



# Judicial Watch

*Because no one is above the law!*

**VIA FACSIMILE (650-903-6039)**  
**AND U.S. MAIL**

April 14, 2008

Honorable Tom Means  
Mayor  
City of Mountain View  
500 Castro Street  
Mountain View, CA 94041

**Re: Mountain View Day Labor Facilities**

Dear Mayor Means:

Judicial Watch, Inc. is an educational organization that seeks to promote transparency, integrity, and accountability in government and fidelity to the rule of law. We are writing to you about the City of Mountain View's financial support for The Day Worker Center of Mountain View, a non-profit organization that assists day laborers in obtaining employment, and the City's plans to provide financial assistance to this non-profit organization to purchase the property located at 117 Escuela Avenue for the operation of a new day laborer center.

Studies conducted around the nation confirm that day laborers are comprised predominantly of persons who are not legally present in the United States and who are not authorized to work in the United States. A nationwide survey of day laborers conducted in 2004 and published in January 2006 concluded that 75 percent of day laborers in the United States are undocumented. Valenzuela, Abel, Jr., *et al.*, *On the Corner: Day Labor in the United States*, UCLA Center for the Study of Urban Poverty, Los Angeles, California, 2006; *see also* Gonzalez, Arturo, *Day Labor in the Golden State*, California Economic Policy, Vol. 2, No. 3, Public Policy Institute of California, San Francisco, California, 2007 (finding 80 percent of day laborers are undocumented). Similarly, a 2003 study in Fairfax County, Virginia concluded that at least 72 percent of day laborers in Fairfax County lacked documentation that enabled them to work lawfully. *An Account of Day Laborers in Fairfax County*, Dep't of Systems Mgt. for Human Services, Fairfax, Virginia, 2004. There is no reason to conclude that day laborers in the City of Mountain View are different from those in other parts of the United States. It thus appears likely that the financial assistance the City provides to the Day Worker

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Center of Mountain View, and plans to provide for the new facility, is being used to support undocumented workers and employers 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).

Federal law also makes it illegal to “encourage or induce an alien to 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). It also is unlawful to aid or abet the commission of such acts. 8 U.S.C. § 1324(a)(1)(A)(v)(II). Providing employment to illegal aliens, and assisting illegal aliens in obtaining employment, has been found to violate this statute. *United States v. Khanani*, 502 F.3d 1281 (11<sup>th</sup> Cir. 2007); *United States v. Oloyede*, 982 F.2d 133 (4<sup>th</sup> Cir. 1992).

Federal law also makes illegal aliens ineligible to receive certain kinds of “state or local public benefits.” 8 U.S.C. § 1621. The types of assistance provided by The Day Worker Center of Mountain View would appear to fall within the statutory definition of “local public benefits.”

In order to avoid running afoul of federal law or otherwise facilitating illegal employment, some municipalities require day laborers to confirm their eligibility to work in the United States. To obtain employment at the City of Orange's day laborer center, for example, a day laborer must present two valid forms of identification and fill out a federal I-9 compliance form. It is our understanding that the Day Worker Center of Mountain View makes no effort to verify day laborers' eligibility to work in the United States or otherwise makes day laborers confirm their eligibility to work in the United States. Nor are we aware of any requirement that employers confirm their compliance with federal employment and immigration laws.

We trust that, if the City continues to provide financial support to the Day Worker Center of Mountain View, it will take appropriate measures to ensure that taxpayer resources are not being used in a way that promotes unlawful employment or otherwise violates federal law.

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Thank you for your attention to this important matter.

Sincerely,



Thomas Fitton  
President