

# COLORLINES

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A New Window on the World

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For five days after 9/11, Mamdouh, a 45-year-old Moroccan, circled the lobby of the city morgue. In the end, 73 people who had worked at Windows had perished.

Last Sept. 11, a small group gathered at Colors restaurant in New York City. A Peters world map dominated the south wall, showing Africa in all its hugeness. Chairs were lined up in the dining room, facing east toward an altar holding white roses in silver pitchers. An older white woman wore an FDNY T-shirt. A red-haired Latina sat in the second row, crying steadily. Names were read; candles were lit. A little girl sang "Tears in Heaven," off-key and proudly.

The people assembled were the workers from Windows on the World, the luxury restaurant at the top of the World Trade Center. They have always hosted their own events to commemorate Sept. 11, disenchanted with the chest-thumping that marked official ceremonies. This was their first memorial in the cooperative restaurant they had started, with the organization they founded, the Restaurant Opportunities Center of New York (ROC-NY).

The restaurant had been the idea of Fekkak Mamdouh, and on this morning, he did whatever was needed. He carried scrambled eggs out to the bar. He sold T-shirts. He ran the program and gave an inspiring speech. But he wasn't the restaurant's manager. This man's days in customer service ended five years ago.

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Immediately after he learned of the attacks on that infamous morning, Mamdouh went to his union, Local 100 of the Hotel Employees and Restaurant Employees (now UNITE/HERE). After listing everyone who would have been working that morning, teams set off to search for colleagues. For five days, Mamdouh, a 45-year-old Moroccan, circled the lobby of the city morgue. Each evening, searchers updated the lists. In the end, 73 people who had worked at Windows had perished.

Mamdouh has a sweet face with wide brown eyes and round cheeks that give him a look of disarming innocence. That mellow visage hides the toughness that made him the Windows shop steward of choice, even outside his unit. Haitian sous chef Jean Emy Pierre, who goes by JP, recalled Mamdouh in the kitchen daily berating the chefs for mistreating busers and waiters. "He didn't take no crap from nobody," said JP, who is known for his own grumpiness. "He would defend all the guys who couldn't defend themselves."

In the aftermath of Sept. 11, Local 100 hired Mamdouh and two Windows coworkers to staff the Immigrant Workers Assistance Alliance (IWAA). Mamdouh transferred all he knew about getting concessions from management to pressuring the Red Cross and FEMA.

With foundation money to support Windows workers, the union began exploring the possibility of setting up a community-based organization that would supplement its own structure. New York City's 16,000 restaurants employ 165,000 people, 70 percent of whom are immigrant. Local 100's membership had shrunk from 50,000 in the mid-1970s to 6,000 by 2001, in the wake of a corruption clean-up at HERE.

Seeking someone to start the new organization, the union approached 26-year-old Saru Jayaraman, who had recently left a Latino workers' center. Jayaraman didn't call back for weeks, uninterested in working for a union. Eventually, though, she agreed to meet the IWAA staff, who impressed her with their diversity and kindness. In April 2002, the team set up shop.

On day one, Jayaraman asked Mamdouh what he thought this new organization would do. Mamdouh replied that they would continue getting people jobs and cash to get through hard times.

Jayaraman began to talk about organizing as the only way for people to get enough power to change their situations. "This is a horrible thing that's happened," she said. "But there's opportunity here too, to do something good with other immigrant workers."

Mamdouh wondered how they could organize people who couldn't even pay the rent. To him, power meant being able to pay your own rent.

"That's the best time to organize," she replied.

Mamdouh had intended to go into computer networking after the IWAA. But he hadn't yet taken the exam, and he was otherwise unemployed. He was curious about this young Indian American woman with the dramatic eyes who spoke fluent Spanish. He decided to stick around and see what broke. Had she not entered the picture, he said, "I would have done one month, two months, doing service things, then said let me find a job like everybody else."

