



Forward into the Past?

BY SANJUKTA PAUL

At the zenith of the Occupy movement, some commentators adopted the term “neo-feudalism” to describe the relationship between powerful corporations and the rest of society. Did this rhetoric have a basis? Yes and no. A portion of today’s workforce labors under conditions that resemble the dark era of the 19th century more than they do either the medieval or the modern one.

First, a little background. In the social and legal world of medieval England (which, for better or worse, begat our legal system), one’s employer was one’s master, landlord, and protector—and all these relationships were encased within the Church and the great chain of being.



Within that system, there was no such thing as freedom of employment (even if one had the good fortune not to be born a slave). One’s place in life was part of

a divine order, and rebellion was against not just the master but against that very order. One owed the master certain duties: of obedience, of loyalty. Conversely, the master owed the worker protection and subsistence. Master and servant—employer and employee, landlord and tenant—were connected to each other by ties neither was truly quite free to sever (although one was freer than the other).

In time, the Enlightenment brought the modern notions of freedom, autonomy and personal agency regardless of station in life. The great chain of being was demolished and replaced by the idea of a society of souls co-equal before God—all equally free to apply their natural talents and make choices, and to enjoy the resulting fortune or suffer the resulting deprivation. Feudal notions of appropriate power relations mingled with the new ideas of freedom in the British common law of master and servant, from which our

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JOIN US AT THE CONVENTION!

Thursday, October 11th

Bringing Human Rights Home: Economic, Cultural, and Social Rights in the U.S. Courts
Sponsored by the International Committee
1:00 to 4:00 p.m.

Reception for representatives from the Asociación Latinamericana de Abogados Laboralistas (see page 8)
5:00 to 6:00 p.m. at Rothner, Segall and Greenstone, 510 S. Marengo Ave.

Friday, October 12th

Wage Theft: Representing Low-wage Workers
(see page 8)
Sponsored by the Next Generation Committee
10:00 a.m.

Jim Crow Politics Revived—Election Suppression 2012 (see page 4)
10:00 to 11:30 a.m.
Jointly sponsored by the Labor & Employment Committee, TUPOCC and the Anti-Racism Committee

Labor & Employment Committee Steering Committee Meeting
11:45 a.m. to 1:00 p.m. at Hadsell, Stormer, Richardson & Renick, 128 North Fair Oaks Ave.

Saturday, October 13th

Contingent Work: Working inside, outside and against the conventional definition of “employment” (see accompanying article)
4:45 p.m. to 6:00 p.m.

Sunday, October 14th

Fighting Guestworker and Undocumented Worker Exploitation in Light of Anti-Immigrant Attacks
Jointly sponsored by the Labor & Employment Committee, the International Committee, the International Labor Justice Working Group, and the Anti-Racism Committee
10:30 a.m. to 12 noon

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own employment and labor law are derived, and which was first codified in the 16th century.

The new regime had new problems. The ties that bound master and servant were cut, but the radical inequality in their material resources, social power and, to a great extent their legal power, persisted. Indeed, in some ways, the emerging order was crueler than the last: While previously the worker's lot was the result of forces everyone admitted were beyond his control, the nascent ideology of freedom of contract made any ill luck the result of the worker's "free choices."

By the 19th century, this unholy alliance, of the ideology of "free choice" and the residue of feudal privilege, ruled not only Britain's legal system but many others the world over. In the newly industrializing America, a typical worker was a recent immigrant who labored long hours in dangerous conditions, without health and safety protections, without workers' compensation insurance if he was injured on the job, without Social Security and Medicare, without the benefit of modern laws against racial and gender discrimination, without a guaranteed hourly wage and without the legal minimum wage. His or her right to organize a union was precarious at best.



Now let's take a look at a worker in a key industry in today's 21st century American economy. A typical port truck driver in Southern California—a member of a large workforce that is essential in transporting goods to and from the continent's largest port complex, a key link in the global supply chain—is a recent immigrant who labors without health and safety protections, without workers' compensation insurance, without employer contributions to Social Security and Medicare, without the benefit of modern laws against racial and gender discrimination, without a guaranteed hourly wage and frequently without the legal minimum wage. His employer does not recognize his right to organize a union.

