

Labor and the Integration of Immigrant Workers: Germany, France, the United States and United Kingdom in Comparative Perspective

Laborers International Union of North America Case Study

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Introduction

This case study explores the public policy and worker organizing aspects of the Laborers International Union of North America's (LIUNA) migration-related work up to 2011. Specifically, the paper looks at the shift over time in the organization's position on federal immigration policy regarding employer sanctions and legalization and the role LIUNA has played over the past few years in advocating for an amnesty for undocumented workers and opposing restrictionist policies at the state and local levels. It also examines LIUNA's efforts since the mid 1990's to organize immigrant workers including the asbestos workers campaign it mounted in 1996 and the more recent partnership it has formed at the national and regional levels with the National Day Laborers Organizing Network (NDLON) and local worker centers to organize residential construction workers.

Few issues are more vexing for organized labor than international migration. Immigration presents difficult choices for national unions, whose mission is to defend the rights and improve the economic lot of workers, who despite globalization, still live and work in individual nation-states. Their dilemma is whether to advocate for restrictive policies to close labor markets and preserve labor standards for the existing native and naturalized workforce, or to champion more open or solidaristic policies in order to organize immigrant workers and preserve labor standards for all. In previous work on American labor's response to immigration over time, Fine and Tichenor found "a movement wrestling" between restrictionist and solidaristic positions.¹ They identified historical moments when the national federations followed a strategy of sweeping restrictions, times when it expressed solidarity² with new immigrants, and still other periods when it combined restrictive and expansive stances toward newcomers. This has also been the case inside national unions and is helpful in understanding the dynamics inside LIUNA.

Construction was once one of the most densely unionized sectors of the U.S. economy and the building trades were perhaps the most stable and secure sector of the American labor movement. American construction unions are the oldest surviving members of the modern-day labor movement. Coming of age decades before the Wagner Act of 1935 institutionalized the industrial union framework for organizing and collective bargaining, construction unions exemplify the craft union model which is premised on training and controlling the supply of skilled workers employed in a labor market and leveraging that power to achieve exclusive agreements with contractors.

Although still subject to the extreme boom and bust employment cycles endemic to the construction industry (Mullins 2006), this model made it possible for unions to establish a

modicum of stability for their members. They were labor market intermediaries (LMI's)³ that played a critical and stabilizing role in a brutally competitive and chaotic industry. Mapped to local construction labor and product markets as well as local and state government and politics in stable and predictable ways, building trades unions evolved into complex organizations with regularized methods of operation and established internal structures. The institutional paradigm of the building trades includes: recruitment and training through union-based apprenticeship programs, union administration of a referral system through hiring halls, wages established through master agreements with contractors' associations and provision of health insurance and retirement benefits through jointly-administered Taft-Hartley health and welfare plans that are fully portable as union members move between employers. That institutional framework endures to the present day.

Since the nature of construction is that workers move from employer to employer, members have always maintained their most consistent connection to their union, which represents them as they move from job to job and whether or not they are employed. Construction unions always went far beyond functioning as LMI's: they were brotherhoods of craft workers who took fierce pride in their work. It was this self-generated dignity and respect that sustained them through "...a life filled with constant layoffs, injuries, insensitive employers and chronic economic insecurity" (Erllich, 1986: 18) and formed the core of the collective identity of their organizations. Their union halls were social clubs and mutual aid societies which first generation immigrant workers established and generations of union members relied upon.

In a single generation, density in the construction industry fell from over 80% to under 20% (Leo Troy and Neil Sheflin, 1985). From 1973 to 2006, union membership declined from 1.6 to 1 million, while construction employment increased from 4.1 to 8.4 million. During that same period of time, construction union density declined from 39.5% to 17.4% and has continued to fall. It is now below 14% (Hirsch and Macpherson, 2006).

Three factors contributed to the decline of the unionized construction industry: a strong and sustained challenge from the non-union sector that succeeded in helping to establish large open shop contractors, significant technological change that led to partial deskilling, corporate consolidation in which what was once a localized industry became an increasingly regional and national one (Grabelsky, 2007).

Beginning in the 1960's, a set of corporate construction users came together with the goal of weakening the building trades unions. Eventually constituted as the Business Roundtable, working together these corporations helped nurture and promote nonunion builders who over time built the capacity to carry out large-scale commercial and industrial work. Technological changes also had a dramatic impact on the construction trades: jobs that once required high levels of skill can now be carried out by less skilled workers in a fraction of the time they once took, and have also led to a fracturing of traditional jurisdictional lines within the trades. During the 1980's and 90's, local contractors were increasingly bought up by national companies and this consolidation transformed the industry and left unions, who had always been structured to function around local labor markets struggling to adjust. "Local contractors became regional contractors and regional contractors became national contractors and national contractors became international global contractors," said Terry O'Sullivan (as quoted in Grabelsky 2007), LIUNA President, "but we still have a local collective bargaining mentality." This mismatch between the local union structures that have always been the foundation of the unionized construction sector

and national contractors who increasingly have come to dominate the industry, and the construction unions' resistance to launching regional and national strategies "supported by new union structures less deferential to local unions" (Grabelsky 2007) contributed to labor falling behind. On the other hand, smaller, more locally-rooted residential construction contractors were overwhelmingly non-union and had been so for a very long time.

As construction unions have been marginalized in some regions, industry standards have eroded. Average construction wages have dropped by about 25% over the past 30 years (BCTD, AFL-CIO). As a result, it has been more difficult to attract new entrants into those increasingly de-unionized labor markets. Skilled labor shortages are increasingly common and tend to be more severe in less densely unionized areas. In many of those open shop markets, immigrants have migrated to take jobs that once paid decent wages and were commonly performed by native workers.

Today, foreign-born Latinos comprise a majority of the construction labor force in the South and Southwest and represent a growing portion in other regions as well. In 2006, Latino workers, most of whom were newly arrived and foreign-born, were hired for two out of three of the 559,000 new construction jobs in the United States (Pew Hispanic Center, March 2007). A significant portion of those immigrant workers are undocumented. It is estimated that 12% of the construction workforce is undocumented, the largest share of undocumented workers in any major industry category (Pew Hispanic Center, April 2006). While the construction labor market increasingly reflects the growth of this immigrant workforce, the membership of the building trades unions does not. This is unlikely to change until more unions embrace immigrant organizing with greater enthusiasm.

Many local union officials have not made immigrant members feel welcome and provided them with effective representation and support. Until recently, most unions did not translate contracts into other languages, have staff and stewards who spoke Spanish, knew immigration law, or included immigrant-specific work issues in the contract. Historically, many building trades unions have excluded people of color; the vestiges of that exclusion continue to make some local unions unwelcoming to immigrants. This animosity and exclusion of immigrants was not always the case. The United Brotherhood of Carpenters (UBC) created a large number of foreign-language local unions to organize immigrant carpenters. In 1894, just thirteen years after its founding, 70 out of 597 locals were ethnic specific unions, predominantly German, but French, Bohemian, Scandinavian, Jewish, Dutch and Polish as well (Erlich, 1988: 70-71). The difference between these earlier historical examples and contemporary times is that the vast majority of immigrants in construction today are people of color, many of whom have crossed borders illegally in search of work. While earlier immigrant groups were sometimes subject to discrimination and exclusion inside unions, they did not have the added burden of illegality because US immigration policies were markedly different.

Given that construction unions have been in decline since the 1970's (well before the great influx of immigrants during the 1990's), there is little evidence suggesting that immigration caused the crisis confronting the building trades today. Nevertheless, an unending flow of low wage immigrants whose undocumented status makes them particularly vulnerable to exploitation poses a real challenge for organizing the construction industry, especially the residential sector, where most immigrant workers are employed and where the building trades have not enjoyed a substantial presence for many decades.

The continuing infusion of large numbers of immigrants provides nonunion contractors with a ready supply of workers who are subjected to unlawful and unethical employment practices that further complicate the challenge of protecting and preserving industry standards that took years to establish. There is no conceivable way to reverse declining density in the construction industry without organizing immigrant workers. Since the mid-nineties, LIUNA, more than any other American union in the construction sector, has recognized this reality, launching efforts to organize immigrant workers and advocating for reform of the nation's immigration laws. "Today," according to the union "one-third of all laborers are Latinos are immigrants from other countries..."⁴

Part II. LIUNA History

The International Hod Carriers and Building Laborers' Union of North America (IHCBLUA) was founded in 1903 by twenty-five delegates representing 8,000 workers in 17 cities with the goal of establishing a national union of building laborers. The union's membership has always been comprised of the least skilled sector of the construction workforce and inclusion of people of color and immigrants is a legacy the national union embraces. In the one hundredth anniversary edition of the Laborer magazine, "inclusiveness from Day One" is one of the subheads and the authors write:

"At Ellis Island in New York Harbor, thousands of European immigrants were arriving in the land of freedom only to find prejudice and discrimination. These workers were ethnically divided and quickly exploited, whether in crowded city tenements or isolated mining camps. Many of these people—members of minority groups and recent immigrants—were only able to find the lowest paying jobs, which on construction sites in the late 19th and early 20th century belonged to the Laborers."⁵

New immigrants took laborers jobs because they were often denied membership in the craft unions. Many locals were organized along ethnic lines: "often, individual Locals were all-Italian, all-German, or all-African American..."⁶ and their official journal was published in English, German and Italian. In Texas, the union affiliated a Latino-led union of laborers as early as 1899. However, the laborers take pride in the fact that the national union resisted segregation. For example, the Laborers internal history recounts that: "While the early Laborers Union would allow some cities to have multiple locals based on national origin—for example in Rochester N.Y. Local Union 15 was German, Local union 16 was Polish, Local Union 65 was Italian and Local Union 84 was English—it drew the line at racial segregation..."⁷ In 1921, when white workers in Cleveland and Kansas City petitioned the union for separate charters from African-American workers, the national "would only permit one integrated local in each community."⁸

The labor historian Philip Foner recounts that in 1904, after their own affiliate in Newark turned down Italian workers seeking membership, the IHCBLUA agreed to charter a separate Italian workers local but, according to H.A. Stembrugh, general secretary-treasurer "...The refusal of the charter was brought about...by the Board of Business Agents and the Building Trades Council of Newark, N.J. They simply refused to recognize that the Italians of Newark had a place in the organized labor movement." The IHCBLUA went to Newark to petition the building trades council on the Italian workers' behalf but were told by the other crafts that they would not recognize a local comprised of Italians. The IHCBLUA petitioned the AFL to order the Newark crafts to do it, but the Federation refused, saying it did not have the power to tell local unions

who should or should not be admitted as members and that since the craft unions in Newark had jurisdictional control they could not be forced to charter a separate union (Foner).⁹ In its first few years the union expanded its jurisdiction to include “common laborers” outside of the construction area and changed its name several times to reflect the expanding scope. Beating out two independent unions seeking to organize in the same trade jurisdiction, by 1913 the union reached 25,000 members and nearly 100,000 by 1920. It continued to grow through mergers with smaller national unions, like the Compressed Air and Foundation Workers’ International Union and the Tunnel and Subway Constructors’ International Union during the 1920s.

