

BINATIONAL CONFERENCE DOCUMENTS



**DEC. 2-3, 2017
BINATIONAL
CONFERENCE
(Carson, CA)**



- **CANCEL NAFTA, NO WALL!**
- **Not One More Deportation!**
- **Full Labor Rights in U.S. & Mexico!**
- **Support the Driscoll's Boycott!**
- **Support the RJ Reynolds "Vuse" Boycott!**



Resolution Adopted Unanimously by the Aug. 14, 2017, Delegates Assembly of the San Francisco Labor Council (AFL-CIO):

Cancel NAFTA! Tear Down the Wall of Shame / Not One More Deportation! Support Workers' Rights and Struggles in Mexico, the U.S., and Canada!

Whereas, there is a stepped-up attack on immigrant workers — documented and undocumented — in the United States, and NAFTA has been used to pit U.S. workers against Mexican workers to benefit multi-national corporations from the U.S. and around the world, and

Whereas, the escalating attack on immigrant workers and people of color is a threat to all workers and to organized labor in the United States; the immigrant community and their children in schools are being terrorized by ICE and by the racist attacks on immigrants, and

Whereas, NAFTA has been used to privatize railroads, telecom, oil, education and the dismantling of Mexico's agricultural industry, causing forced migration of tens of millions of people from their homelands in Mexico, and

Whereas, the US and other multi-nationals corporations have colluded with the Mexican government, using NAFTA to prevent unionization at the 1,500 maquiladora factories in Mexico, and

Whereas, the privatization of land has forced hundreds of thousands of indigenous people off their indigenous homeland, with as many as 80,000 farmworkers and their families forced to move outside their communities, towns, and cities, to Northern states in Mexico to find work often under horrible, inhumane working conditions that are designed to enslave people/workers, as is the case of the Driscoll's corporation in Baja California, Mexico and other subsidiary farms, and

Whereas, the Trump administration is increasing the militarization of the border of the United States and Mexico — and proposing to extend the Wall of Shame all across this border — thus dividing families and children from their parents, relatives, and grandparents, who have not been in reachable contact in many cases for over 20 years, and

Whereas, the Trump administration has said that the Mexican people are responsible for the failure of NAFTA, and the US will renegotiate NAFTA to allow US multi-nationals and businesses to expand, exploit, and renegotiate this agreement without the input of unions, human rights, environmental organizations, or health and welfare coalitions, and

Whereas, the same companies and multi-nationals that pushed NAFTA will be in charge of renegotiating NAFTA to benefit these same corporations and to further the expansion of the "Guest Worker" programs, and to further privatization and deregulation, and

Whereas, the Sacramento Central Labor Council has endorsed this resolution.

Therefore Be It Resolved, that the San Francisco Labor Council calls for full unionization and full labor rights for workers in Mexico, the United States and Canada and for building direct worker-solidarity and labor actions against NAFTA and against the global multi-nationals thieving off the poorest labor force, and

Be It Further Resolved, that the San Francisco Labor Council calls for united solidarity action of workers in Mexico, United States, and Canada for the cancellation of NAFTA. Repealing NAFTA is the necessary first step, the very pre-condition, to opening new negotiations — with the full input of trade unions, environmental groups, and other community organizations in all three signatory countries — that could lead to a trade deal that actually benefits working people in all three countries, and

Be It Further Resolved, that the San Francisco Labor Council calls for an end to the massive ICE attacks on immigrant workers, documented and undocumented, in the US — with not one more deportation, and

Be It Finally Resolved, that the San Francisco Labor Council calls upon all its affiliates, all statewide labor councils and the AFL-CIO, along with all of labor's community partners, to support this call and to urge solidarity actions around the above-stated demands on August 16, 2017, the day that the Trump administration has called for the talks on NAFTA renegotiation to begin in Washington.

Resolution submitted by:

SMART UTU 1741, Olga Miranda (SEIU 87), Rudy Gonzalez (Teamsters 856), Rodger Scott (AFT 2121), Bob Price (AFT 2121), Allan Fisher (AFT 2121), Alan Benjamin (OPEIU 29), Ana Fisher (AFT 2121), Tom Lacey (OPEIU 29), Bob Price (AFT 2121), and Richard Meghoo (SF Taxi Workers Alliance)



Should We Oppose or Renegotiate NAFTA?

[Excerpts from opening presentation at the September 15-16 Conference in Tuxtla Gutierrez, Chiapas (Mexico), that launched the Mexican Organizing Committee for the Binational Conference Against NAFTA and the Wall of Shame, and In Support of Workers' Rights on Both Sides of the Border.]

In Mexico, the media have presented the North American Free Trade Agreement (NAFTA) as a benefit to the entire Mexican population; they have not spared any praise for the treaty. But the reality is altogether different: NAFTA has benefited only a small percentage of the population — mainly those sectors acting as representatives of transnational corporate interests in our country.

The data are clear. Since the signing of NAFTA in 1994, Mexico has lost its food sovereignty; today the country imports 40% of the grains, and the importation of meat has grown by 700%. Mexico's countryside has been destroyed, with the best lands snatched up by the drug lords and the transnational corporations.

According to official sources, in 1994, 12.3% of the Mexican population had health-care and retirement coverage; currently the percentage has dropped to 9.7%. Full-time jobs with benefits have been lost, replaced, only in part, by precarious jobs with no benefits. This also underscores the lie that NAFTA has created good-paying jobs. Not so.

At the same time, despite appearances, on the other side of the border the situation is no better. According to the AFL-CIO trade union federation, in the last three years alone 700,000 jobs have been lost, of which 415,000 industrial jobs, including about 150,000 workers in electronic manufacturing and 108,000 jobs in the automotive sector. Some reports

show an even greater job loss in the United States.

