

## Chapter Eight

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# Living Wage Laws in the United States: The Dynamics of a Growing Movement

*Chris Tilly*

[Maryland State Representative Howard] Rawlings is sympathetic to BUILD's [a Baltimore community organization's] aims, but he said that "short of a revolution," it will be difficult to vault \$5-an-hour downtown workers into the "living-wage" category.

—James Bock, *Baltimore Sun*, November 21, 1993

In December 1994, a revolution began in local regulation of the labor market in the United States. In that month, a coalition linking church leaders (Baltimoreans United in Leadership Development, BUILD) and a public employee union (the American Federation of State, County, and Municipal Employees, AFSCME) convinced Baltimore's city government to adopt a "living wage" law, requiring city contractors to pay their workers a minimum of \$6.10 per hour, significantly exceeding the then current federal minimum wage of \$4.25. Between that month and the time of this writing, 117 local living wage ordinances have been adopted across the United States,

and 70 additional municipal campaigns, plus more than 20 campus campaigns, are currently underway (ACORN 2004). The scope and provisions of the ordinances vary, but all mandate companies receiving contracts or, in some cases, subsidies from local governments to pay wages well above the federal minimum. The coalitions pushing for these ordinances have also varied, but almost all have linked community organizations with labor unions.

This flurry of political activity on the local level stands in sharp contrast to wage regulation at the federal and state level. The federal government raised the nationwide minimum wage to \$4.25 in 1991, then in two steps to \$5.15 in 1997, but it has remained at that level since. Only twelve states (plus the District of Columbia) currently have minimum wages above the federal minimum, typically by small amounts (Nelson and Fitzpatrick 2004). So it is not surprising that some analysts have trumpeted the living wage movement as the most outstanding instance of working-class political action in the United States in the last decade (Reynolds 1999).

Heeding Doug McAdam, Sidney Tarrow, and Charles Tilly's (2001) admonition to study the dynamics of contention, however, leads to several questions about the living wage movement. First, living wage laws typically cover very few workers in each locality—an average of about 2,100. Given this small payoff, *why* did so many local coalitions take up the demand in such short order, and *how* did the approach diffuse?

A second question concerns the respective roles of labor and community organizations in the living wage movement. The demand for a higher wage floor seems like a natural one for the labor movement, especially with a new leadership that made its key slogan "America Needs a Raise." But *community* organizations have played the most prominent role in most local campaigns. In particular, ACORN (the Association of Communities for Reform Now), which describes itself as "the nation's largest community organization of low- and moderate-income families" (ACORN 2004), has the highest profile in terms of media coverage and national movement building. Why?

Finally, both advocates and opponents of the living wage movement argue that its goals extend well beyond passing initial living wage laws. To what extent has the movement escalated its demands, and how have opponents responded? Given the current balance of forces, what are the movement's long-term prospects?

To answer these questions, I draw on the existing literature, searches of newspaper article databases, and a small number of interviews with living wage activists. In brief, my answers are as follows. The living wage approach spread rapidly because many community organizations were already pursuing similar reforms and because this particular approach proved highly winnable—in part because its limited scope stirred up limited opposition. Organizations with national reach, including ACORN and the AFL-

CIO (the lone U.S. union federation) were centrally involved in diffusing the strategy. ACORN and other community organizations seized the living wage strategy more decisively than the U.S. labor movement because they were (and remain) more committed to organizing and because living wage campaigns fit better with the dominant community organizing model in the United States than with unions' favored organizing approaches. And living wage movements have in fact escalated their demands in various ways, and business opposition has correspondingly intensified, making the future of the living wage strategy uncertain.

The remainder of the chapter has four sections. I first describe my research methods, then present basic facts about living wage laws. In the main part of the paper, I address my three questions. I close with brief conclusions.

### Methods

This research draws on information from four sources. First, I draw on the growing literature on living wages, including both "advocacy literature" issued by advocates and opponents of the movement and scholarly literature.

