

WOBBLIES & ZAPATISTAS:

CONVERSATIONS ON ANARCHISM, MARXISM, & RADICAL HISTORY

Wobblies and Zapatistas offers the reader an encounter between two generations and two traditions. Andrej Grubacic is an anarchist from the Balkans. Staughton Lynd is a lifelong pacifist, influenced by Marxism. They meet in dialogue in an effort to bring together the anarchist and Marxist traditions, to discuss the writing of history by those who make it, and to remind us of the idea that "my country is the world." Encompassing a Left libertarian perspective and an emphatically activist standpoint, these conversations are meant to be read in the clubs and affinity groups of the new Movement.

The authors accompany us on a journey through modern revolutions, direct actions, anti-globalist counter-summits, Freedom Schools, Zapatista cooperatives, Haymarket and Petrograd, Hanoi and Belgrade, "intentional" communities, wildcat strikes, early Protestant communities, Native American democratic practices, the Workers' Solidarity Club of Youngstown, occupied factories, self-organized councils and soviets, the lives of forgotten revolutionaries, Quaker meetings, antiwar movements, and prison rebellions. Neglected and forgotten moments of interracial self-activity are brought to light. The book invites the attention of readers who believe that a better world, on the other side of capitalism and state bureaucracy, may indeed be possible.



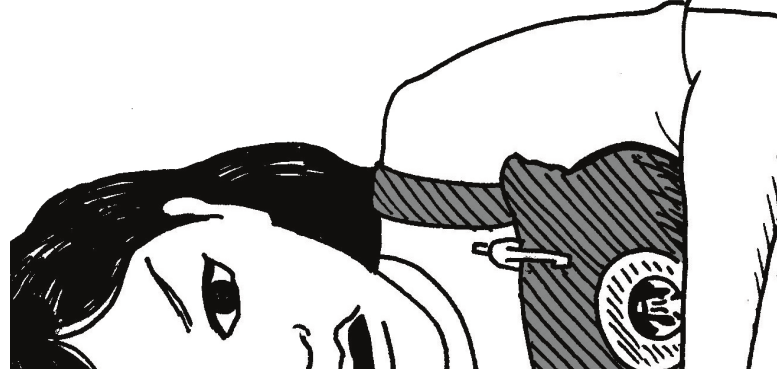
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"There's no doubt that we've lost much of our history. It's also very clear that those in power in this country like it that way. Here's a book that shows us why. It demonstrates not only that another world is possible, but that it already exists, has existed, and shows an endless potential to burst through the artificial walls and divisions that currently imprison us. An exquisite contribution to the literature of human freedom, and coming not a moment too soon."

— David Graeber, author of *Fragments of an Anarchist Anthropology* and *Direct Action: An Ethnography*



solidarity
UNIONISM
at
STARBUCKS

by **DANIEL GROSS & STAUGHTON LYND**

with **CARTOONS** by **TOM KEOUGH**



TK

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By Daniel Gross & Staughton Lynd

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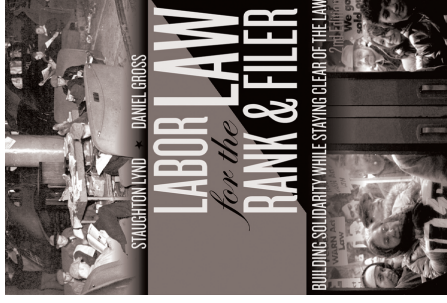
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LABOR LAW for the RANK & FILER: BUILDING SOLIDARITY *in-while* STAYING CLEAR *of the LAW* (2nd Edition)

Have you ever felt your blood boil at work but lacked the tools to fight back and win? Or have you acted together with your co-workers, made progress, but wondered what to do next? If you are in a union, do you find that the union operates top-down just like the boss and ignores the will of its members?

Labor Law for the Rank and Filer: Building Solidarity While Staying Clear of the Law is a guerrilla legal handbook for workers in precarious global economy. Blending cutting-edge legal strategies for winning justice at work with a theory of dramatic social change from below, Staughton Lynd and Daniel Gross deliver a practical guide for making work better while re-invigorating the labor movement.

Labor Law for the Rank and Filer demonstrates how a powerful model of organizing called "Solidarity Unionism" can help workers avoid the pitfalls of the legal system and utilize direct action to win. This new revised and expanded edition includes new cases governing fundamental labor rights as well as an added section on Practicing Solidarity Unionism. This new section includes chapters discussing the hard-hitting tactic of working to rule; organizing under the principle that no one is illegal, and building grassroots solidarity across borders to challenge neoliberalism, among several other new topics. Illustrative stories of workers' struggles make the legal principles come alive.



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"Workers' rights are under attack on every front. Bosses break the law every day. For 30 years *Labor Law for the Rank and Filer* has been arming workers with an introduction to their legal rights (and the limited means to enforce them) while reminding everyone that real power comes from workers' solidarity."

— **Alexis Buss, former General Secretary-Treasurer of the IWW**

about **PM PRESS:**

PM Press was founded at the end of 2007 by a small collection of folks with decades of publishing, media, and organizing experience. PM Press co-conspirators have published and distributed hundreds of books, pamphlets, CDs, and DVDs. Members of PM have founded enduring book fairs, spearheaded victorious tenant organizing campaigns, and worked closely with bookstores, academic conferences, and even rock bands to deliver political and challenging ideas to all walks of life. We're old enough to know what we're doing and young enough to know what's at stake.

