

By Christine Van Dusen
Illustration by Jacqui Oakley

Peonage in New Orleans



Sabulal Vijayan wishes he could have turned down the promise of a better life: a job in America, a permanent residency green card, and a way out of pipe-fitting for a pittance in the sweltering heat of the United Arab Emirates.

But the pull of the recruiter's promise was too strong. So, Vijayan sold the only valuables he had—his wife's gold bangles and chains from their wedding—to generate the \$3,000 needed for a first payment. This, he was told, would gain him passage to New Orleans for a pipe-fitting job with Signal International, a firm based in Pascagoula, Mississippi. For additional fees, he could bring his wife, son, and daughter to the United States in due time. This appealed to him because his wife and two children had to live without him in India for months, even years, while he worked in the United Arab Emirates.

But Vijayan, forty-one, says he encountered a very different reality in New Orleans. There was no green card. The job was temporary. The fees, and his debts, mounted. He lived in a Pascagoula labor camp, where men slept twenty-four to a room so tightly packed that it was difficult to move between the bunks. There was

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no privacy, he says. The housing complex had a single, guarded entrance. The workers were subject to surprise searches of their belongings. Complaints were met with threats of violence and deportation.

Vijayan eventually found himself in a bunkhouse bathroom with a razor blade, as his pursuers, Signal's armed security team, banged on the door, anxious to take him to the airport and send him back to India.

"I could not go back home. With empty hands, I couldn't go back," Vijayan says. "I decided it was better to kill myself than go back."

Vijayan says he was being deported for complaining about working conditions.

Vijayan and nearly 500 other Indian men believe they were cheated of their life savings and forced into peonage. They detail their allegations in a class-action lawsuit filed in March in federal court against Signal, U.S.-based recruiter Global Resources, immigration attorney Malvern Burnett, and recruiters in India. (An attorney for Michael Pol of Global Resources has said his client did not mislead anyone. The Indian recruiters could not be reached. Burnett declined to comment for this story, and his attorney has said he will not comment either.)

The charges include violation of the Trafficking Victims Protection Act of 2003, the Racketeer Influenced and Corrupt Organizations Act, the Civil Rights Act of 1866, and the Ku Klux Klan Act of 1871. Other claims include breach of contract, assault, battery, and intentional infliction of emotional distress.

"The situation was bad," says Vijayan, now recovered from his suicide attempt. "We came here with a lot of dreams but stepped into a nightmare."

The lawsuit serves to illuminate what has grown to become a large, burning issue, one too hot for many politicians and agencies to touch: the

efficacy, regulation, and abuse of the H-2B guestworker program.

The program requires a great deal of paperwork from employers to prove that an effort was made to find local workers and that the effort failed. The task of finding guestworkers is often left to recruiters in the workers' home countries.

These recruiters become power-brokers, making grand promises of

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U.S. residency to undereducated and desperate people—and sometimes siphoning off the workers' life savings in return.

Signal blames the recruiters. The multimillion-dollar oil rig construction and repair company—which says this was its first time using H-2B and admits no "major or active" wrongdoing—filed cross-claims in May against the other defendants for charging excessive fees and making false promises. Signal hopes to "vindicate its reputation and to obtain damages to compensate it for the harm resulting from the exploitation of Signal at the hands of the other defendants," according to the claim.

Recruiters should be required "to be certified or licensed to prevent temporary workers and their U.S. employers from being misled," said Richard Marler, Signal's president and chief executive officer, in a March

statement. "Both Signal and our employees were misled. We are going to stand by our workers and do what we can to help them get justice. The recruiters' abuses cannot be tolerated."

On this last statement the plaintiffs and Signal see eye to eye. But that's where the concurrence ends.

From November 2006 to January 2007, the plaintiffs traveled from Mumbai to Signal's operations in the United States, with 300 workers taken to Pascagoula and about 200 to Orange, Texas, according to the lawsuit.

Upon their arrivals, they discovered overcrowded labor camps with "insufficient toileting and bathing facilities."

Signal's view of the property is far different. The housing complex provided—and continues to provide—H-2B workers with "a safe and comfortable place to live," designed by GE Modular, and now featured in that company's catalog, says Erin Casey Hangartner, an attorney representing Signal.

