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Latino Migrant Labor Strife and Solidarity in Post-Katrina New Orleans, 2005-2007

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Latino Migrant Labor Strife and Solidarity
in Post-Katrina New Orleans, 2005-2007

A Thesis

Submitted to the Graduate Faculty of the
University of New Orleans
in partial fulfillment of the
requirements for the degree of

Master of Arts
in
History

by

Leo Braselton Gorman

B.A. Tulane University, 2000
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Dedication

I would like to dedicate this thesis to all of the workers who have and continue to rebuild New Orleans. We are all indebted to your labor and struggle.

Acknowledgement

This project would not have been possible without the help and support of a number of people. I would like to thank Denis Soriano for sharing his story of work and struggle. Thank you to the staff of the Worker Center for Racial Justice and members of the Day Laborer Congress and Guestworker Alliance for Justice for allowing me to learn more about their work as organizers. Thank you to the members of my masters thesis committee: Profs. Madeline Powers, Michael Mizell-Nelson, Marc Rosenblum and Steve Strifler. Your feedback and insight were invaluable. Amy Bellone Hite and Ted Henken also deserve thanks for their helpful comments. Thank you to Sherrie Sanders, who always offered encouragement and administrative help. Thanks to Prof. Molly Mitchell, who provided excellent advice for selecting coursework that would support my thesis research. And finally, thank you to Nikki, Yalla and Molly who routinely inspired me to press on.

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Abstract

In the aftermath of Hurricane Katrina, lapses in federal policy-making and a lack of state level enforcement paved the way for employer exploitation of predominantly Latino migrant workers, transforming working-class Latino newcomers into the newest class of storm victims in post-Katrina New Orleans. In essence, a “rebuild above all else” recovery scenario took hold between 2005-2007 in which immediate reconstruction of the city took priority over the participation of local, African-American workers and the protection of immigrant worker rights. Despite their disadvantaged position, however, migrant workers did not remain passive victims to injustice but actively organized against employer abuse and intimidation by law enforcement and immigration officials. Latino worker activists and their allies sternly rejected the “rebuild above all else” recovery model championed by local, state and federal government policies and sought to carve out an alternative rebuilding model that respected immigrant labor rights.

Keywords: Latino, Hispanic, worker, migration, immigration, labor rights, Katrina, New Orleans, labor organizing, day labor

“Standing on the corner, one becomes a day laborer, a victim of many abuses. Police harassment, immigration raids, contractors not paying you and even threatening you with weapons. These abuses make you a victim but at the same time give you courage to change the situation”

-- Denis Soriano, New Orleans day laborer and organizer¹

Introduction

On August 29, 2005, Hurricane Katrina, a storm considered one of the worst natural disasters in United States history, struck the Louisiana and Mississippi Gulf Coast. Over the following months, Denis Soriano, like thousands of other Latino migrant workers, traveled to the devastated city of New Orleans, Louisiana, to find work in the rebuilding effort as demand for labor spiked. “At first we were getting paid well. We made in a week demolishing and gutting buildings what we had been making in a month in Tennessee. We said, ‘How cool,’” Soriano, a Honduran immigrant, reflected. “But it was hard work, without any kind of safety protections. So a lot of our friends got sick with the flu and developed allergies. After working for a contractor for twenty-two days, the contractor fired us, still owing us \$3,000. He never paid us a penny,” lamented Soriano.² This story, similar to those of many Latino migrant workers in New Orleans after the hurricane, reveals both the opportunity and hardship that migrants encountered upon arrival. As Soriano quickly realized, in post-Katrina New Orleans migrant labor abuses prevailed in the reconstruction economy.

What economic, social and political factors facilitated Latino worker migration to hurricane-ravaged New Orleans? Under what circumstances did migrant workers become both victims and resisters of workplace abuses in the post-Katrina landscape from 2005-2007? What do transnational stories of Latino migrant workers reveal about the confluences of displacement, disaster recovery, immigration and labor organizing in New Orleans? How can the perspectives of Latino immigrant workers, displaced New Orleanians, contractors, elected officials, and government agency representatives – all stakeholders in the rebuilding of New Orleans – add to our understanding of Katrina’s impact on the city?

This paper seeks to chronicle post-Katrina immigrant labor experiences and situate them within a larger context of Latino migration, disaster recovery and immigrant activism in the New South. It builds upon previous scholarship about Hispanic migration and worker activism in other areas of the American South during the late twentieth and early twenty-first centuries. Through the lens of migration, political economy, race and labor organizing, this research attempts to deepen our understanding of the social and political history of the most destructive disaster in American history.

Drawing on federal government records, newspaper articles, legal cases, organizational reports, and oral history testimonies from workers, this paper chronicles Latino migrant worker experiences in New Orleans after Hurricane Katrina from 2005 to 2007. First, I highlight demographic changes that occurred by comparing the New Orleans area Latino community before and after the storm. Next, I turn to federal labor, immigration and workplace safety policy changes that influenced worker migration and the political economy of rebuilding New Orleans. The story of Denis Soriano, a Honduran immigrant, illustrates the push and pull factors that shaped many immigrant workers' experiences. I then focus on the roles that race, class and perceptions of job competition played in shaping the debate on Latino worker migration to New Orleans. I provide evidence for workplace abuses and conclude with an examination of civil society organizing responses to employer abuse and federal immigration enforcement. Though worker resistance took on a variety of forms in the hurricane's aftermath, I focus on the efforts of day laborers to garner fair wages, combat rights violations and build inter-racial alliances with local organizations.

Based on this research, I argue that lapses in federal policy-making and a lack of state level enforcement paved the way for employer exploitation of predominantly Latino migrant workers, transforming working-class Latino newcomers into the newest class of storm victims in post-Katrina New Orleans. In essence, a "rebuild above all else" recovery scenario took hold between 2005-2007 in which immediate reconstruction of the city took priority over the participation of local, African-American workers and the protection of immigrant worker rights. Despite their disadvantaged position, however, migrant workers did not remain passive victims to injustice but actively organized against employer abuse and intimidation by law enforcement and immigration officials. Latino

worker activists and their allies sternly rejected the “rebuild above all else” recovery model championed by local, state and federal government policies and sought to carve out an alternative rebuilding model that respected immigrant labor rights.

Latino Communities in Pre-Katrina New Orleans

The Hispanic population in the New Orleans metropolitan area before Hurricane Katrina was relatively small and largely comprised of multi-generation Central Americans. While Mexicans comprised the bulk of Latin American immigrants to the U. S. South from 1990-2000, Hondurans represented the largest Latino sub-group in greater New Orleans beginning in the 1970s.³ Well-developed commercial and social ties between New Orleans and Honduras contributed to Honduran migration to New Orleans in the first half of the twentieth century. U.S.-based Standard and United Fruit companies exported much of their Honduran-grown banana crops through the Port of New Orleans from the 1900s until the 1960s, facilitating the employment and settlement of Hondurans in the New Orleans area.⁴ A combination of political unrest, unemployment and natural disasters during the 1950s prompted thousands of Hondurans to migrate to the city in the following decades.⁵ By 1970, Hondurans constituted the metropolitan area’s largest Hispanic population.⁶ Meanwhile, beginning in the early 1960s, immigrants from other Latin American countries began legally migrating to New Orleans in greater numbers.⁷ Immigrants from Costa Rica, Cuba, the Dominican Republic, Ecuador, Guatemala, Mexico, Nicaragua, and elsewhere in the hemisphere settled in Jefferson and Orleans Parishes where they constructed small, working- and middle-class communities.⁸

Foreign-born Hispanics and their descendents developed well-established communities in New Orleans and surrounding suburbs in the second half of the twentieth century. Beginning in the 1950s, immigrants from Central America and the Caribbean clustered in various neighborhoods around the city, constructing small yet tight-knit social networks.⁹ Many Latino immigrants worked in family-owned businesses while others procured work in a variety of industries including shipping, light manufacturing and the service economy. Mary Karen Bracken suggests that before the 1980s, few Latino civic and political organizations existed, and Hispanic assimilation into American

culture was prevalent.¹⁰ During the 1980s, however, Latino business organizations, churches, civic and political groups, cultural events and ethnic media proliferated. The Latin American Apostolate (later renamed the Hispanic Apostolate), for instance, became an important outreach vehicle for the Catholic Church through its religious ministry and sponsorship of popular cultural events such as the Mensaje Festival. Spanish language radio programs and newspapers gave first- and second-generation Latino New Orleanians more options in entertainment and news. Louisiana's first Hispanic Chamber of Commerce also formed during the decade.¹¹ Many of these organizations, including Hispanic church parishes, community groups, sports teams and small businesses existed in the metropolitan area when Hurricane Katrina hit in the summer of 2005.

