

Educating Workers About Labor Rights and Global Wrongs Through Documentary Film

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I want to thank the Section on Labor Relations and Employment Law, specifically David Yamada and the other organizers of this panel, for choosing the theme that brings us here today. The idea that people who teach and write about the employment relationship might have something special to offer as public intellectuals is both a compliment and a challenge.

The particular project I will discuss is my work on a film called *Morristown: In the Air and Sun*, released in 2007 after the labor of almost a decade. During that time, I worked closely with Anne Lewis, the independent filmmaker who created the documentary. Now, she and I are up to our elbows in the distribution phase of the effort. I will share below several stories about how the project came to be and what lessons one might take from it as to possible productive roles for public intellectuals. Before beginning that discussion, however, I want to set out some things about the larger perspective I bring to this work, a move that I hope will better equip readers both to question and to understand what follows.

I take myself to be a partisan in what I view as a momentous battle going on in our country and in the world over how we are going to order our economic

1. Distinguished Professor of Law Emeritus, University of Tennessee College of Law. I want to thank Anne Lewis for the opportunity to work as an adviser on the film that is the main subject of this essay. It has been the chance of a lifetime, and I am extremely grateful for it. Not least among the many things I learned from the process was how much the *art* of the thing matters, and Anne is a real artist. Other creative people whose work on the film intersected directly with my own include Peter Pearce, Director of Photography; Tom Hurwitz on camera in Matamoros; Luis Fernando Arana and Pato Esquivel, from the Guadalajara-based Instituto Mexicano para el Desarrollo Comunitario, on camera and sound in Juarez; and Mimi Pickering, Justine Richardson, and Nick Szuberla from Appalshop in Whitesburg, Kentucky, on camera and sound in Tennessee. Thanks are due to a wide range of community and labor activists in both countries who helped identify people and situations that they thought should be part of the film. A number of these people also gave interviews on camera to help provide perspective on the issues that the film examined. Many other people spent time and effort looking at both rough and slightly smoother cuts of the film and providing valuable feedback. Most of all, however, I want to acknowledge the contributions of the working people in both Tennessee and Mexico who shared their stories and their views, many of whom opened their homes to us when they understood what Anne was trying to do. I especially want to invoke the memory of Alejandro Perez, a labor and community organizer in Ciudad Juarez, Mexico, who appears in the film and also helped us find many other people in Juarez who could help tell the story of that *maquiladora* metropolis. His tragic and untimely death prevented him from seeing the final cut of the film and was a setback to many efforts for economic justice still going on in Juarez.

and political affairs, whose interests will be taken into account, where our resources ought to flow, what values and priorities ought to guide our steps, and who will participate in making important decisions about the rules of the game. I do not see this as a simple battle driven by a single set of issues, nor one in which all the good is on one side and all the evil on another.

But for all its ambiguity and iridescence, this struggle is a real and urgent one. A thread of purpose running through my life has been the attempt to join that battle in a manner that advances the fortunes of the precarious classes, of those who are significantly harmed and disempowered by current arrangements. I do not claim to have a blueprint of how to proceed in this engagement. In fact, the times seem particularly confusing just now: major historical shifts are taking place, new systems and practices are pervading the world's economy, and change is happening on a tectonic scale but also at a lightning pace. Moreover, while the future is bearing down upon us in ways that call for courage and resolve, the lessons of past battles for social justice counsel both wariness about grand strategies and humility about our own capacity even to see the best way forward, much less to stay reliably upon it.

Still, despite these well-advised disclaimers, I have some convictions about how redistributionist, egalitarian, democracy-enhancing change can actually occur and what ingredients are most crucial for its success. As these convictions are central to my aspiration to be a public intellectual, they merit some consideration here.

My basic belief is that greater justice for working class people will only be possible through the organization, mobilization, and leadership of those people themselves, exerting pressure from below on those who are in power. This is not to say, of course, that other factors do not matter; they do. Many organized, mobilized movements blessed with outstanding leadership have gone down in defeat. In any given context, various factors may facilitate or prevent change. Crucial elements may include, for instance: opportune splits among more dominant and powerful groups; effective tactical alliances across class and other differences; the existence of well-constructed policy ideas that can implement and institutionalize popular cries for change; great leaders with imagination and charisma; allies who support and accompany movements and organizations of the disenfranchised and oppressed; access to sufficient resources to do what needs to be done; and plain dumb (or smart) luck.

