

American Samoa: factory owner jailed for 40 years over “human trafficking”

By John Braddock
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In a case of what amounts to modern day slavery, a US federal judge in Hawaii late last month sentenced Kil Soo Lee, the former owner of a garment factory in American Samoa, to 40 years jail. The court also ordered the South Korean businessman to pay \$US1.8 million in restitution to about 300 immigrant workers, who were lured to the South Pacific islands with the promise of three years’ employment and wages of \$US400 per month.

Originally charged in 2001, Lee was convicted in February 2003 of a number of federal criminal violations, including involuntary servitude, extortion and money laundering. He owned the Daewoosa garment factory, which operated in the US territory from 1998 to 2001 using immigrant workers recruited from China and Vietnam and forced to labour in atrocious conditions.

The workers had paid fees ranging between \$5,000 and \$8,000 to secure employment at the Daewoosa factory. Lee controlled all aspects of their daily life, including how much they ate. He punished them when they complained about working conditions and threatened them with arrest, beatings and deportation if they did not follow orders. In 2002, two of Lee’s immediate accomplices, a manager and a garment worker, pleaded guilty to trafficking charges and, in 2004, were sentenced to 70 and 51 months jail respectively.

After Lee was sentenced last month, the US Justice Department issued a statement boasting of its largest-ever human trafficking prosecution. Since January 2001, the department has opened some 400 investigations and prosecuted 215 traffickers—triple the number prosecuted over the prior four-year period. Justice Department official Bradley Schlozman said the sentencing would “send a clear message to those who would attempt to profit at the expense of another’s freedom.”

Attorney General Alberto Gonzales seized the opportunity to try to claim the moral high ground. “Human trafficking is a moral evil that is nothing less than modern-day slavery,” he declared, vowing to “continue to pursue and prosecute all those who attempt to profit from human suffering.”

Gonzales, who was legal adviser to President Bush during his first term of office, is notorious for justifying the incarceration without trial of hundreds of so-called enemy combatants at Guantánamo Bay and the torture of US prisoners in Afghanistan and Iraq.

The US media has been similarly self-congratulatory. The *Honolulu Star-Bulletin* claimed that the judgement would give this year’s July 4 celebrations “special meaning” for victims now living in Hawaii. Some 200 of the former Daewoosa workers remain in the US under special visas. They are, it is claimed, “doing really well” (that is, in low paid jobs such as factory work, waitressing, and the fast food and beautician industries) and can offer their children “freedom and happiness”, assuming that they are finally granted permanent residency.

The prosecution of this particularly horrendous case will not, however, change the conditions that produced it. There is a constant stream of people seeking to escape the appalling social conditions in countries like China and Vietnam created by the predatory operations of US and global capital. Lee is one of the few cases of an employer who has been prosecuted for “human trafficking”. The usual targets of Washington’s campaigns are tens of thousands of so-called illegal immigrants, who are routinely vilified, persecuted, arrested and deported, with the full backing of the US legal system.

Whether the sweatshop conditions happen to be in American Samoa, Vietnam, China, Mexico or the US itself, no one holds to account the major US corporations that are the principal beneficiaries. In the wake of the Lee case, there has been no media criticism of the American companies that bought cheap goods from Daewoosa. Workers endured physical abuse, threats, lack of food and pay, confinement, sexual harassment and unsanitary dormitory conditions while making sports clothing, jackets, swimsuits and other items for such well-known retail chains as Target and J.C. Penney.

These companies claim to have severed their ties with a New York manufacturer and vendor who had contracted

Daewoosa to make the clothing. However, while it suited, US firms had shipped their own materials directly to the factory in American Samoa and turned a blind eye to the appalling conditions there. Neither the companies nor the go-between has been subject to any legal action and can move their operations to other agents and sources of cheap, exploited labour, leaving Lee as the convenient scapegoat.

Lee's company was set up in American Samoa in 1998 with the support of the US territory's lieutenant governor. Conditions at the factory first became known to labour advocacy groups in March 1999 after two of the garment workers, who spoke English, scaled the factory compound's fence looking for help. The two were also prominent in efforts to contact lawyers in 2000 over a civil suit for back pay. They later disappeared. Although their bodies were never found, American Samoan police have classified their disappearance as drowning accidents—a matter still disputed by workers.

Factory guards were armed with plastic pipes and the compound was surrounded with razor wire. One woman testified during a congressional hearing that Lee would grope female workers and force them to have sex with him. At times, the workers did 18-hour days, but the pay was only sporadic. Lee threatened workers with penalties if they did not work hard enough. If the workers broke their contracts, or if they were deported or wanted to leave voluntarily, they were penalised by as much as \$5,000. In November 2000, during a confrontation at the factory, guards and workers clashed. A female seamstress lost her eye and a male worker had his eardrum shattered.

Lee charged the workers \$200 per month for lodging and food. In Vietnam, they had been told both would be provided free. Workers were ill-fed and malnourished, to the extent that some seamstresses stopped having menstrual cycles. In some cases, “troublemakers” were not allowed to eat. One Labor Department official described the workers as “walking skeletons”. Another federal inspector told the women he'd seen better conditions in camps for war refugees—the average weight of workers when they left the factory was 76 pounds (34.5 kilograms). Some dormitories lacked running water and reeked of human waste and body odour. A curfew was enforced and often when workers were returning to their lodgings after a shift, guards searched their bags or slapped them for being late.

The first official intervention only came in May 1999, when the Department of Labor started ordering Lee to pay back wages to his employees and levied fines. Occupational Safety and Health officials conducted at least three investigations in 1999, 2000 and 2001 and cited numerous violations including for “substandard housing and diet,” sanitation, safety, workplace violence and overcrowding.

In October 2000, the Trafficking Victims Protection Act became law giving the Justice Department the authority to specifically go after human traffickers. But it was only after the case was publicised by lawyers, Vietnamese community activists in the US, and various human rights groups, that the FBI began to investigate in February 2001. By then, the factory was already in terminal decline. Lee was not finally convicted until two years later with the victims still owed millions of dollars.

According to the *Seattle Post*, which ran a special investigation on the case in 2003, some of the ex-Daewoosa employees resident in the city remain concerned about the 90 workers who were sent back to Vietnam. Many have lost their homes to loan sharks who lent them money at high interest rates to go abroad and are still being harassed for money owed. Most, including those who now live in the US, have not received back pay and damages. A court on American Samoa has ruled that Lee, who is now claiming bankruptcy, owes them some \$3.5 million.

The *Seattle Post* has focussed attention on Vietnam's “communist” leaders and the operation of state-owned labour export companies that organised the Vietnamese workers at Daewoosa. A US-based Vietnamese social service agency is pushing for the government to pay restitution. A spokesman called on “US lawmakers and businesspeople” to block Vietnam's attempts to join the WTO until it does so.

The Stalinist regime, which is opening up Vietnam to global capital, should be held accountable for “human trafficking”, along with its other crimes. But attention should not be deflected from some of the chief culprits—the very US lawmakers and businesspeople and their free market policies that have created such a social disaster for workers in Asia, the Pacific Islands and in the US itself.

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