

**The American Apple:
From Family Grown to Foreign Migrant Labor**

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“Our supermarkets are filled with glistening produce – crisp green lettuce, glowing red tomatoes, juicy pink melons. Like so many consumer products, fruits and vegetables appear before us as if by magic, ready to be selected, purchased, and brought home to eat. While we know these products come from somewhere – that they are grown, harvested, and shipped to the stores where we buy them – few people realize that virtually every vegetable and piece of fruit we eat was handpicked by a farmworker, a member of our nation’s poorest and most disadvantaged class of laborers” (Rothenberg xvii).

The color of agriculture has changed over the past fifty years in the United States. The agricultural labor force has shifted from family and local community members to predominately Hispanic seasonal and migrant workers. The Census of Agriculture defines a migrant farmworker as a person who crosses county lines and stays overnight away from home to do farmwork for wages; usually a migrant farmworker obtains at least half of their annual income from farmwork, working anywhere from twenty-five to one hundred and five days each year (Martin 10). Since the 1990s, Mexicans can be found “picking citrus fruit in Florida, harvesting tobacco in North Carolina, collecting mushrooms in Pennsylvania, tending poultry in Maine, packing orchard crops in Washington, cleaning fish in Alaska, and working in the slaughterhouses in Iowa” (Gonzales 224).

The Hispanic population has steadily increased over the past century in the United States due to many factors such as: political turmoil and economic crisis in Mexico, and the opportunity for work and a new start in the United States. The Hispanic population, which includes Mexicans, Puerto Ricans, Cubans, and other Latin Americans, according to the U.S. Census Bureau, increased by 61 percent between 1970 and 1980, and increased by another 53 percent from 1980 to 1990 (Gonzales 223). In the mid-1990s, the census data concluded that the Hispanic community accounted for 22.4 million people, which is approximately 9 percent of the total U.S. population (Gonzales 224). These statistics, however, do not accurately represent the total number of Hispanics that have migrated to the United States, because of

the high volume of undocumented workers that cannot be accounted for, many of whom work in farming and are constantly on the move, following the harvest seasons.

The rapid growth of the Hispanic population has created some concern among Americans and many are questioning why and how they are in the United States. The Hispanic population has infiltrated American agriculture and industry and only seems to be growing in numbers and presence. Historically, the American Southwest has been the destination of Mexicans and other Latin Americans in the United States. It has often been thought that the Hispanic problem was one of the West and not a concern for the central and eastern states. However, in recent years, Hispanic migrants have been venturing beyond the Southwest and are impacting industry and agriculture all across the country.

Adams County, Pennsylvania is one region that has experienced a large influx of Mexican migrant workers in the past few decades. Adams County is a 526 square mile rural area in South Central, Pennsylvania (RO Community Needs Assessment 1). Agriculture is the leading industry in Adams County, with over 1,300 farms and orchards, and it contributes over \$130 million annually to the economy (Community Needs Assessment 1). Adams County is nicknamed Apple Capital USA because it is one of the largest apple producers in the nation, with 20,000 acres dedicated to fruit production (1). The most recent U.S. Census data for Adams County indicated that there are 3,323 Hispanics in the county, many of whom work on the farms and orchards (1). Mass fruit farming needs fruit production to clean, sort and ship the produce. In Adams County, there are many leading fruit packing and processing companies such as the Rice Fruit Company and Knouse Foods, which owns Mott's and Musselman. Many of the production companies employ Hispanic workers, many of whom have settled in the local area after working in the orchards.

Adams County farm work procedures are consistent with overall U.S. agriculture data. Approximately eighty-five percent of produce in the United States is hand picked, generally by foreign and migrant labor (Student Action with Farm Workers lecture 9.25.03). These migrant laborers travel to rural agribusiness regions of the U.S. to pick apples, peaches, pears, tart cherries, plums, apricots, and mushrooms, and to work in poultry and other meatpacking plants across the nation. Adams County, Pennsylvania also follows the trends of the agriculture business in that there is a great deal of controversy regarding the rights and services with which the migrant workers are provided and should be provided. Not only are there questions being raised as to the legality and need of the migrant workers' in the United States agriculture industry, but there has also been interest in the mistreatment and rights of migrant farmworkers. Immigrant farm workers are easily discriminated against because they are not familiar with their rights and U.S. labor policies and regulations. The National Agricultural Workers' Survey shows they also have little or no comprehension of the English language and in many cases are illegally working in the United States. Farm owners and crewleaders are well aware of the disabilities of the migrant workers and have historically taken advantage of the migrant workers' vulnerable position.

Many Americans are curious as to how and why millions of Hispanic people are coming the United States to work in our factories and on our farms. Are these immigrants and migrants taking jobs away from American citizens? What kinds of rights do the Hispanic workers have? And how has their position in the U.S. labor force has affected agriculture and farmwork policy?

To answer these important questions, I interviewed several experts in the field of migrant farmwork including two Adams County farm owners, a Legal Services attorney, a representative from the Pennsylvania Department of Agriculture, and a migrant crewleader.

The following are short biographies introducing my informants. Their stories and experiences are used throughout the paper to access and understand the many viewpoints regarding migrant farmwork and labor in the United States today.

Informants

Larry Norton of Carlisle, Pennsylvania is a lawyer and has been practicing public interest law for over thirty years. In 1982, he worked in south Texas for an organization called Texas Rural Legal Aid, near the U.S./Mexico border. His work in Texas was his first experience doing farmworker advocacy with the migrant population. Larry Norton's hands on experience with Pennsylvania migrant farmworkers has been minimal. He is, however, a member of the board of directors for the legal organization, Friends of Farmworkers, based in Philadelphia. Norton is also connected with Philadelphia Legal Assistance, which has a migrant farmworker program. Most of Norton's litigation work has been against employers, such as growers, packing sheds, processing facilities, and other types of industry (Norton 2). Norton's primary discussed farmwork policy from the viewpoint of legal advocates and what changes he feels need to be made in order to better the lives of the migrant population.

