

## Activists Panting Over Lawsuits

With recent victories over the three corporate giants: YUM! (parent company of Taco Bell), McDonald's and now Burger King, the Coalition of Immokalee Workers out of Florida have had a clean sweep of concessions including wage and other considerations for their tomato harvesters.

And with these three articles cited below, some context on the matter and possible implications for other agricultural interests in Florida may be put into perspective. (Only, it will most assuredly not be an unbiased context, as you will read.) Here then is the first- "*Florida Farmworkers Chop Up Burger King*," by Elly Leary for the *Monthly Review* at: <http://mrzine.monthlyreview.org>:

"The dusty calles (streets) and campos (fields) in Immokalee, Florida are abuzz with the news of a fresh victory over a fast food giant: Miami-headquartered Burger King. Those farmworkers/campesinos who remain in Immokalee -- the tomato season there ended in April -- will probably get their news through the low-powered radio station, Radio Conciencia, a project of the **Coalition of Immokalee Workers** (CIW). There is every reason to believe that through informal networks, migrant tomato pickers, now following tomatoes up the east coast, will hear of their victory.

"The Burger King surrender is the third for the farmworkers' organization, the Coalition of Immokalee Workers (CIW) in a protracted campaign to force the fast food industry to be accountable for the production of their staples. The agreement between the CIW and Burger King, the nation's second largest hamburger chain, was signed on Capitol Hill on May 23, 2008. Modeled after those the CIW struck with YUM! Brands (parent company of Taco Bell) and McDonald's, the agreement provides an additional penny per pound to workers who harvest its tomatoes (as well as ½ cent per pound to growers to defray administrative costs), a zero tolerance code of conduct which terminates contracts with growers who break the law, and a joint process to monitor compliance."<sup>1</sup>

But, not content to sound the trumpet for the Florida farmworkers, Mr. Leary then proceeds to extol their virtues and present their case in his own fashion with:

... "Farmworkers in Florida are part of this chain of misery. Farmworkers in the US live in poverty. Poverty and hunger go hand in hand. Surveys place the farmworker income somewhere between \$7,400 and \$12,000<sup>1</sup> a year. The fast food agreements would increase pay for Immokalee tomato pickers by 75%, bringing them closer to the \$18,500 living wage figure for that town.

"The story doesn't end there, however. Farmworkers in Immokalee are part of the large migration of family and small farmers (campesino/as) who have been displaced from their home in Mexico and Guatemala. Mercilessly undercut by international agri-business, now that NAFTA and similar pacts have opened up borders, they are no longer able to feed their families and sell the rest of their crop. As a last resort, they have fled north to eke out a living. Florida's fields are one of the places they land."<sup>2</sup>

And, just in case you did not get his point, Leary next castrates the food industry giants by presenting evidence from the court cases that is not conducive to

their own interests, (curious absent however, any slight hint of wrong on the other side of the courtroom in the migrant workers' corner.)

Was there wrongdoing on the side of the business people? I was not in court to hear it myself, but I can tell you that you will not arrive at any fair judgment of the facts by reading this writer's diatribe on the subject.

Next up? The Maine *Sun Journal*, with this—a soiree of writers, directors and producers get together in New England with filmmaking on their minds. And the main course? A little tidbit called "*Immokalee USA*," featuring the self-same group of migrant workers. Only, this time they are typecast as the hero and heroines in a documentary film. And the villains of the film? I will let *you* guess who they might be. Here is the clip from the website:

"WATERVILLE - The Maine International Film Festival will bring 100 films and some of the industry's most innovative filmmakers from the Netherlands, Chad, Switzerland, Canada, France and the United States to the area July 11-20.

"Hosted at the historic Waterville Opera House and the Railroad Square Cinema, the festival provides an expanded view of the world and offers a unique opportunity for movie enthusiasts to talk with some of the writers, producers, directors, actors and musicians who are in front of and behind the scenes.

... "Two films - "Keepers of the Trail," about trail keepers going from northern Maine to Canada, and "Immokalee USA" - highlight the Maine-centered offerings.

"Immokalee USA" is a documentary about today's migrant farm worker, a necessary yet frequently forgotten group living in the shadows of America's massive food production machinery. The film could be called "Anywhere U.S.A." because Immokalee (though in Florida) is a community, like thousands, that depends on a massive influx of migrants who plant, pick and process our daily food.

"Here, Maine-based (Penobscot) director George Koszulinski's at times invisible camera follows a family of undocumented workers as they work hard, raise their children and are systematically exploited with poor conditions, menial wages and the threat of prosecution constantly hanging over them.

"Immokalee U.S.A." has a fascinating cast of characters, from Panchito, the lonely romantic who plucks his guitar with a weary hand, to the heartbreaking Mateo Diego, whose grasp on reality seems to fade with each succeeding interview.

