

1 UNITED STATES COMMISSION ON CIVIL RIGHTS

2 - - -
3 MARYLAND ADVISORY COMMITTEE

4 - - -
5 PUBLIC FORUM

6 - - -
7 CONDITIONS OF MIGRANT LABOR CAMPS ON
8 EASTERN SHORE

9 August 5, 1982
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11 The Maryland Advisory Committee met, pursuant
12 to Notice, at 9:00 a.m., at the Government Office Building,
13 Room 106, North Division Street and Route 50, Salisbury,
14 Maryland, Dr. Chester Wickwire, Chairperson, presiding.

15 PRESENT:

16 DR. CHESTER WICKWIRE, CHAIRPERSON

17 MS. SOL DEL ANDE EATON

18 MR. JOHN FERRON

19 DR. DE WAYNE WHITTINGTON

20 MS. GAIL WINSLOW
21
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1 ALSO PRESENT:

2 MR. EDWARD RUTLEDGE, REGIONAL DIRECTOR

3 MR. ROBERT OWENS, REGIONAL ATTORNEY

4 MS. SUZANNE CROWELL, CIVIL RIGHTS ANALYST

5 MS. YVONNE SCHUMACHER, FIELD REPRESENTATIVE

6 MS. WANDA HOFFMAN, FIELD REPRESENTATIVE

7 MS. PATRICIA FIELDS, GOVERNOR'S COMMISSION ON
8 MIGRATORY AND SEASONAL FARM LABOR

9 MR. LEON JOHNSON, GOVERNOR'S COMMISSION ON
MIGRATORY AND SEASONAL FARM LABOR

10 MR. W. ARTHUR GREENWOOD, FARMERS HOME ADMINIS.

11 MR. LARRY LIBERATORE, OSHA

12 MS. ANGEL HOWE, EMPLOYMENT SECURITY ADMINISTRATION

13 MR. DAVID RESH, ENVIRONMENTAL PROGRAMS, MARYLAND
14 DEPARTMENT OF HEALTH & MENTAL HYGIENE

15 MS. CATHERINE M. SCHUTLZ, ASST. ATTORNEY GENERAL,
STATE OF MARYLAND

16 DR. GLADYS M. ALLEN, HEALTH DEPARTMENT, SOMERSET
17 COUNTY

18 MR. LEONARD SNADLER, LEGAL AID BUREAU

19 MR. ANSELME REMY, H.A.T.I.

20 MR. RONN FRIEND, MARYLAND DEPT. OF EDUCATION

21 MR. REYNALDO ARRIAZOLA, GOVERNOR'S COMMISSION
ON HISPANIC AFFAIRS

22 MR. JEAN YVES POINT DU JOUR, LAWYERS CMTE

23 DR. RUTH SINGER, SOMERSET COUNTY HEALTH DEPT.

24 MR. FRANK DUNBAR, ATTORNEY, ANNAPOLIS, MD.

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P R O C E E D I N G S

1
2 CHAIRPERSON WICKWIRE: We are going to go ahead
3 and begin our session. I know that we are getting a little
4 bit of a late start because of the need to take care of
5 some equipment and one of the members of our committee is
6 not here but we expect him shortly. We will go ahead,
7 however.

8 I would like to say good morning to you. I trust
9 all of you had a good night's rest. I am Dr. Chester
10 Wickwire, and I am a member of the Maryland Advisory
11 Committee of the United States Commission on Civil Rights
12 and Chairperson of its Subcommittee on Migrant Workers.

13 The United States Commission on Civil Rights is
14 an independent, bipartisan, factfinding agency established
15 by Congress and the Civil Rights Act of 1957, as amended.
16 As required by law, the Commission has established
17 advisory committees in each state and the District of
18 Columbia to assist in factfinding, investigative and
19 clearinghouse work.

20 The Maryland Advisory Committee to the U.S.
21 Commission on Civil Rights is composed of citizens of the
22 State of Maryland who are familiar with local and state
23 civil rights problems, and they serve without compensation.
24 The committee is authorized to study developments
25 constituting a denial of equal protection of the laws

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1 under the Constitution because of race, color, religion,
2 sex, national origin, age, or handicap, or in the adminis-
3 tration of justice. This forum is one of our committee's
4 regular public meetings.

5 The Maryland Advisory Committee is chaired by
6 Dr. Martha Church of Frederick, Maryland, who is president
7 of Hood College in Frederick. She is not able to be with
8 us for this forum; however, she has appointed me to chair
9 our subcommittee on Maryland's migratory and seasonal farm
10 labor.

11 Other members of this subcommittee who are here
12 today are Sol del Ande Eaton of Lanham, on my right; and
13 John Ferron is not here, he will be up here on our bench
14 shortly, we trust; on my immediate right is Dr. DeWayne
15 Whittington of Marion, and on my left is Gail Winslow of
16 Chevy Chase. I am from Towson, Maryland.

17 I think that again today a member of the Virginia
18 Advisory Committee is with us, Ms. Pica Sylva Pla. The
19 names of all the members of the advisory committee are
20 available on the table at the entrance to the room, and,
21 along with other publications you will find a brochure with
22 more information on the Commission and its advisory commit-
23 tees.

24 Our committee receives staff support from the
25 Commission's Mid-Atlantic Regional Office, and I would like

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1 here today to express my gratitude for the staff for the
2 excellent work that they always do, and especially today
3 I would like to commend Yvonne Schumacher who is on my far
4 right for the very excellent work she did in preparing
5 for this meeting.

6 In addition to Yvonne, here with us on my left
7 Edward Rutledge, who is the Regional Director, and on my
8 right, Robert Owens, Regional Attorney; Suzanné Crowell is
9 in the rear of the room, and Edward Darden is here to my
10 left, and Wanda Hoffman also over here to my left. Ed is
11 Field Representative to the Delaware and D.C. committees
12 and Wanda Hoffman is Field Representative of the Virginia
13 and West Virginia committees.

14 This forum on Conditions in Maryland's Migrant
15 Labor Camp is being held by our committee to gather informa-
16 tion from a variety of sources about the lives of the
17 migrants in Maryland. Our purpose is to determine what
18 standards have been set for migrant camps by federal,
19 state and local authorities, and to determine how well these
20 standards are being enforced.

21 In addition, we are interested in learning about
22 any other issues pertaining to migrants that deserve further
23 monitoring by our advisory committee. We are also curious
24 to know the impact that new federalism and cuts in Federal
25 funds may have on the provision of services to migrants

1 and oversight of conditions in the labor camps.

2 After this forum, the advisory committee will
3 compile a summary report based on the information that we
4 learn here. This report will be submitted to the U.S.
5 Commission on Civil Rights.

6 This forum is one of three held this summer on
7 the Delmarva Peninsula. In June, the Delaware Advisory
8 Committee held a forum on migrant conditions in that state
9 and the impact of "New Federalism"; day before yesterday
10 I attended the forum convened by the Virginia Advisory
11 Committee to explore ideas for the design and implementa-
12 tion of federal block grant programs to meet the needs of
13 migrant and seasonal farmworkers.

14 This advisory committee and the U.S. Commission
15 on Civil Rights has shared for some time a concern about
16 the working and living conditions of migrant and seasonal
17 farmworkers in Maryland, and I would like to say again that
18 we are heartened by renewed attention paid at the state
19 level to the needs of migrants as demonstrated by the
20 passage during the past legislative session of a new Farm
21 Labor Contractor Registration Act. And we are also
22 encouraged by the devotion of a significant amount of
23 financial and other resources into the improvement of
24 facilities at camps such as Westover, just south of here,
25 so that the lives of the migrant families who dwell in

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1 those facilities may be somewhat improved.

2 This forum is not held as a result of the death
3 of the 9-month-old baby. There are some I think who have
4 had this opinion. We planned this some six months ago.
5 We have been disturbed and horrified though at the tragic
6 loss of this baby at Westover and we are also shocked at
7 reports of the high level of intestinal disease among
8 migrant children and infants in certain parts of the state.
9 We wonder whether the death of the baby and the high rate
10 of disease could have been averted by better enforcement
11 of the laws concerning the health and living conditions
12 of the migrant workers and their families.

13 These proceedings will be recorded by a court
14 stenographer in order to assure an accurate account of this
15 forum and to assist the committee in the preparation of
16 its report. In order to determine standards that do exist
17 for Maryland's camps, how these standards are being
18 enforced, we have invited a number of persons to address
19 our committee and answer our questions. Each person is
20 here voluntarily to share his or her views with us about
21 the issues.

22 Time permitting at the end of our sessions
23 this afternoon, we will have an open mike session for
24 anyone in the audience who wishes to share information and
25 ideas with us. Please Yvonne Schumacher on my right to

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1 sign up if you wish to speak.

2 By the way, we will again today, I think, send
3 around a sheet for persons to sign and indicate who they
4 are, what their agency may be, and their address, so that
5 we can send you a copy of the report that will come out
6 of this session and also know who is here. We ask members
7 of the press to please sign the press register on the
8 literature table out in the hall.

9 Now, before we begin with our first speaker, I
10 am asking Robert Owens, the Regional Attorney to describe
11 our format in greater detail and legal restrictions that
12 prevail. Mr. Owens.

13 MR. OWENS: Thank you, Dr. Wickwire, I would
14 just like to say rather briefly that today's forum is
15 held pursuant to rules applicable to state advisory com-
16 mittees to Federal agencies and administrative policies
17 promulgated by the U.S. Commission on Civil Rights.

18 Under the Privacy Act of 1974, we, the Civil
19 Rights Commission, are required to inform all of you from
20 whom we solicit information of our statutory authority to
21 do so. The authority for the Commission to undertake
22 tasks such as that we are about to begin today is found
23 in 42 United States Code Section 1975. Specifically, this
24 committee, as Dr. Wickwire previously stated, has author-
25 ity to study and collect information concerning legal

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1 developments constituting discrimination or denial of
2 equal protection under the laws of the Constitution because
3 of race, creed, color, religion, national origin, sex, age
4 or handicap, or in the administration of justice.

5 I would like to point out also that today's
6 activity is not in fact a hearing but, rather, a factfinding
7 forum, and as such we have not invoked the subpoena power
8 of the Commission. All of the people who will present
9 evidence today or statements today are doing so voluntarily.
10 Therefore, we will impose no sanctions upon anyone who
11 chooses not to answer questions or to give us full informa-
12 tion.

13 At the outset, it is necessary to explain briefly
14 a special Commission procedure regarding statements made
15 by persons presenting information that may tend to defame,
16 degrade or incriminate any person. If, during the course
17 of the proceedings, it is determined that such statements
18 tend to be defamatory, we will certainly make every effort
19 to bring that to the attention of the speaker and ask that
20 he or she refrain from making such statements.

21 This meeting is an open meeting, open to all
22 members of the public as well as the media. However,
23 anyone making presentations today has the right to refuse
24 to be recorded or photographed by the media. If a situa-
25 tion such as that should occur, I will obviously ask

1 the members of the press to conform to the wishes of that
2 speaker.

3 As Dr. Wickwire stated earlier, there will be,
4 time permitting, an open session at the conclusion of
5 today's activity wherein any of you who have an interest,
6 will be permitted an opportunity to share your concerns
7 or interest with this committee.

8 With those few limitations, we are free to begin
9 and this committee is open to the public. Thank you, Dr.
10 Wickwire.

11 CHAIRPERSON WICKWIRE: Thank you, Mr. Owens.
12 We are going today to follow pretty much the same format
13 that we followed last night, and ask those who participate
14 and speak to come up and take the chair over here on the
15 right.

16 We will begin this morning with an overview and
17 asking Patricia Fields to speak about the life of the
18 migrants in Maryland. She is Executive Director of the
19 Governor's Commission on Migratory and Seasonal Farm Labor.
20 Will you please state your name and position for our
21 record.

22 MS. FIELDS: I am Patricia Fields and I am
23 Executive Director of the Governor's Commission on
24 Migratory and Seasonal Farm Labor.

25 Mr. Chairman, I have prepared a written

1 statement that I will read.

2 Mr. Chairman and Members of the Committee, the
3 Governor's Commission on Migratory and Seasonal Farm Labor
4 was reconstituted in 1981 by Executive Order to revitalize
5 and to make it more responsive to the needs of the migratory
6 and seasonal farm labor system in Maryland. Member-
7 ship is comprised of representatives from state agencies,
8 grower/farmer organizations and migrant service/advocacy
9 organizations.

10 The Commission is charged with the responsibility
11 to improve the living and working conditions of the
12 migrant and seasonal farmworker population in Maryland.
13 The Commission in carrying out its duties serves as an
14 advisory body to the Governor, General Assembly, and state
15 agencies. During the past 20 months, the Commission in
16 delivering its mandate has identified as priority certain
17 issues concerning migrant labor.

18 One specific issue is that of substandard
19 migrant housing conditions. A focal point of this issue
20 has been the Somerset County Westover Labor Camp. It has
21 been estimated that as many as 900 migrant workers and
22 family members may reside in the camp during a given
23 migrant labor season.

24 It was determined that the substandard housing
25 conditions found at Westover could affect the health and

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safety of the camp residents. The substandard conditions ranged from structural problems to inadequate water supply.

Apparently, these problems have existed at the camp for years. Commission files show that consideration was given to closing the camp in 1973 because of poor housing conditions. However, the health department has granted operating permits to the camp owners annually.

This situation led to another concern and priority of the Commission. The apparent lack of enforcement by the State Health Department of its migrant housing safety and health regulations.

After studying these two issues, the Commission in June 1981 made the following recommendations:

- (A) The Westover Labor Camp owners make formal arrangements for the construction of new facilities; and
- (b) The authority of the local county health department be rescinded for inspecting, permitting, and enforced migrant labor camp regulations. The Maryland State Health Department be reinstated as the authority for inspecting, permitting and enforcing migrant labor camp regulations.

Presently, the situation regarding these two issues is as follows: the Westover Camp owners (Somerset Growers Association) have signed an agreement, referred to as the 5-Year Plan, with the State Health Department

1 in which the camp owners have agreed to rehabilitate the
 2 camp and bring it into full compliance by 1984. For the
 3 1982 migrant season, new bath houses and latrines in three
 4 sections of the camp were to be constructed and the water
 5 supply, distribution system, and sewage disposal systems
 6 were to be renovated.

7 The State Health Department's policy continues
 8 to be one of delegating the migrant housing statutes to
 9 the local county health department for enforcement. The
 10 state maintains concurrent authority so it can go in on
 11 a monitoring situation to overview the problem, overview
 12 conditions.

13 Another issue of concern to the Commission has
 14 been that of the Farm Labor Contractor (crewleader) system.
 15 The concern being directed to those crew leaders who take
 16 advantage of the migrant workers. Crew leaders are
 17 persons who recruit, hire, transport, and/or house migrant
 18 workers. It was found that crew leaders in violation of
 19 the Federal Farm Labor Contractors Registration law have
 20 been allowed to operate in Maryland year after year,
 21 perpetuating illegal employment practices.

22 The Commission recommended state legislation
 23 that would give the State of Maryland authority and
 24 enforcement powers to regulate the crew leader system in
 25 Maryland. The Farm Labor Contractors Registration Act

1 was passed by the 1982 General Assembly and signed by
 2 Governor Hughes. The law is scheduled to go into effect
 3 January 1983. This legislation is believed to be an
 4 effective measure to help assure the safety and rights of
 5 the migrant workers. This law will be administered by the
 6 Department of Labor and Industry, Division of Licensing
 7 and Regulation.

8 The problem of access to migrant labor camps is
 9 also an issue that was brought to the Commission's atten-
 10 tion. Some camp owners and operators have made it a
 11 standard practice to limit or deny certain individuals and/
 12 or service agencies access to the camps, and to visit
 13 migrant workers inside their living quarters.

14 The Commission took this issue under study, and
 15 took a position for open access to migrant camps and the
 16 right for migrant workers to receive visitors. The
 17 Commission asked the State's Attorney General for legal
 18 advice regarding the subject. The Attorney General ruled
 19 in an opinion issued in July 1982 that migrant workers
 20 while living in migrant labor camps have the right to
 21 receive visitors.

22 Even though none of these four issues have been
 23 totally resolved in terms of assessing actual gains and
 24 benefits for the migrant workers, the efforts that have
 25 been made during the past 20 months are believed to be

1 significant developments toward improving the lifestyle
2 of the Maryland migrant and seasonal farmworkers. The
3 Commission, as mandated, will continue to monitor these
4 issues and make recommendations that will continue to
5 enhance and improve the quality of life for the migrant
6 and seasonal farmworker population in Maryland.

7 (Brief Recess -- Transmission Difficulties)

8 CHAIRPERSON WICKWIRE: We will go ahead and begin
9 again. Before we ask questions of Ms. Fields, we are
10 going to ask Mr. Johnson, who is Chairman of the Governor's
11 Commission on Migratory and Seasonal Farm Labor, to say
12 something, and then we will ask both of you some questions.

13 MR. JOHNSON: Dr. Wickwire, Members of the
14 Civil Rights Commission, the Governor's Commission on
15 Migratory and Seasonal Farm Labor appreciates the oppor-
16 tunity to appear before you to share some of our concerns
17 and the accomplishments over the past two years.

18 We hope this forum will be beneficial and that
19 we can cooperate with the Commission on Civil Rights to
20 help improve the living conditions for the migrants in the
21 State of Maryland and the entire East Coast.

22 CHAIRPERSON WICKWIRE: Thank you. All right,
23 I think that we do have questions. Dr. Whittington, you
24 are holding your hand up, do you have any?

25 DR. WHITTINGTON: I want to ask three questions

1 very quickly.

2 CHAIRPERSON WICKWIRE: Can you hear us in the
3 back all right? No?

4 DR. WHITTINGTON: I want to ask three questions
5 that I personally know the answers to but I would like for
6 you to respond so the Commission members and the audience
7 can hear this.

8 Are there other labor camps in Maryland besides
9 the Westover Camp?

10 MS. FIELDS: Do you mean, is that the only
11 camp in Maryland?

12 DR. WHITTINGTON: Right.

13 MS. FIELDS: No, there are other camps.

14 DR. WHITTINGTON: Okay, the second question
15 being, can you frankly tell us why the Governor's Commis-
16 sion revitalized -- I understand part -- of worker
17 incidents in close proximity to east Somerset County,
18 reall not in Somerset County. (Transmission difficulties)

19 MS. FIELDS: To my knowledge, it wasn't directed
20 at Somerset County. My understanding is that the Governor
21 wants to bring forth his interest and concern about the
22 conditions of the migrant workers in the State and to do
23 that he needed to revitalized the Commission and reconsti-
24 tute the Commission. The Commission was first created
25 in 1959 and for whatever reasons it had not been as

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1 active as it should have been and now is face-to-face with
2 the reconstituted Commission.

3 DR. WHITTINGTON: Let me ask my question again.

4 MR. JOHNSON: Let me respond to it. To the best
5 of my knowledge, Somerset County did not have anything
6 to do with the Commission being reconstituted. It came
7 as a result of a request from the Commission to the
8 Governor.

9 DR. WHITTINGTON: Were there incidents in the
10 prior year which kind of encouraged the Commission members
11 to ask the Governor to revitalize the --

12 MR. JOHNSON: We felt if the Commission was
13 reconstituted that it could be more effective at bringing
14 a broad representation of the total population that
15 represents migrants. That includes farmers, farmworkers
16 organizations, advocacy groups, and state agencies and
17 farmworkers, also a member of the Governor's staff.

18 CHAIRPERSON WICKWIRE: Ms. Winslow.

19 MS. WINSLOW: I'm particularly interested in
20 your statement that the state withdrew the job of
21 policing, inspecting, from the county, and took it back
22 unto itself. I misunderstood that. At what point was it
23 that the health things were taken back to the state?

24 MS. FIELDS: They have not been taken back to
25 the state.

1 MS. WINSLOW: They have not.

2 MS. FIELDS: The local county -- the state has
3 delegated that program and responsibility to the local
4 county health department.

5 MS. WINSLOW: Excuse me. At one point you said
6 something about withdrawing something. What was it that
7 was taken back that the state did -- is doing now? The
8 State Health Department, something about the State Health
9 Department. I wanted to know --

10 MS. FIELDS: Would you like for me to go back
11 over that section for clarity?

12 MS. WINSLOW: Perhaps someone else on the
13 committed heard that.

14 CHAIRPERSON WICKWIRE: Excuse me, before we con-
15 tinue. Do you people mind, Ms. Field, Mr. Johnson, do you
16 mind going to the other end of the room, trade places, to
17 get our sound? We are trying to get you on the record
18 and we are continuing to have a little problem. If you
19 are willing to go up there -- I'm sorry for the change,
20 but this will help us. Thank you.

21 MS. WINSLOW: I must have misunderstood. I
22 don't want to take the Committee's time

23 MS. FIELDS: Okay, I think I know what you are
24 talking about, I believe.

25 MS. WINSLOW: "Rescinded the inspection," that.

1 was it. Would you go over that and explain to me why
2 that took place.

3 MS. FIELDS: Okay, what I said was as a result
4 of the migrant housing in Maryland being continually per-
5 mitted year after year even though there were health and
6 safety violations, okay? And this was being done by the
7 local county health department. As a result of that, the
8 Governor's Commission recommended that the authority of
9 the local county health department be rescinded but
10 inspecting, permitted and enforced in migrant labor
11 camps, and that the Maryland State Health Department be
12 reinstated as the authority for the inspecting, permitting
13 and enforcing the regulations.

14 MS. WINSLOW: One, has that happened? Was that
15 recommendation taken up?

16 MS. FIELDS: No.

17 MS. WINSLOW: Why?

18 MS. FIELDS: Presently, the same policy is still
19 in effect. The State Health Department continues to dele-
20 gate its responsibilities -- continues to delegate the
21 migrant housing inspection program to the local county
22 health department.

23 MS. WINSLOW: Do you know why that was decided
24 not to --

25 MS. FIELDS: One reason we have been given is

1 is that, the local people are more capable of doing it,
2 doing the inspections.

3 MS. WINSLOW: Do you all still feel that that
4 should have been done, or are you happy with the way the
5 local authorities are carrying out that duty?

6 MS. FIELDS: The reason that the Commission made
7 the recommendation for the state inspections to do the
8 inspections was because we were not satisfied with the man-
9 ner in which the local people were inspecting the camps.
10 The problem is that even though there were deficiencies,
11 even though the camps did not meet compliance, they were
12 being granted annually permits to operate.

13 MS. WINSLOW: Were these local people making
14 recommendations that things be made better, or merely
15 accepting and granting new licenses?

16 MS. FIELDS: As far as I know, granting new
17 licenses. I'm not aware of any recommendations that were
18 made.

19 MS. WINSLOW: Are the local health people
20 appointed people or are they career people?

21 MS. FIELDS: I can't respond to that, I'm not
22 certain. I have been told though that the county health
23 departments, are not to be separated from the State Health
24 Department, that they are part of the State Health Depart-
25 ment.

1 CHAIRPERSON WICKWIRE: All right, you have a
2 question?

3 MS. EATON: Yes, perhaps the two of you would
4 like to answer the question. Both of you were present here
5 last night. We heard kind of two different testimonies
6 on how the conditions are at the camp. What has the
7 Commission done in this respect? Can you give us that
8 information?

9 MS. FIELDS: I'm not sure I understand your
10 questions.

11 MS. EATON: We have heard two testimonies, one
12 that the place is great, the other one that there are some
13 problems.

14 MS. FIELDS: You're speaking in terms of Westover?

15 MS. EATON: Yes, Westover.

16 MS. FIELDS: Okay. I think, first of all,
17 improvements have been made over last year; however, there
18 are still improvements that need to be done as reflected
19 in the 5-Year Plan. The camp, according to the 5-Year Plan,
20 will not be brought into compliance until 1984. There are
21 still buildings that have not been rehabilitated on the
22 camp. So in terms of whether the camp has been completely
23 brought up to standards, no, it has not.

24 When you say "is it great?" -- I think that is
25 a relative question. What may be great to some people

1 may not be great to other people. If you were wearing
 2 shoes that are too small for you with holes in them and
 3 no heels, and my shoes fit me but have no heels, that
 4 doesn't mean my shoes are better than yours, but that
 5 doesn't mean my shoes are great. They should be repaired
 6 or maybe I might have to buy new shoes. That is kind of
 7 a difficult analogy to make, I think.

8 CHAIRPERSON WICKWIRE: Mr. Owens.

9 MR. OWENS: I would like to try and follow up
 10 Ms. Winslow's question earlier with regard to the inspec-
 11 tions. If I understood you correctly, you have indicated
 12 that one of the recommendations made by the Governor's
 13 committee was that the local authorities not be granted
 14 authority to make inspections because in the past when
 15 they did have that authority there continued to be
 16 licensing of obviously substandard housing for the
 17 migrants.

18 My question now is, inasmuch as that recommenda-
 19 tion of your committee has not been followed and the locals
 20 do retain authority to go in and make the inspections, is
 21 there any reason for the Governor's committee to expect
 22 that there will be a change from whatever occurred in the
 23 past?

24 MS. FIELDS: If we base it on past experiences,
 25 no.

1 MR. OWENS: So would you say then that that
2 is an area that continues to be --

3 MS. FIELDS: It is certainly still an area
4 that the Commission is very concerned about.

5 MR. OWENS: All right, thank you.

6 CHAIRPERSON WICKWIRE: Let me ask you a ques-
7 tion. Would you say something more about conditions at
8 other camps than Westover. Westover we've been focusing
9 on, but could you say anything more about at other
10 camps?

11 MR. JOHNSON: Other camps in Maryland -- we have
12 other camps in Maryland that need improvement, there's no
13 questions about that. Just Westover is a large camp
14 and everyone looks at a large camp.

15 It has been reported to the Commission that
16 there were other camps in the state as bad as Westover,
17 but no one has ever told us where those camps were
18 located.

19 CHAIRPERSON WICKWIRE: Dr. Whittington, you
20 wanted to ask something?

21 DR. WHITTINGTON: Yeah, just to follow what you
22 just said. Does the Commission wait for people to tell
23 you where the camps are before you look at them, or is
24 it the Commission's responsibility to look at all the
25 camps in the State of Maryland?

1 MR. JOHNSON: We know where most of the camps
2 are located in the State of Maryland, I don't think that's
3 a big problem. The problem is is where are the camps
4 that the living conditions are as bad as they were in
5 Westover.

6 DR. WHITTINGTON: My question would still be the
7 same. If you had responsibility for looking at the condi-
8 tions of migrants, wouldn't that be part of your responsi-
9 bility to find out how living conditions are in each of
10 the camps in Maryland so that you could get an accurate
11 assessment of the Maryland camps rather than concentrate
12 on one?

13 MR. JOHNSON: The Commission does not have
14 enough staff to go around and inspect all the migrant
15 camps in the State of Maryland. The State Health Depart-
16 ment has that responsibility and, to the best of my
17 knowledge, Dr. Whittington, it was a representative of the
18 State Health Department that made the statement in one of
19 the Commission meetings that we had camps in the State of
20 Maryland that were in as bad a condition or worse than
21 Westover, and that particular individual or no one else
22 has ever told us where those camps are located.

23 MS. WINSLOW: Excuse me. Am I assured that we --
24 that the State of Maryland at the state level is inspecting
25 annually every labor camp?

1 MR. JOHNSON: The county health departments, to
2 the best of my knowledge, they inspect every migrant camp.

3 MS. WINSLOW: And do they make reports?

4 MR. JOHNSON: They consult with the State Health
5 Department.

6 MS. WINSLOW: Do they then make reports?

7 MR. JOHNSON: And the State Health Department
8 may go in. In other words, the State Health Department
9 representative may go in and do a joint inspection.

10 CHAIRPERSON WICKWIRE: All right, I think that
11 we may have other questions from other persons but let me
12 ask you one other thing, myself.

13 Ms. Fields, in terms of recommendations that
14 have been made by the Commission, are you fairly satisfied
15 in terms of what is happening, in terms of access and
16 changes that are made in the future, how do you feel
17 about inspections, too, and so on?

18 MS. FIELDS: Okay, as I said in my summary,
19 I feel very good with the gains that we have made up to
20 this point. However, it is too early to say that those
21 issues have been completely resolved. There has not
22 been enough time to really assess the benefits and the
23 gains, and I think we need some more time to see how the
24 access issue is going to work, whether the 5-year plan
25 will work. I think only time can tell us that. In the

1 meantime, it would be the Commission's responsibility to
2 stay on top of this issue and to continue the encouragement
3 that we have been in the past to see that these plans are
4 carried out.

5 CHAIRPERSON WICKWIRE: You mentioned the state,
6 the Crew Leader Registration Act.

7 MS. FIELDS: That's right.

8 CHAIRPERSON WICKWIRE: Exactly how does this
9 act improve Federal protections?

10 MS. FIELDS: Okay, the Maryland law is based
11 pretty much on the Federal law; however, when state
12 officials or people in the state discover or found out
13 about violations, the State of Maryland has no authority
14 to enforce or to do anything about the regulations. We
15 would have to refer those complaints to the Federal Govern-
16 ment.

17 This law, when it is enacted in January, will
18 give the State of Maryland the authority to enforce the
19 regulations, the state regulations, and the state regula-
20 tions are pretty much the same as the Federal law.

21 CHAIRPERSON WICKWIRE: I see, thank you.
22 All right, if there are no more questions, we thank the
23 two of you for your testimony.

