



## Protect the Vote this November

The primary season will end soon (really). Turnout is the highest in years. And voting rights and voter protection needs are already evident.

The AFL-CIO is working to protect the vote this November, partnering with affiliated unions to encourage voter protection activities through the unions' structures and working with and supporting voting rights efforts of national civil rights organizations. For the states and communities listed below, the AFL-CIO is recruiting union activists and lawyers to help plan and implement voter education strategies and advocate for the fair administration of this election.

The AFL-CIO voter protection program is building upon work done four years ago. Many legal issues are still unresolved and advocacy help is needed now. Attorneys are needed to do research, review poll worker instructions, advise local coalitions, meet with election officials, and draft voter protection materials.

Attorney volunteers do not have to live in a targeted community to contribute to these efforts. Contact **Mindy Holmes** at [mholmes@aflcio.org](mailto:mholmes@aflcio.org) or (202) 637-5080 to volunteer or for more information.

### Colorado

Denver (Denver Co)

### Michigan

Detroit (Wayne Co)

Flint (Genesee Co)

Grand Rapids (Kent Co)

Pontiac (Oakland Co)

### Minnesota

St. Paul/Minneapolis

### Missouri

St. Louis City

St. Louis County

Kansas City (Jackson Co)

### New Mexico

Albuquerque (Bernalillo Co)

### Ohio

Cleveland (Cuyhoga Co)

Columbus (Franklin Co)

Toledo (Lucas Co)

### Ohio (continued)

Dayton (Montgomery Co)

Cincinnati (Hamilton Co)

Warren/Youngstown (Trumbull/

Mahoning Co)

### Pennsylvania

Philadelphia

Philadelphia Suburban Counties

Pittsburgh (Allegheny Co)

Harrisburg (Dauphin Co)

Lehigh Valley (Lehigh Co)

Reading (Berks Co)

### Virginia

Richmond

Norfolk

### Washington

Seattle/Tacoma (King Co)

### Wisconsin

Milwaukee (Milwaukee Co)

## No-Match Rules: the Saga Continues

by *Monica Guizar, NLG L&EC member & Marielena Hincapie  
NLG L&EC member & National Immigration Law Center*

In late March, 2008, the Department of Homeland Security's [DHS] reissued *no-match rules* with no substantial changes to the previously issued rules. Those previous rules were criticized by the federal district court in October, 2007, as causing irreparable harm to both innocent workers and employers. Yet the new rules are essentially the same, converting the Social Security Administration [SSA] into a tool for immigration enforcement.

The 30-day public comment period regarding the *new rule* closed April 25, 2008. A broad range of organizations nationwide submitted comments in opposition to the rule.

SSA has not sent out *no-match* letters to employers for 2007 and 2008. Moreover, it recently announced it will not be sending out the individual employee *no-match* letters, known as DÉCOR letters, in 2008. For now, the rule is not active and employers should not prematurely attempt to implement the safe harbor rule.

To keep up with the DHS rule regarding *no-match* letters, visit [http://www.nilc.org/immsemplymnt/SSA\\_Related\\_Info/index.htm#suit](http://www.nilc.org/immsemplymnt/SSA_Related_Info/index.htm#suit). You can also contact **Ana Avendano**, AFL-CIO Associate General Counsel at [aavendan@aflcio.org](mailto:aavendan@aflcio.org).

Last year several organizations sued to block the *no-match* rule which would have required employers to penalize or fire U.S. citizens and legal workers whose social security numbers did not match information in the SSA database. The lawsuit was brought by the **AFL-CIO**, the **American Civil Liberties Union**, the **National Immigration Law Center** and other labor groups. It charged that the SSA database was fundamentally flawed and error-prone and that its use would result in firing workers who were legal as well as discriminate against those who looked or sounded foreign.

On October 10, 2007, the federal district court granted a preliminary injunction in *AFL-CIO, et al., v. Chertoff* D.E. 135 No. C 07-04472 CRB (N.D. Cal. Oct. 10, 2007) (order granting motion for preliminary injunction). For a copy of the order, see [http://www.nilc.org/immsemplymnt/SSA\\_Related\\_Info/no-match\\_PI\\_order\\_2007-10-10.pdf](http://www.nilc.org/immsemplymnt/SSA_Related_Info/no-match_PI_order_2007-10-10.pdf).

