



Cornell University  
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## Labor Research Review

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Volume 1 | Number 13  
*Solidarity Across Borders: U.S. Labor in a Global  
Economy*

Article 8

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1989

### L.A. Labor & the New Immigrants

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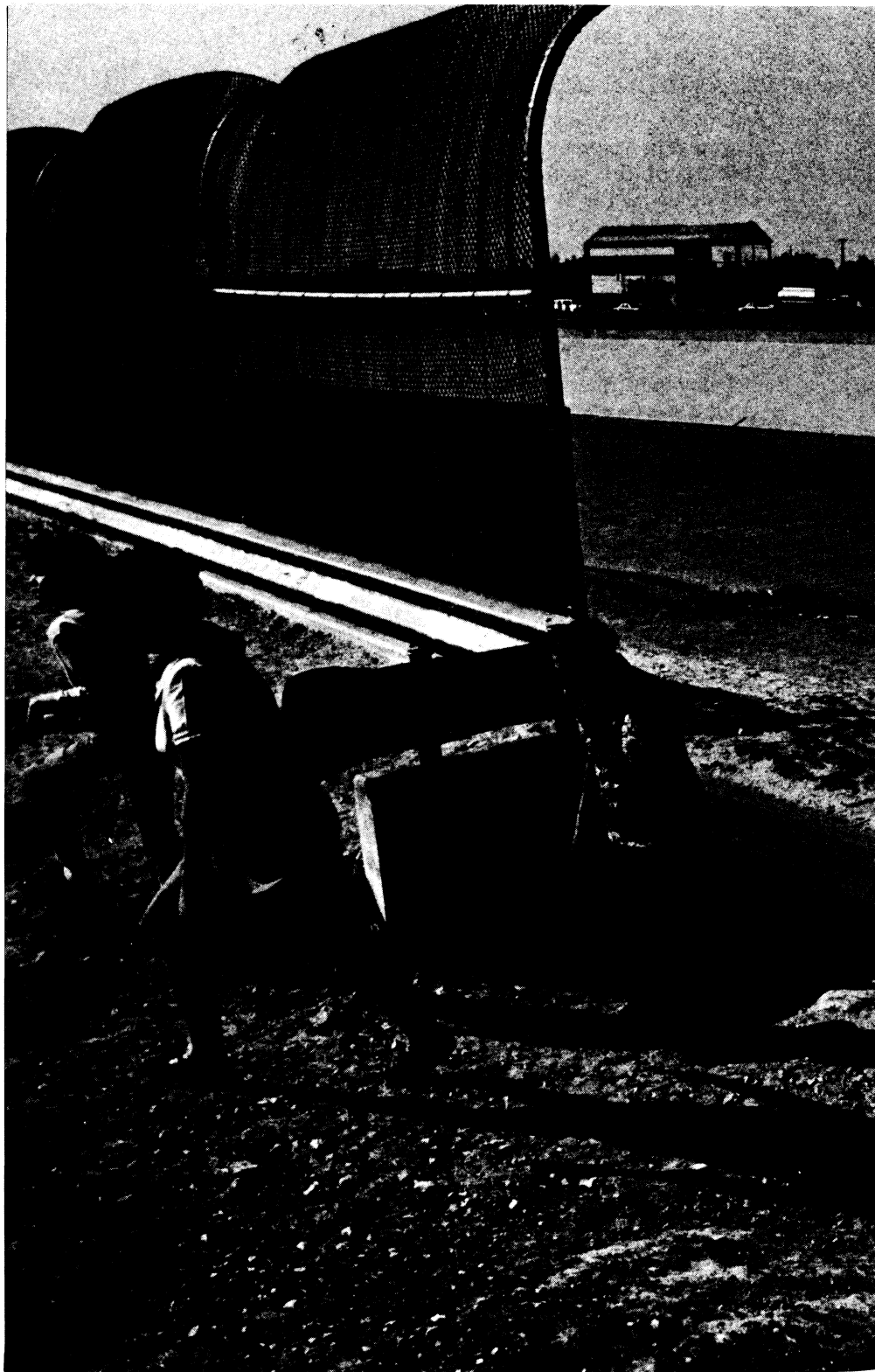
## L.A. Labor & the New Immigrants

### Abstract

[Excerpt] Did the Ideal strikers win their union? No. Like many companies, Ideal Dyeing used the owner-skewed provisions of the National Labor Relations Act to delay a settlement, hire replacements and maintain production. But the Ideal strike stands as a victory nonetheless. Launched only five months after the signing of IRCA, it proved that undocumented workers were ready to defend themselves. They had not been cowed. Their boldness challenged unions throughout greater Los Angeles to reach out to immigrant workers despite the harsh new employer sanctions that unions had helped create.

