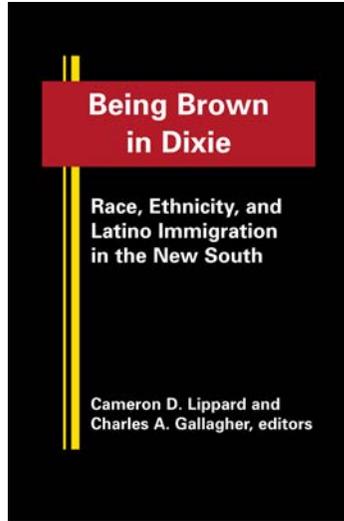


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Being Brown in Dixie:
Race, Ethnicity, and
Latino Immigration
in the New South

edited by
Cameron D. Lippard
and Charles A. Gallagher

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11

Organizing Labor in a Right-to-Work State

Francesca Coin

Over the past five decades, the industrialization of agriculture and its integration into a capitalist world economy have contributed to the deterioration of labor conditions of farmers around the world. Since the General Agreement on Trade and Tariffs (GATT) first liberalized agricultural trade in 1954, U.S. agribusiness has gained a *de facto* monopoly on the financing of agriculture and the manufacturing, transporting, wholesaling and distribution of produce, agricultural inputs and packaging materials (Krebs 1992). The introduction of neo-liberal policies in agriculture has gradually decreased the ability of farmers to determine both the prices they pay for inputs and the prices they receive for produce (Qualman 2001; Pollen 2006). In the U.S., the vertical concentration of capital in agriculture and the consolidation of U.S. agribusiness have slowly pushed farmers towards the bottom of the food-chain, forcing traditionally rich land-owners to hire cheaper migrant labor in order to externalize their costs. While U.S. farmers have attempted to lower their costs by increasing production and selling their crops in the market for lower prices, in the global countryside, the below-cost sale of U.S. surplus produce has generated a dramatic “race to the bottom” (Brecher, Costello and Smith 2000; Shiva and Bedi 2002; Shiva 2005; Magdoff, Foster and Buttel 2000; Lappé, Collins and Rosset 1998).

Today, farmers worldwide are facing an unprecedented crisis. Al Gore defined it as, “the worst crisis our farmers have ever experienced” (quoted in Weiner 1999:14). In the developing countries, we are witnessing the “emptying” and the “de-peasantization” of the countryside (Araghi 1995:337-368). Between 1955 and 1995, the percentage of the global population residing in rural areas and making a

living in agriculture steadily decreased from 82 to 55 percent (Araghi 2001:153). The expropriation of resources and capital in the peripheries and the disruption of “traditional work structures” have directly displaced “small farmers who are left without means of subsistence” (Sassen 1998:257), and stimulated peripheral workers to migrate as a result of the unequal distribution of world income and resources (Massey 2002). In Mexico, the liberalization of agricultural trade sanctioned by the North American Free Trade Agreement (NAFTA) has pushed millions of farmers off their lands. Paraphrasing Harvey’s notion of “accumulation by dispossession” (2003), it could be argued that the monopolistic centralization of capital in agriculture has led to a process of “immigration by dispossession,” whereby the impoverishment of the global countryside has forced peripheral farmers to migrate to the core.

While these dynamics share a common structural cause in the growing power of U.S. agribusiness and in the polarization of wealth in the global countryside, the situation of international competition fostered by the global economy has exacerbated the antagonism between U.S. farmers and peripheral farmers. On one hand, it has stimulated farmers to sell produce for prices below the cost of production (Shiva 2005; Shiva and Bedi 2002; Sassen 1998) and, on the other, it has led U.S. farmers to reproduce capitalist practices of cost externalization and labor exploitation in their own farms, thus contributing to the deterioration of labor conditions for migrant workers. The results of this process are visible in the H-2A program, a guest-worker program that continued the recruitment of temporary Mexican workers after Congress ended the *Bracero* program in 1964. The guest-program is largely promoted as an institutional policy meant to meet the needs of farmers from low-wage countries who sought migration to high-wage countries in an attempt to meet basic needs, while also addressing the needs of U.S. farmers. U.S. farmers who are “desperate for workers” (Massey, Durand and Malone 2002:27) can turn to recruitment of migrant workers in order to reduce labor costs and gain higher productivity, and farmers from Mexico can rely on migration to support their families. As a response to both the “supply-side” and the “demand-side” (Krissman 2000, 2005), over the past few years the guest-worker program has been presented as a way to reconcile the need for cheap labor with the migrants’ quest for economic security. The U.S. administration has maintained that the H-2A program allows “a willing worker and a willing employer to mate up,” and is “a sign of openness towards immigrants,” who are finally “given fair rewards” and advantages (G. W. Bush quoted in Gonzales 2006:158). Similarly, the President of the North Carolina Growers Association

(NCGA), the main employer of temporary workers in the United States, cleverly described the program as a “win-win-win” situation:

It's a win for the growers because they get a reliable work force, a win for the workers because they get good jobs and a win for the American public because it helps cure our illegal alien problem (Eury, quoted in Schrader, 1999).

While an expansion of the guest-worker program is increasingly presented as a policy that would benefit the U.S. agricultural industry, Mexican farm-workers and civil society altogether, the program does not resolve the current crisis of the U.S. farm; rather, it externalizes the farm-crisis onto migrant laborers, encourages U.S. farmers to embrace old practices of labor exploitation, and lays the foundations for the reproduction of those very neo-liberal policies that impact farmers and farm-workers across the border.

