

September 17, 2018

The Honorable Phil Mendelson, Chairman,
and Members of the District of Columbia Council
1350 Pennsylvania Avenue NW, Suite 504
Washington, DC 20004

Re: Hearing Before the Committee of the Whole of the District of Columbia Council
Re: The Council's Ongoing Efforts to Proactively Reverse the Will of DC Voters by
Blocking Efforts to Pay a Living Wage to All Tipped Workers in DC

Dear Chairman Mendelson and Members of the Council:

I wish I could begin by thanking you for holding a hearing to discuss important issues facing our city, though that would be wildly inappropriate because this hearing should not be happening. Rather than using this time to implement Initiative 77, which received the support of a strong majority of DC voters in 2018, this hearing represents your latest effort, taken up on behalf of your donors and special interests, to repeal it. And that's exactly what you'll do.

Many of you repeatedly claim to have spoken to 'hundreds' of workers in coming to your decision to oppose Initiative 77. That sounds nice, but the result in June makes it clear that the 'hundreds' you speak of do not speak for our city. Nor do they speak for the majority of tipped workers. These 'hundreds' you speak of are mostly white, mostly male, mostly economically secure, and mostly speaking out with the support of, and indeed encouragement from, their bosses. These 'hundreds' have been engaging in advocacy efforts that have been largely funded by your campaign donors. Many of these 'hundreds' are doing well enough to have the time and the means to skip work to be here today defending their interest in the status quo.

Even more ridiculous, many of these same 'hundreds' were the subject of a recent episode of John Oliver's show, where he covered astro-turf organizations that seek to improperly influence local policymakers. Mr. Oliver specifically mentioned "Save Our Tips" as one of these astro-turf organizations that is set up to be, in his words, 'deliberately misleading.' "Save Our Tips," Mr. Oliver noted, was created to resemble a grassroots advocacy organization made up of restaurant workers, but is actually a corporate advocacy group financed and run by restaurant owners and special interests that fight minimum wage increases across the country.

We are having this hearing today because our DC Council has either been tricked, or bought, by an organization employing methods so transparent and ridiculous that they were featured on *Last Week Tonight*. Think about that for a moment; John Oliver - a man who hosts a TV show that regularly features confetti and large puppets - has a better grasp of policymaking than almost every member of the DC Council. I'd be proud of him if it wasn't such a low bar.

Meanwhile, back in reality, the servers, bell staff, salon techs, valets and parking attendants who are being crushed by the inequities embedded in our current tipped wage system are unable to be here today, because they literally cannot afford to miss work.

I'm here today because I, too, have listened to hundreds of tipped workers, and once again I find myself at a hearing convened in the middle of a weekday, to speak on behalf of my neighbors who cannot be here to defend themselves. As has been the case with far too many consequential DC Council hearings in recent years, your lack of empathy, and your lack of interest in truly understanding this issue, means you've turned the opportunity to be heard into a privilege reserved for the few.

I'm here on behalf of workers who have told me they are scared to speak out because they've been told by their bosses that they'll be fired if they're caught doing so. For my neighbors who work in restaurants and hotels and salons and parking garages across DC, all of whom you seem to believe are undeserving of a living wage. The very workers a strong majority of DC voters voted to protect.

I'm also here to tell you that I've listened to women and people of color tell me in no uncertain terms that they are not able to make ends meet under the current tipped credit system. They're not being paid fairly, yet they cannot speak out in favor of Initiative 77 because they've been silenced by employers. They've been told by their bosses – many of whom are donors to your campaigns - that their social media is being monitored, and that positive posts about Initiative 77 will result in termination. Unfortunately, that didn't stop Councilmember Robert White from soliciting constituent input on Initiative 77 via Twitter, the very medium these workers couldn't use because their bosses were monitoring their words.

When I was running for a seat on the DC Council in the 2018 Democratic primary, I had workers tell me they wanted to join my campaign but were worried about being fired for doing so because their bosses supported my opponent, Charles Allen, a known opponent of Initiative 77. Workers told me they were afraid to speak to Charles Allen about this issue - even though he is their Councilmember - because they know he received campaign money from, and has relationships with, their employers. I met with countless restaurant workers during my campaign, all of whom supported Initiative 77, on the condition that I would not publicize these meetings, or the views expressed therein.

Whether knowingly or unknowingly, many of you have been complicit in a debate, and a process, that has stifled the voices of our most vulnerable neighbors and indeed instilled fear in many of them. I have no reason to doubt these stories, because in addition to hearing them directly from workers, as a vocal supporter of Initiative 77 I experienced some of these tactics myself. It was not unusual for me to receive demeaning messages from local restaurant owners and general managers attempting to silence or intimidate me. Their efforts were entirely unsuccessful, but these messages certainly made me understand why an employee whose livelihood depended on these people would be afraid to speak out.

