Momentum for Immigration Reform
By Bruce Goldstein and Adrienne DerVartanian

Immigration reform for farmworkers continues to be a priority for FJF. As demonstrated by the Immigration Policy Brief recently published by FJF, immigration reform is a timely topic gaining momentum in Congress this year.

FJF actively advocates for the passage of the Agricultural Job Opportunities, Benefits and Security Act of 2005 (“AgJOBS”), S. 359/ H.R. 884. The chief sponsors in the Senate are Senators Larry Craig (R.-Idaho) and Edward Kennedy (D.-Mass.) and in the House they are Representatives Chris Cannon (R.-Utah) and Howard Berman (D.-Cal.). If enacted, AgJOBS would (1) create an “earned adjustment” program enabling some undocumented farmworkers and H-2A guestworkers to obtain temporary immigration status with the possibility of becoming permanent residents of the U.S. by continuing to work in U.S. agriculture for three to six years, and (2) revise the H-2A temporary foreign agricultural worker program.

Indigenous Farmworkers Raise Concerns About Workplace Safety and Access to Services
By Shelley Davis

About twenty-five indigenous farmworkers, mostly from Oaxaca, Mexico, gathered at the PCUN hall in Woodburn, OR on July 26, 2005, for a community forum. The forum featured a report back to the community of job safety concerns raised by indigenous workers in focus groups conducted in Oregon. Indigenous outreach workers who had led the focus groups, Valentin Sanchez and Santiago Ventura of Oregon Law Center (OLC), Carmen de Jesus of PCUN, and Maria Cortez of Salud Farmworker Justice Fund, Inc. www.fwjustice.org Volume 18, No 1    Fall 2005

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Combined Federal Campaign The Farmworker Justice Fund, Inc. participates in the Combined Federal Campaign ("CFC"). Federal employees may make tax-deductible donations through the 2005 CFC to support FJF’s work on behalf of farmworkers. Please remember FJF during the holidays. FJF appears on the CFC National List of organizations. FJF’s identification number is 1075 (do not use the number in our annual report, as CFC initially issued an incorrect number). Thank you.
Momentum for Immigration Reform
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In addition to AgJOBS, two major Senate bills to reform our immigration laws are the Secure America and Orderly Immigration Act (the Kennedy-McCain bill), S. 1033, introduced by Senators Kennedy (D-Mass.) and McCain (R-Ariz.), and the Comprehensive Enforcement and Immigration Reform Act of 2005, S. 1438, introduced by Senators John Cornyn (R-Tex.) and Jon Kyl (R-Ariz.). The Kennedy-McCain bill contains an earned legalization program for undocumented workers in the US and would create a new guestworker program with portable visas in which workers could transition to permanent legal status after 4 years. The Cornyn-Kyl bill would create a limitless, largely unregulated guestworker program and includes an unrealistic plan for certain undocumented workers in the US to apply for Deferred Mandatory Departure status that would force them to leave the country within five years. Both bills are discussed in more detail in the Immigration Policy Brief.

In the House, many immigration bills in addition to AgJOBS have also been introduced, including the House version of the Kennedy-McCain bill, H.R. 2330, co-sponsored by Rep. Kolbe (R-Ariz.), Flake (R-Ariz), and Gutierrez (D-Ill.). Representative Shelia Jackson Lee (D-Tex.) introduced the Save America Comprehensive Immigration Act of 2005, H.R. 2092, which makes broad reforms to the broken immigration system and provides three different ways for undocumented persons to earn legal status.

Rep. Tancredo (R-Colo.), a vociferous opponent of immigration, introduced two mean-spirited bills, H.R. 3333 and H.R. 3700. Rep. James Sensenbrenner (R-Wisc.), the powerful Chair of the House Judiciary Committee and also a restrictionist, announced that he is introducing a comprehensive immigration bill.

