HARVESTING EXPECTATIONS:
FARMWORKER ADVOCACY IN NEW YORK

by

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Abstract

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How are low-wage, immigrant workers' interests promoted and suppressed? Drawing on theories of political empowerment and resource mobilization, this dissertation develops a power analysis of the efforts of advocacy organizations to improve conditions for immigrant workers in the lowest paying jobs. Relying on participant observation and extensive interviews, I conducted two field studies—one of New York farmworkers and one of their advocates. I also interviewed employers, government representatives, and legislators. Incorporating scholarly work on social movements, interest groups, immigration, and race and ethnicity, the dissertation argues that the collective mobilization of farmworkers—mostly undocumented Latinos—is inhibited by workers' legal status and transnationalism. Moreover, employers foster quiescence in their workers through encouraging ethnic succession, controlling job access, and influencing the development and implementation of state labor regulations. In response, advocates have coordinated farmworker organizing efforts, legal cases, and a legislative campaign, all with the aid of a number of allies. This resulted in raising public awareness, educating and empowering workers, and successfully promoting pro-farmworker legislation.

I examined relations among these three groups—workers, employers, and advocates—to give a comprehensive account of the barriers and routes to political empowerment of new non-citizen immigrants, the political processes leading to pro-worker legislation, and the hostile response of elites (government and private) to the claims of advocates. My results show that advocates are necessary, but not sufficient, for workers to advance their interests. Advocates produced real, if limited, gains for workers, and succeeded in gaining them some access to the U.S. political system. However, they did not alter the deep structural constraints that inhibit workers' power. The confines of advocacy power and a deficit of participation on the part of the workers themselves prevent more success. Moreover, workers' collective action is inhibited by a robust network of agricultural elites, closely allied with state actors, which circumscribes their working lives and suppresses their political imagination. In light of the increase in the number of undocumented, low-wage workers in the U.S., pending national guestworker legislation, and the growing influence of Latinos in the U.S., my case study has implications for the broader Latino population.

Preface

The topic of this dissertation is part of a longer trajectory in my academic and professional career. My master's degree was in Latin American politics and human rights. My interest in these topics deepened during the course of my tenure at the National Labor Committee (NLC), a New York City-based NGO dedicated to exposing labor abuses of sweatshop workers around the world and pressing for an improvement of their working conditions. With the NLC, I had the opportunity to travel to Guatemala, Honduras, and El Salvador to help interview garment workers sewing clothes for U.S. multinationals and U.S. distribution. After working at the NLC, I took a job at World Hunger Year (WHY), an umbrella organization helping grassroots organizations around the country in their efforts to remedy local poverty problems with proactive responses. Through these professional experiences, I earned a less formal education in labor politics, human rights, and advocacy that spurred my interest in these topics.

When I moved to New York's Hudson Valley, I had plans to return to graduate school and was thinking about possible dissertation topics. The move focused my interest on Latino workers in the region and I began to conduct research on Hudson Valley farmworkers. I also got in touch with Richard Witt, executive director of Rural and Migrant Ministry (RMM), an acquaintance of mine who was involved in nonprofit efforts to help New York's rural populations. Over the course of a long dinner I explained my interest in pursuing a dissertation on the topic of New York farmworkers. We discussed the theories he found relevant to his own work, especially those of Freire and Piven and Cloward. It turned out that he was a former student of my adviser, Frances

Fox Piven. That meeting with Witt, in the summer of 2000, set in motion the research that would culminate in my dissertation.

Witt invited me to familiarize myself with the work of RMM by joining the organization's resource development committee and sharing my professional expertise on fundraising. I later became chair of that committee and a board member of the organization. Witt was the key person in helping me form relationships with other farmworker advocates around the state. In 2001, I began to attend meeting of the Justice for Farmworkers' Coalition (JFW) as a member and to inform my research. While my initial contact with farmworker advocates in New York was based on my interest in pursuing their efforts as a dissertation topic, I also became involved with them as a farmworker advocate myself.

My personal relationship to this research should make it obvious that I am not a detached or disinterested researcher. I have been directly involved in supporting the work of RMM, JFW, and the Centro Independiente de Trabajadores Agrícolas/Independent Farmworker Center (CITA). In addition to volunteering my professional expertise through my board membership to RMM, I have also contributed to JFW with my time and strategy input. I have further supported the work of RMM and CITA with monetary donations. In the course of my research I have developed personal relationships with many farmworker advocates.

At the same time, I have conducted my research as an academic and held myself to high methodological, professional, and ethical standards. This study was designed from below, after the model of many labor scholars who choose to tell a story from the point of view of the laborers and their advocates instead of their employers and the state.

It tries to incorporate the personal experiences of the worker and advocates I met and interviewed. My data collection was carried out with sensitivity to my being both an academic and an advocate. In this sense, I have been respectful of my non-advocate interviewees and I have not used their responses as raw material for advocacy strategizing, except as presented in my academic writing. Often times when I left interviews with farmworkers I was tempted to call legal advocates about their situations, but refrained from doing so. There were also occasions where interview material could have provided original insights and information to advocates, but my role in those interviews was as an academic and not an advocate. As such, I have not shared the names of those I interviewed, or the content of the conversations we had, except as they are presented here and in my other writings. I have also taken great care to respect and not violate the confidence of the many farmworker advocates who allowed me full access to their strategies sessions, the inner working of their organizations, and their own opinions of advocacy work.

The questions I chose to ask my respondents were driven by my research interests. In my interviews with farmworkers, it would have been valuable for the advocacy campaigns to uncover workers' experiences with labor rights violations. Moreover, it could have been validating for advocates if I had asked workers about their specific experiences with New York farmworker advocacy. However, these were not the sort of questions to which I sought answers. Rather, I questioned workers very broadly about their living and working experiences. I never asked them direct questions about labor abuses nor did I use any of the names of the advocates or discuss advocates' campaign efforts with them. In interviewing workers, my goal was to establish a broad

empirical description of who they were as well as their opinions of their situations. My goal was not to validate the concerns and opinions of farmworker advocates, but rather to determine the current degree of farmworker power/powerlessness in New York.

I recognize that my analysis often reflects my general optimism about the role advocates can play to help workers. My assessments of the success and future promise of their activities certainly validates my own role as an advocate. I do, however, justify such optimism through reference to other studies as well as temper that optimism by offering counter-evidence of advocates' limited success. Indeed, in the end, I argue that thus far, advocates have only had limited success and without significant strategy changes they will continue to do so. With my possible biases in mind, I ask the reader to understand that without close affiliation with farmworker advocates, a full examination of their efforts, success, and potential would not have been possible.

At times I was concerned that my close relationships with the advocates might make it difficult for me to analyze the scenarios I encountered. I also experienced a phase in the research for this dissertation where I felt concern about whether my work would disappoint the advocates. To help with these issues, during the data analysis and writing stages of this dissertation, I distanced myself from the advocates. First, with a ten-month retreat in China and later, upon my return to New York, with fifteen months of limited contact with them, including foregoing many of my board member duties to RMM. This distance offered greater clarity, an ability to be more critical of the advocacy efforts.

It is not unusual for studies like this one to stem from the active participation of the author (Barger and Reza 1994; Jenkins 1985; Jenkins and Perrow 1977; Majka and

Majka 1982). It is also not unusual for an author to look at a completed work and notice that despite best efforts, biases do exist. The reader should proceed bearing in mind my personal reflection on my involvement with this work. Certainly, a fair reading of this dissertation will take into consideration my role as a farmworker advocate and its bearing on my research agenda, methodological choices, and the assessment of my data.

Acknowledgments

This dissertation would not have been possible were it not for the cooperation of Hudson Valley farmworkers and New York farmworker advocates. I am deeply indebted to the farmworkers who welcomed me into their homes and spoke to me about their lives. I am grateful also for the opportunity to work with farmworker advocates and for their trust and openness, particularly Richard Witt.

I am extremely grateful to my adviser, Frances Fox-Piven, for being such a staunch advocate of my work and helping me develop a very strong sense of my methodology, data analysis, and writing. She offered invaluable advice and let me disagree with her whenever I wanted. Thank you, Frances for guiding and inspiring this process. My thanks also extend to my reader, Andrew Polsky, who asked essential questions and challenged the rigor of my scholarship. His help on both the logic of this project as well as its scope was very much appreciated. I also express my gratitude to Juan Flores who helped me think beyond the scope of my discipline. Thank you also to Rob Smith for providing valuable feedback on this project. I appreciate John Mollenkopf's attentive reading of this dissertation and for his generosity in providing me with office space.

Lenny Markovitz and Ken Erickson have been mentors to me throughout my graduate career and I am privileged to have had them on this journey and for their years of indispensable advice. The members of my dissertation workshop offered critical commentary and support during the entire dissertation process; thank you to Kevin Ozgercin, Miriam Jimenez, Carey Powers, Lorna Mason, Victoria Allen, Rich Meager, and, in particular, to Penny Lewis, Glen Bibler, and Arielle Goldberg. Rose Muzio was

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Acronyms

CITA: The Centro Independiente de Trabajadores Agrícolas/Independent Farmworker Center is New York's farmworker-directed, grassroots, nonprofit advocacy organization, created in 1991 in Eastern New York.

FAD: Farmworker Advocacy Day, first held in 1995, is a gathering of advocates and supporters from around the state in Albany, to express their commitment to New York farmworkers' cause and for including farmworkers in the state's labor laws.

FLSNY: Farmworker Legal Services of New York, a nonprofit organization that provides free legal services to New York farmworkers.

JFW: Justice for Farmworkers Coalition describes an organized group of actors and their coordinated set of advocacy efforts.

RMM: Rural and Migrant Ministry, a nonprofit established in 1981, is a diverse organization devoted to disenfranchised rural and agricultural workers and their families.

Throughout the text these acronyms are referred to without the definite article "the" as this is how they are referred to in common parlance among advocates, workers, and others.

CHAPTER 1
INTRODUCTION

Farmworkers in the U.S., who are mostly Latinos, are not only one of the subpopulations least visible to the mainstream eye, they are also one of the most difficult labor forces to organize. They are excluded from the provisions of the National Labor Relations Act, unskilled, seasonal, lacking permanency within their ranks, hidden even from local communities, and racially segregated within labor camps. Moreover, the majority are undocumented and lack English language skills; they may also be in the U.S. on agricultural visas as "guestworkers" with limited political rights.[1] Growers, those who employ farmworkers, use various control mechanisms to maintain a quiescent workforce.[2] These range from hiring already marginalized workers to firing workers who ask for improvements in their working conditions. Despite these near insurmountable obstacles, New York farmworkers' interests have advanced in recent years through legislation, legal redress, and negotiations with growers.

Legislative gains include a 1996 law requiring employers to provide drinking water to all farmworkers; the previous law only covered farms with five or more workers. In 1998, the New York Legislature passed a law requiring portable toilets in the fields (or transportation to sanitation facilities) for all farmworkers; previously the law only covered farmworkers if they numbered 11 or more. In 1999 farmworkers' minimum

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[1] New York guestworkers are predominantly from Jamaica, but increasingly from Latin America. The H2A and H2B visas these workers receive are for employment in a specific workplace. Workers are provided transportation from their home country directly to their place of employment and back again. Today's guestworker contracts are similar to those of Public Law 78 (1951-1964), commonly referred to as the Bracero Program, they replaced the East Coast counterpart to the Bracero Program called the British West Indies Temporary Alien Labor Program (BWI).

[2] I use the term grower throughout this dissertation to refer to farmworker employers.

wage was raised and tied to the state's minimum wage, at the time, an increase of twenty-one percent. This gain became even more significant in light of the 2004 decision to increase the state minimum thirty-nine percent over two years. In 1999 the New York State farmworker hourly minimum wage was $4.25. In 2007, it will be $7.15. That is an increase of sixty-eight percent over eight years. Legal cases on behalf of farmworkers have brought them significant economic benefits, such as a class action suit on behalf of Sullivan County duck workers that resulted in more than $200,000 in back pay. Furthermore, farmworkers have negotiated, with the help of a grassroots organization, the Centro Independiente de Trabajadores Agrícolas/Independent Farmworker Center (CITA), several formal and informal agreements with growers. How has this seemingly powerless group improved their lot? Improvements to their situations have chiefly been accomplished through the efforts of a coalition of farmworker advocates who have made themselves indispensable to workers' cause.

This dissertation draws on two field studies to explore the obstacles and possible paths to farmworkers' improving their situations. The first is an ethnographic survey of Hudson Valley farmworkers; the second is a participant observation study of New York's Justice for Farmworkers Coalition (JFW), the coalition of organizations and individual advocates working to improve the conditions of farmworkers. Like many other advocacy efforts around the country, JFW has focused on a three-pronged campaign approach—legal cases, legislation, and organizing—aimed at introducing low-wage workers into the powerful decision making system of local and state politics. While resourceful in its efforts at coalition-building, leadership development, civic education, and legislative lobbying, substantial economic and social gains have been elusive. Yet, in the absence of

farmworker collective action or any other systematic campaign to improve their living and working conditions, JFW's successes have been impressive.

Goals of this Study

This dissertation evaluates the role and success of JFW's advocacy efforts to promote the interests of low-wage, mostly immigrant farmworkers. The main questions that stem from my research are: What are the characteristics of New York farmworkers that prevent them from addressing their labor concerns? What role do growers play in fostering quiescence in their workforce? What do advocates offer to farmworkers? What are the promises and challenges of this advocacy model? Can efforts like JFW bring about significant change for low-wage workers in the absence of worker self-organization?

These questions led me to the following empirical and theoretical objectives: 1) Identifying the circumstances of workers' situations. 2) Analyzing the constraints that prevent workers from addressing their concerns. 3) Examining the power of growers through their relationships to both workers and advocates and understanding how growers' justify their control of workers. 4) Investigating the advocacy model employed by New York farmworker advocates and offering a critique of that model.

In turn, and in the course of pursuing these objectives, I developed several claims that I will elaborate on through the body of this dissertation: 1) Advocates are necessary, but not sufficient, for workers to advance their interests. 2) Advocates bring limited gains to workers. 3) The limited success of advocacy is due to a deficit of workers'

collective action.[3] 4) Workers' collective action in inhibited by the way growers take advantage of their workers.

JFW and similar third-party advocacy efforts across the country have become an important but still limited factor for giving underrepresented sectors of workers a modest political voice. When advocates take up the cause of undocumented and other workers they achieve limited gains through the political system. These gains have an incremental character, and seem to build on the legacy of prior gains. They do not appear to alter the structural inequalities that farmworkers face, but rather establish a political voice that makes possible certain policy objectives that can ameliorate workers' circumstances. The political achievements also provide this population with its first sense of civic membership in the U.S. system. Yet, it is not clear how these gains can be translated into sustainable results that might fundamentally alter the working and living conditions low-wage workers endure. The main issues preventing more success appear to be the confines of advocacy power and a deficit of participation on the part of the workers themselves. My research shows that workers' collective action is inhibited by a robust network of agricultural elites, closely allied with state actors, which circumscribes their working lives and suppresses their political imagination.

Theorizing Power

These claims are related to theories of Frances Fox Piven and Richard Cloward as articulated in several decades of scholarship (1998; Piven and Cloward 1971; 1978). Briefly stated, Piven and Cloward have continually argued that organizations cannot

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[3] I use the term collective action to refer to group activity that is manifested as a claim against another party—a grower or the state—which may be expressed through channels such as lobbying, a lawsuit, marches, rallies, strikes, civil disobedience, or violence.

produce substantial social change, primarily because they stifle radicalism due to their internal infrastructure demands, such as securing resources and assuring the perpetuation of the organization. They maintain that pluralism is a mirage and that conventional, playing-by-the-rules claim making only produces responses palatable to the powers that be. For true change to occur, Piven and Cloward maintain, rule-breaking is the crucial element for success. Even so, they concede that organizations can play a role in promoting social change and by keeping the spirit of justice alive.

For the most part, this study confirms the lessons of Piven and Cloward, but not without some significant caveats. As I argue with my first claim, advocates are necessary for some highly marginalized groups to improve their circumstances. What advocates offer is an opportunity for the public and elite decision makers, including policy-makers and employers, to understand the needs of a marginalized group. This is an important achievement. The traditional pluralist view of power advanced by scholars such as Dahl (1961) and Polsby (1963) contends that power is transparent and can be measured by empirical data from decision-making processes (Hay 2002, 171). This "one-dimensional view" of power assumes that all conflict and decision-making are expressed through political participation (Lukes 1974). The main critique of the pluralists, as expressed by Bachrach and Baratz (1962; 1963; 1970) building on the work of Schattschneider (1960), is that power is not exercised just at the decision-making stage, but also at the agenda-setting stage. Where the pluralists take for granted that all opinions are represented within the political system, their critics point out that some opinions are repressed—by those who have power to do so—and, therefore, non-decisions are as important to consider as decisions (Lukes 1974). The authors emphasize that power is exercised not

only when one party directly influences the decision of another, but also when one party creates or reinforces "social and political values and institutional practices that limit the scope of the political process to public consideration of only those issues which are comparatively innocuous to" those who exercise power (Bachrach and Baratz 1970, 7).

It is within this second dimension of power that advocates are making their greatest gains. They are giving voice to the opinions and grievances of disenfranchised farmworkers. When growers and grower associations argue that the advocates do not represent the workers and their real concerns, they are straddling the one-dimensional and two-dimensional views. By claiming that advocates do not represent workers and maintaining that workers are contented, growers espouse pluralist ideology—since farmworkers do not raise their own voices, they must not have any problems. However, when growers counter advocates by squabbling over what farmworkers really want and need—immigration reform and English language skills as opposed to protective laws such as the right to overtime pay—they are validating the second dimension and showing that workers' concerns are not being attended to. The second dimension also highlights an important concern for advocates. Since advocates represent marginalized groups and are usually not members of that group themselves, they must take care to prevent the "mobilization of bias." Advocates must authentically stand for the group and not confuse the building of their own power with their *raison d'etre*. This corresponds to Piven and Cloward's main concern about organizational advocacy.

Lukes contends that the two-dimensional view of power is a "major advance" over pluralist theory. However, he argues that, rooted in a Weberian behavioralist model, the second dimension still presupposes that an individual or group, given the opportunity

to weigh in on agenda setting, would be able to represent their own interests. This perception relies too heavily on the capacity of individuals to act and neglects to consider "the socially structured and culturally patterned behavior of groups, and practices of institutions" that might prevent a group from authentically representing itself (Lukes 1974, 22).[4] This critique draws attention to the sociological debate between agency and structure: do individuals act in reflection of their own circumstances or are their choices circumscribed by historical constraints? Lukes maintains that the two-dimensional view does not consider how someone may use power over another "by influencing, shaping or determining his very wants" (Lukes 1974, 23). He thus introduces a third dimension to remedy these misperceptions.

For Lukes, the power of one party to influence the wants of another party is an insidious influence that leads to the misconception that "the absence of grievance equals genuine consensus." This frames both political action and analysis. As one moves from the first to third dimensions, one gets closer to the full spectrum of the actual practices of power, while at the same time, leaving behind empirically verifiable methodologies. While the pluralists could count votes and decisions, those involved in third-dimension analysis must rely on an ideological critique of invisible power. The elite bias in political power is thereby duplicated, for the most part, through scholarly efforts which rely on the "visible, transparent and easily measured" nature of power (Hay 2002, 180).

Lukes's identification of latent conflicts—those not recognized or articulated—suggests that someone may behave in a manner contrary to their genuine interests, due to influence exerted by another party. Hay uses the label false consciousness for this

[4] For a critical insight on how the structure/agency debates can be applied to political science analysis, see (Hay 2002, ch. 4).

phenomenon. He points out the dangers of such a concept. Not only is the individual cast as an "ideological dupe," but also "to confound matters, rising above the ideological mists which tame the masses is the enlightened academic who from a high perch in the ivory tower may look down to discern the genuine interests of those not similarly privileged" (Hay 2002, 179). Such paternalism, I argue, is not only a danger for academics, but also for advocates who represent marginalized groups—those with perceived latent interests. While praising the work of Lukes for opening up new understandings of power, Hay also critiques him for his self-acknowledged conflation of political analysis and political critique, the latter "is inherently normative, ethical, evaluative and value-laden, as distinct from neutral, dispassionate, empirical and scientific" (Hay 2002, 183).

Lukes likens his three dimensions to different conceptions of interests. The first is liberal, the second reformist, and the third radical. Hay critiques the normative nature of these conceptions of power; something Lukes argues is necessary. However, to view these conceptions as merely normative and not as measurement tools would be a mistake. We can understand this liberal-reformist-radical continuum not as reflecting political ideology, but rather as representing the means by which change may be achieved irrelevant of normative politics. In their study of farm labor unionization in the Midwest, W.K. Barger and Ernesto Reza argue that farm labor movements are reform movements, like civil rights and women's rights. That is, they

> work within legitimate channels of the existing social order, restructuring the system to be more beneficial to a particular group in the society. Such a movement accepts the basic norms and organizational premises of the larger society. In fact, the overall goal is for groups like farmworkers to *share* in the opportunities and benefits enjoyed by other segments of society. They essentially

> seek to be *included* in the basic norms and structures of the larger society. (Barger and Reza 1994, 7-8)

Both empirically and theoretically the preoccupations of this dissertation lie somewhere between Lukes's second and third dimensions. I attempt to explain the invisible power that growers have over their workers, yet I am hesitant to broach the normative realm of judging or suggesting how advocates might come closer to their ideal. Instead, I try to expose and examine the power dynamics between the subjects of my research: grower and workers, workers and advocates, advocates and growers, and between different advocates. My study does not aim to uncover what is in the best interests of workers, nor did I ask workers what their main overriding concerns were. Rather, this is a study of political processes and power dynamics.

In line with Lukes's third dimension, as well as my critique of advocacy work, this study invites an authentic representation of workers themselves through the analysis of their own words. In the proposal stage of this project one of my examiners explained that she could understand why I would study the growers and the advocates, but was unclear as to why a study of the workers was necessary. The chapter on workers feeds directly into my claims and is integral for this study. In the tradition of moving away from pluralist ideals, this study attempts, as much as possible, to tell this story from below. Without an understanding of workers' situations and an analysis of what appears to prevent them from articulating their perceived latent interests, my study would be incomplete.

Without doubt, JFW is a reformist initiative and, as I will show, it offers only particular types of gains for farmworkers. These gains do not include significant alterations to workers' political or economic position and therefore do little to transform

workers' latent power into active power. It is only through workers' own collective behavior—which would not be directed through normal political channels, but rather through economic channels and directed at their employers—that more radical change might occur. In this sense, it is not workers' lack of political power, but rather advocates' lack of labor power that is one of the great inhibitors to greater success in movements for marginalized workers. In the final analysis, advocates may complement workers' own efforts, but they cannot compensate for the lack of them.

Theories of Farmworker Collective Action

Labor and social movement scholars attuned to the agricultural economy have long sought to elucidate the power relations between farmworkers, growers, and farmworker advocates and unions. Many of these investigations have focused on the reasons for the success, or lack thereof, of farmworker movements. In addition to contributing to academic debate and analysis, these studies have often influenced the shape and evolution of advocacy campaigns. For the most part, they revolve around the exact nature of the gains made by U.S. farmworkers and how underrepresented groups like them can overcome structural constraints to create social and economic change through diverse strategies. Their explanations range widely, from a focus on economic factors, such as relative deprivation and organizational resources, to theories of political "opportunity" that rely on assessments of political processes and political realignments, to arguments which focus on strategy and leadership. Farmworker studies, when taken as a whole, offer a longitudinal analysis with which to examine how workers' structural constraints have changed over time (Griffith and Kissam 1995; Mooney and Majka 1995; Thomas 1985). Here I offer a review of theories of farmworker protests to contextualize

the efforts and structural position of New York farmworkers compared to other U.S. farmworkers.

In one of the least-known farmworker movements in the U.S., but certainly the most successful, Hawaii's farmworkers, organized in the 1940s by the International Longshoremen's and Warehousemen's Union (ILWU), won coverage under the state's collective bargaining law. In addition, they won the right to medical plans, paid holidays and vacations, sick pay, severance pay, and workmen's compensation. The ILWU Hawaiian dockworkers were employed by, and had successfully negotiated contracts with, the same corporate plantation owners that employed Hawaii's farmworkers. Farmworkers' partnership with an industrial union was critical to this organizing success (Aller 1957). A more important factor, however, may have been full employment at that time in Hawaii, which hosted a thriving military-industrial complex. Consequently, plantation owners had no ready access to a surplus labor pool. Without the threat of replacement workers, Hawaii's farmworkers could strategically deny their labor (in an insular labor market) if their demands were not met.

Other studies show that institutional structures—such as laws, corporate ownership, and elite relations—have changed the structural constraints bearing on farmworkers and influenced advocacy campaigns (Daniel 1981; Garcia and Foster 2003; Jenkins 1985; Majka and Majka 1982). In a case similar to that of Hawaii, the Farm Labor Organizing Committee (FLOC) in the Upper Midwest in the late 1980s confronted an industry dominated by five corporate owners, including Campbell Soup and Heinz. All of the region's farmers were dependent on these large fruit processors. By playing off competing interests, FLOC's farmworkers took advantage of a similar triangular

relationship to organize three-way contracts between workers, growers, and processors (Barger and Reza 1994; Mooney and Majka 1995). While New York has some corporate subcontracting, for example to Mott's and Birds Eye Foods, agriculture is not largely dominated by subcontracting to large corporations. While pressure on corporations might be an effective means to improve workers' conditions, regionally, this strategy could not achieve the same sweeping impact as it did in Hawaii and the Upper Midwest.

According to resource mobilization theory, uneven resources are the primary reason for differences in gains among protesting groups (McCarthy and Zald 1977). Several farmworker studies explicitly claim to be guided by this theory (Jenkins 1985; Mooney and Majka 1995). For example, a study of the United Farmworkers Union (UFW) examines organizational resources that allow groups to sustain challenges and concludes that when groups fail it is usually due to the lack of resources (Jenkins and Perrow 1977). Examples of such resources are funding, the availability of professional organizers, and access to the media. Intrinsic to this school of thought is the belief that formal organizations, rather than spontaneous or self-organized protest, are the key to stimulating, managing, and shaping worker discontent. This point is applied particularly in analysis of the UFW (Daniel 1981; Jenkins and Perrow 1977). I explore this proposition below in my discussion of advocacy. I also consider the role of resources in advancing farmworker interests in New York.

Some theories posit that the emergence of a political opportunity—for example a change in the governing structure or in the balance of elite relations—can pave the way for consequential protest. In their study of two California cases (the National Farm Labor Union and the UFW), Jenkins and Perrow (1977) argue that a necessary factor in

farmworker success was a break in the consensus among political elites. This break resulted from political disunity and gave way to an attitude of toleration for workers' advances. Jenkins, in another work, maintains that a political realignment in California's government enabled the success of the UFW (1985). On the surface, these arguments seem less applicable to the New York case since the passage of pro-farmworker legislation has occurred during Republican control of the senate and the executive—usually perceived as conducive to the exclusive interests of growers, whereas no such achievements were recorded under the liberal gubernatorial leadership of Mario Cuomo.

Adam's analysis of farmworker movements shows that in both the South and in California, the state played a critical role in promoting farmworker action by creating opportunity and fostering hope through the legal and political system. Whether through progressive or symbolic policy, the state reinforced protesters' sense of significance and effectiveness (Adams 1997). Another study relies on a political processes model to explain the success of the UFW, the FLOC, and the Southern Tenant Farmers Union (STFU). In that work, Mooney and Majka posit that structural changes over time alter opponents' ability to regulate protesters. These changes, such as the extension of suffrage, centralization of government, and the civil rights movement, "open and close the windows of opportunities" to resolve grievances (Mooney and Majka 1995, xxvii). It certainly appears that there is an incremental momentum to farmworker legislation in New York and that previously passed laws in favor of farmworkers set a legal and moral precedent for future laws.

Several scholars single out the restructuring of the agro-economy in places like Pennsylvania and the Great Lakes region—leading to a consolidation of farms under

corporate ownership—as a causal variable in farmworker organizing (García 2002; Valdés 1991). This shift corresponds to changes in the general post-industrial restructuring of the U.S. economy. By contrast, in California, where the UFW had some success, California's agro-economy has always had large corporate farms, a direct legacy of existing huge land tracts. Because of the scale of the farm operations, perhaps the very clear class distinction between workers and growers helped lead to worker self-organization in California. Class conflict may have arisen from the impersonal corporate relations between workers and growers, whereas, in the case of small farm consolidation, more intimate forms of labor relations persist and constitute an obstacle to class consciousness (Daniel 1981). Since New York has small farms that are not tied, either directly or through subcontracts, to a concentration of corporations, it can be assumed that class consciousness would emerge more slowly than in the UFW case.

Class consciousness involves self-identification with a group based on a common position in the relations of production. Ethnic commonalities can also be a basis for collective identity. The roles of race and ethnicity, especially, are integral to studying low-wage workers and much can be learned from scholars who posit that successful farmworker organizing is rooted in ethnic segmentation, succession, and solidarity (Grubbs 1971; Mitchell 1989; Valdés 1991). The distinction between predominantly white owners and farmworkers of color solidifies the class division between workers and owners (Daniel 1981). California state laws, specifically in regard to immigration and labor organizing, accentuated the ethnic identity of the farmworkers, and became a factor in the evolution of their solidarity (Majka and Majka 1982). Ethnic solidarity between Mexicans on different farms led to successful union organizing of workers in California's

smaller strawberry fields (Wells 1996). So too, ethnic solidarity played a large role in organizing the workforce of FLOC, which during their most successful period, comprised 80 percent Tejanos (Texas-born Mexican-Americans), the largest percentage of one ethnic group at that time in the region (Valdés 1991). At the same time, ethnic divisions can undermine solidarity efforts, as in the case of the STFU (Grubbs 1971; Mitchell 1989). In the case of New York, little protest occurred when the majority of the workforce (more than 75 percent) comprised blacks. New York's Latino farmworkers, like the Blacks that preceded them, have not build the kind of solidarity that might foster their class consciousness. It may be that they have not had sufficient time to self-identify as a group, but certainly the southern Blacks had ample time, being an important part of the workforce for more than forty years. The opposite of ethnic solidarity is ethnic divergence, when growers use workers of different races and ethnicities against each other either simultaneously through ethnic segmentation of tasks or over time through ethnic succession, the practice of replacing a racial or ethnic group with another to exploit their vulnerabilities and stymie collective efforts (Hahamovitch 1997; Majka and Majka 1982; McWilliams 1939).

The role of strategy in farmworker movements also receives significant attention in the literature. The UFW successfully used an organizing model that combined community organizing techniques and industrial labor union tactics (Jenkins 1985). Barger and Reza describe how FLOC employed many of the same strategies (Barger and Reza 1994). By contrast, in the case of the STFU, competing strategies between the Communist and Socialist parties, and between the workers' dual goals of obtaining land and forming unions, resulted in conflicting economic goals and lack of movement

success (Mooney and Majka 1995). Specific tactics—such as marches, celebrity support, targeting corporate public image, and following migrant workers to their primary homes in Florida and Texas—have led to specific successes of the success of the UFW and FLOC (Jenkins 1985; Majka and Majka 1982; Mooney and Majka 1995). Moreover, pressure mounted against corporations by boycotts have also been an integral strategy for success (Brown 1972; Jenkins 1985; Majka and Majka 1982). In Arizona, undocumented and transnational workers applied pressure on labor contractors to prevent an influx of strikebreakers from Mexico (Sánchez and Romo 1981). Certainly strategy is integral for achieving goals, and my analysis of the New York case will describe in detail the tactics employed by farmworkers and their advocates. I will also compare New York strategies to previous efforts, particularly to show where they have adopted and customized methods pioneered elsewhere.

Another concentration of literature focuses on leadership as a major factor in farmworker movement success. In the case of the UFW, the "strategic capacity" of its leaders seems to be a credible independent variable, which one author defines as leaders' access to and heuristic use of information as well as their motivation (Ganz 2000, 1005). Cesar Chavez's charismatic leadership has been highlighted as the main factor in the success of the UFW by several authors (Dunne 1967; Matthiessen 2000; Nelson 1966). Leadership-based models can be useful for understanding the role of advocates and perhaps advocates serve much the same purpose as leaders. All this scholarship helps to inform an investigation of today's worker advocacy groups and specifically farmworker advocacy.

The Problems and Promise of Advocacy

Any scholarly assessment of nonprofit advocacy, like that of JFW, must ask the following questions. What have recent advocacy efforts achieved in promoting the interests of low-wage workers? Can advocacy organizations bring about substantial social and economic change for workers in the absence of worker self-organization? What obstacles hinder more effective forms of worker advocacy and how can they be minimized? These questions, which lie at the heart of my research on the topic, speak directly to organizational problems shared by most groups that advocate for the underrepresented, and they are common themes in the literature on social movements and nonprofits.

My answers are informed by debates in the academic literature of political science, sociology, and social work. Moreover, I utilize a growing interdisciplinary body of work on nonprofits and philanthropy by scholars, lawyers, and practitioners. In the first debate, scholars confront whether organizations and professional advocates ultimately hamper or assist struggles for social and economic change. The second revolves around the most apposite and effective role of advocacy efforts for the underrepresented. I present an overview of both here and will return to an analysis of JFW in light of these debates in Chapter Four.

Resource mobilization theorists argue that organizations, rather than spontaneous or self-organized protest, are the key to stimulating, managing, and shaping worker discontent (Daniel 1981; Gamson 1975; Gamson and Schmeidler 1984; Jenkins 1985; McCarthy and Zald 1977). Subsequently, organizational resources—funding, professional organizers, media access—allow groups to sustain challenges (Jenkins 1985; Lewis 1982; McCarthy and Zald 1977; Mooney and Majka 1995). Scholars on the other

side of this debate argue that the maintenance and safeguarding of these same resources impede worker action, and furthermore, that professional advocates and organizations are paternalistic and controlling (Brake and Bailey 1975; Piven and Cloward 1978; Wagner 1990). Some scholars see promise for organizations that adopt radical goals, but otherwise, they argue, organizations will opt for defending status quo in the face of further retrenchment (Collins and Whalen 1989; Withorn 1984).

How organizations use their resources—to empower workers, implement direct change, or foster justice ideals (or a combination)—is the crux of the third debate, regarding the evaluation of advocacy organizations' most appropriate role. Should social justice organizations establish preconditions for change by pressing elites to open opportunities for the articulation of claims? Among other things, this would help to create an inclusive politics, corresponding to interest group pluralism (Dahl 1956; Truman 1951). Or should organizations aim to foster models of democracy in their internal dynamics in the interest of bolstering representative democracies (Barber 1984; Etzioni 1993)? In any event, other scholars contend that advocates should concentrate on empowerment strategies that allow workers to help themselves overcome structural constraints, accumulating social capital in the process (Putnam 2000). In this respect and others, civic education and the incorporation of individuals into politics is a relevant goal (Rosenstone and Hansen 1993; Verba, Scholzman, and Brady 1995). Organizations might also focus on popular education and consciousness-raising, including asking participants to reflect on and analyze the conditions of their lives to develop social change strategies (Alinsky 1971; Freire 1970; Horton et al. 1990).

Recent studies of worker centers reflect the salient themes of each of these three debates while calling for more sustained critiques of the working ethos and operational tactics of advocacy organizations (Fine 2003; Gordon 1999; Jenkins 2002). Anyone who responds to such a challenge might be expected to be able to identify the standards by which the work of these groups will be assessed. But such a task is far from straightforward, as I will explore later in Chapter Four.

Research Design

This dissertation offers a comprehensive analysis of the factors that both underpin and constrain the success of efforts to advance the interests of New York farmworkers. I present a systematic inquiry into the behavior of three groups of actors: workers, growers, and advocates, and offer not only contemporary examples of their behavior, but also historical insights as to how their behaviors may have developed. My case study focuses on two groups: Hudson Valley farmworkers and New York farmworker advocates. My study is primarily qualitative, chiefly relying on interviews with members of those two groups. I also engaged in participant observation with farmworker advocates. In addition to these two groups, I interviewed growers (farmworker employers) and other actors. My interviews and participant observation allow me to: 1) identify the circumstances of workers' situations, 2) analyze the constraints that impede workers from addressing their concerns, 3) examine the power of growers through their relationships to both workers and advocates and understand how growers' justify their control of workers, and 4) investigate the advocacy model employed by New York farmworker advocates and offer a critique of that model.

The data I collected from my interviews and participant observation, which is cast in an observational narrative form, is buttressed by primary and secondary sources. I also

incorporate historical data and the research of other scholars. For example, to support my claims about advocates, I rely on a body of scholarly work that has investigated similar advocacy efforts. I employ narrative inquiry, the process through which interviewees are given an opportunity to tell a story about their experiences. I also rely on short-term observational techniques, as recorded in my field notes, to help flesh out my interviews and support my quantitative and qualitative interview data.

New York farmworkers and their advocates were more choice of study for several reasons. New York has historically employed the largest population of seasonal and migrant farmworkers (with Pennsylvania following) in the northeastern U.S. A study of this workforce could be useful for understanding farmworker populations in the Northeast in general. Further, New York farmworkers have been the focus of several studies since the 1940s, yet when I began this study, there was little to no research on the newer Latino population of agricultural workers. The Latinization of this workforce corresponds to a general trend toward the use of undocumented Latino workers in all forms of low-wage work in the Northeast—also a relatively new phenomenon. Lessons about workers' situations and advocacy could be useful for workers in other industries and other areas.

I chose New York's Hudson Valley because it is one of the main regions of concentrated farming in the state and relies predominantly on seasonal labor, which I was most interested in studying (as opposed to full-time farmworkers). The choice was also related to my own geographic proximity to the subjects of my study, as I was located in the New York's Hudson Valley during the time I was working on this dissertation. Moreover, I had substantial access to the advocates through personal connections.

Coordinated farmworker advocacy in New York is relatively recent, their efforts and successes have advanced over the past fifteen years. There were no existing studies on these efforts. Additionally, the topic of farm labor rights in New York had become highly polarized over the past decade stimulating a variety of opinions about advocates' efforts. Finally, while farmworker advocacy in the U.S. has been the subject of many scholarly works, I only found one study that focused on northeastern farmworkers (Bonilla-Santiago 1986).

Data Collection

To study New York farmworkers, I conducted 113 hour-long structured, open-ended interviews with farmworkers in New York's Hudson Valley, with the help of student interns (See Appendix A: Field Operations). These interviews took place under the aegis of the Bard College Migrant Labor Project, which I direct, and were funded by a grant from the ILGWU 21st Century Heritage Fund.[5] I had the assistance of six bilingual Bard College student interns. All interviews took place in workers' homes in labor camps located directly on the farms where they worked in the fall of 2002. I only interviewed workers I met at their homes, except in two cases where I interviewed farmworkers who were visiting their friends.

I was primarily interested in interviewing migrant and seasonal farmworkers—those who work only part of the year. If growers house workers, historically the housing is for these part time workers, so I visited labor camps located on farms to find workers. However, many of the workers I met had been living or intended to live in the labor camps year-round, even if they had little or no work on the farm. I met other workers

[5] The data I collected also served as the basis for *The Hudson Valley Farmworker Report*, which I authored and will be published by the Bard College Migrant Labor Project in 2006.

who wanted to live year round on the farms where they worked, but their housing was not sufficiently winterized for them to stay there. Many farmworker studies focus on migrant farmworkers as opposed to full-time, year-round workers. Farmworkers who are engaged in short-term farming activities in New York used to be categorized as either *seasonal*, meaning local laborers, or *migrant*, meaning those who traveled too far to return home for the night. Increasingly these terms are blurred as former migrant workers are staying year round for a few years at a time or indefinitely (Pfeffer and Parra 2004). Because of this, I do not categorize workers as migrant or seasonal. Instead I refer to all workers as farmworkers, except where a distinction is relevant.

To locate farmworkers, I identified high acreage farms in the Hudson Valley that had crops for fall harvest through listings from the New York Department of Agriculture and Markets. Farmworkers I met on these farms, in turn, helped me to find additional workers to interview—in a classic snowball technique. I also received introductions to workers on four farms from staff at the Centro Independiente de Trabajadores Agrícolas/Independent Farmworker Center (CITA), Rural and Migrant Ministry (RMM), and the Farmworker Law Project.[6] I visited a total of 38 farms, found workers on 23, and conducted interviews on 19.[7] I visited at least five farms in each of six counties in the mid-Hudson Valley (Dutchess, Greene, Columbia, Ulster, Putnam, and Orange). Almost

[6] I conducted interviews on three of these farms. A Farmworker Law Project outreach worker also provided me with specific directions to three farms I identified, but could not find on my own.

[7] A variety of reasons accounted for the fact that I was not able to conduct interviews on all the farms I visited. Specifically, on nine farms I could not find workers or labor camps (perhaps none existed); on four farms workers had left for the season (the 2002 harvest was shortened due to crop weather damage from the spring of 2002); three farms had no workers (I learned this from non-farmworkers living in labor camps or growers); and on three farms I met one worker each and did not have a chance to return for interviews.

all the workers I met were interested in participating in this study; only a few workers declined to participate.

The interview instrument was written in both English and Spanish. Interviewers told workers that they did not have to answer any question that they did not want to, and no reason had to be given. Only a few questions were of a multiple-choice nature. Most were open-ended, and workers were free to interpret the question as they saw fit. If a response proved to be inappropriate, or if a worker asked for an explanation of a question, interviewers would rephrase the question with my guidance. The format and content of interview questions evolved during the first three weeks of interviews as I incorporated feedback from workers and interviewers. The goal of the farmworker interviews was to construct a profile of the workforce. To do so I asked questions related to basic demographics, migration, job tenure and conditions, living conditions, need for and use of services, ideal and future plans, interest in different forms of work organization (through the guestworker program, a labor contractor, a union), knowledge of laws, and domestic responsibilities.[8] Data from these interviews serve as the base for describing the daily lives of workers both quantitatively and qualitatively.

The high response rate of farmworkers may be attributed to several factors. In initial meetings, only introductions and a short presentation about the project were given to workers. I did not request nor expect to hold interviews during this initial introduction. As a result I was able to communicate the seriousness of this study by showing respect for workers' time. Interviewers dressed casually to make workers more comfortable.

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[8] I did not ask questions regarding labor violations or about workers' experiences with or thoughts about farmworker advocates, except to ask about their interest in joining a farmworker union.

Only one of the seven interviewers was male, and women conducted all the initial visits to describe the project. It appears that this helped secure interviews, since workers probably perceived women as less intimidating than men. The main interns on this project were native Spanish speakers, and this undoubtedly lent the project credibility in the eyes of interviewees. It also ensured a comfort level for Spanish speaking workers; native Spanish speakers conducted all the initial visits, along with me. My affiliation with a college seemed to both impress workers and put them at ease. Finally, the fact that six out of seven of our interviewers were students also helped establish a less intimidating relationship with workers.

To study New York farmworker advocates, I engaged in participant observation at dozens of meetings between 2001 and 2003. I conducted eleven one-to-two-hour, semi-structured, open-ended interviews with JFW members, most in the summer of 2003. Moreover, I spent a week "working" with CITA in the summer of 2003. My interviews and participant observation are complemented by other studies of New York farmworkers and U.S. farmworkers, newspaper and other journalistic writings, and advocates' organizational artifacts—such as pamphlets, press releases, internal evaluations, fundraising letters, and reports. An initial collection of advocates' organizational materials in 2000 helped me understand their goals and successes.

I met farmworker advocates through a prior connection with the executive director of RMM. I became a member of RMM's resource development committee and later took on the role of a board member. RMM is one of the main farmworker advocacy organizations in New York. In 2001, I began to attend JFW meetings as both a member and a participant observer; I was asked to respect the confidential nature of the meetings.

Through these connections and as director of the Bard College Migrant Labor Project, I established professional and personal relationships with as many farmworker advocates as I could. I gained broad access to the operations of the inner working of RMM, CITA, and JFW. Aware of advocates' concerns for confidentiality during their meetings, I relied on those meetings as background for my data collection. I also attended advocates' public meetings, conferences, and actions such as marches and protests and amassed field notes of the proceedings. My goal in interviewing advocates was to better understand their goals, strategies, philosophies, and evaluations of their advocacy work.

Interviews with others involved in farmworker issues included seven farmworker service providers (some of whom were also farmworker advocates), four JFW allies, five New York State Department of Labor Rural Employment Program representatives, four legislators and legislative aides, three growers,[9] and one representative of a grower association.[10] These interviews were all semi-structured and open-ended lasting from one to two hours. They were conducted in the summer of 2003. Some of the testimony I present was also collected during the course of participant observation. The purpose of these additional interviews was to gain a wider perspective on farmworker issues and advocacy.

Significance & Innovation

As an analysis of the current state of low-wage workers in the U.S. and the limitations on the organizations that advocate for them, this dissertation will benefit both

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[9] This is a very small sample. When I designed this study, I did not expect that growers would figure so largely in my analysis. As a result, for the chapter on the growers I rely more on primary and secondary sources than my own data.

[10] With a few exceptions, my interviews, including those with farmworkers, were tape recorded with the permission of the respondent.

scholars and practitioners. It presents updated information about immigrant incorporation while adding a new chapter to the scholarly study of U.S. labor movements. This is particularly timely in the context of the U.S. government's increased scrutiny of immigrants since 9/11 and citizens' growing anti-immigrant sentiment. Among other things, my study is the most current research of New York's Hudson Valley farmworkers, offering new demographic information as well as farmworker opinions in their own words. It also contributes to the overall empirical data on farmworkers, which is sorely deficient (Martin 1988).

In contrast to workers leveraging their economic power—perhaps a more viable alternative for immigrant workers of yesteryear[11]—workers and their advocates are devising creative strategies that often rely on nontraditional approaches to traditional politics. In New York, for example, several worker centers facilitate meetings between state legislators and undocumented workers so that policy-makers are confronted with the workers' plight. Furthermore, such strategies are aimed at provoking decision-makers to consider the political and economic rights that a democracy should offer to those who are vital to the economic health of the U.S.

While my research offers a detailed analysis of low-wage working conditions in the New York agricultural economy, the implications of my case study have a national

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[11] U.S. federal and state policies and court decisions have limited the ability of workers to stand up for themselves. Examples include increasing federal raids on job sites to identify undocumented workers, policies such as New York's and other states' recalling of drivers licenses held by undocumented individuals and limiting the ability to acquire drivers licenses, and perhaps most significantly, the Supreme Court's 2002 Hoffman Plastics decision to deny undocumented workers the right to collect back pay when they have been illegally fired for union activity. The possible effects of Hoffman are daunting, not only in regard to misunderstandings about the meaning of the decision, but also the potential for it to be used as a precedent in other cases to deny labor and other rights to undocumented individuals.

scope. Undocumented and transnational workers are increasingly common in other industries including garment manufacturing, meatpacking, construction, landscaping, restaurants, and domestic work. My research draws from, and complements, studies of these workers. Because of their rural isolation, migrant farmworkers are, arguably, the most dispossessed of all, and so their plight and efforts to remedy it are a potential bellwether for these other immigrant populations. Most recently, the events of 9/11 have transformed the political climate for immigrants in the U.S. Transnational workers who still identify Latin America as home are finding themselves staying in the U.S. for years at a time instead of returning annually. At the same time, they are no more incorporated into the U.S. than if they did return home annually. My case study offers a comprehensive and empirical analysis of the changing demographic of such workers, while offering a profile of their attitudes and aspirations, and the contradictions by which they live from day to day.

Since the 1970s, the U.S. economy has been marked by a significant erosion of the manufacturing sector and a corresponding expansion of the service sector, with a growing dependence on low-wage workers. This post-industrial transition has seen a restructuring of work away from the high-wage, union jobs of the primary labor market, and an explosive growth in contingent employment in hotels and restaurants, landscaping, domestic work, and construction. Manufacturing jobs lost to overseas outsourcing provided stability and security that are vanishing from the landscape of work in the U.S. For the jobs that have replaced them, employers' demand for cheap and docile labor, mostly in the form of immigrant and undocumented workers, is insatiable. From the perspective of self-optimizing employers, non-citizens are ideal employees.

They are willing to accept wages that fall below the U.S. poverty line, accompanied by substandard and exploitative working conditions. The reasons they accept such low wages include the fear of deportation, escalating state and citizen scrutiny of immigrants, government anti-immigrant policies, labor union neglect, and workers' own lack of class-consciousness.