24 What we would like to do now is present a number
25 of persons who would speak to us about the government's

1 role in setting and enforcing standards in the camps.
2 First, Mr. W. Arthur Greenwood from the Farmers Home
3 Administration, United States Department of Agriculture.
4 Mr. Greenwood, would you please, sir, state your name and
5 position for the record.

6 MR. GREENWOOD: Okay, I am W. Arthur Greenwood,
7 Chief of the Rural Housing Program for the State of Dela-
8 ware and Maryland.

9 I want to point out that our role is to make
10 our program available as far as loans and grants in an area.
11 We are a Federal lending agency for rural development and
12 we cannot enforce compliance until after the loan or grant
13 is closed.

14 The initial responsibility of the Farmers Home
15 Administration is to meet with the applicant and to
16 explain the program and encourage the applicant to develop
17 the Pre-Application. We do have periodic meetings with
18 state and other agencies to explain our program. We work
19 with many, many different groups.

20 The purpose of the -- the Farmers Home purpose
21 under the 1944D instruction sets forth the policies and
22 procedures and delegates authority for making the initial
23 and subsequent insured loans under the Section 514 and
24 grants under 516 of the Housing Act of 1949, to provide
25 housing and related facilities for domestic farm labor.

1 The objective of this program is to provide
2 loans and grants to provide decent, safe, sanitary
3 housing and related facilities for farm labor to be
4 located in areas where need exists and in making labor
5 housing grants when there is a pressing need for such
6 facilities in the area, and there is reasonable doubt
7 that the housing can be provided without grants.

8 We always should create a pleasing lifestyle to
9 promote the human dignity and provide the pride among
10 the tenants.

11 The definition of the farm laborer, of course,
12 most of you know is persons who receive a substantial
13 portion of their income as laborers on farms and are
14 citizens of the United States, or reside in the United
15 States after being admitted for permanent residency.
16 This includes immediate families and, as you know, this
17 causes some problems sometimes.

18 We have several different groups of eligible
19 applicants. I think most people are aware of those.
20 The farm owner himself, family farm partnerships, corpora-
21 tions, from the Family Farm Association of Farmers and
22 organizations set up as non-profit.

23 They must all operate the project on a non-
24 profit basis and they must not be able to obtain credit
25 from other sources at terms that can be reasonably

1 expected to pay.

2 With respect to safety, sanitation and health
3 standards, we must meet all local codes, HUD requirements,
4 and Farmers Home requirements at a level which is the most
5 stringent.

6 Construction, we must meet HUD MPS, Farmers Home
7 regulations, state and local codes. These are the same
8 for all housing that we do finance. And we have many,
9 many housing programs. The exception to this is the
10 seasonal labor housing. As of June 18, 1982, we received
11 new regulations and they liberalize the construction
12 requirements in order to make projects affordable and most
13 savings will be in the area of site development of roads
14 and parking areas. Some savings will come from dormitory-
15 type construction, savings will also come from items
16 as heating systems which will not be necessary for
17 occupancy of six months or less. In any case, it must be
18 designed to create that pleasing lifestyle to promote human
19 dignity and pride among the tenants. As you know, this
20 type design, trees and so forth, does cost some money.

21 The security the Farmers Home takes is a
22 mortgage and personal liability is required of the
23 members of an association of farmers, farm family corpora-
24 tions and partnerships. I am pointing these things out
25 because they are very important in whether these loans

1 get off the ground.

2 The grant determination need not exceed 90 per-
3 cent of the total development cost, or cannot exceed. The
4 State Director will examine the income of the project based
5 on the estimated rental charges and the operating costs
6 of the housing when in full operation to determine the
7 soundness of the operations. When there is any doubt as
8 to the probably soundness due to unrealistic planning of
9 income or operating expenses or for other reasons, the
10 housing project and its operation will be discussed with
11 the applicant to determine changes which can be made to
12 correct deficiencies.

13 When a sound plan of operation has been agreed
14 on, the State Director will determine the amount of funds
15 that are available from other sources, including our Labor
16 Housing Grant. I mentioned previously that we could go
17 as high as 90 percent grant, the other 10 percent could
18 be in a loan from Farmers Home at one percent. The State
19 Director determines the amount of income for loan repay-
20 ment after allowing reasonable maintenance costs, debt
21 payments, orderly accumulation of an adequate reserve
22 and other funds needed in addition to this to make a
23 feasible project can be granted.

24 Funds are not allocated to states. All states
25 compete for the funds at the national level. In 1982,

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1 funding for loans was at a figure of approximately \$25.0
2 million. The 1983 estimate as far as we know at this point
3 is \$19.0 million. As far as the land grants, \$22.0 million
4 for 1982 and the 1983 estimate is \$23.0 million.

5 At this time, we do not know what the rental assistance
6 subsidy, if any, will be available to reduce rents for low
7 income farmworkers in 1983.

8 Priority of use of grant funds will be, and we
9 are looking at it on a national level, locations where a
10 long range and pressing need exists for labor housing
11 because of labor-intensive agriculture crop production
12 and lack of suitable housing.

13 The second priority will be projects where
14 occupants will derive the highest portion of their income
15 from on-farm agriculture work.

16 We have not used the program much in the State
17 of Maryland for large projects for several reasons. One
18 is applicants tend to refuse to sign personal liability.
19 In that respect, they don't want to have to live under or
20 be bound by the confines of the Federal regulations, which
21 we do enforce once they are brought under the loan or grant.

22 The second, farmers do not want to be involved
23 with an association where they cannot reserve units for
24 specific farmworkers and crew leaders, and units cannot
25 be block-leased or reserved for a specific farmer.

1 We have documentation, I don't have it over here
2 today, of the labor camps in the State of Maryland. I
3 brought a list of the ones that we were presented and our
4 District Director received back in '80 of the different
5 camps here on the Shore and the need, and we have, in
6 one of those cases, been working on the application since
7 1974, and we have had constant follow-up, we have actively
8 pursued the situation, and we keep ending up at a dead-
9 end. I have documentation, letters from the chairman of
10 the Agriculture Subcommittee, letters from our adminis-
11 trator and all that that I will present to the Commission
12 today.

13 CHAIRPERSON WICKWIRE: Thank you, sir.

14 MS. EATON: I have a question.

15 CHAIRPERSON WICKWIRE: You are willing to take
16 questions?

17 MR. GREENWOOD: Okay.

18 CHAIRPERSON WICKWIRE: Okay, go ahead.

19 MS. EATON: If I heard you correctly, this
20 program is only to organizations. Have you all ever
21 considered working with the migrant workers themselves
22 in terms of housing?

23 MR. GREENWOOD: No, we have not.

24 MS. EATON: There are not any programs in your
25 organization that deal with that?

1 MR. GREENWOOD: Well, I didn't go into the
2 details of the type of organizations, but there is an
3 organization of farmworkers that we could form an organiza-
4 tion where we would have 51 percent of the farmworkers
5 in the organization. I didn't get into all the details
6 of that because I have got a stack of procedure --

7 MS. EATON: I just wanted to know if --

8 MR. GREENWOOD: But we have not worked in --

9 MS. EATON: -- if you had explored that.

10 MR. GREENWOOD: -- we have not really explored
11 that mainly because in this area they are seasonal type
12 units and they are here for a six-month period and gone.
13 And we would really need to look at -- I'm not saying
14 it couldn't be done, but we have not looked at it.

15 MS. EATON: Because you overlook the whole
16 country, it would be nice if some type of program could
17 be initiated so these people would have a base.

18 MR. GREENWOOD: I think we have -- well, I know
19 we have in the last two or three years really been getting
20 involved more in the seasonal and changing our regulations
21 to meet those needs of which we have never had in the past.

22 MS. EATON: Thank you.

23 CHAIRPERSON WICKWIRE: Mr. Owens.

24 MR. OWENS: Yes, I would like to ask a question
25 about the availability of funds. You have indicated that

1 the funds from your organization are provided in areas
2 where there is a need for farm labor housing and where
3 there are otherwise unavailable funds with which to con-
4 struct such housing. I would assume that the Maryland
5 Eastern Shore qualifies as such an area.

6 We have heard from farm growers in this and in
7 other forums where they have indicated "yes, we are very
8 much concerned about the sanitary conditions for our
9 workers and about housing, but we are essentially unable
10 to afford to make the necessary changes." Now, to hear
11 that and to hear you say that there are funds available
12 which are not utilized by the farmers because of the
13 Federal restrictions leads me to conclude that while the
14 growers are somewhat concerned about the health conditions
15 of farm laborers, they are not so concerned that they
16 would be willing to subject themselves to Federal regula-
17 tions.

18 Now, in fairness to growers, I would like to
19 have you address, if you could, whether or not in addition
20 to the regulations from the Federal Government there are
21 other concerns among growers that would cause them not to
22 want to partake in your programs.

23 MR. GREENWOOD: I thought I addressed some of
24 that in the last statement I made.

25 MR. OWENS: Yes, you mentioned the fact that

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1 they didn't want to assume the personal liability and did
2 not want to regulation and couldn't reserve farming.

3 MR. GREENWOOD: Okay, when you get into a very
4 large camp where you are talking about millions of dollars
5 invested and you have a group of farmers out there today
6 with the way the farm situation is and they are barely
7 making the profits they need to continue, and we are asking
8 them to -- that they have to come up with a 10 percent
9 loan and they are going to sign personal liability for the
10 10 percent loan for up in these millions of dollars, even
11 though we are giving them 90 percent grants, and to me the
12 10 percent is at one percent so that is almost you are
13 paying under today's interest rate, but even so, you have
14 the restrictions of once the loan is made and we require
15 all kinds of reports and things that are necessary to
16 keep this thing operating properly, we have restrictions
17 on how long they have to keep it, when they can sell it,
18 and this type of thing. Of course, if anything happens
19 in the future that the economy changed and they stopped
20 growing the truck crops, we would make those decisions at
21 that time. But under the existing regulations, once we
22 sit down and talk to the farmers and tell them what they
23 have to do and they have to form a non-profit type corpora-
24 tion or whatever it is, normally that is where it stops.
25 We keep continuing and they keep wanting to make the

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1 changes in our regulations but not comply with the regula-
2 tions.

3 MR. OWENS: You stated that you have regulations
4 that just came out in June of '82 which appear to be more
5 liberalized. Do you think that that will increase the
6 willingness of farm owners to participate in the program?

7 MR. GREENWOOD: I think it will in many cases
8 because one of the really tough problems we had was on
9 the road systems and the site development where we were
10 requiring as much as do in the subdivision of one of our
11 rental projects where you have three inches of hot mix
12 for the whole road going in and you get into a real large
13 cost that can be done away with because under these new
14 regs as long as it is an all weather surface, if it's gravel
15 road, then we can go with the gravel roads.

16 So I think we are getting a program that is
17 reasonable for seasonal workers, and I don't think until
18 this new regulation came out that we had a viable program
19 for seasonal workers.

20 MR. OWENS: Thank you very much.

21 CHAIRPERSON WICKWIRE: Let me ask you one more
22 question. Do I understand that at the moment you have no
23 one taking advantage of your program here along the Eastern
24 Shore?

25 MR. GREENWOOD: I would say that's pretty

1 accurate. I haven't had an application in this year.
2 I have been working with the Westover thing for several
3 years and never gotten it off the ground with the migra-
4 tory worker groups and so forth. But other than that
5 one, the only loans we have made have been to individual
6 farmers for tenants for their specific farms. But not
7 into a large labor camp situation.

8 CHAIRPERSON WICKWIRE: When you mentioned some-
9 thing hanging since 1974, is that Westover you're talking
10 about?

11 MR. GREENWOOD: Yes.

12 CHAIRPERSON WICKWIRE: That's the Westover, I
13 see. All right, thank you, Mr. Greenwood. We appreciate
14 your testimony.

15 MR. GREENWOOD: Thank you.

16 CHAIRPERSON WICKWIRE: Now we ask Mr. Larry
17 Liberatore with Occupational Safety and Health Administra-
18 tion of the United States Department of Labor, to speak
19 to you. And would you please state your name and position
20 for our record.

21 MR. LIBERATORE: Dr. Wickwire, Members of the
22 Commission, good morning. My name is Larry Liberatore
23 and I am with the Occupational Safety and Health Adminis-
24 tration. I would like to briefly state our role in the
25 migrant camps and inspections of them.

1 Back in 1980, the Department of Labor issued
2 rules establishing a coordinated farm enforcement policy,
3 and they recognized that three agencies within the Depart-
4 ment had some overlapping regulations. So in this agree-
5 ment, the purpose of the agreement was to provide a com-
6 prehensive inspection program and at the same time avoid
7 any duplication of effort between these separate agencies.
8 The three agencies are OSHA, the Employment Training Admin-
9 istration, and the Employment Standards Administration,
10 OSHA, ETA and ESA.

11 In the State of Maryland, when the William
12 Seiger Act is passed, the law which created OSHA, there
13 was a section in the Act that encouraged states to assume
14 jurisdiction responsibility for occupational safety and
15 health matters. In the State of Maryland, the state came
16 in with a plan that was approved in 1973 and is currently
17 operating within the State Department of Licenses and
18 Regulations, the Division of License and Regulation, and
19 they have set up the Maryland Occupational Safety and
20 Health Administration, which is MOSHA.

21 When the Federal Government, when the Federal
22 OSHA adopts major program changes, whether they be
23 standards or a policy on migrant camps, states are given
24 six months to adopt a policy or a program that is at least
25 as effective as that program. It doesn't have to be

1 identical. It can be more stringent, but it has to
 2 meet whatever that Federal minimum standard is. The
 3 states were given a copy of the regulations that were
 4 promulgated in 1980 and how the Department of Labor
 5 intended to implement those regulations and how they
 6 were going to avoid any duplication of these inspection
 7 responsibilities.

8 The State responded to that program change by
 9 saying that they would inspect every camp in the State of
 10 Maryland, and that it be part of the Special Emphasis
 11 Program. As such, Federal OSHA must not do any inspections
 12 in the State of Maryland. We have a monitoring responsi-
 13 bility for the entire state MOSHA programs which the
 14 migrant camp is just one issue.

15 The state has an operational status agreement
 16 with us. They cover all issues in the state except the
 17 maritime issue. Any inspections of shipyards, longshore-
 18 men, marine constructions, as well as Federal employees,
 19 that is done by my office. But everything else the state
 20 does.

21 CHAIRPERSON WICKWIRE: Thank you. Are there
 22 questions? Yes, Ms. Winslow?

23 MS. WINSLOW: On the monitoring. On this
 24 licensing and inspection business, I have a feeling it is
 25 falling short. You say you have the job of monitoring

1 whether that inspection is being done.

2 MR. LIBERATORE: We have the responsibility to
3 monitor the entire Maryland Occupational Safety and Health
4 Program to see that it is at least as effective as the
5 Federal program. In that monitoring system, we use a
6 multi-disciplinary approach. We not only look at their
7 enforcement program, we look at their personnel system,
8 we look at their management information system, we look
9 at their review and appeal system, we look at how they
10 adopt standards and variances, we look at the entire
11 program. We do that through review of case files. We do
12 it by accompanying state inspectors. We do special studies
13 on particular areas. We respond to complaints against
14 state program administration.

15 With regard to the migrant inspection, it is a
16 very small part of the total program. The state probably
17 did approximately 5,000 inspections last year and I would
18 guess that there are only about 50 or so camps in the State
19 of Maryland. So if they are inspecting all the camps, it
20 is just one percent of that total inspection effort.

21 MS. EATON: Are your inspections or your
22 responsibilities mostly of the physical aspects of the
23 camp or would your office also do a study like effect of
24 insecticides on the people that do this kind of work and
25 also on the farm owners themselves? Is there any study

1 being done on that?

2 MR. LIBERATORE: We don't make any inspections
3 of the camps in Maryland. That's Maryland's responsibility
4 under that grant agreement. We find that program 50 per-
5 cent and they do it. Now, in the course of our monitoring,
6 when we randomly sample case files for review, we randomly
7 sample inspectors and go out with state inspectors, we may
8 come up with a few migrant camp inspections in that system.
9 Obviously, it is not going to be a lot when it is only
10 one percent of the total inspections.

11 Our job is to see that the state is following
12 OSHA procedures or the state approved procedures. We
13 have not completed our study this year, obviously. We are
14 in the middle of the season and it would be premature for
15 me to give an opinion at this point. Last year we found
16 problems.

17 CHAIRPERSON WICKWIRE: Mr. Owens.

18 MR. LIBERATORE: Recognizing that OSHA is a
19 very -- we play a very small role, it is a very small
20 piece of the pie.

21 MR. OWENS: Mr. Liberatore, in your monitoring
22 efforts at OSHA, I assume that there are sanctions which
23 your agency is able to impose for continued violations.
24 My question then is have there ever been the imposition
25 of sanctions here on the Maryland Eastern Shore?

1 MR. LIBERATORE: Sanctions against whom? The
2 State for not -- .

3 MR. OWENS: The State program for not following
4 up with the inspections, for not conducting the inspections,
5 et cetera and so on.

6 MR. LIBERATORE: No, there haven't been.

7 MR. OWENS: There haven't. Are there sanctions
8 available?

9 MR. LIBERATORE: If the State is not performing
10 in accordance with the approved standards?

11 MR. OWENS: Yes.

12 MR. LIBERATORE: Yes, yes, there are.

13 MR. OWENS: So when you say that there have
14 never been sanctions imposed here in Maryland, am I correct
15 in assuming therefore that your office has never found
16 the State OSHA in Maryland to have been in violation?

17 MR. LIBERATORE: I could say that they are --
18 through our monitoring, they are effectively carrying out
19 the program. Their end of the program. I have no direct
20 knowledge and we do not monitor the Health Department
21 or any other agencies. I can only speak for what the
22 State program does.

23 MR. OWENS: All right, just as an aside, what
24 might the sanctions be that are available to OSHA?

25 MR. LIBERATORE: Well, if the State program

1 is very bad, then we can withdraw the entire program.
2 We can relinquish their funding and institute Federal
3 enforcement in the State. That is an extreme and it has
4 never been done in any state, in any of the 24 State
5 Plans that they have.

6 MR. OWENS: I see. Thank you.

7 CHAIRPERSON WICKWIRE: Generally, in terms of
8 occupational and state and so on, you discovered that
9 seasonal workers, farmworkers, migrants, are more suscept-
10 ible to death by accident in their work than others?

11 MR. LIBERATORE: Well, Dr. Wickwire, from my
12 direct experience in this region, the majority of the
13 inspections that we do in my area are construction and
14 maritime. Both are extremely hazardous industries
15 and certainly I would be inappropriate to compare
16 conditions for migrants with those type of workers.

17 CHAIRPERSON WICKWIRE: I understand -- I have
18 read recently that farmworkers are four times as likely
19 to die from job-related accidents as the average
20 American workers, and their life expectancy is only 49
21 years, and I am just wondering whether it isn't important
22 for advocacy. I am real concerned about farmworkers.

23 MR. LIBERATORE: I don't mean to downplay
24 the significance --

25 CHAIRPERSON WICKWIRE: Right.

1 MR. LIBERATORE: -- of any of the conditions that
2 exist.

3 CHAIRPERSON WICKWIRE: I understand.

4 MR. LIBERATORE: The OSHA standards address very
5 specific areas in terms of migrant camps, and a very small
6 area at that.

7 CHAIRPERSON WICKWIRE: I see. Thank you. If
8 there are no more questions, before we proceed to our
9 next persons -- thank you, Mr. Liberatore -- I would like
10 to explain that Nancy Burkheimer, the Maryland Deputy
11 Commissioner of Labor and Industry, did decline our
12 invitation to attend and to explain state level OSHA
13 regulations and their performance.

14 Now I would wonder if Angel Howe is here.

15 MR. FERRON: Was there any substantive explanation
16 as to the declination of the invitation, Dr. Wickwire?

17 MS. SCHUMACHER: I was told that the staff was
18 all involved in training this week of the Federal Labor
19 Contractor Registration Act and she declined to send any-
20 body to represent her agency. That was the reason she
21 gave me.

22 CHAIRPERSON WICKWIRE: Our speaker now is Ms.
23 Angel Howe. Would you please state your name and position
24 for the record.

25 MS. HOWE: My name is Angelica Howe. I am

1 Assistant State Monitor of Migrant and Seasonal Farmworkers.
2 State of Maryland, Department of Human Resources,

3 I have prepared something very little because
4 Ms. Yvonne Schmacher told me about the housing situation
5 so I am here for that. The Employment Security Adminis-
6 tration is required to do housing inspection periodically
7 and intrastate job transfers are filed (phonetic). That
8 means if employer requests a number of workers to work
9 for him or her. If workers are placed through the Employ-
10 ment Services System, then the local office is required
11 to do a post-occupancy. That means before the workers
12 arrive the camp.

13 Employment Security and their outreach is
14 required to check conditions as well as other items. But
15 no inspection in the house if we not have orders. The
16 outreach can be done only in the areas by regulation if
17 the employer lets us go into the camp. We cannot go
18 through a camp if employers don't want us.

19 (Indistinguishable) by agreement in the job
20 order, we go into the camp any time without announcing
21 our visit. As a matter of fact, the second post-occupancy
22 we do without announce that we're going to go in. Our
23 regulations is ETA and OSHA, here is. Also here is
24 with me the pamphlets we give to the workers about the
25 conditions.

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1 Employment Security Administration, our main
2 function is to try to find jobs and put people to work.
3 Growers or farmers are not hiring in Maryland on a full-
4 time basis because farmwork is only seasonal, so I try to
5 make a statement what was said last night.

6 The definition of migrant/seasonal farmworker
7 is different from agency to agency, so I wanted you to
8 understand one thing: we have different definitions of
9 migrant/seasonal farmworkers.

10 The Department of Human Resources also are
11 serving anyone who comes into our office. That means
12 social services or employment office. We offer full
13 service. No different who is, is no sex discrimination
14 because I'm aware of it and I ensure that service is
15 provided for the migrant/seasonal farmworkers.

16 If we don't have the bilingual staff, we
17 research for them. That's all. Thank you. Any questions?

18 CHAIRPERSON WICKWIRE: Thank you. Sol, do you
19 have a question?

20 MS. EATON: You say you are from the Human
21 Resources, are migrant workers covered under Title VII?

22 MS. HOWE: Excuse me?

23 MS. EATON: Are migrant workers covered under
24 Title VII, employment discrimination in employment?

25 MR. FERRON: EEOC.

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1 MS. HOWE: EEOC, no, I'm not, I'm Employment
2 Security Administration.

3 MS. EATON: The workers, I thought that maybe
4 that's your agency has anything to do with reporting
5 discrimination under Title VII.

6 MS. HOWE: Correct, we do. You are talking about
7 about complaints. In our pamphlets you have in front of
8 you we take complaints referring to job situations, yes,
9 we do. We report it. We take care -- if we refer a
10 worker to a specific job, definite we will do it research
11 what happened. We try to solve. If beyond us, we give
12 it to the correct agency, Wage and Hour, EEOC, or whatever.
13 If you're talking about discriminations, specific discrim-
14 inations.

15 MS. EATON: Are the workers aware of Title VII
16 at all?

17 MS. HOWE: I can't tell you yes or no. I don't
18 know. As a matter of fact, I don't know myself what
19 you're talking about.

20 MR. FERRON: Let me try that, if I may.

21 CHAIRPERSON WICKWIRE: Go ahead.

22 MR. FERRON: In the event a worker or workers
23 feel that they have been discriminated against because
24 of their race, sex, religion, or whatever, in your
25 official capacity, do you refer them to EEOC or do they

1 know about EEOC which has the responsibility of enforcing
2 Title VII?

3 MS. HOWE: What we did usually, we explain to
4 the workers -- if they come with sex discrimination, we
5 provide, like I said, we take the complaints in the right
6 way, we can solve -- if we have referred that fellow to
7 a specific employer, we try to solve to first the local
8 level. If we cannot, we going to give that problem to
9 the agency which should give the services about, for
10 instance, EEOC.

11 MR. FERRON: Have you ever referred any
12 workers to EEOC?

13 MS. HOWE: We do have some complaints, yes, we
14 do. I don't handle that in Baltimore.

15 DR. WHITTINGTON: Ms. Howe, if deaths occur
16 on a migrant labor camp, would you be aware of them?

17 MS. HOWE: Yes, I am.

18 DR. WHITTINGTON: Are you aware of the deaths
19 that have occurred at Westover this year?

20 MS. HOWE: Yes, I am.

21 DR. WHITTINGTON: Can you tell me a little bit
22 about the black American's death?

23 MS. HOWE: Well, it's pretty much confidential
24 whatever information I get. However, I reported the situa-
25 tion to the right agency. Police the problem take care of.

1 If you are talking about the child or the man?

2 DR. WHITTINGTON: The man. .

3 MS. HOWE: The man. Yeah, the Police Department,
4 I talked with policeman, I don't have the record with me
5 the person I talked to here, and they have to take care
6 of the situation. This all we can do, just report it.
7 In that case, it is not exactly my job to go beyond
8 the report.

9 DR. WHITTINGTON: Do you provide services for
10 families?

11 MS. HOWE: What type of services you talking
12 about?

13 DR. WHITTINGTON: In case of death.

14 MS. HOWE: We don't have the money, but we have
15 tried to get the agency to provide the money if it is
16 necessary, yes.

17 CHAIRPERSON WICKWIRE: Yes, Ms. Schumacher?

18 MS. SCHUMACHER: I understand that your agency
19 has the responsibility to inspect the camps if workers are
20 being requested through your office by growers.

21 MS. HOWE: Correct.

22 MS. SCHUMACHER: How does that work? Can you
23 explain that a little more? how that works?

24 MS. HOWE: How it works?

25 MS. SCHUMACHER: How your inspections work and

1 what kind of enforcement, and what do you do if they don't
2 meet your standards? What do you do then?

3 MS. HOWE: First of all, the camp wouldn't open,
4 number one. We go in conjunction with Health Department
5 before the workers will arrive, we do an inspection, 30
6 days ahead. And then any time after they arrive, we
7 give it a little time, we go in again and we inspect.
8 By the way, in Maryland we have only six compliance (phon.)
9 orders, six. Five in Eastern Shore, one in Western
10 Maryland. And all the fives in Eastern Shores and one
11 only county, Dorchester.

12 MS. SCHUMACHER: What happens if the camps don't
13 meet your standrads? What would you do then?

14 MS. HOWE: They will not open until they --
15 they have to have the standards, we request those. They
16 cannot open or let them open.

17 CHAIRPERSON WICKWIRE: Do you deny, have you
18 denied some camps the right --

19 MS. HOWE: No, sir. Not this year.

20 MR. FERRON: Have you ever denied --

21 MS. HOWE: I have been with the agency almost
22 two years, I can't talk after two years ago, but the last
23 two yeas, no, I haven't denied any. Some problems they
24 have, money problems, yes, I can five in few days and go
25 back again.

1 MR. FERRON: How large is the staff, your
2 staff which has responsibility of servicing the migrant
3 workers here in Maryland?

4 MS. HOWE: We have one in each county and
5 myself, I'm always to ensure that the people doing their
6 work, to go out on outreach and inform the workers. I
7 myself provide with state inspection with the local staff
8 in those counties. For instance, Dorchester. I have
9 done myself.

10 MR. FERRON: You have one person in each
11 county or you have agencies in each county?

12 MS. HOWE: Correct, one person in each county
13 that is a multiple person, not just only to carry migrants
14 and seasonal farmworkers. Our staff is very reduced and
15 they are doing different activities besides the care of
16 the migrants or the seasonal farmworkers.

17 CHAIRPERSON WICKWIRE: Mr. Owens.

18 MR. OWENS: One question.

19 MS. HOWE: Yes, sir?

20 MR. OWENS: In conducting your inspections, what
21 kinds of problems have you encountered?

22 MS. HOWE: Well, I don't know what problem you
23 are talking about -- housing --

24 MR. OWENS: Whatever problems you've seen.

25 MS. HOWE: To tell the truth, I haven't found

1 any problems. I'm talking about my five inspections I
2 have done. The pre-occupancy I remember well. Mattresses
3 were not provided because we didn't announce we would
4 be there and we wanted the mattress to be there 30 days
5 ahead. And they said, "Well, we can't have them here
6 until the workers because somebody come in and steal
7 those mattresses." So anyway that was the only problem
8 I remember.

9 CHAIRPERSON WICKWIRE: Did you have more that
10 you wanted to --

11 MS. HOWE: You're shocked, your face may get
12 shocked when I said nothing. It's true because you can
13 visit my five -- one is closed already, the workers have
14 gone, but the five, the camp is in perfect condition.

15 MR. OWENS: Then you have never had occasion to
16 write up any camp owner or crew member, crew leader for
17 any violation?

18 MS. HOWE: Yes, I have. On outreach, if I find
19 some problems, usually what I have found is minor problem.

20 MR. OWENS: What are some of the minor problems?

21 MS. HOWE: Okay, is to inform agencies such as
22 Health Department, we talk with the grower, crew leader
23 as well that I want to come back to the Health Department
24 or state agency should take care of the problem.