Nevertheless, I believe that the most indispensable component for the achievement of greater social justice is the power of organized movement from below, led by—and accountable to—the people most directly affected by the institutions targeted for change. Such movements, in turn, need a number of things that intellectuals can help to provide or to mobilize, including relevant knowledge, solid information, liberatory education, and apt rhetoric. Accordingly, I want to argue that the most important task for public intellectuals in the United States today is to find ways of sharing the fruits of

their research and their varied professional and human skills with groups of poor and working people who are organizing to demand social change.²

I urge those interested in the theme of this panel to consider “looking to the bottom” in a concentrated and conscious way when envisioning how and why they might take up a project in the role of public intellectual.³ I suspect some urging is in order, because the path suggested is less frequently an object of desire than pathways leading to the top. In academia, no less than in other locations, the way to finding that rarer path is quite likely to be obscured or obstructed. However, I am also moved to this urging by a different impulse, by the knowledge that working with bottom-up movements can be a source of great pleasure. I have spent much of my teaching career trying to put my academic knowledge at the disposal of local groups working for economic justice. In the course of these efforts, I have consistently felt that I was doing my best and most joyous work when the alleged distinctions between teaching, scholarship, service, and the rest of my life were most thoroughly blurred.⁴ Certainly the experience of serving as an adviser on this film has been a prime example. The roots of the *Morristown* project go back to my early days in the legal academy. I began teaching law after a number of previous lives, and I knew from the beginning that I wanted to find a way to link my work as a scholar with groups that were in motion around issues of economic justice. At that time, the end of the eighties, a new organization was just emerging in Tennessee: a coalition of labor, community, and religious organizations focused on the problem of plant closings. I quickly decided to hitch my research agenda to this nascent movement and began delving into the generally unhelpful state of the law regarding plant closings. I also began listening to stories about the impact of deindustrialization on hard-hit Tennessee factory workers and local communities.

One result of that work was an article on deindustrialization that I tried to adapt to what I saw as the work of a bottom-up public intellectual.⁵ I intentionally tried to craft the article in a way that might prove useful to people who were laboring under the threat of a plant closing and who needed a broad

2. See Fran Ansley, *Doing Policy from Below: Worker Solidarity and the Prospects for Immigration Reform*, 41 CORNELL INT'L L.J. 101 (2008) (setting forth similar argument in context of 2007 immigration policy debates); see also Fran Ansley, *Inclusive Boundaries and Other (Im)possible Paths Toward Community Development in a Global World*, 150 U. PA. L. REV. 353, 367-82 (2001) [hereinafter Ansley, *Inclusive Boundaries*] (providing a case study of the plant closing movement and discussing ways that social movement theory can elucidate productive roles for legally trained intellectuals).

3. See generally Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323 (1987) (arguing for bottom-up approach in context of social movements and of critical legal theory).

4. See generally Charles Lawrence III, *The Word and the River: Pedagogy as Scholarship as Struggle*, 65 S. CAL. L. REV. 2231 (1992) (describing intertwined roles of teacher, scholar, and activist for an engaged law professor of color).

5. Fran Ansley, *Standing Rusty and Rolling Empty: Law, Poverty and America's Eroding Industrial Base*, 81 GEO. L. J. 1757 (1993).

survey of legal strategies that they or their lawyers might want to consider as tools in their attempt to respond. Once the article was published, I sent out reprints beyond the legal academy and learned over the years that some people did indeed make use of it. I suppose it goes without saying that the riptide of deindustrialization was most definitely not stopped.

In any event, as my community partners and I began more closely to study what was happening in our local economy, we found something unexpected. Most of the plants that were closing their doors in Tennessee were not actually winding up business; they were moving away to other places. At that time, the destination of choice was most often the *maquiladora* export processing zones of northern Mexico. This discovery propelled us into researching the *maquiladoras*, and we soon realized that what we had originally thought to be a local or national problem was in fact a global one.

The next phase of the work was tremendously exciting, both because we were learning so fast and because the horizon opening up before us was so wide and international in scope. Together with partners in labor unions, community organizations, and religious groups, and also working in concert with national activist networks to which these local partners were able to give me credible introductions, I had the heady experience of moving into a whole new arena of work and thought. For instance, we learned from local grassroots people in Mexico and the Caribbean about structural adjustment policies imposed on developing countries by the World Bank and the International Monetary Fund (IMF). We were introduced to the neo-liberal gospel that had come to dominate United States trade policy and to allies in other countries around the world who were mobilizing to oppose that gospel. We also listened as many Tennessee factory workers laid the blame on “those Mexicans” when they saw their jobs exported south to the *maquiladoras*, and we became concerned that workers in the United States were in urgent need of more internationalist perspectives on the changes that were sweeping through their lives.

