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**BYLINE:** Morgan Smith Guest Commentary, Denver

**BODY:**

The three of us are standing on the top of a metal stairway that flanks the construction site in Capitol Hill - me, my client, Juan, and the contractor, Fred. There is a hole in the wall next to us where Fred threw a punch when they met the previous Friday. Now the argument is heating up again.

Juan worked for Fred for over a year. Everything was fine until Juan had family problems and missed several days. Because he failed to call in, Fred wanted to penalize him by making him work one day without pay for each day he had missed.

We were able to calm things down, however. They reached a compromise, Fred gave Juan a check and we all shook hands.

This is the day-to-day reality that underlies the immigration debate that rages across the United States.

Eight months ago, I agreed to fill in as the volunteer attorney for the legal clinic at **El Centro Humanitario** de los Trabajadores, a day labor center in north Denver. Juan's case is typical of the disputes we deal with. These clients are the most vulnerable of workers. Many have no papers and speak little or no English. They are poor. Most are men but those with the grimmest jobs are women.

Unlike the men and women who flood our street corners with cardboard signs asking for handouts, these clients are workers, however. Collectively they send some \$15 billion a year back to their families in Mexico and, according to a recent Denver Post article, they pay some \$7 billion a year to the Social Security system, a huge subsidy because they will never benefit from it.

Some of these pay disputes are legitimate disagreements. Others result from the general

instability of highly leveraged, small contractors juggling a series of construction projects and simply running out of money. Many, however, are cases of simple exploitation - employers who know that their immigrant employees are scared to make a fuss about unpaid wages and who threaten them with deportation.

More than 2,000 workers and 300 employers (some are repeaters in both cases) come to El Centro every month. Most of the workers are from Mexico, but El Centro is open to anyone who is looking for day work.

Looking for day work in Denver once required hanging out on street corners, jumping in the back of some pickup truck and hoping for the best. That changed in 2002, when El Centro opened. In January 2005, of the 2,245 workers who came to El Centro, 504 men and 69 women got jobs. Most of the men work in construction. For them there is the potential of upward mobility. A day job can turn into permanent employment. That, in turn, can lead to a job as a crew leader of a group of Spanish-speaking workers and making \$20 per hour or more. The requirements are obvious: work skills, dependability, and the ability to speak English so that you can be a liaison. In other words, this opportunity requires integrating into the larger Colorado society.

For women, the situation is much more difficult. General housework offers low wages and no real advancement. Hotel chains, for example, where the housecleaning crews are largely Mexican, offer brutally low wages, minuscule pay raises, little opportunity for advancement and frequent job injuries.

The principle of our Monday morning legal clinic is a basic American one. If you do the work, you should be paid. Many employers agree with this principle. Generally, if we can get them together with the employee, a resolution can be worked out. In one recent dispute, the employer immediately rehired the employee. There are, however, a number of employers who are simply predators, because they believe that immigrants are easy targets. But these people are just as likely to prey on you or me if they see an opportunity. Fortunately, the legislature is tightening laws for "wage theft," and Denver may consider the same.

This is the reality that underlies today's near-hysterical immigration debate. Immigrant workers play a huge role in Colorado's economy. While most are from Mexico, Colorado's work force today is made up of people from just about every country in the world. As long as the United States remains the land of opportunity, they will continue to come. They deserve to be treated fairly.

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