When the Delay is the Movement: 
The 2005 New York City Transit Strike

by

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“For their own selfish reasons, the TWU has decided that their demands are more important than the law, the City and the people they serve. This is a cowardly attempt by Roger Toussaint and the TWU to create leverage for their own bargaining position. We cannot give the TWU the satisfaction of causing the havoc they desperately seek to create. …We will show that New York City works even when our buses and subways don’t.

– Michael Bloomberg\(^1\)

“…Hard work should be rewarded with heath benefits, coverage and a pension so you can retire in the golden years. Those are legitimate hardcore American values…We should not be any more apologetic about that than the Civil Rights Movement should be apologetic of standing up for the civil rights of Black folks or the American Revolution for standing up against the laws of the British.”

– Roger Toussaint\(^2\)

The largest transportation workers union in New York City, Transport Workers Union Local 100, struck after failed contract negotiations with their employer, the Metropolitan Transportation Authority (MTA) on December 20, 2005. Transit workers’ demands included safer working conditions, wage increases, health benefits, and better pension plans for current and future employees. Union members unanimously expressed frustration at the MTA’s longstanding mistreatment, but the strike was illegal under the 1967 Taylor Law and resulted in massive fines against the Union for every day out of work. In this project, I analyze how the media and the government’s criminalization of the Union fits into a broader history of state oppression in which the law is used to justify socially, politically, and physically marginalizing processes.


New York City has the most extensive public transportation system in the world, and its subway is the one of the only systems worldwide that run 24 hours. For more than three days during Christmas week, public transportation in the city was non-existent. The high-profile nature of the strike resulted from the complete illegal shut down of the system, and the heated verbal exchanges between city mayor Michael Bloomberg and Local 100 President Roger Toussaint.

An examination of the transit workers’ reasons for striking exposes the MTA’s longstanding abusive and neglectful practices towards its workers. News media coverage of the strike never fully expanded upon the atrocious labor relations between the MTA and Local 100. Instead, the majority of media concentrated on the city’s economic loss and the commuter inconvenience caused by the strike. This deliberate anti-labor portrayal of the strike worked in conjunction with statements released by Bloomberg and State Governor George Pataki that essentialized the strikers as criminals. This behavior was not exclusive to this strike, but is consistent with a greater history of anti-labor practices that have negatively targeted communities of color and the working class.

The majority of transit workers identified as Black, and as a result, the strikers’ marginalization could be read on their bodies. In addition, the criminalization of labor and its physical suppression became more apparent in April 2006, when Brooklyn Supreme Court Justice Theodore Jones sentenced Toussaint to prison for 10 days. Before that time, the criminalization of the strikers had predominately been social, legal, and economical, but at that moment the transit workers’ criminality became physical.

In the first chapter, I present the events of the strike using mainstream press and television media, as well as statements released by Bloomberg and Pataki. I deconstruct their statements to reveal their driving ideologies, and juxtapose them with Toussaint’s
words to show the opposing perspectives and presentations of the strike. Transit workers’ statements are additionally incorporated to give voice to the strikers and their grievances, as phrased by their own words.

In the second chapter, I deconstruct the anti-labor news media coverage of the strike, and connect it to similar governmental practices that have targeted and marginalized people of color in the past. Transit workers did not strike merely for a better contract; they rebelled against an unjust stratified social structure in order to maintain their livelihoods. However, the media never truly engaged with the strikers’ concerns, although the issues of pensions and health care reflected those of the greater nation, in an attempt to maintain the strike as primarily an (economic) disaster.

In the third chapter, I address the court’s decision to incarcerate Toussaint four months after the strike using theoretical literature on the nature of citizenship and the prison. This act’s symbolic nature outweighs its practicality, and a close analysis shows how the courts and the law discipline those who challenge the dominant social structure. The physicality of state oppression as it relates to this case also extends beyond the Black body in prison and into the physical organization of the city itself. The physical shape of the city can marginalize people who are already social and politically oppressed. Therefore, in this chapter I also deconstruct the physical entity of the subway to show how a city’s network infrastructure\(^3\) can be the site of social struggle.

I began this project researching network infrastructure and how the city can be better understood the city through infrastructure and its effects on society. I have chosen specifically to look at the 2005 New York City transit strike because it was a tremendous collective action that shut down the largest city in North America for 60 straight hours. I

\(^{3}\) By network infrastructure I mean the infrastructure (i.e., roads, water and sewage pipes, electrical grids, telecommunications networks) that is the city’s skeleton.
deconstruct the strike from a political and social perspective, but from a physical/spatial one as well. I deconstruct the physical entity of the subway, but I also examine how the government’s presented criminality of the strikers corresponded to the Blackness that could be read on their bodies.

In the coverage of the transit strike, the strikers’ themselves were the least quoted, although they said in the clearest manner its symbolic nature as a fight against the state. Instead they were cast as merely criminals, erasing all other identities so as to shift attention away from the wealthy MTA and its utter mistreatment towards its workers. This work attempts to refute that logic and give voice to the clarity and intelligence of Union members. It aims to expose the often unexamined rhetorical powers of the government, the law, and the media by showing how a stoppage in an everyday functioning system allowed for a group of subterranean workers to reveal the value of their work, and the magnitude of their marginalization.
ONE: The Strike and its Words

“Have yourself a merry little Christmas, Let your heart be light. From now on, our troubles will be out of sight. Have yourself a merry little Christmas, Make the Yule-tide gay. From now on, our troubles will be miles away.”

— *Have Yourself a Merry Little Christmas*

On December 20, 2005, at exactly 12.00 am, the public transportation system of New York City, the largest, most extensive transportation system in the world, stopped entirely. No new trains began service, and buses were held at bus depots. Subway station gates shut and no one was allowed to enter. New York City lay paralyzed the week leading up to Christmas as the largest transportation workers’ union in New York City, Transport Workers Union Local 100, went on strike.

The New York City subway boasts an average daily ridership of 8,163,200 users, ranking it the third most-heavily used subway system in the world behind Moscow and Tokyo.\(^4\) The strike affected all five boroughs of New York City and left many people stranded in their homes unable to get to school, work, and appointments. It interrupted the daily routines of approximately seven million commuters traveling into Manhattan from outer boroughs, upstate New York, Long Island, and New Jersey. Metro-North Railroads that service Connecticut and upstate New York have a daily ridership of 268,400 daily users and the Long Island Rail Road (LIRR) services 288,000 people daily,

making commuter transit into Manhattan from the outerlying hinterlands of the city a large percentage of the city’s workforce.  

The importance of travel to and from the city is clearly seen via the track plan for the LIRR and the Metro-North. Both rails originate or terminate in Manhattan, and the tree-like structure of the systems funnel riders into the borough. Upon entering the borough, the majority of commuters then use the subway to navigate the city. Manhattan island’s length of 13.4 miles, which takes 30-40 minutes by subway train to traverse from end to end, would take more than two hours on foot. The strike stopped movement on all subway tracks and bus routes, leaving many residents and commuters stranded and reliant on strike contingency plans that had been created in advance. Vehicles with fewer than four occupants were prohibited to enter Manhattan to prevent massive congestion, causing the surrounding highways to be packed with traffic. This mandate also left miles of cars at all bridge and tunnel entrances to the island. Some major corporations hired vans to bus employees, but thousands of employees still missed work, and businesses and retailers experienced a massive loss in sales.

The scheduling of the strike during the week of Christmas Day led to tremendous economic losses for the city, totaling around $1 billion according to city sources. Airports experienced delays and overcrowding due to the restriction on entry into Manhattan, and schools started two hours late to classrooms that were half full. Calls to 911 increased 15% on the first day of the strike, and the city’s information line received a record-breaking more than 175,000 calls, illustrating a state of mild panic.

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5 ATA Transit Ridership Report.  
6 Appendix I.  
7 Bloomberg, “Mayor Bloomberg’s Afternoon Statement.”  
The approximated drain from lost economy totaled $400 million a day, plus an additional cost of $22 million daily to cover police overtime pay and tax revenue.⁹

Statements released by Mayor Bloomberg during the strike invoked the higher power of state institutions such as the courts, the police, and the city government to render the strikers as criminals. Bloomberg founded his statements on the law’s perceived infallibility; thus, he cast himself as an enforcer of justice, and cast the strikers as the anti-thesis of this. In his afternoon statement on the day of the strike, Bloomberg, wearing an “I [heart] NY” sweatshirt, listed the strike’s consequences, emphasizing the overtime work put in by other public service employees, and the strain placed on the few running public transportation systems such as Metro-North and the LIRR. After speaking to the tremendous economic loss the city would suffer, he concluded, “All of this because of an illegal strike.”¹⁰

Without divulging the strikers’ reasons for the strike, which were predominately health care, pensions, and safer work conditions, Bloomberg presented the strike as a morally reprehensible inconvenience that was perpetrated for no legitimate reason. Local 100 violated the 1967 Taylor Law that forbade New York State public service employee unions from striking, but the MTA also violated of the same law as it additionally forbade any government agency from pension changes in a union contract; such changes can only be made by state legislature.¹¹ Without ever once acknowledging the MTA’s own criminal action, Bloomberg created a dichotomy in which those who supported the strikers were complicit in the city’s economic loss and had endangered the city’s

¹⁰ Bloomberg, “Mayor Bloomberg’s Afternoon Statement.”
residents. Bloomberg also portrayed the strikers as selfish compared to other public service employees such as the New York Police Department (NYPD) who worked overtime during the strike. He proclaimed the strikers “thuggishly turned their back on New York City, disgraced the noble concept of public service” and “[robbed] people of their opportunities to earn a living.”

In his afternoon statement on December 20, Bloomberg stated that the strike was, “making it harder for our Police Officers, Firefighters and EMS to get where they need to go (emphasis mine).” By using the word “our” to describe these public service employees, Bloomberg separated the transit workers from their identity as city residents who work daily to ensure the physical function of the city. He also created an imagined unified city consisting of himself, the public service groups mentioned, and the viewers of the address. Bloomberg valorized the most visible employees during September 11, 2001 (9.11) and its following days as the criterion of noble and selfless public service, although 60% of the respondents to the World Trade Center site were actually transit workers.

