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Freeing Ourselves From Prison Sweatshops: Thai Garment Workers Speak Out

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Turning My Life Upside Down

Attorneys often say that you never forget your first big case. For me, that could not be more true. As a young civil rights attorney, taking on the case of the Thai garment workers who were imprisoned in an apartment-turned-sweatshop turned my life upside down and changed me forever. I was a year out of law school and living my dream of bringing my education home to Los Angeles to fight for and alongside low-wage workers.

In 1995, when news broke of 72 garment workers from Thailand who were forced to work behind barbed wire and under armed guard in an apartment complex in L.A., I joined the team of Asian American activists who would fight for their freedom. I became the workers' attorney. Little did I know then that, beyond becoming my clients, they would also become my teachers, my friends, my sisters and brothers.

“I had to work from the moment I woke up until after midnight and I had no way out. There was barbed wire, there was a guard, there were boards on all the windows. We were prisoners living in constant fear, not knowing when it would end.”

– Buppha “Kaew” Chaemchoi

When we at the Asian Pacific American Legal Center took on their case, we advocated for their freedom, fought to get them legal immigration status, and sued for corporate responsibility in the garment industry. Many told us not to do it, that the battle would take too long and that we would never win. But what they did not anticipate was the strength, intelligence, and irrepressible will of the workers themselves. Many contributed to our collective victory: countless community activists, volunteers, interpreters, students, English teachers, counselors, organizers, sympathetic government officials, reporters, and attorneys.

Movements are built by many people, and battles take time, patience, and practice to win. Throughout our work together, I was awed by the determination, the strength, the generosity, and spirit of the workers. I have had the tremendous fortune of sharing my work and life with them. Each has her own story to tell. I’ve learned more than I ever could have imagined from them, and so here, I share their heroic story.

Sweatshop Prisoners

August 2, 1995. Before the sun rose on another hot summer day in Southern California, federal and state law enforcement officials raided an apartment complex in El Monte, a suburb of Los Angeles. Seventy-two garment workers from Thailand were sleeping on mats on the floor, crowded eight to ten in a bedroom and held against their will. The workers’ captors — a family led by an elderly Thai woman and her sons — were also captured and taken into federal custody.

Working conditions were deplorable. The workers were paid less than a dollar an hour. They were handed their wages in cash, but only after half of what they earned was deducted for travel expenses and another portion for house bills and use of the kitchen. They used what was left to buy food and other necessities from a commissary in the apartment complex run by their captors. Toothpaste, soap, fruits and vegetables were among the few items available and were sold at inflated prices. The workers had no choice but to pay.

Hundreds of thousands of pieces of cloth, spools of thread, and endless stitches consumed the daily lives of these workers. Labels of brand name manufacturers and nationwide retailers entered the El Monte apartment in boxes and left on blouses, shorts, shirts and dresses. The workers began working each day by 7 a.m., stopped briefly for lunch and dinner, and then continued working until midnight or 1 a.m.

Throughout the years, a few Thai workers managed to escape, but they were so frightened and ashamed that they dared not tell anyone.

Three Women Workers: Jang, Jim, and Kaew

Jang, Jim, and Kaew are three women garment workers from different regions in Thailand. These are their stories.

JANG: As a young girl in Nakhornsawan, a southern province of Thailand, Suchadal Eiampol lived with her parents and two brothers. Her family was poor and worked in the fields growing rice. Suchadal, who goes mostly by her nickname “Jang” loved to learn and go to school. One morning when she was



PHOTO: RICK MEYER/ THE LOS ANGELES TIMES

Photo: Thai garment workers await their fate after the raid on the El Monte sweatshop by federal and state law enforcement officials in 1995.

nine, she dressed for school as usual and waited by the door for her parents. But that day, her parents told her she could no longer go to school. She had to take care of her younger brother so that her mom and dad could both work to make enough money to feed their family. Jang was devastated and refused to take off her school clothes. In July 1992, when Jang was 28 years old, she received an offer that would change her life. A man named Sukit approached her with promises of a good job and decent wages in the United States.