In this chapter, I analyze the working conditions of Mexican farm-workers in North Carolina with a temporary H-2A visa, and the ways in which their courageous labor campaign challenged extant social relations of production in agriculture. Between 2004 and 2007, I conducted ethnographic research in the rural areas of North Carolina and Mexico and administered 26 in-depth, face-to-face interviews in both English and Spanish to Mexican farm-workers and their labor organizers. Since the repressive working conditions of H-2A workers in North Carolina precluded an in-depth, multi-sided representation of migrant workers, I conducted most of my interviews in Mexico, where I had an opportunity to visit several workers in their homes. I also analyzed 441 grievances—about ten thousand pages of documents which chronicle the problems workers encounter in the fields. These materials detail both the deterioration in the conditions of farm-labor in North Carolina and Mexico and the labor campaign organized by the Farm Labor Organizing Committee (FLOC), the union that represents migrant workers employed in North Carolina agriculture with a temporary H-2A visa. I argue that the current agricultural crisis cannot be resolved by the externalization of the growers' costs onto migrant workers, but rather by the re-organization of the farm-labor movement at the grassroots level.

Christmas Gifts and Horror Movies; H-2A Program in North Carolina

When I began my research in 2004, the situation in North Carolina agriculture was slowly deteriorating. Traditionally, North Carolina has been the number one national producer of raw tobacco and sweet potatoes, and the number two producer of Christmas trees, cucumbers and turkey. In July 2004, the U.S. Senator for North Carolina Elisabeth Dole described the living conditions of the rural families with these words: “every week my office continues to receive numerous calls from tobacco farm families in desperation. There is a deep feeling of helplessness” (Dole 2004). Most tobacco farmers are: “Just hanging on a little while longer in hopes of being able to pay off their debts.” The situation is critical, she argued: “Status quo is simply not an option.... These rural families are barely hanging on for their very survival” (Dole 2004).

In 2004, the crisis in North Carolina agriculture encompassed all major crops. While it was most visible in the tobacco farms, most rural families were in economic distress. After the introduction of the North American Free Trade Agreement (NAFTA) in 1994, with its liberalization of international competition in agricultural trade, the price of produce plummeted. Facing imported “cheap cukes from Mexico and Guatemala,” growers began to rely on undocumented workers in large numbers. “We’re not proud of the fact, but the reality is a lot of our workers are illegal” (Joiner quoted in Steinberg 1998). During the mid 1990s, the North Carolina Growers Association (NCGA) began recruiting migrant farm-workers from Mexico. “I don’t know what we would have done without them,” reported a Moore County farmer, referring to H-2A workers (Harris quoted in Glascock 1999). But while H-2A workers were “a Christmas gift” for the growers (California grower quoted in Gonzales 2006:161), labor organizers described the working conditions in the North Carolina farm as “a horror movie.” In fact, while the employment of migrant labor allowed the growers to gain much higher productivity, the externalization of labor costs onto the workers translated into below-subsistence wages and exploitative labor practices. As a result, in their interviews migrant workers described their life in both Mexico and in North Carolina as “a war”:

Life is very hard in Mexico. For us, life is very hard.... I had to migrate. Here poverty is a war. It's a war. It's a real war. We don't have a national war in Mexico, but we have a daily war: poverty. It's a war against all of us, and we are struggling. We are all struggling. Everyday we struggle to bring food to our table. It's a struggle. You have to fight to make it through. There's no other choice: you have to cross [the border] to eat."

Upon arrival in the United States, the workers often found similar conditions of deprivation. According to the Farm Labor Organizing Committee (FLOC), most workers don't make the minimum wage, and it is not rare that they have to rely on food stamps to eat. While on paper farm-workers should earn 8.06 dollars per hour, according to one union organizer:

A lot of workers don't make even that little. I was talking to a worker yesterday and his complaint was that he woke up at 6 am and worked for 3 hours. Sometimes there's no demand for labor and they don't work at all. I talked to some workers today and they all said that they started at 5 and worked until 3. So they worked ten hours. But other times they don't work for 4 days. So you have both workers that overwork and workers that don't work at all and make no money.

There are several reasons why farm-worker wages are often below poverty level. As Yeoman (2001) argues, unemployment and underemployment are endemic among farm-workers. Since H-2A workers harvest perishable goods, growers normally hire extra workers in order to have enough labor during the harvesting season. As a result, many workers remain idle for days or even weeks during the summer season. Numerous grievances document the fact that H-2A workers lament the frequent disregard of the Adverse Effect Wage Rate (AEWR), which mandates that the workers should be paid for at least three-quarters of the hours stipulated in the labor contract. At the same time, many workers are not paid for their actual hours of labor. "You know how we cheat them? We fuck 'em on the hours," candidly confessed one grower to Yeoman (2001), an independent journalist.

According to the grievances I analyzed (denoted as *Griev. #, year of grievance*), farm-workers are often paid for fewer hours than they deserve. At one farm, "a worker reported that his employer asked him to work for eleven hours every day but paid him only for five" (Griev. 8, 2004). Seventeen workers found that they were missing hours for a total amount of 1,378 dollars in lost wages, but they were being forced to sign a paystub stating that they agreed that their hours and pay were correct

(Griev. 12, 2004). Five workers reported that their grower owed them a total amount of 600 dollars (Griev. 11, 2004). One worker claimed that he had worked Sundays for a number of weeks but his grower failed to pay him. Another worker reported that his crew leader had threatened him at gunpoint for asking for his paycheck. A similar case involved fourteen workers who reported that their grower was not paying them the correct number of hours: according to the union, in the records for the sweet potato harvest there was a large discrepancy between the hours reported by the grower and the hours reported by the workers. Apparently, the workers were able to prove that the grower owed them payments for a total amount of 600 dollars. When they complained about the missing payments, they were fired and forced to leave camp overnight. On that occasion, union organizers enquired about the large discrepancy in the pay stubs. The grower acknowledged that “somebody could go to jail over this [issue] and that might be me.” A few days later, he paid the workers the difference he owed them (Griev. 5, 2005).