The irony of your decision to subvert democracy by undermining the will of DC voters is that you've sided with those who have been subverting the will of their workers in order to ensure you don't hear them. You've amplified a message that isn't reflective of reality, and in doing so have become the oppressors yourselves. It is a sad day when our elected officials become just as harmful to our vulnerable neighbors as those causing the harm.

Make no mistake, your failure on this issue is not a matter of opinion, but a matter of numbers. You say you speak for the majority, when the vote total says you do not. You say primaries aren't the time to make important decisions, yet you view your own primary results as a mandate. The public supported Initiative 77, and it received more votes than most of you will ever receive in a primary no matter how hard you try. And yet, you sit here today with the unabashed belief that you possess the authority to override the will of the voters.

Indeed, anyone who takes a moment to review your campaign accounts knows your position on Initiative 77 is not based on numbers, facts or principle. A quick glance at your respective campaign filings shows you've collectively taken hundreds of thousands of dollars from restaurant owners and managers, many of whom aren't DC voters because they reside in places like Bethesda and McLean.

We understand that today's hearing is not about protecting tipped workers, it's about carrying the water for those donors. The majority of tipped workers cannot speak up without fear, and as such they are counting on their elected officials to have their backs. Shame on you for choosing to leave them behind simply because they do not contribute to your campaign coffers.

Chairman Mendelson, you may recall that you and I spoke briefly earlier this year, and you brought up workplace harassment. It was striking to me that you readily admitted that you did not understand how a woman who depends on tips would be subject to greater harassment than a woman who did not rely on those tips. We talked for a few minutes, and it was perfectly cordial, but I couldn't help but be completely embarrassed on your behalf.

It is a fact that women who work for tips are subject to more harassment in the workplace than those who do not. It's unfortunate that we've elected people who clearly lack the capacity, the empathy, or perhaps the willingness, to understand that fact.

I don't believe this DC Council has any interest in truly understanding this issue. That's why you're holding this hearing today, and it's why you'll ultimately repeal Initiative 77. Never mind the fact that every independent study shows that this policy improves worker pay and working conditions in the jurisdictions where it has become law. You're not interested in that because it would mean forcing your donors to take money from their pockets and give it to their workers. We're here today because it is less expensive for DC restaurant owners to give each of you a maximum donation than to pay their workers a living wage. Never mind the fact that thousands of DC's tipped workers live below the poverty line. Never mind the fact that DC is forced to subsidize the cost of housing and basic health care for these workers because their employers do not to pay them a living wage. Never mind the countless meals you've enjoyed in

DC over the years on the backs of the working poor. Never mind democracy, or basic human decency. This Council has been bought and paid for, and the check has come due.

I'd like to close with a sincere thank you to Councilmembers Cheh and Silverman for refusing to cave to the demands of local special interests, and for choosing to support Initiative 77 based on facts. It is my hope that the rest of your colleagues will find within themselves the principle, integrity and basic decency to follow suit.

Very truly yours,

[Sent via E-mail]

Lisa Hunter
Ward 6

Thank you Chairperson and the Committee for your time today,

My name is Travis Ballie and I am a resident of Ward 7 in Southeast DC. I am a strong supporter of Initiative 77 because the tipped minimum wage is a racist legacy and I am tired of the scare tactics around this initiative. This is not some bold experiment. Several states have implemented one fair wage, some for decades. All still have robust service industry growth, higher wages and better tips.

I want to specifically address my testimony to Councilmember Gray. I was proud that my ANC, ANC 7B, unanimously passed a resolution asking the DC Council to respect the will of the voters. Ward 7 was one of the strongest Wards to vote in favor of Initiative 77. Some of our ANY opposed the initiative, others supported, but we are unified on this point.

My boyfriend and I patron Ward 7 restaurant pop-ups like Pennybrew and brick and mortar restaurants like Sala Thai and Thai Orchid on an almost weekly basis. As much as we value the food, we value even more the workers who are so often undervalued.

Restaurants for years have avoided opening up in Ward 7, I find it ridiculous to assert that the passage of Initiative 77 will make this any less of a fact. But let us assume for a second that initiative 77 would mean no new restaurants in Ward 7. What do I value more? Do I value a living wage for my neighbors or a wider selection of restaurants down the block? I do not have to choose, but if I did it would clearly be with my neighbors. Our ward 7 residents are disproportionately more likely to be in the service industry and more likely to get less tips, less opportune shifts and more race based harassment on the job because of the color of our skin.

Another fun comment I have often heard is we just need more enforcement. I am all for enforcing our laws, but it is quite simply a waste of government resources if we recognize the flaws of the tipped minimum wage, yet opt as a District to keep this failed model even though there is a better, cheaper model out there we can enforce, one fair wage for all.

It is insulting for any Councilmember to call us un-informed on this issue or confused as to what we were voting for. I was first in line, on the first day of early voting at One Judiciary Square, to vote a proud YES on 77. Respect my vote, abandon this racist, two-tiered wage system. Ignore the scare tactics because we know One Fair Wage really is the best outcome for workers, for restaurants and for patrons.