### Keywords

undocumented workers, Immigration Reform & Control Act, ILGWU, union organizing, strike



# L.A. Labor & the New Immigrants

■ *Jeff Stansbury*

When more than 100 undocumented workers struck a Los Angeles textile converter early in 1987, they didn't hide their illegal status. They openly proclaimed it. Ideal Dyeing and Finishing Company had tried to quash their union movement with firings, so they walked out. They picketed the plant, held rallies and press conferences, and waged a consumer boycott against Ideal's fabrics in area shops and boutiques.

What made this spontaneous year-long strike remarkable was the gauntlet it threw down to organized labor at a very special time. Congress had passed, and President Reagan had just signed, the Immigration Reform & Control Act (IRCA). For the first time in U.S. history the hiring of an entire class of people—undocumented workers—had been outlawed. IRCA targeted their employers for hefty fines and exposed the undocumented themselves to criminal prosecution if they lied about their status in order to get or hold jobs.

Those who did not know undocumented workers thought that IRCA would stifle their willingness to stand up and fight for a union. But these observers missed the point that the whole northward trek of the undocumented—from traumatic uprootings in

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Mexico, El Salvador and elsewhere, through cat-and-mouse games with *bandidos* and border patrols, to labor shapeups and crammed lodgings in drug-ridden neighborhoods—was a long-odds gamble on a very hard future. It selected heavily in favor of risk-takers.

Taking risks for a union came naturally to the Ideal strikers. They hated the low pay and verbal abuse the company gave them. When the International Ladies' Garment Workers' Union (ILGWU) offered them a chance to organize, they fought as hard as any native-born workforce. Their strike persisted, in a public spotlight intensified by IRCA, well into 1988. Along the way they testified before a National Labor Relations Board judge, who tentatively ruled that their undocumented status had no bearing on the unfair labor practice charges the ILGWU filed against the company.

Did the Ideal strikers win their union? No. Like many companies, Ideal Dyeing used the owner-skewed provisions of the National Labor Relations Act to delay a settlement, hire replacements and maintain production. But the Ideal strike stands as a victory nonetheless. Launched only five months after the signing of IRCA, it proved that undocumented workers were ready to defend themselves. They had not been cowed. Their boldness challenged unions throughout greater Los Angeles to reach out to immigrant workers despite the harsh new employer sanctions that unions had helped create.

### **L.A.—A Third-World City**

It is no accident that Los Angeles is the anvil where a complex new relationship between U.S. unions and new immigrants is being hammered out.

The number of undocumented workers in this country on the eve of IRCA was anybody's guess. Six million? Three million? Whatever the total, most students of the subject agreed that the undocumented played a dynamic role in the U.S. labor force; that about half of them lived in California, mostly in or near Los Angeles; and that many California industries would collapse or face radical restructuring if they could no longer rely on low-wage immigrant labor. Among them: table-crop agriculture, hotels and restaurants, apparel, food processing, furniture, and electronics and electrical equipment.

Los Angeles' garment industry is a vivid example. Spurred by cheap imports, nonenforcement of labor laws, a complex contracting-out system, and the arrival of hundreds of thousands of Mexican, Salvadoran, Guatemalan, Korean, Filipino and Vietnamese "illegals" in the last three decades, it has regressed

to the sweatshop conditions of the early 1900s.

Small contractors employ 70% of the 90,000 or so workers in the registered, or legal, sector of the Los Angeles area's needle trades. They make garments, accessories and jewelry for jobbers and manufacturers. In airless storefronts and lofts, immigrant women huddle over their sewing machines amid heaps of garment pieces, earning a pittance. While organized workers average slightly more than \$5 an hour and have pension and health plans, they make up only 2% or 3% of the workforce. Nonunion workers earn about a dollar less, with no benefits. California's \$4.25 minimum wage is widely unenforced and unpaid in the L.A. garment district, and many small contractor shops are not registered.

