

EXTENSIONS OF REMARKS

“AMERICA STILL NEEDS A RAISE”
SPEECH BY BILL DAUSTER

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mrs. MINK. Mr. Speaker, I submit an excellent speech relevant to our work here regarding the minimum wage. The author, Bill Dauster, is the Democratic deputy staff director and general counsel for the Senate Committee on Labor and Human Resources.

Mr. Dauster has enjoyed a distinguished career working for congressional committees in the Senate. Mr. Dauster first came to the Hill in 1986 working with the Budget Committee. Mr. Dauster served as chief counsel and eventually Democratic chief of staff and chief counsel on the Budget Committee for 11 years before moving to the Senate Labor Committee where he currently works. Among his many accomplishments, Mr. Dauster has submitted various op-ed articles that have appeared in the Los Angeles Times, the Washington Monthly, Roll Call, the Hill, and the Sunday Journal.

On October 20, 1997, Mr. Dauster presented his speech at a forum exploring how golden today's U.S. economy is. I believe that it is deserving of broader exposure. I submit it for the RECORD.

His speech is as follows:

First let me ask your indulgence for a reading from the book of Exodus:

“And it came to pass . . . that . . . mount Sinai was altogether on a smoke, because the Lord descended upon it in fire: . . . and the whole mount quaked greatly. . . .

“And God spake all these words, saying, ‘I am the Lord thy God . . . Thou shalt have no other gods before me.

“Thou shalt not make unto thee any graven image . . .

“Thou shalt not take the name of the Lord thy God in vain . . .

“Remember the Sabbath day, to keep it holy. Six days shalt thou labor, and do all thy work; But the seventh day is the Sabbath of the Lord thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates”

But then spake a voice from the midst of the people saying, “Wait a minute, Lord!” It was the President of the Nation of Israel Chamber of Commerce, and he didst say, “Hast Thou not seen what happened to that Communist Pharaoh when he didst introduce central planning into the economy, what with the heavy corn taxation during the 7 plenteous years, and the big government pyramid building project? And Egypt didst collapse, and so willst Israel if Thou dost impose a centrally-planned workseek upon us.”

And the Lord God spake, saying, “Enough with the name-calling! What ist thine point, exactly?”

And the mouthpiece for the wealthy didst say, “What Thou talkest about ist an unfunded mandate on business. A weekly day off doth conflict with the free market. Thou

shouldest leave vacation policy to free bargaining between Israelites. It wouldst cover those not in need; teenagers needeth not a Sabbath. Making a Sabbath wouldst create unemployment.”

And the Lord said, “Verily, thou art full of it!” And the Lord did make the earth open up and swallow the spokesman of the moneyed interests, and resistance to sensible labor laws did vanish forever from the face of the earth.

If only, if only it were that easy. If only the Good Book did tell of the victory of God's law—the oldest labor law—over the interests of wealth, then perhaps the road of labor reformers since would not have been as hard.

Instead, the Western world has been weaned on the economics of Thomas Malthus, that population increase will necessarily force wages to subsistence levels, and of David Ricardo that “[t]here is no way of keeping profits up but by keeping wages down.” Instead, the Western world has come to take Capitalism as an article of faith, the same Capitalism that Lord John Maynard Keynes defined as “the extraordinary belief that the nastiest of men, for the nastiest of reasons, will somehow work for the benefit of us all.”

Yes, it has not been easy as generation after generation battled for something more than subsistence wages to compensate workers for their labor.

It was not easy for the girls who labored at the Lowell, Massachusetts, textile mills, like Harriet Hanson Robinson and Sarah Bagley, who participated in one of America's first strikes over wage rates. In 1834, at age 10, Harriet Hanson Robinson went to work as one of “[t]roops of young girls [whom] men were employed to collect . . . at so much a head, and deliver . . . at the factories.” Harriet wrote that “the caste of the factory girl was the lowest among the employments of women. . . . In the eyes of her overseer she was but a brute, a slave, to be beaten, pinched and pushed about.” The mills paid the young women \$2 a week for jobs that kept them at the mills for nearly 14 hours a day. When the mill announced in 1836 that it planned to cut their wages, the young women went on strike and marched as one to listen to incendiary speeches. But “[t]he corporation would not come to terms. The girls were soon tired of holding out, and they went back to their work at the reduced rate of wages.”

And it was not easy for Sarah Bagley when she led the petition drive that forced Massachusetts legislators to examine the conditions there, in one of the first governmental investigations of labor conditions. At a time when women seldom spoke in public, Sarah testified fearlessly before the Massachusetts legislature arguing for the 10-hour day. Even though the legislature did not vote with the women that day, Bagley helped to advance the 10-hour day movement, which began to achieve success in the 1840s.

