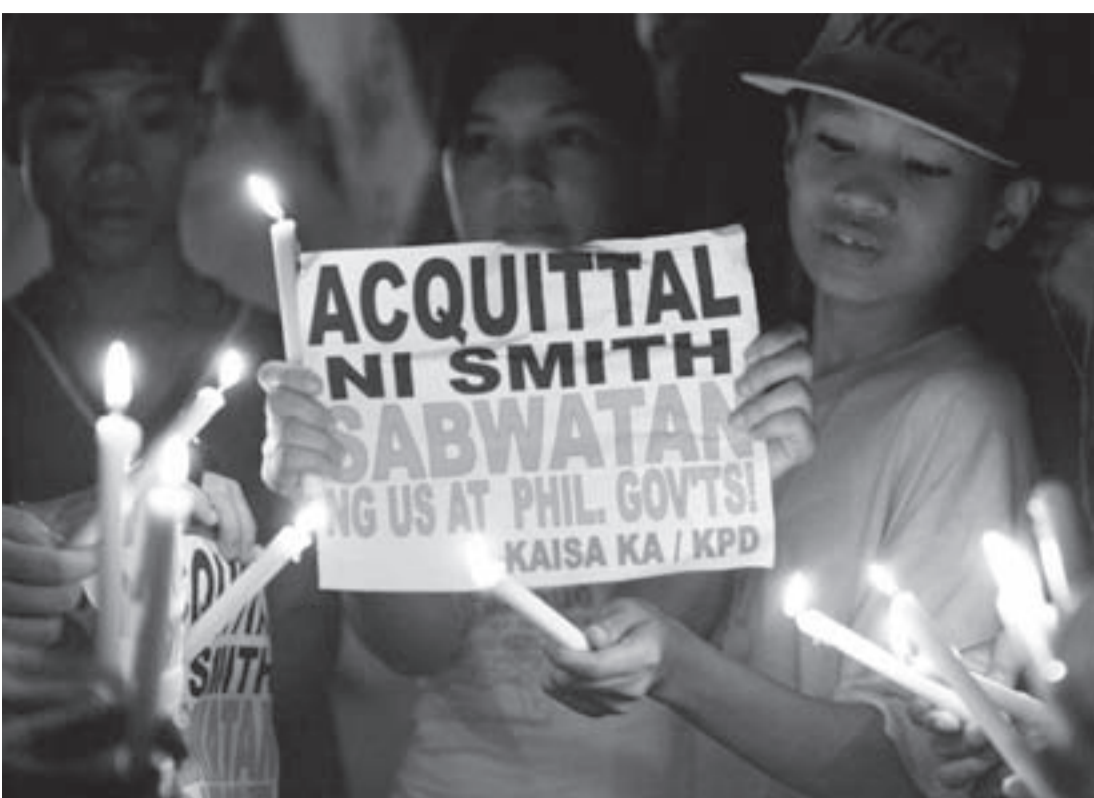


# OPINION & FEATURES



Protesters, holding a placard, light candles outside the US embassy in Manila April 23, 2009 to condemn the acquittal of US marine Lance Corporal Daniel Smith. A Philippine appeals court on Thursday, April 23, overturned the conviction of a US marine for rape, citing lack of evidence, a court ruling said. Smith, sentenced to life imprisonment three years ago by a lower court on charges of raping a Filipina, was ordered to be set free, the 71-page ruling said. The placard read 'Acquittal of Smith, conspiracy between US and Philippine governments'.  
Reuters Photo by Romeo Ranoco

## Is it really over?

**A**FTER being incarcerated for than three years, United States Marine Daniel Smith, who was convicted in 2006 of raping Suzette Nicolas, aka Nicole, a Filipina, is finally free. In fact, he is no longer in the Philippines. The ruling by the Court of Appeals is final, so Smith won't have to be involved either directly or indirectly with any more court proceedings.

