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Making Movement: Communities of Color and New Models of Organizing Labor*

Afternoon Keynote Address

Maria Elena Durazo†

I want to start by talking a little bit about myself, because I know one question people often have is how I got involved with the union movement. While I'm not sure at what point I decided to go into union organizing, I certainly can look back and see times in my life that led me to become a union organizer.

I come from a family of eleven children. I'm number seven on the totem pole of kids. I graduated—I won't say what year—but when I graduated from high school, I was going to be the second to go to college. Unfortunately, my older brothers and sisters had to drop out of high school to help support the family. My parents needed help in supporting the rest of us, and so they made that sacrifice. Just two months before my graduation, my brother who was the first to go to college died in an accident. So my parents placed all their hopes on me to college and make it.

I remember the day I left. I'm not sure if everybody has this experience, but in Mexican families it's very common that if you're going away, they get a little cardboard box and pack a lunch of tortillas and burritos and different things, just to get you through the next few days. Then my father said to me: "I'm really sorry." I couldn't figure it out—I said, "What do you mean, you're really sorry?" He said, "I'm really sorry that I could not have provided more for you. I'm really sorry that I couldn't have made more money in my work to be able to send you through college so that you wouldn't have to go through all the struggles of getting scholarships and financial aid and everything else." I started thinking, how could it be that my father, who worked from sun-up to sun-down six days a week, working in the fields of this country—how is it that he ends up feeling this way? It seemed so wrong.

My father is a very deeply religious man. Both of my parents were very faithful to the Catholic Church. Part of the reason they are so faithful is that it was quite common that, as migrant workers, we could not make enough money to pay for

* Symposium hosted by the *Berkeley Journal of Employment and Labor Law* and the *Berkeley La Raza Law Journal* in April, 2005. Coming four years after another jointly sponsored symposium, "The Changing Face of Labor," in 2001, the goal of "Making Movement" was to spotlight those organizations advocating for and advancing the rights of immigrant workers and working communities of color in the United States and south of our border. For more information, see <http://www.boalt.org/BJELL/symposia/makingmovement.html> (last visited February 21, 2006).

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shelter and enough food, even though we were all working. Many times we lived in the grower's barn, where the tractors were kept, or we lived out of our flatbed truck or just camped out somewhere near a river. At this point we were nine or ten kids and two parents working all day, six days a week, and we could not earn enough money for shelter. So we had to go by the local church, in whatever town that we happened to be in at the time—Stockton, Sacramento, Fresno, Calexico—to ask for help. Probably the most shining example of how we, as migrant farm workers, were welcomed by the church is that when my infant brother died, the local church raised the money to give him a real burial. These are all memories that many of us have and certainly have a lot to do with what we decide to do in our later lives.

I was the first in my family to graduate from college, from St. Mary's College of California, which is not far from here. In fact, that was where I had my first direct organizing experience. We fought for Chicano classes, tutoring, and recruitment. We took over the chapel of St. Mary's and held a fast there, so that all the people from wealthy areas who were headed to church had to see us up on the altar with our sleeping bags because we had demands before the administration. That was the first place that I began organizing.

More importantly, we worked as students in support of immigrant workers. We marched to stop community and workplace deportations and also for amnesty. Amnesty seemed so completely outrageous and so left, that even the left thought we were insane for making that demand. And low and behold, that's exactly what was won several years later.

I thought I wanted to be a lawyer. I got my J.D. from People's College of Law, but instead of starting a career as a lawyer, I became a union organizer. For me, there is nothing more extraordinary than being a part of men and women learning to take charge of their lives. There is nothing more important than being a part of the transformation from being very hardworking men and women who feel powerless against injustice to being hardworking men and women who feel dignity and fight for their rights. There's nothing more challenging than confronting the corporate system that controls so much in our lives.

Although my legal training has been very valuable in the organizing work that I have done, I still felt that union organizing was what I could do best. Unions also need lawyers who are extremely committed, creative, and doing cutting-edge work, because without legal strategies we can't win.

