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WORKER EXPLOITATION MEETING
March 16, 1999

INTRODUCTION

BACKGROUND ON WORKER EXPLOITATION ISSUE

**STATUS OF THE DEVELOPMENT AND IMPLEMENTATION OF A
WORKER EXPLOITATION STRATEGY**

ROLE OF WHITE HOUSE CIVIL RIGHTS COORDINATING COUNCIL

NEXT STEPS

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WORKER EXPLOITATION TASK FORCE**FACT SHEET**

The Worker Exploitation inter-agency task force is designed to help combat cases of worker exploitation and modern day slavery in the United States. In recent years the Departments of Labor and Justice have become increasingly aware of the problem.

PURPOSE:

While the federal government always has been committed to prosecuting worker exploitation, the task force will enhance its enforcement ability by:

- ensuring better coordination between government agencies that look into worker exploitation;
- creating a centralized system to share information and exchange tips on how to pursue these cases;
- creating an overall strategy to address worker exploitation by establishing a comprehensive enforcement plan.

STRUCTURE:

The task force will be co-chaired by the head of the Civil Rights Division and the Solicitor of the Department of Labor and will report to the Attorney General and the Secretary of Labor. In addition to representatives from the Civil Rights Division and the Department of Labor, the FBI, INS and U.S. Attorney's offices will contribute their expertise. Representatives from these agencies will meet regularly to address ongoing cases and plan future enforcement actions.

THE PROBLEM:

Increasingly, evidence demonstrates the seriousness of worker exploitation. Over the past three years alone, the Justice Department has brought ten cases involving more than 150 victims. The following is an example of cases in recent years:

- Eighteen defendants pled guilty in New York to recruiting and smuggling approximately 60 Mexican nationals who are deaf and forcing them to work in conditions of involuntary servitude;
- Eight Thai nationals pled guilty to enticing Thai citizens to the United States with promises of good jobs. Upon arrival, the Thai citizens were forced to work in sweatshop conditions at a garment factory and were not allowed to leave;

- Three defendants pled guilty in Texas to smuggling foreign workers and forcing them to perform domestic tasks during the day. At night they were locked up so that they were unable to escape;
- Five defendants pled guilty to smuggling farm workers across the Mexican border and forcing them to work as migrant farm laborers in conditions of involuntary servitude;
- A husband and wife pled guilty to holding an Indian woman from Bombay, India, to work as a housekeeper in conditions of involuntary servitude in their home in Miami, Florida.

THE LAWS:

A number of laws are used to prosecute involuntary servitude cases, including civil rights conspiracy statutes, statutes prohibiting an individual from being held in a condition of indentured servitude, and the 13th amendment. Additionally, many involuntary servitude cases result in immigration and extortion charges as well. The civil rights statutes were amended in 1996 to increase penalties against violators.



Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20035

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TELEFACSIMILE COVER SHEET

DATE:

3/5/99

TIME:

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UNITED STATES DEPARTMENT OF JUSTICE

Press Conference

THE HON. JANE RENO, UNITED STATES ATTORNEY GENERAL

Thursday, April 23, 1998

9:30 a.m.

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P R O C E E D I N G S

(9:30 a.m.)

ATTORNEY GENERAL RENO: Good morning.

VOICES: Good morning.

ATTORNEY GENERAL RENO: Since I became Attorney General, I have received information of vulnerable people being forced into labor against their will. Slavery is one of history's worst moments, but it is not just history when you look at some of these cases.

Just last year, 60 deaf Mexicans were forced to peddle key chains on the streets of Manhattan.

In Georgia, South Carolina and Florida, migrant farm workers were forced to work for little pay, in cramped, unsanitary living conditions, and threatened with physical harm if they tried to escape.

In California, Thai garment workers were forced by armed guards to work 20-hour shifts in sweatshop conditions.

We have tracked down modern-day slave owners and others who exploit workers wherever and whenever we can. But I think we need to do more. That is why I am announcing a new Federal task force to investigate and prosecute these modern-day slavery cases. It will be co-chaired by Bill Lann Lee, the Acting Assistant Attorney General for Civil Rights, and the Solicitor of the Department of Labor. I am

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1 joined today by Bill and Steve Mandel, of the Labor
2 Department. And I thank you for being here.

3 The purpose of the task force will be to
4 coordinate the investigation, prosecution and prevention of
5 these cases. The task force has three jobs. First, it will
6 improve coordination between Federal agents who investigate
7 worker exploitation for the INS, the FBI and the Department
8 of Labor. This enhanced coordination will enable
9 prosecutors to be more proactive in enforcing the law.

10 Secondly, the task force will establish a central
11 information bank, where investigators can compare leads and
12 exchange tips on how to pursue these cases.

13 And, third, the task force will establish a
14 blueprint for addressing the unique needs of victims of
15 worker exploitation. We must create an environment where
16 victims will be more willing to come forward and report
17 these terrible crimes.

18 We are not interested in containing modern-day
19 slavery, we want to eradicate it in America. We want to
20 get it off the front pages and into history books. And this
21 is another step. It is a very important step.

22 QUESTION: Ms. Reno, are we basically talking
23 about illegal immigrants smuggled into this country and
24 forced into conditions of slavery? Or are there legal
25 immigrants being subjected to this? U.S. citizens?

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1 MR. LEE: Most of the cases seem to involve
2 undocumented workers from Mexico and other countries. But
3 there are also cases involving migrant workers, which do
4 involve United States citizens. And the way we see the
5 problem is that no matter what your legal status, it is
6 emerging as a significant law enforcement problem.

7 QUESTION: Mr. Lee, what would be an example --
8 (off microphone) -- proactive?

9 MR. LEE: I think an example or perhaps a model
10 of what we are thinking about is the Church Arson Task
11 Force, which is a task force I chair with the high official
12 from the Department of the Treasury, in which we look at
13 that problem. And we have the Department of Labor, which
14 has significant investigative expertise and resources. We
15 have the FBI. We have INS. And they have been
16 investigating these things from separate points of view and
17 separate agencies.

18 It is important to bring them together and bring
19 the expertise together. It is important to have regular
20 meetings, at which the investigators share information. As
21 the Attorney General says, it is important to have a central
22 information bank, so that leads and information can be
23 shared.

24 It is also important to meet regularly, to meet
25 face to face, to keep in touch, and develop the kinds of

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1 techniques -- and there are always special techniques in
2 particular areas of law enforcement, where you need to work
3 together.

4 ATTORNEY GENERAL RENO: What I would suggest --
5 there are two or three fronts where I think we can be more
6 organized and more proactive, in addition to what Bill has
7 described. State and local officials -- sometimes it will
8 be a building official, sometimes it will be a fire
9 official, inspecting for fire violations, or police may get
10 a tip, or the neighborhood may have information concerning
11 these circumstances -- and local officials will hear about
12 it. I think we can do more outreach to local officials, to
13 develop leads and to find out what is happening.

14 This is one example. I think we can alert INS
15 officials along the border, and the Border Patrol, as they
16 pursue smuggling cases, to be particularly observant of
17 circumstances in which people are being exploited because
18 of their vulnerability, such as the deaf individuals that
19 were conscripted to the streets of New York. Those would
20 be some of the examples I have in mind of how we can be more
21 organized in our approach and identify early on these
22 circumstances.

23 QUESTION: Mr. Mandel, may I ask you two questions
24 on this? Is this problem getting worse as you see it? And,
25 secondly, is there any particular center of the economy --

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1 garment-making or something else -- that it seems to be more
2 gross, more prevalent?

3 MR. MANDEL: It certainly is our impression that
4 the problem is getting worse. And I think garment is the
5 best example. We are trying to focus our efforts on
6 low-wage workers, and particularly the population of garment
7 workers, for example. We certainly see a higher degree of
8 abusive practices in the garment industry.

9 Our investigators, of course, are focused on
10 trying to get back wages for those garment workers who are
11 underpaid. But I think what we would like to see this task
12 force develop is to have some of those cases develop into
13 criminal cases. There is a criminal provision in the Fair
14 Labor Standards Act, as well as other criminal sanctions
15 that could come to bear, in an attempt to deter employers
16 from engaging in these abusive factors.

17 QUESTION: If I could just follow up. What effort
18 do you see on the part of the -- to use an old civics
19 textbook term -- the captains of the garment industry to
20 make this go away?

21 MR. MANDEL: Well, we are trying to engage in an
22 effort, in compliance partnerships, where we try to get all
23 the major players in the garment industry to help monitor
24 the conditions in the industry and to work together with us
25 to try to demand that the contractors, the shops at the

1 lower levels, have a higher degree of compliance. It is a
2 very difficult industry to monitor for a variety of reasons,
3 one of which is that the population tends to be very
4 vulnerable, because they tend to be undocumented and they
5 are often unwilling to come to us with complaints.

6 So, again, one of the objectives, I think, of the
7 task force is to encourage those people to remove the
8 disincentives for those undocumented workers to come to us
9 and bring complaints to our attention.

10 QUESTION: How many cases are there currently?
11 And are the cases on the rise? And what percentage per
12 annum? Or what can you tell us?

13 MR. LEE: All I can tell you at this point is we
14 have had, with the Civil Rights Division, about 10 cases in
15 the last 3 years. And they have involved approximately 150
16 individuals. There are ongoing investigations. And it is
17 extraordinary that we are talking about modern-day slavery
18 at this time in our Republic's history. So I do not have
19 the exact numbers, but any -- as the Attorney General
20 pointed out, any case is really an abomination.

21 QUESTION: And increasing, or can you say?

22 MR. LEE: I certainly hope not.

23 QUESTION: What are some of the steps you are
24 planning to make workers more willing to come forward? How
25 can you handle that?

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1 MR. LEE: Well, from the point of view of the
2 Department of Justice, we want to make sure that workers
3 understand that if they are abused in this horrible way,
4 that there is going to be certain action taken. And that
5 is very important. So we are trying to coordinate all the
6 Federal resources. And we are working with State and local
7 government in order to make sure that when there is a
8 problem, that government be able to act and enforce the
9 laws.

10 QUESTION: What kind of assurances that they will
11 not be deported? Isn't that the most important?

12 MR. LEE: In some cases that has been very
13 important. And we will decide that on a case-by-case basis.

14 QUESTION: Only on a case-by-case basis?

15 MR. LEE: I'm sorry?

16 QUESTION: Only on a case-by-case basis?

17 MR. LEE: That is how we make those decisions,
18 yes.

19 QUESTION: Do you feel you have no flexibility
20 under the law? Because if it is true that, as you say, one
21 of the reasons workers are reluctant to come forward is that
22 they fear they will be deported, why not say we won't deport
23 you? Do you feel you cannot, you just do not have that
24 authority?

25 MR. LEE: Well, we will look into that. And that

1 is actually one of the issues that the task force will be
2 addressing. At this point in time, we have addressed it on
3 a case-by-case basis.

4 ATTORNEY GENERAL RENO: One of the points that
5 you have is, whether it be with respect to just general
6 enforcement of the law, you have concerns about victims of
7 crime who are afraid to come forward. And in each
8 situation, it is important that we look at it on a
9 case-by-case basis, with an eye to making sure that justice
10 can be achieved regardless of the person's status, and that
11 they should not be subjected to crime or subjected to these
12 circumstances.

13 At the same time, you do not want to create a
14 blanket opportunity. So I think if we do it on a
15 case-by-case basis, as we have, we can work to see that
16 justice is achieved while at the same time maintaining
17 appropriate enforcement of the immigration laws.

18 QUESTION: Was any thought given to reaching out
19 to people in countries of origin, or even immigrant -- there
20 are advocates of immigrant rights -- trying to warn them
21 ahead of time that there are these scams going on, and what
22 seems like a golden opportunity to get into the United
23 States may not be and might be leading to a life of slavery?

24 ATTORNEY GENERAL RENO: I think that is a
25 wonderful suggestion. And I would like -- because I

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1 discover that, thanks to you all, my voice is heard
2 oftentimes beyond our borders -- I would just like to urge
3 officials in other countries and those that might be
4 susceptible to the smugglers or others who take advantage
5 of them to beware and to make sure that you do not do
6 anything that puts yourself in this situation if you can
7 possibly avoid it.

8 QUESTION: Any sense of what the size of the task
9 force will be at this point?

10 MR. LEE: At this point we have decided that it
11 should be a high-level task force. In the past, we have
12 had informal, ad hoc kind of arrangements. So I cannot give
13 you the size, but I can assure you that we will have the
14 actors for the particular agencies -- INS, FBI, Department
15 of Labor -- who will be able to make decisions and to make
16 sure that the prosecutions and investigations are done in
17 a proper way and with adequate resources.

18 QUESTION: Mr. Mandel -- (off microphone) --
19 Mr. Lee -- (off microphone) -- said that the Justice
20 Department has -- (off microphone). Do you know how many
21 complaints or cases that your Department has?

22 MR. MANDEL: Are you talking about criminal
23 complaints?

24 QUESTION: Well -- (off microphone) -- maybe you
25 just get complaints as opposed to -- (off microphone) --

1 criminal cases, but can you give us some kind of a numerical
2 estimate about how big of a problem this is?

3 MR. MANDEL: I cannot give you a numerical
4 estimate. As I said, we investigate cases from the civil
5 side. And then, when we think a case might deserve to be
6 looked at from the criminal side, we refer it over to the
7 Department of Justice. But I do not have the numbers for
8 you. I'm sorry.

9 QUESTION: Mr. Lee, do you need new funding for
10 this task force, or does this come out of existing
11 resources?

12 MR. LEE: At this point it comes out of existing
13 resources.

14 QUESTION: Ms. Reno, when you talk about
15 addressing the needs -- (off microphone) -- are there other
16 social service needs that these people have?

17 ATTORNEY GENERAL RENO: They are going to be --
18 I was talking in terms of needs of the victim. With respect
19 to, for example, a vicious assault, we have got to obviously
20 make sure that appropriate medical care is provided and that
21 general victim services are provided. And I want to try to
22 do everything I can to make sure that people are not afraid
23 to come forward, so that they at least have the advantage
24 of some protection, so that they are not left vulnerable to
25 the crime.

