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Lora Jo Foo: Activist and Advocate for Immigrant Women Workers in the USA, 1951-2003

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A thesis submitted in fulfillment of the requirements for the degree of a
Doctor of Philosophy in History, the University of Auckland, 2019.
ABSTRACT

Asian American historians started to integrate the stories of people of Asian descent into the fabric of American history since the 1970s. Through recovering, documenting, and celebrating the suffering and achievement of Asian Americans, they sought identity and also protested against inequality and inequity. This scholarship on Asian Americans significantly reinterpreted U.S. history and contributed to the emerging fields of social, gender, and labor histories. This thesis, based on the foundation of this important scholarship, examines Asian American women’s activism in the second half of the twentieth century.

The central figure of the thesis is Lora Jo Foo, labor organizer and attorney, movement leader, and author of two books. Born and raised in the San Francisco’s Chinatown in 1951 and having come of age in a time of turbulence, Foo worked as a garment worker since age eleven, where she obtained firsthand experience in the garment industry. Foo discovered her lifelong goal of advocating for immigrant women workers and completed her politicization as a Marxist feminist in San Francisco State College in the early 1970s. Her childhood and adolescent experience laid a solid foundation for her activism, which guided her to spend over four decades working in class struggle and fighting for economic rights for immigrant women workers since 1970s, who suffered triple oppressions and struggled for a living. This thesis, however, is not only a story of a successful Chinese American woman but also a story of a woman warrior whose strategies of advocating for immigrant women workers evolved through years in the decline of the labor movement and the period of conservative backlash. It was in this arena that Lora Jo Foo made an impact. Looking at Foo’s experience of advocating for
immigrant women workers and examining the evolving process of her strategies provides a way of understanding what challenges immigrants and women of color had been through during that period and how did they react. It also offers a way of seeing the role Foo played in this process. Foo’s evolving strategies were based on her belief that “only when immigrant women and women of color engage in class struggle and fight for their economic rights will their oppression end.” This belief, stemmed from her family background and experiences, was influenced by her participation in Third World activism of the late 1960s and early 1970s, and—as it turned out—would mirror the later theoretical concept of “intersectionality.” Therefore, her story contributes to the historiography of the American labor movement and Asian American women’s activism.

Figure 1. Lora Jo Foo, c. 2013.¹

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ACKNOWLEDGEMENTS

This thesis could not have been completed without the help of a number people who have assisted me in a variety of ways. First, I sincerely appreciate the valuable guidance from my main supervisor Associate Professor Jennifer Frost, who is enthusiastic about the project during the whole process and shows great patience to me. She helped me navigate Lora Jo Foo’s papers, helped me hunt down sources, and helped me set up confidence, which eventually resulted in the completion of the thesis. I would like to thank my co-supervisor Dr Melissa Inouye, who helped to correct my grammatical errors, offered me some latest knowledge on Asian American women, and indicated areas for improvement. Dr Paul Taillon also provided some precious comments to me on American labor movement, which is highly beneficial to improve the thesis.

I would also like to thank Rebecca Weeks and other colleagues and librarians who helped me, an international student with language barriers, familiar with facilities and services in our campus, which makes me feel warm in an unacquainted country far away from home. Special mention goes to Lora Jo Foo, the central figure of my thesis, for providing me with new primary sources and pointing out some mistakes from the thesis.

The University of Auckland’s Faculty of Arts and School of Humanities have been generous in sharing access to DRF and PBRF funding that have enabled me to travel to the United States collecting primary sources for my thesis. I have also enjoyed funding from the University’s PReSS account. In particular, I would like to thank the CSC scholarship that frees me from the distraction of financial issues so that I can specialize in research.
Finally, I would like to thank my dear mother, Guanglian Lu, who was generous with her financial support of my first-year study until I obtained the CSC scholarships. Without her support, I could not have become a PhD student of the University of Auckland and make my dream come true.
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INTRODUCTION

“To survive, I grew protective layers and a warrior’s armor. I rejected all that I thought my mother embodied—her powerlessness, her dependence, her frailty. Instead I developed the swagger of a tomboy. As an adult, I became a union organizer, an attorney representing immigrant women workers, and a leader of movements. When I turned forty, however, that armor began to crack from within as the fury I held for my mother and father wanted to be released. It was at this time that I began photographing nature.”

—— Lora Jo Foo

Figure 2. Green Tree Among Hoodoos, Bryce Canyon, Utah, c. 1992.

1 Lora Jo Foo, Earth Passages: Journeys Through Childhood (Lora Jo Foo, 2008), 7-8.
2 Foo, Earth Passages, 6
When I first read Lora Jo Foo’s auto-biography *Earth Passages: Journeys Through Childhood*, I was very curious about why Foo chose landscape photography, which, to some extent, did not suit her image as a woman warrior. In the preface of *Earth Passages*, Foo explained she chose photographing nature to heal her “traumas and wounds of childhood”. Of course, her healing came in a number of ways, but as she explained, “Photography became a medium through which my emotions were able to surface as I slowly began opening my heart, laying bare my emotions, and removing the protective layers and armor that had encased and was suffocating me and suppressing my creativity.” Foo’s nature photography, such as “Green Tree Among Hoodoo” in Utah, combined with her writings of journey through childhood “tells the story of [her] life growing up in an inner city ghetto for the reader to understand the path [she] traveled to become the person” today. In photographing those pictures, Foo was just capturing, as she puts it, “her childhood growing up in the barrenness and harshness of an inner city ghetto”.

Born in 1951, Foo grew up the daughter of a single immigrant mother and garment worker in a family of eight in federal housing of San Francisco’s Chinatown, where she contracted tuberculosis as a child. Half of Foo’s childhood, as she noted, “was my mother’s comrade-in-arms, rather than her daughter.” It was the absent parents, Foo turned to “the Great Mother, the all-powerful, all-loving, all-nurturing, all protecting, all encompassing earth mother.” In 2008, when Lora Jo Foo, the central figure of my thesis, looked back on her long and successful career, she located her start in her immigrant family. From her childhood, Foo had experienced and confronted the inequalities of gender, race, and class in the United States, which played a significant

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3 Ibid., 8.
4 Ibid., 8.
5 Ibid., 7.
role in shaping her rebellious spirit. Coming of age in the 1960s, she witnessed the social movements of the era that challenged these inequalities: the civil rights movement, the feminist movement, the anti-Vietnam War movement, and later the Third World social movements, which profoundly influenced her future career as an activist and advocate for immigrants and women of color in the United States from early 1970s on. In turn, through her activism and advocacy, Foo consistently sought to improve the working conditions and lives of women just like her mother. Over four decades, Foo’s goal stayed the same but her strategies and ideas for social justice continuously evolved as conditions changed and opportunities arose.

In 1971, Foo enrolled in San Francisco State College, which had been transformed by the Third World activism and the 1968 Third World Liberation Front strike launched by radical students. During her studies, she translated her lived experience of multiple oppressions into theory, became a Marxist feminist. Particularly, as a student in the 1970’s, Foo read two books assigned by Patricia Sumi, a Japanese American woman activist and an anti-imperialism feminist: The Woman Question: Selections from the Writings of Karl Marx, Frederick Engels, V.I. Lenin, Joseph Stalin and The Origin of the Family, Private Property and the State. After the early study on Marxist feminism, Foo accepted, according to her, “Engel’s theory that the accumulation of excess wealth and the rise of classes led to the rise of patriarchy and the subjugation of women,” and formed her framework for her activism on class struggle and economic rights. The theory that Foo learned at San Francisco State College laid a solid foundation for her future career and guided her activism based on the belief that “only when immigrant women and women of color engage in class struggle and fight for their economic rights will their oppression end.” Therefore, Foo chose to focus on struggles of immigrants
and women of color in the San Francisco Bay Area.6

Meanwhile, during the 1960s and 1970s, the rebellion of rank-and-file workers occurred across the United States in order to, as Kieran Walsh Taylor noted, battle “entrenched and corrupt labor leaders in order to democratize their unions”.7 To support the rank-and-file rebellion, thousands of young radicals from diverse class backgrounds contributed their organizing efforts to worksites and within trade unions.8 For Asian American activists, like Foo, going back into factories meant working in the garment industry, hotels, and restaurants. People of color were concentrated in these workplaces due to the 1965 Immigration and Nationality Act and the vast expansion of the service sector, which led to “millions of immigrants, youth, women, and ethnic and racial minorities into the workforce”.9 To put the theory into practice, Foo left college in her last semester and worked first in a garment factory and then in the hotel and restaurant industry in San Francisco. Her goal was to organize Asian American immigrant women. The 1980 San Francisco Hotel strike in which Foo participated as a grassroots leader was an important effort. “Everything seemed possible,” historian Cal Winslow has argued, but the workers’ movement of the 1970s was wholly not successful.10

After the San Francisco Hotel strike, Foo felt burnt out physically and psychologically from all those years of manual labor and activism in the garment and

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8 Taylor, “Turn to the Working Class”, 2.


the hotel industries. In particular, she was especially tired of “so much factionalism going on in the union”. When Foo saw all that the attorneys did during arbitration and contract negotiations during her time with Hotel and Restaurant Employees and Bartenders International Union Local 2, she decided that could be a new way for her to continue representing workers and their interests.11 In 1982, Foo enrolled in law school. After graduation, she became a lawyer, first representing unions and then representing workers in sweatshop industries as part of the Asian Law Caucus from 1992 to 2000. During this period of her career, Foo helped establish Sweatshop Watch and won important victories through litigation and legislation, including statewide legislation in California in 1999, AB 633, the strongest anti-sweatshop bill to protect garment workers. She felt, after many years of hard work, she had finally achieved her lifelong goal, “to be able to represent garment workers and women immigrant workers.”12

Lora Jo Foo continued to make a difference as a pivotal figure within a national network of Asian-American feminists from the 1990s to the early 21st century. She attended the NGO forum portion of the Fourth United Nations World Conference on Women in 1995 and was a founding member of the National Asian Pacific American Women’s Forum, which continues to be an important and effective organization. Sponsored by the Ford Foundation, she authored a report later published as a book in 2002: *Asian American Women: Issues, Concerns, and Responsive Human and Civil Rights Advocacy*. This book provided much needed information and data to help improve the lives and conditions of Asian American women. Lora Jo Foo’s decades of thinking, organizing, litigating, and writing during the second half of the twentieth century left an important legacy for women of color in the twenty-first-century in

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11 “Lora Jo Foo”, interviewed by Juhee Kwon, 22.
12 “Lora Jo Foo”, interviewed by Loretta J. Ross, Voices of Feminism Oral History Project, Sophia Smith Collection, Smith College, December 16, 2006, 32. (Courtesy of Lora Jo Foo.)
My thesis is employing intersectionality as a methodology, which provides an approach to consider how Lora Jo Foo’s various social identity categories co-constituted in shaping her as an activist and advocate for immigrants and women of color. As scholar Ange-Marie Hancock argued, “intersectionality posits an interactive, mutually constituted relationship among these categories and the way in which race (or ethnicity) and gender (or other relevant categories) play a role in the shaping of political institutions, political actors, the relationships between institutions and actors and the relevant categories themselves.” Foo’s lifelong career also reflects what can be considered an intersectional vision. Although she did not have or express a deep understanding of the concept of intersectionality until 2000, her understanding of how identity intertwines with inequality provided the impetus for her future career. In turn, during her career as a labor organizer, lawyer, and feminist activist she developed what she called a “multi-prong approach” to achieving social change and social justice. This approach included organizing, education, litigation, and legislation. By moving among these different “prongs” of work, depending upon social and political conditions, Foo embraced strategic flexibility. Such flexibility was crucial in an era of rising conservatism, in which Republican politicians and their supporters sought to reverse many of the gains of the labor movement and social movements of 1960s and 1970s. Despite the power of these forces in the United States since the 1980s, Foo’s career and achievements show the persistence and continuity of social justice efforts in a conservative era.

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Today, intersectionality is the cutting edge of feminism. Although this concept was not named until 1989 by feminist legal theorist Kimberlé Crenshaw, Foo always saw and understood how women of color faced multiple interwoven layers of oppression. They sought to understand the ways in which “gender, race, and class combined to determine the female destiny”. In 1984, bell hooks published her book *Feminist Theory: From Margin to Center* and pointed out that women of color were “concerned about economic survival, ethnic and racial discrimination.” A distinguishing feature of her book was her use of what is now called “intersectionality”. Crenshaw further coined the term “intersectionality” and introduced its theory in her paper “Demarginalizing the Intersection of Race and Sex” for the University of Chicago Legal Forum in 1989. In Crenshaw’s view, to better understand the suffering confronted by black women, people must include the interaction between the experience of being black and of being a woman. Today, three decades after Crenshaw first introduced the concept to the public, as Crenshaw emphasized, “the term seems to be everywhere. But if women and girls of color continue to be left in the shadows, something vital to the understanding of intersectionality has been lost.”

What Foo has done during the past decades was exactly to help immigrant women workers, a long-time invisible group, out of the shadows.

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16 Ibid., 2.
19 Crenshaw, “Why intersectionality can’t wait”.
Drawing upon her early understanding of what would come to be called intersectionality and her framework on class struggle and economic rights, Foo engaged in multiple strategies toward improving the lives and conditions of immigrants and women of color. Organizing was her first and most consistent strategy. She organized alongside garment workers, hotel maids, the anti-sweatshop movement, and Asian American feminists. Her organizing dovetailed with the increased militance of communities of color—“the most exciting harbingers” of the labor movement—in the 1990s and after. As historian Robin Kelley argued in 1997, “the new multiracial, urban working classes ... hold the key to transforming the city and the nation.” Low-wage workers and sweatshop workers became a great strength for the labor movement for the first time. Foo’s evolving strategies toward using law as a weapon either in litigation or legislation improved the situation of immigrant women workers, both individually and collectively. Finally, Foo always believed in education as part of the struggle for social change and social justice. Her fight for a quality education as a public school student through college and law school degrees indicated the importance of her own education. She also knew low-wage workers needed knowledge to improve their work and community lives, and the larger public needed awareness of the inequalities and injustices that existed. Foo’s pursuit of research and facts continued throughout her life and career.

Apart from the struggle of launching her career, Foo faced a rising conservative

21 Robin D. G Kelley, Yo’ Mama’s Disfunktional!: Fighting the Culture Wars in Urban America (Boston: Beacon Press, 1997), 125.
opposition against which she needed to maneuver to achieve her aims. The late 1970s and the early 1980s marked the rise of conservatism in the United States, which posed a threat to the labor movement and progressive reform programs. On the one hand, the rank-and-file’s rebellion, “a broad blue-collar revival” defined by historian Jefferson Cowie, began in the 1960s, peaked in the early 1970s, and then died out until the air traffic controllers’ debacle (PATCO) happened in 1981, due to many external assaults and its internal weaknesses. The 1980 San Francisco hotel strike that Foo participated in as a grassroots leader was just on the eve of the failure of the movement. On the other hand, one of progressive programs deeply influenced by the conservative trend was legal assistance providing to the poor. Since the election of President Ronald Reagan in 1980, who was openly hostile to the legal assistance program, the federal government made particularly harsh cuts in its official funding aid to legal assistance services, which led to the underfunding of many non-profit organizations. Under the circumstance, Foo still persisted in her aims, trying to help immigrant women workers through litigation and legislation. She felt sure that “without equal access to the law,” as Director of the Boston Legal Aid Society Reginald Heber Smith argued in 1919, “the system not only robs the poor of their only protection, but it places in the hands of their oppressors the most powerful and ruthless weapon ever invented.” In the new century, as Alan Brinkley stated, conservatism has played a significant role both in American political life and modern historical scholarship, and “it seems likely that interest in this field will continue more or less indefinitely.”

progressivism, especially low-wage groups, were exposed in the spotlight and are more vulnerable in the period of conservative backlash. Foo’s evolving strategies and lifelong career show the persistence and continuity of progressive reform in the conservative era and are a valuable treasure for the future activism.

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Chinese and Chinese American women have a long, often unacknowledged history in the United States. Although Afong Moy, the first Chinese woman to arrive in the United States, came to New York City in 1834, and a trickle of Chinese women into the United States had continued since, scholars did not pay much attention to the history of Chinese American women until the 1960s. From then on, scholars regarded the experiences of Chinese American women as an integral part of Chinese American history and initially focused on the social problems of the early Chinese American community. This scholarship seeks to investigate and understand the reasons and consequences of the shortage of Chinese women in an era of legal discrimination against Chinese, which led to serious social problems such as prostitution, gambling, and drugs in the Chinese community. Although earlier research on Chinese American women only accounts for a very small part of historical works on women and Chinese, these works demonstrate that Chinese American women played a significant role in the Chinese American community and in the American society, which laid a solid foundation for future research.

By the 1980s, Chinese American women had experienced tremendous changes in educational, occupational, political, and even domestic fields. Reflecting this historical

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turning point, abundant academic works illuminating different aspects of the lives and experiences of Chinese American women appeared and continued to be published in greater numbers. For example, Judy Yung’s *Chinese Women of America: A Pictorial History* (1986) investigates Chinese American women’s acculturation in different areas of United States with ample sources, which inspired other scholars to conduct further research in this field.²⁹ Huping Ling’s groundbreaking study, *Surviving on the Gold Mountain: A History of Chinese American Women and Their Lives* (1998), is a comprehensive history of Chinese women in America. Firstly covering an expansive time frame in the book, Ling details Chinese American women’s experiences in different geographical regions of the United States. In addition, historians conventionally tended to divide Chinese American history into three periods: the unrestricted immigration period (1848-1882), exclusion period (1882-1943), and the post-war period (1943-present time), which, in Ling’s opinion, does not accurately apply to the history of Chinese American women. Ling then presents a new periodization: early stage to 1943, post-war period from 1943 to 1965, and contemporary stage from 1965 to the present time, according to two turning points in Chinese American women’s history—World War II and the 1965 Immigration Act.³⁰ This scholarship provided a vivid and detailed history of Chinese American women. However, few drew much attention to Chinese American women’s activism during the second wave feminism and other social movements of the 1960s and 1970s due to a stereotype that Chinese American women were humble and unorganizable.

The situation has been changing since the late 1980s. Stacey G. H. Yap’s *Gather Your Strength, Sisters: The Emerging Role of Chinese Women Community Workers*

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(1989) examines the political causes of Chinese American women’s public participation in the community when they were mobilized to set goals, carry out actions and achieve targets for the community, which was shown to have a historical precedent since the 1940s.\textsuperscript{31} Xiaolan Bao’s \textit{Holding Up More Than Half the Sky: A History of Women Garment Workers in New York’s Chinatown, 1948-1991} (2001) is a pioneering study on Chinese American women and labor, which examines Chinese women workers’ resistance and activism in the New York garment industry, interwoven with the history of the garment industry, unionism, and the Chinese community in New York City. Bao studied the multiple intertwined forces shaping Chinese American women’s awareness and lives and has made an impressive contribution to the growing literature on Chinese American women’s participation in labor unions.\textsuperscript{32} The book, as scholar Margaret M. Chin suggested, “is essential reading for everyone who wants to understand labor history, ethnic history, and the family.”\textsuperscript{33} My thesis is built on the scholarship of Chinese American women. But beyond that, the thesis is also greatly inspired and developed on the basis of the scholarship on Asian American women, especially their activism.

Asian American women, as a whole, have made great achievements in the United States over the past one hundred years. Confronting stereotypes—from the early “yellow peril” to the later “model minority”—they have encountered race and gender discrimination, experienced class oppression and cultural differences, endured isolation from the mainstream society, but eventually succeeded in integrating into American society after long-term efforts.\textsuperscript{34} As part of various social movements starting in the

\textsuperscript{34} Beginning in the mid-nineteenth century, with the migration of Asians, Asians were described as being
1960s and 1970s, Asian American women, like Foo, embraced feminism and activism in order to achieve social justice and equality. For scholars and historians, this historical period is often interpreted as an exciting era, during which gender, racial, and social boundaries for Asian American women were transformed and new opportunities created.

all these factors that led to the relative lack of participation of Asian American women in the mainstream feminist movement in the United States and resulted in their apparent political invisibility and powerlessness in American society. William Wei explores and examines the Asian American movement in his book *The Asian American Movement* (1993). He specifically devotes one chapter to the Asian American women’s movement.35

Scholarship on Asian American women’s activism examined Asian American women’s achievement on activism and investigated their inadequacy, which pointed out that the mainstream struggle of their white sisters could not solve the multiple oppressions confronted by Asian American women. As Foo pointed out that, “we had no connection with the mainstream or the white women’s movement, and it was because, basically, we didn’t think they understood the issues of women of color and Asian American women’s issues. While their work was important, it seemed to us to be very individual-focused also.”36 My thesis builds on this scholarship and examines Lora Jo Foo’s activism by employing intersectionality as a research paradigm.

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At the outset of this project, I decided to focus on Lora Jo Foo’s activism and public life and contributions. First, my thesis is a biographical study of Lora Jo Foo, which was influenced by the genre of “new biography”. Compared to “traditional biography”, the approach of “new biography” is interested in the public life as well as


36 “Lora Jo Foo”, interviewed by Loretta J. Ross, 17.
the personal domain of the subject and tends to focus on the significance of influence of race, gender, and class in shaping the subject’s identity and experiences. Focusing on Foo’s activism, advocacy and her childhood reflects the characteristic of the approach of “new biography”. Particularly, Foo’s childhood reveals the details and sensibilities of her early life and sheds light on her aspirations and challenges. Her early life and family background played a significant role in shaping her as an activist and advocate for immigrants and women of color when she grew up. “New biography” has also been shaped by approaches in social history, ethnic studies, and women’s studies to understand and interpret an individual’s life, such as Grace Lee Boggs’ autobiography *Living for Change* and biography *In Love and Struggle*, an Asian American women activist and political writer for African American social movement.

Second, I was fortunate to find Lora Jo Foo Papers in the Sophia Smith Collection at the Sophia Smith College in the United States. Types of materials in the Foo Papers include correspondence and emails, reports, legislative documents, legal files, conference materials, all focusing on her activism and work since 1980. Although Foo contributed her lifelong career to Asian American and labor activism and other social movements, her role in them has received no scholarly attention. Drawing upon the rich resource of Lora Jo Foo’s papers and placing her story in the broader context of changes in the American society in the post-1960s, this thesis is the first scholarly study of Lora Jo Foo’s public contribution and activism. I examine how the social environment, the historical and educational background and her personal character shaped Foo’s activism and advocate for immigrant and women of color and how and why her strategies

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evolved through the years in the context of an increasingly conservative era. For these reasons and out of respect for Lora Jo Foo, I decided on minimal treatment of Lora Jo Foo’s personal life except for her childhood.

I also relied on Lora Jo Foo’s oral history interviews and her writings on her working experiences at the Koret of California to fill in gaps in the documentary records. As May Chuan Fu noted that “oral history reveals the meaning behind those events, as well as people’s intentions, imagination, symbolism, and desire—all of which are valuable to social movement histories.” Born in 1951 and coming of age in the 1960s, as a second-generation Chinese American woman and a garment worker since age eleven, Foo finally chose to become a labor organizer, a labor attorney, and a grassroots leader of social movements for immigrant women workers in the United States. Foo’s life, work, and activism confirm what Linda Wagner-Martin argues: “the lives of real people have always been more interesting than stories about fictional characters”.

Writing about one woman’s life can offer us women’s experience, their imaginative empathy, amazing achievements, and goals for the future. It allows us “to restore women to history and to restore our history to women”, as the early women’s historian Joan Kelly-Gadol noted in 1976.

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The thesis contains six chapters. Chapter 1 traces Foo’s childhood and adolescence in the isolated San Francisco’s Chinatown, identifies that the personal experiences and historical conditions deeply influenced Foo and shaped her as a woman warrior. The second chapter focuses on how Foo shaped her framework on class struggle and

41 Teresa Iles, All Sides of the Subject: Women and Biography (New York: Teachers College Press, 1992), 47.
economic rights for immigrant women workers at San Francisco State College and examines Foo’s first strategy as an assistant shop steward through labor organizing in a California garment shop. It argues that reasons of the failure to organize Asian American women were multiple rather than the so-called submissive and “unorganizable”. Chapter 3 explores Asian American women’s strenuous working conditions in San Francisco’s hotel and restaurant industry in the late 1970s. In particular, it centers on Foo’s attempt to change Local 2 into a fighting union through organizing the rank and file as her second strategy. Chapter 4 examines Foo’s third strategy of being a labor attorney to represent immigrant working people and safeguard their economic rights while the management was “militant” in the post-PATCO-strike era through two successful and landmark cases. Chapter 5 explores the California anti-sweatshop movement in the last decade of the twentieth century. It looks at Foo’s involvement in the formation of the anti-sweatshop coalition—Sweatshop Watch, and the passage of Assembly Bill 633 as her fourth strategy. Foo’s strategies for representing immigrants and women of color evolved throughout the years. When she worked for Ford Foundation in 2000-2003, she was not just working for a small group of people, but for women of color. The last chapter, thus, examines Foo’s response to the conservative attacks on Asian American women in the 1990s and her contribution to another Asian American women’s movement at the beginning of the twentieth-first century.

Taken together, these chapters attempt to examine the strategies of Lora Jo Foo to represent immigrant women workers. It argues that Foo’s strategies, influenced by her participation in the Third World activism of the late 1960s and early 1970s and mirrored the later theoretical concept of “intersectionality”, were evolving through years in the context of the waning of the labor movement and the conservative backlash. The thesis
is not a story of unalloyed success of a woman of color, but one that expands our understanding of how Asian American women’s activism developed and fit into the broader picture of women’s liberation in the history of the United States in the second half of the twentieth century.
CHAPTER ONE

The Making of a Woman Warrior, 1951-1968

“When I think back on why I became a labor activist and attorney, I realize now that it started with [my mother], with my experiencing as a young child her hard life and wanting to make the world a better place for girl-children and women.”

— Lora Jo Foo

Birthdate and birthplace are the initial conditions of a person’s life trajectory. These initial conditions are of great significance in tracing the development of Lora Jo Foo’s future activism and advocacy. One might conjecture that if she had been born any earlier, she would not have had the opportunity to become a labor attorney and an activist for social justice. Before her lifetime, the hostility of mainstream American society limited the opportunities of Asian Americans in all areas of life and work. But important changes occurred for Chinese Americans, in particular, that set the context and provided opportunities for Foo’s later life and career.

Born in 1951 and brought up in the first Chinatown in the United States, in San Francisco, Lora Jo Foo was shaped by two distinct cultures that prepared her to be a “woman warrior,” to borrow the title of Maxine Hong Kingston’s pioneering 1976 book about Chinese American women. Foo was born and grew up in an age of reform, such as the civil rights movement, spread their influence across the United States. In addition, her family played a significant role in the development of her spirit of resistance and her decision to devote herself to social progress for Asian Americans, especially working-class women like her mother. This chapter explores Foo’s early life in San Francisco.

1 Lora Jo Foo, Earth Passages: Journeys through Childhood (Lora Jo Foo, 2008), 90.
Francisco’s Chinatown in the 1950s and 1960s. It argues that Foo’s childhood experience brought her wounds and traumas and played a significant role in the formation of her personality then led Foo to the road of “a woman warrior.”

**Coming of Age in Chinatown**

Lora Jo Foo’s story begins in the second most crowded community in the United States. Born in 1951, the fourth of seven children, and only eight years after the discriminatory Chinese Exclusion Act had been repealed, Foo led a tough life in an immigrant Chinese American family of eight in the inner city ghetto of San Francisco’s Chinatown. Despite an unhappy marriage, Foo’s mother, Della Ng (1918-2007), could not divorce her husband because of her traditional Chinese upbringing. It was Della’s powerlessness, dependence, and frailty that fostered Foo’s “protective layers and warrior’s armor,” as she put it.³

Born and raised in Zhongshan County (now Zhongshan City) in China in the 1920s and 1930s, Della got married to Foo’s father, Math Chow (1911-1991), who was neither a good husband nor a good father, before his departure to the United States in 1938. After serving in the U.S. Army during World War II, Math was allowed by the government to bring his wife and firstborn daughter Gina over to join him. Math hardly helped pay the family bills; instead, he was a gambler. In 1948, Della and their eldest daughter Gina travelled from their village to Hong Kong. They met Math in Hong Kong, where he had gambled away so much that he could only pay one person’s passage money. Della had to leave Gina behind in China.⁴

Math’s gambling was a common and pernicious problem in the Chinese American

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⁴ Ibid., 48.
community, which took root since the mid-nineteenth century when the first period of Chinese immigration to the American West. Since then, gambling problem was operated by “the district or surname associations” that helped Chinese immigrants adjust to the new environment. For those Chinese workers, many of whom were single males, gambling served as “a recreational outlet”. The associations also utilized it for raising funds to continue their work, such as the provision of social and economic services to Chinese immigrants. The first Chinese, who had arrived in the United States in the late 1840s, were men who saw themselves as sojourners rather than immigrants. They were temporary workers coming to what they called “Gold Mountain” in hopes of making a large fortune and returning to China comfortably and gloriously. Unfortunately, only a few Chinese laborers had their wishes fulfilled. Many others failed and had to stay in the United States.5

No longer sojourners, this predominantly male population of Chinese immigrants gradually built a “bachelor society” in the United States, as very limited numbers of Chinese wives went to the United States to join their husbands during this first period of immigration. Perceived as an economic threat by white workers and a racial threat by others, Chinese immigrants encountered hostility and harassment and were often prevented from obtaining citizenship and purchasing land in the United States. With the intensification of anti-Asian sentiment, the U.S. Congress enacted a series of anti-immigration measures, most infamously the 1882 Chinese Exclusion Act.6 This act and

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5 Huping Ling and Allan Austin, Asian American History and Culture: An Encyclopedia vol. 1 (Armonk, N.Y.: M.E. Sharpe, 2010), 126, 185.
6 The Chinese, as one of the oldest immigrant groups in the United States, had experienced exclusion and racism which prevented the emergence of a large Chinese American population until World War II. Because of the anti-Chinese sentiment “fueled by white fears of the ‘job-stealing’” Chinese contract laborers, they were isolated from the mainstream society and trapped in Chinatowns. The anti-Chinese sentiment and the fears finally led to the passage of the Chinese Exclusion Act of 1882, which “alienated the Chinese from a sense of belonging” in the United States. Huping Ling and Allan Austin, Asian American History and Culture: An Encyclopedia, 126, 131; Nazli Kibria, Becoming Asian American: Second-Generation Chinese and Korean American Identities (Baltimore: Johns Hopkins University Press, 2002), 9.
subsequent discriminatory measures limited the growth of the population and family formation among Chinese Americans until they were repealed during World War II.

Della joined Math in the United States after World War II, just as an increase in immigration following the end of Chinese exclusion created a more gender-balanced community. This change allowed more Chinese Americans to form families, which distanced them from gambling. However, a few people remained obsessed with gambling, including Math. His gambling habit created many problems for the marriage and family life and would have an impact on Foo’s childhood and teenage years.

In the United States, Della and Math kept trying for a boy, but instead Della gave birth to six daughters, contributing further to marital and family conflict. Being around six daughters reminded Math of what he did not have, a male heir, so he seldom came home. He left Della alone to bear the heavy burden of raising six daughters, except when he was unemployed or out of money. Preferring boys to girls was a convention in traditional Chinese society, in which women and men were not considered equal. From the time they were born, women were perceived as inferior to men and therefore they had to be subordinated to male dominance. This subordination led to a lower socioeconomic status for women and tended to fostered submissiveness rather than rebelliousness amongst them. Influenced heavily by this traditional, even feudal consciousness, despite her twentieth century context, Della could not divorce Math, and they had an unfortunate marriage. They fought whenever Math came home. If Math could not get money from his wife, he tore up family photos and destroyed things that Della held dear. “Mom,” [Foo] once plead, “you have to divorce him. Why can’t you just divorce him?” But Della could not overcome tradition, as the Chinese saying goes:

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8 Ibid., 48.
“Marry a chicken, follow the chicken; marry a dog, follow the dog.”

In addition to suffering a difficult family life, Foo’s environment in San Francisco’s Chinatown did not meet adequate standards for living conditions. These poor conditions had a long history. In the second half of the nineteenth century, thousands of Chinese laborers entered the port of San Francisco seeking their fortunes because of the Gold Rush and other ventures such as railway construction and agriculture. In the early 1850s in San Francisco, forced by the hostile sentiment from law and the public, the early Chinese settlers established the first Chinatown in the United States. It was a distinct and confined neighborhood serving a variety of services for residents, including physical protection, job opportunities, and a place where they could speak their own language. In the early days, Chinese immigrants lived in poor conditions such as tents and other shabby boarding-houses in a small section of downtown area. Sometimes ten to twelve Chinese laborers shared a single room. On April 18, 1906, a strong earthquake struck San Francisco, which caused a devastating fire that destroyed Chinatown and many other sections of the city. In the aftermath, Chinatown was rebuilt in its original location, which has been preserved over the years and developed into the second most crowded community in the United States.9 San Francisco’s Chinatown had changed greatly by the time of Foo’s childhood in the 1950s, but the living conditions and environment remained substandard. The streets were “sticky with fish scales, chicken feathers and blood swept each day from the floors of the live fish and poultry markets,” Foo recalled.10

Foo vividly remembered the situation of living in a federal housing project in Chinatown, which they moved to after being “evicted from one basement apartment

10 Foo, Earth Passages, 74.
after another when my father couldn’t pay the rent.”¹¹

Sometime in 1953, when the Ping Yuen housing projects were built along Pacific Avenue, our family of six – mother, father, and four daughters – moved in. This was our home for the next sixteen years. The Pings, as the kids outside Chinatown called the projects, were seven story concrete and cement structures. The outside corridors, the stairwells, and the apartment walls were concrete, cold to the touch. The living room, kitchen, bedrooms, and bathroom of our three-bedroom apartment were covered with dark brown linoleum tiles that didn’t warm up no matter how long we stood on them.¹²

Given these conditions, it is no surprise that as a child Foo contracted tuberculosis, a bacterial infection fostered by poor, overcrowded housing, fortunately curable with antibiotics by the 1950s. “Only in the summers did things change” in their apartment, Foo remembered, “when the sunshine came streaming through the latticework of the windowpanes, hitting the floor in well-defined squares and warming the cold tiles.” She and her siblings took full advantage of the warmth. “We sisters each had our own square to sit in.”¹³

Living in such a situation drained Foo’s mother, Della, of her energy and emotions. She knew little but hard work. Owing to the heavy family burden, she did not have enough time and emotional energy to give to her children. After Foo’s seventh sister Ann was born, Della went to work full-time in a sewing factory, six and sometimes seven days a week, twelve hours a day. Once she started working outside the home for such long hours, she had little time for taking care of Foo and her other daughters. Foo still remembers the hurt that Della’s neglect and lack of attention caused:

One day in grammar school, I was standing in line waiting to return to class from morning recess. A girl behind me said to her friend, “Her hair smells!” She was talking about me. My mother used to give us our baths and wash our hair. But now we never saw her. I could feel my face turning red at the girl’s

¹¹ Ibid., 32
¹² Ibid., 32.
¹³ Ibid., 32.
Foo did not allow this situation to continue, however, and she took matters into her own hands. “That day I went home and learnt how to wash my own hair.”

Although Della worked so hard, the family remained living in poverty. Math seldom sent money home. He worked in Chinese restaurants as a waiter, but he gambled away all the money he made. When he was out of money, he borrowed from their relatives and left Della paying off his debts. Foo remembers a man, another father, coming to look for Math, pounding on their door and yelling, “I have children to feed too.” In order to pay off the debts and make ends meet, Della borrowed money from Foo’s so-called uncle. He was from the same village in China as Della and was part of Della’s extended family but not really a blood relative. He owned a bookstore in San Francisco’s Chinatown. When Foo was nine years old, she was sent to work for this “Bookstore Uncle,” helping to pay off the family’s debts.