The high number of transit worker respondents was due to the high concentration of subway trains and stations in the area, as Lower Manhattan is the most well-serviced area in the system. This valorization also vindicated institutions such as the NYPD that have a past documented history of corruption and racism. The use of the NYPD as guardians of the city’s safety also reified the city government as an upstanding and just institution due to its close ties with the department, and vice-versa.

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12 Bloomberg, “Mayor Bloomberg’s Afternoon Statement.”
13 Ibid.
Although Bloomberg became the public governmental figure during the strike, New York State Republican Governor George Pataki, who nominates the majority of the members that serve on the 17-member MTA Board, also emphasized the transit workers’ criminality in his statements. During the walkout, he insisted negotiations between the Union and the MTA not continue until Union members returned to work. He firmly declared, “No one is above the law… [y]ou break the law and the consequences are real. The penal fines under the Taylor Law are automatic; they cannot be waived and they will not be waived.”\(^{15}\) Pataki’s language infantilized the strikers by stating in very elementary terms that there were consequences to breaking the law. The language simplified the reasons for the strike and never once mentioned the MTA’s criminality. Transit workers’ issues and grievances were ignored altogether, which imagined their demands as inconsequential. This simplified and selective rendition of the strike portrayed the strikers as juvenile and once again, the sole focus was the strikers’ violation of the law.

Local 100 was indeed in violation of the Taylor Law, but the MTA was as well, and at no point was this ever mentioned by Governor Pataki or Mayor Bloomberg. Both men cast the strike as unnecessary in every statement released, although the concerns of the strikers, which were pension cutbacks, lack of health care, and poor wages, reflected those of workers around the country, and suggested grounds for solidarity across race, class, and workplace. The strikers’ demands included safer work conditions, but at no point did either ever engage with these concerns. Regardless of their fiercely anti-labor comments, government agencies are generally believed to function with the public’s best

interest in mind, and both men abused this power to render the strike unsubstantial and the strikers criminal.

The government also drew a hard line on the issue of negotiating with Local 100 during the strike, stating that talks would not occur unless workers returned to their jobs. In spite of this, Peter Kalikow, Chairman of the MTA Board, continued to negotiate in order to modify the MTA’s illegal pension demand. Nonetheless, the governments’ steadfast dedication to their anti-labor statements, regardless of the facts, show them to be more concerned with their image as enforcers of the law than with the task of informing the public.

Pataki was at the time rumored to be considering running for Presidential, and he had previously been criticized by his fellow Republicans for being too generous to labor.¹⁶ Pataki’s handling of the transit strike reflected a much harder stance on labor that was favorable to Republicans. Therefore, the strike was not a matter of a new contract or the demands of the transit workers, but was a nationally watched opportunity for politicians to perform a greater political agenda.

Along with “non” negotiations, the mounting fines charged to the Union added to the drama and spectacle of the strike. When Local 100 struck previously in 1966 and 1980, city and state governments negotiated away fines issues by giving bigger raises so that the fines were offset. Regardless of this fact, both the Mayor and the Governor sternly refused that as an option in this instance and stated that the Union members were to pay for the strike. Bloomberg and Pataki’s emphasis on the “law of the land” and all citizens’ abidance to that law invoked its higher authority. This neutralized their position

in the strike as their statements were no longer opinions, but a reflection of objective legal justice.

Local 100 President Roger Toussaint undermined the Bloomberg administration’s rhetoric by stating that the public majority’s struggles were the same ones felt by the strikers themselves. On December 21, 2005 at a news conference after Governor Pataki explicitly called the strikers “criminals,” Toussaint responded with the following:

“There has been some offensive and insulting language used [by the Governor and the Mayor] … referring to our union members and our leadership as thugs, selfish and essentially characterizing us as being overpaid and greedy. … And maybe it is very difficult for a billionaire to understand… [But w]e are not thugs. We are not selfish. We are not greedy. We are hard-working New Yorkers, dignified men and women who have put in decades of service to keep this city moving, 24/7. We wake up three and four in the morning to move trains and buses in this town, and we will continue to do that, and that’s not the behavior of thugs and selfish people. Thank you.”

Toussaint brought the attention back to the issue of the contract, and also called attention to class inequality, which was never once mentioned by the media or the government.

Toussaint humanized the strikers as hard-working New Yorkers and clearly identified how the administration had attempted to essentialize the identity of the workers as overpaid and greedy. Mayor Bloomberg was the founder of Bloomberg L.P. which is currently the largest leading financial news and data company in the world and has a personal net worth of $5.5 billion. Toussaint used the issue of class inequality to re-frame the strike from the viewpoint of the working class transit workers, and

17 Goodman, Gonzalez, NYC Transit Strike Enters….
explained the work performed by the workers. Public criticism of the strike focused on qualifying the labor performed by transit workers with statements such as, “All they do is push a button, I can do that, what do they want for it?” These statements ignored the hazardous conditions of transit workers and refused to understand the strike’s greater context.

Bloomberg also repeatedly heralded the work performed by other public service employees such as the NYPD, whereas Toussaint applauded the service performed by the transit workers autonomously from these departments. This action brought specific attention and focus to what transit workers do and how that work contributed to the everyday function of the city. He also asked why Bloomberg characterized the transit workers as thugs when they comprised of 60% of the respondents to the World Trade Center on 9.11. Hours after the fall of the World Trade Center, 3,500 transit workers were at Ground Zero, working alongside the fire and police departments to clear wreckage.

Although the World Trade Center was one of the most frequently used stations in the system, no one riding the subways was injured due to the quick action of transit workers. New York City Transit was also the first to offer emergency service from Ground Zero, with subway trains ready to run from the site to hospitals in Midtown Manhattan to avoid street-level traffic. Many transit workers also returned to Ground Zero to volunteer, after being refused deployment to the site during shift hours.

Ignoring transit workers’ contribution to the safety and protection of New York City when it was most vulnerable was an affront to the service provided, and ignored

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21 Ibid.
transit workers’ identities as city residents. It also reflected many transit workers’ frustration that their work goes unappreciated in lieu of that of other unions. George McAnanama, a union leader and former transit worker, reiterated the lack of gratitude expressed to transit workers after 9.11 and other city emergencies like the 2003 Blackout by stating, “Whenever there’s praise given out we’re always the stepchild if we’re mentioned at all.”

In addition to the unappreciation felt on behalf of the city government, a post-strike 2005 study surveying 792 station agents, subway conductors, bus drivers, and train operators revealed that many of these transit workers felt disrespected by the MTA and by riders. Seventy percent of workers felt that the MTA’s policies, specifically their disciplinary policies, were unfair. In 2004, the MTA issued a staggering 15,000 disciplinary procedures amongst 33,000 workers. Gene Russianoff, attorney for the Straphangers’ Campaign, which addresses subway and subway rider issues, stated, “The MTA has the worst labor relations that I’ve seen in the 25 years that I’ve followed the agency.” Thirteen percent of workers stated that they faced regular abuse from supervisors, and an overwhelming 74% stated they received verbal or physical threats from passengers at least once a year. Furthermore, 78% of employees said they lacked access to restroom facilities at least once a month, and half of bus drivers said that had difficulty finding a restroom several times daily. Jimmy Williams, a station cleaner, stated quite simply, “We need better facilities. It’s cold. No clean restrooms. No

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ventilation. We have peeling paint in the rooms where we change. There are no tables for lunch.”

Transit workers perform a myriad of duties such as subway conductors/operators, station agents, station cleaners, mechanics, track inspectors, and bus drivers. The lack of proper basic facilities such as restroom availability indicated a lack of respect by the agency towards its workers, and their labor. The survey also showed the MTA’s failure to understand literal transit work as well as the workers’ needs. Twenty four percent of workers interviewed stated they faced serious hazards more than once a month, including hazardous chemicals and extreme temperatures. Subway car cleaner Aaron Cox stated, “Every day you are inhaling steel dust and other toxins. When you come home and blow your nose all that dust and chemicals comes out. By the time you’re through on this job, your body is all broken up.” Cox, whose mother worked for the MTA handling death benefits, noted that most transit workers lived only 2-5 years after retirement. A track cleaner who would only go by the name Thomas stated, “I have to put up with rats, I inhale steel dust every night. Anybody who is not willing to do that has no right to tell me to be satisfied with unhealthy working conditions and then attack my health benefits.”

Horace Edwards, a subway car inspector stated there is immense pressure from upper management for trains to run on schedule, regardless of whether they pass maintenance inspection. “They tell us to overlook it,” he stated, but when there is a malfunction with the trains both the public and management blame the transit workers.

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26 Ibid.
27 World Socialist Web Site reporting team, “New York City transit workers defiant….”.
28 Ibid.
The work is vital but the workers are not until a crisis occurs, when they became scapegoated in order for the MTA to save face.

Due to the neglectful mistreatment practices of the MTA, Toussaint repeatedly placed the strike within a broader national context of public sector workers fighting against the move to cut down pensions, health care, and other benefits. The outcome of the strike was critical in that it had the potential to set a precedent for other public sector employees, particularly in its labor-hostile circumstances in which the State Governor and city Mayor were both Republican. To begin, the strike showed that a union had the gumption to stand up to state power regardless of the law. If the strike effectively helped give Local 100 a better contract, then a new trend of labor relations and bargaining in which labor could circumvent traditionally slow and anti-labor legal processes would have been introduced. Randi Weingarten, president of the United Federation of Teachers, expressed this sentiment stating, “…[T]his contract struggle… [has] become huge. Government forces [are] being egged on to cut pensions and benefits, and workers to stop seeing their benefits and salaries eroded.”

