

RENEWABLE FORESTRY SERVICES, INC.
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March 8, 1996

Ms. Janet Reno
U. S. Attorney General
Justice Department
Washington, DC

Dear Ms. Reno:

My name is David Ellis and I plant trees for a living, mostly in Georgia. I started planting trees when I was 18 in the Rocky Mountains. By age 22 I had my own company going and spent the first eight years doing reforestation contracts, primarily for the U. S. Forest Service, taking what I was learning and promoting that knowledge to private landowners and consultants. Today I work mostly with consultants and private landowners. I am now 36.

I am writing you because our industry has become dependant upon migrant labor, and as you know, we have more than our share of problems. When our industry started going migrant, I was against it at first. I worked very hard to help stop abuse of migrants and to put breaks on the decline in wages. The most constructive task I did was to covertly supply information to the legal system which sued the U. S. Dept of Labor, forcing our industry to be included under the Migrant Seasonal Worker Protection Act. I also supported the new laws which made hiring illegals a crime.

Now through no fault of my own I have to violate some of the laws which I supported and believed in order to operate my company. I do not want to do this, but with the labor shortage our industry faces I, along with other forestry contractors, must rely on undocumented works and/or workers who have false papers. Generally speaking, a crew of migrants seeking work will consist of a mixture of people having good papers, fake papers and no papers. I will not participate in helping workers obtain fake papers even though those services are available.

After two years of red tape, I have finally received clearance from the U. S. Department of Labor to get working visas for 22 guest workers for nine months and am now seeking the visas from the INS. This brings me to the point of this letter. I am supposed to recruit the workers from Mexico and not hire people in this country. That is the way the rules are written; however I did not get my DOL clearance until after the government shutdown, and when we got the clearance, changes had to be made before processing the next step, the visas.

In the meantime, it was time for me to start planting trees, and since I had no clearance in hand, I went looking for workers here in Georgia. I found them in the Vidalia onion growing belt and started my winter season. I have told the workers that I have been given clearance to get temporary work visas for 22 people and that I will file for those who want to work for me this spring and summer. I have explained that the law says they can only work for me and only work in forestry; that it is a violation of the visa for them to do agricultural work. They can't legally work in the onion harvest. Most of them want to work in the onions, so they are reluctant to let me sign them up. My visas are for H2B workers, not H2A. With the onion harvesting season soon at hand and the breaking of spring which brings on a demand for more workers throughout the forestry and agricultural industry, I would like to recommend the following:

1. That forestry and agriculture go by the same rules: that they all become H2A workers.
The minimum wage for forestry workers is six dollars per hour, while the minimum wage for onion workers is five dollars per hour for guest workers.
Compromise it and make it \$5.50 per hour for both.
2. That registered crewleaders be allowed to use workers in both industries.
3. That INS, in cooperation with the US DOL, streamline the visa process and facilitate the process for farmers, crewleaders, and contractors to get temporary working papers for their workers.
4. Create an amnesty program specifically for agri/forestry workers and employers. Now that most of the government people who process H2A and H2B workers understand the mechanics of it, a six-month amnesty program could allow those who want to comply with the law the chance to do so.

Everybody is afraid of the government and very few business people are willing to go to the government with their needs. It has taken me close to two years to get permission from the US DOL to request visas from INS. I can't say how long it will take to get the actual visas, but 60 to 90 days will not surprise me once I have submitted all the paper work. This time frame needs to be reduced.

A program properly administered to allow temporary working visas for our industry is greatly needed and is good for the country. Historically, migrants have played a vital roll in keeping our nation's food supply moving. Every American every day of his/her life consumes food which has been planted, picked and/or processed by a migrant worker.

These migrants have done a tremendous service to our nation in keeping food cost down. We have in turn done Mexico a grand service by creating an income source for many of their people (good family people) which is seven times greater than the income they can make back home. Most of these people are good people, like most of the farmers whose livelihood is dependant upon the workers are good and honorable people. We just need to make the next step towards integrating the migrant subculture into our society so that everybody wins.

The current laws are being enforced to stop illegal immigration and abuse of workers. I applaud this from the bottom of my heart. It is my own hypocrisy which drives me to write this letter and I know hundreds of American farmers and foresters share my concerns. I believe millions of Americans would stand in support of streamlining and dealing with this issue for our nation's benefit if they too realized just how dependant they are on these workers.

In closing, let me point out that a very large percentage of the migrants who got permanent residence status have moved out of the migrating agriculture stream. Many of them are now working in the food processing industries, while others have moved into construction work and other higher skilled jobs. This is why we in forestry and agriculture are again faced with a shortage of workers. I have also noticed that some of the population of workers who got residence status have moved into the welfare and unemployment traps and are falling into the same troubles as many Americans who are lost in that world. The temporary visa process will prevent this from occuring and we as a nation need to be aware of this.

I could on and on with what needs to be improved upon and will be glad to share my insights with your agency. I pray that you seek to act on my recommendations and I would be honored to answer any questions you have.

Respectfully Yours,

RENEWABLE FORESTRY SERVICES, INC.

David M. Ellis
President