The problems that the workers experience in North Carolina are not limited to low wages. The grievances show that the workers experience multiple types of violations both in the fields and in their labor camps. According to FLOC organizers, most camps are unsanitary, unhealthy, and not suitable for workers. One grievance described the labor camps as being:

So crowded that two workers are sleeping in the washing area directly adjacent to the bathroom facilities. The only thing that separates these workers' beds from the toilets is a curtain. All workers must walk past these workers' beds to access the bathroom (Griev. 6, 2005).

At this camp, the workers reported that they had to stand in line for the bathroom in the morning. The sewage disposal system located just behind the house was broken, and waste water came up to ground level. The first aid kit required by the housing regulations contained expired medicines; there was a rat problem in the house; the smoke detector did not work; the lighting was very poor; only three light fixtures worked; and there may have been a short circuit in the wiring because the light bulbs would constantly burn out. The workers also repeated that not only were the conditions in the camp hazardous, but there were also health and safety issues in the fields:

The grower does not provide sufficient cups for all the workers, and they must usually drink out of used cups that have been discarded on the ground. They are also not given enough time to drink water, and must run after the truck in order to reach the thermos. They are not given any time to go to the bathroom while on the field and must wait until they come home for their lunch break or after work to go to the bathroom (Griev. 35, 2005).

Twenty-five workers had a similar situation at a different facility (Griev. 33, 2004). Their electrical socket did not work; the screens were broken; the refrigerator did not work; they had no toilet paper; one of their toilets was clogged; their mattresses were dirty; the kitchen was locked, they were forced to pay 50 dollars a week for food; and they had no phone. Other workers complained that they were forced to withstand temperatures of less than 42 degrees due to low gas supplies. "There has been scarcity of the gas for the heating system in four trailers," reported their grievance. The two toilets in the camp were not working; they could not regulate the water temperature in the shower; and the two bathrooms in the fields had not been cleaned for an entire month (Griev. 71, 2004). In general, the organizers concluded that:

All too often, housing is unsanitary, unhealthy and dangerous. The Wake Forest University School of Medicine has found that 40 percent of farm-worker families live in overcrowded housing. The North Carolina Migrant Housing Act sets standards for farm-worker housing. These standards, however, are minimal. For example, the Act requires one toilet for every 15 residents. This ratio is below what is required in the state's prisons. It is necessary to update housing standards for the twenty-first century (by ensuring clean and sanitary mattresses on all beds, making sure that toilets and showers at least meet NC jail standards, ensuring there is a telephone for emergency use within at least a mile, and guaranteeing access to kitchen and eating areas, providing locks on exterior doors, and clarifying that migrant workers can have visitors (Griev. 12, 2004).

The comparison between the workers' camps and the North Carolina state prisons is not limited to the housing standards. Many times, farm-workers were kept prisoners in their own camps. As Mary Lee Hall, an attorney at the federally funded Legal Services of North Carolina, explained:

The fundamental problem underlying the program is the degree of control that the employer has over the workers, which is greater even than over undocumented workers: if you are undocumented and you don't like your job, you can walk away. These workers are coming out of economic necessity and place a premium on returning [to the United States] and being able to bring back that money again (Lee Hall, quoted in Schrader, 1999).

In fact, guest-workers are bound by the conditions of their contract to work only for the employer who requests their visa. This means that H-2A workers must conclude the season with one employer, because an eventual dismissal, or the early termination of their contract, would result in deportation and compromise that worker's ability to come back to the United States. The legal bond between the workers and their employers translates into a "constant blackmail" for these workers, as the workers must respect all orders and avoid providing their employer with any potential reason for dismissal: "If you speak up for your rights, that will be the last time" (an H-2A worker quoted in Blanding 2002). As José argued, the grower is "the law," and "when he doesn't like something he simply fires you."

For what you are paid... you have no freedom there. You don't have the same freedom there that you have here. You cannot leave. You cannot move. There's nothing you can do. If you leave the camps they can catch you. The grower doesn't want anyone to leave the camp and anybody to come to the camp. The grower is the law.... When he doesn't like something he simply fires you. He makes you go home and he doesn't call you back (José).

Alejandro and Alfonso point out the same "injustices" below.

The injustice is that they try to pay us in such a way that it is not adequate for the work we do. They try to pay us less than the hours we work. They don't do anything about dehydration in the fields. They don't give us water in the fields while we are working and the situation in the camps is not adequate either. We don't have ventilation there, we don't have telephones or any way to communicate, and then they threaten us (Alejandro).

So far I've been going to the U.S. for 8 years. It's been a struggle. It's hard, it's hot. In tobacco you have to work a lot, but there's no drinking water. There are places in which you cannot drink water. You have to drink your own sweat, because you need water. The other thing is the use of pesticides. When I work there I work with pesticides. Always pesticides, but I know that they do something to me because I cannot breathe. I am 45 now, and this work isn't good for me. Sometimes I am so tired and I need to rest. But I can't rest. Sometimes I have a headache. Sometimes I am sick, but nevertheless I must work. So many things happen, but still you have to work, even if you don't eat or you don't drink. So many things happen in those fields: people get injured. So many people get injured. I've seen so many people there that get injured and sick. Then they discriminate against us because we are Mexicans. When they know that you are Mexican they think that we are worth nothing. But we are making their country better because we are working for them. And the U.S. is a hard country to live in. It's hard. We are Mexicans and we are working there, we are struggling there, we are doing our job there. Still they treat us bad. Still they say that they don't want us there. Still they don't give us water. Still. Here in Mexico it's hard, but there [in the United States] it's worse: we get paid there, but it's hot, it's humid, it's hard (Alfonso).

