

6

Solidarity in the City

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6.1 OVERVIEW

This chapter explores the concept of solidarity in the city – its sources, meaning, and function in relation to worker movements challenging the rise of inequality in urban spaces resulting from decades of neoliberal policy.¹ The contribution is built upon an empirical study of legal mobilization to redesign labor law in Los Angeles – and thus examines solidarity from a US perspective. The study analyzes local government as a labor battleground, which necessarily depends on understanding the city itself as a site of solidarity – not just among workers but among broader progressive movements, which come together around campaigns to reshape low-wage work, while also promoting related goals like immigrant inclusion, affordable housing, and environmental justice. As such, the project is fundamentally about labor law’s relation to power in a multi-level system and how to build decentralized forms of solidarity in a political context where there is an absence of opportunity for moving labor policy at the national level. Building decentralized solidarity in the city, as this chapter suggests, requires conceptualizing solidarity along two dimensions: *external solidarity across movements*, that is, solidarity *between* labor and allied movements like immigrant rights and environmental justice; and *internal solidarity within the labor movement itself*, specifically *among* workers fighting for better lives. The relationship, and tension, between these conceptions is the focus of this chapter. It begins by introducing the idea of local solidarity as a response to political challenges to labor law. It then traces the origins of neoliberalism and community–labor solidarity in Los Angeles, using the city as a case study of the opportunities for and constraints on solidarity projects. After providing a summary of

¹ This chapter is adapted from *An Equal Place: Lawyers in the Struggle for Los Angeles* (New York: Oxford University Press, 2021).

LA's seminal community–labor campaigns, the chapter concludes by reflecting on lessons for the study of labor solidarity at the local level and beyond.

6.2 THE COMMUNITY–LABOR CHALLENGE TO NEOLIBERALISM: A LOCALIST PERSPECTIVE

Over the past quarter-century, labor scholars have argued over the appropriate regulatory framework for collective rights, and the appropriate strategies for collective action against the backdrop of labor law's 'ossification' and the changing nature of the workplace (Estlund 2002; Stone 2004). As statutory revisions and judicial interpretations have limited the utility of the federal labor law system of collective bargaining for promoting employee interests, and corporate practices have placed a growing number of workers beyond the 'reach and grasp' of employment and labor law altogether (Zatz 2008), scholars and practitioners have searched for alternative structures of protection and mobilization. A fundamental question has been the degree to which the traditional regulatory framework and organizational structures (i.e., unions) are worth salvaging or whether the future of workers' rights lies in 'reimagining' labor law in relation to different legal regimes, forms of mobilization, and scales of intervention (Fisk 2014).

Underlying this question are several important trends. One is the changing demographics of low-wage work, particularly the growth of immigrant workers (some undocumented) (Milkman 2006), which has occurred alongside ongoing racial division in the low-wage marketplace. Working-class whites have become deeply disaffected from the labor movement's historical political home, the Democratic Party, and black workers are often left out of the conversation about the problem of low-wage work and how to address it. In addition, the development of new forms of organization designed to channel the 'hydraulic pressure' of worker organizing into substantive workplace gains (Sachs 2008) – like worker centers and community–labor groups (Fine 2006; Working for Justice 2010) – has continued to run up against the limited power of nonunionized workers to challenge industry employment practices and respond to the rise of independent contracting and other forms of risk-shifting in the new "gig" economy (Dubal 2017). Finally, the hostility of conservatives to the enforcement and expansion of labor rights has resulted in federal gridlock on issues as basic as an increased minimum wage and has succeeded in producing an entrenched majority against labor rights on the Supreme Court. For organized labor, this has spurred efforts to identify and build on opportunities for state and local labor reforms – like the \$15 minimum wage – which have resulted in important successes but continue to beg critical questions about how to bridge gaping conservative-liberal state divides and translate local energy into a broader national resurgence of the US labor movement.

To illuminate these issues, I conducted a study of the movement to challenge economic inequality in one of America's most unequal cities: Los Angeles.

Covering a transformative period of city history – from the 1992 riots to the 2008 recession – the study examines how law has been used, and what it has achieved, in the struggle to improve conditions for workers in the low-wage economy. Encountering Los Angeles at the crossroads of change, the study provides an original history of five high-profile campaigns to reform legal rules – and thereby enhance labor conditions – in vital industries. Each campaign emerged from the profound realignment of Los Angeles’s economy beginning in the 1980s, marked by the growth of service employment, labor flexibility, and immigration. Within each industry, law shaped the structure of low-wage work through employer practices (e.g., contracting out and wage theft) and governmental policies (e.g., deregulation and underenforcement). In response, the campaigns sought to build alternative legal frameworks to reconstruct a foundation for greater solidarity to mobilize workers and extend unionism. Taken together, the campaigns have enacted new legal formats for worker protection and organizing – and pointed to a new localist regime for workplace regulation that has important implications for solidarity-building.

Studying these campaigns illuminates central dynamics of “labor activism in local politics” (Stone & Cummings 2011). For the purposes of this chapter’s examination of solidarity, I spotlight the evolving relationship between worker organizing and labor’s *political strategy*, in which organizing success is translated into policy reform and greater influence by the labor movement in local politics. This feeds into my specific analysis of solidarity, which I explore in relation to the unstable *alliance* between labor and other progressive movements, particularly immigrant rights and environmental justice, which are key partners in many campaigns, but which also have to navigate labor’s growing political influence in ways that create challenges to sustained solidarity in pursuit of economic equality. This last point raises important questions about how community–labor solidarity is promoted and persists – and what it means for the power of the labor movement to organize and raise standards in low-wage industries.

