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Date: Wed, 08 Jun 2005 07:29:02 -0600

From: istvantisza@direcway.com

Subject: Fwd: Important Update to AFL-CIO Endorsement of McKennedy

To: stevetisza@sbcglobal.net

Forwarded Message

Date: Tue, 07 Jun 2005 23:18:11 -0700

From: "JobDestructionNews" <JobDestructionNews@ZaZona.com>

Subject: Important Update to AFL-CIO Endorsement of McKennedy

To: istvantisza@direcway.com

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 JOB DESTRUCTION NEWSLETTER
 by Rob Sanchez
 June 07, 2005 No. 1274
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In the previous newsletter I assumed that the document attached to the letter by John Sweeney was written by Communications Workers of America (CWA), Morton Bahr. Actually the CWA didn't author the document - what we see is a fax sent out on a machine from Morton Bahr's office. The entire document was authored by John Sweeney's office, not the CWA's.

Since I don't know what position the CWA is taking on the McKennedy bill, I will correct this newsletter to take out all references to Bahr except for the fax date mark. The entire document will be attributed to Sweeney.

I will be happy to publish the CWA position on the McKennedy bill when they come out with one. I apologize for any misunderstandings that the previous newsletter may have caused but strongly believe that all of us should hold CWA's feet to the fire to oppose the AFL-CIO position. If the unions give blanket approval to this bill it will gain momentum and be very difficult to stop.

Please use the updated newsletter for all internet postings, and delete the previous one. There is an important update in the conclusion section that you should read.

----- Updated Newsletter with CWA references removed -----

AFL-CIO Endorses McKennedy bill

There once was a day that unions were the voice of American workers. Things have sure changed since then. Nowadays the sole purpose of the unions seems to be to collect union dues and to push globalist political agendas. The latest actions of the AFL-CIO are tantamount to a declaration of war against American labor and its vaunted middle class.

John Sweeney and the AFL-CIO endorsed the bill we euphemistically call the McKennedy or McCainedy bill. The bill got its nickname because it is sponsored by Senators John McCain (R-AZ) and Ed Kennedy (D-MA). The "Secure America and Orderly Immigration Act" is called S. 1033 in the

Senate and H.R. 2330 in the House.

John Sweeney's letter of support to the union can be viewed as an image file of a fax from the Communication Workers of America (CWA).
<http://www.cwalocal4250.org/outsourcing/binarydata/Sweeney%20S1033.pdf>

I converted the documents into text with an OCR which you can read following my commentary.

The first thing that struck me about Sweeney's letter was how little he cares about the blue collar workers that are the bedrock of the unions. In the statement below he says that the H-5 visa will be used to import foreign workers that don't require college degrees. He casually brushes aside the fact that foreign workers will take jobs away from hard-working Americans that haven't gone to college, and he totally ignores the plight of white collar workers that will also lose their jobs. Refer to the newsletter "May 31, 2005 No. 1268 Skilled Worker Visas in McKennedy Bill" to get a better understanding of the immense impact this bill will have on professional white-collar workers. While it's almost understandable that Sweeney ignores white-collar workers because they are a small portion of the total union membership it's unconscionable that he is willing to force his rank and file into unemployment and labor arbitrage. These words are right off Sweeney's letter:

The bill also creates a new temporary worker program, which will provide foreign workers from all over the world the opportunity to work in the United States in non-agricultural, non-degreed jobs, including in the service and hotel industries, construction, retail, food processing, meatpacking, and other currently unionized industries.

Sweeney and the AFL-CIO admit that the McKennedy bill will destroy American jobs BUT THEY ENDORSE THIS MONSTER ANYWAY!

Sweeney says that although the bill has no labor protections the unions will support it and hope that the corporate lobbyists and our money grubbing politicians in Congress will make it labor-friendly some time in the future. Sweeney isn't making a compromise; he is admitting that the unions have been defeated.

We are also in agreement that if this bill moves forward, we will seek expand its labor protections considerably to ensure a positive outcome for all workers.

Sweeney wrote a document that is nothing less than a manifesto against American labor. In the manifesto Sweeney said that the unions consider the rights of foreign workers to be equally as important as the well-being of American born workers. That's quite interesting considering that foreign workers don't pay union dues.

Ending the exploitation of workers, whether US born or foreign-born, has been our other equally important fundamental guiding principle.

Sweeney lists the following problems with the McKennedy bill - AND YET HE STILL SUPPORTS IT! Of course he claims that the AFL-CIO wants the bill to be changed to be more labor-friendly but that's nothing but pie-in-the-sky and a seasoned labor leader like Sweeney shouldn't be fooled by false promises. His reason for the blind support of this monster is simply a matter of priority - he thinks giving aliens amnesty is more important than protecting millions of American workers.

