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**F**orty years ago, the United States was thrust into a grave national crisis of profound moral and legal dimensions. Slavery had been banned in the previous century, and the Supreme Court had recently outlawed the odious “separate but equal” doctrine. And yet this great nation, which upon its founding declared that “all men are created equal” and endowed “with certain inalienable rights,” was moving tragically, inexorably “toward two societies, one black, one white—separate and unequal,” as the Kerner Commission reported. White-hooded vigilantes roamed the South, practicing unspeakable barbarisms to silence a quest for simple justice. Freedom Riders, courageous men and women blind to color and creed, risked their lives to ride across those same Southern states, determined to secure the promised “liberty and justice for all.” Elsewhere around the nation, though the racism may not have been as open or virulent as in the South, deep-seated hostilities and entrenched patterns of segregation created walls, fences and barriers that were harder to see but every bit as difficult to cross as the *de jure* lines in Mississippi and Alabama.

We are proud that during those dark days of our nation’s history, the working men and women of the AFL-CIO stood side by side with their brothers and sisters in the civil rights movement, determined to erase the blight of discrimination and bigotry from our land. They knew then, as we know now,

that an injury to one is an injury to all; that none of us is truly free until all of us are free; that ugly prejudices of any sort debase us as a nation, as a people and as a movement. We are deeply honored that an earlier generation of visionary union leaders and rank-and-file members played a pivotal role in securing one of the 20th century's crowning achievements, passage of the Civil Rights Act of 1964.

Yet, despite undeniable progress since passage of the Civil Rights Act, inequality and polarization persist in many American workplaces, schools and communities, and we know that much remains to be done. We have not delivered fully on the promises made in the watershed civil rights measures of the 1960s. Indeed, in some quarters, there has been a hardening and retrenchment of bigotry and hate. We waited far too long to extend protections to other disadvantaged groups, long the victims of arbitrary prejudice and exclusion. And still others have yet to find their place at the table of justice and equality.

We are an imperfect people, striving still to form a more perfect union. We have begun the journey and made great strides along the way, but we have a long way yet to go. In some ways, our challenges today are greater than at any time in recent memory.

## **Translating the Dream Into Reality**

Basic protections against job discrimination have been part of the fiber of American law since at least 1964, when Congress passed Title VII of the Civil Rights Act, making it illegal to discriminate in employment based on race, national origin or gender. Four years later, Congress banned age discrimination in employment; in 1990, it extended anti-discrimination protections to people with disabilities. Yet surprisingly large percentages of workers report they have experienced job discrimination, and even more say employers are not doing enough to ensure equal opportunity for all workers. Among African American workers, almost half (47 percent) report they have been the victims of job discrimination; 53 percent give employers poor marks on preventing such discrimination. Three in 10 Hispanic workers say they have experienced job bias and 40 percent say employers are not doing enough to prevent discrimination.

Among women, roughly one-fourth say they have been sexually harassed at work, nearly half (48 percent) give employers low grades on providing equal pay and three-quarters (74 percent) say women's advancement on the job is blocked by a glass ceiling. Close to half of all workers 35 and older give employers low marks on preventing age discrimination and 39 percent report employers are not doing enough to provide people with disabilities reasonable

accommodations that will enable them to work. Complementing the perceptions among many that employers should be doing more to prevent discrimination, a very solid majority of all workers (60 percent) say it is difficult for workers to address discrimination on the job. In short, despite protections that, for most, have been in place almost four decades, many workers still experience job discrimination, many more think employers are not doing enough to prevent it and even more say it is very hard for workers themselves to address such discrimination.

Persistent discrimination and difficulties addressing discrimination result in part from the underfunding and understaffing of agencies charged with enforcing existing civil rights laws. Tens of thousands of discrimination cases wait in a backlog at the Equal Employment Opportunity Commission, and others languish at the Justice Department's Civil Rights Division. Absent vigorous enforcement by these governmental agencies, many workers are essentially without recourse or remedy for even the most blatant discrimination. Private litigation is extremely costly and time-consuming, placing it out of reach for most workers, especially those with low incomes. Moreover, the threat of retaliation chills most individuals' assertion of their rights in the absence of meaningful guarantees that the government will protect complainants.

We know that for most workers, protections on paper alone translate into no protections at all. The elimination of discrimination is a continuing struggle, and we must fight discrimination aggressively and persistently if we are to achieve the dream of equal opportunity. Thus, the AFL-CIO and its affiliates call on Congress and the president to fully fund and staff the nation's civil rights enforcement agencies so they can do the job they were set up to do nearly 40 years ago.