As profit from their exploitation has increased, so have advocacy efforts to combat the exploitation of workers. An emergent sector of community-based organizations, operating outside of the National Labor Relations Board structure, has sought to improve conditions for undocumented, immigrant, and low-wage workers. Worker centers are local organizations that can be traced back several decades, but the majority of them set up shop in the mid-1990s, catering mostly to Latino and Asian immigrants. These organizations tend to work with low-wage workers, excluded, for one reason or another, from the purview of the union organizer. Unlike most trade unions, the prime factor for worker participation in a worker center is not employment in a specific industry or at a specific worksite, but rather the workers centers' geographic accessibility to workers.

Such successes as the advocates have had are not the result of broad social movements, spontaneous or threatening protests, or boycotts, but rather emerged from conventional political claim making—legislative visits, media campaigns, ally building, and signature gathering. These avenues are pursued not by advocates alone but by advocates together with workers, many of whom are undocumented. State legislators have reported that meeting with and hearing the first-hand accounts of low-wage, undocumented laborers who are fighting for these claims on their own behalf has been

essential for their understanding of workers' issues (Gordon 1999). Journalists have conducted first-hand interviews with workers to present their stories. Individuals with resources—such as possible funders or those with political influence—have supported worker initiatives after meeting with workers. Organizations and individuals have "signed on" to campaigns upon workers' requests. And the public has learned about the plight of these workers not only through the media but also through workers' public speeches (Fine 2003; Gordon 1999). In every case, workers have surmounted great obstacles, both personal and institutional, with the help of worker centers' popular education and leadership development classes (North American Alliance for Fair Employment 2002).

In this sense, previous studies of farmworker protest appear less applicable to the New York case since they are based on different agro-economies and worker demographics. Conditions in Connecticut, Massachusetts, Vermont, and Maine are comparable to New York, but no thorough study has been conducted in the Northeast as a whole, or in any of these states individually. Similar conditions exist in pockets of fruit and vegetable production along the Eastern and Midwestern migrant streams, but there is no existing literature on those exceptional areas. Descriptions of New York farmworker conditions have been included in scholarly work on farmworkers, but none of these studies analyze New York farmworker advocacy in any detail (Edid 1994; Griffith and Kissam 1995). Those that do tend to focus on palpable resources for the success of organizing, such as the New Jersey case, where there is a strong and militant base of Puerto Rican workers (Bonilla-Santiago 1986; Edid 1994). Other literature that should be more useful is either outdated or historical (Friedland and Nelkin 1971; Hahamovitch

1997; Nelkin 1970). By far, the majority of the literature on farmworkers describes their plight and explains their situation in light of their inherited legacy of oppression. Some of these studies draw on interviews of farmworkers, but they rarely seek out farmworker opinions on mobilizing. Rather, they tend to use the workers' words to underscore their plight. This dissertation offers first hand accounts by migrant workers' and contributes to the empirical data on farmworkers, by providing new demographic information as well as farmworker opinions. Furthermore, it is intended as an intervention in the theoretical debate on what motivates self-organization. For my own theoretical framework, I will draw upon resource mobilization theory within social movement theory.

The plight of agricultural workers is symptomatic of the increasingly informal character of the economy. Today's low-wage immigrant workers more and more resemble the Latino farmworkers who have been an integral workforce on U.S. farms throughout the 20th century. To ascertain what role advocacy organizations can play, my theoretical inquiry draws on the farm labor subset of social movement literature. Farmworkers have long experienced structural and institutional conditions that have only recently become prevalent in other sectors. In addition, the shift in the last twenty years in New York agriculture from domestic to immigrant labor presages the changing demographic of workers in other sectors. Consequently my research aims to understand worker conditions in a regional economy that is much larger than the New York, or the agricultural, footprint.

Nature of Low-wage, Contingent Work

This study can also be understood in the larger context of low-wage, contingent work. Most low-wage, undocumented, and immigrant workers earn their wages through unskilled or low-skill work in the secondary sector. In general, these jobs offer an

environment of impermanence. This extreme flexibility puts workers at risk of exploitation and undermines worker power, most especially for those in informal jobs where regulation and oversight are nonexistent (Garcia and Foster 2003, 5). Contingent jobs offer less than full-time work as workers are often contracted or subcontracted, and the work itself is decentralized. Many of the jobs such as cleaning, landscaping, and construction are mobile. Replacement workers are easy to find, hours are fluid, demand is unpredictable (due to the fluctuations of consumer needs), and the employment relationship is casual, sometimes off the books. Seniority does not apply and job turnover is high. This impermanence creates the impression that jobs are temporary or at least stepping-stones to other positions.

For the workers, the contingency of their employment militates against any direct approach to their employer to improve their situation. It is much easier to move on to the next job when skills are acquired, jobs disappear, or conditions become intolerable, particularly since there is never much opportunity for advancement. A striking economic characteristic of most secondary sector industries is that work cannot be centralized or performed in volume at a few locations in the same way as industrial manufacturing. In contrast to the factory model, workplaces are geographically dispersed in small work units, such as restaurants, hotels, Laundromats, or offices which workers clean. Furthermore, isolation for those working alone or in remote areas, such as farmworkers, creates a distance, not only physically but also socially, as workers are not able to share experiences with each other and learn about each other's work conditions and relationships to managers or bosses (Schauer and Tyler 1970). Temporal dispersion

created by flexible round-the-clock hours, migration and transience, seasonal work, high turnover, discontinuity of employment, and gender bifurcation has the same effect.

The more density that ethnic groups achieve in specific industries the more those workers will be able to press their claims, since ethnic niches can often promote resources and opportunities that further collective interests. However, in low-wage jobs, this does not always happen. These sectors are characterized by "strong ties in weak niches" (Smith 2001, 282). For New York, Smith argues that such immigrant workers have better opportunities outside of New York City, but this is tempered by the fact that their jobs exist in very low-wage, competitive, and exploitive sectors such as garment and heavy manufacturing that have been in decline for at least fifty years (Smith 2001, 287).

In comparison with industrial jobs, contingent jobs vary greatly in regard to both the products or services offered by the business and in their management styles; formal personnel management, for example, is usually nonexistent. One big difference between the factory worker and the contingent worker is the degree of human contact with the consumer. Those employed in the service sector often deal directly with the consuming public and so their jobs involve them in the mainstream of community life. These workers also tend to associate with their employers, a factor that can inhibit close ties with a union or organizing drive.

Two of the most obvious conditions related to the nature of low wage work today that have historically created docile workforces are an oversupply of labor and the persistence of low wages, even in an economic boom (the U.S. had as low as four percent

unemployment at the end of the 1990s).[12] There are currently about eleven million undocumented individuals in the United States (Passel 2005). These workers not only compete with each other for low-wage jobs, but also with the economic victims of two decades of outsourcing of low-skill manufacturing jobs. With outsourcing creeping up into white-collar sectors, citizen workers with a wide range of skills and backgrounds are potential competitors. The most recent outsourcing increase in skilled, white collar jobs also reverberates down through the economy as those who have lost jobs are cutting back on the amenities provided by the industries that employ low-wage workers such as restaurants and cleaning services.

Low wages are exacerbated by the debts incurred by workers in securing work in the first place. Coyotes who help workers cross the border, "snakeheads" who negotiate unauthorized overseas immigration, and labor contractors who place workers in jobs all require payments. Many of these, such as the coyotes, demand payment in advance, but others, like farm labor contractors or placement contractors (often with strong kinship links to the employees), take a continuing cut of workers' pay, either as a payback for finding the job or just because they are in a position to extract it. In agriculture, growers have learned hard lessons about paying contractors or crew leaders in the expectation that the cash will be passed on to workers. Yet even when growers deliver individual checks to workers, contractors often collect these checks from workers who don't have bank accounts, cash them, and take a cut. A Department of Labor Representative told me about a case of a farm labor contractor collecting unemployment checks for workers and

[12] "Interestingly, between 1997 and 1999, median weekly earnings for both full- and part-time contingent workers were little changed, while earnings for full- and part-time noncontingent workers rose by 6.3 percent and 9.6 percent, respectively" (Hipple 2001, 20).

never passing a penny on to those whose names were on the checks. Illegal employer behavior discovered by workers, furthermore, may not always be reported out of workers' fears.

Organization of this Dissertation

This introduction has set out the main questions, objectives, and arguments of my study. I have provided an empirical and theoretical context for my project and a basic understanding of the significance of this project in regard to low-wage workers and advocacy. I have also outlined my methodology and personal relationships to this project as a farmworker advocate. The data chapters of this dissertation are organized around the three main groups of actors.

Chapter Two, "The Workers," investigates both the historical and contemporary constraints on workers' power to voice complaints, on their ability to improve their working and living conditions, and on their capacity to act collectively, to organize. My historical analysis relies on other academic research on farmworkers and immigrant populations and explains the historic exploitation of immigrant workers in U.S. agriculture. I also examine the role of the state in promoting employer-friendly policies, which in turn facilitated the exploitation of workers, the exclusion of farmworkers from protective labor legislation of the New Deal, and labor union neglect of agricultural workers. In explaining the contemporary constraints on New York farmworkers I rely on my primary data and identify workers' transnationalism and undocumented status as the major factors that exacerbate their historic powerlessness to address their labor concerns. These factors are constructed on a day-to-day basis through workers fear of deportation and losing their jobs, their plans to return home, and their rationalization of their situations through comparison to home. I show why advocates are necessary to promote

the interests of these workers and explain how workers' powerlessness is maintained by the way growers take advantage of their workers.

Chapter Three, "The Growers," investigates the role that growers play in fostering quiescence in their workers. This chapter opens with a discussion of agricultural ideology in the U.S. as manifest in romantic agrarianism. Through primary and original data, I examine the role of agricultural actors including growers, their associations, and bureaucrats in promoting the interests of growers through influencing the creation and implementation of farm labor policies. Charles Tilly's theory of durable inequality is then applied to show how growers shape labor control, specifically through the ethnic succession of workers. My interviews data and field notes show how Tilly's theory relates directly to New York agriculture. Returning to agricultural ideology, I show how growers use romantic agrarianism, ethnic characterizations, and myths about workers to justify employer labor control. This chapter examines the power of growers through their relationships to workers and to each other. It also continues the examination from Chapter Two of how workers' collective action is inhibited by the way growers take advantage of their workers.

Chapter Four, "The Advocates," analyzes the efforts, success, and potential of New York farmworker advocacy. This chapter opens with an exploration of the meaning of the term advocacy. Relying on my interviews, field notes, and other primary data, I then go on to consider the actors involved with JFW and their goals and strategies. Advocates' activities are explained through close examination of their three strategies: organizing workers, legal action, and a legislative campaign. I then compare the advocates' efforts to those of worker centers, the developing nonprofit advocacy model

aimed at improving living and working conditions primarily for low-wage, immigrant workers. This model has received scholarly attention. My focus then turns to one particular aspect of this model—fostering allies—to show how advocates are resourceful in developing political power. I then assess the advocacy model. First, I address the difficulty in measuring the success of such efforts. Then my efforts turn to assessing what advocates have achieved and to an evaluation of their strategies and their future prospects. In the process I offer a critique of their strategy, and also offer an assessment of the difference between worker power and advocate power can offer different gains. I conclude that while advocates bring limited gains to workers and the limited success of advocacy is due to a deficit of workers' collective action, advocates are a necessary and important factor for improving workers' conditions.

Finally, in the conclusion, the story of New York farmworker advocacy is taken one step further to show how growers have mounted a backlash against advocates. This backlash confirms that growers are threatened by advocates success or potential success. It also shows that advocates and organizations are vulnerable to such attacks. I then present the major findings of my dissertation.

CHAPTER 2
THE WORKERS

INTRODUCTION

"I'm afraid I won't see my family again. I don't want to die in this country." These are the words of Arturo, a thirty-year-old Mexican who, when I met him, was working as a fruit packer at an orchard in Columbia County, about two hours north of New York City.[13] He was housed in a trailer on the farm, amidst apple trees. During our interview he was seated on a pile of bare, soiled mattresses in the middle of his living room. The housing was poor, he explained. I could see that for myself. Arturo had only been in the U.S.—arriving directly on this farm—for one month. He told me, "I came out of necessity. There was no work at home." He worked six eight-hour days a week, as a fruit packer and was paid $6 an hour, around $200 a week after taxes. After his first month, he sent $450 to his wife and mother in Mexico; he planned to do the same the following month. He thought he should be earning $8.50 an hour (that would raise his weekly earnings by about $80), but told me, "I know it is not possible to earn more." He acknowledged that he didn't know the laws for farmworkers and only understood his paycheck "a little." Farm work was not Arturo's preferred job. He wanted to be a mechanic, but realized this was not possible, "I'm just trying to survive. I need English. I have no support. There are too many requirements here to be a mechanic, you need a diploma." At home in Mexico, he was an artisan and a farmworker. With only a second grade formal education and no English skills, his opportunities were severely limited. He hoped things would be different for his children, "I want them to work hard to have what

[13] I use pseudonyms in place of farmworkers' real names.

I can't get—a better future."

Arturo's situation epitomizes that of many low-wage laborers, particularly in the expanding service sector, in the U.S. at the turn of the twenty-first century: isolated, lonely, exploited, poor, lacking skills to get ahead, ignorant of labor laws, with little expectation of improving his circumstances, and willing nonetheless to make extreme sacrifices for the sake of his children. Moreover, his predicament is not appreciatively different from that of U.S. farmworkers at the turn of the last century. He and his peers are as powerless and exploited today as they were then, before national legislation that protected workers and their rights was enacted.[14] In this chapter, I explain the constraints on workers' power to voice complaints, on their ability to improve their working and living conditions, and on their capacity to collectively organize. These three are intrinsically related and interdependent. When workers feel they cannot improve their situations, they do not complain. When workers do not complain, they cannot improve their situations. Without momentum toward improving their situations, it is unlikely that solidarity—a key factor for collective organization—will occur. With collective action to show that a critical mass of workers is concerned about improving their plights, they will have little chance in improving their situations.

In part one of this chapter, I offer a brief history of the demographics of twentieth century New York farmworkers. I then offer a historical overview of the use of marginalized workers in U.S. agriculture and an analysis of how the state has helped growers maintain a labor surplus of quiescent workers. I argue that growers have

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[14] Many publications on farmworkers point out that the conditions of contemporary farmworkers are remarkably similar to those of the turn of the last century (Barr 1988, 41; Mooney and Majka 1995; Nelkin 1970, 1; Oxfam America 2004, 2).

historically hired non-citizens and marginalized citizens as farmworkers to maintain a tractable workforce, and they have done so with the support of the state.[15] I also examine farmworkers' historical exclusion from New Deal labor legislation, which is both a reflection of and a significant reason for farmworkers' powerlessness. All other constraints exacerbate these exclusions, most specifically the farmworkers' lack of collective bargaining protections.

In part two, I investigate contemporary constraints that prevent farmworkers from improving their plight, including discrimination based on race, class, and citizenship, focusing on workers' legal status and transnationalism. In part three, I examine the daily manifestations of the constraints faced by New York farmworkers. These include fear of deportation and getting fired, the desire to return home, and a rationalization of their situations through comparisons to workers in their home countries rather than to other U.S. workers. The story of U.S. farmworkers is one of over-determined marginalization and powerlessness, given how systematically they have been excluded, for multiple reasons, from social, political, and economic opportunities.

PART I: HISTORICAL ANALYSIS OF THE USE OF U.S. FARMWORKERS

New York Farmworkers

In 2002, New York nationally ranked second in apple production, third in grape production, third in tart cherries, third in sweet corn production, third in dairy production,

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[15] I borrow a definition of the state from Majka and Majka for this study. The state "includes significantly more than is ordinarily associated with the word 'government.' It involves, for example, law enforcement agencies, courts, prisons, government-funded agricultural research projects, government commissions and associations concerned with policy formation" (Majka and Majka 1982, 18).

and fourth in pears. These crops all require labor, particularly during the harvest. Due to the very short growing season, migrant laborers may be employed in New York for as little as two months. Another unusual feature of New York agricultural labor is the historical dependence on southern black migrants (Barr 1988).[16] These workers, who made up a significant part of the migrant farm workforce from World War II through the 1970s, were typically citizens, yet, were as highly marginalized as if they had not been.[17] In contrast, the largest growing areas in the U.S., such as in California, developed a model of labor exploitation relying on new immigrant populations (as I will explain in the next section). This model was adopted by most large agricultural states over the course of the twentieth century.

States with smaller agricultural sectors and those with sharecroppers, tenant farmers, and black wage laborers developed agricultural labor relations that took advantage of local, available workers. In New York, growers relied primarily on southern black migrants between the 1940s and 1980s, while employing a few other ethnic/racial groups on a small scale. New York began employing guestworkers during World War II and has become the largest user of guestworkers since the 1970s.[18] It is only in the last two decades that Latino immigrants, mostly undocumented, have become the majority of the New York agricultural labor force. Hiring vulnerable immigrant workers—following the precedent that other states have set since the beginning of the

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[16] New York's migrant workers usually traveled through the eastern migrant stream, which originates in Florida. While Florida growers hired more black farmworkers than any other state, they would not be considered "migrants" since this state was home to these workers.

[17] Friedland and Nelkin conducted an ethnographic study of New York farmworkers and described their marginality (Friedland 1969; Friedland and Nelkin 1971; Nelkin 1969; 1970).

[18] Previously, Florida hired the largest number of guestworkers, but with mechanization of the sugar cane harvest, the state's use of these workers significantly declined.

century—is a relatively new phenomenon in New York and northeastern agriculture.

To understand the use of seasonal and migrant farmworkers in the Northeast, it is helpful to understand the development of agriculture in that region and the corresponding employment of successive groups of workers. Agriculture in the Northeast developed quite differently than in the rest of the country, owing primarily to the system of very small landholdings. At the end of the nineteenth century with the growth of midwestern bonanza farms, small grain growers in the Northeast could not compete (Hahamovitch 1997). Many went out of business; others had to diversify their operations. At the same time, urban centers were expanding and the demand for fresh farm products grew. The Northeast restructured to dairy and fruit and vegetable farms, and implemented mechanization. Along with this shift came the increased need for seasonal workers. Until a few years before World War I, New York farms relied mostly on family and local seasonal labor. However, the growth in the need for short-term seasonal workers corresponded to rural-to-urban flight and therefore a decline in available local workers.

In response to the increased need for farm labor, growers hired first generation immigrant workers, mostly Italians, from nearby urban centers.[19] In addition, unemployed mine workers from Pennsylvania were among the first "stream" of migrant workers to come to New York along with traditional "hoboes" who followed the rail lines. When they first began to work on New York farms, it was common for migrant workers to find housing with growers and community members. New York's first migrant camp was probably built between 1910 and 1915 for central New York bean and

[19] A report by the Consumers League of New York mentions the use of Italian padrones (contractors) in New York State (Amidon 1946). For details on the Italian padrone system see (Hahamovitch 1997, ch. 2).

pea pickers (Hurd 1953, 4). At this time, migration from the south existed, but was very limited. With the onset of the First World War, European immigration was stemmed and with it, available farm labor from nearby cities. In response, growers began to recruit southern workers (Hahamovitch 1997).

During World War I, the federal government helped growers acquire a supplemental wartime labor force. Federal programs helped supply foreign workers to New York's farms, mostly from the West Indies, but also from Canada. The U.S. Department of Labor also organized one million male youth into the United States Boys' Working Reserve, who staffed mostly northeastern farms (Hahamovitch 1997, 7). Aggressive recruitment of local labor also helped agriculture, including work-or-fight laws, that were essentially labor drafts forcing work or jail for those not in the armed services (Hahamovitch 1997, 103-112). Female college students and women from the "leisure class" were volunteer laborers. Women were organized and trained by women's groups, colleges, and the Women's Land Army; the latter corresponded to similar efforts overseas, but without recruitment efforts by or the support of the state until toward the end of the war.[20] After World War I, the use of Southern migrants continued, as did hiring immigrant labor from urban centers. The Great Depression also facilitated farm labor recruitment due to urban unemployment. By the 1930s, out-of-state migrant workers had become an important part of New York agriculture (Hurd 1953). When the worst of the depression ended, it again became difficult to acquire urban workers, many of whom had secured city employment.

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[20] For many Americans, the idea of white women, who were not part of the working class, toiling in the fields was inappropriate. A controversy ensued regarding the issue (Hahamovitch 1997, 97-98). For more general information on the Women's Land Army see (Carpenter 2003).

During World War II, the demand for supplementary labor on farms prompted the creation of federal and state programs, such as the New York State War Council and, in turn, the Farm Manpower Service in 1943. The latter recruited 375,000 domestic and foreign seasonal laborers, with assistance from the different programs in the state and federal governments, to work on New York's fruit and vegetable farms from 1943 through 1945.[21] The vast majority (89 percent) were local workers. Women engaged in farm work through the Women's Land Army. Local youth, aged 11-17, and college students were released from school obligations to work the harvest, including those trained through the Farm Cadet Victory Corps. Specific local programs also supplied labor, such as Brooklyn College's Farm Labor Project, which sent college students to the town of Morrisville.[22] A great diversity of workers, including soldiers and sailors, conscientious objectors, and patients from mental health institutions provided relief during the war.[23] Other workers included those on rural vacations from the city. Aside from local and state workers, foreign workers, predominantly from Jamaica and the Bahamas, but also from Barbados, Newfoundland, Mexico, and China, worked on New York farms during the Second World War.[24] Moreover, the U.S. War Department

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[21] Except where noted, the data for this paragraph is from the Hurd Report (Hurd 1953). The report uses the term "volunteer seasonal workers" to describe all seasonal workers, including prisoners of war.

[22] Brooklyn College sent more than 500 students to work on farms during the war (Brooklyn College n.d.).

[23] The Hurd report mentions "inmates of institutions" (Hurd 1953, 3). A documented describing archival data on the New York State War Council, Farm Manpower Service lists correspondence regarding "the possibility of recruiting laborers from non-traditional sources, such as state mental health facilities" (Norris and Engst 1999, 52).

[24] Also in the New York State War Council archive, a summary description of photographs includes, "Chinese labor as part of the Farm Manpower Service" (Norris and Engst 1999, 53). These workers were probably recruited from New York City.

supplied more than ten thousand German and Italian POWs who worked the farms through New York prison camps.[25] The majority of non-local wartime laborers were southern Blacks. Much of this recruitment was based on helping the "war effort" by securing local food systems.

Post-war workers were still mostly local, yet southern migrants, a growing population on New York's farms, accounted for almost 17,000 farmworkers in 1948. They arrived as both families and single males (Hurd 1953). Also included in the post-war New York seasonal agricultural labor force were urban workers from Slavic and Mediterranean countries (Amidon 1946, 8), including Poland and Syria (Close 1945). Many of these were women with children, but without their spouses (Amidon 1946). Pennsylvanian families still migrated to New York for work. Foreign guestworkers included Jamaicans, Bahamians, Puerto Ricans, and Canadians. Accounts of the post-war period usually make a clear racial distinction between white and black migrants. A New York report on farm labor distinguished between "interstate" migrants from Pennsylvania, Kentucky, West Virginia, Tennessee, Oklahoma, and Arkansas and a different category of "southern migrants."[26] This categorization leads one to presume that the interstate migrants were Whites and the southern migrants were Blacks, considering several of the states listed as supplying interstate migrants are indeed southern, but not, in fact, categorized as the "Deep South."[27] This distinction reflects

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[25] For an examination of German prisoner of war camps in New York during WWII see (Mazuzan and Walker 1978).

[26] "Interstate" migrants numbered 2,296 in 1948; "southern migrants" numbered 16,661 (Hurd 1953).

[27] Another report by the Consumer's League of New York stated that most Blacks were from the "Deep South," particularly Florida (Amidon 1946).

racist attitudes between "types" of workers. The black migrants were often described as shiftless nomads, whereas the white workers were understood to be economic refugees from a reorganized southern agricultural system, which had excluded them.[28]

From the post-World War II period though the 1980s, black migrants were the largest group of migrant farmworkers in New York. Their continued return to New York was established through their participation in the eastern migrant stream (Griffith and Kissam 1995; Thomas-Lycklama à Nijeholt 1980). By 1960, New York was employing 27,600 interstate farmworkers who were almost exclusively black migrants; Puerto Rican workers also staffed these farms.[29] Also in the 1950s, small numbers of Mexican and Chicano workers traveled to New York from other parts of the U.S. for farm work, and the vast majority were probably American citizens (United States President's Commission on Migratory Labor 1951). At mid-century, the Caribbean guestworker program continued providing workers mostly for the apple harvest in New York. Child and youth labor were also important sources of farm labor, as workers traveling in families worked together. A 1959 demographic study of New York's black migrants showed that one-third of these workers were under the age of 20, with 18 percent were

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[28] For an examination of racism against black farmworkers in the pre-WWII era see (Hahamovitch 1997).

[29] This number is from the New York State Employment Service referred to on p3 in (Nelkin 1970, 3). Puerto Ricans had been brought to the U.S. for agricultural work beginning in the early 1900s; but it was not until the 1940s that their recruitment became more official through a program between the Puerto Rican and U.S. Departments of Labor. In 1948, New York hired 1,051Puerto Ricans from Puerto Rico (as opposed to New York City, where Puerto Ricans were also recruited) (Hurd 1953, 6). By 1953, New York employed 3,000 Puerto Ricans in agriculture (Mirengoff 1954, 1). In the surrounding states including Pennsylvania, New Jersey, and Massachusetts, Puerto Ricans developed a more concentrated ethnic niche in agriculture. For research on Puerto Rican farmworker collective action in New Jersey see (Bonilla-Santiago 1986).

under the age of 14.[30]

Through the 1960s, mechanization displaced many migrant workers and the number of New York's seasonal workers dropped by half (Barr 1988, 5; Nelkin 1970,). The number of southern black migrants also decreased during this decade due to urban migration and increased job opportunities in southern states, particularly in the service and construction sectors in Florida. Technology that extended the orange growing season further reduced the number of migrants traveling from Florida. Moreover, the children of southern workers were receiving a better education than previous generations, and as a result, few followed their parents into farm work. The 1970s was also a period of declining wages, and deteriorating working and living conditions for farmworkers (Barr 1988), this may also have attributed to the declining numbers of black migrants. The 1970s saw a steady decline in the volume of Puerto Rican farmworkers, and very few are found today in New York. A 1985 study conducted in Wayne County—the county with the greatest concentration of migrant farmworkers in the state—found that more than 95 percent of workers were black and three-quarters were U.S.-born (Chi 1986). Another report claims that in 1988 black workers were still the majority of the state's migrant workers, yet in decreasing numbers (Barr 1988, 6). According to Rural Opportunities Inc. data from the National Farmworker Job Program in New York, in 1990 50 percent of their client base was African American and this number decreased to below 30 percent in 2000 (Pfeffer and Parra 2004, 4).

After four decades of New York farms hiring predominantly southern black

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[30] Larson, Olaf. 1968. "Migratory agricultural workers in the Eastern Seaboard States," Rural Poverty in the United States, President's National Advisory Committee on Rural Poverty (Washington: United States Government Printing Office) quoted in (Nelkin 1970, 4).

workers for seasonal labor, a historic shift to Latino workers gained momentum. Anecdotal evidence also suggests that local teenagers, a previously reliable source of local seasonal labor, began to opt out of farm work, generating a need for new kinds of workers. During the same time, New York's use of guestworkers rose, and in 1986 they made up 41 percent of the migrant workforce (Barr 1988, 6). In this sense, guestworkers seemed to facilitate the transition from Blacks to Latinos. These Latinos, predominantly Mexicans, had become a more significant part of the New York farm workforce in the late 1970s, and their numbers have increased progressively ever since. Black workers from the south have historically included Caribbean workers settled in the U.S. In the 1980s, Haitian workers traveling from Florida, many fleeing the Duvalier dictatorship, populated New York farms, but most did not stay long in farm work.[31] Today the majority of New York farmworkers are Latinos. This Latinization of the workforce corresponds to demographic changes all over the U.S. in the past twenty years.[32]

The majority of today's New York Latino farmworkers are undocumented Mexicans, largely from rural areas, lacking job skills, and unaware of labor laws. (In contrast, in most large agricultural states, Mexicans have been a significant portion of the agricultural workforce for the better part of the last century.) They illegally cross the border and live and work in fear of detention and deportation. Many factors related to their labor migration result from recent political and economic restructurings. These changes include the dramatic increase in illegal immigration following the 1986 Immigration Reform and Control Act; the 1994 North American Free Trade Agreement

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[31] Haitians still make up part of the New York agricultural workforce.

[32] The increase in the number Latin American immigrants—both documented and undocumented—in the 1980s and 1990s followed changes in immigration policy, particularly the 1986 Immigration Reform and Control Act (IRCA), as well as economic crises in Latin America.

(NAFTA), which led to the displacement of small farmers in Mexico and the migration of 15 million Mexican peasants to urban areas in Mexico and the U.S.;[33] the further militarization of the U.S.-Mexico border, which prevents some workers from returning home; and the unwillingness of U.S. citizens to take low-paying, contingent jobs.

U.S. Use of Immigrants and Marginalized Citizen Workers

To look at farmworkers' problems as of contemporary provenance and ignore the historical background would be shortsighted. An investigation of the history of ethnic succession on U.S. farms sheds light on the long-term nature of factors that have facilitated this shift on New York's farms. Beginning with slavery in the seventeenth century, U.S. growers have almost exclusively relied on non-citizens and marginalized citizens to work on their farms. These workers have had their economic, social, and political opportunities restricted through both laws and informal practices for the purposes of maintaining a quiescent, exploitable labor pool (Majka and Majka 1982).[34] Because farm work is a bottom rung, seasonal job that generally attracts the most desperate workers and because agricultural workers were specifically excluded from labor and social legislation of the 1930s and 1940s, farmworkers experience an over-

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[33] "NAFTA has meant the extensive loss of farmland to privatisation and the exodus of 15 million peasants, mostly young, who have migrated to cities, or moved north in search of work. While out-migration pre-dates NAFTA, the Agreement has accelerated this phenomenon." (Working Group of the Canadian Council for International Co-Operation 2003).

[34] This was reflected in such colonial policies as a head tax on Catholic immigrants (all colonies) and later in state laws that restricted the rights of Jews to vote or hold public office (Maryland and New Hampshire). During the Constitutional Convention, racist sentiment and the conviction of a hierarchy based on religion, race, and ethnicity, with white Anglo-Saxons at the top, were readily apparent (Tichenor 2001). *Federalist Paper No. 2* by John Jay reflected this opinion. Jay wrote about "a people descended from the same ancestors, speaking the same language, professing the same religions, attached to the same principles of government, very similar in their manner and customs." Benjamin Franklin expounds on the possible negative effects of Germans and focuses on their "swarthy complexion" in "Observations concerning the increase of mankind" (Laboree 1961, 225-234; Sollars 1986).

determined marginalization, which has changed little in the intervening years.

Certainly, growers have also hired skilled workers and middle management for higher wages and better benefits. Family members and local workers have also engaged in farm work, many with the intent to climb the agricultural ladder and become growers themselves. However, the majority of farm workers are wage laborers, employed for seasonal tasks such as harvesting. Because the conditions of most farm jobs have always been associated with a quality of life that is not consonant with the image of the U.S. citizen (an idealized beneficiary of choice, bounty, and upward mobility), this sector has usually been occupied by immigrants of one description or another, whether indentured servants, chattel slaves, refugees from economic and political violence, or immigrants whose migration patterns are integrally connected to U.S. political and economic intervention in other parts of the world. Growers have also hired citizen workers, who, due to their poverty as well as institutional racism and classism, have been politically and economically disenfranchised. As such, workers who engaged in farm work have been marginalized, for the most part, before they entered farm work, and lacking skills, education, and networks that might help them to secure better jobs.

The contemporary subjects of my dissertation have their own specificities, but in a historical light the constraints they face resonate with powerful legacies from U.S. history. In the long analysis, the factors that constrain workers from acquiring access to power—to voice complaints, improve their working and living conditions, and collectively organize—are structurally tied to the conditions necessary for growers' continual accumulation of profit. The mythology of the self-reliant farmer freeholder is one thing, but the agricultural industry, as a whole, and particularly fruit, vegetable, and

horticultural production, could not have developed without the steady availability of cheap, quiescent laborers who had no stake whatsoever in the mythology of self-reliance.[35]

African slaves, of course, toiled without wages and were confined to certain areas under the control of their masters. The unfortunate legacy of this model of labor control and its bearing on management-worker relations in agriculture cannot be overstated. The class and race relations that developed in the rural south as a result of slavery have significantly influenced the legal rights of twenty-first century farmworkers (Linder 1992). When the first Blacks arrived in the colonies they seemed to have a similar status to white indentured servants. However the colonies began to make distinctions between them in the mid-1600s (Maryland, Massachusetts, Virginia). In 1712, "An Act for the Better Ordering and Governing of Negroes and Slaves" (South Carolina) became the model for controlling the lives and labor of Blacks. It is worth quoting that document to understand the relationship between racism and labor control in the colonial period:

> Whereas, the plantations and estates of this province cannot be well and sufficiently managed and brought into use, without the labor and service of negroes and other slaves…[who] are of barbarous, wild, savage natures, and such as renders them wholly unqualified to be governed by the laws, customs, and practices of this Province; but that it is absolutely necessary, that such other constitutions, laws and orders, should in this Province be made and enacted, for the good regulating and ordering of them, as may restrain the disorders, rapines and inhumanity, to which they are naturally prone and inclined, and may also tend to the safety and security of the people of this Province and their estates…

The Act goes on to describe laws that applied only to slaves, specifically defined in

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[35] "That part of the agricultural industry that depends on hand-harvest labor has never completely adjusted to the adoption of the Thirteenth Amendment to the Constitution, the amendment that abolished slavery. Unlike other industries, many people who control hand harvest agriculture have not attempted to use modern labor management techniques to recruit and retain workers and have not felt it necessary to pay a living wage to their laborers" (Geffert 2002, 113).

relation to race, such as those relating to public disobedience and the presumption of guilt upon complaint for grievous crimes and petty larceny, among other items. The identification of slaves and later low-wage immigrants as "other" with corresponding prejudices vis-à-vis disease, crime, social ills, and urban degeneration helped employers and the state rationalize the poor conditions under which these workers worked and lived.[36] These constraints have not exclusively applied to all non-Whites; wealth and status mitigate racist discrimination such as for wealthy, professional, and student immigrants.

Familiarity with the use of agricultural labor in California is also vital for understanding the plight of modern day farmworkers, since California has been the largest farming state in the country—in employment, production, and size of farms. In 1850 California entered the union as a free state. At the same time, federal fugitive slave laws when into effect. These two factors, along with the state's west coast position, led to California's lack of reliance on slave labor and the wage labor of freed blacks. When California's huge land tracts were appropriated by business agriculturalists in the late 1800s, they hired Chinese workers who were former indentured servants brought to the west coast to build the railroads. Chinese farmworkers would be the majority of workers in California's fields from 1870-1893 and their cheap labor was the vital factor in allowing for California's relatively quick transition from wheat to fruit production

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[36] More than 150 years after "An Act for the Better Ordering and Governing of Negroes and Slaves" was passed, the California Constitution of 1876 included in Article 19 very similar language, which applied to all aliens, "The Legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of aliens, who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the State…"

(McWilliams 1939). The Chinese were an ideal workforce, primarily because racist legislation stripped them of almost all their economic and political rights and ruled out their use of labor or political power to address their grievances. The Chinese were not initially so marginalized by racism; they were, in fact, considered white for a time, but only for utilitarian purposes.[37] By the late 1800s, racist bigotry against the Chinese was so heightened that farms using their labor were boycotted and eventually the Chinese were violently removed from the fields to make way for white workers, who, desperate for income during the depression of 1893, saw the Chinese as an economic threat (Majka and Majka 1982; McWilliams 1939).[38]

The white workers who replaced the Chinese demanded higher wages and began to organize. In less than a decade, growers solved this problem by hiring newly arriving Japanese immigrants, who quickly became the majority of workers on labor-intensive fruit and vegetable farms. Mexicans were also hired in the early 1900s to replace white

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[37] Racial categorization of some groups changed overtime, usually depending on the usefulness of such categorizations, to those in power. For example, in the span of two years, the Chinese in California, where the vast majority resided in the U.S., went from being the "most desirable of our adopted citizens" (Governor John MacDougallin) to a "race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point" (*People v. George W. Hall*, 1954). In *People v. Hall*, the court determined that Chinese were non-white and, as such, were covered by a 1950 California act which ruled, "No Black, or Mulatto person, or Indian, shall be allowed to give evidence in favor of, or against a white man" (Act Concerning Civil Cases, 1850). Chinese workers accounted for more than 90 percent of those employed as western railway workers, and lived in Chinese-only labor camps. If a white committed a crime against a Chinese person in one of these labor camps, there would be only Chinese witnesses, therefore, Chinese had little chance of pressing charges against whites. In another example, to facilitate the hiring of workers from Mexico, Mexicans were characterized as white by the U.S. government, thus allowing their immigration after 1924, when U.S. immigration laws restricted the entry of non-whites (Foley 1997).

[38] The anti-Chinese legislation and boycotts in California were all supported by the white, urban labor unions—a precedent that led labor unions to lobby against immigration of other non-Anglo low-wage laborers and, in general, the exclusion of farmworkers from the urban labor movements of most of the 20th century. Moreover, the unions' lack of support for farmworkers' and immigrants' causes legitimized the state's control of the supply of agricultural workers in the interest of large growers.

workers. Initially, the Japanese were hired at wages even lower than the Chinese, but unlike the Chinese they held strikes and demanded improved living and working conditions. The Japanese not only became the highest paid farmworkers in California, but they also concentrated on buying and leasing land to secure their own farms. This gave them more power as entrepreneurs, including employing other Japanese and depriving white growers of some of this labor pool.

The Japanese were the first model in a line of ethnically grouped farmworkers who were quiescent for a time before becoming established as the majority of hired farmworkers and organizing for better conditions. Following the Japanese, South Asian Hindus (who arrived through Canada), Armenians (coming from industrial jobs on the East Coast), Mexicans, and Filipinos all toiled in California's fields (U.S. protectorates such as Hawaii and the Philippines were important sites for identifying potential immigrant workers). Each successive group had exploitable vulnerabilities and replaced a previously controllable group until they began to organize, at which point the cycle of replacement—ethnic succession—started anew.[39] California growers used ethnic succession and ethnic segmentation to pit workers against each other, maintain a tractable workforce, and prevent worker organizing.[40] This model proved highly profitable and justifiable, given that, for the most part, these workers have been part of an economic,

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[39] The use of successive groups of immigrant labor in California in the late 1800s and early 1900s is detailed in Carey McWilliams' 1939 exposé of U.S. farmworker conditions (McWilliams 1939). For the role of local, state, and federal government in regulating the immigration and exploitation of farm workers see (Daniel 1981; Majka and Majka 1982).

[40] In large farming areas elsewhere in the U.S., growers developed similar strategies, but with less diversity. For example, in Texas, black, white, and Mexican tenant farmers, sharecroppers, and workers were pitted against each other (Foley 1997). In the south, tenant farmers and sharecroppers were Blacks and Whites almost exclusively. In the upper Midwest, bands of mostly white, single, male hoboes traveled from farm to farm.

social, and political world isolated from mainstream Americans. U.S. farmworkers embody the "other American" described by Michael Harrington, in his examination of poverty in the U.S., as having neither a face nor a voice, and thus all but invisible in the so-called affluent society of the post-war period (Harrington 1962, 6).

State Policies Enabling Farmworker Exploitation

For the above-mentioned groups of farmworkers, agricultural employers benefited from state policies that regulated these workers through immigration policy, naturalization laws, criminal laws, taxes, property ownership requirements, and more.[41] In some cases policies helped make possible the hiring of an ideal workforce, in other cases, policies helped eliminate a workforce. The historical reliance of growers, in general, upon agents of the state to provide a convenient supply of cheap, reliable, and quiescent laborers has been well documented (Hahamovitch 1997; Majka and Majka 1982). Not every policy that benefited growers was specifically designed to serve the interest of agricultural employers. For example, growers profited greatly from the labor of Chinese immigrants, who originally came to build the railroad. Growers also profited when Chinese workers' rights were curtailed through a campaign of racist public opinion, with labor unions in the lead.

Some immigration policies were designed to help farm owners explicitly, such as permitting and restricting Mexican workers' ability to cross the border in response to farm labor shortages and surpluses. For example, the Immigration Act of 1917 required a literacy test and a head tax on immigrants, severely curtailing immigration from Mexico. Yet, in response to an outcry by agricultural employers in the Southwest, the Secretary of

[41] For an analysis of state actions that helped California growers exploit farmworkers see (Majka and Majka 1982). For an analysis of the East Coast, up until WWII, see (Hahamovitch 1997).

Labor agreed to waive these requirements for agricultural workers from Mexico (Majka and Majka 1982). World War I also provided a rationale for labor shortages on farms and an opportunity for the state to help agricultural employers by continuing to waive immigration restrictions on Mexican farmworkers for several years. When the waiver concluded, border control enforcement was so loose that Mexicans nationals continued to staff U.S. farms (Majka and Majka 1982). Although the 1924 National Origins Act set country quotas for immigration and all but halted immigration from non-European countries (it was not changed until 1965), Mexicans were categorized as white, to allow them to cross the border and work in agriculture. In contrast, during the depression, growers had a surplus of Mexican labor, because white migrants flooded to California's fields and growers were forced to employ them. In response, Mexican immigration was then stemmed by the border patrol implementing the provisions of the 1917 act. Moreover, Mexicans in the U.S. at that time voluntarily returned home due to lack of jobs and were deported through federal raids of Mexican communities. Raids and deportations served another purpose, that of removing and decreasing farmworker organizing by targeting striking workers. The depression era corresponded with increased militancy among workers and the flood of white workers helped growers justify the removal of militant immigrants (Majka and Majka 1982). Other events such as the 1934 Philippine Independence Act resulted in Filipinos losing their non-citizen national status. This was convenient for California's growers who were dealing with a very militant Filipino farmworker population. As a result, some Filipinos were repatriated and others voluntarily returned to their homes.

Immigration policy was also shaped to thwart the ability of many to be full

members in U.S. society, which helped growers maintain politically powerless workers. For example, Japanese were not able to become citizens, nor were Filipinos (who needed to have served in the U.S. army to gain access to citizenship). Preventing citizenship served to preclude certain populations from acquiring political power.[42] Other policies helped agriculture by limiting the economic and political rights of farmworkers. The state of California specifically responded to the increased land ownership of the Japanese, which threatened white growers, by regulating land ownership by ethnicity. Rationale for the law was provided by California labor commissioner, John MacKenzie, "Japanese ambition is to progress beyond mere servility…The moment that this ambition was exercised, that moment the Japanese ceases to be an ideal laborer."[43]

The use of immigrant farmworkers in California was also punctuated by the employment of domestic workers during the depression eras of the 1890s and 1930s, when white citizen workers, sometimes with union support, demanded jobs at the expense of immigrant workers. White workers would move out of farm work as soon as

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[42] The U.S. already had a history of trying to limit the political power of immigrants to protect the interests of Whites. The first overt, anti-immigrant federal laws were the three 1798 Alien and Sedition Acts largely passed to curtail criticism against the Federalist Party from European refugees and to restrict the voting rights and political influence of immigrants. The first, the Naturalization Act, changed the residency requirement for citizenship from five to fourteen years; the second, the Alien Act, authorized the president to deport "dangerous" foreigners; and the third, the Alien Enemies Act, allowed for the detainment or deportation of foreign citizens during war. The Federalists in power aimed to limit the immigrant vote and appeal to the nativist vote to undermine the election of the Democrat-Republicans. They attempted this through implementing lengthening residency requirements for citizenship and authorizing the detention and deportation of "alien enemies." While these laws expired three years later, nativist sentiment continued to grow and reached its apex in the mid-1800s with the ascension of the Know-Nothing Party, largely in response to the arrival of five million mostly Catholic German and Irish immigrants. Fanatical in their commitment to anti-immigrant policies, the Know-Nothings, with more than one million members, elected twelve state governors and more than one hundred congressional representatives (Bates 2001). Yet, the prominence of the slavery issue pushed their single-minded platforms to the wayside.

[43] See (Penrose 1973, 76-78) quoted in (Majka and Majka 1982, 47).

the opportunities arose,[44] thus leaving a gap for growers to fill with immigrant workers. (The relatively short tenure of large numbers of white farmworkers also hampered stable farmworker unions from developing.) Moreover, with the rise of industrial wheat farms in the High Plains due to extended rail lines, white workers were recruited in the 1910s, and thus developed the character of the migrant hobo, also described as the white tramp, vagrant, or just migrant worker. These early twentieth century, U.S.-born migrants were single males, who lacked permanent homes and had weak ties to local communities. They were so commonly perceived as dangerous nomads that several states had vagrancy laws requiring workers to move on after the season. The same laws allowed authorities to "vag" those who refused harvest work; when arrested, their labor would be required for local projects (at a lower rate than farm work).[45]

During the 1920s and 1930s, white citizen workers migrated en masse with their families to rural California in search of work. This was the result of several factors: the collapse of the agricultural ladder (whereby farmworkers could climb through the ranks to become farm owners), severe droughts causing dust bowl conditions in south central and Midwestern states, and the Great Depression. Despite the decline in agricultural wages and the worsening of farm work conditions, the desperate and unemployed

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[44] Growers had reservations about hiring white, citizen workers. Dr. George Clements of the Los Angeles Chamber of Commerce commented in 1936, about Dust Bowl migrants replacing Mexican workers, "Can we expect these new white transient citizens to fill their place? The white transients are not tractable labor. Being so-called American citizens, they are going to demand the so-called American standard of living. In our own estimation they are going to be the finest pabulum for unionization for either group—the AFL or the subversive elements. They are not going to be satisfied with 160 working days." La Follette Commission, *Hearings*, part 53, pp. 19467-68 quoted in (Majka and Majka 1982, 107).

[45] For a discussion of how hoboes were constituted as aliens by both the federal government and popular opinion and the intersection of this characterization with the prevention IWW organizing efforts (and promotion a "patriotic" labor force during WWI), see (Grossardt 1996).

continued to seek agricultural jobs, reversing an earlier twentieth century trend of rural-urban migration. It was during this period that the plight of migrant farmworkers struck a sympathetic chord with the American public. This was largely because the majority of California's workers were displaced white families who had previously had their own livelihoods, as opposed to the hoboes—who were seen as degenerates—or Blacks, Mexicans, and Asians who attracted no sympathy due to pervasive and institutional racism. These "unfortunate" Whites, down on their luck, were fodder for a series of exposés that, when combined, amounted to something like a social crusade of conscience on behalf of farmworkers, and one that still resonates today in the public imagination when farmworkers' plight is discussed. John Steinbeck's *Grapes of Wrath*, Dorothea Lange's photographs of migrants—particularly *Migrant Mother*, Carey McWilliams's *Factories in the Fields*, Eleanor Roosevelt's visit to California migrant labor camps, and the U.S. Senate's La Follette Committee Report all exposed the squalid conditions of California's labor camps as well as the rampant labor violations occurring on the job.

It was also during this era that urban, industrial workers would see the conditions of their lives and labor significantly alter as the result of 1930s agitation and protest. Dust Bowl refugees would not connect with this movement, because, as former tenant farmers and sharecroppers with aspirations of owning their own land, they identified more closely with growers than with workers. By the time their exploitation drove them to organize—they were a significant portion of 1947 DiGiorgio strikers—the high period of labor militancy in the U.S. was over, and most of these white workers had migrated to urban areas for better jobs (Majka and Majka 1982, 132). Because of farmworkers' lack of power and the overwhelming political power of growers (most significantly Southern

Democrats who held a political block in Congress), farmworkers were excluded from New Deal legislation, including the 1935 National Labor Relations Act, which I will analyze in greater detail in a the next section.

With the Second World War, farmworker issues moved in to the background, partly due to other pressing crises and also because white workers had largely moved out of farm work and immigrants again populated farm jobs. As whites moved out of farm work after the depression, particularly into military-industrial employment, west coast growers petitioned the federal government to more aggressively remedy the agricultural labor shortage. In response to growers' demands, the Bracero Programs, 1942-1964, were implemented, originally as a temporary wartime program to staff farms on the West Coast and Southwest.[46] These federally run programs made provisions for temporary labor from Mexico to work during the harvest, after which they were sent back to Mexico. On the East Coast, growers demanded similar programs and the federal government established agreements with the Bahamas and Jamaica in 1943 and Puerto Rico in 1944.[47] These programs represent the state's most significant contribution to growers in enabling them to acquire profits based on government-sponsored worker quiescence.

