Latinos and the AFL-CIO: The California Immigrant Workers Association as an Important New Development

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I. INTRODUCTION

The relationship between Latinos and the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) has been shaped by a variety of political, social, and economic factors. The AFL-CIO has organized Latinos or shunned them at different times in response to particular legislative developments, political pressures, and economic crises. Most recently, the relationship between Latinos and the AFL-CIO has been affected by a legislative development—the enactment of the Immigration Reform and Control Act of 1986 (IRCA).1

The AFL-CIO developed a new program in California that focuses on the recruitment of Latinos by helping them get amnesty pursuant to IRCA. The program involves a special type of membership known as “Associate Membership.” Workers can become Associate Members of the AFL-CIO by joining an organization called the California Immigrant Worker’s Association (CIWA).2 CIWA is still in its nascent stages, but it is a promising model for increasing Latino participation in the AFL-CIO. The development of CIWA presents a new opportunity for the AFL-CIO and Latinos to increase their affiliation with one another and to improve their respective futures.

This paper describes CIWA as an important new development in the history of AFL-CIO relations with Latinos. The first section highlights the troubled history of the relationship between AFL-CIO and Latinos in California. Exploring this past will better enable us to understand the nature and importance of CIWA. The second section describes CIWA and its sister organization, the Labor Immigrant Assistance Project.

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1. 8 U.S.C. § 1324(a).
2. Upon joining CIWA, Associate Members obtain an identification card which identifies them with the AFL-CIO.
(LIAP). This section explains how these organizations were created, and it describes the services that members receive. The third section places CIWA within the historical context. The section compares CIWA with other Latino recruitment efforts by the AFL-CIO. The last section looks to the future. It assesses CIWA's prospects for continued success, and it evaluates the importance of CIWA for the labor movement and the Latino Community.

II.

A HISTORY OF NEGLECT AND DISCRIMINATION

A. The Early Years: 1890-1920

Latinos began to immigrate to California in large numbers at the turn of the century. Men found work mainly in agricultural fields, in the mines, or on the railways. Women also found work in the fields, in canneries, or in clothing factories.

Before World War I, the AFL basically ignored the Latino community. The AFL was more concerned about Chinese and then Japanese immigration. Asian workers greatly outnumbered Latinos and were better organized than Latinos during this period. For example, in the mid-1800s, 100,000 Chinese lived in California. While in 1900, only 100,000 Mexicans lived in the United States.

The AFL focused on Latino organizing only when it was absolutely necessary, as dramatically illustrated during the famed Pacific Electric Strike of 1903. The AFL wanted to organize a carmen's union among white workers at Pacific Electric's Red Line in Los Angeles. The AFL sought to organize Latinos who worked for the company to keep them from strikebreaking. The Latinos, who worked as laborers, were easily organized. Within the first month, the local had over 900 members.

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3. For a list of total annual legal and illegal Mexican Immigration to the U.S., see Cardenas, United States Immigration Policy Toward Mexico: An Historical Perspective, 2 Chicano L. Rev. 66, 90-91 (1975).
6. Id. at 10.
10. Id.
11. Id.
The Latinos walked off the job according to the AFL strike plan. However, the head of the railway, Henry E. Huntington, had assembled police and scab crews to break the strike. Seeing the reaction of Huntington, only 12 of the 764 carmen, all white, walked off the job. The strikers were arrested, deported, or fired.

Although not mandated, the AFL usually kept Latinos in segregated locals until the Civil Rights Act of 1964. Samuel Gompers, the famed AFL President, openly endorsed the practice. Latinos, like other minority workers, also had separate seniority lines and pay schedules, and they faced severe discrimination in apprenticeship training programs and in referral unions.

Most arguments for bringing Latinos into the AFL focused on the AFL's needs, not the needs of Latino workers; Latinos would pay dues and honor picket lines. The AFL also wanted to enlist Latino workers before competing unions, such as The Industrial Workers of the World (IWW), did. Thus, a delegate from San Diego at the 1913 AFL Annual Convention urged the Federation to organize Latino workers to prevent them from lowering wages. Four years later, the AFL resolved to organize Latinos in the Southwest.

In 1918, the AFL stopped organizing Latinos after Congress sanctioned Mexican immigration to fill the labor shortage caused by the war in what became known as the first Bracero Program. Congress induced Mexicans to immigrate to the U.S. by allowing them unrestricted entry for agricultural work, even as it restricted immigration from Asia and Europe. In addition, the Immigration Act of

12. Id.
13. Wollenberg, supra note 8, at 323.
14. Id.
17. Id. at 42.
18. For descriptions of the discriminatory practices of labor unions toward Latinos that continued after the passage of the Civil Rights Act, see F. ROMERO, CHICANO WORKERS: THEIR UTILIZATION AND DEVELOPMENT 69-70 (1975); B. W. WOLKINSON, BLACKS, UNIONS AND THE EEOC 26 (1973).
21. Cardenas, supra note 3, at 68. The Bracero Programs were government-endorsed importation of Mexican Labor in the 1920s, 1940s, 1950s and the early 1960s. See section on the Braceros, infra.
22. Commissioner General of Immigration, Department of Labor, Admission of Agricultural Laborers, U.S. IMMIGR. SERVICE BULL., May 1, 1918, at 1.
1917\textsuperscript{23} allowed the Commissioner General of Immigration to waive the Act's head tax and literacy requirements for Mexicans who entered the U.S. to perform agricultural work.\textsuperscript{24}

Samuel Gompers was concerned that the thousands of Mexicans being admitted would enter the semi-skilled and skilled trades where they would become entrenched.\textsuperscript{25} Other labor leaders began to characterize the massive influx of Mexicans as "detrimental to the best interest of the nation."\textsuperscript{26} One delegate to the 1919 Annual Convention argued that the Mexicans were "not only un-American in their ways[ ] and non-union, but also aliens, owing their allegiance to another country."\textsuperscript{27} These ideas were widespread at the time and formed the basis for restrictionist and repatriation movements.\textsuperscript{28}