At press time, the Republican Congressional leadership and the White House were signaling a strong interest in moving immigration despite the need to respond to Hurricane Katrina’s devastation, fill two Supreme Court vacancies and finish the annual budget process. AgJOBS could remain a stand-alone bill or be added to other legislation. ■
In August 2005, Irasema Garza accepted an invitation to join the Board of Directors of the Farmworker Justice Fund. A former farmworker, Ms. Garza since 2003 has been the Director of the Women’s Rights Department of the American Federation of State, County and Municipal Employees (AFSCME). She was named by Hispanic Magazine as one of the 100 most influential Hispanics in the country.

Ms. Garza received a bachelor’s degree and a law degree at the University of Michigan. Ms. Garza has had a long career in public service. She was nominated by President Clinton, and unanimously confirmed by the Senate, to serve as the Director of the Women's Bureau in the U.S. Department of Labor (1999-2001). From 1994-1999, Ms. Garza served as the first Secretary of the U.S. National Administrative Office for the North American Agreement on Labor Cooperation, concentrating on international labor affairs. Prior to her political appointments, Ms. Garza worked as an attorney and public servant in Ann Arbor, Michigan, where she was a labor union activist.

Irasema has been a longtime friend of FJF and was a member of FJF’s Advisory Council. She has been a vigorous advocate for farmworkers, especially for women farmworkers, in each of her capacities. Her creativity, energy and commitment help to strengthen the Board of Directors and enhance FJF’s effectiveness. We thank Irasema and AFSCME for their willingness to support FJF’s efforts.

FJF welcomes our new staff attorney/policy analyst, Adrienne DerVartanian, who joined us in May 2005. Adrienne is a graduate of Oberlin College and the University of Georgia School of Law, summa cum laude. As a law student, Adrienne interned at the Legal Aid of North Carolina’s farmworker unit, Catholic Social Services’ immigration unit, and other public-interest organizations.

After law school, Adrienne served as a law clerk for the Honorable Duross Fitzpatrick in the U.S. District Court for the Middle District of Georgia. Following her clerkship, she was a Georgetown University Women’s Law and Public Policy Fellow at the National Partnership for Women and Families, where she focused on legislative issues, including employment discrimination and welfare reform, particularly issues affecting women of color. Most recently, 2002-2005, Adrienne practiced family, housing, and public benefits law as a staff attorney with the Legal Aid Society of the District of Columbia, where she represented many immigrant workers. She speaks both English and Spanish.

At FJF, Adrienne will focus her efforts on advocacy, education and training regarding immigration and labor policy.

FJF Welcomes Its Newest (and Cutest) Farmworker Advocate

Staff Attorney Virginia Ruiz and her husband are the proud parents of David Ruiz Rubinstein, born on May 1, 2005. He weighed 7 lbs., 5 oz. at birth and was 21 inches long, but has since more than doubled his weight and is several inches taller. Welcome to the FJF family, David!
Indigenous Farmworkers
continued from page 1

Medical Center, presented the report. In addition, Shelley Davis of FJF gave a talk on pesticide safety and how workers can enforce their right to workplace protections. Small group discussions followed the formal program, which gave forum participants an opportunity to voice their own concerns about job safety and the challenges they face in obtaining needed services. The event was sponsored by the OLC and its partners PCUN, FJF, Salud Medical Center, and Portland State University, which are collaborating in a four-year project funded by the National Institute for Occupational Safety and Health (NIOSH). The purpose of the project is to identify and address key job safety concerns of indigenous farmworkers in Oregon and improve their access to culturally competent health and social services in that area.

Some common themes emerged from the focus groups. A number of workers stated that their employers did not put much effort into complying with safety protections concerning pesticides, field sanitation or paid work breaks. As one worker put it: “In some places you swallow dust and when you speak to [the employer] about it they laugh sometimes, because they are not interested in the law...they’re not interested in people’s health. What they are interested in is that people work and that they are productive. That’s what’s important; they’re not interested in whether you’re tired, if you need water, if you’re in the heat or the cold. They are not interested.” Another worker noted that even when workers are ill they are afraid to notify the employer for fear of retaliation. “I mean, even though [the workers] may not feel fine, they are quiet—they don’t talk because they run the risk of being fired by the boss, since he gives them shelter and everything...That is real life, that exists in any field that you go to.” Yet another noted that a worker who reports an injury gets fired. “Simply with the fact that [an injury] gets reported...the boss immediately does this: they give you the [last] check and no work. Why? ‘Because I don’t need you like that, the way you are injured.’ Because I have seen cases like that. And the boss, as it goes, just washed his hands [of the worker].”

