

The Guestworker

Bienvenidos a Carolina del Norte

A study guide to the film
by Cynthia Hill and
Charles Thompson, Jr.



Acknowledgments

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Cover Photo: H2-A Don Candelario Gonzalez Moreno harvesting cucumbers at Wester Farms, Louisburg, North Carolina.

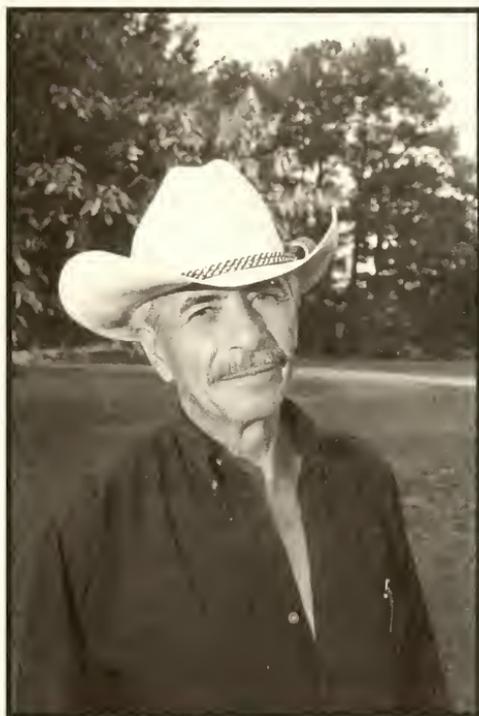


(right) H2-A workers at a lunch stop in Houston, Texas.

Introduction

Although we call the men and women who come from Mexico to take part in the H2-A program “guestworkers,” the term “guest” raises a variety of questions. For instance, whose guests are these people who come thousands of miles to work in our own backyards? In light of the fact that some actually spend more time in the U.S. each year than they spend in Mexico, should we consider these workers Mexicans or Americans? Some guestworkers have been coming to this program for over 15 years. When, then, does a guest become

“at home” in a new place? Can our employees ever truly be our guests? What obligations do we have as human beings when foreigners come to where we live to work for us? When are we obligated to call these “guests” our neighbors? Should they be citizens? The North Carolina Growers Association [NCGA] spokesman at the beginning of this film says, “*Bienvenidos a Carolina del Norte, señores* [Welcome to North Carolina, gentlemen],” but is it a “welcome” that we offer to our “guests,” or is this terminology simply wrong?



*Don Wilibaldo Gomez at Wester Farms
in Louisburg, North Carolina.*

How This Film Began

“The Guestworker” began on North Carolina farms. It started when Cynthia Hill, who grew up working on her family’s tobacco farm, and who was making her film, “Tobacco Money Feeds My Family,” followed three farmers through three years of tobacco history. She found that many farmers were turning to contract laborers known as H2-A workers rather than relying on local help. She and cinematographer Curtis Gaston filmed extensively in the headquarters of the NC Growers Association in 2001. Upon finishing “Tobacco Money,” Hill and Charlie Thompson, a rural educator with tobacco farmers throughout the eighties and nineties and an advisor to Hill’s film, talked about exploring the H2-A issue further, particularly as the program appeared to be increasing in popularity with farmers. Thompson for years has taught a Duke University course entitled “Farmworkers in North Carolina” and has followed the development of the H2-A program through his own field research. Thompson and Hill agreed to work together on this project, taking what they already knew about farming out into the field to find out more about the program. They began with these simple questions: who are the people of the H2-A program, and what are their stories?

Building on Hill’s previous experience, she and Thompson approached the NCGA in 2002 to ask for permission to film workers on farms and the NCGA agreed, with the stipulation that they be able to tell their side of the story. The filmmakers asked NCGA to recommend farmers within driving distance of Durham, NC, who might be willing to participate. The NCGA suggested, among others, Wester Farms in Louisburg. Simultaneously, the filmmakers approached a variety of farmworker advocacy groups, notably North Carolina Legal Services, to ask for their recommendations as well. Surprisingly, Legal Services also recommended Wester Farms in Louisburg. The only complicating factor in this otherwise clear decision to ask Wester Farms for permission to film there was that Thompson had appeared in court as an expert witness in a case represented by Legal Services against Wester Farms only a year earlier! While knowing neither the farmworker nor the farmer involved in the case at the time, Thompson had agreed to talk about the culture and history of labor in Mexico as background for a case involving a worker’s confusion about resigning from the farm.

Despite this background, the



Leonard Wester, owner of Wester Farms, and his crew boss, Saül, watch workers as they discuss the cucumber harvest.

filmmakers decided to ask Len Wester for permission to film on his farm. Even after knowing of Thompson's participation in the case against him and remembering him from the courtroom, Len Wester and his family agreed to allow the crew onto their farm. Echoing the NCGA, Wester said that as long as the film helped tell his side of the story, he had no reason to refuse permission, and gave the filmmakers complete freedom to visit farmworkers at any time. In addition, Wester and his employees agreed on numerous occasions to interviews and to filming in their work environments.

Into the Field

To begin, in mid-June 2002 the film crew met a busload of workers and, as seen in the film, followed one group of men arriving in North Carolina for the first time as they looked for a place to room. Though they encountered some difficulty finding open beds, they finally settled into an old blue house, joining nine other workers with whom they would live for the summer of work in cucumbers, peppers and tobacco. The twelve H2-A workers in this household agreed to participate in the film and to allow the small film crew into their home repeatedly throughout

the summer. At the end of the summer, the film crew accompanied three workers to their homes in Mexico to meet their families and film their lives there. The homes in Mexico are clearly happier places to live than the farmworker housing, but the problem is that there is no money to be made in their small towns. In some towns in Mexico, all the able-bodied men leave for *El Norte*, as the U.S. is known.