Sincerely,

Travis Ballie
1620 29th St SE, #203
Washington, DC 20020

Statement before the Committee

Thank you, Council. My name is Zachary Woodward, and I'm a Ward 6 resident. Last February, as Congressional Republicans were working to veto DC's death-with-dignity law, my Council member, Mr. Allen, tweeted out an image that read, "Tell Representative Jason Chaffetz and the House Committee on Oversight and Government Reform to keep their #HandsOffDC as they vote to override the will of DC residents." In December, ²⁰¹⁴ when the House passed a bill to undo our marijuana law, Mr. Allen tweeted, "Shameful act of Congress tonight to trample the will of DC voters & that little thing we call democracy." Over the past two years, Mr. Allen has become the de-facto leader of the #HandsOffDC movement, and about every single member of this Council has rightfully joined him to stand up to the President and Congressional Republicans for their unrelenting attacks on the will of Washingtonians.

Now, three months after we the citizens voted to raise wages for most tipped workers, seven members of this Council are threatening to discard our choice entirely. Mr. Mendelson, Ms. Bonds, Mr. McDuffie, Mr. Gray, Mr. Evans: All of you have called out Congress (or even your colleagues) for trying to override the will of DC residents, and many of you employ self-rule as a campaign rallying cry. Know that if you vote yes on this bill without compromising to preserve some of the initiative, you relinquish all credibility to sincerely criticize Hill Republicans for their actions against DC voters. You will expose yourselves as not fully trusting DC residents to make our own informed decisions, and we the voters will interpret all attempts to paint yourselves as champions of self-rule for what they would seem to be: cheap, hollow slogans adorned with hideous, bold asterisks.

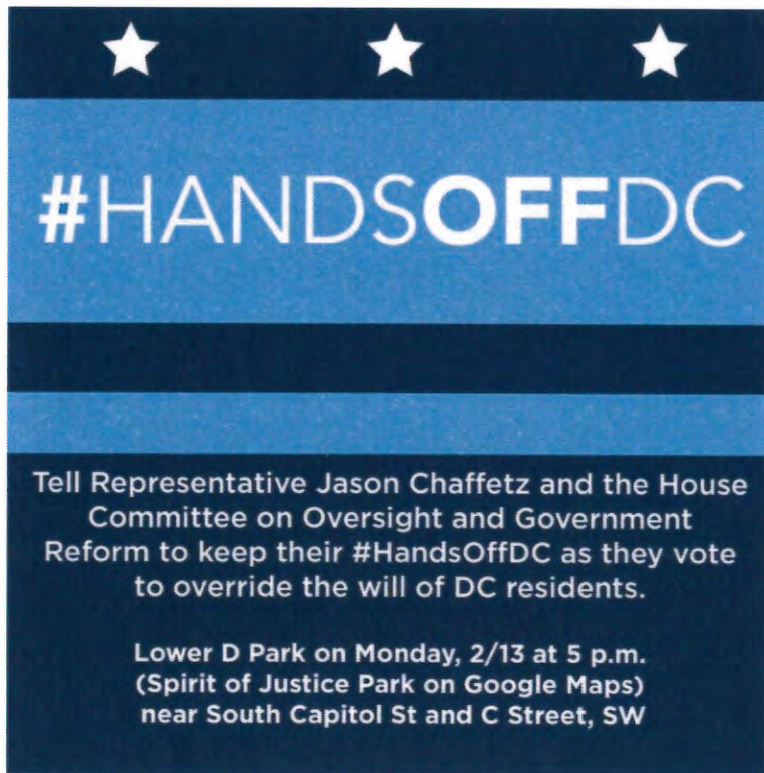
Members of the Council: I believe you to be good people who despise hypocrisy. You have prioritized the will of DC voters on the campaign trail and on Twitter; now's the time to hold true to the principles you espouse and preserve the essence of the voters' initiative. To do otherwise would result in little distinction between you and Hill Republicans. My Ward 6 representative, Mr. Allen: Please, be the champion of self-rule that you have been for the past two years. The rest of the Council: Please, follow the self-rule position Mr. Allen has championed, not just in your words but in your actions. Don't override your constituents' directive. Vote no or find a compromise that preserves the meat of Initiative 77.