*continued on page 5 column 1*

# Southern California Car Wash Workers Fight for Better Working Conditions

by Danielle Lucido, NLG L&EC member and Worksafe attorney

Exploited car wash workers in Los Angeles are joining together in a tremendous effort to better their conditions. On March 27, 2008, organizers from the **AFL-CIO** and the **United Steelworkers** announced plans to help the approximately 18,000 car wash workers in southern California raise their standard of living, secure basic workplace protections, address hazardous work conditions, and raise environmental concerns.

The newly formed **CLEAN Car Wash Campaign (Community Labor Environmental Action Network)**, a coalition of community, religious, environmental and immigrant rights organizations, will highlight minimum wage and overtime violations as well as the health and safety violations that pervade these workplaces. Coalition members include, among others, the **AFL-CIO**, **California Labor Federation AFL-CIO**, **Los Angeles County Federation of Labor**, **National Day Laborer Organizing Network** and **United Steelworkers**, as well as numerous other unions, labor bodies, immigrant rights, human rights, legal rights and community groups.

According to *Cleaning Up the Carwash Industry: Empowering Workers and Protecting Communities*, a recently released report on the Los Angeles car wash industry, car wash owners reported nationally \$872 million in revenue. Los Angeles County owners reported more than \$251 million, more than one-third the total. Despite this prosperity, car wash workers often earn less than minimum wage and some workers (known as *propenieros*) earn only the tips they receive for their work. The report finds that typical daily rates of pay are \$55 for shampooers and \$35 for dryers or \$5.50 and \$3.50 per hour, 31% and 56% below the legal minimum wage of \$8 an hour.

Car wash workers are paid these paltry, unlawful amounts to perform dirty, dangerous work in many instances without appropriate protective gear, or any protective gear whatsoever. Worker health and safety advocacy organizations **SoCalCOSH** and **Worksafe** have joined the **CLEAN** campaign to help workers address the safety and health risks they face daily, including the serious risk of heat stroke, chemical exposure, electrocution, eye injuries and repetitive stress injuries.

The **CLEAN** car wash campaign is a brave effort to expose an industry which keeps car wash workers in poverty and without a voice. Los Angeles has more car washes, about 430, than any other metropolitan area in the country. According to the Western Carwash Association, an industry trade group, car washes in southern California average about \$1 million gross annual income and can have a profit margin of up to 29%.

Two days after the campaign was launched, protesters gathered at three Hollywood carwashes to protest dirty business practices by car wash owner Bennie Pirian – an owner identified as representing the worst of the industry.

Workers and organizers hope their efforts will push car wash owners to sign *Clean Car Wash* agreements, under which the owners will pledge to abide by minimum wage and hour, labor, safety and health, and environmental laws. This is a first step towards providing car wash workers with a humane place to work.

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*In the interests of presenting some trade union movement views on the election, the following is reprinted from the April, 2008, issue of The #377 Bridgeman.*

## Campaign 2008: A Society that Works for All

by Dan Prince, President Iron Workers 377

Now that the looming recession has become a stark and official reality, the stakes in November have never been higher. The economic slowdown was signaled by the loss of 63,000 jobs in February, the second consecutive month of job decline and the biggest monthly loss in five years. The stock market chimed in with yet another plunge.

The almost 100 million Americans on or below the poverty line have been all but invisible to the Bush administration. Statistics show 7.9% of all loans past due or in foreclosure; predictions are that average home prices will ultimately fall 20% from their peak in 2006. Data released this month from the Fed showed a decline in net household wealth of \$900 billion in the fourth quarter of last year. As fast as the Fed cuts interest rates, the credit crisis produces another spike, most recently even with safe forms of debt such as bonds issued by state and local governments.

As the Democratic Party primaries wind towards the nomination, the growing momentum shifts between the two well qualified candidates, but belongs to neither. More than the tens of millions of dollars flowing into the campaigns, the voice of America's working class, over 90% of the population, is driving the process. And as conditions grow more intense, the voice gets louder. For once we are setting the agenda, and therefore we will have a Democratic candidate that speaks for us. Whether or not the new administration will *fight* for us depends on whether or not we fight for ourselves, before and after the election. The momentum is ours.

The AFL-CIO has launched an excellent member education program called An Economy that Works For All, focusing on such key issues as health care, education, polarization of income, trade union rights, and globalization. But maybe in this election period we should upgrade the message. It's not *just* the economy, though perhaps the root cause, that's broken — it's the whole thing. It's the war and foreign policy, the judicial system, and the Executive Branch of government. It's our whole set of social values and priorities that needs to be fixed. America's working families are buried under a mountain of grievances that have piled up over too many years of stagnant right wing government.