While particular, this story belongs to all of us, for all of us are neighbors to someone, all of us at some point have come from somewhere else, and all of us must choose how we relate to the guests and workers in our midst.



The Focus of “The Guestworker”

This film tells the story of one household, on one farm, in one community, in North Carolina, particularly the story of a one man named Don Candelario Gonzalez Moreno. It is a story that is unique to the individuals and places represented in it, but may also represent what takes place on thousands of farms across the state and the country. Intimate stories like this teach us that no one lives a stereotypical life and that each individual represents a unique part of history that can never be repeated elsewhere. While particular, this story belongs to all of us, for all of us are neighbors to someone, all of us at some point have come from somewhere else, and all of us must

choose how we relate to the guests and the workers in our midst. All of us who live as citizens of the United States are thus hosts to the guestworkers who come here at our government's behest. It is up to us, collectively and individually, both in rural and urban places, to decide what kind of neighbors we will be to these H2-A workers and how we will treat our guests. The filmmakers believe it is their obligation to let the film show the realities of the program. Yet their style is not an exposé, rather they let people speak for themselves, and they show life in the program as truthfully as they can, allowing viewers to draw their own conclusions. This is only the story of one farm.



Picking cucumbers. Here Don Candelario Gonzalez Moreno wears gloves to prevent skin irritation.

Farm Work and Foreign Labor

Agricultural workers have been an essential part of the United States economy throughout the history of the nation. At the time of the American Revolution in the late 1770s, 80 percent of Americans lived or worked on farms.¹ Over time, the farm population has dwindled. Although only 2 percent of Americans were involved in agricultural work in 1998, the United States nevertheless continues to enjoy lower agricultural prices than any other nation.² In the 1990s, Americans devoted only 12

percent of their household spending to food and beverages, compared to 15 to 20 percent in Western Europe, 42 percent in Japan, and more than 50 percent of household expenditures in India. Moreover, of the \$4,300 the average U.S. household spent on food annually, only 10 percent of that went to the purchase of fresh fruits and vegetables, approximately the same average dollar amount spent on life insurance.³

A number of factors influence the low prices of food, particularly

fresh produce, in our country. The largest 1.5 percent of farms in the nation produce 38 percent of the United States' agricultural products, while the smallest two-thirds of farms produce only 5 percent of crops.⁴ Large farms rely heavily on their labor force, particularly for the harvesting of fruits and vegetables, virtually all of which must be done by hand to avoid bruising. However, employment on such farms is generally seasonal, as the amount of labor needed at harvest time far exceeds labor needs during the rest of the year. Because the work is very hard and few local people want to work in hot fields for low wages, farm work is performed by foreign farmworkers. A 1951 Presidential Commission defined a migrant worker as one "whose principal income is earned from temporary farm employment and who in the course of his year's work moves one or more times, often through several states."⁵ Growers, however, often say that migrant workers can leave too easily when crops are scarce. It is difficult, they say, to have a guaranteed labor supply. At various times over the last century, the U.S. government has therefore created "guestworker" programs to provide reliable sources of labor using citizens of other countries who do not migrate, but rather are transported from their countries of

origin to particular farms where they remain until bused back.

Despite the vital role of farmworkers in the United States' economy, they are presently the poorest workers in the country. As recently as the early twentieth century, farmworkers earned 70 percent of what industrial workers earned. However, by 1940, farmworkers' wages had fallen to only 25 percent of industrial workers' wages. Wages remain low today, and in 1998, over half of all migrant farmworkers earned less than \$5,000 per year.⁶ One of the misconceptions regarding the United States agricultural system is that farmworker wages must remain low to ensure low food costs. However, 1990 studies reveal that farmworker wages, even in the case of fruit and vegetable markets that heavily rely on migrant farmworker labor, only account for 10 percent of the retail price of fresh produce. Moreover, the same study showed that doubling farmworker wages would raise retail food prices by less than ten percent.⁷ Despite these facts, the United States agricultural system, particularly large farms producing fruits and vegetables, continues to keep agricultural wages low. Farmers like Len Wester say they must keep their labor costs as minimal as possible. Without a reliable supply of workers who are willing to work for wages

lower than the U.S. average, farmers could not survive. In fact, labor is the only area where there is any negotiability in production costs. Naturally farmers must keep their costs down, but at whose expense?

Without question, financial pressures on farmers have contributed to their increasing reliance on foreign, mostly Mexican, labor, but this shift has created controversies. Some say exploitation is built into the very structure of the work. The 1951 Presidential Commission described the growing U.S. foreign-based labor system as one which “depends on misfortune to build up our force of migratory workers, and when the supply is low because there is not enough misfortune at home, we rely on misfortune abroad to replenish the supply.”⁸

Some fifty years later, in 1998, there were 900,000 migrant farmworkers in the United States, nearly half of the 1.8 million total farmworkers employed annually. Of these 900,000 mostly Latino farmworkers, only five percent were “certified aliens” leaving their home countries for temporary work in the United States through the H2-A Guestworker Program.⁹ Yet the size of the H2-A program has increased dramatically in recent years, growing from 17,557 workers in 1996, to 41,827 workers in 1999, over one-fourth of whom are employed in North Carolina.¹⁰ With new proposals by the Bush Administration in 2003, guestworkers could comprise a much greater percentage of the total in coming years.



Migratory potato picker in a field owned by T.C. Sawyer of Belcross, N.C., July 1940. (Photo by Jack Delano. Farm Security Administration and Office of War Information Collection, Library of Congress Image Number LC-USF34-040861-D.)