NAFTA has been used by U.S. employers as an instrument of blackmail to reduce labor rights and wages. The forced migration of hundreds upon hundreds of thousands of Mexicans to the United States has made it possible to use this large "reserve industrial army" to reduce the costs of labor. Undocumented immigrants are part of the U.S. working class; they have no papers, are paid below the minimum wage, lack labor rights and trade union organization, and serve as scapegoats to the U.S. administrations.

NAFTA has only benefited the employers. Workers in the United States, Canada and Mexico should have no interest in maintaining this "free trade" agreement.

Organizing a Conference to Unify the Workers' Struggles

More than 100 trade unionists, activists, youth, and organizations from both sides of the border have endorsed a call to hold a Binational Conference Against NAFTA and the Wall of Shame/Deportations, and in Support of Workers' Rights on Both Sides of the Border. They have decided to hold a first session of the Binational Conference on December 1 and 2 at CSU-Dominguez Hills (Carson, California) and a second session in Tuxtla Gutierrez, Chiapas, Mexico, on February 3-4, 2018.

The Third National Conference of the Labor Fightback Network — held in Cleveland, Ohio, on July 21-23, 2017 — decided to support this initiative. And as a first step in implementing its resolution, the LFN Conference and its supporters promoted the August 16 Global Day of Action for the boycott of the U.S.-based Driscoll's Corporation and in sup-

port of the agricultural workers in the San Quintin Valley of Baja California, Mexico. The LFN also called to support the boycott of the distributors of the "Vuse" e-cigarette, in support of the R.J. Reynolds farmworkers and FLOC in North Carolina.

Regarding the San Quintin struggle: The working and living conditions of the San Quintin farmworkers are a vivid example of NAFTA's anti-worker policies. Driscoll's and its local subsidiaries violate daily the rights of their workers and impede trade union organization by refusing to sign a collective-bargaining agreement with SINDJA, the new independent union supported by the overwhelming majority of the San Quintin workers.

In addition, the San Francisco Labor Council (AFL-CIO) unanimously adopted a resolution on August 14 that calls for repealing NAFTA. The resolution goes on to call for full unionization and full access to labor rights in Mexico, the United States and Canada — and it calls for building joint solidarity actions against NAFTA and against the transnational corporations.

We call on all workers and youth to support and participate in the Binational Conference, which will serve as a point of support for the struggle of workers and peoples on both sides of the border.

Promoting the Privatization Onslaught in Mexico:

'NAFTA Negotiators Seek to Enshrine Mexico's Energy Reforms'

(Excerpted from a Reuters Business News Dispatch on Sept. 2, 2017)

MEXICO CITY (Reuters) — U.S., Canadian and Mexican negotiators are zeroing in on ways to enshrine Mexican President Enrique Peña Nieto's sweeping energy reforms into a modernized North American Free Trade Agreement, Mexico's chief negotiator said on Saturday.

The 2014 reforms wrung control of the country's oil and gas sector from State hands, opening it up to private investment, and incorporating them into the 23-year-old NAFTA is seen as a way to help preserve them for the long term.

When NAFTA was enacted in 1994, Mexico's energy sector was closed and Peña Nieto's reforms ended a decades-long monopoly for national oil company Pemex [PEMX.UL] and ensured competitive oil auctions. Incorporating them into NAFTA would help shield them from any future governments that may want to reverse them.

NAFTA's Bitter Legacy

In February 2014, 20 years after the implementation of NAFTA, Public Citizen's Global Trade Watch published a dossier on NAFTA's devastating impact on U.S. and Mexican workers and farmers. The full title of their report is "NAFTA's 20-Year Legacy and the Fate of the Trans-Pacific Partnership." It is available in full at www.citizen.org/sites/default/files/nafta-at-20.pdf. The study, excerpts of which follow, demonstrates unequivocally that revisions to NAFTA cannot ameliorate the problems intrinsic to the free-trade agreement. These excerpts have been selected by Mya Shone and Ralph Schoenman, co-producers of Taking Aim. Their commentary, in italics, is interspersed throughout the text.

Public Citizen wrote:

NAFTA was fundamentally different than past trade agreements in that it was only partially about trade. Indeed, it shattered the boundaries of past U.S. trade pacts, which had focused narrowly on cutting tariffs and easing quotas. In contrast, NAFTA created new privileges and protections for foreign investors that incentivized the offshoring of investment and jobs by eliminating many of the risks normally associated with moving production to low-wage countries.

NAFTA allowed foreign investors to directly challenge before foreign tribunals domestic policies and actions, demanding government compensation for policies that they claimed undermined their expected future profits. NAFTA also contained chapters that required the three signatory countries to limit regulation of services, such as trucking and banking; extend medicine patent monopolies; limit food and product safety standards and border inspections; and waive domestic procurement preferences, such as Buy American policies.

Mexico had to re-write portions of its constitution to allow privatization of land and critical natural resources, such as oil and gas, in order to meet its NAFTA obligations.

One million U.S. jobs were lost in NAFTA's first years:

- Rather than creating the promised hundreds of thousands of U.S. jobs, NAFTA contributed to an enormous new U.S. trade deficit with Mexico and Canada and an estimated net loss of one million U.S. jobs by 2004. This figure, calculated by the Economic Policy Institute (EPI), includes the net balance between jobs created and jobs lost.[1] Much of the job erosion stems from the decisions of U.S. firms to embrace NAFTA's new foreign investor privileges and relocate production to Mexico to take advantage of its lower wages and weaker environmental standards.

