Let me commend the students who have created this journal and organized this symposium. Thank you for letting me share in the fruits of your struggles. I come to you today from California, the state that gave birth to and then passed Proposition 187—saying that anyone suspected of having entered the country without proper documents should be told to “go home”—and a state that is now engaged in a contentious debate over whether we will preserve affirmative action, one of the few tools we have to ensure equal opportunity and inclusion and encourage diversity, or whether we will abolish it by constitutional amendment.

What many of you may not know is that California—specifically, Los Angeles—is also the garment industry capital of the United States.

This is the story of some garment workers very dear to my heart who were enslaved in El Monte, California. From their homes in impoverished rural Thailand, these garment workers dared to dream the immigrant dream, a life of hard work with just pay, decency, self-sustenance for themselves and their families, and hope. What they found instead in America was an industry—the garment industry—that mercilessly reaps profits from workers and then closes its eyes, believing that if it refuses to see, it cannot be held responsible. What these workers also found were government bureaucracies so inhumane and so impersonal that such agencies confuse their purpose to serve the people with a mandate merely to perpetuate themselves.

These remarks consist of four parts. The first introduces the Thai workers. The second discusses their ongoing struggles to expose the dirty laundry of the garment industry and the significance of their case. It is no accident that El Monte occurred in the garment industry; in fact, the industry is designed to maximize profit and minimize corporate responsibility, without regard to the tragic human cost. The third part touches on the media’s role and its ability both to increase visibility as well as exacerbate invisibility. The fourth raises tensions that I have felt in and about the work I do.

I. The Thai Workers

On August 2, 1995, modern slave labor in America emerged from invisibility with the discovery of seventy-one Thai garment workers, sixty-seven of whom were women, in a suburb of Los Angeles: El Monte, California. These Thai workers were held in a two-story apartment complex with seven units where they were forced to work, live, eat and
sleep in the place they called “home” for as long as seven years. A ring of razor wire and iron inward-pointing spikes, the kind usually pointed outward to keep intruders out, surrounded the apartment complex. They ensured the workers could not escape.

The workers lived under the constant threat of harm to themselves and their families. They were told that if they tried to resist or escape, their homes in Thailand would be burned, their families murdered, and they would be beaten. As proof, the captors caught a worker trying to escape, beat him, and took a picture of his bruised and battered body to show the other workers. They were also told that if they reported what was happening to anyone, they would be sent to the Immigration and Naturalization Service (INS). The workers were not permitted to make unmonitored phone calls or write or receive uncensored letters. Armed guards imposed discipline. Because the workers were not permitted to leave, their captors brought in groceries and other daily necessities and sold them to the workers at four or five times the actual price. When the workers were released and we first took them to the grocery store, they were shocked by the prices of toiletries, toothpaste, shampoo, fruits and vegetables. They had, of course, no way to know that they had been price gouged at the same time that they were making less than a dollar an hour for their eighteen-hour work days.

Hundreds of thousands of pieces of cloth, spools of thread, and endless, monotonous stitches marked life behind barbed wire. Labels of brand name manufacturers and nationwide retailers came into El Monte in boxes and left El Monte on blouses, shorts, shirts and dresses. Manufacturer and retailer specifications, diagrams, details and deadlines haunted the workers and consumed their lives.

The workers tell me that though eighteen-hour days were the norm, they sometimes worked more depending on how quickly the manufacturers and retailers wanted their orders. The workers had to drink large quantities of coffee or splash water on their faces to stay awake. When they were finally permitted to go upstairs to sleep, they slept on the floor, eight or ten to a bedroom made for two, while rats and roaches crawled over them. The Thai workers were denied adequate medical attention, including care for respiratory illnesses caused by poor air, eye problems including near blindness, repetitive motion disorders, and even cancerous tumors. One of the workers extracted eight of his own teeth after periodontal disease went untreated. Today, we are still dealing with many of the health effects of the long years of neglect and physical and psychological torture. Freedom from imprisonment has not meant freedom from its many tragic effects.