"The 77-minute film will be shown at 9:30 p.m. Saturday, July 19, at the Waterville Opera House. Koszulinski will attend the festival."<sup>3</sup>

Completing our trifecta of offerings, here is another media comer, from the site, *Creative Loafing* out of Tampa, Florida. Again, I will let you guess which side they chose to back. Here's a little hint from the article, for those that might still be doubtful:

"Burger King, however, was digging in its heels, and with anti-immigrant sentiment on its side, BK was steadfastly refusing to grant the pay raise."<sup>4</sup>

Give up? Need another hint? Okay, how about this quotation?

... "a series of brazen corporate blunders forced "the King" to concede right before Memorial Day, and the farmworkers are proclaiming another victory on the road to a fair food system."<sup>5</sup>

Don't you just *LOVE* the contemporary media these days? I mean, they are s-o-o-o unbiased, aren't they? And, once again, I was not adjudicating these cases, nor am I especially enamored of any of the principals involved. I just do not like cases being tried in the court of public opinion.

And in case you missed it, here is the rest of the piece just cited twice previously:

"After congressional hearings on the conditions of workers in the fields, and an intervention from Vermont Senator Bernie Sanders, BK finally agreed to cough up the approximately \$325,000 it will cost to almost double the farmworkers' wages.

"At a press conference on May 23, Amy Wagner, Burger King's senior vice president for global communications, announced that BK would pay the additional penny per pound of tomatoes picked.

"The growers will charge an additional penny to BK's re-packers, accumulate that cost and then BK is to reimburse the growers.

"The press release issued by BK featured an extremely rare example of a mega-corporation actually admitting fault for unethical tactics.

"We apologize for any negative statements about the CIW or its motives previously attributed to BKC [Burger King] or its employees and now realize that those statements were wrong. Today we turn a new page in our relationship and begin a new chapter of real progress for Florida farm workers," said Burger King CEO John Chidsey in the press statement.

"Burger King also agreed to work with the CIW to enforce a code of conduct for how workers are treated in the fields. To encourage growers to participate in the deal, BK will add on an extra half-cent per pound to pay for payroll taxes and the costs of passing on that penny, which will end up raising workers' wages from roughly \$50 to \$90 per day.

"The struggle to actually get that money from Burger King to the farmworkers isn't over. The Florida Tomato Growers Exchange (FTGE), a statewide industry group, had previously told its members they couldn't pass on the extra penny-per-pound from Taco Bell or McDonalds, or they would face a fine of \$10,000 per farmworker. Now the FTGE has backed off on the fine, but is still advising its members not to participate in the deal with BK or the other fast food chains.

"So what's next for the Mexican, Guatemalan and Haitian migrant farmworkers who have triumphed in battles with three corporate giants?

"CIW co-founder Lucas Benitez called on Subway and Wal-Mart to step up and use their purchasing power to help end the suffering of workers in the fields.

"He also singled out Chipotle and Whole Foods as companies that "make claims of corporate responsibility but when it comes to their tomatoes, they fall short of their lofty claims."

"It's time now that those companies live out the true meaning of their marketers' words," said Benitez."<sup>6</sup>

That's right...sue all those big corporate money-hogs! Only, I have a question. Could someone answer it for me, please?

It is just this—who is going to buy Florida tomatoes after you have run all the businesses out of the state? Someone? Anyone?

<sup>1</sup> Elly Leary, "Florida Farmworkers Chop Up Burger King," 3-5-08. Website at: <http://mrzine.monthlyreview.org/leary300508.html> (accessed 6-28-08)

<sup>2</sup> Ibid.

<sup>3</sup> SunJournal.com, "Creating a scene Acclaimed writers, directors and producers will focus in on Waterville for Maine International Film Festival," June 28, 2008. Website at: [http://www.sunjournal.com/story/272202-3/Entertainment/Creating\\_a\\_scene\\_Acclaimed\\_writers\\_directors\\_and\\_producers\\_will\\_focus\\_in\\_on\\_Waterville\\_for\\_Maine\\_International\\_Film\\_Festival/](http://www.sunjournal.com/story/272202-3/Entertainment/Creating_a_scene_Acclaimed_writers_directors_and_producers_will_focus_in_on_Waterville_for_Maine_International_Film_Festival/). (accessed 6-28-08)

<sup>4</sup> Andrew Stelzer, "Farmworkers get a Whopper of a win," 06-04-08. Website at: [http://tampa.creativeloafing.com/gyrobase/farmworkers\\_get\\_a\\_whopper\\_of\\_a\\_win/Content?oid=454791](http://tampa.creativeloafing.com/gyrobase/farmworkers_get_a_whopper_of_a_win/Content?oid=454791). (accessed 6-28-08)

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.