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Join us in celebrating 41 years of justice in the fields

- 🕒 **JUNE 23,**
Los Angeles
Tardeada
*at the home of
Tomas Olmos and
Dolores Leal*
- 🕒 **OCTOBER 14,**
San Francisco
Tardeada
*at the Presidio,
Golden Gate Park*
- 🕒 **NOVEMBER 2,**
San Diego
Tardeada
*at the Museum of
Natural History,
Balboa Park*

CRLA 41ST ANNIVERSARY



California Rural Legal Assistance, Inc.
631 Howard Street, Suite 300
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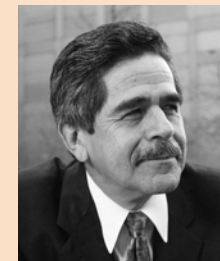
Photos by David Bacon



SPRING 2007

CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

MONTH-TO-MONTH FUNDING AND D.C. LITIGATION The Latest Federal Attacks Against CRLA



Part of the on-going Legal Service Corporation (LSC) Inspector General investigation initiated by Congressman Devin Nunes and the Dairy Industry is now pending in the United States District Court for the District of Columbia. This is the third investigation in recent years instigated by dairy farmers, some of whom are the target of claims successfully filed by CRLA for unpaid wages and unlawful working conditions. CRLA invited the Office of the Inspector General (OIG) to seek a subpoena after the OIG unsuccessfully tried to pressure the LSC to suspend CRLA funding over this issue. CRLA receives nearly \$7 million from LSC funding.

In March 2006, the dispute began when the OIG sought production of confidential personal information concerning some 39,000 indigent clients for whom CRLA opened files during a 33-month period. CRLA objected that this information is protected as confidential under federal and state law. The American Bar Association issued a letter last year supporting CRLA's position.

CRLA refuses the demand because the risk of divulging client identities and data to the public will not only discourage future clients from seeking assistance, but will jeopardize the security of thousands of current or recent clients. CRLA's rural poor clients seek legal help on highly sensitive and confidential issues such as domestic violence, landlord abuse and failure of their employers to pay farm workers for hours of arduous work. These clients are fearful of retaliation if adversaries know their identities when they seek legal advice.

Throughout, the OIG has refused to articulate any rational need for the information or discuss any way to acquire it more efficiently. When asked the purpose of the massive inquiry, OIG refuses to provide any rationale other than saying they have the power to obtain the information and have no need to state any reason. Nor has OIG been willing to enter into any binding agreement that sensitive client information sent to it will remain confidential and not be passed on to others. The OIG has also stated that more information is needed to find out if CRLA "disproportionately focuses its resources on farm worker and Latino work," matters which are neither regulated nor prohibited.

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CRLA Client Gives Back

Mr. Adrian Juarez is a shining example of a generous CRLA donor, but yet he arrived at CRLA's Oxnard Office as a client in need of legal assistance. Mr. Juarez was fired from his position as a mechanic at a landscaping and irrigation company because he asked for a raise. Not only did Adrian unfairly lose his job after this mere inquiry, but he also lost \$300.00 of wages for hours he had already worked.

CRLA filed his case with the Labor Commission for the \$300.00 unpaid wages and seeking penalties under Labor Code 226.7 (which prohibits employers from requiring employees to work during meal periods) and Code 203 (which prohibits an employer from intentionally withholding wages from an employee when those wages are due). The Labor Commission Office granted CRLA a favorable decision and Mr. Juarez's employer not only sent a check for \$300.00 but he was also forced to pay penalties under LC 226.7 & LC 203 for a total of \$6,657.42.

Mr. Juarez later returned to CRLA's Oxnard office and presented one of CRLA's community workers with a check for \$1,000.00 and said "You have showed me that there are always doors that can be opened. I couldn't leave without showing you my gratitude with this small donation." It is a rare and special moment for CRLA when we receive this great generosity from one of our own low-income clients like Adrian. CRLA would like to thank Mr. Juarez for his charitable effort to ensure that other individuals like him can have the same opportunity to defend themselves against inequity.

CRLA IS LAUNCHING A NEW WEBSITE

We are very pleased to report that we will be launching our new website this Spring!

Please visit www.crla.org and learn about the services and resources that we offer and how you can get involved to help California's rural poor.



FELLOWSHIP FUNDED

Proyecto Poderoso

CRLA has recently documented an alarming trend in workplace harassment against the Lesbian Gay Bisexual or Transgendered (LGBT) farm worker community in rural California for reasons of sexual discrimination and gender identity. Lisa Cisneros, a Salinas native and 3rd year law student at Boalt, has been funded to work on this issue in the CRLA Salinas office starting this September. She will be working on "Proyecto Poderoso", a project that aims to defend the marginalized LGBT farm worker community and prevent workplace harassment.



Lisa Cisneros, Proyecto Poderoso fellow.

This is a collaborative project between CRLA and the National Center for Lesbian Rights in San Francisco. This innovative partnership will leverage the NCLR's expertise in LGBT-related law and our organizational reach and experience in rural communities to provide education and training to CRLA staff on sexual orientation discrimination issues, rights and remedies as well as provide outreach, education and advocacy to the farm worker community on these issues.

