

Stand Against Julie Su Part 1: AB5 Should Be an Albatross, Not a Launch Pad

redstate.com/jenniferoo/2023/04/25/stand-against-julie-su-part-1-ab5-should-be-an-albatross-not-a-launch-pad-n736065

Jennifer Oliver O'Connell

By [Jennifer Oliver O'Connell](#) | 4:00 PM on April 25, 2023

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AP Photo/Susan Walsh

At the Thursday, April 20 hearing before the Senate Health, Education, Labor, and Pensions (HELP) Committee, Secretary of Labor nominee Julie Su had a smug smile on her face, while being coddled and encouraged by her old pal, former California Secretary of State and current Senator Alex Padilla. From her demeanor and the coaching she appeared to have received, one might assume she has this nomination for Secretary of Labor on lock.

That assumption would be wrong. From Congresspersons, to Senators, to advocacy groups like [Freelancers Against AB5](#), many are committed to seeing the overturn of the nomination of Julie Su for the next United States Secretary of Labor.

Left pumping up astroturf support for [@JulieSuCA](#).

Mainstream voters want pro-worker, not a pro-union DOL sec.

Su's record against independent contractors includes CA [#ABCtest](#) & supports [#PROAct](#). DOL rule change also against freelancers.

David Weil beaten, Julie Su will be too. <https://t.co/pNZByQfcnZ>
pic.twitter.com/JGBt7nHrXV

— Marc V. Avelar (@MarcVAvelar) [April 25, 2023](#)

One indicator that Su is on a precarious slope is her Big Labor and Leftist media supporters have now defaulted to the sex and race argument: Republicans are hostile to Julie Su and don't want her to be Secretary of Labor because she's the daughter of "immigrants" and has a working-class upbringing. This is the tale outlets like [Intelligencer](#) are trying to weave in the days leading up to a Senate vote on her confirmation.

There's no evidence Su is an anti-capitalist firebrand. Although her record is worker friendly, it's relatively mainstream for the modern Democratic Party. To the right, though, the truth doesn't matter. That she has sided with workers is sin enough to damn her. Su would also be Biden's first Asian American Cabinet official, and in the eyes of the right, her race and gender count against her nomination. The gap between conservative hyperbole and her actual record recalls attacks on Barack Obama, a centrist whom the right characterized, ludicrously, as a Black radical.

NTD is one of the few media outlets that bothered to report the actual circumstances surrounding Julie Su's nomination and why Republicans and any sane person who likes their economic freedom oppose her.



Watch Video At: <https://youtu.be/-1RPyhZhkNM>

But with his usual bluster, Senator Bernie Sanders (I-VT) who is chairman of the HELP Committee, doubled down on his support of Su as the Secretary of Labor nominee and claimed qualifications — of which she has none.

Let us be honest as we gather this morning. The debate over Ms. Su really has nothing to do with her qualifications no one can tell us with a straight face that Ms. Su is unqualified for this position in fact she is extremely well qualified.

On this we can agree with Bernie Sanders: Julie Su is well qualified — to let lunatics run the asylum. That is essentially what Su did in California when she allowed rampant fraud to the tune of \$32.6 billion on her watch as the state's labor secretary. In the case of the U.S. Department of Labor, the lunatics happen to be the Labor Unions who are calling the shots in their efforts to destroy the American freedom to pursue the work of our choice.

The facts on Julie Su's EDD fraud: EDD was repeatedly warned about the potential for fraud → action wasn't taken until months into the pandemic → \$32.6 billion was lost on Su's watch → Su still refuses to accept responsibility.

Taxpayers can't afford Julie Su as Labor Secretary. pic.twitter.com/mXKMQenEHF

— Rep. Kevin Kiley (@RepKiley) [April 25, 2023](#)

Sen. Sanders continued with his reality-devoid opening statement.

This debate really has everything to do with the fact that Julie Sue is a champion of the working class of this country who will stand up against the forces of corporate greed, that's really what this debate is about, and let's be very clear but the last 50 years middle class and working class of this country have been struggling while we have more income and wealth inequality today than we have ever had. Over 60 percent of our people are living paycheck to paycheck and millions are working for starvation wages. Julie Su should be confirmed as our secretary of Labor because she has spent her life fighting for those Working Families and they need her now.

Tell that to the transcriptionists who lost their work thanks to AB5. Most are now restricted by set rates dictated by union-approved agencies, rather than their skill sets and knowledge of the work they are asked to perform. According to an Independent Women's Forum [testimonial](#), some of these women who worked in the profession are still not finding work to support their lives. Many are mothers or single mothers. I personally know several who ultimately fled the state in order to do their work without restriction.

The Washington Times exposed Su's complicity in not only championing the law's passage but its [enforcement](#), as well.

But the single most important reason Ms. [Su](#) richly deserves to be voted down by the Senate is her relentless championing of AB 5, a 3-year-old, union-backed California law that in its current form makes it virtually impossible for workers in certain fields targeted by labor bosses to support themselves and their families through independent contracting.

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The Wall Street Journal editorial board also weighed in [unfavorably](#):

Currently the deputy secretary, Ms. Su has a record of putting union interests above those of individual workers or flexible business models that workers like but unions oppose. As labor secretary in California, she drove implementation of the state's AB5 law, which reclassified independent contractors as employees.