In response to these developments, our coalition began trying to find a way to apply the educational philosophy of the Highlander Research and Education Center (Highlander or Center)—one of our coalition’s founding members—to the challenging situation now confronting factory workers in the state. Since the 1930s, Highlander has worked with emerging leaders of popular movements in the United States South, carrying on adult education for social change in a range of fascinating contexts.⁶ Concentrating its efforts in Appalachia and the Deep South, Highlander has in different periods worked with labor unions, the civil rights movement, and grassroots environmental justice efforts. Today, the Center continues working in all strands of this tradition, while it also works to welcome the region’s new Latino immigrants

6. See Highlander Research and Education Center, History, <http://www.highlandercenter.org/a-history.asp> (last visited May 8, 2008) (providing brief history of Highlander).

and help them build bridges to other people and movements in the region.⁷

Highlander's philosophy is akin to and intertwined with traditions of *educación popular* (or "popular education") from the global South.⁸ The Center maintains that people who have been kept out of the halls of power often learn best not from professional "experts," but from peers who are working to address similar problems. Highlander works in large part by bringing together emerging grassroots leaders in peer learning circles. These similarly situated people are given a supportive context to share experiences and develop their own ways of defining and addressing problems. Wary of one-way didactic methods of education, the Center instead stresses a process of interactive, participatory, and critical learning.

As Highlander people and other members of our plant-closing coalition discussed the problems of domestic disinvestment and exploitative practices in export processing zones, we tried to imagine how we might construct a cross-border peer-learning circle to examine this complex set of phenomena. We wanted to find a way to bring factory workers from Tennessee together with factory workers from the Mexican *maquilas*. We thought their shared bottom-up perspectives might shed the clearest light on what we were starting to call globalization, and we felt that United States workers were especially in need of information and insight from their Mexican counterparts.

We were soon fortunate enough to identify collaborators at the border and to raise some modest funds to support our idea. Eventually we succeeded in organizing a series of worker-to-worker exchange trips in which Mexican factory workers came north to Tennessee, and blue-collar Tennesseans traveled south to witness life in the *maquilas* and meet with activists in Mexico who were trying to improve the situation facing workers along the border. The effort developed into a participatory research project in which successive groups of workers conducted hands-on investigations of corporate behavior and of the living and working conditions of workers in the Mexican *maquilas*.⁹

7. See Highlander Research and Education Center, About Us, <http://www.highlandercenter.org/about.asp> (last visited May 8, 2008) (providing Highlander background information). See generally FRANK ADAMS & MYLES HORTON, *UNEARTHING SEEDS OF FIRE: THE IDEA OF HIGHLANDER* (1975); JOHN M. GLEN, *HIGHLANDER: NO ORDINARY SCHOOL 1932-1962* (1988); MYLES HORTON, JUDITH KOHL & HERBERT KOHL, *THE LONG HAUL* (1990).

8. See generally MYLES HORTON & PAULO FREIRE, *WE MAKE THE ROAD BY WALKING: CONVERSATIONS ON EDUCATION AND SOCIAL CHANGE* (Brenda Bell et al. eds., 1990) (exchanging stories and theories about popular education rooted in Horton's experience in the United States South and Freire's experience in Brazil); *TEACHING FOR CHANGE: POPULAR EDUCATION AND THE LABOR MOVEMENT* (Linda Delp ed., 2002) (exploring usage of popular education in the United States labor union context); Frances Ansley, *Starting with the Students: Lessons from Popular Education*, 4 S. CAL. REV. L. & WOMEN'S STUD. 7 (1994) (examining popular education practices in the South).

9. Participatory research is a variegated method that I highly recommend to public intellectuals looking to collaborate with disadvantaged people who seek information about the problems confronting them. See Fran Ansley, *Who Counts? The Case for Participatory Research*, in *LABORING BELOW THE LINE: THE NEW ETHNOGRAPHY OF POVERTY, LOW-WAGE WORK, AND SURVIVAL IN THE NEW ECONOMY* 245-70 (Frank Munger

These exchange trips were eye-opening and life-changing for many of us. Although limited in many ways, they provided participants with an immersion experience in the new global economy and its rules of engagement. In my case, they also presented new opportunities for going public with my work. Some of these were close to home. For instance, after each trip the coalition would schedule speaking engagements for those who had visited Mexico. I went with other travelers to many churches, classrooms, and union meetings, where we showed our slides, handed out our materials, and engaged our audiences in discussions about what we had seen south of the border.

Other opportunities for going public went beyond our home communities. Around the time of our first worker-to-worker trip in 1991, the country was abuzz with talk about a new trade agreement that President George H.W. Bush and Mexico's President Carlos Salinas announced was to be on the bi-national executive agenda. After studying the administration's proposals for this North American Free Trade Agreement (NAFTA), we were alarmed to see that the idea looked a lot like a vastly expanded *maquiladora* program. The proposals not only retained all the evils of the *maquiladora* model, but also enlarged and strengthened it in ways that seemed likely to exacerbate many of its worst aspects. Accordingly, when we learned soon after our return that the Office of the United States Trade Representative had announced a series of hearings about NAFTA in different locations around the country, we moved to get on the agenda of the regional hearing that had been scheduled in Atlanta.