What's more, his employer is not just his employer. His employer generally owns the truck he drives—or otherwise controls it through a complex financing scheme—and deducts payments for the use of the truck, its repair, gas, insurance and other expenses from the driver's weekly pay. The driver signs the contracts governing these arrangements, but has no actual freedom to alter them in any way. He bears most of the risks associated with his work—if he is injured, if his truck is damaged or if he is unable to get enough loads

in a given week, he may face catastrophe.

Yet he has no opportunity to increase his earnings beyond a low ceiling, or to make a profit. Some weeks, after working more than 60 hours, he finds himself taking home a negative paycheck because what he owes the company on the truck exceeds what the company owes him for his work. If he is truly unlucky, he may find himself torn between making a poverty wage (or less) and facing a personal lawsuit from his employer for breaking a multi-year contract.

But wait a moment. For this worker and many others like him, what happened to the social and legal advances of the 20th century?

Name Games: The Cost of Independent Contractor Misclassification

Within the major trifecta of tactics used by today's employers to slash the cost of labor and to maintain pre-New Deal levels of control over their workers, independent contractor misclassification is perhaps the most powerful and ubiquitous. (The others are the sub-contracting of essential functions and the use of temporary workers.)

Each of these ways of doing business damages the economy, suppresses wages for all workers and undermines popular and well-established laws designed to protect them. Yet independent contractor misclassification stands out in terms of its sheer boldness. When used as a shield against employer obligations by key industries (rather than a genuine administrative mistake by "Mom and Pop" shops) it's a defiant avoidance of the hard-won, bare minimum of employee protections American society had embraced by the middle of the 20th century.

Those protections include workers' compensation, one of the earliest of federal workplace regulations; the New Deal-era minimum wage, overtime and working hours regulations; the Social Security program, later expanded to include Medicare and Medicaid; and the right to organize and engage in collective bargaining with one's employer, which also gained federal recognition during the Depression. They also include workplace health and safety laws, which have been on the regulatory scene since the late 19th century, as well as civil rights era anti-discrimination and harassment laws. All of these protections are well entrenched in modern American society.

Yet tens of millions of American workers receive none of these rights and protections, and many of the nation's most vulnerable workers—low-wage and immigrant—are the ones most affected by this trend. In today's commercial climate of global hyper-competition, renaming one's employees "independent contractors" presents a tidy way to cut labor costs in order to get an edge on one's competitors and fatten profits. The phenomenon is widely acknowledged, and the

fact of massive misclassification across a variety of low-wage workforces is not subject to serious legal contestation.

Port trucking, a key industry in today's global supply chain, is an unfortunate poster child for independent contractor misclassification. Since deregulation of the industry in 1980, the forces of hyper-competition have been especially acute, creating what is often called a 'race to the bottom,' driving high-road businesses out of the industry. Drivers operate entirely under the legal authority of the trucking company for which they haul; they report to the company truck yard to be dispatched by a company dispatcher to haul loads determined by the company; they have no independent contact with the customers and handle no money. In Southern California, the vast majority drive trucks that are either owned by their company or controlled by the company through sham financing arrangements, in which lease payments (to the bank) are deducted from their paychecks (from the company). Drivers work exclusively for one company at a time, on a long-term basis—the very picture of the employer-employee relationship. Perhaps most notably of all, they have no opportunity for profit based on entrepreneurial skill or luck: the only way they can increase their earnings is by increasing their personal labor. These facts together create a strong case for misclassification under each of the legal tests used to identify the phenomenon.

Across the American economy, independent contractor misclassification is a pernicious practice that damages individual workers, their families and communities, the public fisc, the larger social fabric and the health of the planet. It ignores the hard-won 20th century democratic consensus on the minimum rights of workers as human beings. It allows industry to even more dramatically offload the social and environmental costs of its business operations onto those who can least afford it, and onto the public.

Port trucking presents a case study of these ill effects. Drivers and their families often live in poverty, sending social and economic ripple effects into their communities. Drivers also often work well beyond the number of hours that are safe, and drive when they are tired or sick. They accept unsafe or overweight loads, many times in response to company or customer pressure, which presents a public safety risk on the highways. Most of all, the environmental costs of port trucking—one of the major sources of urban diesel emissions—are well documented. Clean truck programs have been implemented in many of the nation's ports to address these effects, largely successfully. Yet under the independent contractor business model, drivers generally remain



responsible for maintenance of the often publicly financed clean trucks. The present system faces a cliff's edge when the currently clean trucks—purchased with massive infusions of public cash—end their lives.