The union suffered tremendous losses as a result of the Great Depression but rebounded during the New Deal and national economic recovery reaching more than 430,000 members by 1942, despite strong challenges from other national unions, including the Carpenters, Electrical Workers, Boilermakers, Mine Workers and even the State, County and Municipal Employees to its jurisdiction. In the early 1940s the union came out strongly in favor of full civil rights for African-Americans.¹⁰ Membership reached half a million during the 1950s as the union negotiated agreements with several national employers and employers’ associations (Fink). In 1964, LIUNA was a strong supporter of the War on Poverty and the Civil Rights Act. Ultimately, LIUNA’s major jurisdiction covered four general areas: Building Construction, Heavy (tunnels, bridges and dams) and Highway construction, the Hazardous Waste industry and Demolition. By 2000, the union had reached 818,412 members but by 2009, despite some intensive organizing efforts in some regions, membership had declined to 632,605 (US DOL LM-2’s accessed 6/29/2010). A parallel decline is seen in the organization’s total receipts: in 2000 they were \$150,064,659 and in 2009 they were \$87,869,929. By comparison, during this same period, the Carpenters membership went from 534,023 in 2000 to 473,777 in 2009 and receipts declined from \$346,106,007 in 2000 to \$91,097,135 in 2009 and the Electrical Workers (IBEW) membership went from 727,836 in 2000 to 704,324 in 2009 and receipts declined much less from \$388,649,070 to \$377,106,918.

During the 1960s through the 1990s, large portions of the union became heavily infiltrated by organized crime. In 1995, LIUNA was placed under trusteeship by the U.S. District Court in Manhattan and entered into an oversight agreement with the Justice Department, which worked with the union to implement a set of what the Justice Department termed “anti-corruption, pro-democracy” reforms. The Justice Department supervised the union’s first secret ballot direct election in 1996 of the international president and secretary-treasurer. In 1999, Terry O’Sullivan (whose father had been secretary-treasurer of the union) was appointed president by the union executive board when Arthur A. Coia resigned from the position. O’Sullivan was subsequently elected to a full-term in 2001 (Daily Labor Report, 180 DLR A-7) and re-elected in 2006. Government oversight did not completely end until 2006.

The next two sections will explore the immigrant organizing and public policy advocacy undertaken by LIUNA since the mid-1990s.

III. Organizing Immigrant Workers

During the 1960s, the Laborers launched an effort to organize Latino workers in Texas and California, and an extremely strong local was established in Los Angeles, which according to the national union “became a powerhouse for that city’s Mexican-American and Latin American immigrants bringing diverse trade workers into the Laborers.”¹¹ When the AFL-CIO formed the

Labor Council for Latin American Advancement (LCLAA), a member of the laborers served as its first president.¹² Also during the 1960s LIUNA strongly supported the United Farm Workers. From the 1990s to the present, the national union has launched three major organizing drives targeting immigrant workers, many of whom are Latino. These are recounted below.

Asbestos

As important as it is to have pro-immigration leadership at the top of a national union, for most American craft unions, including LIUNA, the action in terms of organizing really goes on at the local and regional levels. Four years before O'Sullivan assumed leadership, a campaign unfolded in New York and New Jersey that heralded the union's new focus on strategic organizing and targeting immigrant workers (Kieffer and Ness).

Long the redoubt of organized crime and sweetheart deals between unions and corrupt construction companies, asbestos removal, a fairly new industry essentially created through 1980's state regulations passed first in New Jersey and later in New York requiring abatement and removal, was being carried out by non-union contractors utilizing a low-wage, undocumented workforce. In the early years, northern New Jersey contractors recruited in various neighborhoods in Queens through immigrant networks: they would hire supervisors and pay them an hourly premium to recruit work-teams of family, friends and neighbors from their countries of origin—Ecuador and Colombia and later on, from Poland. When New York enacted similar legislation, many of the workers initially recruited to work in New Jersey were hired to do the same work. Although some of the work in the City was union--controlled by the Mason Tenders District Council, few native-born and naturalized members wanted to do the work. The immigrant workers carrying out the work were included in the union membership but rarely invited to come to union meetings or social events or mobilized to prevent non-union contractors from violating prevailing wage rates. Also, although provided the same wages, health insurance and pension benefits that other members received, a promised multilingual union-administered asbestos removal training program never materialized. In a dangerous industry with high rates of illness, workers knew training was key to minimizing their exposure. Within a few years, the Mason Tenders lost control of the industry and it became largely non-union with wages declining from 30 dollars an hour to as low as 10 by 1991, which is the condition the laborers found it in when they began their whole market organizing effort in 1995.

LIUNA organizers honed a strategy based on an in-depth understanding of the local industry and labor market actors--especially the role of labor brokers who were acting as asbestos removal subcontractors--but believed they could not win unless they drew non-union immigrant workers into active participation in the campaign and worked with union members to overcome their biases against immigrants. The union scanned its membership for any bilingual members (who spoke Spanish or Polish) who could work as organizers, hired leaders who emerged among the non-union workers and then moved the organizing through one-on-one recruitment, tapping into existing immigrant workers' social networks and contacts, holding spirited mass meetings simultaneously translated into Spanish and Polish and direct action on the job. In this way, LIUNA established a network of activists for the union who were embedded within the industry at important contractors. The earliest job action was undertaken by Peruvian workers from Jackson Heights who one year earlier on a job in Boston had conducted a sit-in strike inside a Boston high-rise. Polish workers, who were the most recent entrants into the industry at a time when wages hit rock bottom, overwhelmingly supported the union as well.

Within six months, LIUNA had successfully organized 2,500 semi-skilled, low wage immigrant workers in the entirely non-union NYC asbestos industry and won employer recognition and collective bargaining agreements with many of the major contractors. The lessons of this campaign regarding immigrant workers' interest in unionization, willingness to take action and the solidity of their social networks for organizing reverberated throughout the union.

Poultry

During the same period as the asbestos campaign, LIUNA also became involved with poultry workers in Morganton, North Carolina, albeit with a less victorious ending. Beginning in 1995, LIUNA worked with a powerful leadership of Guatemalan workers in a pitched battle with Case Farms, to organize a union among poultry workers in rural North Carolina. The story of the organizing campaign and the centrality of the transnational social networks of the Guatemalan workers to its success was depicted by historian Leon Fink in *The Maya of Morganton*. Yanira Merino was the lead LIUNA organizer on the campaign and became Assistant to the president when Terry O'Sullivan assumed the executive office. Merino had been recruited from the shop floor join the organizing department after leading a unionization effort at her seafood processing plant. A former social movement leader in El Salvador, Merino has continued to play a central role at the international on immigrant organizing and immigration policy issues. Although the union won a certification election, after five years it was still fighting to negotiate a first contract.

As the years wore on without a contract, LIUNA made a decision in 2001 not to pursue organizing in the food processing industry. Merino felt strongly that the union could not just pull out of Morganton and worked with Kim Bobo of Interfaith Worker Justice to establish a worker center.

Worker centers are community-based mediating institutions that provide support to communities of low-wage workers. They have emerged in part in response to the decline of institutions that historically provided workers with a vehicle for collective action. Many of these institutions--civic groups, fraternal and mutual aid societies, local political party organizations and especially unions--that once offered opportunity for voice and action have either disappeared or declined dramatically. More and more, low wage workers function within industries in which there are few or no unions or other organizational vehicles through which they can speak and act. Centers pursue their mission through a combination of approaches:

- Service delivery, including legal representation to recover unpaid wages, English classes, worker rights education, access to health clinics, bank accounts and loans;
- Advocacy, including researching and releasing exposes about conditions in low wage industries, lobbying for new laws and changes in existing ones, working with government agencies to improve monitoring and grievance processes, and bringing suits against employers;
- Organizing, building ongoing organizations and engaging in leadership development among workers to take action on their own behalf for economic and political change.

In 1992, there were fewer than 5 centers nationwide. As of 2007, there were 155 worker centers in 34 states, in cities, small towns, suburbs and rural areas (Fine 2006) and as of 2013 there were 216 (Fine and Theodore, 2013).

Bobo and Merino envisioned a center that would take on the bread-and-butter issues of the workers at the plant, but would also tackle a set of broader community issues having to do with immigrant incorporation like housing, education and public safety. From Merino's perspective, the workers were glad about the center and did not feel that they were being abandoned. "In the South, everywhere unions have this practice, they go and try and if it doesn't work, they leave....The Laborers didn't want this perception to be there, although the leadership felt they needed to get out of there because it is not the industry they wanted to keep organizing. That is how we decided to keep sponsoring the worker center so they were serving a good purpose for the union. That was a good experience."¹³ In 2005 the Retail Wholesale Department Store Union (RWDSU) lost an election at the plant although workers there have continued to engage in regular job actions including circulating petitions, asking for meetings with management and work stoppages. Although it is no longer financially supported by LIUNA, the Western North Carolina Worker Center still exists in Morganton and since 2002 has helped workers file 11 unfair labor practice charges which all involved firing of outspoken employees or leaders of work stoppages. In the summer of 2010, the Center was continuing to provide support to Case Farms workers who had engaged in the most recent job action to protest unsafe conditions the previous April.¹⁴

Residential Construction

In 2005 LIUNA began laying the groundwork for launching a campaign to organize the residential construction industry in the southwestern United States. A decision was made early on that the laborers would pursue a new organizational model in residential construction. The Laborers decided from the beginning of the campaign that they were going to take a page from industrial unionism and organize wall to wall. They referred to it as "going vertical".¹⁵ The campaign began with the hiring of a team of researchers to take an in-depth look at the residential construction industry identifying key players at the national level and in local markets, not just the homebuilders but the construction contractors."¹⁶

What the Laborers learned through their research was that 95% of the workforce—and not just those workers who were employed by small subcontractors, was made up of undocumented Latino immigrants. One of the companies they examined was Select Build, a very large residential construction contractor. At its peak, the company was employing approximately 20,000 workers and LIUNA estimated that the overwhelming majority, including working foremen, were undocumented. While the area supervisors for the homebuilders were most often young, white college graduates, and there were some white workers doing some of the plumbing and electrical work, according to one organizer "everyone that had a hammer in their hand were all Latinos including folks leading major construction crews." Many of the workers already had extensive experience in the construction industry with skills in concrete, framing and plumbing skills, both in Mexico and in the United States. Although some of the workers were somewhat new to the industry, residential construction had been booming for a long time in the southwest and west and many of these workers had been working in the industry for more than ten years.