Sec. _____. Humanitarian/Material Witness Nonimmigrant Visa

(a) PURPOSE. --

The purpose of this section is to create a new nonimmigrant visa classification that will strengthen the ability of law enforcement agencies to detect, investigate, and prosecute cases of trafficking of aliens, while offering protection to victims of such offenses in keeping with the humanitarian interests of the United States. Trafficking in persons for forced labor or servitude has been identified as a multinational crime problem of growing severity with increasing ties to international organized crime. Traffickers recruit and transport persons, especially women and children, to the United States in order to exploit their labor under horrific conditions through the use of force, violence, debt bondage, or other coercive tactics. Creating a new nonimmigrant visa classification will facilitate the reporting of violations to law enforcement officials by exploited aliens who are not in a lawful immigration status. It also gives law enforcement officials a means to regularize the status of cooperating individuals during investigations, prosecutions, and civil law enforcement proceedings. By providing temporary legal status to aliens who have been severely victimized by trafficking or similar egregious offenses, it also reflects the humanitarian interests of the United States. Finally, the provision gives the Attorney General discretion to convert nonimmigrants under this section to permanent status when it is justified on humanitarian grounds or is otherwise in the national interest.

(b) ESTABLISHMENT OF A NEW NONIMMIGRANT CLASSIFICATION. -

Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended -

- (1) by striking "or" at the end of subparagraph (R),
- (2) by striking the period at the end of subparagraph (S) and inserting "; or", and
- (3) by adding at the end the following new subparagraph:

"(T) subject to 214(m), an alien (and the spouse, children, and parents of the alien if accompanying or following to join the alien) who the Attorney General determines --

- (i) possesses material information concerning criminal or other unlawful activity;
- (ii) is willing to supply or has supplied such information to Federal or State law enforcement officials;
- (iii) would be helpful, were the alien to remain in the United States, to a properly authorized Federal or State investigation or prosecution of the criminal or other unlawful activity; and
- (iv) has suffered severe physical or mental abuse in

Bill Longue

the United States as a result of the criminal or other unlawful activity."

(c) CONDITIONS FOR ADMISSION. --

(1) NUMERICAL LIMITATIONS; PERIOD OF ADMISSION; ETC. - Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

"(m) (1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(T) in any fiscal year may not exceed 750.

(2) No alien may be admitted into the United States as such a nonimmigrant more than 5 years after the date of the enactment of this subsection.

(3) The period of admission of an alien as such a nonimmigrant may not exceed 3 years. Such period may not be extended by the Attorney General.

(4) As a condition for the admission, and continued stay in lawful status, of such a nonimmigrant, the nonimmigrant - (A) may not be convicted of any criminal offense punishable by a term of imprisonment of 1 year or more after the date of such admission;

(B) must have executed a form that waives the nonimmigrant's right to contest, other than on the basis of an application for withholding of deportation or removal, any action for deportation of the alien instituted before the alien obtains lawful permanent resident status; and

(C) shall abide by any other condition, limitation, or restriction imposed by the Attorney General."

(2) PROHIBITION OF CHANGE OF STATUS. - Section 248(1) of the Immigration and Nationality Act (8 U.S.C. 1258(1)) is amended by striking "or (S)" and inserting "(S) or (T)."

(d) ADJUSTMENT TO PERMANENT RESIDENT STATUS. -

(1) IN GENERAL. -- Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following new subsection:

"(1) (1) The Attorney General may adjust the status of an alien admitted into the United States under section 101(a)(15)(T) (and the spouse, children, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if --

(A) in the opinion of the Attorney General, the alien's continued presence in the United States is justified on humanitarian grounds or is otherwise in the national interest, and

(B) the alien is not described in sections

212(a)(3)(A)(i)(I), (3)(A)(ii), (3)(A)(iii), (3)(C), or (3)(E).

"(2) Upon the approval of adjustment of status under paragraph (1), the Attorney General shall record the alien's lawful admission for permanent residence as of the date of such approval and the Secretary of State shall reduce by one the number of visas authorized to be issued under sections 201(d) and 203(b)(4) for the fiscal year then current."

(2) EXCLUSIVE MEANS OF ADJUSTMENT. - Section 245(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255(c)(5)) is amended by striking "section 101(a)(15)(S);" and inserting "sections 101(a)(15)(S) or 101(a)(15)(T);".

LABOR EXPLOITATION STATUTE

(A) Whoever -

(1) Employs, recruits, harbors, provides, transports, or secures, by any means, any person, knowing or having reason to know that person is or will be subjected to unlawfully exploitative labor conditions as defined in paragraph (B) of this Section, OR

(2) Knowingly benefits from, or makes use of, the labor of a person held to a condition of involuntary servitude or peonage as those terms are used in 18 U.S.C. §§1581 and 1584,

shall be fined under this title or imprisoned not more than 10 years, or both.

(B) The term "Unlawfully Exploitative Labor Conditions" means —

(1) The labor of a person is obtained or maintained by means of any plan or pattern, including but not limited to false and fraudulent pretenses and misrepresentations, such that the person reasonably believes he has no viable alternative but to perform the labor; and

(2) at least two acts have occurred within the five years preceding indictment, relating to the employment of the person who is subjected to the conditions set forth in (B)(1), that would constitute violations of the following provisions: 29 U.S.C. §§ 206 (except 206(d)) (Fair Labor Standards Act - Minimum Wage), 207 (Fair Labor Standards Act - Overtime), 211(d) (Fair Labor Standards Act - Homework Provision), 212(c) (Fair Labor Standards Act - Child Labor), 654 (Occupational Safety & Health Act), 1811 (Migrant & Seasonal Agricultural Worker Protection Act - Farm Labor Contractors), 1822 (Migrant & Seasonal Agricultural Worker Protection Act - Migrant Worker Wage & Payment), 1823 (Migrant & Seasonal Agricultural Worker Protection Act - Migrant Worker Housing Safety), 1832 (Migrant & Seasonal Agricultural Worker Protection Act - Seasonal Worker Wage & Payment), and 1841 (Migrant & Seasonal Agricultural Worker Protection Act - Motor Vehicle Safety), and 30 U.S.C. § 814 (Mine Safety & Health Act), regardless of whether the employer would be a "covered" party were an action brought under these provisions.

This statute does not apply to labor performed where employer is a municipal, local, state, or federal government, and the relationship is penological, rather than pecuniary.

Labor Exploit Law

I. SECTION BY SECTION ANALYSIS

Section Analysis

(A)Whoever -

(1)Employs, recruits, harbors, provides, transports, or secures, by any means, any person, knowing or having reason to know that person is or will be subjected to unlawfully exploitative labor conditions as defined in paragraph (B) of this Section, OR

Section (A)(1) addresses the need to fill the gap between the inadequate labor statutes and the difficult burdens in the criminal provisions of Title 18, as described in the "Discussion" Section below. This section reaches those who maintain or transport persons into an exploitative labor relationship without the use of force or threat of force.

Section Analysis

(2)Knowingly benefits from, or makes use of, the labor of a person held to a condition of involuntary servitude or peonage as those terms are used in 18 U.S.C. §§1581 and 1584,

This section would provide for criminal prosecution of those who would, knowing that persons were held in slavery (as already codified in Title 18), profit from their forced labor. This section would enable the United States to prosecute those who would hide behind labor contractors or other contracting relationships to avoid culpability for involuntary servitude, while still profiting from the fruits of these inhumane conditions.

Section Analysis

shall be fined under this title or imprisoned not more than 10 years, or both.

Like the slavery statutes in 18 U.S.C. § 1581, et. seq., this section provides for up to 10 years incarceration.

Section Analysis

(B) The term "Unlawfully Exploitative Labor Conditions" means —

(1)The labor of a person is obtained or maintained by means of any plan or pattern, including but not limited to false and fraudulent pretenses and misrepresentations, such that the person reasonably believes he has no viable alternative but to perform the labor; and

(2)at least two acts have occurred within the five years preceding indictment, relating to

the employment of the person who is subjected to the conditions set forth in (B)(1), that would constitute violations of the following provisions: 29 U.S.C. §§ 206 (except 206(c))(Fair Labor Standards Act - Minimum Wage), 207(Fair Labor Standards Act - Overtime), 211(d)(Fair Labor Standards Act - Homework Provision), 212(c)(Fair Labor Standards Act - Child Labor), 654(Occupational Safety & Health Act), 1811(Migrant & Seasonal Agricultural Worker Protection Act - Farm Labor Contractors) , 1822 (Migrant & Seasonal Agricultural Worker Protection Act - Migrant Worker Wage & Payment), 1823(Migrant & Seasonal Agricultural Worker Protection Act - Migrant Worker Housing Safety) , 1832(Migrant & Seasonal Agricultural Worker Protection Act - Seasonal Worker Wage & Payment) , and 1841(Migrant & Seasonal Agricultural Worker Protection Act - Motor Vehicle Safety), and 30 U.S.C. § 814(Mine Safety & Health Act), regardless of whether the employer would be a "covered" party were an action brought under these provisions.

Paragraph (B) provides a definition of "unlawfully exploitative labor conditions" to address the factual scenarios we often see in our prosecutions -- situations such as fraud, deceit and manipulation coupled with unfair labor practices. It expands upon case law prior to Kozminski (as explained below).

In addition, it also requires that the exploitation is, indeed, a labor violation and requires at least two acts that would constitute labor law violations, regardless of whether the employer is a covered party under the labor provisions (as noted below, the labor laws include many exemptions to coverage that should not apply in the criminal code.) This approach, under which a series of violations of predicate offense will result in a distinct criminal violation, is suggested by the statutory scheme of 18 U.S.C. § 1961, the Racketeer Influenced and Corrupt Organizations (RICO) Act. Unlike RICO, however, the predicate offenses under this statute can either be civil or criminal violations and this Act requires an additional showing of compelled service in (B)(1). The statute also links (B)(1) and (B)(2) temporally and in regard to a particular victim. An employer should not be criminally penalized for violating wage and labor laws years earlier based on something he does to another employee later.

Section Analysis

This statute does not apply to labor performed where employer is a municipal, local, state, or federal government, and the relationship is penological, rather than pecuniary.

Because prisoners' labor is not categorically excluded from minimum wage protection of the Fair Labor Standards Act, we must include language which will have such an effect. The proposed addition adopts the test set forth in Hale v. Arizona, 993 F.2d 1387 (9th Cir.) (en banc), cert. denied, 510 U.S. 946, 114 S.Ct. 386 (1993).

II. BACKGROUND

In April 1998, the Attorney General announced the creation of an inter-agency Worker Exploitation Task Force (WETF). The mission of the Task Force is to encourage and coordinate the investigation and prosecution of worker exploitation cases throughout the United States. The ultimate objective is to prevent these cases from arising. These cases, which often involve the recruitment and smuggling of foreign Nationals into the United States, forced labor under abominable conditions, and the exploitation of migrant farm workers, sweatshop laborers and others, amount to modern-day slavery. This national inter-agency Worker Exploitation Task Force is chaired by the Acting Assistant Attorney General for Civil Rights, Bill Lann Lee, and the Solicitor of Labor, Henry Solano. The Department of Justice participants in this national effort include the Civil Rights Division, the Federal Bureau of Investigation, the Immigration and Naturalization Service, the United States Attorneys, the Criminal Division, the Office of Victims of Crime and the Violence Against Women Office. In addition, regional Worker Exploitation Task Forces are being established -- linking a number of states and U.S. Attorneys' offices -- in order to most effectively address the often transient nature of the victims and the activities of employers, who often cross district lines in pursuit of their criminal activities.

As the Department addresses the problem of worker exploitation, the limitations of current law are becoming apparent:

- Present criminal law sets the standard for exploitation exceptionally narrow; it is limited to the slavery statute which requires a showing that there has been force, threat of force or threat of legal coercion. Existing federal law does not address the situation where a person is subject to other forms of purposeful coercion -- economic, fear because of immigration status, power differentials between the employer and employee -- that keep the victim from leaving his or her employment. Mere enforcement of the civil (and, in rare cases, criminal) wage and hour laws provide an inadequate deterrent;
- This overly high standard also curtails our efforts to prosecute traffickers (those who transport people for the purpose of worker exploitation). In most instances, the trafficker does not use force or threat of force; thus, traffickers rarely are charged as co-conspirators in a slavery case. Current law does not punish trafficking unless the victim is an illegal alien or is being trafficked for the purposes of the sex trade. Illegal alien transportation is an inapposite fit for these situations; the statute contemplates the workers as "contraband" rather than as "victims" of these heinous crimes;
- Present criminal law does not cover the use of farm labor contractors and other types of employment relationships which are designed to provide a liability shield between the direct oppressor and the economic beneficiary of the slave labor. In order to combat worker exploitation, it is necessary to punish those who knowingly benefit or profit from slavery or use contractors and others so that they can turn a blind eye to horrible conditions. Without such a statutory tool, these

Current concern?

defendants will simply be able to hire another labor provider to replace those who we can apprehend and prosecute. The cycle of worker exploitation will continue; and

- Criminal provisions of the Fair Labor Standards Act and other Labor Statutes, which are currently the alternatives to slavery prosecutions, are weak criminal tools, carrying only a six- month or one-year maximum sentence.

Unless we address these gaps in the law, our enforcement efforts will be severely curtailed, as abusive employers will escape prosecution because their activities, though they may shock the conscience, do not rise to the high levels required by the current statutes as interpreted by the Supreme Court.

III. Present Statutory Scheme

A. Involuntary Servitude and Slavery

Title 18 U.S.C. §§ 1581 et seq. set out a variety of substantive crimes covering involuntary servitude, peonage, and the slave trade. The most commonly used statutes in this series are Involuntary Servitude (§ 1584) and Peonage (§ 1581). An additional provision, Section 1583, penalizes those who kidnap someone for slavery or entice someone to travel in order to be enslaved. Additionally, Title 18 U.S.C. § 241 provides a ten (10) year charge for those who conspire to violate a person's Thirteenth Amendment right to be free from involuntary servitude.

1. Statutory Language

- Title 18, Section 1584 of the United States Code (Involuntary Servitude) provides::

Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of servitude, any other person for any term, or brings within the United States any person so held, shall be fined under this title or imprisoned not more than 10 years, or both.

- Title 18, Section 1581 of the United States Code (Peonage) provides:

(a) Whoever holds or returns any person to a condition of peonage¹ shall be fined under this title or imprisoned not more than 10 years, or both.

¹ "Peonage" is defined by case law as involuntary servitude for the purpose of repayment of a debt. As there is an extra element that must be met to prove peonage, but no difference in sentencing, general practice is to just charge violations of Section 1584 (Involuntary Servitude).