The way out of this downward spiral, and others like it, is to begin by addressing the problems at their source: the misclassification of employees as “independent contractors.”

The Fix: Restoring the Rights of Misclassified Workers

An illegal practice as systemic and widespread as independent contractor misclassification suggests a collective failure of enforcement. Given the huge fiscal, human and environmental costs, what can be done to ameliorate this failure?

The problem is not that the practice is permitted under current law. On the contrary, the phenomenon is referred to as misclassification precisely because it involves the systematic violation of employee protection laws, justified by re-labeling employees as independent contractors.

Employers misclassify workers essentially because 20th century mechanisms of enforcement have not caught up with this spurious 21st century “business practice.” Lawsuits are expensive, time-consuming, risky and subject to a massive justice gap between industry and workers. Administrative enforcement of the laws is hampered by chronic under-staffing, by fines that often do not make a dent in a company's decision calculus, and by the ubiquitous political attacks by special interests that undermine the ability of government to hold businesses accountable for the benefit of all citizens.

Moreover, the fact that an employee must prove misclassification separately under each statutory scheme (the National Labor Relations Act, the Fair Labor Standards Act, etc.) is a tremendous inefficiency of the current system, stalling effective enforcement.

Three types of change to the existing system are possible: (1) reforming the substantive law; (2) changing the remedies available to courts and agencies in dealing with violations of law; and (3) increasing the capacity of enforcement agencies to do what they are already doing. Short of such changes to the system, strategic action by both enforcement agencies and misclassified workers can make real inroads into the problem.

In an ideal world, we would simply do away with the detritus of unnecessary legal definitions, and institute a single definition of “employee” across all the applicable federal laws. (Individual states could undertake the same reform.) The

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effectiveness of this reform would be bolstered by creating a presumption in favor of employee status if certain, simple-to-check-for criteria are met. For example, the definition might state that all workers who work at least 20 hours a week for a single business, make less than 150 percent of the minimum wage and do so either indefinitely or for at least a two-month term are presumptively employees.

Other legal factors, which could defeat the presumption, would include whether the worker has a true opportunity for profit and loss; whether the work performed is integral to the regular business of the putative employer; the extent of the company's control over the performance of the work; and the length of the period of service.

A more modest reform to our existing system would be to clarify and solidify the power courts and agencies have to remedy misclassification once it has been proven. Courts could be expressly authorized to issue injunctions ordering violating businesses to re-classify their workers as employees, so long as they continue to follow essentially the same business model. Agencies could be authorized to issue similar orders. Such orders are necessary to counteract the problem, given industry's penchant for slightly changing a detail of a working arrangement in order to force the issue of misclassification to be re-litigated.

Finally, a straightforward but powerful measure would simply address capacity issues within regulatory agencies. This involves both increasing the number of investigators and attorneys in over-taxed enforcement agencies, and empowering agencies to do their jobs—to enforce the law—when special interests attack them for doing just that.

Short of any of the above reforms, however, there are effective ways that we can all begin to address the systematic misclassification of employees. Agencies can target particularly key bad-actor industries, such as port trucking, as they have started to do. Workers and advocates can challenge misclassification, and expose to the public harmful industry practices resulting from misclassification. Community members and groups can speak out about the ill effects that low-road employers, utilizing practices such as misclassification, have on their communities.

Lawyers can seek creative injunctions, pursue influential test cases in key industries and, most importantly, engage in strategic lawsuits in concert with coordinated worker and community coalitions in order to address the systemic problem.

Restoring the basic rights of the millions of misclassified U.S. workers and making sure we put the public interest first will not be easy. But the alternative is unthinkable for a society that aspires to fairness and to a sustainable future. ■

Thanks to the Los Angeles Alliance for a New Economy for permission to reprint this article.

Segregating American Citizenship: Latino Voter Disenfranchisement in 2012

—THE ADVANCEMENT PROJECT

As of the 2010 Census, there were more than 21 million Latino citizens of voting age in the United States—10 percent of the nation's eligible voters. However, nearly 6.3 million, or 29.4 percent, reported that they were unregistered, and 10.8 million, or 50.8 percent, reported that they did not vote.

Latino voter participation does not have to be low. Puerto Rico has one of the highest registration and voting rates in the United States at more than 80 percent; but after moving from the Island, Puerto Rican voter turnout drops to 30 percent. A significant part of this decline is likely caused by discriminatory and structural voting barriers.

