

CELEBRATING
A CENTURY
TOGETHER

The Miami Herald

Continuous updates through the day: www.herald.com

100th YEAR, No. 362
Copyright © 2003 The Miami Herald

BRYAN

MONDAY, SEPTEMBER 1, 2003 ▶ FINAL EDITION

For home deli



PHOTOS BY NURI VALLEJO/HERALD STAFF

FARMWORKERS' PLIGHT: Displaying what he says is the bloodied shirt of a farm laborer beaten in 1998, farmworker rights advocate Lucas Benitez declares: 'When we say the tomatoes that leave Immokalee have sweat, have blood, we're not exaggerating.' **Story, 20A**

A CROP OF ABUSE BRUTAL LABOR BOSSES PUNISHED, BUT NOT GROWERS WHO HIRE THEM

BY RONNIE GREENE

rgreen@herald.com

IMMOKALEE — Fourteen long miles from Main Street, 1365 Sanctuary Rd. stands squat, ragged and rusty, its front door ajar, its screen and window smashed.

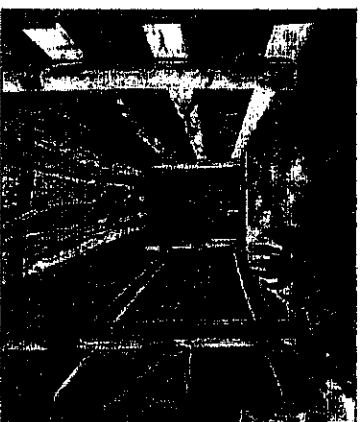
On the surface, it appears to be just another shack in this tough town 110 miles from Miami. But it was here that the dark side of Florida's agricultural industry took root.

The man who controlled 1365 Sanctuary is one of 12 Florida farm contractors, smugglers and henchmen to land in prison in recent years for crimes against farmworkers, including slavery. The convictions helped lift the veil on the often hidden, often brutal world of Florida farm work.



FIELDS OF DESPAIR
SECOND OF THREE PARTS

▶ PLEASE SEE FARMWORKERS, 18A



HOUSE OF SERVITUDE: A mobile home near Immokalee housed two dozen undocumented immigrant farmworkers who were kept in involuntary servitude and docked pay. Their crew chief, Abel Cuellar Jr., was sentenced to prison.

▶ Florida leads the nation in the number of farm labor contractors who skirted migrant farmworker laws, **20A**

TODAY'S HIGHLIGHTS

Florida is rich with farm fields, but for the workers who toil in them, the riches are a mirage. And that is not the worst of it.

▶ Twelve Florida farm contractors, smugglers and henchmen have gone to prison for crimes against farmworkers, including slavery, in recent years. In extreme cases, workers have been beaten, pistol-whipped and sexually exploited.

▶ More than 200 Florida farm-crew contractors are barred from doing business because they cheated workers, relegated them to hellhole housing or committed other offenses.

▶ Growers employing the criminal contractors have not been prosecuted.



HARD LIFE ON THE LAND: Migrant workers await a bus ride to Immokalee tomato fields for a day of picking. Hundreds of them, mostly from Mexico, make the trek daily during the harvest season.

'I realized I had been sold'