Once the El Monte complex was discovered, however, the workers were not freed. The INS immediately took them and threw them into detention at a federal penitentiary where they found themselves again behind barbed wire. The INS forced the workers to wear prison uniforms while in detention. “Due process” consisted of reading an obscure legal document that the workers were compelled to sign, making them deportable. Each day, an INS bus shuttled the workers back and forth from the detention center to the downtown INS facility, where they waited interminably in holding tanks that felt like saunas. As if this were not horror enough, the INS shackled them like dangerous
criminals each time the INS transported them. A small group of activists, mostly twenty-something-year-old Asian Americans, demanded their release. As a policy matter, we insisted that the continued detention of the Thai workers was wrong; it sent the message to abused and exploited workers that if they reported the abuse and exploitation, they would be punished—that the INS would imprison and then deport them. Sweatshop operators use this fear as a tool for their cruel and unlawful practices. Workers are commonly told, “If you resist or if you report me, I will call the INS.” Garment industry manufacturers and retailers profit by the millions by employing such workers and exploiting their vulnerability. The INS’s role in furthering the imprisonment of the Thai workers could only serve to discourage workers from reporting labor law, civil rights, and human rights abuses, and push operations like El Monte further underground. The INS, we asserted, ought not conspire with exploitative employers.

We quickly learned that the INS is not convinced by sound policy arguments. So we resorted to aggression and street tactics. We set up a makeshift office in the basement waiting room of INS detention. We used their pay phones, banged on windows, and closed down the INS at one or two in the morning, refusing to accept “paperwork” and bureaucracy as an excuse for the continued detention of the Thai workers. By the end of the nine long days and nights before the workers’ release, both pay phones were broken, as we had slammed them back onto the receivers in frustration each time we received an unsatisfactory and unjust response.

I am convinced that we succeeded in getting the workers released in just over a week in part because we did not know the rules, because we would not accept procedures that made no sense either in our hearts or to our minds. It was an important lesson that our formal education might, at times, actually make us less effective advocates for the causes we believe in and for the people we care about.

II. The Civil Lawsuit

Soon after the workers were freed from INS detention, they filed a civil lawsuit in federal district court in Los Angeles. Their lawsuit charged the immediate operators of the El Monte compound with false imprisonment, civil RICO, labor law and civil rights violations. The suit also brought these charges against the manufacturers and retailers who ordered the clothes and who control the entire garment manufacturing process from cut cloth to sewn garment to sale on the racks. At the same time, the United States Department of Justice, through the U.S. Attorney's office in Los Angeles, brought a criminal case against the operators, charging them with involuntary servitude, criminal conspiracy, kidnapping by trick, and smuggling and harboring individuals in violation of U.S. immigration law.

The criminal case was the first of many conflicts I would see between the mandates of traditional legal avenues for achieving justice and the goals of nontraditional political and social activism. The criminal case highlighted the tension between the limited redress that forms the model for most (though certainly not all) traditional litigation, and the achievement of justice broadly defined. Because the workers were the
key witnesses in the criminal case, the prosecutors at the U.S. Attorney’s office warned them not to speak out about the abuses they had endured. Whereas this restriction may have made sense in the context of the criminal prosecution, it served to silence, indeed make invisible again, the Thai workers at a time when their own voices needed to be heard. Thus, a conflict existed between the criminal law’s narrow focus on punishing the workers’ captors and a larger hope that subordinated individuals and communities could increase control over their own lives.

In February 1996, the captors pleaded guilty and were sentenced to prison terms of two to seven years. Yet the workers’ struggles were just beginning. Upon conclusion of the criminal case, the workers’ civil lawsuit could now proceed.

On one level, the civil lawsuit is significant simply because workers have accessed the legal system. In the large majority of cases, the notion of legal protections for exploited workers and redress for violations is illusory. Workers too seldom find the legal system open to them. The significance of the workers’ civil lawsuit, however, is greater still than the fact that workers have gained access. The suit is also significant because it names the manufacturers and retailers whose clothes the garment workers sewed. Rather than limiting its theories of liability to the immediate captors of the Thai workers, this lawsuit seeks to establish corporate accountability.

The theories against the manufacturers and retailers fall into four categories. First, they are joint employers of the workers, and therefore subject to all federal and state labor laws governing employers. The manufacturers and retailers defend themselves by maintaining that the manner in which they practice, and the way the industry has been structured, allows manufacturers and retailers to “independently contract” with sewing shops who make their clothes, insulating them from employer status.