If "working off the clock" at straight-time pay is often a necessity for sweatshop employees, it is the reason for being of the area's huge—and illegal—home garment industry. As many as 30,000 L.A. immigrants stitch for a living in their own rented kitchens and garages. The new immigration law is sure to increase this number.

Homeworkers earn well below the minimum wage. To feed their children they must involve them in the work, laying out pieces for sewing. When they pick up their bundles of collars, sleeves and other garment parts from the contractor each week and tote them home in big brown trash bags, they are also picking up his rent, electricity and insurance costs. These drastically underpaid homeworkers illustrate how the market economy has channelled California's undocumented into largely segregated job pools. They are typecast by immigration status, national origin, race, sex, language, culture and, of course, their bare subsistence wage level.

The California evidence suggests that the undocumented seldom take jobs other workers want. It also suggests that they come here because whole American industries, and sectors of industries, have prepared a place for them—and only them. This is why I enclose the word "illegals" in quotation marks to indicate the peculiar status of official nonpersons who have become economic necessities.

Whatever hopes its sponsors and supporters may have had for IRCA to "gain control of our borders," powerful forces are working against the new law's declared purpose. First, the 1970s and 1980s shift to light manufacturing and services ensures that real wages will drop and recruitment of "illegals" will continue. Second, the relative shrinkage of U.S.-born cohorts entering the labor force will intensify this hiring practice. Third, Mexico's export-oriented policies and debt will continue to drive down wages, stifle

economic modernization, and promote unemployment in that country. These three forces will push and pull additional hundreds of thousands of undocumented Mexicans across the border in the next 10 years.

Against this tide, the Immigration & Naturalization Service (INS) plans to inspect only one-third of 1% of the 7 million employers to whom it sent IRCA guidebooks in fiscal 1988-89. The INS concedes that the trade in fraudulent work papers is epidemic. Illegal immigration, meanwhile, continues at a fast pace.

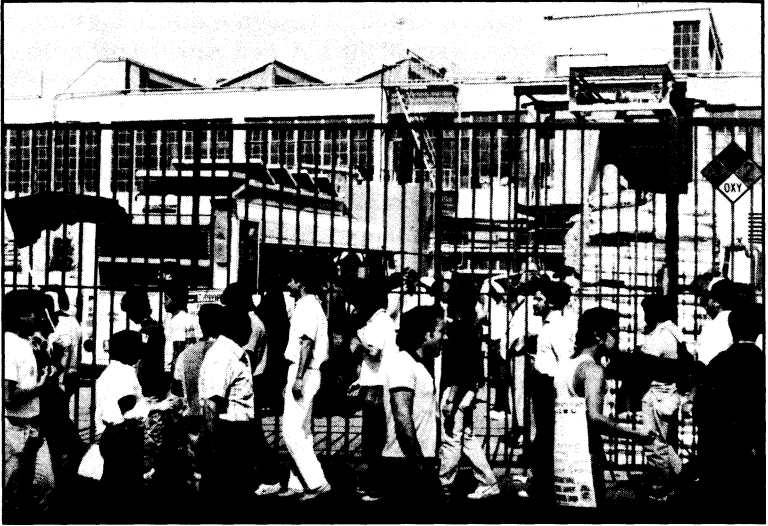
If IRCA is not a border-control law, what is it? A worker-control law. It places a powerful new weapon in the hands of employers. They can wink at the phony documents of workers who submit to low wages, illegal overtime and verbal abuse, while they closely scrutinize the papers of "troublemakers." According to Asian Law Caucus staff attorney Bill Tamayo, "Essentially, the new law has codified the existence of a cheap and highly exploitable class of labor, largely non-white and non-English-speaking, with little rights, if any."

### **L.A. Labor's Response**

Los Angeles unions have mustered a stronger response to IRCA than any other geographic sector of the labor movement. They have done so partly despite and partly because of organized labor's contradictory stance toward immigrant workers. Unlike the United Electrical Workers (UE), the AFL-CIO and most of its affiliates (including the ILGWU) have long sought "effective sanctions against employers who hire aliens. . . not authorized to work in the United States." Yet, we have increasingly tried to organize the undocumented, to defend their labor rights, to help them gain legal status, and to outlaw job discrimination based on their real or imputed national origin. These tendencies, so clashing in their impact on immigrant workers, have all been brought to a head by IRCA.

