

Coming to Terms With the Men on the Corner - Correction Appended

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 **Correction Appended**

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Body

WHETHER they live in homes they own or in rented rooms, the working men here follow similar routines. They rise early, which these days means long before the sun, then shower, shave and walk toward the train station at the edge of Columbus Park, a speck of green amid a cluster of clapboard houses.

The men in suits march up the station steps, headed for the Metro-North trains to Manhattan. The men wearing paint-speckled pants trudge a few yards to the corner of Jefferson Avenue and Van Ranst Place, then pace the sidewalks, coffee cup in hand, waiting for jobs that often do not materialize.

"It's Thursday, and I haven't worked one day this week," said Jaime Martinez, 38, a stout Salvadoran, one recent morning, his dark eyes trained on a landscaping truck that pulled up and quickly drove away, carrying two men.

Unpredictability permeates the lives of these men, day laborers who gather at open-air job markets that spring up, without sanction or warning, at busy intersections, by gas stations and outside home improvement stores, here and in dozens of communities across the region, from Farmingville on Long Island to Lakewood in New Jersey to Danbury in Connecticut. Invariably, their presence yields passionate responses from residents and local officials, often torn between those who embrace the workers and those who want to see them go.

While the number of Hispanic immigrants in the region increased by 21 percent in the last five years, it is difficult to tell how many work as day laborers. What is known is that most day laborers are undereducated, undocumented men from the Latin American countryside, lured here by the prospect of a better life. Lacking skills and legal status - strictly speaking, under federal law, illegal immigrants are not allowed to work, and employers are not allowed to hire them -- they end up looking for work in landscaping and construction. They earn an average of \$10 an hour and are sometimes subjected to abuse by employers, who deny them food, water or breaks, or refuse to pay them at day's end.

Even though many union members oppose illegal immigration, the A.F.L.-C.I.O. and several individual unions have thrown their support behind day laborers, seeing them as exploited workers who do not earn enough and undercut wages for other workers. Organized labor has embraced them as part of its broader strategy to attract immigrants to the labor movement.

Still, their presence has sparked concerns among townspeople, who say day laborers litter and urinate and loiter in the streets. Some Farmingville residents say their presence hurts real estate values. They have even proposed creating a separate village so prices of homes to the west of Nicolls Road, a north-south highway, do not suffer because of laborers gathered to the east.

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"The real estate brokers have a hard time selling homes here because most people associate Farmingville with day laborers," said Ken Kellaheer, 58, who is leading the effort to create the new village, to be called Oak Hills. Mr. Kellaheer lives to the west of Nicolls Road, in a quaint, wealthier section of Farmingville, a hamlet within the town of Brookhaven. "We feel that we need to redefine our community," he said.

Local officials, for their part, find themselves in a bind, trying to balance the pressure from residents, who demand that something be done about men who they say are destroying their quality of life, with the workers' right to convene.

Now, with a recent federal court ruling on the response by police and municipal officials in Mamaroneck to concerns about day laborers, towns are hoping for guidance from the courts. Last month, Judge Colleen McMahon of Federal District Court ruled on behalf of a group of day laborers who had sued the village, saying its officials and police officers harassed them because they are Hispanic. The judge gave the town and the laborers until Jan. 5 to come up with a solution, a development that is being closely watched by municipal leaders elsewhere.

The ruling in New York came just a few weeks before borough officials in Freehold, in Monmouth County, N.J., settled a three-year-old federal lawsuit filed by day laborers. The settlement stipulates that laborers would no longer be fined for soliciting work in public places. It also prevents building inspectors and police officers from entering laborers' homes without consent, in what immigration advocates said was the selective persecution of Latinos.

In a few cases, municipal governments and community groups have compromised by designating a place -- often a building or an empty lot -- where workers and contractors can link up. At least 63 hiring sites operate in 17 states, including about 10 seasonal and year-round sites in the region, according to local officials and a national survey of 2,600 day laborers released earlier this year.

Thomas R. Suozzi, the Nassau County executive, said hiring sites "are a matter of common sense."

"You get the problem off the streets, so that it's not a visual issue or a littering issue or a urinating-in-public issue," he said. "And at the same time, you help these men who are just trying to live the American dream and give them a safe place to assemble."