In addition to continued job discrimination, the painful legacy of discrimination is also manifested in lower average wage rates, higher incidences of unemployment, disproportionately high rates of serious disease and lower life expectancy in communities of color. These, too, require a focused and forceful response from the nation. Major investments in education, health care, skills development and housing, coupled with aggressive enforcement of workers' rights on the job and investments in community economic development, are needed to address this shameful legacy. And all-out action is needed immediately to stanch the soaring rates of HIV/AIDS infection that now disproportionately plague minority segments of the population—the latest, troubling phase of a worldwide epidemic whose growth has moderated in the majority population.

## **Restoring the Right to Vote**

The right of all Americans to vote and have their votes counted is a cornerstone of our democracy, yet a generation after the abolition of poll taxes, literacy tests and other legal hurdles once used to disenfranchise African Americans and others, many American voters confront an array of less obvious obstacles that silence their voices in the political arena. Sadly, the cherished ideal of “one person, one vote” remains an empty promise for many.

During the 2000 presidential election, countless citizens in Florida and throughout the country were denied their constitutional right to vote as a result of erroneous voter registration records, confusing ballots, flawed voting equipment and—by some accounts—deliberate intimidation and chicanery. Many lawfully registered voters were disenfranchised outright and others cast votes that ultimately were not counted because of faulty equipment, faulty ballots or faulty procedures. The failure of voting systems around the country disproportionately disenfranchised people of color, people with disabilities, the poor and older Americans, but ultimately these failures cheated us all. And while Florida became the most notorious case, it was just the tip of the iceberg: The flaws and confusions there were magnified many times over in other communities and states through-out the nation.

If the United States is to remain a leader among the world’s democratic nations in the 21st century, we must have an election system in which the fundamental right to vote is guaranteed to all, not a privilege reserved for the well-educated, the affluent, the well-connected or the politically savvy. The AFL-CIO strongly supports election reform at both the federal and state levels, founded on four fundamental principles.

First, voter registration should be simple, easy and designed to encourage voting through universal registration at age 18 and same-day registration and voting. To ensure that those who register actually will be able to vote, we call for federal minimum standards for uniform and effective systems to maintain and update voter files.

Second, voting should be easy and the exercise of the right certain. The efforts of many workers to cast their votes are complicated by the timing of elections and limited voting hours. Providing time off from work for voting, extending voting hours, establishing multiday or weekend elections or creating an Election Day holiday all would make it easier for voters to exercise the franchise. Voters who do make it to the polls must have an absolute right to cast provisional ballots if their names do not appear on registration lists, and there should be equal enforcement of uniform and reasonable identification requirements and procedures and common standards and procedures regarding

ex-felon eligibility. In addition, voting sites and voting equipment should be fully accessible to people with disabilities and the elderly.

Third, every vote must be counted. A common ballot format in federal elections, common voting technology nationwide, training for poll workers and legislated clarity and consistency about recount procedures and timetables in federal elections will help avoid the chaos that ensued in Florida and ensure that every vote counts.

Finally, voting rights laws must be enforced aggressively and penalties for violating voting rights must be strong enough to act as a meaningful deterrent. The Voting Rights Act should include provisions that explicitly allow retroactive relief, and its penalties section should apply to the Motor Voter Act.

The federal government also should provide resources to states to help them modernize and standardize their voting systems and hold them accountable for compliance with federal requirements.

Only reforms such as these will translate the right to vote conferred by the Constitution, the Voting Rights Acts and other laws into a reality for all. The AFL-CIO calls on Congress and the president and, where appropriate, state lawmakers to move quickly to reform voting laws, procedures and machinery to ensure that in 2002 every vote counts.

## **Condemning and Punishing Hate Crimes**

Ours is a modern industrial nation that prides itself on tolerance and respect for diversity. Yet, the nation continues to witness horrifying hate crimes, such as the murders of James Byrd, an African American man dragged to his death in Texas, and Matthew Shepard, a young gay man brutally murdered in Wyoming. Our own members are not immune to the crimes, as we are reminded by the deaths of Joseph Iletto, a Filipino letter carrier and member of the National Association of Letter Carriers, and Danny Lee Overstreet, a gay member of the Communications Workers of America. These crimes shock the conscience and, left unredressed in a meaningful way, belie our claims to humanity and civility.

