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Beyond Black and White: Crime and Foreignness in the News

Anna Wang†

PROLOGUE

Two months after a 17-year-old girl died from carbon monoxide poisoning in a Berkeley apartment building, the headlines of Bay Area newspapers exploded with one of the biggest news stories of the year in Northern California.¹ Lakireddy Bali Reddy, the Berkeley landlord who owned the building, was arrested and alleged to have smuggled Chanti Jyotsna Devi Prattipati (who was using the false name, Seetha Vemireddy), her 15-year-old younger sister, and a third, unrelated 20-year-old woman from India for sexual purposes as well as for cheap labor in his multi-million dollar “real estate empire.”²

The minor news story of Prattipati’s death two months earlier had sparked an inquiry by the local Berkeley High School newspaper staff, whose journalists questioned why the two teenage sisters were not enrolled in school. Following various leads, the two journalists discovered that the two young girls were probably indentured servants Reddy arranged to bring from India to bus tables at his restaurants and clean his apartment buildings.³

The high school newspaper published its findings December 10, 1999, over a month before Reddy was arrested in late January and the rest of the Bay Area’s media published front-page stories and aired broadcasts. The police and federal investigators had been following up on anonymous tips

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1. See generally Debra Levi Holtz, *Malfunctioning Heater Leads to Tragedy in Berkeley, Carbon Monoxide Kills Girl, Hurts Sister*, S.F. CHRON., Nov. 26, 1999, at A25; Matthew Yi, *Search For a Better Life Ends in Family Tragedy, Seetha Vemireddy Had Only Been in U.S. Two Months*, S.F. EXAM’R, Nov. 27, 1999, at A-1; and Debra Levi Holtz, *Clogged Heating Vent Found in Dead Teen’s Home, Carbon Monoxide Blamed in Death of Berkeley Girl*, S.F. CHRON., Nov. 30, 1999, at A19.

2. See Debra Levi Holtz & Chuck Squatriglia, *Berkeley Landlord Arrested in Sex Scheme, Police Say He Brought Girls from India*, S.F. CHRON., Jan. 20, 2000, at A17; Matthew Yi, Jim Herron Zamora & Anita Wadhvani, *Cops Hunt Victims in Landlord Sex Case; 3 Girls Allegedly Brought Illegally from India May Be “Tip of Iceberg,” Say Berkeley Police*, S.F. EXAM’R, Jan. 20, 2000, at A-1.

3. Megan Greenwell & Iliana Montauk, *Young Indian Immigrant Dies in Berkeley Apartment, South Asian Community Says “Indentured Servitude” May Be to Blame*, BERKELEY HIGH SCH. JACKET, Dec. 10, 1999, available at <<http://www.jacket.org/news/00/09/15/0615238.html>>.

regarding the false identity of the girls and Reddy's connection to them before the high school newspaper was even published. Yet the high school newspaper had scooped every major news outlet in the Bay Area.

Once arrested, Reddy became the center of attention. The media revealed that the 62-year-old man first immigrated to the United States from India nearly 41 years ago to pursue his master's degree in Engineering from the University of California, Berkeley.⁴ Reddy's rise from engineer, to restaurant owner, to real estate magnate, whose personal wealth is now estimated at between \$40-70 million,⁵ was also chronicled.⁶ He is one of the largest property owners in Berkeley and collects over \$1 million per month in rent.⁷

The focus of subsequent stories centered on more sensational aspects—particularly on allegations that Reddy had sexual relationships with the young girls from the time one was 12 and the other 14 years old.⁸ Startling developments like the discovery of the dead girl's pregnancy,⁹ a bottle of Viagra with Reddy's name on it in the girls' apartment,¹⁰ and Reddy's son's request for permission to have sex with one girl were revealed.¹¹ Reddy became the subject of intense scrutiny by the media, federal prosecutors, and countless others who tuned in to every news update of the now notorious Berkeley landlord.

