Panel Two—Women in the Global Economy

FIRST SPEAKER: WILLIAM TAMAYO

Thank you, Marcela, and thank you very much to Boalt Hall for hosting this symposium and inviting me and Eve Hernandez to speak today about some burning issues in the area of global migration. I should tell you that I’m kind of an unusual government official. Most of my work, prior to coming to the EEOC was in defense of immigrants. I did a lot of deportation defense, political asylum work and worked on the Battered Immigrant Women Provisions of the Violence Against Women Act. So, being a government official was certainly a big switch for me, but I’ve realized it has a lot of potential to help immigrant women.

Now, for those of you who want to start getting into this work or trying to develop an interest in it, this is a very exciting time because the twenty-first century is nothing but unprecedented migration, worldwide. The World Bank recently announced that over 200 million people have left their homelands. The U.N. High Commissioner of Refugees added that something like 75 million people are now refugees, worldwide, which means they’re going to go somewhere. And obviously there’s a global economy; when capital moves, labor moves. So obviously, people are going to come to the United States. Why wouldn’t they? The United States has less than 5% of the world’s population but uses 25% of the world’s resources, leaving the other 95% or so to thrive on the remaining 75%, so why wouldn’t people come here? And the movement is being facilitated by trafficking and smuggling, which also lead to extreme exploitation. But then for the women, children and men caught up in this situation, what alternatives do they have for seeking freedom, to seek food and to seek shelter? And—obviously—the big question is: where does this leave issues like national sovereignty, the rights of nations, etc? This is a very exciting time because I think all of these questions are being put up for debate in the international context.

Now, speaking as a government official, but speaking more as a civil rights lawyer, there are some things that I’ve been able to pick up over the years. What I want to talk about is: what does it take to address global migration, and in particular, the gender and migration issues of the day? I think, first, it requires an unwavering commitment to international human rights and civil rights—unwavering. You have to be grounded in the theories, and you must have a compassion and understanding of the plight of immigrants. You’re not going to understand it just by reading about it; you’re going to have to work with them,

1. Regional Attorney, EEOC San Francisco District Office.
live their lives, to really understand what’s at stake. And you’re going to have to be willing to buck the trend because folks know that when you do work on behalf of immigrants, you’re speaking on behalf of a sector that often times is non-white, non-citizen, and non-English speaking and that can’t vote, that has no money, that has some of the worst jobs, and is unorganized. On top of that, it’s a sector that often times may face deportation, and if deported, may face extreme poverty or persecution in their homelands. And if that’s not enough, it’s a sector of society that’s blamed for everything: terrorism, drugs, disease, traffic jams—you name it, they’re blamed for it. So you have to be a little crazy to represent this sector, and you have to have an edge, and you have to have a lot of compassion. So this is not some kind of intellectual discussion. The issues we talk about are real life and death, because whether people have a job or don’t have a job is going to determine whether they’re going to eat, whether their kids can eat, whether they are going to have shelter, whether they are going to have clothes. And, if they’re going to be deported, the issue may be: are they going to be tortured back in their homelands, are they going to face extreme poverty? All those issues are at play in the case, and definitely in your client’s mind as she’s making these hard decisions about whether she’s going to stay, whether she’s going to fight discrimination, etc.

Now, while our nation is a very diverse nation, its history and culture and values unfortunately have been rooted in racism and in the exclusion of those who are non-white. You’re dealing with a historical trend, a real history of the United States, which has actually not been friendly to immigrants particularly from countries of color. I only point to the fact that persons of Asian decent are over 50% of the world’s population, yet we are less than 4% of the United States’ population by racial design. You have the Chinese Exclusion Act and other exclusion laws that typify what was the policy of the United States. More importantly, the Statue of Liberty, as Professor Bill Hinks says—the Statue—it’s no accident that the Statue of Liberty faces Europe and has her back to Asia and Latin America.

I mean, we laugh, right, but the Chinese Exclusion Act was passed in 1882, the Statue of Liberty is dedicated in 1886, and then the Chinese Exclusion Act is extended in 1892 indefinitely. Okay, so what does that say about America’s values and America’s history? Certainly, we’ve made a lot of progress, but don’t forget this is part of our legacy and it’s certainly molded a lot of thinking for people during the nineteenth and twentieth centuries and is certainly molding people during the twenty-first century. Now, the other factor you have to consider is that within the context of even the laws that would protect workers in the United States, there was a conscious exclusion of farm workers and agricultural workers from the National Labor Relations Act in 1935. This clearly reflected the race and class status of Mexican and Filipino farm workers within the labor movement and within the American Federation of Labor. So, farm workers in California and Hawaii had to form their own unions, but weren’t covered, necessarily, by the National Labor Relations Act. They still aren’t
covered by the NLRA. So, I guess to summarize this part: to be an advocate in this arena, you have to think globally and historically; you have to understand the treatment of the U.S. government and U.S. laws towards migrants; and you have to understand that all of these issues function at the intersection of race, class, xenophobia, and sexism. It's very complicated. But, what also makes my job very exciting is that we deal with almost every aspect of the human condition—from big corporations that have all the money in the world, or state and local governments that refuse to change their policies of sexual harassment, to farm workers who have everything to lose by fighting discrimination, to women out in Saipan and the Commonwealth of the Northern Mariana Islands who clearly face deportation if they are retaliated against for complaining about discrimination. We deal with that all, and that's what makes it exciting.