Foreign-born Latino migration to Louisiana did not match the high rates of migration to “new gateway” southern states during the fifteen years prior to Katrina. Georgia, Kentucky, Tennessee and North and South Carolina experienced more than a thirty percent increase in their foreign-born populations; Louisiana, on the other hand, saw its immigrant populations grew by only six percent.¹² Not surprisingly, low-wage Latino migration to southern cities since the early 1990s has corresponded to economic growth of metropolitan areas.¹³ Fueled by a booming construction industry, high economic growth from 1990 to 2000 in Mecklenburg County, North Carolina (which includes Charlotte), for instance, was directly linked to the 500 percent increase in the county's Latino population.¹⁴ In contrast, the mainstays of the south Louisiana regional economy – port services, oil and gas, tourism and fishing – failed to spark the high economic and population growth generated by construction, service and technology industries elsewhere in the southern United States during the late twentieth century.¹⁵ As of August 2005, a blend of African Americans, whites and foreign-born (including Latino) residents occupied the low-wage construction jobs in New Orleans that Latino immigrants were disproportionately performing in other southern cities with more dynamic economies. Following Katrina, however, New Orleans would join the ranks of “new gateway” cities in the U.S. South as the immigrant construction worker population ballooned.

Hurricane Katrina's Destruction

In the early morning hours of August 29, 2005, Hurricane Katrina made landfall east of New Orleans.¹⁶ Over the next five hours, the Category 3 hurricane ravaged the metropolitan area's neighborhoods and infrastructure. High winds and torrential rain destroyed roofs and ripped down power lines. Funneled through the Mississippi River Gulf Outlet and New Orleans' drainage canals, a twenty-foot storm surge breached three of the city's levees, flooding eighty percent of Orleans Parish.¹⁷ The floods wiped out entire neighborhoods, while claiming the lives of over one thousand residents.¹⁸ By late morning, Katrina had crept northward, displacing hundreds of thousands of Gulf Coast residents.¹⁹

The hurricane's force, ensuing levee breaches and subsequent flooding transformed New Orleans into a decimated and depopulated city. Thousands of houses, apartments, businesses and government buildings were completely destroyed while thousands more suffered severe damage. Reconstruction of New Orleans required a robust workforce to carry out demolition, gutting, mud and waste removal, roofing, sheet-rock installation and garbage pick-up. But in a matter of days New Orleans' pre-Katrina population of nearly 440,000 people had been whittled down to several thousand.²⁰ Accordingly, the number of workers employed in construction and related industries in Orleans Parish dropped by nearly half (from 40,100 to 22,500) from August to September 2005.²¹ The city's drastically reduced labor supply represented a salient obstacle to immediate reconstruction of the city, provoking the federal government to take action.

Federal Policy Responses

Citing the extraordinarily devastating nature of Katrina and the urgency to bolster rebuilding efforts, the George W. Bush administration made key policy changes immediately following the disaster that reconfigured the post-hurricane landscape of labor and capital. Within days of the flooding, the executive branch temporarily suspended federal labor, immigration and workplace safety laws to expedite the hiring of reconstruction workers and enable contractors to proceed as quickly as possible with recovery. These actions included the suspension of prevailing construction wages, I-9 employment verification requirements, and Occupational Safety and Health Administration (OSHA) regulations. A review of each of these Katrina-tailored policies will demonstrate how their interaction contributed to Latino worker migration to New Orleans and resulted in a rebuilding effort that insufficiently protected worker rights.

President George W. Bush's suspension of prevailing construction wages one week after Katrina devastated the Gulf South ignited a heated debate over how the federal government should facilitate reconstruction of the region. On September 8, 2005, the President suspended by executive order key provisions of the Davis-Bacon Act, a Depression-era labor law that requires federally funded construction or service contractors to pay no less than the prevailing wage rates for private construction workers in a given region of the country. Crafted in 1931, a time when private contractors competed for numerous government public works contracts and wage depression was prevalent, Davis-Bacon was established to ensure that government contract allocation did not undercut workers' wages.²² The Act grants the President the authority to suspend the law during a time of "national emergency," though the term is not specifically defined in the statute.²³ On October 14, 1992, President George H. W. Bush suspended the Act in areas of Florida and Louisiana impacted by Hurricane Andrew, a situation he described as a "national emergency" in which "the wage rates imposed by the Davis-Bacon Act increase the cost to the Federal Government of providing federal assistance to those areas."²⁴

Thirteen years later, the George W. Bush administration would suspend Davis Bacon as well. Supporters of the law's post-Katrina suspension similarly argued that prevailing wage guarantees would only inflate the cost of reconstruction in the Gulf

South and slow down the rebuilding process.²⁵ Charlie Norwood, Republican congressional representative from Georgia, praised President Bush for his “quick action to strip away unnecessary bureaucracy that may hamper our ability to recover.” He continued, “[The country] can’t afford that kind of inefficiency, red tape, and inflated costs when we have an entire region to rebuild, largely at taxpayer expense.”²⁶ Contractor trade groups also backed Davis Bacon’s suspension and resisted its reinstatement. M. Kirk Pickerel, chief executive of Associated Builders and Contractors, remarked that “certain special interests and their allies in Congress are more concerned about reinstating this wasteful and outdated act than they are with fairly and expeditiously reconstructing the devastated areas.”²⁷

In contrast, labor unions and elected officials on both sides of the aisle were outraged at President Bush’s suspension of Davis-Bacon and vigorously pushed for the law’s reinstatement. Every House Democrat and thirty-seven House Republicans went on record to criticize the suspension.²⁸ With the law’s temporary repeal and the absence of a Louisiana state minimum wage law, contractors and subcontractors hired by the federal government were free to cut construction workers’ pay to the federal minimum wage, a scant \$5.15 per hour. This was four dollars per hour lower than the already low prevailing wage levels in the hurricane-affected Gulf States prior to Katrina.²⁹ Before the disaster, prevailing wage rates for construction workers in Louisiana, for instance, were the fifteenth lowest in the country; a prevailing wage for a carpenter in New Orleans was roughly \$12 per hour in August 2005, eight dollars lower than the national average.³⁰ Though most construction workers in the region seem to have earned more than the minimum wage in the nearly two months the Act was overturned, Davis-Bacon’s suspension succeeded in reducing otherwise higher wages amidst a heightened labor demand. Union leaders expressed these concerns in a letter to Congress, stating that the people of the Gulf South “have gone through so much and now the administration wants them to sacrifice decent pay.” “We don’t hear contractors being asked to work for a reduced profit,” they complained.³¹

Reinstatement proponents also argued that suspension of prevailing wages funneled rebuilding jobs to low-wage migrant workers rather than displaced residents, with contractors reaping windfall profits. The Democratic Policy Committee, chaired by

Democratic Senator Byron Dorgan of North Dakota, protested that Davis-Bacon's suspension "created a bonanza for contractors paying cut-rate wages and providing inadequate benefits." "The results have been predictable," it said. "Instead of providing jobs to displaced local workers, contractors have hired out-of-state migrant workers willing to accept minimal compensation," the committee protested.³² In support of his October 7 reinstatement proposal, Ohio Republican congressman Steven LaTourette expressed similar concern, suggesting that "There are thousands of skilled Gulf Coast workers who should be working to rebuild their communities. Companies are passing them by and hiring cheap unskilled illegal workers to beef up their bottom line," he decried.³³ Louisiana Democratic Senator Mary Landreiu concurred with LaTourette in an October 18 letter to Secretary of the Department of Homeland Security (DHS), Michael Chertoff, in which she portrayed migrant workers as job-stealers, calling for stepped-up immigration enforcement in the region. She argued, "While my state experiences unemployment rates not seen since the Great Depression, it is unconscionable that illegal workers would be brought into Louisiana aggravating our employment crisis and depressing earning for our workers."³⁴ Critics of the Bush administration's handling of the recovery effort, then, blamed both Davis-Bacon's suspension and immigrant workers for channeling jobs away from displaced Gulf workers, a tension that would definitively shape work and labor organizing in post-Katrina New Orleans.

