

COMMENTARY

U.S. Sends Strong Message to Those Who Traffic in Human Lives

By John Gittelsohn
Special Correspondent

A federal jury returns a guilty verdict against the owner of an American Samoa garment factory in the largest U.S. human trafficking case ever prosecuted. The conviction demonstrates that the United States is firmly committed to ensuring that those who traffic in human lives are swiftly prosecuted and punished.

The woman borrowed \$5,000 for a chance to earn more than \$400 a month sewing clothes in American Samoa, leaving her husband and two children in Vietnam, dazzled by what she considered a fortune.

One of the happiest days of her life, Nguyen Thi Le said, was when she signed a contract to work for a company called Daewoosa Samoa Ltd. Nguyen, who held a job as a seamstress in a small village near Hanoi, thought she was going to the United States and that's where she eventually ended up. But this was only after becoming a victim of the largest human trafficking case in U.S. history, working in conditions that Attorney General John Ashcroft described as "modern day slavery."

"Human trafficking is more than just a serious violation of the law; it is an affront to human dignity," said Ashcroft in February upon the Justice Department's successful prosecution of Daewoosa officials. "The Department of Justice is committed to protecting the victims of trafficking and to bringing to justice all those who violate the civil rights of trafficking victims."

The story of Nguyen and more than 250 other Vietnamese and Chinese workers at the Daewoosa

factory in American Samoa has become a landmark case in the United States' recent prosecution of human trafficking—the international practice of coercing people into servitude, slavery, peonage, child labor, or the sex industry.

Joseph Grover Rees, a former U.S. magistrate in American Samoa and currently U.S. Ambassador to East Timor, said the Daewoosa case should serve as a warning to anyone who considers exploiting workers within the United States. Those exploiters will be reached by the long arm of American law.

"If you're going to traffic women and men to slave-like situations, you better not do it in a place under the American flag," said Rees, who as a congressional aide helped draft the Trafficking Victims Protection Act of 2000, a legal cornerstone of the campaign against human trafficking.

The Daewoosa saga begins in 1998, when a South Korean businessman named Kil-soo Lee bought a struggling garment factory near Pago Pago, the capital of American Samoa. Officials in the U.S. territory welcomed the foreign investor, who promised to diversify the local economy. The only other major industrial site in American Samoa was a tuna canning factory.

American Samoa had several attractions for garment makers like Daewoosa. As a U.S. territory, its exports were not subject to the quotas and duties that restrict many American textile imports. The minimum wage was \$2.55—half that of the U.S. mainland—but the clothing still was allowed to use a "Made in USA" label. Among Lee's early customers: Sears, Roebuck and Co. and J.C. Penney, both major department store chains. Another advantage of American Samoa is that it was far from the eyes of the U.S. Labor Department and other monitors that are supposed to regulate workplace quality.

Instead of hiring locals in American Samoa, Lee imported about 250 workers from Vietnam and 25 from China to staff his plant. He promised to hire more locals once things got going.

The Vietnamese workers were recruited by Vietnamese government-owned enterprises—International Manpower Supply and Tourism Company 12—which are part of a national program to export

labor from the communist country. This year, Vietnam plans to send 50,000 workers abroad, hoping they will return billions of dollars in foreign currency to their impoverished homeland.

The Vietnamese workers each paid about \$5,000 to cover the cost of airfare and work permits. They signed four-year contracts in exchange for monthly paychecks as high as the average Vietnamese person earns in a year. Trouble began in early 1999, shortly after the first Vietnamese workers arrived in American Samoa. Daewoosa's paychecks were a fraction of what Lee promised. He argued he needed to pay the recruiters first. He also deducted what an American Samoa judge later determined were excessive fees for room and board in company dorms.

Living conditions also deteriorated. Meals consisted of porridge, occasional morsels of meat and, even more rarely, fresh fruit or vegetables. Temperatures in the factory soared above 34 degrees Celsius. Crowding in the dorms forced some of the workers to sleep two to a bed.

In late 2000 the U.S. Labor Department fined Lee more than \$350,000 for failing to pay back wages. Investigators from the Occupational Safety and Health Administration found inhuman living conditions.

But these sanctions seemed to have no influence on Lee. He confiscated workers' passports to prevent them from escaping. He stopped paying them when the factory ran out of orders, but he kept charging the workers for room and board. When they protested, he slashed food rations and threatened to deport them back to Vietnam, threats which were reinforced by the on-site representative of Tourism Company 12, Nguyen Viet Chuyen. Some workers said they were physically threatened—their punishment was to be thrown into a swimming pool polluted with rotting frogs carcasses.