Now, I need to talk about a very controversial thing: what's the role of the federal government in the whole process of protecting people's civil rights? And I'm very aware that there are many of you who are very skeptical. You have a right to be skeptical and you should be skeptical, because the record of the federal government in protecting minority rights is checkered, at best. And I would say the majority of the time we either abuse or we neglect and just don't care, and that's unfortunately the impression that people have given, and there's certainly a history that validates some of that perception.

But, I work in an agency called the Equal Employment Opportunity Commission that did not exist forty years ago, because the law prohibiting discrimination didn't come about until 1964 and wasn't effective until 1965. So that means for most of this country's history, discrimination on the basis of race, color, sex, national origin or religion was legal, which also means these laws, when looked at against the history of the United States, are a real aberration. They're really the exception, right? All of you—you've read U.S. constitutional history. These laws are really an exception to U.S. history. So, we're living in a very exciting time of global migration, yet there are new laws that expand the rights of workers.

Now, the EEOC is a very unusual agency. Congress decided to establish an agency that had the authority to investigate charges of discrimination, to force employers to give us all the information that we wanted, and also to sue these companies if necessary, if we found that there was discrimination. And that's really the fun part of my job—aside from all the public speaking about cases. My role as a regional attorney really comes down to two things: to decide which companies we're going to sue, using the government's money, and, number two, deciding how much we're going to settle for. And I can go up to an employer and say, "you want to fight this to the death? I got the resources of the government to do it. Let's go." Okay? "I got the attorneys to do it." And, as those of you in the public interest bar know, this is a big change. I was in the public interest bar, too, and I know it's hard—you don't say that.

I would also add that this is 40 years for race, color, sex, national origin, and religion, but only 13 years for those with disabilities. Not until July of 1992
did the law become effective that prohibited discrimination on the basis of disabilities in the private sector. So, these laws are fairly radical and we need to protect them. But I want to bring this to the context of international human rights because the two basic concepts of international human rights are: one, government should not abuse people’s rights, and number two, the flip side, government should protect people’s rights, and that’s basically the part where I’m at. And what we try to do is provide immigrants a fighting chance, because in the bigger balance of power, do you think one farm worker’s going to be able to go against the biggest agricultural interests? Of course not. That’s the role of government: to step in, to protect these workers’ rights.

Now, in our district, which covers Northern and Central California, Hawaii, the Pacific, and off to Saipan, agriculture is a major industry. And Eve will be talking about the Olivia Tamayo v. Harris Farms case that we tried earlier this year. We cannot ignore the fact that a large number of workers in California—one million—are farm workers. Over half of them are women. In the service industry, it’s overwhelmingly immigrant and disproportionately women. In poultry plants, meat-packing, the tourism industry in Saipan, and in the garment industry, it’s all women, or primarily women. They will be doing the jobs that cannot be outsourced. A lot of jobs are going to be outsourced, but they are doing the jobs that cannot be outsourced.

Agriculture is a multi-billion dollar industry; it’s the second largest industry in California, and, not surprisingly then, 13% of the charges that we receive nationwide—out of 80,000 charges—are sexual harassment cases. But sexual harassment claims are over 25% of the cases we actually litigate in court. And my sense is that the reason why this happens is because employers don’t settle. They think they can fight this out because it’s all a question of credibility, “he-said-she-said.” So I think they’re willing to fight that. But we could not do this alone; a whole part of our effort and my effort is to make sure that we team up. We’ve teamed up with folks like California Rural Legal Assistance, a farm worker women’s leadership group, because they have to be our eyes and ears to a community that, unfortunately, the EEOC had neglected for a long time. In 1999 we settled a big case against Tanimura & Antle, the biggest lettuce grower in the world, on behalf of Blanca Alfaro who alleged that not only on one occasion, but on two occasions, she had to sleep with the hiring official at Tanimura & Antle so that she could pick crops for the season, so that she could feed her three-year-old daughter. She was a single mom. That was the case that brought out this whole issue of farm workers in the field. We knew this stuff was going on, but who was going to step forward to complain? And, fortunately, she complained after she was fired at Tanimura & Antle. She went to the CRLA Office in Salinas, said she was fired and just wanted her job back; but CRLA fortunately understood and probed and probed and understood what happened to Blanca—that she basically had to have sex with a hiring official. That was the case we were looking for. And I’m proud to say that after a lot of investigations we found other women who had been harassed. We settled that
case for $1.85 million, which is still the record for sexual harassment in the agricultural industry. That sent a message to an industry that the EEOC was now willing to come in and represent farm workers, and no matter what, we’re going to work and deal with whatever we can to make sure that they have relief.