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Mamdouh grew up poor in Morocco, the fourth of nine children. He revealed an enterprising personality by the age of 14, when he started buying and selling used clothing. By 17, he'd opened the first bank account in his family.

In the early 1980s, Mamdouh's elder brother Hassan moved to Saudi Arabia to work for the royal family. In his early 20s, Mamdouh followed to become a companion to a 9-year-old prince. In 1989, he accompanied the family to Florida. After a month playing in Orlando's theme parks, Mamdouh asked for his passport to visit Hassan, who had moved to New York. His boss, a princess, refused, sure that Mamdouh would run, so he got the passport from her son-in-law.

"He knew that I was going to stay, because everybody stays," said Mamdouh.

In New York, Mamdouh took English classes and got a student visa. He tried unsuccessfully to get into aeronautics school, which would have given him a profile quite like 9/11 hijacker Mohammad Atta's—an undocumented Moroccan who had traveled through Saudi Arabia trying to become a pilot in New York.

"Thanks to God I didn't do it," he said. "I'd be in jail today."

Mamdouh moved into restaurants instead and quickly rose in a series of high-class French eateries. He became headwaiter at Windows in the summer of 1996, when it reopened after the 1993 World Trade Center bombing.

Windows had an extraordinarily diverse workforce, matching its international clientele. "It was a good job, so people didn't just come and go," said Mamdouh. "Most people had a lot of experience in New York restaurants, so they think this is our place and we should take care of it." The workers also formed strong social bonds, checking in about their children or meeting in the stairwells for Muslim prayers.

Windows had reopened with a union in place.

"It was a sour deal. A lot of bad conditions were signed into that contract," said Mamdouh, who includes the no-strike clause in that list.

The high point of Mamdouh's Windows career was Thanksgiving Day, 1999. With 1,200 reservations, the workers pulled a sit-down strike, demanding action against a particularly vitriolic manager. She was off the floor that day and gone within one month. By September 2001, the corrupt leadership of Local 100 had been deposed, and the Windows workers were preparing to fight for a new contract.

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One week into their work, Mamdouh asked Jayaraman what she thought about starting a new restaurant. He and his friends had always dreamed of opening their own restaurant, and many of the families would receive substantial money from Sept. 11 relief funds. Maybe some of them would invest.

Jayaraman found the idea "cute" but had no interest in starting businesses. She was, however, willing to consider a cooperative. By that summer, the organization was holding three weekly meetings, one for front-of-the-house workers, one for the back and one for those interested in starting a co-op. The last took a back seat to campaigns for the rest of the year.

Mamdouh recruited his former coworkers. He brought in Sekou Siby, an immigrant from the Ivory Coast who had survived by switching his schedule; Magdi Labib, an Egyptian dining room captain; Aaur Rahman, a Bangladeshi who had fled the civil war. Mamdouh also recruited Utjok Zaidan, who eventually became a ROC-NY organizer. JP was a dedicated volunteer.

During the first month, Mamdouh learned what it meant to organize. "It was really hard to push away from service. People kept coming in saying, 'I need money, I need a job, I need you to come open a bank account with me'," he said. "Finally I saw that we got to start organizing people to do things for themselves. All of us wanted to do the services, but Saru was really firm that we could not."

The little group looked for fights to pick.

David Emil, former owner of Windows, provided the first skirmish. Emil was planning to open a restaurant in Times Square in June 2002. ROC-NY wanted all those jobs for Windows workers.

"He hired only managers," said Mamdouh. "He was just trying to make sure the union didn't come in there too."

Emil told *The New York Times* that he had done everything possible. He'd hired 16 of the 96 Windows workers who had applied. He couldn't hire the others, he said, because they only knew how to serve banquets, or their English was bad or they didn't have documents. Mamdouh estimates that 20 percent of the Windows workforce was undocumented. He extrapolates this from the figures of the dead: 16 of 73 are 22 percent. The night before Noche opened, Emil hired more Windows workers.