Such supplemental labor programs, mostly implemented by the federal government, were established to remedy labor shortages. Labor shortages were both real

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[46] For examinations of the Bracero Programs, see (Calavita 1992; Galarza 1964).

[47] Because Puerto Rican workers were U.S. citizens and could not be repatriated to home countries, part of their wages were sent directly to Puerto Rico where they would have to return to claim them (Hahamovitch 1997).

and manufactured.[48] In her discussion of the East Coast agricultural labor shortages during World War II, historian Cindy Hahamovitch offers an analysis that seems to apply to agricultural hiring practices in general:

> The notion of a "labor market" that operates according to the law of supply and demand ignores the impact of custom and culture, of deeply held assumptions about what labor is "worth." Farmers, as the Interbureau Coordinating Committee pointed out, were accustomed to "a great over-supply of workers." Some had "come to consider this over-supply as the normal supply, and to consider any reduction in the surplus supply as a shortage." Over the past year, the committee found, "there was some confusion in the use of the term 'shortage,'" and a tendency in some cases "to identify increases in wages, irrespective of the number of workers available, as a shortage."[49]

Whether the labor shortage claims were real or not, the federal government responded.

As previously discussed, the federal and state governments also tried to recruit the unemployed (and those in nonessential jobs, such as in restaurants) to work on farms and many states instituted work-or-fight ordinances, with the threat of incarceration, to secure as many laborers as possible (which also served to undercut any worker resistance in the fields). Non-government sponsored programs such as the "farmerettes" of the Women's Land Army also supplied supplemental labor, again mostly in the Northeast. Additionally, during the Second World War, the federal government set up the Labor Transportation Program to get domestic farmworkers where they were needed and a Migratory Camp Program to house them. Prisoners of war were also put to work on

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[48] Often, the available laborers asked for higher wages and better working conditions—not something growers were willing to provide, when the state might offer more exploitable workers. Moreover, tensions arose in the early twentieth century between the Departments of Labor and Agriculture on farm labor issues. Hahamovich shows how the USDA won out by shifting the federal government's role away from protecting workers to providing quiescent laborers to growers (Hahamovitch 1997).

[49] Report of the Interbureau Planning Committee on Farm Labor, "Review of the Farm Labor Situation in 1941," Dec 31, 1941, general correspondence, subject employment, file Labor Oct. 4 to—[1941?], RG 16, National Archive and Records Administration quoted on p165 in (Hahamovitch 1997).

farms from 1943-1945 (more than 120,000 in 1945 alone). Military personnel were also to be found working on the nation's farms during World War II.

The model of labor control implemented through guestworker programs was tight as a drum. Workers were tied to one employer and their work contracts, mobility, and legal status were highly regulated by legal contract. They were also used to extinguish farmworker collective action (Hahamovitch 1997; Majka and Majka 1982) and as strike breakers (in which case they were escorted by federal authorities to work sites). The programs' overseers in government took growers' claims of labor shortages at face value and contract workers became a leading source of farm labor in the West, Southwest, and Florida. Employment of these workers denigrated conditions for domestic workers as wages remained low, working and living conditions improved little, guestworkers were used to undermine organizing efforts, and domestic workers were refused jobs. Unionization was stymied. The guestworker programs provided guaranteed, quiescent labor and effectively curtailed farmworkers' efforts to use their labor power to improve their living and working conditions (Geffert 2002). When the Bracero Program ended in 1964, farmworker organizing in California, led by the United Farmworkers Union (UFW) took off. On the East Coast, the guestworker program has never really ended, but has simply been reconfigured.

Exclusion from Protective Laws

From slavery through the Bracero era, large growers established particular hiring standards and practices, which allowed them to employ the cheapest, most vulnerable workers and to preempt worker organizing. The ethnic succession and ethnic segmentation that developed in California was repeated throughout the country over the course of the twentieth century and into the twenty-first century. These practices took

advantage of immigration policies and also were dependent on government policies favorable to agriculture. The most important state action that facilitated growers' profits through the use of cheap, quiescent workers was the exclusion of agricultural workers from federal labor legislation. This exception, as illustrated in this section, relegated farmworkers to a lower class that has been much more vulnerable to exploitation than industrial workers.

The 1930s gave rise to the New Deal and sweeping social legislation that changed the landscape of work for white Americans; black workers were systematically excluded from most of these policies.[50] The National Labor Relations Act (NLRA) of 1935, which established certain collective bargaining protections (fostering workers' ability to help themselves) is often the main point of departure for a discussion of this exclusion, specifically for domestic and agricultural workers, who were predominantly black (Edid 1994; Linder 1992; Rothenberg 2000). Farmworkers' lack of collective bargaining protections meant they were unable to attempt to counter the ill effects of all their other legislative exclusions, including wage protections.

By the time the NLRA was on the table, the pivotal lock of southern Democrats on national electoral politics was unassailable, and along with it, white supremacist politics that assured the perpetuation of a low-wage, southern, black workforce. Yet, the influence of growers on the NLRA was not restricted to just those of southern provenance, nor were farmworkers excluded only on racist grounds. Rather, excluding farmworkers from collective bargaining protections was a result primarily of growers'

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[50] "The deliberate exclusion of the farmworkers from legislative shelter is due to their weakness in the political arena, to the very great strength of farm organizations, and to the inertia of the urban population in these matters" (Morin 1952, 69).

general opposition to farmworker organizing; they had an all too compelling memory of I.W.W. efforts to undermine growers' power during crucial harvest times in the West and Midwest (Linder 1992).[51] Earlier legislation had established institutional racism at the core of New Deal policies.[52] The 1933 National Industrial Recovery Act (NIRA), designed to give a boost to the depression era economy and promote domestic consumption, set minimum wages and maximum hours for U.S. workers. Agricultural and domestic workers were excluded due to efforts by southern politicians, whose landowner constituents were habituated to their easy access to a cheap labor force. Furthermore, the Agricultural Adjustment Act of 1933, a major component of New Deal farm legislation, allowed for the eviction of tenant farmers and sharecroppers.

In policy after policy, Franklin D. Roosevelt abandoned black workers to shore up his New Deal coalition and secure political alliances for his reelection. The path of capitulation included the 1935 Social Security Act, the Works Project Administration, and the 1938 Fair Labor Standards Act (the FLSA established workplace standards such as the 40-hour workweek and a federal minimum wage). In probably the best documented work on the exploitation of U.S. farm labor from a legal perspective, Marc Linder explains that institutionalized racism was the backbone of southern politics and economics, and the main factor influencing state policies on agricultural labor. Linder argues, "the executive and legislative branches, by acquiescing in the preservation of political white supremacy, insured that intrusions into the socioeconomic sphere were as

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[51] For an inside perspective on the passage of the bill and the exclusion of farmworkers see (Daniel 1981).

[52] See (Linder 1992, ch. 4) and (Hahamovitch 1997, ch. 6).

minimal and peripheral as possible" (Linder 1992, 129).[53] Linder describes how federal bureaucrats were removed from high-level positions for bucking the South, while others protected their jobs by yielding to agricultural interests (Linder 1992, 143). Moreover, ambiguous definitions of industry and job categories, providing leeway for Southerners to define excluded workers as they wished, allowed wiggle room for excluding workers from protections. Post-New Deal federal and state legislation largely perpetuated the pattern of excluding farmworkers.[54]

Immigration Act of the late nineteenth century, as mentioned earlier, were directed at banning the entry of certain kinds of immigrants and limiting their political influence through naturalization policy (voting rights). In the late 1800s in the South, Jim Crow laws set voting standards much too high for former slaves to participate in elections. Moreover, voting was inhibited for migrant workers due to voting registration procedures, as well as requirements on residency, literacy, minimum age, and citizenship.[55] According to a study by the Bureau of the Census in 1966, less than one-third of male farmworkers in the U.S. voted. The report also gave percentages for farmers and farm managers, of whom 70.1 percent voted (United States Bureau of Census 1968). In addition to legal obstacles, the perception of obstacles was also a

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[53] Linder also quotes V.O. Key, who wrote about southern politics and the consolidation of southern political power, "The maintenance of southern Democratic solidarity has depended fundamentally on a willingness to subordinate to the race question all great social and economic issues that tend to divide people into opposing parties" (Key 1949, 315-316).

[54] New York's 1937 Labor Relations Act established in law that farmworkers are not considered "employees" and, as such, the 1938 New York State Constitution excludes them from rights enjoyed by other workers in the state, including the right to overtime pay, a day of rest, and collective bargaining protections.

[55] For a more complete discussion of the disenfranchisement of Blacks, the poor, and new immigrants see (Piven and Cloward 2000, chs. 3 and 4).

significant deterrent. For example, in a law review article about the disenfranchisement of farmworkers, Cunningham writes, "If the members of the Senate Subcommittee on Migratory Labor assume that a worker whose livelihood compels him to travel from farm to farm is thereby disenfranchised, it would not be surprising that the farmworker would harbor the same belief about his own political predicament" (Cunningham 1970, 235).[56] The combined lack of resources makes it extremely difficult for such workers to make their issues heard by and attractive to policy makers.

Labor Union Neglect

Contributing to the exclusion of farmworkers from New Deal legislation was the fact that organized labor and urban labor movements, for the most part, did not push for their inclusion. Unions did little to support agricultural workers' membership in union ranks and, for the most part, did not support farmworkers' own organizing efforts. Indeed, organized labor played a significant role in marginalizing immigrant farmworkers, most specifically by supporting restrictionist immigration policies, sometimes in open coalition with cultural conservatives, in an effort to protect U.S. citizen and resident workers' jobs (Higham 1963). Support of immigration and

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[56] This example of voting raises the issues: what roles are played by the individual in their own incorporation and what roles are played by their local communities and society at large? Leo Chavez looks at undocumented migrants in San Diego and discusses how their settlement both supports and inhibits incorporation. He discusses the role of society on several fronts and argues that society plays role in the immigrant's incorporation. First, there is the perception of the settler and whether the society is willing to accept them as members. Second, there are specific policies, such as state policies that exclude the undocumented from health care, education, or housing (Chavez 1991, 262). Similarly, Thomas posits that if the media and political debates stress the "illegality" of the undocumented, this leads to the characterization of the undocumented as nonmembers of society and removes them from the scope of class analysis. Thomas also discusses the specific migration system whereby laborers illegally cross a national border that in the U.S. imagination is protected to maintain U.S. "national economic health." Thomas argues that those who cross illegally are strongly associated with the status of non-citizens and they are a threat to citizens. He also argues that this system works to the advantage of employers, by creating a vulnerable class of workers (Thomas 1985).

immigrant causes was perceived to run counter to the mission of protecting union members since new immigrants increased the labor supply, increased competition for jobs, reduced wages, and, in general, made it more difficult for unions to acquire economic advances for their members. Until the 1980s, the U.S. union movement either instigated or supported every restrictive immigration initiative of Congress (Briggs Jr. 2001). Unions have always tended to see a direct correlation, backed up with statistics, between periods of increased immigration and declining union membership.

When California's fruit growers hired Chinese workers in the 1870s, the U.S. was experiencing a depression. Unionists in alliance with small wheat growers and manufacturers waged a campaign against the Chinese for undercutting wages and, through the Workingmen's Party, pushed for anti-Chinese legislation. When Mexican and Japanese workers successfully struck in 1903, the California State Federation of Labor supported them and their newly formed union applied for a charter from the American Federation of Labor (AFL). However, then AFL President Samuel Gompers, who saw immigration as a "union problem," agreed to AFL support only if the union would bar Chinese and Japanese farmworkers. The charter was denied. Anti-Japanese public sentiment, "yellow peril" campaigns, and anti-Japanese laws surpassed the anti-Chinese efforts of the late 1800s. Until the late 1950s, the urban-based labor movement would only provide support, which was minimal, to agricultural workers in the periods of 1913-1917 and during the latter part of the depression—in both cases, the farmworkers involved were predominantly white (Majka and Majka 1982).

Aside from racist and anti-immigrant motives for neglecting agricultural workers, unions resisted organizing agricultural workers for strategic reasons. The early AFL was

craft and not industry oriented and therefore did not include the unskilled farmworkers. Agricultural workers were also geographically isolated from urban workers, seasonal, ethnically separated, and low-wage. There was always a surplus of agricultural workers and their employers were fiercely anti-union, well organized, and politically connected. The division between the rural and urban workers, led to a "dual labor market," with agricultural workers experiencing extreme disadvantages. The division became exaggerated as distance between the two grew, in regard to skill level, race, stability, union attention, organizing successes, and legal protections. Until the mid twentieth century, most unions identified agricultural workers as unorganizable (Majka and Majka 1982). When local union attempts contradicted this notion, the AFL usually reinforced it and precluded significant outside support for agricultural union efforts (Meister and Loftis 1977).

Despite the neglect of the AFL, agricultural labor unions did develop.[57] These included the Industrial Workers of the World (IWW or Wobblies) in the 1900s and 1910s, which began organizing farmworkers in California.[58] The IWW was formed as an alternative to the AFL and, in particular, in response to the AFL's neglect of non-white workers. Other farmworker unionizing efforts included the 1930s Socialist Party's Southern Tenant Farmers Union; the Communist Party-sponsored Cannery and Agricultural Workers Industrial Union; and the 1937 Congress of Industrial

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[57] Hawaii was the great exception where the AFL-affiliated, International Longshoreman Workers Union organized the state's farmworkers (Aller 1957).

[58] The AFL supported IWW efforts to organize farmworkers after a violent, heated national campaign against the Wobblies arose, including the imprisonment of IWW organizers. However, along with their support, the AFL also had a spy within Wobbly ranks who reported on their activities to federal authorities (Meister and Loftis 1977).

Organizations-sponsored (CIO) United Cannery, Agricultural, Packing and Allied Workers of America, which abandoned organizing fieldworkers a few years later to compete with an AFL-sponsored cannery workers campaign by the Teamsters. Most of these efforts met with vehement grower opposition in the forms of strikebreaking, blacklisting, civil rights abuses, vigilantism, and state sponsored violence.[59] In California, many of the anti-union activities were initiated by the Associated Farmers, a statewide organization formed by the Chamber of Commerce, the California Farm Bureau Federation, and the state Department of Agriculture. In the south, the Ku Klux Klan was active in suppressing farmworker unionizing.

Amidst the rampant use of Bracero workers and extreme anti-union efforts in California in the 1940s, the National Farm Labor Union (NFLU), an AFL chartered union, held an important strike. Led by the former president of the STFU, the NFLU organized Mexican and former Dust Bowl migrants in California's San Joaquin Valley. In the fall of 1947 the union initiated the DiGiorgio Strike against one of the most powerful corporate agricultural conglomerates in the country. Initially Bracero guestworkers joined the ranks of the strikers, before they were escorted back to work by government officials. After nine months, the NFLU picket line ended when the National Labor Relations Board found it to be an illegal boycott under the Taft-Hartley Amendment to the NLRA. (It is worth reminding the reader that agricultural workers were excluded from the NLRA so this decision was most convenient for growers.) It took almost a year and a half for the decision to be overturned, at which time the strike was over. The organizing around the DiGiorgio strike, however, was significant in that it

[59] For examples of illegal activities to quash farmworker organizing see (Hahamovitch 1997; Majka and Majka 1982; McWilliams 1939; Meister and Loftis 1977).

brought together several ethnic groups and encouraged militancy among workers who were living year-round in local communities. It was not until the 1960s that farmworker unionizing efforts would make significant, but, unfortunately, not lasting gains, under the UFW, led by Cesar Chavez.

In general, when large labor unions offered support or pursued farmworker organizing, their motives were not always transparent. For example, unions have engaged in farmworker organizing to prevent the success of a rival union or protect their workers' jobs from (Morin 1952, 76). The organizing efforts from the mid 1960s through the 1970s in California would be the heyday of twentieth century U.S. farmworker organizing. Yet, even in this case, while the UFW was an AFL-CIO union, support from institutionalized labor was weak. Labor union membership, the primary avenue for low-wage worker dissent, has been mostly inaccessible to farmworkers. The strategic obstacles to organizing farmworkers are great, and are heightened in states like New York, where the growing season is short, farms hire relatively few workers, and geographic dispersion inhibits worker solidarity.

This brief historical review highlights several trends, which are as true today as they were earlier in the twentieth century. First, agriculture has continuously prioritized having surplus labor at a very low cost. Second, government has acted, often as a result of pressure by agricultural interests, to prevent farmworkers, who were chiefly Blacks and non-white immigrants, from competing on equal footing with white workers economically, politically, and socially. Third, institutional racism has been a primary justification in the exploitation of these workers and, in turn, has cultivated a social, political, and economic hierarchy based on skin color and ethnicity, which, accordingly,

promotes a cycle of over-determined marginalization. Finally, certain demographic traits are common to agricultural workers, including being non-white, mostly immigrant, and poor.

PART II: CONTEMPORARY CONSTRAINTS ON U.S. FARMWORKERS

In part one, I showed that constraints on workers' ability to voice complaints, improve their working and living conditions, and collectively organize are shaped by powerful, historical legacies. In this section I will consider in detail two of the more contemporary factors that exacerbate the weak position of farmworkers: legal status and transnationalism. These overlapping factors heavily influence workers' daily willingness to endure poor working and living conditions and their ability to address their basic needs. While both factors have played some historical role in limiting farmworker organizing, for the most part, they are relatively new to the New York workforce, and are related to the late twentieth century shift to immigrant workers. Furthermore, their current manifestation puts workers in an even more vulnerable set of circumstances than they endured in years past.

Legal Status

The powerlessness stemming from farmworkers' exclusion from labor laws is greatly reinforced by their uncertain legal status. This status (as citizen, resident, guestworker, undocumented) is a label established by law to denote rights and benefits consonant with one's relationship to the state. The rights and benefits associated with

legal status have changed over time on both the federal and state levels.[60] Legal status categories can be understood as a hierarchy, which includes 1) *citizen*, the highest category in regard to rights, political opportunities, and state benefits; 2) *resident*, also known as green card holder, the second highest category, with very limited political opportunities; 3) *guestworker*, a person in the country on a limited work visa who is protected by the terms of a work contract and basic civil rights and liberties, with neither political opportunities nor access to public services (this study is concerned with those on seasonal agricultural work visas, which last for up to ten months at a time); and 4) *undocumented individual*, a person who does not have legal approval for work nor residency, who is nonetheless covered by civil rights and liberties, as well as most workplace laws,[61] but who has no official political representation, and very limited access to public services.

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[60] Recent examples include the 1994 California Proposition 187, which was judicially overturned in 1997. Proposition 187 sought to limit access to social services, health services (except for emergencies), and public education including elementary, secondary, and post secondary schooling. Additionally, it would have required employers and schoolteachers to report to the INS anyone they suspected of being undocumented. Another example was the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (welfare reform), which removed access to food stamps and supplemental security income for both undocumented and documented immigrants. Supplemental security income was later reinstated for immigrants residing in the U.S. prior to the effective date of the 1996 reforms—August 22, 1996. That same year, one of the most damaging pieces of legislation for immigrants, the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) was passed. IIRIRA increased deportable offenses, made them retroactive, and removed judicial review. It also streamlined the process for immigration hearings, entailing that asylum was granted quicker, but that immigrants had less time to prepare their cases. More recently anti-immigrant policies include states restricting access to drivers' licenses, to exclude the undocumented.

[61] The 2002 Supreme Court Hoffman Plastics decision altered the rights of undocumented workers, by making them ineligible for back pay after being illegally fired for union organizing. This decision sent a chill through labor advocacy circles, due not only to the facts of the decision and its misinterpretation (both advocates and workers misunderstood the actual decision and believed that it had a more widespread impact), but also due to concern that this case will set a precedent to deny further workplace and other rights to the undocumented.

Legal status is directly related to immigration.[62] For a century after the establishment of the U.S., this category did not exist at all. Those not indentured, enslaved, or on a contract, were automatically considered what we today consider residents, although they might have been referred to as foreign aliens. Border protection against unauthorized immigration did not emerge until the late nineteenth century, and while certain groups were deemed ineligible for citizenship, their nationality did not dictate their deportation.[63] Deportable offenses—those that might make an individual "illegal"—were linked to an immigrant's moral or criminal standing, health, connection to a country at war with the U.S., or expired labor contract. The Alien Registration Act of 1940 required the registration of all foreign-born, but it was not until the 1952 Immigration and Naturalization Act that this registration was tied to immigrant visas, and even then, the Form I-551 (better known as the green card) did not strictly delineate between those who were lawful residents and those who were not.

In the political climate that has prevailed since 9/11, both guestworkers and undocumented workers have almost no prospect of becoming residents or citizens. Federal legislation creating amnesty programs and guestworker programs with residency opportunities have been in the works, but have been set aside because of the "War on Terror" and the increased fear of foreign and immigrant terrorists in the U.S. A long

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[62] The regulation of rights, privileges, and protections of non-citizens is the purview of the federal government. The journey of the agency that oversees this regulation reflects the many facets of these issues and the tone of the administrations. Originally, part of the Treasury Department, immigration was moved in 1903 to the Department of Commerce and Labor, when that department was created. In 1933, immigration became the domain of the Department of Justice. Under George W. Bush, regulation of immigration and legal status was moved to the newly created Department of Homeland Security.

[63] Many Europeans and Asians attempted to gain entry to the U.S. through Canada or Mexico to circumvent immigration quotas.

trend in contract or guestworker programs is that they do not offer workers an opportunity for status advancement. (The same is not true for high-skilled guestworkers.) The impact of previous amnesty programs has not been to eradicate the category undocumented, nor to award the status more rights and opportunities. Rather these laws have simply adjusted the status of specific groups of workers, which in turn allowed some workers to climb the legal status hierarchy, but perpetuated the same categories for subsequent immigrants who took the place of the previous ones.

It is clear that workers with higher status seek and receive jobs with better pay and working conditions. There is also a hierarchy of wages in these legal status categories for low-wage workers, with the undocumented earning the least (Phillips and Massey 1999; Rivera-Batiz 1999). This became especially evident after the 1986 Immigration and Reform Act (IRCA), which offered amnesty to undocumented immigrants, sparking intense unauthorized immigration. A new wave of undocumented immigrants replaced those who left the lowest paying jobs for better opportunities, which became available to them because of their change in status. Undocumented workers are most commonly found in secondary sector jobs such as service sector jobs like restaurant work, cleaning, landscaping, construction, and delivery positions, as well as manufacturing jobs. Moreover, an estimated 50-80 percent of U.S. agricultural workers are undocumented (Mehta et al. 2000)—one of the most common entry-level jobs for undocumented workers. Correspondingly, seasonal guestworkers are available for employers in sectors such as agriculture, tourism, and manufacturing.

In regard to rights, it is more difficult to slot guestworkers and undocumented workers into the hierarchy. While guestworkers theoretically have more rights than the

undocumented, in practice this may not be true. Guestworkers do not risk deportation the same way undocumented workers do merely by being in the U.S., yet guestworkers are not able to terminate employment with the same ease as undocumented workers, and guestworkers' continuation in their contracted work depends, in part, on their employers' positive assessments. Therefore, guestworkers have less incentive to complain about their work situations, as they risk more. A Human Rights Watch Report on freedom of association in the United States clearly describes immigrant workers' inability to address their grievances in cases where they *are* covered by collective bargaining protections:

> Their status often makes immigrant workers less likely to complain about unfair wages and working conditions and afraid to form and join trade unions to defend their rights. For many, the vulnerability of their undocumented status and related fear of deportation are the most powerful forces inhibiting their use of the right to organize and bargain collectively. Still, many undertake efforts to form and join trade unions, only to suffer reprisals. (Compa 2000, 33)

Legal status also effects workers' ability to seek help. For example legal services programs, common sources of help for the undocumented, particularly in helping them address workplace violations, face a huge barrier in serving the undocumented. In 1996, Congress passed a "poison pill"—restricting the activities of organizations that received any Legal Services Corporation funding, the largest single source of support for legal services to the poor. The restrictions include no class actions, no representation of undocumented immigrants, no attorney fees, and no solicitation. The restrictions apply to an organization's entire funding pool.[64] Many organizations that served the

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[64] From the Legal Services Corporation website: "In 1996 a series of new limitations were placed upon activities in which LSC-funded programs may engage on behalf of their clients, even with non-LSC funds. Among them are prohibitions on class actions, challenges to welfare reform, collection of attorneys' fees, rulemaking, lobbying, litigation on behalf of prisoners, representation in drug-related public housing evictions, and representation of certain categories of aliens. The Corporation has implemented and rigorously enforced these restrictions." See "What is LSC" at http://www.lsc.gov.

undocumented also served citizens and permanent residents, and were unwilling to sacrifice their federal funds. The results have been catastrophic in regard to the undocumented securing legal representation. Most states do not offer free legal services to the undocumented, and so farmworkers are usually forced to pursue redress for grievances through private attorneys.[65] This avenue is both time consuming and expensive, taxing two commodities that migrant workers have in short supply, and reducing the likely success of such lawsuits to near zero (Compa 2000, 136).

The effects of 9/11 on immigration policy are wide ranging and are still being played out. The sharing of information about immigrants between departments or agencies is only one example. This occurs not only at the level of federal agencies, but also locally as the police are encouraged to report suspicious individuals to federal immigration agents. Moreover, increasing crackdowns on the use of false social security numbers, expired visas, and the possible retraction of Individual Tax Identification Numbers (ITIN) are examples of anti-immigrant policies. Perhaps more important, yet more difficult to measure, is the anti-immigrant sentiment sweeping across the country in the form of nativistic arguments about "protecting our own." Such examples include the highly contentious day-laborer issue in certain New York State locales and community support for or apathy toward racial profiling.[66]

On the other hand, the Constitution affords basic civil rights to the undocumented such as the right to refuse entry into one's home, and the right to remain silent (including

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[65] New York is an exception. Legal services for farmworkers are provided by two organizations: one that serves legal workers and receives federal and state funds and another that receives none of these funds and serves the undocumented.

[66] See "Farmingville" a documentary film by Carlos Sandoval and Catherine Tambini (P.O.V. 2004) about a small Long Island town's response to an influx of Mexican day laborers.

about immigration status), freedom from arbitrary government treatment, and freedoms of speech, religion, and privacy. However, due to lack of knowledge about laws and the prevailing fear of authority shared by most undocumented, many of these rights are voluntarily ceded. Undocumented immigrants subject to deportation have constitutional due process including a hearing and review, and the right to representation and an interpreter, among other procedural rights (ACLU). The Supreme Court granted these in 1903 under *Yamaha v. Fisher*. Undocumented workers are also protected from the Immigration and Naturalization Service (INS) entering their workplaces without either a search or arrest warrant or permission of the employer. Additionally, some economic and social rights are enjoyed by the undocumented—the minimum wage, certain safety standards, the right of children of undocumented immigrants to an education at public schools (*Plyer v. Doe*), and all immigrants' right to emergency medical treatment.

Legal status, as I have explained, affects a range of opportunities for workers to pursue social, economic, and political incorporation. There is an inherent conflict between extending rights to immigrants and preserving citizenship and state sovereignty. Some citizens will feel that each time a right is extended to a non-citizen the value of citizenship is reduced, since that right becomes attainable for those who do not hold citizenship status. This issue is further complicated when we consider how trade and investment barriers are being dissolved by free trade agreements at the same time as borders are closing to immigrants and refugees (Sassen 1995). The economic links between countries, including the organized recruitment practices of government or industry (which are reinforced through kinship ties), highlight this incongruity. Non-citizenship status is an inhibiting factor in workers' empowerment.

Transnationalism

Transnationalism is a broad, multi-faceted term that is used to describe the intersection of home and host countries. In one sense transnational implies interaction that occurs across boundaries, but more often, immigration scholars employ it to analyze "highly particularized attachments" to home countries (Waldinger and Fitzgerald 2003). In the context of my topic, the concept of transnationalism may be understood as a migrant's or immigrant's continuing attachment to his or her homeland that shapes membership in cultural, social, economic, and political networks. I use the term transnational rather than return migrant or cyclical migrant, because the latter terms are merely descriptive of migrants' movements that do not reflect their social, economic, and political lives. It also includes recognition of a state's roles (at home and in the U.S.) in forming and shaping the practices and networks of an immigrant or migrant. The evolving nature of transnationalism begs for a rethinking of immigrant-associated dichotomies such as citizen/noncitizen, assimilation/exclusion, and traditional/modern (Smith 2003). Of course, the concept of transnationalism is hardly new. For centuries migrant workers have returned home every year after traveling for work (Foner 1999; Sassen 1999; Wyman 2001). The term transnationalism is often invoked in understanding immigrants and migrants who are geographically close to their home countries and therefore can more easily sustain relationships with those at home, including through personal visits. The concept is not confined to describing circular or return migration, but also how settled immigrants practice their continuing attachments to home.

Transportation and communication improvements make it easier for immigrants to maintain ties to their home countries. This is particularly true for Mexicans who share

a border with the U.S. and who can travel by land between their home countries and the U.S. Mexicans have had sustained constant immigration to the U.S. for more than a century. More recently in the second half of the twentieth century, other groups, particularly from Central America and the Caribbean have maintained similar sustained migration, but not in the same degree as Mexicans. For this reason, transnationalism, in this sense of the term, has commonly been used in analyses of Mexican workers in the U.S. It is also used to analyze other immigrant groups such as Haitians, Dominicans, and Salvadorans, among others.

Mexicans, unlike many other U.S. immigrant groups, often have adopted a migration pattern as opposed to one of permanent settlement (Apostolidis 2003). For agricultural workers, migrancy is a well-defined system. Traditional migrant farmworkers are those who travel to more than one place for employment in the course of the year, such as those who journey from Florida to New Jersey and on to New York, essentially following the harvest. "Shuttle migrants," in contrast, are those who go from their homes to their places of employment and back again, such as those that travel from Texas to Michigan and back or those that travel from Mexico to New York and back. Because of the increasing difficulty in crossing the U.S.-Mexico border, the term "shuttle migrant" applies more readily to workers whose primary homes are in the U.S., usually in Texas, Florida, or Southern California. Shuttle migration from across the border has changed due to increased border controls and it is now common for undocumented agricultural workers to return to their home countries after a few years (three years was a common response when I asked a new farmworker how long they would stay in the U.S.). Resident immigrants, however, can return annually to their home countries.

Scholars discusses the positive correlation between increased national security and border control and the reduction of return-migration (Durand, Massey, and Zenteno 2001). Certainly, it is clear that post-9/11 border tightening has had this effect.

Transnationalism is useful in explaining the limits on worker action since the majority of workers I interviewed were interested in returning home. Again, this is not a new phenomenon. In the early twentieth century, many immigrant "birds of passage" intended to return home with U.S.-earned wages to improve the lives of their families. This was the case for Italian and Scandinavian workers, in particular, who were consequently reluctant to join trade union initiatives. In turn, many unions became hostile to such immigrants, whose single-mindedness meant they were willing to work long hours and endure substandard working conditions, thus making it more difficult for other workers to set standards for improving their situations. In addition, labor unions and their members habitually blamed immigrants for driving wages down. Similarly, in the 1960s, farmworkers in Texas who were "green-carders" and lived on the Mexico-U.S. border, returning each night to Mexico, were unsympathetic to the union cause (Schauer and Tyler 1970, 16). As was true for the earlier transnational immigrants, today's low-wage immigrant workers' wages go much further in their home countries due to the much lower cost of living. Transnational workers, like the ones I describe, usually have a goal in mind such as building a house, buying some animals, or paying for education; for many, their length of time in the U.S. is explicitly related to these goals. In this scenario, workers are willing to accept poor working and living conditions because of the high wages that they earn, compared to those at home.

Moreover, citizen workers might perceive that the undocumented are in fact

damaging to the collective interest as a result of their market role in depressing pay levels and work conditions. These workers have seen their peers build new homes, install plumbing, buy cars and trucks, and contribute to community projects such as wells, churches, and baseball stadiums. Remittances to Mexico from the U.S. are the number two source of income after oil. Not surprisingly, transnational workers often make ideal employees—they tend to work long hours, accept low wages, and keep their mouths shut.

Low-wage workers' situations are also characterized by poverty. While workers' poverty may not be a primary obstacle in organizing efforts, it certainly is an inhibitor. The U.S. Census Bureau and Department of Health and Human Services each generate standards that define poverty in terms of annual income. For 2003, for a family of three those standards are $14,393 and $15,260 respectively. A minimum wage earner (at the current federal minimum wage of $5.15), who works 40 hours a week, 50 weeks a year, will have an annual gross income of $10,300. With ten hours of overtime a week, at time and a half, these earnings rise to $14,163. Without missing a day of work and with a two-week vacation, the minimum wage worker averaging ten hours of overtime a week falls short of federal poverty standards for a family of three.[67]

Numbers only tell part of the story. Poverty may be better understood as a condition of hand-to-mouth survival, where financial cushions are not available, and where unexpected expenses—even small ones—can lead to crisis. The salaries of almost all low-wage jobs perpetuate poverty, since most recipients have experienced poverty prior to their low-wage jobs. The majority of immigrants who take on low-wage jobs in the U.S. do so as a matter of survival. Lack of opportunities in their home countries,

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[67] The HHS 2003 standard for one person was $8,980 and for two people $12,120; the Census bureau 2003 standard was $9,573 for one person and $12,321 for two people.

wage differentials between there and the U.S., and desperation are the major driving forced for their migration. Yet, U.S.-born low-wage workers similarly struggle. In her exposé on the reality of low-wage work, Barbara Ehrenreich, in *Nickel and Dimed*, tried to survive on a series of menial jobs, most of which paid more than the minimum wage. Her documented effort shows that even someone with non-poverty experience, skills such as English literacy, no dependents, and a savings to use for a security deposit for an apartment cannot survive on such wages; and that housing, food, and other necessary items strip away salaries leaving nothing for savings let alone medical insurance or recreation (Ehrenreich 2001).

In the U.S., minimum wage rates for most workers were established under the 1938 Fair Labor Standards Act. The 2004 federal minimum wage of $5.15 an hour was nominally 66 percent higher than it was in 1974, yet in real terms, the 2004 rate is 34 percent less than the 1974 minimum wage. Living in poverty requires constant attention to earnings and attention only to the most immediate needs. Plans for the future are impossible. Poverty's byproducts include an ever-present urgency to earn, a loss of personal time, and psychological effects such as depression and low self-esteem. These are not the characteristics of a workforce that is inclined to collective action. Impoverished workers are generally not in a position to bargain since the risk to their jobs threatens their very survival. Such workers are generally willing to endure exploitation. If conditions are unbearable, they seek other jobs. But the risk and effort involved in trying to improve their current jobs are perceived as less than worthwhile.

PART III: POWERLESSNESS OF NEW YORK FARMWORKERS

Compared to other regions of the country, the Northeast is unusual in that farmworkers have only recently begun to experience powerlessness as the result of legal status and transnationalism. Correspondingly, growers have recently been able to take advantage of immigrant workers in ways that the largest farming state in the country has for most of the last century.[68] The vast majority of today's New York farm workforce are Latino and undocumented. Their working and living conditions have been shaped by the history discussed above. Certainly, farmworkers continued exclusion from protective labor laws, such as the right to overtime and collective bargaining protections, consigns them to a rank of second-class workers. Coupled with this, their legal status and transnationalism daily inhibit workers' actions by producing three circumstances: 1) fear of deportation and of job loss due to workers' lack of resident or citizenship status, 2) aspirations to return to and permanently reside in their home countries, and 3) rationalization of their situations through habitual comparison of their situations to those at home rather than that of other U.S. workers. The nature of these circumstances is overlapping, but for the purpose of this investigation, I will deal with them separately.

Fear

The vast majority of Hudson Valley farmworkers that I interviewed (92 percent) were neither legal residents nor citizens.[69] They were undocumented or on temporary, seasonal H2-A and H2-B (guestworker) visas and thus subject to deportation or the

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[68] Another question generated by this scenario is how New York growers were able to exploit citizen workers—southern black migrants—for so long. I would refer the reader to the work of Freidland and Nelkin (Friedland 1969; 1981; Friedland and Nelkin 1971; Nelkin 1969; 1970).

[69] Unless otherwise noted, statistics on farmworkers are from my original research of interviews with 113 Hudson Valley farmworkers.

termination of their participation in the guestworker program (which can be considered deportation). As a result, they lived and worked in a climate of fear, which inhibited their ability to complain and redress grievances. Accordingly, they perceived the best way to protect their jobs—which provided vital income for their families—was to put aside all personal concerns about their well-being, and comply with their employers' demands. These workers were struggling to overcome poverty and fulfill short-term goals. Securing the following week's paycheck overrode longer-term goals such as trying to improve their own workplace conditions. This was particularly true for workers who intended to leave farm work (66 percent) and return home (75 percent).

Legal status is, of course, related to being foreign-born. As mentioned, the country of origin of New York farmworkers has changed dramatically in the past few decades from the majority being U.S.-born to the majority being Mexican-born. Until the 1980s, three-quarters of farmworkers in western New York were U.S.-born Blacks, with most of the other workers from Puerto Rico (Chi 1986). By the early 1990s, these proportions had changed. A case study of New York and Pennsylvania apple workers (with New York data from the Hudson Valley, western New York, and the Champlain Valley) showed 25 percent of workers were born in the U.S., 28 percent in Jamaica, and 28 percent in Mexico (North and Holt 1993). By the turn of the twenty-first century, the shift away from U.S.-born workers had taken place. Of the Hudson Valley workers I interviewed, foreign-born workers made up 99 percent of the workforce (78 percent from Latin America). Studies from elsewhere in New York confirm these findings (Maloney and Grusenmeyer 2005; Pfeffer and Parra 2004).

The most common places of birth for Hudson Valley farmworkers were Mexico

(63 percent) and Jamaica (21 percent). Other countries of origin included Guatemala (12 percent), El Salvador (2.7 percent), Ecuador (0.9 percent), and the United States (0.9 percent). (It is noteworthy that the only U.S.-born worker in my sample self-identified as Mexican.) This remarkable demographic shift from U.S.-born black workers to Latin-American-born workers (78 percent) has taken place in the span of twenty-five years. Foreign workers, both guestworkers and the undocumented, have less bargaining power than other workers (North and Holt 1993). Almost three-fourths (71 percent) of workers were undocumented, meaning they did not have legal papers to work or reside in the U.S. One-fifth (21 percent) were guestworkers who were in the U.S. on work visas. A little more than 5 percent were residents, also known as green card holders, and 2.7 percent were citizens (two foreign-born workers became U.S. citizens). Again, corresponding to the shift to foreign-born workers, legal status changed.

All Jamaican-born workers initially came to the U.S. through the guestworker program. The Jamaican workers who were U.S. residents or citizens acquired this status primarily through marriage to U.S. citizens, except for one, whose residency was sponsored by a parent. None of the Jamaican-born workers were undocumented.[70] In comparison, 90 percent of Mexicans and 100 percent of Guatemalan and Salvadoran workers were undocumented. The single Ecuadorian worker was a guestworker. The dramatic increase of foreign-born workers translates into an agricultural workforce that is exceptionally vulnerable to workplace exploitation and community and government neglect. Foreign-born workers are not knowledgeable about U.S. laws and may not

[70] One Jamaican-born U.S. resident reported that when he broke the guestworker contract in the 1970s, he was undocumented and had to hide from immigration authorities. From their stories, it appears that this was also the case for four of the other five Jamaican-born residents or citizens, although they did not specifically say this.

realize the means they have to address grievances. For workers with little opportunity in their home country, any job is better than being unemployed.

Employers do not have to explicitly threaten to expose workers legal status; it is an unspoken understanding. Employers, by law, must see workers' documents, showing their legal status, to hire workers. However, they are able to take such documents at face value and do not have to verify them with any authority. While many false documents can look authentic, employers—particularly in an agricultural labor market with a preponderance of undocumented workers—are usually able to quickly and correctly assess the likelihood of documents being false. When employers need workers, they will accept workers' false documents. When employers want to remove employees, they might threaten to expose the undocumented status of workers.

Workers with false documents try to limit their grievances to avoid having their documents revealed as false.[71] An exacerbating factor is that many such immigrant workers have undocumented family members working or living with them, so the fear of an employer's call to immigration authorities jeopardizes not just the worker's situation, but that of others in his or her home, including children. Thus, in weighing the abuse on-the-job versus the potential for deportation, with the consequences of poverty in the home country if deported, a worker may feel compelled to endure the job abuse. This issue is more pressing for women because they rarely are in the country alone, whereas men commonly travel without their families (Tamayo 2000).

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[71] The law is structured so that although an employer breaks the law by hiring the undocumented, it only applies when it can be proven that employers had knowledge that the workers were undocumented. Moreover, the fines assessed against growers for breaking this law are minimal, when they are applied. In a Rose Garden speech, President Bush hailed new immigrant workers who are willing to take jobs that most U.S. citizens would refuse, "We ought to welcome them and their employers should not be penalized" (Rivera 2004).

When workers spoke to me about their fears, immigration or "la migra" was by far the most common issue. Fifty-one-year-old Alejandro from Mexico told me how difficult it was to be without his family, his people, who were in Mexico. Expressing his fear that immigration officials would take him away he told me, "We are treated like unknown people. We are not fugitives. We come here to do farm work because we do not have jobs at home." Alejandro, however, had reason to feel like a fugitive: he had illegally crossed the U.S.-Mexico border three times and planned to do so again when he returned home to Mexico in December. For three years, he had been working in the East Coast migrant stream—first in New Jersey, then in New York, followed by Florida, before returning home for an annual visit. As for improving his situation in the U.S., he told me, "We are not paid well and cannot ask for more."

Many of the workers I spoke with expressed similar fears. Javier, a twenty-five-year-old from Mexico City explained that he would rather be working with cars, but that his fear of the cops prevented his pursuing that work. Marcos, a forty-five-year-old from Mexico, had been caught by immigration when crossing the border and was fearful of authorities and the police. Getting deported near the border is not pleasant and delays one's trip to the U.S. But, deportation from New York would be much more significant, equaling a loss of a job, earnings, and the opportunity to remit money home. When I asked Marcos if the boss treated him with respect he said, "No, they treat us like nothing, they only want their work." Regarding his job, he said, "Whether we like it or not, we have to like it." Looking for an explanation for why Marcos was working in New York, he told me that at home he was paid in food, only enough to eat. He said, "We are poor. We struggle. We risk our lives to come here to work." He hoped to earn enough in New

York to build a home in Mexico.

Undocumented workers who have been deported may have the opportunity to return to the U.S., but the cost—financially, physically, and psychologically—is high. For both the undocumented migrant worker and for those undocumented individuals who consider themselves settled in the U.S., keeping a low profile is crucial to their very survival. Worker actions such as walkouts, strikes, or collective complaints are very rare as a result. Workers are not willing to risk their jobs and deportation so they can improve their situations. They have so little protection for pressing grievances, and examples of grower backlash against workers pervade the folklore of agricultural work. The guestworker whose boss does not want him to return the following year may jeopardize his chance to return to the U.S. Concisely, while workers may have the potential to withhold their labor power to press grievances, their vulnerable legal status prevents such action.

Legal status also affects workers' ability to become community members, and, in that sense, their opportunities to amass social or cultural capital are compromised. Guestworkers, who are usually provided on-site housing in labor camps, often have little exposure to local communities, and moreover, have short annual job tenures lasting two to ten months. Undocumented agricultural workers, if not housed on the farm, still for the most part live in rural isolation. The undocumented usually try to keep a low profile in order not to have their legal status revealed, and for many this means not going out during non-standard work hours (at nighttime) when their activities might be perceived as suspicious by prejudiced law enforcers and locals.

Fear is also related to racism. In a few cases, when I was initially locating

workers, they were hesitant to open their doors, though all eventually did. Farmworkers might be suspicious of unexpected guests for many reasons, perhaps most prominently due to the isolated location of their homes (even from the closest road) and the fear that the guest may be unwelcome. I found this to be more common for Jamaican-born workers than for other workers. In one case, after hearing my knocking at their door, workers turned off the lights and the T.V. Along with a student intern, I persisted in knocking and the workers ultimately opened the door. When they saw us and determined that we did not pose a threat, they invited us in. "We don't open the door at night. We're black," they explained. This was a poignant example of workers' experience of racism and fear. Another worker was more explicit about racism on the job. He told me, "The boss is very racist and that makes us feel like lesser people."

Whether their fear of the boss stems from racism, their legal status, or knowledge of the boss's backlash against workers, it is palpable. Charles, a forty-something Jamaican guestworker, who had been working in the U.S. since 1980, answered a question I asked about how he and his coworkers dealt with problems on the job. He told me, "Sometimes we don't. We are taught to be quiet." One way this happens is that the boss "speaks faster and louder" when communicating with workers. Charles also explained that while he knew that as a guestworker his contract was supposed to define the terms of his work, "We do what the boss says not what the contract says." In a discussion about unionization, another worker blatantly told me, "If you take part in a union you will never come back."

The high concentration of undocumented workers and guestworkers—92 percent of workers interviewed—shapes their chronic vulnerability, most notably to deportation.

Guestworkers fear they will not be invited to continue participating in the contracted farmworker program, which is dependent on the employer's reference and their home government's approval. To minimize the chances of their fears being realized, both undocumented workers and guestworkers tend not to complain about their situations and, in general, are considered a docile workforce.

Plans to Return Home

Workers' behavior and decisions are guided by their plans to return to and permanently reside in their home countries, usually after a period of several years. (Guestworkers' contracts require them to return home every year.) When asked directly, 75 percent of workers reported that their future plans included returning to their home countries to live there. Such workers may be considered transnationals or transmigrants. While leaving the U.S. may or may not come to fruition, the *intention* to return home dampens workers' desires to improve their situations in the U.S. As a result, they are generally willing to make tremendous sacrifices rather than risk being fired or deported. The main motive behind workers' willingness to sacrifice is perhaps most apparent in the fact that the majority of workers leave their wives and children behind to work in the U.S. The sacrifice is evident in their daily tolerance of their substandard work environments including: long hours of manual labor (including in extreme heat), low pay, overcrowded and sometimes substandard housing, lack of transportation and the accompanying isolation, and the inability to directly communicate with their employers.

I found evidence of transnationalism among the majority of the Hudson Valley farmworkers I interviewed. Despite the disproportionate number of men in this study (91 percent), a high percentage (68 percent) of the group stated that they were either legally married or involved in a common-law marriage. An even higher percentage (71 percent)

reported having children. These statistics illustrate the phenomenon of men migrating alone, without partners or families, in search of agricultural work so they may send money back home to their families (remittances). Thirty-one percent of those married lived with their spouses in the Hudson Valley. None of the guestworkers had spouses with them (by nature of the contract), whereas 40 percent of non-guestworkers had their spouses with them. Of the 80 workers with children, 65 percent were separated from all their children and another 7.5 percent had children split between their home countries and New York. For the older guestworker who leaves behind adult children to work in New York for two to three months during the apple harvest, this separation may seem a minor inconvenience. However, for the worker who leaves behind his wife and small children for ten months or several years, the separation is more significant. Many workers reported on the loneliness this caused. One worker I met had not yet seen his one-year-old son and would not do so for two more years. As most parents would understand, workers' parting from their children is not the result of a free choice, but rather a sign of their desperation and poverty, as well as their commitments to providing for their families.

The separation of workers' from their households and their intense interest in the well-being of their families is also apparent in workers' financial support for their families in their home countries. Workers' playing an economic role both in the U.S. and at home is also evidence of transnationalism. Almost all the workers interviewed reported that they sent remittances home, usually through a wire transfer such as Western Union. Only five workers reported never sending any money home. Three of these were Mexican siblings who had moved to New York permanently with their parents (one of

their other siblings sent a small amount home each year to relatives). The other two workers were one Jamaican-born U.S. citizen and one Jamaican guestworker. Of the 95 percent of workers who did send money home, the sum varied from $200 a year (to parents) to almost all a workers' income (to his wife and children). Two-thirds of workers reported sending money home at least once a month. Sixteen percent reported that their remittances depended on their pay. Another 13 percent of workers reported sending remittances home quarterly, semi-annually, annually, or according to need. Those who sent money home on a monthly basis, or more frequently, averaged $513 in remittances per month. This represents about half of an average workers' monthly take-home pay.