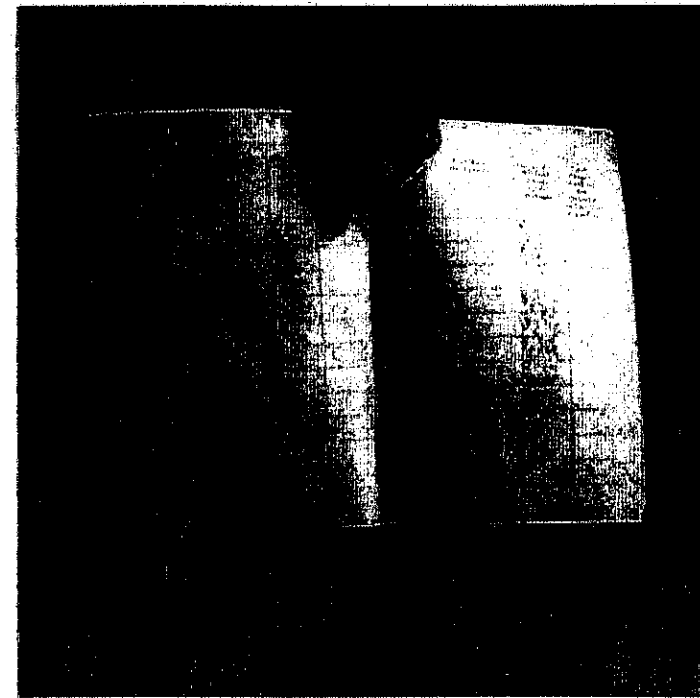
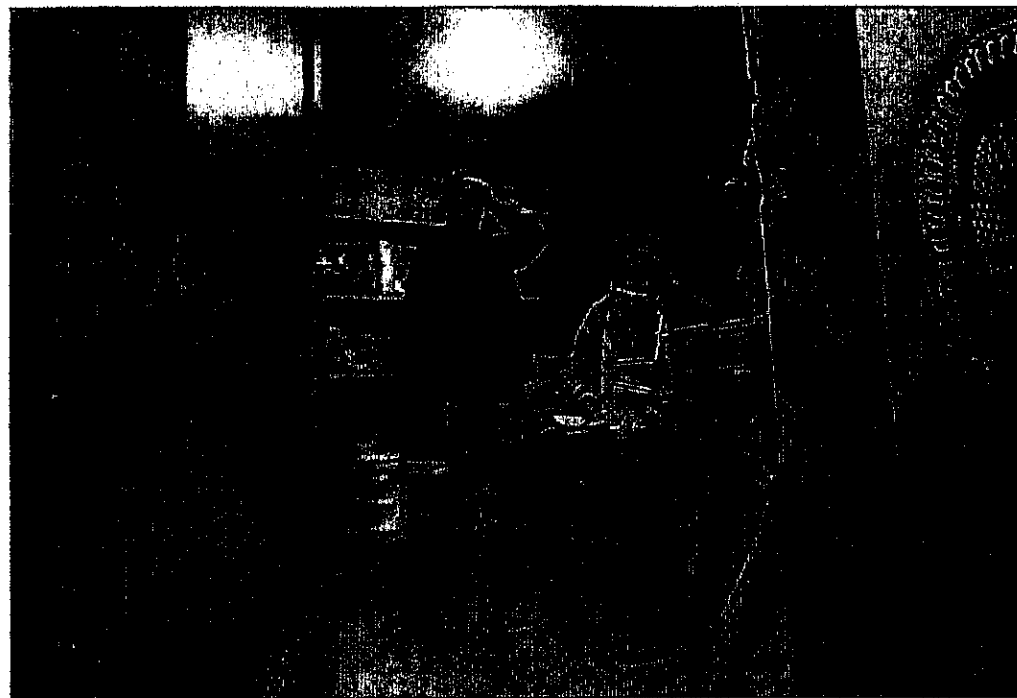
► FARMWORKERS, FROM 1A

While the cases reveal the industry's worst abuses, they provide just a glimpse of them. Since 1996, there have been just five such cases, the most recent last year, but the prosecutions have never gone beyond the crew chiefs to include the growers who hired them, records show.

By contrast, more than 200 Florida farm labor bosses and their assistants are barred from the industry, a richer sign of the rough culture.

And a Herald investigation in North Florida has exposed other abuses in a pocket of the state that historically has seen little investigative attention. Laborers there were recruited from homeless shelters and vagabond parks to work in the hot farm country, but they encountered low pay, long hours, slum housing — a world some liken to modern-day slavery.

DIFFERENT VENUES



WORKER RIGHTS: Raul G. Barrera, seated at left, visits a migrant labor camp in Immokalee to counsel workers on their rights. He is a paralegal for the Migrant Farmworkers Justice Project. At right, Jose Solano displays a record of his work hours. He and others say they are not paid for hours spent waiting to pick tomatoes.

PHOTOS BY NURI VALLBONA / HERALD STAFF

PHOTOS BY NURI VALLBONA / HERALD STAFF

DIFFERENT VENUES

Fort Pierce and Fort Myers among sites of prosecutions

The criminal prosecutions to date have largely been focused south, in courthouses from Fort Pierce on the east coast to Fort Myers on the Gulf. Investigators confirm, however, that they are now scrutinizing North Florida as well.

"Obviously, we're strongly opposed to that kind of activity," said Walter Kates, director of the Division of Labor Relations for the Florida Fruit and Vegetable Association, a nonprofit trade group.