Tweets from Members of the Council

Phil Mendelson

@ChmnMendelson

Join me & my @councilofdc colleagues as we stand together with one voice to say #HandsOffDC! Feb13 @5pm-south side of Rayburn House Building



3:14pm · 10 Feb 2017 · Twitter Web Client

Anita Bonds

@AnitaBondsDC

Standing with my colleagues to strongly uphold the will of the District's voters #Initiative71
pic.twitter.com/SJJus13YcO

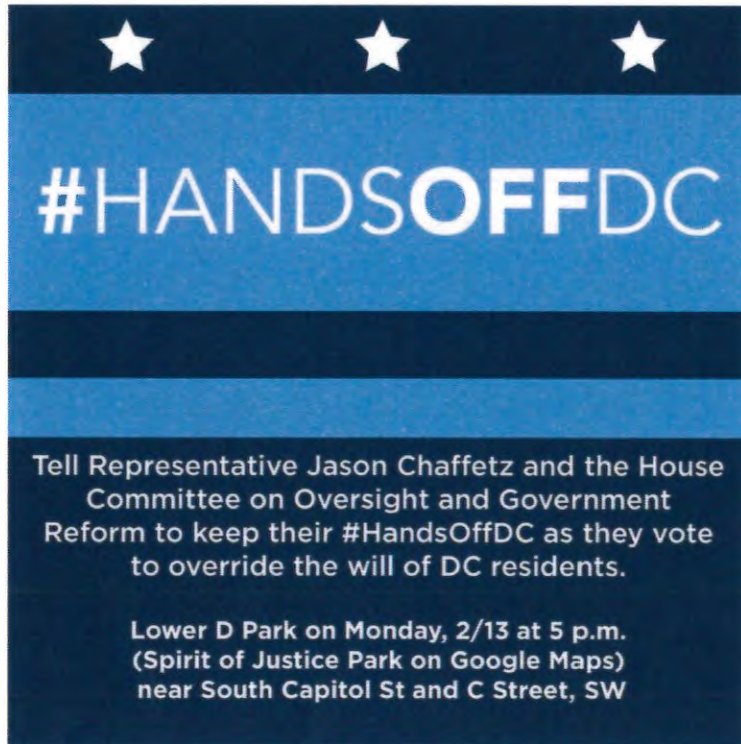


3:01pm · 25 Feb 2015 · Twitter for iPhone

Kenyan McDuffie

@kenyanmcduffie

Stand up & speak out against Congressional meddling in local DC Govt affairs. Rally with us Mon. 2/13, 5pm at S. Cap & C St SW. [#HandsOffDC](#)



1:14pm · 12 Feb 2017 · Twitter for iPhone

Kenyan McDuffie

@kenyanmcduffie

Let's elect our DC AG in 2014, as the majority of voters supported.

11:48am · 1 Oct 2013 · Twitter for iPhone

Vincent C. Gray

@mayorvincegray

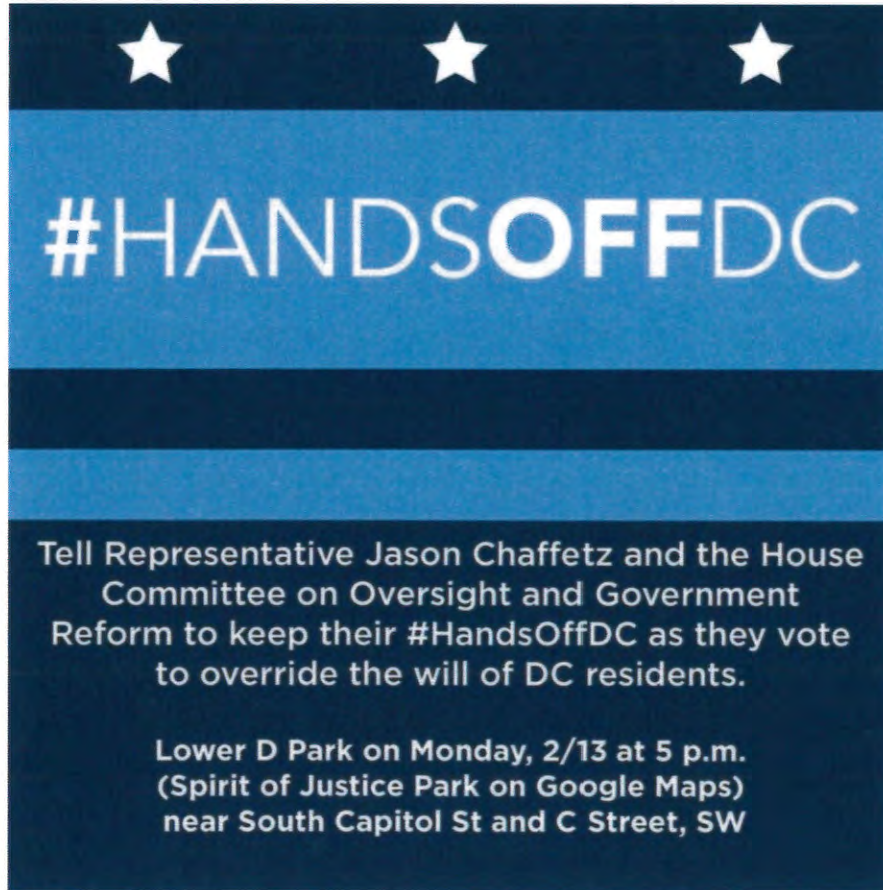
Absurd & hypocritical for self-professed "small government" party to trample on will of District voters. wamu.org/news/14/07/16/...