For most farmworkers, U.S. jobs are secured with the primary goal of improving conditions for themselves and their families in their home countries, rather than the intent to settle in the U.S. permanently. Many workers pointed out that while they wanted to be citizens and live permanently in the US, it was unlikely that their families would join them and so this factor was decisive. Some workers were very frank about how their desire to return home precluded their interest in and capacity to change their situations in the U.S. One worker told me he was not interested in being part of a union, "Because we don't live here."

Workers' willingness to sacrifice while in the U.S., their desperation, and focus on immediate earnings was reflected in their limited aspirations. I asked workers what job they would want if they could have any job they wanted. This was a very difficult question for most to answer. For most of them, their future plans included low-wage work in the U.S., followed by the return to their home countries. Plans were very modest

and reflected their acknowledgement of their limited opportunities. Only five workers (4.5 percent) responded with aspirations above low-skill jobs. These responses included a singer, woodworker, office worker, storeowner, and government worker. Other workers indicated that they desired future work in agriculture (27 percent), restaurant work (14 percent), construction (10 percent), or as a mechanic (5.4 percent). Less than ten percent of workers (7.2 percent) reported that their current agricultural jobs were included in their future plans. One teenaged male worker responded that he wanted to be a lawyer; at that point he and his coworker broke out in loud laughter. Similarly a young female worker responded that she desired an office job and then she and her sister laughed out loud. I observed that in both cases the laughter was simultaneous in response to the obvious joke—to them—of finding professional work. The single U.S.-born worker gave a biting response when asked about his future plans. He said he would be President because "the poor do not help the poor." Such responses are potent reminders that these workers had few options and little control over their futures. It is also apparent that these immigrant workers are not even close to living the "American Dream."

Limited aspirations were directly related to the obstacles workers identified as standing in the way of their pursuing work they wanted. When asked about these obstacles, workers' main responses were lack of opportunity (21 percent), poor English language skills (19 percent), legal status (10 percent), skill level (10 percent) and transportation (6.4 percent). Workers elaborated: "No skills, no education. I can't read well, I can't do better"; "I have no documents, no English, no transportation. It can't happen." "I need English; I have no education. One needs connections to be able to get a job here or in Mexico"; "We are not prepared for other work"; "I can't do better. I don't

have an education. I can't read well." Low levels of education and literacy restricted workers' opportunities to find better jobs. Low-pay jobs such as in the fast food industry or in retail stores were not available to these workers. The lack of English language skills inhibited workers' ability to find and advance in jobs. It prevented them from communicating effectively with their colleagues, managers, and employers and, in general, incorporating into communities outside of their kin networks. Many of these obstacles are related to workers' poverty and lack of resources to learn skills at home; they are also related to their reluctance to invest their time in acquiring these skills while in the U.S. This reluctance is related to their already being busy with work and not having much free time. It may also be related to their expectations that skills like English language proficiency and literacy, which would help them get ahead in the U.S., are not as necessary back home, and their end-goal, of course, is returning home.

My interviewees had a very clear understanding of the obstacles to finding better paying work. Having few prospects, they may have felt confined to accept their current employment, including poor working conditions. Moreover, knowing that they planned to return home, these workers accepted their plights. Their words reflected this. "I have no social security number and was fired from my restaurant job, but I can work on a farm"; "It is difficult for an undocumented worker. It's hard to find work"; "I already have a job and it is difficult to find another job"; "I go home to Mexico and this job waits for me"; "I got laid off construction work and the grower called me. I'll try again." One guestworker told me, "You do not have opportunities with the [guestworker] system. You come here, work and go back." For guestworkers, there are no options for job mobility except, perhaps, to change farms.

Rationalizing through Comparison to Home

The workers I interviewed—many of whom were recent arrivals in the U.S.—habitually compared their situations to home where few jobs existed and where a day's pay was less than an hour's wage in a low-paying U.S. job. This comparison stems from their perceptions of their situations in relation to their reference groups at home. A reference group is "a group that provides a standard for judging one's attitudes or behavior" (Giddens, Duneier, and Appelbaum 2003). It is from one's reference group that social norms are developed. Those I interviewed were mostly poorly educated peasants, from rural areas, whose political voice in their home countries was severely limited. Income from their U.S. jobs provided well for families at home. Workers have built houses and dug wells, installed electricity and plumbing, and contributed to community-building projects from their farmworker wages. As a result these workers were, to some extent, appreciative of their opportunities to earn poverty-level wages. They were unlikely to fully comprehend, especially if they were newcomers, that they were more vulnerable to, and are more often the actual victims of, extreme workplace exploitation, than U.S. citizen and resident workers.

Workers' identification with their reference groups ran deep since, in all likelihood, members of their reference groups were not only back in their home countries, but also working alongside them. Close kin ties in the U.S. also serve to reinforce the expectations and standards of the home country. Three-quarters of all workers and 89 percent of non-guestworkers (i.e. undocumented, resident, and citizen workers) worked in the Hudson Valley with family and/or community members from their home countries. Sixty percent worked with family and 42 percent with community members. One worker told me, "Almost my whole town is here." The kinship ties that help workers find jobs in

the U.S. also provide workers a community of their peers. However, close-knit kin ties, while providing some semblance of a social network, in some ways reinforces isolation by separating workers from the wider communities in which they lived.

Workers' habitual comparison and transnationalism was displayed in their mentalities of extreme personal sacrifice and willingness to accept substandard working and living conditions. Their determination to do anything to ensure the survival of their families at home meant that they would accept jobs that had been rejected by native-born U.S. workers as undesirable. The average total annual income for workers was $8,078. This included Hudson Valley farm work plus other income (36 percent reported other income). This very low annual income put these farmworkers well below the official poverty line, and even further below the subsistence levels defined by most poverty research analysts.

Most of the workers hailed from rural areas in their home countries where poverty is pronounced and opportunities severely limited. Among the accounts were the following: "It is a poor living doing farming in Jamaica. We grow food and sell it"; "I used to have my own potato farm, but there is no water. Nothing happens with land that is dead"; "I worked in a factory, but after a certain age they don't let you work"; "I only make enough to feed my family"; and, "I make little earnings because I spend the profits on maintaining my farm." It is clear from workers' reports of the lack of jobs in their home countries that they do not travel out of a sense of adventure nor to join their kin, but rather out of the need to earn money. The kinship ties that help them find jobs in the U.S. also provide workers with a community of their peers. However, that they primarily associate with those from their home countries also can contribute to isolation from U.S.-

born laborers and local communities.

Opportunities may be very few at home, but they are also severely limited in the U.S., and there are new obstacles at every turn. Farmworkers' vulnerabilities stem from overlapping obstacles: their lack of knowledge of labor laws (only 25 percent reported that they knew their rights), their legal status (only 8 percent were citizens or legal residents), their intentions to return home (75 percent), their poor education (on average sixth grade), their low literacy level (few could read even in their native languages), their lack of English language skills (an average of 1.2 on a scale of 0 to 5), and their social isolation from public goods and services. Furthermore, eighty percent said their employers did not speak their languages. When employees and their superiors do not speak the same language, the workers are at a significant disadvantage. One-fifth said that their employers did not treat them with respect, and this was a widespread source of frustration and resentment. Some responded that their bosses were demanding, impatient, and easily angered. Yet, because of their limited options, they continued to return to work for the same employers because the prospect of job security outweighed adversities in their workplaces. This sentiment was repeated to me again and again during interviews: fulfilling basic needs for their families surpassed workers' concerns for their personal well-being.

These transnational workers often saw considerable personal benefits to be derived from their labors and therefore easily found a way to justify substandard work environments. Enthusiastic about their wages and unable to relate to the exploitation of workers in the U.S. (exploitation can be worse at home, even for those lucky enough to have jobs), these workers have little motivation to change their situations and may feel

confined to accept their working and living conditions. This acceptance was articulated to me many times. For example in regard to pay, one worker told me, "I know it is not possible to be paid more," and, "We're not paid well, we can't ask for more." In regard to unionizing, a guestworker expressed, "There's no possibility for a union." Another guestworker said, "We can't take part [in a union], this year, next year, it doesn't matter." Another example was related to the guestworker contract. Some of what I was told included, "There is a fixed rate in the contract, you are stuck with this"; "You want more but you can't get it so you have to accept it"; "We are not going to get more"; "It is set by the government"; and, "Government decides, can't get upset about what they say."

Housing is another area of daily life that reflects workers' willingness to sacrifice along with their inability to speak out. For the workers I interviewed, adequate accommodations were an acute problem, especially since so many Hudson Valley farmworkers rely on their employers' for housing. Conditions of housing varied widely. In the labor camps I visited, housing ranged from trailers and cement block barracks to large houses. Some were well maintained and some were run-down. Certain housing offered ample space for dwellers, while others seemed crowded. The trailer of one guestworker was meticulously clean with a homey feel. In contrast, a small two-bedroom trailer in disrepair housed eight workers and had four bare mattresses piled up in the living room. Some housing was entirely unadorned, where the most personal items on display were the workers' discarded boots from the day's work. Other housing had a wide range of personal touches, from posters and photographs to party favors and workers' cooking utensils from home. In another trailer a worker had an abundance of plants and a fish tank.

I asked workers what they would change about their housing if they had the opportunity. Sixty percent said that they would not change anything. Twenty-four percent responded that they would like to have fewer people or more space. Fourteen percent of workers desired repairs, while two workers said they would change everything, and one wanted potable water. While 60 percent of workers said they would not change anything about their housing, this was not an indication that they had clean and well-kept accommodations. Rather it reflected their willingness to tolerate poor housing conditions. In many instances, I saw clearly inadequate shelter where the occupants insisted that they would "change nothing." In one case, workers did not even report that they lacked mattresses to sleep on; this only surfaced after I pursued the topic. Workers were afraid to ask their employer for beds so they opted to sleep on the floor. Reluctance to demand such a basic necessity reflects the psychology of extreme compliance and sacrifice that is shaped by their situation.

In general, workers in very poor housing did not complain much about it. For example, half of the workers in an overcrowded, dirty, and run-down trailer reported they wanted repairs and less people, yet the other half said they wouldn't repair anything and that the trailer was fine. In another case a family with three small children was housed with the husband's father and male cousin in a run-down, two-bedroom trailer. No one complained. The cousin said, "You get adapted," and the older man said, "It's difficult for me," but when asked what they would change about their housing both said, "nothing." Similarly in a three-bedroom trailer, with a broken outdoor light, where two families, both with babies, lived with two adult men, no one complained. In another instance where eight workers shared a room in a house and interviewers saw their thin,

bare, filthy mattresses, not a worker complained. In short, workers seemed to have a very high tolerance for poor housing conditions. This, again, was a sign of their willingness to sacrifice as well as their very humble roots.

CONCLUSION

Like those unmechanized sectors of the garment industry, which require hands-on labor, the harvesting of fruits and vegetables still requires manual application, due to the sensitive, easily damaged nature of the goods. As I have pointed out, the nature of the problems of most U.S. migrant farmworkers are redolent of those of the early twentieth century. Today's migrant faces much the same occupational hazards: getting cheated out of wages, dangerous transportation, poor health, pesticide exposure, isolation, erratic schooling for their children, primitive living conditions, lack of respect, lower standards in the workplace, and legal exclusion from collective bargaining. Farmworkers continue to jeopardize their livelihoods if they organize. They "face intimidation and retaliation and risk their jobs, their housing, their physical safety and their relationships with co-workers whenever they speak up" (Nesmith 2001).

An understanding of the historic exploitation of U.S. farmworkers—including slaves and successive groups of immigrant workers, particularly in California—helps to explain why today's farmworkers experience significant social, political, and economic marginalization. Not only did the use of these workers set a model for employing vulnerable workers, but also state policies reinforced the hiring of these workers, their exploitation, and their quiescence. Furthermore, due to the active and powerful agricultural lobby in the 1930s, farmworkers were excluded from New Deal legislation, most significantly collective bargaining protections. Industrial workers, through union

representation, made significant gains in wages, benefits, and work conditions, buttressed by the labor protections established in the 1930s. Farmworkers, however, would continue to experience life as an underclass, largely neglected by the union movement. Factors related to workers' immigrant status would exacerbate their marginality, particularly as changes in federal policy created more significant barriers to citizenship at the end of the twentieth century.

Constraints on workers' power to collectively act help explain why New York, and the Northeast as a whole, has witnessed very little farmworker protest, strikes, or organizing. Workers' quiescence is not an indication of satisfaction with their jobs; it is a result of workers' fear of speaking out and their willingness to accept poor working conditions because of their lack of political power. Workers' lack of citizenship or residency status as well as their transnationalism exacerbates their powerlessness. First, the risk of deportation intensifies workers' fear of speaking out. Second, farmworkers' aspirations to return and permanently reside in their home countries (whether or not they actually return home) influences workers' short- and long-term goals and contributes to their reluctance to speak out. They are willing to endure poor working and living conditions and are disinclined to engage in actions that put their jobs at risk, including trying to improve their working conditions. Moreover, sometimes, complicated paternalistic relationships develop between growers and workers, on small farms in particular, and workers often perceive that their bosses might protect them from risks, such as immigration authorities. This puts the workers in a position to protect their employers and discourages workers from making complaints. Finally, transnational

workers rationalize their situations by comparing themselves to those in their home countries rather than to other U.S. workers.

These constraints do not reduce workers' labor power as measured by their ability to strike and negotiate with employers. Growers, after all, are extremely dependent on their workers. The constraints do, nevertheless, obstruct workers from *using* their labor power. Workers perceive that the risks involved in pressing their claims are too high (getting fired, the loss of housing, deportation, etc.) and therefore they are reluctant to act collectively. Furthermore, extremely marginalized workers are almost single-mindedly concerned with maximizing their incomes in the short-term. For these workers, addressing longer-term goals, particularly challenging ones, can seem unfeasible.

CHAPTER 3
THE GROWERS

INTRODUCTION

At a meeting of a western New York ecumenical committee, comprising church representatives, farmworker service providers, and others, a grower reportedly sought to challenge the image of farmworker employers as exploitive by explaining how contented his workers were. According to others present at the meeting, expressing the pride that he took in providing gratifying jobs, he announced, "We like nothing better than hearing our workers singing in the orchards."[72] Many of those present, including farmworker service providers and ecumenical labor advocates, were reminded of slave owners' claims that they had happy slaves.[73] The grower was using the songs, all too blatantly, as justification for his use of low-wage, marginalized, and vulnerable workers, even though it is doubtful that he imagined needing such justification. In all probability, such evidence merely confirmed an already fixed belief that agricultural employment offers decent opportunities. Growers often share a historically embedded ideology about farmworkers that helps them rationalize their treatment of the workers. They have to imagine that farmworkers enjoy the living and working conditions connected to their work and that agricultural work offers them a better life than they would have otherwise. This example highlights one of the ways that I dissect the mentality of growers to analyze

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[72] This was at a meeting of the Brockport Ecumenical Outreach Committee, April 10, 1997.

[73] For slaves and other exploited workers, singing has been one of the few outlets for expressing forbidden feelings such as anger, resentment, the desire for freedom, and hope for a better life. Furthermore, requiring singing in the fields was a method for keeping track of workers and increasing the pace of their labor (Katz 1969).

their relationships to workers. An understanding of growers' perspectives is critical to the explication of workers' circumstances.

Focusing on the operating mentality of growers in New York, this chapter analyzes the power structure of the agricultural industry in New York and examines how growers manage workers' vulnerabilities to ensure cheap, reliable, and quiescent laborers. In part one of this chapter, I provide an overview of the industry in New York and its associated national ideologies. I then describe how growers, interest groups, and others, including government actors, seek to exercise power and influence in the realm of agricultural labor policy. In the course of that discussion, I highlight in some detail the roles of the New York Farm Bureau and the New York State Department of Labor.

In part two, I investigate how growers take advantage of and actively shape workers' powerlessness to control their labor. Here "control" is used to encompass paternalistic authority, arbitrary management systems, and casual work rights, all which allow growers to ensure compliant and docile behavior from their employees.[74] This investigation centers on the ethnic succession of New York's farmworkers from southern Blacks to undocumented Latinos. Ethnic succession—a well-documented strategy for controlling workers—can be attributed to employers' active management of access to jobs, which favors the succeeding ethnic group. In this respect, I analyze the ways in which agricultural employers have promoted the use of undocumented Latinos.

Finally, in part three, I dissect growers' ideology about farmworkers and lay out the myths that allow growers to rationalize their use of marginalized workers. Agrarian ideals, agricultural exceptionalism, and other myths combine to offer growers a very

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[74] This definition is borrowed from Edwards (1979).

specific understanding of farmworkers, which is ethnically based and also premised on the idea that immigrant farmworkers are living the American Dream. Evaluating such rationalizations shows not only the misconceptions growers have about their employees, but also offers insights into growers' mindsets.

PART I: AGRICULTURAL POWER IN NEW YORK

"Agriculture is New York's number one industry." In the course of my research, I came across this phrase and others like it again and again in public relations material for the state's agricultural sector. With an average income of about $3.5 billion a year, this industry comes nowhere near finance, investments, or tourism in the state. However, in regard to history, land use, and employment (if we included all affiliated employment such as transportation, veterinarians, etc.) this statement takes on meaning. While agriculture in New York is relatively small, nevertheless, it is vital to the state's economy. Approximately one-fourth of the state's land is used for agricultural production, with 37,000 farms averaging 207 acres. These farms employ somewhere between 20,000 and 75,000 workers a year. To determine how many farmworkers are in New York is not a straightforward task because the answer depends on who is being counted. Some sources include families of migrant farmworkers, since they are eligible for services such as migrant health and education programs; some count only crop farmworkers, including year-round workers; some include all agricultural workers, including workers on horse farms and dairy farms; and some count only seasonal and

migrant workers. Moreover, definitions of "migrant" can vary widely.[75] Some hire only a few non-family workers, while the largest New York farm has about 300 workers. The success of northeastern U.S. agriculture has been challenged by several factors. It has shallow, rocky soil and fluctuations in both temperature and rainfall. Moreover, from the Colonial period, the region has hosted many expanding urban centers. In response, Northeast growers have developed niches, such as specialized fruit production. Consequently, New York is among the top five states in the production of dairy products, apples, cherries, cabbage, potatoes, wine grapes, and onions.

In New York, small producers are eking out a living as they compete with corporate agriculture to supply their produce to huge supermarket chains. The large retailers, like Wal-Mart, control produce prices nationwide and keep them low to attract consumers. At the same time, these retailers are keeping an increasingly larger

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[75] According to a government census, there were 30,811 migrant and seasonal farmworkers in New York in 1988 (United States Congress 1990). A 1993 report based on the National Agricultural Workers Survey data placed the number of New York migrants, including accompanying family members, at 73,423 (Larson 1993). In 1997 there were 20,661 "farm wage and salary workers" in New York (Economic Research Service 1997). The Cornell Migrant Project reports that approximately 47,000 farmworkers and family members can be found in New York (Embrey 2001). The New York State Department of Education in 2002 identified 15,368 migrant children (aged 0 through 21) in New York (New York State Department of Education 2002). The Northeast Center for Agricultural and Occupational Health estimates that New York field and orchard harvest workers (excluding dairy, poultry processing, and off-farm packing workers) number 17,000 (Northeast Center for Agricultural and Occupational Health 2003). The Rural Employment Office of the New York State Department of Labor tracked 11,130 seasonal workers employed in September 2003; these workers were employed fewer than 150 days a year in agriculture, including local, intrastate, interstate, and foreign workers (including 1,870 H2A guestworkers) (New York State Department of Labor 2003). In 2000, there were 1,903 guestworkers employed in New York (Embrey 2001). (Guestworkers hail primarily from Jamaica, but increasingly from Mexico, Central American, and South America.) The National Agricultural Statistics Service reports 45,000 total farmworkers in the Northeast, including New York and New England, with approximately 22,5000 in New York (National Agricultural Statistics Survey 2005). A farmworker census by Rural Opportunities, Inc. identified a total of 61,578 farmworkers in New York—20,391 who were permanent and 41,176 seasonal or migrant farmworkers (Bucholz 2000).

percentage of the profits from produce retail sales, which reduces the profits of growers (Oxfam America 2004). New York growers are also competing globally with their products. For example, the apple concentrate market has been all but lost to China, an ascendant player in apple production. In addition, development opportunities lure land away from many growers. The niche marketing of New York farms has been updated at the turn of the twenty-first century, and many smaller growers are now selling directly to consumers through green markets, CSAs[76], farm stands, and agreements with restaurants.

Agricultural Ideology

The prevalence of the phrase "Agriculture is New York's number one industry," in agricultural promotion and the media, speaks to the historically romanticized role of agriculture in the U.S. The idealism attached to agrarian life, or agrarianism, as fostering spiritual virtue, self-sufficiency, individual freedom, and agriculture as the basis for a model society dates back to Jefferson's influential vision of a nation of freeholders occupying the middle landscape between cities and wilderness. Jefferson's model was fueled by the ideal that "those who labor in the earth are the chosen people of God." Other canonical writings, such as gentlemen farmer de Crèvecoeur's *Letter from an American Farmer* helped establish agrarian self-reliance as a distinctively American trait. (de Crèvecoeur originally farmed in New York's Hudson Valley before moving south to the Carolinas.) In the nineteenth century, American agrarianism was promoted as an alternative to the tyrannies of urban, industrial society, including wage slavery, and, romantic ideologies like Thoreau and other Transcendentalists elevated the creed further.

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[76] Community Supported Agriculture is an alternative farming system whereby individuals make an investment in a farm in return for a share of the farm's products. Individuals in a sense are shareholders. For more information visit the USDA at http://www.nal.usda.gov/afsic/csa/.

Historian David Danbom describes why agrarianism is so compelling, "It provides an excellent twentieth-century illustration of a number of American values and myths, especially of that durable strain of American thought that R.W.B. Lewis referred to as the 'Adamic Myth,' the belief that the individual could recapture a lost innocence" (Danbom 1991). The elaboration of agrarian beliefs, according to Don Paarlberg, was prolific. He explains, "Those who grew up in the country did not need to be taught these values; they absorbed them through their pores" (Paarlberg 1980, 5).

Agrarianism still has resonance today (Sheingate 2000) and is promoted by modern day writers. For example, in a 2004 op-ed in the *New York Times*, Victor Davis Hanson, a writer, former farmer, and senior fellow at the conservative Hoover Institution at Stanford University wrote, "Agriculture is more than just feeding people; it is the historic center of bedrock American social and cultural values…In this most dangerous period in our nation's history, agriculture remains our most precious resource" (Hanson 2004, 41). Like generations of others across the country, New York growers and their interest groups invoke agrarianism to reinforce their philosophy and to justify their policy preferences. The New York Farm Bureau, the foremost interest group serving growers in the state, lauds agrarianism in the organization's online *Grassroots* newsletter,

> The most important thing that comes from our farms is the quality of citizenship that grows there. I see it in the responsible, "can do" attitude in these kids. So many of them seem mature beyond their years…Farming imposes a code of conduct on a person. It is called responsibility. It is called self-reliance. Unlike a suburban or urban existence, where people throw things away, a rural existence tells us there is no such place as "away"…this reservoir of responsible citizenship is, to me, as precious and valuable as the land, itself. Maybe more so. (New York Farm Bureau 2004b)

Writers who romanticize agrarian values have long promoted the idea that responsibility, stewardship, and self-reliance are traits imbued through agricultural experience. The

contrast with suburban and urban settings is also a strong element of this well-established ideology, since agrarianism was perceived to be the New World's alternative to Western Europe's industrial development.

Agricultural exceptionalism is a fundamental element of American exceptionalism. Since colonial times, agriculture has been socially constructed as a unique industry. Whenever it benefited their interests, growers have called upon this uniqueness to influence policy. Agricultural exceptionalism summons romantic agrarianism and aspects of agricultural production to secure unique and favorable treatment through the U.S. political system. Growers argue that not only does agriculture deserve special attention from government because it provides vital sustenance to the U.S. population, but also because of special facets of the industry, including seasonal production, the perishable nature of its product, and crop vulnerability to weather and pests. Representatives of agricultural interests seldom miss an opportunity to exploit these built-in risks for gain. No other industry, they often contend, faces the same demands, or deserves similar treatment, particularly in regard to labor. This persistent citation of agricultural exceptionalism has served growers well; they have benefited from government subsidies, credit, research, and bailouts (Edid 1994). In addition, growers have received government-sponsored health, education, and childcare programs for their workers' children. Most significantly, as described in Chapter Two, agricultural exceptionalism greatly influenced the decisions to exclude farmworkers from New Deal labor protections, such as the National Labor Relations Act, the Fair Labor Standards Act, and other social benefits.

Unlike other industries, the costs of pro-grower policies are not passed on to the consumer directly, as the U.S. has one of the lowest food price indexes of westernized countries. Rather, most farms lose money and the U.S. government compensates for these losses through heavy subsidies. Indeed, the federal government provides between one-quarter and one-half of farms' net income (Martin 2002). Large and corporate farms gain the most from agricultural subsidies, particularly under Farm Bill and emergency relief provisions. Farms that do not receive government payments are the smallest ones that probably do not serve as sole sources of family income (Martin 2002). Arguably, the largest subsidy comes from farmworkers themselves. According to a 1994 U.S. Department of Labor Report,

> migrant workers, so necessary for the success of the labor-intensive US agriculture, subsidized that very system with their own and their families' indigence. The system functions to transfer costs to workers who are left with income so marginal that, for the most part, only newcomers and those with no other options are willing to work on our nations' farms (United States Department of Labor 1994, 40).

Agrarianism and agricultural exceptionalism have driven public attitudes and policy decisions about agriculture for more than 200 years; "viewed as myth or reality, [it] continues to influence policy debates and lawmaking" (Pedersen 1990, 409).[77] For example, the Farm Bureau wields agricultural exceptionalism to combat calls for farmworkers to be covered by collective bargaining protections. Consider, as evidence, this extract from a sample letter to the editor written by the New York Farm Bureau and

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[77] Pedersen argues four historical factors account for U.S. agriculture's influence on the law: 1.) the extensive use and role of the land in agriculture, 2.) the seasonal nature of agriculture, 3.) atomistic production (many producers without vertical integration), and 4.) agricultural exceptionalism.

posted on their website as a guide for their members. The letter responds to farmworker advocates' campaign for farmworkers to be covered by collective bargaining protections:

> Rather than appealing to rationality and logic, these advocates compare farm workers to employees in other industries, conveniently leaving out the distinct differences that make their demands at best impractical and at worst devastating to farm owners…If farm workers go on strike, say for only two or three weeks, a farm can be ruined if the timing coincides with the time to harvest…Unlike many other industries which can absorb some diminished production, most farms cannot survive going an entire season without a crop. (New York Farm Bureau 2004a)

In fact, the rationality and logic displayed by representatives of the agricultural industry appeal to the rosy memory of the successes of pre-Revolutionary pioneer farming to support today's highly subsidized food economy. Certainly other industries, such as those in the service sector, construction, tourism, and healthcare could all make similar arguments. On another note, this Farm Bureau quote also correlates collective bargaining protections to striking—a contentious issue for the U.S. public—and overlooks the fact that farmworkers, in New York and elsewhere, who are excluded from collective bargaining protections, can still go on strike whenever they choose.

Influencing Policy

To drive policy making, agricultural exceptionalism needs endorsement by powerful actors. Historically, this articulation came from organized growers both locally and nationally. In colonial times, landholding growers' voices were powerful because they were privileged members of society. Historically, grower power in the U.S. has been successful, in part, due to its being highly decentralized, with individual growers, local associations, state associations, and federal associations all trying to wield influence over agricultural policy. After the turn of the century, the Farm Bureaus, for example, were established at the county level all across the country, alongside (and often as a prerequisite and partner for) the government-sponsored Cooperative Extension system.

New York had the first county Farm Bureau outside of the south, established in 1911. The New York State Farm Bureau was first consolidated in 1917, one of the first state Farm Bureaus in the country (following Missouri, Massachusetts, and a similar organization in Illinois). The Cooperative Extension system, put in place by the 1914 Smith-Lever Act, set up a national system of county-level offices to serve the practical needs of farms, homes, and communities through adult education and other programs.[78] County Farm Bureaus consolidated their influence in the state Farm Bureaus, which, in turn, supported the national American Farm Bureau Federation.[79] As a result, even the smallest grower, through the amplifying medium of the Farm Bureau, could be a powerful voice within this system. This has been particularly true in states like New York, where corporate agriculture is not prevalent, and where, a family farmer can therefore be a "big fish in a small pond."

To understand grower power one must have a sense of the actors involved in agricultural policy. These include businesses, grower organizations, government agencies, and legislative committees, all engaged in efforts to influence both the development and execution of public policy relating to agriculture. In political science parlance, this type of policy collaboration is referred to as an issue network (Heclo

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[78] The Cooperative Extension system is an educational system focused on agriculture and food, home economics, community, and youth. It includes the 4-H programs. The 1862 Morrill Land-Grant Act established 51 land-grant institutions in each of the 50 states and in Puerto Rico. In 1890 a second Morrill Land Act set up 17 "traditionally black" land-grant institutions. Between 1890 and 1994, 34 more institutions were established (McDowell, 2001, 3).

[79] The parent organization, the American Farm Bureau Federation (AMFB) is a national organization established in 1918 dedicated to promoting the interests of farmers and ranchers. It has more than five million members nationwide. The AMFB, according to *Fortune Magazine*, is the strongest farm lobby and among the top 25 most powerful interest groups in the country.

1992).[80] I am using this concept as a tool for exploring the power of agriculture in New York State and for this purpose I will assume that an agricultural issue network exists, insofar as my data supports its existence.[81] This issue network has its roots in the early 1910s when the Farm Bureau was first established. Labor policy has always been on its agenda, but has become more pressing since the early 1990s, due to increasing federal labor regulations and because in the early 1990s, New York's farmworker advocates became more numerous and vocal.

In New York, the agricultural labor policy actors include growers, the New York Farm Bureau, the New York State Department of Agriculture and Markets, the New York State Department of Labor, the State Senate and Assembly Agriculture Committees, and specific legislators. A feature of the relationships among actors in an issue network is the tendency for actors to move around the issue area from government to the private sector and vice versa. As actors move through this "revolving door," they bring with them information and influence. New York has many examples of actors moving through the revolving door. Rick Zimmerman, an associate commissioner at the New York Department of Agriculture and Markets, is a former lobbyist for the Farm Bureau. The Farm Bureau's government coordinator, Julie Suarez, used to be an aide to the head of the State Senate Agriculture Committee. A farmworker placement specialist with his

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[80] The concept of an issue network updates the concept of an iron triangle, which was also used to describe actors of a specific policy interest relationships and how they influenced policy. An iron triangle limited those actors to three: an interest group, a legislative committee, and a government agency. Interestingly, the American Farm Bureau Association, along with the agriculture committee of the Senate, and the U.S. Department of Agriculture is one of the leading examples of an iron triangle from the early twentieth century.

[81] Proving that an issue network exists among New York agricultural actors would require a more systematic analysis and is beyond the scope of this project, but would be an interesting case study.

own business, F. Brandon Mallory, was a New York State Department of Labor Division of Rural Employment representative. Another Department of Labor rural representative, Dave Lauzon, was on the board of Agricultural Affiliates, a grower association focused on labor issues.

When it comes to labor policy, growers' agenda is to limit regulations and, in turn, costs. Growers often complain that they are over-regulated by myriad environmental, labor, and other laws for which compliance is time consuming and expensive. This is largely true. Because they grow food, there are many requirements on production. Due to the nature of outdoor work and occupational hazards, there are many labor safety requirements as well, such as regulations regarding transporting and housing workers. Finally, since it is not uncommon for growers to house workers on their farm, there are further requirements covering farmworker housing and transportation. Almost any law that requires additional cost or reporting by growers is intensely lobbied against. Certainly, labor laws such as the right to overtime, the right to a day of rest, and collective bargaining laws would all affect growers' wallets. In contrast, policies that might benefit growers as well as workers are generally promoted, such as funding for migrant clinics, childcare services, and certain education programs (though not those that might teach workers non-agricultural job skills).[82]

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[82] Growers and grower associations often applaud themselves that their industry provides perks as childcare and free medical care, particularly when no other industry does so. The government, not the industry, funds such programs. Even the construction of grower-provided farmworker housing might be funded by government grants or low (or no) interest loans. In effect these programs, which are designed to benefit farmworkers, serve as a direct subsidy to growers, who might otherwise be compelled to pay higher wages so that farmworkers could obtain these kinds of services independently. For example, New York's Agribusiness Child Development Program offers childcare to children as young as six weeks. Does the opportunity to send such a young infant to childcare and a recovering mother back to work (in manual labor) benefit parents and children or the employer? And, if New York offers disability pay for up to eight weeks for new

By far, the most important actor in agricultural policy in New York is the New York Farm Bureau, a business association (not part of government, although it once was quasi-governmental through its ties to Cooperative Extension).[83] Established in 1911, as one of the first state Farm Bureaus in the country, it is a 501(c)5 nonprofit, voluntary membership organization with an annual budget in excess of $2.6 million, according to fiscal year 2002 records. For 2002, 87 percent of its income came from two sources: $1.8 million from membership dues and $508,000 in royalties from the Farm Family insurance company. The 42 staff members of the Farm Bureau,[84] including government relations and public policy departments, are located in four offices. There are 35,000 member "families" and 36 county Farm Bureau affiliates throughout the state.[85]

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parents, why are farmworkers excluded? Services attached to farm work, on the one hand, may seem like an advantage to workers, yet, on the other hand, keep workers tied to their jobs. Furthermore, they benefit the employer by helping attract and maintain workers. Childcare and housing are good benefits, but when services are tied to a job as opposed to an income level or other factor, workers may find themselves staying in jobs that they don't want. Moreover, this situation creates dependency between workers and their employers and paternalism between the federal and state governments and workers, see (Linder 1992). Certainly, these government-funded farmworker programs are vital to the lives of farmworkers. However, this is a complicated issue that raises larger questions: Why aren't farmworkers paid enough so they can afford these services on their own and why aren't other low-wage workers eligible for such services?

[83] Early Cooperative Extension efforts had to show that agricultural need and interest existed and county Farm Bureaus offered that validation (Olson 1965).

[84] In this paper, I will use the term Farm Bureau to refer to the New York Farm Bureau, but every state and Puerto Rico has a Farm Bureau and there is a national federation as well, the American Farm Bureau Association.

[85] Along with the Farm Bureau, two other New York grower associations have aggressively fought pro-labor legislation in New York—the Horticultural Society of New York and Agricultural Affiliates. The membership size, funding, professionalism, scale, and scope of the latter two organizations pale in comparison to the Farm Bureau, however, their directors have been vocal opponents of farmworker advocacy and their efforts have increased over the past ten years.

The Farm Bureau is the primary voice of agriculture in the state because it represents the state's growers and generates opinions on issues regarding agriculture that are likely to be echoed by all the other agricultural policy actors. It disseminates information on issue priorities and lobbies for them. The Farm Bureau chooses and shapes the main priorities for agricultural interests and does so from a 'grassroots' policy development process, which starts with county-level Farm Bureaus and culminates at an annual statewide meeting. Individual growers are integral to the process at every step. The role of the Farm Bureaus in regard to courting legislative members, influencing policy, acquiring corporate wealth through its insurance programs, and blocking progressive legislation has been well documented. The New York Farm Bureau contributes to national lobbying and also has a sophisticated statewide lobbying system, including professional lobbyists and growers. To say that Farm Bureaus nationwide have been active players in policy decisions affecting agriculture would be an understatement—the organization was long believed to be part of government. Perhaps the most aggressive stance it has taken—besides protecting federal agricultural programs—has been the fight "to destroy attempts by farm labor to achieve economic and social justice" (Krebs 2000).

One of the ways the Farm Bureau influences policy is through lobbying legislators who are friendly to its issues, such as those on the Agriculture Committees of the State Senate and State Assembly. The chair of the New York Assembly Agricultural Committee, Assemblyperson William Magee (D-district 111), a graduate of Cornell University in agricultural economics, is a good example. When I visited him in the summer of 2003, Magee's office resembled a headquarters for agricultural boosterism in

New York State, festooned as it was with farmer paraphernalia, with a heavy emphasis on dairy (representing his district's agriculture production)—an impressive collection of antique milk bottles, an imposing array of stuffed cows, milk cans, farm posters, a wooden creamer, and a full variety of Farm Bureau promotional materials, including bumper stickers for distribution. Magee himself wore a green tie adorned with tiny cows.

When Magee supports agricultural policy favorable to growers, he is serving his more prominent constituents, and in turn, the Farm Bureau. Like many interest groups, the Farm Bureau celebrates those who support its platforms. The Farm Bureau gave Magee a plaque to honor him for his "perfect voting record" during the 2002 legislative session. The Farm Bureau not only praises him, but also defends him. When the Environmental Planning Lobby issued their annual report card on New York legislators for that same session, Magee received the lowest rating of any Democrat and one of the lowest ratings in the Assembly. In response, Farm Bureau President John Lincoln defended Magee's voting record in a letter to the editor of *Oneonta Daily Star*. When I interviewed him, Magee spoke as if he were a Farm Bureau representative, denying that there was any worker exploitation in the industry, and talking up the housing conditions of employees. He argued that growers had to treat their workers well or else they would not return. Furthermore, Magee pointed out that farmworker advocates did not include any workers in their ranks and that they misrepresented workers' conditions and problems.

The Farm Bureau works through politicians like Magee in developing legislation. This is not uncommon in politics since industry organizations often have more expertise than legislators in their specific policy area, and because revolving door actors

understand the particulars of bill drafting. The Farm Bureau also lobbies and solicits others to lobby on priority issues, including other agricultural interest groups and individual growers. For growers, in particular, the Farm Bureau organizes "lobby days" in the state's capitol. The New York Department of Agriculture and Markets promotes agricultural interests with the public and with the governor. In the 2005 "State of Agriculture" speech, the New York Agriculture Commissioner dedicated time to defending growers against disparaging media claims and declared that downstate New Yorkers do not understand the exceptional challenges and risks faced by those in agricultural occupations.

New York State Department of Labor's Rural Employment Office

Most of the policy actors are clearly part of the agricultural system: growers and their interest groups, corporations that supply agriculture like John Deere, state legislators who represent rural districts and may be growers themselves, legislative committees designed to promote agriculture, and government agencies established to support agriculture. Less transparent is the role of the New York State Department of Labor (NYSDOL). Information about this state agency's work with growers and farmworkers is vital to any understanding of the nuances of agricultural influence in the state. It is through the NYSDOL that agricultural labor policies are implemented on a day-to-day level, in particular through the arm of the NYSDOL that deals with agriculture, the Rural Employment Program, part of the Division of Employment Services.[86] According to the department's annual report:

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[86] The New York State Department of Labor has six divisions. These are the Divisions of Employment Services, Equal Opportunity Development, Labor Standards, Research and Statistics/Labor Market Information, Safety and Health & Associated Programs, and Unemployment Insurance.

> The mission of the Rural Employment Program is to provide the full range of employment services to rural and agricultural sectors. The program assists agricultural and rural employers in locating workers needed to successfully conduct business. They also help farm workers and other rural residents find productive employment in agriculture or non-farm jobs, according to their abilities, interests and needs.

The Rural Employment Program also implements the Migrant Outreach Program that explains services to migrant and seasonal farmworkers and the Agricultural Recruitment System that finds out-of-state workers for agriculture-related jobs.

The NYSDOL Rural Employment Services Division representatives are mandated to play a liaison role between growers and farmworkers. In interviews I conducted, several of this division's representatives (rural reps), insisted that they do not favor one side over the other. One representative acknowledged that outsiders perceive this to be a difficult balance to maintain, but nonetheless proclaimed, "To say the NYSDOL is pro-grower is nonsense." Testimony I gathered from service providers (those who work for nonprofits which provide services for farmworkers, such as education, legal services, and job training) farmworker advocates, and rural reps themselves, show this is not an accurate statement.

The rural representatives' role with growers is complicated by the fact that they also play a liaison role between growers and the Federal Department of Labor (the "Feds" is the term I heard rural representatives and growers use). While both the Feds and the NYSDOL have the authority to levy fines on growers for labor violations, I heard from the rural representatives that growers have significant concerns about federal fines. Moreover, the Division of Employment Services does not assess fines; rather they pass information about violations on to the Feds or to the state Labor Standards division. That the Feds appear to play a stricter role in implementing regulations was also apparent at a

NYSDOL pre-harvest conference that I attended. Both growers and NYSDOL representatives complained to me about the Feds in strident terms and spoke of the rural reps' role in protecting growers.[87] The rural reps see their role as educating growers about laws pertaining to farmworkers and helping growers prevent penalties for labor violations. That they mediate for two relationships for growers and only one for workers could influence the rural reps' sympathies for growers. Among the additional ties between the NYSDOL and growers I discovered that some rural reps have a background in agriculture, own their own farms, and have established community and social ties to growers.

Growers are usually in agriculture for the long haul. It is not uncommon to meet a New York owner whose farm was handed down through one or more generations. In contrast, the farm workforce is characterized by high turnover. Consequently, rural reps have an opportunity to develop much more personal and longer-term relationships with growers, whose numbers are few, compared to the many workers they serve for just a few years at a time. Another reason for grower favoritism is that the rural reps, for the most part, are White and do not speak fluent Spanish. This makes it natural for them to identify with the growers rather than the workers, and also contributes to workers' propensity to connect the rural reps with the growers and not with workers themselves. The significance of this should not be underestimated. The NYSDOL has tried to respond to the needs of workers and has hired bilingual outreach workers who report to the rural representatives. The NYSDOL also has former farmworkers and non-Anglos on

[87] In a way, this makes sense. The mission of the NYSDOL revolves around economic development as much as it does worker advocacy. An underlying NYSDOL philosophy is that the workers have jobs because of employers. Accordingly, assuring the success of businesses allows for the success of workers—at least in terms of their employment opportunities.

staff. Farmworkers, particularly immigrant and undocumented workers, often evince great respect for, and fear of, authority. Workers see growers as authorities. That power is then reinforced by the state when workers witness the intimacy between rural reps and growers.

Because rural reps have their closest relationships with growers, they are inclined to support the interests of growers through labor policy implementation (or, more specifically, non-implementation). Their job includes inspecting growers' labor camps, placing workers in their employment, facilitating workers' employment such as facilitating the signing of work agreements, including signatures by workers, and consulting with growers on issues regarding the Feds and on farmworker advocates. As a result, they have repeated contact with growers in a way that they do not with workers, advocates, or the Feds. As the head of the Rural Employment Program put it, "Part of our motto is full protection of workers. But, if you don't have employers to provide jobs, we can't perform our function."

The rural reps, I was told by one of their number, help find workers jobs with housing and advise them of available services. In regard to growers, he described his role as a "government consultant" who explains the laws (for example, health and safety regulations), as well as what is involved in a labor camp inspection. Even this brief description throws a shadow on the claim that workers and growers are treated equally. It is especially telling that he did not identify as a government consultant to workers, most of whom are foreign and under-informed about the laws relevant to their labor. Clearly, they could benefit greatly from consultation of the type growers receive about the law. It is also symptomatic that the rural rep did not describe his service to growers as a

complement to the role described with workers—providing growers with employees and filling their housing.

It is clear from speaking with rural reps that they are not afraid or reluctant to take action, including reporting growers to the Feds, when laws are being broken. But the preferred function is to preempt or mediate before assessing a punishment. They make an effort to try work with the growers to anticipate legal problems and afford them time to fix conditions so as to avoid violations. As the head of the program observed,

> We tell them, 'Here's the rules and regulations. Here's what you have to have to have done. Here's what you have to do for Labor Standards, you have to register as a grower. Here are your workers. Treat them right or we will be back to slap your hand.' And they do know that we do come in there, and sometimes we even negotiate and say, 'Look, don't be stupid Mr. Grower. You've got a problem here, this worker is unhappy. You might as well pay the man right up to today and let him walk off, because he's not going to be a good worker for you'…I think the employers understand that we try to keep them out of trouble and try to provide a service to them, but we also can bring in the regulatory agencies at a moment's notice if something is wrong. We don't hide this fact and most growers respect us for the fact that we are there to protect workers and also to protect his interests. I don't think my staff has a problem with that most of the time. Some of the advocacy agencies feel that we are very one-sided, but I beg to differ with them. I know what my staff does out there and they don't represent one more or better than the other.

One rural rep told me that upon visiting a labor camp on several occasions, it was determined that conditions were so despicable the NYSDOL would not place workers there. The camp, however, did house workers. The rep spoke to the grower and told him he had three days to clean the place up or the Feds would be called in. When the grower responded that there was no time or money for repairs, the rep urged him to find somewhere else to house his workers or face the consequences. In the end, the grower was turned in, but the rep expressed sympathy for him nonetheless, "By no law does he have to house them. It wasn't that he didn't want to fix the place up. I believed him that he didn't have the time or the money. But he knows I have to do my job."

A further example of NYSDOL's connection with growers, which I heard from several sources (including a DOL representative), was that rural reps have encouraged growers to contact their legislators to complain about fines from the Feds. One farmworker service provider whom I interviewed reported:

> The DOL gives the impression that they play both sides, but they really don't. The farmworker doesn't have a political voice and the employer does. The employer might know people in high places in the DOL so the local DOL realize that the grower can call their supervisor while the worker cannot. The other issue is that almost all of the DOL staff physically look like the employer, not the worker. That makes a difference and it's an easy connection for the worker to make.

By contrast, I heard of no cases where the rural reps recommended that farmworkers seek outside help. In fact, rural reps told me repeatedly that farmworkers did not need advocates. Two of the four I interviewed volunteered disparaging remarks about the advocates and told me that farmworker advocates persuaded workers to lodge fake complaints about their labor conditions.

One of them explained that his alliance with growers involved not simply implementing labor policy, but creating it. He boasted, during a conversation at a NYSDOL pre-harvest conference, that he was in "constant contact" with the Farm Bureau and had drafted legislation with Farm Bureau staff to help farmworkers. His description of one of these bills sounded like it was designed to help farmworkers; but it is telling that a NYSDOL representative would work so closely with the Farm Bureau while eschewing any contact with worker advocates. It is also worth noting that the representative himself seemed aware of this conflict of interest. A year after our initial conversation, I asked him what kind of relationship he had with the Farm Bureau. He took the opportunity to distance himself from his earlier remark, "I'm not a member of

the Farm Bureau. I know them. I'll talk to them occasionally if they want information such as how many migrant workers are in New York State, what are the wages, etcetera, etcetera, but that would be it…we're the only ones that have a count and do an estimate." I then asked him if he would ever comment on legislation and he said, "Not at my level…that would be somebody out of Albany."

In the two NYSDOL rural employment offices I visited, Farm Bureau paraphernalia was clearly on display. The main Albany office was adorned with posters of agricultural products including varieties of apples and corn, cheeses of the world, and berries. I also noted a Farm Bureau bumper sticker and magnetic clip as well as a John Deere poster. Another poster advertised a conference hosted by a growers' group. As for labor-targeted material, there were a few official text-driven, DOL posters included bilingual information on Equal Opportunity, minimum wage, and how to make a complaint. In the other office I visited, four of the eleven bumper stickers on the filing cabinet advertised the Farm Bureau and they kept company with a Farm Bureau magnet. The walls hosted posters for the New York Farmers' Market and New York Farms.

In neither office did I see any pro-worker or worker oriented materials of the same genre as the Farm Bureau or produce ads. The existence of the posters and other promotional material speaks to a close relationship between the NYSDOL and agricultural interests, particularly the Farm Bureau—and one that is on full display. By that same token, the absence of material on farmworkers, such as posters of workers in the fields or from advocacy organizations reflects the glaring lack of relations between the NYSDOL and both workers and their advocates. The office dwellers, in both cases, had made conscious choices about adorning their walls and file cabinets with material

emphasizing the interests of growers as opposed to laborers. These decisions were no doubt "natural" for them to make, but were also highly ideological.

Politics also plays a role in the day-to-day activities of the NYSDOL. Governor Pataki (R, 1994-) changed the mission and culture of the NYSDOL so that workers and employers would be treated as equally important clients (Gordon 1999, 4). Under the previous governor, Mario Cuomo (D 1983-1994), the Labor Standards Division of the NYSDOL had a pro-worker mission.[88] I heard testimony from both farmworker service providers and growers about this change in emphasis. One service provider told me, "The DOL has two roles. One investigates violations and uncovers violations, and the other is the employment division. Under the Republican administration in Albany, I understand that the investigative side has been told to see their job as educational and not to be too quick to fine the employer. It was very different under Cuomo; the oversight of regulation was much stronger." I also heard from a grower, "The Labor department are good people, they understand the struggles that we have. They aren't the heavies that they used to be. They see you trying to take care of your people. They don't come down on you." Both of these quotes speak to a department that is more grower-friendly now than in previous times.

