Conflict and Solidarity Between African American and Latino Immigrant Workers

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Jennifer Gordon and R.A. Lenhardt
Fordham University School of Law

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Executive Summary

Across the United States today, and particularly in the new South, African Americans and recent Latino immigrants find themselves working next to one another in places as varied as poultry processing lines, hotel laundries, construction sites, and meatpacking plants. Media accounts characterize the relationships between these groups as necessarily tense and conflict-ridden. This paper seeks to provide a more complete picture of the interactions between African American and new Latino low-wage workers. It argues both that the reasons for the conflict between these groups are insufficiently understood and that, counter to the mainstream story, conflict is not the inevitable mode of interaction between them.

The paper begins by suggesting that the explanations concerning economic competition and employer bias that are typically advanced to elucidate the tensions between African American and Latino immigrant low-wage workers are inadequate to explain fully the nature of the conflict that exists. We maintain that such theories must be supplemented by a more thorough analysis of how employers shape and manipulate labor markets, and by an understanding of the ways in which the actions and beliefs held by workers themselves function to exacerbate conflict.

In particular, the paper urges a focus on the very different social positioning and experiences of African Americans and new Latino immigrants with respect to work in the United States. We argue that these groups use dissimilar yardsticks to measure the value of work in the United States and to calibrate the appropriate response to employer demands. Many new Latino immigrants begin by assessing the value of their earnings in the United States in terms of what they can purchase in their home country. Many are also undocumented, and therefore hesitant to complain about wages and working conditions. Both factors create incentives for migrants to work hard, fast, and cheap. African American workers, in contrast, judge the monetary and social value of their work by standards that are exclusively domestic, and must grapple with the reality that they are likely to remain in low-wage industries over the full course of their working lives. As U.S. citizens to whom the promises of citizenship have not been fully delivered, they have a greater incentive to resist employer demands over the terms and pace of the work in which they engage.

Further, the two groups have minimal awareness of the other's experiences and perspective. Many new Latino immigrants know little about slavery, the civil rights movement, and the relegation of large numbers of Blacks to poverty today. Likewise, many African Americans are unaware of the structural dynamics of globalization that lead many Latino immigrants to seek work in the United States despite their inability to obtain a visa. These gaps in knowledge breed the mistrust and conflict represented in new

Latino immigrants' characterizations of black workers as "lazy," or African Americans' accusations that newcomers are "taking our jobs."

A deeper appreciation of the unique social positioning and work experiences of low-wage African Americans and new Latino immigrants may also offer a key to building and supporting solidarity between them. The paper argues that, in ways that have gone largely unnoticed, Blacks and new Latino immigrants in the low-wage context are beginning to stand together on issues ranging from safety on the job to the demand for higher pay to unionization. Drawing on new social science research on workplaces in the South, as well as on independent research concerning community-based organizations and unions, the paper highlights several examples of cooperation and solidarity-building efforts directed toward Black and Latino immigrant workers, including protests by Smithfield Packing Company laborers, worker education efforts by community-based organizations such as Black Workers for Justice in North Carolina, and union organizing and education initiatives by SEIU, HERE, and the UFCW.

The paper draws preliminary conclusions about the conditions that affirmatively support solidarity between African Americans and new Latino immigrant workers. They include:

- **Different kinds of work offer different opportunities for building solidarity. Jobs that are somewhat insulated from direct competition, and work tasks that require some degree of teamwork, facilitate relationship-building. On the other hand, workplaces that are stratified by race, and work assignments that are isolated or competitive, impede it.**
- **Genuine solidarity between black workers and new Latino immigrants requires a process of identification of shared interests in making change in the workplace. Education efforts that seek to offer each group a deeper understanding of the other's social positioning vis-à-vis work in the United States and to facilitate discussion of their similar experiences of work and exploitation are critical.**
- **It is also important to recognize that the interests of African Americans and new Latino immigrants are not static, but dynamic. In particular, as migrants begin to put down roots and envision a long-term future in the United States, their interests and expectations for work may begin to converge with those of African Americans.**
- **Because of the many obstacles that cross-racial, cross-ethnic solidarity efforts face, they rarely emerge spontaneously and are unlikely to continue over time without ongoing support. The sustained engagement of institutions such as community groups, churches, and unions is essential.**

Finally, noting that a great deal remains unknown about solidarity efforts involving African Americans and new Latino immigrants and the conditions necessary to ensure their success, the paper concludes by making recommendations for future research. We call for the empirical study of African American/Latino immigrant labor solidarity, including mapping and analysis of education and training programs that encourage reflection on race, immigration, and work. In addition, we highlight the need for further study of the effects of workplace structure on conflict and solidarity between Black and Latino immigrant low-wage workers; investigation into the impact of employer enforcement of antidiscrimination rules and adoption of diversity policies on worker solidarity; and research on the role of legal rules in facilitating or impeding the emergence of cross-racial/cross-ethnic solidarity.

A commitment to exploring these and other similar issues is essential to support current solidarity efforts involving African Americans and Latino immigrant workers in the low-wage context, as well as for new such efforts to develop. Given the fact that low-wage work remains a reality for many African Americans and new Latino immigrants, a sustained focus on solidarity between them in those work settings is imperative.

1 INTRODUCTION[1]

The mainstream press has long portrayed African Americans and new Latino immigrants as engaged in a pitched battle.[2] A growing population of Latino newcomers in areas and industries once dominated by African Americans has, we are told, left the two groups "competing for the same dry bone,"[3] turning the workplace into a "war"[4] between "rivals:"[5] "'the black jobless poor'"[6] and "'the Latino working poor.'"[7] At the low-wage end of the labor market, native-born black workers and new immigrants are cast as players in a desperate survival game, as "if [someone] . . . throw[s] out 200 bags of grain and 500 people are going for it."[8] Although a few reports highlight evidence of collaboration,[9] the overall tenor is neatly summed up by the headline of a recent front-page *Christian Science Monitor* article: "Rising Black-Latino Clash on Jobs."[10]

This paper moves beyond the standard media account of conflict to explore in greater depth the relationship between African American and Latino immigrant low-wage workers. We acknowledge that work-related tensions exist between these groups, and begin by examining the roles played by

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[1] Parts of Sections I-III of this paper are adapted from the authors' article, Jennifer Gordon & R.A. Lenhardt, *Rethinking Work and Citizenship*, 55 UCLA L. REV. (forthcoming June 2008) [hereinafter *Rethinking Work and Citizenship*].

[2] Workers in the United States include citizens of every race and ethnicity and immigrants from countries all over the world. In this paper, we focus exclusively on African Americans and new Latino immigrants, rather than on the full range of workers present in the low-wage workplace, because of the overwhelming predominance of Latinos in current immigration patterns, and because these two groups' interactions are frequently in the public eye as paradigmatic of Black-immigrant relationships. We limit our analysis to recent Latino immigrants (rather than expanding it to include "Latinos" in general) because we see such newcomers as positioned very differently in relation to work than longtime Latino residents and citizens.

[3] Stephanie Chavez, *Racial Tensions Over South L.A. Jobs Grow*, L.A. TIMES, July 22, 1992, at B1 (quoting James Johnson, director of the Center for the Study of Urban Poverty at the University of California, Los Angeles).

[4] Dorothy Gilliam, *A Sad, Slow but Sure Awakening*, WASH. POST, May 13, 1992, at D1.

[5] Gary Lee & Robert Suro, *Latino-Black Rivalry Grows*, WASH. POST, Oct. 13, 1993, at A1.

[6] Ben Stocking, *Side By Side: Worlds Apart (Part 2)*, RALEIGH NEWS & OBSERVER, May 4, 1997, at A1 (quoting professor Jim Johnson of the University of North Carolina at Chapel Hill).

[7] *Id.*

[8] Franco Ordoñez, *Blacks Fret over Immigrant Gains: Latino Population Surge Puts Wages, Jobs, Clout at Risk, Some Say*, CHARLOTTE OBSERVER, May 21, 2006, § A.

[9] *See, e.g.*, Steven Greenhouse, *Picking and Packing Portabellos, Now With a Union Contract*, N.Y. TIMES, July 21, 1999, at A14 (describing a successful United Farm Workers organizing campaign focusing on Latino and African American mushroom workers); *News & Notes with Ed Gordon: Black Hotel Workers Replaced by Immigrants* (NPR radio broadcast Mar. 27, 2006) [hereinafter *Black Hotel Workers Replaced by Immigrants*], *available at* http://www.npr.org/templates/story/story.php?storyId=5303325 (describing efforts by the Hotel Workers union, *inter alia*, to create solidarity between black and immigrant workers in the industry).

[10] Daniel B. Wood, *Rising Black-Latino Clash on Jobs,* CHRISTIAN SCI. MONITOR, May 25, 2006, at 1.

the most commonly offered explanations, economic competition and employer bias. While these explanations each address an important aspect of the conflict between African American and Latino immigrant workers, we conclude that neither adequately explains its intensity and longevity.

We argue that greater attention to the disparate relationships of the two groups to work in the United States, and an awareness of the extent to which workplace positioning influences their responses to employer demands, allows us to paint a more complete picture of the tensions between African Americans and new Latino immigrants. Native-born black workers and Latino newcomers judge the opportunities that work offers by different yardsticks, and face different constraints on their actions. At the same time, language and cultural barriers mean that members of each group are rarely aware of the other's history or current struggles. In our view, an understanding of these factors is essential to grasping the dynamic that recurs between the two groups.

Even more fundamentally, though, we urge a focus not just on conflict, but on opportunities for solidarity. Simmering workplace tensions are only part of the story of the relationship between low-wage African American workers and their new Latino immigrant counterparts. Yet discussion of solidarity between the two groups in the context of work is all but absent in the mainstream media and in conventional academic accounts.

Drawing on new sociological research on the labor context in various areas of the new South, and on our own investigations, this paper addresses this critical gap. This research reveals that, despite what media accounts suggest, workplace solidarity *is* developing today across lines of immigration status, race, and ethnicity. In ways that have gone largely unnoticed, Blacks and new Latino immigrants in the low-wage context are standing together on issues ranging from safety on the job to the demand for higher pay to unionization. The paper highlights important solidarity examples and considers the practices, contexts, legal structures, and institutions that facilitate the emergence of solidarity between these two groups under difficult circumstances.

We conclude that efforts to break down the communication barrier between African American and new immigrant workers, and, more profoundly, to offer each group a deeper understanding of the other's social positioning vis-à-vis work in the United States, are critical to building solidarity between them. So, too, is sustained support from institutions such as community groups, churches, and unions. This said, our strong sense is that many holes still remain in our collective knowledge about solidarity between African Americans and Latino immigrants in the low-wage context. We thus end with a set of questions for further exploration and empirical analysis.

2 STANDARD EXPLANATIONS OF THE CONFLICT BETWEEN AFRICAN AMERICAN AND LATINO IMMIGRANT WORKERS

Nationally, African Americans and Latinos are both disproportionately represented in the low-wage workforce. One study in the past decade found that 38.4% of African Americans and 44.8% percent of Latinos earned less than $15,000 per year; only 29.5% of white workers fell in that category.[11] This reality typically leads people to make two assumptions. First is the notion that, because Blacks and Latinos (including Latino immigrants) are positioned at the lower end of the economic ladder, immigration necessarily has a direct negative impact on the wages and job opportunities of African Americans. Second is the idea that, given this positioning, employer bias plays a primary role in determining whether native-born or new immigrant workers ultimately prevail in the battle for jobs. This section analyzes the vast body of literature addressing these basic assumptions. We ask whether notions of economic competition and employer bias are adequate to explain the conflict over work between Blacks and new Latino immigrants. The discussion reflects our doubts about the extent to which the impact of economic competition in particular *can* be proven or disproven with any degree of accuracy on a national level, given the complex local effects of immigration and the many dynamics at work in each low-wage context.

ECONOMIC COMPETITION

Economic studies of job competition between African American and Latino immigrant workers abound. But sorting through their often contradictory conclusions is difficult. On the one hand, economists such as George Borjas argue that new immigrants do have a negative impact on African American workers' wages and employment prospects. In one study, Borjas concluded that the average male high school dropout saw his wages decrease approximately 4% as the result of the 11% increase in labor supply from immigration between 1980 and 2000.[12] Borjas maintains that the impact

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[11] See Anthony P. Carnevale & Stephen J. Rose, *Low Earners: Who Are They? Do They Have a Way Out?*, *in* LOW-WAGE WORKERS IN THE NEW ECONOMY 44-45, 52 (Richard Kazis & Marc S. Miller eds., 2001) (citing 1998 statistics).

[12] George J. Borjas & Lawrence F. Katz, *The Evolution of the Mexican-Born Workforce in the United States* (National Bureau of Econ. Research, Working Paper No. 11281, 2005); Eduardo Porter, *Cost of Illegal Immigration May Be Less Than Meets the Eye*, N.Y. TIMES, April 16, 2006, § 3, at 3. This represents a significant downward revision from Borjas's earlier assessment that the wage effect was in the neighborhood of 8%. George J. Borjas, *The Labor Demand Curve Is Downward Sloping: Reexamining the Impact of Immigration on the Labor Market*, 118 Q. J. ECON. 1335, 1370 (2003) [hereinafter *The Labor Demand Curve*]; George J. Borjas, *Increasing the Supply of Labor Through Immigration: Measuring the Impact on Native-born Workers*, BACKGROUNDER 1 (Center for Immigration Studies, Washington D.C., May 2004) [hereinafter *Increasing the*

of this wage reduction fell more heavily on African American and U.S.-born Latino workers, because their numbers are overrepresented among the low-skilled workforce in the United States.[13]

On the other side, economists such as David Card look at aggregate relative wages over time at the national level and unequivocally conclude that "the evidence that immigrants harm native opportunities is slight."[14] While acknowledging that immigration of low-skilled workers increases the supply of such workers in the labor markets where they arrive, Card finds that "wages of less skilled natives are insensitive to the relative supply pressure created by unskilled immigrants."[15] To explain these counter-intuitive results, Card suggests that firms in immigrant-heavy industries may shift to more labor-intensive methods of production to take advantage of the influx, thus absorbing the new arrivals without much of an impact on native workers.[16] Card's findings appear to be supported by the majority of other scholars and policy analysts, including a recent report issued by the Pew Hispanic Center, which examined Census data between 1990 and 2004 and concluded that "employment prospects for native-born workers do not appear to be related to the growth of the foreign-born population," even in a close examination of the "less educated and relatively young native-born workers" with whom the immigrants are presumably in direct competition.[17]

Supply]. The change was the result of using more accurate assumptions about capital mobility. For a fuller explanation, see infra note 17.

[13] Borjas, *Increasing the Supply, supra* note 12 at 1, 6. *See also* Daniel S. Hamermesh & Frank Bean, *Introduction* to HELP OR HINDRANCE?: THE ECONOMIC IMPLICATIONS OF IMMIGRATION FOR AFRICAN-AMERICANS 1, 8-9 (Daniel S. Hamermesh & Frank Bean eds., 1998).

[14] David Card, *Is the New Immigration Really So Bad?* 1, 24-25 (National Bureau of Econ. Research, Working Paper No. 11547, 2005) [hereinafter *Is the New Immigration Really So Bad?*]; David Card, *Immigrant Inflows, Native Outflows, and the Local Labor Market Impacts of Higher Immigration*, 19 J. LAB. ECON. 22 (2001).

[15] *Is the New Immigration Really So Bad?*, *supra* note 14, at 12.

[16] *Id.* at 24-25.

[17] RAKESH KOCHHAR, PEW HISPANIC CENTER, GROWTH IN THE FOREIGN-BORN WORKFORCE AND EMPLOYMENT OF THE NATIVE BORN 27 (2006). The differences between the two sides depends largely on the background assumptions made. For example, economists who make predictions about outcomes assuming that immigrants and natives are perfect substitutes for each other in the workplace will find that an increase in immigration creates direct job competition. Those who assume that job markets are segmented and that immigrants and natives may hold different, complementary positions in them, posit that the presence of immigrants may increase the demand for native workers in supervisory positions, thus benefiting natives. Howard F. Chang, *The Economic Impact of Labor Migration: Recent Estimates and Policy Implications*, 16 TEMP. POL. & CIV. RTS. L.REV. (forthcoming 2007) (manuscript at 9-11, *available at* http://lsr.nellco.org/cgi/viewcontent.cgi?article=1136&context=upenn/wps). *See also* Roger Lowenstein, *The Immigration Equation*, N.Y. TIMES MAGAZINE, July 9, 2006, at 10-11 of downloaded printable version, http://www.nytimes.com/2006/07/09/magazine/09IMM.html?_r=1&oref=slogin&pagewanted=print.

Similarly, when economists calculate the impact of immigration without taking into account the possibility that an influx of labor will draw new capital to the industries where immigrants labor, they find a greater negative impact from immigration. Chang, *supra*, at 12-13. *See also The Labor Demand Curve*, *supra* note 12, at 1368 ("[a]ssuming that the capital

As we suggested earlier, we think it unlikely that either side of the economic competition debate just described could, without more, begin to capture fully the impact of immigration in the low-wage context in the United States. Immigration is a complex phenomenon, involving people from countries around the globe arriving in urban, suburban, and rural economies in the United States, affecting different industries in diverse ways. The work just described studies only a subset of immigration's effects and, in any event, is inconsistent in the way it addresses a number of important issues, such as the extent to which native and immigrant workers, given differences in English proficiency, among other things, can be regarded as "perfect substitutes for one another."[18] Moreover, the research at issue in the economic competition debate generally focuses on the national effects of immigration,[19] failing to account for the unique labor market characteristics of each locality, the level where the conflict between African American and new Latino immigrants is most keenly experienced.

This said, a few findings emerge from the literature surveyed that bear noting here. While the majority of studies conclude that the aggregate economic impact of immigration on the wages and job prospects of native-born workers is either insignificant or positive,[20] many – but not all – scholars concur that immigration *does* have a measurable negative impact on the wages of less-skilled native-born workers, particularly those who have not completed high school.[21] As Borjas points out, African-Americans bear more of this economic burden than the rest of the population, because they make up a disproportionate share of the "low-skilled" group relative to their representation in the population as a whole.[22] Losing out in the battle to secure employment carries a particular sting for African Americans, who win that contest far less often than their white counterparts.[23] At the

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stock is constant . . . "). Once capital is presumed to adjust to the increased economic activity from immigration, the wage effects diminish or disappear. Chang, *supra*, at 13-14.

[18] Steven Raphael & Lucas Ronconi, *The Effects of Labor Market Competition with Immigrants on the Wages and Employment and Natives: What Does Existing Research Tell Us?* 23 (UC Berkeley Ctr. on Wage and Employment Dynamics Research Paper, 2007), *available at* http://iir.berkeley.edu/cwed/ronconi/immigration_existing_research.pdf.; *see also id.* at 23-28 (discussing factors such as English proficiency, education, and incarceration).

[19] The exception is a handful of case studies of "natural experiments" that arose when a large discrete group of immigrants arrived in particular city or local economy at one time. *Id.* at 18. The arrival of the Mariel Cubans in Miami is one example. *See, e.g.*, David Card, *The Impact of the Mariel Boatlift on the Miami Labor Market*, 43 IND. & LAB. REL. REV. 245 (1990).