\textbf{B. The AFL and the Restrictionist Movement}

During the 1920s, Gompers and the AFL lobbied vigorously for immigration restriction.\textsuperscript{29} Gompers and other restrictionists wanted to limit Mexican immigration because of economic and racial beliefs. Economically, restrictionists feared Mexicans, if employed in industrial jobs, would "take" jobs from white workers, break strikes, and lower wages. Restrictionists also argued that Mexicans bilked public services and did not pay taxes.\textsuperscript{30}

Racially, restrictionists believed Mexicans unassimilable. They saw Mexicans as Indian rather than European stock. Restrictionists feared Mexicans, like the "Negroes," would remain a distinct group. The result would be another disastrous problem of racial strife for the U.S.\textsuperscript{31} Paradoxically, the restrictionists did not want Mexicans to racially integrate with whites because that would destroy America's "racial integrity." The words of Congressman John C. Box are illustrative of this point:

\begin{quote}
[T]he Mexican peon is a mixture of Mediterranean-blooded Spanish peasants with low-grade Indians who did not fight to extinction but submitted and multiplied as serfs. Into this was fused much negro slave blood. This blend of low grade Spaniard, peonized Indian and negro slave mixes with negroes, mulattoes and other mongrels, and some sorry whites, al-
\end{quote}

\textsuperscript{24} Lopez, supra note 7, at 656.
\textsuperscript{25} R. Romo, supra note 20, at 67.
\textsuperscript{26} American Federation of Labor, Proceedings of the 33rd Annual Convention 247 (1919).
\textsuperscript{27} Id. at 242.
\textsuperscript{28} See G. Kiser and D. Silverman, Mexican Repatriation during the Great Depression, 3 J. Mex. Am. Hist. 139 (1973)
\textsuperscript{29} B. Mandel, Samuel Gompers 494 (1963).
\textsuperscript{30} Lopez, supra note 7, at 661.
\textsuperscript{31} M. Reisler, By the Sweat of Their Brow: Mexican Immigrant Labor in the United States, 1900-1940, at 154 (1976).
ready here. The prevention of such mongrelization and degradation it causes is one of the purposes of our laws which the admission of these people will tend to defeat. 32

Employers, in favor of an unimpeded supply of labor from Mexico, argued that Mexicans worked mostly in unskilled and nonindustrial occupations and were not a direct threat to whites with industrial jobs. 33 Mexican workers did not depress the wages of white workers because the economy was expanding greatly and Mexicans continued to occupy the lowest rungs of the labor market. 34 A member of the U.S. Chamber of Commerce’s Immigration Committee assured labor leaders that where Mexicans did compete with Americans for work, whites “would certainly be selected over Mexicans . . . .” 35 Employers also claimed no alternative supply of willing and fit labor existed to perform the most menial jobs. They also said the cheapness of Mexican labor provided a windfall to the employer. 36 Employers countered restrictionists’ racial arguments by stressing stereotypes of Mexican docility and solitariness. 37 If Mexicans caused major problems or created a crisis, they could easily by deported.

In the Spring of 1920, Secretary of Labor William Wilson appointed a special committee to investigate the displacement of American workers by Mexicans. 38 The committee consisted of Grant Hamilton and A.L. Faulkner, two Labor Department officials with strong union credentials. 39 The committee was to determine these things:

- Whether Mexicans who entered under the agricultural admissions’ program had drifted into the cities to compete with American workers; and
- Whether a labor shortage existed in the Southwest; and
- If a shortage existed, whether Mexicans who entered under the agricultural admissions program alleviated it. 40

The committee found that some Mexicans deserted agricultural work for other jobs, but most of them ended up working in another Mexican dominated occupation—railroad construction. 41 As such, Mexicans did not replace white workers. Thus, the Committee said, “[the] protests

33. M. Reisler, supra note 31, at 175.
34. Id. at 25.
35. M. Reisler, supra note 31, at 175.
40. Id.
41. Id. at 36.
filed against the admission of Mexican labor under the exceptions [to the
1917 Act] could not be substantiated by facts.\textsuperscript{42} The Committee found
"beyond a reasonable doubt that white men are averse ... and refuse to
accept (as they have a right to do) employment[ ] as unskilled or com-
mon laborers ... ."\textsuperscript{43} The Committee concluded that permitting the use
of Mexican labor was necessary to meet the abnormal demand for work-
ers in the Southwest.\textsuperscript{44}

Restrictionists lost their battle when Mexicans were exempted from
the Exclusion Law of 1921\textsuperscript{45} and the Quota Act of 1924.\textsuperscript{46} These acts
further restricted immigration from Europe and Asia based upon a na-
tional-origins quota system, but Congress exempted Mexico from the
quotas because of pressure from Southwest employers who cherished in-
expensive Mexican labor.\textsuperscript{47} The U.S. State Department also sided with
the employers by contending that applying quotas to Mexico would
strain diplomatic relations.\textsuperscript{48} However, immigration from Mexico was
not left unimpeded: a 450-man border patrol was established along the
Mexican border in 1924.\textsuperscript{49}

After the Hamilton and Faulkner study was publicized, and Mexico
was exempted from the 1920s immigration quotas, the AFL decided to
attack the problem from below the border. William Green, Gompers’
successor, called the largest union in Mexico, the Confederacion Re-
gional Obrera Mexicana (CROM), to pressure the Mexican government
to curtail emigration.\textsuperscript{50} Green wanted to reach an agreement similar to
the Gentlemen’s Agreement of 1905 with Japan.\textsuperscript{51} Green asked CROM
to send a delegation to Washington.\textsuperscript{52} In August 1925, the two organiza-
tions held a joint conference. Attending the conference was Luis
Morones—Mexico’s Secretary of Industry, Commerce and Labor, for-
ter head of CROM, and a good friend of Gompers.\textsuperscript{54} The AFL and
CROM struck a deal at the conference. CROM would use its influence
in the Mexican government to restrain emigration.\textsuperscript{55} In return, the AFL