Jim Lott is a third generation fruit grower in Adams County, Pennsylvania. His farm, Bonnie Brae, totals approximately 1,400 acres, 800 acres of which are fruit. Jim Lott's primary fruits are apples, peaches, plums, nectarines, tart cherries and pears. Lott's grandfather started the farm in 1927. Jim Lott has six full-time employees and between fifteen to twenty Mexican men working for him year round. Carlos Fernandez is the crewleader at Bonnie Brae and he brings his crew of approximately forty to sixty people each year for the peach and apple crop. Jim Lott provides housing for his migrant workers and charges no rent. Lott is an active member of the farming industry in Adams County and

Pennsylvania through his involvement in growing committees and organizations (Lott 2). Jim Lott discusses the change in the farming labor force and how legal advocacy groups have made regulation compliance extremely difficult for farm owners.

Carlos Fernandez is the crewleader for Jim Lott at Bonnie Brae Orchards. Fernandez started working in Adams County, Pennsylvania in 1958 and has been involved with migrant farmwork for many years. He has witnessed a lot of change over the years regarding migrant farm working conditions and wages. Carlos is the liaison between the owner, Jim Lott and the Mexican workers. Carlos' primary concern is housing.

Suzanne Benchoff is the Director of Migrant and ESL Services at the Lincoln Intermediate Unit, a federally funded educational agency located in Gettysburg, Pennsylvania. Suzanne Benchoff has a bachelor's degree in social work, a master's degree in psychology and her doctoral work is in education, which she hopes to finish in 2005. Benchoff has worked with the Lincoln Intermediate Unit for twenty-five years. She began work as a community liaison social worker in the migrant community, moved up to be the coordinator of social services and was promoted to Director of Migrant and ESL Services in 1999. As a social worker, she was responsible for knowing the community agencies, and location of the farms and labor camps in the central Pennsylvania area (Benchoff 2). Benchoff shared stories of labor camps visits and an interesting perspective on the changes that have occurred in Adams County, Pennsylvania over the past thirty years.

Mark Rice is a seventh generation fruit farmer in Adams County, Pennsylvania. Mark is a Cornell University graduate from the College of Agriculture. Mark Rice is the President of R & L Orchards and his older brother Ted Rice is the General Manager of the Rice Fruit Company, a fruit packing plant. Mark Rice has approximately fifteen to eighteen year round male workers, mostly Anglo, as he indicated, and upwards of seventy-five pickers during the

harvest season that work the 900 active acres of orchards. R&L Orchards has two labor camps for its workers, conveniently named Camp I and Camp II. Camp I consists of eleven trailers that house four people each. Camp II is a site that has recently been remodeled, costing \$130,000 to refurbish, according to Rice. It has two buildings that each house twelve men. It is an entirely male camp. Mark Rice made it clear that he comes from a Democratic family, but that he votes Libertarian (Rice 1-2). Mark Rice explained how the abundance of government regulations has made farming difficult.

Thomas Oyler, Jr. is a sixth generation farmer in Adams County. His family's farm was once all fruits, but has now diversified into corn, wheat and beans. Oyler has a bachelor's degree from University of Maryland, College Park in horticulture, a master's degree from Penn State in agriculture and extension education, and is a Ph. D. candidate from Penn State in agricultural extension. Oyler's background is in public education. He has served as the Director of the Urban Pesticide Education Program. Thomas Oyler was appointed as the Regional Director of the Pennsylvania Department of Agriculture in the summer of 2003. He is essentially responsible for all of the efforts of the Regional Department, located in Harrisburg, Pennsylvania (Oyler 2-3). Thomas Oyler discussed the status of agriculture in Pennsylvania and movement towards fewer, but larger farms for economic purposes.

United States Agriculture

In today's society, we tend to take for granted the accessibility and affordability of food. The U.S. is a nation founded and based on agriculture. Farming has been the way of life for hundreds of years and is now a large contributing factor to our economic success. American farmers produce approximately \$200 billion worth of agricultural products each

year, of which more than one quarter is exported throughout the world (Rothenberg 59). The U.S. agriculture industry “offers an impressive variety of products at prices so low that Americans spend a smaller proportion of their income on food than consumers anywhere else in the world” (Rothenberg 59).

Agriculture has always been an important political and economic issue in the United States. In 1863, Congress passed the Homestead Act that deemed the family farm system the pillar of rural democracy in this country (Martin 4). The farm labor system in the United States was family owned and operated, with an occasional “hired hand” (Martin 4). The hired hand would work for the farming family for wages only until he was able to work his way up to buying or homesteading on his own farm (4). “America’s family farms were expected to supply most of their own labor and capital,” except for the hired hand and the obvious exception of plantations that depended on slaves (Martin 4). As Thomas Oyler recalls, “There was no division of labor on the farm [when I was in preschool]. Mom and Dad were out in the field together [...] with or without the five kids. That’s just the way things [were]” (Oyler Interview 4). When Bonnie Brae Orchards were started in 1927 by Jim Lott’s grandfather, “mostly [...] they used local help, people would take off work and pick the crop” (Lott Interview 2). A shift from family and local workers transitioned into a labor force consisting of primarily migrant and foreign labor.

Migrant farmwork emerged as a “distinct class” in the 1850s, when farmers in the Midwest began to specialize in particular crops, such as wheat, rather than planting a variety of crops (Martin 4). These American migrants were traveling strangers who began to follow the harvest seasons, working for a few weeks and moving on to the next farm (4). Family owned farms, sharecroppers and tenant farmers were the primary agricultural laborers in the late 1800s and early 1900s. However, “tenancy as a potential steppingstone to farm

ownership slipped further out of reach during the [early 1900s] as the supply of new land for farming dwindled” (Griffith and Kissam 9). As domestic agriculture slowed, domestic food supplies were supplemented with imports, which drove the cost of food up (9). This agricultural crisis “laid the foundation for [...] political and economic support for commercial agriculture that would not only improve food supplies but also consume the products of industry [such as] fertilizers, hybrid seeds, farm machinery [...] and so on” (9).