Reddy and four family members allegedly used their family's software company, Active Tech Solutions, to apply for H-1B visas that were used to bring in cheap manual labor rather than the "high-tech" labor the H-1B system was established to do.¹² The H-1B visa system is a temporary visa designed for skilled immigrants and is primarily used by those with computer science and other technological backgrounds.¹³ However, using "false identities, fictitious jobs, and fictitious family relationships," the

4. See Yi, *supra* note 1; Jim Herron Zamora & Erin McCormick, *Sex Case Landlord's Shabby Past; Multimillion-Dollar Estate Empire Has Faced Hundreds of Lawsuits, Complaints*, S.F. EXAM'R, Jan. 23, 2000, at A-1.

5. See Debra Levi Holtz, *Berkeley Sex Suspect is Released on Bail, Landlord's Family Puts Up \$10 million in Real Estate*, S.F. CHRON., Jan. 26, 2000, at A13.

6. See Debra Levi Holtz, & Chuck Squatriglia, *Berkeley Landlord Depicted as Overlord of India Village*, S.F. CHRON., Jan. 22, 2000, at A8.

7. *Id.*

8. Holtz, *supra* note 1.

9. See Debra Levi Holtz, *Teen in Berkeley Landlord Case Was Pregnant, Asphyxiated Girl Brought From India*, S.F. CHRON., March 7, 2000, at A19.

10. See Debra Levi Holtz, *Berkeley Landlord, Son Indicted, Other Names Added as Co-conspirators*, S.F. CHRON., Feb. 2, 2000, at A24.

11. See Jim Herron Zamora & Matthew Yi, *Lurid Charge in Berkeley Sex Case; Son Asked Father If He Could Share Teenage Girl, Court Papers Allege*, S.F. EXAM'R, Jan. 27, 2000, at A-1.

12. See Yi, *supra* note 2. See generally Henry K. Lee, *Guilty Pleas for Landlord, Relatives, Girl's Accidental Death Led to Federal Charges in Immigration Case*, S.F. CHRON., Oct. 24, 2000, at A-23.

13. See 8 U.S.C. § 1101(a)(15)(H)(i)(b) (1994) (providing the statutory authority for the H-1B visa program), 8 U.S.C. § 1184(i)(1) (defining specialty occupation), 8 C.F.R. § 214.2(h)(4)(iii)-(iv) (listing criteria and general documentary requirements for H-1B petitions involving a specialty occupation), 8 U.S.C. § 1184(g)(4) (limiting the term of authorized admission to six years). See also Jung S. Hahm, Note, *American Competitiveness and Workforce Improvement Act of 1998: Balancing Economic and Labor Interests Under the New H-1B Visa Program*, 85 Cornell L. Rev. 1674 (2000).

Reddys arranged for the entry of teenage girls and other individuals who painted, hauled trash, bused tables at the family's restaurants, and did other maintenance work at the family's real estate holdings.¹⁴ These workers labored for little or no pay, often just for room and board,¹⁵ much like indentured servants.

The Prattipati sisters are Dalits ("broken people"), otherwise known as Untouchables, a caste once ranked too low to even be included in the Hindu caste system.¹⁶ Their mother earns \$1 a day carrying cement and water to construction workers.¹⁷ Thus, some claim that few of the "indentured servants" complain, because "even if he paid them \$500 a month, that's still 20,000 rupees, it is more than what a clerk would get as a state secretary," said Amarnath Menon, editor at India Today magazine in Hyderabad, the state capital.¹⁸

INTRODUCTION

In this recent development piece, I will briefly identify several issues raised by this story. Due to the constraints of this forum, I do not attempt to fully analyze the consequences of these phenomena, nor do I offer critical theoretical insight. Instead, I hope this piece serves to pique the interest of others who will follow up with more in-depth analyses on specific elements of this case.

Initially, this case caught my attention because the key figure is a man of color, specifically a South Asian immigrant.¹⁹ His race was indirectly implicated by the focus on his foreignness and immigrant background. The fact that this case involved violations of immigration law and allegations of sexual and labor exploitation both intrigued and shocked me. When one considers the overwhelmingly unbalanced power dynamic demonstrated by the extreme class/caste differences and the victims' complete dependence on Reddy, it makes for a particularly sensitive and complex case.

