

Submitter: Richard Burke  
On Behalf Of:  
Committee: Senate Committee On Labor and Business  
Measure, Appointment or Topic: SB916

Dear Chair Taylor and Members of the Committee,

I offer this testimony in opposition to Senate Bill 916. For the record, I represent the Freedom and Responsibility PAC (FaRPAC) and am a member of the Libertarian Party of Oregon. FaRPAC supports of the right of workers to organize, bargain collectively, go on strike when labor leaders decide it is necessary to do so, and create strike funds to sustain workers during strikes. That said, labor doesn't have the right to "win" any given labor dispute. Likewise, FaRPAC also supports the right of management to negotiate with labor, lock out labor when they feel that doing so is in their interests, and secure alternate sources of labor when workers go on strike. That said, management does not have the right to "win" any given labor dispute either.

In extreme national emergencies, governments have sometimes assumed the power to end strikes and compel negotiations. But it is not a constitutional role of government to determine winners and losers in labor conflicts. Put another way, it is not a proper role of government to subsidize labor during conflicts with management in order to strengthen their bargaining position. Likewise, it is not a proper role of government to subsidize management during conflicts with labor to strengthen their bargaining position.

Even if the above were not the case, it must be recognized that taxpayers will usually fall on different sides of labor disputes and should be represented in the disbursement of funds. Any bill which injects taxpayer dollars into strike funds would therefore need to apportion strike support dollars accordingly. Obviously, no mechanism to do any of this exists within Senate Bill 916 and all strike support provided by the proposed law could go to the side of labor. For this reason, we wonder whether a case can be made that SB 916 violates the 14th Amendment of the US Constitution ("...nor deny to any person within its jurisdiction the equal protection of the laws") as SB916 would provide protection to some citizens (members of striking labor unions) at the expense of other citizens (stockholders in the case of businesses or citizens in the case of public entities).

Legislators frequently argue that there is not enough tax money to adequately support legitimate functions of government. Even in this legislative session, a variety of revenue raising proposals are being considered for this reason. If this is truly the case, it is fiscally irresponsible to divert tax dollars from critical government services toward sustaining one side of strikes which sometimes take place during labor

disputes. Inevitably, Senate Bill 916 would also bring about the unintended consequence of encouraging more strikes, as unions would know that their resources during strikes would be artificially subsidized by taxpayer money.

For these reasons, I ask that you either kill Senate Bill 916 or send it to the Joint Ways and Means Committee where it may die in a lower-profile way that will insulate lawmakers from being marked by unions as anti-labor. Thank you.

Respectfully,

Richard P. Burke, Director  
Freedom and Responsibility PAC  
Member, Libertarian Party of Oregon