and development (R & D) funds, and appropriating government funds that would otherwise have been available for the development of our infrastructure.

**Preempting capital resources:** Between 1947 and 1991, the military enterprise used \$8.7 trillion of U.S. resources (1982 dollars), more than the money value of the nation's entire stock of civilian industrial plant, equipment, and infrastructure. Since 1952, the annual American military budget has been greater than the after-tax profits of all U.S. corporations. High levels of

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military procurement for nearly 50 years have created widespread dependency on weapon systems production among key manufacturing sectors. The wasteful production practices encouraged by cost-plus military contracts are the very antithesis of what was long a strength of U.S. industry, namely using well-paid, highly skilled workers to produce innovative products and to develop new production technologies to offset rising wages.

The easy, high profits of military manufacturing (along with an often overvalued dollar and tax incentives for companies that transfer their operations overseas) encouraged U.S. manufacturers to abandon civilian markets. Since attractive imported goods keep our shops well stocked, the effect of sacrificing investment in the U.S. civilian economy in favor of the military economy escapes attention. Yet for manufacturing as a whole, as an example, imports represented 2.7 million jobs in 1990. In attributing the causes for the much-noted loss of good, civilian jobs in manufacturing, we often fail to count the Cold War economy.

While the United States was squandering its resources on the Cold War and becoming a military economy, many of its allies were making the domestic investments that would lead to superior productivity and competitive strength. For example, in 1988, the United States put \$50 into the military for every \$100 of new civilian assets. But our chief economic rivals, Germany and Japan, invested \$18 and \$4, respectively. Of the total military spending by the U.S. and its allies, 55 percent is paid for by the American taxpayer, and only 45 percent is spent by all other members of NATO, plus Australia, Japan and South Korea. The total population of these 18 countries is more than double that of the United States and their combined output is 60 percent greater.

**R&D takeover:** During nearly 50 years of Cold War, the federal government became the single largest funder of R&D in the U.S. economy. By the late 1980's two-thirds of federal R&D spending was utilized by the Department of Defense, primarily for its applied industrial research on weaponry and allied equipment. Germany and Japan spend a larger fraction of output for nonmilitary R&D than does the United States, and Japan probably spends a greater *absolute* amount as well.

**Infrastructure neglect:** The massive preemption of capital for the military has had the further effect of depleting the whole infrastructure of the society, especially during the Reagan era. Military spending currently consumes almost half of the federal budget available for "discretionary spending." The decay of housing, schools, streets, parks, drinking water, medical facilities, bridges, highways, and railroads has restricted the growth of productivity. There can be no enduring industrial excellence in a sea of infrastructure depletion. Here, too, our allies were building their civilian economies while we shouldered the Cold War. Japan, for example, invested in its infrastructure at 20 times the rate of the United States in recent years and as a consequence of this and a higher rate of investment in productive

capital, achieved six times the U.S. rate of productivity growth. Such investment in infrastructure has been shown to be a powerful influence on economic growth. The key to breaking the military stranglehold on our economy is a comprehensive program of economic conversion that emphasizes planning for alternative production before cuts and layoffs occur. Replacing the economic stimulus of military spending also requires investment to open up alternative markets for defense contractors and civilian firms and promote sustainable economic growth.

A vigorous nationwide effort for demilitarization and economic conversion would create a net increase in civilian jobs providing that cuts in military expenditures were transferred to the civilian economy. The estimated annual shortfall in outlays for all aspects of U.S. infrastructure amounts to about \$165 billion. If \$165 billion were transferred from the military to education, transportation, environment, housing, health care, civilian R&D, etc., 3.95 million (direct and indirect) military-based jobs would disappear. But 5.11 million new civilian-based jobs would be created -- for a net gain of 750,000 new jobs. If an additional annual \$80 billion, raised by restoring 1980 tax levels on the super rich, were spent on conversion, an additional 2.5 million jobs could be created.

**Essentials of conversion:** Economic conversion has three essential components. It must be ordered by law, planned and undertaken locally in each defense factory, laboratory, and military base.

The cornerstone of the comprehensive conversion law proposed in Congress by the late Ted Weiss (D-NY) is this provision: "There shall be established at every defense facility employing at least 100 persons an Alternative Use Committee composed of not less than eight members with equal representation of the facility's management and labor." This composition gives weight to members whose self-interest is tied to long-term production competence rather than short-term financial maneuvers that yield quick profit but degrade the production competence of an industry. To date, Congress has not acted on this comprehensive conversion bill. However, the President could order such local conversion planning by Executive Order.

Planning is necessary, because industry must select new products, estimate their market, retain employees, alter the organization of production and redesign plant facilities. Military bases are convertible to industrial parks, schools, hospitals, airports, recreational facilities, etc. In military laboratories, the scientific staffs must match their knowledge with society's technological needs like renewable energy resources and pollution prevention. The firsthand knowledge of defense establishment employees is essential for conversion. Thus, conversion must be done locally, no remote central office can possess the necessary knowledge of people, facilities and surroundings.

**What can converted factories produce?** Factories, bases, and research facilities that are converted to civilian work can -- for a start -- address the long list of consumer and capital goods

be sure, this requires doing as well or better than foreign producers. Converted factories can produce advanced designs of every sort of machinery and consumer goods machine tools, electric locomotives, farm machinery, oil field equipment, and consumer electronics, to name just some. Modernizing infrastructure will require construction machinery and capital goods of many kinds.

Electrification of U.S. railroads has been proposed as one of the particularly desirable peace dividend projects. This 20-year task, costing over \$100 billion, will require construction of entirely new industries for producing and maintaining equipment that is not currently being designed, developed, or produced in the United States.