Let's break the cycle with a victory in November, and begin to build a Society That Works for All.

# Guild Labor & Employment Committee Teams Up with Brandworkers

by Daniel Gross, NLG L&EC member

By one estimate, 24 million workers in the United States are employed at retail or food chains. As decent manufacturing jobs are eroded by one corporate free trade agreement after the other, the number of workers in service jobs, including many in the retail and food sector, will only grow. While friends of labor must continue to fight the outsourcing of good manufacturing jobs and support organizing at sweatshops in the Global South, what of the millions of workers now finding themselves at the Gap, McDonald's, and the rest of the corporate chains? Where is their voice in the public debate on this profound economic transformation as the U.S. moves to more service-oriented jobs?

Though they work for some of the largest, most profitable companies on earth, retail and food employee are stuck with wages too low to live on and without adequate health insurance for their families. The median hourly wage for retail cashiers is just \$8.08 per hour, according to the most recently available government statistics. Front-line food service and preparation workers do even worse with a median hourly wage of \$7.24 per hour.

The low hourly wages alone do not capture the full financial hardship facing retail and food workers. Part-time jobs with insecure hours far below forty hours a week are exploding in the retail and food sectors. According to a recent *Wall Street Journal* article, the average supermarket employee worked just 29.5 hours last year, an almost three hour decline from 2003.

A year ago, Circuit City took the trend toward part-time work to its logical conclusion by firing its entire senior retail staff, 3,400 workers, in favor of part-time positions with reduced wages and benefits, and eliminating the security of regular work hours. In the overall economy, the first two months of 2008 saw the number of people working part-time jobs for economic reasons (rather than by choice) rise by 200,000.

Beyond immediate financial hardship, retail and food workers contend with disrespect on the job, employers that are rabidly anti-union, discrimination, and underfunded 401(k) accounts masquerading as genuine retirement benefits.

Retail and food employees across the supply chain need a voice on the job and in the public arena. Helping create such voice is the passion of **Brandworkers International**, an organization I recently helped found.

**Brandworkers International** believes that by empowering workers with social change tools and connecting them with labor unions, lawyers, and community groups, retail and food employees can win the recognition they deserve.

In these early days of the organization, **Brandworkers** couldn't be more proud to have received comprehensive

support from the **Labor and Employment Committee [L&EC]** of the **National Lawyers Guild**. To cite just a few example of that support, the **L&EC** is assisting **Brandworkers** build its network of lawyers, labor unions, and community groups willing to assist retail and food workers in need. **L&EC** attorneys **Dean Hubbard** and **Joseph Lipofsky** are acting as senior advisers to **Brandworkers**. And finally, the **L&EC** created a grant for a law student intern at **Brandworkers** this summer.

**Brandworkers** has gotten off to a strong start. It is coordinating two class action lawsuits and waging a determined workplace justice campaign at a company called Wild Edibles, New York's #1-rated wholesaler and retailer of seafood. **Brandworkers** is serving workers through a **Legal Defense-Plus** program which starts with legal rights information for workers but goes beyond into organizing and advocacy support. And **Brandworkers** is excited to have launched an online resource for retail and food workers as well as their allies at <http://www.Brandworkers.org>.

**There are a couple ways you can help Brandworkers create a voice for the workers at the retail and food chains.** First, you can sign up with the **Brandworkers** network to make yourself available to retail and food employees who need legal support. Email [info@brandworkers.org](mailto:info@brandworkers.org). Also, **Brandworkers** has received a seed grant from the North Star Fund and some generous start-up donations from individuals, but further funding is absolutely indispensable to sustaining our work. You can log on to <http://www.Brandworkers.org/> contribute to make an online donation or get details on how to donate by mail.

## Global Workers Justice Alliance COCKTAIL RECEPTION

### Tuesday May 20, 2008

5:30 - 7:30 pm

43rd floor - 1420 - 5th Avenue - SEATTLE

**Host Committee: Ana Avendano, Peter Caron, Dan Ford, Jorge Madrazo, Jeanne Mirer, Rebecca Smith**

**Global Worker Justice Alliance** combats worker exploitation by promoting portable justice through a cross-border network of worker advocates and resources. Join **GWJA** and learn about their groundbreaking work to ensure access to justice for transnational migrant workers.