6.3 THE RISE OF NEOLIBERALISM AND THE ORIGINS OF COMMUNITY–LABOR SOLIDARITY IN LOS ANGELES

To answer these questions, it is useful to situate the development of community–labor solidarity in relation to the evolution of neoliberalism, and the activism it spawned, in Los Angeles during a pivotal period in the city’s evolution: from the 1992 civil unrest through the 2008 recession. During this less than two-decade span, the city confronted the consequences of tectonic demographic, economic, and political shifts – the roots of which had been growing for some time. Compared to the postwar period, Los Angeles in the early 1990s was a city with more racial diversity, more immigrants, and more income inequality (Gottlieb et al. 2005). The changing demography and economy spawned new demands for representation and redress, dramatically shifting local politics, which moved from a business

friendly, tough-on-crime conservatism to a pro-labor, more inclusive progressivism. The struggle to reclaim the dignity of work, led by low-income communities of color, was a product of this shift and contributed to its velocity.

On April 29, 1992, in Simi Valley northwest of Los Angeles, the jury foreman in the prosecution of five police officers charged with the brutal videotaped beating of a handcuffed black man, Rodney King, uttered words that would ignite the city: "Not guilty. Not guilty. Not guilty. Not guilty . . ." Protests erupted immediately, exposing long-seething anger in the black community over police abuse in South Los Angeles (Understanding the Riots 1992). In 1965, protesters in Watts had chanted "burn baby burn" after highway patrolmen arrested a woman on suspicion of drunk driving and then proceeded to arrest her mother and brother in the ensuing scuffle. This was followed by a continuous scourge of unchecked police brutality, which regularly broke into public view: the 1978 killing of a black woman triggered by an unpaid utility bill; the 1989 killing of a black Muslim man after a traffic stop; and untold killings of purported gang members in the name of Operation Hammer instituted by reviled police chief Daryl Gates. After the 1992 riots ended, the city took stock of its toll: 60 dead, 2,383 injured, roughly 10,000 arrested, 623 fires, and \$1 billion in total damage (ibid. 25, 31, 130). In the aftermath, city and community leaders looked backward and forward: analyzing the causes of the unrest and taking tentative steps toward reconciliation and rebuilding.

Looking back with the perspicuity of hindsight, it was clear that, through the 1992 unrest, South LA residents were uncorking years of frustration over joblessness, inadequate schools, and discriminatory housing practices that segregated African Americans in less desirable neighborhoods close to freeways and other environmental hazards. As the Civil Rights movement revealed the intransigence of segregation, efforts to address some of these problems seemed to only make things worse. School integration provoked acrimonious boycotts from white parents, who kept ten thousand children home on the first day of the LA busing plan in 1978 and increasingly abandoned the school system altogether, draining resources from central city schools and the city's economic infrastructure (Schneider 2008).

Frustration in the black community was also a product of shifting economic fortunes. World War II had brought African Americans to Los Angeles from the South in search of opportunity, which many found in military-related industries (Von Hoffman 2003: 210). After World War II, the city experienced tremendous economic growth. Wartime production of military airplanes and other manufacturing items was retooled for postwar civilian production, galvanizing a manufacturing boom, particularly in the aerospace, electronics, and automotive industries, which were all heavily unionized. In addition, light manufacturing industries – like garment production – and some service industries – notably construction, janitorial services, and trucking – were important growth sectors with high union density in the postwar period (Milkman 2006: 85–86). Despite persistent inequalities based on race and immigration status, a diverse middle class emerged in Los Angeles,

bolstered by the heavy manufacturing sector (which employed one in five county residents in 1970 (Grant 2000)), as well as the unionized service industries.

The foundation of middle-class Los Angeles crumbled as quickly as it had been built. The manufacturing base that powered Los Angeles's mid-century growth began to decline in the 1970s and 1980s. Trade liberalism and workplace restructuring produced Los Angeles's own version of deindustrialization, shifting the economic balance toward low-wage service industries. Between 1978 and 1982, the city lost nearly one hundred thousand manufacturing jobs, primarily in the automobile industry (Soja 2010: 125). As Edward Soja (*ibid.*: 126) describes, one consequence was the westward migration of African Americans from South Los Angeles to places like Inglewood, which were closer to the airport and the still-strong aerospace industry. However, recession in the early 1990s decimated aerospace as well, causing the loss of three hundred thousand more manufacturing jobs. Between 1990 and 1994, the largely unionized durable goods manufacturing sector declined by one-third (Gottlieb et al. 2005: 85). A critical pillar of middle-class Los Angeles was irreversibly degenerating.

In its place, the economically bipolar service sector rose to dominate the LA economy, distributing enormous wealth at the high end and economic insecurity at the low end. As an emerging global city, Los Angeles developed a dense economic network of finance, real estate, and professional service industries like law and accounting that reshaped the market, creating a new class of professionals connected to the central city who relied on cheap labor, often accessed through the informal economy, to provide the food, child care, maintenance, and other services that facilitated their lives (Sassen 1991). Low-end service sector jobs – in growth industries like retail sales and hospitality – lacked the high wages, labor protections, and job security that had undergirded the postwar middle class. Abuse was rampant in the burgeoning informal economy, while even in the formal economy, there were increasing rates of labor violations.

In addition, corporate strategies to restructure work undermined union density and degraded labor standards. Companies in previously unionized industries (such as janitorial services and garment production) launched subcontracting practices – outsourcing work to small independently owned companies – that broke the unions, drove down wages, and promoted exploitation while shielding those with economic power from legal responsibility. Although Los Angeles still remained the manufacturing capital of the United States in the 1990s, the bulk of those jobs were in light manufacturing – like garment and furniture production – which were not unionized and paid low wages (Gottlieb et al. 2005: 56). The labor movement's decline in Los Angeles was part of a national corporate strategy to undermine unions' economic standing and political clout. Labor protections atrophied. As a prominent symbol of labor's weakened state, the federal minimum wage declined by nearly 40 percent in real terms from the late 1960s to the late 1980s (Pollin & Luce 1998). Added to this

was a shrinking safety net, culminating in the 1996 federal welfare reform law, forcing more people to rely on precarious work.