Having just visited one of the horrific squatter communities characteristic of many areas in *maquila* country, the first delegation of Tennessee workers was eager to inform our public officials about what we had seen and the conclusions we had drawn. After several workers from the trip agreed to go to Atlanta for the hearing, a group of us piled into my car and drove down to offer our testimony. We realized as soon as we arrived that the hearings were a pro forma matter. Very few of the panelists sitting on the stage that day even seemed to be paying much attention. We heard later that the hearings would not have happened at all without the insistence of certain members of Congress.

Nonetheless, the events of the day were well worth the trip. The organizers had scheduled farmers, business leaders, manufacturers, trade associations, labor union officials, and us. The testimony offered by the Tennessee workers was succinct and eloquent, and I heard later from Canadian trade activists that a journalist from their country reporting on the proceedings described our delegation's testimony as the high point of the day. We got other mileage out of the Atlanta hearing as well. In addition to our oral testimony at this hearing, we submitted written remarks, which we later used as handouts when we were

ed., 2002) (discussing beneficial usages of participatory research); Fran Ansley & John Gaventa, *Researching for Democracy and Democratizing Research*, CHANGE MAG., Jan./Feb. 1997, at 46-53 (offering methods for using participatory research from a university base).

asked to speak or lead discussions with community groups. In addition, I learned that, unlike Congressional hearings, these proceedings would not be published by the government. Therefore, I contacted law reviews and offered to put together a broad sampling of the testimony offered and write an introduction for the collection, which they could then publish as a piece that would introduce NAFTA and reveal some of the different public concerns being voiced about its costs and benefits. One law review accepted the offer.¹⁰ When the article appeared, we ordered a series of reprints and then used them as an educational and promotional tool. It proved helpful that the collection included opposing views, because that encouraged our allies to consider different positions and to exercise critical judgment. Recognition from a law review also lent credibility to the project. Instead of the informal-looking xeroxes we typically distributed, in the case of this article, we had a more formal publication that contained our members' testimony and demonstrated that professional audiences treated our project and the workers' voices with seriousness.¹¹

For purposes of this narrative about the film, another outcome of our first exchange trip to Mexico is relevant. In the course of planning that trip, we had been contacted by a producer from WGBH, the Boston public television station. She explained that she was putting together a four-part documentary on globalization for their program *NOVA*, and she had learned about our plans for the trip. She proposed that a film crew accompany us with the goal of including our story in her series. After some discussion, we agreed to the proposal.

In retrospect, I can report that we unknowingly took on some heavy burdens by agreeing to have a film crew shadow us in this instance. It was our organization's first novice trip to the border with American workers, and there were many natural sources of stress even without a film crew aboard. For instance, our group consisted of people who did not know each other well; many members of the delegation had never been outside the country before; none of us spoke Spanish; and we were encountering situations that were intellectually challenging and at times emotionally raw. Meanwhile, witnessing the nature of corporate behavior in the virtually unchecked Mexican setting frightened many people on the trip, especially the most economically vulnerable among us.

10. See Fran Ansley, *North American Free Trade Agreement: The Public Debate*, 22 GA. J. INT'L & COMP. L. 329, 329-468 (1992). People in the academy also began to hear about our trips and subsequent public advocacy, and I received invitations to write and speak about it for academic audiences. See generally Fran Ansley, *The Gulf of Mexico, the Academy, and Me* 78 SOUNDINGS 68 (1995) (describing 1991 exchange trip and reflecting on the rewards and difficulties of cross-disciplinary work).

11. Various other reports by participants on the exchange trips also made it into print. See Fran Ansley & Susan Williams, *Southern Women and Southern Borders on the Move: Tennessee Workers Explore the New International Division of Labor*, in NEITHER SEPARATE NOR EQUAL: WOMEN, RACE AND CLASS IN THE U.S. SOUTH 207 (Barbara Ellen Smith ed., 1999) (featuring oral histories of participants on trip).

Although everything ultimately turned out fine, we have advised other organizers contemplating similar trips that they should proceed cautiously before allowing a film producer—especially one previously unknown to them and whose project they do not fully understand—to accompany and record their group’s every move.

We survived the experience, however, and because of the WGBH crew, we gained an invaluable asset. One part of our arrangement with the producer was that we would receive all the raw footage once the station’s own program was completed and broadcast. While it took many months for that process to conclude, a large box of tapes eventually arrived in the mail from Boston, and we had the long-awaited footage in our possession.

We were thrilled to receive it. *NOVA* had not done a particularly good job of representing our perspective in their documentary series, and we were eager to get our hands on the footage so that we could create a story more faithful to what we had learned. We also felt that the medium of video would be more effective with audiences than the sequence of amateur snapshots in carousel slide trays that we were then using in our talks to community groups.¹² We also figured that the video would stand on its own better than our slide shows, thereby allowing it to be more widely distributed. Overall, we hoped to use the footage to create an effective tool for educating the public about issues that our travels had convinced us were truly pressing.