Foo’s experience there exposed her early to the adult world. The bookstore was called the Culture Bookstore, located one block away from her home. In addition to normal books, Bookstore Uncle also sold pornography that attracted young Chinese men to buy. There was “row upon row of *Playboy* and other girlie magazines,” Foo remembered. “When I straightened these out on the shelves, I never looked at what was inside.” One day, Della asked suspiciously and reluctantly, as if she did not want to hear the answer, “Does Bookstore Uncle ever touch you or play with you?” The answer was *NO*, but Della had probably realized that the Culture Bookstore was not a

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14 Ibid., 50.  
15 Foo, *Earth Passages*, 50.  
16 Ibid., 48.  
17 Ibid., 20.  
18 Ibid., 20.  
19 Ibid., 20.
safe and good place for her daughter. Still, she had no choice. This poor family needed every capable person wage earning to boost the household income. Foo herself also understood it. “Would my mother have pulled me out of the bookstore had I answered, ‘Yes?’” She was not certain, as after all “I was part of the repayment plan for the family debt.”

Child labor was not uncommon in San Francisco’s Chinatown, although it had been declining in the decades before Foo’s birth. A century earlier, when San Francisco entered an era of rapid industrialization, employers hired large numbers of Chinese men to work in the city’s factories at lower wages than their white counterparts. In 1870, Chinese workers composed thirteen percent of the San Francisco total labor force, while the Chinese population constituted only eight percent of the city’s total population. That same year, children between the ages of ten and sixteen years old accounted for twelve percent of the Chinese labor force and approximately two percent of the total labor force in San Francisco. Many of these children were employed as household servants or worked in factories and shops throughout Chinatown. Even in the mid-twentieth century, child labor was still a practical way to lighten the financial burden for those Chinese immigrant families who were at the very bottom of the society, such as Foo’s. With “a father that abandoned us, my mom…relied on her kids to work with her to put food on the table and pay the rent and keep a roof over our heads.”

As a teenager, Foo learned about the early exploitation of Chinese immigrant women in San Francisco through prostitution. Like gambling, prostitution was another pernicious problem in Chinatown, largely caused by the shortage of women before the

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20 Ibid., 20.
changes in U.S. immigration policy in the mid-twentieth century.\textsuperscript{23} The gender imbalance in the Chinese immigrant community combined with anti-miscegenation laws meant Chinese men could seldom marry and form families. In fact, as Yen Le Espiritu argues, “in most instances families were seen as a threat to the efficiency and exploitability of the workforce and were actively prohibited.”\textsuperscript{24} With this demand for prostitution, an illegal Chinese slave trade developed, whereby Chinese girls and women were kidnapped in large cities of the Canton Province and other provinces in China. After arriving in the United States, they were forced to sign contracts to promise to prostitute their bodies for several years and received no pay during their servitude. By 1870, fifty to seventy percent of the adult Chinese females in San Francisco were prostitutes; estimates of the number of those early female Chinese immigrants vary from about one thousand to sixteen hundred.\textsuperscript{25}

Very few Chinese prostitutes could change their miserable fate, but a few American women sought to help, most famously Donaldina Cameron. Cameron, a white missionary, raided brothels to rescue Chinese women and girls.\textsuperscript{26} When Foo was a teenager, she learned the story of Donaldina Cameron from her sisters Betty and Dorothy. She learned that Cameron took the rescued Chinese prostitutes through tunnels into the basement of Cameron House, a three story red brick building on Sacramento and Powell Streets in San Francisco’s Chinatown. Foo believed that “the basement of Cameron House remained a refuge, a safe haven for girl-child slaves.”\textsuperscript{27}

\begin{thebibliography}{99}
\bibitem{23} Jorae, \textit{The Children of Chinatown}, 80-81.
\bibitem{25} Jean Pfaelzer, \textit{Driven Out: The Forgotten War Against Chinese Americans} (NY: Random House, 2007), 96;
\bibitem{27} Lora Jo Foo, \textit{Earth Passages}, 40.
\end{thebibliography}
Although the stresses of poverty, family conflict, and the dark parts of Chinese immigrant history left scars on Foo, she did not grow into a tentative and fragile person. Instead, these factors grew her courage and knowledge. Della helped when she took Foo to see Chinese movies from time to time to educate Foo to be independent. In the movies, those miserable Chinese girl characters either became the docile servants of young ladies or the playthings of their fathers and brothers. Foo was impressed with the miserable stories and decided to defy her father when he said to her “fetch my slippers,” “get me the newspaper,” “peel me an orange.”

When Foo was in high school during

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the 1960s, Math suggested she enter the Ms. Chinatown U.S.A. beauty pageant because he thought his daughter had a good chance of winning. Foo refused without hesitation. As she put it, “Beauty pageants are sexist and degrade women and I have no intentions of entering one.”

She emerged from her early life experiences able to challenge authority and demonstrate her growing political consciousness.

The Making of the Spirit of Resistance

One day, Foo was hitchhiking with her girlfriends on Columbus Avenue, where Chinatown ended and the Italian community of North Beach began. Two policemen saw them and came over, asking Foo when she came to the United States and where she lived. The policemen did not ask Foo’s white friends which made Foo feel insulted and furious. Foo, whose head barely reached above the policemen’s waists, was not scared of the situation. She gritted her teeth and answered that she was born in San Francisco’s Chinatown and lived nearby. When they got home, one of the policemen entered Foo’s apartment without a search warrant. Foo bravely jumped in front of him and shouted: “Who invited you in? Do you have a search warrant?” She stormed off to her bedroom, grabbed a stack of her straight A report cards, and waved them in front of the policemen’s faces.

This story perfectly captures Foo’s strong spirit of resistance, a personality trait not highly valued in traditional Chinese culture, especially for girls. Chinese culture and Confucian tradition emphasized an “internalized sense of morality”, so that children were supposed to discipline themselves rather than be controlled by external

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30 Foo, *Earth Passages*, 78.
31 Ibid., 76.
32 Ibid., 76.
According to this, children should behave themselves well in order to avoid shaming themselves, their families and their communities. Although brought up in a traditional Chinese family, Foo was full of the spirit of resistance. Another incident also proved her distinctive personality. She was picked up for hitchhiking on Highway 101. “A month later my mother and I end up in front of a juvenile court judge, who admonishes me about hitchhiking on the freeway. … I sit facing the judge, spitting out a “yes” or “no” in response to his questions.” She remembers well how the “Chinese American court clerk stares at me in disbelief. Chinese girls are raised to be filial and obedient. They don’t get hauled into court, unrepentant and defiant.”

Growing up, Foo followed her own conscience in defiance of those who considered her to be a troublemaker.

For Foo, as for other children of immigrants, adapting and assimilating to American life is always “a matter of coping with the challenges of growing up in an environment foreign to themselves.” In the process of Americanization, they represent a high point of tension. They are between two different worlds—the isolated immigrant society and the American mainstream society—and they are not fully comfortable in either one. As argued by Will Herberg about European immigration, “The children of the immigrants, those born here or brought very young…were Irish and Poles and Italians, yet not Irish or Poles or Italians; they were Americans and not Americans. They were double alienated.”

Undeterred by these difficulties, Foo tried hard to integrate into mainstream society in various ways. As part of the second generation, she spoke English and, thus,
she did not face a language barrier. Foo chose to embrace a new religion. Although her parents Della and Math were not religious, she and her sisters chose their own God based on the friends they had. As with Asian Americans more generally, religion served as a significant source of “ethnic identity and cultural education.” The diversity of Asian Americans meant many of them followed the traditions of Islam, Hinduism, Buddhism, and other Asian religions, but Christianity remained predominant and played an essential role in the process of Asian American identity. Many Christian religious institutions and organizations provided various social services and psychological support to Asian Americans. For Foo, religion served as a spiritual salvation, rescuing her from the stresses of life. “I needed to believe that there was an almighty God, something bigger than all of us to explain why we existed,” she noted. So Foo and her sisters joined various churches. She “became an Episcopalian. Betty and Dorothy became Presbyterians. Ann was a Methodist. Ida became an Evangelist.” However, religion could not help to solve all the problems faced by Foo and her family.

An unequal system of public education was one. When Foo was in Marina Junior High, the students who had the highest IQ test results were put into the “EX” and “IX” levels. They came from professional white families or were third or fourth generation Chinese Americans. The “2Y” students tested with an average IQ and were white children from working-class Italian families and second generation Chinese Americans from Chinatown, like Foo. Their parents typically worked as dishwashers, waiters, and seamstresses. The “3Y” and “4Z” students tested at the lowest IQ levels and were mostly new immigrants who spoke Chinese rather than English or students who tested poorly for other reasons. This unfair division led to the consequence that only the “EX”

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and “IX” students at the junior high school could take the math and science courses needed to enter high-quality academic high schools. At that time, Foo was a straight “A” student and determined to be a doctor. However, without the credits of those courses, she could not enter Lowell High, San Francisco’s college preparatory high school. Although Foo and another two “2Y” students lodged a protest with their junior high school counselor and asked permission to take those courses, these three children could not break down the wall of discrimination.38

Such “streaming” of students in school has been proven harmful to children’s development and hindered the educational attainment of working-class and racial minority children, in particular. In turn, according to Alison L. Mroczkowski and Bernadette Sánchez, lower educational attainment leads to the higher risk of “institutionalization, poorer physical health and mental wellbeing, dependence on social support services, unemployment, and reduced lifetime earning potential.”39 For second generation Chinese Americans, like Foo, growing up in the United States required confronting and negotiating their own position in society.

However, compared to the discrimination and stereotypes that early Asian immigrants suffered and endured, the situation for Asian Americans greatly improved after World War II. They began achieving remarkable gains in education, occupation, and politics. According to the 1970 census, the average Chinese American family income, for instance, had surpassed the U.S. median family income by $1,000, while the income of Japanese American families exceeded the average by $3,000. To reflect and hail their socioeconomic achievements, a new term—“model minority”—was coined by the popular press in the 1960s. This press coverage described the

38 Foo, Earth Passages, 64.
socioeconomic success that Asian Americans achieved through hard work and praised their respect for traditional values and accommodation to mainstream American culture. Yet, this attention helped fix the newly-presented image as yet another stereotype.

Although the “model minority” stereotype recognized Asian Americans’ hard work and achievements in the postwar era, it misrepresented their success. Even those who had the so-called “model” experience still confronted racial problems and inequities. It was true that an increasing number of second generation Asian Americans had achieved higher education than African, Latino, and European Americans. However, their income remained lower than their counterparts with the same amount of education, according to the 1980 census, with Japanese Americans the one exception. Most typical “model” Asian Americans were well-educated professionals such as professors, doctors, engineers and computer programmers. Yet, there were only few who were managers or administrators, because Asian Americans were usually considered too “quiet” and “obedient” and, thus, unfit for leadership positions.

More importantly, the “model minority” stereotype hurt Asian Americans who did not have high levels of education and occupational achievement. According to Grace Kao and Jennifer Thompson, it was “misleading and damaging” to those Asian Americans who did not have such “model” experiences. While an increasing number of Asian Americans entered mainstream society, the majority of them, especially new

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40 Huping Ling and Allan Austin, Asian American History and Culture: An Encyclopedia, 65.
42 Huping Ling and Allan Austin, Asian American History and Culture: An Encyclopedia, 66.
immigrants, were still trapped in inner city ghettos of Chinatowns, Koreatowns, Little Saigons. They were restricted in limited job opportunities and unhealthy and hazardous working conditions due to language barrier; they suffered from crowded and substandard housing due to the social in equality and inequity. All this contributed to their chronic emotional stress and body injury. However, their problems were generally overlooked. The “model minority” stereotype, as historian Huping Ling described as a “rosy picture” of Asian American success, covered up the fact that many Asian American women, like Foo’s mother Della, worked full-time to supplement the family income. In 1970, about sixty percent of all Chinese and Japanese American families had more than one provider, compared to fifty-one percent of all American families. As Asian American children also worked with their parents to supplement family income. Lora Jo Foo’s family is just one of them.

In the summer of 1963, at age eleven, Foo joined her sisters Betty and Dorothy and went to work with her mother in the sewing factory. There were “rows and rows of sewing machines” lining the factory. Each machine was operated by a Chinese woman or, in Foo’s case, a girl. She sat at a sewing machine from nine a.m. in the morning until ten p.m. at night, six days a week. This stressful life took a great physical and mental toll on Foo, as she noted in her memoir:

One weekend, I was given the job of bundling. This consisted of lifting 30 pound bundles of skirt fronts and skirt backs or pants fronts and pants back onto a high table, then counting and sorting the parts and bundling together a dozen each of the various garment parts needed to assemble a style. As the sewing ladies finished assembling all the garments in a bundle, they came to pick up another bundle. All day I lifted 30 pound bundles. I weighed no more than 80 pounds. At the end of the first evening, all my bones ached. My lower back hurt and all [I] could do upon returning home was to collapse on my bed into an exhausted sleep. [On] Sunday morning I [shuddered] at the thought

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45 Foo, *Earth Passages*, 56.
of another day of bundling, perhaps a whole summer of bundling. Bundling paid more than sewing. I knew [I] would be helping my mom out more. But at the end of the second day, I collapsed again into bed. It was clear I couldn’t do it, try as I might.

So the boss tried me out on the job of ironing. The work went slowly for me. The irons were the very heavy industrial steam irons used for pressing new clothes. Hot steam coming up to my face in the middle of summer made me sweat. The iron was too heavy for an eleven year old [girl] to lift off quickly enough so my garments were overpressed and wet from excess steam.46

After bundling and ironing proved impossible for such a small girl, Foo went back to the sewing machines and stayed there for the rest of the summer. She continued to work on the weekends and after school during the school year. Conveniently for Foo’s family as well as their employer, “Home was across the street in the Ping Yuen, the green federal housing project on the corner of Stockton Street and Pacific Avenue.” Although they ate lunch in the factory, “dinners were quickly prepared and eaten at home so we could troop back to work for another three hours in the evenings.” For Foo, there was an advantage to this very hard work in the garment factory in addition to contributing to the family income. “I never saw my mother much while still in grammar school, I now saw her every day, twelve hours a day all summer long.”47

The next year, during the summer of 1964, Foo had a very different experience from working in the garment factory. Her church sent her to summer camp at The Bishops’ Ranch in Healdsburg, California. For the first time, she played games like her peers and left her family responsibilities behind. Her memories about that wonderful week have not faded away, even after so many years. “I played games like other children, went hiking and swimming in the Russian River, lay on the grass staring up

47 Ibid.
at the wide expanse of blue sky and white clouds that lazily drifted by, gazed at the Big Dipper and stars at night, shared a cabin with three other girls, gossiped about boys.\textsuperscript{48}

Before the summer camp, Foo was proud of working alongside her mother to supplement the family income. When the summer camp ended and she was back in the sewing factory, she felt so miserable and trapped because she now knew the taste of freedom.\textsuperscript{49} Foo worked with her mother three more summers. When at high school she refused to go back in an act of teenage rebellion.\textsuperscript{50}

The tough life of Foo’s family was a microcosm of the lives of immigrant working women during this period, particularly seamstresses. Many of them worked in the sweatshops, which were characterized by long working hours, low pay, few benefits, and atrocious working conditions. Like Della, thousands of Asian immigrant women sat hunched over sewing machines in sweatshops spread over Chinatowns, Little Saigons, and Koreatowns across the country. Those immigrant women usually worked from Monday to Saturday. When there was a special rush order to complete, they had to come in Sundays. Although workers had the right to rest and leisure, wages on the “piece rate,” where they were paid per piece of work completed rather than given a guaranteed hourly wage, made them overwork.\textsuperscript{51} As Foo recalled, “Before we sisters started working with my mother, I’d come to the sewing factory on a Sunday and find her alone. The only sound in the factory came from her machine. She sat hunched over it, sewing, while the other women spent their Sundays with their families.”\textsuperscript{52} The situation changed when Foo and her two elder sisters worked with their mother. With

\textsuperscript{48} Foo, \textit{Earth Passages}, 58.
\textsuperscript{49} Ibid., 58.
\textsuperscript{50} Foo, “The Sewing Factory”.
\textsuperscript{52} Foo, \textit{Earth Passages}, 56.
the help of three daughters, Della was able to stop working on Sundays.\footnote{Ibid., 56.}

Attention to women like Della illuminates “the Other America” named by writer Michael Harrington in his 1962 book of the same title. The post-World War II era was a period of rapid economic growth in the United States, bringing the unheard-of highest mass standard of living. It was affluent, positive, and vibrant. However, there existed another America, as Harrington argued, a group of “invisible” people excluded from adequate housing, education, and medical care. They were the lesser skilled, migrant, and the minority workers “who [lived] in the economic underworld of American life.”\footnote{Michael Harrington, \textit{The Other America: Poverty in the United State} (New York: Macmillan, 1962), 1-2.}

As the decade of the 1960s continued, Harrington’s concerns would be heard by the federal government, which would announce a War on Poverty in 1964. Moreover, social movements emerged which would address social inequalities and call for greater opportunities for all Americans, and Foo was ready to hear them.

The civil rights movement first broke the nation’s glittering facade. From that point on the second half of twentieth century was full of profound social changes, exposing the gap between the image and the reality of the United States. The inferior status of minorities received attention. The issue of racial discrimination “forced the nation to examine its concept of democracy” and the unequal place of people of color.\footnote{William Wei, \textit{The Asian American Movement} (Philadelphia: Temple University Press, 2010), 12.} “Out of a sense of moral outrage”, some successful and well-educated Asian Americans also participated in African Americans’ liberation movement eliminating discrimination and segregation.\footnote{Ibid., 12.} However, with the development of these social movements, they gradually realized that they also suffered prejudice and discrimination, and had been excluded from mainstream society. They sparked the Asian American political activism of the late 1960s and early 1970s, which was a multi-themed movement of
socioeconomic, political, and cultural issues. As scholar Harvey Dong pointed out that the movement included “increased Asian American activism in politics [and] better social services in Asian American communities”; it improved “Asian Americans’ awareness of [their] community’s heritage, history, and struggle against racism and poverty.”

Under such circumstances, Foo’s spirit of rebellion was awakening. She first became a “hippie,” copying the members of the counterculture and walking through Chinatown streets barefooted as a way to fight against the stifling situation of her community. One day, when Foo was taking a bus home from her high school, she saw a picket line of Chinese women carrying signs and marching in front of the Margaret Rubel sewing shop on Stockton Street. They were “in their forties and fifties”, the same age as Foo’s mother, and wanted to unionize their factory. Foo was so “exhilarated” that when she got home she tried convincing Della to sue her boss. “Mom,” Foo asked, “Why don’t you sue your boss?” “What? The boss will hate me forever,” responded Della. Della was well aware of her situation, but she never found the courage to take them on.

For her and others like her, to ensure their survival was the priority. It was a very tough life, especially those women who were the main breadwinner in their family. As Foo said, “we were dealing with bread and butter issues, and until those were dealt with, everything else got put off.” She later realized how seldom she had seen her mother smile. “I was struck by one photograph taken in 1972 at the San Francisco International Airport when my mother was about to fly to China for the first time in twenty-four years to reunite with her mother and her oldest daughter Gina.” As Foo recalls, “In the

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57 Ibid., 13; Harvey Dong, quoted in Huping Ling and Allan Austin, Asian American History and Culture, 23.
58 Foo, Earth Passages, 74.
59 Ibid., 70.
photo, she flashes a smile full of happiness and excitement – all emotions I don’t remember ever seeing on her face."\(^{61}\)

Foo had worked “throughout high school to save for the day” when she could move out of the ghetto of San Francisco’s Chinatown. Because of all the suffering of her childhood, she left home and Chinatown as soon as she graduated from high school in 1968.\(^{62}\) Although Foo’s early life in the 1950s and 1960s in San Francisco’s Chinatown was full of pains and challenges, it is what she felt and learned from them that decided her future. The lessons that she learned from her mother, the multiple oppressions, inequality, and discrimination confronted by Chinese Americans, especially women, sowed the seeds for her future activism and advocacy around issues and inequalities of race, class, and gender. They shaped her early understanding of class struggle, economic rights, and an intersectional vision which she displayed on various stages throughout the course of her life and career. And the civil rights movement and subsequent movements, such as the Asian American movement, helped her to escape the plight and provided her with an opportunity to become a woman warrior representing immigrants and women of color in the San Francisco Bay Area.

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\(^{61}\) Foo, *Earth Passages*, 90.

\(^{62}\) Ibid., 80.
CHAPTER TWO

The Debut of A Young Organizer, 1971-1978

“It was quite a learning experience in that factory, but I also knew that the conditions just weren’t right for taking over that union and transforming that union.”

—— Lora Jo Foo

After graduating from high school, Lora Jo Foo boarded a ferry travelling to Alaska to find work in a salmon cannery on April 1, 1970. Her job was pulling salmon eggs out of the belly when the salmon moved past her on the assembly line, next to the “Iron Chink”— an automatic fish-butchering machine. At first she thought the name came from the “chink, chink, chink” sound the machine made when the rotating blades chopped off the salmons’ heads, but she would learn the truth later on. After Foo came back to California from Alaska, she discovered that it was not the “chink, chink, chink” sound that gave the machine its name. Instead, it was a contemptuous word describing the Chinese laborers who had been replaced by the machine, the “Iron Chink,” at the turn of the twentieth century. Foo was shocked by the undisguised racism, and she never heard the term in her insular Chinese community in San Francisco’s Chinatown. Such racial hostility and discrimination against Chinese and other Asian immigrants did not arouse much public attention in the United States until after the Second World War.

But for Asian Americans, the 1960s and 1970s was a new era that provided conditions for change, and Foo would be a participant in this change. Inspired by such

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1 “Lora Jo Foo”, interviewed by Loretta J. Ross, Voices of Feminism Oral History Project, Sophia Smith Collection, Smith College, December 16, 2006, 22. (Courtesy of Lora Jo Foo.)
2 Foo, Earth Passages, 83-84.
as the civil rights movement and the anti-Vietnam War movement, Asian Americans organized their own struggle—the Asian American Movement—for equality, identity, and political power. These years were also “a period of greater social interaction and socialization of Americans born of Asian descent during and after World War II.”

A young generation of Asian American activists “began to work, socialize, and interact with each other on a more routine basis” from the late 1960s. Following her return from Alaska, Foo found her place in this movement.

In 1972, as a young Asian American activist, Foo was enrolled at San Francisco State College (SFSC), four years after a significant student strike by the Third World Liberation Front. Courses she took and activities she participated in contributed to the establishing the Department of Asian American Studies there. She also had the opportunity to help develop a pioneering course on Asian American women. Foo’s study had a radical impact on her politicization and solidified her framework for her future career in class struggle and economic rights for immigrants and women of color. Her college experiences also transformed her into a grassroots labor organizer.

Spurred by a rebellion of rank and file workers in the U.S. labor force occurring at the time and inspired by the Third World activism of the late 1960s and early 1970s, Foo decided to work and organize in a unionized garment factory. She dropped out of college in her last semester and went to work in a garment factory called Koret of California with the aim of organizing immigrant woman workers to improve their working conditions. Although her first effort at achieving social justice was not wholly successful, Foo learned valuable lessons about how to pursue strategies as a labor organizer.

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4 Ibid., 38.
Developing a Framework for Her Lifelong Career, 1971-75

Lora Jo Foo wanted to go to a four-year college. However, Foo’s family had no experience sending children to a four-year college. Her sister Daisy dropped out of high school, while her other sisters only went to two-year colleges after graduating from high school. Meanwhile, Foo’s high school did a poor job in terms of getting its students into four-year colleges. Foo had no idea that taking the Scholastic Achievement Test (SAT) could get her into college because she had never heard of it.5 But as Rosalind Y. Mau argues, Asian immigrants and native-born Asian Americans are “great believers in education as a way to achieve equality of occupational opportunity.”6 Foo knew that she had to achieve higher education to escape poverty, so after her year in Alaska working in a salmon factory she wanted to enroll in college.7 After coming back from Alaska, Foo saw an opportunity to attend a four-year college in San Francisco.

In the early 1970s, San Francisco State College was being transformed as a result of the Third World social movements, making it an ideal college for Foo. In 1968, some Asian American students joined together at the University of California, Berkeley and established the Asian American Political Alliance (AAPA). This development inspired students at SFSC and other campuses to start organizations taking the same name. These organizations represented “the culmination of efforts” by young Asian American activists, and they soon coordinated and worked together as part of a larger coalition on campus: the Third World Liberation Front including Black, Mexican, and Native American students.8 These historically unrepresented minority students demanded

5 “Lora Jo Foo”, interviewed by Loretta J. Ross, 15; Foo, Earth Passages, 80.
7 Foo, Earth Passages, 80, 83.
ethnic studies courses and faculty of color, which would provide a new way of interpreting the history of their communities and the country of immigrants.

As it turned out, 1968, the beginning point for the Asian American movement, was an exceptional year on the West Coast. Asian American activists focused attention on the absence of their own historical experiences in college and university curricula. Their activism ultimately led to the 1968 Third World Liberation Front strike, which was led by students and was the longest campus strike in United States history. The strike took place both at the University of California, Berkeley (UCB) and at San Francisco State College (SFSC), and aimed to establish Schools or Colleges of Ethnic Studies. The SFSC AAPA played a major role in the strike.9 The nearly five-month strike began on November 6, 1968 and ended on March 21, 1969. At SFSC, it was led by the Black Student Union (BSU) and the Third World Liberation Front (TWLF), a coalition of other student groups including Asian American, Latino American, and Native American students at both campuses, and the students were successful. As a result, Ethnic Studies programs were formed in hundreds of higher education institutions across the country.10

The 1968 strike was highly significant. According to political historian Anthony Ashbolt, the strike “broke through the walls of the college or university and sought to highlight educational issues that related to black and Third World communities.”11 In the following years, Asian American Studies was established on major colleges and universities throughout the country. Differing in their curricula and course offerings, Asian American Studies was designed to help those Asian American students know who they were as Asian Americans, to understand the same misfortune—racial

11 Ashbolt, A Cultural History, 139, 142.
discrimination—that they all suffered, to link together the experiences of all Asians, including Chinese, Japanese, Filipino, Korean, Samoan, and Hawai’ian.\textsuperscript{12}

From that point on SFSC’s BSU and TWLF were involved with various projects which eventually helped to provide Foo with an access to higher education. After the strike, SFSC increased recruiting and admissions of students of color.\textsuperscript{13} In 1971, they started a one-year extension program, sending their social science professors to offer classes at an Asian American nonprofit community agency. The purpose of the program was to recruit people of color by bypassing the SAT and get them into a four-year college.\textsuperscript{14} The program helped Foo overcome this barrier and allowed her to be “the first to go to a four-year college” in her family.\textsuperscript{15} Foo was excited to be a student in that positive and supportive environment, and knew she was well prepared: “I was ready for college.”\textsuperscript{16} By 1972, Foo was enrolled in regular courses at SFSC.\textsuperscript{17}

Foo became a freshman at SFSC when Ethnic Studies classes were just forming. At the time, people had to pull together to write textbooks and to design curriculum due to the lack of resources. Research and writings on Asian Americans and Asian American women were scarce. “[I]Imagine what it was 30 years ago in the 1970s,” she pointed out. “Asian American history, Chinese American history ... were being written at that point, as the classes were being taught.”\textsuperscript{18} Under such circumstances, Foo immediately threw herself into establishing the Department of Asian American Studies and developing a curriculum for the courses, along with professors and other students.\textsuperscript{19}

\textsuperscript{13} “SFSU Centennial history”, \url{https://en.wikipedia.org/wiki/San_Francisco_State_University#cite_note-44}; \url{http://www.sfsu.edu/~100years/textonlycent/time/longtime.htm#1968}.
\textsuperscript{14} “Lora Jo Foo”, interview by Juhee Kwon, July 29, 2013, 3-4.
\textsuperscript{15} “Lora Jo Foo”, interviewed by Loretta J. Ross, 15.
\textsuperscript{16} Ibid., 15.
\textsuperscript{17} Ibid., 15.
\textsuperscript{18} Ibid., 16.
\textsuperscript{19} Ibid., 16.
Among the courses was an “Introduction to Asian American Women,” which “politicized” Foo and shaped the rest of her political life and career.\(^{20}\) This course and others like it emerged from the intersection of various social movements of the 1960s and 1970s, including feminist movements. Importantly, the Asian American movement educated and trained Asian American women as well as men activists. As Rhoda Lois Blumberg argues, “participation in these movements affected the development of gender consciousness among women, which later, because of sexism in the movements, was transformed into a related but distinctive state of awareness – a feminist consciousness.”\(^{21}\) Asian American women, like their white and black sisters, began to think deeply on various sources of discontent and social inequities, and then realized their disadvantaged positions as members of ethnic minorities and as females. From there, they strove to improve conditions for themselves and their communities too. Contrary to the common belief about the passivity of Asian American women, this young generation of women were actively involved in Asian American women’s affairs.

Patricia Sumi, the lecturer of the course and a Marxist feminist, taught “Introduction to Asian American Women” from the intersection of race, class, and gender analysis, “before anybody else was doing it,” according to Foo, although she recognized that this was around “the same time, bell hooks was probably writing her feminist theory.”\(^{22}\) As a teaching assistant for the course, Foo helped Sumi develop the curriculum and delivered her first lecture, “The Triple Oppression of Asian American

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\(^{22}\) “Lora Jo Foo”, interviewed by Loretta J. Ross, 16; “Lora Jo Foo”, interview by Juhee Kwon, 4.
Women,” in 1973. Foo’s lecture examined the multiple oppressions of Asian American women, as well as other of racial minority women in the United States, along the lines of race, class, and gender, which mirrored the later theoretical concept of “intersectionality”. In particular, stemming from her personal knowledge and experience, Foo’s lecture pointed out the special form of economic exploitation of Asian American women as garment workers, domestic workers, and many other low-wage workers.

Studying at SFSC, an ideal place for gaining an education in politics, gradually made Foo a Marxist. To complement her studies in ethnic minority histories, college students had to study, as Vani Kannan noted, “dialectical materialism, historical materialism, Marxist theories of contradiction, critiques of liberalism, readings on ‘the woman question’ and the women’s movement” in the San Francisco Bay Area. At that point, Foo did not have a definition of Marxist feminism. After reading The Woman Question and The Origin of the Family, Private Property and the State, assigned by Patricia Sumi, however, Foo gravitated to this position. She came to accept Frederick Engel’s theory that the accumulation of excess wealth and the rise of classes led to the rise of patriarchy and the subjugation of women. Thus she believed “only when immigrant women and women of color engage in class struggle and fight for their economic rights will their oppression end”. Based on the belief, Foo was focused on struggles of immigrant and women of color in the United States and decided to go back into a garment factory and work to organize immigrant women workers. This move also reflected a major trend as historian Harvey Dong mentioned. “By the mid-70s...activists

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23 Ibid.; Foo, “The Triple Oppression of Asian American Women”.
24 Foo, “The Triple Oppression of Asian American Women”.
were beginning to look into Marxist class-based analysis that called for a concentration of work in the working class—this meant obtaining jobs and organizing on the factory floor.”

As a student and activist at SFSC, Foo still kept an eye on developments in the sweatshop industry where she had worked with her mother and sisters. One of the events that Foo took part in was the 1974 Jung Sai garment strike in San Francisco’s Chinatown. Jung Sai garment factory, directly owned by Esprit de Corps—a manufacturer and designer for young women’s sportswear—was a typical sweatshop. Workers barely made two dollars an hour, without health insurance, sick leave, or overtime pay. Far worse, Jung Sai workers were only allowed to go to the bathroom during the two ten-minute breaks with the “company-rationed” two rolls of toilet paper per day for 135 workers. These inhuman circumstances led relatively quickly to the development of trade union consciousness among the Jung Sai workers. Before organizing with the International Ladies’ Garment Workers’ Union (ILGWU), the workers at Jung Sai attempted to organize themselves into a union twice. Although both of the self-organizations failed, the workers learned from their mistakes and succeeded the third time with the assistance of the ILGWU.

After unionization, the ILGWU contacted Jung Sai’s management to negotiate a decent contract for workers. However, management responded by firing one of the workers “who was instrumental in organizing the other workers”. On July 15, 1974, at the ILGWU’s suggestion, 135 garment workers of the Jung Sai factory, mainly Chinese immigrant women along with two men, unexpectedly went on strike to protest the

“unfair management practices”. This “earth-shattering and heaven-startling” event inspired widespread public support and became a significant turning point for Asian American activism in the San Francisco Bay Area. With the awakening of their movement, the baby boom generation of Asian American activists committed themselves to the broader wave of protest. During the course of this strike, hundreds of Asian American activists and supporters from the community, student and working-class populations throughout the Bay Area had the opportunity to interact with the strikers. As an Asian American activist who used to work in the garment industry, Foo got involved in the struggle as a supporter of these Chinese immigrant women workers.

Although the strike was ultimately a failure and the demands of the Jung Sai workers were not won, these events played a heroic part in the increasing development of Asian American activism in the San Francisco Bay Area, as well as Foo’s life and career. In particular, the Jung Sai strike was just one of many in the rank and file rebellion during “the long seventies”, a radical period as Cal Winslow described as “a wave of strikes and conflicts that transformed industrial relations in the United States”. The long 1970s in the United States were “strike-prone” years, and in 1970 alone there were “5,716 strikes involving more than three million workers”. In these years, there were strikes of all kinds, such as the 1971 West Coast longshoremen strike, the 1974 independent truckers’ strikes, the coalfields’ strikes between 1974 and 1975. Starting from the mid-1960s, this rebellion of the rank and file “peaked in the years

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29 “Political Summation of The Jung Sai Strike”.
31 Ibid., 303; “Lora Jo Foo”, interviewed by Loretta J. Ross, 20.
33 Ibid., 5.
34 Ibid., 2.
1970-4”, and then declined.35

These strikes meant the bureaucratic unions faced an unprecedented challenge from rank and file members.36 From the late 1950s, driven by economic stagnation and exacerbated by a rising wave of “formidable overseas rivals”, U.S. manufacturing employers went on the offensive toward American labor “at both bargaining table and on the shop floor”.37 The manufacturers’ offensive brought the deterioration of working conditions and a diminution in income for the working class. After initial resistance, increasingly bureaucratic unions had no effective solutions and compromised with manufacturers, which finally led to the stirring of the rank and file rebellion.38 These bureaucratic unions refused to change and failed to increase their membership totals, with the important exception of the public sector workers’ organizations. In a wave of organizing during this period, union membership in the public sector increased from slightly over one million in 1960 to over three million in 1976, accounting for over eighty percent of total union membership growth in the country.39

The rank and file’s positive initiative was in stark contrast to the unions’ negative attitude, and made the decade an extraordinary era in the history of class struggle in the United States; Foo was ready to take part. After over three years of study at SFSC and experiencing several strikes as a supporter, Foo realized that only Asian Americans could rescue themselves from poverty and poor working conditions. As it turned out, she had already had experience in an industry where Asian Americans had self-organized: the Alaska salmon canneries. From the 1870s to the 1940s Asian immigrants

36 Ibid., 3-4.
38 Ibid., 37-38.
and Asian Americans were the major source of labor for the salmon cannery industry from Alaska to central California. The Chinese were the first wave of immigrants to enter the industry in the 1870s. It was the place where they initially attempted to push for unionization of Chinese, Japanese, and Filipino workers to represent Asian-American workers’ interests in negotiations with the companies. Although this multiethnic alliance only lasted for a short time because of the Second World War, it could be a model for future labor organizing.40

According to Foo, “in the late seventies … the new Left in this country began going back into factories, and for people of color, going back into factories meant we went back into the garment industry, went to the hotel, [and] went to the restaurants, because that’s where people of color worked.”41 As Aaron Byungjoo Bae argued, one of the trajectories among the Third World activists during 1970s in the San Francisco Bay Area was labor union organizing “with radicals dispersing among unions throughout the area”.42 Building on her life, work, and educational knowledge and understanding, and influenced by the rebellion of the rank and file and the Third World activism, Foo dropped out of college and went to work for Koret of California in 1975.