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[88] A comparison of the first lines of the New York and U.S. Departments of Labor is useful for understanding the emphasis of the NYSDOL. "The New York State Department of Labor is New York State's primary advocate for job creation and economic growth through workforce development" (NYSDOL). "The [U.S.] Department of Labor (DOL) fosters and promotes the welfare of the job seekers, wage earners, and retirees of the United States by improving their working conditions, advancing their opportunities for profitable employment, protecting their retirement and health care benefits, helping employers find workers…" (USDOL). The difference in emphasis shows the difference between a department focused on economic growth and one on worker protection.

One farmworker service provider gave a strong opinion on the role of the NYSDOL in regard to agricultural policy:

> The DOL is a political animal. The Governor appoints people. The New York Farm Bureau is a powerful lobby. Agriculture has cash and local growers influence elections. All this impacts the Commissioner of Labor and the Governor. Legislators get complaints from growers about too much enforcement and go to DOL to rein them in. If you don't have progressive Government, the legislators bow to the pressure.

Not only does this comment speak to the role of the NYSDOL in serving growers, but also highlights other actors in the issue network including the Governor, the Farm Bureau, growers, the head of the NYSDOL, and legislators. The intimate alliances between policy actors continually reinforce the interests of the industry's main beneficiaries and allow specific actors such as growers, the Farm Bureau, and rural reps to wield their influence in regard to policy making and implementation both on a large scale and on a day-to-day level.

PART II: GROWERS SHAPE LABOR CONTROL

This section focuses on how growers shape labor control through their hiring and management practices. In doing so, they are able to take advantage of structurally unequal power relations embedded in the industry historically and also in society at large. Growers actively choose to hire marginalized workers, who might easily be controlled. They facilitate access to jobs for favored workers and limit that access for less favored workers. Overriding strategies include hiring non-citizens and marginalized citizens, and replacing formerly controllable workers with newer ones. Before examining hiring practices in detail, I will briefly offer examples of how labor control occurs on a daily basis.

Labor control occurs when growers use their power over workers to ensure workers behave in ways that are desirably quiescent.[89] Efficient labor control depends on growers' hiring vulnerable workers with whom growers experience an extreme disparity in power. Once an ideal workforce is hired, growers use this power disparity to influence workers' behavior. Growers benefit when workers are willing to work diligently for long hours and little pay, and when workers refrain from objecting—either through verbal complaints or by altering their work habits. Much of growers' control over workers is unspoken, implicit, and directly related to workers' vulnerabilities—fear of job loss and, increasingly, of deportation. Such control is based on both actual examples of grower retaliation against workers that farmworkers have witnessed or heard about, and also on rumors and exaggerations about grower retaliation. In my interviews, these experiences were usually not referred to explicitly; rather, farmworkers develop a shared understanding about grower retaliation. For example, a service provider told me that workers often allude discreetly to the reasons for their reluctance to complain. "They usually signal with their finger going across their throat, signaling that their head will be chopped off—not meaning that in reality, but that they won't [be able to] come back." As discussed in the previous chapter, the threat of deportation is especially great. Since employers, by law, do not have to verify their employees' documents, but are able to take them at face value, workers with false documents try to limit their grievances to continue their deception about having a green card.

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[89] To remind readers, my definition of labor control is paternalistic authority, arbitrary management systems, and casual work rights, which allow growers to use their power over workers to ensure compliant and docile behavior.

Growers also control workers through more explicit means. Workers who are not wholly compliant might receive fewer hours of work or more difficult tasks. When pay is dependent on piecework, rather than an hourly rate, growers penalize less favored workers by giving them less productive tasks. Growers may also threaten workers with firing or fewer hours. Of course, they may also actually fire workers. On one farm I visited, twelve workers had recently been let go, and the rumor among the remaining workers was that the fired workers had complained about their housing. Interestingly, the replacement workers, who were hired immediately, were rumored to be housed in a local motel, which bred resentment among those who continued to reside in the farm's labor camp.

There are other, more subtle forms of worker control that are not outright punitive, but that hew to more standard forms of labor exploitation. Growers cheat workers on the assumption that they will not complain. They might underpay workers. In addition, the manner of underpayment might be discrete. On one farm where I conducted interviews, workers reported that the grower required them to show up at 7:40am to wait for a bus that took them to the fields at 8am. Legally, workers should have been paid for the twenty minutes that they waited for the bus, but they were not. An extra hour's pay a week is significant for the workers who earn so little, and slights, such as this one, are consequential over time. In another case, workers asked me if they were being overcharged for their housing, which was located on the farm. There are laws that limit what a grower might charge workers for housing and I was able to inform the workers that they were being overcharged. They used this information to negotiate a lower rent with the grower.

These examples of worker control all depend on an extreme power disparity between employers and employees. To achieve a power disparity, growers in the U.S. have historically hired non-citizens and marginalized citizens who arrive on the job lacking political, economic, and social power. In this way, employers can take advantage of pre-existing inequalities between themselves and workers to enforce management-worker power relations on the job.[90] Another approach growers use to control their workers is by replacing formerly controllable workers with a different marginalized group, usually a different ethnicity and/or race of workers. This practice, sometimes referred to as ethnic succession, is a well-established system for maintaining a quiescent workforce. Both of these methods have been used by agricultural employers in the U.S. in general, and also in New York.

Categorical Inequality

Charles Tilly, in *Durable Inequality*, sets forth a theory about how inequality becomes institutionalized, or in his term, durable. Tilly argues that elites, who are responsible for amplifying inequality, usually do so "to solve other organizational problems" (Tilly 1998, 11). In this sense, an employer exploits workers to secure profits, not to intentionally create inequality between management and workers. Tilly explains that when employers rely on existing inequalities, it is much less expensive than creating new inequality on the job. Socially recognized inequalities, what Tilly calls categorical inequalities, produce differences "in access to valued resources" (8). Such categories

[90] At different times, growers have also resorted to violence or the threat of violence to control their workers. Vigilantism has its roots in California as a tool to suppress uprising farmworkers (McWilliams 1939, 9). In general, New York growers have not used violence to control their workers. However, labor contractors, who act as middlemen between growers and workers have been found guilty of using violence to control workers in New York.

include already identified social pairs, such as citizen/non-citizen, male/female, and white/black. These categorical inequalities are adopted by organizational arrangements, such as workplaces, which piggyback on existing inequality to control workers. In his work on the lettuce industry in California, Robert Thomas makes similar arguments. He argues, "agribusiness firms, as well as their counterparts in other sectors of the economy, do not create the distinguishing statuses of citizenship, gender, or race, but rather seize upon them and transform those characteristics to the organization's advantage" (Thomas 1985, 27).

The reliance on female immigrant labor in nineteenth and early twentieth century garment sweatshops in New York City is an example of employers taking advantage of categorical inequality. In this case, two categories were exploited: class and gender. We might also argue that the Italian and Jewish immigrant women who staffed the sweatshops were also bound by an ethnic inequality between German Jewish owners and mostly Russian Jewish, European Jewish, and Italian workers. Categorical inequalities set the stage for management/worker relations since the owners and managers are usually categorized as the powerful half. Tilly argues that social practices develop to reinforce the inequality. One example he gives is a family setting: men eat more than women and women reinforce men's appetites by giving up their food for men. Another example at the national level is when citizens vocalize their privilege by disparaging non-citizens, and non-citizens, in turn, are made to feel inferior to citizens. These social practices, which are created over time, are then reproduced in the work setting and make it easier for managers and owners to control their workers. Accordingly, there is deep inequality when an undocumented, Latino, non-English speaking, uneducated worker is employed

by a citizen, white, educated grower. The relational inequality in legal status, race, language, and education underpin, for both worker and employer, that the grower has power over the worker. This is true politically, socially, and economically, but most paramount, in relationships in the workplace. The grower's authority as a boss and the worker's due respect to this authority replicate existing status hierarchies and result in the grower's ability to guarantee workers' compliance.

The use of non-citizen workers in agriculture is well documented and fits well with Tilly's theory of employers parlaying categorical inequality to their advantage. Many citizens who were hired as farmworkers were often so powerless that they were closer to non-citizens than citizens.[91] These workers did not have the full rights of other citizens, including voting rights, freedom of movement, freedom from forced labor, and labor rights. Residency requirements, for instance, excluded citizen migrants from voting. Vagrancy laws allowed for forced labor or the imprisonment of workers who refused to work.[92] In addition, twentieth century labor laws and other progressive social legislation, which greatly improved working and living conditions for industrial workers, excluded agricultural workers. As such, employers of farmworkers—citizen or not—were held to lower labor standards than other employers.

This argument is reinforced when we compare early twentieth century industrial workers to farmworkers. For the most part, living and working conditions for both groups of workers were very similar. However, industrial workers made significant gains under the labor-protective New Deal legislation, while farmworkers continued on as they

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[91] See (Friedland and Nelkin 1971).

[92] See (Hahamovitch 1997; Grossardt, 1996).

had before. This is readily apparent in the wage differentials between farmworkers and industrial workers before and after the New Deal. Farmworkers' exclusion from labor laws reinforced the ease with which they were the targets of unfair labor and political practices. These exacerbated their already vulnerable status and made them, by nature of their employment in agriculture, if nothing else, marginalized citizens. Writing about the historic New Deal labor reforms, historian Cletus Daniel sums up the situation for farmworkers:

> Completely incapable of amassing the political influence necessary to counter the pressures exerted by agricultural interests and isolated from the urban labor movement, agricultural workers were vulnerable not only to the private power that had always oppressed them, but now also to the public power that the federal government indirectly placed at the disposal of their economic antagonists by denying farmworkers equal protection under the NLRA and other labor legislation. (Daniel 1981, 262)

Farmworkers have been so exploited over time that their exploitation is part of the embedded structure of the U.S. agricultural industry to the degree the employer/farmworker category correlates to Tilly's concept of durable inequality. In almost every respect, farmworker is a social and employment category that implies poverty, vulnerability, and powerlessness.

Ethnic Succession on New York Farms

Reliance on one group of workers is not, over time, a practical strategy for controlling agricultural workers. Groups of workers may develop some bargaining power through their efforts to voice complaints, threaten to withdraw their labor, or collectively organize to challenge their employer. This has occurred repeatedly in U.S. agriculture. In California in the 1890s, Japanese farmworkers were entrepreneurial; they became farmers themselves, hired other Japanese, and developed their own markets (McWilliams 1939). Filipino workers in California had strong ethnic ties to each other and this acted

as a solidarity base for them to strike in the 1920s (Majka and Majka 1982). During the Second World War, black farmworkers in Florida developed bargaining power as a result of a tight labor market and this gave them some privileges (Hahamovitch 2002). In late twentieth century in New York, southern Blacks may have been reluctant to accept the declining wages associated with their tasks.[93] All these workers were replaced with other, more vulnerable workers.

The replacement of one group of workers with another for the purpose of labor control has resulted in a pattern of racial or ethnic succession in U.S. agriculture. Replacement might occur as the result of recruitment (as in the case of Filipinos in California), government sponsored guestworkers programs such as the Bracero Program, or as a result of labor migration. The first two examples obviously need grower initiative. Recruiters are either growers themselves or paid middlemen, and guestworkers are the result of government policy promoted by agricultural interests. The third, informal labor migration is more nuanced and, as such, growers often deny playing an active role in this form of worker replacement. Growers' resistance to acknowledging their role in ethnic succession through labor migration helps them gain distance from the fact that the newer workforce was hired because its workers were easier to control.

Macro-economic factors, as I have mentioned, help to explain the ethnic succession of New York farmworkers from southern Blacks to undocumented Latinos. On the face of it, the demographic shift appears to be a neat transition from a workforce with dwindling numbers that was no longer interested in agricultural work to a workforce that was increasing in numbers and interested in farm employment. However, the

[93] For a description of declining wages and conditions see (Barr 1988).

transition is not as simple as it seems. These explanations overlook the important role of agricultural employers in actively managing this ethnic succession. Growers manage hiring processes to secure cheap and quiescent workers and this includes terminating the employment of current employees, providing access to favored hires, and limiting access to others.

Tilly provides a conceptual account for how employers control the hiring processes. There are four stages to his explanation. 1) Exploitation: an employer hires workers and extracts surplus value from them to obtain profits. 2) Emulation: other employers identify a particular hiring model as a practical solution to securing profits and they do the same. (Emulation is much less expensive than trying a new strategy.) 3) Opportunity hoarding: workers recognize that employment in a certain sector offers them benefits—usually a higher wage than they were earning prior to employment in this industry, and these workers want to hoard this opportunity for themselves, their kin, and their friends and so they create niches (usually based on ethnicity or race). Workers attempt to exclude others from gaining access to these opportunities by trying to influence hiring from within their kin network. 4) Adaptation: in the final stage, employers, employees, and others develop day-to-day scripts, or practices, that reinforce inequalities and maintain management/worker dynamics. These dynamics serve both employers and employees.

Applying Tilly's theory to the ethnic succession of farmworkers in New York, it is clear that growers have hired undocumented Latinos and found these workers helped them secure profits, and that they were easier to control than previous workers (exploitation). Other growers saw that hiring undocumented Latinos was a viable

alternative to their previous workforce and so they adopted the same model (emulation). Undocumented Latinos, predominantly poverty-stricken campesinos from rural Mexico, benefited from agricultural jobs in New York—they sent much-needed funds home to their families for food, clothes, homes, and education—and wanted to acquire the same benefits for their kin and community members (opportunity hoarding). Growers, workers, and others developed social practices to reinforce their relationships and, in turn, the benefits they reap. This includes workers' rationalizing their situations by comparing themselves to workers in their home countries and not to other U.S. workers (as discussed in Chapter Two). Furthermore, growers and the larger agricultural community in New York have developed a specific ideology about the newer Latino workforce. In common with employers in other states and in specific industries, they have come to construct and believe in a Latino "work ethic" that fits well with the needs of agriculture (adaptation) and helps growers justify their exploitation of workers.

My research exposed specific examples of the ethnic succession from southern Blacks to undocumented Latinos, and uncovered evidence that, far from being a "natural" phenomenon, growers' were actively involved in the changing demographic of the workforce. The Marcuses own an apple orchard in western New York, which was passed down through the family.[94] They explained that the farm had been employing southern black migrants for as long as they could remember. In the 1980s they hired U.S.-born Blacks and also Trinidadians, and more recently have hired U.S.-based Jamaican and Haitian workers. For the past few years they had employed only one year-round Mexican worker, but told me that they recently made the decision to shift to an all-Mexican

[94] I use pseudonyms in place of growers' real names.

workforce. Over the past few years they had switched away from production for processing toward fresh fruit production. The shift, they told me, required higher standards, and labor quality was more important. The decision was spurred by problems they had with their previous workers, who were Haitian.

They explained to me that times and attitudes change. While the Haitians were really good pickers, the Marcuses characterized them as rebellious by nature and harder to work with. For example, the Haitians they employed as tree-trimmers tried to negotiate a higher wage every day, whereas they found the Mexicans much easier to work with. Moreover, some years the Haitians wouldn't show up. The crew of 15 that arrived in 2004 had only five workers that the Marcuses had previously employed; in the past, at least 12 of the core group would return. They told me that the Haitian workers were finding full-time employment elsewhere and that the ones that did come to the farm did not speak English. The migrants that had returned from the previous year were not happy with the harvest—there was not enough work for them to work weekends. Consequently, they were "angry" and complained persistently about not having more work. The Marcuses explained to me that rainy days in September and October usually serve as days off for the workers, but the unusual lack of precipitation in the fall of 2004 resulted in workers not having days off due to the weather. The weather during that harvest could have permitted them to work every day, and, apparently, that is what the workers wanted. However, this was not feasible; the Marcuses did not need them to work every day given the amount and ripeness of apples that needed picking. Migrant workers who come to New York for a short harvest season are usually willing to work as much as possible to maximize their income and the Marcuses' workers asked for more

hours, which these growers could not offer to them. The growers said that the workers not only complained about this situation, but also became careless at picking, which jeopardized their profits. If this was true, then it may be an example of workers consciously using their labor power to express their grievances.

For the Marcuses, moving to an all-Mexican crew was a big decision. Because they were not fluent in Spanish and because of the structure of farm work in western New York, the new workers would be managed by a crew leader and not directly by the Marcuses. On one hand it would be a relief not to be in the fields constantly, but, on the other, it meant a loss of control. Additionally, the Marcuses told me their previous workers were legal and while they felt that most Mexicans have "good ID," which I took to mean false papers or green cards, they were worried about losing their new workers due to their legal status. They considered switching to guestworkers but had heard the paperwork was excessive and that, post-9/11, the application procedure had become even more arduous. Furthermore, they knew someone who employed guestworkers and last year half of the crew was new, which meant training had to be redone.

Other growers helped the Marcuses make their decision to switch by sharing their positive experiences with Mexican workers and recommending the particular labor contractor who would provide them with a crew and crew leader. They seemed to feel some remorse about not being able to continue with their previous workers, who would be contacted by mail about the jobs not being available. But, they said, the core group that returned every year was getting smaller and they didn't know their workers that well. In line with Tilly's theory, and my contention, that the ethnic succession in New York has been managed by the growers, the Marcuses were switching from a no longer

controllable workforce (who complained they were not earning enough) to a more controllable one. They were emulating the use of Latino workers that had been successful for other growers whom they knew.

Another specific example of this ethnic succession was reported to me by several Jamaican guestworkers. On an apple orchard that hired about 75 workers, the guestworkers were a vanishing population. This farm had an apple orchard and also an apple packing facility. Because of its size it offered a certain amount of year-round fieldwork such as pruning and, because apples can be kept in cold storage for many months, the packing facility also offered year-round employment (mostly for women, as is common in packing work). The labor camp housed year-round as well as seasonal, migrant workers. The year-round workers included Salvadoran families, Mexican males, and one Jamaican-born, U.S. resident.[95] The seasonal workers included Jamaican guestworkers and a crew of Mexican migrant workers.

When I interviewed them, the Mexican crew had just departed and the guestworkers were to leave in the next few days. The Jamaican guestworkers told me that every year they worried it would be their last. The grower, they said, had informed them that the Mexican workers were much cheaper and it that was no longer cost-effective for him to employ the guestworkers. Every year, he brought back fewer Jamaican guestworkers. The workers we spoke to were in their late fifties and early sixties. From a certain perspective, it might be said that these workers were preparing for

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[95] This one worker lived year-round on the farm for many years and at the time I met him was almost completely retired from farm work. However, the grower had agreed to let him continue to rent the trailer he lived in indefinitely. Examples of grower loyalty to long-term and year-round workers is not uncommon, this was not the only story I heard about growers allowing former workers to continue to live in farmworker housing.

retirement. Indeed, the termination of older workers is often rationalized as "aging out" of farm work. However, a first hand discussion with workers showed that they were willing and expecting to continue to return to New York through their early seventies. In the course of my research, I met several workers who were in their seventies. In addition to "retiring" some of the guestworkers early, their employer quite blatantly gave Mexican replacements more hours, including some rainy days when the Jamaicans were told no work was available.

These examples show the rationale of two specific growers, but the decisions, in each case, reflect a larger trend toward the use of Latino workers in New York agriculture, as discussed in Chapter Two. This trend fits with Tilly's contention that his theory should be understood on an organizational level. In other words, hiring processes are best understood by examining an entire industry, as opposed to individual employers. The horizontal understanding of this phenomenon can also be supported by my other claims in this chapter that growers act collectively in regard to agrarianism, agricultural exceptionalism, and shaping the control of the workforce. As a result of this collective action, a series of individual choices and rationales can be institutionalized throughout the entire regional industry.

Controlling Job Access

Growers were able to switch to Latino workers, but how and where did they find them? To show how growers offer job access to favorable workers and limit it to unfavorable workers, a more detailed analysis of hiring practices is required. One hiring technique is for growers to hire those that their current favored workers recommend. In tandem with Tilly's theory of opportunity hoarding, this is an example of how workers try to get members of their own kin networks hired. Growers can control their hiring by

relying only on these kin ties. On one farm I visited in Orange County, several farmworkers reported to me, "Almost our whole town from Mexico is here." In reality, they were referring only to male working-age members of that town, including the 16-year old who told me he had been traveling to New York for farm work with his father since he was 11 years old.

Kinship ties are an extremely important factor in how farmworkers find employment in the Hudson Valley. Indeed, four states in Mexico accounted for almost half of the workers I interviewed. This kin system is distinct from farm labor contracting, in which labor agents act as the primary links between immigrants and jobs. Contractors were identified on only three of the nineteen farms where my interviews were conducted. Sixty-nine percent of those interviewed reported that they heard about their job through family and/or friends, and this figure rises to 85 percent for undocumented workers. Furthermore, 75 percent of all workers and 89 percent of non-guestworkers (i.e. undocumented, resident, and citizen workers) worked in the Hudson Valley with family and/or community members from their home countries. Acquiring jobs through kinship was also evident in the reporting that 76 percent of those born in Latin America came directly to New York from their home country, as opposed to working in another state first.

Relying on kin ties is a straightforward way of managing recruitment, but what about the grower who has not yet made the shift to Latino workers? Kin ties require having at least one worker who can link to others like him. To hire their first Latino worker, growers might travel to recruit them. Three workers from the northern Mexican state of Juarez met their New York boss in Mexico, where he was recruiting workers. I

heard of another grower who recruited his Mexican workers during a trip to North Carolina, where a family member had a farm.

Another popular method of hiring workers is through the NYSDOL. When workers cannot secure jobs through their kin network, they might visit a NYSDOL rural rep to find work. The rural reps have ties to workers and contractors and often place workers in jobs immediately, particularly during key months in the late summer. In this way, the NYSDOL acts to facilitate hiring through kin networks. The rural reps find it easiest to place workers who are in New York and are looking for agricultural work, as opposed to hiring out-of-state domestic workers. As a result, the majority of the workers they place are Latinos. One service provider discussed the rural reps' roles in the ethnic succession of the workforce. She reported, "U.S. workers are not sought out. They are the first to be fired; it is rare to see [the firing and] repatriation of Jamaican or Mexican workers. It's discrimination." Another service provider I spoke with was more blunt about rural reps' favoring Latinos over Blacks:

> We get job orders; I know what employers have open. I can call the local D.O.L. and say I have three or four workers. Now, you can tell from the surnames which ones are Latino and they will get work quicker and faster than African Americans. It's because of the relationship that the employer has with the D.O.L. The growers tell them who they want, they say, "Don't bring me those lazy people who are on welfare." That message is very strong.

The DOL's placement of Latino workers reflects growers' preferences, but also agriculture's peculiar hiring needs. A grower might realize that he or she needs extra workers on very short notice, thereby making the hiring urgent. From a rural rep's perspective, recommending the worker in front of them who can be hired immediately makes sense. Recommending domestic workers may be more difficult since they may apply for jobs through the website or be recommended by a third party. The rural reps

may not recognize that they are recommending undocumented Latinos at the cost of hiring domestic workers.

Growers complain that they can not find domestic workers to take agricultural jobs, implying that domestic workers are not willing to do the hard work involved. This same gripe has been heard at different moments in the twentieth century and, in fact, was and is used as the main rationale for creation of guestworker programs (Hahamovitch 1997). Today it is common in the industry to hear the phrases "no one else will do this work" or "I cannot find any local workers." The truth of the matter is that growers cannot find domestic workers to take arduous agricultural jobs at the wages (and with the working and living conditions) they are prepared to offer. Furthermore, domestic workers, even when they are marginalized, still have more opportunities than non-citizen workers and therefore may be less controllable. Also, over time, citizen workers may become savvier about their rights and hence their opportunities to challenge their employers.

Once the NYSDOL is informed of a job opening, its staff creates a job order, which is put online in a nationwide Department of Labor system called America's Job Bank. Several of my respondents attested that America's Job Bank is designed to discriminate against domestic workers. Jobs that go through the D.O.L. have to be advertised and this is the spot where they get posted, yet they are processed in a way that service providers say prevents hiring domestic workers. One legal services provider reported that the website was not user friendly and that it was very difficult for out of state workers to secure jobs through the system. She said she had seen agricultural jobs listed that required a resume; this, she argued, was absurd and only served to restrict

access to jobs. Her colleague mentioned a case that he said was common in which a domestic worker applied for an apple-picking job and the grower told him he needed experience harvesting apples, so he could not be hired. This same grower was applying for foreign guestworkers, who were unlikely to have apple-picking experience, so the service provider asked, "Where are the apple orchards in Jamaica and Mexico for those workers to gain experience?"

The employment of guestworkers is another method of control. The U.S. government has an interest in (or at least an interest in the appearance of) not taking jobs away from domestic laborers by giving them to guestworkers. As such, the guestworker program is designed to prevent this. Under this program, guestworkers are paid an adjusted wage that is several dollars more than the minimum wage, but growers have to show that no domestic workers were available for their jobs. Growers are required to advertise these jobs and one place they are listed is on America's Job Bank. Moreover, growers must also hire domestic workers if they apply for the job at the adjusted wage, even after the guestworkers have arrived. One service provider explained that often growers refuse to hire the domestic workers that show up; "The rules say you don't have a right to hire whoever you want, you are supposed to hire a domestic worker before you hire a foreign worker. It's pretty prevalent that they do not hire domestic workers."

The reluctance to hire domestic workers was expressed to me by a grower who had a small crew of Mexican guestworkers. As mentioned, because of the way the guestworker program is designed, he had to post the jobs as available to domestic workers.

> We had a gentleman from Arizona say he wanted the job. Almost all of my rights were gone. I pretty much had to hire him no matter what, as long as he met the

> criteria that was on the [job order] form. Whether he has a background, I can't check. [Our Department of Labor representative] told us…Americans can apply for this job. I'm sure there's a way of getting a social security card and saying you are an American, then you can apply for this job. I have to put you in my camp, pay these wages, without any background check, without knowing what your background is. That was what was really scary to us. You don't know what this guy did in Arizona.

This grower expressed great concern for the safety of his workers, who would have to make room in their trailer for a stranger. Housing farmworkers is undeniably a complicated business and the grower's concern for his workers reflected the sensitivity of this topic. Yet this tendency to pre-criminalize domestic workers was a convenient way to justify not hiring them, which I will discuss further in the next section. It is worth noting in this regard that the guestworker programs do serve as a sort of background check since workers must be approved in their home countries for the positions. Such checks include physicals and other measures.

A fourth service provider engaged in a rather heated exchange, at a NYSDOL pre-harvest conference that I attended, on the reluctance of the NYSDOL to facilitate the hiring of domestic workers, in this case Puerto Ricans. It is worth quoting the exchange so that the contrast between the mentality of service providers and the NYSDOL officials is highlighted,

> *Service provider:* Why aren't we doing recruitment in Puerto Rico? Why in Jamaica and Mexico? It is almost like a slavery mentality. Puerto Ricans are not hired because they could walk off the job [as opposed to guestworkers]. It's about control.
>
> *USDOL rep:* You have different types of workers. Puerto Ricans are not guestworkers, but anyone can apply for these jobs.
>
> *Service provider*: Puerto Rican workers in New York are scarce. It is the DOL's choice that they aren't here.
>
> *NYSDOL rep 1:* I talk to the employment office in Puerto Rico, we know they are out there recruiting; we cannot do anything about that.

> *Service provider:* That's what I always hear, "It's not my job…"
>
> *NYSDOL rep 1:* (an aside to the person next to her) I cannot tell Puerto Rico what to do.
>
> *NYSDOL rep 2:* Puerto Rico does get orders and I'm willing to work with them to see if we can get more.
>
> *Service provider:* You and I know the reason you bring in Jamaican and Mexican workers is control. They are abused; they cannot leave. Don't push it under the rug, you know more than all of us, you see it every day, but if we were all doing our job we would be out of a job. We don't educate we just move on. Isn't it part of your job to advocate on behalf of farmworkers?
>
> *NYSDOL rep 2:* It is my job to recruit. I beg them to recruit, but Puerto Ricans have told me, "We're not apple pickers." They choose the jobs. They go to North Carolina, Virginia, Georgia. They don't like the weather change [in New York].

Meanwhile, the following conversation took place between two rural reps in the row behind me,

> *Rural rep #3:* She [the service provider] should be asked to leave, she has wrecked the conference. She doesn't understand what she's saying.
>
> *Rural rep #1:* She's bringing —— and everyone else to her level.
>
> *Rural rep #3:* Yes, it's embarrassing.

I later overheard rural rep #3 say that the service provider should be fired for her comments. He also told me directly that the service provider was interested in hiring Puerto Rican farmworkers because her agency had a grant to provide job training to legal farmworkers and since there were very few legal farmworkers today her job was at risk. The H2A guestworker programs require that the grower pay workers' transportation costs to and from the farm, but this requirement does not apply to non-guestworkers or to the H2B guestworker program (for non-field workers).

The industry's prior reliance on southern Blacks was often attributed to group physical attributes. According to the rationale, Blacks are taller and have larger hands, which makes them better apple pickers, while Puerto Ricans and other Latinos are perceived to be shorter and more suited to work that requires bending low to the ground (stoop labor), such as vegetable harvesting. These seem to have been factors in growers' recruitment of workers. This is apparent in the fact that Pennsylvania, New Jersey, and Massachusetts all have significant populations of Puerto Rican farmworkers—these states do not have fruit orchards to the degree that New York does, and agriculture in those states requires more stoop labor. The argument that Puerto Rican workers do not like the weather in New York is contradicted by the fact that these other nearby states hire them. Moreover, the Jamaican guestworkers I interviewed consistently complained about the cold New York weather and yet this did not seem to prevent their employment.

Finally, according to service providers I spoke to, blacklisting is sometimes used to control hiring, with the help of the NYSDOL. One service provider told me, "If the employer doesn't get along with workers, the DOL puts that worker on the list, on the back burner, they send the worker to an employer they don't have such a great relationship with. But these things are really hard to prove." Another service provider discussed a specific scenario,

> I know a worker who wanted us to make a complaint for him. After we did, the farmer called the DOL people and yelled at them and said, "Why did you refer this worker to me. This worker was a former client of legal services. What did you do, DOL rep?" We heard about it through a third source, because our client wasn't part of that conversation. This worker was a documented worker, either a legal permanent resident or a citizen. He then wanted to get a job at another farm and felt very insecure about having the Department of Labor representative help him get referred to another farm, because he had heard what had happened.

In addition to blacklisting in New York, legal services providers told me that they have heard from guestworkers that their home countries kept blacklists. Such blacklists, while serving as a form of labor control, are not a direct response to growers' needs. The home country has a different interest in sending quiescent workers, because it benefits from the guestworker programs in several ways. These include the creation of government jobs to support the program, a percentage of workers' wages as processing fees, and employment for that country's citizens. The relationship between the U.S. and the sending country is an unequal one and, like the farmworker, the country is dependent on the U.S. for the benefits of the program. If a sending country were to have a reputation for sending workers who complain and try to change the conditions of their labor, growers might discontinue requesting workers from that country and the country's contract with the U.S. might be threatened.

Controlling workers and controlling hiring are intrinsically related. Through kin networks, recruiting, hiring guestworkers, and finding workers through the Rural Employment Program of the NYSDOL, growers can shape the profile of their workforce. Larger political and economic factors have influenced Blacks to leave farm work and the increased migration of undocumented Latinos, but those factors do not fully explain the dramatic shift in New York's agricultural workforce between the late 1980s and the early twenty-first century. Growers, with the help of the state, have actively controlled job access to favor undocumented Latinos and limit access to citizen and legal permanent resident workers. They have done so to secure a cheap quiescent workforce and, in turn, maximize their profits. Moreover, the shift has been systematic and not casual, with individual growers emulating others on a statewide scale.

PART III: IDEOLOGY JUSTIFIES LABOR CONTROL

The growers I interviewed were forthright about their concern over labor costs. In the statewide debate about whether overtime rights should be extended to farmworkers, they insisted that they would be put out of business if an overtime law passed for farmworkers. Most claim that they feel constant pressure to reduce labor costs. One grower told me he wished he could pay his workers more, but he could not afford it. Be that as it may, the substandard wages of their employees was itself a mechanism of labor control.

Farm work is one of the most poorly remunerated jobs in the country, with the average employee earning less than $7,500 a year (Mehta et al. 2000). The workers interviewed for this study had an average annual income of $11,350 in 2001,[96] but that amount included additional jobs they performed during the year. Accounting only for their New York farm jobs, the annual average was $7,345. Workers are typically hired at an hourly wage rate, rather than a weekly salary. They are ineligible for overtime or a day of rest, though most do usually receive at least one day off a week, often due to inclement weather. The majority does not receive health or dental benefits, paid vacation time, or paid sick time. Most are ineligible for unemployment insurance, and they are subject to different standards than employees in business and industry for disability, workers' compensation, and social security benefits.

While labor costs drive growers' decisions about hiring, there is little public rhetoric within the agricultural industry that explicitly underscores this connection. Instead, growers rely on a circulating set of myths to justify the low wages and poor

[96] These numbers vary by year. According to my interview data, in 2002, the average total income (including other jobs) was $10,742 and from New York farm work exclusively, $6,643.

benefits that they dole out to their employees. These myths also extend to the hiring of immigrant workers and to the poor working and living conditions that accompany agricultural work. The following profiles the mentality of growers and dissects these myths.

Characterizing the Workforce

A century ago, it was customary in most farming regions to categorize migrant farmworkers as unworthy vagrants. McWilliams profiled the attitude of California growers toward farmworkers in the early twentieth century, based on his research and observation,

> They were "tramps," shiftless fellows who actually *preferred* "the open road" and the jolly camaraderie of the tramp jungle [labor camps] to a settled and decent life; chaps who adored lice and filth and vermin, and long marches (in pre-hitchhiking days) through scorchingly hot valleys, and the drizzle and cold of early fall rains. There was nothing you could do with these insouciant and light-hearted boys: you couldn't even pay them a decent wage for they would "drink it up right away." As for providing them with shelter or a bed—why, they loved the open air and would rather die than take a bath. (McWilliams 1939, 26)

Farmworkers, like slaves before them, were also categorized as ethnically and genetically inferior to Anglos and therefore incapable of taking on any but the most menial jobs (Fisher 1953).

This rhetoric shifted temporarily in the 1930s along with the high publicity accorded to exposés of the treatment of farmworkers. Popular and government depictions of farmworkers revealed negative stereotyping to be part of an industry-wide system of labor exploitation.[97] Moreover, the face of farmworkers changed as foreign

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[97] As mentioned in Chapter 2, these include John Steinbeck's *Grapes of Wrath*, Dorothea Lange's photographs of dust bowl migrants, Carey McWilliams's *Factories in the Fields*, Eleanor Roosevelt's visit to California migrant labor camps, and the U.S. Senate's La Follette Committee Report.

and marginalized citizen farmworkers were replaced by an image of hard working, middle American Okies, whose opportunities were stymied because of the country's economic crisis. This new profile of farm labor—depression era, formerly employed or sharecropper whites with children—changed the public dialogue for several years and negative mythologies became more subtle. A similar interregnum occurred in the years following Edward R. Murrow's landmark television documentary, *Harvest of Shame* (broadcast on Thanksgiving day, 1960), about the conditions of Florida's migrant workers as they follow the harvest up the Eastern seaboard. His is one of a series of critiques that punctuated the national consensus about the postwar affluent society. Aside from these high-water marks of liberal concern, the workforce has been prone to characterization as ne'er-do-wells rather than hardworking people down on their luck.

The issue network I mentioned previously, with the Farm Bureau at the lead, generates similar myths, repeated and reinforced by other actors in the network such as growers, legislators, and the NYSDOL. I heard and read them repeatedly in the course of my research. A typical example is drawn from a 2003 article in the upstate New York newspaper, the *Daily Messenger*, which the Farm Bureau distributed to the New York legislature along with a memo on farm labor issues (Sherwood 2003). The article was intended to provide legislators with evidence to support the content of the memo, which responded to farmworker advocates' claims about poor conditions for farmworkers in New York. The article reinforces some of the more prevalent myths associated with farmworkers, most prominently, the ethnic characterization of work traits. Thus, a dairy farmer comments on employees, "When the Mexicans came, it was like night and day…These guys know how to work…They know when they are supposed to be at work,

they do a job, and they respect their coworkers…They have a work ethic…They don't cut corners."

Similar comments are often made about Jamaican guestworkers. I was told by one grower, "The guestworkers are so wonderful, a thousand percent more reliable. They are loyal and polite." Ethnic characterizations also commonly extend beyond the quality of work itself to workers' living conditions. Another grower, one that I interviewed, articulated a common myth about Mexican workers, whom he housed on his farm, "They are not afraid of tight quarters. That gets more bad press for the farmers than anything. The farmer doesn't have control about how many will be in the house. The workers don't mind that, they like that."

The willingness to work as many hours as possible and keep one's mouth shut could be interpreted as a strong work ethic, but it more likely represents farmworkers' desperate need for income, their will to sacrifice to support their families, and their fear of retribution for speaking out. One of the NYSDOL representatives I interviewed commented that he thought the Mexicans had a different work ethic and they couldn't be idle, but he acknowledged that it was difficult to separate that concept from financial need. He said, "At five dollars an hour, they understand they have to put in the hours. If they could make more an hour, they would work less hours." He also recognized, in mild terms, the racist undertones of this characterization, "Farmers say the Mexicans work better; it's a bit racial." He went further in explaining that the industry had its share of segregation and racism, both grower and worker based, and some of it even within the NYSDOL, but he took care to emphasize that it was often very subtle in its workings.

Some of the ethnic characterizations relate to specific tasks that, growers contend, are consonant with certain physical characteristics, associated with a specific race or ethnicity. This physical disposition supposedly renders some workers better suited to certain tasks than others. For example, black workers are habitually employed to work in trees as apple pickers—based on racialized stereotypes of hand size and stature—while Latino workers are employed as vegetable pickers doing stoop work in fields. There are also generalizations about workers; one grower explained his idea of workers' suitability for farm work and their work ethic:

> These fellows sort of have a unique culture of wanting to be with one another, not minding being in a rural atmosphere and not minding doing work that will cause them to sweat or get dirty. Communal spirit, what's mine is yours, what's yours is mine. They take pride in this work, that this is their farm. They know that when certain chores have to be done that they get after it.

This quote also includes another layer, common to small businesses and domestic employment situations. When the grower comments about the pride workers have "that this is their farm," he is completely obscuring the employer/worker divide by equating the workers with himself as the farm owner. Moreover, this is an example of projected loyalty. This is not unlike another prominent characterization of workers that occurs on the smallest farms, which I heard from several growers and have encounter in the New York press, "My workers are part of the family" (Johnston 2004).

This belief that workers are part of the business on a par with employers is fostered for all sorts of reasons. It allows employers to manipulate the loyalty of employees, and provides cover for their mistreatment. One long-time New York farmworker service provider articulated this belief when he discussed with me a situation he knew well—he was close to both the grower and the year-round workers. He

explained that, compared to corporate farms, small growers were marginalized, and that farmworker advocates had to be careful to be sensitive to the economic reality of small growers. On one farm in question, the grower was in the red and was not sure if she would survive the season if she paid her workers in full. The service provider told me that the grower had discussed the situation with her workers and the workers agreed to defer receiving wages until the farm was able to support them. This particular grower, in fact, seems to be diligent in treating her year-round workers well, including offering year-end bonuses and the like. However, even the most benevolent employer has crossed a line (and the law, which requires workers to be paid on a weekly basis) by asking her wage laborers to forego their earnings for the good of the farm.

Living the American Dream

The widespread use of immigrant workers inevitably gives new life to old mythologies about foreigners who came to the U.S. as low wage workers and were able to rise to prominent positions in business and society, living out the American Dream. Given the stark reality of farmworkers' working and living conditions, their exclusions from labor law protections, and future earning and citizenship potential, the invocation of American Dream rhetoric is decidedly hollow. That does not stop figures in the agricultural community from conjuring it up, and in a way that fuses it with agricultural exceptionalism. When it rears its head, however, the American Dream is usually articulated as an ideal to be pursued back in workers' home countries rather than lived out on U.S. soil. Consider the reference in this 2003 memo from the New York Farm Bureau.

> These employees work on our farms because they are able to earn enough money during the relatively short season to support themselves and their families in the country of origin…These individuals run the risk of crossing the border, and of

> using fake documentation, simply because they an earn a better living for their families on New York farms than in their country of origin—our farm families are truly providing an opportunity for these individuals to live the "American" dream. (Suarez, 2003)

In my analysis of workers' powerlessness in Chapter Two, I argued that workers rationalize their situations in the U.S. through a comparison to their situations at home and not to those of other U.S. workers. In sociological terms, their reference group is back in their home country. Growers' ideology is based on the same assumptions. Workers' conditions are rationalized by using reference groups from workers' home countries rather than other U.S. workers, particularly citizen workers.

A former apple orchard manager told me that his workers were rich back in their home countries because of the hourly pay they received in New York for their work. Another grower told me about her Jamaican guestworkers, "It's a good deal for them, except they are away from home. The exchange rate is favorable and they get paid more than the minimum wage." Moreover, the Farm Bureau insists that the conditions in New York are better for farmworkers than other states, a fact that attracts workers to the Empire State. According to one Farm Bureau representative, "Farmworkers come to New York State not just for employment but also because of our other services. They don't have overtime but the majority have free housing [provided by their employers], that's a nice benefit. In other states, farmworker housing is a serious problem, they don't have housing." In reality, no such majority existed. A 2000 report on farmworker housing in New York showed 7,000 workers enjoyed employer-provided, government inspected and approved farmworker housing. The report found that this housing, which is on the decline, does not meet the need as New York hires 40,000 seasonal and an additional 20,000 full time workers (Bucholz 2000, 3).

Historically, this immigrant version of the American Dream may have been realized for some, but legions of newcomers became quite ill, were seriously injured, or lost their lives engaging in the arduous business of low-wage labor. The exploitation of the Chinese who built the railroad is well documented, as are their death rates from the dangerous work, and, in the case of the Irish in New York who built the Erie Canal, from malaria. This history is all but lost on a grower also quoted in the *Daily Messenger* article.

> At one time we wanted to build a railroad, so we hired the Chinese to help us build a railroad. We wanted to build a canal, so we hired the Irish to build a canal. And maybe now, this is just the next wave of immigration, where we need extra labor from outside the country and this is where they come from. So maybe this is not different than our ancestors coming in here—just history repeating itself.

For some, the exploitation of first generation immigrants for the sake of future generations is justified. However, the persistent migration of Mexicans to the U.S., mostly in cyclical patterns, over the course of the twentieth century, has resulted in a durable poverty class that corresponds to no other immigrant experience in the U.S. More to the point, the ability of immigrants to incorporate into the U.S. politically, economically, and socially is much different than at the beginning of the twentieth century. Barriers to citizenship, and even assimilation, are much higher.

Another common argument in favor of immigrant gains is to point to specific hometown projects that farmworkers have financed. One grower observed, "Looking from an American point of view it's a low wage, but if you look at their point of view a school teacher in Guatemala makes maybe fifteen hundred to two thousand dollars a year, doctors make five to ten thousand a year…My head worker showed me a videotape of his town. They were living the way people here were living 100 years ago in shacks, no

running water, no septic system. The workers [from my farm] brought electricity in." Another grower showed me photos of a large church their workers built in their hometown in Mexico. The church was paid for not only from funds earned on their farm, but also from other funds collected among migrants from that village who were working in other nearby New York areas.

This sort of community project is consistent with many others around Mexico and Latin America, which are funded by migrants abroad, who sometimes organize their efforts through hometown associations. One of the NYSDOL representatives I interviewed told me about a grower who visited Jamaica and the homes of his workers, which he found to be among the most desirable in the neighborhood. This was described to me as a source of great pride for the grower and it was presented as evidence that the system benefits the workers greatly. It makes sense that employers are proud that the dollars they pay their workers help them to build better lives at home, but the situation is more complicated than this.

Alejandro Portes reminds us that low-wage migrants may be economic heroes at home, but that does not alter the fact that they are blatantly exploited in the U.S.[98] Growers and Farm Bureau officials are all too aware that only poverty stricken, homeward-looking immigrants might benefit from seasonal farm wages. Indeed, it is common for growers, the Farm Bureau, and the media to depict farm jobs as undesirable to domestic workers because of the hard work involved. But, all the evidence suggests that it is low compensation and not hard work in and of itself, which is the decisive

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[98] Portes used this comparison at a presentation during the Second Cumbre of the Great Plains: Re-visioning Latino America – New Perspectives on Migration, Transnationalism and Integration, University of Omaha, April 22-24, 2005.

deterrent to domestic workers. A federal report on this point is as relevant today as it was in 1951, "We depend on misfortune to build up our force of migratory workers and when the supply is low because there is not enough misfortune at home, we rely on misfortune abroad to replenish the supply" (United States President's Commission on Migratory Labor 1951).

Moreover, the iconography of "economic heroes at home" is less and less grounded in reality when we consider that farmworkers in New York today are much less transient than previous generations of workers. They are settling in local communities for years at a time or indefinitely, with their families (Pfeffer and Parra 2004). Workers and service providers spoke to me of the high costs workers face in living in New York. For the worker who remits as much as possible home, the accompanying reality of his life in New York is one of austerity and sacrifice. As workers settle in New York with their families and continue to work in agriculture, they become the working poor in the U.S. However, the power of customary rhetoric and social perceptions of their situations is so acute, that even though they are aware of their poverty here, workers continue to rationalize their situations by comparisons to home. If local non-citizen Latinos continue in farm work, it will be interesting to see how the rhetoric shifts to rationalize the use of these non-citizen domestic workers who have to survive within the U.S. economy.

Another prevalent myth used to justify the exploitation of immigrant workers is that of a labor shortage. A common theme in scholarship on farmworkers shows, that again and again, growers persistently complain about the lack of labor supply. Such shortages do occur. For example a grower may anticipate needing four workers based on his previous years' experience, but when the harvest arrives suddenly she finds the need

for two more. Supply and demand in agricultural production is not obviously predictable and it is by no means easy to anticipate how many workers will be needed for a harvest. But, the difficulty in finding new workers on immediate notice is not evidence of a chronic labor shortage. The reasons for the shortfall have everything to do with the low compensation offered for arduous and physically demanding work. Yet the concept of a labor shortage has become reified. *The Daily Messenger* article, for example, cites a labor shortage. At the same time, it shows that local workers were less willing to do farm work because it was messy and required many hours. Moreover, it expresses something commonly heard about the agricultural workforce today in New York: that, Latino workers are the only ones willing to contemplate such jobs.

Employers' first-hand perspectives shed light on the demographic shift in the New York workforce from Blacks to Latinos. The Grahams have been running their apple orchard for more than half a century, and it was passed to them from Mr. Graham's father. They have a workforce of twelve, and hire a mix of Jamaican guestworkers, Latino workers, and one Black worker who left the migrant stream and settled in a nearby urban area. Before they hired guestworkers in 1995, they had employed black workers, mostly single men, but also some families, predominantly from Florida. The Grahams explained to me that they tried to use local, settled black workers, but that it was unsatisfactory.

> We had labor problems or challenges over the years. The migrants were a problem with some fighting and some drinking. If we didn't house them, and if they were from the area, they worked piecework during the harvest. But if they thought they saw some poor picking coming, they wouldn't show up. It was difficult to plan the work out. It was very difficult to operate.

Growers' stories about drinking and rowdy behavior by former workers are common. The degree to which this was a problem for growers varies by farm, but the characterization of workers as unstable and unreliable may also help to rationalize the active shift away from using domestic employees.

When I asked the Grahams specifically why black workers number less on most New York farms, Mr. Graham told me that the workers did not age out, "What happened to southern Blacks was they got better jobs or learned to work the welfare system better." The first observation was partly accurate. The second part, depending on the context, may seem racist, but in fact, also may have played a role in Blacks' decisions to leave agricultural work.[99] From a macro perspective, black workers were in a position to leave farm work—something most workers would do, if given the opportunity. But the economic upshot was clear. In real terms, wages for farmworkers in New York declined in the 1970s and 1980s (Barr 1988)—though this is not something that growers or the Farm Bureau will advertise.

