

**Report of the  
CWA National Committee on  
Equity  
to the  
70th Annual Convention**



**Communications Workers of  
America**

**June 23-25, 2008**

**Las Vegas, Nevada**

## **REPORT OF THE NATIONAL COMMITTEE ON EQUITY TO THE 70<sup>th</sup> ANNUAL CONVENTION**

The National Committee on Equity recognizes that each year brings new delegates to our great Convention. In that regard, we want to take the opportunity to share with you the National Committee on Equity Mission Statement:

**The Mission of the National Committee on Equity is to develop and promote the CWA Civil Rights program. Our vision is to build a union where members of all cultures, religions, sexual orientations, genders, disabilities, ages and nationalities feel welcomed, respected and heard; and where the leadership reflects the diversity of our membership.**

The duties and responsibilities of the National Committee on Equity are to:

1. Provide guidance and information to the districts and locals on the CWA Civil Rights program.
2. Keep the National CWA Executive Board apprised of civil rights issues that affect our members and communities, and when necessary offer a course of action.
3. Research, report and make recommendations or give direction to the convention delegates on current civil rights issues.

The National Committee on Equity convention report lays the foundation of the CWA Civil Rights agenda for the upcoming year. Local Union Committees on Equity are encouraged to use the report as a working document to move the Civil Rights agenda in the districts.

### **Labor and Immigration**

The United States and Canada are both nations of immigrants. Working people have come here through the centuries by choice or in chains. Most immigrants arrive seeking a better life than they had in their native lands. This was true for the original founders of the labor movement, who were mostly construction workers; largely Irish and Italian, who organized unions to create a better life in North America.

Labor needs to continue to research and educate the public regarding the real facts surrounding immigration in this country. In 2004, approximately 13 percent of the United States population was foreign-born, and more than 40 percent of foreign-born individuals were naturalized citizens.

The majority of immigrants come to the United States legally. More than six of 10 legal immigrants come to join close family members: immediate relatives such as spouses, unmarried minor children, parents of U.S. citizens or relatives of permanent legal residents.

Without the contribution of immigrant labor, the output of goods and services in the United States would be at least \$1 trillion smaller than it is today. The National Academy of Sciences and National Research Council concluded that in 1997, the United States reaped a \$50 billion surplus from taxes paid by immigrants at all levels of government. The net benefit to the Social Security system, if immigration levels remain constant, will be nearly \$500 billion through 2022 and nearly \$2 trillion through 2072.

Researchers estimated the nation's undocumented population at 11 million in March 2005. Over the past decade, approximately 700,000 to 800,000 unauthorized immigrants arrived in the United States each year. The large majority of undocumented workers originate from Mexico, with the flow from that country at approximately 485,000 persons annually, which gives some indication of how well NAFTA affected the economy in Mexico.

With so much anxiety about jobs and the economy at peak levels in our country, gaps between rich and poor are at an all time high. Some states and municipalities and our federal government have turned to punishing and scapegoating immigrant workers as a supposed solution to these problems.

The real problem is scofflaw employers who fail to offer workers a decent wage and a safe place to work, and an enforcement regime that blinds itself to labor law violations. Lack of enforcement of the labor laws affects all workplaces where both U.S. citizens and immigrant workers labor side by side.

The other real problem is labor's failure to embrace the immigrant workers and engage in an all out campaign to try to organize and fight for their rights to achieve what every other worker in America is trying to gain — a decent and fair wage with respect and dignity in the workplace.

CWA needs to adopt the AFL-CIO's policy on immigration: "The union movement's policy is to treat ALL workers as workers, and therefore build worker solidarity to combat exploitation and raise standards for all. We know from our long experience that employers try to destroy worker solidarity by attempting to divide workers along race, gender, and in the last decade, immigration status."

With union density in the United States at an all time low, just think about the strength labor would have if we were able to bring the most recent immigrants into the movement. Labor at its height historically strengthened the economy by upgrading wages for the working class and moving them into the middle class. Today the middle class is shrinking if not already disappearing. We do not have time to be divided on this issue. Remember an injustice to one is an injustice to all.