Although I've learned from Cesar Chavez and from Dolores Huerta, I've also learned from Victoria Vergara, a housekeeper, and from Edgar Bonilla, a cook. These are two hotel workers whose names you've never heard. They are immigrants from Mexico and El Salvador. As Cesar taught, each of them has been a common person doing uncommon things. Each has shown extraordinary courage, taking risks that sometimes have taken them into more poverty. They've given up time with their families, moved by the dignity of their struggle. They've made enormous sacrifices and overcome great odds.

They sometimes are alone, because union leaders are sometimes alone in the workplace. They sometimes are abandoned because fear of retaliation overwhelms their coworkers and their comrades. But they never give up because they envision a community of peace and justice and respect for their work.

So why are immigrants organizing the union movement? There are some real statistics out there that show why. According to the federal poverty level, only

13% of Californians live in poverty,¹ but that is based on methodology developed in the 1960's that was derived from a 1955 survey.² By other accounts, nearly one-quarter of Californians live in poverty.³ When the costs for clothing, food, and housing are taken account, many working families cannot properly raise a family the way that they should be able to in one of the wealthiest nations in the world.

We're facing the erosion of jobs that pay middle-class wages.⁴ The majority of jobs in the economy today are in the service sector.⁵ That's where the growth is.⁶ Many of these jobs must be done close to the customer. Housekeepers, nursing home aides, cooks, laundry workers—they cannot be easily outsourced overseas, so it is our responsibility to make these jobs good jobs. That is who the middle class should be and will be.

At one time, manufacturing jobs were the unionized jobs. There is no inherent economic logic that required semi-skilled factory workers to earn middle-class wages. What made the difference was strong unions and federal enforcement of the right to organize a union. Immigrants are the key to turning service jobs into good, middle-class jobs. Immigrants did it before in other industries, and they're doing it now.

But what are they up against on the corporate side? We hear the words "globalization," "mergers," and "acquisition" all of the time. All of these, to me, just add up to one thing: consolidation of wealth and monopoly in these industries. That is what is making it so much harder to fight these corporations. It is said that if we

1. CARMEN DENAVAS-WALT, ET AL., U.S. CENSUS BUREAU, U.S. CENSUS BUREAU CURRENT POPULATION REPORTS, P60-229, INCOME, POVERTY, AND HEALTH INSURANCE COVERAGE IN THE UNITED STATES: 2004, at 25 (2005), available at <http://www.census.gov/prod/2005pubs/p60-229.pdf>. In 2004, the federal poverty threshold for a family of four consisting of two adults and two related children under the age of 18 years old was \$19,157. *Id.* at 45.

2. The methodology for calculating federal poverty level thresholds was developed in 1964 by Mollie Orshansky, an economist working for the Social Security Administration. Orshansky based her poverty thresholds on the 1955 U.S. Department of Agriculture's Economy Food Plan, which was used to determine how much a family must spend on food to meet their minimum food needs. In 1955, families of three or more individuals spent approximately one-third of their after-tax income on food. Orshansky multiplied the costs of the food plan for different family sizes by three to calculate poverty thresholds by family size.

These measures were adopted by the Census Bureau as the official poverty thresholds and, except for adjustments for inflation, have remained relatively unchanged over the intervening years. Poverty thresholds are not adjusted for variations in the cost of living. For a detailed discussion of the methodology and history of the federal poverty thresholds, see Gordon M. Fisher, *The Development of the Orshansky Poverty Thresholds and Their Subsequent History as the Official U.S. Poverty Measure* (U.S. Census Bureau, Poverty Measurement Working Papers, 1997), <http://www.census.gov/hhes/poverty/povmeas/papers/orshansky.html>.

3. Deborah Reed & Richard Van Swearingen, *Poverty in California: Levels, Trends, and Demographic Dimensions*, CAL. COUNTS, Nov. 2001, at 1, available at http://www.ppic.org/content/pubs/CC_1101DRCC.pdf. This study includes a relative poverty indicator that considers a family poor when its annual income is less than one-half the annual statewide median family income.

