

**STATEMENT OF EDWARD WYTKIND, EXECUTIVE DIRECTOR
TRANSPORTATION TRADES DEPARTMENT, AFL-CIO**

**BEFORE THE
SENATE COMMERCE COMMITTEE**

OVERSIGHT HEARING ON PORT SECURITY

OCTOBER 4, 2000

Chairman McCain, Ranking Member Hollings and Members of the Committee, on behalf of the Transportation Trades Department, AFL-CIO (TTD) and our 30 affiliated unions (see attached), I want to thank the committee for giving us this opportunity to share our views on the report of the Interagency Commission on Crime and Security in United States Seaports. My name is Edward Wytkind. I am the Executive Director of TTD whose affiliated unions represent several million workers employed in all areas of the nation's transportation system including several thousand who work in our nation's ports. I am pleased to join the International Longshore & Warehouse Union (ILWU) and International Longshore Association (ILA) to offer the views and concerns of transportation labor on the issues affecting security at our nation's seaports.

Today our ports serve as the gateway through which products and goods are imported to, or exported from, the nation. America's ports handle over 95 percent of the volume and 75 percent of the value of cargo moving into and leaving the nation. There can be little doubt that American ports and their employees have had a clear role in spurring job creation and providing substantial benefits to the economy as a whole. These economic benefits to the nation make protecting the integrity of our ports and stopping the influx of illegal drugs a worthy goal that transportation workers support. As an organization dedicated to promoting a safe and drug free workplace, our members expect nothing less.

We agree with the statements of the ILWU and ILA that longshore employees and their unions are in a unique position to help address the problems of crime and security at our nation's ports. Our members are in the line of fire for criminal activities occurring at our ports. As such, we are more committed than anyone to ensuring that our ports and surrounding areas are safe, secure and free of criminal activities. Transportation labor does not condone illegal activities of any kind taking place in our seaports. We believe that the protection of port cargo, passengers, and facilities from theft, terrorism, and criminal activity is critical to our members and the nation as a whole.

For that reason, longshore workers and their unions have been at the forefront of advocating programs that are designed to create a safe and drug-free workplace. ILWU's alcohol and drug prevention and rehabilitation program has even won recognition from former President Bush's "Thousands Points of Light" initiative. Additionally, longshore workers have played a critical role in promoting U.S. national interests and security at our ports by supporting the deployment and mobilization of the U.S. military. This has included maritime movements of equipment and troops in the course of offshore military operations.

The important contributions of longshore unions in developing a safe and secure workplace provide a good starting point to review the findings of the Commission Report. TTD submitted comments to the Commission during its fact-finding process. Unfortunately, we have not had time to fully consider all the findings and recommendations made by the Commission. Over the coming months, however, we will be working with ILWU and the ILA to review the findings and recommendations and to determine the most appropriate federal measures. One issue I should mention is one that we raised in our comments dealing with criminal background checks. We register our strong objections to any proposal to impose extensive and unnecessary criminal backgrounds checks on all port workers and related employees, even those who have worked in this industry, often for single employers, for 20 or more years. These types of proposals have been offered previously and they have been rejected by Congress.

The Commission Report identifies internal conspiracies, which may include port employees, as presenting a serious challenge to drug interdiction efforts at seaports. We understand that there will always be individuals who carry out or participate in criminal activities in our industry. And as we have already stated, we do not condone nor defend such conduct. However, other than anecdotal evidence, it has never been clearly shown that longshore workers – including those with impeccable records over decades of employment – have any greater likelihood of engaging in illegal conduct than other persons dealing with or reviewing the cargo as it moves through our transportation network. Furthermore, in today's intermodal transportation marketplace, the vast majority of cargo moves from the vessels and to gates of terminals in sealed containers, whose contents are secure. As such, there is no sensible reason for instituting these background checks on the overwhelming majority of honest, hardworking workers who are employed at our ports and who do not pose a legitimate safety or security threat.

Mr. Chairman, this appears to be a case of a solution in search of problem. We are adamant that such a "solution" would have negative consequences for workers and other interests in the longshore industry. While we have been vocal opponents of this proposal, other groups have also raised concerns about the feasibility of sweeping criminal background checks. A number of the nation's ports are opposed to criminal background checks such as the Port of Los Angeles, Port of Seattle, and Port of Tacoma. This growing consensus in the longshore industry against criminal background checks should give all policymakers reason for pause and reevaluation.

Let me also comment on legislation (S. 2965) introduced by Senator Ernest Hollings that incorporates some of the recommendations of the Commission. We commend Senator Hollings for his aggressive commitment to addressing seaport security issues, but it is our view that this legislation needs more input from key stakeholders including transportation labor and deserves more careful and deliberate evaluation. We have grown accustomed to a close working relationship with Senator Hollings on a number of transportation safety and security issues and know that the Senator welcomes our rightful place at the table.

We would argue that any legislation considered by Congress should recognize the unique skills and talents of longshore workers and the ability of these front-line employees to play a vital role in addressing security concerns at our nation's ports. In so doing, the Congress will recognize the need for cooperation and partnership between longshore unions, port authorities, the ocean shipping industry and appropriate federal agencies in considering the issues raised by the Commission report. Only then, will we have a chance to adopt fair and meaningful measures that work.

In closing, I want to thank you Mr. Chairman and all the members of this committee for giving us this opportunity to discuss port security issues. TTD, along with ILWU, the ILA and the International Brotherhood of Teamsters, will continue reviewing the various findings and recommendations of the Commission and will provide to the Committee additional input and information at a later time.

We look forward to working with the Committee, Congress, and the appropriate federal agencies to address the concerns identified by the Commission and to make our ports safer and more secure for workers, businesses and the American people.

Thank you.

Attachment