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CAMPAIGN

94

Better solution than Prop. 187, Reich says

Counts on tough enforcement of labor laws

By Brad Hayward
Bee Capitol Bureau

The Clinton administration stepped up its attacks on Proposition 187 Wednesday as Labor Secretary Robert Reich argued that improved federal enforcement of labor laws will make the anti-illegal immigration initiative unnecessary.

In a telephone press conference with California reporters, Reich called the initiative "a blunt instrument which will not resolve the problem." He said his department is banking on a better solution - enforcing wage and work-condition laws - because undocumented workers often are hired by employers who are trying to cut corners.

"By cracking down on sub-minimum wages and substandard working conditions, we reduce the incentives of employers to hire undocumented workers, and therefore reduce the incentives for undocumented workers to seek jobs in the United States," Reich said.

A spokeswoman for Gov. Pete Wilson, who supports the initiative, responded that Reich's statement ignored key elements of the illegal immigration problem.

"This administration continues to deny that Californians are burdened with the enormous costs for services being provided," said Wilson deputy chief of staff Leslie Goodman. "Until they recognize that automatic entitlement of services is part of the problem they will never be part of the solution."

Reich, who said Proposition 187 would lead to public health problems and an undereducated populace, is one of several administration officials - including President Clinton and Attorney General Janet Reno - to aggressively attack the measure in recent weeks.

Goodman criticized that effort.

"There has been a steady drumbeat of administration officials doing all they can to try and derail Proposition 187, including the divisive scare tactics that have been so detrimental in this debate," she said.

Reich announced that a recent weeklong sweep of 44 Southern California sweatshops in the garment industry found 41 that had violated federal labor laws - and that up to 40 percent of their workers were undocumented. The operation uncovered \$366,000 in back wages owed to more than 800 workers.

Reich said the sweep was an example of stepped-up federal enforcement in both the garment and agriculture industries - an effort that has resulted in employers agreeing to pay \$3.1 million in back wages to workers in 1993, up from \$2.4 million the year before.

He added that the Clinton administration is taking advantage of little-used laws to hold manufacturers and growers responsible for the activities of their subcontractors, who in some cases use unscrupulous employment practices to reduce costs. Those efforts over the long term will help deter illegal immigration, he said.

Still, Reich conceded that his department's resources for such inspections of employers are "very limited" and that efforts in the past have achieved "a very small deterrence."

PHOTOCOPY
PRESERVATION

U.S. Department of Labor

Employment Standards Administration
Wage and Hour Division
Washington, D.C. 20210



FAX COVER SHEET

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DRAFT

April 11, 1995

I. Recent Publicity Involving Wage and Hour's Low-Wage Industries' Initiatives▶ Results of a garment industry sweep in Los Angeles

What: Announcement of the findings of a joint Wage and Hour/State of California sweep pursuant to the Targeted Industries Partnership Program (TIPP) during the first week in March which targeted 56 sewing shops in Los Angeles, Orange and San Bernardino Counties. The investigations found more than \$745,700 in Fair Labor Standards Act minimum wage and overtime back wages due 1,230 workers. As part of this initiative, 80 manufacturers were contacted to inform them that sewing contractors producing clothing in their names had violated the FLSA.

When: March 31, 1995

Where: A press release was issued on March 31 by DOL's San Francisco Regional Office. Also on March 31, Wage and Hour Administrator Maria Echaveste was interviewed by KVEA-TV, KNX News Radio, KCAL-TV, LA Times, LA Daily News, CA Apparel News, La Opinion, Korean Times, Chinese Daily News. In addition to the radio interviews (which were broadcast the same day) as of April 6, the _____ published articles.

▶ Initiation of an agricultural enforcement initiative in the Rio Grande Valley (TX)

What: Announcement of the initiation of the first of three enforcement efforts targeting the onion harvest for compliance with field sanitation standards (Wage and Hour is piloting enforcement of OSHA's field sanitation standards in the Dallas region), minimum wage/overtime and child labor during the week of April 3. (See follow-up item, below.)

When: April 3, 1995

Where: A press release was issued by DOL's Dallas Regional Office, and Maria Echaveste was interviewed live in Spanish on April 3 by KIRT-AM in Mission, TX.

▶ Results of two investigations involving the employment of H-1B nonimmigrant "professionals"

What: Announcement of the assessment of over \$100,000 in

finances and back wages against Syntel, Inc. of Troy, Michigan. Syntel was found in willful violation of the Immigration and Nationality Act provisions governing the admission and employment of nonimmigrants for temporary employment as "professionals" in "specialty occupations" under H-1B visas. Syntel paid about 40 of its H-1B computer programmers assigned to work at four New Jersey customer locations less than the locally prevailing wage for the occupation. Back wages total almost \$78,000 and civil money penalties of \$40,000 have been assessed. Also announced was the Department's final order affirming an administrative law judge's decision that Analytical Technologies, Inc. of Southfield, Michigan, was required to post notices of its intention to hire H-1B workers at the places (customer work sites) where its H-1B workers would be employed.

When: April 11, 1995

Where: A press release was issued by DOL's Washington, D.C. office. Contact was also made with CBS's 48 Hours which has interviewed Secretary Reich for a report on the employment of H-1B nonimmigrants.

II. Potential Publicity Opportunities Involving Wage and Hour's Low-Wage Industries' Initiatives

► Results of an agricultural enforcement initiative in South Florida

What: Announce the findings of two agricultural enforcement initiatives in the South Florida area carried out with the Border Patrol targeting two known "worst" violators. One initiative was conducted during the week of March 7, and the second initiative during the week of March 20. As of March 24, civil money penalties of \$10,400 under the Migrant and Seasonal Agricultural Worker Protection Act (MSPA) have been assessed for the failure of one "worst" violator (Miguel Flores) to pay wages when due (monies were allegedly deducted from workers' wages for "coyote" smuggling fees), and a notice of intent to revoke this farm labor contractor's certificate to operate as a farm labor contractor has been sent. The second "worst" violator (Miguel Alanis-Reyes) will be assessed MSPA CMPs of about \$2,000 for performing activities as an unregistered farm labor contractor (FLC). As a result of this joint effort with the Border Patrol, INS apprehended and deported 157 workers. (The case involving Reyes is being considered for criminal

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prosecution by the U.S. Attorney, and an "all points bulletin" has been issued.)

When: Week of April 10, 1995

Where: South Florida area or Washington, D.C.

► Results of an agricultural enforcement initiative in California's Imperial Valley

What: Announce the assessment of MSPA CMPs of \$22,000 against 23 farm labor contractors (FLCs) resulting from a TIPP initiative during January 9 - 14 involving 35 investigations focusing on compliance with MSPA transportation and registration requirements. We are also considering the revocation of the certificate of registration of three contractors. This initiative was a cooperative effort with INS which used Border Patrol aircraft to help locate large FLC crews, and with the California Highway Patrol which set up three roadblocks.

When: After April 15, 1995

Where: Southern California or Washington, D.C.

► Results of an agricultural enforcement initiative in Riverside County/Coachella Valley, and Ventura County, CA areas

What: Announce the assessment of child labor and MSPA CMPs resulting from a TIPP initiative in the Riverside County/Coachella Valley during the week of January 31 involving 14 investigations focused on housing providers. Two of the violators were repeat offenders. One investigation disclosed an eight-year-old working at a fish farm. In addition, announce the findings of a one-week enforcement initiative in Ventura County beginning April 3 and involving 20 investigations focusing on the MSPA transportation requirements.

When: After April 30, 1995

Where: Southern California or Washington, D.C.

► Results of three guard services industry strike forces in the Dallas/Ft. Worth area; San Diego and San Bernardino Counties, CA; and Los Angeles, CA

What: Announce the findings of 22 investigations conducted in

March in the Dallas/Ft. Worth area; the results of a two-week enforcement sweep beginning March 30 in the Counties of San Diego and San Bernardino, CA; and, the results of investigations conducted in Los Angeles during the period February 1 through May. As of March 24, four investigations had been completed with findings of \$35,000 in FLSA overtime back wages for 34 employees.

When: After May 15, 1995

Where: Dallas/Ft. Worth and Southern California, or Washington, D.C.

► Results of an agricultural enforcement initiative in the Immokalee, FL area

What: Announce the findings of investigations in late April and early May targeting the watermelon and cantaloupe harvest.

When: After May 15, 1995

Where: Immokalee, Miami, or Washington, D.C.

► Results of a garment enforcement initiative in Los Angeles

What: Announce the findings and assessment of FLSA CMPs resulting from a TIPP strike force during the week of April 17 involving 40 investigations of repeat violators.

When: After May 15, 1995

Where: Los Angeles or Washington, D.C.

► Results of an agricultural enforcement initiative in the Rio Grande Valley, TX

What: Announce (follow-up) the results of the second phase of a strike force targeting the onion harvest during the week of May 8.

When: After May 30, 1995

Where: South Texas or Washington, D.C.

► Results of agricultural enforcement initiative in Monterrey,
Santa Cruz and San Benito Counties, CA

What: Announce the results of a two-week initiative from May 8 to May 19, targeting 20 farm labor contractor (FLC) "worst" violators to determine compliance with wage, housing and transportation requirements. This will be a multi-agency effort involving State of California agencies and officials from the Counties.

When: After May 30, 1995

Where: Southern California or Washington, D.C.

Ray Bradbury Gets Moonstruck

The New American Ethos: I'm UK, You're Not

U.S. News & World Report

DECEMBER 16, 1996 / \$2.95

Sweatshop Christmas

Nice gift, but was it made by kids or exploited workers?

THE PRESIDENT HAS SEEN
TO 12-10-96
← DPC - anything
else labor can
do? -
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SANTA'S SWEATSHOP

In a global economy, it's hard to know who made your gift — and under what conditions

It's a perfect Kodak moment. On Christmas morning under the tree, Amanda is thrilled with her trendy new pair of Guess jeans and her Songbird Barbie doll. Joey thinks his new Nike cross-trainers are way cool, and he's in love with his Disney 101 Dalmatians jogging gear. Baby Sis is already kicking her new hand-sewn soccer ball in an imaginary game with her new 51-inch giant Bernie St. Bernard, which Mom bought from the world's most exclusive toy store, F. A. O. Schwarz, in New York City.

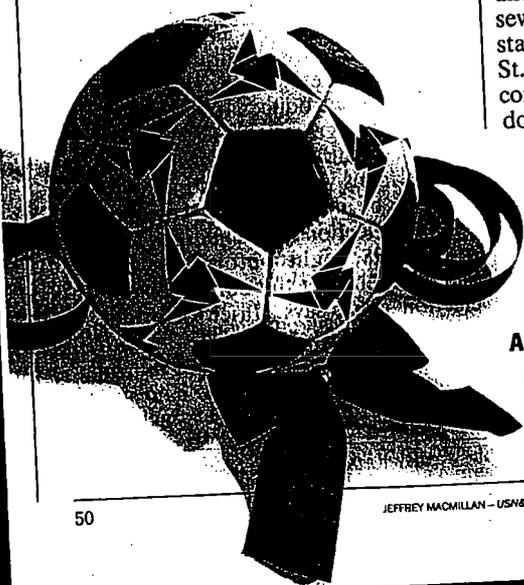
But if the kids knew how some of these gifts were made, it might cast a de-

cidid pall on their holiday cheer. Former workers and union organizers allege that some Guess clothing is made by suppliers who use underpaid Latino immigrants in Los Angeles, sometimes in their own homes. Mattel makes tens of millions of Barbies a year in China, where young female Chinese workers who have migrated thousands of miles from home are alleged to earn less than the minimum wage of \$1.99 a day. Nike is criticized for manufacturing many of its shoes in tough labor conditions in Indonesia, and some of Disney's hottest seasonal products are being made by suppliers in Sri Lanka and Haiti — countries with unsavory reputations for labor and human rights. The soccer balls are sewn together by child laborers in Pakistan, and F. A. O. Schwarz's \$150 Bernie St. Bernard was made in Indonesia; the company won't reveal who made the doggie, or under what conditions, for proprietary reasons.

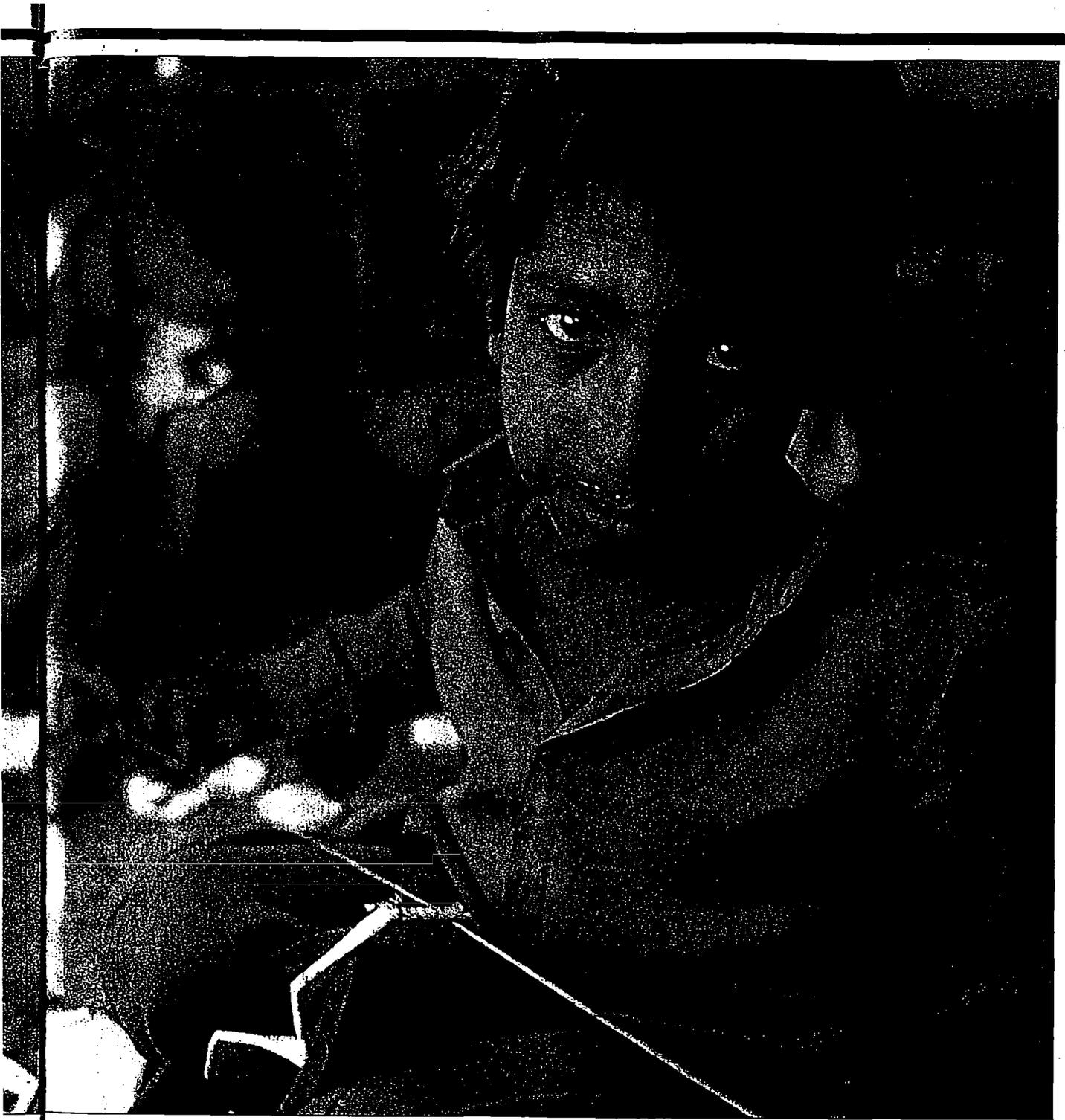
Eye of the beholder. In an era when the economy is necessarily a global one, it is impossible for consumers to avoid products

NOT CHILD'S PLAY

As many as 15,000 children in Pakistan work long hours stitching together soccer balls, according to human rights activists.



made under less than ideal labor conditions. Moreover, what may appear to be horrific working environments to most citizens in the world's richest nation are not just acceptable but actually attractive to others who live overseas or even in "Third World pockets" of the United States. Anyone even casually familiar with how some Americans recompense their (usually immigrant) housekeepers



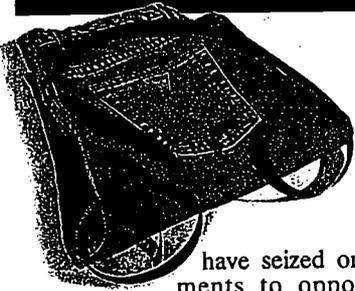
or nannies is well aware of the vast potential for hypocrisy when those same Americans then decide to sit in judgment of corporations.

Still, a growing number of manufacturers and retailers are coming under fire for how the goods they make and sell are produced. It started in earnest with the discovery of indentured Asian workers in a California garment factory

in 1995. Then came reports about conditions in factories in Indonesia that make Nike products and plants in Central America and New York that produced clothing under the brand name of TV personality Kathie Lee Gifford for sale at Wal-Mart. A No Sweat campaign by Labor Secretary Robert Reich against U.S. sweatshops has turned up the heat. And a presidential task force debating

the issue of sweatshops in the apparel industry is expected to issue its report early next year.

In short, labor, civic, religious, investor and consumer groups are pushing to improve the conditions of workers at the lowest end of a global supply chain. Some of these groups are advancing their own self-interests, to be sure—including labor unions that for decades



FASHION STATEMENT

Former workers and union organizers say many workers at Guess's 60 contracting shops don't earn the minimum wage, a charge the company denies.

have seized on arguments to oppose imports. But the cumulative effect of their campaigns is growing. Aided by Internet connections, for example, student groups are joining in, publishing lists of companies that allegedly make or sell goods produced in abysmal working conditions. "It's driving us nuts," says Tracy Mullin, president of the National Retail Federation, which represents the bulk of the nation's \$1.3 trillion (not counting cars and groceries) retail industry. A *U.S. News* poll shows that 6 in 10 Americans are concerned about working conditions under which products are made in the United States and more than 9 in 10 are concerned about the working conditions under which products are made in Asia and Latin America. But few consumers possess enough information to make informed buying decisions (box, Page 60).

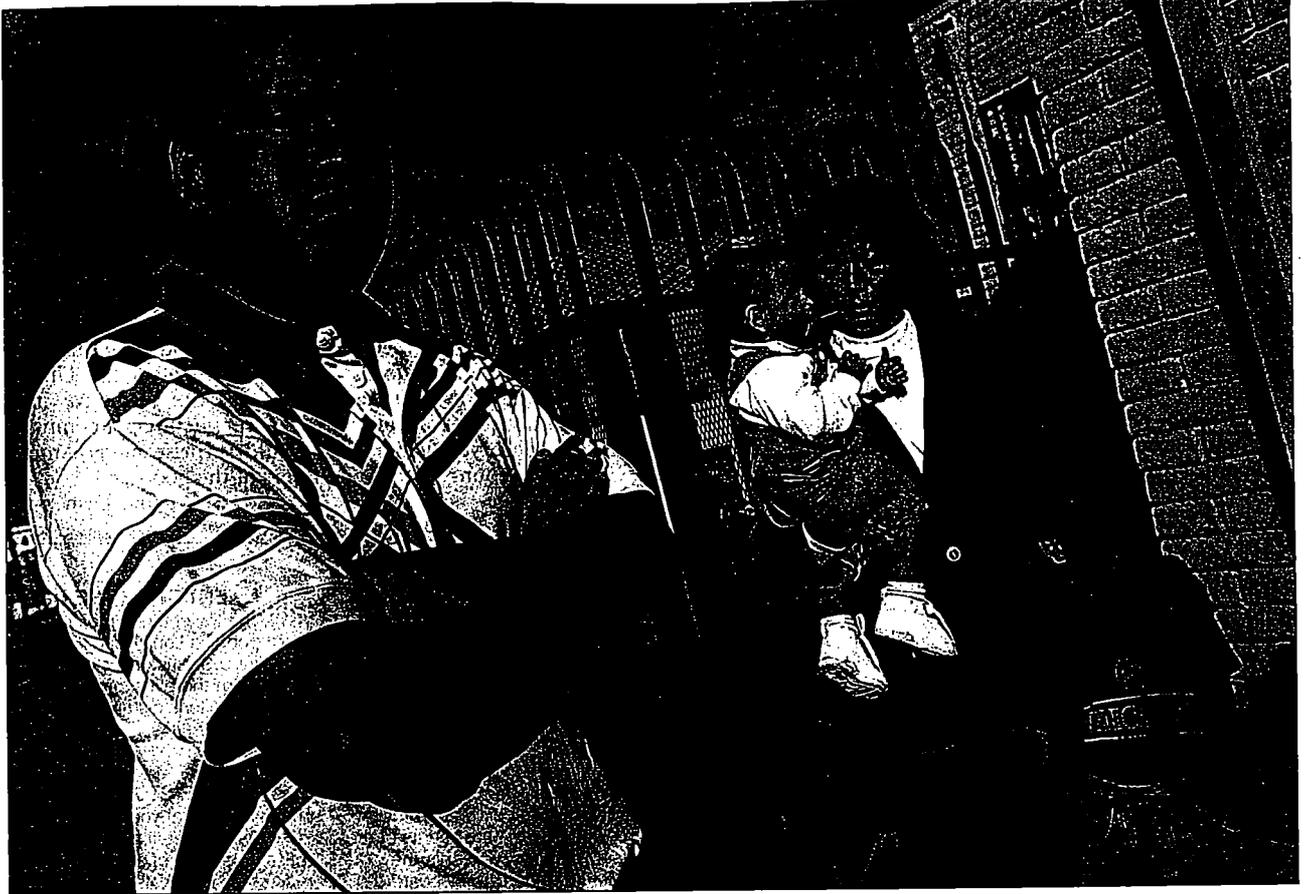
What makes the issue so staggeringly complex is that the current system of global sourcing isn't all bad. The search for inexpensive labor benefits U.S. consumers, who enjoy far lower prices than their European and Japanese counterparts. Apparel prices have actually declined in real terms in recent years, thanks in large part to global sourcing. That eases inflationary pressures for the whole economy. In many cases, global procurement networks provide badly needed income, and often the only chance of work at all, for workers overseas, whether Pakistani families in that nation's soccer-ball capital of Sialkot or Salvadoran immigrants in tough L.A. neighborhoods.

Moreover, today's Third World nation can be tomorrow's developmental success story. Take South Korea. A decade or so ago, Nike had most of its sneakers manufactured there; now,

South Korea has evolved into an industrial powerhouse with a higher living standard, and Nike makes most of its shoes in Indonesia and China.

Even the most zealous advocacy groups urge major U.S. manufacturers abroad not to shut down their factories, just to improve them. Some major U.S. manufacturers and retailers are already responding. Levi Strauss & Co., the nation's largest apparel manufacturer, which works with contractors in 50 countries, is an acknowledged leader in imposing higher standards on its contractors. Levi's also refuses to do business in countries with subpar human-rights records, such as Burma. Similarly, Reebok has just announced that it will reorganize the way it buys 350,000 soccer balls a year in Pakistan. Rather than cut the panels of soccer balls in a factory and send them out to villages to be sewn together, often by children, the company now insists that all the work be done at the factory, where better control is possible. Each ball sold here will then carry the label: "Guarantee: Manufactured Without Child Labor."

Hired monitors. Elsewhere, a four-year-old San Francisco-based group, Business for Social Responsibility, is



teaching 800 member companies how to better manage their international purchasing. Concerns have even given birth to a new industry: There are now businesses, such as California Safety Compliance, that charge companies for monitoring work conditions in their plants around the world.

Some retailers also are responding. Sears, which carries 200,000 products from manufacturers operating in virtually every country, is tightening up on buying goods from suppliers with dubious records. The Gap, after enduring months of withering criticism, also has become a model for manufacturing and sourcing products abroad, experts say.

But abuses persist, even in the United States. From New York to Los Angeles, apparel is still being made in ways that resemble turn-of-the-century-style exploitation of at least 1 million immigrant workers, many of whom speak little or no English and don't understand their rights. Manufacturers can play contractor against contractor, constantly driving down prices for their goods.

A bitter labor dispute involving apparel maker Guess is emblematic of

TOO MUCH HOMEWORK

Cristobal Perez and Emilia Hernandez say they were forced to take work home from one former Guess contractor to make enough money to live. Guess pulled its business, forcing the company to close.

problems affecting many companies. Guess designs high-end jeans and cuts the denim at its headquarters in an industrial district of eastern Los Angeles. Like other clothing makers, Guess turns to subcontractors to actually sew and condition the jeans. Unlike many other makers, Guess has kept its subcontracting system in America rather than eliminate all U.S. jobs by moving it overseas. The company then markets the jeans and other accessories as "An American Tradition" and sells them at premium prices in department stores.

The biggest problems arise in the subcontracting network, made up of people like Cristobal Perez and Emilia Hernandez. The 30-ish Mexican couple with two small children worked for Kelly Sportswear, a Guess contractor, for five years until the Vietnamese owner, known only as Roberto, closed the factory in the L.A. suburb of El Monte. Roberto alleg-

edly forced workers to pay money back to him at the end of the week if they hadn't fulfilled certain quotas, former workers say. His books showed that he was paying his employees the minimum wage (about \$200 a week), but they say in fact they often made as little as \$120.

To avoid falling short, Perez and Hernandez took work home. "If we wanted enough money for the week, we had to do it at home," says Perez. "We had no alternative." Roberto also made workers start work in the mornings without punching in and clock out in the evenings while continuing to work—forced overtime with no pay, according to the workers. When state inspectors found Kelly in violation of the law banning work in private homes a second time, Guess pulled its work out of his shop, after which he closed the doors and fired dozens of workers.

"Only do so much." Guess executives say they were unaware of the abuses at Kelly Sportswear or other contractors and maintain that their system of compliance inspection is exemplary. "All our inspections showed that Kelly Sports-

BUSINESS & TECHNOLOGY

wear was in complete compliance," says J. Irma Melwani, head of contractor compliance. She says all 60 shops currently meet legal and safety standards, but the company declined to provide a list of them. Guess also says that the Union of Needletrades, Industrial and Textile Employees, an AFL-CIO affiliate that is attempting to organize both Guess inside shops and contractors, is running a smear campaign. Late last month, however, the U.S. Department of Labor signaled its concern with Guess by temporarily suspending it from its list of companies with high labor standards.