We seek to create radical and stimulating fiction and non-fiction books, pamphlets, t-shirts, visual and audio materials to entertain, educate, and inspire you. We aim to distribute these through every available channel with every available technology - whether that means you are seeing anarchist classics at our bookfair stalls; reading our latest vegan cookbook at the café; downloading geeky fiction e-books; or digging new music and timely videos from our website.

PM Press is always on the lookout for talented and skilled volunteers, artists, activists and writers to work with. If you have a great idea for a project or can contribute in some way, please get in touch.

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a BOOKLET SERIES *on practicing* **SOLIDARITY** **UNIONISM?**

W We hope this will be the first of a series of booklets on “practicing solidarity unionism.”

In our view, solidarity unionism is not an organizing formula. It is what workers do naturally when they have common problems.

For example, in the *New York Times* for June 11, 2010, an article appeared entitled “An Independent Labor Movement Stirs in China.” According to the article, the workers developed their own organization when employees in each department met and elected shop stewards to represent them. They demanded the right to form new trade unions separate from the government-controlled national trade union federation “which has long focused on maintaining labor peace for foreign investors.”

Workers gathered in clumps before a factory that makes parts for Honda criticized “local authorities for seeming to side with the company” and said that they would remain on

IV. Update 2007-2010

Silence. I had assessed the risk and made my choice. Would my coworker join the cause, or would he say “no” and rat me out?

He speaks, “Wait a minute, I think I heard about that last summer. Something about getting a fan? Yeah, I’m down.”

My mind is blown. Somehow, he had heard about the small direct action I and my coworkers had done at the Mall of America Starbucks almost two years prior.

We discuss the details of how we would get an organizing committee started, the risks, the tactics, who to talk to next. We make plans to meet again soon.

I stumble out of the coffeeshop into the cold Minnesota night. I look up at the stars, head spinning with the knowledge that little by little, we are changing the world.

grievance was unbearable heat. After discussion, the group agreed on demanding the same air conditioning enjoyed by the other Starbucks in the mall. The manager was asked to buy a fan while he was thinking about it. He replied that a fan would be “too expensive.”

The Minneapolis baristas decided to demand a fan, and, if it were not immediately promised, walk off the job and *buy* a fan. They did so. Two baristas at work and two baristas who were off the clock left the store. Forty-five minutes later, they returned with a \$14 box fan from Target, plugged it in, wrote “Courtesy of the IWW” on it, and enjoyed the breeze.

Meantime the manager had been forced to run the floor by himself, scrambling to get drinks for irate customers. Two days later, the District Manager showed up at the store with a \$150 industrial floor fan. After two months, the company installed air conditioning.

Two years later Erik Forman, working another food industry job, met with a coworker to discuss inconsistent schedules, being shouted and sworn at by the boss, racist firings, and making minimum wage. He writes:

I ask him what he would think about doing something about all these problems.

“What could we do?”

“Well,” I pause, studying his eyes, his face, weighing the risk of outing myself as a union organizer against the possibility that he will help start a campaign, “at my other job, at Starbucks, we got a group of our coworkers together to figure out what we wanted to see changed, and we went to management together to make our demands. If there are enough of us, they won’t be able to ignore us. We started a union. What would you think about doing something like that at our job?”

strike. At two other Honda parts factories employees returned to work after they were promised large pay increases.

Like the Starbucks workers described in this booklet, striking Honda workers interviewed by the *Times* spoke of unsafe and humiliating working conditions. Workers were required to stand for eight hours at their work stations. Pregnant women were allowed to sit only in the last trimester. Workers were not allowed to speak while working, and had to obtain passes before going to the bathroom.

The strike began when a woman showed up for work with her identity card improperly attached to her shirt. A guard refused to let her enter and, after an argument, shoved her to the ground.

Whether more booklets appear depends on you, the reader. Please don’t think that we are interested only in workers who have not yet formed a union. Another story that we hope to tell concerns steelworkers at the U.S. Steel Homestead Works. There the company had recognized a union and every few years went through the motions of negotiating new contract language, but the local union officers had long ago stopped fighting for the members. The proposed booklet will describe how a rank-and-file movement was elected to local union office and what happened next.

If you have had an experience that you would like to share with other workers or organizers in a booklet that tells your story, please communicate with Staughton Lynd in any one of the following three ways: by e-mail at salynd@aol.com; by snail mail at 1694 Timbers Court, Niles, Ohio 44446; or by telephone at (330) 652-9635.



ABOUT *the* AUTHORS

Daniel Gross began working for Starbucks in 2003. He helped to organize the IWW Starbucks Workers Union (SWU), founded on May 17, 2004. In 2006, Daniel was fired after taking part in a picket line protest. The National Labor Relations Board has recently found his discharge to be an unfair labor practice.

Staughton Lynd practiced employment law as a Legal Services attorney in Youngstown, Ohio. He is the author of *Solidarity Unionism* and editor of *We Are All Leaders: The Alternative Unionism of the Early 1930s*. He and his wife Alice Lynd edited *Rank and File* and *The New Rank and File*.

Except for Part IV, "Update 2007-2010," this booklet is a lightly edited version of an article which first appeared in that exemplary periodical, *WorkingUSA: The Journal of Labor and Society* 10 (September 2007), 347-356.

Mr. Gross' contribution to this booklet was drafted after his discharge in 2006. It has been supplemented by material drawn from an interview with him, "Anarchy, Precarity & the Revenge of the IWW," conducted by *Now or Never* in April 2007 and posted on "News & Views for Anarchists & Activists," <http://groups.yahoo.com/group/smygo>, which the authors acknowledge with thanks.

