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## CLEAN UP CAMPS FOR WORKERS, JUDGE SAYS SQUALID FARM LABOR CONDITIONS

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A Sacramento federal judge Friday described as "deplorable" the filthy and unsafe living conditions of hundreds of farm workers in San Joaquin County and ordered a cleanup to begin by the middle of next week. Based on evidence submitted by attorneys for California Rural Legal Assistance (CRLA), including two videotapes and declarations from 13 farm workers, U.S. District Judge Garland E. Burrell Jr. found that there are "crowded and squalid living conditions, broken windows, missing doors, holes in walls, and an unclean kitchen area" at six migrant labor camps.

"These conditions could be fairly characterized as deplorable," Burrell said.

The camps are near Victoria Island Bridge off two-lane Highway 4 west of Stockton near the community of Holt. Entrances are marked with signs saying "Avoid arrest. No trespassing." Viewed from the road, the shacks on the property appear rundown and boarded up.

The lawsuit filed by CRLA attorneys names JB Farm Labor Contractor and its principals, Jose Bautista and Otilio Bautista, as operators of the camps. The suit names Victoria Island L.P. and its principal, Grayden E. Nichols, as owner of the property. The Bautistas and Nichols could not be reached for comment.

The workers say in the declarations that they:

- \* Have not been told the terms of their employment.
- \* Work up to seven days a week and 10 1/2 hours a day, have not been paid and are told money is deducted from their wages to pay those who brought them from Mexico and to pay the labor contractor for housing and food.
- \* Are intimidated by armed guards who keep them from leaving the isolated camps, and are forced to purchase necessities from a camp store with small amounts of money given them by the labor contractor.
- \* Fear retaliation in the form of termination, blacklisting, deportation and harm to family members in Mexico if they blow the whistle on the operation.

The judge's order prohibits closure of the camps and eviction of the workers and prohibits any retaliation by the defendants against workers who "have or are believed to have initiated or assisted in this lawsuit."

In the suit, the CRLA seeks to halt violations of federal and state labor laws and permanently upgrade the living conditions of the workers.

Burrell noted the workers face a dilemma: They need to keep their jobs but need improved living conditions immediately.

While an order simply barring the defendants from violating the law is too broad, he said, and the failure to pay wages can be remedied later with an award of monetary damages, the judge directed major repairs to begin immediately on the quarters occupied by the workers.

Burrell cited a court declaration from CRLA attorney Cynthia Rice which says that given "the severe nature of the allegations . . . the defendants will use any method possible to destroy evidence and eliminate witnesses."

Rice's declaration says that the labor contractor hauls workers to and from the fields and it would require little effort to transport them out in a matter of hours, probably "to another labor camp, hidden from view, or left to fend for themselves on the streets and on the riverbanks."

Thus, Rice says, the workers would be unable to assist in the suit or to benefit from it.

The workers fear their bosses will contact the U.S. Immigration and Naturalization Service and that they will very quickly find themselves back in Mexico, or they will simply be fired, or the camps will be shut down, "leaving hundreds of still unpaid workers out of a job and without shelter," Rice says.

Burrell's order specified that plumbing problems have to be tackled without delay, ensuring that toilets, sinks and showers are operable and pools of standing water are eliminated.

Also, he said, missing doors and missing or broken windows must be replaced, piles of unused and rotting bedding removed and garbage cans provided.

Burrell directed the defendants to place four portable toilets and four portable sinks at each barracks within 24 hours of receiving the order.

Rice said outside court she expected copies of the order to be posted at each camp Friday night.

The CRLA attorneys are to file a motion for a preliminary injunction by Tuesday and Burrell will hear arguments on it June 5.

The defendants have not yet filed opposing papers, nor were they represented at Friday's hearing on the temporary restraining order. The CRLA attorneys did not want to tip their hand until they had a court order, but Burrell insisted that they notify the defendants of Friday's hearing.

The CRLA attorneys represent as many as 500 or more workers who were recruited in various parts of Mexico and the Southwest to work for JB Farm Labor in this year's San Joaquin County asparagus harvest from mid-February to late May.

Because of the potential for retaliation, Burrell issued a separate order Friday sealing the true identities of three representative plaintiffs and other workers who gave declarations to the attorneys.

Typical of the declarations' contents is this one from plaintiff Manuel A.:

He was recruited in January in Sinaloa, Mexico by a foreman for JB Farm Labor. He was provided three meals a day, "but the food was not good. Often we were given spoiled eggs or meat."

He worked up to 10 hours a day with one 10-minute break to eat.

From mid-February to mid-May he received one check. He was given other check stubs, "but they were not attached to checks or any other form of payment."

His stubs showed deductions amounting to about half the wages. "I do not know the purpose of the deductions and I have never given permission to anyone to take money out of my wages for anything."

About every 15 days he was given \$20 cash to buy supplies. "Because I had no way to leave the camp, and I was afraid to do so, I had to buy everything I needed, including soap, shampoo, food and whatever else I could buy for \$20 at a small store in the camp."

He was told if he left the camp he would never get the money owed him.

Another plaintiff, Alberto C., said in his declaration that the workers were often given "only bread and coffee . . . for our breakfast and chicken that was almost raw for dinner. I was constantly hungry."

The federal suit comes at a time when the Assembly is considering a bill that would make California growers jointly liable with contractors for labor law violations. Growers who use contractors are largely exempt from responsibility when labor laws are violated. The Assembly is scheduled to vote Wednesday on the bill.

Bee staff writers Edgar Sanchez and Cathleen Ferraro contributed to this report.