"But how can you hold anybody accountable outside of the work environment, where you have no control?" Kates asked. "I think it's awfully hard to hold any employer, whether it's a farmer or owner of a newspaper, responsible for activity that happens outside of a working hour."

Abel Cuello Jr., operator of the Immokalee shack, was one of the criminals, employed by one of the state's growers.

Antonio Martinez was one of the slaves. He knew that, he

said, when he saw Cuello pay the "coyote," or smuggler, who transported him from an Arizona border town to Florida.

"At that point," Martinez said in an interview, "I realized I had been sold."

Two dozen people were crammed into the Cuello mobile home at 1365 Sanctuary Rd. in 1999, court papers show. There were mattresses on the floor and just four or five dishes to share. The water, supplied from a well, was foul. The floor had holes and snakes in plain view. Roaches crawled everywhere.

Workers found no relief in the fields, with crew boss Cuello docking their pay for their travel from Arizona to Florida.

The trek was tortuous, with 18 Mexican immigrants ordered to sit on a van floor so they wouldn't be detected during the nearly four-day journey. They shared two bags of chips as sustenance. For this, each was billed \$700, to be worked off.

"During the trip, the men in

the group were made to urinate in plastic jugs, and the woman . . . did not urinate until two days into the trip, when the van had to stop to repair a flat tire, because she was unable to use the jug," senior patrol agent Jose M. Lopez of the U.S. immigration agency wrote in a criminal complaint.

"When the jugs were full of urine, the smuggler would empty them by pouring them out the window while the van was moving."

After arriving in Immokalee, they labored under Cuello at Manley Farms North Inc., a major Bonita Springs tomato supplier that paid Cuello \$24 for every 1,000 pounds of tomatoes harvested. Smuggling fees were docked from workers' checks written on the Manley account, court papers show.

Company President J. Kent Manley Jr. did not respond to four requests for an interview, nor did he reply to written questions.

Picker Martinez said his four months inside 1365 Sanc-

tuary were filled with little food, long work hours and scant pay. He said a co-worker awakened one night with a scorpion sting on his neck.

"I thought I was going to die there, because I didn't eat well," Martinez said. "And I knew if I escaped, he would beat me. But when I escaped, I felt liberated."

After escaping in 1999, he bumped into Cuello, who chased him in a Chevy Suburban, yelling obscenities and demanding his coyote fee back.

A PLEA OF GUILTY

Sentence of 33 months given to labor boss; he's out now

Cuello, born in Brownsville, Texas, pleaded guilty to one count of involuntary servitude and went to prison in 1999 for 33 months, his contractor's license revoked at the time. Two co-defendants, both relatives, also were convicted.

Cuello, 39, is out now. According to corporate records, he has created

another harvesting company, E&B Harvesting & Trucking Inc., based in Naples.

Yet even that is curious. In his 2002 corporate papers, Cuello listed two addresses on Redbird Lane in Naples. Neither could be found. A mail carrier on duty one day said they don't exist.

The Herald sought an interview with Cuello through his father, who lives near the Immokalee trailer. Cuello didn't reply.

His return is a case study showing how, even with a handful of slavery prosecutions brought against corrupt crew bosses, little has changed.

Advocates for the farmworkers were pleased each time that bosses like Cuello were prosecuted. They were chagrined that the cases ended there.

Growers employing the criminal bosses were not charged in a single case. It's not that the growers themselves were suspected of enslaving workers. But watchdogs say the industry fosters

an atmosphere that allows renegade bosses to rule with criminality.

Last year, for instance, when prosecutors in Fort Pierce put away farm labor contractors Ramiro, Juan and Jose Ramos, the sentencing hearing broadened beyond their crimes into the role of the industry.

Brothers Ramiro and Juan Ramos were convicted of keeping Mexican workers in involuntary servitude at a "filthy and overcrowded" Lake Placid housing camp, making them work off \$1,000 in smuggling fees by picking fruit for major growers.

They and cousin Jose were convicted of assaulting a bus-service owner, Jose Martinez-Cervantes Sr., whom they suspected of whisking workers away.

"You're the son of a f----- who has been taking all my people," Martinez-Cervantes quoted one of them in an interview.

▶ PLEASE SEE FARMWORKERS, 19A

► FARMWORKERS, FROM 10A

They pistol-whipped him, leaving him unconscious. For two weeks, he could barely leave bed. "Pain," he said. "Everywhere."

The Ramoses got long prison sentences, from 10 to 12 years.