On top of poverty and poor housing, farm-labor is one of the most dangerous jobs in America. Dangerous machinery, strenuous labor, and exposure to pesticides and other chemicals turn farm-workers into a category of workers with high rates of workplace injuries. The grievances show that many workers are injured in the fields, but despite their health problems they are often not taken to the clinic or reimbursed for their medications. One worker who injured his chest while picking sweet potatoes never received a reimbursement for his visit or for the medications because the grower argued that not only was the worker "lying," it was not even a workplace injury (Griev. 41, 2005). Another worker caught his thumb in the tobacco press and filed for permanent partial disability. Every time he had an appointment with the doctor he was ordered to work, and was thus not able to receive a partial disability rating during that season (Griev. 18, 2005). In 2005, a worker who had suffered a work-related injury and had been told by the doctor not to work for at least ten days, was ordered by his employer to "return to work or quit" (Griev. 87, 2005). Another worker with a back injury was compelled to leave for Mexico without his treatment or his last paycheck because the grower did not want him there if he was unable to work (Griev. 61, 2004). In another case, for two weeks a worker had been asking to be taken to the clinic because of a pain in his kidney. The

crew-leader responded that he would take him to the clinic “one day when it is raining.” When the worker asked again to be taken to the doctor, his crew-leader responded that: “you are not my mother; we are not even relatives; for me you can die” (Griev. 65, 2005).

Death in the fields is not an isolated phenomenon. Below is an abstract from an interview with a labor organizer who explained to me how “Miguel” died from heat-stroke in 2001. This narrative highlights the fact that lack of drinking water is often the cause of heat-related disorders in North Carolina. Prohibited from selling water for profit, the crew-leaders sell large quantities of beer to the workers. This practice can have lethal consequences in the fields, where the lack of drinking water, the unforgiving sun, and the strenuous job can easily lead to heat stroke and dehydration.

Interviewer: How did Miguel die?

Respondent: Miguel he was literally worked to death In North Carolina. He was working in late June, in North Carolina, harvesting crops. He was working for 12 to 14 hours a day. Workers didn't have any access to water. Frequently they had no rest breaks. So Miguel worked until he was physically... until he couldn't work anymore, until he couldn't harvest any more cucumbers or tobacco. He suffered a heat-stroke and only after two weeks, two weeks after his death, was he taken to the doctor.

Interviewer: What did the doctor say?

Respondent: That the cause of the death is unknown.

Interviewer: Why is it that they don't have water?

Respondent: Because when the workers ask for water the *contratista* sells them a beer.

Interviewer: So they can't have water?

Respondent: They can't have water but they can buy beer.

Interviewer: Buy beer?

Respondent: Right. So when you're working 14 hours shifts in June in this type of weather...

Interviewer: It's going to kill you.

Respondent: Right, it did. The Department of Labor withdrew the investigation in December. After Miguel died their files said that that unit was working in late June and didn't have access to water.... I was talking to a worker yesterday and they have the same problem. Apparently the workers were working and there was a truck in the fields and the truck was moving constantly. The water was in the front of the truck but the truck wouldn't stop to let them drink, so they had to run in front of the truck and try to move with the drink truck. It's a very vindictive, humiliating process when they don't even stop the truck to let them drink water.

Interviewer: How hot is it here?

Respondent: It's 90 some degrees with high humidity. It's hard to imagine being out all day with no shade, completely exposed to the sun when there's no water.

Interviewer: But I'm still not sure I understand why exactly they can't have water.

Respondent: Because water cannot be sold for profit.

The case of Miguel became well known in North Carolina. Miguel exhibited signs of heat stroke in July 2001. His whereabouts were unknown until two weeks after his death, when co-workers discovered his remains in the field. A similar case occurred in 2005, when Carlos died some time during July 19 or 20, 2005. The date is not certain because his body was found on a soybean field some time after his death. Apparently both workers died from heat stroke and dehydration. Carlos was hired on July 11, 2005 to work in the tobacco fields in Person County. He lived in a trailer located at walking distance from the tobacco fields; his path to work led through a soybean field. The grievances contain a lawyer's report according to which, on July 20, Carlos was feeling sick and was told to return to the residence. He departed in that direction at around ten in the morning. When his co-workers returned to the residence that evening he was not there. On the afternoon of July 22, his co-workers found his corpse, at the time "severely decomposed at the end of a long week of severe heat at the edge of the soybean field," according to the report. The Medical Examiner declared the cause of death undetermined. The North Carolina Department of Labor began an investigation on July 26. The investigation resulted in citations to the grower for the serious violation of having failed to provide the workers with safe conditions of employment (Griev. D1). The requisites the employer failed to fulfill

included “permitting workers to drink at liberty” and implementation of a “heat stress program.” The citation indicated that the employer failed to inform the workers of the importance of drinking water frequently on hot days. The workers were in fact discouraged from drinking water frequently, even when temperatures were dangerously high. After examining data from the North Carolina state climate office and the reports of the Medical Examiner's investigation, the Autopsy Examination, and the investigation by the Person County Sheriff's Department, the lawyer concluded that the conditions under which Carlos was working were sufficiently hot to increase the risk of a heat-related disorder for Carlos and his co-workers; and that it was:

More likely than not that the working conditions significantly contributed to [worker's last name] becoming too ill to continue working in the field on July 20, 2005. That it is more likely than not that [worker's last name] left the worksite feeling ill due to the hot working conditions, got part way to the residence and collapsed in the field. That it is more likely than not that before, or soon after collapsing in the field, [worker's last name] suffered from a heat stroke, stopped sweating, had a continuous rise in body temperature, leading directly to death from being overheated.... The normal progression for occupational heat disorders is for the worker to develop symptoms of heat exhaustion initially, followed by the more serious heat stroke. During heat exhaustion, a person continues to benefit from the cooling effect of sweat. Workers can recover from heat exhaustion by resting in a cool place and drinking plenty of fluids. If a worker with heat exhaustion does not stop to rest and re-hydrate, but instead continues walking or working in the warm or hot environment, the body's thermoregulatory control mechanism can be overwhelmed, resulting in heat stroke.... The progression described here fits very well with the facts in this case and all of my opinions (Griev. D1).