Unfortunately, we still get a lot of cases out of the commonwealth of the Northern Mariana Islands, which is out two hours from the Philippines; cases of women who are denied leaves or denied money for pregnancy leaves or medical benefits. We are litigating a case right now—hopefully it will settle—against Saipan Grand Hotel, where a Filipino who was working in the kitchen and the cook was basically sticking his fingers everywhere he could on a daily basis—not just to her, but to other women. In another case against the Diechi Hotel, the hotel fired the Filipino workers and replaced them with more docile and more vulnerable Chinese workers because the Filipino workers had been organizing for better conditions and organizing for a union. We get a lot of these cases in a place that only has 50,000 contract workers, but we’re getting hundreds of charges from them every year.

Finally, and let me just end on a case that illustrates the problem: we got a call in 2000 from a domestic violence coalition in Iowa. She called me and the attorney there says, “there are women being raped at DeCoster Farms,” a poultry plant. They had a series of poultry plants in Iowa. “Can you help us out?” So, I called my counterpart in Milwaukee, Gene Camp, and I said, “Gene you have to jump on this right away; these women are being raped at the plants.” So Gene sends a team down to investigate. What’s the company’s response? They threaten to terminate or have the women deported who cooperate with the federal investigation. They also threaten them with further rape. And so, this was rape by co-workers and supervisors of five women. We had to run to federal court to get an injunction to stop any further harassment, retaliatory activity just so the women would talk to us—and then the company finally backed down. We litigated the case and got a settlement for five million dollars for the women. Unfortunately, there’s a cap on damages under federal law, but nevertheless it kind of epitomized what the future is going to look like for us, particularly in agriculture.

Let me just end with the fact that you’re going to have to deal with some hard issues for women. Sometimes I’ve been asked, “well, why are you pushing these issues, particularly for immigrant women? Why do you want to file a lawsuit on their behalf? They may end up being deported, and their whole families have to leave.” And my response to that is: that’s her decision. But my job as her advocate—as a civil rights lawyer—is to give her all the options available, to tell her that we will fight her case and take it all the way. We’ll try to leave out all the immigration status questions outside the litigation—and we’ve done that successfully in several cases already—but to let her make the decision. Does she want to stay picking crops and having her body grabbed—private parts grabbed—and touched every day and propositioned for sex every day? Or, does she want to take the risk, perhaps she may have to go back to her
country, but she goes home with money and some of her dignity back intact? And you let her make that decision. That's what is at risk, and obviously, we can't, we don't understand all the things she has to deal with. She's got her family—and Eve will talk about that—and all the things that you have to weigh.

The key thing, really, in this century will be: will the women's movement, in particular, grasp the concept of global migration and understand that the women's movement now has to take a much broader vision, particularly for women here in the United States who, as I said, are non-white, non-citizen, non-English speaking. They are not the traditional picture of what the women's movement is. And so those are some of the issues that we're going to have to deal with. But that's really for the whole civil rights movement too. Thank you.

SECOND SPEAKER: EVANGELINA HERNANDEZ

Thank you. Thank you very much for inviting me, especially in light of the fact that it's big game weekend, and I went to the other school.

I want to talk a little about Harris Farms, because through my work with Harris Farms—and I was part of the team that litigated it—three points came across. But I want to tell you a little about Ms. Tamayo, who is the charging party in this case. Ms. Tamayo was born in Mexico, and she had a third-grade education. She was married at 15, came to this country, and started working for Harris Farms as a temporary worker in 1985. Her husband worked there, her husband's family worked there. Eventually, she became a permanent worker. In the meantime, she's had children. She's had, now, a total of five. In 1993, she became an assistant supervisor, under the direction of a man named Rene Rodriguez. Rene Rodriguez used to sometimes show up at her house to talk to her husband. Mr. Tamayo considered Rene Rodriguez a friend. There was no reason for her to think that he would do anything to harm her. Unfortunately, that wasn't the case, because in 1993, he lured her to an empty field and raped her, threatening to kill her husband if she reported it, and kept a gun on a dashboard in order to get her to submit. We also think that he drugged her, because she recalls drinking a soda that he had given her. Out in the fields, it's hot—the supervisor gives you a soda, you drink it. And it also rendered her unable to fight him as much as she thought she could have. She was so scared, but she decided not to report it, in part, because of her cultural and religious background, and she was very Catholic. This was a sin. She didn't know how her husband was going to react. She had two teenage boys, and six brothers in the area. She feared that the male members of her family would react violently and assault or even kill the rapist. At that point, she would lose her husband and her sons and her family to jail, or they might even be killed in the altercation.

So she kept quiet, and Mr. Rodriguez raped her two other times—one time in another empty field and another time in her home. The whole time he also

2. Senior Trial Attorney, EEOC San Francisco District Office.
intimidated her verbally. He would say, "I want you never to talk to another man. You are mine, you are mine," and continually followed her around. There were never any witnesses to the rapes, and she kept quiet for years on end. In 1999, Mr. Rodriguez's verbal intimidation started increasing and increasing and increasing, and she started to fear for her life. At one point, he pulled over and tried to attack her while she was sitting in a truck. She managed to close all the windows and doors, and he wasn't able to harm her. But, less than a month later, he did. He pulled her hair; he hurt her arm, and she thought, "you know, he's crazy; I have to tell."