4:28pm · 16 Jul 2014 · TweetDeck

Jack Evans

@JackEvansWard2

Tell Congress [#HandsOffDC](#) at 5pm at S. Capitol & C Streets SW TODAY!



3:58pm · 13 Feb 2017 · Twitter for iPhone

Charles Allen

@charlesallen

Shameful act of Congress tonight to trample the will of DC voters & that little thing we call democracy. [#LastColony](#) [#StatehoodNow](#)

10:11pm · 9 Dec 2014 · Twitter for iPhone

Charles Allen

@charlesallen

I'm extremely disappointed in today's GAO opinion & you should be too. It undermines the will & intent of DC voters. charlesallenward6.com/dcbudgetautono...

11:00pm · 30 Jan 2014 · Twitter Web Client

Charles Allen

@charlesallen

Council falls one vote shy of supporting the will of DC residents and voters.

11:54am · 1 Oct 2013 · Twitter Web Client

Charles Allen

@charlesallen

Now up for a vote - DC's elected AG bill. Will Council follow the will of voters? Or protect the status quo & overturn what residents wanted

11:25am · 1 Oct 2013 · Twitter Web Client

Charles Allen

@charlesallen

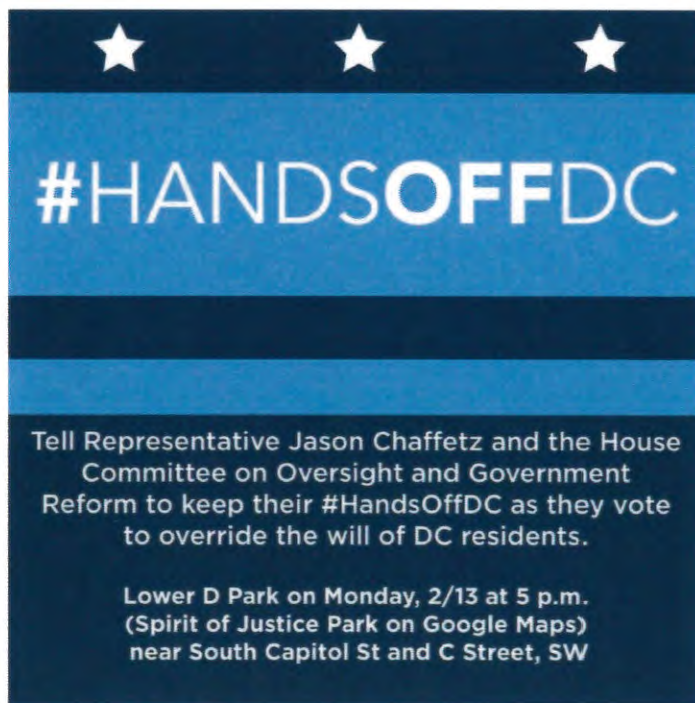
And with that, the Council dismantles an independent, elected Attorney General & overturns the will of the voters.

9:51pm · 10 Jul 2013 · Twitter for iPhone

Charles Allen

@charlesallen

Seems [@jasoninthehouse](#) heard from Utah last night. Can DC do it better? Join me to find out, Monday 5pm: [facebook.com/events/1463018...](https://www.facebook.com/events/1463018...) [#HandsOffDC](#)



5:20pm · 10 Feb 2017 · Twitter for iPhone

My Personal Reasons for Supporting Initiative 77

Many tipped workers have come to today's hearing to say they believe Initiative 77 will reduce their hourly wages. I take their concerns seriously, but, when the Bureau of Labor Statistics says that the average DC waiter/waitress made \$11.86 an hour last May¹, I can only conclude that these witnesses make earnings on the high end for DC tipped workers. I've spoken personally to people who make earnings closer to or below that \$11.86 median, and they emphatically believe that Initiative 77 will raise their wages. Indeed, their position that Initiative 77 will not harm wages is founded in the research, which has shown the following in places that have eliminated the tipped minimum wage: customers still tip²; wages do not decrease³; and there is no significant decrease in jobs⁴. Given what I heard from lower-income tipped workers, what I read from the research, and what I know about the inherent racial iniquities in the tipping system, I, like the majority of DC voters, voted yes on Initiative 77 in June.

Compromise Ideas I would Prefer over Wholesale Repeal

- **Extending the Rollout Time:** Giving establishments a few extra years to gradually comply with the new wage law would allow the Council and the citizens more time to assess whether the fears of Initiative 77 opponents are founded. If we begin to see drastic job losses or wage cuts, the Council can then take action to reverse course, or we the citizens can start another ballot initiative to repeal 77. If we don't see the drastic consequences some have forecasted, we can all be relieved.
- **Splitting the Difference:** Before Initiative 77 passed, the tipped minimum wage was set to grow to just \$5 an hour. A down-the-middle compromise could be raising the tipped minimum wage to \$10 an hour to provide some more predictability in lower wage earners' tips while preserving the tipping system overall.