Second, the manufacturers and retailers acted negligently in hiring and supervising the workers. The El Monte operation was structured so that more than seventy Thai workers were held against their will and forced to work eighteen hours a day, while a couple “front shops” in downtown Los Angeles employed seventy some Latina and Latino garment workers in “typical” sweatshops—the kind that characterize the Los Angeles garment industry. The manufacturers and retailers sent their goods to the front shops. Many of the workers at the front shops performed finishing: ironing, sewing buttons and buttonholes, cutting off thread, packaging and hanging and checking finished clothes. The manufacturers and retailers sent quality control representatives to the front shops to ensure that their clothes were being made to specification. The turnaround time the manufacturers demanded was much too fast for the downtown locations to have been furnishing all of the work. Such large quantities of high quality garments could not have been filled by workers making the requisite minimum wage and overtime.

Third, the manufacturers and retailers violated various provisions of state law requiring all those engaged in the business of garment manufacturing to register with the California Labor Commissioner and to avoid the use of industrial homeworkers for garment production. Federal law also provides that any person or corporation that places
products in the stream of commerce for sale for profit must ensure that its products are not produced in violation of minimum wage and overtime laws.\textsuperscript{13} Manufacturers’ and retailers’ failure to comply with these laws constitutes negligence per se.

Fourth, the lawsuit charges that manufacturers and retailers violated California law in engaging and continuing to engage in unfair and unlawful business practices.

One of the most legally significant, politically important, as well as personally gratifying aspects of the workers’ lawsuit is the inclusion of the Latina and Latino garment workers as plaintiffs. The Latina workers are entitled to redress for the hundreds of thousands of dollars in minimum wage and overtime payments they were denied. While not held physically against their will, they lived in economic servitude. Despite working full-time, year-round, they were still unable to rise above poverty. The inclusion of the Latina workers is also significant for another reason. The discovery of slave labor in the California garment industry had, I feared, set a new standard for how bad things had to be before people would be outraged. We would no longer be horrified by conditions that are standard throughout the garment industry: overcrowded conditions and dark warehouses, endless hours for subminimum wage, constant harassment, and degrading treatment.\textsuperscript{14} The reasoning would be, ironically, “at least they weren't held and forced to work as slaves; at least we don't see barbed wire.” The workers united in their civil suit send a clear message to garment manufacturers and retailers: this case is not just about slave labor. You are not only responsible for involuntary servitude; this case is also about the hundreds of thousands of garment workers, primarily Latina, laboring in sweatshops throughout the United States.

The strategic value of this move has been confirmed again and again, both by the defendants’ continual efforts to distinguish and separate the Thai and Latino workers, and also by the pressure other manufacturers and retailers in the industry have placed on the defendants because the potential impact on the garment industry is enormous.

The struggle the workers are engaged in challenges us and challenges various elements of our society in at least five ways. The first is a challenge the workers issue to the corporate powers in the garment industry. The lawsuit has the potential to transform the way manufacturers and retailers do business. The workers’ lawsuit forces us to view abuses such as these not as isolated incidents, but as structural deficiencies. Unless and until corporations are held accountable for exploitation, abuse of workers will continue and sweatshops will remain a shameful reality—the dirty laundry of the multi-billion dollar fashion industry.

The second challenge is to workers themselves and to their advocates. The workers have had to learn that even in this country, nothing is won without a fight, no power is shifted without struggle, and no one is more powerful to stand up for them than they themselves. They—and I—have learned that mere access to the legal system and to lawyers does not ensure that justice will be served. No one will give you a social and economic structure governed by principles of compassion and equality over corporate profit, particularly if you are poor, non-English speaking, an immigrant, a woman of
color, a garment worker—unless you fight for it yourself. It is also a challenge to the workers and to me to maintain and build the coalition between Asian and Latina workers. These are workers who share neither a common language nor cultural and national roots. When we have had joint meetings with all the workers, each meeting takes three times as long because every explanation, question, answer and issue needs to be translated into three languages. But its rewards are so precious. A Thai worker says in Thai, “We are so grateful finally to be free so we can stand alongside you and to struggle with you, to make better lives for us all,” and her words are translated from Thai into English, then from English into Spanish. At the moment when comprehension washes over the faces of the Latina workers, a light of understanding goes on in their eyes, and they begin to nod their heads slowly in agreement, you feel the depth of that connection.