Now, Mr. Rodriguez had had a history of women complaining about him. Ms. Tamayo, in fact, had been interviewed about Mr. Rodriguez several years prior, and Mr. Rodriguez had been given a warning and told that it was his final warning, and that he was not allowed to engage in that type of harassment of women, because he had been calling someone on the phone. Ms. Tamayo, though, also knew that the woman who had complained had been laid off shortly thereafter in retaliation for her complaints. Ms. Tamayo also knew, because Mr. Rodriguez told her, that several years even prior to that he had attacked a woman, and had attacked the husband when the husband confronted him about what he had done. So, she went into the office very much afraid. She had already tried the year prior to complain to her new, male supervisor, and said, "you know, Rodriguez is bothering me." At which point, her supervisor looked at her and said, "oh, that's because he likes you" and "just leave him alone, he won't hurt you." So, on she goes to human resources. Human resources suspended him, conducted an investigation, found her to be credible, but brought him back after paying him for all the work that he had missed.

During the time that he was suspended, they also had her working in the field by herself across the street from the trailer that he lived [in]. He was staring at her from his trailer park. It was awful. At that point, she had to tell her husband. She had never told him, and her husband came home and said, "hey, did you hear that Rene Rodriguez was suspended from work?" And she's like, "yes, and I know why." And at that point, she confessed. She says it was the most hurtful, most painful thing. She begged him not to do anything. He, to this day—and at trial—talked about the guilt that he felt at his inability to be able to defend her and protect her.

They did eventually move Mr. Rodriguez, though, once he got back to work. They allowed him to work right next to Mr. Tamayo. Mr. Rodriguez started spreading rumors about the so-called, alleged relationship that he had, because apparently he thought raping her consisted of a relationship. By the way, in his report, the defendant's expert also said that the fact that sexual intercourse had taken place constituted a relationship. Anyway, Mr. Rodriguez was never fired, he was never really disciplined—he was allowed to retire.

Unfortunately, after he left, life didn't get any better for Ms. Tamayo, because everyone knew. Harris Farms never really kept it confidential. They, in fact, continued the spread of the rumors. She complained and took two witnesses
to say, "people are talking about me; they’re saying that I have sexual relationships with men, and Mr. Rodriguez is saying that he will pay $2,000 to any man who could drug me and take pictures of me naked." Instead of Harris Farms doing something to protect her, they instead conducted a sham investigation, which resulted in Ms. Tamayo being suspended as a disciplinary action because of her participation in the gossip (which consisted of hearing it and reporting it) and told that if she further engaged in malicious gossip, she would be terminated.

Ms. Tamayo didn’t stand for it. By that time, she had gone to the Commission, and—actually, let me back up a little bit. Before Mr. Rodriguez left, she had gone to a domestic violence place here in California. Here in California, it is predominantly Latino immigrants who worked in the fields. Domestic violence is a big problem in that area, so they had a battered women’s shelter, center. And she knew someone who had gone there. She, herself, was not a victim of domestic violence, but because Mr. Rodriguez had battered her, she thought that was the appropriate place to go. She just didn’t know. Then, it was there that they told her to come to the EEOC, and they had arranged for her to come to our San Jose Office. Harris Farms had actually never investigated the first part—during the first investigation—except maybe talked to Mr. Rodriguez and suspended him. It wasn’t until they got notice of our charge that they conducted an investigation that had found her to be credible.

There are a lot of other things that happened that would show the Harris Farms’s callousness. For example, the policies—or the non-existent policies—that they never translated. The fact that they were mistranslating what she was saying and they never really obtained a certified interpreter. But, I only have 15 minutes.

Well, we had a seven-week trial. In the seven-week trial, the Commission was able to impeach their human resources and other managers repeatedly. It seemed like they all had had epiphanies while they were reviewing their transcript and were now changing their entire testimony. What was funny was that you could tell that someone had told them what to say, because it was almost verbatim: "well, I was sitting up, reading the transcript, when all of a sudden, everything that happened became very clear, and it wasn’t like what I had said in my deposition, it was now . . ." blah, blah, blah—something completely different that was meant to defend the company. We had filed suit in 2002. We finally went to trial November of 2004—seven very long weeks—and the verdict took five hours. The jury came back—and I will say that Ms. Tamayo was represented by Willy Smith for all her state claims that are not capped—and she was awarded $53,000 in back pay, $91,000 in front pay, $350,000 in emotional distress compensatory damages. At that point, the jury was told to go back and decide whether or not she’d be eligible for, or should be awarded, punitive damages. They came back in 15 minutes with $500,000—a total of $994,000.

Mr. Harris still thinks that he did everything appropriately, by the way. What’s happened since the verdict? Well, we’ve received nationwide attention in
the press, including front-page coverage in the *Wall Street Journal*, this summer in *Ms.* magazine, we noticed articles were out on the tables. Harris Farms, though, they fought. They have filed numerous motions for a new trial, which the court denied, and the order for injunctive relief was finally issued this September 30th. We’re still waiting to hear on the petition for attorney’s fees, which are now in excess of $1,000,000. We don’t get attorney’s fees: Mr. Smith would. And this motion is set to be heard—actually, they took it off calendar, and now, Judge Ishii is going to decide on the pleadings. Ms. Tamayo continues to work as a farm laborer. She’s unfortunately not been able to get a job that pays as well as Harris Farms. Harris Farms paid her $23,000 a year. Now in terms of the injunctive relief, the order said that [Harris Farms] did retaliate against Ms. Tamayo because of her complaint, and they found that the H.R. Director had retaliated by suspending her in 1999 for no reason, except for her complaining about the repeated harassment. The court also expressed concern over the human resources comments.  