An estimated 4.6 million new and eligible-to-naturalize Latino citizens may have become qualified to vote since 2010. This comes to a total of more than 25.6 million Latino citizens in the electorate for the 2012 elections.

This year, an unprecedented number of voting restrictions impose barriers to voting that disproportionately affect the Latino community. These restrictions take on three forms:

Citizenship-based Voter Purges

As of August 2012, 16 states have adopted or are pursuing citizenship-related purges of already registered voters. Led by Florida and Colorado officials, these campaigns have targeted naturalized citizens.

In 2010, there were nearly 5.5 million registered Latino voters in these 16 states, and more than 1.1 million naturalized citizens from Latin America. As naturalized citizens, they are potential targets for removal from the voter rolls unless they can prove their citizenship, despite the fact that they have taken an oath of citizenship and are legally registered to vote. Latinos who are U.S.-born citizens are still vulnerable, as many live in mixed-status families and communities, and are likely to feel intimidated by challenges to their immigration status.

In July 2012, 13 states, led by Colorado Secretary of State Scott Gessler, petitioned the Department of Homeland Security (DHS) for access to its Systematic Alien Verification for Entitlements (SAVE) data for the purpose of identifying possible noncitizens to purge from voter rolls. On July 14, the DHS told a federal court that it confirmed Florida will have access to SAVE data and that five Arizona counties already have access. On August 14, the DHS entered into a Memorandum of Agreement (MOA) with

Florida permitting it access to SAVE for the purposes of verifying its voter registration rolls. On August 22, the DHS entered into a similar MOA with Colorado for similar purposes.

Both Colorado and Florida have identified voters to be investigated by comparing their voter registration rolls with driver's license databases showing which voters had identified themselves as immigrants when they procured their licenses. However, naturalized citizens typically received their driver's licenses when they were legal immigrants but before becoming naturalized citizens (and before registering to vote); therefore, this method generates lists of voters to be checked that targets naturalized citizens. The MOAs even take this into account, by stating that their purpose is "verifying citizenship and immigration status information of non-citizen and naturalized or derived U.S. citizen registrants (registrants) on the User Agency's Voter Registration Rolls (benefit)."



There is little evidence of noncitizens casting ballots. News21 recently released a Carnegie-Knight investigative report about voter fraud in the U.S, finding only 10 cases of alleged, in-person voter impersonation since 2000. Out of 146 million registered voters, this represents one instance of voter impersonation for every 15 million potential voters. News21 also conducted an extensive survey of state and local election officials, showing that the nation has received 2,068 allegations of voter fraud since 2000. In the entire nation, only 56 or 2.7 percent of the 2,068 accusations of voter fraud since 2000 involved noncitizens casting an ineligible vote. Florida, for instance, has seen 18 allegations of voter fraud within that same period. Only one allegation resulted in a conviction; the majority were either pleaded or dismissed. Furthermore, News21 found no allegations of voter fraud in Colorado, and found only two in Arizona, both of which were dismissed. And in Kansas, 10 cases of alleged voter fraud—the second highest of any state—resulted in zero convictions. Nonetheless, all of these states have asked for access to federal immigration data to purge their voter rolls.

These very recent alleged noncitizen voter purges are now the subject of pending voting rights litigation around the country. Iowa, for example, had only one case of an alleged noncitizen casting a ballot since 2000: a local newspaper reported that a German citizen had illegally voted, but the state could not confirm the allegations. In July 2012, Iowa Secretary of State Matt Schultz issued emergency rules to compare the state's voter list against unspecified state and federal databases—and gave voters 14 days to contest the

designation before removing them from the rolls. Since then, ACLU and League of United Latin American Citizens (LULAC) filed suit alleging that the purges are likely to improperly remove naturalized citizens from the rolls. As discussed below, litigation against similar voter purges that target naturalized citizens is also underway in Florida.

In addition to the issues raised about the states' methods of deciding which voters should have their citizenship status checked, the federal SAVE immigration data is not a complete or accurate indicator of citizenship status. There is no single list of United States citizens. The SAVE data does not contain any information about Americans who acquired citizenship by birth in the United States; rather, it only contains limited information related to some (but not all) naturalized citizens, citizens born of U.S. parents abroad, and adopted children from abroad. By placing foreign-born citizens in a separate, disadvantaged class from U.S.-born citizens, the use of SAVE data to conduct systemic voter purges raises concerns about equal protection for all citizens guaranteed by the Fourteenth Amendment of the United States Constitution.