The next steps took some time, and at least for me, they required a steep learning curve about the craft of filmmaking. At one point, for instance, I created an outline that I took to be all my best thinking and most succinct talking points as to what was going on in the big world of global restructuring. I had a filmmaker friend, and I believed that with her help I could take the raw footage of our trip and craft it into a demonstration of my nicely organized set of abstract propositions.¹³ When I tried explaining this vision to my friend, she gently informed me that good films do not work that way. They do not emerge from a lecture outline, but must come from and grow out of what is captured in shooting, taking their shape from the images and voices the filmmaker and film crew have managed to gather.

My friend went on to suggest that we find Anne Lewis in Whitesburg, Kentucky and discuss our hopes for the film with her.¹⁴ After some

12. This confidence stemmed in part from having witnessed Tom Hurwitz at work on location. Tom shot the footage of our trip, and is an acclaimed cinematographer with many other credits, including *Harlan County, USA*, and *Down and Out in America*.

13. The filmmaker friend was Lucy Massie Phenix. Lucy made *You Got to Move*, a film about education for social change told through the lives of a diverse group of people who experienced Highlander at different points in its history. Lucy has made, edited, or otherwise taken part in many excellent documentary films, including *The Life and Times of Rosie the Riveter*, *Winter Soldier*, *Word Is Out*, *Cancer in Two Voices*, and *Regret to Inform*.

14. We were already somewhat familiar with Anne’s work. At the time, she was working at Appalshop, a multi-disciplinary arts and education center in the heart of the Kentucky coal fields. She had a long list of

consultation, we reached an agreement with Anne. She would make a short film about our trip to the border, and it would be called *From the Mountains to the Maquiladoras*.¹⁵

Meanwhile, our plant-closing coalition continued its other projects. We organized against NAFTA and the neo-liberal trade agenda, and though somewhat chastened about our chances of stopping the flight of manufacturing from Tennessee, the coalition remained a resource for people experiencing the direct consequences of plant closings. We also expanded beyond the single issue of factory shut-downs and took up other issues of economic justice, such as a living wage campaign that we launched and pursued in Knoxville for several years. We continued to show *From the Mountains to the Maquiladoras* to various audiences, and we sponsored a number of additional exchange trips between United States and Mexican workers and labor activists.

Beyond these extensions of our original work, however, something else began to happen that slowly succeeded in gaining our more focused attention. We noticed that we no longer had to go to Mexico to talk with workers about what it was like to labor in a *maquiladora* factory. Former *maquila* workers were now coming to us. Tennessee had become home to one of the fastest growing Hispanic populations in the country. Many Latinas and Latinos were abandoning or bypassing more traditional (and often more expensive) gateway cities like Los Angeles and Chicago and were moving into areas that had not experienced significant immigration for well over a century.¹⁶

It was startling to see this unanticipated corollary to capital flight unfolding before our eyes. A whole new demographic was emerging in local communities, some of which—like Morristown, Tennessee—had been strongly affected by factory closings.¹⁷ We began speculating as to how the Latino

documentaries to her credit, including several films about working people. For instance, she was associate director of Oscar-winning *Harlan County, USA*, which chronicled a brutal coal miners' strike; the director and producer of *Fast Food Women*, which examined the lives of women who prepare fast food at four restaurants in eastern Kentucky; and the maker of *Justice in the Coal Fields*, which told the story of the 1989 United Mine Workers' strike against the Pittston Coal Company.

15. The 20-minute film is still available from the Highlander Research and Education Center, selling well enough that they recently reissued it on DVD. Moreover, I continue to encounter people in quite unexpected places who have seen the film or shown it to others.

16. See, e.g., *LATINOS IN THE NEW SOUTH: TRANSFORMATIONS OF PLACE* (Heather A. Smith & Owen J. Furuseh eds., 2006); *NEW DESTINATIONS: MEXICAN IMMIGRATION IN THE UNITED STATES* (Victor Zúñiga & Rubén Hernández-León eds., 2005); William H. Frey, *Diversity Spreads Out: Metropolitan Shifts in Hispanic, Asian, and Black Populations Since 2000*, BROOKINGS INST. (2006), http://brookings.edu/reports/2006/03demographics_frey.aspx (detailing migration patterns of minority groups in America); Rakesh Kochhar, Roberto Suro & Sonya Tafoya, *The New Latino South: The Context and Consequences of Rapid Population Growth*, PEW HISPANIC CENTER, July 26, 2005, <http://pewhispanic.org/reports/report.php?ReportID=50> (discussing policy shifts motivating migration of Latinos to South).

17. See generally Fran Ansley, *Afterword: What's the Globe Got to Do with It?*, in *HARD LABOR: WOMEN AND WORK IN THE POST-WELFARE ERA* 207 (Joel F. Handler & Lucie White eds., 1999); Ansley, *Inclusive Boundaries*, *supra* note 2; Fran Ansley, *Rethinking Law in Globalization Labor Markets*, 1 U. PA. J.

newcomers were being received, and we wondered whether our plant-closing group could initiate effective communication and peer learning among native-born and immigrant workers. We also realized that in order to understand this new phenomenon, we would need to better acquaint ourselves with the basics of immigration law and policy, a subject that represented a whole new topic for us and our constituents.