Toussaint presented the position of the strikers to be more universal than that presented by the Bloomberg administration by identifying society’s stratified social structure and unfair distribution of power. He continuously re-positioned and re-presented the strike as a struggle by the marginalized for equality by placing the strike within a socio-historical context of monumental struggles that established the foundations of freedom and equality in the United States. Toussaint also explained how the massive fines against the Union were a disciplinary tactic employed by the state against those who defy the dominant social structure. In an April 2006 interview, he

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29 Cooper and Rutenberg.
analogized the 2005 transit strike to the Civil Rights Movement and the American Revolution as similar instances in which marginalized demographics rebelled against the dominant social structure. In a separate statement, Reverend Al Sharpton noted that when Dr. Martin Luther King, Jr. was assassinated, he was in Memphis, TN supporting an illegal sanitation workers’ strike.\textsuperscript{30}

Local 100’s major issue with the contract was the cut back on pensions, since it saw this was part of a trend that had affected companies and workers nation-wide. In 2004, 120 major US employers such as General Motors, Verizon, and Hewlett Packard reduced or replaced their pension plans. Government officials and employers continue to face large growing pension obligations to their current workers, an obligation that they fear will lead to future financial deficit. Governments, in particular, have cited that massive funding spent on pensions could deduct from adequately providing for future needs such as education.\textsuperscript{31} But workers retort that cutting back on employee pension plans jeopardize the ability to have a respectable pension and retire at a decent age, or retire at all. Many public employee union contracts have also recently sacrificed wage increases or better health benefits for stable pensions, and now feel that the government is betraying these contracts by seeking to further cut pensions while maintaining tax cuts for the wealthy.\textsuperscript{32}

The MTA is a government-sponsored agency whose desire to cut back benefits, and lack of overall respect towards their employees is indicative of the power relationship between the two groups. The members of the MTA can be identified as predominately wealthy Whites, while the majority of transit workers are working-class

\textsuperscript{30} Cardwell.
\textsuperscript{32} Ibid.
people of color.\textsuperscript{33} The majority of the Board is, or has previously been, heads, partners, owners, or founders of major real estate firms, law offices, and clothing franchises. Some also serve on other Boards of prominent hospitals and universities. The MTA is a public benefit corporation governed by a 17-member Board that represents New York City as well as each of the seven counties serviced. Public benefit corporations are public corporations created by the state designed to perform a public service.\textsuperscript{34} The 17-member Board of the MTA consists of six members nominated by the Governor, four members recommended by the New York City Mayor, and one member from each of the seven counties constituting the greater metropolitan area. 

In addition, the Board has six non-voting seats that represent the major labor unions on the LIRR, Metro-North, and New York City transit.\textsuperscript{35} One of the unions represented on the Board is the Transport Workers Union (TWU) Local 100. Local 100 represents 33,700 workers out of more than 68,000 MTA employees, with 70\% of its membership identifying as people of color. When TWU Local 100 began in 1934, it was a small group of primarily of Irish transit workers aimed to represent just themselves. It has since expanded to incorporate workers in other cities along with other maintenance workers, airline employees, and ground service employees, but Local 100 remains its largest local union and its original foundation. 

As stated by Joseph Freeman in his history of the TWU, the Union’s formation began in 1934 as transit workers became frustrated with treatment at work and the company unions. As a result, workers began organizing independent of company unions. This activity, combined with the influence and leadership of the Communist Party, led to

\begin{footnotes}
\footnote{33}{Cardwell.}
\footnote{34}{Greenhouse, “Transit Strike Reflects…”}.
\footnote{35}{Metropolitan Transportation Authority, “MTA Leadership,” Metropolitan Transportation Authority, http://www.mta.info/leadership/board.htm.}
\end{footnotes}
the creation of the TWU. In 1933, a revolutionary air of social change was present with the beginnings of the New Deal, the election of a new city Mayor, and various other indications that organized labor was gaining more power. Several small organized groups of workers existed, usually stratified along ethnic identities, but none of them had the organization or the power of a true union.

The problems faced by transit workers at the time were massive lay-offs resulting in less men and more work, unsafe working conditions, and wage cuts. The end product was, as one worker complained, “half the men fired and the other half doing two men’s work at less than one man’s pay.” Identifying with the issues faced by transit workers and understanding that a transit union was fundamental to its political agenda, the Communist Party began its courtship with the largest contingent within the transit workers, the Irish transit union Clan Na Gael.

A large number of workers were weary of unions and believed they were more detrimental than helpful due to previous experiences, so the Communist Party had to prove its intent before raising membership. Eventually, a small group of workers headed by charismatic rally-man Mike Quill came to establish the Transport Workers Union in April 1934. The issue of the *Transport Workers Bulletin* released that month announced the official founding of the Union, and also declared the Union’s objectives to “safeguard, protect and improve [sic] the working conditions and living standards of all transport workers regardless of race, color, nationality, or political views…”

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37 Ibid., 40.
38 Ibid., 46.
Transit (IRT) workers also declared that, “men not…be discriminated against when they take off special holidays such as May 1, St. Patrick’s Day, etc.”

The majority of transit workers during this time were immigrants, since transit work was a learned manual skill that did not require English fluency. Irish transit workers demanded that their heritage and their identities be recognized by the dominant Anglo-Saxon demographic by calling for St. Patrick’s Day as a vacation-holiday. The inclusion of May 1 as a special holiday was also a strategic on behalf of the IRT, as May 1 was the generally accepted Socialist holiday of International Workers’ Day. These two holidays asserted the unity of the transit workers along racial/ethnic lines that were seen as minority, and also demanded dignity for the workers and unified them with other workers worldwide.

Local 100’s reasons for striking in 2005 were akin to those of transit workers in 1934 during the creation of the TWU. The fact that these demands were so similar also reflects a continuing history of neglect by the MTA. Both wanted to protect and improve the working and living conditions of transit workers, and wanted respected from upper management. Local 100 also wanted the MTA to recognize a holiday of significance to its members in 2005, which was Martin Luther King, Jr. Day. In addition, when Local 100 struck in 1966, Union leader Mike Quill was also jailed; thus, alluding to a larger history in which the state suppresses insurgent collective actions.

Only three strikes have been waged against the NYCTA since the subway’s formation in 1869. The first transit strike held in 1967 led to the creation of the Public Employees Fair Employment Act, which is more commonly known as the Taylor Law. The Taylor Law granted public employee unions the right to organize and elect their

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own officials, but Section 210 also read that, “No public employee or employee organization shall engage in a strike, and no public employee or employee organization shall cause, instigate, encourage, or condone a strike,” an ordinance that was specific to New York State.\textsuperscript{41} State-specific Public Employment Relations Boards (PERB) were also created to administer the Taylor Law. If workers chose to strike despite Section 210, the PERB was to arbitrate in the instance of an impasse in negotiations. However, the Taylor Law also stated that the MTA, as a government agency, did not have the power to enforce pension changes in contracts during contract negotiations. Although unions often agree in conjunction with government agencies to petition for pension changes, direct changes cannot be forced solely by the government agency.\textsuperscript{42}

For the next week the two groups negotiated intensively. The MTA proposed to raise the age of retirement for new employees from 55 with 25 years of service, to 62 with 30 years of service, whereas Local 100 asked for a drop to 50 with 25 years of service. The Union also asked for pension to be half their annual pay of approximately $55,000, which Gary J. Dellaverson, chief negotiator for the MTA, argued would lead to a massive future financial deficit.\textsuperscript{43} But the MTA had a $1 billion surplus at the time of the subway strike. In addition, State Comptroller Adam Hevesi had found that the MTA was keeping two sets of accounting books during contract negotiations in 1999; thus, the MTA had been hiding its actual financial wealth.\textsuperscript{44} In response to the Union’s proposal, the MTA motioned that newly hired workers pay 6% of their wages towards pension costs for the first 10 years of service, which was a violation of the Taylor Law.

\textsuperscript{42} Goodman and Gonzalez, \textit{NYC Transit Strike Enters…}.
\textsuperscript{43} Chan and Greenhouse, “As Talks Stall…”
\textsuperscript{44} Amy Goodman and Juan Gonzalez, \textit{Mayor Bloomberg Condemns…}
When negotiation talks began to stall after a week, rumor of a strike became official. Local 100’s parent union, the Transport Workers Union of America, released a statement condemning Local 100’s decision to strike due to its illegal status and urged the union to re-enter negotiation talks.\textsuperscript{45} In spite of this and the Taylor Law, the Union’s Executive Board decided to go on strike. The individual strikers were fined two day’s pay for every day spent on strike, and the greater union was also fined $1 million a day. Local 100 responded with its 2004 tax records that showed its assets to amount to $3.6 million, and argued it was financially incapable of paying the mandated fines.\textsuperscript{46} The city also separately fined Local 100 $2.5 million. Negotiations between Local 100 and the MTA continued, and after three days Roger Toussaint asked workers to return to work on December 22, 2005.

Negotiations continued after the strike’s end, and on December 27, the MTA and Local 100 negotiators, which included Roger Toussaint, agreed upon a contract that dropped the MTA’s demand to raise the age of retirement, and also enacted a 10.5% wage raise over the next 39 months. The MTA relinquished its demand that new workers be 62 before collecting full pensions, as well as the demand that new workers contribute 6% of their earnings towards their pensions versus the 2% contribution by current workers. In addition to the dropped pension rates, the MTA agreed to give back an estimated $131.7 million to 20,000 union workers who had overpaid their pensions from the years 1994 to 2001, marking a tremendous victory for the Union. In exchange for the

\textsuperscript{46} Steinhauer.
dropped pension increase, the contract included that transit workers pay 1.5% of their total wages towards health insurance premiums.\textsuperscript{47}

Unfortunately, the greater Union rejected the contract by a mere seven votes. The majority of dissent over contract terms focused on the 1.5% health insurance premiums and came on behalf of younger transit workers. Younger workers complained that the new contract posed little to no benefits for them or for future employees. The case was then placed into binding arbitration, which is a conference led by a third independent party in which the terms that are drawn up are non-negotiable. In an effort to avoid the binding arbitration process, Local 100 re-voted on the rejected contract in March and the contract passed with an overwhelming majority. MTA Chairman Peter Kalikow stated that the terms of the contract were null and void, and that binding arbitration was the only option. On December 16, 2006, almost a year after the strike, an official agreement was finally reached. The Award stated that, “With the needed adjustments set forth…the terms of the December 27, 2005 Memorandum of Agreement shall be effective for a term ending January 15, 2009.”\textsuperscript{48}

After the award was granted, Kalikow commented that Local 100 had been selfish and irresponsible, as it had rejected the December contract that could have easily prevented binding arbitration. Roger Toussaint rebutted that the MTA had spent nearly $2 billion of public money to fund the binding arbitration after refusing to accept the terms of the December contract when the Union had re-voted overwhelmingly in favor of it in March. Although Kalikow stated that binding arbitration was the only option,

\textsuperscript{48} State of New York PERB, 15.
Toussaint countered that the MTA had previously, in 1999 and 1985, accepted originally rejected contracts after the unions re-voted in favor of them.\textsuperscript{49}

The Union agreed to pay over $3,000 a month towards the fines for the transit strike, but in June 2007 a state judge revoked the Union’s ability to automatically collect dues from members’ paychecks. Dues collection brings in millions of dollars and is Local 100’s most powerful money raising tool.\textsuperscript{50} The judge stated that a revocation of this sanction would only occur if Local 100 explicitly pledged to never strike again. In a surprising move, the MTA urged the court to drop this penalty against the Union. It stated the action would deprive the Union of money and place a further strain on the relationship between the two organizations. The Bloomberg administration, along with other city officials and conservative pundits, expressed indignation at the MTA’s decision, stating that the city would not accept a statement from the Union unless it included a pledge to not strike in the future.\textsuperscript{51} The MTA filed for a court action against Local 100’s motion to restore the right to collect dues on October 31, 2007 and progress of the case is ongoing.

