



# Judicial Watch

*Because no one is above the law!*

**VIA FEDEX & FAX (206-684-5360)**

September 13, 2007

Hon. Greg Nickels  
Mayor  
City of Seattle  
Seattle City Hall  
600 4th Ave. 7th Floor  
Seattle, WA 98124

## **Re: Seattle Day Labor Facilities**

Dear Mayor Nickels:

Judicial Watch, Inc. is an educational organization that seeks to promote accountability in government and fidelity to the rule of law. We are writing to advise you of serious legal concerns relating to the City of Seattle's ongoing support and funding of the day labor facility in Belltown at 2330 Western Avenue and, in particular, the proposed new day laborer facility at the vacant building and lot on the corner of 17<sup>th</sup> Avenue South and South Jackson Street in the Central District. We understand the City of Seattle has financially supported the operations of a non-profit organization involved in subsidizing and promoting criminal activity and has expended approximately \$250,000 in citizen taxpayer funds in an award to the same non-profit organization for the purchase of the property at 17<sup>th</sup> Avenue South and South Jackson Street.<sup>1</sup> See: 8 U.S.C. §1324a(a)(1)(A) and 8 U.S.C. §1324a(a)(1)(B)(I).

It cannot be reasonably disputed that users of day laborer facilities include undocumented workers. Studies conducted around the nation have confirmed that day laborers are predominantly persons not legally present or authorized to work in the United States. For example, a UCLA/University of Illinois nationwide survey of 2,260 day laborers, conducted in 2004 and published in January 2006, concluded that 75 percent of day laborers are undocumented. Moreover, a 2003 study in Fairfax County, Virginia, confirmed these results, indicating that at least 72 percent of day laborers in Fairfax County lacked documentation. We are aware of no reason to believe that day

<sup>1</sup> Ordinance 122339, passed unanimously by the Seattle City Council on February 12, 2007.

**Mayor Greg Nickels**  
**Re: Seattle Day Labor Facilities**  
**September 13, 2007**  
**Page 2 of 3**

laborers in Seattle would be dissimilar from those in these other jurisdictions or different from the statistics cited in these studies. Thus it appears very likely the facility in Belltown is used by undocumented workers and employers of undocumented workers for illegal activities, namely the employment of undocumented workers. Likewise, the proposed Central District facility appears to be established, organized and funded for the express purpose of undocumented workers and employers of undocumented workers to engage in illegal activities, namely the employment of undocumented workers.

As you undoubtedly know, it is unlawful for employers to hire undocumented workers. Federal law expressly prohibits the recruiting or hiring of an alien if it is known that the alien is not authorized to work in the United States. 8 U.S.C. §1324a(a)(1)(A). In addition, it is unlawful to hire any individual for employment in the United States without complying with federal employment eligibility verification requirements. 8 U.S.C. § 1324a(a)(1)(B)(I).

Moreover, by establishing, funding and cooperating in the operation of (or operating) day laborer sites the City will likely be violating federal law. Federal immigration laws make it illegal to “encourage or induce an alien come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law.” 8 U.S.C. § 1324(a)(1)(A)(iv). Federal immigration laws also make it unlawful to aid or abet the commission of such acts. 8 U.S.C. § 1324(a)(1)(A)(v)(II). Certainly, facilitating the illegal employment of undocumented aliens, as is currently conducted under the auspices of the City and is further contemplated by the proposed Central District plan, may be deemed as encouraging or inducing an alien to come to, enter, or reside in the United States, or at a minimum, aiding and abetting such conduct. See, e.g., *United States v. Oloyede*, 982 F.2d 133 (4<sup>th</sup> Cir. 1992).

It is our understanding that the City does not require screening of day laborers to determine, whether, in fact, they are eligible to work in the United States. We are concerned that operations of both the existing (Belltown) and proposed (Central District) facilities constitute a direct violation of federal law, as they assist, abet, or otherwise facilitate and encourage violation of federal law. Nor are we aware of any requirements for employers using the facility to be informed of the requirements of federal law or to agree to comply with federal employment and immigration laws.

For the City to use taxpayer resources in this manner is akin to a city operating its own “red light” district or illegal drug market to enable persons who participate in such activities to have a safe, orderly, well-regulated environment in which to engage in their illicit transactions. While the intentions behind the proposed facility may be well-meaning, the establishment and operation of the proposed facility is not a proper use of taxpayer resources. We trust that taxpayer resources will not be further misused for the operation of an illegal day laborer facility(ies). Kindly confirm that you will cease immediately expending citizen taxpayer dollars and resources for day labor sites and non-

**Mayor Greg Nickels**  
**Re: Seattle Day Labor Facilities**  
**September 13, 2007**  
**Page 3 of 3**

profit organizations that promote criminal activity in violation of federal immigration law.

Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Thomas Fitton', with a long horizontal flourish extending to the right.

Thomas Fitton  
President