**Change in federal policy:** All this requires a marked change in the federal government's policy -- from favoring the war economy to favoring productive, life-serving investments of every sort. Priority in the use of funds freed from military production should be given to initiatives to restore urban communities, meet human needs, such as child-care, and provide ecologically-sound transportation and energy. To acquire the courage to break with their economic dependency on the Pentagon, employees, their communities and Congressional representatives need blueprint-ready conversion plans that define an economic future for their factories, bases and laboratories. This required rethinking and redirection of government spending should be part of a full-employment agenda of employment creation, retraining, relocation assistance, and income support during the period of transition for *all* workers who are affected by economic restructuring.<sup>B</sup>

*Who gets to Work?*

## Unemployment

## And Race

By Manning Marable

What has inflamed white America's opposition to affirmative action? More than anything else, white male fear. Fear makes possible the politics of opposition to programs that attempt to redress past and present patterns of discrimination based on race or gender. This fear reflects narrowing economic opportunity for many people in the U.S. who are accustomed to a rising standard of living. Recent political attacks on the aims and practices of affirmative action in employment have sought to mislead working class opinion with the claim that the pressures on white men stem from the unfair employment of minorities.

No such significant displacement can possibly have occurred. The number of minority workers benefiting from affirmative action is minuscule in comparison to the millions of jobs that corporations have systematically exported or destroyed in re-

cent years. If affirmative action had been sufficient to offset corporate downsizing, the black-white wage gap should have narrowed for young workers. On the contrary, for men 25 to 34 years old, that gap increased for high-school graduates and even more for college graduates between 1973 and 1989. This happened even as the wages of white men of that age fell. Unfortunately, the legal remedies of affirmative action began to be applied just as the stagnation of living standards began. Thus, to understand the drive to abolish affirmative action, it is important to examine trends which have led to elimination of jobs and which reduce or threaten living standards for almost everyone.

Working-class and middle-income people have steadily lost common ground. Real [inflation-adjusted] income for the average family has stagnated over the past two decades. Only families with two earners have had an increase in income since 1973. All other families have lost income during this period.

By all opinion polls, white males are the group most strongly opposed to affirmative action; they perceive themselves to be particularly vulnerable in the new world (and domestic) economic order. Since the early 1970's, the real income of the full-time male worker has declined by 11 percent while that of women workers rose 13 percent as women's access to jobs has improved and as men's employment has been more adversely affected by industrial change. Then, too, for whatever reason, older men are far less likely than women to educate themselves in order to seek new employment opportunities. According to the Census Bureau, 1.6 million women older than 35 are currently enrolled in college. This is nearly twice the number of men that age so enrolled. (But even college-educated workers are losing ground.) White, native-born men now make up less than one-third of the U.S. labor force. As women and minorities compete successfully for jobs traditionally held by white men, white men are inclined to blame the erosion of their opportunities on affirmative action policies.

What's really at work here is the structural transformation of the U.S. economy over the past quarter century. Goods-producing jobs, which provided 32 percent of non-agricultural employment in 1973, were only 21 percent of employment in 1994. Service jobs rose from 68 percent to 79 percent in the same period. In this shift, the high-wage jobs lost were replaced by low-wage ones, such as those in retail trade. The fraction of jobs paying below 125 percent of the poverty level wage rose from 36 percent of jobs in 1973 to 41 percent in 1993. The effect of the structural changes on wages has been reinforced by reduction in the proportion of unionized workers and the decline in value of the minimum wage.

Despite what *Business Week* calls "sizzling" profit growth in 1994 and continued economic expansion, private sector wages fell 1.9 percent in real terms in the year ending March 1995. This implies that new jobs paid, on average, even less than ex-

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isting jobs. It is not hard to see why. Stable manufacturing jobs are being replaced by temporary jobs (the largest addition to new jobs in 1993 and 1994) and service jobs (waiters and bartenders were the second largest addition to jobs). So greatly has employment changed that there are now as many people processing poultry, "typically-minimum wage," as there are steel workers. "No wonder real wages have yet to recapture their pre-recession peaks." Even highly-trained workers like computer programmers are facing replacement by cheaper foreign workers. Global capitalism increasingly pits workers against each other, forcing down wages and fringe benefits, and creating nonunion work places.

Another source of employment problems has been the rise in the average level of unemployment. While in the mid-1960's, it is estimated that there were 2.5 unemployed persons for every vacant job by the late 1970's, this ratio had grown to 5.0. In New York, there are roughly seven jobless people for every available job vacancy. In Harlem, where about 40 percent of the population is below the poverty line, nearly half of all people above age 18 are unemployed, underemployed and/or involuntarily outside the formal labor market. Competition is fierce even for low wage service employment. In Harlem's fast food industry, for example, the ration of job applicants to hires is about 14 to one.

In May 1995 according to the Bureau of Labor Statistics, there were about 7.5 million Americans "officially" unemployed with the black unemployment rate more than double that for whites. There were, however, 4.5 million part-time workers who wanted full-time work, but could not find it. There were another 6.5 million people who wanted a job but were not actively looking, for a variety of reasons. When nineteen million people who desire employment aren't able to get it, along with millions more who don't earn enough to bring them and their families above the poverty line, an environment of political scapegoating and social hostility is created. Blacks, Latinos, women and others are blamed for declining real incomes, unemployment and the loss of job advancement. Yet overturning affirmative action programs and practices will do little to reverse these economic trends for white male workers. While saying no to affirmative action may be one way for disappointed workers to handle their resentment, the basic forces that are destroying jobs and lowering wages will persist even if affirmative action is abolished.

This is why the advocates of affirmative action must carefully link their struggle for social justice with efforts to achieve full employment. I say "carefully" precisely because many neoliberals and conservatives want to sacrifice race-based reforms in favor of class-based programs which address economic disadvantage. Affirmative action is *not* an anti-poverty program. It was never designed to create jobs and is no substitute for job creation.

But the interests of people who have traditionally experienced discrimination and the concerns of those who are fearful

of losing their jobs are connected. Unless the total number of decent jobs is significantly increased for everybody, millions of white male workers will tend to see affirmative action as the enemy. Progressive political initiatives like affirmative action are always more acceptable when economic opportunities are expanding.B

## Labor's Big Year Unions Rise Up From Their Ashes

By John J. Sweeney

This is a critical time for the labor movement, for working families and for our nation. For unions, this is the year we either reverse the long decline in our membership, or decide to slide quietly into the back pages of our history books. And for workers and their families, it's the year we either take back control of our country, or allow the Radical Right, the New Right and the Not-Quite-Right to tighten their grip on the soul of our nation.