Second, I use searches of newspaper article databases. Using online search engines, I undertook exhaustive searches of major city newspapers in Baltimore (212 articles, 1992–2002) and Boston (171 articles, 1994–2002), where living wage ordinances were passed, in 1994 and 1997 respectively. I conducted more-limited newspaper searches in New Orleans and Denver, where state laws forbidding city-level minimum wages challenged city ordinances. And I carried out a number of additional, targeted searches. Because of the hundreds of articles involved, I only cite articles when using direct quotations.

Third, in October of 2002 I interviewed four highly knowledgeable living wage advocates:

- Monica Halas, senior attorney of the Employment Unit of Greater Boston Legal Services (a nonprofit entity providing legal support to low-income people and their organizations). Halas has served as attorney for ACORN and has been involved in lobbying and litigation on a wide range of labor issues, including the living wage. (Halas is a union member and a vice president of the Massachusetts AFL-CIO.)
- Ken Jacobs, at that time labor specialist at the University of California–Berkeley's Center for Labor Research and Education. Jacobs codirected the San Francisco Living Wage Coalition during 1999–2001 and subsequently directed a related project at the community-based Bay Area Organizing Committee, a key coalition member, before leaving for the labor research center in late 2002.

- Jen Kern, director of ACORN's Living Wage Resource Center since 1998 (and very active in living wage organizing with ACORN for several years before).
- Paul Sonn, attorney at the Brennan Center for Justice at New York University, the main center for legal advice and assistance to living wage campaigns.

I rely quite heavily on these interviewees, who each provided not just information but also an analytical framework for looking at the living wage movement.

Finally, I engaged in very limited participant observation in the Boston living wage movement, speaking at a public rally in 1997 and testifying at a hearing in 2002.

### **Living Wage Basics**

As noted above, the title “living wage laws” describes local laws requiring companies receiving contracts or, in some cases, subsidies from local governments to pay wages well above the federal minimum. Living wage laws have been adopted by municipalities, counties, school boards, and local authorities (such as airports)—and in recent years, by a growing number of universities as well. The mandated wage level varies. Many early living wage laws set the wage floor at a level that, over a year of work at forty hours per week, would generate sufficient income to lift a family of four above the poverty line (currently \$8.97 per hour). However, encouraged by research and advocacy about the true living costs in particular areas, living wage advocates have increasingly set higher amounts pegged to some estimate of the area's cost of living. For example, in December 2003, Lansing, Michigan, adopted a living wage of \$11.50 an hour. Other areas setting living wages at \$10 per hour or above include New York City; Arlington, Virginia; and Watsonville, California—all 2002 and 2003 ordinances (ACORN 2004).

Existing literature on the living wage falls into four categories, beyond journalistic accounts. In the advocacy literature, organizations argue for and against living wage laws. The two main foci of advocacy are the ACORN Web site and the anti-living wage Web site maintained by the conservative Employment Policies Institute (not to be confused with the liberal, pro-living wage Economic Policy Institute). A second category is economic analyses of the impact of living wage laws, many generated by the pro-living wage Political Economy Research Institute at the University of Massachusetts–Amherst (Pollin and Luce 1998), but also notably including work by living wage critic David Neumark (2002).

More important for our purposes, sympathetic researchers and activists have generated two streams of research focusing on the living wage move-

ment itself. Case studies examine particular living wage campaigns (e.g., Fine 2001; Nissen 2000; Peterson 2002; Walsh 2000). David Reynolds (2001; 2002) reviewed multiple living wage cases to draw conclusions about the larger movement. While some analysis of the living wage movement has a somewhat boosterish tone, it has contributed useful insights. Bruce Nissen (2000) and Reynolds (2001) argue compellingly that while some living wage campaigns are extremely limited in scope, others have undertaken the sort of long-term mobilization that earns them the name of social movements. Janice Fine (2001) places the coalitions that have won living wage laws in the broader context of emerging models of “community unionism,” which involves mobilizing people in new, community-based labor organizations and seeking to set community standards of various kinds. These analyses are quite helpful in answering the questions I posed at the outset of the chapter.

