

“Because a tractor doesn’t tell the farmer how to run the farm”

Testimony by Lucas Benitez, Coalition of Immokalee Workers
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Good morning. It’s a tremendous honor to be here today testifying in front of this committee in such a storied institution as the United States Senate. I must say, my parents never could have dreamed I would be sitting at this table in this place, and I thank you for this once in a lifetime opportunity. At the same time, of course, the reason I am here is very troubling. The sad fact is that we are here today because there is slavery in the fields in the United States in the 21st century.

Exactly 200 years ago, near this very spot, men in your position voted to outlaw the importation of slaves into the United States. That little known act did not end slavery, but it was an important step toward the eventual abolition of that brutal institution.

At the time, moving to ban the slave trade was a complex, controversial and courageous decision. Those who supported the status quo argued that most slaves were happy with their lot, that they were certainly better off than where they came from, and that the economic collapse of U.S. agriculture would surely follow. Fortunately, the moral arguments of a growing movement of abolitionists – an alliance of consumers with slaves and former slaves – prevailed. Indeed, their campaign launched what is today the modern human rights movement.

Two hundred years later, time has stripped away the complexity and controversy surrounding the Act to Prohibit the Importation of Slaves, leaving only the now-obvious moral correctness of Congress’ decision to protect and further human dignity.

Two hundred years later, I sit before you representing a new movement for fundamental human rights in this country’s agricultural industry – the Campaign for Fair Food. Our campaign is a growing alliance of farmworkers and consumers calling for an end to modern day slavery and sweatshop conditions in Florida’s fields. And like the original abolitionists, we come to you today in the hope that our Congress will once again help advance the cause of dignity and human rights in this country’s fields.

The organization I helped found, the Coalition of Immokalee Workers, is spearheading the Campaign for Fair Food. The CIW is a membership organization made up largely of migrant farmworkers, with over 4,000 members in Immokalee and around the country. Our town, Immokalee, is really more of a labor reserve than a traditional community. It is the largest farmworker community in Florida and provides labor for the heart of the state’s fruit and vegetable industry. Our members pick tomatoes and oranges nine months of the year in Florida, and then follow the crops up the East Coast, as far as New York, during the summer harvest.

I myself immigrated to work in US fields at the age of 17. I am the second of six children of Mexican peasants from the highlands of Guerrero. I came to the US as a teenager with the hopes that through my work in this country I could support my parents and siblings. In 1994, I was picking oranges and tomatoes in Immokalee when I noticed an invitation taped to a wall in town and began participating in evening meetings with a handful of other workers after our long days of work. Our small group gathered in a room borrowed from the Our Lady of Guadalupe Catholic church to discuss the extreme poverty and brutal mistreatment we shared in common in the hope that, by working together, we could improve our community and our working conditions.

One day during that time, when I was hammering the stakes to which tomato plants are tied in the fields, one of bosses started yelling at me, got down from his truck, and threatened to beat me up. I thought I was not working hard enough, when in fact I had gotten ahead of the other workers and was merely catching my breath while they caught up to me. There, in the middle of hundreds of acres of fields, miles from any town, I faced my boss's threats alone. None of the other workers, crippled by the overwhelming climate of fear in the fields, dared stand up to him. Holding a tomato stake in my hand, I managed to face him down that day, but I was lucky. The new group that I was meeting with in the evenings wanted to make sure no one would ever feel that alone again in the fields.

Today, nearly fifteen years later, that small group has become a nationally-respected leader in the fight to end farmworker exploitation.

CIW Anti-Slavery Efforts We did not set out to be an anti-slavery organization. In the summer of 1992, however, while CIW members were visiting a labor camp in South Carolina, they encountered a young woman, Julia Gabriel, and her friends who explained that they had fled another labor camp on an isolated farm after a worker there had been shot for wanting to leave. Over time, others from her crew told of 12-hour workdays and 7-day work weeks, of being awoken at dawn by gunshots instead of alarm clocks, of a young man who was beaten for telling other workers that forced labor was illegal in the US, of women sexually assaulted by the crew bosses, and of earning more than \$20 a week in wages, once "deductions" for transport to the job, rent, food, and so forth were taken out. More than 400 workers suffered this plight.