Many have followed this case for their own reasons. Women's groups have rallied on for the cause of the victim, crying out for better laws on rape and violence against women. Militant groups believed that this is an example of how the US is taking advantage of our people. And with Smith's acquittal, they now claim that President Macapagal Arroyo colluded with the US to cause this to happen.

But Smith appealed the case, and the CA was supposed to make a decision last year but somehow every judge in charge has been taken off the case. In fact, Nicole recanted her statements about the rape, although the CA said

that this did not influence their decision to acquit Smith.

Still, is it really over? Because Nicole will have to start her life all over again (as it was reported she has left for the US), while Smith, though acquitted, may still have to face court martial.

The case dragged this long while Smith was detained at the US Embassy in Manila, three years of his life went away. Nicole, on the other hand, had to endure scrutiny and judgment of every person who knew about the case. Both parties are now trying to move on, yet for sure, both are still wishing that all of what happened would just go away. (AJPress)

### EDITORIAL

## Democracy deficit shrinks unions, middle class & economy

**A**SHRINKING middle class shrinks the economy

Kent Wong, the Executive Director of the UCLA's Labor Center, asserted at a press conference advocating for the passage of Employee Free Choice Act that in 1950, American workers were unionized at a high 35 percent. America then had a robust middle class and its economy grew as high wages for workers meant they could invest in homes, and they sent their children to college. Today, with 12 percent of the workers in unions, there has been a decline in the middle class and a decline in the economy.

Harley Shaiken, a former professor at UC Berkeley wrote:

"Americans are confronting

a troubling paradox. Polls tell us a record 58 percent of eligible workers would join a union if they could (Peter D. Hart Research Associates, 2007) while the Bureau of Labor statistics informs us that union membership in the private sector has slid to 7.4 percent in 2006, a record low (BLS, 2007). What causes this growing gap between employee preference and workplace reality? It reflects the fact that for many Americans joining a union has become a risk rather than a right. According to the 2005 National Labor Relations Board (NLRB) annual report, 31,358 people—or one worker every 17 minutes—were disciplined or even fired for union activity. The result is a big chill on union organizing and a "democracy deficit" for the entire society.

According to Fortune magazine, "workers are routinely fired or discriminated against for supporting unions, most employers hire anti-union consultants to block organizing drives and some go so far as to close down work sites when employees vote for a union" (Gunther, 2006). Penalties are

virtually nonexistent for violating workers' diminished rights by, for example, firing individuals for union activity. It's not just that the playing field is tilted against organizing; unions are barred from the stadium. Shrinking union membership impacts all Americans. Unions paved the way to the middle class for millions, pioneering benefits such as paid pensions and health care. Now labor's plummeting numbers contribute to a squeeze on the middle class, rising inequality, and an erosion of democratic values."

John Dello, Executive Director for Dolores Huerta Labor Center, asserts that the passage of the Employees Free Choice Act makes it easier for workers to organize. It simplifies the unionization, a signature card from each worker, and with majority of 51 percent, a union is deemed formed. At the press conference, Chung Park, a former Assi Market employee, shared his experiences, with a tinge of regret in his voice, of not being paid when mandated to work overtime, and no break periods. Union elections were rigged by the owners and Latinos were pitted against Koreans. He laments that if the owners used their union-busting dollars to improve the workers' conditions and pay their honest due, then, Assi market would have prospered, instead of being sued.



Chung Park, a former Assi Market Employee with KIWA staff member. Photo by Prosy Delacruz.



Kent Wong and John Dello at APALA's press conference. Photo by Prosy Delacruz.

He spoke in Korean, translated into English by a KIWA (Korean Immigrant Workers Association) staff member. KIWA initiated a campaign of unionizing and improving work conditions of over 1,000 market employees in Korean supermarkets and restaurants.

It took a community's boycott of 4 years, daily picket lines, and a lawsuit filed on behalf of the workers for Assi Market's owners to pay \$ 1.475 million to hundreds of Latino and Korean workers who worked, yet not paid, including their overtime. Justice prevailed, if after four sustained years of struggle, sacrifice, and survival. Though the lawsuit settled for sometime, Assi Market remains the poster child of immigrant owners' oppression of their own immigrant labor force.