For info, contact **Cathleen Caron**, Executive Director at [cathleen@globalworkers.org](mailto:cathleen@globalworkers.org) or (917) 238-0979. Mail tax-deductible contributions to 113 University Place, 8th floor, NYC 10003.

# Chicago Federation of Labor Hosts Conference to Prevent Wrongful Terminations based on No-Match letters

by Laurie Burgess, NLG L&EC member, Jacobs Burns Orlove Stanton & Hernandez

Approximately 70 union leaders and attorneys attended a symposium co-sponsored by the **Chicago Federation of Labor**, along with the four primary worker centers and the AFL-CIO on April 18, 2008 at the UNITE Hall in Chicago. Attendees shared tactics for preventing wrongful terminations based upon *no-match* letters.

**Ana Avendano**, Director of the **AFL-CIO Immigrant Worker Program**, began the session by providing an overview of the *no-match* issue, emphasizing the inherent flaws in trying to use Social Security Administration's database as a means for addressing immigration issues. *No-match* letters are intended to alert an employer when the name or social security number that the employee provided it upon being hired does not match SSA's records. The failure to correct the discrepancy results in loss of credit for one's earnings - potentially affecting retirement or disability entitlements.

*No-matches* may be caused by name changes due to marriage or divorce, failure to properly record hyphenated names, or simple human error. As **Chris Williams**, Executive Director of the **Working Hands Legal Clinic** noted at the symposium, when his daughter was born the Social Security Administration inadvertently spelled her middle name *Williams* with three *ls* instead of two, resulting in a *no-match* baby.

The SSA acknowledges that approximately 70% of the errors in its database are the result of these types of errors and involve U.S. citizens. Thus the Department of Homeland Security's attempt to use *no-match* data as a mechanism to terminate employees could have disastrous consequences for many workers irrespective of their legal status.

Highlighting these and other flaws in the system, the AFL-CIO obtained a TRO last year to prevent implementation of regulations that would have facilitated aggressive use of the use of *no-match* letters as an immigration tool. The government appealed that decision and simultaneously issued new regulations on March 26, 2008 that purported to correct the infirmities identified in the lawsuit. The date for filing comments on the new regulations expired on April 25th. (*See article on page 1 of this newsletter.*)

**No-match is still a problem.** Although there has been a hiatus on issuance of *no-match* letters, employers around the country have continued to use old *no-match* letters to terminate employees who fail to immediately correct *no-match* discrepancies.

Employers often use *no-match* letters as a union busting tool - both in organized plants and where unions are engaged in organizing campaigns. The Chicago symposium addressed both situations.

**Union leaders emphasized the need to respond quickly** when a member receives a *no-match* letter, by e.g. sending a letter to the employer challenging the employer's actions, meeting with the employer about the issue, and filing grievances. But in order to take prompt action, the membership needs to be educated about what *no-match* letters are and how to respond to them. The speakers also agreed that since *no-match* letters do not pertain to an employee's legal status, employees should refrain from answering questions regarding their legal status. Unions, likewise, should not become involved in such inquiries. Some unions have provided their members with *Weingarten* cards to terminate inappropriate questioning.

**Organizing drives.** One union organizer shared his experiences in dealing with *no-match* issues that arise during an organizing drive. He stressed the need to assess, without collecting any specific individualized data, how many employees in the targeted plant might be subjected to the employers' use of old *no-match* letters. Different organizing strategies are implemented based upon that information. In some instances, it has been possible actually to organize employees by building solidarity around mechanisms for handling *no-match* letters should the employer try to invoke them as a tactic to defeat the organizing drive.

**Tactics in non-organized settings.** Representatives from worker center organizations shared similar tactics for preventing wrongful terminations based upon *no-match* letters in non-organized settings. In some instances, grass roots organizations have facilitated massive walk-outs: employees have chosen to walk off the job together when a single employee is threatened with termination over a *no-match* letter instead of waiting for all employees to be picked off and terminated one-by-one. In one case that has received some notoriety, the predominantly African-American workers who were brought in by a temp agency to replace the predominantly Hispanic striking workers refused to cross the picket line, and the striking workers were returned to work.

**This symposium provided an opportunity for union leadership, worker center leadership and attorneys to share ideas of how they might reinforce one another's efforts to respond effectively to no-match abuses.** Since the date of the symposium, worker center leaders and members of the labor community participated in a successful protest at a local Dunkin' Donuts store, as part of a national campaign against parent corporation Carlyle, for seeking to ratchet up use of *no-match* system through the new *e-verify* program.