## Answering the Questions

### Diffusing the Movement

My first question is why and how the living wage movement diffused so far, so fast. To explain the infectious spread of the living wage approach, it is important to understand that although the Baltimore movement did create some genuine innovations, community organizers and pro-labor policy advocates around the nation had been proposing and organizing around similar policies for some time. For organizations seeking to represent low-income communities, the options were limited. Crippled by employer resistance that rendered the National Labor Relations Act largely ineffective, unions were losing most organizing drives. Federal and state governments were generally shifting in a conservative, pro-business direction. However, at the local level, communities of color aroused by the civil rights movement and related movements of the 1960s and 1970s, along with community organizers who came in large part out of the student movement, mobilized new coalitions and secured footholds—and sometimes more—in city governments (Delgado 1997; Kennedy and Tilly 1990). To many, local government appeared to offer the most promising opportunities for pro-worker action.

From the mid-1980s through the early 1990s, one option widely discussed among community organizers was tying requirements—particularly job creation and access to jobs for disadvantaged populations—to city subsidies, development tax breaks, or city contracts. At ACORN, Jen Kern said in an interview, “In the mid-1980s, we did a lot of work around first source ordinances,” which require companies receiving city subsidies to first post jobs in low-income communities before advertising more widely. “Then we had gone back and looked, and realized they weren’t really doing the

job. . . . The jobs were no good.” Activists in Baltimore’s BUILD, an alliance of primarily African American church congregations, reached similar conclusions by a somewhat different route. After demanding subsidies for housing and education in the late 1980s, according to Arnie Graf, East Coast director of the Industrial Areas Foundation (BUILD’s parent organization), “We came to realize that we could not subsidize our way out of the crisis. . . . We had to get to the root of it. We had to deal with people’s work and wages.” (Fine 2001: 64).

Even having decided to deal with job quality, it took BUILD some time to target living wages, and still more time to pursue a living wage ordinance. “No one sits there *a priori* and says, ‘well, what we need is a living wage,’” commented Jonathan Lange, BUILD’s lead organizer. “It got invented in the middle of action and reflection and relating to another group, relating to AFSCME and relating to another group of workers, like low-wage custodians. We’d already done 500 one-on-one meetings with low-wage workers before we’d invented this thing.” (Walsh 2000: 1604). BUILD’s initial tack, in 1993, was to demand a “new social compact,” including a living wage, from large employers such as hotels, restaurants, and universities that received subsidies from the city. But the hotels refused to agree to a living wage, and the city declined to withdraw subsidies from these businesses. Meanwhile, BUILD’s discussions with AFSCME pushed them in a different direction. AFSCME, a public-sector union, was acutely concerned about the national trend toward privatizing public services by subcontracting them. Privatization moved workers out of the union’s bargaining unit and dispersed them among many contractors, making them difficult to unionize. Moreover, since contracts were awarded on the basis of the cost of bids, bargaining for higher wages or benefits could result in the loss of the contract, Ken Jacobs told me.

AFSCME was anxious to find a way to block contractors from competing on the basis of low wages. Thus, BUILD leaders “discovered that the city itself was a major source of contracts for low-wage jobs” (Fine 2001: 65). In 1994, as Mayor Kurt Schmoke and city council president Mary Pat Clarke both prepared to run for the mayoralty, BUILD asked both of them to endorse a living wage ordinance covering city contractors—and both agreed.

At the time, Baltimore’s new law simply looked like one of a number of similar initiatives. ACORN’s Kern remarked, “I don’t remember specifically looking at Baltimore at the time. We’re looking more [at] Baltimore now than we did then.” ACORN itself was pursuing a “good jobs and first source ordinance” in San Jose, California, during 1993–1994 and had already begun living wage organizing in Chicago and St. Paul, Minnesota, as well. Des Moines, Iowa, had imposed a \$7 per hour wage requirement for jobs created in projects with city urban renewal or loan funds as early as 1988. Gary, Indiana, in 1991 required recipients of tax abatements to pay the prevailing wage (i.e., the one set by union contracts in the relevant in-

dustry) (ACORN 2004). Washington, D.C., even had a citywide minimum wage. And although the Baltimoreans had revived the term “living wage,” they certainly had not invented it; it had been in currency in the United States since trade unions made it part of their program in the 1870s, more than one hundred years earlier (Glickman 1997).