During 2007 and 2008, the union hired thirty organizers, many were Latino and all were bilingual. The first campaign was launched in January of 2008 in Phoenix, followed by the Inland Empire (Riverside and San Bernadino) in California and Las Vegas. The union found tremendous interest in unionization on the part of the workforce: on their first door-knock they were getting 70% plus to sign recognition petitions. The campaign targeted Select Build, which by then had approximately 19,000 workers nationwide, and 12,000 in the 3 target markets. Strikingly, all of Select Build's workers were directly employed by the company rather than subcontractors.

Just as had been the case in the asbestos campaign, the residential campaign represented a dramatic departure from the Laborers locals' tradition of top-down organizing of contractors—an approach that targets the work rather than the workers. Some in leadership felt the union's focus on Latino immigrants was also likely to be resisted by some local union leaders. The national union decided to avoid the probability of a culture clash by running the campaign entirely outside of the traditional structure. None of the LIUNA locals, regions or district councils in the targeted markets participated in the campaign and the national union planned to set up new union locals to accommodate the residential members. Members of the national organizing team leased their own office space and had little to no interaction with the local union infrastructure. Organizers on the ground were instructed not to go to the locals for help. While LIUNA is a decentralized organization in which every local is its own little kingdom and regions have substantial autonomy, without the national union pushing hard for local and regional bodies to support it, winning the campaign could be extremely tough. Some in the campaign felt that not interacting with locals was a mistake because it bred resentment and denied them the ability to access the political clout of the local and regional bodies, but they also conceded that the locals might have opposed the effort. There was some concern that the reluctance on the part of the national union to expend political capital with local leaders on the campaign's behalf hurt it, on the other hand, winning election, staying elected and governing successfully always requires national union presidents to engage in careful political calculation.

The campaign launched a series of jobsite actions that were met with fierce resistance by the company which laid off workers it suspected of being sympathetic or active with the union; LIUNA filed scores of unfair labor practices but the economic recession made some of the charges difficult to prove because so many workers were being laid off due to declining work. During this period, it also collected many workers' wage and hour documentation and eventually filed a 3-state wage and hour case covering more than 100 workers. In Las Vegas the campaign organized a one day ULP strike on five of their active jobsites in which every worker stayed out of work and several other job actions in California as well. Contrary to popular perception at the time that the vast majority of undocumented workers would be afraid to organize because of their status and some did hesitate to become involved, LIUNA organizers found a great deal of willingness.

According to one of the organizers on the national campaign, some of the workers were veterans of a major organizing campaign by the United Brotherhood of Carpenters (UBC). These workers felt that undocumented workers who had taken part in the campaign were replaced by workers who had documents when the carpenters won the campaign. They worried that the same thing would happen again: that the union would bring in their own people and they would be removed. The LIUNA organizers assured them that they did not know or care about what a person's immigration status was. Workers also talked about being confronted with requests for papers and steep initiation fees when they had tried to join other construction locals. As a consequence of this and the fear of losing their jobs as the recession began to take hold in earnest, there was some ambivalence among workers about the residential drive.

Just as the campaign was shifting into high gear the construction industry went into a prolonged downturn brought on by the financial crisis. Select Build filed for bankruptcy in December of 2008. LIUNA organizers felt the organizing drive was part of the reason. Over the summer the company had lost a great deal of work because of their actions when a lot of the light construction customers in Las Vegas and in southern California refused to hire them. Despite the bankruptcy, the approximately one hundred workers who were part of the wage and hour case were mandated by the bankruptcy court to receive something.

Despite the worsening recession, in 2009, the Laborers kept the campaign going, shifting their strategy to the 5 largest homebuilders in the three markets and honing in on Pulte because it was the only one of the five that directly hired concrete and framing workers. While a team of organizers focused on organizing the workers and generated a host of wage and hour and health and safety violations, the campaign decided to devote substantial resources to reaching out to homeowners who had problems related to faulty construction and to calling attention to questionable mortgage practices the companies were engaging in. While all three strategies bore fruit, it was difficult to translate them into organizing victories in the face of the worst economic recession since the Great Depression and the campaign entered a holding pattern.

Casa Maryland and early work with the National Day Laborers Organizing Network (NDLON)

In April of 2001, the union announced the hiring of an additional 90 organizers to its regional organizing staff and targeted specific industries in construction like asbestos abatement, residential construction and maintenance work that had heavily immigrant workforces. O'Sullivan highlighted the asbestos abatement organizing that had been carried out in New York and New Jersey by Polish and Yugoslav organizers, and the organizing that had been carried out in California by Latinos, arguing that having organizers with a keen understanding of ethnic communities had been essential to success. "We have organizers that look and speak like the group we are trying to organize...A majority of our membership is minority, we are proud of that..." he said (Daily Labor Report 4/20/2001 77 DLR C-1).

In its efforts to expand asbestos worker organizing to the Washington D.C./Maryland labor market, LIUNA initiated a relationship with Casa Maryland, a well established worker center that was working with day laborers. "Although this center had been there a long time," said

Merino, "the locals didn't know about it, and they were shocked to see the number of immigrant workers going there and not coming to our halls." (Fine 2006) In discussions with Casa Maryland, Merino learned that the workers were going to Casa, as opposed to the union halls because the unions were asking them for documentation. Also, there were no Spanish-speakers at the halls. The organizations negotiated a relationship whereby the union agreed to provide trainers and place those workers who completed the training and had the necessary qualifications at contractors who were signatory to the union agreement. However, the plan was never fully implemented.

Merino believes that the partnership foundered on two issues. First, Casa Maryland and the union could not agree about how membership would be structured. Casa was in favor of the workers becoming members of the union while also continuing to belong and pay membership dues to the worker center. The union favored a single membership. Second, Merino believes there were issues of trust arising out of the sharp difference in organizational cultures between the two groups that were not able to be resolved. For a time relations worsened when Casa Maryland negotiated an arrangement to provide workers to Clark Construction, one of the largest nonunion contractors in the D.C. area.

Nevertheless, Merino kept an eye out for ways of working with day laborer worker centers. The opportunity came when she learned that the National Day Laborer Organizing Network (NDLON) was planning to hold its first national conference where organizers planned to discuss whether or not to form a day laborers union. "That raised a lot of eyebrows in my union and we said there are two ways to go: either we fight this and declare they are our enemies because they were establishing themselves outside of the labor movement, or we understand that a number of them had been denied membership in our locals and had been forced to look to this type of organizing."

The National Day Laborer Organizing Network was founded in 2001 and has 29 day-laborer organizations as affiliates. Since 2001, NDLON has brought together day laborer centers from all over the country to share experiences, increase the participation of day laborers in the operation of the centers and organizing work, and help set up new centers. In 2004, the organization grew from one to five staff members. NDLON now provides a wide-range of technical assistance to affiliates. These include: challenging anti-day laborer solicitation ordinances in Federal Court¹⁷, assisting in the process of transitioning informal corners to official and orderly worker centers, strengthening the processes of discipline at worker centers and corners, and educating and building relationships with public officials. They also include resolving conflicts with other groups, building relationships with Home Depot, connecting member organizations with potential funders and creating a leadership development curriculum.¹⁸ The organization also initiated and coordinates a highly successful campaign to challenge anti-day labor solicitation ordinances in a host of municipalities across the country (Fine 2006).

In the end, the decision was made to attend NDLON's national gathering and to begin developing a relationship. Although at first relations between the two groups were strained, NDLON made it clear that it wanted to have good relations with unions and did not intend to set itself up as an alternative organization. "But they expressed over and over again that they wanted to work with the labor movement under specific conditions like equality . . . that when we have conversations they didn't want us to act like a big brother who wants to call all the shots." Both

parties agreed that it would be a good idea to hold the next national gathering within a labor institution. Merino brought this message back to her union and the next year, the Laborers Union helped NDLO secure the national AFL-CIO's George Meany Center in Silver Spring, Maryland, to hold the conference. The Laborers Union endorsed the conference and also made a twenty-five-thousand-dollar financial contribution to NDLO to support the cost of the gathering. When General President Terrence O'Sullivan came to speak at the convention he was warmly received by the day laborers in attendance. O'Sullivan told Merino that he could see that these were workers who were ready to organize. For their part, as NDLO became more involved at the national level advocating for immigration reform and beating back federal legislative attacks on day labor centers, the organization saw how much access unions had to lawmakers and came to appreciate the value of having strong national union allies more and more.

Organizing Partnerships on the Ground

For about two years, the union and NDLO stayed in contact, met occasionally and struggled to turn these good feelings into joint organizing campaigns on the ground. "One of the necessities the day laborers had was training. The laborers [union] have sixty-seven training centers where we train people how to put up bricks, how to remove asbestos," said Merino. "How do we merge those two? How do we come out with a plan or system that allows us to work together but not to become one, or if we do become one, how to merge without losing the good parts of each? The union has been established for a long time, we have resources. The day laborers have their will, their participation, their democracy, their activism. . . ."

NDLO centers had had several negative experiences with construction unions. In Pasadena, the IBEW and the Operating Engineers used their political clout to keep one of the earliest day laborer centers which was operated by IDEPSCA (Instituto de Educacion Popular del Sur de California) from being able to open up in a storefront on a main street. The unions saw the worker center as a non-union hiring hall promoting non-union construction workers. When NDLO did begin asking where unions might fit in to its work, it contemplated going its own way, looking to models like the United Farm Workers as inspiration. LIUNA argued that NDLO would be better off partnering rather than starting a union from scratch, especially in construction where jurisdictional battles between the building trades unions are already fierce.

In deciding to work together each organization has traveled the distance from wariness to mutual self-interest to something approximating real trust: NDLO and its local affiliates, especially those in the Los Angeles area, after years of being ostracized by some of the most powerful local building trades unions, had concluded that unions were a critical way to help day laborers move into permanent employment. For its part LIUNA, after years of advocating for comprehensive immigration reform and providing friendly support to NDLO from a distance, concluded that the day laborer centers could prove instrumental to its ambition to re-organize the residential construction market which had become overwhelmingly non-union since the early 1970s (Rabourn). The implicit assumption was that the day laborers were low wage Latino workers already working in the industry, many of them undocumented. That the Laborers understood and accepted this placed them at the cutting edge of the building and construction trades unions who have not, by and large, made an effort to organize these workers.