But even their attorneys say the case will do little to stamp out abuses.

"They are such a small part of a larger industry," Nelson Rodriguez-Varela, a Coral Gables attorney who represented Juan Ramos, said at sentencing. "It's almost like catching the drug peddler in the street . . . and these defendants, you know, to be made examples of, really doesn't even make a dent."

In an interview in Miami, Rodriguez-Varela asked: "Should the Ramoses be in prison? No. You need the Ramoses to keep the price of oranges down."

At trial, he and other defense attorneys questioned growers who hired their clients.

"These are not our employees," Richard Hetherton, director of human resources for Lykes Bros. in Tampa, said of the laborers.

"Why don't you hire the workers directly?" Rodriguez-Varela asked.

"It is too expensive," the Lykes official replied. "We find it is a lot more efficient to use a contractor to provide the

labor."

"Efficient means cheaper, right?"

"OK," Hetherton replied. "I would go with that."

COMPANIES' REACTIONS

A Lykes Bros. officer says firm unaware of activities

In an interview, Lykes Bros. Vice President Elizabeth Waters said the company is a responsible employer and had not been aware of "the kinds of activities for which they were prosecuted."

Consolidated Citrus, among the nation's largest growers, was still doing business with Ramiro Ramos at the time of the trial, a company official testified. Prosecutors said Ramos was known by some as El Diablo (The Devil).

"And we feel very strongly that people like Mr. Ramos . . . do a much better job of managing this than we would," testified Joaquin Mendiburo, Consolidated's manager of safety, labor and environmental compliance. ". . . We prefer to stay away from any term that would classify us as co-employer."

Consolidated officials did not respond to a request for an interview.

At one point in court, Ramiro Ramos' attorney, Joaquin Perez, asked: "Do you not think for one moment, you know, that the growers don't know what's going on?"

Such debate prompted U.S. District Judge K. Michael Moore to say at sentencing:

"It seems that there are others at another level in this system of fruit-picking, at a higher level, that to some extent are complicit in one way or another in how these activities occur.

"... They rely on migrant workers, and they create a legal fiction or corporation that insulates them between them and the workers themselves so that they can be relieved of any liability for the hiring of illegal immigrants. And yet they stand to benefit the most."

The judge added: "I think there is a broader interest out there that the government should look at as well."

His comments raise this question: To what degree are farmers at fault? Several court cases over the years have found that growers can be considered joint employers of the farmworkers "and jointly responsible for the contractor's employees."

Advocates for the farmworkers believe that many abuses of those workers go undetected because so many laborers work illegally. Some horrors are discovered by chance.

Jose Tecum was accused of enslaving a young Guatemalan national, Maria Choz, and forging papers so she could pick Florida vegetables in 1999.

Authorities discovered the

it yet — is to make trafficking in humans unprofitable," said Douglas Molloy, managing assistant U.S. attorney in Fort Myers.

He believes that investigators should convict the low-level and midlevel offenders first, then get them to testify about others higher up.

"Follow the money," said Molloy, who helped put Tecum and Cuello away.

A CASE OF SERVITUDE

Uneducated immigrants recruited on Arizona border

In another case, North Florida contractor Miguel Flores was sentenced to 15 years in prison in 1997 for keeping workers in involuntary servitude and for other crimes.

Authorities say Flores recruited poor, uneducated immigrants from Arizona border towns, billing them for their treacherous trek here. He then supplied thousands of those laborers to farmers from South Florida to rural South Carolina.

The indictment focused on a secluded South Carolina camp he controlled. It was surrounded by woods and marshes, and the only exit was an unlit, unpaved road.

Workers awaited a brutal fate if they fled, court papers say: "They would be hunted down."

The fifth case, brought against Fort Pierce harvester Michael Allen Lee, shows how bosses can financially exploit farmworkers, billing for everything from drugs to food to rent. Lee got a four-year sentence.

He had been subcontracted by farmers in Central Florida and South Florida to assemble crews to harvest fruit.

The feds say that Lee, himself a descendant of slaves, recruited homeless or drug-addicted men.

"Lee provided workers with crack cocaine, resulting in a debt that was assessed against their wages," prosecutors said in court papers. "In addition to the crack cocaine, the workers' debt was enhanced through short-term loans for rent, food, cigarettes and beer, resulting in a 'company store' debt the workers could not conceivably pay."

