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## **LABOR CAMP INDICTMENTS STEM FROM RISKY ESCAPE**

Author: SANDRA TAN - News Staff Reporter

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It all started with an escape.

A group of six migrant workers made a break for freedom from what they described as a closely supervised forced labor camp in Orleans County.

Unsure of where to go, and unable to speak any English, the desperate group of undocumented Mexican immigrants spent the night hiding in the woods.

Fortunately for them, they eventually came across a Spanish-speaking resident who helped put them in touch with the Rochester office of Farmworker Legal Services of New York.

"But for that, who knows what would have happened?" said Dan Werner, a lawyer in the New Paltz office.

Somehow, word made it to another group of four escapees who joined the six others under the agency's protection. The agency, in turn, contacted federal authorities.

"This took a lot of guts on the part of the workers to escape and be willing to talk to us and then the federal authorities," Werner said.

This week, Maria "Chavela" Garcia and two other family members were arraigned in U.S. District Court on charges of operating forced labor camps in Albion and Kendall, illegally and unsafely transporting migrant workers from Arizona to Western New York and engaging in immigration status and Social Security fraud.

Garcia and five others were the first to be indicted by a federal grand jury under the new Victims of Trafficking and Violence Prevention Act, passed by Congress in 2000.

This case has stirred anger among area farm worker advocates, who say the migrant workers employed by the Garcias would not have been in such a desperate situation if more legal protections were available to prevent such workers from being subjected to inhumane treatment.

"Such drastic things shouldn't have to happen for laws to change," said Bill Abom, area coordinator for Rural Migrant Ministries, part of the Justice for Farmworkers Campaign. Werner described the case as "the modern face of slavery." While such circumstances are not common in Western New York, he said, they are not rare, either.

In fact, in the aftermath of the Sept. 11 terrorist attacks, such treatment of workers may be uncovered more frequently as the Immigration and Naturalization Service cracks down on illegal immigration and tightens up its border patrols, he said.

That increases the cost of smuggling Mexican workers over the border, and the additional expense typically is passed on to the immigrants, who are told they must work off their

transportation debts before leaving his employer, Abom said.

In the Garcias' case, the smuggled immigrants were recruited from Arizona and crammed into a van that had seats removed and windows that did not work, according to the indictment.

Workers were told that they could not leave their camps until they paid off about \$1,800 for their transportation from Arizona to New York, as well as other debts the defendants claimed the workers owed for rent and food, the indictment states.

One migrant worker, who is planting cabbage on an Orleans County farm, said he signed on with the Garcias for a few weeks in 1993.

"They would make us work under all conditions, whether it was raining or cold," said "Pancho," who spoke through a translator and asked not to be identified by his real name. "They obligated us to work."

Abom, the translator, pointed out that farm worker contractors get paid a separate fee from growers and receive more money the faster a job is completed.

Pancho said the Garcias cashed his paycheck and skimmed money off the top before giving him the rest. That treatment caused him to leave the group, he said.

"I know that they weren't a very proper family in what they were doing," Pancho said. "I know this country is a country based on laws and, sooner or later, it would catch up with them."

Farm worker advocates estimate that 10,000 to 15,000 migrant workers labor on farms in Western New York.

Pancho, 46, who said he was among the first group of Mexicans to look for migrant farm work in this area in the mid-1980s, described living conditions as extremely poor overall.

Typically, both male and female workers are crammed into old houses or trailers, many forced to share a single bathroom -- when it works -- and to sleep wherever they can find space, he said.

Neither the U.S. attorney's office nor Farmworker Legal Services of New York would disclose the location of the 10 escapees now serving as witnesses against the Garcias and their partners, though both groups said the victims are being treated well.

Werner noted that the Victims of Trafficking and Violence Prevention Act provides more legal protections for victims of severe trafficking operations. But the victims still have to prove that they would meet with serious harm if they returned to Mexico, he said.

Farm worker advocates have seized on the Garcias' indictment to highlight stalled policy and legislative proposals that would prevent high-profile incidents of forced labor trafficking from occurring in the future.

The Justice for Farmworkers Campaign has worked to bring attention to state legislation that would allow migrant workers to be covered by labor laws and to form unions.

Werner noted that many advocates for migrant workers have gotten nowhere in the last nine months because domestic terrorism threats have made legislators unwilling to look at broadening immigrant protections or immigration policies.

But that does not change the farmers' need for cheap, migrant labor to work long days at a minimum wage of \$5.15 an hour.

Near the end of President Bill Clinton's administration, Werner said, growers and farm worker representatives worked out a compromise that would allow the legal immigration of workers in a way that would not subject the workers to abuse.

Those discussions were interrupted when President Bush took office and were shelved completely after the Sept. 11 attacks.

Werner said he would like to think that those discussions will start up again someday. "If that compromise had been signed into law," he said, "this labor case might never have happened."

e-mail: [stan@buffnews.com](mailto:stan@buffnews.com)

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