Starting in 2007 the national leadership of the two organizations began meeting more frequently and looking for areas to work together on the ground. LIUNA had begun thinking about how it could organize in the residential construction sector and viewed the day laborer centers as a potentially important community partner.

A landmark February 2008 document¹⁹ drafted by LIUNA enumerated their individual organizational interests in coming together:

The National Day Laborers Organizing Network (NDLON) and the Laborers' International Union of North America (LIUNA) share a common interest in organizing the immigrant workforce. NDLON undertakes this task with an emphasis on organizing the immigrant community to build solidarity among immigrants and to provide basic services to them. LIUNA looks to service these needs by organizing employers and collectively bargaining wages and terms and conditions of employment. These differences in approach complement, rather than conflict with each other...

The document provided powerful recognition by LIUNA of NDLON. It sent NDLON a clear message that LIUNA understood and valued the worker centers' dual mission of establishing a minimum set of wages and other employment conditions and forcefully advocating for comprehensive immigration reform—and the national union clearly aligned itself with this policy agenda:

While the wave of immigration of the last decade has seen millions of immigrants enter the U.S. legally, there also have been millions who entered without documentation. These persons have entered the country out of economic necessity to provide a livelihood for themselves and their families, a necessity based in substantial part upon the trade and economic policies of the United States, Canada and Mexico governments. They have however, been denied the legal and social protections afforded to other workers because of their lack of documentation. Justice and fairness as well as humanitarian considerations require that these persons be provided with an opportunity for legalized status...

The union also sent an equally clear signal that it understood the implications for its own leaders and members of large-scale immigrant organizing:

LIUNA's interest in organizing construction workers in the immigrant community is not limited to improving the bargaining leverage of its current members. LIUNA understands that successfully organizing immigrant workers will fundamentally change the composition of its membership. That in turn will have far-reaching ramifications for what the union would look like 10, 20,

or 30 years down the road. But the union has a long history of undergoing dramatic shifts in the composition of its membership. In the early part of the 20th century the Hod Carriers, LIUNA's predecessor, was comprised of locals heavily identified with one European immigrant community or another. In later years there was a substantial influx of minority group members. Throughout its history, LIUNA has welcomed and provided a home to successive new groups of workers. We look forward to becoming an organizing that immigrant workers will call their own in the years to come.

“One challenge for both organizations were the structures we had,” said Merino. “The laborers are structured around collective bargaining agreements and NDLON was organized around fights for basic working conditions and wages without a CBA.” (Green and Merino Interview, 2010) The other issue that arose had to do with membership and the fact that while the laborers were membership organizations, many of the NDLON organizations were not. One of major concerns expressed by many of the NDLON centers was that the organizations did not want to lose contact with workers once they went into a laborers training program—it was important to them to figure out mechanisms upfront for maintaining a relationship with these workers.

The organizations decided that the regional level was the most meaningful level at which agreements could be reached and implemented. Merino and Ted Green, Senior Advisor to the General President held a series of meetings with regional networks of worker centers to talk through various approaches for how the union and the worker centers might work together. “We have proceeded by experimentation,” said Green. An important part of the discussion centered around the nature of the affiliation worker centers would have with the union. LIUNA offered 3 different approaches: 1-“broad worker center charters” in which a worker center in its current form would be chartered as a local union, 2-“worker center affiliated with a local union” where the two organizations would closely cooperate (housed in same building, worker center officers and leaders would serve as union officers) but each would preserve its own identity, and 3-“mutually supportive worker centers and LIUNA local unions” in which the center and union local would not enter into any formal alliance but would be “mutually supportive of each other’s programs, including the worker center’s community organizing program and the local union’s employer organizing program.”

New Jersey

In June of 2008, the Laborers Eastern Region (covering New Jersey, Delaware, New York City and Long Island) and New Labor, a ten year old worker center based in New Brunswick, New Jersey but with a growing presence in a number of communities in the northeast and central parts of the state as well as the Jersey Shore, signed an unprecedented agreement to work together on politics as well as organizing and adopted the second model described above to organize principally in residential construction in New Jersey and Delaware.

It made sense that the first agreement to be finalized took place in the northeast. The leadership of the Laborers Eastern region in particular had emerged as a leading voice within the international union in support of organizing the immigrant workforce, legalization of the undocumented and opposition to anti-solicitation and other federal, state and local anti-immigrant proposals. The region has a strong organizing fund whose director is Dave Johnson, a veteran of the asbestos campaign in New York and New Jersey who is committed to organizing immigrant workers. Johnson has recruited and hired many African American and Latino organizers from the ranks of affiliated locals across the region.

New Labor was one of the most effective worker centers in the country, providing ESL and occupational health and safety training, intervening on behalf of workers who are owed money directly with employers and in small claims courts and advocating in the state legislature for improvements in labor standards enforcement. Nationally, the organization is a leader in the Fair Immigration Reform Movement and has generated thousands of letters and phone calls to members of congress. It has a vibrant, active and in contrast to many worker centers, dues-paying membership base.

New Labor wanted to preserve a worker center culture but it was also very clear in its desire to be part of the creation of a new union local. Both founders of the center had extensive union backgrounds and had been labor studies majors at Rutgers. They were especially drawn to ideas about new union models and had always believed that in the best case scenario, the worker center would become a new kind of union or that it would affiliate with a national union with whom it had a close relationship and New Labor members would become dual members. For years they had been searching unsuccessfully for a local union to partner with in their organizing efforts. NL's grassroots leaders strongly supported the idea.

Jose Villanueva, an important leader in New Labor who became the first president of Local #55 felt "it is a good opportunity for the workers to create a better situation. There are right now a lot of unsafe workplaces, a lot of unpaid wages, and sometimes they pick up day laborers from the corner and take them to the workplace and leave them there. We thought it was a good idea to work together with the laborers and New Labor to create a better situation," he said.

Marien Casillas Pabellon, now the Executive Director of the organization recalled some of the points made by what NL refers to as its "Corazon leaders" in early conversations:

"They talked about opening up new centers that were strategic to the work of New Labor and increasing the power for Latino workers in New Jersey and they felt the union part was important because New Labor needed to be able to do more than just put out fires, we needed to be able to create improved working conditions. Something else was needed in terms of increasing power: New Labor could level the standards, it is like building a house. We are sustaining the floor at New Labor, we would do that part of the job to make sure the standards are complied with and

then with the union we would create the ladder coming up from the basement. People grasped it and were really interested.”²⁰

Strongly supportive in principal, from the beginning there were questions about how the two organizations would work together and how membership would be handled. As Casillas Pabellon, a participant in the negotiations recalled, “They were talking in terms of sustainability of the centers and how to create pathways for day laborers to become members of the union but a question that remained unanswered throughout the whole process was dual membership.”²¹

Expressing sentiments that were similar to the national union regarding the residential construction campaign, the regional leadership of the Laborers worried that bringing newly organized workers in residential construction into existing locals would prove contentious: requiring new workers to wait their turn at the bottom of a long hiring list and forcing them to acclimate themselves to locals’ strongly established cultural norms and procedures as well as the very real possibility that some existing members would be hostile toward immigrant Latinos joining in large numbers. They decided that it was more important to avoid these potential pitfalls than to try to attempt integrating Latino immigrants into existing locals. Instead of requiring new members to join the established locals, the Laborers Eastern Region decided to create a new local union in New Jersey and another in New York City.

While LIUNA did not directly fund the organizing, the organization agreed to conduct organizing trainings among the workers and hire organizers who came out of the worker centers. In terms of representation, Green explained “We worked the dual system in the area where there would be NDLON worker centers and allied laborers local unions; worker centers would represent workers where the terms and conditions of employment were set unilaterally and allied local unions would be the representative when terms and conditions were set by collective bargaining.”

The Laborers Eastern Region chartered Local #55 to organize residential construction although it awarded jurisdiction for a range of industries where New Labor members could be found including warehouse and distribution center workers, landscaping, low wage and service sector workers, including car washers, restaurant workers and retail workers. Interim appointed officers were to be drawn from among the leadership of New Labor and any other worker center allied with it...” The memorandum of agreement (June 4, 2008) stated that “New Labor and perhaps other worker centers *to be allied* with local union” but that “...New Labor remains autonomous and continues to choose its own leadership according to its governing principles.”

In terms of organizing, the division of labor specified was that the local union would handle all collective bargaining and ongoing relationships with employers characterized by the negotiation of wages in terms and conditions of employment while the worker center “Establishes a floor for wages and terms and conditions of employment unilaterally. Employers employ day laborers after agreeing to honor those wages and terms and conditions of employment. No bargaining or

ongoing negotiation with contractors occurs.” New Labor and LIUNA were expected to jointly identify organizing targets and locations for centers based on worker heat and strategic importance and the Eastern Region agreed to assist New Labor in developing funding for two new worker centers. Recognizing that traditional training programs that required certain levels of formal schooling, written examinations and proof of citizenship often functioned to exclude new immigrants, the MOU stated “LIUNA will seek to have training fund remove barriers to immigrant participation in training, including acceptance of appropriate experience for apprenticeship educational prerequisites...”

Membership in the local union and in New Labor was to be treated independently. New Labor members had the right to acquire membership in the local union and those working under the local union’s CBA would be required to do so. The MOU contained a strong pledge of mutual support: “Both LIUNA and New Labor agree to support each other’s political agenda [meaning policy not electoral politics or lobbying], e.g., LIUNA will support comprehensive immigration reform and oppose anti-immigrant legislation in New Jersey and New Labor will support the Employee Free Choice Act understanding that as autonomous organizations there may be political issues other than immigration on which the organizations may disagree.” The MOU also left room for the local union to provide financial support to New Labor and other affiliated worker centers: “the local union in the exercise of its own autonomy may make such annual contributions to the worker center as it sees fit. These contributions will reflect not only Local X’s support for the Worker Center but also the worker center’s contribution in recruiting those who become members of Local X.”

The collective bargaining agreement for the new local contained wage and benefit rates that were roughly half of the Laborers’ commercial rates which they believed were too high in comparison to what residential non-union contractors were offering. Having viewed apprenticeship programs as a bar to immigrant workers being able to join the union, the Laborers opted not to require one. Over time, if residential members chose to enter the apprenticeship program or avail themselves of other training opportunities, they would be able to do so.

The Executive Director of New Labor was chosen by the leadership of the Laborers Eastern Region to be the new Business Manager. Likewise New Labor leaders filled a significant number of seats on the executive board. Even the local union number, “55” was a symbolic evocation of the worker center’s five organizing principles: Working Together, Respect, Equality, Creating Opportunities and Capturing and Sharing Power.