Amnesty has become the "reason du jour" for the AFL-CIO and they are willing to pursue it despite the problems that they acknowledge with the McKennedy bill. Keep in mind that the the authors of the bill, McCain, Flake, and Kolbe of Arizona all claim that the bill isn't an amnesty, and yet even the unions are smart enough to see that it is.

Here just a few of the things that Sweeney wrote about what American workers have to look forward to if the AFL-CIO gets their way and the bill becomes law:

* This will likely result in millions of workers losing their jobs.

[Comment from Rob: Since when did labor unions support the destruction of millions of jobs?]

* The bill gives employers who employed them [illegal aliens] complete amnesty from criminal and civil tax liability.

[Comment from Rob: Pay very close attention to this one. Sweeney is admitting that employers will be immune from prosecution even if they break the law!]

* The bill requires that workers present a job offer in order to get a visa, which will likely result in massive recruiting abroad at exploitative conditions, and lead to the deterioration of wages and working conditions in industries that recruit USA workers.

[Comment from Rob: This may be the first time a union has endorsed legislation that will reduce wages and make working conditions worse.]

* [The bill] creates an incentive for employers seeking to hire H5A workers to offer wages far below those which any worker who was already in the country and in a position to actually choose among available jobs would ever willingly accept.

[Comment from Rob: Sweeney admits that these guest-workers will not be paid a fair wage so any notion of a prevalent wage is irrelevant. That's not enough reason for the AFL-CIO to oppose this legislation though.]

* H5A workers are permitted to quit, and seek other employment, but if they do so before the term specified in the offers, they may be subject to damages for breach of contract.

[Comment from Rob: Sweeney acknowledges that this bill is indentured servitude, but that doesn't stop him from endorsing it!]

* The visas will be available world-wide.

[Comment from Rob: Foreign workers will be able to come from any country in the world, and they will be able to take any jobs in the U.S. they can get. Global labor arbitrage doesn't seem to concern the unions.]

* The likely result is that Tyson and other recruiters are going to be selling "McCain/Kennedy job offers" around the world, for thousands of dollars (disguised as transportation costs), and then bringing these workers to the US to work to the limits of human endurance in order to repay that debt.

[Comment From Rob: Sweeney not only admits that the McKennedy bill is indentured labor but goes on to describe how workers will be forced to work in sweatshops!]

* While the legislation provides some regulation of labor recruiting activities, the weak enforcement system and small fines will not deter employers and recruiters from engaging in this lucrative practice.

[Comment from Rob: Sweeney understands that there is so little enforcement in this bill that employers and recruiters will have complete freedom to cheat and exploit. Now the unions want to coddle the robber barons!]

* The bill requires that Workers return to their native country or the country of their last residence if they are unemployed for more than 45 consecutive days; any unemployed worker who is still in the US after 45 days of unemployment forfeits his legal status and may never again be eligible for an H5A visa. These draconian measures will result in exploitation of visa holders and drive many of them into the underground economy, thereby driving down wages and working conditions for all workers in the TLS.

[Comment from Rob: Sweeney understands that the McKennedy bill will not stop illegal immigration. The only thing the bill accomplishes is to make indentured servitude the official policy of the United States!]

* There are a minimum of 400,000 visas available each year, and the number grows based on a demand-based formula. The visas are only available for non-degreed, nonagricultural jobs (like construction, retail, packing and food processing);

[Comment from Rob: Sweeney is wrong about the fact that only non-degreed people can use visas to work in this country. Even if he was correct, he is saying that it's OK to force Americans that don't have college degrees into joblessness. I cannot understand why so many people think nothing of throwing these hard working Americans into the streets.]

* The visas last a minimum of 3 years, and are renewable for a second 3year term which means that in year 3, there could be nearly 1.5 million I3 [5A workers in the US, and nearly 4 million by year 6.

[Comment from Rob: The numbers of foreign workers is immense, and yet only 75,000 jobs were created in May. GM just announced that 25,000 people will be losing jobs and most of those are union workers. If Sweeney and his union cronies get their way there won't jobs for Americans!]

* The bill does not remove the incentives to hire undocumented workers.

[Comment from Rob: According to Sweeney this bill will not stop the hiring of illegal aliens. The union understands all claims to stop illegal immigration are lies, but that doesn't stop them from supporting the bill!]

* Any violation of the law by an employer will be handled by the Secretary of Labor under a new administrative process that has even less teeth than the NLRB process.