JIM: It was a relatively easy decision for Sirilak Charasri, or “Jim” to leave Thailand for the U.S. She knew that she would be able to make more money for her parents, siblings and their families.

In July 1993, Jim left everyone and everything she knew to board an airplane for the first time. She was so excited she could hardly sit still. She was certain that this opportunity would turn her fortunes around because, as she says, “I thought everything about America was good.” The sheer size of the country made her believe that anything was possible.

KAEW: In Thailand, Buppha Chaemechoi, her parents and three younger brothers, and her dog Pepsi shared a one room house with her grandmother in the rural, northeast province of Chaiyaphum. Like Jang and Jim, her position as eldest daughter carried with it the responsibility to care for the rest of the family. After assisting her parents with farm

work, Buppha, who goes by “Kaew,” began working outside the home at age 16, mixing cement at different construction sites. Soon the pay became too low to contribute to the needs of her three younger brothers, so Kaew went to Bangkok in search of more work. She washed dishes, ran errands, and, when she was 18 years old, began sewing garments in a factory in the Thai capital. In June 1994, Kaew was only 23 years old when she arrived in the U.S.

Detention: A New Kind of Prison

Immediately after the raid in August 1995, the workers were dressed in orange prison jumpsuits, their few belongings taken from them, and free access to the outside world denied — again. This time, however, their captor was the United States government. The workers were treated as if they would be punished for the years of slave labor they had endured.

Immediately after the workers were taken into custody, attorneys and community activists rallied to fight for their freedom and tried to gain access to them to inform them of their rights. After nine days of imprisonment at the hands of the Immigration and Naturalization Service (INS) (now the United States Immigration and Customs Enforcement), community activists — including non-profit organizations such as the Thai Community Development Center,

Korean Immigrant Workers Alliance (now the Koreatown Immigrant Workers Alliance), Asian Pacific American Legal Center, and Coalition for Humane Immigrant Rights of Los Angeles, with help from UNITE, the garment workers' union, succeeded in securing the workers' freedom. These Asian American and immigrants' rights organizations were relatively small, but the staff were passionate and determined and willing to work around the clock to see the workers freed. The advocates fought for and won temporary work permits for the workers so they could find jobs and support themselves.

Because they had arrived as tourists, arranged by their captors as part of the criminal operation, all of the workers were subject to deportation once the El Monte sweatshop was raided. Initially, the U.S. government kept them in the country to serve as witnesses in the criminal prosecution against their captors.

Once the criminal case was over, many believed that they would be deported. Instead, the workers and their attorneys fought to allow them to stay. Their attorneys flew to Washington, D.C., to explore different immigration options with Department of Justice officials, high-ranking U.S. officials, INS representatives, and elected members of Congress. No one had ever used a relatively new federal law known as the S-visa to protect workers before. The S-visa, meant to protect witnesses who provide critical testimony in a criminal proceeding and are at risk for retaliation if returned to their home countries, seemed a perfect vehicle for preventing the garment workers' deporta-

tion. The workers' attorneys would spend over four years convincing the government to secure the workers' legal status in the U.S. The creative application of the S-visa in this case expanded the law beyond its original intent and created the model for new federal legislation that would greatly enhance protections for immigrant victims of violent crimes, including trafficking and domestic violence, by giving such survivors a means of staying in the U.S.

Finding New Lives

Once out of INS detention, the workers' struggles were not over. Led tirelessly by the Thai Community Development Center and working together as part of the statewide coalition Sweatshop Watch, the activists met the challenge of finding affordable housing easily accessible by public transportation and in close proximity to available jobs since it would be almost a year before any of them had cars. Because the workers' health issues had been ignored in the El Monte complex, medical care and basic life skills training were also provided.

One of the toughest challenges was finding workers jobs where they would be paid legal wages and work under humane conditions. The exploitative nature of the garment industry made it difficult to find decent jobs. Several workers were placed in a union shop, but the majority returned to jobs that left them working long hours at poverty wages.