\textsuperscript{42} Bureau of Labor Statistics, \textit{supra} note 38, at 1097.
\textsuperscript{43} \textit{Id.}
\textsuperscript{44} \textit{Id.}
\textsuperscript{45} Act of May 19, 1921, ch. 8, 42 Stat. 5.
\textsuperscript{46} Immigration Act of 1924, ch. 190, 43 Stat. 153, 155.
\textsuperscript{47} See Cardenas, \textit{supra} note 3, at 69.
\textsuperscript{48} M. Reisler, \textit{Passing Through Our Egypt:} Mexican Labor in the United States, 1900-1940,
at 355-56 (August 1973) (Ph.D. Dissertation, Cornell University available at Stanford University
Green Library).
\textsuperscript{49} Lopez, \textit{supra} note 7, at 661 n.251.
\textsuperscript{50} R. Romo, \textit{supra} note 20, at 70-71.
\textsuperscript{51} \textit{Id.}
\textsuperscript{52} M. \textit{REISLER, supra} note 31, at 169-70.
\textsuperscript{53} \textit{Id.} at 191 n.92.
\textsuperscript{54} B. MANDEL, \textit{supra} note 29, at 455.
\textsuperscript{55} M. \textit{REISLER, supra} note 31, at 170.
would allow Mexican workers to freely join American unions. Since the first Bracero Program, CROM and the Mexican government had expressed concern to the AFL about discrimination against Mexicans by its unions. The AFL passed a resolution calling on its local leaders to devote special efforts to organizing Mexicans in the U.S.

Several months after the conference, the Mexican government had done nothing to curtail emigration, and the AFL had not seriously attempted to end discrimination against Mexican workers. In August 1927, an AFL-CROM Commission met to deal with the inaction by both organizations. The Commission recommended the Mexican government restrict emigration so that the number of emigrants would not exceed the number allowed if Mexico were included in the 1920s U.S. immigration laws. In return, the AFL again guaranteed that Mexicans would be encouraged and given every opportunity to join American trade unions. However, the following year, the new President of Mexico killed the voluntary restraint proposal by failing to support it. In response, the Executive Council of the AFL, acknowledging the Mexican self-restraint plan was dead, recommended that Congress add Mexican agricultural workers to the immigration quota system. The AFL's plan to attack the immigration problem from below the border failed, but the AFL eventually got what it wanted with the Repatriation.

C. The Great Depression and Repatriation

The Great Depression was a period of increased hostility toward Mexican workers. Work was difficult to find and many people believed that Mexicans were "taking" jobs from white workers. The AFL, other unions, and political interest groups pressured employers to award jobs to white citizens over Latinos. Threats and physical attacks against employers who hired Mexicans became common. Public opinion demanded the repatriation of Mexicans. The Saturday Evening

56. Id.
57. B. MANDEL, supra note 29, at 455.
59. Id. at 215.
60. Id. at 216.
61. Id.
62. Id. at 217.
63. Id. at 218.
64. A. CAMARILLO, supra note 15, at 48.
65. Kiser and Silverman, supra note 28, at 144.
66. See R. Romo, supra note 20, at 104-31. Romo describes the extreme nativist sentiment exhibited by whites towards Latinos during the Depression. These feelings led to discrimination and physical attacks upon Mexicans—the "Brown Scare."
67. See, e.g., Present and Future, supra note 37, at 28; Holmes, Perils of the Mexican Invasion, 227 N. AM. REV. 615 (1929).
Post, in particular, was instrumental in the repatriation movement.68

President Hoover and the U.S. Department of Labor initiated a massive deportation program of all people of Mexican descent in 1931 that lasted until 1933.69 The Repatriation was conducted primarily at the local level and remained very decentralized.70 Some Latinos left the country “voluntarily” after they were offered free rail passage to Mexico while being threatened with deportation or elimination of all public assistance.71 Immigration dragnets aimed at all Latinos were common and occurred in movie theaters, dance halls, and public parks in Mexican neighborhoods.72 During this period, over 400,000 Mexicans and U.S. citizens of Mexican descent were sent to Mexico. In California alone, between 75,000 and 100,000 persons were deported.73 The rationale for the repatriation was that the cost of repatriation to Mexico was small compared to the supposed burden Mexicans were to American society.74

The severely oppressive condition of the Latino community in the 1930s drew the sympathy of radical organizers. The extremely depressed economic conditions of Latinos coupled with the civil rights violations involved in repatriation made the community ripe for radical union activism. To counter inroads made by these radical unions, the AFL again turned its attention to Latinos.

D. The IWW and the Communist Threat

Unlike many AFL unions which discriminated and which focused on skilled labor, the International Workers of the World (IWW), sought to create one large union for all workers.75 The IWW admitted members regardless of race, creed, sex, ethnicity or citizenship.76 Although the IWW was short lived and only gained 120,000 members, it was influential in the history of organized labor and of minority workers.77 The IWW focused on groups that were yet untapped by the AFL. It organized unskilled workers in mining, lumber, and farm industries that employed most Mexican workers in California.78 One of the founders of the

71. Id. at 149.
72. A. Camarillo, supra note 15, at 49.
73. Id. at 48.
78. A. Camarillo, supra note 15, at 41.
IWW was a prominent Latina named Lucia Gonzalez Parsons. The IWW also affected the labor movement in the U.S. by introducing new strike tactics such as the "sit-down" and mass picket.