**Learning to be a Labor Organizer at Koret of California, 1975-1977**

When Foo started working for Koret of California in September 1975, Koret was already the largest garment manufacturer in San Francisco, with over 500 employees in its five plants. Two plants were in South San Francisco and three were in the Mission district. Foo worked in the largest of the three plants in the Mission. There were four

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41 “Lora Jo Foo”, interview by Juhee Kwon, 9.
floors in the plant. The third floor where Foo worked had four sections producing pants and skirts. The sewing department was the largest section of the floor, including about eighty operators, eighty percent of whom were Chinese immigrant and Chinese American women. Because of Foo’s sewing training since age eleven, she was put to use in every single operation. This provided her with a great opportunity to get to know the women in different sections and prepare for organizing them. As far as she knew, there had never been a strike at Koret in over twenty years.43

The U.S. garment industry has a long history of exploiting the “cheap”, non-union labor of immigrant and Third World women workers. The Chinese began to enter the San Francisco garment industry in the 1860s because of the “great demands for clothing” generated by the Gold Rush and the consequent population increase in the West. By 1880, eighty percent of shirt-makers were Chinese, who produced “most of the ready-made clothing and nearly all the underclothing in the city.”44 In the early days, due to the lack of women, Chinese garment workers were all men. But by the early twentieth century Chinese women, who entered the industry in significant numbers in the end of the nineteenth century, had replaced men, becoming the majority of the workforce in San Francisco clothing manufacturing.45

By the early 1970s in San Francisco, the garment manufacturing factories had both “inside shops” and “outside shops”. “Inside shops” had their own factory building and hired workers directly. Koret of California, where Foo worked, was an inside shop. They also contracted work out to “outside shops” in Chinatown. This mix of inside and

45 Bao, Holding Up More Than Half the Sky, 144.
outside shops helped keep the workforce isolated and divided. In San Francisco’s Chinatown, where fewer than sixty of the three hundred shops were unionized, was a case in point.\textsuperscript{46} Even in unionized shops, there were many labor violations, including those that assembled garments for Koret of California.

For over twenty years, Koret had been unionized by ILGWU Local 101. The ILGWU’s organizing among San Francisco garment workers can be traced back to the 1934 twenty-second convention of the ILGWU, which endorsed a campaign to organize Chinese workers in San Francisco. Before the 1930s, Chinese garment workers were rejected by the ILGWU due to the anti-Asian sentiments which prevailed among West Coast labor unions. The ILGWU’s organizing efforts in San Francisco did not make any progress until 1937. With the help of ILGWU organizer Jennie Matyas, on November 13 of that year, a Chinese chapter, Local 342, was finally founded. Even Matyas admitted afterwards that she “too was not immune to the prejudice of her time.”\textsuperscript{47} On February 26, 1938, the newly formed Local 342 decided to strike against a sweatshop in Chinatown, which became the longest strike, lasting for 105 days, in the history of the San Francisco’s Chinatown garment industry.\textsuperscript{48}

The undaunted workers finally won the strike with the employers signing a union contract which met most of the workers’ demands. However, in response, shortly thereafter the owner just closed the shop and moved to another city, becoming an example of a “runaway” shop. This relocation was a major blow to Local 342. Membership of Local 342 quickly shrunk from over a hundred to less than forty. The remaining members joined the predominantly white Local 101. Although Local 101’s attempts to organize garment workers in San Francisco still went on after the 1938

\textsuperscript{46} “Political Summation of The Jung Sai Strike”; “Lora Jo Foo”, interview by Juhee Kwon, 6.
\textsuperscript{47} Bao, Holding Up More Than Half the Sky, 145-148.
\textsuperscript{48} Ibid., 146.
strike, they often won hollow victories or simply failed. Just as in 1938, owners of sweatshops would sign contracts and then close the shops. Local 101 could do nothing about the “runaway” situation.49

In addition to the actions of manufacturers, the reasons for the ILGWU’s failure to organize San Francisco’s Chinese garment workers over the twentieth century were complex. Historian Xiaolan Bao argues that the major one was the union’s “lack of understanding of the Chinese community and the operation of its garment industry”.50 The union’s repeated failure to organize successful strikes and its inability to develop effective strategies to sustain the outcome of successful strikes severely undermined workers’ confidence. To make things worse, in the later 1960s and early 1970s, several union efforts to remove garment manufacturing from Chinatown were “reminiscent” of the old “Buy American” campaigns. For example, Cornelius Wall of the ILGWU launched a campaign to terminate the entire “Garment Shop Special Use District” which was implemented as a zoning ordinance in 1960 to legalize Chinatown sweatshops. Wall argued that unionization was the only solution for Chinese garment workers. But if it was not possible to unionize them, all the 3,500 Chinatown sewing jobs should be moved into an area where organization was possible. Although the campaign was finally rejected by the city’s Human Rights Commission and the union gave in under pressure, the incident resulted in a further crisis of confidence for Chinese garment workers in the union. Therefore, the ILGWU’s San Francisco-Oakland branch remained a small union. By 1970, only 700 out of 3,500 sewing jobs in Chinatown were unionized.51

When Foo began to work at Koret of California, she entered this tense situation

49 Ibid., 147, 150-52.
50 Ibid., 151.
51 Ibid., 151; Chris Carlsson ed., Ten Years That Shook the City, 305.
among Chinese immigrant workers, management, and the union. With regard to management, there were workload and pay problems. In union garment shops such as Koret, the contract negotiated between management and the union set the minimum wage which had to be paid to workers under any circumstances. However, the set minimum wage was low and the increases in workers’ minimum wage were very small—only an increase of five-to-six percent per year, which during a period of rapid inflation, which the 1970s were, created hardships. According to Foo, in 1975, the minimum wage was $2.88 per hour, $3.05 in 1976, and $3.20 in 1977.52

Koret’s management thought the set minimum wage was high enough for workers, because in addition to the minimum wage there was a piece rate system. This system had been established for many years by garment manufacturers. It paid workers by the piece of work completed above their required quota. This allowed very productive workers to augment their earnings, but also put pressure on other workers to work harder and faster. The piece rate system provided unionized garment companies with compensation for what they considered a “high” minimum wage. The piece rate system also meant the workers’ wages varied from week to week, and, as Foo wrote in 1977, the “battle over wages is constant and never ending.” “To differing degrees and extent, just about all operators are involved regularly in the arguing of piece rates with the boss.”53 This situation in a unionized shop compared favorably to conditions in factories without union representation. Manufacturers could “superexploit” those workers, Foo believed, without worrying about a strike.54

The International Ladies’ Garment Workers’ Union was aware of all these things, but they still chose to compromise with the industry. Due to fears that garment

54 Ibid., 20.
companies would “runaway” if they were pushed too hard, the ILGWU compromised with garment manufacturers, keeping wages so low that they would not move out of town.\footnote{Ibid., 16.} But leftist activists, like Foo, also believed that it was because the ILGWU—the largest garment union in the United States—was no longer militant. Despite its legendary history, born of the struggles of the early twentieth century, including the “Uprising of the 20,000” mostly female and immigrant workers in New York City in 1909-1910, the ILGWU’s “reputation as a progressive force in American organized labor” had been “tarnished” by the 1960s.\footnote{“History of the ILGWU,” Kheel Center, Cornell University, \url{https://ilgwu.ilr.cornell.edu/history/criticism.html}, accessed Jan. 19, 2019.} For leftist activists, the ILGWU even stood as “a particularly reactionary trade union”.\footnote{“Political Summation of The Jung Sai Strike”.} Another problem Foo highlighted was the union’s “do-nothing policy” in the face of Koret of California closing older unionized shops and opening new non-union shops in order to save money. The union was “aware” but chose to do “nothing about enforcing the contract which sets up the conditions” for such closings and openings and “ensures equal distribution of work among all its branch companies and contract shops.”\footnote{Foo, “Garment Workarea Sumup: Koret of California, 1975-1977”, 16.}

Foo’s first year of work at Koret lasted from September 1975 to November 1976 and was a learning stage, during which she confronted both the union and management and made some mistakes in the process. Due to her bilingual capability, Foo unofficially assumed the role of shop steward two months after she started working at Koret. She translated for workers with language barriers when they had grievances and helped them fill out complaint forms. She frequently went in and out of the office, communicating workers’ complaints and anger and “having these shouting matches with the boss,” as she wrote. Her presence put her at the “forefront” of these workplace
conflicts, and she became a “nuisance” to management during that first year. “The bosses may have overestimated my influence on workers,” but they “started looking for their excuses to fire me.” The opportunity soon came.

During the summer of 1976, Local 101 was going through contract negotiations with Koret, and as a young, English-speaking militant, Foo stood out in condemning what she called “the union bureaucrats” at each of the membership meetings. At one union meeting, she supported a motion for a wage increase, news of which found its way back to management. “[T]here was talk that the union should get rid of its radicals.” This situation gave management ammunition to write her a final warning letter charging that “I leave my work station to talk with and disturb other workers and if caught again I’d be terminated.” Foo immediately wrote a letter to the union demanding that the warning letter should be rescinded. However, the union ignored her request from August, and finally the union’s business agent showed Foo’s letter to the plant manager in November with no warning at all. Foo felt a sense of betrayal. As she put it, “I was totally unprepared so the union sells me out,” although she felt the union also wanted to get rid of her because of her radicalism.

Eventually, Koret called a meeting between Foo, the shop steward and members of management. With the agreement of the business agent, management agreed to rescind Foo’s final warning letter under the premise of several rules:

1. Foo could not get out of her seat for any reason other than going to the bathroom during working hours. If she needed anything, she cannot get out of her seat to get them. She had to sit and wait for a supervisor or floor lady to come by.
2. Foo could not talk to people who were still working while she was on her break; For a few months, she could not even stop at anyone’s machine on the way back from lunch or break.
3. Foo could not translate for anyone unless given permission by the

59 Ibid., 18.
60 Ibid., 19.
Due to these rules, Foo was, in her words, “literally glued to my seat,” while most other workers could do the above things. However, she got the message. “I learnt my lesson fast and shut up at the plant.”63 Foo shifted her focus to union struggles rather than conflicts with management.

In hindsight, Foo realized she had been on “very shaky grounds—I had no seniority, no regular operation, I had a very shallow understanding of the piece rate system and how piece rates were argued.” She also had “not buil[t] up the respect and trust of the majority of the workers.”64 In the aftermath of the lesson of her first year, Foo concentrated on understanding the complexities of the piece rate system and building relationships with the other workers. By her second year from December 1976 to October 1977, the atmosphere at Koret was gradually easing up, although Foo’s relationship with the management “is still hostile”.65 Foo was allowed to get out of her seat and continue translating for workers. She began getting more and better work tasks to do, probably she guessed “to shut me up.” More importantly, Foo began to understand more deeply the workings of the factory and her fellow workers. As they began to understand each other, Foo finally gained trust and received crucial support from them. On November 1977, after two years of careful investigation and unremitting efforts, Foo was officially elected an assistant shop steward to represent her union colleagues at the factory.66

**Building Toward a More Democratic Union, 1976-1977**

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62 Ibid., 19.  
63 Ibid., 19.  
64 Ibid., 18.  
66 Ibid., 19-20.
For decades no strikes took place at Koret. When contracts expired, negotiation between the union and the company seemed to go smoothly. The 1976 contract negotiation was the same as previous ones, with the exception of a few radicals alongside Foo who “took part causing the union a lot of headaches”.

The wages for a good proportion of unionized workers at Koret were comparatively high for the San Francisco garment industry. “Even the contract language is better than most other unions,” Foo noted in 1977, “We have no mandatory overtime, a 7 hours day with overtime on the 8th hour, a speedy grievance procedure, provisions for equal distribution of work and layoffs, etc.” However, Foo knew Koret accepted such a contract because it could “superexploit” its contract shop workers in San Francisco’s Chinatown and overseas, which were the main source of Koret’s profits.

Foo claimed that it was the union’s conciliationist stand that led to such consequences. In her view at the time, the union “intentionally kept the workers as ignorant as possible to exclude them from participating in the making of a new contract as well as keeping a part of the workforce ignorant of their rights under the contract.”

Most all the Chinese seamstresses that Foo talked to at Koret had never been to a union meeting. They had never seen a contract, which was not translated for them. But not even the English-speaking Chinese American seamstresses had ever read their contract. Because of this, workers only had a vague idea of rights and protection provided by the contract. Whatever information they had was passed down by word of mouth, which resulted in Koret being able to violate the contract without any trouble.

Meanwhile, “taking back” the union from a bureaucratic leadership became a popular demand by rank-and-file union members during the 1970s, and Foo hoped to

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67 Ibid., 20.  
68 Ibid., 20.  
70 Ibid., 21.
see this happen at Koret through contract negotiations. She wanted to have more participation from union members in the process. Conflicts between the rank-and-file members and union leaderships across the United States reached a climax in the mid-1970s. As a Marxist and a young rank-and-file activist at the time, Foo decided to transform Local 101 into a fighting union which could authentically represent the rank and file. As she put it, “They had the right to vote on the new contract, that union leadership can’t just impose a contract on them.”\(^71\) At the very least, as happened when a large number of non-English speaking members of the ILGWU asked for some basic requirements such as language translations at union meetings, the union needed to make it easier for all to participate.

However, the difficulties of organizing such a divided workforce as the San Francisco garment workers remained, even around the straightforward matter of contract negotiations. For many garment shops, “the contract is a farce,” as Foo put it.\(^72\) She observed that the contract had no effect on a large proportion of the membership. Some unionized garment workers still worked under substandard working conditions, such as earning the government minimum ($2.50/h) instead of the contract minimum ($3.42/h) in 1977, and were forced to work eight hours while being paid only for seven hours with no overtime pay, etc.\(^73\) For others, they knew that the contract wage increased each year whether they went to any union meetings or not, especially for the seamstresses who comprised seventy-five to eighty percent of the workforce. For over half of the seamstresses, their piece work averages were already way above the contract minimum (from $4.50/h to $8/h). They saw an increase in the negotiated contract minimum as a guarantee, with the higher piece rate the top concern and the main subject

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\(^{71}\) “Lora Jo Foo”, interview by Juhee Kwon, 7; Chris Carlsson ed., *Ten Years That Shook the City*, 305.
of the union struggles throughout the year instead of contract negotiations. Only the cutters, who made up less than ten percent of the workforce, were more active during contract negotiations. Foo thought it was because the cutters were time-workers and their wages set during the contract negotiating.74

Yet, Foo knew there was a very recent history of self-organization among the workers at Koret of California, demonstrating possibilities for more union participation. Setting the piece rate was one of the most important examples. Each time a new style of clothing was planned for the factory, the piece rate had to be set for each operation involved in fashioning that garment. For workers, there was always a struggle to get the highest piece rate per operation, so they slowed down their pace of work while the rate was being set. When a new style came up, a timekeeper with a clipboard and a stopwatch would stand over the seamstress watching her work. An entire section, then, would intentionally slow down, according to Foo, “to a snail’s pace.” “It takes a lot of courage to do that when you got a white male engineer standing over you,” Foo stated. “They all, in solidarity, do this regularly, every time a new style comes up.”75 This slowdown led to the next section did not having work, resulting in the emergence of a bottleneck, and disrupting the whole production line. But everyone knew the union contract guaranteed their minimum wage. Eventually, when the piece rate had been fixed up, these self-organized women would speed up to make up for the lost wages from the first couple of days.76

There were other instances of such self-organization. In 1975, before Foo worked at Koret, the seamstresses on the second floor launched “a sit-down strike” for five hours. In this case, these San Francisco unionized garment workers planned to achieve

74 Ibid., 21.
75 “Lora Jo Foo”, interview by Juhee Kwon, 7.
76 “Lora Jo Foo”, interview by Juhee Kwon, 7.
their goals through self-organization without the union’s help. Therefore, the union’s protection and contract did not mean much to them. And in 1976, the seamstresses put forth demands for a dental plan and better medical coverage, but they did not come out to fight for them. There “was no union tradition or spirit among the workers,” Foo observed. Despite this, she still believed in the possibility of organizing garment workers for a better contract, especially for the workers stuck at the bottom of the wage scale. Even for those workers who earned higher wages, when the importance of the contract was grasped by them through contract translation, they could use the contract as a weapon to fight against the company. Workers would “consciously take an active part in the making of the contract.”

But the union did not make it easy. The “bureaucrats,” as Foo put it, “maintain total control over the negotiations process.” She followed this process over the entire year of 1976.

From the very beginning—in the raising of suggestions/improvements to the final ratification of the contract—the bureaucrats tried to maintain an ironclad grip on what went on. By throwing democracy out the window, and especially by withholding information, keeping the locals separate, etc., they were able to manipulate the membership into ratifying the contract.

The ratification process was so controlled by the union, that Foo “could not even get a copy of the contract until till a whole year afterwards.”

That next year, 1977, Foo tried to change the union leadership. When the local union election for the executive board and the presidency began, Foo determined to put her ideas—organizing a rank and file slate to run for the positions and turning the

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78 Ibid., 21-22.
79 Ibid., 21.
80 Ibid., 22.
81 Ibid., 22.
bureaucratic union into a fighting union—into practice. The ILGWU’s San Francisco-Oakland branch was divided into four locals under a Joint Board. Local 101 was the largest local, which covered ten to fifteen shops, organizing the seamstresses, pressers, and other miscellaneous workers. Each local elected its own Executive Board, which had no real powers and mainly made suggestions to the Joint Board. The real power was in the hands of the Joint Board, including the power to elect a business agent, appoint committees, hire the office staff and the organizers, and make donations and contributions to organizations and political causes. Almost every paid and unpaid position and officers in the union were elected by the members, such as shop stewards, negotiating committee, Executive Board, President, Vice-President, and the business agent, so there were possibilities for the voices of the rank and file to be heard.83

Much to her regret, Foo soon discovered that years of “traditions” were difficult to change. All the union meetings were conducted in English, and the most militant workers could not speak enough English to function in the executive board. Therefore, it was hard for Foo to put together a rank-and-file slate to take over the executive board and run for the union office. To make things worse, Foo was limited in getting herself involved in the election because she had not been in the union more than three years. At that point, Foo decided that transforming that union “was not possible”.84

Although Foo’s first attempt at labor organizing did not yield the results she was after, she did have important achievements over the three years of working at Koret. She succeeded in establishing a Chinese-language newsletter that explained everything related to the garment industry, such as union dues and contract negotiations. The entire union contract also was translated into Chinese. All the work that Foo did greatly

83 Ibid., 26-27.
educated workers. By the time she left the factory in 1978, all workers had been to a union meeting and knew their rights. They knew exactly what contract negotiations meant and what they should fight for.85

![Structure of the Union and the 1977 Elections](image)

Figure 4. Structure of the ILGWU in the SF-Oakland Area, October, 1977.86

The legacy of Foo’s hard work laid a solid foundation for future activism. After Katie Quan, a friend of Foo and a garment shop steward in the New York garment industry, was dispatched to California in the late 1980s, the union was finally transformed to be a rank-and-file union. The attempt to transform the San Francisco-Oakland chapter into a fighting union ultimately achieved success in the early 1990s. By then, everything in the union was translated into Cantonese, Mandarin, and Spanish, both written and oral. The union authentically represented the rank and file at last. Workers who did not speak English could be elected as executive board members, and

85 “Lora Jo Foo”, interviewed by Loretta J. Ross, 22.
even as the leadership of that union. All factors leading to success can be traced back to Foo’s first strategy in the 1970s.

Foo’s experience at Koret of California has larger implications. In the early 1950s, the ILGWU acknowledged their failure in organizing the San Francisco’s Chinatown garment industry but continuously blamed the failure on the language barrier and the complicated conditions of the Chinese community. In comparison with Foo’s and other Asian American activists’ organizing efforts and resulting consequences, one cannot help wondering what the real reason was for the previous white-dominated ILGWU’s failure in the San Francisco garment industry. For a long time, Asian Americans, especially Asian American women, were regarded as submissive and “unorganizable.” However, as Esther Ngan-Ling Chow argued, “Their relative lack of political activism stems from cultural, psychological, and social oppression which historically discouraged them from organizing.” Since the late 1960s, many young Asian American activists gradually walked onto the stage to counter this stereotype with their strategies, and to advocate for their own civil rights. Lora Jo Foo was one of them.

In 1978, as Foo realized that she was unable to make much progress in the ILGWU’s San Francisco-Oakland branch, the tourism industry had become a major industry in San Francisco. Asian Americans were largely concentrated in the hospitality industry—hotels and restaurants—which was closely linked to tourism. Inspired by her friends who worked in the Hotel and Restaurant Employees and Bartenders International Union, Foo turned her attention to the union’s branch, Local 2, which “had

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87 Ibid., 21.
just been seething with activity throughout the seventies.”90 Undaunted by her experience in trying to organize garment workers at Koret, Foo moved on to devote herself to do organizing in the San Francisco hospitality industry. There, too, many workers were considered “unorganizable.” Lora Jo Foo would help to prove that stereotype wrong.

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90 “Lora Jo Foo”, interview by Juhee Kwon, 9.
CHAPTER THREE
Organizing the “Unorganizable” in the Hotel Industry, 1978-1980

“Nobody’s going to give you your rights, you’ve got to take them for yourself.”
——Lora Jo Foo

At 6am on July 17, 1980, more than 6,000 members of the Hotel and Restaurant Employees and Bartenders International Union Local 2, from twelve hotels and restaurants, went on strike in San Francisco, an hour after nightlong negotiations broke off without agreement on a contract dispute. Over two-thirds of them were women of color. The Hotel Employers Association announced that the other twenty-four hotels in the organization would lock out members of Local 2 as its counterattack. Everyone watched the historic citywide strike on television and in newspapers. For the first time since the 1934 General Strike in San Francisco, the strike pitted the city’s largest union—Local 2—against its largest industry—the hotel and restaurant industry. Lora Jo Foo, a maid at the St. Francis Hotel, union shop steward and member of the contract negotiating team, was on the picket line.

During the strike, the hotel industry lost millions of dollars, a loss made worse because it occurred during its peak summer days. Thirty-six of the city’s largest and most prestigious hotels were involved, which accounted for about half the available rooms in San Francisco. At issue was more than wages. The union membership, which included a large proportion of racial minority women, also was upset about poor working conditions and issues related to respect and dignity. Alongside their male allies,

Chinese, Filipina, Latina, and African American women workers join in the strike. As a committed Chinese American activist for immigrant women workers, Foo moved on to San Francisco’s hotel and restaurant industry in 1978. Her aim was to challenge and change Local 2 into a union that fought for the rank and file. To achieve this aim, she and her union allies needed to organize women workers who had long been perceived by the labor movement as “unorganizable.” Yet, as U.S. women’s labor historians, such as Alice Kessler-Harris and Xiaolan Bao, have demonstrated, this misperception has often been proven wrong.2

This chapter highlights Foo’s organizing efforts with women workers in the San Francisco hotel industry in the late 1970s and their involvement in the 1980 San Francisco citywide hotel workers strike. The chapter explores their strenuous working conditions and workplace concerns, which included economic exploitation as well as race and gender discrimination. Foo witnessed these multiple oppressions among her co-workers while working as a maid at one of the city’s oldest and most prestigious hotels, the St. Francis. As at Koret of California and her work in the ILGWU, Foo saw both hotel management and the union as needing to change in order to improve the situation for women workers. And, as in her previous labor organizing, she gained further knowledge and experience about how to achieve social justice and her role in the process.

The Tumultuous Local 2 and the St. Francis Maids’ Struggle

After leaving Koret of California, in 1978, Foo first worked for the Hilton Hotel as a maid, then moved over to the St. Francis Hotel. To maintain the hotel’s esteemed

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status, the housekeeping department was very demanding of maids, expecting fine
details in the cleaning of guest rooms. With the heavy workload and poor working
conditions, maids always felt tired and exhausted. Under such pressure, the maids were
“pushing themselves beyond limits” as Foo noted.\(^3\) In the summer of 1978, according
to Foo, the St. Francis Hotel began adding even more items to the maids’ workload.
For example, maids had to use a computer to record rooms’ status before checking in
and after cleaning in order to expedite the sale of a room to a guest. During the busy
season for the San Francisco hotel industry in the summer months and September,
conditions and workload were becoming unbearable. With a high turnover of guests at
the hotel, maids were requested to do a lot of overtime work during this peak time.\(^4\)

Based on her first-hand experience as a St. Francis Hotel maid at the time, Foo
described the incredibly high demands of the job. “You’re expected to clean sixteen
rooms, no matter what shape your rooms are in.” The maids “were always in a bind,
because you’re given so little time to clean your rooms, but you had to not just change
the beds, scrub the toilets, scrub the bathtub, vacuum, but you had to make sure
everything was in the right order.”\(^5\) The “fine details of cleaning,” as Foo put it,
included dusting everything, from lampshades to table legs, as well as putting a range
of items in “a prescribed order”: showerheads pointed in the right direction, thermostats
set on cool, drapes open exactly one-third of the way. There was a list of sixty-nine
tasks maids were responsible for in each room.\(^6\)

Maids needed to perform these tasks perfectly, otherwise, they would be issued a
warning from the Housekeeping Department.

\(^3\) Lora Jo Foo, “The Role of Asians in the Recent Struggles of the San Francisco Culinary Industry,” \textit{AAS 699 Special

\(^4\) Ibid., 30; St. Francis maids’ arbitration documents, Foo Papers, box 3 of 6, Location 59A, folder 1.

\(^5\) “Lora Jo Foo”, interview by Juhee Kwon, 10-11.

You had any dust on chair arms or dust on the shade or whatever, you’d be written up. So it was just a lot of pressure. You had to take the shortcuts to be able to clean your rooms, but you couldn’t slack on the details, otherwise you’d get written up. And if you get written up often enough, your floor gets taken from you. You no longer have the same floor every single day; you’re a floater.7

Foo stated that women had been written up for incorrectly arranging hangers in the closet, opening the drapes too widely, leaving too many matches as well as too few, and for leaving lint on mirror and sheets.8

Such meticulous precision took time, but maids were only given twenty minutes to clean a room still occupied by guests and thirty minutes to clean a room where the guest had checked out.9 “Most maids take pride in the work they do. But even here they’re given no respect,” Foo noted.10 This allocation of time as well as the number of rooms remained regardless of how the guests left the rooms. Women “sometimes work overtime without pay, particularly on days when everybody checked out” and “where you had some particularly messy guests,” Foo recalled. “So I’d remember clocking in at eight and by two o’clock, I’m going, ‘Oh my god, I haven’t gone to the bathroom yet. I haven’t drunk any water yet.’ I’m getting nauseated.”11

To manage this high workload, St. Francis Hotel maids did not take their allotted breaks. Taking the rest periods they were entitled to, reduced the available time in their work day. Therefore, to finish all rooms in a work day, a maid had to skip her breaks. Yet, according to their contract, these were a basic and essential right of maids. Section Seven of the General Rules Applicable to All Crafts stated: “Each employee shall be provided with a fifteen-minute paid rest period, during each half of the shift worked.”12

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7 “Lora Jo Foo”, interview by Juhee Kwon, 10-11.
9 Ibid., 29.
10 Ibid., 25.
11 “Lora Jo Foo”, interview by Juhee Kwon, 10-11.
12 Agreement, Joint Exc. #1, p. 20, cited in Foo Papers, box 3of 6, folder 1.
This “coffee break” was considered as an important part of the workday to benefit the physical and mental well-being of workers. Many maids also did not even stop to eat lunch. As Foo remembered:

Women who had so many rooms to clean a day, sixteen rooms in a day in an eight-hour shift, that they couldn’t take their morning breaks, sometimes they worked through lunch, or went downstairs to the cafeteria and gulp down a lunch for ten minutes....The older maids dealt with it by just bringing lunch along and eating up on the floors, so that they could finish their rooms.13

Clara Manuel, a fifty-five years old maid at the St. Francis Hotel, testified in arbitration in 1979 that she did not take her rest period breaks because she could not finish the required number of rooms if she did.14

There were other injustices and indignities the maids faced. If a maid wanted to take sick leave, she had to present a medical certificate, whereas the rest of the hotel staff was not required to do that. “The hotels have no regard for the well-being of the maids,” Foo wrote in 1981. “If a maid gets sick at work, she’s forced to finish her 16 rooms before going home.”15 If maids could take the time to eat, they had to pay for their breakfast, lunch and dinner while the rest of the hotel employees got free meals, a practice in other localities, such as Las Vegas. Not only was this a “form of discrimination against the maids who already are the lowest paid workers,” according to Foo, it “actually meant that each time they had to pay for their breakfast, lunch, or dinner in the employee cafeteria, they were giving back part of their wages to the hotel.”16

The St. Francis Hotel maids also complained of racial discrimination. The majority of the maids were Filipina, with Chinese, Latina, and African American women also

13 “Lora Jo Foo”, interview by Juhee Kwon, 10-11.
14 Francis maids' arbitration documents, Foo Papers, box 3 of 6, Location 59A, folder 1.
16 Ibid., 32; Annelise Orleck, Storming Caesars Palace: How Black Mothers Fought Their Own War on Poverty (Boston: Beacon Press, 2005), 56.
represented. The Filipinas, Foo remembered, “had national pride going on, and they were convinced they were being treated like this because they were Filipinas.” The other women, especially the African Americans, “already knew what racism was.” But the Filipinas asked, “how dare they treat us like this?” Also treated poorly were undocumented immigrant workers, and, if any of them filed a complaint or a grievance, hotel management would report them to the Immigration and Naturalization Service.18

In addition, the maids were trapped in these entry-level jobs with no chance of promotions. Many Filipina maids were professionals, such as nurses, teachers, lab technicians and pharmacists, in their country before coming to the United States, and were qualified for others jobs in the hotel. However, when they asked for promotions, they were often denied and insulted with excuses such as they had “no local experience” or “you’re just a maid!”19 This situation was true of the hotel industry in other cities, such as Las Vegas. U.S. federal legislation, specifically Title VII of the Civil Rights Act of 1964, prohibited employment discrimination based on race, sex, or national origin, and progress in this area had been made.20 Yet, as historian Annalise Orleck argues, the Hotel and Restaurant Employees and Bartenders International Union in Las Vegas, Local 226, only provided “anemic backing” to antidiscrimination efforts. Through the

17 “Lora Jo Foo”, interview by Juhee Kwon, 11.
18 “Lora Jo Foo”, interview by Juhee Kwon, 10.
20 Shortly after assuming office, in March 1961, President John F. Kennedy issued Executive Order 10925. The Order which established the President’s Committee on Equal Employment Opportunity required every federal contract to include the pledge that “The Contractor will not discriminate against any employe[e] or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action, to ensure that applicants are employed, and that employe[e]s are treated during employment, without regard to their race, creed, color, or national origin.” Aiming to end discrimination in the workplace, for the first time the government called for “affirmative action.” The Civil Rights Act of 1964 reaffirmed the application of this principle. What’s more, Title VII of the Act further declared that “It shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.” Since then, the inserting of the word sex in Title VII of the 1964 Civil Rights Act became the legal basis for most gender discrimination policy in the United States. Steven M. Cahn ed., The Affirmative Action Debate (New York: Routledge, 1995), xi; Civil Rights Act of 1964 - CRA - Title VII - Equal Employment Opportunities - 42 US Code Chapter 21, Sec. 2000e-2: Unlawful Employment Practices (a1), https://finduslaw.com/civil-rights-act-1964-cra-title-vii-equal-employment-opportunities-42-us-code-chapter-21. See also Nancy MacLean, Freedom Is Not Enough: The Opening of the American Workplace (Cambridge: Harvard University Press, 2006).
late 1970s, in fact, the Las Vegas National Association for the Advancement of Colored People, challenged Local 226 on its cooperation with the hotels’ discriminatory hiring policies.  \(^{21}\)

In San Francisco’s Local 2, racial minority women remained relegated to the lower paid, undesirable positions in the industry, as they had historically.  \(^{22}\) Take the experience of one maid from the St. Francis Hotel, for example. A Filipina maid, who had worked in a large company in the Philippines as a payroll clerk, applied for a promotion as a cashier in one of the dining rooms. Her previous working experience showed that she had the ability to handle money and the weekly pay of workers in cash, but she was still denied the promotion by the Personnel Department. During her interview, she was asked, “If you’d ever seen a $100 dollar bill?” “Yes,” she answered. “A $1,000 dollar bill? Yes. A $10,000 bill? No. Well, you don’t qualify.”  \(^{23}\) Why having seen such a large bill was a required qualification for the job was never stated or explained, making her failure to get the job seem arbitrary and unfair. Overall, “the disrespect, the humiliation made it so that the maids,” Foo later recalled, “were pretty pissed.”  \(^{24}\)

When Foo started working as a maid at the St. Francis Hotel in 1978, she observed that the “situation at that time was extremely tense.” The maids felt “that their situation had become intolerable,” and they decided to fight back.  \(^{25}\) Just then, turmoil within their union, Local 2 of the Hotel and Restaurant Employees and Bartenders International Union, provided them with a good opportunity to achieve their goal.

\(^{21}\) Annelise Orleck, Storming Caesars Palace, 67.
\(^{24}\) “Lora Jo Foo”; interview by Juhee Kwun, 11.
\(^{25}\) Ibid., 29-30.
Local 2 was in the process of restructuring. Before 1975, there had been five separate local unions representing workers in the San Francisco culinary industry, including the Maids’ Union, the Dishwashers’ Union, the Cooks’ Union, the Bartenders’ Union, and the Waiters’ and Waitresses’ Union. The leadership of each local in San Francisco was all white and all male. In 1975, without consultation or democratic input, the International Union merged all five locals into Local 2, which was the biggest union in the city with 17,000 members. After merging, sixty-six percent of the membership was made up of racial and ethnic minorities. Asians were the largest minority group among them, comprising twenty-four percent of the union (Chinese made up fourteen percent, and Filipinos eight percent). The second largest group were Latinos, comprising about sixteen percent of the union, followed by African Americans (eight percent).26

Although the majority of workers were racial and ethnic minorities, the leadership of the newly established union remained all white males. Several factors contribute to this situation in 1975. Many of the workers were recent immigrants who spoke little or no English, whereas the all-white union leaders spoke English only, union newsletters were written in English only, and all union meetings were in English only. The English-only environment prevented the majority of Local 2’s members from getting involved in the union’s business. In addition, rather than being elected by the rank and file, Joe Belardi, former president of the Cooks Union, had been appointed as Local 2’s president by the International Union in 1975.27 Union mergers and the consolidation of locals were increasing during this period for a variety of reasons, including the shifting nature of work, industries, and union membership, but Foo believed the

International Union sought greater control by consolidating the five locals and appointing a president on their side. In her view, however, “they were instead digging their own graves in Local 2” with these actions.28

The new Local 2 brought together some very highly paid workers with some of the lowest paid in the city. Decades of racial and gender discrimination had put white men at the high end of the pay scale and racial minorities, particularly women, at the low end, despite Title VII.29 The situation thus led to the wage discrepancies in the industry. When Foo classified the workforce by wage levels, job categories and ethnic composition in thirty-five of the first class hotels in San Francisco in the 1970s, she found strong evidence of racial and sexual discrimination. The highest paid jobs were held by white males: cooks (or chefs), food servers (waitresses/waiters), bartenders, and bellmen. The lowest paid jobs were held by minorities. Dishwashers were predominantly Latino men. Buspersons were predominantly minority males—Filipino, Black, Latino, and Chinese. Room cleaners (or maids) were racial minority women.30 Moreover, there was a discriminatory atmosphere in the union, which kept minorities, women, and especially racial minority women in entry-level jobs and often in poverty.

These inequalities in the 1970s built on much earlier developments in U.S. workplaces and unions, including in San Francisco. As in the garment industry, Asian Americans more generally had been denied the opportunity to join unions in the United States due to anti-Asian sentiments among politicians and labor organizers who gained mass support by taking such stances. In the nineteenth century, many labor unions regarded “cheap” and “docile” immigrant Chinese laborers as a serious threat to the livelihoods of their members. For example, since 1877, political support from emerging

30 Ibid., 23.
labor union leaders, such as Denis Kearney of the Workingmen’s Party of California, popularized the rallying cry to exclude Chinese laborers, which directly led to the 1882 and 1892 Chinese Exclusion Acts. The leader of the American Federation of Labor Samuel Gompers also publicly announced his “yellow peril” sentiment in his famous speech, “Meat vs. Rice: American Manhood against Asiatic Coolieism; Which Shall Survive?”