## **Forty Years Later**

On February 12, 1968, approximately 1,300 African American sanitation workers began a strike in Memphis, Tenn. The strike by members of the American Federation of State, County and Municipal Employees (AFSCME) Local 1733 would escalate into one of the most significant

struggles of the civil rights and labor movements of the 1960s. On February 1, 1968, the malfunction of a garbage compactor that crushed two black garbage collectors, the behavior of the white supervisors, and the refusal by the city government to recognize the Union caused the strike to have both racial and economic overtones.

The workers were guided by T. O. Jones, a sanitation worker fired for his union activities. For five years they had asked the city government to recognize the Union and discuss their grievances. Although, the workers worked full-time jobs, they lived below the poverty line and 40 percent of them qualified for welfare benefits to supplement their income. They were paid no health care, pension, or vacation benefits and worked in conditions that were unsanitary. They carried leaking garbage tubs that were filled with waste that often spilled on them. Supervisors called grown men "BOY" and sent them home without pay for any small infractions. This is one of the reasons that the strikers wore picket signs that read, "I am a Man."

Dr. Martin Luther King, Jr. agreed to support the cause of the sanitation workers. He spoke at a rally in Memphis on March 18, 1968. A rally and work stoppage were planned for March 28, but Dr. King was escorted from the scene when a group of rowdy students began looting. About 60 people had been injured and a looter was killed. The violence disturbed Dr. King. He planned another march after a commitment was made that the march would be nonviolent and peaceful. The march was scheduled for April 5, but the city tried to stop it. Judge Bailey Brown of the U.S. District Court granted Memphis a temporary restraining order against Dr. King and his associates of the Southern Christian Leadership Conference (SCLC). Reverend James Lawson, an adviser to the strikers, and Andrew Young, representing the SCLC, met with the Judge on April 4 and worked out a broad agreement for the march to proceed on April 8. The final details were to be put into place the next day, April 5. Dr. King was informed of the agreement by Andrew Young as they were getting ready to go out to dinner. On that evening of April 4, Dr. King stepped out of his room at the Lorraine Motel in Memphis and was assassinated.

Dr. King and his followers fought for the rights and equal justice that are ensured for all citizens by the United States Constitution. The milestones achieved by the 1960s movement were the Civil Rights Act of 1964 and the Voting Rights Act of 1965. It has been 40 years since Dr. King marched with the sanitation workers; however, our plight is not over. Despite the many improvements that unions have been able to negotiate for their members, we are still fighting for affordable health care for all, pensions, better wages, and safer working conditions.

In the months before his death, King spoke out against the growing U.S. involvement in Vietnam. King said, "God didn't call America to engage in a senseless, unjust war and we are criminals in that war. We've committed more war crimes almost than any nation in the world, and I'm going to continue to say it." In 2008, there is the trauma of the war in Iraq where the lives of many American men and women have been lost. Parents are demanding that their sons and daughters be sent home from the war in Iraq, and 40 years ago it was the war in Vietnam.

Here we are 40 years later and history continues to move on, remaking the world in numerous ways. Our nation is still dealing with the issue of race and inequity without the benefit of Dr. King's wisdom. There is a generation of Americans that has come of age celebrating him with a national holiday, like other leaders in the frozen past. But looking back on Dr. King's life from the

Montgomery, Ala., bus boycott in 1955 to his death at the Lorraine Motel in Memphis, Dr. King would probably conclude that our work is not done. Dr. King recognized that the next phase in the quest for civil rights and equality would focus on the economic divide. The struggle for affordable health care for everyone, improved pension benefits and safer working conditions cannot and must not continue for another 40 years.

### ***Ledbetter v Goodyear Tire and Rubber Company*** **A Bad Deal for Workers**

More than four decades after Congress outlawed wage discrimination based on sex, women continue to be paid, on average, only 77 cents for every dollar paid to men. The Supreme Court's recent decision in *Ledbetter v Goodyear Tire and Rubber Company* severely limits workers' ability to vindicate their rights and distorts Congress's intent to eliminate sex and other forms of discrimination in the workplace. Lilly Ledbetter worked close to two decades at the Goodyear plant in Gadsden, Ala., one of the few female supervisors, and who faced sexual harassment at the plant. She was told by her boss that he didn't think a woman should be working there. She suspected that she was getting fewer and lower pay raises than the male supervisors but had no proof until she received an anonymous note revealing the salaries of three of the male managers. She filed a complaint with the EEOC, her case went to trial and the jury awarded her back pay and approximately \$3.3 million in compensatory and punitive damages for the extreme nature of the pay discrimination to which she had been subjected.