In the midst of all this activity, I also began to think about the possibility of a documentary film. The dynamics that were taking place seemed too astounding to let pass without trying to capture them in some way. With all this demographic change happening so quickly, I thought we needed both a way to document the story and a tool that might help people to collectively consider the nature and the causes of the transformation. I decided to contact Anne Lewis again and ask whether she might be willing to take on such a task. I told her stories, sent her some initial materials I had gathered, paid her a visit in Kentucky, and then accompanied her when she came down from Whitesburg to see Knoxville and Morristown. After more discussion, Anne agreed to undertake the project.

The first step, I learned, was to secure funding. Despite the advent of digital technology that has made the documentary process both cheaper and easier than ever before, it is still a dauntingly expensive proposition to shoot, edit, and finish a serious film. A veteran of the search for money, Anne began identifying potential funders, writing a treatment, and putting together the first of myriad grant proposals. Eventually, she succeeded in landing the first source of significant outside support, and the project could commence.

Anne was gracious enough to invite me to stay involved in the process. She even anointed me with the cool, if somewhat mysterious, title of “humanities adviser.”¹⁸ Over the next nearly ten years, the film moved forward, occasionally going into dormancy when other demands on Anne’s time or our

LAB. & EMP. L. 369 (1998).

18. The title eventually escalated into *Principal* Humanities Adviser. Some readers may have divined that the conception of a “humanities adviser” is an artifact of the grant-making practices of the National Endowment for the Humanities and its state-level offspring. The Endowment gives grants to deserving authors, artists, and filmmakers who create projects with some bearing on the humanities and that meet with the Endowment’s sometimes fickle or constrained approval. At any rate, one of the requirements for those who seek this funding is that applicants must identify people who possess official humanities credentials and who have agreed to help shape the project and infuse it with humanities-type wisdom. Luckily for me, it turns out that law professors can serve as humanists under the Endowment’s rules. The idea is that law professors do jurisprudence, a philosophical endeavor, and that counts. Whatever the title, and whatever the strangeness of its origins, the chance to be substantively involved in the process was very welcome. Years before, I had assisted Lucie Massie Phenix with her documentary, *You Got to Move*, by helping her incorporate a non-profit organization and steer it through the process of obtaining its 501(c)(3) status from the Internal Revenue Service. While I was happy to assist the venture in this way, and while I remember the pleasure I derived the first time I watched the credits roll by at the end of the film with an acknowledgment to me from Lucy, I also found it profoundly inglorious to think that my contribution to this work of art was the preparation of a corporate charter and by-laws, and the resolution of a tax matter. As Anne embarked on the *Morristown* project, I badly wanted to be closer to the creative process this time around.

lack of funds brought things to a temporary halt, but then at other times hurtling ahead when interesting developments emerged that we felt compelled to include. Although the protracted process was sometimes frustrating, the drawn-out time frame was a benefit in several respects, primarily because it allowed us more time to follow the story as it unfolded in unexpected ways. I took on various tasks during the project. For example, I tried to stay abreast of upcoming events, interesting people, and new developments in East Tennessee that might assist Anne in her ongoing conceptualization. I looked at grant proposals she wrote and offered suggestions. I went along on shoots when I was able. I kept her supplied with press clippings, articles, and ruminations of my own as to the manifestations of globalization in our area. I suggested other advisers. I helped locate Mexican collaborators for some phases of the project.

Anne and I also began looking for opportunities to share aspects of the project while it was in process. For instance, we appeared on a panel at the annual meeting of the Oral History Association when it met in North Carolina in 2000. We also used that event as an opportunity to convene some of the film's wider circle of advisers, asking them to view clips of existing footage and to talk with us about the direction of the project.

As time wore on, however, we grew increasingly concerned that the pace of the project was preventing us from sharing in a timely way some of the important material we were gathering. We decided to issue something like an interim report in video form. Anne already had some compelling components that we thought could support such a release. For instance, she had interviewed a number of native-born workers, black and white, about what was happening to their jobs and communities and what they thought of the immigrants now arriving. Additionally, she had interviewed Mexican immigrant workers in Tennessee, both documented and undocumented. She had assembled footage of immigrants performing various jobs, including tomato pickers, a restaurant owner, and a young man working at an exotic animal farm. Partnering with Mexican crews, she had also organized several shoots in Mexico. On those trips they had interviewed workers and their families in the border town of Ciudad Juarez, as well as people in a small village in the interior state of Guanajuato, where most of the men were away working in the United States.