Growing bi-partisan pressure for Davis-Bacon's renewal eventually proved effective. By late October, White House Chief of Staff Andrew Card had conceded to Democrat and Republican representatives that "there appeared to be no savings garnered from suspending the Davis-Bacon Act."³⁵ President Bush reinstated Davis-Bacon on November 3, 2005.³⁶ Its restoration, however, was not retroactive, applying only to contracts "for which bids are opened or negotiations concluded on or after November 8, 2005."³⁷ Given that the bulk of federal reconstruction contracts had been signed during the two months the law had been suspended, most government contractors were not obligated to pay prevailing wages on Katrina-related contracts.

The Davis-Bacon Act's suspension was significant for several reasons. It created the conditions in which wages were held down in the immediate aftermath of Katrina, the period in which most rebuilding contracts were awarded and workers hired.

Reconstruction employment opportunities, as a partial consequence of this, largely went to low-wage migrant workers, who were more likely to work for lower pay than local, native-born workers accustomed to earning higher prevailing wages. The Democratic Policy Committee and other critics argued that the law's suspension pushed wages below a living wage in New Orleans, creating disincentives for displaced residents to return.³⁸ But for many immigrant workers, less than prevailing construction wages in the Gulf South were still a clear improvement over lower wages they received as agricultural workers, meat processors or service industry employees.³⁹ The fact that about thirty percent of the U. S. construction force in 2003 was born in Mexico or Central America and that Latinos filled most new construction jobs created between the second quarters of 2005 and 2006 suggest, though, that Davis Bacon's suspension certainly did not act alone in facilitating the movement of low-wage Latino workers to New Orleans.⁴⁰ As immigration scholar Wayne Cornelius has shown, demand for low-wage Latino immigrant labor became more "structurally embedded" in the U. S. economy during the 1990s and would continue into the 2000s.⁴¹ The segmentation of certain job markets into "immigrant" jobs, such as low-skilled construction labor, signals that when Katrina hit, most contractors in the country were already relying on a steady stream of both legal and undocumented immigrant workers to meet labor demands. The post-Katrina climate was different insofar as the suspension of prevailing wages and employment verification requirements expedited worker migration and rebuilding, with Latino migrant workers bearing exceptional risk to labor abuses, to be discussed at length below.

The federal government's relaxing of employer compliance with immigration regulations also helped create the conditions for increased Latino worker migration to New Orleans.⁴² On September 6, 2005, DHS temporarily suspended enforcement of sanctions against employers who hired individuals without I-9 documents, the paperwork normally required to verify employment eligibility.⁴³ Though officially intended to expedite the hiring of hurricane victims, the two-month suspension effectively loosened immigration law to legally permit contractors to hire undocumented immigrant workers.⁴⁴

Amplified presence of U. S. Immigration and Customs Enforcement (ICE) in the region, however, muddied the waters for undocumented migrants and their immigration status. On September 8, 2005, two days after DHS relaxed hiring requirements, ICE

announced it had deployed over 725 staff to the region, including armed personnel from Detention and Removal Operations.⁴⁵ ICE spokeswoman Virginia Kice emphasized that the agency's principal role was to help save lives and provide security in the recovery effort.⁴⁶ Over the next month, however, immigrant rights organizations and victim advocacy groups reported that ICE raids and deportations of Latinos were occurring at Red Cross shelters in the region.⁴⁷ By early October, the Congressional Hispanic Caucus had taken notice of the reports and called into question the sincerity of DHS' stated goals in the region to assist all hurricane victims.⁴⁸ The Caucus deplored the department's position that undocumented workers and their families who seek aid from relief agencies would not be protected from arrest and deportation.⁴⁹ Drawing attention to reports of ICE racial profiling of Latino immigrant hurricane victims, many of whom likely entered the country legally, Representative Robert Menendez of New Jersey asked, "Is there no humanity left in our government?"⁵⁰ But Louisiana Democratic Senator Mary Landrieu supported the deployment and pushed for even greater ICE presence to help ensure that undocumented workers did not take jobs away from displaced Gulf Coast residents. In late October 2005 she requested that DHS deploy additional immigration enforcement personnel to the Gulf Coast and institute a zero-tolerance policy of undocumented worker employment in federally funded contracts.⁵¹

Why, then, did the Bush administration ostensibly send the mixed message that undocumented migrant workers were simultaneously welcome to gain employment in the Gulf South while also under an apparently heightened threat of deportation? Though formulated within the context of post-Katrina recovery planning, increased ICE deployment also was likely a response to post-September 11, 2001 concerns over immigration and security. Nonetheless, undocumented workers' immigration status and levels of risk became that much more uncertain. Similarly, the Federal Emergency Management Agency's (FEMA) failure to guarantee that undocumented hurricane victims would not be arrested and handed over to immigration authorities led to confusion and sparked controversy at the local and national level.⁵² Suspension of labor and immigration laws coupled with beefed-up ICE deployment effectively ensured that New Orleans could court and exploit a cheap labor source at the same time it distanced itself from the politically unpopular consequences of an inevitable demographic change.

In addition to suspending labor and immigration laws, the Bush administration temporarily revoked federal workplace safety laws in the wake of Hurricane Katrina. On August 30, 2005, the Occupational Safety and Health Administration (OSHA) suspended enforcement of job safety and health standards in various counties and parishes heavily damaged by the storm. The agency argued that it would be able to provide “faster and more flexible responses to hazards facing workers involved in the cleanup and recovery.”⁵³ OSHA regulations remained suspended in New Orleans until January 20, 2006.⁵⁴

Together, then, the suspension of federal labor, immigration and workplace safety laws significantly influenced Latino migration, labor conditions, and the political economy of post-Katrina New Orleans. President Bush’s suspension of the Davis-Bacon Act and DHS relaxing of employer sanctions for hiring undocumented immigrants in September 2005 made it easier for employers to hire undocumented migrant workers and pay lower than prevailing wages in the rebuilding effort. These actions streamlined recovery efforts, but they also raised contractor profits at the expense of prevailing wages and labor rights. Similarly, the suspension of OSHA workplace safety standards left workers vulnerable to dangerous post-flood work environments. ICE raids in New Orleans, especially of day labor sites, would increase during 2006, lending weight to suspicions that with a decline in labor demand, Latino migrant workers would increasingly become targets of arrest and possible deportation.⁵⁵ As immigration scholar Jorge Bustamante suggested, “Katrina is producing a large demand for undocumented workers. That’s why they’re bending the rules. But then once the job is done, it’s back in the shadows. The hypocrisy is astounding.”⁵⁶

In sum, the Bush administration’s suspension of federal labor, immigration and workplace safety laws helped create a “rebuild-above-all-else” climate that shaped the on-the-ground reality of the rebuilding of New Orleans between 2005-2007. This policy framework prioritized streamlined hiring processes and labor market efficiency over maintaining living wages for workers and, as described in more detail later, enforcing labor rights. As a result of these policy responses as well as the “structural embeddedness” of Latinos in the construction industry, worker social networks, and employer recruitment, tens of thousands of foreign-born migrant workers –

predominantly Latino and many undocumented – traveled to New Orleans in search of work, coming to represent the bulk of New Orleans’ rebuilding workforce.