Communist organizers, seeing deplorable conditions among Latino farm workers, began to deliver their messages from soap boxes in the 1920s. For example, in 1928, the Communist Party organized the Trade Union Unity League (TUUL)—a league of various labor unions. One of its unions, the Agricultural Workers Industrial Union (AWIU), was based in the Imperial Valley and had a large Mexican membership. This union, later renamed the Cannery and Agricultural Workers Industrial Union, enrolled several hundred farm workers and held many strikes in California from 1931 to 1935.

Employers and non-communist labor organizations feared the success of the "soap box" unionism of the communists. The Associated Farmers, with the help of law enforcement officials, crushed most of the communist led strikes. As explained below, the CIO, the AFL, and the Teamsters then stepped in to organize farm workers, who had gained much public attention because of the Communist's efforts.

The CIO began as a committee within the AFL in 1935. After the unions that composed the CIO were suspended from the AFL in 1938, the CIO arose as a rival organization to the AFL. The CIO, like the IWW, organized industrial unions in the new mass industries, a category that included many Latino workers. In 1941, the CIO established the Committee to Aid Mexican Workers. By 1942, the CIO had organized 15,000 Mexican workers in Los Angeles.

A prominent Latina in the CIO was Luisa Moreno. She was state Vice-President of the CIO, Chairwoman of the California Committee Against Discrimination in the Labor Movement, and International Vice-Chair of the United Cannery Agricultural Packing and Allied Workers of America (UCAPAWA). One of her first great accomplishments in

79. For an account of the accomplishments of Lucia Gonzalez Parsons, see Mirande and Enríquez, Chicanas in the Struggle for Unions, in INTRODUCTION TO CHICANO STUDIES, supra note 8, at 331.
80. L. LITWACK, supra note 77, at 27.
81. A. CAMARILLO, supra note 15, at 52.
82. Id. at 53.
83. Id. at 53-55.
84. Id. at 55.
86. Id.
87. L. LITWACK, supra note 77, at 49-51.
88. Arroyo, supra note 85, at 290.
89. Id. at 277.
90. Mirande and Enríquez, supra note 79, at 335.
California was the organization of the National Congress of Spanish Speaking People (Congreso de Pueblos de Habla Español) held in Los Angeles in 1939. A total of 1,500 people attended the Congress, including the Lieutenant Governor, emissaries from Mexico, and national union leaders. Workers at the Congress spoke out against civil-rights violations and oppressive labor policies. The Congress started a Latino newsletter and many new worker organizations.

Luisa Moreno's accomplishments on behalf of Latino workers extended from Los Angeles to New York. She led many successful organizational campaigns. During the peak of her political activism, she was deported. The Red Scare and Brown Scare were responsible for her deportation.

In the late 1930s, the AFL began organizing Latino and other immigrant farm workers for three reasons. First, competing union organizations had made significant progress in organizing minority industrial and farm workers. Second, the AFL was alarmed by a wave of anti-union violence that was perpetrated in the name of anti-communism. Third, the dire working conditions of immigrant farm workers were receiving substantial media attention and were becoming a major public concern. Some AFL members argued unorganized minority workers were a dangerous strike-breaking force. The AFL sent aid to some newly organized farm-worker unions, and it chartered farm-worker locals to counter the farm-worker organizing by other groups. Most of these unions were very short lived. They were unsuccessful because they faced overwhelming employer opposition and insufficient support from the international AFL charters.

E. The Braceros

World War II created a new demand for Latino workers: southwest employers, especially growers, complained of acute labor shortages caused by the loss of workers to war-related industries and by the war-related increases in demand for crops. The government responded by

92. Id.
93. Id. at 63.
94. Id. at 58-60.
95. See Mirande and Enriquez, supra note 79, at 334-37.
96. Id. at 335.
97. Id.
99. Id.
100. Mexican Workers in the United States (G. Kiser and M. Kiser eds. 1979) (hereinafter Mexican Workers)
initiating a second bracero program which lasted from 1942 to 1964.101 During this period, 4.5 million Mexicans came to work in the United States.102 The AFL acceded to the Bracero Program, thinking it a necessary war measure.103 Most of the workers were certified for agricultural jobs, but many found their way to urban areas and obtained nonagricultural work.104 From 1943 to 1944, the Railroad Labor Program, a part of the Bracero Program, recruited about 50,000 workers for railroad construction.105 In October 1943, the Board of Immigration Appeals granted a request from the War Manpower Commission (WMC) to permit employers to use these workers in certain unskilled and semi-skilled jobs on the railroads where there were shortages.106 After the war, the INS reported that only slightly more than half of the workers recruited for railroad work were sent back to Mexico.107

F. The Farm Workers

In 1946, the AFL chartered the National Farm Labor Union (NFLU).108 In California, the NFLU, renamed the National Agricultural Workers Union (NAWU) by 1959, was headed by Ernesto Galarza.109 Under Galarza, the NAWU led several strikes against California’s largest growers.110 The NAWU was also very active in protesting the continued use of braceros on farms.111 The farm-workers’ unions opposed the Bracero Program because the braceros were used to break many strikes in the Imperial and San Joaquin Valleys in the 1950s.112

The NAWU faced an uphill battle and won very few concessions from employers.113 Part of the problem was considerable competition

102. MEXICAN WORKERS, supra note 100, at 67.
103. R. C. JONES, MEXICAN WAR WORKERS IN THE UNITED STATES 32 (1945).
104. MEXICAN WORKERS, supra note 100, at 67.
105. JONES, supra note 103, at 40.
106. Id. at 32.
107. Id. at 40.
109. Id.
111. E. GALARZA, supra note 98, at 203-76.
112. Id.
113. Id.
from the Teamsters. To the Teamsters, any work stoppages or reduction in harvest would mean less work for them. The Teamsters continued to cause problems for Latino organizers through the 1960s.

