

## LAWCHA Watch: Recap of the 2013 National Conference

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How have working people developed solidarity and power to confront employers and the state, to struggle with each other and within their communities, to enhance rights and extend the arc of justice? How do we as scholars, educators, and labor activists assess strategies deployed in the past and the present? How do workers themselves measure the success of our social movements? Over 500 people came together in New York City to wrestle with such questions. We explored the efficacy of past organizations, including unions, cooperatives, and mutual aid societies, and the promise of new structures being built by people of color, women, immigrants, and workers historically excluded from labor law and collective bargaining. Indeed, the presence of domestic workers, worker center organizers, occupiers and others outside of or loosely related to traditional trade unions marked an expanded house of labor as surely as did discussions of prison, home care, student, and creative workers widen the subject of labor history and labor organizing.

This conference report presents only a taste of the rich offerings served in the environs of the Brooklyn College Graduate Center for Worker Education, located just blocks away from the New York Stock Exchange in an urban landscape expressive of the contradictions of global capitalism. Displayed in the conference hallways were “Sandy Stories,” photographs taken by first responders and others who cleaned up New York in the wake of Hurricane Sandy, a reminder that the seeds of a new world sprout from the ruins of the present. Kudos go to the program committee led by Kim Phillips and Immanuel Ness of Brooklyn College and thanks to the many co-sponsors listed in the [program, available on-line](#).

In unprecedented numbers, the conference brought together scholars of labor, trade union and community activists, and many participants who can claim all of these identities. Present were more than forty international scholars and activists from 17 countries, including leaders of domestic workers’ organizing campaigns in Mexico and Central America. Activist scholars opened the conference with a plenary on “The Assault on Labor and the Public Sector: Strategies for Resistance in the Post-Election Environment,” chaired by Alice Kessler-Harris (Columbia University). Frances Fox Piven (CUNY Graduate Center)

argued that the crises that have undermined organized labor in the United States have not rendered workers powerless and that the most promising strategies for exercising power are emerging on the labor movement's periphery—in fast food, the retail sector, the Occupy movement, workers' centers, and so on. Richard Wolff (University of Massachusetts) proposed that the labor movement devote itself not only to collective bargaining but also to the establishment of enterprises owned and managed by the workers who make them run. Bill Fletcher, Jr. (Institute for Policy Studies) called for a reinvigorated political agenda, including labor initiatives with regard to tax structure, U.S. foreign policy, and the rights of the unemployed. Saket Soni (National Guestworker Alliance and New Orleans Workers' Center for Racial Justice) observed that new forms of corporate power call for new forms of organizing and offered examples of collective resistance among guest workers and other contingent employees. During the Q and A, the speakers stressed the labor movement's need for scholars who can contribute to worker education, to public discourse on labor issues, and to movement brainstorming with regard to strategy.

In other ways, the conference invited labor scholars and labor activists to make common cause. Quite a few panels—on labor education, on contingent academic labor, on scholars' support for union organizing within and beyond the academy, on “engaged scholarship,” and on related issues—explored examples of cooperation. Nowhere were the local rewards of joint action more visible than in a panel on recent developments in New Haven, CT, whose board of alderman now has a pro-labor majority thanks to a massive political campaign spearheaded by sister unions of clerical and technical workers, service and maintenance workers, and graduate employees at Yale. One notable roundtable on progressive intellectuals and labor's internal controversies highlighted potential pitfalls. On the whole, however, the mood was upbeat. Dan Katz from the National Labor College held an ad hoc meeting for scholars ready to help the AFL-CIO devise new methods of organizing or revive those that have been forgotten. (For details, see the page for the [AFL-CIO contributions on the LAWCHA website.](#))

A number of panels highlighted contingent and precarious work. A roundtable on “Organizing Contingent Labor” historicized the presence of workers without steady employment and linked past struggles to present organizing. Ileen DeVault drew lessons from seasonal male workers in the logging industry, who under the IWW in 1917 walked out for improved living conditions. Dorothy Sue Cobble highlighted occupational unionism as a model for organizing those not tied to an employer or worksite that stresses worker run hiring halls, portable benefits, and skill training to enhance employability. Using the example of the construction industry, Jeff Grabelsky suggested that we reconsider craft unionism and its organization of the market. Saket Soni offered lessons from the aftermath

of Katrina and the power that worker center organizing promises. A very lively discussion debated the range and limits of worker centers, their relation to trade unions, the necessity of socialized wages, the problem of the capitalist state, and the scale necessary to win. An important session on contemporary warehouse organizing featured Marien Casillas-Pabellon, director of a labor center in Northern New Jersey and Louis Guida of Warehouse Workers United. Both emphasized the highly contingent nature of work in the giant warehouse and distribution centers now sited on the peripheries of virtually every major metropolitan region in North America. Layers of subcontractors, a return of the old patron system, and a virtual absence of an enforceable labor law make for a difficult, but not impossible, organizing climate.