Many of the crops produced in the United States are fresh fruits and vegetables (Rothenberg 71). The products “are highly perishable [and] their production is seasonal and dependent upon a variety of unpredictable factors” (71). “Perishable fruit doesn’t take holidays,” Thomas Oyler remarked in his interview, which is why there is a sense of urgency to harvest when the fruit is ready (Oyler Interview 5). The harvest season is when growers are especially vulnerable to labor shortages, due to the hundreds of acres of fruit need to be picked immediately, which results in a need for temporary hired labor (Rothenberg 72). “The success or failure of most fruit and vegetable operations rests upon the availability of harvest workers” (72). The agricultural industry “has two options – either create incentives to ensure that workers will accept difficult, temporary jobs, or find workers who have few, if any, other options” (72). Historically, the industry has relied upon the second option and has drawn upon the “impoverished and vulnerable laborers who have been drawn to agriculture out of great necessity” (Rothenberg 72). In the case of the United States the current labor force has shifted to be predominately Hispanic.

Settled community members refuse to work the fields. Therefore, United States farmers have become dependent upon immigrant and migrant labor. Thomas Oyler, PA Regional Director for the Department of Agriculture and a farm owner, explains why his family was forced to hire migrant laborers:

We are sometimes as an industry criticized for creating an environment where [migrant workers] are coming to South Central, Pennsylvania [...] We used to have a lot of tart cherries and they were hand harvested. It was done by high school kids and grade school kids [...] We had a lot of kids picking cherries for us who were making school money, clothes money, spending money and vacation money for approximately four weeks in July. Well, somewhere along the way America became more affluent [...] and kids stopped showing up for sour cherry [harvest]. It was a phase of about ten years [in the mid 1960s to the mid 1970s...] where we went from basically all local individuals to a total migrant or seasonal population harvesting cherries (Oyler Interview 6).

The nationality and citizen status of farmworkers in the United States did not transition directly from Anglo citizens to Hispanic workers. A more gradual shift from Anglo, to Southern African-Americans, to Puerto Ricans and then to the newer Hispanic minority was the progression of farmworkers in the U.S. As Thomas Oyler recalled, “There was a transition from Southern blacks to Puerto Ricans and that was in the ‘50s and ‘60s” (Oyler 4). These populations were the poor minorities, who were the only populations at the time that would do farm labor. Farm owner, Jim Lott is in agreement in that, “There ain’t anybody else who’s gonna do the work [...] you can’t go down [...] and get a bunch of fifteen to twenty-five year olds who are gonna pick” (Lott Interview 4).

The U.S. farm labor system has been transformed into a profit making industry that requires temporary workers who are willing to do hard, manual labor for a cheap price in order to keep prices down and sales up. “Reducing the labor costs is one of the main points [in fruit farming...] we’ll never get rid of the picking by hand [because] the land is too

uneven and a lot of [picking] is done by sight and you have to be gentle,” Jim Lott explained (Lott Interview 9). The combination of agriculture’s modern infrastructure and the dependence upon poor laborers demonstrates the disparity of power that characterizes our nation’s farm labor system, whether that is just or not (Rothenberg 86). It is necessary from an economics standpoint to use cheap labor or mechanize. “Tart cherries are going to mechanize,” Thomas Oyler stated, “If it doesn’t, [...] reports [...] strongly suggest that we may be a food importing state and nation” (Oyler Interview 10). “Our complaint as an industry is an unfair playing field,” Oyler continues (10). There are “no labor laws and regulations, no environmental rules and regulations [...] and they’re paid a dollar a day [in China]...you can’t compete with that” (10).

Economically, it is difficult for the United States farming industry to compete in the global economy. Farmers “cannot compete with the twenty to thirty dollar an hour wage [...] in industry” (Oyler 12). Just as tart cherries will inevitably turn to mechanization, farming goods such as hay have already gone to mechanization due to a lack of available workers. Thomas Oyler explains the transition of hay in the agriculture industry:

I don’t think we’ll ever see a return to local individuals [...] It’s not only fruits and vegetables. If you look at case history of why we have big round bales as opposed to big square bales is that high school kids used to do it and they don’t want to do it anymore [...] For a short time the Hispanic people were doing it and then they found they could make more picking fruit than they could slinging hay bales. So if you’re gonna have hay for livestock or mulch...you mechanize (Oyler 12).

Foreign migrant labor has become a necessity for the farming industry. “If these guys don’t show up one year I’m sunk,” Jim Lott explains (Lott 8). Without the migrant workers, “I

can't provide for my family," Lott confessed (12). It all comes down to one fact according to Thomas Oyler, "[We've] had it too good for too long...[and] the Mexican population sees that as a way to make some good bucks and they're not afraid of hard work [...] that's the reality of it" (Oyler 12).

The State of Mexico

The best way to look at Mexican immigration is as "a movement motivated by a push-pull process [where...] there are certain factors in Mexico forcing citizens to leave the country and simultaneously there [are] other factors in the United States, specifically the Southwest, attracting them" (Gonzales 114). Interpretations of the Mexican experience in the U.S. have tended to accentuate the problems and prejudices encountered in American society. Despite the known dangers and hardships, "the fact remains that since the turn of the century, Mexicans have willingly entered the United States in huge numbers" (Gonzales 114).

The first mass migration from Mexico to the United States occurred between 1900 and 1930 when Mexico was overwhelmed with internal political strife and the Revolution. The Mexican Revolution was an upheaval that dominated the country between 1910 and 1920 and impacted every aspect of life politically, economically, and culturally" (Gonzales 114). The 1910 revolution can be traced back to "agrarian discontent [...] as the peasant masses were gradually incorporated into world capitalist markets" (Gonzales 115). In the late nineteenth century, Porfirio Diaz gained popularity in his military career as a lieutenant of Benito Juarez. Mexico was in a whirlwind of political chaos since "the presidency changed hands seventy-five times from 1821-1876" (Gonzales 115). Diaz eventually gained the presidency in 1876 after the death of Juarez, which slowly "consolidated his position [and]

ultimately establish[ed] a one-man dictatorship” (Gonzales 115). The 1910 revolution overthrew the dictatorship of Diaz and created political turmoil in Mexico.

