
Documentation

United Steelworkers file lawsuit against NAFTA

On July 13, the United Steelworkers of America (USWA) joined the Made in USA Foundation in a Federal lawsuit challenging the constitutionality of the North American Free Trade Agreement (NAFTA). The following are excerpts from the union's press release:

"We believe that NAFTA is a treaty that should have been subject to a two-thirds ratification vote by the U.S. Senate as called for in the U.S. Constitution," said USWA President George Becker.

The Steelworkers president declared, "We are taking this legal action today because NAFTA has been an unmitigated disaster, not just for our members, but for working people throughout North America."

The lawsuit was filed today in the U.S. District Court in the Northern District of Alabama. It will ask the courts to decide if NAFTA is a treaty and, if the answer is yes, declare the agreement null and void because it was not approved by the constitutionally required two-thirds vote in the U.S. Senate.

The Senate vote on NAFTA's adoption, held Nov. 17, 1993, was 61-38. Three days later, the House of Representatives voted 234-200 for adoption.

"Had NAFTA been considered by our founding fathers, there is no doubt in my mind that they would have considered it a treaty," said Becker. "It would be difficult to imagine how any international economic agreement could be a treaty in the Constitutional sense, if NAFTA were not one. It binds the three signatories into the economic equivalent of a military alliance."

Joining in the lawsuit is the Made in the USA Foundation, led by Joel D. Joseph, who said: "The main issue to be decided concerning NAFTA and other trade agreements is whether the world will raise its standards to our level, or the United States will be forced to lower ours." . . .

The USWA filed the lawsuit because of the huge loss in jobs caused by NAFTA, estimated at around half a million in the United States. USWA Local 12L, representing workers at the Goodyear Tire and Rubber Co. in East Gadsden, Ala., whose jobs have also been impacted since NAFTA's implementation, is also a plaintiff in the lawsuit. Jobs have also been lost at other USWA-represented Goodyear plants in Ohio, Kansas, and Nebraska.

More than 7,400 workers represented by the USWA at 34 locations have been certified by the U.S. Department of Labor as having lost employment because of the movement of their

employers to Mexico and Canada, or because of an increase in imports from these countries. Since NAFTA's adoption in 1993, more than 187,000 U.S. workers have been certified by the Labor Department for adjustment assistance because their jobs have been displaced by NAFTA.

Becker made clear that the lawsuit is not aimed at Canada, Mexico, or its workers. "We will not stand for a race to the bottom of the economic ladder, where corporations compete for the cheapest labor and the lowest environmental and safety standards," he said.

"Instead, we want a trading system that recognizes workers as central to the economy, and allows people to earn enough to buy the goods they produce. We need to wipe NAFTA off the books and fashion a hemispheric economic treaty that will serve the interests not just of Wall Street and the bond market but of workers, their families, and communities in the United States, Canada, and Mexico.

"NAFTA has never lived up to the promises made by its supporters," Becker added. "And the sad fact is that workers in all three countries are the losers." . . .

Last year, Becker traveled to Mexico and met with Mexico's President Ernesto Zedillo, and Mexican trade union leaders to discuss the impact of NAFTA. During his visit, Becker said he was impressed by the desire of Mexican workers and their union leaders for economic and political progress. After NAFTA was implemented, wages for Mexican workers fell 27% between 1993 and 1996. According to a 1995 survey of Mexico's 33 million workers, 19% worked for less than the minimum wage, 66% lacked any benefits, and 30% worked fewer than 35 hours per week. To make ends meet, millions of Mexican families are forced to send their children to work.

"During my visit, I heard Mexican workers tell me stories of the stiff government and corporate opposition they face when they try to exercise their rights under Mexican law to form independent unions," Becker said. "It's clear to them—and to me—that the mechanisms set up under NAFTA to prevent labor abuse simply don't work."

Becker said NAFTA also has had an insidious impact on workers in the United States. Many U.S. firms, he said, have used the threat of moving to Mexico as a weapon against wage increases and union organization. In a survey commissioned by NAFTA's own Labor Secretariat, Professor Kate Bronfenbrenner of Cornell University found that over half of U.S. firms have used threats to shut down operations to fight union organizing drives. . . .

The USWA legal team . . . will argue that NAFTA is a treaty under the U.S. Constitution, whose framers understood that the word "treaty" is not confined to agreements relating to war, peace, and the military, but also includes "treaties of commerce." That precise phrase, in fact, appears in the Articles of Confederation that preceded the Constitution. And the Constitution itself provides a specific procedure for the making of treaties, requiring that "two-thirds of the Senate present [must] concur." . . .