For many years, Mike Gerassi relied on local youth as employees. He told me the last time he had local teens willing to do farm work was in the mid 1980s. Occasionally, he told me, a teen tries the work, but usually leave the first day after lunch, and, at most, they last three or four days before quitting. When it was clear that teens were increasingly difficult to hire and keep, and as the farm expanded, Gerassi put up a trailer and hired black workers, who were then succeeded by Puerto Ricans. Like the Grahams, he alluded to drinking, and "crazy" behavior on the part of his former workers—the Puerto Ricans—including knife fights. He said, "It was getting crazy. In most of the 80s

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[99] See (Waldinger 1996).

it was sporadic, you had a workforce, fights, drunks, people would leave, there was consistency and then there wasn't. You would lose guys, call the labor department for more, and then you get people showing up when you didn't need them; then you would be out of guys again." One harvest season he was desperate for workers and traveled an hour to pick up four men he heard needed employment. On arrival, he found only one worker to hire. That single worker from Guatemala has since staffed the farm with uncles, brother-in-laws, and neighbors. Some have brought their wives and children in the past few years.

The Tylers have been farming in New York since the mid-1980s. Their first hired workers were local teens and adult workers. When they expanded operations they hired Puerto Rican workers for a few years before they switched to Mexicans. When I asked about the shift, they gave me the details of their experience,

> What happened to Puerto Ricans? One spring a Mexican crew showed up and I lost the use of a labor camp for the Puerto Rican crew. One of the fellows I hired as middle management had experience with Mexicans and he said they were very good workers. They would just show up. They know that in this area at a certain time of year there is work. If we don't have work we tell them where to go.

This description—"they would just show up"—is a common way of explaining the demographic shift, as if the Latino workers simply appeared out of nowhere one day and kept on coming. Again, it is a convenient rhetorical and conceptual habit that glosses over the reasons for the transition to the different workforce demographic.

CONCLUSION

The power disparity that growers enjoy over their employees is continually reinforced by their ability to exploit the most vulnerable workers. These resources are facilitated by growers' favorable access to policy-makers and bureaucrats, most

specifically in the New York State Department of Labor. Through an interest network, New York growers are able to consolidate their power to influence policy and public opinion; workers have no such opportunity. The role of agricultural employers and their interest groups in shaping casual and formal policies in regard to farm labor is well-documented (Hahamovitch 1997; Majka and Majka 1982; Truman 1951).

I have elucidated this power disparity through reference to Charles Tilly's concept of durable inequality. Tilly argues that while elites do not set out to create powerless subpopulations, this outcome is the byproduct of myriad processes including employers' attempts to maximize profits, secure a stable workforce, and exclude others' access to their prized resources. Tilly explains that those with power, "solve other organizational problems by establishing categorically unequal access to valued outcomes…they seek to secure rewards from sequestered resources" (Tilly 1998, 11). This theory applies to growers' management of the structured marginalization of farmworkers through hiring patterns aimed at securing the most docile and productive workforce. In other words, I do not contend that growers and their interest groups have created the conditions that limit farmworker power; nevertheless they have shaped and managed circumstances to benefit their own interests. These same circumstances also constrain farmworker power.

The geography of extreme farmworker exploitation and the use of ethnic succession has been most relevant to the largest farming states, California in particular. However, it is important to emphasize that these growers' practices—formal and informal—related to the hiring and management of farmworkers have shaped grower-employee relations throughout the country and throughout the twentieth century. This has occurred as a result of federal and state legislation as well as the influence of wide-

reaching agricultural power through county-level Farm Bureaus and agricultural extension offices. Moreover, a culture among growers has spread through the country as growers have learned about effective management practices. Complementing this is that farmworkers have duplicated practices and expectations learned from their counterparts on larger scale farms, and passed them on to others.

The primary function of fostering agricultural ideology and myths about workers is to serve growers' interests. This ideology is widely echoed in the public mind and resonates with deep-rooted American beliefs in formative myths about the agrarian settler republic. Agrarian ideology carries a disproportionate amount of political capital when we consider that only two percent of the U.S. population currently own farms. But the iconography of the struggling farmer, as threatened and vulnerable to larger forces, is immensely powerful. This ideology carries weight because it resonates with American ideals, such as self-reliance, and because U.S. foreign and domestic policy draws so heavily on food politics. The powerful mindsets about agricultural and farmworkers, not surprisingly, also affect workers. As Gramsci wrote, any hegemonic set of ideas has to incorporate oppositional viewpoints. It must appear to be common sense, not just for dominant interests (growers) but also for subordinate interests (workers), to be observed and lived. In the case of my examples, it is exercised daily as a form of labor control to persuade workers that commitment, loyalty, and sacrifice are an intrinsic part of the wage relation, rather than an extrinsic imposition that benefits their employer and no one else.

CHAPTER 4
THE ADVOCATES

INTRODUCTION

"I have a deep personal interest in seeing farmworkers obtain equal rights," a farmworker service provider turned advocate shared with me. "Advocates are primarily people who were either attracted to the work through their roles as farmworker service providers, or who have had an opportunity to see the conditions under which farmworkers live and work." She went on to describe the advocates' role, "They can act as a bridge between white residents and policy makers and farmworkers. They can use their position to make farmworker conditions more visible." These ideas were reinforced by another service provider cum advocate who spoke of his involvement. "The Farm Bureau fought the drinking water law because it would be an expense for growers. How much can it cost to provide drinking water, a container, and ice? My goodness. That was the turning point when I knew that I needed to be out there to talk to the people in Albany who didn't have a clue about farmworker issues." New York farmworker advocates see their role as educating both the public and legislators about issues facing farmworkers as well as offering their power to farmworkers. As another advocate explained, "Farmworkers need people to stand with them as they engage in a strike or a vigil or boycott. They need people to be present in the courtroom. People always feel stronger and are able to overcome fear, when they are standing with someone. That's ultimately what advocacy is about, getting people to stand with farmworkers."

This chapter examines the record of New York farmworker advocacy in exactly these senses: how advocates put farmworker issues on the agenda of New Yorkers and the state legislature and how they have offered their power to farmworkers. While

advocates are necessary to promote the improvement of farmworkers' living and working conditions, in the final analysis, it appears they can only offer limited gains. In part one of this chapter, I provide a brief sketch of what New York farmworker advocates have wrought in the past ten years. I then examine the concept of advocacy and contextualize its working premises for the purposes of this study. I also include a review of those scholarly debates about advocacy that are most relevant to this study. In part two, I focus on New York farmworker advocates and their collaborative efforts. I investigate the major organizational players and detail the strategies, goals, and successes of their efforts in regard to organizing, legal casework, and legislative influence. In part three, I further contextualize the work of the New York advocates by comparing their model to that offered by worker centers. I then focus on the particular tactic of fostering allies to show how such contacts can be integral to the goals of advocacy. After I analyze the problems of measuring the success of such a model, I analyze the pros and cons of this advocacy model. My contention that advocates strategies only offer limited gains is based on assessing their strategies as opposed to their successes—when advocate power supersedes worker power, only limited gains may be garnered.

PART I: NONPROFIT ADVOCACY

New York Farmworker Advocacy

New York's coordinated advocacy efforts for farmworkers by nonprofits and individuals have gained speed since the early 1990s. Advocates have responded with righteous fervor to farmworkers' lack of political power, vulnerability to exploitation,

cases of substandard living and working conditions, and lack of labor rights.[100] The most common grievances of farmworkers include non- or underpayment of wages, poor housing, and lack of respect, but New York has also seen documented cases of illegal firings, sexual harassment, human trafficking, forced labor, and workers being shot at in the fields while they were working.[101]

In 1988, a coalition of nonprofit, religious, and educational organizations formed in western New York to address farmworkers' living and working conditions. Two years later, a similar coalition formed in eastern New York, in the Hudson Valley. In 1991, a farmworker-directed organization, El Centro Independiente de Trabajadores Agrícolas/Independent Farmworker Center (CITA), opened its doors in the Hudson Valley. That same year a Cornell University academic task force, commissioned by then New York Governor Mario Cuomo, conducted a study on farmworker rights and called for New York State to extend farmworkers the same rights as other workers, particularly in regard to collective bargaining protections.[102] Soon after, in 1992, eastern New York farmworker advocates engaged in a campaign against sanitation code violations in farm labor camps. State Senate hearings on farmworker issues were held in 1994, and the

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[100] Farmworker advocates in New York State have had been working on a smaller less coordinated scale to ensure the better treatment of farmworkers for the better part of the last century. In regard to published calls for farmworkers' full inclusion in New York's labor laws, see (Amidon 1946); (Nelkin 1970); (Barr 1988); (Task Force Report: Farmworker Collective Bargaining 1991), and (New York State Senate-Assembly Puerto Rican/Hispanic Task Force 1995). In New York State, as in most states, farmworkers (including citizens) are excluded from collective bargaining protections, the right to overtime pay, and the right to a day of rest, among other labor law exclusions.

[101] See *Testimony and Statement* from the New York State Senate and Assembly Joint Legislative Task Force on Farmworker Issues, April 1994. See also the website of Farmworker Legal Services (FLSNY) which has descriptions of cases pending and completed, which describe a variety of alleged labor violations, see http://www.flsny.org.

[102] See (Task Force Report: Farmworker Collective Bargaining 1991).

corresponding 1995 report also called for an extension of rights to farmworkers, further fueling the movement to advocate for farmworker rights.[103] The sanitation campaign and Senate hearings laid the groundwork for future campaign efforts, most notably Farmworker Advocacy Day, an annual spring event for farmworkers and their supporters to hold a public rally, garner media attention, and approach legislators about farmworkers' unequal treatment under the law.

All of these efforts coalesced to give momentum to the Justice for Farmworkers Coalition (JFW), a statewide umbrella group formed in the mid 1990s, which its members think of as a civil rights movement (Moya 2000b). JFW encompasses several organized groups of actors and coordinates their independent advocacy efforts. More specifically, it coordinates the Justice for Farmworkers Campaign, the title of the legislative crusade to ensure farmworkers equality under New York's labor laws.[104] JFW has a very strong position on and commitment to its goal of legislative change. If farmworker laws were changed, the coalition would then direct its efforts to ensuring that laws protecting farmworkers were enforced. Throughout this chapter, I will use the acronym JFW to refer to the coalition, the body that comprises individuals and representatives of advocacy organizations who pursue their agenda through farmworker organizing, legal casework, and the legislative campaign. Advocates have registered success in each of these strategies, and the generally forceful impact of JFW has been

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[103] See (New York State Senate-Assembly Puerto Rican/Hispanic Task Force 1995).

[104] Farmworkers' rights vary depending on the number of employees the farm hires, the amount of days they work, and the type of work they are engaged in. For example, apple packers who are employed on a farm where the apples they pack are picked are covered by the same laws as the apple pickers, however, apple packers located in packing sheds not connected to apple orchards have additional rights, such as the right to overtime pay.

confirmed by the emergence of a vituperative backlash on the part of growers and their interest groups.[105] Despite the lack of direct involvement of significant numbers of farmworkers, advocates have successfully pushed an agenda on their behalf to the New York Legislature. Since 1996, that body has passed three pro-farmworker laws, for which farmworker advocates take credit.

JFW's legislative campaign has not only led to the passage of these pro-farmworker bills, but it also has been a vehicle for educating the public and legislators about conditions for farmworkers. Successful legal cases have been pressed which, in turn, have fueled the legislative campaign and farmworker organizing. Labor organizing itself has resulted in a few contracts between growers and farmworkers. Yet, larger structural gains that might significantly alter conditions for New York's farmworkers as a whole have been elusive. The farmworkers in this study are greatly confined by historical and structural factors that limit their ability to improve their working and living conditions. The circumstances under which they make heir own history, as Marx famously pointed out, are not of their own choosing (Marx 1963). The same may be said of the advocates, whose efforts are, to a large degree, historically and structurally defined.

Social Change and Advocacy

To understand New York farmworker advocacy, it is useful to have a sense of recent advocacy trends, particularly as practiced by nonprofit organizations. In the most literal sense, an advocate is someone who argues for a cause or who pleads on behalf of another. Advocate is also defined as a lawyer, the classic example of such a

[105] I will discuss this backlash in the concluding chapter of this dissertation.

representative. But the term has a broad set of meanings and uses. In an essay examining the use of the term, Elizabeth Reid of the Urban Institute's Center on Nonprofits and Philanthropy explains:

> Advocacy is a word that is up for grabs in public discourse, research, and policy. Journalists, activists, academics, lawyers, government officials, classifiers, nonprofit managers, and others use the word differently in their professions. "Advocacy" describes a wide range of individual and collective expression or action on a cause, idea, or policy. It may also refer to specific activities or organizations. Sometimes a distinction is made between advocacy on behalf of others and grassroots advocacy or civic and political participation. The word is often modified to describe the venue for political action. (Reid 2000, 1)

While there is no agreement on the use of the term, Reid offers a list of some of the more common activities related to advocacy: "public education and influencing public opinion; research for interpreting problems and suggesting preferred solutions; constituent action and public mobilizations; agenda setting and policy design; lobbying; policy implementation, monitoring, and feedback; and election-related activity" (1). The type of advocacy addressed in this study is social change advocacy as practiced through nonprofit organizations. According to Berry, to understand the advocacy work of traditional nonprofits, it is vital to keep in mind that they serve the populations that are the most underrepresented in the U.S. political system, such as the poor, the homeless, those with diseases, minorities, and youth (Berry 2001).[106]

In general, nonprofit advocates target elite institutions and opinion shapers, not only in politics but also in society and culture at large (Hill 2000). Advocates attempt to correct injustices through civic engagement (although they do not shy from controversy),

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[106] Berry describes traditional nonprofits as those having the 501(c)(3) tax status, such as philanthropic foundations, service providers, charities, and youth groups. In contrast, he describes citizen advocacy groups as those that are primarily interested in lobbying and are primarily representative of middle class Americans and concerns such as environmentalism and consumer rights (Berry 2001).

and, in this sense, promote public discourse—their advocacy may be considered Tocquevillian. While scholars differ on whether nonprofit advocates fit into a conceptual model of interest groups or social movements,[107] it is apparent that a general feature of nonprofit advocacy is that it is pursued through mainstream political avenues and not through the rule-breaking that Piven and Cloward discuss as necessary for social change (Cloward and Piven 1998). Increasingly, nonprofit advocacy is geared toward policy change through governmental channels, as the role of NGOs gains prominence.[108]

Nonprofit advocacy has been marked by a shift away from radical action in the past forty years. While the 1960s was a period of great social unrest in the U.S., it also gave rise to a current of optimistic populism that saw the eventual decline of militant protest and the growth of organizational political activism.[109] Many movement activists made the decision, at the end of the 1960s, to take "the long march through the institutions." In addition, the softer contours of social advocacy are undoubtedly responsive to the fact that U.S. national politics began moving decidedly to the right, from the early 1980s, when the implementation of neo-liberal reforms, the redistribution of government responsibilities to the underprivileged, and the expanding concept of

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[107] For a discussion of where nonprofit advocates fit in scholarly debate, with an emphasis on their role as interest groups, see (Hill 2000). For an understanding of nonprofit advocates as social movements see (Jenkins 1979). For a distinction between interest groups and social movement approaches to studying advocacy see (Costain 1992). Others argue that the interest group-social movement distinction is false and only based on academic disciplinary differences particularly between political scientists and sociologists, see (Wilson 2001).

[108] Note, for example, the work of the Urban Institutes (www.urban.org) and the Aspen Institute (http://www.nonprofitresearch.org/).

[109] For a discussion of this shift in social work, see (Reisch and Andrews 2001).

personal responsibility were introduced.[110] In his examination of U.S. nonprofits, Michael O'Neill contends that advocacy work mutated from "charisma to bureaucracy, from the excitement of first victories to the challenge of more quietly making an impact while running good organizations" (O'Neill 2002, 145-6).[111] This transition is also apparent in some newer scholarship. In describing social movement strategy, Guidry and Sawyer dilute the term "subversion" by using it to describe movement strategies that fall within the bounds of normal politics—procedural, rhetorical, and demonstrative—and distinguish these strategies from more radical ones aimed at disturbing the social order and its structures of legitimation. Part of the reason for the move to mainstream civic engagement may be located in the influential role of funders (O'Neill 2002). New social movement theory has also played a role in this shift as scholars and activists introduced and institutionalized non-class variables of analysis such as gender and race and an emphasis on identity politics. Some commentators believe that instead of complementing neo-Marxist analysis, these theories replaced it, and resulted in the diminution of militancy.

The rise of nonprofit advocacy, furthermore, corresponds to a move away from organizing the powerless to organizing their supporters. The record of community organizing à la Alinsky typifies this shift. In *Rules for Radicals*, Saul Alinsky offered a guide to building organizations with power that can influence political debate and remedy

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[110] The latter is most evident in the official name of Clinton's 1996 Welfare Reform: The Personal Responsibility and Work Opportunity Reconciliation Act.

[111] Advocates' shift from radical to progressive is also reflective of organizations' strategies, which increasingly concentrate on worker empowerment and "giving voice" to their plights. Increasingly, practitioners', funders', and academics' attentions are on the dynamics and processes of organizations and movements as opposed to outcomes (Fisher and Kling 1994; Simon 1990). Moreover, the emphasis is now on terms that have trouble representing meaning, let alone suggesting tools for measurement, such as "empowerment."

the mal-distribution of resources toward those who are most in need (Alinsky 1971). Most importantly, Alinsky called for social change to be accomplished through the system, displaying optimism about U.S. democracy that his more radical critics did not share. Complementing Alinsky in influencing generations of advocates and activists, Ralph Nader similarly emphasizes the importance of professional staffers and the muscle given to social change efforts through institutional research and expertise (Nader 1971).

Of relevance here, and especially in relation to nonprofit advocacy, is the effective distinction between organizing and advocacy. To put it bluntly, we can imagine that advocacy is "help," whereas organizing is "uniting to fight," and that organizing is the path to true social change whereas advocacy offers "temporary relief, short-term solutions" (POWER 2000). Marshall Ganz emphasizes the organic element of organizing; "Organizers identify, recruit, and develop leadership; and power out of community. Organizers challenge people to act on behalf of shared values and interests" (Ganz 2002, 16). By contrast, "The defining feature of the advocacy model is the client's relative powerlessness to change his or her own circumstances" (Jenkins 2002, 61). Advocates can only represent these values and interests symbolically and at a distance since they do not experience the powerlessness themselves—unless advocates are from the constituent group. Organizers enable individuals and groups to speak on their own behalf. This distinction and its implications for the success of advocacy will be explored later in this chapter.

The trend toward mainstream political engagement is demonstrated in a relatively new breed of nonprofit advocacy organization called the worker center. An emergent sector of community-based organizations, operating outside of the National Labor

Relations Board structure, and catering mostly to Latino, Asian, and Caribbean immigrants, these centers concern themselves with workers who are excluded from the purview of the union organizer for reasons relating to their geographic dispersion, undocumented status, and employment in the burgeoning contingent sector.[112] Worker centers use multiple strategies to pursue their missions, including legal action, legislative lobbying, and media campaigns. Innovative and resourceful in their tactics and approaches, they have succeeded to some degree in passing legislation, winning back wages, developing leadership, acquiring media exposure, and building coalitions. Later in this chapter, I will discuss the worker center models and JFW in more comparative detail.

In conclusion, advocacy has multiple meanings, many of which apply to this study: including one-on-one help; the representation and participation of underrepresented groups; appeals to public opinion; lobbying and other means of influencing policy-makers;[113] and any other acts of intermediation nature between constituents and decision makers in the political, economic, cultural, and social areas.

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[112] Worker centers are a relatively new type of organization and research is limited at this point. Works on the topic include: Steven Pitts, from the University of California at Berkeley Labor Center, has studied worker centers that focus on African-American workers and communities (Pitts 2003); Janice Fine has surveyed and assessed U.S. worker centers (Fine 2003; 2005; Fine and Werberg 2003). Fine's forthcoming book on worker centers—community unions in her words—investigates worker centers and provides case studies of the Workplace Project on Long Island and Solidarity in Baltimore. Challenging the "work/home divide," Fine argues that worker centers fill a gap where unions have neglected workers and address not only workplace conditions, but also workers' lack of political voice. Forthcoming work is expected from Jacqueline Leavitt. See also (Gordon 1995; 1999; 2005; Hondagneu-Sotelo 2001; Jenkins 2002; Kwong 1997).

[113] In an examination of how nonprofits do advocacy through lobbying, Berry explains that he uses the terms interchangeably (Berry 2001).

Broadly speaking, advocacy "describes the influence of groups in shaping social and political outcome in government and society" (Reid 2000, 6).

PART II: NEW YORK'S JUSTICE FOR FARMWORKERS COALITION

The Advocates

JFW, as I described, is a group of individual and organizational farmworker advocates intent on improving the working and living conditions of New York farmworkers. JFW has three main organizational members: El Centro Independiente de Trabajadores Agrícolas/Independent Farmworker Center (CITA), Farmworker Legal Services of New York (FLSNY), and Rural and Migrant Ministry (RMM). The coalition[114] has a three-pronged strategy for improving the lives of farmworkers: 1) an organizing campaign to build a base of farmworkers and identify farmworker needs, 2) a legal strategy to address worker grievances and set precedents through legal cases, and 3) a legislative campaign to gain equal rights for farmworkers under New York State law, since they are excluded from the right to overtime pay, the right to a day of rest, and collective bargaining protections.[115]

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[114] The author has a history of involvement with JFW as a farmworker advocate. I have been affiliated with RMM since 2000, first as a volunteer fundraising consultant on the organization's resource development committee and, starting in 2001, as a board member. My initial meeting with the executive director of RMM in the summer of 2000 was in regard to my interest in writing my PhD dissertation on the topic of New York farmworkers. I became involved as a result of my research interests.

[115] When comparing labor law coverage between business/industry and agriculture, workers have different rights. In some cases, as in overtime pay and a day of rest, business/industry workers have a right that farmworkers do not. In other cases, such as unemployment insurance, these two groups have different standards, which exclude many farmworkers from the right. The list of New York labor laws with different coverage are collective bargaining, youth minimum wage, overtime pay, unemployment insurance, disability insurance, day of rest, health and safety standards, safety training, heat stress, pesticides, sanitation (toilet requirements), and worker residence codes. (Justice for Farmworkers Coalition 2004).

The primary missions of CITA, FLSNY, and RMM are not coterminous with all JFW strategies, but they invariably overlap. As part of the working philosophy of JFW, CITA should concentrate on organizing workers, while other coalition members should offer administrative support to CITA, while also focusing on the legislative campaign, or, in the case of FLSNY, on legal cases. There are a range of other organizations that play a role in supporting the work of JFW coalition members and executing campaign strategies.[116] Moreover, farmworker service providers, union members, people of faith, students, and other individual activists volunteer their time for the legislative campaign.[117] For example, the New York AFL-CIO prints JFW materials; and various religious congregations have raised funds to reimburse farmworkers for their loss of a day's pay for attending Farmworker Advocacy Day;[118] and the Greater New York Labor-Religion Coalition and the New York State Labor-Religion Coalition have regularly mobilized their own constituents and resources in support of JFW. Scholarly research sponsored by the Cornell Migrant Program has been used to promote and circulate facts

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[116] Supporters include organizations such as Rural Opportunities, Inc. New York Division, Social Concerns Commission of the Episcopal Diocese of New York, Episcopal Diocese of New York, New York State United Teachers, CSEA, Local 1000 AFSCME, Association of Farmworker Legal Services Employees, UAW-Local 2320, St. Ann's Church Manlius, NY, Transport Workers Union, Local 100, Brockport Ecumenical Outreach Committee, Mid-Hudson Migrant Education Outreach Program, Hitchcock Presbyterian Church Scarsdale, NY, Cornell University School of Industrial and Labor Relations, Getman & Selcov LLP, International Cinematographers Guild, Local 600, IATSE, Eastern Region, Presbytery of Hudson River, Rochester Labor Council, AFL-CIO, International Union of Operating Engineers, locals 15, 15A, 15B, 15C, and 15D, UAW Local 2179, and BOCES Geneseo Migrant Center.

[117] CITA, FLSNY, and RMM all include farmworker advocacy in their mission statements and their work with JFW is part and parcel of their daily activities. Others have also participated in JFW on an organizational level, but it is more common for individuals to participate. Individuals who work at nonprofits serving farmworkers may be confined in their ability to participate as representatives of their organizations, due to their employers' rules or to funding restrictions. In these cases, they participate as individual farmworker advocates.

[118] This has been a controversial issue and advocates have been accused of paying workers to attend Farmworker Advocacy Day.

and analyses about farmworker issues; public policy and social concerns committees of religious organizations support JFW through education and advocacy efforts; and a large network of individuals participate in demonstrations, writing letters, and providing funds.

The Centro Independiente de Trabajadores Agrícolas/Independent Farmworker Center (CITA) is New York's farmworker-directed, grassroots, nonprofit organization, founded in 1991 in eastern New York. The organization was born of efforts begun by RMM, which has, since then, been a primary supporter of CITA, especially in offering staff time and expertise. In August 2001, CITA opened an office near Rochester in a bid to organize the larger farms of western New York.[119] CITA is a farmworker membership organization, and farmworkers figure on the board of directors and some of CITA's employees, past and present, have been farmworkers. Non-farmworkers, such as JFW members, have also served on the board of directors as well as on advisory boards. While the organization began as a direct service and advocacy group, in 1998 the focus shifted to organizing collective workplace agreements. CITA's goals are to organize and empower farmworkers to improve their working and living conditions and to have influence over the decisions that affect their daily lives. CITA's staff members accomplish these goals through leadership development, worker and community organizing, worker and public education, consciousness-raising, and advocacy. Additionally, CITA provides and facilitates services to farmworkers including English

[119] After CITA moved to western New York, near Rochester, it continued to maintain a foothold in the Hudson Valley with full and part-time organizers, depending on its resources. At different times, lack of funds have caused CITA to withdraw staff from the Hudson Valley, but it attempts to maintain ties to eastern New York workers from its office near Rochester. See the organization's website for more information at http://www.citany.org.

language instruction, live translation, soccer leagues, and social events. CITA is the only organization in New York that takes responsibility for organizing farmworkers.

Farmworker Legal Services of New York (FLSNY) is also a New York nonprofit organization; it provides free legal services to New York farmworkers.[120] FLSNY deals with farmworker cases including housing and labor law violations, discrimination, and civil rights cases. The targets of FLSNY's cases include farmworker employers, housing providers, and government entities. FLSNY's legal work is transformed into broader advocacy in several ways. These include helping CITA members acquaint themselves with the law, and aiding JFW in understanding the legislative apparatus through which laws can be changed. In addition, FLSNY applies itself to specialized projects, which include the Farmworker Women's Institute (offering women a safe forum to address their concerns), the Farmworker Domestic Violence Project (directly approaching victims and facilitating services), the Racial Profiling Project (educating farmworkers about their rights regarding discrimination by service providers and the police), the Pesticide Education and Exposure Project (helping workers understand the dangers of pesticide exposure and better protection), and the Workers' Compensation Project (educating both health providers and farmworkers about this government protection system). For each of

[120] As mentioned in a previous chapter, FLSNY does not accept any Legal Services Corporation (LSC) funding and therefore is able to provide legal advocacy to a greater extent than organizations that do accept LSC funds, such as class action; FLSNY can also serve undocumented workers, which is not permitted by organizations funded by LSC. For more information see the organization's website at http://www.flsny.org.

these special projects, FLSNY works in collaboration with academics, farmworker advocates, and service providers.[121]

Rural and Migrant Ministry (RMM), a nonprofit established in 1981, is a diverse organization devoted to disenfranchised rural and agricultural workers and their families.[122] RMM's work focuses on advocacy, empowerment, and leadership development.[123] The organization has an "accompaniment" program to link rural workers to allies for specific needs—such as translation, court appearances, doctor visits, and legislative visits. The rest of the organization's work is dedicated to "building communities," and its 1999 annual report describes "building support for CITA" and efforts to "strengthen and support" JFW as "commitments." RMM helped found CITA and is a primary supporter of its work. RMM is also the central administrator of the legislative campaign and, in this regard, its duties include coordinating FAD and related events, producing campaign materials, promoting media attention, and establishing efforts to contact legislators.

Given its organizing priorities, why have I included CITA in a discussion of the advocates? While organizing and advocacy are different functions, the work of organizing, of necessity, involves advocacy. Indeed, CITA staff members have insisted to me, in conversation, that they are farmworker advocates. In any event, CITA's work

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[121] See the FLSNY website for further description of these projects at http://www.flsny.org. It is also worth noting that FLSNY receives grants from the U.S. Department of Justice for the Domestic Violence Project and funding from the New York State Department of Labor Standards for the Pesticide Education and Exposure Project.

[122] The organization's official name is Mid-Hudson Catskill Rural and Migrant Ministry; more information about RMM is available at http://www.ruralmigrantministry.org.

[123] RMM has several youth programs that offer direct services to rural and migrant children and teens. These include a week-long, overnight summer camp; a day camp; a weekly youth empowerment program for teens that meets during the school year; and leadership institutes.

within JFW confirms its advocacy efforts and, since it is a young organization and while it has successfully organized some workers, comprehensive organizing strategies and success have yet to be achieved. Most important, I include CITA under the heading of the advocates because I eventually question whether it has been engaged in conventional organization, rather than relying mostly on advocacy efforts to pursue its mission.[124]

Goals and Strategies

The chief goal of New York farmworker advocates' efforts is to help farmworkers improve their living and working conditions and to remedy their social, political, and economic marginalization. This is no small task. Previous efforts around the country throughout the twentieth century have had little success in changing the overriding structure of agricultural employment, which appears necessary to mitigate farmworkers' marginalization.[125] Advocates contend that the organizing campaign, the legal strategy, and the legislative campaign are interrelated, and that the success of each strategy relies on the success of the other two. For workers to be organized, they must be motivated that change is possible. Improvements in workers' situations through legal and legislative efforts offer motivation. For legal cases to be translated into advocacy, they must be channeled into public education and explained to farmworkers. For a legislative campaign to be effective, first hand stories of workers' situations and proof of their exploitation are needed, and, lastly, when laws are passed those who work with farmworkers must be ready to facilitate enforcement of new laws.

The three strategies all have broad goals: to organize as many workers as possible

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[124] This point and its elaboration rely on an essay by Steve Jenkins (Jenkins 2002).

[125] This is true not only in New York, but in most states and on the federal level (Edid 1994; Rothenberg 2000).

and develop farmworker leaders, to change the behavior of those responsible for farmworkers' living and working conditions through the law, and to establish parity between farmworkers and other workers in regard to New York's labor laws. Ultimately, it is the advocates' hope that farmworkers would be able to manage their own problems through self-organizing and unions; that those responsible for farmworkers' substandard living and working conditions would alter their behavior and cease violating farmworkers' rights; and that farmworkers would enjoy the same rights as other workers including overtime pay and collective bargaining protections. No one imagines that these goals will be accomplished anytime in the near future. However, most advocates express their optimism that smaller success are incremental and will build to larger ones. Advocates also stress that without these strategies, living and working conditions may worsen for farmworkers, as they have in the past, both in New York and elsewhere.[126]

Implementation of strategies is both enriched and complicated by advocates working together. For example, it is the prerogative of FLSNY to decide which legal cases to take on, but how these cases are translated into public relations materials is something that JFW may decide. Who, when, and how to organize is the responsibility of CITA, but how workers may be plugged into the legislative campaign as spokespersons or otherwise, is the purview of JFW. It is only the legislative campaign's tactics that are open to JFW debate, with RMM playing the role of administering the decisions. This dynamic has an effect on tactics and also on relationships among JFW members. Strategies are interdependent, but, except for the legislative campaign, JFW

[126] For a discussion of the decline of farmworker conditions in New York in the 1970s and 1980s see (Barr 1988). For a comprehensive analysis of farmworker gains followed by losses in California, particularly in regard to government remedies, see (Majka and Majka 1982).

cannot play the role of holding its members accountable for their work on these strategies. The dynamic is further complicated by the fact that JFW members, as individuals and organizations, have different resources—financial, professional, networking, language, and otherwise—and that each organization faces different challenges in accomplishing its work.[127]

The targets of farmworker advocacy vary, depending on the strategy. Organizing efforts often lead to attempted negotiations with employers, and the targets are growers. Legal cases also target employers, as well as housing providers and government entities. The targets of the legislative campaign are New York legislators and, at the same time, growers, housing providers, employer organizations such as the New York Farm Bureau, and government entities. Some targets may be friendly or neutral to advocacy, such as legislators interested in sponsoring pro-farmworker legislation, or employers who are open to worker negotiations through CITA. It is much more common, though, for targets not to be friendly to advocacy efforts and for those targets to try to undermine workers, advocates, campaigns, and others involved in the campaigns.[128] (In the concluding chapter, I will describe the backlash against advocates by growers.)

New York farmworker advocates' use of a three-pronged campaign builds on prior patterns established by farmworker movements in other regions of the U.S. This was confirmed by a long-time farmworker advocate, who has worked for national level farmworker unions and organizations, and who has become involved in the more recent

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[127] The specific dynamics between advocates in relation to these issues are very interesting and, as mentioned, influence strategy. While this topic will be touched on later in this dissertation, a full investigation is beyond the scope of this study.

[128] The U.S. has a long history of growers trying to undermine farmworker advocacy efforts see (Grossardt 1996; Majka and Majka 1982).

New York movement. He offered me his opinions about the challenges confronting farmworkers and advocates, "On a well-run organizing campaign you will have something of all three. The problem is that all have their strengths and weaknesses." He broke down the challenges and explained that while legislation makes a public splash and does not have to be won farm by farm, it does not engage farmworkers themselves, since they have little to no electoral power. Legal cases are important, he explained, because they are about enforcement and carry the power of the law. Again, farmworkers are not their own advocates in the formal judicial system, which requires attorney representation. Organizing builds power from the ground up, teaches workers skills so they can represent themselves, and challenges them to take risks and be courageous. He acknowledged that the latter is the most democratic of the three, but, by far, the most difficult to achieve. "There has never been a major policy victory won without massive support of allied organizations that have political power and access to corridors of the legislature." But he added with caution, "Winning legislative victories is not nearly as important as farmworkers developing power to win the battle in the fields."

Organizing Workers

Efforts to organize and involve workers in advocacy have been most successful in the largest agricultural states that have huge farms, with hundreds of workers.[129] Moreover, in these states, such as California, Arizona, Texas, North Carolina, and Florida, advocates can target corporate owners, as opposed to New York's much smaller family farms. If only because of the scale of agriculture in New York, organizers and

[129] Farmworker organizing in the U.S., either organically by workers or by unions, has a long history of being squashed by growers (Goldfarb 1981; Grossardt 1996; Hahamovitch 2002; Majka and Majka 1982; Meister and Loftis 1977).

advocates face particular challenges in sustaining relationships with workers. In New York, consistent access to large numbers of farmworkers is extremely difficult. The majority of farms are small, independent ventures, the distances between farms cannot be biked or walked, workers lack transportation, much of the work is seasonal, and the migrant workforce is in New York for a short time. The difficulty in accessing workers is a challenge that affects New York's advocacy organizations in different ways. RMM has limited direct access to farmworkers; its staff tends to rely on CITA to introduce its staff to workers. While FLSNY staff must negotiate the obstacles to accessing workers, the success of legal cases is not dependent on large numbers of workers on any given case, although additional plaintiffs often enhance cases. CITA's staff members, in contrast, given their roles as farmworker organizers, depend completely on consistent access to large numbers of workers for its success.

Given these obstacles to accessing farmworkers, CITA uses several tactics in its approach to organizing.[130] It relies on staff organizers as well as on farmworker leaders, whose skills are often honed through CITA's training, to spread the word about the organization's work. Organizers conduct house meetings to discuss its work with farmworkers and address workers' concerns. CITA's farmworker-friendly office also helps staff organize workers since it serves as a meeting and social space for the local farmworker community, where staff members are always available to talk to farmworkers. The organization also relies on social events and services to attract workers.

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[130] Farmworker organizing is and historically has been extremely difficult (Adams 1997; Compa 2000; Edid 1994; Majka and Majka 2000; Morin 1952; Sánchez and Romo 1981; Schauer and Tylor 1970).

CITA has organized farmworkers and successfully resolved farmworker grievances. Since its inception, it has played an especially important role accompanying workers in meetings to discuss grievances with their employers—this is not advocacy, this is worker representation akin to labor union representation. The following successes can be attributed to and are, in fact, claimed by, CITA.[131] In the summer of 2000, CITA won a collective agreement for duck workers in Sullivan County that included an 18 percent increase in wages and better working conditions. According to CITA materials, this was the first such contract between farmworkers and a grower in New York State. The following year, in August 2001, CITA won another collective agreement in Orange County for sod and onion workers, while FLSNY negotiated with the employer in question; this agreement ended a farmworker strike, increased wages, and established grievance meetings between workers and management. In the 1990s, when CITA was only active in the Hudson Valley, it laid claim to a membership of 800 workers. After the main office and organizing campaign moved to Western New York in 2001, the organization boosted its membership by 1600.

In addition to building the membership base and negotiating with growers, CITA can take credit for other accomplishments. While these do not appear to fall under the rubric of organizing, CITA staff contends that they are of use in helping to organize workers. For example, they have trained farmworker leaders through their "vocero" (literally translated as "spokesman") program, using popular education during evening workshops and weekend retreats. Voceros have been trained to represent their colleagues

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[131] These descriptions are taken from CITA materials "CITA's achievement during the last 10 years" and "Some of CITA's accomplishments during the past 10 years," both undated, single sheets that accompanied fundraising appeals.

and voice their demands to different audiences including their employer, the press, legislators, and allies. CITA has also held popular education workshops and trainings on a community level, in particular, in Middletown, New York with agricultural, service sector, and factory workers. CITA has held a variety of single and ongoing workshops and trainings on legal issues, environmental concerns, violence, and workers' compensation.

CITA staff and the farmworkers they represent implicitly understand that the organization's work cannot be assessed according to standard empirical measures. Any attempt would gloss over the enormous impact of the organization on the morale and self-development of workers themselves. Consider the example of Rubén Gonzalez, who helped lead the sod and onion farm strike. A CITA fundraising letter from 2001 describes some of the benefits of CITA to Gonzalez:

> He learned to overcome fear, the fear of speaking up for himself and the fear of losing his job.
> He learned to run meetings with his fellow workers and help them make democratic decisions.
> He learned about the very real needs of his employers, the growers, and how to speak to those needs, too.
> He learned to present his ideas with respect for his side as well as openness to the other side. (Alcántara 2001)

Gonzalez was highlighted in the fundraising letter because he led a workers' strike; there are many other workers like him who have not had the same opportunity to employ their leadership training, but who have benefited from the collateral impacts of this kind of training. Does that mean those other workers are not success stories? CITA's former executive director, Aspacio Alcántara, elaborated on some of the ways the organization gauges its own success. These include, "the number of workers that choose to become involved in the process, the number of allies that participate actively, the betterment of

salaries (economic changes for farmworkers), and the number of farmworker leaders that develop."

CITA has also taken a more holistic approach to certain farmworker issues. One example is that of pesticide exposure. CITA held workshops on pesticide safety for farmworkers and then conducted an informal survey about pesticide use to better understand if farmworkers' rights regarding pesticide safety were being observed.[132] Finding that workers had little to no knowledge about pesticide use and dangers, CITA began a more rigorous effort to educate workers and understand pesticide requirements. This included contacting relevant government agencies in New York State to express concern that the enforcement of pesticide safety was insufficient, invite government representatives to address workers, and ask for increased enforcement.[133] CITA also developed a training program for farmworkers to become government-certified pesticide safety trainers to teach other farmworkers about pesticide safety and other health issues. These trainings led to workers taking a more active role in protecting themselves. For example, Fermin Gonzalez, a CITA vocero, walked off a field that had just been sprayed

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[132] In 1998 CITA organizers along with farmworker leaders conducted an informal survey about pesticide safety on 31 farms. The results showed that 55 percent of workers had received no pesticide safety training, 74 percent had no information about pesticide use, and 39 percent did not have access to hand washing facilities in the fields. According to CITA materials, government agencies response was weak, including a negative change of plans to step up enforcement in Orange County. Moreover, CITA's informal survey—provided to express concern—was deemed "unscientific" and "invalid" during a local meeting on pesticides including government representative, pesticide applicators, and growers.

[133] When a government representative met with workers in 1998 to explain pesticide safety and requirements, he also explained how workers could lodge a complaint. Workers' response was that they feared retaliation for reporting violations by their employers and asked for more inspections.

with pesticides and his coworkers followed, against their employer's demands.[134]

CITA works closely with FLSNY and helps workers pursue successful legal claims. For the legislative campaign, CITA has facilitated farmworker testimony—both in person and in writing—about their plights. CITA staff members have also offered their own testimony, including a broader perspective on general trends in the treatment of New York farmworkers. For advocacy events such as marches, rallies, and FAD, CITA brought along its own members to represent farmworker interests directly. The organization periodically facilitates "delegations," which are half day or daylong visits between possible CITA supporters and farmworkers. The majority of these delegations have been organized in partnership with RMM, since many possible supporters connect to CITA through RMM. Delegations usually include a van ride through several labor camps, so that members can become acquainted with workers' living conditions. Delegates have met with farmworkers in their homes and in CITA's office, and have often shared meals together. After exposure to farmworkers and CITA staff sharing their experiences and explaining farmworker problems and solutions, many delegates have become involved with CITA or JFW as funders, activists, volunteers, and in other ways.

In addition to CITA's active institutional work, JFW has also built on a few independent efforts to organize on the part of farmworkers. The strike organized by farmworker Rubén Gonzalez (cited in the CITA fundraising letter) is a case in point. His was an autonomous action, even though he had already been working with CITA as a farmworker leader. In other instances, JFW advocates only became involved after workers had formulated their own response to a grievance. In 1991, on the previously

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[134] Fermin Gonzalez was later killed when a vehicle struck him while he was riding a bicycle (Mow 1998).

mentioned duck farm in Sullivan County, twenty-two workers were fired for petitioning for better wages. At the request of the grower, the local police removed the workers from the labor camp. Fired, without a place to stay, the workers turned to someone who connected them to CITA and, in turn, to FLSNY. Within a month, workers were back at their jobs and thanks to a FLSNY case, had retrieved unpaid back wages. FLSNY and CITA also recommended that the workers press charges against the police, but they declined to do so, out of fear of retaliation. In another circumstance in 1996, packing workers in Orange County who wanted a raise pressed a bilingual colleague to approach the boss. When she did, she was promptly fired, and her coworkers, in a show of support, walked off the job. CITA, RMM, and other advocates got involved and all the workers were reinstated with raises, with the exception of the bilingual spokesperson who went on to work for a farmworker health clinic before becoming a CITA organizer.

Legal Cases

Legal cases enhance advocacy work. According to CITA and legal advocates, there is no shortage of workers' allegations about violations of their living and working conditions. However, attorneys or paralegals must convince workers that claims are worth pressing. According to Tricia Kakalec, formerly an attorney for FLSNY, "Workers are afraid of speaking; they don't want to lose their jobs. This is the biggest factor. They absolutely say this." She explained that despite anti-retaliation laws, there is a plausible fear that something bad will happen to the worker if he or she presses a legal claim against an employer. Her colleague, Dan Werner, also formerly of FLSNY, elaborated, "For every case that clients are willing to bring there are five or more where we identify a problem based on our contact, but workers are too scared to take legal action." Yet, legal cases can offer an opportunity for workers to engage in self-

organizing. FLSNY staff has seen how farmworkers understand their case will be more persuasive if they themselves can recruit their co-workers to support it. Workers' efforts at recruiting others, added to their testifying under oath in front of attorneys, are direct and organized paths to self-empowerment. In the latter case, Kakalec explained, "this can be extremely validating for workers" since workers are taken seriously and given an official opportunity to tell their story.

Among the cases won by FLSNY is a class action suit regarding overtime pay for more than 100 workers who were employed on the previously mentioned duck farm in Sullivan County during a six and a half year period. FLSNY has also successfully pursued cases regarding disability discrimination, civil rights violations by local police, excessive force by the police, nonpayment and underpayment of wages, failure to pay the minimum wage, illegal wage deductions, housing violations, illegal eviction, retaliation, false representation of the terms and conditions of work (over-representing the amount of work available), racial discrimination, racial harassment, and sexual harassment. Involvement in these legal cases can help develop workers' leadership skills and can be empowering experiences for workers. However, FLSNY attorneys are also aware from experience that workers who pursue legal claims, particularly those involved in a class action, are prone to following their self-interest and are often not inclined to recruit others to share in the rewards.

Pursuing legal cases is a far cry from organizing workers. However, organizers can make use of the circumstances of cases: workers deciding to take a stand for themselves, allegations of a labor violation, and an opportunity for workers to tell them their story. Attorneys are not organizers, and legal cases do not always last long enough

for workers to build solidarity with each other. Moreover, there are often only a handful of workers involved in any given case. FLSNY's executive director told me the key to empowering and organizing workers is to "tie them into something that is ongoing." For example, FLSNY's aforementioned special projects are designed to expose workers to empowerment and leadership opportunities.

FLSNY works closely with CITA on many levels, including recommending clients to them and involving CITA in their special projects. CITA lists one of its achievements as working with FLSNY on the aforementioned class action involving farmworkers engaged in feeding ducks for a foie gras business. The workers won more than $200,000 in back wages and other benefits.[135] Another case facilitated by CITA involved a worker in Orange County who was allegedly illegally fired for asking for a lunch break. Ten other workers went on strike in sympathy and, thanks to FLSNY's negotiations and CITA's support, all but the original worker who was fired were reinstated in their jobs with a 25-cent per hour wage increase, monthly meetings between workers and the employer with CITA present, and the employer's agreement to respect the workers. However, the relationship between FLSNY and CITA is not without its complications. Once a case is handed over to FLSNY, client-attorney privilege dictates what information FLSNY staff can share with CITA. Moreover, for workers, while CITA facilitates many cases, it can seem that FLSNY has taken over as their advocate, since FLSNY pursues the case. For CITA, there is a challenge to stay in communication with workers directly and follow the development of the case from an organizing

[135] From CITA materials "CITA's achievement during the last 10 years" and "Some of CITA's accomplishments during the past 10 years," both undated, single sheets that accompanied fundraising appeals.

perspective.

Not all of FLSNY's cases are pursued with CITA's collaboration, but FLSNY works closely with CITA to promote advocacy and farmworker empowerment and to piggyback campaign efforts on legal cases. For example, FLSNY filed a class action suit against five labor contractors and ten growers in 2002 in Orleans County near Buffalo, regarding contractors' violations that included forced labor and false imprisonment amidst myriad other charges. This case, resulting from a federal indictment, was one of the first brought under the Victims of Trafficking and Violence Prevention Act of 2000. The U.S. Department of Justice describes such cases as "modern-day slavery."[136] The widespread media attention from this case helped to heighten awareness of living and working conditions of New York farmworkers.

In addition to helping workers address grievances and serving as focal points for campaign materials, legal cases can also serve as an organizing tool. CITA can discuss a legal victory with farmworkers to show them that grievance resolution in their favor is possible. Even lost or dismissed cases can be a rallying point, as they serve to motivate workers for future campaign efforts or to underscore the marginalization of workers in the interstices of the law. For example, in 2003, in western New York, farmworkers

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[136] "This is one of the first cases brought under the forced labor and trafficking provisions of the Victims of Trafficking and Violence Prevention Act of 2000, enacted by Congress to combat forms of coercion, such as psychological manipulation and intimidation, that traffickers use to hold their victims in conditions of servitude and forced labor. If convicted, the defendants face up to twenty years' incarceration. This case is the result of an interagency investigation by agents of the Immigration and Naturalization Service and the U.S. Department of Labor through the National Worker Exploitation Task Force (WETF), which was founded in 2000 to address the problem of modern-day slavery in the United States" (United States Department of Justice 2002).

engaged in fieldwork had shots fired at them from snipers in a nearby field.[137] Both farmworkers and advocates feared that the shooting, which caused no injuries, was a hate crime. The Orleans County District Attorney's office pursued the case, though not as a hate crime. CITA and other advocates helped these workers every step of the way in dealing with the legal case. The following year the case was dropped because the workers could not physically attend the trial. According to advocates, the District Attorney's office did not give the workers due notice about the trial date.[138] As is common for migrants, they had left New York for work elsewhere. When the case was dismissed and the farmworkers were denied their day in court, the response by the workers and the advocates was outrage. The outrage generated in this case served to instigate workers. With advocates' assistance, a press campaign was launched to educate the public about the difficulties farmworkers face in pursuing justice.