Yet something was different about the Baltimore victory. According to Kern, three things made it distinctive: the high-profile campaign, the tying of wage requirements to service contracts rather than subsidies, and the fact that “they were the first ones with the obvious coalition: labor and religious groups.” The strategy spread. One more living wage law passed in 1995, then two in 1996, but then the explosion began, with eight in 1997, eleven in 1998, and fourteen in 1999.

The appeal was clear: “people were winning,” according to Kern. The issue was readily understandable, media friendly, and could effectively unite disparate groups; and, Kern said, “having a law to push for gave you a nice time line and a sense of urgency.” It was not simply that the demand was a popular one. It provided a winnable version of the corporate-accountability strategy that community organizers had been pursuing for ten years. Meanwhile, in the labor movement, a reform slate headed by John Sweeney had been elected to lead the AFL-CIO in 1995, pledging to revive organizing, revitalize the Central Labor Councils (CLCs, the largely moribund units that aggregated unions in each metropolitan area), and build ties to communities. “We started to position the living wage as a campaign that would link the CLCs to the community,” said Kern.

One reason that “people were winning” was that opposition was, on the whole, muted, Paul Sonn said. Opponents wrote op-eds and lobbied city councils, but massive advertising campaigns designed to swing public opinion were rare. One reason for this, of course, was the small number of people covered by the proposed laws. This was demonstrated by ACORN’s attempts in 1996–1997 to use ballot initiatives to win broader citywide minimum wage increases, which were met by well-funded countercampaigns, including \$50,000 ads produced by the National Restaurant Association and customized for each locality. With the exception of New Orleans, ACORN’s ballot initiatives were defeated, Kern said.

If winnability and a good fit with the existing strategies of community organizations and unions help explain *why* the living wage strategy spread so quickly, what can be said about *how* it spread? Much of the spread took place through what McAdam, Tarrow, and Tilly (2001) call diffusion, “the transfer of information along established lines of interaction” (333). For example, for ACORN, with chapters in forty-five cities, “The process was kind of organic. Once we figured out that we were winning, other places tried it. We didn’t tell people to do it, but we passed the word. Then we did a purposeful push. . . . We did it in every city where it made sense,” said Kern. ACORN also produced an internal resource guide for living wage

campaigns as early as 1996 and directed Kern to spend full time providing support to the campaigns by 1997 (with help from another ACORN organizer). Likewise, the AFL-CIO in 1997 passed a resolution committing itself to support living wage laws (Reynolds and Kern 2002), dedicated Public Policy Department staff to assisting local affiliates and CLCs with campaigns, and encouraged its network of community-based labor solidarity organizations, Jobs with Justice, to join campaigns as well. But the big-scale shift came with the establishment of ACORN's high-profile Living Wage Resource Center in 1998, shifting from diffusion to brokerage, "the linking of two or more currently unconnected social sites" (McAdam, Tarrow, and Tilly 2001: 333). "We made the commitment to being the living wage technical assistance people," Kern said. For example, "In some places, the American Friends Service Committee calls me up, and says, 'How do we get labor involved?' I say, 'Here's ten things to say'—we have a document with reasons why labor should get involved." A set of liberal foundations funded the resource center, making possible consistent staffing, an information-rich Web site, and production of materials, including the 215-page *Activist's Guide*. Simultaneously, foundations also funded studies by academics to make the case for a living wage.