The few American Samoans working for Lee mainly served as his enforcers, intimidating the Vietnamese with their physical bulk. In November 2000, tensions reached the breaking point. When a group of workers refused to return to their sewing machines, Lee ordered his enforcers to clear the floor.

"I'll take responsibility for this," he said, according to court testimony. A female worker was clubbed so severely that she lost her eye. Two others were briefly hospitalized.

The violence finally got the attention of local law enforcement. A magistrate banned Lee from contacting the workers. Lacking new orders or cash, the Daewoosa factory shut its doors. The workers were left stranded, bereft of money or tickets to go home. The recruiting companies and the Vietnamese government refused to pay for their flights back home because they had broken their contracts.

The workers lived like castaways scrounging for food. Some earned a few dollars cleaning homes. Others were caught stealing fruit from local orchards. Many relied on charity from churches.

Nguyen Thi Le, the garment worker from outside Hanoi, felt as if she had made a horrible mistake. Not only was she stranded, she worried about the burden on her family. Loan sharks back in Vietnam were hounding them to repay the \$5,000 she borrowed to get to American Samoa. Her husband was fired from his job, he said, because of her reputation as a troublemaker at Daewoosa.

Just when things seemed most desperate, the U.S. Justice Department stepped in. Lee was arrested and sent to Hawaii for a trial. The stranded Vietnamese workers were flown to the United States, admitted as potential witnesses for the prosecution.

In April 2002, a civil court in American Samoa fined Daewoosa \$3.5 million, finding that Lee and Tourism Company 12 owed 270 workers an average \$13,000 in back wages and punitive fines. None of the fines have been paid. In February 2003, Lee was convicted in federal court in Honolulu of holding the workers in involuntary servitude. Sentencing is scheduled for July 16. Lee plans to appeal on the grounds that he should not have been tried in Hawaii.

Justice Department officials would not comment on whether they plan more indictments in this case, such as representatives of the Vietnamese companies that recruited the Daewoosa workers. Attorney General Ashcroft said Lee's conviction

"demonstrates that the Department of Justice is firmly committed to ensuring that those who traffic in human lives are aggressively investigated, swiftly prosecuted, and firmly punished."

Most of the Vietnamese workers who came to the United States as potential witnesses are now applying for so-called "T" visas, specially issued to victims of trafficking, which can be a stepping stone to permanent residency status. The largest group, 33 of the workers, settled in Orange County, California. Most now work for the minimum wage in garment factories in the county's Little Saigon district.

Nguyen Thi Le sews women's clothing at a small workshop in Westminster. She no longer fears her bosses, but sorrow still etches her face. She shares a mobile home with four fellow workers from American Samoa and saves every penny from her job to help bring her family here. Her daughter, now 5, does not even know her. Her son, now 14, refuses to talk to her on the phone. Her husband thinks she's living a life of luxury in America while they suffer back home.

"They want to know when I can bring them here," she said. "I'm very, very depressed because I can't see my children."

Other workers also feel torn because they left family in Vietnam. Hoang Trong Thuy and his wife, Nguyen Thi Ngoc, have not seen their four daughters in more than four years. Their oldest girl, now 16, recently dropped out of school there and defies her grandparents by smoking cigarettes and staying out late.

"Children need their parents most around the teenage years," Hoang, 40, said, his eyes rimmed with black worry lines. "They have a lot of problems when their parents aren't there to protect or raise them."

But Hoang also has a new reason to celebrate being in America. In December, his wife gave birth to a boy they named Henry Hieu Minh Hoang.

"My dream is to reunite with all my children here," the proud father said. "To have a job with enough steady money so my family can be stable. A better

car is not important. Most important is to see my children and to be a good father."

Boat People S.O.S., a private social service agency with offices in Orange County and Washington, D.C., is helping the workers from American Samoa by offering English and job training classes and assisting their visa applications. It is also lobbying Congress to offer resettlement assistance to make it easier for trafficking victims to bring relatives to America.

Boat People is also training local law enforcement and other private agencies to help find more victims of trafficking cases. The Justice Department estimated 20,000 women and children trafficking victims enter the United States each year. Most operate below the public radar, trapped as domestic

servants, sex workers, or underpaid help in restaurants and construction sites.

Few are as easily identified as the workers at Daewoosa, said Kevin Pimentel, staff attorney at Boat People S.O.S. "That case is one of a kind," Pimentel said. "It's got everything—involuntary servitude, peonage, coercion, fraud. You don't want to say it's typical."

John Gittelsobn covers Asian and Pacific Affairs for the Orange County Register in California.

The opinions expressed in this article are those of the author and do not necessarily reflect the views or policies of the U.S. Government.