Working across racial lines has also posed challenges for me as an Asian American woman. As such, the Latino workers who first came to see me were skeptical and a bit suspicious of me. “Si ayuda los Thailandeses, porque quiere ayudarnos?” I answered the best I could in Spanish, “Porque creo in justicia, y la lucha es muy grande. Si no luchamos juntos, no podemos ganar.” The garment industry’s structure magnifies ethnic and racial conflict at the bottom—workers against factory operators. Workers, who are primarily Latino and Latina, see their daily subjugation enforced by factory operators who are primarily Asian; Asian owners transfer the pressure and exploitation they experience from manufacturers and retailers to the garment workers. Ironically, Asian owners learn Spanish to enable them to communicate, but often little more than “rapido, mas rapido.” Poverty and helplessness experienced by immigrants, Asian and Latino, combine with language and racial differences to make the garment industry a source of racial tension. Meanwhile, manufacturers and retailers, like puppet masters high above the scene they create and control, wield their power with impunity.

Third, the workers’ struggles and their strength have challenged the government. The workers’ case says to the INS that its way of doing business as usual is totally unacceptable. The INS cannot be a tool of exploitative employers to keep workers from bettering their lives. The workers in the garment industry further challenge the narrow ways in which government compartmentalizes the lives of subordinated individuals. Garment workers’ cases are about labor law violations, so they fall under the purview of the Department of Labor. But in an industry like the garment industry, where almost all the workers are poor women of color, we have a civil rights problem. Why are manufacturers and retailers not investigated for rampant civil rights abuses? Why is the State Department not involved, where issues of foreign policy, and manufacturer and retailer conduct in countries around the world, so clearly impact the human rights of poor workers in other countries and immigrant workers in the United States? Where is the Presidential Commission on rooting out the shameful existence of sweatshops in this country? Such a commission ought to call on manufacturers and retailers, who create and profit from such conditions, to take responsibility and change their practices.

Fourth, the workers’ lawsuit challenges our legal system. It says that our legal system has to be able to bridge the gap between reality and justice. Manufacturers and retailers cannot simply walk into court with an argument that on its face looks like an
independent contracting relationship without looking at the reality of what they have done. Manufacturers and retailers have created a structure intended to get around existing law and to perpetuate subordination of workers.

The lawsuit also challenges the legal system’s primary focus on lawyers. The legal system is a forum for lawyers—a place where we write our briefs, argue in court, play our game and go home. The question for me as a lawyer is this: how are the workers made better off, even if we win this suit, if they do not feel like they have been participants in the process? The fact that the workers often want to rely on lawyers makes the struggle more difficult. Moreover, whether through an inflated sense of self-importance, or a desire for self-preservation, we all too often want to monopolize control and power. We are told in law school that we and only we understand this system. But even if they receive thousands of dollars once the case is over, the workers are not necessarily better off if they have not gained some control over their lives and access to a system that has largely been closed off to them and to people like them.

I avoid referring to the workers as “clients.” To me, it impersonalizes the workers and places them in a dependent relationship. As “clients,” the relationship is defined by my education and skills as their “lawyer”; instead, by referring to them as “workers,” their experiences define our work together. I talk with them not just in terms of legal rights, but in terms of basic human dignity. For many people, when language is framed as “law,” I have seen an immediate shift in their willingness to engage in the dialogue; many people think the discussion is suddenly taking place in a language they do not and cannot understand. What workers do understand is a language of human dignity. They desire to be treated as human beings, not as animals or machines. Human dignity must be the measure of what we recognize as legal rights.

Finally, the question of not only what particular words we use, but which language we use is critical. The workers will often ask me to tell their story for them, both because I can tell it in English and because they believe my knowledge of the law instills in me instant efficacy as a spokesperson. However, they are wrong. Forced into English or into the narrow confines of legal terminology, the workers become speechless. But when I listen to them tell their stories in their own language, listen to them describe their suffering, their pain, their hope through the long, dark days, they become poetic and strong. We as lawyers and advocates must always encourage those who have lived the experiences to tell them, in whatever language they speak.

The final challenge of this lawsuit and the workers’ struggle is to the paradigms by which we operate and through which we engage social justice issues. The garment industry and the lives of these garment workers give reality to concepts such as intersectionality and multilayered oppression.17 Within racial justice movements there are classist notions; among workers’ rights advocates there is racism. These workers embody characteristics of almost every disaffected group in our society today. Women of color, the poor, non-English speaking immigrants, and workers are all under attack in our mainstream national discourse.
It is not enough to see their struggles through one lens or through limited models of racial justice, immigrants rights, or workers rights. They challenge us to view the achievement of a just society far more broadly than these paradigms permit.