After the verdict came in, Harris Farms had given several interviews, including one to *Produce News*, in which the H.R. Director had said that 30 employees had been interviewed and that they all believed that Ms. Tamayo was having an affair with Rene Rodriguez. That was a total fabrication. If there had been 30 witnesses, they never showed up in discovery, and none of them ever appeared in trial. It’s this repeated conduct that Harris Farms has engaged in that still leaves us a lot to be concerned about.  

Now, *Harris Farms*, though, highlights three things—at least it did for me. The first one was: what difficulty we’re going to have ever pursuing these cases. Women don’t report it—religious reasons, cultural reasons, family reasons, it’s a humiliating, demeaning, embarrassing experience—they’re not going to tell us. In fact, Ms. Tamayo didn’t even tell her children, except for her oldest daughter. Her other four children found out when they read about it in the *Fresno Bee* that their mother had been raped. All they knew was that she had some type of case against Harris Farms. Her embarrassment was such that she didn’t know what words she could use to express herself with her children.  

Another thing we realize is that immigration is always going to be an issue. Harris Farms was continually asking where people were born. Right before the trial, we had to file motions in limine to make sure that all the immigration issues—all questions related to, “where are [you] born?”—were kept out. In fact, we currently have a case against Saipan Grand that Bill mentioned. In that case, the employers have been going after the family of the charging party. Employers know that an immigrant’s concern about his immigration status is foremost. So, for example, the Saipan Grand subpoenaed the charging party’s son’s immigration records and all information related to that. Our trial attorney, Linda Ordonio-Dixon, has been successful in quashing it. But that shows you what lengths some employers will go to to intimidate and coerce an employee to back down.  

Another aspect, the third aspect that I noticed that was new to me, was the
tolerance level that these workers have. I asked Ms. Tamayo, "Ms. Tamayo, why didn’t you go to another job?" Well, first, how was she going to explain that to her husband, and, second of all—and this was equally as important—Harris Farms guaranteed her 10 hours a day and paid 25 cents more an hour. That made a huge difference to her, and she didn’t want to lose that job. All she wanted was Rene Rodriguez to leave her alone. She was willing to not get any compensation as long as she could have worked at Harris Farms because she knew that that was 25 cents more an hour and two hours more of a wage. And just as is highlighted in Tanimura, women tolerated sleeping with the supervisor if they knew that would result in a job, because their need to provide for their family is foremost. So, those three items just highlight how difficult it is to break into a society where people keep quiet.

And we have tried everything. We now have a partnership with both the Mexican Consulate in Univicion, because we’re hoping that they give us credibility. They will highlight the need, and they will highlight the rights and responsibilities that everyone has.

And if anyone ever needs any handouts or anything, they could call us, and we would send them a whole box. Thank you.

THIRD SPEAKER: NAHAR ALAM

Thank you so much. My voice is horrible and I have so much pain in my ears. I had an ear infection, but I didn’t want to say no to coming here. Thank you so much. This is not the first time I was here. I was here in 2001 for a conference for the National Network for Immigration. I just want to give you a little [background] because they are working on a lot of cases and the garment official is also sitting here. I’m just going to give him a little bit more [information about the] difficulties happening with the government officials that we have when we have difficulties with a worker. And then I’m going to talk about myself, when I came to this country.

Just to give you a very recent case, I’m going to talk about a diplomatic issue, which is very difficult. In one case—I got a call from a man, Hector, from Washington, D.C. at 12:00 at night. He said, “I’m Hector.” I said, “okay.” He said, “I heard your name from Washington Post.” Someone gave him my name because he knew that his neighbor was a Kuwaiti diplomat and has been holding three workers there and having difficulties. Hector’s wife had a conversation with one worker, [who said] “we are in the house; we are having a trouble; can you help?” Then she ran away. That was a month before [Hector called me]. That guy was calling in Washington, D.C., “who can help her?” I think he didn’t get a response from people because he called during the weekend, so then he called the Washington Post and someone at the Washington Post gave my name, they said, “call Nahar because I know Nahar is in New York.” Then, he said that

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3. Organizer for Andolan, a not-for-profit, membership-based group that organizes and advocates on behalf of low-wage, immigrant South Asian workers
women knocked on the door at 11:00 p.m. at night and without winter clothes and just sandals. One of these women explained to him that they beat her and she was unconscious for five to six hours, and there wasn’t a doctor, and she was in bad pain. If you see her, he said, you will cry right away. She worked there four months, and she made $200 for a month. They were sending money to her country—to her husband—not even a penny to her. So it’s not only hard—two other workers also work there, and then each year diplomats bring lot of workers in this country with a visa and have this kind of problem. I didn’t have any choice. That was Saturday night, and I said, “well, can you put her on this bus and she can come to me and then I can do something for her.” Because this was in Washington, D.C., and I’m in New York. He did it, and she was there, and someone from our organization went to pick her up from the station.