The Court of Appeals for the Eleventh Circuit reversed the jury verdict, holding that her case was filed too late -- even though Ms. Ledbetter continued to receive discriminatory pay -- because the company's original decision on her pay had been made years earlier. In a 5-4 decision authored by Justice Alito, the Supreme Court upheld the Eleventh Circuit decision and ruled that employees cannot challenge ongoing discrimination if the employer's original discriminatory pay decision occurred outside of the statute of limitations period, even when the employee continues to receive paychecks that have been discriminatorily reduced.

The Court's decision in *Ledbetter* upends prior precedent, undermines Title VII's goals and enforcement scheme, and is fundamentally unfair to those subject to pay discrimination. Before the *Ledbetter* decision, if an employee brought a claim for pay discrimination on the basis of race, color, religion, sex, national origin, age or disability, both the EEOC and an overwhelming majority of courts applied what is known as the "paycheck accrual rule." Under this longstanding rule, each new paycheck was treated as a separate discriminatory act that started a new 180-day clock. The Supreme Court reversed this accepted practice and left victims of pay discrimination with no recourse against pay discrimination that they don't immediately challenge.

Contrary to Title VII's intent to encourage voluntary compliance by employers, the *Ledbetter* decision creates incentives for employers to conceal their discriminatory conduct until the statutory period has passed. The *Ledbetter* decision provides employers whose compensation decisions are not challenged within 180 days a windfall opportunity to continue this discrimination. The *Ledbetter* decision ignores fundamental workplace realities and leaves employees in an untenable position.

The Fair Pay Restoration Act, currently pending in the Senate, would reverse the Supreme Court's decision in Ledbetter and help to ensure that individuals subjected to unlawful pay discrimination are able to effectively assert their rights under the federal anti-discrimination laws. The Fair Pay Restoration Act will promote voluntary compliance by employers and responds to workplace realities. The Act would also enable individuals to challenge continuing pay discrimination, ensuring both that employees are not penalized if they are initially unaware of the discrimination and also that employers have incentives to remedy the impact of pay disparities before the gaps are compounded by raises, pension and other contributions over time. The Fair Pay Restoration Act simply restores prior law, which had been applied by nine of the twelve federal courts of appeals and the EEOC before the Ledbetter decision.

To ensure that workers continue to be protected from workplace discrimination as Congress intended, The National Committee on Equity recommends that CWA leaders and members call on Congress to promptly enact the Fair Pay Restoration Act.

### **The Next Move Belongs to All of Us!**

Now that the primaries are over, what happens next? We must all support the Democratic nominee selected by the people. We are facing difficult times and what happens next can determine if we survive as middle-class citizens, survive as a union or as players in the field of industrial countries.

While all candidates have great strengths, they also have their weaknesses. However, as union members our choice for the presidency should be a candidate who will vote for the Employee Free Choice Act. Republican nominee John McCain has refused to endorse the Act, which would level the playing field for workers trying to form a union.

We must elect a candidate who believes all Americans deserve health care. The McCain plan would create a new tax on working families by making employer provided health benefits taxable income. Additionally, he opposes health care for children. He voted for cuts in Medicaid, supports raising the Medicaid eligibility age and supports increasing seniors' premiums.

We must elect a candidate who believes in fair trade. McCain voted for NAFTA and CAFTA and to allow China to enter the WTO, even though we have lost 1.8 million jobs because of NAFTA and since China entered the WTO.

As the price of gasoline and food continues to rise at an alarming rate, John McCain says he knows little about economics. Is this who we want to represent us in the highest office in the country? Young adults continue to lose hope because our government is not providing anything for them to hope for; no jobs, no health care, no education and no hope of ever being able to live the "American Dream." We all deserve more and we must demand more. We all deserve to live the dream.

As home foreclosures continue to soar in our country, John McCain would have us believe that

we don't know how to manage our money. He failed to look at the problems in predatory lending, false information on home loan applications and the loss of good American jobs. All of us have been touched in some way, on some or all of these issues facing our country. If it has not hit us personally, we know someone that it has touched. Now is the time to stand up for ourselves, for those who can not stand, our children, our grandchildren and do something about it.