[20] KOCHHAR, *supra* note 17, at 27; JULIE MURRAY, JEANNE BATALOVA & MICHAEL FIX, MIGRATION POLICY INSTITUTE, THE IMPACT OF IMMIGRATION ON NATIVE WORKERS: A FRESH LOOK AT THE EVIDENCE 4-5 (2006); Raphael & Ronconi, *supra* note 18, at 19-20.

[21] MURRAY, BATALOVA & FIX, *supra* note 20, at 5.

[22] Borjas, *Increasing the Supply, supra* note 12 at 1, 6. *See also* Carnevale & Rose, *supra* note 11, at 52. *Cf.* George J. Borjas is quoted as saying that immigration "is not a big deal for the whole economy, but that hides a big distributional impact."

[23] *See The Employment Situation: September 2007*, NEWS (Bureau of Lab. Stat., U.S. Dep't of Labor, Washington, D.C.), Oct. 5, 2007, at 1, *available at* http://www.bls.gov/news.release/pdf/empsit.pdf (on file with authors) (stating the official unemployment rate for September 2007 as 4.2% for white workers, 8.1% for African

same time, though, the literature makes clear that, in the national aggregate, the wage penalty that can be attributed to immigration is not substantial: on the order of 1 to less than 4% for each 10% increase in immigration.[24] And while the studies largely converge on the conclusion that immigrants displace some low-skilled workers and/or African Americans from their jobs,[25] the outcome from the perspective of economists is a net positive, largely because black workers are believed to find equivalent or better work in other industries.[26]

The conclusion that the national impacts of immigration on native-born black workers are relatively small seems inconsistent with the widespread sense among some African Americans that immigrants are "taking our jobs."[27] How should we understand this apparent contradiction? The distinction between national and local labor markets we noted earlier is relevant here. Economists, once again, are primarily measuring aggregate *national* effects, while individuals, in contrast, are observing changes in a range of *local* labor markets.[28] Most people draw conclusions about how

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Americans, and 5.7% for Latinos. The official rate does not include "discouraged workers" who have not searched for work in the four weeks prior to the survey. BUREAU OF LABOR STATISTICS, BLS HANDBOOK OF METHODS, Chapter 1: Labor Force Data Derived from the Current Population Survey 2, *available at* http://www.bls.gov/opub/hom/pdf/homch1.pdf. The actual numbers of jobless people are therefore much higher. And African Americans represent over 28% of the long-term jobless, more than twice their representation in the population as a whole. ECONOMIC POLICY INSTITUTE , FACT SHEET, AFRICAN-AMERICANS, *at* http://www.stateofworkingamerica.org/news/SWA06Facts-African-Americans.pdf).

[24] At the same time, this penalty is not insignificant – a 3.6% decrease in wages (Borjas's latest estimated for a high school drop-out, *see infra* note 12) represents an annual loss of $720 in pre-tax dollars for a worker earning $20,000 a year.

[25] MURRAY, BATALOVA & FIX , *supra* note 20, at 7.

[26] Not all economists agree that this is the case. Summarizing the debate, *see id.* Tentatively offering the "better jobs" hypothesis, see Michael Rosenfeld & Marta Tienda, *Mexican Immigration, Occupational Niches, and Labor-Market Competition: Evidence from Los Angeles, Chicago, and Atlanta, 1970-1990*, *in* IMMIGRATION AND OPPORTUNITY: RACE, ETHNICITY, AND EMPLOYMENT IN THE UNITED STATES 64, 97-98 (Frank D. Bean & Stephanie Bell-Rose eds., 1999).

[27] Angela C. Stuesse, *Race, Migration, and Labor Control: Neoliberal Challenges to Organizing Mississippi's Poultry Workers*, *in* HEADING NORTH TO THE SOUTH: MEXICAN IMMIGRANTS IN TODAY'S SOUTH (M. Odem & E. Lacy eds., forthcoming 2008) (manuscript at 18). According to a report released in 2006 by the Pew Hispanic Center, 41% of African Americans "say either they or a family member has lost a job to an immigrant, compared with 15% of non-Hispanic whites who say this." AMERICA'S IMMIGRATION QUANDARY, PEW RESEARCH CENTER FOR THE PEOPLE & THE PRESS, PEW HISPANIC CENTER, 39 (2006). The Pew poll also revealed that over a third of African Americans polled believe that immigrants take jobs from U.S. citizens (as opposed to "jobs Americans don't want"), compared to a quarter of white respondents. Carroll Doherty, *Attitudes Toward Immigration: In Black and White*, PEW RES. CENTER PUBLICATIONS, Apr. 26, 2006.

[28] Stephen Steinberg, *Immigration, African Americans, and Race Discourse*, *in* RACE AND LABOR MATTERS IN THE NEW U.S. ECONOMY 175, 180 (Manning Marable, Immanuel Ness & Joseph Wilson eds., 2006). For additional efforts to square the outcomes of the economic competition studies with African American workers' persistent perceptions of competition, see Barbara Ellen Smith, *Market Rivals or Class Allies?: Relations Between African American and Latino Immigrant Workers in Memphis* 3-6, *in* GLOBAL CONNECTIONS, LOCAL RECEPTIONS: LATINO MIGRATION TO THE SOUTHEASTERN UNITED STATES (Frances Ansley & John Shefner eds., forthcoming) [hereinafter Smith, *Market Rivals*]; Barbara Ellen Smith, *Job Competition and Tensions in the Workplace*, *in* CENTER FOR RESEARCH ON WOMEN, UNIVERSITY OF MEMPHIS ET AL., ACROSS

the world works from their personal observations, not from a country-wide average.[29] While aggregate data may show little impact on black workers, it is undeniable that local labor markets change when immigration swells, with immigrants coming to predominate in some industries where African American workers once were the primary employees.

A paradigmatic example of this change is underway in the South. As we discuss in greater detail in Part IV, encounters between new immigrants and African Americans are occurring with particular intensity today in southern states such as Georgia, North Carolina, and Tennessee, places that over the past few decades have become the country's fastest-growing immigrant destinations.[30] In such areas, longtime residents may observe the growing presence of immigrant workers in low-wage jobs once principally held by Blacks. Those African Americans who continue to work in what have become predominately immigrant industries are likely to see wages fall and workplace protections ignored.[31] Others become unemployed. For these individuals, economists' aggregates and averages offer cold comfort.

EMPLOYER BIAS AND CHOICE

Unexplored in the economic competition research is the role of employers in influencing the shifts just discussed.[32] A separate body of literature in this area makes plain that employer preference for immigrants over native-born black workers is a common phenomenon.[33] Some of this bias derives

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RACES & NATIONS: BUILDING NEW COMMUNITIES IN THE U.S. SOUTH 77, 78-79 (2006) [hereinafter Smith, *Job Competition*].

[29] Arguing that immigration has different labor market effects in different locations, see Frank D. Bean, Jennifer Van Hook & Mark Fossett, *Immigration, Spatial and Economic Change, and African American Employment*, *in* IMMIGRATION AND OPPORTUNITY: RACE, ETHNICITY, AND EMPLOYMENT IN THE UNITED STATES 31 (Frank D. Bean & Stephanie Bell-Rose eds., 1999); *see also* Steinberg, *supra* note 28, at 180.

[30] AUDREY SINGER, THE BROOKINGS INSTITUTION, THE RISE OF NEW IMMIGRANT GATEWAYS 5 (2004).

[31] Economist Lisa Catanzarite has consistently found that when large numbers of recent Latino immigrants cluster in a line of work in a particular location, African-American and earlier-immigrant Latino workers pay a particularly high wage penalty for continuing to work in that occupation. Lisa Catanzarite, *Occupational Context and Wage Competition of New Immigrant Latinos with Minorities and Whites*, *in* THE IMPACT OF IMMIGRATION ON AFRICAN AMERICANS 59, 68-69 (Steven Shulman ed., 2004); Lisa Catanzarite, *Dynamics of Earnings and Segregation in Brown-Collar Occupations*, 29 WORK & OCCUPATIONS 300 (2002).

[32] Smith, *Market Rivals*, *supra* note 28, at 4-5. A number of observers have made this point. See, e.g., the comments of economist Steven Pitts, of the Labor Research Center at University of California, Berkeley, and Jesse Jackson, quoted in Leslie Fulbright, *Polls, Leaders Say Many Blacks Support Illegal Immigrants*, S.F. CHRON., Apr. 13, 2006, at A1; Elizabeth Martinez, *Black & Brown Workers Alliance Born in North Carolina*, Z MAG. 44 (Oct. 2000), *available at* http://www.zmag.org/zmag//articles/oct00martinez.htm.

[33] *See, e.g.*, ROGER WALDINGER, STILL THE PROMISED CITY? AFRICAN-AMERICANS AND NEW IMMIGRANTS IN POSTINDUSTRIAL NEW YORK (1996); ROGER WALDINGER & MICHAEL I. LICHTER, HOW THE OTHER HALF WORKS: IMMIGRATION AND THE SOCIAL ORGANIZATION OF LABOR (2003); Joleen Kirschenman & Kathryn M. Neckerman, *"We'd Love to Hire Them, but . . .": The Meaning of Race for Employers*, *in* THE URBAN UNDERCLASS 203, 204 (Christopher Jencks & Paul E. Peterson eds., 1991); Leticia M. Saucedo, *The Employer Preference for the Subservient Worker and the Making of the Brown Collar Workplace*, 67 OHIO ST. L.J. 961 (2006). For studies on the role that race plays in

from a generalized perception that U.S. born workers of all races and ethnicities do not want to work hard.[34] But much of it resides in stereotyping of African Americans in particular, as – in the words of researchers in a pioneering study of Chicago employers – "unstable, uncooperative, dishonest, and uneducated;"[35] or, as employers in a different study variously put it, "lazy," "not as dependable," and as people with "an attitude."[36] By contrast, employers have an overwhelmingly positive view of new immigrants – positive, that is to say, to the extent that subservience is characterized as a positive trait.[37] Again and again, in comparative studies, managers characterize new immigrants as desirable for their willingness to work long hours at dirty, boring, or dangerous jobs for low wages, and for their compliant attitude and "work ethic" no matter what is asked of them.[38]

While critical, this evidence of employer bias is only one piece in a larger puzzle. Employers do more than just harbor biases of the sort just described; they operationalize them in important ways.[39] Ultimately, it is the racial, ethnic, and immigration status hiring preferences of employers – as well as, in some cases, active efforts by employers to pit groups of workers against each other – that drives the changes in who works where. Again, the poultry industry offers an example. Through the 1970s and

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employer decisions between native Blacks and Whites, see Marianne Bertrand & Sendhil Mullainathan, *Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination* (National Bureau of Econ. Research, Working Paper No. 9873, 2003) (studying bias evinced in employer attitudes toward resumes of individuals with names thought to signal African American heritage); Devah Pager & Lincoln Quillian, *Walking the Talk? What Employers Say Versus What They Do*, 70 AM. SOC. REV. 355, 364 (2005) (documenting employer preferences for hiring white ex-offenders rather than black).

Biases against African Americans appear particularly marked for the lowest-skilled positions. Waldinger and Lichter note that "[s]omewhat higher up in the hierarchy, where the demand for subordination was not so great and the compensation more likely to motivate native-born workers, managers evinced a somewhat different view." WALDINGER & LICHTER, *supra*, at 177-78. In this context, black workers were more likely to be seen as desirable employees in comparison with immigrants for their literacy, English language abilities, and ambition to get ahead. *Id.* at 178-79.

[34] *See* WALDINGER & LICHTER, *supra* note 33, at 157-59, 176-79.

[35] Kirschenman & Neckerman, *supra* note 33, at 204. For a comprehensive survey of employer views of African American workers, see PHILIP MOSS & CHRIS TILLY, STORIES EMPLOYERS TELL: RACE, SKILL, AND HIRING IN AMERICA (2001) (especially chapters 4 and 5).

[36] MOSS & TILLY, *supra* note 35, at 100-03. *See also* WALDINGER & LICHTER, *supra* note 33, at 171-75.

[37] WALDINGER & LICHTER, *supra* note 33, at 160-63; Saucedo, *supra* note 33, at 978-79. *See also* WALDINGER & LICHTER, *supra* note 33, at 144.

[38] In addition to WALDINGER & LICHTER, *supra* note 33, at 160-63, 166, see, e.g., Jeffrey Leiter, Leslie Hossfeld & Donald Tomaskovic-Devey, North Carolina Employers Look at Latino Workers (paper presented at the Annual Meeting of the Southern Sociological Society, Atlanta, April 2001), *available at* http://sasw.chass.ncsu.edu/jeff/latinos/LATINO.HTM (discussing employer preference for Latino workers over non-Latinos); Karen D. Johnson-Webb, *Employer Recruitment and Hispanic Labor Migration: North Carolina Urban Areas at the End of the Millenium*, 54 PROF. GEOGRAPHER 406, 413 (2002) (same).

[39] On management's role, *see* Smith, *Market Rivals*, *supra* note 28, at 4-5. On employer structuring of "undesirable" jobs generally, *see* Saucedo, *supra* note 33, at 973-76.

early 1980s, the chicken processing plants that dot the South largely employed African American, and, to a lesser extent, native-born white workers. The industry came under consolidated ownership in the last quarter of the twentieth century.[40] To squeeze more profit out of the line, those companies cut wages, reduced safety protections, and quickened the pace of work.[41] Jobs in those industries became, in management's words, "work Americans won't do."[42]

The truth is more complicated than this oft-used phrase conveys. For understandable reasons, many African Americans do seem reluctant to work under the increasingly abusive and poorly remunerated conditions on offer in the poultry industry.[43] But the important point is that two decades before, those same jobs had been work Americans *would* do.[44] Not only had employers actively created the conditions that led native workers to leave the industry, but they had hastened the process by recruiting immigrants to replace them.[45] In some cases, employers carried out an intentional strategy of pitting African Americans against new arrivals.[46] But in most situations they simply shifted to an immigrant workforce. In turn, the fact that immigrants began to predominate in the industry earned chicken processing the new reputation of being "immigrant work," a label with considerable stigma for African Americans and others, thus further perpetuating the turnover cycle. By the 1990s, a workforce that in places was once majority African American had become largely immigrant-staffed.[47]

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[40] LANCE COMPA, HUMAN RIGHTS WATCH, BLOOD, SWEAT, AND FEAR: WORKERS' RIGHTS IN U.S. MEAT AND POULTRY PLANTS 14 - ANTS2004); LEON FINK, THE MAYA OF MORGANTON: WORK AND COMMUNITY IN THE NUEVO NEW SOUTH 12-14 (2003); STEVE STRIFFLER, CHICKEN: THE DANGEROUS TRANSFORMATION OF AMERICA'S FAVORITE FOOD 51-52 (2005).

[41] COMPA, *supra* note 40, at 11-14.

[42] *See, e.g.*, Essential Worker Immigration Coalition, 5 Myths Regarding Immigrants and Comprehensive Immigration Reform in the U.S., http://www.clca.us/immigration/moreinfoDocs/1.pdf.

[43] *See, e.g.*, Evan Pérez & Corey Dade, *Reversal of Fortune: An Immigration Raid Aids Blacks – for a Time*, WALL STREET J., Jan. 17, 2007, at A1; Steven Greenhouse, *Crackdown Upends Slaughterhouse's Workforce*, N.Y. TIMES, Oct. 12, 2007, *available at* http://www.nytimes.com/2007/10/12/us/12smithfield.html.

[44] *See* Angela C. Stuesse & Laura E. Helton, *Race, Low-wage Legacies and the Politics of Poultry Processing: Intersections of Contemporary Immigration and African American Labor Histories in Central Mississippi* 4-5 (paper presented at the Southern Labor Studies Conference, Birmingham, Alabama, April 15-17, 2004) (quoting a Mississippi resident on the shift from black to white to immigrant workers: "'The Whites left for more money, so they brought in Blacks. Then when Blacks wanted more money, they brought immigrants.'").

[45] FINK, *supra* note 40, at 13-18; Stuesse & Helton, *supra* note 44, at 7-8.

[46] For a discussion of management's approach in one meat-packing enterprise, the Smithfield Packing Company, see Charlie LeDuff, *At a Slaughterhouse, Some Things Never Die: Who Kills, Who Cuts, Who Bosses Can Depend on Race*, N.Y. TIMES, June 16, 2000, at A1.

[47] STRIFFLER, *supra* note 40, at 96; Timothy J. Dunn, Ana María Aragonés & George Shivers, *Recent Mexican Migration in the Rural Delmarva Peninsula: Human Rights Versus Citizenship Rights in a Local Context*, *in* NEW DESTINATIONS: MEXICAN IMMIGRATION IN THE UNITED STATES 155, 160 (Victor Zúñiga & Rubén Hernández-León eds., 2005). *See also* Pérez & Dade, *supra* note 43

Although the story of chicken processing is particularly dramatic, residents of many communities in the South have recently seen a similar shift in other industries as well, particularly construction, warehousing, and manufacturing.[48] Again, it may be true that the majority of the black workers who once labored in these jobs have moved on to better ones, whether in their home communities or elsewhere. As we have already indicated, though, the perception among local observers – and among others who hear their stories – is often very different.

3 A DIFFERENT APPROACH TO THE CONFLICT BETWEEN AFRICAN AMERICAN AND LATINO IMMIGRANT WORKERS

While the literature on economic competition and employer bias may each explain a small piece of the conflict between African American and new Latino immigrant workers, they cannot begin to address the whole of it. Employers certainly play a significant role in shaping labor conditions. But workers are actors as well, in spite of their relative powerlessness in the economic structures in which they labor. The beliefs they hold about one another influence their actions and can serve to exacerbate the conflict between them. Moreover, workers sometimes respond to employer demands in ways that serve to stoke the fires of resentment.

For example, the pace of the work effort is a frequent site of tensions between African Americans and Latino immigrants. Recent interviews of African American workers in Memphis by sociologist Barbara Ellen Smith found them decrying being "worked like a Mexican," something they associate with exploitation.[49] In Angela Stuesse's interviews of native-born black residents of Mississippi, she repeatedly recorded comments such as "Hispanics are too willing to work for nothing," and "they're taking our jobs and forcing us to work even harder."[50] Among Latino workers, Smith notes, "[t]he . . . counter-assertion . . . that 'we can work twice as fast and produce twice as much [as] other workers' is clearly a source of pride," something that distinguishes them from Blacks, whom many Latino workers surveyed regard as "lazy," people who "'don't want to work.'"[51] Such

("[T]he number of black workers at [chicken-processing company] Crider declined steadily to 14% in early 2006 from as high as 70% a decade ago, the company says.").

[48] Smith, *Job Competition*, *supra* note 28, at 79-80.

[49] Barbara Ellen Smith, *Racial/Ethnic Rivalry and Solidarity in the Delta*, *in* CENTER FOR RESEARCH ON WOMEN, UNIVERSITY OF MEMPHIS ET AL., ACROSS RACES & NATIONS: BUILDING NEW COMMUNITIES IN THE U.S. SOUTH 51, 60 (2006).

[50] Stuesse, *supra* note 27, at 18. Smith grapples with African American workers' persistent perceptions of competition in the absence of data confirming direct displacement in Smith, *Job Competition*, *supra* note 28, at 78-79; *see also* Steinberg, *supra* note 28, at 180.

