

Another view: Pineros left without legal help

By D. Michael Dale -- Special To The Bee

Published 2:15 am PST Tuesday, January 3, 2006
Story appeared in Editorials section, Page B7

Congratulation to The Bee on the "Pineros" series outlining abuse of migrant reforestation workers, many legally brought into the United States under the H-2B temporary worker program. The reaction of responsible federal agencies to the exploitative conditions you exposed sounds encouraging. However, we've heard all this before. When the hubbub dies, old practices predictably return.

The abuse of Pineros occurs because they are vulnerable. History has shown that government will not protect them, and they don't have an effective private remedy. Don't misunderstand me. There are good laws on the books that do provide powerful remedies. But to right the wrongs employers inflict, a worker must know his rights and have means to enforce them. Pineros are isolated in the mountains, with few resources, and in a foreign land where their language is not commonly spoken. Without help, they simply can't go to court to enforce the right to decent treatment that U.S. law guarantees.

Most low-income workers in the United States who are badly treated can seek help from a legal services program funded by the federal Legal Services Corporation (LSC). But H-2B workers - brought here by the U.S. government to work on jobs vital to our economy under prevailing conditions guaranteed by federal law - are not eligible for legal help. If the local legal services program gets a nickel from LSC, it can't represent these Pineros, even using other, nonfederal funds. Bee readers could not donate money to the program to allow this. By the way, H-2B workers pay the same federal income tax that subsidizes the legal representation these workers are denied.

A few workers find help from other lawyers, but across the South and the mountain West - where most H-2B's work - few legal resources can address these needs. If there is to be any enduring justice for the Pineros, this bar to access to the justice system must be removed.

There are a variety of proposals before Congress to create large new programs to import temporary workers to do work that employers say they can't find U.S. workers to do. Almost all of these proposals do not permit representation of the temporary workers by LSC-funded legal services programs.

We must address the current, broken immigration system. But we ought not do so in a way that creates hundreds of thousands of exploitable, vulnerable temporary workers who can't find a lawyer to enforce their rights.

About the writer: D. Michael Dale is the executive director of the Northwest Workers' Justice Project in Portland, Ore. A former legal services program lawyer, Dale has represented forestry workers since 1977. He has litigated and won significant cases involving minimum wage law, immigration rights and workers' compensation. He is referring to The Bee's series "The Pineros - Men of the Pines," which appeared Nov. 13-15.