Guidance for dealing with *no match* and *e-verify* issues, as well as current information regarding the current status of *no match* regulations is available at [www.lwiw.org](http://www.lwiw.org).

## No Match Rules

by Monica Guizar, NLG L&EC member & Marielena Hincapie  
NLG L&EC member & National Immigration Law Center

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In its order, the court questioned: (1) whether DHS had supplied a reasoned analysis to justify the agency's change in position - that a **no-match** letter from the SSA may be sufficient, by itself, to put an employer on notice that workers referenced in the **no-match** letter may be undocumented; (2) whether DHS exceeded its authority by creating an exception under the anti-discrimination provisions of the **Immigration and Nationality Act (INA)** for employers who follow the safe harbor rule; and (3) whether DHS violated the **Regulatory Flexibility Act** by not conducting a regulatory flexibility analysis. The court's preliminary injunction blocked the DHS safe harbor rule from going into effect and prevented SSA from sending out **no-match** letters to employers.

DHS appealed the district court's order in the U.S. Court of Appeals for the Ninth Circuit. That appeal has been held in abeyance pending the rule making process. Likewise, the federal district court litigation was also stayed pending the rule making process.

**Despite the new proposed rules, the preliminary injunction remains in effect.** However, once DHS finalizes its supplemental proposed rule, it will likely seek to have the preliminary injunction dissolved and continue with the litigation.

To address the court's concerns, when issuing the supplemental proposed rule, DHS cited various governmental reports and private studies that purportedly show that **no-matches** are a legitimate indicator of possible unauthorized work by undocumented workers. It also rescinded its reference to the anti-discrimination provisions of the **INA** and allows the Department of Justice, Office of Special Counsel for Unfair Immigration Related Employment Practices (OSC) to issue its own public guidance for employers who follow the safe harbor rule. And DHS issued an initial regulatory flexibility analysis to show the impact of the rule on small business.

In the new proposed rule, DHS also makes minor clarifications to the safe harbor rule by defining **prompt** notification - that employers must provide to workers listed in a **no-match** letter - as being immediately upon receipt of the **no-match** letter or within 5 business days of the employer completing the internal review. It further states that the safe harbor rule does not apply to workers hired before November 6, 1986, which is the effective date of the **Immigration Reform and Control Act (IRCA)**. And it states that the safe harbor rule does not require employers to make or retain any new documentation or records should the employer choose to follow the safe harbor steps laid out in the rule.

The 2008 supplemental proposed rule may be found at 73 Fed. Reg. 15944-55 (Mar. 26, 2008)).

## NELP Launches New National Wage & Hour Clearinghouse

by Laura Moskowitz, National Employment Law Project

As we enter into an economic downturn, companies are increasingly seeking more ways to cut costs, often on the backs of workers. Employers at all levels are squeezing more hours out of their labor force for less pay. Workers in the expanding low-wage sectors of our economy, including health care, child care, retail, building services, construction, and hospitality are commonly subjected to violations of bedrock employment rights like the right to be paid fully for work performed and the right to be paid minimum wage and overtime. Higher-end employees in retail, claims adjusting, IT, and the public sector are routinely misclassified as exempt from overtime pay and often forced to work off the clock. Many state and federal public agencies charged with enforcing wage and hour laws are failing in their mission, allowing employers to take the low road on wages with no fear of public enforcement.

A growing movement of unions, community groups, worker centers, plaintiffs' attorneys and some public agencies are working to make headway against the erosion of the minimum wage floor and the right to overtime pay. In order to support and promote the work being done nationwide by these wage and hour advocates, **NELP** recently launched a **National Wage & Hour Clearinghouse**, which provides a wealth of resources for the lawyers, community groups, worker centers, and unions who aim to ensure just pay for all workers in this era of declining public enforcement. This web-based, password-protected **Clearinghouse** contains extensive and detailed model litigation materials, wage campaign materials, state and local legislative reforms, and industry-based research and data. In addition, **NELP** moderates a **Clearinghouse listserv**, notifies subscribers about important news and developments with e-newsletters, and helps put advocates in touch with experienced wage and hour litigators and organizers who are willing to serve as a resource for others in the national wage and hour community. We hope that the **Clearinghouse** can be a powerful tool for enhancing enforcement of and improving wage and hour laws, fostering communication among advocates working in the field, and achieving workplace fairness for all workers.