And it was not easy for those who fought for the 8-hour day, like Albert and Lucy Parsons. Lucy, born around 1853 of African-American, Native-American, and Mexican ancestry, married an Anglo man and moved to Chicago in 1873. Her husband Albert, a newspaper printer by trade, became a leader of the Chicago labor movement, while Lucy became an activist with the International

Ladies' Garment Workers Union. On May 1, 1886, to kick off the movement for the 8-hour day, 350,000 workers across the Nation walked off their jobs in a general strike, more than 40,000 in Chicago alone. After police shootings marred a strike 2 days later, radicals called a rally in Haymarket Square. Over 2,000 attended, but after numbers dwindled, an army of police marched on the crowd. A radical threw a bomb into the police ranks, and a riot broke out, injuring and killing both workers and police. Although Albert was not even in Haymarket Square that day, he and seven other men were accused and convicted of the bombing in what a later Governor determined was a grossly irregular trial. When Lucy brought her two children to see their father for the last time, she was arrested, along with her kids, taken to jail, forced to strip, and left naked with her children in a cold cell until her husband had been hanged dead. In tears upon her release, she vowed to continue to fight injustice and served as a radical labor leader for nearly 70 years.

It was not easy for Clara Lemlich, a 16-year-old immigrant garment worker, who at a meeting at New York's Cooper Union in November 1909, stood and recited her hardships in the sweatshops, galvanizing the audience with her call for action. The impassioned crowd affirmed its solidarity with the old Jewish oath, “If I turn traitor to the cause I now pledge, may this hand wither from the arm I now raise.” A garment workers' strike banner read, “We are starving while we work; we might as well starve while we strike!”

And it was not easy for a young New York City researcher and social reformer named Frances, who while visiting a friend on March 25, 1911, suddenly heard the clanging of fire engines close by. Rushing out to the street, she saw the top floors of the Triangle Shirtwaist Company erupting in flames and watched with horror as young women workers leaped to their deaths. They had been crowded into lofts where the few existing fire escapes were either inaccessible or stopped several stories above the ground. The tragedy claimed 146 lives. The researcher, Frances Perkins, went on to become President Franklin Roosevelt's Secretary of Labor.

It was not easy for Caroline Gleason, whom Oregon employers called “an outrageous socialist,” just because in 1912 she began a survey for the Oregon Consumers' League of the thousands who worked in abominable conditions to earn \$8.25 for a 54-hour week. But Gleason had the satisfaction of seeing her data aid passage of the country's first enforceable wage-hour law, which became the model for the Federal Fair Labor Standards Act.

It was not even easy for the Department of Justice when it tried to enforce an 8-hour day and a 6-day week for a 14-year old boy in a cotton mill at Charlotte, North Carolina, when the 1918 Supreme Court held that such a law “exerts a power as to a purely local matter to which the federal authority does not extend.”

FDR's National Industrial Recovery Act faded no better before the 1935 Supreme Court.

It was not easy for the young Bedford, Massachusetts, women who tried to pass President Franklin Roosevelt an envelope

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

while he was campaigning for reelection in 1936. A policeman threw her back into the crowd. "Get the note from the girl," Roosevelt told an aide. Her note read: "I wish you could do something to help us girls. . . . We have been working in a sewing factor, . . . and up to a few months ago we were getting our minimum pay of \$11 a week. . . . Today the 200 of us girls have been cut down to \$4 and \$5 and \$6 a week." When a reporter asked, the President replied, "Something has to be done about the elimination of child labor and long hours and starvation wages."

It was not easy for FDR and his Labor Secretary Frances Perkins to push the Fair Labor Standards Act through Congress in 1937 and 1938, even though all that Act did in the end was apply a 25-cent-an-hour minimum wage and 44-hour week to roughly one-fifth on the workforce.

And it was not even easy for Democrats to raise the minimum wage in the last Congress, even though it had reached its lowest value in 40 years, with the exception of one year during the Bush administration. The Republican majority sought to use the cloture rules to make the minimum wage amendment out of order, but Democrats and moderate Republicans stood together and prevailed.

And despite that victory, America still needs a raise.

Even now that the latest raise in the minimum wage has been fully implemented, and it has reached the level where it requires just over \$10,000 year for a full-time job, its real value remains below its level from 1956 through 1983.

During those post-War years, the incomes of all Americans, rich and poor, grew together. In the 1980s and after, Americans have grown apart. America still needs a raise.

In the 15 years from 1980 through 1995, the minimum wage increased 37 percent. But during that same period, inflation increased 86 percent, company profits increased 145 percent, and CEO pay increased 499 percent. CEO pay increases to 5 times what it was before, and the Titans of industry still complained that a little more than one-third increase in the minimum wage would bankrupt the country! America still needs a raise.

Today I have told you stories of women workers, for theirs has often been a hard lot. Pully three-fifths of all minimum wage workers are women. American women still need a raise.

On July 11, Senator Ted Kennedy introduced S. 1009, a bill that would simply provide increases of 50 cents an hour in the minimum wage in each of the next 3 years and, increases of 30 cents an hour in each of the following 2 years. Congressmen Bonior and Gephardt introduced H.R. 2211 to do the same thing.

Under these bills, the minimum wage would still remain below its levels in the late 1960s.

If this Congress could enact a 5-year budget deal to grant sweeping capital gains and estate tax breaks for the wealthiest among us for years into the future, then the least that it can do is to give those earning the minimum wage a raise for the next 5 years as well. America still needs a raise.

