

Statement of
Arturo S. Rodriguez
President of United Farm Workers of America

**Before the Senate Committee on the Judiciary's Subcommittee on
Immigration, Refugees, and Border Security**

**‘America’s Agricultural Labor Crisis:
Enacting a Practical Solution’**

October 4, 2011

I would like to thank Chairman Schumer, Ranking Member Cornyn and all the members of the committee for holding this hearing and for inviting me. My name is Arturo Rodriguez. I am the President of the United Farm Workers.

Today, across America the harvest season is just finishing. At its peak, more than a million men, women, and children were toiling in our nation’s fields producing our fruits and vegetables and caring for our livestock. Soon, hundreds of thousands of farm workers will get ready to harvest fruits and vegetables for the winter. Most Americans have the luxury to operate in ignorance or denial about how the food we eat gets on our tables. We don’t stop and think about how this rich bounty comes to supermarkets. We don’t reflect on why Americans pay less for their food than people in other countries. And most Americans probably can’t comprehend the immigration struggles of the farm workers.

Agriculture in the United States is dependent on a hard working, dedicated, tax-paying immigrant work force. The United Farm Workers union was born out of the struggle for these immigrant workers to have a voice in their treatment in the fields. The UFW strives to represent the interests of both immigrant workers and the U.S. workers who harvest our crops. Though about three-quarters of all farm workers are born outside this country, it is important to recognize that one-quarter of all farm workers are born here in the United States. Based on government statistics, there are somewhere between 600,000 and 800,000 farm workers who are either U.S. citizens or legal residents.

Since the late 1990s, according to government statistics, at least 50% of farm laborers are foreigners who are not authorized to work legally in the United States. In California and Florida, the percentage of workers who are unauthorized is at least 65%. Our union’s experience is also that the great majority of farm workers are undocumented.

If two-thirds of the estimated 1.4 million workers employed on crop farms sometime during the year are unauthorized and a third of the estimated 429,000 livestock workers are unauthorized (and those are conservative estimates), American agriculture employs about 1.1 million unauthorized workers.

And those workers have families. There are over 500,000 children in the United States who have a parent who is an unauthorized farm worker; 70% of these children are U.S. citizens.

These are facts. It is time for Congress to look beyond the harsh rhetoric of the anti-immigrant lobby and their talk show bullies and recognize what everyone knows is true:

- America needs these workers. Everyone in this room is directly sustained by farm laborers every day.
- If you had a glass of Florida orange juice with your breakfast this morning, it is almost certain the oranges that went into that juice were picked by unauthorized workers.
- If you had milk with your cereal, it is likely that the workers who milked the cows didn't have the right papers.
- When we sit down every day to give thanks for our many blessings, most of the food on our table has been harvested and cared for by unauthorized workers.

There is another indisputable fact: The life of a U.S. farm worker in 2011 is not an easy one. Most farm workers live in poverty, endure poor working conditions and receive no government assistance. The simple reason that the agriculture industry depends so heavily on immigrants is because undocumented farm workers take jobs many American workers won't do, for pay other American workers won't accept, and under conditions other American workers won't tolerate. Who is to blame?

- It is not the farm workers' fault that 15 states do not even provide them the basic protection of workers' compensation if they are injured at work.
- It is not the farm workers' fault that more than 70 years after Congress passed the National Labor Relations Act, farm workers still do not have the right to join a union to improve their wages and working conditions, except in California.
- It is not the farm workers' fault that year after year, farm labor contractors violate the laws with impunity while the growers who employ the contractors avoid any responsibility for the workers who are abused on their farms.
- It is not the farm workers' fault that Congress never acted on the recommendations of the Commission on Agricultural Workers authorized as part of the Immigration Reform and Control Act of 1986 - recommendations aimed at providing a stable, legal workforce for American agriculture.