Early Mexican Labor in the United States

Throughout U.S. history, some farmers have relied on the labor of those who do not own the land they work. Slavery, of course, was a system that imported workers from outside the U.S. to do heavy field and farm work. Even after the abolition of slavery, however, the majority of farm laborers in some locations, particularly the flatland South, were tenant farmers or sharecroppers who were not landowners. In 1910 nearly half of all farmers in the southern United States were tenant farmers, compared to one-tenth of farmers in New England.¹¹ Migrant farmworkers began traveling to harvest crops around the turn of the 20th century. Most did not own any land, but traveled from place to place to find work, moving throughout California and along the East Coast of the U.S. From Italian immigrants in New Jersey, to the Oklahoma dust

bowl migrants immortalized in Steinbeck's *Grapes of Wrath*, many different ethnic and regional groups have performed migratory and seasonal farm work throughout our nation's history. Historically, when one group has left farm work for other jobs, new groups have entered the agricultural labor force to replace them, while wages remained low.

The immigration of Mexican laborers to the United States is characterized by a history of both pushes from Mexico and pulls from the United States. The first large scale migration of Mexican farm laborers northward to the United States began in the early 1900s, although workers had been crossing the border for decades for employment in the railroad and mining industries. By 1910, over 20,000 displaced *campesinos* (small farmers) moved northward to the

*Stockton (vicinity), California.
Mexican agricultural laborers topping
sugar beets. (Photo by Marjory Collins.
Farm Security Administration and
Office of War Information Collection,
Library of Congress Image Number
LC-USW3-026256-D.)*



United States in search of employment.¹²

The push of Mexican workers northward from a weak economy there was amplified and by strong pulls due to labor needs in the United States. World War I drew many American tenant farmers and sharecroppers out of the fields to work in defense-related industries as 400,000 troops were mobilized between 1914 and 1918.¹³ This exodus left vacancies in the fields that Mexican workers readily filled. However, the United States government, concerned with security as well as the loss of jobs, passed the 1917 Immigration Act in February of that year, placing restrictions on the entry of foreigners into the United States. Although the focus of the act was restricting European immigrants, Mexican laborers, who had formerly crossed the border with little difficulty, were forced to pay an \$8 head tax and pass a literacy test to gain entry into the United States. Almost immediately after the act was passed, agricultural growers in southwestern states began to complain of a lack of farm labor. Seeking to avoid any hindrance to war efforts and any political fallout from large agricultural companies, the Congress amended the Immigration Act in May of 1917,

removing restrictions on the entry of Mexican laborers into the U.S.¹⁴

Shortly thereafter, Congress enacted the first formal Guestworker Program, which lasted from 1917 until 1921, supplying growers in California and the southwestern United States with temporary workers who had wage guidelines but no rights to citizenship and therefore little legal recourse when they suffered abuse. The program brought 70,000 Mexican workers to the U.S.¹⁵

The first Guestworker Program was terminated when soldiers returned from World War I, but agricultural growers in the United States continued to employ Mexican laborers and federal laws made this possible. While the comprehensive Immigration Act of 1924 established strict quotas for immigrants from nearly every nation, it exempted Mexico from such restrictions. In the 1920s an estimated 200,000 Mexican laborers worked in California alone, and by the late 1930s, there were 350,000 Mexican workers in the United States.¹⁶ Yet even with this large number of Mexican workers in the U.S., growers expressed a continued need for more agricultural labor. This led to the creation of the Bracero Guestworker Program in the early 1940s.

The Bracero Program

The word *bracero* means “arms” or “strong arms” in Spanish.¹⁷ The Bracero Program is the nickname for a series of agreements and legislation that led to the importation of nearly five million Mexicans for temporary farm labor during a twenty-two-year period between 1942 and 1964.

War also played a role in the establishment of this program. The entry of the United States into World War II required many farm workers to enter the draft and both blacks and whites to enter the industries catering to wartime needs. In addition, the increasing deportation of immigrants in the face of actual and perceived threats to national security created vacancies in the fields. Again, agricultural growers from southwestern states foresaw potential labor shortages, which led them to petition the government for a reliable supply of farm laborers. Arizona first requested the importation of Mexican immigrants as temporary cotton pickers, followed by California, West Texas and New Mexico, resulting in the official creation of the Bracero Program in 1942, only a year after the U.S. entered the war.¹⁸

The Bracero Program was initiated with little public debate. The program imported around 50,000 Mexican workers annually to

labor on farms in the U.S. during the war years. Officially known as the Labor Importation Program, the Bracero Program dictated that growers sign “performance bonds” guaranteeing housing, a minimum wage and at least 30 days work. The enforcement of these rules fell to the Farm Securities Administration.¹⁹ Critics charged, however, that many workers suffered under unfair practices on many farms due to infrequent oversight on the part of the government. Upon the return of American soldiers to the United States labor force at the end of World War II, the Bracero Program was scheduled to expire, but the powerful agricultural lobby managed to keep it in place.

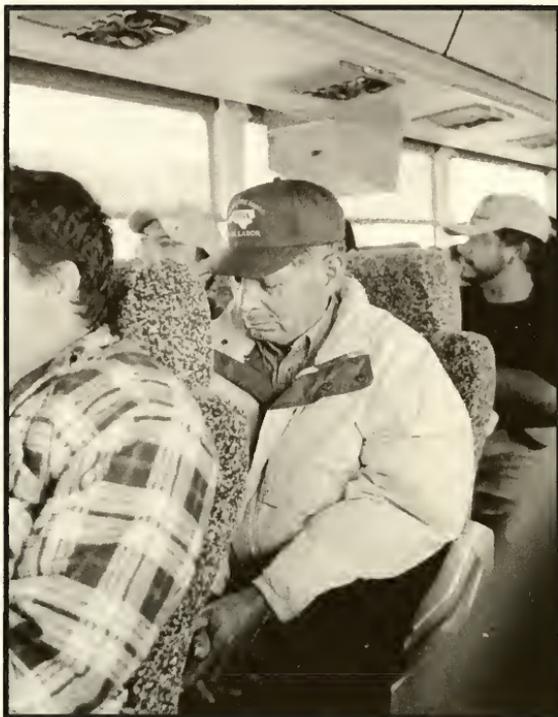
As the economy boomed in the post-war years, the U.S. agricultural labor force continued to rely on relatively low-paid Mexican workers. Despite the recommendation from the President’s Commission on Migratory Labor in 1951 that “no special measures be adopted to increase the number of alien contract workers beyond the number admitted in 1950,”²⁰ growers successfully campaigned for the extension of the Bracero Program, linking in their argument the need for guestworkers to the American ability to achieve victory in the