Although the MTA expressed a desire to better labor relations, the Bloomberg administration remained uninterested with this reconciliation. As a result, the revocation of dues collecting can be read as an act of vengeance by the administration against the transit workers. The city government refused to sacrifice any of its power to the Union, since negotiating with them would then relieve the transit workers’ criminality. The Bloomberg administration was determined to show that a collective action against the state had failed, and that the consequences of such action were irrevocable.

\textsuperscript{51} Ibid.
When Local 100 went on strike, all dialogue put forth by the state was defined by the criminalization of the strike and its strikers. Transit workers were stripped of their working-class identity as well as other identities such as student, family member, and city resident. Contrastingly, the illegal actions of the MTA were never once mentioned, nor did the MTA suffer any consequences due to their illegal actions. The Taylor Law essentially usurped agency from New York City unions because they could no longer pressure their employers for better contract terms, since there was no longer a threat of negative physical consequences.

An analysis of the 2005 New York City transit strike displays the anti-labor tendencies of the government, although government is commonly misperceived to act on behalf of the public’s general good. Bloomberg and Pataki’s language also elucidated how the government slanted the strike narrative in their favor vis-à-vis an absence of facts, which ultimately supported the innocence of the state-sponsored institution of the MTA. The government’s failure to engage with the strikers’ demands reflected a disregard for their health and concerns, and revealed that its primary concern was an effective economy.

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52 If the MTA did suffer any negative repercussions, they have not been made public.
TWO: How the Strike was Framed

“…Within sixty days of the termination of a strike, the chief executive officer of the government involved shall...make public a report in writing...[containing]: (a) the circumstances surrounding the commencement of the strike...(c) the names of those public employees...responsible for causing, instigating or encouraging the strike and (d) related to the varying degrees of...responsibility, the sanctions imposed or proceedings pending against each such individual public employee.”

– New York State PERB Statute

“...And don’t tell me to lessen my position because others are worse off. Instead of bringing me down, we need to bring everyone up to this level, at a minimum. Have people been so fooled by the media to believe that transit workers are greedy? And to accept this Taylor Law like it was handed down with the Ten Commandments?”

– Thomas, MTA track worker

The 2005 New York City transit strike gained much media coverage that critically shaped the ways in which the public perceived the strike. New York City is one of the world’s most vital cities, and the subway system is crucial to its everyday function. The high-visibility of the strike resulted from many contributing factors which included its illegality, the economic loss, and the acerbic statements presented by Mayor Michael Bloomberg and Local 100 President Roger Toussaint. An examination of the media’s portrayal of the strike elucidates how it is a powerful culture-producing institution that worked in collaboration with the government to present an anti-labor narrative.

53 NYS PERB Statute.
54 World Socialist Web Site reporting team, “New York City transit workers defiant...”.
In New York City, much of the popular newspaper coverage of the strike portrayed the strikers as selfish and criminal. *The New York Post*, the tenth most-widely circulated newspaper in the country, known for its conservative bias and crass sensationalist headlines, shouted the headline, “RATS” on the first day of the strike above a picture of striking transit workers. On the second day the *Post* ran the headline “JAIL ‘EM” while the nation’s fifth most-widely circulated paper, the *Daily News*, ran an editorial entitled, ‘Throw Roger From The Train,’ in reference to Roger Toussaint, leader of Local 100.55 A December 21, 2005 editorial in *The New York Times* also criticized Toussaint for “hold[ing] the city hostage” even though it agreed that issues within the contract needed further negotiation.56

The television coverage of the strike emphasized commuter inconvenience, especially on the first day. Videos of people, including Mayor Bloomberg, walking across the Brooklyn Bridge to and from Manhattan, aerial shots of hundreds of people at Pennsylvania (Penn) Station, and in-crowd videos of mobs attempting to board the few functioning trains were played constantly. News stations overdubbed these clips with statistics on the increased length of commutes, the extent of delays, and the economic damage caused by the strike. Print media also portrayed the strike similarly, printing photographs of the huddled confused mobs at Penn Station and police officers with bullhorns who attempted to control the chaos.57

Some may argue that the focus on the strike’s resulting chaos helped the strikers’ case by showing the traumatic result of their absence. One anti-union strategy during a strike is to downplay and ignore the actual negative effects of the action and create an

55 Amy Goodman and Juan Gonzalez, *NYC Transit Strike Enters…*.  
57 Appendix I.
image of normalcy. Political scientist and media critic Michael Parenti has catalogued seven general ways in which the media portray labor, and one is that the problems caused by a strike on the economy and public convenience is emphasized rather than the causes of the strike. Nearly every article printed covering the transit strike began with a description of the major economic losses suffered by the city, and Mayor Bloomberg's statements listed the inconveniences of the strike at length, and repeatedly stated the striking workers of Local 100 were indifferent to the well-being and safety of the public. Bloomberg's statements characterized the strike as a betrayal to the city caused by selfish workers based on unsubstantial reasons, although the concerns of the strikers reflected greater national issues and the majority of transit workers lived and raised their families in New York City.

In addition, this “betrayal to the city” rhetoric denied the existence of any greater public support for the Union. Instead, mainstream news media focused on comments made by frustrated and delayed commuters. Nonetheless, as strikers picketed outside the electrical power center of the subway system on the first day of the strike, drivers passing by honked horns in support. A poll conducted by ABC on the second day of the strike found that 52% of those interviewed supported the Union, while 40% supported the city and the MTA. In addition, local New York radio station WWRL stated that 71% of respondents blamed upper management for causing the strike, whereas only 14% blamed transit workers. It also reported that 54% felt that what the union was asking were fair demands. Interestingly, this support for the Union was divided along racial lines, as

38% of White respondents supported the Union’s demands whereas 75% of Black and Latino respondents did.

The support from the Blacks and Latinos reflects that these communities were aware of the United States’ history of state-endorsed discipline and neglect towards people of color. The US was founded on racial subordination from its beginning histories of Native American genocide and slavery, and a rebellion against the racialized state structure occurred in eras such as the Civil Rights Movement. The support from Blacks and Latinos reflected these communities’ understanding of the greater symbolism of the strike that is perhaps due to a similar background that has a different relationship and perception of the “law,” as well as a different response to the rhetoric of criminalization.

Although polls offer a just brief look into public opinion, at no point did the public in any poll not favor the Union. In spite of data which reflected greater public support of strikers’ concerns, news broadcasts still focused on the strike’s disruption of commuter travel and Christmas shopping. One broadcast included a walking commuter who stated, “They should all be fired, I wish Reagan was back so that he could fire every single one of those sons of bitches,” referring to when President Ronald Reagan fired 11,345 striking employees of the Professional Air Traffic Controllers Organization in 1981.

The media and the city government’s focus on the long commutes and the drop in Christmas week sales framed the strike as primarily an economic and consumer disaster. In his afternoon statement Bloomberg said, “Retail, especially in Lower Manhattan, has been hit the hardest. Hundreds of stores haven’t been able to open and

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60 News Channel 4 New York, December 20, 2005.
some that did have had practically no business. Along one stretch of 8th Avenue, 40% of the stores weren't open." 61 Due to the draw of New York City during holiday season, tourism to the city also felt a blow. Famous holiday venues such as Rockefeller Center, Radio City Music Hall, and Broadway saw a decrease in attendance due to the lack of travel options to and from Manhattan.

After Local 100 agreed to return to work on December 22, Bloomberg presented a statement addressing the end of the strike which, once again, listed its negative consequences without mention of the strikers’ concerns or the state of contract negotiations. After stating the economic loss felt by the city Bloomberg proclaimed, “On a brighter note, it’s a great time of year in New York City. We have lots of tourists; and there’s still plenty of time for people to shop.” 62 He continued to proclaim that once the subways and buses returned to regular full service, the city’s economy would get back on track and “…we can salvage the rest of the week.” The intended audience of this statement is not transit workers, but tourists, commuters, and others hoping to go shopping.

Bloomberg’s focus on shopping showed that the consumer was king, especially in a city such as New York; the return of the city’s economy would signal the return of the city to its natural state. These statements ignored the physically demanding and necessary labor of transit workers, and embodied sentiments from transit workers such as Antonio Trinidad, a subway booth clerk who stated, “It’s just proof that the city is really not concerned about the public. This is about Macy’s, it’s about Bloomingdales,

61 Bloomberg, “Mayor Bloomberg’s Afternoon Statement.”
and it’s about the tourists.” The Mayor never mentioned or humanized the transit workers in his post-strike statement; instead, he referred to the Union just once and conflated it with the TWU Executive Board.

Contrastingly, Bloomberg’s post-strike statement applauded the police and fire departments, other public service employees, and the citizens of the city for being patient during the strike. This nature of this statement was very similar to those he released during the strike, in which Bloomberg presented the image of a unified city that alienated Local 100 members. The strikers remain denied citizenship to the city due to the harm they have inflicted, and now the rest of the city, Bloomberg’s “we,” must help it return to stability by shopping. Brooklyn Supreme Court Justice Theodore Jones, who had declared the strike illegal, stated at the strike’s end, “I am pleased on behalf of the people of the City of New York, and indeed hopeful that we will be able to salvage Christmas.”

Justice Jones inferred that somehow the strikers single-handedly threatened to ruin Christmas for New York City, and not simply for every family, but for the city itself. Jones used a fantasy of a harmonious community to further alienate the transit workers. The consumer-oriented approach to the strike further eradicated the class inequalities and national issues of labor from the situation, and also aimed to unite the religiously and economically diverse people of New York City vis-à-vis shopping during the “holiday season;” a unity that transit workers had denied the city during the strike.