4. See generally Griff Witte, *The Vanishing Middle-Class Job: As Income Gap Widens, Uncertainty Spreads; More U.S. Families Struggle to Stay on Track*, WASH. POST, Sept. 20, 2004, at A1 (referencing analysis by economists Frank Levy of MIT and Richard Murnane of Harvard that showed that blue-collar and administrative jobs, when taken together, comprised only 39% of the workforce in 1999, down from 56% in 1969).

5. Press Release, Bureau of Labor Statistics, U.S. Dept. of Labor, BLS Releases 2004-14 Employment Projections (Dec. 7, 2005), <http://www.bls.gov/news.release/pdf/ecopro.pdf>.

6. *Id.*

were an independent nation, Wal-Mart would be China's eighth largest trading partner.⁷ Wal-Mart has a greater reach and influence than any corporation in history throughout the world. U.S. multinationals are acting as sovereign powers.

For example, on a local scale, Wal-Mart in Inglewood, California, didn't like the city government's decision not to welcome their big box plans, so instead, using their own money, they chose to make an end run with a ballot initiative. This was a direct challenge to the elected officials of Inglewood. Luckily, in that one case, the voters upheld the right to tell Wal-Mart that the community expects a whole lot more than what Wal-Mart was offering. We demand good union standards and respect for the community's needs.⁸

Currently, there is a similar fight with hotel corporations. Four giant hotel chains in the U.S. market—and actually around the world—are found in every major city: the Hyatts, the Hiltons, the Marriotts, and the Starwoods—better known as Sheratons and Westins. The hospitality and tourism industries are growing enormously, and one of the things that these industries offer is that they generate revenue through an occupancy tax that is used for public safety and roads. That is one of the reasons that hotels are welcomed into communities.

What happens when a city has a problem with the way these companies treat workers? Well, the companies ignore and resist the political will of that city. You have this situation occurring right across the bay,⁹ where the mayor of San Francisco experienced the same kind of treatment that hotel workers in San Francisco have been receiving: arrogance and brute power.¹⁰ Can San Francisco or Los Angeles take on these companies as isolated cities? No way. Many times, the hotel corporations are willing to take losses in San Francisco and Los Angeles, no matter the impact on the city's economy, because their corporations are doing business as usual everywhere else.

Workers are confronting a new reality: hotel chains have consolidated.¹¹ Hotel workers traditionally negotiated city by city. Thus, hotels have gained more and more bargaining power over workers, because workers are separated into local unions. In response, workers are also consolidating. We are organizing to bargain with global hotel corporations in many cities at the same time.¹² We are doing something that city governments themselves cannot do. We are going to do

7. Steven Greenhouse, *Wal-Mart, a Nation Unto Itself*, N.Y. TIMES, Apr. 17, 2004, at B7.

8. See generally Frank Buckley, *No Smiles for Wal-Mart in California: L.A. Suburb Rejects Retailer's Effort to Get Exemption to Local Zoning Regulations*, CNNMONEY.COM, Apr. 7, 2004, http://money.cnn.com/2004/04/07/news/fortune500/walmart_inglewood/.

9. See generally IAN LEWIS, UNITE HERE! LOCAL 2, SAN FRANCISCO'S HOTEL INDUSTRY: THE INDUSTRY, THE LOCKOUT, AND THEIR EFFECTS ON SAN FRANCISCO'S ECONOMY (2004), <http://www.unitehere2.org/FactSheets/LockoutReport.20041022.pdf>.

10. See Rachel Gordon, *Mayor Joins Picket Line, Vows Boycott of Hotels: MAYOR'S SWITCH: He Stands by Workers, Riling Employers Who Backed His Bid for Mayor*, S.F. CHRON., Oct. 27, 2004, at A1. Mayor Newsom proposed a ninety-day cooling-off period to both parties. After the employers' bargaining unit rejected his proposal, he joined strikers in a public taking of sides.