As a native of this wonderful city, I'm glad to be with you here in New York and away from the "mean streets" of Washington, DC. I'm not talking about those broad avenues outside the U.S. Capitol where drugs are bought and sold by nights. I'm talking about the narrow corridors inside the Capitol where the future of our country is bought and sold by day, and where a gang of thugs calling themselves Members of Congress have been trying to mug the working families of this country for the past two years.

We fought the last Congress to a standstill. We held the line on Medicare and Medicaid. We protected the college loan program, workplace safety standards and environmental protections. We passed Kennedy-Kassenbaum and got our foot in the door on national health care reform. And we passed a minimum wage increase no one thought we could even bring to a vote. With the exception of an absolutely horrible welfare reform bill, we took the best shots the radical right could deliver and survived. Most important, the labor movement awoke from a long, long sleep and began setting our national agenda rather than reacting to it. As Ted Koppel said on "Nightline," "Labor is back."

Of course, now that we're back, we're attracting a lot of new attention. Our powerful television campaign and successful lobbying efforts have drawn fire from a host of civic-minded non-partisan organizations concerned with fairness in our election process. Like the U.S. Chamber of Commerce, the Nation-

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al Federation of Independent Business and the National Association of Manufacturers.

AFL-CIO Secretary Treasurer Rich Trumka calls 'em the "Moe, Larry and Curly of the American economy."

These three organizations and the big business, anti-worker forces in Congress have begun a campaign to discredit us and throttle our effort to speak out on behalf of working families. They've begun an all-out attack with a barrage of editorials from the *Wall Street Journal*, the latest of which accused Dick Gephardt and Tom Daschle of "parroting" our TV commercials. It was called "Debating Democrats" and it started off like this:

"Here's what it's like to debate a Democrat these days. You say: the subject is the economy. They say the Republicans cut Medicare to cut taxes for the rich. You say: Let's talk about taxes on Social Security recipients. They say: the Republicans cut Medicare to cut taxes for the rich. Your say: How are things in Glochamorra? They say: The Republicans cut Medicare to cut taxes for the rich."

Well, here's my response: The first thing is, let's damn well leave Glochamorra out of this. The second thing is, I'm glad the Democrats are finally listening to us and using our message discipline. And the third thing is, I'm ready. I'm delighted to take my place beside all their other targets: working families, the young, the old, the disabled and the poor. I'm proud to be a target!

But the labor movement isn't about Democrats or Republicans, or about conservatives versus liberals, or right versus left. We're about the bottom versus the top, and I want to talk about what we can do to bridge the growing gap between the great majority of Americans who are at the bottom and suffering as never before and the fortunate few at the top who are prospering as never before.

I am a product of the social compact that lifted America out of the Great Depression and lifted working Americans into the middle class. My father was an Irish immigrant, a New York City bus driver and a proud member of the Transport Workers Union. He lived and worked in tough times. But working people, business people and public officials shared certain understandings.

Here's what working people knew: If we got up every morning and did our jobs, then we could earn a better life for ourselves and a better chance for our children. Here's what business people knew: If they paid their workers fairly and plowed some of their profits back into their communities they could count on loyal employees and loyal consumers. For companies back then, good citizenship was good business. And here is what our leaders in government understood -- and President Kennedy said it best: "A rising tide lifts all boats."

For almost 50 years after winning World War II, we all prospered because we prospered together. We were concerned with raising the standard of living for all Americans -- not just accumulating money for a fortunate few. Our social compact was a formula for the strongest economy, the largest middle class,

and the most successful society this world had ever known.

But now, those days are gone. Faced with deregulation, the oil embargo and the emergence of new technologies, corporations made a fateful decision to compete in the new global economy, not by American team-work and American know-how, but by driving down labor costs.

This is why, from 1978 through 1995, the buying power of workers' hourly earnings fell by 12 percent. American families tried all kinds of coping mechanisms. They sent husbands, wives, and teen-age kids into the labor force. They took second and third jobs. They went deeper into debt. But, in spite of it all, median family income fell five percent between 1989 and 1995.

Meanwhile, the wealthiest Americans are doing better than ever. Between 1980 and 1995, the Dow Jones Industrial Average rose 404 percent. That provided huge payoffs for investors -- but no wage gains for workers. Corporate profits have risen 205 percent since 1980. Corporate chief executive officers are raking in 360 percent more -- and now they earn 187 times more than the average worker.

And now, instead of merely depressing wages, profitable corporations are wiping out jobs. The stories are all too familiar. Mobil Oil announces big layoffs and their stock goes up. Chase Manhattan and Chemical Bank announce a merger that puts 12,000 people out of work and *their* stock goes up. AT&T says they plan to lay off 40,000 men and women and their stock goes up.

What's wrong with this picture: Caterpillar is racking up record profits, enjoying great productivity. Instead of sharing their prosperity, they decide to squeeze a little harder with a two-tier wage system, more work on the weekends without paying overtime pay. They force thousands of workers out on strike, commit 300 violations of U.S. labor laws, and make even bigger profits. Caterpillar says it did it to stay "competitive" with Kamatusu, which is struggling with a global market share below three percent!

What's wrong with this picture: Two years ago, workers at five Bridgestone/Firestone tire plants in the U.S. decide to exercise their legal right to strike. Instead of treating their employees with ultimate respect as they do in Japan, the company fires 2,000 men and women, the biggest illegal replacement of workers in our country's history! Our Secretary of Labor asks to meet with the CEO and gets turned down! In Japan, public opinion would force the CEO to resign for such shameful acts; here in the U.S.A. it's business as usual.

And how about this picture, as reported in *The New York Times*. Three years ago the citizens of Solway, New York were delighted when Landis Plastics decided to open a new plant in their job-starved little community. Now they know Landis as an employer devoid of any sense of corporate responsibility, a company that gives demerits to workers who have to take their children to emergency rooms, discriminates in pay scales and job assignments between men and women, fires workers for

trying to organize a union, cancels health insurance coverage for disabled workers and runs a plant that is chewing off fingers in pursuit of extra profits from the chewing gum it manufactures.