(b) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section shall be liable for the penalties imposed in subsection (a).

- Title 18, Section 1583 of the United States Code (Enticement into Slavery) provides:

Whoever kidnaps or carries away any other person with the intent that such other person be sold into involuntary servitude, or held as a slave, or

Whoever entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he maybe made or held as a slave, or sent out of the country to be so made or held —

Shall be fined under this title or imprisoned not more than 10 years or both.

- Title 18, Section 241 of the United States Code (Conspiracy Against Rights) provides in pertinent part:

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States ... They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

2. Legal Analysis

"Involuntary servitude," which is the rough legal equivalent of "slavery", is a condition of compulsory service or labor performed by one person, against their will, for another person.

In United States v. Kozminski, 487 U.S. 931 (1988), the Supreme Court set forth the most definitive statement of what conduct could be criminally prosecuted as involuntary servitude or slavery. Kozminski requires the government to prove not only that the victim was held against his or her will, but holds that either force, threats of force, or threats of legal coercion are "necessary incident[s] of a condition of involuntary servitude." 487 U.S. at 952. This holding was based on an examination of the understanding of the terms "involuntary servitude" and "slavery" at the time of the passage of the Thirteenth Amendment. Thus, as a matter of law, some physical or legal coercion must exist to permit charging involuntary servitude, peonage, or conspiracy to violate those laws or rights. *② threat of force*

The Kozminski Court severely curtailed the previously understood scope of the

involuntary servitude statutes. Circuit courts would look to a totality of circumstances to determine whether the employer intended to, and did, coerce the victim into his service by subjugating his will. Early attempts to define the term were distilled by lower courts into a generally accepted and workable definition: a holding to involuntary servitude occurs when the victim is coerced into laboring for another because he feels he has no viable alternative but to work, or no way to avoid continued service or confinement.

The Kozminski Court recognized, however, that not all persons are of like courage and firmness, stating that "the vulnerabilities of the victim are relevant in determining whether the physical or legal coercion or threats thereof could plausibly have compelled the victim to serve." Kozminski, 487 U.S. at 952. The background, education, and station in life of the victim and defendant, the relative inferiority or inequality between the person who performs the service and the persons exercising the force to compel its performance are material in this determination, but are not substitutes for the use or threats of force. *Id.* Thus, the Kozminski court overturned the conviction of a farmer who had held and exploited a mentally retarded man through psychological coercion that took advantage of his disability, because there was no evidence that the defendant had used force or threats of force or legal coercion to hold the victim.

B. Labor Statutes

The Fair Labor Standards Act (FLSA) and Migrant and Seasonal Agricultural Worker Protection Act (MSPA) statutes carry criminal penalties for willful violations of their protections. These criminal penalties of the FLSA and MSPA are not severe — six months maximum imprisonment for a FLSA violation (and only on the second offense) and one year maximum imprisonment for a MSPA violation. Unlike most Title 18 offenses, MSPA and FLSA only apply to certain covered persons. Because they are primarily civil regulatory statutes, MSPA and FLSA are somewhat convoluted and are accompanied by numerous regulations. Most violations of these statutes are addressed through the assessment of civil money penalties by the Wage & Hour Division, which are then litigated through an administrative law system. Because of their relative complexity and light sentences, these statutes have generally not been used by federal prosecutors.

Worker exploitation matters involving agricultural workers that do not rise to the level of slavery are currently prosecutable under the Migrant and Seasonal Agricultural Worker Protection Act (MSPA). The MSPA, at 29 U.S.C. § 1801, *et seq.*, requires agricultural employers, agricultural associations, and farm labor contractors to observe certain labor standards when employing migrant and seasonal agricultural workers, unless exemptions apply. Regulations in support of the MSPA are set forth at 29 C.F.R. Part 500.

The MSPA establishes, among other things, specific requirements with respect to record keeping, wage payment, disclosure, housing, and transportation, and requires that farm labor contractors register with the Department of Labor. In the most egregious cases, farm workers live in substandard housing as virtual slaves, completely dependent on the employer or crew leader for their basic needs. The MSPA is currently the only tool available with which to combat

abusive working and living conditions in agricultural settings. A by-product of the general regulatory nature of the MSPA are the number and type of exempt employers. Because a criminal violation of MSPA is simply a MSPA violation done wilfully, these exemptions could act as an absolute defense to a criminal prosecution if the defendant falls under one of the exempt categories.

The FLSA establishes minimum wage, child labor, overtime pay, equal pay, and record-keeping standards for employees covered by the FLSA. Covered employers must pay employees a minimum wage and an overtime premium. As with the MSPA, a violation of FLSA can be charged as a criminal offense if it is done wilfully. The criminal provision of the FLSA only allows for a misdemeanor charge, and incarceration is only available on a second offense, with a statutory maximum punishment of six months incarceration. FLSA also contains exceptions to coverage, including those for businesses under \$500,000 gross a year.

IV. Limitations of Present Law and Need for New Legislation

The present statutory tools available to prosecutors have several limitations that will be cured by the addition of this statute.

First, as described above, prosecutors must prove "force or threat of force or legal coercion" in order to establish a violation of the slavery statutes or a conspiracy to violate the Thirteenth Amendment. This requirement stems from the Supreme Court's ruling in Kozminski, which was based on the Court's interpretation of the understanding of the terms "slavery" or "involuntary servitude" at the time of adoption of the Thirteenth Amendment and passage of the peonage laws in the 1870s. Congress has never sought to expand the definition of "slavery" or "involuntary servitude" in the wake of the Kozminski opinion. As a result, since 1988, we have been unable to bring cases that are facially egregious but that do not satisfy the Kozminski standard. Kozminski sets the standard so narrowly that cases which certainly satisfy common understanding of "slavery" can not be prosecuted as such. For example:

- In United States v. Hou, (C.D. Cal., 1998), several Mexican Nationals, all illegally in the United States, were required to live in one of the chicken sheds at an egg ranch. The shed was open to the elements. The defendants, man and wife, did not give the men any shelter, but encouraged them to build a small room out of cardboard and styrofoam egg cartons. The men lived less than fifteen feet from the chickens that they tended. The men had to spread powerful pesticides in and around the chicken sheds, and the chemicals and various fuel oils were stored immediately next to their cardboard room. Faulty wiring in the rickety building resulted in a fire. One of the workers was killed as he tried to escape the shed and another suffered horrible burns. Despite the atrocious conditions, there was no evidence that the men had been kept in the defendants' service through threats of force or violence -- rather, the men stayed in the shed because of non-violent harassment and psychological coercion. Accordingly, the case did not fall under the involuntary servitude statutes, which could have resulted in life sentences given the death of one of the victims. The case was brought as an Alien

Harboring case pursuant to 8 U.S.C. §1324. The defendants eventually pled guilty and were sentenced to twelve months of imprisonment apiece. The District Court refused to allow evidence of the horrible working and living conditions that the men suffered before the fire, holding that such evidence of mistreatment was irrelevant to a determination of whether the defendants harbored aliens.

- A recurring fact pattern involves the recruiting of homeless persons to work in the fields of the Southeastern United States. A number of crew leaders and the recruiters who provide workers to them have found a loophole in the involuntary servitude and labor laws. Homeless persons are given alcohol or drugs on credit and are then taken to the fields and made to work to pay off their debt. They are kept intoxicated by the crew leaders and remain in the employment relationship because of their addiction, rather than overt force or threats. Department of Labor investigations indicate that at least one crew leader previously convicted of involuntary servitude is using this technique to maintain his workforce.
- There are many anecdotal reports, and numerous cases, of domestic servants being held against their will, sometimes by foreign diplomats. These accounts tend to concentrate on the inhumane working conditions and the power differential between the diplomat and the poor, often rural, worker who remains in such working conditions because of subservience to authority (political and social), as well as fear of the INS, than because the captor has threatened them. In an extensive article recently ran in the Washington Post (Jan. 5, 1999, at A1), a 38 year old Filipina woman describes being brought to the United States by a diplomat and being farmed out to another Filipino family who did not allow her to leave their house and made her to work up to 100 hours a week at forty-one cents an hour. Assuming that there is no diplomatic immunity, the United States could prosecute these individuals only for visa fraud, and not for trafficking and worker exploitation.

Second, the narrow criminal standard also curtails efforts to prosecute traffickers (those who transport people for the purpose of worker exploitation). In most instances, the trafficker does not use force or threat of force; thus, traffickers rarely are charged as co-conspirators in a slavery case. Current law does not punish trafficking unless the victim is an illegal alien or is being trafficked for the purposes of the sex trade. Illegal alien transportation is an inapposite fit for these situations; the statute contemplates the workers as "contraband" rather than as "victims" of these heinous crimes.

Third, the use of farm labor contractors and other types of employment relationships which are designed to provide a shield between the oppressor and the beneficiary of slave labor has severely curtailed our enforcement effort. In both the Immigration and Labor contexts, Congress and the Administration have recognized that systemic change can only come from holding the beneficiary of the labor responsible. Therefore, to combat worker exploitation, it is necessary to punish those who benefit or profit from slavery. Without such a statutory tool, the beneficiaries will be able to simply hire another abusive labor provider to replace those who we

apprehend and prosecute. For example:

- In the successful slavery prosecution, U.S. v. Flores (D.S.C. 1997), the abusive farm labor contractor and his associates received extensive jail terms for holding over 40 migrant workers as slaves in the fields of South Carolina and Florida. Several persons who knew of or turned a blind eye to the abusive conditions, including a housing provider in Florida and several growers in South Carolina, were not prosecuted. Investigation uncovered comments made by one individual that he used Flores' services so that he could maintain plausible deniability about the conditions under which the workers labored. One of the growers was raided by the INS several months after the conclusion of the case and was found to have contracted with yet another farm labor contractor for another group of illegal aliens, who were being housed in sub-standard conditions.

Finally, criminal alternatives of the Fair Labor Standards Act and other Labor Statutes, which are currently the fallback to slavery prosecutions, are weak criminal tools, carrying as they do only a six month or one year maximum sentence. Such short sentences provide little incentive for the United States Attorneys' Offices, the Civil Rights Division or the Criminal Division to invest the resources necessary to bring such cases; nor do they provide a sufficient disincentive to stop engaging in such activities. For example:

- In 1983, Willie Warren, Sr. was convicted of holding persons to involuntary servitude and was sentenced to ten years in federal prison. With his sons and several others, Warren was engaged in the operation of agricultural labor camps that supplied field workers to farmers in Florida and North Carolina. By promising short-term employment and transportation, the defendants would lure workers into vehicles with alcohol and then transport them to isolated locations, where they were held without pay and by threat of force. The defendants chased down and beat workers who escaped, provided sordid housing, deprived workers of adequate food, and kept the victims in their service through a revolving debt ("company store" scenario) as well as the threats and violence. Warren's conviction was upheld on appeal, as U.S. v. Warren, 772 F.2d 827 (11th Cir. 1985), ~~cert. denied~~, 475 U.S. 1022 (1986). In the summer of 1998, an investigation by the Department of Labor indicated that Mr. Warren, despite a lifetime ban from acting as a Farm Labor Contractor, was again working as a labor recruiter, luring people with drugs and alcohol and creating a "company store" situation to keep the victims working. In consultation with the National Worker Exploitation Task Force, the U.S. Attorney's Office for the Eastern District of North Carolina obtained an Indictment against Warren in December 1998 for the following criminal MSPA violations: 1) working as an unregistered FLC; 2) failing to disclose terms of employment and pay; and 3) failure to provide safe housing. Though it was possible to bring a case against Warren on the basis of the MSPA, the violations with which he is charged are only misdemeanors and do not truly reflect the predatory and abusive nature of his actions. Moreover, these charges in no way reach the farmers who contracted his services. Warren

and his sons are widely known in Eastern North Carolina as abusive crew leaders -- in a separate case, two of his sons were convicted of killing a worker they had enslaved. United States v. Harris, 701 F.2d 1095 (4th Cir.), cert. denied, 463 U.S. 1214 (1983). Nevertheless, growers sought Warren's help because he could get their crops picked at very low rates and because they knew his presence would shield them from any criminal liability from the abusive conditions necessary to ensure such low costs.

**CASES PROSECUTED WITH
INVOLUNTARY SERVITUDE STATUTES**
Criminal Section, Civil Rights Division

United States v. Kwon, et al (D. Saipan, 1998)

Charges:

- 3 defendants
- 18 USC §§ 241, 371, 894, 1584, 2421.
- trial set for July 15, 1999

Factual Summary:

On November 19, 1998, Kwon Soon Oh, his wife Meng Ying Yu, and son Kwon Mo Young were indicted on slavery and other charges. The Kwons lured young women from China to the Commonwealth of the Northern Mariana Islands (CNMI) by promising them waitressing jobs, but instead held them in slavery and forced them to work as prostitutes. From 1996 through 1998, the three recruited Chinese women to Saipan by offering them the opportunity to earn money as waitresses in a restaurant they owned. All of the women were required to pay the three a sum of money that would cover their travel and visa debt by working as "bargirls" in the defendants karaoke bar, where they were forced to have sex with customers. If any woman resisted, they were subject to physical violence and often times threatened with death.

United States v. Cadena, et al., (S.D. FL, 1998)

Charges:

- 16 Defendants
- 18 U.S.C. §§ 241, 371, 924(c), 1584, 2421, §§ 1324(a)(1)(A)(ii), 1324(a)(1)(A)(iii), 1324(a)(1)(A)(iv), 1324(a)(1)(B)(i), 1324(a)(2)(B)(ii), and 1328.
- Disposition
 - Seven defendants pled guilty as of January 13, 1999
 - Sentencings set 3/26/99 and 4/16/99
 - One defendant convicted of murder in state court
 - One defendant dismissed
 - Seven defendants fugitives

Carter

Factual Summary

Sixteen defendants were involved in operating brothel houses in Florida and the Carolinas. The defendants recruited young women from Veracruz, Mexico, to come to the United States with promises of good jobs in waitressing, child and elder care, and landscaping. Upon their arrival, the victims were informed that they owed a smuggling debt, and that they must work as prostitutes or risk harm to themselves or their families. Those who attempted to escape and were caught were subjected to beatings, confinement, and threats.