25 MR. OWENS: Does your inability to gain access

1 without the express permission of the owner --

2 MS. HOWE: No, I cannot by my regulations. I
3 cannot go into a camp without permission.

4 MR. OWENS: No, I understand that. Now my
5 question is based upon that, does that create for you any
6 problem with regard to conducting your inspection? Let's
7 say that you have information that would lead you to
8 believe that there is a problem in a particular camp and
9 you decide you want to go to that camp and you go to the
10 camp and the owner of the camp says, "No, you can't come
11 in." Has that ever occurred?

12 MS. HOWE: I have people who are not allowed to
13 go, yes.

14 MR. OWENS: But you don't consider that to be
15 a problem with regard to your doing your job?

16 MS. HOWE: No.

17 MR. OWENS: Thank you.

18 CHAIRPERSON WICKWIRE: Mr. Ferron?

19 MR. FERRON: Ms. Howe, we are all aware that
20 fiscal constraints, a number of agencies having their
21 budgets reduced, some agencies actually being abolished,
22 what do you feel would be the impact upon the migrant
23 workers if your agency were defunded and put out of
24 business?

25 MS. HOWE: Well, I wish to know who's going to

1 take care of the workers when they want to go someplace
2 else, their job. We have -- we move the people around,
3 the ones who work, to go to work. Right now we have
4 many people going to Western Maryland. We have sent
5 applications to the growers. We have some in Western
6 Maryland picking apples. We have also local areas for the
7 workers. I don't know, I can't guess what could occur.
8 But I think our agency is trying to provide the jobs for
9 the people, that's what the main function is, like I said
10 before.

11 MS. WINSLOW: So your main function is to pro-
12 vide jobs, not to inspect or --

13 MS. HOWE: No, I said the inspection occur
14 only if we have clearance orders, X grower requests for
15 X number of workers, we have to inspect housing, salary,
16 several items we have. As a matter of fact, we are
17 allowed to see their payroll at that point only if we
18 have clearance orders.

19 CHAIRPERSON WICKWIRE: One last question from
20 Dr. Whittington.

21 DR. WHITTINGTON: Do you have copies of your
22 regulations or are you considering this to be copies of
23 your regulations?

24 MS. HOWE: That is for housing.

25 DR. WHITTINGTON: You don't have copies of the

1 regulations that you've been referring to all along?

2 MS. HOWE: I have only this, my only one I have.
3 If you want it, you can make copy or I can send to you.

4 CHAIRPERSON WICKWIRE: Are there other questions?
5 I guess not. Thank you very much. All right, is Mr.
6 Resh in the room? David Resh is our next speaker,
7 representing Environmental Programs. Mr. Resh, will you
8 please state your name and position for our record.

9 MR. RESH: Mr. Chairman, fellow committee
10 members, I am David Resh. I am a Program Administrator
11 with the Community Health Management Program in the
12 Office of Environmental Programs of the Maryland Depart-
13 ment of Health and Mental Hygiene, a typical bureaucratic
14 title.

15 Accompanying me is Mr. David Roberts. Dave
16 is a field sanitarian in the Community Health Management
17 Program, and, in addition to a variety of other functions,
18 does perform inspections of migratory labor camps through-
19 out the state. I will be later falling back on him to
20 make some comments.

21 I have prepared through Ms. Schmacher material
22 that was requested by the Committee in the form of
23 copies of the regulations, memorandums, and also the 5-
24 Year Plan. I suppose you all have copies of that and
25 have had an opportunity maybe to review that.

1 As previously stated by other speakers, the
2 Secretary in the Department of Health and Mental Hygiene
3 is responsible for the enforcement of the requirements
4 set forth for migratory labor camps of the Code of Mary-
5 land Regulations. Copies of those regulations are readily
6 available.

7 As with many of the other regulations that the
8 Department has, the authority for the enforcement of
9 the migrant camp requirements is delegated by the
10 Secretary to each local health officer with the Secretary
11 maintaining concurrent authority with their enforcement.

12 I feel at this point it is very necessary to clarify
13 misconceptions that have been raised in the past that
14 many individuals have had with regards to the role of
15 the local health departments versus the headquarters
16 office of the Department of Health and Mental Hygiene.

17 The local health departments are an extension
18 of the State Central Office and they serve as our repre-
19 sentatives at the local level.

20 From the standpoint of the current organiza-
21 tional structure, prior to 1980, the migrant camp func-
22 tions were addressed in a general sanitation unit within
23 the Department of Water and Sewage Administration. In
24 1980, all state environmental programs were structured
25 under an assistant secretariat in an Office of

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1 Environmental Programs. Mr. William Eischbaum is the
2 Assistant Secretary and I think some of the members of the
3 committee have had an opportunity of meeting and talking
4 with him.

5 That particular office is composed of four
6 basic units: air, community health, waste, and water.
7 As a result of this reorganization effort, the migratory
8 labor camp functions were administratively reassigned
9 and structured within the community health management
10 program of which I serve as administrator.

11 That particular program is composed of four
12 divisions. It is composed of -- consisting of the
13 Division of Community Services, which you have an organiza-
14 tional chart to that effect. That particular unit
15 addresses functions relative to product safety, recrea-
16 tional sanitation, trailer camps, camps in general, noise
17 problems, and migratory labor camps.

18 In addition to functions within the community
19 health management, I also have the programs as they
20 relate to food, milk, and radiation.

21 Much as been said and printed about the lack
22 of enforcement of regulations in the past by local
23 units. I have been involved with this program for two
24 years. I cannot address nor can I impact past actions or
25 lack of inactions. However, I am in a position that

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1 I can address what occurs today and what will occur in
2 the future. I will respond to those claims of lack of
3 enforcement by stating that the Secretary retains concur-
4 rent authority for enforcement. And if violations were
5 observed by representatives of the Central Office, and
6 if corrective action was not taken, then we at the State
7 Central Office were remiss in not initiating the necessary
8 enforcement actions.

9 Regarding the current regulations, the regula-
10 tions that we current enforce in general address permitting
11 requirements; camp surroundings; water supplies; sewage
12 disposal; toilet, bathing and laundry facilities; cooking
13 and eating facilities; garbage and refuse handling; and
14 I have it in my notes in capitals, housing.

15 Of the comments received by my office during
16 the two years I have been involved with this program,
17 the overwhelming majority concern interpretations of
18 housing requirements. The regulations, and primarily
19 those requirements relative to housing, are extremely
20 subjective and open to broad interpretation.

21 As an agency oriented to environmental concerns,
22 we can address water supplies, sewage disposal, toilet and
23 bathing facilities, cooking and eating facilities, garbage
24 and refuse handling. However, we have extreme difficulty
25 with addressing non-definitive housing requirements.

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1 When a regulation recognizing facilities
2 ranging from tents to mobile homes, and I quote directly
3 from the regulations, "unconventional enclosures of living
4 space," I raise the question: what constitutes approved
5 housing?

6 We do have recommendations as far as our dealings
7 with the migrant camps, and I will -- there are three basic
8 recommendations. First, the development of definitive
9 housing requirements that address appropriate seasonal
10 use, and housing requirements that are capable of repeated
11 use over periods of time.

12 Second, which is an area that has not been
13 raised at all during this forum, and which we have
14 observed in previous years and we are observing again this
15 year, and that is overcrowding. There has to be the
16 development of contingency plans. I might add, I tell the
17 Committee, we have been enforcing overcrowding, but we have
18 a severe problem: we wonder where those migrants are
19 going. We know that they are living in houses, cars
20 which are unapproved. The growers have been cooperative
21 to the extent of even removing the bed in the furnishings
22 that were in those units in order to comply with the
23 regulations.

24 The third item that I would recommend is that
25 we have regulations that are uniform between agencies.

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1 One of the previous speakers addressed the MOSHA require-
2 ments in the State of Maryland. They have a responsi-
3 bility in the migrant camps; however, from our dealings,
4 the regulations within the Department and those of OSHA
5 do not interface. There are problems.

6 At this time, I would like to call upon Mr.
7 Roberts to address some of the conditions that have been --
8 I mean, some of the things that have occurred in the
9 state. It appears that from attending last evening's
10 session and also so far in this session, much of the
11 conversation has centered around the Westover Camp.
12 However, I might add that we have effectuated considerable
13 improvement in camps during the past two years and, to that
14 end, I would like to have Mr. Roberts make this comments.

15 MR. ROBERTS: My name is David Roberts and I
16 am a sanitarian with the State Department of Health and
17 Mental Hygiene. I work in the Division of Community
18 Services. In that division, I have several different
19 functions, one of which is to monitor the county inspec-
20 tions of migrant labor camps. So I am fairly familiar
21 with most of the camps in the state. I have been to
22 just about every camp in the state this year so far.

23 There are approximately 60 camps in the state
24 that house migrant workers that are permitted. Combined,
25 they house over 2,000 people.

1 There are many different situations in these
2 camps. Mr. Resh mentioned unconventional types of
3 buildings, and I have run into any type of building from
4 old converted houses to cinderblock-type construction
5 which is more of a permanent structure, to buildings
6 which are more of a camp situation. Our regulations, of
7 course, address all as a migrant labor camp, and it is
8 a temporary housing situation.

9 There are definitely problems in a lot of the
10 camps in the state and we are trying to identify those
11 problems and we are trying to seek improvements as we can.
12 At the times the problems occur and surface during the
13 course of the season and at that time there is really not
14 too much that can be done about it. We are faced with a
15 situation where the farmers have their crops in the field
16 that have to be picked, there are people living in these
17 buildings, and if we were just to go in and say, "Okay,
18 this camp doesn't meet requirements, you have to close
19 immediately," obviously that would be an untenable situa-
20 tion for everybody.

21 Some of the problems that exist are things like
22 overcrowding in the camps. The farmers request certain
23 amount of people to come up to pick their crops. Quite
24 frequently, the crew leaders will bring more people than
25 are requested, and we run into a situation where there

1 isn't sufficient housing for all these people. When we
2 come across a situation like that, we will inform the
3 farmers that there are too many people in the camp,
4 that the number of people are exceeding their permit, and
5 they will make some attempt to remove those people.

6 That presents a problem. Where are those people
7 going to go? There aren't any type of facility to absorb
8 them. So we get a situation where many migrants come
9 into the state and do not occupy permitted camps, they are
10 going into other areas where people rent perhaps substand-
11 ard housing to them. That is a situation we have very
12 little control over. The only thing we can address are
13 the permitted camps, the official migrant labor camps. But
14 I think that is an area that definitely needs to be looked
15 into.

16 As I said, we are trying to identify problems
17 and obtain corrections for those problems. I have been
18 inspecting camps now for two years and I have seen many
19 improvements take place. I have seen increased communica-
20 tion between the farmer groups, migrant groups, and the
21 state and local health departments, and I think this is
22 all very good.

23 As I say, there are still problems, but none of
24 these problems can be taken care of overnight. It is my
25 feeling now that we are moving in the right direction

1 and I certainly hope to see many more improvements in the
2 future.

3 If you have any specific questions --

4 MR. RESH: I would like to make a few more
5 comments with regard to housing. I realize your concern
6 is the Eastern Shore. However, in Charles County, which
7 has a number of migrant camps, over the past year we had
8 significant improvements made in that particular camp, in
9 those camps. We have had improvements with additional
10 housing, new wells and sewage disposal systems placed in
11 other camps on the Shore other than the Westover Camp
12 for this year.

13 CHAIRPERSON WICKWIRE: Thank you, Mr. Resh.
14 Thank you, Mr. Roberts. Yes, Ms. Schumacher?

15 MS. SCHUMACHER: In our discussions that we had
16 early in July with Mr. Eischbaum, the Secretary, one of
17 the things that he told us about was the fact that one of
18 the local health departments, and I don't recall that he
19 specified which one, had earlier this year, I believe,
20 although I could be wrong on the timing, declined the
21 state delegation of authority to inspect and enforce and
22 license the camps. And in response to that declination,
23 the memo that you gave us a copy of was sent out reiter-
24 ating the local responsibility and basically insisting
25 that they do the job. What came of that?

1 MR. RESH: First of all, the memorandum that has
2 been supplied to the Committee is a memorandum that we send
3 out annually. It is something that was not precipitated
4 in response to any request by any local unit to assume
5 that function. Yes, there was one camp that did that.
6 However, the Department was involved with the negotiating
7 of -- the inspection of food processing facilities,
8 facilities that were involved in interstate commerce.
9 However, that particular county elected to keep certain
10 parts of their facility -- I mean, certain parts of these
11 facilities, and so when we responded to that, we said,
12 "Okay, we are handling part of this and so what we will
13 do is handle the other part so that you can ~~forget people~~ to
14 do your migrant camp program." With that, the situation
15 was dropped. It was a move on the part of the local
16 people to not be involved with, say, a highly visible
17 and maybe a controversial area.

18 MS. SCHUMACHER: Are you hearing more and more
19 about reluctance of the local governments to take on the
20 responsibility as funding is getting cut back at all?

21 MR. RESH: No. My response would be no. Dave
22 indicated that the channel of communication between the
23 central office and the local departments has vastly
24 improved over the past few years. I attribute much of the
25 improvement that we have had in the migrant camp program

1 to that improved communication. I personally have met
2 with the local environmental directors on the Eastern
3 Shore. I have amplified the need to emphasize this
4 program and to really involve themselves in that particular
5 activity. From what I have been able to observe, they
6 definitely have responded. But I have not heard any,
7 with the exception of the one county that Assistant
8 Secretary Eischbaum mentioned, that has been the only
9 county that has even had any comment with regards to
10 sending the authority back, the function back to the
11 central office.

12 CHAIRPERSON WICKWIRE: Mr. Owens.

13 MR. OWENS: Yes. You have indicated that
14 oftentimes you will discover let's say deficiencies during
15 the mid season and it would be fairly untenable to try
16 to stop them working at that point and et cetera and so
17 on. What kinds of things pop up in mid season that
18 could not be anticipated at the commencement of the
19 growing season considering that it is so short?

20 MR. ROBERTS: Some of the major things that
21 would crop up, and certainly things that have to be taken
22 care of, it is not a situation where we are just saying,
23 "Okay, you're in the middle of it, we're just going to
24 have to let this go until later," but one of the big
25 things are such things as perhaps if the water supply

1 would fail, or if the septic system would fail. Those are
2 the kind of things where definitely something has to be
3 done and we try to work with the farmer -- and there have
4 been cases already this year where septic systems have
5 cailed and we have notified the farmers and they have
6 taken steps to correct that so far as to put in new drain
7 fields and things like that.

8 Many of these camps have been in existence for
9 years and no one is really quite sure what is underground
10 as far as sewage disposal systems. It is really only when
11 they are being used that you can find out if there is a
12 problem there. That is the type of thing that -- some of
13 the major things.

14 There are always problems that come up as far
15 as cooking and eating facilities. They have refrigerators
16 that they have put in. These are mostly secondhand
17 refrigerators and you might have failure on the refriger-
18 ators, and then again we have to notify them and attempt
19 to get an adequate refrigerator put in. But these are
20 all problems that continually come up during the season
21 and we have to try to work with this as best we can.

22 MR. OWENS: Given what you said, the problem
23 that you are articulating now had to do more with
24 mechanical functions, the septic system, refrigeration,
25 et cetera.

1 MR. ROBERTS: Yes, that's right.

2 MR. OWENS: If, as you say, these continue to
3 crop up during the growing season, would you consider
4 that it would be worthwhile for the Department of Mental
5 Hygiene to, at its initial inspections of the camps, in
6 the early part of the season, do any more thorough job
7 of certifying that these systems will be functioning?

8 MR. ROBERTS: That does need to be done, I
9 feel. It definitely is too late during the middle of the
10 season to find out about these things, and we do pre-
11 seasonal inspections, but Ms. Howe brought up the point
12 of certain items not being placed in the camps because
13 the camp operators are afraid that they will be stolen.
14 Most of these camps are in isolated areas with no one to
15 watch them, take care of them. It's not the structure
16 that is going to keep someone out if they want to get in
17 there. In my view, there is not really that much there
18 that someone is going to want to steal, but there are
19 some items, and if we require everything to be in there
20 beforehand, then it certainly presents a security problem
21 for them. But there is definitely a need to assure that
22 everything is in compliance before the camp opens.

23 MR. RESH: I would like to further comment to
24 that because I think that every effort is made to see
25 that conditions are in compliance with the regulations

1 before that camp is permitted. We cannot look at the
2 underground aquifer to determine if there is going to be
3 a change. We don't know if a well is going to give in.
4 We don't know whether or not the septic system is going
5 to fail. I personally have a septic system in my home
6 because I live in a rural community and I wish I could
7 determine each time I was going to have a problem with
8 that because correcting it is a lot more of a problem
9 than trying to do some preventive maintenance on it before.

10 So with regards to some of the septic systems
11 that are on the camps, Mr. Roberts indicated that many of
12 them had been in for a number of years and we may not have
13 any knowledge as to where they are located. So when they
14 fail, now we know where they are located.

15 With regards to systems like those that were
16 installed at the Westover Camp, we have design criteria
17 and that design criteria was used for putting those new
18 systems in. To my knowledge, they are operating properly
19 this year.

20 MR. OWENS: Thank you.

21 CHAIRPERSON WICKWIRE: Mr. Ferron?

22 MR. FERRON: Yes. Mr. Resh, would you brief
23 me please on your EEO profile on the local level?

24 MR. RESH: On the local level, I cannot address
25 that.

1 MR. FERRON: Well, you, on the state level, have
2 the responsibility of overseeing, if I understood you
3 correctly, the local health authorities, am I correct?

4 MR. RESH: We have an EEO officer who works
5 specifically in that area.

6 MR. FERRON: So as Administrator, do you have
7 any information concerning the EEO profile at the local
8 level? Let's be more specific. Can you comment on the
9 EEO profile in this country?

10 MR. RESH: No, I can't.

11 MR. FERRON: Can you comment on the EEO profile
12 in any local jurisdiction?

13 MR. RESH: No, I can't.

14 MR. FERRON: The reason I raise that question,
15 Mr. Chairman, is that, as we all know, a number of the
16 migrant workers are Hispanic and Black and other minorities
17 and women, and representation is not meant to offend, but
18 the representation that I have seen today does not
19 reflect a representation ethnically of the types of
20 persons that we are set up to administer, supervise and
21 protect.

22 I personally, Mr. Chairman, would like to gain
23 information regarding the EEO profile at the local levels
24 throughout the jurisdictions in the State of Maryland for
25 the migrant workers.

1 MR. RESH: You mean those individuals who are
2 working directly with the migrants, that's correct. Okay,
3 I recognize what you are saying. We have a problem in that
4 we are dealing with seasonal, and from a management stand-
5 point, I have a program that extends over 608 months. I
6 cannot dedicate an individual who is going to work full-
7 time in that particular area because I have another 4
8 months out of the year I have to justify his performance
9 and area of work that he is going to be involved with.
10 I can address the EEO at my level in the program in
11 Baltimore; however, I cannot address that at the local
12 level. And, again, we do have a separate agency that is
13 responsible for that within the Department.

14 MR. FERRON: If we have approximately 2,000
15 migrant workers coming to the State of Maryland, it
16 appears to me an overwhelming majority are minorities,
17 speak other languages, Hispanic, and so forth, it would
18 appear to me that that would be justification to come up
19 with some information regarding the EEO profile.

20 Mr. Chairman, I am formally requested that
21 information.

22 MR. RESH: Are you requesting that information
23 of me or are you going to direct that to the Secretary?

24 MR. FERRON: I would direct that through the
25 Chair as to the best way we can get that.

1 CHAIRPERSON WICKWIRE: All right, perhaps you
2 can supply us with this information.

3 MR. RESH: Okay, fine.

4 CHAIRPERSON WICKWIRE: Thank you.

5 MS. EATON: I have a question. Are you antici-
6 pating any cuts for '83 in your staff?

7 MR. RESH: Am I anticipating any cuts? For
8 Fortunately, I am one of the programs within the Department
9 that is primarily general funded within a -- I'll be very
10 specific. I have responsibility for a \$1.5 million budget
11 and within that budget less than \$100,000 constitutes
12 Federal funds. However, I know where you are coming from
13 and I am going to play it through a scenario for you.

14 We have other programs within the Office of
15 Environmental Programs that are heavily federally funded,
16 i.e., water, air, waste. If there would be substantial
17 cuts at that level, the possibility exists that that
18 particular office would go back and evaluate priorities
19 and in evaluating those priorities they would look at --
20 could conceivably look at my program and say, "Okay, you
21 have the positions, you have the funding because it is
22 state funding; however, we feel that this function that
23 we have been conducting under Federal funds has a higher
24 priority." Therefore, we won't have the domino effect, we
25 are going to have a dilution effect.

1 MS. EATON: One more question. We have heard
2 so many representatives of different agencies here that
3 go into this, and I know that must be a point of friction
4 or conflict for the farm growers, you know, having differ-
5 ent agencies doing the same thing. Is there any -- does
6 your office do anything to bring all these people together
7 and just kind of work towards a solution of problems
8 rather than all these individuals going to the same place
9 and getting the same information or whatever?

10 MR. RESH: In response to the first part of your
11 question about the number of agencies doing inspections,
12 I have questions as to how many agencies we actually have
13 in Maryland doing inspections. I know in my discussions
14 with Mr. Roberts, I don't think he has come across any
15 other agency in the course of his activities this year.

16 The Department definitely, with regards to the
17 Westover Camp, I personally involved myself and yet I met
18 with each of the growers and we met collectively.

19 CHAIRPERSON WICKWIRE: Ms. Schumacher.

20 MS. SCHUMACHER: I think that earlier today, if
21 I am not mistaken, it was Mr. Johnson of the Governor's
22 Commission spoke to the point that Westover has been
23 focused on as a particularly large camp with particularly
24 obvious deficiencies, but that other camps exist in the
25 state that are at least as bad or worse than Westover.

1 Could you speak to that? Could you tell us which camps
2 are worse than Westover and where they are located?

3 MR. RESH: Yes, I would like to speak to that
4 because we have -- the Department has responded to that.
5 The comment that was made was taken out of context.
6 What we stated, what was stated was that the same defici-
7 encies that had been noted at the Westover facility had
8 been noted in other camps in the State of Maryland.
9 Regarding orders. I mean, that's what precipitated the
10 action at that camp last year, was the departmental order.
11 There have been departmental orders issued this year with
12 regards to problems with water systems. There are prob-
13 lems with other water systems and we are seeking correc-
14 tive action. The failures of septic systems, yes, we find
15 those in other camps. These are major public health
16 concerns and those types of concerns do occur in other
17 camps.

18 MS. SCHUMACHER: Which camps in the state are
19 the worst as far as their overall conditions, would you
20 say?

21 MR. RESH: Which camps are the worst?

22 MS. SCHUMACHER: Which camps are the worst, are
23 the most in need of attention?

24 MR. RESH: I cannot be specific with that
25 because I've only been in very few of them myself. I

1 don't know if even Mr. Roberts could address that.

2 DR. WHITTINGTON: He's been in every one, could
3 he answer the question? He's been in every one this year.

4 MR. ROBERTS: I've been in almost every one this
5 year. There are camps in Western Maryland that aren't in
6 operation yet. They are in the orchard business, so later
7 on this year they will be in operation and I plan on
8 getting out to those.

9 Last year we found problems in some other
10 camps which were major problems and quite a few camps
11 as well as Westover were placed on orders to correct
12 things. In Charles County, a big problem we found was
13 that they weren't provided with eating facilities. In
14 other words, they had to either provide their own
15 facilities or they had to go off of the camp premises to
16 get food. They were placed under orders to provide those
17 facilities and facilities have been built. Some of them
18 aren't completely finished yet but for next year certainly
19 we hope that they will all be in operation.

20 In Caroline County, we found quite a few prob-
21 lems in that the migrants weren't given the appropriate
22 number of facilities that are required under our regula-
23 tions. Orders were not issued on those camps but they
24 have supplied those facilities. What I am referring to
25 are things like correct number of showers, correct number

1 of hand sinks, wash tubs for doing laundry, things of
2 that nature. Now, in Caroline County, quite a few improve-
3 ments, as I say, have been made. Some of the camps there
4 were in pretty bad condition but I feel as though they are
5 being improved.

6 MR. RUTLEDGE: Mr. Chairman, I don't think that
7 was the question that was asked. I would like to -- do
8 you publish a list of violators?

9 MR. ROBERTS: No.

10 MR. RUTLEDGE: Why does Westover stand out and
11 no other -- none of these other camps have been pub-
12 licated? Is that an accident or is that --

13 MR. ROBERTS: I would think it is due to the
14 size of the camp. There's no other camp that is nearly
15 that size.

16 MR. RUTLEDGE: What's the next largest camp?

17 MR. RESH: You have been supplied -- the
18 Committee has been supplied a listing of all camps, the
19 number of occupants, and the permitting dates.

20 MR. RUTLEDGE: But the only one that has been --
21 in terms of Ms. Schumacher's question, what are the names
22 of the other camps that were found to be in violation as
23 Westover apparently was alleged to have been? And yet
24 Westover is the one that got the headlines and the publi-
25 city and the other camps have -- there has been silence

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1 about the other camps. Maybe you are not in a position
2 to offer that. I'm just raising that question.

3 MR. RESH: It is a matter of public information.
4 I mean, it is in our records. I personally can't give you
5 the names of each of the camps.

6 MR. RUTLEDGE: Do you put out a report card of
7 some kind?

8 MR. RESH: No. No, we don't. However, the
9 inspection records are a matter of public information.
10 Anybody desiring to see that information can come to the
11 office.

12 CHAIRPERSON WICKWIRE: Dr. Whittington?

13 DR. WHITTINGTON: That's what I was trying to
14 get out of Mr. Johnson when I was questioning him. Not
15 the names, but since you do inspect all of those camps,
16 and the Governor's Commission has some responsibility and
17 concern about conditions in those camps, I don't under-
18 stand why you aren't providing them with the kind of infor-
19 mation that they need in order to get some support for
20 improvement at the camps.

21 MR. ROBERTS: I couldn't answer that myself.
22 All that I do is go to these camps; if I perceive a
23 problem, then I just notify my superiors. That's all I
24 can do.

25 MR. RUTLEDGE: The question is really for Mr.

1 Resh.

2 MR. RESH: Sure, go ahead. I'm not sure if
3 that correspondence that was generated in response to
4 the request of the Commission named the facilities.
5 However, it did address itself to the fact that the same
6 conditions that we consider major public health concerns
7 that were identified in the Westover Camp we have identi-
8 fied in other camps. And it would be simply a matter of
9 going back and gleaning our records and compiling a list,
10 saying that this camp had a failing water system, this
11 camp had a failing sewage disposal system. We have one
12 camp currently in Caroline County that has a problem as
13 far as handling sewage and an order has been issued on
14 that facility for corrective action.

15 CHAIRPERSON WICKWIRE: Ms. Winslow, you have a
16 question.

17 MS. WINSLOW: I think in most areas where the
18 restaurant and other food facilities are inspected and
19 found deficient, that list is made quite prominent and
20 compliance oftentimes follows very quickly. I wonder if
21 this would not be something that would be helpful.

22 MR. RESH: Yes, we are in fact preparing a press
23 release on the one particular order that was issued.

24 MS. WINSLOW: But perhaps the entire list with
25 checkoffs as to where and what.

1 MR. RESH: Okay, as far as the publishing of
2 restaurant scores, that was something that was initiated
3 from my department, in fact, right out of my office. I
4 suggested that as a mean at the local level to bring
5 exposure and I felt that that type of public exposure
6 would lend itself quite effectively to bringing about
7 compliance.

8 MR. RUTLEDGE: Why not in this situation?

9 MR. RESH: Again, we are dealing with 60
10 camps and the problems that we find as far as major public
11 health problems I don't think occur that frequently.

12 MR. FERRON: Mr. Chairman, I think this is an
13 extremely important issue because indeed the Westover
14 Camp has been focused on by the media, the focus of this
15 committee, because these hearings are here, have focused
16 on the Westover Camp. And this committee in these hearings
17 certainly are not for the purpose of witch hunting for
18 information. Conceivably, those smaller camps could
19 be disasters, relatively speaking, in comparison to
20 Westover and in the interests of truth and information
21 I really feel it incumbent upon this committee to request
22 that objective reporting information, reported information,
23 on all of these camps in all due fairness to the camp that
24 we have focused on here.

25 CHAIRPERSON WICKWIRE: Mr. Resh, can you supply

1 us with this information?

2 MR. RESH: A listing of camps that currently
3 have violations?

4 CHAIRPERSON WICKWIRE: Yes.

5 MR. RESH: No problem at all.

6 DR. WHITTINGTON: And the violations. Not just
7 a list of camps that have violations, but the kinds of
8 violations that they have.

9 MR. RESH: Okay.

10 MR. FERRON: I'd be interested in a report
11 card for comparison and so forth. It may be, for example,
12 that these hearings may be perceived by the public and
13 others as being unfairly focusing on one camp because we
14 are here. I feel that we merit an objective report card
15 on the status of migrant workers in the camps throughout
16 the State of Maryland.

17 CHAIRPERSON WICKWIRE: Mr. Resh, you can give
18 us that report card? All right. Thank you. Let me ask
19 one question first. In Virginia, two days ago at their
20 forum, Dr. Fears was indicating that we need many more
21 inspections, almost daily in some areas, do you feel,
22 Mr. Roberts, that you are not staffed -- you don't have
23 enough staff really to do an adequate job of inspection?