While Local #55 succeeded in bringing in a small number of new contractors under the CBA, unfortunately its creation coincided with the worst and most sustained economic downturn since the Great Depression. Although the union has tried to be nimble, shifting gears from construction to organizing residential weatherization jobs funded through Obama stimulus spending, these efforts have yielded minimal results so far (Fine 2010). The shift also created another problem. One of the points of the partnership was that the laborers were not going to care about peoples’

status, but with the change in strategy and the reliance on public money through the stimulus package, the laborers concluded that the workers on these jobs had to be documented. New Labor was asked by the laborers to target documented workers, who were really not the organization's targeted constituency, for recruitment into the training programs. Eventually the union did offer an OSHA ten training for day laborers regardless of status and agreed that the trainees upon completion would be eligible to become members of local #55 but not all of them joined up when the opportunity was presented. While some New Labor members did end up joining Local 55, there was also concern that after doing so, they stopped participating in New Labor. The first three members that joined the union from New Labor lost all contact with the worker center. There was a feeling that they joined local 55 and disappeared. On the other hand, those who did join the union and remained active in New Labor held the worker center--and not the union--responsible for not providing them jobs.

In some important ways, New Labor leadership did not feel that the relationship was truly equal. Over time it became clear that the Laborers Eastern region was largely in control of hiring, funding and strategy. New Labor organizers sometimes felt that after bringing workers together and raising their expectations, the Laborers had not come through with promised resources, especially with regard to providing the financial support to establish more worker centers for active bases of day laborers. New Labor was frustrated for example, that a promise that a new Local #55 union hall in Newark would also provide space for a day labor center was never honored.

From the Eastern region's perspective, although supportive of day laborers being treated better by employers, they felt that putting a union hall and a day laborer center in the same location was a bridge too far. If the point of the union is to sign CBA's with employers and establish a union hiring hall, having an alternative labor source right beside it where contractors can pick up non-union labor seemed extremely contradictory and they also worried about how existing members would react to the arrangement. For New Labor, workers had a real urgency to have a safe place to look for work and that is what they and the laborers had committed to providing them. When that didn't happen, they felt they started to lose credibility in the field.

From an organizational structure and culture perspective, there was a strong dissonance as well. New Labor had hoped that there would be active participation on the part of it's members in the governance of the union, but there was a disconnect between the decision-making norms of the two organizations. New Labor is generally more participatory, workers are an important part of the decision-making process. The strategy doesn't come from exclusively from the top, there are subcommittees of the organization who deliberate and make decisions about campaigns. The union had a much more hierarchical structure and culture, so for Local #55 board members who had come out of New Labor and were not familiar with union structures, the process seemed somewhat abstract and top-down. As one New Labor participant put it "You are there, your English is not perfect, you don't know the whole structure and how it is supposed to go. The laborers have a very structured agenda for each board meeting and you are not familiar with the

parliamentary processes and what a motion is... There was a gap and all this was expected from the members with no clear understanding...” While members of New Labor were serving on the local’s executive board and could have spoken up much more forcefully at the meetings, they chose not to air their frustrations publically. As a result, the Laborers were unaware of growing alienation inside of New Labor. From their perspective for example, the union entered into the partnership in good faith, chartered and funded a brand new local and hired the lead organizer and executive director of the worker center to run it—lifting the burden of two salaries from the organization’s payroll. But from New Labor’s perspective, they lost two core staff persons and gained additional unfunded responsibilities.

New Labor also felt that the Eastern Region lacked a clear strategy for organizing the residential construction sector and therefore it was difficult to link efforts. The two organizations cooperated on hiring a consultant to help with a power analysis but when the construction industry went into a tailspin the Eastern Region made the decision to shift over to residential weatherization and did not follow up on the consultant’s recommendations. The first campaign focused on Newark where one estimate predicted that investment in the clean energy economy could produce 11,525 badly-needed jobs, more than half suitable for workers with high school degrees or less.²²

Newark is a majority African-American city with a 20% unemployment rate among black workers. Early on, the union recognized that for the city council and the mayor to embrace this strategy which strategy it had to clearly be seen as opening up its membership ranks to workers of color, especially African-Americans who had historically been under-represented in the building and construction trades. Although the Business Manager and organizing staff of Local 55 became extremely engaged in the effort, New Labor staff and leaders, including those serving on the local union board were disquieted by the unilateral decision to change direction and uncertain about where they and their constituency fit in to the new project. They worried that whereas the impetus for Local 55 had initially come from an interest in organizing among Latino workers, the Newark weatherization work entailed a radical demographic shift and was no longer focused on organizing the existing residential construction workforce. Moreover, as part of their agreement with Local #55 to reach out to Latino immigrant construction workers, New Labor had built extensive networks and relationships with hundreds of residential construction and renovation workers, but these workers were not considered a core part of the laborers’ green jobs strategy. New Labor organizers felt they lost face and credibility by engaging and then disengaging these workers.

From New Labor’s perspective the most successful thing in terms of bringing the African American and Latino workers together was the development of a safety liaisons project begun in the summer of 2010 in which the Local #55 members brought in through the green jobs work, many of whom are African-American and new to construction work and day laborers, some of whom are quite experienced at construction, are being trained to run safety audits at their worksites—becoming “health and safety shop stewards”. When the training started out, the groups sat at separate tables but by the end, people were mixing. The trainers started doing ice-

breakers at the beginning of each training session and having exercises to play out the racial dynamics. “It was really exciting when we started talking about power,” said Casillas Pabellon, the New Labor Executive Director. “The first day we asked them to identify problems at their workplaces.” For the day laborers immigration status and the fact that they don’t get real jobs was the issue, while for the African-Americans it was unemployment and that some employers won’t hire them. “Besides that, all the issues were the same down the line: they don’t get paid, there are bad safety conditions. It was really exciting to see them start to communicate and work together.” After a while, says Casillas-Pabellon, the African-American workers recognized the long experience that some of the day laborers had working construction: “They said, I wish I could have one of these guys at the jobsite mentoring me...they were saying they have so much knowledge and experience we should be learning from them...while the day laborers were saying we wish we could be part of the union. In the process of the days they were together, the union members were saying you know what, you need to organize because this is an issue of power and you guys need to be part of the union...It came from them, we didn’t prompt them...” From New Labor’s perspective, this training personifies the potential power of partnership. Despite asymmetries of power and culture, New Labor and Local #55 still represented something unprecedented in the annals of the building and construction trades.

Alternate models of cooperation between the laborers and the NDLON centers have emerged outside of the eastern region. According to Ted Green, “We don’t have a single agreed upon model. We have a number of things that have worked fairly well in particular areas and we and NDLON are still open to exploring which is the preferred model...but it is very possible we won’t end up with one model but a series of relationships that work local area by local area.” (Green Interview 2010) CASA Latina is a 12 year old Seattle-based community organization of low-wage Latino immigrant workers and their families which operates a day laborers center, a wage claim project, ESL classes and a Women’s Leadership program. Workers who use the center, which is staffed by former day laborers, collectively determine wage scales, set rules and enforcement policies and implement marketing and maintenance of the center. In 2006, the organization increased the number of jobs for day laborers by 28%, dispatching over 1000 workers to about 9600 temporary jobs and also raised wages by more than \$1.00 an hour (CASA Latina documents 2007). Hilary Stern, CASA Latina’s executive director helped negotiate the AFL-CIO-NDLON partnership agreement and was invited to address the annual meeting of the Washington State Labor Council. As the two parties became better acquainted and engaged in discussions of possible joint organizing strategies, the NW Laborers’ Union and the Washington State AFL-CIO provided strong support for CASA Latina’s efforts to secure a one-million dollar grant from the state for its capital campaign. This assistance went well beyond symbolic to hands-on strategic support for the legislative campaign. Union leaders placed it on the Washington Labor Council’s list of top three budget requests and lobbied the Senate Ways and Means and House budget leaders regularly on CASA’s behalf. They attended these meetings and made it clear that funding for CASA Latina was a top legislative priority for labor. In explaining their support, leaders from the Laborers and the State AFL-CIO told legislators that CASA Latina’s efforts to raise wages and increase jobs were the same goals that unions had for their members. In spring of 2007, the one million dollar appropriation to CASA Latina was passed by

both chambers of the legislature and was signed by the governor. CASA Latina has also become an affiliate of the Washington State AFL-CIO.

While very supportive of the partnership, Casa Latina did not choose the joint organizing or affiliated local path. Instead, the organization was excited about playing a role in helping to facilitate access to training and entry into the laborers for qualified workers and also working together on policy issues that are important to the organization like immigration reform and lobbying for state funding for a permanent building for the group. For the Laborers, according to Green “It is the connection with the community that the local sees as a benefit. This is the workforce that in many ways they are trying to organize. When they have jobs and they need people, Casa Latina is one of the partners they go to and say we need this many workers, can you help us recruit.” (Green interview 2010) Casa Latina’s first activity was to nominate 18 people for a laborers training class, the vast majority of whom successfully completed the program. In California, although there is a close working relationship on policy between the LIUNA homebuilders organizing campaign and the Pomona Day Laborer Center, organizers have found no overlap between the two workforces.

From LIUNA’s perspective in 2009, the two biggest external challenges to the still nascent partnerships that had emerged were the precipitous decline in residential construction spending due to the recession and the belief on the part of some in the organization that they cannot place undocumented workers with their contractors. The logic for the first challenge is straightforward. The value of residential construction put in place in the US in May 2006, at a seasonally adjusted annual rate, was \$660,122 million compared with \$270,239 four years later in May 2010.²³ When there is less work to go around, internal objections from existing union members to training and organizing new workers also goes up. “If we had the same economy we had when we began talking, if seventy cents of the construction dollar were still spent on residential, things would be different because employers would be so desperate to have the workforce...but now with this economy people are looking to be more protective,” said Merino. During this same period, workplace-based immigration enforcement and employer verification efforts (more and more employers are being pressured to use E-Verify the federal government’s largely voluntary, although mandatory for federal contractors, internet based system that allows an employer using information reported on an employee’s Form I-9, to determine an employee’s eligibility to work, despite its significant flaws as a system²⁴) were both strengthened.²⁵

Green argued that day laborers suffer less from increased enforcement and the lack of comprehensive immigration reform due to their participation in the informal workforce, “but when we start to work on CBA’s, the documentation stream is unavoidable...not just in terms of what is required for training but also providing documentation to employers. Training becomes a false issue if we cannot provide employment.” Merino added, “When we started this, we didn’t have E-Verify and we thought whatever legislation is passed in congress would make it easier rather than more challenging.” In Merino’s view, E-Verify, which is likely to be included in any comprehensive immigration reform package, will result in large numbers of construction workers melting back into the informal economy: “If you have E-Verify, 40% of the workforce will disappear into the shadows. We cannot organize the sector if workers get separated by status” she argued.