What if workers are organized? In South Korea, Mr. Park shared their labor laws require that workers use signature cards in choosing unions. While they have labor conflicts, unionization is not contested and actually promoted by the country's labor laws. But not in the United States. American labor laws work to keep workers from being unionized, similar to the Philippines.

In Mindanao, Philippines, militant efforts to unionize have been prevented by tuna cannery owners' hiring of temporary workers. Only supervisors are kept full-time, and every six months, line employees are

replaced. No union exists as workers are dismissed every six months.

I inquired from the owners if they realize they are undermining their long-term interests with high training and retraining costs, while supervision is constantly on the edge from monitoring new employees. They rationalized that supervisors have to monitor and their business practice means industrial peace. Is it? Or is it industrial myopia, an assembly line of apathy, a labor practice focused on temporary gains, and collective labor's potential and teamwork is not utilized and a culture of quality is not nurtured. "What we plant, we ultimately sow." Even the Heavens may frown on this objectionable practice. LA Times recently reported that less tuna is being caught and now these canneries are threatened with a third less in production, increasing the area's unemployment and suffering. There is a saying that goes, sinking ships sink all, and ships that stay afloat keep us all aboard.

What if there is true industrial peace? In Los Angeles, prior to the airport workers and hotel workers being unionized, they were at the poverty level, a family of four earning \$12,000/year. Their wages could not support a family, nor its health care needs. Work stoppages to gain leverage in improving their work conditions occurred leading to a

full campaign for unionization, supported by the community, and an LA City ordinance requiring living wages, resulting in 20 percent increase in wages.

In Europe, International Herald Tribune in 2007 reported:

The wrangling comes barely a month after IG Metall secured a 4.1 percent wage increase for its three million members. The deal followed nearly a decade of moderate pay rises and only after booming exports helped deliver record profits for German manufacturers and kept their order books full.

Associated Press reported in Feb. 2009 that Volkswagen AG put 60,000 workers in Germany on shorter hours for five days next week, instead of laying them off. Volkswagen said in a statement that the shorter hours will affect about two-thirds of the car maker's 92,000 employees.

In the US, protecting short-term gains appears to be the automatic default at the expense of workers that create value, creating three decades of growing inequality in wealth. CEOs are paid obscenely at 400 times the employees' wages.

An exception to this default is Leonard Abess Jr., "the Miami banker who gave \$60 million to his tellers, bookkeepers and clerks", and on Feb. 23, he got to watch President Barack Obama's speech to a joint session of Congress from First Lady Michelle Obama's box. (Miami

Herald, 2009)

Ask a reasonable citizen, would he want a unionized workplace or would he want to be treated like Assi market's or Mindanao cannery workers? EFCA or not? I am confident s/he would say EFCA, and a caveat to both union and owners, negotiate for the long-term growth of the business, the workers and their families and the long-term progressive growth of the US economy! When we make the long-term growth of the people as the basis for our businesses' growth, we are all rewarded with a growing middle class, a growing economy, and a democracy surplus actualized in many egalitarian workplaces. Profits with Honor is a healthy business ethic, it grows both American and Philippine economies! And the Higher Universe rewards fairness in progress for all!

Prosy Abarquez-Delacruz, JD was a regulator of industries which manufactured foods, pharmaceuticals, medical devices, cosmetics and bottled water for 27 years, as part of a state public health agency. She witnessed many businesses decline when they focused on profits alone, without regard for the workers in the workplace. Conversely, she witnessed businesses thrive when workers were educated and when owners made them partners and treated them as value creators in the workplace. She co-created Food Safety with FIBR, a food safety training institute with Food Industry Business Roundtable, that trains small business manufacturers on good manufacturing practices and quality principles, now in its 8th year.

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