Melwani argues that Guess and other companies cannot completely control what happens in the contracting shops.

and retailers. Rather than working in one- or two-story structures dispersed over a wide area, as in Los Angeles, workers take dilapidated elevators to the tops of tenement buildings of 12 or more stories. Then they walk down, flight by flight, looking for work. Names of companies are scrawled on walls like so much graffiti, allowing owners to shift names and identities at will. Sometimes signs on doors read, "No Work. *No Trabajo.*" But tens of thousands of immigrants do find work in shops whose proprietors routinely close up and disappear without paying workers weeks' worth of wages. "I have had foreign leaders say to me: Don't talk about conditions in our country because you have slave labor in your own country," says Maria Echaveste, the De-

of the National Labor Committee, the same gadfly who brought Kathie Lee Gifford's case to light. In his 16th-floor New York office, Kernaghan points to a pile of clothes. Most of it is children's wear made in Haiti, all prominently displaying the latest Disney themes: Pocahontas, the Hunchback of Notre Dame and 101 Dalmatians. He picks up one item—a handsome children's-size sweat shirt and sweat pants outfit manufactured at a factory in Port-au-Prince. According to Kernaghan, workers in Haiti received 6 cents for producing this item, which retails for \$19.99 in the United States. The wages are attractive in a country with overwhelming unemployment but would surprise many American purchasers of the goods.

At one Disney-re-

STEPHEN ROUNTREE—USN&WR

The toy story

Toy Story action figures will be among the hot sellers this Christmas. How the product gets from Disney to a retailer's shelves is a long, complicated process:

1 DESIGN / LICENSE

Disney licenses the Buzz Lightyear figure to Thinkway Toys, a manufacturer in Markham, Ontario. They design the product together.

2 FINDING PRODUCERS

Thinkway searches the world to find low-cost subcontractors to produce the toy. It settles on a factory in southern China where workers are paid about \$2 a day to assemble parts from around the world.

3 INSPECTION

After the product is made, it is shipped to factories in Hong Kong or other parts of China where it is inspected by the buying agents. Typically, the buyers for major retail chains like Wal-Mart, Kmart or Toys 'R Us.

4 SHIPPING

Thinkway's Hong Kong arm, Super Technology Ltd., arranges for the product to be delivered to the consolidators, the agents for the major retailers, who ship the product to the U.S. by boat.

5 ENTERING THE U.S.

The toy enters a major U.S. port like Long Beach, Calif., for U.S. Customs clearance. From there it's forwarded to a retailer's distribution center.

6 INTO THE STORES

The toy arrives at your local store. The \$8 retail price reflects the cost of shipping, marketing materials and Disney's licensing agreement. Wages paid to the workers in China make up only a tiny percent of the price.

USN&WR—Basic data: Thinkway Toys, AFL-CIO's Food and Allied Services Trades, Port Import Export Reporting Service, the Walt Disney Co.

If unscrupulous contractors create payroll records showing that workers are paid the minimum wage but then demand kickbacks at the end of a week, Guess wouldn't know this when it audited payroll records. The company also says it routinely speaks to workers in its contracting shops without the presence of management, but some workers interviewed by *U.S. News* said the inspectors were far from neutral. "We can only do so much," says Melwani. The company says unionization of its operations would raise costs so much that it would be forced to move overseas.

Conditions in some ways are worse in New York's Garment District, which like Los Angeles's produces clothing for hundreds of brand-name manufacturers

and retailers. Rather than working in one- or two-story structures dispersed over a wide area, as in Los Angeles, workers take dilapidated elevators to the tops of tenement buildings of 12 or more stories. Then they walk down, flight by flight, looking for work. Names of companies are scrawled on walls like so much graffiti, allowing owners to shift names and identities at will. Sometimes signs on doors read, "No Work. *No Trabajo.*" But tens of thousands of immigrants do find work in shops whose proprietors routinely close up and disappear without paying workers weeks' worth of wages. "I have had foreign leaders say to me: Don't talk about conditions in our country because you have slave labor in your own country," says Maria Echaveste, the De-

partment of Labor's wage and hour administrator. One icon of American culture whose manufacturing practices seem out of sync with its brand name is Disney, which is making a holiday merchandising blitz for its characters and movies. Disney maintains almost 4,000 contracts with other companies that assume the right to manufacture Disney paraphernalia, some of which are then sold in Disney stores. These licensees go to some of the world's lowest-cost-labor countries, including Sri Lanka and Indonesia, to produce stuffed animals and clothes. Disney itself rarely takes a direct hand in manufacturing.

Fun clothes. Disney's main nemesis is Charles Kernaghan, executive director

of the National Labor Committee, the same gadfly who brought Kathie Lee Gifford's case to light. In his 16th-floor New York office, Kernaghan points to a pile of clothes. Most of it is children's wear made in Haiti, all prominently displaying the latest Disney themes: Pocahontas, the Hunchback of Notre Dame and 101 Dalmatians. He picks up one item—a handsome children's-size sweat shirt and sweat pants outfit manufactured at a factory in Port-au-Prince. According to Kernaghan, workers in Haiti received 6 cents for producing this item, which retails for \$19.99 in the United States. The wages are attractive in a country with overwhelming unemployment but would surprise many American purchasers of the goods.

In a written statement to *U.S. News*, Disney said it stipulates in writing that any subcontractor manufacturing in Haiti or elsewhere must adhere to all applicable laws regarding employment and working conditions. In addition, Disney says it acted quickly upon hearing Ker-

■ BUSINESS & TECHNOLOGY

naghan's reports, setting up a monitoring system and sending representatives to inspect the factories in question. Kernaghan acknowledges that conditions have improved—workers are now being paid at least the minimum wage of 32 cents an hour, or about \$2.50 a day, and factories have been cleaned up somewhat. But, he says, much more needs to be done. Last week, Kernaghan kicked off a "Disney Week" of demonstrations, including one outside the Disney store on Fifth Avenue in New York, to lobby for better working conditions for Haitian and other workers making Disney products.

Unfortunately, it's not so simple. "If the Haitian government were to raise the minimum wage much higher, then they would have to wonder what that would do to the companies that are operating there," says Cynthia Knobel, a spokesperson for VF Corp., parent of H. H. Cutler, one of two key contractors for Disney in Haiti. "The margin we make on those products is so slim, I'm not sure we could afford to continue to manufacture there."

In contrast to Disney, Mattel does most of its own manufacturing. It makes a staggering 100 million Barbie dolls a year in four factories, two in China and one each in Malaysia and Indonesia. The Barbie craze produced \$1.4 billion in annual revenues for the El Segundo, Calif., company out of its total annual revenues of \$3.6 billion in 1995.

Mattel's Barbie factory in Changan township of China's Guangdong Province near Hong Kong is better managed than dozens of Hong Kong- or Taiwan-owned factories in the same area that engage in ruthless exploitation of workers. The Mattel Toys plant, or Mei Tai in Chinese, is a neat, no-frills facility sitting behind a low wall. The company declined to allow *U.S. News* to enter the facility, but columns of women running sewing machines with spools of neon pink thread are visible from the street through a couple of tinted-glass windows that have been left open. During shift changes, young female workers wearing Mattel IDs and speaking the na-

tional Mandarin language (which suggests they are migrants from other provinces) saunter in from two dormitories located within walking distance.

Wage dispute. Critics, however, say one problem is that the young women sometimes work with dangerous chemicals. But Chan Ka Wai, associate director of the Hong Kong Christian Industrial Committee, which monitors foreign-invested factories in south China, says the biggest problem is wages. Mattel says it pays above the minimum required by local law. But Chan alleges that Mattel requires workers to toil much longer during peak production periods, driving hourly pay below official minimums. As a result, Mattel's critics allege, some workers make only \$1.81 a day versus the minimum of \$1.99.

In California, Mattel Senior Vice President Glenn Bozarth declines specifically to address how much money workers actually receive. He says that the company is maintaining "high standards" in terms of safety and ventilation in its Chinese plants. "It's not a situation in which we are abusing people or there are health issues involved," says Bozarth. If, as worker representatives contend, female employees in China are exploited when traveling from distant parts of the country to the plant, Bozarth says the company cannot be blamed. The travel, he says, is arranged and carried



CHINESE BARBIE

Some Chinese workers who make Barbies do not earn the minimum wage.

out by local government officials.

Does a global economy mean consumers face no choice but to buy products made under conditions Americans don't want to think about? A number of U.S. companies say that intense global competition is no excuse for keeping working standards at the lowest possible level. Levi Strauss, for example, imposes its own "terms of engagement" on manufacturers who make its jeans products in 50 countries. The company's employees were the driving force in launching a major shake-up of Levi's sourcing standards starting in 1991. Aside from introducing guidelines and actively monitoring how they are observed, the company narrowed down the number of countries where it would operate so that it could better understand local conditions. It shut down three factories in Burma and

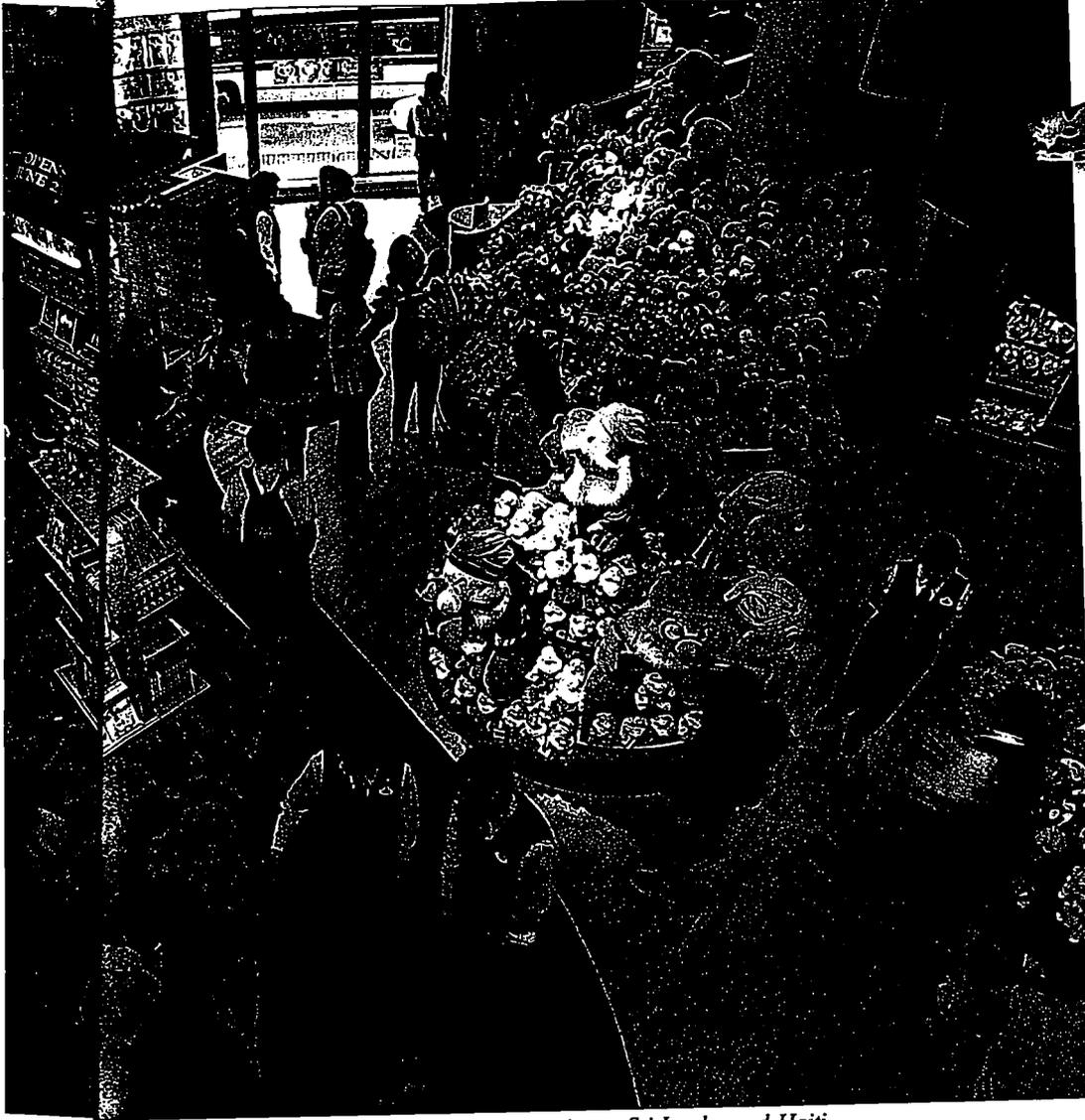


Small world. Some of Disney's seasonal

decided against operating in Haiti or El Salvador because of concerns over labor standards. It also decided to conduct only minimal business in China through a Hong Kong affiliate.

When the company first announced its new standards, it discovered that 30 percent of its contractors didn't measure up. But rather than severing the relationships, Levi's transferred technical know-how or channeled contributions from the company's charitable foundation to such programs as child care, thereby bringing its non-American contractors up to standards that exceeded local laws and regulations. By so doing, it was able to continue doing business with the majority of its suppliers. But it dropped one sixth of them because they declined to change their ways.

Alice Tepper Marlin, executive direc-



A DOGGY LIFE

Disney movies help the company demand premium prices for products.

lower employee turnover and higher product quality.

Consumer concerns about child laborers in Pakistan stitching together soccer balls also seem to be forcing a gradual but important restructuring of that industry. Three Pakistani-owned companies in Sialkot dominate the soccer-ball industry in Pakistan, which makes 36 million soccer balls each year—60 percent of the world's total. These balls are sold to Adidas, Reebok, Nike, Puma and other Western athletic companies. Reebok is leading the way by demanding that its balls be stitched under more supervised conditions. So far,

that affects just a tiny percentage of the total production. But other Western companies and the international soccer federation (FIFA) are pushing such makers as Saga Sports to shift much more production from remote villages into stitching centers to manufacture "allegation free" balls.

Another crucial and still unresolved question is who would pay for the massive monitoring that would be required to completely clean up the consumer products arena. Retailers, who say they eke out a narrow 2 percent profit margin on average, argue that they cannot afford to pay for monitoring or assume legal responsibility for the products they sell, as one bill pending before Congress would require. The Retail Federation's Mullin says it is up to the Department of Labor to do a better job enforcing immi-

al products are worked on in such low-wage countries as Sri Lanka and Haiti.

tor of the Council on Economic Priorities, a New York nonprofit group that ranks companies for their social policies, gives Levi's high marks for training people in many countries and languages about what the company's terms of engagement mean—and for monitoring their efforts. That's in sharp contrast to companies that may introduce codes of conduct but never enforce them or translate them into languages spoken by non-American workers. Levi's reputation as a socially conscious firm has received a boost, and Levi's executives say the company's sales have been enhanced as a result of its efforts.

In fact, Levi's success has helped spawn a minimovement. One senior Levi's executive, Robert Dunn, left the company to found Business for Social Responsibility in 1992. More than 800

companies, ranging from retailers like Home Depot and Dayton Hudson to manufacturers like Hasbro and Timberland, are now members. The nonprofit group conducts training sessions to advise companies on setting up their contracting and subcontracting systems.

Practical benefits. Reflecting Levi's experience, the emphasis is on working with a manageable number of partners, imposing a code of conduct and enforcing it. The key question, says Aron Cramer, director of the nonprofit group's business and human-rights program, is: "How can our supplier chain be structured in a way to get best price and best delivery and at the same time display the best attitudes regarding labor fairness?" When companies treat suppliers and local workers properly, he argues, one practical business benefit is

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FAX COVER SHEET

OFFICE OF THE ADMINISTRATOR
WAGE AND HOUR DIVISION

FAX NUMBER (202) 219-4753
COMMERCIAL (202) 219-8305

TO: Steve Warnath DATE: 12/20/96

FAX NUMBER: 456-7028 PAGES: 4
(include cover sheet)

LOCATION: White House

FROM Suzanne Seiden

If you do not receive all of the pages please call:

NAME: _____

NUMBER: 219-8305

COMMENTS/INSTRUCTIONS:

Enclosed please find a memorandum on
the Department's "No Sweat" initiative. We
have additional information if you need
it. We are happy to discuss this
with you.

Suzanne Seiden



December 20, 1996

MEMORANDUM FOR STEPHEN WARNATH
Domestic Policy Council

FROM:

Sybilie Sender
MARIA ECHAVESTE
Administrator

SUBJECT: Next Steps for DOL's "No Sweat" Initiative

This responds to your recent request for information about the Department of Labor's "No Sweat" initiative to eradicate sweatshops in the U.S.

Incredibly, sweatshops in the U.S. garment industry still exist today. Although there are signs of some modest improvements, there continue to be serious compliance problems and abuse of workers which nationally total about one million workers -- mostly immigrant women. They work long hours at subminimum wages with no overtime in often deplorable working conditions. At the sweatshop in El Monte, CA, where the Department found slave-like conditions, the workers averaged approximately \$.70 per hour.

The "No Sweat" Initiative Addresses the Problems

During the Clinton Administration, the Department has targeted garment as one of the low-wage industries for improving compliance with labor laws and has committed to taking meaningful -- and innovative -- steps to develop and implement a strategy to bring long-term solutions to the problems confronting garment workers. The Department implemented the "No Sweat" initiative -- a multi-prong strategy of **enforcement, education and recognition** to eradicate sweatshops in the U.S. In 1996, the Department was named a winner of the 1996 Innovations in American Government awards program by the Ford Foundation and the John F. Kennedy School of Government at Harvard University for its accomplishments in this industry.

For **enforcement**, the Department's Wage and Hour Division conducts targeted enforcement sweeps in major garment centers and notifies manufacturers of the "hot goods" provision of the Fair Labor Standards Act (FLSA), which prohibits the shipment of goods made in violation of the FLSA. Also, under certain circumstances the Department notifies retailers where "hot goods" can be traced, and in recent months, has been asking retailers to assist in our efforts to improve compliance in this industry. At the end of each quarter, the Department issues an enforcement report publicizing the names of

Working for America's Workforce

contractors found in violation and the manufacturers which received the goods. Since 1993, the Department has recovered \$10.4 million in minimum wage and overtime back wages for over 34,000 workers.

On the **education** front, the Department is spearheading a garment public service announcement initiative, which includes print and radio public service announcements and an Internet World Wide Web site, to provide information to consumers interested in helping to combat sweatshops. Wallet-sized cards, "Clues for Consumers" have been distributed to more than 50 million supporters of the "No Sweat" initiative. We also routinely publicize our activities to garner the public's interest in our efforts to convince the industry to assume responsibility to help improve compliance.

In the **recognition** area, the Department issued its second annual Trendsetter List in November 1996, highlighting retailers and manufacturers that have assumed responsibility for monitoring the labor practices of contractors that make their garments. Firms that are monitored have significantly fewer violations of labor laws.

As you are aware, the Apparel Industry Partnership, which met with President Clinton at the White House last August, is expected to make recommendations to the industry at the end of February on ways to assure that their products are made in compliance with acceptable labor standards and to signal to consumers that the products they purchase are not made in sweatshops. This will be especially significant because the partnership is composed of manufacturers, retailers, unions, and non-government organizations.

This year, the Department is planning the following initiatives:

- Reconstitute the interagency task force including DOL, DOJ, INS, IRS, and the Social Security Administration to coordinate enforcement and outreach activities to enable the Federal government to have a greater impact in effecting compliance and deterring violations. Sewing shops often fail to: pay workers the proper minimum wage and overtime; the appropriate social security and federal taxes; and hire legal workers. Although this task force has met periodically over the last few years, it has not developed the proper coordination to significantly impact the industry.
- Continue to work with religious leaders who have pledged to support our initiative and get the word out to its congregations across the country. On October 22, 1996, more than three dozen religious groups pledged to remind Americans that they have a moral responsibility to do everything they can to ensure that workers are treated fairly and with dignity.
- Advance the Department's partnership with the socially responsible investment community which publicly signaled to manufacturers and retailers in September that investors care about this issue and would be putting pressure on them to take responsibility for eradicating sweatshops. This investment community represents more than \$53 billion in investments. The next logical step would be to engage a much

broader group and have the group publicly voice investors' concerns over sweatshops similar to their positive role in the divestiture of South African investments.

- Host four more compliance monitoring workshops in Dallas, San Francisco, Los Angeles, and New York in March and April to provide garment manufacturers and retailers with practical and pertinent information on the components of an effective and fair monitoring program. Last fall, the Department hosted three workshops in New York, Los Angeles, and Chicago.
- Conduct compliance surveys in the New York City metropolitan area and the San Francisco Bay area to determine if our strategy is having a positive impact on compliance in the industry.
- Host a worker advocate meeting in New York or Los Angeles in February or March to listen to concerns and develop strategies to continue to work with all sectors of the industry.

Financing the Initiative

For FY 1996 and 1997, as part of his comprehensive strategy to stem illegal immigration, the President sought an additional 200 FTE for enhanced Wage and Hour enforcement of minimum labor standards in low-wage industries – like garment manufacturing – where immigrant workers tend to concentrate, especially in the seven high immigration States. These additional resources for Wage and Hour investigations were appropriated for FY 1997 – an increase of nearly 20 percent in the cadre of investigators – and will be deployed to attack the main economic incentive for employing illegal immigrants – payment of substandard wages. OMB has already approved part of the additional resources requested by DOL for FY 1998 to build on this initiative so that the agency can seek to maintain this enhanced resource level next year.

During consideration of immigration reform legislation in the last session of Congress, the Senate adopted an amendment, offered by Senator Kennedy, to authorize an increase of 350 Wage and Hour investigators for this purpose. This provision fell away, however, later in the legislative process. (Early versions of the House immigration reform bill would have authorized an additional 150 Wage and Hour investigators for this purpose, but this too disappeared at late stages of the legislative process.)

cc: Cynthia Metzler, Deputy Secretary
Vince Trivelli, Chief of Staff

POTUS MEMO re: Sweatshops

① Worker Advocate meeting
w/ groups

② Interagency
EIS, Justice, Soc Sec, TD
border enforcement strategy

③ Factors - who provide financing for manufacturing
have financial clout
w/ / the

④ write / big act) firms monitoring
audit strategy - the product contractors

⑤ Group of religious leaders - try to
get the issue active +

⑥ Socially responsible investment firms

⑦ President's industry partnership group
report in Feb

Current compliance ~~report~~ agreement

Kennedy

DEPARTMENT OF LABOR

Discrimination Case: On November 19, DOL announced the settlement of a racial and sexual discrimination case against Triad International Maintenance Company (TIMCO) of NC. The most offensive incidents included an employee raffle of a knife engraved with the insignia of the Ku Klux Klan, the modification of a company uniform to mimic a Ku Klux Klan costume, and overt threats of rape. DOL discovered the violations during a routine compliance review triggered by TIMCO's failure to post job openings for veterans. No formal sexual or racial discrimination complaints were filed prior to DOL's review. As a result of the settlement, TIMCO will pay \$75,000 in back-pay and interest, will offer to reinstate the employees responsible for the hostile environment, and will offer employee training on diversity issues.

United Auto Workers: On November 18, members of the UAW approved a three-year master agreement with General Motors by an 85 percent majority. The agreement concluded national contract negotiations with the Big Three U.S. auto makers for this year. The compensation portion of the agreement provides for an immediate bonus of \$2,000 and 3 percent general wage increases in the second and third years. Despite the national agreements, local strikes are still possible as local contracts are negotiated.

Consumer Price Index (CPI): In early December, the panel of economists convened by the Senate Finance Committee to review the CPI will likely issue the Boskin report, which will discuss the CPI as an accurate measure of inflation.

Health Law Changes: In early December, DOL will issue a booklet to help employees and employers understand the effects of recent legislative changes in health plans. The booklet, *Questions and Answers: Recent Changes in Health Care Law*, will provide guidance concerning changes made by the Health Insurance Portability and Accountability Act, the Newborns' and Mothers' Health Protection Act, and the Mental Parity Act.

Chris J:
Have we
seen
this?

Layoffs: On November 20, DOL began publication of a new data series on monthly mass layoffs. The data are based on initial filings for unemployment insurance by 50 or more workers at one business establishment.

Apparel Industry Initiative: On November 27, to coincide with the holiday shopping rush, DOL issued an updated list of garment retailers and manufacturers who have made a commitment to eliminate sweatshops.

U.S. Department of Labor

Employment Standards Administration
Wage and Hour Division
Washington, D.C. 20210



JAN 7 1997

Doris Meisner
Commissioner
Immigration and Naturalization Service
425 I Street, N. W.
Washington, D.C. 20536

Dear Doris,

Attached you will find a copy of a public letter signed by 32 organizations from the New York City area regarding what they see as immigration practices that are undermining labor law enforcement. I would like to meet with you or appropriate staff member to discuss these troubling issues.

As you are aware, the Wage and Hour Division and INS are in the process of revising the Memorandum Of Understanding regarding our shared responsibility for enforcement of employer sanctions and I-9 requirements. The attached letter exemplifies the difficulties presented by this shared responsibility, given the differences in the missions of our respective agencies.

Gail Brown of my office, will call your office to schedule a meeting.

Thank you.

Sincerely,

Maria Echaveste
Administrator

cc: Steve Warnath

FIGHT SWEATSHOPS:
STOP INS WORKPLACE RAIDS AND ENFORCE LABOR LAW

We, the undersigned, believe that the sweatshop conditions proliferating in the garment, restaurant, construction, light manufacturing, building service and domestic service industries in New York City must be eliminated. The Immigration and Naturalization Service (INS) policy of "worksite enforcement operations" (workplace raids) is exacerbating these exploitative working conditions and hurts all workers. To put an end to these conditions, INS workplace raids must end and the Department of Labor must vigilantly enforce labor laws for all workers.

Sweatshop conditions exist in thousands of New York City workplaces where minimum wage, overtime, and health and safety regulations are ignored, and workers' rights to organize are disregarded. Today, garment workers labor long hours in oppressive heat, for \$3.00 per hour; restaurant workers commonly work twelve to fourteen hour shifts for which they are paid neither minimum wage nor overtime; construction workers work seven days a week, using dangerous materials without adequate training or safety equipment, and are frequently not paid at all for weeks of work.

With the approach of the November elections, scape-goat politics has led to increased funding for the INS, decreased funding for the Department of Labor, and a stepped-up policy of INS workplace raids designed to initiate fast-track deportation proceedings. Many raids are conducted without valid search warrants and have led to the detention of employees in remote areas, with no notice given to family members. Immigrants are often coerced into waiving their rights to legal assistance and to a hearing.

The authors of the Immigration Reform and Control Act of 1986 explicitly stated that immigration policy must not undermine labor law enforcement. However, because labor law enforcement depends on workers notifying the Department of Labor of violations of their rights, INS intimidation of workers through workplace raids prevents effective enforcement of labor laws. Fear of deportation makes workers less willing to file complaints with the Department of Labor, and more willing to accept lower wages and endure serious employer abuses. This is particularly true because an executive order forces the federal Department of Labor to share information with the INS. The climate produced by the INS raids allows employers to threaten workers with deportation if the workers assert their rights. INS workplace raids thereby facilitate the existence of the very sweatshop conditions they are supposedly designed to combat.

As long as employers can avoid the responsibility of complying with labor laws by hiring undocumented immigrant workers at sub-minimum wages in inhuman workplaces, the ability of all workers to earn a living wage, to secure a safe workplace, and to organize is undermined. All workers in the United States – immigrant and native born, documented and undocumented – have the same legal rights to minimum wage, overtime pay, a safe workplace, and to organize without fear of retribution. To effectively eliminate sweatshop conditions the Department of Labor must vigilantly enforce all labor laws in all workplaces for all workers.