Crimes designed to intimidate and harass because the victims are part of particular groups have no place in our society. The perpetrators of these heinous acts are motivated by an animus painfully reminiscent of that which in an earlier era propelled fascist dictators to slaughter millions of innocent persons, including trade unionists, because of the groups to which they belonged.

We recognize and embrace our obligation and opportunity to do everything we can to prevent acts of criminality and hate against persons within

the United States, based on their race, national origin, religion, gender, disability and sexual orientation. We are working in coalition with political, religious and community leaders to condemn and call for an end to hate crimes, and we call upon all Americans to renew their commitment to tolerance and compassion for their neighbors.

The AFL-CIO urges Congress to pass hate crimes legislation that would enable federal authorities to assist local prosecutions and, where appropriate, to investigate and prosecute cases in which bias-motivated violence occurs because of the victim's race, religion, national origin, sexual orientation, gender or disability. While federal protections against and remedies for hate crimes exist, they do not go far enough in coverage or in ensuring meaningful relief for victims and their families.

Bias-motivated crimes committed against individuals hurt not only their intended victims but also our society as a whole. Such crimes chip away at the very pillars of liberty, tolerance and dignity that are the mainstays of our democracy. We must send a message, loud and clear, that we neither accept nor tolerate such crimes.

## **Ending Racial Profiling**

Evidence indicates that some police officers and departments stop and arrest minorities at a rate disproportionate to their representation within local populations or their overall crime rates. Such frequent stops and arrests confirm what many minorities long have viewed as a disturbing violation of their rights. Sometimes these stops and arrests lead to tragic results for innocent victims.

Any such discrimination is of great concern in a democratic society such as ours, since arbitrary and biased approaches to law enforcement threaten the Fourth Amendment prohibition against unreasonable search and seizure, the equal protection clause of the Constitution, the constitutional right to travel and statutory prohibitions against discrimination. Discrimination of this sort also casts a shadow over the integrity and reputations of millions of law enforcement officers who perform their jobs honorably and without discrimination.

President Clinton in 1999 and, more recently, President George W. Bush decried racial profiling and called for its end. Several states have passed laws prohibiting racial profiling and others have passed legislation requiring improved data collection to monitor minorities' treatment by police. The AFL-CIO condemns any discriminatory treatment of minorities in the criminal justice system. We call on Congress and the states to move quickly to enact meaningful prohibitions against racial profiling, including measures to gauge its incidence, and to extend meaningful remedies to victims of the practice.

## **Extending Civil Rights Protections to All**

The AFL-CIO supports passage of the federal Employment Non-Discrimination Act, an important and long-overdue civil rights measure that would bar employment discrimination based on sexual orientation. Current federal law bars employment discrimination on the basis of race, gender, religion, national origin or disability but—unfairly—not sexual orientation. As a result, it is legal under federal law (and in states that do not ban discrimination based on sexual orientation) to fire or refuse to hire working men and women because of their actual or perceived sexual orientation.

The AFL-CIO believes discrimination based on sexual orientation is inconsistent with our nation's fundamental values of equal opportunity and equal treatment under the law. We call upon our affiliates and state and local labor federations to fully support legislation at every level of government to guarantee the civil rights of all persons without regard to sexual orientation in public and private employment, housing, credit, public accommodations and public services. We also urge our affiliates to work with the AFL-CIO constituency group Pride At Work and other gay and lesbian organizations wherever possible to achieve these goals.

## **Banning Discrimination Based on Genetic Testing Results**

As the clinical applications of genetics move out of the research lab and into practice, many fear that one of the possibilities created by these exciting advances is that employers and others will use results of genetic tests to screen their workforces, weeding out applicants and employees whose genes carry a marker for certain diseases or conditions. This is not a far-fetched concern: Just last year, the Equal Employment Opportunity Commission forced Burlington Northern Santa Fe Railroad to discontinue secret genetic testing of its employees to determine whether they were predisposed to developing carpal tunnel syndrome. Already, with a handful of genetic tests in common use, people have lost their jobs, lost their health insurance and lost their economic well-being because of the unfair and inappropriate use of genetic information.

In 2000, President Clinton issued Executive Order 13145 prohibiting discrimination against federal employees based on protected genetic information or their request for or the receipt of genetic services. This was an important first step, but it involves only a limited number of workers and much more must be done.