¹ https://www.bls.gov/oes/current/oes_dc.htm

² <https://www.theatlantic.com/business/archive/2014/03/map-where-americans-are-generous-tippers/284567/>

³ <https://www.census.gov/content/dam/Census/library/working-papers/2016/adrm/carra-wp-2016-03.pdf>

⁴ <https://scholarship.sha.cornell.edu/cgi/viewcontent.cgi?article=1000&context=chrreports>

THE DECLINE OF DEMOCRACY AND INCREASED DIVISIONS IN DC

The District many soon face a crisis of democracy. The majority on the DC Council is poised to ignore the majority of voters who favored Initiative 77, the effort that requires businesses to increase the wages of workers whose salaries depend on tips. Their unjustified proposed action will contribute to the decline of the democratic process. Rescinding the election results will be a brutal assault on the rights of the majority who favored the new wage increase. The Council's possible action is fully inconsistent with "the consent of the govern." Democracy is the prevailing principle of "we the people." Its highest power is vested in the people but reflected by their elected representatives.

The fundamental deficit involved is that many citizens already feel reduced appreciation of the three branches of government including the electoral process which many maintained is significantly dominated by money. The anemic turnout in the June primary further suggest that residents are less involved because they don't trust our leaders or feel out of sync with the direction or results of government. The electoral process became more fragile especially after Florida in 2000. Concern about voting has especially increased among African Americans and Latinos who are the target victims of gerrymandering, the purge of voters, and acts of suppression or face new requirements for identification. The repeal would disenfranchise voters who favored the initiative. It also will nullify the foundational democratic notion of "one person, one vote." This initiative was a means to increase the income of many who work full-time and yet remain poor while income inequality increases for the wealthy in the District.

Voters need to be able to trust our electoral process. Our leaders have offered no cogent or compelling justification to rescind this effort strongly promoted by the moneyed restaurant lobby who argue about increased cost for customers. But many residents dining out or treating clients to lunch or dinner also greatly benefited recently from the Trump trillion dollar tax cut. It appears that the majority on the Council are more focused on protecting people of privilege while ignoring the needs of the poor. The criterion of justice requires wages that ensures a standard of living in keeping with the dignity of the human person.

The disturbing reversal of the voter's preference becomes more problematic and complicated and the results vividly reflect the city's economic divide. The initiative was passed by 56% of voters but only 17% of registered residents voted. The majority of workers in this industry are people of color. Whites predominate managerial and higher paying positions. A comic element is that there are no fancy restaurants east of the river except Denny's while there has been an explosion of new restaurants. Higher income precincts west of Rock Creek Park voted it down while people on the east side voted overwhelmingly in support. The Council should have respected and held as sacred the outcome. It first should have explored alternatives to honor and maintain the foundational principle of a democracy consistent with the will of the people. The Council's majority rushed to disregard the judgment of the majority and offered no viable compromise. Oddly the mayor and the majority on the Council presented no compelling rationale to overturn the initiative except their vanity or personal perspective or doing the bidding of campaign contributors. No opinion was sought from the Attorney General regarding the legality of the intended action to void the outcome. Similar overturning of citizen's initiatives has been enacted four times by the Council since 1980. But this proposed action involves the vote! District leaders always scoffed when Congress threatened to void local legislation. The possible overturning of the election outcome by the Council is the height of hypocrisy.

Alexis de Tocqueville observed ages ago that the success of democracy depends on our ability to effectively engage in “the art of association” essential to self governing people. It is a pax de deux, a chorography involving the people partnered with its leaders. Many in communities of color face new existential fear about their diminishing influence or participation in elections. The fundamental challenge is whether our electoral process can represent and reflect increased solidarity and as a community.

Raymond S. Blanks formerly served as an assistant dean at The Catholic University of America and is now retired.

The discussion in reality

Written testimony submitted to:

The Council of the District of Columbia

1350 E street, NW

Washington, DC

By:

Angelyn Whitehurst

1309 Hamilton Street, NW

Washington DC 20011

In support of ROC

Hearing Number: # B220913

September 17th 2018

I, Angelyn Whitehurst, a resident of the District of Columbia submit the following testimony in support of referendum 77, passed by the people of Washington DC

Are we reliving the past through some unbelievable time warp?

Evidently, so and as evidence, I offer the following quote from "Black, Copper and Bright: the District of Columbia's Black Civil War Regiment" by C.R. Gibbs:

Chapter Two: Turn Back Pharaohs Army:

In 1861:

"The pay difference created great hardships among the soldiers' families making it nearly impossible for them to obtain food, shelter and clothing for their wives and children. The men of the the First USCT watched the debate on fair pay for black troops drag on. Even after equal pay in June 1864, the legal technicality that stood until after the end of the War, who were free on or before April 19, 1861."

Does this sound familiar? We are revisiting oppression of the past.

Mr. Gibbs in his book, further writes about the regiments commander, Colonel John Holman, a white man from Maine, who as an individual, advocated ... to better compensate his men, regardless of race color and creed. He used "ingenuous," attempts at better compensation for his troops.