Korean War. These pressures led Congress to pass Public Law 78 in 1951, expanding the number of Mexicans laboring on American farms.²¹ The early 1960s were a period of massive changes in civil rights, culminating in the Voting Rights Act of 1964. That same year saw the termination of the Bracero Program, a result of the demands of a coalition of labor, religious, civil rights, civil liberties, and social action organizations. This coalition cited the program's low pay, few benefits

and exploitative labor practices cited on individual farms as grounds for its discontinuation. Even so, large numbers of Mexican immigrants, many of whom lacked legal authorization, continued to flood across the United States to work. Some claim the Bracero Program created dependency on the U.S. labor market in many rural Mexican areas.²² Thus, those who had been drawn into the Bracero Program continued to come to the U.S. even after the program officially ended.

Workers at Wester Farms each carry a computer chip that records the number of buckets picked. Here a worker has his latest bucket recorded.





Don Candelario asleep on the bus ride between North Carolina and Mexico. The bus ride between the border and North Carolina takes nearly three days.

Braceros in the East: H2-A Beginnings

While the Bracero Program supplied large numbers of guestworkers to farms on the west coast over its 22-year history, farms on the East Coast also needed labor during the war years. Between 1943 and 1947, 66,000 workers were brought in from the West Indies, primarily to work on sugar cane plantations in Florida and other southern states. This growing agricultural dependence on foreign workers and the difficulties faced by these workers in getting to the U.S. on their own led to the establishment of the H-2 guestworker program in 1952. The program allowed growers

to count on a regular labor supply, all sanctioned and aided by the U.S. and West Indian governments. Each year until the early 1990s, about 20,000 H-2 workers were transported from the West Indies to the East Coast. After the sugarcane industry was increasingly mechanized in the last quarter of the twentieth century, however, demand for workers in that sector decreased.

In the Southeast, local labor once available through small farm families and sharecroppers began to dwindle. As small farms declined, larger farms increased in size, as did their temporary labor needs. By the

1980s, most large farms in North Carolina and elsewhere had begun relying on migrant laborers, many of whom were undocumented.

During the early 1980s, the federal government sought to reduce the flow of illegal immigrants across the border by awarding amnesty to many already in the fields. The H2-A program was created under the Immigration Reform and Control Act of 1986, or “Amnesty Act.” While the larger aim of the “Amnesty Act” was to reduce illegal

immigration through increased restrictions and the naturalization of certain unauthorized “aliens” who had already been working in the United States, the government recognized that workers would leave agriculture. The H2-A program’s stated purpose was to protect domestic farm labor jobs, while ensuring that growers who could not fill their labor needs with domestic workers had access to foreign labor. Essentially, H2-A was designed to fill the gap left by amnesty.



Support for H2-A

Unlike the Bracero Program of 1942, the H2-A program was the subject of much debate before its implementation. Various political, social, and religious leaders testified before Congress about the program in 1985. Supporters of the H2-A program asserted that farm labor was a task undesirable for domestic workers, and so immigrant labor remained the only option. Excerpts from those who spoke in support of the H2-A program follow:

“Agricultural employers across the United States have continually experienced shortages of agricultural labor, particularly for seasonal jobs. Many U.S. workers for understandable reasons, prefer jobs which are not seasonal or temporary, do not involve hard physical labor in outdoor surroundings subject to the rigors of nature, do not prefer to live in rural areas, and do not wish to uproot or separate families to travel to rural areas where most seasonal agricultural jobs are located. . . . This program is essential to the livelihood of the U.S. farmers who use it, and to U.S. workers on those farms and in allied businesses. This program is necessary to save U.S. workers’ jobs.”²³

George F. Sorn, General Manager, Florida Fruit & Vegetable Association Representative of H2-A Coalition

*“The prospects of enhanced job opportunities, political and personal freedom, and a better life in general are but a few of the “pull” factors which draw millions across our borders. Equally strong “push” factors such as soaring unemployment, poverty, hunger, and harsh military dictatorships are at work in the aliens’ homelands. . . . Statistics show that Latin and Central America must create 4 million new jobs in each remaining year of this century just to avoid increases in the region’s already very high unemployment rates. It is unlikely that the region will succeed, considering that the U.S. economy, which is four times larger, never has created more than 3.2 million jobs in any given year, even during the golden economic years of the 1970’s.”*²⁴

United States Representative James H. Schroder

*“Our growers have had a very positive, personal relationship over the years with foreign seasonal workers. We are proud of the fact that under the program we are suggesting, workers will no longer have to pay a coyote [labor recruiter, usually illegal] \$350 to cross the border. . . . Their living conditions while in this country will be protected, and they will have the dignity that comes with legal status”*²⁵

Mike Durando, President, California Grape & Tree Fruit League, and
President of the Farm Labor Alliance

*“Time and time again, the industry has attempted to hire an adequate number of U. S. workers. Unfortunately, in almost all cases, sufficient workers who are willing, qualified and able to perform the tasks required do not exist.”*²⁶

Robert C. Keeney, Vice President of Government Relations
United Fresh Fruit and Vegetable Association

Opposition to H2-A

Opponents of the H2-A legislation charged that any such program would both adversely affect domestic farmworker wages and increase unemployment, as well as provide a framework for the exploitation of foreign workers. Opponents of the proposal in 1985 argued that instead of decreasing agricultural worker problems, it would make them worse, particularly because there would not be widespread oversight of the program. Excerpts from their Congressional testimonies follow:



The Immigrant Workers Freedom Ride stopped in Durham, NC, on September 30, 2003. Among other issues, the protesters called for general amnesty for all Latinos working in the United States.