Without many successful campaigns, the NAWU was too poor to sustain itself. It required seemingly endless subsidies from the AFL. In 1960, the AFL decided to dissolve the NAWU and create a larger organizing committee. The NAWU was merged into the Amalgamated Meat Cutters Union. From then on, the union stopped resisting the Bracero Program and stopped organizing field workers.

In 1959, the AFL created the Agricultural Workers Organizing Committee (AWOC). AWOC's strategy was to organize locals from the top down. Norman Smith, a United Auto Worker (UAW), was made executive director.

AWOC's first problem was that its leaders knew nothing about agribusiness. For example, the leaders did not know how to find workers to organize. Farm workers did not file out of a gate at 5:00 like auto workers. Fields were not always visible from the road. Even when the fields were found, AWOC organizers could not trespass through them to deliver their message. Also, farm workers could be very unreceptive to speeches from outsiders.

Eventually, AWOC hired a few prominent Filipino organizers to tap into the Filipino labor force. The Filipinos already had some strong associations, and AWOC was soon leading them in strike efforts. The power of the grower's association and the availability of braceros as strike breakers killed these early AWOC efforts.

When the AFL president, George Meany, found out that AWOC had few members and that AWOC had not won a contract with employers, he wanted to close it down. Instead, Meany decided to appoint a new director, Al Green, to run AWOC after he was persuaded by union leaders that the chance to alleviate the horrible conditions of farm work-

114. Id. at 289-97.
115. Id. at 291.
116. Id. at 311-12.
117. Id. at 346.
118. Id. at 346-47.
120. Id.
121. E. GALARZA, supra note 98, at 323.
122. R.B. TAYLOR, supra note 119, at 97.
123. Id.
124. Id. at 97-98.
125. Id. at 98.
126. A. CAMARILLO, supra note 15, at 90.
127. R.B. TAYLOR, supra note 119, at 98.
128. Id. at 99-102.
129. Id. at 100.
ers made AWOC worthwhile.\textsuperscript{130}

Members of another union, the National Farm Workers Association (NFWA) headed by Cesar Chavez, did not think very highly of AWOC.\textsuperscript{131} As one NFWA leader said, "The AFL-CIO tried to organize farm labor, but they couldn't do it because they didn't know what they were doing."\textsuperscript{132}

Nevertheless, AWOC and the NFWA cooperated at the famous Delano strike of 1965.\textsuperscript{133} The strike was started by Filipino workers in AWOC.\textsuperscript{134} The NFWA soon joined the strike. Chavez led the strikers on a 300-mile march to Sacramento that thrust the farm workers into the national spotlight.\textsuperscript{135}

The AFL-CIO and the United Auto Workers (UAW) extensively supported the Delano strike. Both organizations contributed $2,500 to the NFWA's efforts at Delano.\textsuperscript{136} UAW head, Walter Reuther, delivered the money personally at a NFWA rally. Just before announcing the $2,500 contribution, Reuther proclaimed the importance of the strike: "This is not your strike, this is our strike."\textsuperscript{137} Prior to this occasion, the UAW had given much support to the UFWA in the form of time and money.\textsuperscript{138} Meany began to fear that Reuther was stealing the show; tension grew between the two men.\textsuperscript{139} Meany appointed another organizer, William Kircher, to head AWOC in 1965.\textsuperscript{140} After spending much money in the farm worker effort, Meany wanted a union to show for it.\textsuperscript{141} Kircher responded with a plan for AWOC to merge with the NFWA, whose name had been changed to the UFWA. In April 1966, Kircher facilitated recognition of the UFWA by a major California grower.\textsuperscript{142} He continually approached Chavez regarding a merger of their two organizations, but Kircher claimed Chavez was too busy fundraising to respond.\textsuperscript{143} Kircher eventually got the full weight of the AFL-CIO behind the grape boycott, and within months, Chavez and Kircher announced the merger of the UFWA and AWOC. The new organization was called United Farm Workers Organizing Committee.

\begin{footnotes}
\item[130.] \textit{Id.} at 101.
\item[131.] \textit{Id.} at 125.
\item[132.] \textit{Id.}
\item[133.] \textit{Id.} at 129.
\item[134.] A. Camarillo, \textit{supra} note 15, at 90.
\item[135.] R.B. Taylor, \textit{supra} note 119, at 145.
\item[136.] \textit{Id.} at 154.
\item[137.] \textit{Id.}
\item[138.] \textit{Id.} at 14.
\item[139.] \textit{Id.} at 157.
\item[140.] \textit{Id.} at 156.
\item[141.] \textit{Id.} at 157.
\item[142.] \textit{Id.} at 177.
\item[143.] \textit{Id.} at 197.
\end{footnotes}
After the merger, the new union won contracts with major growers and wineries in California. The farm workers' union continues to exert a strong presence in the AFL-CIO to this day.

G. Remedial Legislation and Case Law

The National Labor Relations Act (NLRA), Title VII of the Civil Rights Act of 1964 and case law under these statutes prohibit many of the practices, such as those described above, that have hindered Latinos in gaining union representation. Latinos, including immigrant workers, now find recourse against union discrimination and unfair representation under these statutes as well as various other laws. For example, section 9(a) of the NLRA grants a union the right of exclusive representation if it is selected by a majority of employees in an appropriate bargaining unit. Unfortunately, agricultural workers do not have representation rights under section 9(a). Congress must include agricultural workers under section 9(a) to assure the rights of Latino workers.

The right of exclusive representation carries with it a judicially created duty to represent workers in the bargaining unit fairly. The leading case on this point is Vaca v. Sipes in which the Supreme Court declared that a union breaches the duty of fair representation when its conduct toward a member of the collective bargaining unit is "arbitrary, discriminatory, or in bad faith." A union that induces an employer to discriminate on the basis of race or citizenship may also be held to have violated the duty of fair representation. In cases that involve racial discrimination, the discriminated may sue concurrently under the NLRA and Title VII.