We felt this kind of material was too good and too timely for us to sit on while the film crawled forward, so Anne cut a video called *Morristown Video Letters* (or *Morristown Video Cartas* in its Spanish version).¹⁹ That video is devoted entirely to the voices of workers from both sides of the border, and it features six vignettes that can be used singly or together to open discussion. It

19. The film's title was drawn from our hope that the tape, which consisted entirely of interviews with workers themselves, could be used as a form of cross-border communication. We saw the collection of six vignettes as something like a set of letters between United States and Mexican native-born and immigrant workers.

proved useful to people, and it has received fairly wide circulation among community educators concerned with issues of immigration.²⁰

The final full-length documentary, of course, contained much more. While the interim video includes no interviews with those in positions of power, the full-length film features members of local elites in both Tennessee and Mexico. We hear from the director of the Maquila Manufacturers' Association in Juarez, for instance, and from a district attorney and an economic development professional in Tennessee. Likewise, we are introduced to a Latino entrepreneur who runs a labor brokerage business in Morristown and to a Japanese plant manager who supervises a Tennessee transplant automotive factory.

Eventually, Anne reported that we had accumulated over 90 hours of raw footage, and she began to signal that the shooting phase must stop and the next steps in production must begin. Nonetheless, at the very point when we thought the shooting was surely finished, a new chapter opened that we could not resist. A union organizing drive emerged at a poultry processing plant in Morristown whose workforce had become virtually all Latino. As I joined community efforts to support this drive, I learned that a set of amazingly talented and courageous worker leaders had emerged from inside the plant. These stirrings inspired interest and support from members of the larger community in East Tennessee. It became clear that there was a segment of people in the community who were hungry for a way to relate to Tennessee's new Latino population, and they were eager to bridge the vast divide that seems to isolate so many low-income immigrant communities in "new destinations" like ours.

Anne and I decided that we could not let this newest chapter go undocumented, so we stretched our resources to record what was happening. Two of my students centered a class project around helping to organize a public hearing on the right to organize as a human right. The hearing was sponsored by our local chapter of Jobs with Justice, members of whose Worker Rights Board constituted the panel and took testimony at the event.

A range of people testified at the hearing, including a worker from the Morristown poultry plant and a union organizer who was working on the campaign there. We hired a local videographer to film the proceedings, largely so that footage of the testimony could serve as a resource for the film. As the organizing drive heated up, Anne flew into East Tennessee with a film crew so we could shadow union organizers as they went on house calls and met with workers from the plant. On the day of the NLRB election, two staff members from Appalshop drove down as a two-man crew from Kentucky to capture the scene at the plant gates. As things turned out, the union prevailed by an

20. Like *From the Mountains to the Maquiladoras, Morristown Video Letters* is available from the Highlander Research and Education Center. See <http://www.highlandercenter.org>.

overwhelming margin. It seemed a genuine miracle that these isolated and vulnerable workers had achieved union recognition and a genuine blessing that Anne now had a note of hope on which to end the film.²¹

I want to emphasize at the conclusion of this saga the point I stressed at its outset, the matter of what audience public intellectuals should strive most actively to reach. Anne's and my primary ambition for *Morristown* is that we will find a way to get wide play for the film among audiences of native-born United States workers. We are also particularly eager to reach Mexican workers, as evidenced by the film's subtitles in both English and Spanish. In truth, we want all kinds of people to see it. But always, our most desired viewers are United States-born working people and their families. Reaching that audience is the challenging priority we have set for ourselves during the present distribution stage of the project.

Our commitment to that priority has only deepened with political developments that have taken place since we began working on the film. We know that multiple times per week, millions of people sit down to watch Lou Dobbs and to be drenched in his rhetorical diatribes against "illegals" and their alleged "assault on the middle class." We hope and believe that *Morristown* provides people an alternative way to think about this subject, different from Mr. Dobbs's mantra and also from the equally offensive catchphrase one often hears from the business community and others that undocumented immigrants "are only taking the jobs Americans won't do."

In contrast to both of these all too common approaches, our film offers people a chance to see immigration in a different frame. In *Morristown*, immigration is depicted as part of a much larger story about globalization and corporate re-ordering of the world's political economy. United States-born workers can see themselves included in the story—not exclusively as opponents of or competitors with low-wage immigrants, as they are so often portrayed by pundits and observers of many stripes.²²

To be sure, the film includes a clip of an ugly anti-immigrant demonstration in Morristown where one white Tennessee woman illogically shouts, "Get a job

21. As the final version of *Morristown* stands, it contains pieces of the entire saga just discussed. Included are clips from the original worker-to-worker exchange trip to the border in 1991, and a range of interviews conducted since that time highlighting the shift of Tennessee jobs to Mexico and the low-road economic development strategies promoted by community power brokers on both sides of the border. The film goes on to chronicle the arrival and impact of Latino immigrants, as seen through the stories and analysis of native-born workers and immigrants in the United States, as well as those of workers, and community members still in Mexico.

