

Bill would support workers' pay campaign;

**W.W. II-ERA BRACEROS RALLY IN L.A. FOR MONEY WITHHELD FROM
WAGES**

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Body

The last time Juventino Ortiz tried to collect the rest of his pay for picking fruit in Northern California, a government official chased him out of his office.

In the 55 years since then, the Mexico City native forgot about the money, became a U.S. citizen and raised a family in Hollister.

But now, at 81, he and thousands of other former Mexican "guest workers" who say they were denied a portion of their wages want their money. At the very least, they want their day in court.

"Is it live or die? No," Ortiz said Wednesday in Washington. "It's the principle."

The Justice Department, in court papers, says the claim is too old and is trying to get a federal judge to dismiss a class-action lawsuit alleging hundreds of thousands of Mexicans who worked in America between 1942 and 1949 never received money deducted from their wages.

Legislation introduced Wednesday in Congress would prevent the government from having the suit dismissed on procedural grounds.

Ortiz was one of nearly 5 million Mexican guest workers recruited to the United States between 1942 and 1964 to harvest crops and maintain railroad tracks. The bracero program -- the name was taken from the Spanish for "arm" -- was launched during World War II to help fill jobs left vacant by U.S. workers called to fight.

In an unusual agreement between the U.S. and Mexican governments, the braceros had 10 percent of their wages deducted and sent, via Wells Fargo, to Mexican banks to serve as savings accounts. The agreement was supposed to serve as an incentive for the workers to return to Mexico once their contracts expired.

Ortiz said he tried unsuccessfully to get his money.

"I went back to Mexico City to the government office to see about my 10 percent," Ortiz recalled Wednesday. "They said, 'What are you talking about? Get out of here.'"

About 200 former braceros and their families rallied Wednesday in downtown Los Angeles in support of the bill. Among them was Alfonso Ortega, 85, a migrant worker from 1942 through 1950 who was paid 60 cents an hour.

"I believe I have the right to the money," Ortega said through a translator.

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Joaquin De Luna, 82, said U.S. officials didn't let him return to his wife and children in Mexico when he decided he didn't like the impoverished conditions.

"I didn't want to pick their lettuce," he said through a translator.

De Luna said he doesn't believe he'll get back the 10 percent, but added, "If this country has any shame, it would give it back with interest and credit."

The lawsuit, filed last year in San Francisco, is against the U.S. and Mexican governments, along with four banks. Although the pay was as low as 30 cents an hour, advocates for the braceros say at least \$500 million is owed, including interest.

The suit is patterned after successful claims by Holocaust survivors against Swiss banks and German companies.

The Mexican government says U.S. courts have no jurisdiction in the matter. Wells Fargo spokesman Larry Haeg said a review of company records indicates it transferred all the money it received. A hearing is scheduled in U.S. District Court in San Francisco in early August.

Bill Lann Lee, former assistant attorney general for civil rights in the Clinton administration, said the Justice Department supported extending the statute of limitations in a lawsuit by black farmers alleging discrimination by the Agriculture Department.

"We think justice would be served by having the case heard on its merits," said Lee, whose San Francisco law firm represents the braceros.

The legislation, by co-authors Rep. Luis Gutierrez, D-Ill., and Rep. Sam Farr, D-Salinas, would prevent the Justice Department from using the passage of time and sovereign immunity to block the claims.

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