The AFL-CIO firmly believes that every worker should be judged simply on his or her ability to do a job. Genetic discrimination is unjust, unjustified and often unlawful, as the Americans with Disabilities Act would apply to some

employment decisions based on genetic screening. However, the ADA's protections do not go far enough. No employer or insurance company should be able to base its decisions regarding an individual's opportunities on his or her genetic predisposition. The AFL-CIO urges Congress to pass the Genetic Nondiscrimination in Health Insurance and Employment Act, which would prohibit genetic discrimination in the workplace.

## **Preserving Affirmative Action**

The union movement is committed to diversity and full participation, both within our unions and in society as a whole. Women and people of color play a growing role in leadership and staff positions within the union movement and are an increasing part of both the organized and unorganized American workforce. Today's unions are promoting diversity through collective bargaining, education, outreach, mentoring and representation.

One undeniable fact of American history—from slavery to lynchings, from the Trail of Tears to the *bracero* programs, from the Chinese Exclusion Act to recent hate crimes and from the denial of women's right to vote to continued residential segregation—is the persistent and deeply troubling legacy of discrimination. Discrimination persists in American society in the way people are hired and promoted, in the way banks extend credit, in the educational opportunities provided to children, in the way people of color sometimes are stopped on the highway by police and myriad other ways. This long history of discrimination produces results too obvious and painful to deny.

More than a quarter-century ago, President Nixon implemented affirmative action as a remedy for past and present discrimination and as a means to promote diversity. President Nixon and others, Republicans and Democrats alike, realized civil rights laws alone were not enough to help ensure an equal society. In addition, we needed to take proactive steps to open the doors of education, employment and business development.

Though often under attack, especially in recent years, affirmative action has worked and continues to work well. Many professions, businesses and educational institutions now include significant numbers of women and people of color where there were few or none not long ago. Affirmative action is also good for business in a world economy. Affirmative action for women and girls has directly benefited families of all races.

The American union movement has supported affirmative action for decades. Indeed, the U.S. Supreme Court's first decision upholding affirmative action in employment, *Weber v. Kaiser Aluminum*, involved an affirmative action program that our affiliate, the United Steelworkers of America, negotiated. We

will continue to support affirmative action in employment and other arenas of American life. We also will defend affirmative action from attacks by the far right, especially since we recognize these attacks are often cynical ploys designed to create a wedge issue to divide Americans for political gain. We will vigorously oppose federal and state legislation and local ballot initiatives that seek to end affirmative action.

The union movement is committed not just to defending affirmative action to remedy discrimination and promote diversity, but also to dispelling the myths about affirmative action. Affirmative action is not about quotas, which are illegal, nor about giving jobs to the unqualified. It is a commonsense approach to addressing the nation's long and sad history of discrimination. Affirmative action is a recognition that to finally eliminate race, gender and national origin discrimination from life's basic decisions—schools, jobs, housing and the like—we may first need to take those factors into account to ensure we do not discriminate and we genuinely provide equal opportunity for all. Affirmative action is about making a special effort to reach out to those who have been excluded because of race, gender and national origin to build a better and more inclusive society.

The AFL-CIO and its affiliates look forward to the day when we, too, can say the nation no longer needs affirmative action to overcome the legacy of a shameful past. Until that day comes, however, we will continue to promote and defend affirmative action as the best and most effective strategy we have to move us in the direction of an inclusive and equal society.

## **Ensuring That Every American Counts**

The union movement is greatly troubled by recent decisions of the federal government to use raw census data, rather than adjusted numbers derived from scientific surveys, to distribute billions of dollars in federal aid. Traditionally, the census count leaves out many hard-to-reach individuals, and those who are excluded are disproportionately people of color and the poor. Scientific surveys correct for these omissions. As a result of the refusal to use adjusted numbers, many communities will not receive their fair share of housing, health, education, transportation, senior citizens', veterans' and other services and will have inadequate resources to meet their needs. We believe this is wrong. The AFL-CIO will continue to push the federal and state governments to use scientific surveys to ensure otherwise undercounted populations are considered in census tabulations.

## **Working From Within**

We know that in addition to demanding more of the government, we must also demand more of ourselves if we are to achieve the dream of equal opportunity. We know, too, that our own movement will be stronger and better if we do all we can to reach out to women and people of color, not just to bring them into our ranks but to move them into positions of leadership.

We are encouraged and excited by the growth in union membership among women workers. With more than 5.5 million women members, the AFL-CIO is the largest organization of working women in the country. We are committed to ensuring that the policies we promote as a movement are responsive to the needs and priorities of working women (which are discussed in detail in Resolutions 7 and 9).

