

Graft Mars the Recruitment of Mexican Guest Workers

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TAMPAMOLÓN CORONA, Mexico — Cástulo Benavides, a union organizer, came to this forgotten mountain town to tell its men how to get legal jobs in the tobacco fields of North Carolina.

But this year he introduced them to a change in a longstanding practice: the men will not have to pay anyone to get those jobs.

“That’s something that we won with the union,” Mr. Benavides explained to the workers in the sweltering municipal auditorium here. “We are stepping on some people’s toes, and we’re doing it hard.”

The response, if that is what it is, has been brutal. In April, Mr. Benavides’s co-worker Santiago Rafael Cruz was bound and beaten to death at the union’s office in Monterrey, in northern Mexico.

The Ohio-based union, the Farm Labor Organizing Committee, says the killing was a political attack after the union cleaned up corrupt practices of recruiting workers, like charging them a fee to be hired.

Mr. Rafael Cruz’s killing comes as the United States Senate has restarted debate on a long-stalled immigration package that proposes an expanded guest worker program. But the way those workers are recruited in Mexico has received little attention in the debate.

Before planting and harvest time in the United States it has been common for local recruiters to fan out across Mexico’s parched countryside to sign up guest workers. The recruiters charge the Mexicans hundreds of dollars, sometimes more, for the job and the temporary visa that comes with it.

“That line of corruption touches both countries,” said Baldemar Velásquez, the president of the union. “And the people at the bottom in Mexico end up paying the price.”

The aftermath of Mr. Rafael Cruz’s killing has rippled all the way to Washington.

On May 8, Representative Marcy Kaptur, an Ohio Democrat, and a dozen other legislators wrote to President Felipe Calderón of Mexico and the governor of the state of Nuevo León, of which Monterrey is the capital, urging them to thoroughly investigate the killing and provide protection for the rest of the Mexico staff of the farm workers’ union.

Closed-circuit cameras have been installed in the union offices, and the police provide regular patrols.

A spokesman for the Nuevo León attorney general’s office would not comment on whether the police were investigating leads related to Mr. Rafael Cruz’s work. The spokesman asked not to be identified, according to department policy.

The union opened its office in Monterrey two years ago to help the 6,000 Mexican guest workers it represents in a collective bargaining agreement with the North Carolina Growers Association, a group of 650 farmers.

The association includes most of the growers in the state who employ legal guest workers, said Stan Eury, its executive director. Even so, a majority of farmers in North Carolina, as in the rest of the United States, hire undocumented immigrants.

Last year the United States issued about 37,100 temporary visas for agricultural workers, said Todd Huizinga, a spokesman for the United States Consulate in Monterrey. Mexico accounted for 92 percent of them.

In Monterrey, part of the union's work has involved monitoring the association's Mexican recruiting agency, called Manpower of the Americas. That company sends out local recruiters to hire the workers and then processes their visas at the consulate.

After a lawsuit led to a settlement between the union and the growers' association in 2005, all of the workers' recruiting fees were dropped for two years. For now it is the growers, not the workers, who must pick up recruiters' charges, along with the costs of the visas.

"We did everything we could to get the word out," Mr. Velásquez said. "We took away a gold mine from these operators."

Since the start, though, the union has been threatened and harassed in Monterrey, he said. Its office was broken into twice and computer equipment was stolen.

Mr. Rafael Cruz, 29, who was originally from Oaxaca, began working with Mr. Benavides in Monterrey in February after working for the farm workers' union in the United States. He was sleeping in the union's office while looking for an apartment.

Mr. Velásquez was careful to exclude the growers' association and the local recruiting agency's management from his allegations. Local recruiters working for other agencies may have felt threatened by a series of meetings the union held in March, union workers say.

"Who knows what underling was trying to prove himself," Mr. Velásquez said.

Mike Bell, president of the recruiting agency, Manpower of the Americas, said his company kept a tight rein on its local recruiters.

"I was already doing a good job policing before the union ever showed up," said Mr. Bell, a North Carolina native who said his company sent about 12,000 Mexican workers — including the 6,000 in North Carolina — to jobs all over the United States.

"We don't sit outside some bar and say, 'Everybody pay up and we'll get you a job,' " he said.

Aside from the agreement reached in North Carolina, there is nothing to stop the recruitment abuses, experts on the guest worker program say.

Roman Ramos, a paralegal at Texas Rural Legal Aid in Laredo, has followed the agricultural guest worker program, known as H-2A, for 25 years. He was skeptical that the agreement would have a wide impact. "There is no indication from any source that what is happening in North Carolina is in any form, way or fashion happening anywhere else in the country," he said.

"Other recruiters are still charging workers," he added. "Everybody makes money out of these guys."

The starting rate is typically \$600, he said. That figure includes an unspecified fee that is split between the local recruiter and the agent who has been contracted to supply workers to the American employer.

Once workers return home with money from their work, it is common for the recruiter to stop by again. Workers know that a couple of hundred dollars in cash, or maybe a goat or a sheep, will get them on the list next year.

Two years ago, Juan Bonifacio González gave about \$450 to a woman here everybody knew as “La Tolentina,” who promised to get him a legal guest worker visa. After months of promises she disappeared. Mr. González borrowed the money from a local moneylender and says he is still paying back his loan, which has tripled with interest.

There are no jobs in this town of 14,000, lost in the steep hills of the state of San Luis Potosí. The mayor recently invited the farm workers’ union to come and speak about legal job opportunities in North Carolina, where the federally mandated wage for agricultural guest workers is \$9.02 an hour.

That seems a fortune to the mostly Nahuatl-speaking Indians here, where the average wage is less than \$4 a day.

A few had worked in North Carolina and wanted to go back. Florencio Hernández Angelina spent the past three harvests there. This year he wanted help in changing employers. The grower splits her work force between legal guest workers and illegal migrants. “She gives us fewer hours,” Mr. Hernández said.

She prefers the illegals, he said, because she pays them less.