To sign up for the **Clearinghouse** (available for worker advocates only), please visit the website [www.just-pay.org](http://www.just-pay.org) and click on **Join the Clearinghouse** or simply go to [www.just-pay.org/join](http://www.just-pay.org/join). **NELP** is currently offering a free three-month trial for all new members. Following the three-month trial, modest annual membership fees apply (\$100 per password for private attorneys and unions, no fee for other non-profit organizations). For more information, please contact **Laura Moskowitz**, [lmoskowitz@nelp.org](mailto:lmoskowitz@nelp.org) or (510) 663-5705.

# Another Side to Race and Immigration

by *Bill Fletcher Jr.*

It really hit me in the 1980s while living in Boston. At that time the southern Irish economy was a complete mess. People were the greatest export from Ireland, and a lot of them were coming to the USA. At the same time, immigration from Haiti and the Dominican Republic was increasing, and into Boston these three groups came.

Documented or undocumented all three groups found themselves looking for work and housing. As a struggle for the rights of immigrants and against discrimination emerged, Haitians and Dominicans began to coalesce, but the Irish were a bit stand-offish. Immigrant rights activists were at first perplexed until they uncovered that the Irish were being encouraged by Irish American politicians to keep themselves separate from other immigrant groups because it was likely that a 'special' deal could be cut for them.

To put it another way, the Irish were being trained to become and accept becoming white.

The public face of immigration in the USA is not a rainbow; it is brown. Don't get me wrong. People from Asia, Africa, Europe AND Latin America are migrating to the USA, among other places. Yet in the popular media the portrayal of the immigrant is usually that of a Latino. Periodically one sees the face of an Asian or African. Rarely, unless one is discussing the Russian mafia, does the European face of immigration come to be unveiled.

This deserves exploring. If one goes to New York City, for instance, one will find that East European immigrants have made significant in-roads in the construction industry as both documented and undocumented workers. In fact, much of the work that has been carried out to rid buildings of deadly asbestos has been carried out by East European and Latino immigrants. Yet, East European immigrants seem to be almost invisible.

When anti-immigrant forces mobilize, they focus on creating a 'Berlin Wall' between the USA and Mexico. I have not heard about any walls keeping East Europeans out. I have not heard about stopping the East Europeans at the borders, when they exit planes or ships, or perhaps cross over from Canada.

In order to make sense of this we have to recognize that this racialization of immigration is not new and has very little to do with the numbers. In the 19th century while Asian immigrants were being persecuted, particularly on the West Coast of the USA, immigrants from Europe were coming to North American shores en masse. While it is certainly the case that there was widespread discrimination and prejudice by non-immigrants against southern and Eastern European immigrants, it never compared with the terror faced by Asians.

The problem for much of the USA with immigration is not so much immigration, but that there is so much immigration from

South of the border, and specifically from Brown countries. This immigration upsets the racial balance—that is, the domination of a 'white bloc'—that the ruling elites have attempted to hold in place since the founding of the USA (when it was declared that whites could become citizens, whoever the whites happened to be). Although there is a section of the Republican Party that would like to turn a segment of Latinos (and Asians) into honorary whites, this does not go down well with the more extreme Right-wing that would rather that the USA be a more 'pure' white republic.

What is odd is that many African Americans ignore the reality of this racialization. While it is the case that among lower waged workers there is job competition with Latino workers, it is also the case that there is job competition with many other unskilled immigrants. Yet, anti-immigrant forces EVEN within Black America will tend to focus on the Latino or Brown face.

Recognizing the racialization of immigration should help one understand that much of what we are witnessing is a scapegoating of Latinos for much larger forces and factors that are underway in US society. In previous commentaries I have written about this, most especially the restructuring of capitalism that has been underway and that immigrants are the victims rather than the source. I have also addressed immigration to the USA as a major result of US foreign policy that has destroyed the political and economic infrastructure of so many countries, e.g., El Salvador. The scapegoating that we are seeing, including the rise of violent militias and public demonstrations against immigrant day laborers, tends to focus on the Latino as if it is the Latino who is the source of all of our problems.

Were there to be a serious discussion of immigration in the USA, it would have to address why there is a differential in treatment between East European and Latino immigrants in the public mind and in reality. There would need to be a discussion as to who is and who is not threatening the jobs of non-immigrants—if anyone. There would need to be a discussion as to why nearly 200,000,000 people have been in the process of migrating to places outside of their homelands and what that says about contemporary capitalism.

