

Abstract

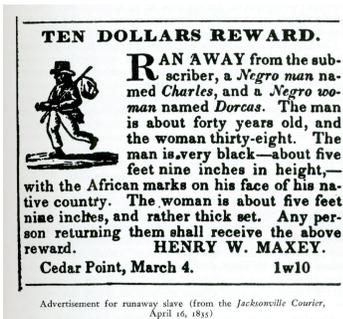
Modern-day slavery in Florida agriculture cannot be understood in a vacuum. It is not separate from the past, rather its roots extend deep in the state's history. While the phenomenon of forced labor has taken many forms over the past four centuries in Florida agriculture, the industry has never been entirely free of the scourge of slavery.

Though the extent of slavery in Florida agriculture has diminished over the centuries, one thing has remained constant: farmworkers have always been, and remain today, the state's poorest, least powerful workers. If we are to abolish slavery once and for all in Florida agriculture, we must pull it up from the *roots* by addressing farmworker poverty and powerlessness.

Pre-Civil War Chattel Slavery

Over the first two centuries of Spanish control, chattel slavery existed in both law and custom, yet relatively few enslaved Africans were imported. Rather, colonial authorities in St. Augustine utilized a *cacique* labor draft system whereby young indigenous men planted and harvested corn essential for the colony's survival.¹

After Great Britain gained control of Florida in 1763, South Carolina emigrant planters began developing large-scale commercial agriculture, particularly rice and indigo cultivation, along the St. John's River. Enslaved Africans and their descendents provided the main labor source during this time. Spain regained control of Florida following the American Revolution, and the northeastern coast became a key hub for importing slaves to North America after the US Congress imposed the 1807 international slave trade ban.²



Source: Smith, Julia Floyd. *Slavery and Plantation Growth in Antebellum Florida, 1821-1860*. Gainesville, 1973.

The US acquired Florida in 1821, sparking a transformation of the territory's political economy and labor conditions. In the decades prior to the Civil War, slaveholders drove ever-larger numbers of bonded laborers to Florida to fuel cotton and sugar production in the fertile swath of land from Escambia county in the west to St. John's county in the east to Alachua county in the south. While traditional antebellum plantations existed, another variant of chattel slavery emerged – known as “pushing” – in which transitory planters sought to maximize their wealth by extracting greater speeds of labor from their enslaved workers and constantly increasing minimum production requirements. “Pushing” required new and harsh forms of torture, and many of its victims viewed it as different in both degree and kind from the system of slavery they had experienced in Virginia and the Carolinas.³

- 1 Tamara Spike, “St. Augustine's Stomach: Corn and Indian Labor in Spanish Florida,” in Robert Cassanello and Melanie Shell-Weiss (eds), *Florida's Working-Class Past: Current Perspectives of Labor, Race, and Gender from Spanish New Florida to the New Immigration*, Gainesville, 2009, pp. 17-27.
- 2 Edward Baptist, “The Slave Labor Camps of Antebellum Florida and the Pushing System,” in Robert Cassanello and Melanie Shell-Weiss (eds), *Florida's Working-Class Past: Current Perspectives of Labor, Race, and Gender from Spanish New Florida to the New Immigration*, Gainesville, 2009, pp. 44.
- 3 *Ibid.*, pp. 31-32.

During this time, slavery comprised the backbone of the Florida economy.⁴ By 1860, the state's total population was 140,424, nearly 44% of whom were enslaved. There were less than 1,000 free African Americans in Florida at the onset of the Civil War.⁵

Legal and Extra-Legal Servitude After the Civil War

The Thirteenth Amendment abolished the legal institution of slavery in 1865. However, the citizenship and labor rights of newly emancipated Floridians were curtailed as large agricultural and industrial interests sought to attract investment with the comparative advantage of a low-wage disenfranchised workforce.⁶ These labor relations were maintained through the threat and actual use of violence. Between 1882 and 1930, black Floridians suffered the highest per capita lynching rate in the US with at least 266 killings, many linked to labor disputes.⁷ Within a hardening Jim Crow racial caste system, forced labor persisted in a combination of legally sanctioned and extra-legal forms.