Language barriers are also an obstacle for many indigenous workers who are not fluent in English or Spanish. As one worker explained: “In some of the places where I go to work they have played [training] videos, but there are words that I don’t understand.” These and other focus group comments underscore indigenous workers’ need for training, assistance in enforcing their rights and difficulty obtaining needed services in a language that they understand.

Through the NIOSH-funded project, PCUN and Salud have been able to hire bilingual (Mixtec/Spanish) staff to assist indigenous workers and the OLC has been able to retain trilingual (Mixtec/Spanish/English) outreach workers hired in 2002. As a consequence, indigenous workers already are experiencing some improved access to health care and worker organizations, and continue to receive assistance from legal services. In the year ahead, the project will develop safety training materials in indigenous languages and pilot test a peer education model for reaching these workers. Experts estimate that 40% of Oregon’s 103,453 agricultural workers are indigenous.
On July 27, 2005, Congresswoman Lucille Roybal-Allard (D-Cal.) introduced a bill that would greatly improve the protections afforded to children working in agriculture. Known as the Children’s Act for Responsible Employment of 2005 (or the CARE Act), the bill would make five major changes to the existing child labor provisions in the Fair Labor Standards Act.

First, the minimum age at which children in agriculture could do particularly hazardous jobs would increase from 16 to 18 years, thus making the protections in agriculture the same as now exist in all other industries. However, the CARE Act would retain the existing exception that permits children employed by their parents on the family farm to perform such particularly hazardous jobs.

Second, in the case of non-hazardous employment, the minimum age for employment in agriculture would be raised to age 16, the same minimum age that now applies to all other industries except agriculture. The only exception would be in the case of 14- and 15-year-olds in specific jobs (with limitations on hours that can be worked) that the Secretary of Labor determines would not interfere with their schooling, health, and well-being. This part of the CARE Act would repeal various exemptions in agriculture that now permit children as young as 10 years old to work on farms.

Third, penalties for violations of the child labor law would be increased. The current maximum penalty of $11,000 for each employee who suffers a violation of the law would go up to $50,000. In the case of a willful or repeat violation that leads to the death or serious injury of a child worker, the maximum civil penalty would be $100,000. The CARE Act would impose a minimum civil penalty of $500. The maximum criminal penalty would increase from six months’ imprisonment to five years.

Fourth, in order to improve the educational opportunities of farmworker youth, the CARE Act would authorize $10 million for programs that provide school retention services such as tutoring, mentoring, and academic and vocational counseling.

Finally, protections against pesticide exposure would be enhanced by making the Environmental Protection Agency’s Worker Protection Standard (WPS) a part of the child labor regulations. This change would enable the nationwide corps of U.S. Department of Labor’s Wage and Hour Division investigators to investigate WPS violations affecting children working in agriculture, and to impose civil money penalties for violations.

FJF worked with Congresswoman Roybal-Allard’s staff, as well as other interested parties, during the drafting stage of this legislation, and will provide continuing assistance as the need arises.
We thank the Award Committee, attendees and sponsors for helping us hold a successful, sixth annual Farmworker Justice Award Reception, on May 17, 2005 in Washington, D.C.

Domingo Gonzalez, FJF Board Chair, presented the 2005 Farmworker Justice Award to Baldemar Velasquez, President of the Farm Labor Organizing Committee, AFL-CIO, based in Toledo, Ohio. Baldemar led successful campaigns that forced Campbell’s Soup, Vlasic Pickles and other midwestern food processors to negotiate with workers and farmers to improve wages and working conditions and establish a dispute resolution system. In 2004, FLOC reached a historic agreement with North Carolina growers, who annually hire about 8,500 Mexican citizens under the H-2A agricultural guestworker program, and led a successful boycott against the Mt. Olive Pickle Co. Baldemar richly deserves our award for effective advocacy on behalf of migrant and seasonal farmworkers.