After five years of the CIW investigating and pressuring the government to act, the young woman who escaped saw her captors sentenced to 15 years in federal prison. Her employers were prosecuted on slavery, extortion, and firearms charges, using the same laws passed just after the US Civil War prohibiting peonage. Julia Gabriel is now a CIW member and winner of the Robert F. Kennedy Human Rights Award for her ongoing activism

But was that case perhaps an anomaly? Was it just "one bad apple," as one agricultural industry lobbyist put it when pressed by a journalist ten years ago? Certainly no one in the agricultural industry or the corporations that bought the produce Ms. Gabriel and her colleagues picked spoke up after the sentencing. Their response was a deafening silence. There were no outraged calls for reform, no contracts cut – the vegetables kept flowing to the market without so much as a hiccup.

But then our members uncovered another operation, this time just outside of Immokalee. That operation was prosecuted on slavery charges in 2000. Two bosses were ultimately convicted for holding dozens of workers in a trailer deep in the swamp of Southwest Florida and forcing them to pick tomatoes for virtually no pay. The manager of the farm where they worked – Manley Farms – said he had no idea whatsoever that the workers were being held against their will.

And after that case, another. Late one night, we received a call from my brother, who worked for a taxi-van service catering to migrant farmworkers. “I called 911 emergency” – he said – “we are being attacked by men with guns! They look like bosses!”

We immediately drove an hour north to Lake Placid, to find a scene of blood, broken glass, and terrified workers at a store on the side of the highway. This time, the passenger vans had made a scheduled stop to pick up workers wanting to leave Lake Placid to go elsewhere – but the armed gunmen, crew bosses, didn’t want their workers to be free to leave. So they held up the passengers at gunpoint, beat the van drivers, and pistol-whipped the owner of the van service, splitting his head open and leaving him unconscious, saying, “You’re the SOB’s who are stealing our workers!” During the years-long investigation of those bosses, we had to help terrified workers escape the camp. Those workers later testified in federal court, and again, the crew bosses received 15-year sentences on slavery and firearms charges.

In all of these cases we are speaking of modern-day slavery, in the form of debt bondage, different course from the legally sanctioned chattel slavery of the plantation era. Workers caught in this brutal trap soon learn they cannot leave until they pay off their debt. Employers enforce this system of servitude through violence or threats of violence, their power imposed in many cases by armed guards through beatings, shootings, and threats of death to families back home.

And when we use the term slavery we confine it to operations that have met the high standard of proof necessary to prosecute under federal law – anti-slavery laws based on the 13th Amendment of the United States Constitution and a new law enacted in 2001, The Trafficking Victims Protection Act (TVPA). The TVPA is designed to guarantee that victims’ human rights are respected. In fact, the first case I spoke of, involving Julia, was one of the seminal cases leading to the drafting of the new law.

It is important to understand that, while the cases I’ve mentioned here involve immigrants, that is only because the workforce as a whole in Florida is today mostly immigrant. But forced labor predated the relatively recent arrival of immigrant workers in Florida’s fields. Thirty years ago, when the farm labor force was mostly U.S. citizens, a significant percentage of the workers were also held in forced labor. Citizenship is not the key factor – the drastic imbalance of power between workers and employers is. These brutal conditions have existed virtually unchanged for many, many decades, independent of the changing status of the workers who toil in our fields.

In fact, our most recent prosecuted case involved an employer working a crew in fields in the small rural town of Palatka, Florida. That boss received 30 years in jail for what the Department of Justice called the “worst form of servitude.” His wife received 15 years and his son 10. They recruited homeless US citizens, mostly African-American, from homeless shelters, with promises of a roof over their heads and a good job. The workers found themselves locked in debt in isolated rural labor camps in Florida and the Carolinas, in fear and penniless. It’s a chilling illustration of how fragile human rights truly are, and how they constantly need defending and expanding.

This too is important to keep firmly in mind: the investigative work we do is vital, but it is cleaning up an abuse after it has already happened, that is, when it’s already too late. Here we have workers who’ve escaped describe the experience as, “I feel I came out of the darkness into the light,” or “I came from death back to life.” It is outrageous that anyone has to go through that in this day and age or that we even have to have an Anti-Slavery Campaign at all. But there is a way to prevent this from happening in the first place.