Title VII protects workers from discrimination on the basis of "race, color, religion, sex, or national origin." Section 703(c) makes Title VII applicable to unions. It prohibits the following union conduct:

144. Id.
145. See R.B. TAYLOR, supra note 119; S. KUSHNER, supra note 108.
148. E.g., 42 U.S.C. § 1981 (1988) (provides in part: "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts as is enjoyed by white citizens").
149. 29 U.S.C. § 159.
150. 29 U.S.C. § 152.
152. 386 U.S. at 190.
154. Local 12, United Rubber, Cork, Linoleum & Plastic Workers v. NLRB, 368 F.2d 12 (5th Cir. 1966).
(1) to exclude or to expel from its membership, or otherwise to discrimi-
nate against, any individual because of his race, color, religion, sex, or
national origin; (2) to limit, segregate, or classify its membership or appli-
cants for membership, or to classify or fail or refuse to refer for employ-
ment any individual, in any way which would deprive or tend to deprive
any individual of employment opportunities, or would limit such employ-
ment opportunities or otherwise adversely affect his status as an em-
ployee or as an applicant for employment, because of such individual’s
race, color, religion, sex, or national origin; or (3) to cause or attempt to
cause an employer to discriminate against an individual in violation of
this section.157

In addition to being subject to liability as described above, unions
have an affirmative obligation to oppose employment discrimination
against its members.158 If a union acquiesces or joins an employer’s dis-

This legislation and case law, coupled with the increasing number of
Latinos in the work force, especially in California, and changing atti-
ditudes in society, have led to somewhat improved conditions for Latinos
within the organized labor movement. Some researchers have found that
the advances of Latinos within the labor movement have been so great
that they are now overrepresented. For example, the Bureau of Labor
Statistics reported in 1980 that Latinos make up 5.4% of the national
work force, yet they comprise 6.1% of the total unionized work force in
this country.160 The Civil Rights Quarterly published that 26% of the
Hispanic work force is unionized, which is slightly above the rate for all
U.S. workers.161

However, the figures in these studies are misleading. Latinos con-
tinue to face discrimination and underrepresentation in many parts of the
country as is evidenced by numerous lawsuits and grievances involving
the NLRB. The studies are also incomplete because they do not include
undocumented workers who still make up a large percentage of the La-
tino work force.162 Further research is needed to find out if increases in

157. Id.
158. Bonilla v. Oakland Scavenger Co., 697 F.2d 1297 (9th Cir. 1982).
of Theatrical and Stage Employees and Motion Picture Operators, 525 F.2d 1354 (9th Cir. 1975).
of Organized Workers, BULLETIN, May 1980, at 67 (see chart in appendix).
161. Montoya, Hispanic Workforce: Growth and Inequality, 13 THE CIV. RTS. Q.: PERS. 37
162. Many studies show that IRCA has not significantly decreased the flow of illegal immi-
grants across the Mexico-U.S. border. See e.g., W. Cornelius, The Role of Mexican Labor in the
California Economy of the 1990s, at 13 (1988) (Paper prepared for the “Fourth Annual Emerging
UCSD).
the number of Latino union members has led to a corresponding increases in influence within the internationals and the AFL-CIO. The high percentage of Latinos in unions demonstrates how readily the community can be organized. Latinos are one of the fastest growing minority groups. They represent the largest single pool of potential union members, and many AFL-CIO leaders recognized this by instituting the California Immigrant Workers Association (CIWA).

III. THE CREATION OF LIAP AND CIWA

A. LIAP

After IRCA was passed, many AFL-CIO unions asked the headquarters for help in preparing amnesty applications for their members.163 Preparing applications required gathering many documents and completing many forms by specific deadlines. The complex requirements confused the applicants. The AFL-CIO Immigration Committee decided to launch a pilot program, the Labor Immigrant Assistance Project (LIAP), to assist union members obtain amnesty.164 The initial plan was to set up LIAP programs in Chicago, Houston, Los Angeles, New York, and San Francisco. However, only Los Angeles and Houston received much assistance. In the other cities, the establishment of a program was deemed too costly, or the plan was rejected by local labor leaders.165 Thousands of amnesty applicants received assistance from the AFL-CIO in Los Angeles and Houston.166 Only in Los Angeles did this assistance lead to organizing.167

LIAP gave the AFL-CIO an excellent opportunity to provide a much needed service while gaining good publicity among the many Latino immigrants in Los Angeles. Sixteen locals and the Los Angeles County Federation of Labor supported the program with money and personnel.168 Soon, LIAP's services were extended beyond union members to the general public.169

By the amnesty application filing deadline, LIAP had counseled over 10,000 people and helped complete 4,000 amnesty applications.170 Seven offices were set up in Los Angeles and Orange Counties. For a

164. Sickler, supra note 163.
165. Id.
167. Calabrese, supra note 163.
169. Id.
170. Id.
small fee, applicants received assistance with their amnesty application or with other immigration problems. The cost of the counseling to the AFL-CIO was subsidized by contributions from locals and the L.A. County Federation of Labor and by a $15 reimbursement from the INS for each application.

As stated in a LIAP Report, "the purpose of LIAP [was] not only to legalize, but also to organize." Through LIAP, the AFL-CIO helped legalize thousands of union and nonunion members and improved its image—tarnished by its support for employer sanctions—in the Latino community. The AFL-CIO also established contacts for future organizing. People who received immigration assistance were told about the benefits of being part of the AFL-CIO. After the amnesty deadline, LIAP set up classes in English, U.S. history, and government for the next step in the amnesty process—permanent residency. In these classes, LIAP instructors taught "workplace English." Instructors, who were state certified teachers, taught language useful to immigrants at work, including concepts relevant to enforcing their rights. They also lectured about the history of the labor movement and the functions of unions.