[51] Smith, *supra* note 49, at 60.

sentiments appear to be pervasive.[52] In these ways, the two groups are sharply critical of each other for their different responses to employer demands and work conditions.

Understanding why this is so, we maintain, requires a grasp of the ways in which the two groups' history and contemporary positioning toward and experience of work in the United States diverges. Although they may work and live side by side, immigrants and African Americans are situated very differently in the global and domestic social context.[53] In a recent article, we argue for viewing this conflict as a clash that grows from the two groups' differing experiences and understandings of work in relation to citizenship and a sense of "belonging" in the United States.[54] Here, we briefly sketch some of the key distinctions between the African American and new Latino immigrant positions and perspectives, arguing that these divergences shape how group members view work and react to its demands.

RECENT LATINO IMMIGRANT PERSPECTIVES ON WORK IN THE UNITED STATES

New Latino immigrants working in the United States face constraints and opportunities that create incentives to accept low pay, long hours, and dangerous conditions, rather than protesting or holding out for a better job.[55] To grasp how newcomers see work, it is necessary to begin with the conditions that led them to leave their home countries. For the past three decades, many Latin American countries have struggled to comply with the conditions placed by the IMF on their massive foreign debt, and to cope with the economic upheavals associated with free trade.[56] As governments devalued their currency and decreased spending on education, health care, and food subsidies, and as domestic industries were undermined by international competition, more Latin Americans than ever began to see

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[52] *See, e.g.*, Helen Marrow, *Not Just Conflict: Intergroup Relations in a Southern Poultry Processing Plant* 13-14 (2006) (unpublished manuscript on file with authors); Stuesse, *supra* note 27, at 21-22.

[53] Smith, *Market Rivals*, *supra* note 28, at 6, 9; Smith, *Job Competition*, *supra* note 28, at 82-83.

[54] We elaborate this idea more fully in *Rethinking Work and Citizenship*, *supra* note 1.

[55] Although we speak here of "Latino" or "Latin American" immigrants as a group, Spanish-speaking immigrants to the United States from different countries experience globalization, immigration, and work in the United States in very different ways. When Latino immigrants of different nationalities work together, the divisions between them can be profound, posing serious obstacles to organizing. Stuesse, *supra* note 27, at 4, 15-18; JENNIFER GORDON, SUBURBAN SWEATSHOPS: THE FIGHT FOR IMMIGRANT RIGHTS 156-62 (2005).

[56] JOSEPH E. STIGLITZ, GLOBALIZATION AND ITS DISCONTENTS 53-67, 78-80 (2003); Carmen G. Gonzalez, *Trade Liberalization, Food Security, and the Environment: The Neoliberal Threat to Sustainable Rural Development*, 14 TRANSNAT'L L. & CONTEMP. PROBS. 419, 457-58 (2004). Mexico, for example, held loans from investor nations of over $160 billion in the late 1990s, or more than 40% of that country's GDP. Diego Cevallos, *Jubilee 2000 Musters Support Against Debt*, S.-N. DEV. MONITOR, Apr. 28, 1999, *available at* http://www.twnside.org.sg/title/musters-cn.htm.

work in the United States as a way to make ends meet and to insure against future risk.[57] Large numbers of Latin Americans, however, are unable to gain legal visas allowing them to work in the United States.[58] Despite the risks, many come anyway, either on tourist visas or by way of a dangerous and expensive illegal crossing of this country's southern border.[59] The majority initially view their sojourn North as a temporary measure, although their expectations often change as they begin to put down roots in the United States.[60]

These newcomers begin their stay in the United States bearing the heavy burden of financial obligations to their families back home, as well as additional debt incurred for the voyage. Because their presence and their labor violates the law, they have no guarantee that they will be able to remain for a predictable amount of time. The burden of the need to pay off their debt and make money to support their families as fast as possible before being deported drives migrants to work hard and uncomplainingly. Migrants' illegal status introduces a further and very powerful pressure to do whatever the boss asks and to keep quiet about abusive working conditions.[61] While undocumented workers were always subject to

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[57] DOUGLAS S. MASSEY, JORGE DURAND & NOLAN J. MALONE, BEYOND SMOKE & MIRRORS: MEXICAN IMMIGRATION IN AN ERA OF ECONOMIC INTEGRATION 9-12 (2002). Census data reveals a dramatic increase in the Latin American-born population of the United States since the 1970s. There were 1,803,970 immigrants of Latin American origin in the U.S. in 1970; 4,372,487 in 1980; 8,407,837 in 1990; and 14,477,000 in 2000. *See* U.S. Census Bureau, Region of Birth of the Foreign-Born Population: 1850 to 1930 and 1960 to 1990 (Mar. 9, 1999), http://www.census.gov/population/www/documentation/twps0029/tab02.html. For 2000 statistics, *see* U.S. Census Bureau, Nativity, Place of Birth of the Native Population, and Region of Birth of the Foreign-Born Population: 2000 (Feb. 2002), http://www.census.gov/population/socdemo/foreign/ppl-145/tab01-1.pdf.

[58] As of 2005, the best estimate was that 8.7 million undocumented Latin Americans resided in the United States (6.2 million of whom were from Mexico). *See* JEFFREY S. PASSEL, PEW HISPANIC CENTER, THE SIZE AND CHARACTERISTICS OF THE UNAUTHORIZED MIGRANT POPULATION IN THE U.S. i-ii (Mar, 7, 2006).

[59] *Id.* at i.

[60] Douglas S. Massey, *The Settlement Process Among Mexican Migrants to the United States*, 51 AM. SOC. REV. 670, 670-71 (1986); Jeffrey S. Passel, *Undocumented Immigration*, 487 ANNALS AM. ACAD. POL. SOC. SCI. 181, 184 (1986).

[61] Technically, all workers, including the undocumented, are covered by wage and hour laws and other basic workplace protections in the United States. *See* REBECCA SMITH, AMY SUGIMORI, ANA AVENDAÑO & MARIELENA HINCAPIÉ, NATIONAL EMPLOYMENT LAW PROJECT, UNDOCUMENTED WORKERS: PRESERVING RIGHTS AND REMEDIES AFTER HOFFMAN PLASTIC COMPOUNDS V. NLRB 6-16 (2003), *available at* http://www.nelp.org/docUploads/wlghoff040303%2Epdf). But employers have long wielded the threat of deportation to keep workers from complaining about illegal conditions. Employer sanctions, passed by Congress in 1986 (Immigration and Nationality Act, 8 U.S.C. § 1324(a) (2000)), intensified employers' control over their undocumented workforce by providing cover for retaliatory firings. *See Testimony Before the H. Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims* (2005) (statement of Jennifer Gordon) (describing instances in which employer sanctions have been deployed by employers to undermine workers' efforts to enforce their rights); SMITH, SUGIMORI ET AL., *supra*, at 3-5 (same); Lori A. Nessel, *Undocumented Immigrants in the Workplace: The Fallacy of Labor Protection and the Need for Reform*, 36 HARV. C.R.-C.L. L. REV. 345 (2001) (same); Michael J. Wishnie, *Emerging Issues for Undocumented Workers*, 6 U. PA. J. LAB. & EMP. L. 497, 517-18 (2004) (same); Ruben J. Garcia, *Ghost Workers in an Interconnected World: Going*

deportation, the United States government has recently begun aggressively enforcing immigration law through raids and new programs to pressure employers to fire workers whose paperwork is not in order.[62] The result has been an intensified climate of fear for immigrants in the workforce.

Despite the constraints they face, many new Latino immigrants also see work here as a genuine opportunity for economic advancement for themselves and their families. For new migrants, while their job is located in the United States, the payoff, the place where their labor's monetary and social value is realized – at least in the early years of migration – is largely in their home country. When a Latina immigrant does low-wage work here, through her own sacrifices and the buying power of the dollar she is likely to be able to provide meaningful financial support and some tangible "advancement" in the form of higher education levels, an increase in property ownership, investment in a business, and so on, to her family back in Latin America. In turn, the value of the remittances she sends home increases her own status as a political actor in her home country, as well as that of her family and her village.[63] These are payoffs from work in the United States, even though they are delivered in another country.

The sense of opportunity migrants associate with getting and keeping work in the United States intensifies their incentive to labor without complaint. Latino migrants, recent research suggests, are not unconscious of the "comparative advantage" that a reputation for subservience and hard work brings in the market for labor.[64] The remarks of a Latino construction worker in Memphis are illustrative: "When we arrive, we work as fast as we can so we can be recognized. This is what bothers the American Blacks, because in a certain way, we are competing...."[65] As Barbara Ellen Smith concludes of her recent immigrant subjects, "Out-performing American workers of whatever race was a pragmatic strategy for maximizing the likelihood of retention and referral by employers, as well as a cultural position that countered any disparagement attached to 'immigrant,' 'illegal

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Beyond the Dichotomies of Domestic Immigration and Labor Laws, 36 U. MICH. J.L. REFORM 737, 741 (2003) (noting such instances).

In 2002, the impact of sanctions was intensified by the Supreme Court's *Hoffman Plastic* decision, which denied backpay to an undocumented worker fired for his organizing activities. *Hoffman Plastic Compounds, Inc. v. NLRB*, 535 U.S. 137, 147-52 (2002). Although limited in its holding to the NLRA, *Hoffman Plastic* sparked a flurry of cases by employers seeking to avoid obligations to undocumented workers in other areas of workplace law, and created a great deal of concern among immigrants and their advocates. *See, e.g.*, SMITH, SUGIMORI ET AL., *supra*.

[62] *See, e.g.*, James C. McKinley, Jr., *Mexican President Assails U.S. Measures on Migrants*, N.Y. TIMES. Sept. 3, 2007, at A4 ("[t]he Bush administration has stepped up raids on factories and farms suspected of hiring illegal workers, imposing heavy fines and deporting a record number of illegal immigrants in 2006"); Editorial, *Stop the Raids*, N.Y. TIMES, Oct. 4, 2007, at A28.

[63] For a full exploration of this phenomenon, *see Rethinking Work and Citizenship*, *supra* note 1.

[64] Smith, *Market Rivals*, *supra* note 28, at 14-16; Marrow, *supra* note 52, at 5-6.

[65] Smith, *Market Rivals*, *supra* note 28, at 15.

alien' or 'Mexican.'" This evidence of agency can seem a poor fit with our earlier assertion that immigrants are globally positioned to be super-exploited. But both are genuine facets of the experience of immigrant workers.

AFRICAN AMERICAN PERSPECTIVES ON WORK IN THE UNITED STATES

African Americans, for their part, have a very different perspective on the citizenship value of work. Unlike their new Latino immigrant counterparts, they cannot assess the payoff of their work in another country's currency. Native black workers must spend the dollars they make exclusively within the U.S. economy, and the social worth of their labor is assessed only by U.S. standards. In addition, given the lack of mobility that low-skilled black workers have experienced in the U.S. economy, they can reasonably anticipate that they will be in low-wage jobs for most if not all of their working lives. By these measures, low-wage work has failed and continues to fail to deliver on the promises of economic and political advancement made to African Americans.

Today, African Americans as a group find themselves in a far better position than black workers a century ago. At the same time, African American citizens do not measure the extent to which they have achieved belonging by looking merely to the past. Belonging is assessed by how well Blacks fare in comparison to their white counterparts in the United States, in particular. And, on this score, Blacks, especially in the area of work, have not yet reaped the benefits of full citizenship. African Americans, who are more likely than Whites to reside in poverty, earn 70 cents for every dollar earned by white workers,[66] work in greater numbers in low-wage jobs,[67] and are twice as likely to be unemployed.[68] The low-wage workplace in which so many African Americans labor is still very much characterized by segregation, hazardous work conditions, and few opportunities for advancement. For most African Americans, low-wage work offers neither a

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[66] MELVIN L. OLIVER & THOMAS M. SHAPIRO, BLACK WEALTH/WHITE WEALTH: A NEW PERSPECTIVE ON RACIAL INEQUALITY 7 (1995). The figure is for middle-class African Americans. Oliver and Shapiro point out that wages only tell part of the tale of economic disparity. Middle class African Americans hold only fifteen cents of assets for every dollar held by their white counterparts. *Id.*

[67] Carnevale & Rose, *supra* note 11, at 52.

[68] *The Black-White Unemployment Gap for College Graduates: Finally Showing Signs of Improvement*, 27 J. BLACKS HIGHER EDUC. 58, 58 (2000). For Black men between 21 and 25, the "proportion not in the labor force rose from 9 percent in 1940 to 27 percent in 1990 and 34 percent in 2000." Michael B. Katz et al., *The New African American Inequality*, 92 J. AM. HIST. 75, 81 (2005). These numbers, which are comparable to those for men of other ages, can be partially explained by the large number of African American men who are incarcerated. Blacks comprise 49 percent of prison populations, even though they make up only 13 percent of the U.S. population. *Id.* at 83.

ladder out of working poverty nor a source of fundamental respect and belonging in the larger society.[69]

From this perspective, acquiescence in an employer's unreasonable and often unlawful demands will be unlikely to bring any rewards. Resistance – covert or overt – over the terms and pace of work thus becomes imperative. Such resistance has a long history.[70] For African Americans, the road to citizenship in the United States has been paved by resistance to abusive conditions of work. It began, of course, with slavery and the struggle for the right to paid labor, and continued through labor changes and struggles in Reconstruction, Jim Crow, and the Civil Rights era. During slavery, black men and women frequently engaged in work stoppages, "slowdowns, absenteeism, [and] tool breaking," among other things.[71] These small protests continued after slavery, rendering black workers vulnerable to accusations of idleness and sloth from white employers,[72] just as they had slaves a generation earlier.[73] The citizenship pay-off of such resistance far outweighed this cost, however.[74] It enabled black workers finally to exercise some control over the often back-breaking labor in which they engaged and, perhaps most importantly, to assert their basic humanity in the face of a system premised on its nonexistence.

Black workers of subsequent eras carried on this legacy by engaging in similar types of work actions. Coordinated labor protests – particularly those that occurred in the 1930s and 1940s, when black war workers returning from World War II "demanded that the federal government live up to the rhetoric of democracy and equality that it had deployed against

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[69] *See, e.g.*, STEVEN C. PITTS, CENTER FOR LABOR RESEARCH AND EDUCATION, UC BERKELEY, JOB QUALITY AND BLACK WORKERS: AN EXAMINATION OF THE SAN FRANCISCO BAY AREA, LOS ANGELES, CHICAGO AND NEW YORK (2007); STEVEN C. PITTS, CENTER FOR LABOR RESEARCH AND EDUCATION, UC BERKELEY, BLACK WORKERS IN THE BAY AREA: EMPLOYMENT TRENDS AND JOB QUALITY: 1970–2000 (2006) (arguing, at 2, that "there is a two-dimensional crisis of work in the Black community" and noting "the crisis of unemployment" and "the crisis of low-wage jobs.")

[70] Stuesse, *supra* note 27, at 22.

[71] Robin D.G. Kelley, *"We Are Not What We Seem": Rethinking Black Working-Class Opposition in the Jim Crow South*, 80 J. AM. HIST. 75, 93 (1993). *See also id.* at 91 (discussing sabotage efforts of black workers).

[72] *Id.* at 94.

[73] Kelley reminds us that W.E.B. Du Bois, the great scholar of and activist for black liberation, once commented on the ways in which Whites misinterpreted the behavior of black slaves: "'All observers spoke of the fact that slaves were slow and churlish; that they wasted material and malingered at their work. Of course they did. This was not racial but economic. It was the answer of any group of laborers forced down to the last ditch. They might be made to work continuously but no power could make them work well.'" Kelley, *supra* note 72, at 93.

[74] Indeed, there are some ways in which this stigmatization may not be regarded as a significant cost at all. Kelley suggests that, at different points in history, African American workers may have exploited negative stereotypes about them – performing tasks in a way that reinforced the message carried by the stereotype – as a way of exerting control over the pace of work. Kelley, *supra* note 72, at 94.

fascism"[75] – were another important strategy. Black workers frequently banded together on an informal basis to establish pace controls[76] or to "achieve higher [service] fees at a more uniform rate," as the experience of tobacco workers and black washerwoman in cities such as Atlanta and Washington, D.C., respectively attest.[77] Union campaigns, which drew upon "the culture of resistance" first established by black slaves, provided an even greater collective challenge to the adverse working conditions in which African Americans were forced to labor.[78]

Black workers' views of the appropriate measure of the value of work is strongly influenced both by history and by the contemporary fact that so many African Americans are stuck on the lowest rungs of the economic ladder. Acquiescence to employer demands offers little by way of returns. Resistance to unfair treatment on the job continues to be an important mechanism for ensuring some measure of justice in the workplace and for preserving the dignity of African American workers who, though they have yet to reap all the benefits of citizenship, rightly feel deeply entitled to them.[79] This explains, at least in part, why black workers may perceive the apparent subservience of some new immigrants as a direct attack on their standing in the workplace and in society more broadly.

CONDITIONS FOR CONFLICT: OPPOSING YARDSTICKS, LANGUAGE BARRIERS, AND LIMITED AWARENESS

The positioning and resulting perspective of African Americans and new Latino immigrants in relation to work, can be expressed in terms of the measures they use to judge the monetary and social or citizenship value of work. New Latino immigrants employ a yardstick that is fundamentally *global* and (in the early years of migration, at least) *short-term*. A transnational perspective provides them with an outside point of reference that can make even abusive working conditions seem more tolerable, in part because they are perceived as a temporary sacrifice for a valuable payoff. These factors boost the value of low-wage work for migrants, many of whom have a limited range of job possibilities because of their inability to speak English and are legally structured as subordinate because of their

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[75] Thomas J. Sugrue, *Affirmative Action from Below: Civil Rights, the Building Trades, and the Politics of Racial Equality in the Urban North, 1945-1969*, 91 J. AM. HIST. 145 (2004), at ¶ 6 of online version.

[76] *See* Kelley, *supra* note 72, at 89-90; *see also Rethinking Work and Citizenship*, *supra* note 1.

[77] Tera W. Hunter, TO 'JOY MY FREEDOM: SOUTHERN BLACK WOMEN'S LIVES AND LABORS AFTER THE CIVIL WAR 88-89 (1997); Kelley, *supra* note 72, at 89-90. *See also id.* at 76. Kelley notes that "[t]heft at the workplace was [also] a common form of working-class resistance." *Id.* at 90. Equipment sabotage was also a strategy employed by some "to counter speedups" mandated by employers. *Id.* at 91.

[78] William P. Jones, *Black Workers and the CIO's Turn Toward Racial Liberalism: Operation Dixie and the North Carolina Lumber Industry, 1946-1953*, 41 LAB. HIST. 279, 288 (2000).

[79] Smith, *supra* note 49, at 60. *See also* Stuesse, *supra* note 27, at 22.

undocumented status, [80] and cushion the impact of the degraded status associated with low-wage work in the United States.

African American workers, in contrast, utilize a yardstick that is *domestic* and *long-term*. As previously indicated, they are unable to spend their dollars outside the United States, and judge the social value of their work by standards that are principally local. Experience tells them that compliance with unreasonable employer demands will lead not to improved status, but to continued subordination and exploitation. Their approach to work is guided by the realization that they are likely to remain in low-wage industries over the full course of their working lives. Because low-wage work for them represents a denial of economic opportunity, rather than a potential ladder out of oppressive conditions, they seek to exercise some control over the terms and pace of the work in which they engage, to ensure some level of dignity through their stance toward work.