United States v. Paoletti et al (E.D. N.Y. 1998)

Charges:

- 20 Defendants
- 18 U.S.C. § 371; 18 U.S.C. § 1951; 8 U.S.C., §§ 1324(a)(1)(A)(ii), 1324(a)(1)(A)(iii), 1324(a)(1)(A)(iv), 1324(a)(1)(B)(i), and 1324(a)(2)(B)(ii); 18 U.S.C. § 241; 18 U.S.C. § 1512(c)(2).

Disposition:

- 18 defendants pled guilty.
 - Sentencing:
 - Adriana Paoletti Lemus: 14 years, \$1,000,000 restitution
 - Rosa Maria Beltran Sanchez: 8 years, \$500,000 restitution
 - Jose Paoletti-Lemus: 8 years, \$500,000 restitution
 - 15 other defendants sentenced to terms ranging from 11 months to 5 years
- 2 defendants incarcerated in Mexico; extradition applied for

Factual Summary:

Defendants conspired to recruit and smuggle into the United States approximately sixty Mexican aliens who were both deaf and unable to speak for the purpose of exploiting and abusing them for profit, by forcing them to work under conditions of servitude peddling keychain trinkets on the streets and subways of New York City, Chicago, and Los Angeles. Workers were kept in a condition of servitude through beatings, restraint, and shocks from an electric stun gun. Female workers were sexually abused by several of the bosses, and at least one child was taken from his mother and put up for adoption by the bosses.

United States v. Flores et al. (D.S.C. 1997) *

Charges:

- 6 Defendants
- 18 U.S.C. § 371; 18 U.S.C. § 1584; 18 U.S.C. § 894; 18 U.S.C. § 924(c); 8 U.S.C. § 1324(a)(1)(B); 8 U.S.C. § 1324(a)(1)(C); 29 U.S.C. § 1851; 8 U.S.C. § 1326; ; 18 U.S.C. § 922(g)(5); 18 U.S.C. §2.

Disposition:

- Pleas of Guilty (Flores, Gomez, Ixcoy, Driggers, Cortez)
 - Flores: 180 months
 - Gomez: 180 months
 - Ixcoy: 24 months
 - Cortez: 12 months
 - Driggers: 1 year probation
- One fugitive (Castafieda)
- On May 7, 1997, defendant Miguel Flores, a farm labor contractor, and his employees Sebastian Gomez and Andres Ixcoy, entered guilty pleas in United States v. Flores (D.S.C.). Defendant Miguel Flores and Sebastian Gomez pled guilty to violating one count of 18 U.S.C. §371 (conspiracy), six counts of 18 U.S.C. §1584 (involuntary servitude), six counts of 18 U.S.C. §894 (collection of an extension of credit by extortionate means), and one count of 8 U.S.C. §1324(a)(1)(C) (harboring certain aliens). Defendant Flores also pled guilty to violating six counts of 8 U.S.C. 1324(a)(1)(B) (transporting certain aliens) and one count of 29 U.S.C. §§1841(b)(1)(A) and 1851 (failure to ensure motor vehicle safety), and defendant Andres Ixcoy pled guilty to violating one count of 18 U.S.C. §371.
- On May 8, 1997, a three count information was filed in United States v. Driggers, charging defendant Willie L. Driggers, also one of Flores' employees, with violating one count of 18 U.S.C. §371, one count of 8 U.S.C. §1324(a)(1)(B) and one count of 29 U.S.C. §1841(b)(1)(A) and 1851. On this same date, defendant Driggers pled guilty to the charges.
- On June 19, 1997, a three count Indictment was returned in United States v. Cortez, charging Cruz Cortez, Flores' ex-wife, with violations of 18 U.S.C. § 371, one count of 8 U.S.C. §1324(a)(1)(C), and one count of 29 U.S.C. §§1821(d) and 1851 (failure to maintain records pertaining to employment of migrant agricultural workers). Cortez pled guilty to this charge.

Factual Summary:

- Since the 1980's, Flores had provided labor to farmers to grow and harvest crops primarily in South Carolina and Florida. Flores and the other defendants recruited Guatemalan and Mexican citizens from near the Mexican border and smuggled them under dangerous conditions to labor camps in the area of Manning, South Carolina, in vans which had been specially modified to hold as many as thirty workers. While working at the camps, the victims were threatened, were told that if they attempted to leave before they paid off their smuggling fee they would be killed, and were subjected to occasional beatings. Flores and the defendants frequently displayed pistols and rifles in the course of making their threats. Defendants Flores and Cortez maintained two sets of business records — one detailing the amount owed by the workers for the smuggling fee and the deductions taken from their pay, and the other (the "official version") detailing wages and deductions which appeared legal, in case authorities inspected their books.

United States v. Can, et al., (C.D. Cal.), sentenced April 15, 1997.

Charges

- 4 defendants
- 18 U.S.C. §371; 18 U.S.C. §1584; 18 U.S.C. §1581; 18 U.S.C. §894; 18 U.S.C. §2421; 8 U.S.C. §1324(a)(1)(A)(ii); 8 U.S.C. §1342(a)(1)(A)(iii); 18 U.S.C. §2.

Disposition

- In February, 1997, defendants Tan and Yee pled guilty to violating two counts of 8 U.S.C. §1324 (transportation and harboring of certain aliens); defendant Wang Yong Can pled guilty to violating one count of 18 U.S.C. § 894 (extortionate collection of extension of credit) and two counts of 8 U.S.C. §1324; and Lin pled guilty to violating one count of 18 U.S.C. §1584 (involuntary servitude) and two counts of 8 U.S.C. §1324. Defendant Wang Yong Ming remains in fugitive status. Wang Yong Can was sentenced to 37 months, Lin to 15 months, and Tan to 10 months imprisonment. Yee was sentenced to three years probation. In addition, defendant Can was ordered to pay \$4,800 in restitution.

Factual Background

- In September, 1994, the defendants forcibly brought a twenty-two year old Chinese national to the United States from China where she was subsequently forced to labor as a sex slave for her captors in order to pay off her \$20,000 smuggling fee.

United States v. Mahtani, et al. (S.D. Fla. 1996)*Charges*

- 2 defendants
- 18 U.S.C. §371; 18 U.S.C. §1584; 18 U.S.C. §1546(a); 8 U.S.C. 1324(a)(1)(A)(iii); 18 U.S.C. §2

Disposition

- Defendants pled to violations of 18 U.S.C. §371 (conspiracy to violate 18 U.S.C. §1584). Defendants were each sentenced to 60 months in prison. Kishin Mahtani was fined \$50,000, and restitution of approximately \$60,000 was ordered.

Factual Summary

- Kishin Mahtani and his wife, Shashi Gobindram, recruited an Indian woman to come to the United States from Bombay, India to work as a housekeeper and then held her in involuntary servitude. The victim, Francesca Ekka, was beaten, deprived of food, forced to work 18-hour days, burned on the hand with an iron, and threatened with arrest and murder.

United States v. Manasurangkul, et al. (E.D. Cal. 1995)*Charges*

- 10 defendants
- 18 U.S.C. § 371 (to violate § 1324 and § 1584), 8 U.S.C. § 1324; 18 U.S.C. § 1584
- 2 fugitives

Disposition

- Suni Manasurangkun pled guilty to (1) count of conspiracy to violate 18 U.S.C. § 1584 and to (7) counts of 18 U.S.C. § 1584. Manasurangkun was sentenced to (84) months in jail followed by (3) years of supervised release, and ordered to contribute to a joint compensation fund totaling \$4.5 million.
- Wirachi Manasurangkun pled guilty to (1) count of conspiracy to violate 18 U.S.C. § 1584 and to (7) counts of 18 U.S.C. § 1584. Manasurangkun sentenced to (72) months in jail followed by (3) years of supervised release, and ordered to contribute to a joint restitution fund of \$4.5 million.
- Surachai Manasurangkun pled guilty to (1) count of conspiracy to violate 18 U.S.C. § 1584 and to (7) counts of 18 U.S.C. § 1584. Manasurangkun was sentenced to (72) months in jail followed by (3) years of supervised release, and ordered to contribute to a joint restitution fund of \$4.5 million.
- Phanajak Manasurangkun pled guilty to (1) count of conspiracy to violate 18 U.S.C. § 1584 and to (7) counts of 18 U.S.C. § 1584. Manasurangkun was sentenced to (72) months in jail followed by (3) years of supervised release, and ordered to contribute to a joint restitution fund of \$4.5 million.
- Sanchai Manasurangkun is a fugitive.
- Chavalit Manasurangkun is a fugitive.

- Sunthon Rawangchaisong pled guilty to (1) count of conspiracy to violate 18 U.S.C. § 1584 and to (5) counts of 18 U.S.C. § 1584. Rawangchaisong was sentenced to (72) months in jail followed by (3) years of supervised release.
- Seri Kanchakphairi pled guilty to (1) count of conspiracy to violate 18 U.S.C. § 1584 and to (4) counts of 18 U.S.C. § 1584. Kanchakphairi was sentenced to (24) months in jail followed by (3) years of supervised release.
- Rampha Sathaprasit pled guilty to (1) count of conspiracy to violate 18 U.S.C. § 1584 and to (7) counts of 18 U.S.C. § 1584. Sathaprasit was sentenced to (48) months in jail followed by (3) years of supervised release.
- Suphon Wirayutwilai pled guilty to (1) count of conspiracy to violate 18 U.S.C. § 1584. Wirayutwilai was sentenced to (9) months in jail followed by (3) years of supervised release.

Factual Summary

- Eight Thai nationals pled guilty to conspiracy, involuntary servitude, and harboring illegal aliens for having enticed citizens from Thailand to travel to the United States by promising the victims high wages, good hours, and freedom. Upon arrival in the United States, the Thai laborers were transported to a work compound in California where they were confined in a complex surrounded by barbed wire and forced to work up to 20 hours at a time.

United States v. Talal and Abair Alzanki (D. Mass. 1994)

Charges

- 2 defendants
- 18 U.S.C. §§ 371, 1584
- 1 conviction, 1 dismissed by government

Disposition

- Talal Alzanki was convicted of (1) count of 18 U.S.C. § 371 (to violate 18 U.S.C. § 1584) and (1) count of 18 U.S.C. § 1584 on March 21, 1994. He was sentenced to (1) year and (1) day in prison with (2) years of supervised release, and ordered to pay \$13,403.00 in restitution to the victim.
- Abair Alzanki went into labor and gave birth after giving her direct testimony. A severance of her case was then ordered and, at a detention hearing regarding Mr. Alzanki, the government dismissed the charges against Ms. Alzanki.
- Case upheld on appeal, 54 F.3d 994 (1st Cir. 1995).

Factual Summary

- A Kuwaiti couple living in Quincy, Massachusetts held Sri Lankan victim Vasantha Katudeniye Gedara, who flew to Boston from Kuwait to be their domestic servant, in involuntary servitude from August to December of 1992. Ms. Gedara was beaten and was told that if she tried to leave the Alzankis, she would be found by the police and returned to them. At trial, evidence of Gedara's experiences in Kuwait were admitted in order to show the reasonableness of her

fear of the American police.

United States v. Bonds, et al. (E.D. N.C. 1993)*

Charges

- 3 defendants
- 18 U.S.C. § 371 (to violate 29 U.S.C. § 1851, 18 U.S.C. § 1581), 29 U.S.C. § 1851, 21 U.S.C. § 841
- 3 pleas

Disposition

- Willie Bonds Sr. pled guilty to (1) count of 29 U.S.C. § 1851 and was sentenced to (6) months in prison and a \$2,000 fine.
- Willie Bonds Jr. pled guilty to (1) count of 18 U.S.C. § 371 (conspiracy to violate peonage) and was sentenced to (15) months in prison, (3) years supervised release, and a \$1,200 fine. As a condition of his supervised release, Willie Bonds Jr. was prohibited from engaging in migrant farm activities.
- Carrie Mae Bonds pled guilty to (1) count of 29 U.S.C. § 1851, and was sentenced to (180) days of home detention, (3) years of probation, and (250) hours of community service. As a condition of probation, Carrie Bonds was prohibited from engaging in migrant farm activities.

Factual Summary

- In July 1991, African-American victims George Smith Jr. and Clinton Armstrong, who were homeless men in Atlanta, were recruited with other homeless men by Willie Bonds Jr. to work as migrant farmworkers in North and South Carolina. When the men arrived at the migrant camps in the Carolinas, they were told that they were already significantly indebted to the subjects for the transportation from Atlanta and for the meals provided on the way. On different occasions, the subjects told the men at gunpoint that they could not leave the camps. Over the course of weeks, the men were physically threatened several times and told that they owed money and could not leave the camps.

United States v. Shah (S.D. Fla. 1993)*Charges*

- 2 defendants
- 18 U.S.C. § 1584
- 1 conviction, 1 fugitive

Disposition

- Syed Riaz Hussain Shah and Ishrat Majeed Shah failed to appear for their original trial scheduled to begin on November 6, 1978. Years later, Syed Riaz Hussain Shah was arrested as he was entering the United States. On October 28, 1993, Syed Riaz Hussain Shah was convicted of (1) count of 18 U.S.C. § 1586 and (1) count of 18 U.S.C. § 1546 and sentenced to (7) years in prison and (4) years on probation. Shah pled guilty to 18 U.S.C. § 1073 (flight to avoid prosecution) and was sentenced to (18) months in prison to be served concurrently with his (7) year sentence.
- Ishrat Majeed Shah is a fugitive.

Factual Summary

- Syed Riaz Hussain Shah and Ishrat Majeed Shah brought the victim, who was ten years old at the time, to the United States from Sierra Leone, West Africa. The victim was to be educated in American schools and was to serve as a companion to the subjects' five year old son. During the time of her stay, the victim, who never wanted to leave home in the first place, was made to do all the housework for the subjects, was starved, beaten, dressed in rags, and sexually assaulted by the male subject. She was not even entered into school until December, 1975. She lasted only a month, at which time her condition was so appalling to school authorities and neighbors that the state welfare agency applied for, and was granted custody of, the victim.