These legal cases are also all examples of the type of stories that can be used to raise public awareness and involve others in the legislative campaign. The federal slavery case, as advocates called it, provided much impetus for rallying supporters. The slogan of that year's campaign was "Legislators of Shame: Exclusions Enslave Farmworkers," reminding the public that because farmworkers are excluded from labor

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[137] Information about this case was gleaned in person, as the author was present when the farmworkers met with the District Attorney representatives to give their testimony. Media articles, internal RMM communication (Bill Abom, Western New York Coordinator's Quarterly Report, April 2004), and interviews also provided data.

[138] According to advocates, the district attorney claimed they were "not able" to get the workers to New York from Texas and Florida to testify. Advocates claim that the District Attorney's office did not try to contact the workers until 10-12 days before the trial date, even though the trial date had been set more than three months in advance. Advocates claim that lawyers from the District Attorney's office explained that they were frantically trying to get the workers to New York and felt an earlier effort would not have made a difference. The advocates argue that they would have personally driven across the country to pick up the workers, had they been given ample notice.

rights and protections, they are vulnerable to extreme exploitation. With this slogan, advocates alluded to legislators' responsibility for the exploitation and slavery of twenty-first century farmworkers, by their refusal to provide stricter rights and protections for farmworkers. The slogan also invoked the title of an earlier farmworker advocacy effort, Edward R. Murrow's *Harvest of Shame*, the 1960 muckraking television documentary about East Coast migrant farmworkers. In addition to presenting the legislative campaign as a response to contemporary cases of farmworker abuse, JFW also invokes human rights, a more encompassing rhetoric that exposes New York farmworker issues as connected to global labor, economic, and political movements.

Legislative Campaign

The most successful of JFW's three strategies, in terms of gaining public exposure, has been the legislative campaign and, indeed, the three bills that have passed have been touted as grand victories and used to mobilize more supporters. The legislative campaign is a strategy in which advocates and allies can engage with relative ease compared to a farmworker organizing effort. It involves letter writing, visiting legislators, contacting the media, and other tactics that are more easily employed by advocates than by farmworkers themselves. While JFW expects farmworkers to dictate the overall direction of the legislative campaign and workers are involved on many levels, the legislative strategy has been handled almost exclusively by the advocates. In response, the media has spotlighted the advocates as much as the farmworkers. It is not uncommon for workers to take a back seat in the implementation of legislative campaigns. In similar circumstances nationwide, workers and their organizations have encouraged allies and advocates to use their resources to further workers' aims in this specific arena.

JFW takes credit for the passage of pro-farmworker legislation. This includes a 1996 law requiring cool, clean drinking water for farmworkers, a 1998 law requiring sanitation and hand washing facilities for field workers, and a 1999 minimum wage law eliminating the separate, lower minimum wage for farmworkers, raising the wage to the same level as that for other workers. In one sense, the first law offered symbolic rather than material gains. The drinking water law previously applied to farms where five or more fieldworkers were employed, so the change affected only the smallest farms.[139]

The sanitation law, however, offered relief to many workers. Previously, portable toilets and hand washing facilities were a requirement for 11 or more workers; the new law applied to five or more workers.[140] Certainly, regulation is required to ensure these laws are being adhered to. The farmworkers I interviewed reported that 16 percent of farms did not provide drinking water, 11 percent did not provide toilet facilities, and an additional 11 percent did not provide hand washing facilities.

However symbolic or real, the passage of these laws was welcomed as a huge victory by farmworkers and advocates. Because of the power of the agricultural lobby, it had taken five years for the drinking water law to pass (Gordon, 1999). During that period, the advocates were able to turn the Farm Bureau's opposition to the drinking water law into a successful media story, portraying agricultural employers as too greedy

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[139] In many cases federal and state laws, including Occupational Safety and Health laws, contradict each other. Legally, employers are required to follow all of the laws, and adhere to the strictest standard. The New York State law is now the strictest in regard to drinking water and sanitation; OSHA requires these when 11 or more workers are in the fields. See OSHA Regulations (Standards – 29 CFR) Part 1928 Occupational Safety and Health Standards for Agriculture, Standard 1928.110 Field Sanitation, http://www.osha.gov accessed on July 31, 2005.

[140] The facilities are to be located within a one-quarter mile walking distance from all workers, except where terrain prohibits this. For less than five workers, transportation is to be offered for farmworkers to go to a separate site.

to provide drinking water to farmworkers, which could be provided with ease and little expense.[141] A well-known U.S. folk singer wrote a song about the farmworkers' lack of drinking water.[142] The five years leading to that first legislative "victory" would provide impetus for farmworkers, advocates, and allies to continue their efforts, establish strong media connections, educate the public on farmworker conditions, and arouse public sympathy for the farmworkers' cause. Later in the campaign, the *New York Daily News* ran a 14-part editorial series titled "New York's Harvest of Shame" about conditions for farmworkers. This series has been credited with helping to influence the minimum wage law for farmworkers and the paper's editorial board won a 1999 George Polk Award for editorial writing.

As a result of the minimum wage law, year-round, full-time hourly workers probably felt more significant changes than seasonal workers, since the latter usually receive a higher hourly rate to compensate for the short tenure of their employment. In 1999 the New York State farmworker hourly minimum wage was $4.25. When it was raised to $5.15 for 2000 that was an increase of twenty-one percent. The New York Farm Bureau also aggressively fought this bill, yet in an interesting political twist, the governor invited Farm Bureau representatives to the bill signing. Advocates, while in attendance, did not receive the same formal invitation to the bill signing. That media event helped growers and the Farm Bureau counter some of the negative publicity that depicted them as unfriendly to farmworker concerns. Over time, that law has proven to be important.

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[141] It is worth noting that the New York Farm Bureau, Farm Bureaus countrywide, and most growers oppose any additional regulation that would add to the myriad laws that already cover their industry.

[142] Pat Humphries, "Cold Cup of Water," written in 1996 can be heard on her "Hands" album (Appleseed Recordings, 2001) or at http://www.pathumphries.com.

In 2004 the New York Legislature overrode a gubernatorial veto raising the state's minimum wage two dollars (39 percent) over the course of two years. For farmworkers the minimum wage would change sixty-eight percent between 1999 and 2007, from $4.25 to $7.15. That is an increase of sixty-eight percent over eight years. Had it not been for the 1999 farmworker minimum wage law, growers could have avoided paying farmworkers' the state's new minimum wage.

The tactics of the legislative campaign have included the publication of press releases, positions papers, and fact sheets on farmworkers in New York; making available public speakers (including workers); launching a media campaign; and issuing calls for supporters to get involved in a variety of ways. Integral to the campaign has been the annual, festive Farmworker Advocacy Day (FAD), first held in 1995. This public event in the state's capitol, including a rally with speakers, provided an opportunity for farmworkers and advocates to meet with state legislators and make a case for farmworker equality under New York State law (Moya 2000a). Coinciding with FAD, JFW has organized legislative visits and coordinated teams, including farmworkers, to meet with senators and make a case for supporting farmworkers' cause. More recently, FAD has been preceded by a ten-day long "march for justice," reminiscent of 1965 civil rights movement's Freedom March from Selma to Montgomery, which inspired farmworker marches in the late 1960s, led by Cesar Chavez.[143] FAD has served as a culminating event in the annual calendar of JFW efforts. With campaign efforts heightening in the weeks leading up to it, the aim of FAD is to attract widespread public attention.

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[143] For example, the March and April 1966 300-mile, 25-day march from Delano to San Francisco and the August 1979 march from San Francisco to Salinas (Mooney and Majka 1995, 157,181). In 2003, JFW held a 330-mile, 11-day march, which was actually two simultaneous marches to the state's capitol; one began in Brockport, near Rochester, and one began in New York City.

Supporters have been engaged on many levels. They have been asked to write, call, and visit their state senators as well as the senate president, Joe Bruno, known to be one of the three most powerful men in Albany,[144] to support a bill known as the Farmworker Fair Practices Act. Only senators have been targeted because the New York State assembly, which passed a collective bargaining protections bill for farmworkers in the 1990s, also passed an omnibus bill to give farmworkers the same rights as other workers. JFW materials have included text suggestions for a 90-second letter to senators, a resolution for individuals and organizations to sign in support of removing the legislative exclusions, and talking points about proposed legislation including point-counterpoint statements that respond to JFW's critics. Supporters have been asked to join the march and FAD rally, as well as additional events, such as vigils, dinners, and fiestas. Organizations have been asked to endorse the campaign. Moreover, JFW has relied on active volunteers and congregations to help coordinate all events and actions, particularly housing and feeding marchers. Other tactics have included direct lobbying efforts and meeting with editorial boards of newspapers to ask for their support, coordinated by JFW volunteers. Specific insider tactics have been employed by JFW to press for legislative change, such as corresponding with legislators and aides. These contacts in Albany have helped to inform JFW about possible additional legislative sponsors to a bill, a bill's progress in committee, and the likelihood that a bill may be placed on the chamber's

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[144] This point of view is also offered in a report by the Brennan Center on the New York State Legislature. The authors describe how the legislative structure gives significant control to the Majority Leader and Speaker, including compete control over the legislative calendar and whether a bill that has been approved by a committee will be voted on by the full chamber. The authors write, "In other words, the Speaker and the Majority leader are able to prevent any bill from reaching the floors of their respective chambers without the certainty of passage and, presumably, without their support" (Creelan and Moulton 2004, 3-4).

legislative calendar.

To summarize, farmworker advocates have used organizing, legal cases, and a legislative campaign to work toward higher goals of equality for New York farmworkers and an end to their marginalization. The legislative campaign, being the most public, offers advocates the opportunity to attract activists and supporters to the cause and provides them with hands on opportunities to push farmworkers' agenda. Moreover, the legislative campaign, bolstered by workers' stories and allegations of legal violations, has afforded advocates the means to gain widespread public attention, both directly to individuals and groups and also through the media. These strategies reflect the individual and organizational capacities of farmworker advocates as they develop practical strategies based on available resources.

PART III: THE ADVOCACY MODEL

The Worker Center Model

The mainstream tactics used by JFW advocates are not unusual given their available resources, the structure of advocacy organizations, the population they serve, and the current U.S. political climate. Their goals, strategies, and tactics are common for advocates and advocacy organizations serving immigrant and other low wage workers, especially for a specific category of community-based, advocacy organization called a worker center. While CITA is the only JFW member that can truly be categorized as a worker center, the strategies of JFW, with CITA in the lead, bear a striking resemblance to similar advocacy efforts around the country. As such, it is worth examining the worker center model for comparison with JFW.

The National Study on Worker Centers listed CITA as a worker center in a

national survey (Fine and Werberg 2003), a title this author believes fits. Worker centers, as in the case of CITA, use multiple strategies to pursue their missions, including organizing, legal action, legislative lobbying, and media campaigns. Most worker centers have, or aspire to have, democratic structures, with workers directing their organization's work as members and from the board of directors. Strategies are pursued not only by professional organizers and advocates, but also by workers themselves, many of whom are undocumented. Worker centers are local organizations that can be traced back several decades, but the majority of them set up shop in the mid-1990s.[145] They have been compared to settlement houses and civil rights organizations (Fine 2003).

Geographic community and ethnicity are the prime factors for worker participation in these organizations, unlike most trade unions that organize in a specific industry or at a specific worksite. To court members and to provide practical skills and knowledge, worker centers usually provide services such as English language instruction, worker rights classes, and legal representation. Worker centers range from militant groups born out of disputes with unions, such as New York's Chinese Workers Association, to action-oriented organizations that grew out of union support like Los Angeles's Garment Workers Center. Constituents range from the historically unionized—such as garment workers—to those chronically excluded from the mainstream labor union movement—such as day laborers and farmworkers. The

[145] In 1992 there were only a handful of worker centers, according to Janice Fine, whereas in 2004 her survey identified 133 worker centers across the U.S. (Bhargava, Fine, and Hutchins 2004).

majority of centers provided service in the latter category.[146]

Worker centers pride themselves on innovation and resourcefulness and, like CITA, have had success in helping their members. Like CITA, their tactics stop short of radicalism. Worker centers generally respect the customary channels of political influence to address low-wage, immigrant, and undocumented workers' claims. In 1997, the Workplace Project successfully influenced the New York State Legislature to pass the strongest unpaid wages act in the country and also won more than half a million dollars in back wages for workers. In Las Vegas, the Dolores Huerta Center for Worker Rights successfully resolved more than 100 worker grievances through federal and state agencies and pushed for the repeal of a law requiring criminal background checks on gambling industry employees. In Alexandria, Virginia, the Tenants' and Workers' Support Committee helped pass a local living wage ordinance. CITA, with the support of JFW, pressured the state legislature to pass three laws extending rights to agricultural workers. These successes were not the result of broad social movements, spontaneous or threatening protests, or boycotts, but rather resulted from more mainstream political claim-making.

The strategies used by worker centers, for the most part, fall within the boundaries of legitimate action. Traditional labor movement activities to effect change such as strikes, slow-downs, and walkouts are rarely used. The reasons are multiple: the nature of contingent work makes traditional union strategy very difficult, workers are often not covered by labor law protections if they engage in these activities, undocumented

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[146] In her forthcoming survey of worker centers, Fine will show the industries targeted by worker centers: day labor 25 percent, hotel/restaurant/casino 19 percent, agriculture 16 percent, domestic workers 13 percent, healthcare six percent, manufacturing six percent, poultry six percent, temporary workers six percent, workfare/welfare three percent.

workers have higher risks if their legal status is exposed, and poor workers have little means to protect themselves. Furthermore, worker centers usually do not organize by workplace. Property destruction and violence are also not features of worker centers' activities. It is fair to say that workers centers do not engage in the rule-breaking that Piven and Cloward discuss as necessary for social change (Cloward and Piven 1998). Rather, their strategies include legal cases, negotiations with employers, public education, leadership development, grievance resolution through government agencies, compliance campaigns, raising class-consciousness, and building solidarity. While all of these strategies might be approached in a militant spirit, that is not the style of worker centers. They use the following tactics to reach their goals: peaceful public demonstrations, editorial writing, press conferences, picketing, marches, providing services, lobbying, and social events.

Accordingly, worker centers rely on legal and legitimate channels to improve workers' living and working conditions. For example, they help workers visit legislators and other officials to express their concerns. Many of these workers are undocumented and therefore have little political power—they offer legislators neither votes nor campaign contributions. Still, the evidence shows that legislators are responding (Gordon 1999), if only because they calculate that they can court votes from other low-wage voters (and especially Latinos) by showing they care about their issues. Worker centers also establish links with actual voters and ask them to represent by proxy the concerns of the undocumented. The simple task of documenting attempts to redress grievances helps track workers' petitions to regulatory bodies, and worker centers act as shadow organizations able to report on the response and effect of the regulatory bodies'

attention to such petitions. Through this process, more than one worker center has exposed bias on the part of agencies (Gordon 1995). Worker centers use basic civics approaches, such as having a critical mass of as many as twenty-five people contact a legislators' office in one week, to get an issue on that representative's agenda.

Worker centers also rely on multiple relationships to guide their strategies. Externally, they focus on garnering allies and forming relationships (even partnerships and coalitions) with individuals and groups, such as volunteers, faith groups, and labor unions. Internally, they organize workers themselves and their families and friends. Common relationships include community members, activists, students, service providers, unions, media, funders, and faith groups. Through these relationships, worker centers compensate for workers' power constraints. For example, allies are those who are willing to participate in campaigns and support the organization with their time, connections, and checkbooks. Allies may be individuals such as politicians, cohorts such as faith groups and student groups; or organizations such as labor unions, media outlets, and other worker centers. Allies offer some type of influence, varying from willingness to call a legislator with whom they have authority, stimulating a funder to make a donation, to writing a letter to one's representatives. Often allies are especially useful in making connections for workers centers with other allies—to those ordinarily outside of worker centers' and workers' scope of access. Worker centers attempt to cross the social boundaries of class, race, ethnicity, income, education, and legal status in forming allies. Sometimes worker centers engage allies in partnerships or coalitions whereby the work of a campaign is decided on and run by the partnership or coalition, perhaps with the worker center in the lead, as in the case with CITA.

Internally, worker centers try to build solidarity and consciousness; educate workers about politics, economics, and their rights; and include constituents in decision-making. In some more democratically run worker centers, workers compose the board of directors and, in this sense, the constituents run the organization. Most worker centers have central offices with meeting spaces for workers. By offering an accessible geographic location, worker centers make up for not having a factory gate to hang around. The workers come to them. While most worker centers attract workers by offering services, training opportunities, and social events, it is important to note that workers attracted by services will not necessarily organize (North American Alliance for Fair Employment 2002). Worker centers have to convince workers who come through their doors of the value in being involved in the campaigns. Services, in addition to attracting workers, also improve workers' quality of life and ability to help themselves. Some common services include: legal services, such as consultation with lawyers, wage and hour complaints, and hotlines; immigration information such as employment information, education about rights (labor and civil), and how to adjust one's legal status; direct service such as food distribution, transportation options, health care access, ESL classes, job placement, mediation between worker and employer, grievance resolution, skills training (computer, technical, construction); and leadership development such as citizenship education, political and economic training, public speaking, media strategies, and organizing training.

Leadership training may be casual, as in the case of a workshop contrasting global and local economies, or may be more formal, as in a course spread over several months. Often the aim is to introduce low-wage workers into the powerful decision-making

system of local and state politics. Many leadership trainings directly address constituents' structural constraints by developing workers' skills to petition elite institutions and by persuading them of their potential to overcome the constraints. Worker centers also attempt to build membership, although most do not charge dues as unions do, and have difficulty securing actual members as opposed to pseudo-members who may sign up to receive a specific service or benefit (Olson 1965). Moreover, worker centers also offer social opportunities such as soccer nights or leagues, seasonal parties, and listings of houses of worship that offer services in different languages. Approaching the work internally, particularly through leadership training, is intended to help workers circumvent their constraints and understand that, on some levels, they do have power. However, until worker centers successfully incorporate the internal approach with a broad base of workers to foster structural change, their use of allies, an external approach, will be more important for pursuing strategies.

Fostering Allies

As I observed earlier, allies are integral to the work of CITA and JFW. This is true for worker centers in general. RMM plays a significant role in developing those allies. RMM's executive director describes the organization's role as one of a bridge—connecting rural and agricultural workers and their families to allies and resources they might not otherwise be able to access. Its database of organizations and individuals interested in farmworker issues, which also includes labor, student, and activist contacts, is used to rally constituents to take action on behalf of farmworkers. With its roots in communities of faith for more than two decades, RMM also fosters relationships with

both denominations and individual religious congregations.[147]

A closer look at one of JFW's allies elucidates how they bring not only resources, but also a share of political leverage that would otherwise not come its way. The New York State Labor-Religion Coalition (LRC) has been supporting the work of CITA and JFW since 1996. The LRC offers access to religious groups, labor unions, and individuals. This, in turn, yields more allies, funding, public awareness, and political pressure. Brian O'Shaughnessy, the executive director of the LRC, offers his connections and influence by introducing CITA and JFW to religious and union leaders. For example, in the winter of 2003, O'Shaughnessy arranged a meeting between CITA's Alcántara, RMM's executive director Richard Witt, New York State United Teachers' (NYSUT) president Tom Hobart, United University Professions' (UUP) president Bill Scheuerman, and Public Employees' Federation's (PEF) president Roger Benson. Almost cancelled because of a snowstorm, the meeting went ahead with the three executive directors and the three presidents. Alcántara ran the meeting, discussing CITA's work and the conditions of farmworkers. By the end of the meeting, the unions had agreed to donations of several thousands of dollars and three union endorsements for the New York farmworker 330-mile march for justice. O'Shaughnessy intimated that those commitments were only the beginning. "NYSUT has half a million members, UUP has twenty-nine thousand, and PEF fifty-five thousand," he said, "This meeting opened

[147] In 1981 several religious denominations jointly contributed funds to form RMM. These denominations included: The Presbytery of Albany, American Baptists of New York State (Mid-Hudson Baptist Association and the Capital Area Baptist Association), Episcopal Diocese of New York, the Presbytery of the Hudson River, the New York Annual Conference of the United Methodists, and the Regional Synod of New York (Reformed Church of America). In 1996 The Roman Catholic Diocese of Albany joined and in 1998 the Ministry welcomed Reconstructionist and Reform Rabbis.

the door to all of those union members. It has led to publicity, newspaper articles, and more funding."

These connections indeed have played out well for CITA and JFW. In the case of NYSUT, Hobart has included farmworkers in an annual article in the NYSUT paper. He has also spoken about farmworkers at the LRC press conference that accompanies their annual Fast for Justice. Moreover, Hobart has connected JFW to the union's political department and the legislative campaign is on NYSUT's legislative agenda. This means that the union's lobbyists help press the issue with legislators in Albany while keeping the LRC and, in turn, JFW in the loop about legislators' reactions to proposed pro-farmworker legislation. The UUP's Scheuerman further contributed to JFW's efforts by supplying some union members for the march and by inviting Alcántara to address the union's delegates meeting. Not only did the meeting provide a valuable audience for CITA's work and the plight of New York farmworkers to be shared, but also Alcántara left with one thousand dollars, collected from those present. According to O'Shaughnessy, Benson's reaction was the same as the others, "What can I do?" Farmworker justice became an agenda item for PEF's legislative department to raise the issue to a much higher priority for its members. Allies like this can provide access to the kind of people who have political influence and valuable constituents. O'Shaughnessy argues that support follows access. "CITA's visits with union leaders and others changes these allies and they understand the basic justice issues as well as the importance of their support," says O'Shaughnessy. "He gets not just the person, but connections to newsletters, magazines, members, legislative departments, and more."

High profile allies are especially useful in pushing the farmworker issue with the

New York State Legislature. The assembly needs little prodding as it has, for several years running, passed an omnibus bill to give farmworkers the same rights as other workers. In the Senate, however, the bill had never received much attention there until 2004. Farmworker rights finally got the Senate's attention because of the efforts of former Senator Olga Mendez (R, Senate District 28th, including parts of the South and West Bronx and East Harlem) who has been a long-time supporter of CITA and farmworker rights. In 1995, as chair of the Senate Puerto Rican/Hispanic Task Force, she organized the Joint Temporary Task Force on Farmworker Issues along with Assemblyperson Hector Diaz (D, assembly district 75, New York County), chair of the Assembly Puerto Rican/Hispanic Task Force. Together they headed an investigation of farmworker conditions and published a report titled "Separate & Unequal: New York's Farmworkers" in which they documented worker's conditions and called for equal rights.

When Mendez switched parties in 2003 to become a Republican, her own access to Senate allies and to Senate Majority Leader, Joseph Bruno (R, 43rd Senate District, Rensselaer County and parts of Saratoga County) radically changed and she pushed the issue of farmworker rights in the Senate Labor Committee, to which she was appointed chair at the end of the term. At the end of the 2004 legislative session, the bill did not leave the committee, but, according to an Albany insider, JFW ally, and lobbyist, it received a hearing, which was more than had happened before. Mendez described herself as having an "overdeveloped social conscience." As an urban senator, she did not have to worry about upsetting growers and, of course, the farmworker issue helped her further promote Latino issues. While in office, Mendez told me that she pushed the issue with her colleagues by promoting, "nothing special, nothing extra for farmworkers, just

parity." Mendez and her staff developed a partnership with JFW through lobbyists, who kept farmworker advocates current on what was happening with farmworker issues in the state Senate, and provided Mendez with relevant data, testimony, and encouragement.[148]

The state AFL-CIO president, Denis Hughes, has been a regular speaker at farmworker fundraising events and has repeatedly pledged his and the AFL-CIO's support for farmworker rights. He has been instrumental in helping pass previous pro-farmworker legislation. The list of JFW's powerful allies includes the Bishop Hubbard of the Albany Catholic Diocese; Michael Kendall of the New York City Episcopal Diocese; Michael Aronson, editor of the *New York Daily News* (which won a George Polk Award for its 1999 editorials on New York farmworkers); President of the United Farmworker Union (UFW), Arturo Rodriguez; Cesar Chavez's granddaughter, Julie Chavez Rodriguez; and Dolores Huerta, formerly of the UFW and a national figure in farmworker advocacy. These high profile figures have opened doors for CITA and JFW. In turn, this offers political access for farmworkers who would never have such access otherwise. Furthermore, allies provide political authority, a form of public education, and pressure on legislators in ways that CITA and farmworkers could not enjoy on their own. In addition to these "celebrities," JFW has numerous other allies from organizations such as farmworker service providers, which help to identify worker needs and opportunities; congregations, which offer publicity and a venue for farmworker advocates to speak, as well as many of their social justice committees that have taken the issue on and write letters, sign petitions, and rally others to pressure legislators; editorial boards and journalists, who present coverage and opinions to influence both voters and legislators

[148] Mendez was unseated in the 2004 state elections. However, by the time she left office, she had garnered significant Republic sponsorship for the omnibus bill.

(particularly the Albany papers like the *Times Union*); other nonprofits including out-of state worker centers like the Coalition of Immokalee Workers in Florida, that help CITA tie into a national agenda; foundations that provide necessary grants and help CITA and JFW network for other funders; individual funders who often bring political connections as well as large dollar donations; college students who spread the news of farmworker issues on their campuses and add vitality to public events; and others such as researchers, letter-writers, translators, drivers, cooks, and grassroots volunteers.

Measuring Success

There is no doubt that New York farmworker advocates have registered successes in each of the three main strategy areas (organizing, legal casework, and the legislative campaign). Not only has CITA organized hundreds of farmworkers, but also advocates have helped workers to negotiate a few contracts. Legal advocates have pursued significant cases that have not only benefited the workers involved in the suits, but also helped promote organizing, advocacy, and public awareness about farmworker conditions. Three pro-farmworker laws, promoted by JFW, have passed in the New York State Legislature. They have set the foundation, in terms of support, rationale, and precedent, for more laws. Some successes have been quite concrete, such as winning back wages for workers or securing a raise in farmworkers' minimum wage. Others are less tangible, such as efforts to empower workers through leadership training, media exposure, and relationships formed with powerful allies.

One could try to measure these successes in terms of economics or material gains, such as higher wages and benefits and better living and working conditions. Assessing political gains might also provide a measurement of success, such as gaining representation, fostering allies, and navigating political avenues to press for legal

protections for farmworkers. There are also cultural gains to be considered, such as workers' expressing their "voice," experiencing empowerment and consciousness-raising, or having their situations recognized and validated. The mission statements of advocacy organizations provide some sense of how advocates themselves believe their work should be evaluated and, indeed, commentators like Rees argue it is their right to establish such modes of evaluation (Rees 2001). But most nonprofits define their work broadly, using nebulous, multi-defined terms, even before measurement, data collection and classification are challenged. Furthermore, if assessment were to focus on more definable activities such as results from lobbying or legal cases, a fuller appreciation of advocacy activities would go begging in the rush to measure empirical results (Reid 2000).[149]

The temptation to focus on policy gains is understandable, given that they offer more tangible standards. This, in fact, is the most commonly acknowledged standard of interest group progress. Moreover, policy gains offer an important first foothold in garnering success in advocacy. In his discussion of the UFW in California, J. Craig Jenkins relies on the work of Lukes (1974) and Domhoff (1979) to explain the three layers of social change that social justice efforts can pursue. The first is policy change, the second is to influence agenda setting and its mechanisms, and the third is a redistribution of valued goods including, but not limited to, economic resources. Jenkins argues that success in all three areas is required to create social change, but that success usually starts in the policy making arena before moving to the other layers (Jenkins 1985). But it is by no means straightforward to quantify. Do bills that pass in committee

[149] In short the trouble in measuring advocacy organizations' success mirrors the pros and cons of qualitative v. quantitative analysis.

but fail to reach the floor of a chamber count as success? What of bills that appear symbolic? Rees argues, "In the case of advocacy, the best evaluation relates to *progress* made on the path to policy change. Metric progress and not final attainment of an objective is key here, because policy change almost always comes incrementally over a long period of time. And if the change advocates are seeking is the least bit radical, progress is not possible without a dramatic change in the makeup of Congress, which, in turn, usually follows a dramatic change in public opinion" (Rees 2001, 10). This sense of "incremental" change complements the testimony from advocates that I have collected. Incremental change is a process of evolution and the resulting small changes in policy and public opinion are impossible to summarize in the form of quantitative assessment. In any event, this dissertation does not attempt to rank the relative success of advocates, workers, or growers in power struggles regarding farmworker issues. Whose hierarchy of success would it be?

Given the history of farmworker exploitation in the U.S. and the fact that the vast majority of New York farmworkers are undocumented, with little formal education, and a weak ability to use their labor power, it is striking that any gains have been made in their favor. Whether these are incremental, symbolic, or substantial gains will be a topic for scholars with hindsight. My aim here is to describe the nature and types of gains and distinguish their qualitative differences.

My reluctance to measure gains in hierarchical terms also reflects my concern about overstating the success of JFW. In the last 25 years, social justice movements have had a hard time matching the successes of the 1960s and 1970s. As a result, the gains are met with hyperbole. In tandem with this, advocates and scholars have modified the tools

they use to present and evaluate social movements and advocacy organizations. I would argue there is a tendency toward unwarranted optimism and overstatement.

My primary aims in this study are to explain political processes: why it is so difficult for farmworkers to advance their own interests, how growers maintain workers' quiescence, how third party advocates have helped farmworkers, and how and why growers have engaged in backlash against the advocates. To do so, I must offer normative judgments of some successes to contextualize their effect on farmworkers. Additionally, such judgments are necessary if I am to offer practical suggestions as I begin to do in the conclusion to this dissertation for how New York farmworker advocates, and other advocates dealing with similar workers, might improve upon their strategies. The goal, in this respect, is not to suggest an ideal model for improving workers' situations, but rather propositions that might further advocacy goals given the limits of their resources. Some local acknowledgment of strategic gains is obligatory if these propositions are to be taken seriously.

PART IV: THE PROS AND CONS OF ADVOCACY

I have established my reasons for hesitating to measure the success of New York farmworker advocates, but certainly this dissertation would be incomplete without an effort to assess their gains. There is no simple way of evaluating these advances. On the one hand, it is striking that issues of poor, low-wage, and mostly undocumented farmworkers should have achieved some representation and an allocated place on the state legislature's agenda. In her study of worker centers, which she calls community unions, Janice Fine argues that the mere existence and sustainability of worker centers like CITA that work for low-wage immigrants is a weighty accomplishment.

> Those who would stand in judgment of community unions must acknowledge that they have had considerable success in altering the terms of debate, bringing the voices of low wage workers into politics, developing leaders and changing public policy. They have done this even in the face of scarce resources and almost no regional or national infrastructure. And they don't seem to be going away…Just because they have yet to succeed at broader labor market intervention does not mean that they never will. (Fine 2003, 310-311)

New York farmworker advocates have been offering workers opportunities to have their voices heard. In the absence of more organic worker action, we can certainly claim that advocates have done farmworkers a great service since their issues were not being addressed in any systematic way before the advocates' campaigns. Finally, the backlash of the growers confirms they feel threatened by the advocates. For the advocates, this backlash reinforces the importance of their work.

On the other hand, what advocates have wrought can easily seem minimal. They have not garnered significant economic gains for workers, organized large numbers of them, nor altered the larger structural factors that limit worker power. Their legislative efforts have resulted in new laws, but these laws have not changed the overall conditions of farmworkers' labor. Moreover, altering the law is one thing, ensuring that growers abide by it is another. Even as growers' perceive advocates to be a threat, it may be their potential that is threatening and not what has been achieved so far. In this sense, it seems reasonable to judge their success as limited.

This evaluation, however, is more complicated than simply deciding whether the glass is half full or half empty. For one thing, it seems premature to evaluate definitively the impact of these efforts. Advocates contend that their gains are incremental and that further successes will continue to build toward greater change. If the gains, however are limited, I would not then argue that the advocates' efforts have been useless and not

worth pursuing further. Clearly, farmworkers are in urgent need of representation. Since legal protections and their position in the labor market do not make them attractive candidates for unionization, certainly the efforts of CITA and JFW offer something that no one else is providing. Instead of limiting ourselves to an evaluation of what they have achieved, perhaps an evaluation of their strategies and their future prospects would be valuable.

The worker center model highlights a trend away from professional advocacy toward organizing, which is informed by an understanding that those being organized are now *members* and not *clients*. One maxim that circulates among proponents of this type of advocacy sums up the philosophy behind this model, "If you have come here to help me, you are wasting your time…but if you have come because your liberation is bound up with mine, then let us work together" (Watson 1992). Such advocacy includes empowering members to be decision-makers and leaders, building democratic organizational structures with members in leadership positions, and encouraging collective action by the members. While changes in advocacy have been occurring on some levels—particularly in participation in organizational decision-making and leadership development—the new model has not yet accomplished its intended broader shift. Attorney and former worker center organizer Steve Jenkins argues that the worker center model *over*emphasizes symbolic member participation; it is not organizing, it is still advocacy. Jenkins contends that as long as elite institutions are the target of campaigns (the courts, media, legislatures), social change will be limited. Furthermore, he argues that as long as goals are dependent on *persuading* elites as opposed to *coercing* them, the much-needed structural change that might enhance worker power will be

limited. This is consistent with Frances Fox Piven's and Richard Cloward's arguments about the need for disruption to foster social change as opposed to strategies that work through formal political channels (Piven and Cloward 1978).

Jenkins asserts that organizations like worker centers have been created in response to important critiques of traditional advocacy models. These critiques are, first, that advocacy work does not enhance the power capabilities of oppressed people and, second, that advocates are not usually representative of the oppressed group (Jenkins 2002, 57). As a result, worker centers and organizations like them attempt to establish a power base among the oppressed group and to set up more democratic structures so that professional advocates do not make all the organizations' decisions. The goal is to implement strategies that directly respond to the needs of those being organized. However, Jenkins's main assessment of these efforts is that when marginalized groups have so little power, it is not likely that even when organized by worker centers, they will have much influence over those they target. Jenkins finds that this is because they are not being organized to recognize and use their own social power, but rather to recognize themselves as representatives of the advocacy efforts. When advocates miss this point, they can overstate the value of empowerment and organizing and also misrepresent the balance of power between workers and advocates. In essence then, he maintains, advocacy campaigns rely on workers to represent their plight, but it is not these workers who sway elite decision makers or their employers.

Jenkins also suggests that the limitations endemic to such advocacy may be part of a "transitional phase in developing the social power of workers and their communities" (Jenkins 2002, 72). Yet, even if this is true, he calls for a better understanding of the

limits of advocacy. On its face this may seem like a chicken or egg scenario. Should advocates intervene and help develop workers' social power or should they stand by until social conditions change sufficiently for workers to use their own power? Perhaps a better way to approach these questions is to investigate how both advocate and worker power can be balanced to achieve gains for workers.

Advocate Power vs. Worker Power

It is fair to say that, thus far, advocates' gains have largely been political and not economic. Fine's research shows this to be true for worker centers in general (Fine 2005). There are two main reasons for this. First, farmworkers (and many other low-wage, contingent workers) have a limited ability to use their labor power to challenge the conditions of their employment through employee-employer negotiations. Second, advocates cannot replace workers' labor power. Rather, they offer their own form of power, which is primarily useful in petitioning elite institutions such as legislators, courts, the media, and funders. As a result, the gains they achieve are largely political. As might be obvious, while the political gains have had some influence, they have not accomplished what workers' self-organization might: workers harnessing their own power to leverage more immediate pay raises and improved working conditions as negotiated directly with the person or entity responsible for providing them, the employer.

One of the main lines of reasoning for pursuing a legislative agenda, in the case of New York farmworker advocates, is that until farmworkers have the legal rights and protections of other workers, they will face significant obstacles in remedying their own situations. For example, while in most industries it is illegal to fire a worker for trying to collectively bargain, there are no such protections in agriculture. Advocates, who aim at

the inclusion of farmworkers in New York's collective bargaining protections, contend that such a law would change the power relations in farm work and allow for truer representation of workers. These advocates are not the only ones to advance this position. In his research on U.S. farmworkers, Marc Lindner writes that based on historical record, farmworkers cannot limit their activities to negotiations with empowers, but rather must push politically for growers to be forced to negotiate with them and with unions (Linder 1992, 301-2).

Advocates imagine that the inclusion of farmworkers in the state's labor laws will greatly enhance the abilities of organizations and even unions to mobilize workers and for farmworkers to self-organize. However, Lindner contends workers' power is so limited, that they often struggle just to have their existing rights recognized. He points to the number of legal cases that deal with workers trying to get paid what they earned. This returns us to a point Jenkins makes. He argues that organizing vulnerable groups often occurs without regard to whether that organized group could wield power (Jenkins 2002, 58). It is within this context that advocates face a conundrum: should they continue to pursue workers' issues through elite avenues that will lead to political gains, or might the established political agenda be putting the cart before the horse by generating legal changes that workers are not able to take advantage of?

In the case of New York farmworker advocacy, I have shown that JFW has a three-pronged strategy, which includes not only the legislative campaign, but also legal casework and worker organizing. However, the last strategy has not been progressing as well as the other two. There are multiple reasons for the disparity in achievement between these strategies. Some of the reasons are local, pertaining to this specific case

study; others are more general. A full investigation into those would be of great interest, but is beyond the scope of this study. However, the deficit in worker organizing is an issue for most worker centers and organizations like them. Farmworker organizing in New York has fallen into the pattern that Jenkins describes as workers acting as advocates to represent themselves for the advocates' campaigns. These roles, while useful to the campaign, are largely symbolic. CITA's organizing, however, has attempted to rise above this symbolic organizing and to concretely develop worker power through negotiations with employers with the goal of securing contracts.

CITA and other JFW members all agree that it is the latter type of worker organizing that is integral to changing conditions for New York farmworkers. All understand that the legal cases and the legislative campaign cannot offer what true labor organizing can. However, CITA is the only organization with the mission to organize workers and its work has been progressing very slowly over the past ten years. In the meantime, the legislative campaign has become increasingly sophisticated. At present there seems to be an imbalance between the use of advocate power and the use of worker power, and this is something that JFW members recognize. Consequently, the most relevant question that advocates can ask is: What is the best use of advocates' resources?

Advocates must strike a difficult balance between what they can achieve for farmworkers and what workers can achieve for themselves. As one of my respondents told me, the movement "has to move at the pace of the slowest members involved—the workers." Advocates can achieve certain types of success more quickly and easily than farmworkers can, such as policy change. Yet, because this is where advocates *are able* to use their power, does that make it the *best way* to use their power? This is a key question

now facing New York farmworker advocates. The evidence suggests that what is required is a significant shift in advocates' thinking and strategizing. One of the first steps in this direction is for them to realize that *the major obstacle at present is not that workers do not have political or electoral power, but rather that advocates do not have labor power*.

The power that the advocates offer cannot compensate for workers' inability to exercise their labor power. In an essay about community organizing, Piven and Cloward argue that community organizations cannot compare to unions. They cannot exercise worker strike power, and communities lack the industrial setting of the factory that allowed workers to establish "sociological substructure on which to build union superstructure." Unlike unions, community organizations cannot effectively act to discipline a workforce (Cloward and Piven 1998, 169). So, too, advocates, including those at CITA, do not have legal authority or protection if they attempt to represent workers in negotiations with their employers.[150] As a result, advocates are unable to target employers directly and instead have developed strategies targeting other sources of power, such as the New York State Legislature. If advocates believe they are compensating for workers' lack of political power, they are falling into a trap. This is articulated by Piven and Cloward in their assessment of community organizing strategies, "Our deepest objection to the pluralistic/organization theory of power from below is the widely accepted belief that organization, as such, can substitute for political resource deficits (Cloward and Piven 1998, 169).

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[150] As discussed earlier there is a difference between legal advocacy when workers are lawyers' clients and the nonprofit advocacy discussed in this chapter.

My research suggests that JFW and the legislative campaign has gained a life and a tempo of its own which is not complemented by success at the level that CITA's organizing has expected to achieve. But if advocates are to let the organizing campaign catch up, then they will have to give up wielding their own power, which means slowing down the legislative campaign and directing resources toward organizing. After more than a decade of organizing volunteers, funders, and supporting organizations to influence legislators and the public to respond to farmworkers' needs, how can they slow down the momentum? And how would they explain a downshift to their supporters? Integral to this process is the articulation of their advocacy work as presented at the beginning of this chapter: "farmworkers need people to stand with them." This is an important point to keep in mind. At present the reverse seems true: advocates and allies need farmworkers to stand with them. Both Jenkins and Piven and Cloward argue that gains procured through persuading elites to "do the right thing" will be those that are palatable to elites, and will handicap progress toward more radical goals (Jenkins 2002; Piven and Cloward 1971). When the balance of those involved leans too far toward the advocates, the emphasis is in the wrong place and gains will inevitably be limited.

I do not recommend that JFW abandon the legislative and advocacy work. Rather, it seems advocates must attend to the balance of worker power and advocate power. Since they cannot compensate for worker power, how might advocates redirect their resources to build worker power? One obvious answer might be to give more resources to CITA. This has been considered, but has not been promoted because of mistrust, lack of leadership and accountability at CITA, added to its limited organizing

success. In many significant ways the imbalance between CITA's power and JFW's power mirrors that between worker power and advocate power.

As a true worker center, CITA has farmworkers on the board and former farmworkers on staff. Through hiring, CITA has tried to match the ethnic and racial makeup of its staff members to the majority of farmworkers. The benefits are obvious. Those who come from agricultural work have the best sense of the reality of workers' plight and can make connections to workers in a natural way. However, the obstacles generated are immense. CITA's staff members, while fluent in Spanish, have not always had English language skills. That might not be a problem if it were limited to a few staff members, but even a former executive director was often hesitant to use English. The reality of farmworkers' lives is that they have little formal education and even less exposure to the type of professional skills required for operating a successful nonprofit, including grant writing, grant reporting, office administration, and staff management. For example, CITA does not have a formal system for training new organizers. Moreover, race, ethnicity, and class have their own socially structured power dynamics, which have burdened relations between CITA and JFW members.

CITA has been run since its inception on a shoestring budget and, at times, financial restraints have meant laying off staff. CITA is not run as a professional nonprofit and for many years has been in survival mode. Given these obstacles, it is a wonder that CITA staff have accomplished as much as they have. It is clear why advocates from more professionally-run nonprofit farmworker advocacy organizations would be hesitant to give up their resources to CITA. Yet, as long as the more powerful advocates control more resources than CITA, the imbalance between advocate power and

worker power is perpetuated. JFW members have long hoped for CITA to take the lead in their efforts and to step up their organizing efforts, but perhaps their expectations have been unrealistic. Of the several organizations involved in farmworker advocacy in New York, CITA is the only poor people's organization. Piven and Cloward argue that there is no mystery in the shortcomings of such organizations. They write, "To be poor means to command none of the resources ordinarily considered requisite for organization and influence: money, skills, and professional expertise, access to the media, and personal relationships with officials" (Cloward and Piven 1998, 168).

If JFW cannot rely on CITA to organize farmworkers they might look for other avenues to organize workers. Perhaps CITA and JFW members can agree on an organizing strategy that plugs into larger goals and fits a systematic method, beyond the orbit of CITA. In this way, the other advocacy organizations might organize workers themselves or allow for other organizing efforts to develop. For example, if the organizing strategy included holding specific workshops, there is no reason why other organizations could not mobilize workers to attend those workshops. Short of organizing, it seems a communication network available for organizers to contact workers and workers to contact organizers is necessary. Advocates cannot stand by workers who don't know they have supporters. These are minor examples of what might be possible. On the other end of the spectrum, housing is a huge issue for farmworkers. If advocates could figure out how to make an impact on the provision of farmworker housing, they may find that to be a route to organizing workers. Like the government labor camps provided through the Farm Security Administration's Migratory Camp Program of the 1930s and early 1940s (Hahamovitch 1997), housing units for

farmworkers that are separated from grower control can facilitate worker organizing and activism. Of course, such an effort would require significant resources and the professional expertise to oversee the project.

This study, however, is less about recommending next steps for JFW than to offer a critical assessment of their strategy. Advocates have been necessary for New York farmworkers to have their issues recognized. Marginalized workers, like farmworkers, have few resources at their disposal. But advocate power, as I have outlined above, is also circumscribed within those limitations. Jenkins posits that advocates should focus on communicating workers' situations to elites in the hope of persuading them to support justice causes (Jenkins 2002, 61). Yet, this route is a reform model, aimed at righting wrongs and limiting illegal activities. Exposing workers' plights can lead to victories (Jenkins 2002, 62). However, these victories are of a certain type that do not create overarching change for workers, but rather usually offer small improvements for limited groups of workers.

While they point to the shortcomings of the advocacy model, Piven and Cloward acknowledge their significance. "The achievement of grassroots organizers is that they nurture subcultures of poorer people, however few and unstable, where the ideal of justice is kept alive. If the ideal of justice were suffocated and extinguished by ruling-class propaganda, there might be no times of turmoil, and no victories" (Cloward and Piven 1998, 170-171). In short, advocates "keep the idea of resistance alive" (189). Piven and Cloward take their critique further than Jenkins to describe what might create more substantial change in the lives of marginalized groups. Normal politics is not the answer; disruption is required. This disruption may come in the form of altering

production at a worksite (or, in the case of voters, causing an electoral shift). They do take care to point out, however, that such disruption is only possible at certain moments in history and that disruption risks repression (Cloward and Piven 1998).

Perhaps the role of advocates should shift as their efforts increase. While public education campaigns, legislative lobbying, media efforts, and growing a community of allies are all valuable strategies, at some point those strategies must shift. That point is when advocacy efforts are not complementing organizing efforts, but rather replacing them. Advocates need workers not just to represent their own plight, but also to fight for justice themselves. This is not a matter of legitimacy, although advocates without participation of marginalized groups are certainly weaker. The larger issue is about recognizing that reform efforts are possible through normal politics—this, advocate power can stimulate. Radical change in workers' living and working conditions cannot be achieved unless workers address their grievances directly to employers. This was most apparent during the end of the 2005 New York legislative session. Advocates had well-meaning legislative allies on board who were ready to push forward a day of rest bill which they nonetheless thought was very weak. Such a law not only would have been primarily symbolic (according to the advocates it excluded guestworkers and undocumented workers), but also might have allowed state legislators to resist further efforts from advocates arguing that this law addressed farmworkers' needs. All of a sudden, some advocates efforts forcefully turned to preventing the passage of the bill. This decision to pre-empt merely symbolic gains illustrates another truth of advocacy power. It is when workers negotiate with their employers that the least compromise can be made and workers can press their most authentic claims in a direct manner.

CONCLUSION

Farmworker advocates have attempted to mitigate the power disparity between farmworkers and growers and improve the living and working conditions for farmworkers. What have they achieved? Aside from their record of specific gains, JFW has succeeded in putting farmworker issues on the public agenda—in the media and in the state legislature—and has established a power base of advocates and allies ready to support the farmworkers' cause.

Advocates' strategies—most specifically their three-pronged approach incorporating organizing, legal casework, and a legislative campaign—replicate similar efforts around the country, not only in farmworker advocacy, but in low-wage immigrant worker advocacy in general. Understanding the work of the New York movement in the national context underscores that advocates, like workers and growers, are also predisposed to behave in certain ways. The legacy of these patterns and strategies seem to serve advocates well, but the ultimate question is whether they serve workers just as well. In other words, how might advocates challenge themselves to creatively address workers' problems in a way that yields more than limited gains?

Certainly part of the answer lies in pushing advocates to evaluate the pros and cons of their organizational structures. Is it possible that the resource development scholars and their critics are both correct? Perhaps the organizational structure allows for the types of gains JFW has wrought. It is exactly the professional expertise of these organizations' staff that has won them media attention and some influence over legislators. These are valued and important goals, but now that farmworker issues are more in the public eye and on the agenda of lawmakers, perhaps it is time to think about more radical advances of the sort that transcend the legal and fiscal liabilities that

nonprofits are ordinarily hampered by. How can such organizations reinvent themselves to best support the organic initiatives of workers themselves?

CHAPTER 5
CONCLUSION: HARVESTING EXPECTATIONS

INTRODUCTION

In Truman Moore's book on the social exclusion of migrant workers, he makes the following observation:

> Those sympathetic to the migrants must do their work without seeming to pose a threat to the local power or status quo. Many activities will be viewed benevolently, such as distributing old clothes, holding Sunday school classes for the children in the camp, giving free polio vaccine, handing out "health kits" containing such sundry items as toothpaste, soap, and combs. But let them work actively for basic improvement in housing or even mention wages and the ax soon falls. (Moore 1965, 116)

Here, Moore elaborates on one of the main problems of farmworker advocacy. When growers' power over their workers is threatened, they react by trying to suppress the efforts of those helping farmworkers. This is not new or unusual. As I described in Chapter Two, U.S. growers and their associations throughout the twentieth century aggressively fought efforts to unionize farmworkers (Majka and Majka 1982; McWilliams 1939). They used their concentrated political power to influence federal policies and override the efforts of farmworker pressure groups (Tomasek 1961). Growers also stymied federal initiatives led by the U.S. Department of Labor during the 1930s to improve conditions for farmworkers (Hahamovitch 1997).