Also exemplifying these developments were San Francisco waitresses and their union, Local 48, one of the predecessor locals that merged into Local 2. They had a long history of unionization beginning as early as the 1880s, as detailed by Dorothy Sue Cobble. By 1941 nearly all waitresses in San Francisco had been successfully organized by Local 48, which thus became the largest waitress union in the United States. However, the union had neither organized the few women of color in the industry, nor had they challenged racial discrimination in the industry. Before the New Deal, the attitude of white waitresses, on the whole, to African American women was “ambivalent”. The situation for Asian women was worse, as they were unwelcome in the industry and in the union. By the 1950s, even as the membership of Local 48 increased into five thousand workers, only twenty-five black women (mainly busgirls) along with a handful of Chinese and Filipina waitresses were members.

Although Asian and other racial minority and immigrant workers were accepted and organized by the Hotel and Restaurant Employees and Bartenders International Union in later years, they were always under the leadership of whites who negotiated substandard contracts on behalf of them and did not truly represent their interests. For

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33 Ibid., 86, 89.
34 Ibid., 77, 124.
example, the union contract for African American maids in the Las Vegas Local 226 did provide a solid wage and job security but did nothing to lighten their workload. Like hotel maids in San Francisco, they “worked to limits of their physical endurance,” as Annelise Orleck found. However, Local 226’s cozy relationship with the hotel industry meant it did not take this issue on.35

For the low-wage workers in Local 2, their pay, retirement benefits, and working conditions were not improving. By 1977, as Foo explained, there had been five price increases of general inflation with no raises in workers’ wages. To add insult to injury, in 1975, Local 2 President Joe Belardi signed a five-year contract with the Hotel Employers Association. The contract led to 6,000 workers losing fourteen percent of their income due to inflation, which was worse for the less advantaged workers. The following year, Belardi agreed that employers no longer needed to pay workers’ dependent coverage for health, welfare, and pension. Now workers had to pay fifteen dollars per month to cover their families. This agreement affected all 17,000 members of the union, but again it was a huge burden on the lower paid workers. In a short time, Belardi stirred up the hatred of thousands of low-paid workers such as maids and dishwashers, as well as the better-paid workers, on an industrywide scale.36

They now had the opportunity to form an alliance and the ammunition to challenge Belardi and the existing union leadership. Although the maids and dishwashers craved higher wages and better working conditions, there had never emerged a grassroots opposition for the same reasons Foo had witnessed at Koret of California: the most militant among the low-wage workers did not have enough of a command of English to run a union. Among the higher paid workers in Local 2 there was an organized rank

35 Orleck, Storming Caesars Palace, 54-58.
36 Foo, “The Role of Asians in the Recent Struggles of the San Francisco Culinary Industry,” 27; Mary Ellen Churchill, “Local 2 and the Alliance of Rank and File, September 1999”.

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and file opposition to Belardi and his circle, but they were defeated due to the lack of enough discontent. There was also a tradition of female leadership among waitresses in the union. Through merging the English-speaking, higher paid workers, who were “capable of taking over and running the union”, with the large number of discontented, lower paid workers, the time was ripe for the rank and file of Local 2 to run for office. As Foo said, “you had all these white activists in the higher paid unions merge with this really large group of discontented people of color workers. You put the two together all of a sudden you have the vote and the ability to run the union.”

In January of 1978, the Alliance of Rank and File formed with the intention of challenging Belardi’s leadership in the April elections. Although Belardi had funding and support from the International Union, the Alliance of Rank and File received huge support from the discontented workers, and its slate of candidates successfully won half of the paid positions and part of the Executive Board in April 1978. The Alliance candidate David McDonald was elected as President, and Winston Ching—a young Chinese busperson and a student at U.C. Berkeley—won a Vice-President position. It was not a decisive victory, however, with Belardi supporters remaining in positions power. The Alliance of Rank and File, despite its slate being a majority of whites, with only one Chinese, one Black, and one Latina candidate, still changed Local 2 toward a union leadership more representative of its membership.

The Alliance promised to bring essential changes to the union and the industry, such as greater democracy in the union and better working conditions and higher wages. However, as Foo pointed out, the Alliance could not consolidate its power. Many of

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37 “Lora Jo Foo”, interview by Juhee Kwon, 10; Dorothy Sue Cobble, *Dishing It Out*, 62-63.
38 Foo, “The Role of Asians in the Recent Struggles of the San Francisco Culinary Industry,” 27.
39 “Lora Jo Foo”, interview by Juhee Kwon, 10.
40 Foo, “The Role of Asians in the Recent Struggles of the San Francisco Culinary Industry”, 27.
Belardi’s allies remained as business agents and on the Executive Board. When they dealt with these key issues, the new Alliance officials immediately met with resistance. Six months later, in October 1978, the International Union, using “factionalism” as a pretext, placed Local 2 under trusteeship. Two months after that, in December 1978, federal Judge Stan Weigel ruled the trusteeship of the International Union illegal, and Local 2 was ordered to reelect its leadership in May 1979. This time, unfortunately, the International Union’s slate won because of the split of the Alliance of Rank and File.42

Although the Alliance leadership was in power just short six months, they made some progress with the support of the rank and file. For example, President David McDonald dismissed some of the older business agents—“the worst of the do-nothing Belardi business agents,” as Foo put it—and hired some younger, more “militant” ones, sending them into the hotels to solve grievances.43 More importantly, the union under the leadership of the McDonald supported the struggle by maids at the Hyatt Regency Hotel to cut their workload assignment down to fifteen rooms.44 Encouraged by the Hyatt Regency Hotel maids’ success and tired of their abuse, mistreatment and disrespect from management, the St. Francis Hotel maids decided to “take matters into their own hands.”45

On the morning of October 26, “the agreed upon day”, over a hundred maids all began to take the breaks and lunch they were entitled to. Foo described the unprecedented scene, “At 10 am, 12 noon, and 2 pm of that day and for weeks thereafter the cafeteria was filled with red uniformed maids.”46 Over one hundred rooms were left uncleansed at the end of that day and after. Initially the hotel management had to

42 Ibid., 28.
43 “Lora Jo Foo”, interview by Juhee Kwon, 11.
46 Ibid., 30; “Lora Jo Foo”, interview by Juhee Kwon, 12.
recruit managers from other departments to clean these rooms, but they could not complete the tasks as quickly and efficiently as the maids. As Foo wrote,

Donning houseman’s uniforms, the assistant manager, food manager, front desk manager, etc. worked 5 to a room, 1 in the bathroom and 2 to each bed. Even with 5 men to a room, they couldn’t finish as fast as one maid. That silver haired gentleman, the general manager of the hotel, was seen carrying a bucket and mop, scrubbing toilets.

Looking back later, Foo found this funny and laughed.47 But as the situation grew increasing in tense, the Hotel management began intimidating and pressuring the maids to stop taking their breaks.

As time went on, many maids were frightened by the daily confrontations with management, in which they had to give reasons for not finishing their rooms. Clara Manuel told her superior that the reason she did not finish her rooms was because she needed to take her breaks, but she was told this was “not a good excuse.” Hotel management repeatedly rejected such explanations from the maids as an “excuse to do less work”.48 Over 230 warning notices were given to maids from October 1978 to April 1979; seven maids were ultimately suspended, and one was discharged. Foo also received a written warning notice on April 6, 1979. Confronted by the barrage of intimidating confrontations and the wave of disciplinary notices, some maids were scared and stopped taking their breaks. However, the majority of determined St. Francis Hotel maids continued fighting for their rights as stipulated in the union contract. The St. Francis Hotel management eventually conceded and, in March 1979, asked for expedited arbitration to settle the conflict.49

On April 17, 1980, the arbitrators finally issued the ruling which was a victory for

47 Foo, “The Role of Asians in the Recent Struggles of the San Francisco Culinary Industry”, 30;
48 St. Francis maids’ arbitration documents, Foo Papers, box 3 of 6, Location 59A, folder 1.
49 Foo, “The Role of Asians in the Recent Struggles of the San Francisco Culinary Industry,” 30-31; St. Francis maids’ arbitration documents.
the St. Francis maids after a year and a half of struggle. The arbitrators found that the maids who were “suspended, disciplined and dismissed” during the struggle were ruled to have been treated unjustly. Therefore, arbitrators ordered that all the warning notices given by Hotel management were “pulled out of their personnel files”. More importantly, the aim of the St. Francis Hotel maids’ action—reducing room quotas and thus easing their workloads—had been achieved. The ruling stipulated that the maximum room assignment to a maid was to be reduced to fifteen rooms per day, with the right to a further reduction in this number, after cleaning eight rooms where guests were checking out of the hotel.50

Figure 5. Lora Jo Foo’s Employee Warning Notice in the St. Francis Hotel, April 06, 1979.51

51 Lora Jo Foo’s Warning Notice, Foo Papers, box 3 of 6, Location 59A, folder 1.
“It was [a] resounding victory for the maids,” Foo concluded.52 One of the reasons that led to success was the maids’ shared experience of racism, sexism, and exploitation. They united firmly around the two newly elected Filipino shop stewards, who, according to Foo, “did all they could in the first 6 weeks to encourage their sisters to stick together.”53 Rickie Cornell, the union’s business agent at the St. Francis Hotel, also played a significant role. During the first three weeks when maids were taking their contracted breaks, Cornell was along with them and stood up to the hotel security, refusing to leave even under the threat of arrest. “To the maids she represented the Union behind them, even though [Local 2 while under trusteeship] was openly hostile to the actions of the maids,” Foo commented. The maids, including Foo herself, “had an unshakeable belief that the hotel was morally and legally wrong.” “We clung to that belief throughout the months of arbitration…and, in the end, we got justice.”54

The St. Francis maids’ struggle became the rallying cry for all the other maids in the San Francisco hotel industry.55 They were encouraged by the victory and expected further achievements. Such encouragement and expectations came together in the following year’s citywide hotel workers’ strike.

**The 1980 San Francisco Hotel Strike**

During the period of the Hotel and Restaurant Employees and Bartenders International Union’s trusteeship of Local 2, and before the new election could be held in May 1979, the rank-and-file opposition fractured. The Alliance of the Rank and File was now joined by the Coalition Against Trusteeship, formed in September, 1978.
Unlike the Alliance, which was made up of the higher paid workers such as waitresses, waiters, bartenders, and cooks, Coalition members were maids, dishwashers, and other lower paid workers; Foo was actively involved.  

When the election for new leadership arrived in May 1979, the International Union recognized it could not continue “business as usual” and enlisted a candidate from among the rank and file. They chose Charles Lamb, who had run on the Alliance ticket the year before. Despite the Coalition’s warning that “running more than 1 opposition slate would split the rank and file’s votes,” that’s exactly what happened. With two candidates representing different factions within the rank and file, Charles Lamb won the election with only 2034 votes, which added up to thirty-nine percent of the total votes. If united, the combined total of the two opposition candidates would have beaten Lamb by 550 votes. The Coalition Against Trusteeship believed that “Lamb’s victory is a setback for the rank and file in their fight for a strong and democratic union.”

However, the International Union could not turn back the clock. After all, as Foo said, “so much has changed in this union that you can no longer go back to the old days.” Moreover, Lamb understood the position of the rank and file opposition, given his former affiliation with the Alliance. He promised a program included hiring a number of younger, bilingual business agents, continuing to elect rank-and-file negotiating committees, and preparing for a citywide strike. This preparation was important development. “We seldom hear of these unions leading their workers on strike for higher wages, and indeed they almost never do,” Foo observed.

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56 After the trusteeship ended, CAT became Workers for a Decent Contract. ARF became Workers for a Strong Union. “Lora Jo Foo”, interview with author, April 22&23, 2018; CAT Newsletter, Vol. 1, No. 5, September, 1979. (Courtesy of Lora Jo Foo.)
time, some candidates from the rank and file’s two slates were elected, including Winston Ching for the Executive Board. They were learning the lesson the Coalition sought: “only when the rank and file is united, can it defeat its enemies.” For “the first time in thirty years,” Foo said, “there was an opportunity to go on strike.”

Under the current contract, which was about to expire in July 1980, workers had to work eight-hour days without sick leave and vacations. Although the contract provided for two fifteen-minute breaks in the first and second half of work shifts. But, according to Foo, “Until the St. Francis maid’s arbitration, this provision of the contract was not enforced by the union.” On December 20, the 1979 negotiating committee agreed to accept an interim seven percent wage increase from the Hotel Employers’ Association (HEA). However, members of Local 2 did not embrace this decision. They thought the wage increase was a calculated move on the part of the HEA in order to benefit themselves and to avoid a strike for the next summer. With the purpose of getting a better contract, the Coalition Against Trusteeship issued in-house newsletters in different languages to call for union members to stand together. Although the Executive Board could have reappointed the 1979 negotiating committee to carry on with the contract negotiations the following year, many workers made it clear that this would have been unacceptable and demanded elections for new negotiating committee in 1980.

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62 “Lora Jo Foo,” interview with author, April 02, 2019.
63 Foo Papers, box 3 of 6, Location 59A, folder 3.
64 The Local 2 Times: A Rank & File Newsletter, Vol. 2, No. 1 (February 26, 1980), 1, Foo Papers, box 3 of 6, Location 59A, folder 3.
On March 24, 1980, over 8,000 San Francisco hotel workers had the opportunity and the responsibility to participate in the most significant election: for a rank-and-file committee to negotiate the 1980 hotel contract. They ended up in electing thirty-five members for the negotiating committee from all classifications within the industry. Half of the committee members were Asian, Latino, and African American, including Foo, who was elected as one of three representatives for the citywide maids. She, along with other newly-elected negotiating committee members, then participated in a training program before the negotiations and learned about contract language, the law

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65 Foo Papers, box 3 of 6, Location 59A, folder 3.
and collective bargaining, and the role and responsibility of the negotiating committee.67

On May 25, 1980, negotiations began.69 “We basically have to rewrite the whole contract,” Foo recalled, “because it’s been so weakened after all these years.”70 Their initial demands included a sixty-eight percent increase for the lowest paid workers. Although that percentage increase was very high, the lowest paid workers made so little. For example, they demanded that wages for maids be increased from $4.74/hour to $8/hour in the first year. Even with this increase, the maids’ new pay would still not equal the current hourly rate of the cooks in their union. Other demands included sick leave and free meals.71

But, when negotiations began, “all of us inexperienced rank-and-file negotiators had to then turn to rely on the [former] trustee,” Foo noted.72 Vincent Sirabella, whom the International Union had put in leadership during the trusteeship, was an experienced contract negotiator. The son of a cook and a domestic servant, and a former waiter

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67 CAT Contract Bulletin #1. (Courtesy of Lora Jo Foo); “Lora Jo Foo”, interview by Juhee Kwon, 13.
69 Allyne Butcher, “The Hotel Reopener/A Minority Report,” Rank and File Negotiating Committee. (Courtesy of Lora Jo Foo.)
70 “Lora Jo Foo”, interview by Juhee Kwon, 13.
himself, Sirabella strongly believed in worker organization as the method to root out class exploitation, and unionism became the focus of his life and work.\textsuperscript{73} But as a national officer his reputation was poor among the rank-and-file opposition to the International Union. “We’re all waiting for him to sell us out, in some way or other,” Foo said, somewhat jokingly because she also recognized him as “progressive.”\textsuperscript{74} Indeed, according to historian Steve Early, Sirabella was “a charismatic union militant with a 9th-grade education and a passion for organizing the unorganized.”\textsuperscript{75} So, at the bargaining table, Local 2’s President Charles Lamb was the chief negotiator, supported by the negotiating committee, and Sirabella was an advisor.\textsuperscript{76} The other side was led by Douglas Cornford, the Executive Director of the HEA and a former newspaper industry negotiator. He represented the general managers of the thirty-five luxury hotels in San Francisco.\textsuperscript{77}

Contract negotiations between Local 2 and HEA did not go smoothly. Foo recalled that the HEA called the union’s proposals “outrageous”, and they provided a counter-proposal instead, which included a much smaller pay increase of 24.5% over three years. More humiliating and showing HEA’s insensitivity to the workload of the maids was their offer of an extra seventy-five cents a day if the new contract removed the maximum room quota. So rather than lowering the number of rooms each maid was required to clean, as the St. Francis Hotel maids had won, the HEA wanted quota language completely dropped.\textsuperscript{78} The HEA also refused to recognize that minorities and

\textsuperscript{73} Julius G. Getman, \textit{Restoring the Power of Unions: It Takes a Movement} (New Haven, Conn.: Yale University Press, 2010), 41.
\textsuperscript{74} “Lora Jo Foo”, interview by Juhee Kwon, 13.
\textsuperscript{76} Charles Lamb brought Sirabella as “Assistant” to the Rank and File Negotiating Committee. Sirabella then acted as the Chief Negotiator for the Union and interfered on behalf of the International in Local 2 affairs once again. CAT Contract Bulletin #1; “Lora Jo Foo”, interview by Juhee Kwon, 13.
\textsuperscript{77} Foo Papers, box 3 of 6, Location 59A, folder 3.
\textsuperscript{78} Foo, “The Role of Asians in the Recent Struggles of the San Francisco Culinary Industry”, 34.
women had been kept out of the higher-paying jobs, and maids continued to have to pay for their meals.\textsuperscript{79} For the negotiating committee, these terms were unacceptable.

The union’s purpose was to get a decent contract through negotiation without a strike, but, as Sirabella said, “the only thing that will avert a strike is for management to address non-wage issues…and add a decent wage increase for future years.”\textsuperscript{80} The prevailing mood among workers in hotels, at that point, was in favor of a strike. Whenever negotiations came to a stalemate, furious and impatient workers called the union for a strike. Foo’s vivid account reflects the mood among workers at the time.

You couldn’t keep these workers from going on strike. They would’ve been disappointed if we entered into a settlement agreement because they were so pissed. They were so pissed at management for the way they’d been treated all these years, right? They wanted to go on strike.\textsuperscript{81}

The Hotel Employers’ Association initially underestimated the possibility of a strike and Local 2’s determination. But, on July 7, 1980, members united as one group. On that day, over 3,000 workers voted to set a strike deadline for July 17 at 6:00 a.m. by an overwhelming margin of ninety-four percent; the vote was 2,845 to 192. “Hotel workers of all nationalities, of all crafts, young and old, have formed a solid wall of unity,” said Local 2 President Charles Lamb. “We are united against the hotel owners’ drive to divide us, to take away our rights and benefits and to block our efforts to win a decent contract.”\textsuperscript{82} Despite some last minute negotiations and a late push for an agreement, nothing could keep those disappointed and furious workers from going on strike. It would be a release of years of frustration and suppressed anger at the humiliating ways that the workers were treated by their employers.

In the very early morning of the strike date at the St. Francis Hotel and other

\textsuperscript{79} Local 2 Special Bulletin, June 28, 1980, Foo Papers, box 3 of 6, Location 59A, folder 3.
\textsuperscript{80} Foo Papers, box 3 of 6, Location 59A, folder 3.
\textsuperscript{81} “Lora Jo Foo”, interview by Juhee Kwon, 14.
\textsuperscript{82} Ibid., 14; Local 2 Special Bulletin: Strike Deadline Set, July 9, Foo Papers, box 3 of 6, Location 59A, folder 3.
selected hotels, workers were making final preparations, passing out the picket signs, and anxiously waiting for the notice to start the strike, when, at 6 a.m., some 6,000 workers from twelve hotels walked out to strike against the major San Francisco hotels. Foo estimated that only 100 or so workers failed to join the strike and instead crossed the picket lines. For “the majority of workers, this is their first strike ever.”

The 1980 San Francisco Hotel strike was on.

Considering that the strike would be a tremendous burden on the entire community and the San Francisco tourist industry, Local 2 first chose ten hotels to strike, including St. Francis, Hilton, Fairmont, Mark Hopkins, Manx, Hyatt Regency, Hyatt on Union Square, Pacific Plaza, Stanford Court, and Handlery. When the maids of a smaller hotel, the Steward hotel, came to work and looked at the St. Francis Hotel’s picket lines, they refused to start work and joined the strike. The Sheraton Place was one of the larger hotels, but it was not selected at first. But the workers at the Sheraton said, according to Foo, “we’re not going to work. You didn’t select us, but we refuse to go to work. We’re throwing up our own picket line.” The Sheraton workers, in the end, went out on a “wildcat” strike, which mean they were striking without union ratification, an example of rank-and-file rebellion. Meanwhile, threatened by their employees’ strong desire to strike, five Holiday Inns entered into a “me too” agreement with the union: “whatever contract was settled on”, those hotels would adopt it. Because it was not necessary to strike at their hotels, Chinese maids came to the picket lines after work and on their days off to show their solidarity and support for the union contract.

Organizing and supporting more than 6,000 strikers was not an easy task, especially as the strike lasted nearly a month. As Foo noted:

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85 Ibid., 14-15.
we ended up with 6,000 workers [of twelve hotels] on strike against 35 of the hotels and the strike lasted for about twenty-seven days. Twenty-seven days is a long time to be on strike for any group of workers. But especially for this group of workers, a lot of whom, even working a full forty-hour week, made so little that they were eligible for food stamps, … These workers were really scraping bottom.86

It was a tough period for the strikers. Juan de la Torre, a laundryman at the Fairmont, made thirty-seven dollars a day and got fifty-seven dollars a month in food stamps to supplement his income before the hotel strike. He was the only wage earner in his family of four.87 Maria A. Tejada was another example. She had divorced six years earlier and was a mother of five children. Even before the strike, Tejada was looking for part-time housecleaning work to supplement her income.88 Such examples were not rare among these workers who lived on the edge of survival.

To support hotel workers and their families during the strike, Local 2 established a special committee—the Member Support Committee. The committee members worked to get food stamps for workers and set up a strike kitchen to feed them.89 They gathered information on credit extensions for loans, support agencies and alternative job possibilities. They established a strike information switchboard and planned the distribution of food on the picket lines. On June 7, the committee even held a Unity Dance to raise funds.90 Local 2 also turned to the International Union for help. On July 28, Edward Hanley, President of the Hotel and Restaurant Employees and Bartenders International Union, approved fifty dollars a week strike benefits for the striking workers.91

86 Ibid., 14.
89 David Tong, “Strikers Start to Feel Economic Pinch”.
90 Local 2 Information Bulletin #3, Foo Papers, box 3 of 6, Location 59A, folder 3.
91 Jackson Rannells, “Hotel Talks Fail – Mayor Steps In,” SF Chronicle, July 29, 1980, Foo Papers, box 3 of 6,
On the other side, the HEA was not sitting idle. When it was clear the strike was inevitable, they responded immediately with a decision to lock out union employees at the other twenty-four hotels. They also prepared for the strike by moving management personnel and replacements for picketing workers into the hotels to live, boarding up street level windows, hiring extra security guards, and even hiring guard dogs to patrol the lobbies. In “An Open Letter to the Public”, Local 2 accused the HEA of “pulling out all the stops in their attempt to break this strike and our union. They have imported scabs from as far as Hawaii and Texas.”

Most hotels decided to remain open with reduced services and to offer discounts guests. In order to undermine the solidarity of the strike, the HEA brought in non-union laborers from different hotels from other cities. The manager of the Mark Hopkins Hotel was overheard on the telephone while trying to recruit some maids from Hawai‘i: “I don’t care how you do it, you find them fifteen seats and put them on an airplane. I need them here.” The Fairmont Hotel was better prepared. Its management had anticipated the strike, and so they quietly airlifted in at least eleven non-union maids from the Fairmont Hotel in Dallas. In order to deal with the situation, the picketing workers tried to convince the strike breakers not to cross the line. Sometimes it worked. These replacements were secluded in the hotel, and some, once they realized how hard and oppressive the job was, would quit. One strikebreaker, who did not wish to be named, said in an interview with the San Francisco Examiner: “The pickets would call us names, but the management was so mean to us … we worked for 5.50 dollars an
hour, which was three dollars less than checkers made before they went out, and they wanted us to work overtime for free. … When I got sick, there was no sick pay. I had to quit.”

To fight against the HEA’s action, Local 2 started noisy protests when the strike entered its sixth day. They banged on noisemakers ranging from pots and pans to hubcaps and garbage can lids. Forty-six strikers were arrested, including Local 2’s president and key leaders. Although a Superior Court judge issued a temporary restraining order that severely limited picketing activity at eleven targeted San Francisco hotels on July 24, the noisy demonstrations finally compelled both sides to return to the bargaining table. It was the first time they had negotiated since the strike began. Racial and ethnic minorities were the leading contingent in the strike. The backbone of the strike were the maids, who comprised more than a third of the strikers, including Filipina, Chinese, Latina, and African American maids. Filipina women made up the majority of some of the picket lines during the day shift, chanting and singing outside each of the major downtown hotels.

Foo described the situation this way. “You see pictures of the picket lines, you see all these women on the picket lines. … And at one point, I was going, ‘Okay. Where are all the guys? Where are they?’ I sort of walk into the bars in downtown San Francisco, and there they were, hanging out at the bars.” Working-class, immigrant, and racial minority women were on the front lines, no longer silent or unorganized. Their prominence and solidarity were later explained by Foo. These women “were

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suffering in the same way… so there was just mutual respect and solidarity among all these groups.”

In addition, during the 1970s, an upsurge of collective activity among women service workers in the United States took place. Although most of the activity happened outside the traditional labor unions and did not lead to large numbers of collective bargaining contracts, “it helped fundamentally transform the gender, class, and racial norms governing millions of women’s service jobs,” argues historian Dorothy Sue Cobble. Maids were one group among those women.

These women had struggled with the double or even triple oppressions of being a woman, an exploited low-wage worker, as well as a racial or ethnic minority. As Cobble shows, the maids’ struggle “drew its inspiration more from traditions of race and class justice than from gender,” because “household workers, mainly poor women of color, had no such shields as being white and having some college education,” as did middle-class white American women. This intersection of sex, race, and class shaped these women’s identities while the forces of sexism, racism, and class oppression profoundly affected their lives and experiences. What later came to be called “intersectionality” provided a platform for their activism.

As a Chinese American and Marxist feminist activist who had experienced and witnessed the cross-influence of race, gender, and class discrimination, Foo contributed to this solidarity among the striking women hotel workers.

The strike, in Foo’s observation, had “an immediate impact in San Francisco’s one billion dollar a year tourist industry. … within 36 hours of the strike, the city’s visitor

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103 Ibid., 16.
105 Ibid., 349, 354.
business is down 20%.”107 Two weeks after the strike, the dispute between San Francisco’s major hotels and their employees inflicted the city with $1.7 million in losses. The enormous impact of the strike was because it came during the city’s peak tourist and convention season. For example, 1,700 guests would be hosted at the Western Linen Show scheduled on August 13, and 4,000 members of the American Association of Mechanical Engineers also planned to meet in San Francisco on August 10. The most important convention was the meeting of the American Chemical Society, which would bring from 10,000 to 12,000 guests to San Francisco on August. Due to the strike, organizers of those conventions were watching and waiting how the strike developed.108

Although several conventions had already been relocated to nearby cities, both Local 2 and HEA still took tough stances in a series of on-again, off-again talks, and failed to agree on the wage, benefit, work rules and union rights issues. Attitudes on both sides hardened. They accused each other of destroying the negotiations. Local 2’s president charged that HEA had been using professional strikebreakers and imported Cuban refugees to work, whereas HEA’s executive director Cornford charged that the union was “importing professional pickets”.109 No one was able to predict how or when the strike would end. A lot of people viewed the situation anxiously, including Robert J. Sullivan, the executive director of San Francisco Convention and Visitor’s Bureau. He said mournfully, “I really had hoped there wouldn’t be a strike.”110

As the strike went on, the serious impact on tourism became clear. According to Foo, “By the end of the third week of the strike, at least 8 conventions totaling 20,000

people have cancelled.” On August 5, the twenty-day-old strike and lockout at San Francisco’s major hotels took a heavy toll on the city’s tourist industry. American Chemical Society cancelled their trip, which had been supposed to begin on August 22 in San Francisco, but moved to Las Vegas instead. “That’s a loss of 5 million dollars to the hotels, restaurants, shops, cab drivers and convention service industries,” Sullivan said, crestfallen. “The dangerous thing is that this is the largest meeting that has cancelled, it may cause others to re-think their plans.” Sullivan had been trying to get the American Chemical Society’s business since 1969. The strike made the eight-year plan “go down the drain”. According to a one-year study by the United States Travel Data Center, the estimate of a $5 million loss was considered “conservative”.

“It is at this point when the hotels are hurting,” Foo said, “when S.F. labor and communities begin to rally around the strikers, when the strike begins to take on the semblance of a civil rights movement, that the International Union steps in, and negotiations are secreted away to Los Angeles without the rank and file negotiating committee.” From its inception, the strike instantly attracted media and public attention. Pressured by the impact of the strike on San Francisco’s economy, Local 2 and HEA ended up having secret talks in Los Angeles, which was also attended by Edward Hanley, the president of the International Union, Vincent Sirabella, the negotiation advisor, Charles Lamb, Local 2’s president, and the federal mediator, Maggie Jacobsen.

A tentative agreement was worked out and presented to the rank-and-file

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113 Ibid.
114 Russ Cone and Paul Shinoff, “Big Convention Lost to Hotel Strike”.
negotiating committee on August 10, but they opposed and rejected it. From their perspective, according to Foo, the “agreement is basically no different than the one the negotiating committee turned down the morning of the strike.” “We already rejected all of that,” Foo said. “We voted it down 2 to 1.” Despite this rejection, Local 2 leadership brought it to the membership for ratification. On August 12, at the Kezar Stadium, over 2,000 workers attended the ratification vote. Foo recalled, “they didn’t give the rank and file committee any time to explain why they should vote ‘No’ on this contract.” After the long and grueling strike, most hotel workers were really hurting financially. They wanted to go back to work. However, the St. Francis Hotel workers, mostly the maids under the leadership of Foo, were still willing to hold out and continue the strike alongside the workers at two other hotels—the Hyatt Regency and the Fairmont. Unfortunately, they were in the minority in the stadium. With a vote of 1,823 for and 524 against, Local 2 members ratified the new contract.

In this contract, the rank and file failed to achieve all their demands, but Local 2 President Lamb explained the settlement was necessary. Both the union and the HEA realized they were in a deadlock that was harming both sides. Lamb was worried that the hotels planned to begin replacing union members permanently with non-union employees. According to Foo, many activists from the strike also concluded that the strike needed to end because they “had no exit plan”. In looking back, she commented that many of the activists “became business agents; they became heads of

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118 “Lora Jo Foo”, interview by Juhee Kwon, 15.
120 “Hotels, Union Reach Accord,” SF Examiner, Monday, August 11, 1980, Foo Papers, box 3 of 6, Location 59A, folder 2.
121 “Lora Jo Foo”, interview by Juhee Kwon, 15.
unions, they’ve negotiated many contracts since, and they’re probably right.”\(^{122}\) The hotel strike settlement also much be considered within context of a changing environment for organized labor. With the 1960s and 1970s rebellion of the rank and file fading and overall union membership in the United States declining, compromise seems obvious and necessary in hindsight if not for every participant at the time. On August 15, the 1980 San Francisco hotel strike came to a halt.\(^{123}\)

Although the strikers did not get everything they had hoped for, in Foo’s view, “what we got was still the best in the country. And Local 2 was transformed into a much stronger union, a fighting union.”\(^{124}\) Compared to her previous efforts at Koret of California, this time Foo’s labor organizing contributed to concrete gains. After the citywide strike, workers of Local 2 became the highest paid hotel workers in the country. As of July 1981, San Francisco hotel maids earned $5.94 per hour and achieved their demand of reduced room quotas, which was the only such contract in the United States at that time. Other benefits gained included promotion rights by seniority and so-called bumping rights to other jobs within the workplace. Above all, the 1980 San Francisco hotel strike sparked activism in other parts of the country, such as the campaign “San Francisco Wages for LA Workers”, organized by hotel workers in Los Angeles. Local 2’s strength also allowed it to influence the AFL-CIO, which adopted a resolution to organize undocumented workers after a push from Local 2.\(^{125}\)

Foo’s experience with the maids in the San Francisco hotel strike reflected her personal spirit of resistance and fit with many examples of women’s labor organizing in the 1970s and 1980s. Racial and ethnic minority women activists, including Chinese

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122 Ibid., 16.
124 “Lora Jo Foo”, interview with author, April 22, 2018.
American women like Foo, confronted sex and race discrimination in the workplace, and integrated their battles for gender and racial equality. A number of prominent Asian American women were trained and became leaders in this era, such as Katie Quan who became head of Local 101 of the International Ladies Garment Workers Union (ILGWU) in San Francisco; May Chin, who ended up being the head of Local 23, 25 in New York City, one of the largest ILGWU locals in the country; and Patricia Lee, who was a maid at the Hyatt Regency and became Deputy Regional Director of the AFL-CIO. Those Asian American women rose in ranks within the union movement to leadership. Although Foo left Local 2 and the St. Francis Hotel in 1981 to become a labor attorney, she continued to devote herself to the concerns of Asian American women and Asian immigrants throughout her career.

Without those Asian American women’s devotion and solidarity to the strike, Local 2’s organizing efforts could not have been so successful. Along with many other grassroots leaders, Foo’s strong commitment to labor organizing and union transformation propelled and promoted the development of the strike. They were able to form a multicultural coalition to combat the inequality and inequity based on the multiple oppressions that they shared. They strongly believed in the importance of labor organizing and felt that the strength of the union rested on its rank and file. As Foo argued: “Why labor organizing? That’s the roots of it. It came from watching my mother, wanting to improve the lives of Asian immigrant workers and their children, and understanding that nobody’s going to do it for them for us unless women organized themselves.”

After the six years as a labor organizer and the nearly one-month strike, Foo

127 “Lora Jo Foo”, interview with author, April 22, 2018.
128 “Lora Jo Foo”, interview by Juhee Kwon, 3.
reached a point of realization. “I was completely burnt out,” she said, “you work manual labor five days a week, and then you’re an activist the rest of the time, and an activist is basically evenings, weekends.” What burnt Foo out the most was the left “factionalism within Local 2”. Even decades later, Foo still remembered the factionalism within Local 2’s five to six radical left groups. “Very intense factionalism,” she commented, “when you’ve got that many—you know, you’ve got a quarter of cadres from all these different organizations spread out throughout the hotels ...” The factionalism within Local 2 was a common phenomenon that threatened the survival of many left organizations in the United States during this period. As Bae argued, “activists themselves exacerbated divisions within their networks ... Internal ideological conflicts continued to produce splits within organizations”.

One of the left organizations in the United States at the time was the Students for a Democratic Society. A leader of SDS, Richard Flacks, observed, “strategic questions are being turned into matters of basic moral principle; ... personality clashes are becoming ideological conflicts and vice versa; fairly vituperative labels and stereotypes are coming to replace honest confrontation of opposing views.” These developments generated a deep factional division and led to the split of the organization. Foo was conscious of the adverse influence brought by factionalism in her own activism, so she decided it was time to take a rest and find “another way of advocating for workers and organizing workers”. At that time, she remembered watching the union’s attorneys during the St. Francis Hotel maids’ arbitration and the Local 2 contract negotiations,

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129 Ibid., 22.
130 “Lora Jo Foo”, interview by Loretta J. Ross, 27.
134 “Lora Jo Foo”, interview by Juhee Kwon, 22;
and she recalls telling herself, “I can do this. That’s something I can do.”

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135 Ibid., 22-23.
CHAPTER FOUR
Advocacy for Low-Wage Workers through Impact Litigation, 1992-2000

“I just decided, I need to find another way of advocating for workers and organizing workers.”
— Lora Jo Foo

Lora Jo Foo went to Golden Gate University pursuing a Juris Doctorate after she left the St. Francis hotel in 1981. She graduated from law school in 1985 and started practicing law in 1986. From February 1987 to December 1991, she worked for a private labor law firm in San Francisco, representing trade unions throughout California. In January 1992, Foo joined the Asian Law Caucus. From that point on, she represented hundreds of Asian immigrant low-wage workers both in individual and multi-plaintiff cases for back pay, overtime compensation, employment discrimination, and other labor violations. Foo’s transition from a labor organizer to a labor attorney coincided with a serious setback in the U.S. labor movement.