United States v. Vargas, et al. (S.D. Cal. 1991)*Charges*

- 3 defendants
- 18 U.S.C. §§ 241, 1584; 8 U.S.C. § 1324
- 3 convictions

Disposition

- Esperanza Vargas was convicted of (1) count of 18 U.S.C. § 1584 and was acquitted of (1) count of 18 U.S.C. § 241. On June 22, 1992, she was sentenced to (46) months with (3) years supervised release.
- Raul Vargas was convicted of violating (1) count of 18 U.S.C. § 1324 and was acquitted of violating 18 U.S.C. §§ 241 and 1584. He was sentenced to (8) months in prison and was ordered deported.
- Claudia Vargas was convicted of (1) count of violating 18 U.S.C. § 1324 and was acquitted of violating 18 U.S.C. §§ 241 and 1584. She was sentenced to (6)

months in prison and ordered deported.

Factual Summary

- Mexican nationals Esperanza Vargas (mother), Raul Arriaga-Vargas (son), and Claudia Arriaga-Vargas (daughter) smuggled a young woman, Juanita Hernandez, into the United States from Mexico City under the false promise of employment as a maid in their home. Shortly after Hernandez arrived in the United States she was forced to work without payment, often beaten for "unsatisfactory" performance as a maid, and was told that she could not leave the Vargas's home. Esperanza Vargas told Hernandez that she would be arrested and beaten as an illegal alien if she attempted to leave the house. In addition, Esperanza Vargas repeatedly told Hernandez that if she tried to escape, her family in Mexico City would be arrested and made to pay for her actions. Hernandez was forced by all three of the Vargases to live in a locked garage for several months, was beaten daily by either Esperanza or Raul Vargas, and was allowed in the home only to clean the house and occasionally use the toilet at night.

United States v. Van Brunt, et al. (D. Or. 1991)

Charges

- 8 defendants
- 18 U.S.C. §§ 241, 1584
- 7 individual pleas to (1) count of 18 U.S.C. § 241; counts 2 through 30 dismissed by the government; 1 death (defendant Broussard died before trial)

Disposition

- Carolyn van Brunt pled guilty on January 17, 1992 to (1) charge of 18 U.S.C. § 241. Van Brunt was sentenced to (3) years and (5) months of imprisonment.
- Alvin Elvis Broussard pled guilty on January 17, 1992 to (1) charge of 18 U.S.C. § 241. Broussard was sentenced to (4) years and (3) months of imprisonment.
- Eldridge Broussard Jr., the leader of the cult, was found dead by natural causes approximately seven months after charges were filed against him.
- Josie Faust pled guilty on January 17, 1992 to (1) charge of 18 U.S.C. § 241. Faust was sentenced to (3) years and (1) month of imprisonment.
- Willie K. Chambers pled guilty on January 17, 1992 to (1) charge of 18 U.S.C. § 241. Chambers was sentenced to (8) years and (1) month of imprisonment.
- Sherion Melinda Johnson pled guilty on January 17, 1992 to (1) charge of 18 U.S.C. § 241. Johnson was sentenced to (3) years and (5) months of imprisonment.
- Walter Terry Barnett pled guilty on January 17, 1992 to (1) charge of 18 U.S.C. § 241. Barnett was sentenced to (2) years and (3) months of imprisonment.
- Constance Zipporah Jackson pled guilty on January 17, 1992 to (1) charge of 18 U.S.C. § 241. Jackson was sentenced to (8) years and (1) month of imprisonment.

Factual Summary

- Eight leaders of a pseudo-religious/athletic cult based in Los Angeles, California

and Clackamas County, Oregon subjected up to 29 children to involuntary servitude. The defendants forced the children to perform up to 10,500 jumping jacks and numerous other precision exercises without stopping. The purpose of this compelled labor was to form an exhibition team that would perform for athletic companies in order to garner financial support for the cult. In addition, all of the children who were older than toddlers were forced to watch the protracted, fatal beating of their friend on the night of October 13, 1988.

United States v. Lewis, et al. (W.D. Mich. 1986)

Charges

- 8 defendants
- 18 U.S.C. §§ 241, 1584
- 7 convictions, 1 plea

Disposition

- William Alexander Lewis was convicted of violating (1) count of 18 U.S.C. § 241 and (1) count of 18 U.S.C. § 1584. Lewis was sentenced on December 19, 1986 to (3) years imprisonment for violating 18 U.S.C. § 241 and (5) years of probation to run consecutively for violating 18 U.S.C. § 1584.
- William L. Lewis was convicted of violating (1) count of 18 U.S.C. § 241 and (1) count of 18 U.S.C. § 1584. Lewis was sentenced on December 19, 1986 to (2) years imprisonment for violating 18 U.S.C. § 241 and (5) years probation to run consecutively for violating 18 U.S.C. § 1584.
- Larry E. Branson was convicted of violating (1) count of 18 U.S.C. § 241 and (1) count of 18 U.S.C. § 1584. Branson was sentenced on December 19, 1986 to (3) years imprisonment for violating 18 U.S.C. § 241 and (5) years of probation to run consecutively for violating 18 U.S.C. § 1584.
- Robert McGee was convicted of violating (1) count of 18 U.S.C. § 241 and (1) count of 18 U.S.C. § 1584. McGee was sentenced on December 19, 1986 to (3) years imprisonment for violating 18 U.S.C. § 241 and (5) years of probation to run consecutively for violating 18 U.S.C. § 1584.
- Eddie L. Green, Jr. was convicted of violating (1) count of 18 U.S.C. § 241 and (1) count of 18 U.S.C. § 1584. Lewis was sentenced on December 19, 1986 to (2) years imprisonment for violating 18 U.S.C. § 241 and (5) years probation to run consecutively for violating 18 U.S.C. § 1584.
- Theodore R. Jones, Sr. was convicted of violating (1) count of 18 U.S.C. § 241 and (1) count of 18 U.S.C. § 1584. Jones was sentenced on December 19, 1986 to (3) years imprisonment for violating 18 U.S.C. § 241 and (5) years of probation to run consecutively for violating 18 U.S.C. § 1584.
- Muriel S. King was convicted of violating (1) count of 18 U.S.C. § 241 and (1) count of 18 U.S.C. § 1584. King was sentenced on December 19, 1986 to (1) year imprisonment with release ordered after (4) months.
- James Nelson pled guilty on August 8, 1986 to violating (1) count of 18 U.S.C. § 245 without death resulting. Nelson was sentenced on December 19, 1986 to (5) years probation.

Factual Summary

- The defendants repeatedly used and threatened to use physical force to make the children of members of a religious sect, known as the House of Judah, perform labor for the sect. The children believed that they had no viable alternative but to perform such labor. The defendants imposed fines upon the victims, interfered with their mail, restricted travel, set curfews, obstructed their communication or association with others, housed them in sordid conditions, and abused them verbally.

Appeals

- On appeal in U.S. v. King, the court affirmed the conviction even though the applied standard, "subjugation of the will" or "brainwashing," was improper in light of Kozminski. The district court made additional findings which were consistent with the proper standard under Kozminski that involuntary servitude occurs when a servant believes that he has no viable alternative but to perform service for the master because of the master's use or threatened use of physical force. In this case, there was sufficient evidence to show that the defendants had repeatedly used and threatened to use physical force to make children of members of a religious sect perform labor, and that the children believed they had no viable alternative but to perform such labor.
- US v. King, et al., 840 F.2d 1276 (6th Cir. 1988), cert. denied, 488 U.S. 894 (1988); US v. Lewis, 644 F.Supp. 1391 (W.D. Mich. 1986); 649 F.Supp. 1109 (W.D. Mich. 1986); 638 F.Supp. 573 (W.D.MI. 1986)

United States v. Reisinger, et al. (W.D. Pa. 1986)

Charges

- 4 defendants
- 18 U.S.C. §§ 1201, 1584
- 3 convictions, 1 acquittal

Disposition

- Michael Terry Reisinger was convicted on February 14, 1986 of violating (1) count of 18 U.S.C. § 241 and (1) count of 18 U.S.C. § 1584. He was acquitted of (1) count of 18 U.S.C. § 1201. On March 19, 1986, Reisinger was sentenced to (1) year imprisonment for violating 18 U.S.C. § 241 and (3) years probation for violating 18 U.S.C. § 1584.
- Frank R. Smith was convicted on February 14, 1986 of violating (1) count of 18 U.S.C. § 241 and (1) count of 18 U.S.C. § 1584. He was acquitted of (1) count of 18 U.S.C. § 1201. On March 19, 1986, Smith was sentenced to time served, which totalled (8) months for violating 18 U.S.C. § 241 and (3) years probation for violating 18 U.S.C. § 1584.
- Paul S. Theodoropoulos was convicted on February 14, 1986 on (1) count of 18 U.S.C. § 241 and (1) count of 18 U.S.C. § 1584. He was acquitted of (1) count of 18 U.S.C. § 1201. On March 19, 1986, Theodoropoulos was sentenced to (1) year imprisonment for violating 18 U.S.C. § 241 and (3) years probation for violating

18 U.S.C. § 1584. Theodoropoulos was also ordered to pay restitution to the victim, including \$608.64 for medical costs, \$150.00 for clothing costs, and \$15.00 for wages.

- Daniel W. McCafferty was acquitted of all charges.

Factual Summary

- The day after he was fired from his job at a carnival, Charles E. Smith was forced to work by carnival owner Paul S. Theodoropoulos, carnival employee Michael Terry Reisinger, and carnival employee Frank R. Smith. Smith was chained, handcuffed, beaten with a sledge hammer on the hand and with a baseball bat on the back of his head, and forced to unload and assemble a bumper-car ride. While chained and handcuffed, Smith was thrown and locked into a trailer, where he was forced to remain for a period of time, and dragged around the carnival grounds by Reisinger and Smith. In the presence of Theodoropoulos, Reisinger and Smith hoisted Smith upside down into the air with the assistance of a boom mechanism while he was chained.

United States v. Kimes and Kimes (D. Nev. 1985)

Charges

- 2 defendants
- 18 U.S.C. §§ 371, 1584h, 751(a); 8 U.S.C. § 1324 (a)(2)
- 1 conviction, 1 plea

Disposition

- Sante Kimes was indicted on (18) counts by a federal grand jury on January 23, 1986. She was convicted on February 28, 1986 for violating (5) counts of 18 U.S.C. § 1584, (1) count of 18 U.S.C. § 371, (1) count of 18 U.S.C. § 751(a), and (7) counts of 8 U.S.C. § 1324(a)(2). On the (14) counts that she was convicted of violating, Kimes was sentenced to (5) years for each count to be served concurrently.
- Kenneth Kimes pled guilty on January 24, 1986 to violating (1) count of 18 U.S.C. § 4 (misprision of felony). He was sentenced to (3) years imprisonment with time suspended and ordered to serve (2) years probation with the condition that he enter an institution for alcohol addiction for (60) days and pay a \$70,000 fine.

Factual Summary

- Sante Kimes and her husband recruited young female illegal aliens, including Adela Sanchez Guzman, Maribel Ramirez-Cruz, and other women from Mexico, to work for them as maids. They selected victims who spoke no English, and the families of victims were misled with false names and addresses. Sante Kimes isolated these women, allowing them no contact with their families, no use of the mail or telephone, and virtually no contact with others. The victims were not paid for their work, and Kimes destroyed their identification papers. Kimes used locks and fences and threats of deportation to keep the victims from leaving the

premises. In addition, she physically abused some of the victims.

- On appeal, the defendant contended that she was unlawfully convicted in light of the standard set out in Kozminski that precludes prosecutions where psychological coercion was the means employed to coerce services. In this case, the government presented no such evidence, but rather demonstrated that there were both physical and legal forms of coercion used against the victims and, hence, the conviction was lawful.
- (No. 86-1140, Ninth Cir.), affirmed 7/29/87 (unpublished), (No. 86-1138, Ninth Cir.), affirmed 10/30/87 (unpublished), 939 F.2d 776 (9th Cir. 1991)

United States v. Tapia (M.D. Fla. 1984)*

Charges

- 2 defendants
- 18 U.S.C. §§ 371, 1581; 8 U.S.C. § 1324(a)(2)
- 2 convictions

Disposition

- Damian Tapia was convicted on April 11, 1984 of violating (1) count of 18 U.S.C. § 371 (conspiracy to transport illegal aliens) and (2) counts of 8 U.S.C. § 1324(a)(2) (transporting illegal aliens). He was acquitted of (1) count of 18 U.S.C. § 1581.
- Ruben Tapia was convicted on April 11, 1984 of violating (1) count of 18 U.S.C. § 371 (conspiracy to transport illegal aliens) and (2) counts of 8 U.S.C. § 1324(a)(2) (transporting illegal aliens). He was acquitted of (1) count of 18 U.S.C. § 1581.

Factual Summary

- Several illegal El Salvadorian aliens were transported from Houston, Texas to a farm in Brandenton, Florida. When they arrived on the farm, they were sent to pick tomatoes. At least one alien, Guadalupe Nicolas Ortiz-Vaquerano, was forced to work as a migrant laborer against his will by intimidation and threat of violence by Damian Tapia and Ruben Tapia in order to pay a debt of \$300 for transportation from Texas to Palmetto, Florida.

United States v. Warren, et al. (M.D. Fla. 1983)*

Charges

- 4 defendants
- 18 U.S.C. §§ 371, 1583, 1584, 2
- 4 convictions

Disposition

- Willie Warren, Sr. was convicted of (1) count of 18 U.S.C. § 371 (conspiracy to violate 1 U.S.C. § 1583), (1) count of 18 U.S.C. § 1583, (4) counts of 18 U.S.C. § 1584, and (1) count of 18 U.S.C. § 2. On August 30, 1983, Warren was sentenced to (10) years imprisonment and (5) years probation. He had no prior criminal

record.

- Willie Warren, Jr. was convicted of (1) count of 18 U.S.C. § 371 (conspiracy to violate 18 U.S.C. § 1583), (1) count of 18 U.S.C. § 1583, (4) counts of 18 U.S.C. § 1584, and (1) count of 18 U.S.C. § 2. On August 30, 1983, Warren was sentenced to (15) years imprisonment and (5) years probation. He had no prior criminal record.
- Richard Warren was convicted of (1) count of 18 U.S.C. § 371 (conspiracy to violate 18 U.S.C. § 1583), (1) count of 18 U.S.C. § 1583, (3) counts of 18 U.S.C. § 1584, and (1) count of 18 U.S.C. § 2. On August 30, 1983, Warren was sentenced to (5) years imprisonment and (5) years probation.
- Michael Moore was convicted of (1) count of 18 U.S.C. § 371 (conspiracy to violate 18 U.S.C. § 1583), (1) count of 18 U.S.C. § 1583, (4) counts of 18 U.S.C. § 1584, and (1) count of 18 U.S.C. § 2. On August 30, 1983, Moore was sentenced to (5) years imprisonment and (5) years probation.