Angela Fischman, daughter of Irma Flores Gonzales, presented the Irma Flores Gonzales Award to Charles Kamasaki and Cecilia Muñoz of the National Council of La Raza (NCLR). This special award honors Irma Flores Gonzales, our Board member and former Chair of the Board of Directors of NCLR who passed away in December 2004, leaving a legacy of building institutions that advance the cause of farmworkers. Charles Kamasaki, NCLR’s Senior Vice President and Cecilia Muñoz, NCLR’s Vice President for Research, Advocacy and Legislation, are two of the most respected public-interest advocates in the nation’s capital. Their extraordinary guidance and generous assistance have enabled FJF to grow and enhance its effectiveness in advocacy on behalf of farmworkers.

We appreciate the financial support of the event sponsors who made the reception possible and advance our work on behalf of farmworkers.

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FJF participates actively in the National Farmworker Alliance (NFA), a coalition of farmworker advocacy and service organizations that promotes improved farmworker housing, education, employment and training services, health, labor law protections and immigration status. Over the summer, the NFA launched a public awareness campaign that included the launch of a website, www.foodandfarmworkers.org, and a series of press conferences.

The first press conference took place on June 8, 2005 in the U.S. Capitol. Speakers at the press conference included Lupe Martinez, Chair of the NFA, who is also CEO of UMOS in Wisconsin and Chair of MAFO, a partnership of farmworker organizations; Senator Larry Craig (R-Idaho), sponsor of AgJOBS, S. 359; Representative Raul Grijalva (D-Ariz.), Vice-Chair of the Congressional Hispanic Caucus; Enedelia Cisneros, a migrant farmworker based in Texas who works in Ohio and Michigan; Elvin Martinez, an Illinois farm supervisor, and Michele Waslin, PhD., Director of Immigration Policy Research, National Council of La Raza. FJF's Bruce Goldstein spoke as well.

The press conference highlighted the AgJOBS bill and appropriations legislation regarding programs for migrant health, education, employment and training, and labor law enforcement. In his written statement, Senator Craig said that "[t]he vote on AgJobs demonstrated that this bill remains the only legislative proposal, to date, that enjoys a clear majority of support in the Senate and a chance of becoming law." Senator Craig expressed his commitment to getting a vote on AgJOBS "in the coming months, moving AgJOBS forward, and getting it enacted into law."

The press conference also featured photographs of farmworkers by Rick Nahmias, who generously loaned several pieces from his exhibit, “The Migrant Project: Contemporary California Farmworkers,” for the event.

Univision, the Spanish language news network, aired a story about the press conference and an interview with Enedelia Cisneros. Several newspapers, including the BNA Daily Labor Report and La Opinión, also covered the event.

Two additional press conferences took place on July 12, 2005, via telephone conference call, one for Texas reporters and one for California reporters. Each press conference included a local farmworker and a local farm operator, as well as Lupe Martinez and FJF's Bruce Goldstein. Karla Rojas, a migrant farmworker based in Texas who also works in Minnesota, and Isabel Rojas, a longtime California farmworker who belongs to the United Farm Workers Union, each gave moving accounts of the difficulties that farmworkers face to put healthy food on our dinner tables. An article by the Associated Press appeared in numerous outlets, including the Fresno Bee and The Sacramento Union. Also, independent stories appeared in newspapers such as the Brownsville Herald.

The public awareness campaign is succeeding at promoting Fairness for Farmworkers. Other organizations that belong to the Alliance include the National Council of La Raza, the United Farm Workers of America, the Association of Farmworker Opportunity Programs, UMOS, the National Migrant and Seasonal Headstart Association, among others.
Mpowerment: New AIDS Prevention Project Targets Young Migrant Men