Latino Worker Migration to New Orleans

Latino worker migration to post-Katrina New Orleans transformed the demographic profile of the metropolitan area’s Hispanic community. Hispanics comprised between two to three percent of Louisiana’s total population and four percent of the New Orleans metropolitan area in 2000 (compared to 12.5% nationally).⁵⁷ As of August 29, 2005, Latinos represented a relatively small contingent of the greater New Orleans population, amounting to approximately 63,000 individuals or six percent of the area’s total population of nearly 1.2 million.⁵⁸ Although the actual size of the area’s pre-Katrina Latino population (documented and undocumented) is difficult to pinpoint, Latinos were still considerably fewer in number than the area’s white and African-American populations.⁵⁹ As thousands of migrant workers – estimated between 30,000 and 100,000 – arrived in the wake of the storm, Latino demographics, such as population size, country of origin, age, gender, and occupation, noticeably shifted.⁶⁰ Over the next year, a new and robust community of mostly male, working-class migrant workers from throughout Latin America augmented a modestly sized and predominantly middle-class Hispanic population.

The workforce that migrated to New Orleans following Hurricane Katrina was diverse in terms of race, national origin, immigration/citizenship status and means of arrival. Although nearly half of the construction workers in April 2006 were thought to be Latino, of whom 54 percent were estimated to be undocumented, New Orleans’ post-Katrina migrant workforce also included African Americans, Native Americans, Asian Americans, and whites.⁶¹ Upon learning about work opportunities in the devastated, labor-hungry Gulf South, Latinos migrated to the region from within the United States as well as abroad, as documented and undocumented laborers. Some workers came on their own, while others were recruited directly by employers.

In the aftermath of the storm, rebuilding contractors recruited Latino workers within and outside the U. S. to fill the labor shortage, promising workers high wages of up to \$17 per hour in addition to free food, lodging, and transportation.⁶² Migrants were

recruited as individuals and in small groups while others were hired in swaths of thousands to undertake large-scale contracts, such as FEMA trailer installation.⁶³ Meanwhile, thousands of Latin American guestworkers arrived with non-agricultural worker (H2-B) visas, allowing them to be temporarily employed in the United States but exclusively by the employer who sponsored their visa.⁶⁴ Many guestworkers were recruited directly by hiring agencies who advertised and set up offices in the workers' home countries. Human rights investigations and lawsuits from 2005-07 documented numerous cases in which H2-B recruitment not only led to violations of workers' federal labor rights, but also took the form of human trafficking.⁶⁵

Though fewer in number than Latino migrant workers already residing in the U. S. at the time of the hurricane, undocumented workers living in Mexico and Central America also migrated directly to New Orleans in search of well-paying reconstruction work.⁶⁶ Some commentators cautioned that the rebuilding effort would lead to waves of illegal immigration into the United States. An April 2006 survey by the University of California at Los Angeles and Tulane University, however, suggested that the majority of undocumented migrant workers resided in the United States prior to Hurricane Katrina.⁶⁷ In other cases, undocumented Latino immigrants migrated to the U. S. soon after the hurricane but without being recruited for reconstruction work until months later. Denis Soriano, who was living in his native Honduras when the storm hit, had first attempted to emigrate to the U. S. three years earlier.

One Migrant's Journey to New Orleans

In 2002, fifteen-year-old Denis Soriano decided to leave Honduras for the United States.⁶⁸ Many of his neighbors from his rural hometown of Santa Barbara, Honduras, had already made the journey and were sending monthly remittances to support their families. In search of economic opportunities the struggling Honduran economy could not offer him, Soriano crossed the Guatemalan and Mexican borders on foot en route to the United States. "The first time was a very difficult trip. You're not from [Mexico], you're hiding from the police, from immigration. You have little money and nowhere to eat or to sleep," recalled Soriano. He continued, "We jumped onto [freight] trains. We suffered a lot. We were assaulted and robbed for the little money we had. It really

affected me psychologically to see other migrants killed by thieves or run over by trains.” Without money or contacts in the U. S. to support his continued trek northward, Soriano’s journey ended in the central Mexican city of San Luis Potosi. He eventually found work but returned to his family in Honduras a year and a half later.⁶⁹

The only boy and oldest of five children, Soriano had always been his father’s “right-hand man.”⁷⁰ Since his youth, he had helped his father plow the tropical soil of their eight-acre plot and harvest the beans, corn, tomatoes, coffee and sugarcane they planted each year. They ate what they grew and sold the surplus. Like most *campesinos* (small farmers), the Soriano family struggled to overcome the historical challenges of making ends meet in rural Honduras, including limited access to credit and low crop prices. The 2005 Central American Free Trade Agreement (CAFTA) rendered many small Honduran farmers’ products uncompetitive as cheaper U. S. food imports inundated local markets. For the Sorianos, like many Central American families, CAFTA ignited a new wave of economic instability. As the price of coffee and other cash crops fell, Soriano felt increasingly responsible for his family’s economic welfare. Among his chief concerns were making sure his sisters had school supplies and that the family had enough to eat. “When I saw that my father was falling into debt because of illnesses my mother and my sisters had, I saw that out of obligation to support my family I had to migrate again,” Soriano remembered. Now nineteen, Soriano set off once more for the U. S. in the fall of 2005. After a month-long journey through Mexico, complicated by a lack of food and extortion by Mexican immigration officials, Soriano arrived in northern Mexico. A *coyote* or *pollero* – a guide hired by undocumented migrants to illegally cross the U. S.–Mexico border – led him across the Rio Bravo (Rio Grande River) into Texas, weeks after Hurricane Katrina.⁷¹

For Soriano, like many other immigrant workers, media and social networks among family and friends were driving factors that encouraged workers to seek out construction jobs in New Orleans.⁷² “I had been living in Tennessee for two months when several friends came to New Orleans to look for construction work. They started telling us that there was a lot of work. Four more friends went to New Orleans and a week later, they told us that there was a lot of work. So we quit our jobs and came here. This was in February 2006,” recalled Soriano.⁷³ In addition to federal policy responses in the

immediate aftermath of the disaster, social networks and direct employer recruitment (within and outside of the U. S.) also played pivotal roles in attracting a migrant workforce to rebuild New Orleans. As more Hispanics moved to the metropolitan area for work, race, immigration and job competition became more salient public opinion issues in the rebuilding process of the Crescent City.

Race, Class, and Job Competition in Katrina's Aftermath

Race and class notably conditioned how tens of thousands New Orleanians experienced Hurricane Katrina. African Americans, who made up sixty-seven percent of the city's population prior to the hurricane, were disproportionately affected by flooding and confronted considerable obstacles to returning.⁷⁴ Pre-existing conditions of poverty, a dearth of adequate and affordable housing, and reduced personal financial resources contributed to many working-class black families' delayed return or permanent displacement.⁷⁵ Unable to come back quickly and hampered by federal suspension of affirmative action laws and a no-bid contract award system that favored out-of-state employers, these predominantly poor and black residents were left on the sidelines of the New Orleans rebuilding economy. More flexible in their willingness to work for lower wages and stay in motels, makeshift campgrounds, abandoned houses and jobs sites, Latino migrant workers arrived to fill the post-disaster labor demand.⁷⁶ These workers were welcomed for their labor, but they also encountered disgruntled residents and public officials who saw the newcomers as job-stealers.