Many L.A. unions began signing up the undocumented and defending them against deportation long before the new immigration act became law in November 1986. Among them were ACTWU and ILGWU; HERE, SEIU and UFCW; the IBEW, IUE and UE, and the Steelworkers, Furniture Workers and UAW. In Los Angeles and Orange counties the AFL-CIO began holding undocumented worker organizing seminars as early as 1977.

IRCA presented L.A. labor with both a threat and an opportunity. The threat was many-sided, ranging from INS raids and deportations to mass firings, intimidation of activists, and the splitting



*Strikers picket Ideal Dyeing and Finishing Company plant.*

of workers into legal, potentially legal and clearly illegal camps. The opportunity IRCA offered was simpler: Hundreds of thousands of Californians would win legal status under the new law's "amnesty" provisions and would forever leave the limbo in which they had lived.\* Unions who helped them through this legalization process could gain a flood of tough, committed new members.

In the weeks after IRCA's passage, several unions responded to the new law in decisive ways. The UFCW set up a hotline which gave invaluable advice to thousands of immigrants confused by rumors or preyed upon by "quick-amnesty" lawyers and notaries. The UE and the ILGWU organized shop committees that trained workers to defend themselves, individually and collectively, against INS raids. And the ILGWU hired paralegals who began helping 700 of its members and their families apply for legal status.

At the same time, two broad immigration coalitions arose in Los Angeles. Each reached out to the labor movement, working closely with key unions and seeking a strong response to the new law from the L.A. County Federation of Labor. It was not long in

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\*The term "amnesty" is a legalism widely disliked by union and community immigration workers. It implies that the undocumented are merely lawbreakers whom society has charitably forgiven, when in fact they are a super-exploited labor force created to serve the needs of several key industries. Nevertheless, "amnesty" has become the vernacular name for IRCA's legalization program, and, like "illegals," will be used here in quotation marks.



coming. Both Dave Sickler, AFL-CIO Region 6 director, and Bill Robertson, executive secretary of the L.A. Fed, saw the organizing potential of a labor legalization project. They secured nearly \$750,000 from the AFL-CIO and 18 national unions, all of which were represented on a hardworking committee that Robertson pulled together early in 1987. Chaired by ILGWU Regional Director Steve Nutter, this committee launched and has since guided the strikingly successful Los Angeles Labor Immigrant Assistance Project (LIAP).

LIAP organizers, attorneys, counselors and clients faced a tangle of statutory requirements and INS regulations that made legalization seem more like an obstacle course than an opportunity. To win "amnesty" an immigrant had to have lived illegally in this country since at least January 1, 1982. If during that time he or she had spent over 180 days visiting relatives back in Mexico, or had re-entered the U.S. *legally*, or had committed three or more misdemeanors, or had relied on public assistance for considerable periods, or had committed any number of unpardonable sins that many good citizens are known for, the INS would reject the application. Finally, each applicant had to apply for "amnesty" twice—first for temporary legal residency and then, after a wait of at least 18 months, for permanent legal status.

Guiding the undocumented through this steeplechase took all the legal skills and determination LIAP could muster. It set up a half-dozen centers at union halls across L.A. County and did extensive outreach through unions and community organizations. It hired bilingual counselors who knew the conditions that immigrants lived in and worked under. For some of the lowest fees in the country, LIAP spent hours and often weeks on each case, helping people who had deliberately left no paper trails come up with the documents they needed to qualify. Eventually, LIAP counselled some 10,000 immigrants and turned in more than 4,000 successful "amnesty" applications for union and nonunion workers alike.

And, LIAP did more than handle IRCA claims. Its attorneys filed or joined key class-action lawsuits that knocked down some of the strange barriers the INS had thrown across the road to "amnesty." These court victories helped thousands of immigrants who never heard of LIAP win work permits and legal residence cards.

Though not the largest legalization project in Los Angeles, LIAP is one of the best run and most influential. Its staff members have played crucial roles in many union organizing drives. A year ago it won a \$20,000 state grant to train the staffs of other legalization

centers, and it handles legal appeals for community organizations when the INS rejects their clients "amnesty" applications. Under Director Teresa Sanchez and Legal Director Andrés Bustamante, LIAP lawyers have advised dozens of unions how to defend workers against IRCA-related firings and discrimination. They have also co-sponsored several community workshops and public meetings to help immigrants cope with the new law.