Sweatshop conditions are an affront to all workers. We demand an end to INS workplace raids, an end to Department of Labor collaboration with the INS, and the enforcement of labor laws on behalf of all workers.

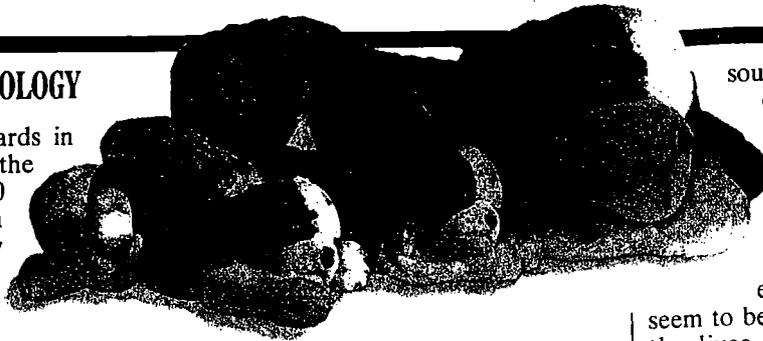
The following organizations have signed on to the Fight Sweatshops letter as of December 2, 1996:

1199 National Health and Human Services Employees Union
Action for Community Empowerment
Asylum and Refugee Rights Law Project, Washington Lawyers' Committee for Civil Rights
and Urban Affairs
Center for Constitutional Rights
Center for Immigrants Rights
Centro Salvadoreño
Committee for Humanitarian Assistance to Iranian Refugees
Congreso Nacional Dominicano, Inc.
District Council 1707
DOST, Turkish American Community Services
Greater New York Labor-Religion Coalition
Guyanese American Workers United
Haitian Centers Council
Haitian Constituency, USA
International Brotherhood of Teamsters Local 966
Jews for Racial and Economic Justice
Judson Memorial Church
Laborers' International Union of North America, Locals 78 and 79
Latino Workers Center
Lawyers' Committee for Civil Rights Under Law of Texas, Immigrant and Refugee Rights
Project
National Employment Law Project
Network for the Rights of Immigrant Women
New York Committee for Occupational Safety and Health
People of Faith Network
Puerto Rican Legal Defense and Education Fund
SAKHI for South Asian Women
Same Boat Coalition
Service Employees International Union, Local 74
Sixth Street Community Center
The Employment Law Center, A Project of the Legal Aid Society of San Francisco
The Workplace Project
United Food and Commercial Workers, Local 1500

BUSINESS & TECHNOLOGY

gration and labor standards in the United States. But the department has only 1,300 inspectors. Even though that number is gradually being increased to 1,500, it is still far too few to keep tabs on every manufacturing shop in the land. For their part, 89.3 percent of consumers say they are willing to pay a few more cents for peace of mind in buying product, but only 70.2 percent are willing to pay a few more dollars, the *U.S. News* poll found.

While the government, retailers and manufacturers quibble, consumers still hold enormous leverage. At the end of the day, it's not likely that sweeping solutions will emerge, because the industry



MYSTERY PUP

For proprietary reasons, F. A. O. Schwarz won't say how Bernie St. Bernard was made in Indonesia.

is so huge and fractured. But what does seem possible are small steps and innovations, over a period of time, that will add up to an improvement of global

sourcing standards. Some practical shopping tips can help (box).

In many ways, what Americans buy is their most direct and intimate connection with a global economy. In a post-cold-war era in which governments seem to be losing their power to shape the lives of people, U.S. consumer spending can be an important tool in extending American values. The silver lining is that if Americans respond to even some of these concerns, they could enjoy their shopping *and* improve the conditions that millions of people around the world encounter in their daily lives. ■

BY WILLIAM J. HOLSTEIN IN LOS ANGELES AND NEW YORK, WITH BRIAN PALMER IN BEIJING, SHAHID UR-REHMAN IN SIALKOT AND TIMOTHY M. ITO

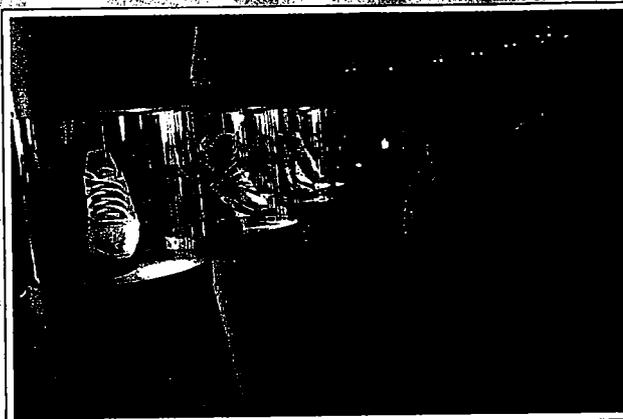
HOW TO SHOP

Some steps consumers can take

There's no way to pick up a product and instantly know exactly how it was made. But there are very practical things you can do over a period of time to give yourself greater confidence about what you buy:

■ **Recommendation 1.** Look to see where things are made. Almost every product carries a tag, even if it is located in an out-of-the-way place. Ask store managers what they know about a product's origins. Request copies of sourcing policies from retailers as well as catalog and television sales outlets. If you receive a hostile reception, you'll know that a retailer may not know, or care, where products come from. "It's important to ask," says Alice Tepper Marlin, executive director of the Council on Economic Priorities.

■ **Recommendation 2.** Exercise discretion regarding certain countries. Opponents of the regime in Burma, for instance, have urged a consumer boycott. Many other countries with controversial political regimes that export extensively to the U.S. are



Shoe in. Nike markets shoes made by others.

slightly better, including Haiti, El Salvador, Honduras, Vietnam, Sri Lanka, and Indonesia. China is in a class by itself because of the huge volume of products it is making. Boycotting isn't helpful because it simply throws people out of work. "If Americans decided they weren't going to buy soccer balls made in Pakistan, a million people would be out of jobs tomorrow," says a Reebok executive. It is more effective to ask questions about countries of origin, transmitting concern.

■ **Recommendation 3.** Don't assume that a made-in-the-U.S.A. label means a product is necessarily made under ideal conditions. High-fashion products, particularly designer jeans, often are not.

■ **Recommendation 4.** Look for a union label, but don't draw too many conclusions from it. These labels often don't appear on enough items to give consumers a meaningful choice. Usually a union-made item costs more.

■ **Recommendation 5.** Check the U.S. Department of Labor's Web site (<http://www.dol.gov/dol/esa/public/nosweat/trends.htm>), if a manufacturer or retailer is listed, chances are good it uses enlightened sourcing practices.

James Lense - SABA

■ **Recommendation 6.** Ask manufacturers directly, either by letter, telephone hot line or Internet, about their codes of conduct for their own plants as well as those of subcontractors. The best companies will respond to you personally. If they don't, that may tell you something.

■ **Recommendation 7.** Over a period of time, reward manufacturers and retailers you trust. Vote with your dollars. If you like the quality and price you get, and at the same time feel the company is trying to respond to your concerns, that's a doubly good shopping experience.

■ **Recommendation 8.** Ask your favorite consumer group to expand ratings of products beyond safety, quality and price to include workplace conditions. One such body is the Council on Economic Priorities, which ranks nearly 200 consumer-product companies on the basis of indicators, including workplace issues. The telephone is (800) 729-4237; the Web site is: <http://www.accesspt.com/cep>

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Recruiters' Lies Lure Workers; Debts Serve to Trap Them

By DON LEE, Times Staff Writer

He was farming rice in a poor village in Thailand when recruiters came calling with a tempting offer: Work overseas and send your family hundreds of dollars a month.

The 48-year-old man, who asked that he be identified by a nickname, Suriyak, paid the recruiters about \$6,000--roughly six years' income--with a loan obtained by deeding his small family land.

Three months later, Suriyak arrived at Los Angeles International Airport, where he was met by a Thai garment shop owner and whisked away in a white van to downtown Los Angeles. There was no small talk, no fond recollections of home, though the owner, a longtime U.S. resident, came from Suriyak's hamlet.

The next morning, having slept on the bare floor in the windowless upper level of the factory, Suriyak arose to find a pile of fabric awaiting him. Some two years have passed, but Suriyak has sent precious few dollars back home, his below-minimum wages barely covering his living expenses and medical bills from his deteriorating health.

"I was fooled," he said recently through an interpreter. "I thought I was going to work in a legitimate factory, not a sweatshop. If I knew it would be like this, I would not have come."

Suriyak is one of thousands of indentured immigrants from Asia and Latin America who are trapped in sweatshops, restaurants, bars and brothels. For them, the exploitation started in their homelands, lured by recruiters linked to a network of smugglers and unscrupulous employers abroad.

Most of them are undocumented workers, and contrary to the belief that illegal immigrants are border jumpers, they entered legally through airports with the intention of overstaying their tourist visas. Some knew what the kinds of jobs they were getting into, but many were tricked.

"It is a pervasive problem," said David Lavine, an assistant U.S. attorney in Los Angeles. In the worst cases, he said, women are "being duped into thinking they will be living the American dream in essence, only to find that they are stuck in a life of prostitution until they can pay off their debts," which often run into tens of thousands of dollars.

Immigration and Naturalization Service agents say the smuggling of Asian immigrants is a growing problem. Jorge Guzman, a supervisor at INS' anti-smuggling unit in Los Angeles, says thousands of mainland Chinese every month are obtaining visas fraudulently to come to the U.S.

down in one day?" Liu apologized to Benny Ong, and Hip Sing then took control of the Freemasons.

As we drove under the Manhattan Bridge into the Wild West of Chinatown, where few people were about, Wagner said, "Down here, when a gang comes in, it tries to show its power and do a lot of extortions and robberies. When you see a 'Grand Opening' sign, it's only a matter of time before the gang gets an extortion. The going rate here for a grand-opening extortion is three hundred and sixty dollars. Protection money is divisible by threes and sixes. And eight is lucky. It could be a thousand and eighty dollars—three times three hundred and sixty. Anything divisible by three, they like. But never four itself—the number four means death."

The Fukien Association, Wagner told me, has its headquarters at 125 East Broadway. Two stone lions out front scare away demons. "Their territory is Forsyth, Eldridge, and Grand Streets," Wagner explained. "The top guys in their gang, the Fuk Ching, are heavy into importing heroin." We headed up Eldridge Street, which looked especially shabby. "Three Mountain Association is another Fujian tong. Here's their gambling spot, No. 7. During the summer, they were so blatant. They'd open the door for air and there'd be a whole shitload of them in there. I guess there are about half a dozen permanent gambling spots in Chinatown—a lot less than there used to be.

"A lot of parents save their children from the gangs by sending them back to Hong Kong or the mainland to live with their grandparents. We know of three in the last month. We tell parents we can't babysit their kids—even- tually, they're going to get locked up or dead. Immigrants are the ones with the runaways. The American-born Chinese, the wife stays home with the kids. You can't blame the new immigrants—they work so hard. The mother works eight to eight in a garment factory, the father works twelve to twelve in a restaurant, and who's home when the kids are? We had one runaway whose mother and father live in Brooklyn. They told me they put him in Chinatown in his grandmother's apartment. Come on! Everyone puts it over on Grandma!"

Wagner pointed out the window as we swung down Mott again. "See

that?" he said. "Those two bullet holes in the back of the pay phone? That was an ambush of Ghost Shadows by some Flying Dragons, but Born to Kill is our worst problem. The Vietnamese came here five, six years ago and opened up the malls on Canal Street. That was the only place they could go; old Chinatown is full up. Vietnamese gangs are a problem in every major city—Houston, Washington, Philadelphia. Everywhere, there's a problem with them hitting Oriental jewelry stores. They rip off the Chinese elders because they know the elders won't report the crimes."

On our way up Bayard Street, we passed a number of stores shuttered with heavy metal screens. "See those big, expensive locks on the gates?" Wagner said. "The gangs Krazy Glue 'em if the stores don't pay."

We cruised by the Pell Street tea parlor again. "Look at 'em all in there, they're all Dragons," he said in amazement. "Twenty, twenty-five Dragons. The Chinese gangs have taken in a lot of Vietnamese for muscle. Vietnamese are crazies. They shoot anyone the gangs want."

PEOPLE who know Chinatown have different ways of explaining why the tongs, which were relatively quiet after the nineteen-thirties, when a series of tong wars ended, have had a resurgence since 1965. The commonest explanation is that the new immigrants flooding Chinatown since the change in immigration laws gave the tongs new life: more people meant more gamblers, and the tongs needed muscle to watch the pots. "We don't have Wells Fargo, so tongs hired kids," one resident said. "The kids rapidly outgrew the tongs. Now the tail wags the dog."

Nancy Ryan, who began working in Chinatown in 1976, after graduating from Yale Law School, is, as much as anyone, a historian of the gangs. She has prosecuted more of their members than anybody else in the city, and her version of gang history confirms the conventional wisdom. "People who were made gang members in the seventies tell me very similar stories," she said. "They were twelve-, thirteen-, fourteen-year-olds, new immigrants from Hong Kong. They didn't know English, their parents were off working, they could look forward to rising to the level of waiter, maybe, or being a

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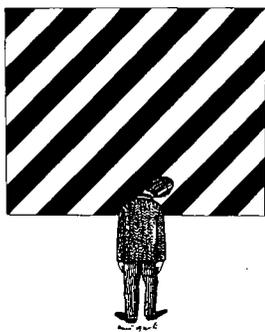
garment worker forever, and they were being picked on by other ethnic groups. At first, they banded together for self-protection, no heavy artillery. Then they began associating with an older group—men doing a lot of robberies. They got bolder and acquired guns from elders in the tongs, and claimed territories. In the early seventies, we had a lot of gang warfare—kids facing off across city thoroughfares and just shooting madly. Somehow, around that time, in a way that's not clear to me, they took up with the tongs. The relationship is symbiotic. The gangs use the tongs to enhance their own prestige. They also make money collecting payoffs from the tongs' gambling houses and acting as lookouts for the police. The tongs protect the gangs and use them to enhance *their*

prestige, because the gangs inspire terror. There were a lot of drugs in the early seventies in Chinatown, and the story I got was that On Leong was not happy with the drug trafficking of the gang that controlled Mott Street then—the White Eagles—so in 1974 it replaced them with the Ghost Shadows. A lot of the Ghost Shadows and the Flying Dragons are members of the tongs. Hip Sing denies it, but that's a lot of nonsense—the gang's activities can be traced to the tong.”

In the mid-seventies, Ryan went on, the gangs grew more independent, graduating to organized crime, and extortions and robberies, on their own. “The stores paid without hesitation,” she said. Then she broke off to tell me about Eddie Chan, who ran On Leong in the late seventies and early eighties. A former staff sergeant in the Hong Kong police department, he had left Hong Kong, along with some forty other policemen, in the early seventies, during an investigation of corruption in the department. Chan was said to have made millions from illegal activities by then. He arrived in New York in 1975, opened a jade and antique store, and rapidly acquired a funeral parlor and interests in a chain of movie theatres, several restaurants, a gold exchange, and a Hong Kong commodities company. He engaged the services of Michael Nussbaum, a New York political consultant, and Nussbaum introduced him to senators and con-

gressmen. Chan was called Fast Eddie by the police, for his swift ascent to the national presidency of On Leong.

By the late seventies, crime and gang warfare had become rampant in Chinatown. Alarmed by this situation, the New York Police Department authorized a group of detectives to investigate Asian crime. The group, which became known as the Jade Squad, was led by Sergeant James A. McVeety, who retired last year after thirty-three years of police work. The squad was



given jurisdiction to work anywhere in the city, and began making inroads into Chinatown. Those inroads led to the only federal prosecution so far of a Chinatown gang, the Ghost Shadows. (Last month, thirteen people, all but one of them members of a Queens gang, the Green Dragons, were

indicted under the Racketeer Influenced and Corrupt Organizations act.)

“In 1984, we indicted twenty-five Ghost Shadows for racketeering,” Ryan told me. The case had its beginnings with an anonymous tip indicating that a white woman whose body was dumped in the precinct in 1982 had been killed by the gang.

“The detectives went out with photos of the victim and asked a group of kids on Mott Street if they’d seen her,” McVeety said. “Our informant was with them. He noticed one kid shy away, and later he asked him why. He said, ‘Because we killed her.’”

Ryan, who prosecuted the case, recalled, “They picked the victim up in a bar, and she went to one of their apartments, not knowing they were Ghost Shadows. She had sex with one of them, then the rest of the gang came up to the apartment. She refused to have sex with the others, and one of them rushed at her with a cleaver. Eventually, seven raped her, then they sat around playing a kid’s game—rock, paper, scissors—to decide who was going to kill her. They left their lighters around the body, providing a flickering light. It turned out that gang rape was not uncommon.”

The same informant helped the Jade Squad and Ryan develop the 1984 case. The Ghost Shadows were charged with eighty-five crimes, spanning more than a decade—among them thirteen murders, forty-three acts involving

murder, nine acts involving extortion, and two acts involving bribery. The investigators tape-recorded two extortions; negotiations between a gang leader and a gambling house about money; and a gang-initiation ceremony. A government summary of the charges alleged that proceeds from crime were used for “lawyers’ fees, bail money, and other legal expenses; entertainment, meals, and spending money for the ‘kids’ . . . and—of critical importance—gang apartments and guns.” It also described recruitment tactics: in schoolyards, for example, teen-agers were beaten by gang members while others recited the advantages of membership—girls, money, cars.

Somehow, Eddie Chan got away; he left the country secretly about a month after the indictment of On Leong’s gang was made public. “We were trying to develop a case against him,” District Attorney Morgenthau told me. Three months before Chan fled, the President’s Commission on Organized Crime had identified him as the leader of organized crime in Chinatown. A rumor spread that he was going to be arrested, and in the space of a few days Chinatown depositors withdrew six million dollars from the United Orient Bank, in which Chan was a major shareholder. By the time Chan disappeared, he had become a prominent Asian-American spokesman: fêting politicians at banquets, testifying before Congress, lobbying for larger immigration quotas, contributing to Ronald Reagan’s 1984 reelection campaign and to the campaigns of local Democrats, among them Donald Manes, Geraldine Ferraro, and Mario Biaggi.

With Chan’s rout, and with half the Ghost Shadows in prison—all twenty-one who were caught pleaded guilty—Hip Sing was riding high in the mid-eighties. Around that time, Robert Stutman, then the head of the Drug Enforcement Administration in New York, grew concerned about the rise in purity of heroin on the Lower East Side and in Harlem and the Bronx. China White, a variety of heroin whose street purity is as high as eighty-five per cent, was inundating the streets. The drug comes from the Golden Triangle, the area where Laos, Burma, and Thailand meet, and makes its way to Chinatown through Hong Kong—the Chinese Connection. “We were missing the boat—we knew nothing about Chinese

✓ Grand jury indicts sweatshop operators

LOS ANGELES — Nine Thai nationals including a 65-year-old boss called "Auntie" were indicted by a federal grand jury for allegedly running a sweatshop that enslaved illegal immigrants under threat of rape and death.

Eight of the defendants were being held without bail pending arraignment Monday. The ninth was in Thailand, where a warrant for his arrest would be issued.

The indictment, handed down Thursday, said the defendants recruited workers, mostly women, in Thailand and took them to a California apartment complex where a labor camp was set up. The workers were held against their will, and their mail was censored and their phone calls monitored, it said.

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By Malcolm Gladwell
and Nancy Reckler
Washington Post Staff Writers

NEW YORK, Aug. 18—A prominent Wall Street investment adviser who owes almost \$600,000 in child support was packed off to jail today by a judge who told him he will remain there until he starts paying the money he owes his children.

Jeffrey Nichols, 47, who sat somberly in the witness box throughout the hearing, told New York state civil court Judge Phyllis Gangel-Jacob he was broke, owning only the \$5,000 watch on his wrist and the furniture in his second wife's house, and begged to be released so that he could get back to his job and earn more money.

But Gangel-Jacob refused to believe him, calling Nichols, now a self-employed consultant specializing in precious metals, a "sophisticated businessman" with the financial connections to raise large amounts of money. After the hearing, Nichols—who until this month lived in a \$500,000, five-acre house in rural Vermont with seven pure-bred dogs, a horse and swimming pool—was immediately taken to the Bronx House of Detention.

"I think justice has been served," Nichols's ex-wife, Marilyn Nichols Kane, told reporters later on the steps of the courthouse. The decision, she said, would "get the word out to parents who are making a choice to not make any payments to their children—those who have no regard for the lives and well-being of their children—this will not be tolerated."

Nichols's imprisonment was a dramatic finale to a seemingly endless legal

battle in which he moved three times, threw up a variety of legal barricades and hid his money in an offshore bank account in the British West Indies with the result that since 1990 he has not paid a dime in child support. On Aug. 8, using a new federal law targeting the most egregious deadbeat fathers, FBI agents arrested Nichols at his Vermont residence. On Monday in a Manhattan federal court, Nichols was arraigned on charges of failing to pay \$580,000 in child support, an amount that legal experts said may

make him the country's leading deadbeat dad.

Nichols was released that day on \$500,000 bond. But as he left that courthouse, he was immediately arrested by New York City sheriffs on state contempt-of-court charges dating to 1990 when he first fled Manhattan, owing \$68,000. That was the sum at issue in today's hearing and for which Nichols was jailed. In testimony before the court, Nichols said he had already sold his second wife's horse, one of her dogs and a camera to help make bail on the federal charges he faced Monday.

Speaking softly, his eyes hidden by dark glasses, the investment counselor said he owned no cars, personal property or bank accounts outside the United States and had earned no money since the middle of May because he was caring for his second wife who had cancer. She died this summer, just days before he was arrested.

"My sole reason in coming back here is to make restitution to my first wife and my previous children," Nichols told the court. "I came back to New York knowing full well what I faced. Somehow I have gone astray the past five to six years. I have no one to blame but myself. I hope some day [my family] will speak to me again. I would like to put this episode behind me."

Nichols and Kane met while students at New York University and were married in 1968. He became vice president at the prestigious Wall Street investment house of Goldman Sachs and the couple had three children, Joshua, Julie and Joseph. In 1985, however, Nichols left his wife, claiming he was depressed. Then in 1990, just after his divorce became final, he abruptly stopped paying court-ordered child support of \$9,000 a month and left Manhattan. Thus began a five-year odyssey for Marilyn Nichols Kane, all of which revolved around one simple and frustrating fact: Child support laws in the United States are administered by the states, which meant that every time Nichols moved, Kane had to start the lengthy legal process of seeking the payments all over again.

"It's a very cumbersome system," said Kane's attorney, Suzanne Colt. "Every time he went to a new state he could raise new defenses and delay and delay and delay."

Nichols's first stop was Toronto, where he fled in 1990 with his fiancée, Suzan Jane Orriss, a receptionist he later wed. Later that year, when Kane fell behind in her rent and was facing eviction, she tracked down her ex-husband and demanded payment. In a letter replying to Kane's demands, Nichols's new wife wrote: "We are delighted. We understand there are suitable accommodations at the Armory on 25th Street."

In 1993 Nichols moved to Boca Raton, Fla., a fact Kane learned when he was quoted in a local newspaper article. She took him to court there, but he held up the legal process by a year, claiming that the children he was supposed to be supporting were not his. The judge was then forced to order blood tests to establish paternity before requiring Nichols to resume payments. Finally, in late 1993, a Palm Beach judge ordered him to pay \$400,000 in child support. Rather than pay, Nichols walked away from the house he had put up as security for bail and moved to Vermont. There Kane found him again and started the legal process once more, finally winning a \$500,000 judgment against her ex-husband in December 1994.

Kane's lawyers then were able to convince federal prosecutors in New York to take up the case under the 1992 Child Support Recovery Act, which permits the use of the federal court system to track down the very worst offenders. He was arrested by the FBI earlier this month.

Today in court, Nichols detailed at length his reduced financial circumstances and appeared at times contrite about what he had done over the past five years.

"I had a wonderful relationship with my children prior to my separation," he said at one point, remembering better times. "I believe they liked me very much. I worked hard to be a good father."



U.S. Department of Justice

Immigration and Naturalization Service
Atlanta District Office

NEWS RELEASE

FOR IMMEDIATE RELEASE
JUNE 17, 1995

CONTACT: Mary Schuneman
Tom Fischer
PHONE: 404/331-0253

OPERATION SOUTHPAW CRACKS DOWN ON ILLEGAL WORKERS IN THE SOUTHEAST

Makes Way for America's Workers, Removes Illegal Aliens from U.S.

ATLANTA -- Immigration and Naturalization Service Commissioner Doris Meissner announced today that Operation SouthPAW, an unprecedented effort to crackdown on illegal employees at the worksite, has resulted in the arrest of 881 illegal aliens over a two-week period and has opened up jobs totalling nearly \$8 million in salaries to America's workers.

SouthPAW, which stands for Protecting America's Workers, began in the Atlanta area on June 5 and continued this week in Alabama. It will continue in other areas of the Southeast, using a concentration of agents from INS offices around the South.

Meissner said that in the past two weeks, INS has sent teams of immigration agents to about 100 workplaces and arrested workers who did not have proper documentation, were involved with using fraudulent documents or reentered illegally after prior deportation. The agency then processed illegal aliens for identification and removed them from the country by INS bus and aircraft. More than 17 planes and busses have gone to more than 20 countries since last Monday. 97% of the aliens arrested have been removed from the U.S.

"These illegal workers were taking jobs from legal workers, Meissner said. "We want to ensure that employers hire only those lawfully eligible to work."

Meissner added, "We must eliminate the magnet of jobs that has been drawing illegal workers over our borders for decades. Cracking down on illegal workers is a key piece of the Administration's strategy for controlling our borders."

"This effort is consistent with President Clinton's directive to federal agencies to work together to combat illegal immigration," she stated. "We are putting in place a seamless web from America's borders to America's workplaces."

(more)

Teams of agents have also been responding to referrals from state and local law enforcement authorities of routine highway vehicle stops. Referrals have been made when the occupants of the vehicles are suspected of being illegal aliens. Referrals have been responsible for approximately close to 10% of the total arrests.

In addition to arresting and removing illegal aliens, INS has also recovered approximately 150 pounds of narcotics, worth more than \$120,000.

As Operation SouthPAW continues, INS will be developing intelligence on alien smuggling and fraudulent document vendors through interviews with illegal aliens and employers.

Operation SouthPAW was conceived when INS recognized a recent growth in the migration of illegal immigrants to the Southeast. INS offices throughout the Southeast have received complaints from the public, law enforcement agencies and elected officials about the presence of these illegal workers and the negative impact of the migration on lawful workers.

Approximately 130 INS employees from the Atlanta, Miami and New Orleans Districts and the Miami and New Orleans Border Patrol Sectors are participating in this operation.