By early September 2005, DHS and FEMA began awarding thousands of rebuilding contracts to mostly large, out-of-state contractors. Worth billions of dollars, less than half were competitively bid.⁷⁷ In response to complaints about the process, FEMA claimed that local construction enterprises were unavailable in the aftermath of the hurricane when the work was being dispensed.⁷⁸ Consequently, many local contractors were unable to procure contracts, with African-American and other minority-owned businesses receiving only a fraction of awarded contracts. By October 4, 2005, only 1.5 percent of \$1.6 billion in FEMA-awarded contracts had gone to minority-owned businesses, rather than the five percent normally required.⁷⁹ The Department of Labor (DOL) suspended affirmative action procedures for federal contractors in September

2005, representing another obstacle for black New Orleanian workers to secure employment in the rebuilding effort.⁸⁰

The delayed return of displaced New Orleanians and rapid arrival of predominantly foreign-born reconstruction workers generated a climate of mixed feelings toward Latino newcomers. Some locals understood that a large workforce willing to carry out the unpleasant jobs of gutting flooded homes and buildings was needed to rebuild the city and were thankful for the migrant workers' presence in the wake of the disaster. Other residents, including public officials, however, expressed fears about migrants out-competing native-born workers for rebuilding jobs. Addressing a local business forum in October 2005, Mayor Ray Nagin asked bluntly, "How do I ensure that New Orleans is not overrun by Mexican workers?"⁸¹ After civil rights organizations denounced his comments, the mayor clarified that he only meant that residents should be hired first in the rebuilding process.⁸² In a Martin Luther King Day speech on January 17, 2006, which infamously came to be known as his "Chocolate City" speech, Nagin opined, "It's time for us to rebuild a New Orleans, the one that should be a chocolate New Orleans."⁸³ The speech intended to pay tribute to New Orleans' African-American residents. Nagin's words, though, not only solicited the return of black residents but also reflected concerns about the area's post-storm demographic composition, one he speculated could become less black and more white and brown.

Though several media reports overstated nativist sentiment toward Latino newcomers, black (and white) fears of economic competition with low-wage Latino migrant workers existed alongside positive attitudes toward migrants between 2005-2007.⁸⁴ Due to increased job competition with recently arrived Latino migrant laborers, some black workers contended, their employment options were restricted and wages lowered.⁸⁵ "I'm working for \$6 an hour. They're bringing in Mexicans and expecting us to work for the same money. Is slavery over, or what?" yelled one African-American man during Mayor Nagin's first town hall meeting after Katrina in October 2005.⁸⁶ Expressions of cultural nativism beyond job competition also appeared. When the government of neighboring Jefferson Parish passed an ordinance in June of 2007 that banned mobile food vendors, critics claimed that the law intentionally targeted the numerous Latino-owned and operated taco trucks that had appeared during the two years

after Katrina. The law's backers defended the measure as helping the parish return to pre-storm normalcy, but others saw it as prejudiced toward foreign-born Latino entrepreneurs and their largely Hispanic clientele.⁸⁷

Rebuilding and Migrant Labor Rights Violations

The post-Katrina rebuilding environment offered both opportunity and hardship for migrant workers. Though federal policy facilitated the migration and hiring of migrants in the rebuilding of New Orleans, limited government oversight placed migrant workers at high risk of employer exploitation. Undocumented Latino workers, who made up a sizable portion of the post-hurricane workforce in New Orleans, were especially vulnerable to abuse, intimidation, and deportation. As a result, opportunistic contractors and subcontractors – both large and small – were able to capitalize on these conditions to their financial benefit. Wage theft, a violation of the Fair Labor Standards Act (FLSA) defined as non-payment of hourly and/or overtime wages, became the most prevalent labor rights abuse that workers confronted in the two years after Katrina. Meanwhile, amidst a climate of vulnerability and abuse, migrant workers faced unsafe working conditions and infrequent access to employer-sponsored healthcare. Despite the increased demand for labor, employers were able to wield significant power over Latino migrant worker newcomers, many of whom were undocumented.

Insufficient Department of Labor (DOL) oversight contributed to precarious post-disaster labor conditions. In the face of mounting evidence of worker rights violations during the year following Hurricane Katrina, DOL dedicated limited resources to hold employers accountable to labor laws and investigate migrant labor abuse claims in hurricane-affected areas. DOL Secretary Elaine Chao stated that her department “has made a concerted effort to ensure workers involved in Hurricane Katrina recovery and cleanup know their rights and are paid all the wages they are owed.”⁸⁸ Indeed, DOL carried out several investigations of employer abuse, leading to legal action against contractors.⁸⁹ However, most migrant worker abuse cases went uninvestigated by DOL. Despite an influx of monolingual Spanish-speaking workers into the region, the agency provided few human resources to help Latino workers process unpaid wage claims and other abuses. As of May 2006, the agency had only one permanent bilingual investigator

in Mississippi and four in Louisiana. To complicate matters, Louisiana possessed no existing wage claim office.⁹⁰ Consequently, workers had few avenues to voice labor violations and pursue legal recourse. Compounded by many migrant workers' undocumented status and limited understanding of U. S. labor laws, lax DOL enforcement exacerbated already ripe conditions for migrant worker abuse.

As noted, non-payment of wages represented the most common and widespread labor rights violation migrant workers experienced in post-Katrina New Orleans.⁹¹ When Denis Soriano first arrived in New Orleans in February 2006, a contractor hired him and his friends for demolition work. "He said he would pay us \$200 a day. We worked six days, and he paid each of us \$1,200 that first week. After working for twenty-two days, the contractor fired us, still owing us \$3,000. He never paid us a penny," lamented Soriano. Wage theft stories similar to Soriano's abound.⁹² Antonia, a Latina who had lived in New Orleans prior to Katrina, returned to the city after the storm to work in demolition. Despite working for several months and making frequent complaints about late paychecks, she was never paid.⁹³ Employers withheld not only regular hourly wages but also overtime pay from workers. Sergio Ferreira and other Brazilian construction workers, for instance, worked approximately eighty hours per week from November 28, 2005 to March 3, 2006. They were due more than \$6,000 each in unpaid overtime wages that never came.⁹⁴ Workers were additionally robbed of their wages through bouncing paychecks.⁹⁵

Wage theft placed considerable economic burdens on migrant workers, making them more vulnerable to mounting debt and homelessness. In the aftermath of the hurricane, migrant workers often were dependent on their employers for food, housing and transportation. Unemployment, then, could translate into restricted mobility and frequently, homelessness. Cesar, a Latino demolition worker, recounted the economic dilemma many immigrant workers faced when their wages were withheld. "There wasn't any other option [but to continue working] because many people didn't have the money to return to the state where they had come from. If they didn't continue working for the company they'd be kicked out of the hotel and would have to sleep in the street. And because of all of this, they had to continue. They were forced to do it," he remarked.⁹⁶ The decision to continue or quit one's job, moreover, was heavily influenced by the

possibility of not finding other work and earning enough income. For undocumented workers, fears of deportation were always present. In several cases, contractors capitalized on these fears by threatening to call “la migra” (immigration officials) when workers demanded unpaid wages.⁹⁷ Undocumented workers, not surprisingly, were reluctant to approach authorities about wage claim issues because of their undocumented immigration status.

A maze-like, multi-tiered hiring structure for reconstruction contracts facilitated non-payment of wages. In the wake of the disaster, large contractors with federal government contracts frequently hired sub-contractors to carry out specific rebuilding projects and hire the necessary labor force. Contractor payments to sub-contractors were often delayed and in some cases not paid at all. Although numerous sub-contractors, including Hispanic immigrants, wished to regularly pay earned wages to their workers, many could not because larger contractors had failed to pay them.⁹⁸ However, other subcontractors (Latinos included) capitalized on opportunities to underpay or withhold wages completely.⁹⁹ Because of hiring systems that were often unclear and some contractors’ concealment of their business’s name and background information, migrant workers frequently did not even know the identity of their employer. As a result, worker attempts to identify and locate their employers to address wage claims were made increasingly difficult. Even so, certain contractors and subcontractors were held accountable for wage-related violations.