### **The Struggle for Immigrant Education**

Under IRCA, immigrants filing their second, or permanent residency, applications must either demonstrate a knowledge of basic English, U.S. history and civics or they must present certificates showing that they have "satisfactorily pursued" courses of study in these subjects. Last summer the L.A. Fed found it had to fight an unexpected political battle to open up English and civics classes for thousands of immigrants.

The battle hinged on the amount of federal reimbursement LIAP would receive for its educational costs. Congress wrote a generous funding formula into IRCA: schools, colleges, unions and community organizations teaching INS-approved English and civics courses could claim payment for costs of up to \$500 per student per year. Unfortunately, Congress gave each state the right to parcel out reimbursements as it saw fit. Many states wisely adopted the federal formula, but California hedged it with limitations so severe they threatened to close classroom doors to hundreds of thousands of immigrants.

The problem originated in the State Department of Education (SDE), which controlled the funds. Not only did SDE set the reimbursement rate at a stingy \$2.49 per student hour, but it failed to provide money for teacher training, curriculum development, classroom equipment, or other startup costs.

Heavily skewed toward California's adult schools, which SDE represented, this policy seemed designed to prevent union and community education centers from competing for the flood of "amnesty" students. The adult schools could survive the funding squeeze because they were already capitalized. But most community education centers could not. Last summer they began dropping or drastically scaling back their teaching plans. One INS survey found that some 300,000 of the more than 700,000 Californians needing English and civics instruction would be unable to get it in time to meet their legalization deadlines.

Organized labor led the successful fight to pry open SDE's death-grip on "amnesty" education funding. Alerted to the problem by



Robert Gumpert

*...garment workers in Los Angeles.*

the ILGWU (the first California union to seek reimbursement for its teaching costs), Sickler quickly mobilized the national AFL-CIO and its Los Angeles affiliate for a major lobbying campaign. The ILGWU rallied key community allies behind the effort; Catholic Charities, the Jewish Labor Committee, and the Coalition for Humane Immigration Reform of Los Angeles (CHIRLA) provided indispensable support; and the American Federation of Teachers contributed a key lobbyist in Sacramento. After a five-month struggle, this coalition secured badly needed startup money from the state legislature and a series of special funding commitments from the SDE.

The result: LIAP, the ILGWU and community-based organizations have been able to open hundreds of new classrooms for immigrant workers and their families without going broke or short-changing quality in the process.

For LIAP, the quality issue is paramount. Mike Calabrese, an AFL-CIO organizing department representative who helped shape LIAP's philosophy and structure, found that the L.A. adult schools had reacted to the \$2.49-an-hour formula by packing classrooms with 60 or more students. Most educators believe the quality of

instruction begins deteriorating at half that number. Appalled, Calabrese realized that the state's reimbursement rate was cheating immigrants out of a once-in-a-lifetime chance to take the first step toward a good education.

Today, providing that first step is the aim of LIAP's education director, Erv Munro. With a \$6.25 million state grant based on the more generous funding formula that LIAP helped win, he plans to teach 10,000 immigrants English and civics this fiscal year. LIAP's curriculum, like the ILGWU's, features labor history and "the language of work," and its instructors are members of the United Teachers of Los Angeles.

LIAP is holding classes in union halls, church auditoriums and worksites throughout L.A. and Orange County. Union counselors periodically visit the classes to keep students up to date on opportunities for further education and the latest requirements for permanent residency. Back at LIAP's headquarters, up to 30 students at a time will soon be using computerized work stations to teach themselves a variety of subjects, from math and geography to a full high school curriculum. And LIAP is getting ready to offer state-funded job retraining classes to immigrants whose factories are closing or facing technological changes that will make their present skills obsolete.

### **The Organizing Challenge**

Nothing LIAP does is undertaken simply as a service to immigrant workers, though it has served many thousands very well. Its ultimate goal is to help them get organized.

California's unions are growing, but not very fast. Because of an industrial boom and illegal immigration, union membership has actually been shrinking as a fraction of the state's total labor force. Today only a little more than 19% of California's workers belong to unions. The state's labor movement will either organize immigrants in large numbers or it will decline.