One example of state-sanctioned slavery that persisted after the Civil War was the convict-lease system, in which counties and the state leased predominantly African American men, often arrested on flimsy vagrancy charges, to nearby farms, phosphate mines and forest industry firms. Mortality rates were high as convicts toiled under inhumane conditions in isolated camps. As one planter notoriously remarked in 1883, "Before the war, we owned the negroes. If a man had a good nigger, he could afford to take care of him... But these convicts: we don't own 'em. One dies, get another."⁸ The lease system also served to hold down farm and industrial wages for free workers, black and white, who were forced to compete on the same labor market with their incarcerated counterparts. Florida and Alabama were the last states to abolish their county lease systems in 1923.⁹



Convicts leased to harvest timber.

Source: Photographic Collection, Florida State Archives

Another form of servitude that emerged during this period was debt peonage. Peonage was most commonly associated with the sharecropping system of contract labor. Specific data for Florida is unknown, yet as many as one-third of all tenant farmers in neighboring Georgia, Alabama and Mississippi were being held against their will in 1900.¹⁰ Nor was peonage strictly confined to

4 Larry Rivers, *Slavery in Florida: Territorial Days to Emancipation*, Gainesville, 2000, p. 254.

5 Historical Census Browser, <http://mapserver.lib.virginia.edu>, accessed January 27, 2010.

6 Paul Ortiz, *Emancipation Betrayed: The Hidden History of Black Organizing and White Violence in Florida from Reconstruction to the Bloody Election of 1920*, Berkeley, 2005, p. 12.

7 *Ibid.*, p. 61.

8 Matthew Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866-1928*, Columbia, 1996, p. 3.

9 Vivien Miller, *Crime, Sexual Violence, and Clemency: Florida's Pardon Board and Penal System in the Progressive Era*, Gainesville, 2000, pp. 12-52. See also Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South*, London, 1996; and Douglas Blackmon, *Slavery by Another Name: The Re-enslavement of Black People in America from the Civil War to World War II*, New York, 2008.

10 Jacqueline Jones, *The Dispossessed: America's Underclasses from the Civil War to the Present*, New York, 1992, p. 107. See also Pete Daniel, *The Shadow of Slavery: Peonage in the South, 1901-1969*, Urbana, 1990.

cotton farms. Rather, it took root wherever employers were unable to recruit free laborers, that is, in the state's most undesirable and lowest-paid workplaces. In fact, debt peonage was quietly practiced in the backwaters of the Florida turpentine industry until the mid-twentieth-century.¹¹

Migrant Farm Labor and Debt Peonage

As the nineteenth century drew to a close, mid-Atlantic truck farmers began to sell greater quantities of fresh fruits and vegetables to urban markets. This model spread southward with the aid of rail lines and refrigeration technology, and in the 1920s, grower-shippers expanded citrus, sugarcane, and winter vegetable production in central and south Florida. These large-scale operations required a distinctly precarious workforce: one that would arrive just prior to the labor-intensive harvest and leave immediately upon its completion.¹² Growers faced a choice: to attract workers through wages high enough to offset inevitable periods of unemployment and underemployment, or to rely on desperately poor laborers with few other options for survival.

In the end, Florida's agricultural firms recruited harvesters from the chaos of Georgia's imploding sharecropping system. These workers – and their labor contractors, known as crewleaders – pieced together an annual migration circuit by harvesting crops along the eastern seaboard.¹³ Though the legal structures of chattel slavery and the convict lease system were no longer in place, the racial assumptions of planters that undergirded slavery remained largely undiminished and were translated into the new labor regime. Farmworkers' wages were among the lowest in the state – rivaled only by turpentine and phosphate workers – and in practice, their citizenship and labor rights were virtually nonexistent.¹⁴

In 1935, farmworkers were denied important New Deal-era workplace protections such as the right to collective bargaining, structurally ensuring farmworker powerlessness in relation to their employers for decades to come.¹⁵ In an echo of earlier sentiments towards convict laborers, one grower bluntly stated in the 1960 television exposé, *Harvest of Shame*, “We used to own our slaves. Now we just rent them.”¹⁶

Unsurprisingly, forced labor took root in this climate, as well. In 1942, for example, the US Sugar Corporation and four of its managers were indicted on federal peonage charges for holding farmworkers against their will deep within the Everglades. Armed supervisors threatened to shoot workers, some of whom attempted to escape by swimming through canals, stowing aboard

11 Jerrell Shofner, “Forced Labor in the Florida Forests: 1880-1950,” in *The Journal of Forest History*, 25(1), 1981, pp. 14-25. See also Stetson Kennedy, *Forced Labor in the United States*, transcript of testimony before the United Nations Ad Hoc Committee on Forced Labor, Geneva, October 24, 1952, in the Stetson Kennedy Papers, Archive of Southern Labor History, Georgia State University, Atlanta.

