

# Education, Civil and Human Rights, Fair and Open Elections

# 7

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## **Strengthening Public Education and Improving College Access**

**Congress must ensure every child has access to a well-rounded quality education and every school is a place where teachers can teach and students can learn.** As part of such a forward-looking policy, Congress must help to provide for universal early childhood education; establish community schools that serve the neediest children by offering comprehensive services and support systems they and their families need; build on smart federal investments in K–12 public education; oppose the diversion of scarce resources from public education to private school voucher programs and other forms of unproven privatization schemes; provide educators with the support and resources they need to succeed; maintain a commitment to high-quality education for all children; improve access to higher education, especially for students and families facing the greatest financial challenges; and protect students and taxpayers against fraud and abuse in the federal student aid system.

**Congress must invest in a high-quality, universal early childhood education and care system that begins to address children’s needs from birth to age 3 and seamlessly integrates these programs into the public school system.** High-quality early childhood education has many immediate and long-term benefits for children and their families that long have been proven and documented by years of scientific research and analysis. The benefits include better higher-order thinking and attention skills, improved social skills, stronger oral literacy, enhanced reading, writing and math abilities, higher graduation rates and smaller achievement gaps between students of different socioeconomic backgrounds. Universal early childhood education programs must be accessible and affordable to all families who want their children to participate. Poor children must be given priority and must be provided with no-cost, high-quality services, including health and nutrition services. Federal, state and local officials must work together to create and expand programs that are

inclusive, meet high standards of quality and are publicly funded by separate, dedicated revenue streams to fund early childhood education systems that discourage any attempts to redirect existing K–12 and higher education funding. Unions representing teachers and other school staff are committed to accommodating these programs within the public schools, where possible, and to creating partnerships with community-based programs to ensure there are sufficient placements for all children whose parents wish to enroll them.

**Congress should fund a “kindergarten-plus” program.** In addition to full-time, full-day kindergarten, Congress should provide federal funding to establish a “kindergarten-plus” program. Such a program would provide disadvantaged children with additional time in kindergarten, starting the summer before they ordinarily would enter kindergarten through the summer before first grade. **Congress must support “community schools” that serve the neediest children**

**and communities.** Federal legislation and resources are needed to establish “community schools,” which would serve the neediest children by co-delivering available services and supports students and their families need to succeed. Unions representing school-based employees are committed to working with state and local officials, federal agencies and community groups to coordinate resources in support of the community school model.

**Congress must build on smart federal investments in K–12 education.** The federal government’s chief responsibility and role in education is promoting equal opportunity for a high-quality education for all children. ESEA should maintain adequate and targeted funding for children in greatest need. This is particularly important during times of state and local budget cuts. A primary focus of Title I of ESEA is to ensure disadvantaged children are provided an education that allows them to compete on the same level playing field as their more advantaged peers. This fundamental tenet and responsibility requires that education funding remain targeted and not become a competition among states and, consequently, their students.

In addition, to be successful, ESEA must provide incentives for constructive approaches aimed at ensuring teachers have the tools, time and trust to help their students succeed, and incentivize effective labor-management relationships.

**These approaches should include career ladders, high-quality, job-embedded professional development aligned with appropriate standards and curriculum, support to maintain safe classrooms and schools, collaboration time and the establishment of appropriate class sizes.** Any reforms, whether in terms of teacher

development and evaluation or turning around low-performing schools, must be evidence-based and developed and implemented within the context of meaningful labor-management relations while respecting collective bargaining and other forms of union recognition in non-bargaining states.

**Congress must oppose private school voucher and tax credit programs.**

Congress must oppose unproven private school voucher and tax credits programs that undermine K–12 public education. Vouchers would divert scarce resources from public schools, which are free and open to all students and accountable to parents and taxpayers alike, to support private schools that are not accountable to taxpayers and can exclude students for any reason, including ability to pay.

**Congress must improve access to higher education, especially for the neediest families.**

The American system of higher education is shifting away from a policy of strong financial support for public colleges and universities, students and their families. Over two decades, the purchasing power of the maximum Pell Grant has declined and the balance of loans and grants has shifted sharply to loans. Fortunately, in the last two Congresses, lawmakers have sought to reverse this trend through a concerted effort to enhance the purchasing power of the Pell grants. Congress also sought to ensure the federal student loan programs were working as efficiently as possible to help students, particularly those with the most need, to afford post-secondary education.

Today, as the economic crisis deepens, an unprecedented number of individuals are turning to higher education. Congress must support access to college education for these students and maximize student retention by

maintaining the support and funding levels of the maximum Pell Grant and curtailing the growing levels of federal and private loan debt taken by students. This continued support of our federal student aid programs will be critical as we work toward President Obama's goal of leading the world in post-secondary degree attainment.