Still now, she’s in training. She’s learning how to find a job and we set her up with a lawyer who can file for a trafficking visa for her. In the last few months, we got like five visas approved by people who worked with diplomats. So she’s in New York, but the other two women—one woman wrote a letter to Hector saying they also want help. This is a long letter, handwritten. Still, we are just waiting and not showing this letter to the public because we want to rescue the other two women. And talking about this, in 1999, when Andolan Organizing South Asian Workers, which is where I’m from, started in 1998. So, 1999—the first time in New York—we were able to rescue a woman from a Bahrain Diplomat’s home. It was in the New York Times and at the time I heard the news, a food vendor called a newspaper saying, “can you save this woman?” She was crying, she was from Bangladesh. I found her in the street. She just gave the location of the building and then a phone number she had, so we just gave it to the food vendor. The food vendor called the newspaper and the newspaper knew our name so they called us and then basically he beeped me and then we—my husband and me—drove five hours and then couldn’t find the building because she couldn’t say the building number—it’s in front of the building there is a yellow statue. We rescued her—it was a little easier that time. We got back home and we rescued her and we filed a lawsuit. It took us six months to get back from the State Department to just this one old letter, and the United Nations called the State Department to listen to our case in New York City. We were able to bring them because of the New York Times article and, you know, media pressure. So they finally listened to her. But they started negotiating with the worker like they were from the employer’s side, which they denied. They said, “no, we are in the middle,” so, they finally settled, and then the case was done. But, in almost every case—we had done, like, more than 30 cases at our organization and 11 cases for diplomats’ workers, and right now there are a few cases pending for diplomats’ workers—we found, after the settlement, that’s a big problem, because they put you down and say, “don’t talk about me, don’t talk about the bad things that happened, don’t talk about the money you got.” So, that’s as difficult as organizing. Andolan Organizing South Asian Workers was founded in 1998. Our board—most of them are worker members, and myself, I have been a worker.
We run this organization to prevent this, and when we started, we didn’t have an idea where we were going.

When I came to this country in 1993, as you are seeing, I spoke no English. I didn’t speak English at all. I only knew a few words—because of British colonialism, people know some English. That’s why I knew some English, and that’s why I came to this country, not to dream about America—I came to survive. I was a domestic violence survivor. I was 13 years old. I got married to the police officer. He forced my family, and then I couldn’t leave him because of his power. So, a friend of my Auntie took me to live here. Otherwise, I tried to kill myself a few times there, but I didn’t.

I came here, and then I started work as a babysitter—$50 per week, seven days a week. After three months, she fired me saying someone is coming from India to help her family, so I have to leave tomorrow. I didn’t have anybody here in this country. And, I didn’t know about the law, so I was able to connect with a person. So he hooked me up with this organization, so I was able to talk to them, and then I saw there wasn’t any organization for South Asians, where I can talk about domestic violence.

People with my background, you know, domestic violence, and then come here as a domestic worker, suffer a lot. My second job, my second job was in Long Island City. I will say that one day I had to clean the snow because people gave me $175 per week and asked me to clean the snow also. So, one day I had a fever, because snow cleaning is not easy. This I didn’t know because I [had] never seen snow in my life. So, in the beginning, I was happy to tell them, “okay, I will help you.” And I also told them, well, voluntarily, that I know how to sew, and they made me do the sewing, also. Laundry and cleaning, cooking, ironing, and also help her husband who was disabled. That’s all I did, and then that day, I cleaned the snow and went to sleep in the, in the basement, where there was no heat because it’s a Long Island big house and they had to give me an extra heater. That extra heater, I put it on my head side, and my legs were so cold, so I get up and then put the heater on my foot side. There weren’t enough blankets for me to cover myself, and they gave me a Tylenol and that’s all. And that’s a life I will never forget. I tried to find people who are in a similar situation like me, and I found a lot of people out there, and there is no one to speak on behalf of them.

So that’s why, in 1994, five of us started a group called Domestic Workers Committee under Sahki for South Asian Women, which became an independent organization in 1997. We then founded Andolan Organizing South Asian Women in 1998. I don’t have to go through a lot of the explaining about the difficulty there was. Right now, what we are doing, we are talking with the State Department. We went to meet with Senator Kennedy’s office about this situation, and I was able to talk at a conference in Washington, D.C., and there I met with some people in the State Department about a recent case and asked them what they can do about this. We had some suggestions that if a diplomat came to this country with workers, [they] should have training without [their]
employer. That’s where they can, you know, have access to the information and if they have a problem they would know how to dial 911, and know what to do if they don’t have a phone.

But we can bring more information to the border, and I asked what information you have right now, and he had some, but he didn’t know what. So, that’s the situation right now. It’s definitely a difficult situation—Muslim women working in this country and South Asian women working in this country. I helped a Bangladeshi woman in Los Angeles who was raped by her Bangladeshi employer. I think you guys have heard about this—he’s in jail right now for 13 years or something. At that time there wasn’t anybody who can help me, you know, pursue that. Often a little bit happens at a time, but this is very difficult for women like me when other people come up and say, “hey, I want to do a lawsuit.” It’s not easy. Because of immigration status, people are scared about it. The language barrier is definitely a problem and people didn’t know where to go for help, basically. Andolan exists in New York City, but we work not in New York, but we work all over the country. We often get calls from other states asking us what to do.