“If one major purpose of the bill is to protect domestic jobs, it is difficult for us to understand how this is to be accomplished by importing 500,000 foreign workers. Second, previous experience with guestworker programs, both here and abroad, show that such programs tend to encourage, rather than discourage, illegal immigration. Third, such programs encourage the exploitation and abuse of both the guestworkers and native workers, as demonstrated by the infamous ‘Bracero’ program. The ‘Bracero’ program experience shows that abuse and exploitation are likely even when legal protections for the guestworkers and native workers are provided.”²⁷

Raul Yzaguirre, President of the National Council of La Raza

“Too many workers create unemployment for American workers and unemployment costs for the government. We have but to look back to Western Europe’s experiment with a guestworker program to put us on notice that such a program is fraught with such major problems as the loosening of U.S. labor markets and the depression of wages and working conditions for resident workers.”²⁸

Althea T. L. Simmons, Director of the Washington Bureau of the NAACP

“The temporary worker program is clearly the most ludicrous, the most insulting, the most contradictory, the most hypocritical element of the immigration debate.”²⁹

Arnoldo Torres, Arizona Farmworkers Union

“At a time when farmworkers cannot even get regulations promulgated to require drinking water and toilet facilities in the fields, an agricultural workers program which expands the number of workers and erases the protection for farmworkers is out of place in this or any legislation.”³⁰

Richard Fajardo, Acting Associate Counsel
Mexican American Legal Defense and Educational Fund



Chihuahua Bus Company from Texas contracts with the North Carolina Growers Association to provide worker transportation.

H2-A in North Carolina and Beyond

Despite the questions of these leaders and others regarding the effectiveness of the H2-A program in curbing immigration and aiding domestic farmworkers, the Immigration Control and Reform Act, including provisions for the H2-A program, was passed by Congress in 1986. The program provides a means for growers to recruit labor in Mexico, while theoretically ensuring adequate living and working conditions for foreign laborers.

Several government departments are involved in overseeing the H2-A Program. The Department of Justice receives employer petitions for laborers and approves such applications after the Department of Labor certifies that the employer is facing a labor shortage and has attempted to recruit domestic workers. H2-A temporary visas are subsequently issued by the Department of State, while the

Department of Agriculture maintains an advisory role for the program.³¹

Although North Carolina ranks fourth among the largest employers of total seasonal farmworkers after California, Florida, and Texas, the state receives the largest number of guestworkers annually from the H2-A program. The prominence of the H2-A program in North Carolina is linked to the North Carolina Growers' Association (NCGA), an organization created in 1989 specifically to provide assistance with the program for growers. The NCGA began with only 40 members who employed 350 workers, but by 1998 had expanded to include 800 members with 7,000 workers.³²

Growers begin to file requests for workers in January of each year, and workers usually arrive in North Carolina by April. July is peak employment season in North Carolina's fields, and most migrant workers leave North Carolina in

November. According to reports of the NCGA, test advertisements launched for 8,000 farm labor openings in 1998 captured the interest in North Carolina of only one percent of the desired numbers of domestic workers, and resulted in the employment of only 40 domestic farmworkers, six of whom completed the season.³³ However, opponents of the H2-A program argue that such advertisements do not aim to attract domestic workers, but instead are tucked away deep in the newspaper in minimal compliance with the regulation of the H2-A program. At times, local

employees are given the worst jobs to discourage them from wanting to return, which then allows growers to recruit Mexican H2-A workers freely.

Although H2-A laborers harvest a variety of crops including cucumbers, sweet peppers, Christmas trees, and vegetables, tobacco is the crop that is largely responsible for North Carolina receiving 24 percent of all U.S. H2-A laborers in 2001.³⁴ When the sugar industry became mechanized in the late 1980s, tobacco soon replaced cane as the top employer of H2-A workers. In 2001, 14,600 H2-A workers were employed in tobacco, 7,800 of whom worked in North Carolina. Although according to the United States Department of Agriculture, the North Carolina H2-A contract wage was fifteen cents higher than the average domestic wage in the year 2000, farmers are not required to pay taxes on H2-A employees, adding to their preference for foreign labor.³⁵ North Carolina received over 10,000 H2-A workers in 2002.³⁶ As the number of such workers continues to grow, it will have a significant impact on North Carolina.



Newly-arrived H2-A workers look at a map of North Carolina.

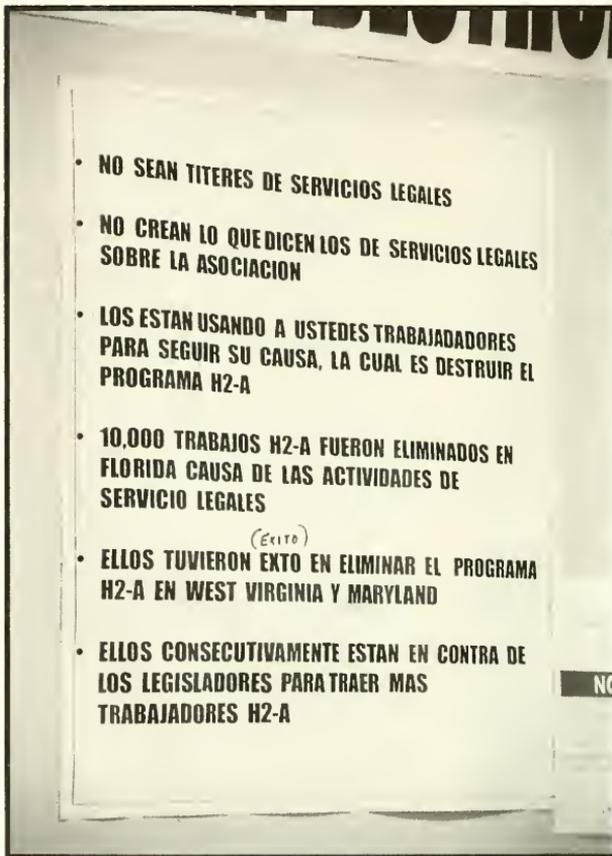
Continuing Conflict Over the H2-A Program

The quasi-independent offices of Legal Services in the United States have systematically worked against H2-A since its inception, winning a number of labor abuse cases. Following are perspectives from opposing sides of the argument about H2-A:

“Growers hate Legal Services because we’ve been effective. Unlike the Department of Labor, who can be politically pressured, Legal Services has always been independent.”