The routine protest was protracted when Starbucks Union member Henry Martin briefly stopped work to deliver a demand letter to his manager. Management wouldn't let FW Martin return to his job after his action. Protesting workers pledged to continue until closing time, which they did.

The Union put a cherry on top of its energetic action by filing Unfair Labor Practice Charges against Starbucks for preventing Henry's return to work. Chastened by its earlier devastating defeat at an NLRB hearing, the company chose to settle. It affirmed Henry's right to stop work and made him whole for the wages he should have earned. The entire SWU was overjoyed to send a message to every working man and woman that, despite intense corporate animosity, stopping work in concert with co-workers to improve wages and working activities is protected activity under federal law.

Erik Forman, one of the Minneapolis baristas, reports a meeting with fellow workers at the store. The main shopfloor

protesters” hitting Starbucks’ national conference for managers in New Orleans. The demonstrators demanded predictable schedules and the right for baristas to join the SWU. Protesters confronted arriving buses at the Sheraton Hotel with a banner reading, “Starbucks Stop Your Union Busting Now.”

As in any serious organizing campaign by a radical union, management fights back by discharging organizers. But here’s where NLRB charges become relevant. New York City baristas went to the Board alleging unlawful disciplinary warnings to three baristas and the unlawful discharges of Joseph Agins Jr., Daniel Gross, and Isis Saenz. In December 2008, twenty-eight months after Gross’ discharge in August 2006, the NLRB Administrative Law Judge issued a seventy-nine-page decision finding Starbucks’ discipline for the most part unlawful, and ordering the reinstatement with back pay of the three discharged. The decision is online at http://www.nlrb.gov/shared_files/ALJ%20Decisions/2008/JD-NY-46%2008.htm. It reads like a textbook chapter in the interpretation of Section 7 of the LMRA.

A year later, in December 2009, the National Labor Relations Board in Washington DC upheld the ALJ’s decision for Ayins and Gross (but not for Saenz). Starbucks has now appealed that decision to the federal Court of Appeals. But workers do not require of a union that it guarantee their jobs. What they want, in the experience of the authors, is a union that fights like hell in the face of injustice.

The Starbucks Workers Union did just that, validating its reputation for taking firm action in defense of members’ well-being, on a freezing night in February 2009. According to a worker on the scene writing under the nom de plume FW Double Jeff, the union deployed an energetic eight-hour picket through one of the coldest nights of the year to protest mass layoffs at Starbucks.

I. INTRODUCTION

Many proposals to solve the labor movement’s problems are on the table. There is the idea of operating completely outside the framework of any labor law, state or federal, as the Farmworkers did initially. A second proposal would require employers to bargain with unions that represent less than a majority of workers in an appropriate bargaining unit. Another suggestion is to make the Thirteenth Amendment rather than the Commerce Clause the jurisdictional basis of an amended Labor Management Relations Act (LMRA). Perhaps workers’ centers utilizing state and federal wage and hour laws could put movement back in the movement, others say. And of course, the mainstream trade union movement advocates card-check designation of an exclusive bargaining representative as their solution of choice.

Each of these thoughts comes to us as the change that might turn things around. None of them have lifted very far off the ground in the real world. In none of them can one find any strategy for combating the flight of capital to low-wage economies. All are constrained by the assumptions of a Social Democratic mindset: first one finds a “progressive” union leader (such as Lewis, Reuther, Murray, Bridges, Chávez, Miller, Sadlowski, Carey, etc.), then that leader calls for the

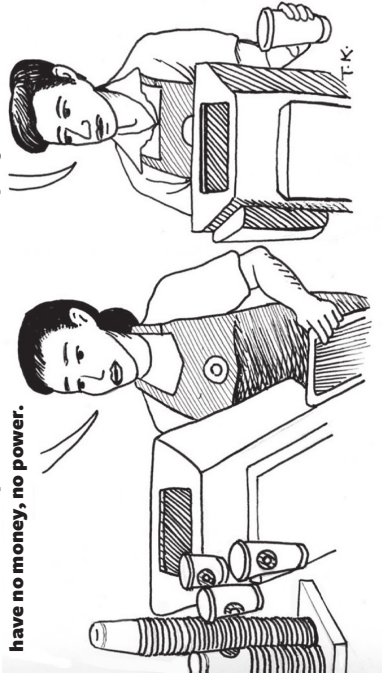
creation of a labor party, then that labor party peacefully ushered in a new day. It is as if history had stopped in 1913, before the betrayal of socialism by most of the world's Social Democratic parties in August 1914 demonstrated the inadequacy of that perspective once and for all.

Meantime, a group of organizers for the Industrial Workers of the World (IWW) have pursued what at first glance may seem a more conventional strategy: to pursue direct action *and* to file charges with the National Labor Relations Board pursuant to Sections 7 and 8 of the LMRA, while wholly avoiding the provisions for elections in Section 9.

In the second part of what follows, Daniel Gross of the IWW tells the story of using this approach at Starbucks establishments in New York City. First, however, Staughton Lynd offers a rationale for this bifurcated strategy.

There is nothing we can do about anything. The owners have all the power. We have no money, no power.

But our work is the power that fuels the company. They don't make the coffee. They don't sell it. We do. Without our work, their company can't run.



in life. This work isn't just about tomorrow and what we hope to change in ten years but it's also about changing our working conditions for the better right now. Through the IWW style of organizing, we are able to address many workplace injustices that cannot be addressed through filing charges with the Labor Board or creating new legislation and lobbying for it to pass.