**Congress also must ensure taxpayer dollars for federal student aid are used wisely.** A significant percentage of federal grants and loans now go to students enrolling in the for-profit sector of higher education (approximately 25%). Unfortunately, evidence suggests that students in that sector often do not persist or complete their chosen programs and are

likely to incur significant, often unmanageable, levels of debt. This, in turn, leads to a very high rate of loan default. Congress must support necessary regulations to protect the integrity of federal higher education programs and ensure all students have access to an affordable education that meets their educational goals.

**Congress must fund essential supports for nontraditional college students.** Congress must improve grant aid for guidance and outreach programs at colleges that have a large number of nontraditional students—including students of color and disadvantaged students—especially to programs that work well, such as Trio and Gear Up.

**AFL-CIO Contact: Cecelie Counts, 202-637-5188**



## **Civil, Human and Women's Rights**

**The wide range of civil rights issues facing Congress demonstrates the breadth of today's civil and human rights movement.** Many Americans associate the civil rights movement with the mass demonstrations and freedom struggles of the 1950s and 1960s, but the civil rights legislative agenda of today reflects a broadening movement. This agenda includes strengthening existing wage discrimination and anti-discrimination laws, eliminating discriminatory barriers in the workplace, modernizing our election system and taking steps to end racial profiling.

**The first of the modern civil rights statutes was the 1957 Civil Rights Act.** In subsequent years, a civil rights legal framework was developed with the 1963 Equal Pay Act, the 1964 Civil Rights Act, the 1965 Voting Rights Act, the 1968 Fair Housing Act, the Age Discrimination in Employment Act and the Americans with Disabilities Act. More than 50 years after enactment of the first civil rights statute, weak federal enforcement and hostile U.S. Supreme Court decisions have left many Americans without effective protection from these landmark statutes. Meanwhile, Americans who have faced discrimination based on race, gender, sexual orientation, disability, age, religion and ethnicity continue their struggles for equality under law and an end to prejudice.

**Congress must close loopholes in the Equal Pay Act.** The Equal Pay Act of 1963 made it illegal for employers to pay unequal wages to male and female employees who perform work requiring equal effort, skill and responsibility. Yet today, wage disparities between women and men are evident in the private and public sectors and at every educational level. The Paycheck Fairness Act would require employers to demonstrate that wage gaps between men and women doing the same work are truly a result of factors other than gender and would

prohibit retaliation against workers who share their own salary information or inquire about their employer's wage practices. It also would update the remedies and class-action procedures available under the Equal Pay Act so they conform to those available for other civil rights claims. The Equal Pay Act also would strengthen the government's ability to identify and remedy systematic wage discrimination. This or similar legislation should be enacted into law.

**Congress should pass The Protecting Older Workers Against Discrimination Act (POWADA).** The Supreme Court's 2009 decision in *Gross v. FBL Financial Services* severely weakened the Age Discrimination in Employment Act (ADEA) and other federal anti-discrimination and retaliation statutes. The Protecting Older Workers Against Discrimination Act would restore the strength of these laws.

**Congress must end discrimination based on sexual orientation or gender identity.** Every American worker should be judged solely on his or her merits, but in most states it remains legal to fire or refuse to hire a worker simply because of his or her sexual orientation or gender identity. The Employment Non-Discrimination Act (ENDA) would prohibit such discrimination in most workplaces while carefully

addressing the needs of small businesses, religious institutions and other employers that have a legitimate need for flexibility. ENDA enjoys bipartisan support in Congress and strong public support.

**Congress also should repeal the Defense of Marriage Act to provide certainty and stability for all married couples.** The Respect for Marriage Act would restore the federal government's longstanding respect for state marriages by ensuring marriages valid under the law of the state where they are performed are recognized for purposes of federal law. The Respect for Marriage Act also would restore the approach historically taken by the states to determine, governed by principles of comity and the full faith and credit clause of the Constitution, whether to recognize a marriage for purposes of that state's law. Nothing in The Respect for Marriage Act would force a state to recognize a marriage performed by a sister state, or require any person, religious organization, locality, or state to celebrate or license a marriage between two persons of the same sex.

**Congress should support modernization of our voting system so it is free, fair and accessible to all Americans.** Our current system has myriad laws that vary by state, county and neighborhood, but everyone should be ensured of the right to vote. Voter ID and proof of citizenship laws are part of a recent effort to limit access to the polls by making it more costly and time-consuming for the elderly, the poor, minorities and young voters to participate in the electoral process. By contrast, same-day registration, early voting, no-fault absentee voting and voter registration modernization benefits election officials and expands opportunities for participation in the election process. Restoration of voting rights for ex-offenders

helps to rehabilitate ex-offenders and also will better our democracy.

**Congress must take steps to end racial profiling.** The End Racial Profiling Act (ERPA) would prohibit any local, state or federal law enforcement agency or officer from engaging in racial profiling and would make efforts to eliminate the practice a condition for law enforcement agencies to receive federal money. Law enforcement agencies would be required to collect demographic data on routine investigatory activities, develop procedures to respond to racial profiling complaints and craft policies to discipline officers who engage in the practice. ERPA also would establish a private right of action to provide victims of racial profiling with the legal tools to hold law enforcement agencies accountable.