Our society places all the risks and costs associated with a seasonal industry - featuring millions of short-term jobs - on the backs of the workers. For example, if there is a freeze, as occurred recently in Florida, and thousands of workers are left without work, there is no unemployment assistance even though emergency aid is promptly extended to agricultural employers.

Furthermore, if a worker is injured on the job or stiffed on payday, too often there is no real recourse. Is it any wonder that most Americans don't want these jobs?

In an era of high unemployment, undocumented workers are convenient scapegoats for our nation's economic woes. Many associate high unemployment with foreigners taking away jobs from U.S. citizens. There are movements afoot to remove undocumented workers from the country.

Last year the United Farm Workers initiated the "Take Our Jobs" campaign. We invited citizens and legal residents to apply for jobs on farms across the country to supply our homes, restaurants, and workplace cafeterias (including those in our nation's capitol) with the food that fuels the people of this great nation.

We received over 10,000 inquiries for information through our web site (www.takeourjobs.org). In the end, only seven people accepted jobs and trained for agriculture positions. Unfortunately, seven new farm workers are not enough to make our food supply stable, reliable, and of high quality.

We understand other efforts might have had slightly more success in bringing legal residents and US citizens to farm work— but still fall far short of the 1,000,000 new farm workers the country would need if we did not have the current professional workforce.

It is simply not possible to replace 1,000,000 professional farm workers who live and work here today without legal status with 1,000,000 untrained legal workers with no experience in agriculture were the E-Verify legislation to become law. The sponsor of the E-Verify bill in the House, Congressman Smith, basically admits that this is true; his answer is yet another guest worker program which would bring in another 500,000 workers at a wage rate far lower than the average wage paid to farm workers in this country. While Americans are not going to replace the unauthorized workers, it is all too easy to replace the hundreds of thousands of U.S. workers who currently work in agriculture with guest workers. And that is exactly what will happen if the Smith bill or a similar proposal becomes law.

We cannot allow employers to bring in hundreds of thousands of new workers at a substantially lower wage than other farm workers. If Congress lowers the wage that an employer pays a guest worker, Congress will create a powerful economic incentive to replace U.S. workers with guest workers. For months we have heard that the E-Verify bill is a "jobs bill" for American workers, but for the poorest workers in America it will turn out to be just another jobs give-away.

For over ten years the UFW has sought a bi-partisan solution to this dilemma. We have worked closely with Senator Feinstein to pass the Agricultural Job Opportunities, Benefits and Security

Act, or “AgJOBS” bill. We also have worked with a large national coalition to advocate for legalization.

Because our current farm labor force is comprised of professional farm workers with essential skills needed to sustain the viability of the agricultural industry, AgJOBS would give undocumented farm workers presently here the right to earn legal status by continuing to work in agriculture. We have had to make many hard compromises to come up with a bill that is supported by both farm workers and agricultural employers.

We also support the Agricultural Labor Market Reform Act that Congressman Berman has introduced in the House. However, we remain open to consider any other proposal, so long as it recognizes the need to address the situation of the current workforce. What we cannot accept is compounding the problem by adding yet another exploitive guest worker program that does not provide a path to legal status for workers already here. It is totally un-American to allow an industry to build near complete reliance on “guests” with no path for them to be full partners in the future of America. The Bracero program discredited this idea and it should remain a lesson from the past.

Both employers and workers, and we hope policy makers, will acknowledge the need to move past blame, acknowledge past wrongs, and create a new paradigm. In agriculture, it is not possible to enforce your way to a legal workforce. That goal will only be realized by improving the ability of farm workers to earn a living wage and by offering experienced immigrant workers a permanent place in this industry.

We hope that this hearing will lead Congress to see the urgency of this issue and the need for compromise. Now is the time for Congress to acknowledge its role in creating the current farm labor crisis and to offer a real and lasting solution. It is time to acknowledge the dignity of the current farm labor workforce and ensure the safety and abundance of America’s food supply by legalizing the workforce here. A failure to do so would be both a human and economic tragedy.

Thank you.