Although a contract had yet to be decided at the strike’s end, the absence of this information indicated an anti-labor media that was much more forgiving to the powers of the government and the MTA. Political theorist Ralph Miliband studied the

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connection between the media and the government and argued that news media in capitalist societies, such as the United States, will inherently be an expression of the political system. Although Miliband stated that this connection may be at times obscure, in the case of the transit strike, the connection between the media and governmental agencies was not so hard to find.

Real estate mogul Peter Kalikow was the Chairman of the MTA Board during the strike, and at the time had a net worth between $500 million to $1 billion. In 1988, Kalikow briefly owned The New York Post, a conservative tabloid/newspaper that offered some of the most offensive and anti-labor headlines during the strike. The direct link between these two institutions of the government and the media greatly influenced the biased selective and sensationalized coverage of the strike published by the Post. The Post rarely mentioned the MTA’s illegal contract proposal, and the concerns of the strikers were only brought up in passing, if at all. Instead the Post’s bold headlines, extensive coverage of delays, and crass quotations from frustrated commuters transformed strikers’ issues into a soap opera.

The spectacularized anti-labor strike media coverage exacerbated the criminality of the transit workers, as well as the perceived belligerency of President Roger Toussaint. The media’s selective rendition of the strike advertising the MTA’s “innocence,” in conjunction with the presentation of Toussaint’s impassioned speech as “thuggish,” helped create the overall image that transit workers were militant criminals attempting to gain leverage in negotiations by striking.

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64 Martin, 23.
The MTA and Local 100 both violated the Taylor Law, but whereas the Law outlined penalties for strikes in detail, the penalties for government agencies in violation of the Law were not discussed as thoroughly. Thus, the law itself as well as the media implied the MTA’s violation was somehow less severe or less illegal than that of Local 100. If the law that Bloomberg and Pataki referenced so often to criminalize Local 100’s actions is that “of the land,” then the MTA is not exempt from the same scrutiny and criminalization that was given to the Union.

Consistently throughout the strike, the Union was portrayed as selfishly and recklessly endangering the safety of the city. On the contrary, the MTA was rarely mentioned in broadcasts covering the strike. When it was brought into conversation, the MTA was cast as a relatively civil entity that had proposed a contract, engaged in negotiations, and was pleading for Local 100 to not strike. Peter Kalikow was stated to have literally begged the Union not to go on strike on the last day of negotiations. The proclaimed “innocence” of the MTA is reified due to its near absence from strike coverage, and the media’s sympathetic renderings when it was included.

The MTA’s “innocence” was further enforced in April 2006 when Brooklyn Supreme Court Justice Theodore Jones sentenced Roger Toussaint to 10 days in jail, nearly four months after the strike occurred. None of the MTA Board members were even shown in news media coverage of the strike, but here the President of the Union was physically jailed for his illegal action. Toussaint’s incarceration embodied his previous social and political criminality and reaffirmed that he, as a representative for labor, rebellion, and Blackness, was a subject of the law. On April 27, 2006, local news channel NY1 held an interview with Toussaint from inside prison for their weekly show

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66 NY 1 News.
entitled “Inside City Hall.” The questions posed to Toussaint by news anchor Dominic Carter reflected a simultaneously paternalistic yet child-like fascination with prison life, and never truly engaged with Toussaint.

Although Toussaint repeatedly brought up the grievances of the transit workers, the anti-labor narrative presented by the media, the issue of contract negotiations, and the wealth, power, and criminality of the MTA, Carter merely attempted to get an emotional response from Toussaint. Carter introduced the interview with the following statement, “And as you can expect, he [Toussaint] is not backing down when it comes to attacking the MTA.” Before Toussaint even speaks, he is robbed of an objective audience, as any statements were implied to be unprovoked accusations, which once again reified the MTA’s “innocence.”

Carter’s first question asked Toussaint if he was still “defiant at this point as a labor leader,” since he was in prison and stripped of his rights. Defiance is defined as a resistance to authority, but it can also be underscored by contempt or disrespect. Toussaint responded to this question by stating the strike was not a matter of defiance, but was instead a matter of sacrifice by the transit workers for pensions, health benefits, and social security, which were all being attacked in today’s current state. After he spoke, Carter immediately responded with the question, “Can you believe that you are in prison? You are in jail Mr. Toussaint, can you believe that?” In different ways, Carter continually asked Toussaint if he felt that it had been right to lead the strike. Even though Toussaint and Union members stated their reasons for striking whenever interviewed, the media nonetheless consistently asked the strikers to justify their actions.

Carter continued to ask what Toussaint had eaten, how he had showered, and if he had been able to sleep. Carter’s fascination with prison iconography such as violent
inmates, hard beds, and bad food reified the morbid fascination of the prison, and
disassociated the prison as a form of state violence. His objective was never to engage
with Toussaint, as evidenced by his question, “Have you cried…at any time in the last
couple of days?” The interview was not a chance for Toussaint to speak, but was
instead another spectacularization of the strike that aimed to garner remorse or emotion
from him. “Interviewing” Toussaint from prison with questions that did not raise any
serious issues about the strike “completed” his criminalization by showing the public he
was physically in jail.

The media manipulated issues of social/class inequality, labor, and race to
transform the transit strike into a theatrical spectacle. Neither the government nor the
media mentioned the importance of the work performed by the transit workers, nor did
they address the legitimate safety issues workers faced. If the work was mentioned, it was
only in generalizations that did not speak to the hazardous conditions or the abuse and
unappreciation suffered by workers. Another common deflection was that transit
workers, who average $55,000 with overtime hours, had no reason for striking as they
were better paid than some private-sector workers. Although this is true, New York City
is also the most expensive city in North America, and supporting a family with a yearly
compensation of $55,000 remains extremely difficult. In a 2005 ACCRA Cost of Living
Index, the composite index for New York City was 212.1 whereas the national average
was 100.0. The median salary in New York City in 2004 was $10,000 more than the
national median in 2005 at $60,765, but transit workers still averaged only $55,000. The

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67 Ibid.
68 Infoplease, “Cost of Living Index for Selected U.S. Cities,” Pearson Institute,

Another common reason for public disapproval of the strike was the sentiment, ‘If they [transit workers] don’t like their jobs, then they should just go find other better ones.’ Transit workers cannot ‘find a better job,’ because they simply do not exist. The work performed by the 33,700 transit workers of Local 100 is predominately manual-skilled labor jobs. These jobs maintain the transit system and allow New York City to physically move, as captured by Local 100’s slogan which states simply, “We Move New York.” Unlike other jobs that can be shipped overseas, such as clothing manufacture and information technology assistance, the work of transit employees cannot be relocated; the system requires the physical presence and labor of people. The job of transit work does not require higher education, yet is a good job that offers pensions, health insurance, and stability. Most jobs now demand higher education, and manual-skilled labor is becoming scarce. Although service economy jobs such as waitresses, hotel employees, and janitorial staff are abundant, they are low-waged, have little to no benefits, and have very little job security.

For Local 100 members, fighting back against the abusive and unfair practices of the MTA outweighed the penalties of striking. Radio host Juan Gonzalez stated, “[what] I learned over the last few weeks in talking to dozens and dozens of TWU members [is that] I have never seen a union…so determined and furious at their management for years of mistreatment and so willing to go on strike.”\footnote{Goodman and Gonzalez, Mayor Bloomberg Condemns….} Gonzalez elaborated that the unfair practices of the MTA included a worker suffering from inoperable cancer who
had been accused by the MTA for being a “chronic sick leave abuser” when he took
time off to partake in chemotherapy.\textsuperscript{71} Forty-five year old subway booth clerk Mark
Solomon stated, “None of us really want to be on strike, but we were left with no other
choice. I have six children, and four of them still have to get to college. I have a home. I
have a family, and my family is suffering too.”\textsuperscript{72} Transit workers’ remarks were clear and
pointed: the MTA was an unjust employer that had abused its power against them.

The MTA’s primary concern was punctual local trains so people could travel to
work and to stores, where they would then partake in a more global network of economy.
Today’s modern cities are increasingly global in nature, with a dependency on network
infrastructure that is unlike that of previous epochs. Network infrastructure supplies the
skeleton that allows the modern city to exist as it does in both reality and our
imagination. Having water and electrical grids, roads and public transportation systems,
as well as telecommunication networks that function regardless of geography is
becoming crucial in order for cities to compete competitively on a global scale. Much of
the water New York City uses comes from upstate New York, sewage waste and garbage
is pumped to plants outside the city, and telecommunications connects geographical far
places instantly.\textsuperscript{73}

Stephen Graham and Simon Marvin argue in their 2005 work, \textit{splintering urbanism},
that the city is then best understood as a sociotechnical process, since the speed and
energy by which we characterize and understand it is very closely related to its technical
operations. They write, “We recognise [sic], that much of the ‘urban’ is infrastructure;
that most infrastructure actually constitutes the very physical and sociotechnical fabric of

\textsuperscript{71} Ibid.
\textsuperscript{72} Santos.
\textsuperscript{73} Stephen Graham and Simon Marvin, \textit{splintering urbanism} (New York: Routledge, 2005), 12.
cities; and that cities and infrastructure are seamlessly co-produced, and co-evolve, together within contemporary society.” This is even more so now as urban life becomes increasingly more mediated, regulated, supplemented, and provided for by technology, and that technology becomes increasingly more normalized and ubiquitous.

The Janus face of technology is that while it provides convenience for people, sometimes that convenience comes at the expense of people themselves. The implementation of electronic MetroCard vendors at almost every subway station has slowly began to replace ticket booth clerks, and the continuing advancement of technology has proposed a future in which subway trains can be run entirely by machine. Train conductor Jay Callaghan stated, “…We have been giving back, and they have been asking for more and more…They want to cut the conductor job altogether, [and] the token booth clerk job. …[T]hat’s why we’re out here today. Enough is enough. But again, we don’t want this fight. We were forced into [it].” Technology is slowly replacing the need for human labor, and the outsourcing of jobs is making stable manual-skilled labor livings scarce. The 2005 transit strike elucidated the “power geometry” that had been created by the dominance of telecommunication infrastructure by showing the staggering inequality between the jobs and benefits of the MTA Board and those of Local 100 members.