For American workers and their families, these are snapshots from hell. They paint an ugly portrait of a country that has lost respect for workers and the jobs they do. American workers are running out of money, running out of options and running out of hope. They've exhausted their savings and they are loaded with debt. They are frustrated and bitter and their anger is exceeded only by anxiety over keeping their jobs. They see the stock market soaring and profits roaring and they wonder, "Who the hell is getting my share?"

Because of the wage and the wealth gap, America is becoming edgier, angrier, and meaner. Until we ease the growing gaps in work, wages, and wealth, we will be reading more dispatches from a wounded nation -- more militia movements, more bombings, more hate crimes, and more of the quiet anguish of Americans losing their sense of a common destiny and a common purpose. America will become more like the trouble spots where we send our sons and daughters to keep the peace.

So what can we do about it? Of course, American business must change and American government must change. But American labor must also change. That is why I ran for President of the AFL-CIO and that is why I won. The weakness of labor encouraged employers to take the low road. And only by rebuilding our strength can we bring American business back to the high road of high wages. That is why I am challenging every union to put millions of dollars into organizing from the sunbelt to the rustbelt and from health care to high tech. That is why we are pouring money and people into rebuilding our grassroots political strength.

We know we have to reach out to business, to management -- from a position of strength -- because that is the only way we can build a stronger, high-wage economy. We can no longer afford the luxury of pretending that productivity, quality, and competitiveness are not our business. They are our business, our jobs and our paychecks. We also know we have to reach out to our rightful allies in civil rights, women's rights and on the intellectual, academic and student communities --- allies we've become separated from over the years; without whom we cannot rebuild our movement much less reclaim America.

Here's the truth: when faced with a changing culture as well as a changing economy, the labor movement hunkered down. To paraphrase Rev. Jesse Jackson, we spent too much time looking in the mirror and not enough time looking out the window. Relationships torn apart in the 1960s and 70s went unrepaired. The labor movement became isolated and introverted, concerned more with our own deepening crisis than with the world around us.

As our situation worsened, a handful of us began discussing changing the leadership and direction of the AFL-CIO. Led, ironically, by a former college professor, the last Congress

taught us that the labor movement and the intellectual community cannot remain as islands apart. Martin Luther King, taught us that "the labor-hater and the labor baiter is virtually always a twin-headed creature spewing anti-Negro epithets from one mouth and anti-labor propaganda from the other mouth." Now Professor Gingrich has reminded us the monster has many heads, and that when it came for the Jews and the trade unionists nearly 60 years ago, the rest of society wasn't far behind.

Who's on the bottom of society? Trace the slander and the vilification. If you work for the Department of Education, you're on the bottom. If you are a teacher who belongs to a union, you're on the bottom. If you are a professor with tenure, you're on the bottom. If you are a student who depends on a federally guaranteed loan, you're on the bottom. If you are a school or a college or university administrator who depends on federal funds to keep your doors open, you are on the bottom, right there with the men and women who run the plants and sew the clothes and sweep up around the computers in our country.

And if you are a poet or a writer or a historian or a photographer or filmmaker or an artist who requires any sort of public patronage, you are below the bottom, you are down there with those welfare mothers and those one million more kids who don't have enough food to eat or enough clothing to ward off the cold or enough hope to fend off the despair.

My brothers and sisters, workers and their unions need you, and you need us. We need your help in making basic economic education available and accessible to every American, so everyone can understand what is happening to their family budget and who is doing it to them. We need your help in telling the world about the shameful exploitation of children and women workers in those sweatshops just 30 blocks from here, as well as in those maquiladoras miles away. We need your help in dealing with educational institutions like Bamard and Yale that force workers out on strike, rather than setting an example for other employers to follow.

We need your help in exposing and correcting the flaws in our movement: more important, we need your help in exposing and correcting the flaws in our society. We need your help in arousing an older generation to the defense of their retirement security and in alerting a younger generation to the dangers of turning their future over to the friendly folks who brought us the savings and loan debacle and, indeed, the Great Depression. And we need your help in telling millions of unrepresented workers that while it takes a village to raise a child, it takes a union to get a raise.

Our unions can become stronger and smarter and we will be in a position to offer business a challenge. Take some of your profits and invest them in growing the American economy, American workers and American wages. Offer your workers the training they need for tomorrow's jobs -- not just the bigshots in the executive suites, but all your employees. Work with your employees and their unions. Give us a voice in decision-

making. Stop sending jobs out of the country. Start paying people enough so they can spend and save and support the thousands of small businesses that are struggling to survive. Give us half a chance to improve the quality of our goods and services. With a little respect -- as that song says -- we can and will help business compete in the global economy. And for God's sake, stop beating up on the teachers and the technicians, the scientists and the sanitation workers, the nurses and the food workers, the PUBLIC EMPLOYEES who make ours the most civilized society in the world!

As we go through this election year and demonstrate that working Americans are regaining our political power, we also want to issue a challenge to our government: restore some sanity to a tax code that has reduced taxes on millionaires by one-third over the past 15 years while raising taxes by a similar amount on middle-income Americans. Put some new parameters around the Wall Street wizards who are operating dangerously beyond the fringe of current regulation. Stop stealing from the poor, the young and the elderly. End corporate welfare as we know it. Beef up Social Security and Medicare, don't destroy them -- when the Baby Boomers got ready to go to kindergarten, we didn't tear down schools, we built more! And for God's sake, honor the wishes of 80 percent of the American people and spend more money, not less, for Headstart and research and college loans and Americorps and federal funds for education and the National Endowment for the Arts -- more we say, not less. MORE!

"More." That's what Samuel Gompers said when he was asked nearly a century ago. "What does labor want?" Many of you know his words well. "More schoolhouses and less jails," he replied. "More books and less arsenals, more learning and less vice, more constant work and less crime, more leisure and less greed, more justice and less revenge." It was an eloquent statement of values trade unionists still hold dear. And what do working Americans want as we draw close to a new century? What we want is to work together to build an America that holds true to the values we honor in our homes and in our houses of worship.

We want to live in a country where you can raise a family without having to hold down three jobs to do it. Where you don't have to spend so much time at work that you have no time left to go to a movie or to a ballgame with your kids or grandchildren. Where your lot in life is determined by what you do, and not by the color of your skin, the accident of your birth or the selection of your partner. Where our children and grandchildren can look forward to pay raises instead of lay-off notices. To going to college instead of a dead-end job. To enjoying life more, not less, than we've been able to.