Greg Schell, Migrant Legal Services Lawyer, 1997

“On average, farmworkers receive wages far above what they could make at a grocery store, fast-food restaurant, or in their countries of origin. Farmers who participate in the H2-A program are required by law to pay a super minimum



A sign posted at the NCGA warning the H2-A workers to avoid Legal Services. The first two points of the poster read: “Don’t become a puppet of Legal Services” and “Don’t believe anything that Legal Services says about the Association.”

wage of \$6.54 per hour [1999] in addition to providing free, government-approved housing, free transportation, and other benefits. These same farmers earn the smallest profit margin in the food chain, the economic trail from farms to consumers, while taking the greatest risks.”³⁷

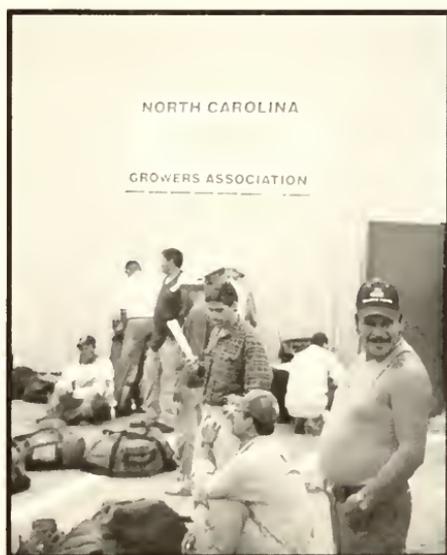
Stan Eury, President of the North Carolina
Growers' Association, 1999

“In my eighteen-plus years as a farmworker advocate, I’ve seen some positive changes, but overall I’d say farmworkers are even farther from the mainstream economy than when I started. It seems extraordinary to me that in the final years of the twentieth century we’re having a discussion about why the person who picks the lettuce that goes on the buns at McDonald’s doesn’t deserve overtime while the person who serves the hamburger receives overtime.”

Greg Schell, Migrant Legal Services Lawyer, 1997

“Knowing that happy workers are productive workers, we do everything we can to make sure the workers are happy, healthy, and want to return to work for NCGA. That explains why 99 percent of our workers say they want to return to work next year. Our jobs are the best in the farming industry.”³⁸

Stan Eury, President of the North Carolina
Growers' Association, 1999



*H2-A workers waiting outside
NCGA Headquarters in Vass,
North Carolina.*

Proposals to Expand and Reform H2-A

“Tonight, I also ask you to reform our immigration laws so they reflect our values and benefit our economy. I propose a new temporary work program to match willing foreign workers with willing employers when no Americans can be found to fill the job. This reform will be good to our economy because employers will find needed workers in an honest and orderly system. A temporary worker program will help protect our homeland, allowing Border Patrol and law enforcement to focus on true threats to our national security.”³⁹

President George W. Bush, State of the Union Address, 2004

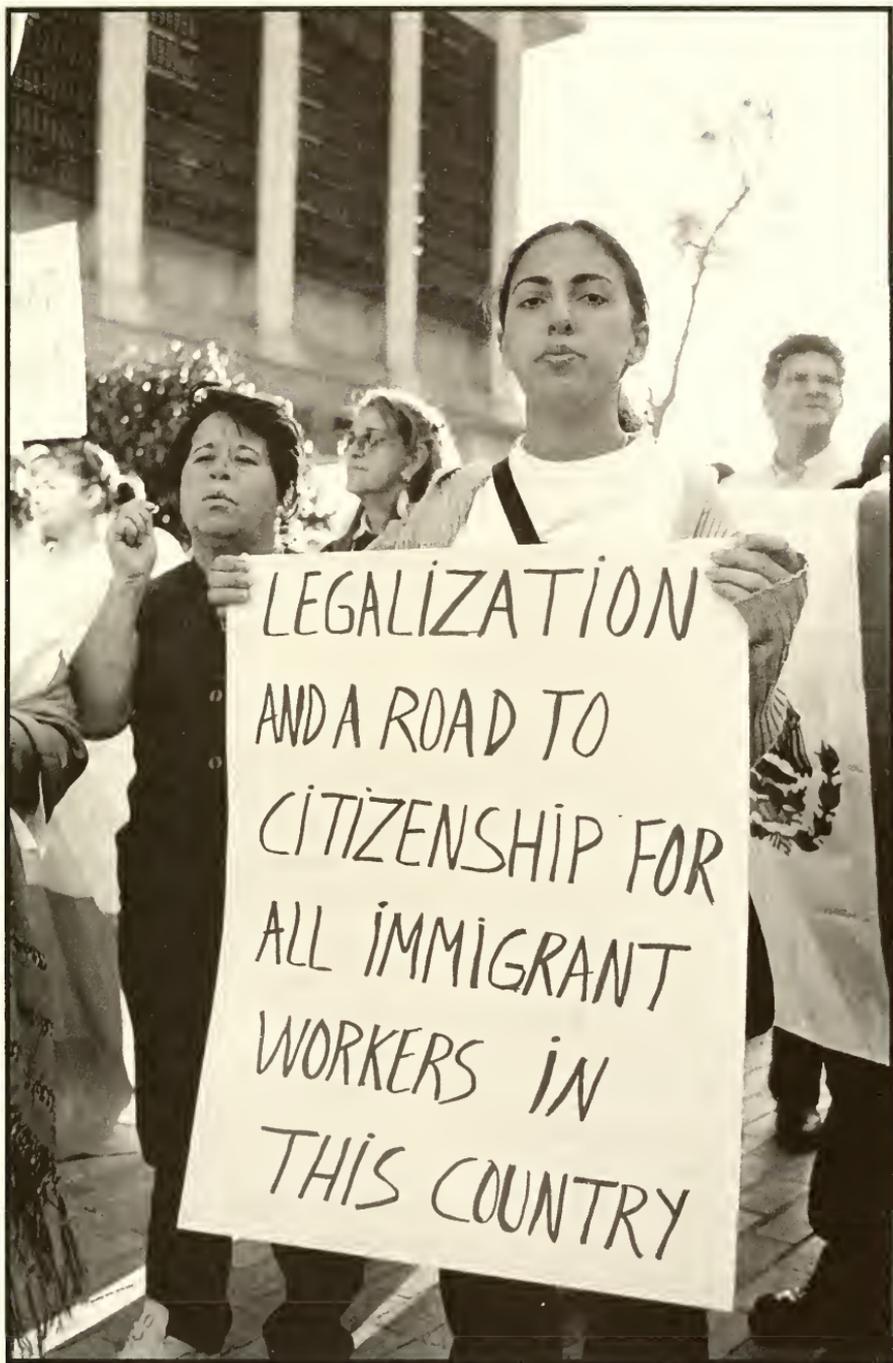
“I am pleased to join my colleagues in introducing the AgJOBS bill today. This important legislation addresses the harsh reality that the farm workers who plant and harvest the produce that feeds America are the most poorly paid and poorly treated workers in the United States. An intolerable percentage of today’s farm labor force is undocumented. Agricultural interests have become dependent upon this cheap and easily exploited work force. Under the provisions of this bill, the growers will have a legalized workforce and they should compete for labor the way other industries do, by improving working conditions and wages to attract and hold an adequate supply of workers.”⁴⁰