At a micro level, living wage activism travels through a myriad of small-scale relational channels. Johns Hopkins University in Baltimore was one of the targets of BUILD's original 1993 "social compact." With the living wage law, BUILD directed its main focus elsewhere, to city contractors. But Hopkins students and faculty, encouraged by BUILD, protested Hopkins's use of low-wage workers and subcontractors from 1996 onward, climaxing in a seventeen-day student sit-in in spring 1999. In May 1999, following the sit-in, Hopkins student activist David Snyder told a reporter that "he and several other SLAC [Student Labor Action Committee] members have traveled to meetings with fellow activists at Yale, Stanford and Harvard during the past few weeks, learning about the sweatshop issue while teaching about the living wage campaign that is starting to catch on elsewhere" (Hill 1999). Petitions and protests aimed at a living wage at Harvard University had begun a few months earlier, in February 1999, and later, interestingly enough, climaxed in a sixteen-day sit-in in spring 2001. Aaron Bartley, a student leader in the Harvard living wage campaign, had been an organizer with the Service Employees International Union (SEIU) in Denver, where ACORN, the SEIU, and other unions cooperated in a living wage campaign (Lewis 1999). The Harvard campaign cooperated with the SEIU local representing janitors at Harvard, as well as members of the Boston and Cambridge living wage coalitions.

### **Roles within the Coalitions**

In addition to community organizing, labor, and churches or interfaith organizations, living wage coalitions have included senior groups, student

organizations, civil rights groups, alliances of service providers, housing activists, and broad progressive groups. Reynolds (2002: 155) lists seventy-eight partners in the Chicago coalition. But as Kern commented, “A lot of times one player drives the process.” In Boston, an early fact sheet lists twenty-three coalition members. Yet press coverage from 1996 forward, with the exception of one reference to “many Teamsters locals,” refers only to three principals: the Massachusetts AFL-CIO, the Greater Boston Central Labor Council, and ACORN. Similarly, legal service attorney Monica Halas’s conversational account of the Boston campaign only mentioned these three actors.

Typically the leadership core includes labor unions and community-based organizations such as ACORN. But ACORN’s public profile on the issue is much higher than that of the labor movement. ACORN houses the Living Wage Resource Center, and spokespeople from ACORN and other community organizations are widely quoted in media accounts. Whereas ACORN’s home page has a prominent link to the living wage section of its Web site, a search for “living wage” on the AFL-CIO Web site turns up a spotty set of hits, mostly short news items or statements in support of various living wage campaigns.

Why do community organizations outshine labor groups in public discussion of living wage activism? The anti-living wage Employment Policies Institute (2002) maintains that unions are using community groups as a front: “Labor unions. . . provide tens of millions of dollars [a figure that by all accounts is grossly exaggerated] to pay for the groups on the ‘front lines’ of the movement.” But the reality is far more complex. Living wage campaigns are a heterogeneous mix. Living wage attorney Paul Sonn suggested a three-category taxonomy for such campaigns:

1. Organizing-oriented campaigns anchored by a community organization—most often ACORN or an affiliate of the Industrial Areas Foundation network, such as BUILD.
2. Union-led campaigns specifically designed to facilitate union organizing.
3. More-limited campaigns that do not have organizing as a goal. These are typically organized by local activists in smaller cities.

Since unions lead “type 2” campaigns, it is worth describing this type in more detail. The main unions to adopt this approach have been affiliates of the Hotel and Restaurant Employees (HERE) and the SEIU (which represents large numbers of municipal employees and janitors, among others). These are the two national unions most active in organizing new members in general, and they also already had some history of developing locality-based unionism strategies, such as the SEIU’s metropolitan-area-wide Justice for Janitors campaigns. One living wage advocate referred to union-led

living wage drives as “the California campaigns,” because the strongest examples are Los Angeles (as well as neighboring Santa Monica), San Francisco (and neighboring Berkeley and Oakland), and San Jose/Santa Clara County, though Cleveland and Detroit are also often cited. In each of the California cases, unions initiated the campaign to prevent membership loss (primarily through privatization) or to support organizing for new members.