12 Cindy Hahamovitch, *The Fruits of Their Labor: Atlantic Coast Farmworkers and the Making of Migrant Poverty, 1870-1945*, Chapel Hill, 1997.

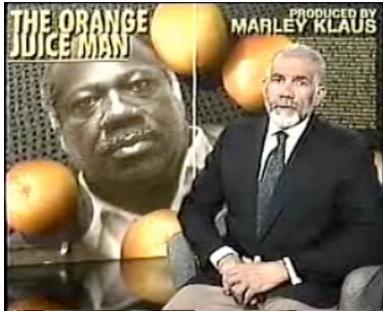
13 Jones, pp. 167-201.

14 Jerrell Shofner, “The Legacy of Racial Slavery: Free Enterprise and Forced Labor in Florida in the 1940s,” in *The Journal of Southern History*, 47(3), 1981, p. 414.; see also Jones, pp. 167-201.

15 Kevin Bales and Ron Soodalter, *The Slave Next Door: Human Trafficking and Slavery in American Today*, Berkeley, 2009, p. 47.

16 *Harvest of Shame*, Edward R. Murrow and Fred W. Friendly (prods), 55 min., CBS New, 1960.

company trains, and crossing cane fields on foot.¹⁷



Source: 60 Minutes, CBS News. Originally aired January 3, 1993.

Similar farmworker servitude cases were prosecuted in Florida and other southeastern states through the 1980s.¹⁸ The predominant form of forced labor during this era was debt peonage, with debt incurred through charges for rent, food, wine, beer, and cigarettes provided by the employer at exorbitant prices through a “company store” arrangement. Workers were forced to purchase these items from the employer, and deductions at the end of the week regularly exceeded pay, leaving entire crews of workers in a spiraling system of debt from which they could not escape. Though now somewhat less common, this system persists to the current day, as evidenced by the recent convictions in the case of *U.S. v. Evans*, discussed below.

Slavery in the Twenty-first Century

Today the Florida agricultural industry remains mired in a human rights crisis made possible by the continuing poverty and powerlessness of farmworkers. In 2008, during a fact-finding visit to Immokalee – a small town at the epicenter of Florida tomato production – Senator Bernie Sanders described the conditions he encountered with these words: “The norm [for Florida farmworkers] is a disaster, and slavery is the extreme.”¹⁹

Since 1997, the Civil Rights Division of the US Department of Justice Civil Rights Division has prosecuted seven farm labor servitude cases in Florida, prompting one federal official to label the state “ground zero for modern slavery.”²⁰ These cases meet the high standard of proof and definition of slavery under federal laws, including laws forbidding peonage and indentured servitude passed just after the Civil War during Reconstruction (18 U.S.C. Sections 1581-1589) and the 2000 Victims of Trafficking and Violence Protection Act. In such situations, captive workers are held against their will by their employers through threats and, all too often, the actual use of violence – including beatings, shootings, and pistol-whippings. The seven most recent prosecutions resulted in the liberation of well over 1,000 farmworkers:

US v. Flores – In 1997, Miguel Flores and Sebastian Gomez were sentenced to 15 years each in federal prison on slavery, extortion, and firearms charges, amongst others. Flores and Gomez had a workforce of over 400 men and women in Florida and South Carolina, harvesting vegetables and citrus. The workers, mostly indigenous Mexicans and Guatemalans, were forced to work 10-12 hour days, 6 days per week, for as little as \$20 per week, under the watch of armed guards. Those who attempted escape were assaulted, pistol-whipped, and even shot. The case was brought to federal authorities after five years

17 Shofner, “Legacy of Racial Slavery,” p. 416.

18 John Bowe, *Nobodies: Modern American Slave Labor and the Dark Side of the New Global Economy*, New York, 2007, pp. 40-43. See also Daniel Rothenberg, *With These Hands: The Hidden World of Migrant Farmworkers Today*, Berkeley, 1998, pp. 154-180.

19 *The Nation*, “Slavery in the Union,” January 29, 2008.

20 John Bowe, “Nobodies: Does Slavery Exist in America?” in *New Yorker*, April 21, 2003.

of investigation by escaped workers and members of the Coalition of Immokalee Workers (CIW), a Florida-based farmworker organization.