U.S. Rep. Howard L. Berman (D-CA), September 23, 2003

“[Immigration] Reform must begin by confronting a basic fact of life and economics: some of the jobs being generated in America’s growing economy are jobs American citizens are not filling. Yet these jobs represent a tremendous opportunity for workers from abroad. . . . Out of common sense and fairness, our laws should allow willing workers to enter our country and fill jobs that Americans have not been filling.”⁴¹

President George W. Bush, January 7, 2004

“The fact that the President’s proposal would grant a “legal status” to undocumented workers does not by itself mean anything: slavery was a “legal status” too. The President’s proposal raises a fundamental question about the nature of citizenship and immigration status in this country and answers it in the wrong way. This is a nation of immigrants, not of guestworkers. It is also a nation of basic freedoms: guestworkers, however, are subjected to a status that deprives



Latino advocates at the Immigrant Workers Freedom Ride in Durham, North Carolina, on September 30, 2003.

them of meaningful economic bargaining power and, as nonvoters, of political representation or influence.”⁴²

Farmworker Justice Fund, Inc.

“Our reforms should be guided by a few basic principles. First, America must control its borders. . . . Second, new immigration laws should serve the economic needs of our country. . . . Third, we should not give unfair rewards to illegal immigrants in the citizenship process. . . . Fourth, new laws should provide incentives for temporary, foreign workers to return permanently to their home countries after their period of work in the United States has expired.”⁴³

President George W. Bush, January 7, 2004

“[The President] is essentially proposing a new era of indentured servants. This nation has experimented with indentured servitude and “guestworker” programs; they failed miserably and caused great misery. His proposal should be rejected as inconsistent with our nation’s democratic traditions and our history as a nation of immigrants.”⁴⁴

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On September 23, 2003, a bill was introduced into both the House and the Senate, H.R.3142 and S.1645 respectively, known officially as the Agricultural Job Opportunity, Benefits and Security Act of 2003, but referred to universally by politicians, activist groups and the media alike as AgJOBS. In the House, the bill was co-sponsored with bipartisan support by 88 representatives, and in the Senate, it had 50 co-sponsors, both Republicans and Democrats.⁴⁵ AgJOBS contained two parts. The first, a two-step “earned adjustment” program, called for undocumented farmworkers who had been

performing agricultural work in the United States to gain first temporary resident immigrant status and then, after completing a further three to six years of work, permanent resident immigration status. The second part of the bill called for the H2-A guestworker program to be revised substantially.⁴⁶

However, in his State of the Union Address on January 7, 2004, President Bush presented an alternate immigration proposal that carried a different vision of immigration reform than the AgJOBS program, and called into doubt the future success of the earlier bill, with many of its Republican supporters now

rallying around the president's plan.⁴⁷ In this new proposal, the Bush Administration made calls to greatly expand the guestworker program to include hundreds of thousands more workers, including undocumented workers currently residing in the United States, if their employer would guarantee employment for them. Under this program, workers would be given three-year, renewable contracts that would provide them with employment and give them a worker card that would allow them to freely cross the border between the United States and Mexico throughout their term of employment.⁴⁸

The contrasts between the two programs could not be more evident. While the AgJOBS proposal envisioned steps to permanent resident status, which in time could lead to U.S. citizenship, the President's proposal offered no such long-term initiatives, only temporary three-year visas that would lead neither to resident status nor to citizenship. While the reforms of the H2-A program contained within AgJOBS were primarily concerned with farmworkers' rights, such as guaranteed work, fair wages, and

travel compensation, the President's program was more concerned with filling jobs that Americans were not willing to take, and adding greater security to the border regions by reducing the amount of illegal travel.

