

# Buffalo News

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## **CONTRACTOR GETS 46 MONTHS IN PRISON FOR 'DESPICABLE' ABUSE OF FARM LABOR**

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Maria Garcia recruited illegal aliens from Mexico, brought them to farms in Western New York and treated them like slaves, according to a farmworkers advocacy group.

Garcia, 54, a farm labor contractor from Mission, Texas, near the Mexico border, was sentenced to 46 months in federal prison Thursday after earlier pleading guilty to a felony charge of forced labor.

District Judge William M. Skretny called Garcia's conduct a "despicable" abuse of vulnerable people. Her case was the first local prosecution under a federal law passed in 2000 to protect migrant workers from slavelike conditions.

"The conditions in the Garcia camps were like slavery," said Lew Papenfuse, who heads a not-for-profit group that monitors the treatment of such workers in Western New York.

Federal prosecutors accused Garcia of housing migrants in severely crowded quarters, with as many as 11 people sharing one bedroom. Some workers were paid less than 13 cents an hour and were threatened with violence if they tried to leave, prosecutors said.

Garcia, her husband and two of her sons took plea deals last December, on the day their trial was supposed to begin. Local farmers insist that the conditions in the Garcia camps are atypical.

The convictions were called an important victory for migrant workers by Papenfuse, executive director of Farmworker Legal Services of New York.

Garcia said nothing during or after the proceedings Thursday. Supporters call her a deeply religious, hardworking woman whose wrongdoings have been exaggerated by the federal government.

"The allegations about slavery and involuntary servitude were never proven in court and never admitted to," said her attorney, federal public defender Timothy W. Hoover. "Maria Garcia pleaded guilty to one narrow set of facts, involving one worker."

That is true, said Assistant U.S. Attorney Gretchen L. Wylegala, but she said the government believes that at least 41 of Garcia's workers were mistreated during the summer of 2001.

Papenfuse said this case only came to light because six workers "escaped" from one of the camps in July 2001 and got in touch with the farmworkers legal services agency. The U.S. Justice Department then assigned agents from the Department of Homeland Security and the Labor Department to investigate.

In a 2002 indictment, prosecutors said the Garcias deliberately recruited undocumented immigrants because they would be fearful of being deported and easy to control. The indictment said that as many as 30 people were packed into one van, with metal gratings over the windows, during a trip from Arizona to Albion.

Garcia took money out of workers' paychecks for food, transportation and housing, leaving some of the workers with as little as \$30 after working four 60-hour weeks in the fields, investigators said.

Authorities estimate that hundreds of farms throughout New York State hire 80,000 to 100,000 migrant workers each year. About 40,000 of those workers are hired to pick fruits and vegetables throughout Western and Central New York.

"No grower in their right mind would condone this kind of thing. We want them thrown in jail as much as anyone," said Gary B. Fitch of Wilson, executive director of New York State Agricultural Affiliates. "Farmers all over the state have been watching this case. . . . A lot of them hire migrant workers through labor contractors."

Maria Garcia pleaded guilty to a felony charge of forced labor. One of her sons, Elias Botello, 29, pleaded guilty to a charge of forced labor conspiracy and was sentenced to 37 months in prison. Garcia's husband, Jose I. Garcia, 54, was sentenced to 12 months of probation for harboring illegal aliens. Her younger son, Jose J. Garcia, 23, was sentenced to 14 months in prison for the same offense.

The migrants were threatened with violence if they escaped, but in July 2001, six workers did escape from the camp in Orleans County.

"It was like one of the stories you hear of slaves escaping before the Civil War," said Daniel A. Werner, legal director of the Workers' Rights Law Center of New York. "The heroes of this story are the workers who sneaked out in the middle of the night. They slept in a forest, near some railroad tracks, with people out looking for them."

Werner is overseeing a related class-action lawsuit, filed by the victims against the Garcias and 10 farmers who hired their workers.

"At this time, the (farmers) are not charged with the actual slavery claims or the racketeering claims that we've filed against the Garcias," Werner said. "The growers are charged with labor law violations, failure to provide minimum wage and failure to provide working conditions required by federal law."

Fitch said that none of the farmers named in the lawsuit were aware of the poor conditions at the camp, or that workers were undocumented immigrants.

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Caption:

Dennis C. Enser/Buffalo News

Maria Garcia, arriving with family at federal court for her sentencing, recruited workers from Mexico and treated them like slaves, farmworker advocates say.

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