“When the raid happened, it seemed like we were being freed. Instead, we were thrown in prison again.”

– Suchadal “Jang” Eiampol



Photo: Some of the workers under federal custody in downtown Los Angeles immediately following the August 1995 raid.

PHOTO: BOB CAREY/ THE LOS ANGELES TIMES

PHOTO: CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, 1995.

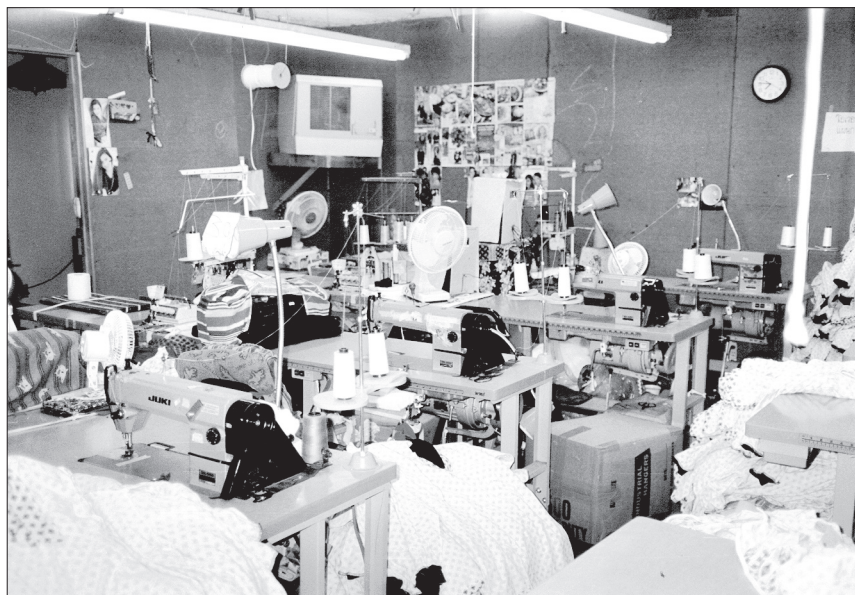


Photo: El Monte sewing room, Los Angeles, California, 1995. The El Monte sweatshop operators used the first floor rooms of the apartment complex for sewing operations.

“When I got on the plane to come to America, I was so excited. America was the land of dreams. I wanted to work hard and better myself, give my family a better life, and I wanted to see this beautiful country.”

– Sirilak “Jim” Charasri

The First Federal Lawsuit

The workers, who came from impoverished areas of Thailand, were overwhelmingly women, did not speak English, and had minimal formal education. Nonetheless, they would not remain faceless. Instead, they fought back, demanding access to a legal system that too seldom hears cries for justice from the disenfranchised.

The Thai garment workers’ lawsuit was the first federal lawsuit of its kind. It was about not just getting the workers paid for their long, hard labor, it was about challenging an entire industry that created the conditions for their abuse. We sued the individuals who held them captive, but also the large companies who owned the labels and sold the clothes.

The workers’ lawsuit questioned whether those who are at the top of the garment industry pyramid could claim ignorance of the substandard conditions under which their garments are made. Garment manufacturers and retailers routinely try to insulate themselves from legal responsibility for the sweatshop conditions they demand and perpetuate by claiming that garment workers are not their employees. Historically, laws supporting big business and consumers have been much more common than laws seeking to hold the practices of business accountable for injustice. As a result of the efforts of community activ-

ists, civil rights attorneys, and most importantly, the workers themselves, the California State Legislature passed Assembly Bill 633. AB 633 went into effect in 2000. The bill made manufacturers and retailers responsible for garment workers’ wages when their contractors fail to pay.