In the 16 states pursuing citizenship purges, Latinos and other communities of color comprise a large and disproportionate percentage of the naturalized citizens who are eligible to vote but may be improperly targeted for purges. According to federal census data, in 2006 to 2010, there were more than 1.1 million Latino naturalized citizens; 930,000 Asian American and Pacific Islander naturalized citizens; and 460,000 Black naturalized citizens. More than 75 percent of the total naturalized citizens in these 16 states were people of color. During the same 5-year period, Latino naturalized citizens made up 51 percent of all naturalized citizens in the state of Florida and 62 percent of naturalized citizens in New Mexico—two of the states that are pursuing citizenship purges.

Proof of Citizenship

As of August 2012, several states have adopted, and another ten states have proposed, laws requiring additional documentary proof of citizenship to register to vote. As with the voter purges based on alleged noncitizenship, state laws requiring documentary proof of citizenship—such as a certified birth certificate, passport, or naturalization papers—to register to vote were previously unheard of in the U.S. This is most likely because federal law already provides more than sufficient protections against noncitizens registering to vote. That changed in 2004 when Arizona passed Proposition 200, which required prospective voters to provide specific

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Latino Voter Disenfranchisement

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documentary proof of citizenship to register to vote. State records show that between 2005 and 2007, about 31,000 Arizona voter registration forms were rejected because they did not provide sufficient documentation of citizenship.

On April 17, 2012, a federal Court of Appeals struck down Arizona's documentary proof of citizenship voter registration requirement, ruling that it was pre-empted by the National Voter Registration Act. The NVRA was enacted to increase voter registration in the United States by making it easier, not more difficult, to register to vote. Arizona has appealed to the U.S. Supreme Court.

Since 2010, 14 states have introduced legislation requiring proof of citizenship. Documentary proof of citizenship is currently required as a precondition for voter registration in Georgia, and it may be required in Alabama and Arizona later this year.

Until these recent laws, people registering to vote could establish a range of eligibility requirements—including voting age, citizenship, and residency—by swearing under penalty of perjury their compliance with these requirements. Once their registration was accepted they did not have to present further proof at the polls. Federal law imposes severe penalties for intentionally and falsely claiming eligibility to vote, including up to five years in prison, \$10,000 in fines, and deportation. These new voter registration laws require Americans to vote to provide documents that state officials deem satisfactory to prove citizenship. This means providing a certified birth certificate, passport, or naturalization papers, all of which impose significant time and financial burdens, among others. As discussed further with respect to the barriers posed by the restrictive new photo ID laws, requiring additional documentary proof of citizenship disproportionately affects Latino citizens, particularly newly naturalized citizens. Latinos also have one of the highest percentages of poverty of any racial or ethnic group in the United States and are more likely to rely on public transportation, and thus face more difficulty procuring the necessary documentation.

Photo ID Laws

As of August 2012, nine states have enacted laws requiring strict state-issued photo identification before allowing registered voters to cast a regular ballot. Five of these states' restrictive photo ID laws are currently in effect.

These new photo ID laws are notable for how restrictive they are; they severely limit acceptable forms of ID that voters may show at the polls to current, state-issued photo IDs, generally eliminating common forms of identification such as veteran's ID cards, utility bills, student IDs, social security cards, and out-of-state and expired driver's licenses. Advancement Project's litigation challenging such laws in Pennsylvania, Texas, and Wisconsin has reaffirmed the findings of numerous studies that these restrictive photo ID requirements have a discriminatory impact on Latinos and other citizens of color.

It can be difficult, costly, and sometimes impossible to get the type of state-issued ID needed to vote. In order to obtain a state-issued photo ID, most states require up to four underlying forms of identification to prove legal presence, identity, and residency. Such identification may include a certified birth certificate, a passport, and/or social security

card, which must be paid for or tracked down. Many such records have errors or the names do not match. For those born at home, informally adopted, or whose records were destroyed, these documents may not exist at all. In some states, the wait to get a copy of a birth certificate or other records can be months.

It is estimated that 16 percent of Latinos do not possess a requisite photo identification compared to 6 percent of non-Hispanic Whites.