We must support the Democratic nominee for President of our country. Our job, brothers and sisters, is to come together like never before—to fight to take back our country. We must return home and begin to prepare for the fight that will take place at the ballot box in November. We must make sure that every vote cast will be counted. We can not, must not, forget the elections stolen in 2000 and in 2004. We as union leaders and activists must join with other coalitions to make sure that the voting rights of American citizens are not abridged at the ballot box.

The National Committee on Equity calls on all CWA members and leaders to participate in the upcoming presidential elections. Members are encouraged to participate in phone banking, precinct walks, distributing flyers, being poll monitors and judges.

Remember, we all have a stake in this year's election, and to do nothing will certainly result in nothing.

### **Hate Crimes Legislation—The Fight Continues**

According to the Leadership Conference on Civil Rights, the nation's premier civil rights coalition, hate crimes remain a festering and horrifying problem in the United States. Although many states have laws on the books against hate crimes and are designed to protect the victims, many incidents fall through the cracks.

The Justice Department defines a hate crime as a crime "in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person." According to recent FBI statistics collected over a four-year period, there have been 8,152 hate crimes committed; 53 percent were racially motivated, over 18 percent concerned religious bias, and over 16 percent concerned sexual orientation.

Our federal laws fall short in protecting our citizens against hate crimes motivated by gender, disability, and sexual orientation. The crimes against this last group are growing at an alarming rate in frequency and severity. The current President Bush has threatened to veto recent legislation regarding hate crimes if it included language regarding sexual orientation, so we must depend on our individual states to protect all of its citizens. Twenty-two states have crime laws that include sexual orientation, 18 do not, and eight have no legislation at all. Every hour in this country a hate crime is committed against eight blacks, three whites, three gays, three Jews, and one Latino.

In January of this year New Jersey passed one of the strongest hate crime bills in the nation. It passed 35 to 0 in the state Senate, and 65 to 10 in the House. In the trial of the defendants in

the James Byrd murder in Jasper, Texas, because of federal legislation, the sentencing carried a stiffened punishment, and also, over \$250,000 in federal funds was made available to local law enforcement in the investigation. Surely, all of our citizens deserve the same protection under the law. In 2000, Danny Lee Overstreet, a CWA activist from Local 2204 in Roanoke, Va., was killed because his murderer decided that he wanted to “waste some faggots.”

In CWA’s video “No Time for Hate,” then-EVP Larry Cohen stated: “We should be moving on to promote tolerance in this country, but instead, we have failed to get an all inclusive hate crime legislation passed. Unless attitudes and laws progress, far too many hate crimes will continue to fall through the cracks of our criminal justice system.” Hate groups have grown 48 percent since 2000. The Hate Crime Sentencing Act was passed by Congress in 1994. However, this act only covers crimes that occur on federal property.

While we may be tempted, with a good rationale, to lay all the problems at the feet of George W. Bush, we need to look deeper into the roots of this problem. In our view, hatred and intolerance comes from fear and ignorance; fear of what we do not understand and will not attempt to accept. One of our greatest presidents, Franklin Delano Roosevelt, said, “We have nothing to fear, but fear itself.” He said that in his inaugural address. We are still under attack from the hate groups that spread fear in our own country. So when you hear someone say, “I hate him or her, I am not going to vote for him or her. I am not going to take orders from another woman, or he is black and is a Muslim...,” do not just say, “Well, that is just plain stupid!” Rather ask, “What are you afraid of?”

Instead of attacking someone’s comments, it is up to all of us to dissipate the fear and ignorance. It is up to each of us to hold our elected officials accountable in passing all inclusive hate crime laws, as we do on any legislation that working families all deserve. The time to unite and rededicate ourselves is now! Our brothers and sisters are dying every day! Remember Nazi Germany? Of course, but I am asking you to remember James Byrd Jr. and Danny Lee Overstreet.

### **Unprecedented Assault on Affirmative Action**

This year, anti-affirmative-action agitator Ward Connerly and his allies launched new attempts to ban affirmative action in five states: Arizona, Colorado, Missouri, Nebraska and Oklahoma.