Many Mexicans were able to flee the country, despite the obstacles of political revolution and rebellion. Eight thousand refugees crossed the border from Piedras Negras, Coahuila, to Eagle Pass, Texas in a single day in 1913, and in one week in June of 1916, nearly five thousand Mexicans escaped to El Paso, Texas (Gonzales 118-119). The Revolution caused as many problems as it solved and did not ameliorate many of the basic problems for which people were fighting (Gonzales 119). Agrarian reform was enacted too slowly, and in the end it was clear that “there was not nearly enough arable land to meet the needs of the desperate rural population” (119). Many Mexican middle class families who had the means to get a family member into the United States began to send fathers and sons to earn a decent living in the U.S., sending remittances home to their families in Mexico. United States official labor recruitment also played a major role in the mass migration of Mexicans throughout the twentieth century.

The Border

The U.S./Mexico border is a symbol that divides two worlds: the economically prosperous and industrialized United States of America and the “struggling, less-developed” nations of Mexico and other Central American countries (Rothenberg 121). The border stretches 2,000 miles across the Southwestern United States, from Border Field State Park, California, on the Pacific Ocean, to Brazos Island, Texas, on the Gulf of Mexico (Rothenberg 121). The Treaty of Guadalupe-Hidalgo established the U.S./Mexican border in 1848 at the end of the U.S. and Mexican War (Suarez 17). Part of the treaty also allotted a large portion of Mexican territory to the United States, which is now what we refer to as Texas, New

Mexico, Arizona and other parts of the Southwestern U.S. The United States has taken over one half of Mexico's original territory over the past 200 years, which accounts for the heavy Hispanic influence in the American Southwest (17).

Like any border, "the line that separates the United States and Mexico is both real and imaginary, a formal boundary that divides and defines" the two sides (Rothenberg 121). The border is the area that connects two nations and "reveals powerful contradictions between legal systems promising order and the complex lives of people whose identities are bound to their passage back and forth across the dividing line" (Rothenberg 121). The border is little more than a formality for those who have proper documentation, but for those without authorization, crossing the border is not only dangerous, it is illegal.

The U.S./Mexico border is important to migrant farmwork and American agriculture. Past U.S. immigration and border policies have set precedents for migration patterns and destinations, while current border policies determine who may cross the border legally and under what circumstances. When the United States implements strict border policies and enforcement such as the Border Patrol, it becomes very difficult and dangerous for Mexican laborers to enter and exit the United States.

United States Immigration Policies

There are four primary causes of migration to the United States the flow of temporary seasonal laborers, formal recruitment, repatriation, and government agency influence (Griego 46). These causes clearly lay out the pattern of Mexican migration to the United States.

Some Mexican migration to the United States was prompted by official recruitment plans by U.S. businesses. In 1864, the Contract Labor Act, often referred to as the Act to Encourage Immigration, was passed by U.S. Congress, allowing for official recruitment of

Mexican laborers (Briggs 24). This labor campaign sparked Mexican labor migration because U.S. industries wanted cheap labor and Mexicans needed the work. The official recruitment of Mexican labor set a precedent for migration north to work in the United States. Although the U.S./Mexico border and immigration polices were not always open throughout the remainder of the nineteenth century, patterns of migration north continued.

In 1917, the Immigration Act was passed due to the anticipated affects of World War I (Briggs 39). American citizens and U.S. officials were concerned that a large influx of immigrants from all over the world, not just Mexico, would result from the world affairs. The Immigration Act of 1917 closed the border to outsiders and immigration, making it difficult to enter the U.S. (39). The 1917 Immigration Act was enacted primarily to deter European immigration, but it also affected migration from the South. Strong pressure from the U.S. agriculture industry convinced Congress to include a provision to the 1917 Immigration Act, “granting entry to ‘temporary’ workers from Western Hemisphere nations...to be considered inadmissible” and therefore, exempt from the immigration policy (Briggs 97). The sanction established the first non-immigrant labor program, occasionally referred to as the First Bracero Program (97). The temporary work program was ended in 1922 when it could no longer be justified as a national defense policy (98).

After World War I, there was no longer a demand for foreign labor, and policy changes focused on anti-immigration reforms. The Immigration Act of 1924 or known as the National Origins established a quota for the number of immigrants that were permitted to enter the United States (Portes 162). The act overtly discriminated against certain nationalities and ethnic groups, sending a clear message that immigrants were not wanted (162). The 1930s brought about a backlash against migration into the United States as a result of the Great Depression and crisis plaguing the U.S. economy. A repatriation movement

occurred during the 1930s, when many Mexicans were used as scapegoats for the economic problems of the country (Briggs 54). “Employers had access to a huge reservoir of cheap domestic labor thanks to the influx of Dust Bowl immigrants; Mexican workers were now expendable” (Gonzales 139). Approximately 500,000 Mexicans were forced and coerced to return to Mexico during the Repatriation movement (54). In 1933, Immigration and Naturalization Services was established as a government entity to control and enforce immigration (Briggs 56).

After the economic turmoil of the 1930s, there was once again a movement toward labor recruitment. U.S. migration policy became more lenient once again as industry demanded more cheap labor. World War II brought about demand for laborers, with millions of American men serving in the military. “The Bracero Accord of 1942, [was] a binational treaty that arranged for the ‘temporary importation’ of contract workers into the United States for periods of short-term farm labor” (Durand, Massey and Zenteno 110). A total of 4.6 million contracts were issued during the life of the Bracero program, which made up a decent percentage of the overall workforce (Greigo 49). Braceros were Mexican nationals recruited to work in the western United States (Gonzales 170). Rapid expansion of the farming industry in the Southwest caused a severe labor shortage; therefore farmers demanded the use of foreign labor (Gonzales 170). “Although the contract-labor program was not renewed after 1965, it left an important legacy for the economies, migration patterns, and politics of the United States and Mexico” (Griego 46). “Illegal immigration from the south had always been a fact of life along the border, but following the Second World War, it became much more significant” (Gonzales 175). During the twenty-two years of the Bracero Accord, five million illegals were apprehended and returned to Mexico by the U.S. Border Patrol, indicating that

the recruitment program had ingrained a pattern of migration north in more than just the braceros (175).

The recruitment programs did not haphazardly recruit workers, but rather purposefully selected workers from specific regions of Mexico. “The contract-labor program was a system of managed migration; in order to reduce the effects of *stimulating* undocumented migration, the centers should be located away from the border, where such effects would be less pronounced” (Greigo 60). This system of recruitment was the intent of the Mexican and U.S. governments (60). Obviously, the tactic was not successful in the long run due to the millions of illegal Mexican migrants and immigrants that now reside in the United States.

