

Panel told Florida tomato pickers subjected to slavery

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WASHINGTON — Slavery exists in the tomato fields of Florida, a U.S. Senate committee was told Tuesday.

"Today's form of slavery does not bear the overt nature of pre-Civil War society, but it is none the less heinous and reprehensible," Collier County Sheriff's Detective Charlie Frost told Democratic members of the Senate Health, Education, Labor and Pension Committee. No Republicans attending the hearing.

Workers are held in "involuntary servitude" through threats and actual violence against them and their families — often in Latin America — and in a system of "perpetually accruing debt," in which they are overcharged for housing, food, water and transportation, he said.

"Almost certainly, it's going on right now," Frost said.

But Reginald L. Brown, executive vice president of the Florida Tomato Growers Exchange, denied slavery exists in the commercial tomato industry. He said isolated cases have occurred among private growers.

"Florida's tomato growers abhor and condemn slavery," Brown said. "We are on the same side on this issue."

The Senate hearing focused on the living and working conditions facing thousands of migrant tomato pickers, their rate of pay, and the industry's refusal to implement agreements by major restaurant chains to pay workers an additional penny a pound for harvested tomatoes.

Committee members expressed skepticism about the growers' willingness to police their members and said the industry appears to foster low wages and the exploitation of migrant workers.

At the conclusion of the two-hour hearing, Brown reluctantly agreed the exchange would cooperate if the committee requested a Government Accountability Office study of conditions among tomato workers. But Brown said he could not guarantee that the individual companies that make up the exchange would cooperate.

Lucas Benitez, a co-founder of the Coalition of Immokalee Workers, told the panel that tomato pickers are regularly abused, harassed, intimidated and kept so deeply in debt that they are virtually in bondage. Benitez said female pickers are additionally subjected to sexual harassment and abuse.

"The seven cases of modern slavery that have been uncovered in the fields of Florida are just the tip of the iceberg," Benitez said, referring to federal cases in the past decade.

Frost, the Collier County detective, said slavery was the same as human trafficking, but that loopholes in state and federal law make it difficult to bring cases against those who benefit from the system. Frost said the large tomato companies shield themselves from prosecution by hiring subcontractors, who are responsible for human trafficking.

Brown rejected the claim.

"We are paying fair wages and we're paying our workers fairly," Brown said, arguing that if workers were being exploited they would not return voluntarily year after year to work in Florida's tomato fields.

Roy Reyna, a former farm worker who now is the farm manager for Grainger Farms in Immokalee, said that in his 25 years in the fields he has not witnessed any cases of slavery or forced work. Reyna said the roughly 100 workers on his farm "choose to work with our company ? because we pay them a fair wage, offer very inexpensive housing and treat them with dignity and respect."

Eric Schlosser, an investigative reporter and author of "Fast Food Nation," testified he found it "incredible" that slavery exists in 2008, but "I find it even more incredible that the tomato growers of Florida and some of their largest customers continue to deny that such abuses exist."

Schlosser said he believes "there are farmers that are honest and decent, but it's unfair to them to compete with those who are imposing slavery."

Committee members and panelists challenged Brown's assertion that workers could earn more than \$14 an hour filling buckets that carry 32 pounds of tomatoes.

Sen. Dick Durbin, D-Ill., said workers would have to pick almost 3,000 tomatoes to earn \$14 and would have to fill and empty their buckets every two minutes.

Brown acknowledged that tomato pickers may only work 20 hours a week, but Benitez said they may spend numerous unpaid hours in the field waiting for conditions to be right, and may have to return to their housing unpaid on days when it rains.

Benitez said that if Brown was serious about workers being paid \$14 an hour, the pickers would accept that payment rate instead of the piecemeal rate they are currently paid.

Mary Bauer, director of the Immigrant Justice Project at the Southern Poverty Law Center, said there is "rampant abuse" of state and federal wage and hour laws in the payment of farm workers and little enforcement. She said payment rates are routinely adjusted to reflect how much crop was picked, not how much time workers were at the job.

Bauer called Brown's assertion of a \$14 an hour pay rate "disingenuous ? those statements simply aren't true in the real world."

Committee members pressed Brown on the exchange's refusal to implement agreements reach between the tomato workers and fast-food giants McDonalds and Yum! Brands — the parent company for Taco Bell, KFC, Pizza Hut and Long John Silver's — to pay workers a penny a pound extra.

Brown said the exchange did not oppose the restaurant chains paying the workers directly, but did not want to act as the middle man in determining which workers were entitled to higher payments. He said it was impossible to determine which tomato picked by which worker ultimately went to which restaurant.

Sen. Bernie Sanders, I-Vt., who chaired the hearing, said the committee planned to continue monitoring the issue.

Larry Lipman is a Washington correspondent for Cox Newspapers.

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