Our idea of a just society is one in which honest labor raises the standard of living for all, rather than enormous wealth for a few. And our notion of a moral nation is one which cares for its young, its old and its poor and leaves the rich to fend for themselves.β

## The Economic Bill of Rights How Congress Saw It in FDR's Day

By Bertram M. Gross

I have long been aware of a relationship between unemployment as a denial of employment rights and the growth of old fashioned fascism in Italy, Germany and Japan. I will not touch on this here, however, nor on the current issue of full employment; not on the very strange situation created when those who seek protection against discriminatory employment practices in a situation of declining availability of jobs unintentionally find themselves involved in conflicts of black against white, young against old, senior employees against new employees, male against female. These are vital matters, but my special contribution here will be to review the history of employment rights legislation.

I have suddenly become aware of a vast imbalance in the debates and discussions of full employment. During World War II the question was put on the agenda as the projection of the idea of human rights, of individual entitlements to job opportunities. But once it got on the agenda, the economists and other technicians took over and pushed the human rights question out of the discussion.

The UN Declaration of Human Rights of 1948 said that everyone has the right to work -- mark those words, the right to work -- including free choice of employment, just and favorable conditions of work, and protection against unemployment. A few months later a group of UN experts articulated this further. They considered the proposition that while the right to work is an integral part of the commitment of any socialist society, in countries "which thrived primarily on the system of private enterprise, concern is sometimes expressed that the policy of full employment may entail the introduction of controls of the type considered foreign to their economic institutions." In their view, they added, "the steps required to promote full employment in free enterprise economy are fully consistent with the institutions of such countries." The economists as usual, were brought into the picture by those who, while asserting human entitlement in their formal discussion, threw overboard the question of any human rights in practice and dealt only with "full employment" in economic terms.

While this was going on at the UN level, in the United States in 1943 the National Resources Planning Board presented a report to President Roosevelt recommending a new Bill of

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Rights, including "the right to work usefully and creatively through the productive years." As reward for its initiative, the Board was denied further appropriations by the conservative coalition in Congress and then effectively killed. Nonetheless, the idea had tremendous political value, and in preparing the groundwork for his reelection campaign President Roosevelt sent a message to Congress in 1944 setting forth a new Bill of Rights which incorporated the position of the National Resources Planning Board. The first proposition was *the right to a useful and remunerative job in the nation's industries*. Both candidates in the 1944 election endorsed this.

#### Full Employment Bill is Born

Right after the election, a group of people in Washington (myself included) tried to translate the vague election pledges into a specific legislative commitment. And so was born the original version of the full employment bill of 1945 which stated (in terms which I might say were better stated by Mr. Hawkins 30 years later): "Every American able to work and willing to work has the right to a useful, remunerative job in the industry, or shops, or offices etc., of the nation." This was in December 1944. But something happened between the proposal, initially submitted by Senators Murray and Truman, and the formal measure as proposed in the Senate and House in January, 1945. There was a feeling that we had to move a bit towards the center to gain support for the legislation. Thus the original bill was weakened by the introduction of an interesting proposition (currently being resurrected in different form): "All Americans able to work and *seeking work* have the right to useful, remunerative, regular and *full time* employment; and it is the policy of the United States to assure the existence at all times, of sufficient employment opportunities to enable all Americans to work who have *finished schooling and do not have full time housekeeping responsibilities*." Subsequently those provisions designed to exclude women and students were taken out in the Senate Banking and Currency Committee's bill, which declared: "All Americans able to work and desiring to work are *entitled* to an opportunity for useful and remunerative, regular, full time employment." The term *right* was already under attack but frankly there are so many synonyms in the English language that many of us felt we could drop the work "right" and substitute "entitled" because that meant a powerful entitlement. So it went to the Senate that way with some significant qualifications that I won't go into now. Of course, the "entitlement" concept was later knocked out in the House version and in the final Congress version.

Which brings me to a very interesting contradiction. Anyone sophisticated on the subject of full employment in the United States knows that the original full employment bill was emasculated by the time it went through Congress in 1946. To this day I am convinced that people rationalized the so-called emasculation simply as a juggling around of the words "full" and "maximum." This fails to grapple with the fact that the initiators of the legislation of 1944 and 1945 were trying to establish

by law of human right which many people were then proclaiming and felt they had, but which never had a statutory basis. Every vestige of this concept of human rights was squeezed out of the Employment Act of 1946 by the time it came out of conference committee, to be voted upon by a large majority in both Houses of Congress and signed by the President in February, 1946.

#### Hawkins Bill

In 1973, at a time when the only sign of real depression in the United States was in the black community, and the only indication of serious unemployment in the U.S., as customarily measured, was so-called hidden unemployment or underemployment, Congressman Augustus Hawkins of California projected the new legislation in terms of establishing a personal right, a personal entitlement. Now, back in 1944-1945 two very difficult questions were raised when we were trying to establish a right employment. The first was pretty rough. It came from some of our friends in the labor movement who asked. "What are you talking about when you speak of the right to work?" What about the National Association of Manufacturers' effort to pass right-to-work statues in every state? Are you telling us that we should support this legislation when we're doing all we can in every state to try to stop it? The problem here is that the right-to-work phraseology is also used to establish a right to strike-breaking, to prevent union organization, collective bargaining and picketing.

Fundamentally, right-to-work legislation in this sense is anti-picketing legislation. But at the rhetorical level, with their advocacy of right-to-work law as meant in the UN Human Rights Declaration, the sponsors of the employment rights approach had a difficulty they could not overcome 30 years ago. I suspect that some people who favored this language in the employment legislation really favored the Taft-Hartley bill, then under consideration, and various states' right-to-work legislation.

Another question I'll never forget being asked when I was representing Senators Wagner and Murray, was: "When the sponsors of this bill say rights, do they mean somebody can go to court?" We had to say "Well, we aren't sure yet," We were pressed on that, and I must confess that when a rather good formulation came out of the Banking and Currency Committee by an 8 to 7 majority, the Senate Majority wrote into the report that the bill was not conferring a justiciable right.