On August 6, 1981, U.S. Transportation Secretary Drew Lewis announced that at least 12,000 striking air traffic controllers had lost their jobs and would not be rehired. The Professional Air Traffic Controllers Association (PATCO) was on strike for better pay and working conditions but in violation of a prohibition on strikes by federal government employees. The union mistakenly believed air traffic could not be managed without their expertise and experience. But Republican President Ronald Reagan refused to settle the strike and concede to the strikers’ demands. His administration

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2 Lora Jo Foo’s Declaration, September 22, 1995, Foo Papers, Box 2 of 7, Location 59G, Accn. #09S-27; Lora Jo Foo, interview with author, April 23, 2018.
believed “the inconvenience is preferable to yielding to a strike undertaken in violation of federal law,” and public opinion polls showed support for the President.⁴

On the same day, Robert E. Poli, president of PATCO, appealed for help, urging the AFL-CIO to “publicly join our fight” and to “honor our picket lines”.⁵ Lane Kirkland, president of the AFL-CIO, announced that he supported the strike, but said it was up to individual unions to decide where they stood.⁶ When support from the broader labor movement was not forthcoming, it exposed a “fatal weaknesses in the labor movement’s capacity to articulate common goals and mobilize public support,” as Steve Babson argued.⁷ By 1982, the Federal Labor Relations Authority had decertified the union and made the nation’s air traffic system non-union.⁸

The failure of the PATCO strike “marked a turning point in the history of American labor relations,” according to Joseph A. McCartin.⁹ President Reagan’s willingness to fire the strikers and hire replacement workers opened the doors to private employers doing the same. His strong stance, despite PATCO’s endorsement of him for the presidency in 1980, contributed to growing antiunionism in the Republican Party. The rise of political conservatism and employers’ ongoing challenges to workers’ rights signaled an end to the rank-and-file rebellion of the later 1960s and 1970s, and strike activity declined remarkably. Competition from overseas imports and “an epidemic of plant closings following the economic recession of the early 1980s” further undermined organized labor, and union membership fell. By the end of the twentieth century, only fourteen percent of all workers were union members, compared with twenty-three

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⁴ Ibid.
⁶ Ibid.
⁸ Ibid., 157.
⁹ McCartin, Collision Course, 361.
Within this context, many labor and community activists began to think their strategies, and it was at this time that Lora Jo Foo began her career in law. She saw the law as another and potentially more effective way to pursue social justice. This chapter examines Foo’s strategy of using “legal weapons” to safeguard immigrant working people’s rights. In the post PATCO-strike era, “labor had become more vulnerable,” Babson argues, “and employers had become more aggressive.”

During this period labor violations in the garment industry were gradually exposed to the public by a wave of “impact litigation,” which Foo worked on as a lawyer. Using two cases from Foo’s career—the Chan and the Cuadra cases—this chapter argues that impact litigation was an effective way to protect immigrant workers. In this phase of her career, Foo did more than simply help one individual worker after another; instead she used litigation to further stop labor violations for the whole workforce and to influence public policy.

**Becoming a Labor Attorney and Joining the Asian Law Caucus**

After the San Francisco Hotel strike, Foo felt burnt out physically and psychologically from all those years of manual labor and activism in the garment and the hotel industries. She wanted to find a new way to help low-wage workers and immigrant women workers. When she saw all that the attorneys did during arbitration and contract negotiations during her time with Hotel and Restaurant Employees and Bartenders International Union Local 2, she decided that could be a new way for her to continue representing workers and their interests. But to be an attorney, she first needed to complete her college degree. As Foo said, “you have to have a bachelor’s degree to

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10 Babson, *The Unfinished Struggle*, 158.
11 Ibid., 159.
So, she returned to school and got her bachelor’s degree in June of 1982. In September, Foo started law school at Golden Gate University.\textsuperscript{13}

The early 1980s, when Foo started her transition from a labor organizer to a labor attorney, coincided not only with the decline of unionism but also with a rise in immigration, including from Asia. The Immigration Act of 1965 had abolished the discriminatory national origins quota system and removed restrictions on Asian immigration to the United States. The population of Asian Americans grew rapidly from 891,000 in 1960 to 7.3 million in 1990.\textsuperscript{14} Due to this growth, the Asian American community always maintained an immigrant character. Although old residents continually left the ghetto, newcomers poured in. The majority of them were recent immigrants and refugees who spoke limited or no English, so they could only find jobs with a meager income below minimum wage standards.\textsuperscript{15} Although most discriminatory laws against Asian Americans were abolished in the second half of the twentieth century, the shadow of inequality and injustice continued. Largely concentrated in the service and garment industries, they were unable to count on much help from unions and the labor movement.\textsuperscript{16}

The problem was particularly serious in California, according to a 1994 report by Foo, Laura Ho, and Thomas M. Kim.

\ldots in California, where one out of three Asian Americans in the United States live, and where Asian Americans compose ten percent of the total state population. Approximately two-thirds of California’s Asian American population was born outside of the United States. A significant percentage of Asian American households in California are linguistically isolated. As a result, many monolingual immigrants who speak Asian languages must find

\begin{footnotes}
\item[12] Lora Jo Foo, interviewed by Loretta J. Ross, Voices of Feminism Oral History Project, Sophia Smith Collection, Smith College (December 16, 2006), 30. (Courtesy of Lora Jo Foo.)
\item[13] Ibid., 30.
\item[15] Ibid., 170, 191-92.
\item[16] Local 2 was an exception at the point. \textquote{Local 2 was stronger than ever after the 1980 strike,} according to Foo, \textquote{It became a fighting union and one of the strongest in San Francisco.} However, the American labor movement, on the whole, was weakening. \textquote{Lora Jo Foo}, interview with author, April 23, 2018.
\end{footnotes}
work in their insular ethnic communities where they end up working long
hours at low pay. Thousands of Asian immigrants work for entrepreneurial
immigrant employers in California’s sweatshop industries: garment,
restaurant, janitorial, and other service and nondurable manufacturing
industries. When they are lucky enough to get paid, they often receive
subminimum wages and no overtime pay; often, they are not paid for their

Under such circumstances, Foo needed to find a strategy to help immigrant low-
wage and women workers. At this time, litigation as a means to help workers once again
became prominent. Since the early twentieth century, law had occupied a significant
place in the labor movement alongside collective actions, and produced some important
progressive labor legislation. The 1935 National Labor Relations Act was one of them.
With the labor movement at a low ebb in the 1980s, the legal system again became a
crucial locus of social reform.\footnote{However, as Cummings argued Law’s status, ascendant in the civil rights era as a vehicle of social change,
Some labor activists began to use impact litigation to
protect immigrant and low-wage workers during this period. Although Foo left Local 2
and went to Golden Gate University, according to her, “for purely personal reasons”,
she was on the right track.\footnote{“Lora Jo Foo”, interview with author, April 23, 2018.}
As Katie Quan explained, “Being an attorney was a tool
for her to use in order for her to advance her lifelong goals.”\footnote{Keith Donoghue, “Laboring Under the Law,” \textit{The Bay Area’s Legal Newspaper}, March 6, 1996, Foo Papers, Box 1 of 1, Location: 59F, Accn. # 07S-11.}

Due to a lack of self-confidence, Foo thought at first to become a paralegal, rather
than going to law school to become an attorney. “It never occurred to me that I was
capable of doing that,” Foo said.\footnote{“Lora Jo Foo”, interviewed by Loretta J. Ross, 30.} But one of the attorneys working with Local 2
recommended to Foo that she should go to law school. Foo felt encouraged and used
the summer to build her vocabulary before law school began. “I read everything –
magazines, newspapers, books – and whenever I came across a word I didn’t know, instead of skipping over it, I would look every word up in the dictionary. I put myself through summer boot camp, building new vocabulary and getting myself ready for law school,” Foo recalled.22 In 1983, during her first year in law school, there were a mere 1,962 Asian American students enrolled across all American Bar Association-accredited law schools, comprising less than two percent of total enrolment in the United States.23 Although Foo was reminded again of her minority status, and law school was generally “hell on wheels,” as Foo put it, she actually enjoyed herself. “It really was a reprieve for three years.”24

After the end of the first year, in 1983, every law student went off and clerked somewhere—whether in a private law firm, a nonprofit organization, or a government agency; Foo chose to clerk at the Asian Law Caucus, the nation’s first legal aid and civil rights organization serving the low-income Asian American communities. Formed in August, 1972 by Asian American lawyers and law students, the Asian Law Caucus (ALC) was a non-profit community law office focusing on the needs of Asian Americans. The history of providing legal services to those who could not afford it stretches back to the late nineteenth century, but in the 1960s the War on Poverty significantly expanded legal aid by providing federal funding. By 1965, there were 157 legal aid organizations distributed around the nation, employing more than 400 full-time lawyers with an aggregate budget of nearly $4.5 million.25

Still, the ALC was a completely new and unprecedented experience among Asian American communities. The founders, who were committed to creating a lasting

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22 Ibid., 30.
24 “Lora Jo Foo”, interviewed by Loretta J. Ross, 30.
institution to fight against racial discrimination, hoped to empower their communities through legal services. They wanted to change the situation whereby Asian Americans historically had been treated as outsiders and suffered at the hands of a legal system which “more often abridged than advanced civil rights.”

The ALC provided legal assistance to the Asian community, so that “the law could become a tool for change, instead of an instrument of oppression”. They “provided legal representation to many clients and filed suits against institutional racism” in the 1970s. Afterwards, due to the so-called “Reagan Revolution,” massive cuts in federal government programs were undertaken including legal services for the poor, which was a big blow to non-English speaking immigrants, garment and restaurant workers, the elderly on fixed incomes, and other low-income groups.

The 1980s presented new challenges to the ALC, just as Foo took up her internship there. As she recalled, the ALC “developed a multi-prong approach to our labor work, actually to all of our work.” There were four areas of activity: litigation, legislation, education, and organizing. “[I]t wasn’t just litigation that we engaged in.”

We engaged in legislative advocacy. So what we couldn’t do by litigation, we would draft bills and lobby for their passage and build campaigns to push through the bills. We engaged in education of our community, and so we had community workers and paralegals that were doing presentations... [about] workers’ rights, immigrant rights, tenant rights. … We engaged in campaigns and organizing. For instance, groups of restaurant workers that came, who were fired, who hadn’t been paid minimum wage or overtime, we would say, You can file a law suit. Might take you three years. You could throw up a picket line, and if you’d like to throw up a picket line, we’ll help you organize it.

As an intern, Foo first area of activity was litigation, specifically “impact litigation.”

Impact litigation is the practice of seeking to effect widespread social change through

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28 “Lora Jo Foo”; interview by Juhee Kwon, 25.
29 Ibid., 25.
lawsuits. These lawsuits can be brought as either class actions or as individual claims. According to Peter H. Schuck, impact cases seek “a judicial order mandating that the defendant do, or refrain from doing, certain things and rely on the U.S. Constitution. Many, however, seek money damages and invoke state law.”

The first and most famous impact litigation case was Brown v. Board of Education, the 1954 school desegregation decision, which was launched by the National Association for the Advancement of Colored People. The ruling was a landmark, stipulating that all forms of state-supported racial discrimination in the public schools was unconstitutional, but so, too, was the legal strategy. Many post-Brown impact cases, asserting the rights of women and undocumented immigrants, have been squarely based on it.

The ALC “engaged in that—impact litigation—and impact litigation means making change through the judicial system, pushing the boundaries of the law to protect tenants or workers or immigrants,” Foo stated. When she started her internship, they were working on a lawsuit to protect garment workers, so they had to find a group of workers who were willing to be plaintiffs. The ALC had found only one female garment worker, who had been fired and wanted to file a lawsuit, but she would not file the lawsuit without at least nine other workers joining with her as named plaintiffs. Foo’s first job at the ALC, then, just as it had been at Koret of California, was to go organize a group of garment workers. By the end of the summer, Foo succeeded. The ALC had ten garment workers—eight women and two men—to be plaintiffs.

This internship, thus, helped Foo find the ideal workplace for advocating for

33 In the end, the case did not go to trial, because “ALC won a settlement for the ten workers and obtained for them their full back wages”, according to Foo. “Lora Jo Foo,” interview with author, April 03, 2019; “Lora Jo Foo”, interviewed by Loretta J. Ross, 32.
immigrant women workers. As she said, “I really wanted to work at the Asian Law Caucus. I wanted to continue doing this work. This was exactly what I went to law school for.” Following her internship, Foo returned to law school, but when she graduated in 1985 the ALC did not have a full-time job for her, so she worked in a private law firm representing trade unions. In January 1992, an opportunity arose for Foo at the ALC. One of the ALC’s attorneys, Dennis Hayashi, who held the employment/labor position, left, leaving an unfinished case behind. Foo moved over to the ALC and became their employment/labor attorney from 1992 to 2000. Foo began by continuing the impact litigation lawsuit that Hayashi was working on. As it turned out, it was a follow-up case to the one she had originally helped with during her internship nearly a decade prior. Foo eventually finished and won an unprecedented court judgement in the case. That was the Anna Chan Case.

Figure 8. Asian Law Caucus Staff: Lora Jo Foo in the right front seat, June 6, 1992.36

34 Ibid., 32.  
36 Asian Law Caucus’ newsletter: Years of Striving towards Equality & Diversity, Saturday, June 6, 1992, Foo Papers, 108
Establishing Employer “Joint Liability”: The Anna Chan Case

In December, 1987, Ocean Garment Manufacturing Ltd. suddenly closed its factory on Mission Street in San Francisco. The factory owners subsequently disappeared leaving one hundred and twenty-five former employees with several months of wages and years of overtime unpaid. It was common for San Francisco garment factory owners to vanish without paying wages. In 1968, twelve workers in a Chinatown shop were fired for demanding a union shop. With the help of the International Ladies’ Garment Workers’ Union, those workers picketed the shop for four weeks and finally succeeded. However, the shop owner closed the shop after signing the contract and the ILGWU could do nothing about it. As in 1968, the same thing happened again in 1973. Two hundred and fifty Chinese, Latino, Filipino, white, and black workers struck the San Francisco Gold Company. Although the workers won union recognition, many of them were laid off after the strike. The union still had no effective strategies to deal with this recurring problem.

Due to such challenging working conditions in San Francisco’s garment industry, and the labor movement’s struggle with how to confront them, workers continued to suffer labor abuses in the 1980s. According to Foo, approximately “seventy percent of the five-hundred garment contractors in San Francisco regularly violate labor standards.” But even when a contractor could be identified and found liable for such violations, they often lacked the financial resources to pay the lost wages or damages

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37 “Declaration of Dennis Wayne Hayashi in Opposition to Dismissal Sua Sponte and in Reply to Defendant’s Opposition to Motion to Specially Set Case for Trial,” Pleadings, SF Superior Court No. 898427, 911219, Consolidated (Apr. 27, 1993), 2-5, Foo Papers, Box 5 of 7, Location 59G, Accn. #09S-27.
owed their employees, much less the fees of their attorneys representing the workers. However, things were about to change.

In January, 1988, fourteen former employees of Ocean Garment sought legal assistance from the ALC after their factory closed.\textsuperscript{40} Anna Chan was one of them. Chan was a resident of San Francisco. From November 16, 1987 to December 5, 1987, she was hired by Ocean Garment Manufacturing Ltd. as a seamstress for an agreed wage rate of $3.50 per hour. During this period, she worked 8.5 hours per day, five days a week for fifteen days, including 120 hours of regular time and 7.5 overtime hours. However, Chan never received a paycheck for her work. She was owed $420.00 and would become the lead plaintiff in the case.\textsuperscript{41}

After several months of interviews conducted by the ALC, on October 21, 1988, the ALC filed the case in San Francisco Superior Court on behalf of the Ocean Garment workers to reclaim lost wages. At that point the ALC only had four attorneys specializing in different areas of law, including immigration, housing-landlord/tenant, employment/labor and other civil rights to “serve the entire low income monolingual Asian immigrant population in four Bay Area counties, San Francisco, Alameda, Contra Costa and San Mateo”.\textsuperscript{42} The high workload of the four attorneys meant they only had time to tackle cases in their areas of expertise and seldom could act as co-counsel for each other. Therefore, Hayashi was the sole attorney of record for plaintiffs in the lawsuit.

\textsuperscript{40} They were, respectively, Anna Chan, Chi Huan Chen, Sandra Yu-Ying He, Connnie Li, Yue Zhen Liang, Li Yan Ruan Yang, Chiu Yung Tsang, Shiu Ping Chow Wong, Chu Xiang Wu, Xiu Zhen Yang, Sau Kwan Ying, Rui-Ying Zhang, Wan Ping Zhang, Hui Lan Zheng. “Complaint for Failure to Pay Wages and Overtime Compensation,” Pleadings, SF Superior Court No. 898427, 911219 (Oct. 19, 1988), 1. Foo Papers, Box 5 of 7, Location 59G, Accn. #09S-27.

\textsuperscript{41} Declaration of Anna Chan,” Petitioner’s Appendix, Vol. 5 of 6, Foo Papers, Location 59G, Box 5 of 7, Accn. #09S-27.

\textsuperscript{42} “Declaration of Dennis Wayne Hayashi in Opposition to Dismissal Sua Sponte and in Reply to Defendant’s Opposition to Motion to Specially Set Case for Trial,” Pleadings, SF Superior Court No. 898427, 911219, Consolidated (Apr. 27, 1993), Foo Papers, Box 5 of 7, Location 59G, Accn. #09S-27.
Soon afterwards, the remaining one hundred and eleven other former employees of Ocean Garment also came to the ALC for legal assistance. Because of the high workload and underfunding at the ALC, Hayashi decided to urge the State’s Division of Labor Standards Enforcement (DLSE) to bring a lawsuit on behalf of the remaining workers, which they did.\textsuperscript{43} The DLSE filed their case on September 27, 1989, and the two cases moved for consolidation on October 2, 1989. In this way, the ALC shared with the DLSE the attorneys’ time in prosecuting the case as well as in the overall cost of litigation.\textsuperscript{44}

The defendant in the case was Ocean Garment Manufacturing Ltd. Ocean Garment was charged by DLSE with violations of the minimum wage, overtime compensation, and vacation pay as required by the State of California, specifically “Wage Order No. 1-80 of the California State Industrial Welfare Commission”. As a consequence of the defendant’s actions, workers had suffered serious financial injury.\textsuperscript{45} In addition, Hayashi also named M.S. Universe Textile Ltd., a Hong Kong corporation and its U.S. subsidiary, Moviestar Garments Manufacturing as defendants, since Ocean Garment had an exclusive garment manufacturing contract with both of them. Hayashi alleged that M.S. Universe and Moviestar had a legal responsibility for paying money that was owed and for damages, because they were joint employers of the former Ocean Garment employees. The key to the case was to hold defendants M.S. Universe and Moviestar liable as joint employers for the unpaid wages and overtime compensation.\textsuperscript{46} But how to do that?

ALC’s legal theory, according to Foo, was that Moviestar exercised control over

\textsuperscript{43} Ibid. The reason is the ALC is a non-profit legal services organization. In order to support its litigation work, the ALC mainly depends on contributions from individuals and foundations. From 1988 through 1989, the ALC experienced financial difficulty and had very little money available to conduct extensive discovery for its litigation.

\textsuperscript{44} Ibid.


\textsuperscript{46} Ibid., 2.
the hiring, wages, hours and working conditions of Ocean employees and thus it must be considered a joint employer. There were no statutes, federal or state, that supported this legal theory for the garment industry. But courts had found joint employer liability in the taxi cab and agricultural industries when such control was demonstrated. In the Ocean Garment case, the ALC sought a judicial expansion of the definition of “employer” so that not only the garment contractor but also the manufacturer or retailer who contracted for the work was deemed a joint employer and equally responsible for unpaid wages.47

In order to establish certain facts about the relationship between M.S. Universe, Moviestar and Ocean Garment, the ALC and the DLSE had to prove M.S. Universe and Moviestar actually controlled the manner and means of production of Ocean Garment, as well as the right to control employing, dismissing and supervising employees. Ocean Garment had to be shown as no longer a separate economic entity but actually the equivalent of an “employee” of M.S. Universe and Moviestar.48 Owing to the DLSE co-counsel, support, and funding, Hayashi was able to conduct extensive pre-trial discovery. This process allowed the plaintiffs to obtain evidence from the defendants, including documents and depositions. But it is a costly and time-consuming process, so the ALC’s collaboration with the DLSE was crucial.

Through extensive discovery, ALC learned that Moviestar did in fact exert control over the wages, hours and working conditions of Ocean Garment workers. For example, according to Foo, Moviestar sent two managers and a floor supervisor into Ocean Garment and took over supervision of the workers and the production process. They changed Ocean’s method of production from each seamstress assembling a whole

48 “Complaint for Failure to Pay Wages and Overtime Compensation,” 2.
garment into an assembly-line production where each seamstress specialized in a part. They hired new workers and authorized days off. From these facts, the ALC and the DLSE could establish that M.S. Universe and Moviestar were employers of Ocean Garment and jointly liable for all damages claimed by those workers. Therefore, M.S. Universe and Moviestar were regarded as “an employer” of all the former Ocean Garment’s employees and “jointly liable” for all unpaid wages and damages alleged in the case.

The defendants did not await trial passively. M.S. Universe and Moviestar tried everything to prevent the Motion for Summary Judgment through delaying tactics and alleging the case would prejudice them. When Foo began her employment with the ALC and inherited the case from Hayashi in January 1992, she made the decision that the case was not ready for trial. She decided this, even though there was only one year and ten months left before the five-year deadline to prosecute the case occurred. After reviewing the files, Foo and her DLSE co-counsel Anne Hipshman decided to take the deposition of Alice Wang Lam, who was the sole shareholder of M.S. Universe and Moviestar. After much back and forth, they finally obtained eighty-three pages of documents necessary to make their case and filed a request with the court to set a date for trial on November 3, 1992.

Meanwhile, the defendants asked the San Francisco Superior Court to dismiss the case because Ocean Garment no longer existed. M.S. Universe and Moviestar argued

50 “Plaintiff’s Memorandum of Points and Authorities in Support of Motion for Summary Judgement and/or Summary Adjudication,” Pleadings, Superior Court of the State of California City and County of San Francisco (July 9, 1993), Foo Papers, Box 5 of 7, Location 59G, Accn. #09S-27.
51 Charlotte Danforth was the attorney for the DLSE before Hipshman took over on August 16, 1990.
that the absence of the contractor would result in prejudice against them. But Ocean Garment did not close down shop until October 21, 1988, and, on that day, the plaintiffs filed the case. Moreover, the defendants themselves had filed cases against the closed Ocean Garment throughout 1989. So their argument that the plaintiffs doing the same thing would prejudice their case was untenable.53 There were endless examples of these kinds of exchanges, but through extensive investigation and discovery, Foo and other pro bono attorneys turned the tide in the plaintiffs’ favor.

Such unremitting effort combined with a winning legal strategy finally paid off. After five years of litigation, the court held that M.S. Universe and Moviestar were legally liable for the unpaid wages of Ocean Garment workers on September 7, 1993. Moviestar was ordered to pay the fourteen workers represented by ALC $29,500 plus five years’ interest, a total of $43,000. The manufacturer also had to pay an award for attorney’s fees in excess of $200,000 for their five-year effort in litigating the case to its successful conclusion. To avoid paying, Moviestar filed for bankruptcy on January 19, 1994. Although the fourteen former Ocean Garment employees represented by the ALC were able to obtain their wages before Moviestar declared bankruptcy, the other workers represented by the DLSE were still owed over $200,000 in total. However, in the end, Moviestar and M.S. Universe were forced by the Bankruptcy Court to pay the unpaid wages of all former Ocean Garment employees.54

53 Ibid., 6.
Figure 9. One of example of the correspondence from Foo to the attorney of defendants, which shows how, in order to obtain some important documents, Foo had to threaten the defendants to bring a motion to compel, July 08, 1993.55

The ruling in the Anna Chan case was significant. It was encouraging that this was the first time a court in the U.S. found a garment manufacturer responsible for the unpaid wages of its subcontractor’s employees. The U.S. garment industry was regarded as a “lawless” industry because of contractors’ fierce and competitive bidding for work from manufacturers, which drove prices down so low that they were unable to pay the minimum wage or overtime compensation. “Any attempts in the past to adopt

55 Foo Papers, Box 5 of 7, Location 59G, Accn. #09S-27.
legislation holding manufacturers liable for the wages of a contractor’s garment workers,” according to Foo, “have been defeated by the garment industry.”

It was a tough case and important victory. As Foo explained:

Joint liability litigation is costly and the outcome uncertain. This type of litigation is very fact intensive, requiring extensive discovery. Plaintiffs face high hurdles in establishing a sufficient degree of control by the manufacturer for it to be held liable. In many instances, the manufacturers’ control over wages and hours and working conditions of a contractor’s employees are not direct, but indirect. Hence, less than ten such lawsuits have been filed in the last twenty years in the U.S.

Given the difficulties involved in bringing and winning such cases, Foo believed that “Legislation creating strict joint liability without lengthy litigation is needed.”

Even if legislation would be the best solution to the problem, litigation can “galvanize political action by naming injustice, revealing the vulnerability of adversaries, and demonstrating the possibility of reform,” as Scott L. Cummings argues.

The Anna Chan case was such a catalytic event, which demonstrated the effectiveness of litigation as one part of Foo and the ALC’s multi-prong approach to helping immigrant, low-wage, and women workers. In addition to the case, Foo also assisted numerous immigrant workers filing wage claims with the DLSE and “learned that for thousands of cases, because of the backlogs, workers were not recovery all the wages owed them in the DLSE wage claim process,” including the minimum wage, or wages for work performed, such as overtime compensation. On May 11, 1995, Foo invited a group of women attorneys who represented low wage workers to meet and

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56 “Court Holds Garment Manufacturer Liable for Wages of Garment Workers Employed by Garment Contractor,” Facsimile Correspondence from Foo to Alan Sparer (August 18, 1993), Foo Papers, Box 5 of 7, Location 59G, Accn. #09S-27.
60 “Lora Jo Foo,” Interview with Author, April 03, 2019; “Background of Cuadra v. Victoria Bradshaw, Labor Commissioner,” Foo Papers, Box 2 of 7, Location 59G, Accn. #09S-27.
discuss this problem. This became the Maria Cuadra Case.\textsuperscript{61}

**Challenging the DLSE’s “No Tolling Policy”: The Maria Cuadra Case**

Before 1976, California workers could only file a claim for lost wages and compensation in court. Due to the backlog of cases in the court system, workers always had waited for a long period of time to recover their wages and obtain compensation. In addition, according to Foo, “for minimum wage workers, it was often impossible for them to find attorneys willing to represent them in court when their wage recovery often were only in the hundreds or thousands of dollars.”\textsuperscript{62}

Given this situation, in 1976, California created an alternative, a more informal administrative hearing process with the DLSE or, more colloquially, the Labor Commissioner’s Office, for workers to recover their unpaid wages. Workers could file a wage claim either in court or with the Labor Commissioner’s Office according to what worked best for them. For unpaid wage claims, the statute of limitation was three years in the 1990s. The purpose of the statute of limitation, as Foo explained, is to “ensure that cases are brought expeditiously before witnesses and evidence disappear, before memories fade, etc.”\textsuperscript{63} Workers with minimum wage and overtime claims, thus, had three years to file a wage claim from the date of the employer’s failure to pay the proper amount of wages.\textsuperscript{64}

Although this alternative process was created to help workers file wage claims, it actually led to enormous economic loss for workers due to what Foo considered a “nonsensical” policy of the Labor Commissioner’s Office: the “No Tolling Policy.”

\textsuperscript{61} Ibid.
\textsuperscript{62} “Lora Jo Foo”, interview with author, April 23, 2018.
\textsuperscript{63} “The Labor Commissioner Hearing Process,” Asian Law Caucus, Foo papers, Box 2 of 7, Location: 59G, Accn. #09S-27; Lora Jo Foo, interview with author, April 23, 2018.
\textsuperscript{64} Ibid.
Unlike filing a wage claim in court, the filing of a wage claim with the Labor Commissioner’s Office did not “toll”—or stop—the time period stated in the statute of limitations from running; the Labor Commissioner’s Office only stopped the clock when the case was set for a hearing.\textsuperscript{65} However, Foo pointed out that the “hearing can be delayed years because of backlog.”\textsuperscript{66}

The Labor Commissioner’s Office needed to follow a set of very time-consuming steps before they could schedule the hearing. Once a worker filed a wage claim, within thirty days the employer received a notice of the claim and a date to appear at a settlement conference. At the conference, if the employer had no defense, the Labor Commissioner ordered immediate payment of back wages. On the contrary, if the parties did not settle, the case was set for a hearing. At the hearing, evidence was presented by both sides. Fifteen days thereafter, the Labor Commissioner issued a decision and named the amount in back wages and overtime compensation awarded. Within ten days without appeals, this award became an enforceable judgement of the court. Although both parties had the right to appeal if they disagreed with the amount of the payment, to discourage employers from filing appeals and further delay payment of back wages and compensation to workers, employers had to pay for the workers’ attorneys’ fees if they lost the appeal.\textsuperscript{67}

Typically, given the steps the Labor Commission must follow, hearings were routinely set six months after the wage claim was filed, or even one year when combined with backlog of claims. Although these low-income workers had the right to


\textsuperscript{66} “Lora Jo Foo”, interview with author, April 23, 2018.

claim their back wages, they often lost months or even years of back pay due to this “No Tolling Policy”. A hypothetical example used in the Cuadra Case illustrates how this policy, combined with prehearing delays, could harm low-wage workers and undermine their interests.

Worker A and Worker B do the same job for the same employer for five years, and receive the same pay. In each pay period, however, their pay falls below the legal minimum wage by the same amount. They are laid off on the same day. Worker A promptly files a civil action for his unpaid wages. Regardless of when the matter comes to trial, the court will award Worker A his back pay for the full 36 months of the relevant limitations period (Code Civ. Proc, §338, subd.(a)). Instead of filing a civil action, Worker B equally promptly files an administrative wage claim under the [administrative] hearing procedure. Using the commissioner’s own figures, we will assume the hearing is held 150 days or 5 months later. Under the policy challenged in this case the commissioner will award Worker B only 31 months of back pay because he will count back for 36 months not from the filing date of the claim but from the date it is heard, which is 5 months after Worker B was laid off. It follows that Worker B will receive almost 14 percent less back wages than identically situated Worker A simply because he invoked the…hearing procedure rather than filing a civil action.

After assisting workers in filing over eighty wage claims with the Labor Commissioner, Foo, as a staff attorney of the Asian Law Caucus, found that the “No Tolling Policy” had greatly harmed those workers. In mid-1995, she invited several attorneys to join the ALC in challenging the policy.

After discussing the policy with other attorney advocates, on July 31, 1995, Foo drafted a collective letter to California’s Labor Commissioner and requested the rescinding of the “No Tolling Policy”. They argued against it on three grounds. First, the policy was inconsistent with the legislative purpose of the administrative hearings

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68 “CLAIMS - PROCEDURAL ISSUES, STATUTE OF LIMITATIONS AS A DEFENSE”; “Statement of Maria Blanco, Associate Director, Women’s Employment Rights Clinic, Golden Gate University, School of Law”; Mark Thompson, “Labor Chief Accused of Wage Claim Inaction”.
70 Lora Jo Foo’s Declaration, September 22, 1995.
which was to protect low-income workers. As Foo said, “the process was designed precisely to provide for a low cost, speedy process that would ensure that workers were paid in full without having to resort to the courts.”

Second, the policy was vague and ambiguous on when to toll the statute of limitations. After interviewing workers, legal advocates, and staff at the Labor Commissioner’s Office, Foo found differences in when the clock was stopped in claimants’ cases and, thus, inconsistent, unfair implementation of the “No Tolling Policy.” Finally, the policy rewarded employers who delayed the process and punished workers “by cutting off months and even years of back wages and compensation”.

Foo and her fellow legal advocates asked for an end to the “No Tolling Policy,” not only because it was contrary to the legislative intent, but also because it harmed those low wage workers who were most in need of protection. Their vulnerability, often including limited English-speaking abilities, kept them silent about the abuses, such as working for many years at below minimum wage and without overtime compensation.

Foo argued that this group of workers were always struggling against “the hopelessness of being a wage slave”. They seldom asserted their rights during employment for fear they might be fired and instead filed their wage claims after their employment ended.

As Foo noted, “over 90% wait until after they are terminated to file a claim.” “When asked why they waited so long to file a claim, invariably they advise me that they feared losing their jobs if they filed a wage claim while employed.”

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71 “A letter from Foo to Victoria Bradshaw on July 31, 1995”; “Statement of Maria Blanco, Associate Director, Women’s Employment Rights Clinic, Golden Gate University, School of Law,” Foo papers, Box 2 of 7, Location: 59G, Accn. #09S-27.
72 Ibid.
73 “A letter from Foo to Victoria Bradshaw on July 31, 1995,” Foo papers, Box 2 of 7, Location: 59G, Accn. #09S-27.
75 Lora Jo Foo’s Declaration, September 22, 1995.
and needed legal protection, but the “No Tolling Policy” ruined their hopes.

Unfortunately, the Labor Commissioner’s Office refused to abolish the policy, arguing they had no authority to “toll the statute of limitations”. H. Thomas Cadell, Jr., the chief counsel for the Labor Commissioner’s Office, responded that Foo and her colleagues’ arguments for rescinding the policy were “not persuasive,” and that the DLSE’s “position in regard to this issue has been consistent for at least the twenty years.” “Tolling of the statute of limitations would be within the sole discretion of the legislature – not this administrative agency,” Cadell added.

After this exchange, Foo and her fellow legal advocates responded and decided to litigate this issue. These advocates were attorneys and practitioners from seven non-profit and community based organizations, legal services agencies and law school clinics, including the ALC, the California Rural Legal Assistance, the East San Jose Community Law Center, the Equal Rights Advocates, the Labor Defense Network, La Raza Centro Legal, and the Women’s Employment Rights Clinic of Golden Gate University Law School. Foo was the lead counsel. She reached out to other advocates for low-wage workers, including the Union of Needletrades, Industrial, and Textile Employees (UNITE), formed in 1995 out of the ILGWU and the Amalgamated Clothing Workers of America.