Due to the invalidation of Puerto Rican birth certificates issued before 2010, stateside Puerto Ricans face a double burden: first, they have to obtain a new Puerto Rican birth certificate; then they must then use this certificate to apply for an official state photo ID. Mexican Americans and other Latinos also experience the harsh impact of these restrictive photo ID laws.

Advancement Project's litigation has revealed strong evidence of this disparate racial impact. In *Applewhite v. Pennsylvania*, Plaintiffs' expert, Dr. Matt Barreto, testified that his research revealed that Latinos were more likely to lack an acceptable ID. In Wisconsin, another university study found that 57 percent of Latino and 78 percent of African-American young men lacked a driver's license, compared to 36 percent of young White men. In Texas, based on the state's own data, Latino registered voters are approximately 46 percent to 120 percent more likely to not possess a driver's license or other state-required photo ID compared to non-Latino registered voters.

This year's litigation of photo ID laws has also led to independent studies and clear evidence that in-person



voter fraud, which voter suppression laws are purported to protect against, is virtually nonexistent. For example, in Pennsylvania, the state admitted that there were zero instances of in-person voter fraud. The recently released News21 Carnegie-Knight investigative report about voter fraud in the U.S found only 10 cases of alleged in-person voter impersonation since 2000. After an “exhaustive public records search,” News21 found that “the rate [of voter fraud] is infinitesimal, and in-person voter impersonation on Election Day, which prompted 37 state legislatures to enact or consider tough voter ID laws, is virtually non-existent.”

Additionally, the Justice Department has found that in places like Texas, it would be more difficult for Latino voters and other people of color to obtain the required photo ID as approximately 401,000 Latinos and 93,000 Blacks live in 127 Texas counties without access to an ID-issuing office. Compared to other racial or ethnic groups, the Latino community has a high level of poverty and relies heavily upon public transportation to get to these offices. The time and financial costs entailed by the new photo ID laws pose real barriers to voting for many Latino citizens and their families. Restrictive photo ID laws in all or parts of these five states are now in place for the 2012 elections. More than 750,000 eligible Latino voters live in these five states.

Four other states have enacted photo ID requirements that are not in effect either due to federal preclearance proceedings or ongoing litigation. There are more than 4.7 million eligible Latino voters in these four states.

The impact of these voter suppression statutes is tremendous. There are 23 states in which citizenship-based purges, registration barriers, and/or photo ID restrictions are in effect or could be in effect by the 2012 elections. There are more than 10 million eligible Latino voters in these states who could be deterred or prevented from voting in the 2012 elections due to these barriers.

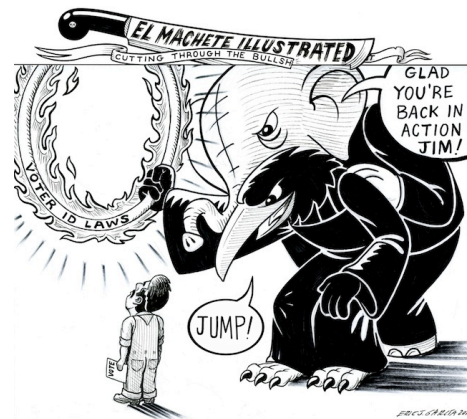
In Colorado, Florida, and Virginia, the number of eligible Latino citizens that could be affected by these barriers exceeds the margin of victory in each of those states during the 2008 presidential election. In Florida, eligible Latino voters amount to nine times the 2008 margin of victory, and unregistered Latinos constitute four times the margin of victory. In Colorado, eligible Latino voters are twice the 2008 Presidential margin of victory, while unregistered Latino citizens alone exceed the margin of victory.

In other swing states like Ohio and Pennsylvania, eligible Latino citizens comprise approximately half of their state’s

2008 presidential margin of victory. In Iowa and Wisconsin, eligible Latino voters are one-fourth and more than one-fifth of the 2008 margin of victory, respectively.

In contested states like Arizona and New Mexico, the numbers also are staggering. Eligible Latino voters in Arizona comprise five times the 2008 margin of victory there, and unregistered Arizona Latino citizens alone are twice the margin of victory. Similarly, in New Mexico, eligible Latino voters are four times the state’s 2008 Presidential margin of victory, and unregistered Latino citizens alone exceed the margin.