From its first days LIAP's movers and shakers designed it as an organizing vehicle. They secured heavy AFL-CIO and union funding for it on that basis. They have set up a computerized database that will sort "amnesty" applicants and students by worksite. And they have created a parallel organization, the California Immigrant Workers Association (CIWA), that is the only one of its kind in the labor movement. CIWA offers its members a variety of union benefits and, more important, a collective exposure to union values.

LIAP staffer Ernesto Medrano has been assigned to work full-

time on union organizing. Medrano is the key link between LIAP's computerized shop files, CIWA members and the area's unions. He lets unions know when significant leads and contacts have been developed in shops they may want to organize. He also brings people from targeted worksites into LIAP and CIWA.

At crucial moments in organizing drives, Medrano shows up to meet with immigrant workers. "It's a killer if you don't tackle immigration head-on during these campaigns," says Sickler. "They'll still be afraid, but they'll realize a union is their only protection." Medrano listens to immigrant workers' fears and answers their questions. When he can honestly reassure them, he does. He tells them about their labor and constitutional rights, shows those who may qualify how to apply for legalization, and makes sure everyone in a shop knows the best tactics to use during an INS raid.

These tactics have emerged from the many bitter experiences that L.A. unions like the UE, ILGWU and UAW and labor/immigration lawyers like Peter Schey have had with the INS, or "*la migra*." Nine or ten years ago, *la migra* often worked hand-in-glove with companies to deport workers during or just after successful organizing drives. Union protests and lawsuits stopped this practice, and then during the "amnesty" phase of IRCA, the INS virtually suspended its workplace raids. Now that employer sanctions have kicked in, however, INS is reviving its old habits. Its agents rarely tell workers their constitutional rights. During raids they try to scare people into saying more than they have to.

Schey, other immigration lawyers, several unions and Medrano have compared notes. "Your best visa is your right to remain silent," Schey says. "Most deportations are based on what you say during or immediately after the INS picks you up. If you stay silent and take out a union or CIWA card, chances are 75% INS won't detain you."

It's too early to tell how effectively the L.A. labor movement will use its immigration work to boost organizing, but the early results show promise. Medrano says LIAP has spun off about 15 organizing drives. Some are continuing, a few have failed, but six have led to NLRB election victories. Both the United Rubber Workers and the Amalgamated Transit Union credit recent organizing successes to LIAP's immigration work, Medrano's role as an immigration specialist, and leads supplied through CIWA.

Other unions who have strengthened their immigrant base through shopfloor, legalization and English-civics programs report a new buoyancy in their organizing. Four of the ILGWU's six election/recognition victories in the last half of 1988 took place

in shops where many workers had just become legal residents, some with the union's help. The ILGWU organized more new members in those six months than in the previous three years, and prospects for 1989 look as bright.

### **Looking Ahead**

Whether this organizing momentum can be sustained after the IRCA legalization period ends in November 1990 depends on forces both within and beyond the control of the area's unions. Will newly legalized garment, electrical, furniture and service workers stay put and fight for higher wages and benefits—or will they leave for better paying industries? Will continuing waves of undocumented immigrants replace them or merely undercut their bargaining power? Will employer sanctions drive more garment and furniture shops underground? Will CIWA—a bold gamble, but a gamble nonetheless—become a solid enough presence in immigrant workers' lives to claim their loyalty after they no longer have to worry about the INS or deportation?

These are just a few of the pivotal questions. And there is another: Will the AFL-CIO and its affiliated unions change their stand on employer sanctions? The labor movement's strongest ally on immigration issues in southern California, and one of the most effective immigration coalitions in the country, is CHIRLA, of which the L.A. Fed is a member. Like other non-labor immigrant organizers elsewhere in the country, CHIRLA has called for the repeal of employer sanctions on the grounds that they violate fundamental human rights and promote racial discrimination. The national and L.A. Feds and most national unions, on the other hand, still support sanctions.

Whatever happens next, the Los Angeles County Federation of Labor will remain a key player in the city's immigrant rights movement—a vital network of public interest law firms, refugee centers, churches, social service agencies, political advocacy groups, and the coalitions they have created. Labor's growing role is a welcome development. Before, when individual unions fought for the job rights of undocumented workers, they did so largely in isolation from community allies. The new immigration law has broken down that isolation. Today, many major L.A. unions realize that their future is linked to the fate of immigrant workers and to the community organizations that serve and defend them. A strategic alliance is emerging which not only brings organized labor powerful new allies in southern California but also challenges it to review its contradictory immigration policies. ■