This concluding chapter explores first how growers and their interest groups have attempted to stifle farmworker advocacy in New York. Their actions show that growers feel genuinely threatened by the advocates. It is evident that the advocates have had an impact. But, my investigation of the backlash also exposes the vulnerabilities of organizational efforts to improve conditions for farmworkers. The second part of this

chapter concludes my dissertation. I revisit my original objectives and claims and summarize my findings.

PART I: GROWER BACKLASH AGAINST THE ADVOCATES

In New York, growers and other agricultural actors have used multiple strategies to undermine New York farmworker advocates. These include shaping public opinion, influencing policy, challenging funding of the advocacy organizations by contacting the funders, and promoting audits of advocacy organizations' activities. At the 2003 National Onion Association Summer Regional Convention,[151] Chris Pawelski, an Orange County onion grower, made a presentation about how to deal with "aggressive advocates." He argued that labor and anti-pesticide groups were trying "to end agriculture in the United States as we know it." He laid out a step-by-step plan for "how to take action" against advocates.[152] Pawelski is the most outspoken and inexhaustible critic of farmworker advocates in New York. He reported that he and his wife each spend seven to ten hours a week on activities to protect their interests, including maintaining contact with reporters, politicians, and bureaucrats (Holmberg 2000). These activities also include not only efforts against advocates, but also securing government help for farming efforts. For example, they participated in a lawsuit against the USDA

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[151] Held July 19, 2003 in Fishkill, N.Y.

[152] Pawelski's plan included: "Step 1, get to 'know your opposition,' he counseled. 'Take time to do a preliminary investigation of the advocacy groups working against you. Read their literature and visit their websites.' Step 2, 'dig deeper.' Join the various organizations, obtain their articles of incorporation and tax filings (if nonprofit), learn their funding sources and 'Google them,' he suggested. Step 3, 'Get creative and take action,' Pawelski challenged. 'Familiarize yourself with relevant state and federal laws and report any violation(s) you can document'" (Clement 2003, 12).

over crop insurance, and while they didn't win, they brought unfavorable attention to the bureaucracy governing disaster relief (Holmberg 2000).

In regard to his contribution to the backlash against the advocates, Pawelski reportedly takes credit for removing funding for staff positions, fines levied on organizations, and reducing the credibility of some of the organizations with the press (Clement 2003). Other growers, the Farm Bureau, and at least one of the NYDOL reps with whom I spoke supported his anti-advocacy efforts. A photo of Pawelski with his wife and workers is featured in a Farm Bureau brochure on labor issues. In the press, he has been variously identified as an onion grower, a spokesperson for the Farm Bureau, and a spokesperson for Orange county vegetable growers. As is evident, he speaks for more than just himself; he clearly represents others in his effort to suppress farmworker advocacy.

The attacks on farmworker advocates have ranged in type and significance. In this section, I will present three examples. The first two are a result of Pawelski's independent efforts; the third seems to be part of a more concerted effort by the Farm Bureau and other growers.

1.) One of the farmworker advocacy organizations, RMM, lost government funding for two AmeriCorps positions after Pawelski wrote letters to the funding agency claiming the organization consistently misrepresented the truth in an effort to demonize growers, and arguing that RMM should not receive government money. Specifically, he argued that the organization's "naked political activism and agenda" included lobbying and union organizing, two activities he considered to be outside the scope of government funding. AmeriCorps's decision was based on concern that the members placed at RMM

would be involved in the organization's advocacy work, since that work seemed integral to the organization.

2.) The same grower reported three of the farmworker advocacy organizations to the New York State Lobby Commission, which investigated their activities. The commission fined two of them for violating lobby laws and required all three to register their staff as lobbyists and comply with quarterly reporting rules on lobbying activities.

3.) The third example was the removal, after an internal review, of the executive director of the Cornell Migrant Program (CMP)—a university program to help farmworkers through research, education, and outreach. The Cornell administration also decided to move the program from its home at the College of Human Ecology to the College of Agriculture and Life Sciences. The CMP staff perceived there would be a conflict of interest at the College of Agriculture between serving farmworkers and serving growers, and all twelve of them decided to leave the program.[153] Furthermore, the major outside funder—the New York State Department of Education—withdrew its support in excess of $600,000 as a result of the administration's decisions. Ultimately, the program was dismantled. The review team and Cornell administration contended that the CMP needed to be restructured and expanded, as well as more "balanced" to "involve, support and recognize the important roles of farm employers" (Geng 2004). The administration justified the move to the College of Agriculture by citing the college's focus on agricultural issues and research expertise. Those who opposed the decision

[153] As of this writing, all staff had left, except for one who was leave in the summer of 2005. The former director has been writing the history of the CMP and archiving the CMP's materials and would continue to do so until October 2007.

argued that agricultural interests pressured Cornell to change the program and that those same forces would prevent the new CMP from continuing to help farmworkers.

To summarize, my first two examples involved allegations, on the part of one particular influential and zealous grower, about advocacy organizations' violations of the laws and rules governing nonprofits. The third example involves concerted pressure on Cornell University on the part of growers and agricultural interest groups. According to the internal review committee's report, "Based on statements made to the committee, opponents are intervening with Cornell Administration, raising their concerns with farm employer organizations such as the Farm Bureau and the state Horticultural Society, to challenge state support for Cornell and challenging its tax status through the Internal Review Service" (Review Committee 2003, 14). If growers did unduly influence Cornell administration's decisions, it reflects not only the power disparity between workers and growers, but also an underside to interest group politics whereby growers attempted to advance their interests at the cost of the interests of their employees and in a setting beyond the scope of normal politics. It is worth looking at this third scenario in depth.

Backlash Against the Cornell Migrant Program

The Cornell Migrant Program (CMP) was founded in 1971 as a result of Cornell University student protests arising out of a contentious agricultural issue. Throughout the 1960s, Cornell University operated a demonstration farm that employed migrant laborers. Investigations of the farm found evidence of over-crowding and health code violations in the labor camp and, in response, the Dean of Cornell's College of Agriculture razed the camp and mechanized production. Taking issue with Cornell's unilateral decision, student trustees protested and called for the university to assist the workers whose

seasonal jobs were lost. A temporary program, which later grew into the CMP, was founded within the Cornell Cooperative Extension system.

Early CMP initiatives focused on nutrition, health, housing, pesticide protection, migrant children programs, and efforts to convince service agencies to include farmworkers in their client base. Over the years, the CMP also incorporated programs focused on youth, literacy, English language, the arts, life skills, immigration, diversity, and community development.[154] In addition, the program also followed the lead of other Cooperative Extension programs by moving away from direct service to a train-the-trainer model to strengthen organizations that did engage in direct service provision. In the 1990s, Cornell University produced an interdisciplinary report, with the collaboration of the CMP, on agricultural labor policy. The report found that farmworkers deserved to be covered by collective bargaining protections, the right to overtime, and the right to a day of rest, among other labor rights, and recommended that New York State labor laws be changed (Task Force Report: Farmworker Collective Bargaining 1991). The report prompted the CMP to increase educational efforts focused not only on farmworker conditions but also on the underlying causes of their needs. (This is exactly the kind of shift that Moore contends puts advocates in danger.) At the same time, farmworker advocates across the state were empowered by the report and intensified their legislative campaign. The 1990s politicization around farmworker labor issues in New York exacerbated the polarization of farmworker advocates on one side and growers on the other.

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[154] The CMP's mission stated that "The Cornell Migrant Program is dedicated to improving the living and working conditions of farmworkers and their families. We also seek recognition for farmworkers' contributions to society and their acceptance and full participation in local communities."

In 2002, coinciding with the thirtieth anniversary of the CMP, the staff conducted a self-study of the program and requested a university review of the program. The self-study and an anniversary brochure of the program highlighted its program achievements, showing how the CMP changed through the years to respond to changing farmworker needs. Cornell conducted the requested internal review of the CMP at the conclusion of which the director of the CMP was removed from his position. The internal review committee found that the CMP was integral to Cornell's mission, its staff had abided by proper guidelines, and its relationships with farmworker advocacy organizations benefited the university. It also found that, at times, the CMP staff overstepped their boundaries and drew negative attention to themselves in regard to advocacy work. The review committee also decided that the CMP did not rely sufficiently on research and that it needed to do more educational activities. The previous director answered both of these last points and argued that all of their programs were based on research (much of it conducted by Cornell faculty). He contended he could clearly point to all of the research that influenced staff decisions about the development of programming. Moreover, he argued, 95 percent of its activities were educational. These refutations were detailed in the formal CMP Staff Response to the internal review (Cornell Migrant Program 2003).

The review called for an evaluation of the program based on the program's fulfillment of its mission, the quality of its programs, how it compared to other similar programs, how the CMP's work related to "emerging farm issues," and whether and to what extent the program should be involved in advocacy (Review Committee 2003, 2). The focus of the report is on the last issue—exactly the issue that growers and their associations complain about. This is something that the CMP staff point out in their

response to the internal review.[155] In fact, in reviewing stakeholder interests, six of the eight stakeholder groups are afforded a small paragraph each in a section titled "Stakeholder Perspectives," while two of the stakeholders, growers and growers associations, are given a full two pages—about two-thirds of the total space in that section (12-15). This bias is also reflected in the choice of whom the review committee chose to interview.

The review report includes a description of a meeting in which the deans of the two colleges involved and the interim director of Cornell Cooperative Extension elaborated on the review committee's assignment (3). At this meeting the committee was told to examine the program's mission, whether CMP was serving the needs of farmworkers, and how well the program was addressing those needs. In other words, the work of the CMP was to be judged by a new standard and not by its established mission or its strategic plan. Moreover, during that meeting the review team was told explicitly to include growers as stakeholders and consider whether the CMP was "pursing a balanced approach toward all constituents" (Review Committee 2003, 3). Obviously, these constituents included growers. The CMP, it is worth pointing out, was not designed to serve growers; it was one small program for workers established to counter-balance the numerous programs that support growers—at Cornell University, Cornell Cooperative Extension, and the New York State Government, such as the Department of Agriculture and Markets.

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[155] "Despite the obvious programmatic emphasis on education, the report is focused on dealing with the infinitesimal amount of work in public policy education, work that the committee eventually concludes is entirely appropriate" (Cornell Migrant Program 2003, 2).

On the face of it, these appear to be reasonable guidelines for assessing a program *if* they are additional steps to evaluation based on the program's approved work, in this case as articulated in the CMP's strategic plan. However, the guidelines appear to have precluded a fair review of the program based on its actual work. Moreover, these guidelines appear to be exactly those desired by growers and their associations. The CMP's 2001 Self Study outlines their six current program goals and offers detailed outcomes for each (Cornell Migrant Program 2001). These goals and outcomes represent the work of the CMP. They are never mentioned in the committee's report. In addition, some of the weaknesses identified and changes recommended by the committee overlap nicely with the CMP staff's analysis of its own weaknesses and proposed changes, yet this concurrence is not recognized. The Self Study is a detailed twenty-page document, the first step in the review process. For some reason, it is almost completely neglected in the formal review, except as a basis for offering an historical overview of the work of the program.

Problems with the review are highlighted when we consider that the stakeholders did not represent the groups that the CMP actually served or worked with. The report points this out

> Many of the stakeholders were confused about what exactly the CMP does. Is it a federal program? A literacy skills program? Some confusion stems from programs that serve migrants having similar names. For example, many farmers used Cornell Migrant Program and Migrant Education Program interchangeably. This resulted, in some instances, with the CMP staff being blamed for the work of other advocacy groups.
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> Stakeholders in several different groups knew of and appreciated CMP's work in the past. However, they were unaware of the CMP's more recent work and believed it no longer existed. (Review Committee 2003, 15)

Those interviewed who were served by or worked with the CMP included migrant workers, Cooperative Extension staff, Cornell University faculty and staff, farmworker service providers, and farmworker advocate organizations (the review committee lumped the last two together as advocates). Based on the review, all of these groups gave positive feedback on the CMP's work. However, some Cooperative Extension staff, who said that the program's work was important, also stated that they had to deal with growers' complaints about the CMP and that the CMP could improve its communication with Cooperative Extension. Some faculty and staff, according to the review, felt that the CMP engaged in too much advocacy. It is no surprise that the growers and grower association representatives interviewed only had negative opinions about the CMP, if they had an opinion.

The largest group the committee interviewed was farmworkers. Those 27 interviews, however, shed little light on the work of the CMP because the program engaged in little direct service to farmworkers. The next largest group interviewed was growers who were 21 of the total of 97 interviews. Those aligned with growers were also interviewed including three business representatives who serve agriculture, five NYDOL representatives, and one representative from the New York State Department of Agriculture and Markets. If we include these interviews along with growers as representatives of agriculture (based on my argument in Chapter Three that NYDOL representatives serve growers more than worker interests), then almost one-third of those interviewed by the review committee would best be served by promoting growers' interests. Again, it is worth pointing out that none of these belonged to the target audience of the program.

The review committee seems to have conflated two of the goals of the review: an actual review of the CMP based on its mission and programming and a better understanding of how the CMP might serve agricultural interests, including growers. By conflating these goals, the review committee used growers' words not to recommend changes to the CMP, but rather to judge its accomplishments. The entire report is clouded by the controversy about whether the CMP was engaged in appropriate advocacy. And, while the findings clearly state several times, as I will show below, that the advocacy was appropriate, the report itself confuses the term by questioning, at times, whether advocacy in and of itself is appropriate, while again finding that it clearly is. Because of the space the advocacy issues takes up in the report, the reader finishes the report with a clear and strong understanding of growers' complaints about the CMP. This is but another example of how growers and their associations get a better hearing from those in power than do workers and their advocates.

Response to the Dismantling of the Cornell Migrant Program

The response to the dismantling of the program highlighted the polarity between advocates and growers. While the CMP was not an advocacy organization, it was drawn into the fray specifically because of its relationships with farmworkers and farmworker advocacy organizations. The advocates and a contingent of Cornell students protested the university's decisions and mourned the loss, even to the extent of staging a funeral in one of Cornell's chapels. Growers, along with Farm Bureau representatives, defended and praised the university's decisions. Farm Bureau staff and Chris Pawelski were quoted in the Cornell newspapers declaring that inappropriate lobbying by the CMP staff

led to its downfall.[156] Lobbying by the CMP staff is something the former CMP director said was explicitly avoided, and, in fact, the review did not find that the CMP staff had lobbied. On the other side, Cornell students and representatives of the advocacy organizations argued to reporters that agribusiness used influence on Cornell to change the program to prevent farmworker empowerment.[157] As one advocate put it, "It's about the power of farmworkers who seek social justice against agri-business which seeks to build a huge profit on the back of the worker" (Geng 2005).

If growers and their associations read the internal review, they either did not grasp that the committee found that the CMP was appropriately engaged in advocacy work or they decided that, despite the committee's findings, they were going to continue with their spin. For example the review committee writes, "We encountered perceptions that campus administration supports advocacy for production agriculture. Yet, when a Cooperative Extension staff member takes a position that farmers or the New York Farm Bureau opposes, advocacy concerns are raised" (8). The review also states, "CMP staff admitted being 'advocates.' But their 'advocacy' activities are comparable to that of Cooperative Extension agriculture educators whose programs support farmers and their products" (16). The committee also found that the CMP's advocacy work was entirely

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[156] Pawelski also repeated this opinion in several web postings to the *Cornell Daily Sun*, see http://www.cornellsun.com

[157] I use the term agribusiness throughout this paper to describe the business of agriculture including growers and their interest groups. Even the smallest farm, if it is a business, is part of agribusiness.

fitting within Cooperative Extension's policies.[158] Moreover, the committee found that advocacy made complete sense within an academic program and that most educators were advocates for some cause. The reports states, "Indeed, academic freedom is meaningless if it does not permit faculty and staff members, based on their scholarship, research, and experience to engage in advocacy related to their experience. The university has a tradition of permitting wide latitude on faculty expressing even the most unpopular and controversial views" (Review Committee 2003, 21).

Since the committee found the advocacy work entirely appropriate, why was the Executive Director removed? As mentioned earlier the committee contends that the CMP's work was not based on research—something the staff of the program vehemently disagree with. The Self Study details some of the research that served as bases for programming. The committee found that the program lacked oversight and accountability and that it did not have periodic reviews of programs or staff. The executive director countered this by arguing that he was reviewed every 5 years to renew his contract and that the program was also reviewed every 5 years. The committee recommendations included: a needs assessment of farmworkers, a change in the mission statement to serve a larger portion of the state's farmworkers, a name change, a move away from direct service provision, an accountability system whereby the program

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[158] The report states, "While it is easy to understand how those generally opposed to CMP would see the above activities as advocacy, we see most or all of these as fitting within CCE policies and practices accepted in other programs. The committee notes the existence of a CCE policy document on advocacy. We recommend that current CCE and college administrators revisit this policy. We also note that the colleges send conflicting messages about advocacy for policy change. We can find examples where political advocacy for public funding and policy change is celebrated. In the current version of accomplishment reporting in the College of Human Ecology, staff members are asked to list as 'outcome/impacts' instances of 'Legislation, Regulations Changed'" (Review Committee 2003, 17-18).

director reports to a faculty member, a fixed term for the director with the possibility of reappointment, the creation of an advisory council, and the need for the College of Agriculture and Life Sciences to initiate a program for growers to improve management skills. In the Staff Response to the review, the staff agreed with all of these recommendations and said they looked forward to being involved in the changes. They did point out, however, that a program to serve growers would best be separated from one that served farmworkers.

In the review report, all of these changes were recommended in the context of recognizing the value of a program focused on farmworkers as well as the value of the CMP's programming. These changes were offered to help the CMP become more effective. Such changes could not occur immediately; they would have to happen slowly over the course of several years. It is unclear why the administration, based on this review, decided to remove the executive director from his position. There was no specific critique of his management, the programming he oversaw, or the CMP's approved strategic plan. According to the executive director, he was told that the administration wanted a tenure line position to replace the senior extension position previously required of the director. However, Cornell administration went on to create the new position at the same level. The CMP staff suspects that the director's removal was purely political—to appease growers and the Farm Bureau.

Another issue, which fed the polarity of opinions on the CMP changes, was whether the College of Agriculture could represent the interests of both farmers and farmworkers. According to the former director of the program, "People who work in CCE [Cornell Cooperative Extension] and CALS [the College of Agriculture] tend to

think of themselves as part and parcel of the agribusiness industry…How do you then run a program that properly focuses on farmworkers if you're so ingrained in the culture of their employers?" (Potts 2004) The director of communication for the College of Agriculture responded by insisting that "Cornell is not 'in the pockets' of the agribusiness industry and the College isn't either" (Potts 2004). She substantiated her claim by pointing out that two recent publications from the College of Agriculture focused on farmworkers and that the authors were clearly interested in serving that population. The newspaper report did not mention that both studies had been initiated and greatly assisted by the CMP. Subsequently, the College of Agriculture produced a third report on the situation of Latino dairy workers in New York.

In many ways research, education, and outreach for farmworkers can benefit both employers and workers as demonstrated by these three recent publications. The first report deals with food and farm safety; it is written in both English and Spanish, and has explicit instructions for workers—not only to protect the farm and its products, but also workers' health. The second looks at farmworkers and former farmworkers in five New York communities with growing Latino populations. Its aim was to find out more about the workers, how they integrate into society, and how communities can respond to their needs. The third report focuses on Latino dairy workers and analyses how growers might be involved in responding to workers' needs, such as English language instruction and identifying reasonably priced options for workers to send money home. In these reports the interests of farmworkers overlap with the interest of growers. This is not unusual, and the Farm Bureau recognizes there are opportunities to help growers when farmworkers are helped.

However, there is also a realm of issues in which helping farmworkers is perceived as harming growers and agriculture, in general. Extending labor protections to farmworkers is a prime example of the type of farmworker issue that pits workers (and advocates) against employers (and their associations). This was underscored by a few of the voices opposing the move to the College of Agriculture. A former dean of the college where the CMP had been housed was quoted as saying, "There [was] opposition to what [CMP] was trying to achieve for social justice, for fairness" (brackets in original) (Geng 2005). In a letter to the editor of the *Cornell Daily Sun*, Bruce Goldstein, Co-Executive Director of the D.C.-based Farmworker Justice Fund and Cornell graduate, wrote,

> Regardless of the possible good intentions of individuals in such institutions, university and state departments of agriculture perceive their principal "customers" to be farmers and their mission to advance agricultural production, not support the interests of farmworkers…The school of agriculture is very unlikely to serve the needs of farmworkers, whose challenges include immigration policy, labor rights and enforcement, and occupational safety and health. (Goldstein 2004)

This more nuanced analysis helps explain why the "possible good intentions" to which Goldstein refers overlook the importance of dealing with controversial farmworker issues.

Grower Influence over Cooperative Extension

While opposition to the move to the College of Agriculture underscored concern over agricultural influences, it overlooked the fact that the program was not adequately protected in its previous home (the College of Human Ecology), where it had been housed for the past 25 years. If the executive director was removed and the program moved to the College of Agriculture due to agricultural industry pressure, then it seems the program was not immune to agricultural interests even outside of the College of Agriculture. This is a crucial point. A better understanding of the land-grant system and

the CMP's home in Cornell Cooperative Extension will illuminate why and help explain how the CMP was vulnerable to growers' influence.

Cornell is one of the 51 original land-grant colleges established by the 1862 Morrill Land-Grant Act. The land-grant colleges were intended to be the people's institutions, as opposed to the elite universities of the wealthy, and were mandated to make the connection between knowledge and practice (Taylor 1981). The land-grant system, along with the state university system, is credited with developing service-oriented university activities, a feature unique to the U.S. university system (Graubard 1997). As mentioned in Chapter Three, the 1914 Smith-Lever Act broadened the scope of the Morrill Act and set up a national system of county-level Cooperative Extension offices to serve the practical needs of farms, homes, and communities through adult education and other programs. Cooperative extension was designed to be run through the land grant colleges with federal, state, and county government participation and funding. It is commonly accepted that the Cooperative Extension system formalized the previous research, education, and outreach mission of the Morrill Act and expanded on the success of the 1887 Hatch Act, which funded agricultural research. Rainsford argues that the 1914 act should not be understood as the federal government's response to an already successful system. Rather, he claims that the Cooperative Extension system was set up because growers did not feel enough direct benefits as a result of the establishment of land grants (Rainsford 1972). As a result, growers pushed for a more formal system to serve their interests.

Cooperative extension became highly successful. This was true not only for those involved in agriculture, but also in regard to adult education, which included offering

public knowledge about life skills, as well as 4-H clubs for children. While all faculty members of land-grant system universities are nominally charged with doing outreach or extension to the community, the Cooperative Extension system also funds faculty lines, in part or in whole, and pays for research associate positions at the universities. The CMP was part of the formal extension system, with university funding coming directly from Cornell Cooperative Extension, accounting for about six percent of the overall budget. Another five percent of the program's funding came from the Colleges of Human Ecology and Agriculture and Life Sciences.

As part of the Cooperative Extension system, the CMP, in a sense, was part of a larger agricultural culture, one that in its early days was directly linked to the Farm Bureau. As I point out in Chapter Three, when Cooperative Extension was founded, counties had to show that agricultural need and interest existed—the county Farm Bureaus accommodated this (Olson 1965). In fact, access to the county extension agent was, at one time, dependent on membership in the Farm Bureau (Olson 1965). According to one source, "It was rumored that some [Farm Bureau] agents sent membership dues bills and educational materials in the same envelope [to growers]" (McDowell 2001, 110). A symbiotic relationship developed whereby the two were often housed in the same office and the public often identified the Farm Bureau as a government entity and not a business interest association. In New York, one of the first states to have a Farm Bureau and extension, the overlap between the two was more extreme. The Farm Bureau website notes that it has had a "long history of cooperation" with Cooperative Extension in New York since 1917, including the period after the "1955 realignment" (New York Farm Bureau 2003, 15). In fact, the two were one and the same.

A pamphlet published by the New York Farm Bureau in 1945 discusses the relationship between the role of the Farm Bureau and extension as one in which the former managed and supported the latter. The realignment began with the "True-Howard" agreement in 1921, which found the Farm Bureau-extension relationships were entangling federal lobbying and local business activities with government funded education, but it was not until 1955 that the New York Farm Bureau and Cooperative Extension became truly separate entities.

The informal influence of the Farm Bureau on Cooperative Extension and, in turn, on the land-grant colleges would endure for much longer. According to George McDowell, an agricultural economist, "The role of agricultural interests in the control of both the extension agenda and the research agenda in colleges of agriculture are one of the most significant problems and opportunities to be dealt with as the land-grant universities move into the 21st century" (2001, 57). In his book describing the social contract of the nation-wide Cooperative Extension system, McDowell claims,

> In the face of some threat to agricultural extension programs, the agricultural community seeks to protect their programs, even if it means forcing the university to abandon other long-established programs. When the threat to agricultural programs is perceived to be the result of efforts by university or extension administrators to realign program resources, agricultural interest groups often participate in promoting the removal of the offending Land-Grant administrator.
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> These circumstances are so prevalent across the Land-Grant extension system that describing the system as being held hostage by agricultural interest groups is considered a fair characterization of the relationship between land-grant extension and the agricultural client groups at the beginning of the twenty-first century. (McDowell 2003, 46)[159]

[159] Others have identified similar characteristics of Cooperative Extension. Dillman argues that rural development is limited by the agricultural gatekeeping (Dillman 1991). Conone contends that the extension system must shift toward more critical needs and is affected by our being "trapped in our agrarian past" (Conone 1991). Bahn, in contrast argues that these arguments are from critics who believe Extension should expand beyond agriculture (Bahn 1992).

His book refers to the "carcasses" of administrators from universities around the country who were removed as a result of working at perceived odds with agricultural interests.

In what respects might McDowell's claims apply to the CMP? First, according to the Farm Bureau Policy Handbook, "Any new and existing investment in the state's extension and research capacity must be held accountable to the agriculture industry, both regionally and by commodity" (New York Farm Bureau 2003, 17). That policy seems to make clear the Farm Bureau's position on its role with regard to Cornell Cooperative Extension. The policy handbook also specifically mentions the CMP, citing not only the allegation of its lobbying activities[160] (one of the topics that fed the controversy of the program), but also the content of its programming. The Farm Bureau handbook reads, "Should representatives of this program continue to work on agendas in direct conflict with Farm Bureau policy, we recommend funding for this program be dissolved. Program representatives should restrict their activities to only those issues and programs which compliment [sic] the viability of the agricultural industry" (New York Farm Bureau 2003, 16-17).[161] On this evidence alone, it is clear the Farm Bureau is willing to support a program for farmworkers within Cornell Cooperative Extension as long as that program is not at odds with Farm Bureau policy. The labor issues section of the Farm

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[160] Regarding the Farm Bureau's and Pawelski's claims that the CMP was inappropriately lobbying, the internal review did not highlight that as an issue, except as expressed through the opinions of growers. According to the review, the CMP had ceased lobbying efforts after being told such activities were inappropriate (17). The staff responded writing that the program has never lobbied, but rather made an effort to cease activities that might give the appearance of lobbying (Cornell Migrant Program 2003, 3).

[161] Campus protesters used this policy statement by the Farm Bureau to highlight the possible role of the Farm Bureau in influencing Cornell's decisions. It was reported in a *Cornell Daily Sun* article. In an online response to that article, Chris Pawelski takes credit for drafting that policy, which was approved at the county level before it went to the state level and was approved.

Bureau policy handbook clearly outlines those policies it opposes, many of which the CMP supported—based on academic research—including collective bargaining protections and overtime pay (New York Farm Bureau 2003, 51). One might say we have an explicit motive for the Farm Bureau to want to influence the programming of the CMP. Unlike the first two examples of grower backlash I cited, this deals neither with ethical nor legal issues. Instead, it concerns interest groups—growers and the Farm Bureau—whose members feel they are not benefiting enough from a research, education, and outreach program focused on farmworkers and who had the power to influence the Cornell University administration in its decision-making.

In regard to whether the Farm Bureau used its influence on Cornell, the policy handbook also states, "We strongly recommend both an external and internal review to be conducted by Cornell University in regard to the activities of the Cornell Migrant Program" (New York Farm Bureau 2003, 17). Short of accessing internal files in the Dean of the College of Agriculture's office, it will be very difficult to prove beyond a doubt that the Farm Bureau and growers had undue influence on the university's decision. Nonetheless, I have tried to offer a framework for understanding the larger nationwide and historic influence that growers have had over Cooperative Extension programming. There is additional circumstantial evidence to support the claim that agribusiness influenced Cornell's decision to remove the director of the CMP and move the program to the College of Agriculture. First, it is likely that Cornell administrators did not perceive the growers' influence as unduly significant or excessive, because they were probably unaware of the extent of the polarity and controversy on both sides of farmworker labor issues. It is normal practice for Cornell to work in conjunction with

agricultural interests and there is an institutional understanding about how these interests overlap with those of Cornell University. By contrast, to understand the necessity and importance of a program for migrant farmworkers, specifically when that group offers no individual or consolidated political power or funding influence, would require an alteration of what is accepted wisdom within the institution. (It is worth reminding the reader that the program was founded in the midst of controversy and in response to protest.)

Moreover, agricultural interests might have clearly, simply, and persuasively argued their case, whereas the materials offered by the CMP, including the self-study and the anniversary brochure, were not marketed with the same clarity and efficiency. Marketing of their programs and successes was not the strong suit of the CMP, but neither would it have given this a priority. The materials were written for specific audiences, and certainly their funders were convinced of the value of the program. The "squeaky wheel gets the grease" theory may also apply here. Agricultural interests complained in loud and persistent voices to Cornell administrators about the CMP. The program, on the other hand, had requested a review to coincide with its anniversary. Indeed, the director wrote in the anniversary brochure that he was looking forward to thirty more years of successful programming. The CMP was presented with pride and the director and staff did not seem to anticipate any need to defend the viability of the program. There appears to be a general opinion among the CMP staff that their work was not reviewed on the basis of their strategic plan, which had already been approved, but rather according to outside criteria. A few additional factors are brought up in a *Cornell Daily Sun* editorial, which argued that, financially and logistically, the changes made

little sense since they resulted in the loss of all outside funding and all staff (Editorial Board 2004). The review committee states in an appendix to its report that they invited, but were unable to interview, the head of The New York State Department of Education, the largest funder of the CMP. After the fact, Cornell administration did try unsuccessfully to persuade the Department of Education head not to retract the funding. The editorial goes on to ask why, after more than thirty years, it was suddenly a priority for the CMP to be working closely with employers.

Like other public sector organizations, the extension system requires political support to maintain funding and strength. McDowell explains that the quid pro quo is that those who offer that support get to influence programming. He also argues that the degree of political clout offered to support and influence extension programming is dependent on the political and economic clout of its users (McDowell 2001, 51). McDowell gives examples of non-farming extension users, such as local elected officials, whose support and influence are far outweighed by growers. If local elected officials, who tend to be well-established community members, have little clout compared with growers, non-citizen farmworkers, such as those described above, would have almost none. In all of these respects, the disparity of political power between farmworkers and growers appears to be a key factor in what befell the CMP.

In line with Tilly's reasoning, the undue influence of growers and their associations can be viewed as an example of how an elite group did not set out to create a powerless subpopulation, but did so as a result of myriad processes employers engage in to protect and advance their interests. Tilly's explanation of power holders' attempt to limit access to valuable resources also resonates with McDowell's analysis of growers'

interest in controlling Cooperative Extension, "Those who have sought to capture the AKIS [extension's research agenda] and hold it hostage have at least done so because they understood its importance to their part of the society and valued it" (McDowell 2003, 48).

One of the underlying reasons for the growers' backlash against the advocates lies, ironically, in the declining political power of agriculture in the U.S. and in New York. This deterioration in growers' status may have sharpened their efforts to protect their interests even when it means using that power to wage relatively insignificant and punitive battles against university programs like the CMP. Such responses could be symptomatic of growers' desperation. Agriculture has been weakened nationwide as WTO member countries challenge agricultural subsidies in the U.S., and as Farm Bill allocations decline. In New York, small producers are eking out a living as they compete with corporate agriculture to supply their produce to mega supermarket chains that control prices and keep an ever-larger percentage of the profits. New York growers are also competing globally with their products. For example, the apple concentrate market has been all but lost to China, an ascendant player in apple production. In the face of these uncontrollable factors, growers choose local battles that they can win—for example, against farmworker advocates. They protest that the activists will put them out of business if they have their way, due to increased labor costs.

Worker powerlessness is exacerbated by the same forces of globalization that are weighing against the growers. The U.S. has taken over the corn market in Mexico, thanks to G.A.T.T., NAFTA, and Mexico's termination of subsidies to small agricultural producers, negatively affecting millions of *campesinos*, small farmers. Some of them can

now be found picking apples in counties around Cornell University, harvesting potatoes on Long Island, and tending to onions about an hour north of New York City, in Orange County. Agricultural labor disputes in New York State show the local footprint of globalization.

PART II: OBJECTIVES, CLAIMS, AND CONCLUSIONS

To conclude this study I return to my original objectives and claims and offer a summary of each chapter. The questions that spurred this study were: What are the characteristics of New York farmworkers that prevent them from addressing their labor concerns? What role do growers play in fostering quiescence in their workers? What do advocates offer to farmworkers? What are the promises and challenges of this advocacy model? These questions led to the empirical and theoretical objectives of this study. These included the following: to identify the circumstances of workers situations through interviews with Hudson Valley farmworkers; to analyze these data and theorize about the constraints that prevented workers from addressing their concerns; to examine the power of growers through their relationship to both workers and advocates and to understand how growers' justify their control of workers, to investigate the advocacy model employed by New York farmworker advocates and offer a critique of that model.

This dissertation can also be understood as examining and proving four claims related to farmworkers, growers, and advocates. First, advocates are necessary, but not sufficient, for workers to advance their interests. Second, advocates bring limited gains. Third, the limited success of advocacy is due to a deficit of workers' collective action. Fourth, workers' collective action is inhibited by the way growers take advantage of workers and because of workers' extremely marginalized political, economic, and social

position. The major findings of this dissertation are related to the specific advocacy model used by JFW. In short, I found that farmworker advocates, while integral to the farmworkers' cause, can indeed only offer limited gains in regard to allowing workers to use their own power and altering the larger structures that prevent farmworker collective action. The reason is not just that farmworkers themselves are not collectively organized, but also that advocates are, in a sense, overly organized. This movement relies more on the power of advocates than on the power of workers. The truest poor people's organization in this study, CITA, is characterized by constraints similar to those of the farmworkers it served. The power dynamics between CITA and the more professional advocacy organizations are a significant obstacle to further success. To go beyond these gains is a challenge for both workers and advocates and the preceding section attempted to explain why.[162] To review my other major results, I will summarize each of the four chapters in which I presented my data and arguments.

Workers

Chapter Two examined the constraints on workers' power to voice complaints, on their ability to improve their working and living conditions, and on their capacity to collectively organize. These constraints are presented from both a historical national perspective and a contemporary local perspective. I presented data to show that since the late nineteenth century, U.S. growers have relied on marginalized workers to maintain a tractable workforce and they have done so with the support of the state. The most significant ways the state has helped growers in these efforts is first through excluding farmworkers from the labor and social protections of the New Deal Era and second by

[162] I am grateful to Steve Jenkins for informing this study, and in particular these major findings.

establishing state-run guestworker programs. I explained the demographic shift that has taken place in New York in the past two decades and showed how New York's newer Latino workers face obstacles to addressing their problems, stemming from their legal status and their transnational attachments and reference points. My empirical data on this new population offered the reader a better sense of who these workers are. The daily manifestation of these obstacles were workers' fear of deportation and getting fired, the desire to return home, and a rationalization of their situations through comparisons to workers in their home countries rather than to other U.S. workers. My data thus reinforces the idea that farmworkers have been systematically excluded—for multiple reasons—from social, political, and economic opportunities and are extremely powerless.

Growers

Chapter Three dealt with the power of New York agricultural interests. Through comparison of agricultural actors in New York to an interest network, I showed how growers try to use their influence in the realm of agricultural labor policy. I highlighted the role of the Farm Bureau as the voice of agriculture in New York and that of the New York State Department of Labor Rural Employment Program in aiding and protecting growers more than workers. My research also focuses on the demographic shift, or ethnic succession, of farmworkers in New York and the role growers have played in facilitating this shift. I gave specific examples of the change on different farms to offer a micro level view of the shift. Insight into growers' perspectives showed how they rely on myths about farmworkers, including racial and ethnic characterizations, and romantic agrarian ideals to justify their labor control. Tilly's theory of durable inequality was used to explain how growers take advantage of existing inequalities—in relation to class, ethnicity, race, gender, education, etc.—to reinforce labor control through their hiring

practices. Understanding grower power requires digging into the day-to-day details of their activities and words as well as understanding their more formal political capabilities.

Advocates

Chapter Four investigated farmworker advocacy in New York. I offered an overview of the concept of advocacy and discussed some of the relevant scholarly debates on the issue. Detailed accounts of the major farmworker advocate organizations—CITA, FLSNY, and RMM—showed their roles in a statewide initiative to improve workers' living and working conditions. I explained their strategies and goals and gave examples of their successes in regard to organizing farmworkers, legal casework, and legislative influence. The scope of the chapter was broadened by my examination of these advocacy efforts in light of a model of advocacy conducted by worker centers, which are multiplying around the country. I focused on JFW's strategic use of allies to show one way advocates increase their political influence and garner support for their cause. While it seems obvious that advocates have helped New York's farmworkers, to what degree they have helped is a more difficult question to answer. I explained some of the issues regarding measuring their success and why attempts at measurement, at this point, may not be useful or comprehensive.

Chapter Four also offered an evaluation of farmworker advocacy through an investigation of the pros and cons of their efforts. Furthermore, I examined the differences between worker power and advocate power to better understand how advocates might best use their resources to continue to make gains for farmworkers. I found that advocates, who are necessary to farmworkers cause, risk becoming too sophisticated in their strategies over time, which, in turn, diverts their resources away

from developing worker power and supporting worker initiatives that might realize larger gains. In this sense, returning to the debate about whether professional, organizational advocates help or hamper marginalized groups, my study suggests that advocates may reach a tipping point whereby their good intentions overshadow the expectations and possibilities of what workers can actually achieve.

Earlier in this concluding chapter I exposed an underside to interest group politics by showing how growers and their associations have fought back against the advocates. This backlash underscores not only growers' power, but also implies that New York farmworker advocates must be perceived as a threat to agricultural interests. If this backlash does not confirm the success of farmworker advocacy, it certainly confirms that growers perceive advocates may have future success in their efforts if they are left alone. My explanation of how growers might have power over Cornell University through the Cooperative Extension system highlighted the wide-ranging institutional dynamics that agricultural interests can influence and showed how growers' are very protective of their control over workers.

CONCLUSION

Innovative and resourceful in their tactics and approaches, New York's farmworker advocates and worker centers around the country have succeeded to some degree in making gains for marginalized workers. This study shows that if such efforts rely on advocate power as opposed to worker power, their success will be limited. Yet, the model should not be thrown away. Significant material gains and larger structural alterations to better workers' position of power have been elusive, but important goals have nevertheless been advanced. Most important, these efforts "give voice" to

marginalized populations and their problems—problems that are part and parcel of the success of many businesses in the U.S. Low labor costs and worker control mechanisms increase profits for global and local companies alike. These same factors exploit workers and intensify their position as a powerless, subclass of laborers. New models of advocacy are improving on more paternalistic approaches of the past, and are establishing initial gains for workers to build on as they begin to coordinate their own power base.

While this might be understood as an old story of immigrant worker activists against powerful employers, these new immigrants have arrived after labor unions passed their peak. Moreover, they arrived to see the steady decline of job security, wages in real terms, and union membership. Yet, in parts of the country, Latino labor organizing has emerged as the embryonic new face of union organizing for the 21st century. This is most apparent in Southern California with highly visible campaigns like SEIU's Justice for Janitors, and more discrete ones such as wildcat strikes by undocumented day laborers. At the same time, Latinos are on the front line of the most contingent forms of work in the U.S. economy. At least forty percent of them are undocumented, and they are exceptionally disenfranchised and marginalized. The shift to undocumented Latino agricultural laborers in New York corresponds not only to a historic pattern of the agricultural industry exploiting immigrant, non-citizen, and marginalized citizen workers, but also to a more recent phenomenon of Latino workers populating every low-wage industry, in every state of the U.S. My case study highlights a circumstance of new immigrants, beyond just those of rural, Latino farmworkers. The resources and opportunities of today's immigrants are not the same as those of immigrants from earlier eras in U.S. history who achieved political incorporation. The lessons of today suggest

that we need to extract new answers from the enduring record of immigrant power struggles that are as old as the American experience itself.

APPENDIX 1

Field Operations

I met with workers directly in their homes, which were all located in labor camps on the farms where they were employed. Along with six bilingual student interns (including two native Spanish speakers), I approached workers in the evening hours to introduce myself, explain the project, and hand out materials on farmworker services and legal rights. If workers were interested in being interviewed, I set up an appointment to return. Workers were not remunerated for their participation. However, I did give them information packages and offered help with services, regardless of whether or not workers participated in the interview. All interviewers completed human subjects training in compliance with the Bard College Institutional Review board and received additional instruction from myself, the project director. I took the lead in every visit and facilitated every interview with farmworkers.

Respondents were not required to answer every question. Interviews were conducted face-to-face with one interviewer and usually two respondents. I personally oversaw and aided every interview. On average, the interviews lasted for one hour. Workers were given code numbers so as not to be personally identified.

This study represents workers from farms of different sizes and farms engaged in different tasks. Of the 19 farms, 13 were fruit orchards (mostly apples); two were primarily engaged in growing vegetables; two were nurseries; one was a sod farm; and one was a combination of fruit orchard and vegetable farm. The average farm workforce as reported by workers was 19, with a range from 1 to 58. Two workers completed half of the interview and then had to stop owing to some other duty (their answers are

included). The team interviewed a total of 120 workers. Seven of the interviews were not used, as those respondents were not employed as farmworkers at the time.

Finding workers was not always easy. I confronted the same obstacles that outreach workers typically encounter. These included navigating unlit rural roads after sunset, locating rural addresses, having a limited amount of evening hours to introduce myself (I did not call on workers after 8pm and we tried to complete interviews by 9:30pm), and uncertainty about whether workers actually occupied the labor camps. Moreover, in a few cases, workers were hesitant to open their doors, though all eventually did so. Farmworkers might be suspicious of unexpected guests for many reasons, perhaps most prominently due to the isolated location of their homes (even from the closest road) and the fear that the guest may be unwelcome. In our experience, this was more common for Jamaican-born workers than for other workers. In one case, after hearing my knocking at their door, workers turned off the lights and the T.V. I persisted and the workers ultimately opened the door. When the workers saw me and my student intern and determined that we did not pose a threat, they invited us in. "We don't open the door at night. We're Black," they explained. This was a poignant example of workers' experiences of racism and fear.

Conducting interviews also had challenges. In several cases, I showed up for scheduled appointments and workers were not available. This was due to several circumstances—workers worked late and when they arrived home wanted to eat their dinner, they forgot, had an opportunity to go to the store, or they weren't home. On several occasions I returned to labor camps two or three times for interviews. Moreover, the shorter 2002 harvest, due to weather damage, meant that we missed the opportunity to

interview workers that left the Hudson Valley earlier than expected. In one case, I arrived at a camp and learned the workers were to depart in two days; they graciously invited me and the interns to return to interview them the following evening.

Interview Instrument

(These questions were all open ended.)

Male Female
Age_____

In your opinion, what is your profession? (not necessarily your present job.)

Where were you born? (town, state or parish and country)

Do you still live in ...? If not where do you live?

When are you here and when are you at home? (For 2001 and 2002 calendar years)

When was the last time you were home?

Do you work in another type of work?

If yes, where and what kind of work?

What kind of work do you do at home?

Single Married Divorced Widowed Separated

How many children do you have?

Where are your spouse and children?

Are you here with other members of your family? If so, who and how many?

Are you here with other people from your town that you knew before you came here?

What is your race?

What is your native language?

Can you read and write in your native language?

In your opinion, what is your level of English from 0-5? 0 1 2 3 4 5 (Not for native English speakers.)
What grade did you complete in school? Grade Age

What is your job at this farm?

How many hours do you work a day?

How many days do you work a week?

How many hours do you work a week?

How many years have you worked in NewYork?

How many years have you worked at this farm?

How many years have you worked in the U.S.?

Have you worked in another country (or your country) in agriculture? If farm work at home or owned a farm, what happened to that work?

How much do you earn per hour? If not per hour, how?

How much do you expect to earn this year at this farm?

How much will you earn this year in other work?

How much did you earn last year at this farm?

Other earnings last year?

From what type of work?

How many people work at this farm? In what jobs?

How many people live with you?

Do you live here?

Do you have your own car or access to a car or other transportation for your local needs?

Do you need to pay for a ride? How much does it cost to go to the supermarket?

Interviewer: briefly describe domicile (trailer, cement block building, etc)

Has anyone come to visit you since you began work at this farm – including service providers?

What services have you received while in NYS? Describe your experience.

What do you need help with (transportation, health issues, etc. anything at all)?

Is there a reason you don't use services (such as migrant health)?

How did you make the decision to come to New York for work?

How did you find out about this job?

Do you like your job here compared to other jobs?

Do you have time off?

How does it work when you want time off or are too sick to work?

How much of your pay do you send home (amount and percent)? How often? To whom?

Many people say that workers want to work as many hours as possible, is that true for you?

If you were paid more would you still want to work as many hours?

Do you think you should be paid more?

How much more?

Does your boss speak your language?

Does your boss treat you with respect?

What do you like about your house in New York?

What would you change about this house?

If you could do any work you wanted what would you want to do? Where?

Why aren't you doing it?

What would you like to be doing five years from now? Ten? In old age?

Would you like to live permanently in the U.S.? In N.Y.?

Do you have exposure to other farmworkers on other farms?

Do you know where the fruit and vegetables from this farm are sold?

Do you know how much they are sold for?

Do you know what percent you make?

Have you heard of guestworker programs, H2A? yes or no

If you are a guestworker and what kind? H2A H2B

(if yes)Would you prefer H2A program or amnesty?

(if yes)Do you think the H2A program makes it difficult for workers to improve their situation? Why?

Would you like amnesty in the U.S.?

Would you want to be a U.S. citizen?

How did you cross the border? (may not be applicable)

Were you able to do it the first time? (may not be applicable)

How long did it take? (may not be applicable)

How much did you have to pay? (may not be applicable)

How has September 11 changed your life?

How often are you paid?

Who pays you?

Do you understand your paycheck?

If you are paid in cash, do you get a pay stub?

If you had a problem with your boss, for example you weren't getting paid on time or you were too sick to work, how would you solve the problem?

Have you ever been a member of trade union?

Do you know anyone who has been a member of a trade union? What was their experience?

Do you work for a contractor? (not applicable to H2 workers)
Would you prefer to be part of a trade union, work for a contractor, be a guestworker or none of these? Why?

Have you ever worked for a farm labor contractor? How was that experience?

Would you want to be part of a farmworker trade union in NYS? Why?

Do you know the laws for farmworkers?

In the fields do you get?
-cool clean water with individual cups?
-sanitary toilet facilities/ hand washing facilities
-do you receive at least $5.15 an hour?

What are your hopes for your children?

What are you afraid of? What do you fear?

The following questions were for men only:
What is your favorite meal to cook?

How did you learn to cook it?

Do you share the cooking?

Do you like cooking?

Do you share the cleaning?

Who does your laundry?

Did you learn to cook and clean at home?

If not, then where and what experiences do you draw upon?

Do you cook your favorite meal for your family at home? Explain.

Do you clean with your family at home?

Would you encourage your sons to cook and clean? Why or why not?

The purpose of these questions is to get an idea of who you are and to find out your political opinions. Are there any questions you think we should have asked that we didn't ask? Or, is there anything else you would like to say?

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