It was in this context that income inequality surged in Los Angeles – built on the backs of the new working poor (More et al. 2000). By the end of the 1990s, over 40 percent of Los Angeles County residents lived below the needs-based poverty threshold (200 percent of the federal poverty level) and roughly two-thirds of them lived in a household with at least one full-time worker. More than one million individual workers in Los Angeles County earned less than the needs-based income threshold, nearly 80 percent of whom worked full time. These working-poor Angelenos were disproportionately Latinx and foreign-born.

Beginning in the 1980s, with job growth exploding in the low-wage market, immigration to the region expanded as employers took advantage of workers forced to accept degraded conditions in newly restructured workplaces (Milkman 2006). As immigration increased, particularly from Mexico and other Latin American countries, the demography and residential patterns of Los Angeles shifted. Attracted by the promise of prosperity, immigration to the LA metropolitan area grew sharply, from roughly half a million in 1984, to a peak of 1.8 million in 1991 (Bobo et al. 2000). In 1994, one-fifth of immigrants to Los Angeles came from Mexico, with significant proportions also coming from Russia, the Philippines, China, and El Salvador. A large number of entrants were undocumented immigrants – with estimates of Los Angeles County’s undocumented population ranging from 533,000 to 1.5 million in 1992. As a result of migration, the overall demographic composition of Los Angeles shifted toward a higher proportion of Latinx and foreign-born residents. By the start of the new millennium, the city of Los Angeles was 47 percent Latinx, 30 percent white, 10 percent Asian American, and 11 percent African American (Gottlieb et al. 2005: 78). Reflecting this overall trend, between 1970 and 1990, the composition of the workforce changed dramatically, from 75 percent white to less than 50 percent; while African Americans held constant at 10 percent, “the Latino and Asian workforce grew by more than 300 percent and 463 percent, respectively” (Grant 2000: 58). The foreign-born population in the region rose from 1 million in 1970 to nearly 4 million in 1990 (with 54 percent of Latinx residents foreign-born) and close to 5.5 million by 2010, as the overall population increased from 11 to 17 million over the same forty-year span (Soja 2010 121–122).

The 1992 riots constituted a pivot point in LA politics. The Civil Rights era saw the rise of black political power in the city, culminating in the election of Tom Bradley as mayor in 1974. Yet as the city’s composition changed, so did its politics. The most immediate consequence of the riots was backlash. After five terms as mayor, Bradley declined to seek reelection in 1993, opening the door for Republican lawyer and businessman Richard Riordan to claim a resounding victory built on promises to promote economic development and crack down on crime (his campaign slogan was “Tough Enough to Lead L.A.”). Yet the Riordan interregnum served as a bridge between the Bradley era and the rise of Latinx political influence.

Although the City Council was never as pro-business as Mayor Riordan, by 2003, it had shifted more forcefully toward organized labor, symbolized by the election of Antonio Villaraigosa (who had been an organizer for United Teachers Los Angeles) to the fourteenth district, and Martin Ludlow (a former organizer for the Service Employees International Union (SEIU)) to the tenth.

The election of Villaraigosa and Ludlow, along with the broader ascendance of pro-worker politics, was the product of labor's own reinvention. As Ruth Milkman documents, organized labor in Los Angeles had followed an atypical path that made it well positioned to respond to the growth of service industries and immigrant workers (Milkman 2006). Unionism during Los Angeles's postwar period occurred primarily in "older, occupationally based, nonfactory unions" affiliated with the American Federation of Labor (AFL), which used a sectoral strategy of taking wages out of competition by pressuring and negotiating with employers industry-wide, rather than mobilizing workers on the shop floor – the strategy adopted by Congress of Industrial Organizations (CIO) unions (*ibid.*: 38, 74). Through the 1950s, AFL unions achieved notable success organizing janitors, truck drivers, garment workers, and construction workers, and by 1955, 37 percent of LA workers were unionized – the vast majority in AFL unions (*ibid.*: 45–70). As elsewhere, deindustrialization and neoliberal restructuring hit the LA labor movement hard. By 1986, union density had dropped sharply to 22 percent and was concentrated in heavy manufacturing (*ibid.*: 79). In former labor strongholds like construction, janitorial services, and trucking, "deunionization and employment restructuring" was "followed by an exodus of native-born workers, [and] an immigrant influx" (*ibid.*: 7). By the mid-1980s, organized labor had gone into steep decline, hemorrhaging members and resources (*ibid.*: 84–87).

Nevertheless, in the seeds of decline were sown labor's rebirth, which it achieved by building solidarity with Los Angeles's burgeoning community groups and committing to organize new immigrants in the precise service industries where AFL unions had historic strength. The LA model of community–labor solidarity was a product of deliberate union strategy – innovation born of desperate times and guided by organizers who had cut their teeth as architects of earlier efforts by the United Farm Workers to mobilize low-wage immigrants against contract-based corporate farmers. Perhaps no other campaign heralded the renaissance of the LA labor movement more than Justice for Janitors (Jfj), led by SEIU Local 399, which put Los Angeles on the map by showing that unions could win collective bargaining agreements in the new environment of subcontracting and immigrant work (Erickson et al. 2002).

The Jfj campaign had powerful ripple effects, not the least of which was to reshape the labor movement's approach to local politics. Throughout the tenure of Mayor Bradley, organized labor continued to exercise significant local political influence through the vaunted Los Angeles County Federation of Labor (County Fed), whose close relations with city officials permitted union members, particularly

in the building trades, to benefit from city-sponsored redevelopment projects in the 1980s (Frank & Wong 2004). However, the 1992 riots and the end of Bradley's reign left the County Fed at a crossroads – with the critical issue of how to deal with Los Angeles's growing population of immigrant workers unresolved. At the national level, the AFL-CIO had endorsed the 1986 Immigration Reform and Control Act (IRCA), which imposed sanctions on employers for hiring undocumented immigrants – signaling that the union movement did not envision a future partnership with immigrant workers. Although the County Fed did not explicitly co-sign the national labor movement's support for IRCA, there was significant local disagreement over whether to embrace organizing immigrant workers, who many viewed as unorganizable (Milkman 2006: 114). This debate reached a crescendo after Jfj, leading to the narrow 1996 election of a new leader of the County Fed, Miguel Contreras, who had built his reputation organizing Latinx immigrant workers for the Hotel Employees and Restaurant Employees (HERE) Local 11 union.