III. The Media’s Role

The media’s role, both news and entertainment, has been such a big part of the work involving the El Monte Thai workers. Without question, the media can be an ally. The local, national and international coverage of the slave conditions under which the Thai workers were held brought public sympathy to and knowledge of their suffering. Accurate portrayal of the context in which it occurred—the garment industry—sheds light on a highly exploitative and lawless industry in which human lives pay the price of corporate greed. The media has helped us particularly because those against whom we struggle, big corporations whose names have financial value and government agencies both state and federal, care very much about public opinion and thrive on their public images. In short, the media plays a critical role in making the invisible visible.

But the struggle, related to media visibility, is how we keep our stories from becoming distorted. The media has resisted covering the union of Asian and Latina workers in this struggle. While racial discord between communities of color is newsworthy, particularly in Los Angeles, interracial solidarity is not. The Latina workers have thus remained largely invisible to the public.

The media likes simplistic stories. I have learned that they portray isolated “heroes” and nameless groups of “victims.” The continuous victim status imposed on the workers gives the false impression that they are not full human beings engaged in a struggle for justice, committed to a better world, and intent on ensuring that others do not suffer what they have.

More recent coverage of exploitative conditions and inhumane treatment of workers in the garment industry further highlights this problem. Morning television talk show host Kathie Lee Gifford and her reaction to the discovery that her private label was being sewn by child laborers in Honduras and sweatshop workers in New York received extensive news coverage. Just as legal education might have us believe that lawyers solve the problems of an inequitable society through lawsuits, news coverage paints a picture of celebrity goodwill as the antidote to exploitation. When Gifford and her former football-star husband handed out $300 cash to workers denied minimum wage and overtime in New York, major newspapers and news stations across the country reported it in the headlines.

This kind of news coverage suggests that workers want handouts. Again, the worker as independent actor is made invisible by worker as passive, powerless recipient. From my experience, they do not want one-time handouts. What they want is a just day’s pay for a just day’s work. The workers continually attend court hearings, get on buses to come to meetings, spend hours responding to discovery requests and the other demands of litigation. They have gone with me to retail stores to see garments they made selling
for a price they could never afford. People who question, or ignore altogether, the value of this level of participation by the workers utterly miss the power of litigation to teach and to change. The workers continue to fight, not for the far-off possibility of collecting money, but for the sense of control it gives them over their lives and out of a fundamental belief that social justice demands it.

Finally, I want to share one story about the media that illuminates the many facets of the struggle for justice. Several months ago, I received a call from a Hollywood producer. The producer had called before, soon after the Thai workers were discovered. At that time, I had told her that the workers’ story was not mine to sell, and she would have to wait until the workers were in a position to decide for themselves if they wanted their story told this way. She was calling again now because the criminal case was over and the suit against the manufacturers and retailers was going well. She billed it as a huge Hollywood movie that would get the workers’ story out to millions of people, and then she said, “To make this really work, we need a hero.”

I interrupted this familiar refrain with, “The workers are the heroes; they are the ones who endured, who were resilient, who have worked to rebuild their lives and who continue to engage in the fight for justice.”

“No, no, no,” she insisted. “I have read all the newspaper accounts and you’ve really been a hero. But what we need is an American hero.”

Now I had spent many months dealing with unreasonable, often ignorant, even offensive people and positions, but I was momentarily stunned. After she repeated herself, I responded, “You must mean a white hero then, because I am an American.”

It was her turn to pause, no doubt realizing, even without understanding why, that she had said something wrong. She countered, “Oh, of course you are . . . and I’m not a bad person” and proceeded to list the movies she and her company had produced to show they were an “issues-oriented” company—a movie about domestic violence, one on the Watts riots. But she just wanted me to understand “what sells” in the entertainment world. Then she added, “Now if you had a romance, that would make a great angle.” So the movie script would read: white man saves Asian woman, and in the process, rescues all the Thai workers too.