Reddy's identity as a South Asian immigrant and his economic status as a multi-millionaire landlord collided with the scandalous charges to present a sensational case that the media covered for over a year. This case is similar to the O.J. Simpson case—albeit on a much smaller, *local* scale—in terms of a prominent non-white "native son" charged with an abhorrent crime and sensationalistic media coverage.²⁰

14. Yi, *supra* note 1; see also Holtz, *supra* note 1.

15. See Yi, *supra* note 1.

16. See Matthew Yi, *Tale of Two Worlds; Indian Village in Disbelief Over Charges in U.S. Against Native Son*, S.F. EXAM'R, Feb. 6, 2000, at A-1.

17. *Id.*

18. Leilani Nisperos and Debra Levi Holtz, *Disbelief in India; Berkeley Landlord Regarded as Savior in His Grateful Village*, S.F. CHRON., Feb. 8, 2000, at A17.

19. I use the term "South Asian" to refer to individuals from the Indian subcontinent, which includes India, Pakistan, Sri Lanka, and Bangladesh. When referring to Asian Americans, I intend to incorporate the larger group of which South Asians are a subset. Terms including Indo-American, Asian Indian, and Hindu/Hindoo [sic] have been used to describe this racial group. At this time, South Asian appears to be the preferred term by progressive activists and academics.

20. I enclose "native son" in quotation marks because it is arguable that neither O.J. Simpson nor

Despite the parallels between the two cases, there is a significant difference in the treatment of a black man suspected of crime and a South Asian man. Race was explicitly addressed in the O.J. Simpson case whereas it was downplayed in the Reddy case in favor of national origin. This may be at least partially due to Reddy's identity as a South Asian, which tends more towards being categorized as a foreigner than as a racial minority. South Asians have generally been considered part of the "model minority" while at the same time retaining their status as "perpetual foreigners."²¹

Much like the O.J. case, the Reddy case has also unearthed numerous pre-existent, yet infrequently (or unwillingly) addressed social issues. In Part III, I will explore some of the concerns that this case has raised within the South Asian community and the community response. In Part IV, I will examine the xenophobic immigration accusations raised by the Reddy case. And in Part V, I will explore the problematic role of the media in exploring not only this case but in its exploration of race-related cases in general. I will conclude this recent development piece with a quick discussion of the legal resolution Reddy and his attorneys were able to plea bargain.

I. THE VIEW FROM WITHIN THE SOUTH ASIAN COMMUNITY

South Asians have immutable physical characteristics that distinguish them from the white majority and "will, in the future, as in the past, target them for unequal treatment in this society."²² This shared experience often means that the actions of one member are attributed to the group as a whole. Thus, it is critical to consider the reactions of the South Asian community to the intense focus on Reddy as a South Asian man charged with committing morally repugnant crimes.

Trying to balance condemnation of labor exploitation by a man of color without casting the entire race in the same lot, South Asian activists have launched numerous efforts to educate the public and differentiate the man suspected of these crimes from the community and culture he hails from. In direct response to the Reddy case, a number of activist groups, including the Asian Law Caucus, Narika (a program that provides assistance to South Asian women that are victims of abuse), and San Francisco Women Against Rape, joined forces to organize a candlelight vigil raising awareness of the scandal and honoring the memory of Chanti

Lakireddy Bali Reddy can ever be native sons in the general community because of their races, though they can be raised into an exalted position by virtue of some accomplishment. In Reddy's case, he was a prominent real estate owner and restaurateur in Berkeley (and known in the greater Bay Area's South Asian community) before this crime came to light.

21. See generally Karen McBeth Chopra, Comment, *A Forgotten Minority in American Perspective: Historical and Current Discrimination Against Asians from the Indian Subcontinent*, 1995 DET. C.L. REV. 1269 (1995); Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 1 ASIAN L.J. 1 (1994); Natsu Taylor Saito, *Alien and Non-Alien Alike: Citizenship, "Foreignness," and Racial Hierarchy in American Law*, 76 Or. L. Rev. 261 (1997).