CIW Campaign for Fair Food Eliminating existing slavery operations, while absolutely imperative, is nonetheless treating the symptom, not curing the disease. So while we of course will continue to investigate and help prosecute slavery cases as they arise, we must cure the disease, and prevent modern-day slavery from taking root in the first place. To do so, we are working together with consumers – in the tradition of the abolitionist movement -- as allies. And as allies fighting together in our Campaign for Fair Food we have arrived today at the threshold of a more modern, more humane agricultural industry. But before I explain where that Campaign stands at this moment I’d first like to describe a bit of the road that has brought us to where we are.

Workers in Immokalee endure terrible exploitation – and I speak here of the majority of farmworkers those who are free, not held in forced labor. In the agricultural industry, “sweatshop” conditions prevail, what we call “sweatshops in the fields.” The conditions are similar to those in factories at the turn of the 20th century in the US – subpoverty wages, no benefits (that is, no health insurance, no sick leave, no pensions), no right to overtime pay, and no right to organize.

Like sweatshop workers a century ago, workers who pick tomatoes today are paid not by the hour but by an antiquated piece rate system – at an average rate of 45 cents a bucket – a rate which has not risen significantly in 30 years. But unlike a factory, there is no roof over your head. Rather you work -- half the day bent-over, half the day running from your row to the truck and back -- all day under the broiling sun. You’re constantly on the move, looking for jobs from farm to farm, state to state. You live in trailers or shacks, 10-12 men per trailer, with exorbitant rents that can only be met by extreme overcrowding. Most workers have no cars, no phones in homes, no heat, no air-conditioning (in Florida!), none of the amenities taken for granted in the US.

We began organizing against this grim reality as a few dozen workers, and held a general strike of 3,000 workers in 1995, beating back a wage cut. In 1997, six CIW members organized a 30-day

hunger strike, their only demand: dialogue with the growers. Christmas passed, and then New Year's. A striker went to the hospital, and still no word. The growers' resistance was not so much economic but rather based on a refusal to shift how they view their workers. They had a deep-rooted aversion to seeing workers as employees instead of as peons or, worse still, machine parts. Back then, a friendly businessman told us of how he asked one of the growers, "Why don't you all go down to Immokalee and simply talk to the workers?" The grower responded, "***Because a tractor doesn't tell the farmer how to run the farm.***"

In the following years we organized two more general strikes and a 240-mile march across Florida, and though our strikes brought about the first raises in 20 years, it grew increasingly clear that systemic change was not going to come from confronting the growers. In response to our pressure, growers claimed that they were caught in a "cost-price squeeze" with pressure from their buyers for ever-lower prices leaving them unable to raise wages.

Corporate buyers from the fast-food industry do indeed pool the purchasing power of tens of thousands of restaurants to demand the lowest possible prices for their produce. That downward pressure on prices at the farm gate is translated directly into downward pressure on farmworker wages in the fields, and so in this way the major buyers of Florida produce are in fact a driving force behind the increasing misery of our members. Fast-food profits from farmworker poverty.

As we came to realize this, we also came to realize that if fast-food giants can wield buying power to depress wages and working conditions, they can also use that power to demand fairer conditions and help improve wages. The same mechanism that draws profits to the top of the food industry can be reversed to return a tiny part those profits back down the supply chain to those who have been impoverished for so long at the bottom of that industry.

And so the Campaign for Fair Food was born.

We began our campaign after finding out that Taco Bell, a major fast-food chain in the US, bought tomatoes from a major grower based in Immokalee. A year after first contacting Taco Bell and receiving no response, we launched a national boycott campaign. With the growing support of students, religious, and labor allies across the country, we were able to win that boycott after four years, establishing three key precedents for fair labor standards in agriculture:

- a penny more per pound to be passed directly on to the workers
- a supplier code of conduct establishing fundamental human rights in the field, including the first enforceable zero tolerance policy against slavery and certain other abuses
- a guaranteed role for workers in drafting, enforcing, and monitoring the code in the fields.

Starting in March of 2005, workers harvesting for Taco Bell began receiving a check from Yum! Brands for the additional penny-per-pound of tomatoes harvested. For two seasons, workers received two checks at pay time, one from their employer and a second from Taco Bell for the bonus.