This small victory was followed by several quick and dirty campaigns, all focused on "back-of-the-house" issues. In every case, immigrant workers from the kitchen, many undocumented and nearly all Latino, reported unpaid wages, dangerous conditions and no pathway to the better jobs at the front of the house.

Workers with complaints were asked to organize at least five coworkers, who presented their situation to the general membership, which voted on the campaign. In short order, members crafted demands, wrote a letter, called management for a meeting and, after inadequate response, initiated protests in front of the restaurant. When they hit Pangaea, the owner produced a check for the full amount within 45 minutes.

The organization struggled to remain multiracial. The industry's demographics, Windows notwithstanding, were such that the vast majority of back-of-the-house workers were Latinos. When ROC-NY helped them, they told friends, and more Latinos came. When JP applied for an organizing position in 2003, he was rejected by a largely Latino panel of members, comprised of whoever happened to show up that day. "I was discriminated against," he said. "ROC-NY had turned into Latino New York." Hurt and still unemployed, JP pulled back until Mamdouh cajoled him into returning a year later.

Jayaraman and Mamdouh quickly developed larger ambitions than getting individual restaurants to pay up. They knew that the industry's high end could provide great jobs—headwaiters at Windows took home as much as \$100,000 annually in salary and tips. To improve all the jobs, though, they needed to take up whole-industry issues—racial hierarchy, exploitation of undocumented workers, and the behavior of sometimes willful, but often naïve restaurant owners.

To progress on these questions, ROC-NY needed bigger fights and projects that placed them at the industry's center.

The fight came from the pricey steakhouse Cité. Owner Alan Stillman had founded T.G.I. Fridays and then opened the Smith and Wollensky Grill in 1977 to be the "Tiffany of high-end steakhouses," adding another 14 restaurants over 20 years.

In April 2003, one of Cité's prep cooks called the Department of Labor, alleging that the company withheld overtime pay and made them work multiple shifts without breaks. Department officials concluded that Cité owed more than \$65,000 and had violated labor laws.

When another Cité prep cook, Floriberto Hernandez, met Jayaraman, she told him that if three workers showed up, ROC-NY would invest in their fight. Hernandez returned with 15.

As the kitchen workers started their campaign in the fall of 2003, Hernandez discovered that waiter Leonel Baizan, the only Mexican waiter in the restaurant's overwhelmingly white front of the house, planned to file a discrimination suit over scheduling and pay discrepancies. Jayaraman recruited Baizan into the campaign, later adding two Bangladeshi waiters from another Stillman holding.

Until then, ROC-NY's work had been limited to the back of the house, where there are no white people in the lower job categories. By adding discrimination charges for waiters, they highlighted the dynamics that made it impossible for the kitchen workers to move up. Eighteen months later, ROC-NY's settlement with Stillman included \$164,000 in back wages and damages, an employee manual, lunch, a time clock, sick days, vacation, security for the whistleblowers and agreements to post new jobs internally and not to use immigration status in retaliation for organizing. Tragically, Floriberto Hernandez died months before the resolution, alone in his room of a sudden onset of adult diabetes.

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Early in 2003, the small group that had been meeting sporadically about the restaurant, including JP, formed a catering business to raise \$15,000 for a feasibility study.

The study said that a cooperative restaurant would likely fail and that the group should continue catering instead.

"Nobody wanted a catering business," said Jayaraman. "The dream was to open a restaurant. That was the way people could find to replicate what they knew, which was Windows."

Bruce Herman, an especially close ally, helped them get started. Herman had studied labor organizing in Italy, where cooperatives dominate in food processing, construction and transportation. Herman's connections led them to Ivan Lusetti, the head of the largest Italian restaurant cooperative, who agreed to meet with the group in July 2003.

"The lefty Italians were very interested in doing something about 9/11," Herman said. "Even though he never said this, I know Lusetti was thinking that this was their chance to stick it into George Bush's eye."