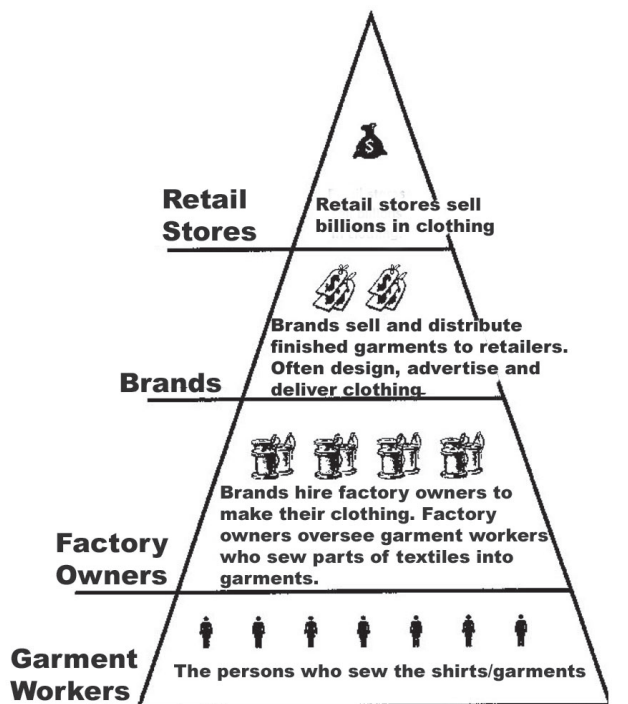
The Thai workers joined forces with a group of Latino garment workers who toiled in the same deplorable working conditions. The Latino workers put their jobs on the line to testify against the corporations. In a world in which poor, non-English speaking immigrants are expected to endure the huge, often alienating and lonely world in which they find themselves and to accept exploitation as the price of the American Dream, the workers defied the odds and fought back.

Retailers — Top of the Pyramid

The garment industry is structured like a pyramid. At the top of the pyramid are the retailers that sell brand name clothing directly to the public. Approximately \$30 billion of California-made clothing is sold each year. This pyramid exists to shield the companies at the top from direct responsibility for wages and working conditions. Garments made by Jim, Jang, and Kaew ended up on the racks of department stores nationwide.

*“When we were held against our will,
we were treated like animals trapped
in a cage. We wanted people to know,
and we demanded that the companies
know, that we are human.”*

– Sirilak “Jim” Charasri



Pyramid of Power and Profit

Adapted from Sweatshop Watch, 2005

Manufacturers — Second Level of the Pyramid

At the second level are manufacturers that design garments, select material, and create detailed specifications as to how those garments should be produced. These companies are more popularly known by the labels on clothing, such as Liz Claiborne, DKNY, XOXO. In El Monte, Clio, High Sierra, B. U. M., Anchor Blue, and Airtime were among those labels for which Jim, Jang and Kaew sewed.

Contractors — Third Level of the Pyramid

Contractors occupy the third level of the industry. Competition among contractors is fierce, and many open up and go out of business within a year. Contractors are at the mercy of manufacturers and retailers, which dictate the quantity, quality, type of work, turnaround times and even the prices they will pay to have that work done.

Contractors serve only one purpose — to keep the workers in line and thereby ensure that garments are completed on time and to specification. In the case of Jim, Jang and Kaew, their captors were contractors doing work for private labels sold at major department stores, including Mervyn’s, Montgomery Ward and Miller’s Outpost.

Garment Workers — Bottom of the Pyramid

At the very bottom of the pyramid are garment workers, who are greatest in number and lowest in economic and political power. California has an estimated 60,000 to 80,000 garment workers. Abuse of workers, including overtime pay violations, failure to pay minimum wage, and health and safety violations, is rampant.

Asians and Latinos Join Together Against Sweatshops

Jim, Jang, Kaew and the other Thai workers were not the only victims of the manufacturers and retailers who demanded garments from the sweatshop operators. Latina and Latino workers were also victimized. Though they were not held against their will, they toiled long hours, seven days a week, for below minimum wages in unsanitary conditions. The Los Angeles factories served as the “front shop” for the El Monte slave sweatshop. Manufacturer and retailer representatives routinely visited these “front shops,” where Latino workers did the ironing, finish-

ing, checking and packaging of the garments sewn by the Thai workers at the El Monte sweatshop. The Latino workers sewed under the threat of the constant barrage of screams to “work faster!”