22. Chopra, *supra* note 21, at 1295.

Jyotsna Devi Prattipati.²³ In addition, South Asians responded to the scandal by forming a new coalition, Alliance of South Asians Taking Actions (ASATA), which, in addition to organizing vigils, has distributed leaflets outside the courtroom while Reddy was being indicted and has continued its efforts to expand the focus beyond merely a sex scandal.²⁴ Sima Shakhari of San Francisco Women Against Rape stated, "To essentialize crimes such as this one to 'Third World' cultures is a racist and dangerous generalization."²⁵

ASATA first formed around the Reddy case "in order to organize and educate around issues of oppression, exploitation, and violence within and against the South Asian community. . . . [The group's goal at Reddy's District Court hearing was] to show that, as part of the South Asian community, it stands firmly with the women and workers in condemning this exploitation."²⁶ Images of South Asians protesting Reddy's actions made clear that the community opposes his criminal actions and should prevent assumptions that such deviance is considered normal in the South Asian culture.

The success of these activists' efforts, however, will be difficult to determine. Academic social theorists, like Lisa Ikemoto, have pointed out the difficulty in overcoming the application of previously existing social stereotypes. Ikemoto observes that stories about a controversial event, such as the 1992 Los Angeles uprising:

reinforce and supplement pre-existing stories; outsiders generally receive attention only when they are associated with a problem, such as racial conflict. The number and vividness of stories about an outgroup seems to correlate with the frequency that the group has been associated with the particular problem. . . . The relatively few stories about Asians form a simplistic, less vivid and perhaps less provocative image: hardworking, quiet, clannish, studious, aloof, etc.²⁷

The question remains whether sensationalistic stories such as the one of Reddy's alleged smuggling of indentured servants and "sex slaves" will now be associated with South Asians.

Historically, sexual deviance has been linked to racial otherness, as in the cases of black men who were lynched and Chinese men who were accused of conspiring in the white slave trade. This pre-existing history

23. See Ray Delgado, *Berkeley Vigil for Victims in Landlord Sex Case; Crowd Congregates Outside Restaurant That Suspect Owns*, S.F. EXAM'R, Jan. 27, 2000, at D-1; David Ferris, *South Asian Community Plans Two San Francisco-Area Restaurant Protests*, CONTRA COSTA TIMES, Jan. 27, 2000, available in LEXIS, News Library, KRTBUS File.

24. See Press Release, Alliance of South Asians Taking Action, Reddy Case: More Than Just Two Victims (undated) (on file with author) [hereinafter Press Release I].

25. See Press Release, Alliance of South Asians Taking Action, Reddy Case About More Than Two Victims: Newly Formed South Asian Community Group Expresses Solidarity with Victims of Labor and Sexual Exploitation in Case (undated) (on file with author) [hereinafter Press Release II].

26. *Id.*

27. Lisa Ikemoto, *Traces of the Master Narrative in the Story of African American/Korean American Conflict: How We Constructed "Los Angeles,"* 66 S. CAL. L. REV. 1581, 1596 (1992) (citing U.S. COMM'N ON CIVIL RIGHTS, CIVIL RIGHTS ISSUES FACING ASIAN AMERICANS IN THE 1990s, 19-20 (1992)).

and the salience of this link between men of color and sexual deviance makes it more difficult for Reddy to refute the charges, irrespective of whether he actually committed the allegations. The media, so far, has shied away from this angle, concentrating more on the legal charges of violating immigration laws, though the issue is not just that Reddy illegally smuggled people from India.

Even this seemingly benign immigration focus has created concerns for the South Asian community. The potential for linking "Indian entrepreneur" with "immigrant smuggling ring," consciously or subconsciously, is far too great. Fearing such an association, the members of the ASATA coalition have attempted to reframe the debate from "immigrant smuggling" to one of human rights violations. ASATA has specifically proposed that Reddy should not be punished for immigration violations but for labor and sexual exploitation because, "[b]y doing so, we separate Reddy's criminal persona from that of an immigrant smuggler to a sexual predator and a labor exploiter."²⁸

II. REDDY AND THE IMMIGRATION SYSTEM

The H-1B visa system is the latest institutional weapon to sort immigrants by preference and limit laborers to temporary stays rather than encouraging permanent settlement. In effect, it is a new quota system that excludes all but the most qualified people of color and also restricts their presence in the United States to a set number of years.²⁹ The H-1B visa program lures thousands here with the temporary benefits of residency only to be shipped out when the workers are no longer needed.