Planning intensified after co-op members and staff funded their way to Italy for meetings with their potential investors. Members hired a project manager, began scouting locations, and looked for additional financing. The Italians insisted that members had to contribute either money or sweat equity. Neither was viable for restaurant workers, so ROC-NY agreed to match the Italians' \$500,000 investment, intending to place its dividends in a separate fund for new co-ops. Co-op members prepared to build a political partner to ROC-NY. They agreed to give 100 hours each to buy their way into the business—by catering, attending protests or conducting surveys. The restaurant was projected as a "high-road" example. It would pay good wages, have a workforce largely comprised of immigrants of color throughout the house, provide training opportunities and be ergonomically designed. The members voted on everything from setting up a pension fund to the art-deco design. They chose the name Colors, Magdi Labib's contribution, to represent their diversity. They planned a menu based on their family recipes.

But new problems emerged. The co-op had found a space and paid an \$86,000 deposit. The deal fell through, but the landlord didn't return the money, forcing ROC-NY to sue for repayment.

It was also challenging to find an executive chef. "That was partly a function of setting up a different kind of process," said Herman. "You tell a chef, 'You can't curse, you can't abuse people, you can't be sexist or racist,' They say, 'What am I supposed to do?'"

The worst troubles, though, came from within. By the spring of 2005, a small group of members, including Zaidan, who had since left the staff, and Bezhad Pasdar, who had never worked at Windows but joined on the recommendation of an ally, began complaining about transparency and money. Months earlier, the members had agreed to a design in which the Italians and ROC-NY each held a 40 percent interest. Until the Italians were repaid, the members would split 20 percent of any profits. Then the member share would rise to 60 percent; ROC-NY's share would hold steady.

As the Stillman campaign wrapped up, Zaidan and Pasdar called a pre-meeting before a regular co-op meeting. Five members presented demands to ROC-NY, including a 33 percent share for the worker-owners. One member yelled and pounded on the table. Mamdouh left the meeting angry, but Jayaraman stayed for two hours.

ROC-NY proposed a mediation to which all agreed. The next meeting, however, ended in chaos with the dissident group shouting down the mediator, who promptly quit and filed a police report alleging that one member had shoved and intimidated her.

Next, the small group picketed the ROC-NY office.

"Members are getting sick and tired of all this mistreatment," said Zaidan. "People don't act what they preach." They spoke to Bruce Herman about getting support from the Italians, but he had orders not to renegotiate the deal.

On June 11, 2005, Jayaraman and Mamdouh met at an Indian restaurant in Queens. The two debated the unthinkable notion of abandoning the plan.

"If we don't do it, we're going to lose a lot of money," said Mamdouh.

"The members are totally determined to do it," said Jayaraman.

They wondered, though, how they would drum up business with protestors in front, whether their funders would stick around, and how protests would affect the credibility of their larger political project.

Jayaraman then asked Mamdouh if he intended to file a police report against the aggressive member.

"Saru, I told you I don't want to do this," said Mamdouh. "I don't want it to be me against a member. I'm not like you, I fall into it." The "it" was organizing.

Jayaraman said that two members had already filed reports.

"I never want to do this," said Mamdouh. "Before I just have a happy life, I go to work, I spend time with my kids, I don't have no fights."

"That's not true—you were fighting!"

"I don't mind fighting employers, but when my own member comes and fights with me, I don't want that."

They moved on, deciding to stay with the plan. They needed to get ready for a Sept. 12 fundraising gala to be held at the new restaurant, although the official opening would not take place for another four months. In a remarkable coincidence, the co-op had leased the space that had housed their former target, Pangaea.

The remaining members set about expanding the group. Throughout the summer of 2005, they interviewed applicants. In August, they debated whether to keep asking: "If another worker-owner needs help with something, even though it's not in your job description, are you willing to do it? Will you wash dishes? Will you clean toilets?" Most people answered yes, but one offended waiter had rejected their offer. They kept the question.