Delano Workers Awarded over \$125,000 in Unpaid Wages

In March 2007, California Rural Legal Assistance, Inc. settled a case on behalf of twelve farm workers who were deprived of their hard-earned wages for months.

The farm workers were employed by a multinational corporation to harvest and maintain almond and walnut orchards in the Southern Central Valley. Initially after hiring the farm workers, the grower paid them weekly. Within several weeks, however, the grower started delaying payments for two weeks, then one month, then two months, and, ultimately three months.

Despite the delay in receiving their pay, the farm workers toiled on throughout the harvest, sometimes seventy hours per week, relying on assurances that they would be paid all the money that was owed to them on Thanksgiving. Yet Thanksgiving came and went and the workers had not received any money for nearly 900 hours of labor.

Soon after Thanksgiving, the laborers contacted CRLA to represent them in the matter. The grower ignored CRLA's request to obtain the clients' records and attempts at reconciling the matter without litigation.

CRLA filed a civil action against the grower and settled the case for over \$125,000 exactly one year after the case was filed. Most of the workers stand to receive in excess of twice the wages that were owed to them!

Living Under the Trees

David Bacon is a renowned photographer of immigrant and farm worker communities in California. His recent project in collaboration with CRLA is titled "Living Under the Trees" and is a combination of photography and oral histories that document indigenous farm worker communities in rural California, and those scattered on the edges of cities from San Diego to Santa Rosa.

This project explores the difficult working conditions in the fields, the acute housing crisis in indigenous communities, and efforts to preserve and develop indigenous culture as a means of survival and self-expression.

The upcoming exhibition schedule is as follows:

- UCLA DOWNTOWN LABOR CENTER
Los Angeles, March 21 to May 21, 2007
- ARTE AMERICAS
Frenso, July 17 to August 23, 2007
- UC MERCED
Merced, September 1 to October 22, 2007
- GALERIA DE LA RAZA
San Francisco, December 8 to February 10, 2008
- MESA COLLEGE
San Diego, March 15 to April 15, 2008

Please visit Mr. Bacon's website at dbacon.igc.org for more details.



THANK YOU FOR YOUR SUPPORT!

California Rural Legal Assistance would like to thank the following individuals, foundations, companies, and firms for being one of our top 25 donors of 2006. Thousands of rural poor Californians were given a chance to achieve justice thanks to your generous support!



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The Latest Federal Attacks Against CRLA

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The on-going investigation, now in its second year, has also resulted in the Legal Services corporation placing CRLA on month-to-month funding for FY2007, requiring that CRLA comply with five Special Grant Conditions that have added new record-keeping and reporting burdens on virtually all staff throughout the state. Executive Director Jose Padilla commented: "Just because government has a big stick, it shouldn't use it indiscriminately to pound on the rights of the poor. Against the unprotected, 'bully-government' should be limited by the courts. The OIG has no concept of daily poverty and the fears attendant to it. He believes rules are more important than client rights, Federal authority more important than providing efficient legal services. Such politically-motivated and costly audits- costly in staff time and lost services- should also be investigated by an independent source. Who checks on the Federal police?"

IMMIGRATION DEBATE

AgJOBS Update

In the middle of the national debate on immigration, a bill has been introduced in Congress to legalize hundreds of thousands of farm workers in California and nationwide. The Agricultural Job Opportunities, Benefits, and Security Act or AgJOBS is a bill that farm worker advocates and growers have been working on together that would allow farm workers to legalize their status by first obtaining temporary residence (a Blue Card), and later qualifying for regular lawful permanent residence (a Green Card) if they perform a specific amount of agricultural work after the law is passed.

What will undocumented farm workers have to do to obtain legal status?

Step 1: The Blue Card—Temporary Residency

To obtain the temporary residency or blue card, undocumented workers must have worked at least 150 days or 863 hours in agriculture during 24-month period. Also, workers must meet certain general immigration requirements related to criminal convictions, and other immigration regulations, as well as pay an application fee and a \$100 fine.

Step 2: The Green Card—Permanent Residency

Within 7 years of when the law is enacted, and once a Blue card has been granted, workers can apply for lawful permanent residence (a green card) if they can prove the following:

- Worked in agriculture for 100 days per year or 575 hours per year for each of five years during the first five years of the law.

OR

- Worked in agriculture 150 days per year or 863 hours per year for each of 3 years during the first five years of the law.

AND

- Pay a \$400 fine; and Show payment of income taxes or any agreement with the government to pay the taxes owed.

Although AgJOBS was introduced as a stand alone bill, many think it will be incorporated into a broader comprehensive immigration reform package. Experts believe any comprehensive immigration reform will need to be acted on by Congress no later than the fall of 2007. Otherwise, immigration reform may risk being sidelined by the 2008 presidential campaigns.

Photo by David Bacon

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 - Fight sexual harassment in the agricultural industry
 - Advocate for immigrant civil rights
 - Enforce the right of all children in California to a quality education
 - Guarantee workers receive their wages for an honest day's work
 - Promote health access and health care for low-income children and their parents

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