In 1994, as mayor of Glen Cove, N.Y., Mr. Suozzi spearheaded the creation of the first hiring site on the East Coast, muffling the brewing discontent about the growing number of men who had been assembling outside a deli and along roadways. Since then, upward of 40 men convene at a sprawling ground-floor office on Sea Cliff Avenue every morning, where the walls are lined with posters, each depicting a letter of the alphabet and a corresponding tool -- P for pliers, T for tape measure, W for wrench.

Twice a week, a volunteer offers English lessons. Recently, the men pooled their money to buy a coffeemaker and a Christmas tree.

"If we're not on the streets, we don't bother anybody and the police don't bother us," said a 44-year-old Argentine laborer, who said he shows up every morning, usually finding work.

Other communities have considered similar sites, but not all have been successful. In some towns, they have chosen places that are too isolated, as in Lakewood, where the site is four miles from the commercial district and thus hard to reach for workers, who rarely have cars. Other towns have declined to devote municipal dollars to help these sites get started, saying it is not a local mandate to back enterprises that help mostly illegal immigrants find work.

"We've been very clear that we're not going to spend any taxpayer money to create a facility for the day laborers, but we're certainly going to be supportive if any community group tries to resolve the situation on their own," Mayor Mark Boughton of Danbury said in an interview. "Local government has to walk a very fine line here because federal law is clear: you can't aid or abet somebody who is here illegally and help them find work."

The response in a number of communities has been to step up enforcement, through ordinances, increased police patrols or a combination of both. Often, the police will cite workers and the contractors who pull up to hire them for

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small infractions -- from littering to loitering to impeding traffic. But in the eyes of the court, some communities have pushed too far.

In the Mamaroneck case, the plaintiffs told the court that police cruisers followed them, lights flashing. At times, officers used words or harsh gestures to order them off sidewalks; other times, officers just stared, the plaintiffs said.

Steve Garcia, one contractor who testified, said in an interview that he had hired laborers in Mamaroneck. But after he was ticketed in August for pulling away from a curb without signaling, right after picking up a few workers, he began hiring workers elsewhere. "I wanted to help the guys," he said, but "I didn't need the trouble."

The decision in Mamaroneck caught the attention of many municipal officials. Mayor Paul F. Rickenbach Jr. of East Hampton, the affluent village on the east end of Long Island, said he read it several times, trying to figure out what impact, if any, it might have on his community.

For months, police officers have been posted near the East Hampton railroad station, watching day laborers and contractors to make sure no one breaks local laws, Mayor Rickenbach said. In November 2005, the police ran a sting operation of sorts, jotting down the license plate numbers of cars that picked up workers, then shipping the information to the Internal Revenue Service and federal immigration authorities.

"We were not targeting any particular ethnic group," said Mayor Rickenbach, a former East Hampton police detective who has been in office since 1992. "We were just being mindful of the number of individuals who were there and making certain that the people who were hiring these individuals were aware of their responsibilities, such as withholding taxes on the wages they were paying these workers and hiring people who are authorized to work."

"In no way do we intend to be discriminatory," he added. "We don't go out soliciting documentation from the workers."

The nation's day-laborer phenomenon traces its roots to the 18th century, when European immigrants gathered on city streets, seeking work as chimney sweeps, wood cutters and dock hands. In the mid-1800s, in port cities in the Northeast, foremen picked the day's dock help from a pool of workers gathered around him. Irish men and black women found jobs at New York's hiring sites in the early 20th century, while in California, the sites attracted Mexicans looking for seasonal farm work.

The laborers who arrived in the last 10 years come mostly from Mexico, Guatemala, El Salvador and Honduras, often bypassing traditional ports of entry like New York City, Chicago and Los Angeles and settling, instead, in the suburbs, where jobs abound, according to a national survey of day laborers released in January.

These men, many of whom send part of their earnings to the families they left behind, worked on farms or in factories in their home countries, the survey says. Most had not heard about the day-laborer market until arriving and joined this line of work as a way of gaining a foothold here.

Abel Valenzuela Jr., a co-author of the national survey, "On the Corner: Day Labor in the United States," noted that employers rarely withhold taxes on wages or pay Social Security and workers' compensation benefits, making a day laborer a lot cheaper to hire. In short, he said, day laborers are as much a byproduct of immigration as they are of the economy.