Scholars focusing on those often left out of labor law spoke in “Excluded Workers: Fighting Precarity.” Eileen Boris highlighted the forms of racialized and gendered work that have historically been characterized by precarity, underscoring “the global kitchen.” Jennifer Klein pinpointed the state constructed precarity through the example of home care work. Harmony Goldberg told the story of the Excluded Workers’ Congress, how their renaming as the United Worker Congress shifts the framework away from lack toward empowerment and explored what the tactics they deploy can tell us about precarious work more broadly. Cindy Hahamovitch highlighted the ways in which state policy has explicitly sought to maximize the vulnerability of migrant farm workers to labor exploitation, as when immigration authorities waiting until after the harvest on payday to raid work sites. Gretchen Purser illuminated the creative ways in which day workers resist exploitation. The panel suggested that those workers facing the most precarious conditions develop creative means of resistance, and that labor organizers and scholars can learn from their struggles.

A number of other panels addressed the situation of excluded and precarious workers, centering on private household workers and their fight for worker control in New York City, through the National Domestic Worker Alliance, and by way of the passage of a bill of rights and ratification of the ILO convention, “Decent Work for Domestic Workers.” One panel highlighted regional organizing in Latin America, featuring academic activists Mary Goldsmith and Kathleen Coll and organizers Maria del Carmen Cruz Martinez from the Latin American and Caribbean Confederation of Household Workers and Marcelina Bautista from El Centro de Apoyo y Capacitación para Empeadas del Hogar. Another one, organized by Peter Rachleff, featured Mark Nowak, Premilla Nadasen, and Susanna Rosenbaum on organizing strategies in New York, London, and Los Angeles among domestic workers. Nowak shared poetry dialogues that came out of workshops he conducted with Domestic Worker United and other worker organizations that underscored the power of spoken word and collective expression for worker resistance and community making. As Linda Burnham

stressed again and again during the conference, telling their own stories and building that capacity is essential to making a road for others to walk upon. Other sessions considered women workers in sex-segregated workplaces subject to sexual harassment, organizing day care, and fighting for respect as well as raises; evaluated the Equal Pay Act on its 50th anniversary; and explored writing biography of working-class women.

“Sex Work and the State” pushed for treating sex workers as workers rather than criminals or victims. Calling for an un-exceptionalized approach to sex work that situates it as labor, Heather Berg spoke about workers’ health in the adult film industry and the racialized and gendered discourses of risk attached to discussions of sexually transmitted disease. Kate D’Adamo called for an understanding of sex trafficking as a labor issue, and problematized legal frameworks that make workers more vulnerable in the name of ‘protecting’ them. Melissa Gira Grant explored the history of third party criminalization in prostitution and highlighted the ways in which the state and state agents (such as police officers) often emerge as the primary perpetrators of violence against sex workers. Samanta Majic looked at the institutional history of sex worker operated St. James Infirmary, a clinic that provides healthcare and community-building to workers often denied access to vital services. Gregor Gall closed the panel with a broad overview of sex worker organizing globally, discussing various drives to unionize as well as the features of sex work that make organizing a challenge.

Creative workers represent another area of contingent labor. “Precarious Workers in the Arts and Entertainment Industry” considered not only the nature of such industries but how workers were organizing within them. Maria Figueroa and Lois Gray highlighted how entertainment workers are more likely than those in other sectors to be employed only for only part of the year for low pay (one out of three entertainment workers makes less than 20K annually). John Amman of the International Cinematographers Guild made the important point that the nature of the work can enhance the ability of even vulnerable “below the line” workers to fight back—a camera operators’ strike on the day of a shoot can cost employers millions. Phillip Denniston of SAG/AFTRA focused on how performers’ unions can help workers navigate rapid technological change and the constant restructuring of their industries as seen in the advent of reality television. The Q&A brought discussion of the organizing possibilities among pro-wrestlers, street musicians, and sex workers.