The very different positions in which many African Americans and new Latino immigrants find themselves with respect to work and citizenship sets up a clash when they meet in the workplace. This conflict is compounded by their inability to communicate with each other. Unable to speak each other's language, often living in racially segregated neighborhoods, the two groups are – in the words of one experienced organizer – deeply "estranged."[81] Black workers and new Latino arrivals, United Food and Commercial Workers organizer Gene Bruskin observes, "can't talk to each other. They have no relationships other than that they work together. It's so easy to think that you're getting screwed and another group isn't. There's no way to get good information."[82]

The estrangement of new Latino immigrant and African American workers grows, at a very fundamental level, out of a lack of awareness of each other's history and present circumstances in relation to work. As a number of scholars have observed, and as our own research confirms, most new

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[80] Despite these circumstances, as we note *infra*, immigrants (and particularly Latino and Latina immigrants) have been in the forefront of many of the most prominent labor organizing struggles and victories of the past two decades. For two recent examples in the South, see FINK, *supra* note 40 (describing an extended labor organizing campaign among Guatemalan immigrant workers at a poultry plant in Morganton, North Carolina); Kim Cobb, *As Factory Jobs Leave and Latino Immigrants Arrive in Morristown, Tenn., the Leader of a Dying Labor Union Sees Hope in a Slaughterhouse,* HOUSTON CHRON., Oct. 24, 2006, at A1 (describing the Latino-immigrant-led organizing victory at chicken processor Koch Foods). For the argument that new immigrants are not themselves "unorganizable," but rather labor in jobs are structured in ways that make them difficult to organize, see Ruth Milkman, *Organizing the Unorganizable,* BOSTON REV., Sept./Oct. 2006, *available at* http://bostonreview.net/BR31.5/milkman.html.

[81] Telephone Interview by Jennifer Gordon with Gene Bruskin, Lead Organizer, United Food and Commercial Workers (September 24, 2007).

[82] *Id.*. Peña and Bruskin concur that they have not seen evidence of systematic preferential treatment of one group over the other at Smithfield; rather, supervisors appear to be arbitrary and favoritism is rampant, so that members of each group benefit or are harmed at different times. *Id.*; Telephone Interview by Jennifer Gordon with Eduardo Peña, Organizer, United Food and Commercial Workers (Oct. 2, 2007).

Latino immigrants know little or nothing about the historical circumstances of African Americans in the United States. For example, then-anthropology student David Mandel-Anthony records that "almost none" of his Guatemalan Mam (indigenous) interviewees in a Carthage, Mississippi chicken plant in the early 2000s "were aware of the Middle Passage, slavery, the Civil War, Jim Crow, or the Civil Rights/desegregation movement."[83] Immigrants were equally ignorant of the modern-day struggles of many African Americans. Anthropology Ph.D. candidate Angela Stuesse notes, "In my research [in Central Mississippi] I have come across very few migrants who recognize that Blacks in the U.S. and beyond live with an ongoing legacy of institutional racism, particularly in the realms of housing, education, and employment."[84] Reinforcing the point, UFCW organizer Eduardo Peña reports his experience that "Latino workers are mostly not aware of the history of slavery among African Americans. They see African Americans as *Americans*, people who are already part of the society. Many don't understand segregation in the United States, or the hatred. They see African Americans as equal to any other person in the United States."[85]

Similarly, African Americans know little of the global pressures that have led Latinos to leave their home countries in search of work, nor of the immigration laws of this country that render their lives here so tenuous. As Peña observes, "African American workers don't understand why or how the Latinos immigrate. Why do people cross the border?"[86] The black workers who Barbara Ellen Smith interviewed were likewise "without any apparent understanding of the special financial and work-related constraints facing immigrants, particularly those who are unauthorized."[87]

In other words, African Americans and newcomers may see each other working, but they know little or nothing of the yardsticks by which the other measures the value of that work and assesses the appropriate response to it. Their mutual ignorance fuels their misinterpretations of each other's actions. Latino immigrants observe African Americans' acts of everyday resistance, such as slowing down production, and they label them uninterested in working. Black workers, meanwhile, watch immigrants

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83 David G. Mandel-Anthony, From Comitancillo to Carthage, Mississippi: Activist Research, Transnationalism, & Racial Formation in a Community of Guatemalan Mam Poultry Workers 71 (unpublished B.A. thesis, University of Texas at Austin, May 4, 2005) (on file with authors). *See also* Smith, *Market Rivals*, *supra* note 28, at 20.

84 Stuesse, *supra* note 27, at 22 (citations omitted).

85 Telephone Interview with Eduardo Peña, *supra* note 82.

86 *Id.* *See also* Stuesse, *supra* note 27, at 21; *see also* Telephone Interview by R.A. Lenhardt with Ajamu Dillahunt, Founding Member, Black Workers for Justice, and Former Local President, American Postal Workers Union (October 4, 2007) [hereinafter October 4, 2007, Interview with Ajama Dillahunt] (discussing importance of international cross-border exchange for black workers unaware of country conditions that lead Latinos to migrate).

87 Smith, *Market Rivals*, *supra* note 28, at 21.

accept low wages and accede to employer demands, and they accuse them of willful subservience and "taking our work."[88]

4 SOLIDARITY BETWEEN AFRICAN AMERICAN AND LATINO IMMIGRANT LOW-WAGE WORKERS

The reflections we offered in the previous section on the different positioning of African Americans and new Latino immigrants with regard to work in the United States can also serve as an important point of departure for those seeking to foster greater solidarity and cooperation in the workplace. This section reframes current conversations about the relationship between African Americans and Latino immigrant low-wage workers by highlighting evidence of emerging labor solidarity between these groups.

As we noted earlier, the media has focused very little on questions of solidarity in this context. Indeed, in the last ten years, fewer than a dozen articles in mainstream newspapers anywhere in the country have described moments when native-born black workers and newcomers have worked toward a common goal on the job. Examples of solidarity between new immigrants and African Americans have been largely absent from the public eye. In academia, the general topic of cross-racial worker solidarity and cooperation has been somewhat more frequently explored. For example, a rich literature describes *historical* efforts to organize unions across racial and ethnic boundaries, with particular focus on the shining era of the early CIO.[89] But in the contemporary context, although both activists and social scientists have offered analyses of the factors that go into producing diverse and democratic labor unions without specific reference to the

[88] The communication void is also fertile ground for each group's belief that the other is the beneficiary of the boss's favoritism, a belief that seems pervasive but is particularly likely to take root in a context where the employer has segregated workers by race and thus made verification of such beliefs difficult. *Id.* at 23-24; Telephone Interview with Gene Bruskin, *supra* note 81. In the meat processing industry, for example, organizers commonly hear complaints from Latino workers that supervisors are more permissive with African Americans than immigrants, e.g. allowing them to take bathroom breaks for which a supervisor would fire an immigrant. Interview with Eduardo Peña, *supra* note 82. *See also* Stuesse, *supra* note 27, at 23-24. Note that such (mis)perceptions are not limited to the workplace. *See* Smith, *Market Rivals*, *supra* note 28, at 10-11 (noting that, outside of the work context, Blacks have similar misconceptions about undocumented Latinos receiving vast amounts of public benefits).

[89] For a few examples among many, see ROGER HOROWITZ, "NEGRO AND WHITE, UNITE AND FIGHT!" A SOCIAL HISTORY OF INDUSTRIAL UNIONISM IN MEATPACKING, 1930-90 (1997); RUTH NEEDLEMAN, BLACK FREEDOM FIGHTERS IN STEEL: THE STRUGGLE FOR DEMOCRATIC UNIONISM (2003); Maurice Zeitlin & L. Frank Weyher, *"Black and White, Unite and Fight": Interracial Working-Class Solidarity and Racial Employment Equality,* 107 AM. J. SOC. 430 (2001). *See also* Gerald Hunt & David Rayside, *Labor Union Response to Diversity in Canada and the United States,* 39 IND. REL. 401, 412-16 (2000).

challenges of bringing black workers and new immigrants together,[90] and although the new surge of organizing among immigrant workers alone has received a great deal of attention,[91] only a handful of scholarly articles published over the past ten years have examined settings where new immigrants and African Americans worked together to improve labor conditions within or outside a union.[92] Even writing by the labor activists and advocates most acutely aware of the need to organize across racial boundaries tends to focus exclusively either on a celebration of new immigrant organizing (unrelated to African Americans) or on a call for unions to address black workers' concerns (independent of immigrants).[93]

The need for increased attention to solidarity building between African Americans and new Latino immigrants is plain. By "solidarity" we mean, in the simplest sense, the act of recognizing a shared interest or working together toward a common goal. For example, we consider it a sign of *work-related solidarity* when African American and new immigrants express a sense of commonality around work issues or collaborate to complete a job task; jointly resist an employer demand; participate together in a community organization's campaign for better working conditions; or organize or work together within a union. We recognize that some might take issue with our inclusion of "express a sense of commonality around work issues" or "collaborate to complete a work task" on a list of examples of solidarity. After all, solidarity – although defined in the American Heritage Dictionary only as "[a] union of interests, purposes, or sympathies among members of a group"[94] – is generally understood to contain a component of active resistance. Nonetheless, given the tremendous

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[90] May Chen & Kent Wong, *The Challenge of Diversity and Inclusion in the AFL-CIO*, *in* A NEW LABOR MOVEMENT FOR THE NEW CENTURY 185 (Gregory Mantsios ed., 1998); Bill Fletcher Jr. and Richard W. Hurd, *Is Organizing Enough? Race, Gender, and Union Culture*, NEW LABOR FORUM 59 (Spring/Summer 2000); Fernando E. Gapasin, *Local Union Transformation: Analyzing Issues of Race, Gender, Class, and Democracy*, 25 SOC. JUST. 13 (1998); Dorian T. Warren, Union Democracy and the Incorporation of Marginalized Workers in U.S. Unions: A Case Study of HERE Local 1 (Feb. 2006) (unpublished manuscript, on file with authors).

[91] For some of the most recent examples, *see* JANICE FINE, WORKER CENTERS: ORGANIZING NEW COMMUNITIES AT THE EDGE OF THE DREAM (2006); RUTH MILKMAN, L.A. STORY: IMMIGRANT WORKERS AND THE FUTURE OF THE U.S. LABOR MOVEMENT (2006); IMMANUEL NESS, IMMIGRANTS, UNIONS, AND THE NEW U.S. LABOR MARKET (2005); THE NEW URBAN IMMIGRANT WORKFORCE: INNOVATIVE MODELS FOR LABOR ORGANIZING (Sarumathi Jayaraman & Immanuel Ness eds., 2005); ORGANIZING IMMIGRANTS: THE CHALLENGE FOR UNIONS IN CONTEMPORARY CALIFORNIA (Ruth Milkman ed., 2000).

[92] Exceptions include CENTER FOR RESEARCH ON WOMEN, UNIVERSITY OF MEMPHIS ET AL., ACROSS RACES & NATIONS: BUILDING NEW COMMUNITIES IN THE U.S. SOUTH (2006) [hereinafter ACROSS RACES & NATIONS]; Amy Foerster, *Race, Identity, and Belonging: "Blackness" and the Struggle for Solidarity in a Multiethnic Labor Union*, 51 SOC. PROBS. 386 (2004).

[93] The writing of both Bill Fletcher and David Bacon bridges this divide, offering heartening exceptions to the general rule. *See, e.g.*, Bill Fletcher Jr., *Can Organized Labor Be Renewed Absent the Black Worker?*, 33 BLACK SCHOLAR 44 (2003); Bill Fletcher & Richard W. Hurd, *Is Organizing Enough? Race, Gender, and Union Culture*, 6 NEW LAB. F. 59 (2000); David Bacon, *Looking for Common Ground*, COLORLINES, Spring 2006, at 15; David Bacon, *Unions and the Fight for Multi-Racial Democracy*, Address to California Studies Conference, University of California at Berkeley (Feb. 6, 1999), *available at* http://dbacon.igc.org/Unions/11mulrac.htm.

[94] THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (4th ed. 2006).

emphasis placed on the tensions between new immigrants and African Americans on the job, we think it important to highlight the daily ways that workers defy the stereotype of conflict.

New, and largely unpublished, research by social scientists and activist researchers studying workplaces in the South – a region where, because of recent demographic trends, African American and Latino immigrant paths increasingly cross – documents concrete examples of identification and cooperation between these groups of workers. In doing so, it corrects two misconceptions about African Americans and Latino immigrant low-wage workers: first, that these groups almost never work in the same jobs and, thus, rarely, if ever, find themselves in situations in which solidarity might be possible; and second, that in those few instances where Blacks and Latino immigrants do labor side by side, they will not stand together when problems arise. This research makes clear that, particularly in industries such as food processing, hospitality, warehousing, manufacturing, and construction, and especially (although not exclusively) in the South, that African American and Latino immigrants *are* doing the same low-wage work and that, while labor solidarity for these groups may not be widespread, it exists to a far greater degree than is commonly recognized.

In the sections that follow, we analyze this new research on solidarity between African Americans and Latino immigrants. We explore a range of examples of collaboration between members of these groups on workplace issues, and offer case studies of two efforts that have been especially focused on fostering cross-racial worker solidarity. Our purpose is both to provide evidence of cooperation in an environment in which only conflict gets attention and to begin to identify the conditions necessary for increased solidarity among low-wage workers.

NEW RESEARCH ON WORKERS' ATTITUDES TOWARD EACH OTHER

Until recently, most of the American South had experienced almost no Latino immigration.[95] In the last few decades, however, Latino immigrants have been settling there at unprecedented rates, with some Southern cities seeing close to a 1000% increase in Latino population between 1980 to 2000.[96] Places like Memphis, Nashville, Raleigh-Durham, and Atlanta are becoming popular destinations for Latino immigrants in search of work.[97] The rural South has experienced a similar influx of new immigrants.[98] At the same time, the number of African Americans returning to the South after

[95] Owen J. Furuseth & Heather A. Smith, *From Winn-Dixie to Tiendas: The Remaking of the New South*, *in* LATINOS IN THE NEW SOUTH: TRANSFORMATIONS OF PLACE 1, 1 (Heather A. Smith & Owen J. Furuseth eds., 2006).

[96] *Id.* at 8; Paula D. McClain et al., *Racial Distancing in a Southern City: Latino Immigrants' Views of Black Americans*, 68 J. POL. 571, 571 (2006).

[97] McClain et al., *supra* note 96, at 571-72.

[98] Furuseth & Smith, *supra* note 95, at 11-12.

having lived in the North for a number of years is on the rise.[99] This dual pattern of in-migration is occurring in places that already had substantial Black populations. Workplaces are a key site for the increased interaction between African Americans and Latino immigrants.

Social scientists have begun to study how African American and new Latino immigrant low-wage workers are responding to these workplace encounters.[100] Sociologists Barbara Ellen Smith and Helen Marrow, whose work we introduced earlier; geographer Jamie Winders; and a group of graduate students led by anthropology Ph.D. candidate Angela Stuesse, have each undertaken important research focused on the relationships between immigrants and African Americans in workplaces in the new South.[101] Their findings confirm the existence of conflict between Blacks and Latino immigrants in this context. At the same time, several of these scholars report that they also encountered recognition of commonality and collaboration across racial and ethnic lines.

A Tale of Two Cities: Memphis and Nashville, Tennessee

Worker Interactions in Memphis

Situated in the southwestern corner of Tennessee, Memphis is the state's largest city, with a population of approximately 650,000.[102] In the minds of many, Memphis, which was approximately 61 percent African American and 34 percent white at the last Census,[103] will always be a black and white city, the site of civil rights campaigns and the fatal attack on Dr. Martin Luther King, Jr.'s life. Dramatic increases in Latino immigrants to Memphis, however, promise to change the racial composition of this metropolis in significant ways. Between 1990 and 2000, the Latino population of Memphis grew by over 600%.[104]

Barbara Ellen Smith recently conducted a number of employer and worker interviews designed to measure the impact of immigration on labor markets

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[99] WILLIAM H. FREY, BROOKINGS INSTITUTION, THE NEW GREAT MIGRATION: BLACK AMERICANS' RETURN TO THE SOUTH, 1965-2000 (2004). Many Blacks returning to the South are middle class families, or young college graduates. But others are low-wage laborers. *Id.* at 7-8.

[100] Until recently, few social scientists had focused in any depth on workplace interactions between African-Americans and new Latino immigrants. For one exception, see Alex Stepick, Guillermo Grenier et al., *Brothers in Wood*, *in* NEWCOMERS IN THE WORKPLACE: IMMIGRANTS AND THE RESTRUCTURING OF THE U.S. ECONOMY 145 (Louise Lamphere, Alex Stepick & Guillermo Grenier eds., 1994).

[101] Each of these authors' work is cited and discussed below.

[102] U.S. CENSUS BUREAU, STATE & COUNTY QUICKFACTS: MEMPHIS (CITY), TENNESSEE (last revised Aug. 31, 2007), *at* http://quickfacts.census.gov/qfd/states/47/4748000.html.

[103] *Id.*

[104] MARCELA MENDOZA, DAVID H. CISCEL & BARBARA ELLEN SMITH, LATINO IMMIGRANTS IN MEMPHIS, TENNESSEE: THEIR LOCAL ECONOMIC IMPACT 6 (Ctr. for Research on Women, The Univ. of Memphis, Working Paper No. 15, 2001) (reporting a census count of 8,116 Hispanics in Memphis in 1990, compared with a study by The University of Memphis Regional Economic Development Center that estimated a population of 53,628 Hispanics in 2000).

in Memphis. Her survey of 174 firms in the city revealed that employers were responding to the change in demographics by shifting away from African American workers and toward Latinos, particularly in the distribution sector, once a core employer for working class black men. Consistent with the literature on employer bias discussed above, the employers Smith interviewed "explained the interest in Latino workers by asserting that they are exceptionally dependable, reliable, flexible and productive, with the implication often made explicit that 'other' workers do not exhibit these traits."[105] As we note earlier, her interviews with Latino and African American workers in Memphis revealed that tensions between these workers existed on a range of issues, including most prominently conflict over what she terms "intensity of work effort."[106]

And yet, significantly, Smith also found meaningful levels of commonality and cooperation among African Americans and Latino immigrants. The surveys "revealed diverse and subtle attitudes [among Blacks and Latinos] that confounded simple generalizations about job competition."[107] Workers clearly shared a "sense of economic commonality," and a desire to resist economic exploitation of their labor.[108] As one African American man said of his Latino co-workers, "They are trying to make a living like I am."[109] Another remarked, "Just like anybody else, they need to work. . . . Who am I to say they shouldn't be over here?"[110] Interviewees in Smith's surveys also articulated a sense of identification across racial boundaries based on the racism of southern Whites toward both groups. As one Latino man observed, "[White people] are treated differently, definitely. There is another treatment for the Hispanics and the African Americans."[111] Finally, a shared resentment of "intolerable working conditions and employers' injustices" was evident in interviewee responses.[112]

Hotel Workers in Nashville

Dubbed the "Music City," Nashville, Tennessee, like Memphis, has long been a Black/White metropolis. As of the 2000 Census, Whites comprised 66 percent of the city's population of approximately 546,000, while Blacks constituted 27 percent.[113] But Nashville, too, has seen an influx of new

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105 Smith, *supra* note 49, at 56.