24 MR. RESH: Well, as for myself, I am the only
25 person on the central office level right now that does

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1 monitoring. As well as doing that, I have other things
2 to do. I can't devote 100 percent of my time to this,
3 although perhaps it is needed. Also, on the county levels,
4 the people who are doing the inspections, usually there's
5 one person out of the office that is assigned to do this
6 and it frequently draws them away from other areas which
7 need action. I get frequent complaints from the county
8 inspectors about the fact that other programs are suffer-
9 ing because of this increased attention on the migrant
10 camp program. I feel that it used to be a type of
11 program that operated as the migrant season operated,
12 perhaps for about six to eight weeks a year. Now it is
13 a thing that has to -- it takes much more time. It is
14 involving a few months and it ties up a certain individual.

15 There are definitely, I feel, increased inspec-
16 tions being done. It puts the inspectors in a position
17 of trying to maintain the camps. I mean, trying to keep
18 the camps in shape. There is a big problem with mainten-
19 ance in the camps. I think the regulations say that the
20 camp operator is in charge of maintenance in the camp,
21 but frequently it is very low on their list. They are
22 busy in the fields, they are busy getting the crops in,
23 so that there is not the time that they can devote to this
24 either. There are a lot of problems that they have.

25 They are now giving a lot more time to this and

1 they want, in preparing the camps before they open, to --
2 after they have devoted all of that time, they are very
3 reluctant during the operation of the camp to come in and
4 make whatever improvements are necessary or whatever occurs
5 during the year that has to be repaired.

6 If I may digress a little bit, Frequently the
7 inspections are misconstrued; those that are performed
8 during the year, after the camp has been permitted and
9 operating, because the conditions have been determined
10 prior to permits to be in substantial compliance with
11 the regulations. However, when you go in and because of
12 the normal wear and tear of that camp, you have screening
13 that is torn, doors that are broken, and then that is
14 recorded on an inspection sheet and you have groups that
15 come in and look at the files, immediately they develop
16 this mind-set that, hey, you're allowing these violations
17 to go on. Those violations didn't exist when that camp
18 was originally permitted.

19 CHAIRPERSON WICKWIRE: Let me ask you one other
20 thing. I am just thinking about latrines. Is it
21 customary for motels and camps to build like these pit
22 latrines that have no escape and so on and I gather that
23 in some instances they do give off quite a bit of an
24 order and it is a problem. I think that Westover may be
25 experiencing something like this.

1 MR. RESH: Yes, let me address the latrine
2 concept, pit privy. No, motels and all do not have that.
3 However, there has to be an evaluation made, a subjective
4 evaluation, in regards to handling waste. Obviously, if
5 you had a system for water-carried sewage then the
6 facility would be required to attach to that type of
7 facility. Another consideration has to be made as far
8 as the topography and geology of an area, whether or
9 not ground would support a conventional septic system
10 for the number of people we are dealing with.

11 When you go with a pit privy, you have to create
12 an environment from an anaerobic type of degradation to
13 an aerobic type of degradation. Obviously, when you
14 start with a new privy, you are going to have odor
15 associated with it until you have that conversion from
16 an anaerobic to an aerobic type of degradation. In any
17 type of privy, there is going to be odor. Attempts were
18 made with regards to Westover again. We recognize the
19 odor problem has been associated with that. We are
20 working with it and the information I have is the odor
21 is subsiding.

22 CHAIRPERSON WICKWIRE: Thank you. Our time is
23 going, but Mr. Rutledge --

24 MR. RUTLEDGE: I have been listening very
25 carefully both last night and today and it would seem to

1 me that your department comes closer than any other agency,
2 private or governmental, coming into contact with the real
3 situations in these migratory labor camps.

4 I know that you started off by saying you have
5 only been there two years, so I am not assessing that,
6 but all of us, whether we are local, State, or Federal
7 government, when we get into positions of authority
8 become bureaucrats one way or the other.

9 You just committed yourself, for example, to
10 providing us with a report card. Would Mr. Eischbaum
11 support that?

12 MR. RESH: Sure.

13 MR. RUTLEDGE: Why hasn't he done it all the ..
14 time?

15 MR. RESH: I don't know.

16 MR. RUTLEDGE: You came in and you felt you
17 could initiate this in effect a report card on restaurants
18 in Baltimore, which affect, you know, the life of a small
19 restaurant owner or others, but you felt for good health
20 reasons that was important.

21 These people who are coming to the camps are
22 also people that touch food, deal with food, the kind of
23 conditions they may live in very much affect the lives,
24 not only their lives but other people's lives. I just
25 wondered why at this hour, 1982, after all these years

1 of experience, that a simple matter as an objective analy-
2 sis of what is taking place in the camps rather than
3 singling out this one particular camp hasn't been agreed
4 upon.

5 MR. RESH: Are you saying that --

6 MR. RUTLEDGE: No, is there a conflict here
7 between state and local? Is there a feeling that the
8 state can't interfere with local conditions?

9 MR. RESH: No, I have no feeling along those
10 lines at all and I know with regard to the death in the
11 one particular camp, there has been a release prepared by
12 the Department. I don't understand your concept of a
13 report card. I can provide the Committee any information
14 they want with regard to major public health concerns in
15 the migrant camps on the Eastern Shore in fact state-wide.
16 We are considering press releases --

17 MR. RUTLEDGE: Come May 20th, for example, in
18 accordance with the crew leader who was sitting here
19 yesterday, Mr. Neal, he works from about May 20th to
20 September 20th. In that period before he comes in there,
21 May 1st, April 20th, isn't your department in a position
22 to say that camps are in such-and-such a condition and
23 we have found that list you have, this camp, that camp
24 in violation and then comes May 20th, they complied with
25 your recommendations, they are not in violation anymore.

1 That's what I'm talking about a report card. In terms of
2 the impact it has on improving the conditions of the camp
3 because of your inspections and your recommendations, and
4 you are publicly listing them as such, violations and so
5 forth, as you do with the restaurants.

6 MR. RESH: I have no problems with that at all.

7 CHAIRPERSON WICKWIRE: So that is settled, you
8 re going to give us a report card. Thankyyou. All right,
9 if there are no more questions, why thankyyou two gentle-
10 men.

11 All right, our next speaker will be Ms. Catherine
12 Shultz from the Attorney General's Office of the State of
13 Maryland. Would you please state your name and position
14 for our record.

15 MS. SHULTZ: Good morning, Dr. Wickwire, Members
16 of the Committee. I am Catherine Shultz, I am Assistant
17 Attorney General. I have been assigned by Attorney
18 General Stephen H. Sachs to work with the Governor's
19 Commission on Migratory and Seasonal Labor in relation to
20 legal aspects involving migrants. Here with me today
21 is Nancy Long, also an Assistant Attorney General. Nancy
22 represents the Community Health Program of the Department
23 of Health and Mental Hygiene. I also have a prepared
24 statement.

25 The Governor's Commission on Migratory and

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1 Seasonal Labor asked the Office of the Attorney General
2 for our advice on whether migrant workers, while
3 residing in housing provided by farmers, growers and
4 privately owned migrant labor camps in this state, have
5 the legal right to receive guests and to be visited by
6 clergy, medical and other service personnel, lawyers and
7 the press.

8 On July 19, 1982, Attorney General Sachs issued
9 an opinion which concluded that migrant workers have the
10 legal right to receive guests in their living quarters and
11 to be visited by the clergy, medical and other service
12 personnel, lawyers and the press, subject only to such
13 reasonable and necessary rules established by the camp
14 owners as are designed to protect the owners' legitimate
15 business and security interests, and as do not deny or
16 seriously infringe upon the legal rights of migrants.

17 We concluded that as a matter of property law,
18 mere ownership of a labor camps does not carry with it the
19 right to cut off the fundamental rights of those who live
20 in the camp. To quote from the opinion:

21 "By the nature of their work, migrant workers
22 are particularly vulnerable to infringement of these
23 rights. They are invariably poor, usually uneducated,
24 and frequently not fluent in English. They lack signifi-
25 cant ties to the various communities in which they reside

1 for but a few weeks each year. They are, almost by defini-
2 tion, politically powerless. They can and thus become
3 easy prey for those who seek to take advantage of their
4 fragile condition. It is important that the law protect
5 the rights of those who are least able to protect them-
6 selves. We know of no principle of law that would argue
7 otherwise."

8 As requested, I have submitted a copy of the
9 Opinion for the Commission.

10 We noted in our opinion that migrant labor
11 camp owners may reasonably require that visits to
12 migrants take place in a manner that does not interfere
13 with the harvesting of crops or with the need to protect
14 the security of employees, migrants, and property. We
15 noted that the labor camp owner may reasonably require a
16 visitor to identify him or herself and that if a migrant
17 worker has not already informed the camp owner that a
18 visitor is expected, the camp owners may ask the
19 visitor to state the general purpose of the visit.
20 However, once the camp owner has been informed that a
21 visitor is expected, the camp owner may not invade
22 the migrant's privacy by inquiring into the specific
23 nature of purpose of the visit.

24 It is the right of the migrant and not the
25 camp owner to refuse to receive uninvited visitors.

1 while the migrant may assert his or her own personal right
2 to privacy and in doing so refuse to admit into his or her
3 living quarters clergy, lawyers, social workers, and other
4 uninvited individuals, the camp owner may not purport to
5 exercise this right on behalf of the migrant worker.

6 The camp owner may not deny the migrant worker his privacy
7 or interfere with his opportunity to live with dignity and
8 enjoy associations customary among our citizens.

9 It is our opinion that this conclusion would be
10 reached by the courts in Maryland should this issue come
11 before them. We believe that the opinion is an accurate
12 statement of the law in Maryland on this issue. This
13 opinion is binding on all state officials. The Attorney
14 General has distributed copies of this opinion to all
15 State agencies which have responsibilities involving
16 migrant agricultural employment. This includes the Depart-
17 ment of Agriculture, the Department of Health and Mental
18 Hygiene, the Department of Human Resources, and the
19 Department of Licensing and Regulations.

20 In addition, the Assistant Attorney General
21 who represents the State Police prepared a synopsis of the
22 opinion which went out over the State Police teletype to
23 all State Police. The Attorney General also distributed
24 copies of the opinion to local State's Attorneys in
25 counties which have migrant labor camps and requested

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1 that the State's Attorneys distribute the opinion to law
2 enforcement agencies within their jurisdictions.

3 As evidenced by the issuance of this opinion,
4 Attorney General Sach is concerned about the conditions
5 of migrants living in Maryland. He believes that the
6 vigorous and fair enforcement of existing State law and
7 regulations is essential to improving the well-being of
8 migrants in Maryland and to ensuring that the crops in
9 Maryland are harvested. We will assist our clients who
10 are the various State agencies in every way possible in
11 assuring that the laws of this State are enforced and that
12 the rights of all those involved in the harvest of crops
13 in this State are respected.

14 Thank you for the opportunity to speak. Ms. Long
15 and I would be happy to answer questions if you should
16 have any.

17 CHAIRPERSON WICKWIRE: All right, thank you,
18 Ms. Shultz. Yes, Ms. Schumacher?

19 MS. SCHUMACHER: I attended, and Dr. Wickwire
20 also attended, a meeting of the Governor's Commission late
21 in June where the question of access was discussed at
22 length, the principle of access. I recall that among the
23 sentiments that were expressed at that meeting from the
24 growers' point of view was that if a very hard stance were
25 to be taken on the question of access, I guess along

1 the lines of this kind of level opinion, that it would be
2 fought by the growers. I am wondering if there has been
3 any declared resistance to the Attorney General's opinion
4 and, if so, how that will be handled.

5 MS. SHULTZ: Our office has not received any
6 criticism or resistance to the opinion, and my understand-
7 ing we are speaking to the Governor's Commission and to
8 persons from -- Sue Canning of the Delmarva Rural
9 Ministries and from the clergy is at this point they are
10 not having access problems, although they are at times
11 being restricted in terms of the extent of their access,
12 required to complete permission.

13 I have also heard that in some cases the press
14 has been denied access.

15 CHAIRPERSON WICKWIRE: Who has been denied
16 access?

17 MS. SHULTZ: The press.

18 CHAIRPERSON WICKWIRE: I see.

19 MS. SHULTZ: You had a second part to your
20 question, what would we do?

21 MS. SCHUMACHER: Yes, how can you go about
22 enforcing this opinion and what happens if they do
23 resist the principle that is expressed in the opinion?

24 MS. SHULTZ: An opinion of the Attorney General
25 is just that, it is his opinion of what the law is. There

1 is no case law in Maryland. This has never come before
2 a court in Maryland. We believe that should it come before
3 a court in Maryland, that this is what the court would
4 rule. The way it would get before a court would be if a
5 private person seeking to enter a camp was denied access,
6 that person could go into court and seek to have the camp
7 owner enjoined from that denial. Another possibility
8 would be should someone attempt -- a camp owner attempt
9 to have a person arrested for trespassing, that would be
10 before the court in that type of situation.

11 MS. SCHUMACHER: Thank you very much.

12 CHAIRPERSON WICKWIRE: Mr. Owens.

13 MR. OWENS: Obviously, the Governor is very
14 much concerned about the health and safety of migrants
15 as is evidenced at least in part by his having reactivated
16 the Governor's Commission on Migratory Labor. In your
17 capacity in working with that commission, would you
18 consider it to be helpful if that commission were able to
19 receive information from the various State and local
20 agencies such as the Maryland Department of Mental Health
21 and Hygiene concerning problems affecting migrant labors?
22 For instance, in the discussion just mentioned, the
23 problem about other camps where there have been violations,
24 would it not be helpful to have that information fed into
25 the Governor's Commission so that it could all be available

1 in one central place so that the Governor would be in a
2 position to be better advised as to the current status of
3 migrants and what efforts are underway to bring that about.

4 MS. SHULTZ: Clearly, it would be very helpful
5 for the Commission. The Commission has representatives
6 from all the State agencies involved with migrant workers
7 on the Committee. They make reports to the Commission.
8 The Commission in the past has had some difficulty getting
9 information from state agencies. It appears to me that
10 that is being worked out.

11 As Ms. Fields stated, the Commission advises
12 the Governor, the General Assembly, and State agencies
13 so there is a working relationship of sorts.

14 In addition, your question of, as I understand
15 it, can the Commission go to camps, or can the Commission
16 inspect camps, or why hasn't the Commission gone to camps?

17 MR. OWENS: No, my question concerning camps
18 was as was stated previously, when the Department of
19 Mental Health and Hygiene has identified camps on which
20 there are major or minor violations, would not the efforts
21 of the Governor's Commission be made easier insofar as
22 improving those conditions if the Commission received
23 that information?

24 MS. SHULTZ: In my experience, the members of
25 the Commission who sit -- who work -- no longer is at

1 the Health Department who worked there was reporting these
2 situations to the Commission. The Commission has a task
3 force set up as a subcommittee that if there is a serious
4 problem that has been brought to the Commission's attention,
5 either from the Health Department or any agency or private
6 individual that within hours we can convene the task force.
7 There are representatives from MOSH and the Department of
8 Health and Mental Hygiene, I'm not sure, Employment
9 Standards Administration and can go out and look at camps.
10 We did that, the task force went to the camps in Charles
11 County that you've heard Mr. Resh and Mr. Roberts speak
12 about earlier, and wrote reports to the Governor in
13 conclusion about what should be done at that camp.

14 The Health Department I believe simultaneously
15 on their own initiative entered into negotiations with the
16 camp owners. We got new regulations, our efforts helped
17 with that, pushed through new emergency regulations con-
18 cerning eating and cooking facilities and through efforts
19 got the camp to comply before they opened in May I believe
20 it was.

21 CHAIRPERSON WICKWIRE: May I ask you one other
22 question. You probably touched on it somewhat earlier
23 but would you say anything more about the events that led
24 up to the release of the Attorney General's statement at
25 this particular time, the timing of this, with the

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1 particular events that --

2 MS. SHULTZ: No particular event. The Commis-
3 sion had asked us for an opinion and reiterated their
4 interest for a resolution of the issue of access at their
5 June 30th meeting because obviously the season was upon
6 us and rather than go another whole season without an
7 opinion and we put a lot of hours into getting it out then
8 as quickly as we could.

9 CHAIRPERSON WICKWIRE: Thank you. Ms. Long, did
10 you want to say something to us?

11 MS. LONG: No, not if you don't have any ques-
12 tions.

13 CHAIRPERSON WICKWIRE: All right. We thank you,
14 Ms. Shultz and Ms. Long, for your presentation. I see we
15 are keeping up our time schedule a little better than we
16 did last night.

17 All right, our next speaker, and I trust she is
18 here, Dr. Gladys M. Allen of the Health Department of
19 Somerset County, Maryland. Would you please state your
20 name and your position for our record.

21 DR. ALLEN: I am Dr. Allen, I am the Health
22 Officer of Somerset County. I think, Mr. Chairman and
23 Members of the Committee, before I go into my statement
24 I need to clarify my status somewhat. I am a State
25 employee and responsible to the Secretary of the Depart-

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1 ment of Health and Mental Hygiene. Part of my budget does
2 comes from the county and part from the State, and I am
3 also responsible therefore to the county or the local
4 Board of Health.

5 When I am dealing with or enforcing a local
6 ordinance, then I act as a local health officer. When I
7 am dealing with State regulations, I function as a State
8 Health officer. The migrant regulations are state regula-
9 tions.

10 On the clinical side, the distinction between
11 these two is not as clearcut, but, none the less, I am
12 responsible to both.

13 The purpose of the health department is preven-
14 tive medicine as opposed to primary care. Our services
15 in regard to migrants are twofold: environmental and
16 clinical.

17 The State Department of Health and Mental Hygiene,
18 Office of Environmental Programs, has already spoken on
19 some of the environmental aspects and I will limit my
20 comments therefore to two concerns.

21 There has been very little attention paid to
22 date to the question of responsibility for the conditions
23 of camp once it is occupied. For example, what constitutes
24 normal wear and tear and when does this become excessive
25 destruction or vandalism? The migrants are often viewed

1 as a homogeneous group. However, an examination of the
2 camp during occupancy will reveal marked differences from
3 one area to another in the accumulation of trash, litter,
4 neatness, or disorder. I feel this relates directly to
5 the migrants' interest in the surroundings.

6 COMAR 10.16.01.02 states, "Every employee and
7 occupant of a camp shall use the sanitary and other
8 facilities furnished for his convenience and shall comply
9 with all applicable camp regulations. Every occupant of
10 a camp shall keep in a sanitary condition that part of the
11 camp and premises which he occupies. Every occupant of
12 a camp shall place all of this rubbish and garbage in
13 containers required by Regulation .04 I."

14 The second concern is for better communications
15 with various groups interested in the welfare of the
16 migrants. For instance, for the past six year the health
17 department has been telling many of these people that the
18 camp water is safe and should be used, and yet during this
19 time, without taking the trouble to verify their informa-
20 tion, some of the groups have been advising migrants to
21 get their water elsewhere, often from unreliable and/or
22 unsafe sources. It is particularly distressing to find
23 as recently as last week that some of these people are
24 unaware that chlorination is a common method of disin-
25 fecting water, probably the most common method used in

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1 the United States today.

2 On the clinical side, we have prenatal, family
3 planning, EPSDR -- that is a childhood prevention program,
4 early periodic screening, diagnosis and treatment --
5 immunization, venereal disease, tuberculosis, mental
6 health, alcohol and addictions, and some specialty clinics.
7 These clinic services are available to the migrants on the
8 same basis as to county residents. We receive no special
9 funding for migrants for any of these services, although
10 the migrants may add 3% to our total county population and
11 most of them cannot afford private care. In the past three
12 weeks, I have seen more migrants than citizens of the
13 county in my prenatal clinic, and this does put a strain
14 on our resources.

15 We do receive special funds for WIC services
16 to migrants. WIC is the special nutritional supplement
17 program for pregnant women, infants, and children up to
18 the age of 5 years. This year we have found the program
19 has worked very well. We are working in cooperation with
20 the Department of Social Services so that the migrants can
21 obtain both their food stamps and WIC vouchers at the same
22 time and place. That is, those who are eligible for these.

23 As of Monday of this week, we had 71 participants
24 in WIC. There were 17 more at that time that were pending.
25 They had either not come in for their vouchers or we were

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1 waiting for dietary instructions from the physician. Any
2 child who needs a special diet, we have to get it from a
3 physician. This is approximately 60 percent of the
4 eligible infants and children based on the school enroll-
5 ment plus the pregnant women.

6 We have a special WIC staff, including a tri-
7 lingual interpreter and a nurse, to provide the WIC
8 services. These people have also been able to identify
9 and refer a number of children who appeared to need
10 evaluation and treatment to the DRM.

11 The migrant season is relatively short, and it
12 is characterized by a sudden rise in activities, followed
13 by a abrupt drop off at about this time, the early part
14 of August. One result of this pattern is that if plans
15 are not in place or problems foreseen before the migrants
16 arrive, it is almost impossible to take more than
17 emergency or stop-gap measures before the season ends.

18 Somerset County is one of the poorest counties
19 in Maryland. Those of us who work here year round are well
20 aware that even in the best of circumstances there is
21 more need than we have resources. We work cooperatively
22 that is, the agencies, year round agencies, on a year
23 round basis to try to coordinate our services and we try
24 to give the migrants the very best possible coverage.
25 I feel that this year the State Department of Health and

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1 Mental Hygiene has begun to take notice of our needs
2 and will be giving us better support in the clinical as
3 well as in the environmental field.

4 In conclusion, I would like to suggest that
5 federal grants for specific migrant services need to look
6 more closely at the need for an educational component as
7 is presently found in the WIC program. When a person
8 understands basic health needs and hygiene, he is more
9 likely to avoid illness.

10 One of the biggest needs of the migrants is to
11 learn the English language. They can do this without
12 losing their ethnic character, and until they do, they
13 will remain social cripples, unable to help themselves
14 in the basic needs such as health and shopping and other
15 problems they have in our society. There is little
16 incentive for these people to learn English when they are
17 provided with translation services if it is not accompanied
18 by stimulation or encouragement to learn English.

19 We are confident that services to migrants can
20 continue to improve through the efforts of the cooperating
21 agencies and other interested parties.

22 CHAIRPERSON WICKWIRE: Thank you, Dr. Allen.
23 Are there questions that members of the Committee have?

24 MS. EATON: I have a couple of questions.

25 CHAIRPERSON WICKWIRE: Yes.

1 MS. EATON: Dr. Allen, these regulations -- first,
2 what is COMAR?

3 DR. ALLEN: That's the Code of Maryland Regula-
4 tions.

5 MS. EATON: Okay. Are these regulations trans-
6 lated into the difference languages?

7 DR. ALLEN: No, not that I know of.

8 MS. EATON: So how to they follow?

9 DR. ALLEN: That particular passage that I
10 quote I did get translated into Spanish by my translator.

11 MS. EATON: Okay. Another question is you say
12 that some of these people are eligible for Department of
13 Social Services --

14 DR. ALLEN: Food stamps.

15 MS. EATON: -- food stamps. Who is not
16 eligible? Or who is eligible? I mean, whatever way you
17 want to answer.

18 DR. ALLEN: So far as I am aware, they are
19 eligible but I wouldn't know if maybe some of them were
20 not, possibly a crew leader's wife or somebody like that.

21 MS. EATON: But are they informed of these
22 things?

23 DR. ALLEN: I beg your pardon?

24 MS. EATON: Are they informed in their own
25 language that these things are available to them?

1 DR. ALLEN: They have been informed, yes.

2 MS. EATON: And one more last question. In
3 terms of mental health, are there any professionals that
4 are bilingual or people that can serve these people in
5 their own environment?

6 DR. ALLEN: We do not have any -- in fact,
7 there is no resident psychiatrist in Somerset County.
8 We get our services from the Eastern Shore Hospital
9 Center in Cambridge. To my knowledge, they are not -- wait
10 a minute, I'd better not say that, there are some people
11 that are bilingual but they are not necessarily --

12 MS. EATON: The professionals.

13 DR. ALLEN: -- the ones who would be taking
14 care of the person. Actually, we have very few of the
15 migrants that come to that clinic.

16 MS. EATON: Thank you.

17 CHAIRPERSON WICKWIRE: May I ask you a couple
18 of questions. What kind of working relationship is there
19 between your office and, say, the Delmarva Rural
20 Ministries? What kind of relationship is there?

21 DR. ALLEN: We try each spring to have a
22 meeting and to discuss our relative responsibilities.
23 We provide the Delmarva Rural Ministries with a list of
24 our clinics and the services that we have available, and
25 we have arranged this year to provide for getting a

1 release of information signed so that we can exchange
2 information. As I say, we try to refer problems that
3 come up that are in the field of primary care to the
4 Delmarva Rural Ministries.

5 CHAIRPERSON WICKWIRE: Was the death of the
6 baby recently, did this come to you, I am sure it did, as
7 a shock, and did it suggest certain measures that perhaps
8 ought to be taken or things that should be done in the
9 future?

10 DR. ALLEN: It was an unexpected death, definite-
11 ly.

12 CHAIRPERSON WICKWIRE: Sure.

13 DR. ALLEN: I don't know that that specifically
14 would suggest measures, although I think the prevalence
15 of diarrhea has stimulated some efforts on our part to
16 intensify our surveillance and try to get a handle on
17 this before it becomes as severe as it did this year.

18 CHAIRPERSON WICKWIRE: This is something that
19 happens yearly, though, isn't it?

20 DR. ALLEN: Well, there's always something every
21 year it seems like and it is awfully hard to know ahead
22 of time just exactly what is going to surface in any
23 particular year. I don't know a year that has gone by
24 that something hasn't caught us by surprise.

25 CHAIRPERSON WICKWIRE: Ms. Winslow?

1 MS. WINSLOW: Are there aliens that are not
2 permanent residents? Obviously. Are there aliens who
3 would not be entitled to the WIC program, food stamp
4 program, or anything else, you might hold back from
5 receiving any health care at all.

6 DR. ALLEN: All the pregnant women that have
7 come in so far have been eligible. Now, we had one
8 applicant that was not eligible because it was found that
9 she in fact wasn't pregnant, she thought she was, so
10 she wasn't eligible for --

11 (Laughter)

12 DR. ALLEN: But I think in previous years we
13 have occasionally had someone who said "I don't want it."
14 I think there have been on one or two occasions where the
15 individual did not meet the requirements of the WIC pro-
16 gram.

17 MS. WINSLOW: When people come in, then a
18 requirement of citizenship is --

19 DR. ALLEN: Citizenship is not a requirement
20 for the WIC program for the migrants.

21 MS. WINSLOW: It is not?

22 DR. ALLEN: No.

23 MS. WINSLOW: Or green card or anything.

24 DR. ALLEN: If they bring their VOC, their
25 Verification of Certification, with them, it makes our

1 job much easier because then we can take that card and then
2 interview and provide it. We don't have to recertify
3 them.

4 CHAIRPERSON WICKWIRE: Does this mean that if
5 a person is undocumented, they would still get your atten-
6 tion?

7 DR. ALLEN: Yes.

8 CHAIRPERSON WICKWIRE: They would still get your
9 attention, all right. No problem. You wouldn't--

10 DR. ALLEN: If they come in, then they get the
11 attention and we proceed with the measures.

12 CHAIRPERSON WICKWIRE: Mr. Owens?

13 MR. OWENS: Dr. Allen, you raised a question
14 about the apparent lack of concern or at least responsi-
15 bility for the camp conditions after occupancy. We have
16 heard the State Health Department say to us that the
17 authority or the responsibility for making inspections in
18 camps is in part at least delegated to the county.

19 Now, does the county health department subse-
20 quent to occupancy ever go in and inspect the camp?

21 DR. ALLEN: I have on my staff one sanitarian
22 in addition to the Director of Sanitation. In the summer
23 months, that is from early July for about six weeks, he
24 is assigned exclusively to that camp, 100 percent. This
25 is really a problem I have with my staffing. I don't have

1 enough staff. What it means is that since some time in
2 June there hasn't been a single food service facility in
3 my county inspected because he is the only one I have to
4 do it. If I should have a problem there, I am going to
5 be severely criticized. My sanitarian is in that camp
6 almost daily.

7 CHAIRPERSON WICKWIRE: You are talking about
8 Westover?

9 DR. ALLEN: Westover Camp. Not only Westover,
10 there's three other camps in the county. He is in one or
11 the other camps inspecting and bringing any problems that
12 are developing to the attention of the operators.

13 MR. OWENS: Dr. Allen, how long has that cir-
14 cumstance existed? I know that is not something new this
15 year.

16 DR. ALLEN: You mean the shortage of staff?

17 MR. OWENS: Yes.

18 DR. ALLEN: Ever since I've been there. Six
19 years.

20 MR. OWENS: And you have brought that to the
21 attention of the State Health Department?

22 DR. ALLEN: Since Mr. Resh came on board, I've
23 had excellent cooperation of the State. Before that, it
24 was sort of iffy. I could get very little attention to
25 the problems.

1 MR. OWENS: Although you still haven't been able
2 to get increased staff even with this excellent coopera-
3 tion?

4 DR. ALLEN: No, I don't have any increased
5 staff.

6 MR. OWENS: Thank you.

7 CHAIRPERSON WICKWIRE: Ms. Winslow?

8 MS. WINSLOW: Dr. Allen, is there any use of
9 interns, summer interns through the educational institu-
10 tions of Maryland to supplement during these summer months?
11 I haven't noticed this being announced by anyone.