We seek to hold Starbucks accountable for following current labor laws because we know our right to organize came from great struggle and the deaths of unionists who went before us. However, the law takes far too long and workers are left to suffer more abuses from the bosses while waiting for justice that may never come.

Starbucks employs 150,000 people in sixty countries worldwide, hence a workers' resistance movement must be international, too. The SWU has expanded outside the United States with baristas in Quebec announcing their membership in the union. The SWU has also embraced an independent union of baristas in Chile that launched the first organizing effort at Starbucks in Latin America. While not formally affiliated with the Chilean effort, the SWU is providing strategic advice and communications support to the baristas there.

Already in 2006, the *Industrial Worker* reported, the Allgemeines Syndicat Wien (Vienna central labor union) leafleted seven Starbucks coffee shops in that city protesting the discharge of three baristas in the United States. According to *In These Times* (Dec. 2008, p. 19), on July 5, 2008 demonstrations at "Starbucks cities around the world" protested the discharge of SWU barista Cole Dorsey in Grand Rapids, Michigan, and CNT barista "Monica" (who wouldn't reveal her last name because she feared being blacklisted by other employers) in Seville, Spain.

Another compelling action was reported by the *Industrial Worker* on October 26, 2008, describing "a surprise storm of

organizing. I swore that I would file legal charges about it and also that I was fairly certain the tables and chairs had to remain upstairs because they posed a fire hazard to guests in the cafe from overcrowding. I said that if he didn't believe me I could wait until the rush to call the fire department and find out what they thought about it. Then I hung up.

Action followed. "Within ten minutes," according to Liberté Locke, the District Manager arrived. He first quizzed me thoroughly on some new promotional items, in an effort to catch me off balance I'm sure. After correctly answering all of his questions I was permitted to discuss the break room. I thoroughly explained that I wanted him to tell the assistant manager that we are allowed to use the break room because we all work too hard to have yet another thing taken from us. We argued for a bit and eventually he caved.

I returned to the shop floor to the great appreciation of my coworkers. One hugged me and said, "Thank you, I really appreciate this," and I thanked them, saying, "It was all of us, we all did this. Thank you." Another coworker said, "It's funny, when you went over there to talk to him, I just knew you'd come back with our break room." Moments like this are how we steal our dignity back from the bosses and realize our collective worth.

And she concludes:

As a woman who has always been working-class, I can say that my involvement with the IWW Starbucks Workers Union has been the first time in my life that I truly felt my worth as a human being. I always deeply knew that we, as poorer folks, deserved better than the lives we had but I never knew how to get there or where to start.

The depression that comes with being poor and struggling is lifted when you join with your coworkers and demand more

II. IN *the* BEGINNING

From the very beginning, the Wagner Act or National Labor Relations Act (later, as amended, the Labor Management Relations Act) had two contradictory objectives.

The first goal of the Wagner Act was to protect workers when they acted together, whether to picket, to strike, or to form a union. Before 1935, workers pursued this objective by seeking to prevent courts from issuing injunctions in labor disputes — that is, by getting the government off their backs. Between enactment of the Norris-LaGuardia Act in 1932 and passage of the Wagner Act three years later, workers got very little assistance from either the government or national unions, but they also were more free to engage in self-activity than at any time before or since. Not coincidentally, these were the years of successful local general strikes in Minneapolis, Toledo, and San Francisco, and of a very nearly successful national textile strike.

The Wagner Act represented a different approach. Agents of the federal government stepped forward to protect workers when they engaged in direct action and organizing. A worker or group of workers who believed the right to engage in concerted activity for mutual aid or protection had been infringed, could file an Unfair Labor Practice (ULP) charge. The

government would investigate, and if it agreed, thenceforth represent the complaining worker or workers before an administrative law judge.

But this proffered aid came with a price.

The draftpersons of the bill (and, one presumes, the large Congressional majority that voted for it) had a second objective, namely, labor peace. The Wagner Act's preamble says more about achieving the uninterrupted flow of commerce than about creating a workplace equivalent of the First Amendment. The essential idea, often repeated by Senator Wagner himself, was: let workers organize unions; let unions then act for their members in collective bargaining and, if need be, in restraining anarchic direct action by individual workers; and, paradoxically, by thus creating freedom the undesirable exercise of freedom will be restrained. It was a statutory embodiment of Herbert Marcuse's idea of repressive tolerance.

The cruel corollaries of this two-headed approach soon became apparent. Despite language to the contrary in the law itself, workers who went on strike could be "replaced," that is, fired. Once a collective bargaining agreement was ratified that prohibited strikes during the life of the contract — as almost all CIO contracts did from the very beginning — workers could no longer wildcat at will. Direct actions in opposition to decisions at the "core of entrepreneurial control," like closing a factory and taking away your job, were presumptively disfavored. Even African-American workers who asked consumers to boycott their boss because of the employer's racial discrimination were subject to discipline for engaging in concerted activity on their own, rather than filing a grievance. "Workplace contractualism," that is, negotiation of collective bargaining agreements by unions empowered by law to act as the exclusive representative of all

When I returned home to New York City from helping my fellow workers go public as union members at a Starbucks in Fort Worth, I was informed by my coworkers that our break room had been taken away. All the tables and chairs had been removed and workers were now expected to take their breaks in the managers' office or in the cafe with the customers. Both places were sure to prevent each worker from having any rest. Having to choose between demanding customers or chilling with your managers didn't seem fair.