Reddy's manipulation of this special program has become part of the heated debate regarding the role of foreign workers replacing Americans in the lucrative high-tech industry. In fact, the H-1B visa program has faced great resistance from those concerned with: (1) the influx of new workers who compete with or even displace American workers, as nearly 300,000 high-tech workers have been brought in since 1992, (2) the fact that H-1B visa holders are typically "foreign" minorities (read: unassimilable) as the majority of H-1B visa holders (40%) are from India, and (3) the INS' inability to follow-up and confirm that the H-1B visas are being legitimately used because the INS only has 40 staffers at its service centers nationwide to investigate fraud in H-1B and all other visa applications.³⁰

In this case, Reddy is alleged to have manipulated the H-1B visa program to staff his own restaurants and businesses with "indentured servants" from his home village. Presumably, this "hiring process"

28. See Press Release I, *supra* note 24.

29. See Hahm, *supra* note 13, at 1679-1680.

30. See Pete Carey, *New Rules Ease Worker Shortage, But Fraud and Abuse Remain*, S.J. MERCURY NEWS, Nov. 18, 2000, available at <<http://www.mercurycenter.com/local/center/visa1119.htm>>; Jim Herron Zamora, *INS Turns Blind Eye to Visa for High Tech; No Follow-up on Workers; Critics Say System Ripe for Abuse*, S.F. EXAM'R, Feb. 25, 2000, at A-1; Alan T. Saracevic, *Landlord Case Highlights Visa Issue: Alleged Misuse of Work Permits Reignites Silicon Valley Controversy*, S.F. EXAM'R, Jan. 23, 2000, at B1. See also Hahm, *supra* note 13, at 1698.

facilitated control over Reddy's workers, though some argue that he has also enabled his home village to prosper through the meager earnings the workers send home.

Reddy's manipulative use of the H-1B visa program (although not his sexual exploitation of it) may be the end result of a racially and racistly segregated labor market, a market that pushes many immigrant professionals into the risky world of entrepreneurship and intra-race, intra-ethnic exploitation. It can be questioned why Reddy abandoned his civil engineering degree and moved into the restaurant business and real estate. Perhaps, like many other Asian Americans, Reddy faced old-boys' networks and the glass ceiling in the corporate world. Turning to entrepreneurship, Reddy found success.

Entrepreneurship has long been an escape route for minorities denied jobs in the mainstream labor market, and the restaurant business has historically been a "preferred" option by generations of Asian Americans who found other avenues closed to them.³¹ A small business also ensures that the entire family remains together and family ties do not weaken as a result of seeking jobs in different industries in distant locations or with conflicting schedules; and, as demonstrated in the Korean shopkeeping/greengrocer industry, using unpaid labor from family members sometimes is the only way to earn a profit.³² Reddy, however, needed more laborers than his own family could provide and had to turn to "outside" sources. Minority entrepreneurs, in some situations, have had "special access" to a cheap source of minority labor, those immigrant populations with limited English who, as a consequence, are unable to enter the mainstream labor market. Apparently, Reddy exploited his "special access" by turning to the residents of his home village.

It is interesting to note that immigration agents first investigated Reddy in 1997 and found no evidence of wrongdoing. By last November only periodic spot checks were made. The model minority myth may have even played to Reddy's advantage, as Chuck DeMore, the San Francisco district director of INS, said they conducted undercover surveillance and that early investigation showed Reddy to be a "professionally educated gentleman, with widespread corporate interests, financial interests. There was nothing to indicate any criminal conduct."³³

III. THE MEDIA'S ROLE

Currently, the media does not generally portray South Asians as racial or immigrant threats, though news stories about the H-1B visa program inevitably raise the point that the majority of recipients are from India. Feature stories about the South Asian community have focused on American trends adopted from Indian culture (such as henna "tattoos" and

31. RONALD TAKAKI, *STRANGERS FROM A DIFFERENT SHORE*, 239-240, 1987.

32. *See id.* at 442-43.

33. Debra Levi Holtz, Jaxon Can Derbeken & Chuck Squatriglia, *INS Investigated Landlord in '97 - No Evidence; More Purported Victims Heard From*, S.F. CHRON., Jan. 21, 2000, at A19.