A week later, a slim Chinese man applied for a kitchen job. He was so soft-spoken that it was nearly impossible to hear. But it became clear soon enough that his English was terrible.

"You cook American food, easy?" JP asked. The answer was inaudible.

Had he paid ROC-NY dues? The man held up his membership certificate, drawing applause.

Howard Christensen, then the co-op's only white, U.S.-born member, asked if he had his own knife set. He didn't.

"I can't tell about someone unless I see them in the kitchen," said Christensen.

"I can take him to my restaurant and train him," said JP.

"Are you willing to go to JP's restaurant and train?" another chef asked. The man nodded and the interview ended.

JP said, "He speaks English, that's not a problem. He's probably just shy around all these people."

Grace Gilbert, who had watched the towers fall from her housekeeping job at the Hilton, called the question: "In or out, in or out." Hands rose.

"Sure, why not," said Christensen. "Give everybody a chance."

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Sept. 12, 2005, the day of the fundraiser, promised to be hectic. Four hundred people were expected in a space designed for 100, construction workers were laying tile in the women's bathroom, and the team had started hours late because of a miscommunication about the key. It was clear that the air conditioning system would be overwhelmed by the 85-degree day.

Despite all that, the place buzzed with the energy of 50 new business owners. Martini glasses were stacked in a pyramid at the bar. Workers' photographs decorated the walls. Twenty round tables and items for a silent auction sat inside a tent on the sidewalk.

At 4 p.m. Mamdouh gathered the crew by shouting: <I>"todos, todos." <I> He led the ROC-NY chant in four languages. "We are strong. We are power. Who are we? ROC New York!"

The day before, he had been to see Zaidan. Still in the opposition camp, Zaidan had said he didn't know if there would be a protest. Jayaraman had learned that the dissidents had set their police permit for the day before.

At 7:02 p.m., after the dinner crowd was seated, six protestors arrived.

"We worked too long and hard to build something beautiful," said Pashar, "and they turned it into a business. Forty percent of the business is going to two people, the leaders of ROC-NY. I can't mention to you how often I've cried at night over this. They've collected millions of dollars for Windows workers."

At 7:09 p.m., Mamdouh took the podium.

"We started this restaurant," said Mamdouh, "to bring hope out of tragedy." He asked for a moment of silence, then introduced the worker owners, whom the crowd rewarded with a 40-second standing ovation.

Outside, the protestors screamed, "Mamdouh is a thief! Mamdouh, you're dirt!"

At 9:43 p.m., members began to congregate in the dining room. JP and Christensen took a picture of themselves.

"I feel excited. Even though they protest, I still feel excited," said Mamdouh. "I wish they didn't protest, but I still feel good."

At 10:40 p.m., they took another photograph, accompanied by cheering, shouting and chanting.

Colors opened four months later, the day after New Year's 2006, to a full house and without incident.

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Ten months after the official opening, on Halloween night, a carved pumpkin glowed near the Colors bar, and polyester cobwebs hung from the ceiling. The wait staff wore chef uniforms, dark makeup and drawn-on goatees. Their nametags read, "Jean Pierre, Executive Chef."

"I knew that if I just sat here and waited, it would come around," JP said about his appointment following the first chef's exit.

While JP dished up ceviche shooters, Mamdouh was uptown. French chef Daniel Boloud had reneged on an agreement to change the racist promotion practices of his restaurant on 65th Street at Park Avenue, so ROC-NY had renewed weekly protests. Sixteen people bundled together under a scaffold across the street from the restaurant; two handed out flyers to passers-by in front of the entrance.

Mamdouh was enjoying himself. He danced and jumped throughout the protest, once shaking his makeshift rattle behind the head of a cop harassing a picketer. A white man yelled at him for making so much noise.

"You have no right to be here. You should be arrested!" the man said.

As the man walked on, Mamdouh hunched over and threw his arms out into a werewolf's stance, opened his mouth wide and howled silently into the night.