The union movement's ability to achieve civil, human and workers' rights for all is greatly enhanced by the work of the six AFL-CIO constituency groups, which serve as a voice of labor in the community and a voice for the community within labor. These groups are advancing the union movement's goals by promoting and assisting union organizing in a wide range of communities and recruiting and mentoring a new generation of union organizers. They also are joining in community coalitions to advance civil and workers' rights, organizing voter registration and mobilization campaigns, promoting new leaders within an increasingly diverse labor movement and fighting for a voice at work through unions for all those who are exploited on the job.

The AFL-CIO reaffirms its strong support for the constituency groups and the key role they play in ensuring the union movement represents all workers, reaches out to all communities and advances a broad agenda of social and economic justice in partnership with our allies in the community.

In addition to our partnership with our constituency groups, we will continue to provide civil rights education for our members, and in particular, will step up efforts to educate our members and others about the inappropriateness of hanging nooses and other racist and hate materials and their deleterious impact on working people. We also will join in key legislative, agency and court battles in which the future of civil, human and workers' rights is at stake.

We will never forget the price many paid, including some in our own ranks, to make our land freer and fairer for all. We know we should do more—and we will.

## **Respecting Muslims and Those of Arab Descent**

Today, at the beginning of the 21st century, we find ourselves facing a crisis and a challenge few among us ever imagined. Yet it is the enduring condition

of our national life that every generation of Americans has its own moment to reach within and to reach beyond, to draw upon the best in ourselves and in our national character in order to speak out on behalf of the oppressed and to speak up for what is right and just. This is our moment, and we will not be silent.

Like all Americans, the union movement deplores the acts of unspeakable violence, the incomprehensible evils that were visited upon thousands of innocent working families on Sept. 11. We believe the perpetrators of that terror must be brought to justice. But even in our anger and outrage, we cannot—we must not—direct our rage and condemnation at innocent persons or groups at home or abroad who, though they may share a faith and a heritage with the terrorists, abhor their actions and disavow their views.

The Islam faith has a rich tradition of social justice and support for human rights. Millions of Muslims live and worship peacefully in the United States. Millions of persons of Arab and South Asian descent call America their home. Millions more around the world strive, as we do, for a world at peace, which marshals its riches and resources to fight fear and want and to promote respect and tolerance. Far more unites us with these good and decent people than separates us from them. We will be stronger and better as a nation and as a movement if we embrace and build upon the values and dreams we share; we are diminished if we exaggerate our differences. As one of our affiliates put it:

“For all Americans, this is a time to make an extra effort in our workplaces and in our communities to reach out to each other and show the world that in times of crisis, we unite behind our ideals.

“America cannot fight hatemongers and religious intolerance by becoming hateful and intolerant ourselves. The best way we can honor the victims of the attacks of Sept. 11 is to stand up for the basic values America has always aspired to: liberty, justice, respect for diversity and equality.”

This moment in our history demands of our movement that we reaffirm our abiding commitment to respect for all peoples, without regard to color or creed. We do so now—and without reservation. We will not allow any persons—and that includes Muslims, Arab or South Asian Americans or nationals in our midst—to be made scapegoats for acts of treachery they did not commit and they, like much of the world, deplore. We will fight the good fight against all forms of discrimination and bigotry. We will respect and stand up for the civil rights and civil liberties of all those who live and work among us, however unpopular that may be. We will strive tirelessly to secure the promises of liberty, justice and equality for all.

During this period of national crisis, we know that remaining true to the very values that define us as a nation sometimes will be difficult. But we will

not give up, and we will not give in. We will not practice or preach or tolerate discrimination against Muslims or Arabs, at home or abroad. They are not our enemy. We will not be theirs.

The union movement knows that only by honoring the civil and human rights of all those who live and work in the United States can we remain a truly free and democratic society with a robust economy and a fully productive workforce. We have come a long way, but we cannot become complacent or smug, for we still have a long way to go: Discrimination in all its manifestations persists, and new variants crop up every so often to remind us anew that our journey is not done.

The road to a truly colorblind society, in which every individual is judged by the content of his or her character—not by such irrelevant and arbitrary features as race, gender, disability, religion, sexual orientation or age—is a long one, with many detours and bends along the way. We may sometimes lose our direction, but we are determined ultimately to stay on course, until we reach the end. Like Dr. Martin Luther King, we “refuse to accept the view...that the bright daybreak of peace and brotherhood can never become a reality.” We believe it can, and it must, and we will never stop striving for that goal.