Voting is the foundation of our democracy, allowing American citizens to have an equal voice in electing our government. Latino and other people of color are fast becoming a majority within the United States, and their political contributions and influence are growing as well. But in 2012, politicians in the aforementioned states are undermining voter participation by Latinos and other communities of color. Through laws targeting naturalized citizens, these politicians are threatening constitutional guarantees of equal protection. By pursuing voter purges and making it more difficult to register and vote, these state officials are impairing American democracy.



Furthermore, while beyond the scope of this report, Spanish-language ballots and Spanish-speaking poll workers are critical to the participation of almost 15 million Latino voters in states and localities covered by the language access provisions of the Voting Rights Act.

The voting rights of millions of Latino citizens are at stake. So too is the fulfillment of the United States’ promise of universal franchise. Election officials should be working to increase voter registration and participation, not implementing voter suppression laws.

Working together, we can ensure that every eligible citizen has a right to vote in elections that are free, fair, and accessible. Advancement Project is working with community partners across the country to challenge barriers, as well as to help local communities register and vote despite them. We believe that Latino and other communities of color fully and equally participating in our democracy advances the most fundamental of American ideals. Please contact us for more information, and join us in the call for a just democracy. ■

This is an excerpt from the Advancement Project’s report. For more information about this issue or for a copy of the report go to <http://www.advancementproject.org/>.

JOIN US!

The Labor & Employment Committee is hosting three guests from its sister organizations, CALL, the Canadian Association of Labour Lawyers, and ALAL, Asociación Latinoamericana de Abogados Laboralistas, at its Convention this year in Pasadena. Sibel Ataogul from CALL and Enrique Larrios from ALAL will be speaking at the panel on **Fighting Guestworker and Undocumented Worker Exploitation in Light of Anti-Immigrant Attacks** on Sunday, October 14th at 10:30 a.m.

You can meet Dr. Larrios and Dr. Francisco Iturraspe, also from ALAL, in person at 5:00 p.m. on Thursday the 11th at a reception we are hosting. Join us at the offices of Rothner, Segall and Greenstone, 510 S. Marengo Ave., just a few blocks from the Hotel; complimentary beverages and finger food will be provided.

Dr. Enrique Larrios is a professor at the Universidad Nacional Autónoma de México School of Law teaching labor law and international law. He chairs the College of Labor Law Teachers and the National Association of Democratic Lawyers (ANAD), directs the Permanent Labor Colloquium, is a judge on the International Tribunal on Freedom of Association, and litigates at Larrios, Alejo and Beltran. He will speak about the response to the worldwide campaign to strip immigrant workers of their rights.

Dr. Iturraspe is a professor at the Universidad Central de Venezuela and also represents Venezuelan labor unions. He is author of over twenty books and is Coordinator of Institutional and International Relations for the Venezuelan Labour Lawyers Association (AVAL, Asociación Venezolano de Abogados Laboralistas) and founder and officer of ALAL. He will speak about the attack on the right to strike and ALAL's promotion of a worldwide network to address the critical issues of job security, union freedom, and globalization.

Admission is free—and please RSVP to Henry Willis at hmw@ssdslaw.com if you plan to attend. ■

Fighting Wage Theft

BY DANIEL GROSS

Beverage Plus, a Queens-based beverage distributor, had been cheating its workers for years, denying them overtime and making unlawful deductions from their pay. Like most workers in NYC's industrial food industry, these workers are overwhelmingly immigrant workers of color, who are segregated in the hardest and most dangerous jobs.

The Beverage Plus workers did something about this, recovering more than \$950,000 in unpaid wages in a federal lawsuit in which they were represented by the law firm Vladeck, Waldman, Elias & Engelhard, P.C and Brandworkers, a non-profit organization advancing the rights of low-wage retail and food employees.

These workers are also members of Focus on the Food Chain, a coalition of Brandworkers and the NYC Industrial Workers of the World that promotes good jobs and a sustainable food system in New York City's growing food processing and distribution sector. Focus members have won high-profile victories through worker-led grassroots advocacy and legal action at a diverse array of food processing and distribution businesses, most recently at a Brooklyn hummus producer where workers recovered over half a million dollars in unpaid wages and made extensive improvements to working conditions.

We will be dealing with the issue of wage theft in greater depth at the Guild's 75th Convention this October in Pasadena—join us on Friday, October 12th at 10:00 a.m. for a discussion of how to best defend and expand the rights of the most exploited workers. ■



Labor & Employment Committee

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