IV. Tensions

As an Asian American woman and an advocate, I have been confronted with ignorance, racism, preconceptions, stereotypes and multiple challenges. This story leads me to conclude with some of the tensions I feel in the work that I do.

First, the tension embodied in the question, what is the purpose of the lawsuit? Is the purpose to win the lawsuit or is the lawsuit a process by which workers, immigrant workers, women, women of color become more empowered and politicized? Are these mutually exclusive purposes? And do we take this case all the way through to a judgment
or do we accept manufacturers’ and retailers’ small offers to settle? If we take this case to trial and win, the precedent-setting impact would be enormous. On the other hand, the risk of an adverse judgment may not be one the workers are willing to or should be counseled to take. They live in poverty, need to pay rent, buy clothing and food for themselves and their children. There is an ongoing tension between the immediate needs of particular workers and the larger, social justice ends to which we are committed.

Second, with regard to the idea of invisibility, I have suggested that even if you gain visibility through the media, you can still be made invisible again. Similarly, even after you have filed a lawsuit, you can be made invisible by the way the legal system operates. The question really is how do we listen to and tell the stories of these workers—bring them out of invisibility—without distorting their stories at the same time? The legal terms at our disposal are wholly inadequate to describe and address what these workers have been through and continue to experience. We stay away from the immigration aspect of their case because we fear backlash in this climate. When the workers were first discovered, the news media referred to them as “Thai nationals” or “illegal immigrants.” We insisted on calling them “workers,” thus shifting the focus from their immigration status to their experiences in the United States in the garment industry. But when United States immigration policies contribute directly to the vulnerability of immigrant workers and facilitate the kind of exploitation workers suffer, have we not distorted the workers’ experience by downplaying that aspect of their lives and of their struggle?

Third, workers face risks for their actions that we as their advocates do not. What do I say to a worker after I have informed her of the rights she has—to minimum wage and overtime, to organize, to work without harassment or intimidation, to seek redress without retaliation, and to speak out—and I tell her, I will fight with you if you want to fight for these rights; then she goes out on a picket line and marches for corporate accountability, her employer sees it on the six o’clock news and she gets fired the next day? There are real dangers for people who stand up and fight; is it right or sufficient for us to say, “This is an important struggle and we think it is something we all need to be a part of together?”

Finally, I experience tensions as a community lawyer, or lawyer activist. As an Asian American woman, I embody traits traditionally excluded from the environments, the profession, and the system to which I have sought access. I engage in my own struggle to be heard, to find words that describe my life and vision and make my experiences resonate within the narrow language of the law, and to change a legal system and a society that does not recognize my experience of injustice or exclusion. Other lawyers treat and view the lawyer activist as an outsider. Here, I am not just talking about the times I have been ignored, when a white male attorney representing a garment manufacturer reached directly past me to shake the hands of my white male co-counsel, for example. I am not talking about those many instances.

I am talking about the attorneys on our side who say, “If you want to do all that political and educational stuff, organize meetings with the workers and visit them in their homes at night, go ahead and do that. But leave the ‘real’ lawyering—the hard-core
strategizing, brief writing and arguing—to the real lawyers.” But to me, the traditional, so-called “real” lawyers, who are not engaged in the workers’ lives, cannot represent them in the lawsuit in a way that is true to the workers. The lawyer activist has to be an active participant in the litigation to ensure that the workers’ lives guide the litigation. Lawyer activists have to be active participants in litigation to transform the practice of law.

Lawyer activists are often marginalized by non-lawyers as well. Many progressive activists with whom I have worked refer to lawyers as “necessary evils.” They feel that lawyers distort and destroy a struggle, wanting to speak for the workers and take over the cause, insisting on leading rather than joining. Non-lawyer activists often seek to limit the role of the lawyer activist to that more suited to a traditional lawyer—at the margins of the struggle.

So what is our role as lawyers? How can we make transformative work—both in our profession and our communities—real? I do not know the answers to these difficult questions. I do not even know if finding answers is the ultimate goal. But I believe that anyone who tells you these tensions are not worth struggling over misses the essence of what it means to be an advocate for people and an advocate for justice. Law school does a good job of telling you that all of these tensions are really nonsense, or at best, that they make for interesting discussions in those “soft, fuzzy” courses but have no place in the real practice of law. I want to tell you that is absolutely wrong.