Factual Summary

- The defendants operated agricultural labor camps that supplied field workers to farmers in Florida and North Carolina. By promising short-term employment and transportation, the defendants would lure workers into a vehicle and then transport them to isolated locations where they were held without pay and by threat of force. The defendants chased workers who escaped, provided sordid housing, charged high prices for refreshments, deprived workers of adequate food, and told victims that they could not leave because they owed money.

Appeals

- 772 F.2d 827 (11th Cir. 1985), cert. denied, 475 U.S. 1022 (1986)

United States v. Crawford, et al. (E.D. Tex. 1983)*

Charges

- 3 defendants
- 18 U.S.C. §§ 371, 1584; 8 U.S.C. § 1324
- 2 convictions, 1 plea

Disposition

- Steven Lane Crawford was convicted of violating (1) count of 18 U.S.C. § 371 (conspiracy), (9) counts of 8 U.S.C. § 1324(a)(2) (transporting illegal aliens), and (9) counts of 18 U.S.C. § 1584. On February 6, 1984, Crawford was fined \$1,000 and sentenced to (5) years probation for violating (1) count of 18 U.S.C. § 371. In addition, Crawford received a \$1,000 fine and (5) years probation to run concurrently for violating the other (18) counts. On January 31, 1985, Crawford was resentenced to (5) years imprisonment.
- Randall Craig Waggoner was convicted of violating (1) count of 18 U.S.C. § 371 (conspiracy), (9) counts of 8 U.S.C. § 1324(a)(2) (transporting illegal aliens), and (9) counts of 18 U.S.C. § 1584. On February 6, 1984, Waggoner was fined \$1,000 and sentenced to (5) years probation for violating (1) count of 18 U.S.C. §

371. In addition, Waggoner received a \$1,000 fine and (5) years of probation to run concurrently for violating the other (18) counts. On January 31, 1985, Waggoner was resentenced to (3) years imprisonment.

- Joe Armando Gonzalez pled guilty on October 17, 1983 to (1) count of 18 U.S.C. § 371 and (1) count of 8 U.S.C. § 1324(a)(c). On February 6, 1984, Gonzalez received (5) years probation and a \$1,000 fine for violating (1) count of 18 U.S.C. § 371. In addition, he received (5) years probation and a \$1,000 fine to run concurrently for violating (1) count of 8 U.S.C. § 1324(a)(c).

Factual Summary

- On February 12, 1983, nineteen illegal Mexican aliens were transported from Rock Springs, Texas to a farm owned by Steven Crawford near Center, Texas. Joe Gonzalez rounded up the aliens in Rock Springs and offered them jobs, a service for which he was paid approximately \$900. Randall Waggoner then rented an enclosed U-Haul trailer which he used to transport the aliens 500 miles away to Crawford's farm. At the farm, the aliens were sent to work planting pine trees. At least one alien was threatened at gun point, one was physically threatened when he wasn't working fast enough, and all learned that they had to work for two weeks without pay to reimburse the subjects for their transportation costs. When fourteen of the workers escaped, eleven were brought back at gunpoint by Randall Waggoner. They were able to escape again.

Appeals

- 769 F.2d 253 (5th Cir. 1985)

United States v. Gadsden, No. 81-142-01-G (M.D. N.C. 1982)*

Charges

- 3 defendants
- 18 U.S.C. §§ 371, 1583, 1584, 2; 7 U.S.C. §§ 2045 and 2048
- 3 pleas

Disposition

- Joel Gadsden, a work crew leader, pled guilty to (1) count of 18 U.S.C. § 371 and (1) count of FLCRA 2045(c) (willfully failing to post sign at worksite concerning terms of employment). He was sentenced to (5) years imprisonment for 18 U.S.C. § 371 and (1) year imprisonment to be served consecutively for FLCRA.
- Donnell Gadsden, a lessser involved defendant, pled guilty to (1) count of 18 U.S.C. § 371 and was sentenced to (4) years imprisonment.
- Darrell Gadsden pled guilty to (1) count of 18 U.S.C. § 371 and was sentenced to (4) years imprisonment.

Factual Summary

- By observation and from the testimony of workers, it was determined that some workers were being held against their will, were not being fed properly, and were not being housed adequately with respect to sanitary conditions. Signed

statements were obtained from the victims alleging that workers were not receiving three meals per day but were receiving, on average, one meal per day that was unfit to eat. Workers were paid \$3.35 per hour but defendant Joel Gadsden took \$0.35 per hour from them as a form of "kickback" for the privilege of working. Workers were forced to live in an abandoned farm house on the Miles property, which had no running water or toilet facilities and little or no windows. Also, workers were not provided with beds or linens but either slept on the floor or on a few mattresses provided by local farmers. Workers were beaten when they complained and when they tried to leave the camp they were forcibly returned and again beaten. Joel Gadsden brought juveniles, both male and female, from South Carolina to the camp in North Carolina for the purpose of sexual activity with the workers.

United States v. Warren, et al. (E.D. N.C. 1982)*

Charges

- 3 defendants
- 18 U.S.C. §§ 241, 1583, 1584, 2
- 3 convictions

Disposition

- John Lester Harris was convicted on January 22, 1982 of violating (1) count of 18 U.S.C. § 241 with death resulting, (2) counts of 18 U.S.C. § 1584, and (1) count of 18 U.S.C. § 1583. On February 2, 1982, Harris was sentenced to life imprisonment for violating (1) count of 18 U.S.C. § 241 with death resulting, along with (5) years on each of the remaining (3) counts to be served consecutive to each other and to the life sentence.
- Dennis Warren was convicted on January 22, 1982 of violating (1) count of 18 U.S.C. § 241 with death resulting and (1) count of 18 U.S.C. § 1584. On February 2, 1982, Warren was sentenced to (20) years imprisonment for violating (1) count of 18 U.S.C. § 241 with death resulting, along with (5) years imprisonment on each of the other (2) counts to be served concurrent to each other and to the (20) year sentence. He had no prior criminal record.
- Richard Warren was convicted of violating (1) count of 18 U.S.C. § 241 without death resulting and (1) count of 18 U.S.C. § 1584. On February 2, 1982, Warren was sentenced to (5) years imprisonment to be served concurrently on each of (2) counts with all but (6) months suspended, and he was placed on (5) years of probation.
- Halsey Norwood, who was prosecuted in separate proceedings, pled guilty to violating (1) count of 18 U.S.C. § 241 without death resulting. He was sentenced to (2) years imprisonment.

Factual Summary

- The defendants took victims to locations other than those promised, chased those who escaped, housed them in sordid conditions, and failed to give medical care to one victim, Robert Anderson, who eventually died at the camp.

Appeals

- United States v. Harris, 701 F.2d 1095 (4th Cir.), cert. denied, 463 U.S. 1214 (1983), 103 S.Ct. 3554

United States v. Nelson (S.D. Tex. 1981)*

Charges

- 1 defendant
- 18 U.S.C. §§ 1581, 2; 8 U.S.C. § 1324(a)(2)
- 1 conviction

Disposition

- Benjamin Harrison Nelson was convicted of violating (1) count of 8 U.S.C. § 1324(a)(2) (illegally transporting aliens), (2) counts of 18 U.S.C. § 1583, and (2) counts of 18 U.S.C. § 1581. Nelson was sentenced to a maximum period of (3) years probation and a total fine of \$10,000.

Factual Summary

- Numerous aliens were transported to Smithpoint, Texas where they were required to work for Benjamin Harrison Nelson, the owner of Jerri's Seafood, in order to pay off a debt of \$100 that Nelson paid for each worker that was brought to him. At the time of an INS raid, eleven undocumented workers were housed in barracks near the food packing sheds. Four workers had tried to escape but were captured by the Nelsons and forced into the Nelsons' truck at gunpoint.

Appeals

- 664 F.2d 286 (5th Cir. 1981) (aff'd, per curiam)

United States v. Booker, et al. (E.D. N.C. 1980)*

Charges

- 3 defendants
- 18 U.S.C. §§ 1583, 2
- 3 convictions

Disposition

- Tony Booker was convicted of violating (2) counts that both implicated 18 U.S.C. §§ 1583 and 2. Booker was sentenced to (5) years imprisonment on each count to be served consecutively.
- J.D. Rollins was convicted of violating (2) counts that both implicated 18 U.S.C. §§ 1583 and 2. Rollins was sentenced to (5) years imprisonment.
- Tony Gibson, a lesser involved defendant, was convicted of violating (2) counts that both implicated 18 U.S.C. §§ 1583 and 2. Gibson was sentenced to (5) years imprisonment; all but (6) months were suspended and Gibson was ordered on probation for the remaining (5) years with the condition that he not have any

connection with migrant farm workers.

Factual Summary

- Booker operated a migrant agricultural labor camp in Johnston County, North Carolina. Two of his lieutenants, Rollins and Gibson, brought Gary Walters, his half-brother, and Joseph Romeo to the camp from Florida, having promised them free transportation and steady work. The men discovered instead that employment was intermittent, that they would be charged both for their meals while idle and for their transportation from Florida, that Booker withheld their wages and required all retail purchases to be executed at the camp, and that they were forbidden to leave the camp until they had satisfied any debts allegedly owed to Booker. Booker repeatedly threatened workers at the camp with serious injury or death if they attempted to leave without paying their debts, and he backed up his threats with severe beatings and assaults with firearms, which were administered personally or by his lieutenants.

Appeals

- 655 F.2d 562 (4th Cir. 1981)

United States v. Wilson (D. S.C. 1980)*

Charges

- 2 defendants
- 18 U.S.C. §§ 1583, 2, 371
- 2 pleas

Disposition

- Larry Wilson pled guilty to (1) count of 18 U.S.C. § 1583 with the agreement that his sentence was not to exceed (3) years for "kidnapping a migrant worker with intent to hold him as a slave." He was sentenced to (2) years imprisonment.
- Barbara Wilson pled guilty to conspiracy to violate 18 U.S.C. § 1583 with the agreement that she be placed on probation with special conditions for a period of time to be determined by the court. Wilson, who was pregnant at the time of sentencing and had three small children at home, was placed on probation for (3) years.

Factual Summary

- Larry Wilson was working a migrant labor crew in South Carolina, even though the crew was nominally headed by Barbara Counts Wilson. Jackson, who had left Wilson's employ allegedly owing Wilson money, was taken at gunpoint from another crewleader's bus and forced to work another three weeks for Wilson.

Appeals

- 669 F.2d 922 (4th Cir. 1982)

United States v. Carr, et al. (M.D. N.C. 1980)

Charges

- 4 defendants
- 18 U.S.C. §§ 371, 1584, 2
- 1 conviction, 3 pleas

Disposition

- Robert Allen Carr pled guilty to (1) count of 18 U.S.C. § 1584 and (1) count of 18 U.S.C. § 371 (conspiracy to violate 18 U.S.C. § 1584). He was sentenced to (5) years imprisonment on each count to be served consecutively, and fined \$2,500 for each count.
- Gloria Carr Cain pled guilty to (1) count of 18 U.S.C. § 1584 and (1) count of 18 U.S.C. § 371. She was sentenced to (5) years imprisonment on each count to run consecutively, and fined \$5,000.
- Larry Cain pled guilty to (1) count of 18 U.S.C. § 371 and was sentenced to (5) years imprisonment.
- Jimmy Conyers was convicted of violating (8) counts of 18 U.S.C. § 1584 and (1) count of 18 U.S.C. § 371, and sentenced to (20) years in prison.

Factual Summary

- The defendant, Robert Allen Carr, and his accomplices held Janet Marie Sauls Graham, Jimmy Artis, Donnie Mercer, Mary Francis Weaver Mercer, and others in involuntary servitude over a period of years. The victims were mostly teenagers who had become members of the church through their mothers. They were taken out of school, told to work in a poultry factory, ordered to turn over their proceeds to Carr or members of Carr's family, and constantly whipped or beaten for failing to abide by Carr's rules. Most of the victims made attempts to leave the church but were brought back by the subjects or other church members loyal to the subjects.

Appeals

- U.S. v. Cain, 653 F.2d 883 (4th Cir.), cert. denied, 454 U.S. 1124 (1981), 102 S.Ct. 972, U.S. v. Conyers, No.82-5010 (4th Cir. August 10, 1982), (aff'd, per curiam) (unpublished), cert. denied, 459 U.S. 994 (1982)

United States v. Alford, et al. (W.D. La. 1979)**Charges*

- 1 defendant
- 18 U.S.C. §§ 1581, 2, 1623
- 1 plea

Disposition

- Alford pled guilty, was fined \$5,000, sentenced to (5) years in jail with all but (3) months suspended, and placed on probation for the remainder of the (5) years.

Factual Summary

- Connie Ray Alford hired illegal aliens that were brought to him by a transporter. When the transporter would arrive at his farm, Alford would pay the former \$250 for transportation costs. Alford would then deduct this amount from the weekly wages of the aliens. The aliens were paid approximately \$10 per day for working thirteen hours. When the two victims attempted to leave before payment of this debt, Alford chased them, caught them, and by the use of force, threats and intimidation, caused them to remain until the debt was paid off.

United States v. Price (W.D. La. 1979)*

Charges

- 2 defendants
- 18 U.S.C. §§ 1581, 1623
- 2 pleas

Disposition

- Joe Price pled guilty to (1) count of aiding and abetting involuntary servitude and peonage. He was fined \$1,000, sentenced to serve (3) months in jail, and placed on probation.
- Dale Price pled guilty to (1) count of aiding and abetting involuntary servitude and peonage. He was fined \$1,000, sentenced to serve (3) months in jail, and placed on probation.

Factual Summary

- Joe Price and Dale Price aided and abetted Connie Ray Alford, who hired illegal aliens that were brought to him by a transporter (see U.S. v. Alford). When the transporter would arrive at Alford's farm, he would pay the former \$250 for transportation costs. Alford would then deduct this amount from the weekly wages of the aliens. The aliens were paid approximately \$10 per day for working thirteen hours. When the two victims attempted to leave before payment of this debt, Alford chased them, caught them, and by the use of force, threats and intimidation, caused them to remain until the debt was paid off.