Something that should not have been an obstacle or human right injustice.

The discussion in reality

More than one hundred and fifty seven years later, we have to advocated against the reversal of a referendum for fair wage equity, voted for legally, by the people of our city!

The people and voters passed a referendum for fair equity pay for wage tip earners in the Washington, the territory of District of Columbia.

Wage tip earners is a code word for black, brown, colored, poor, unskilled, return to society, immigrant, homeless, houseless, disabled physically and or mentally affected, the displaced, the aging in place and the non degreed, non skilled and unskilled. This is systemic discrimination that crosses every race, color creed, gender and other isms; is condemned and abhorrent; and does not abide by philosophy or intent enacted and mandated by our American Constitution.

What is Cheap Labor under heinous, vile terms:

When you maximize your profit by reappropriating and not paying workers what they truly earned and deserve.

Cheap labor: a norm accepted by by civil societies and Nations, like here, in Washington DC. The justification based solely on:

1. Too bad! That is the way it is! Get over it
2. That s business and I'm a businessman
3. I have to pay my bills, I have my family first and I cannot afford it.
4. The laws of is on my side. It caps your salary. I do not have to pay you more even though I know, it is not a livable wage!

Who is Cheap Labor: They are the "designated," by norms,laws and regulations: the Have not.

1. **Human beings, surviving, who accept less than monetarily, because that's all they can get and that is the best of the worse, they can get. Accepted because something is better than nothing: even though after paying round trip bus, metro fare, lunch, rent, utilities, insurance copays and groceries.**

The discussion in reality

2. Workers, who cannot find work in their skill set, those returning to work, the disqualified ex offenders, non degree, certificate, over skilled, under skilled, no skills; in modern employer needs.

This is not who, we are. We, as a city, that is battling against the inequity of not being equally accepted and seated in the Democratic operation of the United States, should not participate or contribute to the Reverse "U Turn", erosion born out of the greed for cheap labor at the cost of high technology Jim Crow for born out of heinous racial slavery. We are past that.

Let us not go back. Respect the referendum as mandated by the home rule of the people and City Washington, DC.

Let us not step back against the inhumanity of this social justice!

Thank you

Angelyn L. Whitehurst

1309 Hamilton Street, NW

Washington, DC 20011

Pay regular wages to everyone to avoid sexual and racial discrimination

Testimony on Bill 22 – 193
by Ulrich Hewer,
5721 Moreland Street, NW
Washington, DC 20015
202 363 7558

1. Not to pay the minimum wage, as is practice for other professions would mean that the woman with a small child who desperately needs the job would be at the mercy of the employer. Who will know whether she actually receives the minimum wage, or will she not dare to speak up when she does not receive the minimum wage, because she might lose her job. In an environment where the press reports about sexual harassment cases every day, we must not underestimate this risk. Since women make up a much higher percentage of the servicing staff, they suffer more than men from this form of discrimination. It should not be allowed to continue.

In Europe where minimum wages are paid, customers still give tips as they see fit – more for great service and less for average or poor service.

2. Tipping is a practice associated with slavery. The city of Washington should honor its civil rights history and be proud to pay full wages to all people of color.
3. The citizens of DC were asked to vote on the initiative and a majority was in favor of paying full wages and abolish the current practice.

To have this vote annulled by the DC Council would be absolutely inconceivable. How do we want to explain to our children that in democracies the majority votes may not carry the day?!!

Testimony of Jagadish Shukla: Initiative 77, Hearing # B22-0913, 9/17/18

I would like to testify in support of initiative 77. I would like to present economic, political, and moral arguments in support of initiative 77.

Economic arguments:

1. Initiative 77 will enhance the quality of livelihood of restaurant workers because they will have a guaranteed income.
2. Contrary to the false claim by the opponents of the Initiative including some council members, if the tipped minimum wage is replaced by One Fair Wage (OFW), it will increase the income of restaurant workers because the restaurant workers will continue to receive tips. The data shows that the tipping has not changed in the states which have One Fair Wage.
3. Restaurant industry falsely claims that the restaurant industry will collapse by eliminating tipped wage. This is a blatantly false claim. It is not supported by any data. Seven states (Alaska, California, Minnesota, Montana, Nevada, Oregon, Washington) do not have tipped wage. The restaurant industry in these states has not collapsed, it is actually thriving.

Political arguments:

1. Restaurant industry has lots of resources to make campaign contributions to members of the congress and DC council members, but the restaurant workers do not have such resources. The US Congress passed a law allowing states to set lower wage for restaurant workers, and made tipped minimum wage to be \$2.13. This was wrong, this was undemocratic, and this was un American. This seriously affects women and people of color. It is time for the DC council to correct this historical error and support One Fair Wage.
2. Let us look at the asymmetry of power, money, and information between the organizations that support and oppose Initiative 77. The organization that supports the Initiative is Restaurant Opportunity Center (ROC) which is a non-profit organization dedicated to help the weak and disadvantaged sections of society. ROC is supported by individuals and foundations who have nothing to gain by supporting the Initiative. I am one of such individuals who support ROC for a simple reason that we believe in a fair and just society. The organization that is opposing the Initiative is a powerful industry with lots of financial resources and therefore political power. Who should we believe? Who is telling the truth? We have to rely on DC council, elected by the people, to help resolve such controversies. Therefore it is so puzzling to read in the Washington Post that some council members actually urged some restaurant workers to make arguments for overturning the measure.