Indian music), cultural festivals, an Indian-owned movie theater showing films from India, and the entrepreneurial background of prominent South Asians, including numerous articles about a South Asian business networking/mentoring association with chapters nationwide and in India, TIE (The IndUS Entrepreneurs).³⁴ The *San Jose Mercury News* is even spotlighting the growing South Asian community in the Bay Area in a television commercial advertising the newspaper's ability to cover news.

Granted, the media is hardly the most capable entity to convey the complexity of outsider cultures. Yet, it is one of the most "intrusive" entities in the sense that it reaches across demographics and into homes and is relied upon by many people as the only such source of information. It behooves members of the media to responsibly research stories that may have widespread social impact. With regard to race, the media does anything but that. After the numerous periods of civil unrest in the 1960s, the Kerner Commission found in 1968 that the media "failed to analyze and report adequately on the nation's race problems, leading to frustration and alienation among African Americans and other groups."³⁵ In the decades since, newsrooms have diversified, but this has not substantially improved the media's ability to aid the public in understanding complex race issues.³⁶ On occasion, part of the problem lies in the media's reliance on limited sources of information. Herbert Gans noted back in 1979 that the news media needed to diversify its sources to offer perspectives more representative of the American public.³⁷ In the case at hand, the media has repeated this mistake. Newspapers have focused intently on the prosecution and defense attorney's statements and actions, a traditional sources of news regarding issues which appear to be legal in nature. By relying primarily on such sources of information, the media precludes the notion that this case may and in fact does have a much wider social ramification.

One result of relying primarily on official legal sources is any lack of exploration into the potential race issues brought forth by the Reddy case. Henry Lee, an Asian American reporter for the *San Francisco Chronicle* who covered the Reddy case, stated in an e-mail to the author, "I can say that I have not consciously considered race in either my perception of the Reddy case or my coverage of the ongoing investigation. I've based my

34. See generally, Trish Donnally, *India Ink: Mehndi, the Ancient Art of Skin Design, Is Back In Fashion*, S.F. CHRON., Aug. 14, 1997, at E-6; Somini Sengupta, *Song of India Migrates as Tabla Hip-Hop*, N.Y. TIMES, Apr. 18, 1999, at 9-2; Tyche Hendricks, *India-Style Festival Colors Spring Wet: Thousand join in Holy celebration*, S.F. CHRON., Mar. 25, 2001, at A-19; Jonathan Curiel, *Bollywood by the Bay: New Multiplex in Sunnyvale Reflects Surging Popularity of Indian Films*, S.F. CHRON., Apr. 8, 2001, at 56; Ben Stocking, *The Tie That Binds*, SV MAGAZINE/S.J. MERCURY NEWS, Nov. 26, 2000, available at <<http://www.svmagazine.com/2000/week49/features/Story01.html>>.

35. Jane Rhodes, "Even My Own Mother Couldn't Recognize Me": *Television News and Public Understanding*, 47 FED. COMM. L.J. 31, 36 (1994).

36. See *id.* at 37-38 (discussing the media coverage of the 1992 civil uprising in Los Angeles and how black journalists were still powerless to improve media coverage of tense racial situations).

37. *Id.* at 39 (citing HERBERT J. GANS, *DECIDING WHAT'S NEWS: A STUDY OF CBS EVENING NEWS, NBC NIGHTLY NEWS, NEWSWEEK, AND TIME* 304-313 (1979)).

reporting solely on the filing of charges or indictments by the U.S. attorney and the motions by defense attorneys.”³⁸ None of the articles I have explored, moreover, have explicitly blamed race or culture for Reddy’s “bad behavior.”³⁹

Despite this seemingly benign media veneer, news stories have still forwarded, albeit unintentionally, a racial message. This message suggests that Reddy’s “bad behavior” is a result of his cultural/racial makeup. Both the *San Francisco Chronicle* and the *San Francisco Examiner*, for instance, sent reporters to the village in India from which the two sisters and the other immigrants came to interview the parents and other villagers about their awareness of indentured servitude.⁴⁰ The description of the village and the interviews with the parents of the sisters painted a vivid picture of a depressing lifestyle in this part of India, raising implications that Reddy may be “polluting” American culture by bringing those problems here. The tone of this particular story, not so surprisingly and perhaps even in a stroke of subtle suggestion, brings up memories of past media coverage of Asian immigrant smuggling ring atrocities, such as the tragic *Golden Venture* incident in the 1990s⁴¹ as well as more recent stories on immigrants dying in shipping containers.