On September 25, 1995, the case on behalf of three workers was filed in San Francisco Superior Court. The plaintiffs were Maria Cuadra, Jose Roncancio, and Marcos Velasquez. Maria Cuadra was a housekeeper. She had worked thirteen hours a
day on weekdays and four hours on Saturday for seven years for the same employer. She had not been paid the minimum wage or overtime compensation. When she was injured at work and was unable to operate a new, heavy vacuum cleaner, her employer became dissatisfied and angry with her. As a result, Cuadra terminated her employment, and filed a wage claim three weeks later with the Labor Commissioner’s Office in San Jose in 1994. Due to delays and the “No Tolling Policy,” Maria Cuadra lost $2,700 of back pay. Jose Roncancio was in a similar situation.81 Marcos Velasquez, who had worked eleven years without receiving the minimum wage, filed his wage claim with the Labor Commissioner’s Office in Los Angeles. When his case was finally set for a hearing a year after it was filed, he would only receive two years of back pay because of the “No Tolling Policy”.82 Even a California state administrator had to acknowledge that this was “admittedly too long.”83

The defendant was the California Labor Commissioner. The case focused on how the “No Tolling Policy” punished workers who chose to file a wage claim with the DLSE rather than in court. The Labor Commissioner’s Office responded to the lawsuit with a statement that their administrative procedures to handle wage claims “are basically unchanged since they were set up” since 1977.84 They also pointed out that claimants could always appeal a decision and award to the courts if they disagreed with it, saying: “Only a court may exercise equitable powers – these are not permitted to an administrative agency such as the Labor Commissioner except as specifically provided for in its enabling statute.”85 “They are skirting the issue by saying they don’t have the authority to do this,” one legal advocate argued.86

81 “CUADRA, et. al., vs. VICTORIA BRADSHAW PETITIONER PROFILES,” Foo Papers, Box 2 of 7, Location 59G, Accn. #09S-27.
82 Ibid.
83 Mark Thompson, “Labor Chief Accused of Wage Claim Inaction”.
84 Ibid.
85 Mark Thompson, “Labor Chief Accused of Wage Claim Inaction”.
86 Rinat Fried, “Big Deals, Big Suits,” The Recorder, September 27, 1995, Foo Papers, Box 2 of 7, Location 59G,
On November 20, 1995, Lora Jo Foo and Cynthia L. Rice appeared as attorneys for the plaintiffs while H. Thomas Cadell Jr. appeared as the attorney for the Labor Commissioner’s Office for oral argument before Judge William Cahill of San Francisco Superior Court. Less than two months later, Judge Cahill found an abuse of discretion by the Labor Commissioner’s Office and issued an order rescinding of the “No Tolling Policy”. On February 16, 1996, the San Francisco Superior Court issued the judgement stipulating that “the Labor Commissioner shall calculate wages, damages, penalties and interest due, using the applicable statute of limitation, from the date of the claiming filing, not the date of the actual administrative Hearing.”

The Cuadra Case had been won.

Yet it was not over, because the Labor Commissioner’s Office engaged in a series of appeals and motions that lasted another two years. Foo and her colleagues remained convinced of their case and responded: “We strongly believe that we will prevail on appeal and are prepared to vigorously defend if you do appeal.”

In the meantime, while the case wound its way through the Court of Appeals and the Supreme Court, pursuant to Judge Cahill’s order, on April 24, 1996, Cadell sent out his instruction to all his field offices to use the claim filing date to calculate back pay, as per the judgement.

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87 “Order Granting Petitioners’ Writ of Mandate,” California Superior Court, No. 972736 (January 5, 1996); “Judgement,” California Superior Court, City and County of San Francisco, Department Number Eight, No. 972736 (February 16, 1996), Foo Papers, Box 2 of 7, Location 59G, Accn. #09S-27.
88 Correspondence from Foo to other co-counsels, January 24, 1996; Correspondence from Foo to H. Thomas Cadell, January 30, 1996, Foo Papers, Box 2 of 7, Location 59G, Accn. #09S-27.
89 Maria Luisa Cuadra, Marcos Velasquez, Jose Roncando, Petitioners, vs. Victoria Bradshaw, Labor Commissioner, State of California, Respondent, Case No. 972736, Memorandum of Points and Authorities in Support of Motion for Order that Execution of Judgement not be Stayed Pending Appeal, Feb. 29, 1996; Case No. 972736, Reply in Support of Petitioners’ Motion for Order that Execution of Judgment not Be Stayed Pending Appeal, March 15, 1996. (Courtesy of Lora Jo Foo); Correspondence, April 24, 1996, Foo Papers, Box 2 of 7, Location 59G, Accn. #09S-27.
Finally, in 1998 the California Supreme Court rejected the Labor Commissioner’s appeal and endorsed the plaintiffs’ position. “Avoidance of delay is all the more important when, as here, the issue affects a substantial segment of the workforce so that its prompt resolution is clearly in the public interest. Public policy has long favored the ‘full and prompt payment of wages due an employee’.”

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90 Correspondence, April 24, 1996, Foo Papers, Box 2 of 7, Location 59G, Accn. #09S-27.
successfully challenged the “No Tolling Policy.”

Foo’s use of litigation to achieve social justice had been tested and achieved victory in the Anna Chan and the Maria Cuadra cases. Although these are just two of the many legal cases over her career, they demonstrated that she was on the right track in her lifelong pursuit of advocating for immigrant women workers. She also won wide praise from her colleagues and clients. “These cases are virtually impossible to win,” said Alan Sparer, a lawyer who worked on the Anna Chan case. “This is the only case I know” in which the plaintiffs were able to “hold that parent company responsible.”92 One of Foo’s clients said, “She was aggressive and [would] do anything to help us. We knew she was going to win.”93 A legal colleague said, “The rest of us worked a little, brought newspapers to read, read novels, chatted, [but] Lora worked.”94 By bringing “special empathy to the issue,” Marci Seville, one of Foo’s co-counsels on the Maria Cuadra case added, Foo was able to “humanize the issue we presented to the court.”95

The combination of Foo’s professional and personal attributes and her work and life experiences helped her make a difference in the Chan and Cuadra cases. However, as she had noted earlier, advocating for immigrant low-wage and women workers through litigation was “costly and the outcome uncertain”.96 In addition, these two landmark cases, along with other cases that Foo handled, revealed a fundamental flaw in labor laws that could not provide protection to workers who may be left without legal recourse. Although Foo had achieved a great success with litigation, she knew it was not enough. As Michael W. McCann argues, “litigation alone rarely advances significant social change, but at the same time it recognizes that legal rights advocacy

93 Ibid.
94 Ibid.
95 Ibid.
96 See footnote 49.
can in some circumstances provide a useful resource for social movement building and strategic political action." Foo and the ALC looked to another area of activity in their multi-prong approach: statewide legislation to root out labor violations in the California garment industry.

CHAPTER FIVE

Organizing and Legislating to Root Out the California Sweatshop Industry, 1992-2000

“To eradicate the sweatshops that abound in the California garment industry, we need tougher laws, not model contracts.”

—— Lora Jo Foo

In the early 1990s, California labor agencies concluded an eighteen-month survey of 13,000 California businesses which were suspected of engaging in “underground” economic activities. The survey exposed the fact that thirteen percent of the employers failed to report and pay employment taxes and carry workers’ compensation insurance as required by law. The violations of the labor code led to a loss of “approximately $3 billion each year in income taxes alone, and millions more in unemployment and disability taxes.” Given this, California Governor Pete Wilson, a Republican elected to office in 1991, issued an Executive Order to establish a Joint Enforcement Strike Force to fight against this underground economy.

Lora Jo Foo was not surprised at this activity, however, in her view, the battle against the underground economy overlooked one significant element: the sweatshop. In her 1994 article “The Vulnerable and Exploitable Immigrant Workforce and the Need for Strengthening Worker Protective Legislation,” Foo pointed out that the state coffers lost much more than had been estimated. At that time in California, hundreds of

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1 Lora Jo Foo’s Response to KCBS Editorial on Jessica McClintock, Dec. 28, 1993, Foo Papers, Box 1 of 1, Location 59F, Accn. # 07S-11.
3 Ibid., 2179.
thousands of low-wage workers, mainly immigrants, worked in “sweatshops” in the garment and restaurant industries. These sweatshops cost workers billions of dollars by failing to pay them the minimum wage and overtime compensation. Although these sweatshops operated in the open, they violated labor laws with impunity, Foo argued. They were also one of the reasons California was losing tax revenue, since “lower wages also [translates] into less tax revenue”. Therefore, she urged for powerful worker protective legislation against the sweatshop.

As defined by the U.S. Department of Labor, a sweatshop is “a place of employment that violate[s] two or more federal or state labor laws governing minimum wage and overtime, child labor, industrial homework occupational safety and health, workers’ compensation or industry registration.” Sweatshops in the apparel industry have a long history, providing the workplace environment for what Leon Stein calls the “lowest paid, most degrading of American employment”. The term “sweatshop” did not appear until the 1890s. By 1892, the subcontracting system, “the heart of” the exploitative garment trade that led to such poor working conditions, was under serious scrutiny in the U.S. Congress. From that point on, the “sweating” industry increasingly received a lot of public attention.

By the end of the nineteenth century, the sweatshop was pervasive in New York City. Sweated labor venues numbered in thousands and most were in secret. When the International Ladies’ Garment Workers Union and the Amalgamated Clothing Workers

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4 Ibid., 2180.
of America were founded respectively in 1900 and 1914, those exploited, mostly immigrant and women workers began to gain bargaining power and achieve economic justice.\(^8\) The ILGWU continued to be central to unionized workers in the garment trade across the country, from the Depression era through the postwar decades, as Foo had discovered when she started working at Koret of California as a young woman.

Also as she discovered there, immigrant workers continued to make up most of the workforce. U.S. employers’ strong demand for immigrant workers resulted in both documented and undocumented immigrants increasing in the wake of the Immigration Act of 1965.\(^9\) They joined their earlier counterparts and became a new generation of low-wage workers who found jobs with the growth of international garment production based in the United States. During this period, old sweatshops were shored up and new ones were created. By the 1980s, California was fast becoming the largest center for garment manufacturing center and sweated labor in the United States.\(^10\) Many of these shops also met the criteria of being a “multiple labor law violator.”\(^11\)

However, the government and corporate assaults on organized labor in the 1980s that occurred in the wake of the failed PATCO strike spurred advocates for immigrant workers—like Foo—to find a new way out to protect workers. After a series of abuses in California’s sweatshop industry were exposed through impact litigation and the mass media in 1990s, for the first time, a coalition of labor unions, community activists, immigrant rights organizations, and legal institutions banded together. They launched

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the anti-sweatshop movement, and the passage of the statewide legislation AB 633 in 1999 was the culmination of the movement. Through this legislation, as they had in the Anna Chan Case, Foo and the ALC achieved employer joint liability but this time to protect immigrant low-wage workers from the start. As Foo explained, “Under AB 633, even if the manufacturer/retailer did not exert any control over the wages, hours and working conditions of the contractor’s workers, they were responsible if the contractor failed to pay the workers their wages.”

The chapter looks at Foo’s involvement and contribution to the California anti-sweatshop movement, including the formation of Sweatshop Watch, the shocking and shameful Thai garment workers case, and the passage of AB 633. It argues that, to fight against the problem of the subcontracting system in an era of globalization and the decline of the labor movement, statewide legislation was an important solution. For Foo and her allies, legislation became an effective way to root out labor violations and protect working people from exploitation.

The Founding of Sweatshop Watch

From 1978 to the end of twentieth century, California’s garment-manufacturing workforce grew rapidly from 108,000 to 168,000 workers. Most of them were immigrant women, just like Foo’s mother. In fact, by the end of the twentieth century, eighty percent or more of the 168,000 garment workers in California were women of color and immigrant. Although these hard-working people helped the apparel industry become a profitable $38 billion industry in California, they were miserably trapped in sweatshops working sixty to seventy hours a week at or below minimum

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13 Lora Jo Foo presented “Labor & Immigration: Examining the Intersection” on February 6, 1999, page 4, Foo Papers, Box 1 of 1, Location 59F, Accn. #07S-11.
wage and without overtime pay.\textsuperscript{14} Conditions in sweatshops were worsening in the last decade of the twentieth century.

As an experienced labor attorney who used to work in the garment industry, Foo knew that these atrocious working conditions in the American garment industry were determined by manufacturers as well as retailers. She pointed out that due to the prevailing subcontracting system, brand-name manufacturers always searched for the lowest bidder for their garment production. In order to successfully bid for the contract, sewing shops had to accept contract prices so low that they could not pay their workers the minimum wage or overtime compensation, even though they were breaking the law. If workers and organizers managed to force these subcontractors to adhere to the law, they had to raise their prices. Manufacturers then ceased to contract with them and moved their work to other sewing shops or areas with lower wages.\textsuperscript{15} Foo described this impossible situation:

When you have hundreds of shops competing for work, you have garment manufacturers who can literally walk from one factory to the next, because all these factories, back in the 1970s and 1980s, early 1990s, were all lined up along the Chinatown alleyways, just one shop after another, and all you have to do is go from one to the other, just knocking on doors. If one factory said the price was too low, they moved to the next, until you have this bidding war, until they finally found one that was going to do it cheap enough, and that’s the one that got the work.\textsuperscript{16}

Retailers, who profited the most from sweatshop exploitation, were also to blame for deterioration of pay and working conditions for garment production. With “mega-retailers” emerging in the 1990s, control of the pricing in the garment industry shifted from manufacturers. Now retailers set the sale price of a garment and dictated to

\textsuperscript{14} Lora Jo Foo, “Negotiating AB 633, The Garment Accountability Bill,” \textit{California Labor & Employment Law Quarterly} Vol. 13, No. 4 (Winter 1999); 5, Foo Papers, Box 1 of 1, Location 59F, Accn. # 07S-11.

\textsuperscript{15} Foo, “The Vulnerable and Exploitable Immigrant Workforce and the Need for strengthening Worker Protective Legislation”, 2186-187.

\textsuperscript{16} “Lora Jo Foo”, interviewed by Loretta Ross, 31.
 manufacturers what they would pay. The prices manufacturers got from retailers went
down each year, which led to the manufacturers lowering their contract prices, forcing
contractors to “sweat” their workers. This “ripple effect,” where the action of the
retailer led from manufacturer to contractor to exploited workers, meant retailers could
affect and should be held accountable for working conditions in the apparel industry.¹⁷

Therefore, as with the Chan Case, Foo and the ALC’s primary objective became
to expand the definition of “employer” and establish employer joint liability. “Under

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¹⁸ Ibid., 1.
statutory law, the definition of an *employer* was one who hired, fired, determined working hours, working conditions, and wages,” Foo explained. “It was the contractor that made all those decisions,” not the manufacturers. As a result, “It was a slow process of looking for other cases so that step-by-step, case-by-case, we could develop the law.” At the time, media coverage of the plight of the garment workers focused just on the West and East coasts, in cities such as Los Angeles, San Francisco, and New York. Federal and state government programs, such as California’s 1992 Targeted Industries Partnership Program, launched. But overall the problem of sweatshops did not attract great attention until Foo’s third major legal case—the Thai garment workers case—was exposed throughout the country.

The story started with an Immigration and Naturalization Service (INS) raid on an illegal garment shop in suburban El Monte, California, near Los Angeles on August 2, 1995. Seventy-two Thai immigrant workers, sixty-seven women and five men, were discovered in “a squalid apartment complex surrounded with razor barbed wire,” and had long been subjected to virtual slavery. The Thai workers had been smuggled into the United States by an organized crime ring which took their passports away, preventing them from escaping. For up to seven years, they were forbidden to leave the guarded apartment complex and forced to sew garments for U.S. brand-name manufacturers and retailers. They were forced to work from seven a.m. to midnight, six days a week for only $1.60 per hour to pay off the smugglers for their cost of passage. The crime ring threatened to report them to the INS and take retribution against their family members still in Thailand even after they had cleared their “debts” to the crime

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19 “Lora Jo Foo”, interviewed by Loretta Ross, 32-33.
20 “Lora Jo Foo”, interviewed by Loretta Ross, 33.
22 “SLAVE CONDITIONS IN SOUTHERN CALIFORNIA GARMENT SHOP,” SWEATSHOP WATCH, Vol. 1, No. 1 (Fall, 1995), Foo Papers, Box 1 of 1, Location 59F, Accn. #07S-11.
ring. Therefore, they were unable to leave and had to continue working.23

The terrible abuses occurring at the El Monte factory in Los Angeles were exposed by a worker who escaped through an air conditioning duct and contacted the INS and California’s Division of Labor Standards Enforcement. Under the joint efforts of federal and state labor department agents and the Los Angeles and El Monte police, the Thai garment workers were finally rescued.24 But, although they had been rescued, they were not really freed. The INS thought the workers would flee so treated them as criminals instead of as exploited workers. As Foo recalled, “they were chained. They had arm chains and leg irons.”25 However, after the raid, the images of those workers in chains went across the country for days, circulated by the mass media. “The years and years of publicity – education we did to make the public aware of sweatshop conditions – finally paid off with this case,” Foo commented. “[S]weatshops became a household name.”26

Just a couple of months before the El Monte raid, Foo had already helped to form Sweatshop Watch, a “coalition of low-wage-worker advocates, women’s organizations, labor organizations.”27 The idea behind Sweatshop Watch was to build on and expand the ALC’s “Garment Worker Project,” which they established back in 1982 “as a comprehensive effort to remedy by the exploitation of garment workers in San Francisco Chinatown.”28 Sweatshop Watch would be a coalition of concerned organizations and included an important and diverse group of members: the ALC, Asian

25 “Lora Jo Foo”, interviewed by Loretta Ross, 33.
26 Ibid., 33.
27 Ibid., 33.
28 “ALC’s Garment Worker Project Grant Proposals & Reports,” Location 59F, Box 1 of 1, Accn. # 07S-87.

In addition to being a coalition of organizations working together toward a common goal, Sweatshop Watch had a new function: it was designed to be “the media advocacy and public policy arm” of the anti-sweatshop movement. Foo served as the chair of the board for eight years and its president in the first five years. “At that time, I looked at what was out there – you know, there’s Amnesty International, there was Human Rights Watch, and then there was the baby seals watch and the dolphin watch.” And Foo asked, “what about human rights violations in the garment industry?”

What about the human and civil rights violations that are being visited upon garment workers? We should have a watchdog organization. And so we formed Sweatshop Watch as a coalition that could do more than any of our individual organizations could do. … there is only so much that can be done if you’re the only employer/labor attorney and have to deal with legislative work and litigation and everything else. And so we formed Sweatshop Watch.

1995 was not the first time that these organizations had banded together. “We always

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29 Sweatshop Watch, Vol. 1, No. 1 (Fall, 1995): 1, Foo Papers, Box 1 of 1, Location 59F, Accn. #07S-11.
30 “Message from the President,” SWEATSHOP WATCH, Vol. 6, No. 4 (December 2000), Foo Papers, Box 1 of 1, Location 59F, Accn. #07S-11; Garment Workers Project, Asian Law Caucus, Foo Papers, Box 1 of 1, Location 59F, Accn. #07S-87.
31 “Lora Jo Foo”, interviewed by Loretta Ross, 33.
32 Ibid., 33-34.
had an ad hoc coalition going for something or other, like the fight for a higher minimum wage or to defend overtime,” Foo recalled. Many of those organizations had collaborated in 1992 as the Coalition to Eliminate Sweatshop Conditions working for corporate accountability in the garment industry. They all were aware that garment manufacturers and retailers “[relied] heavily on sweatshop labor” for their $38 billion a year profit, creating complex subcontracting chains to avoid taking responsibility for the “debilitating” sweatshop conditions, pay, and workers in the garment industry. Anti-sweatshop advocates, therefore, realized that they had to find a more effective strategy to help the vulnerable workers. The El Monte scandal provided them with an opportunity to create more lasting social change.

Their aid to the Thai garment workers had two parts. First, their immigration status and legal residence needed to be addressed. After the INS took the Thai workers into federal custody following the raid, Sweatshop Watch spread an imperative message to point out its harm. As Julie Su, the Sweatshop Watch co-chair in southern California, argued, the INS continued the Thai workers’ imprisonment would discourage other immigrant workers from “reporting labor and human rights abuses” and push operations such as the El Monte sweatshop “even further underground”. With the help of the mass media, attorneys from Sweatshop Watch convinced the court to reduce the bail of the Thai workers from $5,000 to $500 per person. As a result, twenty-one of the seventy-two workers were set free from federal custody after one week, and the rest were released a few days later. Sweatshop Watch, along with the Thai Community

33 Ibid., 33.


Development Center, provided workers with housing and other essential social services to help them reintegrate into American society.\(^{36}\) In addition, the undocumented immigration status of the released Thai workers was immediately resolved when they were granted “S” visas which provided temporary status for noncitizens.\(^ {37}\)

At the same time as the immigration and residence status for the Thai garment workers was being resolved, their employers—or more accurately, imprisoners—were brought to justice. Several, who were Thai nationals, entered guilty pleas. Suni Manasurangkun, a sixty-six-year-old grandmother known as “Auntie” by the workers, was one of them. She operated the shop with help from her five sons, three of whom also entered guilty pleas. Her other two sons were fugitives in Thailand. Manasurangkun eventually received a seven-year sentence on charges of conspiracy, indentured servitude and harboring illegal immigrants. Her three sons agreed to six-year prison terms, as did a hired guard at the El Monte site. A second guard agreed to a two-year prison term and a female manager received four years’ imprisonment. An eighth accomplice faced up to five years in federal prison, after cooperating with authorities. As part of the plea deal, federal prosecutors eventually agreed to drop kidnapping charges, which could have landed all of the defendants in prison for life.\(^ {38}\)

The second essential part of Sweatshop Watch’s effort for the Thai workers was the recovery of the estimated more than $5 million the workers were owed in back wages.\(^ {39}\) On March 8, 1996, the freed Thai workers were paid more than $1 million in


back wages. Most of the money was from the seized assets of the sweatshop. Five clothing manufacturers who had purchased garments from the El Monte sweatshop operators paid more than $200,000. This compensation was “part of an out-of-court settlement” for the labor violations of unlicensed contractors with the State of California. Two other manufacturers settled lawsuits with the State later. However, most of the workers disagreed with the settlement organized by the State and planned to pursue litigation. This litigation aimed to make at least six other manufacturers and retailers, who “bought goods” from the El Monte sweatshop operators, liable for false imprisonment as well as labor violations.40

On October 26, 1995, the attorneys from Sweatshop Watch representing sixty-eight Thai workers filed a civil lawsuit. “We will not be silent in the face of exploitation,” Julie Su, also as staff attorney at the Asian Pacific American Legal Center, announced, “and we will assert our rights in the workplace and in the courtroom.” “Today, they are here to fight back.”41 They aimed to collect all unpaid minimum-wage, overtime pay, and other “compensatory and punitive damages” from the sweatshop operators. Compared with the damages sought by the State of California, the attorneys representing the Thai garment workers felt the back pay owed them was much higher, even as high as $100 million. Although the attorneys admitted “it [was] tough to put a price on freedom,” in the end, they requested “$10,000 compensatory damages for each day of freedom denied to each Thai worker” up to seven years.42 As a result of Sweatshop Watch’s litigation, five major companies agreed to pay an additional more than $2 million to one hundred and fifty workers who had labored under slave-like

41 Su, quoted in Ian James, “Freed Thai Workers File Lawsuit”.
conditions at the notorious El Monte sweatshop and a sister operation. On July 29, 1999, workers finally received a $1.2 million settlement with the last of the clothing firms that hired the sweatshop factory. The final settlement brought the workers’ total settlement to more than $4 million, with $10,000 to $80,000 each, depending on how long they worked.

The discovery and intensive media coverage of the Thai workers’ horrible treatment and conditions shocked the public and generated widespread sympathy. This shameful case became a reminder that vulnerable people can be subjected to exploitative working conditions, a situation that “most Americans [preferred] to think could not exist in this country”, said a U.S. attorney, “The very fact that slavery could exist in this country today is appalling.”

The Thai garment workers case sparked international outrage and made headlines worldwide. It also prompted numerous U.S. reform efforts. The U.S. Department of Labor spearheaded a series of high-profile media campaigns, among which was the Fashion Trendsetters List. After the El Monte raids, Secretary of Labor in the Democratic administration of President Bill Clinton, Robert B. Reich, announced a “white list” of companies who had a record of combating sweatshops. Those companies excluded from the list would be publicly reported and shamed. If they wanted their names to appear on this Fashion Trendsetters list, they had to submit detailed proof of shunning any goods produced in sweatshop conditions.

45 Patrick J. McDonnell and Maki Becker, “7 Plead Guilty in Sweatshop Slavery Case”.
46 Over the past couple of years, the DOL had been using the “hot goods” provision of the federal Fair Labor Standards Act (FLSA) to make manufacturers liable for sewing contractor violations, by threatening to use the DOL’s power under the FLSA to enjoin “any person” from shipping or selling any “hot goods” in interstate commerce, unless the taint of the “hot goods” was removed. The “hot goods” were produced by workers employed in violation of FLSA minimum wage or overtime compensation. Afterwards, when the DOL had been frustrated with only 800 investigators to protect 110 million workers in the country, they came up with Reich’s Fashion TrendSetters List of Good Guys. Those manufacturers who agreed to enter into compliance agreements and monitoring agreements would be put on the list. Otherwise, they would be put on a Bad Guys List. Once violations of manufacturers had been discovered, the DOL posted it on their website and reported it in the newspapers. Andrew Ross, No Sweat: Fashion, Free Trade, and the Rights of Garment Workers (New York: Verso, 1997), 29; Lora Jo Foo presented “Labor & Immigration: Examining the Intersection” on February 6, 1999, page 2-4; Steve Nutter, “Joint Liability and the Underground Economy Bill [AB633],” California Labor & Employment Law Quarterly, Vol. 13, No. 2 (Summer
Manufacturers and retailers responded to Reich’s Fashion Trendsetters list. The powerful National Retail Federation established its own Retail Honor Roll for companies in compliance with labor laws. They also launched a publicity war with the Department of Labor calling on Secretary Reich to “stop wasting millions of taxpayer dollars on counterproductive media witch hunts and devote his energies to enforcing the law.”47 Major companies, such as Levi Strauss, Guess, and Kmart, introduced their own codes of conduct. 48 Bringing the Clinton administration and apparel manufacturers together was a 1996 White House task force made up of industry, labor, and human rights leaders. They formed the Apparel Industry Partnership with the aim of assuring the public that goods were being made in acceptable labor conditions instead of exploitative ones.49

Meanwhile, in 1995, UNITE, a founding member of Sweatshop Watch, sponsored a summer program for students to bring them into the anti-sweatshop movement. The students who gained training and experience under the UNITE summer program became leaders of an anti-sweatshop movement on college and university campuses. They targeted and educated their fellow students about apparel, especially with their school logos, sold on campus which had been made by sweatshop workers. “All of it was happening around the same time,” Foo noted. “We were a resource for the students if they needed ammunition, if they needed statistics and facts and studies.”50 Student activists also began to advocate for sweatshop workers beyond the United States, such

48 Ibid., 29-30.
50 “Lora Jo Foo”, interviewed by Loretta Ross, 38.
as those working in deplorable conditions in Latin America and Asia. In 1998, they established United Students Against Sweatshops.\textsuperscript{51} In the wake of Sweatshop Watch’s work, a lot of activism around holding manufacturers and retailers accountable sprang up. “I wouldn’t say that it was Sweatshop Watch’s work per se,” Foo stated. “We reported on it, we supported them in whatever way in terms of whatever information they needed. It was just simultaneous with what we were doing.”\textsuperscript{52}

However, in Foo’s view, these collective efforts could not thoroughly root out sweatshops in California unless employer joint liability was established for manufacturers and retailers across the state. In San Francisco Bay Area, for example, according to a 1995 Department of Labor survey, minimum wage violations had dropped to twenty-five percent and overtime violations had decreased from sixty-seven percent to forty percent in two years. These improvements were due to concerted efforts and successful lawsuits by workers and their advocates. Yet, just as Bay Area garment workers finally started to earn the minimum wage, San Francisco apparel manufacturers moved a half to two-thirds of their production to Southern California to escape scrutiny.\textsuperscript{53} Only statewide legislation could counter this “runaway” situation, which Foo had encountered at Koret of California and had long been feared by UNITE’s predecessor, the ILGWU.

Another example also proved Foo’s point-of-view on the necessity of legislation. Beginning in November 1995, Sweatshop Watch launched the Retailer Accountability Campaign against prominent retailers, some of whom received and sold clothes sewn at the El Monte sweatshop. Sweatshop Watch first sent letters to seven companies, asking each company to meet with the workers and Sweatshop Watch. Only two

\textsuperscript{51} Francis Musa Boakari, Rodney K Hopson, and Carol Camp Yeakey, Power, \textit{Voice and the Public Good: Schooling and Education in Global Societies} (Bingley: Emerald, 2008), 215.
\textsuperscript{52} “Lora Jo Foo”, interviewed by Loretta Ross, 38.
\textsuperscript{53} Garment Workers Project, Asian Law Caucus, page 3, Foo Papers, Box 1 of 1, Location 59F, Accn. # 07S-87.
companies agreed. At the December 1995 meetings, Sweatshop Watch requested the retailers adopt a Code of Conduct that would hold the companies accountable for labor and safety violations. Both of the companies rejected the request and refused any further negotiations. The other five companies denied having sold garments sewn by workers of any of the El Monte or other sweatshop factories. To deal with such recalcitrant companies and protect workers, strong, compulsory statewide legislation was needed.

The favorable legislative environment following the 1995 El Monte raid provided the anti-sweatshop movement with an opportunity to fight for the passage of a sweatshop reform bill in California. The bill was designed to hold garment manufacturers and retailers directly responsible for the minimum wages, overtime compensation, and working conditions of workers. Under California law at that time, only companies who directly contracted with unregistered contractors such as the El Monte shop held responsibility for sweatshop workers. Retailers and manufacturers who contracted through intermediaries were possibly off the hook and could avoid legal liability. More importantly, they did not feel any ethical or moral responsibility for safeguarding the pay and conditions for the workers who produced their apparel. For example, the manufacturers and retailers who agreed to pay the $2 million settlement in the Thai workers case did not recognize or admit any wrongdoing on their part. “Settling this is the right thing for the workers who had to endure this, and for our company,” a spokeswoman stated. But she added, “We still contend we knew nothing of what was happening over there.”

54 The seven companies were May Department Stores, Montgomery Ward, Sears Roebuck and Company, Federated Department Stores (Macy’s), Nordstrom, Neiman Marcus, and Target. May Department Stores and Montgomery Ward agreed. “Sweatshop Watch Launches Retailer Accountability Campaign,” Sweatshop Watch, Vol. 1, No. 2 (Winter, 1996), 1, Foo Papers, Box 1 of 1, Location: 59F, Accn. #07S-11.
55 “Message from the President,” Sweatshop Watch, Vol. 6, No. 4 (December 2000), Foo Papers, Box 1 of 1, Location 59F, Accn. #07S-11.
56 “SLAVE CONDITIONS IN SOUTHERN CALIFORNIA GARMENT SHOP,” Sweatshop Watch, Vol. 1, No. 1 (Fall, 1995), Foo Papers, Box 1 of 1, Location 59F, Accn. #07S-11.
57 Patrick McDonnell and George White, “Sweatshop Workers to Get $2 Million”.
Through the lawsuit against the El Monte sweatshop and other previous impact litigation, Sweatshop Watch’s coalition of organizations and attorneys sent a message to garment retailers, manufacturers, government, and the public that accountability was a must in the industry with a long history of exploiting immigrant workers. Due to the low profit margins of the labor-intensive industries, like garment production but also other manufacturing, retail trade, and personal services, they generally offered low wages to workers. But these were often the only jobs open to immigrants, particularly those with language barriers.\(^{58}\) That was why more than half of the freed Thai workers still returned to work in the garment industry, while others did cleaning, childcare or “other odd jobs for a living”.\(^{59}\) Moreover, sweatshop employers were inclined to hire immigrant workers because their vulnerability kept them silent about abuses, as happened with Maria Cuadra and her fellow plaintiffs. Foo noted, “when immigrants must depend on their insular ethnic communities for jobs, the threat of blacklisting prevents many from speaking out until it is too late and their employer has disappeared with their hard-earned wages.”\(^ {60}\) Undocumented workers were especially vulnerable due to their fear of deportation by the INS, which Foo knew well from her work among hotel employees.\(^ {61}\)

Meanwhile, due to an economic recession and an oversupply of workers in the labor market in the early 1990s, employment conditions were worsening.\(^ {62}\) Although the slave-like conditions in the El Monte sweatshop were rare, sweatshops where

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\(^{58}\) Foo, “The Vulnerable and Exploitable Immigrant Workforce and the Need for Strengthening Worker Protective Legislation”, 2182.

\(^{59}\) Connie Kang, “Thai Workers Sue Top Clothing Businesses Over El Monte Plant”.

\(^{60}\) Foo, “The Vulnerable and Exploitable Immigrant Workforce and the Need for Strengthening Worker Protective Legislation”, 2184.

\(^{61}\) Ibid. 2184.

workers worked ten to twelve hours a day for below minimum wage were still all too common.\textsuperscript{63} In a national survey conducted between October 1995 and March 1996, nearly half of four hundred and seventy-six shops failed to pay minimum wages and overtime compensation. Sixty percent of violations were in the New York industry, while fifty percent were in Southern California.\textsuperscript{64}

To thoroughly eliminate the sweatshop industry, Foo, along with other advocates, urged for stronger protective labor legislation for sweatshop workers. She stressed,

Manufacturers must be held jointly liable with the subcontractors for the unpaid wages of any garment worker who assembles their garments. … Small subcontractors do not have the bargaining strength to demand contract prices that will enable them to pay minimum wages and overtime, as well as make a profit. Holding manufacturers liable would force them to provide the contract price necessary to bring the hourly wage up to at least minimum wage. The manufacturer could not simply move from one contractor to another without remaining accountable for the violations of its subcontractors. This regime would compel manufacturers to select their subcontractors with care, avoiding those who are chronic violators of the law.\textsuperscript{65}

More importantly, Foo further pointed out the manufacturers and retailers, “with their deep pockets and relative longevity,” had the ability to pay large wage judgements when their subcontractors closed down and disappeared, as happened with Ocean Garment Manufacturing, or filed for bankruptcy, as did Moviestar and M.S. Universe, during the Chan Case.\textsuperscript{66}

Through coalition-building and hard-work, Sweatshop Watch built a national reputation as a watchdog for garment workers. They provided critical information to the public about the inhumane practices of garment manufacturers and retailers. As a

\textsuperscript{63} “SLAVE CONDITIONS IN SOUTHERN CALIFORNIA GARMENT SHOP,” SWEATSHOP WATCH, Vol. 1, No. 1 (Fall, 1995), Foo Papers, Box 1 of 1, Location 59F, Accn. #07S-11.
\textsuperscript{64} Garment Workers Project, Asian Law Caucus, page 2, Foo Papers, Box 1 of 1, Location 59F, Accn. # 07S-87.
\textsuperscript{65} Foo, “The Vulnerable and Exploitable Immigrant Workforce and the Need for Strengthening Worker Protective Legislation”, 2192-193.
\textsuperscript{66} Ibid., 2193.
result, President Bill Clinton and the First Lady Hillary Rodham Clinton met with them to discuss human right abuses and the need for corporate accountability in this lawless industry.\textsuperscript{67} Due to the non-profit characteristic of Sweatshop Watch, they also secured funding support from the Rosenberg Foundation, the National Association for Public Interest Law, and other sources. Even though the Reagan administration’s funding cuts to legal aid had been partially reversed during the Clinton presidency, fundraising remained a necessity in the 1990s.\textsuperscript{68} In May 1997, with urging from Foo, Sweatshop Watch held an organizational membership meeting and discussed a strategy to create a significant change in the garment industry.\textsuperscript{69}

**Campaigning for the Passage of California Assembly Bill 633**

As the 1990s continued, further media reports of raids on sweatshops disclosed widespread labor violations, and the anti-sweatshop movement maintained its momentum. Manufacturers were unable to continue claiming ignorance of the conditions in their shops due to extensive government reports and media exposés since the early 1990s. After several years of hard work, the Sweatshop Watch coalition had convinced the public that manufacturers were jointly responsible, forcing down contract prices so low that workers were not paid the minimum wage or overtime compensation. Together, these developments finally prompted California policymakers to take up the matter. This time, Foo and her colleagues won a remarkable legislative victory. Although legislation came to be seen as the key solution to the problem of sweatshop abuses, litigation by Foo and the Asian Law Caucus still made important

\textsuperscript{67} “Press Statement of Julie A. Su,” Sweatshop Watch (December 23, 1996), Foo Papers, Box 1 of 1, Location 59F, Accn. # 07S-87.

\textsuperscript{68} Garment Workers Project, Asian Law Caucus, page 12; Garment Workers Project Interim Progress Report, Asian Law Caucus, July 1, 1996 – December 31, 1996, Foo Papers, Box 1 of 1, Location 59F, Accn. # 07S-87; Alan W. Houseman and Linda E. Perle, Securing Equal Justice for All, 34.

\textsuperscript{69} Garment Workers Project, Asian Law Caucus, June 4, 1997, page 10, Foo Papers, Box 1 of 1, Location 59F, Accn. # 07S-87.
gains and indicated how an environment favorable to social change in this area was emerging.