U.S. Department of Justice

Immigration and Naturalization Service
Atlanta District Office

OPERATION SOUTHPAW (PROTECTING AMERICA'S WORKERS)

FACT SHEET

Operation SouthPAW (Protecting America's Workers) is a multi-jurisdictional, multi-agency enforcement initiative with three major objectives:

- enforce the employer sanctions provisions of the law;
- educate employers of their responsibilities and provide them with eligible workers to replace lost workers as a result of the enforcement effort; and
- take into custody and remove from the U.S. those people illegally working and residing in the U.S.

Operation SouthPAW commenced in the Atlanta area on June 5, 1995, and continues in northern Alabama and northwest Georgia this week (June 12-16).

881 illegal aliens have been arrested since June 5. 575 of these were in Georgia and 306 were in Alabama.

Total estimated annual salaries of the arrested illegal aliens is nearly \$8 million.

Of the 881 arrested, 97% have been deported. After processing to determine the individuals' identities, the arrestees have been removed from the U.S. by INS bus and aircraft.

Arrested aliens are nationals of more than 20 countries including China, Taiwan, Guatemala, Haiti, Mexico, Nigeria, Pakistan, Sierra Leone, El Salvador, Gambia, Columbia, Russia, United Kingdom, and Honduras.

INS has identified as many as 185 businesses throughout the Southeast as potential targets for this operation.

Teams of INS agents have surveyed more than 100 businesses, averaging 10 per day, including construction, service, manufacturing (furniture, batteries), food (restaurants, poultry processing, cheesecake factory), and agriculture.

The U.S. Department of Labor (DOL) and the Social Security Administration (SSA) are INS partners in Operation SouthPAW to identify violations of laws particular to each department's jurisdiction.

INS created education teams consisting of INS, DOL and SSA personnel to follow up with employers after the arrests. These teams meet with management to raise the employers' awareness of their responsibilities in complying with the laws and to help them contact state and local employment agencies to fill newly vacant positions.

Operation SouthPAW reflects the Administration's commitment to controlling the border coupled with interior enforcement to ensure America's workers have access to American jobs. In addition to removing illegal workers from the worksite, the INS dispatches teams of examiners for follow-up visits to educate employers and help them replace lost workers. These education teams meet with management to provide employment agency contacts for recruitment of lawful workers and also brief managers on how to comply with the laws and identify fraudulent documents.

Inspectors and examiners from the Department of Labor (DOL) and the Social Security Administration (SSA) are partnering with INS in the worksite actions and follow-up visits. The DOL's participation is part of its enforcement efforts for wage and hour, occupational safety and health and child labor laws. The SSA's enforcement efforts include adherence to employment tax laws and identifying fraudulent social security documents. The INS has also worked with state and local employment agencies to facilitate replacing workers.

Tom Fischer, INS Atlanta district director, has been working with community and law enforcement leaders to facilitate the implementation of the project. "We want to work closely with employers and communities in the Southeast to ensure they know we'll be their partner in this effort," said Fischer.

This approach to helping businesses hire legal workers is already in effect in the INS Central Region. Operation Jobs, which began in Dallas, Texas, as a pilot project, has successfully removed more than 2,231 illegal aliens from the U.S. since its inception in late 1992.

INS offices working on SouthPAW are the Atlanta, Miami and New Orleans districts and the Miami and New Orleans Border Patrol Sectors.

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The Birmingham News

June 13/90

Protecting American jobs

Federal agents search area for illegal aliens

By Carol Robinson
News staff writer

at Cagle Inc., a chicken plant in Collinsville, were led away in handcuffs during a federal raid on illegal aliens.

Alabama is the second stop in a wave of raids that will encompass nine states in the Southeast. Agents from across the country launched the program last week in Atlanta.

Manuel Jose knows how it feels to be hunted down by agents of the U.S. Immigration and Naturalization Service and the Border Patrol.

Once an illegal alien working for a landscape company in Arizona, Jose was deported to Mexico in the early 1980s after authorities nabbed him without the proper papers needed to remain in the United States. With green card in hand on Monday, Jose watched as his friends and co-workers

"It no feel good," he said. The raid in Collinsville was one of several Monday throughout Alabama targeting illegal aliens working in the state. The effort is part of Operation South PAW (Protecting America's Workers), an interdiction program designed to give American jobs back to American laborers. Authorities are focusing on factories and plants — mostly light industry — where large numbers of illegal aliens are believed to be employed.

The first round of raids in Alabama — which targeted two chicken processing plants and a Mexican restaurant — netted 37 illegal aliens, fewer than half of what authorities expected to round up on their first day. Of those arrested, one was a convict deported from the United States for a 1991 drug conviction and another said he fled last week from Georgia after federal agents swarmed Atlanta.

The manager of one of the plants raided

See Aliens, Page 10A

Aliens

From Page 1A
Monday told INS officials that 200 of his employees failed to show up for work on Monday.

"That means we're here and they know it," said Tony Papasso, an INS supervisory special agent out of New Jersey. "The word is out."

Several teams of federal agents launched their assault on the workers just after lunch on Monday. One team raided the former site of Dos Amigos restaurant on U.S. 280. A second team descended on Tyson Foods in Gadsden and a third team raided Cagle.

The agents reached Cagle about 3:30 p.m., just after the second-shift workers had clocked in. Cagle workers said the second shift has the largest number of Hispanic employees.

A carload of first-shift workers stayed around to watch impassively as co-workers were questioned and asked to produce identification.

"All that you can see on the second shift is Mexicans and Guatemalans. They'll probably catch a lot of them," said a woman employee who

didn't want her name used. "It's sad, but we need our jobs as bad as they do."

Agents at Cagle detained all of the Hispanic workers inside while they checked their papers. Outside, a search of the parking lot turned up several illegal aliens hiding in cars and two who tried to dash to freedom.

One of the workers, wearing a bright red T-shirt, made a run for it across a wide-open cornfield. Another sprinted toward a heavily wooded area, occasionally glancing back over his shoulder to see if agents were gaining on him. In both escape attempts, the INS helicopter hovered close over each man until agents were able to reach and detain him.

Officials said no one was injured in any of Monday's raids.

In the past, INS and other federal agencies have focused their investigations of illegal aliens in states such as California, Texas, Florida, New York, New Jersey, Illinois and Arizona.

"Outlying areas didn't always get

the attention they needed," Papasso said. "This is the first time we've ever mounted anything like this, this interior enforcement."

In Alabama, officials have said they are capturing a growing number of illegals on their way to find jobs, estimating there are thousands working illegally throughout the state. The number of illegal foreign workers detained by the U.S. Border Patrol at Mobile grew to 1,480 in 1993, compared to 1,100 two years ago.

In January, about 100 illegal aliens were arrested in a sweep, mostly in Cullman County.

Officials estimate 250,000 to 500,000 undocumented people are thought to settle in the United States each year.

"It's a problem all over the country," Papasso said. "Birmingham is no different. It has the same problems as everyone else."

Last week, the teams rounded up 500 illegal aliens in four days working out of a headquarters in Atlanta. The average wage paid the Georgia illegals was \$6.50 an hour but went their native countries.

as high as \$12.50, officials said. "In Atlanta, people on unemployment last Monday were earning an hour by Friday," said W. Freexander, deputy district director the INS in Atlanta. "I'm sure will be several hundred job openings in Birmingham by the end of week."

Officials from the Alabama Department of Industrial Relations and the U.S. Department of Labor will work with companies to make sure they are replaced by legal workers. Border patrol vans will be put on highways to look for the expatriated workers that suppliers try to bring in to replace the deported workers.

Five buses have been brought to transport illegal workers back to Mexico. The first was scheduled to leave today from the makeshift processing center at the National Armory at Birmingham International Airport. DC-10s also are available if needed to return aliens to their native countries.



FACT SHEET

June 16, 1995
REVISED

Illegal Aliens Apprehended at Job Sites

Employer Sanctions

- With the passage of the Immigration Reform and Control Act (IRCA) of 1986, it became illegal for employers to knowingly hire people who are not authorized to work in the United States. The intent of Congress was to ensure that jobs are available for people who are legally allowed to work here.
- All employees hired after November 6, 1986, regardless of citizenship, must show employers certain documents to establish both identity and employment eligibility.
- Employers, in turn, must verify the identity and employment eligibility of everyone they hire. Employers cannot discriminate against individuals on the basis of national origin or citizenship.

When Someone is Arrested at the Worksite

- An alien whose offense is being in the United States illegally and/or working illegally is charged with an administrative offense, as opposed to a criminal offense.
- All apprehended persons have access to due process of the law.
- Once apprehended, all illegal aliens must review, understand and sign a notices (Form I-826, I-827A and I-827B) detailing their rights and options. These include:
 1. The opportunity for Voluntary Removal
 2. The right to a Formal Deportation Hearing
 3. Representation by Legal Counsel
 4. The right to Bond Determination
 5. Communication with Consular Officials from home country

—More—

- Form I-826 states, in part: *In the United States you have rights when you are arrested. This notice will explain some of those rights. You must sign below to show that you have received a copy of this notice and understand it. Please read this notice carefully before deciding what you wish to do. You should not sign anything else until you have read this notice and understand the rights it explains.*
- The large majority of aliens choose Voluntarily Removal — avoiding the possibility of detention and formal deportation proceedings.

Voluntary Removal

- In its discretion, the Government may permit qualified aliens to depart voluntarily from the United States in lieu of deportation. Qualified aliens include those who have not been convicted of an aggravated felony or other crimes specified by Immigration law. Aliens with a final order of deportation for immigration civil document fraud and persons engaged in terrorist and related activities are not eligible for Voluntary Removal.
- Forms I-827A/B permit an alien to request either a hearing before an immigration judge or voluntary departure. In addition, Form I-827B requires aliens to state whether or not they believe they will face harm if returned to their country. All aliens who state they believe they will face harm have their cases referred to an immigration judge.
- All aliens who agree to Voluntary Removal must review, understand and sign a statement which reads, in part: *I admit that I am in the United States illegally. I have received and understand the rights explained in the Notice of Rights. I wish to give up my right to a hearing before an immigration judge, and my right to a bond determination. I wish to return as soon as arrangements can be made to effect my departure. I understand that I may be held in detention until my departure. (I-827A/B)*
- No illegal alien who is amenable to removal is removed from the United States against his will unless he has been ordered deported after a due process hearing.

Formal Deportation

- Any alien held in custody for deportation proceedings is:
 - 1) Provided with a list of organizations that provide free or low-cost legal representation.
 - 2) Allowed to make a telephone call.
 - 3) Fed at least twice every 12 hours.
 - 4) Allowed to briefly see visitors (visitors may bring them money and a limited amount of clothing and personal belongings).

- Form I-826 states: *You have the right to a deportation hearing to determine whether you may remain in the United States. If you request a deportation hearing, you may be represented at the hearing by counsel at no expense to the government of the United States. To insure your presence at your hearing you may be detained unless you are able to post a sum of money which you will lose if you do not appear. If you appear at all required hearings and other requests for appearance, your money will be returned.*

- Deportation is a legal process wherein an administrative decision concerning deportability is made by an Immigration Judge under the jurisdiction of the Executive Office of Immigration Review (EOIR) within the Department of Justice. (EOIR is not part of the Immigration and Naturalization Service.)

- Unless appealed and reversed by a higher authority, either the Board of Immigration Appeals or a Federal Court, a finding of deportability made by an Immigration Judge is final.

- Pending a final decision on the case, an alien may be held in custody.

- Certain aliens may be eligible for release, for example, after posting a bond to ensure appearance at a hearing. Should an alien fail to appear at the prescribed time and place of the hearing, the alien's bond can be forfeited, he may be ordered deported in absentia, or he may become subject to re-arrest and detention.

Representation by Counsel

- *Form I-826 states, in part: If you have any questions regarding any of your rights you can speak with an attorney or representative who can explain your rights.... The officer who gave you this notice will give you a list of organizations that can provide legal information.... You have the right to use a telephone to call a lawyer or other representative. If you wish to place such a call, you should inform the officer. You may contact a lawyer or any other legal representative at this time or at any time prior to your departure from the United States.*

Communication with Consular Officials from Home Country

- *Form I-826 states, in part: You may talk to the consular or diplomatic officer of your country.*

Criminal Aliens

- Sometimes aliens apprehended by the INS at a job site turn out to have a criminal record or are wanted by other law enforcement agencies. These people, too, are afforded due process rights. Aliens subject to criminal prosecution are turned over to the appropriate law enforcement agency.
- If prosecuted and sentenced by a criminal court, a criminal alien may be placed in a local, state or federal prison. The INS will place a "detainer" on that alien, which means that the INS will regain custody (for removal proceedings) upon completion of the sentence.
- Deportation hearings can be held at certain prison sites.

Unaccompanied Minors

- If relatives of an apprehended unaccompanied minor cannot be located, the minor will be detained in accordance with Federal regulations. Every effort to locate a family member will be made, and Consular officials of the minor's country will be contacted for assistance in this and other matters.

Civil Document Fraud

- Anyone who is in possession of fraudulent documents that were used to gain employment may be charged with civil document fraud. If an individual is found to have engaged in document fraud activity, he is subject to removal from the United States and is not eligible for any later visa or entry. No waiver of that ban is available.

Name of Subject: _____

A- Number (if any): _____

NOTICE OF RIGHTS

You have been arrested because immigration officers believe that you are illegally in the United States. In the United States, you have rights when you are arrested. This notice will explain some of those rights. You must sign below to show that you have received a copy of this notice and understand it. Please read this notice carefully before deciding what you wish to do. You should not sign anything else until you have read this notice and understand the rights it explains.

RIGHT TO BE REPRESENTED BY AN ATTORNEY OR REPRESENTATIVE

If you have any questions regarding any of your rights you can speak with an attorney or representative who can explain your rights, including any relief that may be available to you from deportation. The officer who gave you this notice will give you a list of organizations that can provide legal information. Representatives from these organizations will speak to you for free or for a small fee, and some of them might speak your language. You have the right to use a telephone to call a lawyer or other representative. If you wish to place such a call, you should inform the officer. You may contact a lawyer or other legal representative at this time or at any time prior to your departure from the United States.

RIGHT TO A HEARING BEFORE AN IMMIGRATION JUDGE

If you do not want to return to your country, you have a right to a hearing before an immigration judge, who will determine whether you can remain in the United States. If you request a hearing, you may be represented at the hearing by a lawyer or other legal representative at your own expense. If you cannot afford to pay a lawyer, you may contact an organization on the list of free legal services. For example, if you are married to a U.S. citizen or permanent resident, or have lived in the U.S. for seven years or longer, and have not been convicted of a serious crime, you may be eligible for relief from deportation. If you are not allowed to remain in the United States, an immigration judge may allow you to leave voluntarily or may order you deported.

RIGHT TO BOND DETERMINATION

You may be eligible to be released on bond. A bond is a sum of money that is provided by you or by someone else for you, which the government may keep if you do not appear at all hearings and other required appearances. You may continue to be detained unless you are able to post bond. If you are present at all hearings and other required appearances, the money will be returned. You have a right to ask the immigration judge to lower the amount of your bond.

COMMUNICATION WITH CONSUL

You may talk to the consular or diplomatic officer of your country. If you wish to do so, your legal representative or the officer who gave you this notice may be able to help you get in touch with the proper person.

Signature of Subject

Name of Service Officer (Print)

Signature of Service Officer

Date and Time

_____ Form read to subject by officer/interpreter (Specify) in the _____ language.

Interpreter: _____

_____ Form read by subject.

Nombre de la Persona: _____

A- Numero: _____

NOTIFICACIÓN DE DERECHOS

Usted ha sido arrestado porque oficiales de Inmigración creen que usted está en los Estados Unidos ilegalmente. En los Estados Unidos usted tiene derechos cuando se le arresta. Esta notificación le explica algunos de esos derechos. Usted debe firmar abajo para demostrar que recibió una copia de esta notificación cuidadosamente antes de decidir lo que desea hacer. No debe firmar nada hasta que haya leído esta notificación y entienda los derechos que explica.

DERECHO A SER REPRESENTADO POR UN ABOGADO O REPRESENTANTE

Si tiene alguna pregunta en relación a sus derechos, puede hablar con un abogado o representante quien le puede explicar sus derechos, incluyendo cualquier remedio que esté disponible para que usted no sea deportado. El oficial que le entregó esta notificación le entregará una lista de organizaciones que le pueden proveer información de tipo legal. Representantes de esas organizaciones hablarán con usted sin costo alguno o por una suma muy pequeña y es posible que algunos de ellos hablen su idioma. Usted tiene derecho a usar el teléfono para llamar a un abogado u otro representante. Si desea hacer esa llamada, debe informárselo al oficial. Usted puede comunicarse con un abogado u otro representante legal en este momento o en cualquier otro momento antes de su partida de los Estados Unidos.

DERECHO A UNA AUDIENCIA ANTE UN JUEZ DE INMIGRACIÓN

Si usted no desea regresar a su país, tiene derecho a una audiencia ante un juez de inmigración, quien determinará si usted puede permanecer en los Estados Unidos. Si usted solicita una audiencia, puede estar representado en ella por un abogado u otro representante legal cuyos servicios usted pagará. Si usted no puede pagar un abogado, puede comunicarse con una de las organizaciones en la lista de servicios legales gratuitos. Por ejemplo, si usted está casado con un ciudadano de los Estados Unidos o con un residente permanente de los Estados Unidos, o si usted ha vivido en los Estados Unidos durante siete años o más y no ha sido convicto de ningún delito serio, puede ser que usted no tenga que ser deportado. Si a usted no se le permite permanecer en los Estados Unidos, un juez de inmigración le puede permitir que se vaya voluntariamente o puede ordenar su deportación.

DETERMINACIÓN DE DERECHO A FIANZA

Es posible que usted sea elegible para quedar en libertad bajo fianza. Una fianza es una cantidad de dinero prestada por usted o por alguna otra persona en su lugar, que el gobierno puede retener si usted no se presenta a todas las audiencias en la corte y otras citas que se le requieran. A usted se le puede continuar deteniendo a menos que preste una fianza. Si usted va a todas las audiencias en la corte y otras citas que se le requieran, el gobierno le devolverá el dinero de la fianza. Usted tiene el derecho de pedir al juez de inmigración que rebaje la cantidad de la fianza.

COMUNICACIÓN CON EL CONSUL

Usted puede hablar con el oficial consular o diplomático de su país. Si desea hacerlo, su representante legal o el oficial que le entregó esta notificación puede ayudarle a comunicarse con la persona apropiada.

Firma de la Persona

Nombre del Oficial de Inmigración
(Letra de Molde)

Firma del Oficial de Inmigración

Fecha y Hora

El documento fue leído a la persona por oficial/intérprete (Especifique) en el idioma _____

Intérprete: _____

El documento fue leído por la persona.

Request for Disposition

I request one of the following dispositions of my case:

- (1) I request a hearing before an immigration judge to determine whether or not I may remain in the United States.

Signature of Subject

Date and Time

- (2) I admit that I am in the United States illegally. I have received and understand the rights explained in the Notice of Rights. I wish to give up my right to a hearing before an immigration judge, my right to apply for relief before an immigration judge, and my right to a bond determination. I wish to return as soon as arrangements can be made to effect my departure. I understand that I may be held in detention until my departure. I also understand that if the U.S. Government pays for my transportation out of the United States, I cannot return for five years unless I first obtain permission from the Attorney General. If I pay for my own transportation, I do not need that permission.

I also understand that if I depart the U.S. after the scheduled date of departure, I may not be eligible for relief from deportation, including the waiver for criminal convictions under Section 212(c), voluntary departure, or adjustment of status, for five years after the scheduled date of departure or the date of unlawful reentry.

Signature of Subject

Date and Time

Name of Service Officer (Print)

Signature of Service Officer

_____ Form read to subject by officer/interpreter (Specify) in the _____ language.

_____ Interpreter: _____

_____ Form read by subject.

Subject's Nationality: _____ Canadian _____ Mexican

Solicitud de Disposición

Solicito se disponga de mi caso de una de las siguientes formas:

- (1) Solicito una audiencia ante un juez de inmigración para que se determine si puedo quedarme o no en los Estados Unidos.

Firma de la Persona

Fecha y Hora

- (2) Admito que estoy en los Estados Unidos ilegalmente. He recibido y entiendo los derechos explicados en la Notificación de Derechos. Deseo renunciar a mi derecho a una audiencia ante un juez de inmigración, a mi derecho a solicitar un remedio ante un juez de inmigración y a mi derecho a que se me fije una fianza. Deseo regresar tan pronto se puedan hacer arreglos para efectuar mi partida. Entiendo que se me puede detener hasta mi partida. También entiendo que si el gobierno de los Estados Unidos paga los gastos de transportación para mi partida de los Estados Unidos, no podré regresar dentro de los próximos cinco años a menos de que obtenga primero un permiso del Procurador General. Si al irme pago mis propios gastos de transportación, no necesitaré tal permiso.

También entiendo que si no me voy del país en la fecha que se me indique, puedo perder la posibilidad de obtener un remedio contra la deportación, incluyendo la salida voluntaria, o el ajuste de estado migratorio, durante los próximos cinco años a partir de la fecha en que entraré ilegalmente o a partir de la fecha en que debería haber abandonado el país.

Firma de la Persona

Fecha y Hora

Nombre del Oficial de Inmigración
(Letra de Molde)

Firma del Oficial de Inmigración

El documento fue leído a la persona por oficial/intérprete (Especifique) en el idioma _____.

Intérprete: _____

El documento fue leído por la persona.

Nacionalidad de la Persona: _____ Canadiense _____ Mexicana

Request for Disposition

Please read the following and select the statement that is appropriate:

- I believe I face harm if I return to my country.
My case will be referred to a judge for a hearing.
- I believe I do not face harm if I return to my country.

Signature of Subject

Date and Time

I request one of the following dispositions of my case:

- (1) I request a hearing before an immigration judge to determine whether or not I may remain in the United States.

Signature of Subject

Date and Time

- (2) I admit that I am in the United States illegally. I have received and understand the rights explained in the Notice of Rights. I wish to give up my right to a hearing before an immigration judge, my right to apply for relief before an immigration judge, and my right to a bond determination. I wish to return as soon as arrangements can be made to effect my departure. I understand that I may be held in detention until my departure. I also understand that if the U.S. Government pays for my transportation out of the United States, I cannot return for five years unless I first obtain permission from the Attorney General. If I pay for my own transportation, I do not need that permission.

I also understand that if I depart the U.S. after the scheduled date of departure, I may not be eligible for relief from deportation, including the waiver for criminal convictions under Section 212(c), voluntary departure, or adjustment of status, for five years after the scheduled date of departure or the date of unlawful reentry.

Signature of Subject

Date and Time

Name of Service Officer (Print)

Signature of Service Officer

_____ Form read to subject by officer/interpreter (Specify) in the _____ language.

_____ Interpreter: _____

_____ Form read by subject.

Solicitud de Disposición

Por favor puede usted leer lo siguiente y seleccionar la propia declaración:

- Creo que corro peligro si regreso a mi país.
Mi caso se referirá a un juez de inmigración para una audiencia.
- Creo que no corro peligro si regreso a mi país.

Firma de la Persona

Fecha y Hora

Solicito se disponga de mi caso de una de las siguientes formas:

- (1) Solicito una audiencia ante un juez de inmigración para que se determine si puedo quedarme o no en los Estados Unidos.

Firma de la Persona

Fecha y Hora

- (2) Admito que estoy en los Estados Unidos ilegalmente. He recibido y entiendo los derechos explicados en la Notificación de Derechos. Deseo renunciar a mi derecho a una audiencia ante un juez de inmigración, a mi derecho a solicitar un remedio ante un juez de inmigración y a mi derecho a que se me fije una fianza. Deseo regresar tan pronto se puedan hacer arreglos para efectuar mi partida. Entiendo que se me puede detener hasta mi partida. También entiendo que si el gobierno de los Estados Unidos paga los gastos de transportación para mi partida de los Estados Unidos, no podré regresar dentro de los próximos cinco años a menos de que obtenga primero un permiso del Procurador General. Si al irme pago mis propios gastos de transportación, no necesitaré tal permiso.

También entiendo que si no me voy del país en la fecha que se me indique, puedo perder la posibilidad de obtener un remedio contra la deportación, incluyendo la salida voluntaria, o el ajuste de estado migratorio, durante los próximos cinco años a partir de la fecha en que entraré ilegalmente o a partir de la fecha en que debería haber abandonado el país.

Firma de la Persona

Fecha y Hora

Nombre del Oficial de Inmigración
(Letra de Molde)

Firma del Oficial de Inmigración

_____ El documento fue leído a la persona por oficial/intérprete (*Especifique*) en el idioma _____.

_____ Intérprete: _____

_____ El documento fue leído por la persona.



U.S. Department of Justice

Immigration and Naturalization Service
Atlanta District Office

NEWS RELEASE

FOR IMMEDIATE RELEASE
JUNE 17, 1995

CONTACT: Mary Schuneman
Tom Fischer
PHONE: 404/331-0253

OPERATION SOUTHPAW CRACKS DOWN ON ILLEGAL WORKERS IN THE SOUTHEAST

Makes Way for America's Workers, Removes Illegal Aliens from U.S.

ATLANTA -- Immigration and Naturalization Service Commissioner Doris Meissner announced today that Operation SouthPAW, an unprecedented effort to crackdown on illegal employees at the worksite, has resulted in the arrest of 881 illegal aliens over a two-week period and has opened up jobs totalling nearly \$8 million in salaries to America's workers.

SouthPAW, which stands for Protecting America's Workers, began in the Atlanta area on June 5 and continued this week in Alabama. It will continue in other areas of the Southeast, using a concentration of agents from INS offices around the South.

Meissner said that in the past two weeks, INS has sent teams of immigration agents to about 100 workplaces and arrested workers who did not have proper documentation, were involved with using fraudulent documents or reentered illegally after prior deportation. The agency then processed illegal aliens for identification and removed them from the country by INS bus and aircraft. More than 17 planes and buses have gone to more than 20 countries since last Monday. 97% of the aliens arrested have been removed from the U.S.

"These illegal workers were taking jobs from legal workers, Meissner said. "We want to ensure that employers hire only those lawfully eligible to work."

Meissner added, "We must eliminate the magnet of jobs that has been drawing illegal workers over our borders for decades. Cracking down on illegal workers is a key piece of the Administration's strategy for controlling our borders."

"This effort is consistent with President Clinton's directive to federal agencies to work together to combat illegal immigration," she stated. "We are putting in place a seamless web from America's borders to America's workplaces."

(more)

after persons have been stopped for highway vehicle violations.

Teams of agents have also been responding to referrals from state and local law enforcement authorities of routine highway vehicle stops. Referrals have been made when the occupants of the vehicles are suspected of being illegal aliens. Referrals have been responsible for approximately close to 10% of the total arrests. ✓

In addition to arresting and removing illegal aliens, INS has also recovered approximately 150 pounds of narcotics, worth more than \$120,000.

As Operation SouthPAW continues, INS will be developing intelligence on alien smuggling and fraudulent document vendors through interviews with illegal aliens and employers.