Migrant Farmwork

The shift from local farmworkers to foreign and seasonal labor has created a situation in which farm owners must supply the basic needs for the incoming seasonal laborers. Providing housing is not required of the farm owners, but it is a way to ensure that workers will come back year after year. “The unusual thing about farmworkers is they are often times dependent upon their employers not only for their work and their income, but for their housing, transportation, food and everything else,” Larry Norton, a Legal Services attorney explained (Norton 2).

The National Agricultural Workers Survey found that 81 percent of farmworkers between 1997-1998 were foreign-born and of that percent, 77 percent were more specifically Mexican-born (NAWS 5). The average age of a farmworker is thirty-one years old and 80 percent are male (NAWS 9). The NAWS report also found that five out of six or 84 percent of farmworkers speak Spanish and only one-tenth of foreign-born farmworkers can read or

speak English (13). The typical farmworkers has only completed on average only six years of schooling prior to migrating to the United States (13). Statistically, migrant farmworkers are foreign-born, have low education levels, lack English skills, and the majority are undocumented, making them easy targets for mistreatment and discrimination.

One major factor that perpetuates discrimination against migrant farmworkers in this country is most migrant workers are not legal citizens and cannot vote. “Because noncitizen immigrants can’t vote, a large fraction of the working class ends up without a political voice, exploited by employers and resented by many native-born workers” (Wucker 1). This discrimination is noticeable in the pay differences between migrants and citizens. “Pay scales typically follow this hierarchy: native-born American citizens, naturalized American citizens, legal immigrants and permanent residents, guest workers, and finally undocumented workers” (Wucker 1). Foreign-born workers earn approximately 76 cents for every dollar earned by US born workers in 2000 (1). “Most farm laborers are denied overtime pay, medical insurance, sick leave or the right to organize [...] and in many states excluded from workers’ compensation and unemployment benefits” (Bowe 1).

Historically, there have been few or no laws that have protected the rights of migrant and undocumented workers in the United States. Migrant and seasonal farmworkers, either citizens or undocumented workers, have been the least protected throughout the history of farmwork in the U.S. One way of ensuring that migrant farmworkers have adequate facilities in which to live and are not discriminated against is how the term employee is defined in legal terms. In 29 U.S.C. Sec 152(3), the clause defines *employee* as someone, “not includ[ing] any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, [...] or any individual having the status of an independent

contractor” (www.friendsfw.org). This definition of employee has allowed farm owners to bypass the labor laws of this country.

Work and Wages

Due to the fact that migrant farm laborers can be excused from being protected by some labor laws, employers often times pay the workers less than adequate wages. Statistics from the Department of Agriculture from 2001 show that farm work is still one of the lowest paid jobs out of the fourteen major occupational groupings (Runyan 66).

Seasonal farm labor is hard, physical labor. “One of the reasons [farm] owners hire undocumented workers is because documented workers [and American workers] don’t want to do the [...] hard work [...] with] low pay and bad conditions,” Larry Norton explained (Norton 9). Undocumented workers are also often times more willing to tolerate poor conditions and wages to prevent being deported. The issue of documentation is a “catch-22” for farm owners who employ laborers (Oyler 6). The Adams County growers interviewed could not give specific numbers of their employees who were undocumented, largely because they could be punished and, quite honestly, because many truly do not know. “[The workers] have to prove that they can work here, but I can’t ask for alien registration cards or social security cards [...] and] I can’t ask for specific documents,” Jim Lott explained (Lott 4). “The employer has to verify either permission [for the worker] to be here or citizenship” (Oyler 6). However, many migrant workers have false documents that are often difficult to distinguish from legitimate ones (6). The study also found that 52 percent of the farm workers lacked the proper work authorization to work in the U.S., indicating that the majority of the workers are illegally working in this country (NAWS viii). Jim Lott discussed how asking for documents can get an owner in trouble: “If I don’t hire somebody based on their documents I get

accused, charged with document discrimination” (Lott 4). The rules on documentation for migrant farmworkers put farm owners in a tough position between being sued for discrimination, hiring illegal workers, and needing to hire enough workers to harvest the fruit.

The owners interviewed from Adams County were very open to discussion regarding their housing facilities and wages. At Bonnie Brae, the average farmworker earns approximately \$300 to \$500 dollars per week, depending on how fast the worker picks (Lott 6). Mark Rice claimed that he pays one of the highest rates in the area, with his workers earning approximately \$600 per week (Rice 2).

Farm laborers are either paid by a minimum wage or piece rate. A piece rate pay scale is determined by the amount of produce one picks rather than by the hour. The legality of a piece rate has been debated because often times workers will make less than minimum wage due to a poor crop, inclimate weather, and/or their picking pace. The primary reason farm owners opt to pay by a piece rate is because if they paid an hourly rate the workers would not pick as fast. “There’s no incentive to [pick] if you don’t pay a piece rate,” Jim Lott argues (Lott 6). He also commented that, “Every year I see a little bit more Americanization of the [pickers];” the workers “get attitudes” about working and they’ll just sit down when they no longer feel like working (Lott 6). A piece rate is necessary to get the job done. The quality of the fruit is very important to the growers. The apples cannot be bruised and must still have an in tact stem to be considered a sellable piece of fruit. “It’s hard to get them to care about the condition of the fruit [and] I spend all year explaining [...] they don’t see the returns [and that] the fruit reflects on them,” Jim Lott explained (Lott 6). The bottom line is, “The better fruit they pick the more money they’ll make,” which is something the workers just do not seem to understand (Lott 6).

The wages and working conditions for Adams County farmworkers tend to be better than the average farmworker in the United States. The National Agricultural Workers' Survey reported that 61 percent of farm workers had incomes below the poverty line in 1997 and over the past decade the median income remained less than \$7,500 per year (NAWS vii). Over forty-five percent of agricultural service workers had family incomes under \$10,000 in 2001 (Runyan 67). The NAWS report from 1997 also found that 77 percent of farm workers were paid by the hour and 20 percent were paid a piece rate (32). The Adams County growers interviewed, however, all paid by piece rate, which seems to be the norm in this area of the country. In 1997, the average hourly wage was \$5.94, but there has been a decline in the hourly pay over the past decade (NAWS 33). Carlos Fernandez, crewleader at Bonnie Brae, expressed concern because the wages for farmworkers have not changed much over the years and they still remain too low for farm laborers to support their families (Fernandez).