The law was aimed at [Uber](#) drivers and other gig workers, but it ended up smacking workers seeking flexible hours in multiple industries—comedy performers, personal fitness trainers, midwives, transcriptionists, hairdressers, music-lesson providers. After the law passed, Ms. Su promised statewide investigations and audits to enforce compliance.

And she did. In the April 19 House Workforce Protections hearing, Freelancers Against AB5 founder Karen Anderson described the damage inflicted on independent professionals and businesses through Julie Su's enforcement:



Watch Video At: <https://youtu.be/Y6NgxVLBEeg>

House Workforce Protections Chair Kevin Kiley (R-CA) mounted the April 19 hearing to warn that Su being confirmed as the United States Secretary of Labor is a clear and present danger to independent professionals and small businesses nationwide.

The ensuing labor and economic harm caused the state to exempt numerous professions from the law, while voters in 2020 overwhelmingly passed an initiative exempting many gig workers from the statute. Ms. Su's Labor department is nonetheless taking AB5 national with a proposed regulation that replicates California's mess by reclassifying millions of contractors as employees.

Ms. Su also opposes the franchise industry, a well-trod path for small-business ownership. She's supported California's Fast Act, which empowers an unelected board to impose work rules and a minimum wage as high as \$22 an hour. California's Department of Finance opposed the law, warning it would raise costs. The law, which passed in the fall, is on hold after California voters gathered enough signatures to put the issue on the ballot in 2024.

Back in 2020, I wrote several articles about AB5, when the effects of the law — even after the exemptions carved out through AB 2257 had been applied — were especially traumatic. California's working professionals struggled to stay alive in the midst of a pandemic where portions of the state were still shut down, and many were forced to stay at home. AB5 was

now the law in the Golden State, so many of us could no longer legally do the work that we used to easily do from home. The circumstances were untenable and poverty-inducing for many.

AB5 has adversely impacted over 300 professions and negatively affected 2 million freelancers, independent contractors, gig workers, and app-based service workers. Those affected have shared their AB5 Stories across multiple platforms, and I have written extensively about the law and its effect on essential professions, as well as women and minorities through another platform (see my website). I have also done personal interviews, videos, and forums about its impact on individual liberty, lives, and the California economy.

So, Julie Su is no champion of the working woman or working families. She is a well-placed stooge used by the Biden administration to do the bidding of the Labor Unions to destroy independent professionals and the independent contractor model.



Watch Video At: <https://youtu.be/OvBbMmJnir8>

Fight for Freelancers USA founder Kim Kavin, who also testified at the April 19 House Workforce Protections hearing, rightly calls it what it is: “Freelance Busting.”

This 12M number is all over the news as @POTUS announces his reelection campaign. Apparently, 12M jobs created is a big number. #FreelanceBusting lawmakers say that if they rewrite the independent contractor rules, all 60M of us ICs will simply become employees. Overnight.

Sen. Sanders continued his bloviating opening statement, making more noises to distance Su from the debacle of AB5. Sanders claimed the opposition to her nomination is only comprised of multinational corporations.

What this nomination is about is really not complicated, today as we speak, large multinational corporations are spending millions of dollars on ads sometimes ugly ads in various parts of this country trying to defeat her nomination. They know what I know and that is that she is prepared to take on powerful special interests and stand up to the needs of those working people who desperately need defending today. And while many corporate interests—not all—but many oppose her nomination she is supported by every major labor organization in this country representing over 20 million workers including the AFL-CIO, the United Mine Workers of America, the teamsters, and the SEIU all strongly support Ms. Su's confirmation.

As the overseer of [#California's failed #AB5](#) bill that destroyed the [#careers](#) of so many ICs, Julie Su is not the right choice for head of the [@USDOL](#). Head of [@USDOL](#) should fairly support all workers, not be beholden to special interest groups.

— Deborah Lynn Blumberg ([@dlblumberg](#)) [April 24, 2023](#)

It is ironic that Sanders does not view unions as just another form of special interest, as though all of America are lockstep in their support of these multimillion-dollar enterprises. How much did Sanders receive from the Teamsters PAC in 2020?

But Sanders' selective vision fails to take in the independent professionals, small business organizations, franchiser groups, and advocacy groups for employment and workplace freedoms who are [equally opposed](#) to Su's nomination. Freelancers USA and Freelancers Against AB5 are just two among many organizations of independent contractors and small business interests that oppose Su. Independent Women's Forum, [Institute for the American Worker](#), the [Small Business Enterprise Council](#), and [California Business and Industrial Alliance](#) (CABIA) are just a few more. Many of these organizations had a front-row seat to the damage that AB5 did to the California independent contractor community and continues to do to the California economy.

The fact that Julie Su was the architect and enforcer of this debacle should be an albatross around her neck, not a launching pad into a higher position.

[#standagainstu](#) Call ASAP to protect 60million freelancers [@SenatorHick](#) 202-224-5941303-244-1628 [@senmarkkelly](#) 202-224-2235602-671-7901
[@Sen_JoeManchin](#) 202-224-3954304-342-5855 [@SenatorSinema](#) 202-224-4521602-598-7327 [@Inst4AW](#) [@USChamberAction](#) [@thekimkavin](#) [@GroverNorquist](#)
<https://t.co/CkECblWpwD>

— AdventuresOfTheMind ([@AdventuresOTM](#)) [April 24, 2023](#)

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