In general, those unions most actively involved in organizing immigrant workers have taken the position that it is never up to them to ask for documentation. The logic is straightforward: if

workers have been hired by employers, then they can and should be organized. On the question of organizing workers who may work on jobs that are government funded, the law already requires that federal contractors use E-Verify. This means that employers must ask workers to fill out an I-9 form and employers must then run the identification through the federal data system. If a no-match is found, the employee receives notification from the federal government as does the employer, but ever since a successful lawsuit brought by the AFL-CIO in 2006, there is no requirement that employers, upon receipt of these letters require verification documentation from their employees. The question is: what business is it of a union if workers are providing legal documents—why is it a barrier to organizing?

The answer may lie in the traditional organizing approach taken by LIUNA and all of the building trades unions—which has been to make agreements with contractors to become signatory to union agreements and then to work closely with them to go after jobs while on the other hand looking for ways to make it harder for non-signatory contractors to get work including by trying to make them the targets of government investigation for non-compliance with prevailing wage or occupational health and safety laws. Some within the union have seen E-Verify as a tool for giving union contractors an advantage because it helps to weed out the competition. But if the union goal is to safeguard wage and safety standards in the industry, immigration status should be irrelevant because as long as workers are unionized, standards are being upheld. Fundamentally, it is not E-Verify that is the most important tool for union contractors—it is unionization of the workforce itself.

The complication in the Laborers' eyes may arise from another aspect of the building trades model—that of providing a trained workforce to signatory contractors. If apprenticeship programs are funded through public money, and they often are, administrators are required to ask for social security numbers and to provide these numbers as part of the paperwork they submit on students. As long as workers are providing numbers, some unions take the position that it is not the business of the union to police their authenticity—especially if the union takes the position that it has become too difficult for workers to gain legal authorization to work in the United States. It was unclear why some in LIUNA were adopting a position that it was up to the union to provide documented workers to contractors, especially given that employers who comply with E-Verify are explicitly immune from prosecution (because the “intent” requirement is negated).

Given that it could take years to achieve comprehensive immigration reform, following this position to its logical end could result in the labor movement living with a two-tiered labor market in construction for decades. Strikingly, these positions do not square with the organizing department's residential construction campaign, which by the leadership's own admission explicitly targeted undocumented workers. Also, if E-Verify passes as part of a larger comprehensive immigration reform bill, most of these workers presumably would be legalized so it is unclear why they would be separated by status. Since these interviews conducted with Green and Merino in 2010, the union's positions have evolved.

The union has been organizing immigrant workers regardless of their status, it has been strongly advocating for the POWER Act, which would protect undocumented immigrants involved in union organizing drives and prohibit E-Verify from being used to threaten or fire them. In November of 2013, LIUNA worked with Senator Robert Menendez to call attention to the need for immigration reforms that would specifically prevent employers from using immigration

status and E-Verify to intimidate and fire workers involved in union drives. In the case of four workers involved in an organizing effort in New Jersey, the NLRB reached a settlement with Benjamin H. Realty in which the company agreed to post a notice in the workplace reading in part: “WE WILL NOT subscribe to or use the Federal Government’s E-Verify system to rE-Verify your documented status because you support the Laborer’s Union or any other union.”²⁶ Additionally, in a rare move, the NLRB certified the four workers for “U” visas, a category of visas reserved for immigrants who have been the victims of serious crimes.

Figuring out models for organizing residential construction has not been an easy task. LIUNA has continued to provide support to NDLON financially as well as politically and to explore strategies for building partnerships between affiliates on the ground.

IV. Policy Advocacy

LIUNA’s strong embrace of immigration reform was catalyzed by its immigrant organizing efforts²⁷. In New York City, locals 78 and 79, the unions that included the newly organized asbestos workers became actively involved in organizing in favor of amnesty, helping to organize meetings with congressional leaders and national demonstrations and mobilizing members to attend.²⁸ In November of 1999, the Mason Tender District Council of Greater New York, which included General Building Laborers Local 66, Asbestos, Lead and Hazardous Waste Laborers Local 78 and Construction and General Building Laborers Local 79, convened a public meeting with members of the New York Congressional delegation about the plight of immigrant workers in the New York workplace. Among the issues they addressed were amnesty for undocumented workers; exploitation of workers; workplace health and safety and prevailing wage enforcement. In their press materials, the Mason Tender District Council explained that as the leading labor organization demanding amnesty and dignity for all immigrant workers it wanted to give elected officials an opportunity to hear firsthand about issues they were facing. In the summer of 2000, LIUNA reportedly turned out around 2,000 members from New York, New Jersey, Maryland, Virginia and Washington DC for a national rally for amnesty, and President O’Sullivan was one of the keynote speakers.²⁹

During the 2000’s, LIUNA has made immigration reform a policy priority. From the time he was appointed in 1999, O’Sullivan has positioned the union strongly in favor of immigration reform, speaking out in favor of amnesty for the undocumented and pursuing aggressive organizing of immigrant workers in the construction industry. Prior to O’Sullivan’s tenure, LIUNA in the words of its long-time Legislative and Political Director Don Kaniewski “...simply fell in line with the AFL-CIO policy on immigration.”³⁰ In the late 90’s however, O’Sullivan, in conversation with HERE President John Wilhelm (who played the decisive role in catalyzing a change in the Federation’s position) Andy Stern of SEIU and others, concluded that LIUNA needed to become more active, given the role played by immigrants in the construction industry. He also recognized that there was a widespread view in the union that immigrant workers were taking union members’ jobs which needed to be addressed if the union was to move forward on the issue. The puzzle for the union, in Kaniewski’s view was, “...how do we find a way to make sure that there is fair and reasonable treatment of people we already represent in addition to looking at this as an opportunity to organize the unorganized...”³¹

In order to make a case to the board, O'Sullivan hired a consultant to study the presence of immigrant workers in the construction industry. The study was presented to the board in early 2001 and made plain the large and growing presence of immigrants in the construction industry. This documentation helped O'Sullivan make a case to his board that "these people aren't taking our jobs, they are doing our work and we need to organize our work."³² The intent of this framing was for the union to put the focus on worker organizing rather than legal status.

According to Kaniewski, when O'Sullivan engaged in conversations with regional and local leaders across the country there was not strong resistance to LIUNA moving forward on immigration reform. Rather, the union president encountered two types of responses: leaders either said he was right and organizing immigrants would help them to grow their unions or they weren't interested but out of deference to the leadership they weren't going to stand in the way as long as LIUNA addressed their more pressing issues. In general in LIUNA, once a broad position is adopted by the board, it is up to the national president and staff to develop positions on specific policies as they arise. "When we are asked to support or oppose legislation on policy issues, it is a conversation we have with Terry O'Sullivan," said the current Legislation and Political Director Bevin Albertani. "Terry has always had to play a careful role because geographically around the country we have very different views." Sometimes they are diametrically opposed, as Albertani explained: "We have places where our laborers can't organize the construction site, don't speak the language of the workers, the contractor is non-union and has threatened the workers not to talk to the union and our folks have no recourse but to end up calling ICE... We have other places where the majority are immigrants or second generation and very active in immigration reform politics."³³

In terms of active political engagement on the issue, "We had no expectation that we could get every region on the board to put political muscle into the issue," said Kaniewski, "but there were a sufficient number of enlightened locals, regions and district councils who felt it was not only doable, but necessary. The positioning of the national union gave regions and district councils the opportunity to use the framework to appeal to that workforce..." Active organization of the immigrant workforce was a separate issue: most Laborers local unions, like the majority of building trades unions, were not aggressively organizing workers, concentrating instead on top-down strategies that targeted contractors.

At the 2001 convention, where he was elected to his first full five year term, O'Sullivan called for "activism on all fronts" including organizing and immigrant workers rights:

Another area we are committed to over the next five years is fighting for the rights of undocumented immigrant workers. Our union believes that anyone who works in this country, pays taxes, obeys the law, and is willing to stand up and be counted during national times of need, should have the same rights and protections as any other American. It's what's right, it's what LIUNA believes, and it's what the Convention delegates have mandated. And working together, we can make it happen. (*The Laborer*, Winter 2001, Vol. 56, No. 5 & 6) .

The resolution that passed that year at convention contained the broad outlines of what would become LIUNA's enduring position: legalization of undocumented workers and opposition to current guest worker programs (calling for them to be restructured to provide a "clear path to earned legal status"). It also backed criminal sanctions for employers who recruit undocumented workers for the purposes of exploiting them for economic gain (*BNA Daily Labor Report* 185 DLR A-6). From the perspective of the legislative office, much of the focus between 2001 and 2004 was on pursuing a legalization program, without success. The union became much more enmeshed in the debate as it heated up in the latter half of the decade.

In the winter of 2005, HB 4437, a punitive bill focused on border enforcement narrowly passed the Republican-controlled House of Representatives. It proposed for the first time to make illegal presence in the United States a felony, and made it a crime for any persons or organizations to lend support to undocumented immigrants. The bill was also a direct attack on day laborer centers. From March through May 2006, demonstrations against the bill by largely Latino immigrants and their supporters, unprecedented in number and size, took place in a wide array of cities and towns across the United States.³⁴ SEIU, HERE and other unions provided crucial financial support and troops and the AFL-CIO worked closely with NDLON to oppose the bill legislatively. Other issues that the organization came to emphasize as the debate heated up in 2006 and 2007 included compulsive employer verification of workers' status, strengthening prevailing wage protections and the restoration of rights for workers lost under the *Hoffman Plastics* decision.³⁵

LIUNA walked a fine line on systems of employer verification, such as E-Verify. For example, the organization didn't oppose the proposed nationwide expansion of the Basic Pilot Program in 2006 but advocated that it only apply to new hires and include "measurable and enforceable standards for system performance."³⁶ For LIUNA, as with all building trades organizations, union growth is predicated on the ability of contractors to successfully bid for work. As discussed above, when the job involves public funds, contractors are required to provide workers with valid social security numbers. "We are in this weird middle position" said Albertani, "we are not so far to the left that we think it is a total invasion of privacy and not so far to the right that we want to force every employer to comply." On the other hand the organization joined with others in the immigrant rights movement in 2005 in opposing the REAL ID Act which required states to phase in uniform requirements including social security numbers in order to access drivers' licenses and in 2006 LIUNA came out strongly against proposed new employer regulations regarding social security no-match letters.³⁷

In the spring of 2006, likely in response to push-back from certain quarters within the union, President O'Sullivan circulated a detailed internal memo to all regional offices, district councils and local unions. "We recognize that national immigration reform is a controversial issue. We know that this will not be easy, but we must work to help balance the interests of our diverse membership with the rights of those workers who are the newest members of our economy and our society...Like it or not, the controversial issue of immigrant workers is directly tied to our growth and strength as a union..."³⁸ O'Sullivan struck a pragmatic tone, arguing that the federal government could not possibly deport the 10-12 million undocumented workers present in the U.S. and tried to shift responsibility off of the worker and on to the employer:

"The large presence of these workers in our industry is undeniable, and the employers who hire them do so to take advantage of their status. Employers pay these immigrant

workers lower wages and use the threat of deportation as leverage. This creates downward pressure on the wages of all workers. The undocumented worker himself does not drive down wages; it's the unscrupulous employer, who in their relentless drive to increase profits does so no matter the cost."