I have learned more, gained more, cared more, smiled and cried more by sharing my life, work, and passion with the Thai and Latina garment workers, who live with the violence of poverty and suffer the brutality of sweatshops, than I thought I could by choosing to become a lawyer. The workers have inspired me, personally and professionally, to be more than I ever imagined. My work with them has been more gratifying than anything I thought possible during law school. Working not for them, but with them, it is not only their lives, but mine that has been changed.

The workers say that they are engaged in the struggle not for money, and not necessarily even because they think we will win the lawsuit or radically alter the corporate power structure. They are engaged, they say, because their humanity depends on it. And I would say we engage in the struggle with them not for their humanity, but for ours.

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1 A.B., Stanford University, 1991; J.D., Harvard Law School, 1994; Skadden Fellow 1994-96 and now civil rights staff attorney at the Asian Pacific American Legal Center of Southern California.

2 California’s ballot Proposition 187 was passed by voters in November, 1994. A constitutional challenge to the initiative has helped stall its implementation. See Gregorio T. v. Wilson, 54 F.3d 599 (9th Cir. 1995).

3 California's ballot Proposition 209 is now embodied in the California Constitution. Cal. Const. art. I, § 31. Proposition 209 passed by a margin of 54% to 46%, with whites voting 63% in favor, and Blacks, Latinos and Asian Americans voting overwhelming against (74%, 76%, and 61% respectively). Implementation has
been delayed as a result of a federal court constitutional challenge. See Coalition for Economic Equity v. Wilson, 946 F. Supp. 1480 (N.D. Cal. 1996).

4 The number of sweatshops has increased in the United States since 1989. The growth has been greatest in Los Angeles. Precise data, however, is unavailable due to the underground nature of these workplaces. Working conditions continue to be deplorable. Violations include exposed electrical wiring, blocked aisles, unguarded machinery and unsanitary bathrooms, in addition to rampant nonpayment of minimum wages and overtime. See U.S. General Accounting Office, B-257458 Garment Industry: Efforts to Address the Prevalence and Conditions of Sweatshops 1-7 (1994). See also Stuart Silverstein, Survey of Garment Industry Finds Rampant Labor Abuse, L.A. Times, Apr. 15, 1994, at D1 (noting that random inspection of 69 garment manufacturers and contractors found all but two breaking federal or state laws or both, and more than one third had serious safety problems).

5 This is a common weapon used by sweatshop operators to keep workers from organizing and reporting abuses. Manufacturers and retailers, while pleading ignorance, reap profit from the vulnerability of garment workers, a vulnerability exacerbated by the relationship between exploitative employers and INS officials.

6 We worked together under the name Sweatshop Watch, a statewide coalition formed in 1994 dedicated to eliminating sweatshops. Southern California members include the Asian Pacific American Labor Alliance, Asian Pacific American Legal Center, Coalition for Humane Immigrant Rights of Los Angeles, Korean Immigrant Workers Advocates, Thai Community Development Center, and Union of Needletrades, Industrial and Textile Employees. Northern California members include the Asian Law Caucus, Asian Immigrant Women Advocates, and Equal Rights Advocates.

7 Immigration attorneys who have been practicing for 15 years and more expressed total incredulity that we accomplished what we did. The INS simply “does not work that way.”


9 The Racketeer Influenced and Corrupt Organization Act (RICO), 18 U.S.C. § 1961 (1994), makes it unlawful to associate for the purposes of engaging in a pattern of racketeering activity, such as a scheme to defraud the workers into captivity, pay them subminimum wages and use threats to extort from them.


14 Workers have reported that their employers followed them to the bathroom, forced them to eat lunch at their machines, screamed at them if they stopped to stretch or yawn or if they simply were not working fast enough, and threw objects at them.

15 “If you are helping the Thai workers, why would you want to help us?”

16 “Because I believe in justice and the struggle is a big one. If we do not fight together, we will not succeed.”

17 I use the terms because these themes are present in the articles and remarks of my co-panelists. See also Mari Matsuda, When the First Quail Calls: Multiple Consciousness as Jurisprudential Method, 11 Women's


19 Professor Gerald Lopez refers to this kind of lawyering as "rebellious lawyering." Gerald P. Lopez, Rebellious Lawyering: One Chicano's Vision of Progressive Law Practice (1992) (discussing how traditional public interest legal representation is often ineffective in producing meaningful legal reform).