22. Barbara Ellen Smith has made particularly acute observations about the pervasive assumption of competition as the defining relationship between United States and immigrant workers. She sees neo-liberal ideology as playing a powerful role in promoting and naturalizing this questionable assumption. See generally Barbara Ellen Smith, *Market Rivals or Class Allies?: Relations between African American and Latino Immigrant Workers in Memphis*, in GLOBAL CONNECTIONS, LOCAL RECEPTIONS: LATINO IMMIGRATION TO THE SOUTHEASTERN UNITED STATES (Fran Ansley & Jon Shefner eds., forthcoming 2009).

and pay taxes!” while other people brandish signs that tell Latinos to go home. Such anti-immigrant fervor is a reality that exists and is an important component of the political landscape that should not be ignored. But it is not the whole of reality. The stronger emphasis in *Morristown* is on the existence of common ground. In this documentary, we hear from native-born workers, both black and white, who recall their travels to Mexico or reflect on the humanity of their immigrant counterparts while expressing support for their human rights.

The film invites working class viewers to identify with Mexican workers rather than with members of the corporate elite in the United States or Mexico. Admittedly, this way of thinking—an internationalist approach as to how one might choose to identify—is not the dominant mode in our country today. However, neither is international solidarity among workers unthinkable, impossible, or wholly without precedent.²³ While too often masked or made inaccessible in the United States, both a material basis and an emotional reality that point toward such unity do exist.

At present, as we pursue the rigors of non-profit film distribution, it is clear that we will have a much easier time getting the film into the channels that flow through academia or the immigrants’ rights movement than into those that flow into native-born working-class communities. Attempting to overcome this difficulty, we provided the film for a showing at the Southeastern Leadership Conference of the AFL-CIO in Nashville in fall of 2007. Additionally, some labor studies centers are using it as part of the education they provide for union rank-and-filers, and some unions are using the film as part of their internal education programs. The documentary also gained admission into “Ambulante,” a traveling film festival in Mexico, through which it appeared in seventeen cities south of the border in the spring of 2008.²⁴ As I hope the foregoing discussion makes clear, working on this documentary film project has been a deeply satisfying experience on many different levels. In its one-hour span, it touches on virtually all the issues of economic justice and globalization that have been the focus of my research since I first came into the legal academy. The project also put me in a creative collaboration with someone who is motivated to reach precisely the audiences most important to me.

23. See generally, e.g., DAVID BACON, *THE CHILDREN OF NAFTA: LABOR WARS ON THE U.S./MEXICO BORDER* (2004); JANE L. COLLINS, *THREADS: GENDER, LABOR AND POWER IN THE GLOBAL APPAREL INDUSTRY* (2003); GLOBAL UNIONS, *CHALLENGING TRANSNATIONAL CAPITAL THROUGH CROSS-BORDER CAMPAIGNS* (Kate Bronfenbrenner ed., 2007); TOM JURAVICH & KATE BRONFENBRENNER, *RAVENSWOOD: THE STEELWORKERS’ VICTORY AND THE REVIVAL OF AMERICAN LABOR* (2000); David Wood & Robin Schneider, *ToxicDude.com: The Dell Campaign*, in *CHALLENGING THE CHIP: LABOR RIGHTS AND ENVIRONMENTAL JUSTICE IN THE GLOBAL ELECTRONICS INDUSTRY* 285 (Ted Smith, David A. Sonnefeld & David Naguib Pellow eds., 2006).

24. In the meantime, readers of this piece can help as well. Order a copy of the film for your institution’s library from Appalshop, or invite Anne Lewis or myself to screen and discuss the film.

However, a film-related project need not be so comprehensive or so lengthy as *Morristown* in order to be worth doing. There are many ways, large and small, that scholarship, teaching, or service activities of a legal academic with an interest in labor relations and employment law might actively intersect with film. Perhaps you will create your own film or find some other major project related to film. But many less intensive possibilities abound.²⁵ In any case, this method of communication is capable of special power in the hands of an intellectual seeking to reach a broad public, and I hope that many other law professors who are interested in workplace justice will find ways of using film to advance that goal.

25. See SCARING MIAMI (LisaLeine Productions 2004) (documentary by Professors Elizabeth M. Iglesias and Madeleine M. Plascencia chronicling police practices during street demonstrations in Miami). An alternative to making films is to write about them. See RENNARD STRICKLAND, *TONTO'S REVENGE: REFLECTIONS ON AMERICAN INDIAN CULTURE AND POLICY* (1997). Simply showing films can be important. Many labor and employment law teachers assign films in their classes, and learning how to use film as a pedagogical tool is a worthy and sometimes complex goal all its own. Film may profoundly affect how work and the prospects for worker organization are viewed. Certainly films have played a formative role in my own thinking on these matters.