106 *Id.* at 59.

107 *Id.* at 58.

108 *Id.*

109 *Id.*

110 *Id.* A third African American man independently offered a similar reflection. Smith remarks that "[t]he absence of an exclusionary sense of entitlement to their jobs among these black men is striking – particularly in contrast with the attitudes expressed by white workers in east Tennessee." *Id.*

111 *Id.* at 62.

112 Smith, *Job Competition*, *supra* note 28, at 81.

113 U.S. CENSUS BUREAU, STATE & COUNTY QUICKFACTS: NASHVILLE/DAVIDSON (BALANCE), TENNESSEE (last revised Aug. 31, 2007), *at* http://quickfacts.census.gov/qfd/states/47/4752006.html.

immigrants similar to that absorbed by Memphis and other southern cities. Its Latino population increased by 630% between 1980 and 2000.[114]

Geographer Jamie Winders recently undertook a study of employers and employees in Nashville hotels, where the demographic changes the city is undergoing can easily be seen, as new immigrants increasingly take jobs that bring them in close proximity with native-born white and black workers. In earlier research studying immigration's impact on scholarship on community actors and political structures, Winders found that tensions over immigrant newcomers ran high, with particular concern among the African American community about Latinos usurping Black political power.[115] And yet, unexpectedly, Nashville hotel workers appeared to handle the arrival of immigrants to workplaces long dominated by black and white labor with something approaching nonchalance. Based on her observations and interviews of workers and supervisors at Hotel Nashville, whose 50-person staff once was almost entirely white and black but now also includes immigrant employees from numerous countries, Winders reports "a fairly consistent downplaying of the importance of demographic changes on daily workplace activities."[116] Not only did she find little conflict among workers, but "many native-born workers – both black and white – seemed either not to notice or to give much weight to the changing faces of their co-workers."[117] Several remarked on the advantages of a "diverse workforce" or "multicultural work site."[118] As we discuss in Section V, Winders found a particularly high rate of positive feelings across racial and ethnic lines in jobs within the hotel that required active collaboration on work tasks.[119]

A Tale of Two Rural Areas

Poultry Workers in Rural Eastern North Carolina

Poultry processing requires low-wage workers to labor under grueling conditions that can expose them to serious injury, either from dangerous machinery or from the repetitive movements required of them in

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114 Furuseth & Smith, *supra* note 95, at 8.

115 Jamie Winders, *Nashville's New* Sonido: *Latino Migration and the Changing Politics of Race*, *in* NEW FACES IN NEW PLACES: THE CHANGING GEOGRAPHY OF AMERICAN IMMIGRATION manuscript at 327 (Douglass S. Massey ed., forthcoming 2007) (manuscript at 342-44, on file with authors) [hereinafter Winders, *Nashville's New* Sonido]. Winders's early work documented the challenges immigration posed for Nashville's government employees, businesses, and service providers. *See, e.g.*, Jamie Winders, *Placing Latino/as in the Music City: Latino Migration and Urban Transformation in Nashville, Tennessee*, *in* LATINOS IN THE NEW SOUTH: TRANSFORMATIONS OF PLACE 167 (Heather A. Smith & Owen J. Furuseth eds., 2006); Jamie Winders, *Changing Politics of Race and Region: Latino Migration to the U.S. South*, 29 PROGRESS HUM. GEOGRAPHY 683 (2005).

116 Winders, *Nashville's New* Sonido, *supra* note 115 (manuscript at 348).

117 *Id.* (manuscript at 351).

118 *Id.* (manuscript at 352).

119 *Id.* (manuscript at 349-50).

slaughtering, deboning, and cleaning poultry for distribution.[120] In eastern North Carolina, this work had, for many years, been done primarily by poor African American workers, a pattern typical of the industry, as we noted earlier. More recently, however, the African American workers who have not left in favor of better working conditions or been pushed out by employers looking for cheaper labor, have found themselves working side by side with Latino immigrants on the conveyor belts and processing lines of the state's poultry plants.

Sociologist Helen Marrow has begun to consider the impact of this change. Like Winders, Marrow initially researched the community-wide impact of immigration in a previously biracial setting, with an emphasis on African American and Latino residents' views of each other, and found evidence of considerable discord.[121] In a recent unpublished paper on relationships between black and immigrant workers in a large chicken processing plant, however, she found that tensions in the poultry plant paled in comparison to those evident in the community at large.[122] Not unlike Winders, Marrow notes that "respondents frequently report[ed] more strained intergroup relations *outside* as opposed to *inside* the workplace."[123]

Indeed, participants in Marrow's study consistently "report[ed] positive relations among workers of different racial and ethnic backgrounds as well as a lack of racial discrimination."[124] The creation and enforcement of antidiscrimination policies by management at the plant may have contributed to this. But equally, if not more important, Marrow suggests, was simple contact between the workers. African Americans within the plant made an effort to learn some Spanish to communicate with the newcomers and Latino immigrants reached out to native-born co-workers across the barriers of language and race. The personal relationships that developed as a result facilitated worker cooperation and understanding at the plant. As one Honduran man noted, "my closest coworker is black. . . . I question him on anything I want – words, expressions or styles of speech."[125] As a Mexican American woman observed of both Black workers and Latino immigrants at the plant, "even at first if they do come in here

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120 For more on conditions for low-wage workers in the poultry processing industry, see Part 2, *supra*.

121 *See* Helen B. Marrow, Reconceptualizing Discrimination and Hierarchy in the Multiethnic Rural U.S. South (2006) (unpublished draft chapter of Ph.D. dissertation, Harvard University (candidate)) (on file with authors). In addition to recording immigration-related tensions, Marrow reported that new immigrants in eastern North Carolina perceive African Americans as more biased against them than Whites in the region. *Id.* (second to last page of text (draft pages are unnumbered)). This finding is in tension with McClain et al., and with other surveys reporting that African Americans have more positive and solidaristic views of Latinos than vice versa. *See* McClain et al., *supra* note 96, at 579.

122 Marrow, *supra* note 52, at 8-10.

123 *Id.* at 10.

124 *Id.* at 8.

125 *Id.* at 10.

and . . . are a little bit biased against another culture, once you work with them every day, all day long, they're the only person you see, right next to you day in, day out. I mean, it's hard not to become friends with someone. Especially if they're not doing anything wrong to you. I feel that that right there will bridge a lot of gaps."[126] Here, the proximity of the workplace appears to have encouraged a greater sense of commonality and identification than is common in the far more segregated world outside.

Poultry Workers in Central Mississippi

In Central Mississippi, scholars and activists have been engaged in a similar study of the relationship between African Americans and new Latino immigrants in the poultry industry. This work paints a more conflict-riddled picture of the workplace relationships than Marrow found. Angela Stuesse, a PhD candidate in anthropology at the University of Texas; Anita Grabowski, a former masters degree student in anthropology at the University of Texas and now lead organizer with the Poultry Worker Project of the Center for Community Change; and several former undergraduate students in the department, Laura Helton and David Mandel-Anthony, have each documented the conflicts among Latinos of different national origins as well as between black workers and Latinos in the plants.[127] Their research confirms by now familiar attitudes among the Latino workers as a whole: that black workers are "lazy" and uninterested in hard work.[128] Meanwhile, the African American workers in their studies echo the classic perceptions of Latinos: "too willing to work for nothing" and "they're taking our jobs."[129]

Although conflict predominates in their accounts, Stuesse and others report at least two other findings of significance. First, based on observations of poultry plants in Morton, Forest, Laurel, and Carthage, Mississippi, they found that employers played an active role in reinforcing tensions between the two groups.[130] Second, they document signs that African American and new Latino immigrants at times recognized their common interests. Latino workers, although initially largely negative in their views of Blacks, "recognized on further reflection that African Americans also were affected

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126 *Id.* at 11.

127 Stuesse, *supra* note 27; Stuesse & Helton, *supra* note 44; Anita Grabowski, "*La Pollera*: Latin American Immigrant Workers at the Koch Foods Poultry Plant in Morton, Mississippi" (Masters Thesis, University of Texas at Austin, May 2003); Mandel-Anthony, *supra* note 83.

128 Stuesse, *supra* note 27, at 22.

129 *Id.* at 18. The University of Texas – Austin anthropology scholars studying chicken processing in Mississippi identify as "activist researchers." Anthropologist Charles Hale defines activist research as work that "a) helps us better to understand the root causes of inequality, oppression, violence and related conditions of human suffering; b) is carried out, at each phase from conception through dissemination, in direct cooperation with an organized collective of people who themselves are subject to these conditions; c) is used, together with the people in question, to formulate strategies for transforming these conditions and to achieve the power necessary to make these strategies effective." Charles Hale, *What Is Activist Research?*, 2 SOC. SCI. RES. COUNCIL 13, 13 (2001). *See infra* note 173 and accompanying text (describing the work of these researchers with MPOWER).

130 Stuesse, *supra* note 27, at 5, 19-20, 23; Grabowski, *supra* note 127, at 17, 50-52.

by low wages, repetitive motion injuries and other dangerous working conditions."[131] A few black workers identified with the predicament of the new arrivals, as with one older woman's remark: "They's where we was at fifty years ago before we even knew our rights."[132] And Stuesse and Anita Grabowski record the shift in an African American labor organizer's thinking about new Latino hires, from his initial instinct to call on the union to organize a campaign to force management to stop hiring immigrants, to his recognition that, "if the labor movement in Central Mississippi were to survive, it would have to embrace new strategies of organizing to defend the rights of *all* poultry workers."[133]

EMERGING EXAMPLES OF SOLIDARITY BETWEEN AFRICAN AMERICAN AND NEW LATINO IMMIGRANT LOW-WAGE WORKERS

The research described in the previous section is extremely promising. We note, however, that this work largely records native-born black and Latino immigrant workers' *views* of each other rather than actual *acts* of solidarity. The step between African Americans and new immigrants acknowledging some common ground as workers, and their making a decision to take joint action to resist an employer demand, is a large one. This section draws on our own research, media reports, and the few academic accounts that are available, to provide evidence that African American and Latino immigrant workers *are* bridging this gap. In the pages that follow, we offer an overview of spontaneous protests, community campaigns, and workplace-based organizing evincing solidarity, and provide case studies of two solidarity-building efforts we think especially noteworthy.

"Spontaneous" Protest Actions

When workers act together to demand better treatment on the job, their action may appear to be spontaneous, a combustion emerging from sudden shared outrage. By their very nature, spontaneous protests are rarely carried out under the watchful eye of a reporter or a sociologist, so it is hard to ascertain how often they occur. We found only two accounts of "spontaneous" walkouts in mixed black/immigrant workplaces. In the fall of 2006, for example, the media covered a walkout led by Latino workers in protest of firings of immigrants at the Smithfield Packing Co. in North Carolina.[134] Timothy Dunn, María Aragonés, and George Shivers also document a 1996 case in which a hundred Latino immigrants walked out of

131 Grabowski, *supra* note 127, at 56.

132 Stuesse, *supra* note 27, at 21.

133 *Id.* at 12.

134 As we explain in a case study below, the firings were in response to the company's receipt of so called "no match" letters from the Social Security Administration (SSA), indicating that the workers in question had social security numbers that were in inconsistent with the data in SSA's database. *See infra* at 33; *see also* Steven Greenhouse, Hundreds, All Nonunion, Walk Out at Pork Plant in N.C., N.Y. TIMES, Nov. 17, 2006, at A22; Telephone Interview with Gene Bruskin, *supra* note 81.

a Delaware poultry plant after management fired an undocumented teenage Mexican worker whose finger had been cut off in a workplace accident.[135]

Two things stand out about these examples. First, both protests were led by Latino workers. We found no record at all of unpremeditated walkouts or protests led by African American and new Latino immigrant workers together. Moreover, African American participation in these protests was noticeably minimal. Only few African Americans joined Latino workers in leaving the Smithfield plant.[136] And, in the Delaware case, "[n]ot a single American worker, black or white, joined"[137] the protest. We suspect that this reflects the fact that the two groups must overcome the very serious challenges of language barriers and mistrust before they can even begin to consider joint action.

Second, both of these examples, on closer examination, occurred in a context where unions were active and workers were already organized or organizing.[138] The black workers who joined the Smithfield protest, explored more fully below, were active in the UFCW's ongoing union organizing campaign at the plant, as were many of the Latinos who led the walk-out. While the union played no role in the Delaware walkout, the plant at issue in that example was unionized. And the spontaneous outrage expressed by the Latino workers, who had previously been unwilling to challenge employer actions, eventually led to improved relations with the black shop-steward for the union local, "a rejuvenated rank and file union membership at the . . . plant,"[139] and a new solidarity between African American and immigrant workers in the union.[140] Our sense is that there is a way in which the coming together achieved in both cases can be understood as the outgrowth of systematic and ongoing union organizing efforts.

Community-Based Solidarity Initiatives

Around the country, very few grassroots organizations explicitly seek to build bridges between African Americans and new immigrants at the community level. With recent demographic changes, however, the South has become something of a laboratory for such efforts.[141] As hundreds of

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135 Dunn, Aragonés & Shivers, note 47, at 163-67.

136 Telephone Interview with Gene Bruskin, *supra* note 81.

137 Dunn, Aragonés & Shivers, *supra* note 47, at 164.

138 In neither situation, however, did the union organize the walk-out. In the Smithfield case, the Latino workers decided to walk out and informed the union after they had left the building. Greenhouse, note 134; Telephone Interview with Gene Bruskin, *supra* note 81. In the Delaware case, when the Latino workers led the walkout, the union local attempted at first to convince the workers to abandon their protest. Dunn, Aragonés & Shivers, *supra* note 47, at 165.

139 Dunn, Aragonés & Shivers, *supra* note 47, at 165.

140 *Id.* at 166-67.

141 We distinguish here between the much more widespread efforts to build Black/Brown alliances for political purposes (which predominately involve U.S. citizens or

thousands of Latino and other immigrants arrived in the region in the late 1980s and 1990s, new organizations arose to address the newcomers' needs, and old ones—previously focused on the concerns of poor black and white residents and on African American civil rights struggles—retooled to respond to the changing face of the communities they served.[142] Most of the resulting programs were service-oriented, with few addressing tensions between newcomers and black residents. Even fewer had a labor focus. But several exceptions are worth noting.

Case Study: Black Workers for Justice

North Carolina-based Black Workers for Justice (BWFJ) began in the 1980s with a mission to advocate on behalf of African American workers.[143] It eventually became clear to Ajamu Dillahunt, Saladin Muhammad, and others within the BFWJ leadership, however, that the organization would have to expand its agenda to include Latino immigrants as well. From 1990 to 2000, the number of Latinos living in North Carolina rose sharply from 77,000 to over 300,000, as broken economies in Mexico and other countries drove people to the United States for work.[144] The impact of this migration was so great in North Carolina that, by the mid-1990s, the black

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longtime residents), and grassroots efforts to bring new immigrants and African Americans together to address community- or workplace-level conflicts that result from immigration.

Examples of the immigration-related organizing with which we are concerned include the Southeast Regional Economic Justice Network's "Resisting Rivalry" project, which seeks to bring black people and Latino immigrants together to increase their understanding of each others' histories, struggles, and shared concerns. Southeast Regional Economic Justice Network, http://www.rejn.org/program.htm. In addition to those discussed in the text, worker centers that have begun to build bridges between African American and immigrant or migrant workers include the Miami Workers Center, http://theworkerscenter.org/, Tenants and Workers United in Virginia, http://www.tenantsworkers.org/, and the New Orleans Workers Center for Racial Justice. *See also* FINE, *supra* note 91, at 67 (describing efforts by TWSC and CAFÈ to bring African American and Latino communities together). At the level of broader advocacy, efforts such as the Center for New Community's Which Way Forward Initiative are beginning to open a dialogue in the African American community about a coordinated response to anti-immigrant sentiment. Center for New Community, *Which Way Forward Summary: African Americans, Immigration, and Race* (May 2007) (on file with authors).

We suspect that there have been more grassroots efforts than we are aware of at this time. In many cases such endeavors are sporadic and short-lived. Even the most successful collaborations of this sort face serious challenges from the language barrier between the two groups, the differences in the immediate concerns of African Americans and newcomers as well as the varied views and needs of members of each community, and the instability of the lives of participants, many of whom are transnational migrants, seasonal workers, or unemployed. ACROSS RACES & NATIONS, *supra* note 92, at 88, 106-07.

[142] For a series of case studies of such efforts in the South, see ACROSS RACES & NATIONS, note 92, at 85-111. For an insightful discussion of the institutional challenges faced by these organizations as they underwent this transformation, see Barbara Ellen Smith, Susan Williams & Wendy Johnson, *Conflict and Collaboration: Our Internal Challenges*, *in* ACROSS RACES & NATIONS, *supra* note 92, at 19-24.

[143] *See generally Black Workers for Justice*, http://www.bwfj.org. This case study is based on telephone interviews with Ajamu Dillahunt, a founding member of Black Workers for Justice and a former Local President of the American Postal Workers Union.

[144] Martinez, *supra* note 32, at 44.

descendants of slaves who had labored in the fields since Emancipation had been replaced entirely by Latino agricultural workers.[145]

In 1999, BWFJ was approached by the Farm Labor Organizing Committee (FLOC), a predominately Latino immigrant farm workers union, about the possibility of forming a brown-black worker alliance.[146] *Significantly, it was not the rising tensions between African Americans and Latino immigrants in places such as poultry plants and construction sites that prompted FLOC's outreach.*[147] *Rather, it was the hope that black workers familiar with the indignities inflicted on workers in agriculture and other low-wage industries would stand with FLOC's Latino base to challenge employer abuses, despite the fact that many black workers took the view that they had lost job opportunities "because . . . [employers] hire Mexicans."*[148]

By 2000, FLOC had enlisted BWFJ, the Public Service Workers Union/UE Local 150, the Associacion de Trabajadores Latinos de North Carolina and the North Carolina Office of Health Safety to challenge abuses at Mt. Olive, a large pickle company in the state.[149] *BWFJ members joined with FLOC's membership in picketing the company, and were successful in helping to secure some concessions for workers. Neither BWFJ nor FLOC wanted the alliance to end there, however. Soon after the Mt. Olive action, they collaborated to launch a number of programs designed to achieve solidarity between black and brown workers that was longer lasting than any one picket line or demonstration.*

The centerpiece of these solidarity-building efforts was the day-long "Black and Brown Freedom School."[150] *This educational initiative brought equal numbers of Latino and African American workers together with the goal of eradicating barriers to long-term, cross-racial unity. Its innovative curriculum involved sessions designed to teach each group about the other's history, such as a class that discussed the parallels between the Great Migration of Blacks to the North during the 1920s and 1930s and the current migration of Latinos to the United States; and a discussion of globalization and free trade, and their effects on Latino migrants in particular. It also sought to bridge barriers to communication between the two groups by inviting nearby language instructors to conduct a unit in which English speakers received basic instruction in Spanish and Spanish speakers received basic instruction in English. The school's program included a performance from the Fruits of Labor, a BWFJ singing group, whose appearance was intended to facilitate greater cultural understanding.*

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145 Telephone Interview by R.A. Lenhardt with Interview with Ajamu Dillahunt, Founding Member, Black Workers for Justice, and Former Local President, American Postal Workers Union (September 28, 2007).