"Day labor is part of a larger national trend, but it just happens to be at the low end of this trend, since these men are looking for work on street corners, as opposed to temp staffing agencies or through the part-time job ads they see in the newspaper," said Mr. Valenzuela, director of the Center for the Study of Urban Poverty at the University of California, Los Angeles.

The survey estimates the number of day laborers nationwide at 120,000, a tiny fraction of the estimated 11 million illegal immigrants. About half the day laborers are in the West, about 20 percent in the East and Southwest, 12 percent in the South and 4 percent in the Midwest, according to the survey, based on interviews with 2,600 day laborers in 139 municipalities.

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MR. MARTINEZ, the Salvadoran immigrant, used to plant corn, rice and potatoes in a small plot behind his family's home in the impoverished village of Sonsonate. One of his uncles came to Mamaroneck in the 1990s and wrote to him that there were jobs that would pay him enough to support his elderly parents.

In 2001, Mr. Martinez moved to Mamaroneck, finding a busboy job at a restaurant in nearby Harrison. Two years later, the restaurant closed and Mr. Martinez was unemployed, so he joined the ranks of men who line the sidewalks near Columbus Park every morning from 6 to 11.

"I know how to paint walls, do carpentry, clean and landscape," he said. "We're not office people, like the people who take the train every day. But we're intelligent, and we work hard."

Day laborers will tell you they earn about \$10 an hour, which would make for a decent living -- if work were not so scarce. In the summer, they work three or four days a week, earning up to \$1,400 a month. But once it turns cold, the laborers are lucky to work five or six days a month.

To make ends meet, they share apartments with other men, sometimes in unsafe, overcrowded homes. They often take turns performing household tasks, like cooking and cleaning.

"Most of us are alone here, so our roommates become our family," said Juan Garcia, 40, a Mexican day laborer with a neat goatee.

If they are not hired, they spend the day at home or, if it is warm, sitting on a park bench with a Spanish-language newspaper or an American magazine, trying to make sense of a language few of them know. On Sundays, some go to church, while others walk the streets. Mr. Martinez enjoys strolling along Fordham Avenue in the Bronx. Mr. Garcia buys a phone card and talks for hours to his wife and three children in Tenancingo, Mexico, where he used to eke out a living growing sugar cane and raising livestock.

"I used to go home every year, around this time of the year, and come back in March," he said. "But I haven't earned enough this year."

This spring and summer were unusually difficult for day laborers in Mamaroneck and in other places where increased enforcement has driven contractors away, according to at least a dozen workers and contractors interviewed in Westchester, New Jersey and Long Island.

In Danbury, laborers have avoided gathering at Kennedy Park since 11 undocumented Ecuadoreans were arrested in September by federal immigration officials posing as contractors.

"If among us immigrants there are criminals, then let the judicial process take over," said Wilson Hernandez, the vice president of the Ecuadorean Civic Center in Danbury.

"But it's not fair that undocumented immigrants are lumped together with terrorists," he said. "It's not fair that someone who risked life and limb to come to this country, to cross the border, be considered a criminal solely because he came here to work."

The few men who still gather at the park have been so scared since the raid that they walked away from a reporter without a word, like children taught not to talk to strangers.

The civic center and other groups are working together to build a hiring site behind the house occupied by the Hispanic Center of Greater Danbury, a few blocks from City Hall, on West Street. They hope to have it ready by spring, when crews will begin constructing 500 luxury condos across from Kennedy Park, displacing the day laborers.

Correction

An article last Sunday about day laborers in the region misstated the name of a street in the Bronx where one of the laborers enjoys strolling. It is Fordham Road, not Fordham Avenue.

Correction-Date: December 24, 2006

Graphic

Photos: READY AND WILLING -- Day laborers seeking work in Mamaroneck and, at right, some who found it. Some residents complain about them, others defend them. (Photographs by Librado Romero/The New York Times)(pg. 1)

AN UNCERTAIN LIFE -- In Mamaroneck, above, a judge intervened after accusations of police harassment of day laborers who gather on the streets. At a hiring site in Glen Cove, N.Y., right, a wall is lined with letters and English words to improve the vocabularies of workers, many of whom are Hispanic and speak little English. In Stamford, Conn., bottom left, laborers gather in an area that is designated as a hassle-free zone. (Photos by Above and below, Librado Romero/The New York Times)

(Photos by Left and above, Janet Durrans for The New York Times)(pg. 10)

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