These downtown factories, with fewer than 10 sewing machines among them during all of 1995, could not possibly have produced the volume and quantity of garments in the time demanded by the manufacturers and retailers. The quality control representatives sent by the manufacturers and retailers to monitor the sewing either knew or should have known that the orders they were giving to the sweatshop operators could not possibly have been filled at these downtown factories. Had they acted responsibly, the El Monte apartment complex would have been uncovered, and the workers’ suffering would have ended much sooner.

The 22 Latino workers in the downtown location saw the quality control representatives regularly. A handful of Latino workers were responsible for loading bundles of cut cloth onto the van that brought the Thai workers their endless supply of work. Soon after the Thai workers’ lawsuit was filed, a few Latino workers approached the Asian Pacific American Legal Center. The Latino workers were interested in joining the lawsuit, but they were initially distrustful of the Asian American attorneys they met. In their experience, Asian Americans often looked down on Latino workers.

This distrust was exacerbated by government agencies, the media, and the structure of the industry itself, which differentiated the workers along racial lines. The media resisted coverage of the joint effort of Asian and Latino workers, all but ignoring the Latino workers’ involvement. Governmental entities followed suit, privileging the Thai workers, whose tragic story made them more sympathetic.

When the Latino workers joined the fight, the workers were also divided and distrustful of one another. In the garment industry, Asian and Latino workers often labor side by side but view one another with suspicion and hostility. Asian and Latino workers compete for poverty wages at the bottom of a multibillion dollar industry. Because they are predominantly recent immigrants, they do not speak the same language, which exacerbates tensions created by the oppressive environment they are forced to endure. The alliance formed between Jim, Jang, Kaew, and the other Thai workers and the Latino workers in this case demonstrates, that, while this racial divi-



sion can be a byproduct of the industry, it is hardly inevitable. Asian American attorneys, speaking Spanish and treating the Latino workers with respect and as comrades, also helped to bridge the divide.

As these workers found, their shared position in an industry that profits from their labor gives them a common ground on which to stand. Again defying expectations, the Thai and Latino workers joined in their lawsuit and in their broader campaign against the manufacturers and retailers, and found that their solidarity brought them tremendous power. Whether it was in the courtroom or on a picket line in front of a department store, the more workers stood together, the less vulnerable each felt. Although their fears were very real — fear of losing their jobs, fear of being labeled a troublemaker, or fear of government reprisal and deportation for becoming too visible — they drew strength from the knowledge that others were also willing to take the same risks.

At joint meetings and social events, the Thai workers learned to say “hello” in Spanish and the Latino workers came to use the “Y” symbol of respect (hands pressed together as if in prayer) in Thai greetings. They danced together to Spanish, Thai, and English songs at their annual gathering, held each August to commemorate the day the Thai workers were freed. As their attorneys and advocates, we at the Asian Pa-

“During our case, we had many meetings and we made many decisions. Our attorney wanted us to be in charge, so we worked hard and challenged ourselves and rose to the challenge.”

– Buppha “Kaew” Chaemchoi

cific American Legal Center were both proud and humbled to be a part of this unlikely, powerful coming together of people willing to take risks not only for themselves, but for each other.

Using the Law, Uniting with Others

The Asian Pacific American Legal Center talked to the workers about the possibility of using the law to try and collect the millions of dollars in back wages and other damages to which the workers were entitled.

In October 1995, the workers filed an historic lawsuit in federal court against not only their captors, but also the manufacturers and retailers for which they had sewn.