[Comment from Rob: Labor secretary Elaine Chau is anti-labor and anti-union, and yet the unions will now trust her to protect their interests. If Sweeney actually believes Chau will act in the best interests of workers he is so grossly incompetent that members of the AFL-CIO should remove him before more harm can be done. I really don't think Sweeney is that stupid - he had an agenda that doesn't include the security of American workers.]

* What undocumented workers lack--and what H5A workers will lack--is the ability to bargain for improved wages and working conditions;

[Comment from Rob: This is perhaps the most astonishing statement by Sweeney. He understands that as nonimmigrants H-5 visa holders cannot collectively bargain and cannot be unionized. The McKennedy bill will import millions of scabs to destroy what little is left of the unions, and yet Sweeney still supports it! Sweeney is committing the AFL-CIO to a mass suicide.]

* The bill does not address employers' ability to threaten to withhold sponsorship for a green card if the worker engages in organizing, which is a standard union-busting method, particularly in the construction industry;

[Comment from Rob: Dr. Norm Matloff and I have said for years that the Green Card is used as a carrot dangling on a string to control nonimmigrant workers. It's unlikely that anyone in the unions will have read this far, but if they did, they might learn something by going to the following web page:

<http://www.zazona.com/shameh1b/H1BvsGreenCard.htm>]

----- Conclusion -----

The endorsement of the McCainedy bill by the AFL-CIO can be for only one reason - the union leaders have decided to pursue an agenda of open-border globalism at all costs, even if it leads to the destruction of American jobs. It makes no practical difference to American workers whether the motivations of AFL-CIO leaders are to ally themselves with the corporatists in the Chamber of Commerce or whether they have been hijacked by left-wing extremists - either way the middle-class lifestyles Americans have enjoyed for so long are in extreme jeopardy.

The McKennedy bill continues to gather momentum. This latest endorsement will be used as a propaganda coup by the enemies of labor to push this bill through Congress. In a very real sense the AFL-CIO has offered their own heads on a platter by signing on to this bill.

Not all union activists are so eager to betray their rank and file members but unfortunately they aren't being represented at the top levels of the AFL-CIO. Hopefully some sane union activists will be able to gain enough support to get rid of Sweeney and his open-border cronies before more damage is done. Until then I recommend that all white-collar workers shun unionization attempts until the AFL-CIO changes their self-destructive policies. Support for the CWA and their sister organization Techsunite should be withheld until they come out with a strong position against the Sweeney Manifesto. Some of the unions such as the Steelworkers are jumping in line to support the McKennedy bill so it will take tremendous pressure on the CWA to convince them to oppose Sweeney.

Skip to the end of this newsletter for more information on the Steelworkers.

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To: National and International Union Presidents

From; John J. Sweeney

Re: Immigration Reform bill

On May 12, 2005 Senators McCain and Kennedy introduced a comprehensive immigration reform bill that will provide a path to legal status to the 12 million people who have been working hard, paying their taxes and contributing to their communities. The bill also creates a new temporary worker program, which will provide foreign workers from all over the world the opportunity to work in the United States in non-agricultural, non-degreed jobs, including in the service and hotel industries, construction, retail, food processing, meatpacking, and other currently unionized industries.

Attached is a document that sets forth a unified response from the labor movement to this bill. This is the product of staff-level work with the affiliates who have expressed an interest in working on immigration matters. We are strongly supportive of the concept of legalization, recognizing that raising the floor for undocumented workers and bringing them out of the shadows will improve working conditions for all workers. We are also in agreement that if this bill moves forward, we will seek expand its labor protections considerably to ensure a positive outcome for all workers.

If you have any questions about the statement, please contact Ana Avendano-Denjer, Director of the Immigrant Worker Program at (202) 637-3949.

FAX: ©6/03/05 03:26:06PM Morton Bahr President :CWA

LABOR'S CONTINUED SUPPORT FOR COMPREHENSIVE IMMIGRATION REFORM
AND OUR RESPONSE TO THE MCCAIN-KENNEDY BILL

Reform of the nation's broken immigration system has been a top priority for the labor movement for many years, and we continue to support comprehensive immigration reform. One of our fundamental principles has been that the foundation of any reform of our immigration laws must begin with a broad legalization plan that provides undocumented workers and their families who have been working hard, paying taxes and contributing to their communities with the opportunity to adjust to a legal status. Undocumented workers are often unable to exercise their legal rights, and are subject to exploitation that leads to the deterioration of working conditions for all workers. Ending the exploitation of workers, whether US born or foreign-born, has been our other equally important fundamental guiding principle.