**Congress should modernize the Fair Housing Act.** The Housing Opportunities Made Equal (HOME) Act would extend the civil rights protections of the Fair Housing Act to people on the basis of their sexual orientation, gender identity, marital status or source of income. It also would provide additional protections for people with disabilities and ensure recipients of federal housing and community development funding are not perpetuating segregation. These necessary protections, many of which already are provided by a number of states and local municipalities, would eliminate prevalent types of discrimination and help re-establish fairness in our nation's damaged housing market.

**Congress must prevent employers from forcing workers to forfeit their right to sue under federal civil rights laws.** For some time, the Supreme Court has allowed employers to require nonunion workers to use an employer-designed arbitration system, instead of mechanisms provided



under federal law, to settle statutory employment discrimination claims. But most courts had held that union-represented workers could not be required to arbitrate their statutory claims. In a 5–4 decision (*14 Penn Plaza v. Pyett*), the Supreme Court ruled individual union members could lose their right to sue in court under federal anti-

discrimination statutes if their collective bargaining agreement expressly provides for arbitration of such statutory claims. Workers are more likely to receive a fair hearing in federal court than in arbitration, and Congress must restore their right to sue under federal civil rights laws.

**AFL-CIO Contact: Cecelie Counts, 202-637-5188**



## **Free and Fair Elections (Campaign Finance Reform)**

**Genuine campaign finance reform facilitates workers' voices and small donors, prevents influence-buying and meaningfully discloses political spending.** The outsized influence of moneyed interests undermines the integrity and fairness of our democracy. The current campaign finance system is skewed in favor of wealthy individuals and business interests by enabling them to use their greater resources to disproportionately finance candidates and political parties. A fair campaign finance system would not allow corporations to buy special influence, protection and favoritism at the expense of ordinary people.

**Workers and their unions have an enormous stake in how campaign finance is regulated.** It is vital that these laws, and the rules adopted by the Federal Election Commission, protect their rights to participate in the political process. As one of the largest and most diverse membership organizations in the country, the AFL-CIO has been actively involved in these issues for many years. The AFL-CIO maintains an active role in shaping public policy, seeking just legislation and participating in the selection of public officeholders on behalf of working families.

**The AFL-CIO strongly supports reasonable disclosure and disclaimer requirements related to independent political expenditures and electioneering communications.** We had concerns that the DISCLOSE Act proposed in the last Congress instead would have imposed extraordinarily costly and impractical new recordkeeping and reporting obligations on thousands of labor and other nonprofit membership organizations.

**Significant sources and uses of political funds must be meaningfully disclosed.** Too much special interest money in politics remains hidden behind third-party organizations established for the purpose of

obscuring the true source of funding. Individuals and groups that spend to influence voting should be subject to meaningful and timely disclosure about that spending and its sources. At the same time, the law should protect the privacy of small donors and union and other organizational members.

**Some restrictions on contributions are necessary to avoid direct influence-buying.** Business corporations should be barred from contributing directly to candidates and political parties. Individual contributions should be limited to levels that won't buy influence but will enable candidates and parties to raise sufficient funds to run vigorous campaigns. Small-donor committees should be able to contribute more to candidates and parties than those that rely on large donations.

**Workers and unions should be able to speak out freely about candidates and issues.** Increasing income inequality and hard times make it especially vital that workers and their unions can freely discuss candidates, legislation and public policy choices. Campaign finance laws should not burden how members and their unions make internal political decisions or communicate with each other or to the public at large.

**Unions operate by majority rule and enable millions of workers to have a real voice in the workplace and in society at large.** Legislative bills and ballot measures that would create special restrictions on union political activity and advocacy are unfair, discriminatory and would favor only business interests. Anti-“coordination” rules should be clear and respect associational rights. Unions and groups must be able to engage with incumbents about official business and with candidates about their policy positions without triggering “contribution” rules.

**The presidential public financing system must be completely re-examined.** Since the current system was created in 1976, the costs of running for president have increased meteorically while individual and PAC contribution limits have declined substantially in real terms. Candidates who can demonstrate genuine popular appeal should have access to a strong public financing option. Viable candidates should

be able to qualify for public funds that enable them to run competitive races, especially against self-financed candidates.

**Congressional candidates should have a public financing option.** Public financing of primary and general congressional campaigns would reduce significantly the impact and distraction of private campaign fundraising. With public financing, the interests of ordinary citizens could compete on their merits with the interests of large corporations and millionaires. In a public financing system, modest contributions from individuals and broad-based political action committees should be the prerequisite for a candidate to meet the threshold to qualify for public funding. Participating candidates should have access to substantial free or reduced-cost broadcast time and postage rates. Any such system should be as simple as possible and should require disclosure of spending and receipts consistent with disclosures required of other candidates.

**AFL-CIO Contact: Cecelie Counts, 202-637-5188**