Discussing the greater struggle between labor and power would have refuted the characterization of strikers as selfish thugs, and would have questioned the authority of the MTA and the Bloomberg administration. The stable, high-paying jobs of the MTA

74 Ibid., 179.
75 New York City Transit’s system of payment.
76 Goodman and Gonzalez, “Mayor Bloomberg Condemns…”
77 Graham and Marvin, 195.
Board represent jobs that advance with the growth of global telecommunication infrastructures, whereas those of Local 100’s membership represent jobs that are threatened by such advancements. The majority of the predominately White members on the MTA Board are handsomely wealthy with many assets and investments. No word was mentioned about the exorbitant amount of wealth within the MTA Board in media coverage of the strike, which was supplemented by no mention of the work done by transit workers. To discuss the MTA Board’s compensation, or Bloomberg or Kalikow’s net worth, would have introduced social and class inequality to the discussion of the strike.

Local 100 members struck in order to expose the MTA’s unfair practices, but they were primarily striking to keep their livelihoods. News media coverage of the strike reflected an anti-labor attitude that robbed the strikers of their complex identities, although closer examination of strikers’ comments explicitly explained they wanted better working conditions. They also demanded a contract that offered security in an age when their jobs were being threatened by technological advancements. The connection between the anti-labor governmental authorities and the media explain why coverage was biased, and such a connection exhibits the inherent power geometries of hegemonic society that exist in all aspects of everyday life.
THREE: The Body, the City, and the State

“It’s the City of Angels and constant danger…I observe so many niggas getting three strikes tossed in jail…Living life thug style, so I can’t smile…Cause every nigga in L.A. got a little bit of thug in him. We might fight among each other, but I promise you this: we’ll burn this bitch down, get us pissed.”

– Makaveli

“Roger Toussaint and the TWU have shamefully decided they don’t care about the people they work for and that they have no respect for the law. The leadership of the TWU has thuggishly turned their backs on New York City, and disgraced the noble concept of public service.”

– Michael Bloomberg

The coverage of the 2005 transit strike resurfaced again in April 2006 when Local 100 leader, Roger Toussaint, was sentenced to jail for ten days for the strike. The physical incarceration of Toussaint months after the strike’s end attempted to reassert state dominance over insurgent citizens to maintain “law and order.” Local 100 had blatantly disobeyed the law, and the court incarcerated its leader to fragment the cohesion of the Union, and to further emblaze the Union’s criminality in the minds of the public.

In his undergraduate thesis, Doctoral student David Stein argues that state power and repression is often conveyed through the language of the law and its maintenance of the dominant social order, and is embodied by the police and the prison. In the instance of Toussaint’s jailing, the city government, police force, and court once again reaffirmed their power and moral supremacy by incarcerating those who did not comply with their definitions of appropriate behavior. The Roger Toussaint’s imprisonment

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79 Bloomberg, “Mayor Bloomberg’s Afternoon Statement.”
attempted to undermine the Union by placing the most visible and central figure of the Union away from public view in a place intended for those whom the state deemed criminal.

The state alone has the power to incarcerate people, and this power has documented biases against communities of color and the poor.\(^81\) Regardless of this fact, the imprisoned “criminal” is seen to be the result of an objective conclusion based on the lawful moral decision of right and wrong. Not all are penalized for the same crime uniformly, as Local 100’s violation of the Taylor Law resulted in daily rising fines whereas the MTA’s violation of the same law resulted in their reentrance into contract negotiations. The repercussions for both were written into the Taylor Law, showing that it is not solely the way in which the law is carried out that is biased, but the actual law itself has power and marginalization written into it.

The Jones-Costa Three Strikes Bill in California, which is better known as the Three Strikes Law, is an example of legislation that has disproportionate effects against people of color. The Bill was created in 1994 as a result of outrage surrounding a “preventable” rape and murder perpetrated by a previously convicted felon. Under the Three Strikes Law, first time felony offenders are treated normally under the law, second time offenders receive a mandatory double of the normal sentencing of said felony, and third time offenders receive a mandatory minimum sentence of 25 years to life or three times the normal sentence of said felony, whichever penalty is greater.\(^82\)

Any felony, including possession of trace amounts of drugs, DUI, and forgery can count as a third strike, and judges are not notified of the defendant’s past strike

\(^{81}\) According to the Bureau of Justice of Statistics, by the end of 2005 there were 3,145 black male prison inmates per 100,000 in the United States compared to 471 white male inmates per 100,000.

history. California resident Gary Ewing had pleaded guilty to theft in 1984 and was convicted in 1993 of first-degree robbery. In 1999, Ewing stole $400 worth of golf clubs, but since it was his third strike he was sentenced 25 years to life. In the state of California, Black Americans comprise of 7.5% of the general population, 31.3% of the inmate population, and an overwhelming 44% of third strike convictions. The Three Strikes Bill disproportionately affects and incarcerates Blacks, although the law was originally intended to target convicted felons. Regardless of the obvious racial effects of the Three Strikes Law, it remains upheld in the State of California and the Supreme Court. The Three Strikes Law and the Taylor Law display how the law is written so as to negatively target specific groups that are already marginalized by society. In addition, the public’s general acceptation of both laws shows how the law is still believed to be an objective enforcer of morality, although its effects are clearly racist and classist.

The criminalization of the strike and the strikers was made abundantly clear via the physical imprisonment of Toussaint’s body, and the repercussions for challenging the state took on a material form whereas before they were purely economical. The body is the site of many power tensions since control of the body is interpreted as a sign of power for the state, and of agency for the people. Michel Foucault theorized in his work, Discipline and Punish, that the body is directly involved in a political struggle since the state needs a productive body to produce industry. One of transit workers’ primary complaints were that neither proper facilities nor adequate time was provided for basic needs such as bathroom breaks. Adrian Dickerson, a train conductor of 15 years stated:

“"I'm a conductor and I have 50 stops on my train. I never know when I have to go to the bathroom, but when I do I have to call in and ask for permission. They'll say, 'Can you hold it 'til you get to 14th Street?' When

\[83\text{ Ibid.}\]
I get there they say, ‘Can you hold it to 42nd Street?’ When we get to 42nd Street, all the bathrooms are boarded up, and they tell me to go to the Starbucks on the street level. While I’m doing this, they call my driver and ask him where I am. They tell him if she’s not there in one minute, discharge the train, which means order the passengers off and bring the train back in. Then you get written up…Why should I have to ask permission to go to the bathroom?”

The abuse of Dickerson’s body is akin to that of Toussaint’s in that both are used by the state, by way of the MTA and the courts, respectively, to serve its own needs. The MTA sacrificed the needs of the transit workers in order for their trains to be punctual, and then penalized transit workers when necessary breaks are taken. This followed Foucault’s theory that the body must be subjugated under state control to produce industry with as little protest as possible, in the way the state sees fit. It is when this productive body becomes insurgent against state control that the criminal is born. The “criminal” is then the total inverted embodiment of the state, and represents everything antithetical to its prescribed goals and policies.

The transit workers protested a contract they thought was unfair by violating the law and disrupting the physical and social order of the city. Many retail businesses were left void of employees and customers during the strike, and suffered huge losses daily. Bloomberg primarily used the economic loss suffered by the city to condemn the strike; the Union was depicted as sabotaging the city to give itself leverage in negotiations. The focus by the city government and the media on the economic toll of the strike framed the strikers as unpatriotic as they inconvenience others from shopping during the holiday season. However, according to Foucaultian thought, the bodies of the transit workers

84 World Socialist Web Site reporting team, “New York City transit workers defiant…”
had resisted state control and had asserted their rights as workers, although they became “criminals” in the process.

Saidiya V. Hartman writes that the dilemma of creating a state-approved productive yet subjugated body was seen in the United States during the Reconstruction era, when White dominant classes wondered whether or not ex-slaves could be transformed into a “rational” and productive working class. These behavioral standards became couched terms for the enforcement of a state agenda that encouraged Black docility and submissiveness, and ushered a new form of policing and neo-slavery. The legacy of the disciplining of Black bodies proved relevant in the 2005 transit strike as 70% of transit workers identified as people of color with the majority being Black, and Roger Toussaint was Trinidadian in background. The sanctioning and imprisonment of Black bodies seeking agency and change contributed to a socio-historical trajectory of the state’s disciplinary relationship with marginalized people. The continuance of this relationship’s power dynamic, in which the state maintains control, reified and thus, institutionalized the relationship. The public’s continuing general belief that the police and courts’ role in upholding the law is unproblematic also perpetuates this pattern, and encourages negative reactions against those who challenge the state and its disciplinary practices.

When the transit workers took action against the dominant state structure, the state responded with tremendous fines and by physically incarcerating their leader. Stein argues there is not a place where violence is more normalized than the prison, and Toussaint’s imprisonment was a state-endorsed act aimed to intimidate the public as well.

87 Cardwell.
as usurp all physical agency and independent free will from Toussaint and labor. In an interview from prison, Toussaint commented that in prison, “You are confined; you don’t have control of your movements.”

The physical suffocation and immobilization of bodies whilst in prison points to a larger agenda that aims for the minds and souls of those incarcerated to become docile to state regulation and force.

The state attempted to use Toussaint as an example to show there are repercussions for breaking the law. Much like race, the marking of a criminal can become one’s essence and very much like race, the marginalization experienced by those who bear its mark serves to maintain a state-sponsored hierarchy based on racial subordination. The 2005 transit strike was the first time that a group predominately comprised of people of color shut down New York City. Race played an important role throughout the strike due to the strikers’ demographics, as well as the way in which the public and Bloomberg saw, read, and interpreted their bodies.

A Local 100 sponsored blog was shut down due to postings that addressed the strikers as “monkeys” and “you people.” Furthermore, Bloomberg’s usage of the word “thug” to describe how the transit workers betrayed the city and public service stirred feelings of resentment from Union workers of color. Black bus operator and union organizer Leroy Bright responded with statement, “The word thug is usually attributed to people of color whenever something negative takes place…[it’s] unnecessarily hostile.”