One example was the Man Lee Lo v. Raymond Garment case in 1997. When Man Lee Lo came to the ALC because of a minimum wage violation in the early part of 1997, Foo was quite surprised. Due to a series of successful anti-sweatshop actions in San Francisco, Foo had not seen garment workers with minimum wage problems for a while, although overtime issues were still common.\footnote{At that time, garment workers still worked sixty to seventy hours per week without overtime compensation, which was the only way they raised themselves above the federal poverty line. Working forty hours a week at $5.15 an hour was right at poverty threshold for garment workers. Therefore, it was common for them working an extra twenty hours to raise themselves above the line. See Lora Jo Foo presented “Labor & Immigration: Examining the Intersection” on February 6, 1999, page 2, Foo Papers, Box 1 of 1, Location 59F, Accn. #07S-11.} Man Lee Lo had been working for Raymond Garment Cutting Services for ten years from October 1987 to July 1997. When she turned to Foo for help, she was being laid off. Her job at Raymond Garment was doing overstitch, a method of closing the sleeves, pants and sweaters. It was a very strenuous job, which wreaked havoc on her health. Lo worked seven days a week because she worked under a piece rate system as had existed at Koret of California. For six days she worked at least ten hours, and on Sunday, she worked about eight hours. After ten years of doing the exact same operation she was suffering from repetitive stress injury to her hands, arms, and forearms. When she woke up in the morning, she could not even close her hands into a fist. She did not see a doctor until the pain was very severe in March 1996. The doctor told her that it was clearly an occupational injury. As a result, she slowed down her pace of work. But because she could not sew as fast as before, she completed fewer pieces. Without a guaranteed minimum wage per hour of work, her wages fell below the legal minimum wage. After being laid off, she “came to the Law Caucus out of total frustration and anguish.”\footnote{Ibid., 2; MAN LEE LO vs. RAYMOND GARMENT CUTTING SERVICE and REPUBLIC INDEMNITY COMPANY, Before the Workers’ Compensation Appeals Board of the State of California, No. SFO 411209, July 2, 1997, Foo Papers, Box 3 of 7, Location 59F, Accn. # 09S-27.}
The Lo Case made Foo realize that, even under strict supervision and scrutiny in San Francisco’s shops, some contractors defrauded workers, the government, and the public by a very elaborate “scheme” – using two sets of books. Raymond Garment Cutting Services was one of them. Lo had told Foo how Raymond Garment perpetrated the “scheme”:

If she makes $2.00 an hour in a particular week, well, the factory paid her the federal minimum wage - $5.15 an hour, at that point back in March. And they kept this accounting in their computers that she owed the company $3.15 per hour. And, the week after, if she made $6.00 an hour or $7.00 an hour, because she was given good work – good piece rates, they did the accounting and took the $1 or $2 in excess of $5.15 and they applied it to that outstanding balance of hers that she owed them.72

Therefore, after a year, Man Lee Lo found herself owing over $1,000 to Raymond Garment, rather than her employer owing her, and she realized that she was unable to pay this off.73

When Foo, with the help of Man Lee Lo, collected all the evidence that would be useful for the case, she filed the lawsuit. Meanwhile, on April 8, 1997, Foo requested the Department of Labor to start investigating Raymond Garment due to the fact they owned five other factories, which was beyond what she could handle. “There was only one worker coming forward,” Foo explained, “I don’t bring class actions when only one worker steps forward.”74 Three months later, after conducting an investigation covering the period from March 1996 through May 25, 1997, the Department of Labor calculated and determined that Raymond Garment owed $192,000 in unpaid wages to workers in all shops.75

For fear of appearing in the public with a bad reputation, manufacturers, who

72 "Labor & Immigration: Examining the Intersection", 2.
73 Ibid., 2.
74 Ibid., 3; A letter from Lora Jo Foo to Frank Conte, April 8, 1997, Foo Papers, Box 3 of 7, Location 59G, Accn. # 09S-27.
75 A letter from Lora Jo Foo to William Chan, July 8, 1997, Foo Papers, Box 3 of 7, Location 59G, Accn. # 09S-27.
worked for some major retailers, reacted immediately to the Lo Case. Therefore, when J.J.’s Mae, the primary manufacturer that Raymond Garment worked with, was notified of the violations, J.J.’s Mae immediately wrote a check for $192,000 to cover the unpaid wages for approximately two hundred workers on September 16, 1997. This action by a garment manufacturer demonstrated the acceptance of Foo and the anti-sweatshop coalition’s argument, “that manufacturers must take responsibility for the conditions under which their contractors’ employees labor.” Foo continued, “They cannot wash their hands when it is common knowledge that garment contractors routinely violate minimum wage and overtime laws.” 76 In addition, J.J.’s Mae decided to purchase three of the five contract shops, bringing production in-house in order to ensure that the workers who assembled its garments were paid minimum wage and overtime compensation. 77

This successful outcome for the Lo Case was so astonishing as “none of this would have happened [ten years ago],” Foo stated later, “and this is a very unusual case. I don’t expect easy victories like this very often.” 78 Man Lee Lo “was very pleased with the amount she received and hopes it sends a message to other garment workers that they also should step forward to speak out against injustices at garment factories.” 79 Foo and her colleagues realized it was precisely because of the anti-sweatshop coalition’s unremitting efforts over ten years, that garment factories and manufacturers were no longer unscrupulous and indifferent. As she stated, “J.J.’s Mae took decisive action to correct violations when they were notified and we hope in the future other

76 A letter from William Chan to Employment Standards Administration Wage and Hour Division, U.S. Department of Labor, September 16, 1997; Foo, quoted in “Garment Worker Settles Lawsuit Against Raymond Garment Cutting Services Worker’s Stepping forward Benefits over one Hundred Co-Workers,” Press Advisory for Immediate Release, April 13, 1998, Foo Papers, Box 3 of 7, Location 59G, Accn. # 09S-27.
77 A letter from William Chan to Employment Standards Administration Wage and Hour Division.
79 Lo, quoted in “Garment Worker Settles Lawsuit Against Raymond Garment Cutting Services Worker’s Stepping forward Benefits over one Hundred Co-Workers”.

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manufacturers act as responsibly."\textsuperscript{80}

This situation encouraged the Sweatshop Watch coalition to push for legislation. Although forty-eight California manufacturers signed agreements with the Department of Labor to set up mandatory monitoring programs after the El Monte raids, the anti-sweatshop coalition considered that mandatory monitoring was not enough.\textsuperscript{81} There were not sufficient staff in government agencies responsible for supervising such a large scale industry, particularly in the wake of the Reagan Revolution and continuing budget cuts. \textsuperscript{82} Likewise, earlier legislation was not doing enough to protect workers. California’s 1980 Garment Registration Act, for example, required all garment manufacturers to register with the DLSE and “demonstrate adequate character, competency, and responsibility,” including adhering to employment law.\textsuperscript{83} It also provided a limited form of liability against those manufacturers who used unregistered contractors. According to a 1998 survey by the U.S. Department of Labor, over eighty percent of the California sewing shops were registered. However, the survey found sixty-one percent of registered garment shops in Los Angeles still violated minimum wage and overtime laws, rendering the limited liability ineffective. Only liability legislation could solve the problem. Once achieved, garment workers could monitor their own shops and report violations without hesitation. Therefore, to thoroughly clean up sweatshops, labor advocates and organizations planned to impose joint liability on manufacturers and retailers for their contractor’s violations of labor laws.\textsuperscript{84}

It was not the California anti-sweatshop side’s first attempt to pass a joint liability

\textsuperscript{80} Foo, quoted in “Garment Worker Settles Lawsuit Against Raymond Garment Cutting Services Worker’s Stepping forward Be
\textsuperscript{81} Foo Papers, Box 1 of 1, Location 59F, Accn. # 07S-87.
\textsuperscript{82} Garment Workers Project, Asian Law Caucus, June 4, 1997, page 4, Foo Papers, Box 1 of 1, Location 59F, Accn. # 07S-87.
legislation. Foo said, “We had tried, over numerous years, to pass what we call joint liability legislation, so that retailers, manufacturers, and contractors were jointly responsible and jointly liable with the sweatshop owners for the working conditions and the wages of garment workers.” They tried in 1990, 1992 and 1994. All of these bills were passed by the California State Legislature, which was dominated by members of the Democratic Party. But they were vetoed each time by Republican governors, first by Governor George Deukmejian and then twice by Governor Pete Wilson. Wilson blamed the exploited and undocumented workers for the sweatshop conditions rather than employers. Due to his strong anti-immigration stance, he also suggested more restrictive immigration laws would somehow stop labor law violations. Sweatshop Watch condemned Wilson for vetoing those reform bills. They argued that if Wilson had signed the bill into law previously, those manufacturers who contracted with the El Monte sweatshop would have shown more concern for the conditions under which their goods were produced, and the deplorable treatment of the El Monte workers would not have lasted so long. The good news was that all of the publicity, education, and continual effort by the anti-sweatshop coalition laid the groundwork for a new attempt.

Meanwhile, California Democrats retaking control of the governorship could help efforts to pass labor laws in favor of garment workers. Due to the political positions of the Democratic Party, labor unions as well as working-class, African, Asian, and Latino American women and men became its committed voter base. Organized labor has been a critical component of the Democratic Party since the 1930s. Each year, labor unions

86 “Mission and History,” SWEATSHOP WATCH, Vol. 6, No. 4 (December 2000); “SLAVE CONDITIONS IN SOUTHERN CALIFORNIA GARMENT SHOP,” SWEATSHOP WATCH, Vol. 1, No. 1 (Fall, 1995), Foo Papers, Box 1 of 1, Location 59F, Accn. #07S-11; Lora Jo Foo, Laura L. Ho, and Leti Volpp, “Manufacturers and Retailers Must Be Liable,” L.A. Times (Aug. 24, 1995), Foo Papers, Box 1 of 1, Location 59F, Accn. # 07S-87.
87 “SLAVE CONDITIONS IN SOUTHERN CALIFORNIA GARMENT SHOP”.
supply a great deal of money and grass roots political organization of support for Democratic Party; women, regardless of age, are more likely to vote for Democrats, especially among ethnic and racial minorities. Although the American working class has lost much of its political power due to the decline of labor unions, it remains an essential part of the Democratic base. The Latino population, particularly the large Mexican American population, also have been strong supporters of the Democratic Party. In the 1996 presidential election, Bill Clinton as the Democratic President candidate receiving seventy-two percent of the Hispanic vote was a case in point. Furthermore, the Democratic Party made great progress among Asian Americans starting in 1996 and won sixty-two percent among the Asian voters in 2008.88

In contrast, the Republican Party’s anti-labor, anti-government, and anti-immigrant policy positions created an environment that allowed sweatshops to continue in the United States. During the political debate over the second effort at a joint liability bill in 1992, an analysis from a Republican opponent of the bill indicates as much.

For [fashion design houses] to pretend they have no control over the contractors is laughable, but, of course, bringing this business into partial compliance with labor and health laws would either increase the cost of clothing or reduce profits, or perhaps both. The garment assemblers do need these jobs and they usually don’t mind the low wages and working conditions. They don’t plan on working in this industry for longer than it takes to get out with a nest egg to send children to college or nurse an ailing spouse back to health. They like it in this country because they left another to come here, didn’t they? So I don’t think predictions of runaway industry to Mexico are real.89


89 Republican analysis, quoted by Lora Jo Foo in “Labor & Immigration: Examining the Intersection”, 4.
Many Democratic politicians, on the contrary, called for an equal economic opportunity, a higher minimum wage, and expressed sympathy for immigrants. On September 15, 1995, a bill earmarking $2.5 million for intensified enforcement of state labor laws in the garment industry was approved in the state Senate by a bipartisan 34-2 vote. The bill by state Senator Hilda Solis would finance about twenty field investigators, ten auditors and supported staff members. Solis, who was raised by immigrant parents from Nicaragua and Mexico, said working conditions at the El Monte plant may be common elsewhere in Southern California. “We have to stop this atrocity,” she added.  

More importantly, the election of Democrat Gray Davis as the thirty-seventh Governor of California from 1999 to 2003 further prompted the introduction of reform bills aimed at the state’s infamous garment industry. As Foo commented, “for the first time, we had a chance of winning legislation.” The sustained publicity, the prospect for change, and the intensified debate put the apparel industry on notice that some change was inevitable. For the first time, manufacturers and retailers came to the table to negotiate legislation with the anti-sweatshop coalition. After the November 1998 elections, Foo, as the key lawyer of the coalition, began drafting the legislation A.B. 633 and various amendments, and participated in the negotiations which led to final passage of the bill. “The key provision in A.B. 633 proposes to make garment makers, and some garment retailers, jointly liable for wages and other conditions in the sewing shops they use to make their clothing.” Shortly thereafter, in early 1999,
Democratic Assemblyman Darrell Steinberg sponsored and introduced the bill.\textsuperscript{94}

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\caption{ALC staff attorney Lora Jo Foo (right) testified at a hearing on A.B. 633, c. 1999.\textsuperscript{95}}
\end{figure}

Foo also drafted a “private right of action” which would allow private parties to bring lawsuits to further enforce the joint liability in the bill. This addition would allow cases such as that of Anna Chan and Man Lee Lo to go forward, but the manufacturers and retailers strenuously rejected the private right of action. They feared it would lead to large scale class actions and unlimited liability for back wages and attorney’s fees. Instead, they wanted to channel enforcement through the Labor Commissioner’s Office, toward administrative processes and hearings similar to those Foo and the ALC encountered while litigating the Cuadra Case. Garment manufacturers and retailers further proposed that a court action only be accepted if the DLSE’s administrative process did not solve a claim in a timely fashion, and if garment workers gave up their right to bring class actions and recover attorneys’ fees in the civil action.\textsuperscript{96} These

\begin{itemize}
\item \textsuperscript{94} Dan Morain, “Bill Advances to Ensure Garment Workers’ Pay”.
\item \textsuperscript{95} Asian Law Caucus-In Defense of Civil Rights, 11.
\item \textsuperscript{96} Foo, “Negotiating AB 633”, 5.
\end{itemize}
conditions proposed by manufacturers and retailers were, in turn, strenuously rejected by Foo and other advocates for garment workers.

As a result, A.B. 633 was heavily negotiated throughout 1999, but no compromise on the private right of action could be reached. Due to certain political realities, such as Governor Davis promising to veto any bill opposed by the industry, garment worker advocates had to make a difficult decision. All language providing for the private right of action in A.B. 633 was deleted, and the California Labor Commissioner became the sole enforcing authority.97 Some trial lawyers were skeptical about the lack of the private right of action. Al Meyerhoff, a Los Angeles attorney who was suing major domestic retailers and manufacturers over sweatshop conditions in Saipan, said the legislation “sounds like a relatively small step.”98

Yet, the apparel industry did agree to certain provisions as an exchange for garment advocates giving up the private right of action. To meet the advocates’ concerns, the bill gave the state labor commissioner broader authority to investigate wage violations. In addition, annual garment registration fees would rise from a minimum of $250 to $1,000 for contractors and $2,500 for manufacturers, depending on their annual sales volume, which would add as much as $3 million a year to the Labor Commissioner’s budget. The increased fees could allow the Labor Commissioner to hire several dozen additional investigators to handle complaints and have a significant impact on cleaning up the industry.99 Garment workers also obtained rights in the bill that workers in other industries would not have, including award of attorneys’ fees when they prevailed in wage claims against the contractor and/or manufacturer or retailer in the Labor Commissioner process. In addition, garment workers could also be awarded liquidated

97 Foo, “Negotiating AB 633”, 5, 34.
98 Morain, “Bill Advances to Ensure Garment Workers' Pay”.
99 Ibid.; Foo, “Negotiating AB 633”, 34.
damages for minimum wage violations, a right no other worker had at the time.\textsuperscript{100} “Workers are thus ensured legal representation in Labor Commissioner hearings because these cases become economically feasible for private attorneys to take,” according to Foo.\textsuperscript{101}

On September 28, 1999, after over ten years of work by the Caucus and the coalition, A.B. 633 was finally signed into law.\textsuperscript{102} “It was the first that was absolute liability,” Foo said, “that bypassed all the years and years of litigation, depositions, and discovery to win a lawsuit. So it was a major victory.”\textsuperscript{103} As the strongest anti-sweatshop bill in the United States, A.B. 633 gave protection to some 160,000 statewide garment workers, the majority of whom were immigrant women. Acknowledging the garment manufacturers’ and retailers’ joint legal responsibility, the law provided California garment workers with a new legal tool to recover an estimated $73 million in labor violations each year.\textsuperscript{104} As Foo argued, “This bill is the culmination of a ten year effort by labor advocates to hold brand name manufacturers and retailers jointly and strictly liable for the sweatshop conditions in their registered contract shops.”\textsuperscript{105} Although the anti-sweatshop coalition made some concessions to reach an agreement, it was an encouraging success that long-exploited workers, including many Asian American women had finally obtained protection for their right to their hard-earned wages as well as to safe and humane working conditions.

This victory for working people came in the wake of a decade of dismal years for the U.S. labor movement. But it demonstrated the importance of organizing around issues relevant to a significant part of the labor force: immigrant women workers. Labor

\textsuperscript{100} Foo, “Negotiating AB 633”, 34.
\textsuperscript{101} “Lora Jo Foo”, interview with author, April 5, 2019.
\textsuperscript{102} Foo, “Negotiating AB 633”, 5, 34.
\textsuperscript{103} “Lora Jo Foo”, interviewed by Loretta Ross, 39-40.
\textsuperscript{104} Lora Jo Foo and Julie A. Su, “Let the Sweatshop Reform Law Work,” \textit{Los Angeles Times}, April 7, 2000, Foo Papers, Box 1 of 1, Location 59F, Accn. # 07S-11.
\textsuperscript{105} Foo, “Negotiating AB 633”, 5.
activists also had begun to “experiment with a range of innovative strategies” to engage a diverse working-class constituency.\textsuperscript{106} The 1995 victory of the John Sweeney “New Voice” AFL-CIO leadership marked a turning point. Sweeney, who had begun his career as a researcher with the ILGWU, wanted to dedicate more resources to organizing. This new leadership encouraged innovative approaches and became the driving force “in attempting to create more movement within the ranks of labor”.\textsuperscript{107}

Out of these efforts emerged, alongside Foo, Asian American women who became leaders of unions, movements, and organizations, as well as policymakers. For Foo, building on her continual advocacy for immigrant women workers and her experience both in labor organizing and as a labor attorney, she turned her attention to participation in an Asian American women’s movement. Reflecting on Foo’s work experiences, from garment worker to a labor attorney, one is struck by her persistent effort to change industries built on chronic labor exploitation. Despite setbacks, Foo never stopped fighting for working people. She learned from her previous experiences and adjusted her strategies through the years, all of which led to the landmark victory of her career. Although Foo left the Asian Law Caucus in 2000, after eight years of “tireless efforts on behalf of low-wage workers locally and nationally,” she did not stop fighting for social justice.\textsuperscript{108} Her spirit of fighting for immigrant working people and social justice guided her back to her roots—to rebuild a social movement for Asian American women.

\begin{small}
\begin{thebibliography}{99}
\bibitem{Ibid} Ibid., 28, 43.
\bibitem{Lucero} Correspondence from Joe L. Lucero to Kirke Wilson, 26 January 2000, Foo Papers, Box 1 of 1, Location 59F, Accn. # 07S-87.
\end{thebibliography}
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CHAPTER SIX

Rebuilding an Asian American Women’s Movement, 1995-2003

“I’m writing this for my community.”
—— Lora Jo Foo

In the 1990s, conservative Republicans successfully launched a range of attacks against liberal social programs and policies, including the areas of affirmative action, immigration, and welfare. The passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), a cornerstone of the Republican “Contract with America”, was a historic welfare legislation that rewrote six decades of social policy to end the federal guarantee of financial assistance to the poor. On July 1, 1997, PRWORA instituted Temporary Assistance for Needy Families to replace the Aid to Families with Dependent Children program, which had vicious effects on immigrant women. In California, these tensions on the national level were compounded by the passage of Proposition 187 and Proposition 209, ballot initiatives designed to restrict policies around immigration and affirmative action. As an advocate and activist for social justice, Lora Jo Foo regarded these events as a direct challenge to Asian American women, especially for low-wage women workers.

Under such challenging circumstances, Foo decided to participate in the non-
governmental organization (NGO) forums portion of the United Nations Fourth World Conference on Women in Beijing in 1995. At the NGO forums of the conference, Foo and other activists representing Asian Pacific American women were confronted with “two profound realizations.” First, there was “no organized voice” for American Asian, Hawai’ian, or Pacific Islander women “to participate in the official UN conference.” Second, although each of those activists “worked long and hard on their respective issues,” such as economic justice, reproductive rights, and civil rights, “their work was not linked in any sustained way back home in the United States.”4 In view of this situation, Foo and other participants planned to build and sustain a national, progressive, multi-issue movement of Asian, Hawai’ian, and Pacific Islander women in the United States when they returned home. In September 1996, 157 women came together, becoming the founding sisters of National Asian Pacific American Women’s Forum (NAPAWF) in Los Angeles.5 Foo served as its first National Chair from 1996 to 1998.

Over 1997 and 1998, the NAPAWF worked to identify the issues and concerns of Asian Pacific American women, and held meetings across the country to facilitate this work. In 2000, when Foo left the Asian Law Caucus, she was hired by the Ford Foundation to write a report on these issues and concerns of Asian American women, specifically. Asian American Women: Issues, Concerns, and Responsive Human and Civil Rights Advocacy was published in 2002.6 According to Barbara Y. Phillips, the program officer for the women’s portfolio of the Ford Foundation, the report “puts meat on the bones” of the NAPAWF “framework.”7 It became the first published report investigating the contemporary social and economic injustice and plight that working-

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5 Ibid.
class Asian American women confronted. The report’s release was timely. As conservatism was increasingly powerful in the final decade of the twentieth century, Foo’s report detailed “the civil and human rights violations inflicted on” Asian American women and the need “to strengthen the capacity of the grassroots, base-building organizations and coalitions and to build regional and national infrastructure and institutions,” as Phillips noted.⁸

By the report’s publication in 2002, Foo had participated in many events, from labor organizing to lobbying for legislation, and thus she knew Asian American women had a great potential power to change their lives. She also knew that movements were not initiated by revolutionaries, organizers, or leaders. As Grace Lee Boggs, a famous Chinese American activist and feminist, argued in her 1998 autobiography, “They begin when large numbers of people, having reached the point where they can’t take the way things are anymore, see some hope of improving their daily lives and begin to move on their own.”⁹ Therefore, when the time was ripe for a new initiative around Asian American women’s activism, Foo was ready.

This last chapter examines the impact on Asian American women of conservative attacks on immigration, affirmative action, and welfare in the 1990s, and Foo’s responses and efforts as an advocate and activist. It covers her participation in the NGO forums of UN Fourth World Conference on Women in 1995, in the subsequent founding of NAPAWF—the first national organization providing a voice for Asian Pacific American women—and in writing and sharing Asian American Women: Issues, Concerns and Responsive Human and Civil Rights Advocacy. Although Foo did formally develop her early understanding of the concept of “intersectionality”— coined

by Kimberlé Crenshaw in 1989—until the year 2000, she began to research and write *Asian American Women*. In her book, she illustrated and elucidated how the intersection of race, class and gender oppressions manifested in the Asian American communities covered issues affecting today’s Asian American women such as economic justice, health care, sexual and reproductive justice, and LBGTQ. The book, based on years of hard work of Lora Jo Foo and many other Asian American women activists, became an encyclopedic guide on Asian American women’s concerns and challenges, which expanded intersectionality as a research paradigm to include lesbian and transgender identities as well issues of sovereignty for indigenous women of Hawai’i.

**Pushing Back against Conservative Attacks**

As the 1990s continued, Asian American women faced a range of inequalities and injustices stemming from “the broader economic, legal, political, and/or historical contexts of American society,” as Foo put it.10 With the early 1990s economic recession in the United States, conservatives began to attack the legacy of earlier social movement achievements from the 1960s and 1970s, including civil rights legislation and affirmative action regulations from which minority women benefited.11 In California, a state with heavy immigration from Asia and Latin America, public debate over affirmative action and the current immigration policy intensified, which led to a backlash against immigrants.

Since the landmark 1965 Immigration Act, Asia gradually became a major source of immigration. By 1960, Asians only constituted less than four percent of total

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American immigration, but rose to thirty-five percent of legal immigration by 1980 and forty-two percent by 1989. As the newcomers entered the labor force, a rising tide of employer discrimination emerged. For example, some companies adopted “English-only” rules barring foreign languages on the job and during breaks. The situation resulted a sharp jump in national-origin charges at the Equal Employment Opportunity Commission (EEOC). In 1992, 14,394 complaints were filed, an increase of thirty percent from the 11,114 in 1989. Some complaints ended up in court as lawsuits. One such case involved five Filipino security guards sued the U.S. government and their employer, the American Mutual Protective Bureau; Foo had been one of their lawyers.

In February, 1992, five Filipino American security guards, Perfecto Estrada, Cabrito Rose, Florentino Ramirez, Teodulfo Loyola, and Cayetano Decena, were removed from their posts at the Treasury Department building at 390 Main St. in San Francisco by their company American Mutual Protective Bureau (AMPB) which had a contract with the Treasury Department to provide security there. The reason for the removal was an alleged language barrier. According to the U.S. Equal Employment Opportunity Commission, the AMPB may have violated the law that forbade job discrimination based on race or national origin. However, the AMPB insisted that there was no “discriminatory motive” behind the removal because eighty percent of AMPB’s security guards were Filipino Americans. In March 1993, the five guards filed a separate lawsuit in the U.S. District Court in San Francisco, alleging that the U.S. government and the AMPB had violated their constitutional rights to equal protection under the law. Foo was one of three attorneys who represented the guards for the Asian

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Law Caucus, the American Civil Liberties Union and the Employment Law Center.\textsuperscript{14}

The key to the case was whether a “discriminatory motive” existed and could be proven. The government contractor AMPB insisted that it was merely following the orders by a federal administrator to remove the five Filipino guards from their posts at the Treasury building. Foo, as one of three attorneys, confirmed this version. According to her, after receiving a complaint that someone had had trouble communicating with an unidentified guard, the federal administrator requested that the AMPB dismiss the guards. However, all five Filipino guards maintained that they had each worked for the AMPB for a period of three to nine years without any previous complaints about their accent. Four of the five guards received their education at an English-speaking college in the Philippines, and one had been born in America. What is more, one guard also worked as a notary public and consultant for a travel agency; another had taught accounting courses in English.\textsuperscript{15} Foo called the decision a vindication of the guards, “who all along said they could communicate without problems.”\textsuperscript{16}

Although the case settled and the five guards finally received $87,500 from the administration and an undisclosed amount from the AMPB in June 1994, attorneys representing the five guards were concerned about the atmosphere of the case. According to attorney Christopher Ho of the Employment Law Center, the settlement came at a time when employee language rights complaints were on the increase in the context of a general immigrant-bashing climate in California. “In many cases, it’s just a pretext to discriminate against someone because they don’t sound like you,” said Ho,

\textsuperscript{15} Ibid.
\textsuperscript{16} Foo, quoted in Claire Cooper, “5 Workers Win Ruling Against ‘accent’ bias,” \textit{The Sacramento Bee Final}, April 13, 1993, B5, Foo Papers, Box 1 of 6, location: 59A, Accn. # 09S-44.
whose office was getting a growing number of complaints of accent discrimination.\textsuperscript{17}

Such “accent discrimination” cases usually involved Asian, Pacific Islander or Latin Americans, which revealed “some obvious cultural biases at play here,” said Ho.\textsuperscript{18} “Had GSA ordered the removal of all blacks from the Department of the Treasury,” Foo also noted, “I am sure the reaction would have been, ‘But that’s discrimination. We can’t do that’.”\textsuperscript{19} Foo was concerned that federal officials could order a private firm, which contracted with government, to remove all Filipinos from a workplace and that the contractor could obey the order “without batting an eye.”\textsuperscript{20} What happened later confirmed Foo’s concerns, as on November 8, 1994, California voters—apart from those identifying as Democrats—approved Proposition 187 by a wide margin, with nearly sixty percent voting “yes.”\textsuperscript{21}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{image13.png}
\caption{Examiner/Craig Lee: Cabrito Rose, left, Cayetano Decena, Florentino Ramirez and Perfecto Estrada sit with Lora Jo Foo, far right, April 13, 1993.\textsuperscript{22}}
\end{figure}

\textsuperscript{17} Christopher Ho, quoted in Erin McCormick, “Filipino guards sue over ‘accent discrimination’”; Vince Maggiora, “‘Accent Discrimination’: Filipino Guards’ Claim Upheld”; Steven A. Chin, “Security Guards’ ‘accent’ suit settled”.
\textsuperscript{18} Christopher Ho, quoted in Associated Press, “EEOC Sides With Guards In Accent Case,” The Recorder, April 13, 1993, Foo Papers, Box 1 of 6, location: 59A, Accn. # 09S-44.
\textsuperscript{19} Foo, quoted in Steven A. Chin, “Security Guards’ ‘accent’ suit settled”.
\textsuperscript{20} Ibid.
\textsuperscript{22} The Examiner, April 13, 1993, A-7, Foo Papers, Box 1 of 6, location: 59A, Accn. # 09S-44.
California Proposition 187, called by supporters the “Save Our State” initiative, was a 1994 ballot initiative to establish a citizenship screening system and prohibit undocumented immigrants from social welfare benefits and public services in the state. The measure was introduced by a Republican, Assemblyman Dick Mountjoy of Monrovia, a city in Los Angeles County, and was written by former Immigration and Naturalization Service officials during the Reagan administration. Once Proposition 187 passed, it would prohibit undocumented immigrant youngsters from attending public education and “eliminate any child welfare or foster care benefits” for them. It would also bar undocumented immigrants of all ages from receiving “any of the limited publicly funded non-emergency health care programs” which currently applied to them. Opponents regarded Proposition 187 as a “mean-spirited and poorly drafted” measure which would “do nothing to stop the flow of illegal immigrants across the state’s borders.”

Yet, there was support for the ballot initiative among Californians for two main reasons. One reason was a difficult-to-prove perspective held by many that immigrants were more willing to take “menial or physically punishing jobs” than most native-born Americans. As Paul Corswell, a 19-year-old retail salesman from South Central Los Angeles said, “They’re willing to do anything to get a job. The employers can (cheat) them, pay them $3 (an hour). As for me, I demand more than $4.25, more than $4.75. … Nobody should have to work for nickels and dimes.” The second reason was that, by

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25 Ibid.
1994, California had an estimated 1.6 million undocumented immigrants which was calculated to cost the state $3 billion per year on services.\textsuperscript{27} Although immigration numbers were not a focus when the economy was booming, the early 1990s were marked by economic recession and, combined with a large influx of new immigrants, California taxpayers expressed increasing concern about the costs of providing services and job competition. According to a \textit{Los Angeles Times} poll of 1,162 Californians, the second-worst consequence of immigration for California was the issue of immigrant workers taking jobs from Americans; the first one was immigrants’ use of welfare and government services.\textsuperscript{28} The outcome of this poll was a sign showing that anti-immigration sentiments gradually became stronger in California.

Recent Asian immigrants occupied a distinctive place in this debate, partly due to the fact that most arrived through legal channels and, thus, had documents, but also because they held a range of jobs across the economy. New Asian immigrants, as scholar Paul Ong said, experienced a “rich, diverse mix of modes of entry into the economy, reflecting the ethnic and class heterogeneity of the population.”\textsuperscript{29} In particular, their employment reflected, as Ong and John M. Liu pointed out, the U.S. “turned to foreign sources to address the country’s labor and economic shortfalls by providing special preference to immigrants that met requisite human and financial capital standards.” This development culminated in the passage of the Immigration Act of 1990.\textsuperscript{30} This Act offered occupational invitations to highly skilled professionals and technicians, and acknowledged the existing need to maintain a large number of workers to fill low-wage jobs as well. By 1995, the United States increased “occupational

\textsuperscript{27} Decision '94 / SPECIAL GUIDE TO CALIFORNIA'S ELECTIONS.
\textsuperscript{29} Paul Ong, quoted in Paul M. Ong, Edna Bonacich, and Lucie Cheng ed., \textit{The New Asian Immigration in Los Angeles and Global Restructuring}, 133.
\textsuperscript{30} Ibid., 46.
preference” visas from 534,000 to 738,000, which were given to migrants with “extraordinary ability,” including ten thousand “other workers.”

Although some immigrants arriving during this period were able to integrate into the mainstream because they were directly recruited by U.S. employers or came with substantial capital, most of them were less fortunate. When they searched for employment after arriving in the United States, they realized that they were only able to find low-wage work. Like Foo’s mother, they were disadvantaged due to “a lack of transferable skills, an inadequate command of the English language, and racial discrimination.”

Proposition 187 sent a message to employers that the State of California would no longer tolerate undocumented workers, which gave employers ammunition to exploit and threaten all immigrant workers, whether documented or not. As a main industry with heavy Asian and Latino immigrants in California, the garment industry became a hiding place for undocumented workers due to their vulnerability. Ever since California Governor Pete Wilson, a prominent supporter of Proposition 187, launched the Joint Enforcement Strike Force to sweep out underground economic activities in 1993, Foo had perceived Wilson and other conservatives’ hostility towards undocumented immigrants. In Foo’s view, Wilson’s blaming of undocumented immigrants for financial losses of the State combined with restrictive legislation only aggravated illegal immigration and human trafficking. The abuse of the Thai garment workers in El Monte was a case in point.

Although a federal district judge invalidated most of the law as unconstitutional in November 1995 and it is no longer in force, Proposition 187’s passage sent a message

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33 More details see Chapter 5.
to the conservatives that it was time to abolish affirmative-action preferences and programs. The passage of California’s Proposition 209 just two years later, on November 5, 1996, can be considered another backlash against immigrants’ civil rights, alongside all racial and ethnic minorities and women. Conservative politicians and theorists used the rhetoric of “reverse discrimination,” “set-asides,” and “preferences” to oppose to affirmative action. Moreover, charges of discrimination against Asians were recast by opponents of affirmative action to support their view that preferential treatment of African and Latino Americans hurt not only whites but also Asians.

Some conservative African Americans and Asian Americans also opposed affirmative action. Wardell Anthony Connerly, an African American conservative Republican businessman and a close friend of Republican Governor Pete Wilson, promoted Proposition 209, also named the “California Civil Rights Initiative,” which would remove considerations of race, sex, or ethnicity in the areas of public employment, contracting, and education. The opponents of the initiative, such as civil rights leader Rosa Parks, criticized the conservative aim to end affirmative action in “tutoring, outreach, mentoring”, and recruitment of women and minorities in California universities and businesses, and to “gut protections against discrimination” in California.

35 The trend has continued until recently. Since October 15, 2018, Harvard was on trial for allegedly discriminating against Asian American applicants. Specifically, the lawsuit Students for Fair Admissions v. Harvard focuses on whether Harvard violated the Civil Rights Act by discriminating against Asian Americans. The case is not directly connected to affirmative action, but as P.R. Lockhart pointed out, “with the case almost guaranteed to be appealed to the Supreme Court, the questions that it deals with could ultimately affect how and whether schools use processes like affirmative action in selecting students and ensuring diversity on campus.” The case is getting national attention for it “relies on a group of high-achieving Asian Americans arguing that a policy meant to help students of color is actually hurting them”, which will probably have a major impact on the future of affirmative action. More details see P.R. Lockhart, “The Lawsuit Against Harvard that could Change Affirmative Action in College Admissions,” Vox, Oct 18, 2018, https://www.vox.com/2018/10/18/17984108/harvard-asian-americans-affirmative-action-racial-discrimination, accessed Nov 20, 2018.
Again, however, as with Proposition 187, there was support for the ballot initiative. During this period, a growing perception that affirmative action had gone on too long or was no longer was necessary because discrimination had largely been eliminated. According to a poll, fifty-four percent of registered California voters who believed that affirmative action was no longer needed supported Proposition 209, and the final election results confirmed this level of support. Governor Pete Wilson, an early and outspoken supporter of Proposition 209, and other Republican Party leaders also touted Proposition 209, hoping to eliminate affirmative action in California. They claimed that the initiative “sought to undo a terrible unfairness so that opportunity is offered not just to some Californians, but to all Californians.”