B. CIWA

The sister organization of LIAP is the California Immigrant Workers Association (CIWA)—an Associate Membership Program. CIWA members pay dues of a couple of dollars a month and receive certain benefits short of union representation. The AFL-CIO has several other Associate Membership Programs that operate through unions such as the United Farm Workers (UFW), the Airline Pilots Association, and the American Federation of Teachers. All of these programs provide benefits to their members through what is called the Union Privilege Benefit Program (hereinafter UPBP). The benefits vary: free permanent residency classes, special group-term life insurance, a discount travel service, and discount legal counseling. Associate Members are also entitled to an AFL-CIO sponsored credit card that has low interest and no

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171. Interview with Joel Ochoa, CIWA Organizer (Oct. 6, 1989). Applicants paid from $35-$60 (up to $100 maximum per family) for LIAP services. This fee was several hundred dollars less than what an attorney would charge for the same assistance.
172. Calabrese, supra note 163.
173. LIAP Overview, supra note 168.
174. Ochoa, supra note 171.
175. Interview with Andres Bustamante, Executive Director of CIWA (Oct. 6, 1989).
176. Id.
177. Ochoa, supra note 171.
178. Bustamante, supra note 175.
179. Calabrese, supra note 163.
180. CALIFORNIA IMMIGRANT WORKERS ASSOCIATION, WELCOME TO CIWA (no date).
annual fee.\textsuperscript{181}

Some of the UPBP benefits are not very useful or attractive to the population CIWA targets for membership. For example, many immigrants do not qualify for the discount credit card because they lack a credit history. Perhaps partly as a result of this problem, CIWA leaders have tried to develop more locally based benefits that will attract their target population. They have established low-cost dental and optical care programs, medical clinic access, grocery coupons, movie ticket discounts, and auto purchase assistance. A job training program is in the making.\textsuperscript{182} CIWA members receive a newsletter and free consultations from CIWA attorneys about work place problems.\textsuperscript{183} CIWA's legal services also cover immigration, housing, and education issues.\textsuperscript{184} CIWA and LIAP have a learning center for members that contains several computers with educational software.\textsuperscript{185}

However, CIWA organizers do not emphasize benefits in their speeches. CIWA leaders speak of empowerment to members and potential members. In CIWA's first newsletter, \textit{El Clarin}, Jose De Paz wrote the following: “A permanent residence card by itself will not bring us a better life. All it does is change us from a discriminated community without documents, to a community with documents, but still discriminated.”\textsuperscript{186} Joel Ochoa, a CIWA organizer, asks listeners at his speeches if legalization has changed their living conditions.\textsuperscript{187} He tells immigrants to assess their jobs, their homes, and the schools their children attend: “Has your salary gone up? Do you live in a better house?” He warns people that they have to fight to better their living conditions in this country and adds that CIWA can help in this struggle. CIWA leader Andres Bustamante echoes Ochoa in a column in the \textit{Los Angeles Herald Examiner}: “Even when legalized, immigrants will continue to be the most exploited and isolated sector of the working class unless we do what other immigrants did earlier this century—successfully organize for a fair share of the value of our labor.”\textsuperscript{188}

Although CIWA leaders speak of empowerment, CIWA does not empower its members. Workers do not gain a bargaining representative by joining CIWA. The organization was not intended to function as a certified representative under the NLRA. In short, CIWA is a Latino-dominated organization that, although affiliated with the AFL-CIO, does

\begin{itemize}
  \item \textsuperscript{181}Ochoa, \textit{supra} note 171.
  \item \textsuperscript{182}Id.
  \item \textsuperscript{183}Id.
  \item \textsuperscript{184}Id.
  \item \textsuperscript{185}CIWA, \textit{supra} note 180.
  \item \textsuperscript{186}Education: Key to Our Future, \textit{El Clarin}, Sept. 1989, at 4 (a CIWA Newsletter).
  \item \textsuperscript{187}Ochoa, \textit{supra} note 171.
  \item \textsuperscript{188}Herald Examiner, \textit{supra} note 166.
\end{itemize}
not have the standing, power, or prestige of a union. Throughout this century, Latinos have been brought into the AFL on disparate and une-
qual terms—segregated from white union members. Is CIWA a continu-
ation of this problem? What differentiates CIWA from earlier organizing
efforts? The next sections of this paper tries to place CIWA within the
history of Latino-AFL-CIO relations.

IV. CIWA AS A TURNAROUND FOR THE AFL-CIO

The formation of CIWA is not a complete turnaround for the AFL-
CIO policy toward Latino immigrants. The AFL-CIO continues to op-
pose immigration and will continue to oppose immigration as long as
there is unemployment in this country. Union officials disagree with
economists who say there can never be zero unemployment in the U.S. or
who say immigrant workers perform work long-term residents will not
take. ¹⁸⁹

The AFL-CIO's official position during the national debate over im-
migration reform was that it supported employer sanctions and am-
nesty. ¹⁹⁰ The AFL-CIO favored employer sanctions to curtail the flow of
illegal immigration. It also supported amnesty because it believed that
legalized immigrants could better assert their rights in the work place.
Employers often could exploit illegal immigrants because they feared de-
portation and, consequently, were reluctant to contact authorities to se-
cure their rights. Under IRCA, people were required to have been in the
U.S. for at least five years to qualify for amnesty, enough time to become
integral members of their communities. The AFL-CIO believed these
immigrants intended to stay and, therefore, should be given legitimate
status to empower them. Thus, the AFL-CIO's sponsorship of LIAP
and CIWA is not inconsistent with its restrictive immigration position.
LIAP and CIWA were designed to help long-term residents, not recent
immigrants.