The image invoked by the word thug is distinctly racial, negative, and threatening. Iconic rapper Tupac Shakur famed the phrase “Thug Life” by tattooing it across his

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88 NY 1 News.
90 Cardwell.
stomach and repeatedly referring to his status as a thug. In his 1996 song *To Live & Die in L.A.* he states, “It’s the City of Angels and constant danger…I observe so many niggas getting three strikes tossed in jail…Living life thug style, so I can’t smile.”

Shakur showed an awareness of the hegemonic state structure that oppressed his community of poor Black men, and also identified the police to be an enforcer of that oppression. He also explicitly referenced the Three Strikes Law and how it disproportionately targeted poor Black men in his neighborhood of South Central L.A.

In addition, Shakur stated, “We fight among each other, but I promise you this: we’ll burn this bitch down, get us pissed,” which was a direct reference to the 1992 L.A Riots.

In 1992, Rodney King, a Black man, was pulled over for speeding and then brutally beaten by four White police officers who were found innocent of all charges. The outrage that resulted in the Black community led to three days of riots in which many street gangs set aside their grudges to fight the police. The thug is an image marked by danger and implies the unnecessary aggression of people of color against the White innocent, yet the Bloomberg administration was unapologetic for the possible harm that could have been inflicted by its statements. Ed Skyler, a spokesman for Bloomberg stated that it was “despicable” for anyone to bring race into the conversation, and stated that he had previously used the word “thugs” to characterize police and fire union members in the past.

This steadfastness disavowed the dynamic that existed between the White wealthy MTA Board and the working class transit workers, as well as the greater place of race in the history of the United States. Many transit workers experienced verbal or physical threats and abuse while at work, and the administration’s comments discouraged

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91 Shakur.
the possible racial nature of these attacks; thus, making intent necessary for an act to be read as racist. This sentiment reflected the ideology of 1976 Supreme Court case of *Washington v. Davis* in which the majority decision ruled that a disproportionate racial impact was not enough for an official action to be deemed discriminatory; a discriminatory motive had to be proved.92

By stating he had previously used the word “thugs” to little comment, Skyler attempted to eliminate the offensive racialized nature of the word and re-created the situation to be one in which the Union was being controversial and problematic for mentioning race. It was not the Bloomberg administration that saw race, but it was the Union in an attempt to cause more unnecessary trouble and further slander the city government and the MTA. In addition, the unions Skyler described as thugs were the police and fire department unions, both unions whose membership was substantially Whiter than Local 100. Local 100 members have voiced that they feel unappreciated by the state government in contrast to the recognition received by these departments. Therefore, placing Local 100 akin to the police and fire department unions imagined a false reality in which transit workers did not experience race, and it also disavowed any unappreciation felt by Local 100 members.

Skyler’s broad attempts to erase racial subordination from the relationship between the government and the working class reflected a position of power whose authority was jeopardized by the legacy of racial subordination. Black transit workers live this legacy everyday, and the government’s attempt to suppress their voices and experiences reflected the exact color-conscious hegemony that the government tried to erase. The myth of meritocracy does not incorporate the necessity of racial, social, and

cultural capital, and it is by this myth that positions of power retain the façade that they are achieved by strictly hard work.

Reading society’s hegemonic structure through a city’s infrastructure and its struggles expands upon the traditional study of racialized geographies by incorporating movement. Most systems of network infrastructure are perceived to be universal in their distribution, served areas/demographics, and quality. On the contrary, Stephen Graham and Simon Marvin argue in their 2005 book, *splintering urbanism*, that networks of water, electricity, transport, and communication in the city have special allowances for those who are able to afford better and faster services. The physical marginalization experienced by those living in the underserved and disregarded areas has a direct correlation with political and social marginalization.

In the United States, the government has provided unequal access to resources, privileging the power-holding White wealthy whilst disadvantaging communities of color and the poor. Legislation such as the Housing Act of 1934 and Robert Moses’ infrastructures in New York City directly targeted specific racial and classed demographics that perpetuated and reified both a dominant social order as well as a physical order. Therefore, the bodies of people whom the government had politically and economically marginalized also became physical subaltern.

Robert Moses in the 1930s-1970s was the most powerful man in the State, and essentially shaped the city through his bridges, parks, and highways. Moses fervently endorsed “urban renewal,” which was more accurately known as slum clearance, in the United States and the National Housing Act of 1934, which began the process of redlining in the US. The Housing Act aimed to improve housing conditions and

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93 Graham and Marvin, 8.
standards, but required cities to designate specific neighborhoods for specific racial groups, and prohibited certain areas in cities to receive loans. As a result, the Act authorized and encouraged residential segregation, causing James Baldwin to dub urban renewal “Negro removal” in the 1960s.

Moses despised public transportation and constructed highways wherever there was a need for a city artery. Under his supervision the Cross-Bronx Expressway and the Brooklyn-Queens Expressway were built, which were both enormous six-lane highways that ran directly through lower-income predominately minority neighborhoods. The highways ran through vibrant interracial areas of the city creating traffic, pollution, and decreases in property values that essentially broke the neighborhoods apart. In addition, many of his completed projects also display his racist and classist beliefs. For example, Jones Beach State Park was a beautiful retreat from the bustle of the city, but it was unfortunately inaccessible by bus or public transportation due to the low overpasses that spanned the roads leading to it. As a result, one could only enjoy the beach if one had access to a private automobile.

Therefore, as stated by Graham and Marvin, network infrastructure grids such as road systems and public transportation systems intensify and warp the space of the city by unevenly benefiting areas that have power and disadvantaging areas that do not. Sites that produce economy and culture such as global financial districts and entertainment industries are deemed to be more valuable than other spaces such as housing projects or slums. Graham and Marvin argue that these valued and elite spaces are identified and then connected with other regional and global elite spaces vis-à-vis network infrastructures. These chosen spaces are connected together so that life exists between
them spacelessly, although the discrepancy of power between the valued areas and their immediate, lesser valued surroundings can be staggering.

The power discrepancy between the MTA and the transit workers adopts a physical and spatial form that can be read literally on the workers’ physically subterranean and abused bodies. The spaces that the MTA inhabits are seen to be more valuable because the MTA Board is never concerned with hazardous work conditions, pensions, or health benefits. The Board functions in Manhattan’s hypermodern skyscrapers that use the most technologically advanced network infrastructure to connect globally to other elite spaces. Contrastingly, the transit workers must walk in dark subterranean tunnels everyday and inhale steel dust.

This physical fragmentation of the urban fabric according to value reconfigure what Graham and Marvin call the “power geometries” of a city, and give shape to politically and socially subordinating processes. The advancement of one group’s connectivity often comes at the expense of another’s in the form of exclusion or disempowerment that accentuates economic and social inequalities. Since certain groups have more ready access to better networked and higher quality services than others, grids of network infrastructure are infused with the social, political and economic struggles between firms, institutions, and groups that reflect the broader hegemonic structure and power stratifications that exist in society. The strike proved this via the MTA that was primarily concerned with efficient trains regardless of the human cost, and the strikers’ fight against their abusive practices.

In addition, the strike revealed the symbiotic relationship between the skyscraper and the subway by asserting the importance of the unseen subterranean subway system.

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94 Ibid., 195.
Although the subway is not as visible as the skyscraper, nor does it connote a similar hyper-modernity, it is necessary because the city is a system in motion that relies on the lattice structure of different network infrastructures to provide it with its energy. This energy is in the form of electricity, water, and telecommunications, but it is most crucial in the form of people. However, the underground nature of the subway leaves much of the mechanics of the subway, such as the tremendous engineering and labor that went into constructing the tunnels, hidden from public view.

The magnificent structural engineering of the subway finally came became visible on September 11, 2001 (9.11). When the World Trade Center fell, the subway tunnels that were five feet below street level took the full impact of dozens of stories falling approximately 600 feet. Miraculously, only two sections of the tunnels were destroyed due to the subway’s original brick and concrete encased steel arches from the early 1900s.° Contrary to magnificent skyscrapers that daily display their engineering and technology, the subway primarily lives its glory via the punctuality of its trains, the accommodations of the carriages such as air-conditioning, and in extreme cases of emergency such as 9.11. Unlike the subway, which receives recognition for its mosaics, architecture, and infrastructure, transit workers have never truly received their due praise as the MTA has rarely publicized their hard work.

Interestingly, the subway strike presented a case of mild emergency that elucidated the importance of the subway, network infrastructure, and transit workers to our everyday functions. Geographer Erik Swyngedouw asserts that at any given moment in time, a particular organization of transportation, mobility, and communication

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patterns emerges to give the geography of everyday life a form and social order. The rapid pace of New York City is accommodated and mediated by the subway system and as a result, an organized form of spatial geography and movement exists. Patterns of movement according to work and leisure hours have resulted in time-specific spatial organizations of commuters, residents, and tourists in the city throughout the day.

The social order and organization of the city was interrupted during the transit strike due to the disruption in the city’s physical rhythms. This standardized organization of the movement of human bodies stopped, and the city was unable to produce industry and culture as a result. The strike illuminated the necessity of the subway, and transit workers, as a mediator of the city’s physical rhythms.

The disruption in the dominant physical order caused by the strike forced a re-examination of how we know and see the structures and people that constitute the city’s skeleton. A system of infrastructure is well-designed and well-kept if it runs smoothly without any interruption; therefore, it is most efficient when it is least noticed. The reliability of these physical network infrastructures has become so standard that we only think about them when they fail us, and the same remains true about the labor that maintains the physical order and function of the city.

Consequently, an examination of the city’s physical order and its network infrastructure entails an examination of the dominant social order and the history of power geometries between labor and power. Transit workers who worked during the subway’s expansion in 1913 essentially built New York City, since the subway opened up land in the outer boroughs for development. Immigrants who had predominately occupied the dense area below 14th Street in Manhattan migrated and created new urban

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settlements known as “subway suburbs” that formed around subway lines in areas of Brooklyn, the Bronx, and Queens. The open space of the outer boroughs offered new residents attractive middle-class homes and amenities with reliable access to Manhattan. The borough saw an 18.9% decrease in population from 1910 to 1940, whereas the Bronx saw a 223.6% increase, Queens a 356.9% increase, Brooklyn a 65.1% increase, and Staten Island a 102.9% increase.97

New York City had the largest transit system in the world by 1920 when the system was nearly complete, and the tracks outlaid at the time constitute the majority of the city’s current subways. The new tracks unified the city by conquering the East River, and joined the boroughs of Queens and Brooklyn with Manhattan and the Bronx. The accessibility of cross-borough travel promised new land development and settlement in the outer boroughs, and the city began a re-invention of self.