In 2000, Lee and two other men, one nicknamed Goon, were indicted for beating bloody a farmworker who had left Lee's employ without paying a debt. Court records say Lee ordered the man to clean up his own blood.

THE SERIES

Sunday:

Farmworkers in North Florida tell harrowing stories of living like modern-day slaves.

Today: Elsewhere in the state, farmworkers have been beaten, cheated and abused. Only a dozen people have gone to prison since 1996.

Tuesday: Powerful growers and farmers have donated millions of dollars to the politicians who control migrant worker labor laws.

case when the Collier County Sheriff's Department responded to a domestic call at Tecum's Immokalee house.

Choz "cried and visibly shook," according to court papers. "Ms. Choz told the advocate that she felt like a slave and that she had to perform any services that Tecum required."

In his native Guatemala,

Tecum had owned the largest house in their mountain community, while Choz lived in squalor. Prosecutors say Tecum threatened to kill Choz or her father unless the family gave the young woman to him. He then smuggled her to the United States.

"This case is about people with power and the powerless," prosecutor Susan French said at trial in federal court in Fort Myers. "This is a case about modern-day slavery in the United States."

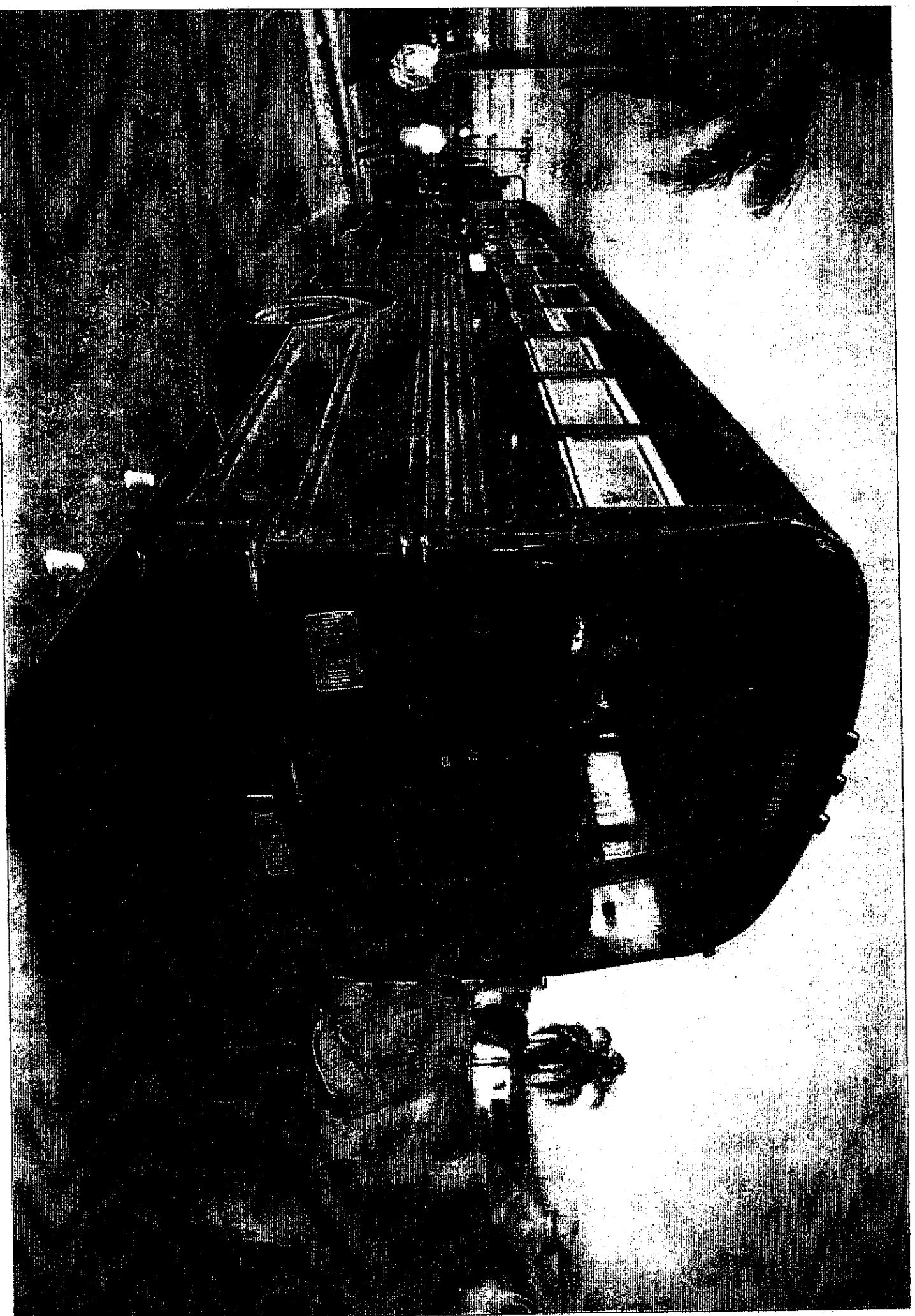
In Florida, court papers say Tecum demanded sex from Choz and arranged for her to work at David C. Brown Farms, providing her with a fake ID. "Every paycheck she earned, he took it. And she received maybe one or two or three dollars," a prosecutor said in court.