O'Sullivan objected to guest worker programs arguing that they denied bargaining power to immigrant workers, disadvantaged signatory contractors and drove down wages and benefits for all workers and argued for strengthened worker and wage protections but he stopped short of opposing them. "We oppose the expansion or creation of a new guest worker program, but in reality, the government and business community want a new guest worker program. If there is going to be a new program, we must be part of the discussion about its shape and size..."³⁹ He advocated for "tough, but fair border security" combined with pathways to citizenship "for those who are already here" and mechanisms for family reunification.

During the same period, O'Sullivan also devoted his entire letter to the membership in the *Laborer Magazine* to detailing the union's position on immigration reform, starting out by stating that "Our economy, especially in the construction industry, has always depended on immigrant workers, and it always will..." Arguing that the real issue was unscrupulous employers exploiting undocumented workers, O'Sullivan again framed the issue carefully: "We need a comprehensive program that provides stronger labor protections and will protect workers in the construction industry by not unfairly displacing US and Canadian workers while driving wages down using immigrant workers..."⁴⁰

While O'Sullivan has made many pro-immigration reform statements, it was not clear in the research for this paper that the national union works to educate, influence and challenge its regional, state and local organizations to pursue pro-immigrant policies. What was clear is that state and local organizational electoral endorsements were not always in step with the national union's policy positions. In New York for example, the Suffolk County Executive Steve Levy in recent years earned a national reputation for cracking down on illegal immigration and making this work a central mission of his administration. During his term of office, immigrant day laborers in Suffolk County were targeted by national right-wing hate groups. Latinos were threatened, harassed and beaten. One study, by the Southern Policy Law Center, the nation's most renowned authority on racially and ethnically motivated hate groups, found that he had created a climate of fear for immigrant Latinos in Suffolk County.

Levy used extremist language and pursued extremist policies. He proposed anti-solicitation ordinances targeted at day laborers and passed a bill requiring contractors working for the county to affirm that their employees were not illegal immigrants, prompting fears of raids and round-ups of Latino men. Levy pushed for Suffolk County police officers to be given the power to detain Latinos solely on suspicion of being in the country illegally and turn them over to federal authorities for deportation and also tried to bring federal authorities into county jail to check inmates' immigration statuses. He oversaw zoning violation raids on the housing of suspected undocumented immigrants, called for hospitals to be able to turn away undocumented immigrants for treatment and worked to cut off county government services to immigrants. Despite these positions, during 2004-2010 the New York State Laborers' PAC made 26 separate

contributions totaling over \$50,000 to his campaign fund.⁴¹ Heavily dependent upon public construction work, the union may well have justified these contributions in the service of safeguarding employment for its members. The Workplace Project, a worker center in Long Island that was one of the key organizations opposing Levy's policies, did feel that its relationship with LIUNA had resulted in Local 66, the local union in Suffolk County, staying away from immigration/anti-day laborer issues. The worker center was told that because they depended upon Levy to get jobs, the local did not want to alienate him but they felt that getting the local to stay away from the issue was a step forward.

The Levy story highlights the tension between pragmatic business unionism often practiced at the local level by many unions where jobs are linked to political alliances and the more high-minded social movement unionism practiced or at least preached by national union leadership and it is certainly not unique to LIUNA. The tension for building trades unions regarding immigration, because it has been such a huge labor supply issue in construction, is especially acute.

Beginning in the early 2000's, at the national level, LIUNA became increasingly involved in the policy debate about guest worker programs. According to Kaniewski, "The largest single category of workers allowed under H2B are landscapers and our feeling is what they are doing is turning land into concrete. That is their gateway and then they are entering the construction industry." In 2005, LIUNA strongly opposed changes in the administration of the H2B guest worker program that dramatically relaxed the labor certification process employers were required to go through under the federal Department of Labor.⁴² That same year the organization also opposed an effort by Senator Barbara Mikulski, the "*Save our Small and Seasonal Business Act of 2005*" to raise the cap on the number of H2B workers and, in addition to eliminating labor certification to also end DOL's oversight of workers being paid prevailing wage.

Over the past ten years, the organization's position on guest worker programs has evolved from a pragmatic willingness during the 2005,⁴³ 2006 and 2007 policy debates to live with existing programs (albeit while pushing hard to improve them by among other things, allowing workers to self-petition for a change in status to immigrant without relying on their employer⁴⁴) and even to accept a certain amount of expansion as the price of gaining support for legalization, to outright opposition by the end of the 2007 policy debate and since.

During the climax of the federal immigration debate of 2007, LIUNA strongly reacted to the Senate's proposed compromise bill which included a new guest worker program: "...We are extremely disappointed that the US Senate is rushing to pass an expansive guest worker program that mirrors the failed and shameful Bracero type programs of the past...Guest workers who are *legally* in the U.S. today face harsh abuses. Creating an even greater pool of temporary workers with not a single new real protection will only exacerbate those abuses..." The union extended the argument by claiming that among the immigrant workers it was encountering on construction sites "we all too often find immigrant workers who were brought here with authorized work status...being abused and exploited by the employers who brought them here and used as pawns to drive down wages and standards for all." Nevertheless, the union did not oppose any guest worker program: "LIUNA will not support the creation of a new guest worker program without

serious reforms—most fundamentally, a realistic path to citizenship...” The union called for guest worker programs to allow immigrant workers to self-petition to change their status from temporary to permanent, to allow for portability of the visa between employers, to ensure that workers were covered by all state and federal labor laws and to require employers to certify that they had advertised open positions at the prevailing rate of pay, that there is no labor dispute and that no U.S. workers will lose their jobs.⁴⁵ Ultimately, LIUNA opposed the final Senate Immigration Bill, in late June of 2007 calling the bill’s creation of new guest worker programs “fatally flawed”.⁴⁶

In the aftermath of comprehensive immigration reform’s defeat in 2007 and the election of President Obama, there was a sense on the part of some unions that they had “gone too far” to try to reach an accommodation with elements of the business community, especially with regard to temporary worker programs. Told by the Administration that immigration reform would not move unless the labor movement coalesced around a position, the AFL-CIO worked with the Economic Policy Institute and initiated a process, led by Ray Marshall the former Secretary of Labor under President Jimmy Carter, to try to bring unions together around development and adoption of a common position on immigration reform.⁴⁷ LIUNA participated and has endorsed the resulting framework. The basic tenets are:

1. A secure and effective worker authorization mechanism;
2. Rational operational control of the border;
3. Adjustment of status for the current undocumented population
4. Improvement, not expansion, of temporary worker programs, limited to temporary or seasonal, not permanent, jobs.
5. An independent commission to assess and manage future flows, based on labor market shortages that are determined on the basis of actual need

In an interview conducted in September of 2010, Albertani articulated the union’s current opposition to any guest worker program. “The last couple of years because of the increased unemployed in the construction industry, we have had a hard time with this,” said Albertani. “We just wouldn’t be able to accept any kind of H2B program or any kind of construction occupation that could bring anyone in...In the past, we have kind of gone along with it, but now we have gotten more aggressive. If they bring it up, we would not be able to accept it. We would have to be hard-line about removing construction from any kind of guest worker program.”

In 2013 and 2014, LIUNA was one of the most active national unions in lobbying and rallying for immigration reform. It was a strong advocate of the bipartisan measure that passed the Senate in the spring of 2013 and just as strongly opposed measures being considered in the US House of Representatives that would have required unions to verify members’ immigration status. In a July 2013 letter to congress, O’Sullivan forcefully rejected the idea that union hiring halls should be required to use E-Verify: “We believe that the requirement that all US employers use E-Verify within two years is unrealistic and rushed. We also oppose the Act’s definition of local union hiring halls as employers for the purposes of E-Verify. Local unions do not employ the

workers they dispatch. Rather they are the legally recognized representatives of those workers. It is and should remain the responsibility of the employer to verify employment status...”⁴⁸

In March of 2014, more than 300 LIUNA leaders from across the US spent a week lobbying congress on the national union’s priorities, including comprehensive immigration reform. The immigration policy paper had four planks: a path to citizenship for the 11 million undocumented workers in the US; “strong and humane enforcement of the nation’s borders as well as a fair employer system to verify an immigrant’s work authorization, but the current system should be overhauled to ensure accuracy, penalize employers who misuse the system and provide workers due process”; labor standards enforcement as well as the POWER Act “which ensures workers’ ability to exercise their labor rights and hold employers accountable without fear of retaliation”; and opposition to guest worker programs in the construction industry.⁴⁹

Conclusion

The most important causal factor behind LIUNA’s shift in the nineties toward targeting migrant workers for organizing and shifting its position on immigration reform was institutional self interest. The union concluded that it had to organize the immigrant workforce if was to organize asbestos workers and later, residential construction and weatherization workers. The organizing agenda is what catalyzed the policy activism. The asbestos campaign for example, created a pro-immigration reform base within the Eastern region and some of its locals who then participated in immigrant rights rallies and public policy efforts. There was also a strong pragmatism underlying the embrace of immigration reform and organizing: the union concluded that an enforcement agenda alone was not going to solve the problem and that workers would be easier to organize if they had legal status. Other important internal factors included a leadership change within the union with a leader coming to power who really believed in organizing immigrants and in immigration reform within a national structure that allowed him to pursue it. Although it is somewhat counter-intuitive, the culture of regional and local autonomy within LIUNA has facilitated to some extent the national union’s ability to pursue its public policy agenda.

While LIUNA’s efforts to organize large numbers of foreign-born Latino workers in the residential construction industry have not yet succeeded, the national union has made clear its interest in organizing the workforce and, in contradistinction to other building trades unions, has pioneered some approaches that do not require workers to be legally resident in the United States in order to become members. Although researching specific numbers is beyond the scope of this case study, there are certainly foreign-born Latinos who are members of the union, leaders of local unions and employed in staff positions in regions across the country.