CIWA is consistent with the AFL-CIO's tradition of organizing La-
tinos into special units to promote its own objectives. Historically, the
AFL organized Latinos into segregated locals.¹⁹¹ This same condition
exists in CIWA. Compare the practices of the AFL today with a resolu-

¹⁸⁹. See e.g., Cornelius supra note 162, at 2.
¹⁹⁰. Joint Hearings before the Subcommittee on Immigration, Refugees, and International Law
and the Senate Judiciary Committee Subcommittee on Immigration and Refugee Policy to Consider
H.R. 5872 and Companion S. 2222, both Immigration Reform and Control Act of 1982, to Amend the
Immigration, and Nationality Act to CurtailIllegal Immigration and Revise Immigration Policies and
of Lane Kirkland, President, AFL-CIO).
¹⁹¹. L. Arroyo, supra note 9, at 22.
tion that it and the Los Angeles County Council of Labor adopted in 1903 regarding the organization of Asian workers:

Resolved, That while we are utterly opposed to the unrestricted immigration of the various Oriental races, we heartily favor the thorough organization of those now here, and believe that the fact that men are able to do our work when we strike is sufficient reason why they should be organized, regardless of race or color.192

The one factor that does distinguish CIWA from earlier racially segregated organizing is that CIWA leaders view the organization as a bridge to mainstream unionizing.193 CIWA is a means to a better end. It is an outreach device and a transitional tool to welcome Latino residents into the labor movement. At every opportunity, CIWA leaders extol the virtues of unionization. CIWA leaders expect more from their CIWA efforts than providing a source of limited benefits: their goal is to turn CIWA into fertile ground for union organizing. To this end, CIWA has been very successful. During the first year of the program, CIWA members were active in over 20 organizational campaigns.194

The effect of CIWA is to establish a relationship between the AFL-CIO and the Latino community that could lead to increased interaction that would benefit both groups. The AFL-CIO needs new members. The percentage of U.S. workers who belong to a labor union has steadily decreased from an all-time high of 35% in the mid-1950s to an all-time low of 16% in the late 1980s.195 The causes for the decline vary: foreign competition, shifts in the economy, changing government policies, employer opposition, and poor union leadership.196 A 1985 AFL-CIO special report recognized the need to explore new methods for acquiring and maintaining members to halt the union membership decline.197

The importance of Latinos as a pool of potential new union members increases as the number of Latinos in the workplace increases. Latinos need increased union representation to combat the many problems they face because of their immigrant status, use of the Spanish language, or appearance. Unfortunately, Latino immigrants also rarely have real access to health insurance, legal services, decent housing, and good schools. CIWA can provide a desperately needed and very useful service

192. Oakland Tribune, April 21, 1903, reprinted in WORK FAMILY SEX ROLES LANGUAGE, supra note 5, at 17.
193. Ochoa, supra note 171.
194. Id.
195. Telephone Inquiry, AFL-CIO Dep't. of Information, (March 3, 1990). The AFL-CIO claims that union density among all workers rose to 17% in 1990.
197. AFL-CIO COMMITTEE ON THE EVOLUTION OF WORK, THE CHANGING SITUATION OF WORKERS AND THEIR UNIONS (1985) (see chapter entitled "New Methods of Advancing the Interests of Workers").
by offering benefits and by acting as a liaison between immigrant workers and other sectors of American society. If CIWA can help Latinos gain access to health care that would otherwise be inaccessible to them, provide legal services that would otherwise be unaffordable, help enforce workplace rights that would otherwise be violated, and act as a welcoming host into an otherwise hostile and distrustful labor movement, then it is providing a great service that the Latino community should exploit. CIWA is not a turnaround in the relationship between Latinos and the AFL-CIO, but it is an important step toward an era with much more interaction between these two groups.

V. CONCLUSION: THE FUTURE

If CIWA is successful, it will be a very important development for Latinos and the AFL-CIO. The most obvious way for CIWA to expand would be to spread its operations over all of California. CIWA is still subsidized by the AFL-CIO.198 However, if CIWA becomes self-supporting and grows, it could also serve as a model for similar efforts around the country. It may also serve as a model for other CIWA-type organizations in areas of the country that have large Latino populations. A TIWA (Texas), or NIWA (New York), or FIWA (Florida) could greatly benefit Latinos and the labor movement in these areas. Aside from the economic benefit and organizational leads, a National CIWA-type organization would serve as a strong base for Latino political caucusing within the AFL-CIO and other labor organizations.

CIWA leaders admit they would probably have to at least double their membership to become self-sufficient. Currently, CIWA has just over 2,500 members.199 Most of them came from the amnesty process. Since the source of new members ended with the legalization program, CIWA will have to devise new ways to attract members.

Prejudice and ignorance also continue to hamper immigrant outreach for the AFL-CIO. In Houston the national leaders had to set up LIAP without any cooperation from white locals. In addition, as has occurred many times in history, the older immigrants are usually less than enthusiastic about assisting the newcomers.

The national leadership should make Latino organizing a priority and commit itself to expanding CIWA and other such Latino outreach programs. The time to do this is now, because every year of inaction means fewer union members and less resources for the AFL-CIO. CIWA-type programs can serve Latinos and the AFL-CIO well. Latinos

198. Sickler, supra note 163.
199. Ochoa, supra note 171.
are the largest pool of potential members, and they represent, at least in part, the hope for the AFL-CIO's resurgence. The national leadership needs to acknowledge this and convince the rank and file of the importance of the Latino community to the future of the labor movement. Everyone working at CIWA recognizes that what they are doing is very important for the future of the labor movement in this country. If this view pervaded the rest of the AFL-CIO, the Latino Community would greatly benefit from increased representation, and organized labor could curtail its decline in membership.