By Steven Diaz

FJF is entering its fourth year of collaboration with Vista Community Clinic in San Diego County, CA with a new project targeting young migrant men who have sex with men. The project, called Mpowerment, includes counseling and testing for HIV/AIDS and prevention messages. This community-level intervention for young men who have sex with men uses a combination of informal and formal outreach, discussion groups, creation of safe spaces, social opportunities, and social marketing to reach a broad range of young men with messages on HIV prevention, safer sex, and risk reduction. Mpowerment’s local coordinator, Albert Genegaling, launched the program at the Latino Gay Pride festival in San Diego, CA. Vista Community Clinic collaborated with the California Department of Health to provide 20-minute HIV tests at the Clinic’s booth. Events for the project will include discussion groups at Alma Latina community center in Vista, CA. On September 17, 2005, a large social event called "North County Day at the Park" took place at Brengle Terrace Park in Vista, CA. This event included a volleyball tournament, raffles, snacks and of course, HIV information. We are excited and looking forward to working with Vista Community Clinic for another successful year of HIV prevention programming.

Media Recognize FJF’s Expertise

Journalists around the country recognize FJF’s expertise on issues important to farmworkers. The media turn to FJF for information on a range of subjects, including research data on farmworkers, toxic pesticide use in agriculture, models for health promotion in farmworker communities, labor rights, government labor law enforcement, and immigration policy.


In one story, Deputy Director Shelley Davis summarized the situation for farmworkers exposed to pesticides in the fields, pointing out that “farmworkers are being used as guinea pigs out there. There are alternatives available to the growers that would cost a little bit more. I think most consumers would be willing to pay a little bit more and not have to read about children being born with birth defects.” John Lantigua and Christine Stapleton, Risks of combined pesticide use uncertain: Three chemicals used in Ag-Mart’s Immokalee field have been shown to cause deformities in lab animals, PALM BEACH POST, March 20, 2005.

In the immigration context, after the April 2005 vote regarding AgJOBS yielded majority support, but not the 60 votes needed, Executive Director Bruce Goldstein observed that although “[w]e’re disappointed in the outcome of the vote,” “[i]t [the vote] demonstrated we have a bipartisan compromise that has substantial support.” Josh Gerstein, Immigration Law Vote Stall in the Senate, THE N.Y. SUN, Apr. 20, 2005.

FJF frequently helps other individuals and organizations obtain media coverage. In May, FJF played a leading role in the public relations to promote the National Farmworker Alliance’s Fairness for Farmworkers Agenda. See the article titled Fairness for Farmworkers Campaign for more detail.
HIV/AIDS Education
Materials for Youth
By Myrtelina Gonzalez

“Teenagers, especially young women and men in disadvantaged urban communities of color, are poised to become the tragic new face of AIDS in the United States.”
-- The Kaiser Family Foundation, 1999

The alarm sounded by the Kaiser Family Foundation (KFF) -- of an HIV/AIDS epidemic among youth - has largely come to pass. KFF only failed to predict that it would affect rural as well as urban youth. The Centers for Disease Control and Prevention (CDC) found that there are approximately 40,000 new HIV infections in the United States every year, half of them affecting people under the age of 25. Moreover, approximately 10,000 cases annually strike youth between the ages of 13 and 20.

According to the CDC, about 75% of youth infected by HIV/AIDS are gay and bisexual men or black or Latina women, infected through heterosexual sex. Other high risk groups of young people include youth of color, youth exploring same-sex relationships, drug and alcohol abusing youth, sexually abused or exploited youth, out-of-school youth, the homeless and migrant youth.

Since 1999, FJF has used its Promotores de Salud model to reduce the spread of HIV/AIDS and sexually-transmitted infections among migrant youth. Using this approach, FJF has created a culturally appropriate program which strives to develop strong leadership within the migrant youth community. To further this aim, FJF invited 10 of its youth promotores de salud to work with the Rural Women’s Health Project (RWHP) to create a unique tool to communicate effective HIV prevention messages to their peers.