Each day that I worked, I and others would bring the chairs and tables back upstairs to our break room, take our breaks there, and not discuss the issue with management. And each following day we'd see that the chairs had been removed again. Finally, one day we did this and an assistant manager became frustrated with us. He went on a search for who did it. He asked everyone before asking me and though everyone knew who had done it no one would confess or give up their coworkers

FW (Fellow Worker) Locke continues:

When I was asked, in the middle of ringing up a customer, I raised my head and said loudly, "I did it." I was the only union worker on the floor and would be blamed regardless. An argument began once I declared that if he brought the chairs and table back down I would have to leave my register to bring them back up. I assured him that I could do this all day. He threatened serious reprimands if I did this.

Finally I called the District Manager and left a message detailing that I felt the break room had been taken away in an effort to prevent employees from socializing in groups, so as to thwart unionizing. I mentioned that they did this before at this very store during previous

Not a single worker took part in the potluck. At 10:00 a.m., local Wobblies parked a car at the order screen of the drive-thru, got out, taped a poster to the back window that read “Honk If You Want Baristas to Have a First Aid Kit!” and left. A supporter stood near the front of the drive-thru with a sign saying, “Honk if You Want Baristas to Make a Living Wage!”

Union Baristas and their allies then entered the drive-thru, gave customers fliers that said “This Starbucks Just Went Union!” and passed out pizzas to the workers, courtesy of the IWW. Union members waited patiently in line as if to buy a drink and when they reached the manager, handed her their demand letter.

At a pre-planned press conference, the baristas made their demands public. Meantime, every public branch of the IWW Starbucks Workers Union warned their store and district managers that any retaliation against fellow workers in Fort Worth would prompt a nationwide response.

Participants in the press conference then returned to the store and chanted to customers in the line for the drive-thru, “No Union, No Latte” as well as, “What’s disgusting? Union busting! What’s outrageous? Starbucks wages!”

“We were all over the local news,” baristas reported, and were invited to the Christmas party of the local Teamsters union. A day later, baristas got their first aid kit. Then the schedule was redone to give the workers more hours and fully staff all shifts. Within two weeks, the entire staff finally got their raises. This was the first Starbucks union in Texas or any other “right to work” state.

Liberté Locke, an outspoken union barista in New York City, was in Texas lending a hand to the baristas there only to return and learn of an injustice at her home store.

workers in an appropriate bargaining unit, shouldered aside the solidarity and collective direct action on which workers had always depended.

The means for thus disempowering the rank and file was, of course, Section 9. This is the part of the Act that provides for election of a union as an exclusive collective bargaining representative. In the minds of most union organizers and administrators of the Act, the pieces fit together this way: Section 7 (especially the words that guarantee the right to form a union) is what workers do *before a union is recognized*; Section 9 is how unions put themselves in position to act on behalf of their membership *after a Labor Board election*.

It is, simply, an unholy bargain. In unionized workplaces, the right to strike exists only in a predictable and hence easily-controlled manner at the end of the union-negotiated contract. Because of the dues check-off, unions are accountable to their members only in instances of extreme misconduct. The “labor movement,” feisty and irreverent, has become the “union movement,” whose functionaries have essentially the same life style as the bosses they ostensibly combat. And not incidentally, a domesticated, tabby cat union movement has altogether failed to find the means or the will to combat the downsizing and closing of manufacturing plants in the United States as capital has moved, first to the South, and then to other countries.

The best potential answer to these intractable and often unacknowledged problems may be a small, but growing network of organizers who are reviving the IWW.

Let us begin by acknowledging the grave problems faced by this effort as Staughton sees them.

1. Most present-day Wobblies (IWW) are young, and most of their organizing goes on in enterprises such as bookstores, health food stores, restaurants, and co-ops of various descriptions (although there are early signs that organizing in other sectors is increasing). These enterprises are not what Lenin had in mind by a capitalist economy's "commanding heights."
2. Wobblies like so many other radicals in the 1920s and 1930s believed that industrial unions would of necessity be more class-conscious, and more politically radical, than the craft unionism of the old A.F. of L. That has not proved to be the case.
3. IWW theory has not progressed beyond the 1905 Preamble. Solitary comrades like the late Marty Glaberman and Stan Weir have had to try to do the theoretical work that the IWW should have done.
4. In the absence of a coherent theoretical framework evolving in response to new conditions, present-day Wobblies have in practice done that which their founding brothers and sisters would have abhorred: they have turned to the instrumentalities of the state to establish revolutionary unions. That is, Wobblies have engaged in elections sponsored by the NLRB (pursuant to Section 9 of the LMRA) as well as filing Unfair Labor Practice charges with the NLRB (pursuant to Section 7).

Given all of the above, why look to the work of IWW organizers for a path through the minefield of Social Democracy? The second part of this article, by IWW organizer Daniel Gross, suggests the beginning of an answer.

The limitations of Wobbly organizing also contain latent strengths. For example, small enterprises that offer a service

IV. UPDATE 2007-2010

As we used to say in the 1960s and 1970s, "La lucha continua" (the struggle continues), or, as some prisoners sign their letters, the SWU remains "in the struggle."

From modest beginnings in 2004 when a handful of Starbucks workers in New York City began meeting outside of work to discuss improving their jobs, the campaign has expanded dramatically around the country and into Canada.

In November 2008, baristas from the coffee shop located on Nicollet and Franklin Avenues in Minneapolis walked off the floor, declared their affiliation to the IWW, and presented a five-hundred-signature petition to management calling for improved safety measures in the workplace. The action came after baristas in the Mall of America Starbucks declared their membership in the SWU, and the campaign began to grow around the Twin Cities area.