146 *Id.*

147 *Id*.

148 *Id.* (relaying a comment made by African American construction worker).

149 Martinez, *supra* note 32, at 44.

150 October 4, 2007, Interview with Ajamu Dillahunt, *supra* note 87.

> *To build on this work, BWFJ and FLOC have each hosted events with an eye toward giving the other group's members a better understanding of the historical, political, and economic context in which they operate. For example, FLOC's members have attended BWFJ-sponsored Juneteenth celebrations to celebrate the end of slavery and to mark the date slaves in Texas, who had not been informed of their emancipation, learned that they were free men and women. BWFJ members, in turn, went on an international border exchange hosted by FLOC that took them to a poor, mountain village in Mexico to visit the family of a Latino worker who had been badly injured on the job in the United States. The trip made clear the similarities in the African American and Latino immigrant experiences and helped to illuminate for the BWFJ workers the reasons immigrants search for work in the United States. As Ajamu Dillahunt explained, "That connection for workers who had grown up in the fields of North Carolina and in extreme poverty was important. Talk about an aha moment!"*[151]
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> *Dillahunt reports that lack of funds has made it difficult to continue some of the solidarity-building programs launched by BWFJ and FLOC, including the school, which was initially expected to take place on an annual basis. He notes too that the persistent portrayal in the media of African Americans and Latinos as groups in conflict has not helped intergroup relationships, tending only to stoke the fires of racial and ethnic animus. But the brown-black alliance forged nearly a decade ago has managed, nevertheless, to continue. BWFJ planned to support FLOC in protests against another major North Carolina employer of immigrant labor as recently as this fall.*

At least two predominately Black workers rights organizations in the South have initiated programs over the past decade to reach out to new Latino workers, and now explicitly address labor issues across industries in the context of new immigration. As we set out in the case study above, the North Carolina African American/Latino Alliance founded by Black Workers for Justice and the Farm Labor Organizing Committee—a workers rights organization and a union—used African Americans' and new Latino immigrants' common experiences around non-labor issues as a starting point to build coalition between the two groups of workers. In addition, the Carolina Alliance for Fair Employment (CAFÉ), once a largely African American organization, launched its "Hispanic Outreach Project" in 2000.[152] The Project reflects a determination to bring black and brown residents together, redefining "the struggle of Latinos in the state as a continuation of the black civil rights struggle,"[153] and hosting discussions between immigrants and African Americans that emphasize common concerns such as housing discrimination and racial profiling by the police.[154] Some of its earliest efforts addressed the particular concerns of new immigrants,

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151 *Id.*

152 *See* Carolina Alliance for Fair Employment, http://www.cafesc.org/issues.htm; FINE , *supra* note 91.

153 FINE, *supra* note 91, at 68.

154 *Id.*

including arranging a visit by the Mexican consulate to the area to provide information on documentation, and assisting newcomers in obtaining taxpayer identification numbers.[155] The move toward joint efforts in the workplace has been slower. But as Black and Latino workers recognize commonalities, CAFÉ has begun to take on problems such as workplace safety that affect both groups.[156]

Workplace-Centered Solidarity Efforts

Of all institutions in the United States today, unions would seem to be best positioned to support and to benefit from solidarity between African American and new immigrant workers. Black workers belong to unions in greater proportions than any other racial or ethnic group.[157] Latino immigrant unionization rates are lower, but rising fast.[158] Since the election of new leadership in 1995, the AFL-CIO, and now the breakaway labor federation Change to Win as well, have developed pro-immigrant policies, recognizing that they must organize immigrant workers in low-wage service jobs if they are to survive.[159] A number of the largest international unions – including the Service Employees International Union (SEIU), the United Food and Commercial Workers Union (UFCW), and the garment and hotel/restaurant amalgam UNITE HERE – count substantial numbers of both African Americans and new Latino immigrants in their membership ranks.[160]

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155 Carolina Alliance for Fair Employment, *supra* note 152.

156 FINE, *supra* note 91, at 68.

157 Bureau of Labor Statistics, U.S. Dep't of Labor, *Union Members in 2006*, (Jan. 25, 2007), *available at* http://www.bls.gov/news.release/union2.nr0.htm ("Black workers were more likely to be union members (14.5 percent) than were whites (11.7 percent), Asians (10.4 percent), or Hispanics (9.8 percent).") Nonetheless, these numbers represent a significant decrease in African American unionization rates over the past two decades. John Schmidt & Ben Zipperer, *The Decline in African-American Representation in Unions and Auto Manufacturing, 1979-2004* 1 (Ctr. for Econ. & Policy Research Briefing Paper, Jan. 2006), *available at* http://www.cepr.net/documents/african_americans_manufacturing_2006_01.pdf.

158 On the low rates, see Ruth Milkman, *Labor Organizing Among Mexican-born Workers in the United States*, 32 LAB. STUD. J., 96, 98 (2007). On the rise in rates, see Chuncui Velma Fan & Jeanne Batalova, Migration Policy Inst., *Foreign-Born Wage and Salary Workers in the US Labor Force and Unions* (, Aug. 2007), *available at* http://www.migrationinformation.com/USfocus/display.cfm?id=638 ("The number of foreign-born union workers has increased 30 percent since 1996 while the number of native-born union workers has declined 9 percent.").

159 Muzaffar Chishti, *Guest Workers in the House of Labor*, 13 NEW LAB. F. 67, 68 (2004).

160 SEIU states on its website that its members are 20% African American and 40% total people of color, and that it "represents more immigrant workers than any other union in the United States." SEIU, *Fast Facts*, http://www.seiu.org/about/fast_facts/index.cfm (last visited Nov. 24, 2007). UNITE-HERE's website notes that "UNITE HERE boasts a diverse membership, comprised largely of immigrants and including high percentages of African-American, Latino, and Asian-American workers." UNITE HERE, *UNITE HERE Fact Sheet*, http://www.unitehere.org/presscenter/factsheet.php (last visited Nov. 24, 2007). The UFCW has two subcommittees specifically for representation of Latino and minority workers. *See* UFCW United Latinos, http://www.ufcwunitedlatinos.org (last visited Nov. 24, 2007) ("We have a simple but powerful purpose of empowering Latino men and women within the UFCW and within our communities."); UFCW Minority Coalition, http://www.ufcwminoritycoalition.org (last visited Nov. 24, 2007) ("The mission of the UFCW

Given the close proximity of U.S.-born black workers and new immigrants in food processing, health care, hospitality, and other service industries where unions are active, we suspect that many other organizing campaigns and bargaining units encompass both groups.

At the same time, the position of U.S. unions today in relation to African American and immigrant workers is more complex than numbers would suggest. Although solidarity is its calling card, the labor movement's history also offers ample examples of racism, xenophobia, and exclusionary policies designed to protect the jobs and wages of white workers.[161] And even unions that have sought to overcome this history, and now actively organize both black and new immigrant workers, often do so without bringing the two groups together in any meaningful way.[162] Nonetheless, a few unions, and a few community organizations, are actively building unity between members of the two groups in particular workplaces or industries across the barriers of race, language, and immigration status. We details their efforts below.

Case Study: The UFCW Campaign at Smithfield

One morning in November 2006, the operations at the Smithfield Packing Plant in Tar Heel, North Carolina unexpectedly ground to a halt.[163] Workers

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Minority Coalition is to develop a unified voice, and promote diversity and inclusion within the labor movement.").

[161] *See* Herbert Hill, *Race and Ethnicity in Organized Labor: The Historical Sources of Resistance to Affirmative Action*, 12 J. INTERGROUP REL. 5 (1984); *see also* MICHAEL K. HONEY, SOUTHERN LABOR AND BLACK CIVIL RIGHTS: ORGANIZING MEMPHIS WORKERS (1993); BRUCE NELSON, DIVIDED WE STAND: AMERICAN WORKERS AND THE STRUGGLE FOR BLACK EQUALITY (2001); BAYARD RUSTIN, *The Blacks and the Unions*, HARPER'S MAG., May 1971, *reprinted in* DOWN THE LINE: THE COLLECTED WRITINGS OF BAYARD RUSTIN 335 (1971); Colin J. Davis, *"Shape or Fight?": New York's Black Longshoremen,1945–1961*, 62 INT'L LAB. & WORKING–CLASS HIST. 143 (2002);

On the other hand, there have also been numerous times in the past century when unions proved the catalyst for alliances between white workers and African Americans. In the early 1920s, the International Ladies Garment Workers Union experienced some success in organizing black workers in the industry together with the Jewish and Italian laborers who made up the bulk of its membership. DAVID R. ROEDIGER, WORKING TOWARDS WHITENESS 99 (2005). The CIO also had success with its short-lived campaign to organize hundreds of thousands of steel, auto, mine and other workers of all races into unions together in the 1930s and early 1940. For several examples of the CIO's interracial organizing approach, *see* HOROWITZ, NEEDLEMAN, Zeitlin & Weyher, and other sources cited *supra* note 89

[162] Although a union as a whole may have a very diverse membership, individual bargaining units are much more likely to represent *either* predominately native-born workers (in occupations such as public employment, auto manufacturing, or security) or predominately immigrant ones (in, say, janitorial or garment work), rather than uniting both groups of workers in substantial numbers. Although some unions, such as SEIU, organize in both sectors, they do so via divisions that operate separately. In this situation, workers in the corresponding locals may pay dues to the same union, but their paths rarely if ever cross.

[163] This description of the Smithfield walkout was drawn from Greenhouse, note 134; Telephone Interview with Gene Bruskin, *supra* note 81; Katrina vanden Heuvel, *Smithfield Walkout Challenges Agribiz Giant*, NATION (online edition) (Nov. 20, 2006), *available at* http://www.thenation.com/doc/20061204/kvh; Smithfield Justice Campaign, "Smithfield

left their posts and streamed outside, creating a crowd that would eventually number over 1000. The workers, a largely Latino group that included a few African Americans, walked off the job to protest the threatened dismissal of a number of immigrants. Management had concluded, incorrectly in many cases, that workers were undocumented because their Social Security numbers did not match those in the Social Security Administration database.[164]

Fueled by the workers' outrage, the protest continued into a second day. In negotiations mediated by the Catholic Archdiocese and supported by the United Food and Commercial Workers union (UFCW), the worker representatives secured an oral agreement from Smithfield providing that the company would reinstate all the workers who had walked out, without distinguishing between documented and undocumented employees, and adopt a new policy to handle Social Security mismatches. But the workers still waiting outside the plant, upon learning of the deal, refused to accept a verbal promise from Smithfield, insisting "We want it in writing!" It was only when negotiators returned with a written agreement that the workers went back inside, triumphant.

Seemingly spontaneous, the Smithfield walkout was, in fact, one of the highlights of a long campaign by the UFCW to organize the company's African American and Latino workforce in Tar Heel.[165] *In 1994 and 1997, the UFCW lost elections in the plant (both results were eventually invalidated by the NLRB because of company intimidation). In 2003, the union returned to Tar Heel to work toward yet another election. Recognizing that its success would depend on its ability to establish a steady presence among the workers, the UFCW founded the Eastern North Carolina Workers Center, a community-run center "where workers could come in and ask questions about their rights without it being the union office."*[166] *It also created a board of national leaders to support the workers' struggle, and organized rallies in cities across the country.*

The union brought to this new campaign a determination to address divisions within Smithfield's workforce, then approximately 60% Latino immigrant and 30% African American. The relationship between these groups, who lived apart and had little contact outside of work, was driven with conflict. African American workers saw Latinos as a threat to their jobs, and accused immigrant workers of receiving special treatment and of not paying taxes. Latinos, in turn, believed African American workers received work privileges denied them, and accused them of slacking off

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Workers Win Negotiated Agreement with Company on Unnecessary Firings," Press Release, Nov. 18, 2006.

[164] *See* vanden Heuvel, *supra* note 163.

[165] This description of the UFCW's organizing efforts at Smithfield was drawn from David Bacon, *Feds Crack Down on Immigrant Labor Organizers*, AM. PROSPECT (online edition) (May 11, 2007), *available at* http://www.prospect.org/cs/articles?article=feds_crack_down_on_immigrant_labor_organizers; Jane Slaughter, *Blood, Cold, Heat, Gore . . . Organizing Meatpacking Hell*, LAB. NOTES 1 (Aug. 2006); Telephone Interview with Gene Bruskin, *supra* note 81; Telephone Interview with Eduardo Peña, *supra* note 82.

[166] Eduardo Peña, UFCW Organizer, quoted in Slaughter, *supra* note 165, at 1.

while Latinos labored.[167] *UFCW organizer Eduardo Peña recalls, "the Latino workers would say, 'We want a union, but what about the black workers?' The black workers would say, 'We want a union, but the Latino workers are afraid.'"*[168] *Management fueled these tensions by maintaining segregated work categories*[169] *and "telling black workers that Latinos are taking their jobs, and telling Latinos that black workers are lazy."*[170]

The UFCW sought immediately to breach the communication and geographical barriers that kept the two groups apart.[171] *It began bringing Latino immigrant workers to meetings in Black areas and traveled with African American workers to Latino homes. It soon organized its first meeting with both groups together, providing simultaneous translation for the gathering that enabled co-workers who saw each other daily truly to understand one another for the first time. "That was the first opportunity for the groups to talk with each other," Peña recalls. "That meeting paid big dividends inside the plant. People acknowledged each other at work for the first time."*

Thereafter, the union provided translation for every meeting, every document, and every event. Through a series of such encounters, African American and immigrant workers began to identify interests they held in common. Bit by bit, signs of mutual support began to emerge. Some African Americans applauded Latino workers from Smithfield when they marched in protest of immigration policy on May 1, 2006; and, as previously noted, some black workers joined Latinos in the November '06 walkout at the Tar Heel plant. Likewise, when African American workers circulated a petition demanding that Smithfield allow Martin Luther King Day as a holiday in early 2007, the over 2000 signatures collected included many Latino names.

The UFCW's efforts have faced serious challenges over the past year. Following the walkout, ICE (formerly INS) carried out raids at Smithfield in January and August of 2007, arresting and deporting many immigrant UFCW supporters. Smithfield, with ICE's action as cover, again began using its earlier Social Security number policy to fire workers. The impact on the UFCW campaign has been devastating, as countless worker-leaders have departed, newly-forged relationships between African American and Latino workers have been destroyed, and many immigrants are tremendously fearful. Despite these setbacks, as 2007 draws to a close, there are signs that Smithfield may agree to recognize the union without an NLRB-supervised election if a majority of the workers indicate they want to be

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167 Telephone Interview with Gene Bruskin, note 81; Telephone Interview with Eduardo Peña, *supra* note 82.

168 Telephone Interview with Eduardo Peña, *supra* note 82.

169 For a powerful exposé of Smithfield's use of segregation, see LeDuff, *supra* note 46.

170 Telephone Interview with Gene Bruskin, *supra* note 81.

171 This description of the UFCW's efforts to bridge the gap between African American and immigrant workers is drawn from the Bruskin and Peña interviews. *See* Telephone Interview with Gene Bruskin, *supra* note 81; Telephone Interview with Eduardo Peña, *supra* note 82.

represented by UFCW.[172] *The union, and the workers, continue with the campaign.*

Initial Organizing Campaigns

Because of the numerous obstacles to solidarity between African Americans and new Latino immigrant workers, particularly in the South, campaigns that involve both groups often draw on the strengths of multiple institutions for support, bringing churches, non-profit worker centers, and unions into a complex web of relationships. In Tar Heel, North Carolina, as we detail above, the UFCW is engaged with multiple community partners in an effort to organize the meat packing workers at Smithfield that has spanned the better part of a decade and a half. In an unrelated effort in Central Mississippi – where several poultry plants are already unionized by the Laborers Union, the UFCW, and the Retail Wholesale and Department Store Union – a coalition of church leaders, community advocates, and activist researchers have founded MPOWER, the Mississippi Poultry Workers Center.

Together with MIRA, the Mississippi Immigrant Rights Alliance, MPOWER offers support to poultry workers across lines of race and ethnicity. MPOWER explicitly seeks to build a "safe space in which workers of different backgrounds would be welcome to gain information, share experiences, and get to know each other."[173] Through English and Spanish classes keyed to poultry workers rights, and "Power and Oppression" workshops that "teach participants about their own and other groups' social and political histories and help them build an analysis of their common struggles and shared vision for the future,"[174] MPOWER hopes to facilitate the growth of solidarity between African American and new Latino immigrant poultry workers in Central Mississippi. Its ultimate goal is to improve conditions in the plants and, where a union is present, to increase its responsiveness to all of the workers' concerns.[175]

Both the UFCW's Smithfield campaign and MPOWER's efforts are still in progress. Both face considerable challenges, not least of which is the government's increased attention to the enforcement of immigration law in the workplace, which has resulted in the deportation of numerous worker

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172 E-mail from Gene Bruskin to Jennifer Gordon (Sept. 22, 2007, 12:47 EST).

173 On the genesis and goals of MPOWER, see Stuesse, *supra* note 27, at 26-27; Mandel-Anthony, *supra* note 83, at 14-15; Grabowski, *supra* note 127, at 65-70. *Mississippi Chicken,* a recent documentary by John Fiege, offers a glimpse of the lives of some of the poultry workers in Central Mississippi, as well as introducing the work of the center at its earliest stages. MISSISSIPPI CHICKEN (REVERSAL FILMS 2007).

174 Stuesse, *supra* note 27, at 26-27.

175 Several of the Mississippi poultry scholars document problems with the existing unions in the poultry plants they studied. Grabowski discusses the limitations of the UFCW contract and its representation of workers at Koch Foods in Morton, Miss. Grabowski, *supra* note 127 at 54-58; Mandel-Anthony sets out issues that have arisen in the Retail Wholesale and Department Store Union Local's representation of workers at the Tyson plant in Carthage, Miss. Mandel-Anthony, *supra* note 83, at 47-49.

leaders in the context of both the North Carolina and the Mississippi campaigns. But both persevere.

Ongoing Solidarity-Building within Existing Union Memberships

Once a union is in place, the focus of the organizing efforts shifts from the initial victory to an agenda that entails developing a strong and committed membership, and winning and enforcing a contract. In that context, the challenges of fostering solidarity between African American and new Latino immigrant workers persist, although they may manifest themselves in different ways. Scholars have explored efforts by Hotel Employees and Restaurant Employees Union (UNITE-HERE) Local 2 in San Francisco, and Social Service Employees Union (SSEU) Local 371 in New York City, to create cultures of cross-racial and cross-ethnic solidarity within existing unions. These studies highlight varying approaches to building the membership's commitment to common goals across lines of difference.