A set of lawsuits and settlements filed by migrant workers between 2005-2007 points to the broad extent of wage theft by large employers and provides instances of organized worker resistance in post-Katrina New Orleans. In Katrina’s aftermath, CH2M Hill, a Colorado-headquartered construction company, subcontracted with New Orleans-based L&R Security to provide armed security at FEMA trailer sites and South Carolina-based HKA Enterprises to hire workers for debris removal. After a DOL investigation found that both subcontractors had failed to pay minimum and overtime wages to its workers, the companies agreed in 2007 to pay nearly \$1 million in back wages.¹⁰⁰ In a similar case, Belfor USA Group, a disaster recovery company, settled a collective action lawsuit filed in February 2006 by predominantly Latino migrant workers who alleged non-payment of overtime wages. The company agreed to pay \$223,000 to 163 workers

who were hired by Belfor subcontractors to perform cleanup in Louisiana, Mississippi and Alabama. Under the settlement, approximately two thousand Belfor employees became eligible for payment of withheld wages.¹⁰¹ In another case, LVI Environmental Services, a New Orleans construction firm, subcontracted with D & L Environmental to hire mostly Latino migrant workers to remove debris, mold, and mud from New Orleans public school buildings.¹⁰² A collective action lawsuit filed by employees in February 2006 argued that LVI Environmental Services effectively used the subcontractor system to “evade responsibility to pay minimum wage and overtime wages as required by the Fair Labor Standards Act.”¹⁰³ The company took advantage of the workers’ limited English proficiency and lack of understanding of U. S. labor laws, the suit contended, resulting in the non-payment and underpayment of wages.¹⁰⁴ Wage theft, in sum, was widespread and affected both undocumented immigrant workers and legal guestworkers.

Despite their legal immigration status, H-2B guestworkers were also targets of wage abuse. A collective action lawsuit filed by mostly Latino guestworkers in August 2006 claimed that Decatur Hotels, which operated more than a dozen luxury hotels in New Orleans, violated minimum wage laws guaranteed under the Fair Labor Standards Act (FLSA).¹⁰⁵ The company recruited over three hundred immigrant workers from Peru, Bolivia and the Dominican Republic to carry out maintenance, housekeeping and hotel services in the fall of 2005. Each worker had to pay between \$3,000 and \$5,000 up front to cover travel expenses, visas, and recruiting fees with the understanding that they would be reimbursed by the company upon arrival. However, Decatur failed to reimburse the workers within the first week. As a result, workers earned substantially less than the minimum wage in their first week of work. Since they could not earn enough working for Decatur or lawfully work for other employers under H-2B regulations, the immigrant workers were forced into virtual debt peonage. In May 2007, a district court ruled that H-2B guestworkers were protected by U. S. labor laws and upheld their right to recourse under FLSA labor rights provisions.¹⁰⁶

While non-payment of wages emerged as the principal labor abuse during the post-storm rebuilding process, migrant workers also faced dangerous conditions in the workplace. Amidst toxic cleanup conditions and an atmosphere of lax workplace safety regulation, migrant workers confronted high risks of on-the-job injury and out-of-pocket

healthcare costs. Oral histories from demolition and cleanup workers portray unhealthy work climates and a parallel lack of safety equipment or training.

The floodwaters that inundated New Orleans led to environmental health concerns for workers. High levels of arsenic, bacteria, lead and other heavy metals were recorded in the sediment covering the city.¹⁰⁷ Mold was an ubiquitous health hazard in flooded homes and buildings. Despite such adverse conditions, employers infrequently and inconsistently provided protective equipment such as gloves, goggles, and respirators to workers performing demolition and gutting jobs.¹⁰⁸ Many reported health problems including coughs, colds, cuts and bruises, recurring headaches and eye infections.¹⁰⁹ “We were doing demolition work and gutting houses that were full of mud and carrying out refrigerators that contained old chicken,” recalled Denis Soriano. “[It was] a harsh situation and all the while, without any kind of protective gear. So a lot of our friends got colds, allergies, and other sicknesses.”¹¹⁰ In other instances, contractors provided protective gear but without the necessary parts for proper function.¹¹¹ “[The company] gave us masks with filters, and they changed the filters in the first and second weeks, but after a couple of weeks, they didn’t change them anymore,” explained a Brazilian construction worker.¹¹²

Employers often failed to cover healthcare costs for injuries migrant workers sustained on the job. While Denis Soriano was working a construction job in the spring of 2006, a several-thousand-pound trailer fell onto his right hand. “Our boss didn’t want to call the ambulance at first, but my friend implored him to,” he recalled. After surgery to repair his lacerated hand, Soriano had accrued thousands of dollars in hospital bills, while “not hearing anything from my employer.”¹¹³ In a similar case, Emilio, a Latino construction worker who broke his arm after falling off a ladder, was taken to a New Orleans hospital and left there by his employer. He was then transferred to a hospital in Baton Rouge for treatment, which was not covered by his employer’s insurance policy. Consequently, he was obligated to pay his own medical bills.¹¹⁴ Such stories became commonplace during the two years following Katrina, as workers possessed limited avenues for legal recourse and employers felt minimal regulatory pressure to pay for work-related injuries.

Civil Society Responses

Pervasive labor rights abuses not only transformed predominantly Latino migrant laborers into the newest class of Hurricane Katrina storm victims but also sparked civil society responses. Despite the fact that employers were able to wield significant power over a vulnerable population of newcomers, migrant workers did not remain passive victims to labor rights violations but rather actively resisted them. To accomplish this, workers forged alliances with local organizations that helped them advocate their positions and spearhead new migrant worker-led organizing initiatives.

Non-governmental organizations (NGOs), specializing in labor and immigrant rights became pivotal allies to migrant workers seeking justice in the two years after Hurricane Katrina. As discussed earlier, worker defiance translated into lawsuits filed against large hotel, construction and cleanup contractors and ensuing settlements between 2005 and 2007. With assistance from public interest law NGOs such as the Southern Poverty Law Center, these lawsuits brought together both undocumented and legal immigrant workers in an effort to reclaim unpaid wages and otherwise remedy violations of their rights under the Fair Labor Standards Act.¹¹⁵ Public-interest wage and immigration law clinics at Loyola University and non-profits such as the Pro-Bono Project also assisted immigrant workers to better understand their rights, file wage claims, fight evictions and navigate immigration laws. The Latino Health Outreach Project (LHOP), founded weeks after the hurricane in response to negligible bilingual healthcare for Latino residents and cleanup workers, provided both healthcare and advocacy for recently arrived migrant workers.¹¹⁶ Local faith-based social service agencies such as Catholic Charities and the Hispanic Apostolate of the Archdiocese of New Orleans also aided Latino migrant workers with immigration and humanitarian support services. NGOs formed after the hurricane also played especially pivotal roles in promoting member-based labor advocacy groups.

Migrant worker-led organizing efforts were in large part created through the formation of the New Orleans Worker Justice Coalition in December 2005. The coalition, which consisted of local and national social justice organizers and groups, formed to address the problems that African-American residents and newly arrived migrant workers were facing in the hurricane-ravaged city.¹¹⁷ The Coalition collected

over one thousand worker testimonies and authored “And Injustice for All: Workers Lives in the Reconstruction of New Orleans,” a 2006 report chronicling issues of race and labor after Katrina. In August 2006 the group helped create The New Orleans Worker Center for Racial Justice, an NGO whose mission is to “organize workers across lines of race and industry to advance racial justice and build the power and participation of poor and working class people of color in the post-Katrina landscape.”¹¹⁸ Since its founding, the Worker Center helped spark the formation of member-based, worker-led organizing projects such as the Alaianza de Trabajadores Huespedes (Guestworker Alliance for Dignity) and the Congreso de Jornaleros (Day Laborer Congress). Because most Guestworker Alliance members have worked outside of the New Orleans area, further discussion here will focus on labor activism of day laborers and the Day Laborer Congress.¹¹⁹

Day Laborer Organizing

A spike in the area’s number of day laborers and gathering sites following Katrina signaled a new kind of labor market for New Orleans. “I’ve lived here for 20 years, and I don’t remember ever seeing day laborers standing by a gas station waiting to be offered a job,” recalled Martin Gutierrez, director of the Hispanic Apostolate.¹²⁰ David Ware, a local immigration attorney, agreed. “We’ve never had Hispanic day labor sites. That’s a totally new phenomenon,” he said.¹²¹ Large day labor sites emerged at Lee Circle in New Orleans’ Central Business District and in the suburbs of Gretna, Kenner and Metairie, where dozens to hundreds of mostly Hispanic male workers waited to secure work from passing contractors.¹²² Local businesses – construction supply stores, gas stations, and convenience stores – served as informal hiring centers where employers came daily to hire cheap, temporary labor for rebuilding jobs.