After his death, the autopsy reported that the cause of death was “unknown,” largely because the worker's body was not found for two days after his disappearance. At the time of death Carlos had two children, both under the age of 18, and his wife was pregnant. FLOC records maintain that, after his death, his widow started working “at a sweatshop in Durango, to provide for herself and her sons. Her baby was born in October of 2005 and then died in December 2005” (Griev. D1).

Carlos' death came only two days after the death of another worker, who died in the University of North Carolina Memorial Hospital in Chapel Hill from a heat stroke on July 20, “following a week of record 100-degree temperatures in North Carolina.” Maurice was a 56-year old

farm-worker from Zacatecas, Mexico, who suffered a heatstroke on Monday, July 18 while working on a tobacco farm in Harnett County. At the time of his death, Maurice had eight children all over the age of 18. FLOC records report that:

Maurice had no desire to or interest in returning to work in N.C., and was hoping to be able to remain in Zacatecas with his wife and extended family during the final years of his life. But Maurice's economic reality, which is currently that of the vast majority of post-NAFTA Mexican farm workers, drove him to do something that he himself knew he had no business doing, given his age and health (he was a heavy man): work in tobacco in N.C. in more than 90 degree temperatures, in July. Maurice died of heatstroke, according to his autopsy, though he also died of NAFTA, and inhumane trade policies. He died within two weeks of arriving in N.C., in 2005. His son has never been the same, at least the last time that I saw him, after his father's death. Before Maurice's death, [son's name] was one of the strongest union members and leaders in the Triangle region. After his father's death, he resorted to drinking heavily and became increasingly withdrawn and reclusive (Griev. D2).

In 2006, another worker named Juan died from heatstroke while harvesting tobacco. The N.C. Department of Labor investigation found that:

The employer did not furnish to each of his employees conditions of employment and a place of employment free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees were exposed to heat-related hazards without adequate provisions to protect them (Griev. D3).

The investigation also found that:

Twelve migrant farm-workers were exposed to heat indices of 105-110 degrees without the opportunity to adequately hydrate or cool down" and that subsequently one worker died of hyperthermia. The grower has contested the findings and the proposed penalty of 2,100 dollars... the apparent worth of the worker's life and health. The Workers' Compensation claim is currently denied by the grower's insurance carrier (Griev. D3).

At the time of his death Juan had five children, three of them under the age of eighteen. Two weeks later, on August 15, 2006, another worker died in Johnston County due to a tobacco machinery accident. FLOC records show that the worker left his wife, a daughter in middle school,

and a son in elementary school. Since his death, the extended family has been helping them economically. According to FLOC records, his cousin commented that the family suffers “when someone goes to Carolina and comes home in a box” (Griev. D4).

Down to the Roots

Many factors make the living and working conditions of farm-laborers in the United States dangerous. On a formal level farm-workers are bound by the conditions of their contract to work only for the employer who requests their visa; they are not protected by either the National Labor Relations Act (NLRA), which specifically excludes agricultural workers from the right to union membership and collective bargaining, or by the Fair Labor Standards Act (FLSA), which fails to address issues such as overtime pay, days off, and work breaks for agricultural workers employed in small farms. While these institutional mechanisms allow for the production and reproduction of a dual labor market characterized by a subordinated and exploited workforce, the root of the problem for the working conditions of migrant farm-workers lies in the structural needs of the global economy.

In the past decades, the introduction of neo-liberal policies of free competition in agriculture has allowed U.S. agribusiness to consolidate its monopoly of agricultural inputs and outputs. This has increased the cost of fertilizers, chemical poisons, seeds, and general agricultural inputs for U.S. farmers, and gradually reduced the market price of produce. While these policies have contributed to the economic decline of the U.S. farm, the guest-worker has provided a tool for U.S. growers to cut their labor costs and remain in the market. In this sense, the H-2A program keeps discontent in the U.S. countryside under control; it transfers onto migrant workers the contradictions of the current agricultural policies and allows U.S. agribusiness to expand, while migrant workers pay the price for the neo-liberal policies of accumulation in both Mexico and the United States. In Mexico, the lower cost of U.S. agribusiness has forced millions of farmers off their lands; in the U.S., the need to reduce prices and cut the cost of labor has gradually translated into low wages and poor housing. Housing “is not cost-efficient,” said one grower, “you need to build labor camps, and building these facilities alone [is] a tremendous cost to get into the sweet potato or cucumber business, and doesn’t even include actual production of a crop” (North Carolina grower, quoted in Bales, 1999). At the same time, one FLOC organizer described the impact of the North American

Free Trade Agreement (NAFTA) in the rural areas of Mexico with these words.

A couple of years after NAFTA, Baldemar visited two villages close to Michoacán in Southern Mexico. In these two villages where there were hardly any men, said Baldemar: almost no adult men were there, only children. All the men had traveled to Mexico City or the U.S. to find a job. In those same days Baldemar attended the annual convention of farm-workers and farm-workers' unions in Mexico. Speaking there, the first thing he asked was how many of the 1,500 people that were there had family members working in the U.S. without documents. Every single one of them raised their hand, he said. More than any statistics I've ever read this says a lot about NAFTA and its consequences on farmers. In these two villages there were hardly any men, he reported: almost no adult men, only children. All the men had traveled to Mexico City or the U.S. to find a job.