11. UNITE HERE! LOCAL 2, FACT SHEET: CONSOLIDATION IN THE HOTEL INDUSTRY, <http://www.unitehere2.org/FactSheets/HotelIndustryConsolidation.pdf> (last visited Feb. 15, 2006) (almost 75% of hotel rooms in America's top 15 markets are now affiliated with a national chain).

12. See generally George Raine, *Hotel Union Backs Off Bid for 2-Year Contract: S.F. Discussion Stalled over Effort to Match Up Expirations Across U.S.*, S.F. CHRON., Jan. 11, 2005, at D1 (discussing San Francisco hotel workers' union's negotiations to match contract expiration with similar unions in New York, Chicago, Boston, Toronto and the state of Hawaii).

something that is going to benefit our cities and our communities. We, hotel workers, are in the fight of our lives against the Wal-Martization of service jobs.¹³

In the past, unionized hotel workers have been successful in fighting back, but only in isolated cities. In San Francisco, for example, we have been highly successful. This, however, has not been the uniform result across the country.

This year, the organizing struggles of hotel workers in San Francisco, Los Angeles, and Washington, D.C., brought to light the attitude of national and multinational hotel operators. Hotel companies are determined to follow the road of Wal-Mart and other companies to turn back the clock on the free family health insurance, on decent wages, and other benefits. Wal-Martization is the new standard that Marriott, Hyatt, Hilton, and Starwood want for their hotel workers.

Our strategy is to consolidate on the side of the workers by lining up as many contracts as possible to expire in the same year. That way we can battle the contracts at the same time. Next year, in 2006, contracts will expire in New York City, Boston, Chicago, Hawaii, Toronto, Canada, and cities in California. Somewhere around 50,000 hotel workers in 400 hotels will be fighting for their rights.

Hotel companies are trying everything in their power to stop hotel workers from uniting, from consolidating strength. But it is too late. They are trying to inflict as much suffering as possible on the hotel workers today to prevent their consolidation. Hotel owners think that repressive, and many times illegal, tactics are going to stop hotel workers. But they will not. For example, they locked out thousands of hotel workers in San Francisco.¹⁴ It didn't work.

Hotel companies know that hotel workers will gain a more even playing field when they reach the goal of organizing hundreds of thousands of hotel workers who are non-union today. That is why we are consolidating our organizing campaigns: to spread and raise employment standards for hotel and service workers.

Now, hotel workers are immigrants from Latin America, China, the Philippines, Thailand, and from many other parts of the world. We are fighting for immigrant rights in the workplace. For example, in our contracts we mandate that employers can't use Social Security no-match letters to intimidate workers.¹⁵ We forbid employers from re-verifying immigration status when the name of the company changes or the operator changes. We demand leave of absence policies that allow immigrants to return with full seniority and wages after taking care of an immigration issue. We have a legal plan for free, unlimited use of attorneys to defend and represent immigrants in their cases. Unionized immigrant workers can win rights in contracts that we have not yet won from the government through congressional reform. That is the strength of having a union contract.

Through organizing, immigrants are learning that we can not and should not

13. See generally CAROL ZABIN, U.C. BERKELEY LABOR CTR., *THE WAGES AND SELF-SUFFICIENCY OF UNIONIZED HOTEL WORKERS IN SAN FRANCISCO* (2004), <http://www.unitehere2.org/FactSheets/UCReport.pdf> (citing the high cost of living in San Francisco and the industry's fluctuating demand for worker-hours as obstacles to hotel workers with union wages obtaining self-sufficiency by the report's self-sufficiency standard).