Jim, Jang, and Kaew’s lawsuit struck at the heart of the garment pyramid and the existing power structure. The workers’ lawsuit questioned whether those who control the garment production chain could legally ignore the conditions in which their garments are made. The lawsuit also argued that the corporations should be held responsible for the sweatshop conditions they perpetuated, and from which they profited.

But the lawsuit was important for a different reason. The power that the corporations have comes from the assumption that workers have neither the will nor the ability to demand better working conditions. Workers are expected to keep their heads down and know their place. Jim, Jang, Kaew, and the other garment workers defied this assumption. They stood together and found not only their own individual voices, but a collective voice that made the simple but bold statement: “We are human.”

Victory of Asian and Latino Workers United

Six months after the Latino workers joined the lawsuit, several of the companies agreed to settle. The settlement money, distributed among all of the workers, enabled them to open bank accounts, create some savings and, most importantly, send

more money home to families in Thailand, Mexico, Guatemala, and El Salvador. Over the next two years, all but one company settled. After initially insisting that they had no connection to the El Monte sweatshop and no responsibility to the workers who made their clothes, the companies’ payments to the workers were considered a major victory even though they did not admit fault.

In 1998, only one defendant, a company called Tomato Inc., remained. The company wanted to depose all of the workers, a total of 102 depositions. This meant the workers would be questioned under oath, every word recorded. Day after day, week after week, the workers appeared for their depositions.

Immediately following the depositions, the final company agreed to pay \$1.2 million. The company also acknowledged in the settlement “the serious injustices and harms caused to garment workers by manufacturers who use sweatshop contractors. The violations of state and federal safety, minimum wage and overtime laws in garment sweatshops result in exploitation of low wage workers.”

The case took nearly four years. Total settlement exceeded \$4 million. Yet, the most radical changes would not be measured in dollars. The most profound changes were personal: workers standing up, speaking out, and finding their voices. Jim, Jang, and Kaew understood that the lawsuit would not provide all the solutions to the issues they faced and was just one component of a larger movement. Their strength and resilience paved the way for anti-sweatshop legislation in California, Assembly Bill 633. This case became the focal point of an exhibit at the Smithsonian National Museum of American History on sweatshops from 1820 to the present. The Thai and Latino workers in this case continued to be recognized as inspiring multiple campaigns by garment workers, college students, consumers, and other ordinary people demanding that manufacturers and retailers end the sweatshop abuses they have created in the garment industry. Though their case is over, their legacy continues.



Photo: top left, Thai and Latino workers take a break from their jobs and their activism to attend APALC's annual dinner together, October 1997. Right, Jim, Julie and Kaew at the Pride Celebration in Indianapolis, June 2008.



PHOTOS COURTESY OF JULIE SU



PHOTO CREDIT: APALC NEWSLETTER, FALL 2005 VOL. 22, No. 2.

In 2005, the Thai workers came together to commemorate their long struggle and victory. The majority of the workers remain in Los Angeles and work in garment, massage, and other industries while some have opened their own businesses. Many have married and started families of their own. The group remains tight-knit to this day.

Postscript

In August 2008, Kaew was interviewed for a front page *Los Angeles Times* article titled, "Home of the Freed." The article celebrated dozens of the Thai workers becoming United States citizens. Thirteen years after their harrowing ordeal was exposed and captured international attention, Kaew and her friends celebrated their journey at the annual Freedom Celebration hosted by the Asian Pacific American Legal Center and marked this special year with a citizenship ceremony. Surrounded by family and friends, including many volunteers who had reached out to them when their case began in 1995, the Thai workers were given American flags and hugged each

other. Their story is part of a long history of individuals and communities who have fought for citizenship and belonging in a country marked by slavery and exclusion as well as opportunity and shelter. Their own place in this country was far from secure from the moment they arrived and Jim, Jang, and Kaew responded by paving a new path, a path they have now opened for others. They and the rest of the Thai and Latino workers continue a proud tradition of "outsiders" who not only make America home but challenge it to live up to its own ideals.

During the citizenship ceremony, Jim reached for her American flag, brought it to her face, and kissed it.