Contreras's election cemented the County Fed's movement toward building solidarity with the immigrant community, punctuated two years earlier by the County Fed's agreement to co-sponsor a 100,000-person march against anti-immigrant state Proposition 187 – demonstrating a “new and powerful political alliance between Labor and the Latino community” (Frank & Wong 2004: 157). Contreras led a shift away from the County Fed's Bradley-era insider politics, rebuilding labor's power through a sophisticated get-out-the-vote operation predicated on an innovative strategy of mobilizing occasional voters, securing the elections of Villaraigosa and Ludlow to the City Council in 2003 – and paving the way for Villaraigosa's successful bid for mayor in 2005 (*ibid.*: 161). The County Fed was also instrumental in engineering the national AFL-CIO's 2000 decision to reverse its previous stance on immigration policy and support a pathway to citizenship for undocumented workers.

In addition to fostering political realignment, Jfj also underscored the power of community partnerships, helping galvanize a new brand of community–labor solidarity in Los Angeles that sought to connect labor's resurgence with efforts to promote cross-racial collaboration in the wake of the riots. This new solidarity reshaped progressive political and legal advocacy while challenging the underlying structure of low-wage work. At the grassroots level, the new activism built on Los Angeles's base of community organizations, some dating back to the 1960s and others emerging out of 1980s restructuring (Soja 2010: 133). The Watts Labor Community Action Committee was established just before the Watts riots to address the lack of economic opportunity in South Los Angeles. It became the model for other community development corporations that followed: CHARO Community Development Corporation (1967), the East Los Angeles Community Union, or TELACU (1968), and Little Tokyo Service Center (1979). Esperanza Community Housing Corporation, located in an immigrant-dense neighborhood adjacent to the

University of Southern California (USC) just south of downtown, was started in 1985 by a nun from the local Catholic parish, Sister Diane Donoghue, who worked to stop resident displacement by a proposed garment sweatshop (Von Hofman 2003: 218). Esperanza grew rapidly to support the neighborhood's immigrant community, mostly from Mexico and Central America, providing English-language and other classes, and beginning in 1994, building much-needed affordable housing (*ibid.*: 218–220).

As Martha Matsuoka (2005) shows, these community development groups were initially place-based, but soon engaged in new forms of regional organizing that responded to the same forces of economic restructuring and demographic change that reshaped the labor movement. By adopting cross-sectoral, multiracial approaches, these groups sought to address the widening chasm of inequality that cut across neighborhood lines. One effort that reflected the potential of sectoral initiatives was the 1998 Alameda Corridor Jobs Coalition (ACJC) campaign to win local hiring and other community benefits in connection with the billion-dollar expansion of the Alameda Corridor rail line linking the ports to downtown Los Angeles – at the time the largest public works project in the United States. ACJC also demonstrated the importance of legal partnerships in sectoral initiatives as the final agreement codifying the coalition's gains was negotiated and drafted by lawyers from the Los Angeles Legal Aid Foundation and San Francisco's Employment Law Center.

The new wave of aggressive, coalition-led organizing to promote equitable development ran counter to the city-sponsored effort to subsidize industry in the aftermath of the 1992 civil unrest. The city's official program, dubbed Rebuild LA (RLA), was launched by Mayor Bradley and Governor Pete Wilson, who persuaded Peter Ueberroth, who had organized the 1984 LA Olympics, to lead the effort. Ueberroth's approach was to “use his considerable skills to influence the heads of corporations to donate money, people, and equipment to RLA and persuade large businesses, especially chain retail outlets, to open branches in South Central and other inner-city areas. He also hoped to coordinate large amounts of government funds” (Von Hoffman 2003: 228). When this failed, new RLA leadership focused on “bottom-up” development, mapping existing economic assets in South Los Angeles and working to support their expansion based on “competitive advantage” (*ibid.*: 237). Mirroring the federal movement to provide business incentives through “Empowerment Zones,” RLA sought to channel resources and information, through conferences and networking opportunities, to strengthen extant industries in the inner city: garment, furniture, food, and toy manufacturing – the very light manufacturing industries contributing to the rise of low-wage work. In parallel, the Riordan administration pushed initiatives to cut business regulation and promote city-subsidized retail redevelopment in the downtown area, which further added to the glut of low-wage jobs.

In 1992, students from the UCLA Department of Urban Planning's nascent Community Scholars program conducted a research project, led by Professor Gilda Haas, which critiqued the city-sponsored expansion of tourism-related industries and offered a plan for growth that focused on equity for workers (Ansell et al. 1992). Their report, titled "Accidental Tourism," was the template for what would become LAANE (founded in 1994 as the Tourism Industry Development Council), which won its first victory – the nation's second living wage law in 1997 – by convincing the City Council to override a veto by Mayor Riordan. The seminal Bus Rider's Union (BRU) campaign was also launched in 1992, organized by the Labor/Community Strategy Center, whose founder, Eric Mann, had been involved in the General Motors plant closing movement a decade earlier. The BRU – a multiracial coalition of low-income, largely immigrant workers – targeted the linked problems of transit racism and pollution, provoked by the Metropolitan Transportation Authority (MTA) decision to raise bus fares and reduce routes to poor neighborhoods. Teaming up with the LA branch of the NAACP, the BRU filed a civil rights lawsuit that resulted in a 1996 consent decree in which the MTA promised affordable and accessible service for Los Angeles's working poor (Rice 2003). Two years later, protests at USC over outsourcing janitorial and food service workers launched a grassroots movement that coalesced around another new group, Strategic Actions for a Just Economy (SAJE), started by Haas, which spearheaded an alliance between labor and community members concerned over gentrification and displacement (Wilton & Cranford 2014).