EPI calculates that the ballooning trade deficit with Mexico alone destroyed about 700,000 net U.S. jobs between NAFTA's implementation and 2010.[2] EPI estimates that two thirds of the jobs lost were in the manufacturing sector and about one third of



the jobs lost were in the non-manufacturing sectors of the economy, including service sector jobs, which suffered as closed factories no longer demanded services. The toll has likely grown since 2010, as the non-oil U.S. trade deficit with Mexico has risen further.[3]

The U.S. Department of Commerce tried to identify specific jobs created by NAFTA rather than destroyed but found fewer than 1,500 specific jobs that could be attributed to NAFTA.[4]

- NAFTA has contributed to downward pressure on U.S. wages and growth in U.S. income inequality. NAFTA's broadest economic impact has been to transform fundamentally the types of jobs and wages available for the 63 percent of American workers without a college degree. Most of those who lost manufacturing jobs to NAFTA offshoring and import competition found re-employment in lower-wage jobs in non-offshorable service sectors.

According to the U.S. Bureau of Labor Statistics, two out of every three displaced manufacturing workers who were rehired in 2012 experienced a wage reduction. Two out of every five displaced manufacturing workers took a pay cut of greater than 20 percent.[5] For the average manufacturing worker earning more than \$47,000 per year, this meant an annual loss of at least \$10,000.

As increasing numbers of workers displaced from manufacturing jobs have joined those competing for non-offshorable, low-skill jobs in sectors such as hospitality and food service, real wages also have fallen in these sectors[6] contributing to overall wage stagnation. Given rising inequality, the median U.S. wage has fared even worse and today remains at the same level seen in 1979.[7]

- NAFTA also contributes to rising inequality by enabling employers to threaten to move their companies overseas during wage bargaining with workers. A Cornell University study commissioned by the NAFTA Labor Commission found that after the passage of NAFTA, as many as 62 percent of U.S. union drives faced employer threats to relocate abroad, and the factory shut-down rate following successful union certifications tripled.[8]



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Three illustrative examples cited by the *Los Angeles Times*, December 19, 2016:[9]

- **Brake Parts Inc.**, with 5,300 employees worldwide, manufactured brake calipers at a factory in the Central Valley community of Chowchilla for nearly 30 years, but a company executive said pressure was growing to reduce costs as all its competitors moved their factory work to Mexico.

About a year ago, employees got the bad news: Operations were moving to a facility in Nuevo Laredo, Mexico. By the time the factory closed in August, about 280 Brake Parts workers had lost their jobs and it was the end of Brake Parts U.S. domestic manufacturing.

"There's no way that U.S. workers are going to work for \$3.50 or \$4 an hour, and that's the reality of the situation," said Randy Clausen, vice president for global human resources at Illinois-based Brake Parts.

- In October, **Rexnord**, which makes industrial bearings at an Indianapolis factory, notified the United Steelworkers Union Local 1999 that it had "tentatively decided" to move its operations to an existing company facility in Monterrey, Mexico.

Union President Chuck Jones said 300 workers would lose their jobs as the factory operating since the 1950s will close its doors in early 2017. "We sat down with the company, and we made some proposals to try to keep the jobs here, to no avail," Jones said. "They said they were saving \$15.5 million a year, and they said we couldn't come up with nothing, unless we worked for \$5 an hour, to keep this facility open," he said.

Rexnord's Indianapolis employees earn \$25 an hour, along with benefits, compared to \$3 an hour with no benefits for the workers in Mexico, Jones said. "It's going to be devastating, without a doubt," he said of the job losses. Some employees will face home foreclosures because they "won't be able to get jobs for the most part that will pay anything close to what they're currently making."

- **Nabisco**, a subsidiary of Illinois-based Mondelez, had been making Oreo cookies in Chicago since 1953. But in July 2016, the last Oreos rolled off the production lines at the factory.

Last year, Mondelez chose its facility in Salinas, Mexico, over Chicago for a \$130-million upgrade that included four new state-of-the-art manufacturing lines for the company's top products. That meant the 1,200-person workforce in Chicago would be cut in half.

Anthony Jackson was among those laid off. Workers would

have had to take a 60% pay cut for Mondelez to even consider choosing Chicago over Mexico for the manufacturing upgrades, he said. "You can't tell me that they seriously thought anyone would say OK to giving away 60% of their pay and benefits," said Jackson, a spokesman for the Local 300 of the Bakery, Confectionery, Tobacco Workers and Grain Millers union who had worked at the factory for five years before being laid off in March.

Public Citizen continues — The cost of living increases in the United States as food prices rise:

- Despite a 239 percent rise in food imports from Canada and Mexico under NAFTA,[10] the average nominal price of food in the United States has jumped 67 percent since the deal went into effect.[11]

The reductions in consumer goods prices that have materialized have not been sufficient to offset the losses to middle-class wages under NAFTA. U.S. workers without college degrees (63 percent of the workforce) have lost an amount equal to 12.2 percent of their wages under NAFTA-style trade even after accounting for the benefits of cheaper goods. This net loss, calculated by the Center for Economic and Policy Research, means losing more than \$3,300 per year for a worker earning the median annual wage of \$27,500.[12]

Deterioration of environmental, health and safety regulations as result of the treating multi-national corporations in an "investor-state" system:

- NAFTA included an array of new investment privileges and protections that at the time were unprecedented in scope and power among U.S. "trade" pacts. NAFTA elevates foreign investors to the level of sovereign signatory governments, uniquely empowering individual corporations to skirt domestic laws and courts and privately enforce the terms of the public treaty by directly challenging governments' public interest policies before World Bank and U.N. tribunals. The tribunals are typically comprised of three private sector attorneys, unaccountable to any electorate, who often rotate between serving as "judges" and bringing cases for corporations against governments. The tribunals are empowered to order payment of unlimited sums of taxpayer funds to compensate the investors.

