

# Buffalo News

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## **REAPING PROFITS FROM FARM LABOR TEXAS WOMAN, FAMILY FACE SENTENCING FOR HOUSING AREA MIGRANT WORKERS IN SLAVELIKE CONDITIONS**

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She packed as many as 50 migrant farm workers into a one-family house, where they shared one bathroom and sometimes ran out of food.

Maria Garcia ran labor camps in Genesee and Orleans counties, where conditions were so bad that workers were beaten or threatened with beatings to keep them from escaping, prosecutors said.

At one camp, 11 workers had to share one bedroom, with three beds. Other workers slept in hallways. And Garcia took money out of their meager paychecks for food, rent and daily rides to the fields.

The 53-year-old Texas woman and three family members pleaded guilty Thursday in a case that was the first local test of a federal law passed in 2000 to protect illegal aliens from slavelike working conditions.

Garcia pleaded guilty to a felony charge of forced labor. She is expected to receive a 46-month prison term at her sentencing next April before U.S. District Judge William M. Skretny.

The case is being closely observed by area farmers, many of whom depend on migrants to pick fruit and vegetables. Ten farmers in Batavia, Albion, Holley, Oakfield, Fancher and Elba are charged with Garcia in a related pending lawsuit. The farmers, who hired workers Garcia recruited, say they should not be blamed for conditions in her labor camps.

Each year, thousands of migrant workers travel to New York, leaving their families behind in dirt-poor villages in Central and South America, trying desperately to cash in on some small part of the American dream.

"New York farms hire 80,000 to 100,000 migrant workers a year. From Syracuse west, they hire about 40,000," said James Schmidt, executive director of Farmworker Legal Services of New York. "You rarely see conditions this bad, but New York's overall reputation for the treatment of workers is not good.

"I hope the outcome of this case sends a message to farmers throughout the state. Just because they hire contractors like the Garcias to recruit their workers, that doesn't mean they aren't liable for the way these workers are paid and treated."

Prosecutors said Garcia hired illegal aliens from Mexico, charging \$1,000 for travel expenses, and paid some as little as \$30 for two weeks of work.

"(Garcia) deliberately recruited illegal aliens as workers and imposed heavy and artificial debts

in order to maintain a cheap, compliant and indebted work force," Assistant U.S. Attorney Gretchen L. Wylegala said in court papers. "They were isolated, scared and trapped." Garcia, of Mission, Texas, was accused of recruiting workers with false promises, providing them fake working papers and forcing them to live in squalid conditions in Albion and Kendall. She was indicted with her husband and two sons in 2002, following an investigation by immigration agents from the Department of Homeland Security.

Before the plea deals, Garcia's attorney, federal public defender Timothy W. Hoover, accused the government of granting some of Garcia's former workers American citizenship and other benefits for lying in court.

"The government is spending untold amounts of money to go after a family of decent, hard-working people," Hoover said. "Most of the workers who were hired by the Garcias had no complaints about the way they were treated."

Paul Zittel, a vegetable grower from Eden, said he hopes the Garcia case does not create the impression that farmworkers are frequently mistreated in Western New York.

"I would tell people, 'Let's not paint all farmers with the same broad brush,' " said Zittel, who is active with the 35,000-member State Farm Bureau. "Ninety-nine percent of the farmers in this state do care about the migrant workers and do treat them fairly."

Zittel said he hires migrant workers himself, rather than obtaining them through a contractor like Garcia. And Zittel said he spent \$127,000 several years ago to build new housing for migrant workers.

"I provide housing for my workers, and I pay them \$6.50 an hour to start, which later goes up to \$7.50," Zittel said. "They do a great job for us picking peppers and corn. You can't find local workers who are willing to do this kind of work."

One of Garcia's sons, Elias Botello, 28, pleaded guilty to a forced-labor conspiracy charge and is expected to serve 37 months. Garcia's husband, Jose I., 54; and a second son, Jose J. Garcia, 23, pleaded guilty to harboring illegal aliens and are expected to serve a year or less.

According to a lawsuit, the Garcias have recruited as many as 500 workers to this region since 1996.

The workers were transported from Arizona to Albion in crowded vans with no air conditioning and metal grates on the windows. Authorities said the driver, Botello, kept a large knife tucked in the sun visor of the van and warned passengers not to look out the windows.

The Garcia family also made false immigration and working papers for the workers, according to court papers. Federal agents said they began to investigate the Garcia camps after some of the workers "escaped" and began talking to farm worker advocates.

Some states require disability insurance for migrant workers, collective bargaining for workers and at least one guaranteed day of rest per month, Schmidt said. "New York does not," he added. Schmidt said his agency often finds horror stories when it visits workers throughout the state. He said most New York migrant workers make the minimum wage of \$5.15 an hour, a point hotly contested by Zittel and the Farm Bureau.

"You will not get the straight story from Farmworker Legal Services," Zittel said. "They're a nitpicking group that goes out to farms, finds violations and then says to the farmer, 'You can pay our organization \$20,000 to settle your case.' "

On a chilly morning last week, Mexican farm workers Geraldo Ramos, 22, and Abad Rubio, 45, were at Zittel's Eden farm, using a machine to break up topsoil and spew it into plastic growing trays for annual flower seedlings.

"I send some money to my family, and I keep some to myself," Ramos said through an

interpreter. "In Mexico, I would make about 120 pesos (\$15) a day. Here, I make \$7.50 an hour. "To me, it's worth it, because in Mexico, you're only working to pay the bills. You can never buy a house or save money."

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Caption:

Bill Wippert/Buffalo News

Maria Garcia pleaded guilty in the first local test of a federal law that protects illegal aliens from slavelike conditions.

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