Into this welter of activity entered a small but influential number of worker centers: grassroots groups experimenting with new ways of organizing and protecting worker rights outside of traditional unionism. As they evolved, worker centers focused on immigrants, emphasizing policy advocacy and legal redress for labor abuse. One of the earliest worker centers in Los Angeles was Korean Immigrant Workers Advocates (KIWA, which later changed its name to the Koreatown Immigrant Workers Alliance). Founded in 1992, just before the Rodney King verdict, KIWA gained notoriety by helping Latinx and Asian American workers receive compensation from stores shut down by the unrest. Its major campaign was an effort started in 1997 to organize Latinx and Asian American workers fighting wage theft by Korean-owned restaurants and groceries (Gottlieb et al. 2005). The campaign, in partnership with local unions and civil rights organizations, combined boycotts with legal action – taking a stand for cross-racial workers' rights over ethnic solidarity, winning back pay and living wage agreements from employers, and bringing public attention to the problem of labor abuse in Koreatown.

In 2002, the UCLA Labor Center, established nearly forty years earlier to promote research and policy development on workers' issues, opened its flagship downtown office overlooking MacArthur Park in a bustling community of Latinx immigrants. The Downtown Labor Center (DLC) aimed to build bridges between worker centers, organized labor, and immigrant communities in the surrounding

neighborhood and beyond. It was there that the National Day Laborer Organizing Network (NDLON) and the Community Labor Environmental Action Network (CLEAN) Car Wash Campaign were officially launched as the DLC became a key meeting place and strategic headquarters for the worker center movement, strengthening ties to organized labor while also helping establish networks of movement lawyers, like the Coalition of Immigrant Workers Advocates. Crucially, the DLC also sought to build bridges to African American workers concerned about being marginalized by organized labor's growing focus on Latinx workers. This effort to promote multiracial solidarity, albeit not without friction, was reinforced by partnerships between the County Fed and groups like Action for Grassroots Empowerment and Neighborhood Alternatives, which advocated for better jobs for black workers in South Los Angeles and teamed up with the County Fed to mobilize black voters in support of progressive political leaders. From the ashes of the LA riots, a new foundation for progressive activism in Los Angeles was thus built – one that weaved together multiple strands of community–labor solidarity into a coordinated challenge to inequality.

6.4 COMMUNITY–LABOR CAMPAIGNS TO CHALLENGE INEQUALITY IN LOS ANGELES

The campaigns recounted in this study grew out of the emerging community–labor challenge to inequality after the 1992 unrest and fundamentally contributed to its rise. The campaigns targeted industries that, in general, were disproportionately comprised of Latinx immigrant workers and thus the theme of immigrant worker organizing featured prominently. However, low-wage work cut across race and the campaigns themselves aspired to be self-consciously cross-racial, attending to the varied racial composition of different industries. In doing so, the campaigns fused different types of organizing approaches (inside and outside of unionism) and social movements (labor, immigrant rights, environmental justice, and others), while also creating a central role for lawyers and law. I summarize them here.

First came the anti-sweatshop campaign that woke the city (and nation) to the severe exploitation of immigrant workers – and created a new model for change. Launched in 1995 with the discovery of more than seventy enslaved Thai workers in a suburban apartment complex surrounded by barbed-wire fence, the campaign – led by the Asian Pacific American Legal Center – pioneered the integration of strategic litigation and worker organizing, marking the emergence of a movement to contest garment sweatshops. The sweatshop regime was built on a legal foundation of subcontracting: insulating retailers and manufacturers, which sold and created clothes, from the contractors actually producing them. At its most ambitious, the campaign sought to make legal responsibility follow economic power, rupturing the legal fiction that protected retailers and manufacturers from labor abuses such as those uncovered in the Thai worker case. Through the campaign, lawyers built a

powerful alliance with labor and grassroots organizers, won important legal victories in court, and achieved passage of a landmark state law creating manufacturer liability for contract labor violations. It then turned to a fierce fight against retailer Forever 21, which showed the power of industry countermobilization and ultimately marked the end of the litigation campaign. This outcome underscored a central lesson of the new economy: Individual enforcement and litigation strategies, even when paired with innovative organizing and media campaigns, confronted formidable barriers in challenging abuse enabled by extensive contracting and – crucially – the threat of global outsourcing. Nonetheless, in fusing law and organizing to mount this challenge, the anti-sweatshop campaign marked a new beginning in the movement against low-wage work – one in which lawyers and activists would apply the tools honed in the manufacturing context to target Los Angeles’s immobile service industries.

The next pivotal battle in this new movement involved the two-decade-long legal campaign led by the Mexican American Legal Defense and Educational Fund (MALDEF) to contest anti-solicitation ordinances – local laws prohibiting the public solicitation of work by day laborers. The relationship between day laborers and those who use their labor is defined through contracting, with day laborers negotiating for daily rates and often experiencing labor abuse. Although part of the underground economy, during the 1990s, day laborers became some of the most visible immigrant workers, standing on the corners in affluent communities to find jobs. They also became the target of legal backlash, with nearly forty anti-solicitation ordinances passed by cities in the greater LA area by 2000. The legal campaign to challenge these ordinances began with the alliance between MALDEF and NDLON, which together created a litigation model built around organizing worker committees to be plaintiffs in federal First Amendment lawsuits. This model created legal standing while protecting workers from intrusive discovery. After a series of legal battles, joined by the American Civil Liberties Union, the campaign won a monumental Ninth Circuit Court of Appeals ruling striking down the Redondo Beach anti-solicitation ordinance as an overbroad regulation of commercial speech. The ruling had the effect of invalidating similar ordinances and thus preserving significant parts of the region’s sidewalks for day laborers to seek work. It therefore showed the power of litigation to create the conditions for collective action by sweeping aside barriers to its realization. It also underscored litigation’s limits: Although the campaign succeeded in protecting the “corner” as a place for contracting work, it could not prevent the labor abuse that followed – or stop the creation of the next generation of anti-solicitation ordinances tailored to circumvent the Ninth Circuit’s ruling.