This process is called "investor-state" enforcement. Only commercial interests have standing to challenge government policy, not unions or consumer groups. More than \$360 million in compensation to investors has been extracted from NAFTA governments via investor-state tribunal challenges against toxics bans, land-use rules, water and forestry policies and more than \$12.4 billion were pending in such claims at the time of the 2014 report.[13]

Five examples:

- The **U.S. Ethyl Corporation** used NAFTA's investor-state system in the late 1990s to reverse a Canadian environmental ban of the carcinogenic gasoline additive MMT, also banned by numerous U.S. states, while also obtaining \$13 million in compensation from the Canadian government.[14]

- In another infamous NAFTA case, a Mexican municipality's refusal to grant the U.S. firm **Metalclad** a construction permit, which it also had denied to the contaminated facility's previous

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Mexican owner (until and unless the site was cleaned up), resulted in \$15.6 million in compensation being paid by Mexico.[15]

- In a NAFTA claim, a Canada-headquartered natural gas corporation set up an office in the United States and launched a \$241 million NAFTA demand against a Canadian province's moratorium on natural gas fracking.[16] and in another case, still pending, **Lone Pines** sued Quebec after it passed a ban on oil and gas exploration in the St. Lawrence River and revoked all previous licenses.

- **Ely Lilly**, a U.S. pharmaceutical corporation, demanded \$481 million for Canada's revocation of its medicine drug patents. The corporation asked a NAFTA tribunal to second-guess Canada's domestic court rulings that the corporation failed to present sufficient evidence that the drugs would deliver promised benefits when it requested monopoly patent rights.[17]

Empty promises for U.S. farmers and farmworkers:

- High imports and lackluster exports under NAFTA have particularly wracked family farmers in some sectors. Since NAFTA took effect, about 170,000 smaller-scale family farms have gone under – a 21 percent decrease in the total number.[18] The U.S. vegetable deficit with Canada and Mexico has soared to \$4.2 billion, nearly 10 times the pre-NAFTA level.[19]

Overruling U.S. food safety regulations:

- NAFTA required the United States to accept meat and poultry from all facilities in Mexico and Canada if those countries' domestic systems were found to be "equivalent," even if core aspects of U.S. food safety requirements, such as continuous inspection or the use of government (not company-paid) inspectors, were not met. "Equivalence" was not defined in NAFTA. In violation of U.S. requirements for government meat inspection, Mexico was allowed to have company-paid meat inspectors.[20] Only 8.5 percent of beef, pork, and chicken is physically inspected at the border by the U.S. Department of Agriculture.[21] and the U.S. Food and Drug Administration (FDA) physically inspects only 1.8 percent of the food imports that it regulates (vegetables, fruit, seafood, grains, dairy, and animal feed) at the border.[22]

Mexico:

To provide a framework for foreign corporations to operate easily in Mexico, NAFTA required the revision of key gains enshrined in the Mexican constitution. This enabled the privatization of land, oil and gas resources as well as the national electrical utility industry. Mexico also eliminated tariffs on corn imports and programs supporting small farmers in response to NAFTA's agricultural provisions.

The example of corn:

- The export of subsidized U.S. corn increased in NAFTA's first decade, destroying the livelihoods of more than 1.1 Mexican campesino (small) farmers and about 1.4 million additional Mex-



ican workers whose livelihoods depended on agriculture.[23]

As reported in a *New Republic* exposé, wages dropped so precipitously that the income of a farm laborer was one-third of food – shot up 279 percent in the pact's first 10 years. NAFTA included service sector and investment rules that facilitated consolidation of grain trading, milling, baking and retail so that in short order the relatively few remaining large firms dominating these activities were able to raise consumer prices and reap enormous profits as corn costs simultaneously declined.[25]

Real wages plummet:

- Real wages in Mexico have fallen below pre-NAFTA levels as price increases for basic consumer goods exceeded wage increases. A minimum wage earner in Mexico today can buy 38 percent fewer consumer goods as on the day that NAFTA took effect.[26]

A 2006 comprehensive study found that inflation-adjusted wages for virtually every category of Mexican worker decreased over NAFTA's first six years. The workers that experienced the highest losses of real earnings were employed women with basic education (-16.1 percent) and employed men with advanced education (-15.6 percent).

Overall, there has been a shift from formal, wage- and benefit-earning employment to informal, non-wage and benefit-earning employment under NAFTA. Even formal employment has shifted to carrying fewer benefits than it did prior to the pact's passage. Maquiladora employment, where wages are almost 40 percent lower than those paid in heavy non-maquila manufacturing, surged in NAFTA's first six years.

As of 2017, there are 3,000 maquiladoras — three-quarters located along the U.S.-Mexico border — employing over 1 million Mexican workers.

Public Citizen concludes in 2014:

After two decades of NAFTA, the evidence is clear: the vaunted deal failed at its promises of job creation and better living standards while contributing to mass job losses, soaring income inequality, agricultural instability, corporate attacks on domestic health and environmental safeguards, and mass displacement and volatility in Mexico.

... NAFTA's Legacy

COMMENTARY:

NAFTA is a system of pauperization of working people on both sides of the border. The war on U.S. workers affected by NAFTA destroys hard-fought for social and economic gains while undermining the very fabric of labor organizations and working class communities. The war on Mexican workers and campesinos attacks the historic legacy and gains of the Mexican Revolution. It assails the core content of the Mexican Constitution, which proclaimed that land and resources belong to the people themselves. Together, we must create an effective mobilization to Cancel NAFTA as our unions and popular organizations join hands in a common struggle.