12 DR. ALLEN: Not in this area. Not that I know
13 of.

14 MS. WINSLOW: Would there be a way in which
15 you could use summer interns from the University of
16 Maryland or other organizations, other schools?

17 DR. ALLEN: The Health Department is not doing
18 the primary care.

19 MS. WINSLOW: No, but I'm talking about -- you're
20 talking about inspections and people --

21 DR. ALLEN: From the standpoint -- if you are
22 talking about interns from the standpoint of environmental
23 health --

24 MS. WINSLOW: Yeah.

25 DR. ALLEN: -- I would appreciate some help

1 from the State Level. But I would have to know that such
2 people had the competency to do the work so that I would
3 expect the state to, if they were going to provide this,
4 to --

5 MS. WINSLOW: Has any consideration or request
6 gone forward for some supplemental help in this way?

7 DR. ALLEN: It's been talked about but I don't
8 know what conclusion the State has come to at this point.
9 They may this year -- I think there is a possibility
10 maybe in succeeding years I may get some help on both
11 clinical and environmental sides.

12 CHAIRPERSON WICKWIRE: Mr. Ferron.

13 MR. FERRON: Dr. Allen, what is the total size
14 of your staff?

15 DR. ALLEN: I have on my basic case formula
16 budget 15.5 staff members, that includes clinical nurses,
17 clerical, and environmental health. I have, in addition,
18 some other staffing through grants for special programs,
19 like mental health, alcohol and addictions, geriatric
20 evaluations. I do have a part-time person in the Improved
21 Pregnancy Outcome Program.

22 MR. FERRON: What is the total number?

23 DR. ALLEN: I have about 30 people.

24 MR. FERRON: About 30 people. Of the 30
25 people you have on board, what is the makeup in terms

1 of race and sex?

2 DR. ALLEN: At the present time, I have two
3 Blacks, one Philippino, and I think the rest are White.

4 MR. FERRON: Do you have any Hispanics?

5 DR. ALLEN: No. Now, I think you ought to know
6 that I have had one retirement and only two resignations
7 in the six years I've been there.

8 MR. FERRON: That speaks to the economy. Do
9 you plan to attempt to get representation from the
10 Hispanic community? And, before you answer that question,
11 the Blacks you have aboard, do they have any direct involve-
12 ment with migrant workers? If so, what is the nature of
13 that involvement?

14 DR. ALLEN: My addictions counselor has possibly
15 had some.

16 MR. FERRON: Alcohol and addictions?

17 DR. ALLEN: Alcohol and addictions, yes. I don't
18 know specifically if she has seen any particular migrant,
19 but she would be, if any come in, she could possibly have
20 had that relationship.

21 MR. FERRON: It has been heavily reported that
22 the incidences of alcoholism -- I don't know about drug
23 addiction or adrug abuse -- but at least incidences of
24 alcoholism is rather prevalent among a number of the
25 migrant workers and it would appear that it would be a

1 natural involvement of that particular staff person to be
2 involved with the migrant workers.

3 I am somewhat surprised that you don't know
4 whether or not this worker has been involved with the
5 migrant workers directly.

6 DR. ALLEN: You can't force people to come in
7 for alcoholism services unless they decide that they need
8 some services, or unless they are ordered in by the court
9 because of a driving violattion.

10 MR. FERRON: In other words, the migrant would
11 have to initiate the utilization of the services?

12 DR. ALLEN: If anybody wants the services and
13 can be encouraged to come in, yes, the service will be
14 there.

15 MR. FERRON: It never works the other way
16 around, that your agency would use its initiative to check
17 out the mental and health conditions of the migrant workers
18 on a camp?

19 DR. ALLEN: How do you force a person who is an
20 alcoholic to get treatment?

21 MR. FERRON: I understand that and I appreciate
22 your response to that. I just wanted to know the scenario.
23 Was your agency involved or notified in any way regarding
24 the death of the Black male recently?

25 DR. ALLEN: I got the information from my

1 sanitarian who found it out. If a person -- a lot of the
2 people who get sick are taken to Peninsula General Hospital
3 in Wicomico County. If a person is pronounced dead in
4 Wicomico County, then it is the responsibility of Wicomico
5 County and I do not get directly involved although the
6 person may be a resident of my county. I will eventually
7 get back a death certificate, a copy of a birth certificate --
8 a death certificate, excuse me.

9 I did involve myself in this to the extent of
10 calling the hospital and trying to find out what had
11 happened.

12 MR. FERRON: Without violating any confidence,
13 do you know whether or not an autopsy was performed on
14 that person?

15 DR. ALLEN: Yes, it was. The baby, yes.

16 MR. FERRON: No, not the baby, I'm talking about
17 the adult male, Black male.

18 DR. ALLEN: I was not aware at the time -- I was
19 not -- that was not reported to me. It should have been
20 reported to the Medical Examiner, and I don't know whether
21 it was or not. I assumed because it wasn't reported to
22 me that he had been taken to Peninsula General Hospital
23 and therefore he had gone to Wicomico County. I have
24 just found out that apparently he wasn't and I am going
25 to have to follow up on this and find out what did happen.

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1 I really don't know. So far, I don't think I have the
2 death certificate.

3 CHAIRPERSON WICKWIRE: I think that we are probably
4 going to have to -- let me just ask one last thing, Dr.
5 Allen. You spoke about the need for more communication
6 between groups. Do you feel that -- are there meetings
7 occasionally -- you indicated meetings with Delmarva,
8 most of the groups do get together on occasion and --

9 DR. ALLEN: Usually in the spring all agencies
10 that are concerned do get together for a general meeting
11 and we try to inform each other of what the programs are.
12 We have had a little bit closer contacts with the Delmarva
13 Rural Ministries.

14 CHAIRPERSON WICKWIRE: It has been improving?

15 DR. ALLEN: I think probably so, yes.

16 CHAIRPERSON WICKWIRE: Dr. Allen, we thank you,
17 and I think that now we will conclude this part of the
18 meeting and remember that we will come back after lunch
19 at 1:30 for the same spot here. Thank you again. Thank
20 you, Dr. Allen.

21 (Whereupon, at 12:02 p.m., on August 5, 1982,
22 the meeting was recessed, to reconvene later the same day.)

23

24

25

AFTERNOON SESSION

(1:40 p.m.)

1
2
3 CHAIRPERSON WICKWIRE: We are going to go ahead
4 again now and we will not repeat the speeches that we did
5 both this morning and last night. I see somebody clapping
6 his hands, or about to. Thank you. So you can say we did
7 something right here.

8 Let me say this though, if any of you who haven't
9 signed up to speak at the open mike at the end of our
10 session would still wish to do so and think you have some-
11 thing that we should hear, please see Yvonne Schmacher
12 and tell her. If you would like to speak on something at
13 the open mike relevant to what we are doing, tell her and
14 she'll put you on the agenda.

15 We will go ahead now, as we have indicated.
16 What we are going to do this afternoon is to speak about
17 the views of service and advocacy organizations. First,
18 representing the Legal Aid Bureau, Mr. Leonard A. Sandler,
19 who is a Staff Attorney. Mr. Sandler, would you please
20 be seated over here. State your name and your position
21 for our record.

22 MR. SANDLER: My name is Leonard A. Sandler, and
23 I am a Staff Attorney with the Legal Aid Bureau, Inc., of
24 Maryland. I would like to thank the Chairman and Members
25 of the Commission today for affording us the opportunity.

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1 to testify about our role in advocacy in the migrant farm-
2 worker problems on the Eastern Shore. I will provide what
3 is necessarily an encapsulation of what our observations
4 have been.

5 The Legal Aid Bureau has been providing legal
6 representation for migrant farmworkers on the Eastern
7 Shore since the 1979 growing season. During that time,
8 we have provided legal services to more than 2,000 migrant
9 workers in the State of Maryland alone. The problems
10 which we have encountered are numerous and diverse: The
11 routine and widespread abandonment by crew leaders of
12 workers, misrepresentations of the terms and conditions
13 of the workers' employment; difficulty in procuring govern-
14 mental benefits, and the existence of substantial and
15 serious housing and health problems.

16 Federal, State and local authorities which are
17 empowered to regulate and oversee the camp conditions and
18 the delivery of services and the disbursement of benefit
19 programs are necessarily handicapped with few exceptions
20 by their inability to communicate with the workers. Out-
21 reach workers with few exceptions cannot speak Creole or
22 Spanish and they must rely exclusively on the representa-
23 tions of crew leaders and growers whose posture is
24 antithetical to the interests of the workers in such
25 matters as food stamps, housing, wages, and other

1 conditions which affect profits, which we contend is the
2 bottom line in the equation of farm economics.

3 Despite our successful litigation, constant and
4 persistent non-litigious intervention and on-site negotia-
5 tions by the Legal Aid Bureau, independently and in
6 conjunction with local service agencies, it is apparent
7 that little has changed in the migrant stream in the
8 State of Maryland in the last four years.

9 An increasing number of migrant camps are being
10 established in private homes, renegade structures that are
11 interspersed throughout local communities. Substandard,
12 rickety and overcrowded, as a rule, they are rarely
13 discovered by inspections, investigated or closed unless
14 the conditions are exposed by the media or pressure is
15 exerted by legislative representatives.

16 The owners of these structures have never been
17 fined or any action taken against them to our knowledge
18 by State health authorities for the operation of these sub-
19 standard migrant camps or for the operation of other
20 structures they routinely provide which do not meet local
21 and State regulatory guidelines.

22 One of the most urgent problems facing farm-
23 workers in this state is the practice of well documented,
24 failure to pay the wage rates mandated by Federal law.
25 This season alone we have recorded hundreds of instances

1 of improper wage payments. Crew leaders fail to pay the
2 minnum wage, they refuse to make legal deductions from the
3 wages, and they continue to hold workers in a state
4 resembling economic peonage as a consequence.

5 Workers in Maryland have reported earnings of
6 as little as one-half dollar for one week's labor in the
7 fields. The crew leaders frequently hold a large portion
8 of earnings for rent and utilities and food delivery, often
9 leaving no money for the purchase of basic subsistence
10 amenities.

11 Another direct and serious danger to our migrant
12 client community, especially this season, is posed by the
13 hazardous nitrate levels in the migrant camp water systems
14 throughout the State. The problem is particularly marked
15 in Dorchester and Caroline Counties this season. In some
16 locations, the nitrate levels in the water are almost
17 double the maximum allowed pursuant to State and Federal
18 law.

19 To the present, the only precautions which have
20 been taken by the State to protect the numerous pregnant
21 women and infants who are particularly susceptible to the
22 danger of this problem is to encourage posting at the
23 camps. The majority of affected workers are forced to
24 purchase bottled water. Women who may not be aware of
25 their pregnant condition continue to consume the water

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1 on the camp. Many workers do not understand the serious
2 harm that may be caused by consuming the water, and others
3 are not able to procure the bottled water.

4 The death of an infant or prenatal mortality
5 is not an unlikely possibility this season as a result of
6 this health hazard.

7 Unfortunately, an inordinant amount of our time
8 and resources is spent assisting our farmworker clients
9 in obtaining the food stamp benefits to which they are
10 entitled. When migrants in this area apply for food
11 stamps, it is usually because they have been paid little
12 or nothing by their crew leaders and, as a result, are
13 without the means to provide any food for themselves or
14 their families. Despite the fact that they may be
15 eligible for food stamps, these workers are often needlessly
16 frustrated in their attempts to obtain them.

17 The first barrier confronting them is transpor-
18 tation to the food stamp office to fill out applications.
19 Only two counties have a program that involves visits by
20 social service employees to labor camps to take these food
21 stamp applications. Even then, an outreach program is
22 flawed without employees who can serve as translators.

23 We are aware of only one food stamp office that
24 has a Creole translator despite the large number of
25 Haitian migrants who have been coming to the Eastern

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1 Shore for the past years.

2 Finally, even if a farmworker can be transported
3 to a food stamp office, and is able to communicate with
4 social service worker, social service employees are
5 frequently not acquainted with all of the Federal regula-
6 tions governing disbursement of the food stamps to
7 destitute migrant households, and these regulations are
8 applied in an uneven fashion as interpreted by local
9 offices. Consequently, benefits are often wrongfully
10 denied or delayed.

11 While we applaud this summer's efforts by
12 several offices to reach farm laborers through outreach
13 programs and translators, far more must be done to
14 adequately serve the very basic and immediate need of the
15 larger number of migrants who were induced to come to
16 this State by the promises of regulator work, and these
17 promises are not often kept.

18 Finally, migrant workers are under the constant
19 threat of assault by crew leader employees. This season,
20 several serious assaults on Haitian workers by crew
21 leader employees left workers unable to pursue their
22 livelihood and seriously injured. The problem of
23 physical abuse is further compounded by the difficulty and
24 resultant failure to prosecute the transient employees.
25 The recent criminal convictions for peonage in the

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1 East Coast migrant stream underscore the violent tactics
2 used to coerce obedience from our highly vulnerable client
3 community which is normally thousands of miles from home
4 without financial or other resources, stranded from any
5 other health besides advocacy groups.

6 In closing, we feel that the equation here is
7 the civil rights of the migrant farmworkers which we are
8 under congressional and other statutory authority to
9 protect and to assume an advocacy role on their behalf.
10 If the civil rights are to be weighed against the
11 economics of farm profits, we think that the economics have
12 to this point in time been paramount and we hope that this
13 commission, by its findings, will help right the balance.
14 We can proffer any written amplification if you require
15 any, and that is my testimony.

16 CHAIRPERSON WICKWIRE: Thank you, Mr. Sandler.
17 Are there questions? Mr. Owens?

18 MR. OWENS: Thank you, Reverend. Mr. Sandler,
19 first of all, I would like to congratulate you upon
20 having been selected as a Regie Smith Fellow. I, too,
21 served as a Regie and I want to congratulate you.

22 Two things that you have stated are somewhat
23 at variance with what we have been hearing for the last
24 day and a half. First of all, with regard to the pay
25 given the farm laborers, yesterday we had a crew leader

1 testify or make a statement to the effect that he oftentimes
2 ends up going in the hole with regard to advances that he
3 may have made to the laborer, that he does not charge the
4 laborer for this, that, or other. But you are indicating,
5 if I understood you correctly, that there are occasions
6 wherein a laborer for one week's work may receive only 50
7 cents for the entire week.

8 Can you, without naming names, give us an example
9 of the kinds of deductions that might occur and an instance
10 where it has happened?

11 MR. SANDLER: There have been deductions --
12 the minimum wage laws are clear about what are legal
13 deductions before a person's salary can be reduced to the
14 minimum wage or below. And in the past there have been
15 deductions for liquor, there have been deductions for
16 money that was loaned under contracts that are definitely
17 at variance with the Truth in Lending Act and with other
18 State and Federal acts.

19 It has been our experience that the crew leaders
20 rarely come out on the wrong side when it comes to the
21 delivery of dollars to the farmworkers. More often than
22 not, when they come to our office it is because there has
23 been no payment of wages whatsoever and they have worked
24 for the man for three or four months, or woman, and ended
25 up seriously in debt, and that there is no way that by

1 the end of the growing season they can get out from under
2 that kind of economic pressure. They will never break
3 even. I think that is an aberrational case at best.

4 MR. OWENS: What kind of expenses are incurred
5 by the farm laborers that would cause them to be indebted
6 to the crew leader at the end of a week, or month, or
7 whatever?

8 MR. SANDLER: That the crew leader would expend
9 on their behalf?

10 MR. OWENS: Yes.

11 MR. SANDLER: I'm not certain except he has his
12 normal expenses which I am sure were all documented about
13 bringing the workers up here. Otherwise, it is an
14 individual decision on whether he wants to forward money
15 to the worker or not, whether they are going to provide
16 food or other meals or not, and generally, from my obser-
17 vation in the camps this summer, the crews are not pro-
18 viding meals. The crew has to go out and buy their own
19 food if they have any money. They usually use food stamps.
20 MR. OWENS: Okay, now the second question is,
21 very briefly, Dr. Allen from the Somerset County Depart-
22 ment of Public Health indicated to us earlier this morning
23 that on many occasions people, advocacy groups are telling
24 the farm laborers that they are not -- they should not
25 drink the water that is available on the camp grounds.

1 I wanted to ask you, how does Legal Aid determine whether
2 or not water is fit for human consumption?

3 MR. SANDLER: To my knowledge, we have never
4 instructed farmworkers to not drink the water on the camp
5 grounds, but if the case did arise, then it would be
6 because we inspected the chemical reports of the Department
7 of Health and found the nitrate levels were in excess of
8 Federal or State law. But, to my knowledge, we have
9 not instructed them to. The cases where they were
10 provided bottled water is when we did report to the
11 Department of Health that there were high nitrate levels,
12 no posting, and no alternative water sources which is
13 mandated by the Federal Water Safety Act.

14 MR. OWENS: Thank you.

15 CHAIRPERSON WICKWIRE: Let me ask you a question.
16 The nitrate level comes from what?

17 MR. SANDLER: It would come from the herbicides
18 and pesticides --

19 CHAIRPERSON WICKWIRE: Pesticides.

20 MR. SANDLER: -- that are used for the crops.

21 CHAIRPERSON WICKWIRE: I see. Are there others?

22 MS. EATON: Yes, I have a question. The reports
23 are that it is difficult to have access to most of these
24 camps. How do people report to you? Do the migrants
25 come to the Legal Aid Bureau and tell their problems?

1 How do you get in contact with these?

2 MR. SANDLER: We will have people that are
3 stranded on the road, State Police will pick them up,
4 they'll ask anybody for help. They'll speak with the
5 nurses, doctors, any outreach workers, or we'll find them
6 on the side of the road. But we do have a very -- an
7 excellent communication system along the migrant stream
8 on the Eastern Shore, and repeat farmworkers who have come
9 year after year come into contact with us one way or
10 another. But for the most part we get phone calls. We
11 do pass out pamphlets outside the camps if we are denied
12 access.

13 MS. EATON: Do you -- are you -- are these
14 workers aware of Title VII and their rights?

15 MR. SANDLER: I would say the educational level
16 in general -- they aren't aware of what they are supposed
17 to be paid, and even when we passed out educational
18 material describing the difference between the piece rate
19 and the minimum wage, repeated explanations often fail
20 and you have to help them compute wages. They'll come to
21 us and say, "I've made \$2 and I've worked 36 hours." So
22 their educational level is so substandard that they are
23 not aware of most of their rights. We try to remedy that
24 with publication and with continued outreach, which is
25 necessary for to fulfill our congressional obligations.

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1 MS. EATON: Thank you so much.

2 MS. WINSLOW: Are you saying that the crew
3 leaders are withholding rightfully, or are you saying
4 they are stealing from the workers?

5 MR. SANDLER: I wouldn't pronounce it stealing
6 unless I was very sure, but from the cases that have come
7 to us, and we've litigated issues and we see it, but
8 litigation is not always what is best. There are wrongful
9 deductions being withheld and there have been instances
10 where social security is being withheld and there have
11 been no payments made on behalf of the workers.

12 MS. WINSLOW: I presume that is because some of
13 them are not documented workers?

14 MR. SANDLER: No, in the cases that we have had,
15 people are documented as well. They have Social Security
16 numbers and they should be reported into the system but
17 they are not.

18 MS. WINSLOW: If they do not have Social
19 Security numbers, it is --

20 MR. SANDLER: Well, the deductions are still
21 made, as far as we know. I think the people that do
22 withhold them or should have books showing that they
23 withhold them, will routinely deduct it from all workers
24 without regard to their citizenship.

25 MR. FERRON: Mr. Sandler, obviously there is

1 conflict between the report that you are giving and
2 certainly some of the information or the reports that were
3 provided to this committee last night and early this
4 morning. I hope that you can help me reconcile some
5 of the conflicts in my mind.

6 For example, last night we were told by one
7 person that these people, and I'm almost quoting directly,
8 are a happy group of persons, they are doing very well,
9 they ride around in cadillacs and lincolns, and yet I
10 hear that there are a number of assaults -- and, by the
11 way, one person said they are assaulted, I asked the
12 question I believe regarding violence on the camps, --
13 you're saying that you've handled a number of assault
14 cases, and in spite of all this, these crews, according
15 to the reports that we've received, return consistently.
16 Would you help to reconcile this problem?

17 MR. SANDLER: Their return is most likely
18 premised on an inability to gain employment in any other
19 avenue in this society in the United States. They have
20 no education. They are a transient population with no
21 resources. Haitians are particularly vulnerable as are
22 the Mexicanos and other Hispanic groups, Puerto Rican
23 workers and Jamaican workers, and there is no way that
24 they have been able to elevate their social status to
25 escape this kind of work despite the efforts of agencies

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1 who were created particularly to get them out of the
2 migrant stream.

3 Physical assault, there was one reported to us
4 this morning, so if anyone doubts that, they can contact
5 the Dorchester County State Police who called us of an
6 assault in the fields and not in the camp and not a
7 domestic squabble, and there are recorded instances. There
8 have been others in Stratford County --

9 MS. WINSLOW: Is it between crew leader and
10 workers?

11 MR. SANDLER: A crew leader employee and an
12 employee. And this is fairly routine. As far as the
13 worker being happy, there is not a rush by the thousands
14 of unemployed people in this country to take the place of
15 migrant workers, and all one would have to do is to go onto
16 a migrant labor camp or spend a day in the fields and you
17 would have no more reason to wonder why it is so repugnant
18 to people who have the option of taking or leaving that
19 job..

20 MR. FERRON: Would you try to explain then --
21 and I would assume that the 50 cent net for a week's work
22 is, I would hope, is a rare situation but occasionally
23 occurs, but would you help me to reconcile the allegation
24 stated as a fact that the workers, not the crew leaders,
25 but several workers ride around in cadillacs and lincolns

1 and are seen gambling with hundred dollar bills spread all
2 over the ground. I have a problem reconciling that.

3 MR. SANDLER: I think only Lewis Carroll (phon.)
4 could reconcile that because I have not seen it. The
5 only people with cars that I've seen approaching that kind
6 of status have been crew leaders, crew leader employees.
7 There might be one person who has a cadillac, it could be
8 a 1954 model. I have never seen hundred dollar bills.
9 We have people, for the most part, who are struggling to
10 pay \$5-a-week utility bills at camps. I have just never
11 seen, and I was an outreach law clerk, none of our law
12 clerks for the last three years have ever witnessed any-
13 thing approaching that kind of money. There could be
14 times when there is a good work and the person might have
15 \$100 or so, but to say that they bandied about several
16 hundred dollars in a card game is ludicrous. I have
17 never seen -- and I have visited the camps day and night.

18 MR. FERRON: One final question. Are you aware
19 or familiar with incident involving the death of the
20 adult Black worker who allegedly hemorrhaged to death, the
21 police were called in on it, are you familiar with that
22 case?

23 MR. SANDLER: I'm not sure which case you are
24 talking about. We've had several deaths over the last
25 three years.

1 MR. FERRON: This year.

2 MR. SANDLER: This year? Well, are you refer-
3 ring --

4 MR. FERRON: Have there been several deaths this
5 year?

6 MR. SANDLER: No, there has been one death this
7 year, and I'd have to --

8 MR. FERRON: I'm not talking about the child
9 now.

10 CHAIRPERSON WICKWIRE: This was in the Westover
11 Camp.

12 MR. SANDLER: The child or the --

13 MR. FERRON: No, the adult.

14 MR. SANDLER: The adult. Personally, I am not.

15 MR. FERRON: Mr. Chairman, I would really like
16 to get some information on this death, it seems to be
17 evading this committee. Not that we are investigating
18 a possible criminal act but --

19 MR. SANDLER: I do not have any personal
20 knowledge and the other attorneys in our office are
21 signifying that they have no knowledge of another death
22 in Westover Camp.

23 CHAIRPERSON WICKWIRE: But let me ask you a
24 question, Mr. Sandler. This is sort of a general thing,
25 but U.S. agriculture today is a multi-billion dollar

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1 industry, yet agriculture has taken the position that it
2 can't absorb the same labor costs as industry and so farm-
3 workers do continue to be pretty much excluded, it seems
4 to me, from protective legislation, at least in terms of
5 enforcement. Why do you think this continues as it is?

6 MR. SANDLER: The rising cost of labor? I
7 don't understand exactly.

8 CHAIRPERSON WICKWIRE: The question I am
9 raising is this. Okay, agriculture in the United States
10 is a multi-billion dollar industry and agriculture argues
11 that it cannot raise agricultural workers to the level of
12 let's say industrial workers, we are moving somewhat in
13 that direction. I am asking you why and what can be
14 done to maybe to change this? Do you have any --

15 MR. SANDLER: I don't see where the workers
16 have become an undue burden. As far as a cost/benefit
17 analysis of the profit of multi-national corporations or
18 even local owners and growers, I have yet to see the
19 large owners go out of business. I see the same crew
20 leaders coming back year after year but, at the same
21 time, I don't see any increase in the pay of the workers.
22 It is set by federal law to be \$3.35 an hour now, but that
23 is not paid on a regular basis. They have the options of
24 switching to mechanized labor, which some have done.

25 CHAIRPERSON WICKWIRE: All right, let me ask you.

1 The judgments you have made today, are they about many
2 camps, or particular camps, or is it a number of camps on
3 the Eastern Shore?

4 MR. SANDLER: It's a number of camps on the
5 Eastern Shore. We have been informed by workers that an
6 older man died in Westover in one of the bathrooms and
7 that's the only information that has been tendered to us.
8 No further amplification.

9 CHAIRPERSON WICKWIRE: You have people on your
10 staff that communicate in Spanish and Creole?

11 MR. SANDLER: Yes, we have two people on our
12 staff who communicate in Creole, two staff attorneys that
13 speak Spanish. And we do have liaison with other
14 organizations who do come and interpret at various times
15 although they have been minimal.

16 CHAIRPERSON WICKWIRE: Do you think a forum of
17 this nature is of any help in terms of maybe improving
18 situations for migrants?

19 MR. SANDLER: I hope it would be, I hope that
20 the factfinding that comes out -- there have been
21 intense media coverage of the problems on one camp in
22 this county area, but the problems are pervasive. They
23 occur at smaller camps and people that aren't associated
24 with the larger camp feel that they don't have any
25 responsibility for upgrading the quality of life or

1 compliance with law are serving the basic human needs
2 of the farmworkers they employ year after year and put
3 bread on their table. I would hope that merely by the
4 communication and maybe recommendations to other Federal
5 agencies, particularly enforcement agencies, would help.
6 But it is a form of communication.

7 CHAIRPERSON WICKWIRE: Do you find that undocu-
8 mented are especially vulnerable in terms of exploitation?

9 MR. SANDLER: Undocumented as well as people
10 who are unsure of their status under the Immigration Act
11 and they are at the whim of people who will coerce them
12 by threatening them with turning them into INS or depor-
13 tation when they could have a legitimate right to be in
14 this country or at least have the right to a hearing
15 before any action is taken. And that leaves them
16 especially vulnerable to crew leaders and the growers or
17 anyone else who will use that force as a fulcrum.

18 MS. WINSLOW: Would you say that your relation-
19 ship, yours, the group's relationship with the different
20 State and local agencies is a hostile one, or are you
21 working closely together, or how would you characterize
22 it?

23 MR. SANDLER: In the State of Maryland, I
24 believe it varies. We have had excellent cooperation
25 with a few bureaus and some -- it has been to the point

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1 sometimes in defiance and I don't know whether it is
2 because are a legal arm for our clientele or not. They
3 are necessarily in an adverse posture to us. I would
4 not like to go into specifics now.

5 CHAIRPERSON WICKWIRE: Yvonne?

6 MS. SCHUMACHER: I was wondering if you might
7 help us get some more information for our record about
8 some of the intricacies of the minimum wage situation.
9 For example, we have been told that there are times when
10 the weather prohibits them from being out in the fields
11 picking, which I guess would take away from the piece rate
12 that they are able to make, or there are times when the
13 weather is not a problem but maybe they run out of baskets
14 while they are in the field and so work has to stop tem-
15 porarily. Can you just elaborate some on the whole minimum
16 wage situation?

17 MR. SANDLER: The statute is very specific but
18 I'd rather not. There are so many exceptions and there
19 are so many obligations about the starting time, when the
20 employer requests and orders that you even be on the job
21 site, that if he is going to transfer you to the field,
22 and at that point the wage starts. Every variable would
23 lead to another answer and it would depend on the facts
24 of the individual case as the statute interprets it. So
25 for me to put myself out as an expert on the minimum wage

1 law would be --

2 MS. SCHUMACHER: Those complications then must
3 also make it very difficult for an individual worker to
4 know whether or not he is getting paid fairly, right?

5 MR. SANDLER: Yes, it requires intense factfinding
6 by everybody involved and the recreation of the person's
7 schedule in order to determine the minimum wage. We don't
8 go in and request that the worker be paid unless we can
9 document that he is due that kind of wage. The burden
10 is supposed to be on the growers and crew leaders to keep
11 those kind of records, and we have seen a uniform failure
12 to do so. And we have filed numerous Wage and Hour com-
13 plaints that are being investigated by the State of Mary-
14 land now as well as federal authorities.

15 MS. SCHUMACHER: One of the things we were told
16 was that they make, what, 40 cents a bucket.

17 MR. SANDLER: That varies.

18 MS. SCHUMACHER: That's what the worker is paid.
19 When he turns that food over to his crew leader, how much
20 does the crew leader make for that bucket of food?