We recognize that immigrants have been under attack in the public eye, and as a unified labor movement, we have taken strong public measures to protect immigrants rights including:

" Strongly supporting the AgJOBS bill, which would have brought much needed legalization to farm workers, within a framework that adequately protects those workers' rights;

" Strongly opposing Senator Chambliss' substitute amendment to that bill, which would have stripped the temporary worker program of all labor protections and government oversight;

" Strongly opposing the REAL ID Act, which is a mean-spirited attack on immigrants that pushes immigrants further into the shadows and provides no real solution to the broken immigration system_ We will continue to oppose legislation that does not provide workers a path to permanent residence in the United States.

We recognize that the Secure America and Orderly immigration Act recently introduced by Senators Kennedy and McCain is an important legislative accomplishment, because of its bipartisan nature and because it contains a path for many of those currently living and

working within the United States to earn their way to permanent legal status and promotes the reunification of families_

If this proposal moves forward, we will seek to expand its labor protections considerably to ensure a positive outcome for all workers.

Some of the provisions of the bill that must be adjusted are:

LEGALIZATION PROGRAM.

The bill does not give protection to workers who provide correct information to the employer after legalizing

" This will likely result in millions of workers losing their jobs because employers will claim that they are required (under "no falsification" policies) to terminate anyone who has provided any false information at anytime;

" This is a current standard industry practice. In many instances, workers who have come forward are re-hired immediately, under their proper name, but at starting wages, with loss of seniority and benefits.

Although workers are required to pay any back taxes owed before they become eligible to legalize, the bill gives employers who employed them complete amnesty from criminal and civil tax liability

" Although the supposed rationale for this provision is that employers will otherwise be unwilling to provide workers with documentation they need to legalize their status, this amnesty applies to all employers who have ever employed an undocumented worker at any time, regardless of whether the employer helps the worker to legalize her status.

TEMPORARY WORKER PROGRAM

The bill requires that workers present a job offer in order to get a visa, which will likely result in massive recruiting abroad at exploitative conditions, and lead to the deterioration of wages and working conditions in industries that recruit USA workers

" Although the job offer must first be posted on America's Job Bank for 30 days, there is no requirement that the jobs be posted at any prevailing or other specific wage, which creates an incentive for employers seeking to hire H5A workers to offer wages far below those which any worker who was already in the country and in a position to actually choose among available jobs would ever willingly accept. Because visa seekers must have a job offer to be eligible for a visa, they will be forced to accept those terms;

" There are no restrictions an conditions employers are permitted to impose in that offer, including the length of employment, etc. H5A workers are permitted to quit, and seek other employment, but if they do so before the term specified in the offers, they may be subject to damages for breach of contract;

" The visas will be available world-wide, and workers in Mexico, or Thailand, or Bosnia, or other remote developing nations are not going to have access to job offers in their native countries unless companies recruit them, either directly (as some companies do now), or through labor contractors;

" The likely result is that Tyson and other recruiters are going to be selling "McCain/Kennedy job offers" around the world, for thousands of dollars (disguised as transportation costs), and then bringing these workers to the US to work to the limits of human endurance in order to repay that debt;

" While the legislation provides some regulation of labor recruiting activities, the weak enforcement system and small fines will not deter employers and recruiters from engaging in this lucrative practice.

The bill requires that Workers return to their native country or the country of their last residence if they are unemployed for more than 45 consecutive days; any unemployed worker who is still in the US after 45 days of unemployment forfeits his legal status and may never again be eligible for an H5A visa. These draconian measures will result in exploitation of visa holders and drive many of them into the underground economy, thereby driving down wages and working conditions for all workers in the TLS.

" Workers who are fearful that they will lose their legal status if they become or remain unemployed will be much more willing to accept standard wages than they would if they had the same rights as U.S. workers;

" Workers From distant countries cannot realistically be expected to travel back and forth to their home countries every time they suffer a 6-week spell of unemployment and are much more likely to continue to work illegally.

The size and scope of the program does not address the current illegal flow of workers

" There are a minimum of 400,000 visas available each year, and the number grows based on a demand-based formula. The visas are only available for non-degreed, nonagricultural jobs (like construction, retail, packing and food processing);

" The visas last a minimum of 3 years, and are renewable for a second 3year term which means that in year 3, there could be nearly 1.5 million I3 [5A workers in the US, and nearly 4 million by year 6,

" The visas are not targeted at countries that are currently the source of illegal immigration. Given that visas will be available all over the world, illegal immigration from Mexico and Central America is likely to continue;

" The bill does not remove the incentives to hire undocumented workers created by the Supreme Court's Hoffman Plastic Compounds v. NLRB decision. Coupled with the fact that the bill does not target sending countries, the lack of a Hoffman fix will continue to give an incentive to employers to recruit and hire undocumented workers;

" Many industries that now hire undocumented workers are likely to continue hiring undocumented workers rather than going through the LISA program. For example, construction employers who need workers for projects that last a few hours or a few days are not going to use the electronic verification system to find workers, and will continue to exploit the readily available undocumented pool of workers.