San Francisco living wage organizer Jacobs and others argued that in the absence of national labor law reform, living wage laws can form the basis of a local system of labor relations law. In addition to taking wages out of competition, some living wage laws have “labor peace” provisions that require the city to consider a prospective contractor’s history of labor relations; clauses outlawing employer retaliation against workers engaged in wage-related organizing; stipulations allowing living wage requirements to be superseded by a collective bargaining agreement; or even requirements that businesses remain neutral in union elections or recognize a union based on a petition from the majority of workers (Reynolds and Kern 2002).

Labor’s role in these coalitions has expanded over time. The first major labor-driven campaign, in Los Angeles, won in 1997, three years after the groundbreaking Baltimore victory. But, “Of the fourteen ordinances passed in 1999, approximately ten had significant involvement from a CLC” (Luce 2001).

Even so, a variant of the original question remains: Why did community organizations initiate and propel living wage efforts for the first several years of the movement? Here, the answer lies in accustomed models of organizing and political action. Labor law in the United States compels almost all unions to organize members by winning a majority vote in a particular workplace. There is little tradition of minority unionism, or of regional rather than workplace-based unionism. The key exception is the building trades, which are regionally based craft unions—but the trades have been among the least active unions in organizing in recent decades. Corresponding to the “all-or-nothing” organizing regime, unions have devoted much of their political energy to lobbying for all-or-nothing reforms, such as national or statewide minimum wage increases or national labor law reform.

In contrast, most recent systematic community organizing in the United States has staked out the terrain of incremental victories and incremental membership gains. Saul Alinsky formulated the basic approach that most community organizers have followed since the 1960s, including the principle that “The power of the organization increases through winning issue campaigns, but building the organization rather than winning the issue is the organizer’s primary task” (Delgado 1997: 10). While different national networks of community organizations have taken Alinsky’s framework in different directions, virtually all have hewed closely to it. Since Alinsky-inspired organizers focus on winning to build power, they often start with

goals that are quite small in order to ensure winnability. They expect to add members one at a time—the key tools are door knocking and house meetings—and to only recruit as members a minority in any given community.

Given the divergent orientations of labor and community organizers, it is not surprising that community activists were the first to embrace the living wage. It is a small, winnable reform much like the ones community organizations had been pursuing for decades. As a demand, it facilitates building the kind of organizations community organizers are accustomed to. For instance, as part of its ongoing work on living wage policies, BUILD created the Solidarity Sponsoring Committee, a regionally based minority union of low-wage workers, complete with dues and a bare-bones benefit package, which attained seven hundred members. As Fine (1997: 31) points out, “By community organizing standards, a 700–person membership is quite respectable. . . . By labor union standards, it is still a modest size.”

Correspondingly, it is not surprising that unions did not initially seize on the living wage. The movement’s incremental and locality-based mode of winning worker protections was alien to most of the labor movement. “In ‘97 and ‘98,” Kern said, “unions were saying, ‘Show us how this is in our interest.’” Although the AFL-CIO had endorsed living wage ordinances, the federation has no power to make CLCs or affiliates join coalitions or take up particular issues. “Given labor’s imperative to add new members,” Kern continued, “it’s understandable that organizing-focused labor leaders were looking for the link between living wage and new member organizing. And while there are some strong examples out there, the connection is still more potential than realized.” San Francisco organizer Jacobs added, “For unions thinking about a living wage campaign, several times I’ve heard this objection: ‘If you raise wages, they won’t want unions.’” Moreover, as a number of the interviewees confirmed, only a small fraction of the U.S. labor movement actively engages in organizing on any significant scale. Most union locals primarily concern themselves with serving existing members.

Luce’s (2001) interviews with CLC officials involved in living wage campaigns suggest that even in 2000, few unions participated to further organizing goals. Instead, most joined campaigns “because it’s the right thing to do,” to cultivate their community ties and image, or to build political power. Even so, Jacobs insisted that the San Francisco model is widely replicable: “Building a labor-community coalition, using a living wage campaign to support union organizing—these things apply in a lot of places.”