How did migrant workers become day laborers? While many workers sought temporary jobs immediately upon arrival, Denis Soriano recalled how the drying up of regular work forced him and other recruited migrant workers to become day laborers.¹²³ “We lost our jobs and it was then that a lot of us started looking for work on the [street] corners. There was no other option,” said Soriano.¹²⁴ He began to wait every morning with dozens of other mostly Latino day laborers hoping to pick up work at the Shell gas

station at Lee Circle and then later, in front of the Home Depot in Gretna.¹²⁵ While some workers stayed in motels, a shortage of affordable housing in New Orleans forced many day laborers to stay in abandoned flooded homes or sleep on the street near Lee Circle. Others found temporary residence in the “tent city” constructed by homeless workers in City Park.

Not unlike recruited laborers and guestworkers, day laborers frequently fell victim to wage theft, on-the-job injury and insufficient protective equipment. Because of their increased public presence in front of businesses, they routinely encountered police and immigration officials as well.¹²⁶ Soriano summarized his experience as a day laborer. “When you’re on the corner, you become a day laborer. You become a victim of different abuses. You suffer abuse from immigration [officials] who come frequently to carry out raids. You become a victim of police brutality. The police chase you away and don’t give you the option to obtain work. They arrest you unjustly. A lot of times they beat you. You become victims of the employers who hire you and leave you [at the work site], who don’t pay you or who might pull out a gun when you ask for your pay. So it becomes a form of violence. And it’s a situation that still gives you courage because you become a victim of unjust abuses.”¹²⁷ Soriano and others sought to remedy their situation with the help of professional labor organizers.

In late 2005 and early 2006 organizers from states with higher Latino and day labor populations arrived to assist the new migrant worker population. The National Day Laborer Organizing Network, a member-based coalition of day laborer advocacy groups from around the country, and the Brooklyn, New York-based Latin American Workers Project, sent representatives to New Orleans to advise and organize day laborers.¹²⁸ Pablo Alvarado and Javier Gallardo, for instance, worked with hundreds of day laborers at multiple sites, educating workers about their labor rights and interceding in disputes with police. In cooperation with the New Orleans Worker Justice Coalition and later, the New Orleans Worker Center for Racial Justice, these organizers were fundamental in helping to form the New Orleans Day Labor Congress during 2006.

Over the next two years, with financial and staff support from the Worker Center, organizers recruited several hundred day laborers to form the city’s first day-labor organizing project, among the few that existed in the Deep South at the time. Congreso

organizers, like Gallardo, intervened in disputes with employers and police and over time, inspired others to join organizing efforts. Soriano described his initial attraction to the Congress. He remarked, “there comes a moment as a worker when you get dumped on too much. And so these bastards are screwing me over, screwing me over, you ask ‘what are we going to do?’ But if you don’t have support from anyone, if you don’t have [immigration] papers, you say, ‘What do I do?’ And this was when I started to meet organizers from the Center. They started coming to the corners and talking with the people. When the workers were having problems with the police, they were there to intervene, to offer support to those who were arrested.”¹²⁹ Organizers also assisted injured workers. When Soriano was in the hospital recovering from his hand injury, Gallardo frequently visited him and coordinated a fund-raising party for him and another injured worker. Soriano soon began attending Congress meetings and working as a volunteer in early 2007. Later that year, the Congress provided him with stipends to travel to the U. S. Social Forum, a national gathering of social justice organizations, in Atlanta and the National Day Laborer Organizing Network Conference in Washington D. C. where he networked with other day laborers and activists.¹³⁰

The Day Laborer Congress formed as the day labor population grew and the key issues facing temporary immigrant laborers – wage theft and negotiation of wages, workplace safety and heightened police and immigration intimidation – became more salient. Meanwhile, business owners complained to police that day laborers loitered and littered on their property. Tensions between businesses and day laborers in addition to heightened national political pressure to enforce immigration laws in 2006 more than likely influenced local and federal law enforcement officials in their decisions to conduct raids of day labor sites.

Multiple raids of day laborer gathering spots by Immigration and Customs Enforcement (ICE) and local police occurred between late 2005 and 2007. On the morning of March 17, 2006, ICE agents arrested forty Latino day laborers at Lee Circle. Twenty government cars, including ICE vehicles and New Orleans Police Department (NOPD) squad cars, advanced on Lee Circle, demanding that Hispanic workers display their identification. In an attempt to flee, one worker ran into an ICE agent, prompting felony charges of assaulting a federal officer. More than half of the detainees were

released the same day while others, allegedly with criminal records, were detained longer and probably deported.¹³¹ In response to outcries by labor advocates that the raids unnecessarily targeted a desirable workforce, ICE spokesperson Temple Black responded that the raid was not part of a larger enforcement campaign but rather motivated by public safety concerns. Apprehension of violent criminals and complaints from small businesses around Lee Circle perturbed by the large congregation of workers motivated the raid, he claimed. "We're concerned about the bad guy; we want to catch the bad guy, the guy with a criminal record who might break the law or present a threat to public safety. We're not that concerned with the Sheetrocker," Black stated.¹³²

ICE launched subsequent raids against immigrant workers in April 2006. On April 2 agents raided a motel in Central City, a neighborhood adjacent to Lee Circle where large numbers of immigrant workers, many of whom were day laborers, were living. Citing the need to look for tattoos as signs of gang affiliation, ICE agents, accompanied by NOPD officers, strip-searched workers in the parking lot of the motel. On April 25, ICE agents and Jefferson Parish Sheriff's deputies raided the Shell gas station at the corner of Veteran's Boulevard and Causeway in the suburban city of Metairie. Approximately ten people were detained, including two Honduran women. The following day ICE officers went to the Midtown Motel in New Orleans' Mid City neighborhood, where the motel's management sought to evict immigrant workers the previous weekend. Although all of the workers seem to have paid for their rooms through the end of the month, many feared arrest and fled. Local advocates successfully intervened to prevent the eviction of those who remained.¹³³

Raids of day labor sites continued the next year. Police arrests of day laborers at a Home Depot store in Gretna in February 2007 played a perhaps unexpected role in forging inter-racial alliances between Day Laborer Congress members and working-class black New Orleanians. "All of a sudden, six police patrols arrived and arrested seventeen workers including me and also the two organizers," recalled Denis Soriano.¹³⁴ Upon hearing of the trespassing arrest, the New Orleans Survivor Council, a local African-American community organization that had earlier sought to build ties with the New Orleans Worker Center for Racial Justice, posted bail for the jailed workers. To show their gratitude, the day laborers formed a volunteer crew to renovate the lower Ninth

Ward flooded home of Ora Green, a member of the [Survivor] Council. The day laborers later socialized with Green and other Council members at a barbecue the same afternoon.¹³⁵

Mutual aid between black grassroots organizations and day laborers served as a starting point for inter-racial political alliance building. For Soriano, the importance of worker-led and multi-ethnic organizing became clearer after the Gretna raid and ensuing solidarity. He commented that “the same people who are affected [by labor abuses] are the same people that need to be there working and deciding which projects to carry out. And we’ve seen that alone we’re not going to be able to do that much. So that’s where the workers started saying that we should form alliances – alliances with schools, churches, leaders from the black community, leaders from the white community. So that we begin to have the help, the strength that we need. So that we’re not just 15 or 30 day laborers but 100 people made up of day laborers, blacks and whites to fight against all of this.”¹³⁶ Other Congress members shared this sentiment and began to participate in a number of community outreach efforts.