"There was no housing along the Gulf Coast at that time due to the ravaging effects of Katrina. Signal brought in an Indian caterer . . . and set up two lounges, one with North Indian satellite and one with South Indian satellite," Hangartner said. The company also provided shuttle service around Pascagoula, Wi-Fi Internet access and laundry service, she says.

The workers tell a different story in their lawsuit.

When the plaintiffs complained about the housing, they were "regularly threatened" by representatives of Signal and the recruiters and told that if they did not continue working for Signal they would be deported to India. They feared violent retaliation, according to the lawsuit. So the men "began meeting collectively to discuss how to persuade Signal to improve conditions in its labor camps."

Vijayan says they were treated like slaves. CEO Marler says that "anyone who uses the word 'slave conditions'

has little respect for the truth or the use of that phrase.”

Things came to a head in the early morning of March 9, the suit says. The gate at the Pascagoula compound was locked down, obstructing the sole entry and exit. Security guards swept the bunkhouses in search of particular workers, including Vijayan.

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The workers “became increasingly frightened and confused by these activities,” the lawsuit says.

Vijayan was on his way to the dining area to get his breakfast when, he says, two Signal personnel stopped him, accosted him, and announced he was in their custody.

“The armed security guard told me they were going to send me back” to India, Vijayan says. “I could not go back home.”

Signal, in its cross-claim, asserts that the security men were not armed.

Vijayan fled, rushing into a bathroom and blocking the door while he slit his wrist. Signal says the man told the security personnel he was going to wash his hands.

Meanwhile, a group of workers “attempted to enter the lounge by force, which resulted in minor damage to the housing area,” Hangartner says. “Our on-site security called the police for the protection of the workers as well as security personnel. No arrests were made.”

Vijayan was bleeding heavily and taken to the hospital. Shortly after, according to the lawsuit, Signal held a camp-wide meeting.

“Signal personnel told the workers that Signal would sponsor their green cards if they stayed at Signal and obeyed Signal’s rules,” the suit says. Recruiter Sachin Dewan and attorney Burnett also came to the camp and promised again that they would make “bona fide applications for green cards and obtain several H-2B visa extensions,” according to the lawsuit.

Signal, in its cross-claim, asserts that during the meeting the company said it would, “to the degree that it lawfully could, seek to help remaining workers who had been likewise promised green cards. This, however, was provided the said workers fulfilled their obligations to Signal under their H-2B visas. Signal did not threaten to terminate workers who held any meetings against Signal’s ‘interest.’”

Signal’s mistake was in putting “trust in the wrong people,” Marler

said in his March statement. “I was outraged to learn how the workers were misled before joining Signal.”

“Signal bears the ultimate hierarchical responsibility and could have controlled what was going on,” says Kristi Graunke, an attorney with the Southern Poverty Law Center, which helped file the lawsuit in the Eastern District of Louisiana.

The company has suspended its use of the H-2B program, though more than 100 guestworkers remain in Signal’s employ at the Pascagoula facility.

For that reason, Vijayan and his compatriots believe it’s important to keep fighting. In May and June, they staged a series of hunger strikes on embassy row in Washington, D.C., to draw attention to problems in the H-2B program and to encourage the Department of Justice to investigate. A number of U.S. Congressmen showed their support, including Dennis Kucinich. An Indian member of parliament, S. K. Kharventhan, flew in from India to express his solidarity.

“After twenty-nine days, we are suspending a hunger strike that has brought us more power than any group of H2-B guestworkers in the United States has ever had,” Vijayan said on June 12. “We have the confidence to suspend our hunger strike today because we have faith in these allies.”

Meanwhile, according to Signal attorney Hangartner, eight Indian H-2B workers have been hired back. “They have employment cards and are in-status,” she says. “Additionally, there are over twelve who are now in the interview process and want to come back to Signal.”

Vijayan, for his part, doesn’t want to go back. He’s living in Louisiana on a T visa, which is used by immigrants who say they are the victims of human trafficking. And he plans to continue trying to bring further attention to the workers’ plight, he says, “until the traffickers are brought to justice.”◆