In her study of cross-ethnic organizing by HERE Local 2 in the racially and ethnically diverse workplaces of the San Francisco hotel industry, political economist Miriam Wells notes that the union built solidarity in different ways depending on the job assignment of the workers in question.[176] "Early on," she reports, "Local 2 organizers recognized that natural leadership and relations of trust among workers were structured differently in different segments of the occupational structure, and they have shaped their organizing approaches accordingly."[177] In housekeeping, which employed immigrant women in isolated tasks, workers developed few ties across ethnic lines. As a result, organizers began their work within each ethnic group, speaking with workers in their first language, and only later brought ethnic leaders together in a joint effort to "develop a set of demands and concerns that represent the entire occupation."[178] Hotel food service jobs, by contrast, tended to be held by workers who spoke English and invariably put workers into frequent contact with others outside their racial and ethnic group. There, organizers developed a single committee to reach workers, de-emphasizing difference and building solidarity around commonalities of experience and interest.[179]

Sociologist Amy Foerster observed the efforts of the once predominately African American SSEU Local 371 in New York City to incorporate an influx of Caribbean and Latino immigrant members through the 1990s and 2000.[180] Her goal was to understand how the union sought to transform its

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176 Miriam J. Wells, *Immigration and Unionization in the San Francisco Hotel Industry*, *in* ORGANIZING IMMIGRANTS, *supra* note 91, at 109, 117.

177 *Id.* at 117, 123-24.

178 *Id.* at 123.

179 *Id.* at 123-24. For more on HERE organizing campaigns in a racially and ethnically diverse context, see Warren, *supra* note 90.

180 Foerster, *supra* note 92.

internal culture so that it valued and supported both long-time African American members and an influx of new immigrants. Foerster found that SSEU did this by emphasizing sameness and difference. It supported heritage committees that gave workers of different ethnic and racial backgrounds a forum for gathering to solidify their bonds, and sponsored events designed to introduce workers to the food, dance traditions, and cultures of particular ethnic and racial groups. More important still was the effort by SSEU's leaders to unify its changed membership by "drawing from its history as a progressive, interracial organization, and by simply expanding its notion of what it means to be 'black.'"[181] Foerster explains:

> "Black" in this new union means, more succinctly, *not white*. In utilizing this definition, the union has been able to comfortably integrate many groups, due to ancestry that can be traced to common African roots, or due to common experiences with racism, colonialism, and oppression in the American context.[182]

Despite some ongoing conflict between the two groups, Foerster asserts that this redefinition was quite successful in creating a culture of resistance shared by union members across racial and ethnic lines.[183]

Reinforcing Solidarity through Contract Terms

Finally, we highlight an understanding of solidarity among African American and new immigrant workers that goes beyond organizing campaigns in workplaces where the two groups are present, to encompass union efforts to bring black workers back into industries where they once labored, but have more recently been replaced by newcomers. In the past, most unions would have rejected a view that said they had an obligation to address the effects of workplace turnover linked to employer bias and efforts to de-skill jobs previously held by native Blacks. Very recently, however, there have been signs that this vision may be shifting. A few unions are considering negotiating with employers for policies that would open opportunities for African Americans and others,[184] a significant development given the resistance most unions have had to affirmative action initiatives in the past.[185]

The Hotel Employees and Restaurant Employees Union (HERE, now merged into UNITE HERE) has sought to address the exclusion of African American workers from good jobs in the once predominately Black, and now

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181 *Id.* at 403.

182 *Id.*

183 *Id.* at 405.

184 Cecelie Counts Blakey, *Tell No Lies, Claim No Easy Victories: Affirmative Action and the U.S. Labor Movement,* NEW LAB. F. 67, 76-80 (SPRING 1998).

185 Hill, *Race and Ethnicity*, *supra* note 161, at 33-39; Blakey, *supra* note 184, at 73-77.

predominately immigrant, hotel industry.[186] It recently succeeded in demanding that the Beverly Hills Hilton in Los Angeles commit to hiring a greater percentage of black workers, and is pressing similar contract clauses elsewhere.[187] Other unions – including, for example, AFSCME, which represents staff at UCLA – are considering making similar demands with regard to the hiring of African Americans on that campus.[188] Short of new contract language, unions can identify and challenge apparently discriminatory hiring practices that lead to the rejection of one group of workers in favor of another, as the SSEU did on at least one occasion in New York.[189]

5 WHAT SUPPORTS THE EMERGENCE OF SOLIDARITY?

As the previous section makes plain, African American and new Latino immigrant workers are cooperating and collaborating with one another in low-wage workplaces. Relatively little is known, however, about the kinds of approaches most likely to provide affirmative support for the emergence of solidarity between these groups. Under what conditions is workers' sense of identification with one another likely to be enhanced? What strategies and policies are likely to facilitate worker efforts to stand together across lines of race, ethnicity, and immigration status to demand better treatment on the job? What role can community groups and institutions such as unions play in fostering or supporting solidarity once it has begun to emerge?

The early stage of most solidarity efforts between low-wage African American and Latino immigrant workers, and the corresponding newness of scholarship on the topic, mean that no one can yet say conclusively what gives rise to cooperation and solidarity between these groups. But

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[186] David Bacon, *Strike Force*, AM. PROSPECT ONLINE (Oct. 22, 2004) (citing "growing efforts by UNITE HERE to find common ground between African American and immigrant communities" and describing its new demand that "hotels set up a diversity committee and hire an ombudsman to begin increasing the percentage of African American workers"). On HERE's efforts to build cross-racial and cross-ethnic solidarity more generally, see Wells, *supra* note 176 (describing San Francisco HERE Local 2 approaches to building cross-racial and cross-ethnic solidarity); Warren, *supra* note 90 (offering case study of transformation of Chicago HERE Local 1 from a corrupt union into a diverse and democratic local).

[187] Alana Semuels, *Beverly Hilton, Union in Deal*, L.A. TIMES, Oct.5, 2006, at C2 (reporting that Beverly Hilton had signed a three year contract agreeing, among other things, to set up the union-demanded task force and "hire more African Americans"); *Black Hotel Workers Replaced by Immigrants*, *supra* note 9 (describing HERE's plans to "press the issue [of hotel chains' failure to hire African American workers] in contract talks from New York to Honolulu").

[188] Edna Bonacich, Ctr. for Labor Renewal, *Affirmative Action: In the Labor Contract?*, http://www.centerforlaborrenewal.org/?P=A&Category_ID=1&Article=170 (last visited Nov. 24, 2007); E-mail from Edna Bonacich to Jennifer Gordon (July 18, 2007, 12:25 EST).

[189] Foerster, *supra* note 92, at 398.

reflecting on recent work by scholars and our own research set out above, we identify several factors that appear to play important roles in setting the stage for the emergence of a sense of identification among workers across racial and ethnic lines, and in supporting the move from identification to joint action. They include attentiveness to workplace structure; the facilitation of initial contacts and communication between the two groups; the creation of a deeper education and discussion process through which group members can identify common experiences and shared goals; and the involvement of stable outside institutions at all stages of the organizing process.

THE EFFECTS OF WORKPLACE STRUCTURE

In our perennially segregated society, the workplace is a – perhaps *the* – remaining place in American culture where people of different races and ethnicities regularly mix.[190] Such contact does not automatically result in greater trust or an awareness of commonalities across racial difference.[191] And surely in workplaces like Smithfield, or in poultry plants in Central Mississippi, where the employer seeks to ratchet up tensions between the groups through the way it structures the workplace, contact through employment will not reduce conflict.

Recently, however, scholars have argued that in settings that promote "interdependence, common goals, [and] equal status," and in which there is "encouragement by authorities" to work together, frequent encounters are likely to reduce prejudice.[192] Where African Americans and new immigrants work side by side in jobs that are somewhat insulated from direct competition, and where the work tasks require some degree of teamwork, contact at work may have this effect. The positive relationships that Helen Marrow documents at the poultry plant she observed in eastern North Carolina, for example, appear to follow that pattern. As one of her respondents remarks, "once you work with [a person of a different race or ethnicity] every day . . . day in, day out . . . it's hard not to become friends with someone."[193]

Discerning which work settings create affirmative opportunities for positive relationships to develop requires close attention to the particular structure

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[190] Kenneth L. Karst, *The Coming Crisis of Work in Constitutional Perspective*, 82 CORNELL L. REV. 523, 532 (1997); Vicki Schultz, *Life's Work*, 100 COLUM. L. REV. 1881, 1888 (2000); Marrow, *supra* note 52, at 10 (citing KATHERINE S. NEWMAN, NO SHAME IN MY GAME: THE WORKING POOR IN THE INNER CITY (1999)).

[191] Robert Putnam, for example, has recently found that communities with high levels of diversity exhibit low levels of inter-personal trust. John Lloyd, *Study Paints Bleak Picture of Ethnic Diversity*, FIN. TIMES, Oct. 8, 2006, at 1. As McClain et al. relate, additional scholars have also found that increased cross-racial contact leads to increased competition and prejudice. Still others have found "both increased animosity and reduced prejudice." McClain et al., *supra* note 96, at 575 (internal citations omitted).

[192] McClain et al., *supra* note 96, at 574.

[193] Marrow, *supra* note 52, at 11.

of the industry or worksite. Jamie Winders argues that racial diversity in a workplace and even in a category of jobs within a workplace does not necessarily "translate into a racially or ethnically *interactive* workforce."[194] Rather, different jobs demand different levels of interaction.

Winders found, for example, that Hotel Nashville's room attendants, who largely worked alone as they changed sheets and vacuumed carpets, experienced little collaboration across race and ethnic lines.[195] Miriam Wells' makes the same observation of the housekeeping workers in the San Francisco hotel industry.[196] Assignment to the Nashville hotel laundry, by contrast, required constant cooperation in close quarters; as a result, Winders notes, these workers "developed more extensive relationships across linguistic, cultural, and ethnic boundaries...[which] often continued outside both the laundry room and the workday itself."[197] Along similar lines, Barbara Ellen Smith observed in Memphis that construction workers, who competed directly for jobs, had much more negative views of each other than African American and immigrants in warehouses, where employment was stable and workers interdependent. Those workers experienced substantially less conflict and instead had developed common measures of the appropriate level of work effort.[198]

Finally, an appreciation of the effect of employer policies and practices is also necessary here. Such policies can tip the balance toward cooperation or away from it. Helen Marrow speculates that, in the chicken processing plant she studied, conscious efforts by plant management to integrate its workforce and to implement meaningful antidiscrimination policies played an important role in facilitating collaboration between workers there.[199] In the Smithfield plant, by contrast, and in Mississippi, management's intentional segregation of some of the processing lines by race and ethnicity, and its practice of reminding each group of workers of the threat posed by the stereotypical other, undermined the possibility of identification between the workers.[200]

THE NEED FOR CONTACT AND COMMUNICATION

We have argued that African Americans and new Latino immigrants are positioned differently vis-à-vis work in the United States, and that the ways that they assess the value of a job or make decisions about how to respond

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194 Winders, *Nashville's New* Sonido, *supra* note 115, at 349) (emphasis added).

195 *Id.* at 349.

196 Wells, *supra* note 176, at 123.

197 Winders, *Nashville's New* Sonido, *supra* note 115, at 349-50, quote at 50. Wells also observes a greater incidence of contact among food service workers. Wells, *supra* note 176, at 123.

198 Smith, *Market Rivals*, *supra* note 28, at 12-14.

199 Marrow, *supra* note 52, at 15.

200 On Smithfield, see LeDuff, *supra* note 46; Telephone Interview with Gene Bruskin, *supra* note 81. On Mississippi, see Stuesse, *supra* note 27, at 5, 23; Grabowski, *supra* note 127, at 17, 50-52.

to employer demands are influenced by that positioning. The research we discuss above confirms that members of the two groups are largely unaware of each other's history and experience, and that the tensions between them around work are exacerbated by this ignorance. As we note in Part III, language and cultural barriers and persistent residential segregation operate to keep African American and new Latino workers ignorant of each other's experiences. However often they see each other at work, most native-born Blacks speak no Spanish; and most Latino newcomers speak very little English. The language barrier between the two groups is a fertile breeding ground for the mistrust, false rumors, and hostility that now marks many workplace interactions.[201] To overcome this estrangement, it is essential for members of the two groups to have contact and the capacity to communicate with each other.

CAFÉ, Black Workers for Justice, MPOWER and the UFCW organizers on the Smithfield campaign all affirmed the importance of assuring that both African Americans and Latino immigrants had access to bilingual staff that could facilitate conversations between them, and to provide translation at all meetings. They also emphasized the need for bilingual materials about the workplace and the organizing campaign. These factors have proven an essential precursor to and component of successful organizing. Open channels of communication permit the debunking of rumors and stereotypes that members of each group hold about the other, clear the way for discussion of interests that African Americans and Latino immigrants share, and make decision making possible regarding the pursuit of common goals.

THE NEED FOR SYSTEMATIC DISCUSSION OF RACE AND IMMIGRATION

Discussions about matters of race, ethnicity, and immigration are difficult even when all the parties to the conversation come from the same country and speak the same language. They can be even more challenging when, those communicating with one another do not share a common culture, language, or experience, as is the case in the low-wage contexts with which we are concerned. Our sense, however, is that finding ways to facilitate such conversations is critical. The reality is that many new immigrants know little or nothing about slavery, the civil rights movement, and the relegation of large numbers of African Americans to poverty today. And many African Americans are unaware of the structural dynamics of globalization that lead many Latino immigrants to seek work in the United States despite their inability to obtain a visa, or of the U.S. government policies that have

[201] The resulting rumors are not contained to matters of work. Barbara Ellen Smith notes, for example, that African Americans in Memphis widely (and inaccurately) believe that Latino immigrants are "eligible for special economic benefits from the government." Smith, *supra* note 49, at 58-59.

rendered immigrants vulnerable and afraid to assert their rights in the workplace. Lack of knowledge of this sort impedes the budding solidarity efforts we have chronicled in this paper.

As a part of their efforts to bring the two groups together, the unions and community groups we highlight above have tried in both informal and formal ways to explore with each group the current and historical experiences of the other in relation to life and work in the United States. The discussions that CAFÉ held about Latino and black residents' shared experiences of being pulled over by the police for "driving while brown," the Black Workers for Justice freedom school and trip to Mexico, and MPOWER's Power and Oppression trainings offer useful examples.[202] In addition to these efforts, the Service Employees International Union (SEIU) has created its own internal education program on the subject of race, immigration, and work.[203] In 2004, SEIU launched a series of day-long workshop for its staff and member leaders on "Citizenship, Race, and Immigration," developed through a two-year collaboration with the Center for Third World Organizing and other racial justice and immigrants' rights organizations.

Programs of this sort are essential to solidarity work. We note too that several additional topics might provoke fruitful reflections by African American and new Latino immigrant workers on the parallels and divergences in their respective histories and experiences. A class might, for example, engage participants in mapping African Americans' and immigrants' different histories and circumstances in relation to work, much as we did earlier in this paper, and discuss how the groups' different yardsticks constrain or shape action on the job. As a part of such a mapping process, we see particular potential in exploring similarities and contrasts between the two groups' experiences with migration for work, as the BWFJ school curriculum did. Without simplistically equating the two experiences, examination of the African American Great Migration of the early twentieth century and current Latino immigration could give rise to reflection on, for example, the shared human need to move in search of work under conditions of poverty and oppression. It might also provoke discussion of the way both black and immigrant workers who arrive in a new location have often been used by employers to undercut wages hard-won by workers already present. In general, such a course would seek to "put the employer back in the equation," e.g., to discuss the ways that employers position the two groups in opposition to each other.[204]

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[202] At Smithfield, the UFCW sought opportunities in staff meetings to make sure that black and Latino organizers were aware of the other's history. Telephone Interview with Eduardo Peña, *supra* note 82.

[203] SEIU, *Trainers Guide: SEIU Citizenship, Race & Immigration Training* 2 (Jan. 2004), *available at* http://www.ualeitf.org/activism-s/uploads/seiu%20wkshp.doc.

[204] Calling for a similar refocusing of the debate on the actions of employers, see Smith, *Market Rivals*, *supra* note 28, at 3-6.

Because tensions between the groups do exist, it seems essential to engage in an honest exploration of them in the particular community, organization, or union where the training is taking place. This could include looking at workplace conflict, as well as conflicts in areas such as housing or local government that might have an impact on attitudes held by individuals at work. Class participants could engage in participatory research to find data about what is actually happening in each of these areas, identifying where real problems exist and diminishing the power of rumors or stereotypes where those are shown to be unfounded. Finally, such a class might explore the history of African American resistance to labor exploitation in the U.S. alongside the history of resistance to labor exploitation by immigrants both in their home countries and in the U.S. Case studies of times when African American and new immigrant workers stood together could engage participants in an analysis of the obstacles these efforts faced and the way they overcame them.

IDENTIFICATION OF SHARED AND SHIFTING INTERESTS

Our research suggests that African Americans and new Latino immigrants are more likely to cooperate and collaborate with one another when they conclude that their interests are closely aligned. This requires a process of identification of shared interests that goes beyond generating contact between the groups and encouraging an awareness of each other's history and experience. Two examples are the Black Workers for Justice school curriculum and the SEIU training mentioned previously. In addition to facilitating discussions of race, ethnicity, and immigration, these curricula emphasize factors such as the global forces behind immigration, the recent reductions in citizenship rights for African Americans and immigrants alike, and the ways that management pits groups of workers against each other. SEIU's curriculum also encourages participants to consider concrete actions that they and their union can take to resolve conflicts that arise between immigrants and "long-term residents" over work and community issues.

Devoting time to the identification of shared issues seems to us a necessary prerequisite to enduring cooperation and solidarity between African American and new Latino immigrant workers in the low-wage context. This said, we caution against any initiative that would conceive of the social, economic, and political interests of these two groups as static. In fact, these interests are dynamic, and this matters a great deal for solidarity work in this context. Assuming we are right that native-born Blacks' and newcomer Latinos' different positioning vis-à-vis work in the United States increases conflict between them, it seems plausible that this conflict will diminish naturally over time, as the interests of new Latino immigrants, in particular, begin to shift. As migrants become more focused on work as a route to belonging here, not just in their home countries, their interests and their expectations for the payoff of their work should begin to converge even more with those of African Americans.

Sociologists have documented that acts of labor solidarity become more likely as new immigrants begin to see themselves more as long-term settlers in the United States than as temporary sojourners.[205] Observers on the ground in the new South have begun to see that phenomenon at work there. Poultry worker organizer Anita Grabowski, for example, has remarked that although Latino workers in Mississippi chicken plants concur that they "want to be treated with more respect – like human beings,"[206] workers' willingness to act to make change depends on how rooted they are in the area and industry, with "the greatest divide...between workers who planned to stay and workers who saw their time in the poultry plant as temporary."[207] In an interview with Grabowski, the UFCW's coordinator for poultry organizing affirmed that "UFCW organizers in other states were noticing the same divide – all else being equal, transient workers are much harder to organize than immigrants who are settled in the community."[208]

Relatively few migrants continue circular migration at length; over time, most settle here with their families.[209] As more family members join the initial migrant on this side of the border, and as they put down roots that may lead to eventual settlement here, migrants increasingly measure the value of their work in terms similar to those used by African American workers, and may also gain the legal status that facilitates their assertion of their rights. It seems likely that these changes will increase the sense among Latino immigrant workers that they share important interests with black workers and that they are willing to take risks to advance those interests through organizing.