“Working-Class Resistance to the Carceral State” utilized a range of sources to analyze the different spaces and scales at which working-class people are targeted for policing and imprisonment, and their efforts to resist such actions, revealing the diversity of research links between carceral studies and working-class history. Sarah Haley addressed imprisoned Black women in early 20th Century Georgia who resisted their exploitation in myriad ways

including by burning down their prison camp; Amanda Hughett presented the relationship between imprisoned women and lesbian feminist activist allies on the outside to oppose unjust treatment in North Carolina prisons in the 1970s; and David Stein uncovered the forces influencing choices to invest federal governmental capacity in policing and imprisonment of street crime instead of funding for full employment and guaranteed income in the 1970s. The papers also made a broader argument about the necessity of studying the roles of imprisoned people in working-class history and 20th century political economy.

Panels on politics and ideas also generated lively sessions. New approaches to the “Unmaking of the New Deal,” chaired by Steve Fraser, attracted a packed audience. Kit Smemo explored the extent to which liberal Republicanism of the Earl Warren/Dwight Eisenhower variety could only thrive in the presence of a vigorous labor movement; Kurt Newman explained that the rise of a journalistic discourse criticizing labor union “featherbedding” proved central to the cultural marginality of a laborite worldview that had always privileged a producerist ethos, while Richard Anderson pointed to the urban racial and class conflicts generated by creation of a new University of Illinois campus in Chicago as indicative of the strains that divided Democratic Party urban machines from the African-American community. Spanning the late nineteenth to the late twentieth centuries, a provocative panel explored the relationships between “Liberal Reformism and Labor Repression across the Urban North” of the US. Examining Progressive Era Cleveland, Chad Pearson examined how liberal reformers and the city’s powerful business community forged alliances predicated on crushing organized labor, in the process pioneering “right to work” discourses. Sam Mitrani described the development of a professionalized police department as a reaction to increasing labor militancy in 1880s Chicago. Toussaint Losier highlighted how, a century later, the progressive city government of Chicago’s first black mayor became complicit with mass incarceration and failed to reform a police department infamous for torturing and terrorizing the city’s nonwhite population.

“Race, Class, and Rights: Worker Education Programs, 1918-1945” illuminated the impact of war production on the intersections between race, class, and rights in the mid-twentieth century US South. Looking at one North Carolina textile mill during the decade after the First World War, Kathryn M. Silva uncovered how employers adopted the language of “industrial democracy” in attempt to stifle labor organizing among a segregated workforce, which included black women educated at historically black colleges. Focusing on the wartime work of labor and civil rights activist Stetson Kennedy, Diana Eidson made the case for the radical potential of the CIO-PAC to challenge Jim Crow during the 1944 elections. During the same period of time, Bryant Etheridge argued that the federal government’s efforts to train war workers in Houston failed to overcome deeply entrenched segregation,

but nonetheless laid the basis for American capitalism's turn to cultivating "human capital" in the postwar years. Other panels addressed the current state of labor education and the university as a workplace.

"Rights and Opportunities: Workers, Employers, and the Politics of Ideas" included Claire Goldstene on "Equal Opportunity Reconstituted: Samuel Gompers, the AFL, and the Corporate Economy," and Amy Wallhermfecht speaking on "The Constitutional Bases for Legal Challenges to Union Political Assessments." Goldstene described the reaction of AFL President Samuel Gompers to tensions stemming from the late 19th century rise of the corporate economy. She noted how the union leader adjusted his ideals on rights through acceptance of a capitalist system rewarding merit with the embrace of the rhetoric of "equal opportunity." This was part of the transition, Goldstene argued, from Gompers' "producerist" to "consumerist" mindset. Wallhermfecht portrayed another union-related transition in rights occurring in the second half of the 20th century, this time expressed through US Supreme Court cases relating to the right to political speech. She described how the Court changed its approach, from defending group rights of unions to more exclusive dependence on First Amendment rights to free speech from the 1960s through 2012.