I’m proud to be here today, speaking English without reading. It’s very difficult for people; a lot of people cannot even learn English and then go through whatever system here. As Andolan’s Executive Director, I feel proud to say that our organization has three campaigns. One is diplomatic immunity, another one is regular worker, and another one is passing the legislation in June 2003 in New York City that requires agencies who hire workers to include a standard contract that can keep the agencies accountable.

So, I got the courage to be here, and doing this changes a lot of people, so I am always encouraging workers to speak. If I had the money, I would bring a worker who can tell you their story for themselves—what they are going through and how they became an organizer.

And our goal is not to only just provide a service, but also to help others become organizers, and do what Andolan has done as an organization of all workers, like me. Thank you.

**FOURTH SPEAKER: ROBYN RODRIGUEZ**

Thank you. I want to thank the organizers for inviting me back home. The Bay Area is home for me actually. Yes, I am a Berkeley grad and proud to say that. Two things are going to distinguish my talk from previous talks. Actually one point to distinguish my talk now is one: I am going to be talking about migration outside of the United States—that’s a little departure. But in terms of continuity, I will pick up a bit more on Ms. Alam’s talk about how migrant women organize when legal strategies are unavailable. So, that’s really going to be what I’m going to talk about today. Again, departing from the previous

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discussion, really, that focuses on immigration to the United States, but
continuing, really, this dialogue about what women do when legal strategies are
unavailable.

As attorney Tamayo noted earlier, when capital moves, people move, and
that’s certainly the case. And in fact, capital, no matter where it is, always profits
from racialized and gendered migrant labor. In fact, Filipinos in many ways—it
can be argued—emblemize global migration in the world today. So, we are
seeing, for instance both speakers talked about how you can find Filipino
migrant workers in the U.S.—in the United States and in U.S. territories like
Saipan, but you can find Filipino workers working as domestic workers in Hong
Kong, working as entertainers in Japan, working as factory workers in Malaysia,
in Brunei, in other parts of the world. That’s really key about globalization
today: always relying on gendered and racialized labor alongside of capital
movement. Capital unleashing this demand for global labor is also neo-liberal
orthodoxy. So, in effect, as neo-liberalism is scaling back public services in a
number of welfare states [it] also brings about new sorts of labor demand. For
instance, it’s why you see demand for caregivers in Canada, caregivers and
nurses in the United Kingdom, nurses in Japan as well. So, globalization and
neo-liberalism are unleashing this demand for gendered and racialized workers.

Now, for a state like the Philippines—and again, I want to pick up on a
point that attorney Tamayo raised earlier—it’s really important to understand
some of the legacies of the United States, particularly for a place like the
Philippines. To understand why Filipinos, or Filipinos particularly, are the
servants—quote, unquote—of globalization, as one scholar puts it, you really
need to understand the relationship of the United States to the Philippines. That
really, it’s with the colonization of the Philippines and the organization of labor
for export—export out of the Philippines to service the U.S. economy at the turn
of the Twentieth Century. Later on after independence under post-colonial
governments, this arrangement of labor export became incredibly profitable and
so the Philippine government actively exports Filipino workers. I call it a “labor-
brokering state” in my work—where they profit from the export of migrant
workers who faithfully remit their work or their earnings to their families in the
Philippines. Of course the Philippine government also benefits politically by
merely providing employment for its workers, albeit, overseas. So, we’ve got
globalization and neo-neo-liberalization, right? It has demand, and you have a
state like the Philippines—a labor-brokering state, in part, because of its history
as a labor-exporting country to the United States—has now emerged to service
the whole world. We need to understand this global context, I think, if you really
want to understand gender and migration today. Now you know, Filipinos
migrate for many, many, many reasons. Of course, one of them, primarily and
principally being economic, but certainly they also migrate because they desire
adventure—being able to see another place. And that definitely came up a lot
when I talked to Filipino migrants. And, in other cases, they are, in fact, escaping
domestic violence. It’s an opportunity to be able to get out of an abusive
relationship. In other cases, it is to sustain a relationship with a partner—a woman partner—that’s impossible in the Philippines. All of these sorts of desires for love, desires for economic stability, a desire to escape abuse motivate women, but there is this sort of state and globalization that makes migration a possibility to begin with.

Now, scholars have examined how immigration is complicating citizenship as states are challenged to closely consider the criteria by which they determine who can and who cannot be incorporated into the polity, and to what extent non-citizens are entitled to rights. So, immigration is fundamentally shifting our ideas of citizenship, and therefore ideas about who can and cannot have access to rights. Now, given the nature of state sovereignty—and again, attorney Tamayo raised this earlier—the states insist on sort of defining citizenship, and citizenship isn’t extended to migrants, right? And so, you have migrants having to face insecurity because—as the state secures its borders, as the state narrowly defines who can and who cannot be a citizen and doesn’t want to extend rights to those who are not citizens—it becomes this context that Filipino migrants in particular, but certainly migrants around the world, face, once they leave their home countries.