Between 1946 and 1978 when the first Hawkins bill was introduced, very little attention was paid to the human rights aspect of unemployment. As I have said initially, the economists have tended to monopolize the field and to drive out of the market place of ideas any moral or ethical propositions or any relating employment rights to basic civil liberties, civil rights, etc. However, this has been a period of tremendous progress in other rights. And so by 1973, when the question came up -- "Are you talking about something justiciable?" -- the proponents of personal rights in statutory form were no longer em-

barrassed. They could say yes, we're talking about something that can not only be enforced by administrative means but is justiciable. In fact, the first two versions of the Hawkins bill included an explicit formulation (written by Bill Higgs) for judicial appeals as a vital part of the so-called Hawkins-Humphrey proposals.

Let me just read the latest version of the statement of entitlement in that legislation: "The Congress declares and establishes the right of all adult Americans able, willing and seeking work (seeking is back in), to opportunities for useful paid employment at fair rates of compensation." It has been a critical part of this legislation from the time it was first introduced three years ago, and there has been about one version per year. We're now on the third version, which has been reported favorably by two sub-committees of the House Committee on Education and Labor, and which will be before the mark-up session of the full House Committee this coming week. I feel confident that the Committee will not strike out the lines I've just read establishing the right. In fact, I don't even think the right will be stricken out on the floor of the House or by the Senate if it reaches the Senate floor. I fear they will try instead, to strike out every specific provision that would translate that right into reality.

#### Dare Not Attack Rights Openly

Which brings me once again to the interesting contradiction in the opponents' position; namely, the personal right is more objectionable to them than anything else, but they are scared to come out and attack that right openly; they will attack the administrative procedure, the definition of unemployment, specific clauses, specific policies whether fiscal or monetary. They will attack everything else to undermine the right, but they are scared to attack it directly.

At the same time the proponents of this legislation, oddly enough, have not done very well in presenting their strongest points, because the strength of their position depends on the appeal to moral and human rights, and the tradition of civil liberties and civil rights. But they, too, dodge discussing this, because if they push this too hard, as I see it, they are afraid they will raise too vigorously the specter of the conflict between human rights and property rights that might be affected by a genuine employment program.

To reiterate my position: the effort to establish a statutory underpinning for something which many people are willing to grant rhetorically has been the driving force for those who have been for full employment, but the proponents have never pushed this as hard as they could. The opponents are afraid to talk about it directly; they will undercut it indirectly. Therefore, when I heard that this group was raising the question of full employment as a possible civil liberty, I felt very encouraged. I would like to think that in the future, as it was in the past, all serious direct testimony and political campaigning on employment rights will presented in terms of human rights, or civil rights. I would like to see direct attention to the connection between the right to employment at fair rates of compensation

and other civil liberties or civil rights. I hope this may happen. It has not happened thus far.

Let me then answer the question before us: Is employment a civil liberty? An answer is often determined by the way you put the question. Of course, it has not been established as a civil liberty thus far. Should employment rights be fought for as part of the struggle for human rights? If the question is asked that way, then I'd say that there is no question that employment rights should be fought for as an integral part of all struggle to enhance human rights.β

## Bringing About Jobs For All Working Out A Plan

By Sheila Collins, Helen Lachs Ginsburg and  
Gertrude Schaffner Goldberg

All people -- regardless of race, gender, national origin, sexual preference, physical disability, age or previous incarceration--shall have the opportunity for paid employment. Vital family work shall also be recognized as a contribution to the nation's economy.

#### Strategies

\*Establishment of high-level government Commission to Study and Propose Solutions to the Problem of Unemployment and Underemployment in order to contribute to public recognition of the problem and to support a more vigorous effort to expand employment opportunity. Subcommittees of the Commission to study and make recommendations for programs to help groups and regions with special needs, such as the rural poor, displaced or endangered family farmers, farmworkers, Appalachians and Native Americans.

\*In addition to the official unemployment rate, equal prominence to given to a newly developed measure of unemployment that include all persons without employment who want to work and all involuntary part-time workers who want more hours or work. In addition, a composite sub-employment index that includes those employed at poverty wages to be developed.

\*Macroeconomic policies to stimulate job creation in the market economy and reduce the deficit, including low real interest rates and vigorous public investment, a measure which has been shown to yield substantial growth in GDP.

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\*Standby government job creation, initially for half of the officially unemployed, with the eventual goal of complete coverage of the nation's jobless. Emphasis on jobs that are environmentally sustainable and socially useful and that contribute to economic growth through public investment.

\*Increased federal support for the arts, including the establishment of a national theater, to meet the need for quality and accessibility in our cultural life, to encourage new and aspiring talent, and to provide employment for unemployed artists, writers and performers.

\*Staged reductions in standard work time, including both a reduced work week and legally mandated paid vacations, sabbaticals and work sharing, in order to stimulate job creation and afford more time for family, community, leisure and learning. These are especially vital for many parents of young children and for many disabled and older workers.

\*Creation of disincentives for using overtime (hence, the creation of new jobs) by raising the legal rate of overtime pay and by levying all employer payroll taxes on all overtime earnings, even if the worker's income already exceeds the maximum taxable earnings.

\*Legislative protection of wage and benefit standards for part-time workers.

\*Encouragement of tripartite cooperation among business, labor and government to prevent inflation.

\*Tax and labor market policies to curb inflation, if the need arises, such as: research on how many jobs are actually vacant, where they are located and what skills they actually require; extensive labor market training programs; a national computerized employment service with mandatory job listings; mobility grants for jobless workers; controls on prices, profits, executive salaries, professional fees, wages and the like. Controls, if deemed necessary, should be equitably applied, so as not harm those with modest incomes.

\*Enforcement of existing anti-discrimination laws and affirmative action programs and the enactment of new legislation to achieve pay equity and equitable

\*A special unit in the Department of Labor to be created to coordinate the efforts of government, private sector and community-based organizations to disseminate job and training information and to achieve an appropriate match between individuals and jobs.