United States v. Douglas (D. N.J. 1978)

Charges

- 1 defendant
- 18 U.S.C. §§ 1584, 1583
- 1 plea

Disposition

- Jean Douglas pled guilty to (1) count of involuntary servitude and was sentenced to (18) months imprisonment.

Factual Summary

- The victims were held against their will and forced to clean the house of Jean

Douglas. Those who refused to work or challenged Douglas's authority were slapped, beaten with a broom, tied to a chair and whipped and beaten, and verbally threatened and intimidated. The victims were also subjected to beatings, denial of medical care, and various humiliations and depravities. Under the terms of the agreement under which the subject accepted boarders, \$140/month out of a \$160/month welfare check was to pay for room, board, cleaning, and miscellaneous services. During the day, all boarders were herded into the basement and kept there without food, water, toilet facilities, furniture, heat, and light.

United States v. Shackney (D. Conn. 1962)

Charges

- 1 defendant
- 18 U.S.C. §§ 1581(a), 1584
- 1 acquittal

Disposition

- David Shackney was convicted of violating (6) counts of 18 U.S.C. § 1584. His conviction was acquitted by the circuit court.
- David Shackney persuaded a Mexican family to work and live on his chicken farm where he threatened to deport them and subjected them to intimidation through other forms of psychological and economic coercion.

Appeals

- 333 F.2d 475 (2nd Cir. 1964)

United States v. Bibbs (M.D. Fla. 1976)

Charges

- 4 defendants
- 18 U.S.C. §§ 1581, 1584
- 3 convictions, 1 plea

Disposition

- William James Bibbs was convicted of violating (3) counts of 18 U.S.C. § 1584 and 2, and was sentenced on November 19, 1976 to (18) months on each of (3) counts of 18 U.S.C. § 1584 to be served concurrently.
- Hagley Carter pled guilty on October 21, 1976 of violating (1) count of 18 U.S.C. § 1581 and (1) count of 18 U.S.C. § 1584. Carter was given concurrent sentences of (18) months on November 19, 1976.
- Ivory Lee Wilson was convicted of violating (4) counts of 18 U.S.C. § 1584 and 2. Wilson was sentenced to (3) years imprisonment on each of (2) counts of 18 U.S.C. § 1584 to be served concurrently.
- Roscoe Wilson was convicted of violating (2) counts of 18 U.S.C. § 1584 and 2, and was sentenced to (3) years imprisonment on each of (2) counts of 18 U.S.C. § 1584 to be served concurrently.

Factual Summary

- Ivory Lee Wilson contracted with crop growers to harvest their crops and utilized the victims as pickers. Ivory Wilson required his work crews to live in housing that he provided for \$14 per week and charged his workers exorbitant sums for the food, alcohol, utilities, and supplies they were forced to buy. About 70 percent of the workers did not earn enough money during at least one week to pay the charges they incurred that week. As a result, workers were in a constant state of debt to Ivory, who then required them to endorse their paychecks and return them to Ivory Lee Wilson; the laborers never received money except in small amounts and then only rarely. They were told that they could not leave the labor camp while in debt to Ivory Lee Wilson and those who tried were pursued and, if captured, returned to camp. Many were beaten either for attempting to leave or for not working up to the standards set by Ivory Lee Wilson and his assistants. Others were threatened with bodily harm. Additionally, money received by some victims from insurance payments made pursuant to an auto accident or employment injury was seized by the defendants.

Appeals

- 564 F.2d 1165 (5th Cir. 1977), cert. denied, 435 U.S. 1007 (1978)

United States v. Brown (S.D. Fla. 1973)*Charges*

- 1 defendant
- 18 U.S.C. § 1584, 1581(a)
- 1 acquittal

Disposition

- Joe L. Brown was convicted by a jury of violating (1) count of 18 U.S.C. § 1584 and (1) count of 18 U.S.C. § 1581(a). The U.S. District Court Judge then granted a motion for judgement of acquittal that overturned the convictions.

Factual Summary

- Joe L. Brown was a crew leader and contractor for migrant farm laborers in North Carolina. One migrant laborer, Owen King Hart, was threatened by Brown after Hart tried to leave the labor camp premises. Hart attempted to flee again and was taken back to the camp by Brown, who ordered other migrant laborers to beat him.

* Migrant worker cases



Department of Justice

9/18

FOR IMMEDIATE RELEASE
THURSDAY, APRIL 23, 1998

CR
(202) 616-2777
TDD (202) 514-1888

**16 INDICTED FOR RECRUITING MEXICAN WOMEN INTO THE UNITED STATES
AND FORCING THEM INTO PROSTITUTION**

Attorney General Announces Worker Exploitation Task Force

WASHINGTON, D.C. -- Sixteen individuals who orchestrated an elaborate scheme to lure young female Mexican nationals to the United States by promising them legitimate employment, and instead forcing them into prostitution, were indicted today, the Justice Department announced.

The 52-count indictment, handed up in U.S. District Court in Ft. Pierce, Florida, charged six members of the Cadena family of Veracruz, Mexico, and ten associates with violating federal civil rights, immigration, sexual exploitation and extortion statutes. According to the indictments, between the fall of 1996 and February of this year, the family operated an organization that recruited Mexican women to come to America. The women, some as young as 14, were smuggled into Texas, transported to Florida and South Carolina, and, instead of being given legitimate work as promised, were forced to become prostitutes to pay back their smuggling debt.

(MORE)

- 2 -

"Every person, rich or poor, citizen or non-citizen, has a right to be free," said Acting Assistant Attorney General for Civil Rights Bill Lann Lee. "The allegations in today's indictments are shocking and reflect a cruel exploitation of women on a systemic basis."

Earlier today, Attorney General Janet Reno announced an inter-agency federal task force to combat the serious problem of modern-day slavery and worker exploitation in the United States.

"We must get these modern day slavery cases off the front pages of the newspapers and into the history books," said Reno.

The task force, co-chaired by Mr. Lee and the Solicitor of the Labor Department, will utilize the resources of the Civil Rights Division, the FBI, INS and the Department of Labor to create a coordinated effort to investigate and prosecute these so-called cases of indentured servitude.

Today's indictment alleged that the Cadena family and others operated an organization which used "recruiters" to interest young women into coming to the United States. The recruiters promised the women domestic, restaurant, landscaping and health care jobs. The organization paid professional smugglers to bring the women across the border in Texas and harbored them in safehouses until they could be transported to Florida and South Carolina.

Once transported, the women were told to perform acts of prostitution in order to pay off smuggling fees, and were

(MORE)

- 3 -

subjected to violence and force if they refused to do so. Many worked six days a week, and none were permitted to return home. Most of those who attempted to escape were tracked down, brought back and subjected to physical and sexual assault.

The women worked as prostitutes in brothel houses in Orlando, Tampa, Avon Park, Ft. Myers, Haines City, Lake Worth, Ocoee, Okeechobee, and Zolfo Springs, Florida and Lake City and John's Island, South Carolina. The brothels were operated by "ticketeros" who collected the money earned by the prostitutes by selling tickets, which were actually condoms, to be exchanged for sexual encounters. These ticketeros also routinely threatened the women to ensure that they continued to work.

The women only retained a small fraction of their earnings while the rest went to their smuggling debt and other debts. Many women who became pregnant at the brothel were forced to have abortions.

"The defendants lured underage Mexican women with promises of opportunity and a better life," said U.S. Attorney Thomas E. Scott in Miami. "Instead, they received a one way ticket to a life of prostitution."

Over the past three years alone, the Justice Department has brought ten indentured servitude cases involving more than 150 victims.

If convicted, the 16 defendants face up to life in prison. Eight defendants are in custody. Eight others are at large.

(MORE)

- 4 -

Fourteen women are referenced in the indictment, three of whom are minors. The victims, who have been declared material witnesses by the court, have been released on bond and granted temporary legal status for one year while the case is pending. The Justice Department is working with social service providers in South Florida who are ensuring the victims are housed, fed and clothed and can obtain work.

This case was jointly investigated by the Border Patrol and the FBI, with the assistance of the Florida Department of Law Enforcement, Okeechobee County Sheriff's Office and the Lake Worth Police Department. The case is being prosecuted by the Justice Department's Civil Rights Division and the U.S. Attorneys office in the Southern District of Florida. It is the second major slavery case investigated by the Miami sector of the Border Patrol in the past two years.

The defendants named in the indictment are Rogerio Cadena, Juan Luis Cadena-Sosa, Carmen Cadena, Abel Cadena-Sosa, Rafael Alberto Cadena-Sosa, Hugo Cadena-Sosa, Antonia Sosa, Samuel Rodriguez-Hernandez, Francisco Diaz-Jaurez, Benito Xolot-Victorio, Procopio Lopez-Contreras, Jose Antonio Fabela, Patricio Sosa, Jose Cuevas-Ataxca, Martin Ambrosio-Herrera and Felix Alvarado.

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98-191

Ms. Reno,

Provided below is an update on the work of the Worker Exploitation Task Force (WETF).

The WETF is moving forward on several fronts. We have created subcommittees for operations, outreach, and victim assistance.

The operations subcommittee is investigations/prosecutions-focused, and members have been working in the last few weeks to coordinate the member agencies' response to allegations of slavery in the fields of central Florida -- coordination that resulted in the arrest of three crew leaders and liberation of 27 workers from inhumane situations in the defendants' labor camps. In addition, a criminal trial involving a prostitution ring in the CNMI will begin this summer. We will also soon begin conference calls with the regional AUSA points of contact to direct their efforts in setting up their regional task forces. We have developed and are distributing a model meeting/training curriculum for the initial task force meetings to the points of contact. The Operations committee will also host a worker exploitation training at the office of the Regional Solicitor of Labor, which will bring AUSAs, FBI, INS, and DOL Wage & Hour staff together to prepare for the coming growing season in the Southeastern US.

The outreach subcommittee is working to establish relationships with NGOs and other service providers who may be able to notify us of cases, and has finalized plans for a toll-free number to which NGOs and victims can call in complaints. In coming months, we will work to publicize this number through foreign-language media. WETF members continue to do outreach to US media and to various NGOs. In other outreach activities in the past few months, WETF members have spoken at several conferences, including the National Organization for Victim Assistance National Symposium on Victims of Federal Crime, the National Lawyer's Guild Mid-Atlantic Conference, and the Milan (Italy) District Convention of the National Association of Magistrates. WETF members have briefed delegations from Poland, Lithuania, Latvia, Russia, and Jordan, and provided suggestions for legislation and investigative approaches. WETF members from the Criminal Division will travel to Europe to conduct training for Polish, Latvian, and Lithuanian law enforcement and NGOs the week of May 10, 1999.

The victim assistance subcommittee is working to set up systems so that we can avoid the ad hoc response to having large groups of victims that has been the norm. A notable development is the involvement of the Department of Health and Human Services, which currently provides such services to refugees and victims of political torture, and has a great deal of experience in the area. Additionally, the Office of Victims of Crime is producing a videotape dealing with investigation and prosecution of trafficking cases, a project which is tapping each of the subcommittees' personnel and expertise for input.

Proposed legislation developed by the WETF and VAWO's Trafficking Working Group is currently under White House review as part of the Crime Bill. This proposed legislation creates 1) a new method of normalizing the immigration status of trafficking victims (the "T visa"), and 2) an intermediate crime that bridges the gap between the slavery statute and the Labor statutes in order to punish worker exploitation that, though coercive, does not involve the

use of force or threats of physical violence.

WORKER EXPLOITATION MEETING
March 16, 1999

INTRODUCTION

BACKGROUND ON WORKER EXPLOITATION ISSUE

**STATUS OF THE DEVELOPMENT AND IMPLEMENTATION OF A
WORKER EXPLOITATION STRATEGY**

ROLE OF WHITE HOUSE CIVIL RIGHTS COORDINATING COUNCIL

NEXT STEPS

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WORKER EXPLOITATION TASK FORCE**FACT SHEET**

The Worker Exploitation inter-agency task force is designed to help combat cases of worker exploitation and modern day slavery in the United States. In recent years the Departments of Labor and Justice have become increasingly aware of the problem.

PURPOSE:

While the federal government always has been committed to prosecuting worker exploitation, the task force will enhance its enforcement ability by:

- ensuring better coordination between government agencies that look into worker exploitation;
- creating a centralized system to share information and exchange tips on how to pursue these cases;
- creating an overall strategy to address worker exploitation by establishing a comprehensive enforcement plan.

STRUCTURE:

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The task force will be co-chaired by the head of the Civil Rights Division and the Solicitor of the Department of Labor and will report to the Attorney General and the Secretary of Labor. In addition to representatives from the Civil Rights Division and the Department of Labor, the FBI, INS and U.S. Attorney's offices will contribute their expertise. Representatives from these agencies will meet regularly to address ongoing cases and plan future enforcement actions.

THE PROBLEM:

Increasingly, evidence demonstrates the seriousness of worker exploitation. Over the past three years alone, the Justice Department has brought ten cases involving more than 150 victims. The following is an example of cases in recent years:

- Eighteen defendants pled guilty in New York to recruiting and smuggling approximately 60 Mexican nationals who are deaf and forcing them to work in conditions of involuntary servitude;
- Eight Thai nationals pled guilty to enticing Thai citizens to the United States with promises of good jobs. Upon arrival, the Thai citizens were forced to work in sweatshop conditions at a garment factory and were not allowed to leave;

- Three defendants pled guilty in Texas to smuggling foreign workers and forcing them to perform domestic tasks during the day. At night they were locked up so that they were unable to escape;
- Five defendants pled guilty to smuggling farm workers across the Mexican border and forcing them to work as migrant farm laborers in conditions of involuntary servitude;
- A husband and wife pled guilty to holding an Indian woman from Bombay, India, to work as a housekeeper in conditions of involuntary servitude in their home in Miami, Florida.

THE LAWS:

A number of laws are used to prosecute involuntary servitude cases, including civil rights conspiracy statutes, statutes prohibiting an individual from being held in a condition of indentured servitude, and the 13th amendment. Additionally, many involuntary servitude cases result in immigration and extortion charges as well. The civil rights statutes were amended in 1996 to increase penalties against violators.