Beginning in 2006 the Congress initiated a blend of cultural, economic and political activism. Day laborers marched with hundreds of other pro-immigration activists on May 2, 2006 to protest federal legislation that sought to further criminalize undocumented migrant workers and their allies. Later that year, Congress members started a theater project to educate other day laborers and the public at large about the struggles and rights of migrant workers. The group performed at a day laborer conference in Houston and at a Congress-sponsored soccer tournament as part of a larger recruitment drive and “know your rights” education initiative. Outreach also extended outside of the day laborer community. “Leadership groups” elected by the Congress visited local schools and community groups in an effort to dispel negative perceptions day laborers felt many New Orleanians had about Hispanic immigrants. Denis Soriano explained that “the purpose is so that people understand why immigrants are here; what the economies are like in our countries in Latin America; and why the people are waiting on the street every day, what problems and abuses they face. And to show that the workers are not giving up but organizing themselves and confronting these injustices.”¹³⁷

A multinational and multi-racial membership composed of mostly Latino and some African-American male day laborers presented several challenges. Workers and organizers had to address the obstacles that differences in income, race, ethnicity, national origin and language posed to successful multi-ethnic and multi-lingual labor organizing. Latino and black day laborers from several temporary labor sites began meeting monthly to discuss worker rights, to strategize for building collective negotiating power and to overcome organizing hurdles. Not unlike other day labor organizing struggles, wage negotiation became a subject of debate. Black and Latino workers presented concerns that irregular work prompted many day laborers to accept exceptionally low-wages out of economic desperation, thereby driving others' wages down. Organizers initiated discussion about different solutions to the problem. Cultural differences also became points of contention. African-American day laborers explained that they often felt marginalized when Hispanic contractors arrived at a site and preferred to hire other Spanish-speaking Latino day laborers. Latino Congress members articulated that divisions existed between day laborers from Central America and Mexico as well.¹³⁸ Thus, labor organizing in post-Katrina New Orleans was shaped by both inter-ethnic solidarity and tension, as new immigrant communities of color and working-class African Americans came into closer contact with one another.

Conclusion

Hurricane Katrina marked a historical juncture for the city's Latino population and workforce. Before September 2005, Latin Americans, largely from Honduras, had intermittently migrated to New Orleans. Many of these migrants emigrated legally and procured work in skilled trades and businesses, allowing them to become part of the metropolitan area's middle class. Within weeks of the storm, tens of thousands of working-class Latino migrant workers traveled to the area in search of well-paying reconstruction jobs, transforming a modest-sized pre-hurricane Latino community into one significantly larger and more diverse. Through a combination of word-of-mouth networking and direct employer recruitment, Latino workers, both legal and undocumented, made their way to the devastated city from within the United States as well as abroad. While most reconstruction workers, like Denis Soriano, were already living in the country at the time of the storm and migrated internally, others arrived as employer-sponsored H2-B guestworkers, recruited by hiring agencies in their home countries.

Federal policy responses in the months following Katrina fundamentally shaped post-hurricane worker migration, employment and labor conditions. The George W. Bush administration's suspension of prevailing wages guaranteed under the Davis-Bacon Act made it easier for contractors to recruit and hire lower-wage migrant workers, while otherwise depressing construction wages in the region. Relaxation of hiring requirements for undocumented workers by the Department of Homeland Security also contributed to rapid Latino worker migration to the Gulf South. These federal policies were at odds with others. Stepped-up Immigration and Customs Enforcement presence in the region and limited Department of Labor oversight of workplace abuse made migrant workers, particularly undocumented immigrants, exceptionally vulnerable to employer abuse. Consequently, migrant workers' power to negotiate wages and file complaints was generally weakened, and undocumented migrants' status became increasingly nebulous.

A "rebuild above all else" climate, then, came to shape the on-the-ground reality of the rebuilding of New Orleans between 2005-2007; expedited reconstruction of the city took priority over the participation of local, African-American workers and the

protection of immigrant worker rights. The rebuilding model that took hold prioritized streamlined hiring processes and labor market efficiency over maintaining living wages for workers and ensuring workers' rights to earned wages and safe working environments. As a result of these policy responses as well as the "structural embeddedness" of Latinos in the U. S. construction industry, worker social networks, and employer recruitment, tens of thousands of foreign-born migrant workers – predominantly Latino and many undocumented – traveled to New Orleans in search of work, coming to represent the bulk of New Orleans' rebuilding workforce.

Changes in federal labor and immigration laws, limited workplace oversight and employer opportunism coalesced to produce an especially precarious work environment for predominantly Latino construction workers. Wage theft emerged as the most widespread labor rights violation in the two years after the hurricane, and undocumented immigrant workers were especially vulnerable to employer intimidation and abuse. Meanwhile, dangerous work environments, insufficient access to safety equipment, and denial of employer-sponsored healthcare became everyday realities for many workers.

Even with high demand for labor in the aftermath of the hurricane, migrant workers' negotiating power was significantly compromised by several key factors. Upon arrival to the depopulated disaster zone around New Orleans during the fall of 2005, migrant laborers were often dependent on their employers for food, shelter and transportation. When these essentials were denied to them, workers had few alternative options for subsistence. Meanwhile, a confusing hiring system, in which workers frequently could not identify their employer, complicated efforts to follow-up on wage claims. Fearful of prolonged unemployment and possible deportation (for undocumented immigrants), migrant wage theft victims were often reluctant to quit or speak out against labor abuse. In many cases, employers took advantage of workers' low English proficiency and limited knowledge of U. S. labor laws. Undocumented Latin American immigrants, in particular, were especially vulnerable to workplace abuse, as employers threatened to call immigration officials when workers demanded unpaid wages.

Race and class powerfully molded the experience of tens of thousands of displaced New Orleanians as well as the attitudes of local residents toward Hispanic newcomers. African-Americans, who made up sixty-seven percent of the city's

population prior to the hurricane, were disproportionately affected by the storm and faced significant obstacles to returning. Pre-existing conditions of poverty, suspension of prevailing wages, a lack of adequate and affordable housing, and reduced personal financial resources contributed to many working-class black families' delayed return or permanent displacement. Unable to return expeditiously, these residents were notably left on the margins of the rebuilding economy. More flexible than displaced New Orleanian workers in their willingness to work for lower wages and stay in motels, makeshift campgrounds, abandoned houses and jobs sites, Latino migrant workers arrived to fill the post-disaster labor demand.

Several additional factors aggravated this potential for racial conflict. While New Orleans Mayor Ray Nagin and Louisiana Senator Mary Landreiu advocated for reconstruction jobs going to displaced residents, they also promulgated racial tension by casting Latino migrants as job-stealers. As Nagin infamously asked in October 2005, "How do I ensure that New Orleans is not overrun by Mexican workers?" News media overstated anti-migrant worker stances, and in doing so, inadvertently helped to veil the reasons why many poor New Orleans residents could not return to the city and find work. Eager to capitalize on forthcoming privately and federally financed rebuilding contracts, predominantly out-of-state contractors arrived to the metropolitan area in the days and weeks after the hurricane and began hiring chiefly Latino migrant workers to meet the labor demand. A no-bid contract award process that did not favor local, minority-owned firms additionally left many locally owned companies on the sidelines; suspension of federal affirmative action laws made it even more difficult for black workers to procure employment.

Many social commentators have observed that Hurricane Katrina was not just a natural catastrophe, but a human-made disaster as well, owing to the ineffectiveness of both leaders and levee engineers. The present study has argued that in the case of Latino migrant workers, the human-made disaster was particularly onerous because it arose more from institutional manipulation than simple ineptitude. Federal and state authorities deliberately relaxed labor standards without adequate oversight of employers, setting the stage for egregious exploitation of migrant workers, especially Latinos; Meanwhile, local, predominantly black workers were largely marginalized from the rebuilding

economy. As noted, however, Latino worker activists rejected the “rebuild above all else” recovery model. Assisted by grassroots allies, newly formed migrant worker-led advocacy organizations, such as the Day Laborer Congress, carved out new spaces for economic, political and cultural resistance. Bi-racial and multi-ethnic labor organizing and alliance building offered both opportunities and challenges in this process. Pervasive labor strife tempered by solidarity and activism, then, came to mark a significant number of Latino migrant workers’ experiences in the Crescent City as they resisted becoming Hurricane Katrina’s newest class of victims and instead become the city’s newest citizens.

Endnotes

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- ¹ Denis Soriano, interview by author, New Orleans, La. March 1, 2008. Original recording and transcript retained by author.
- ² Soriano, interview.
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