The introduction of neo-liberal policies in agriculture has prompted widespread practices of cost-externalization that have proven to be economically convenient for the growers, but disastrous for the workers. While the growers consider the H-2A program as a "Christmas gift," the U.S. officials in charge of the program warned that "we see way too many violations, way too many instances of farm workers not being afforded minimally decent standards and wages in the workplace" (Fraser, quoted in Schrader, 1999). Independent journalist Blanding described the living conditions of these workers as "abominable, with filthy bathrooms, rodents, contaminated water, and the nearest fresh water one mile away" (Blanding, 2002). Geraldo described the situation in North Carolina as one of the most difficult that he has ever experienced.

In 1997 I had the opportunity to go to North Carolina. I had never been to the U.S. before. I was afraid. My friend used to tell me that they treat people bad there, so I was afraid. When I went there it wasn't easy. The association and the legal services know that they pay us badly. They treat us with violence... [sighs] threats. Verbal threats! I've had several problems there.... Many of my friends went back to Mexico because they were mistreated, and because they couldn't handle the amount of work. It was not the amount of hours alone; it was the intensity and the speed that they demanded from each of us. They asked us to do more labor than we physically could handle.

In the heat, in the rain, without water! They asked us to work so much. They kept asking for more. They asked for more production, more tobacco, more production, more in every hour. And at the same time they didn't give us the possibility to drink water, so we couldn't drink water. We didn't have any water, just beer and sodas. They sold us beer because they can sell it for profit, whereas they can't sell water for profit. So they would sell us beer and soft drinks, but not water. A lot of people ended up drunk. If you work under the sun without water you either get dehydrated or drunk, and if you get drunk it's very dangerous, because you may injure yourself and everyone else. It's very dangerous, but nevertheless the crew-leader sold us beer.

At the camps we used to have a kitchen but it was locked. It was open only at particular times. If you didn't eat during those times you could not eat at all. They sold us dinner for 45 dollars a week, but that did not include water or anything to drink. So we asked for the help of the Legal Services.... But at that point we were all blacklisted. I haven't been back there for two years. They didn't call me back last year because I was blacklisted. Now with the introduction of the new labor contract and the union they were forced to call me back, but now I am afraid to go.... My wife is afraid too because she thinks that they are going to retaliate against me for what happened in the past, because I called the Legal Services and caused them so much trouble. She thinks that they will take some action against me. That's what she and my children think. That's what I think too. But I am going, because I need to. Here in the past few years there have been less and less opportunities. There is more competition, so for one job-opening you have thirty people competing with you. So I have to go. I only hope that they won't harm me. Harm me with threats... I don't know what they can do to me (Geraldo).

"Many times it sounds like a horror movie," one labor organizer concluded.

Externalize? Organize!

As economic constraints on the farm fostered the decline of wages, health regulations and safety standards in agriculture, there was just one action that the workers could take to change their labor conditions: organize! In 1998, the Farm Labor Organizing Committee (FLOC) launched a boycott campaign against the Mt. Olive Pickle Company (MOPC), the largest pickle company in the United States after Vlasic Food in Ohio. Unlike past labor campaigns, this one did not merely target the growers: it recognized that not the growers but the food-processing corporations controlled the structure of the agricultural

system, including the benefits available to farm-workers, and it sought to reach a tripartite agreement with the growers and the processing company. On September 16, 2004, farm-workers in North Carolina signed the first tripartite labor contract for guest-workers in U.S. history. Among other important things, the contract established that the processing company that bought cucumbers from the North Carolina Growers Association (NCGA) pay higher prices for their crops, thus allowing the growers to give a 10 percent wage increase to the workers in the three years following the agreement. It required that workers with seniority be given priority in the recruitment process and that union workers be given preference over non-union workers, and it mandated that the workers be compensated for their trip from and to Mexico. The contract was a historic achievement for migrant farm-workers: it marked the first time in U.S. history that guest-workers won union representation; the first time guest-workers won a labor contract; and was the largest contract in the history of North Carolina, the least unionized state in the United States.

When the agreement was announced, union officials said that it was the beginning of a new era: farm-workers finally had the right to demand better working conditions without fear of retaliation. At the end of the growing season:

Workers gathered at a forum in Raleigh and said their relations with farmers had vastly improved. Many said they had better housing, more breaks and several other new amenities. They recounted stories of asking their employers for concessions—a car for workers to use, the rescheduling of their duties — and, for the first time, getting “yes” for an answer (Collins 2006).

Alejandro declared that “now with the union we are protected; they still threaten us but we are protected.” According to Thomas, “now that we have the union it’s much better. We don’t have to pay 50 dollars each week for our meals. The grower even gave us the cooler for water. It’s better.”

By contrast, the growers complained. Already in 1998 one North Carolina grower had declared that if “FLOC is successful with its unionizing drive... that would make it unprofitable to harvest cucumbers” (Joyner, quoted in Steinberg, 1998). For the growers, the labor contract constituted an acceptable increase in labor costs. At the same time, the contract required that the growers give the right to preferential employment to union workers, thus mandating fields full of union workers who would be educated to defend their rights. In North

Carolina, a state known for being the least unionized state in the U.S., growers “simply [weren’t] willing to abide an organized work force” (Collins 2006). According to the NCGA president, the growers complained that union membership “makes workers less motivated, prompting complaints from farmers” (Eury, quoted in Collins 2006). The president of a labor supply business in Lovington argued that the right to union representation gave workers the impression that “if they want to sit on their bucket, they’re still going to make 8 dollars 24 cents an hour” (Whitley quoted in Collins 2006). According to a Moore County farmer, many farmers “are adamant that they don’t get as much work out of their employees as they used to. Carter said he’s not sure whether the workers have changed, or if anti-union sentiment has colored farmers’ views” (Carter quoted in Collins 2006).