While LIUNA has committed significant resources to its immigrant organizing and legislative agendas, victories have been hard to come by. Between 2000 and 2010, LIUNA has lost 185,807 members.⁵⁰ This is a period in which it is not at all clear what strategies will be effective in rebuilding unions, including the building trades. In general, greater commitment on the part of some unions, including LIUNA, to organizing contemporary immigrant workers has come during an epoch of rapid membership decline across the American labor movement. In addition, the economic crisis has had a major dampening effect on the construction industry across the board.

LIUNA's partnership with the National Day Laborers Organizing Network (NDLON) has not resulted in organizing victories or membership gains-- it has been more useful as a political partnership around federal immigration reform and generalized support for day laborers. During a period of heightened anti-immigrant activity, NDLON's priority as a national organization has been fighting deportation rather than the unionization of its members. The organization has emerged as a singular voice and movement building organization standing in opposition to state and federal enforcement initiatives and LIUNA has continued to support it.

The shift in LIUNA's position on employer sanctions and legalization of the undocumented in 1999 has been backed by action at the national union level. The leadership of the Eastern region has been particularly supportive of immigrants' rights and immigration reform at the local, state and national levels and has invested resources in doing so. More recently, the union has come out strongly in opposition not only to the use of E-Verify as a tool to chill unionization drives but also to compel unions to play a role in enforcement. Overall, as it has grappled with more restrictionist and more solidaristic positions with regard to issues like employer verification and border enforcement, the union exemplifies the notion of a movement wrestling that was discussed at the beginning of this paper.

¹ Janice Fine and Daniel J. Tichenor A Movement Wrestling: American Labor's Enduring Struggle with Immigration 1866-2007, *Studies in American Political Development*, Volume 23 (October 2009), 218-248.

² Strictly speaking, one might propose "expansionism" as a conceptual opposite to "restrictionism." Though "expansion" is used when that is an aim in itself, more often American labor has found itself divided over how to respond to labor market changes it does not control. Thus "solidarity"—in either the material or ethnic sense—is the primary strategic alternative to restricting entry to the nation or the labor market.

³ Benner et al define labor market intermediaries as "third party organizations that in some form or another involve themselves in the employer/worker relationship." They go on to say that "Most LMI's engage in job brokering activities, matching job seekers with individual employers. Some also provide job training, job search skills and/or access to a variety of other support services such as assistance with transportation, childcare and even portable health insurance and pension plans. Intermediaries come in a variety of forms, ranging from temporary agencies and professional associations to union hiring halls and community-based organizations." *Staircases and Treadmills: The Role of Labor Market Intermediaries in Placing Workers and Fostering Upward Mobility*, paper presented at the Industrial Relations Research Association Annual Meeting, New Orleans, Louisiana, January 2001.

⁴ *The Laborer*, 100th Anniversary Edition, 2003, p. 75.

⁵ *The Laborer*, 100th Anniversary Edition, 2003, p. 71.

⁶ *The Laborer*, 100th Anniversary Edition, 2003, p. 71.

⁷ *Ibid* p. 72

⁸ *Ibid*

⁹ Philip S. Foner, *The Policies and Practices of the American Federation of Labor 1900-1909*, *History of the Labor Movement in the United States*, Volume 3, New York: International Publishers, 1964, pp. 260-261

¹⁰ *The Laborer*, 100th Anniversary Edition, 2003 p. 73

¹¹ *Ibid*, p. 74

¹² *Ibid*

¹³ Yanira Merino interview, 2004.

¹⁴ E-mail communication from Francisco Risso, June 24, 2010.

¹⁵ Interview with LIUNA organizers, August, 2010

¹⁶ *Ibid*

¹⁷ The Mexican American Legal Defense and Education Fund (MALDEF) and the Puerto Rican Legal Defense and Education Fund provide and finance the legal representation.

¹⁸ “From Hopes to Realities: Our 2003-2004 Accomplishments” *National Day Laborer Organizing Network*, August 2004, page 5.

¹⁹ “Laborers Worker Center Proposal” Eastern Region February 2008, in possession of author

²⁰ Interview with Marien Casillas Pabellon July 28, 2010

²¹ Ibid

²² Robert Pollin, Jeannette Wicks-Lim and Heidi Garrett-Peltier, “Newark New Jersey Green Prosperity and Poverty Reduction” *Political Economy Research Institute*, University of Massachusetts, Amherst.

²³ U.S. Census, Table 1. Value of Construction Put in Place in the United States, Seasonally Adjusted Annual Rate May 2006, CB06-103, Table 1. Value of Construction Put in Place in the United States, Seasonally Adjusted Annual Rate May 2010, CB10-99.

²⁴ E-Verify has been opposed by immigrant, civil rights and civil liberties organizations both on privacy grounds as well as because of its high rate of false negatives. So far, databases for verification are fraught with error. The E-Verify program, which was used only by about 23,000 employers nationwide in 2008 but has grown substantially over the past two years, has been hindered by inaccurate and outdated information in the DHS and SSA databases. Two independent entities evaluated the program early on, and concluded the program is “not ready for larger-scale implementation at this time.” In the fall of 2007, a review found that “the database used for verification is still not sufficiently up to date to meet the [Congressional] requirement for accurate verification, especially for naturalized citizens.” More than 10 % of naturalized U.S. citizens who were ultimately found to be work-authorized were initially misidentified as not authorized to work by employers using the program. Office of Inspector General, Social Security Administration, *Accuracy of the SSA’s Numident File*, Report A-08-06-26100 (December 2006), at <http://www.socialsecurity.gov/oig/ADOBEPDF/audittxt/A-08-06-26100.htm> *Findings of the Basic Pilot Program Evaluation* (Temple University Institute for Survey Research and Westat, June 2002). Also see *Immigration Enforcement: Weaknesses Hinder Employer Verification and Worksite Enforcement Efforts* (Government Accountability Office, August 2005) and *Report to Congress on the Basic Pilot Program* (U.S. Citizenship and Immigration Service, June 2004), NEED TO UPDATE ALL OF THIS WITH MOST RECENT INFO

²⁵ Employer Verification is not required by federal law. The Immigration Reform and Control Act (IRCA) of 1986 makes it unlawful for an employer to “knowingly” employ an “unauthorized alien.” IRCA sets up a process by which employers must request certain documents from workers within three days of their hire, and keep a record of the data that was submitted. Federal law does not require an employer to “verify” immigration status through, for example, a federal database.

²⁶ “Tearing out asbestos with bare hands: Meet the boss from hell” Josh Eidelson, *Salon*, November 6, 2013.

²⁷ Mason Tender District Council of Greater New York press advisory, November 30, 1999.

²⁸ The Laborer, March/April 2000 has a short clip in Local News entitled “Justice for Immigrants” that claims locals 78 and 79 were “the major organizers” of a rally in Washington DC and includes a photograph of a sizeable group of demonstrators posing with union banners in front of LIUNA headquarters.

²⁹ LIUNA in the News, “Laborers Rally for Rights of Immigrant Workers” The Laborer, July/August 2000

³⁰ Interview with Don Kaniewski, September 21, 2010

³¹ Ibid

³² Kaniewski interview

³³ Interview with Bevin Albertani, September 8, 2010.

³⁴ See “The 2006 Immigrant Uprising: Origins and Future” Victor Narro, Kent Wong and Janna Sahdduck-Hernandez, *New Labor Forum*, Volume 16, Issue 1, December 2007, pp 49-56 and “The Immigrant Rights Marches of 2006 and the Prospects of a New Civil Rights Movement” Bill Ong Hing and Kevin R. Johnson, *Harvard Civil Rights-Civil Liberties Law Review*, Vol. 42, 2007.

³⁵ O’Sullivan letter to the U.S. Senate Judiciary Committee, February 26, 2007. The Supreme Court’s 2001 *Hoffman Plastics* decision found that undocumented workers fired for their union activism were not entitled, as other workers are, to backpay awards.

³⁶ March 24, 2006 LIUNA signed on to a joint letter from a range of organizations including the AFL-CIO, Associated Builders and Contractors, National Council of La Raza, SEIU and the U.S. Chamber of Commerce to Senators Specter, Leahy, Grassley and Baucus

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- ³⁷ Letter to the Director of the Regulatory and Management Division of the U.S. Citizenship and Immigration Services, Department of Homeland Security, August 11, 2006.
- ³⁸ Letter to All U.S. Regional Offices, District Councils and Local Unions, April 19, 2006
- ³⁹ He went on to say: “New guest worker visa programs must include the requirement that employers demonstrate that they were unable to locate any qualified U.S. workers to fill these jobs, that the wages offered are fair and that local unions were contacted before applying to bring in new guest workers. Any new guest worker program must have a “cap” that ties the growth of the program to actual labor market needs. Finally, these new guest workers must be afforded the same worker protections and basic rights as U.S. workers.” Ibid, p. 4.
- ⁴⁰ The Laborer, Spring 2006, Vol 61, No 1, p 2.
- ⁴¹ Campaign contribution data was compiled from the Suffolk County and New York State Boards of Elections.
- ⁴² O’Sullivan letter to Michael Chertoff , Secretary of Homeland Security and Emily Stover De Rocco, Assistant Secretary, Employment and Training Administration, US DOL April 7, 2005.
- ⁴³ “Laborers Union Backs Key Provisions of McCain-Kennedy Comprehensive Immigration Reform Bill: Despite Guest Worker Concerns, Union Calls Ability to Earn Legalization Great Leap for Millions of Hard-working Immigrant Workers” LIUNA Press Release, May 12, 2005.
- ⁴⁴ Terry O’Sullivan letter to the US Senate, March 31, 2006.
- ⁴⁵ Statement of Terence M. O’Sullivan to the House Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law’s Hearing on ‘Comprehensive Immigration Reform: Labor Movement Perspectives’”
- ⁴⁶ Legislative Update on the Senate Immigration Bill to members of the LIUNA General Executive Board, June 22, 2007
- ⁴⁷ The Labor Movement’s Framework for Comprehensive Immigration Reform, AFL-CIO and Change to Win, April 2009 <http://www.aflcio.org/issues/civilrights/immigration/upload/immigrationreform041409.pdf>
- ⁴⁸ Letter from LIUNA General President Terry O’Sullivan to the US House of Representatives, July 19, 2013.
- ⁴⁹ LiUNA! “Comprehensive Immigration Reform” memo to the US Congress, March, 2014.
- ⁵⁰US DOL LM-2’s accessed 6/29/2010.