\*Acceptance of and adherence to international standards for full employment and economic justice, such as the International Labor Organization's conventions on child labor, the rights of unions and workplace health and safety, as well as ratification of the United Nations' International Covenant for Economic, Social and Cultural Rights. These are ways of bringing the United States into compliance with internationally agreed upon norms for full employment and economic justice and would contribute toward the advancement of a global "New Deal."

\*A global employment summit to be convened by the United Nations to discuss barriers to and create the mechanisms for moving toward global full employment within a framework of

*environmentally sustainable development.*

#### *A Livable Wage*

*All people shall have an income sufficient for the full development of their human potential, whether from wage employment, income support or combination of the two.*

#### *Strategies:*

\*An increase in the minimum wage with the immediate goal of an income for one worker that is equivalent to the current poverty level for a family of four, the end goal being the indexing of the minimum wage to a revised poverty standard.

\*An upward revision of the poverty standard to reflect actual needs as well as regional differences in costs of living.

\*Provision of paid family leaves at an adequate replacement rate (with a goal of up to two years) for family members who interrupt their employment and earnings to provide care in the home to the very young and infirm. Benefits to be treated as part of taxable household income.

\*Expanded opportunities for job training and education for family care givers, in order to minimize losses in occupational development and mobility as a result of absence from the labor market.

\*Universal, quality subsidized child care to be available to pre-school age children beginning at the age of two. Benefits to be treated as part of taxable household income.

\*Government guaranteed child support for all single-parent families, to be treated as part of taxable income.

\*Monthly child allowance for all children, to be treated as part of taxable income.

\*Strengthening of the unemployment insurance program by: extending benefits to *all wage* and salary workers, including contingent workers, as well as reentrants to the labor force; increasing benefit levels to provide meaningful income support; extending benefits to 65 weeks and longer for older workers; and coupling them to government-provided health benefits and to a government standby jobs program, so that workers who exhaust their benefits without finding a job in the private sector are not left without either a job or health care.

\*Strengthening the national disability insurance program and expansion of state workers' compensation programs. The establishment of a new national program to cover temporary, non-work connected disability, including maternity.

#### **Rights of Workers**

All workers have the right to decent compensation and occupational benefits as well as the right to organize for their collective well-being and the right to job security during labor disputes. Workers' rights also include safe workplaces and meaningful participation in workplace decision-making.

#### **Strategies:**

\*Passage of legislation to restore the original intent of the Wagner National Labor Relations Act of 1935 by assuring workers the exclusive and uncoerced right to decide whether to join and be represented by a union.

\*New legislation barring employers from permanently replacing striking workers.

\*Revision of the Fair Labor Standards Act to restore one of

its original aims: encouraging employers to hire new workers.

\*Legislation to protect contingent workers, among them: guaranteeing hourly wage parity among all workers doing the same job, pro-rated fringe benefits, and protection and other rights.

\*New legislation to protect the rights of workers to their earned fringe benefits in retirement.

\*Increased funding to upgrade the government agencies responsible for protecting health and safety at work, as well as better and larger staffs, and greater power to assess and improve health and safety hazards.

\*Legislation to assure all workers freedom of information concerning threats to occupational health and safety and access to impartial government adjudication of health and safety claims.

\*New legislation that assures workers the right to participate in decisions regarding the number, quality, geographic location and content of their jobs and access to the information relevant to these decisions.

\*Recognition of the cultural diversity of the current and future workforce through legislation that protects workers' language and cultural rights, as well as adequate support to encourage and enable immigrants to learn English.

\*Legislation to extend full protection of all labor statutes and all provisions of negotiated contracts to undocumented workers.

#### **Community Investment, Preservation and Support**

The nation and its communities shall have access to the resources generated by the labor of its citizens.

##### **Strategies:**

\*A "stay or pay" policy to restrict the right of capital to desert communities and evade U.S. labor and environmental laws without compensating the workers and communities they leave behind.

\*An end to the foreign tax credit and tax deferral privileges through which the United States tax code encourages U.S.-based multinationals to transfer jobs abroad rather than keeping them at home. Strict enforcement of the law barring USAID support for investment promotion programs that lure USAID business to relocate in low-wage countries.

\*A system of local, regional and national public investment banks to channel credit in ways that support productive investment in local community development and environmental preservation and that counter financial instability.

\*Democratic planning processes, starting at the local level, based upon the principle of "community federalism." These would plan for local job creation and placement, prepare inventories of local needs, and prepare for increased local provision of goods and services (where feasible). They would also plan for environmental protection, affirmative action, preservation of stable communities, and the creation of humane work environments.

#### **Military Conversion**

\*Substantial cuts shall be made in military spending, with the peace dividend being used primarily to meet the nation's vast social and economic needs and to aid displaced members of the armed forces and defense workers in transferring to civilian jobs.

##### **Strategies:**

\*Substantial cuts in military spending on the order of the

Congressional Black Caucus' proposal for halving the military budget within four years.

\*Adoption of a national conversion plan that would educate and train displaced defense workers for new jobs in the civilian economy, provide transitional income support, assist businesses and communities in converting to civilian production, and assist industries serving military bases to convert to new markets. A National Office of Economic Conversion should be established to develop and implement such a plan in consultation with local community and plant-based "alternative use" committees.

\*Stronger measures to develop international agreements to halt the arms trade, enforcement of the Nuclear Non-proliferation Treaty Implementation Act and ratification of all pending treaties to cut nuclear and conventional weaponry.

#### **Environmental Preservation and Sustainability**

The economic future of the nation, the health of human beings and the sustainability of life on earth demand that patterns of production and consumption be compatible with sustaining and regenerating the environment.

##### **Strategies:**

\*Priorities in job creation programs given to work that contributes to environmental conservation, cleanup, the development of renewable energy sources and to other non-polluting work such as human services.

\*Government policies (including regulation, subsidies, procurement and tax incentives) to encourage environmentally sustainable production processes and products, to establish a new industrial sector responsible for the recycling and reuse of secondary materials, to develop and use renewable, non-polluting energy climate stabilization.

\*Development of a new social and environmental accounting process to guide the nation's tax and spending policies.

\*Allocation of a greater percentage of federal research and development funds for the development of environmentally sustainable industry.