### **Dynamics of Escalation**

The final question I posed at the outset of the paper was to inquire about the dynamics of escalation in living wage demands and in opposition to

these demands. The Employment Policies Institute (2002), the leading anti-living wage think tank, sounded the alarm: "This new movement is about much more than a wage increase: It's about *achieving political power* at the local level. Local living wage campaigns are just the opening salvo in what one advocate has called a 'long-range effort to lay the foundation for a broad social movement.'" On the whole, the institute's characterization is correct. "They understand that these are the same people who want unions, who want employer-paid health care," remarked Kern. But while planning to build a broad working-class movement to limit the power of capital is one thing, achieving it is something else again. How has the living wage movement pushed for still stronger laws, and what resistance have activists encountered?

The pace of adoption of new living wage laws appears to have peaked (municipalities and counties enacted twenty-five living wage laws in 2001, but only eighteen in 2002 and twelve in 2003). Some coalitions—especially the "type 3" alliances in Sonn's taxonomy, for which the legislation was an end in itself—have not taken further action. But many living wage movements have heightened their demands, along four main dimensions. First, they have taken steps to ensure *monitoring and implementation*. Such steps include negotiating monitoring mechanisms, demanding paid staff to oversee the law, and intervening in hearing and complaint processes. Second, they have attempted to *broaden* coverage, by lowering firm-size thresholds, expanding coverage from contractors to subsidy recipients, extending laws to added jurisdictions (for example, supplementing a city law with one covering a county), covering an entire city, or winning agreements with private-sector actors (such as universities or industry associations). Perhaps most dramatically, San Francisco and Santa Fe, New Mexico, have adopted citywide living wage laws.

Third, living wage coalitions have sought to *deepen* coverage, by scaling up the required wage or adding benefits (usually with the alternative of a wage increment in lieu of benefits), "labor peace" or other labor-relations requirements, or community hiring provisions. Last, some living wage coalitions have gone on to tackle other issues. In Boston, for example, Halas said, once ACORN and the state AFL-CIO had cemented an alliance to win the living wage, they continued to collaborate to win an increase in the statewide minimum wage (though not to living wage levels) and a boost in the state earned income tax credit (EITC, a refundable credit for the low-income employed), and are currently campaigning for state corporate-accountability legislation that attaches various responsibilities to receipt of state subsidies.

Who opposes living wage laws? In most cities, some combination of the Chamber of Commerce, the local restaurant association, and elected officials surfaces in opposition—more on ideological grounds or out of concern that the strategy could expand than because their immediate interests are at stake. In some cases, other business and real estate interests have joined the front, because they worry that increased city contract costs will

lead to higher taxes, or that living wage ordinances will be extended to companies receiving subsidies. In many cases, social service providers either oppose living wage laws or strive to gain exemptions from them, but in a few areas (such as Dane County, Wisconsin), living wage activists have made common cause with service providers to win higher funding for social service contracts at the same time that a living wage is imposed, according to Jacobs.

The most visible *national* center of opposition to the living wage is the Employment Policies Institute. The institute's Web site does not identify funding sources, but activists believe most of its funding comes from the restaurant industry, which has also funded opposition to increases in federal and state minimum wages. The Employment Policies Institute and other living wage foes face a serious challenge in framing the issue, however: surveys show 60 to 80 percent of the population supports a higher minimum wage (Luce 2002). According to ACORN's Kern:

[The institute's] rhetoric has shifted. First they said it would cause job loss. That didn't work, so they changed to, "It's going to cause job displacement." That didn't work, so then they started saying, "We should raise the EITC instead."... The living wage issue is very polarizing, very black and white—are you with us or against us? There's very little gray area. They succeed when the gray area dominates.