21 MR. SANDLER: There are different payment sched-
22 ules, and I have witnessed some that were not in that order.
23 I can't say that this is uniform, but the one that I've
24 seen, the books have shown that the worker would get 35
25 cents and the crew leader would get 15 cents for every

1 basket. I don't think that is uniform. I think it was
2 high because it was a new grower and a new crew leader
3 involved. But I have no idea the internal payment systems
4 between the grower and the crew leader or what percentage
5 of the payment -- although under Federal law they are sup-
6 posed to document to the worker what payments they do
7 receive by the grower on the worker's behalf. I have never
8 seen that to date in my three years in Maryland.

9 MS. SCHUMACHER: One of the things you said
10 earlier also was that deductions are uniformly withheld
11 regardless of the citizenship status or the Social Security
12 status of the particular worker. So if a worker doesn't
13 have a Social Security account to pay the money into,
14 what happens to that money?

15 MR. SANDLER: Whatever the crew leader does with
16 it or the grower, depending on who has assumed responsi-
17 bility for it, either discharged into the system, gets
18 lost, keeps it, loses it, I don't know. I have yet to
19 find out where the money disappears to.

20 CHAIRPERSON WICKWIRE: Sol.

21 MS. EATON: Yes. Would you have any type of
22 recommendation on how this committee can go about getting
23 more facts on this issue, or is there anything that you
24 would like to recommend to this body?

25 MR. SANDLER: If the Commission would visit one

1 camp on a payday, I am sure they could glean all the infor-
2 mation requested if you went on without advanced notice.
3 I am sure you could find pay receipts and interview workers
4 about how much work they have accomplished, how many
5 tickets they have gotten for the baskets, and I would think
6 you would find several inconsistencies if not outright
7 violations of the law.

8 MR. FERRON: Two final questions. You touched
9 on an issue that came forth this morning regarding this
10 committee's attempt to maintain a position of objectivity
11 rather than focusing in on one particular camp simply
12 because we are closest to Westover. We were unable to
13 get specific information regarding some of the other
14 smaller camps. Since you have been involved in some of
15 the smaller camps, could you indicate whether or not you
16 have seen instances in which the practices and the treat-
17 ment of the migrant workers on the smaller camps may indeed
18 far exceed in problems those that exist on some of the
19 larger camps?

20 MR. SANDLER: I don't think I can give -- to
21 weigh the gravity, they are no less diminished because
22 the size of population has decreased. In fact, in the
23 smaller camps they are usually more secluded and they are
24 harder to get access to and the property rights sometimes
25 are asserted more fiercely and the crews have no way to

1 communicate let alone just walk off the camp. The nearest
2 phone might be three miles.

3 But a list of the farm labor units on the Eastern
4 Shore, I believe, is in the Governor's Commission on
5 Migratory Labor, and we would be glad to provide additional
6 camp names if other agencies haven't so provided.

7 MR. FERRON: Finally, you said that -- I under-
8 stood you to say that over the past couple of years there
9 have been several deaths. Were these deaths violent
10 deaths or what was the nature, if you can generalize?

11 MR. SANDLER: One of the deaths involved --
12 migrant workers were housed in a motel, and there were,
13 I believe, something approaching seven people fighting
14 over a bed and one person was stabbed to death. I believe
15 that was last year or the year before in either Salisbury
16 or Delmar. There have been other violent acts, other
17 stabbings, that are related not to just internal domestic
18 disputes that you are going to find in any population that
19 suffers the stresses of that kind of segregation together.

20 MR. FERRON: Are these matters prosecuted
21 generally?

22 MR. SANDLER: That I believe was prosecuted and
23 others are not because the employer, employee, whoever
24 committed the act can be gone in a day and find labor and
25 take his crew with him. It takes two weeks to process

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1 a criminal claim. Even if you are served, we have an awful
2 lot of judgments that we can't reduce because we can't
3 find the people up and down the Eastern Coast and our
4 efforts are a lot more intensive, we believe, than some
5 of the law enforcement authorities are given that the popu-
6 lation is here three months of the year and their problem
7 is gone when the season ends.

8 CHAIRPERSON WICKWIRE: All right, thank you,
9 Mr. Sandler.

10 MR. SANDLER: Thank you very much.

11 CHAIRPERSON WICKWIRE: Before our next speaker,
12 I simply wanted to say that Dr. Allen was our last speaker
13 during the morning session and we had invited three other
14 county health officers to attend and they had declined.
15 Now, our next speaker will be from the Haitian American
16 Training Institute, Anselme Remy. Would you please
17 state your name and position for our record.

18 MR. REMY: I am Anselme Remy, Associate Coordin-
19 ator of the Haitian American Training Institute. The
20 Haitian American Training Institute is an English-as-second-
21 language program operated by the Center for Human Services,
22 a Maryland chartered, non-profit educational corporation.
23 Funds to operate the program in the State of Maryland came
24 from the U.S. Department of Education and the Maryland
25 Department of Human Resources. We also enjoy close

1 cooperation and support from the Maryland State Department
2 of Education, the Migrant Program Office, the Delmarva
3 Rural Ministries, and the Migrant and Seasonal Farmworkers
4 Association.

5 I am a native of Haiti and by training I am a
6 social/cultural anthropologist teaching at the University
7 of the District of Columbia. As Associate Coordinator
8 of the Haitian American Training Institute, I have responsi-
9 bility for supervising the instruction of components of
10 our program in the Delmarva area.

11 Last year, we provided ESL, English As a Second
12 Language, classes to more than 350 Haitian migrant workers
13 in the Eastern Shore of Maryland and Delaware. This year,
14 we are teaching close to 400 Haitians and a handful of
15 Spanish-speaking migrant workers in the same area.

16 All of our full-time field staff are Haitian-
17 Creole speakers and in fact are Haitian. This enables
18 us to provide translation and interpretation services to
19 several social and health agencies on the Eastern Shore
20 which give us the perspective that goes beyond instruc-
21 tional services only. We are apparently one of the few
22 agencies in the Eastern Shore with native language
23 capacity for dealing with large influx of Haitian migrant
24 workers.

25 I wish to thank the Maryland Advisory Committee

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1 of the U.S. Commission on Civil Rights for the opportunity
2 to address this forum on the conditions in Maryland migrant
3 camps. My statement will be confined to the situation
4 of Haitian migrant workers with whom I have had firsthand
5 contact.

6 It has been about four years since the Haitians
7 began to arrive in the Eastern Shore as migrant workers.
8 They are affected not only by the general conditions of
9 migrant life which has been described to you, but also
10 by some factors specific to their presence in the United
11 States.

12 One, we can deal with the Haitian migrant status.
13 The Haitian migrant workers are Haitian refugees who have
14 been arriving in Florida since December 1972. After being
15 denied refugee status, those who have arrived before
16 October 19, 1980 were granted the unclear status of Cuban-
17 Haitian entrants. As entrants, they were to enjoy all
18 the rights and privileges attached to their refugee status.
19 But very few individuals in the U.S. are aware of that
20 special immigration status. The only official document
21 given to them is the I-94 form which is drawn on the
22 regular bond paper which can be easily destroyed. Often-
23 times, the I-94 bears information which may not serve the
24 interests of the entrant. For example, some may be stamped
25 or permission to work expire on 30 days. In other cases,

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1 that authorization is not even printed in the I-94.
2 Employers who were reluctant to hire Haitians then found
3 a valid reason for rejecting someone they believed had
4 no authorization to work or whose authorization would soon
5 expire. In fact, the authorization to work has been
6 extended indefinitely by the Federal Government but very
7 few people are aware of it.

8 On that condition and under the existing economic
9 situation in Florida and in the whole country, many Haitians
10 who enter the migrant -- many Haitians enter the migrant
11 stream because this is one of the few jobs available to
12 them. However, a preliminary analysis of our student popu-
13 lation attending ESL classes indicates that about 95 percent
14 of the Haitian migrant workers have been in the U.S. for
15 less than five years. Therefore, we can see that Haitian
16 migrant workers are drawn among the most recent arrivals
17 within the Haitian refugee population.

18 These considerations we have to look at other
19 specific problems of the Haitian migrant workers.

20 Second one, we can talk about the ignorance of
21 U.S. legislation. The Haitian migrant workers are recent
22 arrivals from a country, Haiti, where the government and
23 the social system denies human and legal rights to the
24 peasants and the workers. As migrant workers, they do
25 not decide of their place of work nor do they have anything

1 to say about the length of the working days and work condi-
2 tions. These are fundamental conditions whihc exist in
3 Haiti.

4 When growers and crew leaders in defense of private
5 property denied them the right to receive visitors, for
6 the Haitians this is a common expression -- common and
7 familiar expression of the dictatorial power, the powerful
8 have over the powerless.

9 Three years ago the wife of a crew leader in
10 Maryland prevented an employee of the office responsible
11 for distributing food stamps from entering the camp on
12 the grounds that if, quote, "The Haitians got fed, they
13 will not work," unquote. Because of the Haitian ignorance
14 of U.S. legislation, they suffer more abuses than other
15 migrant workers.

16 Last week in Delaware there was an argument
17 between the Haitian migrant worker and the son of a crew
18 leader. The latter claimed that a bucket of cucumbers
19 was not properly filled. Rather than allowing the Haitian
20 worker to fill it, he dumped the contents into the truck
21 and refused to pay for it. This almost provoked a fight.
22 The Haitian worker and three of his friends were fired,
23 asked to leave the camp. The crew leader refused to send
24 them back to Florida. This week, this Tuesday night,
25 from the authorities I received from three Haitian workers

1 in a camp near Salisbury, Maryland, some workers were thrown
2 out because the crew leader wished to deduct rent while
3 they had worked only one day that week. The local police
4 was called and a police officer dumped them at the Trailways
5 Station at midnight. Despite meaning of the statement made
6 last night, I can state that from my knowledge, not a single
7 one of our students were given a written contract as
8 dictated by the State statutes.

9 Crew leaders do not inform the workers as man-
10 dated by the statute of the place and division of work.
11 Workers are not told they are entitled to minimum wage
12 if they have been idle in the camp. It is not unusual
13 for growers to directly or indirectly deny access to educa-
14 tion to the workers. I was denied access to Westover Camp
15 even though my purpose was to inform the Haitian workers
16 of the existence of the English program. We had several
17 telephone conversations with the manager of the camp.

18 On June 28, 1982, the camp manager told me during
19 a visit to his office that he had instruction from the
20 president of the Somerset Growers Association was to let
21 nobody inside the camp. That same week I had a telephone
22 conversation with the president of the Somerset Growers
23 Association who denied my request for access to the Haitian
24 workers.

25 On July 7, 1982, we had a meeting around 9:00 p.m.

1 in the camp office in the presence of two other persons
2 and I was again denied access. At the end of the meeting,
3 I asked for one single entry into the camp in the company
4 of the camp manager and/or any other representative of
5 the Somerset Growers Association. That was denied. We
6 asked information about the number of Haitians in the camp
7 and the name of the crew leader of the Haitian workers,
8 we never received this information.

9 We were told that we could give fliers to the
10 camp manager who would then see that they be posted and
11 explained to the Haitian workers. The fact was that all
12 the fliers we had previously given to the camp manager
13 the week before were still on the table in the office the
14 day after class began.

15 If now our program in Maryland, in Westover,
16 can claim 99 students, this is due to the motivation of
17 the Haitian worker and the ingenuity of our Haitian workers
18 and our staff. We would have been more successful in
19 Westover with over 200 students where it not for the
20 obstruction position adopted by the Somerset Growers
21 Association. We challenge anyone to tell us that the
22 Haitian migrant worker in Westover had ever indicated to
23 anyone they did not want to learn English and that they
24 wished to be left alone.

25 In conclusion, I want to say that there is a

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1 great deal that needs to be done for migrant workers. The
2 situation greatly improved if those charged with enforcing
3 the laws of the land would show more commitment and
4 enthusiasm in the performance of their duties. Some public
5 employers share certain values which make them natural
6 allies of those who violate the rights of the migrant
7 worker. Increased funding for social service will not
8 automatically improve the lot of the migrant if it is used
9 to build a self-perpetuating bureaucracy more concerned
10 about his own survival than that of the workers. Growers
11 and crew leaders must be told they cannot impunity abuse
12 the workers.

13 Finally, an intensive, large-scale program for
14 educating migrant workers in general and non-U.S. born
15 migrant workers specifically about their rights and
16 obligations will be the beginning of a solution. The
17 ultimate preventive for discrimination/exploitation of
18 the migrant worker is education. The Department of Educa-
19 tion, in cooperation with local school districts, has made
20 good strides in delivering the educational services for
21 children. All the Maryland Eastern Shore school districts
22 have cooperated with our adult program as well. However,
23 at present, there is no provision for continuation of the
24 adult program next year. The flow of illiterate Haitians
25 into the migrant stream will continue. It is imperative

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1 that federal funds be available directly or through the
2 State of Maryland to continue services to adult migrant
3 workers. Only through education can the civil rights we
4 all enjoy be protected in view of the rationale for migrant
5 workers. Thank you.

6 CHAIRPERSON WICKWIRE: Thank you, Mr. Remy. Let
7 me ask you one question. Do you have reason to believe
8 that since the Attorney General's ruling regarding access
9 that you would now have access, say, to Westover Camp?
10 Have you explored it since the Attorney General's ruling?

11 MR. REMY: From what I've heard from other agencies
12 who were previously denied access, they have been able
13 to enter and at this stage our program is already full-
14 blown, we have seen no need now to go in and recruit.

15 CHAIRPERSON WICKWIRE: But you think you probably
16 would have access now?

17 MR. REMY: Yes, I think so.

18 CHAIRPERSON WICKWIRE: I see. Thank you.

19 MS. EATON: I have a question.

20 CHAIRPERSON WICKWIRE: Sol?

21 MS. EATON: Mr. Remy, you say that perhaps the
22 budget for next year will suffer the program. Would
23 Esol de estivo (phon.) still be able to function?

24 MR. REMY: As I know, all the funds allocated
25 for adult migrant workers come directly from the Federal

1 Government and as far as I know, there have been no requests
2 made in the budget for them next year.

3 MS. EATON: Yes, because I know it has been cut
4 in all the other localities and I just --

5 MR. REMY: So unless the State wants to pick
6 up the tab, I don't think there is any money earmarked
7 for that purpose.

8 CHAIRPERSON WICKWIRE: Mr. Owens?

9 MR. OWENS: Yes, sir. Mr. Remy, you've indicated
10 that to the best of your knowledge a large percentage of
11 the Haitian migrant workers are never given a written con-
12 tract prior to coming up with the crew. What percentage
13 of Haitian workers on the Maryland Eastern Shore would
14 you say fall into this category?

15 MR. REMY: All of them, one hundred percent.

16 MR. OWENS: All right, now, with regard to the
17 special abuses of which you spoke, you say that Haitians,
18 because of their ignorance of American law, are more subject
19 to abuse than some of the other Haitian workers, and you
20 gave one example regarding the cucumbers and not allowing
21 him to fill it. In your experience, what other types of
22 abuses have the Haitians in particular suffered as opposed
23 to other groups of migrant laborers?

24 MR. REMY: There are so many. Last year, for
25 example, there was a crew leader -- no, two years ago,

1 while bringing a crew of Haitians from Florida, one of
2 the drivers raped a Haitian woman and left that woman on
3 the highway somewhere in South Carolina. The police were
4 informed when they got here and then somehow the husband
5 of that woman talked, and the driver was taken to the
6 police station here in Salisbury. I don't know what was
7 the end result of that.

8 There have been cases of crew leaders assaulting
9 Haitians. Last year there was a crew leader and whenever
10 there was an argument with the Haitians, threatened to
11 call INS. We've received several phone calls from workers
12 asking for protection because the crew leader was threaten-
13 ing to call the Immigration Office to get them to do what
14 he wanted them to do.

15 MR. OWENS: I am glad you mentioned the point
16 about the INS. Now, you have indicated that with regard
17 to the I-94 reflecting that permission to work had been
18 granted and it has now been extended, what is the current
19 Immigration status of most of the Haitian workers? Are
20 they -- what exactly is their status?

21 MR. REMY: Okay, all those who have arrived
22 after October 10 are supposed to be under deportation
23 or exclusion proceedings. They do not fall into that
24 entrant status, they do not.

25 MR. OWENS: How many? What percentage, if you

1 can, are we talking about are subject now to deportation?

2 MR. REMY: Maybe 5,000 to 10,000. Not all
3 migrant workers but the whole Haitian refugee population.

4 MR. OWENS: Right.

5 MR. REMY: How many of them -- the point is
6 these are the worst -- they are more likely to become
7 migrant workers because those entrants, some enjoy some
8 kind of protections which President Carter has extended
9 to them because Carter, when he created that status, made
10 the promise that he would ask Congress for legislation
11 to their status, unless another president come
12 in renege on that promise. So far we can say they enjoy
13 that kind of protection. But as for those who came after,
14 they have no protection at all.

15 MR. OWENS: All right, so, would I be correct
16 then, would this committee be correct in assuming that
17 there are a substantial number of Haitian migrant laborers
18 who, in addition to their lack of knowledge about U.S.
19 laws, customs, et cetera, are subject to deportation and
20 are therefore more likely to incur abuse from crew leaders
21 than are other migrant workers?

22 MR. REMY: Yes.

23 MR. OWENS: Can you put a -- I don't know if
24 you can -- a percentage on the number who may be subject
25 to deportation in the Maryland Eastern Shore? If you

1 are not, that's all right.

2 MR. REMY: No.

3 MR. OWENS: Thank you, Mr. Remy.

4 CHAIRPERSON WICKWIRE: May I ask you a question?

5 Are the crew leaders of the Haitians generally Haitians
6 themselves, or what are they?

7 MR. REMY: No, they are Afro-American, most of
8 them, I'll say all of them, and usually they have somebody
9 who works with them Haitian who speaks some kind of --
10 some English who claims he can translate or interpret,
11 but usually -- I understand there are one or two Haitian
12 crew leaders now. They are moving up the system.

13 MS. EATON: Are you aware of any other types
14 of abuse to women Haitians -- Haitian women in the camps
15 after they get here?

16 MR. REMY: You mean abuses specific to women?

17 MS. EATON: Yes.

18 MR. REMY: I cannot at this stage from my know-
19 ledge document anythis specific.

20 MS. EATON: I mean, do you get any reports about
21 how women are being treated?

22 MR. REMY: By the crew leaders or --

23 MS. EATON: By anyone in the camps.

24 MR. REMY: No, I know there have been arguments,
25 but usually the kind of argument that could apply to any

1 crew leader, but I don't have anything specific.

2 CHAIRPERSON WICKWIRE: Dr. Whittington.

3 DR. WHITTINGTON: You indicated earlier when
4 you were talking that you were denied access to the camp
5 for the first day of school, you could have had approxi-
6 mately 200 students enrolled.

7 MR. REMY: Yes.

8 DR. WHITTINGTON: Currently you have approximately
9 80 enrolled and --

10 MR. REMY: Ninety-nine, to be exact.

11 DR. WHITTINGTON: Pretty close, right?

12 MR. REMY: Yes.

13 DR. WHITTINGTON: Right. What accounts for their
14 lack of attendance in the program at night?

15 MR. REMY: What accounts -- at this moment?

16 DR. WHITTINGTON: For instance, last night, night
17 before last, you had 40 students.

18 MR. REMY: Right. There are a number of factors
19 involved. As you know, as migrant worker you have no
20 control over when you leave -- when you go to work, which
21 day, when you leave the camp, when you come back. If you
22 have not worked for two days and you are supposed to work
23 the third day, then you try to make as much money as you
24 can because you are doing piece work. Though they are
25 protected by a minimum wage, a guidelines, they do not

1 receive it.

2 So the workers tend, especially at this moment
3 when they are all over Maryland and Delaware, there is
4 not much work. When the opportunity comes, they work as
5 late as they could. And the crew leader himself wants
6 them to work as long as possible. We know of one case
7 where students wanted to get back in time for classes and
8 the crew leader would argue with them and refuse to drive
9 them back.

10 DR. WHITTINGTON: The reason for my question
11 was I wanted to know whether or not the change in hours
12 of the program would assist you in your attendance.

13 MR. REMY: Oh, you mean --

14 DR. WHITTINGTON: For instance, now they go at
15 7:00. I was wondering if they went at 7:30 that would
16 increase the number of persons who could attend the classes.
17 We had that problem previously.

18 MR. REMY: That is something we have discussed
19 but we also realize if you begin at 7:30 then two hours
20 puts it at 9:30, by the time they get back to camp it is
21 10:00, 10:30, they get up about 5:00 to go to work, so
22 there are a number of variables we have to take into account.
23 That is something we can consider.

24 CHAIRPERSON WICKWIRE: The Haitians in the camp,
25 they generally identify simply with other Haitians, is

1 that correct?

2 MR. REMY: Right.

3 CHAIRPERSON WICKWIRE: They are rather segregated.
4 Do they feel that they run into prejudice here?

5 MR. REMY: Yes, they do.

6 CHAIRPERSON WICKWIRE: In what sense does it
7 show up?

8 MR. REMY: Because of the ignorance of U.S.
9 society and laws and language, they tend to cluster together.
10 That by itself isolates them from other groups, and other
11 groups isolate them. That provides the crew leader with
12 a better mechanism for abusing them since they are not
13 part of the migrant culture. So then they realize that
14 the crew leader would abuse them, calling them names. I've
15 heard cases of crew leaders calling them names. It is
16 sad to hear an Afro-American calling Haitians names. I
17 have heard it. I would share you some of those exclamations.

18 MR. FERRON: Approximately how long have the
19 Haitians been actively involved in migrant work in the
20 United States?

21 MR. REMY: I would say several -- you have to
22 look at it as a process and I think when the migration
23 began, most of the Haitians settled in Miami, but as the
24 population increases and jobs become more and more diffi-
25 cult, they move outside Miami in the orchard field, they

1 agricultural field within Florida. It is at that moment
2 that they get identified by crew leaders, they are quiet,
3 being hard worker, good, docile, happy-go-lucky people
4 who create no problems, and then they are being brought
5 out. That to my knowledge, it has been four years, that
6 they started to come in the Eastern Shore.

7 MR. FERRON: During the course of this four years,
8 have you been able to identify any of the Haitians who
9 have been able to evidently liberate themselves economically
10 to the point that they can purchase lincolns and cadillacs
11 and throw around hundred dollar bills?

12 MR. REMY: I have not seen a hundred dollar bill
13 mainly because I do not afford. I have seen Haitians with
14 cars. At this stage, a car is not a luxury in the United
15 States. It may be a luxury in Haiti but anyone who can
16 scratch five hundred bucks can go to any used car dealer
17 and get a shiny car which won't last two months. We all
18 know that. But I have not seen cadillacs, I have not seen
19 lincolns. The people -- I've seen lincolns, yes, but they
20 below to the crew leaders or the growers.

21 CHAIRPERSON WICKWIRE: Dr. Whittington?

22 DR. WHITTINGTON: I just wanted to pursue Dr.
23 Wickwire's question earlier. You talked about the society
24 isolating the Haitians. What about the kinds of jobs that
25 they are assigned to, is there any kind of discrimination

1 in the kinds of jobs that Haitians are assigned to as opposed
2 to Spanish-Americans or Afro-Americans?

3 MR. REMY: In the field, right?

4 DR. WHITTINGTON: In the field, in the factories,
5 or wherever they are working.

6 MR. REMY: I wouldn't say so because crew leaders
7 tend to deal with ethnic groups. You rarely find a multi-
8 ethnic crew. So if a crew leader is, to use the expression,
9 is working Haitians, most of his workers will be Haitians.
10 So, therefore, they would do whatever is required for the
11 crew to do.

12 DR. WHITTINGTON: But you do have some multi-
13 ethnic crew leaders in the Westover area.

14 MR. REMY: Yes, you have some, yes, you do have
15 some.

16 CHAIRPERSON WICKWIRE: M. Remy, thank you for
17 your presentation. We appreciate your being with us. Thank
18 you.

19 Our next speaker is Mr. Ronn Friend of the
20 Maryland State Department of Education, the Migrant Educa-
21 tion Branch. Would you please give us your name and posi-
22 tion for the record.

23 MR. FRIEND: Dr. Wickwire, Members of the Commis-
24 sion, my name is Ronn Friend. My position is Chief,
25 Migrant Education Branch, Maryland State Department of

1 Education. I believe you will be getting a copy of my
2 prepared statement before this forum.

3 Many of the statements and concerns voiced before
4 this Commission today could have come from the 1969 United
5 States Subcommittee hearings on migrant and seasonal farm-
6 workers powerlessness, or from subsequent Senate Subcom-
7 mittee hearings on migratory labor, or from any one of
8 the hundreds of studies or reports on farmworkers' problems
9 published during the last 20 years. The living and working
10 conditions of migrant farmworkers have remained essentially
11 unchanged during the last decade or the decades of the
12 seventies.

13 This is further attested by a recent article
14 in the August 9 issue of the U.S. News and World Report
15 of which the title is, "Migrant Farmworkers Still Face
16 a Harsh Life."

17 Migrant workers have long been a forgotten seg-
18 ment of the population. True, they were the subject of
19 Steinbeck's 1939 novel, The Grapes of Wrath, and Edward
20 R. Morrow's 1960 documentary, "Harvest of Shame." True,
21 summer after summer their plight has been treated by local
22 and national media touching momentarily our conscience.
23 But national and international crises tend to obliterate
24 the problems close at hand. To be a migrant is to be
25 abused and forgotten.

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1 CHAIRPERSON WICKWIRE: Mr. Friend, may I ask
2 you a question? I notice the statment is about nine pages
3 long, are you able to paraphrase this?

4 MR. FRIEND: I am.

5 CHAIRPERSON WICKWIRE: All right, because we
6 have a --

7 MR. FRIEND: That's right.

8 CHAIRPERSON WICKWIRE: All right, thank you.

9 MR. FRIEND: To be a child of a migrant worker
10 is to be caught up in the abuses of poverty and migration.
11 The special needs of migrant children have been identified
12 in national literature and reports of migrant problems
13 throughout the United States. A consistent finding is
14 that migrant lifestyle limits educational opportunities
15 for growth and progress. Because the families move fol-
16 lowing the seasonal crops, these children must adjust to
17 frequent chnges in schools, teachers, classmates, and
18 curriculum. Just as their life is itinerate, their
19 education is iterinate.

20 What I want to be able to talk about to this
21 forum today are some of the national findings which impact
22 migrant education.

23 A 1981 study commissioned by the U.S. Department
24 of Education concluded that migrant children are the most
25 academically disadvantaged of all groups qualifying for

1 compensatory education. Likewise, the rate of enrollment
2 in schools is lower for migrant children than for any other
3 group of children in the United States.

4 According to the National Education Association,
5 the estimated medium educational attainment among migrant
6 agricultural workers is 5.3 grades, and less than 10 per-
7 cent of migrant youths graduate from high school. These
8 children are almost always far below the expected grade
9 level for their age group. Numerous studies indicate that
10 migrant children frequently do not master the basic
11 academic skills of reading, writing, speaking and calcul-
12 ating that are necessary to continue and advance within
13 the regular school system.

14 While nationally the average non-migrant student
15 has a chance of entering the ninth grade, the average
16 migrant student has only a four percent chance of entering
17 the ninth grade and just one out of ten chance of entering
18 the twelfth grade.

19 In a 1974 study in California and Texas, it was
20 stated that it took approximately three years for the
21 average migrant student to move from one grade to the next
22 at the third and fourth grade levels and these are consis-
23 tent findings in other migrant programs across the United
24 States. Perhaps this failure to advance in school is one
25 of the reasons where we have a high dropout rate among

1 migrant students.

2 The Maryland State Department of Education has
3 been committed to developing comprehensive instructional
4 programs for migrant students complemented with health,
5 nutrition and social service components. The Department
6 receives ECIA Chapter I or formerly Title I migrant
7 program funds to administer local projects.

8 In 1977, the Department established the Maryland
9 Migrant Education Service Center at the Salisbury Elementary
10 School in Salisbury, Maryland, to house two key components
11 of our operation. One, our tracking system, the Migrant
12 Student Record Transfer System; and, secondly, our recruit-
13 ment system and coupled with that a network system with
14 other agencies and growers around the states.

15 The purpose of this center is to identify and
16 certify and recruit migrant children into the educational
17 programs across the state, to plug them into the national
18 recordkeeping system, our MSRTS system -- and, incidentally,
19 the MSRTS system is able feed information on migrant
20 children into that system and if the child has been picked
21 up in another state, within 24 hours receive a printout
22 on the child's academic and health records. And we are
23 also able, through that center, to refer migrants to the
24 necessary agencies such as Health and Social Welfare.

25 Between June and August of each year, we provide

1 summer migrant education schools across the state. We
2 work very closely with their local Boards of Education
3 in developing a migrant education program.

4 During the current summer, 840 students have
5 enrolled in the state's migrant schools. Somerset County
6 accounts for 38 percent of Maryland's migrant school popu-
7 lation. I have broken down on pages 4 and 5 various
8 statistics which I will not go into other than Chart 2,
9 which I think is very important to note because of some
10 later comments I want to make. Approximately 35 percent
11 of our children in Maryland are between the ages of 0 and
12 5, and 43 percent are between the ages of 6 and 14.