US v. Cuello – In 1999, Abel Cuello was sentenced to 33 months in federal prison on slavery charges. He had held more than 30 tomato pickers in two trailers in the isolated swampland west of Immokalee, keeping them under constant watch. Three workers escaped the camp, only to have their boss track them down a few weeks later. The employer ran one of them down with his car, stating that he owned them. The workers sought help from the CIW and the police, and the CIW worked with the DOJ on the ensuing investigation. Cuello worked for Manley Farms North Inc., a major Bonita Springs tomato supplier. Once out of prison, Cuello easily resumed his chosen profession, supplying labor to Ag-Mart Farms, a tomato company operating in Florida and North Carolina.

US v. Tecum – In 2001, Jose Tecum was sentenced to 9 years in federal prison on slavery and kidnapping charges. He forced a young woman to work against her will both in the tomato fields around Immokalee, and in his home. The CIW assisted the DOJ with the prosecution, including victim and witness assistance.

US v. Lee – In 2001, Michael Lee was sentenced to 4 years in federal prison and 3 years supervised release on a slavery conspiracy charge. He pled guilty to using crack cocaine, threats, and violence to enslave his workers. Lee held his workers in forced labor, recruiting homeless US citizens for his operation, creating a debt through loans for rent, food, cigarettes, and cocaine. He abducted and beat one of his workers to prevent him from leaving his employ. Lee harvested for orange growers in the Fort Pierce, Florida area.

US v. Ramos – In 2004, Ramiro and Juan Ramos were sentenced to 15 years each in federal prison on slavery and firearms charges, and forced to forfeit of over \$3 million in assets. The men, who had a workforce of over 700 farmworkers in the citrus groves of Florida, as well as the fields of North Carolina, threatened workers with death if they were to try to leave, and pistol-whipped and assaulted – at gunpoint – passenger van service drivers who gave rides to farmworkers leaving the area. The case was brought to trial by the DOJ after two years of investigation by the CIW. The Ramoses harvested for Consolidated Citrus and Lykes Brothers, among others.

US v. Ronald Evans – In 2007, Florida employer Ron Evans was sentenced to 30 years in federal prison on drug conspiracy, financial re-structuring, and witness tampering charges, among others. Jequita Evans was also sentenced to 20 years, and Ron Evans Jr. to 10 years. Operating in Florida and North Carolina, Ron Evans recruited homeless US citizens from shelters across the Southeast, including New Orleans, Tampa, and Miami, with promises of good jobs and housing. At Palatka, Florida and Newton Grove, North Carolina area labor camps, the Evans deducted rent, food,



Source: Coalition of Immokalee Workers. 2007.

crack cocaine and alcohol from workers' pay, holding them perpetually indebted in what the DOJ called “a form of servitude morally and legally reprehensible.” The Palatka labor camp was surrounded by a chain link fence topped with barbed wire, with a No Trespassing sign. The CIW and a Miami-based homeless outreach organization, Touching Miami with Love, began the investigation and reported the case to federal authorities in 2003. In Florida, Ron Evans worked for grower Frank Johns. Johns was 2004 Chairman of the Florida Fruit and Vegetable Association, the powerful lobbying arm of the Florida agricultural industry. As of 2007, he remained the chairman of the group's budget and finance committee.

US v. Navarette – In the most recent case to be brought to court, a federal grand jury indicted six people in Immokalee on January 17, 2008, for their part in what US Attorney Doug Molloy called “slavery, plain and simple.”²¹ The employers were charged with beating workers who were unwilling to work or who attempted to leave their employ picking tomatoes. They held their workers in debt, and chained and locked workers inside box trucks as punishment.²²

Forging a Solution

The Coalition of Immokalee Workers has been a leader of anti-slavery efforts in the state's agricultural industry for more than a decade, and played a key role in the discovery and investigation of six of the seven Florida slavery prosecutions since 1997. But the CIW's work goes beyond working with federal civil rights authorities to bring slavery operations to justice after the fact.



Coalition of Immokalee Workers' March from East L.A. to Irvine.

Source: Jacques-Jean Tiziou, 2004.

In 2001, the CIW launched the Campaign for Fair Food, an innovative, worker-led campaign for the elimination of human rights violations in the US agricultural industry. The campaign identifies the links between the brutal farm labor conditions in US fields and the retail food giants that buy the produce grown in those fields. The high degree of consolidation in the food industry today means that multi-billion dollar brands on the retail end of the industry not only profit from farmworker exploitation, but actually play an active role in that exploitation by leveraging their volume purchasing power to demand ever-lower prices.²³ Lower produce prices in turn create downward pressure on farmworker wages. The Campaign for Fair Food seeks to reverse that process, enlisting the resources of retail food giants to improve farmworker wages and harnessing their demand to reward growers who respect their workers' rights.