A year later, in December 2009, four brave women baristas and community supporters shut down the drive-thru at the 8th and Rosedale Starbucks in Fort Worth, Texas. They delivered a list of demands including affordable health care options and sick days for workers displaying H1N1 or other cold and flu symptoms.

It was one week before Christmas, Starbucks' busiest time of the year. It was also "Partner [Employee] Appreciation Day." In past years the manager had used company money to buy pizza for everybody. This year the manager decided to make the day a potluck.

In this context — but only in this context — the activity of SWU members in the legal arena makes an important contribution. The first Unfair Labor Practice charge filed by Starbucks baristas in New York City resulted in a settlement requiring the company to reinstate two discharged workers, and to rescind company-wide policies that forbade employees to share written union information and to wear union pins.

In the immediate aftermath of this settlement, Starbucks again began breaking the law. Six IWW baristas are out of work at the moment because of illegal terminations. We're fighting these terminations in the streets and at the Labor Board. It is a testament to the courage of coworkers and the breadth of support around the world that in the face of such retaliation the Starbucks Workers Union still enjoys consistent growth.

are vulnerable to picketing, perhaps the easiest and most protected form of direct action available to workers and their supporters. Also, in warehouses in Brooklyn and Queens and among truck drivers in several parts of the country, the IWW has begun to reach out to enterprises that directly impact industrial manufacturing.

The IWW's orientation to worldwide class solidarity makes possible organizing that traditional unions eschew. The most significant rank-and-file formation within traditional trade unionism, Teamsters for a Democratic Union, supports the effort to keep Mexican teamsters from bringing their trucks across the Rio Grande. Such opposition to immigrant workers recapitulates Samuel Gompers' support for Chinese exclusion. In contrast, independent truckers in Los Angeles, working with the IWW, succeeded in shutting down the port of Los Angeles on May 1, 2007, in support of nationwide immigrant-rights protests. Ernesto Navarez, spokesperson for the drivers, explained that the Port Authority knew the truckers were going to strike, and by calling it a legal holiday avoided liability for the shutdown. "We forced them to recognize May Day."

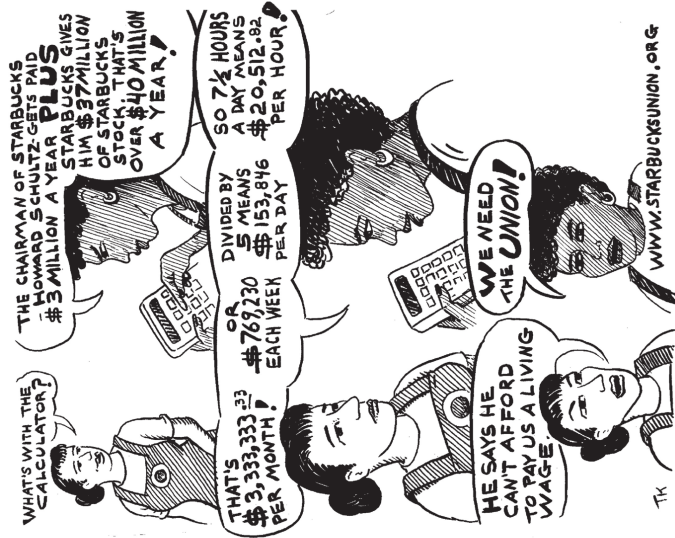
This article considers organizing at Starbucks around the United States and now in Canada as a case study in a strategy we call "solidarity unionism." Workers for Starbucks are not meaningfully able to seek NLRB-sponsored elections, even should they wish to do so. This is because Starbucks maintains that the appropriate bargaining unit for workers employed by Starbucks would be a large assembly of Starbucks stores in a given region.

Therefore, except for a brief testing of the waters early in the campaign, Starbucks workers have not used the statutory mechanism designed to produce exclusive bargaining rep-



representatives with the power to bargain away their members' rights to concerted direct action.¹

But Starbucks workers have made persistent and creative use of Section 7. As a result, the narrative below tells the important story of how one might use Section 7 in building a new workers' movement while maintaining a prophylactic distance from NLRB-sponsored elections under Section 9.



¹ Canadian Wobbly baristas also invoked the certification process early on in their organizing effort.

stores and supporters) will march into the store at peak hours to give the boss a list of demands. Typically, the demands include a living wage, guaranteed work hours, appropriate staffing, respect, and an ergonomically sound environment. There may be militant picketing, and managers known to harass workers who are a minute late to work may find their pictures together with a list of their misdeeds on leaflets handed to customers. A favorite tactic (borrowed from the late Saul Alinsky) is for a group of unionists to enter the store at peak hours, buy drinks, and pay for them one penny at a time.

There's more. Disgusted at having to work around rodent or insect infestation at many New York City Starbucks stores, baristas called a press conference in front of one store that featured a giant thirty-foot inflatable rat. SWU member Sarah Bender was reinstated after supporters formed "Billionaires for Bush and Starbucks Chairman Howard Schultz," entered Sarah's store in full aristocratic regalia, and presented a framed union-buster of the year award to the manager who fired her. The Billionaires called for the abolition of the labor movement and praised the inequitable distribution of wealth under capitalism. They said that Starbucks was their kind of company.

Solidarity has poured in from around the world. IWW baristas took part in the historic immigrant protests on May 1, 2006, that reclaimed May Day for the entire working class of the United States. A "Justice from Bean to Cup!" initiative seeks to link the SWU to the farmers who grow the coffee that baristas sell. A delegation of SWU activists has just returned from Ethiopia where they sought to connect with coffee farmers who grow beans for Starbucks. A protest coalition served free Zapatista-grown Fair Trade coffee outside one store and handed out information about union-busting and exploitative land practices in Mexico.