ANNOUNCEMENT

Imported Labor in the U.S.: A Symposium on Guestworker Programs and Foreign Contract Labor


The purpose of this conference is to educate worker and immigration advocates, the media, and Congressional staff about foreign contract labor systems, including guestworker programs, that have operated in the United States during the past 150 years. Several Congressional proposals on immigration policy would create new guestworker programs or expand existing ones to address the presence of undocumented workers in this country and to regulate future migration. This symposium will provide people with essential information about the operation of guestworker programs and international labor contracting systems in the U.S. so that they may evaluate proposals for guestworker programs and devise their own policy suggestions.
**HIV/AIDS Education**
*continued from page 11*

For a week these young men and women gathered in South Padre Island, TX, to develop three fotonovelas (comic book style stories with health education messages) and accompanying posters. Each of the stories was written, photographed and acted out by the youth themselves. Importantly, all the fotonovelas reflect the teens’ language and highlight situations that young people typically encounter. With assistance from RWHP and FJF, the three colorful youth fotonovelas and posters were recently published and are available to the public. Each fotonovela is in both Spanish and English, and conveniently folds to the size of a letter, fitting easily into a pocket or purse.

In creating these fotonovelas, FJF promotores took pains to ensure that they were culturally and linguistically appropriate, easy to read with visual appeal, and had a clear educational message. The stories touch on issues such as substance abuse, condom use, fear of disclosing same sex orientation, and stigma. Their prevention message are aimed at both individuals who are HIV infected and uninfected.

The fotonovelas are titled *Rude Awakening / Un Cruel Despertar; The Gift of a Lifetime/El Regalo de Toda Una Vida; and Man… protect yourself/Hombre … protéjete*. *Rude Awakening* focuses on Inocencio, a young man with a serious substance abuse problem. *The Gift of a Lifetime* shows what can happen to a young women who has unprotected sex; and *Man… protect yourself* addresses male to male sex and safety issues.

To order copies of the fotonovelas or posters, please contact the Rural Women’s Health Project at (352) 372-1095.

**FJF Offers Book for Sale: Espejos y Ventanas/ Mirrors and Windows**

*Espejos y Ventanas / Mirrors and Windows* is a bilingual collection of oral histories of Mexican farmworkers and their families, edited by Mark Lyons and August Tarrier, published recently by New City Community Press. Mark Lyons is a long time friend of FJF who has been working with farmworkers for many years. The book provides “a mirror for the Mexican community, to reflect on their own lives and the journey that started in Mexico,” and “a window for the Anglo community in the United States, to see into the lives of their Mexican neighbors … who came across our southern border with the same dreams as our ancestors…”

The book’s narrators describe their journeys and their lives and work around Kennett Square, Pennsylvania, “the Mushroom Capital of the World.” Carlos Diaz-Nuñez, a retired mushroom worker, tells how he first came to the U.S. as a *Bracero* in 1959 to work in California’s fields. Now he is Vice President of CATA, the Farmworker Support Committee that helped launch a strike against Kaolin Mushroom. Another migrant, María Serrato de Zavala, described her family’s journeys to the U.S. and her work in a packing house, often for 14-hour days, five days per week. She reveals the complex emotions shared by many immigrants: “I didn’t want to buy our house in Kennett Square because my dream was to go back to Mexico someday. But I gave in . . . for all of my family . . . I dream of going back to Mexico . . . Here [in the U.S.] you don’t suffer, because you have a lot to eat, but for the peaceful life, there is Mexico.

We encourage you to read *Espejos y Ventanas / Mirrors and Windows*. We have a limited number of copies available for sale and a portion of the proceeds will benefit FJF. Please send $20.00 by check or money order to Farmworker Justice Fund, Inc. at 1010 Vermont Ave., N.W., Suite 915, Washington, D.C. 20005 and we will mail you a copy of the book.
Enclosed is my tax-deductible donation of $_________. Please place me on your mailing list.

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FJF, 1010 Vermont Ave., NW, Ste. 915, Washington, DC 20005.

The Farmworker Justice Fund, Inc. plays a leadership role in advocacy for migrant and seasonal farmworkers in the nation's capital. For twenty-four years, FJF has been helping empower farmworkers to improve their wages and working conditions, labor and immigration policy, health and safety, and access to justice.

Please help the Farmworker Justice Fund, Inc. continue and expand its work by making a financial contribution to our work.

Thank you very much.