14. See Lewis, *supra* note 9.

15. Social Security no-match letters are sent by the Social Security Administration in order to verify the accuracy of their records. They are not related to the enforcement of immigration law. See AMY SUGIMORI, ET AL., *NAT'L EMPLOYMENT LAW PROJECT, SOCIAL SECURITY NO-MATCH LETTERS: QUESTIONS AND ANSWERS FOR WORKERS* (2002), <http://www.nelp.org/docUploads/pub155.pdf>.

be pitted against each other due to nationality, ethnicity, or race. That is why our union, along with other international unions like the United Food and Commercial Workers (UFCW), the Service Employees International Union (SEIU), and the rest of the labor movement sponsored the Immigrant Workers Freedom Rides—to build solidarity.¹⁶

That is why in our hotel negotiations we are demanding a proactive hiring policy to increase the number of African-American workers in hotels. An injury to one is an injury to all; when we hate discrimination against one, we hate discrimination against everyone. Through the union, immigrant workers are organizing to make hotel service jobs good jobs that all members of our community have a chance to fill.

Throughout the Freedom Ride many union leaders had to confront anti-immigrant attitudes within their own ranks. I am sure you have heard the jargon and stereotypes regarding immigrants taking jobs. It was quite impressive to see that union leaders were stepping up and taking the heat to defend the rights of immigrants.

Many union leaders have learned that immigrant workers are the new force that will strengthen the labor movement. Immigrants are becoming citizens and voting in areas of the country that we never imagined, like Georgia, North Carolina, and Arkansas. You name it, anywhere in this country, there are immigrants. They will become citizens and they will vote. They are a vital political force. That is why the labor movement supports legalization.

Now, the truth is that there are some unions that are slow to agree. There are some unions that are slow to take on that kind of leadership. But I think that any union that doesn't believe in defending the rights of immigrants doesn't believe in workers at all. So they have a problem. They have lost confidence in workers. Some union leaders have given up. Frankly, that is why there is a strong and important debate taking place right now in the labor movement. It's a good debate, and I'm proud that it is taking place. It is nothing to be embarrassed about—to take leadership and say: "We have to change the direction of the labor movement."

The labor movement has to change. It has to be more strategic. It has to devote more resources to organizing. We have to consolidate our resources, and we must have more effective political programs. But more than anything, we have to organize, organize, organize and believe in workers. We can turn this country back around.

Obviously, hotel workers and other workers can't do this alone. To do this, workers are winning over many people who were sitting on the sidelines and watching. It has been done before with the strikes and boycotts of courageous workers, who moved good people that had never been active before. We continue to see it all the time.

The strike and the lockout of the San Francisco hotel workers won over the public's support. Mayor Gavin Newsom was outraged and publicly supported the hotel workers.¹⁷ Also, a few days ago, clergy leaders marched in support of the

16. See generally Immigrant Workers Freedom Ride Coalition, <http://www.iwfr.org> (last visited Jan. 20, 2006).

17. See Gordon, *supra* note 10; see also Rachel Gordon & George Raine, *Mayor Calls on Hotels: Dispute Could End in Weeks, He Says, If They Cooperate*, S.F. Chron., Feb. 26, 2005, at C1.

largest organizing campaign of African American workers—honoring the support Dr. Martin Luther King, Jr., gave in the sanitation workers' strike in Memphis. On Cinco de Mayo, Angelica Laundry workers are going to go out on strike. Some are striking because they can't get a fair contract; others are going to strike in support of the striking Angelica workers.

The boycotts and strikes led by Cesar Chavez and the farm workers in California, the J.P. Stevens textile workers, the mine workers, and the remarkable Justice for Janitors campaigns have been what we needed in this country to open our eyes and realize that we can organize, that we are organizing, and that we are building this movement.

We have to go on the offensive with a strong movement. A nonviolent movement of workers is what we need to stop the unjust war in Iraq. That has to happen, and it will happen when the workers' movement is stronger. A powerful movement of workers, clergy, and youth will stop the tax cuts for the rich and the increases in military spending and replace it with a real pro-life culture, not the one described by others who use this term in a cynical way. We will truly protect our environment. We will pass a budget that devotes resources to our children in higher education. That is what Cesar Chavez taught us. That is what Dolores Huerta is teaching us every day. That is what Edgar and Maria and many, many immigrants and workers throughout this country teach us every day. That is what they give their lives for. Remember them every morning when you wake up needing a reason to keep on walking, to keep on marching, to keep on picketing, and to keep on demanding justice.