The new network infrastructure of the subway forever changed the natural topography, the architecture, and the residential patterns of the city. The system literally spread the city outwards and galvanized development in the outer regions. Areas that had previously been rural were suddenly urban and member of one the largest cities in the world. In addition, the system transformed the city’s social organization by dispersing immigrant communities throughout the five boroughs, which alleviated the rampant spread of epidemic disease. The fantasies of the city, along with the assurance of affordable quality living spaces and their close proximity to jobs, guaranteed New York City’s future as a global metropolis. The new subways were, as former Manhattan Borough President George McAneny stated, “…the city’s physical salvation.”98

97 Ibid., 247.
The history of this labor remains with transit workers as they continue to work on the same system, and do the same jobs, which assisted New York City’s rise to magnificence. But a legacy of mistreatment, marginalization, suppressed agency, and overall state oppression also exists within their bodies. In addition, the Union now has Blackness as the physically marker of its marginalization. Geographer Katharine McKittrick expands upon the bodily marking and mapping of power relationships in her 2006 work, *Demonic Grounds*. McKittrick’s theory suggests that Bloomberg’s “us vs. them” rhetoric can be deconstructed so that the included “us” are bodies that belong to a dominant group, and the expelled “them” are marginalized and subaltern bodies.

The power dynamic between the MTA and the transit workers proved that the social, political, and economic practices which have shaped our society and landscape have privileged, and continue to privilege, the White wealthy. These processes are state-sponsored ideologies with full support from the law and the government; therefore, the social, political, and physical locations and power statuses of Othered bodies are seen as natural or appropriate. McKittrick challenges the belief that the physical locations and (dis)empowerment of the marginalized are predetermined, as this obscures the role of the state.

State-inflicted physical aggression is a result of, but also works in conjunction with, state-endorsed subordinating political and social processes. The markings of “bad” citizenship can be read on the body of the imprisoned and those of endorsed “proper/good” citizenship on those who act in accordance with the state. The nationally accepted criminalization of a demographic of people has been previously documented during World War II when the federal government interned Japanese Americans. In 1942 after the bombing of Pearl Harbor, President Franklin D. Roosevelt issued
Executive Order 9066 in which all people of Japanese descent in specified areas of California were relocated and interned at the concentration camp Manzanar. All Japanese peoples living on the West Coast were seen to be potential spies for the Japanese Imperial Army and 120,000 people, two thirds of whom were US citizens, were relocated although none were found to have any past history of espionage or sabotage.99

In the 1944 Supreme Court case of Fred Korematsu v. United States, the Court ruled that the internment of Japanese Americans was not racial but was a necessary measure for the United States, since it was at war. Justice Hugo Black wrote in the majority opinion:

“We are not unmindful of the hardships imposed by it [the exclusion order] upon a large group of American citizens. But hardships are a part of war, and ...[a]ll citizens alike, feel the impact of war in greater or lesser measure. Citizenship has its responsibilities as well as its privileges, and in time of war the burden is always heavier.”100

Black justified the decision to intern Japanese Americans by claiming that citizenship took on different roles for the overall benefit of the country, and that a true citizen would understand the sacrifices that need needed to maintain the nation. Similarly in the transit strike, the Union was asked to sacrifice their health, pensions, wage increases, and the well-being of their future members for the city’s overall economic success.

Japanese Americans were forced to prove their right to citizenship, and this “act of citizenship” was an involuntary internment that reified their ongoing criminalization due to racial phenotype. Therefore, the Court set the precedent for different rights and protections for different people in a time of crisis. Japanese Americans’ loss of their education, their occupations, and their place in the public sphere was a “hardship,”

100 Ibid.
although it was a completely racialized criminalization and an eradication of civil rights.

In the same way, transit workers were asked to take an unfair contract, which became an illegal contract during negotiations, and neglect their personal and familial needs in order for the city to produce economic profit during the holiday season. This demand ignored the MTA’s unjust mistreatment of workers, and asked the Union to do the same. This ideology echoes Saidiya Hartman’s perspective on the creation of a “[docile,] rational and productive [Black] working class” during the Reconstruction-era and situates the actions and events of the strike within a greater history of state aggression and intimidation.

Additionally in the Korematsu case, the state institutions buttressed each other to justify actions based on hegemony. An overall impenetrable logic was presented utilizing publicly perceived “objective” and specialized analysis. Court decisions are seen as infallible interpretations of the law due to the prevalent belief that the law is just and immune to personal bias. Therefore, with the law’s support, the military was able to monitor the “threat” of Japanese Americans and then later vindicate their actions of all racial suspicion to the questioning public. Using the law as their foundation, Bloomberg and Pataki depicted the strikers as selfish thugs who were betraying the city. In both the strike and Japanese interment, the marginalized groups were viewed as threats. Their criminality, which was exaggerated by selective history and state rhetoric of safety and security, became the essence of their identities.

In both instances the law reflected or consolidated a social consensus, and also justified actions by the state that resulted in its overall benefit. State-perpetrated politically and socially subordinating processes are supplemented by physical

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101 Hartman, 127.
subordination. Therefore, although the law has been used to validate the criminalization, 
and the interment and/or incarceration of people of color and the poor, the prevalent 
misbelief that it exists as an autonomous institution reifies its authority as a higher-
sanctioned voice of justice. The interment of Roger Toussaint echoed that of the 
Japanese Americans as both portray how the state physically separated people who, as 
Joy James words, are “socially dead”\(^\text{102}\) in order to exercise watch and control over their 
actions and bodies.

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“You were born into a society which spelled out with brutal clarity, and in as many ways as possible, that you were a worthless human being. ...The details and symbols of your life have been deliberately constructed to make you believe what [W]hite people say about you. Please try to remember that what they believe, as well as what they say and cause you to endure, does not testify to your inferiority but to their inhumanity and fear.”

– James Baldwin

“Further, it is critical that the [Metropolitan Transportation] Authority’s senior leadership be accountable, effect change agents and advocates for professional, respectful work environments. With clearly defined roles and a set of core values to guide the organization, there is no doubt the MTA will be the best in its class, with valued customers and employees at the heart of its success.”

– Blue Ribbon Panel on Workforce Development

As a result of a collective action by predominately people of color, the city had no public transportation for three days during Christmas week. The strikers of the 2005 New York City transit strike rebelled against not only what they felt was an unjust contract, but against a long history of unappreciation and unfair treatment. By striking, transit workers challenged the inherent injustice of the law and the dominant social structure that perpetuated their marginalization.

The anti-labor media and the government relied on the law to criminalize transit workers during the strike, which diverted public attention from the unjust and illegal practices of the MTA. Therefore, the strike was presented as recklessly selfish act that resulted in an unnecessary economic loss for the city. In reality, the demands of the strikers echoed the concerns of the larger nation; transit workers were also fighting for

104 Metropolitan Transportation Authority, Blue Ribbon Panel on Workforce Development, Metropolitan Transportation Authority, November 2007.
their safety and their livelihood. The political, social, and physical subordination of insurgency was not exclusive to the event of the strike, but reflected a larger legacy of state oppression.

In November 2007, MTA Executive Director and CEO Eliot G. Sander directed a Blue Ribbon Panel on Workforce Development, which developed a series of recommendations to improve overall efficiency of the system and to better management-labor relations. The Panel conducted numerous interviews and surveys with employees and union representatives. The recommendations proposed by the Panel orientated around a general desire by the workers to publicize internally and externally the hard work of MTA employees on an ongoing basis, to increase employee recognition opportunities and events, to provide clean and safe work environments for all, and to create and maintain an open dialogue between the union and the upper administration of the MTA.\textsuperscript{105}

The 61 recommendations by the Panel embodied a humanistic approach to labor-management relations and addressed longstanding concerns of many MTA employees. Roger Toussaint supported the Panel’s recommendations and stated, “This is an opportunity for the first time in many years to turn the corner and improve labor-management relations at the MTA, and TWU Local 100 fully supports the initiative.”\textsuperscript{106} Although the Panel represents what will hopefully be a new chapter in labor-management relations, Local 100 is still unable to automatically collect dues from their members and the Union continues to pay for fines from the 2005 strike.

\textsuperscript{105} Ibid.
The transit strike and its resulting contract questioned the MTA’s practices, as the agreed contract, on which the Union re-voted and approved, was rejected by the MTA. The agency also had a long history of mistreatment and unfair discipline against its workers, indicating that its primary concern was a punctual system. The media and the government’s tactics and rhetoric reflected a history of state-endorsed oppression that targets people of color and working class communities in an attempt to maintain a dominant social and physical structure. In addition, the essential non-disciplinary measures taken against the MTA and its violation of the Taylor Law, juxtaposed with the tremendous fines placed daily against the Union while it struck, exhibited an anti-labor stance inherent in the law.

Therefore, the perceived moral and objectively just foundation of the law is false. But the fines that were placed on the Union raise questions regarding what is the “best” and “most effective” way in which to challenge hegemony. Is it in accordance with the dominant social structure, or is it via a disregard for this structure? Regardless, the first step begins with what Baldwin refers to in the quotation; one must not believe in one’s inherent “inferiority,” as that is exactly what the structures attempt to have one believe.
APPENDIX I

Map of the New York City subway system, which is not to scale. Manhattan island is on the left, with the Bronx to its North, Brooklyn and Queens to its East, and Staten Island to its South (not shown).
Map of the Long Island Rail Road, which enters Midtown Manhattan by way of Pennsylvania Station. Its major transfer station is Jamaica, Queens, but note how all lines funnel into Manhattan.
Track plan for MTA Metro-North Railroad. Ending at either Pennsylvania Station or Grand Central Terminal, all lines also funnel into Manhattan.

All images courtesy of http://www.mta.info.

Police attempted to control the crowds waiting outside Pennsylvania Station.

Thousands of evening commuters waited for an hour to get into the doors of Pennsylvania Station on the strike’s first day.

The four passenger minimum mandate allowed a commuter to walk down Fifth Avenue, usually bustling with cars, taxis, and buses, on the first day of the strike.
SELECTED LIST OF WORKS CITED