Operation SouthPAW was conceived when INS recognized a recent growth in the migration of illegal immigrants to the Southeast. INS offices throughout the Southeast have received complaints from the public, law enforcement agencies and elected officials about the presence of these illegal workers and the negative impact of the migration on lawful workers.

Approximately 130 INS employees from the Atlanta, Miami and New Orleans Districts and the Miami and New Orleans Border Patrol Sectors are participating in this operation.



U.S. Department of Justice

Immigration and Naturalization Service
Atlanta District Office

OPERATION SOUTHPAW (PROTECTING AMERICA'S WORKERS)

FACT SHEET

Operation SouthPAW (Protecting America's Workers) is a multi-jurisdictional, multi-agency enforcement initiative with three major objectives:

- enforce the employer sanctions provisions of the law;
- educate employers of their responsibilities and provide them with eligible workers to replace lost workers as a result of the enforcement effort; and
- take into custody and remove from the U.S. those people illegally working and residing in the U.S.

Operation SouthPAW commenced in the Atlanta area on June 5, 1995, and continues in northern Alabama and northwest Georgia this week (June 12-16).

881 illegal aliens have been arrested since June 5. 575 of these were in Georgia and 306 were in Alabama.

Total estimated annual salaries of the arrested illegal aliens is nearly \$8 million.

if removed under safeguards.

Of the 881 arrested, 97% have been deported. After processing to determine the individuals' identities, the arrestees have been removed from the U.S. by INS bus and aircraft. ✓

Arrested aliens are nationals of more than 20 countries including China, Taiwan, Guatemala, Haiti, Mexico, Nigeria, Pakistan, Sierra Leone, El Salvador, Gambia, Columbia, Russia, United Kingdom, and Honduras.

INS has identified as many as 185 businesses throughout the Southeast as potential targets for this operation.

Teams of INS agents have surveyed more than 100 businesses, averaging 10 per day, including construction, service, manufacturing (furniture, batteries), food (restaurants, poultry processing, cheesecake factory), and agriculture.

The U.S. Department of Labor (DOL) and the Social Security Administration (SSA) are INS partners in Operation SouthPAW to identify violations of laws particular to each department's jurisdiction.

INS created education teams consisting of INS, DOL and SSA personnel to follow up with employers after the arrests. These teams meet with management to raise the employers' awareness of their responsibilities in complying with the laws and to help them contact state and local employment agencies to fill newly vacant positions.

Operation SouthPAW reflects the Administration's commitment to controlling the border coupled with interior enforcement to ensure America's workers have access to American jobs. In addition to removing illegal workers from the worksite, the INS dispatches teams of examiners for follow-up visits to educate employers and help them replace lost workers. These education teams meet with management to provide employment agency contacts for recruitment of lawful workers and also brief managers on how to comply with the laws and identify fraudulent documents.

Inspectors and examiners from the Department of Labor (DOL) and the Social Security Administration (SSA) are partnering with INS in the worksite actions and follow-up visits. The DOL's participation is part of its enforcement efforts for wage and hour, occupational safety and health and child labor laws. The SSA's enforcement efforts include adherence to employment tax laws and identifying fraudulent social security documents. The INS has also worked with state and local employment agencies to facilitate replacing workers.

Tom Fischer, INS Atlanta district director, has been working with community and law enforcement leaders to facilitate the implementation of the project. "We want to work closely with employers and communities in the Southeast to ensure they know we'll be their partner in this effort," said Fischer.

This approach to helping businesses hire legal workers is already in effect in the INS Central Region. Operation Jobs, which began in Dallas, Texas, as a pilot project, has successfully removed more than 2,231 illegal aliens from the U.S. since its inception in late 1992.

INS offices working on SouthPAW are the Atlanta, Miami and New Orleans districts and the Miami and New Orleans Border Patrol Sectors.

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Fears of a Border Rush Fall Short

■ Although the peso's plunge is driving many north, the predicted mass exodus has not materialized. Stricter U.S. enforcement, the recession and Prop. 187 are thwarting many would-be immigrants.

By PATRICK J. McDONNELL
TIMES STAFF WRITER

TIJUANA—A dispirited Pedro Estanislao was perched just inside the border fence, atop a mound of used tires. He contemplated an imposing phalanx of U.S. Border Patrol vehicles 200 yards to the north.

"The need in Mexico is greater than ever," said Estanislao, a 35-year-old father of three, who for years had resisted the lure of comparatively high wages in the north for the security of his home near Lake Patzcuaro in western Mexico. "But it's so hard to cross now."

Estanislao—thrown out of a job when the fertilizer plant where he worked shut its doors—is but one of thousands left unemployed as the Mexican economic abyss deepens. His plight says much about the contradictory scene unfolding along the border, where authorities have braced for a vast surge in illegal immigration since the peso's collapse in December.

Mexico's latest economic crisis has indeed driven more people to attempt the crossing. But the doomsaying forecasts of a mass exodus have not materialized.

"We don't see signs of huge shifts to the north, of Depression-era movements of people," said Robert Bach, executive associate commissioner for policy and planning for the U.S. Immigration and Naturalization Service.

The traditional peak spring season is almost over in this heavily trafficked corridor, which accounts for as many as half of all illicit crossers.

Arrests are up 30% border-wide, but immigration authorities, scholars and mi-

grants themselves attribute the increase largely to a single factor: bolstered enforcement.

During the January-May period, Border Patrol apprehensions are up in neighboring

San Diego, almost 20% more than the same period last year. And May was a near-record month, resulting in 67,282 arrests—more than 2,000 a day.

The strengthened ranks of agents around Tijuana has pushed some of the flow eastward: apprehensions in the Tucson area have also increased significantly, although the overall numbers are much less than near San Diego. The Clinton Administration has responded by adding agents in Tucson as well.

U.S. officials in San Diego have launched a major crackdown, dubbed Operation Gatekeeper, which has concentrated agents and equipment on the international line, where arrests are most likely. Meantime, Border Patrol staffing continues to increase in San Diego, now up to 1,350, almost double the level of 10 years ago.

Augmenting border agents and resources inevitably leads to more arrests, often repeat detentions. Some people have been arrested a dozen or more times, inflating apprehension statistics.

Even with increased enforcement, the overall numbers of arrivals do not approach the historically high levels of the mid-1980s, when far fewer resources were arrayed against what seemed to be an inexorable flow, officials say.

"We think we can control it, assuming conditions in Mexico don't get much worse, and don't go through the basement," said Bach, who heads a national border evaluation board.

Recession, Prop. 187 Cited

Interviews with scores of people here and in the Mexican interior indicate that two broad factors—the stricter enforcement and the diminished star of recession-ravaged, post-Proposition 187 California—are working to discourage some from venturing north, despite mounting economic pressures. Many who came to the border have returned to their homes in the Mexican interior, despairing of ever getting through, a phenomenon largely unheard of a few years ago.

"People always say it's difficult to cross, but I've never seen it as hard as it is now," said Jorge Campos, a brash 22-year-old who was heading back to his home in the industrial city of Leon after several unsuccessful efforts to enter. "There's *migra* on horses, on motorbikes, on foot, in Broncos. They're everywhere."

Still, the deepening economic distress is pushing some migrants to undertake the journey to the border and beyond, however uncertain the potential payoff. Heavily represented among first-time crossers: professionals, merchants, middle-class entrepreneurs and young men—all groups particularly vulnerable to the swirling economic currents buffeting the nation.

"I never thought this would happen to me," said Jaime Martinez, 27. His family dairy is headed for bankruptcy, he said, prompting him to seek his fortunes in the north.

The worst may be yet to come. After the much larger peso devaluation in 1982, the number of illegal border-crossers initially surged, then leveled off, and later continued to build for years.

"There are going to be more people coming, but the question is: How many more?" said Wayne A. Cornelius, a longtime scholar of Mexican immigration at the Center for U.S.-Mexican Studies at UC San Diego. "Is it going to be a predictable, absorbable increase? Or is it going to be a tidal wave?"

The border is weathering the almost tectonic collision of two contrary forces: broadening economic woe in the south and expanding enforcement in the north. The explosive potential, Cornelius said, "must be . . . defused in some way, if immigration is not to become the principal irritant in U.S.-Mexican relations for the remainder of the 1990s."

At 'The Line'

Here at "The Line," as the border zone is known, the ever-tightening noose of U.S. vigilance means increased delays and, critically, higher costs for aspiring border-crossers.

"We're losing money every day here," complained Sabino Bueno Pardo, a 25-year-old from Mexico's Nayarit state who was on a hillside a few miles east of the beach, the lights of Tijuana glittering behind him. He recalled crossing with relative ease just a few years earlier.

Delays add hundreds of dollars in expenses for food and hotels, while costing migrants precious job opportunities and wages. Those costs come on top of rising smuggling fees imposed by *coyotes*—who typically demand payment in dollars, now almost 50% more expensive.

Although most people once crossed on their own, following relatively direct, well-trod paths, migrants now say use of the well organized coyote networks is almost essential.

Today, would-be illegal immigrants from central Mexico must be prepared to spend \$1,000 or so before landing a job in Southern California, the most ever, according to a study by El Colegio de la Frontera Norte, a Tijuana research institution. Such expenses

weigh heavily on many who often go into debt to finance their travels. Some who might otherwise be inclined to go cannot come up with the substantial start-up funds.

Many migrants and coyotes have taken to testing the more circuitous—and less policed—routes to the east, via the San Diego backcountry and Arizona. But torturous excursions through the desert and bush offer no guarantee of success, while running up expenses and compounding hazards—especially as the unforgiving Southwestern summer approaches.

The resulting frustration is palpable along the boundary line, now delineated by a 14-mile fence, crafted of surplus airplane landing mat, which has helped shut down once-bustling entry points.

The mood is far different from that of a decade ago, during the anarchic heyday of illegal immigration. Back then, hundreds regularly massed along major Tijuana gathering zones. Only a tattered fence and an understaffed, ill-equipped Border Patrol separated them and the streets of San Diego, where smugglers lined up to ferry them farther north.

Years later, an economic crash and the specter of political instability have undoubtedly exacerbated immigration "push" factors. But the once-prevalent sense of bravado is gone.

Cristino Avendano, detained seven times by the Border Patrol, said he was fed up. He and about two

dozen neighbors from southern Oaxaca state were recently stranded in Tijuana for more than a week, sleeping in a fetid strip of dirt near the border fence.

"I'm trying two more times," declared Avendano, a 23-year-old farmer. "Then I'm going back home."

He and his fellow crossers are all experienced migrants. They said they would have headed to California this year regardless of the devaluation, which, they said, has only aggravated the difficulties for *campesinos* barely surviving in Mexico's reeling agricultural economy. The annual sojourn to the Central Valley has become an economic linchpin of their hardscrabble existence.

Discouraging large numbers of such repeat migrants—especially in the wake of a developing economic crisis—would represent a major victory for the Clinton Administration's much-touted border control efforts. It remains to be seen whether that longtime goal can be accomplished. There are no figures on migrants who have turned back.

But, in their efforts to discourage them, U.S. authorities now have an unexpected ally: The sluggish economy in California, traditional destination of perhaps half of all illegal border-crossers.

During the economically robust 1980s, California provided a seemingly limitless bounty of low-skilled jobs. Arrivals found opportunity in expanding service and manufacturing sectors; agribusiness remained a mainstay.

In recent years, the buzz in immigrant communities in the United States often centers on how difficult it is to find steady *chamba* (work) that pays more than marginally above the minimum wage.

"The bosses constantly remind you: There's always someone else waiting to take your job," said Jose Rangel, who works in a Los Angeles sewing loft, sending \$200 or so in savings home monthly to his wife and three children in Mexico City.

Moreover, the hostility that Rangel and many others say they feel in the wake of Proposition 187 further dims enthusiasm. Sensational coverage in the Mexican media ensures that exaggerated accounts of California's inflamed climate reach home. Many here speak of striking out for new horizons in New York, Florida, Chicago and the Pacific Northwest.

A group of four from the Gulf Coast state of Veracruz was heading for the orchards and berry patches of Oregon. The three veteran crossers among them were happy to bypass California, where they had worked before and found greater ill will than in the Northwest. The fourth, Josefina Rohos, a mother of six, was embarking on her first trip.

"Just buying supplies and clothes for the children to go to school is a burden now," Rohos said as she waited patiently on a cool hillside, hugging a hometown neighbor, Felicitas Flores, who had made the trip before. "The way prices are rising, I felt the need to try it this time."

The presence of Rohos, a street vendor, illustrates how Mexico's so-called underground economy, which once provided a safety net for millions in the crisis-plagued 1980s, may be stretched to the limit. That leaves the victims of this crisis with even fewer alternatives than their counterparts in 1982.

Former street vendors are everywhere in the crowds gathered in popular spots such as Las Canelas, a bare stretch so named because a long-forgotten entrepreneur once served coffee laced with cinnamon (*canela*). It is a principal staging zone for those planning to cross illegally, either by jumping over the metal fence, tunneling under it, passing through blow-torched holes or hiking around the meandering steel curtain.

The emergence during the 1980s of Mexico City as a principal source of immigrants created a vast pool of potential newcomers, considering the capital's population of nearly 20 million. At border way stations, street-smart *capitalinos* stand shoulder to shoulder with folks just off the farm. The many urban youths in their late teens and early 20s gathered here are testament to the failure of a system increasingly

unable to provide for the 1 million Mexicans who enter the labor force each year.

"Prices keep rising and we just can't keep up," said Vicente Robles, 21, previously one of the legions of rag-bearing windshield washers who roam the capital's traffic-clogged streets in search of change, competing with jugglers, fire-eaters and hawkers of Chiclets, key chains and sundry goods.

Middle-Class Flight

The current blight of inflation and recession appear to have hastened the departure of middle-class and professional Mexicans. A "brain drain" similarly followed the 1982 peso collapse; many doctors and engineers took menial jobs in the United States. In 1995, many highly educated and skilled Mexicans find themselves mired in debt.

Jorge Perez Garcia, a soft-spoken 26-year-old, headed north from the western state of Michoacan after giving up on his dream profession: teaching illiterate peasants to read and write. His teacher's pay, once worth the equivalent of \$50 a week, plummeted after the devaluation to \$30 or so in real earnings, hardly sufficient to care for his wife and baby daughter.

"We professionals are being hit hard," said Perez, his neat appearance notable amid the 200 or so mostly scruffy migrants gathered in Las Canclas. He said he would take any honest work that came his way. "I thought I'd try and see if I could do better for myself and my family."

Those with some resources left may opt to skip the difficult illicit crossing and seek entry via legal means: with visitor's visas or other valid short-term documents, which are often difficult for poor Mexicans to obtain. About one-half of illegal immigrants arrive in the United States legitimately, officials say, but violate the law by remaining permanently.

Many enter with false paperwork presented at busy land borders such as San Diego, where frenzied inspectors cannot verify each piece of identification. Others show legitimate papers, borrowed from others or purchased on the black market. Still others bluff their way in, claiming U.S. citizenship or legal resident status and hoping they are never asked to prove it.

Although first-time crossers are the most obvious sign of the peso crisis, another group has a significant presence here: those who had been home in Mexico for years after extensive stays in the United States. Many had amassed nest eggs during their U.S. sojourns, pumping their savings into businesses and homes in Mexico as security for the future. The devaluation has derailed their plans.

Jose Mota Perez, a 30-year-old father of six from Acapulco, said it had been three years since his last trip to Southern California. He reckoned he could pocket up to \$900 a week in Los Angeles at his preferred profession: painting cars. The \$150 or so he earned in Mexico was just fine, he said, until *la crisis* halved his real earnings.

"I plan to go back to Los Angeles for one year, work as hard as I can, and save as much as possible," an exhausted Mota said as he waited on a hillside just inside the United States. "One earns more over on the other side, but there's much more tranquility at home. For my part, I say this: 'I hope I never have to come back again.'"

NEXT: Residents of a township in western Mexico wrestle with the question of whether to risk the trip to el norte.

Reich: Employer crackdown beats Prop. 187

POLITICS: The labor chief favors more scrutiny of farmers and sweatshop operators.

By **MARILYN KALFOS**
The Orange County Register

Labor Secretary Robert Reich said Wednesday that getting tough on growers and sweatshop operators who violate labor laws will choke off the demand for undocumented workers and fight illegal immigration more effectively than Proposition 187.

- "By cracking down on submin-

imum wages and substandard working conditions, we reduce the incentives of employers to hire undocumented workers," Reich said.

"Therefore (we) reduce the incentives for undocumented workers to seek jobs in the United States," Reich told reporters in a conference call.

California's Prop. 187 would deny public education, welfare

and all but emergency health care to illegal immigrants.

President Clinton and Attorney General Janet Reno have already come out against the ballot measure.

"It will turn many teachers and health-care workers into police officers," Reich said. "It may lead to public-health problems ... and it may lead to a whole generation of young people who are unschooled and unprepared for work."

Reich said a working sweep in September of 44 sewing shops

in Los Angeles, Orange and San Bernardino counties found that \$366,000 in back wages was owed to more than 800 workers. He said more than 90 percent of the shops had violated federal labor law.

Mark Sturdevant, a Prop. 187 backer, characterized the labor leader's crackdown as just one side of a triangle — border enforcement, labor sweeps and the denial of public benefits.

Reich adds voice to anti-Prop. 187 chorus

SACRAMENTO NEWS SERVICE

SACRAMENTO — The Clinton administration stepped up its attacks on Proposition 187 yesterday as Labor Secretary Robert Reich argued that improved federal enforcement of labor laws will make the anti-illegal immigration initiative unnecessary.

In a telephone press conference with California reporters, Reich called the initiative "a blunt instrument which will not resolve the problem."

He said his department is looking for a better solution — enforcing wage and work-condition laws — because undocumented workers are often hired by employers who are trying to cut corners.

"By cracking down on substandard wages and substandard working conditions, we reduce the incentives of employers to hire undocumented workers, and therefore reduce the incentives for undocumented workers to seek jobs in the United States," Reich said.

A spokeswoman for Gov. Pete Wilson, who supports the initiative, responded that Reich's statement ignored key elements of the illegal immigration problem.

"This administration continues to deny that Californians are burdened with the enormous costs for services being provided," said Wilson deputy chief of staff Leslie Goodman. "Until they recognize that automatic entitlement of services is part of the problem they will never be part of the solution."

Reich, who said Proposition 187 would lead to public health problems and an under-educated populace, is one of several administration officials — from President Clinton to Attorney General Janet Reno — to attack the measure in recent weeks.

Goodman criticized that effort.

"There has been a steady drumbeat of administration officials doing all they can to try and derail Proposition 187, including the divisive scare tactics that have been so detrimental in this debate," she

said.

Reich announced that a recent working sweep of 44 Southern California sweatshops in the garment industry found 41 had violated federal labor laws — and up to 40 percent of their workers were undocumented. The operation uncovered \$366,000 in back wages owed to more than 800 workers.

Reich said the sweep was an example of stepped-up federal enforcement in both the garment and agriculture industries. The effort has resulted in employers agreeing to pay \$3.1 million in back wages to workers in 1993, up from \$2.6 million the year before.

He added that the Clinton administration also is taking advantage of little-used laws to hold manufacturers and growers responsible for the activities of their subcontractors, who in some cases use unscrupulous employment practices to reduce costs. These efforts over the long term will help deter illegal immigration, he said.

Still, Reich conceded that his department's resources for inspections of employers are "very limited" and that efforts in the past have achieved "a very small deterrence."

In other developments yesterday:

■ A peaceful, multiethnic crowd of about 250, many waving U.S. flags, held a rally and candlelight walk against Proposition 187 in downtown Sacramento. A group of community leaders, including Sacramento City Council members Deborah Ortiz and Darrell Steinberg, urged a "no" vote on the measure.

■ A wave of mostly peaceful student protests against the measure continued in Los Angeles, as several thousand students left school. The Associated Press reported that protesters in Cerritos threw rocks and bottles at a city bus and smashed shopping center windows, leading to 12 arrests.

Week in Sweatshop Reveals Grim Conspiracy of the Poor

By JANE H. LII

"Earnestly, urgently looking for workers," said a small red sign in Chinese posted outside a garment factory in Sunset Park, Brooklyn. "Please inquire within."

The steel doors opened into a dim, dusty warehouse. Red and blue rags covered the four windows, shutting out all natural light. Bundles of cut cloth sat piled in haphazard mounds, some stacked taller than a worker. Under fluorescent lights swinging

from chains, rows of middle-aged Chinese women hunched over sewing machines, squinting and silent.

A fashionable woman in her early 30's rushed over with a clipboard. "What?" she snapped in Cantonese, eyeing me from head to toe.

"The sign says you are looking for workers."

She responded with a tirade in rapid Chinese: People said they wanted jobs, but really wanted only to steal her equipment — bobbins, bobbin cases, thread. It was hard to find people who wanted to work hard these days! And without missing a beat, she asked: "Do you know how to use a sewing machine?"

Before I could really answer, she cut me off.

"It doesn't matter," she said, hiring me on the spot. "As long as you are eager to learn and are willing to work, you will do well. This is America. Hard work will be rewarded."

Seven days later, after 84 hours of work, I got my reward, in the form of a promise that in three weeks I would be paid \$54.24, or 65 cents an hour. (Minimum wage is \$4.25.) I also walked away from the lint-filled factory with aching shoulders, a stiff back, a dry cough and a burning sore throat.

For years, going in and out of Chinatown garment shops as a Chinese-speaking reporter, I wondered what lay behind the tired eyes that met my gaze. This

65 Cents an Hour

A special report



Henry Jones/The New York Times

Continued on Page 40, Column 1

Week in Immigrant Sweatshop Reveals Grim Conspiracy of Poor

time, I had gone to work beside these immigrants, to see what it is really like inside an underground industry that has been notorious in New York City for over a century.

Sweatshops have long seemed unknowable; the owners are too secretive, the workers too scared. The list of horrors is well-known: long hours, low wages, dangerous conditions. But is it really that bad? Are the owners so evil, the workers so victimized?

A week inside the Chai Feng sewing factory in Sunset Park, which is typical of the small, new shops outside Manhattan, suggests that there is something more complex at work — a miserable complicity born of necessity in an insular, immigrant world.

At Chai Feng, the woman with the clipboard — the owner, Maggie Zheng — is actually benevolent, albeit in a harsh way. She does not pay minimum wage, but she serves her workers tea. She makes them work until midnight, but she drives them home afterward. She uses child laborers, but she fusses over them, combing their ponytails, admiring their painted fingernails, even hugging them.

And the workers seem to revere her. They call her Nu Qian Ren, or Strong Woman, a Chinese expression that conveys affection and awe. An immigrant and former factory worker herself, Ms. Zheng, the sweatshop boss, is their model of success.

The Workers

Not in U.S. To Enjoy Life

That first morning, I walked three blocks from the N train's subway stop in Sunset Park to a brick warehouse that originally held a food processing plant. Now it is subdivided into eight garment shops, including Chai Feng.

Chai Feng is typical of the new, highly mobile shops that have cropped up outside the garment districts in midtown Manhattan and Chinatown. Many of these small shops open and close so quickly that they easily evade inspections by understaffed regulatory agencies.

Ms. Zheng opened her shop a few months ago. But she was really re-opening an old shop under a new name. In December, her brother, Michael Zheng, had closed the factory, then called Superior Fashions, and fled, owing his workers \$80,000 in back wages. His sister revived his business in order to make good on that debt, she later said.

It was easy to get the job.

Ms. Zheng did not ask any questions — not my Social Security number, my work history, my immigration status or even my name. She also did not tell me how much I would be paid. And no Chinese worker would ask; it would be considered shockingly blunt.

Ms. Zheng showed me to station five, and gave me a stack of trimmings for practice on the Brother Exedra sewing machine. It would be tough in the beginning, she said, but not once I became familiar with the machine. "Then you can make multiples of \$10 a day," she said.

I practiced controlling the foot pedal and sewing straight lines and even curves. The hum of the sewing machines was numbing, the only distraction came from the scratchy recordings of popular Hong Kong songs emanating from a cassette player. And the cold was numbing, too. Sweatshop was definitely a misnomer, the heater on the ceiling gurgled and gasped.

Three other people started training that day. Two very young women did not bother to return after lunch. Cao Wu Yi, who had arrived from Fujian only a month earlier, stuck it out, as Zhang Zhong Zhu, her 5-year-old son, played on the floor with toy airplanes.

Almost all 30 workers at Chai Feng are Fujianese, and from the same district in Fujian Province as Ms. Zheng. They arrived in this country within the last seven years, some legally, and others illegally, with the help of smugglers to whom they owe huge sums. Fujianese immigrants, because of their debts and their desperation, tend to work longer hours and endure more taxing working conditions than Cantonese immigrants.

The workers at Chai Feng later confided that they did not like their job, but they were grimly grateful just to have one. They are not in this country to enjoy life but to make money, they said.

"When you have an education and speak the language, you can afford to be choosy," said Lin A. Qing, who immigrated six years ago. "But for people like us, there aren't that many alternatives. We have to compromise. If we don't like what we do, we stay home and starve."

Most of that week, the workers at Chai Feng sewed virtually nonstop, from 9 in the morning until midnight, pausing only for 15 minute lunch breaks: rice and tea provided by Ms. Zheng.

Time was money, as the workers were paid by the piece, which is against the law if everyone does not make at least \$4.25 an hour under such an arrangement. The least experienced were making less than \$1 an hour. The most experienced and adept made almost \$5 an hour.

At 3 o'clock on my first day, after the straight lines and curves I sewed passed Ms. Zheng's inspection, she brought over a bundle of mint green rayon pants for the New York sportswear company of Christine David Fashions. I was to sew pleats on the front part of the pants, for 12 cents a pair.

Ms. Cao, the other trainee, was doing much better, attaching waistbands to shorts by the end of the day. She confided that before she left China, after she heard that her immigration application had been approved, she had quit her job as a quilt maker in Fujian and trained for sewing full time.

"Now I don't have to know English to make a living," she said.

By 7 o'clock, I had finished only 15 pairs of pants and made \$1.80, at least on paper. I went home before everyone else, exhausted.

The Children

From School Days To Sewing Nights

By my third day at Chai Feng, I was in pain. Curled in one position for 13 hours, moving only my knee to hit the knob that released the clothes from under the sewing needle, I grew awkwardly stiff.

Chen May Xia, who sat at station six, offered a suggestion: "You have what we call sewer's back," she said. "We all have it. Tonight, turn on the shower very hot and let the water spray the area where it hurts. Then lie still in bed until the next day."

She then gave me the Chinese version of no-pain, no-gain: "If you want to work and make money, of course

it's going to hurt."

Ms. Chen is 19, a senior at Seward Park High School in Chinatown, who works after school, through the night and on weekends. She said she had been a garment worker for four years, laws against child labor notwithstanding. Hard work teaches her what American teen-agers cannot understand, she said.

"They've never had to work and they don't know how to make their own money," she said. "All they do is complain about how stupid their parents are. They don't appreciate life as much as I do."

It had become apparent that children far younger than Ms. Chen also worked at Chai Feng.