\$7.75 an hour, and they were the highest-paid workers in the chain. Currently, New York City baristas begin at \$8.75 an hour, and when periodic “merit” raises and tips are included, many workers now earn about \$10 an hour. In addition, many Starbucks workers around the country have received unexpected wage increases that they attribute to the organizing drive.

The SWU has made serious inroads on Starbucks’ refusal to guarantee a minimum work-week. Starbucks asked every barista in New York City how many work hours per week were desired, assuring workers that “within reason” the company would seek to comply with their requests. IWW baristas are now getting the work hours they demand each week.

After continual pressure from the union, Starbucks has finally stopped denying the existence of repetitive strain dangers. The company dedicated its September 2004 Safety and Security Bulletin to repetitive stress injuries, admitting that the espresso bar was a particular problem. Information about repetitive stress, including exercises designed to reduce this kind of injury, was made part of a new employee manual, and Starbucks’ employee orientation now includes instruction in doing these exercises. The union still demands a comprehensive ergonomic evaluation by an expert to whom the SWU agrees, and scheduling of appropriate numbers of workers on the shop floor.

The solidarity unionism process is straightforward. Workers rather than outside organizers reach out to potential new members, worker by worker. Baristas organize around issues of common concern regardless of whether a majority of workers in a given workplace, or group of workplaces, are union members.

SWU members have engaged in a plethora of creative and provocative direct actions to win concessions from Starbucks. When a critical mass of Starbucks workers have formed a shop floor committee, workers (together with members from other

III. *the* **STARBUCKS** *workers* **UNION** **(SWU)**

Laura de Anda

Laura de Anda, twenty years old, has just started her shift at Starbucks in her hat and green apron, and after two years on the job, it’s hard for her to manage a smile. Born and raised in Chicago’s Mexican immigrant neighborhood, Pilsen, Ms. de Anda moved to New York to pursue her dream of getting an education in the arts.

The line for lattes and frappuccinos is almost out the door. Staffing is short as usual, so Ms. de Anda is moving extra quickly at the espresso bar, running to ring customers up at the registers while espresso shots are shooting and milk is steaming at the bar. When she has a few free seconds, she spins to the back counter to prepare the frappuccino mix before it runs out. The din of the steaming milk, blenders, and workers sprinting back and forth would be overwhelming to the uninitiated, yet Ms. de Anda is holding her own.

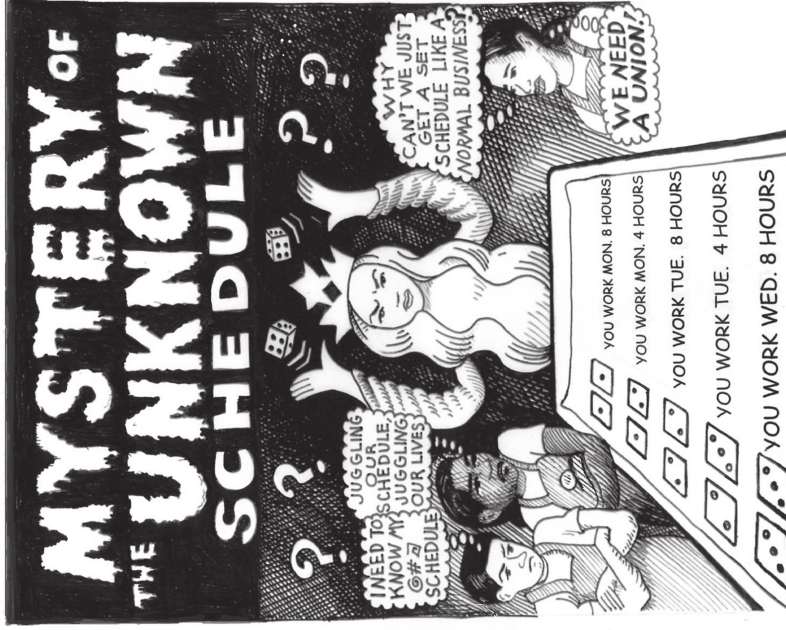
It seems that every time she turns around, an assistant manager or the store manager is right on her back, nagging or

nitpicking. “The lemon loaf is on the wrong side of the banana loaf. . . . Your shirt is too wrinkled. . . . There’s a fingerprint on the front door. . . . You took too long waiting in line to go to the bathroom.” Ms. de Anda has heard it all. The managers’ bonuses are tied to selling more and more things to customers who don’t need them, and getting fewer “baristas” to do more work so as to hold down labor costs.

Thousands of dollars in revenue later, night has fallen and Ms. de Anda has meticulously cleaned the espresso bar inside and out. There’s supposed to be a third worker, but the manager “forgot” to put someone else on the schedule. Before leaving, the two workers present must scrub the bathroom, do the dishes, sweep and mop the floor, vacuum the pastry case, haul the milk into the bar refrigerator, take out the trash, Windex all the glass, restock the cups, and fill the condiment bar. The store closes at 12:30 a.m. on Saturday and they have forty-five minutes to complete these assigned tasks. They will be disciplined if at the end of that time *anything is not sparkling*.

Starbucks management expects workers to stay after their shifts when it’s busy, no matter what after-work commitments they may have. Working the closing and then the opening shifts — dubbed the “clopener” according to some Starbucks workers — is a common source of frustration. And heaven forbid if you have to leave work a little early to get to a doctor’s appointment.