Opponents strenuously opposed Proposition 209, but all political and legal challenges ended in failure, and the law remains in force. According to one study, there was a sharp drop in employment after the passage of Proposition 209, which resulted in minorities leaving the labor force. And many people realized that inequality and inequity still existed in American society. As Faye J. Crosby argued “[the] reason America still needs affirmative action is its effectiveness in helping to diminish the large residue of sexual and racial prejudice and discrimination that still today pollute the moral atmosphere of the United States.”

Historian Sucheng Chan suggested that Asian Americans should band together in the anti-affirmative action era, because, as an understudied racial and ethnic minority,

July 03, 2018.
the plight and problems that most Asian American women confronted were still invisible. According to Chan, “we Asian Americans really cannot afford to set ourselves apart from or above other groups who are also struggling for civil, political, economic, and social rights.”\textsuperscript{41} Political consciousness among Asian American women had been growing since feminism arose inside and outside the Asian American movement in the late 1960s and early 1970s. But it was in the last decade of the twentieth century that an urgent sentiment and environment for a national organization of Asian American women for social justice emerged. Just at this moment, Foo sensed a new wind blowing in the country.

**Launching a New Movement for Asian American Women’s Cause**

In the summer of 1995, Lora Jo Foo attended the NGO forums of the UN Fourth World Conference on women in Beijing. Before the conference, in 1993, the Vienna Declaration and a recommended Program of Action for implementing the declaration stated that “a violation of women’s rights was a violation of human rights.”\textsuperscript{42} The declaration was adopted by the World Conference on Human Rights. The 1995 UN conference marked historic progress in women’s liberation and reflected a developing consensus around the world that to empower women and bring about equality, development, and peace required integrating women into mainstream society.\textsuperscript{43} As a long-term activist and advocate for low-wage workers, especially Asian American women, Foo decided to participate. The UN World Conferences on Women and their parallel meetings of NGOs fostered “transnational feminist networks” which provided


\textsuperscript{43} Ibid., 85-86.
an important voice for women to influence global policymaking and insert a feminist perspective into transnational advocacy and activism. Foo also sought to build connections with other activists for Asian American women in the United States.

Before the UN Conference, a group of garment advocates from across the United States prepared to host a workshop during the NGO Forum at Huai Rou, a smaller town forty miles outside of Beijing. The title of the workshop was “The Struggle of Garment Workers on the Global Assemblyline.” Members of the workshop planning committee included Foo and Laura Ho from the Asian Law Caucus in San Francisco, California, Karen Sacks from Common Threads in Los Angeles, California, Leti Volpp from Equal Rights Advocates in San Francisco, California, and Cathy Powell from National Association for the Advancement of Colored People Legal Defense Fund in New York, New York. Advocates hoped to “create a network to serve as a basis for future cooperative work” and envisioned the goals of the workshop to be:

1. getting to know who works on issues in the garment industry around the world,
2. sharing information about the work we all do, the struggles we’ve engaged in, and the strategies we’ve employed successfully,
3. identifying the different issues faced by workers in different countries or regions, and
4. developing and maintaining international contacts with an eye toward future global strategies.

Their workshop fit with the Beijing “Platform for Action,” which covered twelve critical areas of concern, including poverty, economic participation, and economic structures. Other areas were education, health, armed and other conflicts, national and international representation, mass media, environment and development, violence, and

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45 Lora Jo Foo, “Beijing and Beyond: The Struggle of Garment Workers on the Global Assemblyline,” July 14, 1995, Foo Papers, Box 1 of 1, Location 59F, Accn. # 07S-87.
human rights.\textsuperscript{46}

After their workshop at the NGO Forum, Foo and other Asian Pacific American women came together and made a statement to the U.S. delegation on September 5, 1995. By then, as “the fastest growing minority group in the United States having doubled in size over the past decade, primarily through immigration,” Asian Pacific American women still suffered racism and economic inequality.\textsuperscript{47} The stereotype that assumed a monolithic Asian identity—“the model minority”—ignored the diversity of Asian Pacific American women and led to “the denial of services and protections to Asian Pacific American women and girls”\textsuperscript{48}

Historically, Asians and Pacific Islanders were grouped together as part of an intentional community-based strategy to build coalitions as well as by government classifications. Beginning in 1980, the U.S. Census Bureau used the category Asian and Pacific Islander American to designate persons who traced their ancestry to the Far East and to East, South, and Southeast Asia, as well as to Pacific Island countries of origin. With the rapid growth of Asians and Pacific Islanders’ population in the late twentieth century, this census category was soon to be separated into two, “Asian Americans” and “Native Hawaiians and Other Pacific Islanders,” with the 2000 U.S. Census.\textsuperscript{49} In 1995, there was no organized voice for Asian Pacific American women. Previously, about seventy-five of them “met twice in Huai Rou to share their experiences and to discuss the need to network” back in the U.S.\textsuperscript{50}

The Fourth UN World Conference on Women in China served as a catalyst for the

\textsuperscript{46} Beatrice W. Dierks, “The UN Fourth World Conference on Women”, 86-89.
\textsuperscript{47} “Statement Made to U.S. Delegation to U.N. Conference on Women in Beijing, China,” September 5, 1995, Foo Papers, Box 1 of 1, Location 59F, Accn. # 07S-87.
\textsuperscript{48} “Statement Made to U.S. Delegation to U.N. Conference on Women in Beijing, China”.
\textsuperscript{50} “Asian Pacific American Women’s Network,” December 20, 1995, Sophia Smith Collection, National Asian Pacific American Women’s Forum, Box 1 of 1, Location 129B, Accn. # 13S-09.
Asian Pacific American women who participated. Foo and thirteen other Asian American women volunteered to serve on an ad hoc committee to brainstorm and follow-up their discussions in Huai Rou on the formation of the network. In late September, 1995 they started to do preparatory work for a meeting, finally scheduled to be held on January 12, 1996 in Oakland, California. Foo and Jai Lee Wong worked on the proposed agenda.51 During the Oakland meeting, they reviewed the history and context of their network, beginning with their first meetings in Beijing. They also discussed a preliminary Statement of Purpose for the network, their scope of activities, and the issues confronting Asian American women, such as economic justice, civil rights and discrimination, affirmative action, welfare attacks, violence against women, the backlash against women and minorities, and anti-immigrant legislation.52

Reinforcing their decision to establish a network were U.S. official developments following the Beijing Conference. After the UN conference, President Bill Clinton established the Interagency Council on Women, with Secretary of Health and Human Services Donna Shalala serving as Chair and First Lady Hillary Clinton as Honorary Chair. Composed of high level representatives from each federal agency, the Council was charged with policy development and public outreach to implement the Platform for Action adopted at Beijing. The Council held monthly public meetings to discuss its work and was engaged in outreach activities across the country, such as attending conferences and meetings, participating on panels, and addressing gatherings. However, members of the ad hoc committee, including Foo, identified that Asian Pacific

51 Ibid. The Ad Hoc Committee members include Lora Jo Foo, Jai Lee Wong, Gail Bohr, Karen Chin, Mila de Guzman, Jacki Maruhashi, Leni Marin, Karen Narasaki, Becki Masaki, Peggy Saika, Mayseng Saetern, Bette Yee, Doreena Wong, Helen Zia; Correspondence from Peggy Saika to Asian American Women in Beijing “Network”, September 26, 1995; Correspondence from Jai and Lora to Ad Hoc Committee Members, December 28, 1995, National Asian Pacific American Women’s Forum, Sophia Smith Collection, Box 1 of 1, Location 129B, Accn. #13S-09.

52 “Proposed Agenda of Asian American Women’s Network,” NAPAWF Records, Box 1 of 1, Location 129B, Accn. # 13S-09.
American women did not fully participate in these opportunities due to the lack of a national organization representing them. Therefore, after their first meeting in Oakland, the Asian Pacific American women’s network planned to organize an initial event, inviting Ginger Lew, a member of official U.S. delegation to the Beijing conference and of the Interagency Council on Women, to address a gathering.\footnote{\cit{President's Interagency Council on Women,} U.S. Follow-up to the U.N. Fourth World Conference on Women (May, 1996), 3; \cit{Asian Pacific American Women's Network,} December 20, 1995; Correspondence of Asian American Women's Network, January 29, 1996, NAPAWF's records, Box 1 of 1, Location 129B, Accn. # 13S-09.}

After much discussion and dialogue among members of the ad hoc committee and other Asian American woman activists, a historic two-day meeting of Asian Pacific American women was held on September 21-22 in Los Angeles, California. The first progressive national Asian Pacific American women’s grassroots organization—the National Asian Pacific American Women’s Forum—was finally established. Due to her extensive knowledge and experience with regard to low-wage industries, Foo facilitated the session on Economic Justice, one of the Forum’s high priorities. The session explored the political and economic forces which caused Asian Pacific American women to populate low-wage industries, such as the garment and restaurant industries, and did so from an intersectional vision, like Foo’s. Recognizing that “our communities do not live single-issue lives—rather they live at the intersection of ethnicity, gender, and immigration status,” NAPAWF continues to “demand that economic policies and advocacy efforts address the diverse needs” of the Asian Pacific American community.\footnote{\cit{From Identity to Action: A Founding Gathering,} National Asian Pacific American Women's Forum, September 21-22, 1996, NAPAWF Records, Box 2 of 2, Location 13I, Accn. # 14S-76. \cit{Economic Justice,} NAPAWF Website, \url{https://www.napawf.org/economicjustice.html}, accessed Feb. 03, 2019.}

In addition, the Economic Justice session examined the impact of the new welfare bill—the 1996 Personal Responsibility and Work Opportunity Reconciliation Act—on the economic condition of Asian Pacific American women.\footnote{\cit{From Identity to Action: A Founding Gathering".}
Foo’s reaction to welfare reform was negative. “Welfare reform’s most vicious
effects were on immigrant women who suffer twofold.” First, welfare reform ended
Aid to Families with Dependent Children. This entitlement program primarily for single
mothers was replaced with Temporary Assistance for Needy Families (TANF), which
limited assistance to a total of five years in a woman’s lifetime. Second, welfare reform
excluded even documented immigrants from receiving federally funded food stamps

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56 Ibid.
and Supplemental Security Income (SSI). The devastating consequences of welfare cuts on immigrant women, in Foo’s view, were obvious “as they were the ones most likely to need welfare assistance”. 58 Take Los Angeles County for example. Among TANF recipients, eighty percent of Korean, seventy-nine percent of Cambodian, sixty-nine percent of Chinese, and sixty-nine percent of Vietnamese were women; sixty percent of SSI, fifty-nine percent of food stamp, and sixty-one percent of Medicaid recipients were women too. Asian immigrant women who were over sixty-five and utilized public assistance at high rates would be “particularly vulnerable,” Foo believed. 59 Foo criticized welfare reform violating fundamental human rights. “As enshrined in the Universal Declaration of Human Rights, Article 25, every person has the right to be free from hunger, and to have clothing, housing and medical services.” 60

These fundamental human rights of Asian Pacific American women were denied every day and meant the NAPWF had many challenges ahead. As the only national, multi-issue Asian American and Pacific Islander (AAPI) women’s organization in the United States, the Forum’s mission remains “to build a movement to advance social justice and human rights for Asian American and Pacific Islander women and girls.” 61 The NAPAWF is still an active and strong organization, focusing on reproductive health and rights, immigrant rights, and economic justice, and serves an important bridging function.

We bridge the many issues that confront AAPI women and their communities. We bridge the diversity of the 40-plus language groups that are represented under the Asian and Pacific Islander census category. We bridge the many places where our communities reside. We bridge the many waves of immigration of the AAPI community: mothers to daughters and first generation to 4th generation immigrants. We bridge strategies of individual

59 Ibid., 26.
60 Ibid., 25.
empowerment with a larger vision of mobilizing power for justice, equality and peace.  

To be a bridge identifying, gathering information about, and finding solutions to the problems facing Asian Pacific American women, the new NAPAWF held meetings in San Francisco, Los Angeles, Seattle, Minneapolis, and New York City. These meetings would lay the foundation for the publication of *Asian American Women: Issues, Concerns, and Responsive Human and Civil Rights Advocacy.*

### Researching and Reporting for *Asian American Women*

When the Ford Foundation hired Barbara Phillips as a Program Officer in 1999, she realized that organizations representing women of color had never been funded. To turn that situation around, Phillips asked different women of color to write reports for her, helping her to understand the issues and concerns in each of their communities. Phillips invited Foo to write report on Asian Pacific women. Foo accepted the task, but with the caveat that she focus on Asian American women, whose experiences she knew far better than that Pacific Island women. Foo felt “she could not write about or do justice to their issues,” Phillips recalled. “[I]t was sort of the perfect timing,” Foo recalled, “because I was leaving the Caucus and so I agreed to do it.”

At first, Foo thought she was just going to undertake three-months of interviewing, gathering papers, and writing a ten-page paper. She mistakenly believed that all the activists in the field had been regularly writing papers and reports, and all she had to do was collect them and write a summary report. She soon realized that nobody had written

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62 “About,” NAPAWF website, [https://www.napawf.org/about.html](https://www.napawf.org/about.html), accessed 3/2/19.
64 Barbara Phillips’ profile from LinkedIn; “Lora Jo Foo”, interview by Juhee Kwon, 26.
65 Barbara Phillips, “Preface,” in Foo, *Asian American Women,* 7. Importantly the report does cover the contemporary and historical concerns of indigenous Hawai’ians as will be discussed.
anything on Asian American women’s reproductive justice, domestic violence, or many other issues, and Foo knew very well the importance of up-to-date research and persuasive writing for social justice struggles. “You got to write, and you got to garner all your facts and statistics to present to funders when you write your papers to foundations. If you do any kind of legislative advocacy, you have to pull your facts and figures together to be able to persuade a legislator,” she said.67 The report ended up being a nine-month research and writing project, which illuminated the contemporary situation of Asian American women in the United States.68

In June 2001, Foo finalized the first draft of the report and presented it to two meetings convened by the Ford Foundation over 2001 and 2002. The first meeting brought together sixteen Asian American women activists from around the country to review and critique the report. At the second meeting, Foo presented to the Ford Foundation’s Program Officers, including Phillips. Out of these meetings came the decision to publish the report as a book. Its publication would share information on women’s issues within Asian American communities and educate other foundations about the need for funding. Moreover, a book tour and the development of a plan for a five-year initiative on rebuilding the Asian American women’s movement.69 In September 2002, the Ford Foundation published Asian American Women with a preface from Phillips, then the Program Officer for Human Rights Unit of the Peace and Social Justice Program at the Ford Foundation.

“The book is the joint product of many minds, hands, and hearts,” as Foo put it in her acknowledgments. Yin Ling Leung, in particular, contributed substantially

69 AAPIP’s Asian American Women Proposal to the Ford Foundation, April 3, 2002, Foo Papers, Location 57B, Box 1 of 2, Accn. # 14S-05; Lora Jo Foo, interview by Juhee Kwon, 27; Correspondence of “Invitation to Join Asian American Women’s Circle,” Nov. 11, 2002, Foo Papers, Box 2 of 2, Location 57B, Accn. # 14S-05.
to the project.\textsuperscript{70} Using research and statistics from survey data, information from many interviews, work done in 1997 and 1998 by the NAPAWF, and published scholarly literature, Foo and her colleagues broke new ground by revealing the truth about Asian American women. The book is divided into three parts: Economic Justice, Health and Well-Being, and Special Focus.

Foo took the lead on Part One: Economic Justice. She looked at how the intersecting oppressions of class, race, and gender worked together to lower Asian American women’s socio-economic status. Its four chapters covered both current topics, such as the chapter “Welfare Reform,” as well as long-standing concerns of Foo, including the chapters “Trafficking” and “Garment Workers.” Foo used the trafficking chapter also to document how the two interrelated, as had happened with the Thai garment workers case.

Between 1991 and 1994, at least 100,000 people from the city of Fuzhou in the coastal province of Fujian, China, have been smuggled into the US, with the majority of them settling in New York. Most of them owe snakeheads (people smugglers) $30,000 in fees. A large number are women who end up in garment sweatshops. These workers have been harassed, beaten, and even killed by snakeheads for protesting poor working conditions and/or not working hard enough to repay their “debt.”\textsuperscript{71}

However, her garment workers chapter had a new theme: globalization. Although Foo had been aware of the problem of “runaway” shops in the garment industry since she worked at Koret of California, new trade agreements, such as the 1994 North American Free Trade Agreement, accelerated the problem. “Garment workers in the US, who have lost their jobs and those who work in ever worsening conditions, must begin working with workers overseas to the build coalitions and networks needed,” she

\textsuperscript{70} Foo, \textit{Asian American Women}, xix.
\textsuperscript{71} Ibid., 67.
argued.\textsuperscript{72} 

In addition to documenting continuing inequalities and injustices in areas she had addressed earlier in her career in Part One of the book, Foo’s chapter “Other Low-Wage Workers” included an important discussion of workers in the “high-tech” manufacturing in California’s Santa Clara County or “Silicon Valley,” south of San Francisco. Here was strong evidence not only for how class and immigrant status shaped Asian American women’s struggles, but also how race and gender contributed to their exploitation. Foo cited research showing how white managers often hired immigrant women for low-tech jobs, especially Asian and Mexican immigrant women, who supposedly were “better suited for boring, repetitive assembly line work” and had “superior hand-eye coordination and patience.”\textsuperscript{73} “I have a very simple formula for hiring,” one manager stated. “Just three things I look for in hiring entry-level manufacturing operatives: small, foreign and female. These little foreign gals are grateful to be hired-very, very grateful-no matter what.”\textsuperscript{74} “Based on these racist and paternalistic stereotypes,” Foo argued, “managers steer white women away from assembly line work.”\textsuperscript{75} How sexism interacted with racism was well captured by one manager who claimed, “Asian women are more subservient than American females; if I refer to them as ‘girls’ it’s because to me, they act like girls: they only speak when spoken to, do exactly as they are told, and so forth. So I play into it – I treat them firmly like a father figure.”\textsuperscript{76}

\textit{Asian American Women’s} Part Two: Health and Well-Being examined the

\textsuperscript{72} Foo, \textit{Asian American Women}, 73.
\textsuperscript{73} Ibid., 82.
\textsuperscript{74} Manager, quoted in Foo, \textit{Asian American Women}, 81.
\textsuperscript{75} Ibid., 83.
particular health concerns of Asian American women including chapters titled “Health Care Needs,” “Sexual and Reproductive Freedom,” and “Domestic Violence.” Yin Ling Leung focused her efforts on this part of the book, conducting interviews, the literature review, and writing the first draft. One finding was that the U.S. health care system failed to meet the needs of Asian women due to the “paucity of data on Asian America.”

“There is very little data on the health status of Asian women, and health care providers are guided instead by stereotypes and assumptions that can lead to misdiagnosis or worse.” Foo and Leung included this alarming example.

Susan Matsuko Shinagawa, a Japanese American breast cancer survivor and advocate had two different breast surgeons tell her that “Asian women don’t get breast cancer” and that she had nothing to worry about when she found a lump in her breast. In fact, breast cancer rates for Japanese American women are the highest of all Asian ethnic groups. Susan Shinagawa survived because she had the assertiveness to demand a biopsy.

Although very few studies on health and well-being existed at the time, Asian American Women pointed out the importance of and directions for future research, for example, on domestic violence. They found that “domestic violence is an underreported crime” among the Asian American communities, making it difficult to estimate its prevalence. According to the few specific studies on domestic violence against Asian American women, “domestic violence is at least as prevalent in the Asian American population as the general American population and may be higher in certain Asian subgroups.”

This significant issue facing Asian American women remained invisible even among advocates and activists in communities. One of Foo’s colleagues reported on her work around this serious problem.

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77 Foo, Asian American Women, 12.
78 Ibid., 11.
79 Ibid., 101.
80 Ibid., 129.
I work with immigrant programs on domestic violence, and I used to be work in an Asian program [on] domestic violence work. When I tell people that is my work, the response I sometimes get is surprise. Asians have domestic violence? I thought Asians have strong family values. You guys stick together and work hard and pool all your family resources and succeed. How can there be violence? If Asians can’t get it right, then the rest of us are doomed. When I tell Asians that I do domestic violence work, the response I often get is, we don’t have domestic violence. What we have is discipline. There’s a difference. And if we do have domestic violence, it’s not as bad as among Americans. We hit, we don’t abuse.81

Part Three of Asian American Women gathered information on issues relevant to the Hmong, Hawai’ian, and lesbian, bisexual, and transgender communities. As historian Huping Ling pointed out in 2008, these groups were “underrepresented and understudied in both popular and academic literature” on Asian Americans.82 Although the book’s analysis of the Hmong received criticism from one of Ling’s contributors, Paoze Thao, for generalizing and stigmatizing Hmong men, the inclusion of queer identities and the sovereignty claims of indigenous Hawai’ians was innovative and important.83 Foo’s Asian American Women points out that lesbian, bisexual, and transgender members of Asian American communities are “perhaps the most marginalized” and suffer the most “complicated form of oppression.”84 The book also gives voice to indigenous Hawai’ian women, including criticisms of Asian Americans there.

The Hawai’ian sovereignty movement asserts that Hawai’i has been overrun by non-Natives, including Asians. Haunani Trask explains: “Calling themselves ‘local,’ the children of Asian settlers greatly outnumber us. They claim Hawai’i as their own, denying indigenous history, their long collaboration with our continued dispossession, and the benefits therefrom.”85

84 Foo, Asian American Women, 175.
85 Ibid., 170.
Overall, working on the research and writing for *Asian American Women*, Foo expressed that she “was appalled at what” she found and what needed to be done. “If I have been active in this community for so long, and I’m ignorant about all these issues, that means every other community organization does not understand much beyond their special area of expertise.” She added, “so the ways that Asian American women are oppressed are not even understood by our communities.”

To aid this understanding as well as advance solutions, each chapter included what work was already being accomplished by organizations and communities, in coalitions and at the grassroots. In addition, each ended with “Recommendations for Action,” which ranged from concrete assistance, education, and organizing, to research, litigation, and legislation. The Foo and the Asian Law Caucus’s “multi-prong approach” to social change appeared throughout the book.

The book’s main, overall argument was to challenge the widely held “model minority” myth which assumed that Asian Americans had few or no social and economic needs or concerns. Foo refuted this myth with the latest information from community leaders and forums, research reports, investigative journalism, as well as the voices of Asian American women. The reality was much more complicated. As she wrote in her “Introduction,” “Asian Americans occupy the extreme spectrums: from wealth to poverty, entrepreneurial success to marginal daily survival, advanced education to illiteracy.”

According to the US Census in 2000, the lowest overall poverty rate for Asian Americans was 10.7%. However, certain Asian ethnic subgroups had had poverty rates as high as 63%. Foo pointed out that research and data concerning Asian Americans seldom disaggregated for different subgroups. “The result is a picture

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86 “Lora Jo Foo”, interviewed by Juhee Kwon, 27.
that portrays Asian Americans as a ‘model minority’ and hides the human and civil rights violations suffered by Asian American women at the bottom of the economic ladder.  

Despite criticisms of the chapter on the Hmong community, *Asian American Women* was well received and well reviewed. Mary Lee Vance called the book “Foo’s excellent resource.” This “easy-to-read, but information-packed, status report” pointed out the current situation of Asian American women’s activism and provided thoughtful recommendations for future action. Vance felt everyone in her profession of change management “should read this publication, and have a copy ready for quick reference in their offices.” Edith Wen-Chu Chen noted how each “chapter presents the reader with compelling stories, statistics, and detailed information that impact the lives of Asian American women. She felt the book was “an essential read” and “accessible,” and “would be a welcome supplemental text for university courses.” Chen went on to list relevance courses, “such as Asian American Women, Asian American Contemporary Issues, and Asian Americans and the Law, and classes that incorporate social and economic justice issues.” Indeed, courses just like “Introduction to Asian American Women” that Foo taught in over two decades earlier at San Francisco State College.

In addition to being welcomed by a range of readers, *Asian American Women: Issues, Concerns, and Responsive Human and Civil Rights Advocacy* had an impact. Its comprehensive content gave ammunition to community-based organizations in making their case to funding sources and policymakers regarding issues facing Asian American

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88 Ibid., 15.
women. It brought attention to the reality behind the myth of the “model minority,” showing the poverty that existed within the Asian American community. It also helped to bring about funding for the Asian American Women’s Project. The goal of the project was to incubate a national Asian American women’s social justice agenda and movement. The core part of the project was a national book tour for *Asian American Women*. As Asian American Women’s Project director and the researcher and author of the book, Foo planned the book tour working with a committee of women in each city, including those who were part of the 2001 and 2002 meetings convened by the Ford Foundation.91

During the book tour, Foo visited nine cities beginning on October 15, 2002 with the launch of the book and concluding the book tour one year later in Los Angeles on October 25, 2003.92 She traveled to Boston, New York City, Washington, D.C., Seattle, Twin Cities, Chicago, Los Angeles, San Francisco, Minneapolis to present her book, discuss its findings, and facilitate network-building. During the tour, she discovered that different conditions existed in each location. Some cities, like Washington, D.C., had active NAPAWF chapters, whereas other cities, such as Boston, were just getting organizing started.93 Foo realized that the work of political education could not be done through a one-year book tour. Instead, the situation with each community in each city needed to be understood and a five-to-ten-year strategy developed.94

The Asian American Women’s Project eventually was a success. Through the book tour, Foo and the committee reached almost 1,000 women and men and distributed close to 5,000 books to foundations, government agencies, universities and others who

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91 Peggy Saika was another key staff who directed and coordinated the project. AAPIP’s Asian American Women Proposal to the Ford Foundation, April 3, 2002; “Final Report to the Ford Foundation,” Asian American Women’s Project - September 2002 to December 2003, Jan. 8, 2004, Foo Papers, Location 57B, Box 1 of 2, Accn. # 14S-05.  
92 “Final Report to the Ford Foundation”.  
94 Foo, “Reflections on Relations with Boston”.  

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could disseminate the findings in the book even further. Helen Zia, a Chinese-American journalist and activist for Asian American rights, spoke highly of the book: “The book offers a guide to advocacy and a call to action. By giving voice to [Asian American women] the book makes an important contribution to efforts to ensure a broader framework of social justice and a stronger democracy.”

The Project educated people inside and outside Asian American communities and regional and national foundations to the issues and concerns of Asian American women. Above all, the project planted the seed of the idea of movement building to make social change and made the case for the necessity for grassroots organizing as well as advocacy to build another Asian American women’s movement.

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96 “Final Report to the Ford Foundation”.
97 A flyer of NAPAWF’s National Economic Justice Gathering, NAPAWF Records, Box 2 of 2, Location 13I, Accn.
With changes in immigration law fostering the growth of Asian American communities, the late twentieth and early twenty-first centuries offered new opportunities. As their numbers grew, so did their political confidence and challenges. To achieve their goals, Asian American women developed their own strategies for their communities and for the whole of American society. For over several decades Foo had been doing so. Her contribution to building a new movement for Asian American women drew on her knowledge and experience gained as a college student, a lawyer, and a labor organizer. But it also was deeply rooted in all her past experiences—as a child of immigrant parents, as a woman of color in a white society, and as an exploited worker in garment sweatshops. As Patrick Henning, chief consultant to the California Senate’s Committee on Industrial Relations, said about Foo: “In any major effort to protect immigrant women, especially those in the garment industry, Lora Foo has been in the forefront of every debate, in the forefront of every [workable] compromise, and an articulate spokeswoman.”

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# 14S-76.
CONCLUSION

“I think that if there’s any agenda that needs to be added to the feminist agenda, climate change is one of them and our lifestyle is one of them.”

——Lora Jo Foo

Figure 16. Ferns, Moss & Trees, Queets Rain Forest, Washington, c. 1997. Compared to Foo’s early works, her later pictures are full of vitality.

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2 Lora Jo Foo, Earth Passages: Journeys Through Childhood (Lora Jo Foo, 2008), 82.
Lora Jo Foo published her auto-biography *Earth Passages: Journeys Through Childhood* in August 2008, a year after her mother Della passed away.₃ Foo started writing her first story from childhood in 1989 and took the first photograph she considered art in 1991. It took her over ten years to write the childhood stories that were painful to recall and to build a body of photographic work to publish in a book. More importantly, she “needed stretches of quiet and alone time to write them,” which was a challenge to find that quiet time because she was a committed labor attorney and civil rights advocator during those years. Even so, Foo spent her spare time to write her stories, one or two a year. “I had an urgent need to remember events from childhood, to write about them, and in the process heal wounds from childhood,” Foo explained.₄

At first, Foo did not have publication in mind. When, sometime in the mid-1990s, she suddenly realized that both her writing and photography activities told the story of her early life and healed her, she decided to publish a book. “At first, I was fascinated with trees, particularly trees that grew through granite, clung onto hillsides and cliffs, or eked out a life in dry desert,” Foo recalled, “After studying and re-studying these pictures, I realized that I was photographing my early childhood. Green Tree Among Hoodoos, the cover photograph, is a metaphor about young living things surviving harsh, barren environments … Both my writing and my photography was born of necessity and came from the deepest part of me.”₅

More importantly than all of that, Foo dedicated her auto-biography to her mother. In reality, Foo did not understand her mother until Della passed away in July 2007. At Della’s funeral service, each of her daughters read a tribute to her. Foo’s younger sister

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₃ Ibid., 90.
₅ “Lora Jo Foo”, interviewed by Asian American Press.
Ida talked about Della as a healer. She remembered that Della brewed the traditional Chinese medicine for them to treat illness and how Della’s example led Ida to a life as a nurse. Foo’s elder sister Dorothy went into the restaurant business because she spent hours watching Della prepare and cook their meals as a little girl. Hearing her sisters’ tributes, Foo realized that absent parents left scars on their children, even if they raised their children the best way they knew how.6 As Foo explained:

My sister Dorothy, who raised her daughter as a single mom, told me that she had thought that taking care of her daughter’s everyday needs was enough to show her how much she loved her. But her daughter longed for the very thing that our mom seldom gave us – emotional support, encouragement, and tangible expressions of how important we were to her. … If Dorothy, raised in America, needed help learning to be a good mother, how much harder was it for my mom, who was raised in a culture which did not easily show emotions.”

“I finally understood why my mother could never be the mother I longed for.” Foo concluded, “With my mother’s passing, the benefit of my sisters’ memories of her, and my acceptance and forgiveness of her limitations, I now am able to let go of my disappointment and bitterness over not having the mother I needed and to remember the best of her.” Even more, “I realized that my mother also had influenced my life choices.”

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Through writing those stories and taking those pictures, Foo also tried to figure out whether the motivation for her activism came from a healthy place or a dysfunctional place? After having gone through this process of therapy, writing the stories, and photographing, she realized that her activism came from a healthy place, driving her to do the work for immigrant women workers over decades.9 Just like she

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7 Foo, *Earth Passages*, 90-91.
8 Ibid., 90-91.
9 “Lora Jo Foo”, NAPAWF’s “WARRIOR PROSE” interviews.
said, “By telling my own story, I tell theirs also,” – the story of children from immigrant families whose overworked mothers were absent for most of the waking hours of their young lives.\textsuperscript{10} It was the shared common experiences of race, gender, and class discrimination, social inequality and inequity that stimulated Foo’s lifelong activism for immigrants and women of color.

Foo’s working experiences from a garment worker, a hotel maid, a labor organizer, and a labor attorney to a movement leader enable her to understand the industries from top to bottom. “I worked in it. I knew what happens in a factory. I knew what the production line looked like. And when workers came to describe the work they did, I knew immediately what she was talking about,” Foo recalled. She argued, “unless you’re actually working in the industry, you don’t really know what jobs workers were actually doing … you couldn’t bullshit me about this industry.”\textsuperscript{11} In particular, the experiences reveal her particular insight that caused her strategies to evolve through years.

More importantly, Foo’s successful career left a legacy for future Asian American women’s activism and labor movements. After the rank-and-file rebellion at Local 2 in the late 1970, “the back of the house” became a large part of that union, which had ripple effects across the United States. “We started a movement that has not ended,” Foo said, “Local 2 was stronger than ever after the 1980 strike. It became a fighting union and one of the strongest in San Francisco.” More importantly, Local 2 was responsible for changing the AFL-CIO’s immigration policy, according to Foo.\textsuperscript{12} Before 1980, the AFL-CIO believed that undocumented immigrants were willing to work for less money under worse conditions than legal workers, which dragged down

\textsuperscript{10} “Lora Jo Foo”, interviewed by Asian American Press.
\textsuperscript{11} “Lora Jo Foo”, interviewed by Loretta J. Ross, 35.
\textsuperscript{12} “Lora Jo Foo”, interview with author, April 23, 2018.
the wages of native workers and increased unemployment. They, therefore, “called for increased border enforcement and employer sanctions.”\textsuperscript{13}

However, by the early 1980s, the AFL-CIO gradually realized that the United States was unable to reduce the flow of illegal immigration effectively. Meanwhile, they increasingly believed that once the undocumented immigrants were legalized, they would be easier to organize. It therefore, began to support reforming immigration policy favoring the legalization of undocumented immigrants. One such policy was the Immigration Reform and Control Act of 1986, granting amnesty to an estimated three million undocumented immigrants.\textsuperscript{14} As Miriam Wells argued, “demographic change is fostering organizational change. … union practices and programs have been reshaped in order to reach and gain the support of immigrant workers.”\textsuperscript{15} The successful organizing and the growing power of Local 2 during the waning days of the labor movement indicated a new path for future organizing.

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Foo still lives a fulfilling life in San Francisco Bay Area, and she never stops devoting herself to immigrant women workers. Her strategies continue to evolve. Since 2008, Foo started thinking the global warming issues. In her view, the impact of the climate change does not just affect Asian American women but, according to her, is on “our sisters across the globe.”\textsuperscript{16} Due to her evolving strategy focusing on the climate change, when an export terminal project would threaten the residents of West Oakland, Foo jumped right into the No Coal in Oakland Movement. On April 7, 2015, a small

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\textsuperscript{16} “Lora Jo Foo”, NAPAWF's “WARRIOR PROSE” interviews.
newspaper in Utah revealed a previously unreported plan by four coal-producing counties to invest in a new West Coast export terminal. Later, an emailed memo showed that Utah officials wanted to keep the project under wraps:

“We’ve had an unfortunate article appear on the terminal project…the script was to downplay coal…[Terminal developer] had been pleased at the low profile that was bumping along to date on the terminal and it looked for a few days like it would just roll into production with no serious discussion…”17

Figure 17. Foo looks out over the Port of Oakland, June 7, 2016.18

Soon after the project slipped out and gained widespread opposition from West Oakland residents, Foo, as a resident of Oakland, travelled with another resident – Aaron Reaven – to Utah to speak to members of the Permanent Community Impact Fund Board, the potential source of money for the Oakland coal export deal. Foo tried to persuade them not to invest the project due to opposition in the Bay Area. As a


18 Ibid.
lifelong activist and advocate for immigrant sweatshop workers, Foo said, “If [the Utah counties] want to invest $53 million, we welcome it. But not for coal.”

The export terminal project made Foo angry not because it is harmful to the mother nature that played a major role in her healing from the traumas and wounds of childhood, but also because the impact of climate change is greatest on people of color and low-income families in the U.S. and people in developing countries who are least capable of adapting to the disasters caused by extreme weather events. “In these times of crises – the threatened environment, growing economic inequality and overt racism,” as she argued, “if we don’t have a healthy earth, then we’re not going to have economic justice or social justice or racial justice, or any kind of justice.” After decades of advocate for immigrants and women of color, Lora Jo Foo have gradually got wisdom and insight from the past, which have not only striven herself out of wounds and traumas from childhood but also guided her forward.

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