The community benefits campaign emerged at the intersection of Los Angeles’s living wage movement and efforts to challenge gentrification. Led by LAANE and SAJE, the campaign sought to leverage community benefits from publicly subsidized development, particularly in gentrifying neighborhoods where displacement of

low-income residents was occurring. These developments produced significant numbers of retail and hospitality jobs (along with jobs in ancillary industries like janitorial services and security); a primary goal of the campaign was to ensure these jobs would go to local residents and pay a living wage. The benefits strategy was advanced through interlocking coalitions that negotiated with developers to create contracts – known as community benefits agreements (CBAs) – that traded developer promises to provide specific benefits (living-wage guarantees, job training programs, local hiring, and affordable housing) for coalition promises to support the projects. The first campaign, targeting the development of a sports and entertainment complex in downtown Los Angeles, won a multimillion-dollar package of benefits, including an agreement by the developer to ensure that retailers ultimately occupying the complex as tenants would pay workers at the living-wage rate. This filled a gap in the LA Living Wage Ordinance, which excluded tenants in publicly subsidized commercial projects. It also laid the foundation for two other major CBAs: a half-billion-dollar agreement with Los Angeles International Airport (LAX) in relation to airport expansion, and a CBA with the developer of a transformative mixed-use downtown development known as the Grand Avenue Project. Both of these were significant for different reasons: The LAX agreement showed the power of a nascent labor–environmental or “blue–green” alliance to negotiate a monumental benefits package with a public entity, whereas the Grand Avenue CBA revealed how organized labor’s growing power permitted it to achieve community benefits through insider political strategies while community groups focused on affordable housing continued to pursue CBAs through outsider challenges. Overall, the CBA campaign was important for its innovative use of private contracting mechanisms to promote labor standards and unionization – through living wage, card check neutrality, and local hiring provisions – which were ultimately embedded in local policy.

Growing out of the CBA campaign was the community–labor challenge to the retail giant Wal-Mart, whose announced plan in 2002 to bring forty Supercenters into California threatened to undercut wages in the unionized grocery sector. The campaign focused on LAANE’s confrontation with Wal-Mart in the separately incorporated city of Inglewood, a historically working-class African American community in South Los Angeles. It centered on the labor-backed campaign to stop the development of the Inglewood Supercenter through legislative and legal challenges – a technique known as a “site fight” because of its focus on blocking Wal-Mart at a specific location. In the site fight, labor and community groups enlisted legal advocacy to mobilize community opposition to Wal-Mart’s Inglewood initiative and later to craft a Superstores Ordinance that conditioned Wal-Mart’s ability to enter the Los Angeles market on undergoing a community impact assessment, which gave labor unions leverage to negotiate agreements on workplace standards. The study traces the story to Wal-Mart’s effort to circumvent that ordinance, which only applied to big-box stores, by opening a small-format grocery store in the historic Chinatown neighborhood in downtown Los Angeles.

The final case study examines the campaign to raise work and environmental standards at the ports of Los Angeles and Long Beach – known as the Campaign for Clean Trucks. This blue-green campaign, led by LAANE and the Teamsters union (on the labor side) and the Natural Resources Defense Council (on the environmental side), emerged as a fight over air quality, but developed as a struggle over the conditions of short-haul truck drivers, whose misclassification as independent contractors contributed to poorly maintained trucks viewed as a key cause of air pollution, while precluding labor organizing. The campaign rested on an innovative legal foundation: the port, as a publicly owned and operated entity, had the power to define the terms of entry for trucking companies through concession agreements. The campaign therefore hinged on how those agreements treated truck drivers and what types of environmental standards they set. In 2006, labor unions, environmental activists, and community residents formed the Coalition for Clean and Safe Ports, which passed a Clean Truck Program two years later through the LA Board of Harbor Commissioners. The program conditioned port concession agreements on two requirements: first, that trucking companies convert their fleets to low-emissions vehicles, and, second, that they convert all their drivers to employees. Under this new program, the environmental movement advanced a long-standing goal – “greening” the port – while the Teamsters could pursue driver unionization. It was a win-win designed to take maintenance out of the low-paid drivers’ hands, making companies internalize the costs, thus creating a sustainable foundation for clean trucking over time. Lawyers working with the coalition crafted the program to minimize the legal risk that it would be preempted by federal law, all the while planning for a federal preemption legal challenge by the American Trucking Associations. That lawsuit came quickly, resulting in a Ninth Circuit ruling invalidating the program’s requirement of employee drivers. As a result, the labor–environmental alliance’s joint policy victory was torn asunder through litigation – with port truck drivers forced to carry the economic burdens of heightened environmental compliance without the economic benefits of enhanced labor standards. The ports campaign thus presents a cautionary tale – demonstrating law’s potential to build coalition-led reform but also to split it apart. It further highlights the power of movement resilience: tracing how organized labor responded to legal setback through an innovative new strategy to maneuver around preemption and reassert its challenge to driver misclassification.

6.5 LESSONS FOR SOLIDARITY IN THE CITY: AND BEYOND

This study’s temporal focus – tracing the labor movement’s response to neoliberalism and the ascent of the service economy in Los Angeles – precisely tracks the scholarly response to the same structural transformation, which has interrogated the legal and economic underpinnings of the labor movement’s decline, while debating strategies for labor law’s revitalization (Estlund 2002; Stone 2004; Sachs 2007).