One reason farmworkers' wages are so low is because the industry is exploiting the cheap labor of migrant and foreign workers. "On average, growers earn about a third of the price that consumers pay for fruit [...] in the store [...] and] over the past decade, the percentage of store price that growers receive has fallen, while store owners, shippers, brokers, and other middlemen take an even larger cut" (Rothenberg 77). Jim Lott provided price sheets from the past twenty years, "[apple bushels] haven't gone up much since 1988 [...] it went from \$9.25 to \$10.00 in fifteen years, not enough [...] and] it's the same price as it was in 1996" (Lott 5). Agriculture industry has been taking larger slices of the profit over the years, leaving the net income of the farm owners and workers with less.

Some may think that the low incomes of migrant and immigrant farmworkers would result in a large percentage of the laborers to seek assistance from social services. Many Americans believe the new Hispanic population is taking advantage of social services that are

available in the U.S. when they illegally immigrate to the United States. However, the number of farm workers using social services has not increased in the past decade, and in some areas has actually declined (NAWS vii). The findings of NAWS concluded that, “low wages, underemployment, and low annual incomes of U.S. crop workers are indicative of a national oversupply of farm labor. Low annual income, in turn, most likely contributes to the instability that characterizes the agricultural labor market...”(NAWS viii).

The hard work, low wages, poor living conditions and limited access to health care create high levels of stress for many migrant workers. The stress has negative repercussions for one’s overall health and is evident in the statistics for migrant health. The infant mortality rates for farmworkers are 125 percent higher than the general population and the average life expectancy for the average farmworker is 49 years, compared to 75 in the U.S. overall (Reynolds and Kourous 2). One of the reasons for the low life expectancy is because farm labor is dangerous. Agricultural workers make up only three percent of the nation’s work force, but account for eleven percent of all occupational fatalities (2).

Living Conditions

Seasonal and migrant farm laborers are constantly on the move, only staying in one location for a few weeks or months at a time. Farm owners have found it virtually necessary to supply basic housing needs for their seasonal employees. The NAWS report found that 36 percent of farmworkers received housing from their employer, either rented or for free (NAWS 37). Housing types and conditions vastly range by region, usually due to the amount of enforcement. In the beginning of the twentieth century, there were no housing regulations, therefore, migrant farm laborers were often housed in inadequate and dangerous structures

such as barns, chicken coops and sheds. Today, migrant labor camps must meet strict housing regulations set forth by the Department of Agriculture and the Department of Labor.

The Housing Assistance Council (HAC) in 2000 found that 52 percent of farmworkers' housing units were, by federal standards, over crowded and 74 percent of the households in crowded units had children (Migrant Health Issues 40). "People began to tell us [...] how much they suffered because they are sent to one house, crowded. They have to work hard. They don't have a good mattress to sleep on, and they are mistreated" (40). Most of the units surveyed, "had a working stove, refrigerator, bathtub and toilet" but "in 22 percent of the units one of these was broken" (MHI 41). More than 26 percent of the units surveyed by HAC were directly adjacent to pesticide-treated fields, 22 percent of the units had serious structural damage, and 41 percent had peeling paint on their exteriors (MHI 41). It is evident that the majority of farm workers' housing units are far from adequate. One of the biggest problems is nearly 60 percent of the farmworkers surveyed had incomes below the poverty line, indicating that even modestly priced housing would be unaffordable, and therefore, have to live in housing provided by their employer (Migrant Health Issues 40).

Suzanne Benchoff, Director of the ESL and Migrant Education for the Lincoln Intermediate Unit in Gettysburg, PA recalls her experience with migrant housing: "When I started in 1983 most of the labor camps were what I would call substandard" (Benchoff 3). She also noted that, "Pennsylvania was one of the more stringent enforcers of regulations in the labor camps," in the early years (Benchoff 3). Suzanne Benchoff remembers vividly one of the labor camp visits:

It was a two-story structure. There were out buildings, a lot of garbage and a lot of very dangerous situations for small children and there were definitely small children [...There were] ruts, holes, rusted barrels, rusted equipment,

chemicals and rodents. There were large rats. I'm talking bigger than squirrels and bigger than mice, because of the grain, food, and garbage. There was an infestation problem. I remember going to the cellar of the building where there was a washing machine where families indicated they did their laundry and even showered [...] There were water pipes that were broken and about one to two inches of water on the floor. There were a lot of electrical cords and outlets running through the water to hook up the laundry equipment [...] it was a very blatant violation of the regulations (Benchoff 7).

Suzanne Benchoff was a social worker and reported the owner for the dangerous living environment. Benchoff's interest in the migrant labor camps was because of her concern for migrant education. She was not responsible for surveying the living conditions; however, if the housing facilities are well below the standards she was responsible for reporting the labor camp owner for negligence. The Department of Environmental Protection was once responsible for inspecting the migrant labor camps; today both the Department of Labor and the Department of Agriculture do inspections (Benchoff 7 and Lott 3).

In Franklin County, Pennsylvania, Suzanne Benchoff encountered another substandard housing facility in the 1980s:

[There was] a family being housed in an old corncrib [...] it was a corncrib that had been converted where the walls of the building were still full of corn essentially [...] the building had been converted with a kerosene heater and a few cots. This particular family had three children and they had an infant. One day I arrived and the mother came to me and showed me the baby's bottle. A rodent had eaten the nipple of the bottle off the previous night [...]

when she told me the size of it; it was certainly not a mouse. In fact at one point one of the children ended up being bitten by a rat (Benchhoff 8).

Most of Benchhoff's experiences were not in the Adams County area, but were in northern Pennsylvania. She indicated that there has been improvement over the years. "I have not had a complaint from a young person or family I can tell you for at least ten years" (Benchhoff 8). This lack of complaints may be because, "It appears [...] most of the workers know exactly what they're getting into in terms of living conditions when living on a labor camp," Benchhoff explained (8). "They're aware that there is a communal setting not only for sleeping quarters, but eating, etc. and that's okay with them 'cause [...] the wages are so much better," she continued (8).