In the perverse logic of the sweat-

shop, the workers considered Ms. Zheng a good boss precisely because she was willing to violate labor laws and allow their children to work by their sides. In fact, she is so flexible that she allows mothers to leave in the middle of the day, pick their children up from school and take them back to the factory.

Some days, after 3 P.M., Chai Feng turned into a virtual day-care center, with children playing amid the lint. Inevitably, some helped their mothers work. Eddie Chan, who is 10, snipped loose threads from garments as his mother sewed zippers.

"I want my children to work," said his mother, Chan Juan. "I don't think I'm hurting them by letting them snip off threads. What else would they do at home? Watch TV and eat junk food? That's evil. I am instilling the work ethic in my kids. Because my son works, he knows how hard I have to work to make money. He appreciates everything I do for him. When American kids grow up, they move away and forget about their parents."

Shi Chuen Mei, 11, is a regular at Chai Feng, she said she had been working in garment shops since she was 9. She worked, she said, to break the boredom of all the hours beside her mother's sewing machine. Ponytail flying, she quickly and nimbly sewed printed labels that said "Made in the U.S.A." onto the waistbands of Christine David shorts.

That day, Chuen Mei started to moan dramatically in English, which none of the workers understood. "My head is hurting," she said. "It's about to explode. I'm going to die soon. Oh, let me die."

About 7 P.M., she lay down on a mound of clothes and took a nap. When she woke up, Ms. Zheng, the boss, asked the 11-year-old girl to stay late — "Please, please," she said; there was a special order due the next morning. Chuen Mei went back to work without dinner.

At 9 P.M., two steam pressers switched on. The room grew hazy with lint and moisture. Chuen Mei rubbed her eyes constantly as others coughed. At 10:30 P.M., after seven hours of work, her mother told her it was time to leave.

"Yippee!" she shouted.

That night, the hem machines worked full speed, crackling like machine guns. At midnight, Ms. Zheng thanked the workers for staying late and offered them a ride home. I took the subway with Ms. Qing. She told me how much she missed her three teen-age children, two sons and a daughter. She recently sent them back to China because she could not afford to rear them here.

"Life in America is so hard," she said.

I asked her why she chose to stay. She turned to look at me and laughed.

"Money, what else?"

The Owner

Erasing Shame Of Brother's Debt

On Sunday, my last day, a union organizer came in and spoke to the workers. She explained health insurance and overtime pay, but people seemed most interested in the free English lessons offered by the union.

The organizer confided that she had thought about opening her own

factory after sewing for 20 years. But she would never have been able to afford a union shop, she said: "It's too expensive."

Later in the day, there was another visit, from an irate former employee. He argued loudly with Ms. Zheng, saying her brother owed him money.

"What money are you talking about?" Ms. Zheng shouted. "I opened two months ago. Do I know you?"

Later, when I went back and identified myself as a reporter, Ms. Zheng sat down with me and talked about her background. Ms. Zheng openly acknowledged that her brother used to own the factory and that he had fled owing the workers close to \$200,000 in back wages. She Ms. Zheng's mother, who has a restaur-

rant in New Jersey and originally bought the garment shop as a present for her son, pressed her daughter to reopen the factory. The Zhengs sold one of their three houses in Fuzhou to finance the reopening.

Ms. Zheng, who immigrated a decade ago, said her mother felt concerned that her brother had shamed them. Most of the workers came from the same district in Fujian as the Zhengs; they were "our people," Ms. Zheng said.

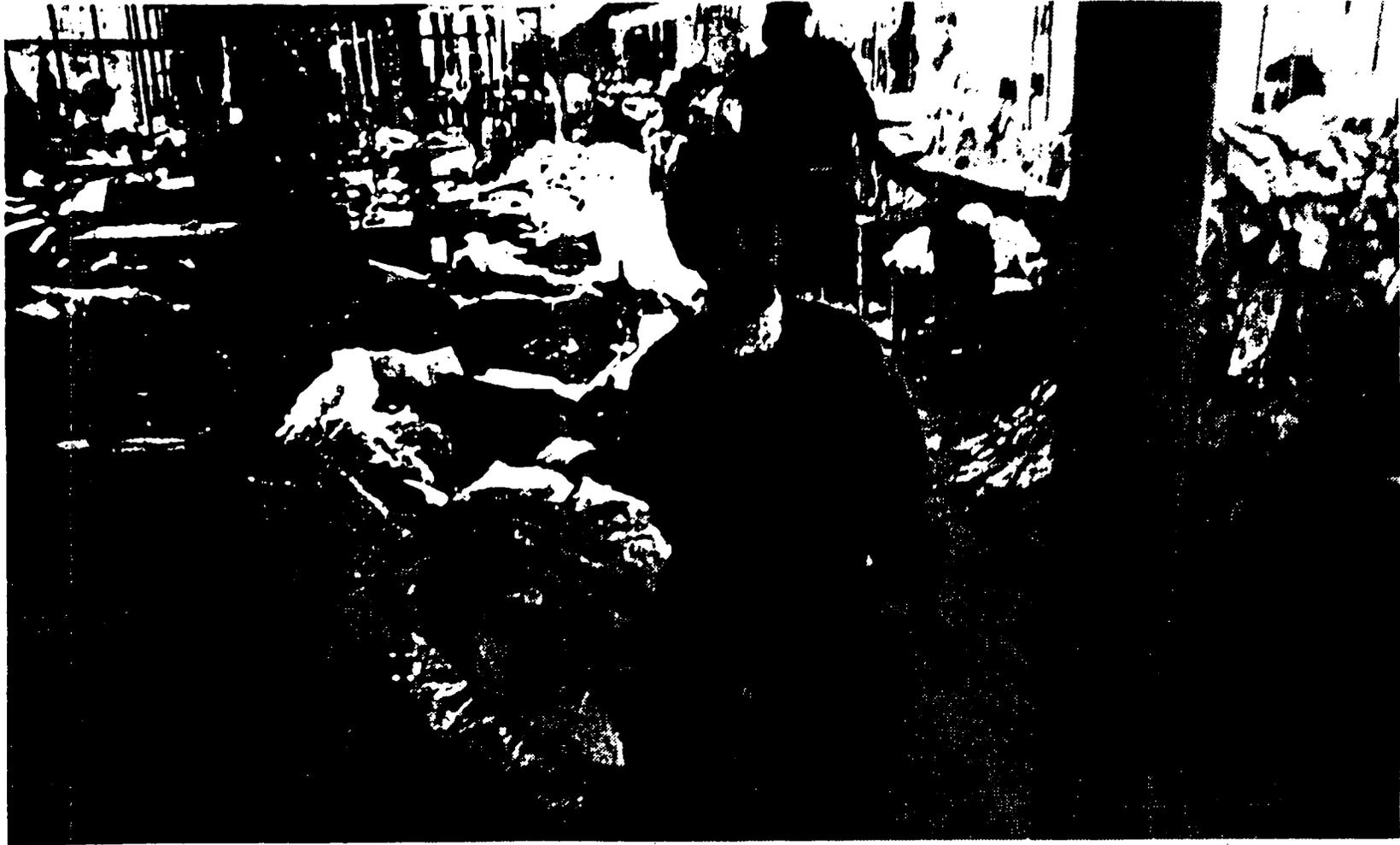
Still, Ms. Zheng opened the shop under a new name in an effort to avoid being held responsible for her brother's debts or for the back wages owed workers who did not return. Those who did return said they have been paid regularly.

I left with the promise that I would be paid in three weeks. I had earned \$54.24 by Ms. Zheng's calculations. If I had been paid the legal wage, with time and a half for overtime, the salary would have been \$451.

Both Ms. Zheng and her workers consider American labor laws to be ideals, laudable but impractical.

Ms. Zheng said she would love to pay her workers \$4.25 an hour, the minimum wage, but as a subcontractor, she cannot afford to; the designers' middlemen do not pay her enough. The workers said they would love to earn the minimum wage but would take what they could get. The children said it would be great to make their own money for their labor, but would be content to help increase their parents' earnings.

Everyone quotes a Chinese saying: "The big fish prey on the little fish, the little fish in turn prey on the shrimp, and the shrimp can only eat dirt."



Photographs by Nancy Siesel/The New York Times

Many of the women who work in sweatshops bring their children with them. Huang Xiao Yan, 8, played recently while her mother worked.

THE NEW YORK TIMES, SUNDAY, MARCH 12, 1995



The sign in Chinese to the right of the door identifies the Chai Feng sewing factory, in the Sunset Park section of Brooklyn. A help-wanted sign on the door says the factory is 'urgently looking for workers.'

INS Promises to Get Tough With Employers

■ **Immigration:** Administration to focus attention on hotels, restaurants and factories that have long been a drawn for undocumented workers.

By PATRICK J. McDONNELL
TIMES STAFF WRITER

As federal officials continue to bolster high-profile enforcement efforts along the U.S.-Mexico border, authorities seeking to reduce illegal immigration are now turning up the pressure in another significant, if less photogenic, arena: the workplace.

Long immune from extensive enforcement, the owners of hotels, restaurants, sewing lofts, farms and factories where unauthorized foreign workers toil will face greater scrutiny under a get-tough strategy being touted by the Clinton Administration.

An Administration-crafted bill unveiled last week would, among other things, increase penalties for employers who knowingly hire illegal immigrants, doubling fines when such violations are coupled with labor standard violations.

To get at the most flagrant violators, the White House plans to bolster the long-understaffed officer corps that investigates both immigration and wage-and-hour violations in areas such as Los Angeles that act as magnets for illegal workers. The

joint-enforcement theory: Those who employ illegal immigrants are likely to skirt minimum wage and other workplace laws as well.

Simultaneously, the Immigration and Naturalization Service is seeking to combat an onslaught of phony paperwork by making official documents more counterfeit-resistant and enhancing employers' ability to verify workers' papers. Among the efforts slated to be greatly expanded is a job-site verification program that has shown promising results in its trial run at a Los Angeles-area fast-food chain.

An Administration that has institutionalized the law enforcement photo opportunity at the border is now contemplating the unprecedented confiscation of assets—"the fruits of . . . unfair competition," in the President's words—from employers who hire illegal immigrants.

Despite Proposition 187's central premise—that government benefits draw unlawful newcomers—the government's strategy under-

scores an official recognition that the prospect of work fuels illegal immigration.

"Job opportunities are the primary lure," said Robert L. Bach, the INS executive associate commissioner for policy and planning. "People do not come just to get on public assistance."

Yet many experts are skeptical that employers who consistently violate hiring laws will change their ways merely because of the threat of increased enforcement. Many such firms survive on narrow profit margins provided by cheap labor.

Certainly, on Los Angeles corners where day laborers gather, there is little fear that opportunities will evaporate because of renewed pressure from *la migra*, either on the border or at the job site.

"We're here because the employers want us, they give us work," said Jose Garcia, a 35-year-old laborer from the Mexican state of Puebla, who waited patiently the other day with other job-seekers outside a hardware store along Sunset Boulevard. "There's no one else willing to work as hard as we do for so little pay. This country needs our labor. That's not going to change."

Meantime, an increase in use of labor contractors and growth in small-sized employers have reinforced many industries' tendency to employ undocumented workers. These practices effectively insulate large corporations that reap the benefit of illegal immigrant labor and could tend to undermine the Administration's ambitious crackdown plans.

"The workplace is changing in ways that make enforcement of all labor laws, including immigration and minimum wage laws, more difficult," said Philip Martin, a labor economist at UC Davis who has long studied international migration.

And unlike plans to slash benefits to immigrants or bolster U.S. Border Patrol staffing, taking aim at employers clashes with powerful economic and political interests.

Even before the crackdown announcement, California agribusiness, a longtime beneficiary of low-wage immigrant labor, was sufficiently alarmed about the prospect of a diminished work force that representatives were floating the notion of a new "guest worker" law to bring in foreign laborers. "We're going to need some kind of insurance," said Roy Gabriel, director of labor affairs for the California Farm Bureau.

Amid all the rhetoric surrounding the heated immigration debate, the farm lobbyist's concern under-

scores an essential fact: More than a decade of large-scale illegal immigration has profoundly altered certain segments of the U.S. workplace, especially in California and other major immigrant destinations.

A huge, and ever-expanding, foundation of unauthorized labor now underpins a broad swath of domestic industries, including apparel, construction, agriculture and a range of manufacturing sectors and service providers. Many such employers vie with overseas competitors whose wages may be one-tenth or less of prevailing salaries here. The global village of the marketplace has tapped into a fluid transnational stream of underground workers, often willing to toil for substandard wages in Third World-like conditions.

In Los Angeles, one-quarter or more of some selected industries' staffs may be working illegally, according to John Brechtel, INS assistant district director of investigations.

From the employers' viewpoint, illegal immigrants are often ideal workers: willing to accept low wages, largely non-unionized and unlikely to complain, out of fear of being reported to authorities.

One apparel contractor said 80% of the 25 employees in his Downtown Los Angeles sewing loft were probably illegal immigrants. His workers produce "Made in U.S.A." clothing for major chains.

"The industry can't survive without the *indocumentados*," said the contractor, himself a onetime illegal immigrant from Mexico. His business now clears only \$300 a week in profits after expenses, according to the contractor, who asked that his name not be used.

In its new get-tough policy, the INS has set its sights on "targeted deterrence zones": California and other states with large immigrant populations. The agency is also focusing on trades known for consistent violations, including the garment industry, agriculture, construction, fast-food restaurants and custodial service businesses.

The need to zero in on certain sectors is clear, considering the huge volume of employers—more than 7 million nationwide—that are monitored by the current corps of about 250 immigration investigators. The officers' daunting task: visit job sites and conduct painstaking verifications of workers' documents against INS, Social Security Administration and other databases.

In Southern California, only 30 to 35 INS agents monitor almost half a million employers in a vast area

Enforcement Drop-Off

A central thrust of the Immigration Reform and Control Act of 1986 was to reduce the lure of employment for illegal immigrants. The law requires U.S. employers to verify the eligibility of new workers, and imposes sanctions on those who knowingly hire unauthorized foreigners. But after an initial push, enforcement by the U.S. Immigration and Naturalization Service has dropped off.

FINES AGAINST EMPLOYERS	
Fiscal Year	Amount
■ 1988	\$2.2 million
■ 1989	\$13.1 million
■ 1990	\$18.5 million
■ 1991	\$12.7 million
■ 1992	\$17 million
■ 1993	\$11.1 million
■ 1994	\$10.9 million*

INS WORK SITE INVESTIGATORS	
Fiscal Year	Personnel
■ 1988	413
■ 1989	448
■ 1990	320
■ 1991	316
■ 1992	306
■ 1993	263
■ 1994	245

*Estimate

Source: U.S. Immigration and Naturalization Service

stretching from San Clemente to San Luis Obispo, and east to the Nevada and Arizona borders. The region has the nation's greatest concentration of illegal immigrants, many of them gainfully employed.

Facing such odds, officials preach

the gospel of "voluntary compliance": the conviction that most employers, if given the ability to verify workers' eligibility, would follow the law and refrain from hiring illegal immigrants.

"When you can factor out the good-intentioned employers, then you've got the ability to concentrate on the egregious violators," said Brechtel, INS investigations chief in Los Angeles. "Your major corporations—your Hiltons, your Sheratons—they don't want to be fined. They don't want anything to do with the publicity that comes from being sanctioned by the INS."

But sweatshop operators and other profiteers are unlikely to change their ways without the credible prospect of federal sanctions. For almost 10 years, U.S. employers have been required to verify the eligibility of all people hired, both citizens and foreign nationals. The Immigration Reform and Control Act of 1986 created civil and criminal penalties for those who knowingly hire unauthorized workers, giving the INS a

major new mission in the workplace.

Yet after the initial push, INS investigative staff assigned to the workplace has declined sharply and fines assessed have plummeted, statistics show. Tens of thousands of leads languish in agency files. Sanctions, experts have concluded, have failed to stem the hiring of illegal immigrants.

"Sanctions have not been supported with resources," conceded John Shaw, the INS' assistant commissioner for investigations, now charged with devising a plan to improve desultory job-site enforcement. "If we're not visible, no one takes the law seriously."

A part from being neglected, many say workplace enforcement has also been misdirected. A case in point: The sole criminal prosecution in Southern California targeted not a big-time clothing manufacturer, construction company or hotel—but rather the manager of a health clinic that serviced a Latino immigrant clientele.

According to its critics, the INS has shied away from difficult, investigation-intensive inquiries of questionable businesses and focused instead on technical errors by legitimate employers befuddled by the law's confusing record-keeping requirements.

"They're not going after the underground economy guy, the cases that require surveillance, subpoenas, undercover work," said Peter N. Larrabee, a San Diego lawyer and former INS official who now represents sanctioned employers.

But authorities vow that they will take a more aggressive posture.

"The underground economy is a very large magnet for illegal aliens—they almost totally survive off of it—and we're going to go in there and see if we can shake it up a little bit," T.M. Loyd, an INS supervisory agent in Los Angeles, assured an Orange County group eager to rid local communities of illegal immigrants.

Most employers who continue to hire unauthorized workers, officials say, are dupes of the massive false document trade that flourishes on the streets of immigrant neighborhoods from Los Angeles' Pico-Union district to New York's Washington Heights. With such an abundance of high-quality counterfeit and stolen documents, employers often cannot dispute workers' word that they are eligible for employment. Rejecting applicants based on suspicion—or requiring more proof than the law demands—can result in discrimination charges against employers.

"Right now, the system is too easy for prospective employees to beat," said Lawrence Fuchs, a historian who is vice chairman of the U.S. Commission on Immigration Reform.

The bipartisan study commission has called on the government to move toward creating a computerized registry of eligible workers, thus allowing employers to cross-check employees' documents against government records. Civil libertarians have expressed concerns, but the Clinton Administration is pressing ahead: Officials are exploring verification systems that would give employers access to improved INS and Social Security databases.

One prototype is in place at El Gallo Giro, the Huntington Park-based Mexican takeout food chain. Resembling a credit card verification device, the automated system allows employers to tap in via telephone to INS records and confirm if non-citizen employees are authorized to work. Before the pilot system was installed three years ago, about one-third of the outlet's more than 300 employees were illegal immigrants using false documents, according to Charles Bonaparte, El Gallo Giro's general manager. He recalled disruptive INS raids with displeasure.

"This whole issue is very sensitive for us," the French-born



FAX COVER SHEET

**OFFICE OF THE ADMINISTRATOR
WAGE AND HOUR DIVISION**

**FAX NUMBER (202) 219-4753
COMMERCIAL (202) 219-8305**

cc: Echaveste
Frace
Sellers
Ginsley
Sweeney

TO: Mr. Steve Wamath - DPC
Mr. Alex Alenichoff - INS

DATE: 12/20/96

FAX NUMBER: _____

PAGES: 2
(include cover sheet)

LOCATION: DPC & INS

FROM John Frace USDOZ

If you do not receive all of the pages please call:

NAME: Frace

NUMBER: 219-9305

COMMENTS/INSTRUCTIONS:

Steve/Alex - follow-up to your recent meeting w/
Maia about Doz - INS NOW on employment
eligibility verification. Hoping for closure soon.

Frace
F.

Best wishes for the
holiday season!

DOL/Wage and Hour Division: Proposal for Modified I-9 Inspection Process

The Wage and Hour Division proposes to modify its enforcement operations with respect to inspecting employers' compliance with their employment eligibility verification obligations (INS Form I-9) as a part of the Division's on-site labor standards investigations. As a result of reviewing accomplishments over the last several years in conducting I-9 inspections and discussions with our field enforcement staff and other interested parties, the Division has concluded that a large group of potential complainants, -- especially in low-wage occupations and industries -- may be under-served by Wage and Hour because of fear that a complaint filed with DOL will result in an INS raid due to the close working relationship that has evolved between the Division's enforcement staff and local INS officers. Such an effect could serve to frustrate efforts to use expanded worksite enforcement of minimum labor standards as an important part of a comprehensive strategy to achieve the President's goal to improve control over illegal immigration to the U.S.

Therefore, starting this fiscal year, Wage and Hour proposes to perform I-9 records inspections in only on-site directed -- rather than complaint-based -- investigations conducted by our field staff. While our methodology for conducting I-9 inspections will remain the same, this change in the scope of such inspections will result in an estimated 11,700 I-9 inspections conducted nationwide utilizing over 17,500 enforcement hours (about 13 FTE) for the purpose of I-9 inspections during the (full) fiscal year. By not conducting I-9 inspections in complaint-based investigations, the Division will address the "chilling effect" issue and also be able to redirect about 19,400 enforcement hours (approximately 14 more enforcement FTE) into labor standards enforcement in the low-wage industries which constitute the agency's priorities in FY 97 -- such as garment manufacturing, health care, restaurants, hotel/motel and agriculture. The use of these redirected resources will contribute directly to expanded labor standards worksite enforcement efforts in the very industries and areas where immigrant workers, including illegal immigrants, tend to concentrate.

News Release

→ Steve Wannath

DPC

Fr. John Grace



U.S. Department of Labor

Office of Public Affairs
Washington, D.C.

OFFICE OF PUBLIC AFFAIRS

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USDL: 97-71
FOR RELEASE: Immediate
Tuesday, March 4, 1997

LABOR DEPARTMENT RELEASES GARMENT ENFORCEMENT REPORT "No Sweat" Initiative Continues as New Measurers to Step Up Effectiveness of Manufacturing Monitoring are Announced

The U.S. Department of Labor recovered more than \$827,000 in back wages for minimum wage and overtime violations of the Fair Labor Standards Act (FLSA) for 2,200 garment workers during a 3 month period from October 1 to December 31, 1996, the department announced today.

According to the Labor Department's fourth quarterly garment enforcement report, the Los Angeles garment industry presents the greatest challenge to federal law enforcement. More than 800 workers there shared in roughly half (\$409,623) of the back wages recovered for the entire nation. Throughout the state, 119 investigations were conducted, resulting in 65 violations. Back wages of \$479,247 were collected for 1,245 garment workers throughout California. The state of New York followed with 80 investigations resulting in \$171,160 worth of back wages collected for 657 garment workers. In addition, the department assessed \$196,419 in civil money penalties for repeat and/or willful violations of FLSA. A total of \$102,802 in civil fines were assessed against garment makers in New York and \$62,617 in civil fines against California companies.

"This is the fourth garment enforcement report issued in the past year," said Cynthia A. Metzler, Acting U.S. Labor Secretary. "In 1995 retailers asked us then to let them know who the violators were, and they would take action to clean up this industry. We're asking the industry now to ask the tough questions of their suppliers. All retailers should know whether their merchandise was not produced illegally. We've now got a years' worth of information to help them do that."

-more-

-2-

Metzler also announced that the department will take additional enforcement steps and offer enhanced education initiatives to ensure the effectiveness of manufacturers' monitoring of contractors for compliance with labor laws. She also encouraged the retail industry to make better use of the reports to raise questions with their suppliers about whether goods might have been produced by labor law violators.

"The Labor Department's *No Sweat* initiative is continuing to make sure that those manufacturers who sign the Department's compliance monitoring agreement--which I am pleased to report now numbers 74 nationwide--are fulfilling their commitments by requiring their contractors to comply with FLSA, performing pre-contract review of pricing terms with contractors and monitoring their contractors for compliance with the minimum wage and overtime requirements of FLSA."

"We are pleased with the positive impact that monitoring is having on the level of contractors' compliance," Metzler continued. "At the same time, however, we are concerned that a small number of these manufacturers, which were some of the first to sign the department's compliance monitoring agreement, have appeared on three of the department's enforcement reports."

The department will review the status of certain manufacturers' monitoring agreements and ask them to conduct a self audit within 30 days outlining deficiencies found and identifying specific steps they will take to remedy flaws in their programs.

Manufacturers contacted by the department will be those appearing on three of the four reports issued to date, including those which have voluntarily implemented a monitoring program or had given the department written assurances to comply with the FLSA provisions. They will be asked to sign the department's compliance monitoring agreement.

According to Metzler, "all of our compliance surveys show that monitoring works, so education for retailers and manufacturers is a critical component." In May, the department will conduct compliance monitoring workshops in garment manufacturing centers throughout the United States and will sponsor a seminar in Los Angeles for manufacturers who have monitoring programs to provide additional guidance on how to make their programs more effective.

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**NO
SWEAT.**

Garment Enforcement Report

October 1996 - December 1996

Wage & Hour Division
U.S. Department of Labor
Cynthia A. Metzler, Acting Secretary

**NO
SWEAT.**

Garment Enforcement Report

October 1996 - December 1996

FY1997 First Quarter Garment Enforcement Report

The Department of Labor is committed to eradicating garment sweatshops and bringing the garment industry into compliance with U.S. labor laws. Encouraging manufacturers to be aware of which contractors consistently violate the law, and to monitor formally their contractors for compliance with minimum wage and overtime laws, is an important step toward the goal of bringing long lasting positive changes for workers in the industry.

To that end, the Department of Labor has developed a multi-pronged strategy of **enforcement, recognition, and education** to eradicate worker abuse in the U.S. garment industry.

Enforcement

The Wage and Hour Division conducts targeted enforcement sweeps in major garment centers and notifies manufacturers of the "hot goods" provision of the Fair Labor Standards Act which prevents the shipment of goods made in violation by contractors.

Recognition

In December 1995, the Department issued its first Trendsetter List, highlighting retailers and manufacturers which have assumed responsibility for monitoring practices of contractors which make their garments.

Education

The Department's garment public service announcement initiative utilizes print and radio public service announcements and a new Internet World Wide Web site to provide information to consumers interested in helping to combat worker abuse.

