



Employee Free Choice Act

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On July 5, 1935, during a period of economic distress unparalleled in American history, President Franklin Delano Roosevelt signed into law the National Labor Relations Act.

The purpose clause of that public law proclaimed: "It is ... the policy of the United States ... (to encourage) the practice and procedure of collective bargaining ... by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their choosing, for the purpose of negotiating the terms and conditions of their employment or other aid or protection."

This landmark law has been hailed as the "Magna Charta" of American labor. Yet 69 years after its enactment, the National Labor Relations Act has become a silent co-conspirator, aiding and abetting industrial scofflaws. Ironically, anti-union businesses have used America's basic labor law as an instrument to chill the rights of workers which the 1935 law sought to guarantee.

President Roosevelt and Members of the 74th Congress who voted to pass the National Labor Relations Act would be aghast to learn that nearly three quarters of a century later their stirring legislative achievement has been twisted into a sanctuary for corporate criminals and transformed into one of the most effective union-busting mechanisms since the blacklists, indiscriminate injunctions and yellow dog contracts of an earlier era.

Despite their heroic efforts, the Act was emasculated by the enactment of two subsequent laws, the Taft-Hartley Act of 1947 and the Landrum-Griffin Act of 1959. Both of these amendments crippling America's basic labor law were passed by Congresses controlled by Republicans. The effect of these two weakening amendments was to tilt the National Labor Relations Act in favor of the business interests that had originally opposed it.

Current Abuse

Because of these crippling amendments and the growth of an army of anti-union consultants, the right of "full freedom of association," guaranteed by the National Labor from engaging in certain prohibited activity. Workers, however, do not have equal access to similar injunctive relief against employers. S. 1925/H.R. 3619 levels the playing field by providing workers with equal access to injunctive relief. In addition, the bill specifies civil fines of up to \$20,000 for violations of workers' right to join a union and to bargain collectively that occur during organizing efforts or when workers are seeking to negotiate a first contract.

For too long, the National Labor Relations Act has stood as a broken promise to America's workers instead of symbolizing the fulfillment of the dream that its framers envisioned. Enactment of the Employee Free Choice Act would help restore the promise and make real the dream. It would

resurrect the ideal of a national labor relations structure in which the law would serve not as a sanctuary for unscrupulous employers, but as an instrument to safeguard workers' rights. As such enactment of the Employee Free Choice Act would rekindle the lamp of hope first lit in the 1930s by President Roosevelt and key Members of Congress, who sought, during the low watermark in our nation's economic history, to leave a lasting legacy that would illumine the rights of workers in future generations.

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