After the introduction of the labor contract, growers began to look for ways to maintain the same levels of profitability despite the higher cost of labor. Since the new standards introduced by the labor contract in terms of wages, recruitment, health and safety regulations translated into higher costs for the growers, many decided to take advantage of a Federal one-time buyout for tobacco growers in 2005. At the same time, about five hundred growers decided to leave the NCGA. Whereas in 2004 the North Carolina Growers Association counted about one thousand members, three years later the number had halved. Many of the growers that did remain inside the association looked for ways to overlook the “union preference” provision which required them to give priority to union members in the recruitment process, and to hire unorganized labor. The structural reason why so many growers left the association resides in a mechanism typical of the capitalist economy, whereby the pursuit of greater profits depends on the ability to limit labor-costs and employ unorganized labor. In this context, during the seasons that followed the introduction of the labor contract there were hundreds of workers who were not called back to work despite (or due to) their union membership, and many growers left the association in order to outsource their production to agencies that could provide them with cheaper workers. A FLOC document dated March 2006 reports that many growers have their own “preferred workers, who practically all are non-union.” On one occasion, 1531 preferred union workers had been classified as ineligible for the 2005 season. On a different grievance, 330 union workers who had completed a satisfactory season during the previous year did not appear in the NCGA seniority list for 2005. The association always denied any relationship between the workers’ association with the union and their eligibility in the recruitment process, but in a few instances such a relationship was clear. In March

2006, one grower reportedly asked four workers: “¿por qué no renuncian [al sindicato]? Tienen los mismos beneficios [why don’t you give up the union? You will have the same benefits].” In May, another grievance reported that one grower asked one worker if he was “with the union,” and:

When [worker’s name] responded that, yes, he is “with the union,” [grower’s name] responded by shouting, “Mexico!,” as in either resign from the union or face termination or not being asked back the following year, based on his union affiliation (Griev. 34, 2006).

The attempt to limit union demands escalated in 2006, when the growers claimed that they would not comply with the labor contract’s mandate to hire union workers because the “Union Preference” provision was a violation of the North Carolina “Right to Work” laws. Right to work laws are statutes enforced in 22 U.S. states that prohibit trade unions from making membership or payment of dues or “fees” a condition of employment. This statute offered legal protection to those growers who intended to continue outsourcing production to agencies that could provide non-union workers. In order to bypass the regulations enforced by the contract and return to traditional exploitative practices, growers used the “Right to Work” laws to create new agencies that would be able to provide non-union H-2A workers to North Carolina farmers in competition with the NCGA.

Three years after the previous campaign, the only option for FLOC was to begin a new labor campaign in North Carolina organizing those non-union H-2A workers hired by growers who were not complying with the labor contract. The purpose of the new campaign was to ensure that all farmers respected the conditions mandated in the labor agreement whether or not they were part of the NCGA. The concept behind the new campaign was to counter the mechanism whereby companies must always transfer production to wherever the cost of labor is cheaper. Since the cut-throat competition fostered by the global economy pressures farmers to outsource production wherever the cost of labor is lower (Bercher and Costello 2000), the union is forced to “organize” the workers wherever these companies “externalize” production. For this reason in 2007 FLOC started a new boycott campaign against RJ Reynolds, one of the largest tobacco corporations in the world, in order to prevent non-union growers from having an edge on the union growers and demanding that all growers respect the basic labor and human rights protections mandated by the labor contract. The same principle had driven the union to move its operations to North

Carolina after signing a labor contract with Campbell Soup, Vlasic Food, Heinz, Green Bay, Aunt Jane corporation and their tomato and pickle growers in the 1980s. Upon signing these labor contracts in Ohio, the cost of labor increased. The union was then forced to expand its operations to North Carolina in order to prevent these pickle producers from buying cucumbers from non-union growers. The FLOC president described the campaign in North Carolina as a “necessary second step in a broader campaign that we see stretching down into Guanajuato and Michoacán, Mexico” (Velasquez, 1998:26). An expansion of the labor contract was necessary in order to prevent these companies from moving their operations to other states with lower costs of labor, thus overriding the rights enforced by many years of pickets and strikes. In this endeavor, FLOC proposes a new model of labor organizing that counters the downwards pressure on prices with an upwards pressure for social reforms in agriculture (Velasquez 1998:25). The goal of FLOC’s movement is not merely a labor contract, but the transformation of the social relations of production throughout the agri-food industry, and the substitution of traditional exploitative practices with an organized and protected labor-force (Velasquez 1998:25).

As of April 2010, the boycott-campaign against RJ Reynolds has yet to come to an end. The union holds that farmworkers endure long hours of stoop labor in the fields, harassment, poverty, exposure to pesticides, denial of basic labor rights protections, and deplorable living conditions. It also denounced thousands of yearly cases of Green Tobacco Sickness (GTS), a sickness which is caused by a high level of nicotine absorption through the skin, and nine more deaths of workers from heat-stroke over the past two seasons. On its side RJ Reynolds has deflected criticism and up to date it has refused to meet with the union.