A central claim in this debate is that the old federal labor law paradigm, codified in the 1935 National Labor Relations Act, is “failing” (Andrias 2016), which raises the question of whether it should be defended, revised, or scrapped (Estlund 2006).

By tracing the longer arc of “labor activism in local politics,” my study of Los Angeles provides a critical perspective on the claim that local labor struggle, both as a descriptive and normative matter, contains a vision of labor law that transcends the framework inherited from the New Deal. Instead of marking a rupture with the past, the LA campaigns reveal an essential continuity: demonstrating the labor movement’s sustained effort to foster new forms of solidarity in order to establish and strengthen legal rules – at all levels of government – that allow unions to effectively use the established federal labor law system to organize in favor of better working conditions. This last section presents lessons from Los Angeles on building external and internal solidarity toward the goals of building union density and promoting social inclusion in the city.

6.5.1 *Seeking Legal Foundations of Solidarity outside of Labor Law*

One important lesson from the LA campaigns is to reveal how labor law necessarily interacts with other legal regimes in ways that make any affirmative unionization strategy intrinsically interdisciplinary. This interdisciplinarity is both tactical and substantive. Tactically, labor groups turn to legal strategies – litigation and legislative initiatives – as a way to mobilize workers and enhance labor standards adjacent to the federal collective bargaining framework. Indeed, legal strategies constitute an essential element of comprehensive labor campaigns, responding to the legal underpinnings of de-unionization and labor abuse. Critical scholars have cautioned that rights-based advocacy coopts labor struggle, arguing that the legalization of collective bargaining and the pursuit of rights-based employment claims have weakened the labor movement (Lichtenstein 2002). However, the LA campaigns mobilized rights as a pragmatic response to constraints on the traditional union organizing paradigm: for example, supporting misclassification litigation in an effort to restore port drivers to the baseline of employee status. Similarly, rather than coopting labor activism, local legislative initiatives, such as the LA Living Wage Ordinance, established legal frameworks designed to incentivize bargaining in which labor groups can effectively negotiate benefits for workers.

Substantively, labor law’s interdisciplinarity hinges on alternative legal frameworks to facilitate its aims. Contemporary labor law has been inexorably pulled in two directions – both of which offer legal benefits while also presenting significant trade-offs. In one direction, labor law, which governs collective bargaining, increasingly interacts with employment law, which governs individual worker rights (Sachs 2008). While the line between these two legal regimes has long been blurry, the rise of contracting has pushed them together more forcefully because organizing under labor law depends on fortifying employment law concepts of joint employership and

misclassification to succeed. Thus, mobilization to strengthen these concepts has become an essential element of local labor campaigns, which are forced to fight over the basic terms of employment status in order to reestablish the baseline right to organize.

Moving in a different direction, labor law has been pulled toward and melded with quite distinct regulatory regimes embedded in local land-use law. Here, too, labor's interdisciplinarity adds legal strength while carrying trade-offs. To work, these local policies must avoid preemption by labor (and other higher-order) law, instead framing their objectives in terms that fit neatly within justifications for the exercise of local land-use power. For example, the Superstores Ordinance – which was designed in part to give unions leverage to negotiate wage standards with Wal-Mart – was framed around eliminating economic “blight” (a land-use concept), while the Clean Truck Program emphasized the need for trucking firms to hire employee drivers as a way to internalize the costs of compliance with environmental regulation. However, by nesting labor-enhancing policy in local laws framed around land-use planning and environmental mitigation, such policy becomes accountable to a different set of legal standards that constrain its scope and does not ensure protection against federal preemption challenges (as in the case of the Clean Truck Program). As this suggests, labor's engagement with local land-use law is both necessary in an era of federal constraint and second-best relative to restoring the federal labor system to full strength.

6.5.2 The Role of Unions in Building External and Internal Solidarity

The labor movement's investment in the city as the key battleground for rebuilding American unionism speaks directly to ongoing debates about the political role of unions, and connections between their efforts to promote external cross-movement solidarity and internal workplace solidarity. As the LA campaigns underscore, in addition to being an economic bargaining agent, unions are inherently political actors seeking to represent workers in the public domain in order to design legal frameworks within which to effectively advocate for workers' economic interests. Precisely because there is no dividing line between the market and politics in American capitalism, unions are constantly required to play dual roles: bargaining for workers in the private sector to enhance workers' rights and engaging in politics in the public sector to defend and extend the rules of the game within which bargaining occurs. These dual roles must interlock for the labor movement to be successful. It is only through economic representation that unions are able to generate the resources and standing to engage politically, and political engagement is essential for long-term economic success. Labor's local turn is a product of this dual role because, for the time being, it is primarily in big cities with favorable political environments where unions can exercise political power.

Historically, unions' political engagement has been important not just for protecting union bargaining rights, but for advancing broader redistributive policy – from minimum wage to welfare – serving as the foundation for America's shared postwar prosperity. This is one reason why corporate interests have targeted union representation, through right-to-work laws depriving unions of membership dues and the evisceration of nonmember “fair share” fees. Corporate success in undercutting union density has contributed to weaker economic regulation and the rise of inequality throughout the American economy that labor's efforts in cities like Los Angeles have sought to address. It is against this backdrop that scholars have debated the nature of labor's political role and how it should relate to unions' core function of workplace organizing.