Carlos Fernandez, the crewleader at Bonnie Brae, recalled the housing to be bad during his first years working in Pennsylvania in 1958 (Fernandez). He remembered that there was no running hot water and no bathrooms, just latrines that were emptied at the end of the season (Fernandez). Carlos has worked for the Lott family for over thirty years and seemed to be quite satisfied with the housing that is currently provided. The only complaint he has about the facilities for the fall of 2003 is the kitchen is too small for the number of people that use it. Carlos said he expressed his feeling to Jim Lott and that Jim agreed to look into updating the kitchen for next season.

The growers fully understand the importance of providing housing for their seasonal laborers, however, they are also aware that they are providing a service to their workers. Most of the farmers become frustrated when legal agencies become involved and regulate the housing that is not a requirement in the first place. Jim Lott provides his seasonal workers at Bonnie Brae housing for free. "It's got bedrooms, bathrooms, and kitchens [...]and] we supply utilities, electric and gas to heat and cook with, refrigerators, appliances, stoves [...]

bedding, blankets and sheets, all they need are clothes and food” (Lott 2). Mark Rice also provides housing for his migrant employees. R&L Orchards has two labor camps; one consists of trailers and the other has two buildings that house approximately twelve men each, as explained earlier (Rice).

Legal Action

Foreign and migrant farmworkers today are more cognizant of the lifestyle they are getting into, and legal action over the past twenty years has pressured owners into compliance. Larry Norton from PA Legal Services believes that the living conditions and abuses of migrant workers are marginally better than they were twenty years ago. “I think that some of this stuff still goes on and it happens often times on the East Coast, typically in the South East where there are still really physically abusive labor practices by labor contractors [...who] beat, threaten and intimidate workers,” Norton attests (Norton 4). From a legal standpoint, “[Farm labor] is still an industry, maybe the industry that is the least compliant with the basic laws” (Norton 4).

Legal and social service agencies have played a significant role in migrant farmwork policy change in Pennsylvania over the past twenty years. Government agencies such as the Department of Labor and Department of Agriculture are responsible for inspecting the labor camps and pay stubs of workers to ensure that all federal and state laws are being followed (Lott 3). On the other hand, non-governmental agencies have entered the farm labor scene in the past few decades and have both helped the farmworkers, from some peoples’ perspectives, and made life more difficult. “The biggest problem is with advocacy groups,” one farm owner confessed (Oyler 9).

In speaking with several farm owners, it became clear that the involvement of legal advocacy groups has caused a great deal of stress and tension in the agriculture industry in the past twenty years. “A lot of what was heard was prophesized by the news media, which were problems from the Southeastern United States,” one farm owner explains (Oyler 11). The root of many of the problems seems to stem from poor communication between legal agencies and farm owners. The legal advocacy agencies, specifically Friends of Farmworkers was mentioned by all three growers because the organization caused more problems and raised alarm often times for things that weren’t really there, according to the farm owners. The agencies would say to the migrant workers, “If you can show us there are violations we’ll sue and we’ll get you a pile of money,” is how one farm owner described it (Oyler 9). The owner continued to explain how the involvement of the legal agencies disrupted the labor camps:

It’s an unfortunate set of circumstances. Particularly for the younger generations [they] would say I could make a pile of money, in cash, so [I’ll] create a situation. I saw it all the time. I was trying to unclog drains, put windows back in and doors back on because I knew fully well that Monday morning the call would have already been made to federal or state agencies to show up [...] it’s a very sour situation with me and a lot of people [...] there were just a lot of things that went on that never should have (Oyler 9-10).

Jim Lott at Bonnie Brae expressed similar feelings about the involvement of agencies:

Friends of Farmworkers does like to come out to the farm...I don’t like to meet with them personally because of the history. I don’t trust them. Legal Services is another group that’s associated with them. They have come in and put plants in the camp to get guys mad about certain things to sue growers. I

think when [they] set up to start [they] had a noble idea to help tenants, low income tenants to fight poor housing, but then they got into this [...] and they had to justify their existence I believe, so they had to start suing people” (Lott 5).

Suzanne Benchoff, neither a farm owner nor a legal services agent, described how the government and legal involvement made life difficult for the owners:

There were a number of entities [...] it drove the [farm owners] crazy because there were three or four entities doing inspections and they all had different things that they looked at [...] The inspector would show up and say you have a light bulb out and cite them for it, you, light bulbs do go out [...] There were times when the citations were outrageous and absurd” (Benchoff 7).

One role the legal agencies take is to be an informant to the Department of Labor and Department of Agriculture when they hear of an alleged violation or infraction of migrant farmwork policy. Carlos Fernandez told a story of an incident that occurred in September 2003. One of the pickers at Bonnie Brae who had never picked apples before and had no prior farmwork experience fell off his ladder in the first week of the harvest season. The young man broke his collarbone and insisted on continuing to work. After a few days the pain was so intolerable that he could no longer work. Carlos explained to the young man that he would receive worker’s compensation for his injury, but that the amount of money would be considerably less than what he would have made for the season. Carlos also explained that the other men in the camp had offered to chip in some money to help him defray the cost of living and for his return trip to Mexico. According to Carlos, the very next day a social worker from one of the legal agencies stormed onto the property and began yelling at Carlos, demanding to speak with the farm owner, Jim Lott. Carlos explained to the woman that she

needed to deal directly through him and that he could answer any questions she had. The woman had been informed that the young man who was injured was being denied compensation, refused housing, and sent home with nothing, all of which was untrue. Carlos commented that incidents such as this occur quite frequently, and that the agencies receive a great deal of false information and immediately jump to conclusions that there have been laws broken and that someone must pay (Fernandez Interview).