THE IMPORTANCE OF INSTITUTIONAL SUPPORT

As we noted in Part IV, we were unable to find a single report of a truly spontaneous workplace protest or act of resistance that was carried out jointly by black and new immigrant Latino workers. Given all of the challenges that African American and new Latino immigrants must overcome simply to understand each other, it should not be surprising that such solidarity tends to be the product of long term efforts to facilitate communication and provide strategic direction and structural support. The presence and active involvement of institutions such as churches,

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205 Roger Waldinger & Claudia Der-Martirosian, *Immigrant Workers and American Labor: Challenge...Or Disaster?*, *in* ORGANIZING IMMIGRANTS, *supra* note 91, at 49; GORDON, *supra* note 55, at 36-37.

206 Grabowski, *supra* note 127, at 59.

207 *Id.*.

208 *Id.*.

209 Massey, *supra* note 60, at 670; *but see* Jorge Durand, Douglas Massey & Rene Zenteno, *Mexican Immigration to the United States: Continuities and Changes*, 36 LATIN AM. RES. REV. 107, 122 (2001) (documenting an increase in return migration among Mexicans in the 1990s); disputing this assertion, see Enrico A. Marcelli & Wayne A. Cornelius, *The Changing Profile of Mexican Migrants to the United States: New Evidence from California and Mexico*, 36 LATIN AM. RES. REV. 105, 112-13 (2001) (arguing that Mexican immigrants after 1980 are more likely to remain permanently than their predecessors).

community organizations, and unions appears essential to facilitate continuous communication between members of the two groups, move discussions and actions forward, provide a location for the two groups to meet outside of work, and defend the workers to the extent possible against the reprisals they will inevitably face for their actions.

The institutions we have seen succeed in building solidarity share certain characteristics and commitments. Bilingual – and, ideally, bicultural – organizing capacity is foundational. Also essential is a physical space where workers can meet together outside racially segregated neighborhoods and away from the workplace, such as a church, a workers center, a community center, or a union hall.[210] Where those who initiate the effort are white, or either Latino or African American but not both, it is critical for organizations to hire staff that represent all elements of the community and to ensure that those staff members hold real power in the campaign and the organization.[211]

Institutions that approach their work collaboratively – drawing on the strengths of community groups, churches, unions, and worker centers – seem to have a better chance of success than those that go it alone. Unions might well learn from the insights of grassroots groups such as Black Workers for Justice and CAFÉ, which have found that non-labor concerns shared by African American and immigrant workers, such as inadequate housing and "driving while brown" police discrimination,[212] are good starting places for the hard-fought solidarity-building that labor struggles require. Once specific workplace organizing efforts with low wage workers are underway, community partners are likewise tremendously important, as both the Smithfield and Central Mississippi experiences illustrate.[213]

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[210] In a pinch, however, many a campaign has transcended these limits, holding meetings in workers' homes or in restaurants. The UFCW held one critically important meeting in the Smithfield campaign in a Denny's restaurant. Telephone Interview with Gene Bruskin, *supra* note 81.

[211] Fletcher & Hurd, *supra* note 93, at 65-68.

[212] One example of such an effort (in the African American community) was the campaign for low-income housing led by the AFL-CIO's Stamford Project in Stamford, Connecticut, in alliance with black churches. DAN CLAWSON, THE NEXT UPSURGE: LABOR AND THE NEW SOCIAL MOVEMENTS 110-124 (2003); Janice Fine, *Community Unionism in Baltimore and Stamford: Beyond the Politics of Particularism*, 4 WORKINGUSA 59 (Winter 2000-2001).

[213] For other examples of unions working with African American community institutions, see CLAWSON, *supra* note 212, at 110-24 (describing the AFL-CIO's Stamford Project's alliance with black churches in Stamford, Connecticut in their efforts to win contract battles as well as to fight for low-income housing); Janice Fine, *Community Unionism in Baltimore and Stamford: Beyond the Politics of Particularism*, 4 WORKINGUSA 59 (Winter 2000-2001) (same); PENDA HAIR, ROCKEFELLER FOUND., LOUDER THAN WORDS: LAWYERS, COMMUNITIES AND THE STRUGGLE FOR JUSTICE 102-119 (2001) (describing the involvement of black pastors in UNITE's campaign to organize a Kmart store in Greensboro, North Carolina). For an analysis of some of the obstacles in the developing relationships between unions and one kind of community institution, immigrant worker centers, see Janice Fine, *A Marriage Made in Heaven? Mismatches and Misunderstandings Between Worker Centres and Unions*, 45 BRIT. J. INDUS. REL. 335 (2007).

Finally, long-term organizational stability is key. It takes time to build trust among workers, develop a sense of shared goals, and pursue those goals through organizing. Setbacks are inevitable and some take years to overcome. An organization that is present for an initial campaign and then disappears when the first challenges appear, or launches a new initiative but withdraws as funding becomes scarce, not only loses the support of the workers who have taken risks to join it, but sets a new barrier to trust that future organizing efforts must surmount.[214] Only organizations that are around for the long haul have a serious hope of success.[215]

Where such organizations do exist, and have succeeded in winning the right to represent workers on the job, new challenges and opportunities emerge. As the experience of the SSEU that we detail above illustrates, bringing racially and ethnically diverse members into meaningful relationships with each other requires continuous attention even among professional employees with a high level of job stability and few immigration status issues.[216] This is all the more true in the low-wage employment that we have highlighted here. As union memberships become more diverse, it does not automatically follow that their internal cultures and their leadership structures will change to reflect that diversity and support the emergence of genuine solidarity across the groups that make up their membership.[217] Education and training of the sort we describe above, the establishment of "heritage" or identity committees, and a commitment to having a diverse staff and leadership at all levels of the union (not just on "diversity taskforces" or in symbolic roles) are all important steps to this end.

A union that is genuinely committed to building diversity and solidarity, and that operates in an industry where African Americans have lost ground to immigrants, will be in a position to consider acting affirmatively to bring black workers back into good unionized jobs. Potential approaches include pursuing affirmative action clauses in contracts, challenging employer

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214 For a discussion of this issue in the context of UFCW's Smithfield campaign, see Slaughter, *supra* note 165.

215 Stability can be difficult to achieve. Community organizations must figure out how to fund the programs they create in a setting where foundation funding is often short-term. Too often, projects are de-funded just as they begin to establish credibility in the community, or they are never funded at a level that would allow the group to dedicate a staffperson to carrying them out, resulting in the creation of expectations that cannot be fulfilled. The case study of Black Workers for Justice illustrates some of these issues. As for unions, as the UFCW's experience at Smithfield illustrates, they must figure out how to sustain a commitment to a community over the course of a campaign that may extend a decade or longer before it results in the union's election as the workers' bargaining representative, if that outcome is ever achieved.

216 Foerster, *supra* note 92, *passim*.

217 Fletcher & Hurd, *supra* note 93, *passim*.

hiring requirements, and developing training and apprenticeship programs that target African Americans.[218]

6 RECOMMENDATIONS FOR FURTHER STUDY: WHAT DO WE STILL NEED TO KNOW?

We feel comfortable concluding that genuine and lasting solidarity between African Americans and new immigrants is most likely to be initiated by conscious efforts to bridge the differences between the two groups and to identify areas of shared concern. Likewise, we think it clear that this solidarity, once achieved, is most likely to be sustained by strong institutions with an ongoing commitment to representing both Blacks and Latino immigrants, and to giving their workplace collaboration the structural support it needs to flower. This said, our research makes it evident that a great deal still needs to be learned about solidarity-building between African Americans and new Latino immigrants on the job. We offer the following recommendations for further study and action.

Undertake Empirical Study of African American and Immigrant Labor Solidarity

Our review of recent events has demonstrated that new immigrants and African Americans *are* beginning to build solidarity in the arena of work. But we were struck by the dearth of reliable information about these emerging efforts. If we are to understand the new terrain in which we find ourselves, better information about recent solidarity efforts is essential. We cannot draw conclusions about what works and what does not from historical memory of the CIO's union of black and white ethnic workers, nor can we learn what we need to know from looking at contemporary efforts by black or immigrant workers alone. We call for new research addressing a range of issues relating to the relationship between African Americans and new Latino immigrants.[219]

- Map, observe, and analyze efforts by labor unions and community organizations to support solidarity among black and Latino immigrant workers.

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[218] We discuss examples of affirmative action clauses in collective bargaining agreements in Section IV. For several examples of internal union apprenticeship and training programs giving preference to African Americans, see Blakey, *supra* note 184, at 76-77.

[219] Because African Americans and new Latino immigrants have been the focus of our report, we frame our recommendations for further study in those same terms. It should go without saying that the research we call for is equally imperative with regard to the interactions across barriers of race, ethnicity, and immigration status between other groups of workers as well.

- In both community organization and union settings, analyze what sorts of internal policies regarding diversity and democracy work best to sustain successful worker solidarity efforts. [220]
- Conduct research into the views of African American and new Latino immigrant workers about one another and about the issues on which their social, economic, and political interests are most closely aligned.
- Study the impact of duration of stay among immigrants on their perception of the low-wage workplace and their interest in labor organizing.
- Study the parallels and divergences between the position occupied by African American migrants from South to North during the Great Migration, and the position occupied by new Latino migrants today.

Study Efforts By Unions and Community Organizations to Develop Education and Training Programs That Encourages Reflection on Race, Immigration, and Work.

We have been struck by how difficult it is to get a full accounting of all the community organizations and unions actively engaged in initiative to promote solidarity between African American and Latino immigrant low-wage workers. A full understanding of efforts on the ground will require a broader inquiry into the range of strategies being employed by groups on the ground is required. In addition, we think it important to begin the process of collecting and cataloguing the materials that these groups have developed in interacting with workers.

Currently, the SEIU training described above is the only curriculum on race, work, and immigration available for use by other organizations. MPOWER will, however, soon be releasing a public version of its Power and Oppression workshops for black and Latino workers, and a recent gathering convened by the UC Berkeley Center for Labor Research and Education on developing educational materials on Black/Brown relationships in the union and workplace context is likely to generate materials that can be shared with others in the coming year.[221] The creation of a "curriculum bank" and a discussion group for organizers and educators on these topics would be a tremendous service in an area where there is much grassroots interest but little concrete information. To ensure that these materials and the initiatives they supplement are accessible to future groups that might conclude to

[220] Fletcher and Hurd's article assessing a set of unions' responses to racial and gender diversity offers a model for such research. Fletcher & Hurd, *supra* note 93.

[221] E-mail from Steven Pitts to Jennifer Gordon, (Mar. 21, 2007, 13:04:41 EST). The gathering was held in the spring of 2007.

engage in solidarity-building work, we recommend that the following steps be undertaken.

- **Create a web-based "curriculum bank" to collect and disseminate curricula addressing race, ethnicity, and immigration in the workplace context.**
- **Establish a working group and listserv to facilitate ongoing discussion among organizers and educators about challenges and emerging approaches to fostering cross-racial and cross-ethnic labor solidarity.**

Study the Effects of Workplace Structure on Conflict and Solidarity Between Black and Latino Immigrant Low-Wage Workers.

In Part V, we synthesized research documenting the effects of workplace structure on opportunities for worker cooperation and collaboration. The insights into the role that work settings play in supporting or hindering solidarity that this scholarship offers are critically important. At the same time, they are just the tip of the iceberg in terms of the research that can and must be done in this area. We recommend that additional research be conducted on the relationship between workplace organization, conflict, and solidarity.

- **Examine the role played by workplace structure (i.e. the demands, opportunities for interaction, and incentives for collaboration or competition associated with a particular job category within an enterprise) in facilitating both conflict and solidarity in recent examples of collaboration between Blacks and Latino immigrants.**
- **Conduct research among employers, African American and immigrant workers, and organizers regarding their observations about the impact of workplace structure on cross-racial and cross-ethnic solidarity.**

Study the Impact of Employer Enforcement of Antidiscrimination Rules and Adoption of Diversity Policies on Worker Solidarity.

Almost no research has been done on the effect of employer practices and policies in the area of cross-racial and cross-ethnic worker contact and collaboration. Marrow's study of the poultry plant in eastern North Carolina suggests, however, that employer policies that seem to value racial and ethnic diversity and that discourage discrimination in the workplace may also ultimately increase the likelihood that African American and new Latino immigrants in those workplaces will identify with each other and

come to perceive shared interests.[222] One would expect that policies that de-emphasize negative stereotypes about racial or ethnic groups would cut down on conflict between such groups. But is this accurate? How common are such efforts, particularly in low-wage industries? Where they exist, what has their impact been? We recommend further research to determine the scope of the positive role that a willing employer can play in this context.

- **Conduct a comprehensive review of solidarity initiatives involving Blacks and Latino immigrants in the low-wage context to determine what impact, if any, the enforcement of antidiscrimination policies and adoption of diversity programs had on efforts to decrease conflict and promote cooperation between these groups.**
- **Assess the impact of minimalist legal compliance initiatives (i.e. employers who implement policies designed solely to avoid legal liability under antidiscrimination laws) as opposed to affirmative diversity-promoting policies (i.e. employers who affirmatively seek to maximize interaction across a diverse workforce) on contact and collaboration between African American and new Latino immigrant workers.**

Research the Role of Legal Rules in Facilitating or Impeding the Emergence of Cross-racial/Cross-ethnic Solidarity.

It seems intuitive that solidarity between African American and new Latino immigrant workers could be supported by laws and policies that reinforce their common interests and minimize the sources of conflict between them – and conversely, diminished by laws that make unity difficult. Legal scholars have noted a range of doctrines in labor and employment law that pose obstacles to efforts by unions to create cross-racial solidarity. Elizabeth Iglesias, for example, has argued that Title VII and the NLRA have historically been interpreted in ways that interfere with people of color's assertions of group interests and inhibit the expression of cross-racial solidarity.[223] Noah Zatz has similarly argued that Title VII jurisprudence creates a disincentive for workers to "break ranks to engage in intergroup

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[222] Marrow, *supra* note 52, at 16-17; *see also* Rubén Hernández-León & Victor Zúñiga, *Appalachia Meets Aztlán: Mexican Immigration and Intergroup Relations in Dalton, Georgia*, *in* NEW DESTINATIONS, *supra* note 47, at 244, 256, 266, 270 (discussing carpet manufacturer "Georgia Project" designed to integrate workplace in Dalton, Georgia).

[223] Elizabeth M. Iglesias, *Structures of Subordination: Women of Color at the Intersection of Title VII and the NLRA. Not!*, 28 HARV. C.R.-C.L. L. REV. 395 (1993); Elizabeth M. Iglesias, *Institutionalizing Economic Justice: A LatCrit Perspective on the Imperatives of Linking the Reconstruction of "Community" to the Transformation of Legal Structures that Institutionalize the Depoliticization and Fragmentation of Labor/Community Solidarity*, 2 U. PA. J. LAB. & EMP. L. 773 (2000).

solidarity."[224] And Marion Crain has pointed out the ways that the NLRA has been interpreted to limit unions' ability to discuss an employer's racism during organizing campaigns.[225]

While each of these scholars is persuasive in signaling the potentially negative effects of these doctrines, it is as yet unclear to us how much of an affirmative impediment to solidarity they really represent. In actual campaigns involving African Americans and new Latino immigrants, have they posed as much of a challenge as the fact that an employer can undermine an organizing campaign by targeting a union's undocumented supporters, or as extra-legal obstacles such as employer divide-and-conquer techniques? A satisfying answer to this and other similar questions, however, will only come with increased efforts to think more deeply about the role and effect of law in this context. We urge greater attention to the question of when existing law serves to impede solidarity efforts, as well as when it facilitates them.

- **Conduct a comprehensive review of NLRA and Title VII decisions bearing on cross-racial organizing and solidarity efforts.**
- **Research the extent to which those decisions have operated to support or impede solidarity initiatives involving African Americans and Latino immigrants, including interviews with organizers to determine the effect, if any, they see legal rules and policies having had on solidarity-building efforts across racial and ethnic lines.**
- **In light of the findings from these two inquiries, consider and propose changes to legal doctrines and rules that might better support cross-racial and cross-ethnic solidarity efforts.**

CONCLUSION

This paper has demonstrated that the popular story of conflict between African American and new Latino immigrant workers is far too simplistic. A focus on the different social positioning and experiences of these groups with respect to work sheds light on the struggle for belonging underlying workplace tensions and suggests an alternative path toward decreased tensions and enhanced solidarity. As we have documented, many researchers and organizations have already committed themselves both to better understanding and to creating the environment required for cross-racial worker cooperation and solidarity. But if ongoing solidarity efforts are to continue and new initiatives are to develop, much more needs to be

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[224] Noah Zatz, *Beyond the Zero-Sum Game: Toward Title VII Protection for Intergroup Solidarity*, 77 IND. L.J. 63, 69 (2002) (emphasis omitted).

[225] Marion Crain, *Whitewashed Labor Law, Skinwalking Unions*, 23 BERKELEY J. EMP & LAB. . L. 211, 245-51 (2002).

known and understood about the conditions necessary for meaningful worker interaction and collaboration. Given current demographic shifts and the reality of low-wage work for many African Americans and new Latino immigrants, a sustained focus on solidarity is imperative.

About the Authors

Jennifer Gordon is Associate Professor of Law at Fordham Law School in New York City, where she teaches Immigration Law, Labor Law, and seminars on public interest law and the relationship of law to organizing. Prior to joining the Fordham faculty, in 1992 Gordon founded the Workplace Project in New York, a nationally recognized grassroots workers center that organizes low-wage Latino immigrants to fight for just treatment on the job. After leaving the Workplace Project in 1998, she was the J. Skelly Wright Fellow at Yale Law School. Gordon has also worked as a consultant to the AFL-CIO, the Campaign for Human Development of the Catholic Church, and the Ford Foundation, among others. Her book Suburban Sweatshops: The Fight for Immigrant Rights was published in 2005 by the Belknap imprint of Harvard University Press. Gordon was chosen in 1995 as one of National Law Journal's forty leading lawyers under the age of 40 in the United States. In 1998, she was named "Outstanding Public Interest Advocate of the Year" by the National Association for Public Interest Law (now Equal Justice Works). She was awarded a MacArthur Prize Fellowship in 1999.

Robin A. Lenhardt is an Associate Professor of Law at the Fordham University School of Law, where she specializes in matters pertaining to race, civil rights, family law, and constitutional law. Prior to accepting her position at Fordham, Professor Lenhardt served as a lecturer at the University of Chicago Law School, and as a fellow and adjunct professor at the Georgetown University Law Center. Before entering legal academia, Professor Lenhardt held a number of positions in the private and non-profit sectors. A former law clerk to U.S. Supreme Court Justice Stephen G. Breyer and Judge Hugh Bownes of the U.S. Court of Appeals for the First Circuit, Professor Lenhardt was formerly a Counsel in the Washington, D.C. office of Wilmer, Cutler & Pickering, where she was a member of the litigation team that defended the University of Michigan in the *Grutter v. Bollinger* and *Gratz v. Bollinger* affirmative action lawsuits. Professor Lenhardt also received a Skadden Foundation Fellowship to work as a staff attorney for the Lawyers' Committee for Civil Rights and has been employed as an attorney advisor in the U.S. Department of Justice's Office of Legal Counsel. Professor Lenhardt is a fellow with the Jamestown Project at Harvard Law School.