13 It is also important for us to note that growers,
14 camp managers and crew leaders have been very supportive
15 of the migrant education program and have encouraged
16 families to send their children to summer migrant schools.
17 Crew leaders and growers have been actively involved in
18 the implementation of the Maryland Migrant Education
19 Program as volunteers, holding office in the State's
20 Migrant Parent Involvement Council and serving on the
21 Migrant Education Interagency Council. Local projects
22 have been successful in establishing positive communication
23 with growers. Growers have participated in school site
24 Family Night activities with migrant families, and
25 parents of migrant children are hired as teacher aides

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1 in our summer migrant programs.

2 Over the course of several years, the school
3 has come to serve as clearinghouse for migrant children's
4 needs and problems by referring children and families to
5 other agencies for clothing, housing, food and health
6 services. However, in recent years, the summer school
7 programs have come under scrutiny and attacked by local
8 residents who argue that their tax dollars are being spent
9 to educate those migrant children while resident children
10 are not provided the same summer school privileges.

11 We see problems in local attitudes because there
12 is money earmarked to serve the migrants, money some
13 citizens would prefer to use to address the resident popu-
14 lation. In fact, this past spring, two local school boards
15 with high concentrations of migrant children barely reached
16 a consensus on the need for migrant education programs.

17 Such attitudes often overlook the real benefits
18 that migrants derive from these program by focusing on
19 group identification rather than educational needs. The
20 word "migrant" is used to define a lifestyle. Essentially,
21 children are children.

22 Aggravating the problems of providing comprehen-
23 sive services to migrant children are the Reagan Adminis-
24 tration's budget cuts, coupled with proposed changes in
25 the regulations that govern migrant education. In addition

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1 to actual dollar cuts, the proposed reduction in authority
2 by the Department of Education represents a very important
3 change in philosophy. The new philosophy is that states
4 and local school districts are better able to determine
5 their own needs and operate programs than the Federal
6 Government. Already, the local districts that received
7 federal funds to operate migrant education programs have
8 limited budgets, and the State's Title I Migrant Education
9 Program received a 15 percent reduction this year and next
10 year it is projected we will receive or be earmarked for
11 another 15 percent reduction.

12 The purpose of this forum is to gather informa-
13 tion about the quality of life in migrant camps. However,
14 a broader question must be addressed by this forum: How
15 will migrant children's quality of life be affected by
16 the Reagan budget cuts? Maybe an answer can be gleaned
17 from the following samples of how these cuts will impact
18 on the education of migrants in Maryland.

19 Nearly 36 percent of Maryland student population
20 identified this summer is between the ages of 0 and 5.
21 Most migrant family members who are old enough must work
22 to supplement the family income. Unless day care of some
23 kind is available, young children and infant are often
24 left unattended in the fields, alone at the camp, or in
25 minimal care of older siblings. This is insufficient

1 to ensure their safety, health and well-being. Because
2 of the large number of preschool migrant children in
3 Maryland, historically the Maryland State Department of
4 Education via the Migrant Education Program has provided
5 locals with funds to provide preschool services. However,
6 the proposed federal regulations governing migrant educa-
7 tion will no longer authorize migrant education funds for
8 preschool programs. With the limited local resources
9 available, budget cuts in other federal programs provide
10 similar services such as East Coast Migrant Head Start
11 and Migrant/Seasonal Farmworkers, and no state resources
12 earmarked. services for preschool students will be dropped.

13 A consequence of reducing services for migrant
14 students may be that services to secondary students will
15 also be dropped. Dropping secondary school services to
16 the group of students with the highest dropout rate in
17 the nation could even be more unfortunate, especially since
18 the national commitment to service these students has recently
19 begun.

20 In Maryland, we have begun what we call "Accredit-
21 ed Accrual Program" whereby a student in ninth grade or
22 tenth grade can return to Texas or Florida and we can trans-
23 fer that informatin and also the credit, and the student's
24 credit will be accepted by that state.

25 Undocumented and refugee populations have

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1 added new dimensions to the migrant child population.
2 In addition to the southern Black and Mexico-American,
3 Haitians and Mexicans are appearing in significant numbers
4 in Maryland's migrant population. In an English-dominant
5 education system that is not designed to accommodate
6 language differences in its basic programs of instruction,
7 limited English proficiency is a barrier to school success.

8 This year, two bilingual migrant education
9 teachers, funded through a special program with Texas,
10 spent eight weeks in Maryland, assisting the state and
11 summer school teachers in developing English as Second
12 Language Program. Training in English as a second language
13 to adult Haitian farmworkers was just mentioned by the
14 Remy, Dr. Remy, with the HATI program. And also through
15 the other resources of U.S. Department of Education, a
16 special project for other Haitian adults in other parts
17 of the state. However, I might emphasize that future
18 funding for such ESL training for adults is bleak.

19 In conclusion, there is an apparent need to
20 analyze the impact of funding cuts, program consolidation
21 and regulation changes on state and federal programs
22 which provide health, nutrition, social and educational
23 services to migrant farmworkers and the effect of these
24 cuts on migrant children.

25 If migrant children are to move into the

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1 mainstream of of American Society, it is urgent that
2 Maryland adopt a policy which affirms their right to the
3 same services that are provided to its other citizens.
4 Likewise, these services should be expected to meet the
5 quality criteria applied to other programs by guaranteeing
6 quality programs to migrants. We are assuring quality
7 programs for all.

8 Governor Hughes and the Legislature has time
9 and time again affirmed the importance of an education
10 citizenry and continuing a democratic state. We must press
11 employers, state and local agencies to provide the funds
12 and the resources necessary to allow all citizens to
13 become productive members of society. Thank you.

14 CHAIRPERSON WICKWIRE: Thank you, Mr. Friend.
15 Are there questions? The block grant issue, does that
16 have any relevance at all here?

17 MR. FRIEND: We are part of ECI, Chapter I, we
18 are not affected by the block grants. It does have issue
19 in the sense that locals can submit through Chapter II
20 proposals for other activities which could be earmarked
21 for migrant population, as for an example English as a
22 second language.

23 MS. EATON: That was a very complete report.
24 Are there any recommendations you have for this commission
25 how we can somehow influence making funds available, or

1 is there any way that we can work to help your program?

2 MR. FRIEND: I think there are several avenues.
3 I think we need to begin looking at innovative approaches
4 to sharing dual funding sources. We are really bound by
5 regulations. For an example, one Federal regulation is
6 over here and we have another one here and there is not
7 too much interfacing between those regulations, meaning
8 that my program cannot hire -- pay 50 percent somebody
9 else's salary from another federal program. We can do
10 that with educational programs but with some other programs
11 it is very difficult.

12 Also, I think the Governor's Commission may very
13 well be looking at the issue of what the State's role could
14 be in light of these future reductions in funds. I think
15 any type of recommendation you can make to the state, yes,
16 would be very helpful.

17 CHAIRPERSON WICKWIRE: Thank you, Mr. Friend,
18 we appreciate your presentation. Our next speaker will
19 be Gary Bryant, Migrant Legal Action. Okay, I guess he's
20 not here. What about Reynaldo Arriazola of the Governor's
21 Commission on Hispanic Affairs. Would you please give
22 us your name and position for our record.

23 MR. ARRIAZOLA: My name is Rey Arriazola. I
24 am an ex officio member of the Maryland Commission on
25 Hispanic Affairs.

1 The Hispanic Commission is more of a supportive
2 commission to the migrant population. We do not deal
3 directly with the migrant population in the State of
4 Maryland. We do support the agencies that are working
5 directly with the migrant population such as the Migrant
6 Commission on Migratory Labor. We also urge the forum,
7 a forum of this kind to continue having hearings to bring
8 out or to bring together agencies, farmers and farmworkers,
9 throughout the State of Maryland. We feel that it is
10 important to get all these people together, or all these
11 agencies to talk about living, safety, education, and health
12 conditions that are faced by the migrant population in
13 the State of Maryland.

14 Also, we urge this forum to urge the agencies
15 throughout the state that serve the migrant population
16 to better understand the cultures that make up the vast
17 migrant population in the State of Maryland. We do not
18 only have Hispanics, we have Haitians and Black crews that
19 come up here, Jamaicans and some other offshore labor that
20 comes to the State of Maryland with very different cultures
21 that need to be understood and followed in a sense that
22 we do not make these cultures feel unwelcome to the State.

23 The Hispanic Commission, as in the past, now
24 urges the migrant workers to participate -- to try to get
25 farmworkers to participate in a forum of this kind also.

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1 The Hispanic Commission is working on several
2 items at the state level. We have met with the Governor
3 about two or three weeks ago -- two months ago -- and some
4 of the issues that were brought up that will affect the
5 migrant worker directly are, for example, the driver's
6 license test to be provided in Spanish. Many times you
7 have migrant workers that come up here that could possibly
8 qualify for a job as a truck driver or a driving job maybe
9 with a construction company if he feels to settle out,
10 but cannot take the Maryland driver's test because it is
11 in English only.

12 Also, we support -- we have asked the Governor
13 to review the legislation or the laws as they apply to
14 the education of children of illegal aliens that are in
15 the State of Maryland. There is one county in the State
16 of Maryland that last year was charging tuition to the
17 children of illegal aliens. That would have a great impact
18 on migrant families if they happen to be from Mexico or
19 any other country.

20 Another area that the Hispanic Commission is
21 working on is the employment of more Hispanics in state
22 agencies. I do not have the figure with me, but the
23 percentage of Hispanics employed at state agencies I
24 believe is like one or two percent of all state employees
25 are Hispanics.

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1 That is about it. If you have any questions
2 that I can answer, but we are more of a supportive commis-
3 sion. Yes, ma'am?

4 MS. EATON: Has the Commission done any survey
5 or written any position paper on the migrant issues? Did
6 you do any work in connection with the Governor's Commis-
7 sion for Migrant Workers? Can we have any reports or any
8 publications of the Hispanic Commission?

9 MR. ARRIAZOLA: Not from the Hispanic Commission,
10 but we did support the Migrant Commission when they were
11 working on the registration of the crew leader bill.

12 MS. EATON: In terms of legislation, have you
13 all done any work or tried to pass any legislation to
14 correct some of the inefficiencies that we hear about today?

15 MR. ARRIAZOLA: Not to affect the migrant popula-
16 tion directly because we have the Migrant Commission and
17 I think there is a separation of both there, that we will
18 have the Hispanic Commission will try and concern themselves
19 with those concerns that affect the whole total Hispanic
20 population and not just the migrant Hispanic population.
21 The migrant population will be covered by the Migrant Com-
22 mission that is set up through the state.

23 CHAIRPERSON WICKWIRE: May I ask you, which county
24 is it that proposed to charge tuition for children of
25 illegal aliens?

1 MR. ARRIAZOLA: Prince Georges.

2 CHAIRPERSON WICKWIRE: Which?

3 MR. ARRIAZOLA: Prince Georges.

4 CHAIRPERSON WICKWIRE: Prince Georges, I see.

5 And what is the status of the driver's license situation
6 now?

7 MR. ARRIAZOLA: The status is that the booklet
8 has been written in Spanish and it was to have been imple-
9 mented I believe July 1. I don't think it was gotten out,
10 At the last Commission meeting there was a subcommittee
11 looking into that area and they were going to do some fol-
12 low-up work to see what counties had actually implemented
13 that driver's license --

14 CHAIRPERSON WICKWIRE: But this place that you
15 can take it in Spanish, is that correct?

16 MR. ARRIAZOLA: Yes.

17 CHAIRPERSON WICKWIRE: Mr. Owens?

18 MR. OWENS: Yes, I have one question. I don't
19 know if you can answer this at all, but this committee
20 is undoubtedly aware that the group of migrant laborers
21 are multi-ethnic in nationality. We have Hispanics, and
22 we have Black Americans, and we have Haitians, and I am
23 sure that there are White migrant workers as well as other
24 groups. It seems the problems that are encountered by
25 these groups are the problems suffered by members of these

1 various groups in society at large.

2 I am trying to figure realistically what position
3 would you expect to see the farm growers have with respect
4 to trying to do things to solve those problems? I mean,
5 obviously, their concern is to get the crops in the ground
6 and harvested, and the concerns of the migrant laborers
7 are many, manifold. What posture would you expect to see
8 the growers in with regard to trying to do whatever is
9 needed to help the various ethnic cultures involved in
10 the migrant labor pool?

11 MR. ARRIAZOLA: First of all, I think the farmer
12 himself needs to understand that not all ethnic groups
13 work or do the same type of work the same way. For example,
14 the Hispanic group might be a closer knit group than the
15 Black group -- I'm not saying that this is what is happen-
16 ing, but this might be one example of how the cultures
17 vary. The Haitian groups might do work, the same work
18 that the Hispanics might do, completely different. The
19 Hispanics might want to work from, say, 4:00 in the morning
20 until 9:00 in the morning and stop and some other group
21 might want to work all day.

22 The Hispanic groups come up here, they want to
23 bring their whole families because they are very -- they
24 might want to bring their extended family, let's put it
25 that way, because they travel by families.

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1 The general understanding of the culture I
2 think is very important to have a successful crew, that
3 you understand the habits, their way of life and their
4 way of thinking.

5 I don't know that I've answered you. I may have
6 confused you.

7 MR. OWENS: It was a rather subjective question.
8 Obviously, I was thinking of something a little more
9 basic. Perhaps your view might be, "Look, Mr. Farmowner,
10 while you won't actively support us and help us, just don't
11 stand in the way of other groups who may want to help."
12 If you could get that posture from the growers, I wondered
13 if that would be what you would realistically expect.

14 MR. ARRIAZOLA: I would say yes. Let those
15 agencies that have the service provide that service and
16 the agencies who let the crews provide the work that the
17 farmer needs.

18 MR. OWENS: Thank you.

19 CHAIRPERSON WICKWIRE: Does bringing extended
20 families sometimes make for problems of overcrowding?

21 MR. ARRIAZOLA: I would say that it would because
22 a camp is certified for X amount of people and if you bring
23 four or five children that will not be working for you,
24 that's four or five slots in that camp that are taken.

25 MS. EATON: Are there any representatives in

1 this area on the Hispanic Commission?

2 MR. ARRIAZOLA: Any representatives from -- just
3 myself from the Eastern Shore.

4 MS. EATON: You live on the Eastern Shore?

5 MR. ARRIAZOLA: I live in Salisbury.

6 CHAIRPERSON WICKWIRE: Thank you, Mr. Arriazola.
7 We appreciate your testimony. Would you please come up
8 give us your name and position for the record.

9 MR. POINT DU JOUR: My name is Jean Yves Point
10 du Jour. I am from Haiti and I am Haitian. I used to
11 work for Legal Aid Bureau in Salisbury, Maryland. I work now
12 for the Washington Lawyers Committee for Civil Rights.
13 My office is here at the Legal Aid.

14 I have been working with Haitian migrant workers
15 all over the East Coast for approximately three years.
16 I just wanted to make a few comments to this Commission.
17 And thank you for this opportunity.

18 I have a lot of questions that are of deep con-
19 cern to everyone working and dealing with migrant workers,
20 but there are a few things that I want to address to this
21 Commission.

22 The first thing which is very important is the
23 makeup of the migrant population on the East Coast. The
24 majority of the workers on the East Coast now are Haitians.
25 Every year more and more are joining the stream. Most

1 Federal, State and local agencies refuse to recognize this
2 factor and devise ways to deal with it effectively. Haitian
3 farmworkers have to know their rights. They have to be
4 educated about the kind of jobs, the kind of work they
5 are doing. This is to me the responsibility of the govern-
6 ment to find ways to let them know what their rights are.

7 It is very unfortunate that they have to do this
8 kind of work, but they are working here, they are living
9 here, they are paying taxes, and they are subject to the
10 laws, rules, and regulations and benefits so they have
11 to know exactly what their rights are. This is one of
12 the things that growers, crew leaders, and even some
13 officials tend to oppose.

14 Also, if they are going to be exploited, for
15 example, the only effort, by the way, that was done to
16 educate Haitians about the laws was done in 1981, winter
17 1981, when translated some books that were passed
18 on. It was family situation and it was that
19 was passed on to Haitians. That was the first time they
20 got acquainted with the laws, this law about the work that
21 they are doing. They did not know anything, nothing what-
22 soever about that work, which is agriculture.

23 If they are going to be exploited by growers,
24 farmers, crew leaders, and if they are going to be
25 discriminated against by agencies, they have to know what

1 to do and where to call for help.

2 For example, here, in this county, the food stamp
3 office, when they go there they told them all opposite,
4 "We have to take care of our legalized first." And then
5 at 4:00 o'clock, 3:30, they told them, "Well, listen, we
6 don't have enough workers now, it's too late now, we can't
7 wait on you, you come back tomorrow."

8 Or, for example, they set up an emergency phone
9 at the camp. Now, if something happens at night, at mid-
10 night, who is going to speak to them in their language
11 which is, by the way, Creole? Nobody, no one. If this
12 crew was not here, I counted only four Creole translators
13 on the Shore including me.

14 They called the police, they ended up being
15 charged, such was the case in Delaware about three weeks
16 ago. Here in Maryland, the police won't even talk to them.
17 They will talk either to the grower or the crew leader.

18 For example, about a very recent incident that
19 happened the night before last. There were five guys,
20 they were working for a crew leader. I think all agencies,
21 everybody here knows about it. They were working for him
22 and then there was a discussion, a dispute, about overpay.
23 It was \$4.50 for the week and he took it. The guy says,
24 "You have to leave me with something." And then he told
25 him, "If you don't want it, get out of my camp and I'll

1 call the police." So he called the police, the police
2 came to his room and talked to him and the next thing,
3 they asked this guy to leave. And he dropped them at mid-
4 night at the bus stop, at the Trailways Bus Station where
5 they spend the night until the morning I was called.

6 Mr. Owens, you were asking about the \$10.50,
7 who got the 50 cents back, there he is, that guy sitting
8 right there.

9 What really gets me a little bit upset is the
10 fact that this guy has been doing that since 1980. In
11 1980 the same thing happened, 1981 the same thing happened,
12 and 1982 the same thing happened. And also, almost every-
13 body you talk to around here on the Shore they tell you,
14 "Buddy (phon.) has a lot of work, he has a lot of work."
15 And you can ask those guys. -- well, I'm coming to that
16 anyway.

17 Haitian migrants continue to be abused and
18 exploited whether in Delaware, whether in Maryland, whether
19 on the Eastern Shore of Virginia. And where, by the way,
20 the Eastern Shore of Virginia it is worse than the two
21 of them because where the slavery plantation mentality
22 is much stronger.

23 They work, they do not receive a receipt, and
24 proper ones as required by law. I have some receipts
25 here with me. They don't know where the Social Security

1 taxes that crew leaders deduct, they don't know where that
2 money goes. And they continue to live in substandard
3 housing conditions throughout the Shore. Example, they
4 live in town at 14 West Main Street here in Salisbury.
5 There are 21 of them and each one of them pays \$20 a week,
6 that's \$1,600. I think they can rent an apartment in
7 Beverly Hills, California or downtown Manhattan, New York.

8 Whenever they complain about anything, they are
9 threatened with eviction from the camp. Here is one, the
10 Buddy situation. Another case in Delaware, I went last
11 week. The crew leader fired this guy, the reason: because
12 he told him he was running his mouth, for running his
13 mouth. And he threatened him with eviction.

14 Saying that migrants are happy people, this
15 bothers me a lot because I am available, I am going to
16 use that word, this is bothering me. That's not true.

17 Another thing, there were indeed improvements
18 made at the Westover Labor Camp, but there too busy ques-
19 tions that need to be asked and answered. One is mainten-
20 ance. If the camp does not have proper maintenance, it
21 is just like washing your hands with clean water and then
22 rub it out with mud.

23 The second thing is those improvements at the
24 Westover Labor Camp, are they long-term improvements or
25 are they short-term improvements? Because the camp may

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1 be improved over a period of five years, but at the end
2 of those five years you might end up with a need to have
3 another 5-year plan.

4 One example is the latrines. They are so bad
5 again this year, the same way they were, that before they
6 walk to the shower they have to put their finger in their
7 nose so they can go there. This year most agencies on
8 the Shore -- we're really lucky, the fact that they have
9 had Haitians that can interpret, but you never know in
10 the future, that might not happen and how are they doing
11 to solve the problems?

12 Finally, I would like to say that people who
13 are working with Haitians need to be educated with the
14 culture of the people that you work with. It is very
15 important. Most agency officials are guessing. They
16 are talking about things they don't know. They are saying
17 a lot of things about Haitian farmworkers that are far
18 from being true. I can forgive them because it is the
19 custom in this country to keep people ignorant about
20 the nature of things and themselves, but really this is
21 a matter of great, great, great concern to me.

22 If you have any more questions, you can ask me.

23 CHAIRPERSON WICKWIRE: May I ask you, in what
24 camp were these five gentlemen?

25 MR. POINT DU JOUR: They were at the Broad

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1 Luther (phonetic) Camp. It is --

2 CHAIRPERSON WICKWIRE: What's the name?

3 MR. POINT DU JOUR: Broad Lutheran, on Quantico
4 Road, about 14 miles from here in Wicomico County.

5 CHAIRPERSON WICKWIRE: Are there questions that
6 some of you have?

7 MR. FERRON: May I ask -- when the workers are
8 expelled from the camp, such as these five workers were,
9 and placed at the Trailways Bus Station, unless they have
10 someone like you, or unless they have a representative
11 from a governmental agency to communicate with them in
12 their language, or they have ready funds, they are out
13 on their own, is that correct?

14 MR. POINT DU JOUR: That's correct, they are
15 out on their own.

16 MR. FERRON: What generally happens in a case
17 like this were, say, you not available?

18 MR. POINT DU JOUR: Usual they stay there until
19 somebody calls or tries to find and take them to Legal
20 Aid, things like that. But there are helpless women in
21 that situation, in circumstances like that -- it happens
22 also to American workers. I remember last year I was
23 going down to Westover Camp and I saw two guys sitting
24 on a car and they said, "Do you know where Legal Aid is?"
25 I said, "Yeah, why, what happened?" They said, "Well,

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1 we have been evicted, we have been thrown out of the camp,
2 we have no money, we don't know what to do." So I know
3 of them to the office in Salisbury where they stay in a
4 motel and the next day tried to find them some subsistence
5 so they can go back to Florida. Otherwise they going
6 (Indistinguishable) they take them to some other office,
7 or they take them to the SS, there will be nobody there
8 to understand what they are saying. They wouldn't have
9 to call somewhere.

10 MR. FERRON: Has this ever happened to any of
11 the female workers?

12 MR. POINT DU JOUR: It happens to anybody, female,
13 male, family with kids, yes, it happens to everybody.
14 Last year in the group there were two women and two kids,
15 no, three kids.

16 MR. FERRON: I wonder if we could glance at those
17 receipts. Of course, we would return them. We were told
18 last night that these are --

19 MR. POINT DU JOUR: This is what he was given.

20 MR. FERRON: This is a pay stub --

21 MR. POINT DU JOUR: A pay stub.

22 MR. FERRON: -- a pay receipt.

23 MR. POINT DU JOUR: A pay receipt.

24 MR. FERRON: What would you estimate to be the
25 average net amount of weekly earnings for migrant workers?

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1 MR. POINT DU JOUR: Migrant worker?

2 MR. FERRON: Um-hmm.

3 MR. POINT DU JOUR: I'd \$25, \$50 a week, the
4 average.

5 MR. FERRON: Twenty-five to fifty dollars a week?

6 MR. POINT DU JOUR: Average. See what happen
7 is, the migrant, that's the way it is done. Most of the
8 time you have growers, they make a lot of money, they work,
9 they make a lot of money. There is plenty of work. But
10 what happens is in most fields you have problems. The
11 guy worked the first two weeks, he made \$70. That will
12 give me \$140, and then the next two weeks he is not doing
13 the work. So if you divide this \$140 into four, you come
14 up with about something like \$30 a week.

15 MS. EATON: Why is it that they work some days
16 and not others? Because of weather or because they bring
17 too many?

18 MR. POINT DU JOUR: I'd say too many is one and
19 if weather come, if it rains, they don't get it. Also
20 sometimes crew leaders come up here, when they come up
21 here they are going to find to look to work for them.
22 If you go to any camp, there is no worker with a contract.
23 Nobody knows what is going to happen.

24 CHAIRPERSON WICKWIRE: There are no contracts,
25 you say?

1 MR. POINT DU JOUR: Yeah, they were supposed
2 to be given a contract.

3 CHAIRPERSON WICKWIRE: But they were not given
4 a contract?

5 MR. POINT DU JOUR: No, no, they were not given
6 a contract.

7 CHAIRPERSON WICKWIRE: Nobody gets a contract?

8 MR. POINT DU JOUR: No.

9 MR. FERRON: No Haitians that you are aware of
10 get contracts.

11 MR. POINT DU JOUR: No, not this year.

12 MR. FERRON: We were told last night that they
13 are given contracts.

14 MR. POINT DU JOUR: Not this year, not this year.
15 All of them that I talked to --

16 CHAIRPERSON WICKWIRE: Do you think that is only
17 in certain camps, do you think there may be other camps
18 that --

19 MR. POINT DU JOUR: No, no, not -- I have
20 run across one contract only once in Delaware with a crew
21 leader and that was only for three weeks, he gave it to
22 them only for three weeks and that was it. Three weeks
23 or one week? I have a copy of that contract. But that
24 is all. I have never run into any crew leader on the
25 Eastern Shore -- the treatise with the contract.

1 When you come there you ask them, "Do you have one?" "No,
2 we don't have one."

3 I wanted to say something, too, it is a fact
4 that right now there is an increasing number of Haitian
5 crew leaders coming in the stream and they tend to be worse.

6 CHAIRPERSON WICKWIRE: Worse than the other crew
7 leaders?

8 MR. POINT DU JOUR: Yeah, than the other crew
9 leaders.

10 CHAIRPERSON WICKWIRE: Have they themselves been
11 workers before?

12 MR. POINT DU JOUR: Hmm?

13 CHAIRPERSON WICKWIRE: Most of them have been
14 migrant workers before?

15 MR. POINT DU JOUR: Yes, most of them were
16 migrant workers from 1975 they've been doing that and they
17 became crew leaders and field workers and then crew
18 leaders and they became worse. Also, some of them were --
19 I found out that some of them do carry guns and also they
20 were with the Macoutes still in Haiti.

21 MR. FERRON: I'm sorry, they were what?

22 MR. POINT DU JOUR: They were with the Macoutes
23 still in Haiti, Tonton Macoutes, they were the militia
24 in Haiti. And they give them licenses.

25 MS. EATON: You were here last night, you heard

1 the crew leader talking.

2 MR. POINT DU JOUR: Yeah.

3 MS. EATON: Why do you think we get so many not
4 true reports? He said that everyone of the workers he
5 has had a contract.

6 MR. POINT DU JOUR: Should have come down to
7 Westover and ask them whether they have a contract. That's
8 what he should have done. I know for sure he was lying.
9 I know he was lying.

10 MR. FERRON: Does he have Haitian workers?

11 MR. POINT DU JOUR: I don't know, I don't know
12 who is in this group. I know some particular crews down
13 Westover Camp, there have been two incidences of violence
14 that I know in Westover Labor Camp (inaudible) especially
15 this guy, this Black American worker. They don't have
16 nothing, they don't have no contract when I asked them,
17 told me, "No, we don't have nothing. We have no paper
18 whatsoever."

19 MS. EATON: Did you have any reports from women
20 that they have been mistreated? You, yourself, have you
21 gotten some of those reports?

22 MR. POINT DU JOUR: No, not this year. I know
23 last year but, no, not this year.

24 CHAIRPERSON WICKWIRE: Let me ask you, what are
25 these five gentlemen going to do now? Are they going to

1 get work?

2 MR. POINT DU JOUR: No, one of them is going
3 back to Florida at 6:00 o'clock, and the other four are
4 going with another crew leader.

5 CHAIRPERSON WICKWIRE: They will find some
6 other --

7 MR. POINT DU JOUR: Yes because they still want
8 to work.

9 CHAIRPERSON WICKWIRE: Were any of them going
10 to say something to us?

11 MR. POINT DU JOUR: If you want to, they can
12 say something to you. You ask them any questions you want
13 to. I'll be glad to translate for you.

14 CHAIRPERSON WICKWIRE: Do you people want to
15 ask them some questions? Mr. Owens?

16 MR. OWENS: Mr. Point du Jour, I certainly do
17 appreciate, and I am sure this committee does, your very
18 candid presentation today and I wonder if you might, from
19 your advantageous viewpoint of working directly with the
20 Haitian laborers, indicate to this committee, and we have
21 been trying to gather this information, what exactly are
22 some of the kinds of deductions that are taken from the
23 earnings of the laborers that would cause them, after
24 working a full week, to net only \$25 to \$50? What kinds
25 of things must they pay for?

1 MR. POINT DU JOUR: For example, sometimes
2 deductions that the crew leaders put down is rent money,
3 mostly rent money, or sometimes they might buy a soda,
4 because some of them, they don't usually -- they don't
5 drink alcohol or things like that. Let me see, they don't
6 buy cigarettes. Maybe some of them lend some money from
7 the crew leader is they don't have any. They need money.
8 Usually they pay cash, they have cash money with their
9 receipt. They get an account \$50, all right, I'll put
10 \$50 for social security taxes and that's it. They took,
11 you know, \$2 for them. Before he gave it to them, he took
12 it and then he give it to them in cash. No receipts or
13 nothing.