Endnotes:

- 1 Robert E. Scott, Carlos Salas, and Bruce Campbell, "Revisiting NAFTA: Still Not Working for North America's Workers," Economic Policy Institute, Briefing Paper 173, September 28, 2006. Available at: <http://s2.epi.org/files/page/-/old/briefingpapers/173/bp173.pdf>.
- 2 Robert E. Scott, "Heading South: U.S.-Mexico trade and job displacement after NAFTA," Economic Policy Institute Briefing Paper 308, May 2011. Available at: http://www.epi.org/publication/heading_south_u-s-mexico_trade_and_job_displacement_after_nafta/.
- 3 U.S. International Trade Commission, "Interactive Tariff and Trade Dataweb," accessed February 9, 2014. Available at: <http://dataweb.usitc.gov>. Exports are domestic exports and imports are imports for consumption. Oil is defined as products falling within NAICS 2111 and 3241.
- 4 Public Citizen, "NAFTA at Five: School of Real-Life Results, Report Card," PC report, 1999. Available at: http://www.citizen.org/trade/article_redirect.cfm?ID=6473.
- 5 U.S. Bureau of Labor Statistics, "Displaced Workers Summary," Table 7, U.S. Department of Labor, Aug. 24, 2012. Available at: <http://www.bls.gov/news.release/disp.nr0.htm>.
- 6 U.S. Bureau of Labor Statistics, Current Employment Statistics survey, series ID CEU7072000003, accommodation and food services industry, U.S. Department of Labor, extracted February 11, 2014. Available at: <http://www.bls.gov/ces/>.
- 7 U.S. Bureau of Labor Statistics, "Weekly and Hourly Earnings Data from the Current Population Survey," Series ID LEU0252881600, U.S. Department of Labor, extracted February 12, 2014. Available at: <http://data.bls.gov>.
- 8 Kate Bronfenbrenner, "The Effects of Plant Closing or Threat of Plant Closing on the Right of Workers to Organize," North American Commission for Labor Cooperation Report, 1997.
- 9 "These three U.S. companies moved jobs to Mexico. Here's why" by Jim Puzzanghera, *Los Angeles Times*, December 19, 2016.
- 10 Foreign Agricultural Service, "Global Agricultural Trade System," U.S. Department of Agriculture, accessed February 12, 2014. Available at: <http://fas.usda.gov/gats/default.aspx>. The statistic is a comparison of the inflation-adjusted dollar value of food imports from Canada and Mexico in 1993 and 2013. Food imports are defined as the following USDA Foreign Agricultural Service aggregations: dairy products, fruits & preparations, grains & feeds, livestock & meats, oilseeds & products, other horticultural products, planting seeds, poultry & products, sugar & tropical products, tree nuts & preparations, and vegetables & preparations.

- 11 Bureau of Labor Statistics, "Consumer Price Index Database," CPI for food at home for all urban consumers, Series ID CUUS0000SAF11, U.S. Department of Labor, extracted February 12, 2014. Available at: <http://www.bls.gov/cpi/>.
- 12 Dean Baker and Mark Weisbrot, "Will New Trade Gains Make Us Rich?" Center for Economic and Policy Research (CEPR) Paper, October 2001. Available at: http://www.cepr.net/documents/publications/trade_2001_10_03.pdf. The share of workforce without a college degree comes from U.S. Census Bureau, "Educational Attainment in the United States: Table 2. Educational Attainment of the Population 25 Years and Over, by Selected Characteristics: 2013," 2014. Available at: <http://www.census.gov/hhes/socdemo/education/data/cps/2013/tables.html>. Median wage information comes from Social Security Administration, "Wage Statistics for 2012," February 2014. Available at: <http://www.ssa.gov/cgi-bin/netcomp.cgi?year=2012>.
- 13 Public Citizen, "Table of Foreign Investor-State Cases and Claims under NAFTA and Other U.S. 'Trade' Deals," February 2014.
- 14 *Ibid.*
- 15 *Ibid.*
- 16 *Ibid.*
- 17 See Public Citizen, "U.S. Pharmaceutical Corporation Uses NAFTA Foreign Investor Privileges Regime to Attack Canada's Patent Policy, Demand \$100 Million for Invalidity of a Patent," PC briefing paper, March 2013.
- 18 Farming typologies and numbers come from Economic Research Service, "Agricultural Resource Management Survey: Farm Financial and Crop Production Practices," U.S. Department of Agriculture, updated Nov. 27, 2012. Available at: <http://www.ers.usda.gov/data-products/arms-farm-financial-and-crop-production-practices/tailored-reports.aspx>. Small family farms consist of "farming occupation" farms grossing less than \$250,000 per year ("lower sales" and "higher sales"), while large farms include family farms grossing more than \$250,000 per year ("large" and "very large") and nonfamily farms. Comparisons are between 2011 and 1996, the latest and earliest data available for those typologies.
- 19 U.S. International Trade Commission, "Interactive Tariff and Trade Dataweb," accessed Feb. 12, 2014. Available at: <http://dataweb.usitc.gov>. Vegetables are defined as SITC 054 and vegetable trade is presented in inflation-adjusted values.
- 20 Public Citizen, "The WTO Comes to Dinner: U.S. Implementation of Trade Rules Bypasses Food Safety Requirements," PC report, 2003, pages 36-37.
- 21 Food Safety and Inspection Service, "Quarterly Enforcement Report for Quarter 4, Fiscal Year 2013," U.S. Department of Agriculture, 2013, at Table 3a. Available at: <http://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/regulatory-enforcement/quarterly-enforcement-reports/qer-q4-fy2013>.
- 22 U.S. Food and Drug Administration, "Fiscal Year 2013 Congressional Justification," 2013 at 157. Available at: <http://www.fda.gov/downloads/AboutFDA/ReportsManuals-Forms/Reports/BudgetReports/UCM301716.pdf>.
- 23 John B. Judis, "Trade Secrets," *The New Republic*, April 9, 2008.
- 24 *Ibid.*
- 25 Gisele Henriques and Raj Patel, "NAFTA, Corn, and Mexico's Agricultural Trade Liberalization," Interhemispheric Resource Center, February 13, 2004, at 6.
- 26 Minimum wage data comes from Servicio de Administracion Tributaria, "Salarios Minimos 2013," accessed December 20, 2013.