In a particularly cynical attempt to undermine a more equitable society, Connerly has put these measures forward in heavily white states hoping to use the politics of “us vs. them” to try to divide the good people in these places against each other.

It’s hard to know what’s more offensive: Their assumption that people from equity-seeking groups are somehow automatically less qualified for jobs and education based on their differences, or their assumption that white Americans will fall for the race card and vote to shut the door on their brothers and sisters who seek only the chance to earn a living or get an education.

In the states of Missouri and Oklahoma, voters have not been fooled by the rhetoric, and

initiative petitions have failed to collect enough signatures to put these proposals on the November ballot. We must continue to stand together and resist their manipulations.

CWA members understand solidarity: When you're on a picket line, every man is your brother, every woman your sister. As we work side by side every day, their welfare is our welfare; your children are my children.

While great progress has been made in racial issues in our society, we still have unconscious biases to overcome. Studies have shown that despite our best conscious efforts, our minds sometimes make split-second decisions based on old prejudices.

Affirmative action programs don't put one race above another or pit the genders against each other. They simply cause us to slow down and take another look at our decisions, to make sure they're as fair as we want them to be.

In states where affirmative action is banned, we have to work even harder to make sure that people from all backgrounds have access to education and employment. For example, after Washington state voters passed a Connerly-driven ban on affirmative action, the University of Washington set about achieving student diversity through increased outreach efforts and by using family economics as an admissions criterion.

Just as adversity can make us stronger, we can use these temporary setbacks as opportunities to improve our systems for achieving fairness.

The National Committee on Equity would like to encourage every level to add the fight to preserve affirmative action to our legislative and political agenda, especially in Arizona, Colorado and Nebraska. When you're out there talking about the presidential election, the Employee Free Choice Act, and health-care-for-all, take a few minutes to help educate your members and your lawmakers on this issue so that they know what's at stake.

Affirmative action is as much a union issue as the other vital issues we're facing and deserves to be treated that way by this great union.

### **CWA Executive Board Diversity Committee 2008 Report Card**

At the 2007 convention CWA delegates voted to expand the National Executive Board to include four at-large seats to ensure that CWA leadership would reflect the diversity of our membership. As a result of this vote there were four members appointed to the at-large diversity seats. The four members are: Carolyn Wade, President Local 1040 Trenton, N.J; Nestor Soto, President Local 33225 San Juan, Puerto Rico; Claude Cummings, President, Local 6222, Houston, Texas, and Madelyn Elder President, Local 7901 Portland, Ore.

Since their appointment, the four have attended new Board members orientation, several Board

meetings and have met with the Civil Rights and the Human Rights and Women's department's to discuss issues and concerns that confront minority and women members. Additional meetings will be held with these two departments in order to stay apprised of ongoing issues.

The four appointees, along with other Executive Board Diversity Committee members, Vice President Annie Hill, District 7, Vice President Noah Savant, District 3, and Vice President Brooks Sunkett, Public, Health Care & Education Workers, served as panelists at this year's National Civil Rights and Equity Conference. The panel was moderated by Yvette Herrera, Senior Director, Education & Communications. The panelists answered questions and concerns from conference attendees. All Executive Board Diversity Committee panelists committed to keeping the Board focused and being more responsive to the diverse needs of all of our members.

Based on the responses given to the attendees at the National Civil Rights and Equity Conference, The National Committee on Equity would like to give the following report card to the National Executive Board Diversity Committee:

**Achieving** a long sought-after goal of making our Executive Board diverse. This is a major step in the right direction.

**Bringing** to light the important issues that the National Committee on Equity and the Civil Rights Department have been working on for years.

**Commitment** that those who occupy the four at-large seats will not be "yes" people, and will always speak on behalf of our diverse membership and disagree with other Board members if necessary.

**Developing** the ongoing duties and responsibilities of the four at-large diversity seats.

**Focus** on the diverse needs of our diverse membership -- specifically, the mentorship component of the Minority Leadership Institute and looking at how to make this program more accessible to our broad membership.

The Executive Board Diversity Committee Members assured everyone at the conference that they will take full accountability in their role and stay focused. The National Committee on Equity looks forward to the joint work that they will conduct with the Committee.