14 MR. OWENS: One final question, and it is slightly
15 on a different point, in looking at the receipts which
16 are given to the workers, if I am understanding what a
17 lot of presenters have said today, and that is that oft-
18 times the laborers do not speak or understand English.
19 When they are given a receipt which ostensibly evidences
20 the work that they have done for the week and are entitled
21 payment for, how do they know that the receipt accurately
22 reflects what they have done?

23 MR. POINT DU JOUR: Many times they are cheated,
24 they are being cheated. A lot of times they are being
25 cheated because they can't keep records and also the

1 crew leaders, they keep records, but sometimes if they
2 find out they are getting a little bit too much, they pay
3 them low, they give them something low. And sometimes
4 they have to remember whether day they picked 50 buckets
5 and you know charge them a little bit remember. That might
6 not be true a little bit more. They cannot ask him. If
7 they ask him, they are threatened with eviction. They
8 say, "You are getting too smart." Things like that.

9 MR. FERRON: Thank you.

10 CHAIRPERSON WICKWIRE: Are there particular recom-
11 mendations you would want us to make or things that you
12 think conceivably might improve this situation? You've
13 mentioned a couple of things, but go ahead.

14 MR. POINT DU JOUR: I, myself, I feel very frus-
15 trated because I see things are not getting better, things
16 are getting worse. Also, I think one of the things, like
17 I said, is to educate the Haitians about their rights,
18 educate the workers about their rights. Also, let growers
19 and crew leaders know that they cannot make policies in
20 one evening because they are making policies that
21 (inaudible). Also, people are working with agencies
22 have to be also educated before dealing or working with
23 the Haitians. This is something very important. They
24 have to educate about -- to be educated about the people,
25 the problems, and other stuff because a lot of them

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1 that I've worked with they totally ignore it.

2 MS. EATON: Would you be so kind as to ask one
3 of the workers how much do they pay, let's say, at that
4 store for a coca cola or for a half gallon of milk, or
5 whatever?

6 MR. POINT DU JOUR: This is a store -- the store --
7 there is a store. (Question asked in Creole and answered)
8 Sixty-five cents for soda.

9 CHAIRPERSON WICKWIRE: Sixty-five cents for a
10 soda. What about wine? Does the crew leader provide
11 wine?

12 MR. POINT DU JOUR: (Question and answer in
13 Creole). He serves beer, \$1.25. One beer.

14 CHAIRPERSON WICKWIRE: What about cigarettes,
15 what kind of prices?

16 MR. POINT DU JOUR: (Question and answer in
17 Creole) \$1.25 per pack.

18 MR. FERRON: Are these items always available?
19 I mean, are they stored there? Can they always go and
20 get a beer or cigarettes?

21 MR. POINT DU JOUR: (Question asked and answered
22 in Creole) Yes, they're always there.

23 MR. RUTLEDGE: You are talking about a store
24 that's on the camp or a regular store in the community?

25 MR. POINT DU JOUR: No, no, no, in the camp.

1 MR. FERRON: A loaf of bread.

2 MR. POINT DU JOUR: (Question asked and answered
3 in Creole). No, he doesn't sell bread.

4 MR. FERRON: But the women have to purchase food
5 to cook, how do they -- where do they purchase the food
6 from, the staples?

7 MR. POINT DU JOUR: (Question asked and answered
8 in Creole) They said they ask for a lift, they go out
9 to the street and ask for a lift and they go to market.

10 MR. FERRON: Do they understand how to use the
11 money say at a regular store or are they easily cheated?

12 MR. POINT DU JOUR: (Question asked and answered
13 in Creole) Yes, they say they understand.

14 CHAIRPERSON WICKWIRE: Does anybody else have
15 questions?

16 MS. WINSLOW: I'm hearing conflicting things
17 about minimum wage. Is the worker entitled to something
18 on a day when he does not work but is kept in the camp
19 because of either weather, crops not being ready, or
20 equipment not being ready? Is he entitled to anything?

21 MR. POINT DU JOUR: I'm not an authority on this.
22 I really don't know, but I think --

23 MS. WINSLOW: I haven't gotten an answer.

24 MR. POINT DU JOUR: I don't know, but I --

25 CHAIRPERSON WICKWIRE: He is not entitled.

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1 MS. WINSLOW: Not entitled.

2 MR. RUTLEDGE: He only gets paid for what he
3 picks.

4 MS. EATON: By law he is supposed to get the
5 minimum wage.

6 MS. WINSLOW: If this is the case, then if more
7 people are brought up than are needed, they are paying
8 rent and utility costs but may not be paid or earned, right?

9 MR. POINT DU JOUR: Right.

10 CHAIRPERSON WICKWIRE: Did any of these men use
11 food stamps, or try to?

12 MR. POINT DU JOUR: Yes. (Questioned and
13 answered in Creole) Yes, they have food stamps.

14 CHAIRPERSON WICKWIRE: Was there any problem
15 getting food stamps?

16 MR. POINT DU JOUR: (Questioned and answered
17 in Creole) No, they did not have a problem. This is the
18 crew leader was giving them a hard time to get them.

19 CHAIRPERSON WICKWIRE: Giving them a hard time?

20 MR. POINT DU JOUR: To get them, yes.

21 MR. FERRON: What was the nature of the hard
22 time?

23 MR. POINT DU JOUR: (Questioned and answered
24 in Creole) He says when the crew leader knows that they
25 have arrived, they have the particular date to go

1 to the food stamp office, he told them that he's not going
2 to take them, that he has work.

3 CHAIRPERSON WICKWIRE: Did they ordinarily have
4 to pay, when he took them on special trips or something
5 to the store, to the town?

6 MR. POINT DU JOUR: (Questioned and answered
7 in Creole) Yes, when they get out of the food stamp, they
8 said last time each one of them gave him a dollar so he
9 can take them to the store.

10 CHAIRPERSON WICKWIRE: I see.

11 MS. WINSLOW: If money is advanced to them, are
12 they charged interest?

13 MR. POINT DU JOUR: (Questioned and answered
14 in Creole) No, they said no, he won't lend them a penny.

15 MS. WINSLOW: They won't lend them.

16 CHAIRPERSON WICKWIRE: Are there any other ques-
17 tions? Mr. Owens?

18 MR. OWENS: Can we find out how many hours a
19 day did they work?

20 MR. POINT DU JOUR: (Questioned and answered
21 in Creole) They say sometimes they leave the camp at 6:00
22 and come back at 5:00 but they go on the bus for about
23 two hours to go and two hours to come back.

24 MR. OWENS: If they are put out of the camp and
25 they are unable to find additional work with other crews,

1 how will they get back to Florida or from wherever they
2 have come?

3 MR. POINT DU JOUR: We take them to the Depart-
4 ment of Social Services to give them emergency assistance
5 to go back to Florida.

6 MS. EATON: I want to know if they have seen
7 children in the fields working.

8 MR. POINT DU JOUR: (Questioned and answered
9 in Creole) They said yes. There was a Haitain and a kid
10 one day.

11 MR. FERRON: How old are the children?

12 MR. POINT DU JOUR: (Questioned and answered
13 in Creole) About 10, 12.

14 CHAIRPERSON WICKWIRE: Do they have hopes of
15 any other kinds of jobs? I take it they want to get out
16 of migrant work. What other kinds of opportunities?
17 What is it they would want to do if they would have a
18 chance?

19 MR. POINT DU JOUR: What they would want to do?

20 CHAIRPERSON WICKWIRE: Yeah, any other kind of
21 work. I am sure they don't like migrant work.

22 MR. POINT DU JOUR: I know for him, he told me
23 he applied for a job at McDonalds right there on Rte 50.
24 He told me that Buddy didn't want him to go, but he told
25 me this morning that the girl was about to give it to him.

1 And also because they don't have residences far from town,
2 so it is hard for them. One of them told me that he came
3 in town once to look for jobs and one of the agency called
4 Bud and tol Bud that he said he doesn't have work, the
5 crew leader doesn't have work, and when he came back to
6 the camp his crew leader yell at him and his wife.

7 MR. FERRON: One final thing. Can you ask each
8 one of them their educational background, how far that
9 each one has gone in school.

10 MR. POINT DU JOUR: Okay. (Questioned and
11 answered in Creole) Nothing, he has no education, the
12 first one. (Questioned and answered in Creole) He had
13 about ninth grade. (Questioned and answered in Creole)
14 Nothing, no education. (Questioned and answered in Creole)
15 Nothing. (Questioned and answered in Creole) About fifth
16 grade.

17 MS. WINSLOW: How long have they been in the
18 United States? A short time, long time?

19 MR. POINT DU JOUR: (Questioned and answered
20 in Creole) One year for most.

21 MR. FERRON: Do any of them have dependents or
22 families they have to take care of?

23 MR. POINT DU JOUR: (Questioned and answered
24 in Creole) He said he's got kids, he's the only one with
25 kids.

1 CHAIRPERSON WICKWIRE: What are the names of
2 these people, by the way? What are their names?

3 MR. POINT DU JOUR: One of them is Frantz
4 Wernet. His name is Gabriel Eugene. His name is
5 Raphael Desir. His name is Raynald DuBois. Joaneus Lero.

6 CHAIRPERSON WICKWIRE: If there aren't other
7 questions, I think we'll conclude.

8 MR. OWENS: I have one.

9 CHAIRPERSON WICKWIRE: All right, yes, Mr. Owens.

10 MR. OWENS: Please, can we find out from each
11 of them what they would consider to be the major problems
12 facing them in the migrant camp?

13 MR. POINT DU JOUR: (Questioned and answered
14 in Creole -- Frantz) He said his biggest problem is that
15 if he wasn't doing this kind of work this guy wouldn't
16 drop him in the bus stop like that and put him in that
17 situation.

18 (Questioned and answered in Creole) He said
19 his biggest problem is going to work with this crew leader
20 right now. He wants other work.

21 (Questioned and answered in Creole) He said
22 his problem is the guy took him from Florida, promised
23 him work and he give him nothing and drop him at midnight
24 in the bus station.

25 (Questioned and answered in Creole) He said

1 his major problem right now is that he left Florida, he
2 has two kids, they guy promised him work and he did not
3 give him work and instead of that he gave him more prob-
4 lems. He has got two kids, he would like them to be
5 educated. He would rather go back and stay in Florida,
6 he'll find something.

7 He said it is almost a sin that they don't have
8 nobody here, the guy keep them from Florida and drop them
9 here in the bus stop, receiving that kind of mistreatment
10 from him.

11 MS. SCHUMACHER: Were any of these people held
12 in detention camps when they came here from Haiti?

13 MR. POINT DU JOUR: (Questioned and answered
14 in Creole) Only two.

15 MR. FERRON: Dr. Wickwire, may I get a question
16 on the record to the Committee. On the basis of what this
17 committee heard last night from the crew leader, it appears
18 that there is some type of legal relationship that develops
19 when a crew leader implies a contract to the migrant workers
20 when they pick them up in Florida or wherever they might
21 be, and my question is whether or not the crew leader,
22 at least in this instance, has any legal obligations or
23 can any legal actions be instituted regarding a violation
24 of contract, implied or otherwise?

25 CHAIRPERSON WICKWIRE: Do you want to answer

1 that? The Crew Leaders Registration Act really takes care
2 of that, doesn't it?

3 MR. OWENS: I would think so.

4 CHAIRPERSON WICKWIRE: The Federal law is already
5 in place and our State law that goes into effect in January
6 is supposed to take care of this, isn't? In terms of a
7 contract, promises, in Florida or wherever, they are sup-
8 posed to be apprised.

9 The State law is really restating the Federal
10 law, and this goes into effect in January of '83, it is
11 my understanding.

12 MR. FERRON: In other words, there is potential
13 for legal action to be taken --

14 CHAIRPERSON WICKWIRE: If things were enforced,
15 it would seem to me, if we can get enforcement.

16 Mr. Yves Point Du Jour and you five, we thank
17 you for your presentation, and would you tell them that
18 we wish them well. That's an empty thing to say but we
19 do and we hope we can help change the situation.

20 (Statement translated by Mr. Point Du Jour)

21 CHAIRPERSON WICKWIRE: Thank you. We have 17
22 minutes left before we stop at 4:00 o'clock which we are
23 going to try to do, and we have two persons yet to speak
24 to us on the open mike sign-up. First is Dr. Ruth Singer
25 I think of the Department of Health and Mental Hygiene.

1 Dr. Singer. And would you please state your name and
2 position for the record.

3 DR. SINGER: I am Dr. Ruth Singer and I am the
4 director of the local health administration. I have the
5 line authority over all the county health offices in the
6 State of Maryland and I was hoping to speak to some of
7 the issues that were raised this morning with respect to
8 state-county relationships which will hopefully clarify
9 some of your concerns about the enforcement of the permit
10 authority.

11 I am sure that you must be wondering why if the
12 Commission on Migrant Labor recommended that permitting
13 authority be rescinded why the Health Department did not
14 comply with that recommendation. I believe that Mr. Resh
15 indicated that the distinction that has been made between
16 the State health department and the county health depart-
17 ment is a rather artificial one. Our county health depart-
18 ments are actually decentralized branch offices of the
19 State health agency and all of the employees on the Eastern
20 Shore, all of the county health department employees, are
21 actually the State health department employees.

22 The Health Officer has the unique position of
23 being jointly appointed by the local governing body,
24 nominated by the local governing body, and the appointment
25 is confirmed by the Secretary of Health. And, as Dr. Allen

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1 indicated, this gives the Health Officer the legal
2 authority to enforce both local and state ordinances. But
3 the area of concern that you are dealing with today is
4 clearly an area of state authority which has been delegated
5 to the local level for enforcement.

6 The enforcement is concurrently delegated to
7 Secretary Eischbaum. My own office has no direct legal
8 authority to enforce any of the migrant regulations. It
9 is very easy when there are difficulties at the county
10 level for somebody to state, "Give me four good men or
11 women and I can run a state-wide program and do it better."

12 The commitment that we have to a decentralized
13 delivery system goes back to 1922 when the first county
14 health department was established in Allegheny County and
15 I am looking particularly at some of our northern neigh-
16 boring states. The decentralized delivery system is some-
17 thing that we cherish and nurture because we feel that
18 it enables us to have a quick response and it enables us
19 to integrate our services with other organizations in the
20 community.

21 You could see from your discussion that the
22 problem of migrants certainly goes well beyond the housing
23 and the environmental features of the camps and extends
24 into education, health and nutritional services in which
25 the health department becomes involved through its

1 employees in an integrated way through the grassroots level,
2 and we think that that's something that we should preserve.
3 But we feel that there is a mechanism to hold the health
4 offices accountable. My own office is responsible for
5 evaluating their performance and that we are much more
6 committed to working out the problems and making the
7 system work for us rather than saying, "All right, we are
8 concerned that it is not working well and we are going
9 to rescind it and do it ourselves."

10 You've heard that we really don't have the man-
11 power in the central office and the enforcement such as
12 permitting is of very short duration. It is labor-inten-
13 sive for the agriculture industry and it is labor-intensive
14 for hour employees in that they have got to put some other
15 projects on the back burner and spend a lot of time doing
16 this. In terms of going back and seeing that the correc-
17 tion is made, you have to be on the spot and not with a
18 cast who is scattered round the state, and we really don't
19 think that it is very workable to run this with the one
20 sanitarian that we have right now in the central office.

21 In terms of the staffing of the local health
22 departments, the funding formula which involves county
23 and state funding provides a ratio of one sanitarian per
24 11,000 population. When the formula was originally
25 devised in 1955, it was one in 15,000, so it has

1 improved somewhat. But that means for some of our small
2 counties on the Shore, and there are several that have
3 populations in the 25,000 range, they are only entitled
4 to, say, two sanitarians and an aide. They don't enjoy
5 the old public water and sewer systems that our metropolitan
6 subdivisions do, so that they have the burden of a very
7 broad spectrum of programs.

8 We did try in the last session of the legislature
9 to have the ratio changed to one to 7,000; however, we
10 don't compete well with the constituency groups from mental
11 health and mental retardation services because the people
12 who we inspect and regular just don't march around the
13 statehouse saying, "My goodness, my food establishment
14 hasn't been inspected in a timely fashion and we need more
15 resources to do it." So that we suffer in that there just
16 isn't a broad base constituency group for public health
17 services, and it is something that we are very well aware
18 of.

19 You are talking about the migrants. A very
20 interesting thing to look into is what happens in poor
21 Worcester County, which is funded on its wintertimer popula-
22 tion and has to deal with the hundreds of food establish-
23 ments that open up for a six month period during the summer-
24 time. We have very special problems in recreational areas
25 that go beyond the migrants into the Barbeque spots, the

1 chicken barbeque that you will see as you go up Route 50.
2 They are a special problem for the shore and for Garrett
3 County during the summertime that our manpower ratios don't
4 really address well.

5 Ms. Winslow asked about supplementary manpower
6 and I did want to give credit especially to Dr. Wickwire
7 here to our good mental colleague from Johns Hopkins
8 School of Hygiene who were very helpful during the investi-
9 gation of the outbreak -- the gastroenteritis outbreak.
10 We do have preventive medicine residents from the School
11 of Hygiene who are being assigned now year-round to our
12 epidemiology offices, and I think that Dr. Allen greatly
13 appreciated the help and the timeliness in which they were
14 able to do a very thorough, sophisticated investigation
15 and we do look to them for support.

16 I did want to say something about the EEO issues
17 that you raised in pointing out that it is a state merit
18 system that the health offices are the local appointing
19 authority; however, all of the appointments must be made
20 from the top five candidates on the state list.

21 The turnover in the rural health departments
22 is very low, as Dr. Allen indicated, and very often when
23 we are talking about sanitarians who must be bachelor
24 degreed, baccalaureate graduates with 30 degrees of science
25 credits or for any of our personal health care specialists,

1 be it speech or nursing, we are very often grateful in
2 these counties to have a candidate at all because that
3 is the kind of expertise that is just not widely available
4 in the rural areas and for some particular categories,
5 such as nurse-midwives, one can have the grant and wait
6 15 months until you have a candidate emerge at all who
7 is available to work in that jurisdiction.

8 So I think that is an issue that, although
9 Phyllis Cripplin (phon.), the head of our office, has
10 talked to us about, it is one that in many instances is
11 really beyond our control to deal with. We are really
12 at the mercy of a very complex merit system that doesn't
13 distribute the specialties as they would like to see it.

14 As far as outreach activities by the health de-
15 partment, I would say that one of the problems that we
16 have had is that a great many federal projects that grew
17 up during the sixties bypassed the official state and local
18 health agencies. Maryland is a state that has one of the
19 highest per capital expenditures in the nation for public
20 health services and yet the programs that grew up that
21 were categorical and targeted to meet special needs used
22 a mechanism of direct grants that bypassed the states.
23 And, of course, the attempt to consolidate these into the
24 blocks is an attempt to try to have more localized planning.

25 The funding for migrant services has remained

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1 outside the province, and one of the concerns that we have
2 is that we can't really integrate the health department
3 funding and the funding that flows directly from the Federal
4 Government into the counties very well because we don't
5 really have the clout to do it. So that there is no money
6 that goes directly to any of our Eastern Shore health
7 departments that is targeted categorically for migrant
8 services. It is a mix that competes with the deinstitution-
9 tionalization from the state hospitals and all of our
10 other programs for special dependent populations.

11 CHAIRPERSON WICKWIRE: Thank you. Are there
12 questions?

13 MS. WINSLOW: I would like to ask just about
14 the water. I heard two things: the Legal and Aid and
15 Dr. Allen, two things, what is the program on the water?
16 Is it drinkable? Is it not?

17 DR. SINGER: I think Dr. Allen can answer that
18 best.

19 DR. ALLEN: The water in Somerset County -- the
20 Somerset County residents say they don't like the taste
21 of it. That's natural minerals in the water. The taste
22 of the water is not a criteria for its safety. The water
23 in the camps is safe.

24 MS. WINSLOW: But the nitrate content?

25 DR. ALLEN: The nitrate content of the water

1 in the camp is almost zero. It is not a problem.

2 CHAIRPERSON WICKWIRE: That's in Westover you're
3 talking about?

4 DR. ALLEN: Westover.

5 CHAIRPERSON WICKWIRE: But other camps may be
6 in a different situation?

7 DR. ALLEN: I think the camps in Somerset are
8 all -- we've had no inmate problem in Somerset County.

9 CHAIRPERSON WICKWIRE: Thank you. All right,
10 we have one more open mike speaker. Thank you, Dr.
11 Singer. Mr. Frank Dunbar, an attorney. Would you please
12 state your name and position for our record.

13 MR. DUNBAR: Yes, my name is Frank Dunbar. I
14 am an attorney practicing in Annapolis, Maryland, and I
15 am one of the organizers of the Citizens Party of Maryland
16 that is concerned with human values. It is a small group
17 of people who are trying to develop a political party that
18 is not controlled by corporate interests. A very diffi-
19 cult problem.

20 I spent 20 years practicing civil rights law
21 with the Justice Department and seven of those years as
22 a Deputy Assistant Attorney General. We dealt with some
23 problems concerning migrants at that time. Since I have
24 left the government, I have become involved more and more
25 in prison work because that seems to me to be the bottom

1 line of the civil rights problem. We end up with 8.5 times
2 more Blacks in prisons than Whites in terms of their ratio
3 to population.

4 I came here really to observe, to learn about
5 the migrant problems so that our party could respond to
6 it and deal with it, but I've asked to speak because I
7 kept hearing things that gave -- I guess maybe I have a
8 perspective on things that is different than some people
9 and I thought I would like to share that with you.

10 I kept hearing similarities to the questions
11 of prisoners' rights. I heard talk from the State Attorney
12 General's Office about visitation rights, and we had a
13 sanitation person come in and talk about sanitary problems.
14 I asked him outside about what the ratios ought to be in
15 the camps. He says there's some standard that he follows
16 that says the ratio should be 15 to one with respect to
17 sinks and toilets and showers, and that surprised me a
18 little bit because the American Correctional Association
19 standard I think is less than that in the prisons.

20 Then I hear about overcrowding, which also is
21 a big issue in our prisons around the state, and the
22 delivery of medical services. And then someone mentioned
23 telephones, 30 miles to get to a telephone, one of the
24 things I do is represent the inmates at the Baltimore City
25 Jail and I have been pushing hard to get more telephones

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1 in there because people's rights will be enforced better
2 if they can communicate with the outside world, if they
3 can get in touch with someone that can come help them.

4 So all these similarities made me think a lot
5 about what may be the underlying issue, and I haven't heard
6 the word mentioned yet though it was alluded to by the
7 fellow from the legal services. The underlying word is
8 slavery.

9 The 13th amendment abolished slavery in the
10 United States except for convicts, except for people con-
11 victed of a crime. As far as I know, these workers have
12 never been convicted of anything.

13 I would also like to remind the Commission that
14 the State of Maryland has never abolished slavery.
15 Slavery is not against Maryland law, it can still be prac-
16 ticed and apparently is sometimes.

17 We need to look at what are the attributes of
18 slavery. It hasn't really been defined very well because
19 many of the attributes can be found I think in the
20 migrant situation and certainly in the prison situation.
21 The question of persons not being paid for their work,
22 or being paid so little that it amounts to virtually no
23 pay. Maybe the committee should look at the total payroll
24 and the total hours worked rather than try to pick apart
25 piece by piece to get a sense. I have a feeling that

1 the growers have a top figure, that's what they can afford
2 to pay for labor and that's what they are going to pay.
3 irrespective of the hours.

4 In any event, other attributes of slavery, it
5 seems to me, are no choice, lack of choice. Prisoners
6 can't decide when to put the lights on or turn them off
7 at night, or when they're going to eat or not eat. I hear
8 with transportation you have no choice about whether you
9 can go to buy something or go to the store at all.

10 One of the attributes of slavery that the Supreme
11 Court finally recognized is the matter of discrimination.
12 Of course, they are talking about racial discrimination
13 as being an attribute of slavery in the Myers case in 1968,
14 just as the Congress was getting racial discrimination
15 in housing. The Supreme Court found that such discrimina-
16 tion was really already covered by the anti-slavery
17 statutes of the post-Civil War ear and they extended that
18 to private schools in a case arising in Arlington a few
19 years later.

20 The discrimination I heard about today was
21 the fact that the standards allow, in migrant camps, pit
22 toilets, and I kept trying to find out afterwards out in
23 the hall about how that standard came about and whether
24 the same standard would apply if I were to buy a house
25 and rent it out to somebody, could I rent it to them with

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1 a pit toilet? Or could I run a hotel with a pit toiler?
2 I don't think I can. I think that pit toilets are only
3 for migrants, which makes me feel as if the discrimination
4 is alsmot -- is kind of -- there's humans and then there's
5 migrants.

6 The soda pop analogy, too, that we just heard
7 about, 65 cents, and sodas in this building, for the record,
8 are 30 cents.

9 The thing I worry about, I guess, is that the
10 Committee here is trying to fine tune a machine that is
11 basically defective, and that we need to look for other
12 solutions. That is one of the things that some of the
13 people in the Citizens Party are trying to do, we are trying
14 to say that the choice isn't between A and B, which has
15 been the classic debate over the years, the choice is in
16 another perspective. There is some other place to go with
17 this. I think we see the real need for full employment
18 and adequate pay. I mean, my God, people who work shouldn't
19 be eligible for food stamps, shouldn't need food stamps.
20 People who work ought to be paid enough so that food stamps
21 isn't a problem and the transportation in and out of town
22 to buy food isn't a problem, they have some freedom of
23 choice about what they are going to do with their lives.

24 It strikes me as really strange that the excuse
25 given all the time is that it is so seasonal, we are only

1 talking about a few weeks of the year. The guy who runs
2 a ski lodge only runs it for part of the year but he makes
3 enough money out of it to last him the whole year. And
4 the grower may only have a short growing season, but he
5 makes enough money out of it to last the whole year.

6 Why is it that the entrepreneurs, it's okay for them to
7 charge enough to pay themselves for a year, but charge
8 enough to pay the workers for a year.

9 The real dilemma for me at least, considering
10 our interests, is that in this area particularly we are
11 talking about an allocation of resources, talking about
12 money. The bottom line is money. I don't want to take
13 divorce cases anymore because when you get through all
14 the emotional garbage, the bottom line is bucks, who's
15 going to have economic freedom when this is all over, if
16 anybody.

17 Here we have a conflict between workers, and
18 I am supportive of workers, and consumers because if the
19 price of the tomatoes go up, you know, the consumer, and
20 I'm in support of the consumer, and also the privately
21 owned businesses. We are talking about mainly small
22 businesses... The growers are not all big corporations.
23 A lot of these growers are small business people and I
24 support them as well. It seems to me that we have got
25 to figure out ways that all parties come out of that

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1 better. You say, "Well, how do you do that? Where has
2 it gone?" I look around and I see this beautiful room
3 with its paneled walls and its sophisticated sound system
4 and somewhere out of there the money came for this. We
5 had the money for that, we didn't have the money for the
6 housing.

7 Also, in an area such as this where unemployment
8 is so high you wonder why are we dealing with migrants.
9 The growers are not migrants so why are the workers migrants?
10 That gets back to that whole thing about part-time and
11 full-time stuff.

12 I suppose that somewhere along the line, the
13 grower is borrowing money from banks that are charging
14 a lot more money for it, the packers are advertising some-
15 how and the advertising agencies are in nice air conditioned
16 buildings someplace. The money is getting siphoned off
17 somewhere but it seems to me there has to be a basic
18 reallocation that gets more to the hands of the workers
19 and keeps the prices down for the consumers and offers
20 a decent profit for the owners, the growers. It is a tough
21 one. I would like to see us work at it from that angle
22 rather than trying to pick apart all the little pieces
23 and maybe get good records kept on how much each person
24 gets paid.

25 CHAIRPERSON WICKWIRE: Thank you, Mr. Dubar.

1 I think that we will conclude with this. We will not give
2 an opportunity for questions I think because we are com-
3 mitted to stopping at about 4:00. Let me say first of
4 all, Thank you, Frank, we appreciate your statement.

5 If there are those of you who have statements
6 that you didn't get a chance to make that you would like
7 to send Yvonne Schmacher and add to what has gone on here
8 today, she would be very pleased to receive it.

9 I would like to thank all of you for your
10 patience. I would like to thank the staff for what they
11 have done to make this possible and to the members of our
12 committee and all of those who came and participated
13 and presented testimony. I would say now that our meeting
14 is concluded and one of these days you are going to be
15 getting our report. Thank you.

16 (Whereupon, at 4:04 p.m. on August 5, 1982, the
17 meeting was adjourned.)

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CERTIFICATE OF REPORTER

This is to certify that the foregoing transcript
In the matter of: CONDITIONS OF MIGRANT LABOR CAMPS ON
EASTERN SHORE

Before: U.S. COMMISSION ON CIVIL RIGHTS
MARYLAND ADVISORY COMMITTEE

Date: AUGUST 5, 1982

Place: ROOM 106
NORTH DIVISION STREET AND ROUTE 50
SALISBURY, MD

represents the full and complete proceedings of the
aforementioned matter, as reported and reduced to type-
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