Committee of the Whole Public Hearing
September 17, 2018, 11:00 a.m., Room 500
Testimony of Dan Mauer

Good morning, Chairman Mendelson and members of the Council. My name is Dan Mauer. I am a longtime resident and voter in Ward 1. I am here to testify in strong opposition to Bill 22-913. I would like to make four points as to why the Council should reject this bill and implement Initiative 77.

First, statistics show unambiguously that the majority of tipped workers are doing poorly under the tipped credit system. Data from the Bureau of Labor Statistics show that, in May 2017 (the most recent month for which we have data), the median hourly income for waiters and waitresses was \$11.86. This wage was barely above the minimum wage, yet half of all waiters and waitresses made less than \$11.86. In addition to showing that compensation is poor in the tipped sector, this information provides yet another data point suggesting that wage theft is widespread in tipped jobs, since the band between the then-minimum wage of \$11.50 and the median wage of \$11.86 was so narrow.

I am sure that many of you have observed that few workers doing poorly under the tipped credit system have participated in the public debate on this issue. In addition to intense pressure from their employers (which is exacerbated by our weak and poorly enforced anti-retaliation laws), I note that opponents of One Fair Wage have waged an aggressive public intimidation campaign against supporters. I have attached an appendix of a partial list of statements that I personally saw on social media during the campaign on Initiative 77 as reference to this fact.

Second, I note with interest that many opponents of One Fair Wage have said that they would like to stop wage theft, but they don't think that One Fair Wage is the way to do so. This group includes the Mayor and multiple members of the Council. I am unaware of literally any action taken or even proposed that would mitigate problems with wage theft. Increased funding for the Department of Employment Services? Stronger anti-retaliation laws? More outreach, especially in languages other than English? Additional pro bono legal services for victims of wage theft? I have not seen one proposal, idea, or new penny of funding for any of these types of strategies. In fact the Mayor's own agency Director at the Department of Employment Services testified earlier this year that the agency is prohibited from proactively enforcing our wage and labor laws. (Isn't that a head scratcher?!). Actions speak louder than words. To be frank, adopting 22-913 without advancing an aggressive overhaul of our worker rights enforcement practices is a tacit endorsement of the widespread wage theft that occurs in the pre-One Fair Wage status quo.

Third, I believe that the Restaurant Association doesn't deserve to be rewarded for years of dishonesty about public interest policies. In the past, the Restaurant Association loudly argued that 1) the ban on smoking in bars and restaurants, and 2) the paid sick and safe leave law, would each lead to widespread closures of bars and restaurants. Did either of those things happen? Fool me once, shame on you. Fool me twice, shame on me. It is hard to believe that the Council apparently is willing to be fooled as the Restaurant Association makes this same false argument for a third time.

Fourth, as everyone knows, sovereignty has long been a priority for the Council. It is worth emphasizing just how much damage passage of Bill 22-913 would do to the Council's future efforts on those matters. We have an extremely strong moral case for granting power to D.C. voters. How can DC maintain the moral high ground for advancing statehood and voting rights when our own local Council doesn't listen to or respect the votes of its constituents? This is especially true when one of the current

members of the Council is under investigation for taking large cash bribes, served for years at law firms with extensive business before the Council while on the Council, and has broken D.C. traffic laws so frequently that a website has been set up to document it—and he is one of the leading supporters of 22-913. If we want to maintain moral authority in our effort to secure voting rights for the people of D.C., there is no way to do that other than respecting the will of the people of D.C.

For all of these reasons, I strongly urge you to oppose Bill 22-913. Thank you.

APPENDIX: Social Media Statements from Opponents of One Fair Wage

“Motherfucker actually wants to get poisoned in D.C.” re: a supporter of Initiative 77

“Sexual harassers don't give a shit about tipping. And they aren't going to stop because the hot waitress is making \$15 an hour.”--D.C. Reynolds's official Twitter account

“Get the fuck out of DC and stop fucking with my money” to a supporter of Initiative 77

“If I find out you voted Yes on #Prop77 you will need more than 15 an hour to pay medical bills”-- public statement

“Dumb cunt I hope you loose [sic] your job. You should be learning drinks and maybe your tips wouldn't be so bad. Stupid fucking bitch” to a supporter of Initiative 77

“You are a bunch of socialist cunts” to a supporter of Initiative 77

“Bum rush the brunch, make them lose money on the buffet” re: an event at a restaurant supporting Initiative 77