\*Comprehensive conversion programs for workers and communities negatively affected by the transition to an environmentally sustainable economy.

#### **Fair Trade and Economically Viable Local Production for Local Consumption**

Upward harmonization of global living standards, protection of workers' rights, environmental preservation, and the principle of local production for local consumption, where appropriate, shall be priorities in all trade agreements, private industry incentives, guarantees and tax concessions: U.S. financial support for international financial institutions shall be contingent on adherence to these principles.

##### **Strategies:**

\*International rules to govern the operation and movement of multinational corporations so they cannot use their considerable bargaining power to negotiate concessions from poor countries as a condition for their investment.

\*Current and pending trade agreements to be reevaluated and renegotiated on the basis of maximum protection for workers

and the environment, as well as greater emphasis on non-exploitative exchange relations, democratic decision-making, and, where feasible, local production for local consumption both in the United States and in the countries with which we trade.

\*Debt relief for poorer countries and other policies designed to promote upward harmonization of living standards within and among nations.

\*U.S. financial support for international agencies like the International Monetary Fund and the World Bank to be conditioned on their support for the principles of workers' rights, environmental protection, local production for local consumption, and enhancement of the quality of life for *all* people.

\*Incentives such as loan guarantees and tax concessions to private industry to be conditioned on their guarantee of workers' rights, environmental safety, and local community empowerment and development both in the United States and abroad.

\*Support for generous transitional assistance to workers, industries and communities negatively impacted by international agreements and globalization of production.

#### **Democratic Planning and Industrial Policy**

A commitment to full employment requires coordination of public and private economic policy for implementing this new social compact, including the development of a sound industrial policy for the nation.

##### **Strategies:**

\*Creation of a National Economic Coordinating Council to plan, develop and implement a national industry policy. The council to be composed of representatives of business, labor, the government and the general public.

\*Creation of local and regional coordinating councils to inform the National Economic Coordinating Council, plan for and allocate investment in local and regional projects and industries.

\*Creation of a sound industrial policy to integrate national economic policies and to coordinate federal, state and local tax spending policies, national trade policies and education and training policies and to assure a healthy mix of manufacturing and services.

\*Creation of a National Civilian Technology Administration to stimulate investment in civilian technologies for mass transit systems, renewable energy production, climate stabilization, communications networks and the like.

\*Creation of an Industrial Extension Service to provide education and technical assistance to businesses which need to modernize or find new product lines in order to create or preserve secure, well-paid jobs.

#### **Rebuilding the Nation's Cities**

A program targeted to the core poverty areas of our 100 largest cities that would help to rebuild both their badly deteriorated human and physical resources and contribute to the economic health of the nation.

##### **Strategies:**

\*At least \$50 billion a year to be spent on education, training, job creation, housing, mass transit, and support of small enterprise in our poorest urban areas.

\*A *National Task Force to Rebuild the Nation's Cities* to be established under the National Economic Coordinating Council and assigned the task of developing an integrated urban strategy, setting priorities, and monitoring the implementation of the program.

\*Development of a Civilian Youth Conservation Corps targeted at unemployment inner-city and rural youth, providing basic education, job training, life skills, drug rehabilitation, community renovation and job placement.

\*A priority to be placed on the development and rehabilitation of low-income housing in the inner cities, linking job creation with affordable housing. Support of the Jesse Gray Housing Bill of 1993 (H.R. 1380) as a means to this end.

\*Support for a shift in the health delivery system toward greater emphasis on health protection and promotion, with services decentralized at the community level. Assistance provided to workers who may be displaced in the transition to a new health care system.

#### **Sound Government Finance**

The U.S. government shall adopt a fiscal policy that balances revenues with the expenditures necessary for economic and social revitalization in a full employment economy.

##### **Strategies**

\*The federal deficit to be reduced by making the income tax more progressive, restoring the rates of non-Social Security receipts to proportions found acceptable through the mid-1970s.

\*Reduction of the federal deficit through the setting of unemployment reduction goals. Requiring Federal Reserve policy to also adhere to these goals.

\*Targeted tax credits for capital expenditures that would contribute to environmentally sustainable growth and job creation.

\*Reform of government accounting procedures to recognize the difference between "consumption" expenditures and "investment" expenditures, that is, those expenditures that in the long run contribute to economic growth and therefore to the public treasury.

#### **Lifelong Learning**

Displaced workers and displaced homemakers shall have the opportunity for education to ease workforce transitions and to enable them to reach their full human potential.

##### **Strategies:**

\*Greater federal and business support for training and retraining programs to be linked to jobs and new job-creation, and to include expansion of the apprenticeship training model beyond its traditional U.S. focus on the building and metal trades.

\*Enactment of a New Careers for Working Americans program that provides income and tuition support for workers displaced from industries that are declining or undergoing occupational shifts and for displaced homemakers entering or reentering the labor market at designated institutions their choice. Such a program to provide job counseling and career relocation services, during and at the completion of the program.

\*Affording workers the choice of converting productivity gains into partially compensated sabbaticals to enhance job-related skills or engage in personal enrichment. **B**

## The purpose of NECLC

The Constitution of the United States, ratified in 1789, is the world's oldest charter of government. Two years later, the ten amendments which made up the Bill of Rights were put in effect.

The National Emergency Civil Liberties Committee was founded in 1951 with one objective: To reestablish the freedoms guaranteed by the Constitution and the Bill of Rights. For forty-five years, the NECLC has pursued this single-minded goal, through test cases involving freedom of speech, press, religion, and the right of people to assemble or to travel freely, to remain silent in the face of an inquisition, and to refuse to fight in an illegal and immoral war. Above all, it has defended the right to dissent. And it has expanded the meaning of freedom to include rights previously denied to women and minorities.

Toward this end it has raised and spent hundreds of thousands of dollars in cases which have become landmark decisions. It has informed hundreds of thousands of citizens through its publications and meetings. All its funds come from citizens of this country whose stake in the restoration of the Bill of Rights is paramount. If you are not already a member, we invite you to join. Individual membership is \$35. *The Bill of Rights Journal*, the magazine *Rights* and other pertinent publications are sent free to all members during the year. Send your check or money order to:

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