Meaningful enforcement for labor protections are necessary, not a new weak administrative process.

" Any violation of the law by an employer will be handled by the Secretary of Labor under a new administrative process that has even less teeth than the NLRB process;

" For example, Secretary Chao can only start an investigation after she determines that there is "reasonable cause" to start the investigation. That means that anyone who wants to prosecute a violation has to convince the Secretary that a violation has occurred before she even starts the investigation;

" If Secretary Chao fails to or refuses to determine that there is "reasonable cause," then an aggrieved person has the right to petition the Secretary for a hearing--which she again has the discretion to refuse. The bill does not provide for any appellate process.

The bill should do more to reduce organizing hurdles

" Any H5A worker who is out of work for 45 consecutive days will fall out of status and become "undocumented," regardless if she is out of

work because of a job-related injury, or because of an unlawful termination. (The average length of unemployment right now is 19 weeks);

" Requiring that these workers find jobs so quickly in order to keep their legal status makes workers reluctant to engage in organizing, because of the very real fear of losing their jobs;

" The "portability" provision means little under these circumstances; undocumented workers now have full "portability" because of the lack of enforcement of immigration laws, and readily change jobs. What undocumented workers lack--and what H5A workers will lack--is the ability to bargain for improved wages and working conditions;

" The bill does not address employers' ability to threaten to withhold sponsorship for a green card if the worker engages in organizing, which is a standard union-busting method, particularly in the construction industry;

" There are no anti-retaliation protections for workers who expose violations of labor laws;

" The "whistle-blower" protections are not meaningful: the bill provides that a worker who is in status will remain in status if he exposes a violation of the SAOIA; his lawful stay period is not extended and if he is blacklisted for malting such a complaint (and thus remains out of work for longer than 45 days), he becomes undocumented.

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H.R.2330

Title: To improve border security and immigration.

Sponsor: Rep Kolbe, Jim [AZ-8] (introduced 5/12/2005) Cosponsors (10)

Related Bills: S.1033

Latest Major Action: 5/31/2005 Referred to House subcommittee. Status: Referred to the Subcommittee on 21st Century Competitiveness.

COSPONSORS(10), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: by date)

- Rep Crowley, Joseph [NY-7] - 5/26/2005
- Rep Diaz-Balart, Lincoln [FL-21] - 5/12/2005
- Rep Diaz-Balart, Mario [FL-25]
- 5/12/2005 Rep Flake, Jeff [AZ-6] - 5/12/2005
- Rep Gutierrez, Luis V. [IL-4] - 5/12/2005
- Rep Napolitano, Grace F. [CA-38] - 5/12/2005
- Rep Pastor, Ed [AZ-4] - 5/12/2005
- Rep Pelosi, Nancy [CA-8] - 5/19/2005
- Rep Ros-Lehtinen, Ileana [FL-18] - 5/19/2005
- Rep Walsh, James T. [NY-25] - 5/26/2005

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S.1033

Title: A bill to improve border security and immigration.

Sponsor: Sen McCain, John [AZ] (introduced 5/12/2005) Cosponsors (5)

Related Bills: H.R.2330

Latest Major Action: 5/12/2005 Referred to Senate committee. Status: Read twice and referred to the Committee on the Judiciary.

COSPONSORS(5), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: by date)

- Sen Brownback, Sam [KS] - 5/12/2005

Sen Graham, Lindsey [SC] - 5/12/2005
Sen Kennedy, Edward M. [MA] - 5/12/2005
Sen Lieberman, Joseph I. [CT] - 5/12/2005
Sen Salazar, Ken [CO] - 5/12/2005

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The Steelworkers Union (USWA) describes the McKennedy bill as "a bill to improve border security and immigration," on their legislative website. This position is in direct conflict with the original intent of the Rescue American Jobs organization, which is now run by the Steelworkers Union. The original founder, Dawn Teo, was forced to leave the organization a couple of months ago for health reasons.

<http://capwiz.com/uswa/issues/bills/?billtype=S.&billnumb033&congress09>

Congressional Legislation

'A bill to improve border security and immigration. '
Bill # S.1033

Original Sponsor:
John McCain (R-AZ)

Cosponsor Total: 6
(last sponsor added 05/12/2005)
3 Democrats
3 Republicans

About This Legislation:
A bill to improve border security and immigration.

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