Specifically, through its “Fair Food” agreements, the CIW is raising the tomato harvesting wage floor, establishing a voice for farmworkers in the agricultural industry, and enforcing the first-ever market consequences for growers that use forced labor. The power of this model was

21 *Ft. Myers News-Press*, "Group accused of keeping, beating, stealing from Immokalee laborers," January 18, 2008.

22 Coalition of Immokalee Workers, <http://www.ciw-online.org/slavery.html>, accessed January 27, 2010.

23 Oxfam America, *Like Machines in the Fields: Workers Without Rights in American Agriculture*, Boston, 2004.

demonstrated in 2009 following sentencing in the case of *U.S. vs. Navarette*. For the first time ever, a federal slavery conviction led to direct market consequences for the growers involved, triggering the zero tolerance for slavery provisions in the CIW's agreements which caused the growers to lose business.



Source: Coalition of Immokalee Workers. 2002.

In March 2005, the CIW established the critical precedent of corporate accountability with regard to farmworker wages and working conditions in the fast-food industry through its victory in the four-year Taco Bell Boycott. In April 2007, the gains of the Taco Bell/Yum Brands agreement were reinforced and magnified by an agreement with McDonald's which, beyond meeting the terms of the Taco Bell agreement, introduced the concept of an eventual industry-wide code of conduct and third party monitoring system designed by and for farmworkers. In May 2008, after a hearing on Florida farm labor abuses in the US Senate, the CIW won another agreement, this time with Burger King. In September 2008, the Campaign moved beyond the fast-food industry with its first agreement with a supermarket chain, Whole Foods Market. Then in December of 2008, the CIW reached an agreement with the largest fast-food purchaser of tomatoes, Subway Restaurants. Most recently, the Campaign for Fair Food broke into the world of foodservice providers by signing agreements with Bon Appetit Management Company and with Compass Group, the world's largest foodservice provider.

In March 2009, after meeting in Tallahassee with CIW members and slavery victims, Florida Governor Charlie Crist wrote in an open letter to the CIW:

I have no tolerance for slavery in any form, and I am committed to eliminating this injustice anywhere in Florida. I unconditionally support the humane and civilized treatment of all employees, including those who work in the Florida agricultural industry. Any type of abuse in the workplace is unacceptable.

I support the Coalition's Campaign for Fair Food, whereby corporate purchasers of tomatoes have agreed to contribute monies for the benefit of the tomato field workers. I commend these purchasers for their participation...²⁴

Governor Crist's endorsement of the CIW's Campaign for Fair Food was the first-ever endorsement by a sitting Florida governor of a farm labor organizing campaign and as such sent a powerful message to the retail food industry leaders who had yet to support the Fair Food principles.

Today, though much progress has been made, much remains to be done. Specifically, the crucial supermarket industry has been slow to adopt the higher standards accepted by the fast-food industry, continuing to turn a blind eye to the inhumane conditions in the fields where its tomatoes are grown. Emblematic of this indifference has been the reaction of Florida's largest

24 Charlie Crist, "Memorandum: Letter to Coalition of Immokalee Workers," <http://www.flgov.com/release/10630>, accessed January 27, 2010.

grocer (and the state’s largest privately-held company), Publix.

When the CIW asked Publix to adopt the principles of the Campaign for Fair Food – principles, including a zero tolerance policy for slavery, designed to eliminate forced labor and its causes – Florida’s largest supermarket chain turned its back. Instead, Publix continued to purchase tomatoes from the very farms tainted by the latest slavery prosecution. When asked why, Publix spokesperson Dwaine Stevens told the *St. Augustine Record*:

“... the chain does purchase tomatoes from the two farms but pays a fair market price.”²⁵

But there is no “fair market price” for slavery, and there will be no end to modern-day slavery until companies like Publix stop turning a blind eye to human rights abuses in their suppliers’ fields.



Coalition of Immokalee Workers' March in Lakeland, FL.

Source: Jacques-Jean Tiziou. 2009.

²⁵ *St. Augustine Record*, “Farmworkers protest supermarket tomatoes,” November 24, 2009.