In this regard, the LA experience makes a strong case that union efforts to promote local policy benefiting community members outside of the workplace – enlarging the sphere of solidarity with movements like immigrant rights – may pay direct union organizing dividends inside the workplace. This occurs both through changing the public perception of unions and by embedding specific mechanisms in local policy that directly support unionization. From a normative standpoint, by demonstrating that they can deliver benefits to low-income communities and communities of color around issues like housing and environmental justice, unions may overcome the negative stereotype of labor as a special interest group and improve long-term prospects for increasing union density. However, in order to continue promoting wider redistributive reform, labor's local policies – even as they aim to transcend unionism – must still provide a means to directly strengthen collective bargaining in order to maintain unions' political power under the current system of campaign finance, which depends on dues collection. In Los Angeles, the paradigm of this type of reform – simultaneously promoting unionism while benefiting workers outside its scope – was the Living Wage Ordinance, passed in 1997, which contained an opt-out for companies with unions, under which employers could pay the living wage *or* accept a union – an option that motivated many employers to accept a union because it lowered overall costs while ensuring labor peace. Unions leveraged this opt out provision to pressure firms employing retail, security, and janitorial workers at the Los Angeles International Airport and hotels in the airport zone to accept collective bargaining. The important point is that the Living Wage Ordinance benefited many workers outside of the union movement, which promoted external solidarity. But it also increased union density in the retail and hospitality industries in particular and was thus essential to building local labor power, which ultimately led, two decades later, to successfully passing a \$15 city minimum wage (roughly twice federal minimum). In this way, the labor movement leveraged the benefits of external solidarity to promote more internal solidarity. Although such opt-outs have been controversial, portrayed as a retreat from the principle of minimum labor standards (Andrias 2016: 7), and therefore cutting against the goal of promoting a positive public image for unions, from a long-term

perspective, they serve as critical tools to increase the union density necessary to empower unions to provide broader community benefits.

The development of local policies like the living wage also illuminates a representational division of labor: While community–labor alliances play a vanguard role in politics, unions remain central in the workplace. This division of labor spotlights a final point about political unionism, which is that while it fundamentally depends on solidarity across movements – community–labor solidarity – in the public domain, it must nonetheless continue to fight for a traditional notion of worker solidarity in private firms or industry sectors in order to maintain and potentially strengthen union density. Trying to mediate between these different forms of solidarity creates synergies and tensions for the labor movement.

In terms of synergies, the study shows how labor’s political resurgence in Los Angeles has relied on identifying and capitalizing upon interest convergence with other social movements, which have contributed the resources, power, and legitimacy necessary to build credible political organization and enact labor-friendly law. This interest convergence was the essential predicate for inter-movement solidarity, while also testing its limits. For example, a powerful labor–environmental alliance converged around overlapping interests in the city to create the Clean Truck Program, which banned environmentally polluting trucks and, importantly for labor, converted truck drivers who had been illegally misclassified as independent contractors into employees organizable under labor law. However, an industry-backed preemption lawsuit (supporting clean trucks while attacking employee drivers) drove a wedge that broke the coalition apart. Labor partnerships with housing advocates produced important CBAs, but also flared over the optimal distribution of limited developer funds, revealing how labor’s growing political clout was a double-edged sword: reducing incentives for solidarity with movements, like housing and environmental justice, whose aims could be perceived to conflict with job growth. Scaling up to the national level, in a conservative political environment in which opportunities for policy success by progressive movements across issue areas are highly constrained (and thus victories may appear to create zero-sum trade-offs), one would expect inter-movement solidarity to remain difficult to forge, and yet crucial to achieve, in order to rebuild labor’s political power.

6.6 CONCLUSION

In conclusion, I spotlight two major challenges to labor solidarity in the current moment. The first challenge is how to connect alternative forms of labor solidarity to unions’ efforts to effectively fight for worker power in the rapidly changing labor market. In pursuit of community relevance and policy influence, unions have supported new forms of worker collectivism that break the traditional mold. Early worker centers, like that in the garment industry, originated outside the labor movement. Over time, organized labor came to appreciate the potential of worker

centers to foster organizing and thus took on a stronger role incubating and financially supporting them. Despite worker-center growth, however, and wider discussion of more flexible forms of workplace representation, unions have continued to assert their primacy as the only vehicles capable of winning employer recognition and bargaining for stronger worker rights because worker centers and other community-based labor groups have not shown themselves capable of achieving an influential voice in the workplace. Perhaps as the workplace itself fractures in the contemporary market, traditional unions will prove less important, and sectoral policy strategies will take precedence. However, unions have not been willing to bet the future of American workers' rights on ceding control to unproven alternatives, and – particularly so long as unions' political effectiveness depends on density – alternative representational forms may risk undermining the labor movement's political potency. How to mobilize labor solidarity outside of unions to strengthen worker representation in the workplace – and unions themselves – is a key challenge.

A second challenge to labor solidarity is scale: How to move beyond the successful examples of solidarity and policymaking in cities like LA to reshape federal labor law and rebuild the faltering labor movement nationwide? Although there are new opportunities for influence in the relatively prolabor Biden administration, efforts to change federal labor law to overcome problems like employee misclassification and employer abuse during union campaigns continue to be blocked by Republicans. Breaking this blockade requires moving beyond effective movement-building efforts in progressive cities to foster a prolabor consciousness among the predominately white workers in conservative cities and states, who are hostile to unions and continue, against their economic interests, to vote in favor of political representatives opposed to expansive labor rights. Finding a pathway to fundamentally reform labor law thus requires building power to influence federal political decision-makers in conservative parts of America (or making those areas less conservative), which hinges on transforming the relationship between the white working class and the labor movement. In short, changing the trajectory of the American union movement depends on solidarity among workers from different places, of different races, and of different political views. This requires that the labor movement adopt a multivocal strategy in which it sends different messages to different groups to illuminate shared economic interests and create unity across cleavages of identity and ideology.

In the face of these challenges, my study offers reasons for optimism. Real change has occurred in LA that demonstrates what labor solidarity can achieve: reclaiming the city as a space for greater equality and social innovation. This success has deepened local commitments to equity and inclusion beyond the workplace – visible in labor-supported policies to promote sanctuary for undocumented immigrants and to combat climate change through environmentally friendly

reforms. It is precisely the arduous, bottom-up effort to weave together strands of progressive activism into a larger movement to challenge the rise of inequality, and the forces of racism and division it inflames, that makes the example of solidarity in Los Angeles an enduring symbol of what it takes for labor resurgence to happen – and why it is so crucial to the future of democracy.

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