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Model Resolution in Solidarity with the Farmworkers in San Quintin (Mexico)

Whereas, as many as 70,000 farmworkers (jornaleros) in the Valley of San Quintín, Baja California (Mexico) have been waging intermittent strikes and organizing road blockades and mass mobilizations since mid-March 2015 to demand an increase in their daily wage from 100 pesos to 200 pesos per day [raise from \$7.50 per day to \$15], an eight-hour workday, health care, overtime pay and vacation days, an end to the widespread sexual abuse, and, most important, the legal recognition of their independent union — the Alianza de Organizaciones Nacional, Estatal y Municipal por la Justicia Social del Valle de San Quintín (Alliance National, State and Municipal Organizations for Social Justice in the Valley of San Quintín, or Alianza) — as the bargaining agent for these 70,000 workers; and

Whereas, these farmworkers (many of them indigenous workers from Oaxaca) pick strawberries, tomatoes, and other fruit primarily for export to the United States under the label of Driscoll's, through its Mexican subsidiary, BerryMex; and

Whereas, the farmworkers are currently "covered" by "protection contracts" signed between the growers and the CTM, the CROM and the CROC — essentially government-run unions — where the contracts signed are nothing more than sweetheart deals favoring the growers; and

Whereas, articles in the mainstream media about the conditions of farmworkers in San Quintín describe rat-infested camps, some without functioning toilets, with workers routinely having their wages illegally withheld, and many facing debt after being gouged by the overpricing of necessities sold at company stores, and with pay so low that it amounts to less than one-tenth of what U.S.-based farmworkers earn"; and

Whereas, over the weekend of May 9-10, 2015, the Baja California government, instead of opening negotiations with the farmworkers, as promised, sent in police to quash the farmworkers' protest, severely wounding 70 workers, many with rubber bullets shot at close range, leaving some of the workers in critical condition; and



Whereas, the repression against the farmworkers of San Quintín made front-page news and created a huge backlash across Mexico, forcing the government to (1) meet with representatives of the Alianza and promise to legally recognize the workers' independent union (promising a "registro" to the Alianza) and (2) promise to implement many of the demands raised by the workers that pertain to Mexican labor law; and

Whereas, the growers are refusing to abide by the agreement between the Mexican government and the Alianza, arguing that they have more than 60 signed contracts with the CTM, the CROM, and the CROC, and that they will therefore not recognize nor open negotiations with the Alianza; and

Whereas, the leadership of the Alianza, soon after the strike began, issued a call to the U.S. labor and community movements to organize a boycott across the United States of Driscoll's; and

Whereas, upon learning of the strike of the farmworkers in San Quintín, unionists and community activists in cities throughout California and other U.S. states launched a campaign to support the struggle of the San Quintín workers by boycotting Driscoll's; and

Whereas, Miles Joseph Reiter is the Chairman of the Board of Driscoll's Inc. and is also a member of the California State

Board of Food and Agriculture and this board has responsibility for oversight of this industry. We question and oppose his serving on this board due to the conditions of the striking farm workers and the families in San Quintín, Baja, California.

Therefore Be It Resolved, that the [list name of union/organization here] goes on record in support of the struggle of the 70,000 farmworkers in San Quintín and urges recognition of their fighting union — the Alianza de Organizaciones Nacional, Estatal y Municipal por la Justicia Social del Valle de San Quintín (Alliance of Farm Workers of San Quintín) — as the legitimate bargaining agent for these workers; and

Be It Further Resolved, that the [list name of union/organization here] opposes the "protection contracts" signed between the growers and the company unions, and urges the Mexican government to formally give the "registro" to the Alianza, as promised, that it meet the Alianza's demands pertaining to Mexico's labor laws, — and that the government use all its powers to compel the growers to rescind the "protection contracts" with the company unions, negotiate directly with the Alianza, and agree to increase the workers' wages to 200 pesos a day, while resolving the other demands raised by the workers; and

Be It Further Resolved, that the [list name of union/organization here] calls upon the entire trade union movement in the United States to add Driscoll's to their "Do Not Patronize" list and to actively promote a boycott of Driscoll's — as well as build ties of solidarity with the San Quintín farmworkers, organizing union-to-union solidarity, visits to San Quintín, and tours to the United States of representatives of the Alianza so that these workers can tell their stories directly to U.S. workers; and

Be It Finally Resolved, that the [list name of union/organization here] will send this resolution to the Alianza, with copies to the broader labor movement, to be used as a template for further resolutions in solidarity with the farmworkers of San Quintín.

BINATIONAL CONFERENCE

December 2-3, 2017 — Carson Calif.

Contact: Xelha.Lopez@gmail.com; or call Xel'ha at 714-541-0250
Registration: <https://hermandad.campaignrep.com/civcrm/event/info?reset=1&id=3>



The Fight to Obtain Visas Continues . . .

Giant Driscoll's Corporation Working with the U.S. Authorities to Stop the San Quintin (Mexico) Farmworkers from Speaking in the U.S.

Join Us in Urging the U.S. Consular Authorities to allow the San Quintin (Mexico) farmworker leaders to travel to the United States. Their Voices Must Be Heard!

Dear Sisters and Brothers:

Under pressure from the multinational Driscoll's Corporation, the U.S. government has refused the right of Mexican farmworker organizers to come to the United States for the Binational Conference on NAFTA and Labor Rights in Carson, California on December 2-3, 2017.