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U.S. Department of Justice
IMMIGRATION AND NATURALIZATION SERVICE

10/23/98

BACKGROUND

TRAFFICKING Enforcement Case Summaries

Increasingly in the course of enforcement operations, INS officers are encountering aliens who are victims of cruel exploitation. Specifically, we are finding women and juveniles who have been smuggled into the United States for prostitution and other activities linked to the sex industry; and people who are being held in abusive labor situations. For the past year emphasis has been placed on the effective investigation and prosecution of traffickers. On March 11, 1998, an Executive Memorandum was issued entitled: "Steps to Combat Violence Against Women and Trafficking in Women and Girls." This document directs the Attorney General to enhance law enforcement efforts in trafficking cases. In another initiative, the Civil Rights Division has formed a working group to deal specifically with exploitative labor practices. INS has become a major actor in these initiatives tasked with a dual mandate to enforce the laws relating to these illegal trafficking activities and to remove individuals determined to be in the United States without authorization. The following are the highlights of some of the cases in which the Service participated in the past year.

Operation "Red Ticket" (Miami Border Patrol)

This investigation is ongoing. In this joint investigation between INS and the FBI, a total of 16 defendants were indicted in April of this 1998 on a number of charges, including importation of aliens for immoral purposes, sale into involuntary servitude, visa fraud and violation of civil rights. The case revolved around an alleged smuggling ring that specialized in the recruitment of girls and women for work in the United States. Lured into the scheme by promises of legitimate work, these girls were instead forced into prostitution. They were then kept by force in brothels throughout southern Florida to pay off the smuggling debt. Eight of the accused have pled guilty to the charges.

This case is an excellent example of inter-agency cooperation. The information initially came to the attention of local law enforcement and was forwarded to the FBI who then brought INS into the case. It is important to note that this degree of cooperation was the result of pre-existing relationships between the various law enforcement entities.

Operation "Robinhood" (Los Angeles District)

A case in which 71 Thai nationals were held against their will and systematically abused in a bizarre employment situation. These individuals were held under primitive conditions in a clandestine garment factory. In order to conceal the factory, high perimeter walls, razor wire, and corrugated steel panels were erected to enclose the facility. Around-the-clock sentries were in place to make sure no one escaped from the facility. This case was the product of cooperation between INS, the Department of Labor and the State of California Department of Industrial Relations. Targets in the case were convicted of alien smuggling, indentured servitude and civil rights violations.

Case Summaries

Page 2

Operation "Ling" (Buffalo District)

This investigation was initiated with Royal Canadian Mounted Police (RCMP) - Newmarket. The target of the investigation is a smuggling ring that purportedly specializes in the trafficking of women from Thailand, Malaysia and Singapore. The women are sold into slavery for approximately \$18,000 U.S. and are often resold to secondary customers. Once in North America, they work in a network of brothels to pay off their smuggling debt. Their stay in Canada and the U.S. is often facilitated by the use of forged documents. A large raid conducted on September 10, 1997 resulted in the arrest of 22 persons in Canada including several ringleaders.

Operation "Fujian Express" (Buffalo District)

This investigation involved the joint efforts of INS and the RCMP in Bowmanville and Vancouver and the Toronto Metropolitan Police Force. The investigation, which commenced in November 1994, uncovered a large-scale smuggling operation involving Chinese nationals. A total of 47 targets were arrested during the operation in the United States, Canada and Hong Kong. The smuggling pipeline extended from Fujian Province in China, through Hong Kong and Bangkok. Once in Bangkok the aliens were outfitted with phony documents to gain initial access to Toronto or Vancouver. Upon entry, the aliens would claim asylum and be released. The aliens were then transported to NYC after illegal entry near border points in New York State. Besides alien smuggling, charges against the principals included: hostage taking, forcible confinement, extortion, rape, document forgery, phone card fraud and welfare fraud. Canadian assistance was of paramount importance in dismantling the entire organization. Nineteen of the targets are still pending trial in Canada while all 28 persons arrested in the U. S. have been convicted.

Operation Cook

These cases involved the forced labor of hearing and speech impaired aliens. They were smuggled into the United States lured by the promise of good jobs, then forced to sell a daily quota of trinkets on the streets of several American cities. If these sales quotas were not met, they were often beaten or otherwise mistreated. The prosecutions were centered in two locations:

- **New York District:** A total of 20 persons have been indicted on charges of aiding and abetting; conspiracy; the bringing in, transporting, harboring and inducement to enter of illegal aliens; the interference of commerce by threats or violence and involuntary servitude. Two of the defendants reside in Mexico, and there are currently efforts underway to extradite these individuals. However, it is considered doubtful that these efforts will be successful. The balance of those indicted (18) pled guilty to their respective indictments. Adriana Lemus, the ringleader of the organization, received a total of 14 years in prison. The others received sentences ranging from 12 months to 8 years, depending on the degree of their involvement in the criminal scheme.

Case Summaries

Page 3

- **Charlotte Sub-Office (Atlanta District):** The two defendants in the case pled guilty to aiding and abetting, conspiracy, and the bringing in, transporting, harboring and inducement to enter of illegal aliens. One defendant received a prison term of 46 months, the other received 41 months.

Operation Wagon Wheel (New York District)

This investigation involved a gang that transported Thai women into the United States and then forced the aliens into prostitution. A total of 18 defendants have been indicted—12 were successfully prosecuted, two are under extradition from Thailand, and the others remain fugitives. The aliens involved were smuggled into the U.S. after being promised good paying jobs in restaurants. After entry, the women were held against their will and forced to work in prostitution until the smuggling debt was paid. Entry into the United States was often gained through the use of photo-substituted passports.

Operation on Track (Seattle District/Bellingham):

This joint investigation involving INS, Vancouver Canada Police Department, and the Honolulu Police Department centered on an organization involved in the movement of alien prostitutes to various cities within the United States and Canada. In many instances the aliens involved were minors. Two U.S. citizen brothers pled guilty to various charges, including alien smuggling and the importation of aliens for immoral purposes.

Operation Dazzle (Blaine, Wash.)

A joint investigation involving INS, Metropolitan Toronto Police Department, Vancouver Police Department, Ontario Provincial Police and Las Vegas Metropolitan Police which centered on a pair of Canadian citizens who smuggled alien prostitutes into the United States. While these aliens were engaged in prostitution prior to entry, the targets would regularly engage in violence towards the alien prostitutes. Charges against one target in the investigation were dropped; the other target was convicted of transportation of individuals for purposes of prostitution.

FOR FURTHER INFORMATION OR ASSISTANCE, PLEASE CONTACT THOMAS PERRYMAN, HQINV AT (202) 307-0411.

THE WHITE HOUSE

Office of the Press Secretary

May 6, 1998

For Immediate Release

U.S.-ITALY INITIATIVE
TO COMBAT TRAFFICKING IN WOMEN AND CHILDREN

The United States and Italy recognize that criminal activities across national borders, in particular the growing problem of trafficking in women and children, poses a serious challenge to the international community. This is an international problem with national implications.

The disturbing growth of the involvement of international organized crime in trafficking in women and children for profit demands increasing attention and concern. Traffickers in women and children, much like narcotics traffickers, now operate boldly across international borders, using state-of-the-art means of communication and trade. In both the United States and Italy, there have been cases of trafficking in women and children for the purposes of sexual exploitation, sweatshop labor and exploitative domestic servitude.

President Clinton and Prime Minister Prodi are committed to taking the steps necessary to address this growing criminal enterprise. They agreed that new strategies are needed to eradicate trafficking, focusing on strengthening the human rights protection of trafficking victims; increasing prosecution of the crimes associated with trafficking; finding ways to help victims assist with the prosecution of traffickers; increasing public awareness of the problem; and coordinating the fight against trafficking with all of the countries involved, including those of origin, transit and destination.

President Clinton and Prime Minister Prodi are determined that the United States and Italy will do their part by taking specific measures to combat trafficking in women and children. To this end, the United States and Italy recently established a U.S.-Italy Working Group on Trafficking in Women and Children. The group, which held its first meeting in Rome on April 14, has agreed to the following joint actions:

- Protection of the rights of victims of trafficking through: exchange of best practices with respect to assistance, protection and social integration of victims; common initiatives, including joint program strategies for victim outreach to be implemented separately in Italy and the United States; and protection of victims' families in source countries.
- Joint public information campaigns in source countries with the cooperation of their authorities and non-governmental organizations.
- The regular exchange of information, with the cooperation of the Italian National Antimafia Directorate, and within the limits of existing legal provisions in the two countries as regards confidentiality of investigations, on:
 - investigations;
 - successful investigative methods and procedures; and
 - statistical data and general analysis of trafficking.
- Training for law enforcement, immigration and border officers in source countries to identify patterns and methods of trafficking and prevent trafficking through effective investigation and prosecution.
- Development of witness protection procedures and victim services in source countries in cases of repatriation, including training for law enforcement and assistance to non-governmental organizations that provide victim services.
- Promotion of joint initiatives in multilateral fora to combat trafficking in addition to efforts under way at the United Nations to develop a Convention on organized crime.

President Clinton and Prime Minister Prodi agreed that these joint actions would form an important element of our future bilateral law enforcement and political cooperation.

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THE WHITE HOUSE

Office of the Press Secretary

May 6, 1998

For Immediate Release

JOINT STATEMENT

The United States and the Republic of Italy:
A New Partnership for a New Century

The United States and Italy have built a strong, genuine and enduring relationship during more than fifty years of close cooperation. Today President Clinton and Prime Minister Prodi assessed the new opportunities and challenges before both countries as this century comes to a close and a new millennium begins. They agreed on a common agenda to create an even closer partnership in the 21st century.

Transatlantic solidarity remains the indispensable cornerstone of the U.S.-Italian relationship and the basis for a Europe secure, prosperous and free. As Allies in NATO, participants in the Organization for Security and Cooperation in Europe and partners in the U.S.-EU New Transatlantic Agenda, the United States and Italy reaffirm their confidence in a new Europe and a strong, enduring transatlantic community. Our shared commitment to build a better future does not stop at Europe's borders, but extends to the Middle East, Africa, Asia and Latin America.

As we move into the next century, the world will require increased international cooperation to meet common challenges, foster economic development and uphold democracy and human rights. In pursuing these goals, we reaffirm our strong support for the international institutions we worked to create more than fifty years ago. The United Nations and the Bretton Woods institutions must continue to play a key and reinforced role in tomorrow's increasingly interdependent world.

Joint leadership in political and economic areas is essential as we strive to enhance European security and address new challenges around the globe. We look forward to a historic NATO Summit in Washington in April 1999, which will celebrate NATO's fifty years as the most successful alliance in history, welcome three new members and prepare NATO for another fifty years of close transatlantic cooperation. We recognize that maintaining

our security will require vigorous efforts by the range of Euro-Atlantic institutions to promote stability in Southeastern Europe and the Mediterranean.

An even stronger and more effective Organization for Security and Cooperation in Europe is a central part of our vision for a more democratic and stable Euro-Atlantic region. We will work closely within the OSCE to focus on ways to spread the security, democracy, freedom and prosperity enjoyed by Western Europe over the past fifty years to other areas of Europe in the coming years.

Europe is pursuing accelerated political and economic integration through the European Union, which the United States has consistently supported. Both the United States and Italy recognize the historic step just taken by Italy and other EU Members to create an Economic and Monetary Union. Italy and Europe can benefit from a successful EMU underpinned by sound macroeconomic and structural policies, which would also be in the best interests of the United States. Indeed, a successful EMU has the potential to benefit the entire transatlantic economic relationship, as will our shared determination to reduce barriers to trade and to work together in the WTO to promote multilateral trade liberalization. The EU, which demonstrates so clearly the vital link between democracy and prosperity, will become an even more dynamic entity and partner for the United States as it welcomes new members and projects increasing stability throughout the Continent.

We will strengthen our overall cooperation through these institutions and other mechanisms to enhance European security. We will consult closely on the most effective ways to prevent new conflicts and address threats to security that do arise, as we have done in Bosnia and Albania and are doing now in Kosovo. We agree that the situation in Kosovo is increasingly serious. The decisions taken by the Contact Group in Rome must be implemented. Absent dialogue, the conflict will only deepen and spill over, threatening regional security. We will continue raising the pressure on Belgrade if it continues to obstruct a political resolution. We will also continue efforts under way to promote stability in Southeastern Europe through the Southeast Europe Cooperation Initiative and other means.

We are committed to expanding the spectrum of our bilateral cooperation in the years ahead. We will increase already strong efforts to stem the proliferation of nuclear, chemical and biological weapons. Our cooperation on law enforcement and judicial matters, particularly in the fight against organized

crime, terrorism, illegal arms trading, drug trafficking and alien smuggling, is exemplary. Our statement today on increased efforts to combat international trafficking in women and children launches our intensified cooperation in these areas. We will also increase our efforts to promote safety on the high seas through the International Maritime Organization.

We agreed to begin negotiations next month in Washington aimed at concluding an Open Skies and aviation agreement as soon as possible. We have also created a joint working group to enhance U.S.-Italian aerospace cooperation and take advantage of opportunities that will benefit both countries.

One of the strongest pillars of our science and technology relationship has been space cooperation. We welcome recent achievements in this area, including the successful launch of the Cassini mission to Saturn and agreements for cooperation on the International Space Station. We look forward to new initiatives in astronomy, planetary exploration, earth science, biomedical research and commercialization of space.

We also have made significant efforts to expand our long-standing collaboration in biomedical sciences and to jointly address global health concerns. Our respective institutes for health have recently committed to measures which will enhance opportunities for inter-institute collaborative projects in a range of fields, including HIV/AIDS, aging and cancer. We look forward to the implementation of these projects as well as to joint efforts in the fight against malaria, particularly in sub-Saharan Africa.

Noting our shared objectives to protect the global climate and environment, we are proud of recent agreements to foster joint development of geothermal, biomass, solar and other applied technologies to reduce emissions, improve air and water quality and conserve scarce natural resources. Mindful of the recent declaration of the G-8 environment ministers at Leeds, we will together address the risks posed by climate change, enforce multilateral environmental agreements, protect marine diversity and reduce threats to the health of our children.

Together the United States and Italy, working with our partners in Europe and elsewhere, have the opportunity to shape a future that is more secure, peaceful, free, and brighter for all. We pledge to do all we can to make the most of this chance to build an enduring legacy of peace and prosperity for the 21st century.

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