"Comparative Labor History in the 20th Century: States, Unions, Struggles" offered an international panorama of class struggle and labor organizing. Godfrey Vincent outlined the history of worker organization and labor union activism in Trinidad and Tobago since the 1930s, describing the tension between revolutionary struggle and the realization of union political power. Continuing with the idea of unions and their political power, Michael Snodgrass spoke of the "the Golden Age of Charrismo," as a union comparison to what has been called golden age in Mexico. From the 1940s through the 1980s the country experienced significant economic progress under relative political stability, although in the form of "Dictablanda," or soft authoritarian rule of the Institutional Revolutionary Party (PRI). Union leaders practicing "charrismo sindical" served as strong political actors in their own right. Crossing the Atlantic, Tara Martin in "Worker Resistance in Times of Austerity—British Public Sector Workers in 1979 and Today," compared current union reaction to austerity to the so-called "Winter of Discontent" of 1978-79, which produced widespread strikes by public sector unionist against Labor Party anti-inflationary pay policies. The conservative media reacted by spinning the activism as "crisis," leading eventually toward the victory of Margaret Thatcher in fall national elections. Finally, Aviva Chomsky analyzed community and work where coal is produced, comparing land, coal and identity in the Appalachian region of the United States and the Colombian Andean coal mining area.



The panel initially listed as “Mobilizing Transnational Solidarity,” was renamed “Labor Diplomacy.” Michael J. Murphy described AFL-CIO “development diplomacy” in 1960s Latin America as unionists established a close working relationship with the US Department of Labor in the name of economic growth in the region. He pointed to the AFL-CIO’s American Institute for Free Labor Development (AIFLD), created in 1962 to provide technical assistance throughout the Western Hemisphere. Recounting a more current example, sociologist Carsten Strøby Jensen offered analysis of Danish trade union participation in international diplomacy surrounding “just transformation,” a term which applies to union cooperation in the transfer of jobs to green technology. Jensen also outlined union activism in promoting the Danish model of “flexicurity” beyond the confines of the nation-state. Flexicurity, as the name suggests, combines flexible labor market characteristics with the maintenance of extensive social security policies.

The closing plenary, “Looking Forward: New Directions and Strategies for Labor,” held at the historic Cooper Union Great Hall, gave voice to new organizing possibilities facing working people. John Wilhelm, past president of UNITE-HERE, a union reinvigorated by the grassroots organizing of immigrant workers, expressed optimism that workers were figuring out new ways to organize themselves and in the process “inventing new structures of power.” A panel of labor and community activists, chaired by Ruth Milkman, professor of sociology at CCNY Graduate Center, examined what she described as new varieties of working class initiative. Ed Ott, past president of the New York Central Labor Council, argued that “no size fits all” when it comes to organizing models. “If you have the workers, everybody will deal with you.” Jaribu Hill, executive director of the Mississippi Workers Center for Human Rights, described struggles in Mississippi and across the South, which called into existence workers’ centers that could address the “whole life of the worker” and provide a space where new organizing could happen. Erik Foreman, from the Jimmy John’s Workers’ Union (IWW) offered a graphic first-hand account of the conditions workers at Starbucks and Jimmy John’s faced that led them to a different “organizing script” relying on collective action rather than a bankrupt NLRB organizing process. Linda Burnham, research director for the National Domestic Workers’ Alliance, used the example of the campaign for a Domestic Workers Bill of Rights to illustrate how workers’ confidence that they can organize themselves and their willingness to build networks of community support outside a narrow collective bargaining framework could produce success. Finally, Elaine Bernard, executive director of the Labor and Worklife Program at Harvard Law School, ended with a call to look forward, take risks, and remember that new circumstances will bring about new forms of organizing.

In his President’s report to the LAWCHA board and membership, Shel Stromquist, noted

that the New York conference had elevated the organization to a new threshold with exciting possibilities for the future. With more than two hundred new members, LAWCHA faces new opportunities and challenges. With an expanded membership, we must answer the question: how do we retain and build a larger, more stable, permanent base of members, and how do we enlist them more actively in our work? LAWCHA has deliberately positioned itself as a national organization to embrace a labor history that is relevant to new organizing and new directions in the labor movement locally, nationally and transnationally. How do we translate that into new, relevant programming? The LAWCHA board committed itself to strengthening local and state networks of members and their local programmatic initiatives. In particular, the board stressed the need to build support for teachers' unions and other public sector workers who are under attack and muster the resources LAWCHA members can provide that will aid their struggles.

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*The deadline for this report followed immediately after the conference and so I thank those who were able to contribute on such short notice. I have added to and edited reports offered by Heather Berg (UCSB), Jill Jensen (Penn State University), Nelson Lichtenstein (UCSB), Priscilla Murolo (Sarah Lawrence), Kit Smemo (UCSB), David Stein (USC), and Shel Stromquist (University of Iowa).*

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