IV. WHERE DO WE GO FROM HERE?

Unlike the O.J. Simpson case, this case did not end in a spectacular battle of legal wits, prompting a jury acquittal. This case ended in a most unspectacular, but common, plea bargain. Lakireddy Bali Reddy pled guilty to four federal counts: two counts of transporting minors for illegal sexual activity, one count of conspiring to commit immigration fraud and one of filing a false tax return.⁴² Reddy’s plea bargain included at least 5 years in a federal prison and a payment of \$2 million in restitution to four parties: three surviving victims and the parents of a fourth victim, the 17-year-old who died of carbon monoxide poisoning in one of his Berkeley apartments. In agreeing to the plea bargain, Reddy avoided what could have been as much as 38 years in prison.⁴³

38. E-mail from Henry Lee, Reporter, *San Francisco Chronicle*, to author (Dec. 2, 2000, 18:54:31 PST) (on file with author).

39. However, Reddy’s attorney, Ted Cassman, decided to argue a “cultural defense” in a presentencing report submitted to the U.S. District Court. Cassman asked the court to consider that Reddy is “a product of a society in which . . . the norms of his society were amenable to conduct which is clearly offensive in the U.S.” Cassman explained that he was seeking to show that intimate relationships with young girls were accepted in India during Reddy’s youth. Lisa Fernandez, *Reddy Offers Cultural Defense*, S.J. MERCURY NEWS, June 15, 2001, available at <<http://cgi.mercurycenter.com/premium/local/docs/reddy15a.htm>>.

40. See Yi, *supra* note 16; see also Nisperos, *supra* note 18.

41. On June 6, 1993, the cargo ship, *Golden Venture*, purposely ran aground near New York Harbor with nearly 300 undocumented Chinese immigrants aboard. At least ten immigrants drowned while trying to reach the shore. See *United States v. Lee Peng Fei*, 225 F.3d 167, 169-170 (2d. Cir. 2000) (citing the background facts before affirming the conviction of the smuggling ring’s leader).

42. Matthew Yi, *Guilty Plea in Smuggling of Girls: Landlord Gets 5 Years in Prison*, S.F. CHRON., Mar. 8, 2001, at A21.

43. In a late-breaking development, U.S. District Judge Sandra Armstrong placed Reddy’s plea

The fate of the girls and other Indian immigrants Reddy brought to the United States is not known as the media has not reported on their status since the plea bargain. The INS typically allows undocumented immigrants who are material witnesses to remain in the country during criminal trials, but once the trial is completed, their immigration status must be reevaluated.⁴⁴

The conviction does not alter the implications already raised by this case. Reddy had access to power, though arguably limited as a man of color in the United States, and he used that power over those least able to resist: young girls utterly dependent on him for everything as they were penniless, friendless, and mute in a world that did not speak their language. Can a death be so easily balanced by five years' imprisonment and a pile of cash?

Yet it is important to note, academic analysis aside, that there is a man at the center of this richly layered case. Reddy may have manipulated the H-1B system to arrange for the immigration of Indians to serve as cheap labor for his businesses. He may also have engaged in sexual relations with the young girls who were economically dependent on him. Should he be punished? Yes. Vilified? Without question. But should his name be mentioned the next time a South Asian commits a crime? Should his face come to mind with the next news story covering South Asian immigration? Should this man's shame be borne by South Asians everywhere? Perhaps his legacy should simply read, "Lakireddy Bali Reddy pled guilty to two counts of transporting minors for illegal sexual activity, one count of conspiring to commit immigration fraud and one of filing a false tax return."

bargain in jeopardy when she stated at his sentencing hearing on June 19, 2001 that she wanted to increase Reddy's sentence. Prosecutors and defense attorneys then met to renegotiate the deal and came back with a longer 8 year sentence. *Berkeley landlord sentenced after judge says deal too lenient*, Associated Press, June 19, 2001, available at <<http://www.bayarea.com/c/breaking/docs/063553.htm>>.

44. See Yi, *supra* note 1.