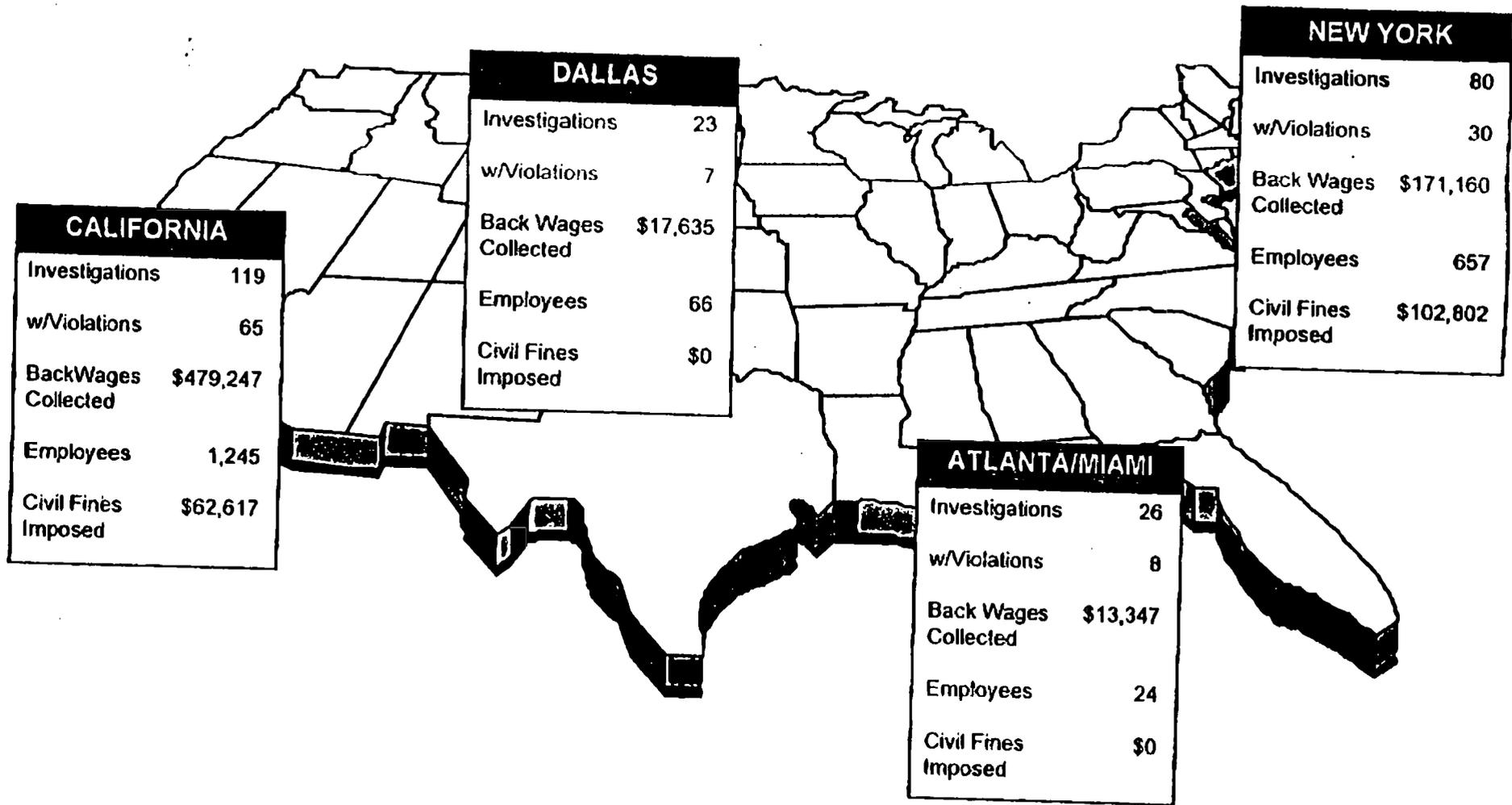
This report consists of a contractors and manufacturers list and enforcement statistics for the first quarter of the this fiscal year, October 1, 1996 through December 31, 1996. The manufacturers list contains the names of firms Wage and Hour has contacted to notify them that contractors with whom they do business have been investigated and found to violate the FLSA. The report also contains enforcement results in the industry from the first quarter.

We have designated by bold face type firms that appeared on prior reports.

**NO
SWEAT.**SM

Enforcement In 4 Major Garment Centers

October 1996 - December 1996





Garment Enforcement Summary

October 1996 - December 1996

	TOTAL	BOSTON	PHILA-DELPHIA	NEW YORK	AT-LANTA	DALLAS	CALI-FORNIA
Number of Investigations Conducted	293	30	15	80	26	23	119
Number of Investigations with Violations	123	6	7	30	8	7	65
Amount of Back Wages Recovered	\$827,466	\$123,669	\$22,408	\$171,160	\$13,347	\$17,635	\$479,247
Number of Employees Receiving Back Wages	2,200	115	93	657	24	66	1,245
Civil Fines Imposed	\$196,419	\$25,000	\$6,000	\$102,802	\$0	\$0	\$62,617

**NO
SWEAT.**

Apparel Manufacturers Contacted

October 1996 - December 1996

How the list was compiled:

As part of its enforcement process, the Department of Labor's Wage and Hour Division contacts a garment manufacturer when an investigation reveals that a sewing contractor with whom the manufacturer does business has violated the Fair Labor Standards Act (FLSA). Listed below are the names of manufacturers contacted between October 1, 1996 and December 31, 1996 and informed of contractor violations. The contractors and manufacturers are included on this list based on investigative findings of violations, not a judicial determination that any firm has violated the law.

Except where noted, the violations have been resolved and back wages paid by either the contractor or the manufacturer. If all or part of the back wages found by Wage and Hour to be owed to the contractor's employees have not been paid, this is noted by the designation "unpaid" in the Back Wages column. Payment of back wages does not constitute an admission of liability of any firm.

Only cases in which Wage and Hour found back wages due in excess of \$1,000, whether for employees of a contractor or manufacturer, are included on the list. Manufacturers on the list did not necessarily receive goods produced in violation of the FLSA for which back wages were owed, or pay all or part of the back wages: Wage and Hour notifies manufacturers of violations by contractors with whom they did business during the relevant time frame regardless of whether the goods involved were produced for that manufacturer. The manufacturer may or may not still be doing business with the contractor.

The contractors are listed in descending order by the amount of back wages found due. The severity of contractors' violations, however, cannot be compared on the basis of the dollar amounts on this list. Back wage amounts paid to contractor employees vary based upon the facts, circumstances and time periods involved. When there has been no final determination of whether there were any FLSA violations, or, where there were violations, of the amount of back wages owed, the case is listed at the end of the Report with the notation "In Dispute" in the back wage column.

Footnotes designate manufacturers that were contacted because of their own violations; manufacturers that have agreed to monitor or are monitoring their contractors for future compliance; and manufacturers that appear for the first time on a Garment Enforcement Report. Firms that have been included on prior Reports are in boldface type.

The Report presents all information available to the Department of Labor as of the date of publication with respect to the reported investigations. If the Department obtains new information pertinent to an investigation on the Report after that date, it will update the Report, both the Internet and hard copy versions, to reflect that new information.

This list does not constitute an endorsement by the federal government of any company, nor does it constitute disapproval of any company.

**NO
SWEAT.**

Apparel Manufacturers Contacted

October 1996 - December 1996

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
Pride Jeans, Inc. 2878 E. 54 th Vernon, CA	\$101,300	Guess ?, Inc. ^{2,3} 1444 S. Alameda Los Angeles, CA Revatex ^{2,3} 1013 S. LA St. Los Angeles, CA
Kneeland Sportswear 119 Braintree St. Allston, MA	\$73,000	David Brooks/Robert Scott ² 122 Allied Drive Dedham, MA
R & J Trading 3030 Northern Blvd. Long Island City, NY	\$55,084	Jessica Michelle ³ 525 7 th Ave. New York, NY Rhoda Lee, Inc. ³ 525 7 th Ave. New York, NY Elberton Mfg. Co. ³ P.O. Box 878 Elberton, GA

2. MANUFACTURER HAS AGREED TO BEGIN CONTRACTOR MONITORING PROGRAM, OR HAS A MONITORING PROGRAM IN PLACE.
3. FIRST TIME MANUFACTURER HAS BEEN INCLUDED ON ENFORCEMENT REPORT.

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
Line 8, Inc. 2438 E. 11 th Los Angeles, CA	\$45,000	<p>Azteca Production ² 5804 E. Slauson Commerce, CA</p> <p>JNCO ³ 3780 Union Pacific Los Angeles, CA</p> <p>Mepotex ³ 19550 Dominguez Hill Rd. Rancho Dominguez, CA</p> <p>Guess ?, Inc. ^{2,3} 1444 S. Alameda Los Angeles, CA</p>
Jeans Compstela Magnit 5050 Everett Ct. Vernon, CA	\$44,009	<p>RSV Sport (Lei) ² 6565 E. Washington Commerce, CA</p>
Le's Fashion Stitching 60 Clayton St. Dorchester, MA	\$43,500	<p>David Smith ³ 48 Main St. N. Reading, MA</p> <p>Foxcroft ² 1 Ace St. Fall River, MA</p>

1. Manufacturer contacted because of own violations.
 2. Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place.
 3. First time manufacturer has been included on Enforcement Report.

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
KE Factory 1452 Valencia Los Angeles, CA	\$32,776	Protex Apparel ³ 10920 Thienes S. El Monte, CA PCT ³ 2060 Via Arado Rancho Dominguez, CA Vogue Int'l Collection ³ 910 E. Pico Los Angeles, CA
Dabo, Inc. d/b/a Minny Fashion 1212 Stanford Los Angeles, CA	\$25,000	Rainbow ³ 1219 S. Wall Los Angeles, CA VIA ³ 1100 S. San Pedro Los Angeles, CA Vogue Int'l Collection ³ 910 E. Pico Los Angeles, CA Maria Bonita ³ 1136 S. Santee Los Angeles, CA

³ Manufacturer contacted because of own violations.
³ Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place.
³ First time manufacturer has been included on Enforcement Report.

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Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
Dabo, Inc. d/b/a (cont.)		Everyday ³ 5211 E. 11th Los Angeles, CA Claudia Fashion ³ 1107 S. Santee Los Angeles, CA
Advance Sewing 2236 E. 14th St. Oakland, CA	\$19,914	David Wayne d/b/a ² Shane Hunter 1400 6th St. San Francisco, CA
VIG Production, Inc, 88 35th St. New York, NY	\$17,082	Plymouth Mills ^{2,3} 330 Tompkins Ave. Staten Island, NY
Y & D Fashions 43-27 Queens St. Long Island City, NY	\$16,500	NCC Sportswear 800 Cooper Ave. Glendale, NY The Urban Apparel Group, Ltd. ³ 45 7th Ave. New York, NY Damas Atlantic ³ 5900 Decatur St. Glendale, NY

Manufacturer contacted because of own violations.
 Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place.
 First time manufacturer has been included on Enforcement Report.

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
Y & D Fashions (cont.)		SLM Fashion Group ³ 525 7th Ave. New York, NY
Indigo 2716 E. Medford Vernon, CA	\$16,121	Guess ?, Inc. ^{2,3} 1444 S. Alameda Los Angeles, CA
J&E Fashion 9808 Glen Oaks Sun Valley, CA	\$13,990	Dakota ² 15809 S. Strathem Los Angeles, CA
OKCA, Inc. 110 W. 11 th Los Angeles, CA	\$13,338	Michel 209 E 11 th Los Angeles, CA Carol Anderson 18915 Laurel Pk. Rd. Rancho Dominguez, CA
306 JC Fashion 255 W. 36 th St. New York, NY	\$12,973	NU Venture ^{2,3} 463 7 th Ave. New York, NY Santa Barbara ³ 213 W. 35 th St. New York, NY

1. Manufacturer contacted because of own violations.
 2. Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place.
 3. First time manufacturer has been included on Enforcement Report.

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
Total Denim 1800 Hooper Los Angeles, CA	\$12,480	Guess ?, Inc. ^{2,3} 1444 S. Alameda Los Angeles, CA Kik Wear 741 W. 10 th Pl. Los Angeles, CA Baby Guess ³ 1401 S. Griffith Los Angeles, CA Revatex (JNCO) ^{2,3} 1013 S. LA St. Los Angeles, CA Tribe ³ 1662 Gothard Huntington Beach, CA Roam Jeans ³ 17855 Fitch Irvine, CA
Uranus Fashions 307 W. 38 th St. New York, NY	\$12,000	Turn On Products ² 225 W. 37 th St. New York, NY

1. Manufacturer contacted because of own violations.
 2. Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place.
 3. First time manufacturer has been included on Enforcement Report.

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
Uranus Fashions (cont.)		Bino Enterprises ³ d/b/a Younique Knits 225 W 37th St. New York, NY
ANH Sewing 1242 12 th Ave. Oakland, CA	\$10,471	Byer of California ² 66 Potrero San Francisco, CA
Leo Design, Inc. 3840 ½ Broadway Los Angeles, CA	\$10,283	B. Boston & Associates ³ 715 E. 8 th St. Los Angeles, CA
AA Fashion 1721 N. Spring Los Angeles, CA	\$9,901	Tapestry, Inc. ² 375 W. Victoria St. Compton, CA
Ecco Staffing 26 Journal Square Jersey City, NJ	\$9,243	The Lilli Group, Inc. 34 Wesley St. S. Hackensack, NJ
Yoo Jin 327 W. 36 th St. New York, NY	\$9,097	Jessica Ash ³ 70 W. 36 th St. New York, NY
Star Avenue 514 E. 8 th Los Angeles, CA	\$8,805	Francine Browner ² 5500 E. Olympic Los Angeles, CA

1. Manufacturer contacted because of own violations
 2. Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place
 3. First time manufacturer has been included on Enforcement Report

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
Star Avenue (cont.)		Guess ?, Inc. ^{2,3} 1444 S. Alameda Los Angeles, CA Entre Deux Modes ³ 1983 Locust Pasadena, CA Revelee ³ 1206 S. Maple Los Angeles, CA ABS 105 Stanford Los Angeles, CA
L & H Sewing 2627 S. Cooper Arlington, TX	\$8,286	Central Falls 3525 W. Miller Rd. Dallas, TX Howard Wolf ³ 3809 Parry Dallas, TX
Crane Fashion 746 S. LA St Los Angeles, CA	\$8,283	Amiga Fashion 1119 S. LA St. Los Angeles, CA

* Manufacturer contacted because of own violations.
 * Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place.
 * First time manufacturer has been included on Enforcement Report.

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
Crane Fashion (cont.)		Maxbima ³ 113 E. 11 th Los Angeles,
CASara Fashion 407 E. Pico Los Angeles, CA	\$8,222	Toby Kids ³ 525 E. 12th Los Angeles, CA
Well Fashion 257 W. 38 th St. New York, NY	\$8,005	Vision Apparel USA ² 498 7 th Ave. New York, NY Cynthia Rowley ^{2,3} 550 7 th Ave. New York, NY Printmakers Int'l Ltd. ^{2,3} 469 7 th Ave. New York, NY
1	\$7,971	Binna Fashion ³ 1242 S. Santee Los Angeles, CA
PNJ, Inc. 961 E. Slauson Los Angeles, CA	\$7,300	Rodin (Blue Whale, Inc.) ³ 1231 S. San Pedro Los Angeles, CA

¹ Manufacturer contacted because of own violations.
² Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place.
³ First time manufacturer has been included on Enforcement Report.

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
PNJ, Inc. (cont.)		R.S.V. Sport (Lei) ² 6565 E. Washington Commerce, CA Wave 1114 S. Maple Los Angeles, CA
D & B Fashions 910 Cherry St. Philadelphia, PA	\$6,972	Mother's Work, Inc. ² 456 N. 5 th St. Philadelphia, PA
1	\$6,887	Litho Childrens Fashion ³ 1523 Grande Vista Los Angeles, CA
Lim & Kim, Inc. 6200 Hudson Ave. West New York, NJ	\$6,831	Jaclyn ³ 5801 Jefferson St. West New York, NJ Ardsmore Blouse, Inc. ³ 1359 Broadway New York, NY
ESS Fashion 756 Broadway Los Angeles, CA	\$6,616	Dude, USA ³ 1100 S. San Pedro Los Angeles, CA

¹ Manufacturer contacted because of own violations.
² Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place.
³ First time manufacturer has been included on Enforcement Report.

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
ESS Fashion (cont.)		Clarín ³ 1118 S. Santee Los Angeles, CA
DSA Fashion ; 12030 Western Ave. Garden Grove, CA	\$6,350	Monterey Canyon, Inc. 1530 Church Road Montebello, CA
Sharon & J. Fashion 3730 S. Main Los Angeles, CA	\$6,241	Cheree Amie ³ 1439 S. Herbert Commerce, CA C.Y. Inc. ³ 2701 S. Main Los Angeles, CA Divine ³ 1109 S. San Julian Los Angeles, CA
Twin Fashion 120 E. 8 th Los Angeles, CA	\$6,078	Sekwang Co. ³ 6394 E. Washington Los Angeles, CA Fashion Village ³ 939 E. 31 st Los Angeles, CA

Manufacturer contacted because of own violations.
 Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place.
 First time manufacturer has been included on Enforcement Report.

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
S.K. Fashion, Inc. 3775 S. Main Los Angeles, CA	\$5,953	<p>Azteca Production ² 5804 E. Slauson Commerce, CA</p> <p>Bay Street Clothing, Inc. 1502 Washington Los Angeles, CA</p> <p>Ruff Wentworth Corp. ³ 756 S. Spring Los Angeles, CA</p> <p>Rampage ² 2825 Sante Fe Los Angeles, CA</p> <p>Fashion Resource ^{2,3} 3151 E. Washington Los Angeles, CA</p> <p>Boy London (PSF) ³ 940 W. Washington Los Angeles, CA</p>
Hi Q Personnel 5424 N. 5 th St. Philadelphia, PA	\$5,858	<p>Good Lad ^{2,3} 431 E. Tioga St. Philadelphia, PA</p>

² Manufacturer contacted because of own violations.
³ Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place.
⁴ First time manufacturer has been included on Enforcement Report.

Labor Secretary Is Told of Sweatshop Conditions

By DON VAN NATTA Jr.

Inside Ying Yi Deng Chan's frayed, palm-sized notebook is the carefully kept record of her exploitation for the last six years in New York City's sweatshops.

On each page, the 56-year-old Chinese immigrant has recorded every 12-hour day she worked as a garment worker, how little she was paid and how often she worked and was never paid at all. Five years ago, for instance, she earned \$295 for a 60-hour week making shirts; these days, she gets just \$122 for the same amount of work.

She now gets 30 cents for stitching a waistband to a skirt that she said she once

saw on sale at A. & S. for \$80.

The United States Secretary of Labor, Robert B. Reich, listened to Mrs. Chan, and the anguished stories of three other sweatshop workers, at an extraordinary meeting yesterday in the heart of Manhattan's garment district. The sweatshop workers were invited to talk with Mr. Reich by a local office of Unite, a textile workers union representing 355,000 workers.

Mr. Reich scheduled yesterday's meeting with sweatshop employees, as well as with national clothing retailers, after learning that some of the nation's most prominent stores had received merchandise manufactured in a compound in El

Monte, Calif., that was raided by Federal authorities last month. More than 70 workers were found working in virtual slave conditions, behind barbed-wire fences, while reportedly producing millions of dollars in garments for retailers like Neiman Marcus, Filene's and Montgomery Ward.

Mr. Reich met yesterday morning, behind closed doors at the Fashion Institute of Technology, with 15 national retailers and representatives from two retail trade groups to seek ways to improve monitoring of wage and hour infractions in the nation's garment industry.

As a result, retailers said they would recommend to members that they include specific references to the Fair Labor Standards Act in purchase contracts. The Labor Department, in turn, agreed to begin identifying sweatshop owners to retailers.

"The Department of Labor feels they don't have adequate enforcement," said Tracy Mullin, president of the National Retail Federation, which is the world's largest retail trade association, with 1.4 million American retail stores. "We're obviously willing to help. But it is really the manufacturing industry that has to police subcontractors, not the retailers."

With 900 investigators — and only 14 in

the New York metropolitan area — the Labor Department is encouraging more self-policing by manufacturers and retailers, Mr. Reich said yesterday.

Later in the day, at the Unite office, Mr. Reich listened, grim-faced, to four New York sweatshop workers describe unsafe, unsanitary conditions at shops along Eighth Avenue in midtown, in Chinatown and in Sunset Park, Brooklyn.

More than 50,000 people work at New York City's 4,500 sweatshops, according to a General Accounting Office report. Most are Asian and Hispanic women who speak little or no English, the study showed.

The four workers — two Chinese, and two Hispanic — identified themselves and the sweatshops where they now work. The four, all naturalized United States citizens, agreed that working conditions and pay scales have worsened over the last few years in New York City's sweatshops.

"In the past, the conditions were not nearly as bad as they are now," Mrs. Chan said yesterday, speaking through an interpreter, to Mr. Reich. "Things have gotten much, much worse."

Several of the workers said they often would not get paid for several weeks. When they complained, the shop manager or foreman usually gave them the same excuse.

"The manager would say he had not been paid so he could not pay us," said Rosa Guaman, who came to the United States from Ecuador in 1989. "We hear that all the time."

A few weeks after arriving in New York City from El Salvador in 1993, Belgica Reinoso began working in a New York City sweatshop on West 38th Street. During one five-and-a-half-week period, she was not paid at all for making blouses and skirts, despite working 12 hours a day, every day.

"I was always depressed," Mrs. Reinoso recalled. "I knew I'd never have enough to pay for the groceries, the baby sitter, the subway tokens."

Mr. Reich just shook his head. "If anybody doubts that there are sweatshops operating illegally and exploiting workers in this country, you must listen carefully to these stories," he said. "I have heard them again and again in this country."

After the hearing, Mrs. Reinoso and Ms. Guaman handed Mr. Reich evidence of the cramped conditions where they now work, including color snapshots and national brand labels, torn from the clothes they have helped manufacture. Mrs. Reinoso gave Mr. Reich a typewritten, two-page list of the brand names the sweatshop where she works help make.

The four women said they would continue to work at the sweatshops, which are now known to the authorities. As the Labor Secretary shook their hands, he told them, "We will definitely follow up on this."

AROUND THE NATION

U.S., Apparel Groups To Target Sweatshops

NEW YORK—Following the discovery of immigrants working like slaves, the White House and retail apparel industry yesterday said they were stepping up efforts to end sweatshop conditions in the United States.

Labor Secretary Robert B. Reich emerged from a summit with apparel group representatives and applauded the industry's efforts to restrict purchases from manufacturers that violated health and labor laws.

In the \$89 billion apparel industry, large retailers buy clothing from manufacturers, who often contract out the work to smaller manufacturers, many of whom flout U.S. labor laws. The issue of sweatshops assumed national prominence when government officials found workers living under conditions Reich likened to slavery.

Last month, during a raid on a Southern California sweatshop, government officials discovered 72 immigrants from Thailand who earned less than \$1 per hour and were compelled to work 16 to 22 hours a day.

The Labor Department traced the manufacturer's invoices to some of the largest retailers in the nation, including Nieman Marcus, Filene's, J.C. Penney, Macy's West and Sears.

"I don't believe American consumers, when they buy garments, want to buy garments made by slave labor in the U.S.," Reich said. "This will not be tolerated in the United States."

Two industry groups, the National Retail Federation and the International Mass Retail Association, said they would spell out to their suppliers the U.S. wage and hour standards and work with the Labor Department to identify manufacturers who violate the laws.

"The solution is enforcement of existing labor laws," said Tracy Mullin, president of the National Retail Association.

Immigrants Complain Of Servitude As Workers

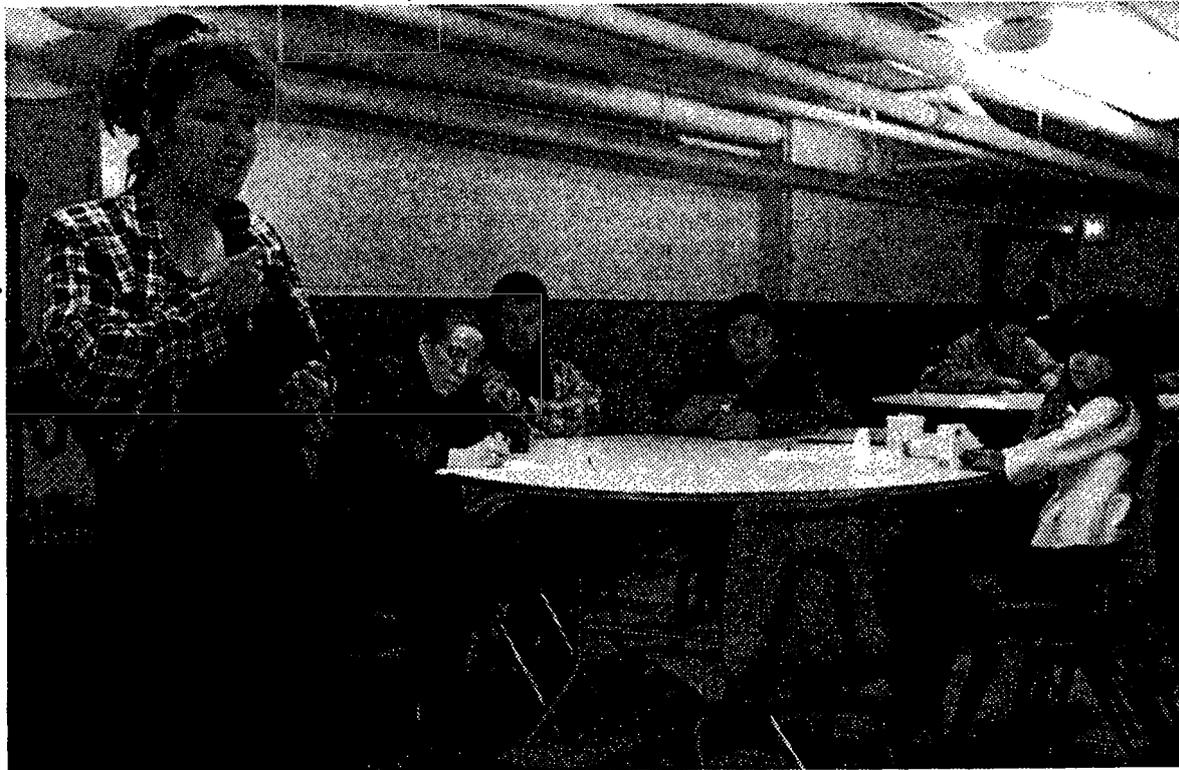
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Photographs by Vic DeLuca/The New York Times

Etelbina Flores, above right, an undocumented immigrant from El Salvador, won \$150 in back wages from a mediator after suing her former employer in small claims court. She and her husband, Martires

Villatoro, live in a house with four other Salvadoran families. Dina Aguirre, below, gave a testimonial of her experiences as a domestic worker at St. Peter's Alcantara Church in Port Washington, L.I.



and make her work 80 hours a week?"

In the hierarchy of domestic workers, laboring in the suburbs and living with an employer is considered the lowest rung of the ladder because women are isolated without transportation and often are compelled to work hours without defined limits. Days start before breakfast and can linger until a baby stops crying in the middle of the night. Some women rarely leave the house.

The popular Spanish term for this job sums up the more cynical view of the occupation — "encerrado," locked up.

Some have paid as much as a week's salary in advance to immigrant agencies or friends who help them find jobs. Typically, it is the new immigrants with shaky legal status and few options who take these positions at wages that start at about \$150 a week in the New York area, \$100 in California.

To reach them, community organizers have tried a variety of strategies to contact workers before they get their frantic telephone calls complaining about a family quarrel, a financial dispute or a dismissal.

In Jackson Heights, Queens, along a crowded strip of Indian and Bangladeshi shops and restaurants, social workers for a group called Sakhi for South Asian Women circulate leaflets to reach immigrant women who are recruited from India to work in the houses of upper middle class Indian families living in Westchester County and northern New Jersey.

Their message, translated in English, Hindi, Bengali and Urdu, contains basic information for women who rarely leave their employers' homes and are paid monthly in rupees — the equivalent of about \$320. These are the women who complain to the agency about living in drafty basements, isolated by language and suburban address, their passports and money held in safekeeping by their employers.