Three leaders of the Alianza de Organizaciones and of the newly formed Sindicato Nacional Democrático de Jornaleros Agrícolas (SINDJA) in San Quintin, Baja California, **were denied visas** to come to the conference. All had letters of invitation from the university department sponsoring the conference and from many of the unions and central AFL-CIO labor councils co-sponsoring the event.

Driscoll's -- which is based in California -- has been facing an **international boycott** of their products because of their refusal to recognize and sign a collective-bargaining agreement with SINDJA, the independent union supported overwhelmingly by the close to 80,000 farmworkers in the San Quintin valley.

These workers and their families -- a large percentage of whom are indigenous people expelled from their lands in Oaxaca on account of NAFTA's destruction of Mexico's agricultural sector -- toil under near-slave-like conditions, with wages of \$7 a day and a lack of healthcare and sanitation for themselves and their families.

The fight to obtain visas to the U.S. for these San Quintin farmworker leaders continues despite this setback. We urge all conference participants and supporters to get your unions and organizations to support the call for immediate action by the U.S. Consulate in Tijuana to provide the visas for these workers to travel to the United States so that they can tell their story directly to U.S. unionists and activists.

**Let the Voices of the San Quintin Workers Be Heard!
 The U.S. Government Must Grant Them Visas Now!**

Many thanks, in advance for your support,

The Organizing Committee of the
 Binational Conference on NAFTA
 Carson, California

FLOC President Baldemar Velasquez Denounces Corporate Attacks on FLOC in North Carolina and Calls for Support to Boycott of R.J. Reynolds "Vuse" Electronic Cigarette

Speaking at the opening night session of the Third National Labor Fightback Conference in Cleveland, Ohio, on July 21, Baldemar Velasquez, president of the Farm Labor Organizing Committee (FLOC, AFL-CIO), denounced the anti-immigrant and anti-worker Farm Bill S615 that was passed by the North Carolina legislature in June and signed into law by Democratic Governor Roy Cooper on July 13.

"S615," Velasquez explained, "is a shameful abuse of power that takes aim at our union in a blatant attempt to stop farm workers from achieving union collective-bargaining agreements that include wage increases, job security, benefits, and improved working conditions."

S615 has two parts:

(1) It makes it illegal for farmers who have signed union agreements to deduct dues from union members who want to pay dues, thereby seeking to weaken FLOC. "It would be close to impossible for our union staff to go and collect dues from all the worksites in the back woods of North Carolina," Velasquez told the participants in the Labor Fightback conference.

(2) It makes it illegal for farmworkers to ask growers to sign an agreement with their union as part of settling wage or other legal violations. "With the continuation of Jim Crow-era laws that aim to stop a now almost entirely Latino workforce from organizing, this is an affront to freedom of association and smacks of racism," Velasquez stated.

But the fight is not over, far from it, Velasquez continued. "We will challenge this unjust law in the courts. ... We have faced daunting obstacles before, and we have overcome them. We have beat back the xenophobes and racists who are constantly pummeling migrant workers and immigrants alike. And we will push them



FLOC President Baldemar Velasquez

back again!"

Velasquez recounted the long history of FLOC's organizing drives -- and victories -- since the union formed in the late 1960s.

"Because of the many recent attacks on workers, immigrants and poor people, this convention will be one of the most important yet," Velasquez stated. "The stakes are higher than ever, and our members are depending on this convention to strategize their self-defense by organizing around collective-bargaining, to educate through marches, hearings and demonstrations in our non-violent tradition."

Velasquez also announced that the FLOC national convention in September delegates will discuss and vote to launch a boycott of an R.J. Reynolds Tobacco Co. product -- the electronic cigarette "Vuse" -- which is sold predominantly at 7-11, Circle K, Kangaroo, and WaWa convenience stores. "We will boycott those stores as long as they carry that product," Velasquez said.

"We are asking folks to pledge to support this boycott by sending their pledge to FLOC so that we can announce their support at our upcoming convention," Velasquez continued. "We are also asking supporters to write a letter to British

American Tobacco (BAT) -- with a copy to North Carolina Governor Cooper -- taking issue with this unacceptable power play against one of the most exploited workforces in North Carolina."

Support pledges to the boycott should be emailed to FLOC at flocnh@floc.com. Letters to British American Tobacco -- the new parent corporation of R.J. Reynolds -- should be emailed to www.bat.com/contactus. Snail-mail letters can be sent to British American Tobacco

p.l.c., Globe House, 4 Temple Place, London, WC2R 2PG. Letters to Governor Roy Cooper should be emailed to: www.governor.nc.gov/contact-governor-cooper. Please send copies of your letters to FLOC.

The participants at the Cleveland conference raised close to \$2,000 at the gathering for FLOC's convention fund drive. The conference also agreed to make FLOC's fund drive and its boycott of this R.J. Reynolds product a top priority in the months ahead.

— Approved by Third National Labor Fightback Conference (Cleveland, Ohio
— July 21-23, 2017)



FLOC v. Cooper

Civil Rights Coalition Fights Unconstitutional and Anti-worker North Carolina Farm Labor Act

The Farm Labor Organizing Committee (FLOC) and two farmworkers have filed suit against North Carolina Governor Roy Cooper in response to unconstitutional and anti-worker legislation passed by the Republican supermajority state legislature.

At heart of the lawsuit is the ability of North Carolina's 100,000 farmworkers – of whom 90% or more are Latinx and of Mexican heritage– to exercise their First Amendment rights to association and expression and collectively bargain in the state for fair wages and working conditions.

Intentionally tacked on at the last minute to a larger bill that had nothing to do with farmworkers or unions, the amendment makes it impossible for FLOC – the only farm worker union organizing in North Carolina – to enter into voluntary, legal agreements with growers to allow workers to choose to have union dues deducted from their pay.

North Carolina is already “right to work” state and therefore any agreement to dues deductions would have occurred only at the request of individual workers, and only if the agricultural employers agreed to honor these requests.