Yet those who scapegoat the Latino want no such discussion. As long as the face of immigration—documented and undocumented—is an 'evil' Latino we are absorbed in a madness out of which there is no escape and for which there are no answers.

BlackCommentator.com Editorial Board member, **Bill Fletcher, Jr.** is a labor and international writer and activist, and the immediate past president of TransAfrica Forum.

*From July 30, 2007 ZNet article, reprinted with permission of the author and ZNet.*



# national lawyers guild

**LABOR AND EMPLOYMENT COMMITTEE**

## **ANNUAL BREAKFAST**

at the

**AFL-CIO LCC - LAWYERS COORDINATING COMMITTEE CONFERENCE**

**Monday - May 19, 2008, 7 to 8 a.m.**

Westin Seattle - 1900 5th Avenue - **Seattle, WA** - Vashon Room - San Juan Level  
with

## **Bill Fletcher Jr.**

**Forging Black-Brown Unity for a Stronger Labor Movement**



**Bill Fletcher Jr.** is the executive editor of **BlackCommentator.com** and founder of the **Center for Labor Renewal**. **Fletcher** is a columnist and longtime labor and international activist. He served as President of the **TransAfrica Forum** and was formerly the Education Director and later Assistant to the President of the **AFL-CIO**. **Fletcher** is also a founder of the **Black Radical Congress** and is a Senior Scholar for the **Institute for Policy Studies** in Washington, DC. **Fletcher's** recently published book, co-authored with Fernando Gapasin, ***Solidarity Divided***, will be available for purchase at the NLG L&EC breakfast.

RSVP [fcs@kazanlaw.com](mailto:fcs@kazanlaw.com) or (510) 302-1071 to help us order food.

## **Employee and Union Member Guide to Labor Law**

### **Valuable Asset for Attorneys and Unions**

This 3-volume treatise covers topics as diverse as the ADA, the FLSA, ERISA, bankruptcy, and whistleblowers' rights, as well as bread-and-butter labor law issues, such as the right to strike and the duty to bargain. The Guild has always prided itself on producing a manual for activists: we not only approach the issues as would lawyers for unions and employees, but we also focus on those strategies and tactics that have proven to be useful in defending workers' rights.

**Everyone reading this message should own this treatise. You simply cannot find this scope of coverage, with its focus on workers' rights, anywhere else.**

### **Attorneys Needed to Update Chapters**

We currently need people to keep the following chapters up-to-date: Chapter 6: Employment Discrimination Law (last updated summer 2006), and Chapter 9: Pensions and Other Employee Benefits (last updated summer 2007).

Contact editor **Elise Gautier** at [elise.gautier@comcast.net](mailto:elise.gautier@comcast.net). Authors are expected to update their chapters once a year, by either early January or July. We submit two sets of updates per year. Not only will we be eternally grateful for your help, but those who make significant contributions to the treatise will receive a complimentary copy of it and the updates for as long as they continue contributing.

Purchase the 3-volume treatise at Thomson/West - [www.westgroup.com](http://www.westgroup.com) - enter "employee" and "union" in the product search box or call (800) 344-5009. The NLG Labor & Employment Committee receives a percentage of the royalties.

**National Lawyers Guild L&EC MEETING**  
**during the 2008 AFL-CIO LCC in Seattle**  
**Tuesday - May 20, 2008 - 12:30 - 2:00 pm**

We will post a meeting notice with the location at our table near the LCC Registration.

**NLG Labor & Employment Committee BREAKFAST at the LCC**  
**Monday - May 19, 2008 - 7:00 - 8:00 a.m.**

**BILL FLETCHER Jr.**

Forging Black-Brown Unity for a Stronger Labor Movement  
**Westin Seattle**

**RSVP to** [fcs@kazanlaw.com](mailto:fcs@kazanlaw.com)  
(510) 302-1071 or (510) 333-9907

1900 - 5th Avenue - Seattle, WA  
Vashon Room - San Juan Level

**National Lawyers Guild**

**Labor & Employment Committee**

c/o Kazan McClain Abrams Lyons Greenwood & Harley

171 - 12th Street

Oakland, CA 94607

Save the date - National Lawyers Guild Convention - October 15 - 19, 2008 - Detroit, MI

<http://www.nlg.org/convention/>