Some employers don't feel an obligation to pay minimum wage.

and counseling to domestic workers. The Coalition for Humane Immigrant Rights of Los Angeles circulates a comic book called "Super Domestica," a caped maid who offers negotiating tips in Spanish.

"Use the relationship that you have with your patrona to negotiate an agreement," declared Super Domestica as she hurtled through the clouds in knee-high boots. To reach "encerradas" isolated in their employers' homes, the group also regularly sends its organizers to three Beverly Hills parks where the women gather with their charges. The group offers seminars for domestics in tax planning and self-esteem, which they contend is critical training for women who don't have the skills to assert themselves.

The Workplace Project on Long Island is also circulating an advice comic book about scornful bosses and overworked maids, but their proposed solutions are far more aggressive. They are organizing workers to form "justice committees" of domestic workers who will appear at an employers doorstep to show their court orders and demand back wages.

"I find that a lot of employers feel that they're doing employees a favor by giving them a job," said Ms. Gordon, the founder of the project. "And they're shocked when they complain."

Often employers raise the threat of reporting undocumented immigrants to the authorities, but in turn they could face sanctions because it is illegal to hire someone who lacks work authorization documents or a residency permit, the so-called green card.

The employers themselves offer starkly different versions of disputes involving their domestic workers.

David Brush, a Point Lookout, L.I., resident, was flabbergasted when his former nurse's aide, Aurora Chavarria, a Colombian immigrant, sued him in small claims court for \$2,600 for three months of back wages. The case is pending.

"There should be agencies that are regulated by the government that are going to check that these women are not illegal," he said. "I paid her \$100 a day. You tell me why she's complaining. What she did is sit on her tail, watching the Latin channel on TV. All these people, they seem to know exactly what to do. They learn just how hard they can push. It's like it's organized. It's too well organized."

Mr. Brush noted that while he employed Ms. Chavarria to nurse his wife, at least \$7,000 worth of suits

"We try to tell them the right kind conditions to demand — break-ne, holidays and things like that," id Neela Trivedi, who coordinates domestic worker's project for khi, which means "woman friend" Urdu.

The Workplace Project on Long land sends its organizers to the feterias of Roman Catholic urches with large Spanish-speak-3 congregations to find domestics to need help.

On a Sunday morning at St. Peter Alcantara Church in Port Wash- ton, after Mass and the coffee ur had ended, dozens of Salvador- women and men lingered to listen Dina Aguirre deliver a testimonial out her own bittersweet experi- ces as a domestic in Garden City. She was dressed for church in- ead of work, a woman of 20 in a ng green dress and black high els, who had moved here seven onths ago from Guatemala where e had been studying to be a school eacher. She speaks little English d lacks immigration documents, a sumé that gave her few choices.

"I worked for three weeks without etting paid," she said. "I worked om 7 in the morning until 7 at night d sometimes till 11. I asked the oman to pay me and she said, 'I on't owe you anything because you ined my blouse.' She said, 'Give ie your address, and I will send you bill for all that you owe me.'"

Her Garden City employer, Ana larie Lobos, declined to discuss Ms. guirre's brief employment, but in- sted that she had been paid. Ms. guirre agrees that she finally did et a paycheck, but only after suing a small claims court and receiving n award of \$600.

Her tactic is increasingly being sed by other domestic workers in e suburbs of Long Island who have iscovered how difficult it is to make claim for back wages. In some ases, the women had already rned unsuccessfully to their local olice department for help or the tate Department of Labor, where laims can take as long as 18 months o investigate.

But those who win court claims on't necessarily feel victorious; ey still have to collect the money.

The calendar belonging to Yanira uarez, 25, is filled with entries arking the paydays that passed vithout payment from her employer a Bellport, L.I., where she worked as a housekeeper. Ultimately, she won er claim in court for back wages of ore than \$2,000, but the award re- mains unpaid.

"I returned and I returned again vith a friend who spoke English to ell her that I needed the money," Ms. Juárez said. "She took my ad- ress and said, 'I will send it.' I'm still waiting."

Such complaints are so common hat various social agencies have reated special units to offer advice

her," he said. "But when she came here these things were still here."

Accusations of theft or damaged property are often intertwined with a worker's claim for back wages. It's a constant anxiety for workers who fear being falsely accused, said Marta Lopez-Garza, an associate profes- sor in sociology at Occidental Col- lege in Los Angeles who studied the Mexican, Salvadoran and Guatemalan women who dominate domestic work in the West.

Those tensions are compounded for workers who are undocumented and fear that their employers could report them to Federal authorities,

That was the case of Ms. Flores, 24, the undocumented immigrant from El Salvador, who speaks only Spanish and relies on her husband, Martires Villatoro, to read for her. She found a \$125-a-week job last summer working as a live-in domestic for a Great Neck family, who used a Spanish-speaking friend to

Her employment ended four weeks later in an explosive quarrel: the employer accused her of stealing \$400 stuffed in the husband's coat pocket. She said she was forced to strip in front of the husband and wife to prove she didn't have the cash.

"She's a big liar," insisted her former employer, Flora Charkhy. As they demanded information about the missing money, she said, Ms. Flores insisted on disrobing. "She suddenly started taking off her clothes. I said, 'Don't do that, please!'"

Ms. Flores sued in small claims court and their dispute ended in professional mediation. The result: \$150 in back wages for Ms. Flores, who is now hoping to find work in a beauty salon.

"I was very sad because it was very difficult for me," Ms. Flores said. "But God knows what happened."

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
Y & D Fashions (cont.)		SLM Fashion Group ³ 525 7th Ave. New York, NY
Indigo 2716 E. Medford Vernon, CA	\$16,121	Guess ?, Inc. ^{2,3} 1444 S. Alameda Los Angeles, CA
J&E Fashion 9808 Glen Oaks Sun Valley, CA	\$13,990	Dakota ² 15809 S. Strathem Los Angeles, CA
OKCA, Inc. 110 W. 11 th Los Angeles, CA	\$13,338	Michel 209 E 11 th Los Angeles, CA Carol Anderson 18915 Laurel Pk. Rd. Rancho Dominguez, CA
306 JC Fashion 255 W. 36 th St. New York, NY	\$12,973	NU Venture ^{2,3} 463 7 th Ave. New York, NY Santa Barbara ³ 213 W. 35 th St. New York, NY

¹ Manufacturer contacted because of own violations.
² Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place.
³ First time manufacturer has been included on Enforcement Report.

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
Dabo, Inc. d/b/a (cont.)		Everyday ³ 5211 E. 11th Los Angeles, CA Claudia Fashion ³ 1107 S. Santee Los Angeles, CA
Advance Sewing 2236 E. 14th St. Oakland, CA	\$19,914	David Wayne d/b/a ² Shane Hunter 1400 6th St. San Francisco, CA
VIG Production, Inc, 88 35th St. New York, NY	\$17,082	Plymouth Mills ^{2,3} 330 Tompkins Ave. Staten Island, NY
Y & D Fashions 43-27 Queens St. Long Island City, NY	\$16,500	NCC Sportswear 800 Cooper Ave. Glendale, NY The Urban Apparel Group, Ltd. ³ 45 7th Ave. New York, NY Damas Atlantic ³ 5900 Decatur St. Glendale, NY

¹ Manufacturer contacted because of past violations.
² Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place.
³ First time manufacturer has been included on Enforcement Report.

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
KE Factory 1452 Valencia Los Angeles, CA	\$32,776	Protex Apparel ³ 10920 Thienes S. El Monte, CA PCT ³ 2060 Via Arado Rancho Dominguez, CA Vogue Int'l Collection ³ 910 E. Pico Los Angeles, CA
Dabo, Inc. d/b/a Minny Fashion 1212 Stanford Los Angeles, CA	\$25,000	Rainbow ³ 1219 S. Wall Los Angeles, CA VIA ³ 1100 S. San Pedro Los Angeles, CA Vogue Int'l Collection ³ 910 E. Pico Los Angeles, CA Maria Bonita ³ 1136 S. Santee Los Angeles, CA

Manufacturer contacted because of own violations.
 Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place.
 First time manufacturer has been included on Enforcement Report.

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News Release

→ Steve Wannath
DPC

Fr. John Grace



U.S. Department of Labor

Office of Public Affairs
Washington, D.C.

OFFICE OF PUBLIC AFFAIRS

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USDL: 97-71
FOR RELEASE: Immediate
Tuesday, March 4, 1997

LABOR DEPARTMENT RELEASES GARMENT ENFORCEMENT REPORT "No Sweat" Initiative Continues as New Measurers to Step Up Effectiveness of Manufacturing Monitoring are Announced

The U.S. Department of Labor recovered more than \$827,000 in back wages for minimum wage and overtime violations of the Fair Labor Standards Act (FLSA) for 2,200 garment workers during a 3 month period from October 1 to December 31, 1996, the department announced today.

According to the Labor Department's fourth quarterly garment enforcement report, the Los Angeles garment industry presents the greatest challenge to federal law enforcement. More than 800 workers there shared in roughly half (\$409,623) of the back wages recovered for the entire nation. Throughout the state, 119 investigations were conducted, resulting in 65 violations. Back wages of \$479,247 were collected for 1,245 garment workers throughout California. The state of New York followed with 80 investigations resulting in \$171,160 worth of back wages collected for 657 garment workers. In addition, the department assessed \$196,419 in civil money penalties for repeat and/or willful violations of FLSA. A total of \$102,802 in civil fines were assessed against garment makers in New York and \$62,617 in civil fines against California companies.

"This is the fourth garment enforcement report issued in the past year," said Cynthia A. Metzler, Acting U.S. Labor Secretary. "In 1995 retailers asked us then to let them know who the violators were, and they would take action to clean up this industry. We're asking the industry now to ask the tough questions of their suppliers. All retailers should know whether their merchandise was not produced illegally. We've now got a years' worth of information to help them do that."

-more-



Leadership Conference on Civil Rights

1629 "K" St., NW, Suite 1010
Washington, D.C. 20006
202 / 466-3311

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o Elementary and Secondary Education Act (including Chapter One Reform) (1994)

o Gender Equity in Education Act (1994)

o Gun Control Legislation (1994)

a. Brady Bill

b. Assault Weapon Ban

o Violence Against Women Act (1994)

o Earned Income Tax Credit (1993)

o Family and Medical Leave Act (1993)

o National Motor Voter Act ("Motor Voter" Bill) (1993)

o Religious Freedom Restoration Act (1993)

o Voting Rights Language Assistance Act of 1992

Extended and Strengthened Section 203, the Bilingual Provisions of the Voting Rights Act.

o Civil Liberties Act Amendments of 1992

o Reauthorization of the U.S. Civil Rights Commission (1992)

o Civil Rights Act of 1991

After a two-year battle between the Bush Administration and a bipartisan Congress, legislation was enacted overturning eight Supreme Court decisions which had made it more difficult for victims of discrimination to get into court and to prove discrimination (the first time Congress has ever overturned more than one Supreme Court decision at one time). The Civil Rights Act of 1991 also provides for the first time compensatory and punitive damages for women, persons with disabilities, and

certain religious minorities who are victims of intentional job discrimination.

- Reauthorization of the Individuals with Disabilities Education Act (1991)

- Americans with Disabilities Act (1990)

The most significant and dramatic improvement in civil rights law in two decades. Provides civil rights protections in employment, transportation, communications, and public accommodations for the 43 million Americans with disabilities.

- Minority Farmers Rights Act (1990)

- Reauthorization of the Education of Handicapped Children's Act (1990)

- Japanese American Redress Entitlement Program (1989)

- Reauthorization of the U.S. Commission on Civil Rights (1989)

- Anti-Redlining Provisions in the 1989 Banking Reform Bill (1989)

- Hate-Crimes Statistics Act (1989)

- Minimum Wage Increase (1989)

- Fair Housing Amendments Act (1988)

The new law for the first time provides an effective enforcement mechanism, prohibits discrimination against persons with disabilities, and prohibits discrimination against families with children.

- Civil Rights Restoration Act (1988)

Climaxing an extraordinary four-year legislative struggle, Congress overrode a presidential veto and overturned the 1984 Supreme Court Grove City decision. The Civil Rights Restoration Act restores the broad coverage of the four major civil rights laws that prohibit the federal funding of discrimination against minorities, women, persons with disabilities, and older Americans.

- Japanese-American Redress Bill (1988)

Legislation apologizes to Japanese-Americans interned in prison camps in the United States during World War II and authorizes \$20,000 to each of those who are alive.

- Age Discrimination in Employment Claims Assistance Act (1986)

- Disability Legislation (1986)

Three measures were enacted, overturning Supreme Court decisions which had weakened disability rights.

- a. Handicapped Children's Protection Act: Overturned the Supreme Court's decision in Smith v. Robinson. Provides for the payment of legal fees for parties who successfully sue under the Education for All Handicapped Children's Act (P.L. 94-142).
 - b. Civil Rights Remedy Equalization Act: Overturned the Supreme Court decision in Atascadero State Hospital v. Scanlon which created a large loophole by finding that the States' Eleventh Amendment immunity to suit in federal court had not been lifted by Section 504.
 - c. Air Carrier Access Act of 1986: Introduced in response to the Supreme Court's decision in Department of Transportation v. Paralyzed Veterans of America which held that Section 504 was not applicable to commercial air carriers because they were not direct recipients of federal funds.
- o Provisions in the 1986 Tax Reform Act which deleted six million poor people from the tax rolls, increased the standard deduction for single heads of households and raised the level for the earned income credit.
 - o South African Sanctions (1985-1986)

In the face of stiff resistance by the Reagan Administration, Congress twice enacted legislation imposing sanctions on South Africa. Both Houses overrode a presidential veto of the 1986 sanctions measure.
 - o Martin Luther King Holiday Bill (1983)

Introduced in every Congress since the late 1960's this measure, despite initial White House opposition, passed in both Houses by more than a 3-1 margin.
 - o Voting Accessibility for Disabled and Senior Citizens Act (1983)

Legislation to provide access to persons with disabilities and senior citizens.
 - o The 1982 Voting Rights Act Extension

Passed House and Senate by votes of 389-24 and 85-8.

 - a. Extended Section 5 of the VRA for 25 years, over 3 times longer than any previous extension.
 - b. Overturned Mobile v. Bolden, the 1980 Supreme Court decision. The Supreme Court had held that the "intent" standard of proof was applicable to Section 2 Voting Rights Act cases. Congress reinstated the

"results" standard. Profound positive ramification for all civil rights laws.

c. Extended bilingual provisions of Act until 1992.

- o Major Provisions of the Economic Equity Act, the Omnibus Measure to Eliminate Sex Discrimination in Key Economic Areas

Parts of the EEA passed include the Pension Reform Act (1984), the Child Support Enforcement Act (1984), IRA's for Homemakers (1981), Estate Tax Reforms for Farm Widows (1981), Day Care Tax Credits (1981), Group Health Insurance Continuation (1985), Dependent Care (1986), and Military Pension Reform (1986), Equal Credit Protection Act (1988), the Medicare Catastrophic Act (1988), the Child Care in Public Housing Act (1988), Increased Funding for Title XX (Social Security) (1989), Maternal and Child Health Block Grant Increase in Funding (1989), Vocational Education Act (1990), Social Security Benefits for Disabled Widows and Widowers (1990), Displaced Homemakers First Time Home Buyers Program (1990), Immigration Reform for Battered Spouses (1990), Public Housing Prenatal Services (1990), Non-Traditional Employment for Women Act (1991) and the Glass Ceiling Act (1991), Pell Grant Eligibility Expansion Act (1992), Small Business Access to Surety Bonding Survey Act (1992), Micro-lend For the Future Act (1992), Women's Business Procurement Assistance Act (1993).

IT SHOULD ALSO BE NOTED THAT DURING THE REAGAN-BUSH YEARS, THE RIGHT WING FAILED TO ENACT ONE MAJOR MEASURE ON ITS REGRESSIVE CIVIL RIGHTS AGENDA.

-2-

Metzler also announced that the department will take additional enforcement steps and offer enhanced education initiatives to ensure the effectiveness of manufacturers' monitoring of contractors for compliance with labor laws. She also encouraged the retail industry to make better use of the reports to raise questions with their suppliers about whether goods might have been produced by labor law violators.

"The Labor Department's *No Sweat* initiative is continuing to make sure that those manufacturers who sign the Department's compliance monitoring agreement--which I am pleased to report now numbers 74 nationwide--are fulfilling their commitments by requiring their contractors to comply with FLSA, performing pre-contract review of pricing terms with contractors and monitoring their contractors for compliance with the minimum wage and overtime requirements of FLSA."

"We are pleased with the positive impact that monitoring is having on the level of contractors' compliance," Metzler continued. "At the same time, however, we are concerned that a small number of these manufacturers, which were some of the first to sign the department's compliance monitoring agreement, have appeared on three of the department's enforcement reports."

The department will review the status of certain manufacturers' monitoring agreements and ask them to conduct a self audit within 30 days outlining deficiencies found and identifying specific steps they will take to remedy flaws in their programs.

Manufacturers contacted by the department will be those appearing on three of the four reports issued to date, including those which have voluntarily implemented a monitoring program or had given the department written assurances to comply with the FLSA provisions. They will be asked to sign the department's compliance monitoring agreement.

According to Metzler, "all of our compliance surveys show that monitoring works, so education for retailers and manufacturers is a critical component." In May, the department will conduct compliance monitoring workshops in garment manufacturing centers throughout the United States and will sponsor a seminar in Los Angeles for manufacturers who have monitoring programs to provide additional guidance on how to make their programs more effective.

#

**NO
SWEAT.**

Garment Enforcement Report

October 1996 - December 1996

Wage & Hour Division
U.S. Department of Labor
Cynthia A. Metzler, Acting Secretary

**NO
SWEAT.**

Garment Enforcement Report

October 1996 - December 1996

FY1997 First Quarter Garment Enforcement Report

The Department of Labor is committed to eradicating garment sweatshops and bringing the garment industry into compliance with U.S. labor laws. Encouraging manufacturers to be aware of which contractors consistently violate the law, and to monitor formally their contractors for compliance with minimum wage and overtime laws, is an important step toward the goal of bringing long lasting positive changes for workers in the industry.

To that end, the Department of Labor has developed a multi-pronged strategy of **enforcement, recognition, and education** to eradicate worker abuse in the U.S. garment industry.

Enforcement

The Wage and Hour Division conducts targeted enforcement sweeps in major garment centers and notifies manufacturers of the "hot goods" provision of the Fair Labor Standards Act which prevents the shipment of goods made in violation by contractors.

Recognition

In December 1995, the Department issued its first Trendsetter List, highlighting retailers and manufacturers which have assumed responsibility for monitoring practices of contractors which make their garments.

Education

The Department's garment public service announcement initiative utilizes print and radio public service announcements and a new Internet World Wide Web site to provide information to consumers interested in helping to combat worker abuse.

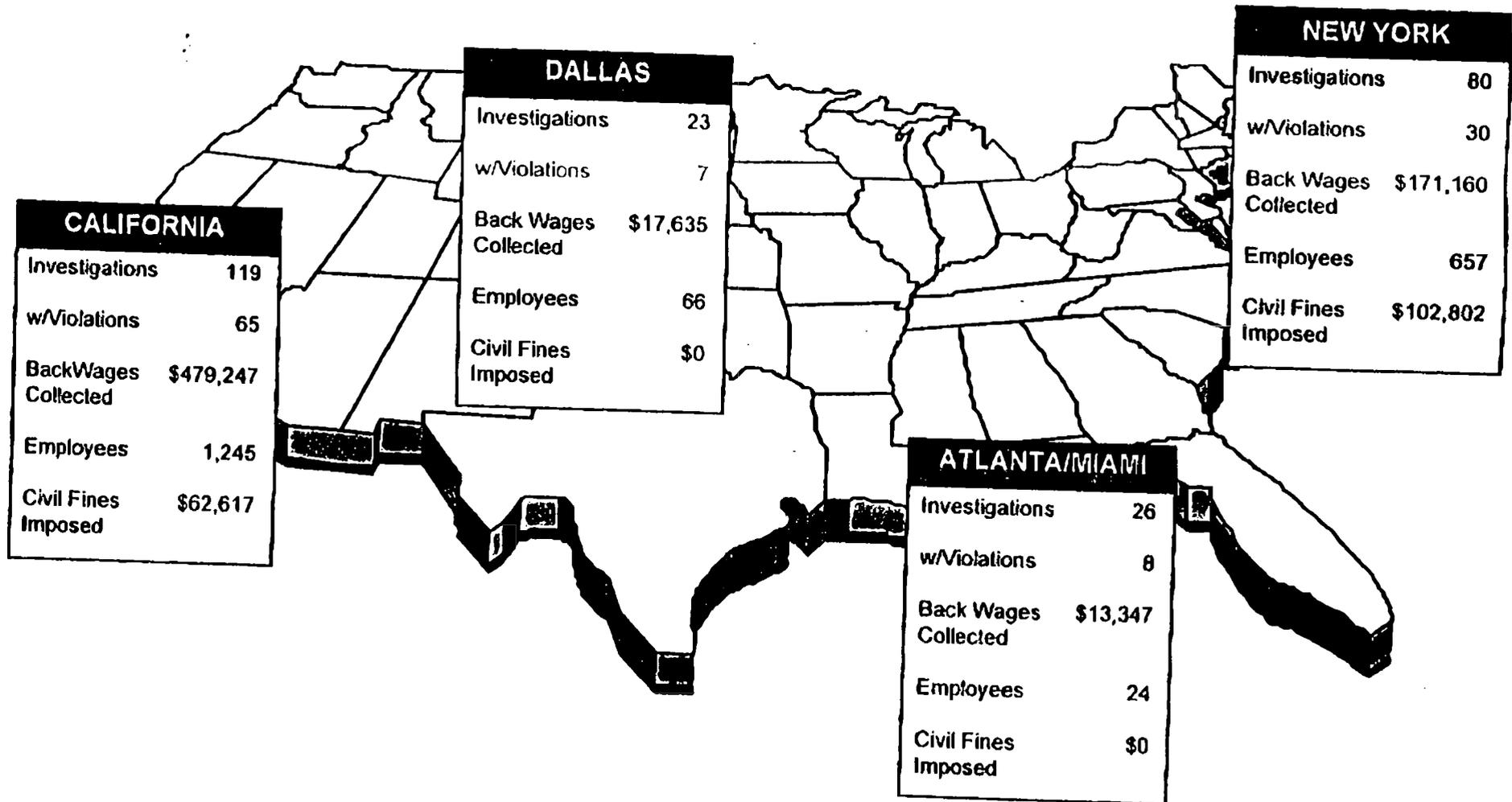
This report consists of a contractors and manufacturers list and enforcement statistics for the first quarter of the this fiscal year, October 1, 1996 through December 31, 1996. The manufacturers list contains the names of firms Wage and Hour has contacted to notify them that contractors with whom they do business have been investigated and found to violate the FLSA. The report also contains enforcement results in the industry from the first quarter.

We have designated by bold face type firms that appeared on prior reports.

**NO
SWEAT.**TM

Enforcement In 4 Major Garment Centers

October 1996 - December 1996





Garment Enforcement Summary

October 1996 - December 1996

	TOTAL	BOSTON	PHILA- DELPHIA	NEW YORK	AT- LANTA	DALLAS	CALI- FORNIA
Number of Investigations Conducted	293	30	15	80	26	23	119
Number of Investigations with Violations	123	6	7	30	8	7	65
Amount of Back Wages Recovered	\$827,466	\$123,669	\$22,408	\$171,160	\$13,347	\$17,635	\$479,247
Number of Employees Receiving Back Wages	2,200	115	93	657	24	66	1,245
Civil Fines Imposed	\$196,419	\$25,000	\$6,000	\$102,802	\$0	\$0	\$62,617

**NO
SWEAT.**

Apparel Manufacturers Contacted

October 1996 - December 1996

How the list was compiled:

As part of its enforcement process, the Department of Labor's Wage and Hour Division contacts a garment manufacturer when an investigation reveals that a sewing contractor with whom the manufacturer does business has violated the Fair Labor Standards Act (FLSA). Listed below are the names of manufacturers contacted between October 1, 1996 and December 31, 1996 and informed of contractor violations. The contractors and manufacturers are included on this list based on investigative findings of violations, not a judicial determination that any firm has violated the law.

Except where noted, the violations have been resolved and back wages paid by either the contractor or the manufacturer. If all or part of the back wages found by Wage and Hour to be owed to the contractor's employees have not been paid, this is noted by the designation "unpaid" in the Back Wages column. Payment of back wages does not constitute an admission of liability of any firm.

Only cases in which Wage and Hour found back wages due in excess of \$1,000, whether for employees of a contractor or manufacturer, are included on the list. Manufacturers on the list did not necessarily receive goods produced in violation of the FLSA for which back wages were owed, or pay all or part of the back wages: Wage and Hour notifies manufacturers of violations by contractors with whom they did business during the relevant time frame regardless of whether the goods involved were produced for that manufacturer. The manufacturer may or may not still be doing business with the contractor.

The contractors are listed in descending order by the amount of back wages found due. The severity of contractors' violations, however, cannot be compared on the basis of the dollar amounts on this list. Back wage amounts paid to contractor employees vary based upon the facts, circumstances and time periods involved. When there has been no final determination of whether there were any FLSA violations, or, where there were violations, of the amount of back wages owed, the case is listed at the end of the Report with the notation "In Dispute" in the back wage column.

Footnotes designate manufacturers that were contacted because of their own violations; manufacturers that have agreed to monitor or are monitoring their contractors for future compliance; and manufacturers that appear for the first time on a Garment Enforcement Report. Firms that have been included on prior Reports are in boldface type.

The Report presents all information available to the Department of Labor as of the date of publication with respect to the reported investigations. If the Department obtains new information pertinent to an investigation on the Report after that date, it will update the Report, both the Internet and hard copy versions, to reflect that new information.

This list does not constitute an endorsement by the federal government of any company, nor does it constitute disapproval of any company.

**NO
SWEAT.**SM

Apparel Manufacturers Contacted

October 1996 - December 1996

Contractor	Back wages found by Wage & Hour to be due contractor employees	Manufacturers Identified as Doing Business with Contractor During Investigation Period
Pride Jeans, Inc. 2878 E. 54 th Vernon, CA	\$101,300	Guess ?, Inc. ^{2,3} 1444 S. Alameda Los Angeles, CA Revatex ^{2,3} 1013 S. LA St. Los Angeles, CA
Kneeland Sportswear 119 Braintree St. Allston, MA	\$73,000	David Brooks/Robert Scott ² 122 Allied Drive Dedham, MA
R & J Trading 3030 Northern Blvd. Long Island City, NY	\$55,084	Jessica Michelle ³ 525 7 th Ave. New York, NY Rhoda Lee, Inc. ³ 525 7 th Ave. New York, NY Elberton Mfg. Co. ³ P.O. Box 878 Elberton, GA

¹ Manufacturer contacted because of own violation.
² Manufacturer agreed to begin contractor monitoring program, or has a monitoring program in place.
³ First time manufacturer has been included on Enforcement Report.