**"We are not going to settle for what is...but we are going to imagine what might be."**

*Barack Obama*

## The 2008 Civil Rights and Equity Conference

The CWA National Civil Rights and Equity Conference was held April 9 – 12 in Washington D.C. Over 250 brothers and sisters, representing a diverse group of cultures, attended this historic event. Daisy Brown, president of CWA Local 2300 and CWA National Committee on Equity member, District 2, opened our conference with a warm and friendly welcome. The National Committee on Equity members and Civil Rights Director were introduced, with each member offering a quote or proverb including quotes from Martin Luther King, Jr., Malcolm X, and an Indian proverb.

CWA President Larry Cohen was the keynote speaker at the opening session. A portion of President Cohen's opening remarks focused on this year's theme "A Movement Not A Moment." He stated, "We have to keep this energy going," reminding participants that the four "Diversity" seats that have been added to the CWA Executive Board are only the beginning. To keep the energy flowing the evening closed with a panel discussion on Voter Empowerment. This discussion was moderated by Dr. Ronald Walters, University of Maryland Professor of political science. Dr. Walters is the author of the book entitled, *Freedom is Not Enough*. He conducted a book signing during the reception that closed the opening day of this exciting conference.

A memorable part of the following days' events included two panel discussions: CWA Executive Board Diversity Committee and Sheroes and Heroes of the Civil Rights Movement. The CWA Executive Board Diversity Committee panel consisted of three Vice Presidents, Annie Hill, Noah Savant, and Brooks Sunkett, and the newest members of the Executive Board, the four at-Large Diversity members, Claude Cummings, Madelyn Elder, Nester Soto, and Carolyn Wade. Nester Soto presented information about the Spanish population of CWA members, and how English as a second language is affecting our membership. This topic generated discussions that could be categorized as engaging, informative and at times moving to the point of tears for some attendees. The CWA membership looks forward to the continued progress that the CWA Executive Board Diversity Committee will bring to our union and its focus on diversity.

Sheroes and Heroes of the Civil Rights Movement, moderated by Dr. Yvonne Scruggs-Leftwich, Professor at the National Labor College, provided another moment at the conference that energized our participants. The panel included Dr. Dorothy Height, President Emeritus, the National Council of Negro Women. Dr. Height, who recently celebrated her 96<sup>th</sup> birthday, is an African American administrator, educator, social activist and a recipient of the Congressional Gold Medal. Her great history in the Civil Rights Movement included working side by side with leaders such as Presidents Dwight Eisenhower and Lyndon B. Johnson, and First Lady Eleanor Roosevelt. Joining Dr. Height on this panel were Norman Hill, president emeritus, A. Philip Randolph Institute, and Julian Bond, chairman of the board of the NAACP. The panelists shared with the participants their walk through the Civil Rights Movement.

Workshops included: Debunking the Myths About Immigration, Growing our Union from the Bottom Up, the Employee Free Choice Act, and Transgender 101. Transgender 101 equipped us with information regarding the physical and mental process of sexual transition and the issues that representatives of the union face when dealing with workplace issues that arise out of this process. One participant shared with the group how topics of this nature have made her

more aware and tolerant to different issues. Years ago she would have walked out of the room if a conversation focused on this sort of issue. There is a level of respect that people deserve no matter what their age, race, religion, gender, national origin, sexual orientation or disability.

Other highlights included speeches from Jeff Rechenbach, executive vice president of CWA and U.S. Rep. John Lewis of Georgia. A special tribute to those who have gone before us was presented by Gwend Johnson, Human Rights director, along with a musical tribute performed by Brian Lenair, jazz and R&B saxophonist.

Though we can not begin to detail all the conference highlights, it was a wealth of information filled with many attendees and speakers who represented our historical and current diversified culture.

This year's Mays-Carroll Civil Rights Award went to two activists and one local union, who have a proven track record in their dedication to Civil Rights and our great union. Congratulations to Tonya Hodges, CWA Local 1298, Keith Robinson, CWA Local 6310 and to CWA Local 1180.

**The National Committee on Equity would like to extend a special thank you to all the of the Conference attendees, speakers, panel guests and presenters who contributed in making this a memorable affair.**

The next Civil Rights and Equity Conference is scheduled for 2010

Respectfully Submitted,

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CWA District 1

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## NOTES