Conclusion

At the time of writing in April 2010 it is still unclear whether FLOC’s boycott campaign will be successful. While it is likely that RJ Reynolds and most land-owners will not change their attitude towards the union, it is also apparent that the exploitative practices inherent to a guest-worker program that transfers onto migrant workers the contradictions of the global economy does not represent long-term solutions for either party. The recent financial crisis has heightened the difficulties of US agriculture, tightened cash flows for growers, and increased price instability for all major crops. While RJ Reynolds argues that it is not responsible for the labor relations between growers and farm-workers, growers are nervous about raids conducted by the U.S. Immigration and

Naturalization Service at farms around the state, and concerned with the tendency of undocumented workers to quit in the middle of the season (Schrader 1999). Corporate competition adds to the vulnerability and high indebtedness for growers, thus creating a general situation of insecurity and anxiety. In this context, the most important question is not whether or not the campaign will be successful, but whether or not it can provide a new direction for the labor movement, and thus contribute to a framework which can productively address the contradictions among smaller farmers, large growers, and transnational agribusiness.

In terms of innovation, FLOC campaigns were tactically important. FLOC was the first union to recognize that the organization of the food-chain was changing, and that the concentration of capital in agriculture was shifting from the growers to the food-processing corporations. The food-processing corporations control the growers' activity through the use of contracts, which inhibit the growers' pricing power for farm inputs and labor. After a series of unsuccessful negotiations with the growers, the union shifted its attention to the processing plants, and centered its organizing drive on the need to reach a tripartite agreement among the workers, growers, and processing corporations. The tripartite bargain agreement is one of the most important innovations that FLOC introduced into the labor movement: it not only offsets the ways in which the multinational corporations play growers and workers against each other, but also attempts to negotiate with all actors. Within a global context of antagonism and competition, the creativity of the FLOC strategy lies in its move away from the traditional Marxist belief in the irreconcilability of class interests and its attempt to respond to the needs of famers as well as workers. For example, by the end of the first campaign in North Carolina the FLOC president suggested that the union should "defend" the family farmers who had signed the tripartite agreement, and "express gratitude and encourage them to stand firm" (Griev. 9, 2007). Driven by a belief that the farmers "have a lot more in common with farm-workers than they have with corporate agribusiness giants" (Velasquez, 1998:25), the union has sought an alliance with such growers for several years. Such a perspective still encounters strong resistance among the farmers: once rich land-owners and "masters" to their workers, most North Carolina growers relate to the workers from a position of privilege. Paraphrasing Roediger (1999:95), we could say that the growers still create "a tremendous difference between [their] reformed self and those whom [they] formerly resembled," in order to "insure that he will not slip back into the old ways or act out half-suppressed fantasies." While it is likely that the growers' response to the union will not change in the near future, it is also true that the union's

non-antagonistic and inclusive discourse constitutes an interesting change of perspective for the labor movement.

FLOC's non-antagonistic agenda has mobilized different sectors of civil society. Inspired by principles of non-violence, through the years the union was able to gain the trust of not only the workers but also of the community. None of these outcomes was simple: "a work force that has so little to gain and so much to lose from talking about their workplace problems with 'outsiders'" is very difficult to organize, explained a former FLOC member. It is necessary to establish a relationship of trust with the workers, and such a relationship is hard to achieve due to the high rates of turnover amongst the workers, the workers' reluctance to speak, and the fact that many times the season is over by the time such a relationship is established. Commenting on the many difficulties facing farm-labor organizing, Harvard economist John Dunlop declared in a 2001 interview that helping FLOC to establish Collective Bargaining relationships with cucumber and tomato processors and farmers in 1986 was one of the three major challenges of his career, the other two being dealing with a student strike at Harvard in 1969 as acting dean, and resolving a jurisdictional dispute in the construction industry in the 1950s. (Kaufman 2002:332). As Alexander Morin observed, "dispersion [of employment] is no doubt one of the principal reasons for the failure of hired farm-workers to organize into unions" (Morin 1952:34). Moreover, farm-workers typically identify with farm-owning, rather than farm-working. "Joining a union with fellow farm-workers" is not one of the main "long-term aspirations for farm-workers" (Morin 1952:43). Proud, vulnerable, politically and geographically isolated, and accustomed to being "used by everyone since coming here," as a labor organizer put it, farm-workers constitute a challenge for unions. "You have to give every ounce of yourself," commented an organizer.

They [the workers] have to see that you are there and that you are not going anywhere. [That] you are committed to them. When the workers don't trust you, when they don't trust your intentions or what you are doing, then you're fighting a lost battle. You have to earn their trust. You have to earn it by being there every day and by giving them every ounce of yourself.

Throughout the years, the union articulated its philosophy around principles of negotiation and solidarity. As Bruce Fireman and William Gamson argued (1979), the importance of non-utilitarian human relationships and non-material incentives is key to the creation of trust

and reciprocity. In time, the union transformed itself from an institutional actor into a movement: “movement movement movement!,” one organizer said. Although a very small union, it drove thousands of consumers, students, labor, and church groups to identify with its principles. In this context, the element of irrationality that social movement theory recognizes as “outbursts of social hysteria” (Durkheim, quoted in Crossley 2002:26) translated into a rational strategy and an insightful understanding of the global economy, which enabled the union to negotiate with different political partners and to gain public support. Despite the structural weaknesses of the campaign, its limited resources, and the current challenges of the financial crisis, its strengths provide new areas of reflections for the labor movement. First and foremost is FLOC’s dedication to the workers and to non-violent practices of collective bargaining and negotiation. These beliefs supported the union in its attempt to counterpose the current “race to the bottom” with a social movement based on fair labor practices and solidarity. Only by such alternative is it possible for civil society to challenge the existing social relations of production, and only by such alternatives is it possible to create a food-chain that respects the global need for food security and agricultural sustainability. As the workers would say, “*Si Se Puede!*”