The involvement of legal agencies has, in some cases, improved the quality of life for migrant farmworkers, but has also caused animosity between the farm owners and legal advocates. “Has it been helpful to [the workers]?” questioned Jim Lott (Lott 7). “Some of it has been. Some of it I don’t think it has because there’s no incentive for us to do anything extra for [the workers,” Jim Lott explained (7). “We have so much paperwork, it’s very time consuming and that doesn’t add to any productivity for the farm. You end up doing the minimum because that’s all you have time for,” Jim stated (7). Jim Lott continued to vent his frustration by saying, “I just get so disgusted sometimes I just get the attitude, ‘You want the farm? Take it!’ [...] who’s gonna pay these people now? They’ll have nothing” (Lott 8).

There have been efforts to join forces or at least attempt to build a working relationship between farm owners and legal agencies. Friends of Farmworkers, Inc. sponsored a training session for Adams County growers in the 1980s. The purpose was to “put together a program that would tell the growers ‘here are your responsibilities’ so that they would be getting a consistent message,” Larry Norton explained (Norton 5). However, “any attempts to assuage bruised egos were abashed when you’re sued by Friends of Farmworkers and Legal Services and then all bets are off,” Thomas Oyler argued (Oyler 10).

The overall dilemma of farmwork policies and regulations seems to be a lack of communication and compromise. The advocacy groups are attacking all the growers, even

the ones that for the most part are complying with the regulations for housing, wages, and compensation, etc. It seems that it is not the farm owners and crewleaders that are responsible for the poor quality of life of the migrant farmworkers, but rather the system of the agriculture industry. It is not the farm owners that make millions of dollars each year in returns for the fruit they grow, but rather the grocery stores and production companies. Obviously, there were changes that needed to be made and people who needed to be reprimanded for violating the rights of the farmworkers. However, to change the lives of farmworkers and to allow them to earn a living wage seems to be dependent upon the capitalist system that controls the agricultural market, not solely the farm owners.

Experience and Critique

It is amazing how something as simple as a research project on Mexican migration can open avenues one never thought imaginable. I began my research in September on United States Immigration Policy and Farmwork Policy, thinking that I'd just simply interview members of the farming community, migrant farmworkers, and a few government officials about how the laws have changed and how that has affected agriculture from their perspective. It seemed simple enough. What I didn't anticipate was how personal and emotional the issue of farmwork policy really is.

An interesting aspect of the Mosaic course is we are introduced to the methods of qualitative research and then thrown into it, either to sink or swim. I did both. I discovered that no matter how prepared you are for interviewing a person, the interview will go in the direction the interviewee wants to take it. I also discovered that there is something valuable about the first interviews one conducts, in that your own personal knowledge of the subject is still limited and you need your interviewee to clearly explain the context of what they are discussing. Looking back at the eight people I interviewed I notice a the progression of my interviewing skills that were both developing and at times hindering me from getting the information that I was looking for.

Larry Norton was my first interviewee. At the time of the interview, I knew very little about the laws and policies of migrant farmwork. I asked very few questions and allowed him to explain his experiences and give his point of view on issues ranging from wages to the overall industry of agriculture. I stopped Norton a few times in the interview to clarify his statements. For example, I was confused as to the difference between a migrant worker, crewleader, and a foreman, and Larry kindly explained the definition of a crewleader. In a later informal interview with Carlos Fernandez, from Bonnie Brae, he described his role on

the orchard and clearly indicated that he was not a crewleader. However, under the definition given by Larry Norton, Carlos most certainly did fit the description of a crewleader. This example demonstrated to me one of the reasons why there is so much miscommunication in the field of agriculture and policies.

In my interviews of Jim Lott and Thomas Oyler, I found that, at times, I actually almost answered my own questions and did not allow informants to give me the information themselves. On page six of the Jim Lott interview I intended to ask Mr. Lott's opinions about the piece rate wages since Mark Rice had confessed how much he hated having to pay by piece rate. I was interested in hearing Mr. Lott's feelings, but instead of just asking the simple question, "How do you feel about paying by a piece rate rather than a minimum wage?" I explained how Mark Rice felt and received an answer of, "That's right, absolutely," rather than his thoughts.

Another critique of my research is I did not dig deep enough in some areas of my interview where at times the interviewee shows signs of discomfort. Specifically, in the Thomas Oyler interview there was a hesitancy to name Friends of Farmworkers as the legal agency that caused problems for the growers. On page nine of the Oyler interview, Thomas comments that, "The biggest problem in the whole housing thing was with advocacy groups," and my response was by asking, "Friends of Farmworkers?" Thomas Oyler's body shifted in his seat, a little uncomfortable with the question, and responded, "I'm not gonna say." At this point I remember feeling a little uncomfortable for making him, my gracious subject, uncomfortable, and simply allowed the moment to go by unmentioned. If I could go back to that moment I would have kindly asked him why he was so hesitant to indicate Friends of Farmworkers and ask him to elaborate on the situation.

The most rewarding moment of my research all semester came at the end of my interview with Thomas Oyler. My research took an odd twist from being focused on U.S. immigration and farmwork policies to more of an oral history of the change in agriculture in the United States. In the process of this shift, I began to realize my work was becoming a venue for farm owners to vent their frustrations and finally to be heard. “I just remember so many good times, but the days of the last ten years frustrated me,” Thomas Oyler stated. “We still get together around the holidays and sit around and drink beer and cohort and carouse and tell stories,” he continued. “I for one appreciate you looking at this and appreciate your objectivity, sincerely. It’s something that’s foreign to me. I’ve been beat up for close to fifty years on this topic and never have had the opportunity to speak to some of the subjects I just have,” Mr. Oyler said. At that moment, I remember feeling like I was really doing something worthwhile. My research may not have discovered any truths about farmwork policy, however, I did allow people to tell their side of the story and shed light on a side of farmwork that Friends of Farmworkers and legal advocates do not see. I think the one lesson I learned throughout my research is that there are always at least two sides to the story. I walked into my research believing that the farm owners were cruel, unintelligent bigots and walked away realizing that they are not solely responsible for the disadvantaged position of farmworkers in the United States. Larry Norton commented in his interview that, “The growers I tend to have contact with are the ones we have problems with... I don’t tend to work with the good ones, but I probably should” (Norton 5). If perhaps there was a venue for both the farm owners and the legal advocates to work together, there could be much more accomplished than fining and suing for a burnt out light bulb. I am interested to see how the relationships between the owners and legal groups evolve over time.

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