The grandmother of one Starbucks barista died a few hours before a shift was to begin. The worker called the manager to explain that she was responsible for her grandmother’s funeral and burial arrangements, and couldn’t make it to work that day. The manager first expressed disbelief in the worker’s explanation and then ordered her, on threat of termination, to call other baristas so as to cover her shift.



In addition to absolutely central changes with respect to dignity and respect, there have been tangible gains. Dues for members of the Starbucks Workers Union are \$6 a month. Starbucks baristas in New York City have won three wage increases, increasing their pay by almost 25 percent in a period when retail wages in the city have been essentially stagnant. When the campaign started in 2004, baristas in New York City began at only

Labor Unions: Missing in Action

According to the Bureau of Labor Statistics, only 5.7 percent of retail workers are union members. What is worse is that union membership means so little. Walk around a unionized New York City grocery store and ask members about their union. Many will not know if they are members or not. Few will know the name of their union. Even fewer see any value in membership.

There are many reasons for the absence of traditional unions in the retail sector. Shops are small. Traditional unions don't like the ratio between the funds they would have to expend to organize and the dues income they could expect if successful. Further, the average yearly turnover of the work force in retail establishments is 65 percent. When workers bounce around continuously from one employer to another, as they do in retail establishments, the NLRB election process takes too long. Government certification of an appropriate bargaining unit often involves employer appeals that require two or three years to resolve. All this is what leaders of traditional unions have in mind when they say (privately) that retail workers are "unorganizable."

Solidarity Unionism

Members of the Starbucks Workers Union (SWU) are the first union members in any of the more than four thousand Starbucks stores in the United States. The union was begun by Starbucks workers in New York City fed up with living in poverty and being mistreated. The SWU now has a public presence at Starbucks stores in six states and Canada, with dues-paying IWW members quietly organizing at several other establishments.

Ms. de Anda finishes on time and walks to the subway station for her thirty-five minute ride to Brooklyn. Exhausted, she closes her fierce brown eyes and immediately falls asleep.

There is not much to smile about. Promised wage increases have never materialized. Ms. de Anda is not getting enough hours of work each week to deal with her bills. While Starbucks pays freight costs for coffee or paper cups, labor "inputs" must deliver themselves to the boss and a thirty-day pass on the subway costs \$76. In short, Ms. de Anda is mired in retail worker poverty.

The State of Affairs in Retail

Retail workers receive wages far below what is needed to live with dignity. In 2003, a cashier earned an average of \$8.40 per hour. Food counter workers earned \$6.99 per hour. In contrast, Starbucks made a profit of almost \$500 million in 2005 on revenues of \$6.4 billion; in 2006 Starbucks Chairman Howard Schultz received \$102 million in compensation.

It is often supposed that retail workers are kids looking for beer and video game money. In New York City, 47 percent of retail workers are at least thirty-five years old and 69 percent are over twenty-five. And 48 percent of retail workers have children under the age of eighteen.

In retail, full-time employment is on the way out in favor of "flexibility." There are 115,000 Starbucks employees. Starbucks Chairman Howard Schultz downgraded every retail position in the company to part-time, with no guaranteed number of work hours per week. A Starbucks worker can get fifteen hours of work one week, thirty hours the next week, and ten hours the week after that.



Health benefits provided by the company are a far-off dream for most retail workers. Starbucks has claimed that it provides health care to all of its employee “partners.” But first, Starbucks employees without a guaranteed work-week must work 240 hours per quarter to qualify for coverage. Second, even workers who qualify must pay premiums, co-pays, and deductibles that they often cannot afford. After repeated public challenges from the IWW Starbucks Workers Union, the company conceded that only 42 percent of Starbucks employees (including management personnel whose higher pay makes health care more affordable) are covered by company health care.

According to government statistics, in 2001 over eighty thousand retail workers suffered from musculoskeletal disorders such as carpal tunnel syndrome. Repetitive stress injuries are rampant at Starbucks. Management deliberately under-staffs and endlessly insists on “speed of service.” Moreover, Starbucks fails to implement

the most elementary ergonomic standards. Every drink served requires an unnecessarily long reach to place the cup on Starbucks’ trademark half-moon counter; depositing \$20 bills requires workers at many Starbucks shops to bend almost to the floor; and workers are often not permitted to shift from one task to another.

Suley Ayala

Sexual harassment, infantilization, verbal abuse, camera surveillance, and arbitrary write-ups are the order of the day at Starbucks. For Suley Ayala, psychological torment took the form of religious discrimination.

Ms. Ayala, a mother of four from Ecuador, is a practicing Wiccan. For almost four years at Starbucks she proudly wore an important Wiccan symbol, a modest pentagram necklace that she almost never takes off.

After Ms. Ayala began to organize with her coworkers, management claimed that the necklace was a distraction to customers and demanded that she remove it. Ms. Ayala refused. Management sent her home without pay. A few weeks later, they ousted her from work again. On both occasions, Ms. Ayala was understandably distraught and angry, leaving work on the verge of tears. Not only was she forced to leave work in a very humiliating fashion, the unpaid wages undermined her ability to support her family.

But then something happened. After Ms. Ayala was told to leave, a coworker and fellow member of the Starbucks Workers Union put on Suley’s pentagram and was herself sent home. On top of public protest, a legal filing, and media pressure, this direct action broke the company’s will on the issue. Suley has not been sent home since and Starbucks has reimbursed her for lost pay.

An injury to one is an injury to all.