The successors of that imaginary Sinai desert businessman will raise all the same imaginary objections to this labor legislation, as well.

They will argue that we endanger America's competitiveness. But we shall stand with Franklin Delano Roosevelt, who said: "No business which depends for existence on paying less than living wages to its workers has any right to continue in this country. By living wages I mean more than a bare subsistence level—I mean the wages of decent living."

They will say that we seek a centrally planned economy, like the former Soviet Union. But we shall stand with Abraham Lincoln, who said: "To secure to each laborer the whole product of his labor or as nearly as possible, is a worthy object of any good government."

Yet again, the apologists for big business will cry that the minimum wage is just an unfair mandate on business. But we shall stand with Thomas Jefferson, who in his March 4, 1801, Inaugural Address said: "Take not from the mouth of Labor the bread it has earned."

And when big business cries that all must be left to the sacred market, we shall stand with section 17 of the Clayton Anti-Trust Act of 1914, which says: "The labor of a human being is not a commodity or article of commerce."

We shall stand with FDR, with Lincoln, with Jefferson, and with the Clayton Anti-trust Act.

And we shall keep faith with the prayers of those American women who fought so that all working women would receive fair compensation for the sweat of their brow. We owe them nothing less.

We owe it to Harriet Robinson and Sarah Bagley and the girls who sacrificed their youth to the Lowell Mills, to Lucy Parsons, as she rose in tears from the cold jail cell floor to swear an oath to fight on, and to Frances Perkins's memory of her tears falling down like the girls who fell from the Triangle Shirtwaist fire. Let us stand with Clara Lemlich, and pledge to carry on the fight for the cause for which she raised her arm.

And so, with God's help and our own, may the oaths and the prayers of the brave American women who fought before us find an answer in our time.

INTRODUCTION OF LEGISLATION TO PROTECT VOLUNTARY SAFETY AND HEALTH AUDITS

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. BALLENGER. Mr. Speaker, one of the fundamental purposes of the Occupational Safety and Health Act was to encourage "employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment." In its focus on enforcement, OSHA has too often overlooked that purpose. One of the promises of OSHA reinvention, however, was that OSHA would encourage employers to voluntarily implement effective safety and health programs in their workplaces.

Contrary to that promise, OSHA has not addressed, in fact has refused to address, a significant obstacle to effective voluntary safety and health programs which it has created through its enforcement policies. OSHA has insisted on full access to voluntary self audits and assessments conducted by employers, in order to use these records during inspections to (1) help OSHA identify potential violations, and (2) to establish a basis for charging that any violations found in the workplace are "willful." In some cases, OSHA has gone so far as to subpoena these records for use in inspections and enforcement.

OSHA's policy discourages companies from conducting complete and honest self evaluations, even though OSHA acknowledges that

such evaluation is a critical element to an effective safety and health program. The Environmental Protection Agency, facing this same issue in the environmental context has recognized that "routine Agency requests for voluntary audit reports could inhibit auditing in the long run, decreasing both the quality and quantity of audits conducted" [1986 Environmental Auditing Policy Statement, 51 Fed. Reg. 25,007]. For that reason, EPA has limited its access to these records. OSHA should be encouraging companies to conduct such safety and health evaluations. Instead, it is discouraging companies from such efforts by threatening to seize them and use them as a weapon against the employer.

The result of OSHA's policy is less health and safety, not more. As one commentator put it: "the 'costs' of the Department's position, in terms of the decreased use and effectiveness of a critical component of voluntary safety and health programs, dramatically outweigh the 'benefits' of the position in terms of access to a possible source of evidence of a violation or of an employer's willful violation."

The legislation applies only to self audits and assessments that are not required by any law or regulation. Further, it applies only to inspections and enforcement proceedings under the OSHAct. It does not address broader issues that would more logically be addressed as part of a change in the rules of evidence. I invite my colleagues to join me in passing this important legislation.

TRIBUTE TO TERRY YORK

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 7, 1997

Mr. SHERMAN. Mr. Speaker, I rise before you today to pay tribute to Terry York, who has been nominated for the prestigious Fernando Award for outstanding voluntarism.

President Kennedy once said, "For of those to whom much is given, much is required. And when a some future date the high court sits in judgment of each of us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage * * * Second, were we truly men of judgment * * * Third, were we truly men of integrity * * * Finally, were we truly men of dedication." The Fernando Award was created to honor individuals who have exemplified leadership, voluntarism and dedication and it is recognized as the leading award for civic accomplishment in the San Fernando Valley. Each year, the Chambers of Commerce in the San Fernando Valley and other community organizations and leaders nominate candidates they feel demonstrate these characteristics. Terry York is a worthy candidate for this award.

As a young boy in southern Illinois, Terry learned the importance of a strong work ethic from his father, who worked at a local mine. Several year later, Terry decided he wanted to work in the automobile industry, but there were no jobs available. He agreed to work for free as a file clerk, and as a result of his helpful nature and outstanding dedication, he was rapidly promoted at the dealership. Within 5