On the whole, limited laws have stirred up limited opposition. On the other hand, broader living wage demands have aroused the most concerted backlash. As I noted above, ACORN's early efforts to win citywide minimum wages by ballot initiative were defeated by well-funded publicity campaigns. Also largely in reaction to this early round of campaigns, several state legislatures adopted "preemption laws"—laws designed to bar cities from adopting a minimum wage. As ACORN campaigned for a New Orleans living wage in 1997, the Louisiana legislature voted in a preemption law; the Colorado legislature did likewise in 1999 as a living wage ballot referendum loomed in Denver. Seven other states, including Florida and Texas, have enacted such laws, and others are considering it (Nelson and Fitzpatrick 2004; Schweitzer 2002).

According to Kern, "The early state laws read badly, because they were just against citywide minimums [while living wage ordinances only apply to contractors]. So we still have living wage laws in Tucson and Denver." She acknowledged that newer laws pose a threat, however. "We're worried, because we're less powerful at the state level—they're way more conservative." To date, however, the preemption laws have only eliminated two living wage laws, in New Orleans and in Salt Lake City, Utah (though some ordinances remain in litigation).

Winning adoption of a living wage ordinance is rarely the end of the fight. Even when business coalitions do not target outright repeal of an

ordinance, there are typically less visible skirmishes over strengthening or watering down its provisions, and a tug-of-war over implementation in which advocates must battle inertia as well as political opposition (Luce 2004). Halas commented on “the hours and hours of time that both ACORN and ... the AFL-CIO put into getting the ordinance and then negotiating to keep it, and then negotiating improvements.” Even after the ordinance is fully in place, she added, “week-to-week monitoring is key.”

The living wage advocates I spoke to were optimistic but agnostic about the future of the living wage movement. “The more this becomes more than symbolic, the more resources they will put up to fight it,” Jacobs said. Kern mused, “We’re passing all these local laws—will they mean anything in ten years? Like all the first-source laws we passed ten years ago—what do we have now?” But as organizers guided by Alinsky’s principle of “organizing for power,” they were less concerned with the impact of specific legislation than with opportunities to build new alliances and acquire new members, the better to take on the next fight.

### Conclusion

At first glance, the contagious spread of living wage ordinances across U.S. localities in the years since 1994 appears to mark a stunning discontinuity in working-class politics. But upon closer examination, continuities appear.

Living wage coalitions proliferated rapidly for several reasons. Continuity mattered in that living wage laws were a variant of familiar demands that community organizers had been pressing for a decade or more. But in addition, activists soon realized that the innovations in this strategy that first came to fruition in Baltimore made laws highly winnable—in McAdam, Tarrow, and Tilly’s terms, the activists engaged in attribution of opportunity. The apparent paradox of widespread adoption of a legislative strategy that only affords protection to a small number of workers is resolved when we realize that this small impact favored winnability by sparking only limited resistance in most cases. In another instance of continuity, established organizations with national reach (ACORN, Industrial Areas Foundation, AFL-CIO) first diffused the strategy through their networks, then brokered its extension to other organizations.

The respective roles of unions and community organizations in the movement also display striking continuities. Community groups, built around winning partial reforms and creating minority organizations, quickly took the lead in forming living wage coalitions. Labor unions, schooled in majority, worksite-based unionism, were more diffident, though they have become more active over time. At times, the movements crossed over from what McAdam, Tarrow, and Tilly call contained contention (involving previously constituted actors) to transgressive contention, mobilizing new

actors such as the seven hundred low-wage Baltimore workers who formed the Solidarity Sponsoring Committee, or the two thousand San Francisco airport workers who joined unions.

Having rapidly won a large number of ordinances of limited scope, living wage coalitions have begun to confront a familiar dilemma: they seek to sharpen the “bite” of the laws, as Jacobs put it, but doing so invites stiffer resistance. Preemption laws, in particular, threaten the momentum of the movement by shifting the political terrain of struggle, negating living wage advocates’ local-level advantage. While many living wage coalitions continue attempting to defend or extend living wage ordinances, in some cases—as in Boston—the coalitions consolidated by living wage fights have shifted their main focus to demands for other kinds of government regulation of labor markets. The most lasting legacy of the U.S. living wage movement is likely to be the creation of new networks linking labor and community organizations.