The Herald made five requests to interview David C. Brown, who owns an 8,000-square-foot Fort Myers mansion assessed at \$860,260 and operates the farm company. He did not respond.

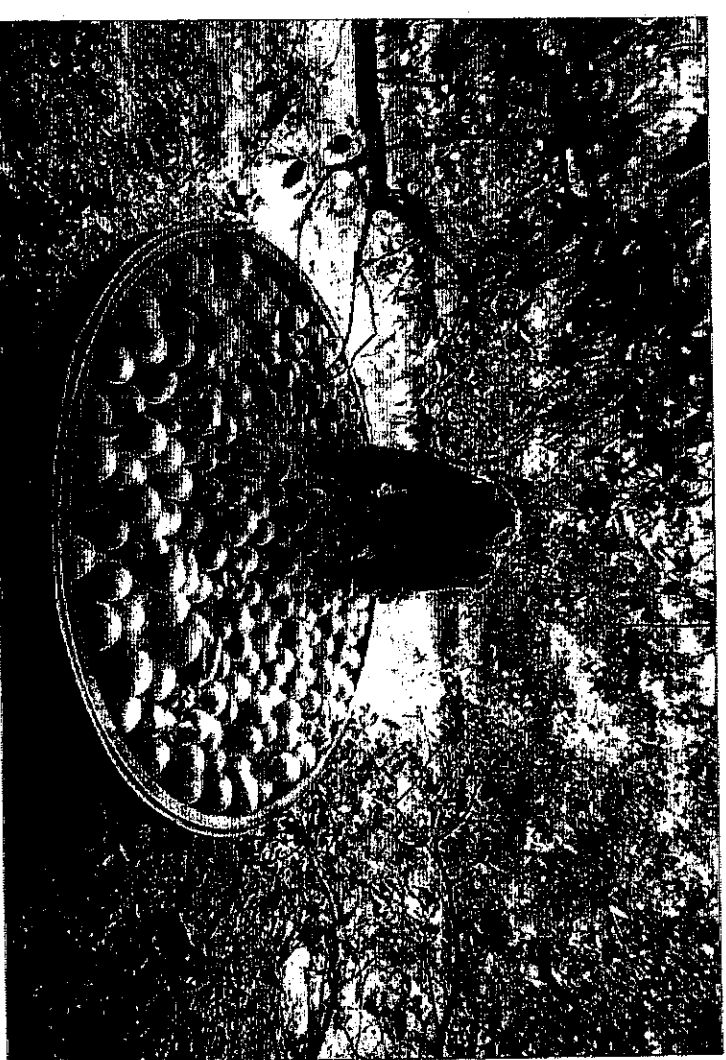
Choz's pain was clear when prosecutors asked her to identify Tecum for jurors: "I don't want to look at his face," trial transcripts show that she said.

In 2000, Tecum was found guilty of six charges, including involuntary servitude, kidnapping and smuggling. He went to prison for nine years.

"The biggest issue I think prosecutors can eventually make — and we haven't made



TRANSPORTATION: A bus is ready in Immokalee for another group of workers. Pickers say they arrive at dawn but usually wait for hours until tomato plants are dry before they are allowed to pick.



GULL BIN: Antonio Martinez, once held in servitude at a mobile home near Immokalee used by Abel Juello Jr., gathers oranges at a Florida work site whose location he did not want disclosed.



Jose Martinez-Cervantes Sr., a bus-service owner, was pistol-whipped into unconsciousness by farm labor contractors who suspected him of taking workers from them. For two weeks, he could barely leave bed. 'Pain,' he said. 'Everywhere.'