The law also makes it impossible for lawsuits to be settled with a term agreeing that the employer will recognize the union, and totally blocks FLOC's ability to settle any lawsuits with agricultural producers in the state.

The law comes after FLOC members have publicly spoken out about many labor and human rights violations occurring in the agricultural industry in North Carolina, including many successful legal claims, public education campaigns, and efforts to pressure tobacco giants such as Reynolds American to improve conditions for workers in their supply chain through more fair contracting methods and higher prices for NC tobacco growers.

The amendment was sponsored by Rep. Jimmy Dixon at the urging of the Farm Bureau and some North Carolina agricultural producers.

North Carolina State Senator Brent Jackson, who owns Jackson Farming Company and was recently sued for wage theft by Latino farmworkers, aided by FLOC, was a sponsor of the bill.





**By the California Youth
Immigrant Justice Alliance
(Excerpts)**

We, the undersigned organizations and individuals, demand the passage of a clean DREAM Act that provides a pathway to citizenship for immigrant youth, without harmful provisions such as border, or interior enforcement, or any form of border militarization that threatens the lives of the 11 million undocumented community members in this country.

Donald Trump killed DACA and in doing so, has placed undocumented immigrant youths' lives at risk. Undocumented immigrant youth will not stand back and allow our communities to be torn apart. We will not allow ourselves to be used as bargaining chips to advance criminalizing and hateful immigration policies. ...

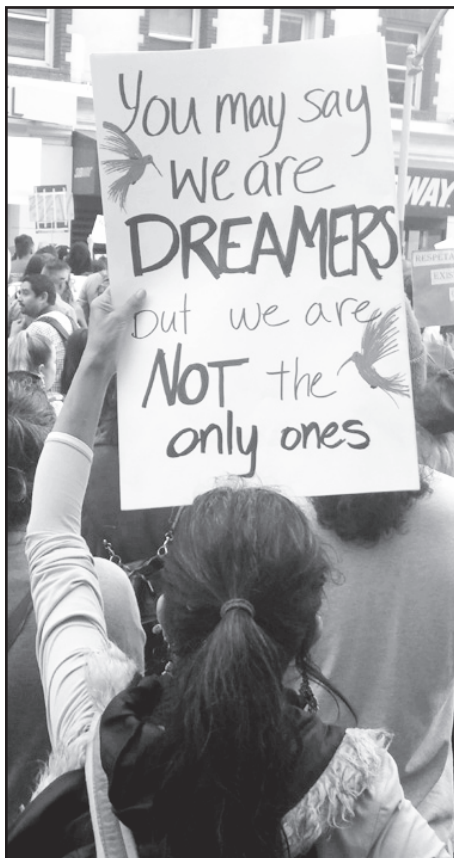
Our community is highly skeptical of both political parties who have jointly supported the deportation of almost 3 million people. ...

We call on all members of Congress to hold the line and stand strong, against any proposals for border militarization, and interior enforcement, or any additional border agents and detention expansion. Holding immigrant youth hostage for additional Custom Border Patrol (CBP) and Immigration Customs Enforcement (ICE) agents and more beds is immoral and disgusting. Instead, the focus should be on acting on what the American people are in overwhelming support of: passing a clean DREAM Act. A clean DREAM Act would allow immigrant families to stay together and grant undocumented youth the ability to live without fear and thrive with their families.

Immigrant youth are standing up today and declaring that they are here to stay. They will not be pushed back into the shadows. In our communities, hope remains alive. We vow to continue fighting and mobilizing for justice, so that all immigrants and people of color can thrive in the country that we call home.

We believe that we will win.

Defend DACA, Not One More Deportation!



On September 5, the Trump administration announced that it was ending Deferred Action for Childhood Arrivals, or DACA, over the next six months.

DACA, which was enacted through Executive Order by then-President Obama in 2012, places a stay on the deportation of 800,000 immigrant youth who were brought to the United States when they were small children. DACA did not legalize the status of these immigrant youth; it merely gave them temporary (two-year) stays on deportation, renewable at the discretion of the president, along with temporary work permits. The recipients were called "Dreamers" — named after the DREAM Act.

Demonstrations erupted across the country — from Washington, D.C., to both coasts, and in the heartland. Opposition was powerful and swift.

Almost immediately, the AFL-CIO na-

tional leadership and many of its statewide and citywide affiliates issued statements denouncing the Trump administration's decision. In a number of states, the unions went a step further, urging labor activists to take to the streets in protest. One such statement by the San Francisco Labor Council reads, in part:

"The San Francisco Labor Council and all of our friends, families and allies who make up the majority of those in America, stand in firm opposition to this latest demonstration of calculated cruelty at the expense of our immigrant brothers and sisters. We call for: A Moratorium on Deportations! Full protection for All DACA Recipients! An End to the Scapegoating of Immigrant Communities!"

For their part, the immigrant rights activist organizations in the San Francisco Bay Area and other cities across the country are calling to defend DACA, while also demanding an end to all deportations and the legalization of all 11 million undocumented immigrants.

A statement by the California Immigrant Youth Justice Alliance (CIYJA) summed up the stance of the militant wing of the immigrant rights movement:

"Trump's decision to rescind DACA is a desperate political stunt to please his white supremacist base. ... However, immigrant communities have survived countless attacks through each presidential administration that has continuously scapegoated our people to advance their agendas. ...

"Let us all be reminded that DACA was victoriously achieved through community organizing and base building. We have the power to organize and fight back, not just for the 800,000 DACA beneficiaries, but for all the 11 million undocumented immigrants in this country."

Labor and community united in mass actions in the streets can make a huge difference over the next six months not only to preserve DACA but to advance the nationwide fight to end all deportations.

— Labor Fightback Network