It is not yet clear what the future will hold for guestworkers who come to the United States. It seems evident, however, no matter whether the AgJOBS or the President's proposal (or neither) is passed, the underlying problems in U.S. immigration policy, and in particular with the guestworker programs, will remain unsolved. H2-A is far from perfect, and the two proposals discussed above would not solve all its flaws. Yet, eradication of the program would have massive consequences not only in the United States, but also in Mexico, where decades of formal and informal guestworker immigration have strengthened the dependence of rural Mexican communities on labor opportunities in the United States. Therefore, the H2-A guestworker program must be closely examined in order to determine the most beneficial future for domestic and foreign farmworkers.



Questions for Discussion

1). The H2-A program is known as an agricultural guestworker program. What is meant by the term “guestworker”?

2). Do you think that changes should be made to the current H2-A program? If so, what types of changes would you make? Consider not only how changes would affect American farmers and growers, but also the consequences for communities in Mexico. What are alternatives to the guestworker program?

3). How have farmworker issues changed over time? How have they stayed the same? Can we learn from the events of the past to create new programs for farmworkers? And if so, how?

4). What are some of the “pushes” from Mexico and some of the “pulls” from the United States that might cause people to come to do farmwork in the U.S.?

5). Evaluate the competing claims for and against the validity of the H2-A program.

6). Discuss how trade agreements and labor practices link the U.S. and Mexico.

7). What is our responsibility to those who pick the food we eat?



Don Candelario sitting on the front porch of the workers' house at Wester Farms.

- 8). Are H2-A guestworkers really guests?
- 9). Would we want to live and work in conditions like those in the film? What would need to be changed to make the conditions fair?
- 10). What are the connections between Mexico and the United States that result in the migration of so many people?
- 11). Do food prices have to rise to improve the conditions of farmworkers? Is the average consumer willing to pay any costs that might occur?
- 12). Are H2-A workers better or worse off than other migrant workers?
- 13). Are workers better off coming to the United States or should they stay in their home country? Are workers who choose to come aware of what the conditions will be like?
- 14). If the working and living conditions are so bad, why do workers like Don Candelario keep coming back year after year?
- 15). At one point in the film, Don Candelario says that he thinks that before Mexicans came, it was the blacks who worked on the farms. Why are there always shifting demographics of farmworkers?
- 16). How would things be different if U.S. citizens with power and a voice filled these jobs?
- 17). Do farmworkers working in the United States deserve to be citizens?
- 18). Should the H2-A Guestworker program be modified or eliminated?
- 19). What is the relationship between the free market and farmworker conditions? Can improving farmworker conditions be reconciled within the rules of the free market?
- 20). How can we change the situation of farmworkers so that everyone's human dignity and human rights are respected equally?

Suggested Readings

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U.S. Senate, *Congressional Report 99-132 on the Immigration Reform and Control Act of 1985*, 99th Congress, 1st Session, 1985.

U.S. Senate, *Committee on the Judiciary, Hearing on the Immigration Reform and Control Act of 1985*, 99th Congress, 1st Session, 1985 (Y4.J89/2:S.hrg.99-273).

Additional Resources

Materials on H2-A Guestworker Program Legislation

Clearinghouse on Agricultural Guestworker Legislation

California Rural Legal Assistance Foundation

<http://www.crlaf.org/gworkers.htm>

Recently Proposed Legislation Regarding the H2-A Program

To read the text of President Bush's 2004 State of the Union:

<http://www.whitehouse.gov/news/releases/2004/01/20040120-7.html>

Demographic Information on Farmworkers in the United States

"A Demographic and Employment Profile of the United States

Farmworkers," Research Report No. 8, Findings from the National Agricultural Workers Survey (NAWS) 1997-1998, Office of the Assistant Secretary for Policy, U.S. Department of Labor, March 2000

<http://www.dol.gov/asp/programs/agworker/naws.htm>

"A Profile of U.S. Farm Workers," Department of Labor Office Assistant Secretary of Policy, 1997.

<http://www.dol.gov/asp/programs/agworker/report/main.htm>

United States General Accounting Office Reports on Changes to the H2-A Program

H2-A Agricultural Guestworker Program, "Changes Could Improve Services to Employers and Better Protect Workers," GAO Report to Congressional Committees, Dec. 1997.

<http://are.berkeley.edu/APMP/pubs/gao-h2a.pdf>

H2-A Agricultural Guestworkers, "Status of Changes to Improve Program Services," Testimony before the Subcommittee on Immigration and Claims, Committee on Judiciary, House of Representatives, June 15, 2000.
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North Carolina Growers' Association

PO Box 417
Vass, NC 28394
(910) 245-2969

Farmworker Advocacy Organizations

Student Action with Farmworkers (SAF)

1317 W. Pettigrew St.
Durham, NC 27705
(919) 660-3652
<http://cda.aas.duke.edu/saf/>

Legal Aid of North Carolina, Farmworker Unit

224 S. Dawson St.
P.O. Box 26626
Raleigh, NC 27611
(919) 856-2180
<http://www.legalaidnc.org>

United Farm Workers (UFW), AFL-CIO

P.O. Box 62
Keene, CA 93531
<http://www.ufw.org>

Farmworker Justice Fund

1010 Vermont Avenue, N.W., Suite 915
Washington, D.C. 20005
(202) 783-2628
http://www.fwjjustice.org/h-2a_program.htm

Endnotes

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- 23 Immigration Reform and Control Act (IRCA) of 1985; Senate Hearing 99-273; *Hearings before the Subcommittee on Immigration and Refugee Policy of the Committee on the Judiciary United States Senate, 99th Congress, 1st Session on S.1200; July 17, 18, and 24, 1985, 198-99*.
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- 39 <<http://www.whitehouse.gov/news/releases/2004/01/20040120-7.html>>.
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- 42 <http://www.fwjjustice.org/bush_policy.htm>.
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