I want to talk a little bit about, specifically, what happens once they leave. So, we know why they leave. And so, what happens when they leave in the different countries where they live and work? I think actually, Susan Bowyer’s little exercise here on the board is actually very useful and I’m going to refer to it because it’s already in our minds. You can get a sense of the sorts of legal challenges that migrant women face—certainly in the United States, but well beyond the U.S. For instance, Filipino migrants in my work face language isolation. Oftentimes they’re working in countries where people don’t speak English. You go to different countries in Asia where English may not be the language. Filipinos do speak English and they also speak other Philippine languages, but there’s a sort of language isolation. That’s a universal experience of migrants. Two, they financially rely on their employer, and oftentimes the employer is the abuser. Right? And, yet, they need this work, and so they stay on with an employer regardless of abuse. Connect to that, the abuser—in this case, an employer—[who] controls immigration status. Employment is precisely what allows a woman to even be in this country, and oftentimes, the employer will hold on to women’s legal documents. And so, if she experiences abuse at the hands of her employer, she often doesn’t even have access to her legal papers to leave.

Also, there is this issue of isolation from family and social services because they are in foreign countries and states have harsh immigration laws and strictly control immigration status. Susan Bowyer talked about the United States, but it can be applied in places outside of the U.S. I wanted to give you very specific case studies of Filipino migrants’ experiences. I wanted to juxtapose Canada and Saudi Arabia to show that, in two very different national sites—and we characterize them in very different ways, one more democratic than the other—
Filipino women are in a shared state of insecurity. I don’t want to focus on that right now. I do want to turn to what’s much more exciting and important for us to walk away with today—the resistance. Later on, we can talk a little bit more about the specifics of women’s struggles, but I think, really, it’s about women’s resistance and what they do given all of this insecurity at their sites of employment. And again, sometimes the site of employment is where they live. Oftentimes you have your live-in domestic worker, or you live in these dormitories that the employer highly regulates, right? Work and living spaces are highly contained. But how do women then resist when legal strategies may not even be a possibility? And one thing I want to talk about is how Filipinos organize around their Philippine citizenship transnationally. Filipino women, [who] may not be citizens of the countries in which they work and live, yet continue to hold on to their Philippine citizenship. And what’s really striking is how they use their Philippine citizenship to mobilize transnationally to be able to leverage for certain rights and protections. And I want to really spend the rest of my time giving you a sense of that today.

Now, I work specifically with one migrant workers’ alliance called Migrante International and that’s actually a global alliance of Filipino migrant workers’ organizations. It’s actually an alliance comprised of 75 member migrant organizations from almost every major region of the world. Its purpose is to advocate for Filipinos transnationally by deploying Philippine citizenship.

There are three strategies that Migrante uses organizing transnationally. The first is that it puts pressure on Philippine embassies abroad. It’s really interesting—Filipinos can’t quite mobilize against the Hong Kong government; they actually mobilize against the Philippine embassy to take responsibility for workers in leveraging for them. So, that’s one key way. And, actually, in Hong Kong, one Migrante-affiliated organization has been really remarkably successful at doing that. Literally on the single day off that Filipinos have, they’ve organized in public spaces in Hong Kong and actually campaigned in front of a Philippine Embassy to protest their deplorable working conditions. It’s actually forced the Philippine State to have to intervene and to go back to the Hong Kong government and negotiate for better wages. And so, there have been some successes in being able to get wage increases that way. That’s one way Filipinos mobilizing outside of the U.S. [are] challenging their own government to leverage. Second, another strategy that Filipinos use is they put pressure on the Philippine government from within the Philippines through their families and relatives. That’s been remarkably successful as well. Migrante has organizations for the children of migrants and others who benefit from migration and migrants’ remittances. Recently [in a] really key case, at least in 2004, was when the family members of a migrant worker, Angelo de la Cruz, a worker in Iraq, mobilized with Migrante. The Philippines—as part of the coalition of the willing—sent not only troops, but workers to work in the occupation of Iraq. Angelo de la Cruz was kidnapped, but what happened was his family, in the Philippines, raised all of these issues around the problems of the Philippines
cooperating with the U.S. and sending workers, and [it] became such a crisis that the Philippine government was forced to go and intervene. Basically, take Angelo de la Cruz out. Migrants and their families effectively had an impact on foreign policy as the Philippines was forced to have to take its so-called humanitarian people—the Philippine troops—out of Iraq and pledge to stop sending Filipino workers to the region. And finally, the other sort of thing that migrant workers are doing is that they're sort of trying to organize transnationally around elections. I can talk a little bit about that, but there has been some serious work around registering migrants to be able to vote absentee through absentee ballots. You see migrants in between breaks, when they're actually in between contracts in the Philippines, mobilizing for progressive candidates who will represent their concerns in the Philippine congress. They've been remarkably successful in being able to shape electoral outcomes in the Philippines.

So that's just a variety of ways—just a glimpse at what migrants do in the face of tremendous odds. They use what resources they have, including their own citizenship to mobilize for rights. I'd like to hear more questions and discussion from everybody here. Thank you for inviting me.