We then turned to McDonald's, and two years later, came to an agreement that expanded upon the Taco Bell agreement, involving the development of an industry-wide supplier code of conduct and third-party monitoring system, with worker participation in its implementation.

Soon after, Taco Bell's parent company, Yum Brands – owner as well of Pizza Hut, KFC, and others – extended the agreement to cover all of its five brands.

So with the leadership from both the world's largest restaurant system (Yum Brands) and the world's largest restaurant chain (McDonald's), the road to systemic change was laid out, and a functioning, workable model was in place. Other corporations serious about social responsibility now needed only to agree to participate and dramatically improve the lives of the farmworkers picking the tomatoes that end up in burgers and sandwiches.

As the current season began last fall, we stood on the threshold of a more humane agricultural industry in Florida -- until the tomato growers' lobby, the Florida Tomato Growers Exchange, stepped in the way. The FTGE imposed a \$100,000 fine for any of its members that would participate in the Yum or McDonald's agreements, and as a result, the penny per pound payments to workers that began in 2005 have been temporarily halted.

The other Yum! companies were due to initiate the penny-per-pound payment in the fall of 2007 as a result of a voluntary agreement by Yum Brands. The McDonald's agreement was also due to begin with the fall 2007 picking season.

Today, however, both agreements are being held hostage by the resistance posed by the FTGE. It is important to emphasize that both Yum Brands and McDonalds remain firmly committed to the agreements and continue to pay the penny per pound into escrow accounts.

But it is equally important to understand that already poor workers have seen their income cut as a result of the threatened fine.

The FTGE's threatened fine cannot keep us from continuing to build an historic alliance of workers and consumers for slavery-free, exploitation-free food, however. That alliance is key to bringing an end to the sweatshop conditions that allow slavery to persist, through moving more and more corporations to take responsibility for abuses in their supply chains. The movement is growing. Consumers don't want to partake in the exploitation of farmworkers through their food purchases, farmworkers understand the dynamics that underlie their poverty, and social responsibility in the U.S. food industry is inevitable. It is today not a question of if U.S. agriculture will have to face up to this fact, but when.

What are the solutions to the current abusive conditions in the fields?

I want to put this plainly. Farm work is not like any other job. Farm work is a full-time job with irregular hours. Some weeks you'll work overtime. Some weeks you'll work part-time. And some weeks you won't work at all. But you have to be available every day, or you won't have a job. And in the vast majority of picking jobs, you get paid for what you pick, not for the hours you work.

That's why farmworkers are poor. If we want farm work -- one of the hottest, most difficult, most dangerous jobs this country has to offer -- to be less degrading and more dignified, if we want it to be stable employment, then we have to raise the pay workers earn when they are working, because they only get paid when they are working. And that means a raise to the piece rate is essential, although it is not all that should be required.

- 1) The first, best way to raise the now-stagnant piece rate paid to tomato pickers is for the Florida Tomato Growers Exchange to impose an industry-wide surcharge of one penny per pound of tomatoes to cover the increased cost of labor, just as it has done three times in the last ten years to account for other production inputs, such as the cost of chemicals, fuel and palletization.
- 2) In the absence of an industry-wide surcharge, Congress should insure that the FTGE is required to eliminate its threat to fine, or otherwise retaliate against, willing growers who agree to participate in the agreements like those that the CIW has reached with YUM! Brands and McDonald's. Those agreements represent a pure market solution to an intractable situation that has resisted progress for over 100 years. Without artificial and coercive intervention by what is essentially a tomato cartel, this market solution will indeed succeed in bringing needed change to the agricultural workplace.
- 3) Congress should also mandate the development and implementation of an accurate time recording system, specifically including time clocks (as is the case in factories), designed in such a way as to allow the workers themselves to determine and demonstrate whether they are getting credit for all the time they actually spend in the fields.
- 4) Congress should eliminate the farm worker exemption from the overtime requirement of the Fair Labor Standards Act.
- 5) Congress should require the development of a multi-employer system for providing health and other common employee benefits to farm workers, so that the benefits are available as those workers move from job to job and employer to employer within the agricultural industry.
- 6) Congress should examine other ways to protect farm workers' fundamental human rights, including but not limited to a right to organize without fear of retaliation, taking into account the unique hurdles faced by farm workers who might seek to exercise those rights.

